

# *City of Kingsville, Texas*

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## **AGENDA CITY COMMISSION**

**MONDAY, JULY 9, 2012  
REGULAR MEETING**

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

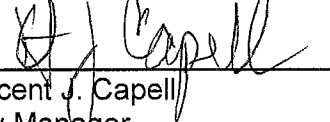
### **I. Preliminary Proceedings.**

#### **OPEN MEETING**

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

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

APPROVED BY:

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

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

1. Public Hearing regarding condemnation proceeding for structures located at 707 West Warren, 519 North 6<sup>th</sup>, & 624 West Johnston. (Director of Development Services).

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

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Convention and Visitor's Bureau, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works- Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor. No formal action can be taken on these items at this time."*

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

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

#### **V.**

##### **Consent Agenda**

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

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

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

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

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2011-2012 Budget for the Police Department State Forfeiture Fund for the purchase of computer hardware software for the Crimes Software Program. (Finance Director).
2. Motion to approve resolution authorizing the City Manager to enter into a CRIMES Law Enforcement Software License & Master Agreement with Sam Houston State University for the Kingsville Police Department. (Police Chief).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2011-2012 Budget for the CO Series 2011- General Fund Capital Projects for the Fire Department expenses of remodeling and upgrading Fire Station 2. (Finance Director).
4. Motion to approve final passage of an ordinance amending the Fiscal Year 2011-2012 Budget for the General Fund for the Development Services Department Community Appearance Division to fund hauling of debris for nuisance abatement projects. (Finance Director).
5. Motion to approve final passage of an ordinance amending the Fiscal Year 2011-2012 Budget for the General Fund for Solid Waste Department Sanitation Collection fuel and vehicle maintenance expenses. (Finance Director).
6. Motion to approve authorizing participation in the activities being planned in support of and building upon the King Ranch – Ranch Hand Breakfast to be held on November 16<sup>th</sup> – 18<sup>th</sup>, 2012. (Downtown /Special Project Manager).

##### **REGULAR AGENDA**

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

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

7. Consider condemnation of structure located at 707 West Warren. (Director of Development Services).

8. Consider condemnation of structure located at 519 North 6<sup>th</sup>. (Director of Development Services).
9. Consider condemnation of structure located at 624 West Johnston. (Director of Development Services).
10. Consider resolution authorizing the Mayor to enter into a Tax Abatement Agreement with NSH Fund, LP in accordance with Guidelines and Criteria Governing Tax Abatement for all Taxing Units located within the City of Kingsville. (Director of Development Services).
11. Consider authorizing the purchase of replacement bar screens at both Wastewater plants. (Purchasing Director).
12. Consider resolution of the City of Kingsville approving the Municipal Service Plan for the proposed annexation of Lot 9, Section 22, K.T. & I. Subdivision. (Director of Development Services).
13. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter V – Public Works, Article 1 – Garbage, Amending the number of days for corrective action after notice of violation to seven. (Director of Development Services).
14. Consider accepting \$500 donation from the Kingsville Historic District Business Association to Keep Kingsville Beautiful for various beautification projects. (Finance Director).
15. Consider introduction of an ordinance amending the Fiscal Year 2011-2012 General Fund Budget for the City of Kingsville to accept donations for Keep Kingsville Beautiful for various beautification projects. (Finance Director).
16. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 6, Traffic Control Devices; Providing for the restriction of parking on the west side of Wilson Street from Ella Ave to Avenue A. (City Engineer/Public Works Director).
17. Consider introduction of an ordinance amending the Fiscal Year 2011-2012 Budget for the Solid Waste Capital Projects Fund to purchase commercial dumpsters. (City Engineer/Public Works Director).
18. Consider introduction of an ordinance amending the Fiscal Year 2011-2012 Budget for the General Fund Capital Projects Fund for the Finance Department Accounts Receivable module to utilize Fiscal Year 2010-2011 Surplus Funds. (Finance Director).
19. Consider budget amendment request from KCVB for employee severance pay. (Downtown /Special Project Manager).
20. Consider a request from KCVB for 30-day early termination of the Professional Services Contract between the City of Kingsville and the Kingsville Convention & Visitors Bureau. (Downtown /Special Project Manager).
21. Consider introduction of an ordinance amending Chapter III, Article 7, Personnel Policies, Section 1 Classification and Compensation Plan to add the position of Tourism Services Director and the position of Downtown & Volunteer Manager to the Kingsville Classification and Compensation Plan for Fiscal Year 2011-2012. (Human Resource Director).

## VII. Adjournment.

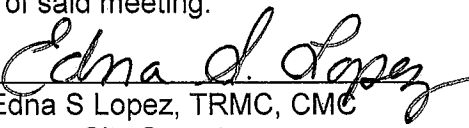
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative 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](mailto: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, 551.086 and 551.087 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:

July 3, 2012 at 3:00 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)**

**JUNE 25, 2012**

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JUNE 25, 2012 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS, CITY HALL/200 EAST KLEBERG AVENUE AT 5:00 P.M.**

**CITY COMMISSION PRESENT**

Al Garcia, Mayor Pro-tem  
Noel Pena, Commissioner  
Arturo Pecos, Commissioner  
Dianne Leubert, Commissioner

**CITY COMMISSION ABSENT**

Sam R Fugate, Mayor

**CITY STAFF PRESENT**

Vincent J Capell, City Manager  
Edna S Lopez, City Secretary  
Courtney Alvarez, City Attorney  
Robert Rodriguez, Library Director  
Naim Khan, City Engineer/Public Works Director  
Mark Rushing, Finance Director  
Roel Carrion, Interim Fire Chief  
Bill Donnell, Asst Public Works Director  
Diana Medina, Collections Supervisor  
Gary Fuselier, Landfill Supervisor  
Willie Vera, Task Force Commander  
Mike Kellam, Director of Development Services  
Caron Vela, Accounting Manager  
Yolanda Cadena, Health Director  
Joe Casillas, Water Production Supervisor  
Diana Gonzales, Human Resource Director  
Arturo Perez, Garage Supervisor  
Marco Jimenez, Water Supervisor

**I. Preliminary Proceedings.**

**OPEN MEETING**

**Mayor Pro-tem Garcia called the meeting to order in the Commission Chambers at 5:00 P.M., and announced quorum as present with only Mayor Fugate and Commissioner Pecos absent.**

**CONVENE INTO REPORTS FROM COMMISSION & STAFF – ITEM III- PRESENTATION BY HDR ENGINEERING REGARDING STORM WATER RATE STUDY.**

Mr. Grady Reed, HDR representative reported on a storm water management study. He explained the Historical Overview of Storm water Management, Increasing Storm water Challenges facing Communities, Questions that must be Answered to guide the Process, Storm Water Rate and Fee Structures, Kingsville Storm water Data Development, Kingsville Storm water Rate Model, Phase II – Implementation Support and Future Schedule.

Commissioner Pecos arrived at 5:10 P.M.

Mr. Reed stated that several months ago the City engaged HDR Engineering to examine the possibility of creating a storm water utility for the City of Kingsville. He provided background information on what storm water is and how cities have been doing it. Storm water is a service just like providing water and wastewater. The idea behind the water and wastewater rate system is that the City is charging its customers based on the amount of that service that they consume and storm water would be no different. The storm water drainage system and utility system conveys runoff, alleviates flooding and the more that people use that system or the more runoff that people create, the idea is, generally, the more that they should be charged. He added if funding is within the General fund you are basically levying a storm water charge based upon their appraisal value or taxable value of a piece of property, which is not necessarily related to the amount of runoff that that property generates. He provided information on the challenges that communities are facing with storm water. Most cities pay for drainage work or maintenance out of their own general operating budgets which is not enough for the magnitude of work storm water management requires. Mr. Reed stated that when this process (the study) was started, they sat down with City staff and worked through all questions that guided not only how the fee was designed but how updates to the fee would be designed. He explained that impervious cover is defined as anything that water cannot soak into. Included in the impervious calculation are buildings, sidewalks, driveway, and parking lots. Developing a storm water utility is very data intensive because a whole new data set must be generated for every single parcel within the city limits. The impervious coverage has to be determined for each parcel and decide who to bill. Normally, the property owner is billed and in some cases someone other than the property owner has to be billed especially when there are five parcels together. In the city's case, a data limitation was that the Appraisal District does not keep information on what is on a structure if it is a tax exempt property. Regarding who and how to charge, Mr. Reed stated this is where feedback from the Commission is needed. State Statute states you have to exempt institutions of higher education and state property. The City has the discretion to exempt, for example: the School district, city, and the county. The trade-off is the more customers exempted the higher the rate is for the remaining customers. HDR worked with Staff to develop a policy manual. The ordinance will address appeals for impervious calculation. He stated the rates are being set that are both fair and equitable while maintaining administrative feasibility. There will be two number of customer classes, residential class, which they all get billed the exact same rate, and a non-residential class, which are billed based upon their actual number or value of impervious square feet. As for the rate/fee policy issues, the question is, does the City want to have exemptions or low income relief. Mr. Reed stated that HDR has developed a draft storm water rate model for the City. The number of Equivalent Residential Units (ERUs) for each parcel type was determined based upon the average impervious cover of a single-family residential parcel. Storm water fees will only be used to pay for new storm water related debt issued after October 2012. He added they are not going to go back and take previous debt that has been issued for storm water, draft that and try to pay for it with the new fee. Anything previously issued will continue to be paid for through the General fund. No Operations and Maintenance cost were included in the revenue requirements. The draft storm water rate developed would be: \$1.25/ERU/month (\$15.00/year) for FY 13 through FY 15; \$1.63/ERU/month (\$19.56/year) for FY16; and \$2.11/ERU/month (\$25.32/year) for FY17. Those draft rates may change slightly depending on the final customer list. The rates above assume that no property types are exempt from the fee.

As for Phase II – Implementation Support, Mr. Reed stated this includes a fully developed customer billing database. At this point it is really complete and all they need to know is whether or not to charge this fee to any of the proposed exempt properties. Draft ordinances

have been developed and submitted to City staff for review and comment. A storm water utility manual is nearing completion. As for ordinances, he stated the City must pass an ordinance that creates the utility before passing an ordinance that establishes the rates for that utility. He stated the last thing they are working on is the implementation coordination/public outreach. They have created a draft list of FAQs which has been submitted to City staff for review and comment.

Mr. Reed provided information on future schedule for publishing notices, ordinances introduction and passing, and implementation date.

City Manager asked if no one is exempt what would be the annual revenue generated by the City for storm water utility. Mr. Reed replied the first year would generate about \$250,000 in revenue, it is anticipated that the first year debt service is only about \$40,000 per year.

Mr. Reed called for questions from the Commission.

Commissioner Pena asked if this is delayed, in terms of the City's infrastructure what were some future implications. Mr. Reed replied this is not necessarily a question he can answer, but the point of creating a storm water utility is that it does provide a dedicated revenue source to pay for storm water projects. If delayed, this creates competition whenever the City goes out for storm water project which is competing for funds within every other General fund activity. City Manager Capell stated the real choice would be that this amount of money could not be taken out of the General fund because it is just not there. He added that Mr. Khan, City Engineer/Public Works Director's has provided a list of five-year projects for \$4.3 million/ The City would have to issue substantial bonds to get that done. City Manager Capell stated the fifteen months he has been here, he has heard a lot about the storm water concerns.

With regard to the 2012-2013 Proposed 5-Yr Drainage Projects, Commissioner Pecos stated this is mandated from the Federal government. He stated this is something that has to be done whether we like it or not, it has to be done for the welfare and quality of life of our citizens.

Mr. Reed stated the \$1.25/month ERU is the lowest fee he has since; the fee typically averages \$2.00/\$3.00 per month in other cities. He stated even after several years of going through the five-year storm water plan and funding those sources, the City still isn't approaching a very high fee.

For clarification, Commissioner Leubert stated that the rate is \$1.25/month with no exemptions but if the City adds exemptions now the rates go higher per resident.

Mr. Reed stated if they exempt the City they almost have to exempt the County at the point. Commissioner Pecos stated that the City should not exempt anyone, maybe only the elderly who are on a fixed income.

Mayor Pro-tem Garcia asked if the process is approved who will keep up with it. Mr. Reed explained they have created a manual that addresses and lays out some processes in a really simple form. He added the City has a building permit process and as part of that process the customer would have to fill out information on square footage of a structure or parking lot, etc. The form would get routed to the Utility Billing department and as the utility account is created the values can be taken from the form put into the billing system. The same is true for any properties that get redeveloped.

City Manager Capell stated the City Commission probably wants more time and he gets the sense that this needs to be discussed a little more. He asked that they forward to him specific questions they may have and he would try to answer them. Ms Alvarez reminded the City Manager Capell that could not be done outside of an Open Meeting.

Commissioner Pecos stated the City is looking at close to about \$1 million for the funding FY 2012-2013 for two projects. He asked if that amount of money could be generated within one year. City Manager Capell replied the City will need to borrow monies.

Commissioner Pena stated they would probably have to spend some ample time explaining impervious cover which will take quite some time to explain to the residents. Mr. Reed stated they would create a simple half page bill insert that would go out to the customers that would list high points.

Mayor Pro-tem Garcia called for a five (5) minute break at 5:58 P.M.

#### **6:00 P.M. – Regular Session of the Agenda continues.**

Mayor Pro-tem Garcia called the meeting to order at 6:08 P.M.

#### **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 Pro-tem Garcia called for consideration of the minutes of the regular meeting of Monday, June 11<sup>th</sup>. **Commissioner Pecos made a motion to accept the minutes, as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Garcia, Pena, Leubert, Pecos voting “FOR”. Fugate “Absent”.**

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

None.

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

*“At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Convention and Visitor’s Bureau, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development , Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works- Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor. No formal action can be taken on these items at this time.”*

City Manager Capell thanked and acknowledged Mr. Gary Fuselier, Landfill Supervisor for all his hard work and service to the City. Mr. Fuselier will be leaving the City.

Ms Alvarez reported the next regular meeting of the City Commission will be on Monday, July 9<sup>th</sup>, deadline for agenda items is Friday, June 29<sup>th</sup> by 5:00 P.M., due to some scheduling the agenda should be posted Tuesday, July 3<sup>rd</sup> as Wednesday, July 4<sup>th</sup>, the regular posting date is a City holiday. City offices will be closed on Wednesday, for the July 4<sup>th</sup> holiday. She reminded Staff that time sheets are due this Friday by 11:00 A.M. Ms Alvarez announced that Commissioner Laskowski had previously sat on City's Investment Committee, so there's an opening on that committee. She asked that they think about who might want to serve.

Commissioner Pecos reported that he has received complaints from citizens that on Armstrong Street from Kenedy and King Street are extremely bumpy.

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

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

Mayor Pro-tem Garcia called for comments on all agenda and non-agenda items.

Mr. Oscar DeNicolas, Manager at Holiday Inn Express thanked the Commission about the improvements made in Kingsville and that visitors to his hotel have increased.

Dr. Miguel Martin, 723 S 12<sup>th</sup>, spoke of a magazine which features a story of the King Ranch.

Mr. Eleazar Garcia, 1323 E Yoakum, asked for consideration of agenda item #11.

Mayor Pro-tem Garcia called for consideration of the items in the Consent Agenda, Items 1-3. **Commissioner Pecos made a motion to approve the consent agenda, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Garcia, Pena, Leubert, Pecos voting "FOR". Fugate "ABSENT".**

#### **V. Consent Agenda**

1. ORDINANCE NO. 2012-29 Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 3, Water, providing for a water rate for Naval Air Station Kingsville. (Finance Director).
2. RESOLUTION NO. 2012-29 Motion to resolution authorizing the City Manager to enter into an Interlocal Cooperation Agreement between the City of Kingsville and Texas A&M University-Kingsville relating to historical survey & inventory of the Historic District of Kingsville, Texas. (Downtown /Special Projects Manager).
3. RESOLUTION NO. 2012-30 Motion to resolution authorizing the City Manager to enter into Maintenance Agreement with Vista Com for the Kingsville Police Department dispatch recorder system. (Police Chief).

#### **REGULAR AGENDA**

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

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

4. Consider providing direction to consultant on storm water rate study issues. (Director of Finance).

Mr. Rushing stated the presentation from HDR was previously heard. The main element was a decision on if the Commission would like to move forward with this study.

**Commissioner Pecos made a motion to approve, seconded by Commissioner Pena.**

Mayor Pro-tem Garcia called for questions or comments. Commissioner Pecos stated there's no question the City needs to go forward because this is a mandate from the Federal government and is tremendously overdue. Even if this is implemented the City still needs more money to complete the two projects in FY2012-2013. He asked if the City would be asking for Certificates of Obligation to make up the difference. Mr. Rushing replied if the Commission moves forward and adopts a rate a revenue stream, then the City would commit those revenues to pay the bonds, it would be self-sustained and the City would have the revenue stream to finance those bonds. The timing, the cash flow does not coincide with the projects timeline. The timeline to do a Certificate of Obligation would be a January or February event. To be bank qualified it caps off at \$10,000,000. Commissioner Pecos asked for the amount of time left on paying off previous CO's. Mr. Rushing explained there's a blending process in trying to keep the debt service constant and that the city fills those in. Previously, the City has financed for the expected useful life of the assets. Total amount for FY2013-2017 is approximately \$4 million. Commissioner Pecos asked if the CO's would be for the entire amount. Mr. Rushing stated the City has some arbitrage issues. He added that the City doesn't want to borrow more than three or four years if the City isn't going to spend those monies within that time period.

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

**5. Consider accepting the Comprehensive Annual Financial Report of the City of Kingsville for Fiscal Year 2010-2011. (Finance Director).**

Mr. Rushing stated Mr. Luke Womack is present to provide information on the CAFR report. Mr. Womack stated the City has been a recipient of the Certificate of Achievement for Excellence in Financial Reporting for seventeen years. Last year, the city had a tremendous year, cash reserves were up and everything is moving forward. In the General fund, the total assets have gone from \$12,057,000 of last year to, now, up to \$13,559,000, up about \$1.5 million. One major item that moved is cash, from \$6.1 million to \$7,325,000. At the end of year, another big move is due from other funds that have money, but they just haven't been moved. The General fund lend out about \$2.2 million to bring them to where they need to be. Payables were somewhat flat, liabilities were \$3.3 million last year and this year they were \$3.1 million. The fund balance has \$10,418,583 which is a substantial increase from last year about \$1.6 million. The Sanitation Landfill which continues to increase is at \$3,624,829. When this was started, years ago, it was a very good move because the City has now utilized the people who took advantage of the landfill and paid for the utilization. This will come due because one day the landfill will need to be closed and substantial money will be needed. As for unassigned, this is at \$5,917,128, this is what funded several projects of about \$1.5 million spending budget that were presented by the City Manager and Staff for good stuff around town. The City is leaving a very substantial and respectable fund balance. The Police Forfeiture and Task Force fund is at \$4,825,904, with liabilities at \$2,316,128, giving a fund balance of \$2,509,776, both are very strong. Debt service has assets of \$1,057,078, current liabilities of \$402,414, leaving a fund balance of \$654,664 which represents about .10 cents of tax which is a good fund balance. The Capital

Improvement fund is at \$5,031,247 primarily due to the bond monies brought in last year, liabilities were at \$681,781, with a fund balance committed of \$4,349,466. All the funds are capitalized have adequate monies and cash flow to carry forward.

Mr. Womack stated that revenues are up; the General fund revenues went from \$13,625,000 to \$15,190,000. Primarily, sales tax jumped substantially and property tax was up due to a rate increase and many other services were increased for almost a \$2 million enhancement. Expenditures were flat, last year's was \$14,234,000 and this year is at \$14,310,134. Excess revenue is at \$880,548, last year this number was at a deficit. The total other financing sources amount was \$817,064, the total combined net increase revenue over expenditures is \$1,697,612, those are the dollars that are funding your spending projects when added to \$8,720,971, brings the total to \$10,418,583. The Police Forfeiture fund brought in \$1,860,000 they spent \$1,503,535 which brought in an extra \$74,697 in additional monies. Their fund balance went from \$2,435,079 to \$2,509,776. As for the debt service brought in through taxes \$1,532,985, paid debt service of \$1,744,020, which actually shows a loss, but a fund is set up that is funding additional funds to contribute towards the debt which is \$432,936 resulting in a \$233,000 increase taking this fund up to \$654,664. As for Capital Improvements, Mr. Womack stated there was some interest income of \$31,810, expenditures of \$1,850,684, new bond debt at \$5,385,040, leaving about a \$3,657,401 increase. On the Utility side, the prior year was very wet, unlike the last year that was audited; therefore total revenues are up dramatically. Last year, the total assets were \$8,968,000 and this year it is \$13,904,355, this is as a result of a bond issue and operating cash flow coming in. Cash is up from \$3.4 million last year to \$4.2 million this year. There was \$1 million increase in fixed assets. There were a few more liabilities primarily due additions to fixed assets.

Mr. Womack stated the debt is up, last year total debt outstanding was \$10,680,000, this year it is \$14,997,000 as a result of bringing the \$4.5 million in bond debt. The investments and fixed assets are up to \$2.2 million to \$2.6 million. Between the Enterprise fund and the General fund, the City is up about \$2.6 million.

As for the revenue, total operating revenues were at \$8,000,951; personal services were flat at a \$1,927,295; and operating loss was a gain at \$2,362,896. Interest has been paid out at \$601,778; net income (loss) before transfers is \$1,772,869. Transferred out was the \$1,250,000, leaving an increase of \$522,869. He explained the \$1,179,631 depreciation and amortization.

Mr. Womack touched on the cash flow. He stated total cash from operation is \$3,285,466. The city spent \$973,519 from the total debt service. The proceeds from issuance of Bonds is \$4,574,287 and the City bought capital assets for \$1,072,143 resulting in additional cash increase of \$2,528,625. The total cash increase was \$4,796,591; the City had \$6,306,482 bringing the down to the total of \$11,103,073. Mr. Womack stated the City had an outstanding year in both the General Fund and the Utility Fund. He reported on the payment schedules for the Certificates of Obligation.

Mr. Womack stated that he needed to point out one finding, which has been here a while. He referred to page 132 of the CAFR. He stated the City has a tremendous amount of separation of duties and the accounting for this is staggering. He stated it takes an immense amount of effort and reconciliation. There has been major improvement; the cash and bank are now reconciled to the general ledger. Some accounts are not being reconciled on a consistent basis, primarily the inner funds. He stated that Mr. Rushing is working on this but he felt he needed to include it in his report. He added under the City Manager's new management, guidance and working with Mr. Rushing they are making some great strides. They have dealt with some issue



throughout the City and they are in good shape and it is being reflected on the City's books, more and more.

Commissioner Garcia asked about the reconciliation. Mr. Womack replied Mr. Rushing is aware this has to be caught up, the problem is that it is very time consuming and the City has open doors and this takes a lot of concentration and effort because you are dealing with numbers but it has to be done.

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

**6. Consider response to STWA on facilities at the Kingsville Pump Station. (City Engineer/Public Works Director).**

Mr. Khan stated SWTA has currently one- 5 million gallon tank and three - 5000 gallon per minute pumps. They are proposing to replace the pump and the tank. They would like to replace the 5 million gallon tank to a 1 million gallon tank, and three-5000 gpm to three -1,500 gpm pumps. STWA is looking at the City for two things, (1) the downsizing and after the downsizing of these facilities the City's position to own the title of these facilities. City Staff's recommendation for downsizing the tank size is, it can be downsized and the City can still be able to meet contractual obligation. For the three pumps to be downsized, they can do that but not now, until the city has our own elevated storage tank to be built at the end of 2013 or 2014. As for the ownership, Staff believes that STWA can own the tank and the pump and they can own the pump until TCEQ tells the City that they are providing the water under direct pressure.

**Commissioner Leubert made a motion to accept Staff's recommendation, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Pena, Pecos, Leubert voting "FOR". Fugate "ABSENT".**

**7. Consider introduction of an ordinance amending the Fiscal Year 2011-2012 Budget for the Police Department State Forfeiture Fund for the purchase of computer hardware software for the Crimes Software Program. (Finance Director).**

Mr. Rushing stated this budget amendment would assist with the conversion to the CRIME software and that the increase with Corpus Christi was significant.

Chief Torres stated his department was notified that the increase for the maintenance contract was increasing from \$15,000 per year to \$95,497.57 per year and he is not getting the service they deserve. The Crime software package through the Sam Houston State University is a good deal and the cost is zero dollars. The maintenance agreement is \$45,000 with a savings of \$50,497.57 per year. As for the infrastructure, they have been working on it but things are still needed. Chief Torres stated data storage is important so all video is stored in this software.

**INTRODUCTION ONLY**

**8. Consider introduction of an ordinance amending the Fiscal Year 2011-2012 Budget for the CO Series 2011- General Fund Capital Projects for the Fire Department expenses of remodeling and upgrading Fire Station 2. (Finance Director).**

Mr. Rushing stated this is a budget amendment for \$100,000 to work on Station No. 2. City Manager Capell stated Firefighter James Creek will be here at the next meeting to further explain. Interim Fire Chief Roel Carrion explained they are looking at adding to

the beautification of the city by remodeling Station No. 2. This fire station was built in the mid 1950's and hasn't been remodeled in years. The money being requested is \$60,000 to provide the exterior building enhancements, \$10,000 for upgrading electrical service, \$25,000 for a new roof, \$2,500 for landscaping, and \$2,500 for any unforeseen costs. The original electrical service is not equipped to supply the proper voltage for the new equipment that is being purchased. The roof is a flat, tar and rock style roof that has been patched and repaired over the last several years. The exterior of the station is now made out of two different types of cinderblock.

With regard to the building, Commissioner Pecos asked if the Historical Commission was contacted. Ms Alvarez replied it is outside the historical district, so no review is needed.

#### **INTRODUCTION ONLY**

**9. Consider introduction of an ordinance amending the Fiscal Year 2011-2012 Budget for the General Fund for the Development Services Department Community Appearance Division to fund hauling of debris for nuisance abatement projects. (Finance Director).**

Mr. Rushing stated this budget amendment is for \$10,000 to allow for additional fees for nuisance abatement. Mr. Khan stated the City is doing ten projects per month. The City employees and equipment are used for these projects; the only time a contractor is hired is when there is heavy concrete. The estimated cost to hire contractors for nuisance abatement is \$14,524. Staff is requesting additional funding in the amount of \$10,000 to cover expenses.

#### **INTRODUCTION ONLY**

**10. Consider introduction of an ordinance amending the Fiscal Year 2011-2012 Budget for the General Fund for Solid Waste Department Sanitation Collection fuel and vehicle maintenance expenses. (Finance Director).**

Mr. Rushing stated this budget amendment would help finance additional cost in motor, oil, & gas and vehicle maintenance. The amount is \$37,000 for motor, oil & gas and \$54,073 in vehicle maintenance, for a total of \$91,073. This would be financed from additional landfill fees, estimated revenues coming in stronger than what was initially anticipated.

#### **INTRODUCTION ONLY**

**11. Consider request for water tap by Mr. Eleazar Garcia. (City Engineer/Public Works Director).**

Mr. Khan stated Mr. Eleazar Garcia approached him about a water tap at the property located at 1324 E Yoakum. The City's Water Foreman searched the location for the water tap but did not find anything. The Collection Department does not have any records of a water tap at that location. Mr. Khan stated that Mr. Garcia brought Mr. Garza to his office. Mr. Garza is a previous tenant at that location in 1971. Mr. Garza claims he did have water at that location. Mr. Khan stated with the current information available, Staff is looking to the Commission for direction on whether to install the tap at the City's expense.

**Commissioner Pecos made a motion to consider the request for a water tap at the City's expense, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena voting "FOR". Fugate "ABSENT".**

**12. Discuss campaign signage regulations within the city limits of the City of Kingsville. (Commissioner Garcia).**

Mayor Pro-tem Garcia stated he requested this because he was approached by residents stating that candidates have not removed their campaign signs. These are candidates that do not have a run-off election coming up. City Manager Capell stated after the election the City started receiving calls. He stated he looked at the City Code and TXDOT regulations on signage and found it not very helpful. The City Code states political signs must be removed within ten days after the election, but it does not indicate when they can be put back up. TXDOT language indicates, on their right-of-way signs can be erected ninety days before the election, but goes on to say the City may have their own rules, so check with the City. The bottom line is that clarification is needed in the City Code as to when signs can be put up and taken down. The ordinance is not specific about timing and it doesn't make distinction between a primary and general election. City Manager Capell stated he made a decision to leave them up because the language is unclear and the City needs clarity.

Commissioner Pecos stated this is an awkward election year. The November election candidates will have their political signs up for more than 3 -4 months. In all fairness, he stated the City needs to modify the code with detailed instructions.

City Manager Capell stated that Staff could propose some regulations that would take effect next year.

Mr. Kellam stated the Missouri Code allowed for political signs to be erected ninety days before the election and removed a week after the election. He stated he will do some research to see what other Texas towns are doing.

Commissioner Pena stated he didn't understand why this is now an issue and why someone would be interpreting the law differently, a reasonable individual would read the ten day period which is very clear and they would take them down. He added there needs to be clarity.

City Manager Capell stated if the thinking was that he was letting those people who lost in the last election leave their signs up that not correct.

Commissioner Garcia stated the ordinance doesn't make a distinction to the type of election, but whether it is the primary, general or run-off election, they are all elections.

City Manager Capell stated he felt he did the fairest thing possible.

Commissioner Leubert suggested that the code include the removal of t-posts.

Mayor Pro-tem Garcia called comments from Ms Alvarez who stated there's been sufficient discussion and staff understands the direction the Commission would like to see.

**13. Consider resolution of the City of Kingsville approving a transition planning process recommended by the City Manager for the Kingsville Convention and Visitors Bureau for continuation of tourism services to the City. (City Manager).**

City Manager Capell stated the Commission is aware of the situation. Most of the Kingsville Convention and Visitors Bureau (KCVB) Staff are retiring, their retirement happens to correspond pretty closely to the end of the contract between the City and the KCVB. For those reasons and number of reasons, time is of the essence. The KCVB wants to terminate the contract early. Mr. Trescott is receiving phone calls about renewal of contracts for equipment. The City should be considering what type of options the Commission wants in terms of how these services should be provided in the future.

On one end of the spectrum you have the current model which is the KCVB Board which hires the director and staff, and on the end of the spectrum there has been talk about perhaps bringing it under the City's umbrella where it would operate more like a City department. More under the direct policy control of the City Commission. In an effort to make sure that the Hotel/Motel tax dollars are spent effectively. We need to formally extend or revoke the contract by the 1<sup>st</sup> of August. More than likely the City will need to take it over if only for a little while because there is not enough time to hire replacements. The Commission needs to decide how this Commission wants for it to operate in the long term. Staff would come back at a later date with more information and assessments, but the City has to keep the doors open and the dollars flowing.

**Commissioner Pena made a motion to approve the resolution, seconded by Commissioner Pecos.** Commissioner Leubert asked if the Board was active. City Manager Capell replied a couple of Board members are not pleased with the transition. He added that the Board will be coming to the Commission with a request to terminate the contract and for funding for severance pay for some of the Staff that's retiring. Lengthy discussion followed. Commissioner Pena called for the question, seconded by Commissioner Pecos.

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

## **VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:44 P.M.

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Al Garcia, Mayor Pro-tem

ATTEST:

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Edna S Lopez, TRMC, CMC  
City Secretary

# **PUBLIC HEARING(S)**

**PETITIONS,  
GRIEVANCES, &  
PRESENTATIONS**

# **CONSENT AGENDA**

# **AGENDA ITEM #1**



ORDINANCE NO. 2012-

**AN ORDINANCE AMENDING THE FISCAL YEAR 2011-2012 BUDGET FOR THE POLICE DEPARTMENT STATE FORFEITURE FUND FOR THE PURCHASE OF COMPUTER HARDWARE SOFTWARE FOR THE CRIMES SOFTWARE PROGRAM.**

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

I.

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

CITY OF KINGSVILLE  
DEPARTMENT REVENUES AND EXPENSES  
BUDGET AMENDMENT

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
<b>Fund 005 State Forfeiture Fund</b>					
<u>Equity</u>					
2	Unassigned Fund Balance		610.00		94,765
<u>Expense</u>					
5-210.0	Police	Computer & Assoc. Eq.	726.00	94,765	

[To provide funding for computer hardware and software so that all modules in the CRIMES software work seamlessly to be financed by Kingsville Police Department State Forfeiture Chapter 59 Funds.]

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 25th day of June, 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

**KINGSVILLE POLICE DEPARTMENT  
INTER-OFFICE MEMORANDUM**

June 21, 2012

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

**FROM** : Ricardo Torres, Chief of Police

**SUBJECT** : Request for Budget Amendment for Chapter 59

I am requesting a budget amendment in the amount of **\$94,765.05** due to an unforeseen change in maintenance costs for our current records management software. KPD was contacted by CCPD and informed that the maintenance cost for the Intergraph RMS that they host would have an increase of **\$80,459.57** from last year to the City of Kingsville.

This office would recommend converting to the CRIMES software package with an annual maintenance cost of \$45,000.00. That is an increase in \$30,000.00 to the General Fund for a savings of \$50,497.57 as quoted by CCPD. In order to migrate to the new software KPD will need to upgrade various portions of it's hardware and software to seamlessly use all modules in CRIMES. I have copied the bodies of quotes sent to our office covering these costs. All of the quotes are sent to us via DIR pricing.

SOFTWARE & ACCESSORIES			
Product	Quantity	Unit Price	Total
VLA SQL SERVER ENT 2012 (A5919925)	1	\$5,530.08	\$5,530.08
VLA SQL SERVER ENT 2012 (A5919925)	1	\$5,530.08	\$5,530.08
VLA WINDOWS SERVER ENT 2008 R2 (A4247061)	1	\$1,517.82	\$1,517.82
VLA WINDOWS SERVER STD 2008 R2 (A4106704)	3	\$467.40	\$1,402.20
ELECTRONIC LICENSE CONFIRMATION elec dwnld only (A3458532)	1	\$0.00	\$0.00
Number of S & A Items: 5		S&A Total Amount: \$13,980.18	

SOFTWARE & ACCESSORIES			
Product	Quantity	Unit Price	Total
VMware vSphere 5 Essentials Plus Kit for 3 hosts Max 2 processors per host and 192 GB vRAM entitlement (A5334301)	1	\$3,955.60	\$3,955.60
Production SnS VMware vSphere 5 Essentials Plus Kit for 1 year (A5334499)	1	\$1,101.52	\$1,101.52
Number of S & A Items: 2		S&A Total Amount: \$5,057.12	

GROUP: 1		QUANTITY: 2	SYSTEM PRICE: \$13,075.97	GROUP TOTAL: \$26,151.94
Base Unit:	PowerEdge R720 (225-2133)			
TBU:	PowerEdge R720 Shipping (331-4437)			
TBU:	Risers with up to 4, x8 PCIe Slots + 2, x16 PCIe Slot (331-4439)			
TBU:	VFlash, 8GB SD Card for iDRAC Enterprise (342-1413)			
TBU:	iDRAC7 Enterprise (421-5339)			
TBU:	Broadcom 5720 QP 1Gb Network Daughter Card (430-4418)			
TBU:	2.5" Chassis with up to 16 Hard Drives (317-8474)			
TBU:	Bezel (318-1375)			
TBU:	Performance BIOS Setting (330-3492)			
TBU:	RAID 1+RAID 5 for H710P/H710/H310 (2 + 3-14 HDDs) (331-4390)			
TBU:	PERC H710P Integrated RAID Controller, 1GB NV Cache (342-3531)			
TBU:	Intel Xeon E5-2660 2.20GHz, 20M Cache, 8.0GT/s QPI, Turbo, 8C, 95W, Max Mem 1600MHz (317-9593)			
TBU:	Heat Sink for PowerEdge R720 and R720xd (331-4508)			
TBU:	DIMM Blanks for Systems with 2 Processors (317-8688)			
TBU:	Intel Xeon E5-2660 2.20GHz, 20M Cache, 8.0GT/s QPI, Turbo, 8C, 95W (317-9607)			
TBU:	Heat Sink for PowerEdge R720 and R720xd (331-4508)			
TBU:	8GB RDIMM, 1600 MHz, Standard Volt, Dual Rank, x4 (317-9648) - Quantity 12			
TBU:	1600 MHz RDIMMS (331-4424)			
TBU:	Performance Optimized (331-4428)			
TBU:	600GB 10K RPM SA SCSI 6Gbps 2.5in Hotplug Hard Drive (342-0847) - Quantity 8			
TBU:	146GB 15K RPM Serial-Attach SCSI 6Gbps 2.5in Hotplug Hard Drive (342-0427) - Quantity 2			
TBU:	No System Documentation, No OpenManage DVD Kit (310-5171)			
CD-ROM or DVD-ROM Drive:	DVD+-RW, SATA, INTERNAL (313-9090)			
CD-ROM or DVD-ROM Drive:	ReadyRails Sliding Rails With Cable Management Arm (331-4433)			
CD-ROM or DVD-ROM Drive:	Dual, Hot-plug, Redundant Power Supply (1+1), 750W (331-4605)			
CD-ROM or DVD-ROM Drive:	Power Cord, NEMA 5-15P to C13, 15 amp, wall plug, 10 feet / 3 meter (310-8509) - Quantity 2			
CD-ROM or DVD-ROM Drive:	No Operating System (420-6320)			
CD-ROM or DVD-ROM Drive:	No Media Required (421-5736)			
Service:	Mission Critical Package: 4-Hour 7x24 On-Site Service with Emergency Dispatch, 2 Year Extended (936-4573)			
Service:	ProSupport: 7x24 HW / SW Tech Support and Assistance, 3 Year (936-4613)			
Service:	Dell Hardware Limited Warranty Plus On Site Service Extended Year (939-2678)			
Service:	Dell Hardware Limited Warranty Plus On Site Service Initial Year (939-2768)			
Service:	Mission Critical Package: 4-Hour 7x24 On-Site Service with Emergency Dispatch, Initial Year (988-9221)			
Service:	Dell ProSupport. For tech support, visit <a href="http://support.dell.com/ProSupport">http://support.dell.com/ProSupport</a> or call 1-800-845-3355 (989-3439)			
Service:	MISSION CRITICAL PACKAGE: Enhanced Services, 3 Year (996-8019)			
Installation:	On-Site Installation Declined (900-9997)			
Support:	Proactive Maintenance Service, PE, 1 Event per yr, 1yr (988-7407)			
Service Two:	1 Yr 1 Case Remote Advisory Service (996-3179)			

Qty	Part Number	Description	Unit Price	Ext Price
NetApp FAS2240 Approx. 20.37TB Usable Hardware				
1	F2240A-4-24X2TB-R5	FAS2240-4,HA,24x2TB,Dual CTL	\$27,257.85	\$27,257.85
1	X5526A-R6	Rackmount Kit,4-Post,Universal,R6	\$82.75	\$82.75
2	FAS2240A-HA-SW-R5	FAS2240A,HA CFO Software,R5	\$0.00	\$0.00
4	X800E-R6	Power Cable North America,R6	\$0.00	\$0.00

<b>Software</b>				
1	SW-2240A-ONTAP8-P	SW,Data ONTAP Essentials,2240A,-P	\$0.00	\$0.00
Message: Includes Data ONTAP DSM MPIO and Local SyncMirror				
1	SW-CIFS-C	SW,CIFS,-C	\$0.00	\$0.00
1	SW-FCP-C	SW,FCP,-C	\$0.00	\$0.00
1	SW-ISCSI-C	SW,iSCSI,-C	\$0.00	\$0.00
1		SW-NFS-C		SW,NFS,-C
<b>Service</b>				
1	CS-O2-NBD	SupportEdge Standard NBD Onsite - Mths: 36	\$3,835.20	\$3,835.20
Includes: Hardware Support, Software Subscription AND Installation				
1	PS-FDS-ENGINEER	Full Day Service Engagement	\$0.00	\$0.00
DIR Discounted Total:			\$31,175.80	
Shipping and Tax not applicable			\$0.00	
Additional Discount:			\$1,599.99	
Grand Total:			\$29,575.81	

The total costs for all of the software and hardware are as follows:

<b>VLA SQL SERVER ENT 2012 (A5919925) &amp; Associated hardware</b>	<b>\$13,980.18</b>
<b>VMware vSphere 5 Essentials Plus Kit</b>	<b>\$5,057.12</b>
<b>PowerEdge R720 (225-2133) &amp; Assoc.</b>	<b>\$26,151.94</b>
<b>NetApp FAS2240 Approx. 20.37TB Usable (Backup Storage)</b>	<b>\$29,575.81</b>
<b>Licensing for Office 2010</b>	<b>\$20,000.00</b>
<b>Total</b>	<b>\$94,765.05</b>

The budget amendment would be to the Chapter 59 budget and we currently have the funds to cover this amendment. Thank you for your consideration regarding this issue.

# **AGENDA ITEM #2**

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

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CRIMES LAW ENFORCEMENT SOFTWARE LICENSE & MASTER AGREEMENT WITH SAM HOUSTON STATE UNIVERSITY FOR THE KINGSVILLE POLICE DEPARTMENT; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Kingsville Police Department has been under contract with the City of Corpus Christi to pay \$15,000.00 per year for use of the Corpus Christi Police Department's RMS/CAD system for several years;

**WHEREAS**, the C.C.PD recently notified the City that the annual maintenance price would be going up to \$95,459.57 per year for the upcoming fiscal year;

**WHEREAS**, the Kingsville Police Department has explored other options for the department's RMS/CAD system needs that are more economically feasible and decided the CRIMES system would be a preferred system that has a \$45,000.00 annual maintenance fee;

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

I.

**THAT** the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into a CRIMES Law Enforcement Software License & Master Agreement with Sam Houston State University for the Kingsville Police Department in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the 25th day of June, 2012.

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Sam R. Fugate, Mayor

ATTEST:

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Edna S. Lopez, City Secretary

APPROVED AS TO FORM:

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Courtney Alvarez, City Attorney



**KINGSVILLE POLICE DEPARTMENT  
INTER-OFFICE MEMORANDUM**

June 11, 2012

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

**FROM** : Ricardo Torres, Chief of Police

**SUBJECT** : Request to Enter into License and Master Agreement

I was contacted in late April 2012 by Asst. Chief J.V. Garcia, Corpus Christi Police Department, regarding the cost of using the Intergraph RMS system. We met at CCPD at which time Asst. Chief Garcia informed me that the cost to KPD was going to increase with regards to the maintenance portion of our being able to use their Intergraph RMS/CAD system. Asst. Chief Garcia said that they wanted to inform us early in the budget process in case we chose to migrate away from using their system and also to provide for the increase in our budget process. Under our current contract we pay the City of Corpus Christi \$15,000.00 per year from General Fund 001 for its use.

On May 7<sup>th</sup>, 2012, I was contacted by phone by Asst. Chief J.V. Garcia and he quoted a price of \$95,459.57 or an increase of **\$80,459.57** from last year for KPD's portion of maintenance on the Intergraph RMS/CAD.

Dr. Larry Hoover of Sam Houston State University came to the Kingsville PD on May 23<sup>rd</sup>, 2012 and provided a demonstration of the CRIMES system. We were pleasantly surprised that additional improvements had been made to the system that would be superior to what Intergraph was able to provide for us. Dr. Hoover also informed us that the software would be provided at no cost to our department and that the only cost would be the **\$45,000.00** annual maintenance fee. I am requesting an additional **\$30,000.00** to be transferred from the General Fund 001 Police Department Patrol Division Salary Budget to cover this additional cost. We expect to have a budget savings in Police Department Patrol Division Salary Budget this fiscal year due to unfilled positions due to turnover and retirements. This expected savings projection has taken into account the additional cost of separation pay.

Additional hardware and software will be needed to insure that all modules in CRIMES work seamlessly. On Monday, May 28<sup>th</sup>, 2012 we met with some of Sam Houston State University Technical Experts to discuss additional hardware and software that would be needed as initial costs for the system. I expect that we will be spending approximately **\$94,765.05** in additional hardware and software cost for our current system upgrade so that we are fully operational. This additional cost can be covered with Asset Forfeiture Funds.

We would request that this be placed on the next available City of Kingsville Commission Agenda for approval to enter into the attached maintenance contract. Thank you for your assistance regarding this matter.



# Sam Houston State University

*A Member of The Texas State University System*  
**POLICE RESEARCH CENTER**

Larry T. Hoover, Ph.D.  
*Director*

May 31, 2012

Chief Ricardo Torres  
Kingsville Police Department  
Post Office Box 1458  
Kingsville TX 78364

**RE: *CRIMES* Software License Agreement**

Ricardo:

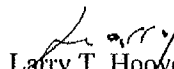
We are delighted that the Kingsville Police Department will be joining us as a Partner Agency in Sam Houston State University's *CRIMES* endeavor. I want to assure you that we will do everything possible to deliver a law enforcement information management system that will bring the 'state of the art' of this technology to your agency. Enclosed are two copies of the license agreement for leasing the *CRIMES* software. **Please sign and return both copies of the agreement.** After SHSU signs the agreement, we will mail you one of the fully executed copies.

The lease agreement is "legally" a state of Texas inter-local agreement, and as such is subject to relevant state statute provisions. We worked with several partner agencies when it was developed. The agreement is very "client friendly." The Systems Attorney for The Texas State University System reviewed and approved it. The same agreement is used for all Partner Agencies.

Donald Whinery and Chris Muncy of our staff will contact you about setting up an installation schedule. Your initial lease period will not begin until the software is installed and training has been initiated in your agency.

We are looking forward to working with your agency in this endeavor. The Partner Agency Group is a true partnership to develop police information technology that enhances and supports field operations at state of the art standards. Thanks again for your confidence in us. If you have any questions, feel free to contact me.

Sincerely,

  
Larry T. Hoover, Ph.D.  
Director

Enclosures



*Sam Houston State University is an Equal Opportunity/Affirmative Action Institution*

Huntsville, Texas 77341-2296 • 936.294.1704 • Fax 936.294.1684

**CRIMES**  
**LAW ENFORCEMENT SOFTWARE**  
**LICENSE & MASTER AGREEMENT**

This agreement, together with all Addendums hereto, is entered into by and between:

**SAM HOUSTON STATE UNIVERSITY**  
Huntsville, Texas  
(LICENSOR)

**CITY OF KINGSVILLE**  
Police Department  
(LICENSEE)

**1.0 DEFINITIONS:**

- 1.1 "**CRIMES LAW ENFORCEMENT SOFTWARE**" refers to the software program or programs and related materials described in Addendum A, together with all documentation, copies, whether complete or partial, notes, memoranda, and all other materials and information supplied by LICENSOR.
- 1.2 "LICENSOR" refers to the entity listed above and its duly authorized agents, employees, attorneys, and representatives.
- 1.3 "LICENSEE" refers to the entity listed above and all agents, employees, attorneys, representatives, and persons acting on behalf of or under the control or supervision of same.
- 1.4 "Upgrade" or "new release" designates a significant change in the system or methodology of the **CRIMES LAW ENFORCEMENT SOFTWARE** and is considered a major change of same.
- 1.5 An "enhancement" is an addition to the basic program which corrects a deficiency or problem or provides additional reports to management or otherwise provides some additional function, which is not a major change.
- 1.6 The "Primary Contact" shall be one person designated by LICENSEE to act for LICENSEE in connection with instructions, questions, requests, enhancements, upgrades, new releases, telephone calls and correspondence related to the **CRIMES LAW ENFORCEMENT SOFTWARE** and shall be the person with primary responsibility for contact with LICENSOR. This is to avoid several different people giving conflicting or confusing requests or information to LICENSOR. The Primary Contact shall be listed on Addendum A.

**2.0 GRANTS:**

- 2.1 LICENSOR grants to LICENSEE a non-exclusive and non-transferable license to use the **CRIMES LAW ENFORCEMENT SOFTWARE**, as set forth herein.
- 2.2 The license granted herein is limited to use of the **CRIMES LAW ENFORCEMENT SOFTWARE** on the computer systems and at the location or locations specified in Addendum A; provided that if an office location is moved after installation of the **CRIMES LAW ENFORCEMENT SOFTWARE**, then the **CRIMES LAW ENFORCEMENT SOFTWARE** may be used at the new location in accordance with the terms of this agreement.
- 2.3 The license granted herein shall not be assigned, sublicensed, or transferred, except in accordance with this agreement.
- 2.4 LICENSEE also agrees to allow the demonstration of the **CRIMES LAW ENFORCEMENT SOFTWARE** by LICENSOR at LICENSEE's premises to others upon reasonable notice and LICENSEE's approval.

**3.0 TERM & TERMINATION:**

- 3.1 Upon acceptance and execution by LICENSOR, this Agreement will become binding and effective for an initial term beginning on the date established below and ending on the next occurring 30<sup>th</sup> day of September.
- 3.2 Annually, the LICENSOR will mail the LICENSEE the "Intent to Renew **CRIMES** License Agreement." The LICENSEE may renew the Agreement for additional one-year terms by annually signing and returning to the LICENSOR the "Intent to Renew **CRIMES** License Agreement."

- 3.3 LICENSOR may terminate this Agreement if:
  - a. LICENSEE fails to timely make any payment due;
  - b. LICENSEE breaches any of the terms hereof or fails to perform any obligation hereunder and such breach or failure is not cured within ten days of notice of such breach.
- 3.4 The LICENSEE shall have the right to terminate this Agreement upon thirty (30) days' notice to the LICENSOR upon breach by or default of the LICENSOR. A breach or default shall be deemed to have occurred if the LICENSOR fails to comply with a term, condition or obligation of this Agreement; provided, however, that LICENSOR shall have ten (10) days within receipt of written notice of the breach to cure the default.
- 3.5 Upon termination for any reason, no refund shall be due. LICENSEE shall not be relieved of any obligations previously incurred or accepted, including the obligation to make any outstanding payments.
- 3.6 Termination of this Agreement does not relieve LICENSEE of its obligations and duties relating to non-disclosure as established under Section 11.0 hereof.
- 3.7 Upon termination of this Agreement, LICENSOR will make reasonable efforts to assist LICENSEE in the conversion of LICENSEE's data contained in the **CRIMES LAW ENFORCEMENT SOFTWARE** to another police information system.
- 3.8 LICENSOR shall take reasonable steps to assure security and emergency availability of the source code. In the event the LICENSOR for any reason is unable to continue support of the **CRIMES LAW ENFORCEMENT SOFTWARE**, all source codes will be provided to the LICENSEE at no additional cost.

#### **FEES & PAYMENT:**

- 4.1 The license fee for the **CRIMES LAW ENFORCEMENT SOFTWARE** shall be that set forth on Addendum A.
- 4.2 All third party hardware and software purchased or obtained through LICENSOR shall be in addition to the license fee for the **CRIMES LAW ENFORCEMENT SOFTWARE** and in accordance with invoices and/or written quotations from LICENSOR to LICENSEE.
- 4.3 The fees are payable as set forth in Addendum A.
- 4.4 Subsequent versions of the **CRIMES LAW ENFORCEMENT SOFTWARE** will be provided to LICENSEE at no additional cost.
- 4.5 LICENSOR will submit an invoice to LICENSEE upon completion of installation.

#### **INSTALLATION & TESTING:**

- 5.1 LICENSOR will deliver and install the **CRIMES LAW ENFORCEMENT SOFTWARE** as soon as practical.
- 5.2 Under no circumstances shall LICENSOR be responsible for any delays in connection with the **CRIMES LAW ENFORCEMENT SOFTWARE**.
- 5.3 Installation shall include loading of the **CRIMES LAW ENFORCEMENT SOFTWARE** and any third party software obtained through LICENSOR onto the LICENSEE's server unit and setting up all third party hardware.
- 5.4 Installation does not include data entry, except for test data.
- 5.5 LICENSOR will also test the **CRIMES LAW ENFORCEMENT SOFTWARE** on LICENSEE's equipment to make sure the **CRIMES LAW ENFORCEMENT SOFTWARE** is operational.
- 5.6 LICENSOR will also demonstrate the use of the **CRIMES LAW ENFORCEMENT SOFTWARE** using test data.

#### **TRAINING:**

- 6.1 Training in the use of the **CRIMES LAW ENFORCEMENT SOFTWARE** shall be offered as reasonably required.

#### **SOFTWARE MAINTENANCE & SERVICE:**

- 7.1 Software maintenance and service will be provided for the fee set forth in Addendum A.
- 7.2 Software maintenance and service includes the following services:
  - a. Periodic monitoring of software via Internet connection;

- b. Correction of all verifiable bugs or defects in the *CRIMES* LAW ENFORCEMENT SOFTWARE;
  - c. Providing LICENSEE with enhancements to modules after field testing;
  - d. Providing LICENSEE with upgrades and new releases as available, including documentation;
  - e. Answering routine questions regarding use or operation of the *CRIMES* LAW ENFORCEMENT SOFTWARE from 8:00 a.m. to 5:00 p.m. central time;
  - f. 24 hour emergency telephone hotline;
- 7.3 The frequency of monitoring shall be determined by LICENSOR.
- 7.4 LICENSEE shall promptly notify LICENSOR of any apparent problems with the *CRIMES* LAW ENFORCEMENT SOFTWARE.
- 7.5 Maintenance does not include correction of user errors, but such custom assistance may be available at regular hourly rates.

**8.0 CONVERSION:**

- 8.1 LICENSOR will assist LICENSEE in planning a schedule of activities and/or checklist for the conversion process from LICENSEE's current system to the *CRIMES* LAW ENFORCEMENT SOFTWARE.
- 8.2 Actual conversion, including transferring data from prior systems, modifying such data if necessary, and interpreting same, as well as all other aspects of the conversion process, is the responsibility of the LICENSEE.
- 8.3 LICENSOR may assist LICENSEE in the actual conversion of data at LICENSOR's regular hourly rates.
- 8.4 The *CRIMES* LAW ENFORCEMENT SOFTWARE is designed to allow LICENSEE to manually enter data into the system by having LICENSEE's personnel type in the data after the *CRIMES* LAW ENFORCEMENT SOFTWARE is installed.
- 8.5 If LICENSEE's data is already contained in a form and structure compatible with the data structure of the *CRIMES* LAW ENFORCEMENT SOFTWARE, it may be possible for LICENSOR to write a program to assist in the transfer of LICENSEE's previous data. If such is done, the program, including the copyright thereto, will remain the property of LICENSOR.
- 8.6 Standard conversion includes the transfer only of the types of data listed in Addendum A. It is acknowledged that adding and/or transferring other data which may be in LICENSEE's prior system is considered customization work, which will be at additional cost and which will take additional time. Such work is governed by the Additional Services provisions herein.
- 8.7 Interpretation of LICENSEE's data and modification, if necessary, into a form consistent with the *CRIMES* LAW ENFORCEMENT SOFTWARE's data structure is LICENSEE's responsibility, although LICENSOR will assist LICENSEE at LICENSOR's regular hourly rates.
- 8.8 It is acknowledged that not all information in LICENSEE's old system may be transferable to the *CRIMES* LAW ENFORCEMENT SOFTWARE and the interface, if it can be done, will apply only to compatible items.

**9.0 ADDITIONAL SERVICES:**

- 9.1 LICENSOR may provide additional services such as assistance in choosing equipment or software, purchasing third party equipment and software, training, conversion, customization of screens, interfacing the *CRIMES* LAW ENFORCEMENT SOFTWARE with LICENSEE's payroll and/or billing programs or other programs, consultations, and similar functions. Such advice may require an additional fee.
- 9.2 LICENSOR is under no obligation to render such additional services and any agreement for same will be separate from and in addition to this agreement at LICENSOR's regular hourly rates plus expenses, unless prior agreement has been made in writing.
- 9.3 Payment for additional services shall be due within thirty days of receipt of invoice.

**10.0 WARRANTIES AND DISCLAIMER:**

- 10.1 LICENSOR warrants that it has the right to enter into this agreement and owns such rights to the *CRIMES* LAW ENFORCEMENT SOFTWARE as are necessary to grant this license.
- 10.2 LICENSOR further warrants that the *CRIMES* LAW ENFORCEMENT SOFTWARE does not infringe upon the valid copyright or other rights of others and will indemnify and hold LICENSEE harmless from and against all claims of infringement so long as LICENSEE utilizes the *CRIMES* LAW ENFORCEMENT SOFTWARE in accordance with this agreement and adheres to the terms hereof regarding such utilization.

- 10.3 LICENSOR further warrants that the **CRIMES LAW ENFORCEMENT SOFTWARE** includes the component elements as set forth in Addendum A.
- 10.4 To the extent that LICENSOR supplies LICENSEE with third-party products, whether hardware, software or other supplies, LICENSOR make NO WARRANTY WHATSOEVER regarding such third-party products and LICENSEE shall rely solely on the manufacturer's warranty and LICENSEE's sole recourse will be against such manufacturer.
- 10.5 LICENSOR does warrant that the **CRIMES LAW ENFORCEMENT SOFTWARE** includes the basic functionality as set forth in Addendum A, but does not warrant any specific features.
- 10.6 EXCEPT FOR THE EXPRESS WARRANTIES SET FORTH ABOVE, LICENSOR MAKES NO WARRANTIES WHATSOEVER, EXPRESS OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE. THE **CRIMES LAW ENFORCEMENT SOFTWARE** IS LICENSED AS IS AND WHERE IS AND THE WARRANTIES LISTED ABOVE ARE IN LIEU OF ANY AND ALL OBLIGATIONS OF LICENSOR FOR DAMAGES, INCLUDING, BUT NOT LIMITED TO, CONSEQUENTIAL DAMAGES, ARISING OUT OF OR IN CONNECTION WITH THE USE OR ATTEMPTED USE OF THE **CRIMES LAW ENFORCEMENT SOFTWARE**. LICENSOR'S LIABILITY SHALL NOT, UNDER ANY CIRCUMSTANCES, EXCEED THE CHARGES ACTUALLY PAID BY LICENSEE TO LICENSOR HEREUNDER FOR THE LICENSE OF THE **CRIMES LAW ENFORCEMENT SOFTWARE**.
- 10.7 Under no circumstances shall LICENSOR be responsible for user error, including but not limited to, erroneous data input, misuse of the **CRIMES LAW ENFORCEMENT SOFTWARE**, incorrect interpretation of data or missing data.
- 11.0 **NON-DISCLOSURE OF PROPRIETARY INFORMATION:**
- 11.1 **CRIMES LAW ENFORCEMENT SOFTWARE**, and all information and materials related thereto supplied by LICENSOR constitute proprietary information and trade secrets of LICENSOR.
- 11.2 LICENSEE shall use LICENSEE's best efforts to insure the confidentiality of the **CRIMES LAW ENFORCEMENT SOFTWARE**, and all related materials and information supplied by LICENSOR.
- 11.3 LICENSEE warrants that LICENSEE will not disclose, use, modify, copy, or reproduce the **CRIMES LAW ENFORCEMENT SOFTWARE**, or any of the information or materials supplied by LICENSOR except in accordance with this agreement or after first obtaining the written permission of LICENSOR.
- 11.4 LICENSEE specifically agrees to use its best effort to prevent its employees, agents, attorneys and representatives from disclosing such proprietary information.
- 11.5 LICENSOR shall use LICENSOR's best efforts to insure the confidentiality of LICENSEE's data, systems, procedures and all other matters and information designated by LICENSEE as confidential.
- 11.6 LICENSOR specifically agrees to use its best efforts to prevent its employees, agents, attorneys and representatives from disclosing such confidential information and shall hold LICENSEE harmless in the event of any disclosure by said persons.
- 11.7 The non-disclosure provisions of this section shall continue beyond the term of the contract and shall be binding and enforceable even after termination of this agreement.
- 12.0 **FORCE MAJEURE:**
- 12.1 LICENSOR shall not be responsible for any failure to perform hereunder which is caused by Acts of God or any other circumstances beyond the control of LICENSOR.
- 12.2 The parties hereto recognize that the **CRIMES LAW ENFORCEMENT SOFTWARE** represents a sophisticated software system and that it is impossible to test every possible combination of circumstances and situations. In the event a significant software problem or bug is discovered, LICENSOR will use its best efforts to correct such, but cannot guarantee either a solution or a time frame within which such bug will be eliminated.
- 12.3 Under no circumstances shall LICENSOR be responsible for any injury or damage due to any delay in delivery or performance.

**13.0 MISCELLANEOUS:**

- 13.1 The provisions of this agreement shall be severable and if one or more provisions should be declared invalid, the remaining provisions shall remain in full force and effect; provided that should any provisions regarding the non-disclosure of proprietary information be deemed invalid, then the parties hereto agree to enter into such other agreement as will validly afford, to the greatest extent possible, the protection intended by those sections.
- 13.2 Any failure or delay in the execution of any right herein shall not constitute a waiver thereof, nor shall any such delay or waiver of a particular default or right operate as a waiver of any other rights.
- 13.3 It is specifically agreed that the breach of this agreement, and in particular the sections concerning non-disclosure of proprietary information, will result in irreparable injury and the party who claims such a breach shall be entitled to specific performance and injunctive relief to correct and enjoin such breach in addition to all other remedies which might be available.
- 13.4 This Agreement shall be construed according to the laws of the State of Texas and all actions, regardless of the nature of such, to enforce this Agreement or for the breach of same shall be brought within two (2) years from the occurrence of the grounds for such action and venue shall be set in either state or federal court in Austin, Texas.
- 13.5 This agreement is an inter-local contract entered into under the provisions of Chapter 791 of the Texas Government Code. Each party will pay for its performance under this agreement from current revenues available to it.
- 13.6 This agreement represents the entire agreement between the parties and supersedes any and all prior agreements and understandings, and shall not be modified except in writing, signed by both parties.
- 13.7 The LICENSOR recognizes that any agreements contained herein are subject to the provisions of the Public Information Act (Chapter 552 of the Government Code), and that any disclosure of information required by that Act shall not be considered to be a breach of this agreement.

**LICENSOR:**

By: \_\_\_\_\_  
SAM HOUSTON STATE UNIVERSITY

Date: \_\_\_\_\_

**LICENSEE:**

By: \_\_\_\_\_  
CITY OF KINGSVILLE  
Police Department

Date: \_\_\_\_\_



## **ADDENDUM A**

### **CRIMES Law Enforcement Modules**

The *CRIMES* law enforcement program is a state-of-the-art comprehensive computerized police information management system, consisting of the following component modules, linked as appropriate to allow cross component search, cross-tabulation, and data transfer:

- **Computer Assisted Dispatch (CAD)** – Provides a computerized format for comprehensive management of the communications function for Police, Fire, and EMS. Interfaces with E911 systems and *CRIMES* Mobile, automated TLETS and local warrants checks, and location history, and hazard warnings. Automatic time stamping of call response, records activity and status of all active emergency response units, and recommends Fire units to be dispatched to specific locations.
- **Master Name File** – Provides a single file containing all persons and organizations entered into *CRIMES*, which links all data entry modules. This enables a search of the entire *CRIMES* database for any name or partial name recorded, regardless of their role in an incident. Automatic cross check of new entries for previously recorded persons.
- **Incident Reporting** – Provides a means to enter initial or supplemental incident reports along with data already entered through CAD. Launches MS Word® to provide word processing capabilities for the narrative portion of the incident report. Accepts digital photos.
- **GIS Capability** – Interface capability to ESRI® providing communications center and in-car GIS/GPS display; GIS analysis capability.
- **Local Warrants** – Maintains local records on arrest warrant and enables officers to quickly check subjects contacted in the field for local warrants.
- **Field Interview** – Provides a means of recording information on subjects encountered in the field that are not arrested or cited for any violation.
- **Booking/Jail Management** – Provides a powerful tool for managing county jail and city lockup facilities and includes links to the Master Name Module. Includes the booking of prisoners and maintaining a record of each prisoner's property, location, activity, and status. Includes digital photo storage and photo line-up.
- **Property Room Management** – Maintains a record of all property submitted to the agency property room for storage and/or final disposition and is specifically designed to enhance the maintenance of chain-of-custody information for evidence. It is also bar code capable.
- **Traffic Citations** – Records all information regarding the violation being cited, the location of the offense, vehicle description, and the violator information.
- **Traffic Accident** – Provides for the preparation and printout of the standard Texas DOT accident reports within the *CRIMES* database.
- **Advanced Search** – Point and click retrieval of trend data, automatic graphing (bar graphs, pie charts, etc.)
- **Productivity Reporting** – Automated tracking of call for service, offense, arrest rates. Linkage to deployment software.
- **Investigations Case Management** – Provides the means to insure that each reported criminal case is tracked. This uses solvability factors to aid in assigning priority status and identifies case investigators along with tracking case progress.
- **Uniform Crime Reports** – Generates the required UCR reports which must be submitted monthly to DPS.
- **Racial Profiling** – At user's option, automatic compilation of required 1074 Reports from either independent entry or combination of Field Interview and Citation.

- **Alarm Permits and Billing** – Provides a separate database for recording alarm permit information and interfaces with *CRIMES* database to identify excessive alarms and permit violations for the automated generation of violation invoices.
- **Management Reports** – Generates a set of reports within *CRIMES* to aid supervisors and administration in operational and management decision making. Retrieves UCR index crime information and call-for-service data from the *CRIMES* database and generates graphical displays representing activity trends which are automatically included in a fully customizable MS PowerPoint® presentation.
- **Security System** – Security for the edit/delete functions, limiting access for all transactions. A timer limits edit to a user defined period, e.g., 24 hours, before password security is required.
- **Expunge** – Removes the name of an individual from criminal records in accordance with the standard expunge court order.

**CRIMES Police Mobile Component includes:**

- **Field Reporting** for mobile entry of incident reports.
- **Beat Information** search routine for retrieval of recent beat activity.
- **Field Search** of CAD, Incident, and Master Name File modules.
- **TLETS** connectivity.
- **CAD Call Screen Display** for individual call information, user defined display of pending calls.
- **Unit to Unit Messaging**, broadcast capable.
- **Global Positioning System** vehicle location software interface to ESRI® systems.

**CRIMES Fire Mobile Component includes:**

- Full CAD functionality including fire time logs, recommended units and move-ups, paging, rip and run. Independent Fire Mobile Interface with Firehouse®.

**Agency Equipment and Associated Software Licenses**

LICENSEE is responsible for provision of Windows® capable computer server unit, switches, cabling, and workstations. LICENSEE will provide all software and licenses necessary for operation, including Microsoft® Server Standard Edition, Microsoft® SQL Server and Access Licenses (for each workstation), Windows® XP or Vista for each Workstation, and Microsoft® Office Professional (for each workstation). In addition, a Cisco® VPN concentrator and software is required for TLETS connectivity to TCP/IP. For Mobile communications a wireless subscription (e.g., Verizon®) is required in addition to NetMotion® for constant connectivity and encryption.

*Equipment Location.* The *CRIMES* software and mobile components shall be installed and used at the locations designated by LICENSEE from time to time.

**License Fee and Payment Schedule**

Subject to other provisions of this agreement, the total annual fee for the **CRIMES LAW ENFORCEMENT SOFTWARE** license, system maintenance, training, and related services under this agreement shall be as follows:

**CRIMES Annual License Fee:**

**\$45,000.00**

**This agreement shall remain in force until termination per Section 3.0.**

**Annual Renewal Date: October 1<sup>st</sup> of each year.**

Such annual fee is premised upon a current city of Kingsville population of 26,213, Census 2010. Such fee shall be prorated for the first year by the number of months from installation through September 30th, and renewable thereafter on October 1st of each year. LICENSOR reserves the right to modify the amount of the annual fee with notice given at least six months prior to the October 1<sup>st</sup> renewal date. Provided, however, that if the LICENSEE affirmatively declares that it is an undue hardship to adjust the fee at such date, the adjustment will be deferred, without retroactivity, to the following October 1st.

**LICENSOR:**

**LICENSEE:**

By: \_\_\_\_\_  
SAM HOUSTON STATE UNIVERSITY

By: \_\_\_\_\_  
CITY OF KINGSVILLE  
Police Department

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Primary Contacts**

The primary contact shall be:

**LICENSOR:**

**LICENSEE:**

Director: Larry T. Hoover, Ph.D. \_\_\_\_\_

Name: \_\_\_\_\_

Phone: (936) 294-1636 \_\_\_\_\_

Phone: \_\_\_\_\_

Address: Police Research Center-Box 2296 \_\_\_\_\_

Address: \_\_\_\_\_

Sam Houston State University \_\_\_\_\_

Huntsville, TX 77341-2296 \_\_\_\_\_

Email: [larryhoover@shsu.edu](mailto:larryhoover@shsu.edu) \_\_\_\_\_

Email: \_\_\_\_\_

# **AGENDA ITEM #3**

**ORDINANCE NO. 2012-**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2011-2012 BUDGET FOR THE CO SERIES 2011 - GENERAL FUND CAPITAL PROJECTS FOR THE FIRE DEPARTMENT EXPENSES OF REMODELING AND UPGRADING FIRE STATION 2.**

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

**WHEREAS**, the sales tax revenues have come in higher than expected and budgeted for this fiscal year creating a surplus of funds that could cover this unexpected expense.

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>100,000</u>
					<u>100,000</u>

Other Sources/Uses

5-000 Fund Transfers	Transfer to Fund 065	394.65		<u>100,000</u>	
				<u>100,000</u>	

[To transfer to Fund 065 CO Series 2011 Fund - General for Fire Station 2 remodeling, electrical upgrades, new roof and repairs to the exterior of the building for FY2011-12 from Fund 001 General Fund FY11 fund balance surplus.]

**Fund 065    CO Series 2011 Fund - General**

Other Sources/Uses

4-000 Fund Transfers	Transfer from Fund 001	394.01		<u>100,000</u>	
				<u>100,000</u>	

Expenses

220.0 Fire	Building-GF portion	713.01		<u>100,000</u>	
				<u>100,000</u>	

[To transfer from Fund 001 General Fund FY11 fund balance surplus for Fire Station 2 remodeling, electrical upgrades, new roof and repairs to the exterior of the building for FY2011-12.]

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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 25th day of June, 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



# KINGSVILLE FIRE DEPARTMENT

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

DATE: June 12, 2012  
TO: City Commission through City Manager  
FROM: Roel Carrion, Interim Fire Chief  
SUBJECT: Fire Department Station II

## SUMMARY

This proposal is for the authorization of funds to purchase goods and services. We are looking to continue the city's beautification efforts and modernize the outward appearance of this 1950's era Fire Station located at 515 W. Armstrong.

## BACKGROUND

The current exterior conditions of Fire Station No. 2 are not consistent with its surrounding area. Fire Station No. 2 was built in the mid 1950's, and the building has not had any major renovations since the station was built. The exterior of the station is now made out of two different types of cinderblock. The original electrical service is not equipped to supply the proper voltage for the new equipment that is being purchased. The roof is a flat, tar and rock style roof that has been patched and repaired over the last several of years.

## RECOMMENDATION

We are recommending that Faux Poly Random Rock be placed around the bottom of the station's outer walls, with stucco to complete the upper part of the walls.

The electrical system must be brought up to the most recent adopted code.

Use a modified pitch roof system to upgrade the old roof section and have it match the new roof section over the new bays.

## FINANCIAL IMPACT

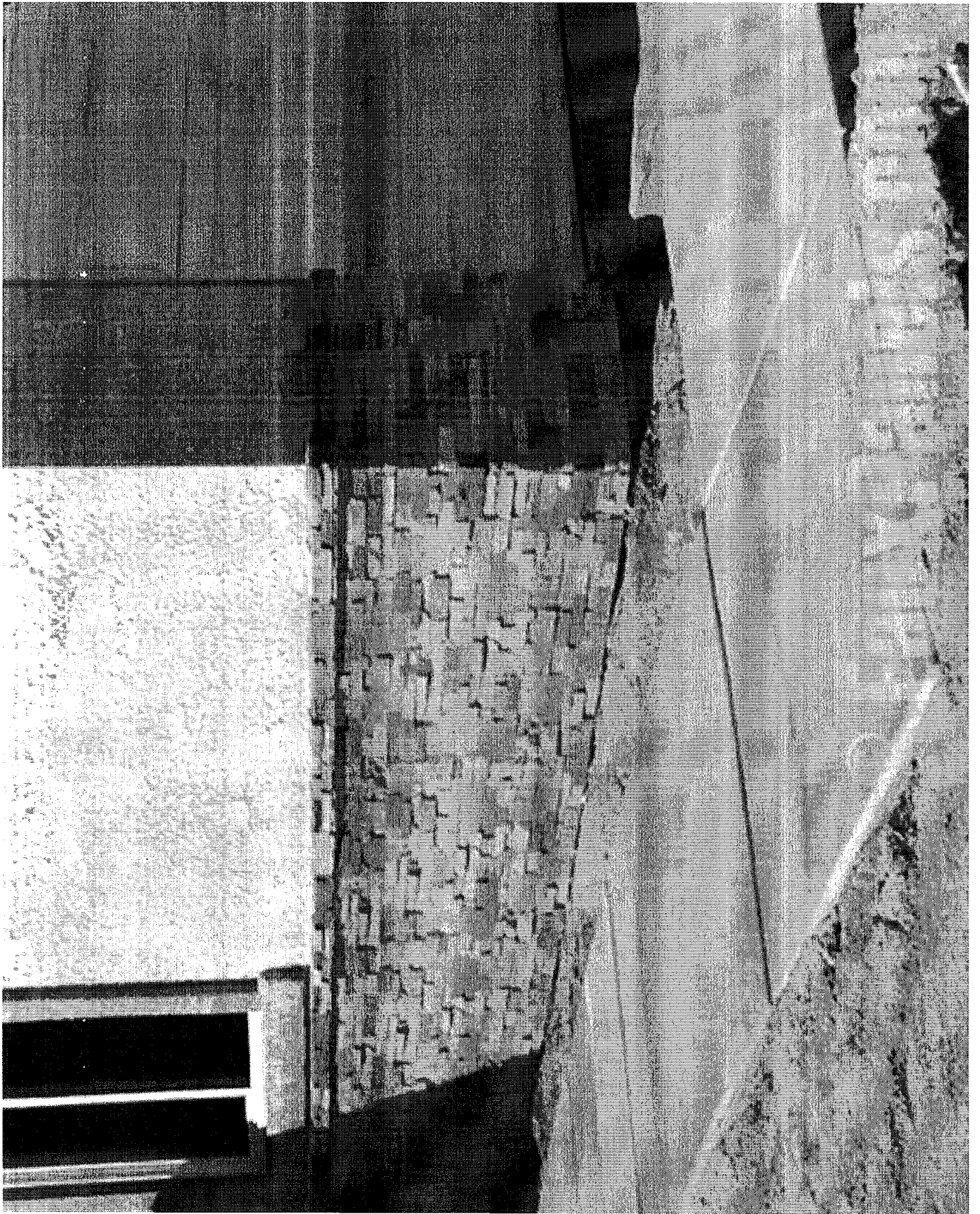
It is estimated that these actions will expend a total of \$60,000.00 to provide for exterior building enhancements.

Along with \$40,000.00, additional funds which would include \$10,000.00 for upgrading the electrical service, \$25,000.00, for new roofs, and \$2,500.00 for landscaping.

It is also recommended to set aside an additional \$2,500.00 in case of any unforeseen costs that may arise from this project. This will bring the total cost to \$100,000.00.

We ask that funding for these items come from the FY 2010-2011 surplus fund balance. Thank you for your consideration of this proposal.









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	FUND 065 CO Series 2011 - GF	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
Add: Tentative Arbitrage Contingent Liability Savings					3,453.00	99,803.00		103,256.00
Add: FY11 Inventory Adjustment (N>Note E)					(49,753.00)	56,735.00		6,982.00
Add: Funding from Fund 062 CO 2005						50,000.00		50,000.00
Add: Funding from Fund 054 Fund Balance						12,987.00		12,987.00
Adjusted Total Funding Sources					1,389,450.00	219,525.00	-	1,608,975.00
City Match for Certified Local Government (CLG) app					6,250.00			
Recycling Center/Community Appearance - fence slats					11,750.00			
Recycling Center/Community Appearance - exterior repairs					3,500.00			
Recycling Center/Community Appearance - landscaping					80,453.00			
Body armor replacement					17,000.00			
Building repairs					36,445.00			
Beautification project					4,616.00			
2 laptops					17,591.00			
2 power stretchers					2,200.00			
GIS equipment and server - GPS units					2,500.00	2,200.00		
GIS equipment and server - GIS software installation					3,825.00	2,500.00		
GIS equipment and server - GIS software					11,000.00	3,825.00		
GIS equipment and server - GIS server					269,378.00	11,000.00		
Street repaving - Aallsie					237,770.00			
Street repaving - Armstrong								
Total of Projects Presented at 2/13/12					(705,778.00)	(19,525.00)	-	(725,303.00)
Donations - KCVB					6,250.00			
Intergovernmental Revenue - Kieberg County					1,750.00			
Total Additional Revenue					8,000.00			8,000.00
KCVB Match for Certified Local Government (CLG) app					6,250.00			
Kieberg Ave engineering design-\$30K for TAMUK assistance					29,825.00			
Bunker gear (Note B)					45,971.00			
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 contribution for KKB landscaping at Yoakum St.					10,000.00			
Dumpster enclosure pilot program (Note D)					24,850.00			
Total of Projects Presented at 3/08/12					(34,850.00)			(34,850.00)
Total of Projects Presented at 3/08/12					(34,850.00)			(34,850.00)
Total of Projects Presented at 3/08/12					(34,850.00)			(34,850.00)
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Total of Projects Presented at 3/08/12					(34,850.00)			(34,850.00)
Total of Projects Presented at 3/08/12					(34,850.00)			(34,850.00)
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Total of Projects Presented at 3/08/12					(34,850.00)			(34,850.00)
Total of Projects Presented at 3/08/12					(34,850.00)			(34,850.00)
Total of Projects Presented at								

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

#	Agenda Item #	Date of Commission Meeting	GL Account #	Department	Project	FUND 091		FUND 054		FUND 065		Amount Available for Total Projects
						General Fund	Amount	Utility Fund	Amount	CO Series	2011 - GF	
#4	25	03/26/2012	091-5-160.1-591.00	Development Services	Corridor landscaping pilot program (Note D)	47,432.00						
	24	03/26/2012	091-5-170.2-711.00	PW - Sanitation	Public Works 1/2 ton Pickup incl light bars, etc. (Note B)	18,000.00						
	22	03/26/2012	091-5-170.2-711.00	PW - Sanitation	Public Works 1/2 ton Pickup incl light bars, etc. (Note B)	18,000.00						
	22	03/26/2012	091-5-303.0-711.00	PW - Garage	Public Works 1/2 ton Pickup incl light bars, etc. (Note B)	18,000.00						
	22	03/26/2012	091-5-303.0-711.00	PW - Garage	Public Works 1/2 ton Pickup incl light bars, etc. (Note B)	18,000.00						
	23	03/26/2012	091-5-305.0-711.00	PW - Street	Public Works 3/4 ton Utility Truck incl light bars, etc. (Note B)	33,616.00						
	14	03/26/2012	091-5-302.0-713.00	PW - Service Center	Public Works yard - welding shed (Note D)	23,080.00						
	15	03/26/2012	091-5-302.0-591.00	PW - Service Center	Public Works yard - auto gate opener (Note D)	5,490.00						
	16	03/26/2012	091-5-302.0-217.00	PW - Service Center	Public Works yard - pressure washer (Note D)	4,919.00						
	17	03/26/2012	091-5-302.0-591.00	PW - Service Center	Public Works yard - catwalk (Note D)	4,620.00						
	18	03/26/2012	091-5-302.0-591.00	PW - Service Center	Public Works yard - gas pump canopy (Note D)	28,519.00						
#5	19	03/26/2012	091-5-302.0-591.00	PW - Service Center	Public Works yard - fence slats (Note D)	8,440.00						
	20	03/26/2012	091-5-170.1-591.00	PW - Recycling Center	Fence slats, additional amount from original amount (Note D)	500.00						
	21	03/26/2012	091-5-170.1-591.00	PW - Recycling Center	Fence enclosure for after-hours recycling (Note B)	3,270.00						(231,886.00)
Total of Projects Presented at 3/26/12						(231,886.00)						
#6	10	04/09/2012	091-5-180.1-726.00	Purchasing/Finance	Upgrade time "clock" and attendance management system	67,408.00						(67,408.00)
	9				Total of Projects Presented at 4/09/12	(67,408.00)						
					Total of Projects Presented at 4/09/12	(67,408.00)						
#7	5	04/23/2012	091-5-450.0-591.00	Parks	Brookshire Pool renovations (Note B)	5,000.00			200,000.00			(205,000.00)
	10	04/23/2012	054-5-600.2-720.19	PW-Water Production	Water Well #19 pump house rehab (Note A)	(5,000.00)			(200,000.00)			
					Total of Projects Presented at 4/23/12	(5,000.00)			(200,000.00)			
#8	1	05/14/2012	091-5-160.1-314.00	Development Services	City contribution for KKB landscaping at Yoakum St. (Note D)	5,000.00						(5,000.00)
	17				Total of Projects Presented at 4/14/12	(5,000.00)						
					Total of Projects Presented at 4/14/12	(5,000.00)						
#9	3	06/25/2012	002-2-610.00	Sources-Fund Balance	Funding from FY11 Surplus transfer to Fund 065	(100,000.00)			100,000.00			
					Total Additional Revenue	(100,000.00)			100,000.00			
					Total Additional Revenue	(100,000.00)			100,000.00			
#9	8	06/25/2012	065-5-220.0-713.01	Fire	Sta 2 remodeling, electrical upgrades, new roof, exterior repairs (Notes B & C)				100,000.00			(100,000.00)
					Total of Projects Presented at 4/14/12				(100,000.00)			
					Total of Projects Presented at 4/14/12				(100,000.00)			
#9	18	07/09/2012	091-5-180.1-726.00	Finance	Incode Accounts Receivable Module (Note B)	9,000.00						(9,000.00)
					Total of Projects Presented at 4/14/12	(9,000.00)						
					Total of Projects Presented at 4/14/12	(9,000.00)						
Total Remaining Net Surplus						152,982.00			-			152,982.00

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	FUND 065 CO Series 2011 - GF	Amount Available for Total Projects
<b>Total Remaining Net Surplus</b>					152,982.00	-	-	152,982.00
<b>Other Projects to be Considered</b>								
N/A	N/A	TBD	City Manager	<b>Other Possible Projects</b>				
N/A	N/A	TBD	City Manager	City Match for Post Office Lot Upgrade	30,000.00			
N/A	N/A	TBD	Fire - Volunteer	HEB Canopy Relocation, Installation & Site Development	23,500.00			
N/A	N/A	TBD	Library	City Match for new garage bay adjacent to existing fire station	20,000.00			
N/A	N/A	TBD	PW - Street	Fix longstanding plumbing and A/C problems	56,040.00			
N/A	N/A	TBD		Parking lot 7th & Yoakum (Note D)	23,442.00			
<b>Total of Other Possible Projects</b>					(152,982.00)	-	-	(152,982.00)
<b>Net Total FY2011 Surplus (Deficit)</b>					-	-	-	-

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. Purchase of 4 1/2 ton pick up trucks and 1 utility truck for a total of \$106,000 for Public Works departments and the Recycling Center fence enclosure for after-hours recycling (\$3,270) requested on an email dated 2/14/12. Parks Dept. request from the City for 1/4 of the Brookshire Pool renovations.

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), (4) Recycling Center trailer (\$90,000), (5) Way finding (30,000) for Fire Station 2.

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 \$47,432 (\$12,568), (3) Health Dept. Scag mower from \$10,710 (new) to \$3,500 (repair existing one) (\$7,210) and (4) lower Public Works projects of the welding shed, auto gate opener, pressure washer, catwalk, gas pump canopy, and fence slats for a total of \$82,210 (\$12,090) and (5) additional amount for the fence slats at the Recycling Center from #1 above, since the quote was \$2,000; (6) Lower time clock and attendance management system for a total of \$67,408 (\$12,592); (7) Additional funds needed for the beautification project at Yoakum St. (8) Parking lot 7th & Yoakum reduced to \$32,442 (\$60,000-27,558).

Note E: The inventory adjustment is due to a physical year-end inventory taken September 30, 2011, in connection with year end audit.

# **AGENDA ITEM #4**

**ORDINANCE NO. 2012-**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2011-2012 BUDGET FOR THE GENERAL FUND FOR THE DEVELOPMENT SERVICES DEPARTMENT COMMUNITY APPEARANCE DIVISION TO FUND HAULING OF DEBRIS FOR NUISANCE ABATEMENT PROJECTS.**

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
<b>Fund 001</b>	<b>General Fund</b>				
<u>Revenues</u>					
4-305	Street	Paving Lien Principal	960.10	<u>10,000</u>	
				<u>10,000</u>	
<u>Expenses</u>					
160.3	Com Appearance	Comm. Appear. City/KWOP	345.00	<u>10,000</u>	
				<u>10,000</u>	

[To pay for the Community Appearance Division hauling expenses of nuisance abatement projects for FY2011-12.]

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 25th day of June, 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





## ***Engineering Department***

361-595-8007  
361-595-8035 Fax

DATE: June 15, 2012  
TO: City Commission through City Manager  
FROM: Naim Khan, Director of Public Works/City Engineer  
SUBJECT: Budget amendment for nuisance abatement

### **SUMMARY**

This item authorizes staff to have sufficient funding to use contractors for certain nuisance abatement clean-up projects on an as needed basis.

### **BACKGROUND**

Crews from different City Departments are involved in the nuisance abatement clean-ups. Staff already abated the 1<sup>st</sup> and 2<sup>nd</sup> – 10 worst properties and currently is working on the 3<sup>rd</sup> – 10 worst properties. Most of the properties are cleaned up by city crews using city equipment. We hire contractors only if we find a lot of concrete and trash or hazardous materials on the site. So far, we need contractors for 2 out of 25 properties. We anticipate using contractors for nuisance abatement cleaning on some of these properties later this fiscal year.

### **RECOMMENDATION**

Staff recommends proceeding with the approval of the proposed budget amendment.

### **FINANCIAL IMPACT**

Until the end of this Fiscal Year, the estimated cost to hire contractors for nuisance abatement is \$14,524. Some money already exists in the Community Appearance City/KWOP line item (Fund 001- General Fund line item 160.3.345.00). Staff is requesting additional funding in the amount of \$10,000 to cover this expense. This additional funding will come from payments on paving liens principal (Fund 001-General Fund line item 4-305-960.10).

Approved

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Vincent Capell, City Manager

# **AGENDA ITEM #5**

**ORDINANCE NO. 2012-**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2011-2012 BUDGET FOR THE GENERAL FUND FOR SOLID WASTE DEPARTMENT SANITATION COLLECTION FUEL AND VEHICLE MAINTENANCE EXPENSES.**

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

I.

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

**CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT**

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
<hr/>					
<b>Fund 001</b>		<b>General Fund</b>			
<u>Revenues</u>					
4-170	Solid Waste	Landfill Fees	811.00	47,073	
4-170	Solid Waste	Garbage Fees	812.00	<u>44,000</u>	
				<u>91,073</u>	
 <u>Expenses</u>					
170.2	Sanitation	Motor Gas & Oil	215.00	37,000	
170.2	Sanitation	Vehicle Maintenance	411.00	<u>54,073</u>	
				<u>91,073</u>	

[To pay for fuel and maintenance expenses for the City's garbage trucks for FY2011-12 from additional solid waste revenues.]

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 25th day of June, 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



## ***Engineering Department***

361-595-8007  
361-595-8035 Fax

DATE: June 15, 2012  
TO: City Commission through City Manager  
FROM: Naim Khan, Director of Public Works/City Engineer  
SUBJECT: Budget amendment for Sanitation Division – line item 001-5-170.2-215.00 (Motor Gas and Oil) and 001-5-170.2-411.00 (Vehicle/Machinery Maintenance)

### **SUMMARY**

This item authorizes the staffs to have enough funding for Motor Gas/ Oil and Vehicle/Machinery Maintenance for Sanitation Division for rest of this Fiscal Year.

### **BACKGROUND**

As of May 31, 2012 we have spent \$108,144.18 on vehicle maintenance on the 411 account. This is 106% of our budgeted amount of \$102,000.00 and we have four months to go in this year's budget. At this rate of spending on maintenance to keep our fleet operating we need another \$54,072.09 added to the current budget. The spending rate is \$13,518.02 per month because of the age of the newest vehicles and the constant use of the vehicles in the sanitation fleet. The only unusually high maintenance item absorbed in this year's budget was \$24,546.55 for a blown engine repair which ate up 24% of this year's budget. Assuming we experience no major repair problems like the blown engine, we should operate safely at the requested amount.

Again, as of May 31, 2012 we are shown using \$87,423.01 of \$115,000.00 budget in the 215 account or 76% of the budget and this includes fuel and oil only used through April 30, 2012. We still have five months left in the current budget. We are using \$12,489.01 worth of fuel and oil every month. The last five months would cost us \$62,445.00 at this rate. We request an additional \$37,000.00 be added to the current budget of \$115,600.00 to ensure that we account for current usage and small spikes in the cost of oil through the summer.

### **RECOMMENDATION**

Staff recommends proceeding with the approval of proposed budget amendment.

**FINANCIAL IMPACT**

Until the end of this Fiscal Year, the total request is \$91,073.09 for the line item 215 (\$37,000.00) and line item 411 (\$54,072.09). This money will come from Landfill fees (4-170-811.0) and Garbage fees (4-170-812.0)

Approved

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Vincent Capell, City Manager



# PUBLIC WORKS DEPARTMENT

DATE: June 20, 2012  
TO: City Commission through City Manager  
FROM: William Donnell, Asst. Director of Public Works  
SUBJECT: Projected Revenues for Garbage & Landfill Fees

The City of Kingsville will exceed its projected revenues for Garbage fees and Landfill fees due to better management practices.

Landfill fees are up due to high volume companies disposing more trash than projected.

Also due to NAS and TAMUK demolitions that are being disposed of at the Landfill.

Garbage fees are up due to more customers paying for the correct services they are receiving. Since drivers are rotated on routes we have placed numbers on the front of the commercial dumpsters to help the driver remember what day to empty the trash. New customers also play a role in the higher revenues.

Management is being proactive in making sure accounts are billed for services being rendered.

# **AGENDA ITEM #6**





**June 29, 2012**

**To: City Commission via City Manager**

**From: Robert R Trescott, Downtown & Special Projects Manager**

**Re: Request for City Support for Kingsville Historic Downtown District Association and Kingsville Main Street – Weekend event being developed in support of and building upon the King Ranch – Ranch Hand Breakfast; November 16-18, 2012**

Kingsville Historic Downtown District Association and Kingsville Main Street are working with the King Ranch, La Posada and others to develop a weekend of downtown activities that build upon the longstanding and successful Ranch Hand Breakfast, extending into the full weekend to provide more activities, to encourage longer visitor stays and to boost retail sales.

The activities might include:

- Extended hours for businesses and tourist destinations
- Retail specials
- Historical plays, story-telling, re-enactments and demonstrations
- Music and dance
- Food and beverages

They are requesting:

- Closures and control of downtown streets and public spaces
- Staff support: police, fire, health department, etc.
- Display of City trucks and equipment – “Touch the Trucks”

Costs are preliminarily estimated at \$2,000. Details are being developed.

# **(REGULAR AGENDA)**

# **AGENDA ITEM #7**



## BUILDING DEPARTMENT

City of Kingsville  
Phone: 361-595-8019 Fax: 361-595-8035

**CERTIFIED MAIL – RETURN RECEIPT #7011 0110 0000 4433 0317**

June 14, 2012

Jaime R Gonzalez EST Felicitas Gonzalez  
1406 Garth Dr.  
Killeen, TX 76541-24262

**Re: HEARING FOR PROPERTY AT 707 W Warren**

Dear Sir or Madam:

On February 27, 2012, a letter was sent from the City of Kingsville stating that your property located at 707 W Warren was a fire hazard or was dangerous to human life, or constitutes a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment such that the structures located thereon are unsafe and a nuisance. In that letter, you were further advised that you needed to repair or demolish the structures within a certain timeframe. As the timeframe has passed and the unsafe structures on your property have not been repaired or demolished, the structures on your property are being recommended for condemnation before the Kingsville City Commission.

You are hereby cited to appear before the City Commission at a public hearing on **Monday, July 9, 2012 at 6:00 p.m.** to show cause why such structures should not be condemned. You may appear in person, by agent or by counsel at the hearing. You will need to submit at the hearing proof of the scope of any work that may be required to comply with city ordinances and the time it will take to reasonably perform the work. The condemnation hearing is set for July 9, 2012.

The hearing will take place at the Alcorn Commission Chambers located on the first floor of City Hall, 200 E. Kleberg Avenue, Kingsville, Texas, during a regularly scheduled meeting of the City Commission.

If you have any questions about the condemnation process or how to get a building permit to fix the structures, please contact me at (361) 595-8019.

Sincerely,

Abel Carrillo  
Building Official

address 707 W. Warren		owner		date of inspctn 5-8-12	
inspector A		type of insp		Res type of building	
B=broken		P= pictures		R= needs repair	
M= missing		D= dirty		I= incomplete	
X=unacceptatle		H= hazard		O= out dated	
				A= abandoned,dilapidated	
				V= over grown	
				N= need repairs	
EXTERIOR		BATHROOM		other rm rt/ctr/lft ft/ctr/rr	
fence		present		lits/plgs	
yard		electricity		elec hzrds	
foundation		elec hazds		security	
skirt		security		windows	
walls		windows		ceiling	
roof		ceiling		walls	
ft door		walls		floors	
bk door		floors		smk detectr	
secured		commode		other rm rt/ctr/lft ft/ctr/rr	
windows		lavatory		lits/plgs	
stairs		tub/shower		elec hzrds	
porches		ventilation		security	
electric		Bedroom 1		rt/ctr/lft ft/ctr/rr	
plumbing		lits/plgs		ceiling	
gas		elec hzrds		walls	
trees		security		floors	
sidewalk		windows		smk detectr	
parking		ceiling		HEATER	
LIVN RM		walls		WTR HTR	
present		floors		VENTILATION	
electric		smk detectr		COOLING	
elec hzrds		Bedroom 2		rt/ctr/ft ft/ctr/rr	
secured		lits/plgs		PLUMBING	
windows		elec hzrds		SEWER TAP	
ceiling		security		WATER TAP	
walls		windows		ACCESS TO UNIT	
floor		ceiling		FIRE EXITS	
KITCHEN		walls		INFESTATION	
present		floors		GARBAGE	
electricity		smk detectr		DEBRIS	
elec hzrds		Bedroom 3		rt/ctr/lft ft/ctr/rr	
secured		lits/plgs		REFUSE DISPOSAL	
windows		elec hzrds		INTERIOR	
ceiling		security		HALLS	
walls		windows		STAIRS	
floor		ceiling		INTR HZRDS	
stove		walls		AIR QLTY	
refrigerator		floors		Structure has	
sink		smk detectr		Collapse	

As of Supplement # 0  
CKI - CITY OF KINGSVILLE

Geo ID Order

07/21/2011 12:22PM

Prop ID	Owner	%	Legal Description	Values			
11276	13914	100.00 R	Geo: 101101006000192 DIXON MYRTLE JEAN J 826 PINOAK DR GRAND PRAIRIE, TX 75052-652	Effective Acres: 0.000000 Imp HS: 0 Imp NHS: 6,970 Land HS: 0 Land NHS: 1,000 PLAT Prod Use: 0 Prod Mkt: 0 Market: 7,970 Prod Loss: 0 Appraised: 7,970 Cap: 0 Assessed: 7,970 Exemptions:			
			State Codes: A Situs: 723 W WARREN	Acres: 0.0000 Map ID: Mtg Cd: DBA:			
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable
CKI	CITY OF KINGSVILLE				7,970	0	7,970
12090	54923	100.00 R	Geo: 101101008000192 BAILEY SALLY M EST PO BOX 343 KINGSVILLE, TX 78364-0343	Effective Acres: 0.000000 Acres: 0.0000 Map ID: Mtg Cd: DBA:	Imp HS: 0 Imp NHS: 2,300 Land HS: 0 Land NHS: 1,000 PLAT Prod Use: 0 Prod Mkt: 0	Market: 3,300 Prod Loss: 0 Appraised: 3,300 Cap: 0 Assessed: 3,300 Exemptions:	
			State Codes: A Situs: 719 W WARREN				
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable
CKI	CITY OF KINGSVILLE				3,300	0	3,300
12891	12390	100.00 R	Geo: 101101010000192 BAILEY EDWARD PO BOX 343 KINGSVILLE, TX 78364-0343	Effective Acres: 0.000000 Acres: 0.0000 Map ID: Mtg Cd: DBA:	Imp HS: 0 Imp NHS: 0 Land HS: 0 Land NHS: 1,750 PLAT Prod Use: 0 Prod Mkt: 0	Market: 1,750 Prod Loss: 0 Appraised: 1,750 Cap: 0 Assessed: 1,750 Exemptions:	
			State Codes: C Situs: 715 W WARREN				
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable
CKI	CITY OF KINGSVILLE				1,750	0	1,750
22132	18548	100.00 R	Geo: 101101013000192 GONZALEZ JAIME R ETUX FELICITAS 1406 GARTH DR KILLEEN, TX 76541-2426	Effective Acres: 0.000000 Acres: 0.0000 Map ID: Mtg Cd: DBA:	Imp HS: 0 Imp NHS: 0 Land HS: 0 Land NHS: 750 PLAT Prod Use: 0 Prod Mkt: 0	Market: 750 Prod Loss: 0 Appraised: 750 Cap: 0 Assessed: 750 Exemptions:	
			State Codes: A Situs: 707 W WARREN				
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable
CKI	CITY OF KINGSVILLE				750	0	750
22891	33673	100.00 R	Geo: 101101015000192 BAILEY ROY D 1902 LONG BOW TRL EULESS, TX 76040-5717	Effective Acres: 0.000000 Acres: 0.0000 Map ID: Mtg Cd: DBA:	Imp HS: 0 Imp NHS: 0 Land HS: 0 Land NHS: 1,000 PLAT Prod Use: 0 Prod Mkt: 0	Market: 1,000 Prod Loss: 0 Appraised: 1,000 Cap: 0 Assessed: 1,000 Exemptions:	
			State Codes: C Situs: 701 W WARREN TX				
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable
CKI	CITY OF KINGSVILLE				1,000	0	1,000
23654	19452	100.00 R	Geo: 101101017000192 GUEVAS CANDIDA PO BOX 583 GREGORY, TX 78359-0583	Effective Acres: 0.000000 Acres: 0.0000 Map ID: Mtg Cd: DBA:	Imp HS: 0 Imp NHS: 0 Land HS: 0 Land NHS: 1,000 PLAT Prod Use: 0 Prod Mkt: 0	Market: 1,000 Prod Loss: 0 Appraised: 1,000 Cap: 0 Assessed: 1,000 Exemptions:	
			State Codes: C Situs: 700 W RAGLAND BLK TX				
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable
CKI	CITY OF KINGSVILLE				1,000	0	1,000
24430	19930	100.00 R	Geo: 101101019000192 PETTIS LILLIE MAE BEARDSLEY 712 W RAGLAND AVE KINGSVILLE, TX 78363-5213	Effective Acres: 0.000000 Acres: 0.0000 Map ID: Mtg Cd: DBA:	Imp HS: 25,960 Imp NHS: 0 Land HS: 2,000 Land NHS: 0 PLAT Prod Use: 0 Prod Mkt: 0	Market: 27,960 Prod Loss: 0 Appraised: 27,960 Cap: 0 Assessed: 27,960 Exemptions: HS,OV65	
			State Codes: A Situs: 712 W RAGLAND				
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable
CKI	CITY OF KINGSVILLE				27,960	8,400	19,560

# CONDEMNATION CHECKLIST

Property Address:

707 W Warren

Phone: \_\_\_\_\_

Property Owner:

Jaime R Gonzalez

Phone: \_\_\_\_\_

Owner's Address:

 Felicitas Gonzalez  
 1406 East Dr, Killeen TX  
 76541

Fax: \_\_\_\_\_

**BEGINNING  
DATE**
**ENDING  
DATE**
**ACTION**
☐ 2-27-12  
☐ 2-27-12

 2-27-12  
 2-27-12

1. Identify structure unfit for human habitation.

2. Inspect Property. (Building Official)

☐ a. Prepare inspection report.

☐ b. Photograph property.

☐ 2-29-12

2-27-12

3. Determine ownership from county assessment &amp; tax collection record.

☐ 2-27-12

2-27-12

4. Obtain legal description.

☐ 2-27-12

2-27-12

5. Obtain or complete title report to verify ownership &amp; other vested interests, such as mortgage holders, trustees, etc.

☐ 2-27-12

2-27-12

6. Send Notice of Violation &amp; copy of inspection report to property owner(s) of record. Request written response from owner within 10 days from Notice of Violation indicating action the owner intends to take within the next 30 days to correct substandard conditions.

Second Notice

3-14-12

3-14-12

4-26-12

4-26-12

☐ \_\_\_\_\_

\_\_\_\_\_

7. If response is not received or is not adequate, proceed as follows:

☐ \_\_\_\_\_

\_\_\_\_\_

8. Send 20-day pre notification letter owner(s) &amp; others with vested interest in property advising the date the property will be presented to City Council for consideration of condemnation.

☐ a. Owner unknown or whereabouts not known or such owner is a nonresident of Texas.

1) Post affidavit in newspaper twice a week for one week

☐ \_\_\_\_\_

\_\_\_\_\_

9. Post sign on property advising date the City Council will consider condemnation of structure.

☐ \_\_\_\_\_

\_\_\_\_\_







22. Send a letter & cost statement to the

Collections Department so they can send out bill.

Make copy of documents and send to the City

Attorney requesting a lien to be place on the  
property.

# CITY OF KINGSVILLE



P. O. BOX 1458 – KINGSVILLE, TEXAS 78364

February 27, 2012

JAIME R GONZALEZ  
ETUX FELICITAS  
1406 GARTH  
KILEEN TK 76541

**Re: 10<sup>TH</sup> ADDITION, BLOCK 10, LOT 14, E/2 13 707 W WARREN**

Dear Sir or Madam:

It has been determined that the structure at **707 W WARREN** is in a significant state of disrepair and creates a safety and health hazard to the surrounding area and the community at large. The structure is in direct violation to the City of Kingsville's Code of Ordinance § 15-1-165 Condemned Building or Structure; Specifications as adopted and as stated below.

## **§ 15-1-165 CONDEMNED BUILDING OR STRUCTURE; SPECIFICATIONS.**

(A) Any building or structure of any type of material, whether public or private property, existing within the city limits, which is determined to be unsafe for or dangerous to human occupancy, shall be declared and be and become a condemned building or structure.

(B) The condemned buildings or structures mentioned in division (A) shall be determined to be such under the following listed terms and conditions:

(1) Any building or structure which, for want of repair or by reason of age or dilapidated condition, or for any causes, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein.

(2) Any building or other structure which shall be determined to have a permanent or temporary plumbing condition existing in violation of the installation, maintenance and repair provisions of the City Plumbing Code presently duly enacted or to be duly enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Plumbing Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(3) Any building or other structure which shall be determined to have a permanent or temporary electrical installation condition existing in violation of the installation, maintenance or repair provisions of the City Electrical Code as it is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Electrical Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(4) Any building or structure which shall be determined to contain a faulty and defective structural condition existing in violation of the construction, maintenance and repair provisions of the City Building Code as is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the Building Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(5) Any building or structure which shall be determined to have a permanent or temporary sanitary condition existing in violation of the various health and sanitation ordinances duly enacted and to be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the sanitation ordinances to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

('62 Code, § 4-6-1)

AN INVESTIGATION HAS BEEN CONDUCTED ON THESE PREMISES FOR NON-COMPLIANCE WITH CITY ORDINANCES. YOU ARE HEREBY NOTIFIED THAT THESE VIOLATIONS LISTED MUST BE CORRECTED WITHIN THIRTY (30) CALENDAR DAYS FROM RECEIPT THIS LETTER.

WE MUST RECEIVE WRITTEN RESPONSE FROM YOU WITHIN TEN (10) DAYS **MARCH 02, 2012** FROM THIS NOTICE INDICATING THE ACTION YOU INTEND TO TAKE WITHIN THE NEXT THIRTY (30) DAYS TO CORRECT SUBSTANDARD CONDITIONS.

If these violations are not mitigated within thirty (30) calendar days of the date of this letter, a case will be processed through Municipal Court. If you should commit another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property.

Please provide proof of necessary permits and "passed" inspections for all reconstruction and/or repairs. Provide proof of proper disposal, i.e. landfill receipt or method used to remediate condemned structure.

If you need further information, please contact me at (361) 595-8019, Monday through Friday from 8:00 AM – 12:00 PM & 1:00 PM - 5:00 P.M.

Sincerely,



Abel Carrillo  
Building Official

# CITY OF KINGSVILLE



P. O. BOX 1458 – KINGSVILLE, TEXAS 78364

March 14, 2012

JAIME R GONZALEZ  
ETUX FELICITAS  
1406 GARTH  
KILEEN TK 76541

## SECOND NOTICE

**Re: 10<sup>TH</sup> ADDITION, BLOCK 10, LOT 14, E/2 13 707 W WARREN**

Dear Sir or Madam:

It has been determined that the structure at **707 W WARREN** is in a significant state of disrepair and creates a safety and health hazard to the surrounding area and the community at large. The structure is in direct violation to the City of Kingsville's Code of Ordinance § 15-1-165 Condemned Building or Structure; Specifications as adopted and as stated below.

### **§ 15-1-165 CONDEMNED BUILDING OR STRUCTURE; SPECIFICATIONS.**

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(1) Any building or structure which, for want of repair or by reason of age or dilapidated condition, or for any causes, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein.

(2) Any building or other structure which shall be determined to have a permanent or temporary plumbing condition existing in violation of the installation, maintenance and repair provisions of the City Plumbing Code presently duly enacted or to be duly enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Plumbing Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(3) Any building or other structure which shall be determined to have a permanent or temporary electrical installation condition existing in violation of the installation, maintenance or repair provisions of the City Electrical Code as it is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Electrical Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

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(5) Any building or structure which shall be determined to have a permanent or temporary sanitary condition existing in violation of the various health and sanitation ordinances duly enacted and to be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the sanitation ordinances to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

('62 Code, § 4-6-1)

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WE MUST RECEIVE WRITTEN RESPONSE FROM YOU WITHIN TEN (10) DAYS **MARCH 29, 2012** FROM THIS NOTICE INDICATING THE ACTION YOU INTEND TO TAKE WITHIN THE NEXT THIRTY (30) DAYS TO CORRECT SUBSTANDARD CONDITIONS.

If these violations are not mitigated within thirty (30) calendar days of the date of this letter, a case will be processed through Municipal Court. If you should commit another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property.

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If you need further information, please contact me at (361) 595-8019, Monday through Friday from 8:00 AM – 12:00 PM & 1:00 PM - 5:00 P.M.

Sincerely,

A handwritten signature in black ink, appearing to read 'Abel Carrillo', written over a horizontal line.

Abel Carrillo  
Building Official

# CITY OF KINGSVILLE



P. O. BOX 1458 – KINGSVILLE, TEXAS 78364

April 26, 2012

JAIME R GONZALEZ EST FELICITAS  
1406 GARTH DR  
KILLEEN, TX 76541

Re: 10<sup>TH</sup>, BLOCK 10, LOT E/2 13, 14

707 W WARREN

Dear Sir or Madam:

It has been determined that the structure at 707 W WARREN is in a significant state of disrepair and creates a safety and health hazard to the surrounding area and the community at large. The structure is in direct violation to the City of Kingsville's Code of Ordinance § 15-1-165 Condemned Building or Structure; Specifications as adopted and as stated below.

## **§ 15-1-165 CONDEMNED BUILDING OR STRUCTURE; SPECIFICATIONS.**

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('62 Code, § 4-6-1)

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WE MUST RECEIVE WRITTEN RESPONSE FROM YOU WITHIN TEN (10) DAYS FROM THIS NOTICE INDICATING THE ACTION YOU INTEND TO TAKE WITHIN THE NEXT THIRTY (30) DAYS TO CORRECT SUBSTANDARD CONDITIONS.

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Please provide proof of necessary permits and "passed" inspections for all reconstruction and/or repairs. Provide proof of proper disposal, i.e. landfill receipt or method used to remediate condemned structure.

If you need further information, please contact me at (361) 595-8019, Monday through Friday from 8:00 AM – 12:00 PM & 1:00 PM - 5:00 P.M.

Sincerely,

A handwritten signature in black ink, appearing to read 'Abel Carrillo', written over a horizontal line.

Abel Carrillo  
Building Official

## CITY OF KINGSVILLE

## BUILDING PERMIT

DATE RECEIVED 3-30-12

AMOUNT \$ \_\_\_\_\_

PROPERTY ADDRESS: 707 W John St

ISSUE TO: \_\_\_\_\_ PHONE #: \_\_\_\_\_

CONTRACTOR: \_\_\_\_\_ PHONE #: \_\_\_\_\_

PROJECT TYPE: \_\_\_\_\_ DESCRIPTION: \_\_\_\_\_

SQUARE FOOTAGE/DOLLAR VALUE: \_\_\_\_\_ RESIDENTIAL \_\_\_\_ COMMERCIAL \_\_\_\_

## FOR OFFICE USE ONLY

## INSPECTION REQUEST/REPORT

PERMIT #: \_\_\_\_\_ INSPECTION DATE: \_\_\_\_\_ TIME IN: \_\_\_\_\_ TIME OUT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TYPE OF INSPECTION: \_\_\_\_\_

GREEN TAG/PASS: \_\_\_\_\_ RED TAG/FAIL: X FAX TO AEP: YES OR NO  
FAX TO CPE: YES OR NO

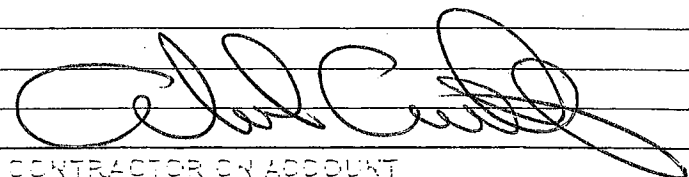
AEP PERMIT TYPE: 1. NEW SERVICE 2. TS CONST LOOP 3. UPGRADE/REBUILD

4. TEMP WORK CLEARANCE 5. WORKING CLEARANCE 6. FINAL CLEARANCE

AEP ESI #: 100327864 \_\_\_\_\_

Central Energy (CPE) PERMIT TYPE: 1. NEW SERVICE 2. RECONNECT

## NOTES:

No change

CONTRACTOR ON ACCOUNT

CONTRACTOR NAME: \_\_\_\_\_

ACCOUNT NUMBER: \_\_\_\_\_

ATTACHED





**707 W Warren**







**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*James R. Gonzalez  
1406 South Dr  
Killeen, TX 76541*

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature ☒ Agent  
*James R. Gonzalez* ☐ Addressee
- B. Received by (Printed Name) *James R. Gonzalez* C. Date of Delivery *1/30/12*
- D. Is delivery address different from item 1? ☐ Yes ☐ No  
 If YES, enter delivery address below:

3. Service Type  
☐ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

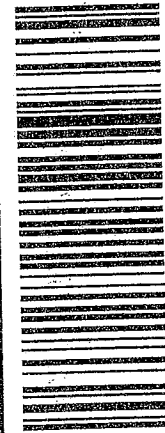
2 7010 0780 0000 7424 4473

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

CERTIFIED MAIL



7011 0110 0000 4431 6076

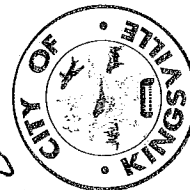
78364



030712  
Jami R Gonzalez  
Felicitas Gonzalez  
1406  
Kille

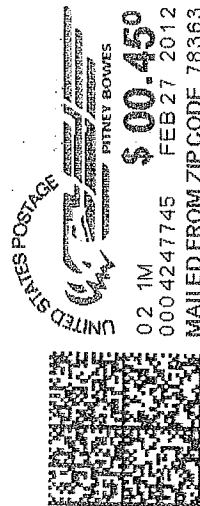
787 4E 1  
RETURN TO SENDER  
UNABLE TO FORWARD  
#0588-02408-27-42

78364142426



CITY OF KINGSVILLE

P.O. BOX 1458 - KINGSVILLE, TEXAS 78364



1407  
Jami R Gonzalez  
Felicitas Gonzalez  
1406  
Kille

787 4E 1  
RETURN TO SENDER  
UNABLE TO FORWARD  
#0488-12791-27-34

78364142426

# **AGENDA ITEM #8**



## BUILDING DEPARTMENT

City of Kingsville  
Phone: 361-595-8019 Fax: 361-595-8035

**CERTIFIED MAIL – RETURN RECEIPT #7011 0110 0000 4433 0324**

June 14, 2012

Tony Ydrogo Curtis  
415 E Henrietta.  
Kingsville, TX 78363

**Re: HEARING FOR PROPERTY AT 519 N 6th**

Dear Sir or Madam:

On February 27, 2012, a letter was sent from the City of Kingsville stating that your property located at 519 N 6th was a fire hazard or was dangerous to human life, or constitutes a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment such that the structures located thereon are unsafe and a nuisance. In that letter, you were further advised that you needed to repair or demolish the structures within a certain timeframe. As the timeframe has passed and the unsafe structures on your property have not been repaired or demolished, the structures on your property are being recommended for condemnation before the Kingsville City Commission.

You are hereby cited to appear before the City Commission at a public hearing on **Monday, July 9, 2012 at 6:00 p.m.** to show cause why such structures should not be condemned. You may appear in person, by agent or by counsel at the hearing. You will need to submit at the hearing proof of the scope of any work that may be required to comply with city ordinances and the time it will take to reasonably perform the work. The condemnation hearing is set for July 9, 2012.

The hearing will take place at the Alcorn Commission Chambers located on the first floor of City Hall, 200 E. Kleberg Avenue, Kingsville, Texas, during a regularly scheduled meeting of the City Commission.

If you have any questions about the condemnation process or how to get a building permit to fix the structures, please contact me at (361) 595-8019.

Sincerely,

Abel Carrillo  
Building Official

address	519 N. 6th	owner		date of inspctn	5-8-12
inspector	R	type of insp		Comm	type of building
B=broken		P= pictures		R= needs repair	A= abandoned, dilapidated
M= missing		D= dirty		I= incomplete	V= over grown
X=unacceptatle		H= hazard		O= out dated	N= need repairs
EXTERIOR		BATHROOM		other rm	rt/ctr/lft ft/ctr/rr
fence		present		lits/plgs	
yard		electricity		elec hzrds	
foundation		elec hazds		security	
skirt		security		windows	
walls	XB	windows		ceiling	
roof	XB	ceiling		walls	
ft door	/	walls		floors	
bk door	/	floors		smk detectr	
secured	/	commode		other rm	rt/ctr/lft ft/ctr/rr
windows	/	lavatory		lits/plgs	
stairs	NA	tub/shower		elec hzrds	
porches	X	ventilation		security	
electric	upside X	Bedroom 1	rt/ctr/lft	ft/ctr/rr	windows
plumbing	upside X	lits/plgs			ceiling
gas	upside X	elec hzrds			walls
trees	VX	security			floors
sidewalk	X cracked	windows			smk detectr
parking	X	ceiling			HEATER
LIVN RM	NA	walls			WTR HTR
present		floors			VENTILATION
electric		smk detectr			COOLING
elec hzrds		Bedroom 2	rt/ctr/lft	ft/ctr/rr	PLUMBING
secured		lits/plgs			SEWER TAP
windows		elec hzrds			WATER TAP
ceiling		security			ACCESS TO UNIT
walls		windows			FIRE EXITS
floor		ceiling			INFESTATION
KITCHEN	NA	walls			GARBAGE
present		floors			DEBRIS
electricity		smk detectr			REFUSE DISPOSAL
elec hzrds		Bedroom 3	rt/ctr/lft	ft/ctr/rr	INTERIOR
secured		lits/plgs			HALLS
windows		elec hzrds			STAIRS
ceiling		security			INTR HZRDs
walls		windows			AIR QLTY
floor		ceiling			
stove		walls			
refrigerator		floors			
sink		smk detectr			

Roof Collapsing  
Inside not inspected

## 2011 CERTIFIED APPRAISAL ROLL

As of Supplement # 0  
CKI - CITY OF KINGSVILLE

Geo ID Order

07/21/2011 12:19PM

Prop ID	Owner	%	Legal Description	Effective Acres:	Imp HS:	Market:	Values
13886	13123	100.00	R Geo: 100101131000192	0.000000	28,110	32,110	
	MARTINEZ MARIA C		ORIG TOWN, BLOCK 11, LOT 31, 32		Imp NHS: 0	Prod Loss: 0	
	PO BOX 546				Land HS: 4,000	Appraised: 32,110	
	KINGSVILLE, TX 78364-0546			Acres: 0.0000	Land NHS: 0	Cap: 0	
			State Codes: A	Map ID:	PLAT Prod Use: 0	Assessed: 32,110	
			Situs: 302 E ALICE	Mtg Cd:	Prod Mkt: 0	Exemptions: HS	
				DBA:			
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable
CKI	CITY OF KINGSVILLE				32,110	0	32,110
24893	53989	100.00	R Geo: 100101201000192	0.000000	Imp HS: 0	Market: 12,080	
	CURTIS TONI YDROGO		ORIG TOWN, BLOCK 12, LOT 1, 2, (APPLE HOUSE)		Imp NHS: 4,580	Prod Loss: 0	
	415 E HENRIETTA AVE				Land HS: 0	Appraised: 12,080	
	KINGSVILLE, TX 78363-3858			Acres: 0.0000	Land NHS: 7,500	Cap: 0	
			State Codes: F1	Map ID:	PLAT Prod Use: 0	Assessed: 12,080	
			Situs: 519 N 6TH ST	Mtg Cd:	Prod Mkt: 0	Exemptions:	
				DBA:			
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable
CKI	CITY OF KINGSVILLE				12,080	0	12,080
25641	15581	100.00	R Geo: 100101203000192	0.000000	Imp HS: 0	Market: 3,500	
	SOLIZ ARMELA L		ORIG TOWN, BLOCK 12, LOT 3, 4		Imp NHS: 0	Prod Loss: 0	
	PO BOX 1826				Land HS: 0	Appraised: 3,500	
	KINGSVILLE, TX 78364-1826			Acres: 0.0000	Land NHS: 3,500	Cap: 0	
			State Codes: C	Map ID:	PLAT Prod Use: 0	Assessed: 3,500	
			Situs: 205 E RICHARD	Mtg Cd:	Prod Mkt: 0	Exemptions:	
				DBA:			
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable
CKI	CITY OF KINGSVILLE				3,500	0	3,500
10354	10340	100.00	R Geo: 100101205000192	0.000000	Imp HS: 0	Market: 5,250	
	PINA GREGORIO JR		ORIG TOWN, BLOCK 12, LOT 5, 6, 7		Imp NHS: 0	Prod Loss: 0	
	4017 JUAREZ AVE				Land HS: 0	Appraised: 5,250	
	LAREDO, TX 78041-4221			Acres: 0.0000	Land NHS: 5,250	Cap: 0	
			State Codes: C	Map ID:	PLAT Prod Use: 0	Assessed: 5,250	
			Situs: 207 E RICHARD	Mtg Cd:	Prod Mkt: 0	Exemptions:	
				DBA:			
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable
CKI	CITY OF KINGSVILLE				5,250	0	5,250
19622	17006	100.00	R Geo: 100101208000192	0.000000	Imp HS: 11,900	Market: 15,400	
	GAITAN RAMONA S		ORIG TOWN, BLOCK 12, LOT 8, 9		Imp NHS: 0	Prod Loss: 0	
	217 E RICHARD AVE				Land HS: 3,500	Appraised: 15,400	
	KINGSVILLE, TX 78363-4525			Acres: 0.0000	Land NHS: 0	Cap: 0	
			State Codes: A	Map ID:	PLAT Prod Use: 0	Assessed: 15,400	
			Situs: 217 E RICHARD	Mtg Cd:	Prod Mkt: 0	Exemptions: HS,OV65	
				DBA:			
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable
CKI	CITY OF KINGSVILLE				15,400	8,400	7,000
20414	15581	100.00	R Geo: 100101210000192	0.000000	Imp HS: 0	Market: 2,250	
	SOLIZ ARMELA L		ORIG TOWN, BLOCK 12, LOT 10		Imp NHS: 500	Prod Loss: 0	
	PO BOX 1826				Land HS: 0	Appraised: 2,250	
	KINGSVILLE, TX 78364-1826			Acres: 0.0000	Land NHS: 1,750	Cap: 0	
			State Codes: F1	Map ID:	PLAT Prod Use: 0	Assessed: 2,250	
			Situs: 227 E RICHARD TX	Mtg Cd:	Prod Mkt: 0	Exemptions:	
				DBA:			
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable
CKI	CITY OF KINGSVILLE				2,250	0	2,250
12696	12242	100.00	R Geo: 100101211000192	0.000000	Imp HS: 0	Market: 6,970	
	GARZA FELIPE M		ORIG TOWN, BLOCK 12, LOT 11		Imp NHS: 5,220	Prod Loss: 0	
	627 W B AVE				Land HS: 0	Appraised: 6,970	
	KINGSVILLE, TX 78363-3613			Acres: 0.0000	Land NHS: 1,750	Cap: 0	
			State Codes: A,F1	Map ID:	PLAT Prod Use: 0	Assessed: 6,970	
			Situs: 219 E RICHARD TX	Mtg Cd:	Prod Mkt: 0	Exemptions:	
				DBA:			
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable
CKI	CITY OF KINGSVILLE				6,970	0	6,970



# CONDEMNATION CHECKLIST

Property Address: 519 N 6th

Phone: \_\_\_\_\_

Property Owner: Tony Curtis Ydrupe

Phone: \_\_\_\_\_

Owner's Address: 415 E Kennett

Fax: \_\_\_\_\_

Kingsville TX 78363

BEGINNING DATE	ENDING DATE	ACTION
<input type="checkbox"/> <u>2-27-12</u>	<u>2-27-12</u>	1. Identify structure unfit for human habitation.
<input type="checkbox"/> <u>2-27-12</u>	<u>2-27-12</u>	2. Inspect Property. (Building Official)
		<input type="checkbox"/> a. Prepare inspection report.
		<input type="checkbox"/> b. Photograph property.
<input type="checkbox"/> <u>2-27-12</u>	<u>2-27-12</u>	3. Determine ownership from county assessment & tax collection record.
<input type="checkbox"/> <u>2-27-12</u>	<u>2-27-12</u>	4. Obtain legal description.
<input type="checkbox"/> <u>2-27-12</u>	<u>2-27-12</u>	5. Obtain or complete title report to verify ownership & other vested interests, such as mortgage holders, trustees, etc.
<input type="checkbox"/> <u>2-27-12</u>	<u>2-27-12</u>	6. Send Notice of Violation & copy of inspection report to property owner(s) of record. Request written response from owner within 10 days from Notice of Violation indicating action the owner intends to take within the next 30 days to correct substandard conditions.
<input type="checkbox"/> _____	_____	7. If response is not received or is not adequate, proceed as follows:
<input type="checkbox"/> _____	_____	8. Send 20-day pre notification letter owner(s) & others with vested interest in property advising the date the property will be presented to City Council for consideration of condemnation.
		<input type="checkbox"/> a. Owner unknown or whereabouts not known or such owner is a nonresident of Texas.
<input type="checkbox"/> _____	_____	1) Post affidavit in newspaper twice a week for one week
<input type="checkbox"/> _____	_____	9. Post sign on property advising date the City Council will consider condemnation of structure.

3-5-12 had meeting with owner to explain what repairs need to be done  
3-14-12 second notice  
4-13-12 4-13-12 - Third notice

<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____

10. Photograph posted sign.

11. Prepare information packet for each City

Council member, plus one each for City Manager,  
City Attorney & City Secretary consisting of

☐ a. Location Map

☐ b. Photographs of the structure

☐ c. Inspection report

☐ d. Pre-condemnation notice

☐ e. Condemnation resolution

12. Place condemnation action resolution &

supporting documentation for placement on the  
City Council agenda.

13. City Council adopts condemnation resolution.

14. File Notice of Condemnation with the County  
Clerk.

15. Send owner(s) & other vested interests the  
following:

☐ a. Copy of the City Council resolution.

☐ b. 45-day order to demolish

16. Post 45-day Order to Demolish on structure.

17. Evaluate status of owner's action on 46<sup>th</sup> day  
after Order of Demolition was issued. If no action  
taken by owner, proceed with demolition.

18. Photograph posted notice.

19. Notify utility companies to disconnect &  
remove services from structure for safe  
demolition.

20. Issue Notice to Proceed to Public Works Dir.

21. Prepare demolition cost statement consisting of:

☐ a. Mailing fees

☐ b. Publication fees

☐ c. Demolition costs

☐ d. Landfill tipping fees

☐ e. Filing fees

☐ f. Administrative fees

☐ g. Any documentation miscellaneous costs



22. Send a letter & cost statement to the

Collections Department so they can send out bill.

Make copy of documents and send to the City

Attorney requesting a lien to be place on the  
property.

# CITY OF KINGSVILLE



P. O. BOX 1458 – KINGSVILLE, TEXAS 78364

February 27, 2012

TONY CURTIS YDROGO  
415 E HENRIETTA  
KINGSVILLE TEXAS 78363

**Re: ORIGINAL TOWN, BLOCK 12, LOT 1, 2    519 N 6TH**

Dear Sir or Madam:

It has been determined that the structure at **519 N 6TH** is in a significant state of disrepair and creates a safety and health hazard to the surrounding area and the community at large. The structure is in direct violation to the City of Kingsville's Code of Ordinance § 15-1-165 Condemned Building or Structure; Specifications as adopted and as stated below.

**§ 15-1-165 CONDEMNED BUILDING OR STRUCTURE; SPECIFICATIONS.**

(A) Any building or structure of any type of material, whether public or private property, existing within the city limits, which is determined to be unsafe for or dangerous to human occupancy, shall be declared and be and become a condemned building or structure.

(B) The condemned buildings or structures mentioned in division (A) shall be determined to be such under the following listed terms and conditions:

(1) Any building or structure which, for want of repair or by reason of age or dilapidated condition, or for any causes, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein.

(2) Any building or other structure which shall be determined to have a permanent or temporary plumbing condition existing in violation of the installation, maintenance and repair provisions of the City Plumbing Code presently duly enacted or to be duly enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Plumbing Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(3) Any building or other structure which shall be determined to have a permanent or temporary electrical installation condition existing in violation of the installation, maintenance or repair provisions of the City Electrical Code as it is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Electrical Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(4) Any building or structure which shall be determined to contain a faulty and defective structural condition existing in violation of the construction, maintenance and repair provisions of the City Building Code as is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the Building Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(5) Any building or structure which shall be determined to have a permanent or temporary sanitary condition existing in violation of the various health and sanitation ordinances duly enacted and to be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the sanitation ordinances to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

('62 Code, § 4-6-1)

AN INVESTIGATION HAS BEEN CONDUCTED ON THESE PREMISES FOR NON-COMPLIANCE WITH CITY ORDINANCES. YOU ARE HEREBY NOTIFIED THAT THESE VIOLATIONS LISTED MUST BE CORRECTED WITHIN THIRTY (30) CALENDAR DAYS FROM RECEIPT THIS LETTER.

WE MUST RECEIVE WRITTEN RESPONSE FROM YOU WITHIN TEN (10) DAYS **MARCH 8, 2012** FROM THIS NOTICE INDICATING THE ACTION YOU INTEND TO TAKE WITHIN THE NEXT THIRTY (30) DAYS TO CORRECT SUBSTANDARD CONDITIONS.

If these violations are not mitigated within thirty (30) calendar days of the date of this letter, a case will be processed through Municipal Court. If you should commit another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property.

Please provide proof of necessary permits and "passed" inspections for all reconstruction and/or repairs. Provide proof of proper disposal, i.e. landfill receipt or method used to remediate condemned structure.

If you need further information, please contact me at (361) 595-8019, Monday through Friday from 8:00 AM – 12:00 PM & 1:00 PM - 5:00 P.M.

Sincerely,



Abel Carrillo  
Building Official

# CITY OF KINGSVILLE



P. O. BOX 1458 – KINGSVILLE, TEXAS 78364

March 14, 2012

TONY CURTIS YDROGO  
415 E HENRIETTA  
KINGSVILLE TEXAS 78363

## SECOND NOTICE

**Re: ORIGINAL TOWN, BLOCK 12, LOT 1, 2 519 N 6TH**

Dear Sir or Madam:

It has been determined that the structure at **519 N 6TH** is in a significant state of disrepair and creates a safety and health hazard to the surrounding area and the community at large. The structure is in direct violation to the City of Kingsville's Code of Ordinance § 15-1-165 Condemned Building or Structure; Specifications as adopted and as stated below.

### **§ 15-1-165 CONDEMNED BUILDING OR STRUCTURE; SPECIFICATIONS.**

(A) Any building or structure of any type of material, whether public or private property, existing within the city limits, which is determined to be unsafe for or dangerous to human occupancy, shall be declared and be and become a condemned building or structure.

(B) The condemned buildings or structures mentioned in division (A) shall be determined to be such under the following listed terms and conditions:

(1) Any building or structure which, for want of repair or by reason of age or dilapidated condition, or for any causes, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein.

(2) Any building or other structure which shall be determined to have a permanent or temporary plumbing condition existing in violation of the installation, maintenance and repair provisions of the City Plumbing Code presently duly enacted or to be duly enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Plumbing Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(3) Any building or other structure which shall be determined to have a permanent or temporary electrical installation condition existing in violation of the installation, maintenance or repair provisions of the City Electrical Code as it is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Electrical Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(4) Any building or structure which shall be determined to contain a faulty and defective structural condition existing in violation of the construction, maintenance and repair provisions of the City Building Code as is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the Building Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(5) Any building or structure which shall be determined to have a permanent or temporary sanitary condition existing in violation of the various health and sanitation ordinances duly enacted and to be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the sanitation ordinances to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

('62 Code, § 4-6-1)

AN INVESTIGATION HAS BEEN CONDUCTED ON THESE PREMISES FOR NON-COMPLIANCE WITH CITY ORDINANCES. YOU ARE HEREBY NOTIFIED THAT THESE VIOLATIONS LISTED MUST BE CORRECTED WITHIN THIRTY (30) CALENDAR DAYS FROM RECEIPT THIS LETTER.

WE MUST RECEIVE WRITTEN RESPONSE FROM YOU WITHIN TEN (10) DAYS **MARCH 29, 2012** FROM THIS NOTICE INDICATING THE ACTION YOU INTEND TO TAKE WITHIN THE NEXT THIRTY (30) DAYS TO CORRECT SUBSTANDARD CONDITIONS.

If these violations are not mitigated within thirty (30) calendar days of the date of this letter, a case will be processed through Municipal Court. If you should commit another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property.

Please provide proof of necessary permits and "passed" inspections for all reconstruction and/or repairs. Provide proof of proper disposal, i.e. landfill receipt or method used to remediate condemned structure.

If you need further information, please contact me at (361) 595-8019, Monday through Friday from 8:00 AM – 12:00 PM & 1:00 PM - 5:00 P.M.

Sincerely,



Abel Carrillo  
Building Official

## BUILDING PERMIT

DATE RECEIVED

PROPERTY ADDRESS:

AMOUNT \$ \_\_\_\_\_

ISSUE TO:

CONTRACTOR:

PROJECT TYPE:

SQUARE FOOTAGE/DOLLAR VALUE:

RESIDENTIAL \_ COMMERCIAL\_

INSPECTION REQUEST/REPORT

PERMIT #:

INSPECTION DATE:

TIME IN:

TIME OUT:

ADDRESS:

TYPE OF INSPECTION:

GREEN TAG/PASS:

RED TAG/FAIL:

FAX TO AEP:

FAX TO CPE:

REP RMT TYPE:

## 1. NEW SERVICE

## 2. TS CONST LOOP

### 3. UPGRADE/REBUILD

#### 4. TEST WORK CLEARANCE

## 5. WORKING CLEARANCE

## 6. FINAL CLEARANCE

AEP ESI #: 100327854

Central Joint Energy (CPE) PERMIT TYPE:

## 1. NEW SERVICE

## 2. RECONNECT

NOTES:

Removed front overhang

CONTRACTOR ON ACCOUNT

CONTRACT VALUE

2005-06-01

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED



# CITY OF KINGSVILLE



P. O. BOX 1458 – KINGSVILLE, TEXAS 78364

April 13, 2012

TONY CURTIS YDROGO  
415 E HENRIETTA  
KINGSVILLE TEXAS 78363

## THIRD NOTICE

**Re: ORIGINAL TOWN, BLOCK 12, LOT 1, 2 519 N 6TH**

Dear Sir or Madam:

It has been determined that the structure at **519 N 6TH** is in a significant state of disrepair and creates a safety and health hazard to the surrounding area and the community at large. The structure is in direct violation to the City of Kingsville's Code of Ordinance § 15-1-165 Condemned Building or Structure; Specifications as adopted and as stated below.

### **§ 15-1-165 CONDEMNED BUILDING OR STRUCTURE; SPECIFICATIONS.**

(A) Any building or structure of any type of material, whether public or private property, existing within the city limits, which is determined to be unsafe for or dangerous to human occupancy, shall be declared and be and become a condemned building or structure.

(B) The condemned buildings or structures mentioned in division (A) shall be determined to be such under the following listed terms and conditions:

(1) Any building or structure which, for want of repair or by reason of age or dilapidated condition, or for any causes, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein.

(2) Any building or other structure which shall be determined to have a permanent or temporary plumbing condition existing in violation of the installation, maintenance and repair provisions of the City Plumbing Code presently duly enacted or to be duly enacted, from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Plumbing Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(3) Any building or other structure which shall be determined to have a permanent or temporary electrical installation condition existing in violation of the installation, maintenance or repair provisions of the City Electrical Code as it is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Electrical Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(4) Any building or structure which shall be determined to contain a faulty and defective structural condition existing in violation of the construction, maintenance and repair provisions of the City Building Code as is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the Building Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(5) Any building or structure which shall be determined to have a permanent or temporary sanitary condition existing in violation of the various health and sanitation ordinances duly enacted and to be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the sanitation ordinances to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

('62 Code, § 4-6-1)

AN INVESTIGATION HAS BEEN CONDUCTED ON THESE PREMISES FOR NON-COMPLIANCE WITH CITY ORDINANCES; Chapter 15 Article 1, Sections 97, 98, 100. YOU ARE HEREBY NOTIFIED THAT THESE VIOLATIONS LISTED BELOW MUST BE CORRECTED WITHIN TWENTY-ONE (21) CALENDAR DAYS FROM RECEIPT THIS LETTER.

- The roof, which is in despair and allows moisture penetration
- The siding, which is in despair and allows moisture penetration
- The sign, which is obsolete and in disrepair

WE MUST RECEIVE WRITTEN RESPONSE FROM YOU OUTLINING THE REPAIRS AND THE SCHEDULE OF WORK TO BE MADE WITHIN TEN (10) DAYS **APRIL 23, 2012** FROM THIS NOTICE INDICATING THE ACTION YOU INTEND TO TAKE WITHIN THE NEXT TWENTY-ONE (21) DAYS TO CORRECT SUBSTANDARD CONDITIONS.

If these violations are not mitigated within twenty-one (21) calendar days (MAY 4, 2012) of the date of this letter, a case will be processed through Municipal Court. If you should commit another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property.

For your information we have attached of our non- residential code

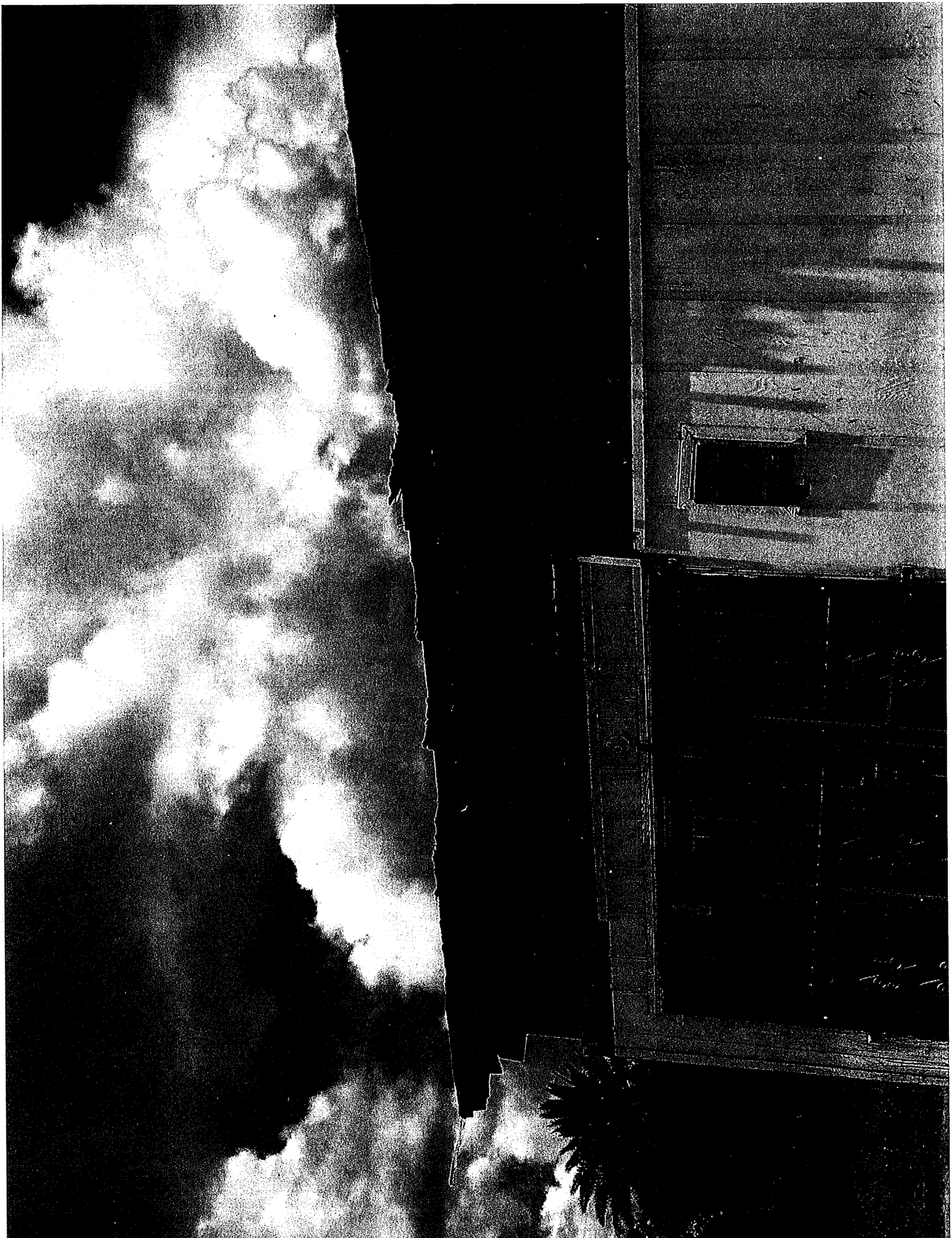
Please provide proof of necessary permits and "passed" inspections for all reconstruction and/or repairs. Provide proof of proper disposal, i.e. landfill receipt or method used to remediate condemned structure.

If you need further information, please contact me at (361) 595-8019, Monday through Friday from 8:00 AM - 12:00 PM & 1:00 PM - 5:00 P.M.

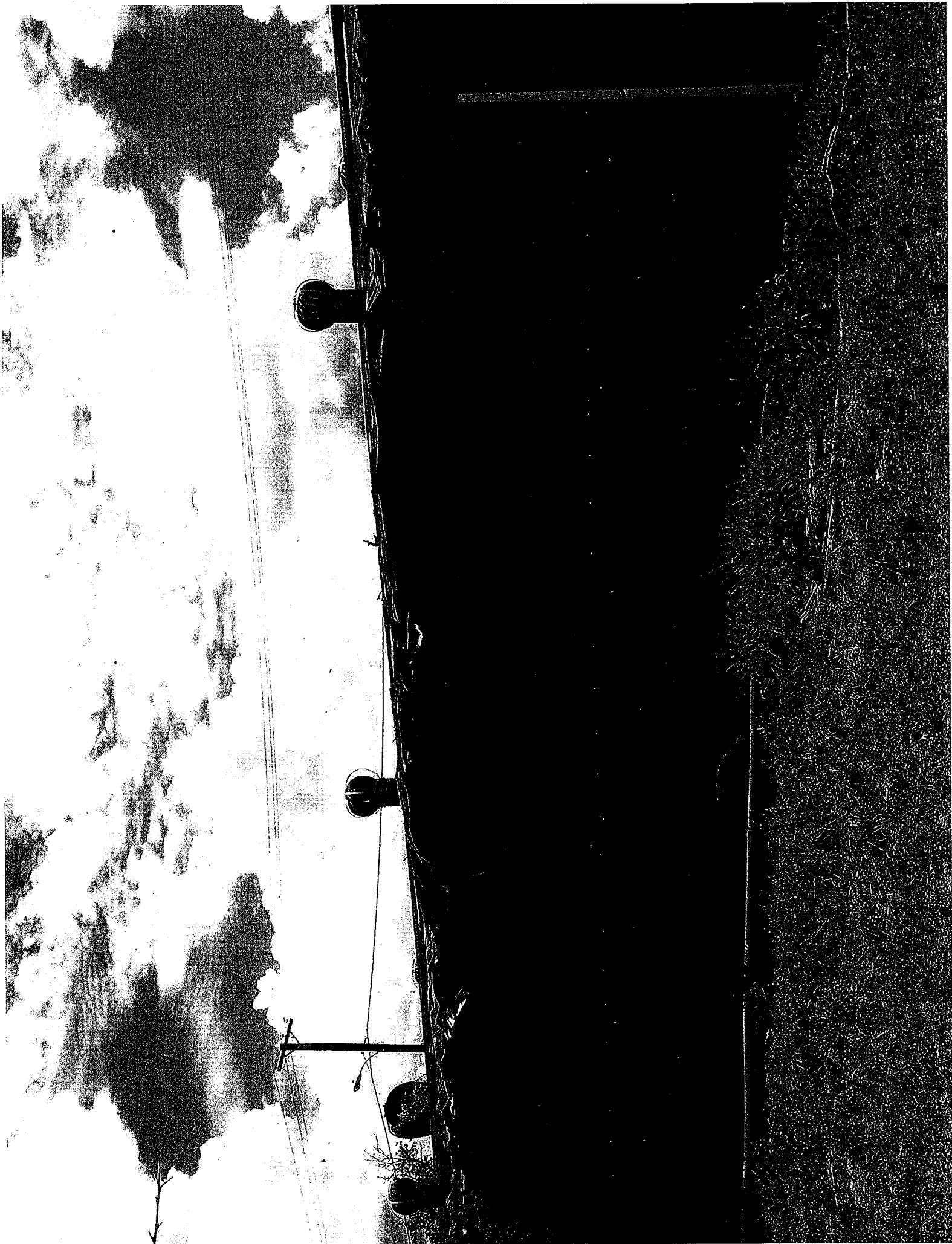
Sincerely,

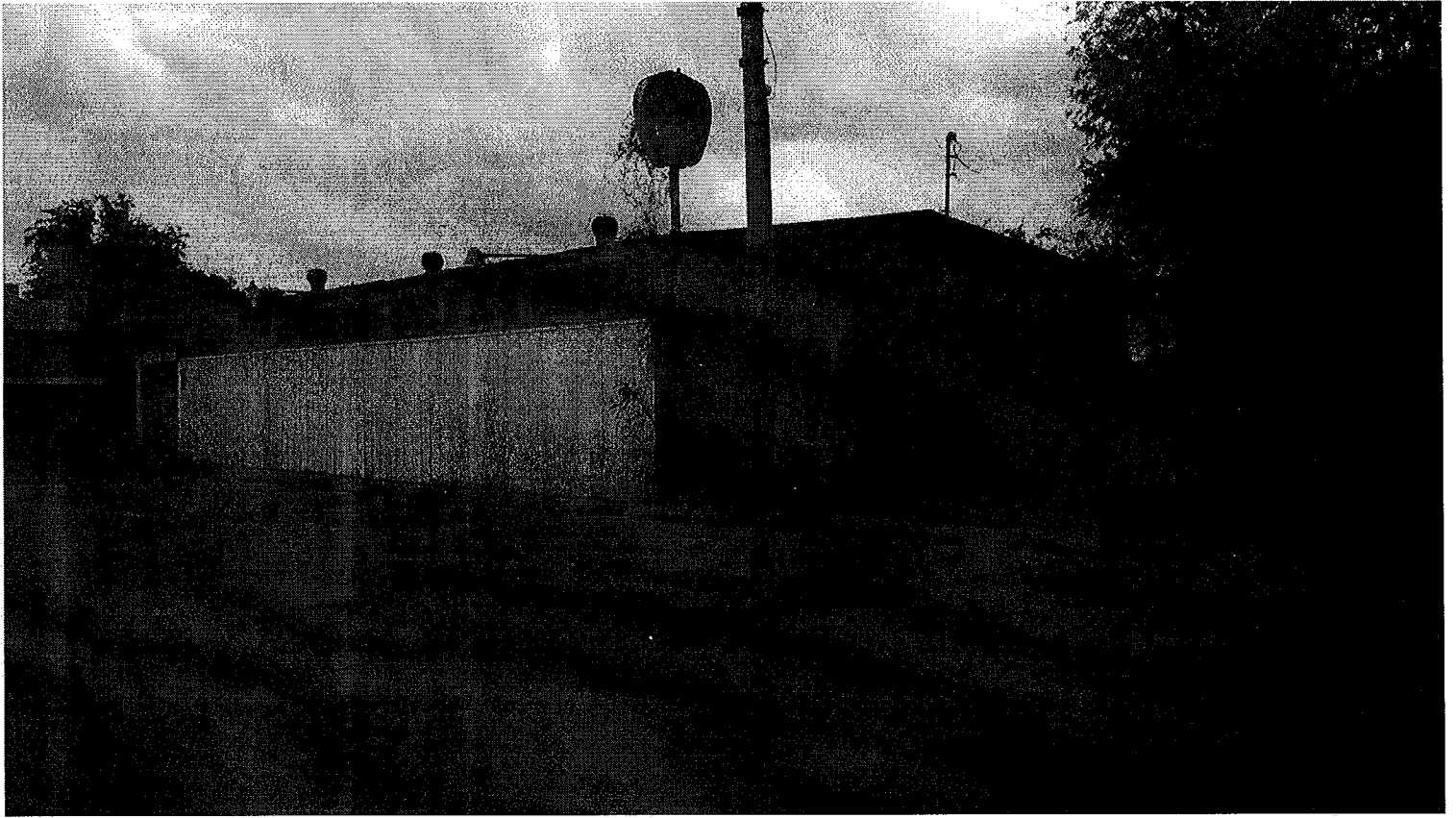
A handwritten signature in cursive script, reading "Abel Carrillo". The signature is written in dark ink and is positioned above a horizontal line.

Abel Carrillo  
Building Official





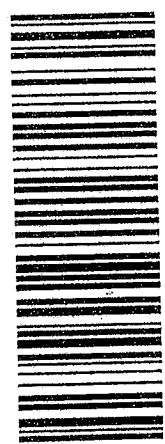




519 N. 6<sup>th</sup>







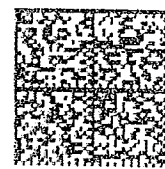
7011 0110 0000 4431 5427

CERTIFIED MAIL

Thi Ylang Cuto  
415 E Henricks  
Kingsville, TX 78363

020412

TEXAS 78364



UNITED STATES POSTAGE  
\$05.59  
000424745 DEC 16 2011  
MAILED FROM ZIP CODE 78363

UNC

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Tony Cutas Ylang  
415 E Henricks  
Kingsville, TX 78363

COMPLETE THIS SECTION ON DELIVERY

A. Signature X [Signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) Tony Cutas C. Date of Delivery 04/01/12

D. Is delivery address different from item 1? ☐ Yes ☒ No

If YES, enter delivery address below:

3. Service Type

☐ Certified Mail ☐ Express Mail

☐ Registered ☐ Return Receipt for Merchandise

☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

2. Article (Transit) 7011 0110 0000 4431 5427

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tommy Charles Young  
415 E. Henricks  
Kempville, TX 78363

7011 0110 0000 4431 6045

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

A. Signature ☒ Agent  
X Tony Y. Curtis ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery  
02/01/12

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type  
☐ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

3/5

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mykatis Yango  
415 E. Bennett  
Kingsville, TX 78363

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature ☒ Agent ☐ Addressee
- B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. 7010 0780 0000 7424 4343

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

# **AGENDA ITEM #9**



## BUILDING DEPARTMENT

City of Kingsville  
Phone: 361-595-8019 Fax: 361-595-8035

**CERTIFIED MAIL – RETURN RECEIPT #7011 0110 0000 4433 0348**

June 14, 2012

Swartz & Brough, Inc.  
2600 Villa Fortuna  
Austin, TX 78746

**Re: HEARING FOR PROPERTY AT 624 W Johnston**

Dear Sir or Madam:

On February 22, 2012, a letter was sent from the City of Kingsville stating that your property located at 624 W Johnston was a fire hazard or was dangerous to human life, or constitutes a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment such that the structures located thereon are unsafe and a nuisance. In that letter, you were further advised that you needed to repair or demolish the structures within a certain timeframe. As the timeframe has passed and the unsafe structures on your property have not been repaired or demolished, the structures on your property are being recommended for condemnation before the Kingsville City Commission.

You are hereby cited to appear before the City Commission at a public hearing on **Monday, July 9, 2012 at 6:00 p.m.** to show cause why such structures should not be condemned. You may appear in person, by agent or by counsel at the hearing. You will need to submit at the hearing proof of the scope of any work that may be required to comply with city ordinances and the time it will take to reasonably perform the work. The condemnation hearing is set for July 9, 2012.

The hearing will take place at the Alcorn Commission Chambers located on the first floor of City Hall, 200 E. Kleberg Avenue, Kingsville, Texas, during a regularly scheduled meeting of the City Commission.

If you have any questions about the condemnation process or how to get a building permit to fix the structures, please contact me at (361) 595-8019.

Sincerely,

Abel Carrillo  
Building Official



# COMMUNITY APPEARANCE DIVISION

---

**TO:** Courtney Alvarez, City of Kingsville Attorney

**FROM:** Jennifer Bernal, Community Appearance Supervisor  
Abel Carrillo, Building Official

**SUBJECT:** Unsafe, Dangerous Structures

**DATE:** June 6, 2012

---

The property located at 624 W Johnston has been deemed abandoned and uninhabitable by the City of Kingsville Building Official. Notices have been sent to property owner, however property owner's mailing address is 624 W Johnston. An attempt was made to the previous owners, Judy and/or Denise, to ask if they had any contact information for the current owner. They had no such information.

Please review condition report completed and submitted by Building Official.

Cc: Abel Carrillo, Building Official  
Michael Kellam, Director of Development Services

address 62410 Richmond		owner		date of inspctn 5-8-12	
inspector [Signature]		type of insp		[Signature] type of building	
B=broken		P= pictures		R= needs repair	
M= missing		D= dirty		I= incomplete	
X=unacceptatle		H= hazard		O= out dated	
A= abandoned,dilapidated		V= over grown		N= need repairs	
EXTERIOR		BATHROOM		other rm rt/ctr/lft ft/ctr/rr	
fence	none	present	✓	lits/plgs	
yard	D	electricity	mx	elec hzrds	
foundation	Bx H	elec hazds		security	
skirt	mx	security	Bx	windows	
walls	mbx H	windows	Bx	ceiling	
roof	Bx	ceiling	Bx	walls	
ft door	mx H	walls	Bx	floors	
bk door	mx H	floors	Bx	smk detectr	
secured	mbx	commode	mx	other rm	rt/ctr/lft ft/ctr/rr
windows	mx	lavatory	mx	lits/plgs	
stairs	n	tub/shower	mx	elec hzrds	
porches	Bx	ventilation	B	security	
electric	mo	Bedroom 1	rt/ctr/lft ft/ctr/rr	windows	
plumbing	mo	lits/plgs	mx	ceiling	
gas	mo	elec hzrds		walls	
trees	DHx	security	Bx	floors	
sidewalk	m	windows	mx	smk detectr	
parking	mx	ceiling	B	HEATER	mx
LIVN RM		walls	Bx	WTR HTR	mx
present	✓	floors	Bx	VENTILATION	Bx
electric	m	smk detectr	mx	COOLING	mx
elec hzrds		Bedroom 2	rt/ctr/lft ft/ctr/rr	PLUMBING	omx
secured	X	lits/plgs		SEWER TAP	m
windows	m	elec hzrds		WATER TAP	m
ceiling	m	security		ACCESS TO UNIT	
walls	m	windows		FIRE EXITS	Hand X
floor	DBx	ceiling		INFESTATION	N
KITCHEN		walls		GARBAGE	Dx
present	✓	floors		DEBRIS	Dx
electricity	mx	smk detectr		REFUSE DISPOSAL	
elec hzrds		Bedroom 3	rt/ctr/lft ft/ctr/rr	INTERIOR	
secured	Bx	lits/plgs		HALLS	
windows	mx	elec hzrds		STAIRS	
ceiling	Bx	security		INTR HZRDS	
walls	mx	windows		AIR Q.LTY	
floor	Bx	ceiling			
stove	mx	walls			
refrigerator	mx	floors			
sink	mx D	smk detectr			

(4) Any building or structure which shall be determined to contain a faulty and defective structural condition existing in violation of the construction, maintenance and repair provisions of the City Building Code as is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the Building Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(5) Any building or structure which shall be determined to have a permanent or temporary sanitary condition existing in violation of the various health and sanitation ordinances duly enacted and to be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the sanitation ordinances to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

('62 Code, § 4-6-1)

AN INVESTIGATION HAS BEEN CONDUCTED ON THESE PREMISES FOR NON-COMPLIANCE WITH CITY ORDINANCES. YOU ARE HEREBY NOTIFIED THAT THESE VIOLATIONS LISTED MUST BE CORRECTED WITHIN THIRTY (30) CALENDAR DAYS FROM RECEIPT THIS LETTER.

WE MUST RECEIVE WRITTEN RESPONSE FROM YOU WITHIN TEN (10) DAYS **MARCH 10,2012** FROM THIS NOTICE INDICATING THE ACTION YOU INTEND TO TAKE WITHIN THE NEXT THIRTY (30) DAYS TO CORRECT SUBSTANDARD CONDITIONS.

If these violations are not mitigated within thirty (30) calendar days of the date of this letter, a case will be processed through Municipal Court. If you should commit another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property.

Please provide proof of necessary permits and "passed" inspections for all reconstruction and/or repairs. Provide proof of proper disposal, i.e. landfill receipt or method used to remediate condemned structure.

If you need further information, please contact me at (361) 595-8019, Monday through Friday from 8:00 AM – 12:00 PM & 1:00 PM - 5:00 P.M.

Sincerely,



Abel Carrillo  
Building Official

# CITY OF KINGSVILLE



P. O. BOX 1458 – KINGSVILLE, TEXAS 78364

February 22, 2012

SWARTZ& BROUGH INC.  
2600 VILLA FORTUNA #360  
AUSTIN TX 78746

**Re: 8<sup>TH</sup> ADDITION, BLOCK 7, LOT 27,28    624 W JOHNSTON**

Dear Sir or Madam:

It has been determined that the structure at **624 W JOHNSTON** is in a significant state of disrepair and creates a safety and health hazard to the surrounding area and the community at large. The structure is in direct violation to the City of Kingsville's Code of Ordinance § 15-1-165 Condemned Building or Structure; Specifications as adopted and as stated below.

## **§ 15-1-165 CONDEMNED BUILDING OR STRUCTURE; SPECIFICATIONS.**

(A) Any building or structure of any type of material, whether public or private property, existing within the city limits, which is determined to be unsafe for or dangerous to human occupancy, shall be declared and be and become a condemned building or structure.

(B) The condemned buildings or structures mentioned in division (A) shall be determined to be such under the following listed terms and conditions:

(1) Any building or structure which, for want of repair or by reason of age or dilapidated condition, or for any causes, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein.

(2) Any building or other structure which shall be determined to have a permanent or temporary plumbing condition existing in violation of the installation, maintenance and repair provisions of the City Plumbing Code presently duly enacted or to be duly enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Plumbing Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(3) Any building or other structure which shall be determined to have a permanent or temporary electrical installation condition existing in violation of the installation, maintenance or repair provisions of the City Electrical Code as it is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Electrical Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.



# CITY OF KINGSVILLE



P. O. BOX 1458 – KINGSVILLE, TEXAS 78364

February 22, 2012

JOANN HERNANDEZ  
624 W JOHNSTON  
KINGSVILLE TX 78363-5208

**Re: 8<sup>TH</sup> ADDITION, BLOCK 7, LOT 27,28 624 W JOHNSTON**

Dear Sir or Madam:

It has been determined that the structure at **624 W JOHNSTON** is in a significant state of disrepair and creates a safety and health hazard to the surrounding area and the community at large. The structure is in direct violation to the City of Kingsville's Code of Ordinance § 15-1-165 Condemned Building or Structure; Specifications as adopted and as stated below.

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(4) Any building or structure which shall be determined to contain a faulty and defective structural condition existing in violation of the construction, maintenance and repair provisions of the City Building Code as is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the Building Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(5) Any building or structure which shall be determined to have a permanent or temporary sanitary condition existing in violation of the various health and sanitation ordinances duly enacted and to be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the sanitation ordinances to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

('62 Code, § 4-6-1)

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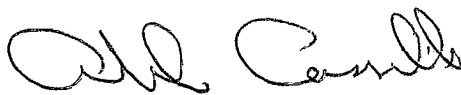
WE MUST RECEIVE WRITTEN RESPONSE FROM YOU WITHIN TEN (10) DAYS **MARCH 10, 2012** FROM THIS NOTICE INDICATING THE ACTION YOU INTEND TO TAKE WITHIN THE NEXT THIRTY (30) DAYS TO CORRECT SUBSTANDARD CONDITIONS.

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If you need further information, please contact me at (361) 595-8019, Monday through Friday from 8:00 AM – 12:00 PM & 1:00 PM - 5:00 P.M.

Sincerely,



Abel Carrillo  
Building Official

## 2011 CERTIFIED APPRAISAL ROLL

As of Supplement # 0  
CKI - CITY OF KINGSVILLE

Geo ID Order

07/21/2011 12:22PM

Prop ID	Owner	%	Legal Description	Effective Acres:	Imp HS:	Market:	Imp NHS:	Prod Loss:	Land HS:	Appraised:	Cap:	Assessed:	Exemptions:
12873	54415	100.00	R Geo: 100900727000192 HERNANDEZ JOANN 624 W JOHNSTON AVE KINGSVILLE, TX 78363-5208	0.000000	0	1,000	0	0	0	1,000	0	1,000	
			8TH, BLOCK 7, LOT 27, 28		0		0		1,000				
			State Codes: A	Acres:	0.0000		PLAT	Prod Use:	0			Assessed:	1,000
			Situs: 624 W JOHNSTON	Map ID:			Prod Mkt:	0				Exemptions:	
				Mtg Cd:									
				DBA:									
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable						
CKI	CITY OF KINGSVILLE				1,000	0	1,000						
13695	30126	100.00	R Geo: 100900729000192	Effective Acres:	0.000000	Imp HS:	0	Market:	2,000	Imp NHS:	1,000	Prod Loss:	0
			ROBINSON MARTIN EST			Land HS:	0	Appraised:	2,000	Land NHS:	1,000	Cap:	0
			ETUX GERALDINE EST			Prod Use:	0	Assessed:	2,000	Prod Mkt:	0	Exemptions:	
			414 W HUISACHE AVE										
			KINGSVILLE, TX 78363-5348										
			State Codes: A	Acres:	0.0000								
			Situs: 626 W JOHNSTON	Map ID:		PLAT	Prod Use:	0				Assessed:	2,000
				Mtg Cd:			Prod Mkt:	0				Exemptions:	
				DBA:									
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable						
CKI	CITY OF KINGSVILLE				2,000	0	2,000						
14498	44531	100.00	R Geo: 100900731000192	Effective Acres:	0.000000	Imp HS:	17,950	Market:	18,950	Imp NHS:	0	Prod Loss:	0
			RHON SARAH			Land HS:	1,000	Appraised:	18,950	Land NHS:	0	Cap:	0
			630 W JOHNSTON AVE			Prod Use:	0	Assessed:	18,950	Prod Mkt:	0	Exemptions:	HS,OV65
			KINGSVILLE, TX 78363-5208										
			State Codes: A	Acres:	0.0000								
			Situs: 630 W JOHNSTON	Map ID:		PLAT	Prod Use:	0				Assessed:	18,950
				Mtg Cd:			Prod Mkt:	0				Exemptions:	HS,OV65
				DBA:									
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable						
CKI	CITY OF KINGSVILLE				18,950	8,400	10,550						
25483	10346	100.00	R Geo: 100900801000192	Effective Acres:	0.000000	Imp HS:	0	Market:	2,140	Imp NHS:	0	Prod Loss:	0
			CITY OF KINGSVILLE			Land HS:	0	Appraised:	2,140	Land NHS:	0	Cap:	0
			PO BOX 1458			Prod Use:	0	Assessed:	2,140	Prod Mkt:	0	Exemptions:	EX
			KINGSVILLE, TX 78364-1458										
			State Codes: X	Acres:	0.0000								
			Situs: 600 S ARMSTRONG BLK	Map ID:		PLAT	Prod Use:	0				Assessed:	2,140
				Mtg Cd:			Prod Mkt:	0				Exemptions:	EX
				DBA:									
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable						
CKI	CITY OF KINGSVILLE				2,140	2,140	0						
4005073	54195	50.00	R Geo: 100900802002192	Effective Acres:	0.000000	Imp HS:	21,070	Market:	22,070	Imp NHS:	0	Prod Loss:	0
			SILGUERO JOSE III			Land HS:	1,000	Appraised:	22,070	Land NHS:	0	Cap:	0
			320 E KLEBERG AVE			Prod Use:	0	Assessed:	22,070	Prod Mkt:	0	Exemptions:	HS
			KINGSVILLE, TX 78363-4576										
			State Codes: A	Acres:	0.0000								
			Situs: 727 W FORDYCE TX	Map ID:		PLAT	Prod Use:	0				Assessed:	22,070
				Mtg Cd:			Prod Mkt:	0				Exemptions:	HS
				DBA:									
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable						
CKI	CITY OF KINGSVILLE				22,070	0	22,070						
35362	54196	50.00	R Geo: 100900802003192	Effective Acres:	0.000000	Imp HS:	0	Market:	22,070	Imp NHS:	21,070	Prod Loss:	0
			SILGUERO MARIA			Land HS:	0	Appraised:	22,070	Land NHS:	1,000	Cap:	0
			320 E KLEBERG AVE			Prod Use:	0	Assessed:	22,070	Prod Mkt:	0	Exemptions:	
			KINGSVILLE, TX 78363-4576										
			State Codes: A	Acres:	0.0000								
			Situs:	Map ID:		PLAT	Prod Use:	0				Assessed:	22,070
				Mtg Cd:			Prod Mkt:	0				Exemptions:	
				DBA:									
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable						
CKI	CITY OF KINGSVILLE				22,070	0	22,070						
19449	47604	100.00	R Geo: 100900806000192	Effective Acres:	0.000000	Imp HS:	0	Market:	2,650	Imp NHS:	1,650	Prod Loss:	0
			HERNANDEZ MARY			Land HS:	0	Appraised:	2,650	Land NHS:	1,000	Cap:	0
			612 W DODDRIDGE AVE			Prod Use:	0	Assessed:	2,650	Prod Mkt:	0	Exemptions:	
			KINGSVILLE, TX 78363										
			State Codes: A	Acres:	0.0000								
			Situs: 725 W FORDYCE TX	Map ID:		PLAT	Prod Use:	0				Assessed:	2,650
				Mtg Cd:			Prod Mkt:	0				Exemptions:	
				DBA:									
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable						
CKI	CITY OF KINGSVILLE				2,650	0	2,650						

## CITY OF KINGSVILLE

## BUILDING PERMIT

DATE RECEIVED 3-30-17

AMOUNT \$ \_\_\_\_\_

PROPERTY ADDRESS: 624 W Johnston

ISSUE TO: \_\_\_\_\_ PHONE #: \_\_\_\_\_

CONTRACTOR: \_\_\_\_\_ PHONE #: \_\_\_\_\_

PROJECT TYPE: \_\_\_\_\_ DESCRIPTION: InspectorSQUARE FOOTAGE/DOLLAR VALUE: \_\_\_\_\_ RESIDENTIAL ☐ COMMERCIAL ☐FOR OFFICE USE ONLY  
INSPECTION REQUEST/REPORT

PERMIT #: \_\_\_\_\_ INSPECTION DATE: \_\_\_\_\_ TIME IN: \_\_\_\_\_ TIME OUT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TYPE OF INSPECTION: \_\_\_\_\_

GREEN TAG/PASS: \_\_\_\_\_ RED TAG/FAIL: ☒

FAX TO AEP: YES OR NO

FAX TO CPE: YES OR NO

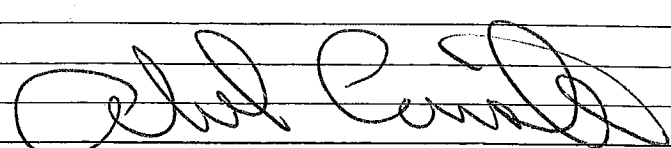
AEP PERMIT TYPE: 1. NEW SERVICE 2. TS CONST LOOP 3. UPGRADE/REBUILD

4. TEMP WORK CLEARANCE 5. WORKING CLEARANCE 6. FINAL CLEARANCE

AEP ESI #: 100327864 \_\_\_\_\_

Centrilink Energy (CPE) PERMIT TYPE: 1. NEW SERVICE 2. RECONNECT

NOTES:

No change  
CONTRACTOR ON ACCOUNT

CONTRACTOR NAME \_\_\_\_\_

ADDRESS: \_\_\_\_\_

ATTACHED

# CONDEMNATION CHECKLIST

Property Address:

624 W Johnston

Phone: \_\_\_\_\_

Property Owner:

Joann Hernandez

Phone: \_\_\_\_\_

Owner's Address:

624 W Johnston  
Kingsville TX 78363

Fax: \_\_\_\_\_

BEGINNING  
DATEENDING  
DATE

ACTION

☐ 2-22-12

2-22-12

1. Identify structure unfit for human habitation.

☐ 2-22-12

2-22-12

2. Inspect Property. (Building Official)

☐ a. Prepare inspection report.☐ b. Photograph property.☐ 2-22-12

2-22-12

3. Determine ownership from county assessment &amp; tax collection record.

☐ 2-22-12

2-22-12

4. Obtain legal description.

☐ 2-22-12

2-22-12

5. Obtain or complete title report to verify ownership &amp; other vested interests, such as mortgage holders, trustees, etc.

☐ 2-22-12

2-22-12

6. Send Notice of Violation &amp; copy of inspection report to property owner(s) of record. Request written response from owner within 10 days from Notice of Violation indicating action the owner intends to take within the next 30 days to correct substandard conditions.

☐ \_\_\_\_\_

\_\_\_\_\_

7. If response is not received or is not adequate, proceed as follows:

☐ \_\_\_\_\_

\_\_\_\_\_

8. Send 20-day pre notification letter owner(s) &amp; others with vested interest in property advising the date the property will be presented to City Council for consideration of condemnation.

☐ a. Owner unknown or whereabouts not known or such owner is a nonresident of Texas.☐ \_\_\_\_\_

\_\_\_\_\_

1) Post affidavit in newspaper twice a week for one week

☐ \_\_\_\_\_

\_\_\_\_\_

9. Post sign on property advising date the City Council will consider condemnation of structure.

Second notice  
3-14-12  
4-26-12

3-14-12

4-26-12

And  
notice

<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____

10. Photograph posted sign.

11. Prepare information packet for each City

Council member, plus one each for City Manager,  
City Attorney & City Secretary consisting of

☐ a. Location Map

☐ b. Photographs of the structure

☐ c. Inspection report

☐ d. Pre-condemnation notice

☐ e. Condemnation resolution

12. Place condemnation action resolution &

supporting documentation for placement on the  
City Council agenda.

13. City Council adopts condemnation resolution.

14. File Notice of Condemnation with the County  
Clerk.

15. Send owner(s) & other vested interests the  
following:

☐ a. Copy of the City Council resolution.

☐ b. 45-day order to demolish

16. Post 45-day Order to Demolish on structure.

17. Evaluate status of owner's action on 46<sup>th</sup> day  
after Order of Demolition was issued. If no action  
taken by owner, proceed with demolition.

18. Photograph posted notice.

19. Notify utility companies to disconnect &  
remove services from structure for safe  
demolition.

20. Issue Notice to Proceed to Public Works Dir.

21. Prepare demolition cost statement consisting of:

☐ a. Mailing fees

☐ b. Publication fees

☐ c. Demolition costs

☐ d. Landfill tipping fees

☐ e. Filing fees

☐ f. Administrative fees

☐ g. Any documentation miscellaneous costs



22. Send a letter & cost statement to the Collections Department so they can send out bill. Make copy of documents and send to the City Attorney requesting a lien to be place on the property.

# CITY OF KINGSVILLE



P. O. BOX 1458 – KINGSVILLE, TEXAS 78364

March 14, 2012

JOANN HERNANDEZ  
624 W JOHNSTON  
KINGSVILLE TX 78363-5208

## SECOND NOTICE

**Re: 8<sup>TH</sup> ADDITION, BLOCK 7, LOT 27,28    624 W JOHNSTON**

Dear Sir or Madam:

It has been determined that the structure at **624 W JOHNSTON** is in a significant state of disrepair and creates a safety and health hazard to the surrounding area and the community at large. The structure is in direct violation to the City of Kingsville's Code of Ordinance § 15-1-165 Condemned Building or Structure; Specifications as adopted and as stated below.

### **§ 15-1-165 CONDEMNED BUILDING OR STRUCTURE; SPECIFICATIONS.**

(A) Any building or structure of any type of material, whether public or private property, existing within the city limits, which is determined to be unsafe for or dangerous to human occupancy, shall be declared and be and become a condemned building or structure.

(B) The condemned buildings or structures mentioned in division (A) shall be determined to be such under the following listed terms and conditions:

(1) Any building or structure which, for want of repair or by reason of age or dilapidated condition, or for any causes, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein.

(2) Any building or other structure which shall be determined to have a permanent or temporary plumbing condition existing in violation of the installation, maintenance and repair provisions of the City Plumbing Code presently duly enacted or to be duly enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Plumbing Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(3) Any building or other structure which shall be determined to have a permanent or temporary electrical installation condition existing in violation of the installation, maintenance or repair provisions of the City Electrical Code as it is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Electrical Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.



(4) Any building or structure which shall be determined to contain a faulty and defective structural condition existing in violation of the construction, maintenance and repair provisions of the City Building Code as is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the Building Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(5) Any building or structure which shall be determined to have a permanent or temporary sanitary condition existing in violation of the various health and sanitation ordinances duly enacted and to be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the sanitation ordinances to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

('62 Code, § 4-6-1)

AN INVESTIGATION HAS BEEN CONDUCTED ON THESE PREMISES FOR NON-COMPLIANCE WITH CITY ORDINANCES. YOU ARE HEREBY NOTIFIED THAT THESE VIOLATIONS LISTED MUST BE CORRECTED WITHIN THIRTY (30) CALENDAR DAYS FROM RECEIPT THIS LETTER.

WE MUST RECEIVE WRITTEN RESPONSE FROM YOU WITHIN TEN (10) DAYS **MARCH 29, 2012** FROM THIS NOTICE INDICATING THE ACTION YOU INTEND TO TAKE WITHIN THE NEXT THIRTY (30) DAYS TO CORRECT SUBSTANDARD CONDITIONS.

If these violations are not mitigated within thirty (30) calendar days of the date of this letter, a case will be processed through Municipal Court. If you should commit another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property.

Please provide proof of necessary permits and "passed" inspections for all reconstruction and/or repairs. Provide proof of proper disposal, i.e. landfill receipt or method used to remediate condemned structure.

If you need further information, please contact me at (361) 595-8019, Monday through Friday from 8:00 AM – 12:00 PM & 1:00 PM - 5:00 P.M.

Sincerely,



Abel Carrillo  
Building Official

# CITY OF KINGSVILLE



P. O. BOX 1458 – KINGSVILLE, TEXAS 78364

April 26, 2012

JOANN HERNANDEZ  
4201 RAPIDS  
CORPUS CHRISTI, TX 78410

**Re: 8<sup>TH</sup> ADDITION, BLOCK 7, LOT 27, 28 624 W JOHNSTON**

Dear Sir or Madam:

It has been determined that the structure at 624 W JOHNSTON is in a significant state of disrepair and creates a safety and health hazard to the surrounding area and the community at large. The structure is in direct violation to the City of Kingsville's Code of Ordinance § 15-1-165 Condemned Building or Structure; Specifications as adopted and as stated below.

**§ 15-1-165 CONDEMNED BUILDING OR STRUCTURE; SPECIFICATIONS.**

(A) Any building or structure of any type of material, whether public or private property, existing within the city limits, which is determined to be unsafe for or dangerous to human occupancy, shall be declared and be and become a condemned building or structure.

(B) The condemned buildings or structures mentioned in division (A) shall be determined to be such under the following listed terms and conditions:

(1) Any building or structure which, for want of repair or by reason of age or dilapidated condition, or for any causes, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein.

(2) Any building or other structure which shall be determined to have a permanent or temporary plumbing condition existing in violation of the installation, maintenance and repair provisions of the City Plumbing Code presently duly enacted or to be duly enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Plumbing Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(3) Any building or other structure which shall be determined to have a permanent or temporary electrical installation condition existing in violation of the installation, maintenance or repair provisions of the City Electrical Code as it is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Electrical Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(4) Any building or structure which shall be determined to contain a faulty and defective structural condition existing in violation of the construction, maintenance and repair provisions of the City Building Code as is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the Building Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(5) Any building or structure which shall be determined to have a permanent or temporary sanitary condition existing in violation of the various health and sanitation ordinances duly enacted and to be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the sanitation ordinances to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

('62 Code, § 4-6-1)

AN INVESTIGATION HAS BEEN CONDUCTED ON THESE PREMISES FOR NON-COMPLIANCE WITH CITY ORDINANCES. YOU ARE HEREBY NOTIFIED THAT THESE VIOLATIONS LISTED MUST BE CORRECTED WITHIN THIRTY (30) CALENDAR DAYS FROM RECEIPT THIS LETTER.

WE MUST RECEIVE WRITTEN RESPONSE FROM YOU WITHIN TEN (10) DAYS FROM THIS NOTICE INDICATING THE ACTION YOU INTEND TO TAKE WITHIN THE NEXT THIRTY (30) DAYS TO CORRECT SUBSTANDARD CONDITIONS.

If these violations are not mitigated within thirty (30) calendar days of the date of this letter, a case will be processed through Municipal Court. If you should commit another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property.

Please provide proof of necessary permits and "passed" inspections for all reconstruction and/or repairs. Provide proof of proper disposal, i.e. landfill receipt or method used to remediate condemned structure.

If you need further information, please contact me at (361) 595-8019, Monday through Friday from 8:00 AM - 12:00 PM & 1:00 PM - 5:00 P.M.

Sincerely,

A handwritten signature in black ink, appearing to read "Abel Carrillo", written over a horizontal line.

Abel Carrillo  
Building Official

# CONDEMNATION CHECKLIST

Property Address: 624 W Johnston Phone: \_\_\_\_\_  
 Property Owner: Swartz - Brugh - Inc Phone: \_\_\_\_\_  
 Owner's Address: 2600 Ulla Fortuna #360 Fax: \_\_\_\_\_  
Austin, TX 78746

BEGINNING DATE	ENDING DATE	ACTION
<input type="checkbox"/> <u>2-22-12</u>	<u>2-22-12</u>	1. Identify structure unfit for human habitation.
<input type="checkbox"/> <u>2-22-12</u>	<u>2-22-12</u>	2. Inspect Property. (Building Official)
		<input type="checkbox"/> a. Prepare inspection report.
		<input type="checkbox"/> b. Photograph property.
<input type="checkbox"/> <u>2-22-12</u>	<u>2-22-12</u>	3. Determine ownership from county assessment & tax collection record.
<input type="checkbox"/> <u>2-22-12</u>	<u>2-22-12</u>	4. Obtain legal description.
<input type="checkbox"/> <u>2-22-12</u>	<u>2-22-12</u>	5. Obtain or complete title report to verify ownership & other vested interests, such as mortgage holders, trustees, etc.
<input type="checkbox"/> <u>2-22-12</u>	<u>2-22-12</u>	6. Send Notice of Violation & copy of inspection report to property owner(s) of record. Request written response from owner within 10 days from Notice of Violation indicating action the owner intends to take within the next 30 days to correct substandard conditions.
<input type="checkbox"/> _____	_____	7. If response is not received or is not adequate, proceed as follows:
<input type="checkbox"/> _____	_____	8. Send 20-day pre notification letter owner(s) & others with vested interest in property advising the date the property will be presented to City Council for consideration of condemnation.
		<input type="checkbox"/> a. Owner unknown or whereabouts not known or such owner is a nonresident of Texas.
<input type="checkbox"/> _____	_____	1) Post affidavit in newspaper twice a week for one week
<input type="checkbox"/> _____	_____	9. Post sign on property advising date the City Council will consider condemnation of structure.

<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
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<input type="checkbox"/>	_____	_____
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<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____

10. Photograph posted sign.

11. Prepare information packet for each City

Council member, plus one each for City Manager,  
City Attorney & City Secretary consisting of

☐ a. Location Map

☐ b. Photographs of the structure

☐ c. Inspection report

☐ d. Pre-condemnation notice

☐ e. Condemnation resolution

12. Place condemnation action resolution &  
supporting documentation for placement on the  
City Council agenda.

13. City Council adopts condemnation resolution.

14. File Notice of Condemnation with the County  
Clerk.

15. Send owner(s) & other vested interests the  
following:

☐ a. Copy of the City Council resolution.

☐ b. 45-day order to demolish

16. Post 45-day Order to Demolish on structure.

17. Evaluate status of owner's action on 46<sup>th</sup> day  
after Order of Demolition was issued. If no action  
taken by owner, proceed with demolition.

18. Photograph posted notice.

19. Notify utility companies to disconnect &  
remove services from structure for safe  
demolition.

20. Issue Notice to Proceed to Public Works Dir.

21. Prepare demolition cost statement consisting of:

☐ a. Mailing fees

☐ b. Publication fees

☐ c. Demolition costs

☐ d. Landfill tipping fees

☐ e. Filing fees

☐ f. Administrative fees

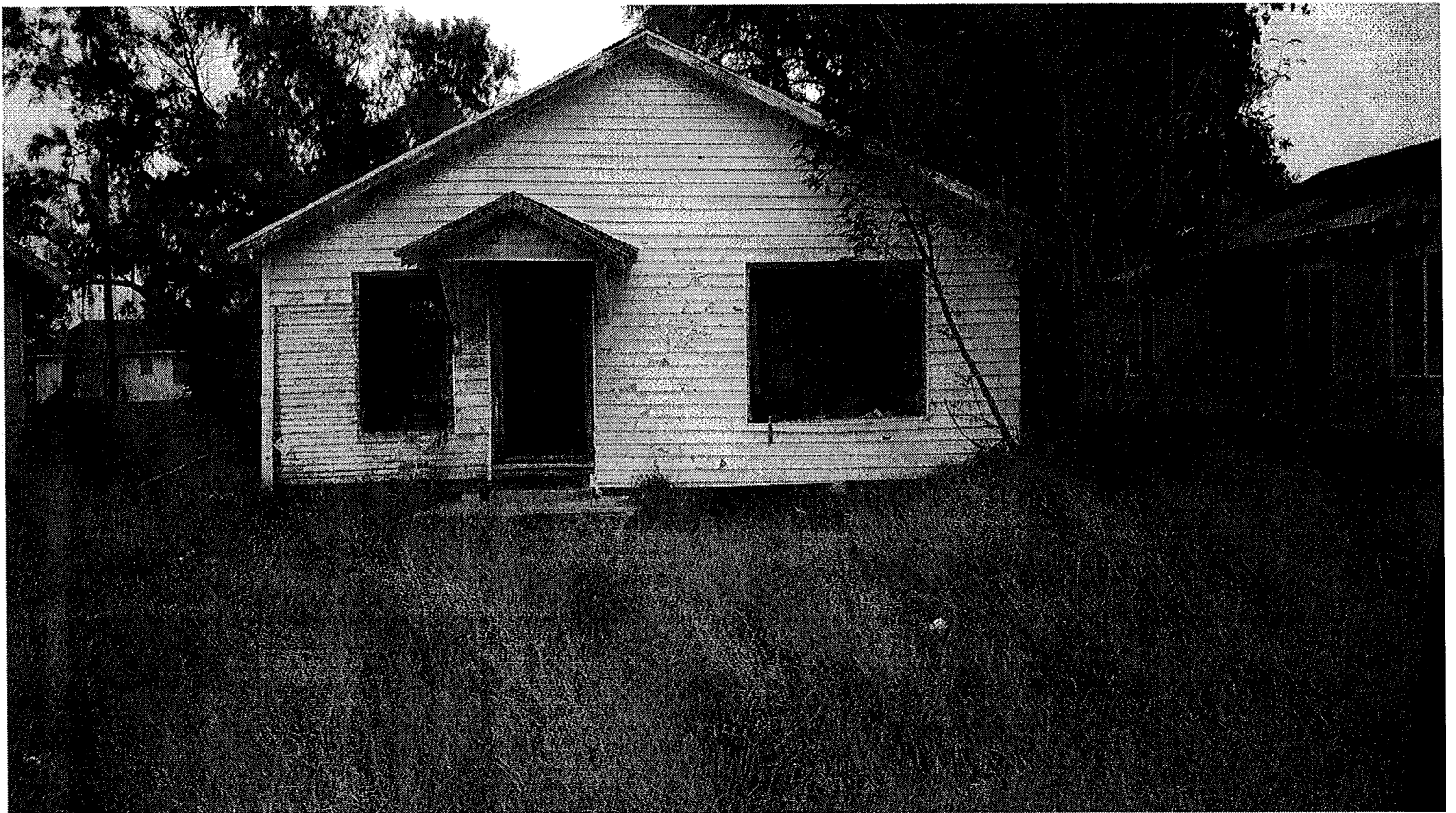
☐ g. Any documentation miscellaneous costs

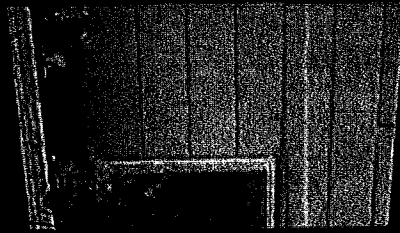


22. Send a letter & cost statement to the Collections Department so they can send out bill. Make copy of documents and send to the City Attorney requesting a lien to be place on the property.



**624 W Johnston**







CERTIFIED MAIL



7011 0110 0000 5963



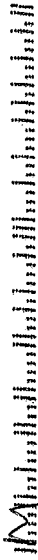
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- ☐ NOT DELIVERABLE AS ADDRESSED
- ☐ UNABLE TO FORWARD
- ☐ ATTEMPTED - NOT KNOWN
- ☐ UNCLAIMED ☐ REFUSED
- ☐ NO SUCH STREET - NUMBER
- ☐ NO POST REMAIN IN THIS ENVELOPE
- ☐ INSUFFICIENT ADDRESS
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- ☐ USPS CLOSED NO ORDER

WILLE, TEXAS 78364

*Jacinto*

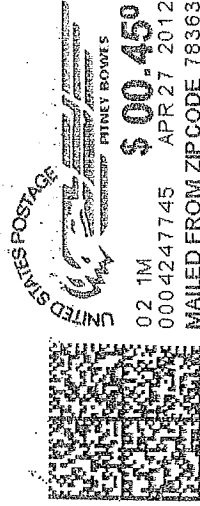
*John Hernandez  
6201 Raposo  
Kingsville, TX 78363*

7836333208



CITY OF KINGSVILLE

P.O. BOX 1458 - KINGSVILLE, TEXAS 78364



*John Hernandez  
6201 Raposo  
Kingsville, TX 78363*

NIXIE

783 SE 1

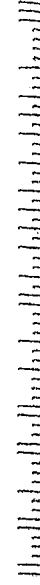
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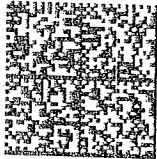
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CITY OF KINGSVILLE

P.O. BOX 1458 - KINGSVILLE, TEXAS 78364



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MAILED FROM ZIP CODE 78363

214-382-5200

Speak with

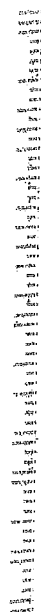
Judy or Denise

Swartz & Brough, Inc.  
2600 Villa Fortuna #360

Austin, TX 78701

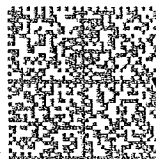
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CITY OF KINGSVILLE

P.O. BOX 1458 - KINGSVILLE, TEXAS 78364



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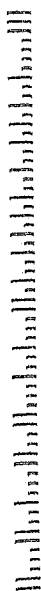
Jean Alexander  
6024 W Solaster  
Apt 101, K 78363

NIXIE 782 5C 1 00 03/22/12

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UNABLE TO FORWARD

BC: 78364145858 \*0488-20245-15-39

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CITY OF KINGSVILLE

P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

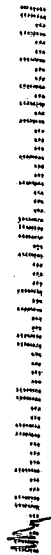


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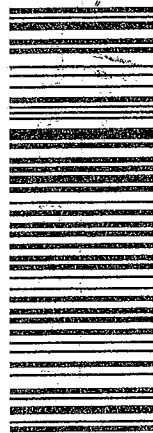


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*Joann Hernandez*  
*624 W Johnston*  
*Kingsville, TX 78363*



CERTIFIED MAIL™



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- ☐ NO SUCH STREET - NO HOUSE
- ☐ NO MAIL RECEIPTABLE
- ☐ BOX CLOSED NO UNDOOR

*Joann Hernandez*  
*624 W Johnston*  
*Kingsville, TX 78363*



## BUILDING DEPARTMENT

City of Kingsville  
Phone: 361-595-8019 Fax: 361-595-8035

**CERTIFIED MAIL – RETURN RECEIPT #7011 0110 0000 4433 0331**

June 14, 2012

Joann Hernandez  
624 W Johnston.  
Kingsville, TX 78363

**Re: HEARING FOR PROPERTY AT 624 W Johnston**

Dear Sir or Madam:

On February 22, 2012, a letter was sent from the City of Kingsville stating that your property located at 624 W Johnston was a fire hazard or was dangerous to human life, or constitutes a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment such that the structures located thereon are unsafe and a nuisance. In that letter, you were further advised that you needed to repair or demolish the structures within a certain timeframe. As the timeframe has passed and the unsafe structures on your property have not been repaired or demolished, the structures on your property are being recommended for condemnation before the Kingsville City Commission.

You are hereby cited to appear before the City Commission at a public hearing on **Monday, July 9, 2012 at 6:00 p.m.** to show cause why such structures should not be condemned. You may appear in person, by agent or by counsel at the hearing. You will need to submit at the hearing proof of the scope of any work that may be required to comply with city ordinances and the time it will take to reasonably perform the work. The condemnation hearing is set for July 9, 2012.

The hearing will take place at the Alcorn Commission Chambers located on the first floor of City Hall, 200 E. Kleberg Avenue, Kingsville, Texas, during a regularly scheduled meeting of the City Commission.

If you have any questions about the condemnation process or how to get a building permit to fix the structures, please contact me at (361) 595-8019.

Sincerely,

Abel Carrillo  
Building Official

# **AGENDA ITEM #10**

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

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A TAX ABATEMENT AGREEMENT WITH NSH FUND, LP IN ACCORDANCE WITH GUIDELINES AND CRITERIA GOVERNING TAX ABATEMENT FOR ALL TAXING UNITS LOCATED WITHIN THE CITY OF KINGSVILLE.**

**Whereas**, the City Commission by majority vote at a duly posted meeting, after publication of a notice of public hearing and conducting a public hearing on the designation of a reinvestment zone, did approve Ordinance No.2011-34 designating a certain area as a reinvestment zone, in compliance with Chapter 213 of the Texas Tax Code;

**Whereas**, the designation of an area as a reinvestment zone is necessary for a taxing unit to be able to grant tax abatement agreements and other economic incentives for areas within the zone;

**Whereas**, university student enrollment continues to expand and place a strain on the inadequate local residential housing market for which numerous business prospects have considered moving to the city but cited the lack of new housing or a depleted housing market as a major concern or reason against locating their business here and numerous people work in the city but live elsewhere for those same reasons;

**Whereas**, the loss of students to expand the university enrollment and local economy as well as the loss of business prospects and the non-resident workers all cost the city in the form of lost jobs, new citizens and ad valorem and sales tax dollars;

**Whereas**, Newman intends to install infrastructure improvements and a student dormitory space in two phases for approximately 540 occupants within the reinvestment zone, which will have a direct and substantial economic benefit to the City, with the first phase providing housing for approximately 270 students;

**Whereas**, the City desires to abate taxes on the increase in value of eligible real property and improvements for the first phase that Newman shall locate in the reinvestment zone.

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

I.

**THAT** the application by NSH, LP fulfills the requirements of the **GUIDELINES AND CRITERIA GOVERNING TAX ABATEMENT FOR ALL TAXING UNITS LOCATED WITHIN THE CITY OF KINGSVILLE** (the "Guidelines");

II.

**THAT** the Mayor is authorized and directed as an act of the City of Kingsville, Texas to enter into a Tax Abatement Agreement with NSH, LP, in accordance with Exhibit A hereto attached and made a part hereof;

III.

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

IV.

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the 9<sup>TH</sup> day of July, 2012.

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

**ATTEST:**

\_\_\_\_\_  
Edna S. Lopez, City Secretary

**APPROVED AS TO FORM:**

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

**CITY OF KINGSVILLE  
TAX ABATEMENT AGREEMENT  
With  
Newman Student Housing Fund GP, LLC**

**THE STATE OF TEXAS   §  
                                  §       KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF KLEBERG   §**

THIS TAX ABATEMENT AGREEMENT (this "Agreement") is made and entered into by and between the City of Kingsville, a municipal corporation situated in Kleberg County, Texas (the "City") and NSH Fund, LP, a Texas limited partnership ("Newman").

**Whereas**, the City Commission by majority vote at a duly posted meeting, after publication of a notice of public hearing and conducting a public hearing on the designation of a reinvestment zone, did approve Ordinance No.2011-34 designating a certain area as a reinvestment zone, in compliance with Chapter 213 of the Texas Tax Code;

**Whereas**, the designation of an area as a reinvestment zone is necessary for a taxing unit to be able to grant tax abatement agreements and other economic incentives for areas within the zone;

**Whereas**, university student enrollment continues to expand and place a strain on the inadequate local residential housing market for which numerous business prospects have considered moving to Kingsville, Texas but cited the lack of new housing or a depleted housing market as a major concern or reason against locating their business here, and numerous people work in the City but live elsewhere for those same reasons;

**Whereas**, the loss of students to expand the university enrollment and local economy as well as the loss of business prospects and the non-resident workers all cost the City in the form of lost jobs, new citizens and ad valorem and sales tax dollars;

**Whereas**, Newman intends to install infrastructure improvements and student dormitory space in two phases for approximately 540 occupants within the reinvestment zone, which will have a direct and substantial economic benefit to the City;

**Whereas**, the first phase of the project will provide housing for approximately 270 students;

**Whereas**, if the first phase of the project is financially successful, Newman intends to build the second phase;



**Whereas**, the City desires to abate taxes on the increase in value of eligible real property and improvements for phase one that Newman shall locate in the reinvestment zone;

**Therefore**, in consideration of the respective representations and agreements herein contained, the parties hereto agree as follows:

1. Authorization. This Agreement is authorized by (a) Chapter 312 of the Texas Tax Code as it exists on the effective date of this Agreement, (b) the Guidelines and Criteria for Granting Tax Abatement in Reinvestment Zones Created in Kingsville, Texas (the "Guidelines"), which were approved by the City Commission on December 12, 2011, and (c) Ordinance Number 2011-34 designating a Reinvestment Zone, which was approved by the City Commission on December 12, 2011. The City has determined that the request for Tax Abatement presented by Newman conforms with the criteria established in the Guidelines.
2. Defined Terms. As used in this Agreement, the following terms shall have the meanings set forth below:
  - A. "Certified Appraised Value" means the appraised value, for property tax purposes as certified by the Kleberg County Appraisal District.
  - B. "Reinvestment Zone Ordinance" means City of Kingsville, Texas Ordinance No. 2011-34 passed December 12, 2011, which created the City of Kingsville Reinvestment Zone.
  - C. "Reinvestment Zone" means that certain area qualifying for tax abatement pursuant to the Guidelines and Reinvestment Zone Ordinance (as herein defined), which is designated as Exhibit "A" attached hereto and incorporated herein for all purposes; such area is described in the attachment to the Reinvestment Zone Ordinance.
  - D. "Improvements" means any improvements, structures, wiring, machinery, and equipment necessary to the operation of Newman's business which is installed, erected or expanded by Newman in the Reinvestment Zone. The base year value of the Improvements is \$0.
3. Administration Agreement. This Agreement shall be administered by the Kingsville City Manager or his/her appointed designee.
4. Term. Unless terminated earlier as provided elsewhere herein, this Agreement shall be effective on the date of approval by the Kingsville City Commission and continue until the last day of the tenth (10<sup>th</sup>) year after the tax abatement for the first phase begins, provided terms of the abatement agreement

have been met. However, this Agreement shall terminate: (i) one (1) year after final approval by the Kingsville City Commission if Newman fails to start improvements for the first phase of the project within one (1) year of said approval; or (ii) if Newman fails to comply with the provisions of this Agreement and such failure continues uncured after receipt of written notice and the expiration of any applicable grace period, as set out below.

5. Tax Abatement. The City and Newman agree and acknowledge that this Agreement shall provide for tax abatement, under the conditions set forth herein; however, in no event shall taxes be abated with respect to the first phase of the project for a term in excess of ten (10) years. There shall be granted and allowed hereunder to Newman a property tax abatement of taxes levied during the term of this Agreement on the percentage of the Certified Appraised Value of Improvements installed, relocated or expanded hereunder in the Reinvestment Zone according to the following schedule:

<b>Tax Year</b> <i>(Beginning with the tax year commencing January 1, 2013)</i>	<b>Percentage of Certified Appraised Value of Improvements to be Abated</b>
1-10	100%

No abatement shall extend to taxes on the appraised value to the land on which Improvements and any buildings in existence on such land as of the date of this Agreement. The property tax abatement granted and allowed hereunder shall extend only to real property ad valorem taxes assessable by the City, as installed or expanded within the Reinvestment Zone. The property tax abatement granted and allowed hereunder is subject to the terms of this Agreement. Newman shall make all reasonable efforts to cooperate with the City in obtaining any grants or aid from any state, federal or other sources; provided, however, that Newman shall not be required to reveal proprietary or trade information or agree to be bound by any continuing covenants or conditions of any grant or aid.

6. Adjustment Based on Rate of Return. If the cumulative average annual return on investment to Newman with respect to the first phase of the project, as computed in accordance with standard industry practices at the end of the tax abatement period for such phase, exceeds ten percent (10%), said abatement for the phase shall be reduced and/or a refund shall be issued to the City in an amount equal to the lesser of (i) an amount sufficient to reduce the aforementioned return on investment for the first phase to ten percent (10%), or (ii) the total amount of the tax abatement with respect to the phase received by Newman during such period.

7. Improvements. Newman agrees to build the first phase of a two phase student housing project. The first phase will contain space for approximately 270 students. If the first phase is financially successful, Newman intends to build the

second phase with sufficient space for approximately 270 students. The first phase of the project will be constructed on land acquired by Newman in sufficient amount to accommodate the building. The anticipated taxable value of the first phase is over Five Million Five Hundred Thousand Dollars (\$5,500,000).

8. Representations.

A. Newman represents and agrees that (i) it will have a taxable interest with respect to real property and improvements to be placed on the property; (ii) the anticipated taxable value of the first phase of the project is over Five Million Five Hundred Thousand Dollars (\$5,500,000).

B. The City represents that (i) the Reinvestment Zone has been created in accordance with Chapter 312 of the Texas Tax Code; and (ii) that the property designated is located within the corporate limits of the City and the Kingsville Reinvestment Zone.

C. Newman and the City each represent that no interest in Improvements is held or subleased by a member of the Kingsville City Commission or any employee or official of the City.

9. Access To and Inspection of Property by City Employees. Newman shall allow the City's employees access to the Improvements for the purpose of inspecting any Improvements erected to ensure that such Improvements are completed and maintained in accordance with the adopted codes of the City, specifications and conditions of this Agreement and to ensure that all terms and conditions of this Agreement are being met. All such inspections shall be made only after giving Newman twenty-four (24) hours notice and shall be conducted in such a manner as to not unreasonably interfere with the construction, installation and/or operation of the Improvements. All such inspections shall be made with one (1) or more representatives of Newman present and in accordance with all applicable safety standards.

10. Default.

A. The City Manager or his/her appointed designee may declare a default hereunder if Newman (i) violates any of the terms or conditions of this Agreement; (ii) allows any ad valorem taxes owed to the City to become delinquent and fails to timely and properly follow the legal procedures for their protest and contest; or (iii) is declared in default of any other agreement by and between the City and Newman, and such violation, failure to pay or default is not corrected or cured after receipt of written notice and opportunity to cure as provided in Section 10B below. If the City Manager declares a default of this Agreement, this Agreement shall terminate, and the City in such event, shall be entitled to recapture any property tax, with interest as provided for delinquent

taxes in the Texas Property Tax Code, which has been abated as a result of this Agreement, within thirty (30) days of the termination.

B. The City Manager or his/her appointed designee shall notify Newman of any cause for default in writing in the manner prescribed herein. The notice shall specify the basis for the possible declaration of default, and Newman shall have thirty (30) days from the date of receipt of such notice to cure any default (except where fulfillment of any obligation requires activity over a period of time, performance shall be commenced within thirty (30) days after the receipt of notice, and such performance shall be diligently continued until the default is cured).

11. Compliance with State and Local Regulations. Nothing in this Agreement shall be constructed to alter or affect the obligations of Newman to comply with any ordinance, rule, or regulation of the City or laws of the State of Texas.

12. Assignment of Agreement. This Agreement may be assigned only with the approval by resolution of the Kingsville City Commission, subject to the financial capacity of the assignee and provided that all conditions and obligations in this Agreement are guaranteed by the execution of a new Agreement with the City. No assignment shall be approved if either the current owner or the new owner is liable to City for outstanding taxes (unless such unpaid taxes are being contested or disputed in accordance with applicable law). The Kingsville City Commission shall not unreasonably withhold approval of an assignment.

13. Notice. All notices by a party must be in writing and delivered to the other party by (i) hand, (ii) reputable overnight courier, (iii) certified mail (return receipt requested, postage prepaid), or (iv) electronic facsimile, to the party or at the party's notice address set forth below (or such other addresses as a party specifies in writing to the other party). Notice will be deemed given upon the date of confirmed receipt, if sent by hand, or the third business day after the date sent, if sent by US Mail, overnight courier or electronically confirmed facsimile, except that a change of address notice will be effective five (5) business days after actual receipt. Unless otherwise provided in this Agreement, all notices shall be mailed to the following addresses:

To the Owner:       NSH Fund, LP  
                          Attn: Matthew Zerrusen  
                          106 Decker Ct., Suite 226  
                          Irving, TX 75062

With a copy to:       Veritas Medical Properties, LLC  
                          8911 Meadowknoll Drive  
                          Dallas, TX 75243

To the City: City of Kingsville  
C/O City Manager Vincent Capell  
P.O. Box 1458  
Kingsville, TX 78364

Any party may designate a different address by giving the other party ten (10) days written notice in the manner prescribed above.

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

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

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

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

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

19. Warranty. The individuals executing this agreement on behalf of each party represent and warrant that they are each the duly authorized representatives of such party on whose behalf the individuals are signing, each with full power and authority to bind said party to each term and condition set forth in this agreement.

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

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

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

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

24. Entire Agreement. This Agreement contains the entire and integrated tax abatement agreement among the parties and supersedes all other negotiations and agreements, whether written or oral.

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the City as authorized by the City Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 2012; by Newman on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**CITY OF KINGSVILLE**

By: \_\_\_\_\_

Name: Sam R. Fugate

Title: Mayor

Attested By: \_\_\_\_\_

Name: Edna S. Lopez

Title: City Secretary

**NSH**

By: NSH Fund, LP, a Texas limited partnership

By: Newman Student Housing Fund GP, LLC, its General Partner

By: \_\_\_\_\_

Name: Matthew W. Zerrusen

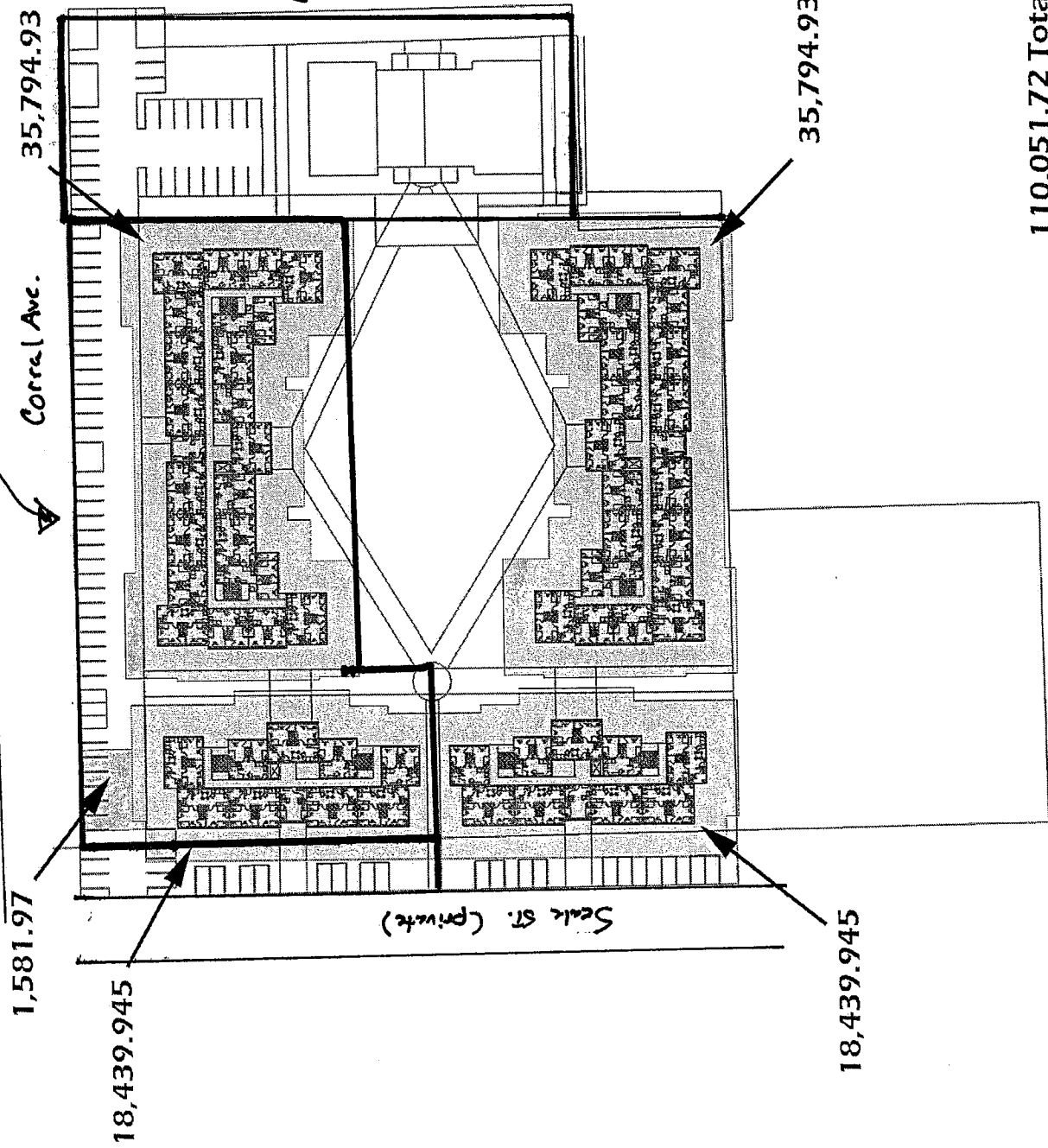
Title: President

Attested By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

\*Approximate Phase 1 Area



Newman Center/  
Diocese Chapel  
Location

110,051.72 Total SF

**APPLICATION FOR TAX ABATEMENT  
IN THE  
CITY OF KINGSVILLE, TEXAS**

**FILING INSTRUCTIONS:**

This application should be filed at least THIRTY (30) WORKING DAYS prior to the anticipated commencement of construction of improvements or the installation of equipment or the location of any personal property. This filing acknowledges familiarity and assumed conformance with "GUIDELINES AND CRITERIA GOVERNING TAX ABATEMENT FOR ALL TAXING UNITS CONTAINED WITHIN THE CITY OF KINGSVILLE, TEXAS" (Copy attached). This application will become a part of any later agreement or contract, and knowingly false representations thereon will be grounds for the voiding of any later agreement or contract.

**ORIGINAL COPY OF THIS APPLICATION AND ATTACHMENTS SHOULD BE  
SUBMITTED TO:**

CITY MANAGER  
City of Kingsville  
P.O. Box 1458  
Kingsville, Texas 78364

**Section 1 - APPLICANT INFORMATION**

Date of Application: June 27, 2012

Applicant Name: Matthew Zerrusen

Company Name: NSH Fund, LP

Address: 106 Decker Ct, Suite 226, Irving, TX 75062

Phone: 214.239.2906

Applicant's Representative on this project:

Name: Steven Cole

Address: 8911 Meadowknoll Drive, Dallas, TX 75243

Phone: 214.348.0928

Type of Ownership (check one): Corporation ( ) Partnership ( ) Proprietorship ( )

Total Current Number of Employees:



Corporate Annual Sales Per Year: \_\_\_\_\_

Annual Report Submitted (circle one)?

Yes    No

## **Section II - FACILITY INFORMATION**

(a) check type of Facility for which abatement is requested:

- ☐ Manufacturing Facility
- ☐ Regional Services Facility
- ☐ Research Facility
- ☐ Distribution Center Facility
- ☐ Regional Entertainment Center
- ☐ Other Basic Industry

(b) Address of proposed Facility and legal description: Retama and Corral

(c) The proposed Facility is located in: Kingsville

School District: Kingsville ISD

City: Kingsville, TX

(d) Describe product or service to be provided: Newman Student Housing - Dormitory

(e) This application is for a New Facility: Yes

Expansion: \_\_\_\_\_

Modernization: \_\_\_\_\_

## **Section III - FACILITY DESCRIPTION**

Please attach the following:

- (a) A general description of the improvements to be undertaken.
- (b) A descriptive list of the improvements for which tax abatement is requested.
- (c) A list of the kind, number and location of all proposed improvement of the Real Property, Facility or Existing Facility.
- (d) A site map indicating the approximate location of improvements on the Real Property, Facility or Existing Facility together with the location of any or all Existing Facilities located on the Real Property or Facility.

Part C - Construction and Employment Estimates:

(1) Construction start:

Month: Oct. 2012                      Year: 20\_12\_

(2) Number of construction jobs:

At Start: \_\_\_\_\_

Peak: \_\_\_\_\_

Finish: \_\_\_\_\_

(3) Number of man years:

Part D - School District Impact Estimates:

Give estimated number of: \_\_\_\_\_

Families transferred to area: \_\_\_\_\_

Children added to ISD's: \_\_\_\_\_

Part E - City Impact Estimates:

(1) Volume of treated water required from City in gallons per day:

(2) Volume of effluent to be treated by City in gallons per day:

(3) Please provide a statement on planned water and sewer treatment methods, and disposal of effluent if the Facility is to be located outside City systems.

(4) Has permitting been started (circle one)?

Yes              No

Part F - Estimated Appraised Value on Site:

(Land/ Personal Improvements/ Personal Property)

Valuation of Facility on January 1 Preceding Proposed Abatement:

Value of Facility Upon Completion of Project, of Personal Property, and Improvements not Subject to Abatement

Estimate Value of Eligible Improvements after Abatement Agreement

Expires: 5,500,000

Part G - Variance:

(a) Is a variance being sought under Section IV 9.(d) of the "Guidelines" (circle one)?

Yes              No

- (e) A list of any and all Tangible Personal Property presently existing on the Real Property or located in an Existing Facility.
- (f) A proposed time schedule for undertaking and completing the proposed improvements.
- (g) A general description stating whether the proposed improvements are in connection with:
  - (1) the modernization of a Facility (of any type herein defined); or,
  - (2) construction of a New Facility (of any type herein defined); or,
  - (3) expansion of a Facility (of any type herein defined); or,
  - (4) any combination of the above.
- (h) A statement of the additional value to the Real Property or Facility as a result of the proposed improvements.
- (i) A statement of the assessed value of the Real Property, Facility or Existing Facility for the Base Year.
- (j) Information concerning the number of new jobs that will be created or information concerning the number of existing jobs to be retained as a result of the improvements undertaken.

#### **Section IV - ECONOMIC IMPACT INFORMATION**

Part A - Current Investment in Existing Improvements:

Part B - Permanent Employment Estimates:

(1) If existing Facility what is the current employment?

(2) Estimated number of jobs:

Retained:  
At start-up:  
Created:  
In One Year:

(3) Opening of improvements:

Month: August Year: 2013

(b) If "Yes", attach any supplementary information required.

Section V - OTHER AGREEMENT APPLICATIONS

(a) Has applicant made application for abatement of this Facility to other taxing jurisdictions or counties (circle one)?

Yes No

(c) If "Yes", please provide:

- (1) Dates of Application:
- (2) Hearing Dates:
- (3) Name of Jurisdiction(s) and Contact(s):
- (4) Any letters of intent to abate:

Section VI - DECLARATION

To the best of my knowledge, the above information is an accurate description of the project details.

NSH Fund, LP

By: Newman Student Housing Fund GP, LLC  
General Partner

By:   
Matthew Zerrusen, President

6/27/2012  
Date

  
Receiving For City

6-27-12  
Date

# **AGENDA ITEM #11**



# Purchasing Department

361-595-8025  
361-595-8035 Fax

DATE: June 28, 2012  
TO: City Commission through City Manager  
FROM: David Mason, Purchasing Director  
SUBJECT: Bar Screens 12-37

## SUMMARY

This authorizes the purchase of replacement Bar Screens at both Wastewater plants.

## BACKGROUND

We advertised for sealed bids on June 9 and June 16, 2012 and proposals were accepted until 1:30 pm on June 26, 2012. There were four (4) respondents to the Bid:

<u>BID TAB 12-37 BAR SCREENS</u>			
<u>COMPANY</u>	<u>NORTH PLANT #1</u>	<u>SOUTH PLANT #2</u>	<u>TOTAL</u>
TREATMENT EQUIPMENT COMPANY	\$161,386.00	\$131,385.00	\$292,771.00
SQUARE E ENGINEERING	\$173,895.00	\$139,697.00	\$313,592.00
G B PROCESS SOLUTIONS	\$178,889.00	\$145,558.00	\$324,447.00
VISION EQUIPMENT	\$212,330.00	\$208,730.00	\$421,060.00

## RECOMMENDATION

It is recommended the contract be awarded to Treatment Equipment Company, 5632 Northwest Central, Suite 100, Houston, TX 77092 in the amount of \$292,771.00

## FINANCIAL IMPACT

This action will expend \$292,771.00 from 054-5-700.1-712.00 \$161,386 and 054-5-700.2-712.00 \$131,385.

Approved

---

Vincent Capell, City Manager

# **AGENDA ITEM #12**

**RESOLUTION NO. 2012-\_\_\_\_\_**

**A RESOLUTION OF THE CITY OF KINGSVILLE APPROVING THE MUNICIPAL SERVICE PLAN FOR THE PROPOSED ANNEXATION OF LOT 9, SECTION 22, K.T. & I. SUBDIVISION.**

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

**WHEREAS**, an enumerated power of the City of Kingsville under its Charter is the annexation of territory within its extraterritorial jurisdiction; and

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

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

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

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

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

**WHEREAS**, the City Commission passed Resolution #2012-25 on May 14, 2012 establishing dates, times and locations for two public hearings on the proposed annexation (public hearing dates are July 23 and 26, 2012 at 5:00p.m. in the Alcorn Commission Chambers located in City Hall, 200 E. Kleberg Ave, Kingsville, Texas) and providing all required notices and preparing a service plan; and

**WHEREAS**, pursuant to that resolution and State law, staff has prepared a Municipal Service Plan, a copy of which is attached hereto and incorporated by reference; and

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

**SECTION 1.** The City Commission approves the Municipal Annexation Plan for the proposed annexation of Lot 9, Section 22, K.T.&I. Subdivision, a copy of which is attached hereto and incorporated by reference.



**SECTION 2.** All resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of such conflict only.

**SECTION 3.** This Resolution shall be and become effective on and after adoption.

**SECTION 4.** This Resolution was considered, passed, and approved at a regular meeting of the City Commission of the City of Kingsville on July 9, 2012 at which a quorum was present and which was held in accordance with Chapter 551 of the Local Government Code.

**PASSED AND APPROVED** by a majority vote of the City Commission on the 9th day of July, 2012.

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

ATTEST:

\_\_\_\_\_  
Edna Lopez, City Secretary

APPROVED AS TO FORM:

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

## **MUNICIPAL SERVICE PLAN**

### **FIRE**

Existing Services: City of Kingsville Fire Department

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

### **POLICE**

Existing Services: Kleberg County Sheriff's Office

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

### **BUILDING INSPECTION**

Existing Services: None

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

### **PLANNING AND ZONING**

Existing Services: None

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

### **LIBRARY**

Existing Services: None

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

#### **HEALTH DEPARTMENT-HEALTH AND COMMUNITY APPEARANCE CODE ENFORCEMENT SERVICE**

Existing Services: Kleberg County/City of Kingsville Health Department

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

#### **STREET**

Existing Services: Kleberg County Road Maintenance

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

#### **STORM WATER MANAGEMENT**

Existing Services: None

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

#### **STREET LIGHTING**

Existing Services: None

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

#### **TRAFFIC ENGINEERING:**

Existing Services: None

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

### **WATER SERVICE:**

Existing Services: City Water Services are currently provided.

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

### **SANITARY SEWER SERVICE**

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

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

### **SOLID WASTE SERVICES**

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

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

### **MISCELLANEOUS**

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

### **EFFECTIVE DATE OF ANNEXATION**

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



# KINGSVILLE FIRE DEPARTMENT

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

Appendix A

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

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

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

**City of Kingsville Police Department**  
**Kingsville, TX 78363**

Appendix B

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

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

## **Engineering Report**

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

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

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

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

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

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

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



# City Of Kingsville~ HAWKS LANDING ANNEX



## Legend

- HAWKS\_LANDING\_ANNEX
- City Limits
- Parcels

0 112.5 225 450  
Feet

Page  
1/1

Drawn By: Lisa McLaughlin  
and JR Cavazos

Date: 5/9/2012

Job #:

Note:

DISCLAIMER  
THIS MAP IS FOR VISUAL PURPOSES ONLY.  
THE INFORMATION ON THIS SHEET MAY  
CONTAIN INACCURACIES OR ERRORS.  
THE CITY OF KINGSVILLE IS NOT  
RESPONSIBLE IF THE INFORMATION  
CONTAINED HEREIN IS USED FOR ANY  
DESIGN, CONSTRUCTION, PLANNING,  
BUILDING, OR ANY OTHER PURPOSE.

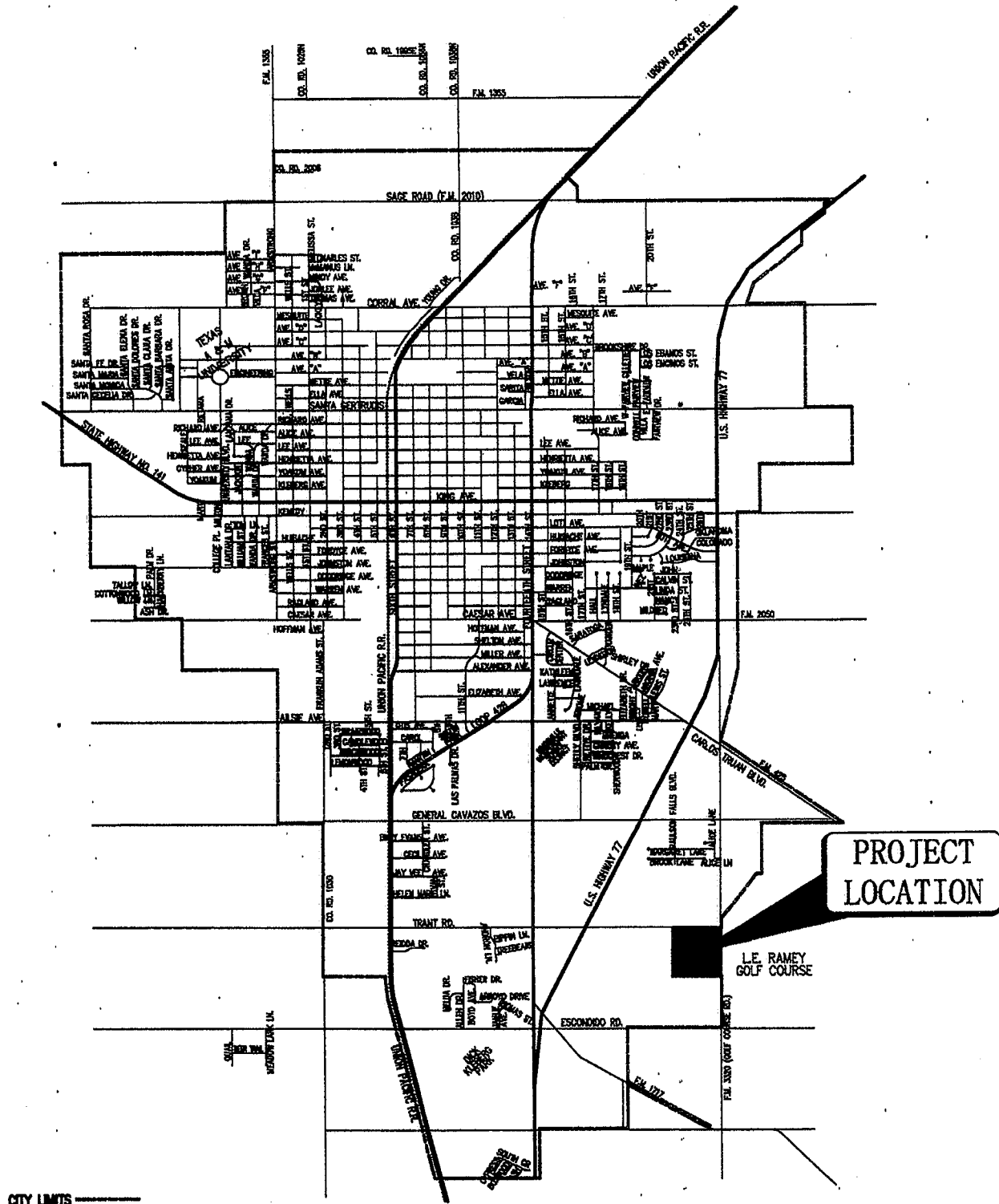


## CITY OF KINGSVILLE ENGINEERING DEPARTMENT

200 East Kleberg  
Kingsville, Texas 78363  
Office: 361-595-8005  
Fax: 361-595-8035

FILE: C:\Documents and Settings\draftech\My Documents\0 Projects\Municipal\Annexations\Hawks Landing\Hawks Landing Annexation.dwg

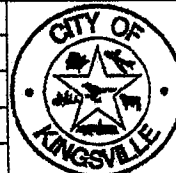
# CITY OF KINGSVILLE, TEXAS



CITY LIMITS

## HAWKS LANDING ANNEXATION

Drawn by: A. Vigstol  
Date: August 20, 2009  
Note: SITE MAP  
Job:  
Scale: 1" = 4000'



CITY OF KINGSVILLE  
ENGINEERING DEPARTMENT

200 East Kleberg  
Kingsville, Texas 78363  
Office 361.595.8005  
Fax 361.595.8035

# **AGENDA ITEM #13**

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

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER V-PUBLIC WORKS, ARTICLE 1-GARBAGE, AMENDING THE NUMBER OF DAYS FOR CORRECTIVE ACTION AFTER NOTICE OF VIOLATION TO SEVEN; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, the City provides citizens seven days to correct a nuisance after receiving a notice of violation in other sections of the Code of Ordinances and the existing ordinance allows for ten days;

**WHEREAS**, it is better to have uniformity as it makes it easier on the citizens and staff to have consistent time periods for corrective action;

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

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

I.

**THAT** Section 5-1-19 of Article 1: Garbage of Chapter V, Public Works, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

...

**§ 5-1-19 UNAUTHORIZED USE OF RECEPTACLES; DUTY OF OWNERS TO REMOVE.**

(A)

It shall be unlawful for any person to place, or permit another to place, any garbage or trash in any receptacle, at any refuse collection point or in any refuse container used in the city container collection service, unless the refuse is from the premises served by the container or from the premises at which the receptacle or collection point is located.

(B)

City service containers at several points in city areas are provided for refuse from apartment house areas, businesses and institutions within the city limits, and refuse from outside the city limits, shall not be placed in the city service containers.

(C)

It shall be unlawful for any person to place or deposit, or permit another to place or deposit, prohibited refuse in city service containers or to put anything on the ground at these locations.

(D)

The owner or occupant of any building, house, structure or land shall remove all refuse items that are prohibited from the regular collection service, and that are located, owned or deposited on the property or on the public right-of-way adjacent to the property. The existence of refuse or any other item on the property or the adjacent public right-of-way shall be prima facie evidence that such owner or occupant failed to remove, as provided by this article, at his own expense, the refuse or other item or items so stored or located thereon. Removal within ~~seven~~ ~~ten~~ days notice by the city is required.

*(Ord. 93005, passed 4-12-93; Ord. 2001-06, passed 2-26-01)*

...

## 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.

## V.

**THAT** nothing in this ordinance 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 9<sup>th</sup> day of July, 2012.

**PASSED AND APPROVED** on this the \_\_\_\_<sup>th</sup> day of July, 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:** Sec. 5-1-19. - Unauthorized use of receptacles

**DATE:** June 26, 2012

---

In an effort to better serve the members of our community, needed revisions were identified pertaining to Chapter 5, Article 1, Unauthorized use of receptacles, specifically the language tied to the time given to owners to remove nuisance after notice.

Currently Chapter 5, Article 1, Unauthorized use of receptacles; gives property owners 10 days to abate the nuisance which is not consistent with language provided in the state statute which only allows a maximum of seven days for abatement. Numerous code amendments, in various articles, have been instigated in an effort to mirror the timeline provided by state statute and other city ordinances that require abatement. In the majority of the City's abatement language, such as Chapter 9, Article 7 Nuisances, the ordinance allows the aforementioned timeline, providing the property owner seven (7) days to abate the nuisance. The intent of this revision is to provide a more uniform approach to all abatement cases in that the standard timeline to comply will be seven days.

It is in the best interest of Kingsville citizens, as well as our code enforcement inspectors, to become accustomed to a consistent timeline and a set standard of procedures practiced as far as abatements are handled. We anticipate this will lessen confusion within our organization and for our customers by providing a consistent compliance timeline for abatements.

Cc: Courtney Alvarez, City Attorney  
Luke Stevens, Solid Waste Supervisor  
Jennifer L. Bernal, Community Appearance Supervisor

# **AGENDA ITEM #14**



KKB Donations  
July 2012

Donor	Check #	Amount
Kingsville Historic District Business Assoc.	1122 \$	500.00

Total:	\$	500.00
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# **AGENDA ITEM #15**

**ORDINANCE NO. 12-**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2011-2012 GENERAL FUND BUDGET FOR THE CITY OF KINGSVILLE TO ACCEPT DONATIONS FOR KEEP KINGSVILLE BEAUTIFUL FOR VARIOUS BEAUTIFICATION PROJECTS.**

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
<b>Fund 001</b>	<b>General Fund</b>				
<u>Assets</u>					
0-		Claim on Pooled Cash	010.00	500	
<u>Liabilities</u>					
1-		Due to KKB	478.00	500	

[To accept donations of \$500 for various beautification projects.]

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.

IV.

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

INTRODUCED on this the \_\_ day of \_\_, 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

KKB Donations  
July 2012

Donor	Check #	Amount
Kingsville Historic District Business Assoc.	1122	\$ 500.00

Total:	<u>\$ 500.00</u>
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# **AGENDA ITEM #16**

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

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER VII, ARTICLE 6, TRAFFIC CONTROL DEVICES; PROVIDING FOR THE RESTRICTION OF PARKING ON THE WEST SIDE OF WILSON STREET FROM ELLA AVE. TO AVENUE A; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, the City has received complaints from citizens regarding the parking of different types of vehicles on Wilson Street between Ella Avenue and Avenue A;

**WHEREAS**, the staff has observed individuals performing mechanical work on vehicles parked along the street in this area which poses a safety concern to both the driver and the person performing repairs;

**WHEREAS**, the parking of vehicles in this area restricts the vision of drivers in the area which is also a safety concern;

**WHEREAS**, it is nearly impossible for fire trucks and garbage trucks to pass along the street in this area if vehicles are parked on both sides of the street in this area, posing an immense safety concern for the community;

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

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

I.

**THAT** Schedule II of Article 6: Parking Schedules of Chapter VII, Traffic Code, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

**Sec. 7-6-2. Schedule II, Parking Restricted on Certain Streets.**

**SCHEDULE II. PARKING RESTRICTED ON CERTAIN STREETS.**

It shall hereafter be unlawful for any person to park or leave standing any vehicle on the following streets:

TABLE INSET:

Street	Location	Side	Time Limit	Ord. No.	Date Passed
Wilson St.	Lying anywhere between its intersection with Ella Ave. and Avenue A	West	All times	--	--

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 9th day of July, 2012.

**PASSED AND APPROVED** on this the \_\_\_\_th day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Sam Fugate, Mayor

ATTEST:

\_\_\_\_\_  
Edna S. Lopez, City Secretary

APPROVED AS TO FORM:

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





## ***Engineering Department***

361-595-8007

361-595-8035 Fax

DATE: June 15, 2012  
TO: City Commission through City Manager  
FROM: Naim Khan, Director of Public Works/City Engineer  
SUBJECT: "NO PARKING" on Wilson Street

### **SUMMARY**

This item authorizes staff to install "NO PARKING" signs and enforce parking restrictions on the west side of Wilson Street from Ella Avenue to Avenue A.

### **BACKGROUND**

Staff has received several complaints from the neighboring citizens regarding the parking of different types of vehicles on Wilson Street. Police Chief and the City Engineer have visited the site and found vehicles parked on this street. It has been noticed that sometimes automobile mechanics work on these parked vehicles. It is a safety concern for the mechanics and the drivers. At the same time parked vehicles restrict the vision of the drivers on this street. It is near to impossible for the fire truck and garbage truck to pass the street if vehicles are parked on the both sides of this street.

### **RECOMMENDATION**

Staff recommends the installation of "NO PARKING" signs on the west side of Wilson Street from Ella Ave. to Avenue A.

### **FINANCIAL IMPACT**

Cost for one sign installation including the materials (sign, pole, clamps, wedge, and anchor) plus the labor will be about \$100.00. Total cost for 5 signs will be \$500.00. The money will come from FY 2011-2012 Street Division regular budget: 5-305.0-522.00

Approved

---

Vincent Capell, City Manager



# CITY OF KINGSVILLE

P. O. BOX 1458 – KINGSVILLE, TEXAS 78364



June 25, 2012

Dear Resident/Property Owner:

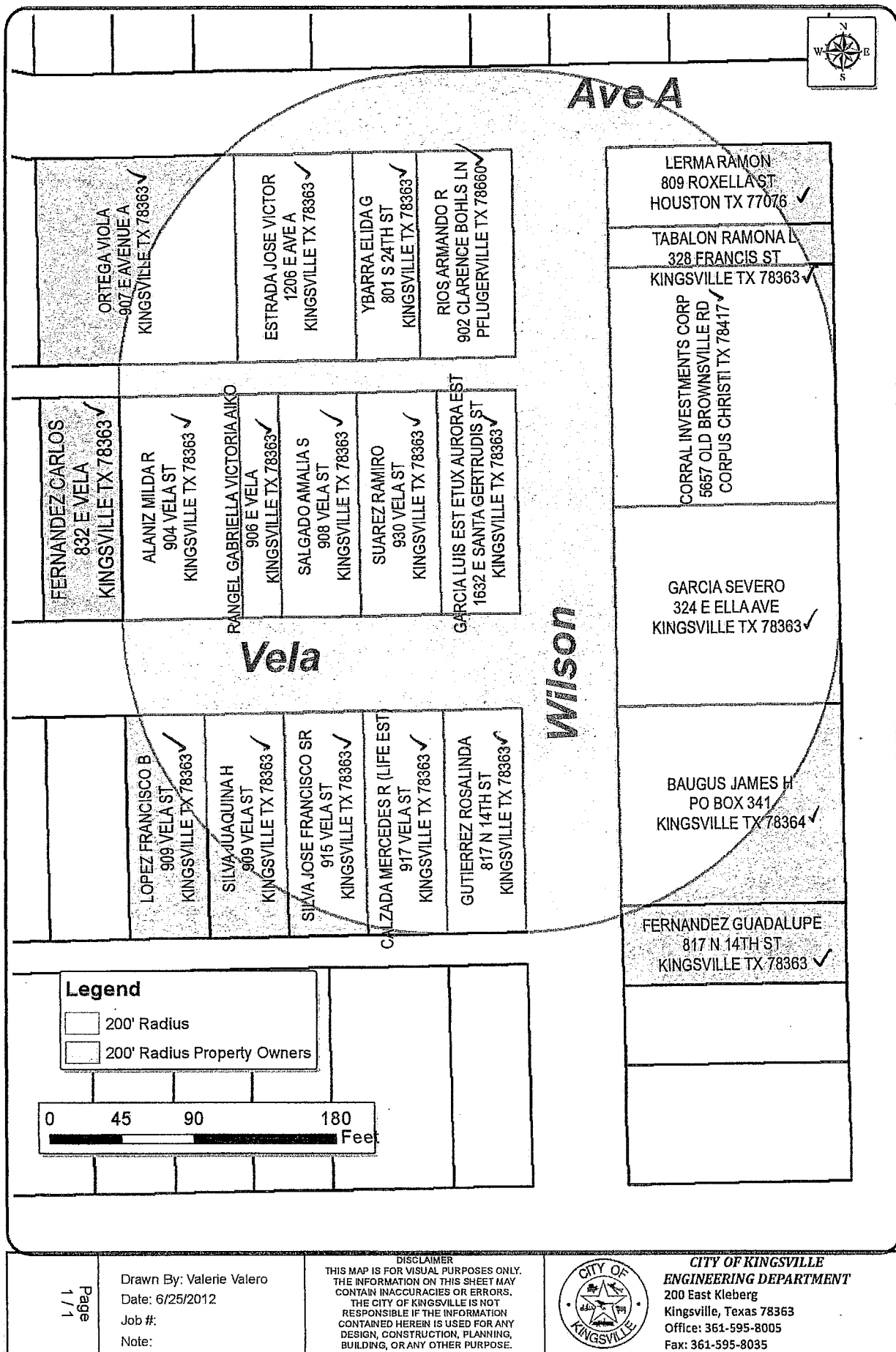
The City has received numerous complaints from residents in your area about commercial truck parking and the lack of adequate vehicle access on Wilson Street from Avenue A to Ella Street. Parking of large commercial trucks on Wilson Street limits traffic to a single, narrow traffic lane barely wide enough for a small passenger vehicle while completely blocking larger vehicles such as fire and sanitation trucks. Also, large commercial truck parking and commercial truck deliveries on Wilson Street will, at times, completely block vehicular traffic. Workers have also been observed working under and around the large commercial truck vehicles, which is a dangerous situation for the workers and not a proper or allowed use of the City's public right of way.

In order to address resident complaints the City Commission will consider implementing "NO PARKING" restrictions on the west side of Wilson Street from Avenue A to Ella. An ordinance implementing this "NO PARKING" restriction is scheduled to be introduced during the regular City Commission meeting to be held at City Hall, 200 E. Kleberg Avenue, at 6 p.m., Monday, July 9, 2012, with final Commission consideration at the regular City Commission meeting to be held on Monday, July 23, 2012 at the same time and location. If you have any questions about this "NO PARKING" restriction, please contact Naim Khan, Public Works Director at 361-595-8004, Ricardo Torres, Chief of Police at 361-593-8880 or Vince Capell, City Manager at 361-595-8002. You are also invited to attend and to make comments, subject to City Commission rules, at one or both of these regularly scheduled City Commission meetings.

**Vincent J. Capell**  
**City Manager**

200 E. Kleberg  
PO Box 1458  
Kingsville TX 78364  
(361) 595-8002 – Voice  
(361) 595-8024 – Fax  
[citymanager@cityofkingsville.com](mailto:citymanager@cityofkingsville.com)

# City Of Kingsville



\* Sent  
Certified  
Letters 6-26

# **AGENDA ITEM #17**

**ORDINANCE NO. 2012-**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2011-2012 BUDGET FOR THE SOLID WASTE CAPITAL PROJECTS FUND TO PURCHASE COMMERCIAL DUMPSTERS.**

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

I.

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

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
<hr/>					
<b>Fund 087</b>	<b>Solid Waste Capital Projects Fund</b>				
	<u>Expenses</u>				
5-170.2	Sanitation	Rollouts & Dumpsters	220.00	<u>26,276</u>	
5-170.3	Landfill	Equipment	712.00		<u>26,276</u>
				<u>26,276</u>	<u>26,276</u>

[To pay for commercial dumpsters for \$26,276 from the savings on the purchase of a front-end loader.]

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 9th day of July, 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



## ***Engineering Department***

361-595-8007

361-595-8035 Fax

DATE: June 29, 2012  
TO: City Commission through City Manager  
FROM: Naim Khan, Director of Public Works/City Engineer  
SUBJECT: Budget amendment for buying new dumpsters.

### **SUMMARY**

This item authorizes the staffs to buy dumpsters for commercial garbage pick-up.

### **BACKGROUND**

We normally repair the rusted/damaged dumpsters until those are not repairable. Replacing old dumpsters with the new one is a part of our regular job so there is always a need for new dumpsters. We had \$200,000 for Commercial Garbage Truck and \$120,000 for Front-wheel Loader in Solid Waste Capital Project Fund (087). We spent 93,440.60 for Front-wheel loader and \$200,283 for the commercial Garbage truck. We have \$26,276.40 savings what we like to spend to buy dumpsters. If the Commission approves, we will have \$26,276.40 to spend on dumpsters. In that case we would purchase 20 - 3 Yarders and 25-4 Yarders. The total cost would be \$26,180.00 (20 X \$544.00 = \$10,880.00 Plus 25 X \$570.00 = \$14,250.00. We would also have a freight fee of \$1050.00).

### **RECOMMENDATION**

Staff recommends proceeding with the approval of proposed budget amendment.

### **FINANCIAL IMPACT**

\$26,180 which will come from Solid Waste Capital Project fund (087)

Approved

---

Vincent Capell, City Manager



# **AGENDA ITEM #18**

**ORDINANCE NO. 2012-**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2011-2012 BUDGET FOR THE GENERAL FUND CAPITAL PROJECTS FUND FOR THE FINANCE DEPARTMENT ACCOUNTS RECEIVABLE MODULE 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>9,000</u>
					<u>9,000</u>

Other Sources/Uses

5-690 Fund Transfers	Transfer to Fund 091	394.91		<u>9,000</u>	
				<u>9,000</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>9,000</u>	
				<u>9,000</u>	

Expenses

180.1 Finance	Computer & Assoc. Eq	726.00		<u>9,000</u>	
				<u>9,000</u>	

[To pay for the Incode Accounts Receivable Module for better tracking of the City's other billings from Fund 001 General Fund FY11 fund balance surplus.]

---

II.

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

III.

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

IV.

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

INTRODUCED on this the 9th day of July, 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



P. O. BOX 1458 – KINGSVILLE, TEXAS 78364

June 29, 2012

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

**Re: Accounts Receivable Software Purchase Request**

Mr. Capell,

The City of Kingsville currently has specialized accounting software for Utility Services receivables for Water Services, Sewer Services, and Solid Waste Services. In addition, the City has specialized receivables software for Permits and Business Licenses. But there is a significant need for specialized receivables software to efficiently and effectively manage Sundry Services. These Sundry Services include, but are not limited to, Paving Assessments, Mowing and Vacant Lot Clearance, Abatement and Noxious Matters, and Inter-Local Agreements with other governments.

After a review of the Sundry Services accounting needs, I am recommending the purchasing of the Incode "Accounts Receivable" software designed for this purpose. The cost of purchasing and installing this software is \$9,000.

Thank you for your consideration of this matter.

Sincerely,

Mark A. Rushing

Agenda Item #	Date of Commission Meeting	GL Account #	Department	Project	FUND 091 General Fund Amount	FUND 054 Utility Fund Amount	FUND 065 CO Series 2011 - GF	Amount Available for Total Projects
				<b>Total of FY11 Surplus</b>	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
				Add: Tentative Arbitrage Contingent Liability Savings	3,453.00	99,803.00		103,256.00
				Add: FY11 Inventory Adjustment (Note E)	(49,753.00)	56,735.00		6,982.00
				Add: Funding from Fund 062 CO 2005		50,000.00		50,000.00
				Add: Funding from Fund 054 Fund Balance		12,987.00		12,987.00
				<b>Adjusted Total Funding Sources</b>	1,389,450.00	219,525.00	-	1,608,975.00

[illegible]

19	09/1-5-160.1-314.00	Development Services	City contribution for KKB landscaping at Yeakum St.	10,000.00
16	03/08/2012	Development Services		24,850.00
18	09/1-5-160.3-591.00	Development Services	Dumpster enclosure pilot program (Note D)	(34,850.00)
			<b>Total of Projects Presented at 3/08/12</b>	<b>(34,850.00)</b>

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

#	Agenda Item #	Date of Commission Meeting	GL Account #	Department	Project	FUND 091		FUND 054		FUND 065		Amount Available for Total Projects
						General Fund	Amount	Utility Fund	Amount	CO Series	2011 - GF	
#4	25	03/26/2012	091-5-160.1-591.00	Development Services	Corridor landscaping pilot program (Note D)	47,432.00						
	24	03/26/2012	091-5-170.2-711.00	PW - Sanitation	Public Works 1/2 ton Pickup incl light bars, etc. (Note B)	18,000.00						
	22	03/26/2012	091-5-170.2-711.00	PW - Sanitation	Public Works 1/2 ton Pickup incl light bars, etc. (Note B)	18,000.00						
	22	03/26/2012	091-5-303.0-711.00	PW - Garage	Public Works 1/2 ton Pickup incl light bars, etc. (Note B)	18,000.00						
	22	03/26/2012	091-5-303.0-711.00	PW - Garage	Public Works 1/2 ton Pickup incl light bars, etc. (Note B)	18,000.00						
	23	03/26/2012	091-5-303.0-711.00	PW - Street	Public Works 3/4 ton Utility Truck incl light bars, etc. (Note B)	33,616.00						
	14	03/26/2012	091-5-302.0-713.00	PW - Service Center	Public Works yard - welding shed (Note D)	23,080.00						
	15	03/26/2012	091-5-302.0-591.00	PW - Service Center	Public Works yard - auto gate opener (Note D)	5,490.00						
	16	03/26/2012	091-5-302.0-217.00	PW - Service Center	Public Works yard - pressure washer (Note D)	4,919.00						
	17	03/26/2012	091-5-302.0-591.00	PW - Service Center	Public Works yard - catwalk (Note D)	4,620.00						
	18	03/26/2012	091-5-302.0-591.00	PW - Service Center	Public Works yard - gas pump canopy (Note D)	28,519.00						
#5	19	03/26/2012	091-5-302.0-591.00	PW - Service Center	Public Works yard - fence slats (Note D)	8,440.00						
	20	03/26/2012	091-5-170.1-591.00	PW - Recycling Center	Fence slats, additional amount from original amount (Note D)	500.00						
	21	03/26/2012	091-5-170.1-591.00	PW - Recycling Center	Fence enclosure for after-hours recycling (Note B)	3,270.00						
					Total of Projects Presented at 3/26/12	(231,886.00)						(231,886.00)
	10	04/09/2012	091-5-180.1-726.00	Purchasing/Finance	Upgrade time "clock" and attendance management system	67,408.00						
	9				Total of Projects Presented at 4/09/12	(67,408.00)						(67,408.00)
#6	6 & 11											
	5	04/23/2012	091-5-430.0-591.00	Parks	Brookshire Pool renovations (Note B)	5,000.00			200,000.00			
	10	04/23/2012	034-5-600.2-720.19	PW-Water Production	Water Well #19 pump house rehab (Note A)	(5,000.00)		(200,000.00)				(205,000.00)
#7	1											
	17	05/14/2012	091-5-160.1-314.00	Development Services	City contribution for KKB landscaping at Yoakum St. (Note D)	5,000.00						
					Total of Projects Presented at 4/14/12	(5,000.00)						(5,000.00)
#8	3											
		06/25/2012	002-2-610.00	Sources-Fund Balance	Funding from FY11 Surplus transfer to Fund 065	(100,000.00)			100,000.00			
					Total Additional Revenue	(100,000.00)			100,000.00			-
#9	8	06/25/2012	065-5-220.0-713.01	Fire	Sta 2 remodeling, electrical upgrades, new roof, exterior repairs (Notes B & C)	-			100,000.00			
					Total of Projects Presented at 4/14/12	-			(100,000.00)			(100,000.00)
	18	07/09/2012	091-5-180.1-726.00	Finance	Incode Accounts Receivable Module (Note B)	9,000.00						
					Total of Projects Presented at 4/14/12	(9,000.00)						(9,000.00)
#9												
					Total Remaining Net Surplus	152,982.00		-	-			152,982.00

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

Agenda Item #	Commission Meeting	Date of	GL Account #	Department	Project	FUND 091 General Fund Amount	FUND 054 Utility Fund Amount	FUND 065 CO Series 2011 - GF	Amount Available for Total Projects
					<b>Total Remaining Net Surplus</b>	152,982.00	-	-	152,982.00
					<b>Other Possible Projects</b>				
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	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	PW - Street	Parking lot 7th & Yoakum (Note D)	23,442.00			
					<b>Total of Other Possible Projects</b>	(152,982.00)	-	-	(152,982.00)
					<b>Net Total FY2011 Surplus (Deficit)</b>	-	-	-	-

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. Purchase of 4 1/2 ton pick up trucks and 1 utility truck for a total of \$106,000 for Public Works departments and the Recycling Center fence enclosure for after-hours recycling (\$3,270) requested on an email dated 2/14/12. Parks Dept. request from the City for 1/4 of the Brookshire Pool renovations.

Note C: Fire Department Station 2 remodeling, electrical upgrades, new roof and exterior repairs (\$100,000). Incode A/R Module (\$9,000) 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), (4) Recycling Center trailer (\$90,000), (5) Way finding (\$30,000) for Fire Station 2.

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 \$47,432 (\$12,568), (3) Health Dept. Scag mower from \$10,710 (new) to \$3,500 (repair existing one) (\$7,210) and (4) lower Public Works projects of the welding shed, auto gate opener, pressure washer, catwalk, gas pump canopy, and fence slats for a total of \$82,210 (\$12,090) and (5) additional amount for the fence slats at the Recycling Center from #1 above, since the quote was \$2,000; (6) Lower time clock and attendance management system for a total of \$67,408 (\$12,592);

(7) Additional funds needed for the beautification project at Yoakum St. (8) Parking lot 7th & Yoakum reduced to \$32,442 (\$60,000-27,558).

Note E: The inventory adjustment is due to a physical year-end inventory taken September 30, 2011, in connection with year end audit.

# **AGENDA ITEM #19**





From: R. R. Trescott, Downtown and Special Projects Manager

To: City Commission via City Manager

Subject: Convention and Visitor Bureau Transition

Date: 2 July 2012

The City of Kingsville Texas, in accordance with the Texas Tax Code Chapter 351 has imposed and receives hotel occupancy taxes for the purpose of the promotion of local tourism and of our convention and hotel industry, under certain statutory limitations.

The City had chosen to contract for the delivery of those municipal services and recordkeeping with the Kingsville Convention & Visitors Bureau, Inc., (CVB) a Texas nonprofit corporation. The current contract is set to expire on or before September 30, 2012.

During the spring of this year it became public and general knowledge that one staff member had left the CVB and that others were intending to retire before the termination date of the City contract.

Because of the impending termination date and the earlier loss of staff, on June 6, the City Manager communicated to the CVB that he was appointing me, with the assistance of senior City staff, to develop and implement a transition plan for the continuation of the tourism and recordkeeping programs as required by statute.

The Board of Directors of the CVB held several meetings in June to discuss their plans and their response to the City Manager's letter. That board voted to present two items to the City Commission for the July 9<sup>th</sup> meeting:

1. A request that the contract with the City be terminated with 30 days' notice from the date of the July 9, 2012 City Commission Meeting.
2. A proposed budget amendment from their contingency fund allowing them to make "Retirement Service Recognition Awards" to three of their remaining staff members.

After notifications to the Commission, the City Manager made several moves to protect the City's fiduciary and legal responsibilities for use of Hotel Occupancy Taxes, tourism programs and records keeping.

I was directed to:

- Meet with CVB staff to learn their budget and operations. I have begun that process and CVB staff, on site, is cordial and cooperative. I have had a conversation with the CVB Executive Director who is out of town on a family emergency and therefore currently unavailable for direct assistance.
- Work with the Human Resources Department to determine what positions are necessary to create and make initial staffing for a Tourism Services Department. HR is preparing paperwork for the City Commission to consider modification of the compensation plan to add positions.
- Work with the City Legal Department to determine steps necessary to implement the transition. The City Attorney is researching the laws, contract, and the articles of incorporation and bylaws of the CVB to determine what steps are necessary to accomplish the transfers, transitions, filings and record keeping necessary at contract termination. She is also preparing the documents required for City Commission actions required to institute a new department. The City Attorney was consulted on the CVB's proposed budget amendment to determine the details and ramifications of the request.
- Work with the Finance Department to determine the financial steps required to handle funds and conduct transactions during the transition, close out accounts and obligations, as well as set up the accounts and budget for a new department. The Finance Director already has a budget structure for City Tourism and is helping to develop a departmental budget for FY 2012-13. Depending on information provided by the CVB, we will be constructing a budget for the transition period. The Finance Director also reviewed the CVB's proposed budget amendment to determine the details and ramifications of the request. Finance Director asked for clarification from the CVB staff.
- Work with the Purchasing Director to determine steps necessary to assume appropriate liabilities and continuing contracts while avoiding unnecessary expenses for the City, the CVB and its Board of Directors. The CVB staff is preparing a list of utilities, services, equipment, and contracts that are expected to live past the contract termination date. The Purchasing Director will advise us on the handling of those items.

At the July 9<sup>th</sup> Commission Meeting, we will present the initial ordinance for the establishment of a City of Kingsville Tourism Services Department. This action is our recommended alternative for continuity of tourism services and recordkeeping. This will allow accomplishment of additional effectiveness and efficiencies. I intend to recommend operating at the location that the CVB currently uses and requesting the continued support of an existing dedicated cadre of experienced volunteers, while a Tourism Strategic Plan is developed.

As for the request for early termination upon the consent of both parties to the contract, I support a termination of the contract coincident with the last day of the employment and operation by the

current staff to protect both the CVB Board and the City. However contract termination should be subject to satisfaction of the following conditions before execution:

1. Arrangements for physical inventory, closing-out of financial transactions, auditing of records, and transferring assets, real, personal, intellectual, and financial - including arrangements for required filings, tax returns, and reports.
2. Arrangements made for transferring contracts, accounts payable and accounts receivable.
3. An understanding as to the intended corporate status of the CVB going forward.
4. An interim budget and authority to make purchases and temporary hires to staff the operation from date of acceptance of contract termination until permanent staff can be hired.

The request for the Budget Amendment is more problematic:

1. The CVB is a private corporation and therefore has considerable leeway in its actions. However it is handling public monies and operates under some conditions that are set in its bylaws and contract as well as simply operating “in the sunshine”.
2. There may be no prohibition for the award of bonuses but there appear to be no programs, policies, or prior arrangements in place for either bonuses based on longevity or for the payment of bonuses based on leave not carried as accrued. The method for arriving at the “fair” amount for the awards seems arbitrary.
3. The minutes of the CVB Board reveal a question about the appearance of a conflict of interest in that a board member put forward and voted for the award of which a family member is proposed as a recipient. Note that the award is for three staff members, not just the family member but also note that another staff member and a recently resigned staff member are excluded.
4. The above listed questions may all fall within the realm of judgment, but there are other factual issues which muddy the water:
  - a. The request contains a core amount that is said to be based on 3 months’ salary but the computations presented:
    - i. Do not clearly state the standard for the base amount, thereby leaving the door open for expenses beyond the amount requested in the form of taxes and insurances.
    - ii. Have inconsistencies in what is included in the base amount. For one person it includes base pay and a form of deferred compensation or annual

bonus; for another, part of the salary possibly paid with the City general funds is left out; for the third, the base number is said to be the base salary.

- iii. The equations used to arrive at the award figures contain significant mathematical errors.

The City Attorney cannot make a definitive statement as to the appropriateness of the procedures, form, or amount of the proposed award.

The Finance Director cannot make an accurate statement as to the full and actual cost of the proposed budget amendment due to incomplete information provided by the requestor.

However, I can lay out some possible options:

1. Table the request until complete budget information is received.
2. Deny the request as a questionable expenditure of tax dollars.
3. Approve some lesser amount or capped amount, more in line with what long term City employees or long term employees of nonprofit organizations funded with tax dollars typically receive at retirement.

### **Summary**

City staff is proceeding with the development of City Ordinances and resolutions for Commission action to enable a smooth transition and to implement a City Tourism Services Department.

I recommend early termination of the contract with the CVB as they have requested, subject to certain conditions that can be met before execution of the termination.

I have presented a series of possible alternatives in response to the request for a budget amendment.

On a separate track, we are meeting with local tourism, convention and hotel industry members to develop strategies and procedures for improved support for their industry and therefore for our overall community economic vitality.

KINGSVILLE CONVENTION & VISITORS BUREAU  
2011 - 2012 PROPOSED BUDGET AMENDMENT

EXPENSE			INCOME TO COVER AMENDMENT
New Line Item			
5011			
Retirement Service Recognition Award	\$ 37,267.47	Retirement Service Recognition Award (3-Employees)	Contingency \$ 37,267.47
			\$ 37,267.47

KINGSVILLE CONVENTION & VISITORS BUREAU  
Board of Directors  
PROPOSAL FOR EARLY CONTRACT TERMINATION

The Kingsville Convention & Visitors Bureau Board of Directors requests a 30-day early termination of the Professional Services Contract between the City of Kingsville and the Kingsville Convention & Visitors Bureau with the notification date starting July 9, 2012.

**Severance / Vacation Based on 3 Months  
as of 5-7-12**

	<b>Balances</b>
KCVB Contingency	\$ 251,487.61
Operating	\$ 37,791.13
Salary Event Mgr	\$ 27,247.68

**Balances as of 6-11-12**

KCVB Contingency	\$ 294,437.96
Operating	\$ 20,505.96
Salary Event Mgr	\$ 27,247.68

**Carol Ann Anderson - 14 Years**

Yearly Salary	Divided by 26 pay periods	3 months salary 6 pay periods
\$ 60,364.00	\$ 2,321.69	\$ 13,930.14

Salary II / Retirement	Yearly
\$ 4,148.00	\$ 4,148.00

Vacation	2 Pay Periods	
4 weeks	\$ 4,643.38	\$ 22,721.52

**Linda Scott - 7.5 Years**

Yearly Salary	Divided by 26 pay periods	3 months salary 6 pay periods
\$ 35,500.00	\$ 1,365.38	\$ 8,192.28

Vacation	1-1/2 Pay Periods	
3 weeks	\$ 2,048.07	\$ 10,240.35

**Mary Windham - 8 Years**

Hourly	20 hrs per pay period	3 months salary 6 pay periods
\$ 11.96	240	\$ 2,870.40

Vacation	1-1/2 Pay Periods	
3 weeks	\$ 1,435.20	\$ 4,305.60

<b>Total</b>	<b>\$ 37,267.47</b>	<b>\$ 37,267.47</b>
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# **AGENDA ITEM #20**



From: R. R. Trescott, Downtown and Special Projects Manager

To: City Commission via City Manager

Subject: Convention and Visitor Bureau Transition

Date: 2 July 2012

The City of Kingsville Texas, in accordance with the Texas Tax Code Chapter 351 has imposed and receives hotel occupancy taxes for the purpose of the promotion of local tourism and of our convention and hotel industry, under certain statutory limitations.

The City had chosen to contract for the delivery of those municipal services and recordkeeping with the Kingsville Convention & Visitors Bureau, Inc., (CVB) a Texas nonprofit corporation. The current contract is set to expire on or before September 30, 2012.

During the spring of this year it became public and general knowledge that one staff member had left the CVB and that others were intending to retire before the termination date of the City contract.

Because of the impending termination date and the earlier loss of staff, on June 6, the City Manager communicated to the CVB that he was appointing me, with the assistance of senior City staff, to develop and implement a transition plan for the continuation of the tourism and recordkeeping programs as required by statute.

The Board of Directors of the CVB held several meetings in June to discuss their plans and their response to the City Manager's letter. That board voted to present two items to the City Commission for the July 9<sup>th</sup> meeting:

1. A request that the contract with the City be terminated with 30 days' notice from the date of the July 9, 2012 City Commission Meeting.
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After notifications to the Commission, the City Manager made several moves to protect the City's fiduciary and legal responsibilities for use of Hotel Occupancy Taxes, tourism programs and records keeping.



I was directed to:

- Meet with CVB staff to learn their budget and operations. I have begun that process and CVB staff, on site, is cordial and cooperative. I have had a conversation with the CVB Executive Director who is out of town on a family emergency and therefore currently unavailable for direct assistance.
- Work with the Human Resources Department to determine what positions are necessary to create and make initial staffing for a Tourism Services Department. HR is preparing paperwork for the City Commission to consider modification of the compensation plan to add positions.
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- Work with the Finance Department to determine the financial steps required to handle funds and conduct transactions during the transition, close out accounts and obligations, as well as set up the accounts and budget for a new department. The Finance Director already has a budget structure for City Tourism and is helping to develop a departmental budget for FY 2012-13. Depending on information provided by the CVB, we will be constructing a budget for the transition period. The Finance Director also reviewed the CVB's proposed budget amendment to determine the details and ramifications of the request. Finance Director asked for clarification from the CVB staff.
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At the July 9<sup>th</sup> Commission Meeting, we will present the initial ordinance for the establishment of a City of Kingsville Tourism Services Department. This action is our recommended alternative for continuity of tourism services and recordkeeping. This will allow accomplishment of additional effectiveness and efficiencies. I intend to recommend operating at the location that the CVB currently uses and requesting the continued support of an existing dedicated cadre of experienced volunteers, while a Tourism Strategic Plan is developed.

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current staff to protect both the CVB Board and the City. However contract termination should be subject to satisfaction of the following conditions before execution:

1. Arrangements for physical inventory, closing-out of financial transactions, auditing of records, and transferring assets, real, personal, intellectual, and financial - including arrangements for required filings, tax returns, and reports.
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The request for the Budget Amendment is more problematic:

1. The CVB is a private corporation and therefore has considerable leeway in its actions. However it is handling public monies and operates under some conditions that are set in its bylaws and contract as well as simply operating “in the sunshine”.
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3. The minutes of the CVB Board reveal a question about the appearance of a conflict of interest in that a board member put forward and voted for the award of which a family member is proposed as a recipient. Note that the award is for three staff members, not just the family member but also note that another staff member and a recently resigned staff member are excluded.
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bonus; for another, part of the salary possibly paid with the City general funds is left out; for the third, the base number is said to be the base salary.

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However, I can lay out some possible options:

1. Table the request until complete budget information is received.
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3. Approve some lesser amount or capped amount, more in line with what long term City employees or long term employees of nonprofit organizations funded with tax dollars typically receive at retirement.

### **Summary**

City staff is proceeding with the development of City Ordinances and resolutions for Commission action to enable a smooth transition and to implement a City Tourism Services Department.

I recommend early termination of the contract with the CVB as they have requested, subject to certain conditions that can be met before execution of the termination.

I have presented a series of possible alternatives in response to the request for a budget amendment.

On a separate track, we are meeting with local tourism, convention and hotel industry members to develop strategies and procedures for improved support for their industry and therefore for our overall community economic vitality.

# **AGENDA ITEM #21**

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

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER III, ARTICLE 7, PERSONNEL POLICIES, SECTION 1 CLASSIFICATION AND COMPENSATION PLAN TO ADD THE POSITION OF TOURISM SERVICES DIRECTOR AND THE POSITION OF DOWNTOWN AND VOLUNTEER MANAGER TO THE CITY OF KINGSVILLE CLASSIFICATION AND COMPENSATION PLAN FOR FISCAL YEAR 2011-2012; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FORM AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, the certain changes are proposed to the City of Kingsville Classification and Compensation Plan for FY 2011-2012 are desired so that the plan more accurately reflects the type of position necessary for the efficient operation of a new Tourism Services Department due to the end of the contract for tourism services with the Kingsville Convention and Visitors Bureau;

**WHEREAS**, the requested change is to add the position of Tourism Services Director, ML2, and Downtown and Volunteer Manager, ML4, to the City of Kingsville Classification and Compensation Plan for Fiscal Year 2011-2012;

**WHEREAS**, the positions for the new Tourism Services Department will fall under the direction of the City Manager and be financed with hotel occupancy tax dollars that the City collects pursuant to Texas Tax Code Chapter 351 to enhance and promote tourism and the hotel and convention hotel industry;

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

I.

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

II.

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

III.

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

IV.

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

**INTRODUCED** on this the \_\_\_\_\_ day of \_\_\_\_\_, A. D., 2012.

**PASSED AND APPROVED** on this the \_\_\_\_\_ day of \_\_\_\_\_, A. D., 2012.

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

ATTEST:

\_\_\_\_\_  
Edna Lopez, City Secretary

Approved As to Form:

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

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

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

Ordinance Amendment Introduced: February 13, 2012  
Ordinance Amendment Approved: February 27, 2012

Ordinance Amendment Introduced: July 9, 2012

**NON-EXEMPT / NON-CIVIL SERVICE**

			<b>MIN/HOURLY</b>	<b>MAX/HOURLY</b>
<b>RANGE 7</b>	Custodian Equipment Service Worker Library Assistant FT/PT	Maintenance Worker Plant Helper Utility Worker	\$ 8.04	\$10.83
<b>RANGE 8</b>	Animal Control Officer/ Kennel Attendant Children's Services Librarian Equipment Operator I	Pump Operator Recycling Technician	\$ 8.39	\$11.18
<b>RANGE 9</b>	Crime Intelligence Analyst Customer Service Representative Municipal Court Deputy Clerk	Reference/Information Librarian	\$ 8.78	\$11.86
<b>RANGE 10</b>	Circulation Librarian Plant Mechanic	Technical Services Assistant	\$ 9.18	\$11.96
<b>RANGE 11</b>	Meter Reader Technician Secretary Water Production Operator		\$ 9.62	\$12.68
<b>RANGE 12</b>	Equipment Operator II Inventory Clerk Information and Technology Librarian	Lab Technician Plant Operator	\$10.06	\$13.12
<b>RANGE 13</b>	Assistant Accountant I		\$10.51	\$13.57
<b>RANGE 14</b>	Crime Scene Specialist Customer Billing Specialist Engineering Technician Executive Secretary	GIS Technician Human Resources Coordinator Telecommunications Operator	\$11.00	\$14.07
<b>RANGE 15</b>	Administrative Assistant I Assistant Accountant II	Equipment Operator III Meter Reader Foreman	\$11.49	\$14.56
<b>RANGE 16</b>	Lead Telecommunications Operator		\$12.03	\$15.64
<b>RANGE 17</b>	Administrative Assistant II Assistant Library Administrator	Maintenance Technician Welder/Fabricator	\$12.60	\$15.66
<b>RANGE 18</b>	Legal Assistant/Paralegal Litter Abatement Technician		\$13.16	\$16.22
<b>RANGE 19</b>	Code Enforcement Officer		\$13.79	\$16.86
<b>RANGE 20</b>	Water Foreman Wastewater Construction Foreman Wastewater Plant Foreman Garage Foreman	Street Foreman	\$14.42	\$17.87
<b>RANGE 21</b>	City Marshal Health Inspector I		\$16.92	\$20.47
<b>RANGE 22</b>	Building Inspector City Marshal - Senior	Health Inspector II	\$17.57	\$21.57
<b>OTHER POSITIONS</b>				
	Probationary Firefighters (0-12 months)		\$ 8.37	\$13.19
	Probationary Police Officers (0-12 months)		\$ 11.43	\$17.53

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

	<b>MIN ANNUAL</b>	<b>MAX ANNUAL</b>
<b>EXECUTIVE OFFICER – 1</b> City Manager	\$ 90,000	\$120,000
<b>EXECUTIVE OFFICER - 2</b> City Attorney Municipal Court Judge	\$ 75,000	\$ 97,000
<b>MANAGEMENT LEVEL - 1</b> Fire Chief Finance Director Police Chief Public Works Director/City Engineer	\$ 60,000	\$ 90,000
<b>MANAGEMENT LEVEL - 2</b> Assistant City Attorney Director of Development Services Human Resources Director Purchasing and Technology Director <u>Tourism Services Director</u>	\$ 45,500	\$ 77,000
<b>MANAGEMENT LEVEL - 3</b> Assistant Public Works Director City Marshal (Commander) Downtown/Special Projects Manager Health Director Library Director Risk Manager	\$ 40,000	\$ 67,000
<b>MANAGEMENT LEVEL - 4</b> Accounting Manager Building Official City Marshal -(Assistant Commander) City Secretary Collection's Manager Community Appearance Supervisor <u>Downtown and Volunteer Manager</u> Garage Supervisor Information System Technician Landfill Supervisor Municipal Court Manager Sanitation Supervisor Street Supervisor Wastewater Supervisor Water Production Supervisor Water Supervisor	\$ 35,000	\$ 55,000



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

\*\*\*\*Note: +/-1 cent(s) due to rounding

### **HOURLY CHART**

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

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

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

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

Class/Grade/Unit	Monthly	Per Pay Period Basis
I or D	\$ 15.00	\$ 6.92
C	\$ 25.00	\$ 11.54
II or B	\$ 35.00	\$ 16.15
III or A	\$ 50.00	\$ 23.08

### **MANAGEMENT LEVEL STEP PROGRAM**

#### **INCREASE DUE ON ANNIVERSARY DATE OF MANAGEMENT LEVEL POSITION.**

1 <sup>ST</sup> YEAR	3%
3 <sup>RD</sup> YEAR	3%
6 <sup>TH</sup> YEAR	3%
10 <sup>TH</sup> YEAR	2%
15 <sup>TH</sup> YEAR	2%
20 <sup>TH</sup> YEAR	2%
25 <sup>TH</sup> YEAR	2%