

# *City of Kingsville, Texas*

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## **AGENDA CITY COMMISSION**

**MONDAY, AUGUST 13, 2012  
REGULAR MEETING**

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

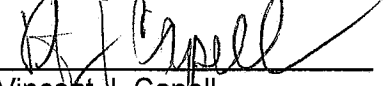
### **I. Preliminary Proceedings.**

#### **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>**

NONE

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

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

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

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

**V.**

**Consent Agenda**

**Notice to the Public**

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve certification of 2011 excess debt collections and the certification of 2012 anticipated collection rate, pursuant to Section 26.04(b) of the Texas Property Tax Code. (Finance Director).
2. Motion to approve amending Joint Airport Zoning Board (JAZB) member, Mr. Ken Moses' term from a two-year term to a three-year term to create staggered terms. (Director of Development Services).
3. Motion to approve out of state travel for Task Force Agent Richard Kirkpatrick to Las Vegas, Nevada to attend a training conference from August 21<sup>st</sup> – 23<sup>rd</sup>, 2012 with DIAP covering expenses. (Task Force Commander).
4. Motion to approve participation in and waiving of all City fees and any fees for services for participants of KISD Community Street Fair on August 16<sup>th</sup>, estimated cost \$1,500; Kingsway Family Church and HEB back to school event on August 18<sup>th</sup>, estimated cost \$200; Texas A&M University-Kingsville Homecoming Parade on October 25<sup>th</sup>, estimated cost \$400; and Ranch Hand Breakfast activities on November 16<sup>th</sup> – 18<sup>th</sup>, estimated cost \$1,500. (Downtown Manager).

**REGULAR AGENDA**

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

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

5. Consider resolution authorizing the City of Kingsville to join with HALO-Flight to offer a Guardian Subscription Plan to residential customers of the City and authorizing the City to participate in collection of the monthly fee from persons opting to purchase it. (Commissioner Garcia).
6. Consider accepting certified total appraised, assessed, and taxable values of all property and total taxable values of new property in the City of Kingsville as certified by the Kleberg County Appraisal District. (Finance Director).
7. Consider resolution authorizing the City Manager to execute a Professional Service Agreement between the City of Kingsville and Imagine It Studios relating to City website. (Director of Development Services).

8. Consider introduction of an ordinance amending the Fiscal Year 2011-2012 budget for the General Fund Capital Projects Fund for the City website to utilize Fiscal Year 2010-2011 surplus funds. (Finance Director).
9. Consider introduction of an ordinance amending the Fiscal Year 2011-2012 budget for the General Fund Capital Projects Fund for Public Works Service Center electric gate opener and fuel pump canopy to utilize Fiscal Year 2010-2011 surplus funds. (Finance Director).
10. Consider introduction of an ordinance amending the Fiscal Year 2011-2012 budget for the General Fund 001 for the Legal Department Professional Services. (Finance Director).
11. Consider resolution authorizing the City Manager to execute an easement with David Cummings for an area near 1500 East General Cavazos Blvd. (City Engineer/Public Works Director).
12. Consider resolution authorizing the City Manager to execute an easement and an agreement with Deral Meadows relating to drainage and utility easement issues at 1500 East General Cavazos Blvd. (City Engineer/Public Works Director).
13. Consider resolution authorizing participation in Union Pacific Foundation: Community Based Grant Program for victim and responder kits, authorizing the Chief of Police to act on the City's Behalf with such program. (Chief of Police).
14. Consider authorizing the award of a contract, Bid #12-39, for repair of ten concrete street intersections as per staff recommendation. (Purchasing Director).
15. Consider a resolution establishing a residency requirement for appointees to City Boards and Commissions. (Commissioner Garcia).
16. Consider a proposed tax rate; if proposed tax rate will exceed the effective tax rate or the rollback rate (whichever is lower), take record vote and schedule public hearings. (Finance Director).

## **VII. Adjournment.**

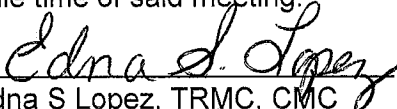
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

NOTICE

This City of Kingsville and Commission Chambers are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/595-8002 or FAX 361/595-8024 or E-Mail [elopez@cityofkingsville.com](mailto:elopez@cityofkingsville.com) for further information. Braille Is Not Available. The City Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551-071 (Consultation with Attorney), 551-072 (Deliberations about Real Property), 551-073 Deliberations about Gifts and Donations), 551-074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551-086 (Certain Public Power Utilities: Competitive Matters), and 551-087 (Economic Development).

I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board in the City Hall, 200 East Kleberg, of the City of Kingsville, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time:

August 9, 2012 at 11:55 A.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)**

**JULY 23, 2012**

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JULY 23, 2012 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL/200 EAST KLEBERG AVENUE AT 5:00 P.M.**

**CITY COMMISSION PRESENT:**

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

**CITY COMMISSION ABSENT:**

Arturo Pecos, Commissioner

**CITY STAFF PRESENT:**

Vincent J Capell, City Manager  
Edna S Lopez, City Secretary  
Courtney Alvarez, City Attorney  
David Mason, Purchasing Director  
Roel Carrion, Interim Fire Chief  
Ricardo Torres, Police Chief  
Naim Khan, City Engineer/Public Works Director  
Mark Rushing, Finance Director  
Tony Verdin, Computer System Technician  
Mike Kellam, Director of Development Services  
Willie Vera, Task Force Commander  
Bob Trescott, Downtown/Special Projects Manager  
Bill Donnell, Asst Public Works Director  
Caron Vela, Accounting Manager  
Yolanda Cadena, Health Director  
Diana Medina, Collections Director  
Diana Gonzales, Human Resource Director  
Joe Casillas, Water Production Supervisor

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the Commission Chambers at 5:08 P.M. and announced quorum as present with Commissioner Pecos absent.

**CONVENE INTO PUBLIC HEARING – (REQUIRED BY LAW) - ITEM II- PROPOSED ANNEXATION OF 39.03 ACRES OF LAND LOCATED IN THE SOUTHERN PORTION OF THE CITY'S EXTRA TERRITORIAL JURISDICTION TO-WIT: KT&I SUBDIVISION, LOT 9, SECTION 22. (Director of Development Services).**

Mayor Fugate opened the public hearing at 5:09 P.M. and announced if anyone wanted to speak on this subject this was the time, they can come up to the podium announce their name and address before speaking.

Ms Courtney Alvarez, City Attorney stated at the July 9<sup>th</sup> Commission meeting, the City Commission by Resolution approved a Municipal Service Plan for the proposed, Lot 9, Section 22 of the KT&I Subdivision; on May 14<sup>th</sup> 2012, the City Commission approved Resolution #2012-25 that established the dates and time, and location for the two public hearings on the proposed annexation. Public Hearings were set to be held on July 23<sup>rd</sup> and 26<sup>th</sup> at 5:00 P.M. in the Alcorn Commission Chambers located in City Hall, 200 East Kleberg Ave. The notice of the two public hearings was duly published in the local newspaper, letters were sent out to the property owners, taxing entities and local school districts. To the best of her knowledge, Ms Alvarez stated that Mr. Kellam hasn't received any feedback. There is only three to four property owners, corporation and the county in the area proposed for annexation. The annexation service plan was adopted at the prior meeting which noted there's existing fire services, and police service currently are through the Kleberg County Sheriff Department. There's no need for additional staffing to encompass this area by the Police department. Ms Alvarez stated the City would start doing building inspections, and the Health department already covers the area. The City would work on streets which are in fine shape. With regard to the rest of the service plan, everything is already set out. The area is already on City water and sewer. There's an agreement for trash collection with the initial developer of Hawks Landing property. The City will not have to expand any additional services for those basic infrastructures. Ms Alvarez announced this is the time for the public to present questions or comments for the proposed annexation of that area.

Mayor Fugate stated this is a long time coming. When Hawks Landing was developed and built there was a five year moratorium and this should have been done since 2002.

Mayor Fugate called for questions or comments. Ms Alvarez advised there's nothing in the Statute that requires that the hearing be held opened for any particular time.

Mayor Fugate closed the public hearing at 5:14 P.M.

The meeting was recessed at 5:14 P.M.

Mayor Fugate reconvened the meeting at 6:00 P.M.

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

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

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

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

Mayor Fugate called for consideration of the minutes of the regular meeting of Monday, July 9<sup>th</sup>, 2012. **Commissioner Garcia made a motion to accept the minutes, as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Fugate, Pena, Leubert, Garcia voting "FOR". Pecos "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."*

Mayor Fugate called for Task Commander Willie Vera's presentation. Commander Vera presented the nonexistent Task Force Explorer Post #700 funds to the existing Kingsville Border Patrol Post #531.

Mayor Fugate presented retired employee, Ms Irene Ramirez with a Certificate of Appreciation and a City watch for her twenty-five years of service.

Ms Alvarez reported the next regularly scheduled Commission meeting will be on August 13<sup>th</sup>, and the deadline for agenda items is on Friday, August 3<sup>rd</sup>. There will be a special meeting on Thursday, July 26<sup>th</sup> at 5:00 P.M. to do the 2<sup>nd</sup> Public Hearing for the annexation of the Hawks Landing area.

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

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

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

Mayor Fugate called for consideration of the items in the Consent Agenda, Items 1-8. **Commissioner Leubert made a motion to accept the consent agenda, as presented, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Fugate, Garcia, Pena, Leubert voting "FOR". Pecos "ABSENT".**

### V.

#### Consent Agenda

1. **ORDINANCE NO. 2012-34 Motion to approve final passage 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).**
2. **ORDINANCE NO. 2012-35 Motion to approve final passage 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).

3. ORDINANCE NO. 2012-36 Motion to approve final passage 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).

4. ORDINANCE NO. 2012-37 Motion to approve final passage 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).

5. ORDINANCE NO. 2012-38 Motion to approve final passage 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).

6. ORDINANCE NO. 2012-39 Motion to approve final passage 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).

7. RESOLUTION NO. 2012-35 Motion to approve resolution authorizing the City to submit an application to the Edward Byrne Memorial Justice Assistance Grant Program (JAG) for the State of Texas requesting grant funding for Law Enforcement equipment on behalf of the Kingsville Police Department with no anticipated cash match. (Police Chief).

8. RESOLUTION NO. 2012-36 Motion to approve resolution authorizing the City to submit a joint application to the FEMA Assistance to Firefighters Grant requesting grant funding for lead cardiac monitor/defibrillators with telemetry capability on behalf of the Kingsville Fire Department with an anticipated \$6,600 cash match. (Interim Fire Chief).

### REGULAR AGENDA

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

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

9. Consider appointing Mr. Ken Moses and Mr. Raymond Perez to the Joint Airport Zoning Board (JAZB) to serve a two year term. (Director of Development Services).

Mr. Kellam stated both gentlemen have expressed an interest on serving and currently two vacancies exist. Both have good backgrounds and will serve the board well.

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

10. RESOLUTION NO. 2012- 37 Consider resolution authorizing the City Manager to enter into a Consultant Contract for the Certified Local Government Historical Survey & Inventory of the Historic District of Kingsville, Texas. (Downtown/Special Projects Manager).

Mr. Bob Trescott stated a grant was received from the Texas Historical Commission to conduct a survey and inventory of our historic resources. The City entered into a contract with the University with services from students and faculty. This item is to hire a consultant with the requisite of training and skills to supervise that process. Ms Martin is a Kingsville resident and serves on the Historical Board. She is the Executive Director of the Texas Tropical Trail and she's agreed to lead the process.

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

**11. Consider resolution establishing a Kingsville Main Street Downtown Plan for the City of Kingsville, Texas. (Downtown/Special Projects Manager).**

Mayor Fugate stated there are a couple of members that would like to look at the plan before approving and asked if this was time sensitive. Mr. Trescott responded it was not time sensitive.

**PASSED**

**12. Consider authorizing Staff to proceed with emergency rehabilitation project at Water Well #20 as per staff recommendation. (City Engineer/Public Works Director).**

Mr. Naim Khan stated a few months ago the production at Water Well #20 went down tremendously. Immediately, the Water Production Supervisor, Mr. Joe Casillas spoke to the contractors and dealers to get an estimate. An estimate for the well cleaning and pump repairs was received and approved by the Commission on March 26<sup>th</sup>. Everything was done but there was a problem with the pump testing. The amount spent was \$100,000 for the well cleaning and liner installation. An additional \$31,926 is needed to finish the project which would come from Utility Fund Capital Outlay fund.

**Commissioner Leubert made a motion to authorize Staff to proceed with emergency rehabilitation project at Water Well #20, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Fugate, Garcia, Pena, Leubert voting "FOR". Pecos "ABSENT".**

**13. Consider introduction of an ordinance amending the Fiscal Year 2011-2012 Budget for the Utility Fund Capital Projects Fund 054 for the Water Production Department Water Well #20 to Fund 062 CO 2005. (Finance Director).**

Mr. Rushing stated this is an introduction to the previous item just passed. There will be an adjustment in the amount of \$8.00 difference, which the true amount is \$35,119.

**INTRODUCTION ONLY**

**14. Consider authorizing the Water Extension Agreement between the City of Kingsville and Mr. Steve Childers and Mr. Jimmy Yarborough. (Director of Development Services).**

Mr. Kellam stated back in February, Mr. Childers contacted staff about problems with his existing water well. Staff has worked out details with Mr. Childers on a cost sharing agreement as authorized to pursue by the Commission. The City will pay for 50% of the installation and Mr. Yarborough & Mr. Childers have agreed to pay for the remaining 50%, at 25% each. Both have entered into the agreement and are ready to move forward. They are in dire need. There's an easement that will be used on the south side of Private Road 2006. Two hydrants will be installed which was figured into the cost

estimate and the line is an 8 inch main. The project will begin this week; the amount will be billed and will be due in 30 days. The amount owed is \$5,826.52 each.

City Manager Capell stated the City will probably see more and more requests as wells fail and the drought continues.

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

**15. Consider authorizing the building repairs and replacement of the sidewalks in front of the Recycling/Community Appearance building as per staff recommendation. (Director of Development Services).**

Mr. Kellam stated this would continue repairs to the Recycling Center. Sidewalks are in bad shape and landscaping will be done after the sidewalks are fixed. The cost for replacing the sidewalks is \$6,221.05. Complete Custom offered the lowest bid.

**Commissioner Leubert made a motion to replace and repair the sidewalks in front of the Recycling/Community Appearance building, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Fugate, Garcia, Pena, Leubert voting "FOR". Pecos "ABSENT".**

**16. Consider introduction of an ordinance amending the Fiscal Year 2011-2012 Budget for the General Fund Capital Projects Fund for the Recycling Center/Community Appearance Building repairs and the replacement of the sidewalks to utilize Fiscal Year 2010-2011 Surplus Funds. (Finance Director).**

Mr. Rushing stated this for the item that was just passed.

#### **INTRODUCTION ONLY**

**17. Consider authorizing for purchase of emergency generators and all associated installation for Water Production facilities from Division 16 Construction Corporation, at a cost of \$419,901 as per staff recommendation. (Bid No.12-38) (Purchasing Director).**

Mr. David Mason stated this was done by sealed bid. Four vendors attended the mandatory pre-bid meeting and site visitation. Two responded to the bid. The monies, \$419,901 will come from the CO 2011 funds. The warranty is for one year.

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

**18. Consider determination on whether or not to exclude certain property types from the storm water utility fee as allowed by State Statute. (Finance Director).**

Mr. Rushing stated this is one critical element in the storm water study, whether or not the City will exempt different entities. The University by Statue is exempt. He presented HDR Representative, Mr. Grady Reed information regarding calculation on property class and billing units. Mr. Rushing further explained the calculations.

Property Class	Billing Units	Month SW Bill	Annual SW Bill	Revised SW Rate If Exempt	Increase Over** Base Rate
Religious	563	\$703.75	\$8,445.00	\$1.30	\$0.05
City	378	\$472.50	\$5,670.00	\$1.28	\$0.03
County	623	\$778.75	\$9,345.00	\$1.30	\$0.05
ISD	955	\$1,193.75	\$14,325.00	\$1.33	\$0.08

\*\* Base Rate is \$1.25/ERU/Month

Mr. Rushing explained when a segment is exempt; the balance to stay within the cost of the projects needed to be funded from this revenue that would be generated is spread over a smaller group of people. So in term, that shows the impacting. He stated those are the numbers for their consideration whether the City is to include or exclude a class. In the model right now, they are all included. Mr. Rushing stated it would be logical, if the Commission excludes the City to also exclude the County, as well.

City Manager Capell stated he hopes the City Commission would not want any exemptions. If you compare the fee to any other utility fee it is very minor.

Mayor Fugate called for questions or comments. Commissioner Leubert stated she agrees with the City Manager.

Mr. Rushing stated each group contributes to the run-off and if excluded the others in the group have to pick up the balance of that.

City Manager Capell stated the less money you have, the less money you can spend on storm water improvements.

Commissioner Garcia asked if this could change at any time or after a bond issue. Ms Alvarez replied it would depend on the bond covenant. The bond covenant when Certificates of Obligation are approved is a contractual obligation. It would be dependent on whether or not this was a funding force.

Mr. Rushing commented that Staff needs direction on this to move forward.

Commissioner Pena asked the question, if someone were to appeal the assessment, Ms Alvarez replied the Consultant has drafted with Staff a model storm water utility creation ordinance and a model storm water utility fee ordinance. Under State Statue, you are supposed to take the creation ordinance first; the draft of that ordinance is required by State Statue to be published in its entirety three times with first publication being thirty days prior the Commission voting. So there's plenty of time for everybody to review. There's a public hearing notice that's required to be published three times along with that. The draft ordinance has a process for appealing.

**Commissioner Pena made a motion to NOT exclude any property, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Fugate, Garcia, Leubert, Pena voting "FOR". Pecos "ABSENT".**

**19. RESOLUTION NO. 2012-38 Consider resolution supporting the efforts to preserve the Old H.M. King High School building located at Kleberg Avenue and North 3<sup>rd</sup> Street and convert it into a new City Hall and making certain commitments regarding same. (Mayor Fugate).**

Mayor Fugate stated he asked for this to be placed on the agenda because the Foundation who owns the building has accumulated about \$1.6 million. They put a new roof and have done some mold remediation. The old extension that was built in the

1950's was demolished. They are a little short of money in order to finish the windows and doors, about \$450,000. We are getting to a point where the City is going to have to commit, Mayor Fugate said. In the past, the City has passed resolutions supporting this project expressing a desire to make this into a new city hall. In the City's 2011 Certificates of Obligation, the City set aside \$1.1 million for that project. The City was going to set aside \$2 million but there was a financing situation to where the City had to cap the obligation at \$10 million, so \$1.1 million was set aside. It was decided that in the future the City would come back for the other \$900,000. What the Foundation is looking for is that the City will have \$2 million available to finish the project. They understand that this is at the end of the project, and that the City will agree to a long term lease, 50-90 years with the understanding that the City will maintain the property.

City Manager Capell stated with could come from future CO or fund balance.

Mayor Fugate stated the City can take pride in our community by fixing this building. This is an expensive project, but it is vital.

**Commissioner Leubert made a motion to support the efforts to preserve the Old H.M. King High School at Kleberg Ave and North 3<sup>rd</sup> convert it into the new City Hall and making certain commitments regarding same, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Pena, Garcia, Leubert voting "FOR". Pecos "ABSENT".**

**20. Consider requested budget amendment from KCVB for employee compensation. (Downtown/Special Projects Manager).**

Mr. Trescott stated some Staff at the KCVB is getting ready to retire but have delayed their retirement to help out. He stated his interaction with KCVB Staff during this period has been professional, helpful and cordial. There are issues that are compassionate and loyalty, and some that are policy and statute issues. He stated he reviewed the ordinance that the KCVB is operating under which mentions a judiciary responsibility considering the funds being used as tax revenue. It also talks about administrative costs can fund only those services and promotions incurred during the period. A policy action was taken within the last month that will affect performance over eighty-four months which seems to conflict with that Statute that they operate under. As for leave balances, that is a normal and common practice to pay people for their leave balances.

Ms Alvarez stated that Mr. Trescott attend the July 13<sup>th</sup> meeting where the KCVB Board approved the amendment to their Policies and Procedures Handbook, 3-01-07 – Employee Service Recognition Award. A copy of this section was provided to the Commission. Ms Alvarez stated this is the only information that was provided. City Staff has not received financials other than the ones presented at the prior meeting. If they are attempting to address this section in the by-laws, with regard to the State Constitution, Article 3, Section 53, that section states you cannot compensate for prior performance. The Board would be attempting to modify the policy to compensate the employees that remain with them from the time the policy was adopted.

Commissioner Leubert asked Ms Alvarez if the City was satisfied with the employee section award as written. Ms Alvarez replied that the Board is within their right to approve a policy change regarding employee compensation. Commissioner Leubert asked if the KCVB Board would need to come back again. Ms Alvarez replied the City Commission doesn't have to approve this policy that the board has adopted, the Commission would only need to approve the money that the Board would be awarding based on the policy at the end of the contract period.

Commissioner Leubert stated that nothing is attached to the agenda and asked if they should assume the amount and money to be the same. Mr. Trescott stated the Board talked about resubmitting but nothing was received.

Commissioner Leubert commented that at this point, she's at a loss and is assuming it is the same from the previous meeting but nothing is attached, so the Commission has no amount. City Manager Capell stated it is their obligation to provide the information.

Commissioner Leubert stated they did make amendment and they did follow through with what should have been in place at the beginning before it all started. The problem she is having is that there's nothing to go with the agenda item.

City Manager Capell stated it is not so much the money issue it's the way it occurred. It's a legal issue, and if ever contested, it is not generally done this way.

Commissioner Leubert stated we all know there are a lot of things that aren't generally done certain ways in order to get things done. She asked Ms Alvarez if the Commission was within their legal means now with policy in place. Ms Alvarez replied no information was provided. She added the Board is within their right to approve a policy change regarding employee compensation. With regard to their contract with the city, they just need to come back to the City Commission to get approval for changes to the previously budgeted and approved compensation plan.

Mayor Fugate stated there's no provision for awarding this money in their by-laws up to July 13<sup>th</sup>. The Texas Constitution doesn't allow the City to consider anything that happened before July 13<sup>th</sup> in giving the KCVB employees an award. Ms Alvarez provided an example: the City couldn't give a \$2000 bonus to the employees at the end of the year but could set something at the beginning not at the end. Mayor Fugate stated you can award a bonus for 3 ½ weeks under the present scenario.

Mayor Fugate asked if figures were turned in on their vacation pay. Mr. Trescott replied he has a total of \$5,974 based on computing their leave based on the policy that was in effect.

Mayor Fugate called for Human Resource Director Diana Gonzales to address the Commission and provide information on employee benefits at the time an employee leaves the City. Commissioner Leubert stated KCVB employees can't be compared to City employees because they don't get retirement, they get vacation and they don't have health insurance.

Ms Gonzales stated an employee who leaves the City's employment can receive up to 120 hours on vacation for non-civil service; sick leave for hourly employees they get half of their balance up to 700 hours, and management employees get no sick leave. Mayor Fugate asked if bonus monies were given. Ms Gonzales replied the only other benefit is that employees are eligible to keep health insurance for a certain dollar amount.

Mayor Fugate called for further questions or comments. Mr. Trescott stated one of the compensation is based on 160 hours.

To get Commissioner Garcia up to speed, Mayor Fugate stated at a previous Commission meeting Ms Alvarez determined they did not have anything on their by-laws that would allow them to give these bonuses so consequently this item was tabled because there was nothing for the Commission to act on. Their Board has called an emergency meeting on July 13<sup>th</sup>; they enacted some by-laws that would cover bonuses. In his opinion, this validates what the City Manager is going to do with this department. The City needs to have more control. They have about \$500,000 tax dollars that they are in control of and with this happening the City needs to have more control. There's

no question that these ladies gave good service to the citizens. But the City has a lot of City employees, for example, recent retirees Ms Yolanda Vasquez and Ms Dora Byington, between these two employees they had about 90 years of employment and they got a certificate and a watch. Tonight, Ms Irene Ramirez gave twenty-five years to the City. The City would be setting a dangerous precedence giving tax payer monies. He stated he had no objections to paying them for their vacation pay up to 120 hours. The way this has come about and orchestrated it validates what the City Manager wants to do.

**Commissioner Pena made a motion to NOT consider the budget amendment, seconded Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Garcia, Pena voting "FOR" Leubert "AGAINST". Pecos "ABSENT".**

## **VII.Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:23 P.M.

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Sam R Fugate, Mayor

ATTEST:

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Edna S Lopez, TRMC, CMC  
City Secretary

**JULY 26, 2012**

**A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON THURSDAY, JULY 26, 2012 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL/200 EAST KLEBERG AVENUE AT 5:00 P.M.**

**CITY COMMISSION PRESENT:**

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

**CITY STAFF PRESENT:**

Vincent J Capell, City Manager  
Edna S Lopez, City Secretary  
Courtney Alvarez, City Attorney  
Mike Kellam, Director of Development Services  
Naim Khan, City Engineer  
Roel Carrion, Interim Fire Chief  
Willie Vera, Task Force Commander  
Tony Verdin, Information System Technician  
David Mason, Purchasing Director  
Diana Gonzales, Human Resource Director  
Mark Rushing, Finance Director  
Joe Casillas, Water Production Supervisor

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the City Commission Chambers at 5:00 P.M. and announce quorum as present.

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

Mayor Fugate called to forego the preliminary procedures.

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

Mayor Fugate announced there no minutes to consider.

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

**1. PUBLIC HEARING FOR PROPOSED ANNEXATION OF 39.03 ACRES OF LAND LOCATED IN THE SOUTHERN PORTION OF THE CITY'S EXTRA TERRITORIAL JURISDICTION TO-WIT: KT&I SUBDIVISION, LOT 9, SECTION 22.(Director of Development Services).**



Mayor Fugate opened the public hearing at 5:01 P.M., and announced anyone wanting to speak at this 2<sup>nd</sup> public hearing could do so by coming up to the podium, providing their name and address before speaking and could speak for five minute on this subject.

Mayor Fugate called for questions from the Commission. He stated there's no time limit for having public hearing opened. Ms Alvarez stated there's nothing in the Statue that states a public hearing has to be held opened for any period of time. Previously the Commission passed the resolution in May that designated the dates, times and places for the public hearings. Notices were sent and public hearing notice published in the newspaper. She stated this is the opportunity for people to speak, either, for or against the annexation to ask questions about the annexation or the service plan that was adopted by the Commission on July 9<sup>th</sup>

Ms Heather Schultz, 2207 Rosemary Lane, Round Rock, Texas representative for Hawks Landing Apartment asked for information on the annexation regarding what can be expected on taxable values and services.

Mayor Fugate closed the public hearing at 5:05 P.M.

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

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

City Manager Capell stated he had nothing to report.

Ms Alvarez reminded Staff that agenda items are due on Friday, August 3<sup>rd</sup> for the regular meeting of the 13<sup>th</sup>, and she thanked Ms Caron Vela for her 11 years of service.

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

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

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

Mayor Fugate called for consideration of the items in the Consent Agenda, Items 1-5. **Commissioner Pecos made a motion to accept the Consent Agenda, as presented, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Pecos, Leubert, Garcia, Pecos voting "FOR".**

### **V. Consent Agenda**

1. ORDINANCE NO. 2012-40 Motion to approve final passage of an ordinance amending the Fiscal Year 2011-2012 Budget for the Utility Fund Capital Projects Fund 054 for the Water Production Department Water Well #20 to Fund 062 CO 2005.(Finance Director).
2. ORDINANCE NO. 2012-41 Motion to approve final passage of an ordinance amending the Fiscal Year 2011-2012 Budget for the General Fund Capital Projects Fund for the Recycling Center/Community Appearance Building repairs and the replacement of the sidewalks to utilize Fiscal Year 2010-2011 Surplus Funds. (Finance Director).
3. Motion to approve out-of-state travel for City Manager to attend the 98<sup>th</sup> ICMA Annual Conference on October 7<sup>th</sup> - 10<sup>th</sup>, 2012 in Phoenix, Arizona. (City Manager).
4. RESOLUTION NO. 2012-39 Motion to approve resolution approving and adopting the National Incident Management System (NIMS) Training Plan and Implementation revisions. (Police Chief).
5. RESOLUTION NO. 2012-40 Motion to approve accepting funding from Local Border Security Program FY 2012 with the Texas Department of Public Safety for Law Enforcement Personnel Overtime and Operational costs, authorizing the Chief of Police to act on the City's behalf with such grant. (Police Chief).

## REGULAR AGENDA

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

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

6. Consider appointing Ms. Debbie Tiffiee and Mr. Albert Garcia to the Planning and Zoning Commission to each serve a two year term. (Director of Development Services).

Mayor Fugate stated there had been an important Planning and Zoning meeting a couple of weeks ago and did not have quorum, this is under his watch. These positions should have been filled and this is probably the most important Commission the City has and it needs to keep it full. These people have accepted to serve. Mr. Garcia is a realtor and Ms Tiffiee is a business owner.

Commissioner Leubert made a motion to appoint Ms Tiffiee and Mr. Garcia to the P&Z Commission to serve a two year term, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Pena, Leubert, Garcia, Leubert voting "FOR".

7. RESOLUTION NO. 2012-41 Consider resolution authorizing the City Manager to enter into a contract for Professional Services between City of Kingsville and HDR Engineering for water system hydraulic modeling project. (City Engineer/Public Works Director).

Mr. Khan stated the City is in the process of adding water well. Staff research was done for the best location. There were five excellent locations found that has good water quality and enough water. We don't know which location has a better impact on water system. This is why the City is developing a water system hydraulic modeling. This will take a couple of months. This is for the entire water system of the City. The cost is \$34,330 out of CO 2011. Once the model is developed if anything is added or removed

the City can put data on the model and can see impact. The model will service forever and will need only an update from time to time.

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

## **VII. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 5:14 P.M.

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Sam R Fugate, Mayor

ATTEST:

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Edna S Lopez, TRMC, CMC  
City Secretary

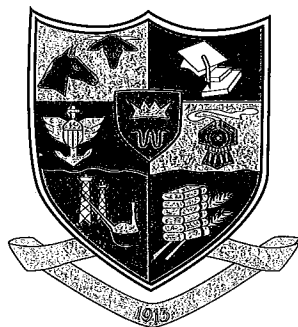
# **PUBLIC HEARING(S)**

**PETITIONS,  
GRIEVANCES, &  
PRESENTATIONS**

# **CONSENT AGENDA**

# **AGENDA ITEM #1**

**MELISSA T. DE LA GARZA, RTA**  
*Kleberg County Tax Assessor-Collector*



**COUNTY of KLEBERG**  
KINGSVILLE, TEXAS  
78364-1457

P. O. Box 1457

Phone: 361-595-8541  
Phone: 361-595-8542  
Fax: 361-595-8546

**July 19, 2012**

**City of Kingsville**  
**Mr. Mark Rushing, Finance Director**  
**P O Box 1458**  
**Kingsville TX 78364-1458**



**Dear Mr. Rushing:**

**Pursuant to Section 26.04(b) of the Texas Property Tax Code, I, Melissa T. De La Garza, do hereby submit the certification of 2011 excess debt collections and the certification of 2012 anticipated collection rate.**

**I hereby request the foregoing certifications be accepted and incorporated in the minutes of the next regular scheduled City Commissioners' Court Meeting.**

**Respectfully,**

**Melissa T. De La Garza, RTA**  
**Kleberg County Tax Assessor-Collector**


**Enc.**



**CERTIFICATION OF 2011 EXCESS  
DEBT COLLECTIONS**

**CITY OF KINGSVILLE  
INTEREST & SINKING FUND**

“I, Melissa T. De La Garza, Collector for the City of Kingsville solemnly swear, that the amount of excess debt service funds collected in 2011 for the City of Kingsville, Interest & Sinking Fund has been determined to be \$-0-.”

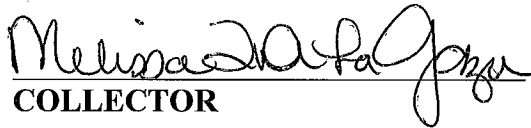
  
**COLLECTOR**

July 19, 2012  
**DATE**

**CERTIFICATION OF 2012 ANTICIPATED  
COLLECTION RATE**

**CITY OF KINGSVILLE  
INTEREST & SINKING FUND**

“I, Melissa T. De La Garza, Collector for the City of Kingsville solemnly swear, that the anticipated collection rate for 2012 for the City of Kingsville, Interest & Sinking Fund has been estimated to be 100%.”

  
**COLLECTOR**

July 19, 2012  
**DATE**

# **AGENDA ITEM #2**



# Planning Department

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**TO:** Mayor & Commission Members

**THROUGH:** Vince Capell, City Manager

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

**SUBJECT:** Appointment to the Joint Airport Zoning Board

**DATE:** August 9, 2012

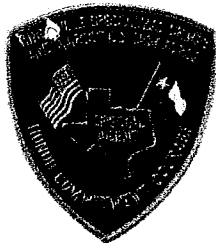
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Following the initial appointment of Ken Moses to the Joint Airport Zoning Board, it was discovered that the terms are not staggered in a manner that will allow for continuity on the board. The two City appointees were described as having two year terms, both of which would expire at nearly the same time. Given this, staff is requesting an amendment to the appointment for Mr. Moses, extending his term from a two year term to a three year term, as outlined in the Joint Land Use Study implementation steps. Working with Glenn Jones, the Navy's Community Plans & Liaison officer, Mr. Moses has agreed to the 3 year term. As previously noted, Mr. Moses is a Kingsville resident and also a retired Senior Chief Air Traffic Controller. Currently, he serves as the air field manager for Naval Air Station Kingsville.

If there are any questions for Mr. Moses, he can be reached at 361-595-9950.

Thank you for taking the time to consider this request. With this appointment the City's two seats will be filled and will provide for the staggered terms to provide a level of continuity on the board.

# **AGENDA ITEM #3**



**KINGSVILLE SPECIALIZED CRIMES  
AND NARCOTICS TASK FORCE**

**P. O. BOX 213**

**KINGSVILLE, TEXAS 78364**

**tfadmin@kingsvilletaskforce.com**

**(361) 595-5778**

**Fax (361) 595-5781**



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

gll  
From: Guillermo Vera, Commander, Kingsville Task Force

Date: July 30, 2012

Subject: Out of State Travel Request

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

The training conference is scheduled for Tuesday, August 21<sup>st</sup> to Thursday, August 23<sup>rd</sup>, 2012. The Drug Interdiction Assistance Program (DIAP) will assume all of Agent Kirkpatrick's authorized travel expenses and per diems. Agent Kirkpatrick will instruct classes to enhance a patrol officer's ability to conduct criminal highway interdiction.

If this request is approved, can it be placed on the City's Commissioners Court Agenda for Monday, August 13, 2012? Your kind consideration to this request is greatly appreciated.

Cc: Ken Starrs, Assistant Commander  
Richard Kirkpatrick, Special Agent  
File

Attachment



**United States Department of Transportation  
Federal Motor Carrier Safety Administration**

National Training Center – NTC

Curtis Allen, Director

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

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

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

Re: Training Assistance

Special Agent Richard Kirkpatrick

August 21-23, 2012

Las Vegas, Nevada

Dear Commander Vera,

The US Department of Transportation / FMCSA / NTC Drug Interdiction Assistance Program (DIAP) will be conducting a 24-hour Commercial Motor Vehicle Criminal Interdiction course in Las Vegas, Nevada August 21-23, 2012. The course is being conducted at the request of ICE/Bulk Cash and will be attended by approximately 100 Federal, State, and Local law enforcement officials.

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

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

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

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

Yours very respectfully,

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

**Curtis Allen**  
Director  
National Training Center

# **AGENDA ITEM #4**





**July 29, 2012**

**To: City Commission via City Manager**

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

**Re: Request for City Support for Downtown Events**

The Kingsville Historic Downtown District Association and Kingsville Main Street are entering into a new era of cooperation for downtown events.

We are intending to plan each season in advance to better use our resources. We have not yet standardized that planning but the following are on the emerging calendar and require City Commission approbation:

- The Kingsville Independent School District has applied for a street closure, speaker permit, parade permit, a Touch the Trucks display and other support from City departments for Thursday **August 16**, 2012, 6 – 8 PM for a district-wide back-to-school parade and event on Kleberg Avenue between the railroad track and 3<sup>rd</sup> Street and 3<sup>rd</sup> Street between King and Henrietta Avenues.

The superintendent is requesting City support in the form of street closing, parade permit, speaker permit, the participation of staff and vehicles from the fire, police and public works departments, roll-out trash cans, and a waiver of fees. Estimated cost \$1,500.

- The Kingsway Family Church and HEB have applied for a street closure, speaker permit, roll-out trash cans, and a waiver of fees for Saturday **August 18**, 2012, 3PM – 10 PM for a back to school event on 7<sup>th</sup> Street between King and Kleberg Avenues. Estimated cost \$200.
- Texas A & M University – Kingsville is working with the Kingsville Historic Downtown District Association and Kingsville Main Street on a Homecoming Parade in downtown for Thursday **October 25**, 2012, 6 – 8 PM on Kleberg Avenue.

They are requesting City support in the form of street closing, parade permit, speaker permit, the participation of staff and vehicles from the fire, police and public works departments, roll-out trash cans, and a waiver of fees. Estimated cost is \$400

- Kingsville Main Street and the Kingsville Historic Downtown District Association are working with the King Ranch to extend the 22<sup>nd</sup> Ranch Hand Breakfast into a full weekend of activities, adding downtown events to the usual program on the Ranch. Friday through Sunday, **November 16 -18, 2012.**

They are requesting City support in the form of street closing, speaker permit, a Touch the Trucks display, other participation of staff and vehicles from the fire, police and public works departments, roll-out trash cans, and a waiver of fees. Estimated cost is \$1,500.

- La Posada is in planning

**(REGULAR AGENDA)**

# **AGENDA ITEM #5**

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

**A RESOLUTION AUTHORIZING THE CITY OF KINGSVILLE TO JOIN WITH HALO FLIGHT TO OFFER A GUARDIAN SUBSCRIPTION PLAN TO RESIDENTIAL CUSTOMERS OF THE CITY AND AUTHORIZING THE CITY TO PARTICIPATE IN COLLECTION OF THE MONTHLY FEE; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, HALO-Flight is an emergency air ambulance serving 26 counties in South Texas and made 93 flights in Kleberg County in 2011;

**WHEREAS**, HALO-Flight offers a Guardian Subscription Plan that totally eliminates the amount an individual will be charged out-of-pocket for an emergency helicopter transport or specialty care transport, which runs on average between \$12,000-\$15,000 per transport;

**WHEREAS**, HALO-Flight is willing to make the Guardian Subscription Plan available to residential customer and members of the City for a low rate of \$1.00 per month, which can be added to a customer's water bill if the customer chooses to opt into the Plan;

**WHEREAS**, the desires to assist HALO-Flight in offering this benefit to its citizens and members and in collection efforts for its Guardian Subscription Plan;

**WHEREAS**, the Cities of Bishop, Agua Dulce, Falfurrias, Driscoll, Beeville, Orange Grove, Odem, and George West, along with other towns and utility cooperatives and districts in the area have already chosen to participate with HALO-Flight in offering and collection of the Guardian Subscription Plan to their customers.

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

I.

**THAT** the City of Kingsville staff is authorized and directed as an act of the City of Kingsville, Texas to assist HALO-Flight in offering the Guardian Subscription Plan and to assist with the collection of the monthly \$1 fee from water customers who choose to opt into the Plan.

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  
13th day of August, 2012.

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

ATTEST:

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

APPROVED AS TO FORM:

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



As you probably already know, HALO-Flight is an emergency air ambulance serving South Texas.

HALO-Flight offers a Membership to the individuals living in our 26 county service area for a low annual rate of \$25 for an entire household. We recently began approaching water groups, cities and electric groups to offer their customers and/or members our Guardian Plan for a low rate of \$1 a month that will be added to their water or electric bill. The average cost of an emergency transport is between \$12,000- \$15,000 and on average, HALO-Flight sees a payout of 30- 50% from insurance companies. Our patients are responsible for the remaining balance. The HALO-Flight Guardian Subscription Plan totally **eliminates** the amount an individual will be charged out-of-pocket for an emergency helicopter transport or specialty care transport. **Last year we flew 1098 Missions. The cost savings for your citizens is significant!**

**Entities Already Participating in the \$1/month Plan:**

Nueces Electric Cooperative  
San Patricio Electric Cooperative  
City of Agua Dulce (Water)  
City of Falfurrias (Water)  
City of Driscoll (Water)  
Nueces Water District No. # 3 (Water)  
San Diego Municipal Utility District (Water)  
Duval Co. Conservation & Replacement District (Water)  
City of Beeville (Water)  
Town of Bayside (Water)  
Town of Woodsboro (Water)  
Duval County ESD #1 (ESD Purchase for all citizens in district)  
Pettus Municipal Utility District (Water)  
City of Orange Grove (Water)  
City of Odem (Water)  
City of George West (Water)  
City of Bishop (Water)

This opportunity is solely for residential customers of The City of Kingsville. Minimal work on the Cities part is involved for participation. There is no minimum of water customers signing up.

I look forward to working with you. If you have any further questions, please feel free to contact me. I have included some information as it relates to the opt-in process and Guardian Subscription Plan.

Sincerely,

**Hillary Reyna- Membership Director**

[hillaryr@haloflight.org](mailto:hillaryr@haloflight.org)

o.361.265.0509

c.361.549.2533

## UTILITY BILLING PROCEDURE FOR GUARDIAN SUBSCRIPTION PLAN

1. Upon approval, a letter provided by HALO-Flight to go out on City letterhead (either can be sent out with the water bill or as a separate mailing) to water customers.
  - Letter has an opt-in form that the customer can fill out and send in to City or the City can put an opt-in check box on the water bill.
2. As customers opt-in, City will generate a list of the subscribers by filling out an online spreadsheet provided by HALO-Flight with general information (Name, Address & Phone #'s).
3. HALO-Flight will import spreadsheet and then send each subscriber a membership application to fill out and send back to HALO-Flight.
  - Customers become members as soon as they opt-in.
4. Opt-Ins will have \$1.00 per month added to their water bill to pay for their Guardian Subscription Plan.
5. City will then send a monthly check that matches the subscribers for that month to HALO-Flight and a list of the customers who have made payment.
  - HALO-Flight will provide the list of individuals who have opted-in for the City (at a date designated by the City) to check off.
6. Procedure steps 3-7 will be repeated as opt-ins continue to come in.



To the customers of the \_\_\_\_\_:

Most of you may know that HALO-Flight, A Nonprofit Air & Ground Ambulance Service, has been serving South Texas for more than twenty-two years. We have entered into an agreement with HALO-Flight to offer our eligible\*, **residential customers**, HALO-Flight's Guardian Subscription Plan for a monthly charge of \$1.00 which will appear on your utility bill, if you choose to join the program.

The Guardian Subscription Plan includes:

- Covered members are charged **NO** out-of-pocket expenses for HALO-Flight transport deemed **\*medically necessary**.
- Coverage anywhere in HALO-Flight's 26 county service area, including the service areas of its reciprocal partners, San Antonio AirLIFE & Dallas CareFlite. (In the event that any members of the Guardian Subscription Plan require services from one of their reciprocal partners, they will be subject to their terms of agreement.)
- Coverage for all family members who live in the primary residence listed on the application. To qualify for membership, all residents **must** be listed on the application. (Includes dependent, custodial and non-custodial children.)

\_\_\_\_\_ offers you the opportunity to enroll in this valuable service at the reduced rate of \$1.00 per month. The membership is for each month your \$1.00 is received. If you choose to discontinue your membership with HALO-Flight, please notify them immediately at the number listed below. **If you are currently a Guardian member, please do not join until your current membership expires.**

HALO-Flight will mail an application to each new member in order to obtain family member information. This information is strictly confidential and necessary to verify membership. If you would like more information about the Guardian Plan or about HALO-Flight please visit their website at [www.haloflight.org](http://www.haloflight.org) or contact them at 361-265-0509.

General Manager's Signature

**\*Medicaid recipients are not eligible to join due to government regulations, however HALO-Flight does respond to Medicaid patients without cost. \*Medically Necessary:** HALO-Flight Guardian Subscription Plan benefits are restricted to medically necessary services defined as a specific need for emergent helicopter air ambulance transport within our service area. The specific need must meet the Regional Advisory Council Bypass Protocol or diagnosis from a physician that determines an alternative form of transportation would be medically inappropriate regarding the patient condition. It is NOT for the convenience of a Provider, Physician, or Patient. HALO-Flight has the right to deny any request that is inappropriate based upon medical necessity or suspected memberships abuse. If abuse is found to exist, HALO-Flight reserves the right to terminate membership. In the event that you require emergency medical assistance, please dial 9-1-1. HALO-Flight flies based on medical need, not HALO-Flight enrollment status, and transports patients to the closest, medically appropriate facility as requested by a physician, or under county EMS protocols by activation under the emergency 911 system.

☐

**YES! Sign Me Up for HALO-Flight's Guardian Subscription Plan**

**Please send my application form today & Add the \$1 Monthly Fee to my utility bill.**

**Name (As it appears on utility bill):** \_\_\_\_\_

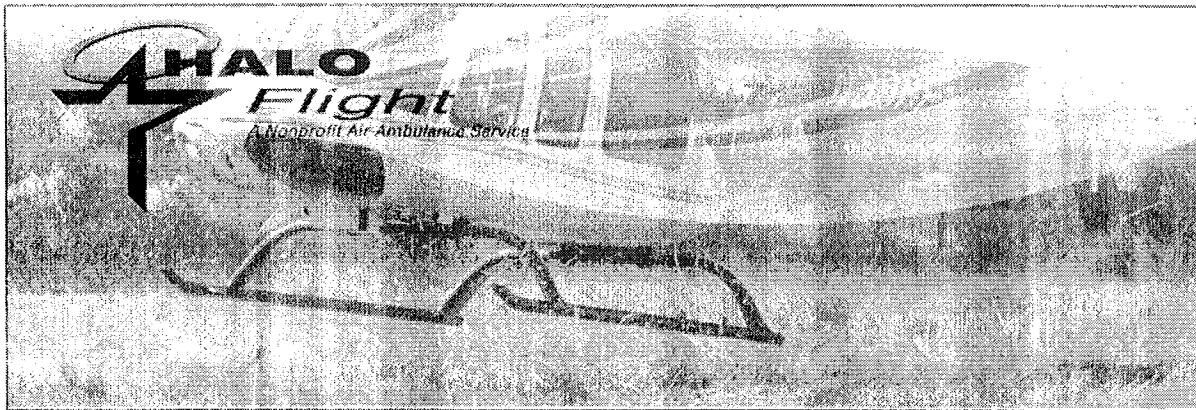
**Account No.:** \_\_\_\_\_ **Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*If you choose to opt-in, please fill out and return with your utility bill.*

# Halo Flights Customization Data Entry Instructions



Select the range of employees you plan to enroll for memberships. All prices are annual per member name entered.

- ☒ Blue  
☐ Green  
☐ Orange  
☐ Red  
☐ Yellow  
☐ White  
☐ Other (Enter amount given to you by Halo Flights)

Browse for a tab-delimited text file containing the names and addresses of the employees for whom you wish to add memberships. The columns in the file should be in the order below (you do not need a Row column).

If you need to add more, or prefer to enter names by hand, click the 'Add New Member' button. When you are finished, click the 'I've completed the form!' button.

Browse for a names file to upload

Current File

Browse...

Upload and Populate List Below

Row	First Name*	Last Name*	Address 1*	Address 2	City*	State*	Zip Code*	Primary Phone	Email
1						AL			

Add New Member

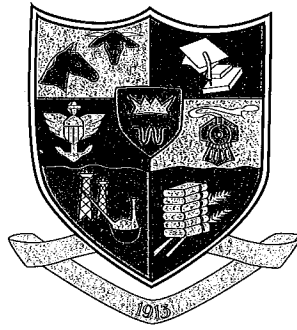
I've completed the form!

# Transfer & Scene Flights by County

2009	2010	2011
Jim Wells 169	Jim Wells 145	Jim Wells 204
Bee 99	San Patricio 102	Bee 98
Kleberg 79	Kleberg 84	Kleberg 93
Nueces 69	Bee 75	San Patricio 90
San Patricio 64	Nueces 55	Nueces 72
Brooks 43	Brooks 35	Brooks 50
Duval 40	Cameron 29	Duval 48
Aransas 36	Aransas 28	Cameron 46
Cameron 33	Webb 26	Hidalgo 34
Victoria 29	Duval 24	Webb 30
Live Oak 27	Victoria 22	Live Oak 28
Hidalgo 23	Live Oak 20	Victoria 22
Webb 19	Hidalgo 15	Aransas 21
Jim Hogg 11	Jim Hogg 8	Refugio 15
Refugio 7	Refugio 8	McMullen 6
Kenedy 3	Calhoun 6	Calhoun 5
Goliad 2	McMullen 2	Jim Hogg 4
Karnes 2	Bell 1	Karnes 2
Bexar 1	Goliad 1	Kenedy 2
Calhoun 1	Karnes 1	Jackson 1
Dewitt 1	Kenedy 1	Matagorda 1
Harris 1	Starr 1	
Jackson 1	Willacy 1	
Other 3		
Total Flights 763	Total Flights 690	Total Flights 872
		Total SCT Transports 226
		Total Air & Ground Transports 1098

# **AGENDA ITEM #6**

**MELISSA T. DE LA GARZA, RTA**  
*Kleberg County Tax Assessor-Collector*



P. O. Box 1457

Phone: 361-595-8541  
Phone: 361-595-8542  
Fax: 361-595-8546

**COUNTY of KLEBERG**  
KINGSVILLE, TEXAS

**August 8, 2012**

78364-1457

**City of Kingsville**  
**Mr. Vincent J. Capell, City Manager**  
**P O Box 1458**  
**Kingsville, TX 78364-1458**

**RE: 2012 CERTIFIED VALUES**

**Dear Mr. Capell:**

Pursuant to the Texas Property Tax Code Sec. 26.04(b) & (e), I, Melissa T. De La Garza, do hereby submit the total appraised, assessed and taxable values of all property and the total taxable value of new property in the City of Kingsville as certified by the Kleberg County Appraisal District and the 2012 Effective and Rollback Tax Rates. The 2012 certified appraisal rolls on a CD may be viewed in the Tax Office.

I hereby request the foregoing submission be accepted and incorporated in the minutes of the next regularly scheduled City of Kingsville Commissioner's meeting.

Also, please find the Governing Body Summary #1A, the 2012 property tax rates in the City of Kingsville Notice which was published in the Kingsville Record on August 12, 2012, a Truth-in-Taxation overview and the 2012 planning calendar.

If you have any questions, please feel free to come by my office.

Respectfully,

**Melissa T. De La Garza, RTA**  
**Kleberg County Tax Assessor-Collector**

**Enc.**

**CC. Mark Rushing, Director Finance**

**KLEBERG COUNTY APPRAISAL DISTRICT  
502 E. KLEBERG \* P.O. BOX 1027 \* KINGSVILLE, TX 78364  
BUS. (361) 595-5775 \* FAX (361) 595- 7984**

July 25, 2012

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



Dear Mr. Capell:

Enclosed you will find 2012 certified total information for your taxing entity, a copy of the 2012 certified list of outstanding protests, a copy of the 2012 certified list of omitted property and information needed for the calculation of the effective tax rate. A CD of your taxing entity's 2012 certified appraisal rolls was delivered to your taxing entity on July 25, 2012.

If you have any questions, please feel free to call me at 361-595-5775.

Sincerely,

Ernestina Flores, R.P.A.  
Chief Appraiser

Cc: Sam Fugate, Mayor  
Mark Rushing, Finance Director  
Kleberg County Appraisal District Board of Directors

**2012 FINAL VALUE INFORMATION  
AS OF 7-25-2012**

**TAXING UNIT  
CITY OF KINGSVILLE**

<b>GROSS VALUES</b>		<b>2012 FINAL VALUES</b>
REAL:	\$	664,122,931
PERSONAL:	\$	80,127,290
MINERAL:	\$	23,606,860
<b>TOTAL GROSS VALUE:</b>	<b>\$</b>	<b>767,857,081</b>
<b>EXEMPTIONS</b>		
FULL:	\$	44,369,640
DISABLED VET:	\$	1,964,825
DISABLED VET HS:	\$	3,790,337
HOMESTEAD:	\$	-
OVER/65:	\$	12,560,654
DISABLED:	\$	-
HB366:	\$	21,320
HISTORICAL:	\$	-
PRORATED EXEMPT PROP:	\$	-
ABATEMENTS & PRIMARILY CHARITABLE	\$	409,360
LOW INCOME HOUSING	\$	1,263,565
<b>TOTAL EXEMPTIONS:</b>	<b>\$</b>	<b>64,379,701</b>
HOMESTEAD CAP ADJ:	\$	691,297
LOSS TO AGRICULTURAL: VALUATION	\$	9,352,851
<b>NET TAXABLE VALUE:</b>	<b>\$</b>	<b>693,433,232</b>

**2012 FINAL VALUE INFORMATION  
AS OF 7-25-12**

**TAXING UNIT  
CITY OF KINGSVILLE**

<b>GROSS VALUES</b>	<b>2012 FINAL VALUES</b>	<b>2011 FINAL VALUES</b>	<b>DIFFERENCE</b>
REAL:	\$ 664,122,931	\$ 660,216,670	\$ 3,906,261
PERSONAL:	\$ 80,127,290	\$ 72,655,450	\$ 7,471,840
MINERAL:	\$ 23,606,860	\$ 24,266,424	\$ (659,564)
<b>TOTAL GROSS VALUE:</b>	<b>\$ 767,857,081</b>	<b>\$ 757,138,544</b>	<b>\$ 10,718,537</b>
<b>EXEMPTIONS</b>			
FULL:	\$ 44,369,640	\$ 43,805,830	\$ 563,810
DISABLED VET:	\$ 1,964,825	\$ 1,991,274	\$ (26,449)
DISABLED VET HS:	\$ 3,790,337	\$ 3,296,070	\$ 494,267
HOMESTEAD:	\$ -	\$ -	\$ -
OVER/65:	\$ 12,560,654	\$ 12,481,293	\$ 79,361
DISABLED:	\$ -	\$ -	\$ -
HB366:	\$ 21,320	\$ 18,750	\$ 2,570
HISTORICAL:	\$ -	\$ -	\$ -
PRORATED EXEMPT PROP:	\$ -	\$ 2,995	\$ (2,995)
ABATEMENTS & PRIMARILY CHARITABLE	\$ 409,360	\$ 369,650	\$ 39,710
LOW INCOME HOUSING	\$ 1,263,565	\$ 1,351,895	\$ (88,330)
<b>TOTAL EXEMPTIONS:</b>	<b>\$ 64,379,701</b>	<b>\$ 63,317,757</b>	<b>\$ 1,061,944</b>
HOMESTEAD CAP ADJ:	\$ 691,297	\$ 1,446,052	\$ (754,755)
LOSS TO AGRICULTURAL: VALUATION	\$ 9,352,851	\$ 9,121,100	\$ 231,751
<b>NET TAXABLE VALUE:</b>	<b>\$ 693,433,232</b>	<b>\$ 683,253,635 (INC)</b>	<b>\$ 10,179,597</b>



# 2012 Governing Body Summary #1A\*

## Benchmark 2012 Tax Rates

### CITY OF KINGSVILLE

Date: 08/03/2012

DESCRIPTION OF TAX RATE	TAX RATE PER \$100	THIS YEAR'S TAX LEVY**	ADDITIONAL TAX LEVY
Effective Tax Rate	\$0.83147	\$5,767,545	
One Percent \$100 Tax Increase***	\$0.83978	\$5,825,188	\$57,643
One Cent per \$100 Tax Increase****	\$0.841470	\$5,836,910	\$69,365
Notice & Hearing Limit*****	\$0.83147	\$5,767,545	\$0
Rollback Tax Rate	\$0.88219	\$6,119,367	\$351,822
Last Year's Tax Rate	\$0.842200	\$5,841,974	\$74,429
Proposed Tax Rate	\$0.84220	\$5,841,974	\$74,429

\*These figures are provided as estimates of possible outcomes resulting from varying the tax rate. Please be aware that these are only estimates and should not be used alone in making budgetary decisions.

\*\*Tax levies are calculated using line 19 of the Effective Tax Rate Worksheet and this year's frozen tax levy on homesteads of the elderly or disabled.

\*\*\*Tax increase compared to effective tax rate.

\*\*\*\*\*The Notice and Hearing Limit is the highest tax rate that may be adopted without notices and a public hearing. It is the lower of the rollback tax rate or the effective tax rate. 0

## 2012 Property Tax Rates in CITY OF KINGSVILLE

This notice concerns the 2012 property tax rates for CITY OF KINGSVILLE. It presents information about three tax rates. Last year's tax rate is the actual tax rate the taxing unit used to determine property taxes last year. This year's *effective* tax rate would impose the same total taxes as last year if you compare properties taxed in both years. This year's *rollback* tax rate is the highest tax rate the taxing unit can set before taxpayers start rollback procedures. In each case these rates are found by dividing the total amount of taxes by the tax base (the total value of taxable property) with adjustments as required by state law. The rates are given per \$100 of property value.

### Last year's tax rate:

Last year's operating taxes	\$4,353,016
Last year's debt taxes	\$1,397,564
Last year's total taxes	\$5,750,580
Last year's tax base	\$682,804,559
Last year's total tax rate	\$0.84220/\$100

### This year's effective tax rate:

Last year's adjusted taxes (after subtracting taxes on lost property)	\$5,739,428
÷ This year's adjusted tax base (after subtracting value of new property)	\$690,271,227
=This year's effective tax rate (Maximum rate unless unit publishes notices and holds hearings.)	\$0.83147/\$100

### This year's rollback tax rate:

Last year's adjusted operating taxes (after subtracting taxes on lost property and adjusting for any transferred function, tax increment financing, state criminal justice mandate, and/or enhanced indigent healthcare expenditures)	\$5,871,777
÷ This year's adjusted tax base	\$690,271,227
=This year's effective operating rate	\$0.85065/\$100
x 1.08=this year's maximum operating rate	\$0.91870/\$100
+ This year's debt rate	\$0.17825/\$100
= This year's total rollback rate	\$1.09695/\$100
-Sales tax adjustment rate	\$0.21476/\$100
=Rollback tax rate	\$0.88219/\$100

### Statement of Increase/Decrease

If CITY OF KINGSVILLE adopts a 2012 tax rate equal to the effective tax rate of \$0.83147 per \$100 of value, taxes would increase compared to 2011 taxes by \$16,965.

### Schedule A - Unencumbered Fund Balance

The following estimated balances will be left in the unit's property tax accounts at the end of the fiscal year. These balances are not encumbered by a corresponding debt obligation.

Type of Property Tax Fund	Balance
Interest & Sinking Fund (Debt Service)	838,340
Maintenance & Operations (M&O)	5,063,987

### Schedule B - 2012 Debt Service

The unit plans to pay the following amounts for long-term debts that are secured by property taxes. These amounts will be paid from property tax revenues (or additional sales tax revenues, if applicable).

Description of Debt	Principal or Contract Payment to be Paid from Property Taxes	Interest to be Paid from Property Taxes	Other Amounts to be Paid	Total Payment
CO Series 2002A	135,000	58,162	250	193,412
PPFCO Series 2007	80,000	17,468	250	97,718
CO Series 2009	340,000	42,600	150	382,750
GORB Series 2009	215,000	42,369	150	257,519
CO Series 2011	350,000	177,090	250	527,340
Continuing Disclosure Fees	0	0	1,250	1,250
Total required for 2012 debt service			\$1,459,989	
- Amount (if any) paid from Schedule A			\$223,479	
- Amount (if any) paid from other resources			\$0	
- Excess collections last year			\$0	

= Total to be paid from taxes in 2012	\$1,236,510
+ Amount added in anticipation that the unit will collect only 100.00% of its taxes in 2012	\$0
= Total debt levy	\$1,236,510

#### **Schedule C - Expected Revenue from Additional Sales Tax**

In calculating its effective and rollback tax rates, the unit estimated that it will receive \$1,489,694 in additional sales and use tax revenues.

This notice contains a summary of actual effective and rollback tax rates' calculations. You can inspect a copy of the full calculations at 700 E. KLEBERG, KINGSVILLE, TX 78363.

Name of person preparing this notice: MELISSA T. DE LA GARZA, RTA

Title: KLEBERG COUNTY TAX ASSESSOR-COLLECTOR

Date Prepared: 08/08/2012



## CHAPTER 1:

## Truth-in-Taxation Overview

Creating a budget and adopting a property tax rate to support that budget are major functions of a governing body. This is accomplished by following Legislative guidelines to ensure the public is informed of any increases.

### Important Dates

The Tax Code establishes target dates for many truth-in-taxation activities. Although circumstances may require an appraisal district or a taxing unit to alter the timetable, **Exhibit 2** sets out the framework for the required activities.

EXHIBIT 2  
2012 Truth-in-Taxation Calendar

Date	Activity
April 1 – May 1	The chief appraiser sends notices of appraised value.
April 30	The chief appraiser prepares and certifies to the tax assessor an estimate of the taxable value of property in that taxing unit.
July 20 (Aug. 30)	The appraisal review board approves the appraisal records.
July 25	The chief appraiser certifies the approved appraisal roll to each taxing unit.
Aug. 7	A taxing unit publishes its notice of effective and rollback tax rates.
August – September	A taxing unit adopts its budget according to its fiscal year. After adopting the budget, the unit adopts a tax rate.
Before Sept. 30*	A taxing unit must adopt its tax rate by this date or 60 days after the taxing unit receives the appraisal roll, whichever date is later.

\*Note: Tax Code Section 1.06 states that "If the last day of the performance of an act is a Saturday, Sunday, or legal state or national holiday, the act is timely if performed on the next regular business day.

Source: Texas Comptroller of Public Accounts, 2012.

**Appendix 1** provides a more detailed schedule taxing entities can consult when planning their truth-in-taxation activities.

### Taxing Unit Calculations

Truth-in-taxation requires most taxing units to calculate two rates after receiving a certified appraisal roll from the chief appraiser — the effective tax rate and the rollback tax rate. The type of taxing unit determines which truth-in-taxation steps apply. Generally, the governing body must take the following actions:

- determine and publish the effective tax rate and the rollback tax rate;
- decide how much revenue it needs;
- calculate the tax rate required to raise the amount it needs;
- publish notices;
- hold hearings if the proposed tax rate will exceed the rollback rate or the effective tax rate, whichever is lower;
- adopt the tax rate; and
- if necessary, administer a rollback election.

The following discussion covers rate calculation and adoption of the tax rate in greater detail. **Chapter 6** discusses rollback elections.

Before proceeding, it should be noted that water districts generally do not come under provisions of the Tax Code, but instead are governed by the Water Code.<sup>3</sup> Water districts, however, must follow public hearing requirements on a proposed tax rate and publish a special hearing notice.<sup>4</sup>

<sup>3</sup> Water Code § 49.107(g) provides that Tax Code §§ 26.04, 26.05 and 26.07 do not apply to taxing units created under Water Code § 49.001 that levy and collect taxes under Water Code §§ 49.107 and 49.108. Other taxing entities exempt from these provisions of the Tax Code include those created under Texas Constitution Article III, §§ 52(b)(1) and (2) and Article XVI § 59; navigation districts or port authorities created under general or special law; and any conservation or reclamation districts created by Revised Civil Statutes Annotated Article 8280-141, (Vernon Supp. 1951).

<sup>4</sup> Water Code § 49.236.

### **Step 1: Calculate and publish required rates**

All taxing units, other than water districts, that levied property taxes in 2011 and intend to levy them in 2012 must calculate an effective tax rate and a rollback tax rate. All taxing units, other than water districts and small taxing units, that levy a tax in 2012, must publish an effective tax rate and a rollback tax rate.

By Aug. 7, or as soon thereafter as practicable, the designated officer or employee who calculates these two rates submits them to the unit's governing body and publishes them. The rates are published along with a statement of tax increase or decrease and other special schedules about fund balances, debt, sales tax, transferring a function and indigent health care. These schedules may vary, depending on the type and size of the taxing unit.

Most taxing units publish them in a newspaper in a form set out by the Comptroller's office, or they may mail these calculations to each property owner. Small taxing units do not have to publish the two rates, but include information on their simplified notice.

Although the actual calculation can become more complicated, a taxing unit's effective tax rate is a calculated rate generally equal to the last year's taxes divided by the current taxable value of properties that were also on the tax roll last year. The resulting tax rate, used for comparison only, shows the relation between the last year's revenue and the current year's values.

A unit's rollback tax rate is a calculated rate that divides the overall property taxes into two categories — maintenance and operations (M&O) and debt service, also called interest and sinking (I&S). This manual will refer to it as the debt service. Rollback rate calculations allow units to raise the same amount of M&O money raised in the last year, plus an 8 percent increase.

For all taxing units, the debt service portion of the rollback tax rate is the current year's debt payments divided by the current year's property values. The debt service tax rate may rise as high as necessary to cover debt expenses. The overall rollback rate calculation is explained in greater detail in **Chapter 3**.

Except for small taxing units and water districts, taxing units must publish notices and hold hearings if a proposed tax rate will exceed the lower of the rollback rate or the effective rate.

Once a taxing unit, other than a small taxing unit or water district, has determined its effective tax rate and its rollback rate, it must publish them in a specific legal form. **Chapter 5** discusses the publication requirements. If a taxing unit fails to calculate or publish the required rates and notices properly, a property owner in the unit may seek an injunction to prohibit the unit from adopting a tax rate. The district court may issue the injunction if it finds that the unit's failure to comply was not in good faith.

### **New taxing units**

A taxing unit that did not levy property taxes in 2011 is not required to comply with truth-in-taxation laws in 2012. The Comptroller's office recommends that a new unit consider publishing similar notices and holding a public hearing to inform taxpayers of its intention to levy a property tax. **Chapter 4** discusses the additional sales tax.

### **Consolidation of two or more taxing units**

A taxing unit that was two or more taxing units in the last year handles the effective and rollback rate calculations differently. The consolidated unit combines the previous year's taxes for each unit and divides them by the total values for the current year for the new consolidated unit.

First, the previous year's taxes must be calculated for each unit in lines 1-15 of the *Effective Tax Rate Worksheet* (**Appendix 2**). Then, the previous year's taxes must be combined on line 15 for each unit to obtain the previous year's total taxes. For lines 26-28 of the *Rollback Tax Rate Worksheet* (**Appendix 3**), calculate the M&O taxes for the preceding year for each unit and combine the M&O taxes for each unit to obtain the previous year's total M&O taxes on line 28H. The remaining calculation steps are the same for the consolidated unit's current values and current debt.

### **Small taxing units**

Small taxing units may use a simplified tax rate notice process.<sup>5</sup> A small taxing unit is one that proposes a tax rate for the current year that is 50 cents or less per \$100 of taxable value and would impose taxes of \$500,000 or less from the current total value for the unit.

Small taxing units use a simplified notice process and should proceed to **Step 7**.

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<sup>5</sup> Tax Code § 26.052.

## **Step 2: Draft a budget and decide how much tax to levy**

The taxing unit must identify its needs and draft a budget to meet those needs. To assist the taxing unit in this process, the chief appraiser prepares and certifies to the tax assessor, by April 30 (unless a weekend or holiday<sup>6</sup>), an estimate of the taxable value of property in that taxing unit. The taxing unit must decide how much property taxes are necessary to fund that budget and, based on current year's values, what M&O rate is necessary for the general operating expenses. The taxing unit must also determine what its payments for debt service will be.

The taxing unit's governing body is now at a critical point in the truth-in-taxation process. It must determine the amount of surplus funds, if any, it plans to expend to reduce its M&O or debt levies. It must determine the final amount of property taxes needed for the budget. Certain proposed rates will trigger certain steps in adopting the final tax rate.

Truth-in-taxation laws, except for water districts, explicitly address the debt service rate component of a taxing unit's overall tax rate. For most taxing units, the adopted debt service rate must equal the debt service rate published.<sup>7</sup> If the unit levies an additional sales tax, the debt service component of its rate cannot exceed the debt service rate that would levy the amount of debt payments published in the unit's calculations, less any sales tax revenue that will be used to pay debt.

A taxing unit's governing body must follow Legislative guidelines for proposing and adopting a tax rate. If the tax rate proposed by the governing body exceeds the effective tax rate or rollback rate, whichever is lower, they must publish a public hearing notice (**Appendix 10**), post a website notice and hold two public hearings. If they do not exceed these rates, they may adopt the tax rate by following **Step 9**. Otherwise, for a tax increase, the taxing unit should proceed to **Step 3**.

The Local Government Code requires cities and counties that are proposing budgets that raise more property tax revenue than the preceding year's budget to include the amount of the increase in large type on the cover page of the budget. That page must also state the amount to be raised from taxes on new properties. The public notice of the budget hearing must

contain this information as well. The proposed budget must be posted on the unit's website. In order to adopt the budget, the governing body must take a vote on the budget separately from its vote on the tax increase and its vote on the tax rate. The Comptroller's Economic Development and Analysis Division can assist cities and counties with budget adoption procedures. They can be reached at 1-800-531-5441, ext. 3-6053.

Small taxing units proceed to **Step 7**. Water districts go to **Step 8**.

## **Step 3: Vote by governing body to propose a tax increase**

When a proposed rate exceeds the rollback rate or the effective rate, whichever is lower, the taxing unit's governing body, other than a small taxing unit or a water district, must vote to place a proposal to adopt the rate on the agenda of a future meeting as an action item. This vote must be recorded. The proposal must specify the desired rate. A unit cannot vote to adopt a proposal to increase taxes by an unspecified amount.

If the motion passes, the governing body must schedule two public hearings on the proposal. These hearings must take place within the boundaries of the unit; on a weekday that is not a holiday; and in a public building or, if a public building is not available, in a building normally open to the public. The second hearing may not be held earlier than the third day after the date of the first hearing.

## **Step 4: Publish first quarter-page notice**

After proposing a tax increase and scheduling the two public hearings, the governing body must notify the public of the dates, times and place or places for these hearings and provide information about the proposed tax rate at least seven days before the public hearings. The law establishes specific requirements for this, which are contained in the Comptroller's model form *Notice of Public Hearing on Tax Increase* (**Appendix 10**).

The taxing unit also will post notice of these hearings on its website, if it has one. A taxing unit is required to post specific language on the website that it operates at least seven days before the first public hearing. This notice will stay on the website until the second public hearing concludes. If the unit has free access to a television channel, it will publish the notice as a 60-second notice. **Chapter 5** discusses publication requirements.

<sup>6</sup> Tax Code § 1.06.

<sup>7</sup> Tax Code § 26.05(a)(1).

### **Step 5: Hold two public hearings**

After publishing the first required notice, the taxing unit must hold two public hearings. A quorum of the governing body must be present at both hearings. Taxpayers must have the opportunity to express their views on the increase at each hearing. The governing body **may not** adopt the tax rate at either of these hearings. At each hearing, the governing body must announce the date, time and place of the meeting at which it will vote on the tax rate.

The governing body must follow a strict timetable once it holds these public hearings. The meeting to vote on the tax rate must take place no less than three days and no more than 14 days after the second public hearing. Like the public hearings, the meeting to vote must take place in a public building inside the unit's boundaries. Unlike the public hearings, the meeting to vote on the tax rate can take place on any day, including a holiday.

### **Step 6: Publish second quarter-page notice**

After the public hearings and before the meeting scheduled for the vote, the governing body must publish a second quarter-page notice entitled *Notice of Tax Revenue Increase* (**Appendix 11**). The taxing unit also will post this notice on its website if it has one. A taxing unit must follow the wording and posting requirements regarding website postings. If the unit has free access to a television channel, it will publish this notice as a 60-second notice.

### **Step 7: Small taxing unit adopts a tax rate**

A small taxing unit may provide public notice of the proposed tax rate in one of two ways. The unit may mail a notice of the proposed rate to each property owner in the unit or may publish a notice of the proposed rate in the legal section of a newspaper having general circulation in the unit (**Appendix 12**).

The unit must do either notice seven days before the date on which it will adopt the proposed tax rate and the notice must contain the proposed tax rate and the date, time and location of the meeting at which the governing body will consider adopting the proposed tax rate. If the proposed tax rate exceeds the unit's effective tax rate, the notices must also include the following statement: "The proposed tax rate would increase total taxes in (name of taxing unit) by (percentage by which the proposed tax rate exceeds the effective tax rate)."

A small taxing unit that publicizes its tax rate in either of these methods is also exempt from publishing two quarter-page ads when a taxing unit proposes a tax rate that exceeds the rollback rate or the effective rate, whichever is lower, and from a taxpayer seeking an injunction to keep it from collecting taxes.

A small taxing unit, however, that uses the simplified notice provisions may not adopt a tax rate that exceeds the proposed tax rate set out in its notice unless the taxing unit provides an additional public notice of the higher tax rate or complies with the required Tax Code provisions for adopting the higher rate. Small taxing units then should follow the general rules in **Step 9** for the formal action of adopting a tax rate at the publicized public meeting.

### **Step 8: Adopt a water district's tax rate**

While other taxing units are required to follow provisions of the Tax Code, water districts must follow notice and hearing provisions in the Water Code. Some provisions in the Water Code regarding a rollback election, however, refer to Tax Code § 26.07.

A water district's board of directors must publish the public hearing notice at least seven days before the hearing date or may mail it to each property owner at least 10 days before the hearing date. The quarter-page *Notice of Public Hearing on Tax Rate* includes a comparison of property tax rates and a comparison of property taxes on the average residence homestead. The notice also includes a statement about the taxpayers' right to a rollback election.

The rollback tax rate is the highest rate the water district may adopt without qualified voters petitioning for a rollback election. The rollback rate is the current year's debt service and contract tax rates, plus the M&O rate that would impose no more than 1.08 times the amount of M&O tax imposed by the water district in the preceding year on the average appraised value of a residence homestead in the water district.<sup>8</sup> The average appraised value disregards any homestead exemption available only to people with disabilities or those 65 years of age or older. **Appendix 6** provides a sample worksheet to calculate the rollback tax rate for water districts.

**Chapter 5** explains the notice requirements. Water districts then hold the publicized meeting to adopt the tax rate. **Step 9** provides the procedures to follow in adopting the tax rate.

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<sup>8</sup> Water Code § 49.236(d).

**Step 9: Adopt the tax rate in a public meeting**

The following general rules apply to the formal tax rate adoption. If the taxing unit — other than a small taxing unit or a water district — proposes a tax rate that exceeds the rollback rate or the effective rate, whichever is lower, it must follow **Step 3** through **Step 6**. Once the taxing unit publishes the second notice announcing the date, time and location of the meeting to vote on the tax rate, it must follow the provisions below to adopt the tax rate at that meeting.

The Tax Code requires that the governing body adopt the tax rate no less than three days but no more than 14 days after the second public hearing. If the taxing unit does not adopt during this time period, then it must republish the second notice of the meeting to adopt the tax rate, with the new date, time and location to adopt the rate.<sup>9</sup>

Please keep in mind that in addition to the following procedures, small taxing units may follow **Step 7** and water districts **Step 8**.

**Open meetings notices**

The taxing unit must post notice of the meeting in compliance with the open-meetings law.<sup>10</sup> The meeting must be open to the public.

**Agenda item**

Adoption of the tax rate must be a separate item on the agenda for the meeting. State law requires that most counties and general law cities adopt a budget before they adopt the tax rate.<sup>11</sup> These units may adopt a budget and a tax rate at the same meeting as long as the budget is adopted first as a separate item. Counties with a population of more than 225,000 are not required to adopt the budget before adopting a tax rate. Other taxing units should refer to its enabling legislation for specific guidance.

**Official action**

A taxing unit's governing body must adopt a tax rate by official action and set it out in a written resolution, ordinance or order. General Law cities should phrase the action as an ordinance. Home rule cities should phrase the action as an ordinance unless the charter provides otherwise. Counties should set out the tax rate in an order.

The Tax Code sets out specific wording for this resolution, ordinance or order. The wording for an ordinance, resolution or order must indicate an increase in the tax rate, and give the percentage increase the proposed rate is above the effective tax rate. The percentage increase must also be included on the home page of the unit's website.

Each type of taxing unit needs to refer to its enabling legislation to determine the proper form for the official adoption of a tax rate. Taxing units, other than water districts, that adopt a rate above the effective tax rate must use special language in making the motion to adopt the rate (**Appendix 15**). In the order, ordinance or resolution the taxing units must use larger type, include an example of the tax increase on a \$100,000 home and state that the adopted tax rate will raise more taxes for M&O.

Governing bodies with questions regarding the correct methods and phrasing of an ordinance, resolution or order to adopt a tax rate should discuss these questions with their legal counsel.

**Two-part rate**

A taxing unit authorized to pay both M&O and debt service with property taxes must adopt its rate as two separate components — one rate for M&O and one rate for debt service.

For most taxing units, the debt service component of the adopted tax rate must equal the calculated and published debt service rate that appeared in the rollback tax rate calculation and required notices.

A county may have several tax rates, depending on the kinds of taxes it levies. Each of these rates should be broken down into M&O and debt service components.

A taxing unit may adopt a final M&O rate that is lower than the proposed M&O rate. To adopt a higher M&O rate than proposed, the taxing unit would exceed the published increase percent. Taxpayers have the right to notice and the right to be present at a hearing about a proposed increase. A taxing unit wishing to adopt a higher M&O rate than proposed is advised to repeat the notice and hearing process to give taxpayers the opportunity to hear and comment about a higher tax increase.

<sup>9</sup> Tax Code § 26.06(e)

<sup>10</sup> Government Code Chapter 551.

<sup>11</sup> Local Government Code §§ 111.007-111.010 and 102.006-102.009, and Education Code § 44.004.



### Deadline to adopt rate

Other than a water district, a taxing unit must adopt its tax rate before Sept. 30 or by the 60th day after the taxing unit receives the certified appraisal roll, whichever date is later.<sup>12</sup>

If a taxing unit misses the deadline, the governing body must ratify either the effective tax rate or last year's rate, whichever is lower, as the adopted rate before the fifth day after establishing that tax rate.

### County quorum

At least four members of the county commissioners court must be present for a county to adopt a tax rate; at least three must vote for the rate. The county judge is considered a member for this purpose.

### Rate limitations for counties

A county rate may be composed of as many as three individual rates for a total rate not to exceed \$1.25 per \$100 of value. Not all counties levy all three taxes. The Texas Constitution sets the following rate limits:

- 30 cents per \$100 for farm-to-market roads or flood control;<sup>13</sup>
- 80 cents per \$100 for general fund, permanent improvement fund, road and bridge fund and jury fund;<sup>14</sup> and
- 15 cents per \$100 for the maintenance of public roads, which is commonly referred to as the special road and bridge fund.<sup>15</sup>

### Municipal school district and its city

A municipal school district follows the city boundaries where it is located. The municipal school district board and the city council must jointly hold any hearing required by law for adopting the school's annual budget and property tax rate.

Adopting the school budget and the school tax rate requires an affirmative vote of a majority of the school board members present and voting and at least three-quarters of the total of the voting school board members and city council members that are present and voting. If a quorum of the city council is not present at the hearing to adopt the budget and tax rate, then the school board may adopt the budget and tax rate without regard to votes from the city council members.

### Emergency services district

The maximum tax rate that an emergency services district may adopt will depend on what its voters approved. If the voters approved the district as a rural fire prevention district with a tax rate limit of 3 cents per \$100, and the fire district converted to an emergency services district, it must comply with the maximum rate limit voters originally approved for the rural fire prevention district. To increase the maximum rate limit to 10 cents per \$100 authorized by the Texas Constitution, the emergency services district must take that increase to the district voters to approve increasing the maximum rate.

### Failure to comply

If the taxing unit's governing body fails to comply with the hearing, notice or rate adopting process in good faith, a property owner in the unit may seek an injunction to stop the unit from sending tax bills until the unit convinces the district court that it has complied with the law. A property owner must act to enjoin collections before the taxing unit delivers substantially all of its tax bills. This injunction process does not apply to water districts or small taxing units.

### **Step 10: Administer a rollback election, if necessary**

If a taxing unit adopts a tax rate that exceeds the rollback rate, voters in the unit may petition for an election on the tax increase. Chapter 6 provides information about administering a rollback election.

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<sup>12</sup> Tax Code § 26.05(a).

<sup>13</sup> Texas Constitution Article VIII, § 1-a.

<sup>14</sup> Texas Constitution Article VIII, § 9(a).

<sup>15</sup> Texas Constitution Article VIII, § 9(c).

# 2012 Planning Calendar

## CITY OF KINGSVILLE

Date: 08/08/2012

Date	Activity
April-May	Mailing of notices of appraised value by chief appraiser.
April 30	The chief appraiser prepares and certifies to the tax assessor for each county, municipality, and school district participating in the appraisal district an estimate of the taxable value .
May 15	Deadline for submitting appraisal records to ARB.
July 20 (Aug. 31)	Deadline for ARB to approve appraisal records.
July 25	Deadline for chief appraiser to certify rolls to taxing units.
July 7, 2012	Certification of anticipated collection rate by collector.
August 2, 2012	Calculation of effective and rollback tax rates.
August 12, 2012	Publication of effective and rollback tax rates, statement and schedules; submission to governing body.
	72-hour notice for meeting ( <i>Open Meetings Notice</i> ).
August 13, 2012	Meeting of governing body to discuss tax rate; if proposed rate tax rate will exceed the rollback rate or the effective tax rate (whichever is lower), take record vote and schedule public hearing.
August 19, 2012	Notice of Public Hearing on Tax Increase is the first quarter-page notice in newspaper and on TV and website, if available, published at least seven days before public hearing.
	72-hour notice for public hearing ( <i>Open Meetings Notice</i> )
August 27, 2012	Public hearing.
	72-hour notice for second public hearing ( <i>Open Meetings Notice</i> )
September 5, 2012	Second public hearing (may not be earlier than 3 days after first public hearing); schedule and announce meeting to adopt tax rate 3-14 days from this date.
September 9, 2012	Notice of Tax Revenue Increase published before meeting* to adopt tax rate is the second quarter-page notice in newspaper before meeting and published on TV and website (if available, at least seven days before meeting).
	72-hour notice for meeting at which governing body will adopt tax rate ( <i>Open Meetings Notice</i> )
September 17, 2012	Meeting to adopt tax rate. Meeting is 3 to 14 days after second public hearing. Taxing unit must adopt tax rate by Sept. 29 or 60 days after receiving certified appraisal roll, whichever is later.

\*Advice of taxing unit legal counsel should be sought to determine which approach to take in notifying the public of the meeting at which the governing body will vote on the tax rate.

Source: Texas Comptroller of Public Accounts, 2012.

# **AGENDA ITEM #7**

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

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF KINGSVILLE AND IMAGINE IT STUDIOS RELATING TO CITY WEBSITE; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville ("City") and Imagine It Studios ("IIS") desire to work together to create a better, more functional website for the City for the benefit of our citizenry and others wanting to know more about our community to move or develop here; and

**WHEREAS**, IIS has the skills to create an improved website that will allow for greater efficiencies by staff and enhance online services and information; and

**WHEREAS**, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to this agreement to work together in accordance with these terms;

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

I.

**THAT** the City Manager is authorized and directed as an act of the City of Kingsville, Texas to execute the Professional Services Agreement Between the City of Kingsville and Imagine It Studios Relating to City Website 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 \_\_\_\_\_ 13th day of \_\_\_\_\_ August \_\_\_\_\_, 2012.

\_\_\_\_\_  
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



# Planning Department

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**TO:** Mayor & Commission Members

**THROUGH:** Vince Capell, City Manager

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

**SUBJECT:** City Website Proposal/Contract

**DATE:** July 25, 2012

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Over the past several months staff has been exploring ways to improve our web presence, provide a greater service to residents and also effectively market our community to visitors and potential developers. The intent is to provide a “one stop shop” for events, announcements, forms, online requests and some forms of e-commerce. Imagine It Studios, of McAllen, TX has met with the Executive Management staff to determine what our needs are and have subsequently submitted a detailed proposal based on our previous meetings. The attached proposal provides a road map as to how the site will be built including some of the existing website information but taking it to a higher level and providing a more up to date design and functionality as expected by internet users today.

Included in the proposal is a complete re-design of the home page, with a consistent graphics theme throughout each department page. Each department page will be designed to cater to the user pertaining to the type of information and/or services that department offers. Each department page will have contact information and information on the specific services provided by that department. Online requests and notifications will still be utilized and additional forms will be uploaded for easy access by the customer. Additionally, the forms will allow the customer to fill them out online and submit them electronically. This will streamline many processes including the application and information request processes thereby providing greater customer service and staff efficiency.

As shown in the proposal cost break down, the total cost of the work to be performed is \$27,000.00 with all applicable discounts. This will cover the two week “creative” timeframe and work, wherein the graphic design will be created and reviewed for approval by the City. Following the “creative” portion of the design the construction of the site will be broken down into two 45 day construction phases, for a total construction timeline of approximately 105 days from start to finish.

Also attached is the monthly fee breakdown associated with the maintenance/web hosting by Imagine It Studios, which will require a 12 month contract, with the contract extending on a

month to month basis beyond the original 12 month period. These costs will total \$500.00 per month, and at times the Purchasing Department may utilize the E-blast service to advertise open bids to the bidder list via email rather than hard copy as currently utilized.

Staff recommends that the proposal given by Imagine It Studios totaling \$27000.00 be accepted as well as the authorization to enter into the 12 month web hosting contract with as needed E-blast services, be accepted and executed upon approval of the associated budget amendment to cover the proposed expense and a 10% contingency for overages. The total projected budget amendment amount is to be \$29,700.00. (rounded to \$30,000) <sup>VR</sup>  
8/9/12

Cc: Courtney Alvarez, City Attorney

Attachments: Letter of Intent/Website Design Proposal & Contract

**PROFESSIONAL SERVICES AGREEMENT  
BETWEEN THE CITY OF KINGSVILLE  
AND IMAGINE IT STUDIOS  
RELATING TO  
CITY WEBSITE**

**WITNESSETH:**

**WHEREAS**, the City of Kingsville ("City") and Imagine It Studios ("IIS") desire to work together to create a better, more functional website for the City for the benefit of our citizenry and others wanting to know more about our community; and

**WHEREAS**, IIS has the skills to create an improved website that will allow for greater efficiencies by staff and enhance online services and information; and

**WHEREAS**, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to this agreement to work together in accordance with these terms; and

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

1. **PARTIES.** The parties to this Interlocal Agreement ("Agreement") are the City of Kingsville ("City"), a Texas home rule municipality, and Imagine It Studios ("IIS"), a business operating under the laws of the State of Texas.

2. **PURPOSE.**

- A. IIS will provide services as set out on the document attached hereto for the improvement and increased efficiencies to the City's internet website, to include creating a new website within 120 days and maintaining the website for one year after the new website is functioning and approved by the City.
- B. City will assist IIS by providing input on said improvements to the website.

3. **TERM.**

- A. The design and construction phase of the website phase of this project will be for an initial term of four months (120 days), starting August 13, 2012. The maintenance/hosting phase of this project will be for a 12 month period starting when the new website is functioning and approved by the City. After the expiration of the initial 12 month term for maintenance/hosting, this Agreement shall continue on a month to month basis.
- B. This Agreement may be terminated at any time by any party with or without cause upon fifteen (15) days advance written notice.
- C. Any notice of termination shall be sent to the other party to this Agreement at the address listed in paragraph 5 of this Agreement.



4. FUNDING.

- A. The total cost for the project is \$33,000, consisting of \$27,000 for the design and construction of the website phase and \$6,000 per year (\$500 per month) for the maintenance/hosting of website phase. A breakdown showing how these amounts were derived is attached hereto.
- B. The \$27,000 cost for the design and construction of the website shall be paid in two (2) equal installment payments of \$13,500, with one payment being due at the start of the contract and a second payment being due at the end on performance and acceptance of the contracted services which are set out in the document attached hereto. The maintenance/hosting of the website fee of \$500 per month shall be payable on the 5<sup>th</sup> day of each month starting when the new website is functioning and approved by the City.

5. MISCELLANEOUS PROVISIONS.

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

City of Kingsville, Texas  
Attention: City Manager  
P.O. Box 1458  
Kingsville, Texas 78364  
Telephone: (361) 595-8002  
Facsimile: (361) 595-8024

Imagine It Studios  
Attn: Manager  
4316 N. 10<sup>th</sup> Street, Suite 400  
McAllen, Texas 78504  
Telephone: (956) 687-1521  
Facsimile: (956) 687-4395

B. 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.

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

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

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

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

G. Mutual Indemnification: To the extent allowed by the Constitution and Laws of the State of Texas, IIS and City agree that each party assumes any and all risks of liability, loss, damages, claims, or causes of action and related expenses, including attorney fees, caused or asserted to have been caused directly or indirectly by or as the result of the negligent acts or omissions of that party and the officers, employees, and agents thereof.

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

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

J. Approval by Governing Bodies. Each party represents that this Agreement has been duly passed and approved by the governing body of the party or that proper power and authority has been delegated by the governing body.

K. Entirety of Agreement. No other oral or written commitments of the parties with respect to the work to be performed under this Agreement may have any force or effect if not contained in this Agreement or any amendments thereto.

L. 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.

M. 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.

N. 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.

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

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

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

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

**EXECUTED** by Imagine It Studios on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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

**ATTESTED BY:**

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

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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Courtney Alvarez  
City Attorney



## Letter of Intent

July 30, 2012

**RE : City of Kingsville Website Proposal**

**Attn: Mike Kellam, City of Kingsville**

Dear Mr. Kellam,

Please find attached a bid proposal for the City of Kingsville website revised based on the feedback from the City attorneys. This should be consistent with the contract as they have written it.

I am confident that we can not only meet your expectations, but exceed them on time and within budget to most benefit the City of Kingsville.

Thank you for your consideration. I look forward to working with you.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Hawk". The signature is written in a cursive, flowing style.

Stephanie Hawk, Digital Marketing Director - Imagine It Studios



Imagine It Studios is the only integrated marketing specialist in South Texas. Incorporated in 2004, we offer our clients progressive tools to build their brands and develop an active marketing presence on the internet. We analyze our clients' goals and through strategic planning implement solutions to market their businesses.

Our team thrives being a part of our clients' successes. We incorporate different marketing strategies based on their evolving needs and goals. In depth review of site analytics and customer conversion allow us to gauge the ongoing effectiveness of each search engine optimization program or marketing campaign.

Imagine It Studios has the added advantage of tapping into a highly talented team of graphic designers, marketing experts, programmers, and content writers to provide a wide array of marketing tools. Our cadre of tools includes, but are not limited to, web design, search engine optimization, blogging, article publication and social media campaigns.

We take pride in the long-term relationships we cultivate with our clients. Our goal is to exceed expectations and enable visions to be realized.



## **Summary of Qualifications**

- 13 years of integrating marketing and advertising campaigns
- 8 years of creating and managing websites for over 300 businesses and companies
- Reputation for cutting-edge graphic design for websites, logos and marketing campaigns
- Extensive knowledge in media planning and placement
- Architects of creative brand strategy and strong brand positioning including expertise in:
  - Developing multi-level strategic plans for clients' business growth
  - Utilizing Search Engine Optimization to increase business' online presence
  - Pay Per Click campaign management
  - Email marketing campaigns
  - Social Media outlets such as Facebook and Twitter
  - Technologies related to internet mass marketing and programming
  - Designing and producing marketing materials and promotional products
  - Creating mobile marketing programs



## Our Clients

Since 2004, Imagine It Studios has developed and implemented effective marketing strategies for numerous clients across South Texas and the United States, including:

- **The City of Pharr Texas** ([www.pharrfirst.com](http://www.pharrfirst.com)) - work includes web design, optimized
- **Neurosurgery Orthopaedics and Spine Specialists, PC** ([www.nossmc.com](http://www.nossmc.com)) - work includes web design, search engine optimization, advertising
- **The Rio Grande Valley Killer Bees** ([www.killerbeehockey.com](http://www.killerbeehockey.com)) - work includes e-commerce website design and maintenance, email marketing, television and radio production, graphic design, program design and layout, t-shirt design
- **Atlas and Hall** ([www.atlashall.com](http://www.atlashall.com)) - work includes logo design, graphic design, wholesale printing, website design, search engine optimization, hosting and maintenance
- **The J. Gonzalez Law Firm** ([www.jgonzalezlawfirm.com](http://www.jgonzalezlawfirm.com)) - website design, search engine optimization, hosting and maintenance
- **The Ingram Law Office** ([www.socialsecuritylawyertx.com](http://www.socialsecuritylawyertx.com)) - website design and hosting
- **McAllen South Rotary** - website design and maintenance for The Crawfish Boil ([www.thecrawfishboil.com](http://www.thecrawfishboil.com)) and Oktoberfest ([www.oktoberfestrgv.com](http://www.oktoberfestrgv.com)) plus logo design, t-shirt designs, signage designs, TV and radio production, media coordinating, wholesale printing
- **Barrera, Sanchez and Associates, PC** ([www.barrerasanchez.com](http://www.barrerasanchez.com)) - website design, search engine optimization, hosting and maintenance



# IMAGINE IT

## S T U D I O S

- **Tesoro Scrap Metal** ([www.tesoroscrapmetal.com](http://www.tesoroscrapmetal.com)) - website design, search engine optimization, hosting and maintenance
- **Air Horns of Texas** ([www.airhornsoftexas.com](http://www.airhornsoftexas.com)) - website design, search engine optimization, hosting and maintenance, wholesale printing
- **Avalon Spa & Salon** ([www.avalonrgv.com](http://www.avalonrgv.com)) - website design, search engine optimization, hosting and maintenance, email marketing, graphic design, wholesale printing, radio and TV production, advertising campaign concepts, media buying and placement
- **The Pruneda Law Firm** ([www.michaelpruneda.com](http://www.michaelpruneda.com)) - website design, graphic design, search engine optimization, hosting and maintenance
- **The Palm Valley Animal Center** ([www.pvaconline.com](http://www.pvaconline.com)) - website design, hosting, maintenance, TV production
- **The Republic of the Rio Grande** ([www.therepublicoftheriogrande.com](http://www.therepublicoftheriogrande.com)) - website design, search engine optimization, hosting and maintenance, email marketing
- **Valley Grande Institute** ([www.vgi.edu](http://www.vgi.edu)) - website design, search engine optimization, graphic design, wholesale printing, hosting and maintenance

Other companies we work with include: The McAllen Chamber of Commerce, The Mission Chamber of Commerce, Alamo System Industries, South Texas Moulding, Amigo Rent to Own, Resilient Defense Systems (RDS Guns), Truck Toyz Performance, Esparza Pest Control, Woofles Pet Center, RGV Smiles, Gonzalez and Arrambide CPA, Koko's Uptown, Embassy Suites McAllen, Socialife Magazine, La Pesca Seafood Restaurant, Divine Ripe Produce, Khan's Grill, Stevenson's Appliances, Central Plumbing and Electric Supply, General Garage Door Services, General Dentistry Center, TLC Lawn Care, Moran Boots, Valley Pediatrics, iKunik, Bug Works, and more.

We have had great retention rate with our customers for many reasons: we offer a great service at a fair price and secondly, we work hard for you because we only succeed if you succeed.

4316 N. 10th St., Suite 400 • McAllen, Texas 78504 • Office (956) 687-1621 • Fax (956) 687-4395

[www.imagineitstudios.com](http://www.imagineitstudios.com)



## **WEBSITE PROPOSAL FOR THE CITY OF KINGSVILLE**

### **Website build to include:**

- Creative, appealing, professional custom graphic design
- Simplified user interface
- Quicker access to heavily used areas of the site
- Custom written copy
- Custom Photography
- Tie in existing e-commerce/bill pay capabilities
- About Us page for the City to showcase Kingsville's rich history and current demographics
- Calendar of events page with upcoming happenings and things to do
- Photo and video galleries
- News, current events, city policies, frequently asked questions and city election information
- Links to other useful websites including The Kingsville Chamber of Commerce, Kingsville Independent School District, Kingsville Convention and Visitors Bureau, The King Ranch, The Kingsville Public Library, Texas A&M Kingsville and Coastal Bend College.
- Links to City social media pages (if applicable), etc.
- Complete Content Management System for easy access and editing capabilities
- Contact forms for general questions and comments
- Statistics for website traffic and visitor paths (included with hosting package)



## **City Commission**

Department page to include:

- Graphic design consistent with the home page
- Custom written copy to include City mission, vision and core values
- Monthly message from the Mayor and complete profile of the Mayor
- Commissioner Profiles with contact information
- City Commission news
- Page to announce City Meetings and post/archive Commission agendas
- Information on elections and when terms expire
- Department unique contact form
- Links to useful websites and social media pages (if applicable), etc.
- Link to City of Kingsville Code of Ordinances



## **City Manager's Office**

Department page to include:

- Graphic design consistent with the home page
- Message from the City Manager
- Page to feature City Manager and staff bios with contact information
- Graphics and/or reports to be posted of budget or budget summary
- Department unique contact form
- Links to useful websites and social media pages (if applicable), etc.



## Engineering Department

Department page to include:

- Graphic design consistent with the home page
- PDF files of Engineering Maps for viewing and/or download
- Maps to include AICUZ, Extra Territory Jurisdiction Map, Brush Zone, Flood Plain 911, Historic District, Residential Sanitation, Single Line Street Map, Subdivision Lot and Block, Street Map and Truck Route
- Online form to Request Speed Bump, Request Traffic Sign, Request Street Light or Request Street Light repair
- Links to other useful websites and social media pages (if applicable), etc.
- Link to Human Resources and job opportunities
- Link to Purchasing and open City Bids



## **Finance Department**

Department page to include:

- Graphic design consistent with the home page
- News, updates and information regarding permits, business and business taxes
- Financial Statements and Investment report PDF files available for viewing or downloading
- Information on Tax Rate and Tax payment
- Audit reports
- Adopted and proposed budgets
- Department unique contact form
- Links to useful websites and social media pages (if applicable), etc.



## **Fire Department**

Department page to include:

- Graphic design consistent with the home page
- Message from the Chief,
- Custom written copy featuring Fire Station Locations, Equipment, Response data, Fire Prevention, and Education
- Department unique contact form
- Links to useful websites and social media pages (if applicable), etc.
- Link to Human Resources and job opportunities



## **Health Department / Environmental Services**

Department page to include:

- Graphic design consistent with the home page
- PDF file of Permit request form for viewing and/or download
- Online permit request application
- Searchable database of inspection records by restaurant, day care and foster home
- Animal Shelter pdf forms available for viewing and/or downloading
- Online form to report environmental health violation or concern
- Department unique contact form
- Links to useful websites and social media pages (if applicable), etc.
- Link to Human Resources and job opportunities





## **Human Resources Department**

Department page to include:

- Graphic design consistent with the home page
- Posting of employment opportunities with pdf files for each job to view and/or download
- Secure online employment application
- Posting of internship and volunteer opportunities
- Personnel policies
- General information for employees and administrative directives
- Employee recognition, news, achievements and programs for employee relations
- Department unique contact form
- Links to useful websites and social media pages (if applicable), etc.



## **Legal Department**

Department page to include:

- Graphic design consistent with the home page
- Custom written copy to include Mission and Vision
- Open Records Request Form to be available to view and/or download
- Department unique contact form
- Links to other useful websites including the Better Business Bureau, Kleberg County Courthouse, Kleberg County Tax Assessor Collectors Office, the Attorney Generals Office and social media pages (if applicable), etc.
- Link to Human Resources and job opportunities



## **Planning & Permitting, Building Services & Community Appearance Departments**

Department to have independent domain and will include:

- Graphic design consistent with the main site
- City maps with zones
- 20-30 pdf forms available to view and/or download
- Creation of 20-30 online forms
- A subpage of Frequently Asked Questions
- Complete Content Management System for easy access and editing capabilities
- Department unique contact form
- Links to main site, other useful websites and social media pages (if applicable), etc.
- Link to Human Resources and job opportunities
- Link to Purchasing and open City Bids



## **Police Department**

Department to have independent domain and will include:

- Graphic design consistent with the main site
- Online ticket payment
- Online form to request copy of police report or accident report
- Pages to Report A Crime and Solve a Crime (submit tips for unsolved cases)
- Custom written copy with Crime Statistics, Crime Prevention, and Child Safety
- Complete Content Management System for easy access and editing capabilities
- Department unique contact form
- Links to useful websites and social media pages (if applicable), etc.



## **Public Works / City Services**

Department page to include:

- Graphic design consistent with the home page
- Schedule and map of trash and brush pick up
- Brush zone map
- Recycling schedule, resources and links
- Online request form for Bulky Item Pickup or to report missed trash pickup
- Department unique contact form
- Links to other useful websites and social media pages (if applicable), etc.
- Link to Human Resources and job opportunities
- Link to Purchasing and open City Bids



## Purchasing

Department page to include:

- Graphic design consistent with the home page
- Links to useful websites and social media pages (if applicable), etc.
- Sublevel pages to include RFP Bid Openings, Bid Submissions, Bid Tabulations, Insurance Requirements, Purchasing policies and procedures, Supplier Frequently Asked Questions,
- eBlast sign up to enable Suppliers to receive email notification of new bid openings
- Online supplier registration form
- Department unique contact form
- Link to Public Surplus online auction



## Task Force

Department page to include:

- Graphic design consistent with the home page
- Copy to include Mission, Vision, How to Get Involved, Report a Crime and Drug Awareness
- Department unique contact form
- Links to other useful websites and social media pages (if applicable), etc.
- Link to Human Resources and job opportunities



## Cost Breakdown

Description	Unit Price	Cost
Customized City Website Design	\$12,000.00	\$12,000.00
City Commission Section	\$1000.00	\$1000.00
City Manager's Section	\$1000.00	\$1000.00
Engineering Department	\$1250.00	\$1250.00
Fire Department	\$1000.00	\$1000.00
Finance Department	\$1250.00	\$1250.00
Health Department (unique domain)	\$3000.00	\$3000.00
Human Resource Department	\$2500.00	\$2500.00
Legal Department	\$1000.00	\$1000.00
Planning & Permitting Department (unique domain)	\$3000.00	\$3000.00
Police Department (unique domain)	\$3000.00	\$3000.00
Public Works / City Services	\$1250.00	\$1250.00
Purchasing Department	\$1250.00	\$1250.00
Taskforce	\$1000.00	\$1000.00
Custom Photography	6hrs @ \$150/hour	\$900
<b>Total Website Cost:</b>		<b>\$34,400.00</b>
<b>Multi-site discount:</b>		<b>\$7,400.00</b>
<b>Discounted Municipal Cost:</b>		<b>\$27,000.00</b>

Project Approved By:

Date:





## **Terms**

Payment is to be made in two equal payments. 50% upon the start of the contract and 50% upon website completion.

## **Implementation**

Creative designs will be provided for review 2 weeks from initiation of contract. Imagine It Studios will work diligently to complete the City piece of the website 45 days after creative approval. IIS will target completion of the entire site, including department pages and separate department sites, 45 days thereafter. Information your departments provide will expedite the completion of the project. Any services rendered after completion of the website will be assessed an additional fee to be determined by the scope of work.



## Monthly Hosting

- ❖ Dedicated server for improved speed
- ❖ 4 GB DDR3 memory
- ❖ 2 x 500GB Hard Drives
- ❖ 10 TB Bandwidth
- ❖ 5 Dedicated IPs

### Cost Breakdown

Description Of Services	
Website Hosting	\$500
Purchasing Department eBlasts \$100 per email as needed	
10GB email boxes are available for \$1 for each account per month.	
Archiving available for \$3 per mailbox per month	
Contract Terms: 12 months. Month to month thereafter. Payment to be made monthly in the beginning of the month via credit card.	\$500
Monthly Total	

Client Name: \_\_\_\_\_ Date: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

Print Name/Title: \_\_\_\_\_

Credit Card (Circle one): VISA MC AMEX DISC Security Code: \_\_\_\_\_

Card Number: \_\_\_\_\_ Exp. Date: \_\_\_\_\_

Billing Address for Card: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_



## Close

Imagine It Studios appreciates the opportunity to become the City of Kingsville's marketing partner. We value long-term relationships with our clients and always try to exceed client expectations. If you would like to see samples of our work or live google results of our SEO clients, please log on to [www.imagineitstudios.com](http://www.imagineitstudios.com).

# **AGENDA ITEM #8**

**ORDINANCE NO. 2012-**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2011-2012 BUDGET FOR THE GENERAL FUND CAPITAL PROJECTS FUND FOR THE CITY WEBSITE 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>30,000</u>
					<u>30,000</u>

Other Sources/Uses

5-690 Fund Transfers	Transfer to Fund 091	394.91		<u>30,000</u>	
				<u>30,000</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>30,000</u>	
				<u>30,000</u>	

Expenses

170.1 Recycling	Grounds & Perm Fixtures	591.00		<u>30,000</u>	
				<u>30,000</u>	

[To pay for the City website from Fund 001 General Fund FY11 fund balance surplus.]

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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 13th day of August, 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



# Planning Department

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**TO:** Mayor & Commission Members

**THROUGH:** Vince Capell, City Manager

**FROM:** Mike Kellam, Director of Planning & Development Services *WKO*

**SUBJECT:** City Website Proposal/Contract

**DATE:** July 25, 2012

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Over the past several months staff has been exploring ways to improve our web presence, provide a greater service to residents and also effectively market our community to visitors and potential developers. The intent is to provide a “one stop shop” for events, announcements, forms, online requests and some forms of e-commerce. Imagine It Studios, of McAllen, TX has met with the Executive Management staff to determine what our needs are and have subsequently submitted a detailed proposal based on our previous meetings. The attached proposal provides a road map as to how the site will be built including some of the existing website information but taking it to a higher level and providing a more up to date design and functionality as expected by internet users today.

Included in the proposal is a complete re-design of the home page, with a consistent graphics theme throughout each department page. Each department page will be designed to cater to the user pertaining to the type of information and/or services that department offers. Each department page will have contact information and information on the specific services provided by that department. Online requests and notifications will still be utilized and additional forms will be uploaded for easy access by the customer. Additionally, the forms will allow the customer to fill them out online and submit them electronically. This will streamline many processes including the application and information request processes thereby providing greater customer service and staff efficiency.

As shown in the proposal cost break down, the total cost of the work to be performed is \$27,000.00 with all applicable discounts. This will cover the two week “creative” timeframe and work, wherein the graphic design will be created and reviewed for approval by the City. Following the “creative” portion of the design the construction of the site will be broken down into two 45 day construction phases, for a total construction timeline of approximately 105 days from start to finish.

Also attached is the monthly fee breakdown associated with the maintenance/web hosting by Imagine It Studios, which will require a 12 month contract, with the contract extending on a

month to month basis beyond the original 12 month period. These costs will total \$500.00 per month, and at times the Purchasing Department may utilize the E-blast service to advertise open bids to the bidder list via email rather than hard copy as currently utilized.

Staff recommends that the proposal given by Imagine It Studios totaling \$27000.00 be accepted as well as the authorization to enter into the 12 month web hosting contract with as needed E-blast services, be accepted and executed upon approval of the associated budget amendment to cover the proposed expense and a 10% contingency for overages. The total projected budget amendment amount is to be \$29,700.00. (rounded to \$30,000) *vr*  
8/9/12

Cc: Courtney Alvarez, City Attorney

Attachments: Letter of Intent/Website Design Proposal & Contract



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 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
				Add: Various FY11 audit adjustments	23,417.00			23,417.00
				<b>Adjusted Total Funding Sources</b>	1,412,867.00	219,525.00	-	1,632,392.00

#1

18	02/13/2012	091-5-101.0-314.00	City Manager	City Match for Certified Local Government (CLG) app	6,250.00			
10	02/13/2012	091-5-170.1-591.00	PW - Solid Waste	Recycling Center/Community Appearance - fence slats	1,500.00			
15	02/13/2012	091-5-170.1-591.00	PW - Solid Waste	Recycling Center/Community Appearance - exterior repairs	11,750.00			
15	02/13/2012	091-5-170.1-591.00	PW - Solid Waste	Recycling Center/Community Appearance - landscaping	3,500.00			
13	02/13/2012	091-5-210.0-212.00	Police	Body armor replacement	80,453.00			
12	02/13/2012	091-5-210.0-511.00	Police	Building repairs	17,000.00			
14	02/13/2012	091-5-210.0-591.00	Police	Beautification project	36,445.00			
11	02/13/2012	091-5-220.0-226.00	Fire	2 laptops	4,616.00			
11	02/13/2012	091-5-220.0-712.00	Fire	2 power stretchers	17,591.00			
17	02/13/2012	091-5-301.0-217.00	Engineering	GIS equipment and server - GPS units	2,200.00	2,200.00		
17	02/13/2012	091-5-301.0-314.00	Engineering	GIS equipment and server - GIS software installation	2,500.00	2,500.00		
17	02/13/2012	091-5-301.0-726.00	Engineering	GIS equipment and server - GIS software	3,825.00	3,825.00		
17	02/13/2012	091-5-301.0-726.00	Engineering	GIS equipment and server - GIS server	11,000.00	11,000.00		
16	02/13/2012	091-5-305.0-521.01	PW - Street	Street repaving - Ailsie	269,378.00			
16	02/13/2012	091-5-305.0-521.02	PW - Street	Street repaving - Armstrong	237,770.00			
<b>Total of Projects Presented at 2/13/12</b>					(705,778.00)	(19,525.00)	-	(725,303.00)

#2

25	02/27/2012	091-4-000-720.30	Revenue	Donations - KCVB	6,250.00			
9	03/08/2012	091-4-000-594.00	Revenue	Intergovernmental Revenue - Kleberg County	1,750.00			
<b>Total Additional Revenue</b>					8,000.00			8,000.00
9	02/27/2012	091-5-101.0-314.00	City Manager	KCVB Match for Certified Local Government (CLG) app	6,250.00			
14	02/27/2012	091-5-301.0-314.00	Engineering	Kleberg Ave engineering design-\$30K for TAMUK assistance	29,825.00			
15	02/27/2012	001-5-220.0-212.00	Fire	Bunker gear (Note B)	45,971.00			
16	02/27/2012	001-5-440.0-712.00	Health	Seag mower (Note B and Note D)	3,500.00			
<b>Total of Projects Presented at 2/27/12</b>					(85,546.00)			(85,546.00)

#3

19	03/08/2012	091-5-160.1-314.00	Development Services	City contribution for KKB landscaping at Yoakum St.	10,000.00			
16	03/08/2012	091-5-160.3-591.00	Development Services	Dumpster enclosure pilot program (Note D)	24,850.00			
18	03/08/2012			<b>Total of Projects Presented at 3/08/12</b>	(34,850.00)			(34,850.00)

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
#4								
25	03/26/2012	091-5-160.1-591.00	Development Services	Corridor landscaping pilot program (Note D)	47,432.00			
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	091-5-170.2-711.00	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			
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			
				<b>Total of Projects Presented at 3/26/12</b>	<b>(231,886.00)</b>			<b>(231,886.00)</b>
#5								
10								
9	04/09/2012	091-5-180.1-726.00	Purchasing/Finance	Upgrade time "clock" and attendance management system	67,408.00			
				<b>Total of Projects Presented at 4/09/12</b>	<b>(67,408.00)</b>			<b>(67,408.00)</b>
#6								
6 & 11								
5	04/23/2012	091-5-450.0-591.00	Parks	Brookshire Pool renovations (Note B)	5,000.00			
10	04/23/2012	054-5-600.2-720.19	PW-Water Production	Water Well #19 pump house rehab (Note A)		200,000.00		
				<b>Total of Projects Presented at 4/23/12</b>	<b>(5,000.00)</b>	<b>(200,000.00)</b>		<b>(205,000.00)</b>
#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			
				<b>Total of Projects Presented at 5/14/12</b>	<b>(5,000.00)</b>			<b>(5,000.00)</b>
#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	
				<b>Total Additional Revenue</b>	<b>(100,000.00)</b>	<b>100,000.00</b>		<b>-</b>
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	
				<b>Total of Projects Presented at 6/25/12</b>	<b>-</b>	<b>(100,000.00)</b>	<b>(100,000.00)</b>	<b>(100,000.00)</b>
#9								
5								
18	07/09/2012	091-5-180.1-726.00	Finance	Incode Accounts Receivable Module (Note B)	9,000.00			
				<b>Total of Projects Presented at 7/09/12</b>	<b>(9,000.00)</b>			<b>(9,000.00)</b>
#10								
2								
16	07/23/2012	091-5-170.1-591.00	PW - Recycling Center	Sidewalk (Note B)	6,222.00			
				<b>Total of Projects Presented at 7/23/12</b>	<b>(6,222.00)</b>			<b>(6,222.00)</b>

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

Agenda Item #	Date of Commission Meeting	GL Account #	Department	Project	FUND 091 General Fund Amount	FUND 054 Utility Fund Amount	FUND 065 CO Series 2011 - GF	Amount Available for Total Projects
8	08/13/2012	091-5-160.1-314.00	Planning	City Website (Note C and D)	30,000.00			
9	08/13/2012	091-5-302.0-591.00	PW-Service Center	Electric Gate Opener (Note D)	3,267.00			
9	08/13/2012	091-5-302.0-591.00	PW-Service Center	Fuel Pump/Canopy (Note D)	2,986.00			
Total of Projects Presented at 8/13/12					(36,253.00)	-	-	(36,253.00)

#11

Total Remaining Net Surplus 133,924.00 - - 170,177.00

Total Remaining Net Surplus 133,924.00 - - 133,924.00

Other Projects to be Considered					Total of Other Possible Projects			
N/A	N/A	TBD	City Manager	City Match for Post Office Lot Upgrade (Note D)	10,967.00			
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			
Total of Other Possible Projects					(110,507.00)	-	-	(110,507.00)
Net Total FY2011 Surplus (Deficit)					23,417.00	-	-	23,417.00

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

Note B: Projects Added - (1) Fire bunker gear (\$45,971) and (2) Health Dept. Scag lawnmower repairs (\$3,500-1/2 paid by County and 1/2 paid by City). These are supplemental projects requested after the 1/23/12 workshop communicated to the City Commission in an e-mail dated 2/1/12.

(4) 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. (6) Parks Dept. request from the City for 1/4 of the Brookshire Pool renovations. (8) Fire Department Station 2 remodeling, electrical upgrades, new roof and exterior repairs (\$100,000). (9) Incode A/R Module (\$9,000)

(10) Side walk at the Recycling Center.

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. (6) Parking lot 7th & Yoakum balance of \$17,220 to pay for City website.

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, carwalk, 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), (9) Parking lot 7th & Yoakum reduced to \$23,442 (\$32,442-9,000). (10) Parking lot 7th & Yoakum reduced to \$17,220 (\$23,442-6,222).

(11) City match for Post Office lot upgrade was reduced to \$10,967 (\$30,000-19,033).

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 #9**

**ORDINANCE NO. 2012-**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2011-2012 BUDGET FOR THE GENERAL FUND CAPITAL PROJECTS FUND FOR THE PUBLIC WORKS SERVICE CENTER ELECTRIC GATE OPENER AND FUEL PUMP CANOPY 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>6,253</u>
					<u>6,253</u>

Other Sources/Uses

5-690 Fund Transfers	Transfer to Fund 091	394.91		<u>6,253</u>	
				<u>6,253</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>6,253</u>	
				<u>6,253</u>	

Expenses

5- 302.0 Service Center	Grounds & Perm Fixtures	591.00		<u>6,253</u>	
				<u>6,253</u>	

[To pay for the Public Works Service Center electric gate opener and fuel pump canopy from Fund 001 General Fund FY11 fund balance surplus.]

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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 13th day of August, 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



# PUBLIC WORKS DEPARTMENT

DATE: August 3, 2012  
TO: City Commission through City Manager  
FROM: William Donnell, Asst. Director of Public Works  
SUBJECT: Budget Amendment for Public Works Special Projects

## **BACKGROUND**

### Electric gate opener:

D&C Fence submitted a bid to supply an electric gate opener at Public Works. The original quote in the amount of \$4,990.00 did not include key pad, exit probe and a seven day timer. Staff is requesting \$3,267.00 to complete the installation of this electric gate opener which includes 2-safety photo eyes, 1-keypad mounted pedestal with wiring to gate operator, 1- exit probe and a seven day timer.

### Fuel Pump/Canopy:

During the installation of the new fuel pumps new circuits were required for the operation of the pumps. MIA Electric installed three new circuits for the pumps so the fuel pumps could be used. Staff is requesting \$2,986.00 for the installation of the new circuits.

## **RECOMMENDATION**

Staff recommends the approval of the budget amendment for these two items.

## **FISCAL IMPACT**

Funding for both of these items will come from 091-5-302.00-591.00 FY 11 Surplus.

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 - CF	Amount Available for Total Projects
#1				<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
				Add: Various FY11 audit adjustments	23,417.00			23,417.00
				<b>Adjusted Total Funding Sources</b>	1,412,867.00	219,525.00	-	1,632,392.00
					62,500.00			
#2	18	02/13/2012	091-5-101.0-314.00	City Manager	City Match for Certified Local Government (CLG) app			
	10	02/13/2012	091-5-170.1-591.00	PW - Solid Waste	Recycling Center/Community Appearance - fence slats			
	15	02/13/2012	091-5-170.1-591.00	PW - Solid Waste	Recycling Center/Community Appearance - exterior repairs			
	15	02/13/2012	091-5-170.1-591.00	PW - Solid Waste	Recycling Center/Community Appearance - landscaping			
	13	02/13/2012	091-5-210.0-212.00	Police	Body armor replacement			
	12	02/13/2012	091-5-210.0-511.00	Police	Building repairs			
	14	02/13/2012	091-5-210.0-591.00	Police	Beautification project			
	11	02/13/2012	091-5-220.0-226.00	Fire	2 laptops			
	11	02/13/2012	091-5-220.0-712.00	Fire	2 power stretchers			
	17	02/13/2012	091-5-301.0-217.00	Engineering	GIS equipment and server - GPS units			
	17	02/13/2012	091-5-301.0-314.00	Engineering	GIS equipment and server - GIS software installation			
	17	02/13/2012	091-5-301.0-726.00	Engineering	GIS equipment and server - GIS software			
	17	02/13/2012	091-5-301.0-726.00	Engineering	GIS equipment and server - GIS server			
	16	02/13/2012	091-5-305.0-521.01	PW - Street	Street repaving - Aidsite			
	16	02/13/2012	091-5-305.0-521.02	PW - Street	Street repaving - Armstrong			
					237,770.00			(725,303.00)
#3	25				<b>Total of Projects Presented at 2/13/12</b>			
	9	02/27/2012	091-4-000-720.30	Revenue	Donations - KCVB			
	9	03/08/2012	091-4-000-394.00	Revenue	Intergovernmental Revenue - Kleberg County			
					6,250.00			
					1,750.00			
					8,000.00			8,000.00
					<b>Total Additional Revenue</b>			
	9	02/27/2012	091-5-101.0-314.00	City Manager	KCVB Match for Certified Local Government (CLG) app			
	14	02/27/2012	091-5-301.0-314.00	Engineering	Kleberg Ave engineering design-\$30K for TAMUK assistance			
	15	02/27/2012	001-5-220.0-212.00	Fire	Bunker gear (Note B)			
	16	02/27/2012	001-5-440.0-712.00	Health	Scag mower (Note B and Note D)			
					6,250.00			
					29,825.00			
					45,971.00			
					3,508.00			
					(85,546.00)			(85,546.00)
#3					<b>Total of Projects Presented at 2/27/12</b>			
	19	03/08/2012	091-5-160.1-314.00	Development Services	City contribution for KKB landscaping at Yoakum St.			
	18	03/08/2012	091-5-160.3-591.00	Development Services	Dumpster enclosure pilot program (Note D)			
					10,000.00			
					24,850.00			
					(34,850.00)			(34,850.00)
					<b>Total of Projects Presented at 3/08/12</b>			



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

#4	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
#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			
	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)
#5	10								
	9	04/09/2012	091-5-180.1-726.00	Purchasing/Finance	Upgrade time "clock" and attendance management system	67,408.00			(67,408.00)
#6	6 & 11								
	5	04/23/2012	091-5-450.0-591.00	Parks	Brookshire Pool renovations (Note B)	5,000.00	200,000.00		
	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)		(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			(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	
#9	5								
	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)
#10	2								
	16	07/23/2012	091-5-170.1-591.00	PW - Recycling Center	Incode Accounts Receivable Module (Note B)	9,000.00			(9,000.00)
#10	2								
	16	07/23/2012	091-5-170.1-591.00	PW - Recycling Center	Sidewalk (Note B)	6,222.00			(6,222.00)

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
8	08/13/2012	091-5-160.1-314.00	Planning	City Website (Note C and D)	30,000.00			
9	08/13/2012	091-5-302.0-591.00	PW-Service Center	Electric Gate Opener (Note D)	3,267.00			
9	08/13/2012	091-5-302.0-591.00	PW-Service Center	Fuel Pump/Canopy (Note D)	2,986.00			
Total of Projects Presented at 8/13/12					(36,253.00)	-	-	(36,253.00)

#11

Total Remaining Net Surplus 133,924.00 - - 170,177.00

Total Remaining Net Surplus

133,924.00 - - 133,924.00

Other Projects to be Considered

N/A	N/A	TBD	City Manager	City Match for Post Office Lot Upgrade (Note D)	10,967.00			
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			

Total of Other Possible Projects (110,507.00)

Net Total FY2011 Surplus (Deficit) 23,417.00 - - 23,417.00

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

Note B: Projects Added - (1) Fire bunker gear (\$45,971) and (2) Health Dept. Scag lawnmower repairs (\$3,500-1/2 paid by County and 1/2 paid by City).

These are supplemental projects requested after the 1/23/12 workshop communicated to the City Commission in an e-mail dated 2/1/12.

(4) 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. (6) Parks Dept. request from the City for 1/4 of the Brookshire Pool renovations.

(8) Fire Department Station 2 remodeling, electrical upgrades, new roof and exterior repairs (\$100,000). (9) Incode A/R Module (\$9,000)

(10) Side walk at the Recycling Center.

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.

(6) Parking lot 7th & Yoakum balance of \$17,220 to pay for City website.

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).

(9) Parking lot 7th & Yoakum reduced to \$23,442 (\$32,442-9,000). (10) Parking lot 7th & Yoakum reduced to \$17,220 (\$23,442-6,222).

(11) City match for Post Office lot upgrade was reduced to \$10,967 (\$30,000-19,033).

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 #10**

ORDINANCE NO. 2012-

**AN ORDINANCE AMENDING THE FISCAL YEAR 2011-2012 BUDGET FOR THE  
GENERAL FUND 001 FOR THE LEGAL DEPARTMENT PROFESSIONAL SERVICES.**

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**

Revenues

4	Purchasing/Technology	Auction Revenue	920.00	<u>8,000</u>	
				<u>8,000</u>	

Expenses

140.0	Legal	Professional Services	314.00	<u>8,000</u>	
				<u>8,000</u>	

[To pay for unexpected legal fees.]

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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 13th day of August, 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

# **AGENDA ITEM #11**

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

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT WITH DAVID CUMMINGS FOR AN AREA NEAR 1500 E. GENERAL CAVAZOS BLVD.; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City has need of a utility easement in the area of 1500 E. General Cavazos Blvd.; and

**WHEREAS**, City has met with the property owner, David Cummings, to discuss this issue; and

**WHEREAS**, the City and Mr. Cummings are agreeable to providing such an easement to the City to improve the health, safety, and quality of life of the residents of the City;

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

I.

**THAT** the City Manager is authorized and directed as an act of the City of Kingsville, Texas to execute the Easement with David Cummings 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 \_\_\_\_\_ 13th day of \_\_\_\_\_ August \_\_\_\_\_, 2012.

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

ATTEST:

---

Edna S. Lopez, City Secretary

APPROVED AS TO FORM:

---

Courtney Alvarez, City Attorney



## 15-FOOT WIDE UTILITY EASEMENT

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

THAT David Cummings, hereinafter referred to as the "GRANTOR", for other good and valuable consideration hereby acknowledge and confess; and for which no lien or encumbrance, express or implied, is retained; by these presents have this day GRANTED and CONVEYED to the City of Kingsville, a Municipal Corporation of the County of Kleberg in the State of Texas; a 15-foot wide Public Utility Easement for the construction, operation, maintenance, replacement, upgrade and repair of a public utility in, upon, across, and out of the tract of land known as Lowes Lot 4 as recorded in the Kleberg County Courthouse records Cabinet 2, Envelope 86. Such Public Utility Easement more particularly described as follows and as shown on Exhibit A.

A 0.101-acre tract of land, more or less, out of Lot 4 of the Lowes Subdivision as shown on the Map Records of Kleberg County, Texas, and being more particularly described as follows:

BEGINNING at the Southeast corner of said Lowes Lot 4 as shown on the map, and said corner also being the "Point of Beginning"

THENCE, South 88° 53' 04" West 293.45-feet, along the South line of said Lot 4 and to the Southwest corner of Lot 4 and also being the Southwest corner of this tract;

THENCE, North 01° 03' 00" East 15-feet, along the West line of said Lot 4, to a point on the line and also being the Northwest corner of this tract;

THENCE, North 88° 53' 04" East 293.45-feet, along a line parallel to the South line of said Lot 4, to a point on the East line of said Lot 4 and said point also being the Northeast corner of this tract;

THENCE, South 01° 03' 00" West 15-feet, along the East line, to the Southeast corner of said Lot 4 and the Southeast corner of this tract, and also being the "Point of Beginning";

TO HAVE AND TO HOLD the same perpetually to the City of Kingsville and its successors and assigns, together with the privilege at any and all times to enter said premises, or any part thereof, for the purpose of constructing, operating, maintaining, replacing, upgrading and repairing said water and sewer utility pipes in and for making connections therewith.

IN WITNESS THEREOF,  
Grantors have caused this instrument to be executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
\_\_\_\_\_  
State of Texas  
County of Kleberg

\_\_\_\_\_  
Notary Public in and for the State of Texas

My Commission Expires: \_\_\_\_\_

LOT 5  
13.4396 ACRES  
(585,439 SQ FT)

N 01°03'00" W  
15.00'

LOWE'S  
CABINET 2, ENVELOPE 86  
K.C.M.R.

LOT 4  
1.3587 ACRES  
(59,837 SQ FT)

293.45'  
N 88°53'04" E  
S 88°53'04" W  
293.45'

LOT 8  
SOUTHWAY  
CABINET 2, ENVELOPE 61  
K.C.M.R.

CITY OF KINGSVILLE 15' DRAINAGE DITCH RW (VOLUME 413, PAGE 265)  
CITY OF KINGSVILLE 25' DRAINAGE DITCH RW (VOLUME 410, PAGE 240)

15' UTILITY EASEMENT (CABINET 2, ENVELOPE 71)

S 01°03'00" E  
15.00'

SOUTHWAY BLOCK 2  
CABINET 2, ENVELOPE 71  
K.C.M.R.

END 58" I.R. WICAP

# Lowe's Lot 4 15 - FT Wide Utility Easement

**Alpha Engineering**

Homero Castillo, P.E.  
109 North Fifth Street  
Kingsville, Texas 78363

Phone: 361.592.2977  
Fax: 361.592.1177  
email: alpha2977@gmail.com

F-16  
John A.J.



SCALE: 1" = 100' - 0"

Exhibit: **A**  
Date: 07 June 2012



## ***Engineering Department***

361-595-8007

361-595-8035 Fax

DATE: August 03, 2012  
TO: City Commission through City Manager  
FROM: Naim Khan, Director of Public Works/City Engineer  
SUBJECT: Resolution of Property Issues at 1500 E. General Cavazos Blvd.

### **BACKGROUND**

Local businessman Deral Meadows believes the concrete slabs at his storage business have collapsed due to poor drainage and subsequent erosion of the soil underneath and adjacent to his property due to installation work done a few years ago by a City contractor. A dedicated 40 foot drainage easement exists on the east side of his property. The City has installed a sewer line within this drainage easement, which he attributes to the problem. He has asked the City repair the damage in exchange for granting a utility & drainage easement. This will help clear up land use issues as the City has a sanitary sewer line within the drainage easement. The City has contacted a professional engineer who has done research and drawn up documents to change the 40 feet drainage easement to 40 feet drainage and utility easement.

Additionally, the City needs to clarify a utility easement on the property owned by developer David Cummings that lies directly north of Mr. Meadows property. The professional engineer who prepared the easement for Mr. Meadows property also did research and prepared one for Mr. Cummings property.

Mr. Meadows may purchase property from Mr. Cummings at some point in the future for expansion and having these easement issues resolved will help facilitate that development.

### **RECOMMENDATION**

Staff recommends the approval of the agreement with Mr. Deral Meadows and the easements with Mr. Meadows and Mr. Cummings.

### **FINANCIAL IMPACT**

Total cost to repair the damaged areas and install an inlet opening to facilitate the drainage, which will benefit the entire area, will be \$15000. This money will come from Certificate of Obligation -2011 (065 fund).

Approved

---

Vincent Capell, City Manager

# **AGENDA ITEM #12**

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

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT AND AN AGREEMENT WITH DERAL MEADOWS RELATING TO DRAINAGE AND UTILITY EASEMENT ISSUES AT 1500 E. GENERAL CAVAZOS BLVD.; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville ("City") and Deral Meadows desire to resolve drainage and utility easement issues on and around 1500 E. General Cavazos, Kingsville, Texas; and

**WHEREAS**, the City has need of a drainage and utility easement in the area of 1500 E. General Cavazos Blvd. where it currently has a drainage easement; and

**WHEREAS**, City has met with the property owner, Deral Meadows, numerous times over the years to discuss this issue; and

**WHEREAS**, the parties have both had ample time to discuss and consider a mutually agreeable and equitable resolution to these issues; and

**WHEREAS**, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to this agreement to render assistance to one another whenever practical in accordance with the terms of the agreement attached hereto; and, the City and Mr. Meadows are agreeable to providing such an easement to the City to improve the health, safety, and quality of life of the residents of the City;

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

I.

**THAT** the City Manager is authorized and directed as an act of the City of Kingsville, Texas to execute the Easement and the Agreement with Deral Meadows in accordance with Exhibits A & B 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  
\_\_\_\_ 13th day of \_\_\_\_ August \_\_\_\_\_, 2012.

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

ATTEST:

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

APPROVED AS TO FORM:

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

## UTILITY AND DRAINAGE EASEMENT

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

THAT the City of Kingsville, a Municipal Corporation of the County of Kleberg in the State of Texas, also known as the "OWNER" of all the right-of-ways described in Volume 410 Page 240, a 0.79-acre tract, and Volume 413 Page 265, a 0.48-acre tract; both tracts being more or less in acreage and both tracts being out of Farm Lots 10 and 13, Section 17 of the Kleberg Town and Improvement Company Subdivision, as recorded in the Official Records of Kleberg County.

The right-of-ways recorded in Volume 410 Page 240 and in Volume 413 Page 265 are described as being "for a drainage ditch" are HEREBY further described and encumbered for the purposes of installation, placement, extension, construction, and maintenance of public utilities and drainage facilities as deemed necessary and appropriate by the City of Kingsville and as further described in Exhibit A.

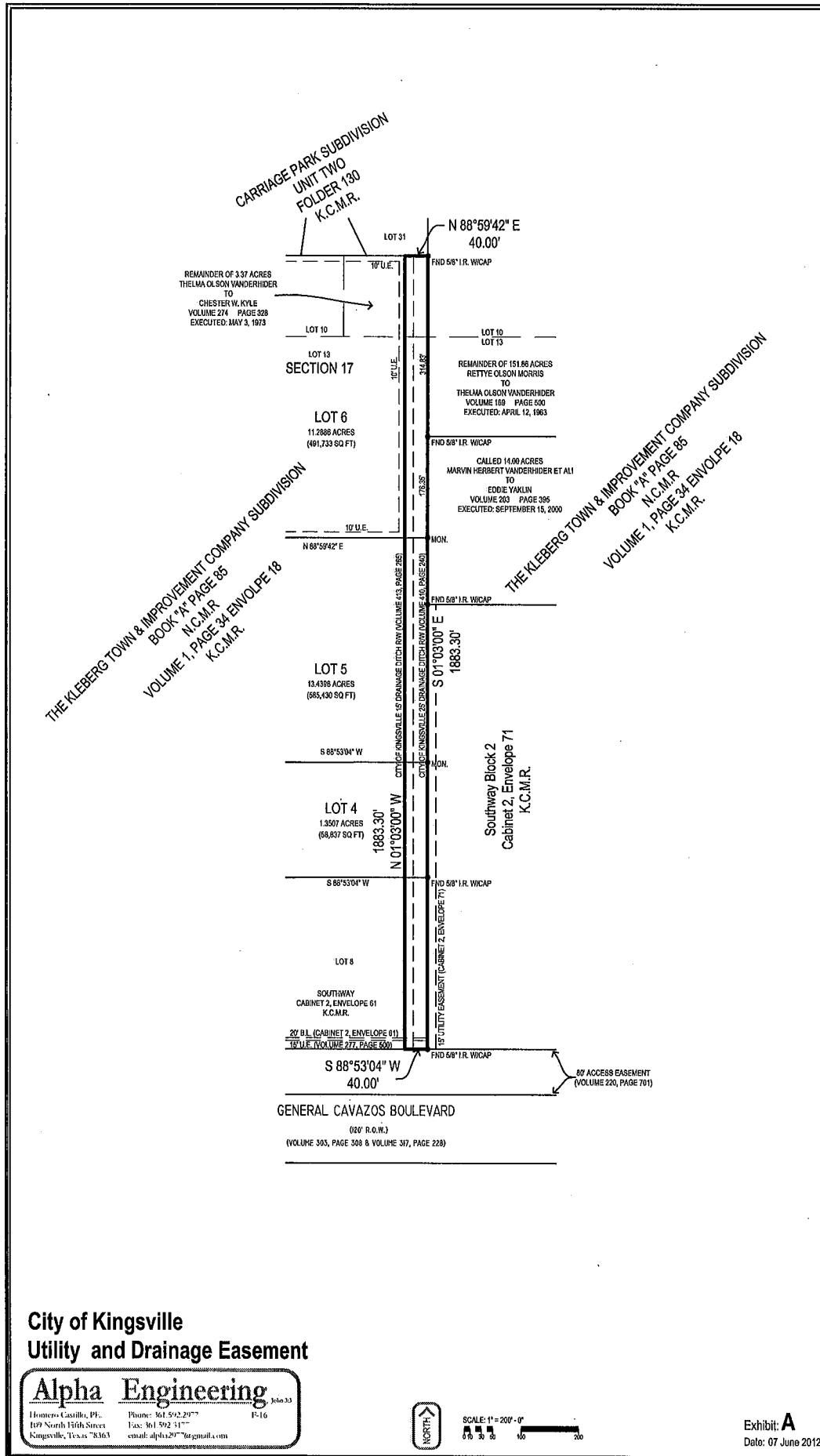
TO HAVE AND TO HOLD the same perpetually to City of Kingsville and its successors and assigns, together with the privilege at any and all times to enter said premises, or any part thereof, for the purpose of constructing, operating, maintaining, replacing, upgrading and repairing said utilities and drainage facilities in and for making connections therewith.

IN WITNESS THEREOF,  
Grantors have caused this instrument to be executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
\_\_\_\_\_  
State of Texas  
County of Kleberg

\_\_\_\_\_  
Notary Public in and for the State of Texas

My Commission Expires: \_\_\_\_\_







## CITY MANAGER'S OFFICE

City of Kingsville  
Phone: 361-595-8002 Fax: 361-595-8035

---

August 13, 2012

VIA EMAIL

Deral Meadows  
Safety Deposit Mini Storage  
1500 E. General Cavazos Blvd.  
Kingsville, TX 78363

Re: Resolution of Property Issues at 1500 E. General Cavazos Blvd.

Dear Mr. Meadows,

Pursuant to your telephonic conference with City Staff today, please find an outline of a proposed agreement attempting to resolve the drainage issue and drainage/utility easement at the above location.

The tentative oral agreement consists of the following:

The City of Kingsville will:

- a. Install 6" (six inch) concrete apron from the end of existing concrete slab (south most) to the bottom of the ditch. It will be doveled with the concrete slab at both ends. Width of the apron will be same as the width of existing apron at the top and will be gradually tapered to 3' (three feet) at the bank. From the bank to the bottom the width will be 3' (three feet) wide.
- b. Remove broken slab, north to existing concrete apron, put compacted caliche base and install 6" (six inch) concrete slab (10'x20'). This slab will be extended 5' (five feet) beyond the fence and the width of this slab will be tapered from full length to 2' (two feet) at the end. A 4" (four inch) curb will be added at the outer edge.
- c. Remove broken slab, further north, put compacted caliche base and install 6" (six inch) concrete slab (10'x18'). This slab will be extended 5' (five feet) beyond the fence and the width of this slab will be tapered from full length to 2' (two feet) at the end. A 4" (four inch) curb will be added at the outer edge.
- d. Install inlet top (similar to existing one) at the top of Junction Structure.
- e. Install concrete apron around the headwall area and put grass sod on the sides of the ditch.

f. Waive the permit fees for no more than 27,900 square feet of commercial expansion (for your proposed mini-storage expansion project) within the City.

In exchange for these items, you will: 1) not file any lawsuit or claim against the city regarding the drainage issues repaired in sections a-c above (unless due to negligent design) and not file for drainage/utility easement on or near your property located at 1500 E. General Cavazos Boulevard, and 2) give the City a 40 foot drainage/utility easement along the east side of your property.

Please provide written acknowledgement if these terms are to your satisfaction so that a document stating same can be presented to the City Commission at its next regular meeting. If this arrangement is no longer acceptable, please contact me at (361) 595-8002.

Sincerely,

Vincent J. Capell  
City Manager

It is understood and acknowledged and agreed by Deral K. Meadows that the said items to be performed by and on behalf of the City of Kingsville and myself, as set out above, is a FULL AND FINAL RELEASE AND SATISFACTION of all claims that I now have or may hereafter assert by reason of erosion issues and the utility lines being in the drainage/utility easement on the east side of my property located at 1500 E. General Cavazos Boulevard, Kingsville, Texas. It is also understood and agreed that this is a FULL AND FINAL RELEASE AND DISCHARGE of the City of Kingsville's agents, servants, officers, employees and other representatives from any matter or thing dealt with therein, and that same may be pleaded as an absolute and final bar to any and all suit or suits pending, or which may hereafter be pending or prosecuted by me, or anyone claiming by, through or under me.

As further consideration for said items to be performed, I warrant that I am over the age of eighteen years and authorized and competent to execute this Release; that no promise or agreement which is not herein expressed has been made to me; that in executing this Release, I am not relying upon any statement or representation of the City of Kingsville's agents, servants, officers, employees or other representatives, of any agent or servant of the City of Kingsville, but am relying upon my own judgment and I fully understand that the same is a FULL AND FINAL RELEASE of all claims arising out of erosion issues and the location of utility lines being in the drainage/utility easement on the east side of my property located at 1500 E. General Cavazos Boulevard, Kingsville, Texas.

I have relied solely and completely upon my own judgment in making this settlement; and I fully understands that this is a full, complete and final release, and that the items to be performed as mentioned above is that is to be done as a result of the herein described matter mentioned in the first paragraph of this instrument.

I have read all of this release before signing the same, and understand that it is a full, final and complete release and settlement, and that have obligations to perform under this agreement, which are noted above, and that I will not get any more money or services on account of the facts and circumstances mentioned above.

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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Deral K. Meadows

**THE STATE OF TEXAS            §**

**COUNTY OF KLEBERG           §**

BEFORE ME, the undersigned, on this day personally appeared Deral K. Meadows, known to me, and known to me to be the person who has the authority to enter into this agreement, and acknowledged to me that he executed said instrument as a Release and for the purpose and consideration therein expressed.

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Signature of Witness (Notary)

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Witness's Name Printed

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Seal



## ***Engineering Department***

361-595-8007

361-595-8035 Fax

DATE: August 03, 2012  
TO: City Commission through City Manager  
FROM: Naim Khan, Director of Public Works/City Engineer  
SUBJECT: Resolution of Property Issues at 1500 E. General Cavazos Blvd.

### **BACKGROUND**

Local businessman Deral Meadows believes the concrete slabs at his storage business have collapsed due to poor drainage and subsequent erosion of the soil underneath and adjacent to his property due to installation work done a few years ago by a City contractor. A dedicated 40 foot drainage easement exists on the east side of his property. The City has installed a sewer line within this drainage easement, which he attributes to the problem. He has asked the City repair the damage in exchange for granting a utility & drainage easement. This will help clear up land use issues as the City has a sanitary sewer line within the drainage easement. The City has contacted a professional engineer who has done research and drawn up documents to change the 40 feet drainage easement to 40 feet drainage and utility easement.

Additionally, the City needs to clarify a utility easement on the property owned by developer David Cummings that lies directly north of Mr. Meadows property. The professional engineer who prepared the easement for Mr. Meadows property also did research and prepared one for Mr. Cummings property.

Mr. Meadows may purchase property from Mr. Cummings at some point in the future for expansion and having these easement issues resolved will help facilitate that development.

### **RECOMMENDATION**

Staff recommends the approval of the agreement with Mr. Deral Meadows and the easements with Mr. Meadows and Mr. Cummings.

### **FINANCIAL IMPACT**

Total cost to repair the damaged areas and install an inlet opening to facilitate the drainage, which will benefit the entire area, will be \$15000. This money will come from Certificate of Obligation -2011 (065 fund).

Approved

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Vincent Capell, City Manager

# **AGENDA ITEM #13**

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

**A RESOLUTION AUTHORIZING PARTICIPATION IN UNION PACIFIC FOUNDATION: COMMUNITY BASED GRANT PROGRAM FOR VICTIM AND RESPONDER KITS; AUTHORIZING THE CHIEF OF POLICE TO ACT ON THE CITY'S BEHALF WITH SUCH PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Union Pacific Foundation has a Community Based Grant Program that helps 501(c)(3)'s and governmental entities located along Union Pacific service lines with health and human service projects, as well as community and civic projects; and

**WHEREAS**, the Kingsville Police Department desires to apply with the Union Pacific Foundation Community Based Grant Program for an amount of no more than \$20,000 to seek funding for victim & responder kits for the Kingsville Police Department; and

**WHEREAS**, the grant has no cash match and will allow law enforcement personnel to provide improved services to the citizens of our City.

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

**I.**

**THAT** the City authorizes the Kingsville Police Department through the Chief of Police to participate in the Union Pacific Foundation Community Based Grant Program for an amount of no more than \$20,000 to seek funding for victim & responder kits for the Kingsville Police Department.

**II.**

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

**III.**

**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 13th day of August, 2012.

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

ATTEST:

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Edna Lopez, City Secretary

APPROVED AS TO FORM:

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Courtney Alvarez, City Attorney



**KINGSVILLE POLICE DEPARTMENT  
INTER-OFFICE MEMORANDUM**

August 8, 2012

**TO** : Vincent J Capell, City Manager  
**FROM** : Ricardo Torres, Chief of Police  
**SUBJECT** : Union Pacific Foundation: Community-Based Grant Program

I received correspondence regarding a grant as outlined below:

**Union Pacific Foundation: Community-Based Grant Program**

**Grant Details:**

Application Due Date: 08/15/2012

**Description:**

**Overview:**

The Union Pacific Foundation's mission is to improve the quality of life in the communities served by Union Pacific Railroad, primarily in the midwestern and western United States. Through the Community-Based Grant Program, the Foundation gives priority to requests that address the following categories: Community and Civic, and Health and Human Services

**Eligibility:**

The Foundation requires that an organization be located in a community served by Union Pacific Railroad, is a 501(c)(3) public charity as identified by the IRS, or Governmental Entity, and falls within one of the two areas of interest outlined below.

- Union Pacific Community
- Public Charity or Governmental Entity
- Areas of Interest (*see guidelines*)
- Community and Civic
- Health and Human Services:

**Funding Areas:**

The majority of these grants are intended to help nonprofit organizations build their capacity, increase their impact, and operate more effectively.

Applications undergo a competitive review process. A Foundation invitation to submit an application in no way guarantees funding of that request. The Foundation receives a multitude of grant requests for worthwhile projects every year. In a typical year, we are able to provide some level of funding to about 50% of the requests. The volume of funding requests received also precludes providing individual critiques of unsuccessful requests.

We will apply for 55 ALERRT Victim and Responder Kits at a cost of \$102.00 per unit or a total cost of \$5,610.00 excluding shipping. It apparent due to recent events where active shooters have actively engaged in killing or attempting to kill people in a confined and populated area that the ability of first responders, after having addressed the shooter, to assist in providing

immediate medical assistance to victims. News reports from the media have described scenarios where victims lay on the ground dying without any medical treatment being provided.

With this equipment officers would be able to provide immediate aid to victims not only in these types of scenarios but also victims of assaults, at traffic accident scenes or industrial accidents. An example of this occurred on Thursday, June 21<sup>st</sup>, 2012 when a CCPD officer responded to a fight in progress at a bar. The officer who responded noticed that a 32-year old victim had significant damage to an arm with serious blood loss. The officer retrieved the “go bag” used the materials in the kit to control the bleeding which probably saved the victims life.

Please place this item on the next available City of Kingsville City Commission agenda for consideration and approval of the application for this equipment.

# **AGENDA ITEM #14**



# Purchasing Department

361-595-8025  
361-595-8035 Fax

DATE: August 1, 2012

TO: City Commission through City Manager

FROM: David Mason, Purchasing/Technology Director

SUBJECT: Concrete Pavement Improvement Project 12-39

## **SUMMARY**

This authorizes the award of a contract for the repair of ten (10) intersections within the City of Kingsville.

## **BACKGROUND**

We advertised for sealed bids on July 8 and July 15, 2012 and proposals were accepted until 1:30 pm on July 24, 2012. Four potential vendors attended the mandatory prebid meeting and site visitation on July 12, 2012. One bid was submitted, that of Elite General Contractors, LLC in the amount of \$248,000.

## **RECOMMENDATION**

It is recommended the contract be awarded to Elite General Contractors, LLC, 23 Great Lakes Drive, Corpus Christi, TX 78413.

## **FINANCIAL IMPACT**

This action will expend \$248,000 from 065-5-305.0-521.00 CO 2011 funds.

Approved

---

Vincent Capell, City Manager

CONCRETE PAVEMENT IMPROVEMENT  
PROJECT

BID PROPOSAL 12-39

Please list unit prices for each location



8th & Johnston

\$ 25,000.-



Between 6th & 7th on Ragland

\$ 40,000.-



7th & Warren

\$ 30,000.-



10th & Fordyce

\$ 35,000.-



Between 6th & 7th on Huisache

\$ 40,000.-



Between 7th & 8th on Huisache

\$ 45,000.-



10th & Huisache

\$ 12,000



411 E. Lott

\$ 7,000.-



614 E. Lott

\$ 7,000.-



530 E. Huisache

\$ 7,000.-

# **AGENDA ITEM #15**



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

**A RESOLUTION ESTABLISHING A RESIDENCY REQUIREMENT FOR APPOINTEES TO CITY BOARDS AND COMMISSIONS; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Kingsville has reviewed the process of appointments to various City Boards and Commissions and recognizes that citizens of our community are generally in the best position to adequately represent our City on such Boards and Commissions; and

**WHEREAS**, the City Commission addressed this same issue in 1989 via resolutions #89006 & #89022 wherein they established a policy for appointments that included a residency requirement and advertising notices of vacancies in the newspaper, among other things; and

**WHEREAS**, the City Commission in 1990 through Resolution #90029 repealed Resolution #89006 citing "the response from interested citizens has not been forthcoming", but did not address Resolution #89022; and

**WHEREAS**, the City Commission needs to repeal Resolution #89022 in order to effectively implement changes to this policy area; and

**WHEREAS**, the current City Commission desires to clarify this policy area so that it is clear that: (1) appointees to City Boards and Commissions should be citizens of the City of Kingsville, Texas, (2) for consideration of appointment by the Commission appointees should submit a letter of interest in serving and a resume, (3) it is not required that vacancies on City Boards and Commission be advertised in the newspaper, (4) in the event there are not qualified or interested citizens to fill a Board or Commission vacancy, and it is allowed by law, then the Commission can consider appointment of a qualified resident of Kleberg County; and

**WHEREAS**, the City believes this policy to be in the best interest of the citizens of the City;

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

I.

**THAT** Resolution #89022 is hereby repealed.

II.

**THAT** it is the policy of the City Commission of the City of Kingsville that: (1) appointees to City Boards and Commissions should be citizens of the City of Kingsville, Texas, (2) for consideration of appointment by the Commission appointees should submit a letter of interest in serving and a resume, (3) it is not required that vacancies on City Boards and Commission be advertised in the newspaper, and (4) in the event there are not qualified or interested citizens to fill a Board or Commission vacancy, and it is allowed by law, then the Commission can consider appointment of a qualified resident of Kleberg County.

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 and after adoption.

**PASSED AND APPROVED** by a majority vote of the City Commission on the  
\_\_\_\_ 13th day of \_\_\_\_ August \_\_\_\_, 2012.

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

ATTEST:

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

APPROVED AS TO FORM:

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

# **AGENDA ITEM #16**

# 2012 Governing Body Summary #1A\*

## Benchmark 2012 Tax Rates

### CITY OF KINGSVILLE

Date: 08/03/2012

DESCRIPTION OF TAX RATE	TAX RATE PER \$100	THIS YEAR'S TAX LEVY**	ADDITIONAL TAX LEVY
Effective Tax Rate	\$0.83147	\$5,767,545	
One Percent \$100 Tax Increase***	\$0.83978	\$5,825,188	\$57,643
One Cent per \$100 Tax Increase***	\$0.841470	\$5,836,910	\$69,365
Notice & Hearing Limit****	\$0.83147	\$5,767,545	\$0
Rollback Tax Rate	\$0.88219	\$6,119,367	\$351,822
Last Year's Tax Rate	\$0.842200	\$5,841,974	\$74,429
Proposed Tax Rate	\$0.84220	\$5,841,974	\$74,429

\*These figures are provided as estimates of possible outcomes resulting from varying the tax rate. Please be aware that these are only estimates and should not be used alone in making budgetary decisions.

\*\*Tax levies are calculated using line 19 of the Effective Tax Rate Worksheet and this year's frozen tax levy on homesteads of the elderly or disabled.

\*\*\*Tax increase compared to effective tax rate.

\*\*\*\*The Notice and Hearing Limit is the highest tax rate that may be adopted without notices and a public hearing. It is the lower of the rollback tax rate or the effective tax rate. 0

## 2012 Property Tax Rates in CITY OF KINGSVILLE

This notice concerns the 2012 property tax rates for CITY OF KINGSVILLE. It presents information about three tax rates. Last year's tax rate is the actual tax rate the taxing unit used to determine property taxes last year. This year's *effective* tax rate would impose the same total taxes as last year if you compare properties taxed in both years. This year's *rollback* tax rate is the highest tax rate the taxing unit can set before taxpayers start rollback procedures. In each case these rates are found by dividing the total amount of taxes by the tax base (the total value of taxable property) with adjustments as required by state law. The rates are given per \$100 of property value.

### Last year's tax rate:

Last year's operating taxes	\$4,353,016
Last year's debt taxes	\$1,397,564
Last year's total taxes	\$5,750,580
Last year's tax base	\$682,804,559
Last year's total tax rate	\$0.84220/\$100

### This year's effective tax rate:

Last year's adjusted taxes (after subtracting taxes on lost property)	\$5,739,428
÷ This year's adjusted tax base (after subtracting value of new property)	\$690,271,227
=This year's effective tax rate (Maximum rate unless unit publishes notices and holds hearings.)	\$0.83147/\$100

### This year's rollback tax rate:

Last year's adjusted operating taxes (after subtracting taxes on lost property and adjusting for any transferred function, tax increment financing, state criminal justice mandate, and/or enhanced indigent healthcare expenditures)	\$5,871,777
÷ This year's adjusted tax base	\$690,271,227
=This year's effective operating rate	\$0.85065/\$100
x 1.08=this year's maximum operating rate	\$0.91870/\$100
+ This year's debt rate	\$0.17825/\$100
= This year's total rollback rate	\$1.09695/\$100
-Sales tax adjustment rate	\$0.21476/\$100
=Rollback tax rate	\$0.88219/\$100

### Statement of Increase/Decrease

If CITY OF KINGSVILLE adopts a 2012 tax rate equal to the effective tax rate of \$0.83147 per \$100 of value, taxes would increase compared to 2011 taxes by \$16,965.

### Schedule A - Unencumbered Fund Balance

The following estimated balances will be left in the unit's property tax accounts at the end of the fiscal year. These balances are not encumbered by a corresponding debt obligation.

Type of Property Tax Fund	Balance
Interest & Sinking Fund (Debt Service)	838,340
Maintenance & Operations (M&O)	5,063,987

### Schedule B - 2012 Debt Service

The unit plans to pay the following amounts for long-term debts that are secured by property taxes. These amounts will be paid from property tax revenues (or additional sales tax revenues, if applicable).

Description of Debt	Principal or Contract Payment to be Paid from Property Taxes	Interest to be Paid from Property Taxes	Other Amounts to be Paid	Total Payment
CO Series 2002A	135,000	58,162	250	193,412
PPFCO Series 2007	80,000	17,468	250	97,718
CO Series 2009	340,000	42,600	150	382,750
GORB Series 2009	215,000	42,369	150	257,519
CO Series 2011	350,000	177,090	250	527,340
Continuing Disclosure Fees	0	0	1,250	1,250

Total required for 2012 debt service	\$1,459,989
- Amount (if any) paid from Schedule A	\$223,479
- Amount (if any) paid from other resources	\$0
- Excess collections last year	\$0

= Total to be paid from taxes in 2012	\$1,236,510
+ Amount added in anticipation that the unit will collect only 100.00% of its taxes in 2012	\$0
= Total debt levy	\$1,236,510

#### **Schedule C - Expected Revenue from Additional Sales Tax**

In calculating its effective and rollback tax rates, the unit estimated that it will receive \$1,489,694 in additional sales and use tax revenues.

This notice contains a summary of actual effective and rollback tax rates' calculations. You can inspect a copy of the full calculations at 700 E. KLEBERG, KINGSVILLE, TX 78363.

Name of person preparing this notice: MELISSA T. DE LA GARZA, RTA

Title: KLEBERG COUNTY TAX ASSESSOR-COLLECTOR

Date Prepared: 08/08/2012