

# ***City of Kingsville, Texas***

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## **AGENDA CITY COMMISSION**

**MONDAY, MARCH 11, 2013  
REGULAR MEETING**

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

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

#### **OPEN MEETING**

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

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

APPROVED BY:

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

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

1. Public Hearing for an alcohol variance application for Sunny Mini Mart located at 1230 E. Santa Gertrudis.  
(Director of Planning & Development Services).

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

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

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

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

V.

### **Consent Agenda**

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

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage an ordinance amending the fiscal year 2012-2013 budget for the Community Appearance Department to purchase one (1) John Deere 318D skid steer loader base with GT72 grapple and one (1) John Deere Z970R ZTrak commercial mower as well as the trade in of the 2009 John Deere 5065M and accessories. (Finance Director).
2. Motion to approve final passage an ordinance amending the fiscal year 2012-2013 budget for the Police Department to purchase body armor and protective equipment. (Finance Director).
3. Motion to approve the reappointments of Dr. Judith Cox, and Mrs. Janice Becker to the Library Board for another three (3) year term each. (Interim Library Director).
4. Motion to approve a resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Boys Scouts of America Venado District. (Police Chief).

### **REGULAR AGENDA**

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

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

5. Consider approval of an alcohol variance for Sunny Mini Mart located at 1230 E. Santa Gertrudis, due to a change in ownership. (Director of Planning & Development Services).
6. Consider reappointment of Maggie Salinas, Susana Killion, and Lisa Munoz to the Historical Development Board for a one (1) year term each. (Downtown Manager).
7. Consider authorizing staff to negotiate a contract with Linebarger Groggan Blair & Sampson, LLP for Municipal Court Collection Services (RFP #13-07) as per staff recommendation. (Director of Purchasing & IT).
8. Consider authorizing the purchase of four pickups through BuyBoard for Public Works Departments as per staff recommendation. (Director of Purchasing & IT).

9. Consider authorizing the construction of a new pump house for Water Well #19 (RFP-#13-08) by Rusty Van Fleet Construction as per staff recommendation. (Director of Purchasing & IT).

10. Consider authorizing the purchase and installation of trees in the medians on West Santa Gertrudis between Seale Street and Hwy. 141 by Border Link, LLC as per staff recommendation. (Director of Purchasing & IT).

11. Consider introduction of an ordinance amending the Fiscal Year 2012-2013 Budget for Community Appearance to fund the purchase and installation of trees for the West Santa Gertrudis corridor landscaping project. (Finance Director).

12. Consider introduction of an ordinance amending the Fiscal Year 2012-2013 Budget for Fund 054 Utility Fund Capital Projects Fund and Solid Waste Capital Projects Fund 087 to utilize Fiscal Year 2011-2012 unexpended funds. (Finance Director).

13. Consider introduction of an ordinance amending the Fiscal Year 2012-2013 Budget for Certificate of Obligation Capital Project Fund Budgets for various Public Works Departments to utilize Fiscal Year 2011-2012 unexpended funds. (Finance Director).

14. Consider final passage of an ordinance amending the zoning ordinance by granting a Special Use Permit for 1727 S. 7<sup>th</sup> Street (Lots 20-21, Southmore AC) for a lawn service and tree trimming business, amending the comprehensive plan to account for any deviations from the existing comprehensive plan, providing for publication. (Director of Planning & Economic Development).

15. Consider authorizing the extension of the waiver of interest on outstanding paving liens for one year. (Finance Director).

## **VII. Adjournment.**

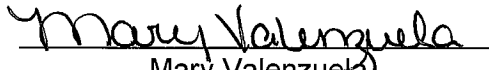
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative 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 is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/595-8002 or FAX 361/595-8024 or E-Mail [mvalenzuela@cityofkingsville.com](mailto:mvalenzuela@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:

March 8, 2013 at 11:00 A.M. and remained so posted continuously for at least 72 hours preceding the schedule time of said meeting.

  
\_\_\_\_\_  
Mary Valenzuela  
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

# **PUBLIC HEARING(S)**



## Planning & Development Services Department

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TO: Mayor & City Commission

THROUGH: Vincent Capell, City Manager

FROM: Michael Kellam, AICP, Director of Planning & Development Services

SUBJECT: **Request for Alcohol Variance at 1230 E. Santa Gertrudis**

DATE: February 28, 2013

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Ms. Andres B. Villagran, operator of Sunny Mini Mart is requesting an alcohol variance for a Wine and Beer Retailer's Off-Premise Permit. This address is located at 1230 E. Santa Gertrudis and is within 300ft of a school. The property in question therefore requires a variance according to City ordinance ORD-2004-20.

Also, all required notices have been sent to the property owners within 300ft. Additionally, a public hearing notice was placed in the newspaper on February 17, 2013. As of this point, we have not received any negative feedback from the property owners or citizens that have been noticed.

**Tuesday** - Sausage link with grilled bell peppers and onions, steamed cabbage, salad with fat free dressing, hot pineapple and cherry cup and wheat flour tortilla.

**Wednesday** - Turkey roll with gravy over cornbread dressing, sweet potatoes, mixed vegetables, sponge cake with strawberries and high fiber wheat roll.

**Thursday** - Chopped barbecue sandwich, ranch style beans, hot cabbage slaw and mix fruit with orange cup.

**Friday** - Tuna pasta salad, potato salad, German cucumber salad, sugar free jello and wheat crackers

All meals served with low fat milk.

For more information, call Margie Del Bosque, Director of Elderly Services at 595-8573.

**All Major Brands under one roof**

Thurs. & Fri. 1-8, Sat. 10-8, Sun. 12-6  
 www.CoastalBendShow.com | 361-205-9695  
 Richard M. Borchard Regional Fairgrounds • Robstown, TX

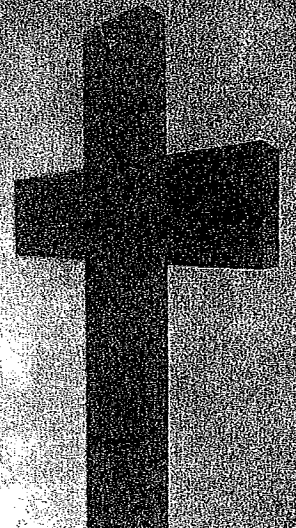
# CHANGE YOUR LIFE

**DO YOU NEED  
A CHANGE  
IN YOUR LIFE?**

*Come Hear Messages of  
True Hope and Change!*

When: February 24th - 28th  
 Time: 7:00 pm each night  
 Location:  
 515 E. General Cavazos Blvd.  
 Kingsville, TX 78363

For more information call  
 (361) 592-6429



## PUBLIC NOTICE

The City Commission of the City of Kingsville will hold a public hearing on Monday March 11, 2013 at 6:00 P.M. to discuss and/or take action on the following items:

Request for an alcohol variance for a Wine and Beer Retailer's Off-Premise Permit for the establishment known as Sunny Mini Mart located at 1230 E. Santa Gertrudis.

The meeting will be held at City Hall, 200 East Kleberg Ave., Kingsville, Texas in the City Commission Chambers. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

*Weddings  
Engagements*

**Soc**



**received**  
2-6-13

# Off-Premise Prequalification Packet L-OFF (6/2012)

Please complete this Prequalification Packet with information concerning your proposed business location for which you are applying to sell alcoholic beverages. This information will be used to obtain your prequalification to hold a license/permit. You will submit this information to the proper governmental entities for certification that your proposed location is legal for the type of license/permit for which you are applying. Permit applicants will also provide this packet to their local newspaper for certification that you have published the required notice. Please contact your local TABC office for more information.

## LOCATION INFORMATION

**1. Type of Off-Premise License/Permit**

<input checked="" type="checkbox"/> <b>BQ</b> Wine and Beer Retailer's Off-Premise Permit	<input type="checkbox"/> <b>LP</b> Local Distributor's Permit
<input type="checkbox"/> <b>BF</b> Beer Retail Dealer's Off-Premise License	<input type="checkbox"/> <b>E</b> Local Cartage Permit
<input type="checkbox"/> <b>P</b> Package Store Permit	<input type="checkbox"/> <b>ET</b> Local Cartage Transfer Permit
<input type="checkbox"/> <b>Q</b> Wine Only Package Store Permit	<input type="checkbox"/> <b>PS</b> Package Store Tasting Permit

**2. Indicate Primary Business at this Location**

<input type="checkbox"/> Grocery/Market	<input checked="" type="checkbox"/> Convenience Store without Gas
<input type="checkbox"/> Liquor Store	<input type="checkbox"/> Miscellaneous _____
<input type="checkbox"/> Convenience Store with Gas	

**3. Trade Name of Location**  
SUNNY MIN MART

**4. Location Address**  
1230 E SANTA GERTRUDE, KINGSVILLE, TX 78363

City	County	State	Zip Code
KINGSVILLE,		TX	78363-

**5. Mailing Address**

City	State	Zip Code
KINGSVILLE	TX	78363-

**6. Business Phone No.** ( 361 ) 221 - 9229    **Alternate Phone No.** ( 361 ) 396 - 3789    **E-mail Address**

## OWNER INFORMATION

**7. Type of Owner**

<input type="checkbox"/> Individual	<input checked="" type="checkbox"/> Corporation	<input type="checkbox"/> City/County/University
<input type="checkbox"/> Partnership	<input type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Other _____
<input type="checkbox"/> Limited Partnership	<input type="checkbox"/> Joint Venture	
<input type="checkbox"/> Limited Liability Partnership	<input type="checkbox"/> Trust	

**8. Entity/Applicant**  
ABV CORPORATION

**9. If Applicant Is/Must Be Listed Below (attach L-OIC if additional space is needed).**

Individual/Individual Owner	Limited Liability Company/All Officers or Managers
Partnership/All Partners	Joint Venture/Venturers
Limited Partnership/All General Partners	Trust/Trustee(s)
Corporation/All Officers	City, County, University/Official

Last Name	First Name	MI	Title
VILLAGRAN	ANDREA	B	PRES./SECY
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title



## MEASUREMENT INFORMATION

10. Will your business be located within 300 feet of a church or public hospital? ☐ Yes ☒ No

**NOTE:** For churches or public hospitals measure from front door to front door, along the property lines of the street fronts and in a direct line across intersections.

11. Will your business be located within 300 feet of any private/public school? ☐ Yes ☒ No

**NOTE:** For private/public schools measure in a direct line from the nearest property line of the school to the nearest property line of the place of business, and in a direct line across intersections.

**NOTE:** If located on or above the fifth story of a multistory building, measure in a direct line from the property line of the private/public school to property line of your place of business in a direct line across intersections vertically up the building at the property line to the base of the floor on which your business is located.

12. Will your business be located within 1,000 feet of a private school? ☒ Yes ☐ No **ABV**

13. Will your business be located within 1,000 feet of a public school? ☒ Yes ☐ No **ABV**

### WARNING AND SIGNATURE

#### If Applicant Is/Must Sign

Individual/Individual Owner

Partnership/Partner

Limited Partnership/General Partner

Corporation/Officer

Limited Liability Company/ Officer or Manager

**WARNING:** Section 101.69 of the Texas Alcoholic Beverage Code states: "...a person who makes a false statement or false representation in an application for a permit or license or in a statement, report, or other instrument to be filed with the Commission and required to be sworn commits an offense punishable by imprisonment in the penitentiary for not less than 2 nor more than 10 years."

**BY SIGNING YOU ARE SWEARING TO ALL INFORMATION AND ATTACHMENTS TO THIS PACKET.**

PRINT  
NAME ANDREA BERNAL VILLAGRAN

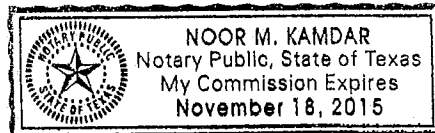
SIGN  
HERE Andrea B. Villagran

TITLE PRES./SECY

Before me, the undersigned authority, on this 5th day of FEB, 2013, the person whose name is signed to the foregoing application personally appeared and, duly sworn by me, states under oath that he or she has read the said application and that all the facts therein set forth are true and correct.

SIGN  
HERE

[Signature]  
NOTARY PUBLIC



**S E A L**

## CERTIFICATE OF CITY SECRETARY (FOR P, Q, BF & BQ)

☐ CHECK HERE IF NOT IN CITY LIMITS

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that the location for which the license/permit is sought is inside the boundaries of this city or town, in a "wet" area for such license/permit, and not prohibited by charter or ordinance in reference to the sale of such alcoholic beverages.

SIGN

HERE \_\_\_\_\_, TEXAS  
City Secretary/Clerk

**S E A L**

**If location can not be certified above, please complete the following:**

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that the location is prohibited by Charter or Ordinance No. \_\_\_\_\_, in reference to the sale of alcoholic beverages.

SIGN

HERE \_\_\_\_\_, TEXAS  
City Secretary/Clerk

**S E A L**

**CERTIFICATE OF COUNTY CLERK (FOR P, Q & BF)**

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that the location for which the license/permit is sought is in a "wet" area for such license/permit, and is not prohibited by any valid order of the Commissioner's Court.

SIGN  
HERE \_\_\_\_\_ COUNTY  
County Clerk

**SEAL****CERTIFICATE OF COUNTY CLERK (FOR BQ)**

I hereby certify on this 6TH day of FEBRUARY, 2013, that the location for which the license/permit is sought as the place of business is in a "wet" area and is not prohibited by any valid order of the Commissioner's Court for a Wine and Beer Retailer's Off-Premise Permit.

**Most current election for given location was held for:**

- ☐ legal sale of all alcoholic beverages for off-premise consumption  
☐ legal sale of all alcoholic beverages  
☐ legal sale of all alcoholic beverages except mixed beverages  
☐ legal sale of all alcoholic beverages including mixed beverages  
☐ legal sale of mixed beverages  
☐ legal sale of mixed beverages in restaurants by food and beverage certificate holders  
☐ legal sale of wine on the premises of a holder of a winery permit  
☒ legal sale of wine/beer (17%) on-premise or wine/beer off-premise **AFTER** Sept. 1, 1999  
☐ legal sale of wine/beer (14%) on-premise or wine/beer off-premise **BEFORE** Sept. 1, 1999

SIGN  
HERE LEO ALARCON KLEBERG COUNTY  
County Clerk

**SEAL** BY Debra Shepherd DEPUTY CLERK**COMPTROLLER OF PUBLIC ACCOUNTS CERTIFICATE**

This is to certify on this 6th day of FEB., 2013, the applicant holds or has applied for and satisfies all legal requirements for the issuance of a Sales Tax Permit under the Limited Sales, Excise and Use Tax Act or the applicant as of this date is not required to hold a Sales Tax Permit.

Sales Tax Permit Number 32050090276 Outlet Number 1

Print Name of Comptroller Employee Debra Shepherd

Print Title of Comptroller Employee Enforcement Officer

SIGN  
HERE [Signature] FIELD OFFICE 2H30

**SEAL****PUBLISHER'S AFFIDAVIT (FOR P & Q)**

Name of newspaper

City, County

Dates notice published in daily/weekly  
newspaper (mm/dd/yyyy) / /

**Publisher or designee certifies attached notice was published in  
newspaper stated on dates shown**

Signature of publisher or designee

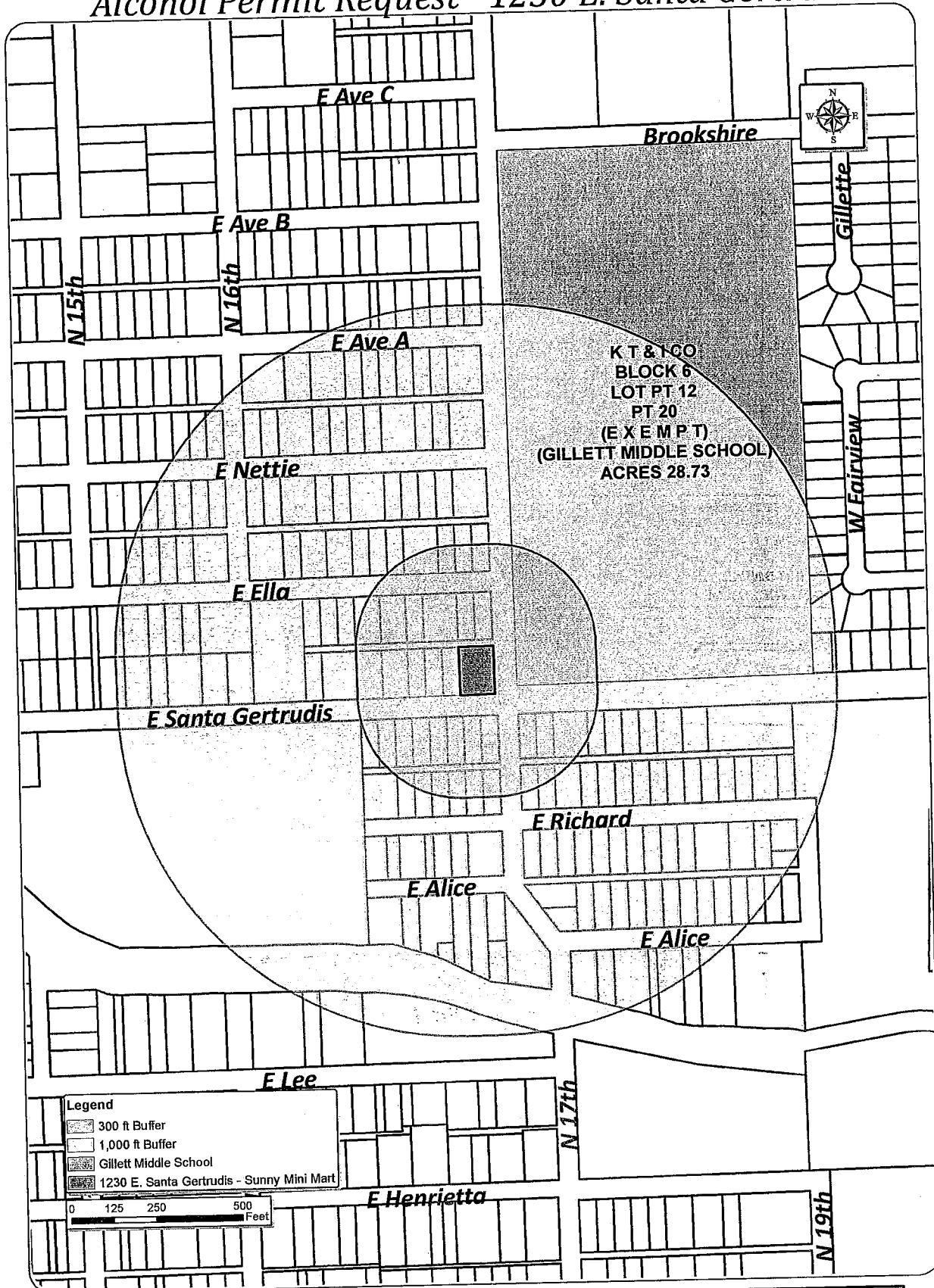
Sworn to and subscribed  
before me on this date / /

Signature of Notary Public

**SEAL**

**ATTACH PRINTED  
COPY OF THE  
NOTICE HERE**

# Alcohol Permit Request - 1230 E. Santa Gertrudis



Drawn By:

Last Update: 2/7/2013

Note:

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



**CITY OF KINGSVILLE**  
**ENGINEERING DEPARTMENT**  
200 East Kleberg  
Kingsville, Texas 78363  
Office: 361-595-8005  
Fax: 361-595-8035

# **MINUTES OF PREVIOUS MEETING(S)**

**FEBRUARY 25, 2013**

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, FEBRUARY 25, 2013 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.**

**CITY COMMISSION PRESENT:**

Sam Fugate, Mayor  
Dianne Leubert, Commissioner  
Noel Pena, Commissioner  
Arturo Pecos, Commissioner

**CITY COMMISSION ABSENT:**

Al Garcia, Commissioner

**CITY STAFF PRESENT:**

Vincent J. Capell, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Mark Rushing, Finance Director  
Mike Kellam, Director of Planning & Development Services  
David Mason, Purchasing/IT Director  
Willie Vera, Task Force Commander  
Bill Donnell, Asst. Public Works Director  
Rick Torres, Chief of Police  
Emilio Garcia, Health Director  
Naim Kahn, Public Works Director/City Engineer  
Ruthie Valdez, Interim Library Director  
Rose Morrow, Municipal Court Manager  
Bob Trescott, Tourism Director  
Cynthia Martin, Downtown and Volunteer Manager  
Melissa Perez, Risk Manager  
Daniel Ramirez, Building Official  
Jennifer Bernal, Community Appearance Supervisor  
Joey Reed, Fire Chief  
Diana Medina, Collections Manager

**I. Preliminary Proceedings.**

**OPEN MEETING**

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

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

The invocation was delivered by Mark Rushing, Finance Director, 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 for special meeting held on Monday, February 11, 2013. **Commissioner Leubert made a motion to accept the minutes as presented, second by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Fugate voting "FOR".**

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

### **1. Public Hearing for an alcohol variance application for The Players Lounge located at 510 W. Huisache. (Director of Planning & Development Services).**

Mayor Fugate opened the public hearing at 6:03 p.m.

Mr. Michael Kellam, Director of Planning & Development Services stated that Mr. Mitchell Shelton, operator of The Player's Lounge is requesting an alcohol variance for a Wine and Beer Retailer's Permit and a Retail Dealer's On-Premise Late Hours License. This address is located within 300ft of a church. Therefore the property requires a variance according to ordinance 2004-20. He further stated that all required notices have been sent to the property owners within 300ft and public hearing notice was placed in the newspaper on February 6, 2013. Staff did not receive any negative feedback from the property owners or citizens that received notification.

Mayor Fugate asked Mrs. Courtney Alvarez, City Attorney, if there is a specific time limit that we would need to keep this Public Hearing open to allow the public to speak. Mrs. Alvarez responded there is nothing in the Alcohol Beverage Code or City Ordinance that requires the hearing to be held for any particular period of time.

Mayor Fugate closed the public hearing at 6:05 p.m.

### **2. Public Hearing regarding condemnation proceeding for structures located at 222 E. Huisache, Kingsville, Texas. (Director of Planning & Development Services).**

Mayor Fugate opened the public hearing at 6:05 p.m.

Mr. Kellam reported that based on utility records this structure had not been occupied since 2001. The structure meets criteria established in the city ordinance as a dilapidated or unsafe structure. All proper notices were mailed to the registered property owner listed at the Kleberg County Tax Office. Staff did not receive a response from the property owner regarding this location.

Mayor Fugate closed the public hearing at 6:08 p.m.

### **3. Public Hearing regarding condemnation proceeding for structures located at 613 E. Ave. C, Kingsville, Texas. (Director of Planning & Development Services).**

Mayor Fugate opened the public hearing at 6:08 p.m.

Analee Bentacourt of Springs, Texas asked Commission to allow her the opportunity to fix the structure located at 613 E. Ave. C.

Mayor Fugate asked Mrs. Alvarez if there is a time frame to allow property owners to salvage certain structures.

Mrs. Alvarez stated that the property owner receives a notice letter regarding their property. If the City does not receive a response from the property owner, the City generously mails out a second letter and if no response is made from the property owner to the second letter, the City will mail notice to property owner regarding the public hearing for condemnation. If the Commission were to deem all structures on the property to meet the definition in the state statute for being unrepairable, then there would be a thirty day period that the property owner would demolish the structure. If property owner does not comply within those thirty days, the City would demolish the structure.

Commissioner Leubert asked Ms. Bentacourt if anyone had been doing any lawn care at this location.

Ms. Bentacourt stated that someone was hired to keep up with the lawn care.

Commissioner Leubert asked for a time frame to getting the yard in shape and getting the house up to code.

Ms. Bentacourt stated that she would like 30-60 days if the Commission would allow that length of period.

Commissioner Pecos asked Mr. Kellam if the structure is repairable.

Mr. Kellam responded that according to the building official report, this structure is in great disrepair and would be very expensive to bring back to code.

Janie Garza stated that this structure has a lot of sentimental value to Ms. Bentacourt. She further stated that once the property is brought up to code, Ms. Bentacourt would like to place the property for rent.

Commissioner Leubert asked if once the structure was brought up to code, would it require for the city to re-inspect. Mr. Kellam stated that a repair plan and a method of payment would need to be submitted and must meet all city code requirements.

Mayor Fugate commented to Ms. Bentacourt that this would need to be done correctly and meet all city codes that are required.

Ms. Bentacourt stated that there are two structures on this property and would like to see the back structure demolished. She further stated that she would hire a contractor to demolish the structure located in the back of the property.

Mayor Fugate closed the public hearing at 6:19 p.m.

**4. Public Hearing regarding condemnation proceeding for structures located at 921 E. Yoakum, Kingsville, Texas. (Director of Planning & Development Services).**

Mayor Fugate opened the public hearing at 6:19 p.m.

Mr. Kellam stated that this is a property that has had some abatement cleanup in the past. All proper notices were mailed as well as posting a public hearing in the local newspaper. Staff has not received a response or a repair plan from the property owner as of today.

Mayor Fugate closed the public hearing at 6:22 p.m.

**5. Public Hearing regarding condemnation proceeding for structures located at 818 E. Richard, Kingsville, Texas. (Director of Planning & Development Services).**

Mayor Fugate opened this public hearing at 6:22 p.m.

Mr. Kellam stated that this property has not had a water account since 2003. Notices were mailed to the property owner but staff has not received any response or repair plan as of today.

Mayor Fugate closed the public hearing at 6:24 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, Tourism, 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."*

Mr. Capell reminded Commission about the two scheduled special commission meetings. First one is scheduled for Wednesday, February 27, 2013 at 5:00 p.m. regarding Wildwood Trails and the second one on Monday, March 4<sup>th</sup> at 5:00 regarding street projects. He further stated that some staff members will be attending Kingsville Day in Austin, TX on Tuesday, February 26, 2013. He also reminded Commission that a fundraiser luncheon for the Starrs' Family will be held on Saturday, March 2<sup>nd</sup> at the K.C. Hall located on North 14<sup>th</sup> Street from 11:00 a.m. to 3:00 p.m. Mr. Capell introduced and welcomed Chief Reed spouse Mrs. Paula Reed to the Commission and staff.

Mrs. Alvarez reminded staff that agenda items for the regularly scheduled Commission meeting on March 11<sup>th</sup> are due Friday, March 1<sup>st</sup>.

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

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

Mr. Ted Shelton stated that he is opening an establishment at 510 W. Huisache and is requesting an alcohol variance and understands that there may be some opposition with regards to his variance.



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)*

**Mayor Fugate requested for agenda item 1 to be removed from the consent agenda and asked for a motion to approve the consent agenda as amended voting for items 2 & 3 only. Motion made by Commissioner Leubert and Commission Pena to approve the consent agenda as amended, second by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Pena, Leubert, Fugate voting "FOR".**

**1. Motion to approve final passage of an ordinance amending Chapter XV, Land Use, Article 3, Subdivisions, Sections 17, 30, 51, & 56, revising assurance for completion & warranty of improvements, improvement agreement and guarantee of completion of public improvements, & streets; adding open space & preservation. (Director of Planning & Development Services).**

Mr. Kellam stated that the Planning & Zoning Commission has made a recommendation to add some language to one portion of the ordinance. In the open space section 15-3-56, Open Space Preservation. This language is purposely to provide for specific areas that shall be preserved as undeveloped open space in the proposed subdivision and to require that any new development site shall set aside area(s) to be utilized as open space for public or private use which shall not be developed.

Mayor Fugate asked how staff felt with regards to the additional language.

Mr. Kellam stated that it is a good suggestion to add this additional language.

**Motion made by Commissioner Leubert to approve this ordinance with the additional language recommended by staff and the Planning & Zoning Commission, second by Commissioner Pena. The motion was passed and approved by the following vote: Pena, Leubert, Pecos, Fugate voting "FOR".**

**2. Motion to approve resolution authorizing the release of Chapter 59 funds of the Kingsville Specialized Crimes and Narcotics Task Force for**

donation to the Palmer Drug Abuse Program (PDAP). (Task Force Commander).

3. Motion to approve resolution authorizing the Police Chief to enter into a Memorandum of Understanding with the Women's Shelter of South Texas to provide assistance to victims of family violence and sexual assault. (Police Chief).

## **REGULAR AGENDA**

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

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

4. Consider approval of an alcohol variance for The Players Lounge located at 510 W. Huisache. (Director of Planning & Development Services).

Motion made by Commissioner Pecos to approve an alcohol variance for The Players Lounge located at 510 W. Huisache, second by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Fugate voting "FOR".

5. Consider condemnation of structures located at 222 E. Huisache, Kingsville, Texas. (Director of Planning & Development Services).

Motion was made by Commissioner Pecos, motion finding-not able to repair, building or structure is unsafe; and present condition is a violation of ordinances; and cannot be corrected without substantial reconstruction; then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within thirty (30) days, motion was second by Commissioner Pena. The motion was passed and approved by the following vote: Pecos, Pena, Leubert, Fugate voting "FOR".

6. Consider condemnation of structures located at 613 E. Ave. C, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate stated that he would like for staff to allow the additional time for Ms. Bentacourt to repair the property located at 613 E. Ave. C.

Mrs. Alvarez stated that Commission can take no action on this item if they wish to allow the property owner with additional time to repair the property. If the property owner does not get with staff within a provided time frame, another notice for public hearing will be sent out and proceed with the condemnation at a future meeting.

Mayor Fugate stated that the property owner has thirty (30) days from today's meeting to submit a repair plan to staff. The plan should include the needs of repairs, and method of payment.

Mr. Kellam stated that everything would need to be approved within thirty (30) days as far as anything that would require a permit. The thirty (30) day deadline would be March 25, 2013.

No action taken.

7. Consider condemnation of structures located at 921 E. Yoakum, Kingsville, Texas. (Director of Planning & Development Services).

**Motion was made by Commissioner Pecos, motion finding-not able to repair, building or structure is unsafe; and present condition is a violation of ordinances; and cannot be corrected without substantial reconstruction; then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within thirty (30) days, motion was second by Commissioner Pena. The motion was passed and approved by the following vote: Pena, Leubert, Pecos, Fugate voting "FOR".**

**8. Consider condemnation of structures located at 818 E. Richard, Kingsville, Texas. (Director of Planning & Development Services).**

**Motion was made by Commissioner Pecos, motion finding-not able to repair, building or structure is unsafe; and present condition is a violation of ordinances; and cannot be corrected without substantial reconstruction; then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within thirty (30) days, motion was second by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Fugate voting "FOR".**

**9. Consider a resolution supporting Texas A&M University-Kingsville's Frank H. Dotterweich College of Engineering's application for the 2013 U.S. Department of Labor, YouthBuild Grant to promote infill housing in the City. (Commissioner Leubert).**

Commissioner Leubert asked for Mr. Jim Glusing, Assistant Professor of the Department of Civil & Architectural Engineering to brief the Commission with regards to this item.

Mr. Glusing stated that what they are proposing to do is construct infill housing within the City of Kingsville. They are pursuing the 2013 U.S. Department of Labor Youthbuild Grant to provide construction training to at-risk youth from Kingsville and the surrounding area through the construction of sustainable low-income/affordable housing. He further stated that what they are asking for tonight is a letter of support for the City of Kingsville for these projects and similar grants as they are identified.

Mayor Fugate asked if all they were asking for was a letter of recommendation for this project.

Mr. Glusing stated at this point all they are asking for is a letter of recommendation and any other support the City may provide in the future. He further stated that they would like for the City of Kingsville, Kleberg County, South Texas Water Authority and Kingsville Independent School District to collaborate with the College by turning over suitable delinquent properties and forgiving tax liabilities. The College of Engineering will make improvements to the properties and return them to the tax rolls by sale.

Mayor Fugate stated that it is a great idea to build homes on existing properties. Mayor Fugate asked if there were taxes owed on these properties. Can taxes be cleared.

Mrs. Alvarez responded that there is a method that can be done in which an organization would need to be set up to take over the properties. A similar program in a different part of the state was being done and they were able to get all the different taxing jurisdictions to waive the interest on the properties and put the properties and the trust under the organization. This would make the organization responsible for rehabilitating the properties and be placed back on the tax roll.

Mayor Fugate asked what type of structures they are looking to build.

Mr. Glusing stated that they are looking at building studio/apartment style structures between 400 to 800sqft. Local contractors are willing to provide supervision to make sure everything is being built to code.

**Motion made by Commissioner Pecos to approve resolution supporting Texas A&M University-Kingsville's Frank H. Dotterweich College of Engineering's application for the 2013 U.S. Department of Labor Youthbuild Grant to promote infill housing in the City, second by Commissioner Pena. The motion was passed and approved by the following vote: Pecos, Pena, Leubert, Fugate voting for "FOR".**

**10. Consider a resolution authorizing the City Manager to enter into a Contract for Professional Services between the City of Kingsville and LNV, Inc. for engineering services for new water well improvements (well #25). (City Engineer/Public Works Director).**

Mr. Naim Kahn, City Engineer/Public Works Director stated that staff is asking for approval of this engineering service contract for Water Well #25 for engineering design and inspections of the well, pump house and ground storage tank in the amount not to exceed \$64,500. He stated that funding for engineering and construction fees is allocated in the Certificates of Obligation 2011. A proposed location for the new Water Well #25 has been identified and is asking for authorization for a contract for engineering services to be entered with LNV, Inc.

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

**11. Consider authorizing the Mayor to enter into a Water Supply Contract between the City of Kingsville and Texas A&M University-Kingsville. (City Engineer/Public Works Director).**

Mr. Kahn stated that currently the City is providing water to Texas A&M University-Kingsville, but there is no water supply agreement between the two parties for the use of City water. Both parties agree that an agreement should be in place and therefore both parties are asking for Commission approval.

Commissioner Pecos stated that after being in a heavy drought he is hoping that the City can supply water under this agreement with the water shortage.

Mrs. Alvarez stated that there is a clause in all the water supply contracts that the City is involved with, stating that the City will use its best efforts to furnish water sufficient for reasonable demands of the customer.

**Motion made by Commissioner Pecos to authorize the Mayor to enter into a Water Supply contract agreement between the City of Kingsville and Texas A&M University-Kingsville, second by Commissioner Pena. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Fugate voting "FOR".**

**12. Consider authorizing the City Manager to enter into an Amendment to the Water Supply Contract between the City of Kingsville, Texas and Escondido Creek Estates, Inc. (City Engineer/Public Works Director).**

Mr. Kahn stated that currently the City is providing potable water to Escondido Creek Estates, Inc. TCEQ requires for Escondido Creek Estates, Inc. to have certain language added to its water supply contract with the City.

**Motion made by Commissioner Pecos to authorize the City Manager to enter into an amendment to the Water Supply Contract between the City of Kingsville and Escondido Creek Estates, Inc., second by Commissioner Pena. The motion was passed and approved by the following vote: Pecos, Pena, Leubert, Fugate voting "FOR".**

**13. Consider a resolution authorizing the City Manager to enter into an Amendment to the Interlocal Cooperation Agreement between the City of Kingsville and Texas A&M University-Kingsville relating to historical survey & inventory of the historic district of Kingsville, Texas. (Tourism Director).**

Ms. Cynthia Martin, Downtown Manager stated that the City of Kingsville entered into an Interlocal Cooperation Agreement with Texas A&M University-Kingsville relating to the Historical Survey and Inventory of Kingsville's Historic District. This contract is scheduled to terminate May 31, 2013. Amendment #1 to the contract calls for the extension of the contract's deadline dated from May 31, 2013 to August 31, 2013. This would allow to extend the scope of work to encompass the mapping phase of the project to an enhance GIS product. A map of the Historic District would be a great use to the City's Planning & Development Department for the purpose of preservation planning and would complement the department's current GIS maps.

Commissioner Pena stated that if the primary objective is to map out the historic areas within the City.

Ms. Martin stated that the Historical Commission has already asked that this part of the survey requirement is to create a map identifying these properties.

Commissioner Leubert asked for Ms. Martin to explain to the citizens what the benefits would be by doing this amendment.

Ms. Martin stated that it is a great tool for the City. Other cities already have this tool in place and have benefited from it now. This is a tool to show how many properties are within the Historic District of the City.

Commissioner Pecos stated that the historic district consist of 120 blocks within the City. He asked if the City is trying to preserve these structures.

Ms. Martin responded this is not to preserve, but for documentation only.

**Motion made by Commissioner Pecos authorize the City Manager to enter into an amendment to the Interlocal Cooperation Agreement between the City of Kingsville and Texas A&M University-Kingsville, second by Commissioner Pena. The motion was passed and approved by the following vote: Pena, Leubert, Pecos, Fugate voting "FOR".**

**14. Consider authorizing the purchase of one (1) John Deere 318D Skid Steer Loader Base with GT72 Grapple and one (1) John Deere Z970R ZTrak Commercial Mower as well as trade in of the 2009 John Deere 5065M and accessories, as recommended by staff. (Purchasing/IT Director).**

Mr. David Mason, Purchasing Director stated that Community Appearance is in need of additional equipment to properly fulfill their mission. The John Deere Z970R will supplement the current mower. The 318D Skid Steer with Grapple will enhance the ability of the operator to remove different types of debris when performing property abatement. He further stated that the purchases would be with the 318D Skid from John Deere Construction Retail Sales under BuyBoard Contract 345-10 for \$34,924.88. The Z970R will be purchased from John Deere Company National Accounts of Cary, NC for \$10,768.44 under the National Purchasing Partners Cooperative Agreement. Robstown Hardware will be accepting the 5065M and accessories with a trade in price of \$23,000.00 bringing the net cost to \$22,693.32.

Commissioner Leubert asked if on the grapple, the skid is going to be on wheels or tracks.

Mr. Mason responded that it would be on treaded solid flex wheels. The track model was looked at but was more expensive than the one on wheels.

**Motion made by Commissioner Leubert to the authorize the purchase of the John Deere 318D Skid Steer Loader Base with GT72 Grapple and one (1) John Deere Z970R ZTrak Commercial Mower as well as trade in of the 2009 John Deere 5065M and accessories, as recommended by staff, second by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Fugate voting "FOR".**

**15. Consider introduction of an ordinance amending the fiscal year 2012-2013 budget for the Community Appearance Department to purchase one (1) John Deere 318D skid steer loader base with GT72 grapple and one (1) John Deere Z970R ZTrak commercial mower as well as the trade in of the 2009 John Deere 5065M and accessories. (Finance Director).**

Mr. Mark Rushing, Finance Director stated that this budget amendment is for the purchase of the skid steer loader base and commercial mower which will expend from the Fiscal Year 2012 surplus in the amount of \$22,693.32.

**Introduction item only.**

**16. Consider introduction of an ordinance amending the fiscal year 2012-2013 budget for the Police Department to purchase body armor and protective equipment. (Finance Director).**

Mr. Rushing stated that this request was previously presented and approved at the February 13, 2012 Commission meeting which approved \$80,453.00 for the

purpose of body armor for the Police Department. Last fiscal year, they delivered \$37,973.00 of the total order. The other half was delivered this fiscal year, therefore the Police Department is requesting this budget amendment to the current year budget for the remaining balance of \$42,480.00.

**Introduction item only.**

**17. Consider authorizing the City Manager to file a demolition lien showing a statement of expenses incurred to voluntarily abate a nuisance at 621 E. Nettie, pursuant to City of Kingsville Code of Ordinances Section 15-1-172. (Director of Planning & Development Services).**

Mr. Kellam stated that a notice of violation was sent to the property owner. The property owner contacted the City to make arrangements for the city to demolish the structure. The property owners signed and submitted the application where it states the cost to demo and the monthly payment. The agreement also states that if a payment is not made, a lien will be placed on the property for the amount owed. He further stated that the City has sent invoices to the property owners, and staff has not received any response from the property owner. Being that no payment has been made, a lien should be placed on property located at 621 E. Nettie. The original agreement was for the amount of \$1,296.00, however all cost will be added to the lien once Commission approves which will total out to \$2,112.15.

Commissioner Pena asked if there has been any communication with the property owners.

Mr. Kellam responded that there has been no communication from the property owner as of today.

**Motion made by Commissioner Leubert to authorize the City Manager to file a demolition lien showing a statement of expenses incurred to voluntarily abate a nuisance at 621 E. Nettie, second by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Pena, Leubert, Fugate voting "FOR".**

**18. Consider a resolution authorizing the Mayor to execute a Second Amendment and Extension of the Kingsville Industrial District Agreement No.92-02 between the City of Kingsville and Hoechst Celanese. (Director of Planning and Development Services).**

Mr. Kellam stated that this is an agreement that was established 15 years ago in 1996 with a previous agreement in 1992, where Celanese agrees to payment in lieu of taxes with certain guarantees and provisions granted by the City. The agreement is for a 15 year timeline for \$100,000.00 per year for a total of \$1,500,000.00.

Mayor Fugate stated that this would be in the best interest of the City to enter into this agreement.

Commissioner Leubert stated that historically, if something comes up with the City, Celanese has been a partner and helped out when needed as needed over the course of many years.

Mayor Fugate stated that things have changed and it would be difficult and costly to the City to provide city services to Celanese, therefore this is a good thing to do.

**Motion made Commissioner Leubert to authorize the Mayor to execute a second amendment and extension of the Kingsville Industrial District agreement No. 92-02 between the City and Hoechst Celanese, second by Commissioner Pena. The motion was passed and approved by the following vote: Pena, Leubert, Pecos, Fugate voting "FOR".**

**VII. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:20 P.M.

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Sam R. Fugate, Mayor

ATTEST:

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Mary Valenzuela, City Secretary



# **CONSENT AGENDA**

# **AGENDA ITEM #1**

**ORDINANCE NO. 2013-**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 BUDGET FOR COMMUNITY APPEARANCE TO PURCHASE OF ONE (1) JOHN DEERE 318D SKID STEER LOADER BASE WITH GT72 GRAPPLE AND ONE (1) JOHN DEERE Z970R ZTRAK COMMERCIAL MOWER AS WELL AS THE TRADE IN OF THE 2009 JOHN DEERE 5065M AND ACCESSORIES.**

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 2012-2013 budget be amended as follows:

**CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT**

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
<b>Fund 001</b>	<b>General Fund</b>				
<u>Capital</u>					
2		Fund Balance	610.00		<u>\$22,694</u>
					<u>\$22,694</u>
<u>Expenses</u>					
5-690.0		Fund Exp/Trsfers Fund 091	394.93	<u>\$22,694</u>	
				<u>\$22,694</u>	
<b>Fund 091</b>	<b>General Fund Capital Projects Fund</b>				
<u>Revenues</u>					
4-000.0		Transfer from Fund 001	750.13	<u>\$22,694</u>	
				<u>\$22,694</u>	
<u>Expenses</u>					
5-160.3	Community Appearance	Equipment	712.00	<u>\$22,694</u>	
				<u>\$22,694</u>	

[Community Appearance is in need of additional equipment to properly fulfill their mission. The equipment will greatly enhance the ability of the operators to remove different types of debris when performing property abatement. This purchase is being funded from the FY12 surplus.]

II.

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

III.

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

IV.

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

INTRODUCED on this the 25th day of February, 2013.

PASSED AND APPROVED on this the \_\_\_ day of \_\_\_\_\_, 2013.

EFFECTIVE DATE: \_\_\_\_\_

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

ATTEST:

\_\_\_\_\_  
Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

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



# Purchasing/IT Department

361-595-8025  
361-595-8035 Fax

DATE: February 15, 2013  
TO: City Commission through City Manager  
FROM: David Mason, Purchasing/IT Director  
SUBJECT: Community Appearance Equipment

## SUMMARY

This item authorizes the one (1) John Deere 318D Skid Steer Loader Base with GT72 Grapple and one (1) John Deere Z970R ZTrak Commercial Mower as well as the trade in of the 2009 John Deere 5065M and accessories.

## BACKGROUND

Community Appearance is in need of additional equipment to properly fulfill their mission. The John Deere Z970R will supplement the current mower. The 318D Skid Steer with Grapple will greatly enhance the ability of the operators to remove different types of debris when performing property abatement. The machine is smaller and more maneuverable in the many tight situations within properties. The grapple will be able to remove debris better than a "scoop" type front end loader currently associated with the tractor.

## RECOMMENDATION

The purchases will be made as follows:

318D Skid will be purchased from John Deere Construction Retail Sales under BuyBoard Contract 345-10 for \$34,924.88. The Z970R will be purchased from John Deere Company National Accounts, Cary, NC for \$10,768.44 under the National Purchasing Partners Cooperative Agreement. Robstown Hardware will be accepting the 5065M and accessories with a trade in price of \$23,000 bringing the net cost to \$22,693.32

## FINANCIAL IMPACT

The purchase will expend \$22,693.32 from 091-5-160.3-712.00 .

Approved


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Vince Capell, City Manager

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# MEMORANDUM

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TO: Mayor Sam Fugate and City Commissioners  
FROM: Vince Capell, City Manager   
DATE: February 20, 2013  
SUBJECT: Additional Budget Savings from FY2012 – February 25, 2013 Regular  
Commission Meeting, Agenda Items 14 and 15

As the Fiscal Year 2012 (ending September 30, 2012) annual audit comes to a close, Finance Director Mark Rushing is able to provide more specific year-end financial results for that year. Barring any unforeseen audit adjustments, Mr. Rushing's analysis reveals that the City will have an additional \$600,000 in FY2012 budgetary savings above that which has already been anticipated and included in the FY2013 annual budget. This additional \$600,000 is also over and above the minimum fund balances recommended for unexpected emergencies and events.

I have asked staff to seek Commission approval (see February 25, 2013 Commission agenda items No. 14 and 15) that would expend \$22,694 of this \$600,000 FY2012 surplus on new and replacement equipment for the Community Appearance Division of the Planning and Development Services Department.

On March 11, 2013 I anticipate that staff will bring forward two additional expenditure items (exact costs not known, but total will probably be in the range of \$100,000 to \$120,000 for the following: (1) to complete the dumpster enclosure program and (2) to install tree plantings in the median along W. Santa Gertrudis Street from 141 Hwy. east to where the median ends at TAMUK. These two expenditure proposals are a significant component of the City's beautification efforts.

Limiting these proposed initial expenditures to \$150,000 when the total available ~~is~~ expected is equal \$600,000 does not represent a significant financial risk to the City given the limited possibility that there will be a final audit adjustment of equal magnitude.

Aside from two recent instances of property owners painting or affixing signs to the City's dumpster enclosures and another instance in which a driver completely ran through and demolished an enclosure, the program is working well and the enclosures are being well maintained. Of these three enclosure instances, the demolished enclosure was reconstructed using proceeds from the driver's insurance company. The property owner that affixed the metal sign to the enclosure has since removed the sign leaving the painted enclosure at Corral and

Armstrong as the sole remaining example of altered enclosures from among a total of fifty enclosures that were initially constructed.

These recent enclosure alterations prompted staff to send written notification to all dumpster customers informing them that the enclosures remain the city's property and are not to be defaced or altered in any way. Also, as new dumpster customers come on board, staff is asking them to sign a statement acknowledging that they are to refrain from making any alterations to the enclosures.

The remaining \$450,000 (\$650,000 - \$150,000 (est.)) of FY2012 budget surplus should probably be left mostly untouched until after the auditors have completed the audit for FY2012. Having said that, I would like to offer up the following possibilities for Commission's consideration as to how some or all of the remaining \$450,000 might be expended. \$200,000 of this amount could be used for the up-front economic development cash incentive to Wildwood Trails housing development with the remaining \$250,000 going to City streets. Obviously, these are only suggestions to be discussed alongside other proposals the City Commission might want to consider.

# **AGENDA ITEM #2**



**ORDINANCE NO. 2013-**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 BUDGET FOR THE POLICE DEPARTMENT TO PURCHASE BODY ARMOR AND PROTECTIVE EQUIPMENT.**

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 2012-2013 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
<hr/>					
<b>Fund 091</b>	<b>General Fund Capital Projects Fund</b>				
<u>Capital</u>					
2		Fund Balance	610.00		<u>\$42,480</u>
					<u>\$42,480</u>
<u>Expenses</u>					
5-210.0	Police Department	Uniforms & Pers.Wear	212.00	<u>\$42,480</u>	
				<u>\$42,480</u>	

[The Police is in need of additional equipment to properly fulfill their mission. The equipment will greatly enhance the protection of the Officer's in the field. This equipment is sufficient to cover 46 Officers. This is a FY13 appropriation needed due to late delivery of the body armor. The purchase request was originally presented at the February 13<sup>th</sup>, 2012 Commissioner's meeting.]

II.

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

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission

that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

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

INTRODUCED on this the 25th day of February, 2013.

PASSED AND APPROVED on this the \_\_ day of \_\_\_\_\_, 2013.

EFFECTIVE DATE: \_\_\_\_\_

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

ATTEST:

\_\_\_\_\_  
Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

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

KINGSVILLE POLICE DEPARTMENT

INTER-OFFICE MEMORANDUM

FEBRUARY 18<sup>TH</sup>, 2013

TO : Vincent J. Capell  
FROM : James Bryson III, Accounting Manager  
SUBJECT : Body Armor Purchase

This request was previously presented and approved at the February 13<sup>th</sup>, 2012 Commissioner's meeting. The Vendor was unable to supply the full request for body armor until recently. The funds were allocated for the purchase at the time the expenditure was approved but because the City is in a new fiscal year the request needs to be reconsidered. The initial request was for \$80,453 of which \$42,480 is remaining and will be used to complete the initial purchase upon approval.

I have provided the previously submitted documentation as well as the current purchase specifications for your consideration.

7. Consider resolution establishing a Comprehensive Housing Plan for the City of Kingsville. (Director of Development Services).


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

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

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

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

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

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

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

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

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

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

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

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

**KINGSVILLE POLICE DEPARTMENT  
INTER-OFFICE MEMORANDUM**

February 2, 2012

**TO** : Vincent J. Capell

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

**SUBJECT** : Projects for Consideration with FY2010-2011 Fund Balance

During my recent performance appraisal we met and specifically discussed my desire to replace protective body armor for our officers. The project which I have put forth for consideration addresses that need.

The majority of the body armor being worn by officers in the field was purchased in August of 2008. The majority of our current armor for our SWAT Unit is nearly 10 years old and needs to be replaced. To assist us with the cost of body armor we have aggressively targeted the Bulletproof Vest Proposal Grant over the last few years. Unfortunately, we have only been funded about four thousand dollars during that time, which is approximately only 10% of the total costs of the vests. The additional costs during my tenure have all been paid for from Chapter 59 funds. In addition the BVP Grant does not fund tactical body armor for our SWAT Unit.

One of the questions you may have is, "How often should we change our body armor?" Each unit of body armor is made up of two parts: the ballistic panels and the carrier. The ballistic panels are warranted for five years, and a replacement is recommended at the end of that period. The carriers are warranted for 12 months and should be replaced as needed. The warranty is null and void if improper care, misuse or neglect occurs.

The proposal will allow for our department to accomplish the goal of replacing the body armor more quickly rather than over the course of the next year or number of years. These goals mirror the goals of the city commission including promoting the safety, health and the general well-being of the community within the bounds of fiscal responsibility while preserving and advancing the quality of life resulting in exceptional civic pride.

As per our staff meeting on Wednesday, February 1<sup>st</sup>, 2012 we would request that this item be placed on the City of Kingsville Commission Agenda for Monday, February 13<sup>th</sup>, 2012 for consideration.

**KINGSVILLE POLICE DEPARTMENT  
INTER-OFFICE MEMORANDUM**

**TO** : Vincent J. Capell, City Manager  
Mark Rushing, Finance Director  
James Bryson, Accountant

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

**SUBJECT** : Police Officer Body Armor/Tactical Body Armor Replacement Project

**DATE** : February 22, 2013

During FY2011-2013 you identified some funds that were available as a result of savings during the budget year. You requested that department head provide detailed information regarding projects they might want to address with those funds.

Department heads submitted proposals for those additional funds which included a proposal from the Police Department for replacement of tactical body armor as well as police officer personal body armor.

Our proposal was approved and orders were placed through our vendor GT Distributors. We received the tactical body armor portion during FY2011-2012 and a partial payment was made to GT Distributors for that equipment. Somehow our regular body armor order was delayed. After inquiring where we were in the process for our purchase it was determined that a portion of our order had not been placed to the body armor manufacturer.

The order was submitted to the body armor manufacturer and delivered after the budget year was over. Therefore we are requesting this budget amendment to the current year budget to address those costs.

Thank you for your assistance regarding this matter.

**CITY OF KINGSVILLE POLICE DEPARTMENT  
POLICE OFFICER BODY ARMOR/TACTICAL BODY ARMOR  
REPLACEMENT PROJECT**

The City of Kingsville City Commission mission statement indicates that they promote the safety, health and general well being of the community within the bounds of fiscal responsibility while preserving and advancing the quality of life resulting in exceptional civic pride. The mission statement is followed up with a Vision Statement and within that statement the commission states that they insure a safe, secure and healthy environment through effective, efficient fire and police protection.

In this day and age maintaining a safe and secure environment is becoming more challenging. Citizens need only view the local news channel and know that during the last few weeks violent acts have occurred in surrounding communities as well as our own. It is apparent that police officers are dealing with armed and violent subjects more often. We have identified a few of those recent events in this project request to reinforce our position regarding our request.

On Monday December 5th, 2011 Rachelle Dianne Grimmer walked into a Texas Department of Health and Human Services Office in Laredo, Texas where she took a man hostage. She held police at bay for several hours prior to releasing the man. Ms. Grimmer then shot her 10 year old son, 12 year old daughter and herself at about 11:50p.m. Unfortunately none of them survived.

On Monday, December 19th, 2011 an Alice police officer drove to the residence of the parent's of his estranged wife in Annville and shot her dead. He left the residence with their 8 year old son as a hostage. Police were able to locate him in Alice a short time later at which time a SWAT Unit from Corpus Christi Police Department responded. Fortunately the hostage taker released the hostage and then gave up without incident.

On Friday, January 6th, 2012 a female called in to the Kingsville Police Department stating that she wanted to kill herself. The female was located and detained without incident. However she made it clear that she wanted to die and if she had access to any weapons would do that which was necessary. She wanted an officer to kill her. This is a classic scenario where the end result is "suicide by cop." In these situations the offender may shoot a citizen or anyone near her/him to force the police to take action against her/him.

On Tuesday, January 10<sup>th</sup>, 2012 in Alice, Texas Kimberly Lee Gonzalez 26YOA was found slumped over and bloodied in a bathroom stall at the South Texas Welfare Office. It appears that her husband either shot or stabbed her to death. Further details have not been released on the incident at the writing of this project justification.

We not only have to deal with the issues mentioned above but the City of Kingsville is located on a High Intensity Drug Trafficking area. It is a convergence point for traffic southbound into Mexico and South America as well as for traffic traveling northbound. These traffic routes are used for smuggling US Currency and firearms south into Mexico and South America as well as transportation of narcotics, illegal immigrants and terrorist into the U.S. Over 43,000 people on the Mexican side of the Texas/Mexico border have been killed over the last three years by the drug trafficking organizations fighting over these prized transportation routes. An astute person would realize that the cargo being transported is of high value to the DTO's who at some point will engage any entity or person who attempt to take this from them.

The City of Kingsville Police Department has all but two of our officers who are active shooter trained through the Advanced Law Enforcement Rapid Response (ALERRT) Center. We have three active shooter instructors on our staff. The Alerrt website states, *"Officers working along our violent southern border and others working in rural areas of states across the United States asked for training to deal with violent situations they face outside of buildings and urban settings. In addition to developing and delivering training courses to better prepare this country's first-responders to effectively respond to acts of violence against its citizens, ALERRT also works with the Bureau of Justice Assistance on initiatives such as Preventing Violence Against Law Enforcement Officer Resilience and Survivability Initiative (VALOR) to stem the violence directed against the officers themselves."*

Superior training partnered with the purchase of the very best equipment will insure the safety of not only our officers but also those citizens whom we are sworn to protect. The City of Kingsville Police Department is requesting consideration of the purchase of the Safariland Second Chance Summit IIIA Full Wrap concealable vest the officers of our department. There are many makes and models in the concealable ballistic body armor industry; however, the Safariland product has certainly pulled away as the leader in innovation and officer protection. Nationwide there have **been over 3,000 officers saved by concealable body armor**; 1,700 of those were wearing a Safariland vest. According to these reported numbers, this means 2 out of 3 agencies have chosen Safariland as the product of choice to keep their public safety officers protected. According to the Officer Down Memorial Page (ODMP), **65 police officers (nationwide) were killed by gunfire in 2011**. This is a considerable jump from previous years. Nationwide, Texas has the second highest rate of officers killed by gunfire; definitely an alarming number. Here's a disturbing fact, in 2012 (year-to-date) 4 police officers (nationwide) have all been killed on-duty, and all were by gunfire. Based on these numbers, we are obligated to provide our first responders with the best quality product available to protect them from gunfire.

Although Safariland has a wide variety of concealable body armor products, the Summit IIIA is one of the vests with documented *stops against a FN 5.7x28mm (cop killer) bullet*. Not many



vests can claim they will stop this bullet, however, Safariland can. So, we take into context how this single piece of concealable body armor can stop a killer.

We can certainly agree how a more protected piece (of armor) can perform in a tactical environment. Safariland's Protech Tactical vests not only provide protection against the typical **5.56ml bullet but also against the (ever-popular) AK-47 7.62x39mm**. Safariland produces a chest plate (within their tactical vests) that can stop multiple strikes from an AK-47 rifle. This is definitely a blessing against terrorists. Kingsville Police SWAT officers have a history of a demanding callout schedule; they should only be provided with the best equipment in order to ensure their safe return (each and every day) to their families.

What sets these particular vests apart from others in the industry is the special threats it is capable of stopping as well as its flexibility for officer mobility. In the realm of officer survival, mobility equals survivability. According to the ALERRT (Advanced Law Enforcement Rapid Response Training) center, aside from an officer's pistol, body armor is viewed as the second point of cover from gunfire; making it the second most important piece of equipment an officer can have.

Listed below is the cost to outfit all 50 officers of the Kingsville Police Department with new body armor, inner carrier and outside carrier for patrol duty. Our current body armor is nearing its end of life. Although we have applied for the Bureau of Justice Bulletproof Vest Program it is only covering approximately 10% of the cost.

50 SC-SM01-IIIA* Second Chance Summit IIIA Full Wrap	EA \$847.15	\$42,357.50
50 SC-UNIFORMCARR* Second Chance-Uniform Carrier	EA \$117.38	\$5,869.00

The Kingsville Police Department is proud to be the only department in the State of Texas where the entire SWAT Unit was awarded a Unit Citation by the Texas Tactical Police Officer's Association. Our team has expanded to twelve operators and two sniper teams. Most of the tactical body armor used by the team members is over 10 years old exceeding its useful life as per the manufacturer's standards.

12 PTA-FAV-MKII-SM01-MOPLRoEte*ch FAV MKII Enhanced SM01 Molle	EA \$1,689.50	\$20,274.00
12 PTA-COLLAR* Protech-Ballistic Collar-Stealth	EA \$109.50	\$1,314.00
12 PTA-THROAT-SM01* Protech Throat Protection for SM01	EA \$107.50	\$1,290.00
12 PTA-UPPERARM* PT100 Stealth Upper Arm Protection	EA \$347.00	\$4,164.00
12 PTA-GP-SM01* Protech 06 std Groin Protection	EA \$249.00	\$2,988.00
12 PTA-MPS* Protech 6 Pouch Set	EA \$150.00	\$1,800.00
12 PTA-E1-POLICE* Protech 1" Police ID Patch	EA \$13.25	\$159.00
12 PTA-E2-POLICE* Protech-2 Inch Police ID Patch	EA \$19.75	\$237.00

## **TOTAL TO FUND THIS PROEJCT: \$80,452.50**

The quotation above reflects Buyboard contract 363-10, contact period 04/01/11—03/31/14.

In considering the purchasing of these vests for our officers one need only ask themselves two questions:

1. Would the end result of an incident have turned out better if the officers responding were better trained?
2. If the officers responding had the best body armor in incidents where officers are shot would that have a higher officer survival rate?

Most would agree that the answer to these questions is yes. The officers and staff at the Kingsville Police Department constantly train to insure that we are prepared for the inevitable. For example on Tuesday, January 10th, 2012 officers trained in shoot don't shoot scenarios using force on force. Force on force has been identified as the highest standard in providing training for officers. This type of training elevates the emotions of the officers and simulates a live situation as the officers are actually having rounds fired at them, despite the officers using rounds consisting of wax bullets they still cause pain when they strike the officers. The scenarios teach officers how to best utilize cover, quick decision making and also how to fight through pain when involved in a shooting scenario. We constantly address this first prong of this issue. We would ask that the City of Kingsville City Commission assist us by approving this project so that we may address the second prong of this issue. Please take the aforementioned information into consideration as you decide on which project(s) to fund.

# **AGENDA ITEM #3**



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

# Memorandum

**Date:** February 27, 2013  
**To:** Vincent Capell, City Manager  
**From:** Ruthie Valdez, Interim Library Director  
**RE:** Library Board Reappointment

---

Please be advised that the library board terms for Dr. Judith Cox and Mrs. Janice Becker expired on February 8, 2013. I have spoken to both Dr. Judith Cox and Mrs. Janice Becker and they have both agreed to remain on the Board. It is my recommendation that they be re-appointed to the Library Board.

I am requesting that the City Commission consider their re-appointment at the next Regular Commission meeting.

Thank you,

*Ruthie Valdez*

Ruthie Valdez  
Interim Library Director

# **AGENDA ITEM #4**

**RESOLUTION 2013-\_\_\_\_\_**

**A RESOLUTION OF THE CITY OF KINGSVILLE AUTHORIZING THE RELEASE OF  
CHAPTER 59 FUNDS OF THE KINGSVILLE POLICE DEPARTMENT FOR DONATION  
TO THE BOY SCOUTS OF AMERICA VENADO DISTRICT.**

**WHEREAS**, the Texas Code of Criminal Procedure, Article 59.06(h) allows for the release of Chapter 59 funds for nonprofit programs for the prevention of drug abuse;

**WHEREAS**, the Boy Scouts of America Venado District is a non-profit organization that provides drug abuse prevention programs in two ways (1) through the Learning for Life character development program in the public schools of Kleberg and Kenedy counties, which serves over 2,000 youths and (2) through the advancement requirements for both Cub Scouts and Boy Scouts, which serves approximately 285 boys locally;

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

I.

**THAT** the City Commission authorizes the Kingsville Police Department to assist with a \$5,000 donation to the Boy Scouts of America Venado District, to help educate young people about living a drug-free and alcohol-free lifestyle. Boy Scouts of America Venado District will submit quarterly charitable contribution reporting forms to the Kingsville Police Department.

II.

**THAT** local elected representatives shall be encouraged to promote, endorse, and support the Boy Scouts of America Venado District in their efforts for the benefit of the community through drug abuse prevention programs.

**PASSED AND APPROVED** by a majority vote of the City Commission on the 11th day of March, 2013.

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

ATTEST:

\_\_\_\_\_  
Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

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

**KINGSVILLE POLICE DEPARTMENT  
INTER-OFFICE MEMORANDUM**

March 5, 2012

**TO** : Vincent Capell, City Manager

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

**SUBJECT** : Donation to Boy Scouts of America for Drug Abuse Prevention  
Programs from Chapter 59

The Texas Code of Criminal Procedure, Article 59.06 (h) allows for Chapter 59 funds to be used for nonprofit programs for the prevention of drug abuse. I request that the Kingsville Police Department be allowed to make monetary donations in the amount of \$5,000.00 from Chapter 59 proceeds to:

The Boy Scouts of America Venado District provides drug abuse prevention programs through the Learning for Life character development program in the public schools of Kleberg and Kenedy Counties. The Venado District serves 285 youth registered in 12 traditional Scout Units locally.

We also ask that this entity applying for Chapter 59 donations be required to submit the attached reporting forms for our own internal auditing process and to insure strict compliance with standards set forth related to the expenditure of these funds. We would ask that this item be placed on the next available agenda for consideration by the City of Kingsville City Commission.

Please place this item on the agenda for the next available meeting for consideration by our City Council. Thank you for your consideration regarding this matter.

FYI:

Kingsville Police Dept.  
Fund 005



BOY SCOUTS OF AMERICA®  
SOUTH TEXAS COUNCIL

January 15, 2013

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

Mr. Ricardo Torres  
Chief of Police  
Kingsville Police Department  
P. O. Box 1458  
Kingsville, Texas 78364

Re: Drug Abuse Prevention Programs of Boy Scouts of America/Chap.59

Gentlemen,

Part of the Boy Scouts of America's mission is to teach youth positive character traits, leadership, responsibility, and the skills necessary to make ethical and moral choices. This mission is accomplished through the countless lessons taught in traditional Scouting programs; such as Cub Scouts and Boy Scouts.

The volunteers of the Boy Scouts of America, South Texas Council provide these programs in partnership with local Police and Border Patrol Agency's at weekly Scout Unit and Explorer Post meetings and outdoor activities, including Cub Scout Day Camp and Camporees held throughout the year. Scouts who attend these events fulfill requirements for rank advancement and merit badges. As a requirement for advancement in Scouting programs, the drug abuse prevention and awareness message is instilled at each rank/level for Cub and Boy Scouts. For Explorers, that message plays a pivotal role in the Character Education lessons in which each youth is taught to help them make better ethical and moral choices.

These funds help support 238 youth registered in 11 traditional Scout Units in the Kleberg and Kenedy County area. Along with our traditional units we also have an Explorer Post with the United States Border Patrol. The age in which youth can be a part of this program is 14, and they are taught how an officer in the field prepares and puts into effect everything they learn in training. In order to continue providing a Drug Abuse Prevention Program for the youth in Kleberg and Kenedy County, we are requesting your consideration of an annual contribution of \$5,000, which would greatly assist our efforts.

Thank you for your consideration.

Yours in Scouting,

George Arciba  
Venado District Executive  
South Texas Council, BSA

David Rossee  
Friends Of Scouting Chairman





# **REGULAR AGENDA**

# **AGENDA ITEM #5**



## Planning & Development Services Department

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TO: Mayor & City Commission

THROUGH: Vincent Capell, City Manager

FROM: Michael Kellam, AICP, Director of Planning & Development Services

SUBJECT: **Request for Alcohol Variance at 1230 E. Santa Gertrudis**

DATE: February 28, 2013

---

Ms. Andres B. Villagran, operator of Sunny Mini Mart is requesting an alcohol variance for a Wine and Beer Retailer's Off-Premise Permit. This address is located at 1230 E. Santa Gertrudis and is within 300ft of a school. The property in question therefore requires a variance according to City ordinance ORD-2004-20.

Also, all required notices have been sent to the property owners within 300ft. Additionally, a public hearing notice was placed in the newspaper on February 17, 2013. As of this point, we have not received any negative feedback from the property owners or citizens that have been noticed.

**Tuesday** - Sausage link with grilled bell peppers and onions, steamed cabbage, salad with fat free dressing, hot pineapple and cherry cup and wheat flour tortilla.

**Wednesday** - Turkey roll with gravy over cornbread dressing, sweet potatoes, mixed vegetables, sponge cake with strawberries and high fiber wheat roll.

**Thursday** - Chopped barbecue sandwich, ranch style beans, hot cabbage slaw and mix fruit with orange cup.

**Friday** - Tuna pasta salad, potato salad, German cucumber salad, sugar free jello and wheat crackers

All meals served with low fat milk.

For more information, call Margie Del Bosque, Director of Elderly Services at 595-8573.

**All Major Brands under one roof**

Thurs. & Fri. 1-8, Sat. 10-8, Sun. 12-6  
www.CoastalBendShow.com | 361-205-9695  
Richard M. Borchard Regional Fairgrounds • Robstown, TX

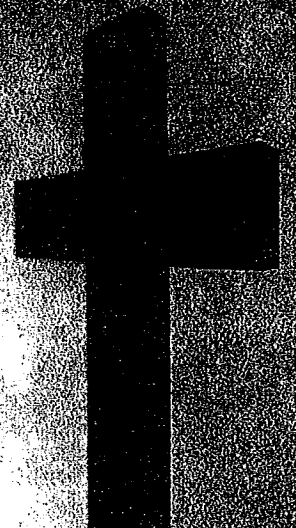
## CHANGE YOUR LIFE

**DO YOU NEED  
A CHANGE  
IN YOUR LIFE?**

*Come Hear Messages of  
True Hope and Change!*

When: February 24th - 28th  
Time: 7:00 pm each night  
Location:  
515 E. General Cavazos Blvd.  
Kingsville, TX 78363

For more information call  
(361) 592-6429



## PUBLIC NOTICE

The City Commission of the City of Kingsville will hold a public hearing on Monday March 11, 2013 at 6:00 P.M. to discuss and/or take action on the following items:

Request for an alcohol variance for a Wine and Beer Retailer's Off-Premise Permit for the establishment known as Sunny Mini Mart located at 1230 E. Santa Gertrudis.

The meeting will be held at City Hall, 200 East Kleberg Ave., Kingsville, Texas in the City Commission Chambers. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

*Weddings  
Engagements*

**Soc**



received  
2-6-13

# Off-Premise Prequalification Packet L-OFF (6/2012)

Please complete this Prequalification Packet with information concerning your proposed business location for which you are applying to sell alcoholic beverages. This information will be used to obtain your prequalification to hold a license/permit. You will submit this information to the proper governmental entities for certification that your proposed location is legal for the type of license/permit for which you are applying. Permit applicants will also provide this packet to their local newspaper for certification that you have published the required notice. Please contact your local TABC office for more information.

## LOCATION INFORMATION

### 1. Type of Off-Premise License/Permit

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> <b>BQ</b> Wine and Beer Retailer's Off-Premise Permit | <input type="checkbox"/> <b>LP</b> Local Distributor's Permit    |
| <input type="checkbox"/> <b>BF</b> Beer Retail Dealer's Off-Premise License               | <input type="checkbox"/> <b>E</b> Local Cartage Permit           |
| <input type="checkbox"/> <b>P</b> Package Store Permit                                    | <input type="checkbox"/> <b>ET</b> Local Cartage Transfer Permit |
| <input type="checkbox"/> <b>Q</b> Wine Only Package Store Permit                          | <input type="checkbox"/> <b>PS</b> Package Store Tasting Permit  |

### 2. Indicate Primary Business at this Location

- |   |   |
|---|---|
| <input type="checkbox"/> Grocery/Market             | <input checked="" type="checkbox"/> Convenience Store without Gas |
| <input type="checkbox"/> Liquor Store               | <input type="checkbox"/> Miscellaneous _____                      |
| <input type="checkbox"/> Convenience Store with Gas |   |

### 3. Trade Name of Location

SUNNY MIN MART

### 4. Location Address

1230 E SANTA GERTRUDE, KINGSVILLE, TX 78363

City	County	State	Zip Code
KINGSVILLE,		TX	78363-

### 5. Mailing Address

City	State	Zip Code
KINGSVILLE	TX	78363-

### 6. Business Phone No.

( 361 ) 221 - 9229

### Alternate Phone No.

( 361 ) 396 - 3789

### E-mail Address

## OWNER INFORMATION

### 7. Type of Owner

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Individual                    | <input checked="" type="checkbox"/> Corporation    | <input type="checkbox"/> City/County/University |
| <input type="checkbox"/> Partnership                   | <input type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Other _____            |
| <input type="checkbox"/> Limited Partnership           | <input type="checkbox"/> Joint Venture             |   |
| <input type="checkbox"/> Limited Liability Partnership | <input type="checkbox"/> Trust                     |   |

### 8. Entity/Applicant

ABV CORPORATION

### 9. If Applicant Is/Must Be Listed Below (attach L-OIC if additional space is needed).

Individual/Individual Owner	Limited Liability Company/All Officers or Managers
Partnership/All Partners	Joint Venture/Venturers
Limited Partnership/All General Partners	Trust/Trustee(s)
Corporation/All Officers	City, County, University/Official

Last Name	First Name	MI	Title
VILLAGRAN	ANDREA	B	PRES./SECY
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title

## MEASUREMENT INFORMATION

10. Will your business be located within 300 feet of a church or public hospital? ☐ Yes ☒ No

**NOTE:** For churches or public hospitals measure from front door to front door, along the property lines of the street fronts and in a direct line across intersections.

11. Will your business be located within 300 feet of any private/public school? ☐ Yes ☒ No

**NOTE:** For private/public schools measure in a direct line from the nearest property line of the school to the nearest property line of the place of business, and in a direct line across intersections.

**NOTE:** If located on or above the fifth story of a multistory building: measure in a direct line from the property line of the private/public school to property line of your place of business in a direct line across intersections vertically up the building at the property line to the base of the floor on which your business is located.

12. Will your business be located within 1,000 feet of a private school? ☒ Yes ☐ No **ABV**

13. Will your business be located within 1,000 feet of a public school? ☒ Yes ☐ No **ABV**

### WARNING AND SIGNATURE

#### If Applicant Is/Must Sign

Individual/Individual Owner

Partnership/Partner

Limited Partnership/General Partner

Corporation/Officer

Limited Liability Company/ Officer or Manager

**WARNING:** Section 101.69 of the Texas Alcoholic Beverage Code states: "...a person who makes a false statement or false representation in an application for a permit or license or in a statement, report, or other instrument to be filed with the Commission and required to be sworn commits an offense punishable by imprisonment in the penitentiary for not less than 2 nor more than 10 years."

**BY SIGNING YOU ARE SWEARING TO ALL INFORMATION AND ATTACHMENTS TO THIS PACKET.**

PRINT  
NAME ANDREA BERNAL VILLAGRAN

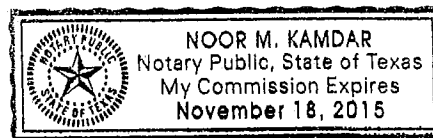
SIGN  
HERE Andrea B. Villagran

TITLE PRES./SECY

Before me, the undersigned authority, on this 5th day of FEB, 2013, the person whose name is signed to the foregoing application personally appeared and, duly sworn by me, states under oath that he or she has read the said application and that all the facts therein set forth are true and correct.

SIGN  
HERE

[Signature]  
NOTARY PUBLIC



**S E A L**

## CERTIFICATE OF CITY SECRETARY (FOR P, Q, BF & BQ)

☐ CHECK HERE IF NOT IN CITY LIMITS

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that the location for which the license/permit is sought is inside the boundaries of this city or town, in a "wet" area for such license/permit, and not prohibited by charter or ordinance in reference to the sale of such alcoholic beverages.

SIGN  
HERE

\_\_\_\_\_  
City Secretary/Clerk

\_\_\_\_\_, TEXAS

**S E A L**

**If location can not be certified above, please complete the following:**

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that the location is prohibited by Charter or Ordinance No. \_\_\_\_\_, in reference to the sale of alcoholic beverages.

SIGN  
HERE

\_\_\_\_\_  
City Secretary/Clerk

\_\_\_\_\_, TEXAS

**S E A L**

**CERTIFICATE OF COUNTY CLERK (FOR P, Q & BF)**

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that the location for which the license/permit is sought is in a "wet" area for such license/permit, and is not prohibited by any valid order of the Commissioner's Court.

SIGN  
HERE \_\_\_\_\_ COUNTY  
County Clerk

**SEAL****CERTIFICATE OF COUNTY CLERK (FOR BQ)**

I hereby certify on this 6TH day of FEBRUARY, 2013, that the location for which the license/permit is sought as the place of business is in a "wet" area and is not prohibited by any valid order of the Commissioner's Court for a Wine and Beer Retailer's Off-Premise Permit.

**Most current election for given location was held for:**

- ☐ legal sale of all alcoholic beverages for off-premise consumption  
☐ legal sale of all alcoholic beverages  
☐ legal sale of all alcoholic beverages except mixed beverages  
☐ legal sale of all alcoholic beverages including mixed beverages  
☐ legal sale of mixed beverages  
☐ legal sale of mixed beverages in restaurants by food and beverage certificate holders  
☐ legal sale of wine on the premises of a holder of a winery permit  
☒ legal sale of wine/beer (17%) on-premise or wine/beer off-premise **AFTER** Sept. 1, 1999  
☐ legal sale of wine/beer (14%) on-premise or wine/beer off-premise **BEFORE** Sept. 1, 1999

SIGN  
HERE LEO ALARCON KLEBERG COUNTY  
County Clerk

**SEAL** BY Debra Shepherd DEPUTY CLERK**COMPTROLLER OF PUBLIC ACCOUNTS CERTIFICATE**

This is to certify on this 6th day of FEB., 20 13, the applicant holds or has applied for and satisfies all legal requirements for the issuance of a Sales Tax Permit under the Limited Sales, Excise and Use Tax Act or the applicant as of this date is not required to hold a Sales Tax Permit.

Sales Tax Permit Number 32050090276 Outlet Number 1

Print Name of Comptroller Employee Debra Shepherd

Print Title of Comptroller Employee Enforcement Officer

SIGN  
HERE Debra Shepherd FIELD OFFICE 2H30

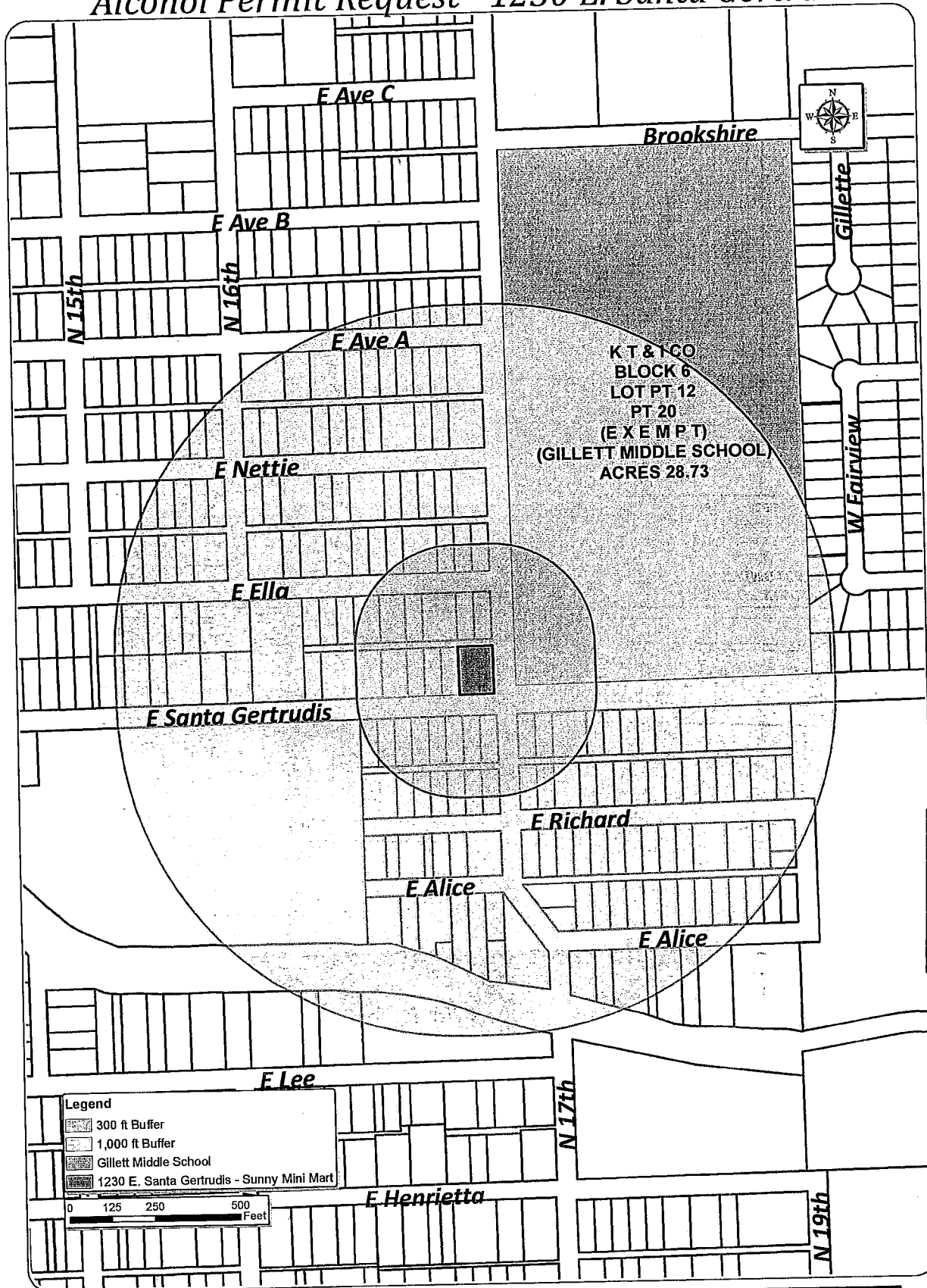
**SEAL****PUBLISHER'S AFFIDAVIT (FOR P & Q)**


Name of newspaper	
City, County	
Dates notice published in daily/weekly newspaper (mm/dd/yyyy)	/ /
<b>Publisher or designee certifies attached notice was published in newspaper stated on dates shown</b>	
Signature of publisher or designee	
Sworn to and subscribed before me on this date	/ /
Signature of Notary Public	

**SEAL**

**ATTACH PRINTED  
COPY OF THE  
NOTICE HERE**

# Alcohol Permit Request - 1230 E. Santa Gertrudis



Page 1 / 1	Drawn By:	DISCLAIMER THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.	 CITY OF KINGSVILLE <b>ENGINEERING DEPARTMENT</b> 200 East Kleberg Kingsville, Texas 78363 Office: 361-595-8005 Fax: 361-595-8035
	Last Update: 2/7/2013		
	Note:		



# **AGENDA ITEM #6**

Date: March 1, 2013

To: Courtney Alvarez, City Attorney and Vince Capell, City Manager

From: Cynthia Martin, Downtown Manager

Cc: Mary Valenzuela, City Secretary

Via: Robert R. Trescott, Director of Tourism

Re: Extension of terms for three members of the Historical Development Board: Maggie Salinas, Susana Killion and Lisa Munoz.

The City of Kingsville participates in the Certified Local Government (CLG) Program, which require it has a historic preservation commission. Currently the terms of three of Kingsville's Historical Development Board's longest serving members, Maggie Salinas, Susana Killion and Lisa Munoz have expired. It is recommended that the terms of Maggie Salinas, Susanna Killion and Lisa Munoz be extended by one year.

Kingsville's preservation program is evolving - three new members were added to the Board just last month, we are in the midst of a survey and inventory of the entire Historic District and one of our finest historic buildings, the old HM King School, is being transformed into the future City Hall. To ensure the program is serving current needs, the Tourism Department has launched a review of Kingsville's Historic Preservation Ordinances including that which defines the creation, procedures and standards for the Historic Development Board. Extending the terms of the three Board members with expired terms by one year rather than the usual three would give the Department flexibility in dealing with possible changes to board size and staffing.

received  
2-25-13

February 15, 2013

Vincent Capell  
City Manager  
P.O. Box 1458  
Kingsville, Tx 78363

Dear Mr. Capell,

It is my understanding that an opening in the Historical Development Board.

I respectfully recommend Mr. Mario Delgado as a prospective board member. Mr. Delgado is a resident of our city, he was born and raised in Kingsville so he has great interest in our historical district.

As a retired educator and having served as a Justice of the Peace in Kleberg County for sixteen years, he would be an asset to our Board.

Thank you with best personal regards,

A handwritten signature in cursive script that reads "Maggie Salinas". The signature is written in dark ink and is positioned above the printed name.

Maggie Salinas

Chair City Historical Board

# **AGENDA ITEM #7**



## Purchasing/IT Department

361-595-8025  
361-595-8035 Fax

DATE: March 1, 2013  
TO: City Commission through City Manager  
FROM: David Mason, Purchasing/IT Director  
SUBJECT: RFP 13-07 Municipal Court Collection Services

### **SUMMARY**

This item will approve the negotiation of a municipal court collections contract with Linebarger Groggan Blair and Sampson, LLP.

### **BACKGROUND**

We advertised the proposal on January 16 and January 23, 2013, as well as posting the information on the City of Kingsville website. Information was sent to five requestors and three potential vendors submitted proposals, which were opened on February 12, 2013.

### **RECOMMENDATION**

Although all potential vendors are equally qualified, staff is recommending Linebarger Groggan Blair and Sampson, LLP. Please see attached document from Mark Rushing, Director of Finance.

### **FINANCIAL IMPACT**

According to information received, there should be no financial expenditures for this project as each has provided information indicating no cost for software, patches, data transfer, or mailing costs and the service fee is assessed and paid by the defendant.

Approved

---

Vincent Capell, City Manager

# CITY OF KINGSVILLE



P. O. BOX 1458 - KINGSVILLE, TEXAS 78364

March 1, 2013

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

Re: Bid for Municipal Court Collection Services

Mr. Capell,

The Municipal Court Collection Bid Evaluation Committee consisted of the Finance Director, Municipal Court Manager, Accounting Manager, and Purchasing Director. Input was also acquired from Judge Kruger and the City Attorney. There were three bids submitted as referenced in the Purchasing Directors letter with all three bidders receiving an equal score. Given the equal scoring in relation to the RFP requirements, other supplemental factors may be an element as a determining factor in awarding the bid. I do note that Linebarger Goggan Blair & Sampson, LLP does have more of a local presence. In addition, they were the only firm to define their assistance with litigation if a law suit were to arise from the services rendered. Though this was not a requirement for disclosure in the bid response specifications, it does demonstrate their looking ahead to normal events that may occur. As a result, the recommendation of the Municipal Court Collection Bid Evaluation Committee is to award the bid to Linebarger Goggan Blair & Sampson, LLP and ask for Commission approval to authorize the City Manager to negotiate a contract with Linebarger Goggan Blair & Sampson, LLP.

Sincerely,

*Mark A. Rushing*

Mark A. Rushing  
Finance Director  
City of Kingsville

# **AGENDA ITEM #8**



## Purchasing/IT Department

361-595-8025

361-595-8035 Fax

DATE: March, 1, 2013  
TO: City Commission through City Manager  
FROM: David Mason, Purchasing/IT Director  
SUBJECT: Pickup Trucks Fund 54

### SUMMARY

This item authorizes the purchase four (4) pickups through BuyBoard.

### BACKGROUND

These trucks are a budgeted capital outlay as shown in 054 Utility Fund Capital Projects.

### RECOMMENDATION

These truck prices are locked in by a BuyBoard quote through Philpott Motors.

1 ea	¾ Ton Utility Bed Truck WW North Plant 700.1	\$28,484.25	\$28,484.25
1 ea	½ Ton RCLB Pickup700.2 WW South Plant	\$16,799.25	\$16,799.25
1 ea	¾ Ton RCLB Pickup700.3 WW Construction	\$19,640.25	\$19,640.25
1ea	¾ Ton ECSB Pickup Water Construction	\$25,195.00	\$25,195.00

### FINANCIAL IMPACT

This action will expend from the following funds:

\$28,484.25	054-5-700.1-711.00	WW North Plant
\$16,799.25	054-5-700.2-711.00	WW South Plant
\$19,640.25	054-5-700.3-711.00	WW Construction
\$25,195.00	054-5-600.1-711.00	Water Construction

Approved

---

Vince Capell



# PRODUCT PRICING SUMMARY BASED ON CONTRACT

BUYBOARD #358-10

Vehicles and Heavy Duty Trucks

End User: CITY OF KINGSVILLE

Philpott Rep: ALAN WILEY

Contact: WILLIAM DONNELL

Phone/email: 888 858-7801 awiley0845@aol.com

Phone/email: 361 455-4505

Date: Thursday, February 28, 2013

Product Description: FORD F250

A. Bid Series: 96

A. Base Price: \$ 18,131.00

**B. Published Options [Itemize each below]**

Code	Options	Bid Price	Code	Options	Bid Price
	REGULAR CAB LONG BED	STD		PLEASE FAX YOUR PURCHASE	PURCHASE
	6.2L FLEX FUEL GAS V8	STD		ORDER TO 254 865-9118	ORDERS
	6-SPEED AUTOMATIC	STD			
	TRAILER TOW PACKAGE	STD			
	A/C AND HEAT	STD			
	AM-FM RADIO	STD		STERLING GRAY METALLIC	COLOR
	RUBBER FLOOR	STD			
	VINYL 40-20-40 SEAT	STD			
52B	ELECTRIC BRAKE CONTROLLER	\$ 216.00			
TBM	ALL TERRAIN TIRES	\$ 117.00		ESTIMATED DELIVERY IN	NOTE
				90 DAYS	NOTE

Total of B. Published Options: \$ 333.00

**C. Unpublished Options [Itemize each below, not to exceed 25%]**

\$= 0.0 %

Options	Bid Price	Options	Bid Price

Total of C. Unpublished Options: \$ -

D. Pre-delivery Inspection:

\$ 80.00

E. Texas State Inspection:

\$ 21.25

F. Manufacturer Destination/Delivery:

\$ 975.00

G. Floor Plan Interest (for in-stock and/or equipped vehicles):

H. Lot Insurance (for in-stock and/or equipped vehicles):

I. Contract Price Adjustment:

J. Additional Delivery Charge: 0 miles

K. Subtotal:

\$ 19,540.25

L. Quantity Ordered 1 x K =

\$ 19,540.25

M. Trade in:

N. BUYBOARD Administrative Fee (\$400 per purchase order)

\$ 100 400.00

O. TOTAL PURCHASE PRICE INCLUDING BUYBOARD FEE

\$ 19,940.25

*100<sup>00</sup> per truck*  
**\$ 19,640.25**

**PRODUCT PRICING SUMMARY BASED ON CONTRACT**

BUYBOARD #358-10

Vehicles and Heavy Duty Trucks

End User: CITY OF KINGSVILLE

Philpott Rep: ALAN WILEY

Contact: WILLIAM DONNELL

Phone/email: 254 865-9112 awiley0845@aol.com

Phone/email: 361 455-4505

Date: Thursday, February 28, 2013

Product Description: FORD F150 REGULAR CAB PICKUP

A. Bid Series: 95

A. Base Price: \$ 15,472.00

## B. Published Options [Itemize each below]

Code	Options	Bid Price	Code	Options	Bid Price
F1C	SHORT BED XL MODEL	STD			
	3.7L V6 FFV GAS	STD			
	6-SPEED AUTOMATIC	STD			
	AM-FM RADIO & TILT STEERING	STD			
	A/C AND HEAT	STD			
	VINYL 40-20-40 SEAT	STD			
	RUBBER FLOOR	STD			
145	8 FOOT LONG BED	\$ 279.00			
535	TRALER TOW PACKAGE	\$ 352.00		ESTIMATED DELIVERY 90 DAYS	NOTE
T7B	ALL TERRAIN TIRES	STD		STERLING GRAY METALLIC	COLOR
				2013 MODEL	NOTE
Total of B. Published Options:					\$ 631.00

## C. Unpublished Options [Itemize each below, not to exceed 25%]

\$= 0.0 %

Options	Bid Price	Options	Bid Price
		PLEASE FAX YOUR PURCHASE ORDER	PURCHASE
		TO 254 865-9118	ORDER
Total of C. Unpublished Options:			\$ -

D. Pre-delivery Inspection:

\$ 80.00

E. Texas State Inspection:

\$ 21.25

F. Manufacturer Destination/Delivery:

\$ 995.00

G. Floor Plan Interest (for in-stock and/or equipped vehicles):

H. Lot Insurance (for in-stock and/or equipped vehicles):

I. Contract Price Adjustment: DELIVERY DISCOUNT

\$ (500.00)

J. Additional Delivery Charge: 0 miles

\$ -

K. Subtotal:

\$ 16,699.25

L. Quantity Ordered 1 x K =

\$ 16,699.25

M. Trade in:

\$ 0

N. BUYBOARD Administrative Fee (\$400 per purchase order)

\$ 100 400.00

O. TOTAL PURCHASE PRICE INCLUDING BUYBOARD FEE

\$ 17,099.25

\$ 16,799.25

# PRODUCT PRICING SUMMARY BASED ON CONTRACT

BUYBOARD #358-10

Vehicles and Heavy Duty Trucks

End User: CITY OF KINGSVILLE

Philpott Rep: ALAN WILEY

Contact: WILLIAM DONNELL

Phone/email: 888 858-7801 awiley0845@aol.com

Phone/email: 361 455-4505

Date: Thursday, February 28, 2013

Product Description: FORD F250

A. Bid Series: 96

A. Base Price: \$ 18,131.00

**B. Published Options [Itemize each below]**

Code	Options	Bid Price	Code	Options	Bid Price
	REGULAR CAB LONG BED	STD		PLEASE FAX YOUR PURCHASE	PURCHASE
	6.2L FLEX FUEL GAS V8	STD		ORDER TO 254 865-9118	ORDERS
	6-SPEED AUTOMATIC	STD	121	STANDARD SERVICE BODY	\$ 5,295.00
	TRAILER TOW PACKAGE	STD		SEE UPGRADE IN SECTION C	NOTE
	A/C AND HEAT	STD	TBM	ALL TERRAIN TIRES	\$ 117.00
	AM-FM RADIO	STD		STERLING GRAY	COLOR
	RUBBER FLOOR	STD			
	VINYL 40-20-40 SEAT	STD			
52B	ELECTRIC BRAKE CONTROLLER	\$ 216.00		2013 MODEL	NOTE
66D	PICKUP BOX DELETE	\$ (500.00)		ESTIMATED DELIVERY IN	NOTE
512	SPARE TIRE AND JACK	\$ 277.00		120-150 DAYS	NOTE

Total of B. Published Options: \$ 5,405.00

**C. Unpublished Options [Itemize each below, not to exceed 25%]**

\$= 16.0 %

Options	Bid Price	Options	Bid Price
UPGRADE TO S56-80 MLS SERVICE BODY	\$ 2,197.00	SERVICE BODY PAINTED STERLING GRAY	\$ 500.00
LITE KIT AND FUEL NECK KIT	INCL	BLACK HD GRILL GUARD	\$ 475.00
FACTORY RECEIVER HIITCH TUBE	INCL		
WINDOW GRILL & MASTER LOCK SYSTEM	INCL		
FACTORY RECEIVER HIITCH TUBE	INCL	SPRAY ON LINER TOP OF BOXES, BED	\$ 600.00
DOUBLE WEEKENDER TO OUTSIDE	INCL	BOTTOM AND INSIDE BED WALLS	

Total of C. Unpublished Options: \$ 3,772.00

D. Pre-delivery Inspection:	\$ 80.00
E. Texas State Inspection:	\$ 21.25
F. Manufacturer Destination/Delivery:	\$ 975.00
G. Floor Plan Interest (for in-stock and/or equipped vehicles):	
H. Lot Insurance (for in-stock and/or equipped vehicles):	
I. Contract Price Adjustment:	
J. Additional Delivery Charge: 0 miles	
K. Subtotal:	\$ 28,384.25
L. Quantity Ordered 1 x K =	\$ 28,384.25
M. Trade in:	00
N. BUYBOARD Administrative Fee (\$400 per purchase order) 100 <sup>00</sup> per vehicle	\$ 400.00
O. TOTAL PURCHASE PRICE INCLUDING BUYBOARD FEE	\$ 28,784.25

\$ 28,484.25

# CUSTOMIZED PRODUCT PRICING SUMMARY BASED ON CONTRACT

## VEHICLES

BUYBOARD #358-10

End User: CITY OF KINGSVILLE

Philpott Rep: ALAN WILEY 888 858-7801

Contact: MARCO JIMENEZ 361 455-4505

Date: 28-Feb-13

Product Description: FORD F250 PICKUP

A. Bid Series: 96

A. Base Price: \$ 18,131.00

**B. Published Options [Itemize each below]**

Code	Options	Bid Price	Code	Options	Bid Price
	XL MODEL WITH VINYL SEAT	INCL	X2BS	4X4 EXTENDED CAB WITH	\$ 5,475.00
	6.2L V8 GAS	INCL		SHORT BED 2013 MODEL	INCL
	VINYL 40-20-40 SEAT	INCL	X3E	ELECTRONIC LOCKING AXLE	\$ 367.00
	FULL SIZE SPARE	INCL	TBM	ALL TERRAIN TIRES	\$ 117.00
	LONG BED	INCL	41P	SKID PLATES	\$ 94.00
	TILT STEERING WHEEL	INCL	52B	TRAILER BRAKE CONTROLLER	\$ 216.00
	AM-FM RADIO	INCL			
	2012 REGULAR CAB	INCL			
	AIR CONDITIONING/HEATER	INCL			
	6-SPEED AUTOMATIC	INCL			
	RUBBER FLOOR	INCL			
	HD TRAILER TOW PACKAGE	INCL			
	HITCH TUBE & 7-PIN PLUG	INCL		BLUE JEANS METALLIC	COLOR

Total of B. Published Options: \$ 6,269.00

**C. Unpublished Options [Itemize each below, not to exceed 25%]**

\$= 2.8 %

Options	Bid Price	Options	Bid Price
DRAW-TITE 8339 INSTALLED	\$ 695.00	ESTIMATED DELIVERY IN 90 DAYS	NOTE
FOLD-DOWN GOOSENECK HITCH WITH			
IN BED 7-PIN TRAILER PLUG		PLEASE FAX YOUR PURCHASE ORDER	NOTE
		TO ME AT 254 865-9118	
			NOTE
			NOTE
			NOTE

Total of C. Unpublished Options: \$ 695.00

D. Contract Price Adjustment: \_\_\_\_\_

E. Delivery Charges: 0 miles @ \$.93/mile

F. Total of A + B + C + D + E = F

G. Quantity Ordered 1 x F =

H. BUYBOARD Administrative Fee 100<sup>00</sup> per truck \$400.00 PER PURCHASE ORDER

I. Non-Equip Charges & Credits \_\_\_\_\_

J. TOTAL PURCHASE PRICE INCLUDING BUYBOARD FEE

\$ 25,495.00

*25,195.00*

# **AGENDA ITEM #9**



## Purchasing/IT Department

361-595-8025  
361-595-8035 Fax

DATE: March 1, 2013  
TO: City Commission through City Manager  
FROM: David Mason, Purchasing/IT Director  
SUBJECT RFP 13-08 Water Well # 19 Pump House

### **SUMMARY**

This item will authorize the construction of the new pump house for water well #19.

### **BACKGROUND**

The City of Kingsville was assisted in the design and bid process by Mr. Homero Castillo, P.E. of Alpha Engineering in this project. We advertised the proposal on January 13 and January 20, 2013, as well as posting the information on the City of Kingsville website. A prebid meeting was held on Tuesday, January 29, 2013 at 10:00 a.m. with site visitation. A total of eleven (11) persons including City staff attended the meeting.

### **RECOMMENDATION**

It is recommended the bid be awarded to local contractor, Rusty Van Fleet Construction. As viewed on the attached bid tab, Van Fleet is low bidder at \$287,000.00. Mr. Bill Donnell, Assistant Public Works Director, and Homero Castillo, PE, concur with the attached documentation.

### **FINANCIAL IMPACT**

This action will expend \$287,000.00 from fund 054, Capital Projects.

Approved

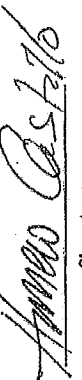
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Vincent Capell, City Manager

# COPY

<b>Owner:</b> City of Kingsville 200 East Kleberg Ave., Kingsville, Texas 78363 Phone: 361-595-8005 Fax: 361-595-8035	<b>Engineer:</b> Alpha Engineering P.O. Box 1251, Kingsville, Texas 78364 Phone: 361-592-2977 Fax: 361-592-3177	<b>Bid Opening:</b> Location: Owner's Address Date: Thursday, 07-February-2013 Time: 1:30 P.M.
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Bidder:	Description:	Units	Quantity	A. R. Van Fleet				B. Division 16				C. BarCom				D. Keithstone				E. JE Construction			
				Bid Bond		Cashiers		Bid Bond		Cashiers		Bid Bond		Cashiers		Bid Bond		Cashiers		Bid Bond		Cashiers	
				✓1	✓2	3	4	✓1	✓2	3	4	✓1	✓2	3	4	✓1	✓2	3	4	✓1	✓2	3	4
				Unit \$	Total \$	Unit \$	Total \$	Unit \$	Total \$	Unit \$	Total \$	Unit \$	Total \$	Unit \$	Total \$	Unit \$	Total \$	Unit \$	Total \$	Unit \$	Total \$	Unit \$	Total \$
1. Pump House Building	Lump	2		77,000	-			66,790	-			107,500	-			110,800	-			89,020	-		
2. Mechanical	Lump	1		129,000	-			142,500	-			119,200	-			144,900	-			119,523	-		
3. Electrical, SCADA, Controls	Lump	1		78,000	-			76,500	-			83,280	-			89,800	-			121,165	-		
4. Disinfection and Start Up	Lump	1		2,400	-			2,500	-			5,700	-			3,600	-			25,825	-		
TOTAL BASE BID 1 THRU 4				287,400	-			288,290	-			314,680	-			349,100	-			340,551	-		
Deduct Alt. 1: Cement Stucco	Lump	1		7600	-			3000	-			3472	-			3600	-			4980	-		
Deduct Alt. 2: Roof	Lump	1		3000	-			500	-			1532	-			4100	-			4000	-		

  
 Signature

Water Well 19 New Pump House



# PUBLIC WORKS DEPARTMENT

DATE: March 1, 2013  
TO: Mr. Capell, City Manager  
FROM: William Donnell, Asst. Public Works Director  
SUBJECT: Water Well No. 19 Pump House Bid Recommendation

I have reviewed the bids for Well #19 Pump House that were opened on February 7, 2013. The low bidder for Pump House project is Rusty Van Fleet Construction in the amount of \$287,400.00. I recommend awarding the Well #19 Pump House project to Rusty Van Fleet Construction in the amount of \$287,400.00. This project is budgeted in Fund 054 Capital Projects.



## MEMORANDUM

TO:	Mr. Naim Khan, City Engineer	FROM	Homero Castillo, PE
COMPANY:	City of Kingsville	DATE:	11 February 2013
PHONE NUMBER:	361-595-8005	TOTAL NO. OF PAGES	1
FAX NUMBER:	361-595-8035	JOB NO.	1204-04
REFERENCE:	Water Well 19 New Pump House	<input type="checkbox"/> PLEASE REPLY	
		<input checked="" type="checkbox"/> CONSIDER AS ORIGINAL	

Attached for your convenience are the following documents.

- A. Bid Tabulation Form
- B. Bid Opening Attendance Roster

In review of the bids submitted, Rusty Van Fleet Construction is the apparent Lowest qualified bidder.

Base Bid: \$ 287,400  
Deduct Alt. 1: - \$ 7,600 (Cement Stucco)  
Deduct Alt 2 : - \$ 3,000 (Standing Seam Metal Roof)

I know and have worked with Mr. Rusty Van Fleet for many years and have found him to be an excellent construction contractor, in good standing with other Owners of previous construction projects, and is well qualified to construct these proposed facilities.

Conclusively, I recommend the project be awarded to Rusty Van Fleet Construction, Inc. for the Base Bid amount of \$287,400.

If you have any questions or comments, please do not hesitate to call me.

**COPY**

# **AGENDA ITEM #10**



## Purchasing Department

361-595-8025  
361-595-8035 Fax

DATE: March 1, 2013  
TO: City Commission through City Manager  
FROM: David Mason, Purchasing/IT Director  
SUBJECT: Corridor Landscaping on Santa Gertrudis

### **SUMMARY**

This item will approve the purchase and installation of fifty-eight (58) Cedar Elm trees to be evenly planted in the median on West Santa Gertrudis between Seale Street and Highway 141.

### **BACKGROUND**

We requested quotes on or about February 18, 2013. A total of eleven (11) requests for quotes were sent to potential vendors locally and regionally. One quote was received, that of Border Link, LLC for a total \$36,930.00.

### **RECOMMENDATION**

It is recommended the corridor landscaping contract be awarded to Border Link, LLC, 1409 N. Stuart Place Rd., Ste. A, Harlingen, TX 78552. This contractor provided and planted the palms along General Cavazos Blvd. and has a successful track record with the City of Kingsville.

### **FINANCIAL IMPACT**

Along with the quote amount of \$36,930.00 we are requesting an additional ten percent (10%), in the amount of \$3,693.00, to serve as a contingency amount which brings the total request to \$40,623.00 for the project. These funds will come from the surplus for FY2011-2012.

Approved

---

Vincent Capell, City Manager

# Proposal

Page # \_\_\_\_\_ of \_\_\_\_\_ pages



**BORDER LINK, LLC**  
**1409 N. STUART PLACE RD, STE. A**  
**HARLINGEN, TX 78552**  
**(956)412-3300 OFFC (956) 412-3309 FAX**  
Borderlinkpalms@msn.com  
**PROJECT MANAGER: JAIME GUERRERO (956) 571-9966**

Proposal Submitted To: <b>David Mason Purch/IT Director</b>		Job Name: <b>Corridor Landscaping Project</b>	
Address: <b>PO Box 1458</b>		Job Location: <b>West Santa Gertrudis Corridor</b>	
Kingsville, TX 78364		Date: <b>2/25/2013</b>	Date of Plans
Phone #: <b>(361) 595-8025</b>	Fax #: <b>(361) 595-8035</b>		

We hereby submit specifications and estimates for:

Border Link, LLC would like to submit the following proposal to acquire, deliver and install 58 Cedar Elm trees to be evenly planted in the established median as shown on the approved plan for the West Santa Gertrudis Corridor specifically, the area west of Seale Street to Highway 141.

- 58 Cedar Elm trees 3-4" caliper  
Minimum height of 10-12 feet; overall height.
- Installation includes:  
Planting area preparation, including utility locates and marking/flagging of planting locations  
Adequate bracing  
Weekly watering if needed for 90 days (considering extreme drought conditions)  
Mulch berm around each base

(PRICE INCLUDES TREES, DELIVERY AND INSTALLATION  
 90 DAYS OF MAINTENANCE WITH A 180 DAY WARRANTY PROVIDING  
 TREE REPLACEMENT WITHIN WARRANTY PERIOD.)

**TOTAL PROJECT COST:**

**\$36,930.00**

*3140, 623  
 3,693 10% contingency*

We propose hereby to furnish material and labor – complete in accordance with the above specifications for the sum of:

\$ **Thirty-six thousand, nine hundred thirty** Dollars

with payments to be made as follows: **Total Amount Due Upon Completion**

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

Respectfully  
 submitted

Note – this proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

## Acceptance of Proposal

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

Signature \_\_\_\_\_

Date of Acceptance \_\_\_\_\_ Signature \_\_\_\_\_

**SIGN AND RETURN TO BORDER LINK, LLC**

# **AGENDA ITEM #11**

**ORDINANCE NO. 2013-**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 BUDGET FOR COMMUNITY APPEARANCE TO FUND THE PURCHASE AND INSTALLATION OF TREES FOR THE WEST SANTA GERTRUDIS CORRIDOR LANDSCAPING PROJECT.**

**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 2012-2013 budget be amended as follows:

**CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT**

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
<hr/>					
<b>Fund 001</b>	<b>General Fund</b>				
<u>Capital</u>					
2		Fund Balance	610.00		<u>\$40,623</u>
					<u>\$40,623</u>
<u>Expenses</u>					
5-690.0		Fund Exp/Trsfrs Fund 091	394.93	<u>\$40,623</u>	
				<u>\$40,623</u>	
<b>Fund 091</b>	<b>General Fund Capital Projects Fund</b>				
<u>Revenues</u>					
4-000.0	Transfer from Fund 001		750.13	<u>\$40,623</u>	
				<u>\$40,623</u>	
<u>Expenses</u>					
5-160.1	Corridor Landscaping	Grounds & Perm Fx.	591.00	<u>\$40,623</u>	
				<u>\$40,623</u>	

[Community Appearance is in need of additional landscaping to properly fulfill their mission. The landscaping will greatly enhance the Corridor Landscaping Project in the medians on West Santa Gertrudis. This purchase is being funded from the FY12 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 not be codified bust shall become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 11th day of March 2013.

**PASSED AND APPROVED** on this the \_\_\_ day of \_\_\_\_\_, 2013.

EFFECTIVE DATE: \_\_\_\_\_

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

ATTEST:

\_\_\_\_\_  
Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

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

# **AGENDA ITEM #12**



**ORDINANCE NO. 2013-**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 BUDGET FOR FUND 054 UTILITY FUND CAPITAL PROJECTS FUND AND SOLID WASTE CAPITAL PROJECTS FUND 087 TO UTILIZE FISCAL YEAR 2011-2012 UNEXPENDED 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 2012-2013 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 087     Solid Waste Capital Projects**

Capital

2		Fund Balance (FY 2012)	610.0		<u>\$130,000</u>
					<u>\$130,000</u>

Expenses

5-170.3 Landfill	Landfill Permit Amendment	714.00	<u>\$130,000</u>		
			<u>\$130,000</u>		

**Fund 054     Utility Fund Capital Projects**

Capital

2		Fund Balance (FY 2012)	610.0		<u>\$124,265</u>
					<u>\$124,265</u>

Expenses

5-700.1 North Plant	WW –North Plant (Bar Screen)	712.00	\$5,964		
5-700.2 South Plant	WW –South Plant (Bar Screen)	712.00	<u>\$118,301</u>		
			<u>\$124,265</u>		

[To amend FY13 Fund 054 Utility Fund Capital Projects and Solid Waste Capital Projects Fund 087 to utilize FY12 unexpended funds as per the attached March 5, 2013 City Engineer Budget Request.]

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

**INTRODUCED** on this the 11th day of March, 2013.

**PASSED AND APPROVED** on this the \_\_\_\_ day of \_\_\_\_\_, 2013.

EFFECTIVE DATE: \_\_\_\_\_

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

ATTEST:

\_\_\_\_\_  
Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

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



## ***Engineering Department***

361-595-8007

361-595-8035 Fax

DATE: March 5, 2013

TO: City Commission through City Manager

FROM: Naim Khan, Director of Public Works/City Engineer

SUBJECT: Capital Projects Budget Amendment (Funds 087 & 054)

### **SUMMARY**

This item authorizes a budget amendment so the City Employees can complete different projects.

### **BACKGROUND**

#### **087 - Landfill Permit Amendment**

Original Budget FY2012: \$130,000; unused so wash to fund balance

Budgeted in 2013:\$-0-

**Proposed Budget Amendment: \$130,000** from FY2012 Fund Balance for Landfill Permit Amendment in FY2013

#### **054 - Cash Funded Utility Capital Project: Wastewater Treatment Plant Bar Screen**

##### North Plant:

Original Budget FY2012: \$180,000

Used in FY2012: \$10,965 for South Treatment Plant Clarifier (via Budget Amendment in April 2012)

Remaining in FY2012: \$169,035 (=\$180,000-10,965); unused so wash to fund balance

Total Needed for Project: \$177,386 (=\$161,386 bid for the equipment and \$16,000 for installation)

Budgeted for the Project in FY2013: \$171,422

**Proposed Budget Amendment: \$5,964** (=\$177,386-171,422) from FY2012 Fund Balance for North WW Plant Bar Screen Project in FY2013

##### South Plant:

Original Budget FY2012: \$170,000

Used in FY2012: \$10,535 for South Treatment Plant Clarifier (via Budget Amendment in April 2012)

Remaining in FY2012: \$159,465 (=\$170,00-10,535); unused so wash to fund balance

Total Needed for the Project: \$146,385 (=\$131,385 bid for the equipment and \$15,000 installation)

Budgeted for the Project in FY2013: \$28,084

**Proposed Budget Amendment: \$118,301** (=\$146,385-28,084) from FY2012 Fund Balance for South WW Plant Bar Screen Project in FY2013

Total cost for the equipment and installation at both plants: \$323,771 (=\$177,386+146,385)  
Funds available for both plants: \$328,500 (=\$169,035+159,465)

**RECOMMENDATION**

The proposed budget amendment is very important to finish the projects in a timely manner. Staff recommends proceeding with approval of the proposed budget amendment.

**FINANCIAL IMPACT**

Detail of the Budget Amendment is mentioned above

Approved

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Vincent Capell, City Manager

# **AGENDA ITEM #13**

ORDINANCE NO. 2013-

**AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 BUDGET FOR CERTIFICATE OF OBLIGATION CAPITAL PROJECT FUNDS BUDGETS FOR VARIOUS PUBLIC WORKS DEPARTMENTS TO UTILIZE FISCAL YEAR 2011-2012 UNEXPENDED 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 2012-2013 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 065    2011 Series General Fund Capital Projects**

Capital

2	Fund Balance (FY 2012)	610.0			<u>\$118,300</u>
					<u>\$118,300</u>

Expenses

5-305.0 Street	Drainage	531.00	\$68,773		
5-305.0 Street	Equipment (signage materials)	712.00	<u>\$49,527</u>		
			<u>\$118,300</u>		

**Fund 064    2009 Series General Fund Capital Projects**

Capital

2	Fund Balance (FY 2012)	610.0			<u>\$14,100</u>
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Expenses

5-170.3 Landfill	Landfill Expansion (permit amend)	714.00	<u>\$14,100</u>		
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**Fund 062 CO 2005 Utility Fund Capital Projects**Capital

2	Fund Balance (FY 2012)	610.0		<u>\$56,200</u>
				<u>\$56,200</u>

Expenses

5-700.1 North Plant	Building Maint. (Blower Bldg.)	511.00	\$18,200
5-700.1 North Plant	Grounds & Perm Fx (fence)	591.00	\$5,000
5-700.2 South Plant	Grounds & Perm Fx (fence)	591.00	\$5,000
5-700.1 North Plant	Building Maintenance (roof)	511.00	\$8,000
5-700.1 North Plant	Utility Plant(36"bypass valve)	543.00	<u>\$20,000</u>
			<u>\$56,200</u>

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
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**Fund 066 CO 2011 Utility Fund Capital Projects**Capital

2	Fund Balance (FY 2012)	610.0		<u>\$381,980</u>
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Expenses

5-600.2 Water Prod	Water Well Land	714.00	\$50,000
5-700.2 South Plant	WW –South Plant Clarifier	721.00	<u>\$331,980</u>
			<u>\$381,980</u>

[To amend FY13 Certificate of Obligation Capital Project Funds budgets for various Public Works Departments to utilize FY12 unexpended funds as per the attached March 5, 2013 City Engineer Budget Request.]

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

**INTRODUCED** on this the \_11th\_ day of March, 2013.

**PASSED AND APPROVED** on this the \_\_\_\_ day of \_\_\_\_\_, 2013.

EFFECTIVE DATE: \_\_\_\_\_

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

ATTEST:

\_\_\_\_\_  
Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

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





## ***Engineering Department***

361-595-8007  
361-595-8035 Fax

DATE: March 5, 2013  
TO: City Commission through City Manager  
FROM: Naim Khan, Director of Public Works/City Engineer  
SUBJECT: Capital Projects Budget Amendment (Funds 062,064,065,066)

### **SUMMARY**

This item authorizes a budget amendment so City Employees can make necessary purchases of equipment and complete different projects.

### **BACKGROUND**

#### **CO 2011 (065) - Drainage Project:**

Original CO allocation FY2012: \$655,000

Spent until September 2012: \$516,227

(=\$243,012 for Caesar St. Drainage Project, \$201,389 for Santa Rosa/Corral St. Drainage Project, \$36,274 for Johnston St. Curb & Gutter Project and \$35,552 for Kathleen & Circle St. Drainage Project)

Remaining Balance in FY2012: \$138,773 (=\$655,000-516,227); unused so wash to fund balance

Budgeted in FY2013: \$70,000

**Proposed Budget Amendment: \$68,773** (=\$138,773-70,000) from FY2012 Fund Balance for drainage projects in FY2013

#### **CO 2011 (065) - Equipment for Streets:**

Original CO allocation FY2012: \$189,000

(=\$76,027 for Front End Loader, \$35,000 for Sign Machine and \$77,973 for Drum Roller).

Spent in FY2012: \$136,543.80

(=\$71,756 for Front End Loader, \$12,795 for Sign Machine, and \$51,992 for Drum Roller).

Remaining Balance in FY2012: \$52,456.20 (=\$189,000-136,543.80); unused so wash to fund balance

[On May 2012, \$2,931 was used for small compactor, so new balance \$49,525.20 (=\$52,456.20-2,931).]

**Proposed Budget Amendment: \$49,527** from FY2012 Fund Balance for Street Department equipment in FY2013

**CO 2009 (064) – Landfill Permit Amendment**

Original CO allocation FY2012: \$273,667

Paid to the consultant Naismith Engineering until September 30, 2012: \$67,799.94

Remaining in FY2012: \$205,867.06 (=\$237,667-67,799.94); unused so wash to fund balance

Budgeted FY2013: \$191,767.00

**Proposed Budget Amendment: \$14,100** (=\$205,867-191,767) from FY2012 Fund Balance for Landfill Permit Amendment in FY2013

**CO 2005 (062) – Utility Fund: North and South WW Treatment Plants**

Original CO allocation FY2012: \$531,700

Spent in FY2012: \$475,500

Remaining at end FY2012: \$56,200 (=\$531,700-475,500); unused so wash to fund balance

**Proposed Budget Amendment: \$56,200** (=\$18,200 for North Treatment Plant Blower Building repair, \$10,000 for both North and South Treatment Plant fence repairs, \$8,000 for replacing North Plant roof on collection office and storage shed, \$20,000 to replace 36" influent bypass valve) from FY2012 Fund Balance for North & South WW Treatment Plants

**CO 2011 (066) – Utility Fund: New Water Well, Ground Storage Tank, Elevated Storage Tank, Land Purchase**

Original CO allocation FY2012: \$2,551,250

Budgeted in 2013: \$2,501,250

**Proposed Budget Amendment: \$50,000** (=\$2,551,250-2,501,250) from FY2012 Fund Balance for new water well land purchase.

**CO 2011 (066) – Utility Fund: South WW Plant Clarifier**

Original CO allocation FY2012: \$1,417,100

Paid the consultant LNV Engineering in FY2012: \$107,500

Remaining in FY2012: \$1,309,600 (=\$1,417,100-107,500); unused so wash to fund balance

Budgeted in FY2013: \$977,620

**Proposed Budget Amendment: \$331,980** (=\$1,309,600-977,620) from FY2012 Fund Balance for South WW Plant Clarifier

**RECOMMENDATION**

The proposed budget amendment is very important to buy the equipment and finish the projects in a timely manner. Staff recommends proceeding with approval of the proposed budget amendment.

**FINANCIAL IMPACT**

Detail of the Budget amendment is mentioned above

Approved

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Vincent Capell, City Manager

# **AGENDA ITEM #14**

**ORDINANCE NO. 2013-\_\_\_\_\_**

**AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR 1727 S. 7<sup>TH</sup> STREET (LOTS 20-21, SOUTHMORE AC) FOR A LAWN SERVICE& TREE TRIMMING BUSINESS; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION.**

**WHEREAS**, the Planning Commission has forwarded to the City Commission it's reports and recommendations concerning the application of Israel S. Lopez, for amendment to the zoning map of the City of Kingsville;

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, January 16, 2013, during a meeting of the Planning Commission, and on Monday, January 28, 2013, during a meeting of the City Commission, in the Commission Chambers, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

**WHEREAS**, a majority of the Planning Commission by an unanimous 5-0 vote APPROVED the requested rezone; and

**WHEREAS**, the City Commission has determined that this amendment would best serve public health, necessity, and convenience and the general welfare of the City of Kingsville and its citizens.

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

**SECTION 1.** That the Zoning Ordinance of the City of Kingsville, Texas, is amended and a Special Use Permit is granted for a lawn service & tree trimming business on the premises known as 1727 South 7<sup>th</sup> Street, Lots 20-21, Southmore AC, as more specifically describe on site plan attached as Exhibit A.

**SECTION 2.** That the Special Permit granted in Section 1 of this Ordinance is subject the following conditions:

1. ALLOWED USE: The only uses authorized by this Special Permit other than the permitted "R2" Two-Family Residential District uses is as a lawn service & tree trimming business.

2. TIME LIMIT: This Special Permit is good for the duration of the business from the date of this ordinance **unless** (a) the property is not being used for the purpose outlined in Condition 1, or (b) any other conditions have not been complied with, or (c) there is a change in ownership of the business.

4. SPECIAL CONDITION: (4.1) The applicant shall obtain all required licenses for

operating the business and permits for building, fire and health thereby meeting all adopted codes to operate said business, and shall cooperate with all annual fire safety, health, and sanitation inspections, in order to maintain compliance with state and city regulations for the operation of a lawn service & tree trimming business. (4.2) Outdoor storage of equipment and/or materials shall be limited to small equipment and shall be completely enclosed by a 100% sight obscuring privacy fence to prevent the contents from being visible from the public right-of-way and/or adjacent property. (4.3) No stockpiling of any mulch, brush clippings, grass clippings, rock or other such materials shall be allowed to be stored on the site wherein a nuisance may be created. (4.4) All activity on site shall be in complete compliance of all City codes, especially the nuisance, building and zoning codes.

**SECTION 3.** That the official Zoning Map of the City of Kingsville, Texas, is amended to reflect the amendment to the Zoning Ordinance made by Section 1 of this ordinance.

**SECTION 4.** That the Zoning Ordinance and Zoning Map of the City of Kingsville, Texas, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

**SECTION 5.** That to the extent that this amendment to the Zoning Ordinance represents a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the Zoning Ordinance, as amended by this ordinance.

**SECTION 6.** That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

**SECTION 7.** That publication shall be made in the official publication of the City of Kingsville as required by the City Charter of the City of Kingsville. Codification is not required.

INTRODUCED on this the 28th day of January, 2013.

PASSED AND APPROVED on this the 11th day of March, 2013.

**THE CITY OF KINGSVILLE**

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Sam R. Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

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Courtney Alvarez, City Attorney



## Planning & Development Services Department

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**TO:** Mayor & City Commission

**THROUGH:** Vincent Capell, City Manager

**FROM:** Michael Kellam, AICP, Director of Planning & Development Services *(MK)*

**SUBJECT:** Special Use Permit request to allow a lawn care and tree trimming service in a residential area at 1727 S. 7<sup>th</sup> St.

**DATE:** January 18, 2013

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The City of Kingsville Planning and Zoning Commission met on January 16, 2012 at 7:00 p.m. in regard to a request made by Mr. Israel S. Lopez, to allow for the operation of a lawn care and tree trimming service, to be located in a residentially zoned area at 1727 S. 7<sup>th</sup> St. The property is located in a R-2 Two Family Residential District and is immediately adjacent to a C-2 Retail District to the west which is occupied by existing commercial uses. This type of use requires a special use permit to be approved by the City Commission as it is not a use allowed by right within the R-2 Two Family Residential District.

All pertinent notices were published and sent out to the surrounding property owners that are within the 200ft radius 15 days prior to the meeting. One neighboring resident, Mr. Roger Pollard, spoke at the Planning & Zoning Commission meeting regarding concerns and past complaints he'd had regarding the piling of mulch on the site and other debris. Mr. Lopez indicated the site has been and is in the process of being cleaned in preparation of the lawn care business as well as his intent to construct a new home immediately to the north of the garage to be utilized as the storage of his lawn care equipment. Additionally, conditions of approval regulating the storage of equipment, materials or any other potential violations would not be allowed as part of the special use permit.

Additionally, staff presented the attached staff report, supplemental information and applicant information to the Planning & Zoning Commission. As stated in the staff report the request was found to not be a detriment to the surrounding uses as the equipment and materials will be limited and will be mostly within the existing structure that is to be repaired and remodeled. Additionally, the conditions, in conjunction with city nuisance codes, will address the concerns of the City and those of the neighbor who spoke.

Additionally, given the proximity to the existing commercial corridor, neighboring commercial uses and the aforementioned findings, staff is comfortable with the issuance of the special use permit with conditional approval. This specially permitted use is a lesser intense quasi-commercial activity that can co-exist with the existing surrounding uses, while also allowing for future residential occupancy upon the ceasing of this operation.

Planning staff recommends conditional approval of this rezoning request. The Planning & Zoning Commission recommended **Conditional Approval** of the request with a unanimous 5/0 vote, with the following conditions:

1. To avoid spot zoning for a commercial property within a residential neighborhood, this special use permit shall expire should the approved special use cease, or in the case of a change in ownership.
2. Any future outdoor storage of equipment and or materials shall be limited to small equipment and shall be completely enclosed by a 100% sight obscuring privacy fence to prevent the contents from being visible from the public right of way and/or adjacent property owners.
3. The business shall obtain all required licenses and permits for the planned construction activity and improvements, thereby meeting all adopted codes to operate said business.
4. No stockpiling of any mulch, brush clippings, grass clippings, rock or other such materials shall be allowed to be stored on the site wherein a nuisance may be created. All activity on site shall be in complete compliance of the nuisance, building and zoning codes.

Attachments



## Staff Report to the PLANNING & ZONING COMMISSION and CITY COMMISSION

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

**Request:** APPROVAL OF A SPECIAL USE PERMIT TO ALLOW FOR A LAWN SERVICE AND  
TREE TRIMMING BUSINESS AT 1727 S. 7<sup>TH</sup> STREET.

Petitioner and Agent: Israel S. Lopez  
Date of P&Z Hearing: January 16, 2013

Comprehensive Plan Land Use: Low Density Residential  
Existing Zoning Classification: R-2 Two-Family Residential District  
Adjacent Zoning: North & South: R-2 Two Family Residential District  
East: R-1 Single Family Residential District  
West: C-4 Commercial District

### EXISTING INFRASTRUCTURE

Transportation: Ailsie Street- Local  
7<sup>th</sup> Street- Local  
Community Facilities: Services provided  
Capital Improvements: Services Provided  
Fire Station Proximity: Within one and one half mile  
100 Year Flood Plain: The property is not within a floodplain

### EXHIBITS PRESENTED

- Chapter 15 of the Kingsville Code of Ordinances (present at the meeting)
- City of Kingsville Master Plan (present at meeting)
- Site map
- Aerial Photo
- Mailing list of owners within 200 feet

### BACKGROUND AND HISTORY

The petitioner is requesting a special use permit to allow the operation of a lawn care and tree trimming business. The property is currently unoccupied but historically has been utilized as a mobile home park. One existing structure remains on the property consisting of a two car (26'x24') garage. The applicant is the owner of the site wherein the proposed lawn care and tree trimming business will be housed.

### FIELD INSPECTION AND PERTINENT DATA

The site is located near the southwest corner of the 7<sup>th</sup> Street and Ailsie Street intersection. The proposed site to be occupied by the specially permitted lawn and tree trimming service totals one half acre, and also contains the aforementioned existing structure. The applicant states he will make significant repairs to rehabilitate the existing two car garage, if approved. The applicant states the lawn and tree trimming service equipment will be housed within the structure with no outdoor storage of equipment or materials. The applicant indicates additional trees and other site improvements will be made to the property to enhance the

appearance of the area. In addition the applicant intends to construct his personal home on the two lots (one half acre) immediately to the north.

Pertaining to the business, staff has determined the special use permit will be the best route for allowing this type of use as it prevents spot zoning or the potential creation of future incompatible uses. Given the intent of the current user to house all equipment and materials within the existing structure, little to no impact will be made on adjacent residential uses. There is no anticipated customer traffic therefore not detriment is caused in that regard. Staff would recommend that conditions be placed on the special use permit to ensure no outdoor storage is created without a 100% sight obscuring fence to where equipment and materials are not visible from the right of way and/or by neighboring property owners. This shall be in addition to the expiration of the special use permit upon transfer of title, cessation of the business by the current owner/applicant.

Given the proposed improvements to the property, the intent of the applicant to construct a future home adjacent to the property and the aforementioned findings, staff is comfortable with the issuance of the special use permit. This specially permitted use will not be a detriment to the neighborhood and with the proposed conditions to be placed on the special use permit can easily co-exist with the existing surrounding uses, while also allowing for future residential occupancy upon the ceasing of this operation.

#### **STAFF REVIEW & RECOMMENDATION**

In general, the Planning & Zoning Commission shall consider the following factors when making a recommendation on the Special Use Permit request:

1. The proposed special use permit is in harmony with the general purpose, goals, objectives and standards of the adopted city master plan;
2. The use will not be detrimental to existing adjacent uses or to uses permitted generally in the zoning district in which the proposed conditional use is to be located;
3. The use will not generate volumes and/or types of vehicular traffic that will be hazardous to or conflict with the existing or anticipated traffic in the surrounding area; and
4. The proposed use meets the height, area and design standards established in the zoning district.

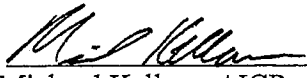
Staff recommends **Conditional Approval** of this request with the following findings:

1. To avoid spot zoning for a commercial property within a residential neighborhood, this special use permit shall expire should the approved special use cease, or in the case of a change in ownership.
2. Any future outdoor storage of equipment and or materials shall be limited to small equipment and shall be completely enclosed by a 100% sight obscuring privacy fence to prevent the contents from being visible from the public right of way and/or adjacent property owners.
3. The business shall obtain all required licenses and permits for the planned construction activity and improvements, thereby meeting all adopted codes to operate said business.

And with the following findings:

1. The proposed special use permit is in harmony with the general purpose, goals, objectives and standards of the adopted city master plan;

2. The use will not be detrimental to existing adjacent uses or to uses permitted generally in the zoning district in which the proposed conditional use is to be located;
3. The use will not generate volumes and/or types of vehicular traffic that will be hazardous to or conflict with the existing or anticipated traffic in the surrounding area; and
4. The proposed use meets the height, area and design standards established in the zoning district.

Prepared by:   
Michael Kellam, AICP  
Director of Planning & Development Services

**CITY OF KINGSVILLE  
PLANNING AND ZONING DIVISION  
MASTER APPLICATION**

**PROPERTY INFORMATION: (Please PRINT or TYPE)**

Project Address 1727 S. 7th Street Nearest Intersection 7th and Ailsie  
 (Proposed) Subdivision Name Southmore Lot 20, 21 Block -  
 Legal Description: Southmore Ac, Lot 20, 21  
 Existing Zoning Designation Residential Future Land Use Plan Designation Commercial

**OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)**

Applicant/Authorized Agent Israel S. Lopez <sup>(361)</sup> Phone 522-6007 FAX N/A  
 Email Address (for project correspondence only): lopezlawn@yahoo.com  
 Mailing Address P.O. Box 5899 City Kingsville State TX Zip 78364  
 Property Owner Israel S. Lopez <sup>(361)</sup> Phone 522-0858 FAX N/A  
Candi K. Lopez  
 Email Address (for project correspondence only): lopezlawn@yahoo.com  
 Mailing Address P.O. Box 5899 City Kingsville State TX Zip 78364

Select appropriate process for which approval is sought. Attach completed checklists with this application.

<input type="checkbox"/> Annexation Request..... No Fee	<input type="checkbox"/> Preliminary Plat..... Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA)..... \$ 250.00	<input type="checkbox"/> Final Plat..... Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request..... \$ 250.00	<input type="checkbox"/> Minor Plat..... \$ 100.00
<input checked="" type="checkbox"/> Re-zoning Request..... \$ 250.00	<input type="checkbox"/> Re-plat..... \$ 250.00
<input checked="" type="checkbox"/> SUP Request/Renewal..... \$ 250.00	<input type="checkbox"/> Vacating Plat..... \$ 50.00
<input type="checkbox"/> Zoning Variance Request (ZBA)..... \$ 250.00	<input type="checkbox"/> Development Plat..... \$ 100.00
<input type="checkbox"/> PUD Request..... \$ 250.00	<input type="checkbox"/> Subdivision Variance Request.... \$ 25.00 ea.

Please provide a basic description of the proposed project: See attached

I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit or approval may be revoked.

Applicant's Signature: Israel S. Lopez / Candi Lopez Date: 12-07-12

Property Owner(s) Signature: Israel S. Lopez / Candi Lopez Date: 12-07-12

Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

## Application Check List for Special Use Permits

The following must be submitted prior to the application deadline. Otherwise, the application will be deemed incomplete and may result in unnecessary delays: (Please ✓ when complete)

Site and landscape plans: Applicant must provide 15 - 11"x17" or 8 ½"x11" copies of the plans, plus the following:

- ☒ 1.
- ☒ 2. The location, dimension, material and configuration of all buildings, structures and other improvements.
- ☒ 3. The location and extent of usable open space.
- ☒ 4. The location, access and other dimensions of proposed off-street parking and loading facilities and the number and configuration of spaces to be provided.
- ☒ 5. The location, dimensions and materials of sidewalks, driveways and other impervious surfaces.
- ☒ 6. The location and intensity of illumination of any illuminated areas.
- ☒ 7. The proposed use of open space.
- ☒ 8. A landscaping plan, which shall include existing and proposed landscaping on both the subject property and adjacent public areas and including an installation schedule.
- ☒ 9. The location of all utilities, including electric lines, storm drainage, sanitary sewers and water service.
- ☒ 10. The location and extent of required setbacks and yards.
- ☒ 11. The elevation of all buildings and structures to depict height.
- ☒ 12. The lot size in square feet and the dimensions thereof.
- ☒ 13. Any areas proposed for outdoor storage, refuse collection, exterior mechanical equipment, exterior communication devices and utility apparatus.
- ☒ 14. The dimensions, location and landscaping of required landscape/buffer setbacks and screening.
- ☒ 15. The land uses surrounding the lot(s) for which site plan approval is being sought.
- ☒ 16. The zoning on the lots and parcels surrounding the lot(s) for which site plan approval is being sought.
- ☒ 18. Such additional information as the Director of Development Services may deem pertinent and essential to the application.

**Please note that this process can take up to 100 days.**

**Also, make sure you contact 595-8020 for information on City-required inspections and certificate of occupancy.**

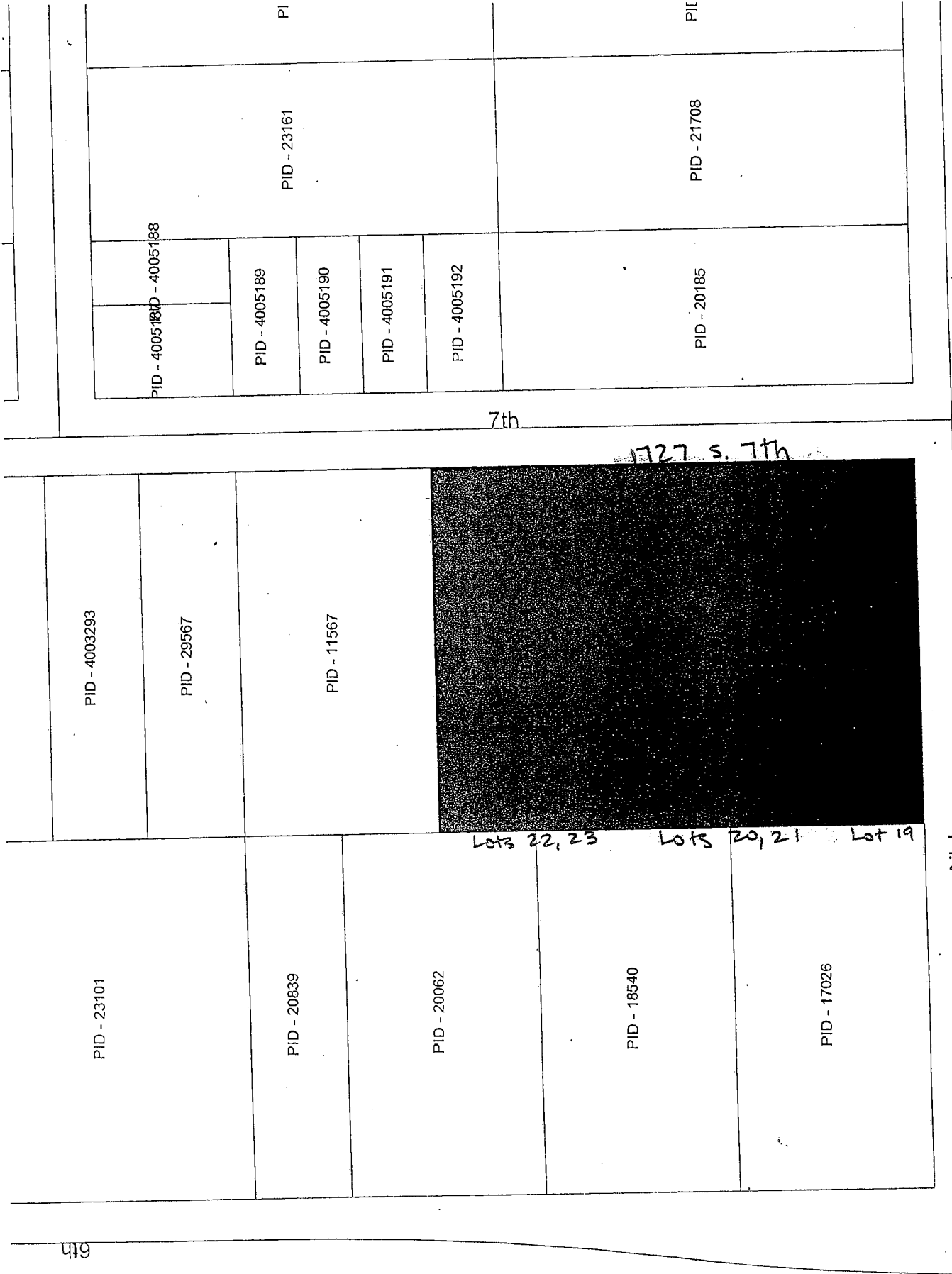
Amended to a S.U.P. Request  
~~RE-ZONING REQUEST~~

- 1) This request is for Lots 20 & 21 (1 acre) of Southmore Acres. The physical address is 1727 S. 7<sup>th</sup> Street, Kingsville, Texas. At one time this property was a small mobile home/RV park known as "Shady Acres".
- 2) Currently, there are no mobile homes or RVs located on the property. The only structure that remains is a garage (approximate size is 26' x 24'). There are also several concrete pads the largest being a 12' x 60' section that was once an open porch to a mobile home.
- 3) Lot 20 – 76.4' x 285' (.50 acres)  
Lot 21 - 76.4' x 285' (.50 acres)
- 4) Lot 19 (1729 S. 7<sup>th</sup> Street) is owned by Delwin Randall and is currently being used as a mobile home park. There are three mobile homes on the property.  
Lots 22 and 23 are owned by us (Israel S. and Candi K. Lopez). We acquired this property in 2010 and intend for this to be our residence.
- 5) All lots (19, 20, 21, 22 and 23) are currently zoned residential.
- 6) Our intent for this property is the following:
  - Garage – Replace roof and all rotted wood.  
Replace current exterior with fiber cement siding.  
Add new garage door.  
Repaint exterior of garage.

Concrete Porch – (12' x 60' section) – Leave as is.

Smaller concrete pads – break and remove cement from property.

Our request, should it be granted, is to use this property for our small lawn service and tree trimming business. The main purpose would be to store all equipment in the garage area to keep it out of plain site. We have already began the process of removing any unsightly debris and trimming/cleaning the existing mesquite trees to enhance the "park like" feel the property still has. Our future plans include planting more trees/grass/shrubs as well as a privacy fence.



31147 - This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location property boundaries. The Appraisal District provides this information "as is", makes no warranties, and reserves the right to make changes at any time without notice.

BERG COUNTY APPRAISAL DISTRICT  
PROPERTY 14729 R  
Partial Description  
UTAHMORE AC, LOT 20, 21

OWNER ID  
49566

OWNERSHIP  
100.00%

PROPERTY APPRAISAL INFORMATION 2012  
WHITTINGTON JOY BETH  
319 S 25TH ST  
KINGSVILLE, TX 78363-6007

Entities  
CAD 100%  
CKI 100%  
GKL 100%  
SKI 100%  
WST 100%

Values  
IMPROVEMENTS 1,690  
LAND MARKET + 19,860  
MARKET VALUE = 21,550  
PRODUCTIVITY LOSS - 0  
APPRAISED VALUE = 21,550  
HS CAP LOSS - 0  
ASSESSED VALUE = 21,550

Ref ID2: R14729

ACRES:  
EFF. ACRES:

APPR VAL METHOD: Cost

US 1727 S 7TH ST

GENERAL  
LAST APPR. LR  
LAST APPR. YR 2012  
LAST INSP. DATE 02/17/2012  
AD ACCESS R2  
NEXT INSP. DATE  
XT REASON

MARKS  
FOR '12 FLV IMPS PER APPR LR 2/17/12. 3/5/12  
MMG - FOR '11 ADJ DEPR TO 45% ON MA PER  
APPR LR 4/17/11 4/20/11 MMG - FOR '11 CHG  
LAND DIMENSIONS, REMOVE DEPTH FACTORS

BUILDING PERMITS  
SUE DT PERMIT TYPE PERMIT AREA ST PERMIT VAL

DEED INFO  
DATE PRICE GRANTOR  
08/2005 \*\*\*\*\* RICHTER KATIE GE OT / /  
30/2001 \*\*\*\*\* RICHTER GENELL WD / 221 / 437  
28/2001 \*\*\*\*\* RICHTER KATIE GE SPWD / 221 / 423

UBD: \$700 100.00% NBHD

TYPE	DESCRIPTION	MTHD	CLASS/SUBCL	AREA	UNIT PRICE	UNITS	BUILT	EFF YR	COND.	VALUE	DEPR	PHYS	ECON	FUNC	COMP	ADJ	ADJ VALUE
MA	MAIN AREA	F	FF2/	840.0	0.00	1	1974			1,000	45%	100%	100%	100%	100%	0.45	1,000
OP1	OPEN PORCH B	F	/	720.0	0.00	1	1974				5%	100%	100%	100%	100%	0.05	0
AGU	ATTACHED GAR	SP	SP/	624.0	9.24	1	1974			5,770	5%	100%	100%	100%	100%	0.05	290
STG	STORAGE	F	SP/	238.0	0.00	1	1974				5%	100%	100%	100%	100%	0.05	0
STG	STORAGE	F	FLV/	130.0	0.00	1	0			250	100%	100%	100%	100%	100%	1.00	250
RESIDENTIAL		STCD: A1		2,552.0						7,020						1.10	1,540

Homesite: N

MH (14X60) #MT1291

UBD: \$700 100.00% NBHD

DESCRIPTION	CLS	TABLE	SPECIAL	SC	HS	C1	N	METH	DIMENSIONS	UNIT PRICE	GROSS VALUE	ADJ MASS	ADJ VAL	SRC	MKT VAL	AG APPLY	AG CLASS	AG TABLE	AG UNIT	PRC	AG VALUE
C1								FF	76.4X285	130.00	9,930	1.00	1.00	A	9,930	NO			0.00		0
ment: F: 76.4 R: 76.4 FF								FF	76.4X285	130.00	9,930	1.00	1.00	A	9,930	NO			0.00		0
ment: F: 76.4 R: 76.4 FF								FF	76.4X285	130.00	9,930	1.00	1.00	A	9,930	NO			0.00		0



BERG COUNTY APPRAISAL DISTRICT

000002200192	Ref ID: R13154 Map ID PLAT	ACRES:	APPRaised VALUE	=	19,860
		EFF. ACRES:	HS CAP LOSS	-	0
US 1715 S 7TH ST		APPR VAL METHOD: Cost	ASSESSED VALUE	=	19,860

**APPR VAL METHOD: Cost**

## SNOUT-NEE EXEMPTIONS

**अभ्यास**

MARKS

FOR 2011 NO VAL CHG ON ACCT PER APPR LR  
4/17/11 4/18/11 VG -- FOR '11 CHG LAND UNIT  
PRICE PER IE 9/14/10 4/26/11 JO -- FOR 2008 NO  
VALUE CHG PER LR/RC 4/1/08 MM -- FOR '06

# BUILDING PERMITS

SUE DT	PERMIT TYPE	PERMIT AREA	ST	PERMIT VAL

LEAD PRICE GRANTOR DEED NEO

03/2010	*****	ISASSI ALFRED L	WD / 431 / 975
27/2005	*****	KLEBERG COUNTY TXRS.	/ 307 / 177
01/2005	*****	TREVEY DORIS D	SHF / 305 / 252

JBD: S700 100.00% NBHD

TYPE	DESCRIPTION	MTHD	CLASS	SUBCL	AREA	UNIT	PRICE	UNITS	BUILT	EFF YR	COND.	VALUE	ECON	PHYS	DEPR	COMP.	FUNC.	ADJ.	ADJ VALUE
TYPE	DESCRIPTION	MTHD	CLASS	SUBCL	AREA	UNIT	PRICE	UNITS	BUILT	EFF YR	COND.	VALUE	ECON	PHYS	DEPR	COMP.	FUNC.	ADJ.	ADJ VALUE

## LAND INFORMATION

[illegible]



## Jessica Storck

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**From:** Candi K. Lopez <lopezlawn@yahoo.com>  
**Sent:** Monday, December 17, 2012 10:09 AM  
**To:** Jessica Storck  
**Cc:**lopezlawn@yahoo.com  
**Subject:** Equipment listing - Lopez Lawn Service

Hi Jessica -

Here is the equipment listing you asked for:

- 1 - Skid Loader
- 2 - Walk Behind Mowers
- 2 - Push Mowers
- 3 - Back Pack Blowers
- 3 - Weed Trimmers
- 1 - Stump Grinder
- 1 - Tiller

Approx. 30 handheld tools such as rakes, shovels, hoes, brooms, etc.

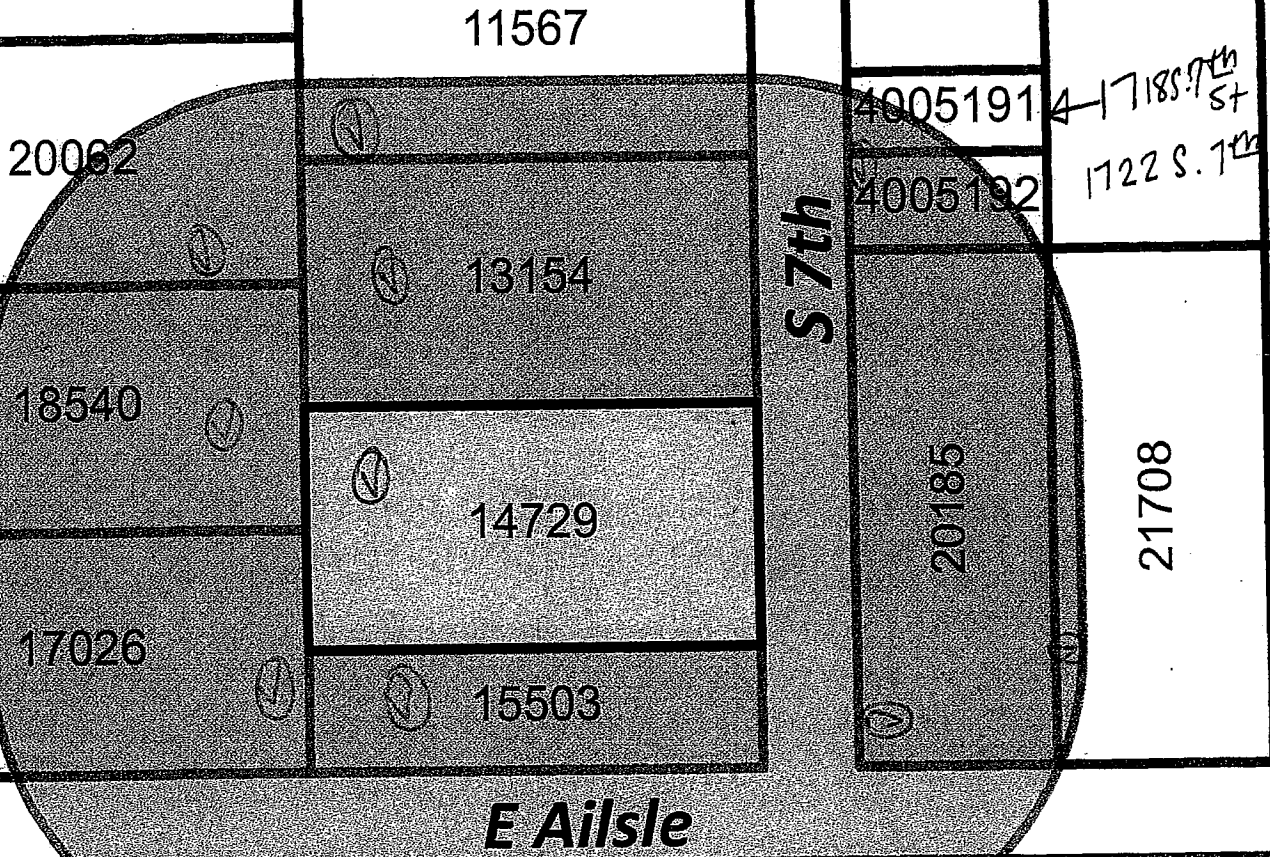
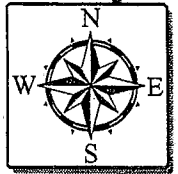
- 3 - Utility trailers
- 2 - Work trucks (2001 Ford Crewcab flatbed pickup and 1994 Ford Crewcab pickup)

As a side note, the back hoe that is currently at the 1727 S. 7th Street location is not ours. We are just borrowing it for clean up of the location.

Let me know if you need anything else.

Thank you,  
Candi K. Lopez

1727 S. 7th



1727 S. 7th  
200' Radius

0 62.5 125 250  
Feet



*Proposed Special Use Permit for a Lawn Care and Tree Service*  
*Applicant: Mr. Israel S. Lopez*



- - Proposed S.U.P. site
- - Future single family development site by applicant

# **AGENDA ITEM #15**

# CITY OF KINGSVILLE



P. O. BOX 1458 - KINGSVILLE, TEXAS 78364

March 1, 2013

Vince Capell  
City Manager  
City of Kingsville  
P.O. Box 1458  
Kingsville, TX 78364

Re: Consider waiving all interest on outstanding paving liens.

Mr. Capell,

On March 8, 2012, the City Commission voted to *waive all interest* that has accrued on the paving-lien debt, ***provided that the principal amount of the lien is paid in full no later than March 12, 2013.***

We have received some positive response to that decision. The Collections Manager has provided the following information in regards to paving lien principal payments:

Principal payments collected from 10/1/2010 thru 9/30/2011 is at \$40,160.76

Principal payments collected from 10/1/2011 thru 3/7/2012 is at \$11,570.78

Principal payments collected from 03/8/2012 thru 2/28/2013 is at \$ 5,622.66

Total: \$57,354.20

That's 72 property owners that have taken advantage of the Commissioners decisions regarding waivers of paving lien interest. The bulk of the collections were received at the beginning when the first notification letter went out to current property owners on January 31, 2011. The current outstanding amount of paving lien principal balance is at \$74,113.32 (with accumulated interest the amount would be \$74,113.32 principal plus interest of \$803,010.26 for a total of \$877,123.58 as of 02/28/13).

***The Commission may want to consider extending the waiver of interest program a year which would be ending March 12, 2014.*** Please keep in mind that these are deferred revenue and the revenue is not recognized until collected. As a result, a write-off of the accrued interest has no financial impact from an operating financial standpoint. You have an asset in original principal amount plus the accrued interest with a corresponding liability account amount. The reduction of the interest portion when paid (in accordance with the Commission guidelines) also reduces the corresponding liability account amount and has no operating financial impact.

Sincerely,

*Mark A. Rushing*

Mark A. Rushing  
City of Kingsville  
Finance Director