

City of Kingsville, Texas

AGENDA CITY COMMISSION

**MONDAY, MAY 13, 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
Regular Meeting – April 22, 2013

APPROVED BY



Vincent J. Capell
City Manager

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

1. Public Hearing for an alcohol variance application for Charlie's located at 1206 N. 6th Street. (Director of Planning & Development Services).

III. Reports from Commission & Staff.² (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 Items³

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

V.

Consent Agenda

Notice to the Public

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Consider final passage of an ordinance amending the Fiscal Year 2012-2013 Budget in Fund 065 CO 2011- General Fund for the Fire Department improvements to Fire Station #2. (Finance Director).
2. Consider final passage of an ordinance amending the Fiscal Year 2012-2013 Budget for the Building Security Fund and Municipal Court Technology Fund to purchase security cameras for Municipal Court and Collections Departments, to update network load balancing, and to purchase a receipting machine and laptop computer for Municipal Court. (Finance Director).
3. Consider final passage of an ordinance abandoning an alley and retaining an easement for utility purposes in Block 34 of the Original Townsite of the City of Kingsville (alley is between Henrietta Ave & Yoakum Ave by the Epiphany School). (City Engineer/Public Works Director).
4. Motion to approve the reappointments of Joni B. Harrel and Otis Myers to the Health Board for another three (3) year term each. (Health Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider approval of an alcohol variance for Charlie's located at 1206 N. 6th Street. (Director of Planning & Development Services).
6. Consider approval of a resolution authorizing the Mayor to enter into a Mutual Use and Benefit Agreement between the City of Kingsville and Hidalgo County. (City Attorney).
7. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 8, Traffic Control Devices, providing for the installation of a stop sign on Huisache Ave. at 8th Street for east and west bound traffic. (City Engineer/Public Works Director).
8. Consider introduction of an ordinance of the City Commission of the City of Kingsville, Texas, amending Chapter V Public Works of the Code of Ordinances of the City of Kingsville, Texas by amending Article 6 entitled "Stormwater Utility Styem", as

amended, to establish procedure for delinquent stormwater utility fee payments. (Finance Director).

9. Consider request from Park's Director to provide funding for up to half of an estimated \$8,964 to assist with renovation of the T45 Jet in Dick Kleberg Park, with the County paying the other half. (Finance Director).

10. Consider introduction of an ordinance amending the fiscal year 2012-2013 budget for the General Fund to assist with the renovation of the T45 Jet in Dick Kleberg Park in partnership with Kleberg County. (Finance Director).

VII. Adjournment.

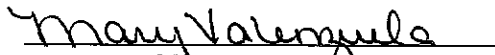
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

May 9, 2013 at 2:30 P.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

MINUTES OF PREVIOUS MEETING(S)

APRIL 22, 2013

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, APRIL 22, 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
Al Garcia, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Vincent J. Capell, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Willie Vera, Task Force Commander
Mike Tamez, Task Force Agent
Jason MaGee, Task Force Agent
Ruben Villabos, Task Force Agent
Anita Stewart, Administrative Assistant II – Task Force
James Bryson, Accounting Manager
David Mason, Purchasing/IT Director
Mark Rushing, Finance Director
Mike Kellam, Director of Planning & Development Services
Bill Donnell, Assistant Public Works Director
Emilio Garcia, Health Director
Ruthie Valdez, Interim Library Director
Melissa Perez, Risk Manager
Joey Reed, Fire Chief
Ricardo Torres, Chief of Police
Bob Trescott, Tourism Director
Cynthia Martin, Downtown and Volunteer Manager
Diana Gonzales, Human Resources Director
Charlie Cardenas, Public Works Director/City Engineer
Joe Casillas, Water Production Supervisor
Rose Morrow, Municipal Court 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

Regular Meeting – March 25, 2013

Regular Meeting – April 8, 2013

Mayor Fugate asked for a motion from the Commission to approve the minutes as presented. **Commissioner Leubert made a motion to approved the minutes as presented, second by Commissioner Pena. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena and Fugate voting: “FOR”.**

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

III. Reports from Commission & Staff.² (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. Vincent Capell, City Manager, reported that staff will be attending a Professional Development Program Training on Thursday, April 25, 2013. This training will be an all day training and will be held at the Henrietta Memorial Center. On Friday, April 26, 2013 some staff members will also be attending the 2013 Student Design Conference to be held in the Engineering Complex located on the campus of Texas A&M University-Kingsville. Mr. Capell introduced Mr. Charlie Cardenas, Public Works Director/City Engineer.

Mr. Charlie Cardenas commented to the City Commission that he is ready to help move the City forward which is the direction that it is moving now.

Mrs. Courtney Alvarez, City Attorney, reported that the next City Commission meeting will be on Monday, May 13, 2013. Agenda items for this meeting are due on Friday, May 3, 2013.

Mayor Fugate reported that there is a Crickett Tournament to be held at the Dick Kleberg Park April 26-28, 2013. The Ride on the Wild Side Bike Ride will be held on Saturday, April 27, 2013. He asked for citizens of Kingsville to support both events. Mayor Fugate presented Ms. Anita Stewart, Administrative Assistant II a certificate of appreciation as

well as a retirement watch with the City logo. Ms. Stewart has been employed with the City of Kingsville for 17 years.

IV. Public Comment on Agenda Items³

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

V.

Consent Agenda

Notice to the Public

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

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

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

Mayor Fugate asked for a motion to approve the consent agenda.

Commission Leubert requested for item 2 to be removed from the consent agenda and be placed under the regular agenda for discussion.

Motion made by Commissioner Leubert to approve consent agenda item 1 only, second by Commissioner Garcia. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia and Fugate voting: "FOR".

1. Consider final passage of an ordinance amending the Fiscal Year 2012-2013 Utility Fund Budget for water treatment operations and modified permit penalties imposed by TCEQ. (Director of Finance).

2. Motion to approve out-of-state travel for City Commission and Staff to attend the National League of Cities - Congress of Cities and Exposition 2013 Conference on November 13-16, 2013, in Seattle, WA. (Commissioner Pecos).

Commissioner Pecos stated that the reason he has requested for this item to be placed on the agenda so early in the year, is that in order for staff and Commission to save money on registration and to stay in the host hotel, registration fee would need to be paid as soon as possible. The deadline for the earlybird registration is May 15, 2013.

Commissioner Leubert stated that the reason she decided to pull this item from the consent agenda, is that she didn't understand as to why this item would need to be approved so early in the year. She further stated that the Commission is running out of travel money and is concerned that with having a

few months left in this fiscal year, there may not be any funds left if a situation comes up with our Naval Base or any other situation.

Commissioner Pecos stated that the registration fee would not deplete all the funds for this fiscal year since all other expenses (hotel, travel per diem) will be expended from the new budget year 2013-2014.

Commissioner Garcia stated that by registering early, you also save on some of the registration fee.

Motion made by Commissioner Pecos to approve the out of state travel for City Commission and Staff to attend the National League of Cities - Congress of Cities and Exposition 2013 Conference on November 13-16, 2013, in Seattle, WA., second by Commissioner Garcia. The motion was passed and approved by the following vote: Leubert, Pecos, Garcia, and Fugate voting: "FOR". Pena voting: "AGAINST".

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consider resolution authorizing the City Manager to enter into a Memorandum of Understanding between the Kingsville Fire Department and U.S. Customs and Border Protection Office of Border Patrol, Rio Grande Valley Sector. (Fire Chief).

Mr. Joey Reed, Fire Chief, stated that this memorandum of understanding would allow Border Patrol Agents to ride along with City ambulances to gain field experience in their EMT work. This is a program that the City and Border Patrol have done in the past and there is no cost to the City for this program.

Commissioner Pecos made a motion to authorize the City Manager to enter into a Memorandum of Understanding between the Kingsville Fire Department and U.S. Customs and Border Protection Office of Border Patrol, second by Commissioner Pena. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, and Fugate voting: "FOR".

4. Consider introduction of an ordinance amending the Fiscal Year 2012-2013 Budget in Fund 065 Co 2011- General Fund for the Fire Department improvements to Fire Station #2. (Finance Director).

Mr. Mark Rushing, Finance Director, stated that this is money that was budgeted in CO 2011 general fund side for the purpose of remodeling Fire Station No. 2. Initially this was year marked \$202,283 and in fiscal year 2012 \$172,720 which left a balance of \$29,563.

Introduction item only.

5. Consider introduction of an ordinance amending the Fiscal Year 2012-2013 Budget for the Building Security Fund and Municipal Court Technology Fund to purchase security cameras for Municipal Court and Collections departments, to

update network load balancing, and to purchase a receipting machine and laptop computer for Municipal Court. (Finance Director).

Mr. Rushing stated that of the attached combined budget amendment for Municipal Court in the amount of \$15,700, only \$4,000 for the wiring would not be portable if we were to move to a new building. A majority of the \$4,000 wiring cost is for connectivity to send/receive OMNI, OCA and Linebarger data submissions. He further stated that the building security would net out at \$76,198.84 and technology would net out to \$27,791 as a residual balance projected for September 30, 2013.

Commissioner Garcia asked if there were security cameras in Municipal Court and Collections Department.

Mr. Rushing stated that these cameras are throughout the building.

Commissioner Garcia asked if these cameras were in the interior and the exterior of the building.

Mr. Rushing stated that the cameras are in the interior and exterior of the building.

Introduction item only.

6. Consider introduction of an ordinance abandoning an alley and retaining an easement for utility purposes in Block 34 of the Original Townsite of the City of Kingsville (alley is between Henrietta Ave & Yoakum Ave by the Epiphany School). (City Engineer/Public Works Director).

Mr. Charlie Cardenas, Public Works Director/City Engineer, reported that this location is primarily used by Epiphany School. There is no financial impacts to the City. The city will retain an easement for utilities.

Mayor Fugate stated that if the house and apartment located in the alley would be affected in any way.

Mr. Cardenas stated that his understanding is that the residents will of this home and apartment will still have egress and ingress from 4th street and Yoakum.

Mr. Al Higginbotham, 534 N FM 2619, stated that the home and apartment will have access to the street.

Introduction item only.

7. Consider accepting donation of surplus overhead canopy from the local HEB store. (Tourism Director).

Mr. Mark Miller, H.E.B. Store representative, stated that H.E.B would like to donate the 25 feet by 100 all-steel overhead shade canopy that extended perpendicularly from the front of the building westward into the parking lot of the H.E.B. Store. The canopy was outfitted with tables and some coin-operated rides for small children. Store management did a study and determined that removal of the canopy would result in 20-plus close-in parking places for the store. The original proposal was for the demolition, removal and scrapping of the steel canopy structure. When store management inquired from the City's Downtown Manager about landscaping and other issues related to the repaving that the

proposed project would entail, The Downtown Manager (now Tourism Director) inquired as to whether H.E.B. would consider allowing the canopy to be removed as a whole and donate as is to a downtown City property for use as a shade pavilion. H.E.B. agreed and in October 2012, a house mover detached the structure from its anchors and from its attachment to the store building. They then placed it on wheels as a unit and moved it several blocks to a City owned property at the City's expense. The City will maintain, support, and be responsible for the canopy on an on-going basis.

Motion made by Commissioner Pena to accept the donation of a surplus canopy from the local H.E.B. Store, second by Commissioner Leubert and Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Garcia, Leubert, Pecos and Fugate voting: "FOR".

8. Consider accepting a donation of large art print from the Art Department at Texas A&M University-Kingsville. (Tourism Director).

Mr. Nick Mendoza, Assistant Professor of the Art Department Texas A&M University-Kingsville, stated that on behalf of Texas A&M University-Kingsville Art Department, Communication and Theatre Department, they would like to donate a Steamroller Art Print of the 22nd Annual Ranch Hand Breakfast to the City of Kingsville.

Abbey Zinc, Dean of College of Arts and Sciences with Texas A&M University-Kingsville, stated that this is a great example of what the City and University can do together. She further stated that they are looking for more opportunities to get involved through out the city.

Motion made by Commissioner Pena to accept the donation of a large art print from the Art Department at Texas A&M University-Kingsville, second by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena and Fugate voting: "FOR".

9. Consider resolution authorizing the Mayor to enter into a Second Amendment and Extension of the Kingsville Industrial District Agreement No. 92-02 between the City of Kingsville and Ticona Polymers, Inc. (f/k/a Hoeschst Celanese or Celanese Engineering Resins, Inc.). (Director of Planning and Development Services).

Mr. Mike Kellam, Director of Planning and Development Services, stated that this original agreement was approved by the Commission back in March 2013. The signed agreement was sent to corporate offices by Mr. Brian Connelly and they have requested a few minor changes regarding the legal description.

Commissioner Garcia asked if they acquired a different plat of land that warranted the change in the legal description or was this an error.

Mrs. Alvarez stated that no changes to the boundaries were made, they just added two paragraphs at the beginning of the legal description.

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

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:40 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary


PUBLIC HEARING(S)



Planning & Development Services Department

TO: Mayor & City Commission

THROUGH: Vincent Capell, City Manager

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

SUBJECT: **Request for Alcohol Variance at 1206 N. 6th**

DATE: April 30, 2013

Mr. Jose Suarez, operator of "Charlie's" 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 at 1206 N. 6th street and is within 1000ft boundary of a school and two registered daycare facilities. The property in question therefore requires a variance according to City ordinance ORD Section 11-3-4 and 5. The historical use of this property is that of an bar or lounge which has been closed for an unknown length of time, but has since been under application to be utilized as such.

All required notices have been sent to the property owners within 300ft. Additionally, a public hearing notice was placed in the newspaper on April 24, 2013. As of this point, we have received feedback in opposition to the request which came from a neighboring property owner. The property owner stated their concerns regarding intoxicated people in the area after the bar closes. This has been the only comment/concern received.



received
3-18-13

On-Premise Prequalification Packet

L-ON (6/2012)

Please complete this Prequalification Packet with information concerning your proposed business location for which you are applying to sell/serve alcoholic beverages. This information will be used to obtain your pre-qualification 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 immediately contact your local TABC office to determine if you must post a 60 Day Sign at your proposed location, and for more information.

LOCATION INFORMATION

1. Type of On-Premise License/Permit

- | | |
|--|--|
| <input checked="" type="checkbox"/> BG Wine and Beer Retailer's Permit | <input type="checkbox"/> LB Mixed Beverage Late Hours Permit |
| <input type="checkbox"/> BE Beer Retail Dealer's On-Premise License | <input type="checkbox"/> MI Minibar Permit |
| <input checked="" type="checkbox"/> BL Retail Dealer's On-Premise Late Hours License | <input type="checkbox"/> CB Caterer's Permit |
| <input type="checkbox"/> BP Brewpub License | <input type="checkbox"/> FB Food and Beverage Certificate |
| <input type="checkbox"/> V Wine & Beer Retailer's Permit for Excursion Boats | <input type="checkbox"/> PE Beverage Cartage Permit |
| <input type="checkbox"/> Y Wine & Beer Retailer's Permit for Railway Dining Car | <input type="checkbox"/> RM Mixed Beverage Restaurant Permit with FB |
| <input type="checkbox"/> MB Mixed Beverage Permit | |

2. Indicate Primary Business at this Location

- | | |
|--|--|
| <input type="checkbox"/> Restaurant | <input type="checkbox"/> Sporting Arena, Civic Center, Hotel |
| <input checked="" type="checkbox"/> Bar | <input type="checkbox"/> Miscellaneous _____ |
| <input type="checkbox"/> Sexually Oriented | |

3. Trade Name of Location

Charlie's

4. Location Address

1206 W 6th

City

Kingsville

County

Kleburg

State

TX

Zip Code

78363

5. Mailing Address

P.O. Box 588

City

Kingsville

State

TX

Zip Code

78364

6. Business Phone No.

() -

Alternate Phone No.

(361) 246-0314

E-mail Address

mando355@hotmail.com

OWNER INFORMATION

7. Type of Owner

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Individual | <input 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

Jose Armando SUAREZ

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

SUAREZ

First Name

Jose

MI

A

Title

OWNER

Last Name

First Name

MI

Title

Last Name

First Name

MI

Title

CERTIFICATE OF CITY SECRETARY (FOR MB, RM, BE, BG, V, & Y)☐ 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 CITY SECRETARY FOR LATE HOURS LICENSE/PERMIT**☐ CHECK HERE IF NOT IN CITY LIMITS

I hereby certify on this _____ day of _____, 20____, that one of the below is correct:

- ☐ The governing body of this city has by ordinance authorized the sale of *mixed beverages* between midnight and 2:00 A.M.; or
- ☐ The governing body of this city has by ordinance authorized the sale of *beer* between midnight and _____ A.M.; or
- ☐ The population of the city or county where premises are located was 500,000 or more according to the 22nd Decennial Census of the United States as released by the Bureau of the Census on March 12, 2001; or
- ☐ The population of the city or county where premises are located was 800,000 or more according to the last Federal Census (2010).

SIGN

HERE _____

City Secretary/Clerk

_____, TEXAS

S E A L**CERTIFICATE OF COUNTY CLERK (FOR MB, RM & BE)**

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 Clerk

_____, COUNTY

S E A L**CERTIFICATE OF COUNTY CLERK (FOR BG, V & Y)**

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought is in a "wet" area and is not prohibited by any valid order of the Commissioner's Court for a Wine & Beer Retailer's 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 _____

County Clerk

_____, COUNTY

S E A L



TABC

TEXAS ALCOHOLIC BEVERAGE COMMISSION

service ★ courtesy ★ integrity ★ accountability

L-R (1/2009)

Dear Applicant,

Welcome to the Texas Alcoholic Beverage Commission (TABC). We are here to guide you through the process of obtaining a license or permit. Our website, as well as our staff, will assist you in making informed decisions regarding the type of license or permit you wish to hold.

The Prequalification Packet has questions specific to your business and location. The completed packet will then be presented to different local governmental authorities to ensure your location is qualified to hold the specific license or permit for which you are applying. Some license/permit types are required to publish notice in a newspaper of general circulation. The certifications need to be obtained in the following order: 1. City Secretary, 2. County Clerk,

3. State Comptroller, 4. Call TABC to Make an appointment when entire application is completed.

For additional questions, please visit our website at www.tabc.state.tx.us or contact

Eric Dominguez at (361) 851 - 2531.

City Information

Address 2406 Leopard St

City Corpus Christi, TX Phone: (361) 826 - 3240

Comptroller

Address 400 Mann Street Suite 600

City Corpus Christi, TX Phone: (361) 882 - 1234

County Clerk

Address 901 Leopard St. Suite 201

City Corpus Christi, TX Phone: (361) 888 - 0580

Tax Assessor Collector (for beer only)

Address 901 Leopard St

City Corpus Christi, TX Phone: (361) 888 - 0344

County Judge

Address 901 Leopard St

City Corpus Christi, TX Phone: (361) 888 - 0444



CITY OF
KINGSVILLE

MEMORANDUM

DATE

Friday, March 20, 2013

TO

Mary Valenzuela, City Secretary

FROM

Engineering Department

SUBJECT

Alcohol License for 1206 N. 6th St.

Mrs. Valenzuela,

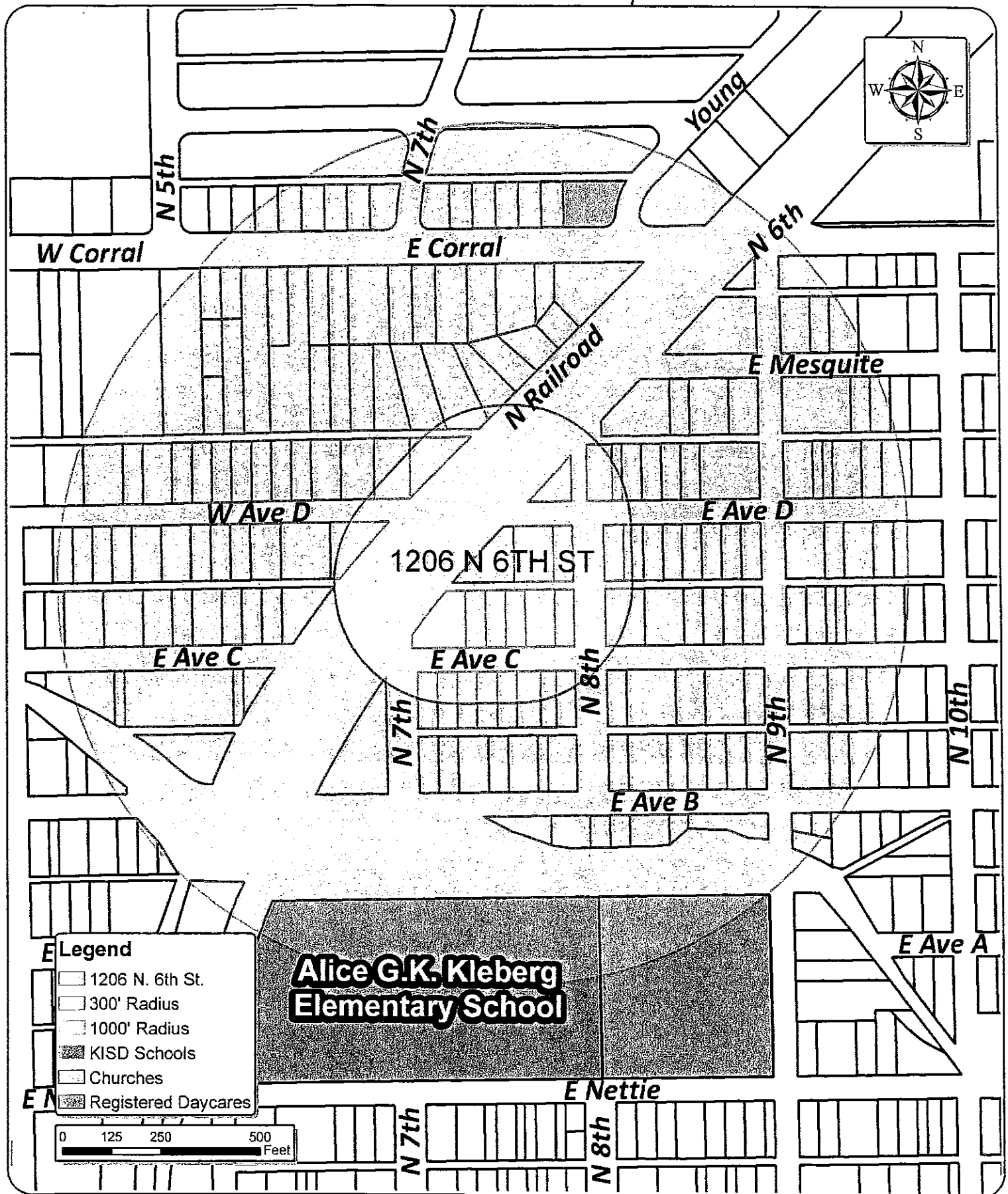
After performing the research and physical inspection you requested for the property at 1206 N. 6th St., we have concluded that the property in question does fall within the 1,000 ft boundary of a school and two registered daycare facilities; therefore, it will require a variance according to City Ordinance sections 11-3-4&5.

Notices must be sent to the property owners within the 300 foot boundary and a public hearing and publication in the local newspaper is required.

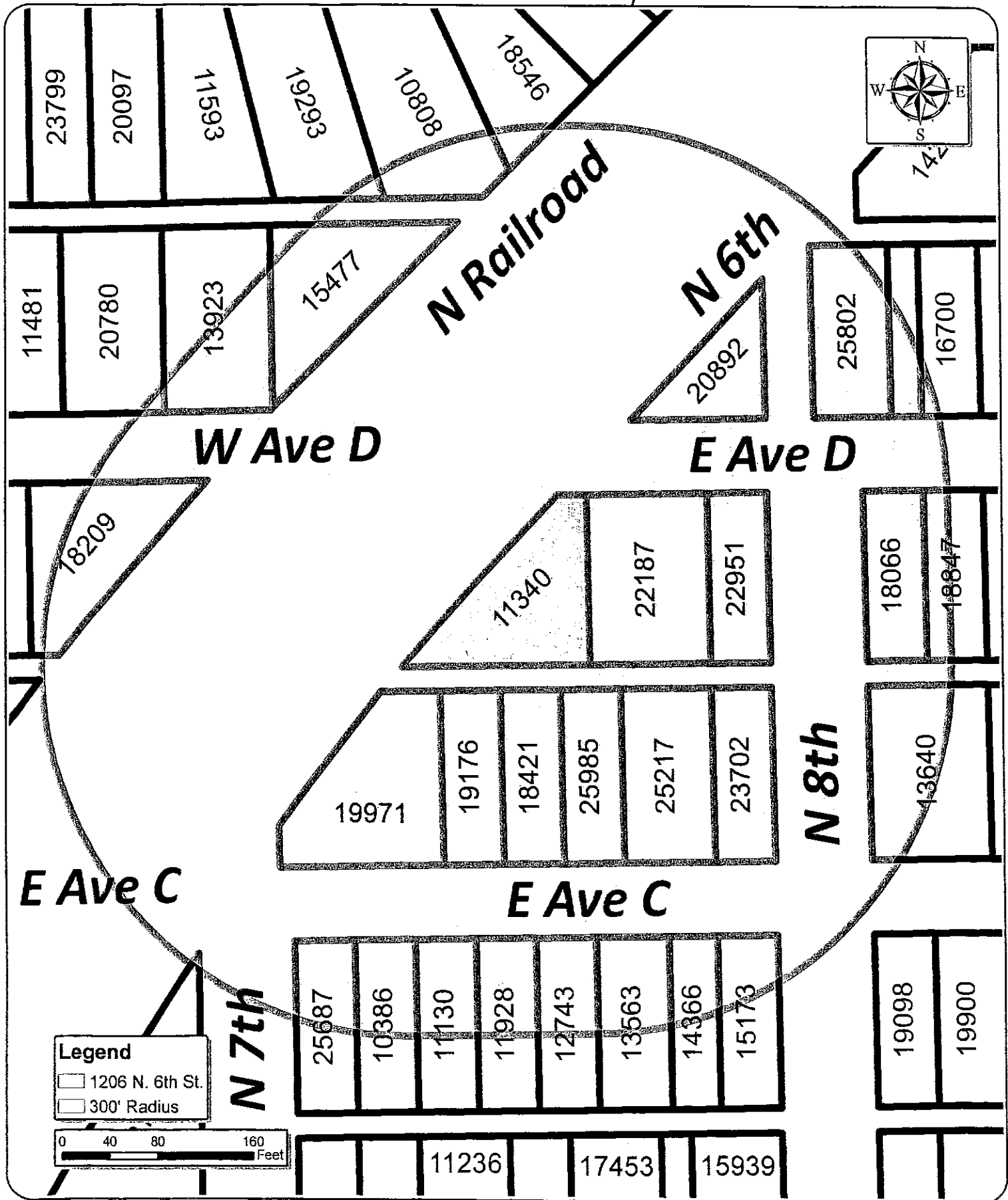
Attachment 1 shows the property and the relative location of the school and two daycare facilities suspected to be close to the property. Kleberg Elementary School and two registered daycares are within the 1,000 foot boundary.

Attachment 2 shows all properties within the 300 foot boundary in correlation with their Short ID provided by the Kleberg County Appraisal District.

Alcohol Permit Request



Alcohol Permit Request



Santa Gertrudis regional science fair winners



Coastal Bend Regional Science Fair winners from Santa Gertrudis School pictured from left are: Miley Mahts, sixth-grade Life Science second place; Paige Field, fourth-grade Life Science second place; Margot Mathis, Special Platinum Valero Award; Darby Florence, sixth-grade Chemistry third place; and Bruce Smith, fifth-grade Physical Science second place. (Submitted item)

Driscoll Elementary, Middle School honor rolls posted

Submitted Item
Driscoll Elementary School honor roll for the third nine weeks of school has been announced.

Third grade All A: Megan Gallardo, Juan-Diego Garcia, Trent Garcia, David Gonzalez, Nathan Leal, Anthony Rios

Third grade A-B: Seth Bazar, Kendra Contreras, Bernardo Cruz, Leonel Leal, Carlos Loya, Rogelio Reyes, Ela Rios, Isabella Segura, Christina Trevino, Savender, Gerardo Vella, Sara Vela

Fourth grade All A: Bridget Castellano, Caleb Cazares, Gabriella Garcia, Jordan Gonzalez, Kirby Owen, Cynthia Romeria, Blake Smith

Fourth grade A-B: Aidyn Cadena, Logan Duque, Reagan Fox, Reina Jones, Libeth Leal, Anthony Ramirez, Elida Vela

Fifth grade All A: Jose Coronado, Kaitlyn Gonzalez, Rian Jones, Manuel Orama, Sydney Richardson

Fifth grade A-B: Aracely Aguilar, Kaitlin Canby, Jesse Gonzalez, Leandra Gonzalez, Adrian Martinez, Jeremy Matias, Nadya Perez, Anthony Ramon, Damian Reyes, Olivia Rios, Kiana Sanchez

Driscoll Middle School honor roll for the third nine weeks of school has been announced.
Sixth grade All A: Azariah

DeLuna, Sarah Mender, Brianda Sanchez

Sixth grade A-B: Brianna Facundo, Sydney Gallardo, Christiana Garcia, Sebastian Gomez, Makayla Johnson, Elijah Luna, Alyssa Orzua, Ashley Pena, Antonia Pison, Isis Rosales, Isiah Santos, Abigail Vela, Sixto Vela

Seventh grade A-B: Almira Bono, MacKenzie Canby, Cassandra Castro, Alena Garcia, Milena Garcia, Alyssa Gonzalez, Leslie Martinez, Kristabelle Ramirez, Jacob Rios, Libeth Rodriguez

Eighth grade All A: Katelyn Harner, Sean Morin
Eighth grade A-B: Julianna Colla, Jeannette Corpus, Elison Reyna

Perez Elementary supports ARK



Third graders at Perez Elementary School turned a classroom lesson into a real-life application and held a fundraiser for Animal Rescue Kleberg. Students were learning about persuasive writing and applied those skills to persuade their fellow Perez students, staff, parents and family to donate money, dog food, cat food and other items needed at ARK. Representatives from ARK visited with the students and received a donation of \$174.70 along with 61 pounds of dog food, 23 pounds of cat food, towels and toys. (Submitted item)

St. Paul Star students announced



St. Paul Lutheran School honored the following students during the month of March: Pictured, in the front row, from left, are Hadley McQueen and Elisey Gonzalez - day care; in the back row, are: Glenna Gonzalez - pre-kindergarten; Matthew Garcia, and Aidan Hoefelmeyer - kindergarten; Kayden McClure second grade and Keaton McClure - third grade. (Submitted by Principal Susan Moerke)

Kingsville ISD Federal Programs Seeks Input from Private Nonprofit Schools for Services for 2013-2014

KISD is seeking input from nonprofit private schools located within the district's boundaries wishing to participate in the design and development of KISD's Federal Programs' secular, neutral and non-ideological services for the 2013-2014 school year to be received by private nonprofit students, teachers, and other educational personnel. KISD will be applying for federal funding for the following: Title I, Part A-Improving Basic Programs, Title I, Part C-Migrant, Title II, Part A-Preparing, Training and Recruiting High Quality Teachers and Principals, Title III Part A-English Language Acquisition, Language Enhancement and Academic Achievement for Limited English Proficient Students. The NCLB Consolidated Applications for federal funding for the school year of 2013-2014 will be submitted to the Texas Education Agency after consultations with nonprofit private schools that are wishing to receive services, offer their input. Nonprofit schools wishing to participate must provide the Kingsville ISD proof of their school's Private Nonprofit Federal ID number. Nonprofit schools needing additional information may call 592-3387 and contact Corina Gutierrez, Director of Federal Programs.

PUBLIC NOTICE

The City Commission of the City of Kingsville will hold a public hearing on Monday May 13, 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 Permit and a Retail Dealer's On-Premise Late Hours License for the establishment known as Charlie's located at 1206 N. 6th.

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.

PUBLIC HEARING NOTICE

The Zoning Board of Adjustment of the City of Kingsville will hold a public hearing Thursday, May 9, 2013 at 6:00 p.m. The following items are for discussion and/or action:

CASE NUMBER 2009 - Request of Retama Park Baptist Church, Roberto Pina, Agent, for a variance from the sign code to allow a lighted changeable electronic variable message sign at 515 General Cavazos Blvd.

The meeting will be held at City Hall, 200 East Kleberg, 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.

CBC

Community Family Night

Coastal Bend College Kingsville

1814 Brahma Blvd

April 28 5:00 p.m. - 7:00 p.m

Live Music

Face Painting

Refreshments

Games

Inflatable Obstacle Course

Community Organizations

Register for
Two \$250 Scholarships

Coastal Bend College
www.coastalbend.edu

CONSENT AGENDA

AGENDA ITEM #1

ORDINANCE NO. 2013-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 BUDGET IN FUND 065 CO 2011- GENERAL FUND FOR THE FIRE DEPARTMENT IMPROVEMENTS TO FIRE STATION #2.

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

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 REVENUES AND EXPENSES
BUDGET AMENDMENT

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
-----------	------------------	---------------	-----------------	-----------------	-----------------

Fund 065 CO 2011 General Fund

<u>Capital</u>					
2 - 000.0	Fund Balance		610.00		<u>\$29,563</u>
					<u>\$29,563</u>
<u>Expenses</u>					
5-220.00 Fire Dept.	Building		713.00	\$26,390	
5-220.00 Fire Dept.	Building G. F.		713.01	<u>\$6,587</u>	
				<u>\$29,563</u>	

[To provide funding for the Fire Station #2 Remodeling Project. The project was funded in FY12. This will utilize the FY12 unexpended balance of those funds designated for this purpose.]

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 22nd day of April, 2013.

PASSED AND APPROVED on this the ____ day of May, 2013.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

CITY OF KINGSVILLE

P. O. BOX 1458 – KINGSVILLE, TEXAS 78364



April 12, 2013

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

Re: Fund 065 – CO 2011 General Fund FY 13 Budget Amendment – Fire Station #2
Remodeling

Mr. Capell,

Fire Chief, Joey Reed is requesting the use of unexpended FY12 funds for the Fire Station # 2 Remodeling Project. Of the \$202,283 budget in FY12, \$172,720 was expended leaving a \$29,563 unexpended balance at the end of FY12.

Sincerely,

Mark A. Rushing

AGENDA ITEM #2

ORDINANCE NO. 2013-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 BUDGET FOR THE BUILDING SECURITY FUND AND MUNICIPAL COURT TECHNOLOGY FUND TO PURCHASE SECURITY CAMERAS FOR MUNICIPAL COURT AND COLLECTIONS DEPARTMENTS, TO UPDATE NETWORK LOAD BALANCING, AND TO PURCHASE A RECEIPTING MACHINE AND LAPTOP COMPUTER FOR MUNICIPAL COURT.

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 REVENUES AND EXPENSES
BUDGET AMENDMENT**

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
--------------	---------------------	------------------	--------------------	--------------------	--------------------

Fund 025 Building Security Fund

<u>Capital</u>					
2 – 000.0		Fund Balance	610.00		<u>\$5,000</u>
					<u>\$5,000</u>
<u>Expense</u>					
5-180.3	Municipal Court-	Computer & Assoc. Equip.	226.00	<u>\$5,000</u>	
				<u>\$5,000</u>	

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
--------------	---------------------	------------------	--------------------	--------------------	--------------------

Fund 031 Municipal Court Technology

<u>Capital</u>					
2 – 000.0		Fund Balance	610.00		<u>\$10,700</u>
					<u>\$10,700</u>
<u>Expense</u>					
5-180.3	Municipal Court-	Computer & Assoc. Equip.	226.00	<u>\$10,700</u>	
				<u>\$10,700</u>	

[To provide funding to purchase additional building security cameras and upgrading wiring and internet switches for enhanced productivity. This amendment also includes funding for an additional receipting machine and laptop computer in the Municipal Court Department.]

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 22nd day of April, 2013.

PASSED AND APPROVED on this the ____ day of May, 2013.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

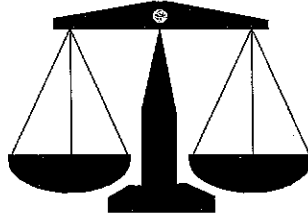
ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

CITY OF KINGSVILLE MUNICIPAL COURT



Interoffice Memorandum

To: Mr. Mark Rushing, Director of Finance
From: Rose Morrow, Municipal Court Manager
Date: Thursday, April 11, 2013
Re: Budget Admendment

Mr. Rushing,

I have enclosed the specifications of the equipment that the court needs to upgrade the wiring and internet switches to enhance the productivity of work, which includes the exports process for Omnibase and Linebarger network systems and the security that is required for auditing/safety purposes. I am also requesting extra funds to purchase a receipt backup printer for the front office.

The Technology Fund withdraw amount would be \$10,700.00 (Technology Fund at this time has an active balance of \$38,491.58).

1. For the labor/equipment to update the court's network and wiring.
2. To purchase the Tyler Technology printer
3. Laptop to work at home.

The Building Security withdraw amount would be \$5,000.00 (Building Security Fund at this time has an active balance of \$81,198.84)

1. For the labor/equipment to install new security camera for the court department and collection department.

Thank you,

Rose Morrow

MUNICIPAL BUDGET AMENDMENT

FD 025 Building Security Fund

Building Security Cameras	4	@	\$1,250.00	<u>\$5,000.00</u>
Fund Total				<u>\$5,000.00</u>

FD 031 Municipal Court Technology Fund

Switch	1	@	\$2,500.00	\$2,500.00
Wiring	1	@	\$4,000.00	\$4,000.00
Interface	2	@	\$400.00	\$800.00
Switch Warranty	2	@	\$188.00	\$376.00
Shipping & Misc	1	@	\$171.00	\$171.00
Register / Printer	1	@	\$1,050.00	\$1,050.00
Register / Printer Maintenance Agreement	1	@	\$203.00	\$203.00
Laptop for Municipal Court Manager	1	@	\$1,600.00	\$1,600.00
Fund Total				<u>\$10,700.00</u>

CITY OF KINGSVILLE



P. O. BOX 1458 – KINGSVILLE, TEXAS 78364.

April 18, 2013

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

Re: Budget Amendment – Municipal Court

Mr. Capell,

Of the attached combined budget amendment for Municipal Court in the amount of \$15,700, only \$4,000 for the wiring would not be portable if we were to move to a new building. A majority of the \$4,000 wiring cost is for connectivity to send/receive OMNI, OCA, and Linebarger data submissions.

Sincerely,

Mark A. Rushing

Mark A. Rushing

AGENDA ITEM #3

ORDINANCE NO. 2013-_____

AN ORDINANCE ABANDONING AN ALLEY AND RETAINING AN EASEMENT FOR UTILITY PURPOSES IN BLOCK 34 OF THE ORIGINAL TOWNSITE OF THE CITY OF KINGSVILLE (ALLEY IS BETWEEN HENRIETTA & YOAKUM AVES. BY EPIPHANY SCHOOL); REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, an alley right of way lies between lots 1-6 to the west and lots 7-24 to the east (between Henrietta Avenue and Yoakum Avenue) all in block 34 of the Original Townsite of the City of Kingsville;

WHEREAS, Epiphany Episcopal Church and School own all of the lots contiguous to the alley and they now desire the alley right of way be closed for public use for the safety of students and staff;

WHEREAS, AEP, AT&T, CMA, Center Point and the City water and sewer departments have verified there are existing utilities running through the alley right of way, for which they would need continued access;

WHEREAS, staff recommends the alley right of way be vacated but a utility easement be maintained, with the alley being equally split among the adjoining property owners (Epiphany Episcopal School/Church);

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

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

I.

THAT the City of Kingsville abandons and relinquishes any and all interest in the following described property as an alley to the adjoining property owners, but retains an easement for utility purposes. All documentation of the vacating of the land and retention of the utility easement will be appropriately recorded by the new property owner at the Kleberg County Clerk's Office pursuant to state law with the property owner being responsible for any and all filing fees.

Said property to be abandoned being a part of an alley platted as part of the Original Townsite to the City of Kingsville (Block 34, East of Lots 1-6) and the Original Townsite to the City of Kingsville (Block 34, West of Lots 7 & 24) as recorded in the Kleberg County Map Records.

BEGINNING at the Southwest Corner of Lot 24, Block 34, Original Townsite to the City of Kingsville as it exists in November, 1904, Kleberg County, Texas;

THENCE East for a distance of 20 feet to the Southeast Corner of Lot 1, Block 34, Original Townsite to the City of Kingsville, Kleberg County, Texas;

THENCE North for a distance of 300 feet to a point being the Northeast Corner of Lot 6, Block 34, Original Townsite to the City of Kingsville, Kleberg County, Texas;

THENCE West for a distance of 20 feet to Northwest Corner of Lot 7, Block 34, Original Townsite to the City of Kingsville, Kleberg County, Texas;

THENCE South for a distance of 300 feet to a point being the Southwest Corner of Lot 24, Block 34, Original Townsite to the City of Kingsville, Kleberg County, Texas, said point also being the POINT OF BEGINNING.

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 22nd day of April, 2013.

PASSED AND APPROVED on this the ____th day of _____, 2013.

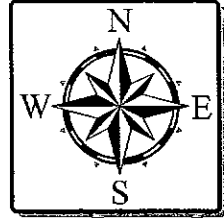
Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



W Henrietta

Dedicated
Alley to be
abandoned

N 4th

N 3rd

W Yoakum





Engineering Department

361-595-8007

361-595-8035 Fax

DATE: April 5, 2013

TO: City Commission through City Manager

FROM: Engineering Department

SUBJECT: Closure and Discontinuance of Dedicated Alley Right-of-Way for Public Use in the Original Townsite to the City of Kingsville, while Retaining a Utility Easement.

SUMMARY

This item authorizes the City to close and discontinue the right-of-way to the dedicated alley-way for public use lying between Lots One (1) through Six (6) to the West and Lots Seven (7) and Twenty-Four (24) to the East and also lying between Henrietta Avenue and Yoakum Avenue all in Block Thirty-Four (34) of the Original Townsite to the City of Kingsville, but keeping the Utility Easement.

BACKGROUND

The Plat of the Original Townsite of Kingsville, Texas was filed by the Kleberg County Clerk on the 3rd day of November 1904. The head of the Epiphany Episcopal School, Peggy DeRouen, is requesting the closure and discontinuance for public use of the 20' x 300' dedicated alley right-of-way described above for the safety of the students and faculty. The Epiphany Episcopal Church/School owns all of the contiguous lots and has verified that there are no neighboring property owners whose access will be negatively affected by this action. City of Kingsville staff has contacted AEP, AT&T, CMA, Center Point and the City's Water and Sanitary Sewer Departments and has verified that there are existing utilities running through this alley.

RECOMMENDATION

Staff recommends that the requested dedicated alley-way be discontinued at the same time keeping the utility easement for continued access by the utility entities.

FINANCIAL IMPACT

No financial impact to the City of Kingsville. Staff requires that all documentation of the vacating of the land and retaining an utility easement be appropriately recorded by the property owner at the Kleberg County Clerk's Office pursuant to state law with the property owner being responsible for any and all filing fees.

Approved

Vincent Capell, City Manager

AGENDA ITEM #4

CITY - COUNTY HEALTH UNIT

361-592-3324 • P.O. BOX 1458 • KINGSVILLE, TEXAS 78364



Memorandum

Date: 4/26/2013
To: Vincent Capell, City Manager
CC: Courtney Alvarez, City Attorney
From: Emilio H. Garcia, Health Director
RE: Health Board Reappointment

Please be advised that the Health Board terms for Joni B. Harrel and Otis Myers expired on February 22, 2013. I have spoken to Joni B. Harrel and Otis Myers and they have both agreed to remain on the Board. Their re-appointment to the Health Board is for 3 years. It is my recommendation that they be re-appointed to the Health Board.

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

Thank you,

Emilio H. Garcia
City-County Health Director

REGULAR AGENDA


AGENDA ITEM #5



Planning & Development Services Department

TO: Mayor & City Commission

THROUGH: Vincent Capell, City Manager

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

SUBJECT: **Request for Alcohol Variance at 1206 N. 6th**

DATE: April 30, 2013

Mr. Jose Suarez, operator of "Charlie's" 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 at 1206 N. 6th street and is within 1000ft boundary of a school and two registered daycare facilities. The property in question therefore requires a variance according to City ordinance ORD Section 11-3-4 and 5. The historical use of this property is that of an bar or lounge which has been closed for an unknown length of time, but has since been under application to be utilized as such.

All required notices have been sent to the property owners within 300ft. Additionally, a public hearing notice was placed in the newspaper on April 24, 2013. As of this point, we have received feedback in opposition to the request which came from a neighboring property owner. The property owner stated their concerns regarding intoxicated people in the area after the bar closes. This has been the only comment/concern received.

received
3-18-13



On-Premise Prequalification Packet

L-ON (6/2012)

Please complete this Prequalification Packet with information concerning your proposed business location for which you are applying to sell/serve alcoholic beverages. This information will be used to obtain your pre-qualification 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 immediately contact your local TABC office to determine if you must post a 60 Day Sign at your proposed location, and for more information.

LOCATION INFORMATION

1. Type of On-Premise License/Permit

- | | |
|--|--|
| <input checked="" type="checkbox"/> BG Wine and Beer Retailer's Permit | <input type="checkbox"/> LB Mixed Beverage Late Hours Permit |
| <input type="checkbox"/> BE Beer Retail Dealer's On-Premise License | <input type="checkbox"/> MI Minibar Permit |
| <input checked="" type="checkbox"/> BL Retail Dealer's On-Premise Late Hours License | <input type="checkbox"/> CB Caterer's Permit |
| <input type="checkbox"/> BP Brewpub License | <input type="checkbox"/> FB Food and Beverage Certificate |
| <input type="checkbox"/> V Wine & Beer Retailer's Permit for Excursion Boats | <input type="checkbox"/> PE Beverage Cartage Permit |
| <input type="checkbox"/> Y Wine & Beer Retailer's Permit for Railway Dining Car | <input type="checkbox"/> RM Mixed Beverage Restaurant Permit with FB |
| <input type="checkbox"/> MB Mixed Beverage Permit | |

2. Indicate Primary Business at this Location

- | | |
|--|--|
| <input type="checkbox"/> Restaurant | <input type="checkbox"/> Sporting Arena, Civic Center, Hotel |
| <input checked="" type="checkbox"/> Bar | <input type="checkbox"/> Miscellaneous _____ |
| <input type="checkbox"/> Sexually Oriented | |

3. Trade Name of Location

Charlie's

4. Location Address

1206 W 6th

City Kingsville	County Kleburg	State TX	Zip Code 78363
City Kingsville	State TX	Zip Code 78364	

5. Mailing Address

P.O. Box 588

6. Business Phone No.

() -

Alternate Phone No.

(361) 246-0314

E-mail Address

mando355@hotmail.com

OWNER INFORMATION

7. Type of Owner

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Individual | <input 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

Jose Armando SUAREZ

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 SUA REZ	First Name Jose	MI A	Title OWNER
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title

CERTIFICATE OF CITY SECRETARY (FOR MB, RM, BE, BG, V, & Y)☐ 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 CITY SECRETARY FOR LATE HOURS LICENSE/PERMIT**☐ CHECK HERE IF NOT IN CITY LIMITS

I hereby certify on this _____ day of _____, 20____, that one of the below is correct:

- ☐ The governing body of this city has by ordinance authorized the sale of *mixed beverages* between midnight and 2:00 A.M.; or
- ☐ The governing body of this city has by ordinance authorized the sale of *beer* between midnight and _____ A.M.; or
- ☐ The population of the city or county where premises are located was 500,000 or more according to the 22nd Decennial Census of the United States as released by the Bureau of the Census on March 12, 2001; or
- ☐ The population of the city or county where premises are located was 800,000 or more according to the last Federal Census (2010).

SIGN

HERE _____

City Secretary/Clerk

TEXAS

S E A L**CERTIFICATE OF COUNTY CLERK (FOR MB, RM & BE)**

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 Clerk

COUNTY

S E A L**CERTIFICATE OF COUNTY CLERK (FOR BG, V & Y)**

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought is in a "wet" area and is not prohibited by any valid order of the Commissioner's Court for a Wine & Beer Retailer's 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 _____

County Clerk

COUNTY

S E A L



TABC

TEXAS ALCOHOLIC BEVERAGE COMMISSION

service ★ courtesy ★ integrity ★ accountability

L-R (1/2009)

Dear Applicant,

Welcome to the Texas Alcoholic Beverage Commission (TABC). We are here to guide you through the process of obtaining a license or permit. Our website, as well as our staff, will assist you in making informed decisions regarding the type of license or permit you wish to hold.

The Prequalification Packet has questions specific to your business and location. The completed packet will then be presented to different local governmental authorities to ensure your location is qualified to hold the specific license or permit for which you are applying. Some license/permit types are required to publish notice in a newspaper of general circulation. The certifications need to be obtained in the following order: 1. City Secretary, 2. County Clerk,

3. State Comptroller, 4. Call TABC to Make an appointment when entire application is completed.

For additional questions, please visit our website at www.tabc.state.tx.us or contact

Eric Dominguez at (361) 851 - 2531

City Information

Address 2406 Leopard St

City Corpus Christi, TX Phone: (361) 826 - 3240

Comptroller

Address 400 Mann Street Suite 600

City Corpus Christi, TX Phone: (361) 882 - 1234

County Clerk

Address 901 Leopard St. Suite 201

City Corpus Christi, TX Phone: (361) 888 - 0580

Tax Assessor-Collector (for beer only)

Address 901 Leopard St

City Corpus Christi, TX Phone: (361) 888 - 0344

County Judge

Address 901 Leopard St

City Corpus Christi, TX Phone: (361) 888 - 0444



CITY OF
KINGSVILLE

MEMORANDUM

DATE

Friday, March 20, 2013

TO

Mary Valenzuela, City Secretary

FROM

Engineering Department

SUBJECT

Alcohol License for 1206 N. 6th St.

Mrs. Valenzuela,

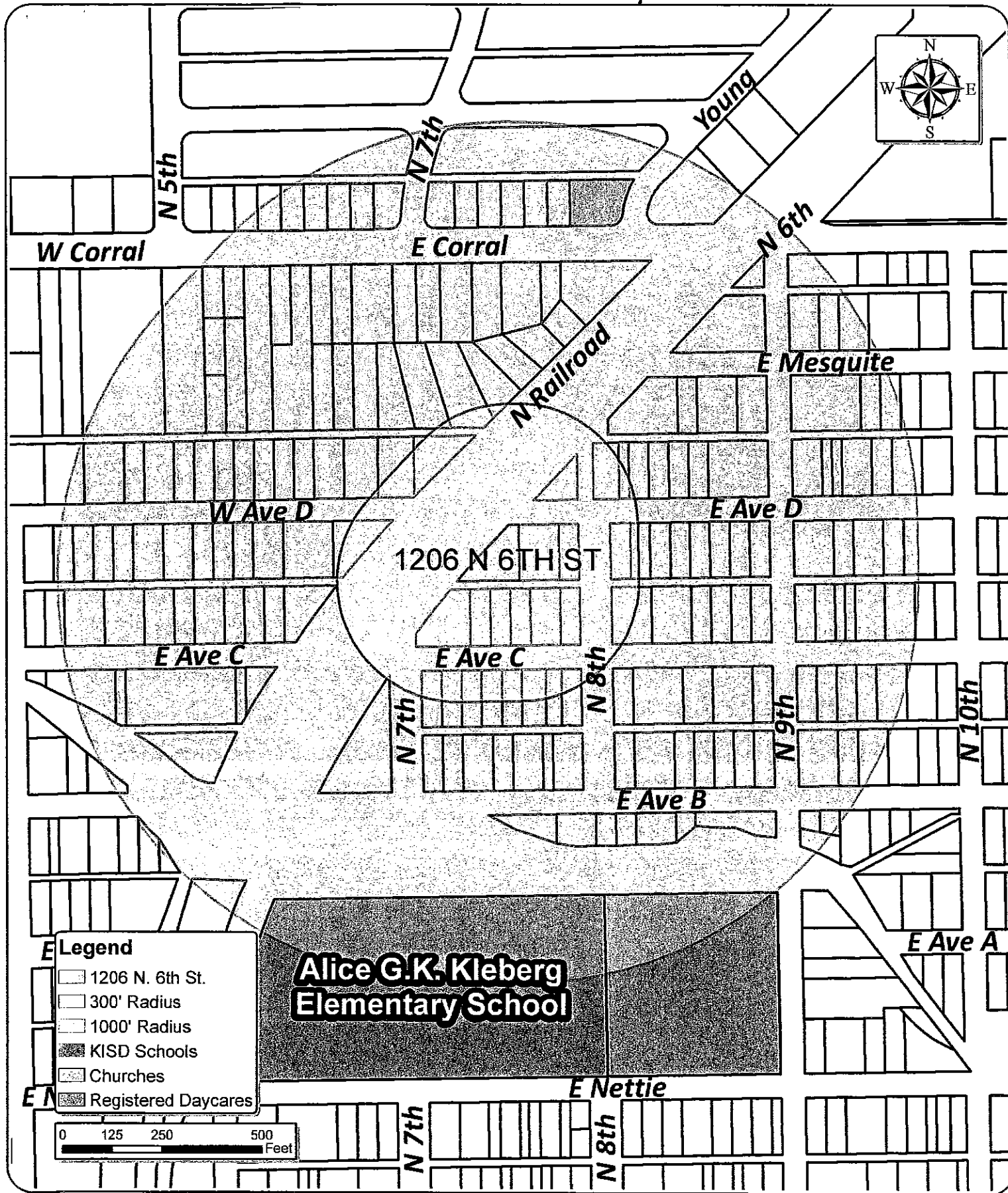
After performing the research and physical inspection you requested for the property at 1206 N. 6th St., we have concluded that the property in question does fall within the 1,000 ft boundary of a school and two registered daycare facilities; therefore, it will require a variance according to City Ordinance sections 11-3-4&5.


Notices must be sent to the property owners within the 300 foot boundary and a public hearing and publication in the local newspaper is required.

Attachment 1 shows the property and the relative location of the school and two daycare facilities suspected to be close to the property. Kleberg Elementary School and two registered daycares are within the 1,000 foot boundary.

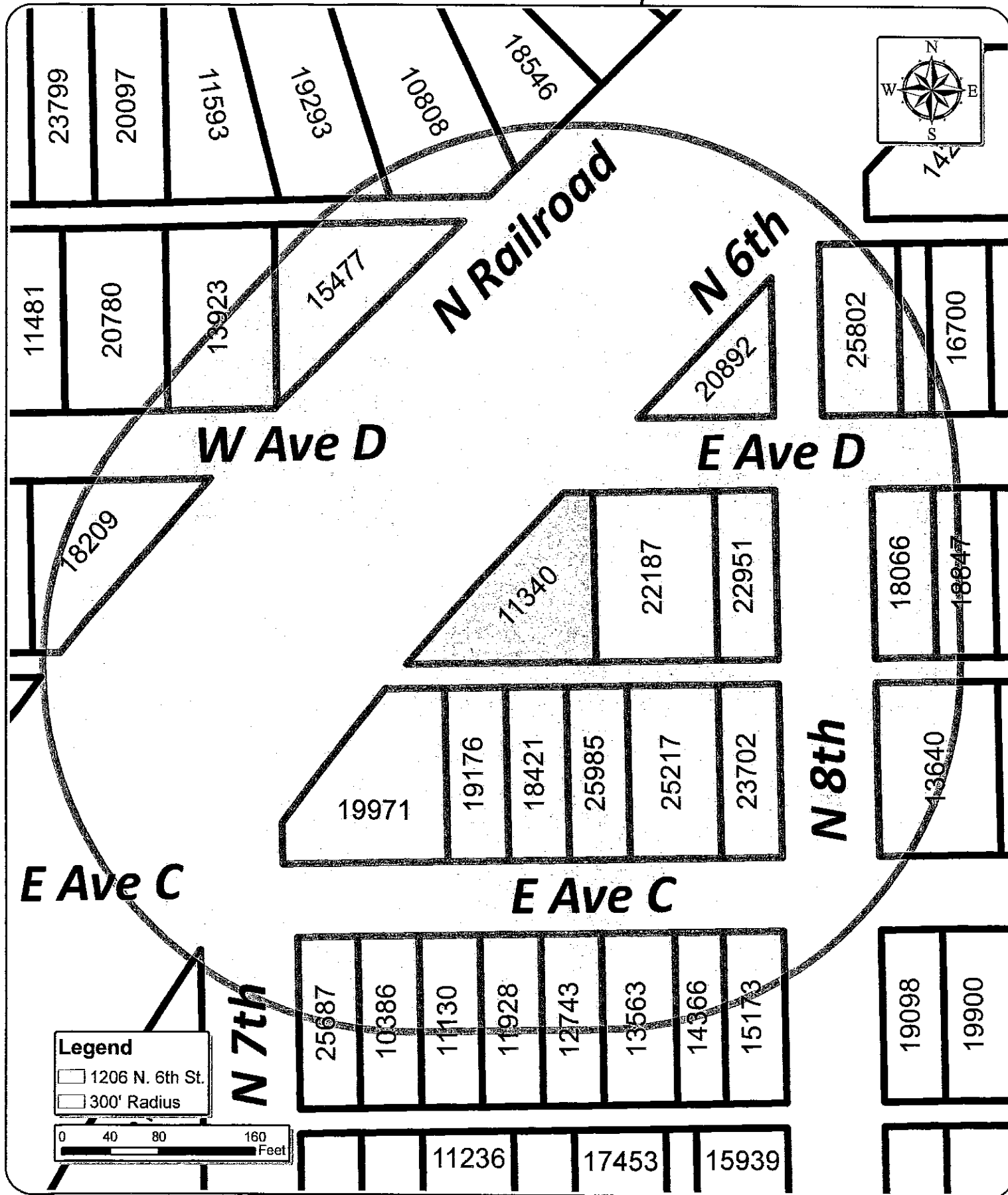
Attachment 2 shows all properties within the 300 foot boundary in correlation with their Short ID provided by the Kleberg County Appraisal District.

Alcohol Permit Request



Page 1 / 1	Drawn By: Sharam Santillan	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
	Last Update: 3/20/2013			
	Note: Attachment 1			

Alcohol Permit Request



Santa Gertrudis regional science fair winners



Coastal Bend Regional Science Fair winners from Santa Gertrudis School pictured from left are Miles Mathis, sixth-eighth grade Life Science second place; Paige Field, fourth grade Life Science second place; Morgan Mathis, Special Platinum Valera Award; Darby Florence, sixth-eighth grade Chemistry third place; and Bruce Smith, fifth grade Physical Science second place. (Submitted item)

Perez Elementary supports ARK



Third graders at Perez Elementary School turned a classroom lesson into a real-life application and held a fundraiser for Animal Rescue Kleberg. Students were learning about persuasive writing and applied those skills to persuade their fellow Perez students, staff, parents and family to donate money, dog food, cat food and other items needed at ARK. Representatives from ARK visited with the students and received a donation of \$174.70 along with 61 pounds of dog food, 23 pounds of cat food, towels and toys. (Submitted item)

Driscoll Elementary, Middle School honor rolls posted

Submitted Item

Driscoll Elementary School honor roll for the third nine weeks of school has been announced.

Third grade All A: Megan Gallardo, Juan-Diego Garcia, Trent Garcia, David Gonzalez, Nathan Leal, Anthony Rios

Third grade A-B: Seth Bazon, Kendra Contreras, Bernardo Cruz, Leonel Leal, Carlos Leyva, Rogelio Reyes, Elia Rios, Isabella Segura, Christina Trevino Saavedra, Gerardo Vela, Sara Vela

Fourth grade All A: Bridget Castellanos, Caleb Cazares, Gabriela Garcia, Jordan Gonzalez, Kirby Owen, Cynthia Renteria, Blake Smith

Fourth grade A-B: Aidyn Cadena, Logan Duque, Reagan Fox, Renaa Jones, Elizabeth Leal, Anthony Ramirez, Elida Vela

Fifth grade All A: Jose Coronado, Kaitlyn Gonzalez, Rian Jones, Manuel Ozuna, Sydney Richardson

Fifth grade A-B: Amely Aguilar, Kaitlin Cantu, Jesse Gonzalez, Leandra Gonzalez, Adrian Martinez, Jeremy Matias, Nadya Perez, Anthony Ransom, Damian Reyes, Olivia Rios, Kiana Sanchez

Driscoll Middle School honor roll for the third nine weeks of school has been announced.

Sixth grade All A: Azariah Deluna, Sarah Mendez, Brilanda Sanchez

Sixth grade A-B: Britanna Facundo, Sydney Gallardo, Christian Garza, Sebastian Gomez, Makayla Johnson, Elijah Luna, Alyssa Ozuna, Ashley Pena, Antonia Pineda, Isis Rosales, Isidiah Santos, Abigail Vela, Sixto Vela

Seventh grade A-B: Aimee Bueno, Mackenzie Cantu, Cassandra Castro, Alexia Garcia, Milicia Garcia, Alyssa Gonzalez, Leslie Martinez, Kristabelle Renteria, Jacob Rios, Elizabeth Rodriguez

Eighth grade All A: Katelyn Farmer, Sean Morris

Eighth grade A-B: Julianne Colla, Jeanette Corpus, Eliseo Reyna

St. Paul Star students announced



St. Paul Lutheran School honored the following students during the month of March. Pictured in the front row from left are Hailey McQueen and Elijah Gonzalez - day care; in the back row are: Guanna Gonzalez - pre-kindergarten; Matthew Garcia and Aidan Hoefelweyer - kindergarten; Kayden McClure second grade and Kassian McClure - third grade. (Submitted by Principal Susan Morris)

Kingsville ISD Federal Programs Seeks Input from Private Nonprofit Schools for Services for 2013-2014

KISD is seeking input from nonprofit private schools located within the district's boundaries wishing to participate in the design and development of KISD's Federal Programs' secular, neutral and non-ideological services for the 2013-2014 school year to be received by private nonprofit students, teachers, and other educational personnel. KISD will be applying for federal funding for the following: Title I, Part A-Improving Basic Programs, Title I, Part C-Migrant, Title II, Part A-Preparing, Training and Recruiting High Quality Teachers and Principals, Title III Part A-English Language Acquisition, Language Enhancement and Academic Achievement for Limited English Proficient Students. The NCLB Consolidated Applications for federal funding for the school year of 2013-2014 will be submitted to the Texas Education Agency after consultations with nonprofit private schools that are wishing to receive services, offer their input. Nonprofit schools wishing to participate must provide the Kingsville ISD proof of their school's Private Nonprofit Federal ID number. Nonprofit schools needing additional information may call 592-3387 and contact Corina Gutierrez, Director of Federal Programs.

PUBLIC NOTICE

The City Commission of the City of Kingsville will hold a public hearing on Monday May 13, 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 Permit and a Retail Dealer's On-Premise Late Hours License for the establishment known as Charlie's located at 1205 N. 6th.

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.

PUBLIC HEARING NOTICE

The Zoning Board of Adjustment of the City of Kingsville will hold a public hearing Thursday, May 9, 2013 at 6:00 p.m. The following items are for discussion and/or action:

CASE NUMBER 2009 - Request of Retama Park Baptist Church, Roberto Pina, Agent, for a variance from the sign code to allow a lighted changeable electronic variable message sign at 515 General Cavazos Blvd.

The meeting will be held at City Hall, 200 East Kleberg, 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.

CBC

Community Family Night
Coastal Bend College Kingsville
1814 Brahma Blvd
April 28 5:00 p.m. - 7:00 p.m.

Live Music
Face Painting
Refreshments

Games
Inflatable Obstacle Course
Community Organizations

Register for
Two \$250 Scholarships



Coastal Bend College is an equal opportunity institution for the purpose of race, color, sex, religion, national origin, age, and disability.

AGENDA ITEM #6

RESOLUTION #2013-_____

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MUTUAL USE AND BENEFIT AGREEMENT BETWEEN THE CITY OF KINGSVILLE AND HIDALGO COUNTY; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville ("City") and Hidalgo County ("County") are both local governments organized under the laws of the state of Texas and try to work together for the benefit of our citizenry when able to do so; and

WHEREAS, the City has previously bid out numerous governmental purchasing contracts and state laws allows other local governments to enter into agreements like this one to take advantage of those purchasing contracts for the benefit of their citizenry; and

WHEREAS, the City has previously entered into cooperative purchasing agreements with other entities and found them to be useful; and

WHEREAS, the City and County have previously entered into a similar cooperative purchasing agreement in July of 2008, also for emergency debris removal services, pursuant to Local Government Code Section 271.102; and

WHEREAS, the County has requested to enter into another such agreement with the City; and

WHEREAS, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to this agreement to render assistance to one another whenever practical in accordance with the terms of the agreement attached hereto.

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

I.

THAT the Mayor is authorized and directed as an act of the City of Kingsville, Texas to enter into a cooperative purchasing agreement named a Mutual Benefit and Use Agreement between the City of Kingsville, Texas and Hidalgo County, Texas in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the
_____ 13th day of _____ May _____, 2013.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

MUTUAL BENEFIT AND USE AGREEMENT

WHEREAS, it is foreseen that it may be in the public interest to provide for the expedient removal of storm debris within the corporate limits of Hidalgo County, Texas resulting from a future natural or manmade event, and

WHEREAS, the Public Health and Safety of all the citizens will be a serious risk; and

WHEREAS, the immediate removal of debris for first responders and for the economic recovery of Hidalgo County, Texas and its citizens is a major concern and the primary priority for recovery; and

WHEREAS, Hidalgo County, Texas ("County") is a community of interest to the City of Kingsville, Texas ("City") with respect to the emergency debris removal services that may be necessary to affect a recovery from an anticipated storm event or other emergency event; and

WHEREAS, the governing bodies of the City of Kingsville, Texas and Hidalgo County, Texas have previously gone through such a process and entered into such an agreement in July 2008; and

WHEREAS, the City of Kingsville, Texas has recently selected through competitive process (RFP#2013-05) a firm proficient in providing emergency debris removal services (AshBritt Inc.); and

WHEREAS, Hidalgo County, Texas has reviewed the solicitation, proposal, and evaluation related to the selection of the firm by the City of Kingsville, Texas and endorses with the process and selection; and

WHEREAS, Hidalgo County, Texas has reviewed the contract for emergency debris removal services between the City of Kingsville, Texas and AshBritt Inc. ("Company") , which was approved by the Kingsville City Commission via Resolution #2013-24 on March 25, 2013, and has found the scope of services, prices, terms and conditions as set out in the Contract to be reasonable, acceptable and of benefit to their citizens; and

THEREFORE, having reached concurrence and acceptance of the procurement process and the contract stipulations, Hidalgo County, Texas agrees to enter this cooperative purchasing and mutual benefit and use agreement with the City of Kingsville as authorized by Local Government Code Section 271.102 and enter into a contract with AshBritt Inc. for emergency debris removal services without modification to the original terms, conditions or pricing as the City received. The City and County will each designate a person to act under the direction of, and on behalf of, their respective entity with regard to this agreement. The County will make payments directly to AshBritt under a contract made under the Texas Cooperative Purchasing Program subchapter of the Local Government Code. The County will have the responsibility of determining whether AshBritt has complied with any provision in its contract with the company, including but not limited to those relating to the quality of items and terms of delivery, and shall be responsible for enforcement of its contract against the company, including all cost of enforcement. Having full authority the parties do hereby complete this agreement by signing below:

Ramon Garcia, Hidalgo County Judge

Date

John Noble, COO, AshBritt Inc.

Date

Arturo Guajardo, Jr., Hidalgo County Clerk

Date _____

Sam R. Fugate, Mayor, City of Kingsville

Date



**CITY OF KINGSVILLE
LEGAL DEPARTMENT**

P.O. Box 1458, Kingsville Texas 78364 Phone: 361-595-8023 Fax: 361-595-8035

Date: May 8, 2013

To: City Commission Members

From: Courtney Alvarez, City Attorney 

Re: Mutual Use and Benefit Agreement

Item: Consider approving resolution authorizing the Mayor to enter into a Mutual Use and Benefit Agreement between the City of Kingsville and Hidalgo County.

Background: The City first entered into a Mutual Use and Benefit Agreement at the request of Hidalgo County in July 2008 after a storm event left much debris in the southern half of the state. Hidalgo County requested the cooperative purchasing agreement, which they named a Mutual Use and Benefit Agreement, in order to enter into a contract with AshBritt for emergency debris removal. Hidalgo County recently contacted the City Manager about entering into another such agreement, which is why this item is before you for consideration.

Legal Issues: Texas Local Government Code Section 271.102 allows for local governments to participate in agreements such as this. I have made some updates from the prior agreement, which have been reviewed and approved by an Assistant County Attorney for Hidalgo County. The changes from the prior agreement add detail on our procurement process for this service and more closely track language from the statute.

Fiscal Impact: None.

Action: Staff recommends approval of the Mutual Use and Benefit Agreement.

AGENDA ITEM #7



Engineering Department

361-595-8005
361-595-8035 Fax

DATE: April 17, 2013
TO: City Commission through City Manager
FROM: Charlie Cardenas, P.E., City Engineer/Director of Public Works
SUBJECT: Replace yield sign with stop sign on Huisache Ave. at 8th Street

SUMMARY

This item authorizes the city to replace a yield sign on Huisache Ave. at 8th Street with a stop sign for east and west bound traffic.

BACKGROUND

The Engineering Department received a request on April 15, 2013 from a citizen to evaluate the safety of the intersection of Huisache Ave. and 8th Street. It was observed that the traffic control at this intersection is a yield sign on Huisache Ave. and a free flow movement on 8th Street. Furthermore, it was determined that 8th Street serves as a collector street. Related to this intersection, is the intersection of 8th and King Street, where there is currently a traffic light. It was observed that vehicles travel through 8th street to get to the H-E-B grocery store on King Street. Since the signal is at the intersection of 8th Street and King Street, it is the safest and more efficient intersection to get to H-E-B from the area.

RECOMMENDATION

Staff recommends that the yield sign on Huisache Ave. at 8th Street be changed to a stop sign for east and west bound traffic to enhance public safety.

FINANCIAL IMPACT

There is no financial impact to the City of Kingsville. Changing this sign is in accordance with state and federal guidelines and the Manual of Uniformed Traffic Control Devices (MUTCD).

Approved

Vincent Capell, City Manager

ORDINANCE NO. 2013-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER VII, ARTICLE 8, TRAFFIC CONTROL DEVICES; PROVIDING FOR THE INSTALLATION OF A STOP SIGN ON HUISACHE AVE. AT 8TH STREET FOR EAST AND WEST BOUND TRAFFIC; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

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

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

I.

THAT Section 7-8-3 of Article 8: Traffic Control Devices of Chapter VII, Traffic Code, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§ 7-8-3 TRAFFIC CONTROL AREAS.

...

(K)

...

AREA F		
Intersection	Direction	Device
1....		
12. Huisache Ave. at 8 th St	Eastbound and Westbound	Delete yield sign install stop signs

II.

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

III.

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

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

IV.

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

INTRODUCED on this the 13th day of May, 2013.

PASSED AND APPROVED on this the 28th day of May, 2013.

Sam Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #8

CITY OF KINGSVILLE



P. O. BOX 1458 – KINGSVILLE, TEXAS 78364

May 3, 2012

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

Re: Delinquent Storm Water Utility Fee

Mr. Capell,

The Storm Water Ordinance No. 2012-51 is silent as to the treatment of delinquent storm water utility fee payments. I have attached the results of a survey City of Kingsville Legal Department indicating the benchmark language in the industry. Based on the results of the survey, I am recommending the attached revised ordinance be adopted by the City of Kingsville.

Thank you for your consideration of this matter.

Sincerely,

Mark A. Rushing

Mark A. Rushing

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS, AMENDING CHAPTER V PUBLIC WORKS OF THE CODE OF ORDINANCES OF THE CITY OF KINGSVILLE, TEXAS BY AMENDING ARTICLE 6 ENTITLED "STORMWATER UTILITY SYSTEM", AS AMENDED, TO ESTABLISH PROCEDURE FOR DELINQUENT STORMWATER UTILITY FEE PAYMENTS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Kingsville, Texas ("City Commission") has adopted Ordinance No.2012-48, to create a Stormwater Utility System and provide stormwater drainage service to collect and direct stormwater runoff for benefitted properties within the utility service area upon payment of Stormwater Drainage Utility Fee, and has adopted Ordinance No.2012-51, to create Stormwater Utility Fees for a stormwater service; and

WHEREAS, the City Commission, after holding a public hearing and finding that the fees are non-discriminatory, reasonable, and equitable, has approved an ordinance establishing a schedule of Stormwater Utility Fees for stormwater service; and

WHEREAS, in setting the schedule of Stormwater Utility Fees, the fees were based on an inventory of improved parcels within the utility service area;

WHEREAS, the ordinance was silent as to the treatment of delinquent stormwater utility fee payments, which is an issue to be clarified by the passage of this ordinance.

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

SECTION 1: The City Commission hereby establishes a procedure for delinquent Stormwater Utility Fees as set forth herein.

SECTION 2: The Chapter V, Article 6 "Stormwater Utility Fees", section 5-6-21 of the Code of Ordinances of the City of Kingsville, Texas is hereby amended to read as follows:

ARTICLE II. STORMWATER UTILITY FEES

...

Sec.5-6-21. Fee Calculation.

- (a) *Stormwater Utility Fee Calculation.* Stormwater Utility Fees shall be calculated based on the total stormwater runoff potential for benefitted properties for all customers within the utility service area. The total stormwater runoff potential shall be measured as impervious cover in square feet (SF).

- (b) *Stormwater Utility Fee.* The total stormwater runoff potential for the service area shall be allocated between the customer classes based on the relative amount of impervious area in each class established in Section 5-6-6. The monthly Stormwater Utility Fee is based on the average impervious area for an ERU, which is Two Thousand Four Hundred Twenty Five Square Feet (2,425.0 SF).
- 1) *Residential Property Class.* The monthly Stormwater Utility Fees for each residential property as defined in Section 5-6-4, shall be either a flat-rate fee per singly-family equivalent residential unit (ERU) or a flat-rate fee per dwelling unit on a residential parcel.
 - 2) *Non-Residential Property Class.* The monthly Stormwater Utility Fees for each improved non-residential property or allocated portion of an improved non-residential property shall be equal to: Impervious Area in square feet divided by 2,425.0 square feet for the ERU time the applicable flat-rate ERU fee.
 - 3) *Minimum Monthly Stormwater Utility Fee.* The minimum Stormwater Utility Fee for all customer classes shall be the fee for one ERU.
- (c) *Revision of Fees or Rates.* The Stormwater Utility Fee or the stormwater utility rate may be revised by the City Commission through an ordinance from time to time as permitted by the Article and the Act.
- (d) *Applicable Stormwater Utility Fee.* The applicable Stormwater Utility Fee is \$1.25/ERU/month.
- (e) ~~Delinquent Stormwater Utility Fees. Delinquent stormwater utility fees are subject to the same penalties and methods of collection as other water and wastewater utility fees or other fees for utility services provided by the City.~~

SECTION 3: It is further provided that in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be codified and become effective on and after adoption and publication as required by law.

INTROUCED on this the 13th day of May, 2013.

PASSED AND APPROVED by the City Commission on this the _____ day of _____, 2013.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #9

Mark Rushing

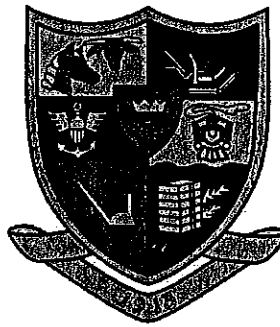
From: Susan Ivy <sivy@klebergpark.org>
Sent: Wednesday, May 08, 2013 3:32 PM
To: Vincent J. Capell; Mark Rushing; Tony Ramirez
Subject: city comm may 13 2013 request for jet assistance
Attachments: city comm may 13 2013 request for jet assistance.docx; Plane Project (2).docx

Attached you will find our formal request for funding assistance along with a revised quote. The only revision to the quote is that it has the TOTAL LABOR AND MATERIALS FIGURE AT THE BOTTOM.

Thanks

Susan

KLEBERG COUNTY PARKS & RECREATION



P. O. Drawer 512
Highway 77 & Escondido Road
Kingsville, Texas 78364
Phone 361-595-8591
Fax 361-595-8596
www.klebergpark.org

May 8, 2013

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

Re: Dick Kleberg Park T45 Jet Renovation Project

Mr. Capell,

The Kleberg County Commissioners approved on the May 6, 2013 County Commission Agenda:

Item #10 Appropriation of funding to assist with the renovation of the T45 Jet in Dick Kleberg Park in partnership with the City of Kingsville.

AGENDA ITEM #10

In The Matter Of Discussing And Acting On Approving Appropriation Of Funds To Assist With Renovation Of T45 Jet In Dick Kleberg Park In Partnership With City Of Kingsville

The above matter coming on for consideration, a motion was made by Commissioner Rosse and seconded by Commissioner Lomas to provide up to half of \$8,964 with monies to come from Commissioners' Court Approved Fund; contingent upon the City of Kingsville paying half. Upon vote, the motion carried unanimously and so ordered.

Attached is the supporting documentation provided to the Kleberg County Commission in that meeting.

This project has been in development for some time. I have been working closely with Glenn Jones and Jon Gagne who are both reps for NAS Kingsville to make sure that any and all work to be done on the Jet follows Military standards and requirements. In discussions in the County Judge's office we found that the Judge's assistant's (Keisha) husband – Carlos Garza – was experienced in this kind of work and Keisha offered to talk to him about the possibility of doing the work. After much discussion about having to take the jet off the stick and get it painted in an off site location he presented a plan that has been approved by NAS Kingsville through Jon Gagne to get the job done without moving the jet. A group from NAS Kingsville has also offered volunteer time to assist with the project.

We would like to accept this proposal and contract Carlos Garza to complete this work. If he does it without volunteer assistance from NAS Kingsville the cost will be \$8964.00. If the volunteers provide the assistance discussed the cost will be less. We are asking you to approve funding of ½ of \$8964.00.00 quote. If the partnership in this project is approved by the City of Kingsville Commission the total cost to the City of Kingsville would not exceed \$4,482.00 (½ of the \$8,964.00) for the work detailed in the quote. If anything additional comes up during the completion of this project you will be advised immediately. However, if the volunteers provide the assistance they have offered the reduced price will provide us some room to handle any unexpected expenses.

Your kind consideration of our request is appreciated and I thank you for your continual support of Park projects and improvements.

Sincerely,

Susan Ivy
Director, City County Parks
Kleberg County

Phase I

Labor \$200

Power Wash Plane

* Is there a company volunteering to power wash?

Bucket Truck

Phase II- Repairs

Labor \$2300

Tie Down- The Navy can assist with the tie downs on the plane.

Bucket Truck

* Repairs will be made with BONDO.

<u>Materials:</u>	
Bondo	\$20
Sandpaper	\$ 50
Tyvek Suits	Gagne Checking
Air Compressor	
Sander	No Charge

Phase III – Prime and Paint

Labor \$5900

* Scaffolding \$15 per square/ week

5 squares X 2 weeks = \$150.00

Sand, Power wash, Prime, Power Wash, Tape, Paint

<u>Materials:</u>	
Sander	No Charge
Air Compressor	
Sand Paper	Listed Above
Power Washer	
Primer	\$92
Tape	\$60
Brushes	\$40
Rollers	\$32
Paint	\$120

Materials : \$564.00 (Estimate)

Labor: \$8400.00 (Estimate)

\$6000.00 (If volunteers are available to assist)

TOTAL LABOR & MATERIALS \$8964.00

AGENDA ITEM #10

ORDINANCE NO. 2013-

AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 BUDGET FOR THE GENERAL FUND TO ASSIST WITH THE RENOVATION OF THE T45 JET IN DICK KLEBERG PARK IN PARTNERSHIP WITH KLEBERG COUNTY.

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

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2012-2013 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT REVENUES AND EXPENSES
BUDGET AMENDMENT

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
Fund 001	General Fund				
<u>Revenue</u>					
4-160.0	Plan /Dev. Svc	Demolition Recovery Rev	621.20	<u>\$4,482</u>	
				<u>\$4,482</u>	
<u>Expense</u>					
5-450.0	Parks Department	Prof. Services - Jet Rehab.	521.00	<u>\$4,482</u>	
				<u>\$4,482</u>	

[To provide funding for up to half of \$8,964 to assist with the renovation of the T45 Jet in Dick Kleberg Park. This is contingent with Kleberg County paying the other half of the proposed costs. The City and County are to share equally in the cost of the project.]

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 13th day of May, 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

Mark Rushing

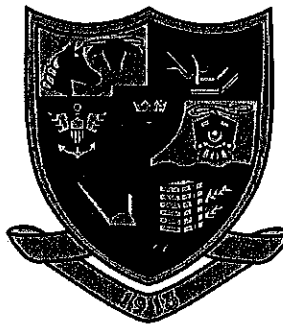
From: Susan Ivy <sivy@klebergpark.org>
Sent: Wednesday, May 08, 2013 3:32 PM
To: Vincent J. Capell; Mark Rushing; Tony Ramirez
Subject: city comm may 13 2013 request for jet assistance
Attachments: city comm may 13 2013 request for jet assistance.docx; Plane Project (2).docx

Attached you will find our formal request for funding assistance along with a revised quote. The only revision to the quote is that it has the TOTAL LABOR AND MATERIALS FIGURE AT THE BOTTOM.

Thanks

Susan

KLEBERG COUNTY PARKS & RECREATION



P. O. Drawer 512
Highway 77 & Escondido Road
Kingsville, Texas 78364
Phone 361-595-8591
Fax 361-595-8596
www.klebergpark.org

May 8, 2013

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

Re: Dick Kleberg Park T45 Jet Renovation Project

Mr. Capell,

The Kleberg County Commissioners approved on the May 6, 2013 County Commission Agenda:

Item #10 Appropriation of funding to assist with the renovation of the T45 Jet in Dick Kleberg Park in partnership with the City of Kingsville.

AGENDA ITEM #10

In The Matter Of Discussing And Acting On Approving Appropriation Of Funds To Assist With Renovation Of T45 Jet In Dick Kleberg Park In Partnership With City Of Kingsville

The above matter coming on for consideration, a motion was made by Commissioner Rosse and seconded by Commissioner Lomas to provide up to half of \$8,964 with monies to come from Commissioners' Court Approved Fund; contingent upon the City of Kingsville paying half. Upon vote, the motion carried unanimously and so ordered.

Attached is the supporting documentation provided to the Kleberg County Commission in that meeting.

This project has been in development for some time. I have been working closely with Glenn Jones and Jon Gagne who are both reps for NAS Kingsville to make sure that any and all work to be done on the Jet follows Military standards and requirements. In discussions in the County Judge's office we found that the Judge's assistant's (Keisha) husband – Carlos Garza – was experienced in this kind of work and Keisha offered to talk to him about the possibility of doing the work. After much discussion about having to take the jet off the stick and get it painted in an off site location he presented a plan that has been approved by NAS Kingsville through Jon Gagne to get the job done without moving the jet. A group from NAS Kingsville has also offered volunteer time to assist with the project.

We would like to accept this proposal and contract Carlos Garza to complete this work. If he does it without volunteer assistance from NAS Kingsville the cost will be \$8964.00. If the volunteers provide the assistance discussed the cost will be less. We are asking you to approve funding of ½ of \$8964.00.00 quote. If the partnership in this project is approved by the City of Kingsville Commission the total cost to the City of Kingsville would not exceed \$4,482.00 (½ of the \$8,964.00) for the work detailed in the quote. If anything additional comes up during the completion of this project you will be advised immediately. However, if the volunteers provide the assistance they have offered the reduced price will provide us some room to handle any unexpected expenses.

Your kind consideration of our request is appreciated and I thank you for your continual support of Park projects and improvements.

Sincerely,

Susan Ivy
Director, City County Parks
Kleberg County

Phase I

Labor \$200

Power Wash Plane

* Is there a company volunteering to power wash?

Bucket Truck

Phase II- Repairs

Labor \$2300

Tie Down- The Navy can assist with the tie downs on the plane.

Bucket Truck

* Repairs will be made with BONDO.

<u>Materials:</u>	
Bondo	\$20
Sandpaper	\$ 50
Tyvek Suits	Gagne Checking
Air Compressor	
Sander	No Charge

Phase III – Prime and Paint

Labor \$5900

* Scaffolding \$15 per square/ week

5 squares X 2 weeks = \$150.00

Sand, Power wash, Prime, Power Wash, Tape, Paint

<u>Materials:</u>	
Sander	No Charge
Air Compressor	
Sand Paper	Listed Above
Power Washer	
Primer	\$92
Tape	\$60
Brushes	\$40
Rollers	\$32
Paint	\$120

Materials : \$564.00 (Estimate)

Labor: \$8400.00 (Estimate)

\$6000.00 (If volunteers are available to assist)

TOTAL LABOR & MATERIALS \$8964.00