

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

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## **AGENDA CITY COMMISSION**

**MONDAY, JUNE 10, 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  
Special Meeting – May 17, 2013  
Regular Meeting – May 28, 2013**

APPROVED BY:

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

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

1. Public hearing for an alcohol variance application for the Day and Night Club located at 300 E. Richard, Kingsville, TX. (Director of Planning & Development Services).

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

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

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

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

**V.**

**Consent Agenda**

**Notice to the Public**

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage of an ordinance of the City Commission of the City of Kingsville, Texas amending the fiscal year 2012-2013 General Fund budget for the City of Kingsville to accept donations made for the Keep Kingsville Beautiful program in conjunction with the Community Appearance Department. (Finance Director).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2012-2013 budget for the General Fund Capital Projects Fund for upfront infrastructure costs as per the Economic Development Agreement with Zarsky Development Company, LLC for the Wildwood Trails Subdivision. (Finance Director).

**REGULAR AGENDA**

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

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

3. Consider approval of an alcohol variance for the Day and Night Club located at 300 E. Richard, Kingsville, TX. (Director of Planning and Development Services).
4. Consider waiver of interest on weed lien for Lot 8-10, Block 3, Ronning 2 (1104 E. Kenedy) for interest accrued prior to November 2, 2011. (Director of Finance).
5. Consider resolution authorizing the City Manager to file liens for expenses incurred for substandard structure nuisance abatements pursuant to Section 15-1-172 of the City of Kingsville Code of Ordinances. (Director of Planning & Development Services).
6. Consider authorizing the purchase of vehicles and related equipment for the Kingsville Police Department using Chapter 59 Funds. (Police Chief).
7. Consider introduction of an ordinance amending the Fiscal Year 2012-2013 Budget of the State Forfeiture Fund and Kingsville Law Enforcement Fund for the purchase of vehicles and equipment for the Police Department. (Director of Finance.)
8. Consider authorizing the City Manager to execute a letter agreement with Oscar Fuentes for waiver of irrigation tap fee in exchange for sodding and in-kind services from the Santa Rosa construction project. (City Engineer).

**VII. Adjournment.**

1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.

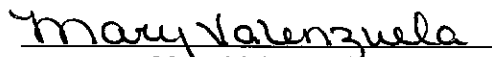
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative Commission votes. The speaker must identify himself by name and address.
4. 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:

June 4, 2013 at 11:00 A.M. and remained so posted continuously for at least 72 hours preceding the schedule time of said meeting.

  
Mary Valenzuela  
City Secretary  
City of Kingsville, Texas

This public notice was removed from the official posting board at the Kingsville City Hall on the following date and time: \_\_\_\_\_

By: \_\_\_\_\_  
City Secretary's Office  
City of Kingsville, Texas

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

**MAY 17, 2013**

**A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON FRIDAY, MAY 17, 2013 IN THE FRANK H. DOTTERWEICH COLLEGE OF ENGINEERING BUILDING TEXAS A&M UNIVERSITY-KINGSVILLE, 917 W. AVENUE B, ROOM 109 AT 8:00 A.M.**

**CITY COMMISSION PRESENT:**

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

**CITY COMMISSION ABSENT:**

Arturo Pecos, Commissioner

**CITY STAFF PRESENT:**

Vincent J. Capell, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Mark Rushing, Finance Director  
Mike Kellam, Director of Planning & Development Services  
David Mason, Purchasing/IT Director  
Emilio Garcia, Health Director  
Charlie Cardenas, Public Works Director/City Engineer  
Melissa Perez, Risk Manager  
Diana Gonzales, Human Resources Director  
Hector Vela, Technical Service Assistant  
Ruthie Valdez, Interim Library Director  
Willie Vera, Task Force Commander  
Bob Trescott, Tourism Director  
James Bryson, Accounting Manager  
Joey Reed, Fire Chief  
Bill Donnell, Assistant Public Works Director  
Rick Torres, Chief of Police  
Julian Cavazos, Lieutenant Commander  
Donald Lobaugh, Sergeant  
Johnny Campos, Sergeant  
Antonio Verdin, Information Systems Technician

**I. Preliminary Proceedings.**

**OPEN WORKSHOP**

Mayor Fugate called the meeting to order at 8:24 A.M. and announced quorum as present. Commissioner Pecos absent.

**II. Public Notice is hereby given that members of the City Commission of the City of Kingsville and its Staff shall be present and shall participate in a discussion of the goals for the City of Kingsville.**

Mayor Fugate asked for comments from the City Commission and Staff. Mayor Fugate stated that this workshop is for the City Commission to set goals for the next five to ten years for the City of Kingsville.

Mr. Capell stated that this workshop is a goal setting workshop and would like to hear from City Commission and staff as to what goals they would like to set out for the City of Kingsville.

Commission Leubert commented that the goals that this Commission set, should be tax payer related goals and not personal goals. She further commented that the goals she will set are from conversations she has had with citizens.

Mr. Capell stated that at the end of this workshop, he would like to walk away with at least five to ten goals if possible. He further stated that we need to follow Rebecca Pace slogan "Think Big", "Go Big".

Mr. Capell asked for comments from the City Commission and staff regarding book called "Rise of the Creative Class Revisited" by Richard Florida.

Mayor Fugate called for a break at 9:42 a.m.

Mayor Fugate called the meeting back to order at 10:00 a.m.

Bob Trescott, Tourism Director reported on tourism developments, governments, urban designs, strengths, weaknesses and opportunities.

Mr. Mike Kellam, Director of Planning & Development Services made a brief report regarding the Master Plan which was adopted in 2008. He stated that the Master Plan is broad and speaks about small issues. It also speaks about future goals of the City and is used as a tool that ties into the city budget and should be reviewed annually. The Master Plan is written by the community and is a big part of capital improvements made within the City.

Mr. Capell asked Mr. Kellam to give examples of when the Master Plan is used.

Mr. Kellam stated that the Master Plan is used in special use permits, code amendments, budget, and for capital improvements.

Mayor Fugate stated that the Joint Land Use Study and Master Plan were both adopted within one month from each other back in 2008. Both instruments play a huge role in decision making for the City of Kingsville.

Mr. Kellam recommends that the Joint Land Use Study and Master Plan be reviewed at least every five years.

Mayor Fugate called for a lunch break at 11:25 a.m.

Mayor Fugate called the meeting back to order at 1:15 p.m.

Mr. Capell spoke regarding to goal settings and incorporating smart strategies which could be incorporated into the budget. He further called upon the City Commission to voice some of their goals for the City of Kingsville.

Commissioner Garcia stated that he would like to improve the appearance of the City as well as improve housing. Create an incubator office space for Texas A&M University-Kingsville Pharmacy School to start research for certain illnesses.

Commission Leubert stated that she would like to attract tourism with a clean industry. Improve communications with residents and make code enforcement a priority. She further stated that she would like to see a pet friendly park, hike trail, bike trail and walking trails as well as green space and more family oriented entertainment. Commissioner Leubert further stated that she would like to see a list of goals that are achievable with timelines. She further stated that she would like to see town hall meetings scheduled so that citizens can voice their concerns and give some of their ideas with regards to what they would like to see in their City.

Commissioner Garcia spoke on behalf of Commissioner Pecos stating that he would like to repair current infrastructure, oppose windfarm development especially if it affects the Naval Air Station-Kingsville. Improve housing development and would not approve tax increases.

Commissioner Pena stated that he would like to see improvements to our Library possibly build a new Library, see more handicap accessibilities around Texas A&M University-Kingsville as well as sidewalk improvements. He further stated that he would like to see competitive wages for all city employees.

Mayor Fugate stated that good government is the basis for good economic development. He further stated more support of local businesses in our community within our city as well as street improvements. He would also like to see improvements in our parks such as water paths for families to enjoy, provide Wi-Fi in park areas and in certain locations throughout the City. He further stated that the standard primary goal is public safety.

Mr. Capell stated that the City Commission has set out some really good goal ideas for our city and would like to schedule more goal setting workshops in the near future.

### **III. Adjournment**

There being no further business to come before the City Commission, the meeting was adjourned at 3:10 P.M.

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Sam R. Fugate, Mayor

ATTEST:

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Mary Valenzuela, City Secretary

A list of goals taken during this special meeting is hereto attached to the minutes.

## GOAL SETTING WORKSHOP

MARCH 17, 2013

1. Economic Development
  - Applied Research
  - Business Attraction
  - Retention Program
  - Tourism
  - Technology
  - Historic Preservation
  - NAS-Kingsville
  - Texas A&M University-Kingsville
  - King Ranch
2. Parks & Recreation
  - More Public Places
  - Water Paths
3. Competitive Wages for Municipal Employees
4. Housing
  - Diversity – Senior living
  - Infill
  - Neighborhoods
  - Redevelopment
  - Loans, abatements
5. Loop around Kingsville
6. Animal Friendly/Responsible Owner Community
7. Comprehensive Street Plan
  - Funding
  - Timeline
  - Alleys? (Selected Location)
8. Comprehensive Plan for Public Safety
  - Police/Fire/Task Force/Risk Management
  - Resilient
9. Creative Community
  - Sustainable
  - Arts/Music/Symphony
  - Theater
  - Education – Honoring our history
10. Quality Services – Youth & Seniors
  - Assisted living
11. Education K-12 Grade
  - Kingsville Independent School District



12. Community Appearance

13. Good Government

14. Image

- Self (Internal)
- External

15. Development

- 6<sup>th</sup> Street Corridor
- 14<sup>th</sup> Street Corridor

**MAY 28, 2013**

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON TUESDAY, MAY 28, 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:**

Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
David Mason, Purchasing/IT Director  
Willie Vera, Task Force Commander  
James Bryson, Accounting Manager  
Mark Rushing, Finance Director  
Mike Kellam, Director of Planning & Development Services  
Emilio Garcia, Health Director  
Ruthie Valdez, Interim Library Director  
Bob Trescott, Tourism Director  
Diana Gonzales, Human Resources Director  
Charlie Cardenas, Public Works Director/City Engineer  
Rose Morrow, Municipal Court Manager  
Jennifer Bernal, Community Appearance Supervisor  
Diana Medina, Collection Manager  
Cynthia Martin, Downtown and Volunteer Manager  
Daniel Ramirez, Building Official

**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**

**Special Meeting – May 10, 2013**

**Regular Meeting – May 13, 2013**

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

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

1. Public hearing regarding condemnation proceeding for structures located at 603 ½ W. Aveune D, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate opened this public hearing at 6:02 p.m.

No public comments were made on behalf of this property.

Mr. Mike Kellam, Director of Planning & Development Services reported that this structure is in disrepair and has back taxes owed.

Mayor Fugate asked Mrs. Courtney Alvarez, City Attorney, City Attorney if there is a specific time limit that we would need to keep the following Public Hearings open to allow the public to speak.

Mrs. Alvarez responded that there is no period of time to keep public hearings open.

Mayor Fugate closed this public hearing at 6:04 p.m.

2. Public hearing regarding condemnation proceeding for structures located at 2029 General Cavazos Blvd., Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate opened this public hearing at 6:04 p.m.

No public comments were made on behalf of this property.

Mr. Kellam stated that there has been some new development with regards to this property. He stated that at 4:58 p.m. today, the owner of the property signed over the property as a property owner agreement and has agreed to pay the City for the demolition. All structures will be demolished at this location.

Mayor Fugate closed this public hearing at 6:07 p.m.

3. Public hearing regarding condemnation proceeding for structures located at 426 W. Huisache, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate opened this public hearing at 6:07 p.m.

No public comments were made on behalf of this property.

Mr. Kellam reported that this property has had no water service since January 2000. Structure is unsafe and has foundation issues. He further stated that there is a correction to be made on the condition report stating that this property has asbestos siding which is incorrect. The original file has been corrected.

Mayor Fugate closed this public hearing at 6:09 p.m.

4. Public hearing regarding condemnation proceeding for structures located at 822 E. Ella, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate opened this public hearing at 6:09 p.m.

No public comments were made on behalf of this property.

Mr. Kellam stated that this property was addressed a year ago by the previous building official. No followup action was taken therefore this case is being brought forward for Commission approval. Structure is unsafe and staff is asking for City Commission to approve a demolition order.

Mayor Fugate closed this public hearing at 6:11 p.m.

5. Public hearing regarding condemnation proceeding for structures located at 306 W. Huisache, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate opened this public hearing at 6:11 p.m.

No public comments were made on behalf of this property.

Mr. Kellam reported that this property has had some ongoing issues for the past year. The building was secured by the City due to some unauthorized occupancy within the building. The structure does not have restroom facilities and has exposed wiring that is not operable and is an extreme fire hazard. The structure has not had water services since 2010. Complaints have been received from neighbors regarding the previous occupant using the restroom outdoors and creating a sanitary issue as well as inside the house. Lack of facilities and no ceiling make this structure an unsafe structure and cannot be salvageable.

Mayor Fugate closed this public hearing at 6:13 p.m.

6. Public hearing regarding condemnation proceeding for structures located at 609 E. Mesquite, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate opened this public hearing at 6:13 p.m.

No public comments were made on behalf of this property.

Mr. Kellam reported that this structure has not had any water services since 2001 and has 8 years of back taxes. The structure is near collapsing and missing siding poles therefore staff is asking for Commission to approve a demolition order.

Mayor Fugate closed this public hearing at 6:16 p.m.

7. Public hearing regarding condemnation proceeding for structures located at 1229 E. Avenue B, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate opened this public hearing at 6:16 p.m.

No public comments were made on behalf of this property.

Mr. Kellam reported this structure was noticed last year in which contact was made with the property owner who provided staff with a written statement that he would begin work on the property in mid July 2012. Staff was willing to work with property owner who then pulled permits, which is one of the conditions in order for staff not to proceed with the condemnation process. Those permits have since expired and no work has been started/completed at this location at this time. Staff sent notice to property owner in January 2013. Property owner then made contact with staff in February 2013 stating that he would repair the structure but staff has not heard anything else as far as work being done or completed on the structure. Staff is asking Commission to approve an order for demolition due to this structure being in a state of disrepair. The property has not had water service for nearly two years and has no plumbing or electrical wiring. Repairs to this property would amount to more than the property is worth.

Mayor Fugate closed this public hearing at 6:18 p.m.

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

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal*

*League. Staff reports include the following: Building & Development , Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works- Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor. No formal action can be taken on these items at this time."*

Mrs. Courtney Alvarez, City Attorney reported that the next City Commission meeting is scheduled for Monday, June 10, 2013. She further reminded staff that all agenda items for the June 10<sup>th</sup> meeting are due Friday, May 31, 2013.

Mayor Fugate thanked Mr. Mike Kellam, Director of Planning and Development Services for his two years of service to the City of Kingsville. During those two years Mr. Kellam has been involved in several projects throughout the City. Mayor Fugate mentioned a few projects Mr. Kellam was involved in within the last 24 months he has been with the City, annexing Hawks Landing, update all the codes for the City of Kingsville, Old H.M. King High School renovation project (future new City Hall), Texas A&M University-Kingsville Newman Center, Texas Theatre and Wild Wood Trails Subdivision Project.

Commissioner Leubert also thanked Mr. Kellam for his services to the City of Kingsville which has made us a better city.

Commissioner Garcia stated that with Mr. Kellam's personalty and proffessionalism, he has made the position of Director of Planning and Development Services more workable and for that he would like to thank Mr. Kellam for his services.

Mr. Kellam thanked the City Commission for all their support throughout the past two years and stated that is has been a true honor to have worked for the City of Kingsville.

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

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

#### **V.**

##### **Consent Agenda**

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

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

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

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

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

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

1. Consider final passage 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 8<sup>th</sup> Street for east and west bound traffic. (City Engineer/Public Works Director).
2. Consider final passage 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).
3. Consider final passage 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).
4. Consider approving resolution authorizing the City Manager to execute contract between the City of Kingsville and Rusty Van Fleet Construction for a new Pump House for Water Well #19, which was previously awarded and is already funded. (City Engineer/Public Works Director).

#### **REGULAR AGENDA**

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

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

5. Consider condemnation of structures located at 603 ½ W. Avenue D, Kingsville, Texas. (Director of Planning & Development Services).

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

6. Consider condemnation of structures located at 2029 General Cavazos Blvd., Kingsville, Texas. (Director of Planning & Development Services).

Mrs. Alvarez stated that just for a point of correction, since the property owner has already signed the voluntarily demolition order, the Commission does not have to take official action on this item.

7. Consider condemnation of structures located at 426 W. Huisache, Kingsville, Texas. (Director of Planning & Development Services).

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

8. Consider condemnation of structures located at 822 E. Ella, Kingsville, Texas. (Director of Planning & Development Services).

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

9. Consider condemnation of structures located at 306 W. Huisache, Kingsville, Texas. (Director of Planning & Development Services).

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

10. Consider condemnation of structures located at 609 E. Mesquite, Kingsville, Texas. (Director of Planning & Development Services).

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

11. Consider condemnation of structures located at 1229 E. Avenue B, Kingsville, Texas. (Director of Planning & Development Services).

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

12. Consider accepting donations for the Keep Kingsville Beautiful program from various individuals and organizations from a KKB luncheon and from t-shirt sales. (Director of Planning & Development Services).

Mr. Kellam asked Mrs. Alice Byers to speak about the donation made to Keep Kingsville Beautiful.

Mrs. Byers stated that the donation was raised through Keep Kingsville Beautiful luncheon and T-shirt sales. The luncheon raised \$729.50 and T-shirt sale raised \$242.00 for a total of \$971.50.

**Motion made by Commissioner Leubert to accept the donation for Keep Kingsville Beautiful, second by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".**

13. Consider introduction of an ordinance of the City Commission of the City of Kingsville, Texas amending the fiscal year 2012-2013 General Fund budget for the City of Kingsville to accept donations made for the Keep Kingsville Beautiful program in conjunction with the Community Appearance Department. (Finance Director).

Mr. Mark Rushing, Finance Director stated that this item is in correspondence to agenda item #13. The luncheon brought in \$729.50 and T-shirt sales \$242.00 for a total of \$971.50.

**Introduction item only.**

14. Consider accepting new COPsync equipment for four vehicles from Kleberg County District Attorney for the Kingsville Specialized Crimes & Narcotics Task Force. (Task Force Commander).

Willie Vera, Task Force Commander stated that this agenda item will cover a new revised Agreement with COPsync, Inc. which will include the purchase of new upgraded software and hardware to be installed in four Task Force Interdiction patrol units. The District Attorney will incur the cost for all the equipment and installation of such equipment. The current equipment in the four Task Force Interdiction units will be contributed to the four Kleberg County Constable Precinct 3, Cid Zavala, will incur the cost for the needed equipment and installation for all four constables. All four constables will have direct communication capabilities and intelligence alerts with all existing COPsync networked agencies.

Commissioner Pena asked what is the value of the system.

Commander Vera stated the value is \$36,165.60.

Commissioner Garcia asked for the value of the old system that will be placed on the constable vehicles.

Commander Vera stated that each system is valued at around \$8,000 per unit.

**Motion made by Commissioner Garcia to accept new COPsync equipment for four vehicles from Kleberg County District Attorney for the Kingsville Specialized Crimes & Narcotics Task Force, second by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".**

15. Consider resolution authorizing the City Manager to enter into the COPsync Services Agreement for the Kingsville Specialized Crimes & Narcotics Task Force. (Task Force Commander).

Commander Vera stated that there is a yearly license fee that would need to be paid. The first year has been paid from the Task Force budget and District Attorney Hubert will pay the next year fee.

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

16. Consider loaning older COPsync equipment from Task Force to the four Kleberg County Constables for use in their vehicles. (Task Force Commander).

Commander Vera stated that this equipment is two years old with two year warrant remaining on the systems.

Commissioner Garcia asked if the Commissioner Court have to accept.



Commander Vera stated that Commissioners Court has accepted the equipment with a vote of 5-0.

**Motion made by Commissioner Pena to consider loaning older COPsync equipment to Kleberg County Constables, second by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Garcia, Leubert, Pecos, Fugate voting "FOR".**

17. Consider resolution authorizing the City Manager to execute an amendment to the Commission Agreement for the Kingsville Historical Mural. (Director of Tourism).

Mrs. Cynthia Martin, Downtown and Volunteer Manager stated that Jesus DeLaRosa, Professor of Art at Texas A&M University-Kingsville will work on the mural. The mural will be delivered August 31, 2013. The mural is painted on several panels with a measurement of 12ft. high by 32ft. wide.

Commissioner Leubert stated that those individuals in the committee have chosen three locations in the downtown area which this mural can be placed.

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

18. Consider introduction of an ordinance amending the Fiscal Year 2012-2013 budget for the General Fund Capital Projects Fund for upfront infrastructure costs as per the the Economic Development Agreement with Zarsky Development Company, LLC for the Wildwood Trails Subdivision. (Finance Director).

Mr. Rushing stated that this is an introduction ordinance for the City's portion for the Economic Development Agreement with Zarsky Development Company, LLC for the Wildwood Trails Subdivision. The money will be coming from an unreserved fund balance.

Mayor Fugate congratulated Kleberg County for passing their Economic Incentive Guidelines.

**Introduction item only.**

## **VII. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:50 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

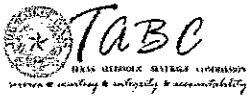
**SUBJECT:** **Request for Alcohol Variance at 300 E. Richard**

**DATE:** May 30, 2013

---

Ms. Veronica Janell Garcia, operator of Day and Night Club is requesting an alcohol variance for a Wine and Beer Retailer's Permit and Retail Dealer's On-Premise Late Hours License. This address is located at 300 E. Richard and is within 300ft of a registered daycare. The property in question therefore requires a variance according to City ordinance ORD-2004-20.

Also, all required notices have been sent to the property owners within 300ft. Additionally, a public hearing notice was placed in the newspaper on May 19, 2013. As of this point, we have not received any negative feedback from the property owners and or citizens that have been noticed.



received  
5-3-13

## 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 prequalification to hold a license/permit. You will submit this information to the proper governmental entities for certification that your proposed location is legal for the type of license/permit for which you are applying. Permit applicants will also provide this packet to their local newspaper for certification that you have published the required notice.

Please 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 checked="" 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

DAY AND NIGHT CLUB

4. Location Address

300 E Richard St.

City KINGSVILLE	County KIEBERG	State TX	Zip Code 78363
--------------------	-------------------	-------------	-------------------

5. Mailing Address

609 E Ella

City Kingsville	State TX	Zip Code 78363
--------------------	-------------	-------------------

6. Business Phone No.

(361) 595-1125

Alternate Phone No.

(361) 455-6653

E-mail Address

VeronicaJanellGarcia@yahoo.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

VERONICA JANEEL GARCIA

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 Garcia	First Name Veronica	MI J	Title manager/owner
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title

**MEASUREMENT INFORMATION**

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

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

11. Will your business be located within 300 feet of any private/public school, day care center or child care facility? ☒ Yes ☐ No

If "YES," are the facilities located on different floors or stories of the building? ☐ Yes ☐ No

**NOTE:** For private/public schools, day care centers and child care facilities measure in a direct line from the nearest property line of the school, day care center or child care facility to the nearest property line of the place of business, and in a direct line across intersections.

**NOTE:** For multistory building: businesses may be within 300 feet of a day care center or child care facility as long as the facilities are located on different floors of the building.

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

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

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

**60-DAY SIGN INFORMATION**

14. If you were required to post a 60-day sign as required by Section 11.391 or 61.381 of the Texas Alcoholic Beverage Code at this location; what exact date was the required sign posted at the location?

Exact Date (mm/dd/yyyy)

/ /

**WARNING AND SIGNATURE**

If Applicant Is/Must Sign

Individual/Individual Owner

Corporation/Officer

Partnership/Partner

Limited Liability Company/ Officer or Manager

Limited Partnership/General Partner

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

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

PRINT  
NAME

VERONICA JANEIL GARCIA

SIGN  
HERE

Veronica Garcia

TITLE

owner

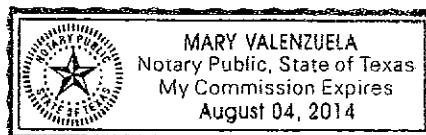
Before me, the undersigned authority, on this 3 day of May, 2013, the person whose name is signed to the foregoing application personally appeared and, duly sworn by me, states under oath that he or she has read the said application and that all the facts therein set forth are true and correct.

SIGN  
HERE

Mary Valenzuela

NOTARY PUBLIC

SEAL



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

City Secretary/Clerk

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

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

SIGN

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

City Secretary/Clerk

**SEAL****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 22<sup>nd</sup> 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 \_\_\_\_\_, TEXAS

City Secretary/Clerk

**SEAL****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

County Clerk

**SEAL****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

County Clerk

**SEAL**

**CERTIFICATE OF COUNTY CLERK FOR LATE HOURS LICENSE/PERMIT**

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that one of the below are correct:

- ☐ The Commissioner's Court of the county has by order authorized the sale of *mixed beverages* between midnight and 2:00 A.M.; or
- ☐ The Commissioner's Court of the county has by order authorized the sale of *beer* between midnight and \_\_\_\_\_ A.M.; or
- ☐ The population of the city where premises are located was 500,000 or more according to the 22<sup>nd</sup> Decennial Census of the United States as released by the Bureau of the Census on March 12, 2001; or
- ☐ The population of the city where premises are located was 800,000 or more according to the last Federal Census (2010).

SIGN

HERE \_\_\_\_\_

County Clerk

\_\_\_\_\_ COUNTY

**S E A L**

**COMPTROLLER OF PUBLIC ACCOUNTS CERTIFICATE**

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

Sales Tax Permit Number \_\_\_\_\_ Outlet Number \_\_\_\_\_

Print Name of Comptroller Employee \_\_\_\_\_

Print Title of Comptroller Employee \_\_\_\_\_

SIGN

HERE \_\_\_\_\_

FIELD OFFICE \_\_\_\_\_

**S E A L**

**PUBLISHER'S AFFIDAVIT (FOR MB, LB, RM, & BP)**

Name of newspaper		<b>ATTACH PRINTED COPY OF THE NOTICE HERE</b>
City, County		
Dates notice published in daily/weekly newspaper (mm/dd/yyyy)	/ /	
<i>Publisher or designee certifies attached notice was published in newspaper stated on dates shown</i>		
Signature of publisher or designee		
Sworn to and subscribed before me on this date	/ /	
Signature of Notary Public		
<b>S E A L</b>		



CITY OF  
**KINGSVILLE**

MEMORANDUM

**DATE**

Friday, May 14, 2013

**TO**

Mary Valenzuela, City Secretary

**FROM**

Engineering Department

**SUBJECT**

Alcohol License for 300 E. Richard Avenue

Mrs. Valenzuela,

After performing the research and physical inspection you requested for the property at 300 E. Richard Avenue, we have concluded that the property in question does fall within the 1,000 foot boundary of a school, 3 churches, 1 registered daycare properties; 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.

Thank you,

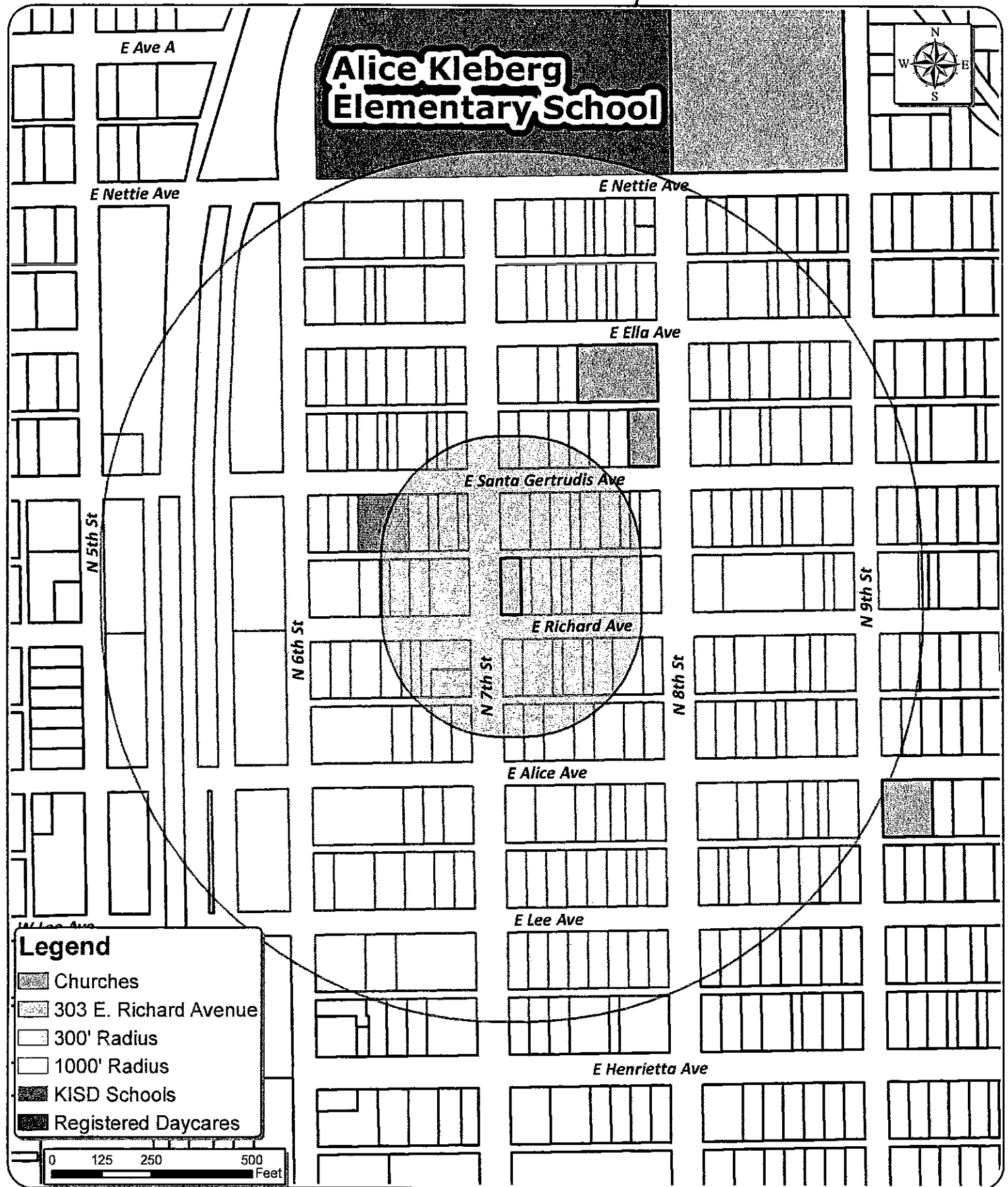
Engineering Department

**Attachment 1** shows the property and the relative location of the a school, 3 churches, 1 registered daycare properties; suspected to be close to the property. Alice Kleberg Elementary School, Catholic Diocese of Corpus Christi, and A Small World Academy are within the 1,000 foot boundary.

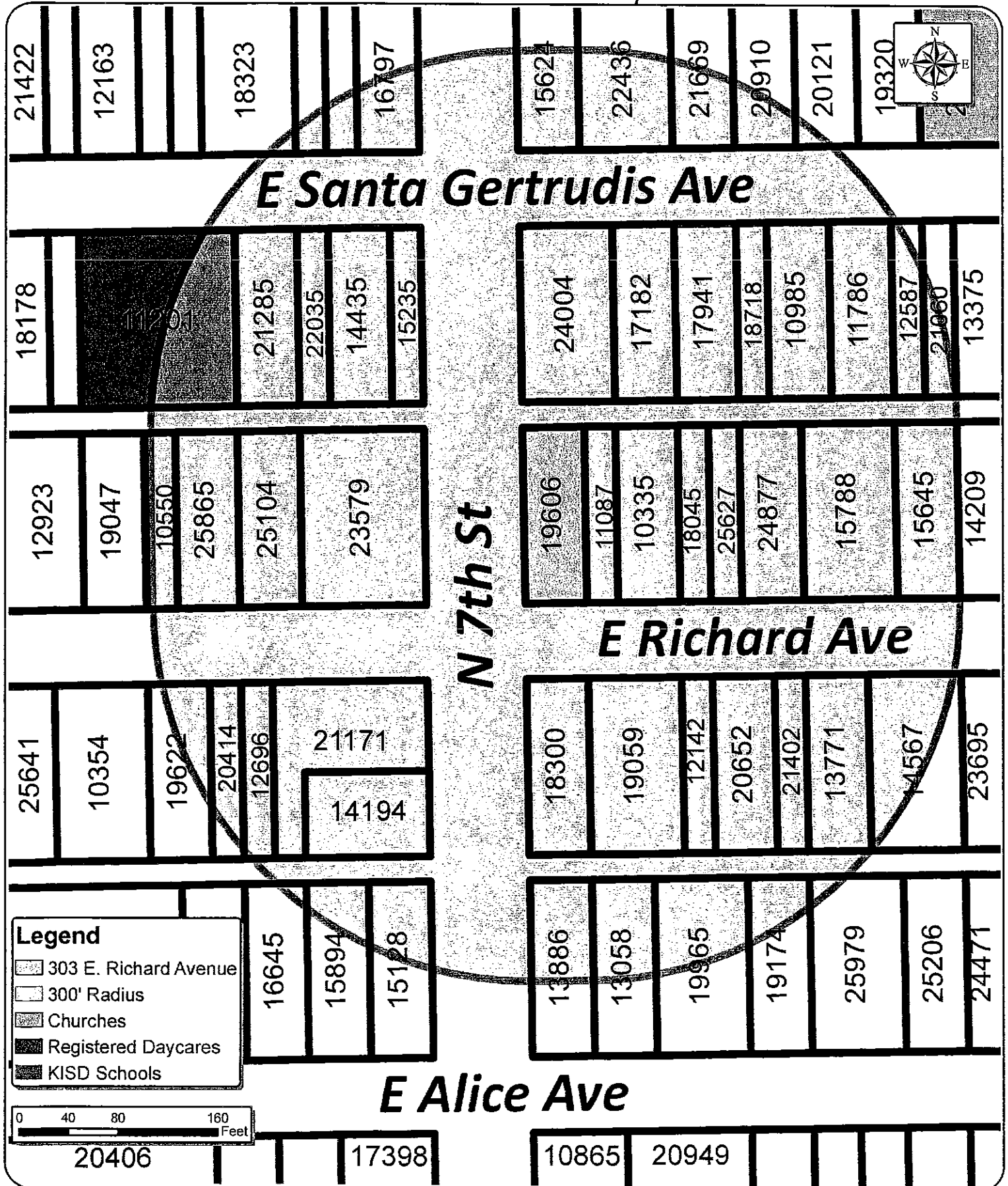
**Attachment 2** shows all properties within the 300 foot boundary in correlation with their Short ID provided by the Kleberg County Appraisal District.



# Alcohol Permit Request



# Alcohol Permit Request



111 aged	Drawn By: Valerie Valero
	Last Update: 5/13/2013
	Note:

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



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

City of Kingsville

1  
REC#: 01100169 5/14/2013 11:00 AM  
OPER: GF TERM: 001  
REF#: 2130

TRAN: 125.0000 001-4-160-533.10  
VERONICA GARCIA  
300 E RICHARD  
Zoning Fees 250.00CR

TENDERED: 250.00 CHECK  
APPLIED: 250.00-

CHANGE: 0.00

## PUBLIC NOTICE

The City Commission of the City of Kingsville will hold a public hearing on Monday June 10, 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 Day and Night Club located at 300 E. Richard.

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.

# **CONSENT AGENDA**

# **AGENDA ITEM #1**

**ORDINANCE NO. 2013-**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 GENERAL FUND BUDGET FOR THE CITY OF KINGSVILLE TO ACCEPT DONATIONS MADE FOR THE KEEP KINGSVILLE BEAUTIFUL PROGRAM IN CONJUNCTION WITH THE COMMUNITY APPEARANCE DEPARTMENT.**

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

I.

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

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
<b>Fund 001</b>	<b>General Fund</b>				
<u>Liability</u>					
1-000		Due to Keep Kingsville Beautiful	478.00	<u>\$971.50</u>	
				<u>\$971.50</u>	
<u>Expenditures</u>					
5-160.3	Comm. Appearance - KKB Donation Exp.		344.10	<u>\$971.50</u>	
				<u>\$971.50</u>	

[To accept various donations totaling \$971.50 from the Keep Kingsville Beautiful Luncheon held on April 3<sup>rd</sup>, 2013 and periodic T-shirt sales.]

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 Monday this the \_\_\_\_ day of \_\_\_\_\_, 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



**MEMO**

## Community Appearance Division

---

**TO:** Vince Capell, City Manager  
through Mr. Mike Kellam, Director of Planning & Development Services

**FROM:** Jennifer Bernal, Community Appearance Supervisor

**SUBJECT:** Agenda Item

**DATE:** May 14, 2013

---

Keep Kingsville Beautiful held a donation luncheon on April 3<sup>rd</sup>, 2013 in McCulley Hall at Texas A&M University-Kingsville. Donations totaled \$729.50 from various individuals and organizations from the community.

KKB also sold T-Shirts at various functions to total \$242.00.

We would like to accept the total amount of \$971.50 at the Commission Meeting scheduled for May 28<sup>th</sup>, 2013.



## **AGENDA ITEM #2**

**ORDINANCE NO. 2013-**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 BUDGET FOR THE GENERAL FUND CAPITAL PROJECTS FUND FOR UPFRONT INFRASTRUCTURE COSTS AS PER THE ECONOMIC DEVELOPMENT AGREEMENT WITH ZARSKY DEVELOPMENT COMPANY, LLC. FOR THE WILDWOOD TRAILS SUBDIVISION.**

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

I.

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

**CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT**

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
<b>Fund 01 General Fund</b>					
<u>Capital</u>					
2	Fund Balance	Unreserved Fund Bal.	610.00		<u>\$300,000</u>
					<u>\$300,000</u>
<u>Expenses</u>					
5-690.0	Transfer To	FundExp/Trsfers Fund 091	394.93	<u>\$300,000</u>	
				<u>\$300,000</u>	
<b>Fund 091 General Fund Capital Projects Fund</b>					
<u>Revenues</u>					
4-000.0		Transfer from Fund 001	750.13	<u>\$300,000</u>	
				<u>\$300,000</u>	
<u>Expenses</u>					
5-305.0	Street Dept.	Street & Bridge-Wildwood	521.26	<u>\$300,000</u>	
				<u>\$300,000</u>	

[To budget for the City's upfront infrastructure cost for the Economic Development Agreement with Zarsky Development Company, LLC. for the Wildwood Trails Subdivision, which agreement was approved by the City Commission on March 25, 2013]

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 28<sup>th</sup> 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

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# MEMORANDUM

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

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

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

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

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

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

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

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

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

City of Kingsville  
Proposed/Possible Expenditure of Additional FY 2012 Budget Savings  
3/25/13

Additional Budget Savings from FY2012	\$600,000
(1) Agenda Items No. 15 & 16 at 2/25/13 Commission Meeting– Equipment for Community Appearance Division of the Planning and Development Services Dept. (Approved)	<u>(42,480)</u>
Amount Remaining 2/25/13	\$557,520
(2) Agenda Items No. 9 & 10 at 3/25/13 Commission Meeting – Trees on West Santa Gertrudis Median (Pending)	<u>(40,623)</u>
(3) Agenda Items No. 12 & 13 at 3/25/13 Commission Meeting – Dumpster Enclosures	<u>(70,124)</u>
Amount Remaining 3/25/13	\$446,773
Other Expenditures to be Considered at a Future Date:	
(4) Economic Development (Cash Portion) Incentive to Zarsky Development Company, LLC for Wildwood Trails Subdivision	(300,000)
(5) City Streets Projects (not specifically identified)	<u>(146,773)</u>
Amount Remaining	\$0

# **REGULAR AGENDA**

## **AGENDA ITEM #3**





## 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 300 E. Richard**

**DATE:** May 30, 2013

---

Ms. Veronica Janell Garcia, operator of Day and Night Club is requesting an alcohol variance for a Wine and Beer Retailer's Permit and Retail Dealer's On-Premise Late Hours License. This address is located at 300 E. Richard and is within 300ft of a registered daycare. The property in question therefore requires a variance according to City ordinance ORD-2004-20.

Also, all required notices have been sent to the property owners within 300ft. Additionally, a public hearing notice was placed in the newspaper on May 19, 2013. As of this point, we have not received any negative feedback from the property owners and or citizens that have been noticed.



# On-Premise Prequalification Packet

received  
5-3-13

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 checked="" 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

DAY AND NIGHT CLUB

### 4. Location Address

300 E Richard St.

City KINGSVILLE	County KIEBERG	State TX	Zip Code 78363
--------------------	-------------------	-------------	-------------------

### 5. Mailing Address

609 E Ella

City Kingsville	State TX	Zip Code 78363
--------------------	-------------	-------------------

### 6. Business Phone No.

(361) 595-1125

### Alternate Phone No.

(361) 455-6653

### E-mail Address

VeronicaJanellGarcia@yahoo.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

VERONICA JANEIL GARCIA

### 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 Garcia	First Name Veronica	MI J	Title manager/owner
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title

**MEASUREMENT INFORMATION**

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

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

11. Will your business be located within 300 feet of any private/public school, day care center or child care facility? ☒ Yes ☐ No

If "YES," are the facilities located on different floors or stories of the building? ☐ Yes ☐ No

**NOTE:** For private/public schools, day care centers and child care facilities measure in a direct line from the nearest property line of the school, day care center or child care facility to the nearest property line of the place of business, and in a direct line across intersections.

**NOTE:** For multistory building: businesses may be within 300 feet of a day care center or child care facility as long as the facilities are located on different floors of the building.

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

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

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

**60-DAY SIGN INFORMATION**

14. If you were required to post a 60-day sign as required by Section 11.391 or 61.381 of the Texas Alcoholic Beverage Code at this location; what exact date was the required sign posted at the location?

Exact Date (mm/dd/yyyy)

/ /

**WARNING AND SIGNATURE**

If Applicant Is/Must Sign:

Individual/Individual Owner

Corporation/Officer

Partnership/Partner

Limited Liability Company/Officer or Manager

Limited Partnership/General Partner

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

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

PRINT  
NAME

VERONICA JANEL GARCIA

SIGN  
HERE

Veronica Garcia

TITLE

owner

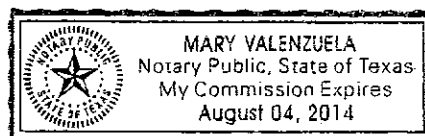
Before me, the undersigned authority, on this 3 day of May, 2013, the person whose name is signed to the foregoing application personally appeared and, duly sworn by me, states under oath that he or she has read the said application and that all the facts therein set forth are true and correct.

SIGN  
HERE

Mary Valenzuela

NOTARY PUBLIC

SEAL



**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 22<sup>nd</sup> 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**

**CERTIFICATE OF COUNTY CLERK FOR LATE HOURS LICENSE/PERMIT**

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that one of the below are correct:

- ☐ The Commissioner's Court of the county has by order authorized the sale of *mixed beverages* between midnight and 2:00 A.M.; or
- ☐ The Commissioner's Court of the county has by order authorized the sale of *beer* between midnight and \_\_\_\_\_ A.M.; or
- ☐ The population of the city where premises are located was 500,000 or more according to the 22<sup>nd</sup> Decennial Census of the United States as released by the Bureau of the Census on March 12, 2001; or
- ☐ The population of the city where premises are located was 800,000 or more according to the last Federal Census (2010).

SIGN

HERE \_\_\_\_\_

County Clerk

\_\_\_\_\_ COUNTY

**S E A L**

**COMPTROLLER OF PUBLIC ACCOUNTS CERTIFICATE**

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

Sales Tax Permit Number \_\_\_\_\_ Outlet Number \_\_\_\_\_

Print Name of Comptroller Employee \_\_\_\_\_

Print Title of Comptroller Employee \_\_\_\_\_

SIGN

HERE \_\_\_\_\_

FIELD OFFICE \_\_\_\_\_

**S E A L**

**PUBLISHER'S AFFIDAVIT (FOR MB, LB, RM, & BP)**

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

ATTACH PRINTED  
COPY OF THE  
NOTICE HERE



CITY OF  
**KINGSVILLE**

**MEMORANDUM**

**DATE**

Friday, May 14, 2013

**TO**

Mary Valenzuela, City Secretary

**FROM**

Engineering Department

**SUBJECT**

Alcohol License for 300 E. Richard Avenue

Mrs. Valenzuela,

After performing the research and physical inspection you requested for the property at 300 E. Richard Avenue, we have concluded that the property in question does fall within the 1,000 foot boundary of a school, 3 churches, 1 registered daycare properties; 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.

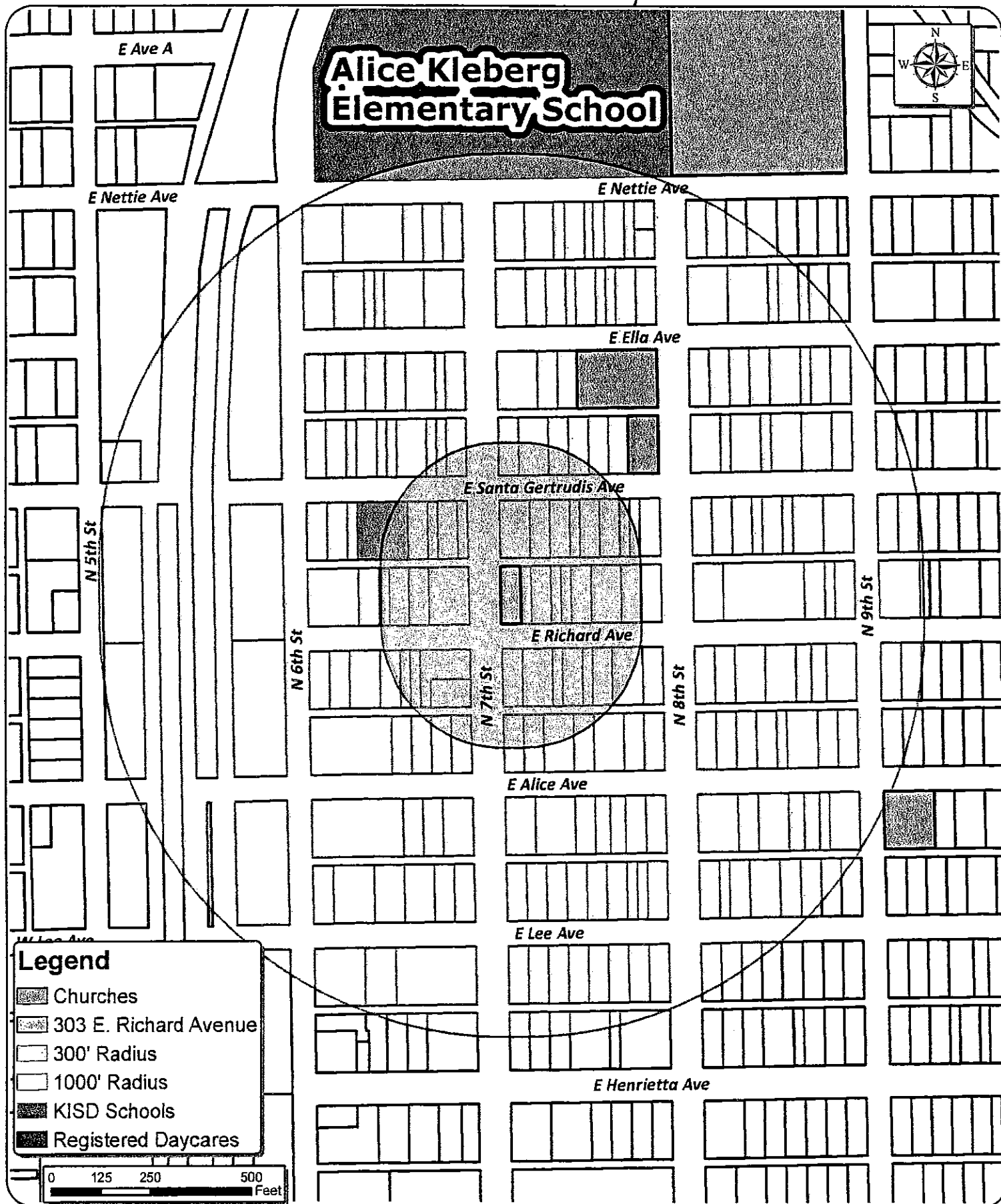
Thank you,

Engineering Department

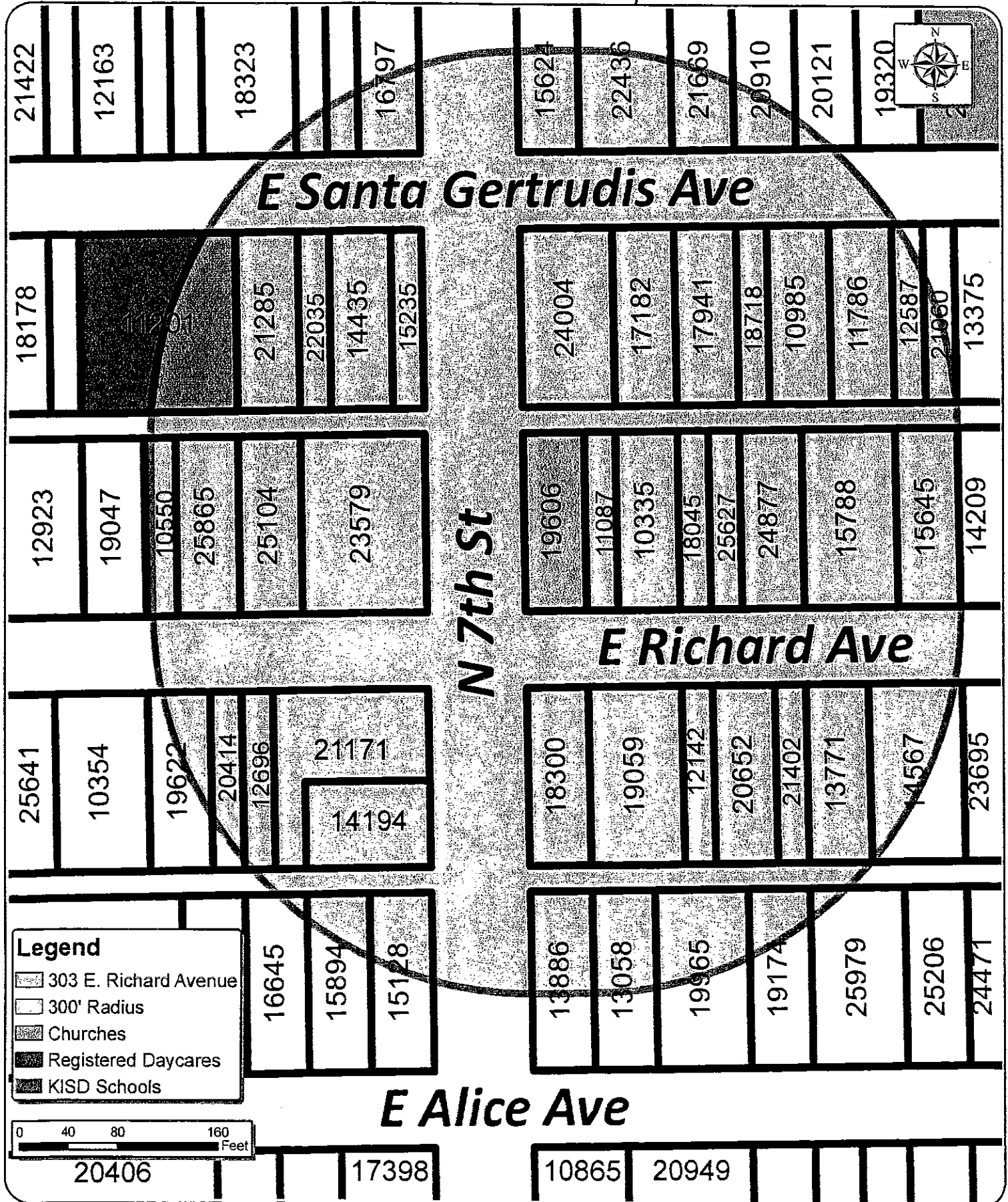
**Attachment 1** shows the property and the relative location of the a school, 3 churches, 1 registered daycare properties; suspected to be close to the property. Alice Kleberg Elementary School, Catholic Diocese of Corpus Christi, and A Small World Academy are within the 1,000 foot boundary.

**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



111 e d e d	Drawn By: Valerie Valero	<p><b>DISCLAIMER</b></p> <p>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.</p>	<p><b>CITY OF KINGSVILLE</b></p> <p><b>ENGINEERING DEPARTMENT</b></p> <p>200 East Kleberg Kingsville, Texas 78363 Office: 361-595-8005 Fax: 361-595-8035</p>
	Last Update: 5/13/2013		
	Note:		



City of Kingsville

1

RECH: 01100169 5/14/2013 11:00 AM  
OPER: GF TERM: 001  
REF#: 2130

TRAN: 125.0000 001-4-160-533.10  
VERONICA GARCIA  
300 E RICHARD  
Zoning Fees 250.00CR

TENDERED: 250.00 CHECK  
APPLIED: 250.00-

CHANGE: 0.00

## PUBLIC NOTICE

The City Commission of the City of Kingsville will hold a public hearing on Monday June 10, 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 Day and Night Club located at 300 E. Richard.

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.

# **AGENDA ITEM #4**

# CITY OF KINGSVILLE



May 9, 2013

P. O. BOX 1458 – KINGSVILLE, TEXAS 78364

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

Re: Consider waiving interest on Weed Liens  
Property owned by Larry Saldana  
Lot 8-10, Block 3, Ronning 2

Lien # 1 Vol. 384 Page 886, filed 02/26/08 principal \$ 514.20 + interest \$ 237.82 =\$752.02  
Lien # 2 Vol. 441 Page 300, filed 10/26/10 principal \$ 140.73 + interest \$ 28.15 =\$168.88  
Lien # 3 Vol. 460 Page 924, filed 10/31/11 principal \$ 422.19 + interest \$ 39.22 =\$461.41  
Totals: \$1,077.12                      \$ 305.19    \$1,382.31

Mr. Capell,

Mr. Larry Saldana is requesting the City waive the Weed Lien Interest accrued **prior to 11/02/2011** on the property he owns located at Lot 8-10, Block 3, Ronning 2 (1104 E Kenedy). Mr. Saldana has owned the property since 1997. Current taxes were paid in full on 4/1/2013 in the amount of \$205.55 and no recent code violations have been reported or cited.

There are three (3) separate Weed Lien filed against the property. The liens have been numbered Lien # 1, Lien # 2, and Lien # 3 for reference purposes of this letter. **Lien #1** covers work performed on 2/28/02, 11/08/06, 08/23/07, and 10/29/07 by the City, **Lien # 2** covers work performed on 12/18/08 by the City, and **Lien #3** covers work performed on 05/13/2010, 07/16/2010, 09/29/2010 by the City. The property owner, Mr. Saldana, also has an cleaning/weed bill (#2012) in the amount of \$162.38 for work performed on 3/14/12 that as of today has not been filed, yet is still outstanding.

If the Commission were to approve the waiver of interest in the amount of **\$305.19**, Mr. Larry Saldana would be required to pay the principal amount of **\$1,077.12 plus the outstanding weed bill amount of \$162.38 for a total of \$1,239.50** within 30 days after the Commission approval date for the waiver of interest to be effective.

Sincerely,

*Mark A. Rushing*

Mark A. Rushing

## **AGENDA ITEM #5**

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

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE LIENS FOR EXPENSES INCURRED FOR SUBSTANDARD STRUCTURE NUISANCE ABATEMENTS PURSUANT TO SECTION 15-1-172 OF THE CITY OF KINGSVILLE CODE OF ORDINANCES; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville ("City") has performed voluntary and involuntary nuisance abatements of substandard structures on the properties noted below pursuant to City Code and state law; and

**WHEREAS**, the property owners for these properties were provided notice and the opportunity to pay for the abatements but have not yet done so; and

**WHEREAS**, the City Ordinance section 15-1-172 allows the City Commission to authorize the City Manager to file liens for expenses incurred to abate such nuisances as does Texas Local Government Code section 214.0015.

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

I.

**THAT** the City Manager is authorized and directed as an act of the City of Kingsville, Texas to execute and file a lien to recover expenses for the nuisance abatement of substandard structures on the properties listed in 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 \_\_\_\_\_ 10th day of \_\_\_\_\_ June \_\_\_\_\_, 2013.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**LIST OF PROPERTIES FOR LIEN FILING\***

1. 1304 E. Kenedy, Kingsville, TX; Vista Alegre, Block 8, Lot 22-24
2. 523 E. Henrietta, Kingsville, TX; Original Town, Block 39, Lot 12
3. 418 E. Lee, Kingsville, TX; Original Town, Block 23, Lot 21, 22
4. 919 W. Lee, Kingsville, TX; Lantana Park 1, Block 4, Lot 3
5. 417 W. Kenedy, Kingsville, TX; Original Town, Block 64, Lot 7, 8

\*Statement of Expenses for each property is attached hereto



# Community Appearance Division

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**TO:** Vince Capell, City Manager  
through Director of Planning & Development Services

**FROM:** Jennifer Bernal, Community Appearance Supervisor

**SUBJECT:** Agenda Item

**DATE:** May 21, 2013

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Agenda item request for Commission Meeting to be held on June 10<sup>th</sup>.

The following properties have defaulted on billing and/or payment plans.

With commission approval city staff will file for a lien to be place on the property.

1304 E KENEDY, LUCIANO BAZAN EST C/O ESTELLA BAZAN (FIRE, EMERGENCY DEMO)

Demo date – 10/24/12

523 E HENRIETTA, PEDRO MONTALVO (CONDEMNATION DEMO)

Demo date – 2/1/13

418 E LEE, MANUELA CANALES EST. (CONDEMNATION DEMO)

Demo date – 1/31/13

919 W LEE, ELIZABETH JONES (FIRE, EMERGENCY DEMO)

Demo date – 2/4/13

417 W KENEDY, MARK ANTHONY LARA (PAYMENT PLAN DEFAULT)

Demo date – 2/6/13





### Project Cost Estimate

Project Location:  
**1304 E Kennedy**

Estimated By:  
Luke Stevens

Legal Desc. Vista Alegre, Block 8, Lot 22-24

Property Owner:

Luciano Bazan EST C/O Estella Bazan

1304 E Kenedy

Kingsville TX 78363

Project Title:

**Abatement of Noxious Matter**

Date Completed:

**24-Oct-12**

#### Labor Estimates\*\*

#### Quantity

#### Labor Cost

#### Job Description

#### Amount\*

#### Unit

#### Unit Cost\*\*

#### Total

Position	Employee				
Equip Oper III	Chris Sanchez	3	hrs	\$16.27	\$48.81
Equip Oper II	Danny Navejar	3	hrs	\$13.68	\$41.04
Equip Oper II	Jose Flores	3	hrs	\$13.68	\$41.04
			hrs		
			hrs		
			hrs		
			hrs		
Labor Totals					\$130.89

#### Equipment Estimates\*

#### Quantity

#### Cost

Item Description	Unit No.	Amount	Unit/hr	Unit Cost***	Total
Wheel Loader	#311	3	hr.	\$40.00	\$120.00
Brush Truck	#331	3	hr.	\$47.00	\$141.00
Brush Truck	#303	3	hr.	\$47.00	\$141.00
			hr.		
			hr.		
			hr.		
Equipment Total					\$402.00

#### Minor Supplies

#### Quantity

#### Material Cost

Description	Amount	Unit	Unit Cost	Total
Minor Supplies Total				

#### Other Fees

#### Quantity

#### Cost

Description	Amount	Unit	Unit Cost	Total
Tipping Fees	14.31	tons	\$30.00	\$429.30
CC Disposal	1	RO	197.72	\$197.72
Other Fees Total				\$627.02

#### Grand Totals

#### Quantity

#### Material Cost

	Amount	Unit	Unit Cost	Total
Labor				\$130.89
Equipment				\$402.00
Minor Supplies				-
Other Fees				\$627.02
Grand Total				\$1,159.91



### Project Cost Estimate

Project Location:

523 E Henrietta

Estimated By:

Luke Stevens

Legal Desc. Original Town, Block 39, Lot 12

Property Owner:

Montalvo Pedro G

%Gloria Segovia

Project Title:

Abatement of Noxious Matter

Date Completed:

1-Feb-13

523 E Henrietta Kingsville TX 78363

#### Labor Estimates\*\*

#### Quantity

#### Labor Cost

Job Description

Amount\*

Unit

Unit Cost\*\*

Total

Position	Employee				
Equip Oper II	Salvador Garcia	12.5	hrs	\$13.68	\$171.00
Equip Oper II	Jose Flores	12.5	hrs	\$13.68	\$171.00
Equip Oper II	Danny Navejar	12.5	hrs	\$13.68	\$171.00
Equip Oper II	Rudy Flores	12.5	hrs	\$13.68	\$171.00
			hrs		
			hrs		
			hrs		
Labor Totals					\$684.00

#### Equipment Estimates\*

#### Quantity

#### Cost

Item Description	Unit No.	Amount	Unit/hr	Unit Cost***	Total
Wheel Loader	#311	12.5	hr.	\$40.00	\$500.00
Brush Truck	#331	12.5	hr.	\$47.00	\$587.50
Brush Truck	#303	12.5	hr.	\$47.00	\$587.50
Brush Truck	#332	12.5	hr.	\$47.00	\$587.50
			hr.		
			hr.		
Equipment Total					\$2,262.50

#### Minor Supplies

#### Quantity

#### Material Cost

Description

Amount

Unit

Unit Cost

Total

Minor Supplies Total					

#### Other Fees

#### Quantity

#### Cost

Description

Amount

Unit

Unit Cost

Total

Tipping Fees		22.88	tons	\$30.00	\$686.40
Admin Fee		0		\$150.00	\$0.00
Other Fees Total					\$686.40

#### Grand Totals

#### Quantity

#### Material Cost

Amount

Unit

Unit Cost

Total

Labor					\$684.00
Equipment					\$2,262.50
Minor Supplies					-
Other Fees					\$686.40
Grand Total					\$3,632.90



### Project Cost Estimate

Project Location:

**418 E Lee**

Estimated By:

**Luke Stevens**

Legal Desc. Original Town, Block 23, Lot 21-22

Property Owner:

Canales, Manuela EST

418 E Lee

Kingsville, TX 78363

Project Title:

**Abatement of Noxious Matter**

Date Completed:

**31-Jan-13**

#### Labor Estimates\*\*

Job Description		Quantity		Labor Cost	
Position	Employee	Amount*	Unit	Unit Cost**	Total
Equip Oper III	Chris Sanchez	3	hrs	\$16.27	\$48.81
Equip Oper II	Jose Flores	3	hrs	\$13.68	\$41.04
Equip Oper II	Danny Navejar	3	hrs	\$13.68	\$41.04
Equip Oper II	Robert Acuna	3	hrs	\$13.68	\$41.04
Equip Oper II	Salvador Garcia	3	hrs	\$13.68	\$41.04
Equip Oper I	Hilda Minter	2	hrs	\$13.00	\$26.00
			hrs		
Labor Totals					\$238.97

#### Equipment Estimates\*

Item Description		Quantity		Cost	
Item Description	Unit No.	Amount	Unit/hr	Unit Cost***	Total
Wheel Loader	#311	3	hr.	\$40.00	\$120.00
Brush Truck	#331	3	hr.	\$47.00	\$141.00
Brush Truck	#303	3	hr.	\$47.00	\$141.00
Brush Truck	#332	3	hr.	\$47.00	\$141.00
			hr.		
			hr.		
Equipment Total					\$543.00

#### Minor Supplies

Description		Quantity		Material Cost	
Description		Amount	Unit	Unit Cost	Total
Minor Supplies Total					

#### Other Fees

Description		Quantity		Cost	
Description		Amount	Unit	Unit Cost	Total
Tipping Fees		13.3	tons	\$30.00	\$399.00
Admin Fee		0		\$150.00	\$0.00
CC Disposal		1		\$1,016.42	\$1,016.42
Other Fees Total					\$1,415.42

#### Grand Totals

		Quantity		Material Cost	
		Amount	Unit	Unit Cost	Total
Labor					\$238.97
Equipment					\$543.00
Minor Supplies					-
Other Fees					\$1,415.42
Grand Total					\$2,197.39



### Project Cost Estimate

Project Location:

919 W Lee

Estimated By:

Luke Stevens

Legal Desc. Lantana Park 1, Block 4, Lot 3

Property Owner:

Elizabeth Jones

919 W Lee

Kingsville TX 78363

Project Title:

Abatement of Noxious Matter

Date Completed:

4-Feb-13

#### Labor Estimates\*\*

#### Quantity

#### Labor Cost

Job Description

Amount\*

Unit

Unit Cost\*\*

Total

Position

Employee

Equip Oper III

Chris Sanchez

8.75

hrs

\$16.27

\$142.36

Equip Oper II

Salvador Garcia

8.75

hrs

\$13.68

\$119.70

Equip Oper II

Danny Navejar

8.75

hrs

\$13.68

\$119.70

Equip Oper II

Jose Flores

8.75

hrs

\$13.68

\$119.70

Equip Oper II

Rolando Barrientes

8.75

hrs

\$13.68

\$119.70

hrs

hrs

Labor Totals

\$621.16

#### Equipment Estimates\*

#### Quantity

#### Cost

Item Description

Unit No.

Amount

Unit/hr

Unit Cost\*\*\*

Total

Wheel Loader

#311

8.75

hr.

\$40.00

\$350.00

Brush Truck

#331

8.75

hr.

\$47.00

\$411.25

Brush Truck

#332

8.75

hr.

\$47.00

\$411.25

Brush Truck

#333

8.75

hr.

\$47.00

\$411.25

hr.

hr.

Equipment Total

\$1,583.75

#### Minor Supplies

#### Quantity

#### Material Cost

Description

Amount

Unit

Unit Cost

Total

Minor Supplies Total

#### Other Fees

#### Quantity

#### Cost

Description

Amount

Unit

Unit Cost

Total

Tipping Fees

61.73

Tons

\$30.00

\$1,851.90

Tires

16

Each

\$1.50

\$24.00

Concrete

5

Cubic Yrd

\$3.00

\$15.00

CC Disposal RO rental

\$1,171.31

Other Fees Total

\$3,062.21

#### Grand Totals

#### Quantity

#### Material Cost

Amount

Unit

Unit Cost

Total

Labor

\$621.16

Equipment

\$1,583.75

Minor Supplies

-

Other Fees

\$3,062.21

Grand Total

\$5,267.12



### Project Cost Estimate

Project Location:

**417 W Kenedy**

Estimated By:

**Luke Stevens**

Legal Desc. Original Town, Block 64, Lot 7,8

Property Owner:

Mark Anthony Lara

417 W Kenedy

Kingsville TX 78363

Project Title:

**Abatement of Noxious Matter**

Date Completed:

**6-Feb-13**

#### Labor Estimates\*\*

#### Quantity

#### Labor Cost

#### Job Description

#### Amount\*

#### Unit

#### Unit Cost\*\*

#### Total

Position	Employee				
Equip Oper III	Chris Sanchez	1.5	hrs	\$16.27	\$24.41
Equip Oper II	Danny Navejar	1.5	hrs	\$13.68	\$20.52
Equip Oper II	Jose Flores	1.5	hrs	\$13.68	\$20.52
Equip Oper II	Salvador Garcia	1.5	hrs	\$13.68	\$20.52
			hrs		
			hrs		
			hrs		
Labor Totals					\$85.97

#### Equipment Estimates\*

#### Quantity

#### Cost

Item Description	Unit No.	Amount	Unit/hr	Unit Cost***	Total
Wheel Loader	#311	1.5	hr.	\$40.00	\$60.00
Brush Truck	#332	1.5	hr.	\$47.00	\$70.50
Brush Truck	#303	1.5	hr.	\$47.00	\$70.50
Brush Truck	#333	1.5	hr.	\$47.00	\$70.50
			hr.		
			hr.		
Equipment Total					\$271.50

#### Minor Supplies

#### Quantity

#### Material Cost

#### Description

#### Amount

#### Unit

#### Unit Cost

#### Total

Minor Supplies Total					

#### Other Fees

#### Quantity

#### Cost

#### Description

#### Amount

#### Unit

#### Unit Cost

#### Total

Tipping Fees		8.76	tons	\$30.00	\$262.80
Other Fees Total					\$262.80

#### Grand Totals

#### Quantity

#### Material Cost

#### Amount

#### Unit

#### Unit Cost

#### Total

Labor					\$85.97
Equipment					\$271.50
Minor Supplies					-
Other Fees					\$262.80
Grand Total					\$620.27

## **AGENDA ITEM #6**

**KINGSVILLE POLICE DEPARTMENT  
INTER-OFFICE MEMORANDUM**

**TO** : Vince J. Capell, City Manager  
Mark Rushing, Finance Director  
David Mason, Purchasing Director

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

**DATE** : May 28, 2013

**SUBJECT** : Request for Consideration to Purchase (5) Chevy Tahoe's via Chapter 59 and Request for Budget Amendment to Chapter 59 FY2012-2013 Budget

Mr. Capell our department still has several 2003 police vehicles in service. They include the following vehicles:

<b>Unit Number</b>	<b>Mileage</b>
2300	127,021
2303	151,767
2304	147,333
2307	167,018
2311	

In addition to the high mileage most of the equipment in the vehicles is beginning to fail. By replacing those vehicles we will have eight of the 2007 Dodge Chargers, as our oldest vehicles. We would retire all of the old white marked police vehicles and only have the black and white vehicles. The Dodge Chargers are also starting to get near 100K of mileage and will also have to be replaced soon.

We have had great performance from the Chevrolet Tahoe's that we previously purchased. We would request that we be allowed to purchase five Chevy Tahoe's through Caldwell County, Buy Board #358-10 as well as the on board equipment from Lone Star Products & Equipment llc, Buy Board 363-10, Titan M7 Video Cameras from Coban Technologies, DIR-SDD-1361 and graphics from Gulf Coast Graphics and Signs out of Corpus Christi. The total cost for the five vehicles and equipment is \$216,275.85.

We request that our FY2012-2013 Chapter 59 budget be amended in the amount of \$216,275.85 for purchase of the vehicles and associated equipment.

Thank you for your assistance regarding this matter.

**KINGSVILLE POLICE DEPARTMENT**  
**Proposal to Purchase 5 Chevy Tahoes via Chapter 59 Funds**

<b>Company</b>	<b>Description</b>	<b>Qty</b>	<b>Rate</b>	<b>Total</b>
Caldwell Country	Chevy Tahoe PPV CC10-706	5	\$ 26,824.00	\$ 134,120.00
Buy Board #358-10		1	\$ 400.00	\$ 400.00
Lone Star Products & Equipment llc				
Buy Board #363-10	Federal Signal Legend	5	\$ 1,595.00	\$ 7,975.00
	Lightbar Package			
	Setina Partition 50/50	5	\$ 487.20	\$ 2,436.00
	Setina Rear Partition	5	\$ 319.20	\$ 1,596.00
	Troy Products console	5	\$ 341.55	\$ 1,707.75
	Troy Products Beverage Holder	5	\$ 41.40	\$ 207.00
	Troy Products lockable box	5	\$ 86.25	\$ 431.25
	Troy Products Arm Rest	5	\$ 62.10	\$ 310.50
	Troy Products Computer Mount	5	\$ 299.95	\$ 1,499.75
	SoundOff Signal Intersector R	5	\$ 125.00	\$ 625.00
	SoundOff Signal Intersector B	5	\$ 125.00	\$ 625.00
	Stalker Dual Antenna Radar	5	\$ 1,595.00	\$ 7,975.00
	Setina Gun Rack w/lock	5	\$ 231.20	\$ 1,156.00
	Plug in Headlight Flasher	5	\$ 52.00	\$ 260.00
	Fog Light Mount Blue	5	\$ 115.00	\$ 575.00
	Fog Light Mount Red	5	\$ 115.00	\$ 575.00
	nForce Single Deck Grille Mount	5	\$ 83.16	\$ 415.80
	LED Solid Color Red	5	\$ 83.16	\$ 415.80
	Predator 2 Split LED Red	5	\$ 94.50	\$ 472.50
	Predator 2 Split LED Blue	5	\$ 94.50	\$ 472.50
	Federal Signal Viper S2 Dual	10	\$ 180.00	\$ 1,800.00
	Standard Installation of Equipment	5	\$ 800.00	\$ 4,000.00
COBAN Technologies Inc.				
DIR-SDD-1361	Titan M7 Video Mobile Data Computer	5	\$ 7,850.00	\$ 39,250.00
	OPT-GPS			
	OPT-DETACHED WIDE ANGLE CAMERA	5	\$ 150.00	\$ 750.00
	A-TITAN M7 Mount, CPU/Monitor	5	\$ 250.00	\$ 1,250.00
	Keyboard/Camera/Power Supply mount only			
	SHIPPING IN-Car Equipment	5	\$ 75.00	\$ 375.00
	COBAN DVMS SOLUTION	5	\$ 250.00	\$ 1,250.00
	1st Year			
Gulf Coast Graphics and Signs				
	Provide and Apply all reflective Graphics	5	\$ 385.00	\$ 1,925.00
	White wrap on doors	5	\$ 285.00	\$ 1,425.00
<b>GRAND TOTAL</b>				<b>\$ 216,275.85</b>



QUOTE# 001

## CONTRACT PRICING WORKSHEET

End User: CITY OF KINGSVILLE			Contractor: CALDWELL COUNTRY		
Contact Name: BRAD			CALDWELL COUNTRY		
Email: BRADLEY@KINGSVILLEPD.US			Prepared By: Averyt Knapp		
Phone #: 361-720-0057 36-1675-0679			Email: aknapp@caldwellcountry.com		
Fax #: 361-595-8035			Phone #: 800-299-7283 or 979-567-6116		
Location City & State: KINGSVILLE			Fax #: 979-567-0853		
Date Prepared: MAY 16, 2013			Address: P. O. Box 27, Caldwell, TX 77836		
Contract Number: BUY BOARD #358-10			Tax ID # 14-1856872		
Product Description: 2013 CHEVROLET TAHOE PPV CC10706					
A Base Price & Options:					\$26,824
B Published Options					
Code	Description	Cost	Code	Description	Cost
	LH SPOTLIGHT, PPV, 5.3LV8-FFV, DUAL BATTERIES, 6-SPD AUTOMATIC, AIR CONDITION, AMFM- STEREO CD, TILT, CRUISE, CLOTH BUCKET FRONT/VINYL REAR BENCH, FULL RUBBER FLOOR, POWER SEAT, POWER WINDOWS, POWER LOCKS, POWER MIRRORS, KEYLESS ENTRY, DEEP TINT GLASS, RUNNING BOARDS	INCL			
	GM WARRANTY 5YR/100,000 MILES POWERTRAIN @ N/C	INCL		CALDWELL COUNTRY	
				PO BOX 27	
				CALDWELL, TEXAS 77836	
Subtotal B					INCL
C Unpublished Options					
Code	Description	Cost	Code	Description	Cost
Subtotal C					
D Other Price Adjustments (Installation, Delivery, Etc...)					

Subtotal D		INCL
E	Unit Cost Before Fee & Non-Equipment Charges (A+B+C+D)	\$26,824
	Quantity Ordered	5
X		
Subtotal E		\$134,120
F	Non-Equipment Charges (Trade-In, Warranty, Etc...)	
	BUY BOARD	\$400
G.	Color of Vehicle: BLACK	
H.	Total Purchase Price (E+F)	\$134,520
Estimated Delivery Date:		UNITS CURRENTLY IN STOCK, 60-90 DAYS APPX IF FACTORY ORDER

## **AGENDA ITEM #7**

**ORDINANCE NO. 2013-**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 BUDGET OF THE STATE FORFEITURE FUND AND KINGSVILLE LAW ENFORCEMENT FUND FOR THE PURCHASE OF VEHICLES AND EQUIPMENT FOR THE POLICE DEPARTMENT.**

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

I.

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

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT

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

**Fund 005 State Forfeiture Fund**  
Capital

2 Fund Balance	Unreserved Fund Bal.	610.00			<u>\$218,000</u>
					<u>\$218,000</u>

Expenses

5-210.0 Police Dept.	Vehicles	711.00		<u>\$218,000</u>	
				<u>\$218,000</u>	

[To budget for the purchase of 5 Chevy Tahoe's and related equipment from Kingsville Police Department Chapter 59 funds.]

II.

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

III.

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

IV.

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

INTRODUCED on this the 10<sup>th</sup> day of June, 2013.

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

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

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

ATTEST:

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

APPROVED AS TO FORM:

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

**KINGSVILLE POLICE DEPARTMENT  
INTER-OFFICE MEMORANDUM**

**TO** : Vince J. Capell, City Manager  
Mark Rushing, Finance Director  
David Mason, Purchasing Director

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

**DATE** : May 28, 2013

**SUBJECT** : Request for Consideration to Purchase (5) Chevy Tahoe's via Chapter 59 and Request for Budget Amendment to Chapter 59 FY2012-2013 Budget

Mr. Capell our department still has several 2003 police vehicles in service. They include the following vehicles:

<b>Unit Number</b>	<b>Mileage</b>
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In addition to the high mileage most of the equipment in the vehicles is beginning to fail. By replacing those vehicles we will have eight of the 2007 Dodge Chargers, as our oldest vehicles. We would retire all of the old white marked police vehicles and only have the black and white vehicles. The Dodge Chargers are also starting to get near 100K of mileage and will also have to be replaced soon.

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**KINGSVILLE POLICE DEPARTMENT**  
**Proposal to Purchase 5 Chevy Tahoes via Chapter 59 Funds**

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	Fog Light Mount Red	5	\$ 115.00	\$ 575.00
	nForce Single Deck Grille Mount	5	\$ 83.16	\$ 415.80
	LED Solid Color Red	5	\$ 83.16	\$ 415.80
	Predator 2 Split LED Red	5	\$ 94.50	\$ 472.50
	Predator 2 Split LED Blue	5	\$ 94.50	\$ 472.50
	Federal Signal Viper S2 Dual	10	\$ 180.00	\$ 1,800.00
	Standard Installation of Equipment	5	\$ 800.00	\$ 4,000.00
COBAN Technologies Inc.				
DIR-SDD-1361	Titan M7 Video Mobile Data Computer	5	\$ 7,850.00	\$ 39,250.00
	OPT-GPS			
	OPT-DETACHED WIDE ANGLE CAMERA	5	\$ 150.00	\$ 750.00
	A-TITAN M7 Mount, CPU/Monitor	5	\$ 250.00	\$ 1,250.00
	Keyboard/Camera/Power Supply mount only			
	SHIPPING IN-Car Equipment	5	\$ 75.00	\$ 375.00
	COBAN DVMS SOLUTION	5	\$ 250.00	\$ 1,250.00
	!st Year			
Gulf Coast Graphics and Signs				
	Provide and Apply all reflective Graphics	5	\$ 385.00	\$ 1,925.00
	White wrap on doors	5	\$ 285.00	\$ 1,425.00
<b>GRAND TOTAL</b>				<b>\$ 216,275.85</b>

QUOTE# 001

## CONTRACT PRICING WORKSHEET

End User: CITY OF KINGSVILLE	Contractor: CALDWELL COUNTRY
Contact Name: BRAD	CALDWELL COUNTRY
Email: BRADLEY@KINGSVILLEPD.US	Prepared By: Averyt Knapp
Phone #: 361-720-0057 36-1675-0679	Email: aknapp@caldwellcountry.com
Fax #: 361-595-8035	Phone #: 800-299-7283 or 979-567-6116
Location City & State: KINGSVILLE	Fax #: 979-567-0853
Date Prepared: MAY 16, 2013	Address: P. O. Box 27, Caldwell, TX 77836
Contract Number: BUY BOARD #358-10	Tax ID # 14-1856872

Product Description: 2013 CHEVROLET TAHOE PPV CC10706

A Base Price &amp; Options:

\$26,824

## B Published Options

Code	Description	Cost	Code	Description	Cost
	LH SPOTLIGHT, PPV, 5.3LV8-FFV, DUAL BATTERIES, 6-SPD AUTOMATIC, AIR CONDITION, AMFM-STEREO CD, TILT, CRUISE, CLOTH BUCKET FRONT/VINYL REAR BENCH, FULL RUBBER FLOOR, POWER SEAT, POWER WINDOWS, POWER LOCKS, POWER MIRRORS, KEYLESS ENTRY, DEEP TINT GLASS, RUNNING BOARDS	INCL			
	GM WARRANTY 5YR/100,000 MILES POWERTRAIN @ N/C	INCL		CALDWELL COUNTRY	
				PO BOX 27	
				CALDWELL, TEXAS 77836	

Subtotal B

INCL

## C Unpublished Options

Code	Description	Cost	Code	Description	Cost

Subtotal C

D Other Price Adjustments (Installation, Delivery, Etc...)



Subtotal D		INCL
E	Unit Cost Before Fee & Non-Equipment Charges (A+B+C+D)	\$26,824
X	Quantity Ordered	5
Subtotal E		\$134,120
F	Non-Equipment Charges (Trade-In, Warranty, Etc...)	
	BUY BOARD	\$400
G. Color of Vehicle: BLACK		
H.	Total Purchase Price (E+F)	\$134,520
Estimated Delivery Date:		UNITS CURRENTLY IN STOCK, 60-90 DAYS APPX IF FACTORY ORDER

## **AGENDA ITEM #8**



## ***Engineering Department***

361-595-8005

361-595-8035 Fax

DATE: May 30, 2013

TO: City Commission through City Manager

FROM: Charlie Cardenas, P.E., City Engineer/Director of Public Works

SUBJECT: Entering into an agreement between The City of Kingsville and Oscar Fuentes to waive an irrigation tap fee in exchange to sodding and in kind services on 1723 Santa Monica

### **SUMMARY**

This item authorizes the City Manager to enter an agreement with Mr. Oscar Fuentes on 1723 Santa Monica to waive irrigation water tap fees of \$275.00 in exchange for Mr. Fuentes providing sodding and in kind services that occurred during the Santa Rosa construction project.

### **BACKGROUND**

In April 2012, the City of Kingsville constructed a portion of roadway on Santa Rosa Street, which intersected Santa Monica Street. The project included drainage features and a new roadway surface. The project lasted more than four months. The project also created construction detours, controlled access to homes and destroyed landscaping at 1723 Santa Monica (corner lot where the property abuts to Santa Rosa). Mr. Fuentes's garage was cut off and his home access was restricted to Santa Monica with on street parking. Mr. Fuentes was very patient during the construction process and proposed an agreement between the City of Kingsville and himself to waive an irrigation water tap fee of \$275.00 in exchange for him being inconvenienced and for replacement of landscaping destroyed at the address. The amount of landscaping disturbed was approximately 127 square yards (115' x 10').

### **RECOMMENDATION**

Staff recommends that the City of Kingsville enters into an agreement with Mr. Oscar Fuentes to waive an irrigation water tap fee in exchange for sodding and in kind services.

### **FINANCIAL IMPACT**

No financial impact to the City of Kingsville. The cost for an irrigation water tap is \$275.00, while the average cost of a pallet of grass is \$360.00.

Approved

---

Vincent Capell, City Manager



## CITY MANAGER'S OFFICE

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

---

June 11, 2013

Oscar Fuentes  
1723 Santa Monica  
Kingsville, TX 78363

Re: Irrigation tap fee for sodding and services to your property at 1723 Santa Monica


Dear Mr. Fuentes,

It is my understanding you have been in discussions with staff about a waiver of an irrigation tap fee in exchange for sodding and in-kind services to your property at 1723 Santa Monica from the Santa Rosa drainage improvement project. Please be advised that the request was presented to and approved by the Kingsville City Commission at a meeting on June 10, 2013.

The sodding project needed for property damages during the Santa Rosa drainage improvement project and denial of driveway use during the project for your property have an estimated value of about \$350.00. In exchange for these things, the City will waive an irrigation tap fee, which has a value of \$275.00.

Please provide written acknowledgement if you understand and agree to these terms. If this arrangement is no longer acceptable, please contact me at (361) 595-8002.

Sincerely,

  
Vincent J. Capell  
City Manager

The terms set out above are acceptable and agreed to by me. Signed on this the \_\_\_\_ day of June, 2012.

---

Oscar Fuentes, property owner of 1723 Santa Monica