

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

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## **AMENDED AGENDA CITY COMMISSION**

**THURSDAY, FEBRUARY 13, 2014  
SPECIAL MEETING**

**HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS  
CITY HALL/200 EAST KLEBERG AVENUE  
4:00 P.M.**

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

#### **OPEN MEETING**

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

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

Regular Meeting – January 13, 2014

Regular Meeting – January 27, 2014

APPROVED BY:

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

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

1. None.

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

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, 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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 amending the fiscal year 2013-2014 budget for the General Fund to incur bad debt expense by accepting payment for contested billing for EMS Services provided to the City of Bishop. (Finance Director).
2. Motion to approve final passage of an ordinance amending the fiscal year 2013-2014 budget for the Kingsville Specialized Crimes & Narcotics Task Force to pay for expenses related to disposal of hazardous waste materials. (Finance Director).
3. Motion to approve resolution authorizing the release of Chapter 59 Funds of the Kingsville Specialized Crimes & Narcotics Task Force for donation to the Boys Scouts of America Venado District. (Task Force Commander).
4. Motion to approve resolution authorizing participation in Ride on the 11<sup>th</sup> Annual Wild Side Charity Bike Ride to be held on April 26, 2014 and authorizing the City Manager to execute an Indemnity Agreement with King Ranch for said event. (City Attorney).

## **REGULAR AGENDA**

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

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

5. Consider resolution ordering the City of Kingsville General Election, designating voting precincts, polling places establishing election procedures and appointing Early Voting Clerk. (City Secretary).

*(CONSIDERE UNA RESOLUCIÓN QUE ORDENA LAS ELECCIONES GENERALES DE LA CIUDAD DE KINGSVILLE, DESIGNA LOS DISTRITOS ELECTORALES Y LOS SITIOS DE VOTACIÓN, ESTABLECE LOS PROCEDIMIENTOS DE LAS ELECCIONES Y NOMBRA A LA SECRETARIA ENCARGADA DE LA VOTACIÓN ANTICIPADA). (SECRETARIA MUNICIPAL).*

6. Consider approval of out-of-state travel for Fire Chief to attend the National Fire Academy Executive Fire Officer Program on March 9-21 2014 in Emmetsburg, Maryland. (Fire Chief).
7. Consider authorizing BuyBoard Contract for work to Fire Station #1 upstairs shower and restroom to LMC Corporation for up to \$67,013.20, as per staff recommendation. (Director of Purchasing & IT).
8. Consider authorizing BuyBoard Contract for work to Fire Station #1 downstairs men's restroom to LMC Corporation for up to \$5,209.92, as per staff recommendation. (Director of Purchasing & IT).

9. Consider authorizing BuyBoard Contract for work to Fire Station #1 downstairs women's restroom to LMC Corporation for up to \$5,584.16, as per staff recommendation. (Director of Purchasing & IT).

10. Workshop to discuss the proposed changes to City Planning ordinances regarding the Fence Code, Home Occupations Code, Accessory Use & Structures code, Street Trees, Rear Yards, and the International Property Maintenance Code. (Director of Planning & Development Services).

## VII. Adjournment.


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

### NOTICE

This City of Kingsville and Commission Chambers is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/595-8002 or FAX 361/595-8024 or E-Mail [mvalenzuela@cityofkingsville.com](mailto:mvalenzuela@cityofkingsville.com) for further information. Braille Is Not Available. The City Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551-071 (Consultation with Attorney), 551-072 (Deliberations about Real Property), 551-073 (Deliberations about Gifts and Donations), 551-074 (Personnel Matters), 551-076 (Deliberations about Security Devices), 551-086 (Certain Public Power Utilities: Competitive Matters), and 551-087 (Economic Development).

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

February 7, 2014 at 3:00 P.M. and remained so posted continuously for at least 72 hours preceding the schedule time of said meeting.



Mary Valenzuela  
City Secretary  
City of Kingsville, Texas

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

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

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

**JANUARY 13, 2014**

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JANUARY 13, 2014 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 4:00 P.M.**

**CITY COMMISSION PRESENT:**

Sam Fugate, Mayor  
Dianne Leubert, Commissioner  
Al Garcia, Commissioner  
Arturo Pecos, Commissioner

**CITY COMMISSION ABSENT:**

Noel Pena, Commissioner

**CITY STAFF PRESENT:**

Vincent J. Capell, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Joey Reed, Fire Chief  
Don Erebia, Fire Department  
Felix Camarillo, Fire Department  
Roel Cavazos, Fire Department  
David Mason, Purchasing/IT Director  
Willie Vera, Task Force Commander  
Bill Donnell, Asst. Public Works Director  
Rick Torres, Chief of Police  
Emilio Garcia, Health Director  
Charlie Cardenas, Public Works Director/City Engineer  
Bob Trescott, Tourism Director  
Melissa Perez, Risk Manager  
Mando Sandoval, Fire Department  
James Creek, Fire Department  
Mike Garcia, Fire Department  
Diana Gonzales, Human Resources Director  
Robert Isassi, Director of Planning & Development Services  
Tony Verdin, Information Systems Technician

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 4:03 p.m. and announced quorum with four Commission members present. Commissioner Pena absent.

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

1. **Workshop** to review and discuss Fire Department operations for fiscal year 2013-2014. (City Manager).

Mr. Vince Capell reported that today's session will be regarding Fire Department operations for fiscal year 2013-2014.

Joey Reed, Fire Chief presented the City Commission with an overview/history on Fire Department operations. Reed read the mission, vision, values, and motto statement of the Fire Department. He stated that their goal is to provide a safe, professional, and courteous team that strives to exceed the expectations for our community and our organizations. The mission requires personnel to be part of a capable, aggressive, all risk fire department that is focused on making a difference in the lives of those we serve. Reed further stated that in 1909 the Kingsville Volunteer-Fire Department was formed and in the 1960's the city had its first paid Fire Department personnel. In 1970, the Fire Department had 15 paid firefighters and in 1971 the Fire Department takes over ambulance service from the Police Department. Prior to 1975, City increased paid firefighter staffing to 30 line personnel and in 2006 the Volunteer Fire Department becomes a separately funded City Department.

The Fire Department Administrative staff includes Fire Chief Joey Reed and Administrative Assistant Celena Longoria. Fire Administration is responsible for budgetary and strategic planning, policy development and review, research, record keeping, financial and operational oversight, purchasing, training programs, public safety education programs, and development and maintenance of mutual aid agreements with other agencies. Fire Administration is responsible for the overall management of the Department. Various members of the Department volunteer to assist with some of these and other duties. The Operations Section of the Fire Department is composed of three rotating shifts that each work on a 24 hour schedule. This is one of the most common firefighter shift schedules in the United States and is referred to as 24 on/48 off. Each shift is supervised by a Shift Captain working at Fire Station 1. A Lieutenant is assigned to supervise personnel at Fire Station 2 on each shift. The total staffing approved for shift or line duty, is 30 personnel. There are 10 personnel assigned to each of the three shifts. When staffing drops down to 3 or less personnel for whatever reason, or when a call is received for incidents that require more personnel than the daily minimum staffing, "General Alarm Overtime" is paged out to request any and all off duty personnel to respond for assistance.

Chief Reed further reported that the department currently has 13 personnel that are certified as EMT-Paramedics and 4 certified as EMT-Intermediate. The Department has 3 ambulances or "Medic Units". Each unit is certified through the Texas Department of State Health Services as a "Basic Life Support (BLS) unit with Mobile Intensive Care Unit (MICU) capabilities". This allows the Department to use the ambulance for BLS calls when there are no more paramedics available to respond. The unit becomes an MICU when a paramedic is in charge. Medic 1 is the primary unit to respond to medical emergencies, and is stationed at Fire Station 1. When a second simultaneous medical call is received, Medic 3 will respond from Fire Station 1, if personnel are available. When a third simultaneous medical call is received, Medic 2 located at Fire Station 2, is dispatched if personnel are available. When a medical call is received that is located west of the railroad tracks, Engine 2 is also dispatched along with Medic 1. This is referred to as a "First Responder" program or system. There is not always a paramedic assigned to work at Fire Station 2, so the primary Medic Unit responds from Fire Station 1.

Chief Reed gave some statistics regarding response to Fire Calls within the City Limits. Reed further reported that fire prevention is an important function of the Department and vital to minimizing property loss and injuries. The Fire Prevention section is responsible for fire inspections, plans review, and preliminary fire investigations. Fire Marshal Roel Cavazos is

responsible for these functions. In the past, business inspections have been primarily directed at high loss of life/property businesses such as hotels, nursing homes, schools, day care centers, and others. Businesses that are required to have an oven hood system, standpipe system, sprinkler system, alarm system, or other special equipment were also high priorities. The Fire Marshal is also responsible for reviewing building plans for new buildings and projects to ensure compliance with the fire and life safety codes. He visits new construction sites during the building process to assist builders with proper code compliance. Reed further spoke about fire investigations. Reed stated that it is important to identify the cause of fires in order to determine possible problems with products, storage, equipment, human factors, or arson. Fires within the City of Kingsville are initially investigated by the Incident Commander in charge of the fire. If the cause of the fire is not clear, the Fire Marshal is requested to investigate. If the Fire Marshal has a clear indication that the fire was caused by arson or intentionally set, the State Fire Marshal's office is contacted so that a certified Arson Investigator may conduct a thorough investigation.

Chief Reed spoke about Public fire safety education programs as being one of the most important prevention measures that can be taken to save lives and property. In 2013, the Kingsville Fire Department delivered dozens of classes to the children of all ages, civic groups, and other City employees. During Fire Prevention month in October, the Fire Department receives calls on a daily basis requesting tours and classes. Sometimes one school may have as many as 6 teachers request the same presentation at different times of the day on different days of the week. In order to continue with normal training and maintenance schedules within the Fire Department, and to ensure that target age groups are reached City wide, the Department will be working with school districts in 2014-15 to formulate an organized plan for the fire safety education program. Fire Department involvement in the community is important for several reasons. Meeting people in the community allows them to share concerns and ask questions about possible hazards where they live. Firefighters are proud to represent the Department and our community at public events such as parades and festivals. Reed stated that in the past year, the Fire Department has reduced its participation in some types of public events due to staffing levels, response times, and health reasons. In the past, the Fire Department had assigned on-duty personnel to certain events. In doing so, the number of personnel available to quickly respond to emergencies was reduced or their response time was increased. In order to still participate at events, but not impact services, the Department now notifies event coordinators that personnel attending events might have to leave quickly if an emergency need arises and they will not be dedicated to that one event. An activity that has been halted due to health reasons and increased response times is the filling of dunk tanks by fire engines. The water passing through the fire engine tank and pumps is not potable and may also contain foam residue that some persons are allergic to.

The NFPA is a private organization made up of fire service professionals and private sector experts. One of the NFPA standards that is used as a guideline for response times and personnel response levels is NFPA 1710, Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments.

Chief Reed discussed the insurance services office. He stated that the independent organization sets standards and reviews local fire services to determine what level of fire protection is provided. The ISO rating is used by many insurance companies to determine insurance rates for property owners and businesses in the particular jurisdiction. A fire jurisdiction is rated on several criteria using the Fire Suppression Rating Schedule (FSRS) with a score of 0 to 105.5. This number is then used to provide a Public Protection Classification (PPC) rating between 1-10, with 1 being the best possible fire protection. The City of Kingsville currently has an ISO rating of "5". If at an ISO (PPC) rating of "5", a median priced home valued

at \$70,000 might have an annual homeowners insurance cost of \$1,000. A drop in the PPC rating to a "3", could save homeowners up to approximately 6.3% on their annual home insurance. According to Citi-Data, there are 8,900 occupied homes in the City of Kingsville. If the average home pays \$1,000 annually for insurance and you multiply that by 8,000 homes, homeowners in the City pay approximately \$8 million dollars a year. Multiply a 6.3% reduction in rates to that and the aggregate savings to homeowners would be \$504,000 a year. These numbers don't reflect the added savings in insurance costs that businesses would receive. The lower ISO rating can be a key component in location consideration for corporations considering Kingsville as a prospective building location.

Chief Reed stated the Fire Department goals and objectives. The Fire Department's goals and objectives are simply to 1) Respond to calls for help more quickly through improved dispatching and communications; 2) Provide improved services through increased and more varied training programs; 3) Improve firefighter safety through enhanced training in Incident Command, tactics and strategies, and adoption of well-defined policies and procedures; 4) Improve documentation systems to more easily track services and identify needs to allow improvements; 5) Restructure the Fire Prevention Inspection program to allow for the inspection of every business at least every other year depending upon the type of business; 6) Find ways to become more participative in community events without negatively impacting emergency response times or resource levels; 7) Negotiate and recommend new mutual aid agreements with fire service agencies further away from the City to increase staffing on long duration emergencies; and 8) Provide a comfortable workplace for firefighters to live and work in and provide the tools needed to perform in a professional manner.

Chief Reed further discussed the current issues and projects:

**Fire Department phone system:** The Fire Department has installed a new Shoretel phone system to assist in taking different types of calls from the public. A different system was installed back in March of 2013, but it failed to work as promised. In March of 2013, some old Fire Department phone numbers were changed due to them being busy with sales calls. The other issue was that some people were calling that number directly for assistance. This was a hazard because sometimes the dispatcher leaves to respond to an emergency due to low staffing. It could also create delays if the person is calling on a number that does not alert firefighters with the buzzer. In March, the local newspaper ran a story on changing phone numbers and that the numbers to call would be the old business number and 911. We ran notices on the City website and attached recordings to those phone lines. The new system allows personnel to pick up phone lines from around the station by using the "Park" option on the phones. The emergency dispatch phones clearly light up for particular incoming calls such as those from the Police Department or Sheriff's Department. The speed dial function is more advanced and allows quicker notification of Fire Station 2 or other agencies in an emergency. There have also been some improvements made in the intercom system to notify personnel that there is an emergency call. There have been some glitches with the new system, but it is performing far superior to the previous system.

**Fire Station facilities:** The Fire Department does not have exhaust removal systems for the fire stations. Exhaust from fire apparatus has been determined by OSHA to cause cancer. The exhaust is sent into the air and circulated throughout the eating, sleeping, and living areas of the facilities. The Fire department has submitted a grant application to FEMA requesting funds to install a \$100,000 exhaust removal system for the stations. If the grant is awarded, the City would be required to pay \$10,000 in matching funds. Fire Station 1 has heaters that are venting into the apparatus room due to the vents being covered during a past roofing job. Fire Station 1 has numerous water leaks over the apparatus room. Fire Station 1 has rafters/joists exposed at



the rear of station and needs areas covered with soffits and siding. Rafters/joists and fascia boards are unpainted and need covering. Fire stations need door bells that can be heard throughout station. Fire Station 1 needs interior painting.

Fire Apparatus and Vehicles: Engine 2 is over 21 years old and has begun to have continuous mechanical issues. In order to keep two dependable front line engines operating, Engine 2 needs to be replaced as soon as possible. The Fire Department has submitted a grant application to FEMA requesting funds to purchase a \$550,000 fire engine to replace Engine 2. If the grant is awarded, the City would be responsible for \$55,000 in matching funds. If the grant is awarded to the City, Engine 2 may not be used as a reserve vehicle. This would mean that Engine 1 would need to be replaced in the near future so that the City could have a reserve engine as needed for ISO rating improvements. If the grant is not awarded, the City should consider replacing Engine 2 as soon as possible through budgetary means and then utilizing it as a reserve engine. Two of the Department Medic units were purchased in 2007. These units will probably need to be replaced within the next 3-5 years. They are both experiencing numerous mechanical issues at this time. An emergency Response Trailer Tow Vehicle is needed. The 1995 Dodge truck that was given to the Fire Department by the Sheriff's Department years ago is not a dependable vehicle. The truck has had numerous mechanical issues. The trailer needs to be available to respond with breathing air bottle cache, rehabilitation cache, and spare hose cache. The Fire Marshal's vehicle is a 2003 Ford Explorer and is beginning to have mechanical issues. It will need to be replaced within the next couple of years.

Chief Reed further discussed staffing issues within the Fire Department. To address the staffing issues, there are primarily two avenues to take. One would be to increase staffing. The other would be to reduce or redistribute Department responsibilities.

Option 1 is to increase staff. The Department is responsible for EMS ALS treatment and transport, fire suppression, rescue, and all hazards response and mitigation. In addition to those emergency responsibilities, the Department is responsible for business inspections and public safety education programs. There are not enough personnel to accomplish all of these responsibilities to a large and safe degree. Staffing for the ambulance service alone should be 4 dedicated EMS personnel a day, with 2 EMS/Fire floating personnel. This would be a total of 4 personnel assigned to ambulances not accounting for personnel on leave time. Staffing for the fire and all hazards response could be safely attained for the City with 8 to 10 persons on duty each day from 2 stations. This would include 3 persons for Engine 1, 3 persons for Engine 2, and 2 persons at Station 1 floating between 3rd Ambulance, Ladder Truck, Brush Truck, and Rescue. The total minimum staffing per day is recommended to be at least 12 persons. With the minimum staffing system, there would need to be additional personnel on the roster to allow for a increase in personnel allowed off on leave. This would bring the total number of personnel assigned per shift to approximately 15. This is an increase of 5 per shift or a total of 15 personnel. The cost for this increased number of firefighter/paramedics could be in the range of \$1.2 million to \$1.7 million a year.

Option 2 is reallocation of Fire Department responsibilities. Like other Texas cities, Kingsville could develop an Ambulance ordinance that would guarantee all non-emergency EMS transport services to a single contractor in return for the single company providing emergency transport without the City paying a subsidy. The ambulance contractor would be required to follow strict policies and service provisions that are managed by the Fire Department. The Fire Department would still be responsible for ALS EMS paramedic services. With a system of this type, the Fire Department could effectively staff 3 fire apparatus with a small increase in total numbers. This would allow Fire Department paramedics to respond on fire apparatus as ALS first responders for the entire City. By having both private transport and Fire Department first responders

responding to EMS calls, 2nd Fire Department vehicles would rarely be tied up on the one call as is currently the practice. If the call is deemed to require ALS services, the Fire Department paramedic can continue care while riding along with the private ambulance EMTs and the rest of the Fire Engine Company following behind. This would allow the Fire Department to maintain control of ALS services to the public and provide a continued funding source. If another call for the Fire Department occurs while the Engine is following the ambulance to the hospital, the Engine would simply divert to the emergency to ensure the most rapid response time and provide the maximum resources available for the specific type of incident. With this system, there would no longer be a need for daily ambulance staffing. The daily minimum staffing of 8 persons would allow for 3 people staffing of 2 engine companies, and 2 personnel floating at Station 1. The cost of increasing the minimum staffing from 7 to 8 can be partially absorbed using increased overtime and adding 1 position per shift for a total of 3 new personnel. The cost of 3 additional firefighter/paramedics would be approximately \$240,000 to \$260,000 a year. The loss of revenue from EMS transport fees could be as high as \$500,000 a year. The estimated cost of a system similar to this would be approximately \$750,000 a year.

Mayor Fugate excuses himself at 5:50 p.m. from the workshop to attend the Kingsville Independent School Board meeting.

Chief Reed further discussed the comparisons between Option 1 and Option 2 are that both options would allow firefighters to continue providing ALS paramedic services. Both options would allow fire companies to respond as first responders City wide, thereby reducing initial response times. Both options will allow fire companies to be more readily available by handing off non-ALS patients to BLS ambulances and returning to service quickly instead of personnel being tied up at the hospital for hours each day. Both options will increase the average number of personnel available to respond to fires and other incidents that require large numbers of firefighters. These options would also make conditions more favorable for on duty personnel to assist with business inspections and public safety education programs. Option 1 would allow a slower phase in of additional staffing costs, but could take years to accomplish. Once fully implemented, it could cost twice as much to have the same number of firefighters available as with Option 2. Option 2 could allow total phase in within 1 to 2 years and cost half as much as Option 1. This option has a greater upfront cost due to revenue losses. Neither of these options as described addresses the issue of having a dedicated fire dispatcher or additional supervisory staff should a third fire station be staffed.

Mayor Pro-tem Garcia closes the workshop at 5:55 p.m. and calls for a recess.

Mayor Fugate returns to meeting and reconvenes meeting into regular session at 6:25 p.m.

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

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

Regular meeting – November 25, 2013

Regular meeting – December 9, 2013

Mayor Fugate asked for a motion from the Commission to approve the minutes as presented.

**Motion made by Leubert to approve both sets of minutes as presented, seconded by Commissioner Garcia and Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Fugate voting "FOR".**

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

**1. Public hearing for an alcohol variance application for El Corral Restaurant located at 1415 14<sup>th</sup> Street, Kingsville, TX. (Director of Planning & Development Services).**

Mayor Fugate announced and opened this public hearing at 6:29 p.m.

Mr. Robert Isassi, Director of Planning & Development Services stated that El Corral Restaurant is requesting an alcohol variance for a Wine and Beer Retailers Permit for address located at 1415 N. 14<sup>th</sup> Street. The restaurant is within 300ft of an adult day care which will require a variance according to City Ordinance 2004-20. All required notices have been sent to the property owners within 300ft and a public hearing notice was placed in the newspaper on December 22, 2013. No negative feedback was received from property owners and or citizens that have been noticed.

Mayor Fugate closed this public hearing at 6:31 p.m.

**2. Public hearing for an alcohol variance application for Chopstix located at 1701 S. Brahma Blvd. #E, Kingsville, TX. (Director of Planning & Development Services).**

Mayor Fugate announced and opened this public hearing at 6:32 p.m.

Mr. Isassi stated that this is a request for an alcohol variance for a new restaurant called Chopstix located at 1701 S. Brahma Blvd. #E. This location is within 300ft of a public school. He further stated that all notices have been sent to the property owners within 300ft and a public hearing notice has been placed in the newspaper on December 22, 2013. No negative feedback was received from property owners and or citizens that have been noticed.

Mayor Fugate closed this public hearing at 6:33 p.m.

**3. Public hearing for an ordinance amending the zoning ordinance by changing the zoning map in reference to 21.175 acres of K.T.& I. Co., Block 9, Lot PT 3, 4, & 6 out of a 64.67 acre tract in 1400 Block of West Santa Gertrudis Avenue from AG-Agricultural District to R3-Multi-Family District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan and providing for publication. (Director of Planning & Development Services).**

Mayor Fugate announced and opened this public hearing at 6:33 p.m.

Eric Jackemyer, developer of the proposed development. Mr. Jackemyer presented the Commission with a slide show presentation of his past developments in Texas.

Commissioner Leubert asked Mr. Jackemyer if he keeps his developments and manages them. Mr. Jackemyer stated that he hires a third party management company out of Houston to manage his developments. Commissioner Leubert asked if these homes will be available to young professionals. Mr. Jackemyer responded yes, and his company follows all the mandates of fair housing.

Commissioner Garcia asked after Phase 1 is completed, how long before they start Phase 2. Mr. Jackemyer stated that it will be a market driven decision, but would like to start immediately after Phase 1 is completed.

Mayor Fugate closed this public hearing at 6:40 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.”

Mayor Fugate reported that the Kingsville Independent School District has voted unanimously to enter into an agreement with the City for the property located around the new city hall.

Mrs. Courtney Alvarez, City Attorney, reported that the next regularly scheduled meeting is January 27, 2014. Agenda item deadline for this meeting is Friday, January 17, 2014. She further reported that city hall will be closed on Monday, January 20, 2014 in observance of Martin Luther King, Jr. Day.

Mayor Fugate presented the Keep Kingsville Beautiful “Because you Care Award” to TAMUK Athletic Trainer and Kai Beta Delta Organization.

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

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

Mr. Dick Messbarger of Economic Development Council displayed some aerial view photos of Wild Wood Trails and Western Sky Apartments.

#### **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)*

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

**1. Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 General Fund Budget for the City of Kingsville to accept donations for the Kingsville Police Department. (Finance Director).**

2. Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 Fund 054 Utility Fund Capital Projects Fund to utilize Fiscal Year 2012-2013 fund balance for completion of the water well #19 pump house project. (Finance Director).

3. Motion to approve a resolution of the City of Kingsville authorizing the release of Chapter 59 funds of the South Texas Specialized Crimes and Narcotics Task Force for donation to the Kingsville Amateur Boxing Club, Inc. (Task Force Commander).

## **REGULAR AGENDA**

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

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

4. Consider approval of an alcohol variance of El Corral Restaurant located at 1415 14<sup>th</sup> Street, Kingsville, TX. (Director of Planning and Development Services).

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

5. Consider approval of an alcohol variance of Chopstix located at 1701 S. Brahma Blvd. #E, Kingsville, TX. (Director of Planning and Development Services).

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

6. Consider a resolution authorizing the Mayor to enter into an Interlocal Cooperation Agreement between the City of Kingsville and Texas A&M University-Kingsville relating to engineering design for Richard Avenue between Sixth Street and Ninth Street and for Seventh Street from Richard Avenue to Kleberg Avenue. (City Engineer/Public Works Director).

Mr. Charlie Cardenas, Public Works Director/Engineer, stated that the Commission previously approved a similar Interlocal Agreement with Texas A&M University-Kingsville relating to design engineering work for Kleberg Avenue between the Kleberg County Courthouse and Third Street via Resolution 2012-24. Mr. Cardenas stated that this agreement is for the design work for Richard Avenue between 6<sup>th</sup> Street to 9<sup>th</sup> Street, and 7<sup>th</sup> Street from Richard Avenue to Kleberg Avenue. Cardenas further stated that Dr. Stephen Nix Dean and professor at TAMUK College of Engineering has proposed to create a team of four students from TAMUK that will provide detailed engineering design for the reconstruction of Richard Avenue from 6<sup>th</sup> Street to 9<sup>th</sup> Street and of 7<sup>th</sup> Street from Richard Avenue to Kleberg Avenue. The scope of the work will include initial investigation, survey, plan & profile, drainage, utilities, sidewalks, ADA design consideration, and other inclusions as requested by the City. The project will include brief monthly progress reports to the City, as well as a 30%, 50%, 90% progress memoranda and final design documents. The project will extend over 9 months with the final project schedule prepared in collaboration with City personnel upon execution of the agreement.

Commissioner Leubert asked if property owners within this area will be making improvements to their areas. Mr. Cardenas responded yes.

Mr. Capell stated that this project will be good for the city as well as the University.

Mayor Fugate stated that this is an opportunity for the University Engineering Department to get real life experience.

Commissioner Pecos asked if drainage will be underground. Mr. Cardenas responded yes.

**Motion made by Commissioner Leubert to authorize the Mayor to enter into an Interlocal Cooperation Agreement between the City of Kingsville and Texas A&M University-Kingsville relating to engineering design for Richard Avenue between Sixth Street and Ninth Street and for Seventh Street from Richard Avenue to Kleberg Avenue, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Garcia, Fugate voting "FOR".**

**7. Resolution authorizing City Manager to enter into a contract for Professional Services between City of Kingsville and LNV, Inc. for engineering services for new water transmission line improvements. (City Engineer/Public Works Director).**

Mr. Cardenas stated that this is for engineering services for the construction of a new 18" water transmission line on Kenedy Avenue from Armstrong Street to 14<sup>th</sup> Street. The transmission line will connect the city's east and west water towers. Cardenas stated that there is an existing old line with constant breaks and maintenance issues. The new larger line will increase water capacity throughout the city and enhance water quality.

Commissioner Garcia asked if during the installation of the water line, was there any consideration to fire hydrants within the area. Cardenas responded yes there is fire protection.

Mr. Charlie Sosa of LNV Engineering stated that this is a transmission line that will transfer water from tower on the east side to the west side. He further stated that there will be four fire hydrants that will tie into this transmission line that are serviced from the old transmission line which is an old 18" transmission line.

Commissioner Garcia requested that city staff and LNV Engineering coordinate with the Fire Chief regarding these fire hydrants.

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

**8. Resolution authorizing City Manager to enter into a contract for Professional Services between City of Kingsville and LNV, Inc. for engineering services for new forcemain improvements. (City Engineer/Public Works Director).**

Mr. Cardenas stated that this item is services for the construction of a 24" waste water force main from 17<sup>th</sup> Street to the North 3MGD waste water treatment plant. Cardenas stated that this line will run parallel to Tranquitas Creek.

Commissioner Pecos asked if the old lines will be replaced with the new one. Cardenas responded yes.

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

**9. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 21.175 acres of K.T.& I. Co., Block 9, Lot PT 3, 4, & 6 out of a 64.67 acre tract in 1400 Block of West Santa Gertrudis Avenue from AG-Agricultural District to R3-Multi-Family District, amending the comprehensive plan to account for any deviations from the existing**

**comprehensive plan and providing for publication. (Director of Planning and Development Services).**

Mr. Isassi reported that this request for approval of a change in zoning request of a 21.175 acre lot located on the 1400 block of West Santa Gertrudis.

Introduction item only.

**10. Consider approval of 21.175 acre plat for property located at the 1400 block of West Santa Gertrudis Avenue with the conditions recommended by the Planning & Zoning Commission. (Director of Planning and Development Services).**

**Motion made by Commissioner Garcia to approve this plat, seconded by Commissioner Leubert.**

Mayor Fugate stated that this is a great project that will move the city forward in a lot of areas.

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

**11. Consider authorizing City Manager to enter into letter agreement with Caesar Silva for economic development assistance for a water and sewer line extension for new apartments to be located at 1205 W. King Street. (Director of Planning and Development Services).**

Mr. Isassi stated that Mr. Caesar Silva is request to share the expense of installing a water and wastewater tap to his proposed 15 unit apartment complex. The terms of payment for the actual cost will be paid out for no more than 12 months.

Commissioner Garcia asked about traffic and speed limit within this area. Mrs. Alvarez stated that Texas Department of Transportation will need to do a study on speed control.

**Motion made by Commissioner Garcia to authorize the City Manager to enter into letter agreement with Caesar Silva, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Garcia, Leubert, Fugate voting "FOR".**

**12. Motion to approve a resolution authorizing the Chief of Police to enter into a Memorandum of Understanding between the Children's Advocacy Center of the Coastal Bend and the Kingsville Police Department relating to protocols for reports of abuse and neglect of children. (Chief of Police).**

Ricardo Torres, Police Chief, stated that this is an agreement that is renewed annual.

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

**13. Consider authorizing the purchase of compact wheel loader for the Sanitation Department, as per staff recommendation. (Purchasing Director).**

Mr. David Mason, Purchasing/IT Director stated that this item will authorize the purchase of one compact wheel loader with grapple for the Sanitation Department from Holt Cat under BuyBoard contract 424-13. This action will expend \$75,395 from 087-5-170.2-712.00, Solid Waste Capital Projects of which \$116,199 is budgeted for FY 2014.

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

**VII. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:22 P.M.

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Sam R. Fugate, Mayor

ATTEST:

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Mary Valenzuela, City Secretary



**JANUARY 27, 2014**

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JANUARY 27, 2014 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  
Al Garcia, Commissioner  
Arturo Pecos, Commissioner

**CITY COMMISSION ABSENT:**

Noel Pena, Commissioner

**CITY STAFF PRESENT:**

Vincent J. Capell, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Deborah Balli, Finance Director  
Emilio Garcia, Health Director  
Charlie Cardenas, Public Works Director/City Engineer  
Bob Trescott, Tourism Director  
Melissa Perez, Risk Manager  
Robert Isassi, Director of Planning & Development Services  
Willie Vera, Task Force Commander  
Robert Rodriguez, Library Director  
Cynthia Martin, Downtown & Volunteer Manager

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 4:03 p.m. and announced quorum with four Commission members present. Commissioner Pena absent.

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

The invocation was delivered by Mrs. Courtney Alvarez, City Attorney, followed by the Pledge of Allegiance and the Texas Pledge.

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

NONE.

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

1. NONE.

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

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

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

Mr. Vince Capell, City Manager, reported that on the City of Kingsville will be hosting Trash off Day on Saturday, February 1, 2014 from 8:00 a.m. to 12:00 p.m.

Mrs. Courtney Alvarez, City Attorney, reported that the next regularly scheduled Commission meeting is on Monday, February 10, 2014. Agenda items for this meeting are to be turned in by Friday, January 31, 2014.

Commissioner Leubert asked for an update on the anti-texting ordinance. Mrs. Alvarez stated that an ordinance has been drafted. Staff is working on the mapping of the signs so we can come up with a cost estimate. Commissioner Leubert further asked for a timeline. Mrs. Alvarez stated that she has asked for the information to be provided to her by the end of this month. Leubert further asked for staff to look into encouraging people to stop at crosswalks when citizens are crossing.

Commissioner Pecos reported that he has received a lot of positive feedback from citizens regarding streets. Pecos further stated that he would like for staff to look into bringing the Petra Vela Kenedy House project back to the Commission.

Commissioner Garcia asked for staff to explore the possibilities of a cover at school bus stops for kids that are waiting for the school bus.

Mayor Fugate presented a proclamation for National Catholic School Week.

#### **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)*

Commissioner Leubert made a motion to remove agenda item #1 from the consent agenda and place under the regular agenda for discussion. The motion was seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Fugate voting "FOR".

1. Motion to approve a resolution authorizing the City of Kingsville to continue participation in the Texas Main Street Program, authorizing the Mayor to execute the Texas Main Street Letter Agreement and designating Downtown Manager, Cynthia Martin, as the Main Street Program Manager for the City of Kingsville to coordinate program activities. (Tourism Director).

Commissioner Leubert asked how the city will benefit from this program. Mr. Bob Trescott, Tourism Director stated that this program is modeled to help organize and develop a public/private effort to revitalize their main street area. Trescott further stated that this is a marketing and networking tool. He further stated that this program has helped with the Pavilion located on 6<sup>th</sup> Street. Trescott further stated that there are 90 cities participating in this program in Texas. Commissioner Leubert asked how this program has assisted the city with the Pavilion. Mr. Trescott stated that when the idea came up of taking a canopy and moving it into a different location, the State send some rendering at no charge to the city.

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

2. Motion to approve 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. (Director of Planning and Development Services).

3. Motion to approve final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to 21.175 acres of K.T.& I. Co., Block 9, Lot PT 3, 4, & 6 out of a 64.67 acre tract in 1400 Block of West Santa Gertrudis Avenue from AG-Agricultural District to R3-Multi-Family District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan and providing for publication. (Director of Planning and Development Services).

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

## **REGULAR AGENDA**

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

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

4. Consider a resolution authorizing the Mayor to enter into an Interlocal Agreement between the City of Kingsville and the Kingsville Independent School District relating to waiver of certain planning fees in exchange for certain land. (City Attorney).

Mayor Fugate stated that the City has negotiated with KISD for property located near the new City Hall in exchange for waiving certain permitting fees for the new High School and other in-kind services.

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

**5. Consider a resolution authorizing the City Manager to enter into 2014 Election Services Agreement between City of Kingsville and Kleberg County Clerk. (City Secretary).**

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

**6. Consider a resolution authorizing the City Manager to enter into a Fourth Revised Water Utility Supply Contract (Gov. Contract #N69450-12-C-0011) between the City of Kingsville, Texas and the Federal Government for Naval Air Station-Kingsville for TCEQ requested language. (City Attorney).**

Mrs. Alvarez stated that the Federal Government has its own supply contracts and any changes made would require Commission approval. She further stated that there is no financial impact to the City.

**Motion made by Commissioner Garcia to approve this resolution, seconded by Commissioner Leubert.**

Commissioner Garcia asked about the .6 gallons per connection, who will be monitoring the per minute rate. Mrs. Alvarez responded that LNV has done some water calculations for the City which help to ensure the amount water the city is able to produce and flow through the lines. It meets the requirements, not just for NAS Kingsville but for the other entities the City has water supply contracts with.

Commissioner Garcia asked if the calculation of .6 gallons per minute, will we have to have a pressure pump to keep up with the rate. Mr. Cardenas stated that gallons per minute is the volume how much water it's going to be supplying, PSI is the pressure it's going to produce. Cardenas further stated that the worst case scenario is a larger pipe due to more flow which will make a necessary for a larger pipe. Cardenas stated that as for pumping capacity it will be there.

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

**7. Consider a resolution abandoning a 1905 water and drainage easement within 21.175 acres of K.T.&I. Co., Block 9, Lot PT 3, 4, & 6 in the 1400 block of West Santa Gertrudis Avenue. (Director of Planning and Development Services).**

Mr. Isassi reported that this is a request from Domus Development who is developing student housing along the 1400 block of West Santa Gertrudis. He further stated that while performing a title search, by Kingsville Title, the development group noted a blanket City water easement, referenced in a 1905 deed. After this discovery, they are requesting the release of this blanket easement to ensure that the development of this property continued unencumbered. Mr. Isassi stated that the owner is requesting the full release of this easement based on existing City ordinances that already easements on property for water transmission.

**Motion made by Commissioner Leubert to approve this resolution, seconded by Commissioner Garcia and Commissioner Pecos.**

Commissioner Garcia asked if what the Commission is about to vote on, is to give up this easement which is abutting or within the meets and bounds of the 21 acres. Mr. Isassi stated that this is what is being asked by Commission to approve.

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

**8. Consider introduction of an ordinance amending the fiscal year 2013-2014 budget for the Kingsville Specialized Crimes & Narcotics Task Force to pay for expenses related to disposal of hazardous waste materials. (Finance Director).**

Mrs. Deborah Balli, Finance Director stated that the Task Force is in need of additional funding to properly dispose of hazardous waste materials. This was budgeted last fiscal year but due to some delays the project was not completed which now require a budget amendment this fiscal year.

**Introduction item only.**

**9. Consider writing off bad debt by accepting payment for contested billing for EMS Service provided to the City of Bishop in prior years. (Finance Director).**

Mayor Fugate commented that this is not a bad debt due to the City never having a contract in place, to which this service should not have been provided. Mayor Fugate further asked Mrs. Alvarez for her legal opinion.

Mrs. Alvarez responded that acceptance of the payment is probably in the best interest of the City.

**Motion made by Commissioner Leubert to accept payment for contested billing for EMS Service provided to the City of Bishop in prior years, seconded by Commissioner Garcia.**

Commissioner Garcia stated that he recalls this being more of a verbal contract.

**Motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Fugate voting "FOR".**

**10. Consider introduction of an ordinance amending the fiscal year 2013-2014 budget for the General Fund to incur bad debt expense by accepting payment for contested billing for EMS Services provided to the City of Bishop. (Finance Director).**

**Introduction item only.**

**11. Consider authorizing City Manager to enter into letter agreement with Eric and Belinda Purdy for a sewer line extension along Chandler Street across Jay Vee Street. (City Engineer/Public Works Director).**

Mr. Cardenas reported that this is a request for the City of Kingsville to enter into a partnership with Mr. Eric Purdy of 325 S. Jay Vee to extend wastewater service. Currently the residence relies on an outdated septic system. Mr. Purdy will be required to pay for the street cut and tap into the extended line, providing a plumber to re-route his service line from the septic system.

Mayor Fugate asked if this opens up to any other residents in the area. Cardenas responded not at this time. Cardenas stated the financial impact to the City of Kingsville is estimated at \$3,627.47.

Commissioner Garcia asked if the work the City will be performing is a shared cost of 50% with the owner. Mr. Cardenas stated that the city's share cost is more of 75% due to the property owner having to pay for the street cut. Cardenas further stated that the property owner would also have to provide their own private plumber which could cost around \$10,000.

**Motion made by Commissioner Garcia to authorize the City Manager to enter into letter agreement with Eric and Belinda Purdy for a sewer line extension, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Garcia, Leubert, Fugate voting "FOR".**

**12. Consider authorizing cost sharing with Kleberg County for new ADA compliant veterans' van. (City Manager).**

Mr. Capell reported that this item authorizes the participation with Kleberg County for the purchase of a new van for the Veteran's Service Office. The action will expend no more than \$17,000 from the General Fund.

**Motion made by Commissioner Garcia to authorize the cost sharing with Kleberg County for a new ADA compliant Veteran's Van, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Garcia, Leubert, Fugate voting "FOR". Pecos "ABSTAIN".**

**13. Consider introduction of an ordinance amending the fiscal year 2013-2014 budget for the General Fund to provide funding for ½ the purchase costs needed for the Kleberg County Veteran's Service Office to acquire a van with ADA specifications. (Finance Director).**

Introduction item only.

**14. Consider a resolution approving the emblem determined suitable by the Kingsville Historical Development Board for marking buildings, structures, and sites within historic districts and for designated landmarks both public and private. (Tourism Director).**

Mrs. Cynthia Martin, Downtown Manager, stated that Section 15-15-15 of the City of Kingsville Code of Ordinances, task the Kingsville Historical Development Board to determine suitable emblem for marking buildings, structures, and sites within the historic district and for designated landmarks, both public and private. The emblem has been submitted to the Texas Historical Commission for their approval. Mrs. Martin further introduced Mrs. Maggie Salinas, Chairperson of the Historic Board. Mrs. Martin and Mrs. Salinas further displayed the emblem that will be used if approved by the Commission.

Commissioner Leubert asked how the emblem will be attached to a building. Mrs. Salinas stated that it all depends on the type of building it will be placed on.

Commissioner Garcia asked if the emblem will be available in different sizes. Mrs. Martin responded that it depends on the type of building it will be attached too.

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

**VII. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:03 P.M.

ATTEST:

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Sam R. Fugate, Mayor

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Mary Valenzuela, City Secretary

# **CONSENT AGENDA**

# **AGENDA ITEM #1**



**ORDINANCE NO. 2014-**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2013-2014 BUDGET FOR THE GENERAL FUND TO INCUR BAD DEBT EXPENSE BY ACCEPTING PAYMENT FOR CONTESTED BILLING FOR EMS SERVICES PROVIDED TO THE CITY OF BISHOP.**

**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 2013-2014 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	610.00		<u>\$4,690</u>
					<u>\$4,690</u>
<u>Expenses</u>					
5-220.0	Fire Dept.	Bad Debt	950.00	<u>\$4,690</u>	
				<u>\$4,690</u>	

[To accept a payment of \$2,000 from the City of Bishop for EMS services provided to them by the City of Kingsville. The City of Kingsville is carrying a receivable of \$6,689.99 in relation to the services provided. The City of Bishop based its payment on 8 EMS calls at the rate of \$250/call. The City of Kingsville assessed its billing based on the City Commission approved rate of \$920/call that was adopted on March 26, 2008. The variance on the balance is the difference of the two amounts (\$760/call) resulting from a previously accepted payment. The City of Bishop has stated it never signed an agreement for the new higher rate. The acceptance of the payment would result in writing off the remaining balance of \$4,689.99.]

**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 27th day of January, 2014.

**PASSED AND APPROVED** on this the \_\_\_\_ day of \_\_\_\_\_, 2014.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



## ***Finance Department***

Deborah Balli, Director of Finance  
361-595-8009

DATE: Friday, January 18, 2014  
TO: City Commission  
FROM: Deborah Balli, Director of Finance  
SUBJECT: Bad Debt Expense

### **SUMMARY**

This item authorizes a budget amendment to accept payment of \$2,000 and expense the remaining balance of \$4,690 to bad debt expense in the General Fund for EMS services provided to the City of Bishop incurred in 2008.

**BACKGROUND:** In August 2007 the City of Kingsville entered into an agreement with the City of Bishop to provide EMS services for \$250 per call. On March 26, 2008 the Kingsville City Commissioner's passed a motion increasing the rate to \$920 per call and set the agreement to expire on June 9, 2008 because it was determined the fee of \$250 was not sufficient to cover the costs of providing the EMS service to Bishop. The 8 EMS calls relating to the outstanding balance of \$6,690 occurred from February–June 2008. The City of Bishop never signed the amended agreement to increase the rates passed by the Kingsville City Commission.

### **RECOMMENDATION**

Staff recommends proceeding with approval of the proposed budget amendment considering there was not an executed agreement with the City of Bishop for the increased EMS fees and due to the length of time this account has been outstanding.

### **FINANCIAL IMPACT**

The Budget Amendment would involve approving the write off of \$4,690 against the General Funds Unreserved Fund Balance.

Nueces County Emergency Services District #6  
c/o Susan Cude  
802 E. Joyce  
Bishop, Texas 78343

November 25, 2013

City of Kingsville  
Mark Rushing, Finance Director  
P. O. Box 1458  
Kingsville, Texas 78363

Re: City of Bishop Inv. #02.2008-06.208

Dear Mr. Rushing:

Let me introduce myself. My name is Susan Cude, Board Commissioner of the Nueces County Emergency Services District #6 (NCESD#6). I am the Treasurer of the Board. Our District was created in 2010 by an election held and voted in by the people of the District. The District covers the City of Bishop, Driscoll, Petronilla and the surrounding outlying areas in Nueces County.

The City of Bishop approached the District requesting assistance with payment of temporary ambulance services provided by the City of Kingsville prior to the formation of the District. It is my understanding that there were eight calls made during that period that have not been settled. The NCESD#6 Board proposed and unanimously voted to assist the City of Bishop by submitting payment for the charges. Enclosed please find a check in the amount of \$2,000.00 for payment in full of those obligations.

If you have any question, please call me at 361-290-0962.

Sincerely,



Susan Cude  
Commissioner/Treasurer  
NCESD#6

cc: Bill Ordner, President  
NCESD#6

Enclosure: Check #1218





INTERLOCAL AGREEMENT  
BETWEEN THE CITY OF KINGSVILLE  
AND THE CITY OF BISHOP  
RELATING TO  
EMERGENCY MEDICAL SERVICE (911)

WITNESSETH:

WHEREAS, the City of Kingsville maintains equipment and personnel for the emergency medical service and the City of Bishop has to contract with private companies for such service within their own areas; and

WHEREAS, each of the parties desires to provide emergency medical service in their respective areas; and

WHEREAS, the lands or districts of the parties hereto are adjacent to or contiguous so that mutual assistance in a medical emergency is deemed feasible; and

WHEREAS, the City of Bishop is currently not under contract with an emergency medical service, is reliant on the availability of on-call emergency medical services, and is in need of a back-up emergency medical service for the next several weeks; and

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

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

1. PARTIES. The parties to this Interlocal Agreement ("Agreement") are the City of Kingsville ("City"), a Texas home rule municipality, and the City of Bishop ("Bishop"), a Texas Type A general law municipality.

2. PURPOSE.

A. Whenever emergency medical service is needed in Bishop, Bishop should attempt to contact at least two private providers prior to contacting the City for emergency medical service.

B. Whenever it is deemed advisable by the senior officer of a fire department belonging to a party to this agreement to request emergency medical service under the terms of the agreement, he/she is authorized to do so, and the senior officer on duty for the City's Fire Department receiving the request shall forthwith take the following action:

1. Immediately determine if the requested apparatus and personnel are available to respond to the call.

2. In accordance with the terms of this agreement, forthwith dispatch such apparatus and personnel as in the judgment of the senior officer receiving the call should be sent with instruction as to their mission.
3. The rendering of assistance under the terms of this agreement shall not be mandatory, but the party receiving the request for assistance shall immediately inform the party requesting service if assistance cannot be rendered.
4. For all services performed under this agreement the City of Kingsville shall be entitled to seek reimbursement from Bishop in the amount of \$250 per service run for providing emergency medical service to areas under the jurisdiction of the City of Bishop, by submitting a written invoice detailing the costs incurred for which reimbursement is sought. Said costs are to be paid within 30 days of billing. Said reimbursement from Bishop is exclusive of the City's right to bill the patient for services rendered.
5. Patient care and transport will be according to the City's protocols.

3. TERM.

- A. This Agreement shall be for an initial term of two months.
- B. This Agreement may be renewed for one additional two-month term upon receipt by the City of a letter from Bishop stating that Bishop has been unsuccessful in its attempts to secure a contract for emergency medical services.
- C. This Agreement may be terminated at any time by any party with or without cause upon fourteen (14) days advance written notice.
- D. Any notice of termination shall be sent to the other party to this interlocal agreement at the address listed in paragraph 4 of this agreement.

4. MISCELLANEOUS PROVISIONS.

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

City of Kingsville, Texas  
Attention: City Manager  
P.O. Box 1458  
Kingsville, Texas 78364  
Telephone: (361) 595-8002  
Facsimile: (361) 595-8035

City of Bishop  
Attention: Mayor  
P.O. Box 356  
Bishop, Texas 78343  
Telephone: (361) 584-2567  
Facsimile: (361) 584-3253

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

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

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

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

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

G. No Civil Liability to Other Party. One party may not be responsible to and may not be civilly liable to another party for any act or omission under this Agreement. Each party waives all claims against the other party for compensation for any loss, damage, personal injury, or death occurring as a consequence of the performance of this Agreement.

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

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



J. Interlocal Cooperation Act Applies. The parties enter into this Interlocal Agreement under the Texas Government Code Chapter 791 (Interlocal Cooperation Act) and under the terms of Texas Local Government Code §242.001(c). The parties agree that activities under this Agreement are "governmental functions and services" and that the parties are "local governments" as that term is defined in this Agreement and in the Interlocal Cooperation Act.

K. Approval by Governing Bodies. Each party represents that this Agreement has been duly passed and approved by the governing body of the party as required by the Texas Interlocal Cooperation Act, Chapter 791, Texas Government Code.

L. Entirety of Agreement. No other oral or written commitments of the parties with respect to the Parks and Recreation Department may have any force or effect if not contained in this Interlocal Agreement or the original Interlocal Agreement.

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

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

O. Warranty. The Agreement has been officially authorized by the governing body of each party, and each signatory guarantees and warrants that the signatory has full authority to execute this Agreement and to legally bind the respective party to this Agreement.

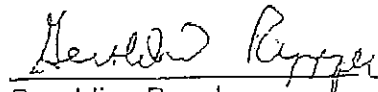
P. Governing Laws. This Agreement shall be governed by the laws of the State of Texas.


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

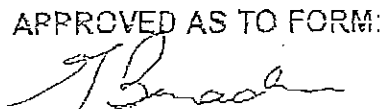
R. Effective Date. This Agreement is effective on the date when the last party executes this agreement.

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

EXECUTED by the City of Bishop on the 17<sup>th</sup> day of July, 2007.

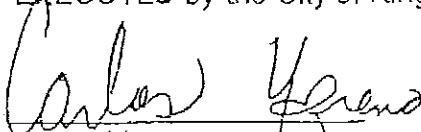
  
Geraldine Ryppe  
Mayor

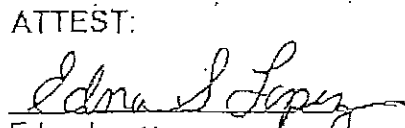
ATTEST:  
  
Cynthia Contreras  
City Secretary

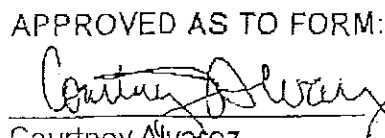
APPROVED AS TO FORM:  
  
Gerald Benadum  
City Attorney



EXECUTED by the City of Kingsville on the 13<sup>th</sup> day of August, 2007.

  
Carlos Yerena  
City Manager

ATTEST:  
  
Edna Lopez  
City Secretary

APPROVED AS TO FORM:  
  
Courtney Alvarez  
City Attorney

reconstruction, and declare the buildings or structures to be a public nuisance, and order their demolition by the owner/agent or person in charge within forty-five (45) days, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski, Wilson voting "FOR".

### REGULAR AGENDA

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

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

##### 7. RESOLUTION R2008-07 Consider resolution appointing Election Judges and the Early Voting Ballot Board Judge for the City General Election on May 10, 2008. (City Secretary).

Ms Lopez stated this resolution appoints the Election Judges, Alternate Judges and the Early Voting Ballot Board Judge for the City's General Election on May 10<sup>th</sup>, 2008. Each Election Judge is authorized to appoint two clerks, the compensation for the Election Judges will be \$9.00 per hour, plus an additional \$25.00 for delivering election returns to the Courthouse, and the Alternate Judges and Clerks will be compensated \$8.00 per hour.

Ms Lopez stated the appointments are as follows: Ms Mary Flores, Presiding Judge of the Early Voting Ballot Board.

<u>CITY POLLING PLACE</u>	<u>PRESIDING JUDGE</u>	<u>ALTERNATE JUDGE</u>
1 – TAMUK Industrial Tech Bldg.	Selina Perez	Beatrice Garza
2 – School Administration	Diana Garcia	Julia Burroughs Eleazar
3 – Kleberg County Human Serv.	Estela Rodriguez	Nora Cisneros
4 – Gillett Intermediate School	Janie Munoz	Rosa Guerrero
5 – Lamar Elementary School	Amparo Quintanilla	Maria Luisa Alaniz
6 – Perez Elementary School	Tony Torres	Vilma Quintanilla

Commissioner Laskowski made a motion to authorize the resolution appointing the Election Judges and Early Voting Ballot Board Judge for the City General Election on May 10<sup>th</sup>, 2008 seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Garcia, Laskowski voting "FOR".

##### 8. Consider approval of alcohol variance for the K-2 Food Mart located at 128 W. Corral. (City Secretary).

Ms Lopez stated that this item was introduced in the public hearing. There were no comments made for or against the variance.

Mayor Fugate called for a motion. Commissioner Laskowski made a motion to approve the alcohol variance for the K-2 Food Mart located at 128 West Corral, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

##### 9. Discuss and consider Emergency Medical Service (911) for the City of Bishop. (Fire Chief).

Fire Chief Lopez stated the agreement between the City of Bishop and Kingsville expired about three months ago. He stated the call volume to Bishop was low and they were billed for six months for twenty-one calls. He stated that in order to continue this is being brought to the Commission for discussion and to get direction from the Commission. City Manager Yerena stated the City of Bishop is still without ambulance service. He stated staff is recommending not being in this business for the long-term.

Ms Billie Erwin, City Councilwomen from Bishop stated they are trying to get their own service and are presently working with an ambulance company for a proposal. Mayor Fugate asked about a timeline. Ms Erwin responded they do not have a timeline.

Mayor Fugate called for questions or comments. Commissioner Laskowski stated the agreement was approved in July for two months. He stated his concern is that as a Commissioner he has a responsibility first to the citizens of this community. He stated he is willing to help the City of Bishop, but they can't rely on this long-term. Ms Cynthia Contreras, Bishop City Secretary stated there is an ambulance service from the Valley that is working on doing a demographic study.

Mayor Fugate called for the Fire Chief's recommendation. Chief Lopez stated that the City of Bishop is depending on Kingsville, but Kingsville does not have the vehicles or staff. He stated that the amount of money being paid by the City of Bishop does not come close to what an average ambulance run in Kingsville costs which is approximately \$900.00. He stated his recommendation would be to set a time limit and adjust the cost. Upon a question from Commissioner Pecos, Chief Lopez stated service is provided for Ricardo because of the mutual aid agreement with the County. For a 911 response, Chief Lopez stated they are not responding in a timely manner because of the distance. Upon a question from Commissioner Garcia, Ms Contreras replied the next responding area would come from Robstown or Annville. Chief Lopez stated if service is to be continued a new agreement must be put together. He stated his recommendation is to set a time limit on the agreement and adjust the cost. Upon a question from Commissioner Wilson, Chief Lopez replied that he met with Finance Director Mark Rushing and Paramedic Felix Camarillo to do an analysis. He stated the rate should be adjusted to \$920.00, minimum and that the patient will be billed. Commissioner Wilson stated that his understanding is if a time limit is set and the rate is adjusted then the Fire Chief would be agreeable to continue the service for a limited amount of time. Chief Lopez responded that was correct. Commissioner Laskowski stated that the present agreement calls for the City of Bishop to be responsible for \$250.00 above what is charged to the patient. Chief Lopez stated that the City of Bishop will be responsible for \$920.00 which will replace the charge of \$250.00, and the patient will still be billed.

Commissioner Wilson made a motion to approve the Agreement with the following amendments: on Section 2 (B) 4, in place of the amount of \$250.00 to be replaced by \$920.00 per service run; and under the Term, Section 3 (A), would be replaced with "this agreement will be in effect from March 26<sup>th</sup>, 2008 and terminate on June 9<sup>th</sup>, 2008, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

**10. Consider approval of contract for professional services between the City of Kingsville and LNV Engineering for Infiltration and Inflow (I&I) Study and Report. (City Manager).**

City Manager Yerena stated this would allow LNV Engineering to complete the I & I Study and Report.

Mayor Fugate called for any questions or comments. Commissioner Garcia made a motion to approve the contract, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Pecos, Garcia voting "FOR".

**11. ORDINANCE ORD2008-13 Consider final passage of an ordinance amending the Fiscal Year 2007-2008 budget for the City of Kingsville for Water Wells #23 and #24 to come from CO 2005 Utility Fund Interest Revenue. (Finance Director).**

City Manager Yerena stated the interest revenue is being recognized in the amount of \$510,000.00 and expending it for water well #23 & #24.

## **AGENDA ITEM #2**

**ORDINANCE NO. 2014-**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2013-2014 BUDGET FOR THE KINGSVILLE SPECIALIZED CRIMES & NARCOTICS TASK FORCE TO PAY FOR EXPENSES RELATED TO DISPOSAL OF HAZARDOUS WASTE MATERIALS.**

**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 2013-2014 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 008</b>	<b>Task Force- Criminal Justice Division Fund</b>				
<u>Capital</u>					
2		Fund Balance	610.00		<u>\$11,960</u>
					<u>\$11,960</u>
<u>Expenses</u>					
5-233.0		Professional Services	314.00	<u>\$11,960</u>	
				<u>\$11,960</u>	

[The Task Force is in need of additional funding to properly dispose of hazardous waste materials. This is a FY13-14 appropriation needed due to bid delays. The expense request was originally budgeted in the prior fiscal year.]

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 27th day of January 2014.

**PASSED AND APPROVED** on this the \_\_\_\_ day of \_\_\_\_\_, 2014.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



**KINGSVILLE SPECIALIZED CRIMES  
AND NARCOTICS TASK FORCE**

**P. O. BOX 213**

**KINGSVILLE, TEXAS 78364**

[tfadmin@kingsvilletaskforce.com](mailto:tfadmin@kingsvilletaskforce.com)

**(361) 595-5778**

**Fax (361) 595-5781**



January 14, 2014

Ms. Deborah Balli, Finance Director  
City of Kingsville, Texas

Ms. Balli,

The Kingsville Specialized Crimes & Narcotics Task Force is formally requesting a budget amendment to be placed as an agenda item on the next City of Kingsville's Commissioners Court set for Monday January 27, 2014.

The budget amendment concerns monies transferred on 09-27-2013 from Budget Year 2012-2013 but was never spent. We request this amount be transferred from Budget Year 2012-2013 to the current budget year (2013-2014) for the following reasons; Miller Environmental Services, Inc., provided an estimate of \$11,960.00 for the paint removal. A revised estimate that doubled the initial amount was then submitted after the initial transfer of funds and was subsequently rejected.

A second company, Hazardous Waste Haulers, was contacted as a result of the paint disposal cost exceeding the first estimate. This company estimated the removal of waste paint and paint related materials at \$10,350.00. Due to unforeseen circumstances the paint disposal did not take place until 12-23-2013.

The budget amendment being requested is from the previous budget year and will not affect our operating budget for the current year. Thanks in advance, and if any additional information is needed from our office, please contact us at your convenience.

Sincerely,

A handwritten signature in cursive script that reads "Guillermo Vera".

Guillermo "Willie" Vera  
Commander Kingsville Task Force

Cc: Vincent Capell, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney



12/27/2013 3:10 PM  
REGULAR DEPARTMENT PAYMENT REGISTER  
PACKET: 25706 Accounts Payable 12.27.13  
VENDOR SET: 01  
FUND : 008 Task Force-Crim Just Div  
DEPARTMENT: 233 Task Force - State  
BUDGET TO USE: CB-CURRENT BUDGET

PAGE: 16

BANK: 230

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-4572	Hazardout Waste Haulers	I-100309	008-5-233.0-314.00	Professional Paint Disposal	369343	10,350.00
DEPARTMENT 233 Task Force - State TOTAL:						10,350.00
FUND 008 Task Force-Crim Just Div TOTAL:						10,350.00

FUND: 108-233

DEPARTMENT(S): Task Force

TOTAL TRANSFER FROM ACCOUNTS ..... \$ 11,960.00\* TOTAL TRANSFER TO ACCOUNTS ..... \$ 11,960.00\*

\* TOTALS MUST MATCH

REASONS FOR TRANSFER(S): Money needed to cover expense for removal of waste paint & paint related materials at City Bldg. 1300 E. Central, Kingsville, Tx.

DEPARTMENT HEAD

DATE \_\_\_\_\_

FINANCE DIRECTOR

DATE \_\_\_\_\_

CITY MANAGER

DATE \_\_\_\_\_

POSTED BY:

ACCOUNT CLERK

DATE \_\_\_\_\_

PURCHASE ORDER  
City of Kingsville  
PO Box 1458  
Kingsville, TX 78364  
(361) 595-8025

132578

9/30/2013

Task Force  
350 W. CR 2140  
Kingsville, TX 78363  
Guillermo Vera


Hazardout Waste Haulers  
01-4572  
11504 W 183 rd St  
Orlando Park, IL 60467

132578

0.00	Paint Disposal	008-5-233.0-314.00	0.00	10,350.00
	1-Port to Port and certificate of paint disposal			

Received by: Guillermo Vera, KTF  
Received Date: 12/23/13

10,350.00

  
11/5



PURCHASE REQUISITION  
**CITY OF KINGSVILLE**  
PO Box 1458 Kingsville, TX 78364  
P 361.595.8036 F 361.595.8035

Purchase Order Number

132578

Purchase Order Date

9/30/2013

Department Code

008-5-233.0-314.00

Vendor Number

01- 4572 NEW

Vendor:

HAZARDOUS WASTE HAULERS

Address:

11504 W. 183RD ST

City/St/Zip:

ORLAND PARK, IL 60467

Phone:

708-259-7501

Fax:

Memo:

Item No.

Qty. Req.

Description

Unit Price

Extension

NONE

1.00

PORT TO PORT AND CERTIFICATE OF

#####

\$10,350.00

PAINT DISPOSAL

\$0.00

\$0.00

\$0.00

\$0.00

\$0.00

\$0.00

\$0.00

\$0.00

\$0.00

\$0.00

\$0.00

\$0.00

\$0.00

\$0.00

\$0.00

\$0.00

\$0.00

\$0.00

TOTAL

\$10,350.00

Date:

9/30/2013

Requisitioned by:

Guillermo Vera

Approved by:

Received by:



October 29, 2013

Kathy Rios  
Administrative Assistant II  
Kingsville Specialized Crimes & Narcotics Task Force

Kathy:

Thank you for considering Hazardous Waste Haulers, Inc. for your chemical waste disposal needs. We are pleased to provide you with the following pricing. Hazardous Waste Haulers, Inc. has the appropriate permits and licenses for the acceptance and disposal of the waste streams identified within this quotation.

In addition to providing chemical management services and disposal to our partnering operated facilities, Hazardous Waste Haulers offers a broad range of environmental services including:

- Waste Transportation & Disposal
- Laboratory Chemical Packing
- Field Services
- 24 Emergency Environmental Emergency Response
- Industrial Services
- Chemical Management Programs
- Oil Reclamation Programs

I look forward to continuing to service your environmental needs. To place an order, please contact our Customer Service group at 708.995.7330. If you have any questions or need further assistance, you may reach me at the number below.

Sincerely,

Tom Jana  
Technical Sales Specialist  
Direct 708-259-7501  
Office 708-995-7330  
tomj@ushazmathauling.com



# HAZARDOUS WASTE HAULERS

**PAINT WASTE DISPOSAL PROJECT**

**EST# 435422 - A**

## DISPOSAL

Profile Code	Waste Description	TOTAL/UOM	COST/CASE
PWD	PAINT WASTE (VARIOUS TYPES)	14 SKIDS	FLAT RATE
<b>TOTAL</b>			

## TRANSPORTATION/CERTIFICATE OF DISPOSAL \*includes portal to portal travel time

Dispatch Location		COST
PORT-TO-PORT	JOB SPECIFIC (KINGSVILLE, TX)	FLAT RATE
COD	CERTIFICATE OF DISPOSAL	INLCUED
<b>TOTAL</b>		

## TOTALS

<b>ESTIMATE TOTAL</b>	
<b>FLAT RATE TOTAL</b>	<b>\$ 10,350.00</b>

## KEY ASSUMPTIONS:

- MATERIAL WILL BE PALLETIZED AND READY FOR SHIPMENT UPON PICK-UP
- PALLETS WILL BE STRETCH WRAPPED TO INCLUDED 55 GAL DRUMS
- NO LEAKING MATERIALS WILL BE TRANSPORTED
- CUSTOMER TO SUPPLY MATERIAL HANDLING EQUIPMENT
- CUSTOMER IS REPSONSIBLE FOR LOADING THE MATERIALS INTO TRUCK
- CUSTOMER TO ISSUE PURCHASE ORDER PRIOR TO PICK-UP



# HAZARDOUS WASTE HAULERS

## GENERAL CONDITIONS

- Except where superseded by an existing services agreement the following terms and conditions apply to this quoted business.
- Prices firm for 30 days.
- Terms: Credit Card/Net 15 Days upon credit approval
- Interest will be charged at 1.5% per month or the maximum allowed by law for all past due amounts.
- Local, state and federal fees/taxes applying to the generating location/receiving facilities are not included in disposal pricing and will be added to each invoice as applicable.
- Materials subject to additional charges if they do not conform to the listed specifications.
- Electronically submitted profiles will be approved at no charge. Paper profiles will be charged at \$75.00 each.
- A variable Recovery Fee (that fluctuates with the DOE national average diesel price), currently at 21.0%, will be applied to the total invoice.
- Pickups that require same day or next day service may be subject to additional charges.
- Pickups cancelled within 72 hours of scheduling will be subject to cancellation charges.
- Transportation charges to the final disposal facility will be charged in addition to local transportation to our truck-to-truck hub/local facility and will vary with logistics and routing.
- Time over eight (8) hours in the normal workday and all day Saturday is considered overtime and will be billed at 1.5 times the applicable straight time rate for all billable personnel unless otherwise quoted. Sunday and Holidays are considered premium time and will be billed at 2.0 times the applicable straight time rate for all billable personnel unless otherwise quoted.
- Standard disposal conversions (excluding minimums) apply to containers other than 5 gallon drums unless otherwise quoted: 6-20g 60%, 21-30g 75%, 31-55g 100%, 56-85g 145%, FBIN 350%, TOT2(<300gal TOTE) 500%, TOTE 630%.
- Final invoicing will be based upon the unit rates for those items used in performance of the services and materials shipped for disposal. In the event the unit price of an item required for proper performance of service is not listed in this quotation, the item will be invoiced at list pricing.
- In the event that legal or other action is required to collect unpaid invoice balances, Customer agrees to pay all costs of collection, including reasonable attorneys' fees, and agrees to the jurisdiction of the State of Illinois.



# HAZARDOUS WASTE HAULERS

## ACKNOWLEDGEMENT

Your signature below indicates your acceptance of the pricing and terms detailed in the quote above. Thank you for the opportunity to be of service.

Signature Guillermo Vera, Cmdr, KTF  
PO# 132578 Date 11-6-13  
Print Name Guillermo VERA



Hazardous Waste Haulers Inc.  
19725 Breckenridge Dr.  
Mokena, IL 60448  
708-995-7330




# HAZARDOUS WASTE HAULERS

## Invoice

www.hazardouswastehaulers.com

Bill To:
City of Kingsville
Task Force
P.O. Box 1458
Kingsville, TX 78364

Date	Invoice No.	P.O. Number	Terms
12/20/13	100309	132578	On Receipt

Item	Description	Quantity	Rate	Amount
Disposal Services	Disposal Services - Paint Waste (14 pallets)	1	10,350.00	10,350.00
	FLAT RATE			
	Picked-up from: Task Force 350 W. CR 2140, Kingsville, TX 78363 Guillermo Vera			
			0.00	0.00
 <b>HAZARDOUS WASTE HAULERS</b>			Total	\$10,350.00

Thank you for your business!

**From:** Bill Donnell  
**Date:** 9/26/2013 11:09:25 AM  
**To:** Charles Medina  
**Cc:** Willie Vera contact; Charlie Cardenas  
**Subject:** RE: Paint profile

Charles,

Attached is the signed profile form for the paint. Thanks

**From:** Charles Medina [mailto:cmedina@millerenviro.com]  
**Sent:** Thursday, September 26, 2013 10:37 AM  
**To:** Bill Donnell  
**Cc:** Kathy  
**Subject:** Paint profile

Bill,

Attached is the waste profile for the paint material. Would you please review, sign and return to my attention.

Thank you.

Charles Medina  
Waste Mgmt. Coord.  
Miller Environmental Services, Inc.  
401 Navigation  
Corpus Christi, TX 78408  
O: 361-289-9800  
F: 361-289-6363





# WASTE PROFILE FORM

US Ecology Nevada (Beatty)  
US Ecology Idaho (Grand View)  
US Ecology Texas (Robstown)  
US Ecology Michigan (Detroit)

usencs@usecology.com  
useics@usecology.com  
usetcs@usecology.com  
usemcs@usecology.com

PROFILE # \_\_\_\_\_

## A. GENERATOR INFORMATION

1. Generator: City of Kingsville		<input type="checkbox"/> Billing information is same	<input checked="" type="checkbox"/> P.O. required for payment
2. Facility Address: 1300 East Corral, Kingsville, TX 78364		12. Billing Company: Miller Environmental Services, Inc.	
3. Mailing Address: 1300 East Corral		13. Billing Address: P.O. Box 5233	
4. City/State/Zip: Kingsville, TX 78364		14. City/State/Zip: Corpus Christi, TX 78408	
5. Technical Contact: William Donnell		15. Billing Contact: Charles Medina	
6. Phone: 361-595-8041	7. Fax: 361-595-8042	16. Phone: 361-563-7188	17. Fax: 361-563-8363
18. Email: cmedina@millerenviro.com			
8. Generator Status: <input checked="" type="checkbox"/> CESQG <input type="checkbox"/> SQG <input type="checkbox"/> LQG			
9. EPA ID #: TXCESQG		10. State ID #:	
11. SIC Codes:			

## B. SHIPPING INFORMATION

1. US DOT Shipping name: Paint related material (Universal)			
2. Hazard Class: 3	3. UN/NA #: 1263	4. Packaging Group: 1	5. RQ: 100
6. Container Type: <input type="checkbox"/> Bulk <input type="checkbox"/> Totes <input checked="" type="checkbox"/> Pallet <input type="checkbox"/> Boxes <input type="checkbox"/> Drums <input type="checkbox"/> Other, Describe:			
7. Frequency: <input checked="" type="checkbox"/> Year <input type="checkbox"/> Quarterly <input type="checkbox"/> Monthly <input type="checkbox"/> 1 time <input type="checkbox"/> Other, Describe:			
8. Shipment: Size: Pallet Quantity: As needed		9. Waste Import: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If yes, complete Waste Import Supplement)	

## C. GENERAL MATERIAL & REGULATORY INFORMATION

1. Common name for this waste: Paint and paint related material	
2. Process generating the material: Discarding used and unused material.	
3. Describe physical appearance and odor of the waste: Various metal containers.	
4. Odor of the waste: <input checked="" type="checkbox"/> None <input type="checkbox"/> Slight <input type="checkbox"/> Strong	5. Physical State: <input checked="" type="checkbox"/> Liquid <input type="checkbox"/> Sludge/Slurry <input type="checkbox"/> Solid
6. Describe Color: Various	7. Liquid phases: <input checked="" type="checkbox"/> Single <input type="checkbox"/> Double Layer <input type="checkbox"/> Multi-layer
8. Knowledge is from: <input type="checkbox"/> Lab analysis <input type="checkbox"/> MSDS <input checked="" type="checkbox"/> Process/generator knowledge	
9. Waste Type (US Ecology Texas customers only): <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Non-Industrial	
10. Is the waste restricted under EPA Land Disposal Restrictions (§268)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
11. If LDR "Yes", is waste: <input type="checkbox"/> Wastewater <input checked="" type="checkbox"/> Non-wastewater <input type="checkbox"/> Debris (§268.2)	
12. Ait. Standards for soil? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
13. Is the waste RCRA hazardous waste containing benzene and originating at a Petroleum Refinery (SIC 2911), Chemical Manufacturing Plant (SIC 2800 thru 2899) or Coke by-Product Recovery Plant (SIC 3312)? (If yes, complete Benzene Waste Operations Supplement form): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
14. VO Conc. (§264.1083): <input type="checkbox"/> <500 ppmw <input checked="" type="checkbox"/> ≥500ppmw	
15. Has waste been treated after point of generation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
16. CERCLA Regulated (Superfund) Waste: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
17. Butadiene waste regulated by §63 Subpart XX: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
18. Waste contains UHC constituent(s) (§268.48), above a treatment standard, other than those for which the waste exhibits a characteristic. (If yes, list all UHC's in Section D): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
19. Waste exempt from definition of "solid waste" or "hazardous waste" (If yes, list reference 40CFR _____): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
20. State Waste Codes:	UNIV209H
21. RCRA Waste Codes:	D001
22. Source Code: G19	
23. Form Code: W209 I	
24. Management Code: H (USE only)	

Values are: ☐ TCLP ☐ TOTALS

## E. WASTE CHARACTERISTICS

### F. GENERATOR'S CERTIFICATION

I authorize US Ecology to correct inconsistencies on the waste profile form that impact waste management decisions with my oral or written authorization. US Ecology will require re-submittal of the waste profile information if substantial changes are determined necessary. I understand material that does not conform to specifications described in this profile may be rejected by US Ecology unless other contractual arrangements have been agreed to by both parties. I certify, under penalty of law, that I am familiar with this waste stream through analysis and/or process knowledge, and that all information provided is true, accurate, representative and complete, that all known or suspected hazards have been disclosed, and that this form was completed in accordance with the instructions provided.

*Revision date: 5/31/2013*

**From:** Bill Donnell  
**Date:** 10/10/2013 10:47:47 AM  
**To:** Willie Vera contact  
**Subject:** Fwd: Revised paint disposal cost

Wow!

William Donnell, Sent from my iPhone

Begin forwarded message:

**From:** Charles Medina <[cmolina@millerenviro.com](mailto:cmolina@millerenviro.com)>  
**Date:** October 10, 2013, 10:04:09 AM CDT  
**To:** Bill Donnell <[wdonnell@cityofkingsville.com](mailto:wdonnell@cityofkingsville.com)>  
**Subject:** Revised paint disposal cost

William,

The cost for disposal in original estimate was based on an assumption of 5,000 lbs. of material. It appears there is closer to 15,000 lbs. of material. In that case, the disposal cost would run about \$28,500.

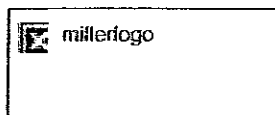
However, USET disposal costs are based on a unit rate (per pallet and per drum). Based on the pallet and drum count you provided, the revised estimated cost for disposal is approximately \$18,500. This cost can be lowered if we repack and minimize the number of pallets.

I will contact you later this afternoon.

Thank you.

Charles Medina

Waste Mgmt. Coord.  
Miller Environmental Services, Inc.  
401 Navigation  
Corpus Christi, TX 78408  
O: 361-289-9800  
F: 361-289-6363



Attachments Preview:

[Upload all photos to Facebook](#)

image003.jpg

[Email this photo](#) | [Upload photo to Facebook](#)





# PURCHASE REQUISITION CITY OF KINGSVILLE

PO Box 1458 Kingsville, TX 78364  
P 361.595.8036 F 361.595.8035

**Purchase Order Number**

132493

**Purchase Order Date**

9/25/2013

Department Code

008-5-233-0.314.00

Vendor Number

01-

NEW VENDOR

**Memo:**

Vendor:	MILLER ME ENVIRONMENTAL SERVICES
---------	----------------------------------

Address: P.O. BOX 5233

City/St/Zip:	CORPUS CHRISTI, TX 78465
--------------	--------------------------

Phone:	361-289-9800
--------	--------------

<b>Fax:</b>	361-289-6363
-------------	--------------

Item No.	Qty. Req.	Description	Unit Price	Extension
6/HRS	6.00	BOX VAN	\$95.00	\$570.00
1 DAY	1.00	TRUCK/TRAILER	\$250.00	\$250.00
1 DAY	1.00	Forklift (if needed)	\$500.00	\$500.00
	1.00	FUEL CHARGE AT 15%	\$183.00	\$183.00
6/HRS	6.00	TECH (2)	\$70.00	\$420.00
4/EACH	4.00	PLASTIC WRAP	\$48.00	\$192.00
3/EACH	3.00	PPE	\$35.00	\$105.00
3/HRS	3.00	PM	\$80.00	\$240.00
BY POUND	5000.00	DISPOSAL	\$1.90	\$9,500.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
		TOTAL		\$11,960.00

Date:

Requisitioned by:	GUILLERMO VERA
-------------------	----------------

9/25/2013

Approved by:

Received by:



# WASTE PROFILE FORM

US Ecology Nevada (Beatty)  
US Ecology Idaho (Grand View)  
US Ecology Texas (Robstown)  
US Ecology Michigan (Detroit)

usencs@usecology.com  
useics@usecology.com  
usetcs@usecology.com  
usemcs@usecology.com

PROFILE # \_\_\_\_\_

## A. GENERATOR INFORMATION

1. Generator: City of Kingsville	<input type="checkbox"/> Billing information is same	<input checked="" type="checkbox"/> P.O. required for payment
2. Facility Address: 1300 East Corral, Kingsville, TX 78364	12. Billing Company: Miller Environmental Services, Inc.	
3. Mailing Address: 1300 East Corral	13. Billing Address: P.O. Box 5233	
4. City/State/Zip: Kingsville, TX 78364	14. City/State/Zip: Corpus Christi, TX 78408	
5. Technical Contact: William Donnell	15. Billing Contact: Charles Medina	
6. Phone: 361-595-8041	7. Fax: 361-595-8042	16. Phone: 361-563-7188
		17. Fax: 361-563-8363
18. Email: cmedina@millerenviro.com		

8. Generator Status: ☒ CESQG ☐ SQG ☐ LQG

9. EPA ID #: TXCESQG

10. State ID #:

11. SIC Codes:

## B. SHIPPING INFORMATION

1. US DOT Shipping name: Paint related material (Universal)			
2. Hazard Class: 3	3. UN/NA #: 1263	4. Packaging Group: 1	5. RC: 100
6. Container Type: <input type="checkbox"/> Bulk <input type="checkbox"/> Totes <input checked="" type="checkbox"/> Pallet <input type="checkbox"/> Boxes <input type="checkbox"/> Drums <input type="checkbox"/> Other, Describe:			
7. Frequency: <input checked="" type="checkbox"/> Year <input type="checkbox"/> Quarterly <input type="checkbox"/> Monthly <input type="checkbox"/> 1 time <input type="checkbox"/> Other, Describe:			
8. Shipment: Size: Pallet		Quantity: As needed	
		9. Waste import: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If yes, complete Waste Import Supplement)	

## C. GENERAL MATERIAL & REGULATORY INFORMATION

1. Common name for this waste: Paint and paint related material	
2. Process generating the material: Discarding used and unused material.	
3. Describe physical appearance and odor of the waste: Various metal containers.	
4. Odor of the waste: <input checked="" type="checkbox"/> None <input type="checkbox"/> Slight <input type="checkbox"/> Strong	5. Physical State: <input checked="" type="checkbox"/> Liquid <input type="checkbox"/> Sludge/Slurry <input type="checkbox"/> Solid
6. Describe Color: Various	7. Liquid phases: <input checked="" type="checkbox"/> Single <input type="checkbox"/> Double Layer <input type="checkbox"/> Multi-layer
8. Knowledge is from: <input type="checkbox"/> Lab analysis <input type="checkbox"/> MSDS <input checked="" type="checkbox"/> Process/generator knowledge	
9. Waste Type (US Ecology Texas customers only): <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Non-Industrial	
10. Is the waste restricted under EPA Land Disposal Restrictions (§268)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
11. If LDR "Yes", is waste: <input type="checkbox"/> Wastewater <input checked="" type="checkbox"/> Non-wastewater <input type="checkbox"/> Debris (§268.2)	12. Alt. Standards for soil? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
13. Is the waste RCRA hazardous waste containing benzene and originating at a Petroleum Refinery (SIC 2911), Chemical Manufacturing Plant (SIC 2800 thru 2899) or Coke by-Product Recovery Plant (SIC 3312)? (If yes, complete Benzene Waste Operations Supplement form): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
14. VO Conc. (§264.1083): <input type="checkbox"/> <500 ppmw <input checked="" type="checkbox"/> ≥500ppmw	15. Has waste been treated after point of generation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
16. CERCLA Regulated (Superfund) Waste: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	17. Butadiene waste regulated by §63 Subpart XX: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
18. Waste contains UHC constituent(s) (§268.48), above a treatment standard, other than those for which the waste exhibits a characteristic. (If yes, list all UHC's in Section D): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
19. Waste exempt from definition of "solid waste" or "hazardous waste" (If yes, list reference 40CFR _____): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
20. State Waste Codes:	UNIV209H
21. RCRA Waste Codes:	D001
22. Source Code: G19	
23. Form Code: W209	
24. Management Code: H (USE only)	

Values are: ☐ TCLP ☐ TOTALS

## E. WASTE CHARACTERISTICS

- ### F. GENERATOR'S CERTIFICATION

I authorize US Ecology to correct inconsistencies on the waste profile form that impact waste management decisions with my oral or written authorization. US Ecology will require re-submittal of the waste profile information if substantial changes are determined necessary. I understand material that does not conform to specifications described in this profile may be rejected by US Ecology unless other contractual arrangements have been agreed to by both parties. I certify, under penalty of law, that I am familiar with this waste stream through analysis and/or process knowledge, and that all information provided is true, accurate, representative and complete, that all known or suspected hazards have been disclosed, and that this form was completed in accordance with the instructions provided.

**【答案】** 1. 正确 2. 正确 3. 正确 4. 正确 5. 正确 6. 正确 7. 正确 8. 正确 9. 正确 10. 正确 11. 正确 12. 正确 13. 正确 14. 正确 15. 正确 16. 正确 17. 正确 18. 正确 19. 正确 20. 正确 21. 正确 22. 正确 23. 正确 24. 正确 25. 正确 26. 正确 27. 正确 28. 正确 29. 正确 30. 正确 31. 正确 32. 正确 33. 正确 34. 正确 35. 正确 36. 正确 37. 正确 38. 正确 39. 正确 40. 正确 41. 正确 42. 正确 43. 正确 44. 正确 45. 正确 46. 正确 47. 正确 48. 正确 49. 正确 50. 正确 51. 正确 52. 正确 53. 正确 54. 正确 55. 正确 56. 正确 57. 正确 58. 正确 59. 正确 60. 正确 61. 正确 62. 正确 63. 正确 64. 正确 65. 正确 66. 正确 67. 正确 68. 正确 69. 正确 70. 正确 71. 正确 72. 正确 73. 正确 74. 正确 75. 正确 76. 正确 77. 正确 78. 正确 79. 正确 80. 正确 81. 正确 82. 正确 83. 正确 84. 正确 85. 正确 86. 正确 87. 正确 88. 正确 89. 正确 90. 正确 91. 正确 92. 正确 93. 正确 94. 正确 95. 正确 96. 正确 97. 正确 98. 正确 99. 正确 100. 正确

9-26-13





August 27, 2013

Mr. William Donnell  
Asst. Director of Public Works  
City of Kingsville  
1300 East Corral  
P.O. Box 1458  
Kingsville, Texas 78364

**Re: Removal of waste paint and paint related materials, 1300 E. Corral, Kingsville, TX**

Dear Mr. Donnell,

Miller Environmental Services (MES) is pleased to provide the City of Kingsville (City) with the following project estimate. This estimate provides the City an approximate cost for the handling and disposal of the paint and paint related material at the referenced location.

Scope of Work

1. Upon a notification to proceed, MES will prepare a waste profile to US Ecology in Robstown, TX (USET). The profile will then be submitted to the City for final approval and signature.
2. Once the waste stream is approved, MES will coordinate a recovery date with the City. MES will mobilize to the location with a three man crew. The crew will shrink wrap, properly label and load each pallet into the box van and transport to USET.

Item	Rate	Unit(s)	Est. Cost
Box Van <sup>1</sup>	\$95/hr.	6	\$570
Truck/trailer	\$250/day	1	\$250
Forklift (if needed)	\$500/day	1	\$500
Fuel Surcharge	15%	—	\$183
Tech (2)	\$70/hr.	6	\$420
Plastic Wrap	\$48/ca.	4	\$192
PPE	\$35/ea.	3	\$105
PM	\$80/hr.	3	\$240
Disposal <sup>2</sup>	\$1.90/lb.	5,000	\$9,500
<b>Estimated Total</b>			<b>\$11,960</b>

1. Includes operator

2. Estimated weight

All project costs will be billed according to the listed unit rates. Prior to commencement of any services, this estimate must be signed below ("Agreed to and Accepted by:"). This quote is valid for a period of thirty (30) days from date of issuance.

If you have any questions regarding this estimate, please feel free to contact me at your convenience.

Sincerely,

Charles Medina  
Miller Environmental Services  
Waste Management Coordinator  
O: 361-289-9800  
F: 361-289-6363  
C: 361-438-7620

Estimate for Waste Transportation and Disposal  
1300 E. Corral  
Kingsville, TX

Agreed to and Accepted by:

Signature:

Guillermo Vera

Name:

Guillermo Vera

Title:

Commander - Kingsville Task Force

Date:

9/17/13

# **AGENDA ITEM #3**

**RESOLUTION #2014-\_\_\_\_\_**

**A RESOLUTION OF THE CITY OF KINGSVILLE AUTHORIZING THE RELEASE OF CHAPTER 59 FUNDS OF THE KINGSVILLE SPECIALIZED CRIMES AND NARCOTICS TASK FORCE FOR DONATION TO THE BOY SCOUTS OF AMERICA VENADO DISTRICT.**

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

**WHEREAS**, the Boy Scouts of America Venado District is a non-profit organization that provides drug abuse prevention programs in two ways (1) through the Scout Unit and Explorer Post meetings, along with a Drug Abuse Prevention Program for youths in Kleberg and Kenedy counties. and (2) through the advancement requirements for both Cub Scouts and Boy Scouts, which serves approximately 238 boys locally;

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

I.

**THAT** the City Commission authorizes the Kingsville Specialized Crimes and Narcotics Task Force to assist with a \$5,000 donation to the Boy Scouts of America Venado District, to help educate young people about living a drug-free and alcohol-free lifestyle. Boy Scouts of America Venado District will submit quarterly charitable contribution reporting forms to the Kingsville Specialized Crimes and Narcotics Task Force and comply with any reporting requirement the Task Force may designate.

II.

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the 10th day of February, 2014.

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

ATTEST:

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

APPROVED AS TO FORM:

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



**KINGSVILLE SPECIALIZED CRIMES  
AND NARCOTICS TASK FORCE**  
**P. O. BOX 213**  
**KINGSVILLE, TEXAS 78364**  
[tfadmin@kingsvilletaskforce.com](mailto:tfadmin@kingsvilletaskforce.com)  
**(361) 595-5778**  
**Fax (361) 595-5781**



January 29, 2014

Mr. Vincent J. Capell  
City Manager  
City of Kingsville, Texas

Mr. Capell,

The Kingsville Specialized Crimes & Narcotics Task Force has received a Chapter 59 donation request from The Boys Scouts of America, South Texas Council. This organization has submitted an application to the Task Force and the request has been approved by me.

The Kingsville Task Force's 2013/2014 Annual Budget was approved with a total of \$30,000.00 allocated in the Donation's line item (5-233.0-314.10). Three previous donation requests of \$5,000.00 each have been approved and distributed by the Kingsville Task Force. The above organization will receive a \$5,000.00 donation resulting in an account balance of \$10,000.00 remaining for donations to other groups.

If you approve this request, can it be placed on the Regular City's Commissioners Court Agenda for Monday February 10, 2014? Your kind consideration to this request will be greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Guillermo Vera".

Guillermo "Willie" Vera, Commander  
Kingsville Specialized Crimes & Narcotics Task Force

Attachments

**KINGSVILLE SPECIALIZED CRIMES  
AND NARCOTICS TASK FORCE  
APPLICATION FOR CHAPTER 59 DONATION**

1. APPLICANT'S  
NAME George Arciba ADDRESS 700 Everhart <sup>Cfc.</sup> PHONE 361-814-4300  
Terrace Building A <sup>Ext.</sup> 34
2. ORGANIZATION'S  
NAME Boy Scouts of Amer. ADDRESS Corpus Christi, TX <sup>Cell</sup> PHONE 361-816-3868  
South Texas Council 78411-1939
3. NARRATIVE: Explain what will be done with the contribution to insure compliance with the disposition of forfeited property under Chapter 59 of the Texas Code of Criminal Procedure and the number of citizens it will affect in our community.

*See Attached Letter*

APPROVED: \_\_\_\_\_

Guillermo Uva, KTF  
Commander

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

01/29/14 TIME: 2:00 PM



**BOY SCOUTS OF AMERICA\***  
SOUTH TEXAS COUNCIL

January 17, 2014

Willie Vera, Commander  
Kingsville Specialized Crimes & Narcotics Task Force  
P.O. Box 213  
Kingsville, Texas 78364

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

Commander Vera,

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

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

These funds help support 238 youth registered in 11 traditional units and become a productive member of the community. Along with our traditional units we also have an Explorer Post with the United States Border Patrol which currently services 11 young adults in the area. The age in which youth can be a part of this program is 14, and they are taught how an officer in the field prepares for and implements their training to give them the best opportunity to succeed. In order to continue providing a Drug Abuse Prevention Program for the youth in Kleberg and Kenedy County, we are requesting your consideration of an annual contribution of \$5,000, which would greatly assist our efforts.

Thank you for your consideration.

Yours in Scouting,

George Arciba  
Venado District Executive  
South Texas Council, BSA

Brian Coufal  
Friends of Scouting Chairman



**KINGSVILLE SPECIALIZED CRIMES  
AND NARCOTICS TASK FORCE  
Chapter 59 Donation Policy**

1. A person/entity seeking a donation (financial assistance) through the Kingsville Specialized Crimes and Narcotics Task Force and with particularity Chapter 59 Forfeiture Funds shall file an application with the Commander on forms provided through his office.
2. The filing procedures shall be as follows:
  - a. Filing period. An application for financial assistance shall be filed with the Commander not less than 30 days or more than 60 days prior to the proposed donation.
  - b. The name, address and telephone number of the entity seeking a donation.
  - c. No more than one donation will be made per calendar year.
  - d. Applicant shall provide documentation relating to any other financial assistance that they receive for review by the Commander.
3. Applicant must meet one of the following criteria:
  - a. Nonprofit program for the prevention of drug abuse, applicant must provide a copy of the organization's charter.
  - b. Nonprofit chemical dependency treatment facilities licensed under Chapter 464, Health and Safety Code;
  - c. Nonprofit drug and alcohol rehabilitation or prevention programs administered or staffed by professionals designated as qualified and credentialed by the Texas Commission on Alcohol and Drug Abuse; or
  - d. Must be an organization that has the same beliefs and value system as the Kingsville Specialized Crimes and Narcotics Task Force and the law enforcement code of ethics.
  - e. Short written statement explaining what will be done with the contribution to insure compliance with the disposition of forfeited property under Chapter 59 of



the Texas Code of Criminal Procedure and the number of citizens it will affect in our community.

4. The Commander shall grant or deny a permit solely on the basis of the requirements stated in the aforementioned sections above. The Commander shall advise the organization's point of contact of the decision to grant or deny the request for contribution no later than the sixtieth day after date of receiving the completed application and all required attachments.

## **AGENDA ITEM #4**

**RESOLUTION #2014-\_\_\_\_\_**

**A RESOLUTION OF THE CITY OF KINGSVILLE AUTHORIZING PARTICIPATION IN THE 11<sup>th</sup> ANNUAL RIDE ON THE WILD SIDE CHARITY BIKE RIDE AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN INDEMNITY AGREEMENT WITH THE KING RANCH FOR SAID EVENT.**

**WHEREAS**, the City of Kingsville is participating in the 11<sup>th</sup> Annual Ride on the Wild Side Charity Bike event with the Kingsville Noon Lions Club;

**WHEREAS**, the charity bike event benefits local youths and the ride takes place through part of the King Ranch;

**WHEREAS**, the King Ranch requires an Indemnity Agreement and insurance coverage for the event, which the City has historically provided.

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

**I.**

**THAT** the City Commission authorizes participation in the 11<sup>th</sup> Annual Ride on the Wild Side Charity Bike Event and authorizes the City Manager, as an act of the City, to execute the Indemnity Agreement with the King Ranch for the 2014 Ride on the Wild Side Charity Bike Event, as per the attached.

**II.**

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the 10th day of February, 2014.

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

ATTEST:

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

APPROVED AS TO FORM:

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

## **PERMISSION AND INDEMNITY AGREEMENT**

In consideration for King Ranch, Inc.'s permission (evidenced by its execution below) for a portion of the Ride On The Wild Side Charity Bike Ride (or similarly named event) ["Bike Ride"] (with participation/sponsorship by the Kingsville Noon Lions Club & the City of Kingsville) to be held on the premises of King Ranch, Inc. in or about April 26<sup>th</sup> of 2014, the sufficiency and adequacy of which consideration is hereby acknowledged, the City of Kingsville, Texas, hereby unconditionally and irrevocably agrees to defend, indemnify and hold harmless King Ranch, Inc., its directors, employees, shareholders and agents from and against any and all claims based on, or arising out of, personal injury (including death) to, and/or property damage of, any of the participants, support personnel or other individuals participating in, observing as by-stander of, or providing organizational or other support or safety services for, the above Bike Ride, including the arrival to or departure from the above Bike Ride and all other ancillary and related activities related to the Bike Ride. **The foregoing defense, indemnity and holding harmless shall apply in full force and effect despite any sole, joint or concurrent negligence, strict liability or other fault of any of the above indemnified persons.**

At least 30 days prior to the Bike Ride, the City of Kingsville shall provide a certificate of insurance to King Ranch, Inc. in a form and from an insurer acceptable to King Ranch, Inc. showing contractual indemnity insurance coverage in the amount of at least \$5,000,000 per claim or occurrence for general liability, automobile liability and law enforcement liability, to cover this contractual indemnity agreement. Such certificate shall require the insurer to provide King Ranch, Inc. at least 30 days prior written notice of any change, deletion or expiration to such coverage and terms and such insurance and certificate shall indicate that such coverage for the contractual indemnitees is primary and shall respond without contribution from any other insurance of such indemnitees.

The Bike Ride's sponsors shall obtain and provide King Ranch, Inc. waivers of liability, on forms approved by King Ranch, Inc., executed by all Bike Ride participants in the Bike Ride.

Executed this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

City of Kingsville, Texas, by:

King Ranch, Inc.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

# **REGULAR AGENDA**

# **AGENDA ITEM #5**

**RESOLUTION \_\_\_\_\_**

**A RESOLUTION ORDERING THE CITY OF KINGSVILLE GENERAL ELECTION, DESIGNATING VOTING PRECINCTS, POLLING PLACES ESTABLISHING ELECTION PROCEDURES AND APPOINTING EARLY VOTING CLERK.**

**WHEREAS**, the City Commission of the City of Kingsville pursuant to Article V, Section 9 of the Charter of the City of Kingsville, shall conduct, and the results canvassed and announced by the election authorities prescribed by the General Election Laws of the State of Texas, and said General Election Laws shall control in all municipal elections, except as otherwise herein provided; and

**WHEREAS**, the General Election is to be held on Saturday, May 10, 2014, as prescribed by the General Election Laws of the State of Texas; and

**WHEREAS**, the terms of all five commission members expire in May, 2016.

**BE IT ORDANINED**, by the City Commission of the City of Kingsville, Texas that an election be held in said City on the 10<sup>th</sup> day of May, 2014 for the purpose of electing a Mayor and four City Commissioners.

**BE IT FURTHER ORDAINED** that this City have six election polling places comprised of the following voting precincts.

<u>CITY POLLING PLACE</u>	<u>COUNTY VOTING PRECINCT</u>
1	23 & 24
2	22, 32, & 44
3	21, 43, & 45
4	14, 41, & 42
5	13
6	11, 12, & 31

**THAT** this City shall hold the election between 7:00 a.m. and 7:00 p.m. at the following places in said City.

Polling Place #1	McRoberts Elementary School, 400 West Corral
Polling Place #2	KISD Administration Bldg. 207 North 3 <sup>rd</sup> Street
Polling Place #3	Kleberg County Annex Bldg., 720 E. King & 12 <sup>th</sup> Street
Polling Place #4	Gillett Intermediate School, 1007 North 17 <sup>th</sup> Street
Polling Place #5	Harvey Elementary School, 1301 East Kenedy
Polling Place #6	Perez Elementary School, 1111 East Ailsie

**BE FURTHER RESOLVED THAT:** the method of voting for Early Voting by personal appearance and by mail and voting on Election day will be by use of paper ballot and Direct Recording Electronic (DRE) Voting System, and be processed through the M100 Paper Ballot Tabulator for the results.

**THAT:** the City Secretary Mary Valenzuela or designated person is hereby appointed Clerk for Early Voting. Early voting for the election shall be held on the first floor of City Hall, 200 East Kleberg Avenue and said place of early voting shall remain open on weekdays between the hours of 8:00 am. and 5:00 p.m. Monday, April 28, 2014 through May 2, 2014; and continuing

from 7:00 a.m. to 7:00 p.m. on Monday, May 5, 2014 and terminating on Tuesday, May 6, 2014 after voting occurs between the hours of 7:00 a.m. and 7:00 p.m.

**THAT:** the City Secretary Mary Valenzuela or designated person shall give notice of said election by publishing the notice at least one time in at least one newspaper of general circulation in the City; that the City Secretary Mary Valenzuela or designated person is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election; and that the Presiding Officer of the Commission shall issue all necessary orders, writs and notices for said election and returns of said election shall be made to the City Commission.

**BE IT FINALLY RESOLVED** that in accordance with the order of this governing body, the City Secretary Mary Valenzuela posted written notice of the date, place and subject of this meeting, and said notice having been so posted and remaining posted and continuously for at least 72 hours preceding the scheduled time of said meeting.

**PASSED AND APPROVED** by majority vote of the City Commission of the City of Kingsville, Texas this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

\_\_\_\_\_  
Al Garcia, Commissioner

\_\_\_\_\_  
Noel Pena, Commissioner

\_\_\_\_\_  
Arturo Pecos, Commissioner

\_\_\_\_\_  
Dianne Leubert

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



## RESOLUCIÓN \_\_\_\_\_

**UNA RESOLUCIÓN QUE ORDENA LAS ELECCIONES GENERALES DE LA CIUDAD DE KINGSVILLE, DESIGNA LOS DISTRITOS ELECTORALES Y LOS SITIOS DE VOTACIÓN, ESTABLECE LOS PROCEDIMIENTOS DE LAS ELECCIONES Y NOMBRA A LA SECRETARIA ENCARGADA DE LA VOTACIÓN ANTICIPADA.**

**CONSIDERANDO QUE:** La Comisión Municipal de la Ciudad de Kingsville, de conformidad con el Artículo V, Sección 9 del Fuero Municipal de la Ciudad de Kingsville, realizará las elecciones, y las autoridades electorales recomendadas por las Leyes de Elecciones Generales del Estado de Texas escrutarán los votos y anunciarán los resultados, y dichas Leyes de Elecciones Generales controlarán todas las elecciones municipales, salvo que se especifique lo contrario en el presente documento; y

**CONSIDERANDO QUE:** Las Elecciones Generales se llevarán a cabo el sábado 10 de mayo de 2014, como lo estipulan las Leyes de Elecciones Generales del Estado de Texas; y

**CONSIDERANDO QUE:** Los períodos de servicio de todos los cinco miembros de la comisión finalizarán en mayo de 2016.

**ES DECRETADO,** por la Comisión Municipal de la Ciudad de Kingsville, Texas, que se realicen unas elecciones en dicha Ciudad el día 10 de mayo de 2014, con el propósito de elegir un Alcalde y cuatro Comisionados Municipales.

**SE DECRETA ADEMÁS** que esta Ciudad tendrá seis sitios de votación, compuestos de los siguientes distritos electorales.

<u>SITIO DE VOTACIÓN EN LA CIUDAD</u>	<u>DISTRITO ELECTORAL DEL CONDADO</u>
1	23 & 24
2	22, 32, & 44
3	21, 43, & 45
4	14, 41, & 42
5	13
6	11, 12, & 31

**QUE** esta Ciudad deberá realizar las elecciones entre las 7:00 a.m. y las 7:00 p.m. en los siguientes sitios de dicha Ciudad:

Sitio de votación #1	Escuela Primaria McRoberts, 400 West Corral
Sitio de votación #2	Edificio de Administración del KISD 207 North 3 <sup>rd</sup> Street
Sitio de votación #3	Edificio anexo del condado de Kleberg, 720 E. King & 12 <sup>th</sup> St.
Sitio de votación #4	Escuela Intermedia Gillett, 1007 North 17 <sup>th</sup> Street
Sitio de votación #5	Escuela Primaria Harvey, 1301 East Kenedy
Sitio de votación #6	Escuela Primaria Perez, 1111 East Ailsie

**SE RESUELVE ADEMÁS QUE:** El método de votación para la votación anticipada en persona y por correo, y para la votación el día de elecciones, será con papeletas y el sistema de votación de registro electrónico directo (DRE, por sus siglas en inglés). Los votos se procesarán a través del tabulador de papeletas M100 para obtener los resultados.

**QUE:** La Secretaria Municipal, Mary Valenzuela, o la persona designada, se nombra aquí Secretaria de Votación Anticipada. La votación anticipada para las elecciones se llevará a cabo en el primer piso del Ayuntamiento, 200 East Kleberg Avenue, y dicho sitio de votación anticipada permanecerá abierto entre semana, de las 8:00 a.m. a las 5:00 p.m., desde el lunes 28 de abril de 2014 hasta el 2 de mayo de 2014; seguirá abierto de las 7:00 a.m. a las 7:00 p.m. el lunes 5 de mayo de 2014; y se cerrará el martes 6 de mayo de 2014, después de que la votación haya ocurrido entre las 7:00 a.m. y las 7:00 p.m.

**QUE:** La Secretaria Municipal, Mary Valenzuela, o la persona designada, notificará sobre dichas elecciones, publicando un aviso, por lo menos una vez, en al menos un periódico de circulación general en la Ciudad; la Secretaria Municipal, Mary Valenzuela, u otra persona designada, está autorizada y tiene instrucciones de proporcionar todos los materiales necesarios para realizar dichas elecciones; y que el Funcionario que Preside la Comisión expedirá todas las órdenes necesarias, los mandatos judiciales y las notificaciones para dichas elecciones, y los resultados de dichas elecciones se informarán a la Comisión Municipal.

**SE RESUELVE FINALMENTE QUE:** De acuerdo con la orden de este organismo regulador, la Secretaria Municipal, Mary Valenzuela, fijó un aviso escrito anunciando la fecha, lugar y tema de esta reunión, y que dicho aviso ha permanecido fijo sin interrupción por lo menos durante las 72 horas precedentes a la hora programada para dicha reunión.

**APROBADA** por voto mayoritario de la Comisión Municipal de la Ciudad de Kingsville, Texas, este día \_\_\_\_\_ de \_\_\_\_\_ de 2014.

\_\_\_\_\_  
Sam R. Fugate, Alcalde

\_\_\_\_\_  
Al García, Comisionado

\_\_\_\_\_  
Noel Pena, Comisionado

\_\_\_\_\_  
Arturo Pecos, Comisionado

\_\_\_\_\_  
Dianne Leubert

**DA FE:**

\_\_\_\_\_  
Mary Valenzuela, Secretaria Municipal

**APROBADA RESPECTO A FORMA:**

\_\_\_\_\_  
Courtney Álvarez, Abogado Municipal

# **AGENDA ITEM #6**



# KINGSVILLE FIRE DEPARTMENT

Joey Reed  
Fire Chief  
119 N. 10<sup>th</sup> Street  
Kingsville, Texas 78363  
(361) 592-6445

January 4, 2014

TO: VINCENT J. CAPELL, CITY MANAGER

FROM: JOEY REED, FIRE CHIEF

SUBJECT: FIRE CHIEF OUT OF STATE TRAINING REQUEST TO ATTEND THE  
NATIONAL FIRE ACADEMY EXECUTIVE FIRE OFFICER PROGRAM

This is a request for approval to attend the National Fire Academy's (NFA) Executive Fire Officer Training course in Emmitsburg, Maryland from March 9<sup>th</sup> to March 21<sup>st</sup>, 2014. This is the first of four courses that I will be required to attend over four years. Each class is followed by a yearlong research project that is completed at home. The projects usually deal with the improvement of services within the fire officer's home fire department. My perceived expectations for the program are simply to gain a broader understanding of proactive fire service strategies and the associated research needed to inject those advances into the community. Research and education are key elements for the advancement of public safety improvements.

There is no tuition expense for the course and lodging at the National Fire Academy is free for students. I will pay for my own airfare and that cost is reimbursed by the National Fire Academy. My only expenses that are not covered by the NFA will be the mandatory meal tickets of \$300.48, laundry services, meals off campus, and miscellaneous expenses. I will pay for these expenses myself.

I am attaching documents related to the Executive Fire Officer program and the Executive Development class R0123 that I will be attending in March.

Please let me know if you have any questions. Thank you for this opportunity.

From: [netc-admissnotifications](mailto:netc-admissnotifications)  
To: [joeyr60@yahoo.com](mailto:joeyr60@yahoo.com)

Joey Reed

Dear Mr. Reed:

Congratulations, you have been accepted for the National Fire Academy class listed below:

- R0123: Executive Development
- 3/10/2014 To 3/21/2014

You should refer to the NETC Welcome Package at [http://www.usfa.fema.gov/downloads/pdf/netc\\_welcome\\_package.pdf](http://www.usfa.fema.gov/downloads/pdf/netc_welcome_package.pdf). This package contains pertinent information about making your travel arrangements, transportation, lodging, reimbursement, food service, and on campus services. In addition, the package contains airport/shuttle information. You are required to provide information contained in the package if you plan to use the NETC shuttle service.

Your travel dates for this course are: March 9, 2014 and March 21, 2014.

Students should not purchase airline tickets until 30 days prior to the course start date.

Airport pickup times for this course are as follows:

- Baltimore/Washington International (BWI) pickup times: 03:00 PM and 07:00 PM (EST)
- Ronald Reagan National Airport (DCA) pickup times: 02:00 PM and 06:00 PM (EST)
- Dulles International Airport (IAD) pickup times: 05:00 PM (EST)

Please plan to arrive at least 1 hour before the shuttle pickup time stated above.

Campus departure times for this course are as follows:

- Departing for Baltimore/Washington International (BWI): 09:30 AM (EST)
- Departing for Ronald Reagan National Airport (DCA): 09:30 AM (EST)
- Departing for Dulles International Airport (IAD): 09:30 AM (EST)

On the return, you should make your flight 4 hours from the NETC departure time. This will allow 2 hours for transportation to the airport and another 2 hours for airport security.

Your course may have pre-course work that you must complete prior to your attendance at NFA. For additional acceptance information and to check for pre-course requirements, access the NFA website at: <http://www.usfa.dhs.gov/nfa/pre-course>.

Since you have been accepted into a class at NETC, lodging has been reserved for you for 3/9/2014 to 3/21/2014. If you do not need lodging on the NETC campus, please notify the NETC Housing Office at [FEMA-NETC-Housing@fema.dhs.gov](mailto:FEMA-NETC-Housing@fema.dhs.gov) upon receipt of this email. For further information regarding lodging, please refer to the NETC Welcome Package.

If you are unable to attend this course, please notify the NETC Admissions Office (in writing) prior to the course start date. If you have questions or need further information, please contact the Admissions Office at 301-447-1035 or at [NETCAdmissions@fema.dhs.gov](mailto:NETCAdmissions@fema.dhs.gov).

Jo Ann Boyd  
Admissions Specialist  
NETC Management Operations and Support Services

# **AGENDA ITEM #7**



## Purchasing/IT Department

361-595-8025  
361-595-8035 Fax

DATE: February 3, 2014  
TO: City Commission through City Manager  
FROM: David Mason, Purchasing/IT Director  
SUBJECT: Fire Station 1 Upstairs Showers

### **SUMMARY**

This item will authorize the repairs/reconstruction of upstairs restroom and showers in Fire Station 1.

### **BACKGROUND**

LMC Corporation, 9191 Winkler Drive, Suite A, Houston TX, 77017-5967 is a job order contracting (JOC) company operating under BuyBoard contract 392-12. They are also a MWBE, minority owned contractor. All pricing is based upon Gordian Group Construction Task Catalog and have been reviewed by Gordian and BuyBoard.

### **RECOMMENDATION**

It is recommended the contract be awarded to LMC Corporation for \$67,013.20.

### **FINANCIAL IMPACT**

This action will expend \$67,013.20 from 091-5-220.00-713.00, Capital Projects, Fire Dept. The original budget figure for this project was \$50,000; however budget savings from other line items will be available to cover the overage from budgeted amount.

### **LEGAL**

Local government code 271 Subchapter F allows for the use of a cooperative purchasing program, specifically 271.102 (c), states, "A local government that purchases good and service under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of goods and service." Therefore, complete bidding statutes have been met.



## Work Order Signature Document

**BUYBOARD EZIQC Contract No.: 2012 Area B- LMC**

☐

New Work Order

☒

Modify an Existing Work Order

Work Order Number: 017939.04

Work Order Date:

Work Order Title: City of Kingsville - Fire Station Upstairs Shower & Restroom

Owner Name: City of Kingsville

Contractor Name: LMC Corporation

Contact: David Mason

Contact: Ed Wauters

Phone: 3615958025

Phone: (713) 947-2422

### Work to be Performed

Work to be performed as per the Final Detailed Scope of Work Attached and as per the terms and conditions of BuyBoard EZIQC Contract No 2012 Area B- LMC.

#### Brief Work Order Description:

Fire Station Upstairs Shower & Restroom Remodel.

**Time of Performance**

*See Schedule Section of the Detailed Scope of Work*

**Liquidated Damages**

Will apply:

☐

Will not apply:

☒

**Work Order Firm Fixed Price: \$67,013.20**

Owner Purchase Order Number:

### Approvals

Owner

Date

Contractor

Date



## Detailed Scope of Work

**To:** Ed Wauters  
LMC Corporation  
9191 Winkler Drive, Suite A  
Houston, TX 77017-5967  
(713) 947-2422

**From:** David Mason  
City of Kingsville  
200 Kelberg Ave  
Kingsville, TX 78363  
3615958025

**Date Printed:** January 15, 2014

**Work Order Number:** 017939.04

**Work Order Title:** City of Kingsville - Fire Station Upstairs Shower & Restroom

**Brief Scope:** Fire Station Upstairs Shower & Restroom Remodel.

☐

Preliminary

☐

Revised

☒

Final

The following items detail the scope of work as discussed at the site. All requirements necessary to accomplish the items set forth below shall be considered part of this scope of work.

### Fire Station Upstairs Restroom/Shower Remodel

#### Mobilize

- Remove all fixtures, partitions and doors
- Saw cut and remove existing block wall
- Cut, prep and cap existing plumbing
- Demo existing acoustic tile ceiling
- Demo existing showers
- Saw cut floors for new drains
- Rough in new drains, tie into existing
- Frame 2x6 metal stud walls for new restroom/shower stalls
- Rough in plumbing
- Clean, prep and scarify floors for new tile
- Install new green board drywall on new frame work
- Install aluminum channel on ceiling for new drywall
- Install new drywall on ceiling
- Tape, float and texture
- Install new Shower surrounds
- Install new tile floors
- Install new shower tile
- Install new 36" doors
- Paint ceilings and walls
- Paint lockers
- Install new cove base
- Install new fixtures
- Install new dispensers, provided by city

**Detailed Scope of Work Continues..**

**Work Order Number:** 017939.04

**Work Order Title:** City of Kingsville - Fire Station Upstairs Shower & Restroom

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Test fixtures, clean up and demobilize

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Contractor

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Date

---

Owner

---

Date

## Contractor's Price Proposal CSI - Summary

Date: January 15, 2014

Re: IQC Master Contract #: 2012 Area B- LMC  
Work Order #: 017939.04  
Owner PO #:  
Title: City of Kingsville - Fire Station Upstairs Shower & Restroom  
Contractor: LMC Corporation  
Proposal Value: \$67,013.20

01 - General Requirements	\$13,752.70
02 - Site Work	\$1,733.14
03 - Concrete	\$1,394.73
04 - Masonry	\$1,803.20
08 - Openings	\$7,812.81
09 - Finishes	\$22,328.29
10 - Specialties	\$1,847.74
12 - Furnishings	\$78.60
22 - Plumbing	\$10,351.59
23 - Heating, Ventilating, And Air-Conditioning (HVAC)	\$575.07
26 - Electrical	\$5,335.33
Proposal Total	\$67,013.20

# Contractor's Price Proposal CSI - Detail

Date: January 15, 2014

Re: IQC Master Contract #: 2012 Area B- LMC  
 Work Order #: 017939.04  
 Owner PO #:  
 Title: City of Kingsville - Fire Station Upstairs Shower & Restroom  
 Contractor: LMC Corporation  
 Proposal Value: \$67,013.20

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
<b>01 - General Requirements</b>					
1	01 22 16 00 0002		EA	Reimbursable FeesReimbursable Fees will be paid to the contractor for the actual cost of all permits, without mark-up, for which a receipt or bill is received. The Adjustment Factor applied to Reimbursable Fees will be 1.0000. The labor cost involved in obtaining all permits is in the Adjustment Factor. The base cost of the Reimbursable Fee is \$1.00. The quantity used will adjust the base cost to the actual Reimbursable Fee (e.g. quantity of 125 = \$125.00 Reimbursable Fee). If there are multiple Reimbursable Fees, each one shall be listed separately with a comment in the "note" block to identify the Reimbursable Fees (e.g. sidewalk closure, road cut, various permits, extended warrantee, expedited shipping costs, etc.). A copy of each receipt shall be included with the Proposal.	\$2,919.00
			Installation	Quantity 2,919.00 x Unit Price 1.00 x Factor 1.0000 = Total 2,919.00	
2	01 22 20 00 0010		HR	ElectricianTasks in the CTC include appropriate costs to cover labor. These tasks will be requested specifically by the owner for miscellaneous work not covered in the CTC.	\$3,053.12
			Installation	Quantity 80.00 x Unit Price 32.90 x Factor 1.1600 = Total 3,053.12	
3	01 22 20 00 0010	0006	MOD	For Foreman, Add	\$153.12
			Installation	Quantity 80.00 x Unit Price 1.65 x Factor 1.1600 = Total 153.12	
4	01 22 20 00 0024		HR	PlumberTasks in the CTC include appropriate costs to cover labor. These tasks will be requested specifically by the owner for miscellaneous work not covered in the CTC.	\$3,122.72
			Installation	Quantity 80.00 x Unit Price 33.65 x Factor 1.1600 = Total 3,122.72	
5	01 22 20 00 0024	0006	MOD	For Foreman, Add	\$155.90
			Installation	Quantity 80.00 x Unit Price 1.68 x Factor 1.1600 = Total 155.90	
6	01 74 19 00 0015		EA	40 CY Dumpster (5 Ton) "Construction Debris"Includes delivery of dumpster, rental cost, pick-up cost, hauling, and disposal fee. Non-hazardous material.	\$1,381.84
			Installation	Quantity 3.00 x Unit Price 397.08 x Factor 1.1600 = Total 1,381.84	
7	01 74 19 00 0015	0120	MOD	For Each Ton Over Capacity, Add	\$187.92
			Installation	Quantity 9.00 x Unit Price 18.00 x Factor 1.1600 = Total 187.92	
8	01 74 19 00 0021		CY	Traditional Building Construction Materials Landfill Dump Fee	\$574.90
			Installation	Quantity 120.00 x Unit Price 4.13 x Factor 1.1600 = Total 574.90	
9	01 74 19 00 0029		CYM	Hauling On Paved Roads, First 15 Miles	\$939.60
			Installation	Quantity 1,800.00 x Unit Price 0.45 x Factor 1.1600 = Total 939.60	

# Contractor's Price Proposal - Detail Continues..

Work Order Number: 017939.04

Work Order Title: City of Kingsville - Fire Station Upstairs Shower & Restroom

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
<b>01 - General Requirements</b>					
10	01 95 06 00 0019		EA	>18"-21" Width, 34-1/2" High x 24" Deep Base 1 Drawer And 1 Door CabinetPrefinished with solid hardwood face frames, hardwood door frames and drawer fronts. Solid hardwood door panels. Excludes countertop.	\$641.54
			Installation	Quantity 3.00 x Unit Price 184.35 x Factor 1.1600 = Total 641.54	
11	01 95 15 00 0012		EA	Water Closet, White (Kohler K-3427)Includes seat, wax ring, escutcheon, supply valve and line.	\$194.15
			Installation	Quantity 0.00 x Unit Price 274.08 x Factor 1.1600 = Total 0.00	
			Demolition	Quantity 3.00 x Unit Price 55.79 x Factor 1.1600 = Total 194.15	
12	01 95 15 00 0017		EA	Lavatory Faucet (Delta 2522MPU)	\$42.98
			Installation	Quantity 0.00 x Unit Price 83.57 x Factor 1.1600 = Total 0.00	
			Demolition	Quantity 3.00 x Unit Price 12.35 x Factor 1.1600 = Total 42.98	
13	01 95 16 00 0041		EA	Duplex Receptacle With Cover And TerminationIncludes 20 LF of 3 conductor wire.	\$163.49
			Installation	Quantity 3.00 x Unit Price 31.49 x Factor 1.1600 = Total 109.59	
			Demolition	Quantity 3.00 x Unit Price 15.49 x Factor 1.1600 = Total 53.91	
14	01 95 16 00 0042		EA	Single Wall Switch With Cover And TerminationIncludes 20 LF of 3 conductor wire.	\$164.16
			Installation	Quantity 4.00 x Unit Price 31.58 x Factor 1.1600 = Total 146.53	
			Demolition	Quantity 1.00 x Unit Price 15.20 x Factor 1.1600 = Total 17.63	
15	01 95 16 00 0046		EA	GFI's, 15 Or 20 Amp New With Cover And TerminationIncludes 20 LF of 3 conductor wire.	\$58.26
			Installation	Quantity 3.00 x Unit Price 16.74 x Factor 1.1600 = Total 58.26	
<b>Subtotal for 01 - General Requirements</b>					<b>\$13,752.70</b>
<b>02 - Site Work</b>					
16	02 41 13 13 0041		SF	> 3" To 6" By Hand, Break-up And Remove Concrete Paving	\$111.94
			Installation	Quantity 50.00 x Unit Price 1.93 x Factor 1.1600 = Total 111.94	
17	02 41 19 13 0028		LF	Saw Cut Block Masonry Up To 4" Depth	\$329.44
			Installation	Quantity 100.00 x Unit Price 2.84 x Factor 1.1600 = Total 329.44	
18	02 41 19 13 0028 0030		MOD	For Each Additional Pass (Depth To 3"), Add	\$250.56
			Installation	Quantity 200.00 x Unit Price 1.08 x Factor 1.1600 = Total 250.56	
19	02 41 19 13 0040		EA	Saw Cut Minimum ChargeFor projects where the total saw cutting charge is less than the minimum charge, use this task exclusively. This task should not be used in conjunction with any other tasks in this section.	\$369.56
			Installation	Quantity 1.00 x Unit Price 318.59 x Factor 1.1600 = Total 369.56	

# Contractor's Price Proposal - Detail Continues..

Work Order Number: 017939.04

Work Order Title: City of Kingsville - Fire Station Upstairs Shower & Restroom

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
<b>02 - Site Work</b>					
20	02 41 19 16 0027		SF	Demo 8" Thick Reinforced Concrete Block Interior Partition/Wall	\$671.64
	Installation	Quantity	Unit Price	Factor	Total
		300.00	1.93	1.1600	671.64
		x	x	=	
<b>Subtotal for 02 - Site Work</b>					<b>\$1,733.14</b>
<b>03 - Concrete</b>					
21	03 31 13 00 0042		CF	Hand Mix And Place ConcreteFor use where conventional equipment access is limited or when directed by the owner.	\$339.59
	Installation	Quantity	Unit Price	Factor	Total
		25.00	11.71	1.1600	339.59
		x	x	=	
22	03 31 13 00 0081		CY	150' Haul, Non-Motorized, Concrete Buggy	\$1,055.14
	Installation	Quantity	Unit Price	Factor	Total
		120.00	7.58	1.1600	1,055.14
		x	x	=	
<b>Subtotal for 03 - Concrete</b>					<b>\$1,394.73</b>
<b>04 - Masonry</b>					
23	04 23 13 00 0007		SF	8" x 8" x 3" Glass Block, Vistabrick	\$1,803.20
	Installation	Quantity	Unit Price	Factor	Total
		24.00	64.77	1.1600	1,803.20
		x	x	=	
<b>Subtotal for 04 - Masonry</b>					<b>\$1,803.20</b>
<b>08 - Openings</b>					
24	08 17 23 00 0035		EA	2'-0" Or 2'-4" x 7' x 1-3/8" Prehung Solid Core, Birch Faced Door	\$44.66
	Installation	Quantity	Unit Price	Factor	Total
		0.00	230.30	1.1600	0.00
		x	x	=	
	Demolition	Quantity	Unit Price	Factor	Total
		2.00	19.25	1.1600	44.66
		x	x	=	
25	08 17 23 00 0038		EA	3' x 7' x 1-3/8" Prehung Solid Core, Birch Faced Door	\$1,233.36
	Installation	Quantity	Unit Price	Factor	Total
		4.00	265.81	1.1600	1,233.36
		x	x	=	
26	08 44 13 00 0004		LF	2" x 5-1/2" Aluminum Jamb Frame, Clear Anodic FinishFor glass partition wall.	\$3,794.94
	Installation	Quantity	Unit Price	Factor	Total
		150.00	21.81	1.1600	3,794.94
		x	x	=	
27	08 71 16 00 0480		EA	3-1/2" Overall Height, Grout In, Molded Rubber Security Floor Stop (Ives FS18L)Includes drilling. Excludes Grout.	\$192.68
	Installation	Quantity	Unit Price	Factor	Total
		4.00	39.60	1.1600	183.74
		x	x	=	
	Demolition	Quantity	Unit Price	Factor	Total
		2.00	3.85	1.1600	8.93
		x	x	=	
28	08 71 16 00 2178		EA	Bath/Bedroom Privacy F02 Mortise LocksetLocked with thumb knob inside.	\$1,259.57
	Installation	Quantity	Unit Price	Factor	Total
		4.00	267.61	1.1600	1,241.71
		x	x	=	
	Demolition	Quantity	Unit Price	Factor	Total
		2.00	7.70	1.1600	17.86
		x	x	=	
29	08 81 26 00 0015		SF	1/4" Thick, Tempered, Clear Float Field Installed Glass	\$1,287.60
	Installation	Quantity	Unit Price	Factor	Total
		150.00	7.40	1.1600	1,287.60
		x	x	=	

# Contractor's Price Proposal - Detail Continues..

Work Order Number: 017939.04

Work Order Title: City of Kingsville - Fire Station Upstairs Shower & Restroom

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
Subtotal for 08 - Openings					\$7,812.81
09 - Finishes					
30	09 22 13 00 0010	SF	1-1/2", 25 Gauge, Hat Channel, Drywall Furring Channel, Installed On Ceilings 16" On Center		\$1,150.72
		Installation	Quantity 400.00	x Unit Price 2.48 x Factor 1.1600 =	Total 1,150.72
31	09 22 16 00 0017	SF	6" Metal Framing Stud, 16" On Center, 18 Gauge, With Tracks And Runners		\$2,281.14
		Installation	Quantity 450.00	x Unit Price 4.37 x Factor 1.1600 =	Total 2,281.14
32	09 22 16 00 0017 0010	MOD	For > 200 To 500, Add		\$261.00
		Installation	Quantity 450.00	x Unit Price 0.50 x Factor 1.1600 =	Total 261.00
33	09 29 00 00 0013	SF	5/8" Type X Fire Rated Gypsum Board		\$200.10
		Installation	Quantity 250.00	x Unit Price 0.69 x Factor 1.1600 =	Total 200.10
34	09 29 00 00 0022	SF	5/8" Moisture Resistant Gypsum Board		\$838.10
		Installation	Quantity 850.00	x Unit Price 0.85 x Factor 1.1600 =	Total 838.10
35	09 29 00 00 0022 0045	MOD	For Horizontal Installation Up To 10' High, Add		\$60.32
		Installation	Quantity 400.00	x Unit Price 0.13 x Factor 1.1600 =	Total 60.32
36	09 29 00 00 0050	SF	Tape, Spackle And Finish Gypsum Board Walls Up To 10' High		\$203.00
		Installation	Quantity 700.00	x Unit Price 0.25 x Factor 1.1600 =	Total 203.00
37	09 29 00 00 0053	SF	Tape, Spackle And Finish Gypsum Board Ceilings Up To 10' High		\$139.20
		Installation	Quantity 400.00	x Unit Price 0.30 x Factor 1.1600 =	Total 139.20
38	09 29 00 00 0056	LF	Tape, Spackle And Finish Gypsum Board Vertical Corners Up To 10' High		\$86.07
		Installation	Quantity 140.00	x Unit Price 0.53 x Factor 1.1600 =	Total 86.07
39	09 29 00 00 0059	LF	Tape, Spackle And Finish Gypsum Board Horizontal Corners Up To 10' High		\$125.28
		Installation	Quantity 180.00	x Unit Price 0.60 x Factor 1.1600 =	Total 125.28
40	09 29 00 00 0064	SF	Spray Applied Orange Peel Finish On Existing Gypsum Board Wall		\$191.40
		Installation	Quantity 1,100.00	x Unit Price 0.15 x Factor 1.1600 =	Total 191.40
41	09 29 00 00 0070	LF	Cómer Bead, Galvanized Metal For Gypsum Board		\$13.92
		Installation	Quantity 10.00	x Unit Price 1.20 x Factor 1.1600 =	Total 13.92
42	09 30 13 00 0001	SF	Less Than 8" x 8" Mounted Floor TileIncludes glazed porcelain, unglazed porcelain and glazed ceramic tiles. Tiles mounted from back, side or front in 12" x 12", 12" x 24", or similar sized sheets.		\$361.92
		Installation	Quantity 0.00	x Unit Price 5.66 x Factor 1.1600 =	Total 0.00
		Demolition	Quantity 400.00	x Unit Price 0.78 x Factor 1.1600 =	Total 361.92



# Contractor's Price Proposal - Detail Continues..

Work Order Number: 017939.04

Work Order Title: City of Kingsville - Fire Station Upstairs Shower & Restroom

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
<b>09 - Finishes</b>					
43	09 30 13 00 0001	0061	MOD	For Epoxy Grout, Add	\$236.64
			Installation	Quantity 400.00 x Unit Price 0.51 x Factor 1.1600 = Total 236.64	
44	09 30 13 00 0002		SF	8" x 8" And Larger Unmounted Floor TileIncludes glazed porcelain, unglazed porcelain and glazed ceramic tiles.	\$2,802.56
			Installation	Quantity 400.00 x Unit Price 6.04 x Factor 1.1600 = Total 2,802.56	
45	09 30 13 00 0002	0061	MOD	For Epoxy Grout, Add	\$264.48
			Installation	Quantity 400.00 x Unit Price 0.57 x Factor 1.1600 = Total 264.48	
46	09 30 13 00 0005		SF	8" x 8" And Larger Unmounted Wall TileIncludes glazed porcelain, unglazed porcelain and glazed ceramic tiles.	\$4,134.24
			Installation	Quantity 550.00 x Unit Price 6.48 x Factor 1.1600 = Total 4,134.24	
47	09 30 13 00 0005	0066	MOD	For Epoxy Grout, Add	\$408.32
			Installation	Quantity 550.00 x Unit Price 0.64 x Factor 1.1600 = Total 408.32	
48	09 30 13 00 0008		SF	8" x 8" And Larger Unmounted Ceiling TileIncludes glazed porcelain, unglazed porcelain and glazed ceramic tiles.	\$464.58
			Installation	Quantity 50.00 x Unit Price 8.01 x Factor 1.1600 = Total 464.58	
49	09 30 13 00 0008	0067	MOD	For Up To 50, Add	\$285.94
			Installation	Quantity 50.00 x Unit Price 4.93 x Factor 1.1600 = Total 285.94	
50	09 30 13 00 0009		LF	Glazed Porcelain, Unglazed Porcelain And Glazed Ceramic Cove Base Or Trim	\$592.47
			Installation	Quantity 75.00 x Unit Price 6.81 x Factor 1.1600 = Total 592.47	
51	09 31 00 00 0001		SF	Thin-Set - Latex Portland Cement Mortar	\$259.84
			Installation	Quantity 400.00 x Unit Price 0.56 x Factor 1.1600 = Total 259.84	
52	09 31 00 00 0002		SF	Clean And Scarify Existing Tile For Installation Of New Tile Over Existing	\$111.36
			Installation	Quantity 400.00 x Unit Price 0.24 x Factor 1.1600 = Total 111.36	
53	09 34 00 00 0004		EA	32" x 60", Prefabricated Assembly For Tiled Showers (Schluter® KERDI Shower ST/SC)	\$2,244.46
			Installation	Quantity 3.00 x Unit Price 644.96 x Factor 1.1600 = Total 2,244.46	
54	09 34 00 00 0024		SF	0.008" Polyethylene Membrane With Polypropylene Fleece Laminated On Both Sides, Bonded Waterproof Underlayment Membrane (Schluter® KERDI)	\$55.33
			Installation	Quantity 45.00 x Unit Price 1.06 x Factor 1.1600 = Total 55.33	
55	09 34 00 00 0027		LF	Aluminum Transition Trim For Tile (Schluter® RENO)	\$160.78
			Installation	Quantity 90.00 x Unit Price 1.54 x Factor 1.1600 = Total 160.78	

# Contractor's Price Proposal - Detail Continues..

Work Order Number: 017939.04  
 Work Order Title: City of Kingsville - Fire Station Upstairs Shower & Restroom

	Sect.	Item	Modifier	UOM	Description						Line Total		
Labor	Equip.	Material	(Excluded if marked with an X)										
09 - Finishes													
56	09	51	23	00	0007	SF	1" Thick Glass Cloth Faced Acoustical Ceiling Tile					\$185.60	
						Installation	Quantity	Unit Price	Factor	=	Total		
							0.00	x 3.84	1.1600	=	0.00		
						Demolition	400.00	x 0.40	1.1600	=	185.60		
57	09	51	23	00	0007	0119	MOD	For > 200 To 500, Add					\$111.36
						Installation	Quantity	Unit Price	Factor	=	Total		
							400.00	x 0.24	1.1600	=	111.36		
58	09	53	23	00	0003	SF	T Bar Ceilings Suspension System 2' x 2', Standard 15/16"					\$726.74	
						Installation	Quantity	Unit Price	Factor	=	Total		
							350.00	x 1.79	1.1600	=	726.74		
59	09	65	13	13	0002	LF	4" High 1/8" Vinyl Plastic Base, All Colors					\$290.58	
						Installation	Quantity	Unit Price	Factor	=	Total		
							150.00	x 1.67	1.1600	=	290.58		
60	09	65	13	33	0003	SF	Latex Self Leveling Underlay, 1/4" Thick					\$272.02	
						Installation	Quantity	Unit Price	Factor	=	Total		
							350.00	x 0.67	1.1600	=	272.02		
61	09	91	23	00	0020	SF	Paint Interior Concrete, 1 Coat Paint, Brush/Roller Work					\$50.34	
						Installation	Quantity	Unit Price	Factor	=	Total		
							140.00	x 0.31	1.1600	=	50.34		
62	09	91	23	00	0020	0294	MOD	For > 100 To 250, Add					\$14.62
						Installation	Quantity	Unit Price	Factor	=	Total		
							140.00	x 0.09	1.1600	=	14.62		
63	09	91	23	00	0021	SF	Paint Interior Concrete, 2 Coats Paint, Brush/Roller Work					\$90.94	
						Installation	Quantity	Unit Price	Factor	=	Total		
							140.00	x 0.56	1.1600	=	90.94		
64	09	91	23	00	0021	0294	MOD	For > 100 To 250, Add					\$25.98
						Installation	Quantity	Unit Price	Factor	=	Total		
							140.00	x 0.16	1.1600	=	25.98		
65	09	91	23	00	0062	SF	Paint Interior Plaster/Drywall, 1 Coat Primer, Brush/Roller Work					\$552.16	
						Installation	Quantity	Unit Price	Factor	=	Total		
							1,700.00	x 0.28	1.1600	=	552.16		
66	09	91	23	00	0062	0275	MOD	For Orange Peel Finish, Add					\$78.88
						Installation	Quantity	Unit Price	Factor	=	Total		
							1,700.00	x 0.04	1.1600	=	78.88		
67	09	91	23	00	0064	SF	Paint Interior Plaster/Drywall, 2 Coats Paint, Brush/Roller Work					\$1,104.32	
						Installation	Quantity	Unit Price	Factor	=	Total		
							1,700.00	x 0.56	1.1600	=	1,104.32		
68	09	91	23	00	0064	0275	MOD	For Orange Peel Finish, Add					\$138.04
						Installation	Quantity	Unit Price	Factor	=	Total		
							1,700.00	x 0.07	1.1600	=	138.04		
69	09	91	23	00	0313	SF	Paint Exposed Metal Locker Two Coats Alkyd Enamel					\$319.70	
						Installation	Quantity	Unit Price	Factor	=	Total		
							260.00	x 1.06	1.1600	=	319.70		

# Contractor's Price Proposal - Detail Continues..

Work Order Number: 017939.04

Work Order Title: City of Kingsville - Fire Station Upstairs Shower & Restroom

Sect.	Item	Modifer	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
09 - Finishes					
70	09 91 43 00 0013		SF	Hand Wash, Minor Repair And Light Sanding Drywall Surfaces	\$433.84
			Installation	Quantity 1,700.00 x Unit Price 0.22 x Factor 1.1600 = Total 433.84	
Subtotal for 09 - Finishes					\$22,328.29
10 - Specialties					
71	10 14 23 00 0022		EA	4" x 12" Hard Plastic Door Sign Adhesive Without Frame	\$33.26
			Installation	Quantity 1.00 x Unit Price 28.67 x Factor 1.1600 = Total 33.26	
72	10 21 13 13 0023		EA	48" x 58" x 1", Floor Anchored, Enamel Coated Steel, Urinal Screen	\$57.12
			Installation	Quantity 0.00 x Unit Price 312.24 x Factor 1.1600 = Total 0.00	
			Demolition	Quantity 2.00 x Unit Price 24.62 x Factor 1.1600 = Total 57.12	
73	10 28 13 13 0008		EA	Surface Mounted, Stainless Steel Folded Paper Towel Dispenser (Bobrick B-263)	\$72.24
		X	Installation	Quantity 3.00 x Unit Price 13.84 x Factor 1.1600 = Total 48.16	
		X	Demolition	Quantity 3.00 x Unit Price 6.92 x Factor 1.1600 = Total 24.08	
74	10 28 13 13 0030		EA	Two Roll Without Controlled Delivery, Surface Mounted, Cast Aluminum Toilet Tissue Dispenser (Bobrick B-2740)	\$72.24
		X	Installation	Quantity 3.00 x Unit Price 13.84 x Factor 1.1600 = Total 48.16	
		X	Demolition	Quantity 3.00 x Unit Price 6.92 x Factor 1.1600 = Total 24.08	
75	10 28 13 13 0056		EA	45 Fluid Ounce, Recessed Mounted, Stainless Steel Soap Dispenser (Bobrick B-306)	\$83.00
		X	Installation	Quantity 3.00 x Unit Price 16.93 x Factor 1.1600 = Total 58.92	
		X	Demolition	Quantity 3.00 x Unit Price 6.92 x Factor 1.1600 = Total 24.08	
76	10 28 13 13 0205		EA	24" Length, 3/4" Square, Stainless Steel Towel Bar (Bobrick B-7673)	\$117.35
			Installation	Quantity 3.00 x Unit Price 33.72 x Factor 1.1600 = Total 117.35	
77	10 28 13 13 0240		EA	24" x 36", Surface Mounted, Stainless Steel Channel Frame Glass Mirror (Bobrick B-165 2436)	\$321.83
			Installation	Quantity 3.00 x Unit Price 84.79 x Factor 1.1600 = Total 295.07	
			Demolition	Quantity 3.00 x Unit Price 7.69 x Factor 1.1600 = Total 26.76	
78	10 28 13 13 0240 0233		MOD	For Tempered Glass (B-1658), Add	\$157.82
			Installation	Quantity 3.00 x Unit Price 45.35 x Factor 1.1600 = Total 157.82	
79	10 28 16 13 0064		EA	4" x 6" Ceramic Surface Mounted Tub Soap Dish And Cloth Holder	\$102.45
			Installation	Quantity 3.00 x Unit Price 29.44 x Factor 1.1600 = Total 102.45	
80	10 28 19 00 0002		EA	24" Chrome Shower Frame With Tempered Glass Door	\$830.43
			Installation	Quantity 3.00 x Unit Price 238.63 x Factor 1.1600 = Total 830.43	

# Contractor's Price Proposal - Detail Continues..

Work Order Number: 017939.04

Work Order Title: City of Kingsville - Fire Station Upstairs Shower & Restroom

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
<b>Subtotal for 10 - Specialties</b>					<b>\$1,847.74</b>
<b>12 - Furnishings</b>					
81	12 35 70 13 0037		LF	25" Self Edge Laminate Countertop With Backsplash	\$78.60
			Quantity	Unit Price	Factor = Total
	Installation	0.00	x	154.46	x 1.1600 = 0.00
	Demolition	11.00	x	6.16	x 1.1600 = 78.60
<b>Subtotal for 12 - Furnishings</b>					<b>\$78.60</b>
<b>22 - Plumbing</b>					
82	22 11 16 00 0582		LF	3/4" Pipe Schedule 80 CPVC Pipe	\$593.92
			Quantity	Unit Price	Factor = Total
	Installation	200.00	x	2.56	x 1.1600 = 593.92
83	22 11 16 00 0586		LF	2" Pipe Schedule 80 CPVC Pipe	\$1,064.88
			Quantity	Unit Price	Factor = Total
	Installation	150.00	x	6.12	x 1.1600 = 1,064.88
84	22 11 16 00 0588		LF	3" Pipe Schedule 80 CPVC Pipe	\$1,166.15
			Quantity	Unit Price	Factor = Total
	Installation	90.00	x	11.17	x 1.1600 = 1,166.15
85	22 11 16 00 0594		EA	3/4" Schedule 80 CPVC 90 Degree Elbow	\$204.21
			Quantity	Unit Price	Factor = Total
	Installation	18.00	x	9.78	x 1.1600 = 204.21
86	22 11 16 00 0598		EA	2" Schedule 80 CPVC 90 Degree Elbow	\$345.77
			Quantity	Unit Price	Factor = Total
	Installation	12.00	x	24.84	x 1.1600 = 345.77
87	22 11 16 00 0600		EA	3" Schedule 80 CPVC 90 Degree Elbow	\$506.76
			Quantity	Unit Price	Factor = Total
	Installation	9.00	x	48.54	x 1.1600 = 506.76
88	22 11 16 00 0624		EA	3" Schedule 80 CPVC Tee	\$431.94
			Quantity	Unit Price	Factor = Total
	Installation	6.00	x	62.06	x 1.1600 = 431.94
89	22 11 16 00 0647		EA	3" Schedule 80 CPVC Reducing Insert	\$217.29
			Quantity	Unit Price	Factor = Total
	Installation	6.00	x	31.22	x 1.1600 = 217.29
90	22 11 16 00 0683		EA	3/4" Schedule 80 CPVC Couplings	\$105.93
			Quantity	Unit Price	Factor = Total
	Installation	12.00	x	7.61	x 1.1600 = 105.93
91	22 13 19 13 0010		EA	9" Round Top Floor Drain With 3" Outlet, Nikaloy Top	\$1,645.99
			Quantity	Unit Price	Factor = Total
	Installation	4.00	x	312.62	x 1.1600 = 1,450.56
	Demolition	4.00	x	42.12	x 1.1600 = 195.44
92	22 42 13 00 0010		EA	Handicap Accessible, Flush Valve Type, Siphon Jet Water Closet, Wall Hung, Elongated, (American Standard 2294.011)	\$1,504.96
			Quantity	Unit Price	Factor = Total
	Installation	3.00	x	392.02	x 1.1600 = 1,364.23
	Demolition	3.00	x	40.44	x 1.1600 = 140.73

# Contractor's Price Proposal - Detail Continues..

Work Order Number: 017939.04

Work Order Title: City of Kingsville - Fire Station Upstairs Shower & Restroom

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
22 - Plumbing					
93	22 42 16 00 0011		EA	27" x 20" Wheelchair Accessible, Vitreous China Wall Hung Lavatory (American Standard 9141.011.020)	\$1,239.58
			Installation	Quantity 3.00 x Unit Price 356.20 x Factor 1.1600 = Total 1,239.58	
94	22 42 16 00 0015		EA	19" x 16" Enameled Cast Iron Countertop Lavatory (Kohler K-2905-4)	\$89.05
			Installation	Quantity 0.00 x Unit Price 245.30 x Factor 1.1600 = Total 0.00	
			Demolition	3.00 x 25.59 x 1.1600 = 89.05	
95	22 42 23 00 0007		EA	Universal Institutional Shower Head; Symmons #4-151	\$731.53
			Installation	Quantity 3.00 x Unit Price 201.07 x Factor 1.1600 = Total 699.72	
			Demolition	2.00 x 13.71 x 1.1600 = 31.81	
96	22 42 39 00 0023		EA	Widespread Lavatory Faucet With Chrome Lever Handles, Delta 3543-LHP+H24	\$503.63
			Installation	Quantity 3.00 x Unit Price 144.72 x Factor 1.1600 = Total 503.63	
Subtotal for 22 - Plumbing					\$10,351.59
23 - Heating, Ventilating, And Air-Conditioning (HVAC)					
97	23 34 16 00 0227		EA	70 CFM Exhaust Fan, Ceiling Mounted With Heater - Light, Light Duty	\$575.07
			Installation	Quantity 3.00 x Unit Price 165.25 x Factor 1.1600 = Total 575.07	
Subtotal for 23 - Heating, Ventilating, And Air-Conditioning (HVAC)					\$575.07
26 - Electrical					
98	26 05 33 13 0007		CLF	3/4" EMT With 3 #12 THHN/THWN AssemblyIncludes conduit, set screw connectors, set screw couplings, straps, wire as indicated. Not for use where detail is available.	\$3,986.69
			Installation	Quantity 10.00 x Unit Price 343.68 x Factor 1.1600 = Total 3,986.69	
99	26 51 13 00 0006		EA	Bracket For Mounting Light Fixture On Wall	\$162.90
			Installation	Quantity 3.00 x Unit Price 46.81 x Factor 1.1600 = Total 162.90	
100	26 51 13 00 0194		EA	2 T8 Lamps, 2' Length, Industrial Fluorescent Fixture	\$488.87
			Installation	Quantity 3.00 x Unit Price 140.48 x Factor 1.1600 = Total 488.87	
101	26 51 13 00 0287		EA	6" Round, Compact Fluorescent, T Or ICT Recessed Fixture Housing	\$696.87
			Installation	Quantity 9.00 x Unit Price 66.75 x Factor 1.1600 = Total 696.87	
Subtotal for 26 - Electrical					\$5,335.33

## Contractor's Price Proposal - Detail Continues..

**Work Order Number:** 017939.04

**Work Order Title:** City of Kingsville - Fire Station Upstairs Shower & Restroom

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**Proposal Total****\$67,013.20**

This total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding.

## **AGENDA ITEM #8**



## Purchasing/IT Department

361-595-8025  
361-595-8035 Fax

DATE: February 3, 2014  
TO: City Commission through City Manager  
FROM: David Mason, Purchasing/IT Director  
SUBJECT: Fire Station 1 Downstairs Men's Restroom

### **SUMMARY**

This item will authorize the repairs/reconstruction of the downstairs men's restroom in Fire Station 1.

### **BACKGROUND**

LMC Corporation, 9191 Winkler Drive, Suite A, Houston TX, 77017-5967 is a job order contracting (JOC) company operating under BuyBoard contract 392-12. All pricing is based upon Gordian Group Construction Task Catalog and have been reviewed by Gordian and BuyBoard.

### **RECOMMENDATION**

It is recommended the contract be awarded to LMC Corporation for \$5,209.92.

### **FINANCIAL IMPACT**

This action will expend \$5,209.92 from 091-5-220.00-713.00, Capital Projects, Fire Dept. The original budget figure for this project was combined with the downstairs women's restroom for a total of \$9,280. The women's restroom figure is at \$5,584.16 for a total of \$10,794. Funds are available from savings from other capital projects .

### **LEGAL**

Local government code 271 Subchapter F allows for the use of a cooperative purchasing program, specifically 271.102 (c), states, "A local government that purchases good and service under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of goods and service." Therefore, complete bidding statutes have been met.



## Work Order Signature Document

### BUYBOARD EZIQC Contract No.: 2012 Area B- LMC

☐

New Work Order

☒

Modify an Existing Work Order

Work Order Number: 017939.01

Work Order Date:

Work Order Title: City of Kingsville - Firestation 1 Downstairs Mens Restroom

Owner Name: City of Kingsville

Contractor Name: LMC Corporation

Contact: David Mason

Contact: Ed Wauters

Phone: 3615958025

Phone: (713) 947-2422

#### Work to be Performed

Work to be performed as per the Final Detailed Scope of Work Attached and as per the terms and conditions of BuyBoard EZIQC Contract No 2012 Area B- LMC.

#### Brief Work Order Description:

Downstairs Men's Restroom.

#### Time of Performance

*See Schedule Section of the Detailed Scope of Work*

#### Liquidated Damages

Will apply:

☐

Will not apply:

☒

Work Order Firm Fixed Price: \$5,209.92

Owner Purchase Order Number:

#### Approvals

Owner \_\_\_\_\_ Date \_\_\_\_\_ Contractor \_\_\_\_\_ Date \_\_\_\_\_



## Detailed Scope of Work

**To:** Ed Wauters  
LMC Corporation  
9191 Winkler Drive, Suite A  
Houston, TX 77017-5967  
(713) 947-2422

**From:** David Mason  
City of Kingsville  
200 Kelberg Ave  
Kingsville, TX 78363  
3615958025

**Date Printed:** January 15, 2014

**Work Order Number:** 017939.01

**Work Order Title:** City of Kingsville - Firestation 1 Downstairs Mens Restroom

**Brief Scope:** Downstairs Men's Restroom.

☐

Preliminary

☐

Revised

☒

Final

The following items detail the scope of work as discussed at the site. All requirements necessary to accomplish the items set forth below shall be considered part of this scope of work.

### Downstairs Men's Restroom

#### Mobilize

Comence demolition of fixtures, wall tile, etc

Break up and remove floor tile

Remove damaged drywall

Clean, prep and install new green board drywall

Clean, prep, scarify and install new tile flooring

Demo door

Rough frame and install new ADA door

Prep, prime and paint restroom

Install new ADA fixtures

Install new dispensers, provided by city

Test all new fixtures, clean up and demobilize

Contractor

Date

Owner

Date

## Contractor's Price Proposal CSI - Summary

Date: January 15, 2014

Re: IQC Master Contract #: 2012 Area B- LMC  
Work Order #: 017939.01  
Owner PO #:  
Title: City of Kingsville - Firestation 1 Downstairs Mens Restroom  
Contractor: LMC Corporation  
Proposal Value: \$5,209.92

01 - General Requirements	\$721.43
02 - Site Work	\$447.23
03 - Concrete	\$403.56
06 - Wood, Plastic, and Composites	\$141.52
08 - Openings	\$586.45
09 - Finishes	\$1,530.16
10 - Specialties	\$422.81
22 - Plumbing	\$956.76
Proposal Total	\$5,209.92

# Contractor's Price Proposal CSI - Detail

Date: January 15, 2014

Re: IQC Master Contract #: 2012 Area B- LMC  
 Work Order #: 017939.01  
 Owner PO #:  
 Title: City of Kingsville - Firestation 1 Downstairs Mens Restroom  
 Contractor: LMC Corporation  
 Proposal Value: \$5,209.92

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
01 - General Requirements					
1	01 22 16 00 0002		EA	Reimbursable FeesReimbursable Fees will be paid to the contractor for the actual cost of all permits, without mark-up, for which a receipt or bill is received. The Adjustment Factor applied to Reimbursable Fees will be 1.0000. The labor cost involved in obtaining all permits is in the Adjustment Factor. The base cost of the Reimbursable Fee is \$1.00. The quantity used will adjust the base cost to the actual Reimbursable Fee (e.g. quantity of 125 = \$125.00 Reimbursable Fee). If there are multiple Reimbursable Fees, each one shall be listed separately with a comment in the "note" block to identify the Reimbursable Fees (e.g. sidewalk closure, road cut, various permits, extended warrantee, expedited shipping costs, etc.). A copy of each receipt shall be included with the Proposal.	\$248.00
			Installation	Quantity 248.00 x Unit Price 1.00 x Factor 1.0000 = Total 248.00	
2	01 74 19 00 0015		EA	40 CY Dumpster (5 Ton) "Construction Debris"Includes delivery of dumpster, rental cost, pick-up cost, hauling, and disposal fee. Non-hazardous material.	\$460.61
			Installation	Quantity 1.00 x Unit Price 397.08 x Factor 1.1600 = Total 460.61	
3	01 95 16 00 0014		EA	Wall Fixture, Incandescent, Sea Gull 4450	\$12.82
			Installation	Quantity 0.00 x Unit Price 36.34 x Factor 1.1600 = Total 0.00	
			Demolition	1.00 x 11.05 x 1.1600 = 12.82	
Subtotal for 01 - General Requirements					\$721.43
02 - Site Work					
4	02 41 13 13 0028		SY	> 3" To 6" By Machine, Break-up And Remove Wire Mesh Reinforced Concrete Paving	\$77.67
			Installation	Quantity 6.00 x Unit Price 11.16 x Factor 1.1600 = Total 77.67	
5	02 41 19 13 0040		EA	Saw Cut Minimum ChargeFor projects where the total saw cutting charge is less than the minimum charge, use this task exclusively. This task should not be used in conjunction with any other tasks in this section.	\$369.56
			Installation	Quantity 1.00 x Unit Price 318.59 x Factor 1.1600 = Total 369.56	
Subtotal for 02 - Site Work					\$447.23
03 - Concrete					
6	03 31 13 00 0042		CF	Hand Mix And Place ConcreteFor use where conventional equipment access is limited or when directed by the owner.	\$271.67
			Installation	Quantity 20.00 x Unit Price 11.71 x Factor 1.1600 = Total 271.67	
7	03 31 13 00 0081		CY	150' Haul, Non-Motorized, Concrete Buggy	\$131.89
			Installation	Quantity 15.00 x Unit Price 7.58 x Factor 1.1600 = Total 131.89	

# Contractor's Price Proposal - Detail Continues..

Work Order Number: 017939.01

Work Order Title: City of Kingsville - Firestation 1 Downstairs Mens Restroom

Sect.	Item	Modifier	UOM	Description					Line Total
Labor	Equip.	Material	(Excluded if marked with an X)						
Subtotal for 03 - Concrete									\$403.56
06 - Wood, Plastic, and Composites									
8	06 11 16 00 0050		LF	2" x 6" Wood Stud Framing, For Partition Walls					\$141.52
				Quantity		Unit Price		Factor	Total
				Installation	100.00	x	0.95	x	1.1600 = 110.20
				Demolition	100.00	x	0.27	x	1.1600 = 31.32
Subtotal for 06 - Wood, Plastic, and Composites									\$141.52
08 - Openings									
9	08 17 23 00 0035		EA	2'-0" Or 2'-4" x 7' x 1-3/8" Prehung Solid Core, Birch Faced Door					\$22.33
				Quantity		Unit Price		Factor	Total
				Installation	0.00	x	230.30	x	1.1600 = 0.00
				Demolition	1.00	x	19.25	x	1.1600 = 22.33
10	08 17 23 00 0038		EA	3' x 7' x 1-3/8" Prehung Solid Core, Birch Faced Door					\$308.34
				Quantity		Unit Price		Factor	Total
				Installation	1.00	x	265.81	x	1.1600 = 308.34
11	08 71 16 00 0480		EA	3-1/2" Overall Height, Grout In, Molded Rubber Security Floor Stop (Ives FS18L)Includes drilling. Excludes Grout.					\$50.40
				Quantity		Unit Price		Factor	Total
				Installation	1.00	x	39.60	x	1.1600 = 45.94
				Demolition	1.00	x	3.85	x	1.1600 = 4.47
12	08 71 16 00 2193		EA	Bath/Bedroom Privacy F76 Bored LocksetLocked with push button inside.					\$205.38
				Quantity		Unit Price		Factor	Total
				Installation	1.00	x	169.35	x	1.1600 = 196.45
				Demolition	1.00	x	7.70	x	1.1600 = 8.93
Subtotal for 08 - Openings									\$586.45
09 - Finishes									
13	09 01 60 00 0003		SF	Remove Setting Bed And Clean Area					\$66.82
				Quantity		Unit Price		Factor	Total
				Installation	45.00	x	1.28	x	1.1600 = 66.82
14	09 29 00 00 0013		SF	5/8" Type X Fire Rated Gypsum Board					\$50.46
				Quantity		Unit Price		Factor	Total
				Installation	50.00	x	0.69	x	1.1600 = 40.02
				Demolition	50.00	x	0.18	x	1.1600 = 10.44
15	09 29 00 00 0051		SF	Tape, Spackle And Finish Gypsum Board Walls > 10' High					\$18.56
				Quantity		Unit Price		Factor	Total
				Installation	50.00	x	0.32	x	1.1600 = 18.56
16	09 29 00 00 0051 0039		MOD	For Up To 128, Add					\$6.96
				Quantity		Unit Price		Factor	Total
				Installation	50.00	x	0.12	x	1.1600 = 6.96
17	09 29 00 00 0064		SF	Spray Applied Orange Peel Finish On Existing Gypsum Board Wall					\$43.50
				Quantity		Unit Price		Factor	Total
				Installation	250.00	x	0.15	x	1.1600 = 43.50

# Contractor's Price Proposal - Detail Continues..

Work Order Number: 017939.01

Work Order Title: City of Kingsville - Firestation 1 Downstairs Mens Restroom

	Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)			
09 - Finishes						
18	09 30 13 00 0001		SF		Less Than 8" x 8" Mounted Floor TileIncludes glazed porcelain, unglazed porcelain and glazed ceramic tiles. Tiles mounted from back, side or front in 12" x 12", 12" x 24", or similar sized sheets.	\$40.72
				Quantity	Unit Price	Factor = Total
			Installation	0.00 x	5.66 x	1.1600 = 0.00
			Demolition	45.00 x	0.78 x	1.1600 = 40.72
19	09 30 13 00 0001	0058	MOD		For Up To 50, Add	\$134.68
				Quantity	Unit Price	Factor = Total
			Installation	45.00 x	2.58 x	1.1600 = 134.68
20	09 30 13 00 0002		SF		8" x 8" And Larger Unmounted Floor TileIncludes glazed porcelain, unglazed porcelain and glazed ceramic tiles.	\$315.29
				Quantity	Unit Price	Factor = Total
			Installation	45.00 x	6.04 x	1.1600 = 315.29
21	09 30 13 00 0002	0058	MOD		For Up To 50, Add	\$154.51
				Quantity	Unit Price	Factor = Total
			Installation	45.00 x	2.96 x	1.1600 = 154.51
22	09 30 13 00 0005		SF		8" x 8" And Larger Unmounted Wall TileIncludes glazed porcelain, unglazed porcelain and glazed ceramic tiles.	\$34.80
				Quantity	Unit Price	Factor = Total
			Installation	0.00 x	6.48 x	1.1600 = 0.00
			Demolition	50.00 x	0.60 x	1.1600 = 34.80
23	09 30 13 00 0005	0063	MOD		For Up To 50, Add	\$197.20
				Quantity	Unit Price	Factor = Total
			Installation	50.00 x	3.40 x	1.1600 = 197.20
24	09 65 13 13 0002		LF		4" High 1/8" Vinyl Plastic Base, All Colors	\$58.12
				Quantity	Unit Price	Factor = Total
			Installation	30.00 x	1.67 x	1.1600 = 58.12
25	09 65 13 13 0002	0167	MOD		For > 20 To 40, Add	\$10.09
				Quantity	Unit Price	Factor = Total
			Installation	30.00 x	0.29 x	1.1600 = 10.09
26	09 65 13 33 0003		SF		Latex Self Leveling Underlay, 1/4" Thick	\$34.97
				Quantity	Unit Price	Factor = Total
			Installation	45.00 x	0.67 x	1.1600 = 34.97
27	09 91 23 00 0062		SF		Paint Interior Plaster/Drywall, 1 Coat Primer, Brush/Roller Work	\$16.24
				Quantity	Unit Price	Factor = Total
			Installation	50.00 x	0.28 x	1.1600 = 16.24
28	09 91 23 00 0062	0274	MOD		For Oil Based Paint, Add	\$1.16
				Quantity	Unit Price	Factor = Total
			Installation	50.00 x	0.02 x	1.1600 = 1.16
29	09 91 23 00 0062	0275	MOD		For Orange Peel Finish, Add	\$2.32
				Quantity	Unit Price	Factor = Total
			Installation	50.00 x	0.04 x	1.1600 = 2.32
30	09 91 23 00 0062	0293	MOD		For Up To 100, Add	\$9.28
				Quantity	Unit Price	Factor = Total
			Installation	50.00 x	0.16 x	1.1600 = 9.28

# Contractor's Price Proposal - Detail Continues..

Work Order Number: 017939.01

Work Order Title: City of Kingsville - Firestation 1 Downstairs Mens Restroom

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
09 - Finishes					
31	09 91 23 00 0064		SF	Paint Interior Plaster/Drywall, 2 Coats Paint, Brush/Roller Work	\$32.48
			Installation	Quantity 50.00 x Unit Price 0.56 x Factor 1.1600 = Total 32.48	
32	09 91 23 00 0064 0274		MOD	For Oil Based Paint, Add	\$2.32
			Installation	Quantity 50.00 x Unit Price 0.04 x Factor 1.1600 = Total 2.32	
33	09 91 23 00 0064 0275		MOD	For Orange Peel Finish, Add	\$4.06
			Installation	Quantity 50.00 x Unit Price 0.07 x Factor 1.1600 = Total 4.06	
34	09 91 23 00 0064 0293		MOD	For Up To 100, Add	\$19.14
			Installation	Quantity 50.00 x Unit Price 0.33 x Factor 1.1600 = Total 19.14	
35	09 91 43 00 0013		SF	Hand Wash, Minor Repair And Light Sanding Drywall Surfaces	\$63.80
			Installation	Quantity 250.00 x Unit Price 0.22 x Factor 1.1600 = Total 63.80	
36	09 91 43 00 0013 0338		MOD	For > 100 To 250, Add	\$23.20
			Installation	Quantity 250.00 x Unit Price 0.08 x Factor 1.1600 = Total 23.20	
37	09 93 00 00 0004		LF	One Coat Stain Up To 6" Wide With Brush And Wipe Off Wood Trim	\$20.88
			Installation	Quantity 40.00 x Unit Price 0.45 x Factor 1.1600 = Total 20.88	
38	09 93 00 00 0004 0332		MOD	For Up To 100, Add	\$6.96
			Installation	Quantity 20.00 x Unit Price 0.30 x Factor 1.1600 = Total 6.96	
39	09 93 00 00 0006		SF	One Coat Sealer And One Coat Varnish Or Polyurethane Wood Trim	\$14.15
			Installation	Quantity 20.00 x Unit Price 0.61 x Factor 1.1600 = Total 14.15	
40	09 93 00 00 0006 0332		MOD	For Up To 100, Add	\$7.89
			Installation	Quantity 20.00 x Unit Price 0.34 x Factor 1.1600 = Total 7.89	
41	09 93 00 00 0009		EA	One Coat Stain With Brush And Wipe Off Wood Door (Per Face)	\$47.47
			Installation	Quantity 2.00 x Unit Price 20.46 x Factor 1.1600 = Total 47.47	
42	09 93 00 00 0009 0408		MOD	For Up To 4, Add	\$33.29
			Installation	Quantity 2.00 x Unit Price 14.35 x Factor 1.1600 = Total 33.29	
43	09 93 00 00 0011		EA	One Coat Shellac, Varnish Or Polyurethane Wood Door (Per Face)	\$34.78
			Installation	Quantity 2.00 x Unit Price 14.99 x Factor 1.1600 = Total 34.78	
44	09 93 00 00 0011 0408		MOD	For Up To 4, Add	\$24.06
			Installation	Quantity 2.00 x Unit Price 10.37 x Factor 1.1600 = Total 24.06	
Subtotal for 09 - Finishes					\$1,530.16

# Contractor's Price Proposal - Detail Continues..

Work Order Number: 017939.01

Work Order Title: City of Kingsville - Firestation 1 Downstairs Mens Restroom

Sect.	Item	Modifier	UOM	Description					Line Total
Labor	Equip.	Material	(Excluded if marked with an X)						
<b>10 - Specialties</b>									
45	10 14 23 00 0022		EA	4" x 12" Hard Plastic Door Sign Adhesive Without Frame					\$33.26
				Installation	Quantity	Unit Price	Factor	Total	
					1.00 x	28.67 x	1.1600 =	33.26	
46	10 14 23 00 0022 0166		MOD	For Sign With Braille, Add					\$3.24
				Installation	Quantity	Unit Price	Factor	Total	
					1.00 x	2.79 x	1.1600 =	3.24	
47	10 28 13 13 0008		EA	Surface Mounted, Stainless Steel Folded Paper Towel Dispenser (Bobrick B-263)					\$24.08
		X		Installation	Quantity	Unit Price	Factor	Total	
					1.00 x	13.84 x	1.1600 =	16.05	
		X		Demolition	Quantity	Unit Price	Factor	Total	
					1.00 x	6.92 x	1.1600 =	8.03	
48	10 28 13 13 0030		EA	Two Roll Without Controlled Delivery, Surface Mounted, Cast Aluminum Toilet Tissue Dispenser (Bobrick B-2740)					\$24.08
		X		Installation	Quantity	Unit Price	Factor	Total	
					1.00 x	13.84 x	1.1600 =	16.05	
		X		Demolition	Quantity	Unit Price	Factor	Total	
					1.00 x	6.92 x	1.1600 =	8.03	
49	10 28 13 13 0056		EA	45 Fluid Ounce, Recessed Mounted, Stainless Steel Soap Dispenser (Bobrick B-306)					\$27.67
		X		Installation	Quantity	Unit Price	Factor	Total	
					1.00 x	16.93 x	1.1600 =	19.64	
		X		Demolition	Quantity	Unit Price	Factor	Total	
					1.00 x	6.92 x	1.1600 =	8.03	
50	10 28 13 13 0115		EA	48" Length, 1-1/4" Diameter, Stainless Steel Grab Bar (Bobrick B-5806x48)					\$150.59
				Installation	Quantity	Unit Price	Factor	Total	
					2.00 x	58.75 x	1.1600 =	136.30	
				Demolition	Quantity	Unit Price	Factor	Total	
					2.00 x	6.16 x	1.1600 =	14.29	
51	10 28 13 13 0240		EA	24" x 36", Surface Mounted, Stainless Steel Channel Frame Glass Mirror (Bobrick B-165 2436)					\$107.28
				Installation	Quantity	Unit Price	Factor	Total	
					1.00 x	84.79 x	1.1600 =	98.36	
				Demolition	Quantity	Unit Price	Factor	Total	
					1.00 x	7.69 x	1.1600 =	8.92	
52	10 28 13 13 0240 0233		MOD	For Tempered Glass (B-1658), Add					\$52.61
				Installation	Quantity	Unit Price	Factor	Total	
					1.00 x	45.35 x	1.1600 =	52.61	
<b>Subtotal for 10 - Specialties</b>									<b>\$422.81</b>
<b>22 - Plumbing</b>									
53	22 42 13 00 0014		EA	Flush Valve Type, Siphon Jet Handicap Accessible Water Closet, Floor Mounted, Floor Outlet, Elongated (American Standard 3043.102)					\$351.13
				Installation	Quantity	Unit Price	Factor	Total	
					1.00 x	269.84 x	1.1600 =	313.01	
				Demolition	Quantity	Unit Price	Factor	Total	
					1.00 x	32.86 x	1.1600 =	38.12	
54	22 42 16 00 0011		EA	27" x 20" Wheelchair Accessible, Vitreous China Wall Hung Lavatory (American Standard 9141.011.020)					\$437.75
				Installation	Quantity	Unit Price	Factor	Total	
					1.00 x	356.20 x	1.1600 =	413.19	
				Demolition	Quantity	Unit Price	Factor	Total	
					1.00 x	21.17 x	1.1600 =	24.56	



## Contractor's Price Proposal - Detail Continues..

Work Order Number: 017939.01

Work Order Title: City of Kingsville - Firestation 1 Downstairs Mens Restroom

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
22 - Plumbing					
55	22 42 39 00 0023		EA	Widespread Lavatory Faucet With Chrome Lever Handles, Delta 3543-LHP+H24	\$167.88
			Installation	Quantity 1.00 x Unit Price 144.72 x Factor 1.1600 = Total 167.88	

<b>Subtotal for 22 - Plumbing</b>	<b>\$956.76</b>
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<b>Proposal Total</b>	<b>\$5,209.92</b>
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This total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding.

# **AGENDA ITEM #9**



## Purchasing/IT Department

361-595-8025  
361-595-8035 Fax

DATE: February 3, 2014  
TO: City Commission through City Manager  
FROM: David Mason, Purchasing/IT Director  
SUBJECT: Fire Station 1 Downstairs Women's Restroom

### **SUMMARY**

This item will authorize the repairs/reconstruction of the downstairs women's restroom in Fire Station 1.

### **BACKGROUND**

LMC Corporation, 9191 Winkler Drive, Suite A, Houston TX, 77017-5967 is a job order contracting (JOC) company operating under BuyBoard contract 392-12. All pricing is based upon Gordian Group Construction Task Catalog and have been reviewed by Gordian and BuyBoard.

### **RECOMMENDATION**

It is recommended the contract be awarded to LMC Corporation for \$5,584.16.

### **FINANCIAL IMPACT**

This action will expend \$5,584.16 from 091-5-220.00-713.00, Capital Projects, Fire Dept. The original budget figure for this project was combined with the downstairs men's restroom for a total of \$9,280. The men's restroom figure is at \$5,209.92 for a total of \$10,794. Funds are available from savings from other capital projects.

### **LEGAL**

Local government code 271 Subchapter F allows for the use of a cooperative purchasing program, specifically 271.102 (c), states, "A local government that purchases good and service under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of goods and service." Therefore, complete bidding statutes have been met.

## Work Order Signature Document

**BUYBOARD EZIQC Contract No.: 2012 Area B- LMC**

☐

New Work Order

☒

Modify an Existing Work Order

Work Order Number: 017939.02

Work Order Date:

Work Order Title: City of Kingsville - Firestation 1 Downstairs Womens Restroom

Owner Name: City of Kingsville

Contractor Name: LMC Corporation

Contact: David Mason

Contact: Ed Wauters

Phone: 3615958025

Phone: (713) 947-2422

### Work to be Performed

Work to be performed as per the Final Detailed Scope of Work Attached and as per the terms and conditions of BuyBoard EZIQC Contract No 2012 Area B- LMC.

#### Brief Work Order Description:

Downstairs Men's Restroom.

#### Time of Performance

*See Schedule Section of the Detailed Scope of Work*

#### Liquidated Damages

Will apply:

☐

Will not apply:

☒

**Work Order Firm Fixed Price: \$5,584.16**

Owner Purchase Order Number:

### Approvals

Owner

Date

Contractor

Date



## Detailed Scope of Work

To: Ed Wauters  
LMC Corporation  
9191 Winkler Drive, Suite A  
Houston, TX 77017-5967  
(713) 947-2422

From: David Mason  
City of Kingsville  
200 Kelberg Ave  
Kingsville, TX 78363  
3615958025

Date Printed: January 15, 2014

Work Order Number: 017939.02

Work Order Title: City of Kingsville - Firestation 1 Downstairs Womens Restroom

Brief Scope: Downstairs Men's Restroom.

☐

Preliminary

☐

Revised

☒

Final

The following items detail the scope of work as discussed at the site. All requirements necessary to accomplish the items set forth below shall be considered part of this scope of work.

Downstairs Men's Restroom.

Mobilize

Comence demolition of fixtures, wall tile, etc

Break up and remove floor tile

Remove damaged drywall

Clean, prep and install new green board drywall

Clean, prep, scarify and install new tile flooring

Demo door

Rough frame and install new ADA door

Prep, prime and paint restroom

Install new ADA fixtures

Install new dispensors, provided by city

Test all new fixtures, clean up and demobilize

Contractor

Date

Owner

Date

## Contractor's Price Proposal CSI - Summary

Date: January 15, 2014

Re: IQC Master Contract #: 2012 Area B- LMC  
Work Order #: 017939.02  
Owner PO #:  
Title: City of Kingsville - Firestation 1 Downstairs Womens Restroom  
Contractor: LMC Corporation  
Proposal Value: \$5,584.16

01 - General Requirements	\$737.66
02 - Site Work	\$429.69
03 - Concrete	\$691.30
06 - Wood, Plastic, and Composites	\$141.52
08 - Openings	\$579.50
09 - Finishes	\$1,856.97
10 - Specialties	\$299.57
22 - Plumbing	\$847.95
Proposal Total	\$5,584.16

# Contractor's Price Proposal CSI - Detail

Date: January 15, 2014

Re: IQC Master Contract #: 2012 Area B- LMC  
 Work Order #: 017939.02  
 Owner PO #:  
 Title: City of Kingsville - Firestation 1 Downstairs Womens Restroom  
 Contractor: LMC Corporation  
 Proposal Value: \$5,584.16

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
01 - General Requirements					
1	01 22 16 00 0002		EA	Reimbursable FeesReimbursable Fees will be paid to the contractor for the actual cost of all permits, without mark-up, for which a receipt or bill is received. The Adjustment Factor applied to Reimbursable Fees will be 1.0000. The labor cost involved in obtaining all permits is in the Adjustment Factor. The base cost of the Reimbursable Fee is \$1.00. The quantity used will adjust the base cost to the actual Reimbursable Fee (e.g. quantity of 125 = \$125.00 Reimbursable Fee). If there are multiple Reimbursable Fees, each one shall be listed separately with a comment in the "note" block to identify the Reimbursable Fees (e.g. sidewalk closure, road cut, various permits, extended warrantee, expedited shipping costs, etc.). A copy of each receipt shall be included with the Proposal.	\$266.00
			Installation	Quantity 266.00 x Unit Price 1.00 x Factor 1.0000 = Total 266.00	
2	01 74 19 00 0015		EA	40 CY Dumpster (5 Ton) "Construction Debris"Includes delivery of dumpster, rental cost, pick-up cost, hauling, and disposal fee. Non-hazardous material.	\$460.61
			Installation	Quantity 1.00 x Unit Price 397.08 x Factor 1.1600 = Total 460.61	
3	01 95 16 00 0014		EA	Wall Fixture, Incandescent, Sea Gull 4450	\$11.05
			Installation	Quantity 0.00 x Unit Price 36.34 x Factor 1.0000 = Total 0.00	
			Demolition	Quantity 1.00 x Unit Price 11.05 x Factor 1.0000 = Total 11.05	
Subtotal for 01 - General Requirements					\$737.66
02 - Site Work					
4	02 41 13 13 0025		SY	Up To 3" By Machine, Break-up And Remove Non Reinforced Concrete Paving	\$60.13
			Installation	Quantity 8.00 x Unit Price 6.48 x Factor 1.1600 = Total 60.13	
5	02 41 19 13 0040		EA	Saw Cut Minimum ChargeFor projects where the total saw cutting charge is less than the minimum charge, use this task exclusively. This task should not be used in conjunction with any other tasks in this section.	\$369.56
			Installation	Quantity 1.00 x Unit Price 318.59 x Factor 1.1600 = Total 369.56	
Subtotal for 02 - Site Work					\$429.69
03 - Concrete					
6	03 31 13 00 0042		CF	Hand Mix And Place ConcreteFor use where conventional equipment access is limited or when directed by the owner.	\$339.59
			Installation	Quantity 25.00 x Unit Price 11.71 x Factor 1.1600 = Total 339.59	
7	03 31 13 00 0081		CY	150' Haul, Non-Motorized, Concrete Buggy	\$351.71
			Installation	Quantity 40.00 x Unit Price 7.58 x Factor 1.1600 = Total 351.71	

# Contractor's Price Proposal - Detail Continues..

Work Order Number: 017939.02

Work Order Title: City of Kingsville - Firestation 1 Downstairs Womens Restroom

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
Subtotal for 03 - Concrete					\$691.30
06 - Wood, Plastic, and Composites					
8	06 11 16 00 0050		LF	2" x 6" Wood Stud Framing, For Partition Walls	\$141.52
			Quantity	Unit Price	Factor = Total
	Installation		100.00	0.95	x 1.1600 = 110.20
	Demolition		100.00	0.27	x 1.1600 = 31.32
Subtotal for 06 - Wood, Plastic, and Composites					\$141.52
08 - Openings					
9	08 17 23 00 0035		EA	2'-0" Or 2'-4" x 7' x 1-3/8" Prehung Solid Core, Birch Faced Door	\$22.33
			Quantity	Unit Price	Factor = Total
	Installation		0.00	230.30	x 1.1600 = 0.00
	Demolition		1.00	19.25	x 1.1600 = 22.33
10	08 17 23 00 0038		EA	3' x 7' x 1-3/8" Prehung Solid Core, Birch Faced Door	\$308.34
			Quantity	Unit Price	Factor = Total
	Installation		1.00	265.81	x 1.1600 = 308.34
11	08 71 16 00 0480		EA	3-1/2" Overall Height, Grout In, Molded Rubber Security Floor Stop (Ives FS18L)Includes drilling. Excludes Grout.	\$43.45
			Quantity	Unit Price	Factor = Total
	Installation		1.00	39.60	x 1.0000 = 39.60
	Demolition		1.00	3.85	x 1.0000 = 3.85
12	08 71 16 00 2193		EA	Bath/Bedroom Privacy F76 Bored LocksetLocked with push button inside.	\$205.38
			Quantity	Unit Price	Factor = Total
	Installation		1.00	169.35	x 1.1600 = 196.45
	Demolition		1.00	7.70	x 1.1600 = 8.93
Subtotal for 08 - Openings					\$579.50
09 - Finishes					
13	09 01 60 00 0003		SF	Remove Setting Bed And Clean Area	\$89.60
			Quantity	Unit Price	Factor = Total
	Installation		70.00	1.28	x 1.0000 = 89.60
14	09 29 00 00 0013		SF	5/8" Type X Fire Rated Gypsum Board	\$34.50
			Quantity	Unit Price	Factor = Total
	Installation		50.00	0.69	x 1.0000 = 34.50
15	09 29 00 00 0013 0048		MOD	For Up To 128, Add	\$13.00
			Quantity	Unit Price	Factor = Total
	Installation		50.00	0.26	x 1.0000 = 13.00
16	09 29 00 00 0051		SF	Tape, Spackle And Finish Gypsum Board Walls > 10' High	\$16.00
			Quantity	Unit Price	Factor = Total
	Installation		50.00	0.32	x 1.0000 = 16.00
17	09 29 00 00 0051 0039		MOD	For Up To 128, Add	\$6.00
			Quantity	Unit Price	Factor = Total
	Installation		50.00	0.12	x 1.0000 = 6.00



# Contractor's Price Proposal - Detail Continues..

Work Order Number: 017939.02

Work Order Title: City of Kingsville - Firestation 1 Downstairs Womens Restroom

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
09 - Finishes					
18	09 29 00 00 0064		SF	Spray Applied Orange Peel Finish On Existing Gypsum Board Wall	\$18.75
			Installation	Quantity 125.00 x Unit Price 0.15 x Factor 1.0000 = Total 18.75	
19	09 30 13 00 0001		SF	Less Than 8" x 8" Mounted Floor TileIncludes glazed porcelain, unglazed porcelain and glazed ceramic tiles. Tiles mounted from back, side or front in 12" x 12", 12" x 24", or similar sized sheets.	\$54.60
			Installation	Quantity 0.00 x Unit Price 5.66 x Factor 1.0000 = Total 0.00	
			Demolition	70.00 x 0.78 x 1.0000 = 54.60	
20	09 30 13 00 0002		SF	8" x 8" And Larger Unmounted Floor TileIncludes glazed porcelain, unglazed porcelain and glazed ceramic tiles.	\$422.80
			Installation	Quantity 70.00 x Unit Price 6.04 x Factor 1.0000 = Total 422.80	
21	09 30 13 00 0002	0059	MOD	For > 50 To 250, Add	\$27.30
			Installation	Quantity 70.00 x Unit Price 0.39 x Factor 1.0000 = Total 27.30	
22	09 30 13 00 0005		SF	8" x 8" And Larger Unmounted Wall TileIncludes glazed porcelain, unglazed porcelain and glazed ceramic tiles.	\$30.00
			Installation	Quantity 0.00 x Unit Price 6.48 x Factor 1.0000 = Total 0.00	
			Demolition	50.00 x 0.60 x 1.0000 = 30.00	
23	09 30 13 00 0005	0063	MOD	For Up To 50, Add	\$170.00
			Installation	Quantity 50.00 x Unit Price 3.40 x Factor 1.0000 = Total 170.00	
24	09 65 13 13 0002		LF	4" High 1/8" Vinyl Plastic Base, All Colors	\$66.80
			Installation	Quantity 40.00 x Unit Price 1.67 x Factor 1.0000 = Total 66.80	
25	09 65 13 13 0002	0167	MOD	For > 20 To 40, Add	\$11.60
			Installation	Quantity 40.00 x Unit Price 0.29 x Factor 1.0000 = Total 11.60	
26	09 65 13 33 0003		SF	Latex Self Leveling Underlay, 1/4" Thick	\$46.90
			Installation	Quantity 70.00 x Unit Price 0.67 x Factor 1.0000 = Total 46.90	
27	09 91 23 00 0006		SF	Paint Interior Brick 1 Coat Filler, Brush/Roller Work	\$38.28
			Installation	Quantity 100.00 x Unit Price 0.33 x Factor 1.1600 = Total 38.28	
28	09 91 23 00 0006	0270	MOD	For Oil Based Paint, Add	\$2.32
			Installation	Quantity 100.00 x Unit Price 0.02 x Factor 1.1600 = Total 2.32	
29	09 91 23 00 0006	0293	MOD	For Up To 100, Add	\$22.04
			Installation	Quantity 100.00 x Unit Price 0.19 x Factor 1.1600 = Total 22.04	
30	09 91 23 00 0008		SF	Paint Interior Brick 2 Coats Paint, Brush/Roller Work	\$83.52
			Installation	Quantity 100.00 x Unit Price 0.72 x Factor 1.1600 = Total 83.52	

# Contractor's Price Proposal - Detail Continues..

Work Order Number: 017939.02

Work Order Title: City of Kingsville - Firestation 1 Downstairs Womens Restroom

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
09 - Finishes					
31	09 91 23 00 0008	0270	MOD	For Oil Based Paint, Add	\$5.80
			Installation	Quantity 100.00 x Unit Price 0.05 x Factor 1.1600 = Total 5.80	
32	09 91 23 00 0008	0293	MOD	For Up To 100, Add	\$44.08
			Installation	Quantity 100.00 x Unit Price 0.38 x Factor 1.1600 = Total 44.08	
33	09 91 23 00 0062		SF	Paint Interior Plaster/Drywall, 1 Coat Primer, Brush/Roller Work	\$97.44
			Installation	Quantity 300.00 x Unit Price 0.28 x Factor 1.1600 = Total 97.44	
34	09 91 23 00 0062	0274	MOD	For Oil Based Paint, Add	\$6.96
			Installation	Quantity 300.00 x Unit Price 0.02 x Factor 1.1600 = Total 6.96	
35	09 91 23 00 0062	0275	MOD	For Orange Peel Finish, Add	\$13.92
			Installation	Quantity 300.00 x Unit Price 0.04 x Factor 1.1600 = Total 13.92	
36	09 91 23 00 0062	0295	MOD	For > 250 To 500, Add	\$10.44
			Installation	Quantity 300.00 x Unit Price 0.03 x Factor 1.1600 = Total 10.44	
37	09 91 23 00 0064		SF	Paint Interior Plaster/Drywall, 2 Coats Paint, Brush/Roller Work	\$194.88
			Installation	Quantity 300.00 x Unit Price 0.56 x Factor 1.1600 = Total 194.88	
38	09 91 23 00 0064	0274	MOD	For Oil Based Paint, Add	\$13.92
			Installation	Quantity 300.00 x Unit Price 0.04 x Factor 1.1600 = Total 13.92	
39	09 91 23 00 0064	0275	MOD	For Orange Peel Finish, Add	\$24.36
			Installation	Quantity 300.00 x Unit Price 0.07 x Factor 1.1600 = Total 24.36	
40	09 91 23 00 0064	0295	MOD	For > 250 To 500, Add	\$24.36
			Installation	Quantity 300.00 x Unit Price 0.07 x Factor 1.1600 = Total 24.36	
41	09 91 43 00 0013		SF	Hand Wash, Minor Repair And Light Sanding Drywall Surfaces	\$66.00
			Installation	Quantity 300.00 x Unit Price 0.22 x Factor 1.0000 = Total 66.00	
42	09 91 43 00 0013	0339	MOD	For > 250 To 500, Add	\$9.00
			Installation	Quantity 300.00 x Unit Price 0.03 x Factor 1.0000 = Total 9.00	
43	09 93 00 00 0004		LF	One Coat Stain Up To 6" Wide With Brush And Wipe Off Wood Trim	\$31.32
			Installation	Quantity 60.00 x Unit Price 0.45 x Factor 1.1600 = Total 31.32	
44	09 93 00 00 0004	0332	MOD	For Up To 100, Add	\$20.88
			Installation	Quantity 60.00 x Unit Price 0.30 x Factor 1.1600 = Total 20.88	

# Contractor's Price Proposal - Detail Continues..

Work Order Number: 017939.02  
 Work Order Title: City of Kingsville - Firestation 1 Downstairs Womens Restroom

Sect.	Item	Modifier	UOM	Description						Line Total
Labor	Equip.	Material	(Excluded if marked with an X)							
09 - Finishes										
45	09 93 00 00 0009		EA	One Coat Stain With Brush And Wipe Off Wood Door (Per Face)						\$47.47
			Installation	Quantity		Unit Price		Factor		Total
				2.00	x	20.46	x	1.1600	=	47.47
46	09 93 00 00 0009	0408	MOD	For Up To 4, Add						\$33.29
			Installation	Quantity		Unit Price		Factor		Total
				2.00	x	14.35	x	1.1600	=	33.29
47	09 93 00 00 0011		EA	One Coat Shellac, Varnish Or Polyurethane Wood Door (Per Face)						\$34.78
			Installation	Quantity		Unit Price		Factor		Total
				2.00	x	14.99	x	1.1600	=	34.78
48	09 93 00 00 0011	0408	MOD	For Up To 4, Add						\$24.06
			Installation	Quantity		Unit Price		Factor		Total
				2.00	x	10.37	x	1.1600	=	24.06
Subtotal for 09 - Finishes										\$1,856.97
10 - Specialties										
49	10 14 23 00 0022		EA	4" x 12" Hard Plastic Door Sign Adhesive Without Frame						\$28.67
			Installation	Quantity		Unit Price		Factor		Total
				1.00	x	28.67	x	1.0000	=	28.67
50	10 14 23 00 0022	0166	MOD	For Sign With Braille, Add						\$2.79
			Installation	Quantity		Unit Price		Factor		Total
				1.00	x	2.79	x	1.0000	=	2.79
51	10 28 13 13 0008		EA	Surface Mounted, Stainless Steel Folded Paper Towel Dispenser (Bobrick B-263)						\$20.76
		X	Installation	Quantity		Unit Price		Factor		Total
				1.00	x	13.84	x	1.0000	=	13.84
		X	Demolition	Quantity		Unit Price		Factor		Total
				1.00	x	6.92	x	1.0000	=	6.92
52	10 28 13 13 0030		EA	Two Roll Without Controlled Delivery, Surface Mounted, Cast Aluminum Toilet Tissue Dispenser (Bobrick B-2740)						\$20.76
		X	Installation	Quantity		Unit Price		Factor		Total
				1.00	x	13.84	x	1.0000	=	13.84
		X	Demolition	Quantity		Unit Price		Factor		Total
				1.00	x	6.92	x	1.0000	=	6.92
53	10 28 13 13 0056		EA	45 Fluid Ounce, Recessed Mounted, Stainless Steel Soap Dispenser (Bobrick B-306)						\$23.85
		X	Installation	Quantity		Unit Price		Factor		Total
				1.00	x	16.93	x	1.0000	=	16.93
		X	Demolition	Quantity		Unit Price		Factor		Total
				1.00	x	6.92	x	1.0000	=	6.92
54	10 28 13 13 0115		EA	48" Length, 1-1/4" Diameter, Stainless Steel Grab Bar (Bobrick B-5806x48)						\$64.91
			Installation	Quantity		Unit Price		Factor		Total
				1.00	x	58.75	x	1.0000	=	58.75
			Demolition	Quantity		Unit Price		Factor		Total
				1.00	x	6.16	x	1.0000	=	6.16
55	10 28 13 13 0240		EA	24" x 36", Surface Mounted, Stainless Steel Channel Frame Glass Mirror (Bobrick B-165 2436)						\$92.48
			Installation	Quantity		Unit Price		Factor		Total
				1.00	x	84.79	x	1.0000	=	84.79
			Demolition	Quantity		Unit Price		Factor		Total
				1.00	x	7.69	x	1.0000	=	7.69

# Contractor's Price Proposal - Detail Continues..

Work Order Number: 017939.02

Work Order Title: City of Kingsville - Firestation 1 Downstairs Womens Restroom

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
<b>10 - Specialties</b>					
56	10 28 13	13 0240	0233	MOD For Tempered Glass (B-1658), Add	\$45.35
			Installation	Quantity 1.00 x Unit Price 45.35 x Factor 1.0000 = Total 45.35	
<b>Subtotal for 10 - Specialties</b>					<b>\$299.57</b>
<b>22 - Plumbing</b>					
57	22 42 13	00 0014	EA	Flush Valve Type, Siphon Jet Handicap Accessible Water Closet, Floor Mounted, Floor Outlet, Elongated (American Standard 3043.102)	\$302.70
			Installation	Quantity 1.00 x Unit Price 269.84 x Factor 1.0000 = Total 269.84	
			Demolition	Quantity 1.00 x Unit Price 32.86 x Factor 1.0000 = Total 32.86	
58	22 42 16	00 0011	EA	27" x 20" Wheelchair Accessible, Vitreous China Wall Hung Lavatory (American Standard 9141.011.020)	\$377.37
			Installation	Quantity 1.00 x Unit Price 356.20 x Factor 1.0000 = Total 356.20	
			Demolition	Quantity 1.00 x Unit Price 21.17 x Factor 1.0000 = Total 21.17	
59	22 42 39	00 0023	EA	Widespread Lavatory Faucet With Chrome Lever Handles, Delta 3543-LHP+H24	\$167.88
			Installation	Quantity 1.00 x Unit Price 144.72 x Factor 1.1600 = Total 167.88	
<b>Subtotal for 22 - Plumbing</b>					<b>\$847.95</b>
<b>Proposal Total</b>					<b>\$5,584.16</b>

This total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding.

## **AGENDA ITEM #10**



## Planning & Development Services Department

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TO: Vincent Capell, City Manager  
FROM: Robert G. Isassi, P.E., Director of Planning & Development Services  
SUBJECT: **City Ordinance**  
DATE: February 5, 2014

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Reference is made to direction given to City planning staff to evaluate and provide a comprehensive review of the City's current zoning and subdivision regulations. As previously relayed to your office, with the assistance of a planning and zoning consultant, the review revealed a number of existing codes that necessitate additional clarification by (1) adding new code language, (2) update existing codes, and (3) provide guidance on property maintenance.

To better clarify ordinances mentioned within the existing code, new code language has been drafted. This clarification enables City Code Enforcement staff, already in the field, the guidance and support needed to further administer existing ordinances. Furthermore, with the foresight to identify new and emerging technologies as they relate to zoning and subdivision regulations, new code language was drafted to keep the City of Kingsville at the forefront of municipal codes while also opening the door for future development options and opportunities.

This clarification also updated existing codes to address obsolete or impractical ordinances and provide clear and concise language.

The comprehensive review has identified the need to adopt a maintenance code. Over the past several years, the City has continued to pursue innovative and effective ways to address community appearance and property maintenance needs through fair and consistent enforcement. Throughout this time, the existing nuisance codes were used as a tool to educate and carry out this mission. As the environment continues to evolve, the codes have been necessitated to evolve as well. Staff, with the assistance of an independent consultant, identified the necessity to adopt the International Property Maintenance Code (IPMC) which is created by the International Code Council (ICC).

This ordinance update will reconcile and recommend amendments to the zoning, subdivision and property maintenance codes to address developing trends and issues in municipal settings. Additionally, the goal is to identify opportunities within the existing code to expand development opportunities and options while ensuring proper development that fits within the goals and objectives of the City of Kingsville.

This study has resulted in twelve (12) proposed code changes or new sections. Due to the complexity and volume of this proposed ordinance modification that the Planning & Zoning Commission as well as

the City Commission will be undertaking, it has been determined to be prudent to separate the dozen proposed changes into two groups. This memo contains the first six (6) of twelve (attached for your review).

#### 1. Fence Code

Reviewed and updated the existing fence code regulations, section 15-1-17, to ensure the language speaks to the current environment. Language shall include provisions pertaining to review and permitting prior to fence construction, expansion of the required maintenance of the fence, allowable materials to be used, etc.

#### 2. Home Occupation Code

Research and draft new code language (sec. 15-6-27) to allow and regulate types of home occupations as an accessory use within a permitted residential use. This is intended to ensure the uses are compatible with the surrounding residential uses and to ensure the activity will not cause detriment to the neighborhood. Currently no code language exists, however home occupations are defined in the code. This new code will create and/or expand on the listing of prohibited home occupations to ensure incompatible unauthorized uses are clearly defined, while also providing clear use guidelines and regulations of allowed uses based on their type.

#### 3. Accessory Use/Structure Code

Research and draft new code language (sec. 15-6-26) to regulate accessory structures and uses as subordinate uses to the primary use. Currently no code language exists, however accessory uses are defined in the code. A general listing of permitted accessory uses and structures have been drafted to clearly delineate the types of permitted and prohibited uses. This language also includes accessory structure provisions regulating building material types, location, etc.

#### 4. Street Tree Requirements in Developments

Create additional section (sec. 15-3-57) to include language pertaining to street trees as a required improvement within a subdivision, thereby referring to 15-3-30(N) for design. This will strengthen the requirement of street trees and design standards as prescribed in the Master Plan and the Comprehensive Housing Plan.

#### 5. Rear Yard Code

Update an obsolete code which stated that accessory buildings cannot be constructed if it abutted an alley.

#### 6. Nuisance Abatement & International Property Maintenance Code Review and Adoption

A review of existing code Ch. 9, Article 7 and detailed review of the IPMC has been performed to ensure language drafted is consistent, complimentary and enforceable. Additionally, code language has been proposed within Article 7 which adopts the IPMC by reference.

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

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

**Request:**        **APPROVAL OF AN AMENDMENT TO CHANGE ARTICLE VI “ZONING” OF CHAPTER 15 “LAND USAGE”, SPECIFICALLY THE CREATION OF A NEW SECTION, 15-6-28 “FENCE REGULATIONS”, DEALING WITH NEEDED CODE LANGUAGE PERTAINING TO FENCE LOCATION, DESIGN AND MAINTENANCE TO COINCIDE WITH THE RECOMMENDED PRINCIPLES OF THE ADOPTED MASTER PLAN.**

Petitioner and Agent:        City of Kingsville  
Date of P&Z Hearing:        February 12, 2014

### **EXHIBITS PRESENTED**

- Chapter 15 of the Kingsville Code of Ordinances (present at the meeting)
- City of Kingsville Master Plan

### **BACKGROUND AND PERTINENT DATA**

Over the past several months staff has been working toward a comprehensive review of the current zoning and subdivision regulations to identify areas that are outdated, or areas that are not appropriately addressed but are current issues or concerns within the community. Staff enlisted the assistance of a planning and zoning consultant to perform a full review and work with staff to prepare draft code language to address identified deficiencies. In performing this review, several areas of Article VI “Zoning” were identified. One area of deficiency that was identified by staff, and requested to be researched and created, was the creation of uniform fence regulations. Currently, the code only vaguely addresses the issue of fence maintenance. It was determined that a more comprehensive fence code was needed to ensure the safety and welfare of the residents while ensuring proper installation and maintenance is clearly outlined. As you are aware, community appearance is one of the City Commission top priorities and the proposed fence code regulations also address the aesthetic component of fences within the community.

As previously mentioned, currently the only section of code that addresses fences is 15-1-17 “Fence Maintenance”. This code section is not consistent with current national and local government standards regarding fence regulations within municipalities. Specifically, it has deficiencies in the safe construction, location and maintenance of fences in both residential and non-residential districts. Research was performed by the consultant, in conjunction with city staff, wherein uniform fence regulations and codes of several similar sized cities in Texas were reviewed toward the creation of a tailored fence code for the City of Kingsville, Section 15-6-28 “Fence Regulations”. This code is designed to prevent fences from creating an unsafe and unattractive presence, while instituting a low cost and streamlined permit process wherein a plan review service will be performed. This plan review will provide guidance and ensure safe construction similar to that of other structures within the City. Currently, no language exists that provides this comprehensive approach, and staff has identified it as a vital part to ensuring a safe environment that also promotes a high quality community appearance.



The proposed new language is also consistent with the principles and intent of the City of Kingsville Master Plan adopted in May of 2008. This new language will only effect newly installed fences, as all existing fences will be allowed to remain as a "legal non-conforming use" or "grandfathered" use, unless the fence is deemed a nuisance or is a safety hazard. If this determination is made, the fence in question will then require repair or replacement under the provision of the proposed code. Relief from the fence code is available via an application for a variance by the Zoning Board of Adjustment. The new proposed code language is as shown in the attached document.

**STAFF REVIEW & RECOMMENDATION**

City staff, including the City Attorney, has performed a thorough review of the proposed creation of the new code section, Section 15-6-28 "Fence Regulations", addressing needed updates pertaining to safe construction, location and maintenance of fences in both residential and non-residential districts. This new code section will also require a much needed fence permit/plan review service to the community. This new service will promote safe and appropriate fence construction, while limiting frustration by residents who might otherwise unknowingly construct a fence in an unsafe or unsatisfactory location; requiring costly modification or removal/replacement. Additionally, fence maintenance will be better defined and guidance will be provided to both residents and city staff pertaining to required fence maintenance.

Staff recommends **Approval** of the code amendment request.

Reviewed by:



Robert G. Isassi, P.E.  
Director of Planning & Development Services

## **15-6-28. Fence Regulations.**

(a) *Purpose.* The purpose of these regulations are to establish criteria for the location, maintenance and appearance of privacy fences and other visual barriers including landscaped hedges. The intent is to limit the amount of privacy fencing/barriers in order to promote the open, unencumbered characteristics of Kingsville and ensure the safe visibility of pedestrian and vehicular traffic.

(b) *Permit required.* Except as provided for single strand electrical wires herein, a fence permit shall be obtained and the required fee paid as set out in Section 15-1-6(B)(4) before installation of any fence. A site plan indicating the location of the proposed fence, property lines, setbacks and buildings, and a typical detail of the fence showing the material and general appearance of the fence shall be submitted with the permit request. All swimming pool permits are to be accompanied by a fence permit when an existing compliant fence is not present to prevent unwanted entry.

(c) For all property within the City, no person or business shall erect or maintain a sight obscuring fence forward from the front building line, excluding any and all porches, decks, patios or similar appurtenances, except where otherwise authorized by this code.

(d) Fences over three (3) feet in height and with more than 50% sight obscured shall be deemed to be a Sight-Obscuring Fence.

(e) In no case shall a sight-obscuring fence, hedge, tree or other visual barrier be placed or maintained in excess of three feet high within a Street or Driveway Intersection Sight Visibility Triangle as defined in Section 15-6-21 of this code of ordinances. Trees within a Street or Driveway Intersection Sight Visibility Triangle shall be kept trimmed so the tree canopy is no less than ten (10) feet high.

(f) Fences in residential areas shall not exceed four (4) feet in height in any front yard area and six (6) feet in height in any side or rear yard area. Nonresidential areas are restricted to a maximum of four (4) feet in the front yard area and a minimum of eight (8) feet in height in any side or rear yard area but shall not exceed ten (10) feet in height.

(g) Commercial or industrial buildings adjacent to residential properties shall install, at a minimum, an eight (8) foot high sight-obscuring fence constructed of a consistent solid material such as wood, brick or block. The fence shall be so constructed so that the finished side is facing the residential properties.

(h) Fences or hedges/landscape materials shall be required to screen storage areas allowed in all commercial and industrial districts and shall be of sufficient height to screen the storage from adjacent public right-of-way and adjacent properties. If screening is required to exceed eight (8) feet in height, then landscaping material shall be utilized to soften the impact and add to the screening. Trees that will grow to a sufficient height to screen storage from adjacent properties shall be utilized where the terrain is such that a screen exceeding ten (10) feet in height is needed.

(i) The height of a fence shall be measured from the highest adjoining finished grade.

(j) No fence shall be constructed within any drainage easement or floodway unless the City Engineer has advised the Building Official that the fence shall, in all probability, not interfere with or impair the natural flow of water across the drainage easement or floodway.

(k) *Fence design and maintenance.* All fences shall be designed, erected and maintained in accordance with Section 15-1-17 and also the following:

(1) All fences shall be maintained in good repair and in their original upright position so as to not be a nuisance. Fence remnants shall not remain if a repair or replacement of a fence or a portion of the fence is performed.

(2) No fence shall be maintained with protruding nails, boards, wires or other similar materials.

(3) All fences shall be constructed of a consistent material such as chain link, wood, concrete block, brick, stone, vinyl, wrought iron or other like material. The use of chicken wire, hog wire or any other similar type or quality of fencing is expressly prohibited.

(4) Missing boards, pickets or posts shall be replaced in a timely manner with material of the same type and quality.

(5) All fences shall be constructed with the finished side facing outward from the property or with both sides finished. Any and all posts and support beams shall not be visible from the neighboring properties or public right-of-way.

(6) Wood fences shall be constructed of material which is naturally resistant to insects and decay or has been treated to resist insects and decay underground.

(7) All posts used for any type of fencing shall be set in a concrete base.

(l) *Use of barbed wire fence.* In addition to and in conjunction with Section 13-1-2, no person shall erect or maintain any barbed wire fence except under the following circumstances:

(1) When the barbed wire fence is erected and maintained as an integral part of the security fence for nonresidential properties only, provided that the barbed wire is not maintained within six feet of the ground; or

(2) When the barbed wire fence is erected or maintained around a tract of land used for agricultural purposes as defined by the zoning laws of the City of Kingsville.

(3) In no case shall razor wire be permitted in any zone within City Limits except as used by official governmental agencies.

(4) In all cases barbed wire shall be strung tightly and shall not be suspended in a loose, coiled or concertina manner.

(m) *Use of electric fence.* No person shall erect or maintain any electrical fence unless in conformance with the following provisions:

(1) All electric fences shall comply with minimum specifications of the Underwriters Laboratories (UL listed) and shall be installed in accordance with the National Electric Code adopted by the City.

(2) Fences which may continuously conduct electric current may be allowed only on agricultural land to be used to raise livestock.

(3) Single-strand wires designed to conduct electricity through an approved low voltage regulator shall be allowed only along the interior base line of an otherwise permitted fence. No permit shall be required for the erection and maintenance of such single-strand electric wires.

(n) *Swimming Pools.* In addition to and in conjunction with Section 15-1-8, any swimming pool area, where the pool depth is two (2) feet or more, shall be entirely enclosed by a protective fence or other permanent structure at least four (4) feet in height, with locked gates or entrances. A permanent fence shall be in place during construction of any pool. Arrangements may be made with the chief Building Official to provide a temporary section of fence during pool construction to allow for ingress and egress. A sight-obscuring or other approved fence constructed on the property lines adjacent to the pool may be considered a protective fence meeting these requirements.

(o) *Temporary fences.* Permits for temporary fences for the purpose of protecting or securing of construction sites may be granted for a one year renewable period. Such temporary fencing must be removed upon completion of construction.

(p) *Penalties.*

(1) The provisions of this subsection shall be cumulative of any criminal penalties or civil remedies as prescribed in 15-1-17(G) of Chapter 15 or section 1-1-99 of this Code of Ordinances.

(2) Upon a determination that a fence code violation exists upon a premises, the owner of the premises shall be given notice to abate such violation within 30 days after the receipt of such notice.

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

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

**Request: APPROVAL OF AN AMENDMENT TO CHANGE ARTICLE VI “ZONING” OF CHAPTER 15 “LAND USAGE”, SPECIFICALLY THE CREATION OF A NEW SECTION, 15-6-27 “HOME OCCUPATIONS”, DEALING WITH NEEDED CODE LANGUAGE PERTAINING TO ALLOWED “WORK FROM HOME” ACCESSORY USES WITHIN RESIDENTIAL ZONING DISTRICTS.**

Petitioner and Agent: City of Kingsville  
Date of P&Z Hearing: February 12, 2014

### **EXHIBITS PRESENTED**

- Chapter 15 of the Kingsville Code of Ordinances (present at the meeting)
- City of Kingsville Master Plan

### **BACKGROUND AND PERTINENT DATA**

In conjunction with the comprehensive review of the current zoning and subdivision regulations, it was identified there is a need for regulations pertaining to home occupations or “work from home” activities. Home occupation uses are permitted as an accessory to the principal use, but due to the numerous types of activities that can be allowed as a home occupation, it is customary that a separate section be created. This allows the home occupation code to work in conjunction with section 15-6-26 “Accessory Uses and Structures,” while clearly defining the intricacies associated with home occupations.

As with the other proposed code amendments, this type of use is not currently addressed within the zoning code and staff requested that it be researched and created for consideration. Much like with accessory uses and structures, the code defines a home occupation; however it doesn’t provide guidance as to what types of uses are allowed. Specifically identifying the permitted uses allows for the full appropriate use of a property while also ensuring permitted home occupations will not be detrimental to the neighboring properties or neighborhood.

As technologies continue to advance, and work activities can regularly be performed on a remote basis, home offices and/or business operations are shifting more and more into residential areas. While many of these uses are confined to the home or garage, some can create a detrimental impact to the neighborhood. There have been historical cases wherein incompatible uses associated with “work at home” activities have created a harmful impact on neighboring properties and/or neighborhoods. Currently there are very limited provisions that regulate these types of uses and it has created confusion and frustrations for residents and staff alike as broad interpretations are forced upon staff to permit and/or prohibit these types of uses.

As previously mentioned, currently no code language exists that provides a listing of permitted or prohibited home occupations as accessory uses on properties within the City. The proposed code section, 15-6-27 “Home Occupations,” provides a clear purpose and listing of allowed and prohibited home occupation uses. It also provides guidance and definition as to the location, types and uses within the home

or accessory structure such as a garage. This code is specifically designed to perform as described in the code excerpt below:

- Establishes criteria for the operation of home occupations in dwelling units within residential districts;
- Permits and regulates the conduct of home occupations as an accessory use in a dwelling unit, whether owner or renter occupied;
- Ensures that such home occupations are compatible with, and do not have a harmful effect on, adjacent and nearby residential properties and uses;
- Ensures that public and private services, such as streets, sewers, or water or utility systems, are not burdened by the home occupation to the extent that usage exceeds that normally associated with residential use;
- Allows residents of the community to use their residences as places to enhance or fulfill personal economic goals, under certain specified standards, conditions, and criteria;
- Enables the fair and consistent enforcement of these home occupation regulations; and;
- Promotes and protects the public health, safety, and general welfare.

The proposed new language is consistent with the principles and intent of the City of Kingsville Master Plan adopted in May of 2008. This new language will not only define specific allowed uses and forewarn individuals of prohibited uses within certain zoning districts; it will also ensure proper sustainable and safe operation of home occupations. The new proposed code language is as shown in its entirety in the attached document.

#### STAFF REVIEW & RECOMMENDATION

City staff, including the City Attorney, has performed a thorough review of the proposed creation of the new code section, Section 15-6-27 "Home Occupations". This section addresses the needed code language pertaining to the appropriate guidelines and provisions for allowed home occupations as an accessory use, while also delineating prohibited uses that are incompatible, unsafe and/or a detriment to the neighboring properties. Additionally, the current zoning code defines home occupations but does not provide a listing of permitted/prohibited uses. This code will provide the public and city staff added code language that will be a resource in enhancing the uses of property, while appropriately ensuring home occupation uses meet the permitted use requirements and ensure the safety and welfare of the community.

Staff recommends **Approval** of the code amendment request.

Reviewed by:



Robert G. Isassi, P.E.  
Director of Planning & Development Services

## **Sec. 15-6-27. Home occupations.**

(A) *Purpose and findings.* A home occupation is defined as an accessory use carried out by the occupants for compensation in a residential dwelling unit. This section:

- Establishes criteria for the operation of home occupations in dwelling units within residential districts;
- Permits and regulates the conduct of home occupations as an accessory use in a dwelling unit, whether owner or renter occupied;
- Ensures that such home occupations are compatible with, and do not have a harmful effect on, adjacent and nearby residential properties and uses;
- Ensures that public and private services, such as streets, sewers, or water or utility systems, are not burdened by the home occupation to the extent that usage exceeds that normally associated with residential use;
- Allows residents of the community to use their residences as places to enhance or fulfill personal economic goals, under certain specified standards, conditions, and criteria;
- Enables the fair and consistent enforcement of these home occupation regulations; and;
- Promotes and protects the public health, safety, and general welfare.

(B) *Applicability.* This section applies to:

(1) Any occupation, profession, or business activity customarily conducted entirely within a dwelling unit and carried out by a member of the family residing in the dwelling unit, and which occupation, profession or business activity is clearly incidental and subordinate to its primary use as a residential dwelling and does not change the character of the dwelling unit. A home occupation is an accessory use to a dwelling unit.

(2) No home occupation, except as otherwise provided in this section, may be initiated, established, or maintained in the unit unless it is in conformance with the regulations and performance standards set forth in this section. A home occupation shall be incidental and secondary to the use of a dwelling unit for residential purposes.

(C) *Exempt Home Occupations.* The activities listed in subsection 15-6-27(C),(1) through (4) below, are not subject to this section, provided that all persons engaged in such activities reside on the premises:

- (1) Artists, sculptors, and composers not selling their artistic product to the public on the premises;
- (2) Craft work, such as jewelry-making and pottery, with no sales permitted on the premises;
- (3) Home offices with no client visits to the home permitted;
- (4) Telephone answering and message services.

(D) *Permitted Home Occupations.* The home occupations permitted in subsection (1), below, are allowed in a residential setting because they do not compromise the residential character of an area, do not generate conspicuous traffic, do not visually call unusual attention to the home, and do not generate noise of a nonresidential level. A home occupation is permitted as an accessory

use in the districts, as shown in Appendix A, (Section 1, Land Use Chart) and in the Planned Unit Development and/or Mixed Use (MU) districts

(1) The following home occupations are permitted and subject to the standards established in this section:

- (a) Accounting, tax preparation, bookkeeping, and payroll services (North American Industry Classification System (NAICS) 5412; Land Based Classification Standards (LBCS) Function 2412;
- (b) Baking and cooking (NAICS 3118; LBCS 2151);
- (c) Catering (NAICS 72232; LBCS 2560);
- (d) Child care (NAICS 6244; LBCS 6562);
- (e) Computer repair and training (NAICS 611519);
- (f) Computer systems design and related services (NAICS 5415);
- (g) Computer training (NAICS 61142; LBCS 6143);
- (h) Drafting services (NAICS 54134);
- (i) Engineering, architecture, land planning and landscape architects (NAICS 5413; LBCS 2413);
- (j) Financial planning and investment services (NAICS 52393; LBCS 2250);
- (k) Fine arts studio (creation of individual works only, no mass production) provided that no machinery or equipment shall be used or employed other than that which would customarily be found in the home, including machinery or equipment that would ordinarily be employed in connection with a hobby or avocation not conducted for gain or profit (NAICS 7115, 7121);
- (l) Hair salon, barbering, hairdressing, and other personal care services, provided only one person may conduct such activity (NAICS 8121);
- (m) Information and data processing services (NAICS 51421; LBCS 4240) (includes Standards Industrial Classification (SIC) 7374 computer processing and data preparation and processing services, and SIC 7379 computer related services, National Electric Code (NEC)) (CD or DVD conversion and recertification)
- (n) Insurance sales (NAICS 52421; LBCS 2240);
- (o) Interior decoration (no studio permitted) (NAICS 54141; LBCS 2414);
- (p) Internet/Mail order business (order taking only; no stock-in-trade) (NAICS 4541) (e.g. Mary Kay, Pampered Chef, etc.) provided parties for the purpose of selling merchandise or taking orders shall not be held more than once a month, shall be limited to ten customers and shall be held between the hours of 9:00am and 10:00pm;
- (q) Legal services (NAICS 5411; LBCS 2411);
- (r) Musical instruction, voice, or instrument (NAICS 61161);
- (s) Musical instrument tuning and repair (NAICS 811211, 81149, 4511);
- (t) Offices for professional, scientific, or technical services (NAICS 54; LBCS 2400) or administrative services (NAICS 5611; LBCS 2420);
- (u) Photographic and Video services (NAICS 54192);
- (v) Professional, Scientific and Technical Services, including the practice of law (NAICS 54);
- (w) Real estate services and appraisal (NAICS 531);
- (x) Tailoring (e.g. dressmaking and alterations) services (NAICS 81149; 3152);



(y) Teaching of arts and crafts and incidental sale of supplies to students (NAICS 611691);

(z) Tutoring (NAICS 611691).

(aa) Work-at-home and/or telecommuting activities where employees of a business perform work for the business in their own residence, for an employer located at another location; provided all physical contact between the business and the employee occurs at the place of business and not the residence, other than the initial installation of any equipment or other work facilities. The work activities of the employee shall conform to all other requirements of this section.

(E) *Use limitations and performance standards.*

(1) Home occupations shall be carried out by members of the household occupying the dwelling and no more than one nonresident employee shall be permitted.

(2) The home occupation shall be conducted entirely within the principal residential building or in a permitted accessory building.

(3) The home occupation use shall be clearly incidental and secondary to the residential occupancy.

(4) No more than six clients per day (limit one visit per day per each client) are permitted to visit the home occupation. Hours for visits shall be between 8:00am and 8:00pm, unless otherwise noted in 15-6-27.

(5) Home occupations for child care shall have a maximum of six children under care at any one time.

(6) No manufacturing or processing of any sort whatsoever shall be done, except as permitted by Section 15-6-27(D)(1). Public facilities and utilities shall be adequate to safely accommodate equipment used for the home occupation.

(7) No stock-in-trade shall be displayed or sold on the premises except for delivery of orders.

(8) No stock-in-trade, except articles produced by residents of the premises, shall be stored on the premises and those articles shall not be flammable, combustible or explosive materials.

(9) No alteration of the principal residential building shall be made which changes the character as a dwelling.

(10) Not more than 25% of the gross floor area of the principal dwelling or accessory structure shall be utilized for the home occupation.

(11) The home occupation shall not produce offensive noise, vibration, smoke, electrical interference, dust, odors or heat. Any noise, vibration, smoke, electrical interference, dust odors, or heat detectable beyond the property lines or beyond the walls of the dwelling unit, if the unit is part of a multi-family structure, shall constitute a violation of this section.

(12) No mechanical or electrical equipment other than normal domestic or household equipment shall be used.

(13) There shall be no outdoor storage of equipment or materials used in the home occupation.

(14) The receipt or delivery of merchandise, goods or supplies for use in a home occupation shall be limited to the United States mail, similar parcel delivery service, or

private vehicles with a gross vehicle weight rating of 10,000 pounds or less. Deliveries and pick-ups shall occur between the hours of 8:00am and 8:00pm.

(15) Not more than one vehicle shall be utilized for business purposes and all parking shall be provided only in the driveway or other parking area not within the public right-of-way.

(16) No truck or van with a payload rating of more than one ton shall be parked on the site or in front of the site on a regular basis.

(17) No customer waiting areas shall be provided.

(18) No vehicles shall be parked and no equipment or materials shall be stored for trash haulers, home builders, home repair contractors and similar occupations.

(19) Signage shall:

(a) be limited to one wall-mounted sign not exceeding four square feet in area is permitted.

(b) be mounted flush against the wall of the principal dwelling unit or accessory structure; and

(c) not be illuminated

(20) A business license shall be obtained, if required by other ordinances.

(F) *Prohibited home occupations.* Home occupations in residential zoning districts shall not include the following types of activities and uses:

(1) Body piercing and/or painting, tattoos, or any type of physical therapy or psychotherapy;

(2) Commercial food preparation;

(3) Contractors shops;

(4) Furniture refinishing;

(5) Gymnastic facilities;

(6) Massage services or massage therapy establishments;

(7) Machine shop/metal working;

(8) Medical/dental office;

(9) Medical procedures;

(10) Medical/cosmetic facilities for animals, including animal care and boarding facilities;

(11) Motor vehicle and engine repair;

(12) Outdoor recreational activities;

(13) Palm reading or fortune telling;

(14) Recording studios;

(15) Retail Sales;

(16) Tanning salons;

(17) Trash hauler operations other than a home office;

(18) Any other use not allowed in accordance with 15-6-27 Home Occupations of this chapter or any use determined by the Director of Planning and Development Services to be a detriment to the surrounding properties and/or area.

(G) *Unsafe Home Occupations.* If any home occupation has become dangerous or unsafe; presents a safety hazard to the public, pedestrians on public sidewalks, or motorists on the public right-of-way; or presents a safety hazard to adjacent or nearby properties, residents or businesses,

the Director of Planning and Development Services or his/her designee shall issue an order to the dwelling owner and/or tenant on the property on which the home occupation is being undertaken, directing that the home occupation immediately be made safe or be terminated. The property owner and/or tenant shall take the necessary corrective measures. In the event of a failure to do so by the owner and/or tenant, after notice and within seven (7) days of the receipt of said notice, the Director of Planning and Development Services or his/her designee may take any and all enforcement actions to render the home occupation and dwelling safe. Costs incurred by the City of Kingsville, if forced to take enforcement actions, shall be borne by the property owner and shall be treated as a zoning violation and penalized as set forth in Section 1-1-99 of this code of ordinances.

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

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

**Request: APPROVAL OF AN AMENDMENT TO CHANGE ARTICLE VI "ZONING" OF CHAPTER 15 "LAND USAGE", SPECIFICALLY THE CREATION OF A NEW SECTION, 15-6-26 "ACCESSORY USES AND STRUCTURES", DEALING WITH NEEDED CODE LANGUAGE PERTAINING TO ALLOWED SUBORDINATE ACCESSORY USES AND STRUCTURES WITHIN ALL ZONING DISTRICTS.**

Petitioner and Agent: City of Kingsville  
Date of P&Z Hearing: February 12, 2014

### **EXHIBITS PRESENTED**

- Chapter 15 of the Kingsville Code of Ordinances (present at the meeting)
- City of Kingsville Master Plan

### **BACKGROUND AND PERTINENT DATA**

As a part of the comprehensive review of the current zoning and subdivision regulations, wherein staff enlisted the assistance of a planning and zoning consultant, staff identified the need for regulations pertaining to accessory uses and structures which are subordinate to the principal use. This type of use was not addressed within the current zoning code and requested it to be researched and created for consideration. Currently, the zoning code defines an accessory use; however it doesn't provide guidance as to what types of uses are allowed which permit the full appropriate use of a property while also ensuring compatible accessory uses and/or structures that will not be detrimental to the neighboring properties or neighborhood. Staff has reported that over the past several years there have been residents inquiring and or performing accessory type uses on their property, which are not currently regulated, and it has created confusion and frustrations for residents and staff alike.

As previously mentioned, currently no code language exists that provides a listing of the many nationally and locally suitable accessory uses on properties within a municipality. The proposed code section, 15-6-26 "Accessory Uses and Structures" provides a clear purpose and listing of allowed and prohibited accessory uses and also provides guidance and definition as to the location, construction type and uses pertaining to accessory structures, such as a garage or storage shed. This new code language is specifically designed to create additional accessory uses which are allowed in conjunction and in addition to the base zoning district permitted uses. Currently, no language exists that provides this comprehensive approach, and staff has identified it as a vital part to ensuring a safe environment that also promotes a high quality of life and full appropriate use of property, while ensuring incompatible uses are not created.

The proposed new language is consistent with the principles and intent of the City of Kingsville Master Plan adopted in May of 2008. This new language will not only define specific allowed uses and forewarn individuals of prohibited uses within certain zoning districts; it will also ensure proper sustainable and safe construction of accessory structures such as garages, carports, gazebos and/or storage sheds. The new proposed code language is as shown in the attached document.

**STAFF REVIEW & RECOMMENDATION**

City staff, including the City Attorney, has performed a thorough review of the proposed creation of the new code section, Section 15-6-26 "Accessory Uses and Structures". This section addresses the needed code language pertaining to the appropriate guidelines and provisions for allowed accessory use, while also delineating prohibited uses that would be incompatible, unsafe and/or a detriment to the neighboring properties. Additionally, the current zoning code defines accessory uses and structures but does not provide a listing of permitted/prohibited uses and makes no mention of permitted accessory structures other than required area requirements within the property. This code will provide the public and city staff with code language that will be an added resource. Its intent is to enhance the usability of property while appropriately ensuring uses and structures meet the permitted use requirements and ensure the safety and welfare of the community.

Staff recommends **Approval** of the code amendment request.

Reviewed by: Robert G. Isassi, P.E.  
Robert G. Isassi, P.E.  
Director of Planning & Development Services

## **Sec. 15-6-26. Accessory uses and structures.**

(A) *Purpose and findings.* This section establishes additional zoning district standards, exceptions to standards or alternative standards (e.g. screening, landscaping, and/or design standards) for particular uses which are subordinate to the principal use. The purpose of this section is to:

- Provide supplemental standards for individual uses in order to protect surrounding property values and uses;
- Protect the public health, safety and general welfare; and
- Implement the Master Plan of the City

The section provides supplemental regulations for certain uses, structures and facilities. These regulations are in addition to the other applicable standards of this Code. In some cases, the establishment of these standards streamlines the permitting process by permitting the use as of right in certain districts subject to these regulations rather than a case-by-case consideration for a Special Use Permit (SUP). In other instances, the regulations do not streamline the process but address the unique development challenges of certain uses and structures whether permitted as of right or as a special use.

(B) *Compliance Mandatory.* No accessory use may be initiated, established, or maintained unless it complies with the standards set forth for such use in this section and/or article.

(C) *Regulations Supplement Other Code Regulations.* The regulations of this section shall supplement the requirements of the applicable base and overlay zoning district regulations and other applicable standards of this section. These standards are in addition to, and do not replace, the other standards for development set forth in any other sections or articles of the code of ordinances unless otherwise provided. To the extent that there is a conflict between a standard in another section of the code of ordinances and a standard in this section, the standard in this section governs unless otherwise indicated.

(D) *Applicability.* This section applies to any subordinate use of the building or other structure, or use of land that is:

- (1) Conducted on the same lot as the principal use to which it is related; and
- (2) Clearly incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, damaging or unhealthful to adjacent property or the uses thereof and shall be on the premises of the main use.

Where a principal use or structure is permitted, such use shall include accessory uses and structures subject to this section.

(E) *Permit Required.* Every accessory building requires a building permit. Application for such a permit shall be made to the Building Official. The building permit for the accessory building may be included on the permit for the main building or main land use if constructed or established simultaneously, otherwise a separate permit will be required.

(F) The Director of Planning & Development Services, or his/her designee, shall determine whether a proposed accessory use/structure, or in the case of an enforcement action, an existing accessory use/structure is permitted under this ordinance. In reviewing and approving an accessory use/structure, the Director of Planning & Development Services, or his/her designee, shall find that the proposed use meets the following criteria:

- (1) Is not to be constructed or established on a lot until construction of the principal structure is completed or the principal use is established;
- (2) Is not to be established on a vacant lot and/or is located on the same lot as the principal use served;
- (3) Is subordinate to and serves a principal use;
- (4) Is subordinate in area, extent or purpose to the principal use served;
- (5) Contributes to the comfort, convenience or necessity of the occupants, business or industry of the principal use;
- (6) Is not injurious, noxious or offensive to the neighborhood;
- (7) Accessory uses of a storage nature are not located in the front yard area; and
- (8) Accessory buildings shall not be used for dwelling purposes except where permitted in the Land Use Chart (Appendix A, Section 1 Land Use Chart or Article 6 of Chapter 15 of the Code of Ordinances)

In the event the Building Official denies the accessory building, or the Director of Planning and Development Services denies the accessory use, the applicant may appeal to the Board of Adjustment as provided in Section 15-6-157, or seek a variance as allowed in Subsection 15-6-26(J). Any accessory use to a use requiring a special use permit is prohibited unless specifically allowed by the special use permit.

(G) *General Requirements.* Unless otherwise specified in this section, all attached and detached accessory structures shall conform to the same use, height and area regulations required of the main use or structure and with the following additional limitations:

- (1) Accessory uses shall not include the conduct of trade unless permitted in conjunction with a permitted use.
- (2) Accessory uses shall be located on the same lot as the principal use for which they serve.

(H) *Dimensional and Density Standards.* The location of accessory uses and structures is subject to Appendix B "Space Requirements" Section 1 & 2 of Article 6, Chapter 15 of the Code of Ordinances.

- (1) For residential lots not exceeding 3 acres, detached accessory structures shall not be located in the front yard. Detached accessory structures may be located in the rear yard area.
- (2) For residential lots exceeding 3 acres, detached accessory structures may be located in the front yard if it is required due to topographical issues or other impediment that prevents the placement of the structure in the rear yard area.

(3) Accessory uses and structures shall not exceed 60 percent of the gross floor area (GFA) of the principal use.

(4) Within nonresidential districts, accessory structures, except for carports, are prohibited within the side and rear yards of lots adjacent to a residential use or district. The total floor area of all accessory structures shall not exceed 2500 square feet.

(I) *Permitted Accessory Uses and Structures.* Accessory uses and structures include, but are not limited to, the following list of examples, provided that each accessory use or building shall comply with all the provisions of this chapter.

(1) Drop-off boxes, such as mail or donation boxes, at all commercial establishments in C1 through I2 zone districts provided the drop-off box:

- a. Is located behind the minimum setbacks required in the respective zones;
- b. Is located so it is not (1) blocking driveways, (2) blocking pass-through traffic in parking aisles, (3) blocking pedestrian traffic, (4) creating any safety issue as determined by the Director of Planning and Development Services; and
- c. Does not eliminate any required parking spaces or is not located in any parking aisle.

(2) Employee restaurants and cafeterias when located in a permitted business or manufacturing building. (The size of these accessory uses may be no more than 10% of the gross square footage of the business.)

(3) Home occupations in accordance with Section 15-6-27.

(4) Management offices for multi-tenant properties.

(5) The operation of service facilities and equipment in connection with schools, hospitals and other similar institutions or uses.

(6) The overnight parking of a licensed truck in working condition of one ton rating or less in a residential zone district.

(7) Recreational uses and structures for the use and convenience of occupants, employees or guests of a principal use or facility.

(8) Refreshment and service facilities in parks and playgrounds, and in permitted public or private recreation facilities or schools.

(9) Repair or construction of power boats, large sailing vessels or racing vehicles may be allowed only in zone districts for which repair or construction of vehicles as a commercial business is permitted. Minor engine tune-ups of personal vehicles or recreational vehicles which are legally stored on a lot may be permitted in residential districts provided the vehicles are owned by the occupants of the dwelling and all repair must take place within a private garage.

(10) *Residential accessory buildings.* Garages, carports, parking facilities, tool/storage sheds in residential zoning districts and for residential uses in all other zoning districts, provided:

a. *Attached accessory structures.* Garages, carports, parking facilities or tool/storage sheds attached to the main structure shall conform to the same height, area and setback regulations required for the main use or structure, except:

1. The structure shall not occupy more than 50% of the required rear yard.

b. *Detached accessory structures.* Garages, carports, gazebos, parking facilities or tool/storage sheds detached from the main structure shall:



1. Be in accordance with Appendix B, Section 1 "Space Requirements" Article 6 of Chapter 15 of the Code of Ordinances;
  2. Occupy an area no greater than 50% of the rear yard area behind the principal structure; and
  3. Be at least seven feet from the main dwelling.
- c. Detached accessory structures located in any residential zoning district shall meet the following standards as approved by city staff:
1. Galvanized (painted and unpainted) metal is prohibited as an exterior building material;
  2. All accessory structures shall have enclosed eaves at a minimum length or depth of twelve inches unless it is a pre-manufactured and/or a preassembled wood storage building and under 250 square feet in gross floor area.
  3. Freestanding metal carports and arched steel structures (aka Quonset huts) are prohibited.
  4. All accessory structures shall have a maximum eave height of twelve feet, and minimum roof slope of a 3:12 ratio.
  5. Structures larger than 400 square feet in ground floor area shall meet the following additional requirements:
    - i. Exterior materials shall consist of the same or similar materials as the principal structure.
    - ii. In order to prevent an institutional or uncharacteristic appearance, any wall or fascia with a square footage greater than 400 sq. ft. shall have at least one window with a minimum measurement of two foot six inches by three feet six inches or a typical thirty six inch wide walk-in door.
  6. No exterior stairways to a second floor or attic is permitted at the front or side of the building

The requirements of this subsection shall not apply to agricultural operations in residential zoning districts.

(11) Solar Energy Systems in accordance with 15-6-174 through 15-6-187.

(12) Storage of one boat, travel trailer, RV or pick-up camper in residential districts, but not in the front yard or the street side yard of a corner lot, and provided they are not used as living quarters.

(13) Telecommunications equipment buildings as provided for in, Section 15-6-47(D) of this article and chapter.

(14) Temporary construction trailers used for offices and/or storage, located on a lot for which building permits have been issued, provided the trailer meets the setbacks for an accessory structure and is limited to the duration of construction, not to exceed one year.

(15) Temporary real estate sales offices, located on a subdivision or property being sold, and limited to the period of sale, but not exceeding two years without a special use permit.

(16) The storage of building materials including, but not limited to, bricks, blocks, cement, concrete, electrical materials, glass, linoleum, lumber, plumbing materials, rocks

and tile provided that these materials are to be used for construction on the premises and, if stored for more than 24 consecutive hours in a 30 day period, that they are screened from view of neighboring properties and adjacent streets and alleys, and provided that the storage use is in accordance with the provisions of Subsection (F). In no case shall building materials be stored outside of a building on residentially zoned property for a period of time exceeding 90 days.

(17) Public and private utility lines and structures, including, but not limited to, sanitary sewers, storm sewers, water, natural gas, electric, cable television and telephone.

(18) Wind Energy Conversion Systems (Exempt and Small Wind Energy Facilities) in accordance with Section 15-6-186 through 15-6-194.

(J) *Variances*: A variance may be granted by the Board of Adjustment in accordance with the procedures contained in Section 15-6-157 for the following accessory uses:

(1) The parking of a truck or moving van of one ton rating or more for more than one night.

(2) The repair or construction of power boats, racing vehicles or other recreational type vehicle in residential districts.

(3) The storage of one boat, travel trailer, RV or pick-up camper in the front yard of any residential district.

(K) *Prohibited Accessory Uses*. None of the following shall be permitted as an accessory use:

(1) Equipment, material or vehicles, other than a registered motor vehicle in operable condition, boat, travel trailer, recreational vehicle or pick-up camper as permitted above, for more than 24 hours in a 30 day period in a residential district.

(2) The overnight parking of a truck with greater than one ton rating or service/delivery van.

(3) Storage of any materials not directly related to the principal use of the property and located outside of a building in a residentially zoned district is specifically prohibited except for building materials as provided in Subsection 15-6-26(I)(16) and materials customarily associated with a residential use such as, but not limited to, above ground swimming pools and associated equipment buildings, arbors, barbecue pits and grills, firewood neatly stacked, gazebos, operational and licensed vehicles, planters, play structures, toys, trash cans used for normal on-site garbage collection and trellises attached to a building.

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

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

**Request: APPROVAL OF AN AMENDMENT TO CHANGE ARTICLE III "SUBDIVISIONS" OF CHAPTER 15 "REQUIRED IMPROVEMENTS", SPECIFICALLY ADDING A NEW SECTION 15-3-57 "STREET TREES" REGARDING NEEDED LANGUAGE PERTAINING TO PROPER SUBDIVISION DESIGN AND CONSTRUCTION.**

Petitioner and Agent: City of Kingsville

Date of P&Z Hearing: February 12, 2014

### **EXHIBITS PRESENTED**

- Chapter 15 of the Kingsville Code of Ordinances (present at the meeting)
- City of Kingsville Comprehensive Housing Plan

### **BACKGROUND AND PERTINENT DATA**

With the recent creation and adoption of the Comprehensive Housing Plan and in conjunction with the adopted Master Plan, several needed code amendments have been performed within Chapter 15, Article III "Subdivisions" to add specific design criteria and required improvements to enhance the development of the City, while ensuring a higher quality of life for its residents.

The proposed amendment to the "Required Improvements" is in relation to the previous amendments that were adopted in 2013 and are consistent with what was approved in the Comprehensive Housing Plan, as specifically identified within Part III and Part VI, and prescribed as action item #2 within the Plan Implementation Program. This particular amendment will further provide codified language that will support and carry out the street tree design standards set forth in Section 15-3-30 and ensure the installation of this important development feature. Additionally, the proposed code language establishes the warranty period for the infrastructure and the eventual acceptance of the trees by the City. Once accepted by the City, full responsibility and maintenance is assumed from the developer. The specific language is as follows:

#### **Sec. 15-3-57. Street trees.**

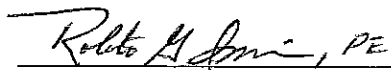
Street trees shall be installed in all new subdivisions or replats in accordance with the design standards set forth in Section 15-3-30(N) of Chapter 15 (Land Usage). Street trees shall be dedicated to the City as part of the street improvements and shall be installed, maintained and warrantied by the developer. Dead and dying street trees shall be replaced by the applicant/developer during the first two years after installation. Once the two year warranty period has expired the City will then assume the full responsibility of maintaining the street trees.

**STAFF REVIEW & RECOMMENDATION**

The purpose of these proposed amendments is to amend the "Required Improvements" section by adding a new section, Section 15-3-57 "Street Trees". This amendment will add codified language pertaining to the specific design criteria for street trees to ensure quality development within the City. The language is designed to carry out the adopted plans of the City and to also ensure a higher quality of development wherein neighborhoods are constructed that encourage long term residency and promote a high quality of life.

Staff recommends **Approval** of the amendment requests.

Reviewed by:



Robert G. Isassi, P.E.

Director of Planning & Development Services

**Sec. 15-3-57. Street trees.**

Street trees shall be installed in all new subdivisions or replats in accordance with the design standards set forth in Section 15-3-30(N) of Chapter 15 (Land Usage). Street trees shall be dedicated to the City as part of the street improvements and shall be installed, maintained and warrantied by the developer. Dead and dying street trees shall be replaced by the applicant/developer during the first two years after installation. Once the two year warranty period has expired the City will then assume the full responsibility of maintaining the street trees.

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

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

**Request:**        **APPROVAL OF AN AMENDMENT TO CHANGE ARTICLE VI "ZONING" OF CHAPTER 15 "LAND USAGE", SPECIFICALLY THE AMENDMENT OF A "AREA REGULATIONS" SECTION, 15-6-92 "REAR YARDS", PROVIDING CLARIFICATION AND OMITTING THE LANGUAGE PERTAINING TO AN ABUTTING ALLEY.**

Petitioner and Agent:        City of Kingsville  
Date of P&Z Hearing:        February 12, 2014

### **EXHIBITS PRESENTED**

- Chapter 15 of the Kingsville Code of Ordinances (present at the meeting)

### **BACKGROUND AND PERTINENT DATA**

In conjunction with the comprehensive review of the zoning and subdivision code, staff discovered an oddity in Section 15-6-92 "Rear Yards". The code arbitrarily allowed an accessory structure to be placed in the rear yard as long as it "does not abut an alley." Staff conferred with the consultant for additional review and input, and no valid conclusion could be made as to why the code was written as such. It was determined that the code provision should be modified by simply omitting the portion that required that an accessory structure be located in the rear yard only if it did not abut an alley. This consensus was developed based on the reasoning that an accessory structure that has an alley access would likely prefer to locate the structure in the rear yard closest to the alley, rather than a front access off the street. The following language is proposed to allow an accessory structure to be placed in the rear yard with or without alley access:

*Section 15-6-92 (4):*

(4) Accessory buildings may be located in the required rear yard provided the building is at least five feet from the rear lot line.

### **STAFF REVIEW & RECOMMENDATION**

City staff, including the City Attorney, has performed a thorough review of the proposed amendment to Section 15-6-92 "Rear Yards". The language now reflects the desired rear yard usage pertaining to accessory structures and allows an accessory structure to be placed in the rear yard, regardless of the presence of an abutting alley.

Staff recommends **Approval** of the code amendment request.

Reviewed by: Robert G. Isassi, P.E.  
Robert G. Isassi, P.E.  
Director of Planning & Development Services

**Sec. 15-6-92. Rear yards.**

(A) No building or structure shall hereafter be located, erected, or altered to have a rear yard smaller than prescribed on the Space Requirement Chart (Appendix B), except that where a lawfully existing building at the effective date of this article may have smaller rear yard than herein required, such building shall have the status of a lawful nonconforming structure, and no rear yard existing shall be reduced below the minimum set forth.

(B) Special rear yard regulations.

(1) No rear yard is required for nonresidential uses upon lots which have rear lot lines adjacent to an alley of at least 20 feet in width.

(2) Nonresidential uses which have a rear lot line adjacent or contiguous to another nonresidential use require no minimum rear yard provided the rear wall satisfies four hour fire wall standards.

(3) Nonresidential uses abutting or adjacent to a residential district shall maintain a minimum rear yard of 10 feet.

**(4) Accessory buildings may be located in the required rear yard provided the building is at least five feet from the rear lot line.**

(5) The ordinary projections of window sills, belt courses, cornices, chimneys, and roof overhangs may extend three feet into the required rear yard.

*(1962 Code, § 11-3-8)*

***Cross reference—*** *Penalty, see § 15-6-999.*

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

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

**Request:**      **APPROVAL OF AN AMENDMENT TO CHANGE ARTICLE VII “NUISANCES” OF CHAPTER 9 “GENERAL REGULATIONS”, SPECIFICALLY AMENDMENTS TO SECTION, 9-7-1 “ADOPTION BY REFERENCE: INTERNATIONAL PROPERTY MAINTENANCE CODE”, 9-7-2 “ADDITIONS AND AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE”, 9-7-3 “ACTS PROHIBITED”, 9-7-4 “DEFINITIONS”; DEALING WITH NEEDED CODE LANGUAGE PERTAINING TO PROPERTY MAINTENANCE AND NUISANCES WITHIN ALL ZONING DISTRICTS.**

Petitioner and Agent:      City of Kingsville  
Date of P&Z Hearing:      February 12, 2014

### **EXHIBITS PRESENTED**

- Chapter 15 of the Kingsville Code of Ordinances (present at the meeting)
- City of Kingsville Master Plan

### **BACKGROUND AND PERTINENT DATA**

Over the past several years, the City of Kingsville has continued to pursue innovative and effective ways to address community appearance and property maintenance needs through fair and consistent enforcement. Throughout this time, the existing nuisance codes were used as a tool to educate and carry out this mission. As the environment continues to evolve, the codes are required to evolve as well. Staff, with the assistance of an independent consultant, identified the necessity to adopt the International Property Maintenance Code (IPMC) which is created by the International Code Council (ICC).

The IPMC is designed to work in cooperation with the series of ICC codes that are currently adopted and in use within the Building Regulations Division. City staff determined this is the most effective way to update the current nuisance codes, while affording the quick adoption of the new IPMC editions as they are issued by the ICC. This also continues and enhances the mission of fair and consistent property maintenance activities, as the IPMC is a nationally recognized and widely used tool for most municipalities. Below are brief summaries of the amendments and additions, which are fully described in the attached:

- Section 9-7-1 “Adoption by Reference: International Property Maintenance Code,” establishes the full adoption of the IPMC as part of Article VII “Nuisances,” and establishes the intent and enforceability provisions.
- Section 9-7-2 “Additions and Amendments to the International Property Maintenance Code,” allows the IPMC code to be amended to coincide with the existing nuisance codes. This section tailors the IPMC to fit the needs of the City of Kingsville, and substitutes, amends or omits certain language to prevent contradictions and/or confusion specifically within established enforcement and notice provisions already provided in Article VII.



- Section 9-7-3 "Acts Prohibited," was amended to add the following for further inclusion:
  - "It shall be unlawful for any person to contract, cause to be constructed, or permit to remain constructed any building which violates any provisions of such Code."
- Section 9-7-4 "Definitions," was amended to further define and create consistency with the IPMC on the maximum height of weeds/vegetation, which limits it to 12 inches.


As previously mentioned, this code will create a uniform property maintenance code that will reduce confusion, further define code enforcement procedures and assist in the education and enforcement of the Community Appearance Division.

**STAFF REVIEW & RECOMMENDATION**

City staff, including the City Attorney, has performed a thorough review of the proposed code amendments within Article VII of Chapter 9. This section addresses the identified code language and adoption of the IPMC to further the community appearance, and more importantly the health and safety efforts, as established by the City Commission; and established within the City of Kingsville Master Plan. The adoption of the IPMC and the associated amendments will enhance the existing nuisance codes and expand the City's resources toward protecting the health, safety and welfare of the community.

Staff recommends **Approval** of the IPMC code adoption and the associate code amendments as request.

Reviewed by:



Robert G. Isassi, P.E.  
Director of Planning & Development Services

## **Article 7: Nuisances**

### **Sec. 9-7-1.: Adoption By Reference: International Property Maintenance Code**

(A) A certain document being marked and designated as the International Property Maintenance Code (IPMC), 2009 Edition, including all future amendments of or revisions to such code, as published by the International Code Council (ICC), be and is hereby adopted as the Property Maintenance Code of the City of Kingsville in the State of Texas for regulating and governing the conditions and maintenance of all property, buildings and structures;

- by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and
- the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such existing structures as herein provided; and
- providing for the issuance of permits and collection of fees ; and
- each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the offices of the Community Appearance Division and the Building Services Division of the City of Kingsville are hereby referred to, adopted, and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions and changes, if any, which shall be documented in this article.

(B) Two (2) copies of the adopted IPMC code in this Section shall be available for viewing. One of which will be located in the office of the Community Appearance Division and one within the office of the Building Services Division.

(D) This Section shall not be interpreted to relieve from responsibility or to lessen the responsibility of any person owning, controlling, or occupying any structure. Nor shall the City be held as assuming liability or duty of any nature by reason of inspection authority issued by the City to City Code Enforcement Officers or Building Officials or Inspectors for maintenance of the property.

(E) *Enforcement.* The Code hereby adopted shall be enforced by the Community Appearance Supervisor or the Building Official, who may delegate such enforcement authority to such assistants and subordinates as the needs of the City may require.

### **Sec. 9-7-2. Additions and amendments to International Property Maintenance Code.**

The *International Property Maintenance Code* is hereby modified and changed in the following particulars:

(A) Section 101.1 of the *International Property Maintenance Code* shall be amended to read as follows:

§ 101.1 Title. These regulations shall be known as the International Property Maintenance Code of the City of Kingsville, hereinafter referred to as "this code."

(B) Section 103.5 entitled "Fees" of the *International Property Maintenance Code* shall be amended to read as follows:

§103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as directed in Sections 9-7-5 and 9-7-6 of this Article.

(C) Section 106 entitled "Violations." This section of the *International Property Maintenance Code* is hereby substituted to read the same as § 9-7-5 of this Article and shall read the same in all other references to Section 106 Violations in the *International Property Maintenance Code*, 2009 Edition.

(D) Section 107 entitled "Notices and Orders." This section of the *International Property Maintenance Code* is hereby substituted to read the same as § 9-7-5 of this Article and shall read the same in all other references to Section 107 "Notices and Orders" in the *International Property Maintenance Code*, 2009 Edition, unless otherwise noted in this subsection.

(E) Section 108.3 entitled "Notice" of the *International Property Maintenance Code* shall be amended to read as follows:

108.3 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section and/or § 15-1-165 through § 15-1-167, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or person or persons responsible for the structure or equipment in accordance with § 15-1-167(B) and § 15-1-168. If the notice pertains to equipment it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in § 15-1-167(B).

(F) Section 110 entitled "Demolition." This section of the *International Property Maintenance Code* is hereby substituted to read the same as § 15-1-167 through § 15-1-176 of Chapter 15 "Land Usage", Article 1 "Building Regulations" and shall read the same in all other references to Section 110 "Demolition" in the *International Property Maintenance Code*, 2009 Edition.

(G) Section 111 entitled "Means of Appeal." This section of the *International Property Maintenance Code*, is hereby amended to read "Board of Adjustment" and shall read the same in all other references to such Board in the *International Property Maintenance Code*, 2009 Edition. The Board shall be the Board of Adjustment as set forth by § 15-6-157 of this chapter. The Board of Adjustment shall have the number of members and be appointed for the terms specified by § 15-6-157 of this chapter. All subsections of § 111 of the

*International Property Maintenance Code* which conflict with § 15-6-157 of this chapter shall be governed by § 15-6-157.

(H) Section 302.4 entitled “Weeds” of the *International Property Maintenance Code* shall be amended to read as follows:

**302.4 Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to corrective action in accordance with § 9-7-5 and/or the prosecution in accordance with § 9-7-99 of this Article.

(I) Section 304.14 entitled “Insect Screens” of the *International Property Maintenance Code* shall be amended to read as follows:

**304.14 Insect Screens.** During the period from January 1 to December 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

(J) Section 602.3 entitled “Heat Supply” of the *International Property Maintenance Code* shall be amended to read as follows:

**602.3 Heat Supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November 1 to March 1 to maintain a temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full capacity. The winter outdoor design temperature for the locality shall be

as indicated in Appendix D of the *International Plumbing Code*.

2. In areas where the average monthly temperature is above 30 degrees Fahrenheit (-1 degree Celsius) a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) shall be maintained.

(K) Section 602.4 entitled "Heat Supply" of the *International Property Maintenance Code* shall be amended to read as follows:

**602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from November 1 to March 1 to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) during the period the spaces are occupied.

**Exceptions:**

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

#### **Sec. 9-7-3. Acts prohibited.**

- (A) It shall be unlawful for any person to contract, cause to be constructed, or permit to remain constructed any building which violates any provisions of such Code.
- (B) It shall be unlawful for any person to intentionally, knowingly, recklessly, or acting with criminal negligence, deposit noxious matter on the property of another.
- (C) It shall be unlawful for any person, after receiving notice in accordance herewith to intentionally, knowingly, recklessly, or acting with criminal negligence, to permit noxious matter to remain on premises under his or her care, control or custody.
- (D) It shall be an affirmative defense to the unlawful acts described herein that the person was permitted or required by law to deposit or permit to remain such noxious matter. The affirmative defense is valid only if the aforementioned permission or requirement is in strict accordance with law, including, without limitation, the manner of depositing or allowing to remain.
- (E) It is a defense to prosecution under this section that the vegetation is:
  - (1) Located on heavily wooded real property or portion thereof that reasonably prevents the operation of mowing machines;
  - (2) An agricultural crop, cultivated shrub, flowers or other decorative ornamental plant under cultivation; or
  - (3) Wildflowers, but only until the time as seeds have matured followed the final blooming of the majority of the plants.

A person who meets the requirements of an affirmative defense as set out in this subsection is still required to maintain a 50-foot mowed buffer between his and another property.

(Ord. 97019, passed 6-23-97; Ord. 2001-07, passed 2-26-01; Ord. 2005-11, passed 3-14-05)

*Cross reference—Penalty, see § 9-7-99.*

#### **Sec. 9-7-4. Definitions.**

As used in this article the following terms shall have the following meanings, to wit:

*Abate.* To eliminate by removal, repair, rehabilitation, or demolition.

*Deposit.* Any divestiture of possession whether such divestiture of possession is actual or constructive.

*Notice* shall mean:

- (1) Personal notice to the owner in writing; or
- (2) By letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located; or
- (3) If personal service cannot be obtained or the owner's address is unknown, then, notice shall be:
  - (a) By publication at least once; or
  - (b) By posting the notice on or near the front door of each building on the property to which the violation relates; or
  - (c) By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.
- (4) If a notice to a property owner is returned by the United States Postal Service as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.

*Noxious matter.* Any matter which is or is not subject to the process of oxidation and shall include, without limitation, filth; carrion; impure or unwholesome substances; weeds, grass, or similar vegetation in excess of 18 inches; refuse; rubbish; brush; and any other substance which would be objectionable, unsightly, or unsanitary to a reasonable person.

*Permit to remain.* Failure to remove on a permanent basis within the time required by law as specified by any notice to abate noxious matter that is provided for herein.

*Premises.* All privately owned property, including vacant land or a building designed or used for residential, commercial, business, industrial, or religious purposes. The term includes a yard, ground, walk, driveway, fence, porch, steps, other structure appurtenant to the property, or easily accessible easements, alleys, and rights of way.

*Premises of another.* Property over which a person has no right of care, control, or custody. Property under the care, control, or custody of the State of Texas or any of its political subdivisions shall always constitute "premises of another."

*Refuse.* Garbage, rubbish, paper, and other decayable and non-decayable waste, including vegetable matter and animal and fish carcasses.

*Rubbish.* Non-decayable waste from a public or private establishment or residence.

*Weeds.* All rank and uncultivated vegetable growth or matter that:

- (1) **Has grown to more than 12 inches in height; or**
- (2) May create an unsanitary condition or become a harborage for rodents, vermin, or other disease-carrying pests, regardless of the height of the weeds.

*(Ord. 97019, passed 6-23-97; Ord. 2001-07, passed 2-26-01; Ord. 2005-11, passed 3-14-05; Ord. 2007-31, passed 12-10-07)*

#### **Sec. 9-7-5. Correction by city; lien.**

(A) That the provisions of this section shall be cumulative of any criminal penalties or civil remedies provided for herein.

(B) Upon a determination that noxious matter exists upon a premises, the owner of the premises shall be given notice to abate such noxious matter within seven days after the receipt of such notice. Should the owner of the premises fail to comply with such notice of abatement within seven days, the city may:

- (1) Do the work or make the improvements required; and
- (2) Pay for the work done or improvements made and charge the expenses to the owner of the property.

(C) The city in the notice of violation may inform the owner:

- (1) By **regular** mail and a posting on the property; or
- (2) By personally delivering the notice

that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owners expense and assess the expense against the premises.

(D) After the work has been completed and paid for by the city, a statement of expenses incurred by the city to abate such conditions and administrative fees as prescribed by separate ordinance shall be mailed to the owner of the property. The owner of the property shall pay for work and administrative fees within 30 days of the date of mailing thereof.

(E) In the event that the amount shown on the said statement for the work and administrative fees has not been paid within 30 days of mailing, the city shall assess expenses incurred under this section as follows:

(1) The Mayor or City Manager shall file a statement of such expenses and administrative fees incurred, giving the amount of such expenses, date on which the work was done or improvements made, state the name of the owner (if known) and the legal description of the property. The statement shall be filed with the County Clerk, and the city shall have a privileged lien on such lot or real estate upon which the work was done or improvements made to secure the expenditures so made, in accordance with the provisions of Tex. Health & Safety Code § 342.006 et seq. This lien shall be second only to tax liens and liens for street improvements; and the amount shall bear 10% interest per annum on the amount due from the date of payment by the city.

(2) It is further provided that for any such expenditures and interest, suit may be instituted and recovery and foreclosure of the lien may be had in the name of the city, and the statement of expenses and administrative fees so made, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements.

(F) The remedy provided by the assessment and foreclosure of lien is in addition to any criminal penalties or other civil remedies provided for herein.

(G) The city may foreclose a lien on property established herein in a proceeding relating to the property brought under Subchapter E, Chapter 33, Tax Code, as amended or hereinafter amended.

*(Ord. 97019, passed 6-23-97; Ord. 2001-07, passed 2-26-01; Ord. 2005-11, passed 3-14-05; Ord. 2007-08, § I, passed 4-23-07; Ord. 2007-31, passed 12-10-07)*

#### **Sec. 9-7-6. Abatement of nuisance lots; administrative fees**

For each abatement of nuisance lots that are in violation of § 9-7-1 and/or § 9-7-3 of this code, the fee for abatement of administration is \$150.00. ~~An additional abatement administrative fee of \$300.00 shall be charged for the abatement of nuisance lots whose abatement costs are not paid within the 60 days after the city sends the initial notice of the abatement charges to the purported owner.~~ *(Ord. 2007-08, § I, passed 4-23-07)*



**Sec. 9-7-7. Conflicting ordinances; more restrictive to prevail.**

Should this Article conflict with any other ordinance of the city relating to nuisances and/or property maintenance, the more restrictive shall prevail.

**Secs. 9-7-8—9-7-98. Reserved.**

**Sec. 9-7-99. Criminal penalties; civil remedies.**

(A) Unless otherwise provided for herein, punishment for any violation of this article shall be as follows, to wit: a fine of not less than \$150.00 nor more than \$2,000.00.

(B) If noxious matter is deposited on the property of another, upon conviction, punishment shall be assessed at a fine of not less than \$500.00 nor more than \$2,000.00.

(C) If noxious matter is deposited on the property of the State of Texas, or any political subdivision thereof, upon conviction, punishment shall be assessed at a fine of not less than \$500.00 nor more than \$2,000.00.

(D) If noxious material is deposited in any storm sewer system or sanitary sewer system of the city, upon conviction, punishment shall be assessed at a fine of not less than \$1,800.00 nor more than \$2,000.00.

(E) Each day or each occurrence, whichever more often occurs, shall constitute a separate offense.

(F) The recidivist provisions of the laws of the State of Texas shall be fully applicable and, if no such provisions are applicable, on the second and all subsequent offenses the minimum and maximum fine shall be twice that hereinbefore set out, provided that, in those cases herein where specific punishments for subsequent convictions are provided these specific punishments shall prevail over this division.

(G) In those instances in which noxious matter is deposited into the storm sewer system or sanitary sewer system of the city, the City Attorney may apply to a court of competent jurisdiction to request the court to order any corporeal personal property used in such deposit to escheat to the City of Kingsville or, in the alternative, that it be destroyed as contraband or a criminal instrument.

(H) Any signs or similar non-transitory structures deposited on any public street, highway, or right-of-way are declared purprestures. They shall be summarily abated and all costs for such abatement shall be collected from the owner or special owner thereof. This remedy shall be cumulative of any criminal provisions provided for herein.

*(Ord. 97019, passed 6-23-97; Ord. 98026, passed 11-23-98; Ord. 2001-07, passed 2-26-01; Ord. 2005-11, passed 3-14-05)*