

# *City of Kingsville, Texas*

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## **AGENDA CITY COMMISSION**

**MONDAY, AUGUST 25, 2014  
REGULAR MEETING**

**HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS  
CITY HALL/200 EAST KLEBERG AVENUE  
3:30 P.M**


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

#### **OPEN MEETING**

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

1. Review and discuss proposed fiscal year 2014-2015 budget for departments of the City of Kingsville. (City Manager).

APPROVED BY:

  
Vincent J. Capell  
City Manager

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

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

Regular Meeting – August 11, 2014

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

1. Public hearing regarding request for an alcohol variance for a Beer Retail Dealer's Off-Premise License, Package Store Permit, Local Distributor's Permit, Local Cartage Permit and Package Store Tasting Permit for the establishment known as Topsy Time located at 2730 S. Brahma Blvd., Suite 100. (Interim Director of Planning & Development Services).
2. Public Hearing on a proposed tax rate increase from \$.84220 to \$.89255 for Fiscal Year 2014-2015. (Finance Director).

### **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, **HISTORICAL SURVEY PRESENTATION.** 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 City of Kingsville Code of Ordinances Chapter VII, Article 5, Traffic Schedules, providing for a new school zone on Shelly Street for the Kingsville Independent School District's H. M. King High School and the installation of school zone signs. (City Engineer/Public Works Director).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 Budget for the Tourism Fund to provide funding to the Façade Grant Program. (Director of Finance).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 Budget for the General Fund Service Center to provide funding for the Service Center to repair and restart the cathodic protection system and for TCEQ required inspections. (Director of Finance).
4. Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 Budget for the General Fund Landfill Department to provide funding for ground water monitoring and Title V air permit. (Director of Finance).
5. Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 Budget for the Utility Fund Waste Water Department to provide funding for repair of 2000 AMP main breaker and fuel purchase for backup generator. (Director of Finance).
6. Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 Budget for the General Fund Municipal Court Department to provide funding for temporary employees in Municipal Court while the Department was understaffed. (Director of Finance).
7. Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 Budget for the General Fund Finance Department to provide funding for additional audit fees. (Director of Finance).

## **REGULAR AGENDA**

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

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

8. Consider authorizing a request for an alcohol variance for a Beer Retail Dealer's Off-Premise License, Package Store Permit, Local Distributor's Permit, Local Cartage Permit and Package Store Tasting Permit for the establishment known as Topsy Time located at 2730 S. Brahma Blvd., Suite 100. (Interim Director of Planning & Development Services).
9. Consider resolution authorizing the Mayor, Chief of Police and Task Force Commander to enter into an Interlocal Cooperation Agreement between the Kleberg County Sheriff's Office, the Jim Wells County Sheriff's Department, the City of Kingsville-Kingsville Specialized Crimes and Narcotics Task Force and the City of Kingsville Police Department. (Task Force Commander).
10. Consider authorizing participation in the Pinto Bean Festival and BBQ Cook-off August 29 & 30, 2014 at the J.K. Northway Expo Center. (Director of Tourism).
11. Consider authorizing participation in the Kingsville Heritage Rodeo & Cook-off, November 21 & 22, 2014 during the King Ranch Breakfast and the Ranch Hand Festival. (Director of Tourism).
12. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter IX, Article 5, Fire Prevention and Protection, adopting Section 15, providing for exceptions to the Fire Code for Multi-Story Buildings. (Fire Chief).
13. Consider rescinding condemnation order for 317 North 1<sup>st</sup> Street, Kingsville, Texas. (Interim Director of Planning and 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.

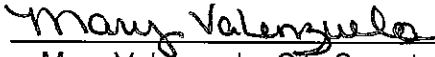
#### **NOTICE**

This City of Kingsville and Commission Chambers are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/595-8002 or FAX 361/595-8024 or E-Mail [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:

August 22, 2014 at 11:00 A.M. and remained so posted continuously for at least 72 hours proceeding 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)**

AUGUST 11, 2014

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, AUGUST 11, 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  
Noel Pena, Commissioner  
Al Garcia, Commissioner  
Arturo Pecos, Commissioner

**CITY STAFF PRESENT:**

Vince Capell, City Manager  
Courtney Alvarez, City Attorney  
Deborah Balli, Finance Director  
Emilio Garcia, Health Director  
Willie Vera, Task Force Commander  
Jennifer Bernal, Community Appearance Supervisor  
David Mason, Purchasing/IT Director  
Diana Gonzales, Human Resources Director  
Cynthia Martin, Interim Tourism Director  
Bill Donnell, Assistant Public Works Director  
Rose Morrow, Municipal Court Manager  
Melissa Perez, Risk Manager  
Arturo Perez, Garage Supervisor  
Pete Pina, Landfill Supervisor  
Leo Alarcon, Tourism Director  
Joey Reed, Fire Chief  
Daniel Ramirez, Building Official  
Frank Garcia, Wastewater Supervisor

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 6:00 p.m. and announced quorum with all five Commission members present.

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

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

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

Regular Meeting – July 28, 2014

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

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

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

1. Public hearing regarding condemnation proceeding for structures located at 1801-1803 N. 20<sup>th</sup>, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate announced and opened this public hearing at 6:03 p.m.

Ms. Jennifer Bernal, Community Appearance Supervisor reported to the Commission the status on this property. Bernal stated two letters were mailed to the property owner back in March and April. Bernal further reported that his property owes back taxes in the amount of \$3,000. Bernal stated that staff did received contact from property owner who has agreed to a sign the voluntary demolition form for one of the properties and has is requesting additional time for the second property.

Mayor Fugate announced that this is a public hearing. If anyone is interested on speaking on behalf of this public hearing may do so at this time. Mayor Fugate further asked for clarification on which property the voluntary demolition form was signed for and which property the owner is asking for additional time.

Ms. Bernal responded that the voluntary demolition form was signed for 1801 N. 20<sup>th</sup> and property owner has requested an extension for 1803 N. 20<sup>th</sup>.

Commissioner Leubert asked which property of the two is behind \$3,000 in taxes. Ms. Bernal responded that 1801 N. 20<sup>th</sup> is the property behind in taxes.

Mr. Vince Capell, City Manager, asked for further clarification on which property the voluntary demolition form was signed for. Ms. Bernal's response was that this was the first time she's heard that the property owner was signing a voluntary demolition form for one of the noted properties and requesting additional time on the other property.

Mr. Daniel Ramirez, Building Official, stated that the blue house is 1803 N. 20<sup>th</sup> and the other strucute is 1801 N. 20<sup>th</sup>. Mr. Ramirez further stated that the tear down on the blue house has already begun.

Mayor Fugate asked if the \$3,000 owed on back taxes was for both properties. Ms. Bernal's response was that it is owed only for 1801 N. 20<sup>th</sup>. She further stated that she did not have a copy of the tax roll for the blue house but she could state how far behind in taxes they were for 1803 N. 20<sup>th</sup>.

Mayor Fugate stated that in the future, when a property has two structures on it, it would be best to separate them individually for better understanding.

Mr. Capell asked if both structures were on the same lot. Staff responded yes. Capell further stated that unpaid taxes are not the reason for properties to be placed for condemnation. Mayor Fugate stated that the Commission understands this.

Mrs. Courtney Alvarez, City Attorney, reported that the inspection report from the Building Official states that the property is open and unsecured with holes in the walls, ceilings and broken windows.

Mayor Fugate asked if this was for both properties. Mrs. Alvarez responded that 1803 N. 20<sup>th</sup> is the proposed by staff for demolition unless the owner presents enough information that it's not unsecured.

Mayor Fugate asked if the property owner would like to speak on behalf of these properties.

Mr. Rene Barrera of 1801 N. 20<sup>th</sup> stated that he would like the opportunity to repair this property and further stated that someone went in tore down the sheetrock and removed the wiring from the property.

Commissioner Leubert asked Mr. Barrera when this took place. Mr. Barrera stated that it happened when his brother passed away in California and he was away attending his funeral. When he returned to Kingsville, he noticed that someone had torn down the kitchen and a room. Commissioner Leubert asked when this had occurred. Mr. Barrera responded that this occurred two years ago. Leubert asked Mr. Barrera if he maintains the property himself. Mr. Barrera stated that he maintains the property but someone has stolen his lawnmower and other supplies from his property. Barrera further stated that he

works but does not get paid well. Commissioner Leubert asked Mr. Barrera if he would be able to take care of this property and stay current on the property taxes. Mr. Barrera stated that it would take him two months to get all this done and he would keep up with the property taxes.

Commissioner Garcia asked Mr. Barrera what he plans on paying off. Mr. Barrera responded that he would pay the taxes to the property. Commissioner Garcia further asked about the condition of the property. Mr. Barrera stated that he could fix the house as he works construction. Commissioner Garcia asked how he would come up with the money to repair the property if he just stated earlier that he does not get paid well. Mr. Barrera stated that he plans on getting another job. Garcia asked Mr. Barrera if he realized how much it would take to bring this house up to code. Mr. Barrera responded that he does construction work and is aware of the cost. Barrera stated that the house is not in bad condition as it only needs to be re-wired, sheetrock and painted. Commissioner Garcia commented that he's not worried about the carpentry work since Mr. Barrera already does this type of work. It's the cost for the material that Mr. Barrera may or may not be able to come up with.

Mayor Fugate asked Mr. Barrera if he had any objections to the city tearing down the property located at 1803 N. 20<sup>th</sup> and receive a two month extension for the property located at 1801 N. 20<sup>th</sup> which would allow him to bring up to code. Mr. Barrera responded that he does not have a problem with bringing the property up to code. Fugate further stated to Mr. Barrera what is not acceptable, like boarding up windows, it would need to be brought up to code within 60 days, if not, the issue will be revisited and could be condemned at a future Commission meeting.

Mr. Barrera further stated that the other property is almost fully demolished and he would haul the debris to the landfill.

Mayor Fugate closed this public hearing at 6:15 p.m.

2. Public hearing regarding condemnation proceeding for structures located at 303 W. General Cavazos, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate announced and opened this public hearing at 6:15 p.m.

Ms. Bernal reported that this property was sent two letters back in March and April. Staff has not received any contact from the property owner. Bernal further reported that Code Enforcement has been out mowing the property for the past year. The property has been secured and property owes \$5,000 in back taxes. Bernal stated that pictures will show rotted wood, roof caving in with mold building up around the structure.

Mayor Fugate stated that this is a public hearing, if anyone is interested on speaking on behalf of this public hearing may do so at this time.

Mr. Luis Gonzalez stated that he was just informed about this public hearing and stated that this property belongs to his parents which are both deceased. He further stated that the individual who lives next door is his ex-wife. Gonzalez further stated that he hasn't been in Kingsville for the last five years and has five other siblings to which all live out of state. Gonzalez stated that he is in the process of transferring the property over to his ex-wife who resides next door to this property. He further stated that his ex-wife is willing to take care of the taxes and tear down the structures and build a new home. Mr. Gonzalez requested additional time to make the transfer of property to his ex-wife.

Mayor Fugate stated that the City is not taking over the property, the City is only condemning the structure and tearing it down which will incur a cost to the property owner, but the City is not taking over the land.



Mr. Gonzalez stated that his ex-wife wants to the tear down the house themselves. But in order to do this, the property must be under her name.

Commissioner Leubert asked if Mr. Gonzalez's ex-wife has spoken with Daniel Ramirez, Building Official of the Planning Department. Mr. Gonzalez responded that he was not aware whether she has spoken to him or not. Mr. Gonzalez further stated that he contacted the phone number listed on the placard that was placed on the property and was told by staff to attend the meeting in which the public hearing was going to be heard. Commissioner Leubert stated that the families need to get in touch with the city so that staff can be aware of what is going on with the property.

Mayor Fugate stated that he feels time is of the essence and things need to be done.

Mr. Capell asked if the property owner is aware that the voluntary demolition is available to him which could be done at a lower cost.

Mr. Jesus Gonzalez residing at 305 W. General Cavazos and husband to Mr. Gonzalez ex-wife stated that he is the individual that would like to take over the land and begin paying taxes on the property. He further stated that he would like to demolish the structure himself as he does not know what the cost would be if the City does the demolition.

Mayor Fugate stated that he will recommend not taking any action at tonight's meeting and would like to bring this item back at a later meeting.

Mayor Fugate closed this public hearing at 6:20 p.m.

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

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

Mr. Capell reported that budget preparations is going well and will have it to the Commission not later than Monday, August 18<sup>th</sup>.

Mrs. Alvarez reported that the next regularly scheduled Commission meeting is Monday, August 25<sup>th</sup> with agenda items due on Friday, August 15<sup>th</sup>.

Commissioner Leubert stated that she would like to make a statement. She stated that she would like to assure the public that she agrees with what the Mayor said at the last meeting and does understand Economic Development.

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

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

Captain Misner, Commanding Office of NAS-Kingsville, stated that he is joined by Glenn Jones, Community Plans Liaison Officer. Captain Misner thanked the Commission of the City of Kingsville, Kleberg County and the great neighbors in this area who have helped NAS-Kingsville with so many things that have made such great success in Kingsville, such as the air show in March, clearing of a ditch along General Cavazos which will help with drainage in the event that Kingsville ever gets hit with a hurricane which could potentially affect their number one checkpoint going into NAS-Kingsville. Captain Misner further commented that on behalf of NAS-Kingsville team, he would like to personally thank the Commission as well as staff.

V.

### **Consent Agenda**

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

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#### **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 Pena to approve the consent agenda as outlined, seconded by Commissioner Leubert and Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".**

1. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances, Chapter XV, Land Use, Article 6, Zoning, Section 4, Changes and Amendment, to include notice requirement from state statute. (Director of Planning & Development Services).
2. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances, Chapter XV, Land Use, Article 8, Landscaping Policy, Exhibit "A" – Preferred Plant List, providing for addition of mesquite trees and correcting spelling errors. (Director of Planning & Development Services).
3. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 9-7-2, providing for modifications to the noxious matter definition. (Director of Planning & Development Services).
4. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 15-6-124, providing for the option to place pole signs or monument signs along U.S. Highway 77 Bypass. (Director of Planning & Development Services).
5. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances, Chapter XV, Land Use, Article 6, Zoning, Air Installation Zoning Regulations, Section 41, Responsibility of Developers: Subdivisions, providing for a notice to Buyer/Lessee about AICUZ and CCLUA. (Director of Planning & Development Services).

6. Motion to approve certification of 2013 excess debt collections and the certification of 2014 anticipated collection rate, pursuant to Section 26.04(b) of the Texas Property Tax Code. (Director of Finance).

7. Motion to approve out-of-state travel for the Mayor to travel to Washington, D.C. from August 17-19, 2014 for city business related to legislative and military issues. (Mayor Fugate).

8. Motion to consider appointment of Mario A. Delgado to the Historical Development Board for a three year term. (Director of Tourism).

## **REGULAR AGENDA**

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

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

9. Consider accepting Comprehensive Annual Financial Report of the City of Kingsville for Fiscal Year 2012-2013. (Finance Director).

Mr. Luke Womack of Womack & Co. reported that he has met with the Audit Committee earlier today in which they went over the Comprehensive Annual Financial Report in full detail. Mr. Womack stated that general comments the city overall is in very good financial condition and will hit on points regarding the General Fund and the two Enterprise Funds tonight, everything else is in good shape. Mr. Womack further reported on the General Fund where primarily all the general governing activities of the City's occurs has cash of \$2.9 million, last year that cash was \$6.2 million. Womack stated that conversely the due from other funds is \$3.1 last year which is about \$800,000 which was utilization of cash to make up yearend some deficits in funds that hadn't transferred the money to accrual cash account, so that cash would have been well over \$5 million had they already made those transfers. Womack reported that the restricted cash is \$4.314 million, which is up from last year. All total assets from last year were \$13.5 million with this year being \$13.195 million. The conversely liabilities, accounts payable are \$1,020,000 with last year at \$1,004,000 so it liquidated \$380,000 of payables. Due to other funds last year was \$1,077,000 with this year down to \$91,000, which liquidated about \$1.5 million of liabilities during the year. Womack stated that it went from \$3.1 million in payables prior year to \$1.49 million this year. Womack stated that this has been liquidated substantially. He further reported on deferred revenues of \$650,000, which are uncollected taxes to date which are not recognized until collected. The fund balance last year was \$10,734,000 with this year \$11,050,000 and unreserved last year was five million six and this year it's just right at five million. Womack stated that Commission had made the decision to transfer monies out of unreserved to the construction account for specific projects as identified in the budget, so that was a plan decrease and at \$4.9, it is a substantial fund balance. Womack reported that Police forfeiture is doing very well with last year being \$1.5 million and this year being six million three. It has liabilities of \$4.6 million leaving it at fund balance of \$1,734,000 which is up about \$134,000 over last year which was about one million six. The Police forfeiture fund continues to be very productive and in good solid shape. The Debt Service is doing what it's supposed to do, brought in all the taxes for debt service and paid all the related debt and still had \$625,000 left over, which is a very respectable fund balance for debt service. Womack reported on Capital Projects Fund ended up with \$3.4 million almost \$3.5 million available for future expansion in Capital Projects which have been identified. And in the other funds which are grants and money in and out is performing as expected. The governmental fund side of the City is still very strong and well financed. Mr. Womack further reported on the Enterprise Fund. He state that the Enterprise Fund has assets last year of \$13,556,000 with this year it has the total asset number of \$16,329,000 which it is doing very well. Capital assets are up \$3,000,000 and you'll see the \$43,080,950 which last

year was \$40,500,000 and was added \$2.5 million in new assets. The total assets are \$31,176,000 versus last year of 26.70, so we have added about four million in assets to our Enterprise Fund. Conversely our debt is up in the Enterprise Fund, last year our total current liabilities was \$2.4 million with this year being slightly a little bit higher at \$2.57 million, so up \$100,000. Total debt is up \$2 million with having \$14 million last year and this year it being \$17.576 million due to borrowing new additional monies for specific projects which have been identified. The fund balance continues to increase with a total fund balance of \$11,028,000 with last year unrestricted was \$6.5 million with this year being \$6.8 million. So the unrestricted in the utility fund is up \$300,000. Womack reported that the General Fund is still in very good financial condition and continues to maintain a good surplus. In the Insurance Fund, it has assets of \$1.8 million last year. This year those assets are \$1.5 million with liabilities being \$1.5 million last year and this year at \$191,000, to which liabilities have been reduced. Fund balance last year was \$344,000, however this year due to operations it's up to \$625,000 which is about \$300,000 for the better.

Mr. Womack continued to report on the revenues for Utility Fund. The enterprise fund is at \$8.8 million in total revenues and last year was \$8.4 million, so there was an increase in revenue of \$450,000. Expenditures have gone down with last year's total expenditures being \$6.3 million and this year \$5.845 million. Womack further stated that there was an operating loss in revenue of \$3 million dollars. Debt service had \$661,000 bringing the net income to \$2.399 million and transferred out \$1.4 million resulting in a net income overall to the utility fund of \$901,000 with that number last year that number was \$240,000 so that's up about \$700,000. Womack stated that when the City did bond issues we had bond issuance cost and that bond issuance cost would amortized over a period having a corresponding asset, and now they have changed the rules that it would be written off expense it the year it is done and no more writing it off. This brings it down to \$11,028. Womack stated that both the general and utility fund as of September 30, 2013 is in very good financial state. Mr. Womack commented that in the Internal Fund having revenues of \$2.8 million expenditures of \$2.5 million which is where the City generated its \$281,000 surplus added to last years \$344,000 for a total of \$645,000. Womack stated that there were a few problems such as the assets in the inter-funds is not where we want them to be, however, the recording of enterprise revenue and receivables and also tax receivables and revenues have improved immensely. Womack further stated that staff who calculates and prepares payroll, should not be the ones changing the pay rates or putting people in or taking them out. This should be done separate. The City has had multiple manual inspections to make sure nothing goes wrong but it just need to be handled by the computer. Womack further stated that with the new software upgrade, this issue should be solved. In Tourism, Womack stated that he found a couple of expenditures that probably should have been paid out of the general fund. Womack stated that the one thing they found in Tourism was that there should be economic surveys that dictate whether expenditures should or should not be made. Womack stated that this is something that should be addressed in the future.

Mr. Womack further commented that the City of Kingsville is in good financial standing and has been for the past few years.

**Motion made by Commissioner Pena to accept the Comprehensive Annual Report as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".**

10. Consider accepting 2014 certified total appraised, assessed, and taxable values of all property and total taxable values of new property in the City of Kingsville as certified by the Kleberg County Appraisal District. (Director of Finance).

Melissa De La Garza, Tax Assessor, presented that Commission for the values for 2014 pursuant to the Property Tax Code. Mrs. De La Garza submitted the total appraised taxable values of all properties and the total taxable value of new property in the City of Kingsville as certified by the Kleberg County Appraisal District. In the amount of 2014 final values are \$728,613,665.00. This includes a \$14,000,000.00 dollar increase in value for 2014. The increase was mostly in real property with a \$18,000,000.00 in real property, \$6.5 million gain in personal with a drop in mineral values of \$511,000.

**Motion made by Commissioner Garcia to accept the 2014 certified total appraised, assessed, and taxable values as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Pecos, Leubert, Garcia, Fugate voting "FOR".**

Mayor Fugate asked Commission and staff that if no one had any objections, he would like to move agenda item #22 before taking agenda item #11. No objections were made by the Commission or staff.

22. Consider a proposed tax rate; if proposed tax rate will exceed the effective tax rate or the rollback rate (whichever is lower), take record vote and schedule public hearings. (Director of Finance).

Melissa De La Garza, Tax Assessor, reported on the 2014 governing body summary 1a. She stated that this is a report that is generated by their software system where they come up with the City's effective rate compare to last year's rate. For the City of Kingsville, the effective rate for 2014, this is the same amount of money that the City will receive from last year's taxes compare to this year's taxes which is basically a benchmark. De La Garza further stated that this effective tax rate, if the City was to go with the effective tax rate, it would mean that the City is staying right at far with everything, meaning that the city is not raising taxes. The effective tax rate, because there is increase in value, the effective tax rate is going to go down which is .82758 compare to last year's rate at .84220. Mrs. De La Garza stated that after speaking with Mrs. Balli, Finance Director and Mr. Capell, City Manager for the City of Kingsville, it's been decided that we will be looking at the proposed rate to be the same rate as last year's which is .84220 so that the City could have some wiggle room while the City is working on its budget to make sure that we comply and stay within last year's rate. De La Garza did state that if the City adopts today or propose the City's tax rate of last year's rate, a record vote would be needed and the scheduling of two public hearings.

Mayor Fugate commented that it would like to be set as high as possible so if the City chooses, it can always lower the rate.

Mrs. De La Garza commented that the roll back rate is below without getting into any danger which would be .89258. This would give the City a good lead way for the city to work with if needed.

Mayor Fugate commented that it makes sense to give ourselves the room and work down. He further commented that this is not what the tax rate is going to be, it's only to allow the City some wiggle room while it prepares the budget.

Mr. Capell stated that if the City Commission accepts the proposed rate today, which the purpose for this agenda item is .89255 which is a little bit below the roll back rate, will give the city some flexibility. Capell further stated that the budget being prepared is based on keeping the rates the same. He stated that by setting the proposed rate at the highest rate, it easier to come down than going up.

**Motion made by Commissioner Pecos that the proposed tax rate be set at .89255 and set public hearing dates for Monday, August 25, 2014 and Wednesday, September 3, 2014 at 6:00 p.m. in the Alcorn Commission Chambers located at City Hall 200 E. Kleberg Ave., Kingsville, TX, seconded by Commissioner Pena. The**

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

11. Consider condemnation of structures located at 1801-1803 N. 20<sup>th</sup>, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate asked City Manager Capell how this should be handled. Fugate further asked Mrs. Alvarez for her guidance with this item.

Mrs. Alvarez responded that with regards to item #11, since both properties were located on the legal side and based on the information received during the public hearing the property owner will be signing a voluntary demolition form for 1803 N. 20<sup>th</sup> and requested additional time to repair 1801 N. 20<sup>th</sup>. Alvarez further stated that the Commission can chose to take no action or request for the item to be brought back in the next 60 days.

Mayor Fugate stated that the Commission can come back and revisit property of located at 1801 N. 20<sup>th</sup> at a later meeting. Fugate further asked if this would need to be done in a form of a motion. Mrs. Alvarez responded that the Commission could take no action.

No action taken.

12. Consider condemnation of structures located at 303 W. General Cavazos, Kingsville, Texas. (Director of Planning & Development Services).

No action taken.

13. Consider resolution authorizing participation in the TCEQ FY 2015 Regional Solid Waste Grants Program through the Coastal Bend Council of Governments for enhancements to the Recycling Center, authorizing the City Engineer/Public Works Director to act on the City's behalf with such program. (Commissioner Leubert).

Commissioner Leubert stated that this is a grant for up to \$5,000 to help with the electrical at the Recycling Center.

Mayor Fugate asked if this was a time sensitive grant. Commissioner Leubert responded that this grant is due Friday, August 15, 2014.

**Motion made by Commissioner Garcia to authorize this resolution, seconded by Commissioner Pecos.**

Commissioner Garcia asked if the City would need to match any funds. Mr. Charlie Cardenas, Public Works Director/Engineer, responded that there is no match but we are approving in-kind services to the improvements of the Recycling Center which have already been budgeted.

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

14. Consider a resolution approving an application and agreement for Historic District Façade Grant Program from Adelmo Luera for Al's Hair Design. (Director of Tourism).

Mrs. Cynthia Martin, Interim Tourism Director, stated that this request is for the City to set aside \$10,000 for a façade grant for Mr. Luera of Al's Hair Design located at 321 E. Kleberg. Martin further stated that the restoration of the façade of this building would benefit the City in several ways. It would improve the appearance of our downtown.

Mr. Luera commented that when he bought the building he wasn't aware that the roof had a leak. He further stated that he feels that \$10,000 is not enough money to repair this building. Luera stated that he is willing to make his building look nice to help improve the downtown area.

Mrs. Yolanda Luera stated that they are very proud to have purchased this building and is willing to maintain the original look of the building. She further stated that they would like to apply for the grant but request more monies.

Mayor Fugate asked for past pictures of the building. Mrs. Martin stated that she did not have past pictures of the building.

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

15. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 5, Traffic Schedules, providing for a new school zone on Shelly Street for the Kingsville Independent School District's H.M.King High School and the installation of school zone signs. (City Engineer/Public Works Director).

Mr. Cardenas reported that his item is for a school zone on Shelly Street located behind the high school where the new entrances are located. This will provide for a school zone to lower the existing speed limit of 30mph to 15mph during applicable hours during the school season. This will not apply during summer or spring break times.

Commissioner Garcia asked if these signs were going to be lit signs. Mr. Cardenas responded that they are not be lit signs they will be reflected signs which will show the times of school zone being in affect.

Introduction item.

16. Consider introduction of an ordinance amending the Fiscal Year 2013-2014 Budget for the Tourism Fund to provide funding to the Façade Grant Program. (Director of Finance).

Introduction item.

17. Consider introduction of an ordinance amending the Fiscal Year 2013-2014 Budget for the General Fund Service Center to provide funding for the Service Center to repair and restart the cathodic protection system and for TCEQ required inspections. (Director of Finance).

Mr. Cardenas reported that his item is for repair and restart of the cathodic protection system on the City's fuel and pump system and inspections as per the Texas Commission on Environmental Quality (TCEQ) requirements.

Introduction item.

18. Consider introduction of an ordinance amending the Fiscal Year 2013-2014 Budget for the General Fund Landfill Department to provide funding for ground water monitoring and Title V air permit. (Director of Finance).

Mr. Cardenas reported that the purpose for the additional funds is that this year TCEQ has added more testing/sampling of our ground water sampling coming out of the landfill.

Introduction item.

19. Consider introduction of an ordinance amending the Fiscal Year 2013-2014 Budget for the Utility Fund Waste Water Department to provide funding for repair of 2000 AMP main breaker and fuel purchase for backup generator. (Director of Finance).

Mr. Cardenas stated that this item authorizes a budget amendment to the Utility Fund for expenditures occurring this fiscal year of 2014 during the replacement of a 2000 AMP breaker at the 3 MGD Waste Water Treatment Plant (north plant) and for the fuel used to operate the backup generator for the blowers.

Introduction item.

20. Consider introduction of an ordinance amending the Fiscal Year 2013-2014 Budget for the General Fund Municipal Court Department to provide funding for temporary employees in Municipal Court while the Department was understaffed. (Director of Finance).

Mrs. Balli stated that the Municipal Court Department has been having employees needing to take leave for various reasons causing additional temporaries being brought in to fill those temporary vacancies to allow Municipal Court to run smoothly.

Introduction item.

21. Consider introduction of an ordinance amending the Fiscal Year 2013-2014 Budget for the General Fund Finance Department to provide funding for additional audit fees. (Director of Finance).

Mrs. Balli stated this item is to request a \$13,000 increase in the Professional Services Audit Services line item. The total audit fees for the FY 2012-2013 audit totaled an additional \$26,009 over the original budgeted amounts. The \$13,009 of this coverage will be absorbed by line item transfers.

Introduction item.

## **VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:05 P.M.

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Sam R. Fugate, Mayor

ATTEST:

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Mary Valenzuela, City Secretary



# **PUBLIC HEARING(S)**

# **PUBLIC HEARING #1**



## Planning & Development Services Department

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TO: Mayor & City Commission

THROUGH: Vincent Capell, City Manager

FROM: Cynthia Martin, Interim Director of Planning & Development Services

SUBJECT: **Request for Alcohol Variance at 2730 S. Brahma Blvd. Ste 100**

DATE: August 14, 2014

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Ms. Audra Cook, applicant for Topsy Time, is requesting an alcohol variance for a Beer Retail Dealer's Off-Premise License, Package Store Permit, Local Distributor's Permit, Local Cartage Permit and Package Store Tasting Permit for the establishment known as Topsy Time. This address is located at 2730 S. Brahma Blvd. Suite 100 and is within 300ft of a school. The property in question therefore requires a variance according to City ordinance ORD-2004-20.

Also, all required notices have been sent to the property owners within 300ft. Additionally, a public hearing notice was placed in the newspaper on August 3, 2014. As of this point, we have not received any negative feedback from the property owners or citizens that have been noticed.

## Improvements

### City of Kingsville Franchise Fee Revenue from CMA/NewWave

Fiscal Year	Franchise Fee Collected
2005-06	\$102,488.97
2006-07	\$111,154.68
2007-08	\$89,204.06
2008-09	\$110,565.41
2009-10	\$110,769.34
2010-11	\$109,813.26
2011-12	\$80,994.28
2012-13	\$50,389.57
2013-14*	\$62,035.54
<b>TOTAL</b>	<b>\$827,415.11</b>

Source: City of Kingsville Finance Department  
\* Total only through June 2014.

"CMA's weaker penetration will pull down NewWave's already weak operating metrics, and the acquisition poses some execution risk given the need to upgrade the plant," the May 11, 2013 report stated. "However, given the favorable competitive environment in CMA's territory, Moody's sees opportunity for growth in high speed data and commercial customers once NewWave upgrades CMA's network, and the combination enhances scale."

"Those upgrades locally are part of a \$25 million initiative by NewWave, which focuses on providing internet and cable to rural areas, to improve its systems throughout the State of Texas. Bookout said, in Kingsville, that has meant upgrades to the system's equipment and installing an additional 35 miles of fiber optic cable."

"All of that \$25 million is not in Kingsville, but a significant portion of it is because Kingsville is one of our larger towns in the State of Texas," Bookout said, adding that the company has seen "double-digit percentage growth" in its subscriber base in Kingsville since it acquired CMA in June 2013. He declined to specify an exact customer count for the company, citing confidentiality concerns.

For city leaders, there is optimism that the improvements currently in progress will help remedy a negative reputation Kingsville has developed for cable and Internet service.

"I've been encouraged for some time - it's a positive step," City Manager Vince Capell said on Thursday. "The very fact that they're not there trying to improve their system has to be a positive - I hope it's enough."

Perception is everything. "It'd like to publicly express my discontent with how they're doing things."

"Those were the words used by Kingsville City Commissioner Al Garcia during an April 23 city commission meeting to describe his frustration with NewWave Communications. Garcia was speaking of his dissatisfaction with the company's cable service, something that was expressed publicly by residents in meetings prior to NewWave's buyout of CMA. Other city leaders at the April 23 meeting agreed with Garcia's stance, openly stating their displeasure with the company's services.

"I got so frustrated with them. I went to Dish (Network)," Kingsville Mayor Sam Fugate said, with other city officials agreeing that something had to be done in order to remedy the situation for local residents.

Discussion soon turned

to CMA's 10-year, non-exclusive municipal franchise agreement with the city, which was ratified in July 2005 and is set to expire next year. The agreement gave CMA the right to operate a cable franchise within the City of Kingsville, but it does not bar other companies from establishing a cable or Internet business within the city limits. This is evident through the presence of other companies providing similar services, like DirecTV, Dish Network and AT&T.

"It doesn't prevent other competitors from coming in," City Attorney Courtney Alvarez said in a May 15 interview. "Other people would be entitled to come and set up shop if they wanted to, but it's hard to say, because if so many people were transitioning to satellite overall, then there's not many cable companies that want to invest in the infrastructure - it sounds kind of costly."

Representatives from Time Warner Cable, a possible competitor for CMA that currently provides cable and Internet service in nearby Bishop, declined to provide a comment for this story.

The municipal franchise agreement with CMA outlined a number of provisions to which the company must comply,

including payment of a 3 percent quarterly franchise fee based off gross revenues, submission of quarterly financial reports containing information on the company's local subscriber base and annual financial and income statements. The city also had the right to call public hearings to discuss and evaluate CMA's performance, but city officials have acknowledged that most of those provisions were not enforced by city leaders.

The company consistently made its franchise fee payments, though, which have totaled \$827,415.11, from October 2005 to June of this year, according to figures provided by the City of Kingsville's Finance Department. That is an average of \$91,935.01 per year.

"I think part of what's gone on, to be honest with you, is that I don't think anybody here at the city has been really monitoring it very closely," Capell said in a May 15 interview. "I think they just gave us the money, we put it in the bank and we spend it. We haven't been getting any of the reports, so one of the things we need to do is...do a better job of monitoring."

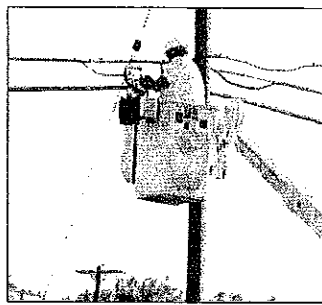
When asked about the provisions for performance evaluations or public hearings to discuss CMA's service, Capell acknowledged that "almost none of that has happened."

While city leaders had hoped to renegotiate the terms of the municipal franchise agreement when the deal came up for renewal next year, that option was actually eliminated several months after the deal was signed in July 2005. In September of that year, Senate Bill 5 established the State-issued Certificate of Franchise Authority, which replaced individual cable and video municipal franchises, like CMA's agreement with the city, as they expired.

In short, once the existing municipal franchise agreement expires, NewWave will fall under the state franchise authority, which it obtained in March 2013, prior to its purchase of CMA. Representatives with the Public Utility Commission of Texas said the state franchise agreement does not nullify

the municipal agreement before its expiration, but said once it expires next year the company will fall under the state franchise authority.

The city will still have some rights under the state franchise agreement that are present in its existing municipal agreement with NewWave, including public, educational and government access channels and an increased quarterly franchise fee based off 5 percent of gross revenues, according to the Public Utility Commission website. The city also has the right to submit reports to the state if the company has constant and unresolved customer service complaints that indicate a "clear" (See Internet, Page 9A)



Crews with NewWave Communications, which purchased CMA Communications last year, have been working over the past few months to install new fiber optic cable and equipment as part of the company's efforts to upgrade CMA's aging cable and Internet infrastructure. (Photo by Tim Acosta)

## PUBLIC NOTICE

The City Commission of the City of Kingsville will hold a public hearing on Monday, August 25, 2014, at 6:00 P.M. to discuss and/or take action on the following items:

Request for an alcohol variance for a Beer Retail Dealer's Off-Premise License, Package Store Permit, Local Distributor's Permit, Local Canteen Permit and Package Store Tasting Permit for the establishment known as Tippy Time located at 2730 S. Brahma Blvd. Suite 100.

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

## TOOTH TIPS written by Charles A. Clements, D.D.S.

MASTER IN THE ACADEMY OF GENERAL DENTISTRY

### Better Late Than Never!

Dental patients frequently feel that their problems are so bad that there's no hope, especially those over 40 or 50 who know they have not kept up with their dental repair and maintenance. However, our slant on this is that it's NEVER too late to get a healthier, more aesthetic, more comfortable mouth. Dentistry has changed immensely over my 35 year career and the advances are truly amazing. That's why I love my chosen profession so much! There are so many ways to help people - it's VERY rare that I have to tell a patient, "there's nothing we can do," because there's usually lots of help available and many treatment options to consider! For instance, just consider your smile. We can whiten your teeth, straighten them, reshape them, cover them partially (laminates) or totally (crowns), or even put a new tooth where the old one used to be. Believe me, you have many options and it's not too late! So let's talk. Call for your appointment today.



(361) 592-5248 www.KingsvilleDentist.com  
325 General Cavazos Blvd, Kingsville, Texas 78383  
TOOTH TIPS IS A PAID ADVERTISEMENT PERSONALLY WRITTEN BY CHARLES A. CLEMENTS, D.D.S.

## Water District Notice of Public Hearing on Tax Rate

The South Texas Water Authority Board of Directors will hold a public hearing on a proposed tax rate for the tax year 2014 on August 11, 2014 at 5:30 p.m. in the South Texas Water Authority Office located at 111 East Sage Road, Kingsville, Texas 78363. Your individual taxes may increase or decrease, depending on the change in the taxable value of all other property and the tax rate that is adopted.

FOR the proposal: Rudy Galvan, Kathleen Lowman, Lupita Perez, Patsy Rodgers, Filiberto Treviño, Steve Vaughn  
AGAINST the proposal: none  
PRESENT and not voting: none  
ABSENT: Dr. Alberto Ruiz

The following table compares taxes on an average residence homestead in this taxing unit last year to taxes proposed on the average residence homestead this year.

	Last Year \$0.08511/\$100 Adopted	This Year \$0.08736/\$100 Proposed
Total tax rate (per \$100 of value)		
Difference in rates per \$100 of value		\$0.00225/\$100
Percentage increase/decrease in rates (+/-)		2.65%
Average appraised value	\$72,655	\$75,833
General exemptions available (excluding senior citizen's or disabled person's exemptions)	\$ 5,000	\$ 5,000
Average taxable value	\$67,655	\$70,833
Tax on average residence homestead	\$57.58	\$61.88
Annual increase/decrease in taxes if proposed tax rate is adopted (+/-)		+ \$4.30
and percentage of increase (+/-)		+ 7.47%

### NOTICE OF TAXPAYERS' RIGHT TO ROLLBACK ELECTION

If taxes on the average residence homestead increase by more than eight percent, the qualified voters of the water district by petition may require that an election be held to determine whether to reduce the operation and maintenance tax rate to the rollback tax rate under Section 49.236(d), Water Code

CITY OF KINGSVILLE  
PLANNING AND ZONING DIVISION  
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address: 2730 S. Brahma Blvd  
Sk 100 Nearest Intersection \_\_\_\_\_

(Proposed) Subdivision Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

Legal Description: \_\_\_\_\_

Existing Zoning Designation \_\_\_\_\_ Future Land Use Plan Designation \_\_\_\_\_

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent: Wishy Washy LLC Phone: 563-1547 FAX \_\_\_\_\_

Email Address (for project correspondence only): \_\_\_\_\_

Mailing Address: 2109 Las Palmas Dr City: Kingsville State: TX Zip: 78363

Property Owner \_\_\_\_\_ Phone \_\_\_\_\_ FAX \_\_\_\_\_

Email Address (for project correspondence only): \_\_\_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

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

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

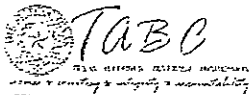
Please provide a basic description of the proposed project: Liquor Store

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

Applicant's Signature: [Signature] Date: 7-15-14

Property Owner(s) Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Accepted by: Jessica Ford Date: 7/15/14



# Off-Premise Prequalification Packet

7/14/14  
L-OFF (09/2013)

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

## LOCATION INFORMATION

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

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

### 2. Indicate Primary Business at this Location

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

### 3. Trade Name of Location

Tipsy Time

### 4. Location Address

2730 S. Brahma Blvd sk 102 Kingsville, TX 78363

City <u>Kingsville</u>	County <u>Kleberg</u>	State <u>TX</u>	Zip Code <u>78363</u>
---------------------------	--------------------------	--------------------	--------------------------

### 5. Mailing Address

City <u>2109 Las Palmas Dr</u>	State <u>TX</u>	Zip Code <u>78363</u>
-----------------------------------	--------------------	--------------------------

### 6. Business Phone No.

(361) 563-1547

### Alternate Phone No.

(361) 563-0774

### E-mail Address

tipsytime.liquor-beer-wine@gmail.com

## OWNER INFORMATION

### 7. Type of Owner

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

### 8. Entity/Applicant

Wishy Washy LLC

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

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

Last Name <u>Grotke</u>	First Name <u>Matthew</u>	MI <u>J</u>	Title <u>Owner</u>
Last Name <u>Cook</u>	First Name <u>Audra</u>	MI <u>Y</u>	Title <u>Owner /mgr</u>
Last Name	First Name	MI	Title



CITY OF  
**KINGSVILLE**  
MEMORANDUM

DATE

Friday, July 14, 2014

TO

Mary Valenzuela, City Secretary

FROM

Engineering Department

SUBJECT

Alcohol License for 2730 S. Brahma Blvd.

Mrs. Valenzuela,

After performing the research and physical inspection you requested for the property at 2730 S. Brahma Blvd., we have concluded that the property in question does fall within the 1,000 ft boundary of a (1 school); therefore, it will require a variance according to City Ordinance sections 11-3-4&5.

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

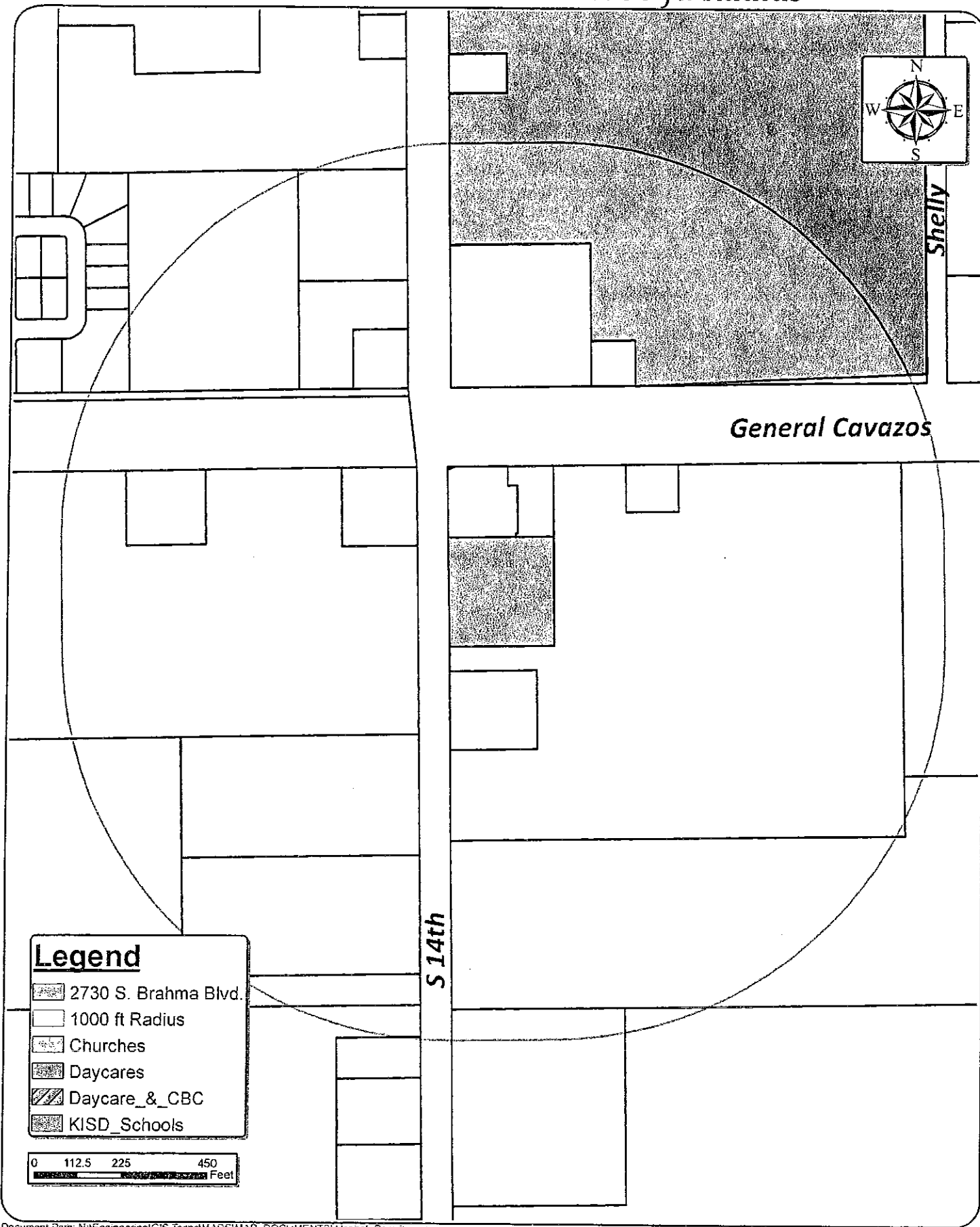
Thank you,

Engineering Department

**Attachment 1** shows the property and the relative location of the (1 school); suspected to be close to the property. H.M.King High School are within the 1,000 foot boundary.

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

# 2730 S. Brahma Blvd 1000 ft. Radius



## Legend

- 2730 S. Brahma Blvd.
- 1000 ft Radius
- Churches
- Daycares
- Daycare\_&\_CBC
- KISD\_Schools

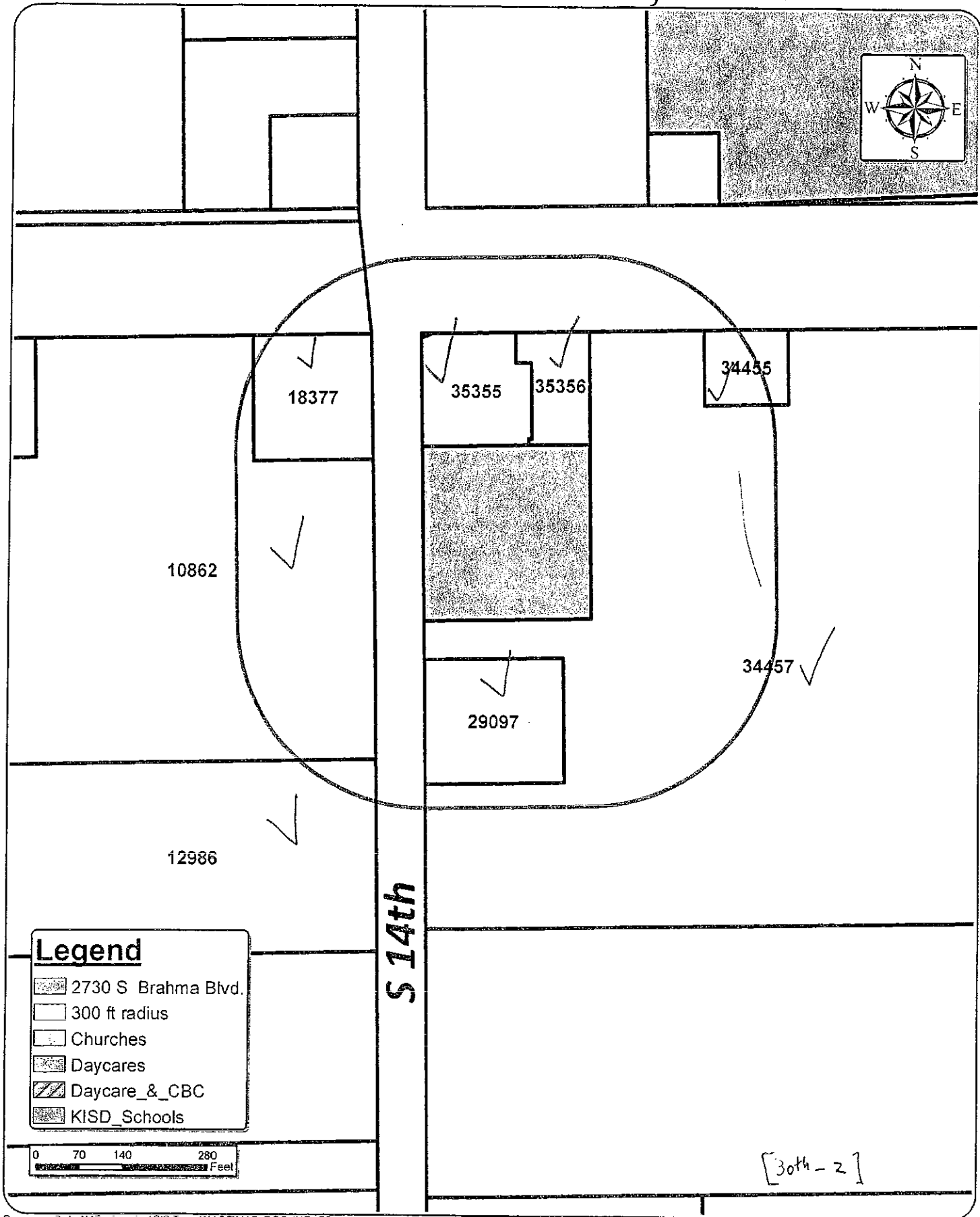
0 112.5 225 450 Feet

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Page 1 / 1	Drawn By: Engineering Dept.	DISCLAIMER THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING OR ANY OTHER PURPOSE.		<b>CITY OF KINGSVILLE</b> <b>ENGINEERING DEPARTMENT</b> 200 East Kleberg Kingsville, Texas 78363 Office: 361-595-8005 Fax: 361-595-8035
	Last Update: 7/14/2014			
	Note: Please see attached documents.			



# 2730 S. Brahma Blvd 300 ft. Radius



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Page 1 / 1	Drawn By: Engineering Dept.	<p><b>DISCLAIMER</b></p> <p>THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING OR ANY OTHER PURPOSE.</p>	<p><b>CITY OF KINGSVILLE</b>  <b>ENGINEERING DEPARTMENT</b>          200 East Kleberg          Kingsville, Texas 78363          Office: 361-595-8005          Fax: 361-595-8035</p>
	Last Update: 7/14/2014		
	Note: Please see attached documents		

# **PUBLIC HEARING #2**

## Ratings

in Closing Performance Postsecondary Readiness gold star distinction in Top 25 Readiness.  
Gaps, surpassing the target score of 28; and 33 in of 12. The school also earned Percent Closing Performance Bishop Elementary  
score of 28; and 33 in of 12. The school also earned Gaps and Postsecondary received an 80 in Student

### NOTICE OF 2014 TAX YEAR PROPOSED PROPERTY TAX RATE FOR CITY OF KINGSVILLE

A tax rate of \$0.89255 per \$100 valuation has been proposed for adoption by the governing body of CITY OF KINGSVILLE. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate.

PROPOSED TAX RATE	\$0.89255 per \$100
PRECEDING YEAR'S TAX RATE	\$0.84220 per \$100
EFFECTIVE TAX RATE	\$0.82758 per \$100
ROLLBACK TAX RATE	\$0.89258 per \$100

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for CITY OF KINGSVILLE from the same properties in both the 2013 tax year and the 2014 tax year.

The rollback tax rate is the highest tax rate that CITY OF KINGSVILLE may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS FOLLOWS:

$$\text{property tax amount} = (\text{rate}) \times (\text{taxable value of your property}) / 100$$

For assistance or detailed information about tax calculations, please contact:

MELISSA T. DE LA GARZA, PCC  
KLEBERG COUNTY TAX ASSESSOR-  
COLLECTOR  
700 E. Kleberg, Kingsville TX 78363  
361-595-8542  
mtdelagarza@co.kleberg.tx.us  
www.cityofkingsville.com

You are urged to attend and express your views at the following public hearings on the proposed tax rate:

First Hearing: August 25, 2014 at 6:00 PM at the Honorable Robert H. Alcorn Commission Chambers, City Hall/ 200 E. Kleberg, Kingsville TX.

Second Hearing: September 3, 2014 at 6:00 PM at the Honorable Robert H. Alcorn Commission Chambers, City Hall/ 200 E. Kleberg, Kingsville TX.

### NOTICE OF 2014 TAX YEAR PROPOSED PROPERTY TAX RATE FOR COUNTY OF KLEBERG

A tax rate of \$0.74481 per \$100 valuation has been proposed for adoption by the governing body of COUNTY OF KLEBERG. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate.

PROPOSED TAX RATE	\$0.74481 per \$100
PRECEDING YEAR'S TAX RATE	\$0.74481 per \$100
EFFECTIVE TAX RATE	\$0.74004 per \$100
ROLLBACK TAX RATE	\$0.81879 per \$100

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for COUNTY OF KLEBERG from the same properties in both the 2013 tax year and the 2014 tax year.

The rollback tax rate is the highest tax rate that COUNTY OF KLEBERG may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS FOLLOWS:

$$\text{property tax amount} = (\text{rate}) \times (\text{taxable value of your property}) / 100$$

For assistance or detailed information about tax calculations, please contact:

MELISSA T. DE LA GARZA, PCC  
COUNTY OF KLEBERG TAX ASSESSOR-  
COLLECTOR  
700 E. Kleberg, Kingsville, TX 78363  
361-595-8542  
mtdelagarza@co.kleberg.tx.us  
www.co.kleberg.tx.us

You are urged to attend and express your views at the following public hearings on the proposed tax rate:

First Hearing: September 2, 2014 at 5:30 PM at the Courthouse Annex Law Enforcement Center, 1500 E. King, Kingsville TX.

Second Hearing: September 8, 2014 at 5:30 PM at the Courthouse Annex Law Enforcement Center, 1500 E. King, Kingsville TX.

Achievement, surpassing the target score of 55; 44 in Student Progress, surpassing the target score of 33; 41 in Closing Performance Gaps, surpassing the target score of 28; and 39 in Postsecondary Readiness, surpassing the target score of 12. The school also earned gold star distinction in Top 25 Percent Closing Performance Gaps and Postsecondary Readiness.

Lillian E. Inehera Junior High received a 75 in Student Achievement, surpassing the target score of 55; 35 in Student Progress, surpassing the target score of 28; 37 in Closing Performance Gaps, surpassing the target score of 27; and 39 in Postsecondary Readiness, surpassing the target score of 13.

Bishop High School received an 82 in Student Achievement, surpassing the target score of 55; 44 in Closing Performance Gaps, surpassing the target score of 31; and 72 in Postsecondary Readiness, surpassing the target score of 57.

The high school also earned gold star distinction in Reading/ELA and Social Studies.

At Driscoll ISD, Driscoll Elementary School received an 87 in Student Achievement, surpassing the target score of 55; 40 in Student Progress, surpassing the target score of 33; 44 in Closing Performance Gaps, surpassing the target score of 28; and 38 in Postsecondary Readiness, surpassing the target score of 12. The school also earned gold star distinction in Science, Top 25 Percent Closing Performance Gaps and Postsecondary Readiness.

Driscoll Middle School received an 82 in Student Achievement, surpassing the target score of 55; 40 in Student Progress, surpassing the target score of 28; 43 in Closing Performance Gaps, surpassing the target score of 27; and 47 in Postsecondary Readiness, surpassing the target score of 13. The middle school also earned gold star distinction in Reading/ELA, Mathematics, Science, Top 25 Percent Student Progress, Top 25 Percent Closing Performance Gaps and Postsecondary Readiness.

At Ricardo ISD, Ricardo Elementary School received a 79 in Student Achievement, surpassing the target score of 55; 35 in Student Progress, surpassing the target score of 33; 41 in Closing Performance Gaps, surpassing the target score of 28; and 34 in

Postsecondary Readiness, surpassing the target score of 12. The elementary school also earned a gold star distinction in Reading/ELA.

Ricardo Middle School received an 82 in Student Achievement, surpassing the target score of 55; 42 in Student Progress, surpassing the target score of 28; 40 in Closing Performance Gaps, surpassing the target score of 27; and 49 in Postsecondary Readiness, surpassing the target score of 13. The middle school also earned gold star distinction in Reading/ELA, Mathematics, Top 25 Percent Student Progress and Postsecondary Readiness.

At Riviera ISD, Nanny Elementary received an 82 in Student Achievement, surpassing the target score of 55; 40 in Student Progress, surpassing the target score of 33; 41 in Closing Performance Gaps, surpassing the target score of 28; and 41 in Postsecondary Readiness, surpassing the target score of 12. The elementary school also earned gold star distinction in Mathematics and Science.

Knifer High School received a 77 in Student Achievement, surpassing the target score of 55; 38 in Closing Performance Gaps, surpassing the target score of 31; and 70 in Postsecondary Readiness, surpassing the target score of 57. The high school also received gold star distinction in Mathematics and Science.

At Santa Gertrudis ISD, Santa Gertrudis School received a 90 in Student Achievement, surpassing the target score of 55; 39 in Student Progress, surpassing the target score of 33; 57 in Closing Performance Gaps, surpassing the target score of 28; and 59 in Postsecondary Readiness, surpassing the target score of 12. The elementary school also earned gold star distinction in Reading/ELA, Mathematics, Science, Social Studies, Top 25 Percent Closing Performance Gaps and Postsecondary Readiness.

Academy High School received an 89 in Student Achievement, surpassing the target score of 55; 46 in Closing Performance Gaps, surpassing the target score of 31; and 76 in Postsecondary Readiness, surpassing the target score of 57. The high school also earned gold star distinction in Mathematics, Science, Social Studies, Top 25 Percent Closing Performance Gaps and Postsecondary Readiness.

## Contest

being offered for attendees of this year's Pinto Bean and BBQ Cook-Off.

In addition to the pinto bean and barbecue cooking contests, there will be vendors on hand to sell arts and crafts, along with other items, and various family-oriented events.

Those include a Drug-Free Kids Zone, Pinto Bean go rally, health fair, Pinto Bean Softball Tournament, Pinto Bean Volleyball Tournament, Boy's Baseball tournament, Cornhole and Washers Tournament, along with live music and entertainment.

Proceeds from this year's Pinto Bean and BBQ Cook-Off will benefit the Kleberg County Scholarship Fund, which was established this year to benefit one senior from every high school in the county who plans to attend Texas A&M University-Kingsville.

For more information on the Pinto Bean and BBQ Cook-Off - or to volunteer, become a sponsor or judge - contact Daniel Morales at (361) 219-0410 or Nue Ortiz at (210) 381-7175.



## The Bridal Center

Inside The Man Shop Cleaners

*Your Complete Bridal Service Shop*

- Bridal Dresses and Accessories
- Quinceañera Dresses and 15th BD
- Prom Dresses sizes 2-2X
- Mother of the Bride Dresses
- Communion Sets, Ties and Veils

Owner - Victoria Garza

817 S. 14th Street • Kingsville, TX

(361) 592-7229

# **CONSENT AGENDA**

# **AGENDA ITEM #1**

**ORDINANCE NO.2014-\_\_\_\_\_**

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER VII, ARTICLE 5, TRAFFIC SCHEDULES; PROVIDING FOR A NEW SCHOOL ZONE ON SHELLY STREET FOR THE KINGSVILLE INDEPENDENT SCHOOL DISTRICT'S H.M.KING HIGH SCHOOL AND THE INSTALLATION OF SCHOOL ZONE SIGNS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, the City of Kingsville proposes to add a the school zone for H.M. King High School on Shelly Street as the school has recently undergone renovation and now has entrances and exits on Shelly Street, where there was none before and the existing speed limit on that street is 30 miles per hour;

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

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

I.

**THAT** Schedule II: Speed Limits in School Zones of Article 5: Traffic Schedules of Chapter VII, Traffic Code, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

**SCHEDULE II: SPEED LIMITS IN SCHOOL ZONES.**

The school zones defined herein, when properly marked, shall have speed limits as follows:

<i>School</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Ord. No.</i>	<i>Date Passed</i>
...				
H.M. King High School	Beginning at a point 300 feet north of the northern most school exit onto Brahma Blvd. and extending to a point 200 feet south of the southern most school entrance from Brahma Blvd.	25 mph	88023	9-12-88
<u>H.M. King High School</u>	<u>Beginning at a point 400 feet south of Ailsie Avenue extending south on Shelly Blvd. to a point 400 feet north of General Cavazos Blvd.</u>	<u>15 mph</u>	<u>2014-_____</u>	<u>8-25-14</u>
...				

II.

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

III.

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

IV.

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

**INTRODUCED** on this the 11 th day of August, 2014.

**PASSED AND APPROVED** on this the 25 th day of August, 2014.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

AILSIE AVE.



200'

200'



H.M.KING  
HIGH  
SCHOOL



SHELLY BLVD.



200'

200'



GENERAL CAVAZOS BLVD.

# H.M. KING HIGH SCHOOL SPEED LIMIT SHELLY BLVD.

Drawn by: S. SANTILLAN

Date: 08-04-2014

Note:

Job:

Scale: NTS



CITY OF KINGSVILLE  
ENGINEERING DEPARTMENT

200 East Kleberg  
Kingsville, Texas 78363  
Office 361.595.8005  
Fax 361.595.8035





## ***Engineering Department***

361-595-8005

361-595-8035 Fax

DATE: July 31, 2014

TO: City Commission through City Manager

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

SUBJECT: Establish a school zone on Shelly Blvd. from Ailsie to General Cavazos Blvd. during specified times in school operation hours

### **SUMMARY**

This item allows the city to establish a school zone on Shelly Blvd. from Ailsie Avenue to General Cavazos Blvd. during specified times in school operations hours. The established speed in the school zone shall be 15 Miles Per Hour (15 MPH).

### **BACKGROUND**

The Kingsville Independent School District remodeled the H.M. King High School and is open for enrollment in 2014. With the new remodel, traffic patterns and driveway configurations were changed. As part of the driveway changes, there are now ingress and egress to the school from Shelly Blvd. The existing speed limit on Shelly Blvd. is 30 MPH. Due to the new traffic patterns, it is important to reduce the speed on Shelly Blvd. during school drop off and pick up hours. The standard practice (and maximum amount to reduce a posted speed) is to reduce the speed by 15 MPH. Therefore, the Speed should be reduced from 30 MPH to 15 MPH during specified times in school operation hours.

### **RECOMMENDATION**

Given the new driveway configuration, new traffic patterns and ingress/egress, staff recommends to establish a school zone on Shelly Blvd. from Ailsie Avenue to General Cavazos Blvd. reducing the speed from 30 MPH to 15 MPH during specified times in school operation hours.

### **FINANCIAL IMPACT**

The School zone will be placed with signs only during this time. Flashing beacons are not a requirement and are used only to supplement the static signs. The cost of the installation of the static sign is \$1,200.00 for 6 signs total. The cost is budgeted through our street department general fund. Establishing the school zone will be in accordance with state and federal guidelines and the Manual of Uniformed Traffic Control Devices (MUTCD).

Approved

---

Vincent Capell, City Manager

## **AGENDA ITEM #2**

ORDINANCE NO. 2014-\_\_\_\_\_

**AN ORDINANCE AMENDING THE FISCAL YEAR 2013-2014 BUDGET FOR THE TOURISM FUND TO PROVIDE FUNDING TO THE FAÇADE GRANT PROGRAM.**

**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 002 Tourism Fund</b>					
<u>Capital</u>					
2		Unreserved Fund Balance	61002		<u>\$10,000</u>
					<u>\$10,000</u>
<u>Expenses</u>					
5-1072	Visitor Services	Façade Grants	34600	<u>\$10,000</u>	
				<u>\$10,000</u>	

To amend the FY14 Tourism Fund budget as per the attached memo provided by the Tourism Department for additional funding to include Al's Hair Design in the Façade Grant program.

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

III.

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

IV.

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

**INTRODUCED** on this the 11th day of August, 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



**Date:** July 30, 2014

**To:** City Commission via City Manager

**From:** Cynthia Martin, Interim Director of Tourism

**Re:** Façade grant for Mr. Adelmo Luera

Last October, the City Commission, approved a façade grant program funded by hotel/motel tax revenues. Grant awards are considered for historic property owners who repair, improve, replace and/or rehabilitate certain building facades or other exterior features. The façade grant awards are intended to achieve a certain public purpose, namely the protection and preservation of the City's historic structures in a manner that promotes tourism and encourages economic development.

Mr. Adelmo Luera has applied for a façade grant to restore the façade of his building at 321 E Kleberg to its historic appearance. Built in 1935, this one-of-a-kind, two-tone green Art Moderne building was formerly Weisman's Jewelry. The building is considered to have high integrity as the Vitrolite glass tiles on the façade are original to the building as is the curved, concrete canopy. In its current condition, pieces of the glass tiles are missing, the façade is marred with mastic that held a former sign, the canopy is deteriorated to the point that the rebar is exposed in places and the transom windows are covered with plywood. The restoration of the façade would involve cleaning and repairing the existing tiles and replacing any missing glass, repairing the canopy and uncovering and rebuilding the transom windows. This project will cost approximately \$10,000.

Our façade grants are intended to be a 50-50 reimbursement match with the City matching the owner's invested dollars on a dollar-for-dollar basis. In the case of Mr. Luera, we are requesting that City Commission utilize some of Mr. Luera's recent investments in the building to serve as the match for the proposed façade improvement amount that exceeds \$5,000 (50%). Mr. Luera purchased the building at 321 E Kleberg, a building that had sat vacant for years, last September and has since put about \$45,000 into bringing the building up to code, installing air conditioning and refinishing the interior to suit his business.

Restoration of the façade of this building would benefit the city in several ways. It would improve the appearance of our downtown; it would contribute to the momentum gathering to redevelop the south side of the 300 block of E Kleberg thanks to the Texas Theater restoration project and the recent purchase and proposed renovation of the vacant building at 323 E Kleberg and would have a positive impact on Mr. Luera's business. Al's Hair Design has been in business over 30 years in Kingsville and represents a stable business – the kind we want downtown. Without this grant money, the restoration of the façade could not happen within the near future.

We are requesting that City Commission authorize setting aside \$10,000 for a façade grant for Mr. Adelmo Luera subject to the rules, conditions, inspections, approvals and documentation set forth in the guidelines and application.

# **AGENDA ITEM #3**

ORDINANCE NO. 2014-\_\_\_\_\_

**AN ORDINANCE AMENDING THE FISCAL YEAR 2013-2014 BUDGET FOR THE GENERAL FUND SERVICE CENTER TO PROVIDE FUNDING FOR THE SERVICE CENTER TO REPAIR AND RESTART THE CATHODIC PROTECTION SYSTEM AND FOR TCEQ REQUIRED INSPECTIONS.**

**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 001 General Fund</b>					
<u>Capital</u>					
2		Unreserved Fund Balance	61000		<u>\$4,704</u>
					<u>\$4,704</u>
<u>Expenses</u>					
5-3020	Service Center	Professional Services	31400	<u>\$4,704</u>	
				<u>\$4,704</u>	

To amend FY14 General Fund Service Center budget as per the attached memo provided by the Engineering Department for the repair and restart of the cathodic protection system on the City's fuel pump system and inspections as per the Texas Commission on Environmental Quality (TCEQ) requirements.

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

III.

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

IV.

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

**INTRODUCED** on this the 11th day of August, 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





## ***Engineering Department***

361-595-8007

361-595-8035 Fax

DATE: July 18, 2014  
TO: City Commission through City Manager  
FROM: Juan Carlos Cardenas, P.E., City Engineer/Director of Public Works  
SUBJECT: General Fund Budget Amendment 001- 5-302.0-314.00 (Professional Services)

### **SUMMARY**

This item authorizes a budget amendment to the General Fund 001-5-302.0-314.00 (Service Center Professional Services) for services occurring in fiscal year 2013 for repair and restart of the cathodic protection system on the city's fuel and pump system and inspections as per the Texas Commission on Environmental Quality (TCEQ) requirements.

### **BACKGROUND**

In FY 2013, \$4,704.00 was incurred on services rendered for the repair and restart of the cathodic protection system to the city's fuel pump (tank) system. In June 2014 the city received the invoice from Applied Petroleum Technologies for the amount of \$4,704.00. The original 2014 budget was \$1,200.00, with \$1,682.00 expended (\$1,000.00 transfer in equipment maintenance). \$4,704.00 is being requested to pay for services rendered.

#### **Fund (001-5-302.0-314.00) Service Center General Fund :**

Original Adopted Budget: \$1,200.00

Total Current Budget: \$2,200.00 (\$1,000.00 Budget transfer)

Spent until July 2014: \$1,682.00

Budget Amend Increase for 2014 General Fund: 4,704.00

### **RECOMMENDATION**

The proposed budget amendment is important to pay for services rendered that were required to repair the cathodic protection system and required TCEQ inspections. Staff recommends proceeding with approval of the proposed budget amendment.

### **FINANCIAL IMPACT**

Detail of the Budget Amendment is mentioned above.

Approved

---

Vincent Capell, City Manager

## **AGENDA ITEM #4**

**ORDINANCE NO. 2014-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2013-2014 BUDGET FOR THE GENERAL FUND LANDFILL DEPARTMENT TO PROVIDE FUNDING FOR GROUND WATER MONITORING AND TITLE V AIR PERMIT.**

**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
-----------	------------------	---------------	-----------------	-----------------	-----------------

**Fund 001 General Fund**

Capital

2		Unreserved Fund Balance	61000		<u>\$23,786</u>
					<u>\$23,786</u>

Expenses

5-1703 Landfill		Professional Services	31400	<u>\$23,786</u>	
				<u>\$23,786</u>	

To amend FY14 General Fund Landfill budget as per the attached memo provided by the Engineering Department for additional background data of Ground Water Monitoring required by the Texas Commission on Environmental Quality (TCEQ) and for additional requirements for the Title V Air Permit Report.

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

III.

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

IV.

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

**INTRODUCED** on this the 11th day of August, 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



## ***Engineering Department***

361-595-8007  
361-595-8035 Fax

DATE: July 18, 2014  
TO: City Commission through City Manager  
FROM: Juan Carlos Cardenas, P.E., City Engineer/Director of Public Works  
SUBJECT: General Fund Budget Amendment 001- 5-170.3-314.00 (Professional Services)

### **SUMMARY**

This item authorizes a budget amendment to the General Fund 001-5-170.3-314.00 (Landfill Professional Services) for expenditures occurring this fiscal year 2014 for additional background data of Ground Water Monitoring required by the Texas Commission on Environmental Quality (TCEQ) and for additional requirements for the Title V Air Permit report.

### **BACKGROUND**

In FY 2014, \$70,000.00 was the original budget. \$36,265.00 was amended in March to cover TCEQ Groundwater Monitoring and Reporting fees. There has been \$79,618.00 expensed. In order to complete the TCEQ Groundwater Monitoring requirements, State Air permit fees and landfill operations, \$23,786.00 will be required in FY 2014.

#### **Fund (001-5-170.3-314.00) Landfill General Fund :**

Original Adopted Budget: \$70,000.00  
Total Current Budget: \$106,265.00 (prior Budget Amendment)  
Spent until July 2014: \$79,618.00  
Budget Amend Increase for 2014 General Fund: \$23,786.00

### **RECOMMENDATION**

The proposed budget amendment is vital to complete TCEQ requirements and finish the Landfill Fiscal Year. Staff recommends proceeding with approval of the proposed budget amendment.

### **FINANCIAL IMPACT**

Detail of the Budget Amendment is mentioned above.

Approved

---

Vincent Capell, City Manager

# **AGENDA ITEM #5**

**ORDINANCE NO. 2014-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2013-2014 BUDGET FOR THE UTILITY FUND WASTE WATER DEPARTMENT TO PROVIDE FUNDING FOR REPAIR OF 2000 AMP MAIN BREAKER AND FUEL PURCHASE FOR BACKUP GENERATOR.**

**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 051 Utility Fund</b>					
<u>Capital</u>					
2		Unreserved Fund Balance	61002		<u>\$40,429</u>
					<u>\$40,429</u>
<u>Expenses</u>					
5-7001	Wastewater	Professional Services	31400	\$24,269	
5-7001	Wastewater	Motor Gas & Oil	21500	<u>\$16,160</u>	
				<u>\$40,429</u>	

To amend FY14 Fund 051 Utility Fund Wastewater Department budget as per the attached memo provided by the Engineering Department for the repair of a 2000 AMP breaker and the diesel fuel used by the backup generator.

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

III.

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

IV.

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

**INTRODUCED** on this the 11th day of August, 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





## ***Engineering Department***

361-595-8007  
361-595-8035 Fax

DATE: July 18, 2014  
TO: City Commission through City Manager  
FROM: Juan Carlos Cardenas, P.E., City Engineer/Director of Public Works  
SUBJECT: Utility Fund Budget Amendment 051- 5-700.1-314.00 (Professional Services)  
Utility Fund Budget Amendment 051- 5-700.1-215.00 (Motor, gas & oil)

### **SUMMARY**

This item authorizes a budget amendment to the Utility Fund (051)(Professional Services/Motor, Gas and Oil accounts) for expenditures occurring this fiscal year 2014 during the replacement of a 2000 AMP breaker at the 3 MGD Waste water treatment plant (north plant) and for the fuel used to operate the backup generator for the blowers.

### **BACKGROUND**

On July 1, 2014 a 2000 AMP breaker failed at the 3 MGD (North plant) Waste water treatment plant. The 2000 AMP breaker is used to at the blower house at the plant. As a result, the older blower was used as a backup system receiving power from the 800 KW diesel fueled generator. 5130 gallons of fuel was used in a 10 day period. There were \$35,000.00 budgeted in professional services. There were \$23,719.00 in Motor, gas and oil. \$24,269.00 in professional services and \$16,160.00 in Motor, Gas and fuel is needed to cover expenses in this unforeseen event.

#### **Fund (051-5-700.1-314.00) Professional Services :**

Original Adopted Budget: \$35,000.00

Spent until July 2014: \$22,045.00

Budget Amend Increase for 2014 General Fund: \$24,269.00

#### **Fund (051-5-700.1-215.00) Motor, Gas & oil :**

Original Adopted Budget: \$23,719.00

Spent until July 2014: \$11,380.00

Budget Amend Increase for 2014 General Fund: \$16,160.00

### **RECOMMENDATION**

The proposed budget amendment(s) is important to continue operations at the 3MGD plant due to this unforeseen event. Staff recommends proceeding with approval of the proposed budget amendment.

### **FINANCIAL IMPACT**

Detail of the Budget Amendment is mentioned above.

Approved

---

Vincent Capell, City Manager

# **AGENDA ITEM #6**

**ORDINANCE NO. 2014-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2013-2014 BUDGET FOR THE GENERAL FUND MUNICIPAL COURT DEPARTMENT TO PROVIDE FUNDING FOR TEMPORARY EMPLOYEES IN MUNICIPAL COURT WHILE DEPARTMENT WAS UNDERSTAFFED.**

**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
<hr/>					
<b>Fund 001 General Fund</b>					
<u>Capital</u>					
2		Unreserved Fund Balance	61000		<u>\$15,000</u>
					<u>\$15,000</u>
<u>Expenses</u>					
5-1803	Municipal Court	Salaries and Wages	11100	<u>\$15,000</u>	
				<u>\$15,000</u>	

[To amend the FY14 General Fund budget as per the attached memo provided by the Finance Department for additional funding for Salaries and Wages for two temporary employees while Municipal Court was understaffed.]

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

III.

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

IV.

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

**INTRODUCED** on this the 11th day of August, 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

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# CITY OF KINGSVILLE

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**TO:** VINCENT CAPELL, CITY MANAGER  
**FROM:** DEBORAH BALLI, FINANCE DIRECTOR  
**DATE:** 7/31/14  
**SUBJECT:** Budget Amendment-Municipal Court Personnel Expenditures

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The attached budget amendment is requesting a \$15,000 increase in personnel expenditures for Municipal Court. Municipal Court is requesting additional funding to cover the expense of two temporary employees while two full time employees were on leave. Line item transfers will not be able to absorb the additional cost.

This Budget Amendment, given your approval, would be on the Commission Meeting Agenda August 11, 2014 for first reading.

Sincerely,



Deborah Balli

CC: Courtney Alvarez, City Attorney

# **AGENDA ITEM #7**

**ORDINANCE NO. 2014-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2013-2014 BUDGET FOR THE GENERAL FUND FINANCE DEPARTMENT TO PROVIDE FUNDING FOR ADDITIONAL AUDIT FEES.**

**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 001 General Fund</b>					
<u>Capital</u>					
2		Unreserved Fund Balance	61000		<u>\$13,000</u>
					<u>\$13,000</u>
<u>Expenses</u>					
5-1801	Finance Admin	Prof Svcs-Audit Services	31470	<u>\$13,000</u>	
				<u>\$13,000</u>	

[To amend the FY14 General Fund budget as per the attached memo provided by the Finance Department for additional funding for audit fees incurred during the FY12-13 audit.]

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

III.

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



IV.

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

**INTRODUCED** on this the 11th day of August, 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

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# CITY OF KINGSVILLE

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**TO:** VINCENT CAPELL, CITY MANAGER  
**FROM:** DEBORAH BALLI, FINANCE DIRECTOR  
**DATE:** 7/31/14  
**SUBJECT:** Budget Amendment-Professional Services-Audit Services

---

The attached budget amendment is requesting a \$13,000 increase in the Professional Services-Audit Services line item. The total audit fees for the FY12-13 audit totaled an additional \$26,009 over the original budgeted amounts. \$13,009 of this overage will be absorbed by line item transfers.

This Budget Amendment, given your approval, would be on the Commission Meeting Agenda August 11, 2014 for first reading.

Sincerely,



Deborah Balli

CC: Courtney Alvarez, City Attorney

# **REGULAR AGENDA**

## **AGENDA ITEM #8**



## Planning & Development Services Department

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TO: Mayor & City Commission

THROUGH: Vincent Capell, City Manager

FROM: Cynthia Martin, Interim Director of Planning & Development Services

SUBJECT: **Request for Alcohol Variance at 2730 S. Brahma Blvd. Ste 100**

DATE: August 14, 2014

---

Ms. Audra Cook, applicant for Topsy Time, is requesting an alcohol variance for a Beer Retail Dealer's Off-Premise License, Package Store Permit, Local Distributor's Permit, Local Cartage Permit and Package Store Tasting Permit for the establishment known as Topsy Time. This address is located at 2730 S. Brahma Blvd. Suite 100 and is within 300ft of a school. The property in question therefore requires a variance according to City ordinance ORD-2004-20.

Also, all required notices have been sent to the property owners within 300ft. Additionally, a public hearing notice was placed in the newspaper on August 3, 2014. As of this point, we have not received any negative feedback from the property owners or citizens that have been noticed.

## Improvements

### City of Kingsville Franchise Fee Revenue from CMA/NewWave

Fiscal Year	Franchise Fee Collected
2005-06	\$102,488.97
2006-07	\$111,154.68
2007-08	\$89,204.06
2008-09	\$110,565.41
2009-10	\$110,769.34
2010-11	\$109,813.26
2011-12	\$80,994.28
2012-13	\$50,389.57
2013-14*	\$62,035.54
<b>TOTAL</b>	<b>\$827,415.11</b>

Source: City of Kingsville Finance Department  
\* Total only through June 2014.

"CMA's weaker penetration will pull down NewWave's already weak operating metrics, and the acquisition poses some execution risk given the need to upgrade the plant," the May 31, 2013 report stated. "However, given the favorable competitive environment in CMA's territory, Moody's sees opportunity for growth in high speed data and commercial customers once NewWave upgrades CMA's network, and the combination enhances scale."

"Those upgrades locally are part of a \$25 million initiative by NewWave, which focuses on providing Internet and cable to rural areas, to improve its systems throughout the State of Texas," Bookout said. In Kingsville, that has meant upgrades to the system's equipment and installing an additional 35 miles of fiber optic cable.

"All of that \$25 million is not in Kingsville, but a significant portion of it is because Kingsville is one of our larger towns in the State of Texas," Bookout said, adding that the company has seen "double-digit percentage growth" in its subscriber base in Kingsville since it acquired CMA in June 2013. He declined to specify an exact customer count for the company, citing confidentiality concerns.

For city leaders, there is optimism that the improvements currently in progress will help remedy a negative reputation Kingsville has developed for cable and Internet service.

"I've been encouraged for some time - it's a positive step," City Manager Vince Capell said on Thursday. "The very fact that they're out there trying to improve their system has to be a positive - I hope it's enough."

Perception is everything. "I'd like to publicly express my discontent with how they're doing things." Those were the words used by Kingsville City Commissioner Al Garcia during an April 23 city commission meeting to describe his frustration with NewWave Communications. Garcia was speaking of his dissatisfaction with the company's cable service, something that was expressed publicly by residents in meetings prior to NewWave's ouster at CMA. Other city leaders at the April 23 meeting agreed with Garcia's stance, openly stating their displeasure with the company's services.

"I got so frustrated with them, I went to Dish Network," Kingsville Mayor Sam Pague told, with other city officials agreeing that something had to be done in order to remedy the situation for residents.

"Kingsville never turned

to CMA's 10-year, non-exclusive municipal franchise agreement with the city, which was ratified in July 2005 and is set to expire next year. The agreement gave CMA the right to operate a cable franchise within the City of Kingsville, but it does not bar other companies from establishing a cable or Internet business within the city limits. This is evident through the presence of other companies providing similar services, like DirecTV, Dish Network and AT&T.

"It doesn't prevent other competitors from coming in," City Attorney Courtney Alvarez said in a May 15 interview. "Other people would be entitled to come and set up shop if they wanted to, but it's hard to say, because if so many people were transitioning to satellite overall, then there's not many cable companies that want to invest in the infrastructure - it sounds kind of costly."

Representatives from Time Warner Cable, a possible competitor for CMA that currently provides cable and Internet service in nearby Bishop, declined to provide a comment for this story.

The municipal franchise agreement with CMA outlined a number of provisions to which the company must comply,

including payment of a 3 percent quarterly franchise fee based off gross revenues, submission of quarterly financial reports containing information on the company's local subscriber base and annual financial and income statements. The city also had the right to call public hearings to discuss and evaluate CMA's performance, but city officials have acknowledged that most of those provisions were not enforced by city leaders.

The company consistently made its franchise fee payments, though, which have totaled \$827,415.11 from October 2005 to June of this year, according to figures provided by the City of Kingsville's Finance Department. That is an average of \$91,935.81 per year.

"I think part of what's gone on, to be honest with you, is that I don't think anybody here in the city has been really monitoring it very closely," Capell said in a May 15 interview. "I think they just gave us the money, we put it in the bank and we spend it. We haven't been getting any of the reports, so one of the things we need to do is...do a better job of monitoring."

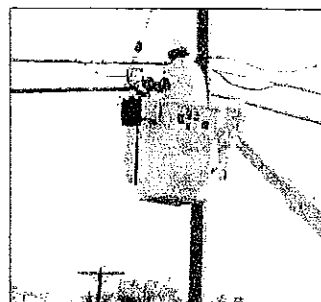
When asked about the provisions for performance evaluations or public hearings to discuss CMA's service, Capell acknowledged that "almost none of that has happened."

While city leaders had hoped to renegotiate the terms of the municipal franchise agreement when the deal came up for renewal next year, that option was actually eliminated several months after the deal was signed in July 2005. In September of that year, Senate Bill 5 established the State-issued Certificate of Franchise Authority, which replaced individual cable and video municipal franchises, like CMA's agreement with the city, as they expired.

In short, once the existing municipal franchise agreement expires, NewWave will fall under the state franchise authority, which it obtained in March 2013, prior to its purchase of CMA. Representatives with the Public Utility Commission of Texas said the state franchise agreement does not nullify

the municipal agreement before its expiration, but said once it expires next year the company will fall under the state franchise authority.

The city will still have some rights under the state franchise agreement that are present in its existing municipal agreement with NewWave, including public, educational and government access channels and an increased quarterly franchise fee based off 5 percent of gross revenues, according to the Public Utility Commission website. The city also has the right to submit reports in the state if the company has constant and unresolved customer service complaints that indicate a "clear" (See Internet, Page 9A)



Workers with NewWave Communications, which purchased CMA Communications last year, have been working over the past few months to install new fiber optic cable and equipment as part of the company's efforts to upgrade CMA's aging cable and Internet infrastructure. (Photo by Tim Acosta)

## PUBLIC NOTICE

The City Commission of the City of Kingsville will hold a public hearing on Monday, August 25, 2014, at 6:00 P.M. to discuss and/or take action on the following items:

Request for an alcohol variance for a Beer Retail Dealer's Off-Premise License, Package Store Permit, Local Distributor's Permit, Local Canteen Permit and Package Store Tasting Permit for the establishment known as Tippy Time located at 2730 S. Brahmans Blvd. Suite 100

The meeting will be held at City Hall, 200 East Kleberg Ave., Kingsville, Texas in the City Commission Chambers. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8053.

## TOOTH TIPS by Charles A. Clements, D.D.S.

MASTER IN THE ACADEMY OF GENERAL DENTISTRY

### Better Late Than Never!

Dental patients frequently feel that their problems are so bad that there's no hope, especially those over 40 or 50 who know they have not kept up with their dental repair and maintenance. However, our slant on this is that it's NEVER too late to get a healthier, more aesthetic, more comfortable mouth. Dentistry has changed immensely over my 35 year career and the advances are truly amazing. That's why I love my chosen profession so much! There are so many ways to help people - it's VERY rare that I have to tell a patient, "there's nothing we can do," because there's usually lots of help available and many treatment options to consider! For instance, just consider your smile. We can whiten your teeth, straighten them, reshape them, cover them partially (laminates) or totally (crowns), or even put a new tooth where the old one used to be. Believe me, you have many options and it's not too late! So let's talk. Call for your appointment today.



(361) 592-5248 www.KingsvilleDentist.com  
325 General Carrasco Blvd., Kingsville, Texas 78303  
TOOTH TIPS IS A REGULAR COLUMN PERSONALLY WRITTEN BY CHARLES A. CLEMENTS, D.D.S.

## Water District Notice of Public Hearing on Tax Rate

The South Texas Water Authority Board of Directors will hold a public hearing on a proposed tax rate for the tax year 2014 on August 11, 2014 at 5:30 p.m. in the South Texas Water Authority Office located at 111 East Sage Road, Kingsville, Texas 78363. Your individual taxes may increase or decrease, depending on the change in the taxable value of all other property and the tax rate that is adopted.

FOR the proposal: Rudy Galvan, Kathleen Lowman, Lupita Perez, Patsy Rodgers, Filiberto Trevino, Steve Vaughn  
AGAINST the proposal: none  
PRESENT and not voting: none  
ABSENT: Dr. Alberto Ruiz

The following table compares taxes on an average residence homestead in this taxing unit last year to taxes proposed on the average residence homestead this year.

	Last Year Adopted	This Year Proposed
Total tax rate (per \$100 of value)	\$0.08311-\$100	\$0.08736/\$100
Difference in rates per \$100 of value		\$0.00225/\$100
Percentage increase/decrease in rates (+/-)		2.63%
Average appraised value	\$72,955	\$75,833
General exemptions available (excluding senior citizen's or disabled person's exemptions)	\$ 5,000	\$ 5,000
Average taxable value	\$67,955	\$70,833
Tax on average residence homestead	\$57.58	\$66.38
Annual increase/decrease in taxes if proposed tax rate is adopted (+/-)		- \$8.80
and percentage of increase (+/-)		- 7.47%

## NOTICE OF TAXPAYERS' RIGHT TO ROLLBACK ELECTION

If taxes on the average residence homestead increase by more than eight percent, the qualified voters of the water district by petition may require that an election be held to determine whether to reduce the operation and maintenance tax rate to the rollback tax rate under Section 19.236(d) Water Code.

CITY OF KINGSVILLE  
PLANNING AND ZONING DIVISION  
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 2730 S. Brahma Blvd Nearest Intersection \_\_\_\_\_  
Project Address Sk 100

(Proposed) Subdivision Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

Legal Description: \_\_\_\_\_

Existing Zoning Designation \_\_\_\_\_ Future Land Use Plan Designation \_\_\_\_\_

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Wishy Washy LLC Phone 563-1547 FAX \_\_\_\_\_

Email Address (for project correspondence only): \_\_\_\_\_

Mailing Address 2109 Las Palmas Dr City Kingsville State TX Zip 78363

Property Owner \_\_\_\_\_ Phone \_\_\_\_\_ FAX \_\_\_\_\_

Email Address (for project correspondence only): \_\_\_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

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

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

Please provide a basic description of the proposed project: Liquor Store

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

Applicant's Signature [Signature] Date 7-15-14

Property Owner(s) Signature: \_\_\_\_\_ Date \_\_\_\_\_

Accepted by Jessica Ford Date 7/15/14



# Off-Premise Prequalification Packet

L-OFF (09/2013)

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

## LOCATION INFORMATION

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

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

### 2. Indicate Primary Business at this Location

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

### 3. Trade Name of Location

Tipsy Time

### 4. Location Address

2730 S. Brahma Blvd Ste 102 Kingsville, TX 78363

City

County

State

Zip Code

Kingsville

Kleberg

TX

78363

### 5. Mailing Address

2109 Las Palmas Dr Kingsville TX 78363

City

State

Zip Code

### 6. Business Phone No.

### Alternate Phone No.

### E-mail Address

(361) 563-1547

(361) 563-0774

tipsytime.liquor-beer-wine@gmail.com

## OWNER INFORMATION

### 7. Type of Owner

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

### 8. Entity/Applicant

Wishy Washy LLC

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

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

Last Name

First Name

MI

Title

Grotke

Matthew

J

Owner

Last Name

First Name

MI

Title

Cook

Audra

Y

Owner /mgr

Last Name

First Name

MI

Title





CITY OF  
**KINGSVILLE**

MEMORANDUM

DATE

Friday, July 14, 2014

TO

Mary Valenzuela, City Secretary

FROM

Engineering Department

SUBJECT

Alcohol License for 2730 S. Brahma Blvd.

Mrs. Valenzuela,

After performing the research and physical inspection you requested for the property at 2730 S. Brahma Blvd., we have concluded that the property in question does fall within the 1,000 ft boundary of a (1 school); therefore, it will require a variance according to City Ordinance sections 11-3-4&5.

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

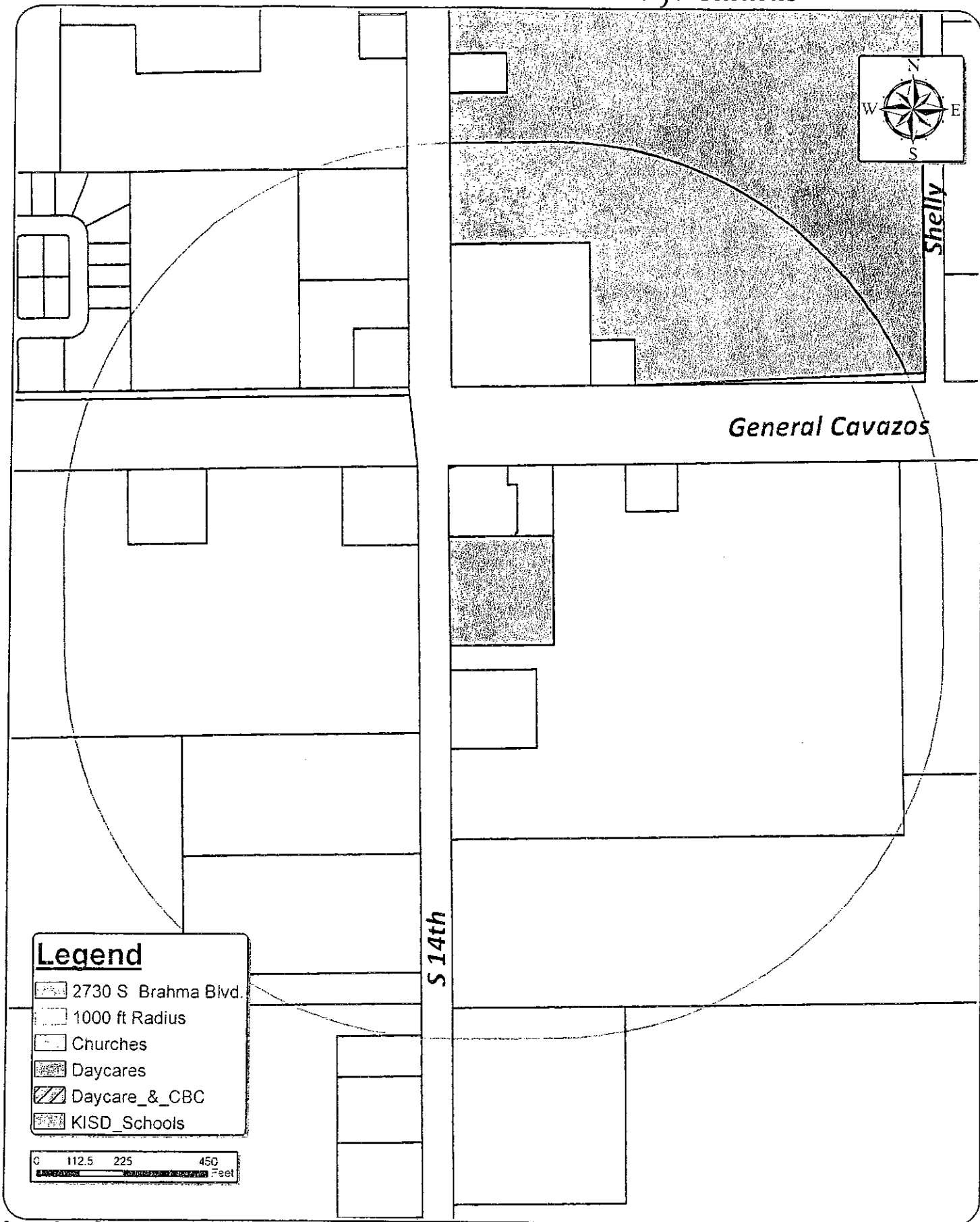
Thank you,

Engineering Department

**Attachment 1** shows the property and the relative location of the (1 school); suspected to be close to the property. H.M.King High School are within the 1,000 foot boundary.

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

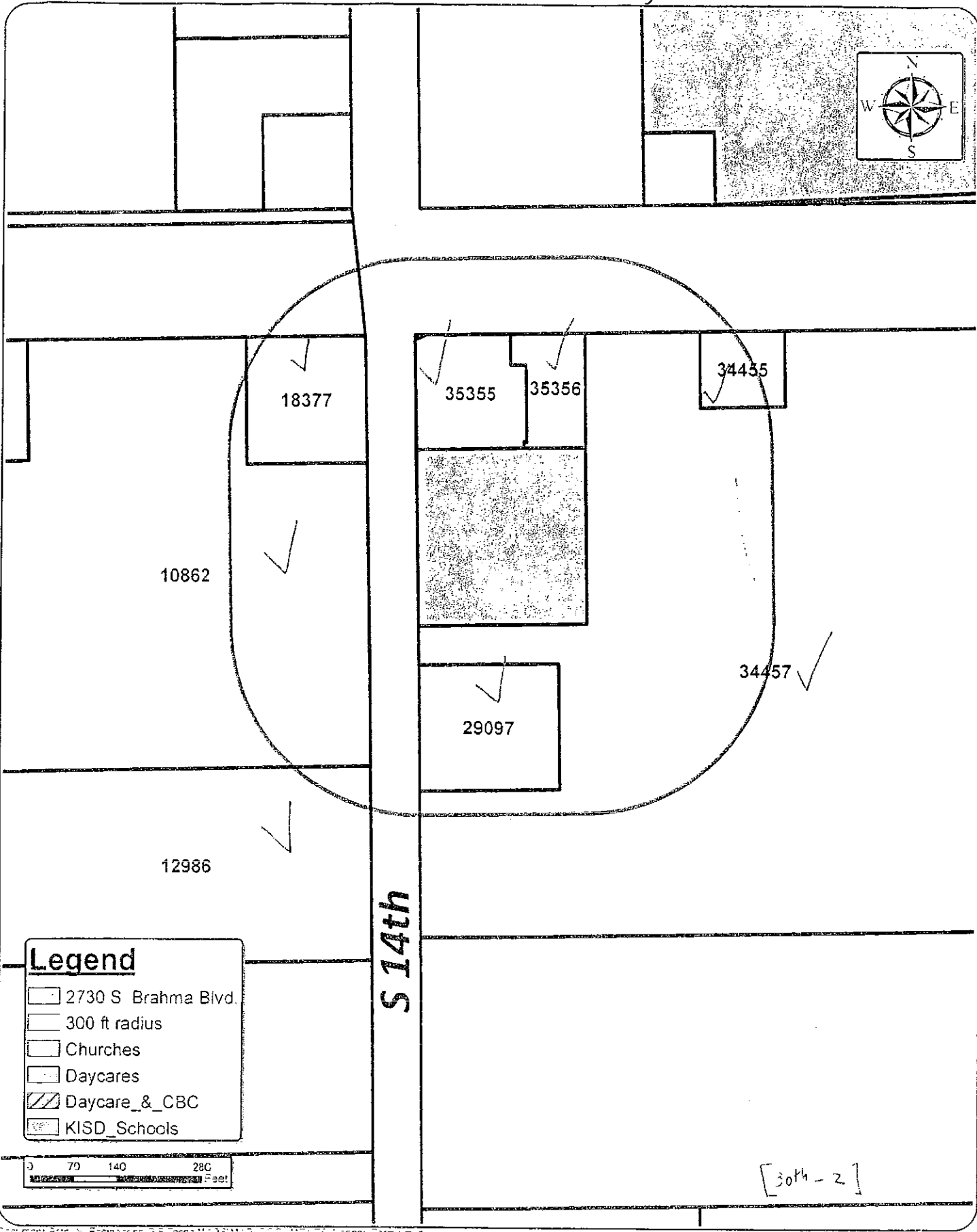
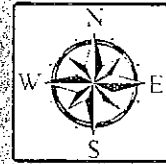
# 2730 S. Brahma Blvd 1000 ft. Radius



Document Path: N:\Engineering\GIS Techs\MAPS\MAP\_DOCUMENTS\Alcohol\_Permits.mxd

Page 1 / 1	Drawn By: Engineering Dept	<p><b>DISCLAIMER</b>          THIS MAP IS FOR VISUAL PURPOSES ONLY.          THE INFORMATION ON THIS SHEET MAY          CONTAIN INACCURACIES OR ERRORS.          THE CITY OF KINGSVILLE IS NOT          RESPONSIBLE FOR THE INFORMATION CONTAINED          HEREIN IF IT IS USED FOR ANY DESIGN,          CONSTRUCTION, PLANNING, BUILDING          OR ANY OTHER PURPOSE.</p>	<p><b>CITY OF KINGSVILLE</b>  <b>ENGINEERING DEPARTMENT</b>          200 East Kleberg          Kingsville, Texas 78363          Office: 361-595-8005          Fax: 361-595-8035</p>
	Last Update: 7/14/2014		
	Note: Please see attached documents		

# 2730 S. Brahma Blvd 300 ft. Radius



## Legend

- 2730 S Brahma Blvd.
- 300 ft radius
- Churches
- Daycares
- Daycare\_&\_CBC
- KISD\_Schools

0 70 140 280 Feet

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Page 1 / 1	Drawn By: Engineering Dept
	Last Update: 7/14/2014
	Note: Please see attached documents

DISCLAIMER  
THE MAPS FOR THIS PROJECT AND THE INFORMATION ON THIS SHEET MAY CONTAIN MISTAKES, OMISSIONS, OR OTHER ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE FOR THE INFORMATION CONTAINED HEREIN BEING USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.



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

## **AGENDA ITEM #9**



**KINGSVILLE SPECIALIZED CRIMES  
AND NARCOTICS TASK FORCE**

**P. O. BOX 213**

**KINGSVILLE, TEXAS 78364**

**tfadmin@kingsvilletaskforce.com**

**(361) 595-5778**

**Fax (361) 595-5781**



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

gsv  
From: Guillermo Vera, Commander, Kingsville Task Force

Date: August 12, 2014

Subject: Inter-local Agency Agreement between the City of Kingsville, the County of Kleberg,  
and the County of Jim Wells

An Inter-local Agreement between the City of Kingsville, the Kingsville Specialized Crimes & Narcotics Task Force, the County of Kleberg, the Kleberg County Sheriff's Office, County of Jim Wells, and the Jim Wells County Sheriff's Office is attached for your review and approval. The agreement is being requested by the Kleberg County Sheriff Ed Mata to be adopted prior to the distribution of monies from the 2013 Stone Garden Grant being shared by the participating agencies.

Since the Kingsville Task Force cannot currently apply for state or federal grants, we rely on local, state and/or federal agencies sharing their grant monies with the Task Force. The Inter-local agreement being proposed has been in place verbally between participating agencies for quite some time. The agreement should clarify any and all discrepancies that may arise between the agencies' department heads.

If approved, I request to have this agreement placed on the City's Commissioners Court Agenda for Monday, August 25, 2014. Your kind consideration to this request is greatly appreciated.

Cc: Ken Starrs, Assistant Commander  
Courtney Alvarez, City Attorney  
Mary Valenzuela, City Secretary  
File

Attachments

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

**A RESOLUTION AUTHORIZING THE MAYOR, CHIEF OF POLICE AND TASK FORCE COMMANDER TO ENTER INTO AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE KLEBERG COUNTY SHERIFF'S OFFICE, THE JIM WELLS COUNTY SHERIFF'S DEPARTMENT, THE CITY OF KINGSVILLE- KINGSVILLE SPECIALIZED CRIMES AND NARCOTICS TASK FORCE AND THE CITY OF KINGSVILLE POLICE DEPARTMENT; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to the provisions of the Texas Local Government Code Chapter 362 (Law Enforcement Services Provided Through Cooperation of Municipalities, Counties, and Certain Other Local Governments), a county and a municipality may, pursuant to order or resolution of its governing body, form a mutual interlocal agency agreement to assist in criminal and narcotic investigations and law enforcement; and

**WHEREAS**, pursuant to the provisions of the Texas Local Government Code Chapter 791 (Interlocal Cooperation Act), a local governmental body may contract or agree with one or more local government bodies for the performance of governmental functions in which the contracting parties are mutually interested; and

**WHEREAS**, the parties to this agreement can better utilize the law enforcement resources of the City and the County by the coordination of crime interdiction efforts between the Kingsville Specialized Crimes and Narcotics Task Force, the Kingsville Police Department, the Kleberg County Sheriff's Department and the Jim Wells County Sheriff's Department; and

**WHEREAS**, the Counties and the City desire to use the capital expenditures to improve the health, safety, and quality of life of the residents of their jurisdictions.

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

I.

**THAT** the Mayor, Chief of Police, and Task Force Commander are authorized and directed as an act of the City of Kingsville, Texas to enter into an Interlocal Cooperation Agreement Between the Kleberg County Sheriff's Office, the Jim Wells County Sheriff's Department, the City of Kingsville Police Department, and the City of Kingsville- Kingsville Specialized Crimes and Narcotics Task Force for

cooperative Law Enforcement Services in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the  
25th day of August, 2014.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

## **INTERLOCAL AGENCY AGREEMENT**

This agreement is made and entered into by and between the following:

County of Kleberg, the Kleberg County Sheriff's Office Kingsville Texas

County of Jim Wells, the Jim Wells County Sheriff's Department Alice Texas

City of Kingsville, the Kingsville Police Department Kingsville Texas

City of Kingsville, the Kingsville Specialized Crimes and Narcotics Task Force

WHEREAS, pursuant to the provisions of the Texas Local Government Code Chapter 362 (Law Enforcement Services Provided Through Cooperation of Municipalities, Counties, and Certain Other Local Governments) ,a county and a municipality may, pursuant to order or resolution of its governing body, form a mutual interlocal agency agreement to assist in criminal and narcotic investigations and law enforcement;

WHEREAS, pursuant to the provisions of Texas Government Code Chapter 791 (Interlocal Cooperation Contracts) ,a local governmental body may contract or agree with one or more local government bodies for the performance of governmental functions in which the contracting parties are mutually interested;

WHEREAS, pursuant to the provisions of Texas Code of Criminal Procedure Chapter 59 ( Forfeiture of Contraband) ,the prosecutor with felony jurisdiction in a county where a forfeiture proceeding is held under this chapter, may enter into an agreement with law enforcement agencies involved in the seizure of illegal contraband for the disposition of forfeited assets;

WHEREAS, the parties to this agreement can better utilize the law enforcement resources of the cities and the counties by the coordination of crime interdiction efforts between the Jim Wells County Sheriff's Department and the Kleberg County Sheriff's Office and;

WHEREAS, this agreement states the purpose, terms, rights, objectives, duties, and responsibilities of the parties to this agreement.

NOW THEREFORE, for and in consideration of the premises and the mutual promises, covenants and agreements set forth in this agreement, the parties enter into this agreement under the following terms and conditions:

### **I. Definitions**

Law enforcement agency shall mean one or more of the law enforcement agencies that are parties to this agreement.

Law enforcement officer shall have the meaning provided by Texas Local Government Code Section 362.001 (2).



Lead agency shall mean the law enforcement agency that initiates the criminal investigation within the jurisdictional limits of the political subdivision for which the agency provides law enforcement services.

## II. Purpose of Agreement

The purpose of the agreement is to create and establish a joint effort between the Jim Wells County Sheriff's Department and the Kleberg County Sheriff's Office to combat crime throughout the jurisdictional limits of the cities and counties who are parties to this agreement. Pursuant to order or resolution of the governing bodies of the parties to this agreement, the parties to this agreement have entered into this agreement to (1) form a mutual aid law enforcement between police agencies to cooperate in crime interdiction efforts and related criminal investigations, (2) to provide additional investigative and arrest authority to law enforcement officers employed by the law enforcement agencies within the jurisdictional limits of the political subdivisions that are parties to this agreement, and (3) to provide for the payment of expenses incurred in the performance of law enforcement activities during these operations.

## III. Personnel and Equipment

Each law enforcement agency shall assign law enforcement officers and shall provide all necessary vehicles and equipment for the law enforcement officers assigned. All personnel assigned shall remain the employees of the party making the assignment, and, shall not be considered as employees, agents, or servants, of any other party to this agreement. All compensation for services of law enforcement officers assigned during these enforcement operations shall be paid by the party making the assignment. All supplies and expenses incurred by the law enforcement officer while participating during these enforcement operations shall be paid by the law enforcement agency that acquired the supplies or incurred the expense.

## IV. Administration and Supervision

The lead agency shall have the sole responsibility for the direction and supervision of the activities of the law enforcement officers during the law enforcement operations. All law enforcement officers assigned shall be under the direct command of the lead agency.

Notwithstanding the provisions of the preceding paragraph, the heads of the law enforcement agencies shall have the sole direction in the assignment of law enforcement officers who are employed by the assigning party during the enforcement operations, including the time period of the assignment. The heads of the law enforcement agencies shall also have sole discretion in the assignment of vehicles, K-9 units and other equipment and supplies owned or under the control of the assigning party, including the time period of the assignment.

## V. Extent of Authority

Any law enforcement officer assigned to conduct these law enforcement operations shall be empowered to enforce all laws and ordinances applicable in the jurisdictions of the political subdivisions that are parties to this agreement, including the power to make arrests and to execute search warrants.

## VI. Employees Status

A law enforcement officer that is regularly employed by one of the law enforcement agencies shall remain an employee of that agency. However, the law enforcement officer shall be considered, for the purpose of making an arrest at any location within the jurisdictional limits of any political subdivision that is a party to this agreement, to be in service of and a peace officer under the command and supervision of the lead agency. The law enforcement officer who is assigned to participate in these operations shall have all the powers of a regular law enforcement officer anywhere within the jurisdictional limits of the political subdivision that is a party to this agreement. Qualification for office by the law enforcement officer with the law enforcement agency that assigned the officer to participate in these operations shall constitute qualification for office within the lead agency and no additional cost, bond or compensation is required. The party who assigns a law enforcement officer to these operations shall remain solely responsible for the health, safety, acts or omissions of the assigned officer, and, shall, to the extent authorized by law, indemnify the other parties to this agreement for any and all liability and damages of whatsoever nature caused by the assigned officer. In further recognition of the benefits to be gained by the participating entities, it is agreed that no party to this agreement shall request reimbursement for any services performed pursuant to this agreement from another party to this agreement.

## VII. Compensation of Assigned Law Enforcement Officers

The party employing the law enforcement officers assigned shall pay all wages and disability payments, pension payments, damages to equipment and clothing, medical expenses, and travel food, and lodging expenses incurred by the assigned officer in the performance of the law enforcement operation activities.

## VIII. Civil Liability and Indemnification

It is further agreed that, in the event any law enforcement officer assigned shall be cited as a defendant party to any civil lawsuit, State or Federal, arising out of the officers acts while engaging in authorized participation of the law enforcement operations, the assigned law enforcement officer shall be entitled to the same benefits from the assigning party that such law enforcement officer would be entitled to receive had such civil action arisen out of an official act within the scope of the assigned officer's duties as a member and in the jurisdiction of the law enforcement agency from which the officer was assigned.

It is further agreed that each party to this agreement shall hold every other party and that party's officials, employees, and agents, harmless from any and all liability, including by not limited to, any property, physical or non-physical damages or loss incurred by third parties, or by officers, employees or agents of any particular party or by any participating party, of whatsoever nature. This hold harmless agreement shall also include, but is not limited to, omissions or acts of negligence, gross negligence or intentional acts, as a result of any officer or employee of any party to this agreement in the performance of authorized activities while participating during the law enforcement operations.

Assignment to and performance of authorized activities during the law enforcement operations by a law enforcement officer shall not constitute service of another county, municipality, department or agency, so as to make such assigned officer a borrowed servant of any other party to this agreement. A law enforcement officer assigned to participate in the law enforcement operations shall be considered to be performing services for the assigning entity and not in the performance of services on behalf of any other party to this agreement. If a court of competent jurisdiction shall hold that any law enforcement officer assigned is a borrowed servant of another party to this agreement, then the party who assigned the officer shall indemnify and hold harmless such party as provided above.

#### IX. Disposition of Forfeited Assets

The Sheriff of Jim Wells County, the Sheriff of Kleberg County, the Kingsville Chief of Police and Kingsville Task Force Commander agree that any illegal contraband or assets seized during "directed actions" that are previously approved/agreed to by the participating agencies as a result of law enforcement activities of the participating agencies shall be promptly submitted to the appropriate lawful authority for forfeiture proceedings under state or federal law. In the event that the contraband or assets are forfeited to one or more of the law enforcement agencies, then the forfeited property or proceeds shall be divided equally amongst the law enforcement agencies that actually participated in the seizure of the forfeited assets.

All parties agree that any property or proceeds forfeited to any party under this agreement shall be under and administered in accordance with the provisions of state or federal law.

#### X. Term of Agreement

This agreement shall be in full force and effect for a period of two (2) years beginning on January 1, 2013 and ending of December 31, 2014.

This agreement shall automatically renew every two years. Any party to this agreement may terminate this agreement for any reason or for no reason at all upon thirty (30) days written notice to all other parties to this agreement.

#### XI. Payment from Current Funds

Each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party.

#### XII. Alternative Dispute Resolution

In any dispute between the parties relating to Law Enforcement activities, all parties involved will cooperate in good faith to resolve the dispute. Prior to the filing of a lawsuit, the parties shall:

1. Meet in an informal conference to attempt resolution of any disputes.

2. In the event the dispute is not resolved at the informal conference, submit the dispute to mediation as described in Section 154.023 of the Texas Civil Practice and Remedies Code.

### XIII. Notices

Any notice provided for under the terms of this contract by either party to the other shall be in writing and may be effected by personal delivery or by registered or certified mail, return receipt requested.

Notice shall be sent or delivered as follows:

Each party may change the address at which notice may be sent to that party by giving notice of such change to the other parties in accordance with provisions of this Paragraph.

### XIV. Legal Construction

This agreement shall be interpreted, construed, and governed by the laws of the State of Texas and shall be enforceable in any court of competent jurisdiction.

In the event that any section, subsection, or paragraph of this agreement is held invalid or unenforceable by a court of competent jurisdiction, such termination shall not affect the remainder of the agreement and shall be given full force and effect as if said invalid section, subsection or paragraph had not been included herein.

The captions or headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provision hereof.

### XV. Prior Agreements

This contract supersedes any and all other agreements, either oral or in writing, between the parties with respect to the subject matter of this contract and contains all of the covenants and agreements between the parties with respect to the subject matter. Each party to this contract acknowledges that no representations, inducements, promises or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, that are not set forth in this contract and that no agreement, statement, or promise not contained in this contract shall be valid or binding.

### XVI. Law Governing

This agreement shall be governed by and construed in accordance with the laws of the State of Texas.

### XVII. Severability

In case anyone or more of the provisions contained in this agreement shall be held to be invalid, illegal, or unenforceable in any respect, such invalid, illegal or unenforceable provisions shall not affect any other provision of this agreement and this agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

**County of Kleberg:**

\_\_\_\_\_  
Honorable Judge Juan M. Escobar

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sheriff Edward "Ed" M. Mata Sr.

\_\_\_\_\_  
Date

Commissioners Court Approval:

Agenda Date: \_\_\_\_\_

Approved: \_\_\_\_\_

**County of Jim Wells:**

\_\_\_\_\_  
Honorable Judge L. Arnaldo Saenz

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sheriff Oscar Lopez

\_\_\_\_\_  
Date

Commissioners Court Approval:

Agenda Date: \_\_\_\_\_

Approved: \_\_\_\_\_

**City of KINGSVILLE:**

\_\_\_\_\_  
Honorable Mayor Sam Fugate

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Ricardo Torres

\_\_\_\_\_  
Date

\_\_\_\_\_  
Commander Guillermo "Willie" Vera

\_\_\_\_\_  
Date

City Council Approval:

Agenda Date: \_\_\_\_\_

Approved: \_\_\_\_\_



**KINGSVILLE SPECIALIZED CRIMES  
AND NARCOTICS TASK FORCE**

**P. O. BOX 213**

**KINGSVILLE, TEXAS 78364**

**tfadmin@kingsvilletaskforce.com**

**(361) 595-5778**

**Fax (361) 595-5781**



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

*JSV*  
From: Guillermo Vera, Commander, Kingsville Task Force

Date: August 12, 2014

Subject: Inter-local Agency Agreement between the City of Kingsville, the County of Kleberg, and the County of Jim Wells

An Inter-local Agreement between the City of Kingsville, the Kingsville Specialized Crimes & Narcotics Task Force, the County of Kleberg, the Kleberg County Sheriff's Office, County of Jim Wells, and the Jim Wells County Sheriff's Office is attached for your review and approval. The agreement is being requested by the Kleberg County Sheriff Ed Mata to be adopted prior to the distribution of monies from the 2013 Stone Garden Grant being shared by the participating agencies.

Since the Kingsville Task Force cannot currently apply for state or federal grants, we rely on local, state and/or federal agencies sharing their grant monies with the Task Force. The Inter-local agreement being proposed has been in place verbally between participating agencies for quite some time. The agreement should clarify any and all discrepancies that may arise between the agencies' department heads.

If approved, I request to have this agreement placed on the City's Commissioners Court Agenda for Monday, August 25, 2014. Your kind consideration to this request is greatly appreciated.

Cc: Ken Starrs, Assistant Commander  
Courtney Alvarez, City Attorney  
Mary Valenzuela, City Secretary  
File

Attachments

## **AGENDA ITEM #10**



Date: August 15, 2014

To: City Commission via City Manager

From: Leo H. Alarcon, Director of Tourism Services /s/ LA

Re: Request for City Support for event at Dick Kleberg Park

I have attended meetings with the Kleberg County Centennial Scholarship Fund Committee and expressed our support for the Pinto Bean Festival and BBQ cook-off. The Committee has applied for sponsorship of this event from the City of Kingsville in terms of waiver of fees and support from City departments for this event. The main events are scheduled to be held on Saturday, August 30, 2014 at the J. K. Northway Expo Center from 10 a.m. to 8 p.m. Also scheduled for Friday, August 29, 2014 from 2 p.m. to 7 p.m. is for the cook-off participants to check in, this is not opened to the public.

The Committee is requesting City support in the form of advertising from the department of Tourism in the amount of \$1,500, security from the Police department estimated at about \$3,600 and trash cans and trash pick up estimated at about \$200.

Proceeds will go to the Centennial Scholarship Fund which will award high school students scholarships from Kingsville and Riviera in attending Texas A&M University – Kingsville.

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Cost for City support for the Pinto Bean Festival and BBQ Cook-off - August 30, 2014

Department of Tourism

Advertising in Radio and newspapers.	Est. cost	\$1,500
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Police Department

KPD has been asked to provide security for the Saturday events.	Est. cost	\$3,600
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Public Works Department

Provide outdoor trash cans and trash pick up services for events.	Est. cost	<u>\$ 200</u>
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Estimated Total	\$5,300
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# **AGENDA ITEM #11**



August 7, 2014

City of Kingsville

Honorable Mayor & Commissioners:

The Kingsville Chamber of Commerce is requesting the City of Kingsville's assistance in sponsorship of the Kingsville Heritage Rodeo & Cook-off. It will be a pro rodeo, along with a sanctioned cook-off. This event is to be held in November during the weekend of the King Ranch Breakfast and the Ranch Hand Festival, November 21 & 22.

We expect the event to bring in many visitors to Kingsville and hopefully we will have hotel rooms for them to spend a night or two. Our estimate is 2000 people at each night's performance. Of course with the cook-off having over 100 teams, we will also need additional rooms at hotels.

We hope that this will become an annual event and will help boost numbers at the breakfast, as well as our Ranch Hand Festival downtown. We have been soliciting sponsors and so far everyone has been receptive and excited about a rodeo in Kingsville.

We are asking the City to donate \$5,000 in cash and \$5,000 in-kind (security, advertising, etc.). Our budget for the event is attached.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in cursive script that reads "Alice Byers".

Ms. Alice Byers  
Executive Director  
Kingsville Chamber of Commerce

Item	Cost	Notes
Payment for BBQ Cookoff with IBC	\$25.00	Merchant Info: info@ibcabbq.org and http://ibcabbq.org Receipt No. 4675-6093-3443-1982 PayPal Account
J.K. Northway EXPO	\$3,000.00	Contract not received
Tent Rental	\$1,445.50	Butler Rental (contract received)
IROC	\$14,500.00	Contact Signed
Buckles	\$3,000.00	waiting on King Ranch
Security	\$1,000.00	waiting on Kleberg County
Supplies	\$1,000.00	
VIP Tent Expenses	\$1,000.00	
Advertising	\$5,000.00	
Cook-Off Prize Money	\$10,000.00	
Ambulance Services	\$1,800.00	Sensible Care (contract received)
Hotel (5 rooms 2/nights)	\$960.00	Best Western Inn
Event Insurance	\$400.00	Contract not received
<b>Total</b>	<b>\$43,105.50</b>	

# **AGENDA ITEM #12**

ORDINANCE NO. 2014-\_\_\_\_\_

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER IX, ARTICLE 5, FIRE PREVENTION AND PROTECTION, ADOPTING SECTION 15, PROVIDING FOR EXCEPTIONS TO THE FIRE CODE FOR MULTI-STORY BUILDINGS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

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

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

I.

THAT, Section 9-5-15 of Article 5: Fire Prevention and Protection of Chapter IX, General Regulations, of the Code of Ordinances of the City of Kingsville, Texas, shall be adopted to read as follows:

**§ 9-5-15 FIRE CODE EXCEPTIONS.**

(A) General. The following special rules are hereby set forth in addition to the provision of the adopted version of the International Fire Code in order to ensure safety.

(B) Group R Occupancy- Sprinkler Requirements (New Construction or Major Renovation)

Automatic fire sprinkler systems required in Group R occupancies of four stories or less shall meet the NFPA 13R standard and as amended in the City of Kingsville Fire Prevention Ordinance. Sprinkler protection shall be installed per NFPA 13 standard and provided throughout, including patios, balconies, bathrooms, breezeways, corridors, and stairwells. All means of egress shall have sprinkler protection to the point of discharge from the structure to open sky on the ground level.

(C) Group R Occupancy- Dry Standpipe Requirements (New Construction or Major Renovation)

A dry standpipe system shall be installed in all buildings two or more stories in height that are not required to have a wet standpipe system with fire department outlet connections, with a distance of 250' feet or greater from any point on any floor to the closest possible position of a fire apparatus through a primary access/egress pathway. There shall be a dry standpipe installed at each stairwell. There shall be a 2-1/2" inch NST female inlet connection located near the street or base of stairwell on the exterior of structure. There shall be a 2-1/2"

inch NST gated male discharge opening at each level above the first floor. The discharge connections may be located on the floor stairway landing or landings in between floors. The standpipe shall be pressure rated the same as a wet standpipe system.

II.

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

III.

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

IV.

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

**INTRODUCED** on this the 25<sup>th</sup> day of August, 2014.

**PASSED AND APPROVED** on this the 26<sup>th</sup> day of August, 2014.

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Sam R. Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

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Courtney Alvarez, City Attorney

August 14, 2014

TO: VINCENT J. CAPELL, CITY MANAGER

FROM: JOEY REED, FIRE CHIEF

SUBJECT: FIRE ORDINANCE REQUEST

Due to safety concerns discovered during construction of large 3 story apartment buildings within the City of Kingsville, I am requesting an amendment in the City's fire prevention ordinance. The amendment deals with sprinkler systems in regard to occupant escape routes and standpipes for firefighter access.

I am asking for an amendment to the ordinance due to the number of other apartment complexes that are requesting plans approval for this same type of construction. The problem is that the buildings are being built with long open corridors in 2 or 3 story buildings. These corridors or breezeways are not required to have sprinkler coverage under the international fire code. Other cities have discovered this loophole in the code and have adopted city fire code ordinances to address the hazard. We are asking that several parts of the building have sprinklers including breezeways, stairwells, patios, and possibly the attics. I will attach a copy of three city ordinances where they have specified in detail or in general that all areas are to be covered. Corpus Christi may have also included escape route distances and we are investigating that. Many cities that have adopted these regulations.

We would also like future projects to include a dry standpipe system for firefighter hose line access in the stairwells due to the length of the buildings and the potential for long hose lays. Currently, our hose loads on the fire engines may not reach all parts of the building. If we are able to carry high rise hose loads and hook up to the standpipe in the stairwells, it will enable us to make a faster attack needed on this type of building.

Proposed Fire Prevention Ordinance Amendments:

1)

Group R Occupancy Sprinkler Requirements (New Construction or Major Renovation)

Automatic fire sprinkler systems required in Group R occupancies of four stories or less shall meet the NFPA 13R standard and as amended in the City of Kingsville Fire Prevention Ordinance. Sprinkler protection shall be installed per NFPA 13 standard and provided throughout, including patios, balconies, bathrooms, breezeways, corridors, and stairwells. All means of egress shall have sprinkler protection to the point of discharge from the structure to open sky on the ground level.

2)

Dry Standpipe Requirements (New Construction or Major Renovation)

A dry standpipe system shall be installed in all buildings two or more stories in height that are not required to have a wet standpipe system with fire department outlet



connections, with a distance of 250' feet or greater from any point on any floor to the closest possible position of a fire apparatus through a primary access/egress pathway. There shall be a dry standpipe installed at each stairwell. There shall be a 2-1/2" inch NST female inlet connection located near the street or base of stairwell on the exterior of structure. There shall be a 2-1/2" inch NST gated male discharge opening at each level above the first floor. The discharge connections may be located on the floor stairway landing or landings in between floors. The standpipe shall be pressure rated the same as a wet standpipe system.

## **AGENDA ITEM #13**



**DATE: August 14, 2014**

**TO: City Commission**

**VIA: Vince Capell, City Manager**

**FROM: Cynthia Martin, Interim Director of Planning**

**SUBJECT: Rescind Condemnation of 317 N. 1<sup>st</sup> Street**

On April 23, 2014, the City Commission voted to condemn the house at Lot 14, 15 and 16, Block 7, Henrietta Addition, Kingsville, Kleberg County, also known as 317 N. 1<sup>st</sup> Street, and the owners were given 30 days to demolish the property. The owners of record were Delwin Randall and Jeffrey Lee Price. Mr. Delwin is a realtor and had the house up for sale at the time of the condemnation.

By May 23, 2014, no action had been taken by the owners however a hold had been placed on the demolition order as there was a possible new owner for the property.

On July 23, 2014, Angelita Trevino purchased the property from Delwin Randall and Jeffrey Lee Price. Mrs. Trevino plans to repair the house and live in it. She has agreed to hire an engineer, at her expense, to inspect the roof, structure and foundation of the house and submit plans for any needed repairs. Mrs. Trevino has also agreed to hire a general contractor to do the work. Daniel Ramirez, City Building Official, is working with Mrs. Trevino on this project. Mr. Ramirez is asking the engineer to submit three sets of plans for his approval. It will take about one week for plan review and authorization of the permit. Once the permit is issued, the contractor will have 60 days to complete the work.

Therefore, I am hereby requesting the City Commission rescind the condemnation of the house at 317 N. 1<sup>st</sup> Street at the next Regular Commission meeting.

Cynthia Martin  
Interim Director of Planning  
City of Kingsville

GF# 14125

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

### **WARRANTY DEED**

**DATE:** JULY 23, 2014

**GRANTOR:** DELWIN RANDALL and JEFFREY LEE PRICE, each owning, claiming and/or occupying other property as homestead

**GRANTOR'S MAILING ADDRESS (including County):**

106 Clinton Street  
Carrollton, Texas 75007  
County: Denton County, Texas

**GRANTEE:** ANGELITA TREVINO

**GRANTEE'S MAILING ADDRESS (including County):**

1101 E. Warren  
Kingsville, Texas 78363  
County: Kleberg County, Texas

**CONSIDERATION:** TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration.

**PROPERTY:**

Lots Fourteen (14), Fifteen (15) and Sixteen (16), Block Seven (7), HENRIETTA ADDITION, Kingsville, Kleberg County, Texas, according to map or plat of record in Envelope 21, Cabinet 1, Map Records, Kleberg County, Texas.

**RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:**

The conveyance recited above is made and accepted subject to all presently valid restrictions, reservations, covenants, conditions, rights-of-way, easements, mineral leases and royalty and mineral conveyances now outstanding and of record, if any, in Kleberg County, Texas, affecting the above described **PROPERTY**.

GRANTOR for the CONSIDERATION and subject to the RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY, GRANTS, SELLS AND CONVEYS to GRANTEE the PROPERTY, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to GRANTEE, GRANTEE'S heirs, executors, administrators, successors and/or assigns forever. GRANTOR binds GRANTOR and GRANTOR'S heirs, executors, administrators, successors and/or assigns to WARRANT AND FOREVER DEFEND all and singular the PROPERTY to GRANTEE and GRANTEE'S heirs, executors, administrators, successors and/or assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, except as to the RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY.

When the context requires, singular nouns and pronouns include the plural.

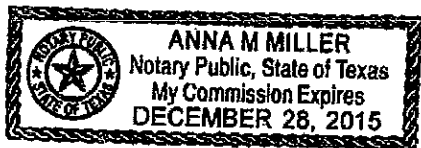
  
\_\_\_\_\_  
DELWIN RANDALL

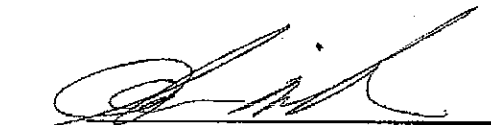
  
\_\_\_\_\_  
JEFFREY LEE PRICE

THE STATE OF TEXAS §

COUNTY OF Denton §

This instrument was acknowledged before me on the 25 day of July, 2014, by DELWIN RANDALL.



  
\_\_\_\_\_  
Notary Public, STATE OF TEXAS

VOL. 516 PAGE 228 FILE# 299461

FILED FOR RECORD

2014 JUL 28 PM 4:14

Indexed

LEO ALARCON  
COUNTY CLERK KLEBERG COUNTY

BY ncy  
CLERK

Compared

**NORMA C. ISASSI**

STATE OF TEXAS, COUNTY OF KLEBERG, I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED ON THE DATE AND TIME STAMPED HEREON BY ME AND WAS DULY RECORDED IN THE OFFICIAL RECORDS OF KLEBERG COUNTY, TEXAS

VOL 516 PAGE 225

JUL 30 2014

DELIVERY DATE



*Leo Alarcon*

**LEO ALARCON**  
COUNTY CLERK, KLEBERG COUNTY

ANY PROVISIONS HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF  
THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE INVALID  
AND ENFORCEABLE UNDER FEDERAL LAW.

RETURN TO:

KLEBERG COUNTY TITLE

216 EAST KLEBERG

KINGSVILLE TX 78363

RECORDERS MEMORANDUM:

ALL OR PART OF A SOCIAL SECURITY NUMBER, IF CONTAINED IN THIS DOCUMENT, MAY HAVE BEEN REDACTED. TEX. GOV'T CODE SEC. 552.147(b) THE COUNTY CLERK MAY REDACT A LIVING PERSON'S SOCIAL SECURITY NUMBER FROM ANY OR ALL DOCUMENTS CONTAINED FOR DISCLOSURE KLEBERG COUNTY.

# CITY OF KINGSVILLE



P. O. BOX 1458 – KINGSVILLE, TEXAS 78364

August 20, 2014

Re: 317 N. 1st


Dear Ms. Trevino:

A request to resubmit the condemnation case located at 317 N 1<sup>st</sup> to City Commission was made by you. The Building Services Division will schedule a re-hearing to be presented on August 25<sup>th</sup>, for the consideration of rescinding their decision of condemning the structure upon the agreement that the following issues below are addressed.

The demolition of the structure was put on hold on the agreement that you would present a solution and/or timeline to meet certain criteria. The following items need to be addressed to proceed with the presentation to City Commission:

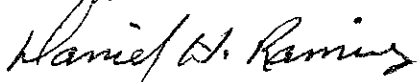
1. Hire a home owner inspector.
2. Hire a general contractor registered with the City of Kingsville to ensure the roof, walls, foundation and structure are all structurally sound.
3. Perform a mold inspection and present findings by certified inspector.
4. Hire a master electrician registered with the City of Kingsville to ensure that all electrical work is brought up to code.
5. Hire a master plumber registered with the City of Kingsville to ensure all plumbing is brought up to code.
6. Hire a master mechanic registered with the City of Kingsville if I choose to install Central Heat and Air.
7. Install a new driveway and repair the garage.
8. Install/repair sidewalk on the corner of North 1<sup>st</sup> and W. Lee.
9. All inspections shall be approved before a Certificate of Occupancy can be issued.

Upon the decision made by City Commission be advised, the Planning and Development Services Department will expect your General Contractor to pull any permits and discuss plans within seven (7) working days after receipt of this letter. You will have 60 days from the date of this letter to comply or the structure located at 317 North 1<sup>st</sup> will be scheduled for demolition.

  
Name

8/20/14  
Date

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel H. Ramirez". The signature is fluid and cursive, with the first name "Daniel" being more prominent.

Daniel H. Ramirez  
Building Official

cc: Cynthia Martin, Interim Director of Development Services  
Vince Capell, City Manager