

City of Kingsville, Texas

AGENDA CITY COMMISSION

**MONDAY, SEPTEMBER 15, 2014
SPECIAL MEETING**

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

I. Preliminary Proceedings.


OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S) – Required by Law

NONE

APPROVED BY:



Vincent J. Capell
City Manager

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

1. NONE

III. Reports from Commission & Staff.² (City Manager's Staff Report Attached).

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

IV. Public Comment on Agenda Items³

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

V.

Consent Agenda

Notice to the Public

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage of an ordinance ratifying classifications and prescribing the number of positions in such classifications for the classified service in the Police Department by removing one new officer position due to end of grant requirements. (Director of Human Resources).
2. Motion to approve final passage of an ordinance amending the Code of Ordinances of the City of Kingsville, Texas, Article IX "General Regulations", Chapter 9 "Smoking Regulations" by adding Sections 40-43, "E-Cigarette, Electronic Cigarette, and Liquid Nicotine Regulations", for the purpose of prohibiting the sale and distribution of electronic cigarettes and liquid nicotine to minors and prohibiting the use and possession of electronic cigarettes and liquid nicotine by minors; providing a severability clause; providing for a penalty fine not to exceed the sum of five hundred (\$500.00) dollars for each offence. (Chief of Police).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consider final passage of an ordinance adopting the City Manager's Budget, as amended, of the City of Kingsville, Texas, and appropriating funds for the fiscal year beginning October 01, 2014 and ending September 30, 2015 in the particulars hereinafter stated. (Director of Finance).
4. Consider ratifying the property tax increase reflected in the 2014-2015 Annual Budget of the City of Kingsville. (Finance Director).
5. Consider final passage of an ordinance establishing and adopting the ad valorem tax rate for all taxable property within the City of Kingsville, Texas for the Fiscal Year beginning October 01, 2014 and ending September 30, 2015, distributing the tax levy among the various funds, and providing for a lien on real and personal property to secure the payment of taxes assessed. (Director of Finance).
6. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies (to reflect the compensation plan in the FY14-15 budget). (Director of Human Resources).
7. Consider resolution authorizing the City Manager to enter into a sewer line construction utility supply contract (Gov. Contract #N69450-14-C-0037) between the City of Kingsville, Texas and the Federal Government for Naval Air Station-Kingsville. (City Attorney).

8. Consider awarding contract for Force Main Improvements from NAS-Kingsville to the North Wastewater Treatment Plant to the 5125 Company as the lowest responsible bidder, as per the recommendation of the contract engineer (LNV) and staff. (Director of Purchasing and IT).

9. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 3, providing for an increase in water rates (as per rate study of 1%). (Director of Finance).

10. Consider introduction of an ordinance amending the Fiscal Year 2013-2014 budget for the refinancing costs for the 2014 limited tax refunding bonds. (Director of Finance).

11. Consider introduction of an ordinance amending the Fiscal Year 2013-2014 budget for the City of Kingsville for deficit accounts at year end. (Director of Finance).

12. Consider resolution providing for revisions to the City of Kingsville Administrative Policies and Procedures, Policy 620.03 Working Hours and Time-Keeping. (Director of Finance).

13. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter IX-General Regulations, Article 8-Parks and Recreation, providing for regulations and fees for the Parks and the L.E. Ramey Golf Course. (City Attorney).

VII. Adjournment.

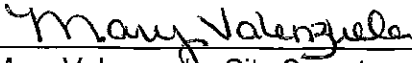
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

September 12, 2014 at 2:30 P.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)

CONSENT AGENDA

AGENDA ITEM #1

ORDINANCE NO. 2014-_____

AN ORDINANCE RATIFYING CLASSIFICATIONS AND PRESCRIBING THE NUMBER OF POSITIONS IN SUCH CLASSIFICATIONS FOR THE CLASSIFIED SERVICE IN THE POLICE DEPARTMENT BY REMOVING ONE NEW OFFICER POSITION DUE TO END OF GRANT REQUIREMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, CODIFICATION INSTRUCTIONS, AND AN EFFECTIVE DATE.

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

WHEREAS, the City is deleting one Police Officer position in Fiscal Year 2014-2015 due to the end of the school resource officer grant program requirements.

WHEREAS, the three year grant and one year carry-on period of the police officer position has concluded so that the extra position can be removed from the number of Police Officer positions.

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

I.

THAT one position of Police Officer is hereby removed beginning in Fiscal Year 2014-2015.

II.

THAT in accordance with section 143.021, Texas Local Government Code, the City Commission ratifies the following previously established classifications and hereby prescribes the number of positions in each classification by Ordinance duly passed, to wit:

<u>CLASSIFICATION</u>	<u>NUMBER OF POSITIONS</u>
Police Chief	1
Lieutenant	2
Sergeant	6
Corporal	5
Police Officers	36-35

Notes: History – Police Officer positions includes one (1) police officer position created in October 2011 to be designated primarily for warrant duties.

III.

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

IV.

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.

V.

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

INTRODUCED on this the 8th day of September, 2014.

PASSED AND APPROVED on this the 15th day of September, 2014.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

Approved As to Form:

Courtney Alvarez, City Attorney

AGENDA ITEM #2

ORDINANCE NO. 2014-_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF KINGSVILLE, TEXAS, ARTICLE IX "GENERAL REGULATIONS"; CHAPTER 9 "SMOKING REGULATIONS" BY ADDING SECTIONS 40-43, "E-CIGARETTE, ELECTRONIC CIGARETTE, AND LIQUID NICOTINE REGULATIONS", FOR THE PURPOSE OF PROHIBITING THE SALE AND DISTRIBUTION OF ELECTRONIC CIGARETTES AND LIQUID NICOTINE TO MINORS AND PROHIBITING THE USE AND POSSESSION OF ELECTRONIC CIGARETTES AND LIQUID NICOTINE BY MINORS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Commission of the City of Kingsville finds that the sale and production of electronic cigarettes (or e-cigarettes), which deliver nicotine to users via a vaporized solution, are not currently regulated by the U.S. Food and Drug Administration ("FDA") or state law;

WHEREAS, initial studies performed by the FDA have found that e-cigarettes contain carcinogens and other unknown contents that can pose health risks to users and the public;

WHEREAS, the City Commission recognizes that e-cigarettes are heavily marketed to Minors;

WHEREAS, the City Commission finds that amending the Code of Ordinances to include regulations of the sale and possession of e-cigarettes to and by minors is in the best interest of the City of Kingsville and will promote the health, safety and welfare of the citizens of the City of Kingsville and general public;

WHEREAS, the City Commission has further investigated and determined that protection of the citizens of the City against an untested nicotine product like electronic cigarettes, e-cigarettes and liquid nicotine represents sound public health and fiscal policy;

WHEREAS, the City Commission has further investigated and determined that a ban on the sale of electronic cigarettes, e-cigarettes, liquid nicotine and like products in the City to persons under the age of eighteen (18) and a prohibition on a self-service merchandising in the retail sale of electronic cigarettes, e-cigarettes liquid nicotine and like products in order to minimize their physical accessibility to minors serves an important public interest in furtherance of the health, safety and general welfare of the citizens of the City;

WHEREAS, the City Commission has further investigated and determined that the Texas Legislature currently prohibits the possession, purchase, consumption or receipt of cigarettes or tobacco products by minors, and the City enforces such regulations;

WHEREAS, the City Commission has further investigated and determined that the Texas Legislature currently regulates vendor assisted sales and vending machines of cigarettes or tobacco products, including, but not limited to, prohibiting the use of the same by minors;

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

I.

THAT Chapter IX "General Regulations, Article 9 "Smoking Regulations", of the Kingsville Code of Ordinances is hereby amended by adding Sections 40-44, "E-Cigarette Regulations", and amending 9-9-99 "Penalty", which shall read as follows:

...

Secs. 9-9-24 ~~9-9-29 and 9-9-44~~ 9-9-98. Reserved

...

§9-9-40. PURPOSE

This Ordinance is adopted so that the City Commission may promote, protect, and improve the health, safety and general welfare of the citizens of the City by discouraging the unlawful practice of using electronic cigarettes or e-cigarettes and liquid nicotine and to help prevent the addiction to nicotine, especially by minors, through regulation of the sale and merchandising of certain electronic cigarettes or e-cigarettes and liquid nicotine products, the regulation of which is not preempted to the federal or state government.

§9-9-41. DEFINITIONS

1. "Electronic cigarette" or "E-Cigarette" shall mean any device that uses an atomizer or similar device that allows users to inhale nicotine vapor or other vapor with or without use of fire, smoke, or ash. The definition of e-cigarette shall include, but is not limited to, electronic cigarette, electronic cigarette, or electronic pipe, and any cartridge or other component of the device or related device, including any liquid product that is manufactured for use with e-cigarettes. This term shall not include every variation and type of such devices which may be manufactured or marketed as electronic cigarettes or

cigarettes, electronic cigars, electronic pipes, e-pipes or under any other product name or description.

2. "Minor" shall mean any individual younger than eighteen (18) years of age.

3. "Person" shall mean an individual, corporation, partnership, wholesaler, retailer or any licensed or unlicensed business.

4. "Liquid Nicotine" shall mean any liquid product composed either in whole or part of pure nicotine and propylene glycol and/or any other substance and manufactured for use with electronic cigarettes or e-cigarettes.

5. "Open Display Unit" shall mean, in the context of the retail sale of electronic cigarettes or e-cigarettes and/or liquid nicotine, any device, furniture, or finishing with rotation which electronic cigarettes or e-cigarettes and/or liquid nicotine are displayed to customers, and includes, but is not limited to, any case, rack, shelf, counter, table, desk, kiosk, booth, stand, vending machine and other surface.

6. "Place of Business" shall mean: (A) a commercial business location where cigarettes, tobacco products, electronic cigarettes or e-cigarettes and/or liquid nicotine is/are sold; (B) a commercial business location where cigarettes, tobacco products, electronic cigarettes or e-cigarettes and/or liquid nicotine are kept for sale, consumption or distribution; or (C) a vehicle from which cigarettes, tobacco products, electronic cigarettes or e-cigarettes and/or liquid nicotine is/are sold.

7. "Possess (or), Possession or Possession" shall mean actual care, custody, control or management.

8. "Retail Electronic Cigarette Store" shall mean a retail store utilized solely for the sale and sampling of electronic cigarettes or e-cigarettes and/or liquid nicotine and related accessories.

9. "Retailer" shall mean a person, shop, or business of retail and service establishment, who/which engages in the practice of selling cigarettes, tobacco products, electronic cigarettes or e-cigarettes and/or liquid nicotine to consumers and includes, without limitation, the owner of an open display unit.

10. "Smoker(s) or Smoking" shall mean and includes the carrying, possessing or holding of a pipe, cigarette, tobacco product, electronic cigarette or a cigarette or liquid nicotine of any kind which is burning or emitting a vapor.

11. "Self-service Merchandising" shall mean, in the context of the retail sale of electronic cigarettes or e-cigarettes and/or liquid nicotine, the open display, including, without limitation, the use of an open display unit of electronic cigarettes or e-cigarettes and/or liquid nicotine, whether packaged or otherwise, for direct retail customer access and handling prior to purchase without the intervention or assistance of the retailer or the retailer's owner, employee or agent.

12. "Tobacco Product" shall mean: (A) cigar; (B) smoking tobacco, including granulated, plug cut, chip cut, ready-rubbed, and any form of tobacco suitable for smoking in a pipe or as a cigarette; (C) chewing tobacco, including Cavendish, Twist, plug, scrap and any kind of tobacco suitable for chewing; (D) snuff or other preparations of pulverized tobacco; or (E) any article or product that is made of tobacco or a tobacco substitute and that is not a cigarette.

§ 9-9-42 REGULATIONS

(A) *Sell, distribution, or offering for sale to minors.* It shall be unlawful for any person to give, sell, distribute, or offer or cause any electronic cigarette, e-cigarette, or liquid nicotine to any minor within the territorial limits of the City of Kingsville.

(B) *Use, purchase, or possession of an electronic cigarette, e-cigarette, or liquid nicotine by minor.* It shall be unlawful for any minor to use, purchase, or possess with intent to use, any electronic cigarette, e-cigarette or liquid nicotine within the territorial limits of the City of Kingsville.

(C) *Purchase of an electronic cigarette, e-cigarette or liquid nicotine by a minor without false information.* It shall be unlawful for any minor in order to acquire an electronic cigarette, e-cigarette or liquid nicotine, to cause any person engaged in the business of selling electronic cigarettes, e-cigarettes or liquid nicotine that such minor is eighteen (18) years of age or older.

§ 9-9-43 DEFENSES

It shall be a defense to a violation of subsection (A) and (B) of Section 9-9-42 above if the minors:

1. in the course and scope of the minor's employment by a person or entity holding a permit issued by the state authorizing the person to engage in the business of being a distributor, wholesaler, bonded agent or retailer of an electronic cigarette, e-cigarette or liquid nicotine;

2. in the presence of a parent, guardian, spouse or other adult to whom the minor had been committed by a court;

...

§ 9-9-99. Penalty.

(A) Any person who violates any provision of this article for which no penalty is otherwise provided shall be subject to the penalty provided in § 1-1-99.

(B) Any person violating any provisions of §§ 9-9-1 through 9-9-8 shall be fined not less than \$1.00 nor more than \$200.00 for each offense, and a separate offense shall be deemed committed on each occasion on which a violation occurs or continues after a warning to stop or desist.

(C) Any person violating any provisions of § 9-9-42 shall be fined not less than \$1.00 nor more than \$200.00 for each offense, and a separate offense shall be deemed committed on each occasion on which a violation occurs or continues after a warning to stop or desist.

II.

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

III.

THAT: That all ordinances of the City of Kingsville, Kleberg County, Texas, in conflict with the provisions of this ordinance be, and the same are hereby repealed; provided, however; that all other provisions of said ordinances not in conflict with the provisions of this ordinance shall remain in full force and effect.

IV.

THAT: Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

V.

THAT: Any person, firm, or corporation violating any provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances, as amended, and upon conviction shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

VI.

THAT: This Ordinance was considered, passed, and approved at a regular meeting of the City Commission of the City of Kingsville, Texas at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

VII.

THAT: This ordinance shall take effect immediately from and after its passage, and publication of the caption, as the law and charter in such cases provide.

INTRODUCED on this the 8th day of September, 2014.

PASSED AND APPROVED on this the _____ day of _____, 2014.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**KINGSVILLE POLICE DEPARTMENT
INTER-OFFICE MEMORANDUM**

TO : Vincent J. Capell, City Manager
Courtney Alvarez, City Attorney

FROM : Chief R. Torres

SUBJECT : Amend Article IX "General Regulations"; Chapter 9 "Smoking Regulations" by adding Sections 40-43 of the Code of Ordinances as it relates to the sale, use and possession of electronic cigarettes and liquid nicotine products to minors.

Due to an increase in the popularity of the use of electronic cigarettes, and in an effort to protect the health and safety of the younger citizens of the City of Kingsville, the purpose of this item is to discuss amending Article IX "General Regulations"; Chapter 9 "Smoking Regulations" by adding Sections 40-43 of the Code of Ordinances as it relates to the sale, use and possession of electronic cigarettes and liquid nicotine products to minors.

BACKGROUND INFORMATION

Electronic cigarettes have been on the market for several years and were designed to assist smokers in breaking their nicotine habit. In July 2013, the World Health Organization stated the efficacy in using electronic cigarettes to aid in smoking cessation has not been demonstrated scientifically. *They recommend that "consumers should be strongly advised not to use" electronic cigarettes until a reputable national regulatory body has found them safe and effective. This has not been done as of this date.* This statement began to stir additional controversy across the nation regarding the use of electronic cigarettes. Some worried that electronic cigarettes were luring children and exposing them to nicotine, an addictive substance. According to the U.S. Centers for Disease Control and Prevention, the number of high school students who have tried electronic cigarettes is growing annually. Cities locally began to pass ordinances that prohibit the use and sale of electronic cigarettes to children that are eighteen years of age or younger.

Electronic cigarettes have not been proven to be safe, although the UK National Health Service has noted that the toxic chemicals found by a preliminary analysis conducted by the US Food and Drug Administration were at levels one-thousandth that of cigarette smoke, and that while there is no certainty that these small traces are harmless, initial test results are reassuring. Nevertheless, due to the highly addictive nature of nicotine and the potential that the use of electronic cigarettes by teens may lead to addiction to cigarettes, it is in the best interest of the public that the City of Kingsville pass an ordinance that helps protect our children. Prohibiting the sale and use of electronic cigarettes to and by our children is a step in the right direction.

DISCUSSION

Electronic cigarettes are battery powered and are used in a manner similar to traditional cigarettes except that they don't involve burning tobacco. They contain a heating element that

vaporizes a liquid solution, and they emit a vapor instead of smoke. The liquid solution can contain liquid nicotine, which has caused concern for area law enforcement officials.

Manufacturers and marketers of electronic cigarettes advertise their products as safe nicotine delivery devices and smoking cessation modalities. *Electronic cigarettes are entirely unregulated; there is no regulation by the federal government and no Texas statutes or regulations that in any way limit the production, distribution or use of electronic cigarettes to anyone.* A few states have either banned the sale to minors or regard electronic cigarettes in the same manner as traditional cigarettes.

The following cities have enacted ordinances prohibiting the possession and sale of electronic cigarettes to minors: Dennison, Flower Mound, Frisco, Georgetown, Lewisville, Murphy, Rowlett and Rockwall.

SUMMARY

Protecting the younger citizens of the City of Kingsville against an untested nicotine product like electronic cigarettes and liquid nicotine represents sound public health and fiscal policy. A ban on the sale of electronic cigarettes, liquid nicotine and associated paraphernalia in the City of Kingsville to persons under the age of 18, a prohibition on self-service merchandising in order to minimize their physical accessibility to minors, and the prohibition of the use and possession of such products by minors, serves an important public interest in furtherance of the health, safety, and general welfare of the citizens of the City of Kingsville.

RECOMMENDED ACTION

Provide direction to staff on the proposed schedule to amend Article IX "General Regulations"; Chapter 9 "Smoking Regulations" by adding Sections 40-43 of the Code of Ordinances as it relates to the sale, use and possession of electronic cigarettes, liquid nicotine products to minors.

REGULAR AGENDA

AGENDA ITEM #3

ORDINANCE NO. 2014-_____

AN ORDINANCE ADOPTING THE CITY MANAGER'S BUDGET, AS AMENDED, OF THE CITY OF KINGSVILLE, TEXAS, AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 01, 2014 AND ENDING SEPTEMBER 30, 2015 IN THE PARTICULARS HEREINAFTER STATED.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS, that the budget for FY 2014-2015 is adopted as follows:

Section One: The official budget for the City of Kingsville for the fiscal year beginning October 01, 2014 and ending September 30, 2015 has been presented to the City Commission by the City Manager, several budget workshops were conducted on such budget, along with a duly noticed public hearing, and the budget is hereby approved.

Section Two: The budget contains a complete financial statement of the City and shows (1) the outstanding obligations of the City of Kingsville, Texas, (2) the cash on hand to the credit of each fund, (3) the funds received from all sources during the preceding year, (4) the funds available from all sources during the ensuing year, (5) the estimated revenue available to cover the proposed budget, and, (6) the estimated tax rate required to cover the proposed budget. The budget shows each of the projects for which expenditures are set up and the estimated amount of money appropriated for each project.

Section Three: The sum of \$52,515,032 is hereby appropriated for the budget revenues and expenses in the amounts shown on the attached Condensed Statement of all Operating and General Obligation Debt Service Funds – Summary of Revenues and Expenditures. The General Obligation Debt Service principle is \$1,185,000 and interest is \$272,442.

Section Four: The budget and all the attached support material as outlined in the above sections shall be deemed the official budget for the City of Kingsville, Texas, for the fiscal year starting October 01, 2014 and ending September 30, 2015. A copy of the official budget shall be kept by the City Secretary with the designation thereon as the official budget for FY 2014-2015, with the date of the adoption clearly stated, and filed with the County Clerk's Office. The official budget shall be available for inspection by any taxpayer.

Section Five: The City Commission is authorized to levy taxes in accordance with this budget. The City Commission may authorize the expenditure of City funds only in strict compliance with the budget, except in an emergency. The City Commission may authorize an emergency expenditure as an amendment to the original budget only in case of grave public necessity to meet an unusual and unforeseen condition that could not have been included in the original budget through the use of reasonably diligent care and attention. If the City Commission

amends the original official budget to meet an emergency, the City Commission shall file a copy of its ordinance amending the budget with the City Secretary, and the City Secretary shall attach it to the original budget. The City Manager shall provide for the filing of true copy of the approved budget in the office of the County Clerk of Kleberg County. The City Commission reserves the right to make changes in the official budget for municipal purposes.

Section Six: All Ordinances of parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

Section Seven: 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.

Section Eight: This Ordinance shall NOT be codified but will become effective on and after adoption and publication as required by law.

Section Nine: This Ordinance was considered, passed, and approved at a regular meeting of the City Commission of the City of Kingsville, Texas at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code, and Chapter 102 of the Texas Local Government Code.

INTRODUCED on this the 8th day of September, 2014.

PASSED on this the 15th day of September, 2014.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

EFFECTIVE DATE: _____

AGENDA ITEM #4

AGENDA ITEM #5

ORDINANCE NO. 2014-_____

AN ORDINANCE ESTABLISHING AND ADOPTING THE AD VALOREM TAX RATE FOR ALL TAXABLE PROPERTY WITHIN THE CITY OF KINGSVILLE, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 01, 2014 AND ENDING SEPTEMBER 30, 2015, DISTRIBUTING THE TAX LEVY AMONG THE VARIOUS FUNDS, AND PROVIDING FOR A LIEN ON REAL AND PERSONAL PROPERTY TO SECURE THE PAYMENT OF TAXES ASSESSED.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS, that the ad valorem tax rate for all taxable property within the city limits of Kingsville, Texas for FY 2014-2015 be established and adopted as follows:

Section One: **THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.**

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 2.67 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$1.54.

Section Two: That there be and there is hereby levied and ordered collected on each One Hundred Dollar (\$100) valuation of all taxable property, real, personal, and mixed, within the corporate limits of the City of Kingsville, Texas, for the tax corporate limits of the City of Kingsville, Texas, for the tax year 2014 starting October 01, 2014 and ending September 30, 2015, the sum of \$.84220 based on 100% of the fair market value.

Section Three: Said levy shall be distributed in the following manner:

FOR GENERAL FUND EXPENDITURES (Maintenance & Operations), the sum of \$.65558 on each one hundred dollar (\$100.00) assessed valuation of such property.

FOR DEBT SERVICE FUND EXPENDITURES of annual principal, interest, and service fees of all General Obligation Bonds, Warrants, Certificates of Obligation, and Combination Tax and Junior Lien Revenue

Certificates of Obligations, of the City of Kingsville, the sum of \$.18662 on each one hundred dollar (\$100) assessed valuation of such property.

Section Four: That said taxes shall be due and payable at the time and in the manner provided by ordinances of the City of Kingsville and laws of the State of Texas, relating to the payment of taxes and providing for penalties and interest on delinquent taxes.

Section Five: There is hereby fixed, levied on each and every item of taxable property a lien for the purpose of securing the certain payment of the taxes assessed against said item of property and said lien shall continue to exist against any item of property against which a tax is assessed hereunder until such tax together with all penalties and interest shall be paid.

Section Six: This ordinance shall be in full force and effective ten days from and after the date of the second publication in a local newspaper as provided by law and the City Charter of the City of Kingsville.

Section Seven: The tax rate established and adopted by this ordinance and a copy of this ordinance shall be filed in the office of the Tax Assessor Collector.

Section Eight: That no discounts or split payments are allowed for the 2014 tax year.

Section Nine: That an exemption of \$8,400.00 be granted for any person of age sixty-five (65) or over.

Section Ten: The Kleberg County Tax Assessor-Collector is hereby authorized to assess and collect the taxes of the City of Kingsville employing the above tax rate.

INTRODUCED on this the 8th day of September, 2014.

PASSED on this the 15th day of September, 2014.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

EFFECTIVE DATE: _____

AGENDA ITEM #6

ORDINANCE NO. _____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER III, ARTICLE 7, PERSONNEL POLICIES; 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 3-7-1 of Article 7: Personnel Policies of Chapter III. Administration of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§ 3-7-1 ADOPTION OF THE JOB CLASSIFICATION AND COMPENSATION PLAN.

The City of Kingsville Classification and Compensation Plan dated effective as of October ____, 2014 is hereby adopted by reference providing for certain classifications and positions as more particularly defined therein. Classified positions and incumbents thereof who have completed the designated probationary period and any extensions thereof shall be subject to the terms and conditions of all policies incorporated by reference and adopted by the City Commission by resolution. Except members of the Fire and Police collective bargaining units, all other employees (executive, managerial, or hourly) serve at will, at the pleasure of the City Manager, or designee, or at the pleasure of the City Commission if appointed by the City Commission, and shall have and continue such at-will status, notwithstanding any other provision of this Classification Plan, any other City Ordinance, or any rule or regulation of the City.

All hourly Non-Exempt Management Non-Civil Service employees of the City of Kingsville, in their current positions, are placed in the step corresponding to the anniversary of their current hire date with the City according to Fiscal Year 2013-2014 2014-2015 Hourly Chart.

New hires shall be placed at the compensation Class for the designated positions. New hires may be placed in the Step within the designated Class corresponding to the years of experience the new employee brings to the City correlating to the designated duties of the position not to exceed the Ten (10) Year Step unless approved by City Commission.

Non-Exempt Hourly employees promoted, transferred or temporarily assigned to a position in a higher classification range shall commence at the first step of the higher Class classification range that causes an increase in the employees' hourly pay rate. Each promoted, transferred or temporarily assigned employee shall then proceed to the next step after one (1) year in their current position and shall proceed to each step thereafter on the 3rd, 6th, 10th, 15th, 20th and 25th year or until the employee reaches the last step of the compensation schedule.

Employees demoted, transferred, temporarily assigned, or accepting a position in a lower Class classification range shall commence at the same step of pay in the lower Class classification range as the employee held at the time of such demotion, transfer, temporary assignment or acceptance of the lower Class range position. Employees meeting these criteria shall proceed to the next step of the compensation plan, as scheduled, based on years of City service.

All management employees of the City of Kingsville shall be placed in a step program to receive a scheduled salary increase on the anniversary date of their 1st, 3rd, 6th, 10th, 15th, 20th and 25th year of service in the their Management Level position. Percentage increases shall correspond to the

Management Level Step Program included in the Classification and Compensation Plan for Fiscal Year 2013-2014 2014-2015.

Executive Level 1 & 2 positions shall receive a cost of living adjustment when Non-Exempt Non-Civil Service employees receive a cost of living adjustment. The City Commission shall evaluate the performance of and recommend salaries for Executive Level 1 & 2 positions each July to prepare for the up-coming fiscal year.

II.

THAT all Ordinances of 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 ____ day of September, A. D., 2014.

PASSED AND APPROVED on this the ____ day of ____, A. D., 2014.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

Approved As to Form:

Courtney Alvarez, City Attorney

CITY OF KINGSVILLE
CLASSIFICATION AND COMPENSATION PLAN
FISCAL YEAR 2013-2014 2014-2015

Ordinance Introduced: _____

Ordinance Approved: _____

NON-EXEMPT / NON-CIVIL SERVICE		MIN/HOURLY	MAX/HOURLY
CLASS 7	Custodian	\$ 8.64	\$11.39
	Equipment Service Worker	<u>\$ 9.36</u>	
	Maintenance Worker		
	Plant Helper		
	<u>Golf Pro-Shop Attendant (NEW Position)</u>		
	Utility Worker		
CLASS 8	Animal Control Officer Specialist/Kennel Attendant (Separated & Renamed)	\$ 8.83	\$11.64
	<u>Animal Care Attendant</u>	<u>\$ 9.73</u>	\$11.69
	Children's Services Librarian		
	Equipment Operator I		
	Recycling Technician		
CLASS 9	Customer Service Representative	\$ 9.04	\$12.22
	Municipal Court Deputy Clerk	<u>\$ 9.90</u>	\$12.24
	Reference/Information Librarian		
CLASS 10	Circulation Librarian	\$ 9.46	\$12.33
	Technician Services Assistant	<u>\$ 10.17</u>	
CLASS 11	Pump Operator	\$ 9.90	\$13.06
		<u>\$10.69</u>	
CLASS 12	Inventory Clerk	\$10.36	\$13.52
	Information and Technology Librarian	<u>\$10.92</u>	\$13.72
CLASS 13	<u>Tourism Services Technician (New Job Title)</u>	\$10.83	\$13.98
		<u>\$11.39</u>	\$14.19
CLASS 14	Accountant-I (Delete Title- not in use)	\$11.34	\$14.49
	Customer Billing Specialist	<u>\$11.90</u>	\$14.71
	Engineering Technician		
	Equipment Operator II		
	GIS Technician		
	Meter Reader Technician		
	Police Telecommunications Operator		
	<u>Municipal Court Specialist (NEW Position)</u>		
	<u>Fire Telecommunications Operator (NEW Position)</u>		
CLASS 15	Administrative Assistant I	\$11.83	\$15.00
		<u>\$12.42</u>	\$15.23
CLASS 16	Lead Telecommunications Operator	\$12.39	\$16.12
		<u>\$13.05</u>	\$16.36

CLASS 17	Accountant II (Positions renamed – see below)	\$12.98	\$16.14
	A/P Specialist (Title Updated from Accountant II)	\$13.59	\$16.38
	Payroll Specialist (Title Updated from Accountant II)		
	Accounting Assistant (Title Updated from Accountant II)		
	Administrative Assistant II		
	Assistant Library Administrator		
	Equipment Operator III		
	Help Desk		
	Maintenance Technician		
	Water/Wastewater Operator		
	Welder/Fabricator		
CLASS 18	Lab Technician	\$13.56	\$16.71
	Legal Assistant/Paralegal	\$14.16	\$16.96
CLASS 19	Code Enforcement Officer <u>Community Appearance Inspector</u>	\$14.21	\$17.37
	Lead Maintenance Technician (1 Position From CLASS 17)	\$14.82	\$17.22
	(New Job Title - Fill from existing staff)		
CLASS 20	Foreman	\$14.86	\$18.41
		\$15.88	\$18.29
CLASS 21	City Marshal (Moved to TF CLASSIFICATION)	\$17.43	\$21.09
	Crime Scene Specialist	\$17.96	\$20.61
	Health Inspector I		
CLASS 22	Building Inspector	\$18.11	\$22.22
	City Marshal – Senior (Moved to TFS CLASSIFICATION)	\$19.10	\$21.76
	Engineer's Assistant (Moved from Exempt ML4)		
	Health Inspector II		
CLASS TF	<u>City Marshal (FROM CLASS 21)</u>	\$ 18.48	\$ 20.81
CLASS TFS	<u>Senior City Marshal (FROM CLASS 22)</u>	\$ 21.23	\$ 23.91
OTHER POSITIONS			
	<u>Seasonal/Temporary Employees</u>	\$ 8.00	\$12.00
	Example of positions include: Brookshire Pool Attendants/Instructors/Lifeguards, Park Recreational Program Assistants, etc.		
	Probationary Firefighters (0-12 months)	\$ 13.52	\$15.00
		\$ 14.08	
	Probationary Police Officers (0-12 months)	\$ 13.50	\$19.00
		\$ 17.00	\$18.85

**CLASSIFICATION PLAN
EXEMPT LEVEL SALARY PLAN
FY 2013-2014 2014-2015**

	<u>BEGINNING</u> <u>MIN</u>	<u>BEGINNING</u> <u>MAX</u>
EXECUTIVE OFFICER - 1		
City Manager	\$ 91,350 <u>\$ 95,000</u>	\$121,800 <u>\$140,000</u>
 EXECUTIVE OFFICER - 2		
City Attorney	\$ 76,125 <u>\$ 80,000</u>	\$ 98,455 <u>\$120,000</u>
Municipal Court Judge		
 MANAGEMENT LEVEL - 1		
Fire Chief	\$ 60,900 <u>\$ 70,000</u>	\$ 91,350 <u>\$100,000</u>
Finance Director		
Police Chief		
City Engineer/Public Works Director		
Planning & Development Services Director		
 MANAGEMENT LEVEL - 2		
Assistant City Attorney	\$ 46,183 <u>\$ 50,000</u>	\$ 78,155
Human Resources Director		
Purchasing and Technology Director		
<u>Task Force Commander (From ML3 & Renamed)</u>		
Tourism Services Director		
 MANAGEMENT LEVEL - 3		
Accounting Manager	\$ 40,600 <u>\$ 41,209</u>	\$ 68,005
<u>Assistant Task Force Commander (From ML4 & Renamed)</u>		
Assistant Public Works Director		
<u>City Marshal (Commander) (Moved to ML2 & Renamed)</u>		
<u>Golf Course Manager - New Position</u>		
Health Director		
Library Director		
<u>Parks & Recreation Manager - New Position</u>		
Risk Manager		

MANAGEMENT LEVEL - 4

~~\$ 35,525~~

\$ 55,825

Accounting Supervisor

\$ 36,058

Building Official

~~City Marshal (Assistant Commander)~~ (Moved to ML3 & Renamed)

City Secretary

Collection's ~~Manager~~ Supervisor

Police Communication's Supervisor (New Position)

Community Appearance Supervisor

Downtown and Volunteer ~~Manager~~ Supervisor

~~Engineer's Assistant~~ (Moved to Non-Exempt Schedule Range 22)

Garage Supervisor

~~Information System Technician (2)~~ Systems Specialist (Renamed)

Landfill Supervisor

Municipal Court ~~Manager~~ Supervisor

Sanitation Supervisor

Street Supervisor

Wastewater Supervisor

Water Production Supervisor

Water Supervisor

DRAFT

NON-EXEMPT RATE CHART	FISCAL YEAR 2014-2015	PROPOSED
------------------------------	----------------------------------	-----------------

Class 7 - 11 adjustments

Starting at Class 12
COLA positions
1.015

→→

	STEP	B NEW HIRE	C 1	D 3	E 6	F 10	G 15	H 20	I 25
CLASS									
7	\$ 8.64	\$ 9.00	\$ 9.36	\$ 9.72	\$ 10.08	\$ 10.43	\$ 10.80	\$ 11.16	\$ 11.39
		\$ 9.36	\$ 9.72	\$ 10.08	\$ 10.43	\$ 10.88	\$ 11.15	\$ 11.39	
8	\$ 8.83	\$ 9.21	\$ 9.73	\$ 10.09	\$ 10.44	\$ 10.81	\$ 11.16	\$ 11.52	\$ 11.64
		\$ 9.73	\$ 10.09	\$ 10.44	\$ 10.81	\$ 11.15	\$ 11.52	\$ 11.69	
9	\$ 9.04	\$ 9.47	\$ 9.90	\$ 10.33	\$ 10.76	\$ 11.19	\$ 11.61	\$ 12.06	\$ 12.22
		\$ 9.90	\$ 10.33	\$ 10.76	\$ 11.19	\$ 11.61	\$ 12.06	\$ 12.24	
10	\$ 9.46	\$ 9.82	\$ 10.17	\$ 10.53	\$ 10.89	\$ 11.24	\$ 11.63	\$ 12.09	\$ 12.33
		\$ 10.17	\$ 10.53	\$ 10.89	\$ 11.24	\$ 11.63	\$ 12.09	\$ 12.33	
11	\$ 9.90	\$ 10.30	\$ 10.69	\$ 11.07	\$ 11.48	\$ 11.88	\$ 12.27	\$ 12.66	\$ 13.06
		\$ 10.69	\$ 11.07	\$ 11.48	\$ 11.88	\$ 12.27	\$ 12.66	\$ 13.06	
12	\$ 10.36	\$ 10.76	\$ 11.15	\$ 11.55	\$ 11.95	\$ 12.34	\$ 12.73	\$ 13.12	\$ 13.52
		\$ 10.92	\$ 11.32	\$ 11.72	\$ 12.13	\$ 12.53	\$ 12.92	\$ 13.32	\$ 13.72
13	\$ 10.83	\$ 11.22	\$ 11.61	\$ 12.02	\$ 12.40	\$ 12.80	\$ 13.19	\$ 13.59	\$ 13.98
		\$ 11.39	\$ 11.78	\$ 12.20	\$ 12.59	\$ 12.99	\$ 13.39	\$ 13.79	\$ 14.19
14	\$ 11.34	\$ 11.72	\$ 12.12	\$ 12.52	\$ 12.91	\$ 13.30	\$ 13.70	\$ 14.12	\$ 14.49
		\$ 11.90	\$ 12.30	\$ 12.71	\$ 13.10	\$ 13.50	\$ 13.91	\$ 14.33	\$ 14.71

15	\$ 11.83	\$ 12.24	\$ 12.63	\$ 13.03	\$ 13.43	\$ 13.81	\$ 14.21	\$ 14.61	\$ 15.00
	\$ 12.42	\$ 12.82	\$ 13.23	\$ 13.63	\$ 14.02	\$ 14.42	\$ 14.83	\$ 15.23	
16	\$ 12.39	\$ 12.86	\$ 13.32	\$ 13.78	\$ 14.25	\$ 14.71	\$ 15.18	\$ 15.65	\$ 16.12
	\$ 13.05	\$ 13.52	\$ 13.99	\$ 14.46	\$ 14.93	\$ 15.41	\$ 15.88	\$ 16.36	
17	\$ 12.98	\$ 13.39	\$ 13.76	\$ 14.17	\$ 14.56	\$ 14.96	\$ 15.34	\$ 15.73	\$ 16.14
	\$ 13.59	\$ 13.97	\$ 14.38	\$ 14.78	\$ 15.18	\$ 15.57	\$ 15.97	\$ 16.38	
18	\$ 13.56	\$ 13.95	\$ 14.34	\$ 14.74	\$ 15.14	\$ 15.54	\$ 15.93	\$ 16.32	\$ 16.71
	\$ 14.16	\$ 14.56	\$ 14.96	\$ 15.37	\$ 15.77	\$ 16.17	\$ 16.56	\$ 16.96	
19	\$ 14.21	\$ 14.60	\$ 15.00	\$ 15.38	\$ 15.78	\$ 16.18	\$ 16.59	\$ 16.97	\$ 17.37
	\$ 14.82	\$ 15.23	\$ 15.61	\$ 16.02	\$ 16.42	\$ 16.84	\$ 17.22		
20	\$ 14.86	\$ 15.65	\$ 16.05	\$ 16.43	\$ 16.84	\$ 17.23	\$ 17.62	\$ 18.02	\$ 18.41
	\$ 15.88	\$ 16.29	\$ 16.68	\$ 17.09	\$ 17.49	\$ 17.88	\$ 18.29		
21	\$ 17.43	\$ 17.69	\$ 18.30	\$ 18.91	\$ 19.51	\$ 19.91	\$ 20.31	\$ 20.70	\$ 21.09
	\$ 17.96	\$ 18.57	\$ 19.19	\$ 19.80	\$ 20.21	\$ 20.61			
22	\$ 18.11	\$ 18.82	\$ 19.42	\$ 20.04	\$ 20.65	\$ 21.05	\$ 21.44	\$ 21.84	\$ 22.22
	\$ 19.10	\$ 19.71	\$ 20.34	\$ 20.96	\$ 21.37	\$ 21.76			
TF	<u>\$ 18.48</u>	<u>\$ 18.85</u>	<u>\$ 19.23</u>	<u>\$ 19.61</u>	<u>\$ 20.40</u>	<u>\$ 20.81</u>			
TFS	<u>\$ 21.23</u>	<u>\$ 21.65</u>	<u>\$ 22.09</u>	<u>\$ 22.53</u>	<u>\$ 23.44</u>	<u>\$ 23.91</u>			

*Note: +/- 1 cent(s) due to rounding

HOURLY CHART

STEP A — ~~City discretion for part-time and temporary positions.~~ NOT USED

STEP B - New Hire — ~~Orientation Period~~

STEP C - Step following completion of one (1) year of employment.

STEP D - Step for eligible employees with three (3) years of current uninterrupted City service.

STEP E - Step for eligible employees with six (6) years of current uninterrupted City service.

STEP F - Step for eligible employees with ten (10) years of current uninterrupted City service.

- STEP G -** Step for eligible employees with fifteen (15) years of current uninterrupted City service.
- STEP H -** Step for eligible employees with twenty (20) years of current uninterrupted City service.
- STEP I -** Step for eligible employees with twenty-five (25) years of current uninterrupted City service.

The hourly chart shall be relevant to all non-exempt, non-civil service ~~full time non-civil service, non-management~~ employees maintaining a position in the same CLASS. ~~Part time employees (less than 32 hours per week) shall be paid at the beginning hourly rate of the hourly chart or at the federal minimum wage rate,~~ unless otherwise approved by the City Manager.

**CERTIFICATION PAY -
HOURLY NON-EXEMPT EMPLOYEES
(EXCLUDES CIVIL SERVICE PERSONNEL)**

~~Hourly personnel in the Solid Waste Management divisions, Water Department, Water Production Department and Wastewater divisions are eligible for the following certification pay:~~

Class/Grade/Unit	Monthly	Per Pay Period Basis *
<u>TCEQ</u> I or D	\$ 30.00	\$ 13.85
<u>TCEQ</u> C	\$ 40.00	\$ 18.47
<u>TCEQ</u> II or B	\$ 55.00	\$ 25.39
<u>TCEQ</u> III or A	\$ 85.00	\$ 39.24
<i>Intermediate Peace Officer</i>	\$ 30.00	\$ 13.85
<i>Advanced Peace Officer</i>	\$ 52.00	\$ 24.00
<i>Master Peace Officer</i>	\$ 100.00	\$ 46.15

~~* Rounding may be required for payroll purposes up one cent on per pay period amounts~~

**MANAGEMENT LEVEL STEP PROGRAM
INCREASE DUE ON ANNIVERSARY DATE OF MANAGEMENT LEVEL POSITION.**

1 ST YEAR	3%
3 RD YEAR	3%
6 TH YEAR	3%
10 TH YEAR	2%
15 TH YEAR	2%
20 TH YEAR	2%
25 TH YEAR	2%

AGENDA ITEM #7

RESOLUTION # 2014-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SEWER LINE CONSTRUCTION UTILITY SUPPLY CONTRACT (GOV. CONTRACT #N69450-14-C-0037) BETWEEN THE CITY OF KINGSVILLE, TEXAS AND THE FEDERAL GOVERNMENT FOR NAVAL AIR STATION-KINGSVILLE; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Kingsville recognizes that the continued operation of Naval Air Station Kingsville (NAS Kingsville) is important to the economy of the City of Kingsville, Kleberg County, and the region and that its future operational capacity should be protected because it fulfills an essential community public purpose; and

WHEREAS, the NAS Kingsville currently purchases water from the City of Kingsville and the parties approved a new ten (10) year water utility supply contract in 2012 and have made some amendments thereto; and

WHEREAS, the NAS Kingsville desires to have the City provide sewer service for the base before the end of this year, but needs to have a sanitary sewer force main designed, installed and maintained from the NASK property fence line to the point of connection to the City North Waste Water Treatment plant; and

WHEREAS, the parties now desire to enter into an agreement for the construction of the sewer line described above; and

WHEREAS, the parties believe the contract to be in the best interest of both parties;

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

I.

THAT the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into a Sewer Line Construction Utility Supply Contract with the federal government to design, install, and maintain a sanitary sewer line to Naval Air Station-Kingsville 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
_____ 15th day of September, 2014.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AWARD/CONTRACT		1. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700)		RATING	PAGE OF PAGES 1 12
2. CONTRACT (Proc. Inst. Ident.) NO. N69450-14-C-0037		3. EFFECTIVE DATE 11 Sep 2014		4. REQUISITION/PURCHASE REQUEST/PROJECT NO.	
5. ISSUED BY NAVFAC SOUTHEAST ACQ CORE UTILITIES BLDG 903, PO BOX 30 JACKSONVILLE FL 32212-0030		CODE N69450	6. ADMINISTERED BY (If other than Item 5) See Item 5		
7. NAME AND ADDRESS OF CONTRACTOR (No., street, city, county, state and zip code) KINGSVILLE, CITY OF 1700 E KING ST KINGSVILLE TX 78363-5928			8. DELIVERY [] FOB ORIGIN [X] OTHER (See below)		
			9. DISCOUNT FOR PROMPT PAYMENT		
			10. SUBMIT INVOICES (4 copies unless otherwise specified) TO THE ADDRESS SHOWN IN:		ITEM
CODE 5VBD8		FACILITY CODE			
11. SHIP TO/MARK FOR NAVFAC SOUTHEAST DEBORAH TORRENCE ACQ CORE UTILITIES BLDG 903, PO BOX 30 JACKSONVILLE FL 32212-0030		CODE N69450	12. PAYMENT WILL BE MADE BY DFAS-CLEVELAND ATTN: SB-39, ACCOUNTS PAYABLE 1240 E 9TH STREET CLEVELAND OH 44199		CODE N68732
13. AUTHORITY FOR USING OTHER THAN FULL AND OPEN COMPETITION: [X] 10 U.S.C. 2304(c)(1) [] 41 U.S.C. 253(c)()			14. ACCOUNTING AND APPROPRIATION DATA See Schedule		
15A. ITEM NO.	15B. SUPPLIES/ SERVICES	15C. QUANTITY	15D. UNIT	15E. UNIT PRICE	15F. AMOUNT
SEE SCHEDULE					
15G. TOTAL AMOUNT OF CONTRACT					\$101,333.00
16. TABLE OF CONTENTS					
(X) SEC.	DESCRIPTION	PAGE(S)	(X) SEC.	DESCRIPTION	PAGE(S)
PART I - THE SCHEDULE			PART II - CONTRACT CLAUSES		
X A	SOLICITATION/ CONTRACT FORM	1	X I	CONTRACT CLAUSES	10 - 12
X B	SUPPLIES OR SERVICES AND PRICES/ COSTS	2	PART III - LIST OF DOCUMENTS, EXHIBITS AND OTHER ATTACHMENTS		
X C	DESCRIPTION/ SPECS/ WORK STATEMENT	3 - 5	X J	LIST OF ATTACHMENTS	
	D PACKAGING AND MARKING		PART IV - REPRESENTATIONS AND INSTRUCTIONS		
X E	INSPECTION AND ACCEPTANCE	6	K	REPRESENTATIONS, CERTIFICATIONS AND OTHER STATEMENTS OF OFFERORS	
X F	DELIVERIES OR PERFORMANCE	7		L	INSTRS., CONDS, AND NOTICES TO OFFERORS
X G	CONTRACT ADMINISTRATION DATA	8 - 9	M	EVALUATION FACTORS FOR AWARD	
	H SPECIAL CONTRACT REQUIREMENTS				
CONTRACTING OFFICER WILL COMPLETE ITEM 17 OR 18 AS APPLICABLE					
17. [] CONTRACTOR'S NEGOTIATED AGREEMENT (Contractor is required to sign this document and return copies to issuing office.) Contractor agrees to furnish and deliver all items or perform all the services set forth or otherwise identified above and on any continuation sheets for the consideration stated herein. The rights and obligations of the parties to this contract shall be subject to and governed by the following documents: (a) this award/contract, (b) the solicitation, if any, and (c) such provisions, representations, certifications, and specifications, as are attached or incorporated by reference herein. (Attachments are listed herein.)			18. [] AWARD (Contractor is not required to sign this document.) Your offer on Solicitation Number _____ including the additions or changes made by you which additions or changes are set forth in full above, is hereby accepted as to the items listed above and on any continuation sheets. This award consummates the contract which consists of the following documents: (a) the Government's solicitation and your offer, and (b) this award/contract. No further contractual document is necessary.		
19A. NAME AND TITLE OF SIGNER (Type or print)			20A. NAME OF CONTRACTING OFFICER		
			TEL: _____ EMAIL: _____		
19B. NAME OF CONTRACTOR		19C. DATE SIGNED	20B. UNITED STATES OF AMERICA		20C. DATE SIGNED
BY _____ (Signature of person authorized to sign)			BY _____ (Signature of Contracting Officer)		

AUTHORIZED FOR LOCAL REPRODUCTION

Previous edition is usable

STANDARD FORM 26 (REV. 4/2008)

Prescribed by GSA
FAR (48 CFR) 53.214(a)

Section B - Supplies or Services and Prices

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001		1	Project	\$101,333.00	\$101,333.00

NAS Kingsville Sewer Connection

FFP

The City Of Kingsville will design, permit, construct and maintain the sanitary force main from the NASK property fence line to the point of connection to the City of Kingsville North Waste Water Treatment plant.

FOB: Destination

NET AMT

\$101,333.00

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
000101					\$0.00

FUND ACRN AA

FFP

Funding Doc. No.: N6945014RCK4210 CUSTOMER ACRN AA

FOB: Destination

MILSTRIP: N6945014RCK4210

NET AMT

\$0.00

ACRN AA

\$101,333.00

CIN: 00000000000000000000000000000000

Section C - Descriptions and Specifications

SCOPE OF WORK

1. Sanitary Sewer

1.1 Rate

NASK will pay a minimum outside city sewer rate of \$26.10 up to 3,000 gallons and after that \$3.41 per 1,000 gallons of metered sewage.

1.2 Connection

The Navy will design, permit, construct and maintain a sanitary sewage pump station and force main within NASK property (inside the fence line).

The City Of Kingsville will design, permit, construct and maintain the sanitary force main from the NASK property fence line to the point of connection to the City of Kingsville North Waste Water Treatment plant. The pipe will be at least 8" in diameter and made out of polyvinyl chloride (PVC). The force main will start on Navy Property at the Northwest corner along Santa Gertrudis Road as shown in Drawings C-400 and C-488 and will connect to the City's gravity system. Currently the gravity line (233 ft of 18" VCP @ 0.08%) is discharging the flow to a lift station. The force main will have an electromagnetic meter installed by the City of Kingsville to facilitate accurate billing.

1.3 Capacity Reservation

The City Of Kingsville's North Wastewater Treatment Plant located at E Santa Gertrudis Road, just northwest of the property limits of NASK, has adequate capacity to accommodate and treat sanitary sewer from NASK (Average flow – 50,000 gal/day and Peak flow – 75,000 gal/day).

C.2. RATES AND CHARGES

All meters shall be installed by the contractor in a manner that allows verification by Government personnel. The Government reserves the right to have the contractor install meters at any location served by the system. The cost of such installations will be negotiated by the Government and contractor.

For all services furnished under this contract to the service location, the Government shall pay the contractor at the rates and charges specified in Rates, Fees and Charges attached hereto and made a part of this contract, and all revisions thereof.

For purposes of charges, any demands due to faulty operation of, or to excessive or fluctuating pressure on the contractor's system, shall not be included as part of the Government's requirement.

The contractor shall give the Contracting Officer written notice of the filing of an application for rate changes concurrently with the filing of an application. The notice shall fully describe the proposed rate change.

In the event that the regulatory body promulgates any regulation not concerning rates which materially affects this contract, the contractor shall immediately notify the Contracting Officer.

C.3. CHANGES IN CHARACTER OF SERVICE

The Government shall give reasonable notice (at least 30 days) of any material changes anticipated in demand or service requirements. The contractor shall give reasonable notice (at least 30 days) of any material changes anticipated in service capability or capacity.

C.4. DEFINITIONS

As used throughout this contract, the following terms are defined as follows. Additional definitions can be found in the "DEFINITIONS" clause (FAR 52.202-1) of Section I.

Contracting Officer (KO). An employee of the Government with the authority to enter into, administer, and/or terminate contracts and make related determinations and findings. The term includes certain authorized representatives acting within the limits of their authority as delegated by the Contracting Officer.

Contractor. Refers to both the prime contractor and subcontractors and includes any of its subsidiaries and parent companies. The prime contractor shall ensure that their subcontractors comply with the provisions of this contract.

Safe Water Drinking Act (SDWA). The main federal law that ensures the quality of Americans' drinking water. Under SDWA, Environmental Protection Agency sets standards for drinking water quality and oversees the states, localities, and water suppliers who implement those standards. For more information visit; <http://water.epa.gov/lawsregs/rulesregs/sdwa/>

C.5. COORDINATION OF WORK

The Government hereby grants to the contractor, free of any rental or similar charge, but subject to the limitations specified in this contract, a revocable permit to enter the service location for any proper purpose under this contract, including use of the site or sites agreed upon by the parties hereto for the installation, operation, and maintenance of the facilities of the contractor required to be located upon Government premises. Authorized representatives of the contractor will be allowed access to the facilities of the contractor at suitable times to perform the obligations of the contractor with respect to these facilities. It is expressly understood that the Government may limit or restrict the right of access herein granted in any manner considered to be necessary for the National security. In such a case, the contractor may not be held liable for interruptions of service due to facts beyond his control in order to operate and maintain service.

Routine work, such as the scheduled replacement or retirement/removal of inventory and equipment shall be coordinated with the designated Government representative.

The contractor shall provide 24-hour service for trouble calls made to a published telephone line. The Government employee responsible for the building or facility experiencing service outages or trouble will call the contractor's published telephone number to report any outages. Restoration of service shall be coordinated with the individual responsible for the building or facility.

The contractor shall cooperate with the Government and contractors of the Government to facilitate outages and underground utilities location markings to allow construction/repairs on the installation(s).

The contractor shall notify a designated Government representative at least 10 days prior to any scheduled excavation. The contractor shall mark the proposed excavation location with standard industry markings, no more than 24 hours prior to providing notification. The contractor shall not begin any excavations without prior site approval. Such approval/disapproval shall be timely and not cause unreasonable delays in contractor's related work or be unreasonably withheld. The contractor shall be liable for all damages incurred by the Government related to excavations by the contractor without prior approval; however, the contractor shall not be held liable for any excavations without prior approval where said excavations are necessary to address an emergency condition.

C.6. Emergency Service Requests

Trouble calls and service calls shall be classified as an emergency at the discretion of the Contracting Officer or authorized Government official as designated by the Contracting Officer. An emergency condition is one that is detrimental to the mission of the installations, significantly impacts operational effectiveness, or compromises the safety, health, and life of personnel. Once an emergency request is received, the contractor will respond as soon as possible and endeavor to take such action as is necessary to downgrade the level of the service request to routine. The response point for all emergency calls will be the security entrance gate at each installation. Installation personnel will be responsible for facilitating rapid access of the contractor's personnel through the security entrance to the site of the emergency.

Emergency calls may include complaints and communications concerning back-ups, flood conditions, stoppages, spillages, leaks, breaks and emergencies. The emergency will be isolated as soon as possible. The emergency will be resolved and/or repaired as soon as possible. Work will be continuous until the emergency condition is eliminated or downgraded and service is restored. Additionally, repair crews appropriately trained to eliminate the condition must respond to the emergency site as soon as possible.

During non-working hours, once the emergency is isolated, the contractor, with the concurrence of the Contracting Officer or authorized Government official as designated by the Contracting Officer, will determine if the emergency needs to be resolved immediately or can wait until the next business day. If the emergency must be resolved immediately, repair crews appropriately trained to eliminate the condition must respond to the emergency site as soon as possible. If the repair can wait until the next business day, the appropriate repair crews will be on site at the start of the next business day or as soon thereafter as possible.

All emergencies will be remedied or downgraded to a non-emergency status as soon as possible.

C. 7. COMPLIANCE WITH ENVIRONMENTAL AND SAFETY LAWS/CODES

The contractor shall comply with all federal, state and local environmental and safety laws and shall be responsible for environmental assessments, studies and coordination applicable to federal, state, and local agencies required to execute their portion of this contract. This shall include, but not be limited to, all assessments, studies, permitting and coordination required to comply with federal, state and local laws regarding endangered species, historic/archaeological, and hazardous/toxic materials.

Section E - Inspection and Acceptance

INSPECTION AND ACCEPTANCE TERMS

Supplies/services will be inspected/accepted at:

CLIN	INSPECT AT	INSPECT BY	ACCEPT AT	ACCEPT BY
0001	Destination	Government	Destination	Government
000101	N/A	N/A	N/A	Government

Section F - Deliveries or Performance

DELIVERY INFORMATION

CLIN	DELIVERY DATE	QUANTITY	SHIP TO ADDRESS	UIC
0001	POP 11-SEP-2014 TO 04-NOV-2014	N/A	NAVFAC SOUTHEAST DEBORAH TORRENCE ACQ CORE UTILITIES BLDG 903, PO BOX 30 JACKSONVILLE FL 32212-0030 904-542-6952 FOB: Destination	N69450
000101	N/A	N/A	N/A	N/A

Section G - Contract Administration Data

PAYMENT AND BILLING**G.2. Payment**

The contractor shall be paid by the designated disbursing office for service furnished hereunder at the rates specified. The Government shall be liable for the minimum monthly charge, if any, commencing with the billing period in which service is initially furnished and continuing until this contract is terminated, except that the minimum monthly charge shall be equitably prorated for the billing period in which commencement and termination of this contract shall become effective.

Payments shall not be made in advance of the service rendered.

The Government shall be entitled to any discounts customarily applicable to payment of bills by all customers of the Contractor.

Invoices for service rendered hereunder shall contain statements of the meter readings at the beginning of the billing period, meter constants, consumption during the billing period, and such other pertinent data as shall be required by the Government.

The contractor hereby declares that rates are not in excess of the lowest rates now available to any existing or prospective customer under like conditions of service, or of the same classification, and agrees that during the life of this contract the Government shall continue to be billed at the lowest available rate for similar conditions of service.

G.3. Billing Information**Invoice Submission for Connection ONLY**

Submit invoice(s) to the following email inbox for timely processing:

NAVFACSEUTInvoices@navy.mil

Submission of invoices to another location/address will result in a rejection of the invoice.

POINT OF CONTACT**G.4. Point of Contact**

City of Kingsville;

Emergency:
361-592-4311

Customer Service:
361-595-8040

NAS Kingsville;
UEM - 361-516-6059

ACCOUNTING AND APPROPRIATION DATA

AA: 97X4930 NE1K 000 77777 0 069450 2F 000000

COST CODE: 69450RCK4210

AMOUNT: \$101,333.00

CIN 000000000000000000000000000000: \$101,333.00

Section I - Contract Clauses

CLAUSES INCORPORATED BY REFERENCE

52.202-1	Definitions	NOV 2013
52.203-3	Gratuities	APR 1984
52.203-6 Alt I	Restrictions On Subcontractor Sales To The Government (Sep 2006) -- Alternate I	OCT 1995
52.203-12	Limitation On Payments To Influence Certain Federal Transactions	OCT 2010
52.204-4	Printed or Copied Double-Sided on Postconsumer Fiber Content Paper	MAY 2011
52.204-10	Reporting Executive Compensation and First-Tier Subcontract Awards	JUL 2013
52.219-8	Utilization of Small Business Concerns	MAY 2014
52.222-3	Convict Labor	JUN 2003
52.222-21	Prohibition Of Segregated Facilities	FEB 1999
52.222-26	Equal Opportunity	MAR 2007
52.222-35	Equal Opportunity for Veterans	JUL 2014
52.222-37	Employment Reports on Veterans	JUL 2014
52.222-40	Notification of Employee Rights Under the National Labor Relations Act	DEC 2010
52.222-50	Combating Trafficking in Persons	FEB 2009
52.222-54	Employment Eligibility Verification	AUG 2013
52.223-5	Pollution Prevention and Right-to-Know Information	MAY 2011
52.223-6	Drug-Free Workplace	MAY 2001
52.232-23	Assignment Of Claims	MAY 2014
52.232-33	Payment by Electronic Funds Transfer--System for Award Management	JUL 2013
52.233-3	Protest After Award	AUG 1996
52.233-4	Applicable Law for Breach of Contract Claim	OCT 2004
52.237-2	Protection Of Government Buildings, Equipment, And Vegetation	APR 1984
52.241-2	Order of Precedence - Utilities	FEB 1995
52.241-4	Change in Class of Service	FEB 1995
52.241-5	Contractor's Facilities	FEB 1995
52.242-13	Bankruptcy	JUL 1995
52.243-1 Alt I	Changes--Fixed Price (Aug 1987) - Alternate I	APR 1984
52.249-2	Termination For Convenience Of The Government (Fixed-Price)	APR 2012
52.249-8	Default (Fixed-Price Supply & Service)	APR 1984
252.203-7000	Requirements Relating to Compensation of Former DoD Officials	SEP 2011
252.203-7002	Requirement to Inform Employees of Whistleblower Rights	SEP 2013
252.204-7003	Control Of Government Personnel Work Product	APR 1992
252.225-7012	Preference For Certain Domestic Commodities	FEB 2013
252.232-7010	Levies on Contract Payments	DEC 2006
252.241-7001	Government Access	DEC 1991
252.243-7002	Requests for Equitable Adjustment	DEC 2012

CLAUSES INCORPORATED BY FULL TEXT

52.241-6 SERVICE PROVISIONS (FEB 1995)

(a) Measurement of service. (1) All service furnished by the Contractor shall be measured by suitable metering equipment of standard manufacture, to be furnished, installed, maintained, repaired, calibrated, and read by the Contractor at its expense. When more than a single meter is installed at a service location, the readings thereof may be billed conjunctively, if appropriate. In the event any meter fails to register (or registers incorrectly) the service furnished, the parties shall agree upon the length of time of meter malfunction and the quantity of service delivered during such period of time. An appropriate adjustment shall be made to the next invoice for the purpose of correcting such errors. However, any meter which registers not more than 1 percent slow or fast shall be deemed correct.

(2) The Contractor shall read all meters at periodic intervals of approximately 30 days or in accordance with the policy of the cognizant regulatory body or applicable bylaws. All billings based on meter readings of less than 30 days shall be prorated accordingly.

(b) Meter test. (1) The Contractor, at its expense, shall periodically inspect and test Contractor-installed meters at intervals not exceeding 2 year(s). The Government has the right to have representation during the inspection and test.

(2) At the written request of the Contracting Officer, the Contractor shall make additional tests of any or all such meters in the presence of Government representatives. The cost of such additional tests shall be borne by the Government if the percentage of errors is found to be not more than 1 percent slow or fast.

(3) No meter shall be placed in service or allowed to remain in service which has an error in registration in excess of 1 percent under normal operating conditions.

(c) Change in volume or character. Reasonable notice shall be given by the Contracting Officer to the Contractor regarding any material changes anticipated in the volume or characteristics of the utility service required at each location.

(d) Continuity of service and consumption. The Contractor shall use reasonable diligence to provide a regular and uninterrupted supply of service at each service location, but shall not be liable for damages, breach of contract or otherwise, to the Government for failure, suspension, diminution, or other variations of service occasioned by or in consequence of any cause beyond the control of the Contractor, including but not limited to acts of God or of the public enemy, fires, floods, earthquakes, or other catastrophe, strikes, or failure or breakdown of transmission or other facilities. If any such failure, suspension, diminution, or other variation of service shall aggregate more than 2 hour(s) during any billing period hereunder, an equitable adjustment shall be made in the monthly billing specified in this contract (including the minimum monthly charge).

(End of clause)

52.241-7 CHANGE IN RATES OR TERMS AND CONDITIONS OF SERVICE FOR REGULATED SERVICES (FEB 1995)

(a) This clause applies to the extent services furnished under this contract are subject to regulation by a regulatory body. The Contractor agrees to give 30 days written notice of (1) the filing of an application for change in rates or terms and conditions of service concurrently with the filing of the application and

(2) any changes pending with the regulatory body as of the date of contract award. Such notice shall fully describe the proposed change. If, during the term of this contract, the regulatory body having jurisdiction approves any changes, the Contractor shall forward to the Contracting Officer a copy of such changes within 15 days after the

effective date thereof. The Contractor agrees to continue furnishing service under this contract in accordance with the amended tariff, and the Government agrees to pay for such service at the higher or lower rates as of the date when such rates are made effective.

(b) The Contractor agrees that throughout the life of this contract the applicable published and unpublished rate schedule(s) shall not be in excess of the lowest cost published and unpublished rate schedule(s) available to any other customers of the same class under similar conditions of use and service.

(c) In the event that the regulatory body promulgates any regulation concerning matters other than rates which affects this contract, the Contractor shall immediately provide a copy to the Contracting Officer. The Government shall not be bound to accept any new regulation inconsistent with Federal laws or regulations.

(d) Any changes to rates or terms and conditions of service shall be made a part of this contract by the issuance of a contract modification unless otherwise specified in the contract. The effective date of the change shall be the effective date by the regulatory body. Any factors not governed by the regulatory body will have an effective date as agreed to by the parties.

(End of clause)

52.252-2 CLAUSES INCORPORATED BY REFERENCE (FEB 1998)

This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at this/these address(es):

<http://acquisition.gov/far/>

(End of clause)

252.204-0001 LINE ITEM SPECIFIC: SINGLE FUNDING. (SEP 2009)

The payment office shall make payment using the ACRN funding of the line item being billed.

(End of clause)

FAC 5252.209-9300 ORGANIZATIONAL CONFLICTS OF INTEREST (JUN 1994)

The restrictions described herein shall apply to the Contractor and its affiliates, consultants and subcontractors under this contract. If the Contractor under this contract prepares or assists in preparing a statement of work, specifications and plans, the Contractor and its affiliates shall be ineligible to bid or participate, in any capacity, in any contractual effort which is based on such statement of work or specifications and plans as a prime contractor, subcontractor, consultant or in any similar capacity. The Contractor shall not incorporate its products or services in such statement of work or specification unless so directed in writing by the Contracting Officer, in which case the restriction shall not apply. This contract shall include this clause in its subcontractors' or consultants' agreements concerning the performance of this contract.



Purchasing/IT Department

361-595-8025
361-595-8035 Fax

DATE: September 5, 2014
TO: City Commission through City Manager
FROM: David Mason, Purchasing/IT Director
SUBJECT: NAS Force Main Extension

SUMMARY

This item authorizes the award of the contract for the NAS Kingsville Force Main Improvements. The base would like the City to provide them with sewer service but is in need of a sanitary sewer service line from the base to the North Wastewater Treatment Plant, which has sufficient capacity for this new customer.

BACKGROUND

LNV Engineering, 801 Navigation, Corpus Christi, TX is the engineer of record for this project and created the bid documents. Bids were advertised in the Kingsville Record on May 11, 2014 and May 18, 2014. A prebid meeting was held May 21, 2014 at 10:30 am in the City of Kingsville Commission Chambers. Bid opening was May 28, 2014 at 1:30 pm with eight (8) responsive bids. Bid Tab for Project Total is below:

5125 Company	Etech	Gravely	Hubert	CAS	Bridges Specialy	Mor-Will	ADK
\$83,333.00	\$84,000.00	\$92,667.30	\$102,434.00	\$103,716.00	\$107,785.00	\$109,233.20	\$124,207.94

RECOMMENDATION

It is recommended the contract be awarded to The 5125 Company, 1008 Doherty, Mission TX 78572 on the basis they are the lowest responsible bidder. Charlie Cardenas, City Engineer and LNV Engineering are in agreement with this award. The 5125 Company has agreed to honor their Bid from May for this project.

FINANCIAL IMPACT

None. The Navy will reimburse the City for the expenditures related to this project. This will be charged to 051-0-240.05 WasteWater Extension NAS and booked as a receivable for reimbursement and then transferred to Fixed Assets.

AGENDA ITEM #8



Purchasing/IT Department

361-595-8025
361-595-8035 Fax

DATE: September 5, 2014
TO: City Commission through City Manager
FROM: David Mason, Purchasing/IT Director
SUBJECT: NAS Force Main Extension

SUMMARY

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BACKGROUND

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FINANCIAL IMPACT

None. The Navy will reimburse the City for the expenditures related to this project. This will be charged to 051-0-240.05 WasteWater Extension NAS and booked as a receivable for reimbursement and then transferred to Fixed Assets.

AGENDA ITEM #9

ORDINANCE NO. 2014-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER V, ARTICLE 3, WATER, PROVIDING FOR AN INCREASE IN WATER RATES; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City previously contracted with HDR Engineering to perform a five-year water rate study and this is the fifth and final year of that study, which recommends a 1% increase in the water rates;

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 5-3-51 of Article 3: Water of Chapter V, Public Works, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§ 5-3-51 MINIMUM MONTHLY CHARGE; RATE SCHEDULE.

(A) The following monthly rates shall be charged inside-city customers for the use of city water, provided that minimum monthly charges shall be made and bills rendered accordingly, under the standard water rates schedule as follows:

<i>Minimum Monthly Bill Water Service</i>					
<i>Meter Allowance Size</i>	<i>Single-Family Residential</i>	<i>Multi-Family Residential*</i>	<i>Commercial**</i>	<i>Irrigation</i>	<i>Gallons</i>
5/8 - 3/4 inch	12.42 12.35	\$0.00	\$0.00	\$0.00	0
5/8 - 3/4 inch	—	23.51 23.27	24.45 24.21	28.03 27.75	3,000
1 inch	25.43 25.17	28.60 28.34	30.90 30.59	38.15 37.77	5,000
1 1/4 inch	30.93 30.62	34.19 33.85	37.36 36.99	44.71 44.26	7,000

Minimum Monthly Bill Water Service					
Meter Allowance Size	Single-Family Residential	Multi-Family Residential*	Commercial**	Irrigation	Gallons
1½ inch	37.92 37.31	42.19 41.77	47.04 46.57	57.20 56.91	10,000
2 inch	55.29 54.74	58.19 57.91	66.39 65.73	82.23 81.41	16,000
3 inch	—	108.89 107.34	117.41 116.24	161.45 160.31	35,000
4 inch	—	175.59 173.31	181.05 179.21	265.67 263.01	60,000
6 inch	—	349.01 345.51	345.86 342.41	536.69 534.37	125,000
8 inch	---	---	659.46 652.21	---	200,000
<p>* Includes apartments of 3-4 units.</p> <p>** Includes hotels, motels, and apartments over 4 units.</p>					

(B) The following monthly rates shall be charged outside-city customers for the use of city water, provided that minimum monthly charges shall be made and bills rendered accordingly, under the standard water rates schedule as follows:

Minimum Monthly Bill Water Service					
Meter Allowance Size	Single-Family Residential	Multi-Family Residential*	Commercial**	Irrigation	Gallons
5/8 - ¾ inch	14.27 13.41	\$0.00	\$0.00	\$0.00	0
5/8 - ¾ inch	—	27.04 26.74	28.11 27.81	32.22 31.91	3,000
1 inch	29.25 28.91	32.90 32.57	35.54 35.13	40.38 39.93	5,000

Minimum Monthly Bill Water Service					
Meter Allowance Size	Single-Family Residential	Multi-Family Residential*	Commercial**	Irrigation	Gallons
1¼ inch	35.56 35.20	39.32 38.90	42.96 42.59	50.87 50.21	7,000
1½ inch	43.59 43.15	48.52 48.04	54.08 53.34	65.79 65.11	10,000
2 inch	63.59 62.90	66.93 66.20	76.35 75.71	94.54 93.80	16,000
3 inch	—	125.22 123.90	135.02 133.72	185.65 183.30	35,000
4 inch	—	201.91 199.90	208.22 206.40	305.52 303.10	60,000
6 inch	—	401.35 397.30	397.72 393.70	617.17 611.00	125,000
8 inch	—	—	758.36 750.00	—	200,000
* Includes apartments of 3-4 units.					
** Includes hotels, motels, and apartments over 4 units.					

(C) For all water furnished in excess of the minimum allowance, the charge per 1,000 gallons of water delivered per month shall be shown as follows:

	In-side City	Outside City
Single-family residential:		
0 - 5,000 gallons	2.60 2.50	2.99 2.90
5,001 - 10,000 gallons	2.74 2.70	3.16 3.10
10,001 - 15,000 gallons	2.85 2.80	3.31 3.25
15,001 - 20,000 gallons	2.98 2.90	3.45 3.40
20,001 - 30,000 gallons	3.11 3.00	3.58 3.50

30,000 + gallons	4.02 3.95	4.64 4.59
Multi-family:	2.76 2.72	3.19 3.15
Commercial:	3.31 3.27	3.79 3.75
Irrigation	4.16 4.11	4.78 4.73

(D) These rates shall be applied to all water that passes through the meter regardless of whether the water is used or not.

(E) Industrial rates by special contract with the city.

(F) Naval Air Station Kingsville water rate, as determined by the most current water rate study, is set at \$1.75/1,000 gallons.

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 15th day of September, 2014.

PASSED AND APPROVED on this the 22nd day of September, 2014.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #10

ORDINANCE NO. 2014-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2013-2014 BUDGET FOR REFINANCING COSTS FOR THE 2014 LIMITED TAX REFUNDING BONDS.

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 051 Utility Fund					
<u>Capital</u>					
2		Unreserved Fund Balance	61002		<u>\$319,680</u>
					<u>\$319,680</u>
<u>Expenses</u>					
5-0000	Non-Departmental	Trnsfr To UF Debt Svc	35300	<u>\$319,680</u>	
				<u>\$319,680</u>	
Fund 012 UF Debt Service					
<u>Revnue</u>					
4-0000	Non-Departmental	Transfer From Fund 051	75010	<u>\$319,680</u>	
<u>Expenses</u>					
5-5100	Debt Service	PrfSrv-Bond Issue Cost/Fees	31404	<u>\$123,838</u>	
5-5100	Debt Service	Prinicple	61100	<u>\$140,000</u>	
5-5100	Debt Service	Interest	62100	<u>\$55,842</u>	
				<u>\$319,680</u>	

[To amend the FY14 budget as per the attached memo provided by the Finance Department for additional funding for costs associated with the 2014 Limited Tax Refunding Bonds.]

II.

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

III.

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

IV.

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

INTRODUCED on this the 15th day of September, 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

CITY OF KINGSVILLE

TO: VINCENT CAPELL, CITY MANAGER
FROM: DEBORAH BALLI, FINANCE DIRECTOR
DATE: 09/02/14
SUBJECT: Budget Amendment-2014 Limited Tax Refunding Bonds

The attached budget amendment will provide for the costs associated with the 2014 Limited Tax Refunding Bonds issued this fiscal year. The bond issuance fees/costs for this refinance totaled \$123,838 and the first principal and interest payment for the 2014 refunding bonds totaled \$195,842. The attached budget amendment is requesting a total of \$319,680 from Utility Fund Balance be transferred to the Utility Fund Debt Service Fund to cover the bond issuance fees and the first principal and interest payment.

This Budget Amendment, given your approval, would be on the Commission Meeting Agenda September 15, 2014 for first reading.

Sincerely,

Deborah Balli

CC: Courtney Alvarez, City Attorney

AGENDA ITEM #11

ORDINANCE NO. 2014-

AN ORDINANCE AMENDING THE FISCAL YEAR 2013-2014 BUDGET FOR THE CITY OF KINGSVILLE FOR DEFICIT ACCOUNTS AT YEAR END.

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					
<u>Capital</u>					
2		Unreserved Fund Balance	61002		<u>\$32,212</u>
					<u>\$32,212</u>
<u>Expenses</u>					
5-0000	Non-Departmental	Transfer Out to Fund 064	39464	<u>\$28,212</u>	
5-1020	Municipal Building	Utilities	32300	<u>\$ 4,000</u>	
				<u>\$32,212</u>	
Fund 051 Utility Fund					
<u>Capital</u>					
2		Unreserved Fund Balance	61002		<u>\$68,550</u>
					<u>\$68,550</u>
<u>Expenses</u>					
5-0000	Non-Departmental	Transfer Out to Fund 054	39410	<u>\$58,000</u>	
5-6201	Collections	Postage & Freight	31300	<u>\$10,550</u>	
				<u>\$68,550</u>	
Fund 054 UF Capital Projects					
<u>Revenue</u>					
4-0000	Non-Departmental	Transfer From Fund 051	75010	<u>\$58,000</u>	
Fund 064 Utility Fund					
<u>Revenue</u>					
4-0000	Non-Departmental	Transfer From Fund 051	75010	<u>\$28,212</u>	

Expenses

5-1703 Landfill	Landfill Expansion	71400	<u>\$28,212</u>
			<u>\$28,212</u>

[To amend the FY14 budget as per the attached memo provided by the Finance Department for additional funding for deficit accounts at year end.]

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 15th day of September, 2014.

PASSED AND APPROVED on this the 22nd day of September, 2014.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

CITY OF KINGSVILLE

TO: VINCENT CAPELL, CITY MANAGER
FROM: DEBORAH BALLI, FINANCE DIRECTOR
DATE: 09/05/14
SUBJECT: FY 13-14 End of Year Budget Amendment

Attached is the ordinance to adopt the Fiscal Year End 2013-2014 End of Year Budget Amendment. If approved, this should provide funding for various departmental budgets in the City. A summary for each fund is provided below.

Fund 001-The attached budget amendment will provide for additional funding of \$4,000 to the Utilities line item in the Municipal Building Department and transfer funds to Fund 064 for the Landfill Expansion shortfall.

Fund 051-The attached budget amendment will provide additional postage and freight in the amount of \$10,550 to the Collections Department. An increase in A/R billings every month has caused an increase in postage & freight expenditures. This amendment will also transfer \$58,000 to Fund 054 to cover the shortfall of Transfers In.

Fund 054-The attached budget amendment will provide for \$58,000 Transfers In from Fund 051.

Fund 064-Landfill expansion costs originally budgeted for FY13-14 were not expected to occur until FY 14-15 and were rolled over into the FY14-15 budget. These are now expected to be occur in FY 13-14.

This Budget Amendment, given your approval, would be on the Commission Meeting Agenda September 15, 2014 for first reading.

Sincerely,

Deborah Balli

CC: Courtney Alvarez, City Attorney

AGENDA ITEM #12

RESOLUTION NO. 2014-_____

A RESOLUTION PROVIDING FOR REVISIONS TO THE CITY OF KINGSVILLE ADMINISTRATIVE POLICIES AND PROCEDURES, POLICY 620.03 WORKING HOURS AND TIME-KEEPING.

WHEREAS, the City adopted the Administrative Policies and Procedures manual on August 28, 2006;

WHEREAS, the City has recently changed its time-keeping system from timecards and sheets to a computerized system and now desires to make time-keeping paperless to increase efficiencies and reduce paper waste;

WHEREAS, an amendment is needed to the policies and procedures manual to reflect this change, the City desires to amend the Policy No. 620.03 on Working Hours and Time-Keeping;

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

I.

THAT the City Commission for the City of Kingsville adopts the revisions for Administrative Policy 620.03 Working Hours and Time-Keeping and the existing policy is hereby amended as per Exhibit A (the "Policy") attached hereto.

II.

THAT the City Manager, or his designee, is hereby authorized to execute such policy, including such other exhibits, attachments, or schedules, necessary in accordance with the terms of the Policy.

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 this the 15th day of September, 2014.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

CITY OF KINGSVILLE

Policy No. 620 General Compensation Policies and Pay Issues 620.03 Working Hours and Time-Keeping	Area Human Resources	Subject: Authority and Adoption Working Hours and Time-Keeping (Replaces 620.03)
Affected Departments All Departments	Effective Date: October 1, 2014	Original: August 28, 2006 Revision: September 15, 2014
Approved By: Vincent J. Capell – City Manager	Signature:	
Approved By: Courtney Alvarez – City Attorney	Signature:	

620 General Compensation Policy and Pay Issues

Policy No. 620.03 Working Hours and Time-Keeping

In order to meet the needs of the residence of the City, Employee work-hours may be varied, and will be set by the director of each department.

Employees are responsible for assuring that their time worked and any leave taken is properly reported to and recorded by the City. Hourly and ~~or~~ non-exempt Employees are expected to keep and maintain weekly time reports, which ~~must be signed by the Employee and approved by the Employee's Department Director or Designee~~ at the end of each pay period. It is the responsibility of each Department Director/Supervisor to instruct new employees as to how time is recorded and maintained.

~~In City facilities that maintain time clocks only the employee may clock in and out on their own timecard. Employees are prohibited from clocking in for other employees. All timecards must be signed by the employee at the end of the pay period to verify the accuracy of hours worked. Tampering with employee time reports timecards is strictly prohibited. Employees who violate this policy or any other City policy shall be subject to disciplinary action up to and including termination of employment.~~

CITY OF KINGSVILLE

TO: VINCENT CAPELL, CITY MANAGER
FROM: DEBORAH BALLI, FINANCE DIRECTOR
DATE: 09/10/14
SUBJECT: Time-keeping Policy Change

The Finance Department is working to implement a paperless payroll system in order to increase the efficiency and effectiveness of the current time-keeping system. In order to achieve this system, we are recommending the change of Administrative Policy 620.03 Working Hours and Time-Keeping to require Department Director/Designee approved time reports instead of signed time cards by employees and Department Directors.

Given your approval, this would be on the Commission Meeting Agenda September 15, 2014 for adoption.

Sincerely,

Deborah Balli

CC: Courtney Alvarez, City Attorney

AGENDA ITEM #13

ORDINANCE NO. 2014-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENEDING CHAPTER IX-GENERAL REGULATIONS, ARTICLE 8-PARKS AND RECREATION, PROVIDING FOR REGULATIONS AND FEES FOR THE PARKS AND THE L.E. RAMEY GOLF COURSE; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City and County have recently approved interlocal agreements to transfer operations and maintenance of all of the parks within the city limits and the L.E. Ramey Golf Course from the County to the City;

WHEREAS, the County of Kleberg and the City of Kingsville have previously entered into interlocal agreements to share expenses for various departments for the residents of their respective entities to reduce duplicitous services and expenses from having each entity provide the same services; and

WHEREAS, the approval of these interlocal agreements necessitate the City to enact regulations and fees for the properties covered under the interlocal agreements; and

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 Chapter IX- General Regulations, Article 8-Parks and Recreation, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

ARTICLE 8 PARKS AND RECREATION

PARKS

§ 9-8-1 ADMINISTRATION.

The administration and supervision of the parks and recreation department shall be the responsibility of the Parks and Recreation Manager or such other person as may be delegated or assigned such duties by the City Manager. The Parks and Recreation Manager may adopt, revise or rescind rules, regulations, departmental policies and procedures, create or alter recreational programs and take action regarding the day-to-day management and operations of the parks,

park buildings, and park facilities that do not conflict with this article, city commission-adopted policies, or federal or state laws. The Parks and Recreation Manager may make the following rules or take the following actions relating to the operation of the parks, park buildings, and park facilities:

- (A) The closing of all or part of a park or park facility because of weather or unsafe considerations that could endanger users or result in damage to the park, park building or park facility;
- (B) The reservation, scheduling, and use of parks, park facilities, and park buildings designed for or designated for specific uses;
- (C) Processing applications for special use permits and rental and use agreements;
- (D) Regulating the use of a park, park buildings, and park facilities for public, private and commercial purposes;
- (E) Any other rule or action reasonably necessary to manage and operate parks, park buildings, and park facilities.

§ 9-8-2 USER FEES.

The Parks & Recreation Manager is hereby authorized to collect fees for the use of all park facilities and equipment, such fees to be set from time to time by the City Commission. All fees charged for the use of facilities or equipment under this section shall be due and payable to the city. The free use of all facilities and equipment of the parks and recreation department for which rental or use fees are established is hereby prohibited to any individual or group or to any employee or officer of the city.

§ 9-8-3 RENTAL AND USER AGREEMENTS.

- (A) The Parks & Recreation Manager is empowered to prepare and sign user or rental agreements for the rental of facilities and/or equipment of the parks and recreation department. All user and rental agreements shall be signed by the Parks & Recreation Manager or the City Manager's designees under the following conditions:
 - a. The form of every instrument used for a particular purpose shall be approved by the City Attorney, provided, however, that this not

- require the signatory approval of the City Attorney on each document executed pursuant to this section; and
- b. All blanks are filled and information is provided as required by the form instrument.

Verbal arrangements to rent are not recognized under any circumstances, and this article and the contracts and agreements shall constitute the whole agreement between the parties and may not be altered unless done so in writing, signed by authorized representatives of both parties.

- (B) All agreements shall provide that parties contracting for the use of city facilities or other property shall hold the city harmless from any and all liability for any claim or claims as a result of use of the premises, equipment, or other property and shall indemnify the city in case of any claims resulting from their operations, use, or occurring as a result of their occupancy of the premises or use of property and all agreements shall specifically include such provisions.
- (C) The Parks & Recreation Manager shall apply any deposit against any amounts owed to the City for use of the property/facilities, and the Manager may refuse to enter into any agreement until any and all amounts due the City by any applicant or organization, or by any organization which the applicant has represented, have been paid in full.
- (D) The Manager, or his representatives or designee, may enter rented facilities for the purpose of ensuring that parties comply with the provisions of this article or the applicable agreement.
- (E) Clean up responsibility; failure to clean. Each applicant shall be responsible for the cleaning of the property/facility after use. Each applicant shall deposit with the city, at the time of the filing of the rental agreement or special use agreement, a cleaning deposit in the amount provided for the rental or use. In the event that the applicant shall fail to clean the property/facility as specified in their agreement after use, the city may charge the applicant for the actual cost of cleaning the property/facility and apply the cleaning deposit to the total cost of cleaning.
- (F) Damages from use. Each applicant shall deposit with the city, at the time of the filing of the rental agreement or special use agreement, a deposit in the amount as provided in their agreement. In the event that the city determines any damages upon inspection, the city may charge the applicant for the actual cost of the damages and apply the deposit to the total cost of the damages.

§ 9-8-4 RENTAL RATES.

The Parks & Recreation Manager shall prepare a schedule of rental rates for the use of facilities to include, but not be limited to, pavilions, shelters, picnic tables, swimming pools, recreation centers, and athletic fields. This schedule shall be submitted to the City Manager for approval, and shall be reviewed on an annual

basis. Such rates shall bear a reasonable relation to current rental rates charged for use of similar commercial facilities so as to neither be excessive or grossly deficient by comparison; provided, however, all such rates, except athletic field rental rates, shall not increase annually by more than twenty-five (25) per cent and rates for organized youth activities shall not exceed a level which would recover forty (40) per cent of the estimated total cost, nor shall new fees be created, without the City Commission's approval by motion or resolution. The approved schedule shall be filed with the City Secretary and copies shall be provided to the City Commission. Specific rates, however, may be adjusted at any time, and the Parks & Recreation Manager shall have the authority to negotiate special rates for special situations.

§ 9-8-5 CITY-OWNED EQUIPMENT.

Unless specifically stated in the agreement, the use of city-owned equipment is not included in the rental of a facility. The Parks & Recreation Manager shall prepare a list of city-owned equipment that is available for rent and recommend fees for its use. This fee schedule shall be submitted to the City Manager for approval. Such fees shall bear a reasonable relation to cost and depreciation of such equipment to allow the City to recover the acquisition, maintenance, or replacement costs of such equipment as necessary. The approved schedule shall be filed with the City Secretary and copies shall be provided to the City Commission.

§ 9-8-6 SPECIAL SERVICES.

The Parks & Recreation Manager shall prepare a list of special services that are available to the public. This list, including the recommended fees to be charged, shall be submitted to the City Manager for approval. The approved schedule shall be filed with the City Secretary and copies shall be provided to the City Commission.

§ 9-8-7 RECREATION FEES AND CHARGES.

The Parks & Recreation Manager shall prepare a list of recreation fees and charges for the public use of swimming pools, tennis courts, recreation centers, athletic fields, and other city-owned facilities. The schedule of fees and charges shall be submitted to the City Manager for approval, and be reviewed on an annual basis. Such rates shall bear a reasonable relation to current rental rates charged for similar commercial facilities so as to neither be excessive or grossly deficient by comparison; provided, however, all such fees, but not including adult softball and adult baseball league fees and charges for athletic fields, shall not increase annually by more than twenty-five (25) per cent and fees for organized youth activities shall not exceed a level which would recover forty (40) per cent of the estimated total cost, nor shall new fees be created, without the City Commission's approval by motion or resolution. The approved schedule shall

be filed with the City Secretary and copies shall be provided to the City Commission. Specific fees, however, may be adjusted at any time, and the Parks & Recreation Manager shall have the authority to negotiate special rates for special situations.

§ 9-8-8 SPECIAL USE PERMIT AGREEMENT FOR PARKS.

(A) Definition. Special use means any temporary gathering, rally, parade, festival, exhibit, display, entertainment, performance, or presentation held in a park, park building or park facility:

- a. In which more than 250 persons are expected to attend or participate; or
- b. That requires the placement or erection of one or more stages, booths, kiosks, tables, tents, barricades, or similar temporary structures or facilities to support or serve the special use; or
- c. That provides an alcoholic beverage for sale or consumption to the attendees.

A special use does not include persons gathering in a park to participate in or observe an athletic event held at the facilities designed for that purpose.

(B) Permit required. It is unlawful for any person to sponsor, hold, or conduct a special use without first receiving a permit from the city.

(C) Application process. A person seeking a permit for a special use in a city park, park building, or park facility must file an application with the city on the form provided for that purpose. A complete application must be filed not less than 30 days before the proposed date of the special use. The application must be signed by the person or persons responsible for the special use and must include the following information:

- a. A description of the use and the number and type of activities planned;
- b. The date and time of the special use;
- c. The number and types of vendors that will be present;
- d. The number of people expected to attend the special use;
- e. The arrangements that will be made for traffic control, security, additional restroom facilities, medical care, traffic control, and other services or facilities to support the special use;
- f. Whether there will be a charge for the special use and the basis upon which persons may or may not be admitted to the event if other than a charge;
- g. A description of any structures that will be used or erected to support the event;
- h. The circumstances under which any alcoholic beverages will be served or possessed;

- i. Any other information the city determines is necessary to evaluate the application and determine whether it meets the requirements of this article.
- (D) Fees and deposits. The city may establish and collect fees, deposits, and bonds to pay for or ensure the payment of costs incurred by the city relating to the use of a park, park building, or park facility for special use, including costs incurred for trash cleanup and removal, providing security, protection or medical care, for the administration of this article and for any other necessary or related services that arise directly from the use of the park, park building, or park facility. However, the city may not impose an additional fee on any applicant because of any constitutionally protected speech to be expressed using the special use that may create the need for additional security for persons opposing the speech expressed.
- (E) Permit decision. The city will make a decision on the permit application as promptly as possible after the applicant has provided all the information required by the application, including in the form and manner required, but in no other case later than ten business days after the date a complete application is submitted. The city will grant a permit unless the city finds one or more of the following exist:
 - a. The application submitted is not sufficient or complete, provides false information, does not comply with this article or a regulation approved hereunder, or was not submitted with any required documents, fees or deposits;
 - b. The time or location for the proposed special use conflicts with the time or place of either a city sponsored event or a special use for which a permit has been issued or an application was already pending and there is insufficient space in the park, park building, or park facility to accommodate both events;
 - c. The applicant has failed to arrange or provide for adequate parking, trash cleanup, security, or other arrangements to ensure that the special use will be safe, secure and healthful for the participants thereof;
 - d. The special use does not comply with this article, state or federal laws or regulations, or a reasonable condition imposed by the Parks & Recreation Manager for issuance of the permit;
 - e. The applicant has held a prior special use for which the applicant failed to comply with a requirement of this article, failed to pay any required fees, charges, or deposits, failed to comply with all of the conditions of the permit, failed to pay or remedy damage incurred to public property, created a dangerous condition or situation, failed to comply with reasonable requests of the Manager, or otherwise violated the purpose or intent of this article;
 - f. The special event is being held primarily for commercial purposes;
 - g. The proposed use would present an unreasonable danger to the health or safety of the applicant, special use attendees, or other users of the park, park building, or park facility.

- (F) Conditions. The Manager may impose reasonable conditions on a special use permit issued to ensure compliance with city rules, regulations, and this article. The permit issued will contain in writing all the conditions and requirements that apply to the special use.
- (G) Denial of permits. IF the manager refuses to issue a permit as authorized by this article, the manager will specify in writing the provisions of this article upon which the refusal was based as well as any factual information in support of the determination.
- (H) Permit revocation. The manager may revoke a permit for a special use after it is issued because of the failure to comply with any condition or requirement of the permit or this article. The manager will give written notice of the revocation of the permit at the address of the applicant as listed on the application.
- (I) Appeals from denial or revocation. An applicant may appeal a permit denial, revocation, or imposition of conditions by filing a written appeal to the office of the City Manager within three days of the mailing of the appealable event.

§ 9-8-9 PROHIBITION OF CAMPING AND OTHER ACTIVITIES.

(A) Definitions.

- a. Camping: Occupying a site as a dwelling place for any length of time, whether in a vehicle, tent or improvised shelter, sleeping bag or without a shelter. Occupation of a site under the circumstances above for more than two (2) hours at any time during the period from midnight to sunrise shall be presumed to be overnight camping.
 - b. Campfires: Any open fire composed of any material in a fire pit or on the ground, except for those fires contained in a barbecue pit constructed and maintained by the City or in a portable barbecue pit or similar device designed for the preparation of food.
 - c. Person: Any individual or group of individuals.
 - d. Manager: The Manager of the Parks & Recreation Department.
- (B) Prohibition. Unless otherwise provided in this section, it is unlawful for any person to camp or to build, operate, or use a campfire in any park.

§ 9-8-10 CURFEW.

Between the hours of 10:00 p.m. and 6:00 a.m., no person shall enter or be present in any city park or parking lots connected therewith or adjacent thereto, excluding a city employee in performance of the employee's duties, and a person permitted to engage in leisure and recreational activities under the parks and recreation department.

§ 9-8-11 LIQUOR IN PUBLIC PARKS PROHIBITED; EXCEPTION.

(A) Except as hereinafter provided, it shall be unlawful for any person to consume or possess any alcoholic beverage or beverages in any public park within the corporate limits of the city.

(B) In the event a person, persons, or corporation shall lease or rent the premises in ~~the Dick~~ Kleberg Park known as the J. K. Northway Building ~~and~~ ~~the grounds~~ for public or private use and shall desire to serve or permit alcoholic beverages to be consumed on the premises, ~~in addition to the requirements for Special Use Permit Agreements in §9-8-8,~~ the following rules shall ~~apply~~ ~~herein~~.

(1) (a) An application shall be made to the ~~Parks & Recreation Manager~~ ~~City-County Parks Board~~ which shall contain the following:

1. The person or persons responsible for the use of the building.
2. The purpose for which the building is to be used.
3. The number of persons expected to attend the function for which the building let.
4. The type of beverages to be sold or consumed on the premises.
5. The type of security that will be provided by the applicant.
6. The hours such beverages will be sold or consumed on the premises.
7. The person whose license will be used for the sale of any alcoholic beverage.
8. The applicant shall sign a statement that all applicable state laws will be complied with before any alcoholic beverages are sold or consumed on the premises.

(b) If the ~~Parks & Recreation Manager City-County Parks Board~~ deems that the public interest shall be served by the issuance of a permit for such purposes, such ~~Manager Board~~ may issue a permit and such permit shall contain the rules applicable to same.

(2) In addition to the items enumerated above, the ~~Parks & Recreation Manager City-County Parks Board~~ may make such additional requirements as they deem necessary for the safety and well-being of the persons attending such function.

(1962 Code, § 6-1-53)

Cross reference— Penalty, see § 1-1-99

§ 9-8-12 FIREARMS IN PUBLIC PARKS PROHIBITED; EXCEPTION.

(A) Except as hereinafter provided, it shall be unlawful for any person to possess or discharge any firearm in any public park within the corporate limits of the city.

(B) Exception: (1) certified law enforcement officers may possess a firearm.

§ 9-8-13 FIREWORKS PROHIBITED IN PARKS.

The bringing of fireworks and the discharge of fireworks into the parks is prohibited.

§ 9-8-14 USE OF PARK PROPERTY

- (A) It shall be unlawful for any person to enter into, pass through, or congregate with other persons on park property at a time, whether night or day, when such property is closed to the general public
- (B) It shall be unlawful for any person to enter into, pass through, or congregate with other persons on park property for any other purpose than to participate in an authorized use of the parks during the hours the parks are open for business.
- (C) The provisions of this section do not apply to agents, representatives, licensees or employees of the city; provided, however, that such persons are engaged in the performance of their duties.
- (D) It shall be unlawful for any person to disregard any order issued by the Parks & Recreation Manager, or his designee, relating to the use, means, or manner of play at the parks.
- (E) It shall be unlawful for any person to remain in any building, swimming pool, playground, park area or public property within the city after being advised by the Parks & Recreation Manager or any person authorized by the manager or any association, club or group, so authorized to conduct, manage, supervise, sponsor or be responsible for such supervised recreation that his is interfering with disrupting or preventing the orderly conduct of such supervised activity or program and after having been asked to leave such swimming pool, playground, park or public property within the city.
- (F) Glass containers. To prevent injury to persons using and enjoying the recreational facilities, no glass container of any kind shall be brought upon those properties.
- (G) Traffic and parking. All vehicular traffic shall obey the posted speed limit and parking of vehicles shall be done only in designated areas unless by permit stating otherwise.
- (H) No soliciting. No person may solicit funds or donations or peddle any goods, wares, or merchandise except by permit of the city.
- (I) Vehicles. No person shall park a vehicle upon any public roadway, city-owned or maintained park lands, public playground or public recreation area which is owned, operated or maintained by the city for the principal purpose of:
 - a. Displaying such vehicle for sale;
 - b. Washing, greasing, or repairing such vehicle except repairs necessitated by an emergency.

Any person who violates any provision of this section shall, upon conviction, be subject to a penalty as prescribed in §1-1-99.

§ 9-8-10 ~~113~~ RULES AND REGULATIONS.

The following rules and regulations are hereby established for the use of the lake at Dick Kleberg Park in the city:

- (A) No swimming, wading or bathing shall be allowed therein at any time.
- (B) No boats or floats equipped with mechanical power shall be used thereon.
- (C) No nets, seines or trout lines shall be, used for the catching of fish.
- (D) Any person desiring to use a boat thereon shall first apply to the Parks and Recreation Department for a permit to do so. A permit shall be issued by the Director unless in his opinion such use would be detrimental to the lake and property thereon.

§ 9-8-11 ~~116~~ INJURING PROPERTY; LITTERING PROHIBITED.

- (A) It shall be unlawful for any person to injure, deface, mutilate, remove, pull down, break, or in any manner interfere with or molest, secrete or destroy any real or personal property belonging to or under the control of the Parks and Recreation Department either within or without the confines of Dick Kleberg Park.
- (B) It shall be unlawful for any person to deposit dirt, trash, cans, papers or other litter onto the ground in ~~any park~~ Dick Kleberg Park or to throw or deposit the same into the lake therein situated ~~in Dick Kleberg Park~~.

(1962 Code, § 9-8-2)

Cross reference— Penalty, see § 1-1-99.

GOLF COURSE

§ 9-8-30 TRAFFIC.

It shall be unlawful for any person to walk upon or across, or to drive or to ride upon any animal-drawn or motor-driven vehicle upon or across the city golf course, between sunset and sunrise, except that such regulation shall not apply to law enforcement officers engaged in the discharge of their duties, or employees of the city performing their duly assigned duties.

§ 9-8-31 USE OF GOLF COURSE PROPERTY.

- (A) It shall be unlawful for any person to enter into, pass through, or congregate with other persons on the municipal golf course property at a time, whether night or day, when such property is closed to the general public.

- (B) It shall be unlawful for any person to enter into, pass through, or congregate with other persons on municipal golf course property for any other purpose than to participate in an authorized use of the municipal golf course during the hours the golf course is open for business.
- (C) The provisions of this section do not apply to agents, representatives, licensees or employees of the city; provided, however, that such persons are engaged in the performance of their duties.
- (D) It shall be unlawful for any person to play golf using driving-range golf balls which are identified as such by a clearly marked colored or black circle circumventing the golf ball.
- (E) It shall be unlawful for any person to disregard any order issued by the Golf Course Manager, or his designee, relating to the means or manner of play at the golf course.
- (F) It shall be unlawful for any person to drive a cart upon any area except designated golf cart areas except as authorized by the Golf Course Manager.
- (G) Any person who violates any provision of this section shall, upon conviction, be subject to a penalty as prescribed in §1-1-99.

§ 9-8-32 LIVESTOCK.

It shall be unlawful for any person owning or having under his control any horses, cattle or other livestock to allow the horses, cattle or other livestock to go in, upon or across the city golf course.

§ 9-8-33 DAMAGE TO PROPERTIES.

It is unlawful for any person to intentionally cut, mutilate, deface, defoliate, or otherwise destroy or cause injury, in whole or in part, to any part or portion of the municipal golf course premises, facilities or equipment. It is unlawful for any person to willfully or wantonly mark or deface or in any way injure the golf course facilities or any part thereof, or any fixtures therein or appertaining thereto. A violation of this section shall, upon conviction, be punished as provided in §1-1-99.

§ 9-8-34 OPERATIONS.

The following regulations shall be in effect relative to the use of the municipal golf course:

- (1) Rules of Play. The "rules of Play" posted at the municipal golf course will be strictly enforced.
- (2) Tournament. Tournament schedules will be coordinated with the Golf Course Manager. All tournament organizers shall make the proper arrangements with the golf manager to ensure that scheduling conflicts will be avoided.
- (3) Soft Spikes. Only soft spikes will be allowed on the municipal golf course.
- (4) Practice Area. Practice will be allowed only in areas designated by the Golf Course Manager.
- (5) Trail Fee. The trail fee prescribed by this article shall be paid in advance by each golfer using a private golf cart on each daily round played.
- (6) Patrol Marshals. The Golf Course Manager shall select up to five patrol marshals. One patrol marshal per day is allowed to patrol. Compensation for each marshal will be two free green fees per week for each day they patrol. The duties of the patrol marshal shall be as follows:
 - a. Promote congeniality, goodwill and sportsmanship;
 - b. Check for fee receipts, membership cards and illegal players;
 - c. Report to the Golf Course Manager any hazards or conditions that may jeopardize the health and safety of the players; and
 - d. Provide services as directed by the Golf Course Manager or his designee.

§ 9-8-35 ALCOHOLIC BEVERAGES PROHIBITED ON GOLF COURSE.

The bringing of beer or other alcoholic beverages onto the municipal golf course is prohibited. Beer is available for purchase at the club house where a limited number of ice chests and ice are available if desired. This provision may be waived by the golf manager for special events.

§ 9-8-36 FIREWORKS PROHIBITED ON GOLF COURSE.

The bringing of fireworks and the discharge of fireworks onto the municipal golf course is prohibited.

§ 9-8-37 FIREARMS ON GOLF COURSE PROPERTY PROHIBITED; EXCEPTION.

(A) Except as hereinafter provided, it shall be unlawful for any person to possess or discharge any firearm in any golf course property.

(B) Exceptions: (1) certified law enforcement officers may possess a firearm, and (2) when at a designated shooting range.

§ 9-8-38 DEFINITIONS.

The following definitions shall apply to this article:

- (1) *College Student.* Any person actively enrolled in a minimum of twelve hours of college.
- (2) *Golf Course Manager.* The administrator in charge of the municipal golf course, who shall be employed and discharged by the City Manager.
- (3) *Junior.* Any person 18 years of age or younger, currently enrolled in high school or below. A junior under the age of 12 must be accompanied by an adult.
- (4) *Lessee.* Any person or organization of whatever nature that uses the municipal golf course premises, facilities or equipment.
- (5) *Military.* Any person actively enlisted in the U.S. military.
- (6) *Municipal Golf Course.* The L.E. Ramey Golf Course and the entire premises thereof, including but not limited to the clubhouse, restaurant, pro shop, cart shed and golf course itself, and all other parts or portions thereof.
- (7) *Nine hole fee.* Paid by persons wishing to play nine holes of golf.
- (8) *Senior.* Any person who is 62 years of age or older.

§ 9-8-39 USE FEES.

The Golf Course Manager is hereby authorized to collect fees for the use of all golf course facilities and equipment, such fees to be set from time to time by the City Commission. All fees charged for the use of facilities or equipment under this section shall be due and payable to the city. Persons who have paid fees under the old fee schedule are required to pay the difference in accordance with the new fee schedule. The free use of all facilities and equipment of the municipal golf course is hereby prohibited to any individual or group or to any employee or officer of the city, except as provided for in this article.

§ 9-8-40 SALE OF MERCHANDISE; CONCESSIONS.

- (A) Only the city and its assigns may sell merchandise at the municipal golf course. The use of any portion of the municipal golf course by any individual, group, firm, or corporation other than the city for the purpose of selling merchandise is hereby prohibited without the written consent of the Golf Course Manager. Sale of merchandise by tax-exempt/nonprofit charitable organizations or civic groups is hereby excepted from such prohibition and shall be permitted upon the approval of the Golf Course Manager.
- (B) Only the city and its assigns shall have the right to operate concessions for the sale of food, drinks (including alcoholic beverages), programs, novelties, souvenirs, etc. Sale of concessions by tax-exempt charitable organizations and civic groups are hereby exempted from such prohibition and shall be permitted upon the approval of the Golf Course Manager.

§ 9-8-41 GOLF COURSE FEES.

The following schedule of fees shall be paid by the patrons of the municipal golf course. The golf manager may negotiate rates for golf course special events and promotions.

(A) Daily Green Fees:

Golf course green fees for persons 18 years of age or older (non-refundable).

(1) 18-Holes of Play:

Weekends and holidays: \$ 14.75

Weekends and holidays with ½ cart fee: \$ 25.25

Weekend twilight with ½ cart fee: \$20.25

Weekdays: \$ 12.75

Weekdays with ½ cart fee: \$ 23.25

Weekdays twilight with ½ cart fee: \$19.25

(2) 9-Holes of Play:

Weekends and holidays: \$ 8.25

Weekends and holidays with ½ cart fee: \$ 15.75

Weekdays: \$ 7.25

Weekday with ½ cart fee: \$ 14.75

(B) Junior Fees:

Golf course green fees for persons in the classification of junior (non-refundable).

(1) 18-Holes of Play:

Weekdays: \$ 7.75

Weekdays with ½ cart fee: \$ 15.25

(2) 9-Holes of Play:

Weekdays: \$ 4.75

Weekdays with ½ cart fee: \$ 12.25

(C) Junior Fees:

Golf course green fees for persons in the classification of Junior (non-refundable).

(1) 18-Holes of Play:

Weekdays: \$ 7.75

Weekdays with ½ cart fee: \$ 15.25

(2) 9-Holes of Play:

Weekdays: \$ 4.75

Weekdays with ½ cart fee: \$ 12.25

(D) College Student Fees:

Golf course green fees for persons in the classification of College Student (non-refundable).

(1) 18-Holes of Play:

Weekdays: \$ 8.75

Weekdays with ½ cart fee: \$ 16.25

(2) 9-Holes of Play:

Weekdays: \$ 5.75

Weekdays with ½ cart fee: \$ 13.25

(E) Military Fees:

Golf course green fees for persons in the classification of Military (non-refundable).

18-Holes of Play:

Weekdays: \$ 10.75

Weekdays with ½ cart fee: \$ 21.25

(F) Senior Fees:

Golf course green fees for persons 62 years of age or older (non-refundable).

18-Holes of Play:

Weekdays: \$ 9.75

Weekdays with ½ cart fee: \$ 20.25

(G) Annual membership fees:

Annual membership (non-refundable), entitles that person to unlimited green fees for 365 days from date of purchase.

Annual individual membership rate: \$ 700.00

Annual individual and spouse joint member rate: \$1,200.00

Junior annual membership rate: \$ 460.00

College Student annual membership rate: \$520.00

Military annual membership rate: \$540.00

(H) Monthly membership fees:

Monthly membership entitles player to unlimited green fees for 30 days from date of purchase (non-refundable).

Monthly individual membership rate: \$ 96.00

Monthly individual and spouse joint membership rate: \$ 155.00

Monthly Junior membership rate: \$65.00

(I) Annual cart fee and green fee:

Annual cart fee is per player and entitles player to unlimited carts for 365 days from date of purchase (non-refundable) and unlimited green fees for 365 days from date of purchase (non-refundable).

Annual individual cart fee and green fee: \$ 2,000.00

Annual individual & spouse joint cart fees and green fee: \$3,190.00

(J) Monthly cart fee and green fee:

Monthly cart fee is per player and entitles player to unlimited carts for 30 days from date of purchase (non-refundable) and unlimited green fees for 30 days from date of purchase (non-refundable).

Monthly individual cart and green fee: \$ 185.00

Monthly individual & spouse joint cart and green fee: \$ 360.00

(K) Private cart trail fee:

This fee is for use of a private golf cart by the owner of the private cart, the owner's spouse or qualified junior and up to one additional rider (limited to a total of two riders), authorized by owner. Fee is valid for 365 days from date of purchase (non-refundable).

Daily private cart trail fee: \$ 7.50

Private carts are subject to approval for safety purposes and liability issues by the golf manager or his designee. The owners of powered golf carts shall be fully responsible for the safety and liability of occupants and the safe operation of their powered golf carts and shall be responsible for ensuring that their golf carts are maintained and operated in accordance with their golf cart operation/instruction manual while on municipal golf course property.

(L) Monthly Locker Fee:

Monthly locker fee is per player and entitles player to use of a locker for 30 days from date of purchase (non-refundable).

Monthly individual locker fee: \$ 80.00

(M) Daily Golf Club Rental Fee:

Daily golf club fee is per player and entitles player to use of a set of golf clubs (non-refundable).

Daily golf club rental fee: \$ 8.00

(N) Monthly Driving Range Membership Fee:

Monthly driving range membership entitles player to unlimited driving range fees for 30 days from date of purchase (non-refundable).

Monthly individual membership rate: \$ 80.00

(O) Range Ball Bucket Fee:

Large Bucket (135 balls): \$9.00

Medium Bucket (75 balls): \$7.00

Small Bucket (35 balls): \$3.00

(P) Minors less than 16 years of age shall not operate golf carts on municipal golf course property.

(Q) Each golf course green fee shall entitle payee to play a maximum of 18 holes of golf on the date paid. Additional payment of green fees shall be required if more than 18 holes of golf are to be played.

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II.

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

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final 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, work or ordinance hereof be given full force and effect for its purpose.

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

INTRODUCED on this 15th day of September, 2014.

PASSES AND APPROVED on this the 22nd day of September, 2014.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney