

# *City of Kingsville, Texas*

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## **AGENDA CITY COMMISSION MONDAY, SEPTEMBER 14, 2020 REGULAR MEETING**

**CITY HALL  
HELEN KLEBERG GROVES COMMUNITY ROOM  
400 WEST KING AVENUE  
5:00 P.M.**

**Conference Line call: 1 (415) 655-0001 and  
when prompted type access code: 126 210 9951 #**

**OR**

**Live Videostream: <http://www.cityofkingsville.com/webex>**

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

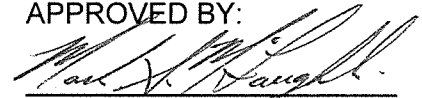
#### **OPEN MEETING**

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

**MINUTES OF PREVIOUS MEETING(S)**

Special Meeting – September 8, 2020

APPROVED BY:

  
Mark McLaughlin  
City Manager

#### **\*\*AUDIENCE AND PRESENTER SOCIAL DISTANCING AND PUBLIC TESTIMONY AND PUBLIC HEARING INPUT**

**AT PUBLIC MEETINGS OF THE CITY COMMISSION.** To reduce the chance of COVID-19 transmission, public meetings will be held in a manner intended to separate, to the maximum practical extent, audience and presenters from personal contact with members of Community, City Staff, and City Commission. Public testimony and public hearing input for Public Comment and all items on the agenda at public meetings of the City Commission shall be provided in written format and presented to the City Secretary and/or designee prior to the start of each meeting of the City Commission. This testimony and/or public input shall be in accordance with the City Secretary's instructions, which shall be posted on the City Secretary's outdoor public bulletin board at City Hall and on the City website and allow for electronic submission. The written public testimony shall be provided to members of the City Commission prior to voting on measures for that meeting. Written testimony shall be limited in accordance with the City Secretary requirements and shall be placed into the record of each meeting. This written testimony shall serve as the required public testimony pursuant to Texas Government Code section 551.007 and shall constitute a public hearing for purposes of any public hearing requirement under law. The meeting may be held telephonically or via videoconference; and, if so conducted, the public may participate remotely by following the instructions of the

**City Secretary which would be posted on the City Secretary's outdoor public bulletin at City Hall and on the City website.**

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

1. Public hearing on a replat of Eddie Yaklin Development, 14.0 acres also known as 2501 S. Hwy 77, Kingsville, Texas. Bryan M. Burger, P.E, authorized agent, Thunderbird Real Estate II, LTD, owner. (Director of Planning & Development Services).

**III. Reports from Commission & Staff.<sup>2</sup>**

*"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, Condemnation Update, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; Public Works; Landfill Update, Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Health Department, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Employee Recognition, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation, Golf Course, Library Summer Programs, Grants Update. No formal action can be taken on these items at this time."*

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

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

**V.**

**Consent Agenda**

**Notice to the Public**

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

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

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

1. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 2, Sewers, providing for an increase in sewer rates. (City Manager).

2. Motion to approve final passage of an ordinance amending the Fiscal Year 2019-2020 budget to accept and expend grant funds from the Assistance to Firefighters Grant Program for medical supplies. (COVID-19 Supplemental). (Fire Chief).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2019-2020 budget to expend funds for emergency repairs at the golf course. (Parks Director).
4. Motion to approve reappointment of Ricki Cunningham, Wayne Quandt, John Garza, and Albert Garcia to the Zoning Board of Adjustment for two-year terms each. (Director of Planning & Development Services).

## **REGULAR AGENDA**

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

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

5. 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, 2020 and ending September 30, 2021 in the particulars hereinafter stated. (Finance Director).
6. Consider ratifying the property tax increase reflected in the 2020-2021 Annual Budget of the City of Kingsville. (Finance Director).
7. 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 fiscal year beginning October 01, 2020 and ending September 30, 2021, 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. (Finance Director).
8. Consider a replat of Eddie Yaklin Development, 14.0 acres also known as 2501 S. Hwy 77, Kingsville, Texas. (Director of Planning & Development Services).
9. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies. (Human Resource Director).
10. Consider authorizing award of the bid for the installation of shade and surfacing at two playground units (at Dick Kleberg Park) to Park and Play Structures of San Antonio, Texas via BuyBoard, as per staff recommendation, for Texas Parks and Wildlife Grant. (Parks Director).
11. Consider introduction of an ordinance amending Chapter IV-General Regulations, Article 8-Parks & Recreation, providing for revised cart fees for the L.E. Ramey Golf Course. (Parks Director).
12. Consider introduction of an ordinance amending the Fiscal Year 2019-2020 budget to cover deficit accounts. (Finance Director).
13. Consider a resolution authorizing Change Order #1 under the Standard Form of Agreement between the Contractor on the Basis of a Stipulated Price for US 77 Overpass Utilities Relocation Project. (City Engineer).
14. Consider awarding RFP for Manhole Rehabilitation Project Phase II for the Texas Community Development Block Grant Program (TxCDBG) Contract Number 7218269 as per staff recommendation. (City Engineer).
15. Consider adopting an updated 5-Year Street Maintenance Improvement Plan based on survey performed by Infrastructure Management Systems. (City Engineer).

#### **VII. Adjournment.**

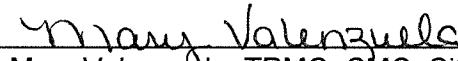
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

**NOTICE**

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

I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board located at City Hall, 400 West King Ave, 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 10, 2020 at 4:30 P.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.

  
\_\_\_\_\_  
Mary Valenzuela, TRMC, ~~CMC~~, 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)**

SEPTEMBER 8, 2020

A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON TUESDAY, SEPTEMBER 8, 2020 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.

**CITY COMMISSION PRESENT:**

Sam R. Fugate, Mayor  
Edna Lopez, Commissioner  
Hector Hinojosa, Commissioner  
Arturo Pecos, Commissioner  
Dianne Leubert, Commissioner

**CITY STAFF PRESENT:**

Mark McLaughlin, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Kyle Benson, IT Manager  
Derek Williams, IT  
Ricardo Torres, Police Chief  
Janine Reyes, Tourism Director  
Uchechukwu Echeozo, Director of Planning & Development Services  
Juan Adame, Fire Chief  
Susan Ivy, Parks & Recreation Director  
Deborah Balli, Finance Director  
Bill Donnell, Public Works Director  
Diana Gonzales, Human Resources Director

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the meeting at 5:00 p.m. with all five Commission members present.

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

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

**MINUTES OF PREVIOUS MEETING(S)**

Special Meeting – August 31, 2020

**Motion made by Commissioner Pecos to approve the minutes of August 31, 2020 as presented, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting “FOR”.**

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at City Hall and on the City website and allow for electronic submission. The written public testimony shall be provided to members of the City Commission prior to voting on measures for that meeting. Written testimony shall be limited in accordance with the City Secretary requirements and shall be placed into the record of each meeting. This written testimony shall serve as the required public testimony pursuant to Texas Government Code section 551.007 and shall constitute a public hearing for purposes of any public hearing requirement under law. The meeting may be held telephonically or via videoconference; and, if so conducted, the public may participate remotely by following the instructions of the City Secretary which would be posted on the City Secretary's outdoor public bulletin at City Hall and on the City website.

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

### **1. Public Hearing on a *proposed* tax rate decrease from \$.85304 to \$.85208 for Fiscal Year 2020-2021 with \$.85208 being an increase in the no new revenue tax rate of \$.83198; the tax rate will be voted on September 14, 2020. (Finance Director).**

Mayor Fugate read and opened this public hearing at 5:01 P.M.

Mayor Fugate announced that this is a public hearing and if anyone would like to speak on behalf of this item may do so now with a five-minute time limit. Additional time cannot be extended by City Commission.

Mrs. Courtney Alvarez, City Attorney announced that the City Commission will meet on Monday, September 14, 2020 at 5:00 p.m. to vote on the proposed tax rate. Meeting will take place in the Helen Kleberg Groves Community Room, City Hall, 400 W. King Ave., Kingsville, TX.

There being no further comments, Mayor Fugate closed this public hearing at 5:03 P.M.

### **2. Public Hearing on proposed Fiscal Year 2020-2021 budget. (Finance Director).**

Mayor Fugate read and opened this public hearing at 5:03 P.M.

Mayor Fugate announced that this is a public hearing and if anyone would like to speak on behalf of this item may do so now with a five-minute time limit. Additional time cannot be extended by City Commission.

There being no further comments, Mayor Fugate closed this public hearing at 5:04 P.M.

## **III. Reports from Commission & Staff.<sup>2</sup>**

*"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, Investment Report, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; Public Works; Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Health Plan*

*Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation. No formal action can be taken on these items at this time."*

Mr. Mark McLaughlin, City Manager gave an update on City positions that are available in the Planning & Permitting Department. He also reported that staff is looking into other internet providers to service Kingsville. McLaughlin gave an update on Miller Street. After Miller Street is completed, crews will move on to the Dog Park Parking Lot then begin chip seal city streets. There were two additional traps that picked up mosquitos that have the Saint Louis encephalitis. The Health Department has already sprayed for the past three nights and will be spraying tonight which they will be spraying the entire city.

Mrs. Alvarez reported that the next regular meeting is scheduled for September 14, 2020. The second regular meeting is scheduled for September 28, 2020 with a deadline for staff to submit items for that meeting being on September 18, 2020.

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

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

No public comments were made or received.

#### **V.**

##### **Consent Agenda**

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

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

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

None.

##### **REGULAR AGENDA**

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

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

1. **Review and discuss proposed fiscal year 2020-2021 budget for departments of the City of Kingsville. (City Manager).**

Mr. McLaughlin commented that provided to the Commission is a list of all changes that were made to the proposed budget. These changes were discussed during budget workshops. The net revenues will now be proposed for this budget at \$44,588,817.

Commissioner Hinojosa asked that on the expenditures, Fund 33 (CO) there is money being moved from this fund to the Golf Course, has legal counsel stated that this move was allowable? Mr. McLaughlin responded that it is allowable as the Golf Course is one of the projects that is listed on the Fund 33 list. McLaughlin further commented that this

has been verified with Mrs. Deborah Balli, Finance Director by verifying that the Golf Course is authorized.

2. **Consider introduction 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, 2020 and ending September 30, 2021 in the particulars herein after stated. (Finance Director).**

Commissioner Hinojosa commented that during the budget process he was looking at some of the revenues being overstated and they still are and has made his concerns known in front of the City Commission. He also stated that what he does like about the budget is the way that the City Manager is controlling the expenses, but he is a bit liberal/aggressive on the revenues, but this is his budget. Hinojosa further commented that the other thing he likes is the 2.5% cost of living for the employees.

3. **Consider introduction of an ordinance establishing and adopting the ad valorem tax rate for all taxable property within the City of Kingsville, Texas for fiscal year beginning October 01, 2020 and ending September 30, 2021, 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. (Finance Director).**

Introduction item.

4. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 2, Sewers, providing for an increase in sewer rates. (City Manager).**

Mr. McLaughlin commented that this is an increase of 5% on the sewer rate. He further commented that this increase will bring in an extra \$207,500 that will be programmed monthly as it comes in, over to Fund 84 which is the DEAAG/Wastewater Treatment Plant. He further shared that for the DEAAG Grant, it was proposed to put in \$200,000 this year from the general fund. It has now been programmed for this and in this budget it was also programmed, as there was a very large fund balance within the Utility Fund, to move \$500,000 over to the Wastewater Treatment Plant based on Commission comments that it is the number one issue. Mr. McLaughlin further stated that at the end of next year there should be about \$930,000 set aside and will continue to build that balance.

Mayor Fugate commented that this has been talked about for the past three years and it is not getting any better.

Introduction item.

5. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies. (Human Resource Director).**

Mrs. Gonzales stated that this ordinance is for the City of Kingsville Classification and Compensation Plan for FY 2020-2021. Non-Exempt Non-Civil Service Schedule is as followed: Continuation of Anniversary Program; Cost of Living Adjustment (COLA) = 2.5%; Longevity Increase from \$2 to \$3 per month per year of service. Reclassification of the following positions: Equipment Service Worker from Class 1 to Class 3; Equipment Operator I from Class 1 to Class 3; Planning Customer Service Rep I Class 2 to Customer Service Rep II Class 3; Fire P/T Customer Service Rep I Class 2 to P/T Customer Service Rep II Class 3; Finance Customer Service Rep I (3 positions) Class 2 to Customer Service Rep II Class 3; Police - Administrative Assistant II (Class 9) to Administrative Coordinator Class 10. New positions include Evidence Technician – Part-Time Class 2. Certification include, new commercial driver's license, active license

\$ 13.85 per pay period. Renaming the position of Community Appearance Inspector Class 11 to Code Compliance Inspector Class 11 and removing Library and JK Northway positions both full-time and part-time and Audio/Visual Technician Class 6. As for the Exempt Non-Civil Service Schedule it includes the continuation of anniversary program, cost of living adjustment (COLA) of 2.5%; Longevity Increase from \$2 to \$3 per month per year of service; Renaming the Downtown Manager Exempt Class 7 to Downtown & Historic Preservation Manager Exempt Class 7 and Purchasing Manager Exempt Class 6 to Purchasing & Facilities Manager Exempt Class 6. The Financial Impact, approximate total financial impact is \$287,485 and incorporated in the City Manager's proposed budget. The impact breakdown is listed below: Anniversary Program \$40,795; Cost of Living Adjustment \$179,967; Longevity \$16,296; Reclasses \$21,129; New Part-time \$12,013; and Certification for active CDL \$17,285.

Introduction item.

**6. Consider introduction of an ordinance amending the Fiscal Year 2019-2020 budget to accept and expend grant funds from the Assistance to Firefighters Grant Program for medical supplies. (COVID-19 Supplemental). (Fire Chief).**

Mr. McLaughlin stated that the Fire Chief applied for this grant back in May 2020. The grant was awarded therefore requesting approval to budget the awarded funds to purchase the equipment pursuant to the grant.

Introduction item.

**7. Consider introduction of an ordinance amending the Fiscal Year 2019-2020 budget to expend funds for emergency repairs at the golf course. (Parks Director).**

Mr. McLaughlin stated that is for some maintenance issues that occurred at the Golf Course. Estimates came in as followed: back 9 holes at \$25,771; front 9 holes \$39,787 for a total of \$65,558. Holes 3 and 4 may need to be contracted out to an expert that can assist in rebuilding those two holes.

Commissioner Leubert asked if the irrigation at the Golf Course was working well. Mr. McLaughlin responded that the irrigation system is working well.

Introduction item.

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 5:21 P.M.

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Sam R. Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, TRMC, CMC, City Secretary

# **PUBLIC HEARING(S)**

# **PUBLIC HEARING #1**





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## MEMO

**Date:** September 9, 2020

**To:** Mark McLaughlin (City Manager)

**From:** Uche Echeozo (Director of Planning and Development Services)

**Subject:** **Re:** Brian M Burger, P.E., authorized agent for Thunderbird Real Estate II LTD, owner, requesting a replat of EDDIE YAKLIN DEVELOPMENT, ACRES 14.0 also known as 2501 S HWY 77, Kingsville, Texas.

The Planning and Zoning Commission meeting held as scheduled this evening, September 9, 2020 with 5 members in attendance. There were two members that were absent – Commissioners Lupe Alvarez and Bill Aldrich

Members deliberated over the issue of granting approval for a replat of Eddie Yaklin Development, Acres 14.0 also known as 2501 S HWY 77, Kingsville TX and at the end, voted unanimously to approve the recommendation to replat the tract of land into two lots. A recorded vote of all members present was taken and Commissioners Brian Coufal, Idotha Battle, Debbie Tiffie, Mike Klepac and the Chairman – Steve Zamora all voted 'YES'

The meeting was adjourned by 6.35p.m.

Thank you.

A handwritten signature in black ink, appearing to be "Uche Echeozo", is located below the "Thank you." text.

**Uche Echeozo**  
Director of Planning and  
Development Services

# PLANNING & ZONING COMMISSION AGENDA

Wednesday, September 9, 2020 6:00 p.m.

Special Meeting

Helen Kleberg Groves Community Room,

1<sup>st</sup> Floor – City Hall, 400 W. King Ave., Kingsville, Texas

Conference Line Call: 415-655-0001 and when prompted type access code:

1262109951#

OR

Live Videostream: <https://cityofkingsville.my.webex.com>

## PLANNING & ZONING COMMISSION SEATING ARRANGEMENT

### COMMISSION MEMBERS

Mike Klepac

Brian Coufal

Rev. Idotha Battle

Steve Zamora,

Chairman

### COMMISSION MEMBERS

Lupe Alvarez

Debbie Tiffie

Bill Aldrich

### CITY STAFF

Stephannie Resendez,  
Administrative Assistant II

Uchechukwu Echeozo  
Director of Planning  
& Development Services

*The following rules of conduct have been adopted by this Commission:*

1. Give your name and complete address.
2. No one may speak more than twice on the same item.
3. No one may speak more than 5 minutes at a time without permission from the Chairman.
4. No one may speak a second time on a question until every person who wants to speak has done so.
5. All submissions of evidence, i.e., photos, drawings, will be retained by the Planning & Zoning Commission and will become a part of the permanent file.

***A COPY OF CHAPTER 15 “LAND USAGE”, FROM THE CITY OF KINGSVILLE CODE OF ORDINANCES, IS AVAILABLE.***

## AGENDA

- CALL TO ORDER
- ROLL CALL
- APPROVAL OF MINUTES OF MEETING – August 19, 2020
  - \*\*AUDIENCE AND PRESENTER SOCIAL DISTANCING AND PUBLIC TESTIMONY AND PUBLIC HEARING INPUT AT PUBLIC MEETINGS OF THE CITY BOARDS. To reduce the chance of COVID-19 transmission, public meetings will be held in a manner intended to separate, to the maximum practical extent, audience and presenters from personal contact with members of Community, City Staff, and City Boards. Public testimony and public hearing input for Public Comment and all items on the agenda at public meetings of the City Boards shall be provided in written format and presented to the Board Secretary and/or designee prior to the start of each meeting of the Planning and Zoning Commission. This***

*testimony and/or public input shall be in accordance with the Board Secretary's instructions, which shall be posted on the Board Secretary's outdoor public bulletin board at City Hall and on the City website and allow for electronic submission. The written public testimony shall be provided to members of the City Boards prior to voting on measures for that meeting. Written testimony shall be limited in accordance with the Board Secretary requirements and shall be placed into the record of each meeting. This written testimony shall serve as the required public testimony pursuant to Texas Government Code section 551.007 and shall constitute a public hearing for purposes of any public hearing requirement under law. The meeting may be held telephonically or via videoconference; and, if so conducted, the public may participate remotely by following the instructions of the Board Secretary which would be posted on the Board Secretary's outdoor public bulletin at City Hall and on the City website.*

- **PUBLIC COMMENTS FOR ALL AGENDA & NON-AGENDA ITEMS**
- **POSTPONEMENTS/ADJUSTMENTS TO THE AGENDA**
- **OLD BUSINESS – None.**
- **NEW BUSINESS –**

**ITEM #1 - Public Hearing on the request from Bryan M. Burger, P.E, authorized agent, Thunderbird Real Estate II, LTD, owner, requesting a replat of EDDIE YAKLIN DEVELOPMENT, ACRES 14.0 also known as 2501 S HWY 77, Kingsville, Texas.**

**ITEM #2- Discuss and Consider Action on the request from Bryan M. Burger, P.E, authorized agent, Thunderbird Real Estate II, LTD, owner, requesting a replat of EDDIE YAKLIN DEVELOPMENT, ACRES 14.0 also known as 2501 S HWY 77, Kingsville, Texas.**

**MISCELLANEOUS:** Any topic may be discussed but no action may be taken at this time.

- **ADJOURNMENT**

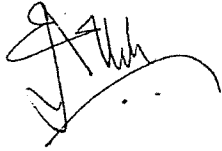
**Please call the CITY SECRETARY at 595-8002 to obtain definitive and final City Commission Hearing Date.**

<p>It is the intention of the City of Kingsville to comply in all aspects with the Americans with Disabilities Act (ADA). If you plan on attending a meeting to participate or to observe and need special assistance beyond what is routinely provided, the city will attempt to accommodate you in every reasonable manner. Please contact the Planning Secretary, 361-595-8055, at least two business days prior to the meeting to inform the City of your specific needs and to determine if accommodation is feasible.</p>
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Planning Commission Agenda

September 9, 2020

I certify that this agenda was posted at least seventy-two (72) hours before the commencement of the Planning and Zoning Commission Meeting scheduled for Wednesday, September 9, 2020.



\_\_\_\_\_  
Uchechukwu Echeozo  
Director of Planning & Development Services

Posted
@ <u>5:15 PM</u>
On <u>9-4-2020</u>
By <u>S. Resny</u>

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

By: \_\_\_\_\_  
Kingsville Planning and Development Services

Planning and Development Services  
410 W King  
Kingsville, TX 78363  
PH: 361-595-8093



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## MEMO

**Date:** September 9, 2020  
**To:** Planning and Zoning Commission Members  
**From:** Uche Echeozo (Director of Planning and Development Services)  
**Subject:** Brian M Burger, P.E., authorized agent for Thunderbird Real Estate II LTD, owner, requesting a replat of EDDIE YAKLIN DEVELOPMENT, ACRES 14.0 also known as 2501 S HWY 77, Kingsville, Texas.

The applicant approached the department because they wanted to replat the existing subdivision into two lots for restaurant development. The current zoning for that property is C4 – Commercial District

Consequently, this application is being submitted for your consideration. Therefore, it is recommended that you consider the said application and approve same since the eventual use would be in conformity with the zoning ordinance of the City of Kingsville.

Thank you.

**Uche Echeozo**  
Director of Planning and  
Development Services

CITY OF KINGSVILLE PLANNING  
AND ZONING DIVISION MASTER  
APPLICATION

**PROPERTY INFORMATION: (Please PRINT or TYPE)**

Project Address 2051 S. Hwy. 77 Nearest Intersection N.W.C. S. Hwy. 77 & E. General Cavazos Blvd.

(Proposed) Subdivision Name Eddie Yaklin Development Lot 1 & 2 Block

Legal Description: All of Lot 1 Eddie Yaklin Development

Existing Zoning Designation C-4 Future Land Use Plan Designation Auto-Urban Commercial

**OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)**

Applicant/Authorized Agent Bryan M. Burger, P.E. Phone 972-630-3360 FAX 972-630-3380

Email Address (for project correspondence only): bburger@burgerengineering.com

Mailing Address 17103 Preston Road, Suite 180N City Dallas State TX Zip 75248

Property Owner Thunderbird Real Estate II, LTD Phone 972 206 1755 FAX 409 401 401

Email Address (for project correspondence only): hseme@games.net

Mailing Address PO BOX 479 City LAREDO State TX Zip 78042

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

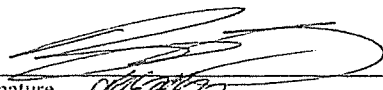
<input type="checkbox"/> Annexation Request	No Fee	<input type="checkbox"/> Preliminary Plat	Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA)	\$250.00	<input checked="" type="checkbox"/> Final Plat	\$560.00
<input type="checkbox"/> Comp. Plan Amendment Request	\$250.00	<input type="checkbox"/> Minor Plat	\$100.00
<input type="checkbox"/> Re-zoning Request	\$250.00	<input type="checkbox"/> Re-plat Vacating	\$250.00
<input type="checkbox"/> SUP Request/Renewal	\$250.00	<input type="checkbox"/> Plat Development	\$50.00
<input type="checkbox"/> Zoning Variance Request (ZBA)	\$250.00	<input type="checkbox"/> Plat	\$100.00
<input type="checkbox"/> PUD Request	\$250.00	<input type="checkbox"/> Subdivision Variance Request	\$25.00 ea

Please provide a basic description of the proposed project:

To replat the existing subdivision into two lots for a restaurant development.

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

Applicant's Signature



Date: 7-16-2020

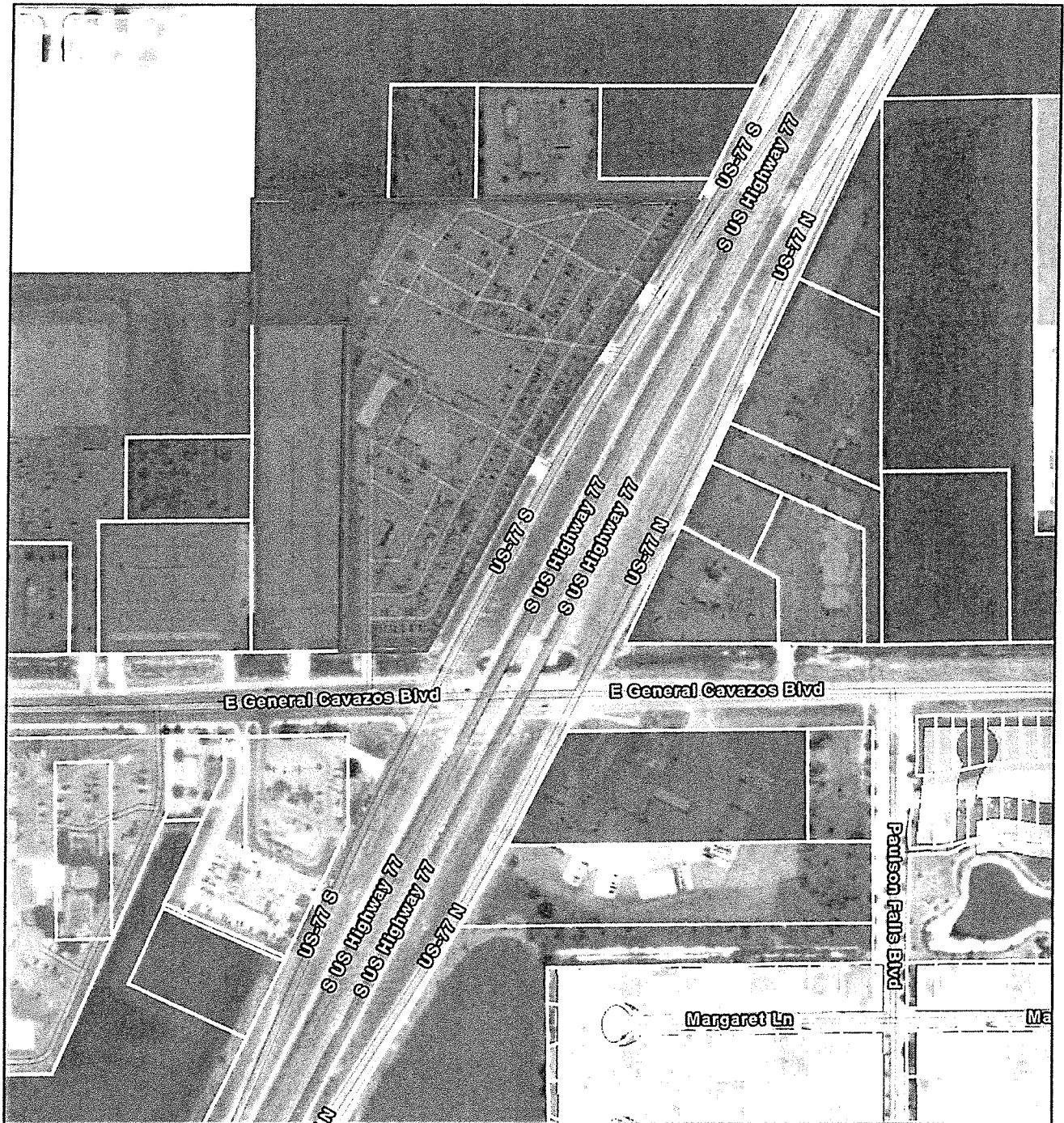
Property Owner's Signature



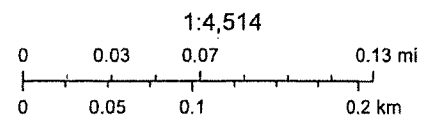
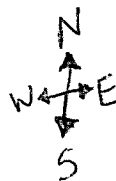
Date: 7-17-20

Accepted by:

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

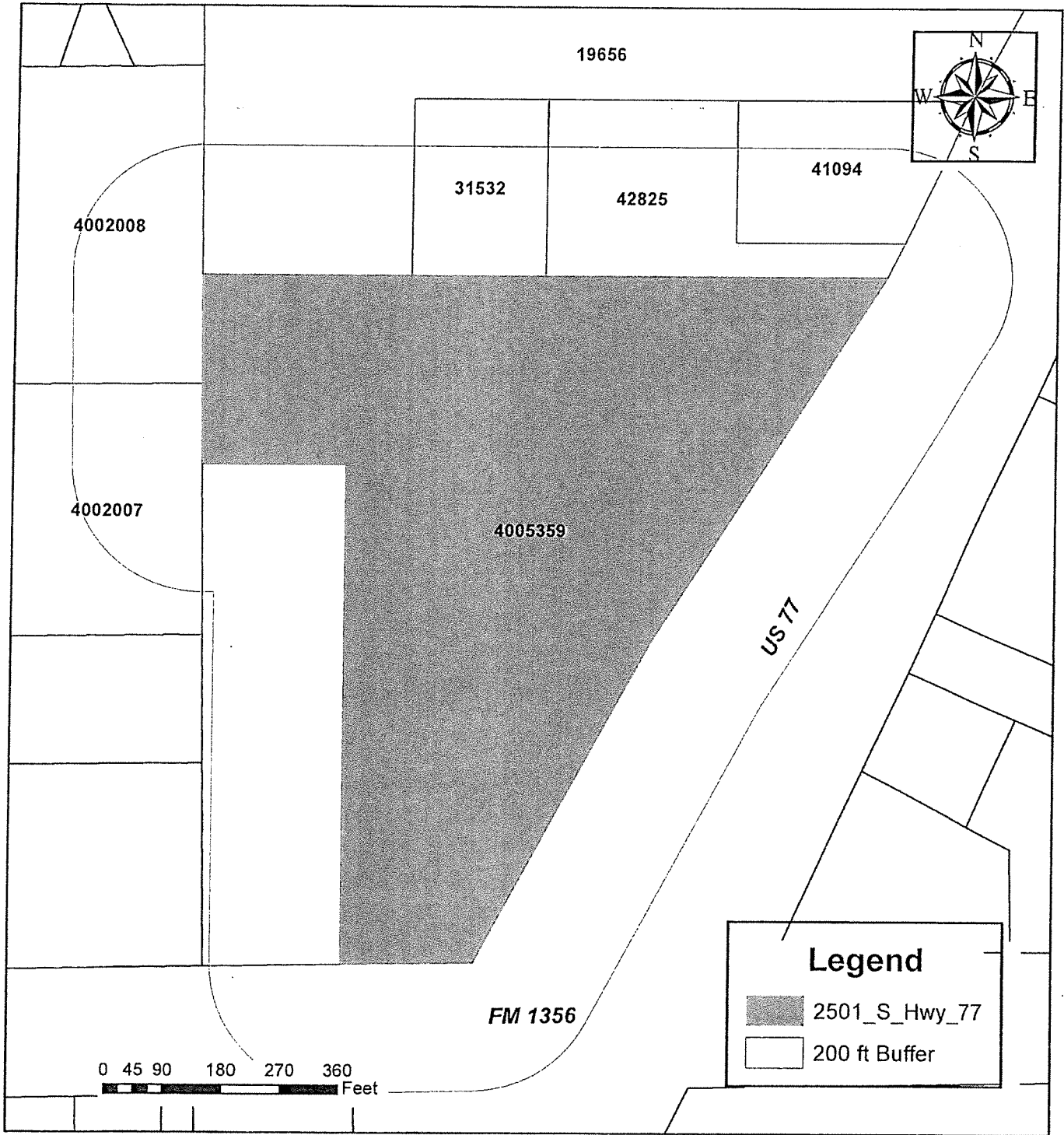


September 4, 2020



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

# 200 ft Buffer Map of 2501 S Hwy 77



Document Path: C:\Users\sresendez\Desktop\GIS\Maps\New Buffer Maps.mxd

Page 1 / 1	Drawn By: Planning Department	<small>DISCLAIMER THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</small>	<small>CITY OF KINGSVILLE PLANNING DEPARTMENT 410 West King Kingsville, Texas 78363 Office: 361-595-8055</small>
	Last Update: 8/26/2020		
	Note:		



KINGSVILLE LAND  
DEVELOPMENT COMPANY LTD  
19787 IH-10 WEST, STE 201  
SAN ANTONIO, TX 78257  
#4002008

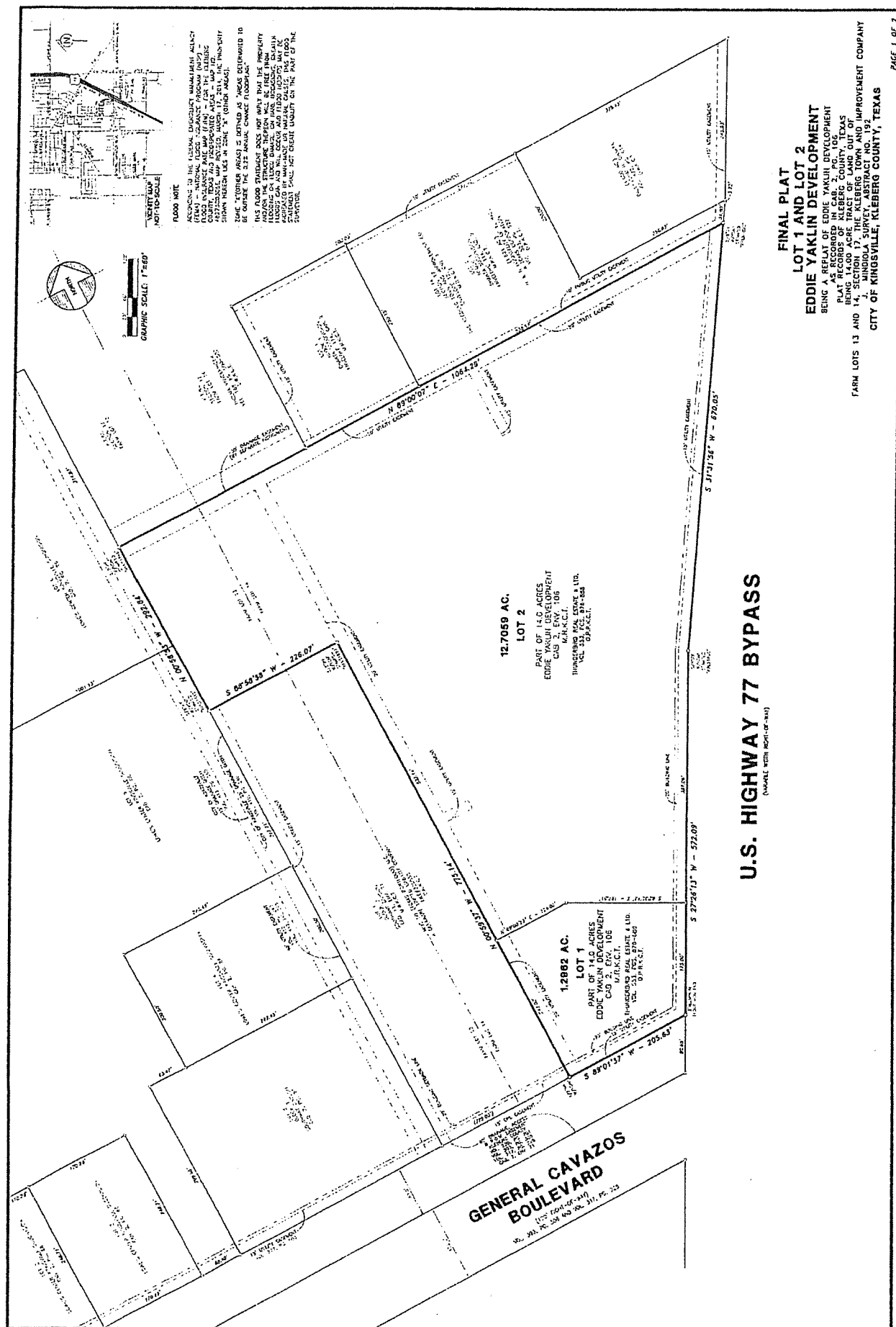
MARVIN H VANDERHIDER  
CHARLES D VANDERHIDER EST  
WILLIAM D VANDERHIDER (IND EXEC)  
1610 BEAUCHAMP ST  
SAN ANTONIO, TX 78231-2404  
#19656

LOWES HOME CENTERS INC  
1000 LOWE'S BLVD  
MOORESVILLE, NC 28117  
#4002007

R&R HOSPITALITY OF TX INC  
105 HUNTERS LANE STE 200  
FRIENDSWOOD, TX 77546  
#42825

BALDEV R BHAKTA  
2489 SOUTH US HWY 77  
KINGSVILLE, TX 78363  
#31532

BALDEVBHAI R BHAKTA  
3925 SPID  
CORPUS CHRISTI, TX 78415-  
2915  
#41094





## Sharon

CONT'D FROM PAGE 1

On Thursday, August 13, Sharon stepped aside and entered the ranks of retirement. She served the good people of Kleberg County for over 3 1/2 decades, but the bulk of that time was in the service of the Ricardo and Riviera area. Her customers loved her, and wanted to find a way to show their appreciation and love when word got around she was going to retire.

They were not going to let her go quietly into the night on her last day.

On Thursday, many of the residents who lived on the 772 west loop in Ricardo decorated their mailboxes as a gesture of thanks and a way to say goodbye to their animated courier who served them faithfully for so long.

Mailboxes were adorned with brightly colored paper, ornaments, toys, cards, signs and even some flowers. A little girl even stood by the side of the road to give her a farewell card and wanted to say goodbye. The trail of decorated mailboxes was over two miles long, and was all meant to say thank you to a lady who had done her duty of delivering the mail for her country to serve her friends, family and neighbors with love and integrity.

Sharon was surprised and honored at the loving



## Retiring

After 36 years, Sharon Robertson is saying goodbye to the USPS. (Photo by Terry Filizwater)

tribute and remembrance.

"Well, it's all a bit overwhelming," Robertson said after climbing out of her delivery vehicle for the last time. "It was awfully sweet of everyone to do that, and I was surprised to see all the decorations and kind wishes."

Sharon started delivering the mail 36 years ago—mainly at the suggestion of her husband Johnny who recently past away. Johnny had been a postal delivery man for decades—mostly in the Bishop area—and he lobbied for the postal service to hire Sharon.

"My husband thought I could do anything, and told me to apply—so I did," she recalled with a smile. "I worked part-time in Riviera, Bishop and Kingsville but finally got hired on full time in 1990."

"I grew up here, so I knew many of the people I was delivering to and they became my friends and family. I knew generations of the same family, and it was an honor to work for them."

Sharon was a dedicated and knowledgeable courier, and even helped with the 9-1-1 mapping when it was implemented. She would get calls

from law enforcement and first responders about where people lived, and would direct them to the correct address regardless of the time of night. She even helped save a heart attack victim by assisting the Sheriff Department on finding a person's property who had called in and was having a heart attack.

"To me, it was my job and if you are going to do something, do it as best you can," she said. "I took the job and committed to it."

Many times Sharon would call her custom-

ers and let them know a package had arrived and she would let them know where to find it. She even helped with getting prescriptions delivered to customers who were feeble or sick.

There was the time, however, when a woman came out to get her mail dressed only with a blanket wrapped around her and nothing else.

When Sharon returned to the post office lot on Thursday afternoon, she felt tired when she got out of the vehicle, but proudly exclaimed: "I'm really excited! I just don't

want to be one of those persons who just sits on their couch."

Kingsville Postmaster John Frazier was effusive in his praise of Robertson.

"All of our carriers strive to go above and beyond," Frazier said. "But she takes care of her customers. She really stands out for her dedication and not once did I ever receive a complaint about her from anyone."

Sharon said she hopes to cook, garden, and spend more time with her children and eight grandchildren in retirement.

## PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, September 9, 2020, at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard: Bryan M. Burger, P.E. authorized agent, Thunderbird Real Estate II, LTD, owner, requesting a replat of EDDIE YAKLIN DEVELOPMENT, ACRES 14.0 also known as 2501 S HWY 77, Kingsville, Texas.


The meeting will be held at City Hall, 400 West King, Kingsville, Texas in the Helen Kleberg Graves Community Room. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

## PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, September 14, 2020 at 5:00 p.m. wherein the City Commission will discuss and act on the following item and at which time all interested persons will be heard:

Bryan M. Burger, P.E. authorized agent, Thunderbird Real Estate II, LTD, owner, requesting a replat of EDDIE YAKLIN DEVELOPMENT, ACRES 14.0 also known as 2501 S HWY 77, Kingsville, Texas.

The meeting will be held at City Hall, 400 West King, Kingsville, Texas, in the Helen Kleberg Graves Community Room. If you have any questions about the items on the agenda, please contact the City Secretary at (361) 595-8002.



## Kingsville Council

of the

## Navy League

*Proudly Serving Our Local Sea Service Personnel and Their Families Since 1955*

**NAS KINGSVILLE**

Training Air Wing TWO

Training Squadron TWENTY ONE

**Navy Operational Support Center HARLINGEN**

Training Squadron TWENTY TWO

### About Us

The Kingsville Council of the Navy League is a non-profit 501(c)(3) organization comprised of over 40 local citizens, some with military backgrounds and some without.

Our primary goal is to improve the quality-of-life of sea service personnel and their families attached to our five adopted commands listed above. This goal is primarily achieved by the Kingsville Council hosting social events or providing support to many successful programs and events. Our support activity allows sea service personnel to spend more time with family and friends and less time involved in exhaustive off-duty fundraising. Our support also reduces their out-of-pocket expenses for extracurricular activities and other military events. We believe these benefits provide an extreme morale boost to those we support. We are proud and honored to serve those who serve our country.

### Milestones/Programs/Events

- In 2019, over \$28,000 in support activity
- Sponsor Navy Ball, Marine Corps Ball, and NOSC Harlingen Holiday Social to reduce expenses and admission costs
- Host Sailor of the Year and Sailor of the Quarter Luncheon; awards presented with Certificates of Appreciation and other gifts for a job well done
- Provide direct contributions to the Chief Petty Officers Association, First Class Petty Officers Association, Blue Jacket Association, and other command organizations
- Sponsor Navy League of the United States Kingsville Council Hahn Memorial Scholarship; applied toward full-time enrollment at Texas A&M University - Kingsville
- Support of Navy Relief and Operation School Supply
- Sponsor Student Naval Aviator Socials and Winging Events
- Sponsor MWR Javelina Football Tailgate Socials and other MWR events

### DO YOU WANT TO JOIN US?

- No prior military service is required to be a member.
- All membership applications are submitted online through the national Navy League website listed below. Subscription to SEAPOWER magazine & other benefits are listed on that website.
- To join the Kingsville Council, be sure to list KINGSVILLE as your preferred council on the membership application form.

Active-Duty Spouse: \$0	
Electronic 1-year: \$25	Membership/Benefits: <a href="http://www.navyleague.org/join-us/individual-membership">www.navyleague.org/join-us/individual-membership</a>
Regular 1-year: \$55	

### CONTACT US

KINGSVILLE COUNCIL of the NAVY LEAGUE  
 Brealon "Buddy" Windham, President • P.O. Box 1740 • Kingsville, TX 78364 • (361) 455-2088  
[www.kcnl.org](http://www.kcnl.org)   [www.navyleague.org](http://www.navyleague.org)

**COMING SOON (24-36 months): Commissioning Week for the future USS KINGSVILLE (LCS 36)**  
**A KINGSVILLE COMMUNITY CELEBRATION!**

# **CONSENT AGENDA**

# **AGENDA ITEM #1**

ORDINANCE NO. 2020-\_\_\_\_\_

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER V, ARTICLE 2, SEWERS, PROVIDING FOR AN INCREASE IN SEWER RATES; 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: 5% increase

I.

THAT Section 5-2-2 of Article 2: Sewers of Chapter V, Public Works, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

**§ 5-2-2 USER CLASSIFICATIONS; SCHEDULE OF CHARGES.**

(A) *Single-family residential*. Minimum monthly charge of **\$14.53** ~~13.84~~ with an allowance of 2,000 gallons. For consumption in excess of 2,000 gallons a charge of **\$4.16** ~~3.96~~ per 1,000 gallons will be levied to a maximum of 15,000 gallons after which no further charge shall be levied.

(B) *Duplex*. Minimum monthly charge of **\$17.83** ~~16.98~~ with an allowance of 2,000 gallons. For consumption in excess of 2,000 gallons a charge of **\$4.16** ~~3.96~~ per 1,000 gallons will be levied.

(C) *Multi-family residential (includes apartments of 3-4 units)*. Minimum monthly charge of **\$27.25** ~~25.95~~ with an allowance for 3,000 gallons. For consumption in excess of 3,000 gallons, a charge of **\$4.16** ~~3.96~~ per 1,000 gallons shall be levied.

(D) *Commercial (includes hotels, motels, apartments over 4 units, and all others not meeting any other categories)*. Minimum monthly charge **\$33.52** ~~31.92~~ with an allowance of 3,000 gallons. For consumption in excess of 3,000 gallons a charge of **\$4.16** ~~3.96~~ per 1,000 gallons will be levied.

(E) *Irrigation*. No customer using city water services solely for irrigation purposes shall be assessed a sewer charge.

(F) *Industrial plants*. By special contract with the city.

(G) *Billing charge*. All sewer customers who are not billed for water services shall be assessed a monthly billing charge of **\$2.42** ~~2.30~~ in addition to their sewer charges.

(H) (1) *Outside city limits.* All parts of this section shall apply to customers located outside the city limits and who receive city sewer service except the rates to such customers shall be as follows:

(2) *Single-family residential.* Minimum monthly charge of **\$16.72** ~~15.92~~ with an allowance of 2,000 gallons. For consumption in excess of 2,000 gallons a charge of **\$4.78** ~~4.55~~ per 1,000 gallons of water consumed to a maximum of 15,000 gallons after which no further charge shall be levied.

(3) *Duplex.* Minimum monthly charge of **\$20.51** ~~19.53~~ with an allowance of 2,000 gallons. For consumption in excess of 2,000 gallons a charge of **\$4.78** ~~4.55~~ per 1,000 gallons of water consumed.

(4) *Multi-family residential (includes apartments of 3-4 units).* Minimum monthly charge of **\$31.33** ~~29.84~~ with an allowance of 3,000 gallons. For consumption in excess of 3,000 gallons a charge of **\$4.78** ~~4.55~~ per 1,000 gallons of water consumed.

(5) *Commercial (includes hotels, motels, apartments over 4 units, and all others not meeting any of the above categories).* Minimum monthly charge of **\$38.54** ~~36.70~~ with an allowance of 3,000 gallons. For consumption in excess of 3,000 gallons a charge of **\$5.04** ~~4.80~~ per 1, 000 gallons of water consumed.

## 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 8<sup>th</sup> day of September, 2020.

**PASSED AND APPROVED** on this the 14<sup>th</sup> day of September, 2020.



Effective Date: \_\_\_\_\_

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

## **AGENDA ITEM #2**

**City of Kingsville  
Fire Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Juan J. Adame, Fire Chief / EMC

DATE: Sept. 4, 2020

SUBJECT: Grants Programs Directorate's Assistance to Firefighters Grant Program – COVID-19 Supplemental (AFG-S)

**Summary:**

On May 11, 2020 the City Commission approved resolution #2020-44 authorizing the City to submit an application to 2020 Assistance to Firefighters Grant Funding for personal protective equipment (PPE) on behalf of the Kingsville Fire Department. The grant was recently awarded. The funding now needs to be accepted and allocated to the appropriate budget line item in order to purchase the (PPE) as specified in the grant award.

**Background:**

The COVID –19 Pandemic brought unforeseen challenges that have placed a strain on the Fire Department's medical supply inventory and the budget used to purchase those supplies. This forced us to seek financial opportunities to help ease those strains. This grant application was one of those avenues.

**Financial Impact:**

This grant award will allow for the department to increase our inventory of the PPE used to protect our personnel while reducing budgetary strains. The allowable purchases are within the attached award packet. Award totals are listed below:

Federal Award.....	\$18,697.35
Non-federal Commitment.....	\$ 1,869.73

**Recommendation:**

We are requesting approval to budget the awarded funds to purchase the equipment pursuant to the grant. Thank you for your assistance in this matter.



# Award Letter

U.S. Department of Homeland Security  
Washington, D.C. 20472

Ronald Lee  
KINGSVILLE, CITY OF  
PO BOX 1458 119 N 10TH ST  
KINGSVILLE, TX 78364



EMW-2020-FG-02826

Dear Ronald Lee,

Congratulations on behalf of the Department of Homeland Security. Your application submitted for the Fiscal Year 2020 Assistance to Firefighters Grant Program - COVID-19 Supplemental (AFG-S) has been approved in the amount of \$18,697.35 in Federal funding. As a condition of this grant, you are required to contribute non-Federal funds equal to or greater than 10.0% of the Federal funds awarded, or \$1,869.73 for a total approved budget of \$20,567.08. Please see the FY 2020 AFG-S Notice of Funding Opportunity for information on how to meet this cost share requirement.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the FEMA Grants Outcomes (FEMA GO) system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo - included in this document
- Agreement Articles - included in this document
- Obligating Document - included in this document
- FY 2020 AFG-S Notice of Funding Opportunity (NOFO) - incorporated by reference

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Sincerely,

Christopher Logan  
Acting Assistant Administrator  
Grant Programs Directorate

# Summary Award Memo

**Program:** Fiscal Year 2020 Assistance to Firefighters Grant Program - COVID-19 Supplemental

**Recipient:** KINGSVILLE, CITY OF

**DUNS number:** 786064998

**Award number:** EMW-2020-FG-02826

## Summary description of award

The purpose of the Assistance to Firefighters Grant Program - COVID-19 Supplemental (AFG-S) is to provide funds for the purchase of PPE and related supplies, including reimbursements, to prevent, prepare for, and respond to coronavirus. After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the Assistance to Firefighters Grant Program - COVID-19 Supplemental (AFG-S)'s purpose and was worthy of award.

Except as otherwise approved as noted in this award, the information you provided in your application for FY 2020 Assistance to Firefighters Grant Program - COVID-19 Supplemental (AFG-S) funding is incorporated into the terms and conditions of this award. This includes any documents submitted as part of the application.

## Amount awarded

The amount of the award is detailed in the attached Obligating Document for Award.

The following are the budgeted estimates for object classes for this award (including Federal share plus your cost share, if applicable):

<b>Object Class</b>	<b>Total</b>
Personnel	\$0.00
Fringe benefits	\$0.00
Travel	\$0.00
Equipment	\$5,461.20
Supplies	\$15,105.88
Contractual	\$0.00
Construction	\$0.00
Other	\$0.00
Indirect charges	\$0.00
<hr/>	
Federal	\$18,697.35
Non-federal	\$1,869.73
<hr/>	
Total	\$20,567.08
<hr/>	
Program Income	\$0.00

## **Approved scope of work**

After review of your application, FEMA has approved the below scope of work. Justifications are provided for any differences between the scope of work in the original application and the approved scope of work under this award. You must submit scope or budget revision requests for FEMA's prior approval, via an amendment request, as appropriate per 2 C.F.R. § 200.308 and the AFG-S NOFO.

### **Approved request details:**

## **Personal Protective Equipment (PPE)**

## Eye Protection

### DESCRIPTION

Face Shields (1-10 used daily)

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	1,550	\$1.24	\$1,922.00	Supplies

### CHANGE FROM APPLICATION

**Budget class** from **Equipment** to **Supplies**

### JUSTIFICATION

Funds in the Equipment category were moved to Supplies Category.

## Surgical Type Face Masks

### DESCRIPTION

Basic Surgical Face Mask for patient (1-10 used daily)

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	2,460	\$1.24	\$3,050.40	Supplies

### CHANGE FROM APPLICATION

**Budget class** from **Equipment** to **Supplies**

### JUSTIFICATION

Funds in the Equipment category were moved to Supplies Category.

## Gloves

### DESCRIPTION

Examination Gloves

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	49,200	\$0.01	\$492.00	Supplies

### CHANGE FROM APPLICATION

**Budget class** from **Equipment** to **Supplies**

### JUSTIFICATION

Funds in the Equipment category were moved to Supplies Category.

## Eye Protection

### DESCRIPTION

Goggles (35 replaced per quarter)

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	140	\$3.01	\$421.40	Supplies

### CHANGE FROM APPLICATION

**Budget class** from **Equipment** to **Supplies**

### JUSTIFICATION

Funds in the Equipment category were moved to Supplies Category.



## Isolation Gowns

### DESCRIPTION

Isolation Gowns 1-5daily

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	984	\$4.64	\$4,565.76	Supplies

### CHANGE FROM APPLICATION

**Budget class** from **Equipment** to **Supplies**

### JUSTIFICATION

Funds in the Equipment category were moved to Supplies Category.

## Protective Coveralls

### DESCRIPTION

Tyvec Coveralls (none in stock)

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	492	\$9.46	\$4,654.32	Supplies

### CHANGE FROM APPLICATION

**Budget class** from **Equipment** to **Supplies**

### JUSTIFICATION

Funds in the Equipment category were moved to Supplies Category.

## Respirators

### DESCRIPTION

N95 Mask (1-12 used daily)

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	2,952	\$1.85	\$5,461.20	Equipment

## **Agreement Articles**

**Program:** Fiscal Year 2020 Assistance to Firefighters Grant Program - COVID-19 Supplemental

**Recipient:** KINGSVILLE, CITY OF

**DUNS number:** 786064998

**Award number:** EMW-2020-FG-02826

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**Article 1     Assurances, Administrative Requirements, Cost Principles, Representations and Certifications**

DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non-Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Please contact the DHS FAO if you have any questions. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200, and adopted by DHS at 2 C.F.R. Part 3002.

**Article 2     DHS Specific Acknowledgements and Assurances**

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff. 1. Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS. 2. Recipients must give DHS access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance. 3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports. 4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance. 5. Recipients of federal financial assistance from DHS must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award or, for State Administering Agencies, thirty (30) days from receipt of the DHS Civil Rights Evaluation Tool from DHS or its awarding component agency. Recipients are required to provide this information once every two (2) years, not every time an award is made. After the initial submission for the first award under which this term applies, recipients are only required to submit updates every two years, not every time a grant is awarded. Recipients should submit the completed tool, including supporting materials to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov). This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>. 6. The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov) prior to expiration of the 30-day deadline.

- Article 3      Acknowledgement of Federal Funding from DHS**  
Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.
- Article 4      Activities Conducted Abroad**  
Recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.
- Article 5      Age Discrimination Act of 1975**  
Recipients must comply with the requirements of the Age Discrimination Act of 1975, Pub. L. No. 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.
- Article 6      Americans with Disabilities Act of 1990**  
Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101–12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.
- Article 7      Best Practices for Collection and Use of Personally Identifiable Information (PII)**  
Recipients who collect PII are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.
- Article 8      Civil Rights Act of 1964 – Title VI**  
Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

**Article 9 Civil Rights Act of 1968**

Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. No. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. § 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

**Article 10 Copyright**

Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

**Article 11 Debarment and Suspension**

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3000. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

**Article 12 Drug-Free Workplace Regulations**

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).

**Article 13 Duplication of Benefits**

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.



- Article 14 Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX**  
Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. No. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.
- Article 15 Energy Policy and Conservation Act**  
Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. No. 94- 163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.
- Article 16 False Claims Act and Program Fraud Civil Remedies**  
Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§ 3729-3733, which prohibits the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)
- Article 17 Federal Debt Status**  
All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)
- Article 18 Federal Leadership on Reducing Text Messaging while Driving**  
Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.
- Article 19 Fly America Act of 1974**  
Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.
- Article 20 Hotel and Motel Fire Safety Act of 1990**  
In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a, recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, (codified as amended at 15 U.S.C. § 2225.)

**Article 21 Limited English Proficiency (Civil Rights Act of 1964, Title VI)**  
Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

**Article 22 Lobbying Prohibitions**  
Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.

**Article 23 National Environmental Policy Act**  
Recipients must comply with the requirements of the National Environmental Policy Act of 1969 (NEPA), Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq.) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

**Article 24 Nondiscrimination in Matters Pertaining to Faith-Based Organizations**  
It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

**Article 25 Non-supplanting Requirement**  
Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

**Article 26 Notice of Funding Opportunity Requirements**

All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.

**Article 27 Patents and Intellectual Property Rights**

Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq, unless otherwise provided by law. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

**Article 28 Procurement of Recovered Materials**

States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. No. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

**Article 29 Rehabilitation Act of 1973**

Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112 (1973), (codified as amended at 29 U.S.C. § 794,) which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

**Article 30 Reporting of Matters Related to Recipient Integrity and Performance**

If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

**Article 31 Reporting Subawards and Executive Compensation**

Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

**Article 32    SAFECOM**

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

**Article 33    Terrorist Financing**

Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

**Article 34    Trafficking Victims Protection Act of 2000 (TVPA)**

Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference.

**Article 35    Universal Identifier and System of Award Management (SAM)**

Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

**Article 36    USA Patriot Act of 2001**

Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), Pub. L. No. 107-56, which amends 18 U.S.C. §§ 175–175c.

**Article 37    Use of DHS Seal, Logo and Flags**

Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

**Article 38    Whistleblower Protection Act**

Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.

**Article 39 Acceptance of Post Award Changes**

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to [ASK-GMD@dhs.gov](mailto:ASK-GMD@dhs.gov) if you have any questions.

**Article 40 Prior Approval for Modification of Approved Budget**

Before making any change to the DHS/FEMA approved budget for this award, you must request prior written approval from DHS/FEMA where required by 2 C.F.R. § 200.308. DHS/FEMA is also utilizing its discretion to impose an additional restriction under 2 C.F.R. § 200.308(e) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the Federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from DHS/FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget DHS/FEMA last approved. You must report any deviations from your DHS/FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

**Article 41 Disposition of Equipment Acquired Under the Federal Award**

When original or replacement equipment acquired under this award by the recipient or its subrecipients is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, you must request instructions from DHS/FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. § 200.313.

**Article 42 Environmental Planning and Historic Preservation**

DHS/FEMA funded activities that may require an EHP review are subject to FEMA's Environmental Planning and Historic Preservation (EHP) review process. This review does not address all Federal, state, and local requirements. Acceptance of Federal funding requires recipient to comply with all Federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize Federal funding. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders. To access the FEMA's Environmental and Historic Preservation (EHP) screening form and instructions go to the DHS/FEMA website at: <https://www.fema.gov/media-library/assets/documents/90195>. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. Failure to provide requisite information could result in delays in the release of grant funds. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered, applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

## Obligating document

<b>1. Agreement No.</b> EMW-2020-FG-02826	<b>2. Amendment No.</b> N/A	<b>3. Recipient No.</b> 746001513	<b>4. Type of Action</b> AWARD	<b>5. Control No.</b> WX03218N2020T		
<b>6. Recipient Name and Address</b> KINGSVILLE, CITY OF 119 N 10TH ST KINGSVILLE, TX 78363		<b>7. Issuing FEMA Office and Address</b> Grant Programs Directorate 500 C Street, S.W. Washington DC, 20528-7000 1-866-927-5646		<b>8. Payment Office and Address</b> FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20742		
<b>9. Name of Recipient Project Officer</b> Ronald Lee		<b>9a. Phone No.</b> 3615926445	<b>10. Name of FEMA Project Coordinator</b> Assistance to Firefighters Grant Program		<b>10a. Phone No.</b> 1-866-274-0960	
<b>11. Effective Date of This Action</b>  08/17/2020	<b>12. Method of Payment</b>  OTHER - FEMA GO	<b>13. Assistance Arrangement</b>  COST SHARING		<b>14. Performance Period</b> 08/24/2020 to 08/23/2021 <b>Budget Period</b> 08/24/2020 to 08/23/2021		
<b>15. Description of Action a. (Indicate funding data for awards or financial changes)</b>						
<b>Program Name Abbreviation</b>	<b>Assistance Listings No.</b>	<b>Accounting Data(ACCS Code)</b>	<b>Prior Total Award</b>	<b>Amount Awarded This Action + or (-)</b>	<b>Current Total Award</b>	<b>Cumulative Non-Federal Commitment</b>
AFG	97.044	2020-FC-GB01 - P431-xxxx-4101-D	\$0.00	\$18,697.35	\$18,697.35	\$1,869.73
Totals			\$0.00	\$18,697.35	\$18,697.35	\$1,869.73
<b>b. To describe changes other than funding data or financial changes, attach schedule and check here:</b> N/A						
<b><del>16. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address)</del></b> This field is not applicable for digitally signed grant agreements						

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)	DATE
18. FEMA SIGNATORY OFFICAL (Name and Title)	DATE
Christopher Logan, Acting Assistant Administrator Grant Programs Directorate	08/17/2020



**ORDINANCE NO. 2020-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2019-2020 BUDGET TO ACCEPT AND EXPEND GRANT FUNDS FROM THE ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM FOR MEDICAL SUPPLIES.**

**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 2019-2020 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 107 – ASSISTANCE TO FIREFIGHTERS GRANT FUND</b>					
<u>Revenues - 4</u>					
0000	Non-Depart	Federal Grant Revenues	72005	(\$18,697.35)	
0000	Non-Depart	Transfer From GF 001	75001	(\$1,869.73)	
<u>Expenditures – 5</u>					
2200	Fire	Medical Supplies	22400	\$20,567.08	
<b>Fund 001 – GENERAL FUND</b>					
6900	Transfers	Transfer to Fund 107	80107	\$1,869.73	

[To amend the City of Kingsville FY 19-20 Budget to accept and expend the grant funds from the Assistance to Firefighters Grant. The cash match funding will come from the General Fund unappropriated fund balance.]

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 8th day of September 2020.

**PASSED AND APPROVED** on this the 14th day of September, 2020.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #3**

**City of Kingsville  
Parks & Recreation Department**

**TO:** Mayor and City Commissioners

**CC:** Mark McLaughlin, City Manager

**FROM:** Susan Ivy, Parks Director

**DATE:** September 2, 2020

**SUBJECT:** Agenda Request – Request for Additional funding for Golf Course Emergency Repairs and Improvements

**Summary:** We are requesting approval of a Budget Amendment in the amount of \$108,445.00 for emergency repairs and improvements to the L. E. Ramey Golf Course.

**Background:** In response to some severe damage during aeration of four of the greens at L.E. Ramey Golf Course the City Manager has instructed that the Golf Course be closed for the coming month.

During some routine green's maintenance, damage to the surface of four greens was incurred that makes these four unplayable. The City Manager directed the aeration of the remaining greens to be contracted to an outside party, and during the month of September downtime, the golf course maintenance crews will perform other improvements to the course to include additional fairway sod laying, bunker maintenance, and sanding and rolling of the greens following aeration.

Funding for the contracted Plugging Crew, sand and sod for the fairways and continuing improvements to the bunkers is estimated at \$108,445.00. The work will be monitored daily and reports from Israel Vasquez will be provided weekly to Parks Director and forwarded to City Manager.

**Financial Impact:** Funding for this Budget Amendment is as follows: \$66,000 from Downtown Improvement Project in CO 2016, \$3,625.00 from St. Gertrudis Tree Project in CO 2016, and \$38,820.00 from FEMA funds for the irrigation damaged during storm in the General Fund.

**Recommendation:** I recommend the approval of the funding for the emergency repairs and additional improvements at the L. E. Ramey Golf Course and approval of the associated Budget Amendment for same.



**ORDINANCE NO. 2020-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2019-2020 BUDGET TO EXPEND FUNDS FOR EMERGENCY REPAIRS AT THE GOLF COURSE.**

**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 2019-2020 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>FUND 033 – CO SERIES 2016</b>					
<u>Expenditures - 5</u>					
1030	City Special	Downtown Revitalization	71216		\$66,000
4503	Parks	Grounds & Perm Fixtures	59100		\$3,625
6900	Transfer	Transfer Out to Fund 026	80026	\$69,625	
<b>FUND 001 – GENERAL FUND</b>					
<u>Expenditures – 5</u>					
6900	Transfers	Transfer Out to Fund 026	80026	\$38,820	
<b>Fund 026 – GOLF COURSE CAPITAL PROJECTS FUND</b>					
<u>Revenues - 4</u>					
0000	Non-Dept	Transfer From Fund 033	75033	(\$69,625)	
0000	Non-Dept	Transfer From Fund 001	75001	(\$38,820)	
<u>Expenditures - 5</u>					
4502	Golf	Grounds & Perm Fixtures	59100	\$108,445	

[To amend the City of Kingsville FY 19-20 Budget to expend funds for emergency repairs at the golf course. Funds from the CO Series 2016 are unspent project funds and funds from the General Fund are from the FEMA reimbursement for golf course irrigation damage just received.]

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 8th day of September 2020.

**PASSED AND APPROVED** on this the 14th day of September 2020.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #4**

**City of Kingsville**  
**Planning and Development Services Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Uche Echeozo, Director

DATE: September 8, 2020

SUBJECT: Re-appointment of Zoning Board of Adjustment Members: – Ricki Cunningham, Wayne Quandt John Garza, Albert Garcia.

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**Summary:** Members of the Zoning Board of Adjustment are seeking re-appointment as their terms have expired. Their names are Ricki Cunningham, Wayne Quandt, John Garza, and Albert Garcia.

**Background:** The Ordinance that established the Zoning Board of Adjustment makes provision for the filling of positions that have expired in the same manner and under the same terms as the original appointment. The above stated members have served for two years and they are due for either a replacement or reappointment They wish to be re-appointed and there are no impediments to this action at this time.

**Financial Impact:** None.

**Recommendation:** Approve the request to re-appoint the above mentioned individuals to the Zoning Board of Adjustment for another two-year term each, which would expire in September 2022.





# **REGULAR AGENDA**

## **AGENDA ITEM #5**

**ORDINANCE NO. 2020-\_\_\_\_\_**

**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, 2020 AND ENDING SEPTEMBER 30, 2021 IN THE PARTICULARS HEREINAFTER STATED.**

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS,** that the budget for FY 2020-2021 is adopted as follows:

**Section One:** The official budget for the City of Kingsville for the fiscal year beginning October 01, 2020 and ending September 30, 2021 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 \$47,556,544.00 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 \$1,176,165 and interest is \$252,068.

**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, 2020 and ending September 30, 2021. A copy of the official budget shall be kept by the City Secretary with the designation thereon as the official budget for FY 2020-2021, 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, 2020.

**PASSED** on this the 14<sup>th</sup> day of September, 2020.

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

**ATTEST:**

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Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

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

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

## Fund Summary

Fund	Defined Budgets										City Manager	City Commission
	10/2017-09/2018	10/2017-09/2018	10/2018-09/2019	10/2018-09/2019	10/2019-09/2020	10/2019-09/2020	10/2019-09/2020	10/2019-09/2020	10/2019-09/2020	10/2019-09/2020		
	Total Budget	Total Activity	Total Budget	Total Activity	Total Budget	Total Budget	YTD Activity	Expected				
001 - GENERAL FUND	19,092,542.89	19,498,725.89	19,293,575.21	19,718,147.04	19,892,494.00	16,983,641.22	19,614,370.84	20,521,907.98	0.00	0.00		
002 - TOURISM FUND	554,780.00	646,609.28	624,221.00	738,004.94	698,011.00	487,489.56	552,836.19	563,075.00	0.00	0.00		
005 - PD-STATE SEIZURE FUND	15,000.00	991,733.76	15,000.00	69,682.93	26,000.00	67,937.34	68,907.60	5,000.00	0.00	0.00		
009 - LAW ENF OFF STAND-POLICE	910.00	910.00	3,311.99	1,594.52	3,349.19	2,369.19	3,349.19	0.00	0.00	0.00		
011 - G.O. DEBT SERVICE FUND	1,295,675.00	1,287,305.77	1,499,488.00	1,485,977.68	1,572,490.00	1,504,419.11	1,556,490.00	1,502,446.00	0.00	0.00		
012 - UF DEBT SERVICE FUND	1,550,585.00	1,563,307.01	1,878,013.00	1,880,025.04	1,701,647.00	1,271,235.32	1,694,747.00	1,602,683.00	0.00	0.00		
016 - PD - STONEGARDEN	295,028.00	170,780.43	345,750.21	205,560.73	433,191.53	50,729.48	278,368.46	0.00	0.00	0.00		
017 - PD GRANT BORDER STAR-LBSP	89,539.00	85,002.34	75,000.00	85,420.01	78,000.00	40,352.97	78,000.00	0.00	0.00	0.00		
025 - BUILDING SECURITY FUND	10,000.00	12,106.25	10,000.00	11,264.86	10,000.00	9,047.37	10,000.00	10,000.00	0.00	0.00		
026 - GOLF COURSE CAPITAL MAINTENANCE FUND	8,115.00	6,596.64	5,471.00	5,471.00	53,331.22	47,566.18	161,776.27	9,839.00	0.00	0.00		
027 - EMS FUND	0.00	0.00	9,619.00	8,290.00	0.00	3,045.00	3,045.00	0.00	0.00	0.00		
028 - PD-FEDERAL SEIZURE FUND	15.00	102.59	58.00	3,163.21	100.00	75.46	100.00	100.00	0.00	0.00		
029 - JAG GRANT 2017-DJ-BX-0902	11,218.00	5,907.72	0.00	5,220.00	0.00	0.00	0.00	0.00	0.00	0.00		
031 - MUNICIPAL CRT TECHNOLOGY	13,000.00	16,281.48	13,000.00	14,901.32	13,000.00	9,915.41	10,500.00	11,000.00	0.00	0.00		
033 - CO SERIES 2016 - GENERAL	54,050.00	57,179.33	15,000.00	29,466.06	20,000.00	4,985.23	5,260.00	4,000.00	0.00	0.00		
039 - CO SERIES 2002-2002A-GEN	0.00	91.03	0.00	126.66	0.00	61.87	68.00	0.00	0.00	0.00		
050 - DOJ JAG GRANT	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13,325.00	0.00	0.00		
051 - UTILITY FUND	8,023,321.00	9,390,028.80	9,117,606.00	9,846,659.78	9,146,452.00	8,456,252.72	9,023,843.00	9,812,106.78	0.00	0.00		
054 - UF CAPITAL PROJECTS	517,580.00	523,270.15	1,398,000.00	1,399,552.07	722,362.00	621,093.51	657,012.00	88,763.00	0.00	0.00		
055 - STORMWATER DRAIN CAP PROJ	405,000.00	330,649.46	405,000.00	390,800.21	405,000.00	372,348.84	402,000.00	405,000.00	0.00	0.00		
059 - HOMELAND SECURITY GRANT 2019-SHSP LETPA-SURV EQ	0.00	0.00	0.00	0.00	54,995.00	54,995.00	54,995.00	0.00	0.00	0.00		
060 - COMPUTER LEASE PURCHASE	0.00	47.76	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
062 - CO SERIES 2005 - UTILITY	0.00	895.15	800.00	1,245.29	1,000.00	608.59	650.00	0.00	0.00	0.00		
066 - CO SERIES 2011- UTILITY	0.00	3,540.30	2,800.00	5,376.80	5,000.00	961.94	1,050.00	83,480.01	0.00	0.00		
067 - CO 2013 - GF STREET PROJIS	0.00	3,170.11	2,150.00	208.47	2,200.00	88.37	100.00	0.00	0.00	0.00		
068 - CO SERIES 2013- DRAINAGE	10,000.00	12,266.35	0.00	51,769.10	2,400.00	1,059.23	1,735.51	2,000.00	0.00	0.00		
069 - TX CDBG MAIN STREET GRANT #7219012	0.00	0.00	0.00	0.00	300,000.00	37,500.00	300,000.00	0.00	0.00	0.00		
071 - FEMA ASSISTANCE	0.00	9,800.33	0.00	0.00	0.00	254,126.38	254,126.38	0.00	0.00	0.00		
078 - TEXAS PARKS & WILDLIFE COMMUNITY OUTDOOR GRANT	17,534.02	17,534.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
079 - TEXAS CAPITAL FUND MAIN STREET GRANT	0.00	4,625.00	0.00	0.00	687.50	0.00	0.00	0.00	0.00	0.00		
080 - HOMELAND SECURITY GRANT	0.00	0.00	55,520.00	55,258.00	0.00	0.00	0.00	0.00	0.00	0.00		
082 - TXCDBG GRANT #7215270	42,587.00	42,587.00	0.00	0.00	0.00	12.00	12.00	0.00	0.00	0.00		
083 - CRIMINAL JUSTICE DIVISION OF GOVERNOR GRANT	42,930.00	42,930.00	224,655.00	224,654.53	0.00	0.00	0.00	0.00	0.00	0.00		
084 - DEAGG/WWTP GRANT FUND	179,520.00	0.00	179,520.00	90,512.50	34,078.00	34,078.30	34,078.30	907,500.00	0.00	0.00		
086 - TX CDBG Grant #7218269	0.00	0.00	361,000.00	84,907.00	301,000.00	100,722.00	301,000.00	0.00	0.00	0.00		
087 - SOLID WASTE-CAP PROJECTS	1,194,138.00	1,167,769.56	562,000.00	574,810.17	879,044.00	851,138.25	888,618.41	1,503,750.00	0.00	0.00		
090 - LANDFILL CLOSURE FUND	368,109.23	371,307.78	367,583.00	365,485.00	368,227.00	324,436.03	366,502.00	367,122.00	0.00	0.00		
091 - GF CAPITAL PROJECTS	0.00	64.86	0.00	67.74	9,000.00	4,503.52	9,003.52	0.00	0.00	0.00		
092 - STREET FUND	812,000.00	812,278.04	812,000.00	795,782.96	866,610.32	800,764.72	854,610.32	802,000.00	0.00	0.00		
093 - PARK MAINTENANCE FUND	0.00	0.00	45,000.00	45,000.00	25,000.00	18,750.00	25,000.00	25,000.00	0.00	0.00		

**Budget Worksheet FY 20-21**

**For Fiscal: 10/2019-09/2020 Period Ending: 09/30/2020**

094 - TEXAS PARKS & WILDLIFE GRANT	0.00	0.00	421,000.00	197,000.00	421,000.00	0.00	224,000.00	0.00	0.00
095 - NATIONAL TRUST FOR HISTORICAL PRESERVATION GRANT	0.00	0.00	10,000.00	1,838.62	0.00	0.00	2,500.00	5,000.00	0.00
096 - INSURANCE CLAIM RECOVERY FUND	0.00	0.00	0.00	1,775.97	0.00	0.00	8,307.33	8,307.33	0.00
097 - VEHICLE REPLACEMENT - FIRE FUND	40,000.00	40,000.00	225,000.00	150,866.27	250,000.00	0.00	68,413.47	70,000.00	0.00
098 - ECONOMIC DEVELOPMENT FUND	156,000.00	164,886.00	131,600.00	130,721.85	152,800.00	0.00	135,100.00	152,800.00	0.00
100 - SAFE ROUTES TO SCHOOL GRANT	0.00	0.00	0.00	0.00	850,170.00	0.00	0.00	850,170.00	0.00
101 - TX CDBG MAIN STREET #7219192	0.00	0.00	0.00	0.00	420,000.00	0.00	52,000.00	70,000.00	0.00
102 - Certified Local Grant TX-18-027	0.00	0.00	20,000.00	39,250.00	0.00	0.00	0.00	0.00	0.00
103 - COVID-19 Fund	0.00	0.00	0.00	0.00	0.00	0.00	279,334.00	279,334.00	0.00
105 - VEHICLE REPLACEMENT - POLICE FUND	0.00	0.00	0.00	0.00	0.00	0.00	0.00	10,000.00	0.00
106 - VEHICLE REPLACEMENT - PUBLIC WORKS FUND	0.00	0.00	0.00	0.00	0.00	0.00	0.00	15,266.37	0.00
120 - PROPERTY TAX RESERVE FUND	0.00	0.00	0.00	0.00	197,842.00	0.00	192,721.52	197,842.00	0.00
138 - SELF INSURANCE FUND	3,526,496.00	4,392,469.48	3,406,489.00	3,770,660.21	3,618,707.00	0.00	2,924,367.53	3,707,019.58	0.00
202 - TOURISM - FACADE GRANTS PROGRAM FUND	0.00	0.00	50,000.00	50,000.00	50,000.00	0.00	22,000.00	22,000.00	0.00
203 - JK NORTHWAY EDA FUND	0.00	0.00	600,000.00	600,000.00	0.00	0.00	0.00	0.00	0.00
204 - JK NORTHWAY HOTEL VENUE TAX FUND	0.00	0.00	0.00	0.00	0.00	0.00	0.00	156,342.86	0.00
601 - FEMA EVENT - HARVEY	0.00	71,187.33	0.00	2,061.54	0.00	0.00	0.00	0.00	0.00

**Report Total:**

	38,325,673.14	41,743,947.00	42,185,230.41	43,138,580.08	43,585,188.76	36,101,053.96	41,947,558.87	44,588,817.00	0.00
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## Fund Summary

Fund	Defined Budgets									
	10/2017-09/2018	10/2017-09/2018	10/2018-09/2019	10/2018-09/2019	10/2019-09/2020	10/2019-09/2020	YTD Activity	Expected	10/2020-09/2021	10/2020-09/2021
	Total Budget	Total Activity	Total Budget	Total Activity	Total Budget	Total Activity			City Manager	City Commission
001 - GENERAL FUND	20,129,859.90	19,113,945.96	20,234,927.53	19,364,603.71	21,036,188.41	17,491,128.36	20,107,086.05	21,647,913.29	0.00	0.00
002 - TOURISM FUND	783,717.93	714,740.14	779,441.00	743,482.20	714,353.65	456,309.07	577,153.35	561,064.00	0.00	0.00
005 - PD-STATE SEIZURE FUND	807,777.11	351,692.39	983,423.29	835,391.19	265,322.00	155,957.87	265,322.00	177,217.37	0.00	0.00
009 - LAW ENF OFF STAND-POLICE	910.00	910.00	3,311.99	1,594.52	3,349.19	0.00	0.00	5,000.00	0.00	0.00
010 - LAW ENF OFF STAND-FIRE	0.00	0.00	2,656.00	0.00	0.00	0.00	0.00	2,656.00	0.00	0.00
011 - G.O. DEBT SERVICE FUND	1,514,965.00	1,485,249.09	1,433,515.00	1,433,261.60	1,534,256.00	1,489,701.79	1,534,256.00	1,431,633.00	0.00	0.00
012 - UF DEBT SERVICE FUND	1,550,585.00	347,620.86	1,575,014.00	307,566.04	1,501,647.00	1,541,555.71	1,501,647.00	1,406,433.00	0.00	0.00
013 - TEXAS HISTORICAL FUND	0.00	0.00	0.00	0.00	0.00	0.00	0.00	56.76	0.00	0.00
016 - PD - STONEGARDEN	255,488.00	170,780.43	345,750.21	205,560.73	433,191.53	62,781.53	278,368.46	0.00	0.00	0.00
017 - PD GRANT BORDER STAR-LBSP	89,539.00	85,002.34	75,000.00	85,420.01	78,000.00	49,910.80	78,000.00	0.00	0.00	0.00
025 - BUILDING SECURITY FUND	100,000.00	100,000.00	10,000.00	7,978.86	10,000.00	6,865.68	10,000.00	10,000.00	0.00	0.00
026 - GOLF COURSE CAPITAL MAINTENANCE FUND	0.00	0.00	2,500.00	0.00	70,104.44	53,414.59	178,549.44	5,416.16	0.00	0.00
027 - EMS FUND	0.00	0.00	9,619.00	8,290.00	0.00	0.00	0.00	4,417.00	0.00	0.00
028 - PD-FEDERAL SEIZURE FUND	30,000.00	15,000.00	30,000.00	15,000.00	30,000.00	5,000.00	30,000.00	30,000.00	0.00	0.00
029 - JAG GRANT 2017-DJ-BX-0902	11,218.00	5,907.72	5,257.00	5,220.00	0.00	0.00	0.00	0.00	0.00	0.00
030 - RED RIBBON DRUG AWARENESS	2,365.02	2,306.76	0.00	0.00	0.00	0.00	0.00	58.26	0.00	0.00
031 - MUNICIPAL CRT TECHNOLOGY	18,000.00	10,979.41	31,026.47	21,275.76	17,000.00	7,025.42	17,000.00	17,292.00	0.00	0.00
033 - CO SERIES 2016 - GENERAL	3,856,041.28	2,335,391.97	1,659,719.21	1,384,226.89	614,747.00	178,622.95	287,500.05	41,372.00	0.00	0.00
039 - CO SERIES 2002-2002A-GEN	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,266.37	0.00	0.00
050 - DOJ JAG GRANT	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13,325.00	0.00	0.00
051 - UTILITY FUND	8,681,457.31	9,467,718.99	10,148,160.49	10,998,579.50	8,856,051.41	6,886,558.88	8,626,535.48	10,079,110.01	0.00	0.00
054 - UF CAPITAL PROJECTS	109,276.60	688,303.36	1,286,356.26	1,396,618.69	1,878,408.00	1,016,000.40	1,201,246.00	803,399.20	0.00	0.00
055 - STORMWATER DRAIN CAP PROJ	390,420.00	389,647.13	291,550.00	291,309.77	292,900.00	218,850.00	292,900.00	293,900.00	0.00	0.00
059 - HOMELAND SECURITY GRANT 2019-SHSP LETPA-SURV EQ	0.00	0.00	0.00	0.00	54,995.00	54,995.00	54,995.00	0.00	0.00	0.00
060 - COMPUTER LEASE PURCHASE	0.00	0.00	0.00	0.00	47.76	47.76	47.76	0.00	0.00	0.00
062 - CO SERIES 2005 - UTILITY	0.00	0.00	0.00	0.00	50,500.00	0.00	50,500.00	1,137.58	0.00	0.00
065 - CO SERIES 2011-GENERAL	0.00	0.00	0.00	0.00	2,288.28	2,288.28	2,288.28	0.00	0.00	0.00
066 - CO SERIES 2011- UTILITY	95,580.00	94,480.62	231,691.00	231,691.00	0.00	0.00	0.00	154,000.00	0.00	0.00
067 - CO 2013 - GF STREET PROJIS	8,983.00	8,983.00	0.00	0.00	30,000.00	0.00	29,027.11	0.00	0.00	0.00
068 - CO SERIES 2013- DRAINAGE	996,739.00	307,851.25	1,391,015.00	49,468.58	809,200.00	6,000.00	150,000.00	839,200.00	0.00	0.00
069 - TX CDBG MAIN STREET GRANT #7219012	0.00	0.00	0.00	0.00	300,000.00	1,022.95	300,000.00	0.00	0.00	0.00
071 - FEMA ASSISTANCE	0.00	9,800.33	0.00	0.00	215,305.77	265,657.51	254,126.38	0.00	0.00	0.00
078 - TEXAS PARKS & WILDLIFE COMMUNITY OUTDOOR GRANT	21,123.91	17,534.02	0.00	0.00	3,598.89	3,598.89	3,598.89	0.00	0.00	0.00
079 - TEXAS CAPITAL FUND MAIN STREET GRANT	3,588.21	4,625.00	0.00	0.00	3,744.01	3,744.01	3,744.01	0.00	0.00	0.00
080 - HOMELAND SECURITY GRANT	0.00	0.00	55,520.00	55,258.00	0.00	0.00	0.00	0.00	0.00	0.00
082 - TXCDBG GRANT #7215270	42,587.00	42,587.00	0.00	0.00	13,500.00	13,512.00	13,512.00	0.00	0.00	0.00
083 - CRIMINAL JUSTICE DIVISION OF GOVERNOR GRANT	42,930.00	42,930.00	224,655.00	224,654.53	0.00	0.00	0.00	0.00	0.00	0.00
084 - DEAAAG/VWTP GRANT FUND	179,520.00	0.00	179,520.00	90,512.50	34,078.00	20,346.00	20,346.00	0.00	0.00	0.00
086 - TX CDBG Grant #7218269	0.00	0.00	361,000.00	100,378.00	301,000.00	137,637.80	276,093.00	0.00	0.00	0.00
087 - SOLID WASTE-CAP PROJECTS	1,142,468.25	935,356.02	511,904.00	476,698.60	874,374.00	713,688.56	874,374.00	1,638,260.00	0.00	0.00

**Budget Worksheet FY 20-21**

**For Fiscal: 10/2019-09/2020 Period Ending: 09/30/2020**

090 - LANDFILL CLOSURE FUND	67,357.00	58,755.28	280,295.17	244,862.24	252,000.00	215,925.61	252,000.00	200,000.00	0.00
091 - GF CAPITAL PROJECTS	0.00	0.00	3,616.00	3,616.00	9,000.00	7,670.40	0.00	64.58	0.00
092 - STREET FUND	880,745.00	503,085.13	1,274,227.00	1,057,615.24	841,471.00	493,349.04	602,000.00	1,350,000.00	0.00
093 - PARK MAINTENANCE FUND	80,248.16	62,462.79	52,063.99	21,462.71	27,539.00	22,233.97	27,539.00	48,304.00	0.00
094 - TEXAS PARKS & WILDLIFE GRANT	0.00	0.00	421,000.00	0.00	421,000.00	0.00	61,500.00	359,500.00	0.00
095 - NATIONAL TRUST FOR HISTORICAL PRESERVATION GRANT	0.00	0.00	10,000.00	1,838.62	0.00	0.00	0.00	3,161.38	0.00
096 - INSURANCE CLAIM RECOVERY FUND	234,792.59	230,919.21	3,873.38	3,893.38	255,198.30	10,063.30	10,063.30	0.00	0.00
097 - VEHICLE REPLACEMENT - FIRE FUND	0.00	0.00	228,228.00	228,227.62	256,105.00	0.00	0.00	12,348.04	0.00
098 - ECONOMIC DEVELOPMENT FUND	184,909.18	170,818.38	180,539.00	197,129.47	157,780.00	77,360.29	110,983.67	243,366.00	0.00
100 - SAFE ROUTES TO SCHOOL GRANT	0.00	0.00	0.00	0.00	850,170.00	0.00	0.00	850,170.00	0.00
101 - TX CDBG MAIN STREET #7219192	0.00	0.00	0.00	0.00	420,000.00	47,725.00	70,000.00	350,000.00	0.00
102 - Certified Local Grant TX-18-027	0.00	0.00	40,000.00	39,250.00	0.00	0.00	0.00	0.00	0.00
103 - COVID-19 Fund	0.00	0.00	0.00	0.00	0.00	137,707.27	106,877.75	0.00	0.00
138 - SELF INSURANCE FUND	4,142,026.00	4,243,947.73	4,172,075.00	4,084,476.06	4,163,008.00	2,961,435.61	4,163,008.00	4,414,503.00	0.00
202 - TOURISM - FACADE GRANTS PROGRAM FUND	0.00	0.00	50,000.00	24,620.00	50,000.00	52,044.06	37,369.45	0.00	0.00
203 - JK NORTHWAY EDA FUND	0.00	0.00	0.00	0.00	43,000.00	43,000.00	43,000.00	557,000.00	0.00
601 - FEMA EVENT - HARVEY	0.00	71,187.33	70,228.00	2,061.54	0.00	0.00	0.00	0.00	0.00
<b>Report Total:</b>	<b>46,455,217.45</b>	<b>42,090,519.64</b>	<b>48,648,677.99</b>	<b>44,243,093.56</b>	<b>47,774,421.64</b>	<b>34,910,736.36</b>	<b>42,502,557.43</b>	<b>47,556,544.00</b>	<b>0.00</b>



# **AGENDA ITEM #6**

# Section 26.05(b) of Property Tax Code Steps Required for Adoption of Tax Rate

Entity Name: CITY OF KINGSVILLE

Date: 09/03/2020 07:07AM

## Language Required in the Motion Setting This Year's Tax Rate:

This year's proposed tax rate exceeds the no-new-revenue tax rate. The vote on the ordinance, resolution, or order setting the tax rate must be a record vote. A motion to adopt the ordinance, resolution, or order must be made in the following form:

**I move that the property tax rate be increased by the adoption of a tax rate of \$0.85208, which is effectively a 2.42 percent increase in the tax rate.**

## Statement Required in the Ordinance, Resolution, or Order Setting This Year's Tax Rate:

This year's levy to fund maintenance and operations expenditures exceeds last year's maintenance and operations tax levy. The following statements must be included in the ordinance, resolution, or order setting this year's tax rate. The statements must be in larger type than the type used in any other portion of the document.

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

## Statement That Must be Posted on the Home Page of Any Internet Website Operated by the Taxing Unit:

This year's levy to fund maintenance and operations expenditures exceeds last year's maintenance and operations tax levy. The following statements must be included in the ordinance, resolution, or order setting this year's tax rate. The statements must be in larger type than the type used in any other portion of the document.

**CITY OF KINGSVILLE ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.**

## Section 26.05(b) of Property Tax Code Worksheet for Determination of Steps Required for Adoption of Tax Rate CITY OF KINGSVILLE

<b>M&amp;O Tax Increase in Current Year</b>		
1.	Last years taxable value, adjusted for court-ordered reductions. Enter Line 8 of the No New Revenue Tax Rate Worksheet.	876,108,746
2.	Last years M&O tax rate. Enter Line 26 of the Voter Approval Tax Rate Worksheet	\$.685220
3.	M&O taxes refunded for years preceding tax year 2019. Enter Line 28E of the Voter Approval Tax Rate Worksheet	5,093
4.	Last year's M&O tax levy. Multiply line 1 times line 2 and divide by 100. To the result, add line 3.	6,008,365
5.	This years total taxable value. Enter line 18 of the No New Revenue Tax Rate Worksheet	904,387,990
6.	This year's proposed M&O tax rate Enter the proposed M&O tax rate approved by the Governing Body	\$.700270
7.	This year's M&O tax levy. Multiply line 5 times line 6 and divide by 100.	6,333,158
8.	M&O Tax Increase (Decrease). Subtract line 4 from line 7.	324,793
<b>Comparison of Total Tax Rates</b>		
9.	No New Revenue Total Tax Rate.	\$.831980
10.	This year's proposed total tax rate.	\$.852080
11.	This years rate minus no new revenue rate. Subtract line 9 from line 10.	\$.020100
12.	Percentage change in total tax rate. Divide Line 11 by line 9.	\$2.420000
<b>Comparison of M&amp;O Tax Rates</b>		
13.	No New Revenue M&O Tax Rate. Enter line 30 of the Voter Approval Tax Rate Worksheet.	\$.857770
14.	This year's proposed M&O tax rate.	\$.700270
15.	This years rate minus no new revenue rate. Subtract line 13 from line 14.	-\$.157500
16.	Percentage change in M&O tax rate. Divide line 15 by line 13.	-\$18.360000
<b>Raised M&amp;O Taxes on a \$100,000 home.</b>		
17.	This year's taxable value on a \$100,000	100,000
18.	Last year's M&O tax rate.	\$.685220
19.	This year's proposed M&O tax rate.	\$.700270
20.	This year's raised M&O taxes. Subtract line 18 from line 19 and multiply result by line 17.	\$15.05

assessor for the taxing unit of the rate adopted. The governing body must adopt a tax rate before the later of September 30 or the 60th day after the date the certified appraisal roll is received by the taxing unit, except that the governing body must adopt a tax rate that exceeds the voter-approval tax rate not later than the 71st day before the next uniform election date prescribed by Section 41.001, Election Code, that occurs in November of that year. The tax rate consists of two components, each of which must be approved separately.

## DEBT RATE

The components are:

(1) for a taxing unit other than a school district, the rate that, if applied to the total taxable value, will impose the total amount described by Section 26.04(e)(3)(C), less any amount of additional sales and use tax revenue that will be used to pay debt service, or, for a school district, the rate calculated under Section 44.004(c)(5)(A)(ii)(b), Education Code; and

## SPECIAL MOTION LANGUAGE

(b) A taxing unit may not impose property taxes in any year until the governing body has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order, depending on the method prescribed by law for adoption of a law by the governing body. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. For a taxing unit other than a school district, the vote on the ordinance, resolution, or order setting a tax rate that exceeds the no-new-revenue tax rate must be a record vote, and at least 60 percent of the members of the governing body must vote in favor of the ordinance, resolution, or order. For a school district, the vote on the ordinance, resolution, or order setting a tax rate that exceeds the sum of the no-new-revenue maintenance and operations tax rate of the district as determined under Section 26.08(i) and the district's current debt rate must be a record vote, and at least 60 percent of the members of the governing body

*McCreary, Veselka, Bragg & Allen, P.C.*

*Revised July 16, 2020*

must vote in favor of the ordinance, resolution, or order. A motion to adopt an ordinance, resolution, or order setting a tax rate that exceeds the no-new-revenue tax rate must be made in the following form: "I move that the property tax rate be increased by the adoption of a tax rate of (specify tax rate), which is effectively a (insert percentage by which the proposed tax rate exceeds the no-new-revenue tax rate) percent increase in the tax rate." If the ordinance, resolution, or order sets a tax rate that, if applied to the total taxable value, will impose an amount of taxes to fund maintenance and operation expenditures of the taxing unit that exceeds the amount of taxes imposed for that purpose in the preceding year, the taxing unit must:

(1) include in the ordinance, resolution, or order in type larger than the type used in any other portion of the document:

(A) the following statement: "THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE."; and

(B) if the tax rate exceeds the no-new-revenue maintenance and operations rate, the following statement: "THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE NO-NEW-REVENUE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount)."; and

(2) include on the home page of the Internet website of the taxing unit:

(A) the following statement: "(Insert name of taxing unit) ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE"; and

(B) if the tax rate exceeds the no-new-revenue maintenance and operations rate, the following statement: "THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE NO-NEW-REVENUE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES

**CITY OF KINGSVILLE**  
**Fiscal Year 2020-2021**  
**Budget Cover Page 09/14/2020**

This budget will raise more revenue from property taxes than last year's budget by an amount of \$226,111, which is a 3.02 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$55,643.

The members of the governing body voted on a budget as follows:

**FOR:**

**AGAINST:**

**PRESENT and not voting:**

**ABSENT:**

**Property Tax Rate Comparison**

<b>2020-2021</b>	<b>2020-2021</b>	<b>2019-2020</b>
Property Tax Rate:	0.85208	0.85304
No New Revenue Tax Rate:	0.83198	0.81247
No New Revenue Maintenance & Operations Tax	0.85777	0.65911
Voter Approval Tax Rate:	0.85209	0.89361
Debt Rate:	0.15181	0.16782

Total debt obligation for CITY OF KINGSVILLE secured by property taxes: 10,535,857

# **AGENDA ITEM #7**



**CITY OF KINGSVILLE  
LEGAL DEPARTMENT**

P.O. Box 1458, Kingsville Texas 78364 Phone: 361-595-8016 Fax: 361-592-4696

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Date: September 9, 2020

To: City Commission Members

From: Courtney Alvarez, City Attorney

Re: Motion to Vote on Tax Rate FY20-21

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Pursuant to the Texas (Property) Tax Code, Section 26.05(b), the vote on the ordinance setting the tax rate must be (1) a record vote (which we always do) and (2) made in the following form:

**“I move that the property tax rate be increased by the adoption of a tax rate of \$0.85208, which is effectively a 2.42 percent increase in the tax rate.”**

Please use the afore-stated motion when moving to adopt the tax rate ordinance.

# Section 26.05(b) of Property Tax Code Steps Required for Adoption of Tax Rate

Entity Name: CITY OF KINGSVILLE

Date: 09/03/2020 07:07AM

## Language Required in the Motion Setting This Year's Tax Rate:

This year's proposed tax rate exceeds the no-new-revenue tax rate. The vote on the ordinance, resolution, or order setting the tax rate must be a record vote. A motion to adopt the ordinance, resolution, or order must be made in the following form:

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**CITY OF KINGSVILLE ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.**



## Section 26.05(b) of Property Tax Code Worksheet for Determination of Steps Required for Adoption of Tax Rate CITY OF KINGSVILLE

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4.	Last year's M&O tax levy. Multiply line 1 times line 2 and divide by 100. To the result, add line 3.	6,008,365
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## SPECIAL MOTION LANGUAGE

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**CITY OF KINGSVILLE**  
**Fiscal Year 2020-2021**  
**Budget Cover Page 09/14/2020**

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**FOR:**

**AGAINST:**

**PRESENT and not voting:**

**ABSENT:**

**Property Tax Rate Comparison**

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Property Tax Rate:	0.85208	0.85304
No New Revenue Tax Rate:	0.83198	0.81247
No New Revenue Maintenance & Operations Tax	0.85777	0.65911
Voter Approval Tax Rate:	0.85209	0.89361
Debt Rate:	0.15181	0.16782

Total debt obligation for CITY OF KINGSVILLE secured by property taxes: 10,535,857

**CITY OF KINGSVILLE**  
**Fiscal Year 2020-2021**  
**Budget Cover Page 09/14/2020**

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The members of the governing body voted on a budget as follows:

**FOR:**

**AGAINST:**

**PRESENT and not voting:**

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**Property Tax Rate Comparison**

<b>2020-2021</b>	<b>2020-2021</b>	<b>2019-2020</b>
Property Tax Rate:	0.85208	0.85304
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Voter Approval Tax Rate:	0.85209	0.89361
Debt Rate:	0.15181	0.16782

Total debt obligation for CITY OF KINGSVILLE secured by property taxes: 10,535,857

ORDINANCE NO. 2020-\_\_\_\_\_

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, 2020 AND ENDING SEPTEMBER 30, 2021, 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 2020-2021 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.**

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 2020 starting October 01, 2020 and ending September 30, 2021, the sum of \$.85208 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 \$.70027 on each one hundred dollars (\$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 \$.15181 on each one hundred dollars (\$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 2020 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, 2020.

**PASSED** on this the 14<sup>th</sup> day of September, 2020.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

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

# **AGENDA ITEM #8**



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## MEMO

**Date:** September 9, 2020

**To:** Mark McLaughlin (City Manager)

**From:** Uche Echeozo (Director of Planning and Development Services)

**Subject:** **Re:** Brian M Burger, P.E., authorized agent for Thunderbird Real Estate II LTD, owner, requesting a replat of EDDIE YAKLIN DEVELOPMENT, ACRES 14.0 also known as 2501 S HWY 77, Kingsville, Texas.

The Planning and Zoning Commission meeting held as scheduled this evening, September 9, 2020 with 5 members in attendance. There were two members that were absent – Commissioners Lupe Alvarez and Bill Aldrich

Members deliberated over the issue of granting approval for a replat of Eddie Yaklin Development, Acres 14.0 also known as 2501 S HWY 77, Kingsville TX and at the end, voted unanimously to approve the recommendation to replat the tract of land into two lots. A recorded vote of all members present was taken and Commissioners Brian Coufal, Idotha Battle, Debbie Tiffie, Mike Klepac and the Chairman – Steve Zamora all voted 'YES'

The meeting was adjourned by 6.35p.m.

Thank you.

A handwritten signature in black ink, appearing to be "Uche Echeozo", written over a horizontal line.

**Uche Echeozo**  
Director of Planning and  
Development Services



# PLANNING & ZONING COMMISSION AGENDA

Wednesday, September 9, 2020 6:00 p.m.

Special Meeting

Helen Kleberg Groves Community Room,

1<sup>st</sup> Floor – City Hall, 400 W. King Ave., Kingsville, Texas

**Conference Line Call: 415-655-0001 and when prompted type access code:**

**1262109951#**

**OR**

**Live Videostream: <https://cityofkingsville.my.webex.com>**

## PLANNING & ZONING COMMISSION SEATING ARRANGEMENT

### COMMISSION MEMBERS

Steve Zamora,

### COMMISSION MEMBERS

Mike Klepac

Chairman

Lupe Alvarez

Brian Coufal

Debbie Tiffie

Rev. Idotha Battle

Bill Aldrich

### CITY STAFF

Stephannie Resendez,  
Administrative Assistant II

Uchechukwu Echeozo  
Director of Planning  
& Development Services

***The following rules of conduct have been adopted by this Commission:***

1. Give your name and complete address.
2. No one may speak more than twice on the same item.
3. No one may speak more than 5 minutes at a time without permission from the Chairman.
4. No one may speak a second time on a question until every person who wants to speak has done so.
5. All submissions of evidence, i.e., photos, drawings, will be retained by the Planning & Zoning Commission and will become a part of the permanent file.

***A COPY OF CHAPTER 15 “LAND USAGE”, FROM THE CITY OF KINGSVILLE CODE OF ORDINANCES, IS AVAILABLE.***

## AGENDA

- CALL TO ORDER
- ROLL CALL

- APPROVAL OF MINUTES OF MEETING – August 19, 2020

***\*\*AUDIENCE AND PRESENTER SOCIAL DISTANCING AND PUBLIC TESTIMONY AND PUBLIC HEARING INPUT AT PUBLIC MEETINGS OF THE CITY BOARDS. To reduce the chance of COVID-19 transmission, public meetings will be held in a manner intended to separate, to the maximum practical extent, audience and presenters from personal contact with members of Community, City Staff, and City Boards. Public testimony and public hearing input for Public Comment and all items on the agenda at public meetings of the City Boards shall be provided in written format and presented to the Board Secretary and/or designee prior to the start of each meeting of the Planning and Zoning Commission. This***

*testimony and/or public input shall be in accordance with the Board Secretary's instructions, which shall be posted on the Board Secretary's outdoor public bulletin board at City Hall and on the City website and allow for electronic submission. The written public testimony shall be provided to members of the City Boards prior to voting on measures for that meeting. Written testimony shall be limited in accordance with the Board Secretary requirements and shall be placed into the record of each meeting. This written testimony shall serve as the required public testimony pursuant to Texas Government Code section 551.007 and shall constitute a public hearing for purposes of any public hearing requirement under law. The meeting may be held telephonically or via videoconference; and, if so conducted, the public may participate remotely by following the instructions of the Board Secretary which would be posted on the Board Secretary's outdoor public bulletin at City Hall and on the City website.*

- **PUBLIC COMMENTS FOR ALL AGENDA & NON-AGENDA ITEMS**
- **POSTPONEMENTS/ADJUSTMENTS TO THE AGENDA**
- **OLD BUSINESS – None.**
- **NEW BUSINESS –**

**ITEM #1 - Public Hearing on the request from Bryan M. Burger, P.E, authorized agent, Thunderbird Real Estate II, LTD, owner, requesting a replat of EDDIE YAKLIN DEVELOPMENT, ACRES 14.0 also known as 2501 S HWY 77, Kingsville, Texas.**

**ITEM #2- Discuss and Consider Action on the request from Bryan M. Burger, P.E, authorized agent, Thunderbird Real Estate II, LTD, owner, requesting a replat of EDDIE YAKLIN DEVELOPMENT, ACRES 14.0 also known as 2501 S HWY 77, Kingsville, Texas.**

**MISCELLANEOUS:** Any topic may be discussed but no action may be taken at this time.

- **ADJOURNMENT**

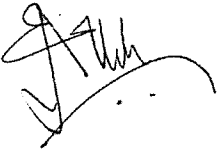
**Please call the CITY SECRETARY at 595-8002 to obtain definitive and final City Commission Hearing Date.**

<p>It is the intention of the City of Kingsville to comply in all aspects with the Americans with Disabilities Act (ADA). If you plan on attending a meeting to participate or to observe and need special assistance beyond what is routinely provided, the city will attempt to accommodate you in every reasonable manner. Please contact the Planning Secretary, 361-595-8055, at least two business days prior to the meeting to inform the City of your specific needs and to determine if accommodation is feasible.</p>
---

Planning Commission Agenda

September 9, 2020

I certify that this agenda was posted at least seventy-two (72) hours before the commencement of the Planning and Zoning Commission Meeting scheduled for Wednesday, September 9, 2020.



\_\_\_\_\_  
Uchechukwu Echeozo  
Director of Planning & Development Services

Posted
@ <u>5:15pm</u>
On <u>9-4-2020</u>
By <u>S. Resnj</u>

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

By: \_\_\_\_\_  
Kingsville Planning and Development Services

Planning and Development Services  
410 W King  
Kingsville, TX 78363  
PH: 361-595-8093



---

## MEMO

**Date:** September 9, 2020

**To:** Planning and Zoning Commission Members

**From:** Uche Echeozo (Director of Planning and Development Services)

**Subject:** Brian M Burger, P.E., authorized agent for Thunderbird Real Estate II LTD, owner, requesting a replat of EDDIE YAKLIN DEVELOPMENT, ACRES 14.0 also known as 2501 S HWY 77, Kingsville, Texas.

The applicant approached the department because they wanted to replat the existing subdivision into two lots for restaurant development. The current zoning for that property is C4 – Commercial District

Consequently, this application is being submitted for your consideration. Therefore, it is recommended that you consider the said application and approve same since the eventual use would be in conformity with the zoning ordinance of the City of Kingsville.

Thank you.

A handwritten signature in black ink, appearing to read "Uche Echeozo", with a stylized flourish at the end.

**Uche Echeozo**  
Director of Planning and  
Development Services

CITY OF KINGSVILLE PLANNING  
AND ZONING DIVISION MASTER  
APPLICATION

**PROPERTY INFORMATION: (Please PRINT or TYPE)**

Project Address 2051 S. Hwy. 77 Nearest Intersection N.W.C. S. Hwy. 77 & E. General Cavazos Blvd.

(Proposed) Subdivision Name Eddie Yaklin Development Lot 1 & 2 Block \_\_\_\_\_

Legal Description: All of Lot 1 Eddie Yaklin Development

Existing Zoning Designation C-4 Future Land Use Plan Designation Auto-Urban Commercial

**OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)**

Applicant/Authorized Agent Bryan M. Burger, P.E. Phone 972-630-3360 FAX 972-630-3380

Email Address (for project correspondence only): bburger@burgerengineering.com

Mailing Address 17103 Preston Road, Suite 180N City Dallas State TX Zip 75248

Property Owner Thunderbird Real Estate II, LTD Phone 972 206 1755 FAX 409 501 4050

Email Address (for project correspondence only): h.gomez@games.net

Mailing Address PO BOX 479 City LAREDO State TX Zip 78042

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

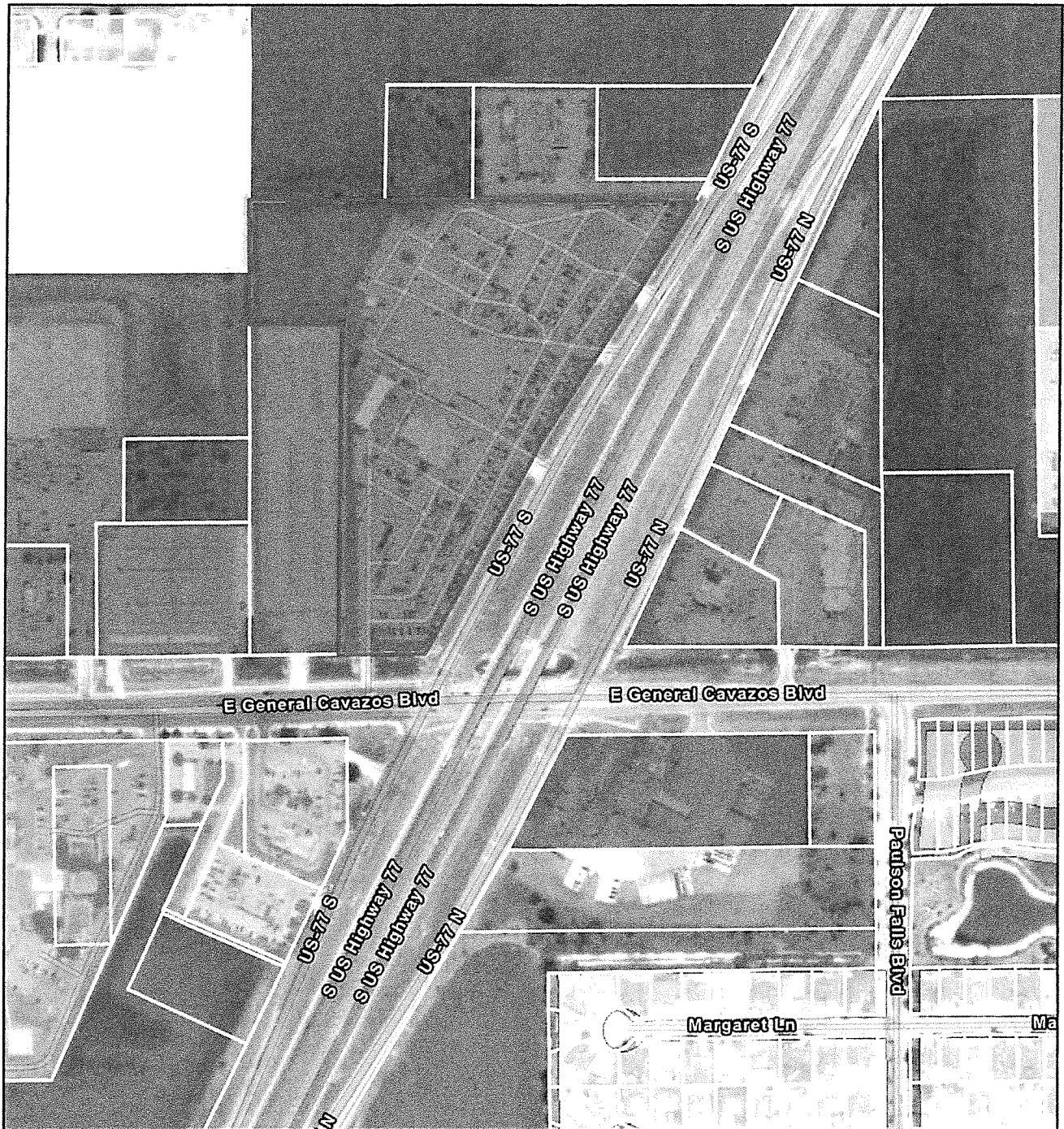
<input type="checkbox"/> Annexation Request	No Fee	<input type="checkbox"/> Preliminary Plat	Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA)	\$250.00	<input checked="" type="checkbox"/> Final Plat	\$560.00
<input type="checkbox"/> Comp. Plan Amendment Request	\$250.00	<input type="checkbox"/> Minor Plat	\$100.00
<input type="checkbox"/> Re-zoning Request	\$250.00	<input type="checkbox"/> Re-plat Vacating	\$250.00
<input type="checkbox"/> SUP Request/Renewal	\$250.00	<input type="checkbox"/> Plat Development	\$50.00
<input type="checkbox"/> Zoning Variance Request (ZBA)	\$250.00	<input type="checkbox"/> Plat	\$100.00
<input type="checkbox"/> PUD Request	\$250.00	<input type="checkbox"/> Subdivision Variance Request	\$25.00 ea

Please provide a basic description of the proposed project:

To replat the existing subdivision into two lots for a restaurant development.

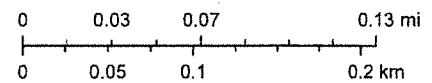
I hereby certify that I am the owner and /or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature [Signature] Date: 7-16-2020  
Property Owner's Signature [Signature] Date: 7-17-20  
Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_



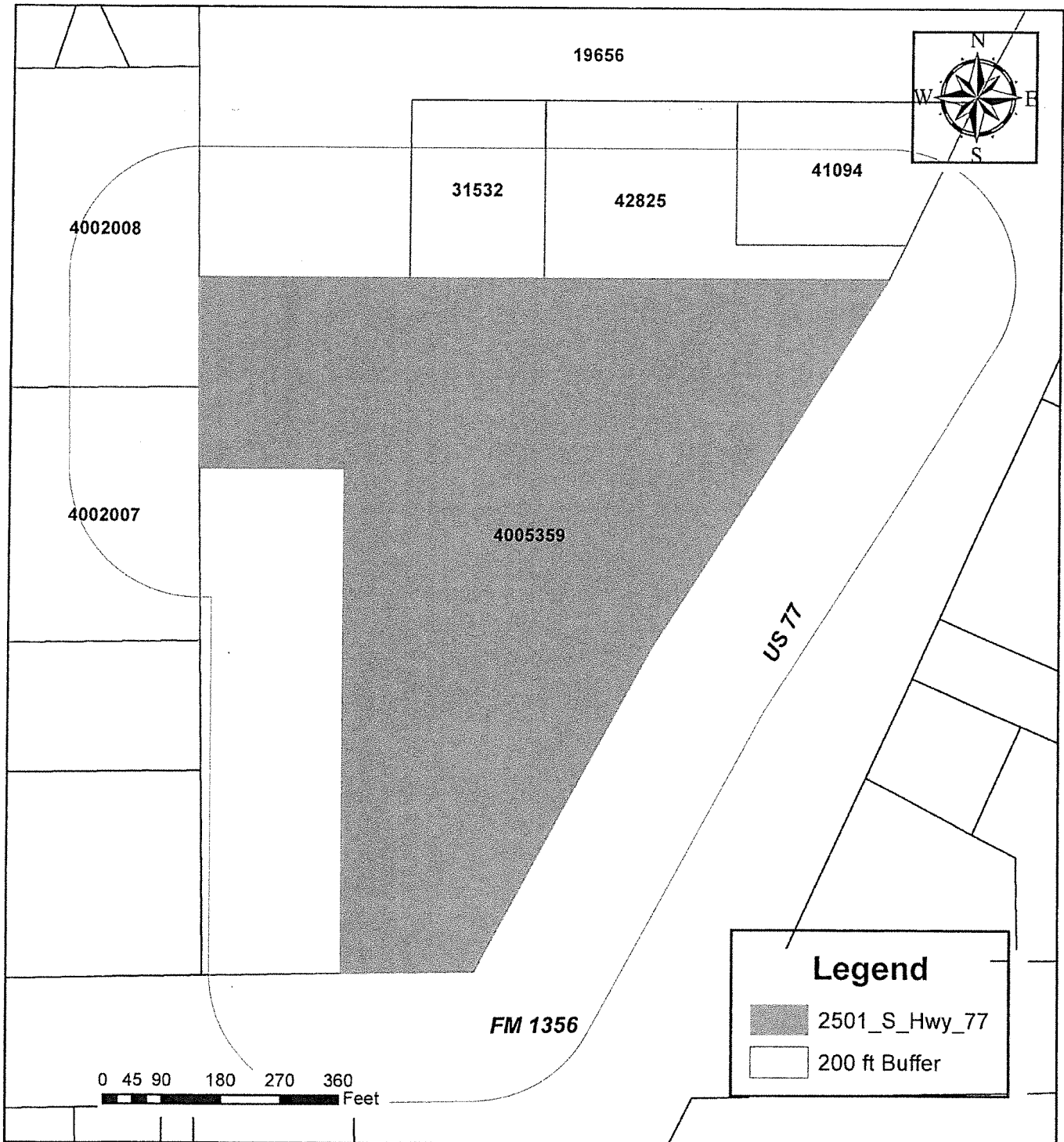
September 4, 2020

1:4,514



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

# 200 ft Buffer Map of 2501 S Hwy 77



Document Path: C:\Users\sresendez\Desktop\GIS\Maps\New Buffer Maps.mxd

Page 1 / 1	Drawn By: Planning Department	<p><b>DISCLAIMER</b> THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</p>	<p><b>CITY OF KINGSVILLE</b> <b>PLANNING DEPARTMENT</b>  410 West King Kingsville, Texas 78363 Office: 361-595-8055</p>
	Last Update: 8/26/2020		
	Note:		

KINGSVILLE LAND  
DEVELOPMENT COMPANY LTD  
19787 IH-10 WEST, STE 201  
SAN ANTONIO, TX 78257  
#4002008

MARVIN H VANDERHIDER  
CHARLES D VANDERHIDER EST  
WILLIAM D VANDERHIDER (IND EXEC)  
1610 BEAUCHAMP ST  
SAN ANTONIO, TX 78231-2404  
#19656

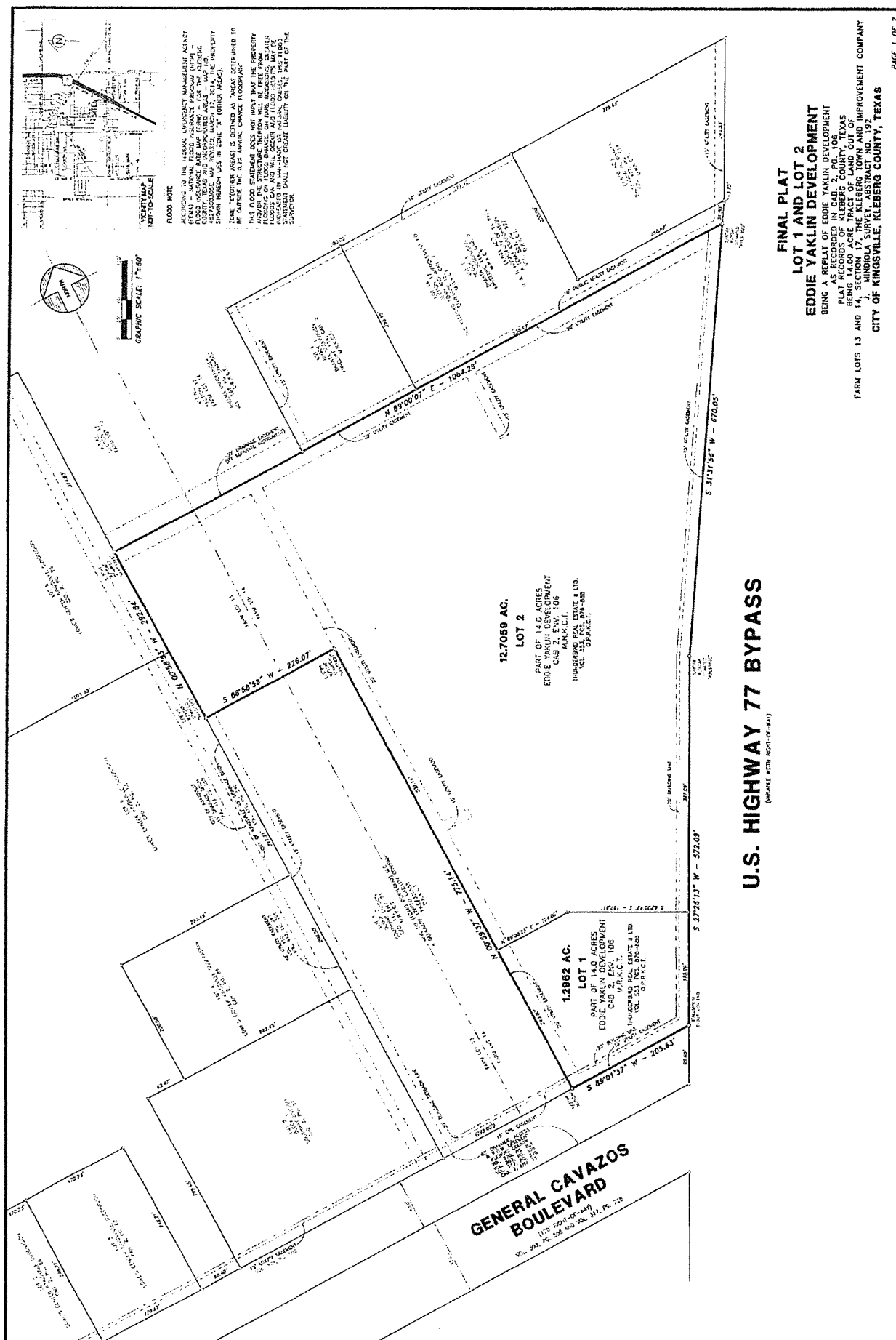
LOWES HOME CENTERS INC  
1000 LOWE'S BLVD  
MOORESVILLE, NC 28117  
#4002007

R&R HOSPITALITY OF TX INC  
105 HUNTERS LANE STE 200  
FRIENDSWOOD, TX 77546  
#42825

BALDEV R BHAKTA  
2489 SOUTH US HWY 77  
KINGSVILLE, TX 78363  
#31532

BALDEVBHAI R BHAKTA  
3925 SPID  
CORPUS CHRISTI, TX 78415-  
2915  
#41094







## Sharon CONT'D FROM PAGE 1

On Thursday, August 13, Sharon stepped aside and entered the ranks of retirement. She served the good people of Kleberg County for over 3 1/2 decades, but the bulk of that time was in the service of the Ricardo and Riviera area. Her customers loved her, and wanted to find a way to show their appreciation and love when word got around she was going to retire.

They were not going to let her go quietly into the night on her last day.

On Thursday, many of the residents who lived on the 772 west loop in Ricardo decorated their mailboxes as a gesture of thanks and a way to say goodbye to their appointed courier who served them faithfully for so long.

Mailboxes were adorned with brightly colored paper, ornaments, toys, cards, signs and even some flowers. A little girl even stood by the side of the road to give her a farewell card and wanted to say goodbye. The trail of decorated mailboxes was over two miles long, and was all meant to say thank you to a lady who had done her duty of delivering the mail for her country to serve her friends, family and neighbors with love and integrity.

Sharon was surprised and honored at the lov-



### Retiring

*After 36 years, Sharon Robertson is saying goodbye to the USPS. (Photo by Terry Fitzwater)*

ing tribute and remembrance.

"Well, it's all a bit overwhelming," Robertson said after climbing out of her delivery vehicle for the last time. "It was awfully sweet of everyone to do that, and I was surprised to see all the decorations and kind wishes."

Sharon started delivering the mail 36 years ago—mainly at the suggestion of her husband Johnny who recently past away. Johnny had been a postal delivery man for decades—mostly in the Bishop area—and he lobbied for the postal service to hire Sharon.

"My husband thought I could do anything, and told me to apply—so I did," she recalled with a smile. "I worked part-time in Riviera, Bishop and Kingsville but finally got hired on full time in 1990."

"I grew up here, so I knew many of the people I was delivering too and they became my friends and family. I knew generations of the same family, and it was an honor to work for them."

Sharon was a dedicated and knowledgeable courier, and even helped with the 9-1-1 mapping when it was implemented. She would get calls

from law enforcement and first responders about where people lived, and would direct them to the correct address regardless of the time of night. She even helped save a heart attack victim by assisting the Sheriff Department on finding a person's property who had called in and was having a heart attack.

"To me, it was my job and if you are going to do something, do it as best you can," she said. "I took the job and committed to it."

Many times Sharon would call her custom-

ers and let them know a package had arrived and she would let them know where to find it. She even helped with getting prescriptions delivered to customers who were feeble or sick.

There was the time, however, when a woman came out to get her mail dressed only with a blanket wrapped around her and nothing else.

When Sharon returned to the post office lot on Thursday afternoon, she felt tired when she got out of the vehicle, but proudly exclaimed: "I'm a little nervous, but I'm really excited! I just don't

want to be one of those persons who just sits on their couch."

Kingsville Postmaster John Frazier was effusive in his praise of Robertson.

"All of our carriers strive to go above and beyond," Frazier said. "But she takes care of her customers. She really stands out for her dedication and not once did I ever receive a complaint about her from anyone."

Sharon said she hopes to cook, garden, and spend more time with her children and eight grandchildren in retirement.

### PUBLIC HEARING NOTICE


The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, September 9, 2020, at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard: Bryan M. Burger, P.E. authorized agent, Thunderbird Real Estate II, LTD, owner, requesting a replat of EDDIE YAKLIN DEVELOPMENT, ACRES 14.0 also known as 2501 S HWY 77, Kingsville, Texas.

The meeting will be held at City Hall, 400 West King, Kingsville, Texas in the Helen Kleberg Graves Community Room. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

### PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, September 14, 2020 at 5:00 p.m. wherein the City Commission will discuss and act on the following item and at which time all interested persons will be heard: Bryan M. Burger, P.E. authorized agent, Thunderbird Real Estate II, LTD, owner, requesting a replat of EDDIE YAKLIN DEVELOPMENT, ACRES 14.0 also known as 2501 S HWY 77, Kingsville, Texas.

The meeting will be held at City Hall, 400 West King, Kingsville, Texas, in the Helen Kleberg Graves Community Room. If you have any questions about the items on the agenda, please contact the City Secretary at (361) 595-8002.



## Kingsville Council of the Navy League

*Proudly Serving Our Local Sea Service Personnel and Their Families Since 1955*

**NAS KINGSVILLE** • Training Air Wing TWO

**Navy Operational Support Center HARLINGEN**

**Training Squadron TWENTY ONE**

**Training Squadron TWENTY TWO**

### About Us

The Kingsville Council of the Navy League is a non-profit 501(c)(3) organization comprised of over 80 local citizens, some with military backgrounds and some without.

Our primary goal is to improve the quality-of-life of sea service personnel and their families attached to our five adopted commands listed above. This goal is primarily achieved by the Kingsville Council hosting social events or providing support to many successful programs and events. Our support activity allows sea service personnel to spend more time with family and friends and less time involved in exhaustive off-duty fundraising. Our support also reduces their out-of-pocket expenses for extracurricular activities and other military events. We believe these benefits provide an extreme morale boost to those we support. We are proud and honored to serve those who serve our country.

### Milestones/Programs/Events

- In 2019, over \$28,000 in support activity
- Sponsor Navy Ball, Marine Corps Ball, and NOSC Harlingen Holiday Social to reduce expenses and admission costs
- Host Sailor of the Year and Sailor of the Quarter Luncheons; awardees presented with Certificates of Appreciation and other gifts for a job well done
- Provide direct contributions to the Chief Petty Officers Association, First Class Petty Officers Association, Blue Jacket Association, and other command organizations
- Sponsor Navy League of the United States Kingsville Council Hahn Memorial Scholarship; applied toward full-time enrollment at Texas A&M University - Kingsville
- Support of Navy Relief and Operation School Supply
- Sponsor Student Naval Aviator Socials and Winging Events
- Sponsor MWR Javelina Football Tallgate Socials and other MWR events

### DO YOU WANT TO JOIN US?

- No prior military service is required to be a member.
- All membership applications are submitted online through the national Navy League website listed below. Subscription to SEAPOWER magazine & other benefits are listed on that website.
- To join the Kingsville Council, be sure to list KINGSVILLE as your preferred council on the membership application form.

Active-Duty Spouse:	\$0	Membership/Benefits: <a href="http://www.navyleague.org/join-us/individual-membership">www.navyleague.org/join-us/individual-membership</a>
Electronic 1-year:	\$25	
Regular 1-year:	\$55	

### CONTACT US

KINGSVILLE COUNCIL of the NAVY LEAGUE  
 Brealon "Buddy" Windham, President • P.O. Box 1740 • Kingsville, TX 78364 • (361) 455-2088  
[www.kcnl.org](http://www.kcnl.org)   [www.navyleague.org](http://www.navyleague.org)

**COMING SOON (24-36 months): Commissioning Week for the future USS KINGSVILLE (LCS 36)**  
**A KINGSVILLE COMMUNITY CELEBRATION!**

## **AGENDA ITEM #9**

**City of Kingsville**  
**Human Resource Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Diana Gonzales, Human Resource Director

DATE: September 2, 2020

SUBJECT: Ordinance – City of Kingsville Classification & Compensation Plan FY 2020-2021

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**Summary:** In preparation for the beginning of each new fiscal year, the City of Kingsville Classification & Compensation Plan is brought before the City Commission. The plan incorporates classification and title changes included in the City Manager's budget. Below are the proposed changes for FY 2020-2021.

**Non-Exempt Non-Civil Service Schedule**

- Continuation of Anniversary Program
- Cost of Living Adjustment (COLA) = 2.5%
- Longevity – Increase from \$2 to \$3 per month per year of service
- Reclass
  - o Equipment Service Worker from Class 1 to Class 3
  - o Equipment Operator I from Class 1 to Class 3
  - o Planning Customer Service Rep I Class 2 to Customer Service Rep II Class 3
  - o Fire P/T Customer Service Rep I Class 2 to P/T Customer Service Rep II Class 3
  - o Finance Customer Service Rep I (3 positions) Class 2 to Customer Service Rep II Class 3
  - o Police - Administrative Assistant II (Class 9) to Administrative Coordinator Class 10
- New
  - o Evidence Technician – Part-Time Class 2
- Certification
  - o New – Commercial Driver's License – Active license \$ 13.85 per pay period
- Rename
  - o Community Appearance Inspector Class 11 to Code Compliance Inspector Class 11
- Removal
  - o Library and JK Northway positions both full-time and part-time
  - o Audio/Visual Technician Class 6



**City of Kingsville**  
**Human Resource Department**

**Exempt Non-Civil Service Schedule**

- Continuation of Anniversary Program
- Cost of Living Adjustment (COLA) = 2.5%
- Longevity – Increase from \$2 to \$3 per month per year of service
- Rename
  - o Downtown Manager Exempt Class 7 to Downtown & Historic Preservation Manager Exempt Class 7
  - o Purchasing Manager Exempt Class 6 to Purchasing & Facilities Manager Exempt Class 6

**Background:** Each fiscal year the City Commission authorizes a classification and pay structure for City employees.

**Financial Impact:** The approximate total financial impact is \$ 287,485 and incorporated in the City Manager's proposed budget. The impact breakdown is listed below:

- Anniversary Program	\$ 40,795
- Cost of Living Adjustment	\$ 179,967
- Longevity	\$ 16,296
- Reclasses	\$ 21,129
- New Part-time	\$ 12,013
- Certification for Active CDL	\$ 17,285

**Recommendation:** To approve the FY 2020-2021 City of Kingsville Classification & Compensation Plan to correspond to the City Manager's proposed budget.



**ORDINANCE NO. 2020-\_\_\_\_\_**

**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 1, 2020 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, exempt and non-exempt) 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 Non-Exempt Non-Civil Service employees of the City of Kingsville are placed in a step according to the City of Kingsville Fiscal Year 2020-2021 Non-Exempt 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 Step 5 unless approved by City Commission.

Non-Exempt employees promoted, transferred or temporarily assigned to a position in a higher classification range shall commence at a step of the higher Class. 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 3<sup>rd</sup>, 6<sup>th</sup>, 10<sup>th</sup>, and 15<sup>th</sup> year or until the employee reaches the ~~fifth~~ sixth step of the compensation schedule.

Employees demoted, transferred, temporarily assigned, or accepting a position in a lower Class shall commence at a step of pay in the lower Class. Employees shall proceed to the next step of the compensation plan, as scheduled, based on years of City service.

All Exempt Class 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 1<sup>st</sup>, 3<sup>rd</sup>, 6<sup>th</sup>, 10<sup>th</sup>, 15<sup>th</sup>, 20<sup>th</sup> and 25<sup>th</sup> year of service in the Exempt Class position. Percentage increases shall correspond to the Exempt Class Step Program included in the Classification and Compensation Plan for Fiscal Year 2020-2021.

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 unless superseded by an employment

agreement. 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 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 \_\_\_\_\_ day of \_\_\_\_\_, A. D., 2020.

**PASSED AND APPROVED** on this the \_\_\_\_\_ day of \_\_\_\_\_, A. D., 2020.

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

ATTEST:

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

Approved As to Form:

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



**DRAFT -----FY 2019-2020 2020-2021 Non-Exempt Wage Schedule**  
**w/2.5% increase**

**Class 1 Budgeted Positions Per Class = 42**

Step 7 & 8 available to employees in these steps as of October 1, 2016

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6		Step 7	
	\$ 10.30	\$ 10.62	\$ 10.94	\$ 11.26	\$ 11.59	\$ 11.95		\$ 12.30	
w/ 2.5%	\$ 10.56	\$ 10.89	\$ 11.21	\$ 11.54	\$ 11.88	\$ 12.25		\$ 12.61	
<div> <div> <del>Children's Services Librarian</del>  Custodian  <del>Equipment Operator I (Move TO Class 3)</del>  <del>Equipment Service Worker (Move TO Class 3)</del>  Golf Pro Shop Attendant </div> <div> Kennel Attendant  <del>Library Assistant</del>  Maintenance Worker  Plant Helper  Recycling Technician  Utility Worker </div> </div>									

**Class 2 Budgeted Positions Per Class = 3**

Step 7 & 8 available to employees in these steps as of October 1, 2016

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6		Step 7	Step 8
	\$ 10.72	\$ 11.04	\$ 11.37	\$ 11.72	\$ 12.06	\$ 12.42			\$ 13.18
w/ 2.5%	\$ 10.99	\$ 11.32	\$ 11.65	\$ 12.01	\$ 12.36	\$ 12.73			
<div> <del>Circulation Librarian</del>  Customer Service Representative I  <del>Reference/Information Librarian</del>  <del>Technical Services Assistant</del>  Evidence Clerk </div>									

**Class 3 Budgeted Positions Per Class = 11**

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
	\$ 11.15	\$ 11.48	\$ 11.83	\$ 12.18	\$ 12.54	\$ 12.92
w/ 2.5%	\$ 11.43	\$ 11.77	\$ 12.13	\$ 12.48	\$ 12.85	\$ 13.24
<div> <div> Animal Care Attendant  Pump Operator  Customer Service Representative II </div> <div> Equipment Operator I (Moved FROM Class 1)  Equipment Service Worker (Move FROM Class 1) </div> </div>						

**Class 4 Budgeted Positions Per Class = 0**

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
	\$ 11.60	\$ 11.94	\$ 12.30	\$ 12.67	\$ 13.05	\$ 13.44
w/ 2.5%	\$ 11.89	\$ 12.24	\$ 12.61	\$ 12.99	\$ 13.38	\$ 13.78

**Class 5 Budgeted Positions Per Class = 5**

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
	\$ 12.06	\$ 12.42	\$ 12.79	\$ 13.17	\$ 13.56	\$ 13.98
w/ 2.5%	\$ 12.36	\$ 12.73	\$ 13.11	\$ 13.50	\$ 13.90	\$ 14.33
<div> Animal Services Specialist  Inventory Clerk  <del>Tourism Services Technician</del> </div>						

**Class 6 Budgeted Positions Per Class = 37**

Step 7 & 8 available to employees in these steps as of October 1, 2016

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6			Step 8
	\$ 12.53	\$ 12.92	\$ 13.30	\$ 13.71	\$ 14.11	\$ 14.53			\$ 15.41
w/ 2.5%	\$ 12.84	\$ 13.24	\$ 13.63	\$ 14.05	\$ 14.46	\$ 14.89			\$ 15.80
<div> <div> <del>Audio/Visual Specialist</del>  Customer Billing Specialist  Deputy Clerk  Engineering Technician </div> <div> Equipment Operator II  GIS Technician  Meter Reader Technician  Street Equipment Operator I </div> </div>									

**Class 7 Budgeted Positions Per Class = 5**

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
	\$ 13.04	\$ 13.43	\$ 13.84	\$ 14.25	\$ 14.68	\$ 15.12
w/ 2.5%	\$ 13.37	\$ 13.77	\$ 14.19	\$ 14.61	\$ 15.05	\$ 15.50
<div> Administrative Assistant I </div>						

**Class 8 Budgeted Positions Per Class = 10**

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
--	--------	--------	--------	--------	--------	--------

**DRAFT -----FY 2019-2020 2020-2021 Non-Exempt Wage Schedule**  
**w/2.5% increase**

	\$ 13.56	\$ 13.97	\$ 14.38	\$ 14.82	\$ 15.26	\$ 15.72
w/ 2.5%	\$ 13.90	\$ 14.32	\$ 14.74	\$ 15.19	\$ 15.64	\$ 16.11

**Telecommunications Operator**

**Budgeted Positions Per Class = 36**

Step 7 & 8 available to employees in these steps as of October 1, 2016

<b>9</b>	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>		<b>Step 8</b>
	\$ 14.10	\$ 14.52	\$ 14.96	\$ 15.41	\$ 15.88	\$ 16.35		\$ 17.34
w/ 2.5%	\$ 14.45	\$ 14.89	\$ 15.33	\$ 15.80	\$ 16.27	\$ 16.76		\$ 17.78

**A/P Specialist**

**Accounting Assistant**

**Administrative Assistant II**

**Assistant Library Administrator**

**Digital Services Librarian**

**Equipment Operator III**

**Help Desk Technician**

**Maintenance Technician**

**Street Equipment Operator II**

**Water/Wastewater Operator**

**Welder/Fabricator**

**Budgeted Positions Per Class = 5**

<b>10</b>	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
	\$ 14.67	\$ 15.11	\$ 15.56	\$ 16.03	\$ 16.50	\$ 17.00
w/ 2.5%	\$ 15.03	\$ 15.49	\$ 15.95	\$ 16.43	\$ 16.92	\$ 17.42

**Human Resource Specialist**

**Lab Technician**

**Payroll Specialist**

**Administrative Coordinator**

**Budgeted Positions Per Class = 10**

<b>11</b>	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
	\$ 15.25	\$ 15.72	\$ 16.18	\$ 16.67	\$ 17.17	\$ 17.69
w/ 2.5%	\$ 15.63	\$ 16.11	\$ 16.58	\$ 17.08	\$ 17.60	\$ 18.13

**Community Appearance Inspector** (RENAME - Code Compliance Inspector)

**Lead Maintenance Technician**

**Lead Telecommunications Operator**

**Paralegal**

**Street Equipment Operator III**

**Budgeted Positions Per Class = 0**

<b>12</b>	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
	\$ 15.87	\$ 16.34	\$ 16.83	\$ 17.33	\$ 17.86	\$ 18.39
w/ 2.5%	\$ 16.26	\$ 16.75	\$ 17.25	\$ 17.76	\$ 18.30	\$ 18.85

**Budgeted Positions Per Class = 7**

<b>13</b>	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
	\$ 16.50	\$ 16.99	\$ 17.50	\$ 18.03	\$ 18.56	\$ 19.13
w/ 2.5%	\$ 16.92	\$ 17.41	\$ 17.94	\$ 18.48	\$ 19.03	\$ 19.61

**Foreman**

**Budgeted Positions Per Class = 2**

<b>14</b>	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
	\$ 17.16	\$ 17.68	\$ 18.20	\$ 18.75	\$ 19.31	\$ 19.89
w/ 2.5%	\$ 17.59	\$ 18.12	\$ 18.66	\$ 19.21	\$ 19.79	\$ 20.38

**Special Events Coordinator**

**Street Foreman**

**Budgeted Positions Per Class = 2**

<b>15</b>	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
	\$ 17.85	\$ 18.38	\$ 18.93	\$ 19.50	\$ 20.08	\$ 20.68
w/ 2.5%	\$ 18.29	\$ 18.84	\$ 19.40	\$ 19.99	\$ 20.58	\$ 21.20

**Building Inspector**

**Crime Scene Specialist**

**Health Inspector I**

**Budgeted Positions Per Class = 2**

<b>16</b>	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>
	\$ 18.55	\$ 19.12	\$ 19.68	\$ 20.28	\$ 20.89	\$ 21.51
w/ 2.5%	\$ 19.02	\$ 19.60	\$ 20.18	\$ 20.79	\$ 21.41	\$ 22.05

**Engineer's Assistant**

**DRAFT -----FY 2019-2020 2020-2021 Non-Exempt Wage Schedule**  
**w/2.5% increase**

**Budgeted Positions Per Class = 1**

<b>17</b>	<i>Step 1</i>	<i>Step 2</i>	<i>Step 3</i>	<i>Step 4</i>	<i>Step 5</i>	<i>Step 6</i>
	\$ 19.30	\$ 19.88	\$ 20.47	\$ 21.09	\$ 21.73	\$ 22.37
w/ 2.5%	\$ 19.78	\$ 20.37	\$ 20.98	\$ 21.62	\$ 22.27	\$ 22.93

*Health Inspector II*

**OTHER  
POSITIONS**

Min	
\$ 7.50	

**Seasonal/Temporary Employees**

Example of positions include: Pool Manager/Attendants/Instructors/Lifeguards, Recreational Assistants, etc.

Step increases are calculated from Step placement at time of hire. Employees progress to the next Step upon completion of 1 year, 3 year, 6th year, 10th year and 15th year or until reach Step 6. Steps 7 & Step 8 are limited to employees in those steps as of October 1, 2016.

The hourly chart shall be relevant to all non-exempt, non-civil service employees maintaining a position in the same CLASS, unless otherwise approved by the City Manager.

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

\* Rounding may be required for payroll purposes.

Per Pay Period Agency

\$ 13.85 DSHS-Animal Control  
 EPA - Refrigerant Recovery and Recycling  
 FMCSA - Brake Inspectors

Level/Class

Basic  
 Authorized EPA Section 609 Approved  
 Authorized FMCSA 49CRF 396.25

**DRAFT -----FY 2019-2020 2020-2021 Non-Exempt Wage Schedule**  
**w/2.5% increase**

		TCEQ	1
		TCEQ	D
		TCEQ - Backflow Prevention Assembly Tester	
		TCEQ - Landscape Irrigator	
		TCEQ - Landscape Technician	
		TCEQ - Underground Storage Tank	
		TMCEC - MC Deputy	I
		TXDPS - Hazardous Material Endorsement	
		<b>TXDPS</b>	<b>CDL</b>
\$	16.00	TDLR -Code Enforcement Officer	Basic
		TMCEC - MC Deputy	II
		PARALEGAL	
\$	18.47	TCEQ	C
		TDA - Pesticide Applicator	License
\$	25.39	TCEQ	II
		TCEQ	B
		TCOLE - Telecommunications	License
\$	39.24	TCEQ	III
		TCEQ	A

**LONGEVITY PROGRAM --\$2 \$3 per month per year of service - maximum 25 years**

**DRAFT ----- CITY OF KINGSVILLE CLASSIFICATION COMPENSATION PLAN - EXEMPT FISCAL YEAR**

**~~2019-2020~~ 2020-2021 w/2.5% increase**

		<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
<b>EXECUTIVE OFFICER – 1</b>		\$ 126,000	\$ 152,000	\$ 178,000
City Manager		<u>\$ 129,150</u>	<u>\$ 155,800</u>	<u>\$ 182,450</u>
<b>EXECUTIVE OFFICER - 2</b>		\$ 96,000	\$ 127,000	\$ 158,000
City Attorney		<u>\$ 98,400</u>	<u>\$ 130,175</u>	<u>\$ 161,950</u>
Municipal Court Judge				
<b>EXEMPT CLASS - 1</b>		\$ 77,702	\$ 94,185	\$ 110,667
City Engineer	Fire Chief	<u>\$ 79,645</u>	<u>\$ 96,540</u>	<u>\$ 113,434</u>
Finance Director	Police Chief			
<b>EXEMPT CLASS - 2</b>		\$ 74,457	\$ 89,700	\$ 105,398
Assistant City Attorney	Public Works Director	<u>\$ 76,318</u>	<u>\$ 91,943</u>	<u>\$ 108,033</u>
Economic Development Director	Planning & Development Services Director			
<b>EXEMPT CLASS - 3</b>		\$ 63,926	\$ 77,486	\$ 91,046
Human Resources Director	Tourism Services Director	<u>\$ 65,524</u>	<u>\$ 79,423</u>	<u>\$ 93,322</u>
Parks and Recreation Director				
<b>EXEMPT CLASS - 4</b>		\$ 60,882	\$ 73,797	\$ 86,711
Health Director	Library Director	<u>\$ 62,404</u>	<u>\$ 75,642</u>	<u>\$ 88,879</u>
<b>EXEMPT CLASS - 5</b>		\$ 55,222	\$ 66,936	\$ 78,649
Risk Manager	Public Information Officer	<u>\$ 56,603</u>	<u>\$ 68,609</u>	<u>\$ 80,615</u>
Information Technology Manager				
<b>EXEMPT CLASS - 6</b>		\$ 47,702	\$ 57,821	\$ 67,940
Accounting Manager	Golf Course Manager	<u>\$ 48,895</u>	<u>\$ 59,267</u>	<u>\$ 69,639</u>
Building Official	Information Technology Manager			
Capital Improvements Manager	Parks Manager			
City Secretary	Purchasing & Facilities Manager			
<b>EXEMPT CLASS - 7</b>		\$ 43,267	\$ 52,445	\$ 61,623
Collection's Supervisor	Solid Waste Supervisor	<u>\$ 44,349</u>	<u>\$ 53,756</u>	<u>\$ 63,164</u>
Communication's Supervisor	Staff Accountant			
Community Appearance Supervisor	Street Supervisor			
Downtown & Historic Preservation Manager	Systems Specialist			
Facilities Supervisor	Wastewater Supervisor			
Garage Supervisor	Water Production Supervisor			
Municipal Court Supervisor	Water Supervisor			

**EXEMPT CLASS STEP PROGRAM - ANNIVERSARY INCREASES BASED ON CURRENT POSITION**

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

**LONGEVITY PROGRAM**

\$2 \$3 per month per year of service

# **AGENDA ITEM #10**

**City of Kingsville  
Parks & Recreation Department**

---

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Susan Ivy, Parks & Recreation Director

DATE: September 8, 2020

SUBJECT: Agenda Request – Request to authorize award of Buy Board Contract for TPWD Grant Project on Playgrounds at Dick Kleberg Park

**Summary:** This item is a request to approve a Buy Board Contract Bid from Park and Play Structures for the installation of shade and surfacing at two playground units at Dick Kleberg Park.

**Background:** One of the elements in the Texas Parks and Wildlife Grant awarded to Kingsville Parks and Recreation is to install shade structures and poured in place rubber surfacing at two playground units in Dick Kleberg Park. We have requested quotes from two reputable playground companies and believe that the best value and service will be this quote from Park and Play Structures of San Antonio Texas. The plans and quotes for this project have already been submitted to Texas Parks & Wildlife and they have responded with their approval to proceed pending Commission approval.

**Financial Impact:**

Total cash expenditure for this project will be \$130,343.40 with no in-kind services.

City of Kingsville has this project already budgeted in the fund established for this grant. City will pay the entire cost and will submit for reimbursement for half of the cost per grant agreement upon completion of the project.

**Recommendation:**

**Approve the Buy Board contract bid from Park and Play Structures in the amount of \$130,343.40 for the installation of shade structures and poured in place rubber surfacing at two playground units in Dick Kleberg Park with funding to be expensed from fund 094-5-4503.**





P. O. Box 1458  
Kingsville, Texas 78364  
361-221-8705  
Cell: 361-522-1202  
sivy@cityofkingsville.com

**To: Texas Parks & Wildlife Grants Division**

**From: Susan Ivy, Parks Director  
City of Kingsville**

**Re: Grant # 48-001159 Dick Kleberg Park Improvements Phase 2**

.....  
Attached you will find quotes and plans for the installation of two shade structures over two different playground structures in Dick Kleberg Park.

You will also find a quote for the installation of Poured in Place surfacing under both areas as well.

The surfacing quote includes the surfacing and concrete curbing around both beds. Park employees will then install a small concrete sidewalk from the play bed to the existing sidewalk creating a clear path for wheelchair accessibility. This project is being registered with TDLR.

There will likely be a toddler spring rider installed in the smaller unit that is currently missing. It is not in the grant scope so we will be looking for funding for that. We would like to request that any funding remaining from this project be approved to assist with the baseball field renovations coming in the fall.

Upon approval by TPWD we will take this quote for approval by City Commission and upon approval by them will issue a purchase order so the project can be started. We have been told that the project would begin some time in around November 1, 2020.

Should you need any additional information please call.

A handwritten signature in black ink that reads "Susan Ivy".

Susan Ivy,  
Parks Director  
City of Kingsville





**Play & Park Structures of  
Southern Texas**  
15239 Fall Place Dr  
San Antonio, TX, 78247  
Phone: 210-468-9032  
Fax:  
Email:  
jmankins@playandpark.com  
Contact: Jeff Mankins

### Dick Kleberg Park - Shade Quote

City of Kingsville  
Attn: Jennifer Bernal  
501 Santiago Park Lane  
Kingsville, TX 78363  
Phone: 361-221-8705

Quote Number: 803-133388A  
Quote Date: 7/30/2020

Stock ID	Description	Quantity	Weight	Unit Price	Amount
SHADE	HP3640S-14-FB - RANTANGULAR HIP 36X40 SHDE, 14' EAVE HEIGHT, 6" SUB SURFACE MOUNT, P/C STRUCTURE	1	0	\$16,600.00	\$16,600.00
DISC	BUYBOARD DISCOUNT --	1	0	(\$996.00)	(\$996.00)
ENGINEER	SIGNED & SEALED ENGINEERING DRAWINGS, CALCULATIONS AND FOOTING DESIGN	1	0	\$1,000.00	\$1,000.00
INSTALL	INSTALL	1	0	\$7,700.00	\$7,700.00
SHADE	HP2626S-12-FB - SQUARE HIP 26X26 SHADE, 12' EAVE HEIGHT, 6" SUB SURFACE MOUNT, P/C STRUCTURE	1	0	\$7,900.00	\$7,900.00
DISC	BUYBOARD DISCOUNT --	1	0	(\$474.00)	(\$474.00)
ENGINEER	SIGNED & SEALED ENGINEERING DRAWINGS, CALCULATIONS AND FOOTING DESIGN	1	0	\$900.00	\$900.00
INSTALL	INSTALL	1	0	\$6,600.00	\$6,600.00

Total Weight: 0

SubTotal: \$39,230.00

Buyboard Contract #592-19 \_\_\_\_ Taxes not included. If the customer is  
not exempt, taxes will be added to the total.

Freight: \$2,127.40

**Total Amount: \$41,357.40**

THIS QUOTATION IS SUBJECT TO POLICIES IN THE CURRENT PLAY & PARK STRUCTURES CATALOG AND THE FOLLOWING TERMS AND CONDITIONS. OUR QUOTATION IS BASED ON SHIPMENT OF ALL ITEMS AT ONE TIME TO A SINGLE DESTINATION, UNLESS NOTED, AND CHANGES ARE SUBJECT TO PRICE ADJUSTMENT. PURCHASES IN EXCESS OF \$1,000.00 TO BE SUPPORTED BY YOUR WRITTEN PURCHASE ORDER MADE OUT TO PLAY & PARK STRUCTURES, C/O Play & Park Structures of Southern Texas.

Pricing: f.o.b. factory, firm for 30 days from date of quotation.

3% cash discount available on all prepaid play-related product (includes Marlin financed orders and EFT).

1% discount available on all play-related equipment orders prepaid with credit card.

Prepayment is required on all orders under \$1k (excluding municipalities).

Surfacing, Installation, Freight, and Tax are not eligible for discount.

Extending Terms: Credit will be reviewed by both Playcore and our partner, Marlin Finance, on all orders over \$1k requesting terms. When credit information is insufficient for Playcore to extend terms, and financing is deemed necessary to process the order, the customer will be notified and reserves the sole right to accept or decline the financing option.

Payment terms: payment in full, net 30 days subject to approval by Play & Park Structures Credit Manager. A 1.5% per month finance charge will be imposed on all past due accounts.

Freight charges: Prepaid & added

Installation: A certified Play & Park Structures Installer is recommended for play equipment installation. Customer shall be responsible for scheduling coordination and site preparation. Site should be level and permit installation equipment access. Purchaser shall be responsible for unknown conditions such as buried utilities, tree stumps, bedrock or any concealed materials or conditions that may result in additional labor or material costs.

Submittals: our design proposal reflects the spirit and intent of the project plans and specifications. While some variations may exist between our quotation and the project design, the differences do not materially affect the intended use. Play & Park Structures designs and specifications are unique and not intended to be identical in all respects to other manufacturers. We shall submit for review and approval by the owner's representative detailed drawings depicting the equipment to be furnished accompanied by specifications describing materials. Once approved, these drawings and specifications shall constitute the final documents for the project and shall take precedence over all other requirements.

Exclusions: unless specifically included, this quotation excludes all site work and landscaping; removal of existing equipment; acceptance of equipment and off-loading; storage of goods prior to installation; equipment assembly and installation; safety surfacing; borders and drainage provisions.

**Acceptance of quotation:**

Accepted By (printed): \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Purchase Amount: \_\_\_\_\_ \$41,357.40

P.O. No: \_\_\_\_\_

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

Phone: \_\_\_\_\_

Facsimile \_\_\_\_\_

**Order Information**

Bill to:

Company: \_\_\_\_\_

Attn: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Billing Contact: \_\_\_\_\_

Billing Phone: \_\_\_\_\_

Billing Fax: \_\_\_\_\_

Ship to:

Company: \_\_\_\_\_

Attn: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Jobsite Contact: \_\_\_\_\_

Jobsite Phone: \_\_\_\_\_

Jobsite Fax: \_\_\_\_\_

Enter desired color palette name: \_\_\_\_\_ OR

Enter desired color: Uprights ( ) Decks ( )

Accents ( ) Roofs/Tubes ( ) Slides/Panels ( )

Play & Park Structures of Southern Texas

By: \_\_\_\_\_

Salesperson's signature

**LEAD TIME:**

PLEASE ALLOW 5 - 7 WEEKS or LESS for delivery AFTER sealed drawings are approved.

Quotes valid for 30 DAYS. Price is for product only, unloading & installation by others if not quoted.

**Rock Clause/Engineered drawings**

If conditions are encountered on the site which are subsurface or otherwise concealed physical conditions which differ materially from those contemplated, or physical conditions of an unusual nature are encountered and cause a furtherance to the Contractor in time or materials, the Contractor shall be entitled to an equitable adjustment in the contract price, an extension of the completion date, or both, by change order. If rock drilling is necessary as deemed by Play and Park Structures and its affiliates, a change order will be necessary to cover the additional costs of the drilling and this cost could be significant. We do our best to estimate the pier size of the footer; however, if the customer requests and pays an additional fee for engineered drawings this could significantly increase the size of the footer and the dollar amount of the installation.

Furthermore, the Contractor will not be held responsible for any damage to all subsurface obstructions.

The owner will clearly identify boundaries of the property, shall provide surveys/as-builts of the property describing physical characteristics, legal limitations and utility locations and/or cause the property to be staked if reasonably requested by the Contractor. The owner is obligated to provide notice of all concealed conditions, and shall provide and pay for water and electricity to the property.

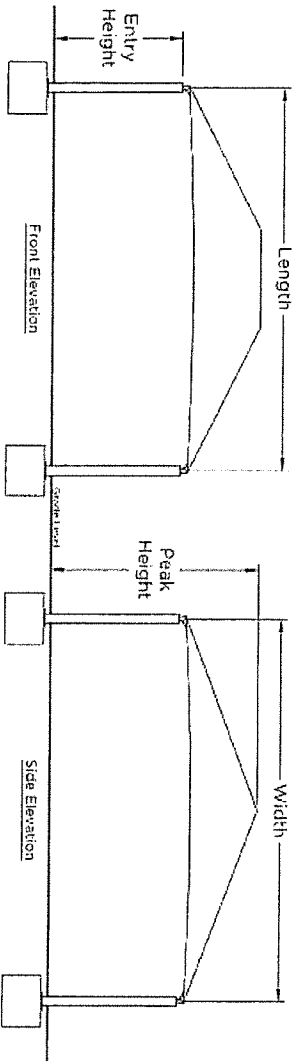
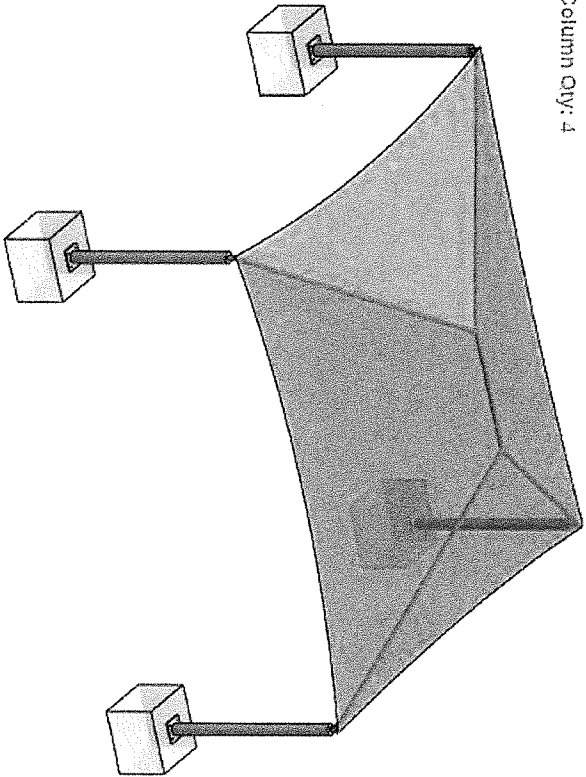
Engineered drawings - If your project requires engineered drawings the engineering will be done after the completion of the sale at an additional cost to the customer. The estimated pier size prior to the engineering is an estimate and the engineer's calculations could require an increased size of concrete pier for your shade structure. This would require additional concrete and/or steel along with additional labor and/or equipment rental at additional cost to the customer. Engineered Sealed Drawings, Engineered Footings and Engineered Calculations - IF QUOTED - they are based on local and state construction codes and specifications. Wind Loads, Snow Loads and Seismic requirements are all verified with these Documents. Rates vary per state.

\_\_\_\_\_  
Salesman's Signature

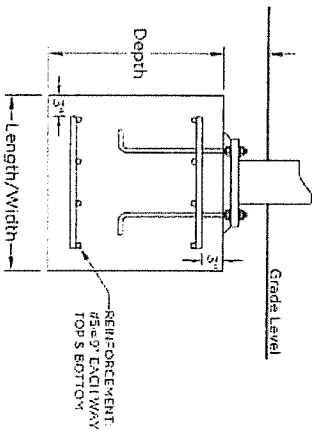
\_\_\_\_\_  
Customer's Signature

Hip Shade					
Length	28	Width	28	Entry Height	12.5
Peak Height	17.2'	Elbow	5x10x12	Column Mount	Base Plate
Column Size	2x4	Rafter Size	2x12	Ridge Size	5x10
Column Length	12	Rafter Length	12.0478/25	Ridge Length	6.5

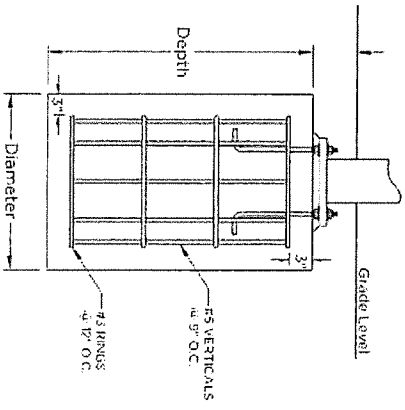
Dome Qty: 1 Column Qty: 4



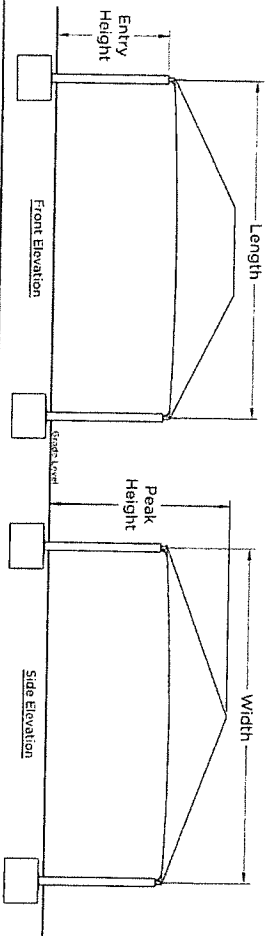
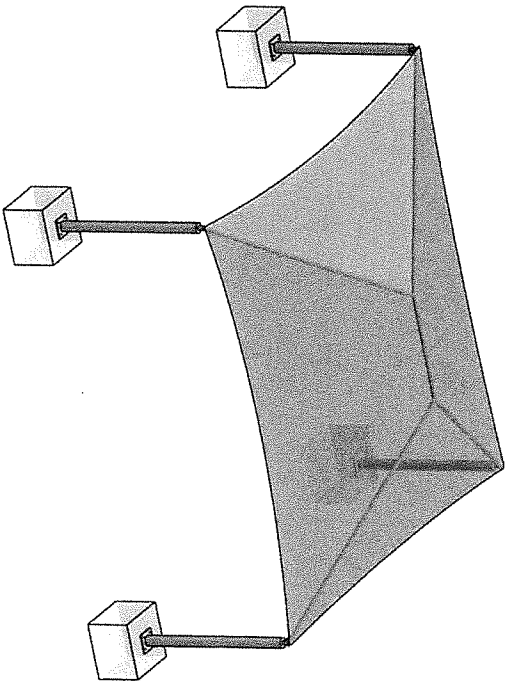
Square Footing			
Column	Length & Width	Depth	
Single Cap	2'-0"	3	
Double Cap	0	3	



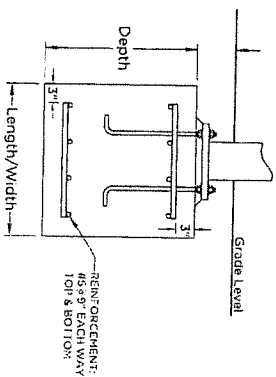
Auger Footing			
Diameter	Single Cap Depth	Double Cap Depth	
1'-6"			
2'-0"			
2'-6"			
3'-0"			



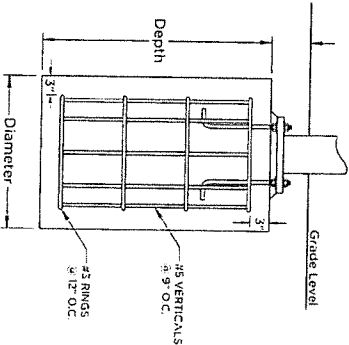
Hip Shade					
Length	40	Width	36	Entry Height	14
Peak Height	20'-6"	Elbow	Standard	Column Mount	Base Plate
Column Size	1010-215	Rafter Size	5007	Ridge Size	5007
Column Length	14'-6"	Rafter Length	23'-10 1/2"	Ridge Length	13



Square Footing		
Column	Length & Width	Depth
Single Cap	6'-1/2"	3'
Double Cap	0	3'



Auger Footing		
Diameter	Single Cap Depth	Double Cap Depth
1'-6"	4'-0"	4'-0"
2'-0"	7'-0"	7'-0"
2'-6"	10'-0"	10'-0"
3'-0"	13'-0"	13'-0"



These drawings are for reference only and should not be used as construction documents. They show the general character and rough dimensions of the structure. For exact spans, rafters, materials, and foundations can be determined by a professional engineer upon request. Estimated footing size above is based on 1,500 PSF soil bearing capacity.

QUOTE	SHADE SIZE	SHADE STYLE
QU00185945	40 X 36	Hip Shade



**Play & Park Structures of  
Southern Texas**  
15239 Fall Place Dr  
San Antonio, TX, 78247  
Phone: 210-468-9032  
Fax:  
Email:  
jmankins@playandpark.com  
Contact: Jeff Mankins

### Dick Klebreg Park PIP

City of Kingsville  
Attn: Susan Ivy  
PO Box 1458  
Kingsville, TX 78364  
Phone: 361-221-8705  
sivy@cityofkingsville.com

Quote Number: 803-136215A

Quote Date: 8/7/2020

Stock ID	Description	Quantity	Weight	Unit Price	Amount
PIP	4,300 SF of PIP - 4,300 Total Sq Ft, 8' CFH ( 2 areas at same location ) Includes 50/50 standard epdm and black - tbd Aromatic Binder, Regualr Wage Based on good job access, no design Borders / Sub base / Site prep BY OTHERS	1	0	\$60,460.00	\$60,460.00
INSTALL	Install for compacted stone and curbs	1	0	\$28,526.00	\$28,526.00
			Total Weight:	0	SubTotal: \$88,986.00
			Total Amount: \$88,986.00		

Buyboard Contract #592-19 \_\_\_\_ Taxes not included. If the customer is not exempt, taxes will be added to the total.

THIS QUOTATION IS SUBJECT TO POLICIES IN THE CURRENT PLAY & PARK STRUCTURES CATALOG AND THE FOLLOWING TERMS AND CONDITIONS. OUR QUOTATION IS BASED ON SHIPMENT OF ALL ITEMS AT ONE TIME TO A SINGLE DESTINATION, UNLESS NOTED, AND CHANGES ARE SUBJECT TO PRICE ADJUSTMENT. PURCHASES IN EXCESS OF \$1,000.00 TO BE SUPPORTED BY YOUR WRITTEN PURCHASE ORDER MADE OUT TO PLAY & PARK STRUCTURES, C/O Play & Park Structures of Southern Texas.

Pricing: f.o.b. factory, firm for 30 days from date of quotation.

Freight charges: Prepaid & added

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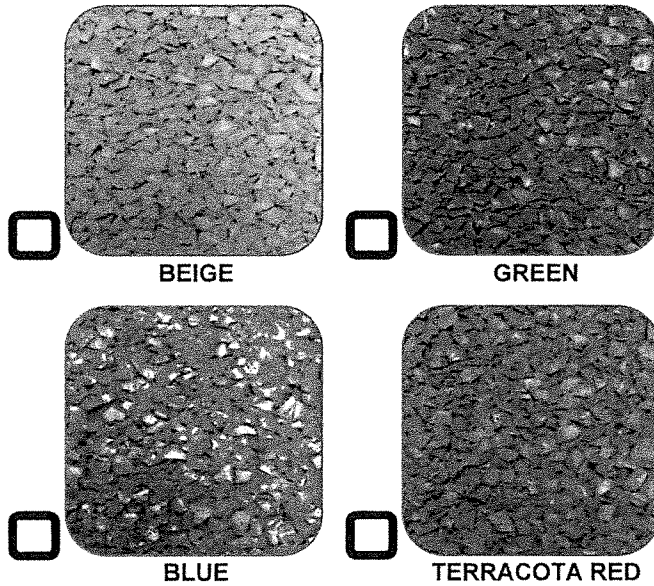
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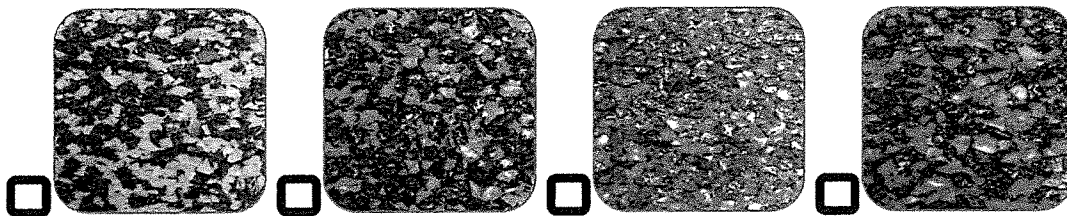
# ROBERTSON INDUSTRIES, INC.

PLEASE SELECT COLOR(S)\* APPROVED FOR YOUR PROJECT

EPDM Standard Colors

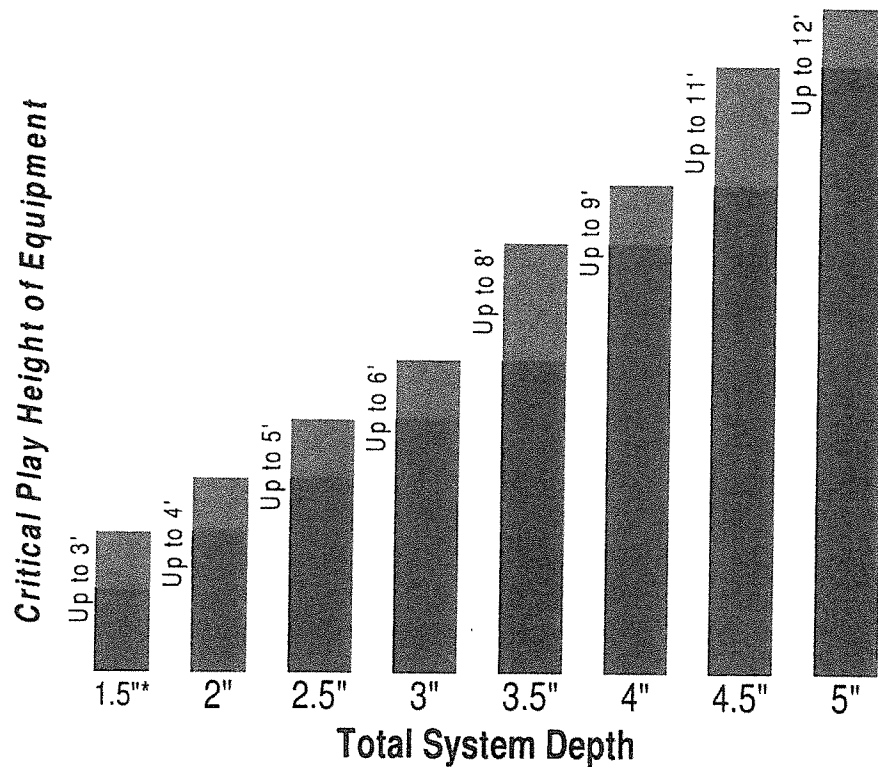


EPDM 50% Standard, 50% Black Combinations



*\*Colors are approximate and may vary by region. Aromatic Urethane recommended with Standard Colors.*

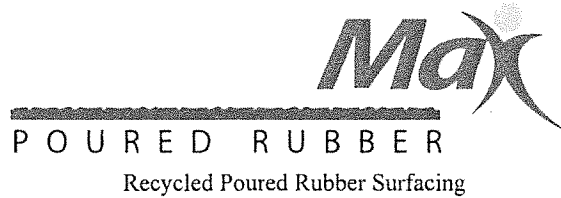
# TotTurf® Aromatic Fall Height Requirements



*Each system depth consists of the cushion material with 1/2" of TotTurf® EPDM Wear Course Granules on top.*

\* Requires concrete or Asphalt Sub-Base. Compacted aggregate acceptable for all other systems per specifications.





### **Product Specifications**

#### **PART 1 – GENERAL**

##### **Work Details:**

This work includes furnishing and installing SurfaceMax recycled poured rubber surfacing.

SurfaceMax recycled poured rubber surfacing shall be poured in place and trowelled to provide for a resilient, seamless rubber surface installed over the specified base. The surfacing provider shall be responsible for all labor, materials, tools, equipment, and applicable taxes to perform all work and services for the installation of the surface. The surface shall be stable and slip resistant to comply with all requirements set forth in the Americans with Disabilities Act.

##### **Quality Assurance & Compliance Details:**

**Impact Attenuation – ASTM F1292-04:** Impact attenuation test results will be provided to the owner or owner's representative. These test results shall be certified and submitted on the letterhead of an independent testing lab. Impact attenuation test results shall meet or exceed Consumer Product Safety Commission Guidelines for impact attenuation (G-max and Head Injury Criteria (HIC)).

**Accessibility of Surface Systems – ASTM F1951-08:** All Playground surfacing products must pass testing to ensure wheelchair access under and around playground equipment as required by the American Disabilities Act.

**Coefficient of Friction – ASTM D2047-82:** All products must meet a minimum standard on coefficient of friction of .9-wet, 1.0 dry.

**Permeability:** Product shall meet or exceed a coefficient of permeability of 0.4 gallons per square yard per second.

**Flammability of Finished Floor cover – ASTM D2859:** Product shall meet requirements of ASTM D2859.

**Tensile Strength – ASTM D412-87:** This test indicates a product's ability to stretch, and how far it will stretch before it breaks. Test results for wear course must be a minimum tensile strength of 60 PSI and minimum % elongation @ break of 140%.

**IPEMA Certification:** Manufacturer must provide proof of certification. "In the interest of public playground safety, IPEMA provides an independent laboratory which validates a manufacturer's certification of conformance to ASTM F1292-04. A list of current validated products, their thickness and critical heights may be viewed at [www.ipema.org](http://www.ipema.org)."

Submittal Details:

Submittal packages shall include but not be limited to: (1) product samples, (2) supplier's written warranty, and (3) independent laboratory results.

**PART 2 – MATERIAL DATA:**

Polyurethane Primer and Binder – 100% Single Component Polyurethane Binding Agent – Methylene Diphenyl Isocyanate (MDI) based binder.

Aromatic Binder – All projects will include aromatic binder unless project specifies the use of aliphatic binder. The natural properties of the aromatic binder are to present a yellow tint which may cause some EPDM/TPV colors to amber. The yellowing affect is more common on lighter EPDM colors and will wear off with foot traffic and weathering.

Aliphatic Binder – This binder is available upon request but at an added cost to the overall project. Aliphatic binder is all clear providing full EPDM/TPV color from day one. This binder has a higher resistance to ultra violet light and provides a greater resistance to wear.

Impact Course – The impact layer is to be a precise combination of 100% recycled black Styrene Butadiene Rubber (SBR) and polyurethane binder. SBR is manufactured as a liquid, poured into molds and generally used by the automobile industry. This recycled rubber is shredded, mixed with binder and hand-toweled to create a seamless application. The impact course thickness, as specified by owner or architect, must be composed of recycled rubber and free of foreign matter.

Wear Course – The wear course is made of Ethyl Propylene Dione Monomer (EPDM) or Thermal Plastic Vulcanized (TPV) pigmented rubber granules with polyurethane binder. Thickness of the wear course shall be a minimum ½”.

EPDM – The granule size will be 1-3 mm in diameter

TPV – the granule size will be 1-4 mm in diameter

Colors - The color of SurfaceMax recycled poured rubber surfacing will be indicated on plans. Owner or owner's representative will be responsible for selecting standard blends. Selection of either standard color blends or custom color blends must be made at time quotation is being requested. EPDM colors are available in 100% black and a variety of colors. Ask you Play & Park Structures representative for available color combinations.

***Note: If graphic designs and color transitions are used, they shall be full wear course depth. Color(s) to be determined by architect. Graphic Templates are the responsibility of the Architect or owner.***

**PART 2 – MATERIAL DATA CONTINUED:**Physical Properties:

Tensile Strength (ASTM D412)	60 PSI, minimum
Elongation at Break (ASTM D412)	140%, minimum
Flammability (ASTM D2859)	Pass
Coefficient of Friction (ASTM D204)	
Wet	0.9, minimum
Dry	1.0, minimum
Water Permeability	0.4 gal. /sq. yd. /sec., minimum

**PART 3 – SUB-BASE TYPES & DETAILS:**

Sub-base Requirements - The base shall have the specific maximum slope (2%) and shall vary no more than 1/8" when measured in any direction with a 10' straight edge.

Stone – The density requirement is 90% to 95% compaction with final condition of stone as level and stable so as not to shift when traveled on or during surface installation process. A compaction test is required and must be submitted to Play & Park Structures prior to installation of poured rubber surfacing. Failure to provide proof of compaction test will void 5-year warranty of PIP surfacing should signs of sub-base failure occurs.

<u>Depth:</u>	4 inch minimum thickness.
<u>Slope:</u>	Stone elevation shall maintain 1/4" per foot toward low end.
<u>Porosity:</u>	Base course shall maintain porosity for direct drainage.
<u>Enclosure:</u>	Stone base course must be surrounded by a retaining curb.
<u>Drainage:</u>	Subsurface drainage is recommended under and around a stone base. Perforated pipe or similar system is acceptable.
<u>Tolerances:</u>	1/4" in any 10-foot direction and 1/8" in any 3-foot direction.
<u>Stone Selection:</u>	It is critical that different size stones are used so that the base shall be uniformly mixed. The material shall be wetted during mixing operations if necessary for proper blending.

<u>Stone Graduation</u>	<u>U.S. Sieve</u>	<u>Percent Passing</u>
	1"	100
	3/4"	90 - 100
	No. 4	35 - 60
	No. 30	10 - 30
	No. 200	2 - 9

**PART 3 – SUB-BASE TYPES & DETAILS CONTINUED:**

Concrete or Asphalt – Concrete should be finished with a medium broom finish. All new concrete slabs must cure for a minimum of seven (7) days prior to installation. Asphalt cure time requires fourteen (14) days. Once the new asphalt has cured, it must be pressured washed prior to the surfacing being installed. The concrete contractor shall be responsible for flooding the pad to insure proper slope and tolerance. Any areas holding enough water to cover a flat nickel shall be patched prior to arrival of poured rubber installation crews.

<u>Depth:</u>	4 inch minimum thickness.
<u>Slope:</u>	Concrete or asphalt shall maintain ¼" per foot.
<u>Tolerance:</u>	Concrete must maintain a tolerance of 1/8" in 10 ft. to avoid low areas that will hold water under the poured rubber surfacing.

#### **PART 4 – SITE PREPARATION AND REQUIREMENTS:**

Drainage – Having proper drainage at the low end of the concrete slab is of utmost importance. Any brick walls or curbs at the low end of the slab shall have drainage access through weep holes. Concrete curbing weep holes should be level with finish grade of sub-base or a minimum of 1/8" below top of concrete slab, as SurfaceMax recycled poured rubber surfacing is porous and water drains immediately through it. Weep holes shall be 2" high and 3" wide and shall be installed every three (3) feet. If weep holes are smaller than the recommended size, they shall be installed every 18". Floor drains shall be located outside the high impact areas, as the drains may not be covered with SurfaceMax poured rubber surfacing. Recommended locations for drains are under play unit or against low-end wall or curb.

Security & Waste Disposal – Surface installation crew shall be responsible for the protection of surface during the installation process while on site only owner or general contractor shall be responsible for the protection of the surface during the curing period upon completion of the installation and overnight during the installation. Owner or general contractor shall be responsible for having a dumpster on site for all waste and debris. Failure to provide security and a dumpster will result in additional cost.

Utilities & Access – Power and water must be available within 300 feet of installation. Site will require tractor-trailer access. In a case where tractor-trailer access is not possible, owner or general contractor shall be responsible for transporting materials from delivering carrier to the installation site.

#### **PART 5 – INSTALLATION:**

Weather Conditions – Because the polyurethane agents are moisture or heat sensitive, the nighttime temperatures must be above 40 degrees with daytime temperatures around 50 degrees. These temperatures must be consistent for several days before and after the poured rubber installation period. Complying with these weather conditions will prevent poured rubber from freezing which prevents proper curing.

Thickness – Overall depth of the poured rubber will vary based on critical fall heights and installers test results. Depth of EPDM/TPV will be no less than 0.5". Installation is performed by technically trained Play & Park Structures approved specialists. Your Play & Park Structures dealer will schedule installation of playground surfacing to meet your requirements.

THICKNESS CHART – (Below depths include 0.5" EPDM/TPV Topcoat)

1' to 4' Critical Fall Height	1.5" to 2"	Total Depth
5' Critical Fall Height	2" to 2.5"	Total Depth
6' Critical Fall Height	2.5" to 3"	Total Depth
7' to 8' Critical Fall Height	3" to 3.5"	Total Depth
9' to 10' Critical Fall Height	4" to 4.5"	Total Depth
11' to 12' Critical Fall Height	5.5"	Total Depth

Cold Joints – Areas in excess of 2,000 square feet or areas that require adjacent color pours will have a cold joint or seam. Although seldom visible, seams are necessary when large pads require more than one day pours.

Edges – Surface edges shall be flush, beveled or rolled. It is important to advise what type of edge will be required so that the appropriate amount of materials is ordered.

Flush – When curbing is provided around the outside perimeters of the pad, the poured rubber will be adhered to the edge of the curbing so that the rubber surfacing is flush. This allows for a smooth transition in to the play area. However, the sub-base should be installed to allow the proper depth of poured rubber so that the flush edge can be installed without having to fill voids by increasing the depth SBR materials. If the sub-base is not installed properly, using too much of the SBR materials can cause the installer to run short on the cushion course which will require a change order to add additional materials for the project.

Beveled – When curbing is not provided for concrete or asphalt sub-bases, the installers will bevel the edge down along the edge of the pad. This type of edge can be sloped to provide a smoother transition but will require additional materials. If beveled at the edge of the use zones, the edge can be more round due to the depth of the poured rubber. In this case, you may want to have a rolled edge added to allow a smooth transition for wheelchair users.

ADA Rolled – This is the type of edge to meet the requirements of ASTM 1951, Specifications for Determination of Accessibility of Surface Systems Under and Around Playground Equipment. The rolled edge will require additional materials in order to provide adequate ADA Wheelchair access. The total linear feet of the pad will need to be provided if the whole site is to be ADA compliant.

## PART 5 – INSTALLATION CONTINUED:

Keyway Cut – This type of an edge requires a trenched saw cut of ½" wide x ½" deep along the edge of the concrete or asphalt pad. The contractor or customer will be responsible for providing the keyway cut. There will be an up charge if the poured rubber installer is asked to provide this cut. The poured rubber will be beveled down into the saw cut where it will adhere preventing the exposure of a raw edge.

Cure Time - The poured rubber will require 72 hours (3 days) to properly cure. Security is required by the owner during this time so to avoid unnecessary damages.

**PART 6 – WARRANTY:**

When used under playground equipment, Play & Park Structures' SurfaceMax recycled poured rubber is warranted against defects in materials and workmanship for five years.

When used with water play equipment, Play & Park Structures' SurfaceMax recycled poured rubber is warranted against defects in materials and workmanship for three years provided aliphatic binder is added. Without the aliphatic binder, the SurfaceMax recycled poured rubber will carry only one year warranty.

Ask your Play & Park Structures representative for a copy of our full SurfaceMax recycled poured rubber warranty details.

**PART 7 – MAINTENANCE:**

Ask your Play & Park Structures representative for a copy of our full SurfaceMax recycled poured rubber maintenance details.

**SECTION 32 18 16.13****PLAYGROUND PROTECTIVE SURFACING****PART 1 - GENERAL****1.1 SCOPE**

- A. Furnish labor, material, and equipment necessary to install the poured-in-place, resilient surfacing system as shown on the drawings and specified herein.
- a. Work shall include, but not be limited to the following: layout; excavation; backfill; furnishing and installing of base material; furnishing and installing of poured-in-place, resilient surfacing and all other incidental work to provide a complete resilient surfacing system.
- b. Poured in place playground surfacing shall consist of a polyurethane binder mixed with 100% recycled, shredded tire material which will make up the Cushion Layer. The Cushion Layer is capped with EPDM, TPV or Treated SBR rubber granules mixed with a polyurethane binder creating the Wear Course. Surfaces shall comply with ADA and CPSC guidelines as well as ASTM Standards. Manufacture is to be certified by IPEMA, a third-party testing organization for playground surfaces and equipment.

**1.2 PERFORMANCE REQUIREMENTS**

- A. Area Safety: Poured in place within playground use zones shall meet or exceed the performance requirements of the CPSC, ADA and Fall Height Test ASTM F1292-17a. The surface must yield both a peak deceleration of no more than 200 G-max and a Head Injury Criteria (HIC) value of no more than 1,000 for a head-first fall from the highest accessible portion of play equipment being installed as shown on drawings. IPEMA certification is required. (ASTM F1292-17a section 4.3.3: The laboratory test used to determine critical fall height shall have been conducted on surfacing material samples identical in design, materials, components, and thickness and manufactured as the installed playground surface).
- B. Accessibility: NOTE: Children's outdoor play areas shall be in compliance with the Uniform Federal Accessibility Standards (UFAS) FED-STD-795 and the Architectural and Engineer Instructions (9AEI) Design Criteria.
- C. The requirements of the Americans with Disabilities Act. Accessibility Guidelines (ADAAG) 28 CFR Part 36 that provide equal or greater accessibility than the requirements of UFAS must also be met in children's outdoor play areas.

- D. Poured in place surfaces intended to serve as accessible paths of travel for persons with disabilities shall be firm, stable and slip resistant, and shall meet the requirements of ASTM F 1951-14 and ASTM F1292-17a.

### **1.3 APPLICABLE STANDARDS**

- A. ASTM International
- B. ASTM C1028 - Standard test method for determining the static coefficient of friction of ceramic tile and other like surfaces by the horizontal dynamometer pull meter method. This standard replaces ASTM D2047.
- C. ASTM D12 – Standard test methods for vulcanized rubber and thermoplastic rubbers and thermoplastic elastomers-tension.
- D. ASTM D624 - Standard test method for tear strength of conventional vulcanized rubber and thermoplastic elastomers.
- E. ASTM D2859 – Standard test method for flammability of finished textile floor covering materials.
- F. ASTM E303 – Standard test method for measuring surfacing frictional properties using the British Pendulum tester.
- G. ASTM F1292-17a – Standard specification for impact attenuation of surface systems under and around playground equipment.
- H. ASTM F1951 – Standard specification for determination of accessibility of surface systems under and around playground equipment.

- 1.4 Poured in place surfaces shall be manufactured and installed by trained, experienced company employees or certified installers who have successfully completed the “Certified Installers Training Program” required by TotTurf®.

### **1.5 Submittals: The following shall be submitted:**

- A. The Contractor shall submit, five (5) complete sets of the material submittals, including manufacturer’s name and address, specific trade names, catalog and model numbers, illustrations and descriptive material, and samples of the proposed material for this project clearly marked as to proposed items for approval by the Owner’s representative.
- B. Products submitted as equal must include hard copies of manufactures written specifications and warranty.



- C. Manufacturer's descriptive data and installation instructions.
- D. Manufacturer's details showing depths of Wear Course and sub-base materials, anchoring systems and edge details.
- E. Upon request, a listing of at least five installations where products similar to these proposed for use have been installed and have been in service for a minimum period of 3 years. The list shall include owner or purchaser, address of installation, date of installation, contact person, and phone number.
- F. A signed statement by an authorized official certifying that the surfacing system meets the requirements of ASTM F1292-17a for a head-first fall from the highest accessible portion of the specified playground equipment.
- G. A signed statement from the manufacturer of the poured in place surfacing attesting that all materials under this section shall be installed only by the Manufacturer's Trained Installers.
- H. A Certificate of Insurance shall be provided by manufacturer for poured in place surfacing for use as playground safety surfacing, covering general and product liability, of not less than \$1,000,000 for each occurrence, \$2,000,000 general aggregate, with an excess/umbrella liability of \$25,000,000. The issuing underwrite shall be AA rated.
- I. **IPEMA Certification mandatory**
  - 1.6 Delivery, Storage and Handling: Materials and equipment shall be delivered and stored in accordance with the manufacturer's recommendations.
  - 1.7 Project Site Conditions: Poured in Place surfacing must be installed on a dry sub-surface, with no prospect of rain within the initial drying period, and within the recommend temperature range of the manufacturer. Installation in weather condition of extreme heat, cold (less than 55 degrees F), and/or high humidity may affect cure time, and the structural integrity of the final product. Immediate surrounding sites must be reasonably free of dust conditions or this could affect the final surface look.
  - 1.8 Sequencing and Scheduling: Poured in Place surfacing shall be installed after all playground equipment, shade structures, signs and any other items that will be within the surfacing area. Coordinate with General Contractor.
  - 1.9 Surface installation coordinated by manufacturer representative.

- 1.10** Warranty: Poured in Place surface shall maintain required impact attenuation characteristics and be guaranteed against defects in workmanship AND material for a limited five (5) year period or as specified and agreed upon per alternate contract. Warranty will be specific to maintenance requirements and performance standards of completed product. Warranty is Void if not installed by Manufacturers Trained and Certified Poured in Place Surfacing Installers.

## **PART 2 – PRODUCTS**

- 2.1** Safety surfacing shall consist of both recycled and synthetic materials meeting the requirements of this specification. The type of safety surfacing shall be TotTurf®, manufactured and installed by TotTurf®, or it's Certified Installers. Telephone 800-858-0519.

### **2.2 Product Scope**

- A. Poured in Place Surface: The poured in place surface shall consist of 100 percent recycled granulated and or shredded tire material mixed with a polyurethane binder, then capped with either an EPDM, TPV an aliphatic binder or aromatic binder.
- B. It shall consist of a uniform material manufactured in such a way that the top portion meets the requirements specified herein for wear surface.
- C. The type of safety surfacing shall be a poured-in-place system and shall be indicated on the drawings.

### **2.3 Cushion Layer Section**

- A. Impact Attenuating Cushion Layer: Cushion Layer consists of recycled styrene butadiene rubber (SBR) adhered with a 100 percent solids polyurethane binder to form a resilient porous material.
- B. Strands of SBR may vary from 0.5 mm – 2.0 mm in thickness by 3.0 mm – 20 mm in length.
- C. SBR Crumb Rubber (5-9 Mesh) using sieve analysis ASTM D5644 with a fiber content of .1% or less mixed in.
- D. Foam or standard rubber granules are not to be permitted in Cushion Layer.
- E. Binder shall be between 10-14 percent of the total weight of the material, and shall provide 100 percent coating of the particles.
- F. The Cushion Layer shall be compatible with the Wear Course and must meet requirements herein for impact attenuation.

## **2.4 Wear Course**

- A. Wear Course shall consist of Ethylene Propylene Diene Monomer (EPDM), Thermal Plastic Vulcanized (TPV) granules with polyurethane binder formulated to produce an even, uniform, seamless surface. Installation of surfacing shall be seamless (unless otherwise agreed upon by Owner) and completely bonded to concrete or asphalt subsurface. Material shall cover all foundations and fill around all elements penetrating the surface.
- B. EPDM shall be peroxide cured with an EPDM content of 26 percent and shall include a processing aid to prevent hardness with 26% poly content to maintain dynamic testing characteristics, weatherization and UV stability.
- C. ASTM D2240 (Shore A) hardness of 55-65, not less than 26 percent rubber hydrocarbons.
- D. Size of EPDM granules shall be 1.5-4 mm across. Binder shall be not less than 20 percent of total weight of rubber used in the wear surface, and shall provide 100 percent coating of the particles.
- E. TPV shall be angular granules with a (Shore A) hardness of 65°A ±5 and particle size between 1-4mm. Binder shall be not less than 20 percent of total weight of rubber used in the wear surface, and shall provide 100 percent coating of the particles.
- F. Thickness of Wear Course shall be a minimum ½ inch (12.7 mm).
- G. The Wear Course shall be porous.

## **2.5 BINDER**

- A. No Toluene Diphenyl Isocyanate (TDI) shall be used.
- B. No filler materials shall be used in urethane such as plasticizers and the catalyzing agent shall contain no heavy metals.
- C. Weight of polyurethane shall be no less than 8.5 lbs. /gal (1.02 Kg/1) and no more than 9.5 lbs. /gal (1.14 Kg/1).
- D. Manufacturer is permitted to modify the type of urethane required to match extreme weather conditions. Substitutions must be equal to or exceed original quality.

## 2.6 TOT TURF ADVANTAGE (TPV) INSERTS

- A. TPV Insert – Thermal Plastic Vulcanized (TPV) angular granules with a (Shore A) hardness of  $65^{\circ} \text{A} \pm 5$  and particle size between .5-1.5 mm shall be used.
- B. Thickness of the TPV Insert shall be  $\frac{1}{2}$ " –  $\frac{5}{8}$ " inch.
- C. TPV Insert shall be porous.
- D. Aromatic or Aliphatic urethane to be used as a binder.
- E. Location – TPV Insert to be installed under swings, swing bays, slide exits. Customer to approve location of wear mat inserts.
- F. Standard Color TPV .5-1.5mm to be used. Colors include four standard colors: Terra Cotta Red, Blue, Green, and Beige.
- G. Size: Swing bay use locations shall have TPV Inserts inclusive of all outside bay structure poles. Singular swings and slide exits shall be  $4' \times 4' \times \frac{1}{2}$ " in thickness.

## 2.7 MATERIALS

### A. Wear Course – EPDM Granules and/or TPV Granules

Manufacturer: NH Rubber Products and Rosehill Polymers  
As Distributed by: Robertson Industries Inc. (800) 858-0519  
Location Used: Playground Area

### B. Cushion Layer – TotTurf® Shredded SBR

As Distributed by: Robertson Industries Inc. (800) 858-0519  
Location Used: Playground Area

### C. Binder – Aromatic VORAMER MR Products

Manufacturer: DOW Chemical  
As Distributed by: Robertson Industries Inc. (800) 858-0519  
Location Used: Playground Area

### D. Binder – Aliphatic Urethane Premium, Non-Ambering

Manufacturer: Accella Polyurethane Systems  
As Distributed by: Robertson Industries Inc. (800) 858-0519  
Location Used: Playground Area

## **PART 3 – EXECUTION**

### **3.1 SITE PREPARATION (OWNER OR OWNERS REPRESENTATIVE SHALL)**

- A. Finished Grade/Slope: Verify that finished elevations or adjacent areas are as indicated on the architectural or site plans, that the appropriate sub-grade elevation has been established for the particular safety surface to be installed, and that the subsurface has been installed per architectural, site or equipment plans while meeting accessibility and use zones requirements.
- B. Aggregate Sub Base: Tolerance of aggregate sub base shall be with 3/8" inch (10mm) in 10' ft. (3050 mm). Verify that aggregate sub base has been fully compacted. Per ADA Guidelines: compacted Aggregate sub base – 4" inches of ¾" inch minus irregular stone with fines compacted to 95% percent in 2" inch watered lifts.
- C. Concrete Sub Base: Tolerance of concrete or bituminous sub base shall be with 1/8" inch (3.0 mm) in 10' feet (3050 mm). Per ADA Guidelines: Concrete a minimum of 3' – 4' inches at a minimum 2500 PSI. Concrete must cure for 7 days prior to application of cushion layer. Concrete must cure 28 days if wear course is to be applied directly to concrete surface. If Poured in Place surfacing is installed, verify that the Concrete Sub Base has cured (all areas appear white in color usually at 7 days) and that all concrete curing compounds and other deleterious substances that might adversely affect adhesion have been removed. Surface shall be clean and dry.
- D. Asphalt Sub Base: Asphalt cure time requires 14 days. Once the new asphalt has cured, it must be pressure washed prior to the surfacing being installed. The contractor shall be responsible for flooding the pad to ensure proper slope and tolerance. Any areas holding enough water to cover a flat nickel shall be patched prior to the arrival of our installation crews.
- E. Drainage: Verify that sub-surfacing drainage, if required, has been installed to provide positive drainage.

### **3.2 INSTALLATION**

- A. Poured in Place Surfacing: Components of the poured in place surfacing shall be mixed on site in a rotating tumbler to ensure components are thoroughly mixed and are in accordance with manufactures recommendations. Installation of surfacing shall be seamless up to 2,000 square feet per day and completely bonded to concrete of sub base. Material shall cover all foundations and fill around all elements penetrating the surface.

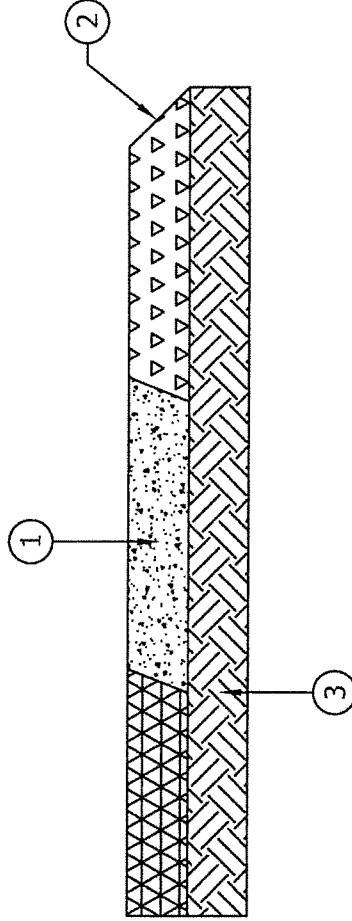
- B. **Cushion Layer:** Whenever practical, cushion layer of surfacing material shall be installed in one continuous pour on the same day of up to 2,000 square feet. When a second pour is required, step the seam (see detail) and fully coat the step of the previous work with polyurethane binder to ensure 100 percent bond with new work. Apply adhesive in small quantities so that new cushion layer can be placed before the adhesive dries.
- C. **Wear Course:** Wear Course must be either quality peroxide cured EPDM, TPV or Treated SBR granules. Wear surface shall be bonded to Cushion Layer. If necessary, additional primer will be used between the cushion layer and Wear Course. Apply adhesive to Cushion Layer in small quantities allowing the Wear Course to be applied before adhesive dries. Surface shall be hand troweled to a smooth, even finish. Except continuous and seamless up to 2,000 square feet per day (contact sales representative for seamless in excess of 2,000 square feet). Where seams are required due to color change, size or adverse weather, a step configuration will be constructed to maintain Wear Course integrity. The edge of initial pour shall be coated with adhesive and wearing surface mixture shall be immediately applied. Pads with multiple seams are encouraged to include a top coat of urethane before being placed into use. Butt joint seams are not acceptable except for repairs. Under special conditions and with owners written approval seams may be permitted in same color pad. Consult with manufacturer for specific applications.
- D. **Perimeter:** For installations over existing concrete, the perimeter must be saw cut to provide a keyway 1" inch deep x 1" inch wide, or formed during the pour, with surfacing rolled down into the void. Primer adhesive must be applied to all sides of the void. When connecting to a concrete curb or border, the inside vertical edge shall be primed with adhesive and the final 2" inches of the cushion layer shall be tapered to allow the wear surface material to be 1.5"– 2" thick where it joins the concrete.
- E. **Asphalt:** When installing over new asphalt, a curb or other type of border is recommended around the entire pad to separate the new surface from other ground materials. Primer adhesive must be applied to the inside vertical edge of the border before poured in place surface installation.
- F. **Asphalt:** When installing over existing asphalt, a key way cut of 1" inch deep by 1" inch side for the poured in place to taper into and terminate with required ADA slope.
- G. **Thickness:** Construction methods such as the use of measured screeds or guides shall be employed to ensure that the full depth of specified surfacing material is installed. Surfacing system thickness throughout the playground equipment use zone shall be as required to meet the impact attenuation requirements specified herein.

- H. Clean Up: Manufacturer installers shall work to minimize excessive adhesive on adjacent surfaces or play equipment. Spills of excess adhesive shall be promptly cleaned.
- I. Protection: The safety surface shall be allowed to fully cure in accordance with Manufacturer's instructions. The surface shall be protected by the owner from all traffic during the curing period of 48 hours or as instructed by the Manufacturer.
- J. Manufacturer Services: For poured in place safety surfacing, a manufacturer's representative who is experienced in the installation of playground safety surfacing shall be provided. The representative shall supervise the installation to ensure that the system meets the impact attenuation requirements as specified herein.

### **3.3 SITE AREA CLEAN UP**

- A. The site shall be kept clean and free of tools, trash, and debris and installation materials on a daily basis. Products may be stored on site during installation with appropriate protective measures and approval by the Owner's representative.

**END OF SECTION**



**KEYNOTES**

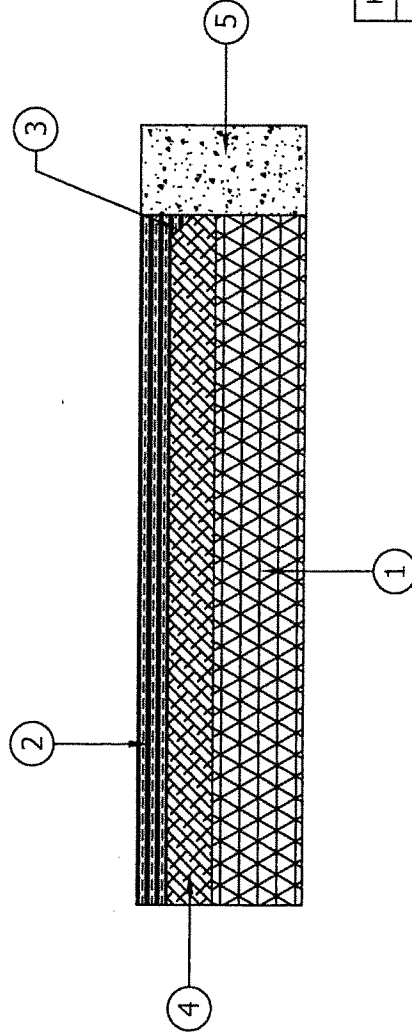
- ① SUB-BASE OPTIONS PER ADA GUIDELINES: (1) COMPACTED AGGREGATE - 4" OF 3/4" MINUS IRREGULAR STONE WITH FINES COMPACTED TO 95% IN 2" WATERED LIFTS. (2) CONCRETE - MINIMUM OF 3-4" AT A MINIMUM 2500 PSI. MUST CURE FOR 7 DAYS PRIOR TO CUSHION LAYER. MUST CURE FOR 28 DAYS IF WEAR COURSE IS TO BE APPLIED DIRECTLY TO CONCRETE SURFACE. (3) ASPHALT - MUST CURE A MINIMUM OF 14 DAYS, POWER WASHED
- ② 45 DEGREE TURN DOWN
- ③ EXISTING SOLID COMPACTED DIRT

ROBERTSON RECREATIONAL SERVICES  
ADDRESS: 2414 W. 12TH STREET SUITE 6  
TEMPE, ARIZONA 85281  
PHONE: 800-868-0619  
WEBSITE: WWW.TOTTURF.COM

**DETAIL-1**  
SUB-BASE SITE PREP

DATE: 08-12-2016  
REVISION DATE: 12-12-2016  
SCALE: N.T.S.  
DRAWN BY: ATL  
SIGNED/APPROVED:





#### KEYNOTES

- ① SUB-BASE OPTIONS PER ADA GUIDELINES: (1) COMPACTED AGGREGATE - 4" OF 3/4" MINUS IRREGULAR STONE WITH FINES COMPACTED TO 95% IN 2" WATERED LIFTS. (2) CONCRETE - MINIMUM OF 3-4" AT A MINIMUM 2500 PSI. MUST CURE FOR 7 DAYS PRIOR TO CUSHION LAYER. MUST CURE FOR 28 DAYS IF WEAR COURSE IS TO BE APPLIED DIRECTLY TO CONCRETE SURFACE. (3) ASPHALT - MUST CURE A MINIMUM OF 14 DAYS, POWER WASHED
- ② WEAR COURSE - 1/2" INCH MINIMUM THICKNESS
- ③ 1-1/2" 45 DEGREE EDGE BEVEL AGAINST PRIMED CONCRETE BORDER TO PREVENT SHRINKING
- ④ SBR CUSHION LAYER (DEPTH VARIES BY CRITICAL FALL HEIGHT REQUIREMENTS AND PRODUCT SOLD)
- ⑤ CONCRETE BORDER

ROBERTSON RECREATIONAL SERVICES

ADDRESS: 2414 W. 12TH STREET SUITE 5

TEMPE, ARIZONA 85281

PHONE: 800-868-0619

WEBSITE: WWW.TOTTURE.COM

### DETAIL-5

FLUSH MOUNT TO WALL, CURB, OR  
SIDEWALK (EXISTING CONSTRUCTION)

DATE: 09-12-2016

REVISION DATE: 12-12-2016

SCALE: N.T.S.

DRAWN BY: ATL

SIGNED/APPROVED:

# IPEMA Certificate of Compliance



To verify product certification,  
visit [www.ipema.org](http://www.ipema.org)

## ISSUE DATE: 2/2/17 -

In the interest of public playground safety, IPEMA provides a third-party certification service whereby TÜV SÜD America validates a manufacturer's certification of conformance to the ASTM F1292-13, Standard Specification for Impact Attenuation of Surface Systems Under and Around Playground Equipment Standard, except Section 15.

The manufacturer listed below has received written validation from TÜV SÜD America that the products listed below conform with the requirements of ASTM F1292-13, except Section 15.

The product(s) listed below was/were tested at a specific drop height listed below as requested by the Participant, based upon their experience and knowledge of their product, instead of the "critical fall height" as outlined in Section 15.

## MANUFACTURER

Robertson Industries, Inc., A Playcore Company  
2414 West 12th Street, Suite 5  
Tempe, AZ 85281

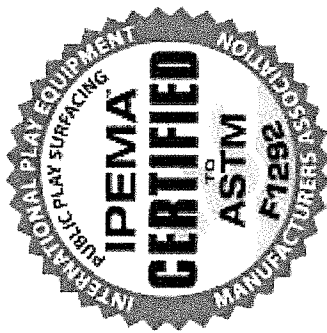
PRODUCT NBR	PRODUCT LINE	THICKNESS/ DROP HEIGHT	DESCRIPTION
TT150	TotTurf	1.5in/3ft	Poured-In-Place rubber, playground safety surfacing
TT200	TotTurf	2.0in/4ft	Poured-In-Place rubber, playground safety surfacing
TT250	TotTurf	2.5in/5ft	Poured-In-Place rubber, playground safety surfacing
TT300	TotTurf	3.0in/6ft	Poured-In-Place rubber, playground safety surfacing



America

You may verify this certificate by visiting IPEMA's website at <http://ipema.org>

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## ISSUE DATE: 2/2/17 -

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The product(s) listed below was/were tested at a specific drop height listed below as requested by the Participant, based upon their experience and knowledge of their product, instead of the "critical fall height" as outlined in Section 15.

## MANUFACTURER

Robertson Industries, Inc., A Playcore Company  
2414 West 12th Street, Suite 5  
Tempe, AZ 85281

PRODUCT NBR	PRODUCT LINE	THICKNESS/ DROP HEIGHT	DESCRIPTION
TT350	TotTurf	3.5in/8ft	Poured-In-Place rubber, playground safety surfacing
TT400	TotTurf	4.0in/9ft	Poured-In-Place rubber, playground safety surfacing
TT450	TotTurf	4.5in/11ft	Poured-In-Place rubber, playground safety surfacing
TT500	TotTurf	5.0in/12ft	Poured-In-Place rubber, playground safety surfacing



America

You may verify this certificate by visiting IPEMA's website at <http://ipema.org>



BAS Recycling INC  
**MATERIAL SAFETY DATA SHEET**  
 Rubber Buffings  
 Manufactured by BAS Recycling Inc.  
 14050 Day Street  
 Moreno Valley, CA 92553  
 Phone: 951.214.6590 Fax: 951.214.6595

MATERIAL (CAS)	WT%	OSHA PEL	(ACGIHTLV)
Vulcanized Rubber Compound	Approx. 99%	N/A	N/A
Talc (Hydrous Magnesium Silicate)	Less than 4%	2.0 mg/m3	2.0 mg/m3
FLASH POINT: Ignition temperature of dust cloud 320 degrees Centigrade (608 F) approximately		FLAMMABLE LIMITS	

**HAZARDOUS INGREDIENTS**  
**PRODUCT IDENTIFICATION/CHEMICAL & PHYSICAL CHARACTERISTICS**

PRODUCT NAME	Rubber Buffings	SOLUBILITY IN WATER	Insoluble
APPEARANCE	Black shredded rubber	ODOR	Slight smell of vulcanized rubber
SPECIFIC GRAVITY	1.0 - 1.15		
VAPOR PRESSURE	N/A	MELTING POINT	N/A
EVAPORATION RATE	N/A	VAPOR DENSITY	N/A
		BOILING POINT	N/A

**FIRE AND EXPLOSION HAZARD DATA**

LEL-.025OZ/CU.FT.*	UEL: N/A
EXTINGUISHING MEDIA:	Water, foam, dry powder, encapsulating fire suppressant. (DO NOT USE HIGH PRESSURE WATER)
SPECIAL FIRE FIGHTING PROCEDURES:	Noxious gases may be formed under fire conditions. West NIOSH approved self contained apparatus.
UNUSUAL FIRE AND EXPLOSION HAZARDS:	Dust may be explosive if mixed with air in critical proportions and in the presence of an ignition source. The hazard is similar to that of many organic solids.
*Estimates based on the NPFA Fire Protection Book	

**HAZARDOUS INGREDIENTS HEALTH HAZARD DATA**

STABLE: Yes	CONDITIONS TO AVOID: Conditions that will cause burning
INCOMPATIBILITY: (Materials to avoid)	Avoid strong oxidizing agents
HAZARDOUS DECOMPOSITION OF BY PRODUCTS	Thermal decomposition may produce carbon monoxide, carbon dioxide, zinc oxide fumes / dust, sulfur dioxide, liquid and gaseous hydrocarbons
HAZARDOUS POLYMERIZATION: Will not occur	CONDITIONS TO AVOID: Do not store hot material in hoppers due to possibility of spontaneous combustion
ROUTES OF ENTRY	Inhalation
HEALTH HAZARDS (Acute and Chronic)	This product can contain fine fibers that may cause itching. Otherwise, not known. This material is generally thought to be a nuisance dust.
CARCINOGENICITY	Rubber is not listed as a carcinogen
SIGNS AND SYMPTOMS OF EXPOSURE	Itching of skin, irritation of mucous membranes, sneezing and coughing, irritation of eyes
MEDICAL CONDITIONS GENERALLY AGGRAVATED BY EXPOSURE	Not known; however, could potentially aggravate allergies due to dust exposure
EMERGENCY AND FIRST AID PROCEDURES	Normal washing of skin with soap and water. Ordinary means of personal hygiene are adequate

#### PRECAUTIONS FOR SAFE HANDLING AND USE

STEPS TO BE TAKEN IN CASE MATERIAL IS RELEASED OR SPILLED	LOCAL EXHAUST: Yes, if dusty conditions occur.
WASTE DISPOSAL METHOD	Product not defined as hazardous waste. Dispose of in accordance with federal, state and local regulations.
PRECAUTIONS TO BE TAKEN IN HANDLING AND STORAGE	Do not store near flame or ignition source. Do not store hot material in tubs or containers where spontaneous ignition could occur.
OTHER PRECAUTIONS	If material burns, an oily residue will result. This residue must be disposed of in accordance with federal, state and local regulations.
RESPIRATORY PROTECTION (Specify Type)	Use any dust and mist respirator noted for up to 10mg/m3.

#### CONTROL MEASURES

VENTILATION: Yes	LOCAL EXHAUST: Yes, if dusty conditions occur
SPECIAL: None	MECHANICAL (General): Dust collector and exhaust fans.
PROTECTIVE GLOVES: Recommended	EYE PROTECTION: Use safety goggles to prevent dust entry.
OTHER PROTECTIVE CLOTHING OR EQUIPMENT	Enough fresh air should flow past the user to prevent exposure to airborne fibers and particles.
WORK/HYGIENE PRACTICES	Good personal hygiene; frequent washing with soap and water of exposed areas; remove and clean soiled clothing.

The information contained in this MSDS is consistent with the U.S. Department of Labor OSHA Form OMB 1218-0072. Consult OSHA Hazard Communications Standard 29 CFR 1910.1200 for additional information. To fully understand the use of any material the user should avail themselves of reference material and expert consultation in the fields of fire prevention, ventilation and toxicology.

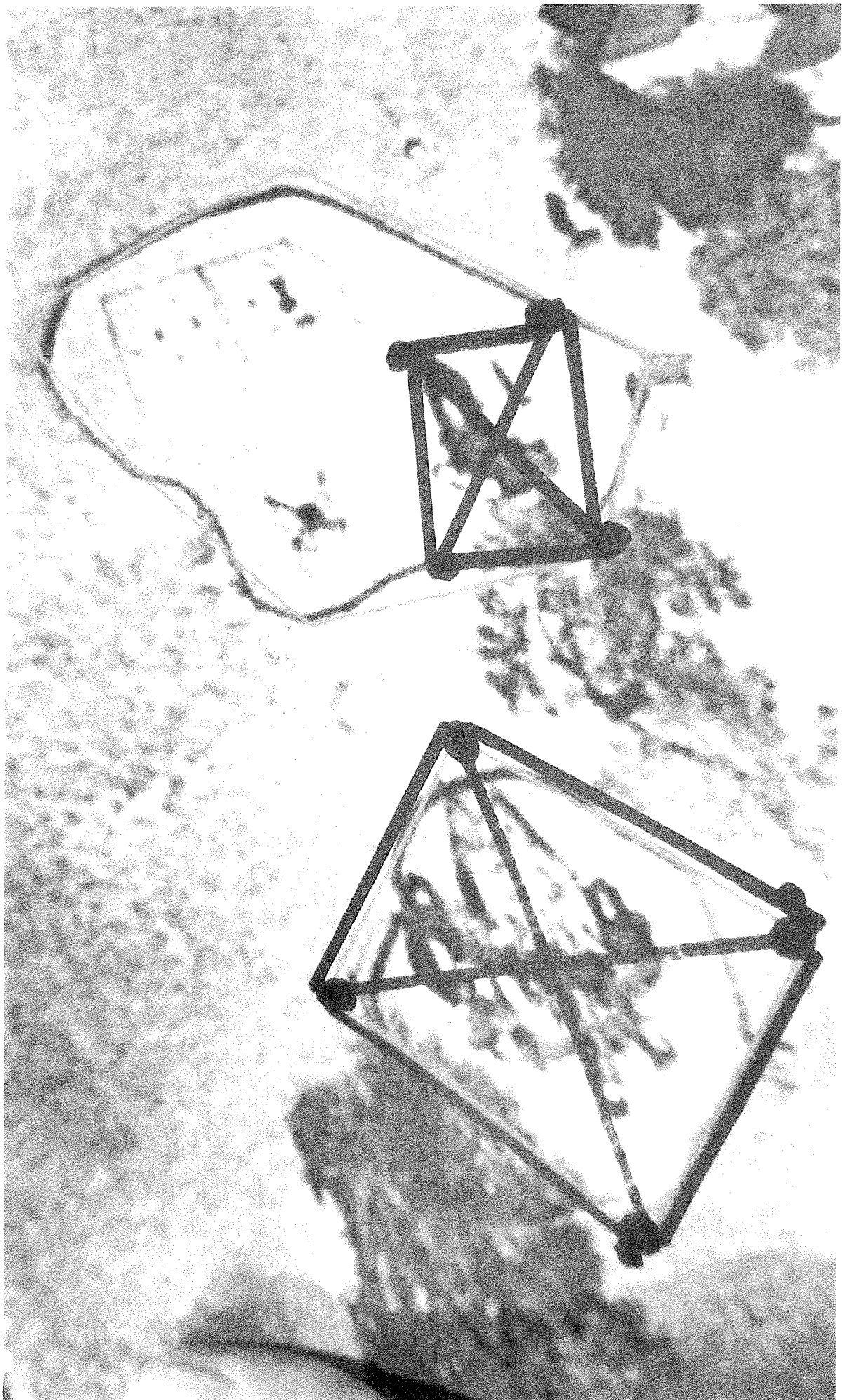












# **AGENDA ITEM #11**

**City of Kingsville  
Parks & Recreation Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Susan Ivy, Parks & Recreation Director

DATE: September 8, 2020

SUBJECT: Agenda Request – Change in Cart Fees at L. E. Ramey Golf Course

**Summary:** Requesting to increase Daily Cart Fees only at L.E. Ramey Golf Course

**Background:** Current daily cart fees are \$11.00 for 18 holes and \$7.00 for 9 holes. In discussions during budget meetings it was suggested that since we now have new golf carts we should consider a fee increase.

**Financial Impact:** We researched fees for surrounding golf courses and found that by raising them to \$15.00 for 18 holes and \$10.00 for 9 holes we could still be competitive with other courses and increase our revenue. These rates are for two golfers.

**Recommendation:**

Authorize the increase in Daily Golf Cart Fees from \$11.00 per day to \$15.00 for 18 holes and from \$7.00 to \$10.00 per day for 9 holes for two golfers.



**ORDINANCE NO. 2020-\_\_\_\_\_**

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

**WHEREAS**, in 2014 the City and County 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 approval of these interlocal agreements necessitated the City to enact regulations and fees for the properties covered under the interlocal agreements; and

**WHEREAS**, in the first half of 2018, the City made several hundred thousand dollars of improvements at the L.E. Ramey Golf Course and determined that it needed to increase user fees to help offset the cost of the improvements and those revisions were approved on June 25, 2018, via Ordinance #2018-35; and

**WHEREAS**, the City recently acquired new golf carts for rental at the golf course and performed a rental rate survey which showed the current rate to be below market, so staff is now recommending a slight increase in the golf cart rental rate for the new carts to be more in-line with the going market rate; 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**

...

**GOLF COURSE**

...

**§ 9-8-41 GOLF COURSE FEES.**

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

...

(Q) Cart Rental Fee:

18-Holes: \$15.00 ~~44.00~~ per player

9-Holes: \$10.00 ~~7.00~~ per player

...

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.

IV.

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

**INTRODUCED** on this 14th day of September, 2020.

**PASSED AND APPROVED** on this the 28th day of September, 2020.

Effective Date: \_\_\_\_\_

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #12**

**City of Kingsville  
Finance Department**

---

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Deborah Balli, Director of Finance

DATE: September 9, 2020

SUBJECT: Budget Amendment-End of Year Deficit Accounts

---

**Summary:**

This item authorizes the approval of budget amendment for an end of year budget amendment to cover deficit accounts.

**Background:**

At the end of Fiscal Year 19-20 the following budget amendments are needed to cover deficit funds.

Utility Debt Service – Fund 012

There were additional charges not anticipated for the CO Series 2011 refunding of \$39,908.71. This will be paid from the Utility Fund unappropriated fund balance.

FEMA – Fund 071

There was an additional reimbursement received for damage to the Golf Course Irrigation of \$38,820.61. These funds are being transferred to General Fund to be used by the Golf Course.

TXCDBG Grant #7215270 – Fund 082

This is a fund cleanup of \$12.

COVID 19 – Fund 103

The City received \$279,334 of CARES Act funding and the money needs to be accepted and appropriated to expend.





**City of Kingsville  
Finance Department**

Façade Grant – Fund 202

There was an additional \$2,044.06 spent on current year façade grants that need to be covered. Funding will be covered by amount transferred back to the Tourism fund.

**Financial Impact:**

This budget amendment will have the following effects on fund balances:

Fund 012 – Decrease fund balance by \$39,908.71

Fund 082 – Decrease fund balance by \$12 to close out the fund

Fund 002 – Decrease fund balance by \$2,044.06

**Recommendation:**

Staff recommends authorization of this end of year budget amendment.



ORDINANCE NO. 2020-\_\_\_\_\_

**AN ORDINANCE AMENDING THE FISCAL YEAR 2019-2020 BUDGET TO COVER DEFICIT ACCOUNTS.**

**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 2019-2020 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>FUND 012 – UTILITY FUND DEBT SERVICE</b>					
<u>Revenues - 4</u>					
0000	Non-Dept	Transfer From Fund 051	75010	(\$39,908.71)	
<u>Expenditures - 5</u>					
5100	Debt Service	Principle	61100	37,510.50	
5100	Debt Service	Interest	62100	2,398.21	
<b>FUND 012 – UTILITY FUND DEBT SERVICE</b>					
<u>Expenditures – 5</u>					
6900	Transfers	Transfer to Fund 012	80012	\$39,908.71	
<b>FUND 071 - FEMA</b>					
<u>Revenues – 4</u>					
0000	Non-Dept	State Grants	72010	(\$38,820.61)	
<u>Expenditures - 5</u>					
6900	80001	Transfer to Fund 001	80001	\$38,820.61	
<b>FUND 001 – GENERAL FUND</b>					
<u>Revenues - 4</u>					
0000	Non Dept	Transfer From Fund 071	75071	(\$38,820.61)	
<b>FUND 082 – TXCDBG GRANT #7215270</b>					
<u>Revenues - 4</u>					
0000	Non-Dept	Miscellaneous	99000	(\$12.00)	

<u>Expenditures - 5</u>					
6900	Transfers	Transfer to Fund 051	80051	\$12.00	
<b>FUND 103 – COVID-19 FUND</b>					
<u>Revenues - 4</u>					
1030	City Special	Other Income	59945	(\$279,334)	
<u>Expenditures - 5</u>					
1030	City Special	Salaries & Wages	11100	\$20,000	
1030	City Special	Overtime	11200	\$50,000	
1030	City Special	Supplies	21100	\$127,334	
1030	City Special	Computers	22600	\$30,000	
1030	City Special	Communications	31100	\$2,000	
1030	City Special	Building Maintenance	51100	\$50,000	
<b>FUND 202 – FAÇADE GRANT</b>					
<u>Revenues - 4</u>					
0000	Non-Dept	Transfer from Fund 002	75002	(\$2,044.06)	
<u>Expenditures - 5</u>					
1071	Tourism	Façade Grants	34600	\$2,044.06	
<b>FUND 002 – TOURISM FUND</b>					
6900	Transfers	Transfer to Fund 202	80202	\$2,044.06	

[To amend the City of Kingsville FY 19-20 Budget to expend funds to cover deficit accounts.]

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 14th day of September 2020.

**PASSED AND APPROVED** on this the 28th day of September 2020.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #13**

**City of Kingsville  
Engineering Dept.**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Rutilio P. Mora Jr, P.E., City Engineer

DATE: September 14, 2020

SUBJECT: Discuss and consider approving Change Order #1 for the US 77 Utilities Relocation Project.

---

**Summary:**

The City's wastewater force main and waterline along US 77 needed to be relocated due to the widening of the State's ROW. The project has a south tributary that connects to Escondido Creek north of it. The 12" waterline (WL) "Line C" crosses an intermittent stream south of the South Creek Subdivision. Since the water line is designed under the low water crossing, it is required to be placed in a casing with 1 gate valve (2 total) on either side of the crossing, as per TCEQ regulations.

The 6" wastewater force main "Line D" crosses the same intermittent stream and is required to be installed within a casing. The force main (FM) will also require an air release valve (ARV) to be installed at the high point in the force main.

The change order cost is itemized below:

Deduct change 16" to 12" steel casing (FM) 1 LS at \$600/LS = -\$600.00  
Add 12" steel casing (FM) 60 LF at \$150/LF = \$9,000.00  
Add Air Release Valve (FM) 1 Ea. at \$10,500/Ea. = \$10,500.00  
Add 20" steel casing (WL) 60 LF at \$220/LF = \$13,200.00  
Add 12" gate valve (WL) 2 Ea. at \$3,517.00 = \$7,034.00  
Change Order #1 Total = \$39,134.00



**City of Kingsville  
Engineering Dept.**

**Background:**

The US 77 Utilities Relocation Project was awarded to Hubert Construction Co. The project cost was \$599,106.50. The City signed a Standard Form of Agreement with TxDOT on March 23, 2020. TxDOT has agreed to reimburse the City approximately 43% of the construction costs, approximately \$16,827.62, for a net cost to the City of approximately \$22,306.38

**Financial Impact:**

A Budget Amendment will need to be presented in FY 20-21. Approximate cost to the City is \$22,300.

**Recommendation:**

Staff recommends approval of Change Order #1 in the amount of \$39,134.00. Approximately 43% of this amount will be reimbursed by TxDOT

**Attachments:**

Email from Leo Tovar with TxDOT  
Change Order #1 – Hubert Construction Co.



## **Rutilio "Rudy" Mora**

---

**From:** Leonel Tovar <Leonel.Tovar@txdot.gov>  
**Sent:** Thursday, September 3, 2020 12:34 PM  
**To:** Rutilio "Rudy" Mora  
**Cc:** Joseph Ramirez; Deck Shaver  
**Subject:** RE: US 77 Utilities Relocation Project - Change Order #1

Caution! This message was sent from outside your organization.

Rudy,

Please proceed with the change order. Please note that any material that is predominantly steel will need to follow the Buy America guidelines and Buy America documentation and supporting documentation will need to be provided.

Also, if the total cost of the project increases / decreases by 25% of the originally approved amount or \$100,000 then a supplemental agreement will need to be executed and a line item by line item cost comparison provided to record the cost changes.

Please let me know if you have any questions.

Thanks,  
Leo



**Leonel (Leo) Tovar**

District Utility Coordinator  
Texas Dept. of Transportation  
Corpus Christi District  
1701 S. Padre Island Dr. Corpus Christi, Tx, 78416  
M: 361-945-9282 | O: 361-808-2257  
[Leonel.Tovar@txdot.gov](mailto:Leonel.Tovar@txdot.gov)

**From:** Rutilio "Rudy" Mora [mailto:[rmora@cityofkingsville.com](mailto:rmora@cityofkingsville.com)]  
**Sent:** Wednesday, September 02, 2020 4:45 PM  
**To:** Leonel Tovar <Leonel.Tovar@txdot.gov>  
**Cc:** Joseph Ramirez <[jramirez@cityofkingsville.com](mailto:jramirez@cityofkingsville.com)>; Deck Shaver <[dshaver@cityofkingsville.com](mailto:dshaver@cityofkingsville.com)>  
**Subject:** US 77 Utilities Relocation Project - Change Order #1

---

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

---

Leo,



I am inquiring about a Change Order the City will incur and if any of the items are reimbursable by TxDOT.

1. The 12" diameter waterline will be crossing an intermittent stream which requires a 20" diameter casing and valves at each end.
2. The 6" diameter wastewater force main will be crossing the same intermittent stream and will need to be in a casing.
3. Finally, the 6" force main will require an air release valve these are typical at any high points in the line.

The costs are as follows:

1. 20" casing 60 LF at \$220/LF = \$13,200.00
2. 12" casing 60 LF at \$150/LF = \$9,000.00
3. 1 Air Release Valve on Force Main = \$10,500.00
4. 2 – 12" gate valves at \$3,517.00/Each = \$7,034.00

Total Change Order cost will be \$39,734.00.

These items are design requires per TCEQ guidelines. I had not noticed the intermittent stream crossing at station 444+40.

Regards,

Rudy Mora  
City Engineer



**RESOLUTION #2020-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING CHANGE ORDER #1 UNDER THE STANDARD FORM OF AGREEMENT BETWEEN THE CONTRACTOR ON THE BASIS OF A STIPULATED PRICE FOR US77 OVERPASS UTILITIES RELOCATION PROJECT; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville needs to have certain utility lines relocated for the TxDOT US77 expansion project on the south side of town that is starting this year; and

**WHEREAS**, the City advertised for bids on April 2 & 9, 2020 and opened RFP#20-07 on April 29, 2020 for 2020 US Hwy 77 Overpass Utilities Relocation Project; and

**WHEREAS**, the City Commission on May 11, 2020 awarded RFP#20-07 to the apparent low bidder, Donald Hubert Construction Co. ("Contractor");

**WHEREAS**, the City and Contractor worked to prepare a Standard Form of Agreement between the City and Contractor on the Basis of a Stipulated Price for 2020 US Hwy 77 Overpass Utilities Relocation Project which was approved by City Commission on May 11, 2020 via Resolution #2020-40;

**WHEREAS**, the a waterline and sewer line in the project both cross an intermittent stream and the Texas Department of Transportation has recently advised they require the lines be encased and certain valves be placed on the lines, the City needs a change order (the first) approved in the amount of \$39,734.00, which is well below the 25% cap of total project cost allowed for change orders.

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

I.

**THAT** the City Commission authorizes and directs as an act of the City of Kingsville, Texas that Change Order #1 for the Standard Form of Agreement between the City and Contractor on the Basis of a Stipulated Price for 2020 US Hwy 77 Overpass Utilities Relocation Project with Donald Hubert Construction Co. in accordance with the contract and Change Order #1 called 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  
14th day of September, 2020.

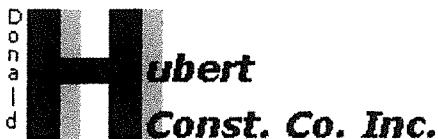
\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



P.O. Box 84, Kingsville, TX 78364  
(361) 592-9593 Fax (361) 595-0998  
E-mail: dhubertco@sbcglobal.net

August 19, 2020

City of Kingsville  
400 W. King Ave.  
Kingsville, Texas 78363

ATTN:Rutilio "Rudy" Mora

RE: Change Order Request #1  
U.S. 77 Overpass Utilities Relocation  
Bid No. #20-07

Mr. Mora:

Donald Hubert Construction Co. Inc. respectfully submits the following change order request:

• Per Sheet 9- <b>Deduct</b> 60 LF of 16" steel casing.....@ \$160.00/LF.....-	\$ 9,600.00
• Per Sheet 9- Additional 60 LF of 12" Steel Casing....@ \$150.00/LF.....+	\$ 9,000.00
• Per Sheet 6- Additional 60 LF of 20" steel casing ....@ \$220.00/LF.....+	\$13,200.00
• Per Sheet 6- Additional 60 LF of 12" Steel Casing....@ \$150.00/LF.....+	\$ 9,000.00
• Install 1 ea. Air release valve assembly for force main.....	<u>+ \$10,500.00</u>
	\$32,100.00
PM • 2- 12" Dia gate valve and box ... @ \$3,517/EA .....	<u>\$ 7,034.00</u>
<b>Total Change Order #1: \$32,100.00</b>	<b>\$ 39,134.00</b>

If you should have any questions, please call Donnie Hubert at (361)592-9593 or  
Mobile at (361) 675-0558.

Thank you,

A handwritten signature in black ink, appearing to read "Donald Hubert".

Donald Hubert  
President  
Donald Hubert Const. Co. Inc.

# **AGENDA ITEM #14**

**City of Kingsville  
Engineering Dept.**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Rutilio P. Mora Jr, P.E., City Engineer

DATE: September 14, 2020

SUBJECT: Consider awarding the Manhole Rehabilitation Project Phase II for the Texas Community Development Block Grant Program (TXCDBG) Contract Number 7218269.

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**Summary:**

The Manhole Rehab Phase II project was advertised on August 6<sup>th</sup> and 13<sup>th</sup> 2020. On August 21, 2020, the City received and publicly opened five bids on the project. Bidder 1 was Etech Construction Inc located in San Antonio, Texas. Bidder 2 was Brush Country Construction located in McAllen, Texas. Bidder 3 was ISA Construction LLC, located in McAllen, Texas. Bidder 4 was Costa Verde Resources LLC, located in Corpus Christi, Texas. Bidder 5 was Beck Bros. Inc., located in Beeville, Texas. The Base Bid plus Alternate No. 1 ranged from \$69,890.00 to \$195,824.00. The Engineer's Estimated Construction Cost was \$80,000.00. The total remaining construction funds from the original grant is \$108,012.00. If awarded to the lowest bidder, there will be remaining funds of \$38,122.00; however, only \$17,472.50 can be used in a Change Order to include 2 to 3 additional manholes to the scope of work. The Change Order cannot exceed 25% of the original cost from the scope of work. The remaining funds of approximately \$20,649.50 can be grouped into a small purchase order contract with quotes requested from a minimum of three different contractors.

**Background:**

The original Grant and City funds totaled \$277,000.00. The project was awarded to Etech Construction in the amount of \$168,988.00 for Phase I, which was completed on July 9, 2020. The remaining funds are \$108,012.00, and the City determined to bid a Phase II of the project to maximize the funds.



**City of Kingsville  
Engineering Dept.**

**Financial Impact:**

The remaining Grant and City funds total \$108,012.00.

**Recommendation:**

Staff recommends:

1. Awarding the contract for phase II of the Manhole Rehabilitation Project to Etech Construction in the amount of \$69,890.00.
2. Authorizing the City Manager to execute the contract.

**Attachments:**

Bid Tabulation – Manhole Rehab Phase II

LNV Recommendation of Award

Table 2 – Budget Justification or Retail Costs

Map Exhibit – Manhole Rehab Project - Phase II





engineers | architects | contractors

Solutions Today with a  
Vision for Tomorrow

August 24, 2020

Mr. Mark McLaughlin, City Manager  
City of Kingsville  
400 West King Avenue  
Kingsville, Texas 78363

**Re: City of Kingsville, Texas  
Wastewater Manhole Rehabilitation Project – Phase 2 (Rebid)  
TxCDBG Contract No. 7218269  
Recommendation of Award**

Dear Mr. McLaughlin:

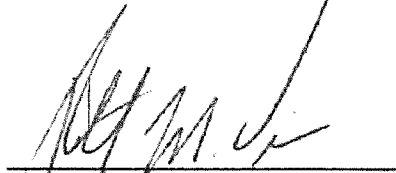
Bids were opened and read aloud on Friday, August 21, 2020 for the above referenced project. Five (5) bids were received and the results are shown on the attached bid tabulation sheet. The low/best bidder on the project is ETech Construction, P.O. Box 690504, San Antonio, Texas 78269 with a Total Base Bid plus Additive Alternative No. 1 in the amount of \$69,890.00.

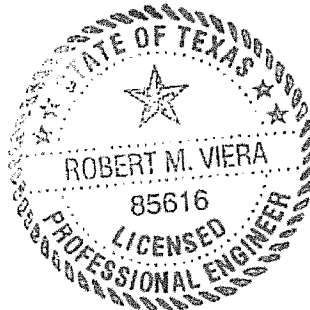
I have reviewed the Contractor's qualifications and bid documents, and it is my recommendation that the City award the project to ETech Construction in the total amount of \$69,890.00.

Respectfully,

**LNV**

Engineers | Architects | Contractors  
TBPE Firm No. F-366

  
Robert M. Viera, P.E.  
Project Engineer



Attachment(s)

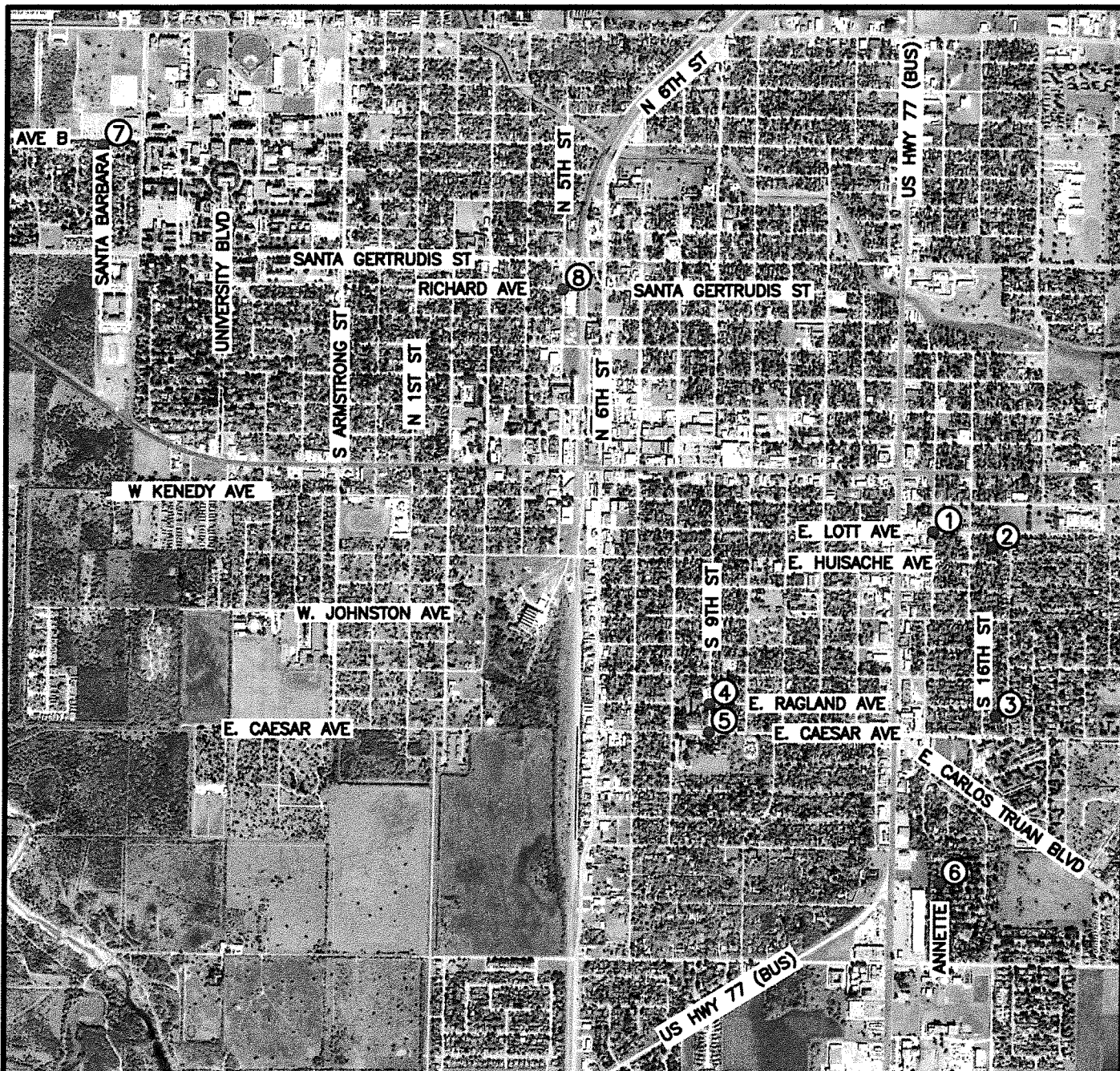
U:\Kingsville\160674 CDBG Manhole Rehabilitation Project\000\Bidding\Phase II - Bid 2\Recomm Letter.doc



# BID TABULATION

ITEM QTY UNIT			DESCRIPTION			Elech Construction, Inc. PO Box 696504 San Antonio, TX 78269			Brush Country Construction 1300 Martin Ave. McAllen, TX 78504			ISA Construction, LLC 1320 La Cateria McAllen, TX 78503			Costa Verde Resources, LLC PO Box 271917 Corpus Christi, TX 78427			Beck Bros., Inc. PO Box 712 Beville, TX 78104		
			UNIT	PRICE	TOTAL	UNIT	PRICE	TOTAL	UNIT	PRICE	TOTAL	UNIT	PRICE	TOTAL	UNIT	PRICE	TOTAL	UNIT	PRICE	TOTAL
BASE BID – WASTEWATER MANHOLE REHABILITATION																				
A-1	1	LS	MOBILIZATION, BONDS, & INSURANCE			\$5,600.00	\$5,600.00	\$5,000.00	\$5,000.00	\$5,100.00	\$5,100.00	\$10,000.00	\$10,000.00	\$24,000.00			\$24,000.00			
A-2	1	LS	BYPASS PUMPING TO CONTROL WW FLOW			\$2,000.00	\$2,000.00	\$3,000.00	\$3,000.00	\$2,875.00	\$2,875.00	\$12,000.00	\$12,000.00	\$11,200.00			\$11,200.00			
A-3	1	LS	TRAFFIC CONTROL			\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,687.50	\$1,687.50	\$4,000.00	\$4,000.00	\$13,600.00			\$13,600.00			
A-4	6	EA	TRENCH SAFETY			\$220.00	\$1,320.00	\$250.00	\$1,500.00	\$250.00	\$1,500.00	\$1,800.00	\$10,800.00	\$1,533.00			\$9,198.00			
A-5	1	EA	WASTEWATER MANHOLE REHABILITATION – MANHOLE FIBERGLASS LINER 42" DIA (6-8 FOOT DEPTH) MH #2			\$4,500.00	\$4,500.00	\$5,000.00	\$5,000.00	\$5,100.00	\$5,100.00	\$10,000.00	\$10,000.00	\$8,700.00			\$8,700.00			
A-6	3	EA	WASTEWATER MANHOLE REHABILITATION – MANHOLE FIBERGLASS LINER 42" DIA (8- 10 FOOT DEPTH) MH #1, 6 & 7			\$4,990.00	\$14,970.00	\$5,000.00	\$15,000.00	\$5,500.00	\$16,500.00	\$12,000.00	\$36,000.00	\$9,200.00			\$27,600.00			
A-7	2	EA	WASTEWATER MANHOLE REHABILITATION – MANHOLE FIBERGLASS LINER 42" DIA (12- 14 FOOT DEPTH) MH #3 & 8			\$6,990.00	\$13,980.00	\$7,000.00	\$14,000.00	\$11,150.00	\$22,300.00	\$13,500.00	\$27,000.00	\$9,700.00			\$19,400.00			
A-8	6	EA	MANHOLE BENCH RESTORATION REMOVE & REPLACE MANHOLE RING & COVER TO INCLUDE CONCRETE COLLAR			\$400.00	\$2,400.00	\$650.00	\$3,900.00	\$295.00	\$1,770.00	\$750.00	\$4,500.00	\$1,100.00			\$6,600.00			
A-9	6	EA	COVER TO INCLUDE CONCRETE COLLAR AND PAVEMENT REPAIR			\$900.00	\$5,400.00	\$1,000.00	\$6,000.00	\$1,150.00	\$6,900.00	\$2,000.00	\$12,000.00	\$3,200.00			\$19,200.00			
A-10	6	GAL	CHEMICAL GROUT (STOP LEAK)			\$200.00	\$1,200.00	\$250.00	\$1,500.00	\$250.00	\$1,500.00	\$275.00	\$1,650.00	\$660.00			\$3,960.00			
TOTAL BASE BID						\$52,870.00	\$52,870.00	\$56,400.00	\$56,400.00	\$65,232.50	\$65,232.50	\$127,950.00	\$127,950.00	\$143,458.00			\$143,458.00			
ADDITIVE ALTERNATIVE NO. 1 – WASTEWATER MANHOLE REHABILITATION																				
B-1	1	LS	BYPASS PUMPING TO CONTROL WW FLOW			\$1,000.00	\$1,000.00	\$3,000.00	\$3,000.00	\$925.00	\$925.00	\$5,000.00	\$5,000.00	\$11,200.00			\$11,200.00			
B-2	1	LS	TRAFFIC CONTROL			\$1,000.00	\$1,000.00	\$1,500.00	\$1,500.00	\$562.50	\$562.50	\$2,500.00	\$2,500.00	\$10,600.00			\$10,600.00			
B-3	2	EA	TRENCH SAFETY			\$220.00	\$440.00	\$250.00	\$500.00	\$250.00	\$500.00	\$1,500.00	\$3,000.00	\$3,066.00			\$3,066.00			
B-4	1	EA	WASTEWATER MANHOLE REHABILITATION – MANHOLE FIBERGLASS LINER 42" DIA (8- 10 FOOT DEPTH) MH #5			\$4,990.00	\$4,990.00	0.00*	0.00*	\$5,500.00	\$5,500.00	\$12,000.00	\$12,000.00	\$9,200.00			\$9,200.00			
B-5	1	EA	WASTEWATER MANHOLE REHABILITATION – MANHOLE FIBERGLASS LINER 42" DIA (12- 14 FOOT DEPTH) MH #4			\$6,990.00	\$6,990.00	0.00*	0.00*	\$11,150.00	\$11,150.00	\$13,500.00	\$13,500.00	\$9,700.00			\$9,700.00			
B-6	2	EA	MANHOLE BENCH RESTORATION REMOVE & REPLACE MANHOLE RING & COVER TO INCLUDE CONCRETE COLLAR			\$400.00	\$800.00	0.00*	0.00*	\$295.00	\$590.00	\$575.00	\$1,150.00	\$2,200.00			\$2,200.00			
B-7	2	EA	COVER TO INCLUDE CONCRETE COLLAR AND PAVEMENT REPAIR			\$900.00	\$1,800.00	0.00*	0.00*	\$1,150.00	\$2,300.00	\$2,000.00	\$4,000.00	\$3,200.00			\$6,400.00			
TOTAL ADD. ALT. NO. 1						\$17,020.00	\$17,020.00	\$205,300.00	\$205,300.00	\$21,527.50	\$21,527.50	\$41,150.00	\$41,150.00	\$52,366.00			\$52,366.00			
TOTAL BASE BID						\$52,870.00	\$52,870.00	\$56,400.00	\$56,400.00	\$65,232.50	\$65,232.50	\$127,950.00	\$127,950.00	\$143,458.00			\$143,458.00			
TOTAL BASE BID + ADD. ALT. NO. 1						\$69,890.00	\$69,890.00	\$76,700.00	\$76,700.00	\$86,760.00	\$86,760.00	\$169,100.00	\$169,100.00	\$195,824.00			\$195,824.00			

\* DENOTES ERROR IN BID



1

## MANHOLE REHAB/KINGSVILLE, TX

NOT TO SCALE

### LOCATION

1. S 15TH ST B/T E LOTT AVE & E HUISACHE AVE
2. 1230 E HUISACHE IN THE ALLEY
3. 1010 S 16TH ST IN THE ALLEY
4. S 9TH ST B/T E RAGLAND AVE & E CAESAR AVE
5. S 9TH ST & E RAGLAND AVE • THE INTERSECTION
6. 1611 ANNETTE ST IN THE ALLEY
7. 733 SANTA BARBARA
8. N 5TH ST & W RICHARD AVE • THE INTERSECTION

### LEGEND

- MANHOLE REHAB



engineers | architects | surveyors  
 801 NAVIGATION, SUITE 300  
 CORPUS CHRISTI, TX 78408  
 PH. (361) 883-1984  
 FAX (361) 883-1986

WWW.LNVINC.COM

TBPE FIRM NO. F-366  
 TBPLS FIRM NO. 10126500

KINGSVILLE, TEXAS  
 LOCATION MAP

## PHASE II MANHOLE REHAB PROJECT

SHEET 1 OF 1

THIS DOCUMENT IS FOR INTERIM REVIEW AND IS NOT INTENDED FOR CONSTRUCTION, BIDDING, PERMIT OR OTHER UNAUTHORIZED PURPOSES. THESE DOCUMENTS/PLANS WERE AUTHORIZED TO BE RELEASED.

BY: ROBERT M. VIERA P.E.

LICENSE NO.: 85616 DATE: 1/28/20

# **AGENDA ITEM #15**

**City of Kingsville  
Engineering Dept.**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Rutilio P. Mora Jr, P.E., City Engineer

DATE: September 14, 2020

SUBJECT: Discuss and consider approving revisions to the Street Maintenance Improvements Plan (SMIP) and incorporate recommendations from Infrastructure Management Services (IMS).

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**Summary:**

On October 25, 2019, the City entered a contract with Infrastructure Management Services (IMS) to re-evaluate all the City Streets. IMS provided the City with a 5-year plan, and the city proposed a new streets list for FY 20-21. A proposed street list, which was presented during the August 25, 2020, Budget Workshop, has a primary focus on arterial and collector streets. A secondary street list has been created in case funds remain and it will focus on residential streets.

**Background:**

The Street Maintenance Improvements Plan (SMIP) and Street Maintenance Fee was adopted in 2015. The SMIP was created to categorize a street maintenance list per year for 20 years starting in 2016 thru 2035. Since its inception, not all streets were completed in their respected budgeted years. The SMIP was made to be fluid and can be modified to address the streets that are needing maintenance faster than expected. Most of the street maintenance is done by the City's Street Department personnel and any large arterial or collector streets are bid out.



**City of Kingsville  
Engineering Dept.**

**Financial Impact:**

Fund 092 has allocated approximately \$1.2 million to address the streets identified in the SMIP.

**Recommendation:**

Staff recommends approval of the Proposed 5-year plan to replace the existing 20-year plan. In approximately 5 years, the streets will be re-evaluated, prioritized and new recommendations will be presented, to the Commission

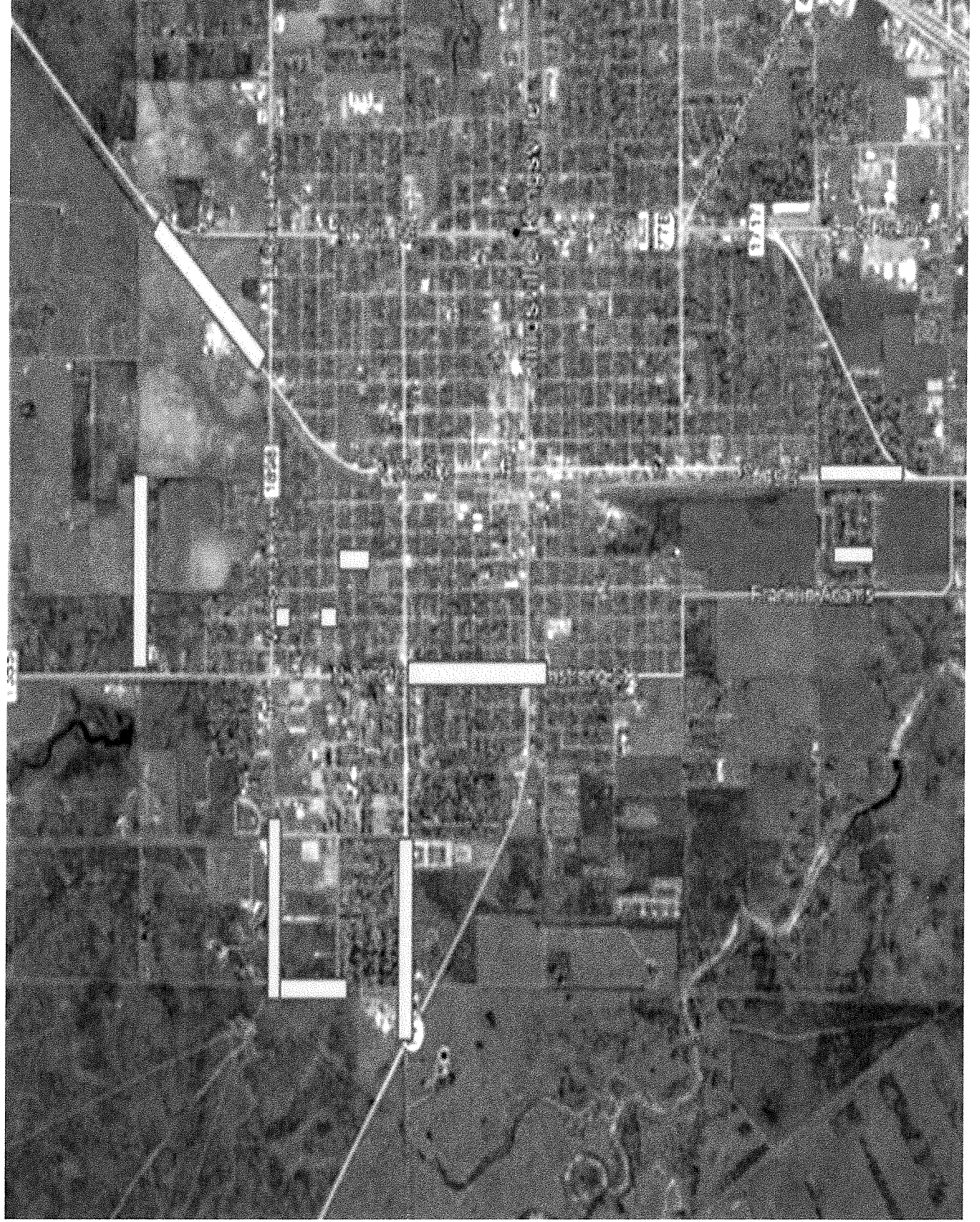
**Attachments:**

FY 21 Primary Street Map  
FY 21 Primary Street List  
FY 21 Secondary Street Map  
FY 21 Secondary Street List  
IMS 5-year Pavement Priorities Exhibit  
2016 Street Repairs (SMIP)  
2017 Street Repairs (SMIP)  
2018 Street Repairs (SMIP)  
2019 Street Repairs (SMIP)  
2020 Street Repairs (SMIP)  
2021 Street Repairs (SMIP)  
Street Maintenance Fee Ordinance





FY 21 Streets CIP Map



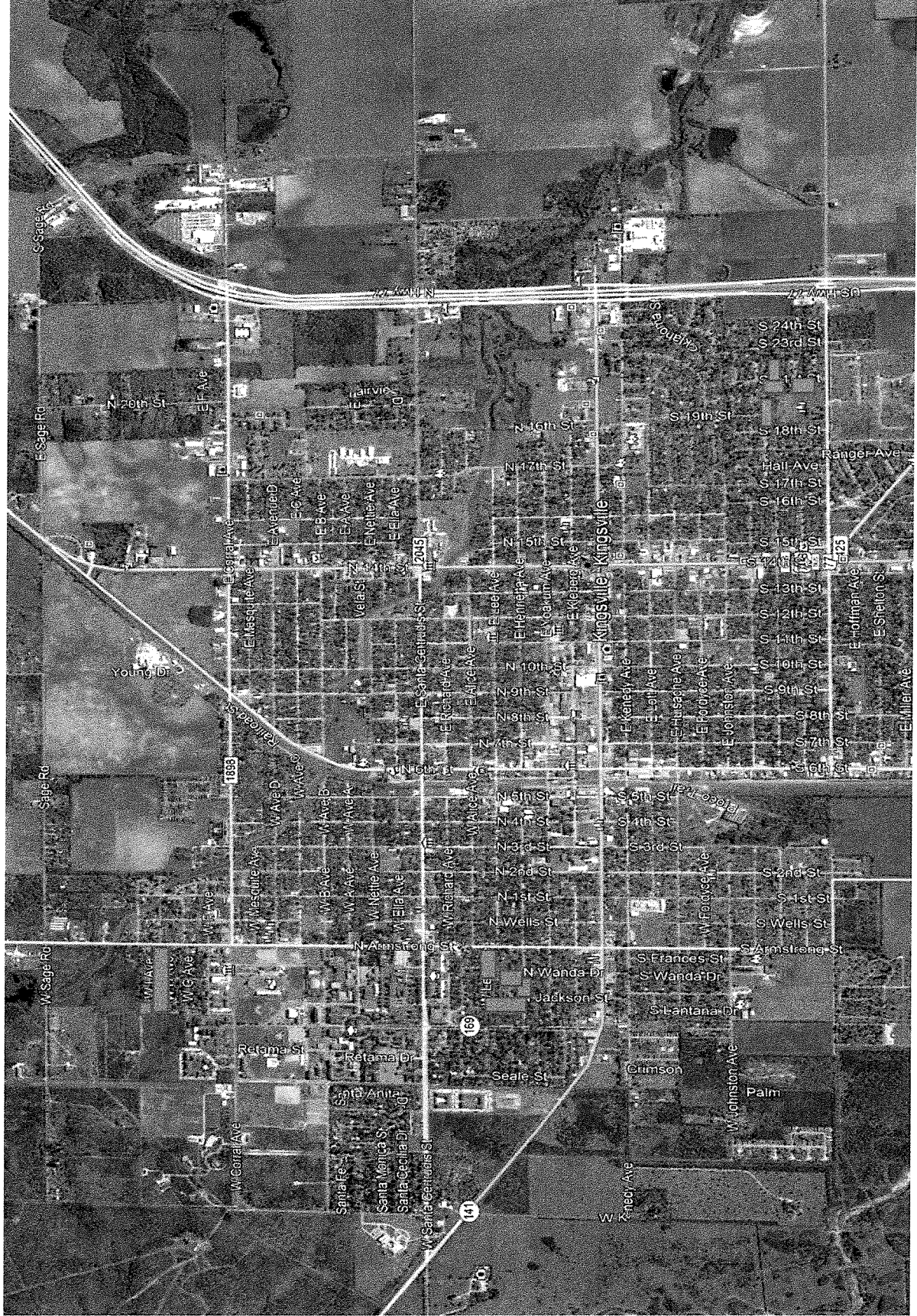
FY 21 Streets CIP Worksheet

Aug. 11, 2020 Update

Project Description	Project Cost	Cumulative Cost	Street Class	Condition Rating	# of Blocks	Length (ft.)	Rehabilitation Activity
Armstrong Ave. from Santa Gertrudis Ave. to Kennedy Ave.	\$ 882,349	\$ 882,349	Minor Arterial	Very Poor	8	2,960	Full Depth Construction
Santa Gertrudis Ave. from Seale St. to West End	\$ 49,305	\$ 931,654	Minor Arterial	Very Poor to Poor	4	3,153	Chip Seal
6th St. from Corral to US 77 BUS	\$ 52,569	\$ 984,223	Principal Arterial	Very Poor to Fair	1	3,853	Chip Seal
6th St. from US 77 BUS to Ailsie Ave.	\$ 38,508	\$ 1,022,731	Principal Arterial	Good to Very Good	4	2,201	Chip Seal
1st St. from W. Ave. B to W. Ave. C	\$ 3,414	\$ 1,026,145	Collector	Good	1	361	Chip Seal
1st St. From W. Mesquite Ave. to W. Corral Ave.	\$ 3,063	\$ 1,029,208	Collector	Good	1	324	Chip Seal
3rd St. from W. Nettie Ave. to W. Ave. B	\$ 7,056	\$ 1,036,264	Collector	Good to Excellent	2	720	Chip Seal
W. Sage Rd. from Armstrong Ave. to Pavement Transition at 103 W. Sage Rd.	\$ 103,530	\$ 1,139,794	Collector	Very Poor to Poor	1	3,169	Surface Treatment and Overlay (1)
3rd St. from Birchwood Ave. to Briarwood Ave.	\$ 28,787	\$ 1,168,581	Collector	Good	1	542	Surface Treatment and Overlay (1)
Corral Ave./Santa Rosa Dr. from Javelina Station to Santa Fe Dr.							
Phase I - Optional Easement (Straighten the curve)	\$ 202,212	\$ 1,370,793	Minor Arterial	Very Poor to Marginal	1	805	Full Depth Construction
Phase II - Corral from Phase I to Javelina Station	\$ 582,935	\$ 1,953,728	Minor Arterial	Very Poor to Marginal	1	2,321	Full Depth Construction
Phase III - Corral from Phase I to Santa Fe Dr.	\$ 289,334	\$ 2,243,062	Minor Arterial	Very Poor to Marginal	1	1,152	Full Depth Construction
					26	21,561	
(1) May require additional work depending on existing base material condition							



## Backup List of Chip Seal Streets





**Backup List of Chip Seal Streets**  
FY 21 Streets CIP Worksheet

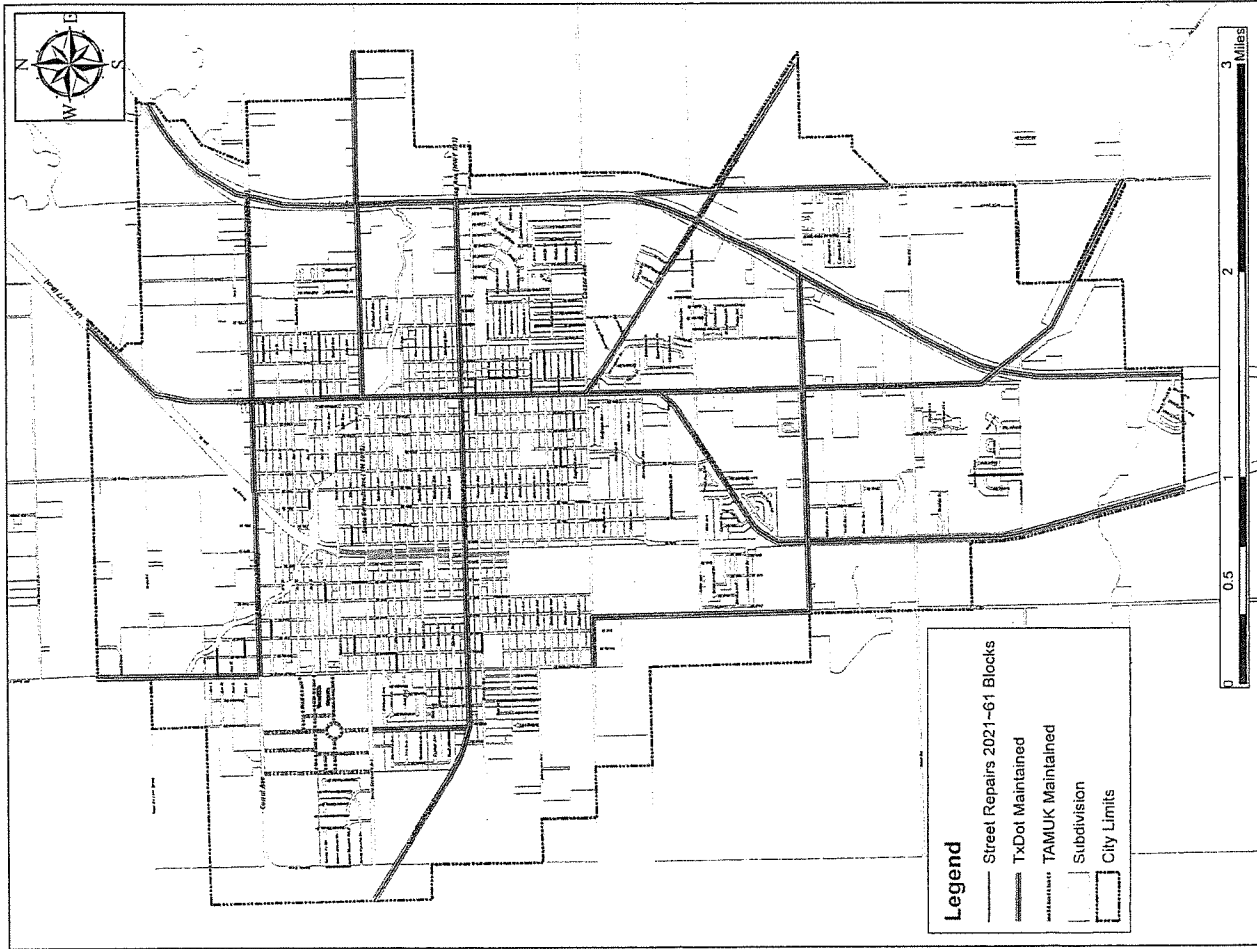
Aug. 12, 2020

Project Description	Project Cost	Cumulative Cost	Street Class	Condition Rating	# of Blocks	Length (ft.)	Rehabilitation Activity
Ave. 1 from Lan Tana Dr. to Armstrong Ave.	\$ 11,661	\$ 11,661	Residential	Very Good	2	1,281	Chip Seal
Lan Tana from Ave. 1 to North End	\$ 1,086	\$ 12,747	Residential	Very Good	1	155	Chip Seal
Lan Tana Dr. from Lee to Wanda	\$ 7,257	\$ 20,004	Residential	Poor to Very Good	2	846	Chip Seal
Wanda Dr. from Lan Tana Dr. to 150 ft. N	\$ 1,305	\$ 21,309	Residential	Very Good	1	150	Chip Seal
Lee St. from Wanda Dr. to Armstrong Ave.	\$ 3,327	\$ 24,636	Residential	Very Good	1	380	Chip Seal
21st St. from Mildred St. to Nancy St.	\$ 2,517	\$ 27,153	Residential	Good	1	266	Chip Seal
21st St. from Linden St. to Warren Ave.	\$ 1,392	\$ 28,545	Residential	Very Good	1	147	Chip Seal
22nd St. from John St. to Louisiana Ave.	\$ 2,538	\$ 31,083	Residential	Very Good	1	302	Chip Seal
Calvin St. from 21st St. to east End	\$ 4,254	\$ 35,337	Residential	Very Good	1	326	Chip Seal
Warren Ave. from S. 18th St. to Inez Ave.	\$ 6,414	\$ 41,751	Residential	Very Good to Excellent	2	556	Chip Seal
					13	4,409	

Street Prefix	On Street	From Street	To Street	Func'l	Project Length (ft)	Segment Rehab Results	Rehab Activity	Segment Total Cost (\$)
E	Trant Rd	N CR 1030	DS@528E N CR 1030	Minor Arterial	1,811	Selected Yr 1	ACP Full Depth Reconstruction	92,818
E	Trant Rd	DS@528E N CR 1030	DS@1056E N CR 1030	Minor Arterial	1,811	Selected Yr 1	ACP Full Depth Reconstruction	92,818
E	Trant Rd	DS@1056E N CR 1030	DS@1584E N CR 1030	Minor Arterial	1,811	Selected Yr 1	ACP Full Depth Reconstruction	92,818
E	Trant Rd	DS@1584E N CR 1030	N 6th St	Minor Arterial	1,811	Selected Yr 1	ACP Full Depth Reconstruction	39,936
N	6th St	US 77 Bus	Lemonwood Dr	Principal Arterial	2,201	Selected Yr 1	MicroSurface / Chip Seal + Strctrl Pch	35,594
N	6th St	Lemonwood Dr	Carol Ave	Principal Arterial	2,201	Selected Yr 1	MicroSurface / Chip Seal + Strctrl Pch	23,510
N	6th St	Carol Ave	E Otis Ave	Principal Arterial	2,201	Selected Yr 1	MicroSurface / Chip Seal + Strctrl Pch	13,026
N	6th St	E Otis Ave	W Ailsie Ave	Principal Arterial	2,201	Selected Yr 1	MicroSurface / Chip Seal + Strctrl Pch	7,452
N	6th St	DS@1584E N 9th St	DS@2112E N 9th St	Principal Arterial	1,056	Selected Yr 1	ACP Full Depth Reconstruction	181,160
N	6th St	DS@2112E N 9th St	DS@2640E N 9th St	Principal Arterial	1,056	Selected Yr 1	ACP Full Depth Reconstruction	181,160
S	12th St	E Johnston Ave	E Fordyce Ave	Collector	360	Selected Yr 1	ACP Full Depth Reconstruction	100,615
S	1st St	W Ave B	W Ave C	Collector	1,406	Selected Yr 1	MicroSurface / Chip Seal + Strctrl Pch	6,714
S	1st St	W Mesquite Ave	W Corral Ave	Collector	1,406	Selected Yr 1	MicroSurface / Chip Seal + Strctrl Pch	6,024
N	3rd St	W Nettie Ave	W Ave A	Collector	1,406	Selected Yr 1	MicroSurface / Chip Seal + Strctrl Pch	6,938
N	3rd St	W Ave A	W Ave B	Collector	1,406	Selected Yr 1	MicroSurface / Chip Seal + Strctrl Pch	6,938
N	6th St	N 9th St	DS@528E N 9th St	Principal Arterial	1,584	Selected Yr 2	ACP Full Depth Reconstruction	181,160
N	6th St	DS@528E N 9th St	DS@1056E N 9th St	Principal Arterial	1,584	Selected Yr 2	ACP Full Depth Reconstruction	181,160
N	6th St	DS@1056E N 9th St	DS@1584E N 9th St	Principal Arterial	1,584	Selected Yr 2	ACP Full Depth Reconstruction	181,160
N	9th St	W Lee Ave	E Alice Ave	Collector	1,081	Selected Yr 2	ACP Full Depth Reconstruction	106,201
N	9th St	E Alice Ave	W Richard Ave	Collector	1,081	Selected Yr 2	ACP Full Depth Reconstruction	106,201
N	9th St	W Richard Ave	E Santa Gertrudis St	Collector	1,081	Selected Yr 2	ACP Full Depth Reconstruction	106,201
W	I Ave	Lan Tana	Wanda	Residential	1,437	Selected Yr 2	MicroSurface / Chip Seal + Strctrl Pch	11,385
W	I Ave	Wanda	S Armstrong St	Residential	1,437	Selected Yr 2	MicroSurface / Chip Seal + Strctrl Pch	11,159
	Lan Tana	W I Ave	NORTH END	Residential	1,437	Selected Yr 2	MicroSurface / Chip Seal + Strctrl Pch	2,100

S	12th St	E Caesar Ave	E Ragland Ave	Collector	1,441	Selected Yr 3	ACP Full Depth Reconstruction	72,685
S	12th St	E Ragland Ave	E Warren Ave	Collector	1,441	Selected Yr 3	ACP Full Depth Reconstruction	72,685
S	12th St	E Warren Ave	E Doddridge Ave	Collector	1,441	Selected Yr 3	ACP Full Depth Reconstruction	72,685
S	12th St	E Doddridge Ave	E Johnston Ave	Collector	1,441	Selected Yr 3	ACP Full Depth Reconstruction	100,615
S	Armstrong St	W Ave B	W Ave C	Minor Arterial	1,377	Selected Yr 3	ACP Full Depth Reconstruction	154,125
S	Armstrong St	W Ave C	W Ave D	Minor Arterial	1,377	Selected Yr 3	ACP Full Depth Reconstruction	149,673
S	Armstrong St	W Ave D	W Mesquite Ave	Minor Arterial	1,377	Selected Yr 3	ACP Full Depth Reconstruction	137,206
S	Armstrong St	W Mesquite Ave	W Corral Ave	Minor Arterial	1,377	Selected Yr 3	ACP Full Depth Reconstruction	136,795
E	Trant Rd	DS@1584E US 77	DS@2112E US 77	Minor Arterial	1,056	Selected Yr 4	ACP Full Depth Reconstruction	92,818
E	Trant Rd	DS@2112E US 77	DS@2640E US 77	Minor Arterial	1,056	Selected Yr 4	ACP Full Depth Reconstruction	84,392
E	Trant Rd	DS@1584E N 6th St	DS@2112E N 6th St	Minor Arterial	1,072	Selected Yr 4	ACP Full Depth Reconstruction	118,163
E	Trant Rd	DS@2112E N 6th St	Andron Ln	Minor Arterial	1,072	Selected Yr 4	ACP Full Depth Reconstruction	121,725
N	6th St	DS@2640E N 9th St	DS@3168E N 9th St	Principal Arterial	1,313	Selected Yr 4	ACP Full Depth Reconstruction	181,160
N	6th St	DS@3168E N 9th St	DS@3696E N 9th St	Principal Arterial	1,313	Selected Yr 4	ACP Full Depth Reconstruction	181,160
N	6th St	DS@3696E N 9th St	S 14th St	Principal Arterial	1,313	Selected Yr 4	ACP Full Depth Reconstruction	54,600
N	Lantana Dr	N Wanda Dr	DS@482W c	Residential	1,376	Selected Yr 4	MicroSurface / Chip Seal + Strctrl Pch	7,830
N	Lantana Dr	DS@482W c	DS@542W c	Residential	1,376	Selected Yr 4	MicroSurface / Chip Seal + Strctrl Pch	1,056
N	Lantana Dr	DS@542W c	W Lee Ave	Residential	1,376	Selected Yr 4	MicroSurface / Chip Seal + Strctrl Pch	5,145
W	Lee Ave	Wanda	S Armstrong St	Residential	1,376	Selected Yr 4	MicroSurface / Chip Seal + Strctrl Pch	6,432
N	Wanda Dr	N Lantana Dr	DS@149N N Lantana Dr	Residential	1,376	Selected Yr 4	MicroSurface / Chip Seal + Strctrl Pch	2,523
S	3rd St	Birchwood	Briarwood Dr	Collector	542	Selected Yr 4	EM/FWM + Moderate Overlay (2.0 - 3.0)	39,480
E	Trant Rd	Andron Ln	S 14th St	Minor Arterial	1,262	Selected Yr 5	ACP Full Depth Reconstruction	282,426
S	21st St	Mildred St	Nancy St	Residential	1,597	Selected Yr 5	MicroSurface / Chip Seal + Strctrl Pch	4,866
S	21st St	Linda St	E Warren Ave	Residential	1,597	Selected Yr 5	MicroSurface / Chip Seal + Strctrl Pch	2,691
S	22th St	John St	Louisiana Ave	Residential	1,597	Selected Yr 5	MicroSurface / Chip Seal + Strctrl Pch	4,907
	Calvin St	S 21st St	EAST END	Residential	1,597	Selected Yr 5	MicroSurface / Chip Seal + Strctrl Pch	8,224
E	Warren Ave	S 18th St	S 19th St	Residential	1,597	Selected Yr 5	MicroSurface / Chip Seal + Strctrl Pch	6,635
E	Warren Ave	S 19th St	Inez St	Residential	1,597	Selected Yr 5	MicroSurface / Chip Seal + Strctrl Pch	5,765
S	Armstrong St	E Santa Gertrudis St	W Ella Ave	Minor Arterial	1,439	Selected Yr 5	ACP Full Depth Reconstruction	121,245
S	Armstrong St	W Ella Ave	W Nettie Ave	Minor Arterial	1,439	Selected Yr 5	ACP Full Depth Reconstruction	120,903
S	Armstrong St	W Nettie Ave	Engineering Ave	Minor Arterial	1,439	Selected Yr 5	ACP Full Depth Reconstruction	78,227
S	Armstrong St	Engineering Ave	W Ave A	Minor Arterial	1,439	Selected Yr 5	ACP Full Depth Reconstruction	42,676
S	Armstrong St	W Ave A	W Ave B	Minor Arterial	1,439	Selected Yr 5	ACP Full Depth Reconstruction	208,377

# 2021 Street Repairs

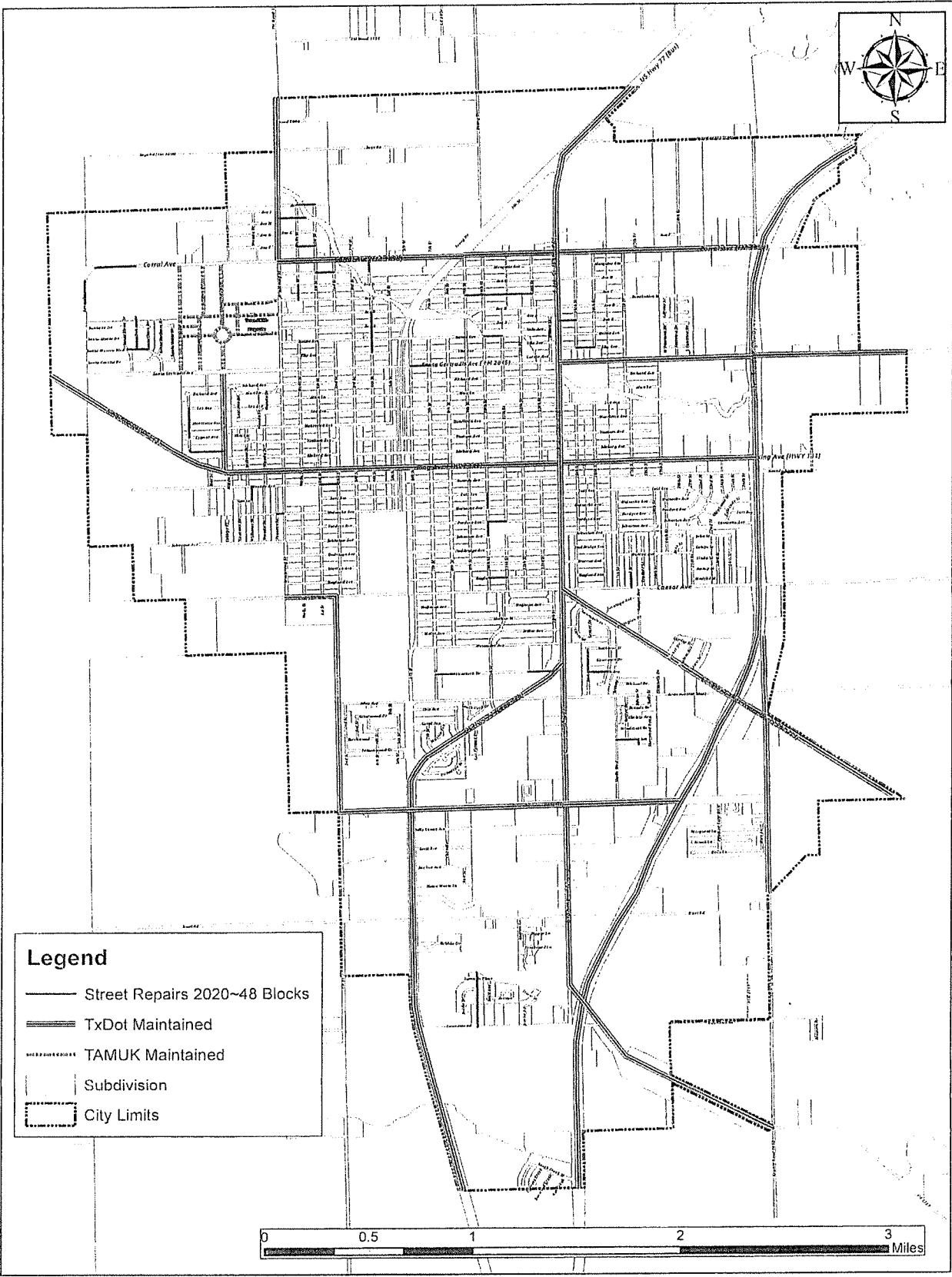


## Legend

- Street Repairs 2021-01 Blocks
- - - TxDot Maintained
- ..... TAMUK Maintained
- Subdivision
- City Limits

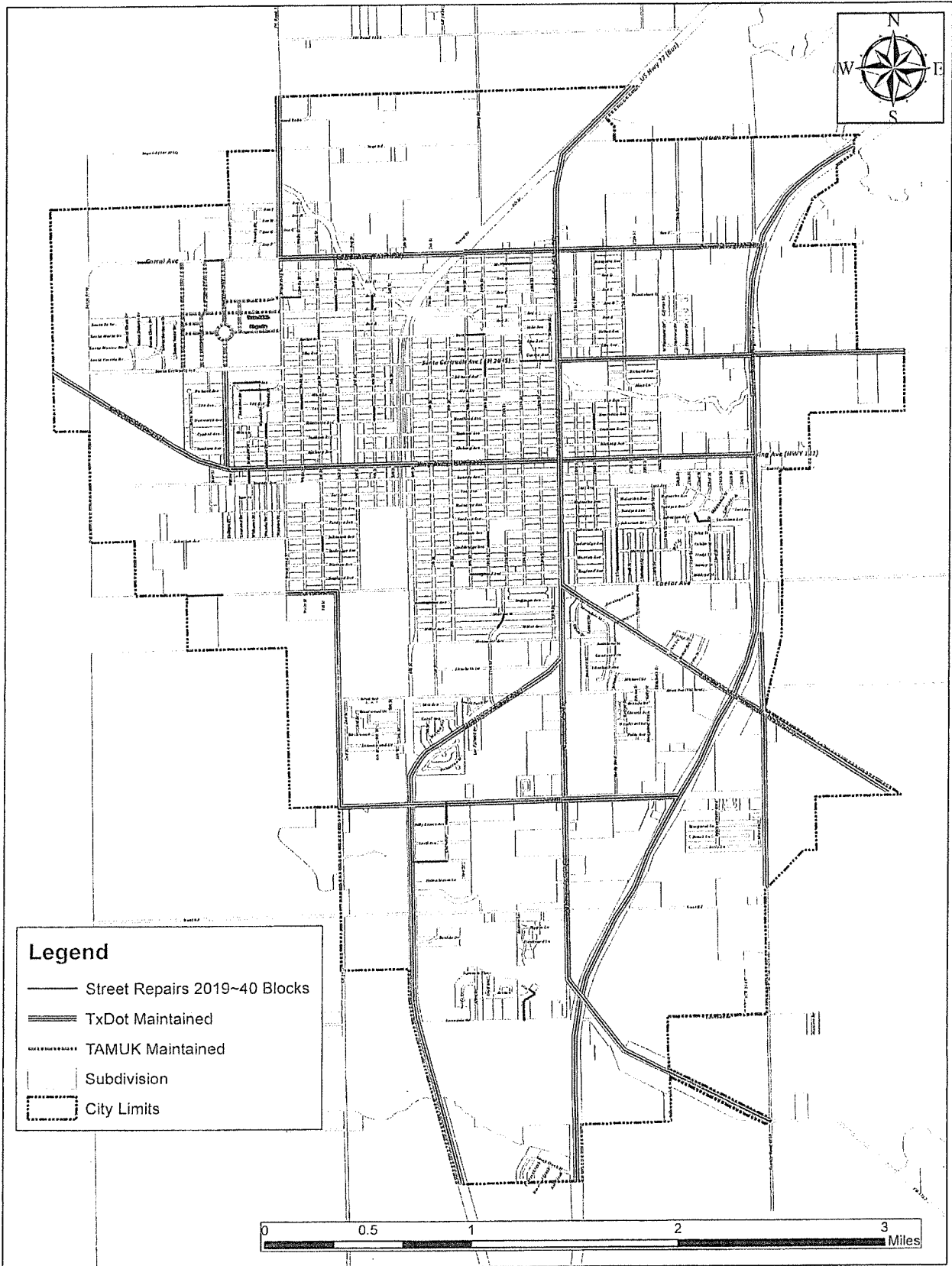
Drawn By: Engineering Department Last Update: 12/12/2014 Note:	<p>DISCLAIMER</p> <p>THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY BE USED FOR GENERAL INFORMATION ONLY. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE FOR ANY AND ALL DAMAGES HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</p>	<p><b>CITY OF KINGSVILLE</b>  <b>ENGINEERING DEPARTMENT</b>                  200 E. Kleberg                  Kingsville, Texas 78363                  Office: 361.595.8005                  Fax: 361.595.8035</p>
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# 2020 Street Repairs



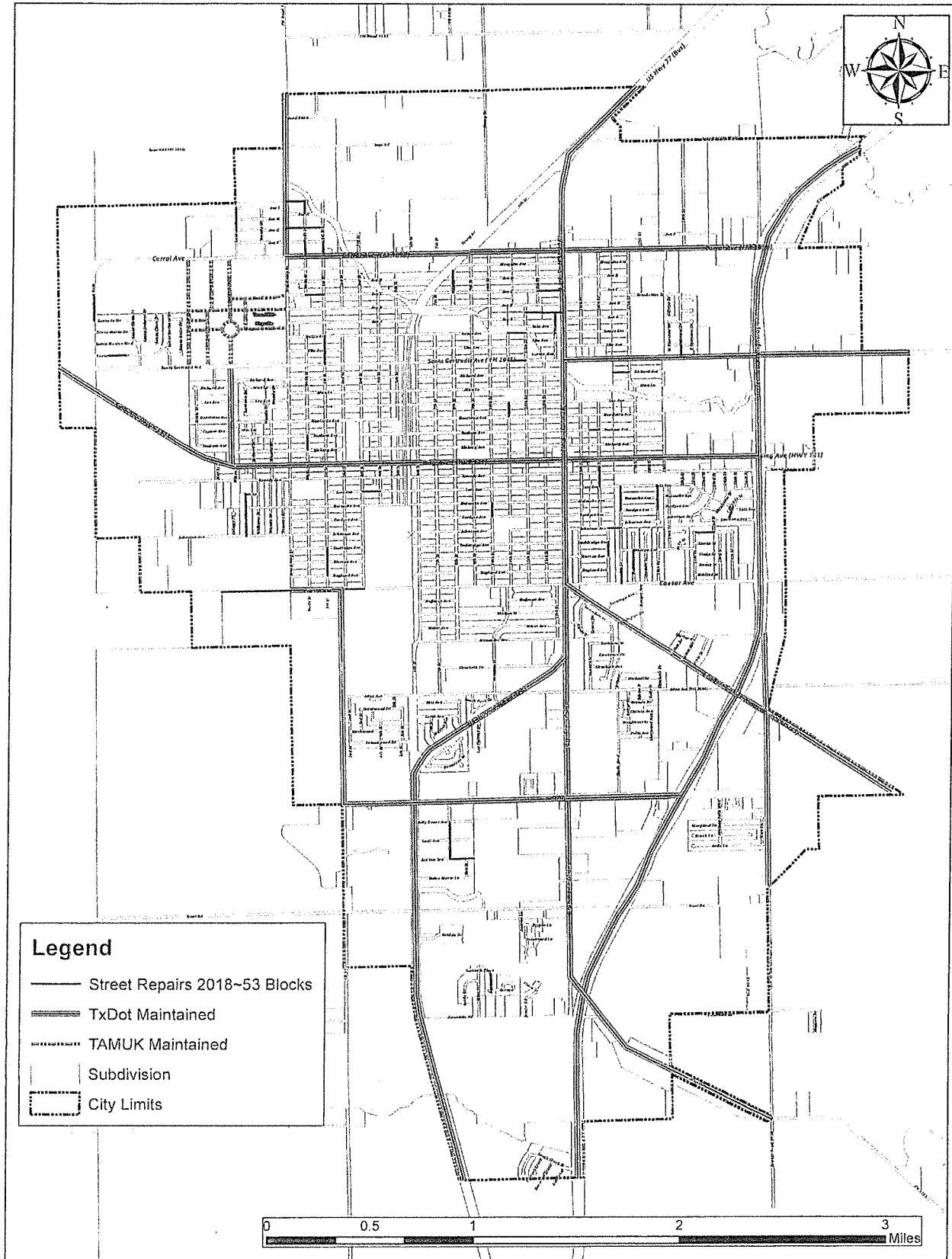
5-13	Drawn By: Engineering Department	<p>DISCLAIMER</p> <p>THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</p>	<p><b>CITY OF KINGSVILLE</b></p> <p><b>CITY OF KINGSVILLE ENGINEERING DEPARTMENT</b></p> <p>200 E. Kleberg Kingsville, Texas 78363 Office: 361 595 8005 Fax: 361 595 8035</p>
	Last Update: 12/12/2014		
	Note:		

# 2019 Street Repairs



6-12	Drawn By: Engineering Department	<p><b>DISCLAIMER</b> THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</p> 	<p><b>CITY OF KINGSVILLE</b> <b>ENGINEERING DEPARTMENT</b> 200 E. Kleberg Kingsville, Texas 78363 Office: 361 595 8005 Fax: 361 595 8035</p>
	Last Update: 12/12/2014		
	Note:		

# 2018 Street Repairs



## Legend

- Street Repairs 2018-53 Blocks
- == TxDot Maintained
- - - TAMUK Maintained
- Subdivision
- City Limits

S-11

Drawn By: Engineering Department

Last Update: 12/12/2014

Note:

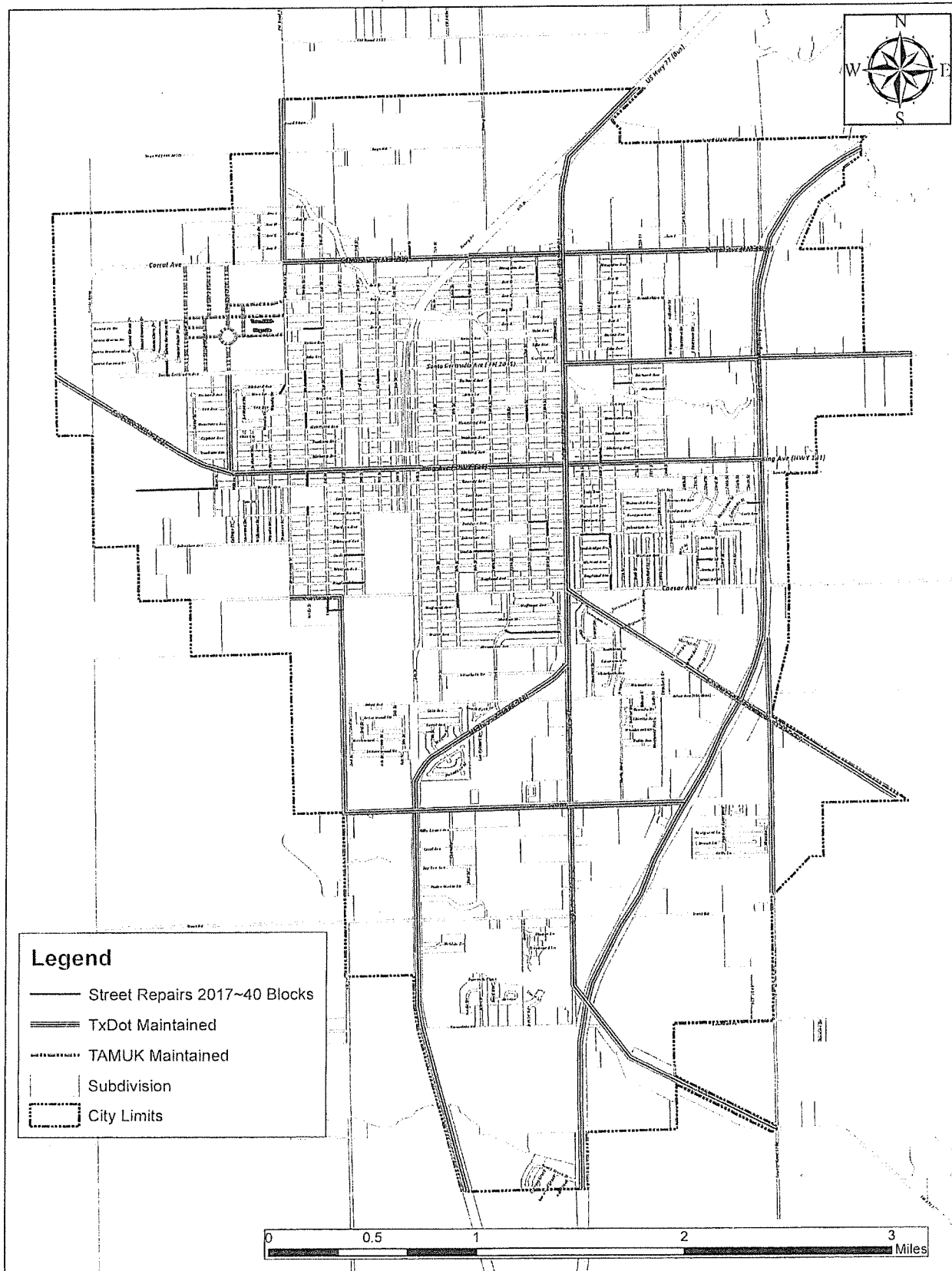
DISCLAIMER  
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**CITY OF KINGSVILLE  
ENGINEERING DEPARTMENT**

200 E. Kleberg  
Kingsville, Texas 78363  
Office: 361 595 8005  
Fax: 361 595 0035

# 2017 Street Repairs



5-10

Drawn By: Engineering  
Department

Last Update: 12/12/2014

Note:

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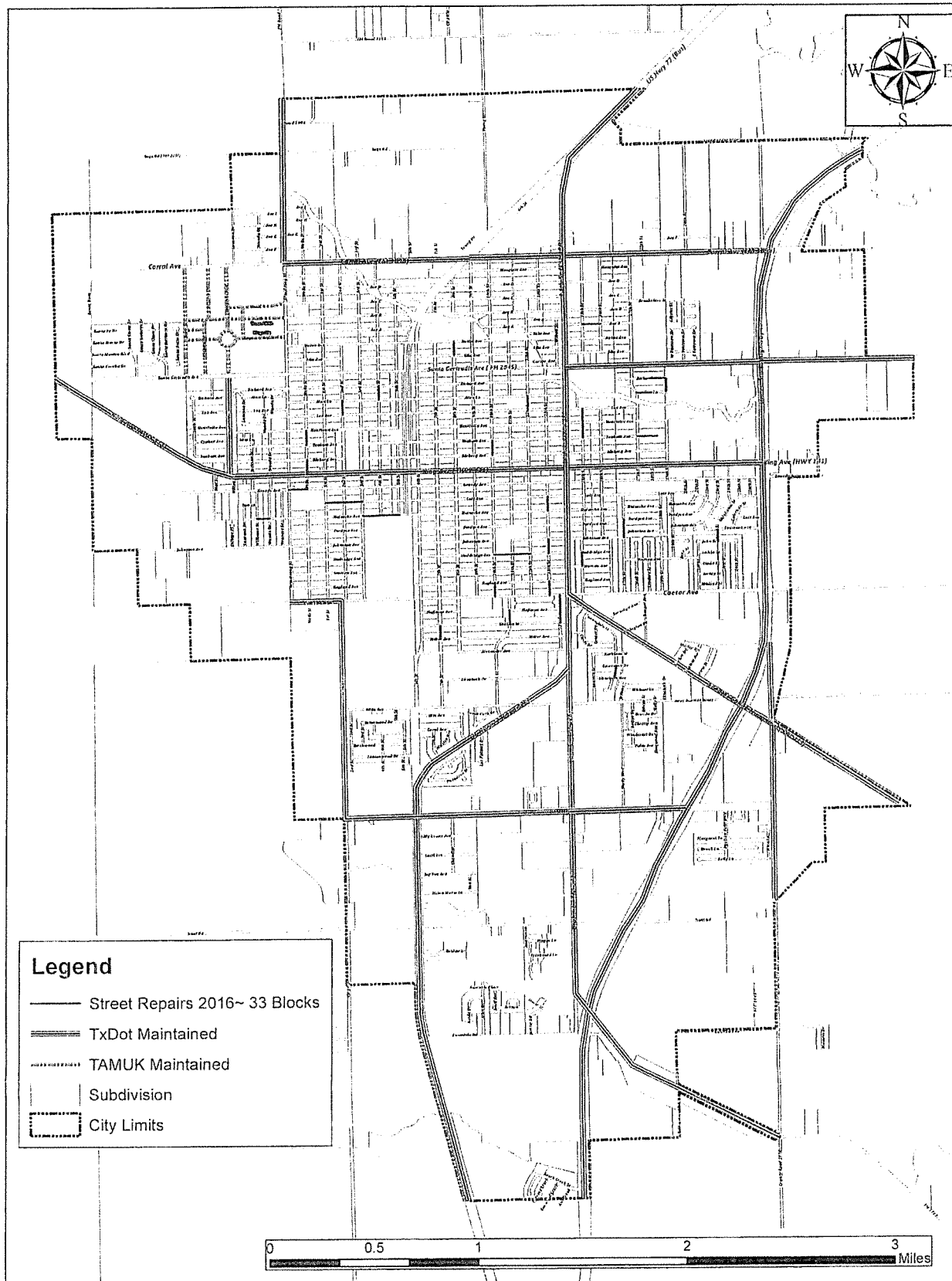


**CITY OF KINGSVILLE**  
**ENGINEERING DEPARTMENT**

200 E. Kleberg  
Kingsville, Texas 78363  
Office: 361 595 8005  
Fax: 361 595 8035



# 2016 Street Repairs



V-6-9 A	Drawn By: Engineering Department	<p>DISCLAIMER THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</p>	<p><b>CITY OF KINGSVILLE</b> <b>ENGINEERING DEPARTMENT</b> 200 E. Kleberg Kingsville, Texas 78363 Office: 361 595 8005 Fax: 361 595 8035</p>
	Last Update: 12/14/2014		
	Note:		

ORDINANCE NO. 2015- 48

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS, AMENDING CHAPTER IX-GENERAL REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KINGSVILLE, TEXAS BY AMENDING ARTICLE 10-STREETS AND SIDEWALKS, TO ADD STREET MAINTENANCE FEES SECTIONS, TO ESTABLISH MONTHLY STREET MAINTENANCE FEES FOR THE PURPOSE OF FUNDING THE CITY STREETS SYSTEM, ESTABLISHING A STREET MAINTENANCE FUND AND AN APPEALS PROCESS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Kingsville, Texas ("City Commission") has determined that in order to protect the citizenry from the deterioration of the quality and safety of the street system that they rely upon and use on a regular basis, it is necessary and in the best interest of the public health and safety to establish a street maintenance fee in order to provide a properly maintained road system; and

**WHEREAS**, the City staff has prepared a comprehensive twenty year street maintenance and improvement plan and held several informational sessions before the City Commission regarding the plan and street maintenance fees necessary to support the plan, which were all open to the public, and the Commission finds the proposed fees are non-discriminatory, reasonable, and equitable; and

**WHEREAS**, in setting the schedule of Street Maintenance Fees, the fees are based on an inventory of parcels within the city limits.

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

**SECTION 1:** The City Commission hereby establishes Street Maintenance Fees as set forth herein. Street Maintenance Fees shall be levied against all benefited properties within the city limits unless exempt under Chapter IX, Article 10, Section 64. These fees shall be imposed and issued with utility billing statements issued on and after January 1, 2016.

**SECTION 2:** The Code of Ordinances of the City of Kingsville, Texas is hereby amended by adding 9-10-50 through 9-10-66 Chapter IX, Article 10 "Street Maintenance Fee" to read as follows:

---

***STREET MAINTENANCE FEES***

**Sec. 9-10-50 FEE ESTABLISHED.**

A street maintenance fee is established. It is to be implemented by policies, rates, and methodologies established by separate ordinance.

The City Commission finds, determines and declares that in order to protect the citizenry from the deterioration of the quality and safety of the street system that they rely upon and use on a regular basis, it is necessary and in the best interest of the public health and safety to establish a street maintenance fee in order to provide a properly maintained road system.

For this purpose, the City Commission will establish a schedule of street maintenance fees subject to the limitations of the state law to cover the costs to the city to provide maintenance of the street system. The city will offer this maintenance service in a nondiscriminatory, reasonable and equitable manner.

The City Commission hereby establishes a street maintenance fee, imposed against, and to be paid by, each utility customer and owner of benefitted property within the city limits, set in amounts that will provide sufficient funds to properly maintain the street system.

Collection of the fee against each benefitted property shall be made by a monthly charge to be added to the utility bill for such property.

The City Commission by separate ordinance will establish the rate based upon the cost to the city for maintaining the street system.

#### **Sec. 9-10-51 DEFINITIONS.**

"Benefitted property" means a residence; a business; or lot, parcel or property within the city limits that generates motor vehicle trips.

"Director" means the city manager or designee.

"Equivalent residential unit" ("ERU") means a unit of measurement for the median size of a residence equal to two thousand four hundred and twenty-five (2,425) square feet. For residential benefitted property, an ERU equals one (1). For nonresidential benefitted property, an ERU equals SF/ two thousand four hundred and twenty-five (2,425) SF.

"Land use" means one (1) of the land use categories recognized in the Trip Factor Index.

"Motor vehicle trip" means each departure from and each arrival to a property by a motor vehicle.

"Nonresidential benefitted property" means benefitted property not defined as residential benefitted property under this article.

"Residential benefitted property" means a detached single-family residence, attached multifamily housing, or a detached dwelling unit of a mobile home park, recreation vehicle (RV) park, or manufactured home community.

"Square footage" ("SF") means the square footage of improvements designated as "living area" as identified in the records of the Kleberg County Appraisal District ("KCAD").

"Street maintenance fee" ("fee") means the fee established by this article imposed against, and collected from, owners or occupants of benefitted property of the purpose of maintaining the street system of the city.

"Street preventative maintenance program" ("SPMP") means the street preventative maintenance program, as amended from time to time, funded by the street maintenance fee.

"Street system" means the structures, streets, rights-of-way, bridges, alleys, and other facilities within the city limits that are dedicated to the use of vehicular traffic; the maintenance and repair of those facilities; and the operation and administration of such maintenance and repair under the street preventative maintenance program.

"Trip factor" means a principle basis of service measurement, principally derived from the trip generation rates published by the Institute of Transportation Engineers.

"Trip Factor Index" means the table of applied land uses recognized by the City of Kingsville for purposes of implementing the street maintenance fee.

"Utility customer" ("customer") means the holder of a city utility account or the person who is responsible for the payment of charges for a benefitted property.

#### **Sec. 9-10-52 FINDINGS.**

The City Commission finds and determines the following:

- (1) It is appropriate that a benefitted property pay the prorated annual cost of the street system that can reasonably be attributed to the benefitted property.
- (2) The number of motor vehicle trips generated by a benefitted property may reasonably be used to estimate the prorated cost of the street system attributable to a benefitted property.
- (3) The size and use of a property may reasonably be used to estimate the number of motor vehicle trips generated by the property.
- (4) Based on the best available data, the method of imposing the street maintenance fee reasonably prorates the cost of the street system among benefitted properties.
- (5) It is reasonable and equitable to impose a set monthly fee for each residential and nonresidential benefitted property in order to avoid a disproportionate burden on any residential or nonresidential benefitted property.
- (6) It is reasonable and equitable to cap the square footage for a nonresidential benefitted property in order to avoid a disproportionate burden on a nonresidential benefitted property.
- (7) It is reasonable and equitable to cap the trip factor for nonresidential benefitted property in order to avoid a disproportionate burden on a nonresidential benefitted property.

- (8) If available, appraisal district property tax records may be relied on to determine the size of nonresidential benefitted property.
- (9) It is reasonable and equitable to derive trip generation rates for residential and nonresidential benefitted property as determined and published by the Institute of Transportation Engineers.
- (10) It is reasonable and equitable to assume that each utility meter in the service area serves a benefitted property.

#### **Sec. 9-10-53 TRIP FACTORS.**

The director shall assign to each benefitted property a trip factor according to the property's use. The director shall assume for each nonresidential benefitted property the number of trips per day as set by the Institute of Transportation Engineers.

The director conducted a survey of nonresidential benefitted property to more specifically identify land use, in order to assign a more appropriate trip factor to the land use categories shown in the Trip Factor Index (Exhibit "A"), kept on file with the city.

The Trip Factor Index will be maintained by the director or his designee and may be revised from time to time in accordance with this article.

For purposes of this article, a property's use does not depend on the property's zoning. If a property fits more than one (1) category of use, the director shall assign a land use.

#### **Sec. 9-10-54 STREET FEE-ONLY ACCOUNT.**

The director shall create an account in the city's utility account billing system for any benefitted property for which no utility account exists.

#### **Sec. 9-10-55 FEE CALCULATION.**

(a) The street maintenance fee shall be calculated based on the following factors:

ERU = Equivalent Residential Unit = 2,425 SF.

For each dwelling unit of a residential benefitted property, ERU=1.

For each nonresidential benefitted property, ERU = SF/2,425 SF on a per meter basis.

TF= Trip Factor adjusted for 90% discount.

(b) Collection of the fee for residential property shall be charged on the basis of a set fee per lot, unit, tract or parcel that is a Kingsville water and/or wastewater utilities customer within the city limits of the City of Kingsville.

(c) Collection of the fee for nonresidential property that is a Kingsville water and/or wastewater utilities customer within the city limits of the City of Kingsville shall be charged on the basis of using the trip generation rate published by the Institute of Transportation Engineers and based on land uses allowed. The trip generation is the number of trips anticipated to and from property per 1,000 square foot of building. For each nonresidential customer, the ERU for the building area on the property will be

multiplied by the appropriate discounted trip factor to arrive at a point value. This value will be compared to a tier of point ranges which will determine what the nonresidential benefitted property customer will pay each month.

#### **Sec. 9-10-56 RESIDENTIAL BENEFITTED PROPERTY.**

The director shall determine the fee for residential benefitted property on the basis of factors that include the trip generation rate published by the Institute of Transportation Engineers for residential use of the property.

The fee for residential benefitted property shall be on the basis of a set fee per dwelling unit.

For a residential benefitted property, each month a customer shall pay an amount equal to the following:

(Single-family) Monthly Bill = \$5.00

(Multi-family of 2-4 living units) Monthly Bill = (\$5.00 for the first living unit) + (.85 x \$5 x number of each living units after 1<sup>st</sup>)

(Multi-family of more than 4 living units or mobile home lots) Monthly Bill = \$5.00 x (total number of living units or mobile home lots) x (0.85 which is estimated occupancy)

#### **Sec. 9-10-57 NONRESIDENTIAL BENEFITTED PROPERTY.**

The director shall determine the fee for nonresidential benefitted property on the basis of factors that include the trip generation rate published by the Institute of Transportation Engineers for the land uses allowed.

For each nonresidential customer, the ERU for the building area on the property will be multiplied by the appropriate discounted trip factor to arrive at a point value. This value will be compared to a tier of point ranges which will determine what the nonresidential benefitted property customer will pay each month.

For a nonresidential benefitted property, a point value shall be determined as follows:

$\$5.00 \times (\text{SF}/2,425 \text{ SF}) \times (\text{TF}) = \text{Point Value}$

The director shall determine the square footage for a nonresidential benefitted property based upon building square footage of property as recorded by the Kleberg County Appraisal District. If appraisal district records are unavailable, the director may determine the size of a nonresidential benefitted property from the best available information.

The point tier system is as follows:

Total Point Value	=	Price Per Month
40 and over		\$150
20 to 39.99		\$125

14 to 19.99		\$100
12 to 13.99		\$ 70
10 to 11.99		\$ 50
6 to 9.99		\$ 40
5 to 5.99		\$ 30
4 to 4.99		\$ 25
3 to 3.99		\$ 20
2 to 2.99		\$ 15
Under 2		\$ 10

#### **Sec. 9-10-58 BILLING AND COLLECTION OF FEE.**

The street maintenance fee shall take effect and be applied against all benefitted property for services provided on or after January 1, 2016. Fees will be billed and collected each month on the utility bill for each benefitted property. Payment is due upon receipt of the bill. The utility customer is responsible for apportionment of fees to any person or persons leasing units of the benefitted property.

#### **Sec. 9-10-59 RECOVERY OF UNPAID FEE.**

The city may recover a street maintenance fee that is not paid when due in an action at law.

#### **Sec. 9-10-60 STREET MAINTENANCE FUND.**

The city has created a special revenue fund known as the street fund. All fees collected for the purpose of maintenance of the street system shall be deposited in the street fund. It will not be necessary for the expenditures from the fund to specifically relate to any particular property from which the fees were collected.

The director shall provide to the City Commission an annual report of the street fund.

Every year the director shall provide the City Commission a report on the progress of the street preventative maintenance program (SPMP) and publish an updated yearly map of street candidates to be considered for the maintenance program.

#### **Sec. 9-10-61 RULES.**

The director may adopt rules necessary for the administration of this article and the street maintenance fee. The director shall be responsible for administration of this article; developing all rules and procedures necessary to administer all provisions of this article; developing maintenance programs; and establishing street system criteria and standards for operation and maintenance of the street system.

#### **Sec. 9-10-62 APPEALS.**

- (a) The street maintenance fee board of appeals ("board") is established for the purpose of hearing and deciding appeals and matter related to the street

- maintenance fee under article 10 of chapter IX of the Code ("Street Maintenance Fee") consistent with the appeals process for the street maintenance fee adopted by the City Commission ("appeals process").
- (b) The board shall be composed of five (5) members:
    - a. The Finance Director;
    - b. The Public Works Director/City Engineer;
    - c. The Planning Director;
    - d. A citizen appointed by the city manager; and
    - e. A citizen appointed by the city manager.
  - (c) Each citizen board member shall be appointed to serve a two-year term.
  - (d) A citizen board member may be removed by the city manager with or without cause.
  - (e) The board shall:
    - a. Review any appeal filed in accordance with Article 10 of Chapter IX-Street Maintenance Fees Section of the Code and the adopted appeals process for the street maintenance fee;
    - b. Hear and decide appeals of orders, decisions, or determinations made by the Collections Manager for the utility business office relating to the application and interpretations of the street maintenance fee;
    - c. Hear and decide any matter referred to the board by the city manager related to the street maintenance fee;
    - d. Perform other duties prescribed by ordinance.
  - (f) The board may not waive a code requirement.
  - (g) The board shall hold meetings at the call of the chairperson and at other times as requested by the board.
  - (h) The chairperson, or the acting chairperson in the absence of the chairperson, may administer oaths and compel the attendance of witnesses.
  - (i) Each case before the board must be heard by at least seventy-five (75) percent of the board members.
  - (j) The concurring vote of seventy-five (75) percent of the board members is necessary to:
    - a. Reverse an order, requirement, decision, or determination of an administrative officer or other staff member; or
    - b. Decide in favor of an applicant on a matter on which the board may hear under this section.
  - (k) The board shall render all decisions and findings in writing, file them with the utility business office, and send copies to the appellant.
  - (l) The board shall prepare minutes of its proceedings. The minutes shall include the vote of each member on each item before the board and shall state if a member is absent or fails to vote on an item.
  - (m) The board may establish rules and procedures consistent with this Code of Ordinances.

#### **Sec. 9-10-63 DISPOSITION OF FEES AND CHARGES.**



The fee paid and collected by virtue of this article shall not be used for the general or governmental proprietary purposes of the city, except to pay for the equitable share of the cost of accounting, management and government thereof of the SPMP.

Other than as described above, the fees and charges shall be used solely to pay for the cost of operation, administration, planning, engineering, development of guidelines and controls, inspection, maintenance, repair, improvement, and renewal of the street system under the SPMP and the costs incidental thereto.

#### **Sec. 9-10-64 EXEMPTIONS.**

This article does not apply to a city, county, state, federal agency or department, hospital district, publicly funded independent school district or charter school, public institution of higher education, church, registered 501(c) organizations, or regional transit authority.

This article does not apply to vacant property that generates no motor vehicle trips. The director may adopt any reasonable method to determine whether a property is vacant and generates no motor vehicle trips.

In order for an exemption under this section to apply, a person entitled to an exemption under this section must notify the director of the utility business office of the applicable exemption.

#### **Sec. 9-10-65 LIABILITY.**

This article does not create additional duties on the part of the city. This article does not waive the city's immunity under any law.

#### **Sec. 9-10-66 PERIODIC REVIEW OF RATES.**

The City Commission will periodically review the street maintenance fees and rates.

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**SECTION 3:** It is found and determined by the City Commission that the fees established by this Ordinance are non-discriminatory, reasonable, and equitable, and that the fees are based upon an inventory of improved parcels within the city limits.

**SECTION 4:** It is further provided that in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

**SECTION 5:** All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

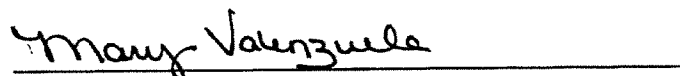
**SECTION 6:** This Ordinance shall be in full force and effect from and after its passage and approval.

**INTROUCED** on this the 26<sup>th</sup> day of October, 2015.

**PASSED AND APPROVED** by the City Commission on this the 23rd day of November, 2015.

  
Sam R. Fugate, Mayor

**ATTEST:**

  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

  
Courtney Alvarez, City Attorney

Effective Date: December 16, 2015