

City of Kingsville, Texas

AGENDA CITY COMMISSION

MONDAY, FEBRUARY 23, 2015
REGULAR MEETING

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


I. Preliminary Proceedings.

OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S) – Required by Law
Regular Meeting – February 9, 2015.

APPROVED BY:


Courtney Alvarez
Interim City Manager

Public Hearing - (Required by Law).¹

1. NONE.

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

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

III. Public Comment on Agenda Items.³

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

IV.

Consent Agenda

Notice to the Public

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2014-2015 General Fund Budget for Parks Department for a donation from the Kleberg-Kenedy County 4-H Council for improvements to the Parks Department Recreation Building. (Director of Finance).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2014-2015 Tourism Fund Budget for the purpose of providing matching funds for street furnishings. (Director of Finance).
3. Motion to approve resolution authorizing participation in Ride on the 12th Annual Ride on the Wild Side Charity Bike Ride to be held on April 25, 2015 and authorizing the Interim City Manager to execute an Indemnity Agreement with King Ranch for said event. (Interim City Manager).
4. Motion to approve a resolution of the City of Kingsville, Texas, designating the authorized signatories for financial, health trust plan, and other items of city business from City Manager to Interim City Manager. (Interim City Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

V. Items for consideration by Commissioners.⁴

5. Consider final passage of an ordinance amending Chapter III, Article 7, Personnel Policies, Section 1 Classification and Compensation Plan to add a position of Civic Facilities Manager to the City of Kingsville classification and compensation plan for fiscal year 2014-2015. (Director of Human Resources).
6. Consider an amended plat for Wildwood Trails to reduce the front yard setback from 40 feet to 30 feet, which is still in compliance with existing codes. (Director of Planning and Development Services).
7. Discuss planned Corral Park improvement project with TAMUK College of Pharmacy students and future City participation in same. (Parks & Recreation Manager).
8. Consider a resolution authorizing the City to submit an application to the Edward J. Bryne Memorial Justice Assistance Grant (JAG) Program for the State of Texas requesting funding for law enforcement equipment on behalf of the Kingsville Police Department with no anticipated cash match. (Chief of Police).

9. Consider a resolution authorizing the Mayor to enter into an Interlocal Cooperation Agreement between the City of Kingsville and Texas A&M University-Kingsville relating to Veterinary Technology Training Program. (Health Director).

VI. Adjournment.

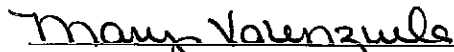
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

NOTICE

This City of Kingsville and Commission Chambers are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/595-8002 or FAX 361/595-8024 or E-Mail mvalenzuela@cityofkingsville.com for further information. Braille Is Not Available. The City Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551-071 (Consultation with Attorney), 551-072 (Deliberations about Real Property), 551-073 Deliberations about Gifts and Donations), 551-074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551-086 (Certain Public Power Utilities: Competitive Matters), and 551-087 (Economic Development).

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

February 19, 2015 at 4:00 P.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.


Mary Valenzuela, TRMC, 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)

FEBRUARY 9, 2015

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, FEBRUARY 9, 2015 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

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

CITY STAFF PRESENT:

Vince Capell, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
David Mason, Purchasing/IT Director
Tony Verdin, Information Systems Technician
Deborah Balli, Finance Director
Tom Ginter, Director of Planning & Development Services
Emilio Garcia, Health Director
Diana Gonzales, Human Resources Director
Joey Reed, Fire Chief
Willie Vera, Task Force Commander
Cynthia Martin, Downtown Manager
Robert Rodriguez, Library Director
Susan Ivy, Parks & Recreation Manager
Charlie Sosa, Street Supervisor
Melissa Perez, Risk Manager
Frank Garcia, Wastewater Superintendent
Bill Donnell, Asst. Public Works Director/Golf Course Manager
Kyle Benson, Help Desk
Leo Alarcon, Tourism Director
Jennifer Bernal, Community Appearance Supervisor
Pete Pina, Landfill Supervisor
Ricardo Torres, Chief of Police

I. Preliminary Proceedings.

OPEN MEETING

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

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Regular Meeting - January 26, 2015.

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

Public Hearing - (Required by Law).¹

1. NONE.

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

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

Mr. Vince Capell, City Manager commented that this may be the last time he addresses the City Commission, depending on the decision the Commission makes during tonight's meeting. Capell stated that he would like to congratulate the Commission and staff for all their support and hard work in the past four years. He further stated that he has enjoyed his time with the City of Kingsville and has learned a lot while being here.

Mayor Fugate responded by stating that Mr. Capell has certainly taught the Commission and staff on how to govern themselves better. Fugate further stated that he agrees with Capell that good changes have been done to the City of Kingsville in the last four years which have made it a better place for our citizens. Mayor Fugate thanked Mr. Capell for his service to our community.

Mrs. Courtney Alvarez, City Attorney, stated that the next scheduled City Commission meeting is scheduled for Monday, February 23, 2015 with agenda items due Friday, February 13, 2015.

Commissioner Leubert stated that the City Commission has received a letter from Texas Municipal Clerks Certification Program congratulating Mrs. Mary Valenzuela, City Secretary for her completion to the program. Leubert stated that it is important to understand that with the City's backing and support, Mrs. Valenzuela has earned the status of Texas Registered Municipal Clerk. It has taken Mrs. Valenzuela 22 months to complete this program with over 200 study hours, multiple tests and extensive training and traveling, which was required for the program. Commissioner Leubert further commented that she would like to congratulate the new Chairman for the Coastal Bend Council of Governments, City Commissioner Al Garcia. Commissioner Garcia will also be the incoming Chairman of the local chapter. Leubert further commented that with the short time she has been City Commissioner, after being on both sides as an employee and now a Commissioner, she feels that she has been blessed both ways. Leubert stated that she has enjoyed working with Mr. Capell and would like to thank him for all his hard work and service to our community.

Commissioner Garcia stated that he would like to thank Mr. Capell for his service to the City. Garcia further commented that he has had interesting discussions with Mr. Capell

that have created some ups and down, but overall he believes that things are better now than what they were when Mr. Capell first arrived. Garcia wished the best of luck to Mr. Capell.

III. Public Comment on Agenda Items.³

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

Mrs. Zonia Garcia Obregon of W. Sage Road provided some handouts to the City Commission regarding a proposal for waterline connection to her property, located on W. Sage Road. Mrs. Obregon stated that on January 19, 2015 the water well to her property collapsed. This prompted her to request a meeting with Charlie Cardenas, City Engineer, regarding the possibility of a waterline connection from the City line down W. Sage Road. Mrs. Obregon stated that W. Sage Road is located near the new Veterinarian Tech Program. This area already has city water service that is being provided to residents across the street. She further stated that she has met with Mr. Capell with the possibility of running water lines over into the area. Obregon further commented that the problem with the water wells is that the soil composition is made up of clay that compromises the water wells which cause them to collapse. She stated that when she met with Mr. Capell, she went in thinking that it would be necessary to annex her property in order to receive city services. Mrs. Obregon stated that Mr. Capell clarified that for her, and stated that with keeping with full disclosure, he stated that it was not necessary to annex her property. Mrs. Obregon is now requesting for the Commission to consider allowing the city to run water lines to her property on W. Sage Road. Obregon stated that she has received an estimate from City Engineer, Charlie Cardenas of \$24,000 and spoke about doing a 50/50 cost sharing with the city. Obregon further stated that she is requesting for waterlines to be placed on W. Sage Road as she has no water running into her property at this time.

Mayor Fugate asked the City Commission if there were no objections, he would like to allow additional time to Mrs. Obregon to speak to the City Commission under public comments. No objections were made.

Mrs. Obregon continued to state that there is a one inch water line that is heating the house at this time, so this allows her some time to work on getting a water line extension. She further asked the Commission to consider running the water line without annexation.

Mayor Fugate explained to Mrs. Obregon that during the public comments section of the agenda, there is no discussion made with the City Commission that is allowed.

Mr. Capell stated that he did have a conversation with Mrs. Obregon regarding her request. Capell further stated that the City has gone into partnership with individuals in the past. One example Mr. Capell gave was Mr. Childers and Mr. Yarborough who were in the city limits and the city entered into a partnership sharing the cost by one-third each for their waterline extension. Capell further commented that the city has also entered into partnerships regarding sewer lines as well. Capell stated that the city has a role to play in partnering with residents and businesses in these types of infrastructure. Capell further commented that it is his recommendation that getting a new water customer isn't enough. The city needs to, for purposes of its own growth and better serve existing residents, require annexation. Capell stated that what this means is that they will be paying city taxes and receive city services. Capell stated that his recommendation to the Commission is to make this a policy for future request for water or sewer line connections for those who reside outside the city limits and annex their property. Capell further stated that existing taxpayers are already paying a higher tax than a desirable tax rate.

Mayor Fugate asked if any of the other neighbors within the area of W. Sage Road inquire about the possibility to receive city services.

Mr. Capell responded that whenever you extend water and sewer for one household, they end up paying the entire cost of the water line, unless the City partners up with the resident. Capell further stated that these properties are on the fringes, either property that were annex in the last couple of decades or they are properties that are close in to the city limits.

Mayor Fugate asked City Attorney, Courtney Alvarez that by annexing a property, would all city services need to be provided.

Mrs. Alvarez responded that within three years of the annexation, city services would need to be provided.

Mr. Capell commented that there are all kinds of considerations, but he is suggesting to the Commission to consider an annexation policy.

Mayor Fugate at this time asked if there were any other comments from the public.

Mrs. Alvarez stated that she didn't know if Mr. Dizdar was present at this meeting to address the Commission, as this would be the only time he would be able to address the Commission. Unless the Commission invites him to speak during the agenda, he will not have another opportunity.

Mayor Fugate addressed Mr. Dizdar and asked if he would like to speak to the Commission at this time.

Mr. Dizdar agreed to speak at this time.

Mr. Capell stated that there are two items on tonight's agenda, agenda item 10 & 11, where the city is asking the City Commission to disapprove a preliminary and final plat.

Mrs. Alvarez stated that for the record, Mark Dizdar will be addressing the City Commission.

Mr. Mark Dizdar, 1586 Wildwood Trail Blvd., made a presentation (by poster board) of the proposed new Torres Estates. Mr. Dizdar reported that anything that is happening is ten by ten which will bring 10,000 people in 10 years. A way that this can happen is by providing different homes. Dizdar reported that the average income in Kingsville is \$35,000. Those who make this amount can probably afford an \$80,000 to \$85,000 home. With the City not having very many new or old homes, it is necessary to develop these types of affordable homes. Dizdar stated that he is a bit confused about the agenda items for disapproval of a preliminary plat and final plat. He further stated that after a discussion he has had with Mr. Capell and Mr. Ginter they come up with a solution for the Torres Estates. Dizdar continued with his presentation showing the City Commission pictures of homes within the area he would like to develop Torres Estates. Dizdar also commented that Torres Estates homes will be developed with six foot sidewalk in every lot, with two car parking and a sprinkler yard for every home. He further stated that they will also have a wood side fence with trees planted on both sides of the driveway. Dizdar commented that these are some of the details he had spoken with Mr. Robert Isassi, previous Director of Planning & Development Services, prior to his departure. Mr. Dizdar continued with his poster board presentation.

At this time, Mr. Dizdar's three minute was up. Mayor Fugate asked if the City Commission if they had objections with Mr. Dizdar to continue his presentation. No objections were made by the City Commission.

Mr. Dizdar continued with his presentation on Torres Estates. Mr. Dizdar reported on some of the homes that already exist in the area he would like to develop. Mr. Dizdar further stated that after be notified by staff that the preliminary and final plat were not going to be able to be approved, he made it a point to visit with Mr. Capell and Mr. Ginter. The solution they came up with was to go to an R-2P and have some off street parking. Dizdar

continued to state that there are two lots that go to 15th street, three lots on 16th street, and five lots that run north to Kenedy Street. Dizdar stated that the idea that the City would acquire the two lots in the middle and pave them for off street parking.

Commissioner Leubert asked if staff stated that the City would purchase the two lots and pave them for parking.

Mr. Capell stated that this is only preliminary discussion.

Mr. Dizdar stated that the plan in place now is efficient which will maximize the use of the land.

Mayor Fugate stated that he would like to ask Mr. Dizdar to continue with his discussion, when the agenda items are ready to be heard.

IV.

Consent Agenda

Notice to the Public

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

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

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

1. Motion to approve final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to 1.44 acres, Lots 1-9, Block 1, Eva Subdivision, known as 1100 East Kenedy and Lots 1-3, Block 2, Clyde Subdivision, known as 1116 East Lott from C1-Neighborhood Service District to R2- Two Family Residential District, amending the Comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning and Development Services).

2. Consider a resolution authorizing the Task Force Commander to enter into an Interlocal Cooperation Agreement between the Harris County District Attorney's Office and the City of Kingsville Specialized Crimes & Narcotics Task Force. (Task Force Commander).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

V. Items for consideration by Commissioners.⁴

3. Consider a resolution approving a development loan subject to certain conditions for the proposed Cayetano Villas of Kingsville Apartments located at 500 Block of General Cavazos Blvd., Kingsville, Texas. (Director of Planning and Development Services).

Mr. Ginter reported that this resolution pertains to the funding item that Cayetano Villas of Kingsville, LLC, wants to have as a part of their application. This resolution gives them points and will help in the competitive process for housing tax credits. Ginter further stated that the City of Kingsville will not be responsible for paying back the \$160,534.00. As stated in the resolution all final terms and documentation for the loan are subject to approval of the City Commission and City Attorney.

Mr. Kendal Bennett, President of Cayetano Housing commented that the source of the funds comes from their lending sources, but just run through the City and paid back by Cayetano Villas through the City. Mr. Bennett stated that this is simply for scoring which allows them to score higher and potentially win the tax credits for the project.

Commissioner Leubert asked City Attorney, Courtney Alvarez that within the resolution, item number two, is the City Attorney comfortable with the terms listed.

Mrs. Alvarez responded that at the end of that same section, it states that all final terms and documentation of the loan are subject to approval of the City and its counsel. Alvarez further stated that in the event they do get the sufficient number of tax credit points for them to move forward with the development. At that time they will prepare a loan document that would come back to the City Commission for approval.

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

Commissioner Pecos than asked how many apartments are proposed to be built. Mr. Bennett response was 48 units.

4. Consider a resolution approving changes to the efficiency reporting requirements for the Classified Fire & Police personnel as recommended by the City of Kingsville Civil Service Commission. (Director of Human Resources).

Mrs. Diana Gonzales, Human Resources Director reported that this is for a requested change to some wording on the current efficiency reports for Civil Service Personnel. On January 27, 2015, the Civil Service Commission voted to approve changes to the Civil Service Rules and Regulations regarding the efficiency report. The original was approved on August 18, 2009. The only changes at this time are that semi-annual reporting or evaluation of the Civil Service Personnel be done annually. The other change is that reports be sent to the Civil Service Director for filing and eliminating the date or the months the evaluation would be conducted. This would be left up to the department directors as to when they would want to have the annual evaluations. Gonzales further stated that at this time the Fire Department will have them in December of every year. It would be up to the Police Department, if they are going to have them on the anniversary dates of the individuals or a specific month, and at this time it is leaning towards the anniversary dates of each individual, as it has been conducted.

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

5. Consider final passage of an ordinance amending Chapter III, Article 7, Personnel Policies, Section 1 Classification and Compensation Plan to add, change and reclassify positions and correct clerical error to the City of Kingsville classification and compensation plan for fiscal year 2014-2015. (Director of Human Resources).

Mrs. Gonzales reported that this is the second reading of this ordinance to which the City Commission had questions for the City Manager regarding the first section management level changes.

Commissioner Leubert commented that the Parks and Recreation Director, what does this intel.

Mr. Capell responded that this changes that the Parks and Recreation Department will include parks, recreation, and golf course. This position has been filled because of the time needed. This position is relying heavily on Susan Ivy and Bill Donnell. Mr. Donnell is serving on a temporary capacity at the Golf Course. The Parks and Recreation Director position is just being established, it is not going to be filled just yet, as the City Commission has not approved the budget.

Commissioner Leubert asked that with regards to the Economic Development Director position, and further stated that Mayor Fugate should explain some of this information so that the public understands where this is coming from. Leubert further asked if a contract was being worked on with EDC to protect the interest of the City of Kingsville and everyone else who will be involved with this position.

Mrs. Alvarez responded that at this time she is working on a draft agreement but only have the general terms for the rough draft as she hadn't received the specific terms. A copy was provided to the City Manager who would be inserting some of the specific terms that she could review and modify.

Commissioner Leubert further asked that with regards to the contract, the cost would be divided in three ways. Leubert further stated that if the funding from the other two entities does not come through, than the City of Kingsville will not be obligated to take over this position.

Mr. Capell commented that it is not worded that way. There are several things that need to fall into place such as be in the position to hire a qualified Economic Development Director. Capell further stated that over 70 applications have been received for this position to which was narrowed down to six. The challenge is that we need to be able to offer a competitive benefits package. This hasn't been an issue in the past because the former director participated in the spouse health benefit plan. Capell stated that the best option in his opinion is to, whoever the new Economic Director would be, be placed on the City's plan. Capell stated that the justification for this is that under the City Charter, the city is responsible for Economic Development. The City can contract it out which is what has been done in the past thirty years. Capell further stated that he suggest that for purposes of providing a full and competitive package, you allow the Economic Development Director position to receive city benefits.

Commissioner Leubert stated that to clarify for the public, the City has already budgeted \$65,000 as their part for the position. Leubert stated that her concern would be if the County and/or the EDC do not fulfill their obligations of their financial part, the City would have recourse to either dissolve this to protect the city for not being responsible for the entire amount.

Mr. Capell stated that the City has budgeted \$65,000 for the EDC position which part pay for the consulting fees of Mr. Messbarger and the rest goes to City EDC, with most of it paying for salary and benefits. Capell stated that whatever the city's cost are in terms to the benefits, it will be deducted from the cash contribution. Capell further stated that the City is working with the County to part in this position.

Commissioner Leubert further asked if the City Commission will have the opportunity to review the contract. Mr. Capell responded yes.

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

6. Consider introduction of an ordinance amending Chapter III, Article 7, Personnel Policies, Section 1 Classification and Compensation Plan to add a position of Civic Facilities Manager to the City of Kingsville classification and compensation plan for fiscal year 2014-2015. (Director of Human Resources).

Mr. Capell stated that at this time, Susan Ivy is responsible for all parks and recreation as well as maintenance to parks, swimming pool and J.K. Northway contracts. Capell stated that if the responsibility is kept in this manner, the City may not be successful as not enough revenue is being generated. Capell further stated that higher revenues can be generated if the position of Civic Facilities Manager is created. He also stated that he would like for this position to fall directly under the Tourism Department which will remove the expense out of general fund. Capell further stated that Mr. Leo Alarcon, Tourism Director researched twenty-six cities that have a multipurpose facility. Of those twenty-six cities, two of them have it under the Tourism Department. Six cities have it under the Parks and Recreation Department which comes from their general fund. Capell further stated that it is not unusual to put this responsibility in the Tourism Department.

Commissioner Leubert asked that if this is done as proposed, funding can be put back into J.K. Northway Coliseum as it needs significant work done.

Mr. Capell commented that improvements to the facility will be done in small steps.

Introduction item.

7. Consider introduction of an ordinance amending the Fiscal Year 2014-2015 General Fund Budget for Parks Department for a donation from the Kleberg-Kenedy County 4-H Council for improvements to the Parks Department Recreation Building. (Director of Finance).

Introduction item.

8. Consider introduction of an ordinance amending the Fiscal Year 2014-2015 Tourism Fund Budget for the purpose of providing matching funds for street furnishings. (Director of Finance).

Mrs. Deborah Balli, Finance Director reported that this is a budget amendment to accept the funds to appropriate the revenues and expenditures of the matching funds.

Introduction item.

9. Consider a resolution authorizing the City Manager to enter into a City Hall Network Infrastructure Project Agreement by and between Richline Technical Services and the City of Kingsville for the new city hall. (Director of Purchasing and Technology).

Mr. David Mason, Director of Purchasing and Technology reported that this item authorizes the award of the contract for the network and phone system for the New City Hall. Richline Technical Services of Corpus Christi, has designed and will provide material and installation for network cabling and phone system including phone hardware for the new City Hall. Richline will perform this work under the Western States Cooperative Alliance (WSCA) and is an authorized Shore Tel, Inc. vendor. Staff is recommending the contract be awarded to Richline Technical Services of Corpus Christi, TX. As the City of Kingsville is members of WSCA and this will meet competitive bidding requirements under

Local Government Code 252 and 271. Mr. Mason further stated that this contract will expend \$211,108.48 from 091-5-103.0-713.00 of which \$500,000 has been budgeted.

Commissioner Pecos asked how many phones will be installed. Mr. Mason responded that there will be 68 phones installed.

Mayor Fugate asked what the cost for this service is and is it budgeted. Mr. Mason responded that it will expend \$211,108.48 for the network wiring installation for the computer system as well as the wiring for the telephone and telephonic devices itself.

Mr. Capell commented that \$500,000 was budgeted. This amount also includes furnishing for the New City Hall.

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

10. Consider disapproval of preliminary plat of 1.44 acres Eva Addition, Block 1, Lot 1-9 and Clyde Addition, Block 2, Lot 1-3 on south side of Kennedy Ave. between 15th and 16th Streets for residential housing. (Director of Planning and Development Services).

Mrs. Courtney Alvarez stated that while this item has Mr. Ginter's name by it, she would be assisting him with this issue. Mrs. Alvarez commented that as the Commission may recall at the last City Commission meeting these two plats were brought before the Commission for approval. At that time the Planning Director advised the Commission that there were some errors that they found within the plat, where they were not complying with current city code. Alvarez continued to state that it is the developers and his staff's responsibility to make sure that what they submit complies with city code. While the issue was not caught prior to the matter going to the Planning and Zoning Commission, it was apparently caught by staff prior to the item coming to the City Commission, which is why at the last meeting Mr. Ginter asked the Commission to not take any action. Mrs. Alvarez continued to state that however, in looking at the Local Government Code, there is a technical glitch or a situation where if the Planning and Zoning Commission approves a plat, and the City Commission's approval is required, which it is, then the City Commission must act within 30 days of the Planning and Zoning's Commission decision on the plat. If the Commission does not approve or deny the plat within 30 days of the Planning and Zoning acting on the matter, then the plat is considered approved by law. Alvarez further stated that since staff knows that the current plat has a defect in it, because it doesn't comply with ordinance, and there is insufficient time for the parties to reconcile the difference, then the item is brought before the City Commission on a technicality to make sure we comply with the State Law and that we don't have a plat administratively approved by the sheer fact that the Commission didn't act on within 30 days of the Planning and Zoning approval. Alvarez stated that this does not prevent the developer from coming back with a plat that is in conformant or with one of the other potential solutions to the situation we currently have.

Mayor Fugate asked for Mr. Ginter to explain where this plat violates the city ordinance.

Mr. Ginter commented that Section 15-6-107, Special Off-Street Regulations (b), Parking in R1 and R2 Districts shall be provided only in areas properly located for a future garage. Ginter further commented that without changing the plat, the area is not there.

Mayor Fugate stated that what concerns him is that Mr. Dizdar relied on city staff in designing this.

Mr. Capell stated that the reason this is in the city code, is because the city four-fathers didn't want the very thing that Mr. Dizdar is proposing to do.

Commissioner Leubert commented that if the property is a fifty foot lot and most of it is taking up by the house. You also have to include the setbacks for the homes next door as well as the setbacks for the front street which does not allow room for a garage.

Mr. Capell stated that talks between staff and Mr. Dizdar took place to figure out a solution to this issue. Capell further stated that a solution was created that will provide a good building and well designed for the next hundred years. The solution is to create parking spaces within the development if the city buys the lots from him. This will give Mr. Dizdar 9 units to sale instead of 11 units. The two lots the city purchases will be turned into a paved parking lot for onsite parking. This will cost the City some money, but well create a better development is worth the money spent.

Mayor Fugate asked that if this is done, it would eliminate the two car driveways by each home. Mr. Ginter responded that there would be trees in front of the homes with a sidewalk.

Commissioner Leubert commented that if the city decides to go with this solution, it would obligate the city to do the same for other developments.

Mr. Capell responded that these should be treated on a case by case basis as he doesn't feel that it will obligate the city to subsidize every future development.

Commissioner Leubert asked if the developer wouldn't be responsible for the parking. Mr. Capell responded that the City can make the developer responsible, but then the developer wouldn't be able to generate the profits that they need.

Mayor Fugate asked what each lot cost. Mr. Dizdar responded that they would cost \$10,000 to \$11,000 each. Mayor Fugate asked that it would cost \$22,000 to purchase two lots plus the cost for paving the lots for its parking.

Mr. Capell further commented that Mr. Dizdar would also like to purchase the adjacent property and develop that location as well.

Mayor Fugate stated that what is going to happen is that residents will still park in their yard or the street.

Mr. Dizdar commented that there need to be a two car parking in every home. Residents will want to park in front of their homes.

Motion made by Commissioner Pecos to approve the disapproval of preliminary plat of 1.44 acres Eva Addition, Block 1, Lot 1-9 and Clyde Addition, Block 2, Lot 1-3 on south side of Kennedy Ave. between 15th and 16th Streets for residential housing, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".

11. Consider disapproval of final plat of 1.44 acres Eva Addition, Block 1, Lot 1-9 and Clyde Addition, Block 2, Lot 1-3 on south side of Kennedy Ave. between 15th and 16th Streets for residential housing, subject to conditions. (Director of Planning and Development Services).

Motion made by Commissioner Pecos to approve the disapproval of final plat of 1.44 acres Eva Addition, Block 1, Lot 1-9 and Clyde Addition, Block 2, Lot 1-3 on

south side of Kennedy Ave. between 15th and 16th Streets for residential housing, subject to conditions, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting "FOR".

12. Consider a resolution authorizing the City Manager to enter into a consultant contract with CK Consulting Firm, LLC for planning, zoning, and development related issues. (Director of Planning and Development Services).

Commissioner Leubert requested to remove agenda item #12 from the Agenda.

Mayor Fugate asked if anyone from the Commission had any objections to remove agenda item #12 from the agenda. No objections were made.

No action was taken on this item.

13. Executive Session: Pursuant to Section 551.074, Texas Open Meetings Act, the City Commission shall convene in Executive Session to deliberate the employment of the City Manager. (Mayor Fugate).

Mayor Fugate announced the Executive Session and convened the City Commission into Executive Session at 7:03 p.m.

Mayor Fugate returned from Executive Session and convened into open session at 7:24 p.m.

Mayor Fugate announced at 7:24 p.m., that the City Commission will be going into Executive Session pursuant to Section 551.071, Texas Government Code, Consultation with Attorney Exception, the City Commission shall convene in executive session to seek legal advice from the City Attorney regarding a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

Mrs. Courtney Alvarez, City Attorney, announced that at 7:35 p.m. the City Commission is going to reconvene in Executive Session under section 551.074, of the Texas Open Meetings Act, the City Commission shall convene in Executive Session to deliberate the employment of the City Manager.

Mayor Fugate reconvened the City Commission into open session at 7:41 p.m.

14. Consider resignation of City Manager, process for filling position, provision of interim services, and matters related thereto. (Mayor Fugate).

Motion made by Mayor Fugate to accept the City Manager's resignation letter and making it effective at the completion of his present contract and also to include that the City Manager be placed on paid leave pending the remainder balance of his contract, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Fugate voting "FOR". Garcia "ABSTAINED".

Mayor Fugate stated that he left wording out of the above motion that would need to be included, that he has a motion that the City Manager receives payment for 160 hours of his accrued sick leave contingent upon executing a release letter, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Pena, Leubert, Fugate voting "FOR". Garcia "ABSTAINED".

Mayor Fugate stated that the next motion is to fill the Interim, to provide an Interim City Manager.

Motion made by Commissioner Pena to appoint Courtney Alvarez as the temporary Interim City Manager, seconded by Commissioner García.

Mayor Fugate asked if the Commission needs to put in the provision for this and does it have to be done now.

Mrs. Alvarez responded that the Commission would need to act on that now so that the Human Resources Office has official record of what it is the City Commission is proposing.

Commissioner Pena stated that he would like to amend his motion to include a \$5,000 per month stipend for services and City Manager's car allowance, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Garcia, Leubert, Pecos, Fugate voting "FOR".

Mayor Fugate asked Mrs. Alvarez if they would need to discuss the hiring of a head hunter service or is this just done through RFP.

Mrs. Alvarez responded that it would be good if the Commission would give direction to staff whether they would like for the Human Resources Office to handle it strictly by themselves or move forward with the process that the City Commission implemented in 2010 regards to having the Purchasing Director send out for RFP's.

Mayor Fugate stated that he believes the direction from this Commission is to do what was done in 2010 and direct the Purchasing Director to send out RFP's for the search services.

V. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:45 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, City Secretary

PUBLIC HEARING(S)

CONSENT AGENDA

AGENDA ITEM #1

ORDINANCE NO. 2015-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2014-2015 GENERAL FUND BUDGET FOR THE PARKS DEPARTMENT FOR A DONATION FROM THE KLEBERG-KENEDY COUNTY 4-H COUNCIL FOR IMPROVEMENTS TO THE PARKS DEPARTMENT RECREATION BUILDING.

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 2014-2015 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

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

Fund 001 General Fund

Revenues

4-4503 Parks Dept.	Park Donations	58003	<u>\$4,385.75</u>	
			<u>\$4,385.75</u>	

Expenses

5-4503 Parks Dept.	Building Maintenance	51100	<u>\$4,385.75</u>	
			<u>\$4,385.75</u>	

[To amend the FY15 General Fund budget for the \$4,385.75 Kleberg-Kenedy County 4-H Council donation for improvements to the Parks Department Recreation building. This donation was previously accepted during the January 26th, 2015 Commission Meeting.]

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 and become effective on and after adoption and publication as required by law.

INTRODUCED on this the 9th day of February, 2015.

PASSED AND APPROVED on this the __ day of _____, 2015.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

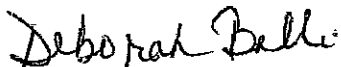
CITY OF KINGSVILLE

TO: VINCENT CAPELL, CITY MANAGER
FROM: DEBORAH BALLI, FINANCE DIRECTOR
DATE: 01/29/2015
SUBJECT: Kleberg-Kenedy County 4-H Council Donation

The Parks Department recently received a donation in the amount of \$4,385.75 from the Kleberg-Kenedy County 4-H Council for improvements to the Parks Department Recreation Building. The acceptance of this donation was approved in the January 26th Commission Meeting. This budget amendment will increase the Park Donations Revenues and the Building Maintenance Expenditures. The increase in revenues and expenditures will have zero effect on fund balance.

This budget amendment, given your approval, would be on the February 9, 2015 Commission Meeting agenda for first reading.

Sincerely,
Deborah Balli



AGENDA ITEM #2

ORDINANCE NO. 2015-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2014-2015 TOURISM FUND BUDGET FOR THE PURPOSE OF PROVIDING MATCHING FUNDS FOR STREET FURNISHINGS.

WHEREAS, it was unforeseen when the budget was adopted that the City would receive a donation from the La Posada de Kingsville Foundation with a request for matching funds.

I..

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2014-2015 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
Fund 002 Tourism Fund					
<u>Capital</u>					
<u>2</u>		Unreserved Fund Balance	61002		<u>\$4,000.00</u>
					<u>\$4,000.00</u>
<u>Revenues</u>					
4-1070	Tourism	Donations	72030	<u>\$4,000.00</u>	
				<u>\$4,000.00</u>	
<u>Expenses</u>					
5-1072	Visitor Services	Minor Equipment	21700	<u>\$8,000.00</u>	
				<u>\$8,000.00</u>	

[To amend the FY14-15 Tourism Fund budget for the purpose of providing matching funds for the purchase of street furnishings (i.e. benches and trash/recycling receptacles). The City received a \$4,000 donation from the La Posada de Kingsville Foundation along with a request for matching funds to increase the number of trash receptacles and benches for the downtown area along Kleberg Avenue from the courthouse to the old H.M. King High School Building.]

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 and become effective on and after adoption and publication as required by law.

INTRODUCED on this the 9th day of February, 2015.

PASSED AND APPROVED on this the __ day of _____, 2015.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #3

RESOLUTION #2015-_____

A RESOLUTION OF THE CITY OF KINGSVILLE AUTHORIZING PARTICIPATION IN THE 12th ANNUAL RIDE ON THE WILD SIDE CHARITY BIKE RIDE AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AN INDEMNITY AGREEMENT WITH THE KING RANCH FOR SAID EVENT.

WHEREAS, the City of Kingsville is participating in the 12th Annual Ride on the Wild Side Charity Bike event with the Kingsville Noon Lions Club;

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

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

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

I.

THAT the City Commission authorizes participation in the 12th Annual Ride on the Wild Side Charity Bike Event and authorizes the Interim City Manager, as an act of the City, to execute the Indemnity Agreement with the King Ranch for the 2014 Ride on the Wild Side Charity Bike Event, as per the attached.

II.

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

PASSED AND APPROVED by a majority vote of the City Commission on the 23rd day of February, 2015.

Sam R. Fugate

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

PERMISSION AND INDEMNITY AGREEMENT

In consideration for King Ranch, Inc.'s permission (evidenced by its execution below) for a portion of the Ride On The Wild Side Charity Bike Ride (or similarly named event) ["Bike Ride"] (with participation/sponsorship by the Kingsville Noon Lions Club & the City of Kingsville) to be held on the premises of King Ranch, Inc. in or about April 25th of 2015, the sufficiency and adequacy of which consideration is hereby acknowledged, the City of Kingsville, Texas, hereby unconditionally and irrevocably agrees to defend, indemnify and hold harmless King Ranch, Inc., its directors, employees, shareholders and agents from and against any and all claims based on, or arising out of, personal injury (including death) to, and/or property damage of, any of the participants, support personnel or other individuals participating in, observing as by-stander of, or providing organizational or other support or safety services for, the above Bike Ride, including the arrival to or departure from the above Bike Ride and all other ancillary and related activities related to the Bike Ride. **The foregoing defense, indemnity and holding harmless shall apply in full force and effect despite any sole, joint or concurrent negligence, strict liability or other fault of any of the above indemnified persons.**

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

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

Executed this ____ day of _____, 201__.

City of Kingsville, Texas, by:

King Ranch, Inc.

Name

Name

Title

Title

WAIVER & RELEASE
Notice: Read and Sign

In consideration for my participation in the bicycle tour event known as "A Ride on the Wild Side" which will be held Saturday, April 25, 2015, on King Ranch and areas in and around Kingsville, Texas, I hereby agree to this Waiver and Release. I fully realize the dangers of participating in a bicycle ride and fully assume the risk associated with such participation, including by way of example, and not limitation, the following: the danger of collision with pedestrians, vehicles, other riders and fixed or moving objects; the danger arising from surface hazards, equipment failure, inadequate safety equipment, and weather conditions; and the possibility of serious physical and/or mental trauma or injury associated with athletic cycling participation. I hereby waive, release and discharge for myself, my heirs, executors, administrators, legal representatives, signers, successors in interest any rights and claims which I have or which may hereafter accrue to me against the sponsors of this event, the organizers and any promoting organizations, property owners (including King Ranch, Inc. and its directors, employees, shareholders and agents), law enforcement agencies, all public entities, and special districts, through or by which the event will be held for any and all claims (including those caused by the Negligence and Gross Negligence of such released persons) for all damages arising out of personal injury (including death) or property damage which may be sustained by me directly or indirectly in connection with the event, or travel to or return from the event. I agree it is my sole responsibility to be familiar with the ride and operation of my bicycle so as to neither endanger others or myself. I accept responsibility for the condition and adequacy of the equipment I use to participate in the charity bicycle ride and I will wear an ANSI approved helmet at all times while riding my bicycle during such ride. I have no physical or mental condition which, to my knowledge, would endanger others or myself if I participate in this event, or would interfere with my ability to participate in this event. I understand and agree that I will be financially responsible for any loss or damage caused by my actions during the event. I further understand and agree with all of the terms and conditions of this Waiver and Release.

I have read and I agree to the stated terms and conditions above.	
Signature: _____	
Date: _____	
Parent or Guardian if under 18:	
I have read and agree to the stated terms and conditions above and hereby acknowledge the authorization for my: _____ Relationship	
Name: _____	
to participate in this event. I also authorize the medical treatment for any injuries sustained during this bicycle tour on King Ranch and areas in and around Kingsville, Texas.	
Signature: _____	
Date: _____	Phone: _____



Kingsville Noon Lions Club
 (An All-Volunteer Service Organization)

All proceeds from the 12th annual spring bike tour in Kingsville will mainly benefit the Texas Lions Camp for Physically Handicapped Children. The camp, located in Kerrville, Texas, educates children on how to work with their handicap and assists children stricken with Type 1 diabetes between the ages of 8 and 15 years. The camp is 100% supported by the Lions of Texas and is free to children. Those eligible to participate in the summer camp program must be between the ages of 7 and 16 years and have a qualifying physical disability. Other Kingsville charities will also be considered.

Dinner Community Life Center
 123 N 5th St. - Kingsville

Friday, April 24, 2015 - 6:00 - 8:00 pm

Join us for a fun evening of good food and entertainment. Menu includes salad, spaghetti, pizza, drink and light dessert and is included in your registration. Dress is always casual. You may register and pick up your goody bags.

Accommodations

Check out: www.kingsvilletexas.com
 for a complete list of accommodations or call
 1.800.333.5032

For more information about the ride contact
Sam 361.455.5386 or Carol Ann 361.522.2278
kingsvillenoonlions@yahoo.com
www.arideonthewildside.com

For information about Registration contact
Wanda 361.522.1884

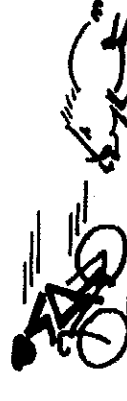
Bicycle Tour organized by
Kingsville Noon Lions Club

12th Annual Bicycle Ride
on Historic King Ranch

A Ride on the Wild Side

Saturday, April 25, 2015

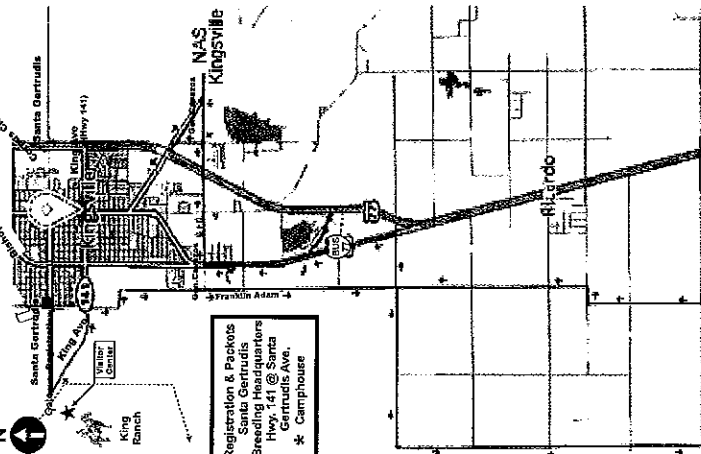
Beginning on
Historic King Ranch
Kingsville, Texas



Benefiting
Texas Lions Camp
for
Disabled Children
and
Local Charities

Kingsville, Texas

Referred to as the Wild Horse Desert by Indians and Spaniards, Captain Richard King founded one of the most well-known ranches in the world. 825,000 acres of cattle range makes it one of the largest ranches in the world, and offers protected habitat for an abundance of wildlife such as deer, javelina, wild cats, reptiles and over 450 bird species. Begin your ride on King Ranch and get a glimpse of ranch life as you ride a scenic route on a working ranch.



The first 100 \$40 registrations receive t-shirts and goody bags (to be picked up at dinner or morning of ride).
Extra Tee-Shirts are for sale for \$10.00.

Join us for

Dinner at Community Life Center
113 N 5th St. @ Yokum

Friday, April 24, 2015

(Information on Back)

Registration/Check-In Times

First 100 riders to register will receive Tee Shirt & Backpack/Goody Bag
Early registration/packet pickup
April 24, 2015 at the dinner.

On site registration/packet pickup 7:00-8:00 am
day of event at the Santa Gertrudis Breeding Headquarters West Hwy. 141 at Santa Gertrudis (directly across from Ranch entry gate).

Starting Location

King Ranch Main Headquarters entrance on West Hwy 141 (Santa Gertrudis @ King), Kingsville.
Rides start on King Ranch 8:00 am sharp and continue on city & county roads.

Routes

King Ranch X1 10 miles 8:00 am
King Ranch X2 20 miles
Bishop
Kingsville South
Entire Ride 100 KM

Rest Stops

Full service rest stops and medical assistance will be along the routes.
Sagwagon will be driving all routes.

Rules of the Road

- ⇒ Youth under 18 must be accompanied by an adult on King Ranch loop.
- ⇒ All riders MUST wear a helmet.
- ⇒ All riders must obey state traffic laws.
- ⇒ Be courteous to others.
- ⇒ PLEASE DO NOT harass the livestock.
- ⇒ **All riders must stay on marked road on King Ranch and all other routes.**

Road Conditions

Bike tour is on paved ranch and county roads.
The surface is of rough asphalt and rock construction.

Kingsville Noon Lions Club Spring Bicycle Tour

Registration/Waiver Form

One Form Per Applicant. PLEASE PRINT.

Name: _____
Address: _____
City: _____ Zip: _____
State: _____
Phone: _____
E-Mail: _____
Age: _____ Shirt Size (circle one) M, L, XL, XXL

Approximate Distance 100 k

King Ranch Longhorn 1 loop = 10 miles
2 loops = 20 miles
White-tail Run to Bishop 22.2 miles
Green Jay Flight South 30 miles
Total for Entire Ride (100K) 62.2 miles

\$40/riders \$ _____

Includes Dinner Fri. April 25

\$50/riders Morning of Ride \$ _____

\$20/riders 18 and under \$ _____

\$25/riders 18 and under \$ _____

Dinner April 24th Included in Registration Fee

TOTAL ENCLOSED \$ _____

Under 18 must be accompanied by an adult

Make check payable and mail to:

Kingsville Noon Lions Club

902 E Shelton - Kingsville, TX 78363

Cut and enclose completed registration

Note: Entries not counted as registered if not properly signed, completely filled out on both sides, or if correct payment is not enclosed.

Entries Morning of Ride \$50.

WAIVER & RELEASE

In consideration for my participation in the bicycle tour event known as "A Ride on the Wild Side" which will be held Saturday, April 25, 2015, on King Ranch and areas in and around Kingsville, Texas, I hereby agree to this Waiver and Release. I fully realize the dangers of participating in a bicycle ride and fully assume the risk associated with such participation, including by way of example and not limitation, the following: the danger of collision with pedestrians, vehicles, other riders and fixed and moving objects; the danger rising from surface hazards, equipment failure, inadequate safety equipment, and weather conditions; and the possibility of serious physical and/or mental trauma or injury associated athletic cycling participation. I hereby waive, release and discharge for myself, my heirs, executors, administrators, legal representatives, signers, successors in interest any rights and claims which I have or which may hereafter accrue to me against the sponsors of this event, the organizers, and any promoting organizations, property owners (including King Ranch Inc. and its directors, employees, shareholders, and agents), law enforcement agencies, all public entities, special districts, and the Kingsville Noon Lions Club, through or by which the event will be held for any and all claims **(including those caused by the Negligence and Gross Negligence of such released persons)** for all damages arising out of personal injury (including death) or property damage which may be sustained by me directly or indirectly in connection with the event, or travel to or return from the event. I agree it is my sole responsibility to be familiar with the ride and operation of my bicycle so as to neither endanger others or myself. I accept responsibility for the condition and adequacy of the equipment I use to participate in the charity bicycle ride and I will wear an ANSI approved helmet at all times while riding my bicycle during such ride. I have no physical or mental condition which, to my knowledge, would endanger others or myself if I participate in this event. I understand and agree that I will be financially responsible for any loss or damage caused by my actions during the event. I further understand and agree with all the terms and conditions of this Waiver and Release.

I have read and I agree to the stated terms and conditions above.

Signature: _____

Date: _____

Parent or Guardian if under 18:

I have read and agree to the stated terms and conditions above and hereby acknowledge the authorization for my: _____,

Relationship

Name: _____ to participate in this event. I also authorize the medical treatment for any injuries sustained during this bicycle tour on King Ranch and areas in and around Kingsville, Texas.

Signature: _____

Date: _____ Phone: _____

Make check payable to "Kingsville Noon Lions Club" and mail with completed form to:

Kingsville Noon Lions Club
902 E. Shelton
Kingsville, TX 78363

AGENDA ITEM #4

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE CITY OF KINGSVILLE, TEXAS, DESIGNATING THE AUTHORIZED SIGNATORIES FOR FINANCIAL, HEALTH TRUST PLAN, AND OTHER ITEMS OF CITY BUSINESS FROM CITY MANAGER TO INTERIM CITY MANAGER.

WHEREAS, an Interim City Manager was named by the City Commission on February 9, 2015 to occupy the position of City Manager until such time as a new City Manager is hired and starts;

WHEREAS, the financial, health trust plan, and other items of city business require documents to be authorized and signed on the behalf of the position of City Manager;

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

Section 1: That as of February 10, 2015 the following individual is hereby authorized to sign financial, health trust plan, and other items of city business that are required to be authorized and signed on the behalf of the position of City Manager:

Remove: Vincent J. Capell, City Manager

Add: Courtney Alvarez, Interim City Manager

Section 2: This resolution shall be effective until it is repealed or superseded by another resolution.

Section 3: This Resolution shall be and become effective on and after adoption.

PASSED AND APPROVED by a majority vote of the City Commission on this the 23rd day of February, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

REGULAR AGENDA

AGENDA ITEM #5

ORDINANCE NO. 2015-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER III, ARTICLE 7, PERSONNEL POLICIES, SECTION 1 CLASSIFICATION AND COMPENSATION PLAN TO ADD A POSITION OF CIVIC FACILITIES MANAGER TO THE CITY OF KINGSVILLE CLASSIFICATION AND COMPENSATION PLAN FOR FISCAL YEAR 2014-2015; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the certain changes are proposed to the City of Kingsville Classification and Compensation Plan for FY 2014-2015 are desired so that the plan more accurately reflects the type of position necessary for the effective operation of departments;

WHEREAS, the requested changes to the City of Kingsville Classification and Compensation Plan for Fiscal Year 2014-2015 are as follows:

Add – Position	Classification	Minimum-Maximum
Civic Facilities Manager	Management Level 3	\$41,209-\$ 68,005

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

I.

THAT Section 3-7-1 Adoption of the Job Classification and Compensation Plan of Article 7: Personnel Policies of Chapter III: Administration of the Code of Ordinances of the City of Kingsville, Texas, which adopts by reference the City of Kingsville Classification and Compensation Plan dated effective as of October 1, 2014 shall be amended to adopt by reference the revised Classification and Compensation Plan for FY 2014-2015 to incorporate the changes stated above as per the document attached hereto.

II.

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

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite

intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

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

INTRODUCED on this the 9th day of February, A. D., 2015.

PASSED AND APPROVED on this the _____ day of _____, A. D., 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

Approved As to Form:

Courtney Alvarez, City Attorney

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

Ordinance Introduced: 09/08/2014
Ordinance Amendment Introduced: 01/28/2015
Ordinance Amendment Introduced: 02/09/2015

Ordinance Approved: September 15, 2014

<u>NON-EXEMPT / NON-CIVIL SERVICE</u>		<u>MIN</u>	<u>MAX</u>
CLASS 7	Custodian Equipment Service Worker Golf Pro-Shop Attendant Library Assistant FT/PT Maintenance Worker Plant Helper Utility Worker	\$ 9.36	\$11.39
CLASS 8	Animal Control Specialist Animal Care Attendant Children's Services Librarian Equipment Operator I Recycling Technician	\$ 9.73	\$11.69
CLASS 9	Customer Service Representative Municipal Court Deputy Clerk Reference/Information Librarian	\$ 9.90	\$12.24
CLASS 10	Circulation Librarian Technician Services Assistant	\$ 10.17	\$12.33
CLASS 11	Pump Operator <u>Fire Telecommunications Operator – pending 2nd reading</u>	\$10.69	\$13.06
CLASS 12	Information and Technology Librarian Inventory Clerk	\$10.92	\$13.72
CLASS 13	Tourism Services Technician	\$11.39	\$14.19
CLASS 14	Customer Billing Specialist Engineering Technician Equipment Operator II GIS Technician Meter Reader Technician Police Telecommunications Operator Municipal Court Specialist <u>Fire Telecommunications Operator - pending 2nd reading</u>	\$11.90	\$14.71
CLASS 15	Administrative Assistant I	\$12.42	\$15.23
CLASS 16	Lead Telecommunications Operator	\$13.05	\$16.36
CLASS 17	A/P Specialist Accounting Assistant Administrative Assistant II Assistant Library Administrator Equipment Operator III Help Desk <u>Coordinator</u> – pending 2 nd reading Maintenance Technician Payroll Specialist Water/Wastewater Operator Welder/Fabricator	\$13.59	\$16.38

CLASS 18	Lab Technician Legal Assistant/Paralegal	\$14.16	\$16.96
CLASS 19	Community Appearance Inspector Lead Maintenance Technician	\$14.82	\$17.22
CLASS 20	Foreman	\$15.88	\$18.29
CLASS 21	Crime Scene Specialist Health Inspector I	\$17.96	\$20.61
CLASS 22	Building Inspector Engineer's Assistant Health Inspector II	\$19.10	\$21.76

CLASS TF	City Marshal	Pending 2 nd reading	\$ 18.48	\$ 20.81
			<u>\$ 18.76</u>	<u>\$ 21.12</u>
CLASS TFS	Senior City Marshal	Pending 2 nd reading	\$ 21.23	\$ 23.91
			<u>\$ 21.55</u>	<u>\$ 24.27</u>

OTHER POSITIONS

Seasonal/Temporary Employees	\$ 8.00	\$12.00
Example of positions include: Brookshire Pool Attendants/Instructors/Lifeguards, Park Recreational Program Assistants, etc.		
Probationary Firefighters (0-12 months)	\$ 13.87	\$14.08
Probationary Police Officers (0-12 months)	\$ 17.00	\$18.85

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

	<u>MIN</u>	<u>MAX</u>
EXECUTIVE OFFICER - 1	\$ 95,000	\$140,000
City Manager		
EXECUTIVE OFFICER - 2	\$ 80,000	\$120,000
City Attorney		
MANAGEMENT LEVEL - 1	\$ 70,000	\$100,000
<u>Economic Development Director</u> – pending 2 nd reading		
Fire Chief		
Finance Director		
Police Chief		
City Engineer/Public Works Director		
Planning & Development Services Director		
MANAGEMENT LEVEL - 2	\$ 50,000	\$ 78,155
Assistant City Attorney		
Human Resources Director		
<u>Parks and Recreation Director</u> – pending 2 nd reading		
Purchasing and Technology Director		
Task Force Commander		
Tourism Services Director		
MANAGEMENT LEVEL - 3	\$ 41,209	\$ 68,005
Accounting Manager		
Assistant Task Force Commander		
Assistant Public Works Director		
<u>Civil Facilities Manager</u> – (note: Introduction 02/09/2015)		
Golf Course Manager		
Health Director		
Library Director		
Parks & Recreation Manager		
Risk Manager		
MANAGEMENT LEVEL - 4	\$ 36,058	\$ 55,825
Accounting Supervisor		
Building Official		
City Secretary		
Collection's Supervisor		
Police Communication's Supervisor		
Community Appearance Supervisor		
Downtown and Volunteer Supervisor		
Garage Supervisor		
Landfill Supervisor		
Municipal Court Supervisor		
Sanitation Supervisor		
Street Supervisor		
Systems Specialist		
Wastewater Supervisor		
Water Production Supervisor		
Water Supervisor		

NON-EXEMPT RATE CHART

FISCAL YEAR
2014-2015

Class 7 - 11 adjustments

Starting at Class 12
COLA positions

1.015

→→

CLASS	STEP	B NEW HIRE	C 1	D 3	E 6	F 10	G 15	H 20	I 25
7		\$ 9.36	\$ 9.72	\$ 10.08	\$ 10.43	\$ 10.88	\$ 11.15	\$ 11.39	
8		\$ 9.73	\$ 10.09	\$ 10.44	\$ 10.81	\$ 11.15	\$ 11.52	\$ 11.69	
9		\$ 9.90	\$ 10.33	\$ 10.76	\$ 11.19	\$ 11.61	\$ 12.06	\$ 12.24	
10		\$ 10.17	\$ 10.53	\$ 10.89	\$ 11.24	\$ 11.63	\$ 12.09	\$ 12.33	
11		\$ 10.69	\$ 11.07	\$ 11.48	\$ 11.88	\$ 12.27	\$ 12.66	\$ 13.06	
12		\$ 10.92	\$ 11.32	\$ 11.72	\$ 12.13	\$ 12.53	\$ 12.92	\$ 13.32	\$ 13.72
13		\$ 11.39	\$ 11.78	\$ 12.20	\$ 12.59	\$ 12.99	\$ 13.39	\$ 13.79	\$ 14.19
14		\$ 11.90	\$ 12.30	\$ 12.71	\$ 13.10	\$ 13.50	\$ 13.91	\$ 14.33	\$ 14.71
15		\$ 12.42	\$ 12.82	\$ 13.23	\$ 13.63	\$ 14.02	\$ 14.42	\$ 14.83	\$ 15.23
16		\$ 13.05	\$ 13.52	\$ 13.99	\$ 14.46	\$ 14.93	\$ 15.41	\$ 15.88	\$ 16.36
17		\$ 13.59	\$ 13.97	\$ 14.38	\$ 14.78	\$ 15.18	\$ 15.57	\$ 15.97	\$ 16.38
18		\$ 14.16	\$ 14.56	\$ 14.96	\$ 15.37	\$ 15.77	\$ 16.17	\$ 16.56	\$ 16.96
19		\$ 14.82	\$ 15.23	\$ 15.61	\$ 16.02	\$ 16.42	\$ 16.84	\$ 17.22	
20		\$ 15.88	\$ 16.29	\$ 16.68	\$ 17.09	\$ 17.49	\$ 17.88	\$ 18.29	
21		\$ 17.96	\$ 18.57	\$ 19.19	\$ 19.80	\$ 20.21	\$ 20.61		
22		\$ 19.10	\$ 19.71	\$ 20.34	\$ 20.96	\$ 21.37	\$ 21.76		
TF	Pending 2 nd	\$ 18.48	\$ 18.85	\$ 19.23	\$ 19.61	\$ 20.40	\$ 20.81		
	reading	<u>\$ 18.76</u>	<u>\$ 19.13</u>	<u>\$ 19.52</u>	<u>\$ 19.90</u>	<u>\$ 20.71</u>	<u>\$ 21.12</u>		
TFS	Pending 2 nd	\$ 21.23	\$ 21.65	\$ 22.09	\$ 22.53	\$ 23.44	\$ 23.91		
	reading	<u>\$ 21.55</u>	<u>\$ 21.97</u>	<u>\$ 22.42</u>	<u>\$ 22.87</u>	<u>\$ 23.79</u>	<u>\$ 24.27</u>		

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

HOURLY CHART

- STEP B -** New Hire
STEP C - Step following completion of one (1) year of employment.
STEP D - Step for eligible employees with three (3) years of current uninterrupted City service.
STEP E - Step for eligible employees with six (6) years of current uninterrupted City service.
STEP F - Step for eligible employees with ten (10) years of current uninterrupted City service.
STEP G - Step for eligible employees with fifteen (15) years of current uninterrupted City service.
STEP H - Step for eligible employees with twenty (20) years of current uninterrupted City service.
STEP I - Step for eligible employees with twenty-five (25) years of current uninterrupted City service.

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

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

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

*** Rounding may be required for payroll purposes.**

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

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

MEMORANDUM

From
The Human Resources Department

Date: January 29, 2015
To: Mr. Vincent J. Capell
City Manager
From: Diana Gonzales, SPHR
Human Resources Director
Subject: Fiscal Year 2014-2015
Proposed Classification and Compensation Plan Amendment

Below is a proposed addition to the City of Kingsville Classification and Compensation Plan for FY 2014-2015

Exempt Level Salary Plan

- Addition

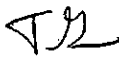
Civic Facilities Manager	Management Level 3	\$41,209 - \$ 68,005
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Adding the position to the compensation plan shall create the position. It is proposed for the position to become part of the Tourism Services Department.

Funding methods: To be determined and presented to commission separately.

AGENDA ITEM #6

To: Courney Alvarez, Interim City Manager

From: Tom Ginter, Director of Planning and Development Services 

Date: February, 13, 2015

Subject: Amended Plat Wildwood Trails -- Agenda Item

The developers at Wildwood Trails have submitted an amended plat. As stated in their memo the only change they want to do is to reduce the front setback from 40 to 30 feet. This is within the required front yard setback as stated in the code.

MEMORANDUM

Date: January 14, 2015
To: Tom Ginter, City Planner
CC: Mark Dizdar
From: Fred L. Kurth, P.E., R.P.S.
Subject: The Grand at Wildwood Trail

Tom,

We have begun building homes in The Grand at Wildwood Trail with the front setback of 40 feet as per plat. This is resulting in very shallow backyards. We would like to change the front setback from 40 feet to 30 feet to fix this problem.

In other similar instances, we have recorded an affidavit stating this change that is signed off by the developer and the City. The other option would be to file an amended plat.

Would you please let us know which method you would require – obviously we would prefer the affidavit as it could happen quicker.

Thanks for your consideration.



Fred L. Kurth

Front yard setback R1 - 20 feet
Sent email 1-28-15 to inform that
an amended plat is preferred.

The Grand at Wildwood Trail



Cave Type				Target
Cave Name	Height (m)	Depth (m)	Dist. Length (m)	
C1	10.0	10.0	10.0	10.0
C2	10.0	10.0	10.0	10.0
C3	10.0	10.0	10.0	10.0
C4	10.0	10.0	10.0	10.0
C5	10.0	10.0	10.0	10.0
C6	10.0	10.0	10.0	10.0
C7	10.0	10.0	10.0	10.0
C8	10.0	10.0	10.0	10.0
C9	10.0	10.0	10.0	10.0
C10	10.0	10.0	10.0	10.0
C11	10.0	10.0	10.0	10.0
C12	10.0	10.0	10.0	10.0
C13	10.0	10.0	10.0	10.0
C14	10.0	10.0	10.0	10.0
C15	10.0	10.0	10.0	10.0
C16	10.0	10.0	10.0	10.0
C17	10.0	10.0	10.0	10.0
C18	10.0	10.0	10.0	10.0
C19	10.0	10.0	10.0	10.0
C20	10.0	10.0	10.0	10.0
C21	10.0	10.0	10.0	10.0
C22	10.0	10.0	10.0	10.0
C23	10.0	10.0	10.0	10.0
C24	10.0	10.0	10.0	10.0
C25	10.0	10.0	10.0	10.0
C26	10.0	10.0	10.0	10.0
C27	10.0	10.0	10.0	10.0
C28	10.0	10.0	10.0	10.0
C29	10.0	10.0	10.0	10.0
C30	10.0	10.0	10.0	10.0
C31	10.0	10.0	10.0	10.0
C32	10.0	10.0	10.0	10.0
C33	10.0	10.0	10.0	10.0
C34	10.0	10.0	10.0	10.0
C35	10.0	10.0	10.0	10.0
C36	10.0	10.0	10.0	10.0
C37	10.0	10.0	10.0	10.0
C38	10.0	10.0	10.0	10.0
C39	10.0	10.0	10.0	10.0
C40	10.0	10.0	10.0	10.0
C41	10.0	10.0	10.0	10.0
C42	10.0	10.0	10.0	10.0
C43	10.0	10.0	10.0	10.0
C44	10.0	10.0	10.0	10.0
C45	10.0	10.0	10.0	10.0
C46	10.0	10.0	10.0	10.0
C47	10.0	10.0	10.0	10.0
C48	10.0	10.0	10.0	10.0
C49	10.0	10.0	10.0	10.0
C50	10.0	10.0	10.0	10.0
C51	10.0	10.0	10.0	10.0
C52	10.0	10.0	10.0	10.0
C53	10.0	10.0	10.0	10.0
C54	10.0	10.0	10.0	10.0
C55	10.0	10.0	10.0	10.0
C56	10.0	10.0	10.0	10.0
C57	10.0	10.0	10.0	10.0
C58	10.0	10.0	10.0	10.0
C59	10.0	10.0	10.0	10.0
C60	10.0	10.0	10.0	10.0
C61	10.0	10.0	10.0	10.0
C62	10.0	10.0	10.0	10.0
C63	10.0	10.0	10.0	10.0
C64	10.0	10.0	10.0	10.0
C65	10.0	10.0	10.0	10.0
C66	10.0	10.0	10.0	10.0
C67	10.0	10.0	10.0	10.0
C68	10.0	10.0	10.0	10.0
C69	10.0	10.0	10.0	10.0
C70	10.0	10.0	10.0	10.0
C71	10.0	10.0	10.0	10.0
C72	10.0	10.0	10.0	10.0
C73	10.0	10.0	10.0	10.0

Curve #	Length	Radius	Delta	Chord Distance	Chord Length	Tangent
5746	3427	131.00	200° 17' 37"	1047.46' wester	94.22	23.38
5748	10647	500.00	100° 11' 17"	500.00' easter	140.09	60.71
5749	2027	137.50	200.00'	100.00' easter	100.00' easter	25.58
5750	1414	100.00	160.00'	100.00' easter	100.00' easter	25.58
5751	4146	150.00	160° 17' 37"	1047.46' easter	104.27	24.31
5752	3427	131.00	200° 17' 37"	1047.46' easter	104.27	24.31



CASHED BY: JOE / M.D. DATE: 8/22/13
 DEPOSITED BY: JOE / M.D. DATE: 8-22-13
 INITIAL CHECK BY: JOE / M.D. DATE: 8-22-13

135 W. MONTYNE
CHANDLER, TX 75341
PH1 (936) 301-2081
PH2 (936) 301-2081
FAX (936) 301-2081

[illegible][illegible]

COUNTY CLERK _____
 RELIGIOUS COUNTY, TEXAS _____
 BY: _____
 DATE: _____
 STATE OF TEXAS
 COUNTY OF TARRANT
 I HEREBY CERTIFY AND SUBSCRIBE TO THE ABOVE AS THE COUNTY CLERK OF SAID COUNTY, TEXAS.

 DATE: _____

STATE OF TEXAS
COUNTY OF ALBANY
THIS BEING ADOPTED AND PASSED AT THE BOARD OF VOTERS
PURSUANT TO THE CITY OF ALBANY, TEXAS.
THIS 14TH DAY OF _____, 2014.
CITY SECRETARY _____
DIRECTOR OF PLANNING _____

[illegible][illegible]

THESE ARE THE TERMS AND CONDITIONS OF THE SALE OF THE GOODS TO BE PURCHASED BY YOU FROM THE COMPANY OF WHICH THE GOODS ARE TO BE PURCHASED. THESE TERMS AND CONDITIONS SHALL APPLY TO ALL ORDERS FOR THE PURCHASE OF GOODS FROM THE COMPANY, WHETHER MADE BY YOU OR BY ANY OTHER PERSON ON YOUR BEHALF, AND TO ALL ORDERS FOR THE PURCHASE OF GOODS FROM THE COMPANY, WHETHER MADE BY YOU OR BY ANY OTHER PERSON ON YOUR BEHALF, AND TO ALL ORDERS FOR THE PURCHASE OF GOODS FROM THE COMPANY, WHETHER MADE BY YOU OR BY ANY OTHER PERSON ON YOUR BEHALF.

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AGENDA ITEM #7

Kingsville Parks & Recreation Department

Request for Agenda Item

February 23, 2015

Item: Request Approval for College Of Pharmacy at TAMUK Proposal for Improvements at Corral Park and Authorize City Participation in Same

The College of Pharmacy at TAMUK has prepared, applied for and has been awarded a grant from Walmart, Inc. for \$3500.00 for a community improvement project that will include a health initiative benefitting the citizens of our community. I have attached detail of their project. The group is also committed to adding \$1000.00 of their own funding to the project.

I have met with the students at the park, with City Planner Tom Ginter at the Park and City Engineer, Charlie Cardenas about the project. The students' priority is installing a walking trail at the park and my conversations with Tom and Charlie are concerning the material to be used and whether or not there is enough funding to complete the trail and would City Assistance be possible to make the walking trail a reality. One option would be to install a limestone path this year and follow up with asphalt when possible by City staff. Charlie is doing the estimation on the cost of the limestone path now and will have that information and a recommendation at Commission Meeting.

→ Other University Departments have plans already to plant trees in this park so other park amenities such as exercise equipment, benches, picnic tables, parking, pet cleanup stations and signage are also a part of this plan. If the walking trail is not fundable this year the other priorities will be considered. Signage indicating park rules, trail distances and healthy checklists are planned. Signage indicated park name will be on hold until Park logos and wayfaring plans are discussed.

I will be also making a presentation to the Keep Kingsville Beautiful group to participate financially to provide assistance with installing a water source for the park to assist with keeping trees and any future landscaping watered.

Our first step will be park cleanup during the February 27th TAMUK Bigger Event where picnic tables and playground equipment will be checked and repaired and the basketball court lines will be painted.

The Pharmacy School will be adopting this park. As we are working on updating our Parks Master Plan we will consider and incorporate their projects and assistance for Corral Park.

I am asking that you approve the proposal for work at Corral Park providing it follows the recommendations of City Staff and that City assistance be provided if possible. Request for City assistance will be based on Report by City Engineer to follow.

Thank you

Susan Ivy
Parks Manager

Student National Pharmaceutical Association – PATH
Kingsville Parks & Recreation
Project PATH Meeting
Thursday, February 5, 2015 3:00p.m.

Agenda

- I. Introduction to PATH
 - A. Video
- II. Permission to proceed
 - A. Main project:
 - i. Cleanup
 - ii. Jogging/walking path
 - a) pea gravel
 - b) asphalt*
 - iii. Exercise/stretching bars
 - iv. Educational placards
 - v. Pet cleanup station
 - B. Funds permitting
 - i. Re-paint basketball court & playground equipment
 - ii. Sand volleyball pit
 - iii. Picnic area improvements
 - C. Immediate installation
 - i. "Coming April 2015" sign.
- III. Ideal Timeline
 - A. February – Planning
 - B. March – Construction
 - C. April – Grand Opening
- IV. Social Media & Information Sharing
 - A. City of Kingsville has permission to post material from blog/Facebook page
- V. Corral Park Future
 - A. Quarterly cleanups of parks (scheduled when school is in session)
 - B. Stocking of pet cleanup bags
 - i. Limit based on budget (budget to be determined)
 - C. Future improvements to park

PUBLIC WORKS DEPARTMENT

DATE: February 17, 2015
TO: Courtney Alvarez, Interim City Manager
FROM: Charlie Cardenas, P.E., City Engineer/ Director of Public Works
SUBJECT: Corral Park Jogging trail cost estimate

On February 13, 2015 Friday afternoon Engineering met with the parks and rec department to discuss the feasibility of a 3rd party (college student group) installing and or paying for a jogging trail around Corral Park in Kingsville. Engineering was asked to come up with a cost estimate for this project. The following are the quantities of what engineering found constructing a jogging trail around Corral Park (two options, limestone only or limestone and asphalt):

1. The trail is five (5) feet wide and 1300 feet long (around the park)
2. 1,625 tons of limestone will be used (at \$22.75 per ton) = \$36,970.00
3. 103 tons of one (1) inch thick asphalt (at \$77.50 per ton) = \$7,992.00
4. Total cost of material =\$44,962.00

These prices do not include labor or equipment cost.

Please be advised that Engineering or Public Works has not agreed to perform this work for a 3rd party.

Corral Park Project

PATH

*Student National Pharmaceutical
Association*

Bryan Donald, Kevin Ferrall,
Jennifer Tran, Heaven Carrejo

Prescription for Service

<https://www.youtube.com/watch?v=JSjruh3Vlcg>

[will be embedded]

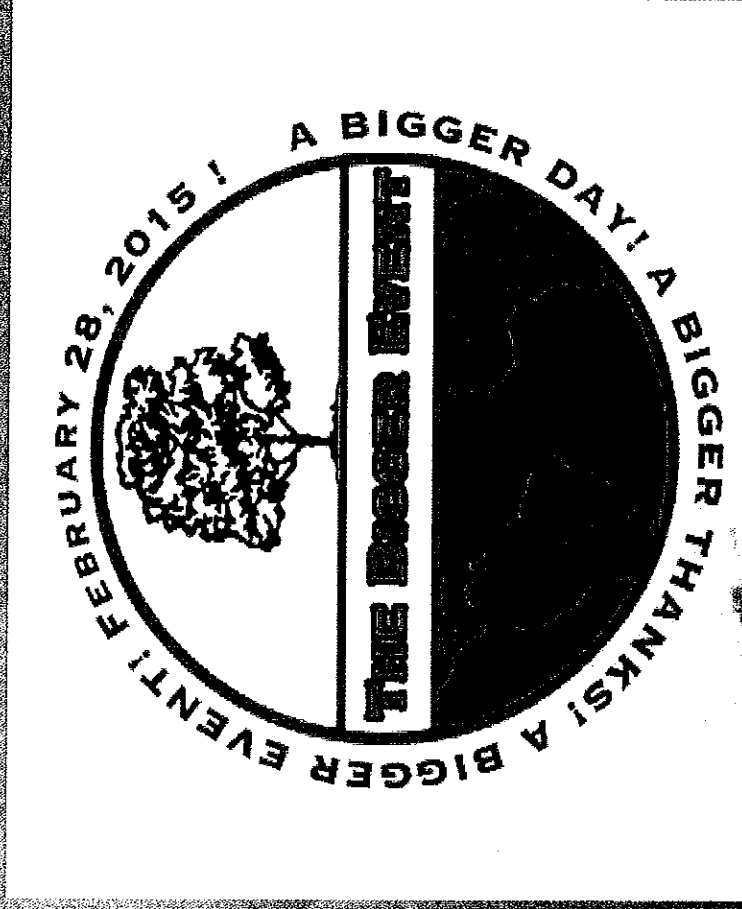
Prescription for Service

- WalMart competition for SNPhA
- \$2500 grant for local healthcare-related community service project
- Proposal to clean up Corral Park and install walking/jogging path
 - Improve health for local community
 - Provide platform for future community involvement

Project Timeline

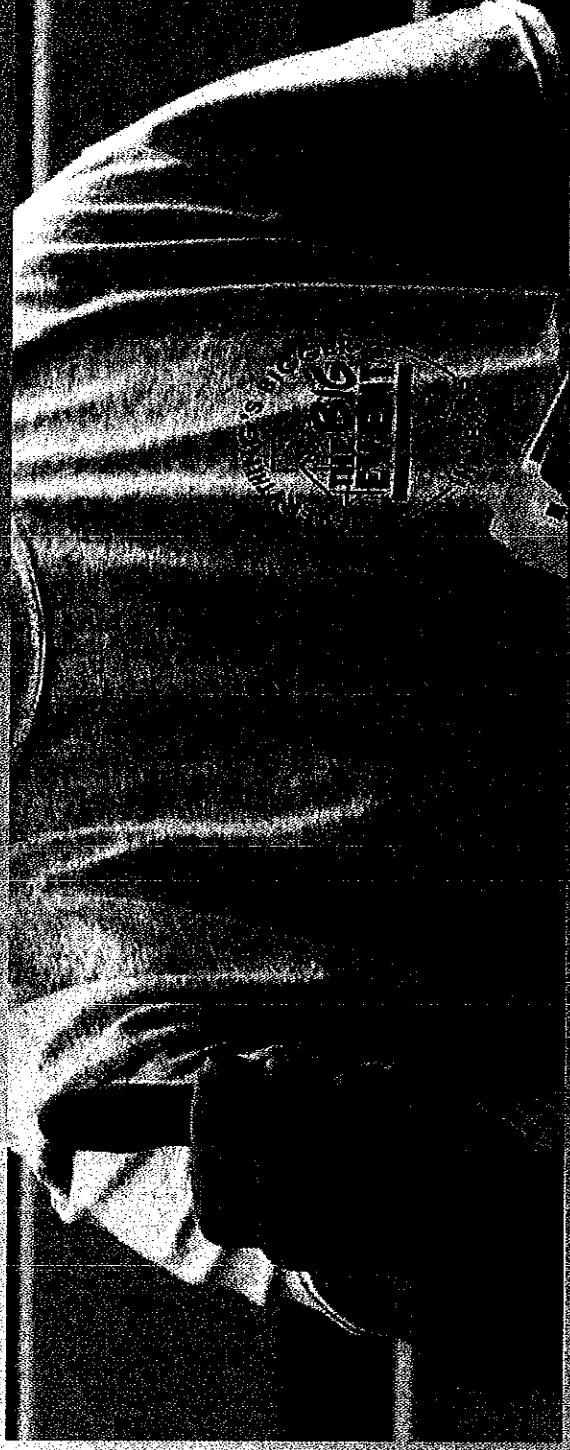
Kingsville Bigger Event

- February 27
- Initial cleanup of park:
 - Pick up trash
 - Fill in holes
 - Sweep & clean basketball court
 - Sand tables & benches
 - Trim trees
 - Other cleaning (time permitting)



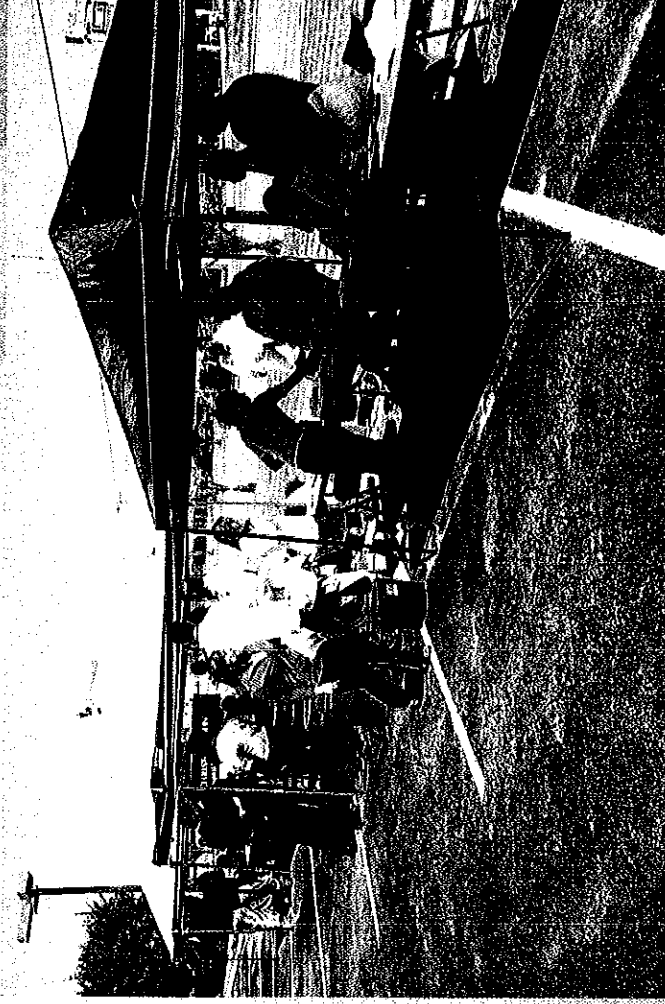
Texas A&M “The Big Event”

- March 28
 - Lay Path
- Planned “build” of park
 - Post new signs
- Include pharmacy students, A&M Former Students, community volunteers
 - Re-paint basketball court
 - Install new benches
 - Plant new trees



Rangel College of Pharmacy Grand Opening

- April 4 or May 2
- Texas A&M Professional Health Students
- Interactive Health Fair
 - Health Screenings
 - Games (for children and adults)
 - Hands-on CPR demos
 - Healthy living education (cooking & exercise)



Future Work

- Continue to improve Corral Park
- Fundraise for large-scale playground rebuild
- Repeat clean-up of park
 - Community service events, Texas Arbor Day (Nov.)
- Kingsville, Texas & South Texas
- Seek out other health-related community service projects

It is our hope that the work we do here provides a template to other communities on how to take limited resources to turn a neglected park into something grand and an opportunity to improve their health.

City of Kingsville Assistance

Decomposed Granite Path



- Safety and Sustainability improvements over other paving materials
- Wheelchair accessible
- Safer & more comfortable for running
- Maintenance needs reduced at least fourfold
- Higher initial cost
- Materials estimate: \$6112 (ALS)
- Need to borrow or rent equipment for installation

Cost Sharing & Stewardship

- City of Kingsville funds jogging path materials
- Project grant used for signs, benches, exercise & other equipment
- TAMSNPhA funds used for Grand Opening health fair materials
- PATH joins the City of Kingsville & Kleberg County to raise funds for playground rebuild
- PATH holds regular park cleanup days during the academic year to clean & maintain park

Source	Funds (Requested)
WalMart Grant	\$2500
TAMSNPhA	\$1000
College of Pharmacy	\$1000
City of Kingsville	\$6200
Keep Kingsville Beautiful	\$1500
Kleberg County	?

Thank You



AGENDA ITEM #8

RESOLUTION NO. 2015-_____

A RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPLICATION TO THE EDWARD J. BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR THE STATE OF TEXAS REQUESTING GRANT FUNDING FOR LAW ENFORCEMENT EQUIPMENT AND PROJECTS ON BEHALF OF THE KINGSVILLE POLICE DEPARTMENT WITH NO ANTICIPATED CASH MATCH.

WHEREAS, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville, that the Kingsville Police Department participate in an application to apply for grant monies from the Edward Byrne Memorial Justice Assistance Grant Program (JAG) for law enforcement personnel equipment; and

WHEREAS, the JAG Grant will provide a minimum of \$10,000 up to the Coastal Bend's cap at \$157,634.50 for law enforcement equipment and projects; and

WHEREAS, the JAG Grant has no anticipated cash match; and

WHEREAS, the City Commission of the City of Kingsville through this resolution has authorized the Police Chief to submit the grant and administer the grant and necessary paperwork if the grant is awarded to the City;

WHEREAS, the City Commission of the City of Kingsville agrees that in the event of loss or misuse of the Criminal Justice Division funds, the City Commission assures that the funds will be returned to the Criminal Justice Division in full.

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

I.

THAT the City Commission approves the submission of the grant application for the Edward Byrne Memorial Justice Assistance Grant Program (JAG) for law enforcement personnel equipment on the City's behalf with no anticipated cash.

II.

THAT the Chief of Police is hereby authorized and directed to act on the City's behalf in all matters pertaining to the JAG Grant including any certifications, amendments or representations stipulated therein and that the Chief of Police will administer the program and execute and submit all certifications, reports, or contracts necessary for the administration and expenditure of such program.

III.

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

IV.

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

PASSED AND APPROVED by a majority vote of the City Commission the 23rd day of February, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

**KINGSVILLE POLICED DEPARTMENT
INTRA-DEPARTMENTAL MEMORANDUM**

February 16, 2015

TO : Courtney Alvarez, I/City Manager

FROM : Ricardo Torres, Chief of Police

SUBJECT: Justice Assistance Grant Program Application to Office of the Governor, Criminal Justice Division

The Kingsville Police Department requests to apply for the Edward J. Byrne Memorial Justice Assistance Grant (JAG), 42 U.S.C. 3751(a). JAG funds are made available through a Congressional appropriation to the United States Department of Justice. All awards are subject to the availability of appropriated federal funds and any modifications or additional requirements that may be imposed by law.

We will be targeting the areas listed below as part of this application:

Trafficking – Projects that disrupt drug and human trafficking including areas along and near major state corridors;

System Improvements – Projects that promote the efficiency and effectiveness of law enforcement agencies and prosecutor offices; and

Innovative or Evidence Based Programs – Projects that reduce crime and violence in areas with high crime rates or organized criminal activity.

Units of local government operating a law enforcement agency and must be current on reporting Part 1 violent crime data to the Texas Department of Public Safety for inclusion in the annual Uniform Crime Report (UCR) and must have been current for the three previous years.

Grant-funded projects must begin on or after October 1, 2015, and expire on or before September 30, 2016. Grant-funded equipment only projects are generally awarded for a six month grant period. CJD will consider any other proposed changes to the start or end dates on a case-by-case basis.

Funding for the grant starts at a minimum of \$10,000.00 up to the Coastal Bend's cap at \$157,634.50. This grant does not have a cash match requirement.

Thank you for your support for this application.

AGENDA ITEM #9

Memorandum



TO: Courtney Alvarez, Interim City Manager
Cc: Mayor and City Commissioners
FROM: Emilio H. Garcia, City-County Health Director
SUBJECT: Inter-local Agreement
Date: February 16, 2015

Attached you will find an Inter-local Agreement between the City of Kingsville Health Department/Animal Control Division and Texas A&M University Kingsville relating to their Veterinary Technology Training Program. The Veterinary Technology Program would like to use some of our stray, unwanted, and abandon animals (dogs and cats) from our shelter. The animals will be used as teaching tools for their students to learn lifesaving techniques and experience real world health issues that animals face on a daily bases. Students will learn how to clean teeth, examine an animal, test for intestine parasites, heartworm, canine parvovirus, feline viral diseases, how to properly vaccinate, prep-animals for surgeries (ex: sterilization) and also how to humanly euthanize a sick animal. All veterinary service will be of no cost to the City of Kingsville-Health Department Animal Control Division. All of these techniques will be taught by a licensed Veterinarian. The animals will not be used for performing any kind of experiments. When the animals are no longer needed, they will be returned to the Health Department to be adopted or rescued out. At that point the animals will already be rabies vaccinated and perhaps sterilized. I believe this is a great opportunity for both entities to work together in a partnership that will surely benefit all involved, from the students, animals and the City of Kingsville Health Department Animal Control Center.

Thank you,

RESOLUTION #2015-_____

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF KINGSVILLE AND TEXAS A&M UNIVERSITY-KINGSVILLE RELATING TO VETERINARY TECHNOLOGY TRAINING PROGRAM; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville ("City") and Texas A&M University-Kingsville ("TAMUK") try to work together for the benefit of our community when able to do so; and

WHEREAS, City of Kingsville (City) operates the City-County Health Department (Health Department), which has an Animal Control Division; and

WHEREAS, Texas A&M University-Kingsville (TAMUK) has started a Veterinary Technology Training Program (Vet Tech Program) that teaches animal care techniques such as immunization, hygiene, and health evaluations; and

WHEREAS, TAMUK has a need for cats and dogs to use in the Vet Tech Program as the students will benefit from, and are required by the American Veterinary Medical Association to have real world experience with animals to enhance their hands-on studies, much like aspiring doctors and dentists practice with patients under the watchful care of a trained professional during their schooling curriculum; and

WHEREAS, TAMUK would not be performing experiments on the animals it would be loaned from the Health Department for the Vet Tech Program; and

WHEREAS, the City and TAMUK would both benefit from the local university students performing basic care skills on animals from the Health Department, as the students gain experience and the animals would be in a better condition for future adoption; and

WHEREAS, the City is not required to pay for these veterinary technologist services or supplies, but only needs to supply the animals and TAMUK has agreed to provide students and staff supervisors, space and supplies for this project via their Vet Tech Program; and

WHEREAS, the City Commission has previously approved several similar Interlocal Agreement with TAMUK relating to students performing engineering design work under staff supervision; and

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

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

I.

THAT the Mayor is authorized and directed as an act of the City of Kingsville, Texas to enter into an Interlocal Cooperation Agreement Between the City of Kingsville and the Texas A&M University-Kingsville relating to Veterinary Technology Training Program in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the
23rd day of February, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**INTERLOCAL AGREEMENT
BETWEEN THE CITY OF KINGSVILLE
AND TEXAS A&M UNIVERSITY KINGSVILLE
RELATING TO
VETERINARY TECHNOLOGY TRAINING PROGRAM**

WITNESSETH:

WHEREAS, City of Kingsville (City) operates the City-County Health Department (Health Department), which has an Animal Control Division; and

WHEREAS, Texas A&M University-Kingsville (TAMUK) has started a Veterinary Technology Training Program (Vet Tech Program) that teaches animal care techniques such as immunization, hygiene, and health evaluations; and

WHEREAS, TAMUK has a need for cats and dogs to use in the Vet Tech Program as the students will benefit from, and are required by the American Veterinary Medical Association to have real world experience with animals to enhance their hands-on studies, much like aspiring doctors and dentists practice with patients under the watchful care of a trained professional during their schooling curriculum; and

WHEREAS, TAMUK would not be performing experiments on the animals it would be loaned from the Health Department for the Vet Tech Program; and

WHEREAS, the City and TAMUK would both benefit from the local university students performing basic care skills on animals from the Health Department, as the students gain experience and the animals would be in a better condition for future adoption; and

WHEREAS, the City is not required to pay for these veterinary technologist services or supplies, but only needs to supply the animals and TAMUK has agreed to provide students and staff supervisors, space and supplies for this project via their Vet Tech Program; and

WHEREAS, the City Commission has previously approved several similar Interlocal Agreement with TAMUK relating to students performing engineering design work under staff supervision; and

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

NOW, THEREFORE, the City of Kingsville and Texas A&M University Kingsville, in consideration of these mutual covenants and agreements, agree as follows:

1. PARTIES. The parties to this Interlocal Agreement ("Agreement") are the City of Kingsville ("City"), a Texas home rule municipality, and Texas A&M University Kingsville ("TAMUK"), a member of the Texas A&M University System, a state agency, and Texas institution of higher education.

2. PURPOSE.

- A. TAMUK will perform veterinary technologist procedures on animals loaned from the City-County Health Department's Animal Control Center under certain conditions stated below.
- B. The City will provide TAMUK animals from the City-County Health Department's Animal Control Center for students to perform veterinary technologist procedures under the University staff's supervision
- C. The parties agree that the following conditions will apply:
 - 1. Animals are provided by City's Health Department for educational use by the students enrolled in the Veterinary Technology program at TAMUK. All educational and medical procedures must be approved by the University's Animal Care and Use Committee before they are implemented.
 - 2. There may be occasions where procedures like spays/neuters and dental extractions will be performed by a licensed veterinarian as per the Texas Veterinary Medical Practice Act.
 - 3. Animals that are found to be aggressive, severely ill or are otherwise not fit for adoption may be returned to the Health Department or euthanized.
 - 4. The students are not provided with liability or medical coverage on or off campus by Texas A&M University-Kingsville. Injuries that may occur to a student are not covered by the University or by the City-County Health Department, the City or the County. However, reasonable care will be taken by TAMUK to provide a safe environment and to educate the students on safety.
 - 5. City's Health Department is not responsible for any adverse effects that may occur to the animals as a result of educational or medical use of the animals.
 - 6. City's Health Department is not liable for costs or fees associated with the educational use of the animals.
 - 7. Texas A&M University-Kingsville is not held liable by City's Health Department for treatments, surgeries, and medications provided to the animals.
 - 8. It is further agreed that City's Health Department staff have only a limited time to evaluate the sociability and personality of each animal. Therefore, each student and faculty/staff member involved in the Veterinary Technology Program at Texas A&M University-Kingsville assumes the risk in working with the animal provided.

3. TERM.

- A. This Agreement shall be for a term of two years from February 23, 2015 through February 22, 2017.

- B. This Agreement may be terminated at any time by any party with or without cause upon thirty (30) days advance written notice.
- C. Any notice of termination shall be sent to the other party to this interlocal agreement at the address listed in paragraph 4 of this agreement.

4. MISCELLANEOUS PROVISIONS.

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

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

Texas A&M University Kingsville
Attention: Executive Director of Research & Sponsored Programs
700 University Blvd. MSC 201
Kingsville, Texas 78363-8202
Telephone: (361) 593-3219
Facsimile: (361) 593-3409

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

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

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

E. Exercise of Police Powers. This Agreement and all activities under this Agreement are undertaken solely as an exercise of the police power of the parties, exercised for the health, safety, and welfare of the public generally, and

not for the benefit of any particular person or persons. The parties do not have and may not be deemed to have any duty to any particular person or persons.

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

G. Mutual Indemnification: To the extent allowed by the Constitution and Laws of the State of Texas, TAMUK, and City agree that each party assumes any and all risks of liability, loss, damages, claims, or causes of action and related expenses, including attorney fees, caused or asserted to have been caused directly or indirectly by or as the result of the negligent acts or omissions of that party and the officers, employees, and agents thereof.

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

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

J. Interlocal Cooperation Act Applies. The parties enter into this Interlocal Agreement under the Texas Government Code Chapter 791 (Interlocal Cooperation Act). The parties agree that activities under this Agreement are "governmental functions and services" and that the parties are a "local government" and a "state agency" as those terms are defined in this Agreement and in the Interlocal Cooperation Act.

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

L. Entirety of Agreement. No other oral or written commitments of the parties with respect to the veterinary technologist services may have any force or effect if not contained in this Interlocal Agreement or any amendments thereto.

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

N. Validity and Enforceability. If any current or future legal limitations affect the validity or enforceability of a provision of this Agreement, then the legal limitations are made a part of this Agreement and operate to amend this Agreement to the minimum extent necessary to bring this Agreement into

conformity with the requirements of the limitations, and so modified, this Agreement continues in full force and effect.

O. Warranty. The individuals executing this agreement on behalf of each party represent and warrant that they are each the duly authorized representatives of such party on whose behalf the individuals are signing, each with full power and authority to bind said party to each term and condition set forth in this agreement.

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

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

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

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

T. Dispute Resolution: The dispute resolution process provided in Chapter 2260, *Texas Government Code*, and the related rules adopted by the Texas Attorney General pursuant to Chapter 2260, shall be used by TAMUK and the City of Kingsville to attempt to resolve any claim for breach of this agreement by either party that cannot be resolved in the ordinary course of business. City shall submit written notice of a claim of breach of contract under this Chapter to Director of Procurement and General Services of TAMUK, who shall examine City's claim and any counterclaim and negotiate with City in an effort to resolve the claim.

EXECUTED by Texas A&M University – Kingsville on the ____ day of _____, 2015.

Rebecca A. Davis, PhD
Executive Director of Research & Sponsored Programs

ATTEST:

Debora Bugenhagen
Administrative Assistant III, Finance and Administration

EXECUTED by the City of Kingsville on the _____ day of _____, 2015.

Vincent J. Capell
City Manager

ATTEST:

Mary Valenzuela
City Secretary

APPROVED AS TO FORM:

Courtney Alvarez
City Attorney