

City of Kingsville, Texas

AGENDA

CITY COMMISSION

MONDAY, NOVEMBER 14, 2016

REGULAR MEETING

CITY HALL COMMUNITY ROOM

400 WEST KING AVENUE

6:00 P.M.-Regular Meeting

I. Preliminary Proceedings.

OPEN MEETING

APPROVED BY:

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – October 24, 2016

Special Meeting- October 31, 2016



Jesús A. Garza
City Manager

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

1. Public Hearing on an ordinance changing the zoning map in reference to Bass, Block 2, Lot 17-22, also known as 1100 W. Kenedy Block from C4-Commercial District to R3-Multi-Family District, MRSL Investments LLC, owner and Mike Ewers, agent. (Director of Planning and Economic Development.)

III. Reports from Commission & Staff.²

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

IV. Public Comment on Agenda Items.³

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

V.

Consent Agenda

Notice to the Public

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

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

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

1. Motion to consider final passage of an ordinance amending the Fiscal Year 2016-2017 budget to include additional capital projects not completed in Fiscal Year 2015-2016. (Director of Finance).
2. Motion to accept donations from Texas Recreation & Parks Society (TRAPS) sponsors for hosting the annual Regional Maintenance Rodeo. (Parks Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consider introduction of an ordinance changing the zoning map in reference to Bass, Block 2, Lot 17-22, also known as 1100 W. Kenedy Block from C4-Commercial District to R3-Multi-Family District. (Director of Planning and Economic Development).
4. Consider awarding bid for contract to renovate the historic pump house as per recommendation of outside architect and staff. (Director of Purchasing).
5. Consider awarding contract for fuel services for FY2016-2017. (Director of Purchasing).
6. Consider a resolution authorizing the City Manager to enter into an Arbitrage Rebate Compliance Services Agreement between the City of Kingsville and First Southwest Asset Management, LLC. (Director of Finance).
7. Consider a resolution revising the City of Kingsville Administrative Policy No. 640.01-Safety Incentive Award Program. (Director of Human Resources).
8. Consider a resolution adopting the City of Kingsville Administrative Policy No. 731-Flex Leave. (Director of Human Resources).
9. Consider a resolution revising the Historic District Façade Grant Program Guidelines, and providing for evaluation of each application for conformity with such guidelines and criteria prior to submission to the Commission. (Downtown Manager).

10. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 budget to accept and expend park donations for T.R.A.P.S. maintenance rodeo. (Director of Finance).

11. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 budget to include a Texas Parks & Wildlife Grant no completed in fiscal year 2015-2016. (Director of Finance).

12. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 budget to include impress funds for the PD-Federal Seizure Fund. (Director of Finance).

13. Consider a resolution authorizing the City Manager to enter into a revised Interlocal Agreement between the Kleberg County and the City of Kingsville regarding the housing of City of Kingsville inmates at the Kleberg County Jail. (City Attorney).

VII. Adjournment.

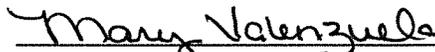
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

NOTICE

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

I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board located at City Hall, 400 West King Ave, of the City of Kingsville, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time:

November 10, 2016 at 2:00 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

MINUTES OF PREVIOUS MEETING(S)

OCTOBER 24, 2016

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, OCTOBER 24, 2016 IN THE CITY HALL COMMUNITY ROOM 400 EAST KING AVENUE AT 5:30 P.M.

CITY COMMISSION PRESENT:

Sam Fugate, Mayor
Edna Lopez, Commissioner
Arturo Pecos, Commissioner
Noel Pena, Commissioner
Al Garcia, Commissioner

CITY STAFF PRESENT:

Jesús Garza, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Tom Ginter, Director of Planning & Development Services
Emilio Garcia, Health Director
Bill Donnell, Assistant Public Works Director
Diana Gonzales, Human Resources Director
David Solis, Risk Manager
Deborah Balli, Finance Director
Charlie Cardenas, Public Works Director/Engineer
Sharam Santanilla, Capital Improvement Manager
Leo Alarcon, Tourism Director
Cynthia Martin, Downtown Manager
Kyle Benson, IT Manager
Adrian Garcia, Fire Chief
Ricardo Torres, Chief of Police
Pete Pina, Landfill Supervisor
Susan Ivy, Parks Manager

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 5:30 P.M. with all five Commission members present.

WORKSHOP: Update on Wastewater Treatment Plants & Water Meter Infrastructure. (City Manager).

Mr. Garza commented that back in January, 2016 LNV Engineering gave a presentation to the Commission regarding the capacity issue at the South Wastewater Treatment Plant. At that time, staff thought they were at a certain percentage of capacity at the South Plant that would require us through TCEQ guidelines to begin the design for an expansion to create more capacity. The business model of LNV in their proposal was to build an expansion to the South Wastewater Treatment Plant that would cost an estimate of \$12,000,000 to \$15,000,000. Since that time, staff has been meeting with various groups, one being Schneider Electric. Through conversations with Schneider Electric and their analysis of our wastewater treatment plants staff realized that additional capacity could be acquired, not necessarily by building an expansion to the plant but by analyzing the city existing process of the plant. Staff has put out an RFQ to get a third party engineering company to come and run a capacity analysis at the South Wastewater Treatment Plant as it is important for staff to know where we are with the capacity at the South Plant. Kimley Horn was the firm that was selected to which staff has been working with and expect to have their contract at the next City Commission meeting. As to the water meters, discussion has been taking

place regarding the failure of water meters. The end points of the water meters are what is failing. Currently the city has the technology where you drive by takes meter reads and measurements. With that end point failing, it does not allow for it to pick up the readings, Meter Technicians are having to manually pickup these readings. The actual component of the meter may be working fine, but it may just be that the end points are not working. Garza clarified that the meters are registering water usage correctly, it's just the measuring component that we are seeing issues with. Badger Meters has already started their investigation on checking the components on certain meters to see where the issue lies.

Mayor Fugate asked for the time line on this investigation.

Mr. Sharam Santanilla, Capital Improvements Manager reported that they are in the process of choosing the last three meters to be tested. This testing shouldn't take longer than a month. Staff is looking at having the results by the end of this year.

Mayor Fugate asked if the Meter Reader Department had received additional help. Mr. Garza responded that this department was given a part-time helper which was filled on October 17th.

Commissioner Garcia asked if the entire meter needed to be replaced or just the failed component. Mr. Garza responded that it is his understanding that the whole failed meter would need to be replaced. Not all meters around the City need to be replaced, just those that are failing.

A presentation was made by Mr. Aaron Garcia of Schneider Electric regarding Wastewater Treatment Plants and Water Meter Infrastructure. Mr. Garcia stated that the savings will help pay for the project. Mr. Garcia spoke about the vision, city's objectives, and project outcomes. The city vision is to upgrade city's infrastructure, Economic Development, positioned for future growth, foster sustainability, business investment, and quality of life. The City's objectives are energy footprint reduction across board, smart meter replacement, advanced meter infrastructure, guarantee savings that help fund improvements, wastewater plant process optimization, and capacity expansion through optimization. The project outcomes are utility energy savings of \$275,00 per year, energy savings of 30%, revenue enhancement of \$429,600 with a total project benefit of \$14 million over 20 years. Key considerations and performance contracting are as followed: funding source, non-tax pledge dollars such as M&O, CO, ML; Rate or tax impact, no tax increase; risk transfer and responsibility will be transferred to Schneider Electric; performance risk with no change orders is guaranteed for up to 20 years; cost risk, firm fixed price with no change orders; utility savings is guaranteed, measured and verified at 15% to 25%; will have a third party review; operations and verification by Performance Assurance Services; equipment and systems will be designed, commissioner and monitored for long term performance; experience - 580 projects and 200 plus in Texas; and guarantee challenge – none on \$1.2 billion guarantees issued.

Mr. David Smith of Schneider Electric presented on the water meter solution and solution highlights. Some of the Water Meter Solution were upgrade AMR to AMI Network; Smart Meter replacement (7,754) meters; revenue enhancement of \$429,600; and water supply – energy spend \$460,200. Some of the solution highlights were the 3.0 MGD Capacity; aeration upgrade; automation and controls; right sizing blowers; aerobic digestion – P Uptake; UV system upgrade; and energy spend \$325,000. Other solution highlights were 1.0 MGD Capacity; aeration upgrade; automation and controls; right sizing blowers; aerobic digestion – P Uptake; UV system upgrade; and energy spend \$153,000.

REGULAR MEETING RESUMES

Mayor Fugate opened the regular session of the City Commission at 6:14 P.M.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – October 10, 2016

Motion made by Commissioner Pena to approve the minutes of October 10, 2016 as presented, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Pena, Pecos, Garcia, Fugate voting “FOR”.

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

1. None.

III. Reports from Commission & Staff.²

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

Mr. Jesús Garza, City Manager stated that he is looking into possibly requesting a Special City Commission meeting on October 31, 2016 at 5:00 P.M., to discuss the Landfill.

Mrs. Courtney Alvarez, City Attorney announced that the next regular City Commission meeting is scheduled for Monday, November 14, 2016, with deadline to submit agenda items on Thursday, November 3rd. City Offices will be closed on Friday, November 11th in observance of Veteran’s Day. On October 28th, the City of Kingsville will be hosting a Safe Trick-or-Treat event in the 200 and 300 blocks of East Kleberg from 6:00 P.M. to 8:00 P.M.

Commissioner Lopez asked for staff to have an update on the Golf Course for the next City Commission meeting.

Mr. Garza commented that the quarterly insert will have some information on the Golf Course, but he will have an update for them at the next meeting.

IV. Public Comment on Agenda Items.³

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

No public comments were made.

V.

Consent Agenda

Notice to the Public

The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commission Member in which event the item

or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

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

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

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

- 1. Motion to consider final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter VII, Article 6, Schedule II, providing for no parking on the southernmost side of Corral Avenue lying anywhere between its intersection with Seale Street to its intersection with Santa Rosa Avenue. (City Engineer/Public Works Director).**
- 2. Motion to approve renewal of membership with Electric Reliability Council of Texas (ERCOT) for 2017. (City Attorney).**
- 3. Motion to consider re-appointment of Norma Sue Adrian for a three (3) year term on the City County Health Department. (Director of Health).**
- 4. Motion to consider City participation in the 2016 Stride for Health 5K/10K Run & Walk to take place on November 19, 2016. (Downtown Manager).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

- 5. RESOLUTION NO. 2016-70. Consider a resolution authorizing the City Manager to enter into a Memorandum of Understanding between the City of Kingsville and Texas A&M University-Kingsville for student internships. (City Manager).**

Mr. Garza that this will allow for four interns from the Texas A&M University-Kingsville to come and work for the City. Each intern will be placed within four departments, Information Technology, Parks & Recreation, Animal Shelter, and Engineering.

Commissioner Pecos asked about the liabilities for the four interns. Mrs. Alvarez responded that Texas A&M University-Kingsville will provide liability insurance.

Motion made by Commissioner Garcia to approve the resolution authorizing the City Manager to enter into a Memorandum of Understanding between the City of Kingsville and Texas A&M University-Kingsville for student internships, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Pecos, Garcia, Lopez, Pena, Fugate voting "FOR".

- 6. Consider award for master planning services (RFQ16-15) for J.K. Northway Exposition Center & Fairgrounds and authorize staff to negotiate a contract, as per staff recommendation. (Director of Purchasing).**

Mr. David Mason, Purchasing Director stated that a total of three proposals were received on October 11, 2016 and subsequently evaluated by the review committee of Jesús Garza, Susan Ivy, Leo Alarcon, Charlie Cardenas, and David Mason. It is staff's recommendation that RFQ 16-15 be awarded to the firm of Half Associates and Populous, Inc., the most

highly qualified provider based on demonstrated competence and qualifications. Staff will negotiate a contract for a fair and reasonable price.

Motion made by Commissioner Garcia to approve the award for master planning services for J.K. Northway Exposition Center & Fairgrounds and authorize staff to negotiate a contract, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Lopez, Pena, Pecos, Fugate voting "FOR".

7. RESOLUTION NO. 2016-71. Consider a resolution revising the City of Kingsville Investment Policy and Investment Strategies, designating the City Manager, Director of Finance, and City Accounting Manager as the authorized city representatives with full authority for investment purposes, and providing for disclosure of financial interest. (Director of Finance).

Mrs. Deborah Balli, Finance Manager reported that Chapter 2256, Public Funds Investments of the Government Code requires the governing body to review and adopt its Investment Policy by ordinance or resolution at least annually. The policy was last adopted on May 24, 2015. There is one minor change under the Training and Education Section VIII. Responsibility and Controls where previously it referenced Section 2256.007 needs to be changed to Section 2256.008. No other changes are necessary at this time. The Investment Policy will be sent in for a 2-year re-certification which expires on March 6, 2017.

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

8. Consider introduction of an ordinance amending Chapter VII, Article 8, Traffic Control Devices, providing for the installation of stop signs on Santa Gertrudis Avenue at its intersection with Seale Street and for Seale Street at Santa Gertrudis Avenue. (City Engineer/Public Works Director).

Mr. Charlie Cardenas, Engineer/Public Works Director reported that the financial impact is estimated at \$15,000 which includes the flashing lights attached to stop signs, curb cuts, ADA ramps, portion of sidewalk and pavement markings. Changing this condition is in accordance with state and federal guidelines and the Manual of Uniformed Traffic Control Devices (MUTCD).

Introduction item.

9. RESOLUTION NO. 2016-72. Consider a resolution authorizing the City Manager to enter into an Interlocal Agreement between the Kleberg County and the City of Kingsville regarding the housing of City of Kingsville inmates at the Kleberg County Jail. (City Attorney).

Mrs. Alvarez reported that the existing contract between the City of Kingsville Kleberg County is to expire next month and the parties have negotiated a new jail contract for consideration by both governing bodies for approval. Changes from the old contract are that the new contract would be for a two-year term and secure seven beds per day at a rate of \$55 per day per bed, as opposed to ten beds per day at a rate of \$45 per day per bed.

Commissioner Pecos asked if the County provides information as to how many city inmates it takes in on a yearly basis. Mrs. Alvarez responded that this information is provided to the Chief of Police.

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

10. RESOLUTION NO. 2016-73. Consider a resolution for Municipal Court Week. (City Attorney).

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

11. RESOLUTION NO. 2016-74. Consider a resolution authorizing the acquisition of real property for the City Landfill. (City Engineer/Public Works Director).

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

12. RESOLUTION NO. 2016-75. Consider a resolution in support of the intent to create a Railroad Quiet Zone within the City that will prohibit the use of horns by trains except in emergency situations. (City Engineer/Public Works Director).

Mr. Cardenas stated that this is a resolution in support of the intent to create a railroad quiet zone within the City of Kingsville that will prohibit the use of horn for trains.

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

13. RESOLUTION NO. 2016-76. Consider a resolution of the City of Kingsville, Texas authorizing the submission of a Texas Community Development Block Grant Program application to the Texas Department of Agriculture for the Disaster Relief Fund, and authorizing the City Manager to act as the City's executive officer and authorized representative in all matters pertaining to the City's participation in the Texas Community Development Block Grant Program for Disaster Relief. (Risk Manager).

Mr. David Solis, Risk Manager stated that the City of Kingsville will be seeking reimbursement of the 25% matching funds withheld by FEMA for expenses related to the May 31, 2016 severe weather event.

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

14. Consider approval of and participation in certain events and parades for Fiscal Year 2016-2017 as stated in the memo and attachments. (Downtown Manager).

Mrs. Cynthia Martin, Downtown Manager stated that it is requested that the City Commission waive the street closing fees and support costs for the following events; Veteran's Day Parade, Nov. 11th; Ranch Hand Festival, Nov. 19th & 20th; La Posada de Kingsville Parade, Dec. 5th; MLK Day Parade & Celebration, Jan. 16th; PDAP (Palmer Drug Abuse Program) Drug Free Walk, April 22nd; 4th of July Parade & Celebration, July 4th; KISD (Kingsville Ind. School District) Annual Community Fair, Aug. 18th. The average cost for parade/event is \$586 per event per day for a total of \$4,688.

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

15. Consider accepting donations from La Posada De Kingsville Foundation for holiday decorations. (Downtown Manager).

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

16. Consider introduction on an ordinance amending Fiscal Year 2016-2017 Budget to accept and expend a donation from the La Posada De Kingsville Foundation. (Director of Finance).

Introduction item.

17. Consider introduction on an ordinance amending Fiscal Year 2016-2017 Budget to include the grant projects not completed in Fiscal Year 2015-2016. (Director of Finance).

Mrs. Balli reported that in Fiscal Year 15-16, the City of Kingsville was approved for various grants that were still in progress at fiscal year-end close. Since the completion dates of these grants was not known at the time of preparing the Fiscal Year 16-17 budget the following grants need to be rolled over into the FY 16-17 budget through a budget amendment; TX Capital Fund Main Street Grant \$150,000; Homeland Security Grant \$27,000; TXCDBG Grant #7215270 \$200,000.

Introduction item.

18. Consider introduction on an ordinance amending the Fiscal Year 2016-2017 Budget to include CO2016 projects not completed in Fiscal Year 2015-2016. (Director of Finance).

Introduction item.

19. Consider introduction on an ordinance amending the Fiscal Year 2016-2017 Budget to include insurance claim recovery projects not completed in Fiscal Year 2015-2016. (Director of Finance).

Introduction item.

20. Executive Session: Pursuant to Section 551.072, Texas Government Code, Deliberations regarding Real Property Exception, the City Commission shall convene in Executive Session to discuss the purchase, exchange, lease, or value of real property as deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. (City Manager).

Mayor Fugate announced the Executive Session and convened the meeting into closed session at 6:46 P.M.

Mayor Fugate reconvened the meeting into open session at 7:13 P.M.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:13 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, City Secretary

OCTOBER 31, 2016

A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, OCTOBER 31, 2016 IN THE CITY OF KINGSVILLE COMMUNITY ROOM LOCATED AT 400 WEST KING AVENUE AT 5:00 P.M.

CITY COMMISSION PRESENT:

Sam Fugate, Mayor
Edna Lopez, Commissioner
Arturo Pecos, Commissioner
Noel Pena, Commissioner
Al Garcia, Commissioner

CITY STAFF PRESENT:

Jesús Garza, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Tom Ginter, Director of Planning & Development Services
Emilio Garcia, Health Director
David Mason, Purchasing Director
Diana Gonzales, Human Resources Director
Susan Ivy, Parks Manager
David Solis, Risk Manager
Deborah Balli, Finance Director
Charlie Cardenas, Public Works Director/Engineer
Leo Alarcon, Tourism Director
Cynthia Martin, Downtown Manager
Bill Donnell, Assistant Public Works Director
Ricardo Torres, Police Chief
Adrian Garcia, Fire Chief
Kyle Benson, IT Manager

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the City of Kingsville Community Room at 5:00 P.M. and announced quorum with all five Commission members present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

None.

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

1. None.

III. Reports from Commission & Staff.²

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

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

Mr. Jesús Garza, City Manager announced that staff has received Wayfinding Signs. Staff is working on installing these signs before the Ranch Hand Festival. Garza further announced that on November 10, 2016 at 10:00 A.M., there will be a Ribbon Cutting of the new City Hall.

Mrs. Courtney Alvarez, City Attorney announced that the next regular scheduled City Commission meeting will be on November 14, 2016 with a deadline to submit agenda items on Thursday, November 3rd. Alvarez further announced that city offices will be closed on Friday, November 11, 2016 in observance of the Veteran’s Day Holiday.

IV. Public Comment on Agenda Items.³

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

V.

Consent Agenda

Notice to the Public

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

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

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

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

1. ORDINANCE NO. 2016-54. Motion to consider final passage of an ordinance amending Chapter VII, Article 8, Traffic Control Devices, providing for the installation of stop signs on Santa Gertrudis Avenue at its intersection with Seale Street and for Seale Street at Santa Gertrudis Avenue. (City Engineer/Public Works Director).

2. ORDINANCE NO. 2016-55. Motion to consider final passage of an ordinance amending Fiscal Year 2016-2017 Budget to accept and expend a donation from the La Posada De Kingsville Foundation. (Director of Finance).

3. ORDINANCE NO. 2016-56. Motion to consider final passage of an ordinance amending Fiscal Year 2016-2017 Budget to include the grant projects not completed in Fiscal Year 2015-2016. (Director of Finance).

4. ORDINANCE NO. 2016-57. Motion to consider final passage of an ordinance amending the Fiscal Year 2016-2017 Budget to include CO2016 projects not completed in Fiscal Year 2015-2016. (Director of Finance).

5. ORDINANCE NO. 2016-58. Motion to consider final passage of an ordinance amending the Fiscal Year 2016-2017 Budget to include insurance claim recovery projects not completed in Fiscal Year 2015-2016. (Director of Finance).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

6. Consider award of bid for construction of partial Sector 4 at City Landfill as per recommendation by outside engineer and staff. (Director of Purchasing).

Mr. David Mason, Purchasing Director reported that this item provides staff recommendation for construction on partial Sector 4 at the Kingsville Landfill. In conjunction with Naismith Engineering, staff advertised in the Kingsville Record and Corpus Christi Caller Times on September 18 and September 26, 2016. A pre-bid meeting was held October 4, 2016 at City Hall Community Room with three potential vendors attending. Site visitation followed. A total of three proposals were received by the October 11, 2016, closing date and subsequently evaluated by Naismith Engineering. It is recommended the low bidder Billberry Construction, LLC, of Houston, TX be awarded the contract for an amount of \$1,367,243.40 of which funds are available out of account 090-5-1703-71400.

Mr. Garza commented that as for a timeline, a notice to proceed will be sent on November 1, 2016; construction work should begin on March, 2017; and dumping would begin in mid-April, 2017.

Motion made by Commissioner Pena to approve the award of bid for construction of partial Sector 4 at City Landfill as per recommendation by outside engineer and staff, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Pena, Pecos, Garcia, Lopez, Fugate voting "FOR".

7. Resolution No. 2016-77. Consider a resolution authorizing the City Manager to enter into a Consultant Services Agreement between the City of Kingsville and MuniServices, LLC for a sales tax audit. (Director of Finance).

Deborah Balli, Finance Director reported that the City of Kingsville has determined the need for an audit to be conducted on sales taxes paid by businesses to review any reporting errors resulting in decreased revenue. The Finance Department is requesting to enlist the services of Muni Services which is a company that specializes in this type of audit. Their agreement is based on a 30% contingency fee, so there would be no financial impact to the budget. The Finance Department recommends enlisting the services of Muni Services to conduct a sales tax audit.

Motion made by Commissioner Garcia to approve the resolution authorizing the City Manager to enter into a Consultant Services Agreement between the City of Kingsville and Muni Services, LLC for a sales tax audit, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Garcia, Lopez, Pena, Fugate voting "FOR".

8. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 budget to include additional capital projects not completed in Fiscal Year 2015-2016. (Director of Finance).

Mrs. Balli reported that in Fiscal Year 15-16, the City of Kingsville approved various capital projects that were still in progress at Fiscal Year-end close. Since the completion dates of these projects were not known at the time of preparing the Fiscal Year 2016-2017 budget, the following projects need to be rolled over into the Fiscal Year 2016-2017 budget. These projects are Tourism Fund for Wayfinding Signs, \$41,500; CO Series 2016, \$714,072 for Police Department Radio Backbone and Radios; CO Series 2016, \$1,376,833 for Parks Capital Projects; and Disaster Response Recovery Fund \$24,060 for generator and siren repair.

Introduction item.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:10 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, City Secretary

PUBLIC HEARING(S)

PUBLIC HEARING #1

City of Kingsville
Planning and Development Services

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Tom Ginter, Director of Planning and Development Services
DATE: September 29, 2016
SUBJECT: Rezoning request of 1100 W. Kenedy from (C4) Commercial to (R3) Multi Family

Summary:

MRSL Investments LLC owner Michael Ewers is requesting a rezoning of this property from (C4) Commercial to (R3) Multifamily.

Background:

Research was necessary on this one since there was a question on the current zoning. We found through the research that this property in 1970 was rezoned to a Class B Business district. In today's zoning guide is equivalent to a C4 which is the typical zone for a storage unit business. Since we have this documentation and in consultation with the City Attorney we moved forward with that zoning. In our current zoning structure an R3 development is not allowed in a C4 zone. Consequently that causes the desire to rezone so the applicant can continue with this project. Enclosed are documents which reflect the zoning around the potential development.

North – C2 Commercial, which at this time is not developed

South – Mobil Home

East – R1 Residential

West – R1 Residential



City of Kingsville
Planning and Development Services

The residential around the property has homes built in the 50's to 60's some earlier and some later. With the university growth and the proximity of the project to TAMUK a transition to a multifamily development is a positive one. This project would have the storage units torn down to be replaced by the development.

Financial Impact:

This project would increase the property taxes that are being paid right now.

Recommendation:

At the time of writing this memo we have received no calls for or against this rezoning. **At the Planning and Zoning Commission meeting held on Wednesday, November 2, 2016 they voted 5 to 0 to recommend approval of the rezoning request.** My recommendation is also to approve the rezoning request.



CITY OF KINGSVILLE
 PLANNING AND ZONING DIVISION
 MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1100 W. KENNEDY Nearest Intersection _____

(Proposed) Subdivision Name _____ Lot _____ Block _____

Legal Description: BASS, Block 2, Lot 17-22

Existing Zoning Designation C4 Future Land Use Plan Designation R3

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Michael Ewers Phone 361-516-1112 FAX 516-1105

Email Address (for project correspondence only): mewers@swbell.net

Mailing Address 700 Proco Trail City Kingsville State Tx Zip 78363

Property Owner MRSL Phone 361-516-1112 FAX _____

Email Address (for project correspondence only): mewers@swbell.net

Mailing Address 700 Proco Trail City Kingsville State Tx Zip 78363

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

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

Please provide a basic description of the proposed project:

DEMO Best Buy/Storage AND Build Apartment
Complex

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

Applicant's Signature Michael Ewers Date: 10-12-16
 Property Owner's Signature Michael Ewers Date: 10-12-16
 Accepted by: _____ Date: _____

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, November 2nd, 2016 at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard.

MRSI Investments LLC, owner, Michael Ewers agent, requesting the rezone of BASS, BLOCK 2, LOT 17-22 also known as 1100 WEST KENEDY BLK from (C4) Commercial to (R3) Multi-Family.

The meeting will be held at Municipal Building, 200 East Kleberg, in the Robert H. Alcorn Chambers. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, November 14th, 2016 at 6:00 p.m. wherein the City Commission will discuss the introduction of the following item and at which time all interested persons will be heard.

MRSI Investments LLC, owner, Michael Ewers agent, requesting the rezone of BASS, BLOCK 2, LOT 17-22 also known as 1100 WEST KENEDY BLK from (C4) Commercial to (R3) Multi-Family.

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

City of Kingsville

RECH: 01440465 10/12/2016 10:20 AM
DEER: R3V TERM: 003
REF#: 1402

TRAN: 125.0000 001-4-160-533.10
1100 W KENEDY
REZONING REQUEST
Zoning Fees 250.00CR

TENDERED: 250.00 CHECK
APPLIED: 250.00-

CHANGE: 0.00

TAXES NOT FOR VOID PAYMENT

JOSE ANTONIO MENDOZA
1213 W YOAKUM AVE
KINGSVILLE, TEXAS 78363-3472
#21759

DBA PATTON'S AUTOMOTIVE
1017 W KING AVE
KINGSVILLE, TX 78363-4946
#12381

DBA PATTON'S AUTOMOTIVE
1017 W KING AVE
KINGSVILLE, TX 78363-4946
#15175

M A C VENTURES LLC
1017 W KING AVE
KINGSVILLE, TX 78363
#13185

IMELDA T CAMPOS
1302 E YOAKUM AVE
KINGSVILLE, TX 78363-4763
#15819

DANIEL SAENZ
420 W LEE
KINGSVILLE, TX 78363-4328
#14249

UNI KINSVILLE PARTNERS LLC
1700 N 1ST ST
KINGSVILLE, TX 78363-3125
#42823

SANDRA GUTIERREZ
8738 MIDCROWN DR
WINDCREST, TX 78239-2033
#35612

WAYNE VARNELL
CMR 425 BOX 165
APO, AE 09095-0765
#17447

WAYNE VARNELL
1029 W KENEDY
KINGSVILLE, TX 78363
#17447

DANIEL A BAZAN
1028 W KENEDY AVE
KINGSVILLE, TX 78363-4937
#15944

HENRY A EST & VIVIAN R DIAL
1026 W KENEDY AVE
KINGSVILLE, TX 78363-4937
#20986

To: Planning and Zoning Commission Members

From: Tom Ginter, Director

Date: October 28, 2016

Subject: Rezoning of 1100 W. Kenedy from (C4) Commercial to (R3) Multi Family

Summary:

MRSLL Investments LLC owner Michael Ewers is requesting a rezoning of this property from (C4) Commercial to (R3) multifamily. His intention as he has stated in his application is to build a 10 unit apartment complex.

Background:

Some research was necessary on this one since there was a question on the current zoning. We found through our research that this property in 1970 was rezoned to a Class B Business District. Which in today's zoning guide is equivalent to a C4 which is the typical zone for a storage unit business. Since we have this documentation and in consultation with the City Attorney we moved forward with that zoning. In our current zoning structure an R3 development is not allowed in a C4 zone. Consequently that causes the desire to rezone for the applicant to continue with their project.

Enclosed is a map which reflects the zoning around the potential development.

North – C2 Commercial, which at this time is not developed

South – Mobil Home

East – R1 Residential

West – R1 Residential

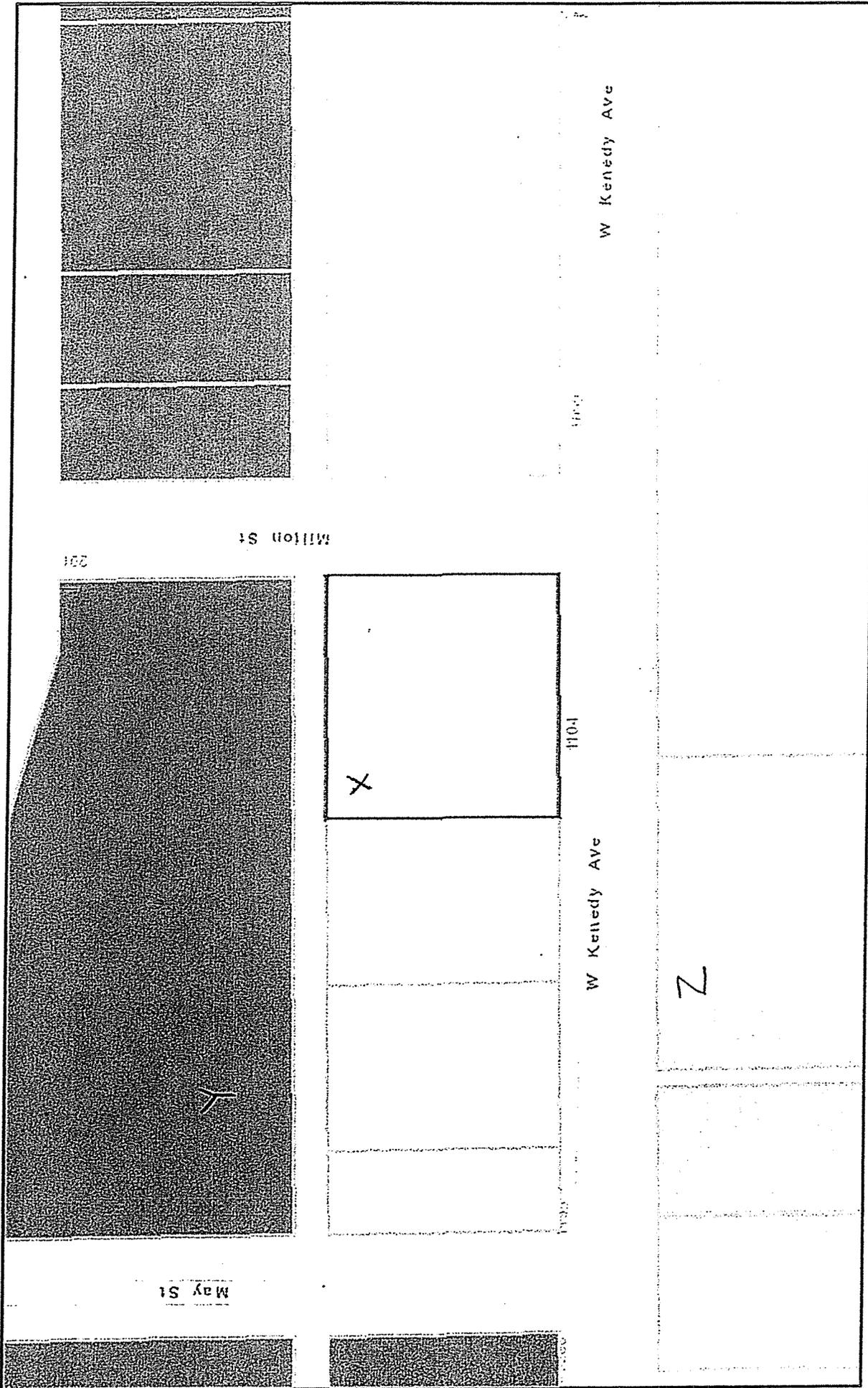
As you drive around the area it is clear that the residential homes were built in the 50's to 60's some earlier and some later. As you know the storage units that were built are still on the property and are not positive sign when it comes to the visual part of the business. With the university growth and the proximity of the project to TAMUK a transition to a multifamily development is a positive one. This project would have the storage units torn down being replaced by the apartment project. I could see that if it was a major project for example 50 units the residences nearby may have some concerns. A small project with approximately 10 units reduces some of those concerns when it comes to traffic and late night disturbances. This project along with the mixed use development across the street could ignite development in the C2 zone just north that is currently undeveloped ground.

Financial Impact:

This project would increase the property taxes that are being paid right now.

Recommendation:

I believe that this can be a positive project for the neighborhood. That neighborhood is no doubt will have some transition in the future to a different use. I think that specifically going south may see more of it than going east. I recommend approval of the rezoning request. At this time of writing this memo we have received no phone calls for or against this project.



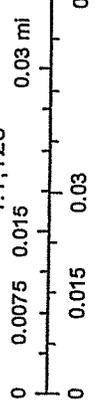
October 28, 2016

Z - Mobil Home

X - R1 Residential

Y - C2 Commercial

1:1,128



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

ORDINANCE #2016-_____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO BASS, BLOCK 2, LOT 17-22, ALSO KNOWN AS 1100 W. KENEDY BLOCK FROM C4-COMMERCIAL DISTRICT TO R3-MULTI-FAMILY DISTRICT; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.

WHEREAS, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Mike Ewers, agent, for MRSL Investments LLC, owner, for amendment to the zoning ordinance and zoning map of the City of Kingsville;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, November 2, 2016 during a meeting of the Planning and Zoning Commission, and on Monday, November 14, 2016 during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

WHEREAS, a majority of the Planning Commission by a 5-0 vote APPROVED the requested rezone; and

WHEREAS, the City Commission has determined that this amendment would best serve public health, necessity, and convenience and the general welfare of the City of Kingsville and its citizens.

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of Bass, Block 2, Lot 17-22 also known as 1100 West Kenedy Block from C4-Commercial District to R3-Multi-Family District, as more specifically described on the Zone Change Map, attached as Exhibit A.

SECTION 2. That the official Zoning Map of the City of Kingsville, Texas, is amended to reflect the amendments to the Zoning Ordinance made by Section 1 of this ordinance.

SECTION 3. That the Zoning Ordinance and Zoning Map of the City of Kingsville, Texas, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

SECTION 4. That to the extent that these amendments to the Zoning Ordinance represent a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the Zoning Ordinance, as amended by this ordinance.

SECTION 5. That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

SECTION 6. That publication shall be made in the official publication of the City of Kingsville as required by the City Charter of the City of Kingsville.

INTRODUCED on this the 14th day of November, 2016.

PASSED AND APPROVED on this the _____ day of November, 2016.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

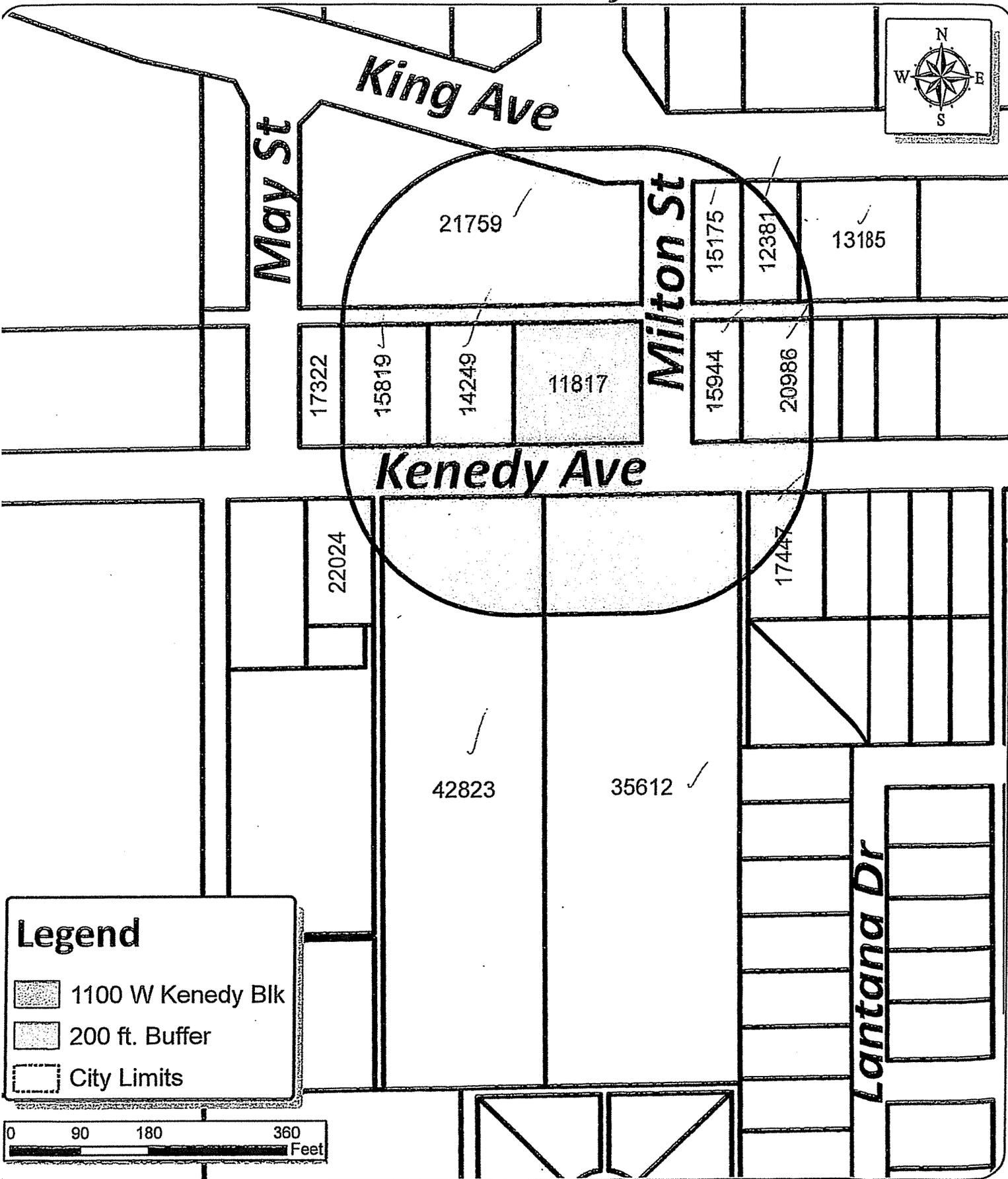
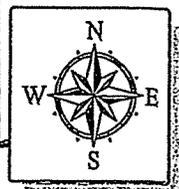
ATTEST:

Mary Valenzuela, City Secretary

APPROVED:

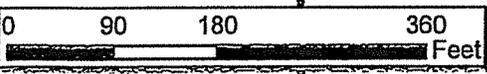
Courtney Alvarez, City Attorney

1100 W Kenedy Blk



Legend

-  1100 W Kenedy Blk
-  200 ft. Buffer
-  City Limits



Document Path: N:\Engineering\GIS Techs\MAPS\MAP_DOCUMENTS\Arc_City_Base_Map_8.5x11.mxd

Page 1 / 1	Drawn By: Engineering Department
	Last Update: 10/12/2016
	Note:

DISCLAIMER
 THIS MAP IS FOR VISUAL PURPOSES ONLY.
 THE INFORMATION ON THIS SHEET MAY
 CONTAIN INACCURACIES OR ERRORS.
 THE CITY OF KINGSVILLE IS NOT
 RESPONSIBLE IF THE INFORMATION CONTAINED
 HEREIN IS USED FOR ANY DESIGN,
 CONSTRUCTION, PLANNING, BUILDING,



CITY OF KINGSVILLE
ENGINEERING DEPARTMENT
 200 East Kleberg
 Kingsville, Texas 78363
 Office: 361-999-8995
 Fax: 361-505-8922

CONSENT AGENDA

AGENDA ITEM #1

ORDINANCE NO. 2016-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2016-2017 BUDGET TO INCLUDE ADDITIONAL CAPITAL PROJECTS NOT COMPLETED IN FISCAL YEAR 2015-2016.

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 2016-2017 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 002-Tourism Fund					
Equity					
2	Non-Dept.	Restricted-Tourism	61002		\$41,500
Expenses					
5-1071	Tourism	Signs-Wayfindings	52201	\$41,500	
				\$41,500	
Fund 033-CO Series 2016-General					
Equity					
2	Non-Dept.	Restricted for Capital Outlay	74002		\$2,090,905
Expenses					
5-2103	Police	PD-Radio Backbone	71232	\$488,730	
5-2103	Police	PD-Radios	71233	\$225,342	
				\$714,072	
5-4503	Parks	Parks-Street & Parking-DKP	71220	\$935,000	
5-4503	Parks	Parks-Parking Lots-Park Facilities	71221	\$233,210	
5-4503	Parks	Parks-Pier Enhancements	71222	\$25,000	
5-4503	Parks	Parks-Office/Community Bldg Improvements	71226	\$125,000	
5-4503	Parks	Parks-Equipment Barn Improvements	71227	\$25,000	
5-4503	Parks	Parks-Field Improvements	71228	\$33,622	

\$1,376,833

Fund 099-Disaster Response Recovery Fund

Equity

2	Restricted-Disaster Response	61002	<u>\$24,060</u>
			<u>\$24,060</u>

Expenses

5-2103	Police	Equipment Maintenance	41400	\$13,450
5-2103	Police	Machinery/Equipment	71200	<u>\$10,610</u>
				<u>\$24,060</u>

[To amend the City of Kingsville FY 16-17 Budget to include capital projects that were not complete in FY 15-16 as per the attached memos from the Tourism Director, Parks Manager, Police Chief and Finance Director.]

II.

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

III.

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

IV.

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

INTRODUCED on this the 31st day of October, 2016.

PASSED AND APPROVED on this the 14th day of November, 2016.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Deborah Balli, Director of Finance
DATE: October 27, 2016
SUBJECT: Budget Amendment-Roll Over Capital Projects

Summary:

This item authorizes the approval of a budget amendment to include capital projects not completed in FY 15-16 into the FY 16-17 budget.

Background:

In FY 15-16, the City of Kingsville approved various capital projects that were still in progress at fiscal year-end close. Since the completion dates of these projects was not known at the time of preparing the FY16-17 budget the following projects need to be rolled over into the FY16-17 budget through a budget amendment.

- Tourism Fund-\$41,500 Wayfinding Signs
- CO Series 2016-\$714,072 Police Department Radio Backbone and Radios
- CO Series 2016-\$1,376,833 Parks Capital Projects
- Disaster Response Recovery Fund-\$24,060 Generator and Siren Repair

Financial Impact:

This budget amendment will allow for the completion of these projects originally budgeted in the prior fiscal year. A total of \$2,156,465 will be rolled over from FY 15-16 fund balances into the FY 16-17 budget.

Recommendation:

Staff recommends authorization of this budget amendment to complete these capital projects.





MEMORANDUM

TO: Deborah Balli, Finance Department Director, City of King'sville
FROM: Leo Alarcon, Director of Tourism Services, City of King'sville
DATE: Tuesday, October 25, 2016
SUBJECT: Budget Amendment – Signs-Wayfindings

Background: After a long process and making sure everything was precise on each sign, the City's Wayfinding Signs were finally ordered in August. We processed a purchase order for the signs on August 1, 2016 in the amount of \$41,500 for the fabrication and design process of 24 signs. The company doing the work is National Sign Plazas, Inc. The signs were actually manufactured in the Dallas/Ft. Worth area and were not delivered to the Public Works building until Thursday, October 20, 2016. Since we cannot record the expenditure in last year's budget because we did not receive the signs during the previous fiscal year, we are requesting to do a budget amendment to pay the company.

Financial Impact: \$41,500.00

Recommendation: The funds allocated in the 2015/2016 fiscal year for the Wayfinding Signs were not expended during the previous fiscal year; we are asking to move those funds at this time from the fund balance to the current Tourism Department budget to cover the payment for the fabrication of the signs. Thank you for your consideration.



National Sign Plazas, Inc.
2422 S Trenton Way, Unit H
Denver, CO 80231

Invoice 12353
Invoice Date: 10/14/2016

Kingsville Visitor's Center
Leo Alarcon
1501 N Hwy 77
Kingsville, TX 78363

Community
Leo Alarcon
1501 N Hwy 77
Kingsville, TX 78363

Customer No.	Reference - P.O. No.	Salesperson	Terms	
KINGSVILLE		4004	Due Upon Receipt	
Item No.	Description/Comments	Quantity	Unit Price	Amount
WF4004	Wayfinding / Public Signs - TX GRO Design & Construction Documents	1	10,000.00	10,000.00
WF4004	Wayfinding / Public Signs - TX GRO Fabrication of Vehicular Signs	24	1,312.50	31,500.00

QUESTIONS? Please Call Your Local Office at 720-482-9293

Remit Payments to:
National Sign Plazas
2422 S Trenton Way, Unit H
Denver, CO 80231

Nontaxable Subtotal	41,500.00
Taxable Subtotal	
Sales Tax	0.00
Total Amount Due	41,500.00



CITY OF KINGSVILLE

PO Box 1458
Kingsville, TX 78364
PH: (361) 595-8025

PURCHASE ORDER

PO Number: 161899

Date: 08/01/2016

Requisition #: REQ07728

Vendor #: 7207

ISSUED TO: NATIONAL SIGN PLAZAS, INC
2422 S TRENTON WAY, UNIT H
DENVER, CO 80231-

SHIP TO: Dept of Tourism
Attn:Leo Alarcon
1501 N. Hwy 77
Kingsville, TX 78363

ITEM	UNITS	DESCRIPTION	GL ACCT #	PROJ ACCT #	PRICE	AMOUNT
1	0	Fabrication/Design of vehicular directional signs	002-5-1071-52201		0.00	41,500.00

Received by: Leo Alarcon Date: 8-1-16

SUBTOTAL:	41,500.00
TOTAL TAX:	0.00
SHIPPING:	0.00
TOTAL	41,500.00

1. Original invoice with remittance slip must be sent to: City of Kingsville, PO Box 1458, Kingsville, TX 78364.
2. Payment may be expected within 30 days of receipt of goods and invoice.
3. C.O.D. shipment will not be accepted.
4. Purchase Order numbers must appear on all shipping containers, packing slips and invoices. Failure to comply with the above request may delay payment.
5. All goods are to be shipped F.O.B. Destination unless otherwise stated.
6. All materials and services are subject to approval based on the description on the face of the purchase order or appendages thereof. Substitutions are not permitted without approval of the Requesting Department. Material not approved will be returned at no cost to the City.
7. All goods and equipment must meet or exceed all necessary city, state and federal standards and regulations.
8. Vendor or manufacturer bears risk of loss or damage until property received and/or installed.
9. Seller acknowledges that the buyer is an equal opportunity employer. Seller will comply with all equal opportunity laws and regulations that are applicable to it as a supplier of the buyer.
10. The City is exempt from all federal excise and state tax - ID# 74-6001513

**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Susan Ivy, Parks Manager
DATE: October 26, 2016
SUBJECT: Budget Amendment-Roll Over Balances CO 2016 Parks Projects

Summary:

This item authorizes the approval of a budget amendment to roll over CO 2016 Parks improvement projects not completed in FY 15-16 into the FY 16-17 budget.

Background:

In FY 15-16, the City of Kingsville authorized \$2,250,000.00 for Park Improvement Projects through the CO 2016 funding. Projects include street and parking lot paving, Skate Park, Splash Pad, Master Planning, Pier enhancements, Community Building improvements, Equipment Barn improvements, Pool improvements and Field improvements. Master Planning has begun and will be completed in December, 2017. Brookshire Pool leak detection and skimmer replacements were completed but remaining projects could not begin so that the pool could open for summer season. The remaining projects will begin progress in Fiscal Year 2017 and expenditures will commence very soon.

Financial Impact:

This budget amendment will allow for the scheduled Park Improvements Projects funding remaining in FY 2016 in the amount of \$1,376,833 to remain available for the completion of projects in the FY 2017.

Recommendation:

Staff recommends authorization of this budget amendment to complete the necessary projects provided by these Certificate of Obligation Funds in FY 2017.



**City of Kingsville
Police Department**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Ricardo Torres, Chief of Police
DATE: Originally Submitted August 3, 2016
****Re-submitted October 26, 2016****
SUBJECT: Request for Budget Amendment

Summary:

The police department is requesting a budget amendment in the amount of \$13,450.00 for the repairs to the siren at 17th & Lee.

Background:

Our city has a Storm Sentry system to alert our citizens of weather events consisting of a weather station located at the Kingsville PD and 3 sirens. The siren located at 17th & Lee was damaged when it was struck by lightning.

Financial Impact:

Material

Heavy Duty 3 Phase Starter	\$2,000.00
40 HP Continuous Duty 3 Phase Motor	\$4,750.00

Labor

Installation of Starter	\$400.00
Remove Siren from Telephone Pole & Prepare for Shipping	\$1,400.00
Replacement of Motor	\$650.00
Move Siren to site & Remount on Telephone Pole	\$1,400.00
Petty's Electronic	\$100.00

Shipping

Ship Shipping Pallet to Kingsville	\$250.00
Ship Siren to Sentry Siren in Canon City, Colorado	\$1,250.00
Ship Repaired Siren from Canon City to Kingsville	\$1,250.00

Total Cost \$13,450.00



**City of Kingsville
Police Department**

Recommendation:

We request that the budget amendment be approved to cover the cost of the repair of the siren and related costs.



**City of Kingsville
Police Department**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Ricardo Torres, Chief of Police
DATE: Originally Submitted July 20, 2016
****Re-submitted October 26, 2016****
SUBJECT: Request for Budget Amendment

Summary:

The police department is requesting a budget amendment in the amount of \$10,610.00 for the repairs to the siren at 17th & Lee and the installation of a new siren for coverage of the Paulsen Falls area.

Background:

Our city has a Storm Sentry system to alert our citizens of weather events consisting of a weather station located at the Kingsville PD and 3 sirens located at 17th & Lee, Armstrong & Kenedy and 600 E. Trant Rd. During the last weather event at least one of the sirens failed. We also have had residents report that sirens cannot be heard east of bypass on the south side of town. We had our Storm Sentry system vendor check the sirens, as well as engineers from AEP out insuring that transformers being used at the sites are adequate to power the sirens. AEP reported that the transformers had sufficient

Financial Impact:

The equipment consists of a Generac 22kw propane generator, reusing existing circuits and transfer switch. Generator comes with a 2yr limited warranty and we would recommend purchasing the 10yr warranty at a cost of \$1,320.00

Generator=\$5,520.00 Material=\$350.00 Labor=\$3,120.00 10Yr Warr=\$1,320.00
AmeriGas to disconnect old generator and connect new generator to propane tank=\$300.00

Total Expenditures would be \$10,610.00

Recommendation:



**City of Kingsville
Police Department**

We request that the budget amendment be approved to cover the cost of the generator, warranty and related installation expenses.



AGENDA ITEM #2

City of Kingsville
Parks & Recreation Department

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Susan Ivy, Parks Manager

DATE: November 3, 2016

SUBJECT: Agenda Request – Accept Donations from TRAPS Maintenance Rodeo Sponsors

Summary: The Kingsville Parks & Recreation Department is requesting approval of a \$500.00 donation from Musco Sports Lighting and a \$600.00 donation from Aquatic Renovations to offset expenses incurred during the South Region Texas Recreation & Parks Society Maintenance Rodeo.

Background: The Kingsville Parks & Recreation is a member of the Texas Recreation & Parks Society. As a member of the South Region of “TRAPS”, we were asked to host the annual Regional Maintenance Rodeo. Parks Department Maintenance crews were invited from the South Region of Texas to compete in Mower Obstacle Course, Leaf Blower Course, Nail Driving, Plant/Weed ID, Truck/Trailer Backing, Backhoe and Irrigation events. About 70 participants came to Dick Kleberg Park to compete. The winning team, from McAllen, will compete in the State Maintenance Rodeo Competition at the State Conference next year. We provided breakfast, refreshments, lunch, awards and some supplies for the obstacle courses. Lunch, which was a Bar BQ plate from Big House BBQ, was paid for directly by a TRAPS Corporate Sponsor. The remainder of the expenses were paid from the Park budget with two corporate sponsors providing donations to offset our expenses. Donations are from Aquatic Renovations in the amount of \$600.00 and from Musco Sports Lighting for \$500.00.

Financial Impact: Approval of these donations and the accompanying budget amendment submitted by Finance will offset the Parks Budget Expenditures by \$1100.00.

Recommendation: We request that you approve the receipt of these donations and record them in the Parks Budget.



REGULAR AGENDA

AGENDA ITEM #3

City of Kingsville
Planning and Development Services

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director of Planning and Development Services

DATE: September 29, 2016

SUBJECT: Rezoning request of 1100 W. Kenedy from (C4) Commercial to (R3) Multi Family

Summary:

MRSL Investments LLC owner Michael Ewers is requesting a rezoning of this property from (C4) Commercial to (R3) Multifamily.

Background:

Research was necessary on this one since there was a question on the current zoning. We found through the research that this property in 1970 was rezoned to a Class B Business district. In today's zoning guide is equivalent to a C4 which is the typical zone for a storage unit business. Since we have this documentation and in consultation with the City Attorney we moved forward with that zoning. In our current zoning structure an R3 development is not allowed in a C4 zone. Consequently that causes the desire to rezone so the applicant can continue with this project. Enclosed are documents which reflect the zoning around the potential development.

North – C2 Commercial, which at this time is not developed

South – Mobil Home

East – R1 Residential

West – R1 Residential



City of Kingsville
Planning and Development Services

The residential around the property has homes built in the 50's to 60's some earlier and some later. With the university growth and the proximity of the project to TAMUK a transition to a multifamily development is a positive one. This project would have the storage units torn down to be replaced by the development.

Financial Impact:

This project would increase the property taxes that are being paid right now.

Recommendation:

At the time of writing this memo we have received no calls for or against this rezoning. **At the Planning and Zoning Commission meeting held on Wednesday, November 2, 2016 they voted 5 to 0 to recommend approval of the rezoning request.** My recommendation is also to approve the rezoning request.



**CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION**

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1100 W. KENNEDY Nearest Intersection _____

(Proposed) Subdivision Name _____ Lot _____ Block _____

Legal Description: BASS, Block 2, Lot 17-22

Existing Zoning Designation C4 Future Land Use Plan Designation R3

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Michael Ewers Phone 361-516-1112 FAX 516-1705

Email Address (for project correspondence only): mewers@swbell.net

Mailing Address 700 Proco Trail City Kingsville State Tx Zip 78363

Property Owner MRSL Phone 361-516-1112 FAX _____

Email Address (for project correspondence only): mewers@swbell.net

Mailing Address 700 Proco Trail City Kingsville State Tx Zip 78363

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

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

Please provide a basic description of the proposed project:

DEMO Best Buy/Storage AND Build Apartment Complex

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

Applicant's Signature Michael Ewers Date: 10-12-16
 Property Owner's Signature Michael Ewers Date: 10-12-16
 Accepted by: _____ Date: _____

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, November 2nd, 2016 at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard:

MRSI Investments LLC, owner, Michael Ewers agent, requesting the rezone of BASS, BLOCK 2, LOT 17-22 also known as 1100 WEST KENEDY BLK from (C4) Commercial to (R3) Multi-Family.

The meeting will be held at Municipal Building, 200 East Kleberg, in the Robert H. Alcorn Chambers. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, November 14th, 2016 at 6:00 p.m. wherein the City Commission will discuss the introduction of the following item and at which time all interested persons will be heard:

MRSI Investments LLC, owner, Michael Ewers agent, requesting the rezone of BASS, BLOCK 2, LOT 17-22 also known as 1100 WEST KENEDY BLK from (C4) Commercial to (R3) Multi-Family.

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

City of Kingsville

RECH: 01440465 10/12/2016 10:20 AM
OPER: RGU TERM: 003
REFH: 1402

TRAN: 125.0000 001-4-160-533.10
1100 W KENEDY
REZONING REQUEST
Zoning Fees 250.00CR

TENDERED: 250.00 CHECK
APPLIED: 250.00-

CHANGE: 0.00

THANK YOU FOR YOUR PAYMENT

JOSE ANTONIO MENDOZA
1213 W YOAKUM AVE
KINGSVILLE, TEXAS 78363-3472
#21759

DBA PATTON'S AUTOMOTIVE
1017 W KING AVE
KINGSVILLE, TX 78363-4946
#12381

DBA PATTON'S AUTOMOTIVE
1017 W KING AVE
KINGSVILLE, TX 78363-4946
#15175

M A C VENTURES LLC
1017 W KING AVE
KINGSVILLE, TX 78363
#13185

IMELDA T CAMPOS
1302 E YOAKUM AVE
KINGSVILLE, TX 78363-4763
#15819

DANIEL SAENZ
420 W LEE
KINGSVILLE, TX 78363-4328
#14249

UNI KINSVILLE PARTNERS LLC
1700 N 1ST ST
KINGSVILLE, TX 78363-3125
#42823

SANDRA GUTIERREZ
8738 MIDCROWN DR
WINDCREST, TX 78239-2033
#35612

WAYNE VARNELL
CMR 425 BOX 165
APO, AE 09095-0765
#17447

WAYNE VARNELL
1029 W KENEDY
KINGSVILLE, TX 78363
#17447

DANIEL A BAZAN
1028 W KENEDY AVE
KINGSVILLE, TX 78363-4937
#15944

HENRY A EST & VIVIAN R DIAL
1026 W KENEDY AVE
KINGSVILLE, TX 78363-4937
#20986

To: Planning and Zoning Commission Members

From: Tom Ginter, Director

Date: October 28, 2016

Subject: Rezoning of 1100 W. Kenedy from (C4) Commercial to (R3) Multi Family

Summary:

MRSL Investments LLC owner Michael Ewers is requesting a rezoning of this property from (C4) Commercial to (R3) multifamily. His intention as he has stated in his application is to build a 10 unit apartment complex.

Background:

Some research was necessary on this one since there was a question on the current zoning. We found through our research that this property in 1970 was rezoned to a Class B Business District. Which in today's zoning guide is equivalent to a C4 which is the typical zone for a storage unit business. Since we have this documentation and in consultation with the City Attorney we moved forward with that zoning. In our current zoning structure an R3 development is not allowed in a C4 zone. Consequently that causes the desire to rezone for the applicant to continue with their project.

Enclosed is a map which reflects the zoning around the potential development.

North – C2 Commercial, which at this time is not developed

South – Mobil Home

East – R1 Residential

West – R1 Residential

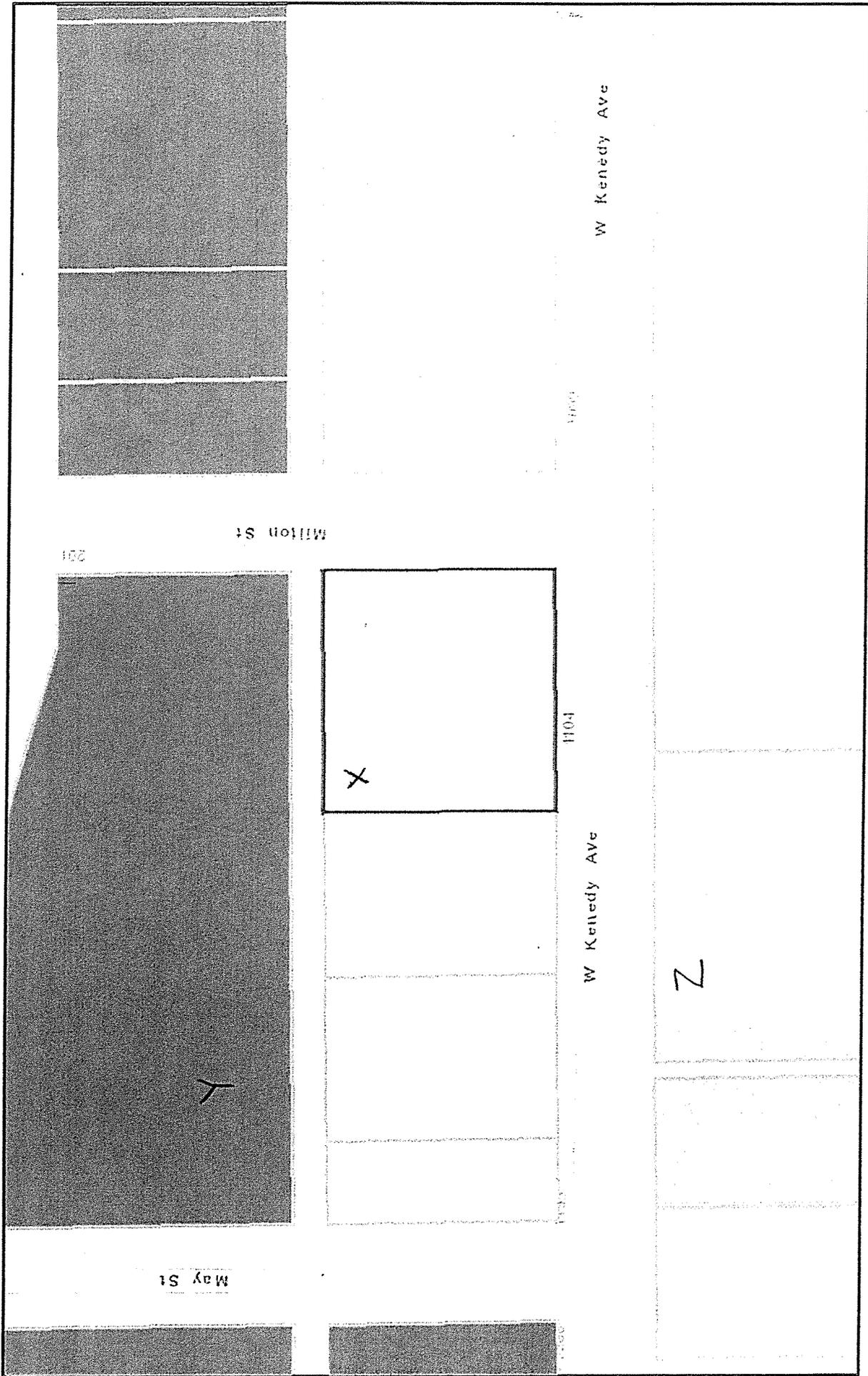
As you drive around the area it is clear that the residential homes were built in the 50's to 60's some earlier and some later. As you know the storage units that were built are still on the property and are not positive sign when it comes to the visual part of the business. With the university growth and the proximity of the project to TAMUK a transition to a multifamily development is a positive one. This project would have the storage units torn down being replaced by the apartment project. I could see that if it was a major project for example 50 units the residences nearby may have some concerns. A small project with approximately 10 units reduces some of those concerns when it comes to traffic and late night disturbances. This project along with the mixed use development across the street could ignite development in the C2 zone just north that is currently undeveloped ground.

Financial Impact:

This project would increase the property taxes that are being paid right now.

Recommendation:

I believe that this can be a positive project for the neighborhood. That neighborhood is no doubt will have some transition in the future to a different use. I think that specifically going south may see more of it than going east. I recommend approval of the rezoning request. At this time of writing this memo we have received no phone calls for or against this project.



October 28, 2016

X - R1 Residential

Z - Mobil Home

Y - C2 Commercial

1:1,128

0 0.0075 0.015 0.03 0.03 mi

0 0.015 0.03 0.06 km

Sources: Esri, HERE, DeLorme, USGS, Inlemap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

ORDINANCE #2016-_____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO BASS, BLOCK 2, LOT 17-22, ALSO KNOWN AS 1100 W. KENEDY BLOCK FROM C4-COMMERCIAL DISTRICT TO R3-MULTI-FAMILY DISTRICT; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.

WHEREAS, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Mike Ewers, agent, for MRSL Investments LLC, owner, for amendment to the zoning ordinance and zoning map of the City of Kingsville;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, November 2, 2016 during a meeting of the Planning and Zoning Commission, and on Monday, November 14, 2016 during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

WHEREAS, a majority of the Planning Commission by a 5-0 vote APPROVED the requested rezone; and

WHEREAS, the City Commission has determined that this amendment would best serve public health, necessity, and convenience and the general welfare of the City of Kingsville and its citizens.

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of Bass, Block 2, Lot 17-22 also known as 1100 West Kenedy Block from C4-Commercial District to R3-Multi-Family District, as more specifically described on the Zone Change Map, attached as Exhibit A.

SECTION 2. That the official Zoning Map of the City of Kingsville, Texas, is amended to reflect the amendments to the Zoning Ordinance made by Section 1 of this ordinance.

SECTION 3. That the Zoning Ordinance and Zoning Map of the City of Kingsville, Texas, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

SECTION 4. That to the extent that these amendments to the Zoning Ordinance represent a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the Zoning Ordinance, as amended by this ordinance.

SECTION 5. That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

SECTION 6. That publication shall be made in the official publication of the City of Kingsville as required by the City Charter of the City of Kingsville.

INTRODUCED on this the 14th day of November, 2016.

PASSED AND APPROVED on this the _____ day of November, 2016.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

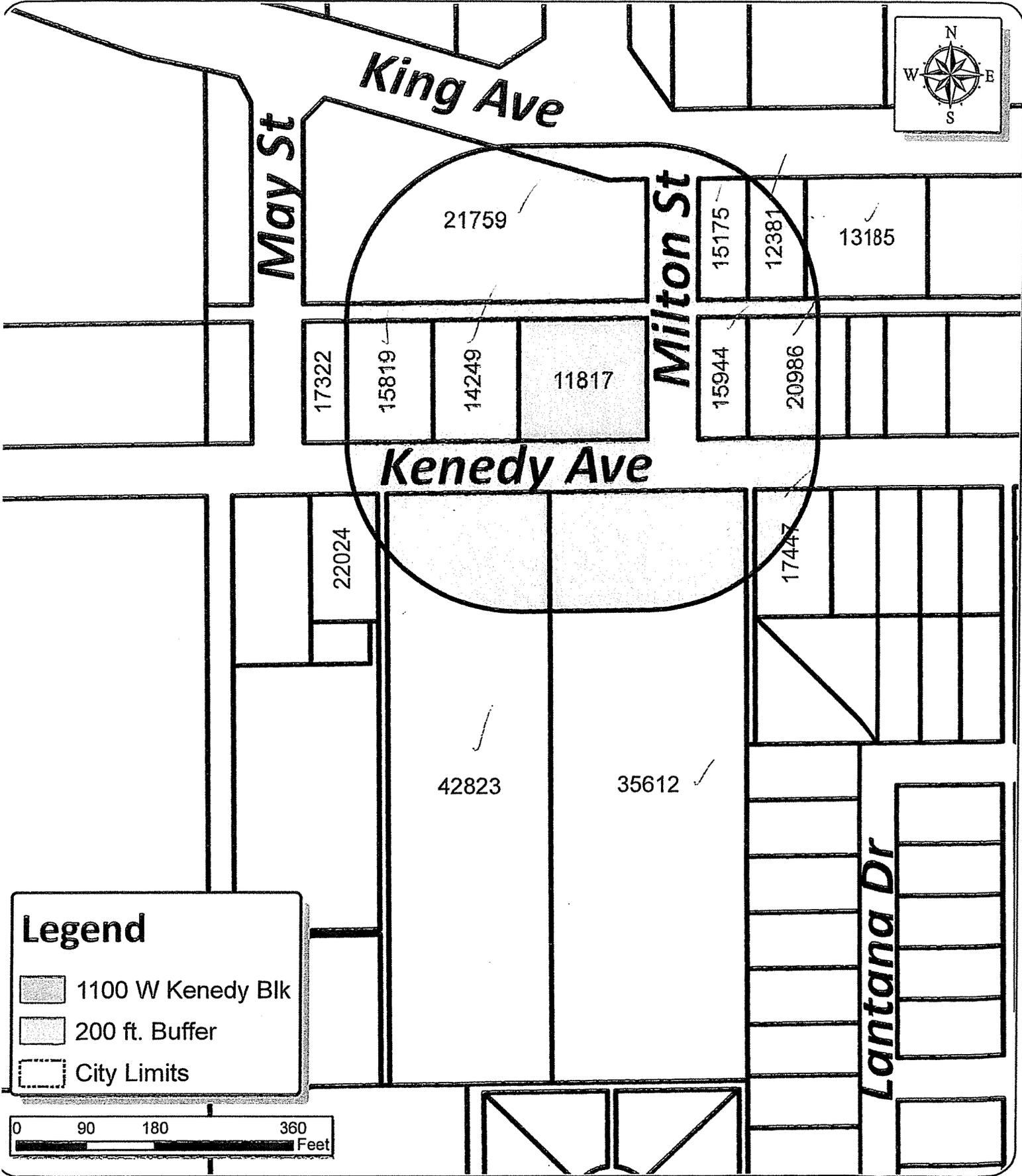
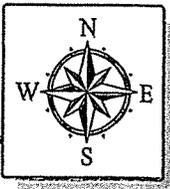
ATTEST:

Mary Valenzuela, City Secretary

APPROVED:

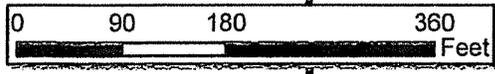
Courtney Alvarez, City Attorney

1100 W Kenedy Blk



Legend

-  1100 W Kenedy Blk
-  200 ft. Buffer
-  City Limits



Document Path: N:\Engineering\GIS Techs\MAPSMAP_DOCUMENTS\Arc_City_Base_Map_8.5x11.mxd

Page 1 / 1	Drawn By: Engineering Department
	Last Update: 10/12/2016
	Note:

DISCLAIMER
 THIS MAP IS FOR VISUAL PURPOSES ONLY.
 THE INFORMATION ON THIS SHEET MAY
 CONTAIN INACCURACIES OR ERRORS.
 THE CITY OF KINGSVILLE IS NOT
 RESPONSIBLE IF THE INFORMATION CONTAINED
 HEREIN IS USED FOR ANY DESIGN,
 CONSTRUCTION, PLANNING, BUILDING.



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

AGENDA ITEM #4

**City of Kingsville
Purchasing/IT Department**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: David Mason, Director
DATE: October 28, 2016
SUBJECT: Historic Pumphouse Renovation

Summary:

This item authorizes the award of contract for the renovation of the Historic Pumphouse.

Background:

In conjunction with Killis Almond Architect we advertised for bids on September 28 and October 5, 2016. A copy of the architectural plan was available at City Hall and could be downloaded from Killis Almond. Two potential contractors visited the site during the prebid held October 11, 2016. Three bids were received and opened on Tuesday, October 25, 2016 at 1:30 p.m. Bid tab with is shown below:

Malty Builders	Barcom Construction	Stoddard Construction
\$457,625.00	\$596,156.00	\$608,500.00

Financial Impact:

Funding is available through 054-5-620.1-720.20 of which \$515,562.00 is available.

Recommendation:

It is recommended the City contracts with Malty Builders of Kingsville, TX for the Renovation of the Historic Kingsville Pumphouse.



KILLIS ALMOND ARCHITECTS, PC

Architecture Historic Preservation Planning

3 4 2 W I L K E N S S A N A N T O N I O , T X 7 8 2 1 0
(2 1 0) 5 3 2 - 3 2 1 2 F A X (2 1 0) 5 3 2 - 9 9 1 9

Attention:
David Mason
City of Kingsville
400 E Kleberg Ave.
Kingsville, TX 78363

Upon reviewing the three different bids received on October 27th, 2016, we take no exception for the contract to be awarded to Maltby Builders Inc. for the Pump Station renovation project.

We derived to this conclusion based on their inquisitive nature shown during the pre-bid walk-thru and the questions received at this office prior to bid submission. It shows attention to detail, dedication to a project and careful planning. They were also the lowest bid received.

We do suggest though, the City ask and check for references for final determination.

If you have any questions or concerns, please feel free to contact me.

Best regards,

Jose Alberto Lopez,
Project Manager
Killis Almond Architects, P.C.
342 Wilkins Ave,
San Antonio, TX 78210
210.532.3212

AGENDA ITEM #5

**City of Kingsville
Purchasing/IT Department**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: David Mason, Director
DATE: November 1, 2016
SUBJECT: Fuel Services for FY 2017

Summary:

This item authorizes the award of contract for Fuel Services for FY 2017.

Background:

The City advertised the proposal in the Kingsville Record on October 2 and October 9, 2016 as well as posting it on the City website. Two potential vendors responded by the 1:30 pm deadline on October 18, 2016. Definitive conditions of Best Value are included in the Bid Tab below:

	Sunoco	Oil Patch
Monetary 60 %	60	50
Qualification/Experience/References 10%	10	9
Delivery Time 10%	10	10
Administrative Procedures 10%	10	10
Compliance with Bid Spec 10%	10	9
Total of	100	88



**City of Kingsville
Purchasing/IT Department**

As pricing was the most important weighted category, it is summarized below:

Description + or – based on OPIS price per gallon	Sunoco	Oil Patch
Regular unleaded gasoline as specified herein >5000 gal to Public Works (Bulk)	+ .0550	+ .06
Grade 2-0 Diesel as specified herein >5000 gal to Public Works (Bulk)	+ .0550	+ .06
Regular unleaded gasoline as specified herein < 5000 gal to various locations	+ .0750	+ .15
Grade 2-0 Diesel as specified herein < 5000 gal to various locations	+ .0750	+ .15
Texas Dyed Diesel <5000 gal to various locations	+ .0750	+ .15

Financial Impact:

The actual amount to be used in FY 16-17 is unknown as it depends on the amount of gas needed throughout the year. For historical purposes, FY15-16 purchases of fuel approximated just over \$400,000.00 and staff believes sufficient funds have be budgeted this fiscal year for this item.

Recommendation:

It is recommended the City awards the bid to Sunoco Energy Services, LLC, 555 Airtex Dr., Houston TX, 77073 with all deliveries originating from the Corpus Christi office, 4525 Ayers Street Corpus Christi, TX, 78415.



AGENDA ITEM #6



FINANCE MEMORANDUM

TO: JESUS A GARZA, CITY MANAGER
FROM: DEBORAH R BALLI, FINANCE DIRECTOR
DATE: OCTOBER 21, 2016
SUBJECT: REBATE SERVICES AGREEMENT

Background: The City of King'sville is required to perform arbitrage calculations to determine if there is any arbitrage fees due to the federal government for investment revenue earned on bond sale funds.

Arbitrage fees are incurred if the City reinvests bond fund monies at a rate higher than what the interest rate is paid to investors who purchase the City's tax exempt bonds.

The last time the calculation was done was in 2010 and it resulted in arbitrage fees due to the interest rate climate at that time.

Financial Impact: During the budget process, we were aware that this calculation was required and budgeted \$13,000 split between General Fund 001 in account 001-5-1801-31470 and Utility Fund 051 in account 051-5-1030-31470.

Recommendation:

The Finance Department recommends enlisting the services of First Southwest Asset Management, LLC to perform the arbitrage calculation.

RESOLUTION #2016-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ARBITRAGE REBATE COMPLIANCE SERVICES AGREEMENT BETWEEN THE CITY OF KINGSVILLE AND FIRST SOUTHWEST ASSET MANAGEMENT, LLC; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville desires to have an arbitrage rebate compliance audit done on the City's outstanding debt obligations to determine if there are any arbitrage fees due to the federal government for investment revenue earned on bond sale funds;

WHEREAS, arbitrage fees are incurred if the City reinvests bond fund monies at a rate higher than what the interest rate is paid to investors who purchased the City's tax exempt bonds;

WHEREAS, First Southwest Asset Management, LLC specializes in this type of arbitrage rebate compliance audit and their fee is stated in Appendix A of the agreement, which is not expected to exceed the \$13,000 budgeted for this item;

WHEREAS, the City and First Southwest Asset Management, LLC have worked to prepare an Arbitrage Rebate Compliance Services Agreement.

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

I.

THAT the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into an Arbitrage Rebate Compliance Services Agreement between the City of Kingsville and First Southwest Asset Management, LLC 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
14th day of November, 2016.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**AGREEMENT FOR
ARBITRAGE REBATE COMPLIANCE SERVICES
BETWEEN
CITY OF KINGSVILLE, TEXAS
(Hereinafter Referred to as the "Issuer")
AND
FIRST SOUTHWEST ASSET MANAGEMENT, LLC
(Hereinafter Referred to as "FSAM")**

It is understood and agreed that the Issuer, in connection with the sale and delivery of certain bonds, notes, certificates, or other tax-exempt obligations (the "*Obligations*"), will have the need to determine to what extent, if any, it will be required to rebate certain investment earnings (the amount of such rebate being referred to herein as the "*Arbitrage Amount*") from the proceeds of the Obligations to the United States of America pursuant to the provisions of Section 148(f)(2) of the Internal Revenue Code of 1986, as amended (the "*Code*"). For purposes of this Agreement, the term "Arbitrage Amount" includes payments made under the election to pay penalty in lieu of rebate for a qualified construction issue under Section 148(f)(4) of the Code.

We are pleased to submit the following proposal for consideration; and if the proposal is accepted by the Issuer, it shall become the agreement (the "*Agreement*") between the Issuer and FSAM effective at the date of its acceptance as provided for herein below.

1. This Agreement shall apply to all issues of tax-exempt Obligations delivered subsequent to the effective date of the rebate requirements under the Code, except for (i) issues which qualify for exceptions to the rebate requirements in accordance with Section 148 of the Code and related Treasury regulations, or (ii) issues excluded by the Issuer in writing in accordance with the further provisions hereof, (iii) new issues effected in a fashion whereby FSAM is unaware of the existence of such issue, (iv) issues in which, for reasons outside the control of FSAM, FSAM is unable to procure the necessary information required to perform such services.

Covenants of First Southwest Asset Management

2. We agree to provide our professional services in determining the Arbitrage Amount with regard to the Obligations. The Issuer will assume and pay the fee of FSAM as such fee is set out in Appendix A attached hereto. FSAM shall not be responsible for any extraordinary expenses incurred on behalf of Issuer in connection with providing such professional services, including any costs incident to litigation, mandamus action, test case or other similar legal actions.
3. We agree to perform the following duties in connection with providing arbitrage rebate compliance services:
 - a. To cooperate fully with the Issuer in reviewing the schedule of investments made by the Issuer with (i) proceeds from the Obligations, and (ii) proceeds of other funds of the Issuer which, under Treasury Regulations Section 1.148, or any successor regulations thereto, are subject to the rebate requirements of the Code;
 - b. To perform, or cause to be performed, consistent with the Code and the regulations promulgated thereunder, calculations to determine the Arbitrage Amount under Section 148(f)(2) of the Code; and
 - c. To provide a report to the Issuer specifying the Arbitrage Amount based upon the investment schedule, the calculations of bond yield and investment yield, and other information deemed relevant by FSAM. In undertaking to provide the services set forth in paragraph 2 and this paragraph 3, FSAM does not assume any responsibility for any record retention requirements which the Issuer may have under the Code or other applicable laws, it being understood that the Issuer shall remain responsible for compliance with any such record retention requirements.

Covenants of the Issuer

4. In connection with the performance of the aforesaid duties, the Issuer agrees to the following:
 - a. The fees due to FSAM in providing arbitrage rebate compliance services shall be calculated in accordance with Appendix A attached hereto. The fees will be payable upon delivery of the report prepared by FSAM for each issue of Obligations during the term of this Agreement.
 - b. The Issuer will provide FSAM all information regarding the issuance of the Obligations and the investment of the proceeds therefrom, and any other information necessary in connection with calculating the Arbitrage Amount. FSAM will rely on the information supplied by the Issuer without inquiry, it being understood that FSAM will not conduct an audit or take any other steps to verify the accuracy or authenticity of the information provided by the Issuer.
 - c. The Issuer will notify FSAM in writing of the retirement, prior to the scheduled maturity, of any Obligations included under the scope of this Agreement within 30 days of such retirement. This notification is required to provide sufficient time to comply with Treasury Regulations Section 1.148-3(g) which requires final payment of any Arbitrage Amount within 60 days of the final retirement of the Obligations. In the event the Issuer fails to notify FSAM in a timely manner as provided hereinabove, FSAM shall have no further obligation or responsibility to provide any services under this Agreement with respect to such retired Obligations.
5. In providing the services set forth in this Agreement, it is agreed that FSAM shall not incur any liability for any error of judgment made in good faith by a responsible officer or officers thereof and, except to the limited extent set forth in this paragraph, shall not incur any liability for any other errors or omissions, unless it shall be proved that such error or omission was a result of the gross negligence or willful misconduct of said officer or officers. In the event a payment is assessed by the Internal Revenue Service due to an error by FSAM, the Issuer will be responsible for paying the correct Arbitrage Amount and FSAM's liability shall not exceed the amount of any penalty or interest imposed on the Arbitrage Amount as a result of such error.

Obligations Issued Subsequent to Initial Contract

6. The services contracted for under this Agreement will automatically extend to any additional Obligations (including financing lease obligations) issued during the term of this Agreement, if such Obligations are subject to the rebate requirements under Section 148(f)(2) of the Code. In connection with the issuance of additional Obligations, the Issuer agrees to the following:
 - a. The Issuer will notify or cause the notification, in writing, to FSAM of any tax-exempt financing (including financing lease obligations) issued by the Issuer during any calendar year of this Agreement, and will provide FSAM with such information regarding such Obligations as FSAM may request in connection with its performance of the arbitrage rebate services contracted for hereunder. If such notice is not provided to FSAM with regard to a particular issue, FSAM shall have no obligation to provide any services hereunder with respect to such issue.
 - b. At the option of the Issuer, any additional Obligations to be issued subsequent to the execution of this Agreement may be excluded from the services provided for herein. In order to exclude an issue, the Issuer must notify FSAM in writing of their intent to exclude any specific Obligations from the scope of this Agreement, which exclusion shall be permanent for the full life of the Obligations; and after receipt of such notice, FSAM shall have no obligation to provide any services under this Agreement with respect to such excluded Obligations.

Effective Date of Agreement

7. This Agreement shall become effective at the date of acceptance by the Issuer as set out herein below and remain in effect thereafter for a period of five (5) years from the date of acceptance, provided, however, that this Agreement may be terminated with or without cause by the Issuer or FSAM upon thirty (30) days prior written notice to the other party. In the event of such termination, it is understood and agreed that only the amounts due to FSAM for services provided and extraordinary expenses incurred to and including the date of termination will be due and payable. No penalty will be assessed for termination of this Agreement. In the event this Agreement is terminated prior to the completion of its stated term, all records provided to FSAM with respect to the investment of monies by the Issuer shall be returned to the Issuer as soon as practicable following written request by Issuer. In addition, the parties hereto agree that, upon termination of this Agreement, FSAM shall have no continuing obligation to the Issuer regarding any arbitrage rebate related services contemplated herein, regardless of whether such services have previously been undertaken, completed or performed.

Acceptance of Agreement

8. This Agreement is submitted in duplicate originals. When accepted by the Issuer in accordance with the terms hereof, it, together with Appendix A attached hereto, will constitute the entire Agreement between the Issuer and FSAM for the purposes and the consideration herein specified. In order for this Agreement to become effective, it must be accepted by the Issuer within sixty (60) days of the date appearing below the signature of FSAM's authorized representative hereon. After the expiration of such 60-day period, acceptance by the Issuer shall only become effective upon delivery of written acknowledgement and reaffirmation by FSAM that the terms and conditions set forth in this Agreement remain acceptable to FSAM.

Governing Law

9. This Agreement will be governed by and construed in accordance with the laws of the State of Texas, without regard to its principles of conflicts of laws.

Acceptance will be indicated on both copies and the return of one executed copy to First Southwest Asset Management.

Respectfully submitted,

FIRST SOUTHWEST ASSET MANAGEMENT, LLC

By _____

Hill A. Feinberg, Chairman & Chief Executive Officer

Date _____

ISSUER'S ACCEPTANCE CLAUSE

The above and foregoing is hereby in all things accepted and approved by

_____, on this the _____ day of _____, _____.

By _____

Authorized Representative

Title _____

Printed Name _____

APPENDIX A - FEES

The Obligations to be covered initially under this contract include all issues of tax-exempt obligations delivered subsequent to the effective dates of the rebate requirements, under the Code, except as set forth in Section I of the Agreement.

The fee for any Obligations under this contract shall only be payable if a computation is required under Section 148(f)(2) of the Code. In the event that any of the Obligations fall within an exclusion to the computation requirement as defined by Section 148 of the Code or related regulations and no calculations were required by FSAM to make that determination, no fee will be charged for such issue. For example, certain obligations are excluded from the rebate computation requirement if the proceeds are spent within specific time periods. In the event a particular issue of Obligations fulfills the exclusion requirements of the Code or related regulations, the specified fee will be waived by FSAM if no calculations were required to make the determination.

FSAM's fee for arbitrage rebate services is based upon a fixed annual fee per issue. The annual fee is charged based upon the number of years that proceeds exist subject to rebate from the delivery date of the issue to the computation date.

FSAM's fees are payable upon delivery of the report. The first report will be made following one year from the date of delivery of the Obligations and on each computation date thereafter during the term of the Agreement. The fees for computations of the Arbitrage Amount which encompass more, or less, than one Computation Year shall be prorated to reflect the longer, or shorter, period of work performed during that period.

The fee for each of the Obligations included in this contract shall be based on the table below.

Additionally, due to significant time saving efficiencies realized when investment information is submitted in an electronic format, FSAM passes the savings to its clients by offering a 10% reduction in its fees if information is provided in a spreadsheet or electronic text file format.

Description	Annual Fee
ANNUAL FEE	\$1,200
<i>COMPREHENSIVE ARBITRAGE COMPLIANCE SERVICES INCLUDE:</i>	
<ul style="list-style-type: none"> • Commingled Funds Analysis & Calculations • Spending Exception Analysis & Calculations • Yield Restriction Analysis & Calculations (for yield restricted Project Funds, Reserve Funds, Escrow Funds, etc.) • Parity Reserve Fund Allocations • Transferred Proceeds Calculations • Universal Cap Calculations • Debt Service Fund Calculations (including earnings test when required) • Preparation of all Required IRS Paperwork for Making a Rebate Payment / Yield Reduction Payment • Retention of Records Provided for Arbitrage Computations • IRS Audit Assistance • Delivery of Rebate Calculations Each Year That Meets the Timing Requirements of the Audit Schedule • On-Site Meetings, as Appropriate, to Discuss Calculation Results / Subsequent Planning Items 	INCLUDED
<i>OTHER SERVICES AVAILABLE:</i>	
IRS Refund Request – Update calculation, prepare refund request package, and assist issuer as necessary in responding to subsequent IRS Information Requests	\$750

Note: The fee for all calculations through September 30, 2016 shall not exceed \$13,000.00.

EXPLANATION OF TERMS:

- a. **Computation Year:** A “Computation Year” represents a one year period from the delivery date of the issue to the date that is one calendar year after the delivery date, and each subsequent one-year period thereafter. Therefore, if a calculation is required that covers more than one “computation year,” the annual fee is multiplied by the number of computation years contained in the calculation being performed. If a calculation includes a portion of a computation year, i.e., if the calculation includes 1 ½ computation years, then the base fee will be multiplied by 1.5.
- b. **Electronic Data Submission:** The data should be provided electronically in MS Excel or ASCII text file (comma delimited text preferred) with the date, description, dollar amount, and an activity code (if not in debit and credit format) on the same line in the file.
- c. **Variable/Floating Rate Bond Issues:** Special services are also required to perform the arbitrage rebate calculations for variable rate bonds. A bond is a variable rate bond if the interest rate paid on the bond is dependent upon an index which is subject to changes subsequent to the issuance of the bonds. The computational requirements of a variable rate issue are more complex than those of a fixed rate issue and, accordingly, require significantly more time to calculate. The additional complexity is primarily related to the computation of the bond yield, which must be calculated on a “bond year” basis. Additionally, the regulations provide certain flexibility in computing the bond yield and determining the arbitrage amount over the first IRS reporting period; consequently, increased calculations are required to determine which bond yield calculation produces the lowest arbitrage amount.
- d. **Commingled Fund Allocations:** By definition, a commingled fund is one that contains either proceeds of more than one bond issue or proceeds of a bond issue and non-bond proceeds (i.e., revenues) of \$25,000 or more. The arbitrage regulations, while permitting the commingling of funds, require that the proceeds of the bond issue(s) be “carved out” for purposes of determining the arbitrage amount. Additionally, interest earnings must be allocated to the portion of the commingled fund that represents proceeds of the issue(s) in question. Permitted “safe-harbor” methods (that is, methods that are outlined in the arbitrage regulations and, accordingly, cannot be questioned by the IRS under audit), exist for allocating expenditures and interest earnings to issues in a commingled fund. FSAM uses one of the applicable safe-harbor methods when doing these calculations.
- e. **Debt Service Reserve Funds:** The authorizing documents for many revenue bond issues require that a separate fund be established (the “Reserve Fund”) into which either bond proceeds or revenues are deposited in an amount equal to some designated level, such as average annual debt service on all parity bonds. This Reserve Fund is established for the benefit of the bondholders as additional security for payment on the debt. In most cases, the balance in the Reserve Fund remains stable throughout the life of the bond issue. Reserve Funds, whether funded with bond proceeds or revenues, must be included in all rebate calculations.
- f. **Debt Service Fund Calculations:** Issuers are required under the regulations to analyze the invested balances in their debt service funds annually to determine whether the fund depletes as required during the year and is, therefore, “bona fide” (i.e., potentially exempt from rebate in that year). It is not uncommon for surplus balances to develop in the debt service fund that services an issuer’s tax supported debt, particularly due to timing differences of when the funds were due to be collected versus when the funds were actually collected. FSAM performs this formal analysis of the debt service fund and, should it be determined that a surplus balance exists in the fund during a given year, allocates the surplus balance among the various issues serviced by the fund in a manner that is acceptable under IRS review.
- g. **Earnings Test for Debt Service Funds:** Certain types of bond issues require an additional level of analysis for the debt service fund, even if the fund depletes as required under the regulations and is “bona fide.” For short-term, fixed rate issues, private activity issues, and variable rate issues, the regulations require that an “earnings test” be performed on a bona fide debt service fund to determine if the interest earnings reached \$100,000 during the year. In cases where the earnings reach or exceed the \$100,000 threshold, the entire fund (not just the surplus or residual portion) is subject to rebate.
- h. **Transferred Proceeds Calculations:** When a bond issue is refinanced (refunded) by another issue, special services relating to “transferred proceeds” calculations may need to be performed. Under the regulations, when proceeds of a refunding issue are used to retire principal of a prior issue, a pro-rata portion of the unspent proceeds of the prior issue becomes subject to rebate and/or yield restriction as transferred proceeds of the refunding issue. The refunding issue essentially “adopts” the unspent proceeds of the prior issue for purposes of the arbitrage calculations. These

calculations are required under the regulations to ensure that issuers continue to exercise due diligence to complete the project(s) for which the prior bonds were issued.

- i. **Universal Cap:** Current regulations provide an overall limitation on the amount of gross proceeds allocable to an issue. Simply stated, the value of investments allocated to an issue cannot exceed the value of all outstanding bonds of the issue. For example, this situation can occur if an issuer encounters significant construction delays or enters into litigation with a contractor. It may take months or even years to resolve the problems and begin or resume spending the bond proceeds; however, during this time the debt service payments are still being paid, including any scheduled principal payments. Thus, it's possible for the value of the investments purchased with bond proceeds to exceed the value of the bonds outstanding. In such cases, a "de-allocation" of proceeds may be required to comply with the limitation rules outlined in the regulations.

- j. **Yield Restriction Analysis/Yield Reduction Computations:** The IRS strongly encourages issuers to spend the proceeds of each bond issue as quickly as possible to achieve the governmental purpose for which the bonds were issued. Certain types of proceeds can qualify for a "temporary period," during which time the proceeds may be invested at a yield higher than the yield on the bonds without jeopardizing the tax-exempt status of the issue. The most common temporary period is the three-year temporary period for capital project proceeds. After the end of the temporary period, the proceeds must be yield restricted or the issuer must remit the appropriate yield reduction payment when due. FSAM performs a comprehensive yield restriction analysis when appropriate for all issues having proceeds remaining at the end of the applicable temporary period and also calculates the amount of the yield reduction payment due to the IRS.

AGENDA ITEM #7

City of Kingsville
Human Resource Department

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Diana Gonzales, Human Resource Director

DATE: November 8, 2016

SUBJECT: Incentives and Awards – Policy # 640.01 Safety Incentive Award Program

Summary:

Update Policy 640.01 to Safety Incentive Award Program and having the program pertain only to non-civil service field personnel where most of the City's incidents (accidents/injuries) occur.

The City of Kingsville requires all of its employees and especially employees performing outdoor field operational duties to be safety conscious. This updated policy monetarily rewards field personnel who remain accident/injury free for each 12-month period from October 1st to September 30th of each year.

Background:

Current Policy 640.01 was last updated on August 28, 2006.

Financial Impact:

This policy was addressed during the budget workshops for FY 2016-2017 and prospective financial savings incorporated into the budget. The difference of the current program and the proposed program is approximately \$7,058.

Recommendation:

Update policy and reward structure for field personnel being safety conscious.



RESOLUTION NO. 2016-_____

A RESOLUTION REVISING THE CITY OF KINGSVILLE ADMINISTRATIVE POLICY NO. 640.01 -SAFETY INCENTIVE AWARD PROGRAM.

WHEREAS, the City Commission previously adopted an administrative policy handbook for employees and it is now being proposed that Policy No. 640.01-Safety Incentive Award Program be revised as noted in the attached document; and

WHEREAS, staff proposes to have the Safety Incentive Award Program apply only to field personnel which include driving and operation of equipment in the essential job duties; and

WHEREAS, the award would be revised to apply to non-exempt and exempt full-time and part-time employees working in a field environment and the award would comprise a monetary payment only;

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

I.

THAT Policy No. 640.01-Safety Incentive Award Program, attached as Exhibit A, is hereby approved;

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the 14th day of November, 2016.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

INCENTIVES AND AWARDS

POLICY NO. 640.01 SAFETY INCENTIVE AWARD PROGRAM

Purpose: The purpose of this policy is to establish guidelines and criteria policies for the administration of the City of Kingsville Safety Incentive Award Program. All monetary incentives are subject to taxes, federal withholding and other employee required contributions such as retirement. Monetary incentives may vary based on budget allocations.

Scope of Policy

The Safety Incentive Award Program is aimed toward field personnel which include driving and operation of equipment in the essential job duties.

The provisions for the Safety Incentive Award Program awards shall be applicable to all employees (full-time, and part-time and temporary) employees working in a field environment.

Administrative office personnel and collective bargaining employees are ineligible to participate in the Safety Incentive Award Program. excluding (Civil Service, and those governed by Collective Bargaining).

Definitions

Occupational Incident – Any incident that results resulting in injury and/or damage to a City vehicle, another vehicle, City property, or other property owned by an outside party.

Preventable Incident – An incident which would not have occurred if the employee had used sound judgment, had followed proper training and safety/ and-operating procedures and /or had used proper care.

Non-Unpreventable – An incident which would have occurred irrespective regardless of employee following proper procedures action by the employee.

Occupational – An incident which occurs at the workplace and leads to the physical injury of an employee and results in loss of time or the need for treatment by a physician.

Vehicle – Any piece of mechanized, rolling equipment, which is either operated on the public roads and highways or off the road on other property (e.g. automobiles, trucks, tractors, heavy equipment, etc.)

I. Safety Incentive Program

The Safety Incentive Award Program is intended to reward employees who avoid preventable incidents. The Risk Manager Management Department shall be responsible for administering the Safety Incentive Award Program.

The program period is will begin on November 1st through October 31st October 1st through September 30th of each year. The employee should be in eligible classifications, which consists of employees who work in an office environment or employees who work in a non-office environment. Employees must shall be in one of the eligible classifications for the entire program year to be eligible for an individual award. No partial or prorated awards shall be allowed made. Awards shall be distributed to all eligible and active employees will be given during the Safety Incentive Awards Banquet during the month of December each year.

II. Criteria for Awards

Eligibility Requirements:

- a) ~~Non-exempt and exempt full-time and, regular, temporary, part-time hourly employees working in a field environment (excluding Civil Service and those governed by Collective Bargaining)~~
- b) ~~who have been employed for twelve (12) consecutive months immediately prior to the end of the safety award year, and have~~
- e) ~~no documented preventable incidents within the program period will be eligible for the award.~~

Disqualification for award:

- ~~A) If an employee has a Two (2) preventable incidents during the program year, the employee may lose all or part of the safety incentive award, depending on the monetary loss of the incident. or~~
- ~~B) Failure to timely report occupational injury or illness as per policy~~

Employees ineligible for award in any given program year are eligible to participate in the following program year.

~~The employee will be eligible to participate in the safety incentive program in the upcoming year. The level will be determined by the monetary loss and number of preventable incidents the employee has during the program period.~~

Every year after October 31st 1st, the Risk Manager Management Department will ~~shall~~ submit a list of all employees eligible to receive the safety incentive award to each department head. The department heads supervisor shall review the list for approval and submit the approved listing ~~back to the Risk~~ Manager Management Department.

The awards will be issued based on two job categories:

(1) ~~Employees who work in an office environment are eligible for the following: _____~~

~~1st Year _____ 8 hours off with pay and \$25.00~~

~~2nd Year _____ 8 hours off with pay and \$40.00~~

~~3rd & Subsequent Years _____ 8 hours off with pay and \$50.00~~

(2) ~~Employees who work working in a non-office environment are eligible for the following:~~

~~1st Year - _____ 8 hours off with pay and \$50.00~~

~~2nd Year - _____ 8 hours off with pay and \$75.00~~

~~3rd & Subsequent Years - _____ 8 hours off with pay and \$100.00~~

Monetary incentives are subject to federal withholding and may vary based on budget allocations.

The following shall be used to determine eligibility of monetary award when employees have preventable incidents:

<u>Year</u>	<u>First Incident</u>	<u>Two or More Incidents</u>
<u>Any Year</u>	<u>Corrective Action</u>	<u>Corrective Action & Ineligible for Award</u>

Employees with 3rd incident in program year shall begin at the first year level of the safety incentive award.

~~The Incident Incentive Scale shall be used to determine the type of incentive granted or lost due to a preventable incident. When multiple preventable incidents occur and the incidents fall in both categories A and B in the Incident Incentive Scale, the safety incentive lost will be determined by the next available incentive.~~

~~All employees awarded 8 hours off with pay must utilize the 8 hours before October 31st of the following year. Employee will lose the 8 hours if not utilized before October 31st of the following year.~~

III. Incidents

The Central Safety Committee Safety Advisory Board shall review all occupational incidents whether vehicular or occupational reports. The board committee shall meet at least monthly or as needed to review incident reports and any supporting documentation to determine whether the incident was preventable or non-preventable, to make a recommendation if an employee followed safety procedures for the purposes of a safety incentive award.

The committee-board shall review the reports and shall conduct interviews or inquiries as deemed necessary. At the completion of the review, the committee board will forward the report to the Safety and Risk Manager Management Department with their recommendation. The Risk Manager Management Department shall review the documents for compliance and will notify the employee and department supervisor-head in writing of the committee's Safety Advisory Board's decision regarding the incident.

Once the employee receives an incident determination letter, the employee will have ten (10) calendar days to appeal the committee's-board's decision from the date on of the determination letter. The appeal request letter must be submitted to the Risk Manager Management Department. The employee will then be notified of the date and time of the appeal.

If the employee wishes to have the City Manager or City Manager's designee review the committee's appeal decision, the employees must make such request in writing within ten (10) calendar days from the date of the appeal determination letter. The request must be made to the Safety and Risk Manager Management Department.

Once the City Manager or City Manager's designee makes a decision on the incident, the decision is final. The Risk Manager Management Department will notify the employee and department supervisor-head in writing of the decision.

**INDOOR EMPLOYEES
Incident Incentive Scale**

A. Preventable incident with monetary loss under \$50.00

Employees with 1st and 2nd incidents shall maintain current safety incentive status for the following year. Employees with 3rd incident shall begin at the first year level of the safety incentive status the following year.

Year	1 st Incident	2 nd Incident	3 rd Incident
1 st year incident status	Letter of Counseling	Lose Day Off	Lose \$ 25.00
2 nd year incident status	Letter of Counseling	Lose Day Off	Lose \$ 40.00
3 rd year incident status	Letter of Counseling	Lose Day Off	Lose \$ 50.00

B. Preventable incident with monetary loss of \$51.00 to \$500.00

Employees in this category will begin the Safety Incentive Program next year at the first year level after the 2nd incident.

Year	1 st Incident	2 nd Incident	3 rd Incident
1 st year incident status	Letter of Counseling	Lose \$ 25.00	
2 nd year incident status	Letter of Counseling	Lose \$ 40.00	
3 rd year incident status	Letter of Counseling	Lose \$ 50.00	

C. Preventable incident with monetary loss of \$501.00 or more

Employees in this category will begin the Safety Incentive Program next year at the first year level after the 1st incident.

Year	1 st Incident	2 nd Incident	3 rd Incident
1 st year incident status	Lose Day Off and \$ 25.00		
2 nd year incident status	Lose Day Off and \$ 40.00		
3 rd year incident status	Lose Day Off and \$ 50.00		

**OUTDOOR EMPLOYEES
Incident Incentive Scale**

A. Preventable incident with monetary loss under \$50.00

Employees with 1st and 2nd incidents shall maintain current safety incentive status for the following year. Employees with 3rd incident shall begin at the first year level of the safety incentive status the following year.

Year	1 st Incident	2 nd Incident	3 rd Incident
1 st	Letter of Counseling	Lose Day Off	Lose \$ 50.00
2 nd	Letter of Counseling	Lose Day Off	Lose \$ 75.00
3 rd	Letter of Counseling	Lose Day Off	Lose \$ 100.00

B. Preventable incident with monetary loss of \$51.00 to \$500.00

Employees in this category will begin the Safety Incentive Program next year at the first year level after the 2nd incident.

Year	1 st Incident	2 nd Incident	3 rd Incident
1 st year incident status	Letter of Counseling	Lose \$ 50.00	
2 nd year incident status	Letter of Counseling	Lose \$ 75.00	
3 rd year incident status	Letter of Counseling	Lose \$ 100.00	

C. Preventable incident with monetary loss of \$501.00 or more

Employees in this category will begin the Safety Incentive Program next year at the first year level after the 1st incident.

Year	1 st Incident	2 nd Incident	3 rd Incident
1 st year incident status	Lose Day Off and \$ 50.00		
2 nd year incident status	Lose Day Off and \$ 75.00		
3 rd year incident status	Lose Day Off and \$ 100.00		

IV. Exempt Employees

Exempt employees who have been employed for twelve (12) consecutive months immediately prior to the end of the safety awards year and have no documented departmental lost time injuries will be eligible for the safety incentive award.

The award will be issued based on two categories:

- (1) Exempt employees who work in an office environment.
- (2) Exempt employees who work in a non-office environment.

Exempt employees who work in an office environment shall be eligible for the following individual award.

1 st year	8 hours off with pay and \$25.00
2 nd year	8 hours off with pay and \$40.00
3 rd & subsequent years	8 hours off with pay and \$50.00

Exempt employees who work in a non-office environment shall be eligible for the following individual award.

1 st year	8 hours off with pay and \$50.00
2 nd year	8 hours off with pay and \$75.00
3 rd & subsequent years	8 hours off with pay and \$100.00

Money incentives are subject to federal withholding and may vary based on budget allocations.

All exempt employees awarded 8 hours off with pay must utilize the 8 hours before October 31st of the following year. Employees will lose the 8 hours if not utilized before October 31st of the following year.

AGENDA ITEM #8

City of Kingsville
Human Resource Department

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Diana Gonzales, Human Resource Director
DATE: November 8, 2016
SUBJECT: Proposed Policy # 731 Flex Leave

Summary:

New policy to add eight (8) hours of flex leave to be available to all non-civil service employees. This "flex leave" replaces "safety leave" removed from policy 640.01 Safety Incentive Award Program.

Background:

Non-civil service employees were allowed eight (8) hours of leave classified as "safety leave" under Policy 640.01 Safety Incentive Program when employees met safety criteria. This new policy replaces the leave non-civil service employees have enjoyed under the revised safety program with flex leave.

Financial Impact:

This proposed policy was mentioned during the budget workshops for FY 2016-2017 in conjunction with the proposed changes to the City's safety program. There is no additional financial impact as the leave is incorporated in the regular work hours budgeted by the City.

Recommendation:

To consider new policy which will still provide non-civil service employees with the same amount of time off as in previous years under a new classification of Flex Leave.



RESOLUTION NO. 2016-_____

A RESOLUTION ADOPTING THE CITY OF KINGSVILLE ADMINISTRATIVE POLICY NO. 731 -FLEX LEAVE.

WHEREAS, the City Commission previously adopted an administrative policy handbook for employees and it is now being proposed that Policy No. 731-Flex Leave be adopted and added to that handbook; and

WHEREAS, flex leave provides employees with the ability to use paid time off to meet personal needs, while recognizing the employer's need to manage employee time off; and

WHEREAS, the flex leave would expire if not used by October 31st each year and is not able to be cashed out upon separation of employment nor is it available to civil service employees or temporary or seasonal workers;

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

I.

THAT Policy No. 731-Flex Leave Policy, attached as Exhibit A, is hereby approved;

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the 14th day of November, 2016.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

POLICY NO. 731 FLEX LEAVE

Flex Leave provides employees with the ability to use paid time off to meet personal needs, while recognizing the employer's need to manage employee time off.

All non-exempt and exempt full-time non-civil service employees and regular part-time non-civil service employees shall earn eight (8) hours of Flex Leave the first payroll of December of each year. Temporary and seasonal employees are ineligible for Flex Leave.

Flex Leave hours do not accumulate and/or roll-over and must be utilized by October 31st of each year. Any unused Flex Leave shall be forfeited.

- Flex Leave may be taken in increments of one hour, or fraction thereof, upon proper approval.
- Employees are required to provide supervisors with reasonable advance notice and obtain approval prior to leave. This allows for the employee and supervisor to prepare for employee's scheduled time off and assure all staffing needs are met.
- No cash payments for unused Flex Leave shall be authorized at any time nor upon separation of employment.
- Flex Leave is not transferable between Employees.
- Flex Leave shall not be used to extend an employee's separation date. The last day worked shall be the official separation date.
- Employees shall take Flex Leave concurrently with any FMLA leave for which they are eligible in appropriate circumstances.
- Employees on Flex Leave are subject to recall in emergency situations as deemed appropriate by the Employee's supervisor.

AGENDA ITEM #9

City of Kingsville Downtown

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Cynthia Martin, Downtown Manager
DATE: November 1, 2016
SUBJECT: Changes to Façade Grant Guidelines

Summary: It is proposed to change the city's Façade Grant Program guidelines to the attached. Major points of the program guidelines as amended are:

- Up to \$20,000 of well-designed property improvements;
- 50% - 50% reimbursement; match may not be in-kind;
- Business owners can apply to the program with written approval from property owner;
- Projects must be completed within six months from date of grant approval;
- At least three years has elapsed since the property was the recipient of a grant and the property is in need of further improvement to be eligible;
- For signage, tenant must have at least two (or three) years left on lease;
- Grant recipient agrees to maintain building in good repair for five years;
- Applicants agree not to change or alter property improvements within three years;
- Not intended to cover maintenance;
- Work already done or in progress not eligible;
- Project must pass building inspection before money disbursed;
- Certain façade grants may be considered for a reduction in the % of match required from the grant recipient, subject to the availability of funds, for projects that significantly accelerate private investment in the historic downtown or are so significant and meaningful from a historical perspective that it would justify a higher level of public expenditure.



City of Kingsville Downtown

Background: The city's façade grant program is now three years old. Experience with the program has demonstrated a need for changes to the guidelines to make the program more effective. The proposed new guidelines have not changed in format and retain many of their original features.

Financial Impact: None

Recommendation: It is recommended to amend the guidelines for the city's Façade Grant Program as outlined in the attached draft.



RESOLUTION #2016-_____

A RESOLUTION REVISING THE HISTORIC DISTRICT FAÇADE GRANT PROGRAM GUIDELINES; AND PROVIDING FOR EVALUATION OF EACH APPLICATION FOR CONFORMITY WITH SUCH GUIDELINES AND CRITERIA PRIOR TO SUBMISSION TO THE COMMISSION.

WHEREAS, the City Commission on October 14, 2013 via Resolution No.2013-62 established the Historic District Façade Grant Program Guidelines because they saw a need existed for economic development, historic restoration & preservation, and tourism promotion in the historic district of the city, especially in the downtown area;

WHEREAS, the City still desires to increase the amount of economic development, historic restoration & preservation, and tourism in the historic district;

WHEREAS, the City believes offering local economic incentives for façade improvements in the historic district will stimulate new economic development, historic restoration & preservation, and tourism within the city;

WHEREAS, improvements to property in the city increase assessed values thereby expanding the tax base and stimulate tourism which in turn increases economic activity; and

WHEREAS, the City desires to make revisions to certain guidelines and criteria for the Historic District Façade Grant Program within the City of Kingsville;

WHEREAS, the City of Kingsville desires to establish and provide for the administration of a program that provides economic incentives to promote local economic development, historic restoration & preservation, and tourism promotion in the city, pursuant to authority found in Section 351.101 of the Texas Tax Code and Chapter 380 of the Local Government Code.

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

I.

THAT the revised Historic District Façade Grant Program Guidelines for the City of Kingsville (the "Guidelines", attached as Exhibit A) are hereby approved for two years from the effective date of this resolution;

II.

THAT the Guidelines at the end of a term of two (2) years may be readopted, modified, amended or rewritten as the conditions may warrant;

III.

THAT the Guidelines once adopted may be amended or repealed by a vote of three-fourths of the members of the City Commission during the term for which they are effective.

IV.

THAT the city staff shall evaluate each application for conformity with such Guidelines prior to submission to the City Commission.

V.

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 14^h day of November, 2016.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

FAÇADE GRANT PROGRAM GUIDELINES

HISTORIC PRESERVATION AS A TOURISM AND ECONOMIC DEVELOPMENT TOOL FOR KINGSVILLE'S HISTORIC DOWNTOWN

FAÇADE GRANT PROGRAM CREATED

Thirty years ago, the City of Kingsville created a Historic District and a Historical Development Board to protect historic resources within the district. In an effort to assist the Historic Development Board with this task consistent with the City Commission goals for historic preservation, tourism and economic development, the City Commission hereby designates and approves a Façade Grant Program, funded, in part or in whole, from Hotel/Motel Tax revenues.

PUBLIC PURPOSE

The Façade Grant Program Guidelines provide guidance to property owners, City policymakers and City staff concerning the use of Façade Grant awards that will achieve a certain public purpose, namely, the protection and preservation of the City's historic structures in a manner that promotes tourism and encourages economic development. Accordingly, City staff may propose, Historic Development Board may recommend and the City Commission may approve the award of Façade Program grants for certain commercial, residential and/or mixed use properties in furtherance of these public purposes.

ELIGIBLE PARTICIPANTS/APPLICANTS

Grant awards will be considered for property owners who repair, improve, replace and/or rehabilitate certain building facades or other exterior features. Façade grants will also be considered for property owners who mitigate certain deleterious building conditions, internal or external, structural or non-structural, functional or aesthetic, that threaten the structure's existence, prevent its highest and best use, or otherwise limits its full economic utility.

To be considered eligible, a participant/applicant must be in good legal and financial standing with Federal, State, and Local governments and taxing jurisdictions. The participant/applicant must either have appropriate ownership and control of the property or be leasing the property for business purposes in which case the participant/applicant must be acting with the full knowledge and consent of the property owner. If leasing, the participant/applicant must 1) have written approval for participation in the program from the property owner, 2) have at least two years remaining on the lease and 3) be in good legal and financial standing with the property owner. ~~And~~ The participant/applicant must not have any major actual or pending criminal claims or bankruptcy filings. The City shall seek approval from the applicant and the applicant shall provide any and all information that the City deems necessary to assist it in consideration of the Façade Grant Project including, but no limited to, obtaining releases from the applicant for criminal, background, credit and other histories.

Property owners shall not assume they will qualify for Façade Grant Program award until such time as the City Commission has given its final approval of the grant and then only when the applicant meets all Façade Grant criteria including passing all City inspections.

ELIGIBLE PROPERTIES

Eligible properties include properties in the Historic Downtown District that are on the National Register of Historic Places, recorded as a Texas Historic Landmark, or designated as a Kingsville Historic Landmark, a historically significant contributing Property within the Historic District or as otherwise recommended by the Historic Preservation Officer, and/or Historical Development Board or at the City Commission's sole discretion.

ELIGIBLE PROJECTS

Project eligibility considerations ~~can be numerous, complicated and subjective.~~ Considerations can include, but are not necessarily limited to: The historical significance of the building, its potential contribution to the achievement of Commission goals for historic preservation, tourism, development, downtown revitalization and economic development perceived risk vs. reward of the project, property owner resources, funding availability, impact on the immediately surrounding properties and on the Historic District generally.

Façade program grants offered to one property owner shall not obligate the City to make awards to other property owners having similar or dissimilar projects and/or properties. Each façade grant application is reviewed, considered and funded on a case-by-case basis based on merit subject to available funding.

Buildings that are officially designated as historically significant by local, state or federal entities may or may not be given preference. Restoration of storefronts to their historic appearance may or may not be given preference. Restoration work that is not in conformity with local restoration guidelines will be denied access to the façade grant program, unless an exception is made by the City Commission prior to the start of façade improvements.

ELIGIBLE EXPENDITURES (mostly or exclusively exterior)

Eligible project expenditures include, but are not necessarily limited to the following:

- Architectural and engineering fees related to eligible expenses
- Awnings or canopies in character with the building and streetscape
- Cleaning (major)
- Compatible new construction
- Door/window replacement
- Electrical and/or plumbing (major)
- Exterior murals
- Fire escapes
- Foundations
- Gutters
- Landscape and hardscape features
- Lighting that is visually appealing and appropriately illuminates signage, storefront
- Paint
- Preserving or restoring of historical architectural elements
- Recessing or reconfiguring entrances
- Rehabilitation of contributing structures
- Removal/replacement of incompatible exterior finishes or materials

- Removal of false facades and other inappropriate additions
- Restoration of historic signs or ghost signs
- Roofing
- Signs (new, repairs, replacements, removal)
- Other (as determined on a case-by-case basis)

INELIGIBLE EXPENDITURES (mostly or exclusively interior)

- Appliances
- Capital equipment purchases
- Cleaning (minor)
- Decorative treatments
- Electrical and or plumbing (minor or incidental)
- Escalators and/or elevators
- Furniture
- Government fees
- HVAC systems
- Incompatible new construction
- Legal, financing, leasing, rental and other administrative and financing expenses
- Maintenance activities
- Owner and/or tenant labor
- Paint, floor, wall, window or ceiling treatments
- Repair tools and equipment
- Security systems
- Sprinkler or fire suppression systems
- Taxes
- Wall construction and partitions
- Other (as determined on a case-by-case basis)

RULES AND PROCEDURES

The Façade Grant Project

The Façade Grant Project must be described accurately and explained fully so as to provide a reasonably informed person with the obvious limits and scope of the Project. Items excluded from mention will be considered ineligible for reimbursement under the façade grant program unless otherwise approved by City Commission. The burden for justifying the façade grant shall be borne by the applicant.

Façade Grants will be awarded on a first-come-first-serve basis until funds are depleted annually.

Façade Grant Projects must be completed within six months from date of grant approval. Any grant reimbursement funds not released ~~expended~~ on the project during this six-month period will be forfeited.

Applicants must agree to maintain the subject building in good repair for five years from the completion of the Façade Grant Project. Applicants must agree not to change or alter property improvements funded through the Façade Grant for a minimum period of three years from the date of the final reimbursement check.

At least three years must have elapsed before ~~since~~ the property owner who was the recipient of a Façade Grant can apply for ~~to be eligible for renewed~~ participation in the Façade Grant Program for the same property.

No Façade Grant will be awarded for work ~~already~~ done prior to grant application approval by the City Commission.

Façade Grant Amount

Façade grants are intended to be a 50-50 reimbursement match with the City matching the ~~building owners~~ participants/applicants invested dollars in the Façade Grant Program on a dollar-for-dollar basis up to an amount generally not to exceed ~~\$10,000~~ \$20,000 per property subject to the availability of budgeted funds, unless otherwise approved by City Commission.

In-kind contributions on the part of the participant/applicant to the Façade Grant Project cannot be used as matching funds.

Business owners applying for a Façade Grant for signage and/or certain façade improvements in the amount of \$5,000 or less, may have their match requirement reduced to as little as 10% at the discretion of the City Commission. To qualify, the signage and/or façade improvements must be designed to increase foot traffic to the store. All other Façade Grant Program requirements apply.

Certain façade grants may be considered for amounts up to \$50,000 subject to the availability of budgeted funds. For façade grants of this amount to be considered, the related expenditures would need to serve as a revitalization anchor project that significantly accelerates private investment ~~in other historic preservation projects~~ in the Downtown Historic District or is so significant and meaningful from an historic perspective that it would justify on its own merits this level of public expenditure. Such façade grants may require a deed restriction or grant of easement be placed on the property.

Façade Grant Disbursements

Façade grant disbursement are intended to occur in a single payment ~~or in a series of payments~~ on a reimbursement basis in amounts not to exceed the total of the Façade Grant Award following the performance of the work by the City's Historic Preservation Officer and Building Official or their respective designees. The project must be completed and approved by city staff and all other grant requirements and paperwork properly submitted before any grant reimbursement funding will be disbursed.

~~However, the City Commission may, at its discretion, advance funds to the property owner. Amounts advanced, if any, to property owners shall be considered loans subject to repayment until such time as sufficient, credible documentation and justification have been provided to City Staff in conformance with the Façade Grant Program Guidelines, Façade Grant Program Application and other applicable agreements.~~

~~Advances of Façade Grant Project funds shall be limited and rare. Applicants desiring an advance shall produce a cash bond/performance bond or irrevocable letter of credit in the amount of 105% of the cost of the requested monetary advance in order to be considered for such and advance. Once the work is performed and passes inspection, the City will release the cash bond/performance bond or irrevocable letter of credit. If the applicant fails~~

to perform the work or to pass inspection, the City shall retain the cash bond/performance bond or irrevocable letter of credit and recoup the amount of money advanced plus the 5% administrative expense amount.

Project Building Plans and Inspections

After application and approval by the Commission, award payments are contingent upon the property owner providing required plans, obtaining all necessary permits, passing all required inspections and compliance with all other customary administrative rules and procedures. Projects must pass building inspection, along with all other requirements, before the City can disburse funds for the project.

PROJECT RECOMMENDATIONS FROM THE CITY'S HISTORIC PRESERVATION OFFICER AND HISTORICAL DEVELOPMENT BOARD

The City's Historic Preservation Officer and Historical Development Board have the right to review, question and make recommendations with respect to Façade Grant Program Guidelines and Façade Grant Program Application.

DEED RESTRICTIONS AND/OR GRANT OF EASEMENT

For certain Façade Grant Program projects it may be deemed necessary for the City to obtain a deed restriction or grant of easement to protect the City's investment in the project. The terms and duration of any deed restrictions or easements are to be negotiated prior to approval of a Façade Grant by the Commission.

AGENDA ITEM #10

**City of Kingsville
Parks & Recreation Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Susan Ivy, Parks Manager

DATE: November 3, 2016

SUBJECT: Agenda Request – Accept Donations from TRAPS Maintenance Rodeo Sponsors

Summary: The Kingsville Parks & Recreation Department is requesting approval of a \$500.00 donation from Musco Sports Lighting and a \$600.00 donation from Aquatic Renovations to offset expenses incurred during the South Region Texas Recreation & Parks Society Maintenance Rodeo.

Background: The Kingsville Parks & Recreation is a member of the Texas Recreation & Parks Society. As a member of the South Region of “TRAPS”, we were asked to host the annual Regional Maintenance Rodeo. Parks Department Maintenance crews were invited from the South Region of Texas to compete in Mower Obstacle Course, Leaf Blower Course, Nail Driving, Plant/Weed ID, Truck/Trailer Backing, Backhoe and Irrigation events. About 70 participants came to Dick Kleberg Park to compete. The winning team, from McAllen, will compete in the State Maintenance Rodeo Competition at the State Conference next year. We provided breakfast, refreshments, lunch, awards and some supplies for the obstacle courses. Lunch, which was a Bar BQ plate from Big House BBQ, was paid for directly by a TRAPS Corporate Sponsor. The remainder of the expenses were paid from the Park budget with two corporate sponsors providing donations to offset our expenses. Donations are from Aquatic Renovations in the amount of \$600.00 and from Musco Sports Lighting for \$500.00.

Financial Impact: Approval of these donations and the accompanying budget amendment submitted by Finance will offset the Parks Budget Expenditures by \$1100.00.

Recommendation: We request that you approve the receipt of these donations and record them in the Parks Budget.



ORDINANCE NO. 2016-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2016-2017 BUDGET TO ACCEPT AND EXPEND PARK DONATIONS FOR T.R.A.P.S. MAINTENANCE RODEO.

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 2016-2017 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001-General Fund					
Revenue					
4-4503	Parks	Park Donations	58003		\$ 1,100
					<u>\$ 1,100</u>
Expenses					
5-4503	Parks	Recreational Programs	31499	\$ 1,100	
				<u>\$ 1,100</u>	

[To amend the City of Kingsville FY 16-17 Budget to accept and expend park donations for hosting the Texas Recreation & Parks Society regional maintenance rodeo as per the attached memo from the Parks Manager.]

II.

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

III.

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

IV.

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

INTRODUCED on this the 14th day of November, 2016.

PASSED AND APPROVED on this the ____ day of November, 2016.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #11

**City of Kingsville
Parks Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Susan Ivy, Parks Manager

DATE: October 26, 2016

SUBJECT: Budget Amendment-Roll Over Grant Project

Summary:

This item authorizes the approval of a budget amendment in the amount of \$37,709 to include balances in our Texas Parks & Wildlife Community Outdoor Outreach Grant Fund and donations of matching funds from programs we have scheduled for the 2016/2017 fiscal year.

Background:

In FY 15-16, the City of Kingsville received a grant from Texas Parks & Wildlife for \$44,410.00 to be used for the purchase of equipment, supplies and labor for nature based recreational programming for children, Women and Seniors. The program agreement covers the period May, 2016 through May, 2017. We actually completed all of our programming for children through our summer recreation programming and have some of that funding remaining and intend to ask for an extension of our grant agreement to cover the month of June, 2017 so that we can offset part of our summer 2017 programming. The programming we have schedule for Women and Seniors is scheduled for Spring 2017.

Financial Impact:

This budget amendment will allow for the completion of our TPWD Outdoor Outreach Grant programming as allowed in the grant agreement.

Recommendation:

Staff recommends authorization of this budget amendment to complete the necessary projects provided by these grants.



ORDINANCE NO. 2016-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2016-2017 BUDGET TO INCLUDE A TEXAS PARKS & WILDLIFE GRANT NOT COMPLETED IN FISCAL YEAR 2015-2016.

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 2016-2017 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001-General Fund					
Equity					
2		Unassigned Fund Balance	61002		\$ 13,249
Expenses					
5-6900	Fund Trsfrs	Transfer To Fund 078	80078	\$ 13,249	
				\$ 13,249	
Fund 078-Texas Parks & Wildlife Community Outdoor Outreach Grant					
Revenue					
4-0000	Non-Dept.	State Grants	72010	\$ 24,460	
4-0000	Non-Dept.	Transfer From Fund 001	75001	\$ 13,249	
				\$ 37,709	
Expenses					
5-4503	Parks	Recreational Programs	31499	\$ 37,709	
				\$ 37,709	

[To amend the City of Kingsville FY 16-17 Budget to include The Texas Parks & Wildlife Community Outdoor Outreach Grant that was approved in FY 15-16 as per the attached memo Parks Manager.]

II.

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

III.

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

IV.

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

INTRODUCED on this the 14th day of November, 2016.

PASSED AND APPROVED on this the ___ day of November, 2016.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #12

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Ricardo Torres, Chief of Police
DATE: November 3, 2016
SUBJECT: Budget Amendment to Fund Impress Line Item out of Federal Forfeiture Funds

Summary:

The police department utilizes Federal Forfeiture Funds in order to investigate offenses.

Background:

We use impress funds in the furtherance of criminal investigations.

Financial Impact:

No funds were budgeted for this budget year for Impress. Currently this fund contains \$185,712.58. Total impact would be \$30,000.00.

Recommendation:

We request that funds in the amount of \$30,000.00 be allocated for the impress fund.



ORDINANCE NO. 2016-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2016-2017 BUDGET TO INCLUDE IMPRESS FUNDS FOR THE PD-FEDERAL SEIZURE FUND.

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 2016-2017 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 028-PD Federal Seizure Fund					
Equity					
2		Restricted-Law Enforcement	61002		\$30,000
Expenses					
5-2100	Police	Impress Expense	33200	\$ 30,000	
				\$ 30,000	

[To amend the City of Kingsville FY 16-17 Budget to include impress funds in the Police Department Federal Seizure Fund as per the attached memo from the Chief of Police.]

II.

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

III.

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

IV.

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

INTRODUCED on this the 14th day of November, 2016.

PASSED AND APPROVED on this the __ day of _____, 2016.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #13

**City of Kingsville
Legal Department**

To: City Commission Members

From: Courtney Alvarez, City Attorney

Date: November 7, 2016

Subject: Jail Contract -County's Counter Proposal

Summary:

The existing jail contract between the City and County is to expire this month and the parties have negotiated a new jail contract for consideration by both governing bodies for approval. The City approved the contract on October 24, 2016. On November 7, 2016, the County voted on a counter proposal to that contract that would charge the City \$75 per day per bed for any beds exceeding 7 beds in a day. (The original proposal had that rate at \$55 per day per bed.)

Background:

The City of Kingsville has had a contract with the County for the housing of inmates since November 5, 1996. The Police Chief and Sheriff have had a contract between them regarding jail beds- incarceration and release of city jail inmates since September 19, 1997. As the twenty-year jail contract is set to expire this year, staff from the City and County met and worked on a proposed new jail contract. Changes of note from the old contract are that the new contract would be for a two-year term and secure seven beds per day at a rate of \$55 per day per bed (as opposed to ten beds per day at a rate of \$45 per day per bed), and certain terms and definitions were clarified to reflect existing practices.

Staff has been advised that no other entities currently have contracts with the County that guarantee payment for a certain number of beds. Staff has also been advised that Kenedy and Jim Wells Counties pay a daily rate of \$55 per day per bed, though federal entities may be paying as much as \$75 per day per bed, when used.

Financial Impact:

This item will expend funds from the Jail Contract Expense line item 001-5-210.2-340.00 of which there are sufficient funds budgeted for FY16-17.

Recommendation:

It is recommended the City Commission approve the jail contract as presented.

RESOLUTION # 2016-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A REVISED INTERLOCAL AGREEMENT BETWEEN KLEBERG COUNTY AND THE CITY OF KINGSVILLE REGARDING THE HOUSING OF CITY OF KINGSVILLE INMATES AT THE KLEBERG COUNTY JAIL; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Kleberg County ("County"), through the Kleberg County Sheriff's Department, operates the Kleberg County Jail, which frequently houses inmates that are incarcerated for matters involving the City of Kingsville Municipal Court;

WHEREAS, the City of Kingsville ("City") and County currently have a contract that covers the housing of City inmates at the County jail, but it is set to expire in November 2016 and the parties have need and tentatively agreed to a new proposed contract for these services;

WHEREAS, the City staff has spoken to the Kleberg County Sheriff, Ed Mata, and worked with he and other county staff members to prepare the new proposed jail contract that both governing bodies are being asked to consider approving on October 24, 2016;

WHEREAS, the City and County now desire to enter into an Interlocal Agreement regarding the housing of City inmates at the Kleberg County Jail that will provide for a two-year term and guarantee the City seven beds per day at a rate of \$55 per day per bed, among other things;

WHEREAS, the County, on November 7, 2016, voted to approve the contract the City had approved on October 24, 2016 with one change, which is for the City to pay \$75 per bed per day for every bed over seven beds used in a day; the City would still pay \$55 per bed per day for the first seven beds used;

WHEREAS, the County of Kleberg and the City of Kingsville have previously entered into an interlocal agreement for this same matter and many others items that benefit the residents of their respective entities.

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

I.

THAT the City authorizes and directs the City Manager, as an act of the City of Kingsville, Texas, to enter into a revised Interlocal Cooperation Agreement Between Kleberg County and the City of Kingsville regarding the housing of City of Kingsville inmates at the Kleberg County Jail.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the 14th day of November, 2016.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**INTERGOVERNMENTAL COOPERATIVE AGREEMENT BETWEEN THE CITY OF
KINGSVILLE, TEXAS, AND KLEBERG COUNTY, TEXAS, REGARDING HOUSING
OF CITY OF KINGSVILLE INMATES AT THE KLEBERG COUNTY JAIL**

This Intergovernmental Cooperative Agreement is made and entered into pursuant to Chapter 791, Texas Government Code, Interlocal Cooperation Act, by and between The City of Kingsville, Texas, a political subdivision of the State of Texas, hereinafter referred to as "CITY OF KINGSVILLE," and Kleberg County, Texas, a political subdivision of the State of Texas, hereinafter referred to as "KLEBERG COUNTY."

1. Definitions:
 - (A) "city officer" shall mean any employee of the city who is a peace officer of the State of Texas as that term is defined in Article 2.12, Texas Code of Criminal Procedure.
 - (B) "city prisoner" shall mean any person incarcerated by any person authorized to do so for violation of any penal act over which City's Municipal Court would have jurisdiction. This includes violation of any of City's Ordinances or those misdemeanors currently referred to as Class C misdemeanors or any other offenses penal in nature, of which City's Municipal Court may acquire jurisdiction in the future. It shall also mean a person incarcerated under a Class C misdemeanor or a Municipal Instanter warrant, or a Municipal Capias Pro Fine warrant. This does not include a person held with a charge where the County, District Court, or Federal Court would have jurisdiction of the person.
 - (C) "jail facility" as used herein shall mean the structure located at 1500 East King Avenue and those areas and devices used in the restraint and custody of persons. It shall also include all devices and areas necessary and ancillary to such restraint and custody but generally will not include except where necessary to the carrying out of this agreement, sheriff's offices, justice or criminal courts, commissioner's courts, dispatcher locations and equipment, or other similar areas and devices.
2. KLEBERG COUNTY hereby agrees to house male and/or female city prisoners incarcerated by CITY OF KINGSVILLE, if space is available at the jail operated by KLEBERG COUNTY.
3. The Kleberg County Sheriff shall, at all times, provide seven (7) beds for city prisoners and the sum shall be paid whether or not such beds are used or occupied. The availability of the space shall be determined by the Kleberg County Sheriff in accordance with the current jail regulations as set out by the Texas Commission on Jail Standards concerning the separation and categories of inmates. Pursuant to Texas Local Government Code 351.041, the Kleberg County Sheriff is the keeper and administrator of the Kleberg County Detention Center and shall continue to exercise supervision and control of the Kleberg County Detention Center.
4. KLEBERG COUNTY shall assess a fee for lease of seven (7) beds per day at the rate of \$55.00 per day per bed and KLEBERG COUNTY shall bill CITY OF KINGSVILLE on a monthly basis for said costs in an itemized statement. If CITY OF KINGSVILLE exceeds seven (7) beds on any day of the month, then CITY OF KINGSVILLE will be responsible for each additional bed over the seven (7) beds at a rate of \$75.00 per bed per day.
5. Non-Prescription medication will be administered without charge.

6. CITY OF KINGSVILLE hereby agrees to comply with all booking procedures of KLEBERG COUNTY. KLEBERG COUNTY hereby agrees to furnish CITY OF KINGSVILLE a copy of those specific procedures. Absent proper documentation (ie., affidavit or warrant) providing a legal basis for confining an inmate, KLEBERG COUNTY will have no obligation to receive an inmate into custody.
7. CITY OF KINGSVILLE agrees that KLEBERG COUNTY will not house any injured or ill inmates from CITY OF KINGSVILLE unless CITY OF KINGSVILLE furnishes an acceptable medical and/or psychiatric release signed by medical and/or mental health personnel, certifying that the inmate may be incarcerated.
8. CITY OF KINGSVILLE and KLEBERG COUNTY agree that should an inmate be injured while being housed by KLEBERG COUNTY, KLEBERG COUNTY, shall within ten (10) hours of injury, notify CITY OF KINGSVILLE and provide copies of all incident reports relating to said injury.
9. CITY OF KINGSVILLE shall promptly arrange to take custody of its inmates, if so requested by the Kleberg County Sheriff.
10. CITY OF KINGSVILLE agrees to assume responsibility for all transportation of CITY OF KINGSVILLE inmates housed by KLEBERG COUNTY. CITY OF KINGSVILLE transportation officers shall provide proper credentials to KLEBERG COUNTY personnel and the Kleberg County Sheriff reserves the right to confirm the identity of such personnel with CITY OF KINGSVILLE prior to the release of any CITY OF KINGSVILLE inmate.
11. All agreements between the parties are set out in this Agreement and no oral agreement not contained herein shall be enforceable against either party.
12. CITY OF KINGSVILLE agrees to bring with each inmate delivered to KLEBERG COUNTY all packets, jail cards, arrest records, classification data, medical information, and other information in possession of CITY OF KINGSVILLE regarding each inmate and has the duty to advise KLEBERG COUNTY of any unknown dangerous propensities, medical necessities, and medical conditions of each inmate.
13. In the event that a CITY OF KINGSVILLE inmate needs to be transported to a hospital in an emergency, KLEBERG COUNTY shall provide adequate and reasonable security to secure the inmate while at the hospital.
14. CITY OF KINGSVILLE shall be fully responsible and liable for all suits, claims, damages, losses or expenses, including reasonable attorney's fees, arising out of CITY OF KINGSVILLE's negligent performance or non-performance of the services and duties herein stated specifically excluding the actual incarceration of inmates by KLEBERG COUNTY. CITY OF KINGSVILLE retains full liability for each inmate until that time inmate has been processed and booked into KLEBERG COUNTY facilities.

15. KLEBERG COUNTY shall be fully responsible and liable for all suits, claims, damages, losses and expenses, including reasonable attorney's fees, arising out of KLEBERG COUNTY's negligent performance or non-performance of the services and duties herein stated, but only in regards to the actual holding and incarceration inmates by KLEBERG COUNTY in its detention facilities and specifically excluding the transfer of inmates to and from the County of Kleberg.
16. Either party may terminate this agreement with or without cause by giving at least 30-day written notice to the other party.
17. The agreement shall be for two (2) years from the last date of execution by CITY OF KINGSVILLE and KLEBERG COUNTY, unless terminated earlier as approved herein. The agreement shall be subject to renewal thereafter, or renegotiation, whichever is deemed necessary. If either party deems renegotiation of this agreement is necessary, that party shall notify the other party at least sixty (60) days in advance of the termination of this agreement.

IN WITNESS WHEREOF, the parties hereto have executed in duplicate counterparts this Agreement, each have the force and effect of an original as follows.

It has been executed on behalf of KLEBERG COUNTY on the ____ day of _____, 2016, by KLEBERG COUNTY Judge under an order of the Commissioners Court of KLEBERG COUNTY Texas, sitting as the governing body of KLEBERG COUNTY authorizing the execution; and

It has been executed on behalf of CITY OF KINGSVILLE on the ____ day of _____, 2016, by the CITY OF KINGSVILLE City Manager under an order of the City Commission of CITY OF KINGSVILLE Texas, sitting as the governing body of CITY OF KINGSVILLE authorizing the execution.

Rudy Madrid
Kleberg County Judge

Jesus A. Garza
Kingsville City Manager

Edward "Ed" M. Mata Sr.
Kleberg County Sheriff

Ricardo Torres
Kingsville Chief of Police

ATTEST:

Stephanie G. Garza
Kleberg County Clerk

Mary Valenzuela
City Secretary

APPROVED AS TO FORM:

Kira Talip
Kleberg County Attorney

Courtney Alvarez
Kingsville City Attorney

All notes and communications under this agreement shall be mailed or delivered to the Kleberg County Judge and the Kleberg County Sheriff at the following addresses:

Kleberg County Judge
700 East Kleberg
Kingsville, Texas 78363

Kleberg County Sheriff
1500 East King
Kingsville, Texas 78363

All notes and communications under this agreement shall be mailed or delivered to the City of Kingsville City Manager and the City of Kingsville Chief of Police at the following addresses:

Kingsville City Manager
P.O. Box 1458
Kingsville, Texas 78364

Kingsville Chief of Police
1700 East King
Kingsville, Texas 78363