

# City of Kingsville, Texas

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## AGENDA CITY COMMISSION MONDAY, FEBRUARY 11, 2019 REGULAR MEETING

CITY HALL  
HELEN KLEBERG GROVES COMMUNITY ROOM  
400 WEST KING AVENUE  
6:00 P.M.

### I. Preliminary Proceedings.

#### OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

#### MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – January 28, 2019

APPROVED BY:

  
\_\_\_\_\_  
Jesús A. Garza  
City Manager

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

1. Public Hearing on consideration of temporary closure of crossover at US 77 and FM 1717. (Mayor Fugate).
2. Public Hearing on designation of reinvestment zone for the City of Kingsville. (City Attorney).

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

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

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

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

**V.**

**Consent Agenda**

**Notice to the Public**

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

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

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

1. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV-Land Use, Article 6-Zoning, Appendix A-Land Use Categories, Section 1-Land Use Chart, providing for the addition of provisional and recreational sporting good sales, including boats and vehicles to be permitted in I1 (Light Industrial) District. (Director of Planning & Development Services).
2. Motion to approve resolution authorizing participation in the 16<sup>th</sup> Annual Ride on the Wild Side Charity Bike Ride (to be held on April 27, 2019) and authorizing the City Manager to execute an Indemnity Agreement with King Ranch for said event. (City Attorney).

**REGULAR AGENDA**

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

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

3. Consider a resolution of the City of Kingsville supporting the Texas Department of Transportation's temporary closure of the F.M. 1717 crossover on U.S. Highway 77 and requesting expedited construction of the F.M. 1717 Overpass Project. (Mayor Fugate).
4. Consider introduction of an ordinance calling a Special Election for a Venue Project Election in accordance with Chapter 334, Local Government Code, to be held in the City of Kingsville, Texas and other matters related thereto. (City Manager).
5. Consider introduction of an ordinance calling a Special Election to be held on May 4, 2019 in the City of Kingsville, Texas, on the question of the sale of City park land and other matters related thereto. (City Manager).
6. Consider introduction of an ordinance designating a certain area as a reinvestment zone. (City Attorney).
7. Consider a resolution approving the extension of an application and agreement for the Historic District Façade Grant Program from Adelmo & Yolanda Luera for Al's Hair Design for property located at 321 E. Kleberg Avenue, Kingsville, Texas. (Downtown Manager).

8. Consider award of RFP for Design Guidelines for Kingsville's Local Historic District, as per staff recommendation, and authorize staff to negotiate a contract. (Downtown Manager).
9. Consider a resolution authorizing application for, participation in, and acceptance of funds from the 2020 Operation Border Star Program with Homeland Security Grants Division of the Governor's Office for Local Border Security to interdict criminal activity with no anticipated cash match, authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).
10. Consider a resolution authorizing the City Manager to enter into a Corporate MasterCard Program Member Account Agreement between the City of Kingsville and BMO Harris Bank N.A. for P-Cards. (Finance Director).
11. Consider a resolution authorizing the Mayor to execute an Amended Real Estate Lease Agreement between the City of Kingsville and the Greater Area Kingsville Economic Development Council. (City Manager).

## VII. Adjournment.

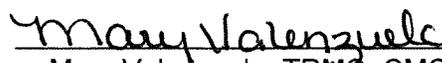
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

### NOTICE

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

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

February 8, 2019 at 10:00 A.M. and remained so posted continuously for at least 72 hours preceding the schedule time of said meeting.

  
 Mary Valenzuela, TRMC, CMC, City Secretary  
 City of Kingsville, Texas

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

By: \_\_\_\_\_  
 City Secretary's Office  
 City of Kingsville, Texas

# **MINUTES OF PREVIOUS MEETING(S)**

JANUARY 28, 2019

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JANUARY 28, 2019 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 6:00 P.M.

**CITY COMMISSION PRESENT:**

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

**CITY STAFF PRESENT:**

Jesus Garza, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Kyle Benson, IT Manager  
Bill Donnell, Public Works Director  
Rudy Mora, City Engineer  
Derek Williams, IT  
Susan Ivy, Parks Manager  
Deborah Balli, Finance Director  
Janine Reyes, Tourism Director  
Ricardo Torres, Police Chief  
Adrian Garcia, Fire Chief  
Tom Ginter, Director of Planning & Development Services  
Charlie Sosa, Purchasing Manager  
Robert Rodriguez, Library Director  
Cynthia Martin, Downtown Manager

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the meeting at 6:00 P.M. with all five Commission members present.

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

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

**MINUTES OF PREVIOUS MEETING(S)**

**Regular Meeting – January 14, 2019**

**Motion made by Commissioner Lopez to approve the minutes of January 14, 2019 as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting “FOR”.**

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

**1. Public Hearing on a replat of the final plat of Lakeview Villas subdivision being 3.783 acres out of Farm Lot 1, Section 22, KT&I Co., Kleberg County, Texas to reduce the remaining number of lots from 17 to 11; applicant Mark Dizdar, owner Port Aransas Venture #7. (Director of Planning & Development Services).**

Mr. Tom Ginter, Director of Planning & Development Services stated that in April 2016 the final plat was completed for Lakeview Villas Subdivision. The final plat consisted of 24 lots, each lot being less than the 5,500 square feet minimum required. The objective was to build garden homes on smaller lots. The last building permit issued for this

subdivision was in November 2016. As of today, only 7 homes have been built on the 24 lots leaving 17 vacant lots in the subdivision. Mr. Mark Dizdar has decided to change direction pertaining to construction and with this replatting, will build single family homes. The reason for the replatting is to get the remaining lots to the minimum of 5,500 square feet. To accomplish that he has reduced the number of lots that will be left in the subdivision from 17 to 11. Homeowners within the subdivision have been spoken to and they in support of this change.

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

There being no further comments, Mayor Fugate closed this public hearing at 6:06 P.M.

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

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

Mr. Jesús A. Garza, City Manager presented the Employee of the Month award for December to Mr. Derek Williams and Mrs. Stephannie Resendez.

Mr. Garza gave a brief update of the Quarterly Budget Report for quarter ending December 2018.

Mrs. Courtney Alvarez, City Attorney reported that the next City Commission meeting is scheduled for February 11<sup>th</sup>, with the deadline for staff to submit their agendas items no later than Friday, February 1<sup>st</sup>. She also reported that the City Commission will have a joint meeting with Kleberg County Commissioners on Tuesday, February 12<sup>th</sup> at 5:00 p.m. at City Hall.

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

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 Pecos to approve the consent agenda as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".**

1. **Motion to accept donation from South Texas Crimes and Narcotics Task Force for Parks Department's Healthy Partners Recreational Programs. (Director of Parks & Recreation).**
2. **Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget to accept and expend Park donations from the Kleberg County Sheriff's Department, South Texas Crimes and Narcotics Task Force, and Castaneda Clinic for Family Partners Recreational Programs. (Director of Parks & Recreation).**

**REGULAR AGENDA**

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

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

3. **Consider a resolution of the City of Kingsville supporting the Texas Gulf Terminals Deepwater Port Facility. (Mayor Fugate).**

Mayor Fugate stated that this project will not affect the City of Kingsville. This project will promote economic growth in the City and throughout the region. The Texas Gulf Terminals has proposed a new offshore terminal for crude oil exports along the Texas Gulf Coast. This resolution is only to support the Texas Gulf Terminals Deepwater Port Facility.

Commissioner Hinojosa asked what would happen should an accident occur.

Mayor Fugate responded that the is a safe project.

**Motion made by Commissioner Leubert to approve a resolution of the City of Kingsville supporting the Texas Gulf Terminals Deepwater Port Facility, seconded by Commissioner Lopez and Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".**

4. **Consider approval of a replat of the final plat of Lakeview Villas subdivision being 3.783 acres out of Farm Lot 1, Section 22, the KT&I Co., Kingsville, Kleberg County, Texas to reduce the remaining number of lots from 17 to 11 (to allow for larger lot size for single family homes). (Director of Planning & Development Services).**

**Motion made by Commissioner Pecos to approve the replat of the final plat of Lakeview Villas subdivision being 3.783 acres out of Farm Lot 1, Section 22, the KT&I Co., Kingsville, Kleberg County, Texas to reduce the remaining number of**

**lots from 17 to 11 (to allow for larger lot size for single family homes), seconded by Commissioner Leubert.**

Mr. Garza asked for the vote that the Planning & Zoning took on this item. Mr. Ginter stated that the Planning & Zoning voted to approve 5-0.

Commissioner Leubert commented that she understands that Mr. Dizdar has spoken with the homeowner of the subdivision and are being supportive of the change, but has staff spoken to any of them. Mr. Ginter responded that city staff did not speak with any homeowners.

Commissioner Hinojosa asked if staff could the financial impact from this project.

Mr. Ginter explained that by building single family homes compared to not building any homes on the property, would increase the property taxes. He further stated that there is more of a market for single family homes. Ginter further stated that without the homes being built, the city will still need to abate the properties when necessary. Ginter further explained that when someone purchases a vacant lot, that property owner is now responsible for that lot, therefore, the city does not have to go out there and abate it.

Mr. Garza commented that he and staff members attended the Homeowners Association meeting for Paulson and Falls which did have a few items that were brought up during that meeting regarding concerns related to drainage. He stated that the city knows from experience that the answer with the drainage is associated with the way that the outfall works in the area.

Mr. Ginter stated that he and the Engineer have done a field study in that area and at the end of Isbella there are two inlets which are located on the North and South side of the street. He stated that there is a pipe on the north end that runs to the south side and into the detention pond. Water that falls on the street will flow to the West and into those two inlets.

Mr. Garza displayed a map showing that there is a second phase to this project with a cul-de-sac.

Map was not provided for the minutes.

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

5. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV-Land Use, Article 6-Zoning, Appendix A-Land Use Categories, Section 1-Land Use Chart, providing for the addition of provisional and recreational sporting good sales, including boats and vehicles to be permitted in I1 (Light Industrial) District. (Director of Planning & Development Services).**

Mr. Tom Ginter stated that the applicant, Phil Neesen is wanting to use the property he owns located at 2201 N. Highway 77 to build a facility to sell and service Polaris off the road vehicles. The current zoning for this property is I1, Light Industrial. The use that involves what he wants to do with the property is only allowed in C3 and C4 zoning. This facility would have a positive impact for the City. The estimated capital investment is \$1.8 million, with the hiring of 10 to 14 employees and with growth potential. The Planning and Zoning Commission heard this item during their January 23, 2019 meeting and voted 4-0 to recommend approval for the changes.

Introduction item.

6. **Consider a resolution revising the City of Kingsville Purchasing Card (P-Card) Policy for use of the City credit card. (Finance Director).**

Mrs. Deborah Balli, Finance Director commented that there are a few minor changes that are being made to this policy.

**Motion made by Commissioner Leubert to approve this resolution revising the City of Kingsville Purchasing Card (P-Card) Policy for use of the City credit card, seconded by Commissioner Lopez and Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".**

7. **Consider a resolution authorizing the City to submit an application to the Office of the Governor for a Homeland Security Grant for the purpose of requesting grant funding on behalf of the City for equipment for law enforcement purposes for the Kingsville Police Department with no anticipated cash match. (Police Chief).**

**Motion made by Commissioner Lopez, Commissioner Hinojosa, and Commissioner Pecos to approve a resolution authorizing the City to submit an application to the Office of the Governor for a Homeland Security Grant for the purpose of requesting grant funding on behalf of the City for equipment for law enforcement purposes for the Kingsville Police Department with no anticipated cash match, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".**

8. **Discussion on declassification and/or redesignation of park land. (City Manager).**

Mr. Garza spoke about the possibilities of declassifying and/or re-designation of certain park land within the city. Maps of certain locations were displayed for the Commission. With the special election that will be called for the venue tax, staff would like to consider placing an item on that ballot for citizens to vote on declassifying or re-designation of certain park land. This park land are those areas that are very small, more of a triangular shape land, that has no capability for park equipment to be installed. There are three locations that staff is considering to declassify as park land, two of them are near the University. One being on the corner near Fire Station No. 2, which is classified as park land, but not used as park land.

Commissioner Hinojosa commented that the University may be interested in purchasing this piece of land.

Mr. Garza continued to state that the other piece of property is in the intersection of Richard and Lantana. This is a corner lot that is not being utilized as park land. He further stated that the third piece of property is Kenedy Park. This park is located within areas that already have several neighborhood parks within that area. The area that has no neighborhood park is the area near City Hall. During the Parks Master Plan, it was recommended to declassify Kenedy Park from being a park, as there are other parks that service that area, and activate the area next door to City Hall into a neighborhood park. Garza stated that staff has already gone through the exercise of naming the area next to City Hall in honor of the King Ranch Family. There was also a site plan that was done for the area next door to City Hall.

Mayor Fugate commented that the name of the area next to City Hall is Chamberlain Park, which is the original name.

Mr. Garza stated that there are several benefits to doing this. One, it would assist staff, rather than just adding another neighborhood park and having to maintain it, it would be removing one and adding one, which the city would not need to increase staff to help maintain another park. He further stated that because of the location of Kenedy Park, it being off of 14<sup>th</sup> Street, it goes hand and hand with this administrations mind set that why have pieces of properties that are not on the tax rolls. During the public hearings for the Parks Master Plan, there was only one neighbor that resides near Kenedy Park that was in favor of declassifying these from being a park as it is unsafe due to the homeless issue that takes place at Kenedy Park.

Mayor Fugate commented that he never sees any children playing at this particular Park as there is no park amenities at this location.

Mr. Garza commented that there is a deed restriction on this property, as it is property that was donated by the King Ranch. He stated that the Mayor recently had a meeting with Mr. Underbrink and they are being flexible to work with the city on this issue.

Mayor Fugate commented that if they knew that ever funds that is received from this property would be used for Chamberlain Park they would be ok with it.

Mrs. Alvarez commented that the two areas that the City Manager mentioned earlier, back in the day when those two properties were being developed, in order for it to be an attractive amenity for people in the subdivision, there were these corners of areas that were classified on the plats as parks. She stated that the way that the Local Gov't Code is written is that so long as an area is classified as a park, it would have to go before the voters at an election in order to be declassified as a park and then sold. She stated that just a few years ago, the City of Corpus Christi went through the same process of declassifying 24 parks within their city. She further stated that in Kingsville, Kenedy Park is the only true park that people would recognize as a park that the city might potentially be considering putting a proposition on the ballot in order to declassify it as a park. There is a condition on the deed that states that this area has to be used as a park and also has a reversionary clause that at any time the city did not want to use it as a park, she or her heirs from the Ranch could come in and reclaim their right to property. She further stated that based on the Mayor's conversation with them, they don't have any desire or use for this property, they could re-deed the property back to the city after the election is done, if the voters decide to declassify the property from being designated as a park.

Commissioner Leubert asked if this is appropriate to do this before the King Ranch has their yearly meeting?

Mrs. Alvarez commented that there are three different statutes that need to be looked at; Local Government Code, Election Code, and Parks and Wildlife Statute. The Parks & Wildlife Statute states that if the city is going to be doing any kind of taking or any type of declassification, there would need to be a public hearing and have a finding that it is not feasible and prudent alternative to the sale and the second thing that the Commission would find, through a resolution is that all reasonable planning has been done to minimize harm to the land from the sale. She further stated that the Parks & Wildlife statute also states that notice be published in the newspaper for three consecutive weeks prior to the public hearing and has to be done on a paper that gets published daily. The statute says that if you don't have a paper that publishes daily in your community, you must go to an adjoining county that has a paper that is published daily, which in this case it would need to be published in the Caller Times. Publication of the notice can be published on February 3<sup>rd</sup>, 10<sup>th</sup>, and 17<sup>th</sup>, and the Commission would be able to have the public hearing on the three park areas on February 25<sup>th</sup>. She

stated that there is nothing from preventing the Commission from calling the Special Election on February 11<sup>th</sup> for both the venue tax and the sale of the parks. If for some reason after having the public hearing on February 25<sup>th</sup> and the Commission changes its mind, the Commission can always go back and remove the second proposition for the sale of the park. She further stated that it is her understanding, after speaking with the City Secretary, the ballots for this election would go to print in mid-March.

The Commission agrees in giving staff direction to move forward with the declassification of certain park land.

Mrs. Alvarez commented that within the park property that is sold, the Local Government Code statute requires that the proceeds from the sale of that property, go back into the same purpose for which the property was initially used, which would go back into the parks.

9. **Executive Session: Pursuant to Section 551.087, Texas Government Code, Deliberations Regarding Economic Development Negotiations Exception, the City Commission shall convene in executive session to deliberate the offer of a financial or other incentive to a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations. (City Manager).**

Mayor Fugate announced and convened the meeting into Executive Session at 7:02 p.m.

Mayor Fugate reconvened the meeting into Open Session at 7:21 p.m.

#### **VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:22 P.M.

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Sam R. Fugate, Mayor

#### **ATTEST:**

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Mary Valenzuela, TRMC, CMC, City Secretary

# **PUBLIC HEARING(S)**

# **PUBLIC HEARING #1**

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**NOTICE OF PUBLIC HEARING  
CONSIDERATION OF TEMPORARY CLOSURE OF  
THE CROSSOVER AT US 77 AND FM 1717**

The City of Kingsville will hold a public hearing on Monday, February 11, 2019 at 6:00 p.m. at the Kingsville City Hall (400 W. King Ave.) in the Helen Kleberg Groves Community Room in regard to the consideration of the temporary closure of the crossover at US 77 and FM 1717 within the city limits of the City of Kingsville, Texas.

The purpose of the hearing is to allow citizens an opportunity to discuss reasons for or against the temporary closure of the crossover at US 77 and FM 1717. Citizens unable to attend may submit written comments to the Mayor, Sam Fugate, at City Hall-City of Kingsville, 400 W. King Ave., Kingsville, Texas, or by mailing to P.O. Box 1458, Kingsville, TX 78364.

In addition, should any non-English speaking citizen(s) desire to address the City during such hearing and needs the assistance of an interpreter, the City will attempt to provide one if sufficient notice is provided. Also, should any citizen(s) desire technical assistance, handicap accessibility to the hearing site, or need interpreter assistance, please call Mary Valenzuela, City Secretary at (361) 595-8002.

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Publish one time in newspaper at least 7 days before hearing. **PUBLISH  
FEBRUARY 3, 2019.**



# **PUBLIC HEARING #2**

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## **NOTICE OF PUBLIC HEARING DESIGNATION OF REINVESTMENT ZONE**

The City of Kingsville will hold a public hearing on Monday, February 11, 2019 at 6:00 p.m. at the Kingsville City Hall (400 W. King Ave.) in the Helen Kleberg Groves Community Room in regard to the designation of a reinvestment zone(s) for the City of Kingsville, Texas.

The purpose of the hearing is to allow citizens an opportunity to discuss reasons for or against the designation of reinvestment zones within the City. Citizens unable to attend may submit written comments to the Mayor, Sam Fugate, at City Hall-City of Kingsville, 400 W. King Ave., Kingsville, Texas, or by mailing to P.O. Box 1458, Kingsville, TX 78364.

In addition, should any non-English speaking citizen(s) desire to address the City during such hearing and needs the assistance of an interpreter, the City will attempt to provide one if sufficient notice is provided. Also, should any citizen(s) desire technical assistance, handicap accessibility to the hearing site, or need interpreter assistance, please call Mary Valenzuela, City Secretary at (361) 595-8002.

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Publish one time in newspaper at least 7 days before hearing. **PUBLISH  
FEBRUARY 3, 2019.**

## Financial Focus

### What Can Investors Learn From "Big Game" Teams?

In February, TV stations the world over will broadcast the much-watched U.S. football game of the year. But sports fans aren't the only ones viewing this "big game," held in Atlanta this year. The two teams competing are watched closely by the teams that didn't qualify. That's because these teams can learn a lot from the winners. In fact, "big game" teams can teach some valuable lessons to many groups and individuals - including investors.

What investment insights can you gain from observing these teams? Here are a few to consider: "Big game" teams usually have the ability to score a lot of points. They can run the ball, pass the ball and move up the field quickly. As an investor, you also need to constantly seek gains - in other words, you need an "offense" in the form of an investment portfolio capable of producing long-term growth. Consequently, you will need a reasonable percentage of growth-oriented values, such as stocks and stock-based mutual funds, in your holdings. Yes, these types of investments carry risk, including the potential loss of principal. But you can help reduce your risk level by holding investments for the long term - giving them time to possibly overcome the short-term drops that will inevitably occur - and by diversifying your overall portfolio with other types of investments, such as bonds and government securities, that will likely not fluctuate in value as much as stocks.

A strong "defense" is essential. In addition to having good "offense," "big game" teams are also typically strong on defense. They may give up yardage, and going against a strong offense, they will also give up points, but they still often stop their opponents from making the big game-breaking plays. As someone with financial goals, such as protecting your family's lifestyle and helping send your children to college, you, too, have much to defend - and one of the best defensive moves you can make is to maintain adequate life insurance. Also, to protect your own financial independence - and to defend against the possibility of becoming a burden to your adult children - you may want to explore some type of long-term care insurance, which can help pay for the extraordinarily high costs of an extended nursing home stay.

The ability to adjust a strategy is essential. If a "big game" team is trailing, it very well might decide to switch its game strategy - perhaps they tried to keep the ball on the ground but fell behind, requiring them to throw more passes to catch up. You also will need to evaluate your progress toward your goals to determine if you may need to adjust your strategy. To illustrate: If your current portfolio is not providing you with the returns you need to retire comfortably, you may well need to adjust your investment mix to provide more growth potential, but within the context of your risk tolerance and time horizon.

The "big game" is the culmination of a season of hard work by two teams that have achieved the highest level of success. And by applying the lessons you've learned from these teams, you can help contribute to your own success.

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This article was written by Edward Jones for use in their local Edward Jones Financial Review.

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## Soil and Water Conservation District Local Work Group meeting Feb. 11

Kleberg-Kenedy Soil and Water Conservation District has scheduled a Local Work Group meeting at 9 a.m. Monday, Feb. 11 in the basement of the Kleberg Bank Building on East Kleberg Avenue.

**Robert Schmidt**

NRCS District Volunteer

This meeting is being held earlier than usual to set conservation priorities for the Farm Bill programs for Fiscal Year 2020.

Conservation topics and issues relevant to helping Kleberg and Kenedy County farmers and ranchers better conserve on-farm natural resources will be discussed.

This annual meeting sets the stage for the NRCS on ranking resource concerns to address specific

land uses, recommend allocation percentages for each land use and provide input to conservationists for program direction.

In addition, the Local Work Group also gathers input from an advisory standpoint, makes screening recommendations and sets public outreach efforts.

The NRCS and their local conservation partner, the Kleberg-Kenedy SWCD, provide agriculture producers with professional consultation and financial assistance through Farm Bill conservation programs such as the Environmental Quality Incentives Program and the Conservation Stewardship Program to apply conservation practices on their land that address soil erosion and health, water quality and quantity issues, plant health as well as wildlife habitat.

Other farm bill programs are also

addressed at the meeting.

"This meeting allows us to collect public input to help guide future conservation activities," John Prudok, Kleberg-Kenedy SWCD board chairman, said. "Through regular identification of conservation opportunities, effective Farm Bill investments can continue to benefit both counties."

All stakeholders - including farmers, ranchers, conservationists and others interested in obtaining Federal technical and financial assistance to improve private land in Kleberg and Kenedy Counties - are invited to participate.

The Local Work Group includes community agricultural producers, professionals representing agricultural and natural resource interests and individuals representing a variety of disciplines in the soil, water, wetland, plant and wildlife

sciences who are familiar with agricultural and natural resource issues.

"While the NRCS brings the technical expertise and Farm Bill funding to the table, the goods and services are delivered through the local SWCD board," Board Vice-Chairman Trey Quackenbush said. "SWCDs are local units of government made up of five members elected by the public."

The Kleberg-Kenedy SWCD office is co-located with the NRCS office. Four of the members are farmers and one member is a rancher. For more information, call or visit the NRCS office in the USDA Service Center at 100 E. Kleberg Ave. in the Kleberg Bank Building or call at (361) 592-0309, Ext. 3.

More information is available on the Texas NRCS Web site at [www.tx.nrcs.usda.gov](http://www.tx.nrcs.usda.gov).

## Report: Unauthorized air pollution in Texas up 27 percent in 2017

Texas industrial facilities continued to spew out tens of millions of pounds of unauthorized air pollution in 2017 as a result of equipment malfunctions and other incidents that companies claimed were unavoidable, according to a new analysis by the research arm of Environmental Texas.

**Kiah Collier**

Texas Tribune

Using state data obtained by the Environmental Integrity Project, which is headquartered in Washington, D.C., the Austin-based environmental group found that

275 companies across the state reported emitting 63 million pounds of hazardous and climate-warming pollutants from their facilities in 2017, including sulfur dioxide, benzene, particulate matter and various volatile organic compounds.

That's a 27-percent jump from 2016 - an increase that can be attributed in part to an unprecedented oil boom in West Texas, where operators are burning off historic amounts of natural gas, and to pollution emitted by Houston-area facilities that shut down during Hurricane Harvey's epic flooding.

A 2017 Texas Tribune report found that Texas industrial facilities consistently beat the emissions limits set in their government-issued air permits. Companies almost always claim that such violations are the result of "upsets" - unplanned equipment malfunctions, maintenance work or operator error. State law allows companies to avoid penalties if they can prove that these "emission events" were indeed unavoidable.

But environmental and watchdog groups have long argued that the sheer number of such events every year - and the high number of repeat offenders - indicates that many companies are not really trying to tamp down on excess air

pollution. Those groups say that even when facilities are faced with a legitimate emergency, like a hurricane, they could employ more modern equipment or better operating practices to cut down on the pollution released during startups and shutdowns.

The Texas Commission on Environmental Quality, the state's environmental protection agency, rarely finds companies at fault and even more rarely hands down penalties, the Tribune's investigation found.

When it does, environmental and watchdog groups say the penalties are far below what the law allows and aren't close to being in proportion to the companies' profits and also argue that permit limits are too high - say the excess toxic and smog-forming pollutants exacerbate nagging air-quality problems in the state's major urban areas, spurring increased rates of asthma and cancer, as well as contributing to climate change.

Environment Texas' analysis found that the Midland region was home to the largest number of upsets in 2017, making up more than half of all unauthorized-pollution releases. The Greater Houston area, home to the nation's largest refinery and petrochemical complex, came in second.

"Air pollution is making people sick, especially children, senior citizens and people with respiratory problems," Environment Texas chief Luke Metzger said in a statement. "The data show that polluters routinely violate the law, but TCEQ too often lets them off the hook. We need to crack down on illegal pollution and make our air safe to breathe."

TCEQ spokesperson Andrea Morrow said in an email that the agency "does not comment on the reports of other groups. However, we vigorously defend our enforcement process."

The report went on to recommend that Texas lawmakers eliminate the affirmative defense provision that critics say allows the industry to abuse the regulatory system. A news release noted that "the Environmental Protection Agency directed TCEQ to eliminate the loophole, but TCEQ refused, and the issue is now in the courts."

## Kingsville Chamber of Commerce Seeks Nominations

(KINGSVILLE) - Nominations are currently being sought for the 2018 Ois West Lifetime Service Award and 2018 Citizen of the Year Award. The awards will be presented at the Chamber of Commerce Annual Banquet on March 29, 2019. Nominations due by Friday, March 09, 2018.

The guidelines are as follows for the nominee of the following awards:

### Ois West Lifetime Service Award

- The award shall be presented to a Kleberg County citizen who, in prior years, has rendered the greatest and most unselfish service to his or her community through vocational and/or non-vocational community work.
- The nominee shall be a resident of Kleberg County but need not be a member of the Chamber of Commerce.
- The nominee may be an elected official, either paid or unpaid, school personnel, member of an appointed board, a citizen of the community, etc.
- This honor will be awarded only once to a person.
- Nominations should include pertinent, detailed information on activities, endeavors and/or achievements that the candidate has been involved with throughout his or her lifetime.
- Also include your reasons for nominating this person.

### Citizen of the Year Award

- The nominee must be a citizen of Kleberg County, but need not be a member of the Chamber of Commerce.
- He/She may not have been a prior recipient of the award.
- A paid officer or welfare worker or political official is NOT eligible by virtue of his/her professional position, but may be considered based on his/her community involvement and activities.
- Any work done for the personal financial gain will not be considered for this award.

Please address nominations to: ATTN: Ois West Lifetime Service Award or Citizen of the Year Kingsville Chamber of Commerce, 635 E. King Ave., Kingsville, TX 78363



Kingsville Chamber of Commerce  
635 E. King Ave.  
Kingsville, TX 78363  
(361) 592-6438  
Contact: Lucy Perez

## NOTICE OF PUBLIC HEARING DESIGNATION OF REINVESTMENT ZONE

The City of Kingsville will hold a public hearing on Monday, February 11, 2019 at 6:00 p.m. at the Kingsville City Hall (400 W. King Ave.) in the Helen Kleberg Groves Community Room in regard to the designation of a reinvestment zone(s) for the City of Kingsville, Texas.

The purpose of the hearing is to allow citizens an opportunity to discuss reasons for or against the designation of reinvestment zones within the City. Citizens unable to attend may submit written comments to the Mayor, Sam Fugate, at City Hall-City of Kingsville, 400 W. King Ave., Kingsville, Texas, or by mailing to P.O. Box 1458, Kingsville, TX 78364.

In addition, should any non-English speaking citizen(s) desire to address the City during such hearing and needs the assistance of an interpreter, the City will attempt to provide one if sufficient notice is provided. Also, should any citizen(s) desire technical assistance, handicap accessibility to the hearing site, or need interpreter assistance, please call Mary Valenzuela, City Secretary at (361) 595-8002.

## WE CARE FOR YOU EVERY DAY OF THE WEEK.

Monday - Friday 8 am - 6 pm  
Saturday 8 am - 4 pm  
Sunday 10 am - 4 pm  
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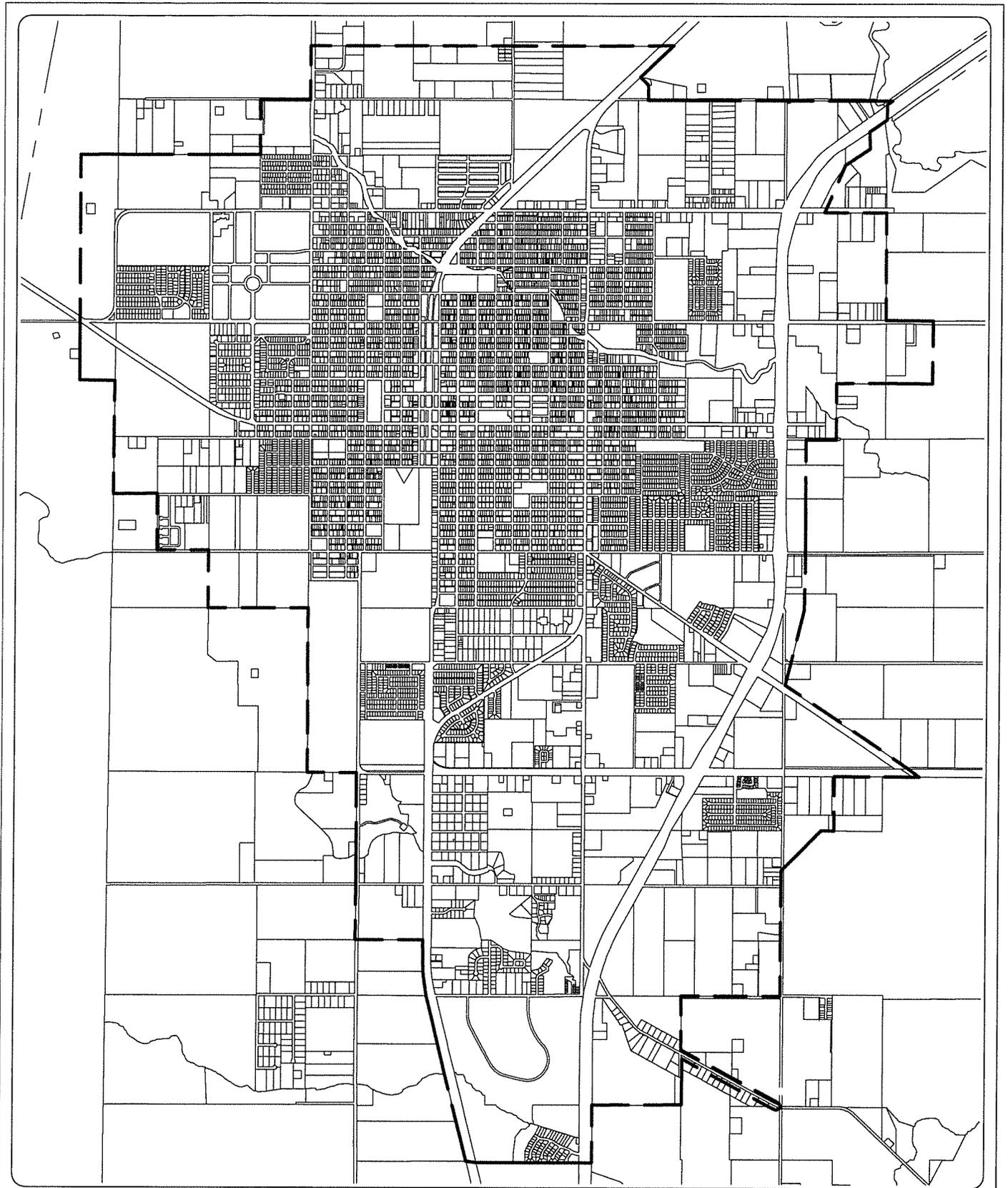
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Ernest Castaneda, FNP-C

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PAGE  
1

**CITY OF KINGSVILLE  
CITY LIMITS BASE MAP**

Drawn by: Ramirez, J.  
Date: 01-29-2019  
Note:  
Job:  
Scale: N.T.S.



**CITY OF KINGSVILLE  
ENGINEERING DEPARTMENT**  
400 West King  
Kingsville, Texas 78363  
Office 361.595.8007  
Fax 361.595.8035

# **CONSENT AGENDA**

# **AGENDA ITEM #1**

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

To: City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director

DATE: January 17, 2019

SUBJECT: Request to make changes to Appendix A, Land Use Categories to allow the use of Provisioning and recreational sporting goods sales including boats and vehicles in a Light Industrial zoning district

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**Summary:** Phil Neesen is wanting to use the property that he owns at 2201 North Highway 77, KT & I Co., Block 5, Lot out of 1, 2.6 acres, to build a facility to sell and service Polaris off the road vehicles.

**Background:** The current zoning for this property is I1, light industrial. The use that involves what he wants to do with the property is only allowed in C3 and C4 as shown on the table, and which is marked. This use is Provisioning and recreational sporting goods sales including boats and vehicles. Some comparable uses are the sale of autos (as in next to this lot) which is allowed in light industrial and trailer sales. It is my belief that this use should also be allowed in light industrial. Accordingly, most of the other light industrial ground is along Corral, which I think the use would be compatible with the other uses that are there currently.

**Financial Impact:** This facility would have a positive impact for the City. The estimated capital investment is \$1.8 million, with the hiring of 10 to 14 employees initially with growth potential. Randy Russell representing Phi Neesen said that this facility would be one of eight to ten sales and service location in the country. Their sales focus will be off the road vehicles not watercraft. He stated that the only other Polaris franchises are in Laredo, Victoria and the Valley. The company believes that it will be a positive for Kingsville from the sales and service standpoint.

**Recommendation:** The Planning and Zoning Commission met Wednesday, January 23, 2019 , and voted 4 to 0 to recommend approval of the changes to Appendix A.



ORDINANCE #2019- \_\_\_\_\_

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER XV-LAND USE, ARTICLE 6-ZONING, APPENDIX A-LAND USE CATEGORIES, SECTION 1-LAND USE CHART; PROVIDING FOR THE ADDITION OF PROVISIONAL AND RECREATIONAL SPORTING GOOD SALES, INCLUDING BOATS AND VEHICLES TO BE PERMITTED IN I1 (LIGHT INDUSTRIAL) DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, the Planning & Zoning Commission has forwarded to the City Commission its reports and recommendations concerning the proposed zoning ordinance changes; and

**WHEREAS**, the item PASSED with a 4-0 vote of the Planning Commission on the requested zoning chart change with no abstentions at a Planning and Zoning Commission meeting on Wednesday, January 23, 2019; and

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

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

I.

**THAT** Article 6: Zoning of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, Appendix A-Land Use Categories, Section 1-Land Use Chart shall be amended to read as follows:

*Use Regulations and Districts*

...

**APPENDIX A. - LAND USE CATEGORIES**

**Sec. 1. - Land use chart.**

The following chart shall set out the land uses within the city:

<i>Land Use Chart</i>												
<i>Land Use Description</i>	<i>R1</i>	<i>R2</i>	<i>R3</i>	<i>R4</i>	<i>MH</i>	<i>C1</i>	<i>C2</i>	<i>C3</i>	<i>C4</i>	<i>I1</i>	<i>I2</i>	<i>Ag</i>
Recreational Uses												
Amusement, commercial outdoor							P	P	P			
Amusement, commercial indoor							P	P	P			
Carnival									S	P	P	P
Temporary carnival (14 days - 200 ft. setback from residential property)							P	P	P			
Provisioning and recreational sporting goods sales including boats and vehicles							P	P	P	<u>P</u>		
Shooting Galleries and Pistol Ranges (indoor)							P	P	P			
Souvenir, curio							P	P				

II.

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

III.

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

IV.

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

**INTRODUCED** on this the 28th day of January, 2019.

**PASSED AND APPROVED** on this the 11<sup>th</sup> day of February, 2019.

Effective Date: \_\_\_\_\_, 2019.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #2**

**City of Kingsville  
Legal Department**

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TO: Mayor and City Commissioners  
CC: Jesus A. Garza, City Manager  
FROM: Courtney Alvarez, City Attorney  
DATE: February 7, 2019  
SUBJECT: 16<sup>th</sup> Annual Ride on the Wild Side Charity Bike Event

---

**Summary:**

The Noon Lion's Club is seeking the City's sponsorship in the Annual Ride on the Wild Side charity bike tour through the King Ranch on April 27, 2019. This will be the 16<sup>th</sup> year the City has participated in this event.

**Background:**

The Noon Lion's Club requests the City participate by allowing the use of city streets for the tour, providing cones and one police officer to escort the riders as they go through town (if needed), and having an ambulance on stand-by for the event. The City's participation will allow the KCVB to obtain an insurance rider, which is required by the Ranch. The bike route will be well staffed with Noon Lion's Club volunteers and other volunteers as well. Proceeds from this charity bike ride benefit the Lion's Disabled Children's Camp in Kerrville, of which Kingsville disabled children directly benefit.

The Noon Lion's Club requests the City participate by allowing the use of city streets for the tour, providing cones and one police officer to escort the riders as they go through town (if needed), and having an ambulance on stand-by for the event. The City's participation will allow the KCVB to obtain an insurance rider, which is required by the Ranch. The bike route will be well staffed with Noon Lion's Club volunteers and other volunteers as well. Proceeds from this charity bike ride benefit the Lion's Disabled Children's Camp in Kerrville, of which Kingsville children directly benefit.



**City of Kingsville  
Legal Department**

Also, as was done previously, the King Ranch is requesting the City execute the attached Permission and Indemnity Agreement for this year's bike ride as well.

**Financial Impact:** None.

**Recommendation:** Authorize participation in the event and approve execution of the indemnity agreement with the King Ranch.



**RESOLUTION #2019-\_\_\_\_\_**

**A RESOLUTION OF THE CITY OF KINGSVILLE AUTHORIZING PARTICIPATION IN THE 16<sup>th</sup> ANNUAL RIDE ON THE WILD SIDE CHARITY BIKE RIDE AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN INDEMNITY AGREEMENT WITH THE KING RANCH FOR SAID EVENT.**

**WHEREAS**, the City of Kingsville is participating in the 16<sup>th</sup> Annual Ride on the Wild Side Charity Bike event with the Kingsville Noon Lions Club;

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

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

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

I.

**THAT** the City Commission authorizes participation in the 16<sup>th</sup> Annual Ride on the Wild Side Charity Bike Event and authorizes the City Manager, as an act of the City, to execute the Indemnity Agreement with the King Ranch for the 2019 Ride on the Wild Side Charity Bike Event, as per the attached.

II.

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the 11th day of February, 2019.

\_\_\_\_\_  
Sam R. Fugate

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**PERMISSION AND INDEMNITY AGREEMENT**

In consideration for King Ranch, Inc.'s permission (evidenced by its execution below) for a portion of the Ride On The Wild Side Charity Bike Ride (or similarly named event) ["Bike Ride"] (with participation/sponsorship by the Kingsville Noon Lions Club & the City of Kingsville) to be held on the premises of King Ranch, Inc. in or about April 27<sup>th</sup> of 2019, the sufficiency and adequacy of which consideration is hereby acknowledged, the City of Kingsville, Texas, hereby unconditionally and irrevocably agrees to defend, indemnify and hold harmless King Ranch, Inc., its directors, employees, shareholders and agents from and against any and all claims based on, or arising out of, personal injury (including death) to, and/or property damage of, any of the participants, support personnel or other individuals participating in, observing as by-stander of, or providing organizational or other support or safety services for, the above Bike Ride, including the arrival to or departure from the above Bike Ride and all other ancillary and related activities related to the Bike Ride. **The foregoing defense, indemnity and holding harmless shall apply in full force and effect despite any sole, joint or concurrent negligence, strict liability or other fault of any of the above indemnified persons.**

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

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

Executed this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

City of Kingsville, Texas, by:

King Ranch, Inc.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

# **REGULAR AGENDA**

# **AGENDA ITEM #3**

**RESOLUTION #2019-\_\_\_\_\_**

**A RESOLUTION OF THE CITY OF KINGSVILLE SUPPORTING THE TEXAS DEPARTMENT OF TRANSPORTATION'S TEMPORARY CLOSURE OF THE F.M. 1717 CROSSOVER ON U.S. HIGHWAY 77 AND REQUESTING EXPEDITED CONSTRUCTION OF THE F.M. 1717 OVERPASS PROJECT.**

**WHEREAS**, the City of Kingsville desires to maintain a positive working relationship with the Texas Department of Transportation (TXDOT);

**WHEREAS**, it has been brought to the City's attention that TXDOT proposes the temporary closure of the F.M. 1717 crossover on U.S. Highway 77 in Kingsville, Texas;

**WHEREAS**, the City requests that construction of an overpass at F.M. 1717 on U.S. Highway 77 be expedited as that location is heavily trafficked and its closure reduces first responder response time to citizens and property along FM 1717 on the east side of US 77;

**WHEREAS**, the City and its citizens would benefit from the additional safety resulting from said temporary crossover closure and the expedited start date for an overpass at F.M. 1717.

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

I.

**THAT** the City Commission supports the Texas Department of Transportation's decision to temporarily close the F.M. 1717 crossover located on U.S. Highway 77 in Kingsville, Texas.

II.

**THAT** the City Commission urges the Texas Department of Transportation to expedite the construction start date of an overpass at F.M. 1717 on U.S. Highway 77 in Kingsville, Texas.

**PASSED AND APPROVED** by a majority vote of the City Commission on the 11<sup>th</sup> day of February, 2019.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #4**

**ORDINANCE #2019-\_\_\_\_\_**

**ORDINANCE CALLING A SPECIAL ELECTION FOR A VENUE PROJECT  
ELECTION IN ACCORDANCE WITH CHAPTER 334, LOCAL GOVERNMENT  
CODE, TO BE HELD IN THE CITY OF KINGSVILLE, TEXAS AND OTHER  
MATTERS RELATED THERETO**

WHEREAS, the City Commission of the City of Kingsville, Texas (the "Commission") hereby finds and determines that an election should be held to determine whether the Commission of the City of Kingsville, Texas (the "City") shall be authorized to establish a certain sports and community venue project in accordance with the provisions of Chapter 334, Texas Local Government Code (the "Act") and other applicable law and for the purposes hereinafter identified;

WHEREAS, the Commission adopted a resolution on January 14, 2019 (the "Comptroller's Resolution") to provide for the planning, acquisition, establishment, development, construction, and renovation of a certain venue project as provided herein in accordance with the provisions of the Act;

WHEREAS, the Commission has followed the procedures prescribed by the Act to obtain the determination from the Comptroller of Public Accounts of the State of Texas (the "Comptroller") that the implementation of the Comptroller's Resolution will not have a significant negative fiscal impact on revenues of the State of Texas (the "State") by sending a copy of the Comptroller's Resolution to the Comptroller;

WHEREAS, the Comptroller by letter dated January 17, 2019, has determined that the approval and implementation of the Comptroller's Resolution will not have a significant negative fiscal impact on State revenue;

WHEREAS, the Commission now desires to proceed with the submission of the approval and implementation of the Comptroller's Resolution and this ordinance (this "Ordinance") as provided by the Act;

WHEREAS, the Commission has determined to call an election for the purposes of approving and implementing the Comptroller's Resolution for the renovation, planning, acquisition, development, construction, equipment, and expansion of the multipurpose J.K. Northway Exposition Center (the "Exposition Center") and any related infrastructure or adjacent support facilities (collectively, the "Project");

WHEREAS, the Commission finds that the proposed Exposition Center and Project will each be a facility used or planned for use for one or more community events, promotional events, and other civic or charitable events;

WHEREAS, the Commission finds that the Project will provide a significant positive economic development and tourism impact to the City, including the business community and various civic and commercial organizations throughout the City;

WHEREAS, by this ordinance it is in the intention of the City to provide for conducting the election; and

WHEREAS, the Commission hereby finds and determines that this action is in the best interests of the citizens of the City;

NOW, THEREFORE, be it ordained by the City Commission of the City of Kingsville, Texas, that:

**Section 1. Election Ordered; Proposition.** An election shall be held on the 4th day of May, 2019 (the “Election Day”), a uniform election date, in the CITY OF KINGSVILLE, TEXAS, for the purpose of submitting the following proposition to the qualified voters of the City in accordance with law:

PROPOSITION 1

“Authorizing the City Commission of the City of Kingsville, Texas to provide for the renovation, planning, acquisition, development, construction, equipment, expansion, and financing of new and existing facilities at the J.K. Northway Exposition Center and any related infrastructure, a sports and community venue project of the type described and defined in Chapter 334, Texas Local Government Code (the “Venue Project”), and described generally as a community event center with public restrooms, parking, concessions, receiving areas, dressing room facilities, break out rooms, multi-use event space, and/or other type of area or facility that is planned for use for one or more civic, charitable, or community events, and to impose the following tax to pay the costs of the venue project and to secure the payment of revenue bonds of the City issued to pay the costs of the venue project: a hotel occupancy tax on the use or possession of a room that is in a hotel located within the City, at a maximum rate of 2% of the price paid for such room; and if approved, the maximum hotel occupancy tax rate imposed from all sources in the City would be 15% of the price paid for a room in a hotel, for the purpose of financing the Venue Project.”

**Section 2. Persons Qualified to Vote.** All resident, qualified electors of the City shall be eligible to vote at the Election.

**Section 3. Election.** The City shall have six election polling places on Election Day comprised of the following voting precincts.

<u>CITY POLLING PLACE</u>	<u>COUNTY VOTING PRECINCT</u>
1	23 & 24
2	22, 32, & 44
3	21, 43, & 45
4	14, 41, & 42
5	13
6	11, 12, & 31

The election shall be held between 7:00 A.M. and 7:00 P.M. at the following places in said City.

Polling Place #1	McRoberts Elementary School, 400 West Corral
Polling Place #2	City Hall, Helen Kleberg Groves Community Room, 400 W. King Street
Polling Place #3	Kleberg County Annex Bldg., 720 E. King & 12th Street
Polling Place #4	Gillett Intermediate School, 1007 North 17th Street
Polling Place #5	Harvey Elementary School, 1301 East Kenedy
Polling Place #6	H.M. King High School, 2210 S. Brahma Blvd

The method of voting for Early Voting by personal appearance and by mail and voting on Election day will be by use of paper ballot and Direct Recording Electronic (DRE) Voting System, and be processed through the M100 Paper Ballot Tabulator for the results.

The City Secretary Mary Valenzuela or designated person is hereby appointed Clerk for Early Voting. Early voting for the election shall be held at City Hall, 400 W. King Avenue in the Helen Kleberg Groves Community Room and said place of early voting shall remain open on weekdays between the hours of 8:00 A.M. and 5:00 P.M., April 22, 2019 through April 26, 2019; and continuing from 7:00 A.M. to 7:00 P.M. on Monday, April 29, 2019 and terminating on Tuesday, April 30, 2019 after voting occurs between the hours of 7:00 A.M. and 7:00 P.M.

**Section 4. Ballots.** The official ballots shall be prepared in accordance with the Election Code so as to permit qualified voters to vote “FOR” or “AGAINST” the aforesaid propositions which shall appear on the ballot substantially as follows:

PROPOSITION 1

“Authorizing the City Commission of the City of Kingsville, Texas to provide for the renovation, planning, acquisition, development, construction, equipment, expansion, and financing of new and existing facilities at the J.K. Northway Exposition Center and any related infrastructure, a sports and community venue project of the type described and defined in Chapter 334, Texas Local Government Code (the “Venue Project”), and described generally as a community event center with public restrooms, parking, concessions, receiving areas, dressing room facilities, break out rooms, multi-use event space, and/or other type of area or facility that is planned for use for one or more civic, charitable, or community events, and to impose the following tax to pay the costs of the venue project and to secure the payment of revenue bonds of the City issued to pay the costs of the venue project: a hotel occupancy tax on the use or possession of a room that is in a hotel located within the City, at a maximum rate of 2% of the price paid for such room; and if approved, the maximum hotel occupancy tax rate imposed from all sources in the City would be 15% of the price paid for a room in a hotel, for the purpose of financing the Venue Project.”

**Section 5.** The City Secretary Mary Valenzuela or designated person shall give notice of said election by publishing the notice at least one time in at least one newspaper of general circulation in the City; that the City Secretary Mary Valenzuela or designated person is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election; and that the Presiding Officer of the Commission shall issue all necessary orders, writs and notices for said election and returns of said election shall be made to the City Commission.

**Section 6. Notice.** Notice of the Election shall be given by: (i) publishing a substantial copy of this Ordinance, in English and Spanish, one time not earlier than the 30th day nor later than the 10th day prior to the date set for the Election, in a newspaper published in the City; and (ii) posting a copy of this Ordinance in English and Spanish on the bulletin board used for posting notices of meetings of the City Commission, and at three (3) other public places within the boundaries of the City, not later than the twenty-first (21st) day prior to the date set for the election and (iii) posting a copy of this Ordinance, in English and Spanish, on the City’s website, prominently and together with the notice of the election and the contents of the Election, not later than the twenty-first (21st) day prior to the date set for the election through Election Day. Additionally, on Election Day and during early voting by personal appearance, this Ordinance shall be posted in a prominent location at each polling place, not later than the (21<sup>st</sup>) day prior to the date set for the Election.

**Section 7. Corrections.** The Mayor and City Secretary and bond counsel are hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments

authorized by this Ordinance necessary in order to (i) correct any ambiguity, mistake, or omission, or (ii) to comply with the requirements of the Texas Election Code or any other applicable law.

**Section 8. Incorporation of Recitals.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Commission.

**Section 9. Ordinance Controls.** All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordered herein.

**Section 10. Law.** This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**Section 11. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Commission hereby declares that this Ordinance would have been enacted without such invalid provision.

**Section 12. Open Meetings.** It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code.

**Section 13. Effective Date.** This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

**BE IT FINALLY RESOLVED** that in accordance with the order of this governing body, the City Secretary Mary Valenzuela posted written notice of the date, place and subject of this meeting, and said notice having been so posted and remaining posted and continuously for at least 72 hours preceding the scheduled time of said meeting.

INTRODUCED on this the 11<sup>th</sup> day of February, 2019.

PASSED AND APPROVED, by majority vote of the City Commission of the City of Kingsville, Texas, this the 12 day of February, 2019.

CITY OF KINGSVILLE, TEXAS

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

ATTEST:

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

(CITY SEAL)

# **AGENDA ITEM #5**

**ORDINANCE #2019-\_\_\_\_\_**

**ORDINANCE CALLING A SPECIAL ELECTION TO BE HELD ON MAY 4, 2019 IN THE CITY OF KINGSVILLE, TEXAS, ON THE QUESTION OF THE SALE OF CITY PARK LAND AND OTHER MATTERS RELATED THERETO.**

**WHEREAS**, the City Commission (the "Commission") of the City of Kingsville, Texas (the "City") hereby finds and determines that an election should be held to determine whether the Commission shall be authorized to sell certain City land, heretofore acquired and now owned, held, and claimed as municipal parks, in accordance with the provisions of Chapter 253, Texas Local Government Code (the "Act") and other applicable law and for the purposes hereinafter identified;

**WHEREAS**, the City of Kingsville desires to decommission certain real property that it owns and is designated as park land; and,

**WHEREAS**, the City went through the process of doing a Parks Master Plan, which was adopted via Ordinance #2017-16 on March 27, 2017 and amended via Ordinance #2017-46 on October 9, 2017; and,

**WHEREAS**, the Parks Master Plan identified Kenedy Park as a location that was not needed as a park property given the proximity of other neighborhood parks that have amenities in them to service the area; and,

**WHEREAS**, staff has learned of two "pocket parks" that are small areas of land in residential areas (corners of Richard at Lantana and Richard at Alice) abutting single family homes and the spaces are not feasible for use as a park space due to their size but were dedicated as such to the City in 1937; and,

**WHEREAS**, the City acquired and holds public park lands of such size and character as to make any use or development of the park lands impractical; and,

**WHEREAS**, the City desires to sell or otherwise dispose of such park lands; and,

**WHEREAS**, prior to the use or taking of park land for non-park purposes Chapter 26 of the Texas Parks and Wildlife Code and Chapter 253 of the Texas Local Government Code will be met; and,

**WHEREAS**, the Commission now desires to proceed with the process of decommissioning of the City lands and this ordinance (this "Ordinance") as provided by the Act; and,

**WHEREAS**, the Commission has determined to call an election for the purposes of approving the sale of certain City land, heretofore acquired and now owned, held, and claimed as municipal parks, such land being identified as: (collectively, the "Land") Kenedy Park (1.4141 ac.), Corner of Lantana and Richard Ave. (9,176.5 sq. ft.), and Corner of Alice and Richard Ave. (3,120.92 sq. ft.); and,

**WHEREAS**, the Commission finds that there is no feasible and prudent alternative to the use or taking of these park lands; and,

**WHEREAS**, the Commission finds that reasonable measures will be taken to minimize harm to the park lands due to the proposed use and takings; and,

**WHEREAS**, by this ordinance it is in the intention of the City to provide for conducting the election; and,

**WHEREAS**, the Commission hereby finds and determines that this action is in the best interests of the citizens of the City; and,

**NOW, THEREFORE**, be it ordained by the City Commission of the City of Kingsville, Texas, that:

**Section 1. Election Ordered; Proposition.** An election shall be held on the 4th day of May, 2019 (the "Election Day"), a uniform election date, in the CITY OF KINGSVILLE, TEXAS, for the purpose of submitting the following proposition to the qualified voters of the City in accordance with law:

PROPOSITION 2

"Authorizing the City Commission of the City of Kingsville, Texas, to provide for the sale of the following city park land, the proceeds from which may only be used to acquire and improve city park land in accordance with section 253.001, Texas Local Government Code:

- Kenedy Park (1.4141 ac.)
- Corner of Lantana and Richard Ave. (9,176.5 sq. ft.)
- Corner of Alice and Richard Ave. (3,120.92 sq. ft.)."

**Section 2. Persons Qualified to Vote.** All resident, qualified electors of the City shall be eligible to vote at the Election.

**Section 3. Election.** The City shall have six election polling places on Election Day comprised of the following voting precincts.

<u>CITY POLLING PLACE</u>	<u>COUNTY VOTING PRECINCT</u>
1	23 & 24
2	22, 32, & 44
3	21, 43, & 45
4	14, 41, & 42
5	13
6	11, 12, & 31

The election shall be held between 7:00 A.M. and 7:00 P.M. at the following places in said City.

Polling Place #1	McRoberts Elementary School, 400 West Corral
Polling Place #2	City Hall, Helen Kleberg Groves Community Room, 400 W. King Street
Polling Place #3	Kleberg County Annex Bldg., 720 E. King & 12th Street
Polling Place #4	Gillett Intermediate School, 1007 North 17th Street
Polling Place #5	Harvey Elementary School, 1301 East Kenedy
Polling Place #6	H.M. King High School, 2210 S. Brahma Blvd

The method of voting for Early Voting by personal appearance and by mail and voting on Election day will be by use of paper ballot and Direct Recording Electronic (DRE) Voting System, and be processed through the M100 Paper Ballot Tabulator for the results.

The City Secretary Mary Valenzuela or designated person is hereby appointed Clerk for Early Voting. Early voting for the election shall be held at City Hall, 400 W. King Avenue in the Helen Kleberg Groves Community Room and said place of early voting shall remain open on weekdays between the hours of 8:00 A.M. and 5:00 P.M., April 22, 2019 through April 26, 2019; and continuing from 7:00 A.M. to 7:00 P.M. on Monday, April 29, 2019 and terminating on Tuesday, April 30, 2019 after voting occurs between the hours of 7:00 A.M. and 7:00 P.M.

**Section 4. Ballots.** The official ballots shall be prepared in accordance with the Election Code so as to permit qualified voters to vote "FOR" or "AGAINST" the aforesaid propositions which shall appear on the ballot substantially as follows:

PROPOSITION 2

"Authorizing the City Commission of the City of Kingsville, Texas, to provide for the sale of the following city park land, the proceeds from which may only be used to acquire and improve city park land in accordance with section 253.001, Texas Local Government Code:

- Kenedy Park (1.4141 ac.)
- Corner of Lantana and Richard Ave. (9,176.5 sq. ft.)
- Corner of Alice and Richard Ave. (3,120.92 sq. ft.)."

**Section 5.** The City Secretary Mary Valenzuela or designated person shall give notice of said election by publishing the notice at least one time in at least one newspaper of general circulation in the City; that the City Secretary Mary Valenzuela or designated person is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election; and that the Presiding Officer of the Commission shall issue all necessary orders, writs and notices for said election and returns of said election shall be made to the City Commission.

**Section 6. Notice.** Notice of the Election shall be given by: (i) publishing a substantial copy of this Ordinance, in English and Spanish, one time not earlier than the

30th day nor later than the 10th day prior to the date set for the Election, in a newspaper published in the City; and (ii) posting a copy of this Ordinance in English and Spanish on the bulletin board used for posting notices of meetings of the City Commission, and at three (3) other public places within the boundaries of the City, not later than the twenty-first (21st) day prior to the date set for the election and (iii) posting a copy of this Ordinance, in English and Spanish, on the City's website, prominently and together with the notice of the election and the contents of the Election, not later than the twenty-first (21st) day prior to the date set for the election through Election Day. Additionally, on Election Day and during early voting by personal appearance, this Ordinance shall be posted in a prominent location at each polling place, not later than the (21<sup>st</sup>) day prior to the date set for the Election.

**Section 7. Corrections.** The Mayor and City Secretary and City Attorney are hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments authorized by this Ordinance necessary in order to (i) correct any ambiguity, mistake, or omission, or (ii) to comply with the requirements of the Texas Election Code or any other applicable law.

**Section 8. Incorporation of Recitals.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Commission.

**Section 9. Ordinance Controls.** All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordered herein.

**Section 10. Law.** This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**Section 11. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Commission hereby declares that this Ordinance would have been enacted without such invalid provision.

**Section 12. Open Meetings.** It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code.

**Section 13. Effective Date.** This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

**BE IT FINALLY RESOLVED** that in accordance with the order of this governing body, the City Secretary Mary Valenzuela posted written notice of the date, place and subject

of this meeting, and said notice having been so posted and remaining posted and continuously for at least 72 hours preceding the scheduled time of said meeting.

**INTRODUCED** on this the 11<sup>th</sup> day of February, 2019.

**PASSED AND APPROVED**, by majority vote of the City Commission of the City of Kingsville, Texas, this the 12 day of February, 2019.

CITY OF KINGSVILLE, TEXAS

---

Sam R. Fugate  
Mayor

ATTEST:

---

Mary Valenzuela  
City Secretary

APPROVED AS TO FORM:

---

Courtney Alvarez  
City Attorney

# **AGENDA ITEM #6**

**ORDINANCE NO. 2019-\_\_\_\_\_**

**AN ORDINANCE DESIGNATING A CERTAIN AREA AS A REINVESTMENT ZONE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, the Kingsville City Commission, as the governing body of the municipality, has provided notice required under Chapter 312 of the Texas Tax Code by publishing notice of the hearing in the local paper more than 7 days prior to the hearing (publication February 3, 2019) as well as sending notice to the heads of the local taxing entities (sent February 1, 2019) and has conducted a public hearing on Monday, February 11, 2019 regarding the designation of a reinvestment zone, at which interested persons could speak and present evidence for or against the designation;

**WHEREAS**, the designation of a reinvestment zone is necessary for a taxing unit to be able to grant tax abatement agreements and other economic incentives for areas within the zone;

**WHEREAS**, the designation of a reinvestment zone and the ability to grant tax abatements within the zone will benefit the City by promoting economic incentives for the location and expansion of economic development within the city;

**WHEREAS**, the City desires that areas located within the reinvestment zone be eligible for residential tax abatement, commercial-industrial tax abatement, and/or tax increment financing, as allowed by state law;

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

I.

**THAT** the property as more fully described on the attached Exhibit A is made a part of this ordinance and shall hereinafter be designated as a reinvestment zone as it meets the criteria for a reinvestment zone set out in Texas Tax Code section 312.202.

II.

**THAT** the property designated as a reinvestment zone is eligible for residential tax abatement, commercial-industrial tax abatement, and/or tax increment financing, as provided by state law. The designation of a reinvestment zone for residential and/or commercial-industrial tax abatement expires five years after the date of the designation and may be renewed for periods not to exceed five years, except that a reinvestment zone that is a state enterprise zone is designated for the same period as a state enterprise zone as provided by Chapter 2303, Texas Government Code. The expiration of the designation does not affect an existing tax abatement agreement made under Texas Tax Code, Chapter 312, Subchapter B.

III.

**THAT** the City held a public hearing on the designation of the reinvestment zone and found the improvements sought are feasible and practical and would be a benefit to the land to be included in the zone and to the City after the expiration of an agreement entered into under Texas Tax Code Section 312.204 or 312.211, as applicable.

IV.

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

V.

**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.

VI.

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

**INTRODUCED** on this the 11th day of February, 2019.

**PASSED AND APPROVED** on this the 25th day of February, 2019.

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

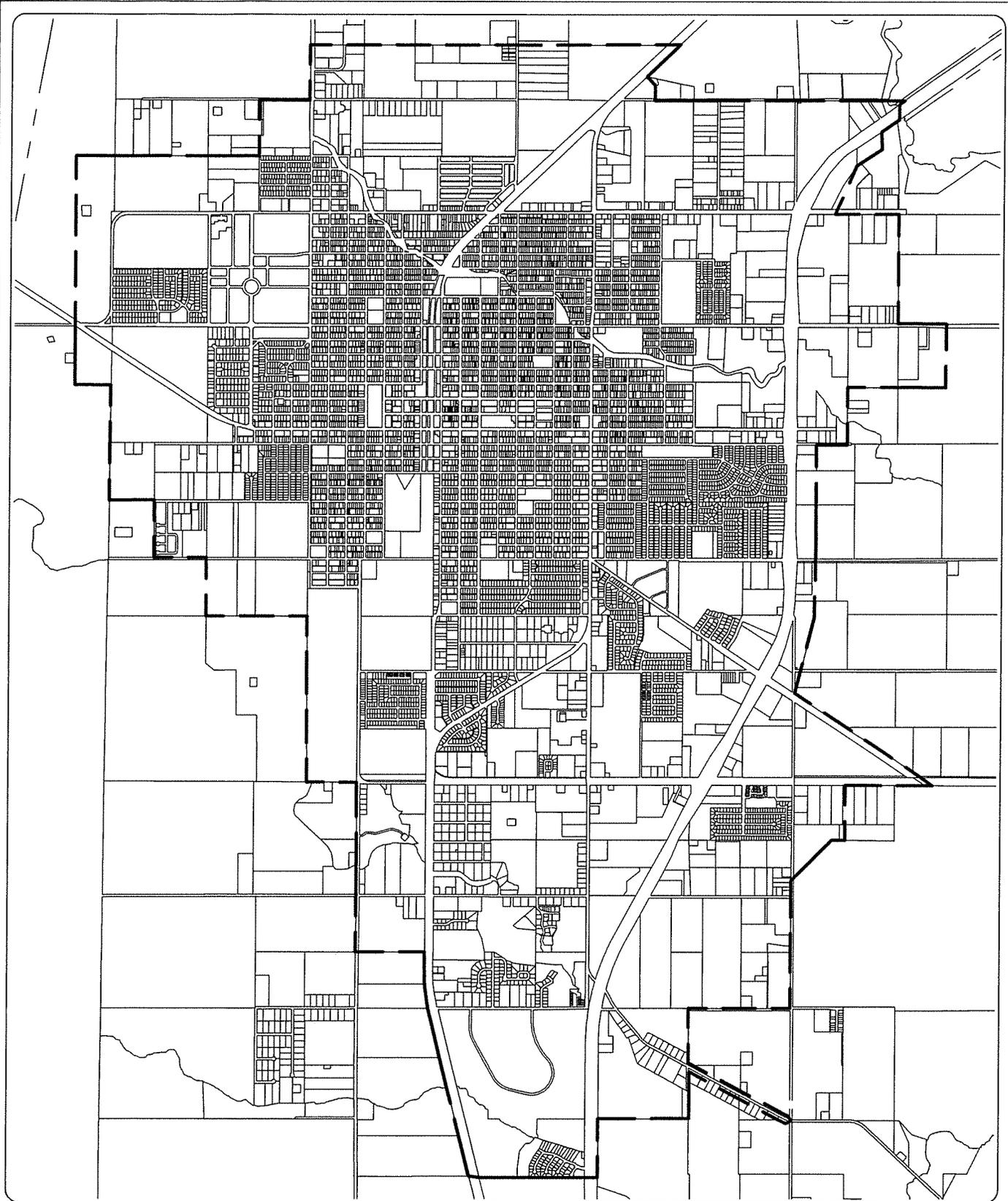
\_\_\_\_\_  
Sam Fugate, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



PAGE  
1

**CITY OF KINGSVILLE  
CITY LIMITS BASE MAP**

Drawn by: Ramirez, J.

Date: 01-29-2019

Note:

Job:

Scale: N.T.S.



**CITY OF KINGSVILLE  
ENGINEERING DEPARTMENT**

400 West King  
Kingsville, Texas 78363  
Office 361.595.8007  
Fax 361.595.8035

# **AGENDA ITEM #7**

**City of Kingsville  
Planning Department**

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TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Cynthia Martin, Downtown Manager/Historic Preservation Officer

DATE: January 25, 2019

SUBJECT: Extension of Time for Façade grant project at 321 E Kleberg Ave.

---

**Summary:** Mr. Adelmo Luera and Mrs. Yolanda Luera received a façade grant for roof replacement and façade repair for their building at 321 E Kleberg Ave in the amount of \$5,750 for an estimated \$11,500 project. The roofing has been completed and materials purchased for the façade repair. The six month time limit for the project completion expires February 12, 2019. The applicants are requesting an additional six (6) months to complete the project.

**Background:** The roof on the building at 321 E Kleberg Ave. has been replaced at a cost of \$7,700, has been inspected and paid for in full by the applicants. Special glass tiles that match those on the current façade have been purchased by the applicant at a cost of \$1,087. Unforeseen health issues took a portion of this money set aside by the applicants for this project but now they are ready to move forward again.

This building is one of a kind historically. The façade of the building is clad in Vitrolite tiles, a historic glass tile. Matching material has been found in an architectural salvage yard in St. Louis, Missouri. This same company supplied Vitrolite glass tiles to restore the exterior of the theater in Beeville. The building owners wish to replace broken tiles to restore the appearance of the buildings unique façade.

**Financial Impact:** No further costs involved.

**Recommendation:** It is recommended that City Commission approve the applicants' request in this instance due to the circumstances and the high historic integrity of the building.



**RESOLUTION #2019-\_\_\_\_\_**

**A RESOLUTION APPROVING THE EXTENSION OF AN APPLICATION AND AGREEMENT FOR THE HISTORIC DISTRICT FAÇADE GRANT PROGRAM FROM ADELMO & YOLANDA LUERA FOR AL'S HAIR DESIGN FOR PROPERTY LOCATED AT 321 E. KLEBERG AVENUE, KINGSVILLE, TEXAS.**

**WHEREAS**, the City Commission recognized a need exists for economic development, historic restoration & preservation, and tourism promotion in the historic district of the city, especially in the downtown area, and approved Historic District Façade Grant Program Guidelines in an effort to enhance meeting these objectives;

**WHEREAS**, the City received an Application and an Agreement for a Historic District Façade Improvement Grant from Adelmo & Yolanda Luera for roof replacement and façade repair of Al's Hair Design located at 321 East Kleberg Avenue, in the downtown area and in the historic district and the Commission approved the application and agreement via Resolution #2018-08 on February 12, 2018;

**WHEREAS**, the application had a projected amount for the roof replacement and façade repair of about \$11,500 and the applicant is requesting a grant amount of \$5,750, which would be the maximum reimbursable amount of 50% of the out-of-pocket expenses for work performed and paid for by the applicant, for renovation of the building's roof (replacement) and façade (repair);

**WHEREAS**, the applicant has completed one of the two projects but became ill and has not been able to complete the second project within the original six-month period and requested a six-month extension based on hardship so that he can be reimbursed for half of the roof project that was completed and have time to complete the façade project as originally proposed, which was approved via Resolution #2018-48 on August 13, 2018;

**WHEREAS**, the applicant has been ill and has not been able to complete the second project within the first six-month extension period and requested a second six-month extension based on hardship so that he can be reimbursed for half of the roof project that was completed and have time to complete the façade project as originally proposed;

**WHEREAS**, staff reviewed the request for a six-month extension due to hardship in having become ill during the time needed to complete both projects covered under the application and is recommending that both the extension and reimbursement (for half of the roofing project be paid upon showing compliance with the guidelines) be

approved by the Commission due to the unexpected and unpreventable hardship experienced by the applicants;

**WHEREAS**, the City believes external improvements to property in the city increase assessed values thereby expanding the tax base and stimulate historic preservation & renovation, which enhance tourism and increases economic activity; and

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

I.

**THAT** the a six-month extension for a Historic District Façade Grant Application and Agreement for Adelmo & Yolanda Luera on behalf of Al's Hair Design located at 321 East Kleberg Avenue, Kingsville, Texas in the downtown area and in the historic district for roof replacement and façade repair be approved due to a health hardship as per the attached; and, the City shall continue to provide as a grant reimbursement the original amount of up to \$5,750.00 so long as all of the terms and conditions of the Historic District Façade Improvement Grant guidelines are met as stated above.

II.

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the 11<sup>th</sup> day of February, 2019.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #8**

**City of Kingsville  
Planning Dept.**

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**TO:** Jesús A. Garza, City Manager  
**CC:** Tom Ginter, Charlie Sosa  
**FROM:** Cynthia Martin, Historic Preservation Officer  
**DATE:** February 4, 2019  
**SUBJECT:** Consultant for Design Guidelines for Kingsville's Local Historic District

---

**Summary:** The City of Kingsville was awarded a Certified Local Government grant to hire a qualified consultant team to prepare Design Guidelines for the Kingsville Local Historic District. This item authorizes the City Manager to enter into an agreement for professional services with Mainstreet Architects Inc. for Design Guidelines for the Kingsville Local Historic District.

**Background:** As growth and development take place in the historic areas of Kingsville, it is desirable to maintain the integrity of existing neighborhoods, to develop more housing options in traditional neighborhoods and to enhance the city's historic downtown center. Design guidelines provide guidance for property owners when they are planning or undertaking a project to make alterations to their house, building or property. These design guidelines may be viewed as best practices to follow in the interest of their individual property, the community and the City of Kingsville.

A Request for Proposal (RFP) for design guidelines was published in the Kingsville Record on December 30, 2018 and again on January 6, 2019 and posted on the city website. Three firms replied to the RFP. A team of city staff: Charlie Sosa, Purchasing Manager; Tom Ginter, Director of Planning & Development Services; and Cynthia Martin, Downtown Manager/Historic Preservation Officer was assembled to review the proposals. All three firms submitting an RFP were based in Texas. Selection interviews were held via phone and references contacted. City staff recommended to the City Manager the contract be awarded to Mainstreet Architects Inc. out of San Antonio.



**City of Kingsville  
Planning Dept.**

Mainstreet Architects has the most experience writing design guidelines of the three firms having completed design guidelines for the City of San Marcos (1999), the Lavaca Neighborhood of San Antonio (1998), the City of Paris (2009), the City of Blanco (2011) and the City of Uvalde (2011). The structure of the design guidelines which they propose, we believe, would result in a more robust product i.e. one with more detail than those proposed by the other firms.

**Financial Impact:** The City successfully applied for a FY2018 CLG grant for this project and was awarded up to \$20,000. Matching funds of \$20,000 have been set aside. Mainstreet Architects Inc. proposed a bid of \$39,250 with estimated reimbursable costs such as printing, lodging and travel to be \$1,850.

**Recommendation:** It is recommended that the contract be awarded to Mainstreet Architects Inc.



# **AGENDA ITEM #9**

**City of Kingsville  
Police Department**

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TO: Mayor and City Commissioners  
CC: Jesus A. Garza, City Manager  
FROM: Ricardo Torres, Chief of Police  
DATE: January 31, 2019  
SUBJECT: 2020 Local Border Security Program (LBSP)

---

**Summary:**

The Kingsville Police Department has been invited to participate in the 2020 Local Border Security Program (LBSP). The grant period is from 09/01/2019 to 08/31/2020.

**Background:**

The purpose of the program is to sustain interagency law enforcement operations and enhance local law enforcement patrols to facilitate directed actions to deter and interdict criminal activity. Program participants shall assist in the execution of coordinated border security operations to:

- 1) Increase the effectiveness and impact of Steady State and Surge Operations.
- 2) Reduce border-related criminal activity in Texas.
- 3) Implement and increase the effectiveness of operational methods, measures, and techniques for outbound/southbound operations.
- 4) Decrease the supply of drugs smuggled into and through Texas from Mexico.
- 5) Disrupt and deter operations of gang and cartel criminal organizations.
- 6) Decrease specifically targeted tactics (such as conveyance methods) for drugs in the Texas border region.
- 7) Decrease use of specific areas for crime as targeted in directed action missions.
- 8) Increase the effectiveness of air operations mission planning and prioritization.
- 9) Increase the coordination and integration of air-ground team operations to include Texas Military Forces (TMF) aviation, United States Customs and Border Protection (USCBP) Air and Marine, Texas Department of Public Safety (DPS) Aircraft Division, and United States Coast Guard (USCG) aviation support.



**City of Kingsville  
Police Department**

- 10) Increase the effectiveness of directed action missions based upon intelligence and analysis to ensure they target the most serious threats and are conducted in high pay-off areas.
- 11) Increase the number and quality of analytical intelligence products developed at the Unified Command and state levels.
- 12) Increase intelligence-based operations at the Unified Command level through integration of TxMap, sector specific information, and intelligence analysis.

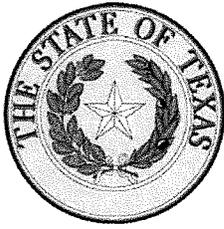
**Financial Impact:**

The grant for "Operation Border Star" is a reimbursement type but does not require any cash match. We are requesting \$80,000.00 in funds to cover personnel costs, fuel and equipment.

**Recommendation:**

We would request a resolution authorizing applying for, participation, acceptance of funds when awarded and a budget amendment for use of the funds from the 2020 Operation Border Star Program. Please place this on the next available agenda. Thank you for your assistance regarding this matter.





Office of the Governor, Public Safety Office  
Homeland Security Grants Division  
Funding Announcement: FY2020 Local  
Border Security Program (LBSP)

## Purpose

The Homeland Security Grants Division (HSGD) is soliciting grant applications under the Local Border Security Program (LBSP) for projects that support Operation Border Star during state fiscal year 2020.

Operation Border Star centers on the use of intelligence to increase the effectiveness of federal, state, and local law enforcement assets. The purpose of the program is to sustain interagency law enforcement operations and enhance local law enforcement patrols to facilitate directed actions to deter and interdict criminal activity. Program participants shall assist in the execution of coordinated border security operations in an effort to:

1. Increase the effectiveness and impact of Steady State and Surge Operations.
2. Reduce border-related criminal activity in Texas.
3. Implement and increase the effectiveness of operational methods, measures, and techniques for outbound/southbound operations.
4. Decrease the supply of drugs smuggled into and through Texas from Mexico.
5. Disrupt and deter operations of gang and cartel criminal organizations.
6. Decrease specifically targeted tactics (such as conveyance methods) for drugs in the Texas border region.
7. Decrease use of specific areas for crime as targeted in directed action missions.
8. Increase the effectiveness of air operations mission planning and prioritization.
9. Increase the coordination and integration of air-ground team operations to include Texas Military Forces (TMF) aviation, United States Customs and Border Protection (USCBP) Air and Marine, Texas Department of Public Safety (DPS) Aircraft Division, and United States Coast Guard (USCG) aviation support.
10. Increase the effectiveness of directed action missions based upon intelligence and analysis to ensure they target the most serious threats and are conducted in high pay-off areas.
11. Increase the number and quality of analytical intelligence products developed at the Unified Command and state levels.
12. Increase intelligence-based operations at the Unified Command level through integration of TxMap, sector specific information, and intelligence analysis.

## Available Funding

State funds for these projects are authorized under the Texas General Appropriations Act, Article I, Rider 21 for Trusteed Programs within the Office of the Governor. All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law.

## Eligible Organizations

1. Units of local government; and
2. Federally Recognized Native American tribes.
3. Eligible applicants must be located within a County within one of the six DPS Joint Operations and Intelligence Centers (JOIC) Regions including:

- a) **El Paso JOIC** – El Paso County.
- b) **Coastal Bend JOIC** – Aransas County, Bee County, Calhoun County, Dewitt County, Goliad County, Gonzales County, Guadalupe County, Jackson County, Jim Wells County, Karnes County, Kleberg County, Lavaca County, Live Oak County, Matagorda County, McMullen County, Nueces County, Refugio County, San Patricio County, Victoria County, and Wharton County.
- c) **Marfa JOIC** – Brewster County, Culberson County, Hudspeth County, Jeff Davis County, Pecos County, Presidio County, Reeves County, and Terrell County.
- d) **Del Rio JOIC** – Dimmit County, Edwards County, Kinney County, Maverick County, Real County, Uvalde County, Val Verde County, and Zavala County.
- e) **Laredo JOIC** – Duval County, Frio County, Jim Hogg County, La Salle County, Webb County, and Zapata County.
- f) **Rio Grande Valley JOIC** – Brooks County, Cameron County, Hidalgo County, Kenedy County, Starr County, and Willacy County.

## Application Process

Applicants must access the Office of the Governor’s eGrants grant management website at <https://eGrants.gov.texas.gov> to register and apply for funding. Additional requirements are included within the online application.

**Note for All Applicants:** Applicants must upload the required Texas Direct Deposit Authorization Form, Texas Application for Payee Identification Number Form, and the IRS W9 Form for each application prior to submission. The eGrants system will not allow an application to be submitted until these forms are attached to the application. These forms are available for download from eGrants at <https://egrants.gov.texas.gov/updates.aspx> under the Financial Management section of “Forms and Guides” or from the “Forms” link on the Profile/Grant.Vendor tab within the grant application.

## Key Dates

Action	Date
<b>Funding Announcement Release</b>	Friday, January 18, 2019
<b>Online System Opening Date</b>	Friday, January 18, 2019
<b>Final Date to Submit and Certify an Application</b>	Thursday, March 28, 2019 5 P.M. CST

## Project Period

Projects selected for funding must begin on or after September 1, 2019 and expire on or before August 31, 2020.

## Funding Levels

Minimum: None

Maximum: None

Match Requirement: None

## Standards

Grantees must comply with standards applicable to this fund source cited in the State Uniform Grant Management Standards (UGMS), [Federal Uniform Grant Guidance](#), and all statutes, requirements, and guidelines applicable to this funding.

## Eligible Activities and Costs

### 1. PERSONNEL - OVERTIME

- a) Overtime for increased patrol and/or investigative capacity for certified peace officers.
- b) Overtime for law enforcement support personnel. These costs may include overtime for personnel necessary to support officers that are on patrol and participating in border security operations, such as Jailer overtime, or Communications Officer/Dispatcher overtime, necessary to maintain a safe Officer to Dispatcher ratio.
- c) Overtime for non-exempt administrative personnel supporting border security grants.
- d) Overtime for law enforcement support and administrative personnel should be limited and anything greater than 10% may not be funded or may require significant additional data and justification.
- e) Applicants must provide a copy of the local overtime policy as approved by its governing board. This policy will be considered the official policy for grant purposes and must be used throughout the grant period. The policy must:
  - i. Clearly describe how overtime will be calculated;
  - ii. Be consistent with the agency's local overtime policy;
  - iii. Treat overtime for grant-paid personnel the same as non-grant paid personnel.
- f) Project Overtime (OT) shall be reimbursed following the grantee's overtime policy and the requirements as stated below:
  - i. OT is time actually worked that exceeds the required number of hours during an employee's designated work period, as per grantee's policies and procedures.
  - ii. OT must be worked to support border security operations.
  - iii. The project OT rate shall be no more than one-and-one-half (1.5) times the employee's regular pay rate.
  - iv. Exempt salaried employees working border security operations may be reimbursed for overtime only if the grantee's overtime policy specifically allows for this.
  - v. HSGD will only reimburse the grantee for OT that does not exceed a total of 16 hours worked (regular plus OT) during any 24-hour period.

### 2. PERSONNEL - REGULAR or STRAIGHT-TIME

- a) Augmentees: Personnel costs for law enforcement personnel who are not regular employees of a funded agency, but are brought on as needed to specifically cover border security operations so that there can be a force multiplier during a period of "surge."
- b) Regular time for law enforcement personnel working border operations. Grant funds must be used to supplement existing funds and not supplant funds that have been budgeted for the same purpose.
- c) Part-time to Full-Time: Personnel costs for part-time law enforcement personnel in order to bring them to temporary full-time status.
- d) Regular time for administrative personnel supporting border security grant activities.

**3. EQUIPMENT:** Costs for equipment, or the rental of equipment, which will benefit the border security mission and will be routinely utilized during border security operations.

**4. SUPPLIES and DIRECT OPERATING EXPENSE:** Certain operational costs are also allowable, such as vehicle operating costs or costs for minor emergency repairs as described below, or for other services pre-approved by the HSGD that are critical to success of the program.

- a) The cost of fuel, lubricants, and minor emergency repairs or maintenance for vehicles, aircraft, boats, generators, and similar equipment used during the hours in which grant-funded staff are working.
- b) Only actual expenses supported by invoiced gas, oil, and repair or maintenance receipts may be reimbursed under this grant.
- c) Maintenance costs must be prorated to show the usage of vehicles or equipment for regular law enforcement duties as compared to usage while officers are working grant-paid patrols.
- d) The cost of minor emergency repairs, such as tire repair or fan belt replacement, to vehicles or equipment used in program operations is allowable.

## Program-Specific Requirements

1. Eligible applicants must agree to perform the following activities:
  - a) Participate in operational planning and coordination meetings, information/intelligence sharing meetings, and After Action Reviews (AARs) established by the Texas Department of Public Safety's (DPS) Joint Operations and Intelligence Centers (JOIC).
  - b) Participate weekly on the JOIC Unified Command conference calls or meetings as required by the JOIC.
  - c) Report significant border-related events that occur during each 24-hour period.
  - d) Conduct enhanced law enforcement patrolling activities.
  - e) Recognize and react to information/intelligence to adjust times and locations of enhanced patrol activities.
  - f) Identify significant border-related trends or areas of interest that may be developed into focus areas for future operations.
  - g) Conduct surveillance, interdictions, investigations, and collect and disseminate information within its jurisdiction or cross-jurisdiction lines as required.
  - h) Conduct Steady State operations and respond to calls for service.
  - i) Integrate air, ground, marine, and remote operations.

2. Eligible applicants must agree to submit the daily Border Incident Assessment Report (BIAR).

The grantee shall report all border-related events to the JOIC using the BIAR. BIAR reporting shall include events that occur during Enhanced Operation activities AND events that occur during Steady State activities. Enhanced (Surge) Operations originate out of the use of LBSP funds when the local agency chooses to increase the hours of patrol or the number of investigative bodies. Steady State activities are defined as normal patrol or investigative duties that do not use grant funds, but directly impact the overall LBSP mission, such as organized crime arrests, terroristic activities, weapons trafficking arrests, kidnappings, human trafficking, human smuggling, home invasions with a border or organized crime nexus, illegal immigration, border-related murders, gang-related murders, vehicle thefts, or drug trafficking.

The BIAR is the primary incident and information-reporting tool for the grantee in local border security operations. The grantee shall ensure all BIARs conform to the respective standards outlined by the JOIC and are submitted within 24 hours of the end of shift and/or the timeframes established by the JOIC.

## Eligibility Requirements

1. Entities receiving funds from HSGD must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the Texas Code of Criminal Procedure, Chapter 60. This disposition completeness percentage is defined as

the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

2. Eligible applicants operating a law enforcement agency must be current on reporting Part I violent crime data to the Texas Department of Public Safety (DPS) for inclusion in the annual Uniform Crime Report (UCR). To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year.

**Note:** *The Texas Department of Public Safety (DPS) has established a goal set by the Texas Legislature for all local law enforcement agencies to implement and report crime statistics data by using the requirements of the National Incident-Based Reporting System (NIBRS) no later than September 1, 2019. Additionally, the Federal Bureau of Investigations (FBI) will collect required crime statistics solely through the NIBRS starting January 1, 2021. Due to these upcoming state and federal deadlines, grantees are advised that eligibility for future grant funding may be tied to compliance with NIBRS. Financial grant assistance for transitioning to NIBRS may be available for your jurisdiction from the Criminal Justice Division (CJD).*

3. Local units of government, including cities, counties and other general purpose political subdivisions, as appropriate, and institutions of higher education that operate a law enforcement agency, must comply with all aspects of the programs and procedures utilized by the U.S. Department of Homeland Security (“DHS”) to: (1) notify DHS of all information requested by DHS related to illegal aliens in Agency’s custody; and (2) detain such illegal aliens in accordance with requests by DHS. Additionally, counties and municipalities may NOT have in effect, purport to have in effect, or make themselves subject to or bound by, any law, rule, policy, or practice (written or unwritten) that would: (1) require or authorize the public disclosure of federal law enforcement information in order to conceal, harbor, or shield from detection fugitives from justice or aliens illegally in the United States; or (2) impede federal officers from exercising authority under 8 U.S.C. § 1226(a), § 1226(c), § 1231(a), § 1357(a), § 1366(1), or § 1366(3). Lastly, eligible applicants must comply with all provisions, policies, and penalties found in Chapter 752, Subchapter C of the Texas Government Code.

Each local unit of government, and institution of higher education that operates a law enforcement agency, must download, complete and then upload into eGrants the [CEO/Law Enforcement Certifications and Assurances Form](#) certifying compliance with federal and state immigration enforcement requirements. This Form is required for each application submitted to OOG and is active until August 31, 2021 or the end of the grant period, whichever is later.

4. Eligible applicants must have a DUNS (Data Universal Numbering System) number assigned to its agency (to request a DUNS number, go to <http://fedgov.dnb.com/webform/displayHomePage.do>).
5. Eligible applicants must be registered in the federal System for Award Management (SAM) database located at <https://sam.gov/>.

Failure to comply with program eligibility requirements may cause funds to be withheld and/or suspension or termination of grant funds.

## Prohibitions

Grant funds may **not** be used to support the unallowable costs listed in the [Guide to Grants](#) or any of the following unallowable costs:

1. inherently religious activities such as prayer, worship, religious instruction, or proselytization;
2. lobbying;

3. any portion of the salary of, or any other compensation for, an elected or appointed government official;
4. backfill costs for personnel participating in operations;
5. vehicles or equipment for government agencies that are for general agency use;
6. weapons, ammunition, tasers, or explosives;
7. admission fees or tickets to any amusement park, recreational activity or sporting event;
8. promotional gifts;
9. food, meals, beverages, or other refreshments, except for eligible per diem associated with grant-related travel;
10. membership dues for individuals;
11. any expense or service that is readily available at no cost to the grant project;
12. any use of grant funds to replace (supplant) funds that have been budgeted for the same purpose through non-grant sources;
13. fundraising;
14. construction;
15. medical services;
16. legal services for adult offenders; and
17. any other prohibition imposed by federal, state, or local law.

## Selection Process

**Application Screening:** HSGD will screen all applications to ensure that they meet the requirements included in the funding announcement. HSGD will make all final funding decisions as described below.

**Peer/Merit Review:** Applications will be reviewed by HSGD staff in consultation with DPS Regional JOIC representatives. Funding decisions will be based on eligibility and operational content, which includes, but is not limited to, the following:

1. Compliance - Past compliance with grant requirements, reporting, and information sharing.
2. Performance – Impact and effectiveness of the Applicant’s participation in previous border security operations or activities, and effectiveness in using grant funds awarded for border security.
3. Risk – The Applicant’s need as indicated by data available on border-related criminal activity, population, number of officers, and other factors.
4. Other Funding – The Applicant’s history of applying for, receiving, and/or effectively utilizing other sources of funding available to support border security activities (e.g. Operation Stonegarden).

**Final Decisions – All Projects:** The Executive Director will consider rankings along with other factors and make all final funding decisions. Other factors may include cost effectiveness, overall funds availability, HSGD or state government priorities and strategies, legislative directives, need, geographic distribution, balance of focuses and approaches, or other relevant factors.

HSGD may not fund all applications or may only award part of the amount requested. In the event that funding requests exceed available funds, HSGD may revise projects to address a more limited focus.

## Contact Information

For more information, contact the eGrants help desk at [eGrants@gov.texas.gov](mailto:eGrants@gov.texas.gov) or (512) 463-1919.

RESOLUTION NO. 2019-\_\_\_\_\_

**A RESOLUTION AUTHORIZING APPLICATION FOR, PARTICIPATION IN, AND ACCEPTANCE OF FUNDS FROM THE 2020 OPERATION BORDER STAR PROGRAM WITH THE HOMELAND SECURITY GRANTS DIVISION OF THE GOVERNOR'S OFFICE FOR LOCAL BORDER SECURITY TO INTERDICT CRIMINAL ACTIVITY WITH NO ANTICIPATED CASH MATCH; AUTHORIZING THE CHIEF OF POLICE TO ACT ON THE CITY'S BEHALF WITH SUCH PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Homeland Security Grants Division of the Governor's Office has invited the City of Kingsville Police Department to participate in a grant for the 2020 Local Border Security Program (Operation Border Star) in an effort to deter and facilitate directed actions to interdict criminal activity; and

**WHEREAS**, the City of Kingsville has previously been allowed to apply for reimbursement of overtime personnel costs for law enforcement personnel and dispatchers, and other allowed costs associated with this project that will assist with the deterrence of illegal activity in our area;

**WHEREAS**, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville, that the Kingsville Police Department participate in an application to the Office of the Governor's Homeland Security Grant Division for the 2020 Local Border Security Program (also known as Operation Border Star) for grant monies for reimbursement for personnel costs, fuel, equipment, and maintenance for law enforcement purposes for grant cycle of September 1, 2019 to August 31, 2020; and

**WHEREAS**, the City agrees to provide the applicable matching funds for the said project, if any, as required by the Office of the Governor for the Operation Border Star Grant Program grant application; and

**WHEREAS**, the City agrees that in the event of loss or misuse of the Office of the Governor grant funds, the City of Kingsville City Commission assures that the funds received through the grant will be returned to the Office of the Governor in full;

**WHEREAS**, the City Commission of the City of Kingsville designates the Kingsville Chief of Police as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency;

**WHEREAS**, the City Kingsville Police Department was recently notified that it has been conditionally approved \$80,000.00 in funds for the Operation Border Star Program grant, which is a reimbursement type grant that does not require any cash match.

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

I.

**THAT** the City Commission of the City of Kingsville approves the submission of the grant application for the 2020 Operation Border Star Grant Program and participation in and acceptance of grant funds reimbursement for personnel costs, fuel, equipment, and maintenance for law enforcement purposes through the Office of the Governor.

II.

**THAT** the City Commission of the City of Kingsville designates the Kingsville Chief of Police as the grantee's authorized official.

III.

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

**PASSED AND APPROVED** by a majority vote of the City Commission the 11th day of February, 2019.

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

**ATTEST:**

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

**APPROVED AS TO FORM**

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

# **AGENDA ITEM #10**

CITY OF KINGSVILLE



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MEMORANDUM

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TO: CITY COMMISSIONERS  
FROM: DEBORAH R BALLI, FINANCE DIRECTOR  
DATE: FEBRUARY 7, 2019  
SUBJECT: APPROVAL OF NEW PCARD AGREEMENT

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Attached for your consideration and approval is a new agreement for P-Card services provided by a new provider, PFM Payment Solutions.

The change in provider is being requested due to additional functionality, increased rebate opportunities, and lower administration costs.

Staff recommends approval of the new agreement with PFM Payment Solutions.

**RESOLUTION #2019-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CORPORATE MASTERCARD PROGRAM MEMBER ACCOUNT AGREEMENT BETWEEN THE CITY OF KINGSVILLE AND BMO HARRIS BANK N.A. FOR P-CARDS; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville desires to provide purchasing cards to assist with purchases as outlined in the City's P-Card Policy; and

**WHEREAS**, BMO Harris Bank N.A. has a Corporate MasterCard program that would meet the City's needs and has submitted a Corporate MasterCard Program Member Account Agreement, which is confidential according to Section 14 on Page 14 of the agreement;

**WHEREAS**, the City staff has worked with BMO Harris Bank N.A. to prepare a Corporate MasterCard Program Member Account Agreement between the two parties for the aforementioned products and services.

**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 Corporate MasterCard Program Member Account Agreement between the City of Kingsville and BMO Harris Bank N.A. 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 \_\_\_\_\_ 11th day of February, 2019.

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Sam R. Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

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Courtney Alvarez, City Attorney

# **AGENDA ITEM #11**

**RESOLUTION #2019-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDED REAL ESTATE LEASE AGREEMENT BETWEEN CITY OF KINGSVILLE AND THE GREATER AREA KINGSVILLE ECONOMIC DEVELOPMENT COUNCIL; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville ("City") and the Greater Area Kingsville Economic Development Council ("EDC") currently have a real estate lease agreement between the two parties and now desire to amend that agreement to change the location for the office space to be leased from the City via Resolution #2017-32 on June 12, 2017;

**WHEREAS**, the City and the Greater Area Kingsville Economic Development Council ("EDC") often work together to recruit and retain businesses in Kingsville;

**WHEREAS**, the City and the EDC believe that having both entities operating out of the same building will facilitate economic development efforts in the community, so they have worked to develop an amended Real Estate Lease Agreement to provide the EDC with two furnished offices and utilities in City Hall, which were formerly located in the City's planning and economic development Cottage Building;

**WHEREAS**, the City of Kingsville and the Greater Area Kingsville Economic Development Council, as well as the community, would all benefit from the agreement; and

**WHEREAS**, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to this agreement to render assistance to one another whenever practical in accordance with the terms of the agreement attached hereto.

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

I.

**THAT** the Mayor is authorized and directed as an act of the City of Kingsville, Texas to enter into and execute an Amended Real Estate Lease Agreement between the City of Kingsville and the Greater Area Kingsville Economic Development Council 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  
11th day of February, 2019.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



## AMENDED REAL ESTATE LEASE AGREEMENT

This is a Lease Agreement by and between the City of Kingsville, a Texas home-rule municipal corporation ("Landlord"), and the Greater Area Kingsville Economic Development Council, a non-profit corporation within the State of Texas ("Tenant").

The parties only desire to amend Section 1 of the existing Real Estate Lease Agreement to reflect a change in location with all other terms and conditions of the agreement staying the same. The parties agree as follows:

1. **Premises:** Landlord, in consideration of the Lease payments provided in the agreement, leases to Tenant two rooms (Suite 213) totaling approximately 503 square feet (one room is approximately 230 sq.ft. & the other room is approximately 273 sq.ft.) (the "Premises") in the City of Kingsville City Hall located at 400 West King Avenue, Kingsville, Texas 78363. Tenant will consult with Landlord to request the use of any spaces other than the two rooms leased. Landlord shall have final say on availability if any conflicting use requests arise.
2. **Term:** The initial Lease term shall be three (3) years and shall commence on July 1, 2017 through June 30, 2020. The Lease will automatically renew for one (1) year renewal terms each year after the initial term, for a maximum total of five (5) years inclusive of the initial term. This Lease may be terminated at any time by any party with or without cause upon sixty (60) days advance written notice. Any notice of termination shall be sent to the other party at the address listed in paragraph 22 of this agreement.
3. **Security Deposit:** Tenant shall pay to the Landlord a security deposit in the sum of (\$250.00), payable on or before move-in.
4. **Lease Payments:** Tenant shall pay to the Landlord a monthly Lease payment of \$600.00, equaling an annual Lease payment totaling \$7,200.00.

Payment is due on the first working day of each month: Such payments shall be made to the Landlord at 400 West King Ave, Kingsville, TX, 78363. Lease payment received after the first working day of the month shall be deemed delinquent. If payment is not received by Landlord by the 10th of each month, Tenant shall pay a late charge of \$50 plus a penalty of \$5 per day until the rent is received in full. Tenant shall pay \$50 for each returned check.

5. **Possession:** Tenant shall be entitled to possession on the first day of the term of this Lease, and shall yield possession to Landlord on the last day of the term of the Lease, unless otherwise agreed by both parties in writing.

6. Use of Premises: Tenant may use the Premises for a professional office only. The Premises may not be used for any other purpose without the prior written consent of the Landlord.
7. Remodeling or Structural Improvements: Tenant shall have no right to conduct any construction or remodeling of the Premises. If Tenant believes they need to construct a fixture on the Premises (at the Tenant's expense) that appropriately facilitate its use for such purposes, then Tenant must submit a request for the proposed fixture and installation details in writing to Landlord. Only with the prior written consent of the Landlord would such construction be undertaken and such fixtures be erected. At the end of the Lease term, Tenant shall be entitled to remove (or at the request of Landlord shall remove) such fixtures, and shall restore the Premises to substantially the same condition of the Premises at the commencement of the Lease.
8. Maintenance: Landlord shall have the obligation to maintain the Premises in good repair at all times.
9. Access by Landlord to Premises: Subject to Tenant's consent (which shall not be unreasonably withheld), Landlord shall have the right to enter the leased Premises to make inspections, provide necessary services, or show the unit to prospective tenants, or workmen. As provided by law, in the case of an emergency, Landlord may enter the Premises without Tenant's consent.
10. Utilities and Services: Landlord shall pay for the following services for the Leased Property: air conditioning and heating; electricity for air conditioning, heating, lighting and other purposes; replacement of overhead electric lamps; water and sewage charges; replacement of broken glass; window washing; and maintenance and repairs of all common areas. Landlord shall provide basic office furnishings, phones, copier, internet, and computers, which will remain city property. Tenant's users of electronic devices owned by the City or using the City's internet or the City's WIFI are subject to the City's Acceptable Use Policy found in the City of Kingsville's Administration Policy Book, Policy # 890.11- Acceptable Use.
11. Quiet Possession: So long as the Tenant performs its obligations, Landlord warrants that the Tenant shall have quiet and peaceful possession of the Leased Property and the right to use it free of interference from excessive noise, noxious or unpleasant fumes or odors, or other disturbances from other tenants of the same building.
12. Signs: All signs, plaques or other identification to be erected by the Tenant shall be subject to advance approval of the Landlord. All signs or other identification approved by Landlord and affixed to the Leased Property shall remain the property of the Tenant and shall be removed by the Tenant at the end of the Lease and the Tenant shall be responsible for restoring the Leased Property to its original condition. All signs shall conform with local zoning ordinances and regulations and will be at owner's expense.

13. Property Insurance: Landlord and Tenant shall each be responsible to maintain appropriate insurance for their respective interests in the Premises and property located on the Premises.
14. Indemnity Regarding Use of Premises: Tenant agrees to indemnify, hold harmless, and defend Landlord from and against any and all losses, claims, liabilities, and expenses, including reasonable attorney fees, if any, which Landlord may suffer or incur in connection with Tenant's use of the Premises.
15. Taxes: Tenant shall pay all real property taxes and personal property taxes and assessments which may be levied against the Premises and which are attributable to Tenant's use of the Premises.
16. Mechanics Liens: Neither the Tenant nor anyone claiming through the Tenant shall have the right to file mechanics liens nor any other kind of lien on the Premises and the filing of this Lease constitutes notice that such liens are invalid. Further, Tenant agrees to give actual advance notice to any contractors, subcontractors, or suppliers of goods, labor, or services that such liens will not be valid.
17. Defaults: Tenant shall be in default of this Lease, if Tenant fails to fulfill any Lease obligation or term by which Tenant is bound. Subject to any governing provisions of law to the contrary, if Tenant fails to cure any financial obligation within 10 days (or any other obligation within 10 days after written notice of such default is provided) by Landlord to Tenant, Landlord may take possession of the Premises without further notice, and without prejudicing Landlord's rights to damages. In the alternative, Landlord may elect to cure any default and the cost of such action shall be added to Tenant's financial obligations under the Lease. Tenant shall pay all cost, damages, and expenses suffered by Landlord by reason of Tenant's defaults.
18. Damage to Premises: If the Premises or any part of it is made untenable by fire, the elements, or other casualty, rent for the Premises, or the affected portion thereof, shall stop from the date of such casualty to the restoration of tenantability. The Landlord shall restore the Premises with all reasonable speed and, if the Landlord fails to restore the Premises, or the affected part of it, to tenantability within sixty (60) days, the Tenant may then terminate this Lease. If more than fifty percent of the Premises is rendered untenable by such casualty, either the Landlord or the Tenant may terminate this Lease, unless the Landlord can restore the Premises within ninety (90) days of such casualty. No rent shall accrue for the period of untenability.
19. Cumulative Rights: The rights of the parties under this Lease are cumulative, and shall not be construed as exclusive unless otherwise required by law.
20. Assignability/Subletting: Tenant may not assign or sublease any interest in the Premises without the prior written consent of Landlord, which shall not be unreasonably withheld.

21. Notice: Notices under this Lease shall not be deemed valid unless given or served in writing and forwarded by mail, postage prepaid, addressed as follows:

Landlord: City of Kingsville, Texas  
Attention: Mayor  
400 W. King Ave.  
Kingsville, TX 78363  
Telephone: (361) 595-8002  
Facsimile: (361) 595-8024

Tenant: Greater Kingsville Area Economic Development Council  
Attention: President  
P. O. Box 5032  
Kingsville, Texas 78364  
Telephone: (361) 221-6751  
Facsimile: N/A

Such address may be changed from time to time by either party by providing notice as set forth above.

22. Entire Agreement/Amendment: This Lease Agreement contains the entire agreement of the parties and there are no other promises or conditions in any other agreement whether oral or written. This Lease may be modified or amended in writing, if the writing is signed by the party obligated under the amendment.
23. Severability: If any portion of the Lease shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of the Lease is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, such provision shall be deemed to be written, construed, and enforced as so limited.
24. Authorization to Execute this Agreement: Each individual executing this Lease Agreement on behalf of a corporation or other entity warrants that he or she is authorized to execute this Lease Agreement on behalf of such corporation or other entity and that this Lease Agreement is binding upon such corporation or other entity.

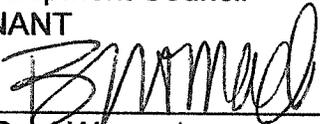
The parties hereby make this Lease Agreement effective by signing as shown below.

City of Kingsville, Texas

Greater Kingsville Area Economic  
Development Council  
TENANT

LANDLORD

By: \_\_\_\_\_  
Sam R. Fugate  
Mayor

By:  \_\_\_\_\_  
Brad Womack  
President

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

Date: 2/1/19 \_\_\_\_\_