

City of Kingsville, Texas

AGENDA CITY COMMISSION


MONDAY, JANUARY 28, 2013
REGULAR MEETING

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

I. Preliminary Proceedings.

OPEN MEETING

APPROVED BY:



Vincent J. Capell
City Manager

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S) – Required by Law

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

1. Public hearing on proposed ordinance amending the zoning ordinance by granting a Special Use Permit for 1727 S. 7th Street (Lots 20-21, Southmore AC) for a lawn service and tree trimming business, amending the comprehensive plan to account for any deviations from the existing comprehensive plan, providing for publication. (Director of Planning & Development Services).

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

"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development , Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works- Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel

Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor. No formal action can be taken on these items at this time."

IV. Public Comment on Agenda Items³

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

V.

Consent Agenda

Notice to the Public

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage of an ordinance vacating, abandoning, and closing Block 11, Lots 1-15, including a 20' alley, and a utility easement in Young Terrace Addition Subdivision. (City Engineer/Public Works Director).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2012-2013 budget for the General Fund for the Street Department to receive funding for street improvements and repairs for work done in front of the Santa Gertrudis Independent School District Administration and School building. (City Engineer/Public Works Director).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2012-2013 budget for the Police Department to purchase an ID Card System from Fiscal Year 2012 surplus. (Chief of Police).
4. Motion to approve final passage of an ordinance amending the Fiscal Year 2012-2013 budget for the General Fund's City Administration Dept. for an increase in compensation as a result of the City Manager's new Professional Services Contract. (Finance Director).
5. Motion to approve resolution authorizing the City Manager to execute an Administrative Services Agreement with Nationwide Retirement Solutions, Inc. for a deferred compensation plan for city employees. (Human Resources Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

6. Consider resolution establishing Guidelines and Criteria for Stimulating Economic Development within the City; authorizing the City Manager to accept applications on

behalf of the City for presentation to the Commission; and providing for evaluation of each application for conformity with such Guidelines and Criteria prior to submission to the Commission. (Director of Planning & Economic Development).

7. Consider introduction of an ordinance amending the zoning ordinance by granting a Special Use Permit for 1727 S. 7th Street (Lots 20-21, Southmore AC) for a lawn service and tree trimming business, amending the comprehensive plan to account for any deviations from the existing comprehensive plan, providing for publication. (Director of Planning & Economic Development).

8. Discussion on possible reduction of the Landfill's hours of operation on Saturdays. (City Engineer/Public Works Director)

VII. Adjournment.

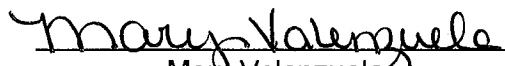
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

NOTICE

This City of Kingsville and Commission Chambers are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/595-8002 or FAX 361/595-8024 or E-Mail mvalenzuela@cityofkingsville.com for further information. Braille Is Not Available. The City Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.086 (Certain Public Power Utilities: Competitive Matters), and 551.087 (Economic Development).

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

January 23, 2013 at 4:30 P.M. and remained so posted continuously for at least 72 hours preceding the schedule time of said meeting.


Mary Valenzuela
City Secretary
City of Kingsville, Texas

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

By: _____
City Secretary's Office
City of Kingsville, Texas

MINUTES OF PREVIOUS MEETING(S)

JANUARY 14, 2013

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JANUARY 14, 2013 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

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

CITY STAFF PRESENT:

Vincent J. Capell, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
David Mason, Purchasing Director
Mark Rushing, Finance Director
Mike Kellam, Director of Development Services
Diana Gonzales, Personnel Director
Diana Medina, Collections Manager
Bill Donnell, Asst. Public Works Director
Rick Torres, Chief of Police
Roel Carrion, Interim Fire Chief
Emilio Garcia, Health Director
Bob Trescott, Tourism Director
Naim Kahn, Public Works Director/City Engineer
Melissa Perez, Risk Manager
Willie Vera, Task Force Commander
Ruthie Valdez, Interim Library Director
Cynthia Martin, Downtown and Volunteer Manager
Tony Verdin, Computer Technician

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the City Commission Chamber at 6:00 P.M. and announced quorum as present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Mark Rushing, Finance Director, followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Mayor Fugate called for consideration of the minutes for regular meeting held on Monday, December 10, 2012 and special meeting on Wednesday, December 19, 2012. **Commissioner Leubert made a motion to accept the minutes as presented,**

second by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".

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

1. None.

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

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

Mr. Vincent Capell, City Manager, announced that the new Fire Chief, Mr. Joey Reed will begin his official duties on Monday, January 21, 2013. Mr. Reed will begin his orientation sometime this week. Mr. Capell recognized and thanked Mr. Roel Carrion for his duties as Interim Fire Chief. Mr. Carrion has been in the position of Interim Fire Chief for the past 11 months.

Ms. Cynthia Martin, Downtown and Volunteer Manager stated that she would like to report that there were some highly qualified candidates that applied for appointment to Historic Development Board to fill the current vacancies. Ms. Martin introduced Candace Jefferson who is a native of Kingsville. Ms. Jefferson is a Human Resources Coordinator with Christus Spohn Memorial Hospital, Corpus Christi, TX. The second candidate is Erinn McComb, who has recently moved to the area. Ms. McComb has received her Ph.D. from Mississippi State University in 2012 and is a History Lecturer at Texas A&M University-Kingsville. The third candidate is Mr. Floyd Holder, who is a Lecturer in the Political Science Department at Texas A&M University-Kingsville. Mr. Holder has received his Master Degree in Political Science from Texas Tech University and a Masters in Public Administration with a Minor in Urban and Environmental Planning from Texas State University.

Mrs. Courtney Alvarez, City Attorney, announced that all agenda items for the next Commission meeting of January 28, 2013 are due Friday, January 18th. She further stated that Monday, January 21st is a City Holiday, Martin Luther King Day, therefore most City offices will be closed. Next Trash off Day is scheduled for Saturday, January 26th from 8:00 a.m. – 12:00 p.m. at 6th & E. Ave. B.

IV. Public Comment on Agenda Items ³

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

Mr. Larry Garcia, 103 W. Sage Road, stated that roads in this area are in bad condition. He stated that he has spoken to Mr. Naim Kahn, City Engineer/Public Works Director who stated back in 2011 that this road would be paved but nothing has been done to date. He stated that there is trash throughout the road and there are signs posted for No Dumping within this area. He further stated that police do not patrol around his neighborhood, and with the amount of taxes he pays and others who live in this area, he feels that this area should have a nice road with sidewalks as well as those benefits that all other citizens are receiving.

Mr. Alfred Issasi, 213 W. Sage Road, commented on the roads within the same area as Mr. Garcia. He further stated that some areas are paved but would like to see the entire area paved.

Jackie Chapa Guerrero, 321 W. Sage Road, stated that citizens who reside on Sage Road tried to come as a community in their block to speak with regards to having a paved road in their area.

Lance Hamm, 912 South Creek, stated that he would like to comment on the 75 mph speed limit on Hwy 77, specifically near the South Creek Subdivision. Mr. Hamm stated that this is a conversation they have had for the past 6-8 months and is hoping that Texas Department of Transportation (TXDOT) comes around and considers the 65 mph that they are requesting. He further stated that there is a slight chance that TXDOT may not approve their request therefore he has come to address a couple of points regarding the speed limit. He stated the speed limit is 75 mph within a city intersection in which he feels that throughout the United States you would not find that high of a speed limit within an intersection. He further stated that there are no street lights or flashing yellow lights within this intersection. He has researched the accidents in this location and history shows that there have been 31 fatalities on Hwy 77 in the past 31 years. He would like to see the speed lowered within this area.

Fred Bigelow, 916 South Creek, stated two months ago he witnessed a head on collision near Driscoll killing both drivers. He stated that it makes no sense that TXDOT would increase the speed limit to 75 mph for three tenths of a mile before entering the south city limits. He doesn't understand why TXDOT didn't handle the speed limit in the south location of the city limits as they did in the north location of the city limits. He stated that heavy traffic and fast speed is not a safe mix. He would like to see the speed limits lowered to 65 mph or lower.

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)

Mayor Fugate asked for a motion to approve the consent agenda items as presented. Commissioner Leubert made a motion to approve the consent agenda as presented, second by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".

1. Motion to approve out-of-state travel for City Commission and Staff to attend the National League of Cities Congress of Cities 2013 Congressional City Conference on March 9-13, 2013, in Washington, D.C. (City Manager).
2. Motion to approve out-of-state travel for Special Agent Mike Tamez to attend Drug Interdiction Assistance Program (DIAP) Commercial Motor Vehicle Criminal Interdiction Course on January 28-30, 2013 in Glendale, Arizona with DIAP paying for travel and per diem expenses. (Task Force Commander).
3. Motion to approve resolution authorizing the release of Chapter 59 funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to the Douglass Center. (Task Force Commander).
4. Motion to appoint Candace Jefferson for a 3 year term to the City Historic Preservation Commission. (Tourism Director).
5. Motion to appoint Floyd W. Holder, IV for a 3 year term to the City Historic Preservation Commission. (Tourism Director).
6. Motion to appoint Erinn Catherine McComb for a 3 year term to the City Historic Preservation Commission. (Tourism Director).
7. Motion to approve resolution to continue participation in the Texas Main Street Program, authorizing the Mayor to execute Texas Main Street Letter Agreement, and designating Downtown Manager Cynthia Martin as the Main Street Program Manager for the City of Kingsville to coordinate program activities. (Tourism Director).
8. Motion to approve resolution authorizing the Mayor to execute a Certification Agreement between the Texas Historical Commission and the City of Kingsville, Texas for participation in the Certified Local Government (CLG) program and designating Downtown Manager Cynthia Martin as the CLG Representative for the City to coordinate program activities. (Tourism Director).
9. Motion to approve resolution designating Downtown Manager Cynthia Martin as the City Historic Preservation Officer. (Tourism Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

10. Consideration and approval of an ordinance authorizing the issuance of "City of Kingsville, Texas Certificates of Obligations, Series 2013" and approving all other matters related to the issuance of the certificates of obligations. (Finance Director).

Mr. Mark Rushing, Finance Director, stated that staff has distributed to the Commission handouts one being for the new money for 2013 and the other for refunding. He stated that a competitive bid was done today and it came in very favorable. We received 7 bids on the new money and 4 bids for the refunding. Mr. Rushing stated that Anne Entrekin, Managing Director of First Southwest has come in to explain to the Commission about the bid process.

Ms. Anne Entrekin, Managing Director of First Southwest, presented to the Commission a handout explaining the Limited Tax Refunding Bonds, Series 2013 and Certificates of Obligation, Series 2013. She stated that she would like to give the Commission a market update. We have had volatility in the market since she last addressed the Commission a few months ago. In the Bond Buyers Index of 20 Municipal Bonds which comes out every Thursday shows the lowest rate which was December 6, 2012 when rates dipped down to a 3.27%. The current rate is at 3.60% and so there is a 33 bases point differential but there is a couple of things to mention. Part of why we saw the market dislocation was that the market was great through the first week in December and then it really fell apart which a lot of people believed it had to do with what was going on from the perspective of the Fiscal Cliff. The good news is that the market has really gotten its footing back and this is a number from last week as she suspects that the number from this week, especially based on the rate the City of Kingsville received. We are going to see the rates for this week have gone down again. We are seeing some underwrites and others that are making recommendations that you need to have your bond sale prior or at least no later than the week of February 4th. There is a concern that all of this is going to happen again especially when we start talking about the debt ceiling. When going back and looking at this before, there was great increase in interest rates and again additional volatility, so this is a very good timing in being in this particular window of time. We missed the December issue were in now and hopefully we'll be ahead on what may happen in the February time frame. She further stated that the spread or differential rates have been compressed since 2008, but are significantly wider than past years. Ms. Entrekin stated that she would like to compliment city staff for their hard work and good financial practices and policies. She further stated that when we talk about the results that were received on the bid, that we would come back to the A+ rating because it turned out to be very important in the bids that were received. The bid results were done a little different this time. Their recommendation to the City was to utilize the competitive sale method verses the negotiated method. She stated that it has been very interesting in the years that she has had the honors to work with Kingsville. All the sales that have been done have been on a negotiated bases. But really over

the last year, the market has changed dramatically and there has not been a supply in the market. And so, she has seen extremely aggressive bids and a lot of firms that normally don't do business in Texas, are making very aggressive bids in Texas now. There is a two-fold reason for this, one being that Texas is a larger market, so our debt issuance is higher than we see in a lot of other states. Secondly, the economic condition in Texas is much stronger than it is in a lot of other parts so there is a confidence in the Texas Issues. So we have two issues for the Commissioners consideration this evening, the Certificates of Obligations and the Refunding Bonds, which were intentionally bid separately because we didn't know if the different duration, we might end up with two different underwriters. There were seven bidders on the \$5.2 million. The winning bid was SAMCO Capital Markets, Dallas, TX. One of the things that was very interesting was there were this number of bidders but we had 50 base points spread between the high bid and the low bid. This is very significant when you think how compressed the market is when you see there is a 4 base point differential between the winning bid and the cover which is pretty narrow spread. She stated that the total insurance premium is zero for this bid. The City of Kingsville qualified for insurance with its strong financial and A+ Rating, and what they did was allow it to be the bidder's option as to whether they wanted to utilize insurance or not utilize insurance. We were very pleased to see that because of what they have seen in the market and the city's very strong A+ Rating, the bidder made the decision not to use insurance and go on the city's rating. She stated that this is a real compliment to the City and believes that the City received a better bid by them not utilizing the insurance then if they had. This is a great indication of an upgrade that the city received a couple of years ago and how valuable that is to the market right now. We also had the Limited Tax Refund Bonds and this is a shorter maturity that only went out to the year 2023. Coincidentally the winning bid on this one was also SAMCO Capital Markets, Dallas, TX. There were only four bidders on this bond issue verses seven. Given the final maturity and the structure there were certain firms that didn't feel that their customer base wanted the shorter maturity. The low bid is a 1.499099, the high bid is 1.980113. Again you see a 49 base point differential between the high and the low bid for a shorter transaction. The insurance premium is zero as well. Ms. Entrekin stated that one of the things that was more compelling was we went back and pulled what the results were from 2011 to compare them. In 2011 we received a 3.903% and today it is a 2.484% interest. In 2013 insurance wasn't used and the A+ Rating was strong and that's what the market wanted to go with just on the city's rating. In 2011 the 3.903% was with municipal bond insurance. From a cash flow perspective, we break out the debt service. On the new money we had two components, a drainage component as well as a street component. Drainage is going to be paid for on self supporting bases by a drainage fee that the city has put in place. What they have done with the street is put in a wrap structure pushing the first principal payment out past when we start having a drop off for the debt service for the city. We have interest only and targeted the savings in these first couple of years to give the city an additional capacity. Debt service shows \$965,000 principal on the streets and has a higher deposit on the project fund. This is the way the bidder came in which has a pretty significant premium. Now in the Sources of Funds, it shows \$4,265,000 for the Par Amount

which the city gets a deposit to the project fund of \$4,325,000 and on the streets \$965,000 Par Amount related to that portion but the city does receive a full \$975,136 deposit to the streets. Regarding the Refunding, the original coupon range from 4.100% to 4.650% with a call date on 2/20/2013 is about \$1,245,000. On the refunding Par Amount, it is \$1,260,000 with gross savings of \$125,778. The projected gross savings back on November 26, 2012 was \$100,289 so we have \$25,000 more than projected and on a net present value basis is \$120,000. When we talked about it before, we thought that the net present value savings were only going to be about 7.719% and in reality it's a 9.643%. Refunding actually saved significantly more than what was anticipated which was helpful in giving the city capacity to fund the street. The calculation shows that the city can be assured that for 2014 fiscal year the INS Tax Rate will be exactly the same that it was in 2012 which was the challenge that city staff gave them to make sure, that they would be able to meet the objective from the Commission to be able to do that. Ms. Entrekin stated that after working with Mr. Rushing, they will be using what they have determined to be a reasonable and improvement of the INS Fund Balance to offset the differential so the tax rate may stay the same for the first three years. Ms. Entrekin stated that they would recommend the City approve the bid from the Underwriter for the new money as well as the refund. She further stated that they would like to extend their appreciation to the City Staff, especially Mr. Rushing, Mr. Capell and Mrs. Alvarez for all their assistance in making this a successful process and transaction. She further thanked the Bond Counsel, Winstead, and Underwriter SAMCO Capital Markets, Inc., for their efforts. She also thanked her colleagues who have assisted her in this process.

Mayor Fugate stated that through the years the City looks at refunding and this was the last thing that needed to be done to get us where we need to be.

Ms. Entrekin stated that there were two bonds that were looked at which were 2002 and 2007. The problem is that we are a little bit away from a call date, so it had a lot of what is called negative arbitrage. She believes that if the market stays relatively in the same range, the City will have another refinancing opportunity as we get closer to the call date. She further stated that what was set up today for the competitive sale is that they have electronic access and set up a webinar that several city staff members were able to see the bids coming in and how it worked.

Commissioner Garcia stated that after looking at the report, the overall net burden is what we consider a moderate \$2,428.00 per capita and moderately high 9.2%. He asked Ms. Entrekin that within her dealings with other municipalities, what she has seen as a debt per capita.

Ms. Enterkin stated that they look at cities that are growing and looked at cities that are matured. A growing city whether they have a population of 1,000, 10,000 or 100,000 has a whole different set of challenges than a city that has matured. When replacing infrastructure and investing back in the community, sometimes they do see it higher but a lot of times it's just until you get where you are caught up with making sure that infrastructure is in place and accommodating some of the growth the city has had verses other communities that may be low. But

maybe they don't have the growth and not necessarily keeping up with their infrastructure.

Mayor Fugate asked Mrs. Alvarez for her opinion on this issue.

Mrs. Alvarez stated that the sales process was very interesting to watch since it was the first time it had been done this particular way. She stated that staff has been working with bond counsel at Winstead for several months with preliminary offering statement and ordinances for both of these documents. The red line version of the ordinances shows how the sales numbers have impacted the last draft. This is one of the few areas that under our City Charter we don't have to declare an emergency in order to introduce and approve an ordinance in the same night. There is a provision in the Local Government Code that the Legislature has carved out for cities to be able to do that regardless of what their Charter says.

Mr. Dan Martinez of First Southwest, stated that the city had a great pricing based on the numbers he has seen. He stated that he will be going in front of the Attorney General to get the two transactions approved for the city.

Mr. Capell thanked Ms. Entrekin and city staff for all their great work on this issue.

Motion made by Commissioner Pena to approve the ordinance authorizing the issuance of "City of Kingsville, Texas Certificates of Obligations Series 2013", second by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting "FOR".

11. Consideration and approval of an ordinance authorizing the issuance of "City of Kingsville, Texas Limited Tax Refunding Bonds, Series 2013"; a purchase contract; a paying agent/registrar agreement; and approving all other matters related thereto. (Finance Director).

Motion made by Commissioner Garcia to approve the ordinance authorizing the issuance of "City of Kingsville, Texas Limited Tax Refunding Bonds, Series 2013", second by Commissioner Pecos & Pena. The motion was passed and approved by the following vote: Pena, Garcia, Leubert, Pecos, Fugate voting "FOR".

12. Discuss speed limit on US Highway 77 through city limits. (Commissioner Garcia).

Mr. Ismael Soto, Director of Transportation Operations for the Corpus Christi District stated that the state legislature has approved the increase of speed limit to 75 – 80 mph on designated highways.

Mayor Fugate stated that while driving to Corpus Christi he drives through Robstown's expressway which has feeder roads and the speed limit drops down to 55 mph. He further stated that in Kingsville we have a highway that doesn't have any feeder roads and not only having a subdivision that feeds into the highway but also an RV Park.

Mr. Soto stated that the speed limit in the area that the Mayor is talking about has been raised.

Mr. Fugate stated that as Mayor of this City he would like to have the speed limit on Hwy 77 near the South Creek Subdivision and RV Park looked into and possibly lowered.

Mr. Soto stated that everyone has an opinion as to what the speed limit should be in their area. He further stated that legislature has asked for more realistic speed limits throughout Texas Highways. Mr. Soto stated that there has to be a method and the universal method is to go out there and measure how fast people are traveling. He further stated that the lowest they could drop the speed limit would probably be 70 mph which is the speed limit it was before being changed.

Commissioner Leubert asked if what Mr. Soto was saying that the lowest speed he could drop it to is 70 mph. Mr. Soto stated yes. Commissioner Leubert asked if all his decisions are based on studies verses people who live in the area.

Mr. Soto stated that they would also go in and do crash analysis.

Commissioner Pena asked if Mr. Soto didn't have a crash analysis right now.

Mr. Soto stated that they have done a crash analysis. He stated that the existent crash rate is lower than the state average.

Mayor Fugate stated that if there is anyway Mr. Soto could help the citizens of the South Creek Subdivision and RV Park he would greatly appreciate it. He further stated that it's not if it's going to happen but when it's going to happen that we have a major accident near this area. We definitely don't want to wait for this to happen in order for us to do something about it.

Mr. Soto stated that he doesn't feel that the speed limit can drop to 65 mph in this location.

Commissioner Leubert asked if he could find out why it wouldn't be possible. She further stated that all they are asking for is a reasonable and safe speed limit. She stated that she would like for the engineers who perform this study to visit the subdivision and RV Park and see how dangerous that highway is with the speed limit being so high.

Discussion item only.

13. Consider awarding bid for 16" emergency water line extension along General Cavazos Blvd. as per staff recommendation. (Bid #13-04). (Director of Purchasing & IT).

Mr. David Mason, Purchasing Director stated that the city advertised for seal bids on December 2nd and December 9th, 2012 and proposals were originally to be accepted until 1:30 P.M. on December 21st, 2012. One Bid Addendum was issued on December 18th, 2012 and bid opening was extended until 1:30 p.m. on December 27th, 2012. Several bidders showed interest but only two bids were received on that date. One was Hubert Construction for \$246, 000.00 and the other from Etech Construction for \$188,686.25. The recommendation from the Purchasing Department is to award the bid to Etech Construction, Inc., 1115 Cedar Park, San Antonio, TX for \$188,686.25.

Commissioner Leubert made a motion to award the bid to Etech Construction, Inc., second by Commissioner Pecos.

Commissioner Pecos asked what the dollar difference was between both companies.

Mr. Mason stated that the dollar amount difference is \$50,000 to \$60,000. He further stated that Etech Construction, Inc. has done work in Odem and Hondo and has not received any negative comments with regards to his work.

Motion was passed approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".

Mayor Fugate asked Commission if anyone would have an objection to move up agenda item #21 before item #14. No objection was made by the Commission.

14. Consider a resolution authorizing the City Manager to enter into a second revised Water Utility Supply Contract (GOV. Contract #N69450-12-C-0011) between the City of Kingsville and the Federal Government for Naval Air Station-Kingsville for an emergency water line connection. (City Engineer/Public Works Director).

Mr. Naim Kahn, Engineer/Public Works Director stated that currently the city is providing portable water to NAS Kingsville. They have changed their water system and redesigned it and as for the new design they need a 16 inch water line on General Cavazos.

Motion made by Commissioner Garcia to approve the resolution authorizing the City Manager to enter into a second revised water utility supply contract with the Federal Government for Naval Air Station Kingsville, second by Commissioner Pecos. The motion was passed and approve by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".

15. Consider introduction of an ordinance vacating, abandoning, and closing Block 11, Lots 1-15, including a 20' alley, and a utility easement in Young Terrace Addition Subdivision. (City Engineer/Public Works Director).

Mr. Kahn stated that the plat of Young Terrace Addition was accepted by the Kingsville Commission on the 19th day of October 1958 and on January 25, 1999 with Ordinance No. 99005, all undeveloped land was abandoned except for a 10' x 118' utility easement and Block 11, lots 1-15, including an alley. Staff has verified with AEP, AT&T, CMA, Center Point and the City's Water and Sanitary Sewer Department that there are no active lines detected within the easement or land depicted in the plat referenced above.

Introduction item only.

16. Consider introduction of an ordinance amending the Fiscal Year 2012-2013 budget for the General Fund for the Street Department to receive funding for street improvements and repairs for work done in front of the Santa Gertrudis Independent School District Administration and School building. (City Engineer/Public Works Director).

Mr. Kahn stated that there was a verbal agreement between SGISD and the City to make a \$10,000 contribution to the city for the project. They have informed the City that they are ready to pay as was initially promised.

Introduction item only.

17. Consider introduction of an ordinance amending the Fiscal Year 2012-2013 budget for the Police Department to purchase an ID Card System from Fiscal Year 2012 surplus. (Chief of Police).

Ricardo Torres, Police Chief stated that they are asking to purchase a new ID Card System. The old printer ribbon for the printer used by our current ID Card System is no longer being manufactured. We found that the new printers do not work with the old software or with the old system that we currently have in house. This will be purchased under DIR Contract. The cost for the equipment is \$4,307.00.

Introduction item only.

18. Consider waiving interest on weed liens for property owned by Lionel H. Alarcon, Lots 11-12, Block 37, Original Town. (Finance Director).

Mr. Rushing stated that Mr. Lionel H. Alarcon has made a request to the City asking to waive the interest on weed liens for property located 323 E. Henrietta. There are five liens filed against the property. If Commission were to approve the waiver of interest the dollar amount waived would be \$787.60. Mr. Lionel H. Alcorn would be required to pay the principal amount of \$2,576.42 plus \$10.55 in interest for the lien filed August 15, 2012 for a total amount due of \$2,586.97. This amount would need to be paid within 30 days after the Commission approval date for the waiver of interest to be effective.

Mayor Fugate asked if Mr. Alarcon is planning on developing this property.

Mr. Capell stated that he has spoken with Mr. Alarcon and doesn't think he has any plans on developing this property.

Commissioner Leubert asked if Mr. Alarcon is going to be paying the interest for the lien filed in 2012. Mr. Rushing stated that yes he would be paying that interest.

Commissioner Garcia stated that this particular property was a tax sale.

Motion made by Commissioner Pecos to waive the interest for the property owned by Mr. Lionel H. Alarcon as per staff recommendation, second by Commissioner Leubert. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting "FOR".

19. Consider resolution authorizing the Mayor to execute a Professional Services Contract for the position of City Manager with Vincent J. Capell. (Mayor Fugate).

Mayor Fugate asked Mrs. Alvarez if there was a need to discuss this contract publicly.

Mrs. Alvarez stated that the document is a public record.

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

20. Consider introduction of an ordinance amending the Fiscal Year 2012-2013 budget for the General Fund's City Administration Dept. for an increase in compensation as a result of the City Manager's new Professional Services Contract. (Finance Director).

Mr. Rushing stated that with the City Manager's annual base salary being increased \$15,000, the following method of funding the increase would be as follows. The FY 2013 Budget Amendment is to increase the expected Garbage Fee Revenue by \$5,371.00 and decrease the Appraisal District Collection Fee by \$5,049.00. The garbage fees were conservatively budgeted in FY 2013 and the Appraisal District finalized budget for the City's portion of the Appraisal District budgeted amount came in less than the amount initially anticipate.

Mayor Fugate asked for clarification so that the citizens would not think that the overall fees are being increased. This is money already built in the existing fee.

Mr. Rushing stated that the estimated revenue for garbage fees appear to be enough to fund this amount.

Introduction item only.

21. Discuss potential revision to Employee Health Benefit Plan for retirees who are no longer eligible for coverage. (Commissioner Pecos).

Agenda item #21 was moved up before item #14 with no objections from Commission.

Commissioner Pecos stated that this started out by Mr. Chito Hinojosa who is a City Retiree after 40 years of service with the City. He stated that Mr. Hinojosa started on the retiree insurance with the City but then started working with Kleberg County. Mr. Hinojosa received insurance benefits from Kleberg County but then decided to quit his job and tried to come back to City insurance. Commissioner Pecos stated that Mr. Hinojosa was forbidden to receive the City retiree insurance.

Mr. Capell stated that the state statute states that once a retiree becomes eligible to participate in a plan of another employer, you lose your eligibility to participate in the city's insurance. Research has been done by staff and has looked as to what other cities around the state are doing in situations like this and found a couple of cities that allow retirees to come back to the city's plan. He stated that by law, once you become eligible from another employer you lose your eligibility to keep your retiree benefits. It's difficult if not impossible to bring one retired employee back without inviting others back.

Mrs. Alvarez commented that you can have a plan of classifications of persons but you can't single out one person at the exclusion of others that fall into that same eligibility.

Mr. Capell stated that there is no right or wrong answer providing additional opportunity to become eligible but it would come out expensive by doing so.

Commissioner Pecos commented that with regards to Mr. Hinojosa, was he receiving regular health insurance or was he under Cobra.

Mr. Capell stated that he was participating in the city's group health plan.

Commissioner Pecos asked, not in the Cobra.

Ms. Diana Gonzales, Human Resources Director, responded no. The retirees are eligible to continue with the city's plan as long as they make their premium payment and there isn't an end date for them.

Commissioner Pecos asked if there is a policy that stated the retiree can come back to the city's health plan.

Mrs. Alvarez stated that it doesn't say, unless it allows them to do it, they can't. It is silent to allowing them back on, so we couldn't allow them back on unless there was a provision that states that they could whatever the circumstance is at that time.

Commissioner Pecos asked if we had anything stating that they can't come back on to the city's plan.

Mrs. Alvarez stated that the fact that it says they can't get back on does not allow them to get back on. She further stated that it somewhat like a statutory construction issue. You would have to look at the four corners of the document and if it's not addressed in there, then it's not allowed.

Commissioner Pecos asked if Mr. Hinojosa was paying as an employee.

Mrs. Alvarez stated that her presumption is that Mr. Hinojosa was paying whatever the retiree rate would be.

Commissioner Pecos asked if the retirement rate is the same as an employee or is it at a higher rate.

Ms. Gonzales stated that the retiree pays the same amount that the city pays for an employee only. So if you have a retiree under the age of 65, they will pay everything that the city pays for an employee only which is less than \$500.00 a month. If the retiree is under the age of 65, than the city contributes half of that premium payment to the retiree only. If the retire would like add their dependants, they pay 100% for them.

Commissioner Pecos asked if once Mr. Hinojosa reaches 65 years of age he is eligible for Medicare, therefore he would use the city's plan as a secondary.

Ms. Gonzales stated that would depend on the medical situation whether the city's plan would be considered primary or Medicare as primary. She further stated that as a retiree they lose the city's contribution when they reach 65 years of age. After 65, they can continue but they would have to pay 100%.

Commissioner Garcia stated that Mr. Hinojosa can continue to pay the city's insurance and have Medicare at the same time.

Ms. Gonzales answered that he could pay 100% of the premium after reaching Medicare eligibility.

Commissioner Garcia stated that the only difference is because Mr. Hinojosa is retired, Medicare becomes his primary and the city's insurance would be his secondary.

Mayor Fugate asked Mr. Rick Medrano of Entrust how this would affect our plan.

Mr. Medrano stated that the plan could be amended but amendments could never be retroactive. It would require for the city to give employees a 60 day advance notice if it's done outside open enrollment. Written notification would need to be provided to those who eligible and have retired after April 1st and would not be able to look at those prior. The plan, when the retiree retired it did not state that it allows them to continue. Anytime an amendment is made or any change to the plan document it becomes a risk and then it becomes a stop loss carries financial liability. If claims are being paid on an individual that does not meet eligibility requirements, the city would be responsible for those dollars. Any changes made must go to the stop loss carrier and get their approval and in the absence of that approval, the city is at risk for all those dollars spend on anyone one individual that doesn't meet the definition.

Commissioner Pena asked if he didn't realize that retirees had insurance once they retired from the city.

Mrs. Alvarez stated that the retiree has an option to be on the plan. The way statue reads and the plan document reads, it isn't the fact that their employed, they can be employed part-time and not have health care benefits through that employer. If you are employed at a place where you have another health insurance benefit plan that you are covered under, you lose you eligibility under the state statue and under the plan document. The state statue gives the parameters that your eligible for insurance once you leave your employment and if you lose one of the conditions of eligibility.

Mayor Fugate stated that by doing this, it may cause the city to raise the rates on the employees in order to make this work.

Ms. Gonzales stated that the city can place some special rules and say that all those who have retired from 2005, but the stop loss carrier would have to have this information stating how many people it would effect. Would it only be the retirees or retiree with its families? The Local Government Code indicates that by state law any city with a population of over 25,000 must offer the retiree benefits.

Commissioner Pecos asked if it would be up to the age of 65.

Ms. Gonzales stated no. The city can step in and state that these are our rules to allow someone to come in, the city is going to say it's 65 and the city will contribute half of the cost. The city can say that we are not going to contribute half of the cost any longer, therefore it being the retiree's responsibility. There are so many different rules that can be set, but the stop loss carrier would have to have some kind of parameters so that they can give us an estimate.

Mayor Fugate stated that whatever the stop loss carrier estimates which would be additional cost to the city.

Commissioner Pecos stated that after having this discussion today, he would like to see some type brochure given to the retiree where the retiree can understand the benefits.

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:50 p.m.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

PUBLIC HEARING(S)

ORDINANCE NO. 2013-_____

AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR 1727 S. 7TH STREET (LOTS 20-21, SOUTHMORE AC) FOR A LAWN SERVICE & TREE TRIMMING BUSINESS; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION.

WHEREAS, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Israel S. Lopez, for amendment to the zoning map of the City of Kingsville;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, January 16, 2013, during a meeting of the Planning Commission, and on Monday, January 28, 2013, during a meeting of the City Commission, in the Commission Chambers, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

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

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended and a Special Use Permit is granted for a lawn service & tree trimming business on the premises known as 1727 South 7th Street, Lots 20-21, Southmore AC, as more specifically describe on site plan attached as Exhibit A.

SECTION 2. That the Special Permit granted in Section 1 of this Ordinance is subject the following conditions:

1. **ALLOWED USE:** The only uses authorized by this Special Permit other than the permitted "R2" Two-Family Residential District uses is as a lawn service & tree trimming business.

2. **TIME LIMIT:** This Special Permit is good for the duration of the business from the date of this ordinance **unless** (a) the property is not being used for the purpose outlined in Condition 1, or (b) any other conditions have not been complied with, or (c) there is a change in ownership of the business.

4. **SPECIAL CONDITION:** (4.1) The applicant shall obtain all required licenses for

operating the business and permits for building, fire and health thereby meeting all adopted codes to operate said business, and shall cooperate with all annual fire safety, health, and sanitation inspections, in order to maintain compliance with state and city regulations for the operation of a lawn service & tree trimming business. (4.2) Outdoor storage of equipment and/or materials shall be limited to small equipment and shall be completely enclosed by a 100% sight obscuring privacy fence to prevent the contents from being visible from the public right-of-way and/or adjacent property. (4.3) No stockpiling of any mulch, brush clippings, grass clippings, rock or other such materials shall be allowed to be stored on the site wherein a nuisance by bee created. (4.5) All activity on site shall be in complete compliance of all City codes, especially the nuisance, building and zoning codes.

SECTION 3. That the official Zoning Map of the City of Kingsville, Texas, is amended to reflect the amendment to the Zoning Ordinance made by Section 1 of this ordinance.

SECTION 4. That the Zoning Ordinance and Zoning Map of the City of Kingsville, Texas, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

SECTION 5. That to the extent that this amendment to the Zoning Ordinance represents a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the Zoning Ordinance, as amended by this ordinance.

SECTION 6. That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

SECTION 7. That publication shall be made in the official publication of the City of Kingsville as required by the City Charter of the City of Kingsville. Codification is not required.

INTRODUCED on this the 28th day of January, 2013.

PASSED AND APPROVED on this the ____ day of February, 2013.

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



Planning & Development Services Department

TO: Mayor & City Commission

THROUGH: Vincent Capell, City Manager

FROM: Michael Kellam, AICP, Director of Planning & Development Services *(MK)*

SUBJECT: Special Use Permit request to allow a lawn care and tree trimming service in a residential area at 1727 S. 7th St.

DATE: January 18, 2013

The City of Kingsville Planning and Zoning Commission met on January 16, 2012 at 7:00 p.m. in regard to a request made by Mr. Israel S. Lopez, to allow for the operation of a lawn care and tree trimming service, to be located in a residentially zoned area at 1727 S. 7th St. The property is located in a R-2 Two Family Residential District and is immediately adjacent to a C-2 Retail District to the west which is occupied by existing commercial uses. This type of use requires a special use permit to be approved by the City Commission as it is not a use allowed by right within the R-2 Two Family Residential District.

All pertinent notices were published and sent out to the surrounding property owners that are within the 200ft radius 15 days prior to the meeting. One neighboring resident, Mr. Roger Pollard, spoke at the Planning & Zoning Commission meeting regarding concerns and past complaints he'd had regarding the piling of mulch on the site and other debris. Mr. Lopez indicated the site has been and is in the process of being cleaned in preparation of the lawn care business as well as his intent to construct a new home immediately to the north of the garage to be utilized as the storage of his lawn care equipment. Additionally, conditions of approval regulating the storage of equipment, materials or any other potential violations would not be allowed as part of the special use permit.

Additionally, staff presented the attached staff report, supplemental information and applicant information to the Planning & Zoning Commission. As stated in the staff report the request was found to not be a detriment to the surrounding uses as the equipment and materials will be limited and will be mostly within the existing structure that is to be repaired and remodeled. Additionally, the conditions, in conjunction with city nuisance codes, will address the concerns of the City and those of the neighbor who spoke.

Additionally, given the proximity to the existing commercial corridor, neighboring commercial uses and the aforementioned findings, staff is comfortable with the issuance of the special use permit with conditional approval. This specially permitted use is a lesser intense quasi-commercial activity that can co-exist with the existing surrounding uses, while also allowing for future residential occupancy upon the ceasing of this operation.

Planning staff recommends conditional approval of this rezoning request. The Planning & Zoning Commission recommended **Conditional Approval** of the request with a unanimous 5/0 vote, with the following conditions:

1. To avoid spot zoning for a commercial property within a residential neighborhood, this special use permit shall expire should the approved special use cease, or in the case of a change in ownership.
2. Any future outdoor storage of equipment and or materials shall be limited to small equipment and shall be completely enclosed by a 100% sight obscuring privacy fence to prevent the contents from being visible from the public right of way and/or adjacent property owners.
3. The business shall obtain all required licenses and permits for the planned construction activity and improvements, thereby meeting all adopted codes to operate said business.
4. No stockpiling of any mulch, brush clippings, grass clippings, rock or other such materials shall be allowed to be stored on the site wherein a nuisance may be created. All activity on site shall be in complete compliance of the nuisance, building and zoning codes.

Attachments

Staff Report to the PLANNING & ZONING COMMISSION and CITY COMMISSION

by the Planning & Development Services Department, Planning Division
City of Kingsville, Texas

Request: APPROVAL OF A SPECIAL USE PERMIT TO ALLOW FOR A LAWN SERVICE AND TREE TRIMMING BUSINESS AT 1727 S. 7TH STREET.
Petitioner and Agent: Israel S. Lopez
Date of P&Z Hearing: January 16, 2013

Comprehensive Plan Land Use: Low Density Residential
Existing Zoning Classification: R-2 Two-Family Residential District
Adjacent Zoning: North & South: R-2 Two Family Residential District
East: R-1 Single Family Residential District
West: C-4 Commercial District

EXISTING INFRASTRUCTURE

Transportation: Ailsie Street- Local
7th Street- Local
Community Facilities: Services provided
Capital Improvements: Services Provided
Fire Station Proximity: Within one and one half mile
100 Year Flood Plain: The property is not within a floodplain

EXHIBITS PRESENTED

- Chapter 15 of the Kingsville Code of Ordinances (present at the meeting)
- City of Kingsville Master Plan (present at meeting)
- Site map
- Aerial Photo
- Mailing list of owners within 200 feet

BACKGROUND AND HISTORY

The petitioner is requesting a special use permit to allow the operation of a lawn care and tree trimming business. The property is currently unoccupied but historically has been utilized as a mobile home park. One existing structure remains on the property consisting of a two car (26'x24') garage. The applicant is the owner of the site wherein the proposed lawn care and tree trimming business will be housed.

FIELD INSPECTION AND PERTINENT DATA

The site is located near the southwest corner of the 7th Street and Ailsie Street intersection. The proposed site to be occupied by the specially permitted lawn and tree trimming service totals one half acre, and also contains the aforementioned existing structure. The applicant states he will make significant repairs to rehabilitate the existing two car garage, if approved. The applicant states the lawn and tree trimming service equipment will be housed within the structure with no outdoor storage of equipment or materials. The applicant indicates additional trees and other site improvements will be made to the property to enhance the

appearance of the area. In addition the applicant intends to construct his personal home on the two lots (one half acre) immediately to the north.

Pertaining to the business, staff has determined the special use permit will be the best route for allowing this type of use as it prevents spot zoning or the potential creation of future incompatible uses. Given the intent of the current user to house all equipment and materials within the existing structure, little to no impact will be made on adjacent residential uses. There is no anticipated customer traffic therefore no detriment is caused in that regard. Staff would recommend that conditions be placed on the special use permit to ensure no outdoor storage is created without a 100% sight obscuring fence to where equipment and materials are not visible from the right of way and/or by neighboring property owners. This shall be in addition to the expiration of the special use permit upon transfer of title, cessation of the business by the current owner/applicant.

Given the proposed improvements to the property, the intent of the applicant to construct a future home adjacent to the property and the aforementioned findings, staff is comfortable with the issuance of the special use permit. This specially permitted use will not be a detriment to the neighborhood and with the proposed conditions to be placed on the special use permit can easily co-exist with the existing surrounding uses, while also allowing for future residential occupancy upon the ceasing of this operation.

STAFF REVIEW & RECOMMENDATION

In general, the Planning & Zoning Commission shall consider the following factors when making a recommendation on the Special Use Permit request:

1. The proposed special use permit is in harmony with the general purpose, goals, objectives and standards of the adopted city master plan;
2. The use will not be detrimental to existing adjacent uses or to uses permitted generally in the zoning district in which the proposed conditional use is to be located;
3. The use will not generate volumes and/or types of vehicular traffic that will be hazardous to or conflict with the existing or anticipated traffic in the surrounding area; and
4. The proposed use meets the height, area and design standards established in the zoning district.


Staff recommends **Conditional Approval** of this request with the following findings:

1. To avoid spot zoning for a commercial property within a residential neighborhood, this special use permit shall expire should the approved special use cease, or in the case of a change in ownership.
2. Any future outdoor storage of equipment and or materials shall be limited to small equipment and shall be completely enclosed by a 100% sight obscuring privacy fence to prevent the contents from being visible from the public right of way and/or adjacent property owners.
3. The business shall obtain all required licenses and permits for the planned construction activity and improvements, thereby meeting all adopted codes to operate said business.

And with the following findings:

1. The proposed special use permit is in harmony with the general purpose, goals, objectives and standards of the adopted city master plan;

2. The use will not be detrimental to existing adjacent uses or to uses permitted generally in the zoning district in which the proposed conditional use is to be located;
3. The use will not generate volumes and/or types of vehicular traffic that will be hazardous to or conflict with the existing or anticipated traffic in the surrounding area; and
4. The proposed use meets the height, area and design standards established in the zoning district.

Prepared by: 
Michael Kellam, AICP
Director of Planning & Development Services

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

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1727 S. 7th Street Nearest Intersection 7th and Ailsie
 (Proposed) Subdivision Name Southmore Lot 20, 21 Block -
 Legal Description: Southmore Ac, Lot 20, 21
 Existing Zoning Designation Residential Future Land Use Plan Designation Commercial

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Israel S. Lopez Phone ⁽³⁶¹⁾ 522-6007 FAX N/A
 Email Address (for project correspondence only): lopezlawn@yahoo.com
 Mailing Address P.O. Box 5899 City Kingsville State TX Zip 78364
 Property Owner Israel S. Lopez Phone ⁽³⁶¹⁾ 522-0858 FAX N/A
Candi K. Lopez
 Email Address (for project correspondence only): lopezlawn@yahoo.com
 Mailing Address P.O. Box 5899 City Kingsville State TX Zip 78364

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

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

Please provide a basic description of the proposed project: See attached

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

Applicant's Signature: Israel S. Lopez / Candi Lopez Date: 12-07-12
 Property Owner(s) Signature: Israel S. Lopez / Candi Lopez Date: 12-07-12
 Accepted by: _____ Date: _____

Application Check List for Special Use Permits

The following must be submitted prior to the application deadline. Otherwise, the application will be deemed incomplete and may result in unnecessary delays: (Please ✓ when complete)

Site and landscape plans: Applicant must provide 15 - 11"x17" or 8 ½"x11" copies of the plans, plus the following:

- ✓ 1.
- ✓ 2. The location, dimension, material and configuration of all buildings, structures and other improvements.
- ✓ 3. The location and extent of usable open space.
- M/R 4. The location, access and other dimensions of proposed off-street parking and loading facilities and the number and configuration of spaces to be provided.
- ✓ 5. The location, dimensions and materials of sidewalks, driveways and other impervious surfaces.
- M/R 6. The location and intensity of illumination of any illuminated areas.
- ✓ 7. The proposed use of open space.
- M/R 8. A landscaping plan, which shall include existing and proposed landscaping on both the subject property and adjacent public areas and including an installation schedule.
- M/R 9. The location of all utilities, including electric lines, storm drainage, sanitary sewers and water service.
- M/R 10. The location and extent of required setbacks and yards.
- ✓ 11. The elevation of all buildings and structures to depict height.
- ✓ 12. The lot size in square feet and the dimensions thereof.
- M/R 13. Any areas proposed for outdoor storage, refuse collection, exterior mechanical equipment, exterior communication devices and utility apparatus.
- M/R 14. The dimensions, location and landscaping of required landscape/buffer setbacks and screening.
- ✓ 15. The land uses surrounding the lot(s) for which site plan approval is being sought.
- ✓ 16. The zoning on the lots and parcels surrounding the lot(s) for which site plan approval is being sought.
- M/R 18. Such additional information as the Director of Development Services may deem pertinent and essential to the application.

Please note that this process can take up to 100 days.

Also, make sure you contact 595-8020 for information on City-required inspections and certificate of occupancy.

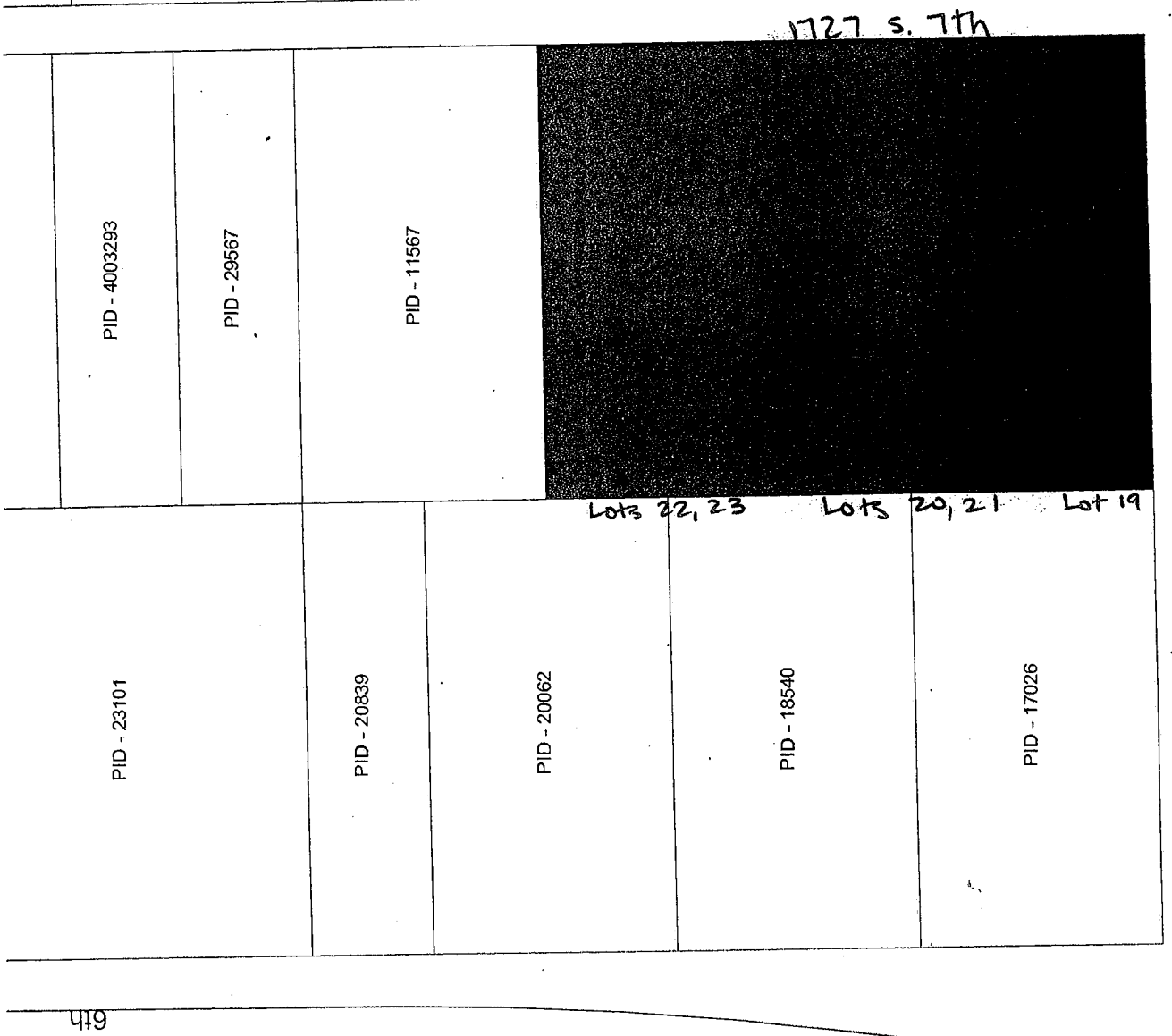
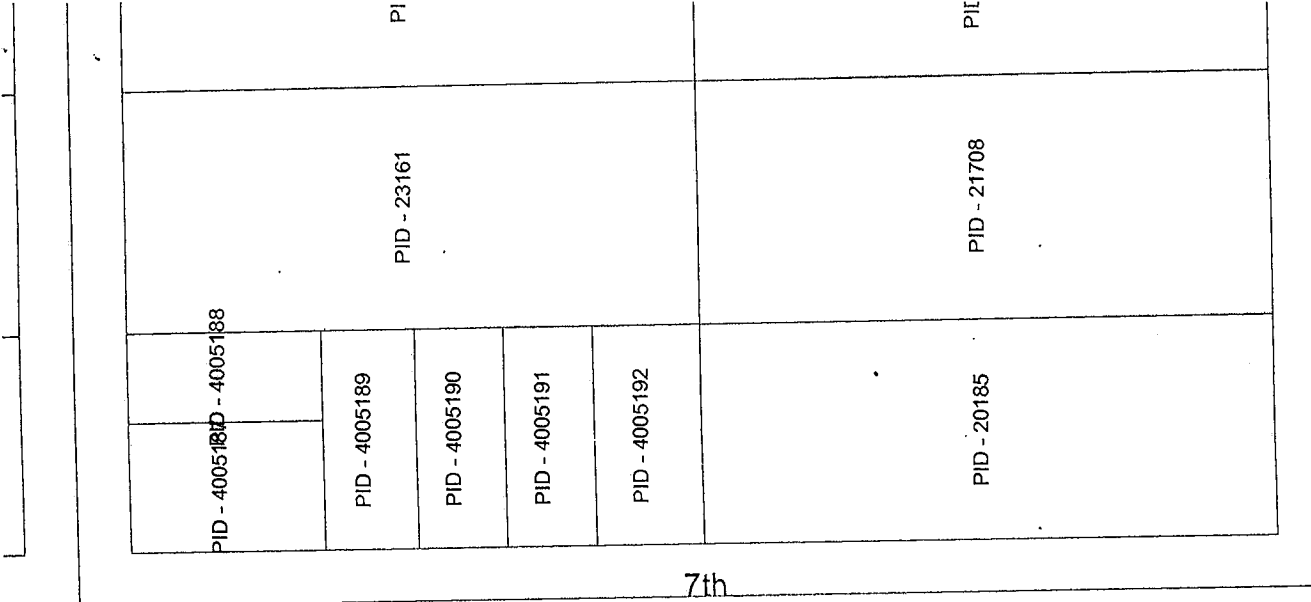
Amended to a S.U.P. Request
RE-ZONING REQUEST

- 1) This request is for Lots 20 & 21 (1 acre) of Southmore Acres. The physical address is 1727 S. 7th Street, Kingsville, Texas. At one time this property was a small mobile home/RV park known as "Shady Acres".
- 2) Currently, there are no mobile homes or RVs located on the property. The only structure that remains is a garage (approximate size is 26' x 24'). There are also several concrete pads the largest being a 12' x 60' section that was once an open porch to a mobile home.
- 3) Lot 20 – 76.4' x 285' (.50 acres)
Lot 21 - 76.4' x 285' (.50 acres)
- 4) Lot 19 (1729 S. 7th Street) is owned by Delwin Randall and is currently being used as a mobile home park. There are three mobile homes on the property.
Lots 22 and 23 are owned by us (Israel S. and Candi K. Lopez). We acquired this property in 2010 and intend for this to be our residence.
- 5) All lots (19, 20, 21, 22 and 23) are currently zoned residential.
- 6) Our intent for this property is the following:
 - Garage – Replace roof and all rotted wood.
Replace current exterior with fiber cement siding.
Add new garage door.
Repaint exterior of garage.

Concrete Porch – (12' x 60' section) – Leave as is.

Smaller concrete pads – break and remove cement from property.

Our request, should it be granted, is to use this property for our small lawn service and tree trimming business. The main purpose would be to store all equipment in the garage area to keep it out of plain site. We have already began the process of removing any unsightly debris and trimming/cleaning the existing mesquite trees to enhance the "park like" feel the property still has. Our future plans include planting more trees/grass/shrubs as well as a privacy fence.



6th

7th

1727 S. 7th

8th

Ailsie

HB 1147 - This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The Appraisal District provides this information "as is", makes no warranties, and reserves the right to make changes at any time without notice.

KLBERG COUNTY APPRAISAL DISTRICT
 PROPERTY 13154 R
 Legal Description
 SOUTHWORE AC, LOT 22, 23

OWNER ID
 17473
OWNERSHIP
 100.00%

PROPERTY APPRAISAL INFORMATION 2012
 LOPEZ ISRAEL S
 ETUX CANDI K
 PO BOX 5899
 KINGSVILLE, TX 78364-5899

ACRES:
EFF. ACRES:
APPR VAL METHOD: Cost

Ref ID: R13154
 Map ID PLAT

170000002200192
SITUS 1715 S 7TH ST

GENERAL
 LAST APPR. LR
 LAST APPR. YR 2011
 LAST INSP. DATE 04/17/2011
 NEXT INSP. DATE

JTILITIES
 TOPOGRAPHY
 ROAD ACCESS
 ZONING
 NEXT REASON

REMARKS
 FOR 2011 NO VAL CHG ON ACCT PER APPR LR
 4/17/11 4/18/11 VG - FOR '11 CHG LAND UNIT
 PRICE PER IE 9/14/10 4/26/11 JO - FOR 2008 NO
 VALUE CHG PER LR/RC 4/1/08 MM - FOR '06

BUILDING PERMITS
 ISSUE DT PERMIT TYPE PERMIT AREA ST PERMIT VAL

SALE DT PRICE GRANTOR DEED INFO
 05/03/2010 ***** ISASSI ALFRED L WD / 431 / 975
 04/27/2005 ***** KLEBERG COUNTY TTXRS / 307 / 177
 04/01/2005 ***** TREVEY DORIS D SHF / 305 / 252

SUBD S700 100.00% NBHD
 MTHD CLASS/SUBCL AREA UNIT PRICE/UNITS BUILT EFF YR COND VALUE DEPR PHYS ECON FUNC COMP ADJ ADJ VALUE

IMPROVEMENT INFORMATION
 IMPROVEMENT FEATURES

LAND INFORMATION
 DIMENSIONS UNIT PRICE GROSS VALUE ADJ MASS ADJ VAL SRC
 76.4X285 130.00 9,930 1.00
 76.4X285 130.00 9,930 1.00
 76.4X285 130.00 9,930 1.00
 76.4X285 130.00 9,930 1.00

EXEMPTIONS
 ASSESSED VALUE = 19,860
 HS CAP LOSS = 0
 IMPROVEMENTS = 0
 LAND MARKET + 19,860
 MARKET VALUE = 19,860
 PRODUCTIVITY LOSS - 0
 APPRAISED VALUE = 19,860

FIGURE

FIGURE

FIGURE

AG CLASS	AG APPLY	AG TABLE	AG UNIT	PRC	AG VALUE
0.00					0.00
0.00					0.00
0.00					0.00
0.00					0.00

IRF Address	Capacity	MKT VAL	AG APPLY	AG TABLE	AG UNIT	PRC	AG VALUE
9,930	NO	9,930					0.00
9,930	NO	9,930					0.00
19,860							0

IRF Address	Capacity	MKT VAL	AG APPLY	AG TABLE	AG UNIT	PRC	AG VALUE
9,930	NO	9,930					0.00
9,930	NO	9,930					0.00
19,860							0

CLAS	TABLE	SC	HS	METH	DIMENSIONS	UNIT PRICE	GROSS VALUE	ADJ MASS	ADJ VAL	SRC	Capacity	MKT VAL	AG APPLY	AG TABLE	AG UNIT	PRC	AG VALUE
1	C1			FF	76.4X285	130.00	9,930	1.00	1.00	A		9,930			NO		0.00
2	C1			FF	76.4X285	130.00	9,930	1.00	1.00	A		9,930			NO		0.00
Comment F: 76.4 R: 76.4 D: 285.00 FF																	
Comment F: 76.4 R: 76.4 D: 285.00 FF																	

KLEBERG COUNTY APPRAISAL DISTRICT
 PROPERTY 15503 R
 Legal Description
 SOUTHWORE AC, LOT 19

OWNER ID
 45379
OWNERSHIP
 100.00%

PROPERTY APPRAISAL INFORMATION 2012
 RANDALL DELWIN
 1901 SOUTH PARK DR
 KINGSVILLE, TX 78363

VALUES
 IMPROVEMENTS 2,000
 LAND MARKET + 9,930
 MARKET VALUE = 11,930
 PRODUCTIVITY LOSS - 0
 APPRAISED VALUE = 11,930
 HS CAP LOSS - 0
 ASSESSED VALUE = 11,930

Ref ID2: R15503
 Map ID PLAT

17000001900192

SITUS 1729 S 7TH ST
APPR VAL METHOD: Cost
ACRES:
EFF. ACRES:

ENTITIES
 CAD 100%
 CKI 100%
 GKL 100%
 SKI 100%
 WST 100%

GENERAL
 LAST APPR. LR
 LAST APPR. YR 2011
 LAST INSP. DATE 04/17/2011
 NEXT INSP. DATE

UTILITIES
 TOPOGRAPHY
 ROAD ACCESS PAV
 ZONING
 NEXT REASON

REMARKS
 FOR 2011 NO VAL CHG ON ACCT PER APPR LR
 4/17/11 4/18/11 VG - FOR '11 CORR DEPTH &
 REM DEPTH FACTOR PER APPR IE 8/209/10
 4/28/11 MMG - FOR '10 CHG METHODOLOGY

BUILDING PERMITS
 ISSUE DT PERMIT TYPE PERMIT AREA ST PERMIT VAL

SALE DT PRICE GRANTOR DEED INFO
 08/27/2003 ***** RANDALL EVELYN B WD / 266 / 147
 03/01/1984 ***** RANDALL CONARD OT / 450 / 63
 UNKNOWN OT / /

SUBD S700 100.00% NBHD
 # TYPE DESCRIPTION MTHD CLASS/SUBCL AREA UNIT PRICE/UNITS BUILT EFF YR COND. VALUE DEPR PHYS ECON FUNC COMP ADJ ADJ VALUE
 HU4 4 MOBILE HOM F FLV/ 0.00 1 0.00 1 2,000 100% 100% 100% 100% 1.00 2,000
 1. RESIDENTIAL STCD: A1 Homesite: N

IMPROVEMENT INFORMATION
 IRR Wells: 0 Capacity: 0 IRR Acres: 0
 MKT VAL 9,930 AG APPLY AG TABLE AG UNIT PRC AG VALUE 0.00

LAND INFORMATION
 DIMENSIONS 76.4X285 130.00 9,930 1.00 1.00 A
 ADJ MASS ADJ VAL SRC NO
 IRR Wells: 0 Capacity: 0 IRR Acres: 0
 MKT VAL 9,930 AG APPLY AG TABLE AG UNIT PRC AG VALUE 0.00

LAND INFORMATION
 DIMENSIONS 76.4X285 130.00 9,930 1.00 1.00 A
 ADJ MASS ADJ VAL SRC NO
 IRR Wells: 0 Capacity: 0 IRR Acres: 0
 MKT VAL 9,930 AG APPLY AG TABLE AG UNIT PRC AG VALUE 0.00

LAND INFORMATION
 DIMENSIONS 76.4X285 130.00 9,930 1.00 1.00 A
 ADJ MASS ADJ VAL SRC NO
 IRR Wells: 0 Capacity: 0 IRR Acres: 0
 MKT VAL 9,930 AG APPLY AG TABLE AG UNIT PRC AG VALUE 0.00

LAND INFORMATION
 DIMENSIONS 76.4X285 130.00 9,930 1.00 1.00 A
 ADJ MASS ADJ VAL SRC NO
 IRR Wells: 0 Capacity: 0 IRR Acres: 0
 MKT VAL 9,930 AG APPLY AG TABLE AG UNIT PRC AG VALUE 0.00

LAND INFORMATION
 DIMENSIONS 76.4X285 130.00 9,930 1.00 1.00 A
 ADJ MASS ADJ VAL SRC NO
 IRR Wells: 0 Capacity: 0 IRR Acres: 0
 MKT VAL 9,930 AG APPLY AG TABLE AG UNIT PRC AG VALUE 0.00

LAND INFORMATION
 DIMENSIONS 76.4X285 130.00 9,930 1.00 1.00 A
 ADJ MASS ADJ VAL SRC NO
 IRR Wells: 0 Capacity: 0 IRR Acres: 0
 MKT VAL 9,930 AG APPLY AG TABLE AG UNIT PRC AG VALUE 0.00

LAND INFORMATION
 DIMENSIONS 76.4X285 130.00 9,930 1.00 1.00 A
 ADJ MASS ADJ VAL SRC NO
 IRR Wells: 0 Capacity: 0 IRR Acres: 0
 MKT VAL 9,930 AG APPLY AG TABLE AG UNIT PRC AG VALUE 0.00

LAND INFORMATION
 DIMENSIONS 76.4X285 130.00 9,930 1.00 1.00 A
 ADJ MASS ADJ VAL SRC NO
 IRR Wells: 0 Capacity: 0 IRR Acres: 0
 MKT VAL 9,930 AG APPLY AG TABLE AG UNIT PRC AG VALUE 0.00

LAND INFORMATION
 DIMENSIONS 76.4X285 130.00 9,930 1.00 1.00 A
 ADJ MASS ADJ VAL SRC NO
 IRR Wells: 0 Capacity: 0 IRR Acres: 0
 MKT VAL 9,930 AG APPLY AG TABLE AG UNIT PRC AG VALUE 0.00

LAND INFORMATION
 DIMENSIONS 76.4X285 130.00 9,930 1.00 1.00 A
 ADJ MASS ADJ VAL SRC NO
 IRR Wells: 0 Capacity: 0 IRR Acres: 0
 MKT VAL 9,930 AG APPLY AG TABLE AG UNIT PRC AG VALUE 0.00

LAND INFORMATION
 DIMENSIONS 76.4X285 130.00 9,930 1.00 1.00 A
 ADJ MASS ADJ VAL SRC NO
 IRR Wells: 0 Capacity: 0 IRR Acres: 0
 MKT VAL 9,930 AG APPLY AG TABLE AG UNIT PRC AG VALUE 0.00

LAND INFORMATION
 DIMENSIONS 76.4X285 130.00 9,930 1.00 1.00 A
 ADJ MASS ADJ VAL SRC NO
 IRR Wells: 0 Capacity: 0 IRR Acres: 0
 MKT VAL 9,930 AG APPLY AG TABLE AG UNIT PRC AG VALUE 0.00

LAND INFORMATION
 DIMENSIONS 76.4X285 130.00 9,930 1.00 1.00 A
 ADJ MASS ADJ VAL SRC NO
 IRR Wells: 0 Capacity: 0 IRR Acres: 0
 MKT VAL 9,930 AG APPLY AG TABLE AG UNIT PRC AG VALUE 0.00

LAND INFORMATION
 DIMENSIONS 76.4X285 130.00 9,930 1.00 1.00 A
 ADJ MASS ADJ VAL SRC NO
 IRR Wells: 0 Capacity: 0 IRR Acres: 0
 MKT VAL 9,930 AG APPLY AG TABLE AG UNIT PRC AG VALUE 0.00

LAND INFORMATION
 DIMENSIONS 76.4X285 130.00 9,930 1.00 1.00 A
 ADJ MASS ADJ VAL SRC NO
 IRR Wells: 0 Capacity: 0 IRR Acres: 0
 MKT VAL 9,930 AG APPLY AG TABLE AG UNIT PRC AG VALUE 0.00

LAND INFORMATION
 DIMENSIONS 76.4X285 130.00 9,930 1.00 1.00 A
 ADJ MASS ADJ VAL SRC NO
 IRR Wells: 0 Capacity: 0 IRR Acres: 0
 MKT VAL 9,930 AG APPLY AG TABLE AG UNIT PRC AG VALUE 0.00

LAND INFORMATION
 DIMENSIONS 76.4X285 130.00 9,930 1.00 1.00 A
 ADJ MASS ADJ VAL SRC NO
 IRR Wells: 0 Capacity: 0 IRR Acres: 0
 MKT VAL 9,930 AG APPLY AG TABLE AG UNIT PRC AG VALUE 0.00

LAND INFORMATION
 DIMENSIONS 76.4X285 130.00 9,930 1.00 1.00 A
 ADJ MASS ADJ VAL SRC NO
 IRR Wells: 0 Capacity: 0 IRR Acres: 0
 MKT VAL 9,930 AG APPLY AG TABLE AG UNIT PRC AG VALUE 0.00

LAND INFORMATION
 DIMENSIONS 76.4X285 130.00 9,930 1.00 1.00 A
 ADJ MASS ADJ VAL SRC NO
 IRR Wells: 0 Capacity: 0 IRR Acres: 0
 MKT VAL 9,930 AG APPLY AG TABLE AG UNIT PRC AG VALUE 0.00

Jessica Storck

From: Candi K. Lopez <lopezlawn@yahoo.com>
Sent: Monday, December 17, 2012 10:09 AM
To: Jessica Storck
Cc: lopezlawn@yahoo.com
Subject: Equipment listing - Lopez Lawn Service

Hi Jessica -

Here is the equipment listing you asked for:

- 1 - Skid Loader
- 2 - Walk Behind Mowers
- 2 - Push Mowers
- 3 - Back Pack Blowers
- 3 - Weed Trimmers
- 1 - Stump Grinder
- 1 - Tiller

Approx. 30 handheld tools such as rakes, shovels, hoes, brooms, etc.

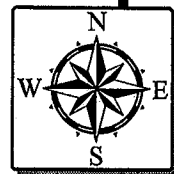
- 3 - Utility trailers
- 2 - Work trucks (2001 Ford Crewcab flatbed pickup and 1994 Ford Crewcab pickup)

As a side note, the back hoe that is currently at the 1727 S. 7th Street location is not ours. We are just borrowing it for clean up of the location.

Let me know if you need anything else.

Thank you,
Candi K. Lopez

1727 S. 7th



11567

20062

4005191

1718 S. 7th St
1722 S. 7th

4005192

S 7th

13154

18540

20185

21708

14729

17026

15503

E Aisle

16567

24922

17327

25674

18094

10375

18860

11121

19655

11916

1727 S. 7th
200' Radius

0 62.5 125 250 Feet

Page
1/1

Drawn By: Valerie Valero

Last Update: 12/17/2012

Note:

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



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

Proposed Special Use Permit for a Lawn Care and Tree Service

Applicant: Mr. Israel S. Lopez



□ - Proposed S.U.P. site

□ - Future single family development site by applicant

CONSENT AGENDA

AGENDA ITEM #1

ORDINANCE NO. 2013-_____

AN ORDINANCE VACATING, ABANDONING, AND CLOSING BLOCK 11, LOTS 1-15, INCLUDING A 20' ALLEY, AND A UTILITY EASEMENT IN YOUNG TERRACE ADDITION SUBDIVISION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the plat for Young Terrace Addition Subdivision was approved by the Kingsville City Commission back on October 19, 1959 at a duly noticed public meeting;

WHEREAS, the City on January 25, 1999 via ordinance No. 99005 abandoned all undeveloped land, except for a 10' x 118' utility easement between Lots 15 & 16 in Block 10, and Block 11, Lots 1-15, including a 20' alley, in Young Terrace Addition Subdivision;

WHEREAS, the owner of Young Terrace Addition Subdivision now seeks to vacate/abandon Block 11, Lots 1-15, including a 20' alley, and a 10' x 118' utility easement between Lots 15 & 16 in Block 10 in that subdivision with the intention of platting the land for alternate development;

WHEREAS, the City has confirmed with AEP, AT&T, CMA, Center Point and the City public works departments that there are no active lines detected within the utility easement or land referenced for abandonment/vacation and none of the parties are opposed to said action by the City; and

WHEREAS, the property owner will pay the filing fees to have the documentation for this action filed with the Kleberg County Clerk's Office.

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 it is in the best interest of the City of Kingsville, Texas, that Block 11, Lots 1-15, including a 20' alley, and a 10' x 118' utility easement between Lots 15 & 16 in Block 10 of Young Terrace Addition Subdivision as described below be closed, vacated, and abandoned; and, the foregoing recitals are incorporated into this ordinance by reference as findings of fact as if set forth herein at length.

II.

THAT the City of Kingsville vacates, abandons, closes, and relinquishes any and all interest in the following described property with said interest reverting to the adjoining property owners.

Said property to be abandoned being Block 11, Lots 1-15, including a 20' alley, and a 10' x 118' utility easement between Lots 15 & 16 in Block 10 in Young Terrace Addition Subdivision platted as part of the Young Terrace Addition as recorded in the Kleberg County Map Records and more particularly described below and set out in the attached "Exhibit A".

Alley Block 11

BEGINNING, at the Northeast Corner of Block 11 of the East Boundary of the 20' alley, Young Terrace Addition as it exists in November 1959, Kleberg County, Texas;

THENCE, South for a distance of 436.13 feet to the Northwest Corner of Block 11 of the East Boundary of the 20' alley, Young Terrace Addition, Kleberg County, Texas;

THENCE, West for a distance of 20 feet to a point being the Southeast Corner of Block 11 of the West Boundary of the 20' alley, Young Terrace Addition, Kleberg County, Texas;

THENCE, North for a distance of 436.13 feet to the Southeast Corner of Block 11 of the South Boundary of the 20' alley, Young Terrace Addition, Kleberg County, Texas;

THENCE, East for a distance of 20 feet to a point being the Northeast Corner of Block 11 of the East Boundary of the 20' alley, Young Terrace Addition, Kleberg County, Texas, said point also being the POINT OF BEGINNING.

Utility Easement

BEGINNING, at the Northwest Corner of Block 10, Lot 16 of the West boundary of the 10' utility easement, Young Terrace Addition as it exists in November 1959, Kleberg County, Texas;

THENCE, South for a distance of 118 feet to the Southwest Corner of Block 10, Lot 16 of the West boundary of the 10' utility easement, Young Terrace Addition, Kleberg County, Texas;

THENCE, East for a distance of 10 feet to a point being the Southeast Corner of boundary of the 10' utility easement, Young Terrace Addition, Kleberg County, Texas;

THENCE, North for a distance of 118 feet to the Northeast Corner of Block 10, Lot 16 of the East boundary of the 10' utility easement, Young Terrace Addition, Kleberg County, Texas;

THENCE, East for a distance of 10 feet to a point being the Northwest Corner of Block 10, Lot 16 of the West Boundary of the 10' utility easement, Young Terrace Addition, Kleberg County, Texas, said point also being the POINT OF BEGINNING.

III.

THAT the City Manager is authorized to execute the conveyance of said property described hereinabove pursuant to Texas Law; and, the City Secretary is hereby authorized and instructed to file a signed and sealed copy of this ordinance in and among the records of the City, and in the land records of Kleberg County.

IV

THAT all Ordinances or 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 be not be codified, but will become effective on and after adoption and publication as required by law.

INTRODUCED on this the 14th day of January, 2013.

PASSED AND APPROVED on this the 28th day of January, 2013.

Sam R. Fugate, Mayor

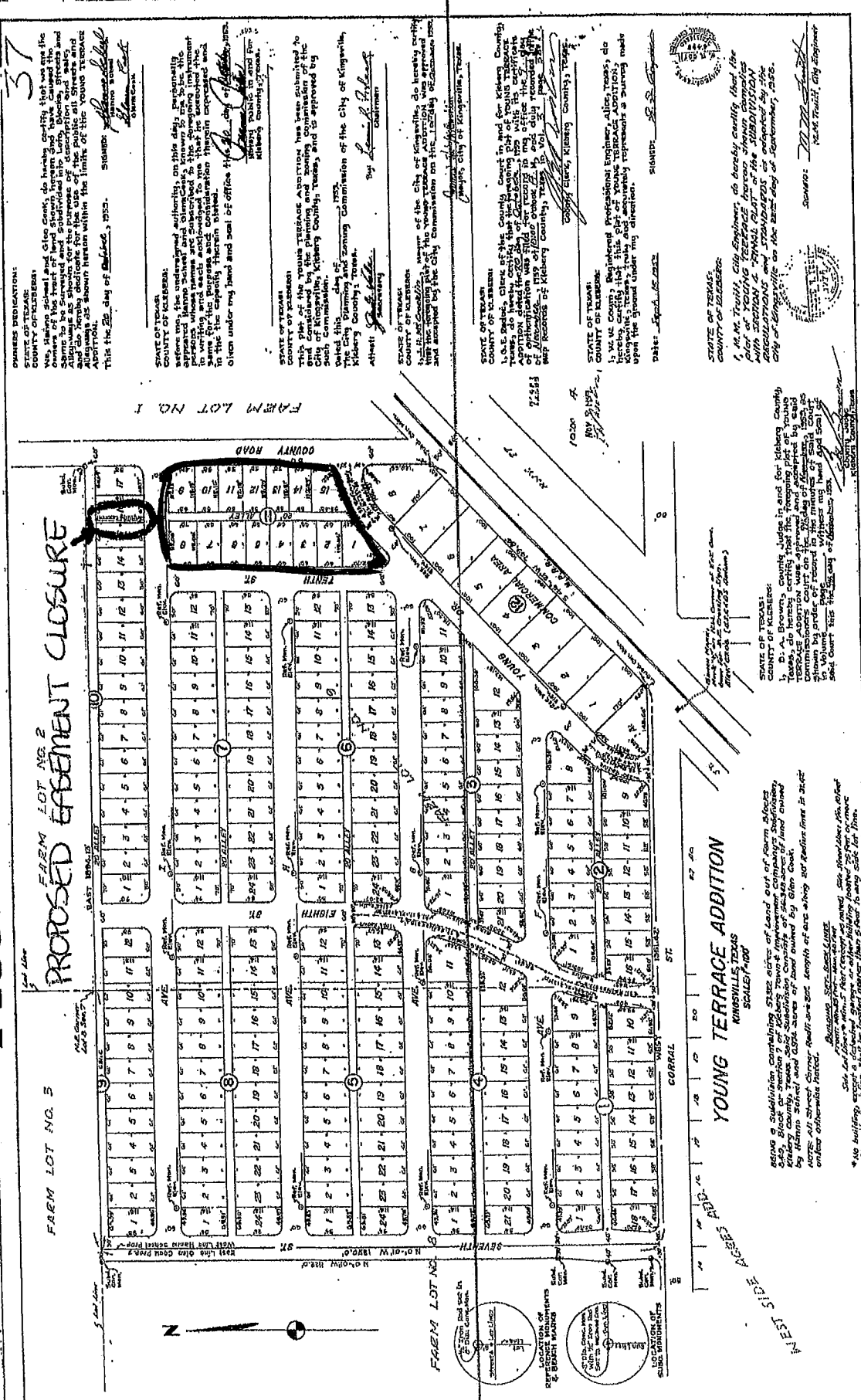
ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

Attachment A



OWNERS INDICATION:
 COUNTY OF KIBBEY,
 STATE OF TEXAS:
 We, the undersigned, do hereby certify that we are the owners of the land shown on the above plat and that we have no objection to the same being surveyed and subdivided into lots, blocks, streets and alleys as shown for the purpose of the public use of streets and alleys as shown herein within the limits of the Young Terrace Addition, this 22nd day of October, 1925.
 SIGNED: *[Signature]*
 County Clerk, Kibbey County, Texas.

STATE OF TEXAS,
 COUNTY OF KIBBEY:
 I, the undersigned, County Clerk of Kibbey County, Texas, do hereby certify that the above plat of Young Terrace Addition was filed for record in my office on the 22nd day of October, 1925, and that the same has been duly recorded in my office under my hand and seal of office this 22nd day of October, 1925.
 SIGNED: *[Signature]*
 County Clerk, Kibbey County, Texas.

STATE OF TEXAS,
 COUNTY OF KIBBEY:
 I, the undersigned, County Clerk of Kibbey County, Texas, do hereby certify that the above plat of Young Terrace Addition was filed for record in my office on the 22nd day of October, 1925, and that the same has been duly recorded in my office under my hand and seal of office this 22nd day of October, 1925.
 SIGNED: *[Signature]*
 County Clerk, Kibbey County, Texas.

STATE OF TEXAS,
 COUNTY OF KIBBEY:
 I, the undersigned, County Clerk of Kibbey County, Texas, do hereby certify that the above plat of Young Terrace Addition was filed for record in my office on the 22nd day of October, 1925, and that the same has been duly recorded in my office under my hand and seal of office this 22nd day of October, 1925.
 SIGNED: *[Signature]*
 County Clerk, Kibbey County, Texas.

STATE OF TEXAS,
 COUNTY OF KIBBEY:
 I, the undersigned, County Clerk of Kibbey County, Texas, do hereby certify that the above plat of Young Terrace Addition was filed for record in my office on the 22nd day of October, 1925, and that the same has been duly recorded in my office under my hand and seal of office this 22nd day of October, 1925.
 SIGNED: *[Signature]*
 County Clerk, Kibbey County, Texas.

STATE OF TEXAS,
 COUNTY OF KIBBEY:
 I, the undersigned, County Clerk of Kibbey County, Texas, do hereby certify that the above plat of Young Terrace Addition was filed for record in my office on the 22nd day of October, 1925, and that the same has been duly recorded in my office under my hand and seal of office this 22nd day of October, 1925.
 SIGNED: *[Signature]*
 County Clerk, Kibbey County, Texas.

STATE OF TEXAS,
 COUNTY OF KIBBEY:
 I, the undersigned, County Clerk of Kibbey County, Texas, do hereby certify that the above plat of Young Terrace Addition was filed for record in my office on the 22nd day of October, 1925, and that the same has been duly recorded in my office under my hand and seal of office this 22nd day of October, 1925.
 SIGNED: *[Signature]*
 County Clerk, Kibbey County, Texas.

STATE OF TEXAS,
 COUNTY OF KIBBEY:
 I, the undersigned, County Clerk of Kibbey County, Texas, do hereby certify that the above plat of Young Terrace Addition was filed for record in my office on the 22nd day of October, 1925, and that the same has been duly recorded in my office under my hand and seal of office this 22nd day of October, 1925.
 SIGNED: *[Signature]*
 County Clerk, Kibbey County, Texas.

STATE OF TEXAS,
 COUNTY OF KIBBEY:
 I, the undersigned, County Clerk of Kibbey County, Texas, do hereby certify that the above plat of Young Terrace Addition was filed for record in my office on the 22nd day of October, 1925, and that the same has been duly recorded in my office under my hand and seal of office this 22nd day of October, 1925.
 SIGNED: *[Signature]*
 County Clerk, Kibbey County, Texas.



Engineering Department

361-595-8007

361-595-8035 Fax

DATE: December 28, 2012
TO: City Commission through City Manager
FROM: Naim Khan, Director of Public Works/City Engineer
SUBJECT: Vacate (Abandon) a Block, including an Alley, & Utility Easement in Young Terrace Addition Subdivision

SUMMARY

This item authorizes the city to vacate (abandon) Block 11, Lots 1-15, including 20' alley, and a 10' x 118' utility easement between Lots 15 & 16 in Block 10 of the Young Terrace Addition Subdivision.

BACKGROUND

The Plat of Young Terrace Addition Subdivision that was accepted by the Kingsville City Commission on the 19th day of October 1959; and, on January 25, 1999 with Ordinance No. 99005, all undeveloped land was abandoned except for a 10' x 118' utility easement and Block 11, Lots 1-15, including an alley. The property owners, Nolan Farms, are requesting to abandon (or vacate) the 10' x 118' utility easement and land with alley with the intention of platting this subdivision for alternative developments in the near future. Staff has verified with AEP, AT&T, CMA, Center Point and the City's Water and Sanitary Sewer Departments that there are no active lines detected within the easement or land depicted in the plat referenced above.

RECOMMENDATION

Staff recommends that the requested easement and land be vacated and abandoned as reflected in the ordinance for this item.

FINANCIAL IMPACT

No financial impact to the City of Kingsville. Staff requires that all documentation of the vacating of the land and easement be appropriately recorded by the property owner at the Kleberg County Clerk's Office pursuant to state law with the property owner being responsible for any and all filing fees.

Approved

Vincent Capell, City Manager

AGENDA ITEM #2

ORDINANCE NO. 2013-

AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 BUDGET FOR THE GENERAL FUND FOR THE STREET DEPARTMENT TO RECEIVE FUNDING FOR STREET IMPROVEMENTS AND REPAIRS FOR WORK DONE IN FRONT OF THE SANTA GERTRUDIS INDEPENDENT SCHOOL DISTRICT ADMINISTRATION AND SCHOOL BUILDING.

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2012-2013 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT REVENUES AND EXPENSES
BUDGET AMENDMENT

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
Fund 001 General Fund					
<u>Revenue</u>					
4-000.0	Intergovernmental Revenue		940.00	\$10,000	
<u>Expense</u>					
5-305.0	Street & Bridge		521.00	\$10,000	

[To receive funding for street and drainage improvements and repairs from the Santa Gertrudis Independent School District for repairs done near the SGISD Administration and School building.]

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 14th day of January, 2013.

PASSED AND APPROVED on this the day of , 2013.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



Engineering Department

361-595-8007

361-595-8035 Fax

DATE: December 31, 2012
TO: City Commission through City Manager
FROM: Naim Khan, Director of Public Works/City Engineer
SUBJECT: Intergovernmental Revenue

SUMMARY

This item authorizes staff to accept \$10,000 from SGISD and use it for the Street improvement in front of the school.

BACKGROUND

The City finished the drainage and street improvement project in front of Santa Gertrudis School several months ago. This project was a part of Santa Rosa/Corral Drainage project. Since the culvert under the school driveway was built above the outfall pipes under Santa Rosa, storm water used to pond in this neighborhood and also water from the school detention pond used to stay for days. This project has improved the overall drainage situation in this area including the discharge from the detention pond.

The City had discussion with SGISD on several occasions previously regarding the participation of Santa Gertrudis School in the City's Santa Rosa/Corral Drainage Project. There was a verbal agreement between SGISD and the City to make a \$10,000 contribution to the City for the project. Staff recently contacted SGISD. They have informed the City that they are ready to pay as was initially promised.

Staff would like to use this money to improve the streets from Santa Gertrudis to Santa Cecelia, Right turn lane from Santa Cecelia to Santa Gertrudis and the pavement in front the school driveway.

RECOMMENDATION

Staff recommends accepting \$10,000 from SGISD and approving a budget amendment from Intergovernmental Revenue to Street & Bridge (001-5-305.0-521.00) so that this money can be used for the improvement of the streets in front of the school as mentioned above.

FINANCIAL IMPACT

This is budget neutral. The City will receive \$10,000 of intergovernmental revenue for expenditure in Street & Bridge fund.

Approved

Vincent Capell, City Manager

AGENDA ITEM #3

ORDINANCE NO. 2013-

AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 BUDGET FOR THE POLICE DEPARTMENT TO PURCHASE AN ID CARD SYSTEM.

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2012-2013 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
Fund 091 GF Capital Projects Fund					
<u>Capital</u>					
2	Fund Balance	Unreserved Fund Bal.	610.00		4,307.00
					<u>4,307.00</u>
<u>Expenses</u>					
5-210.1	Police Dept-Admin.	Minor Eq./Office Furn.	217.00	<u>4,307.00</u>	
				<u>4,307.00</u>	

[To draw down FY 2012 General Fund balance reserves created from FY 2012 fiscal surplus.]

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 14th day of January, 2013.

PASSED AND APPROVED on this the ___ day of _____, 2013.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**KINGSVILLE POLICE DEPARTMENT
INTER-OFFICE MEMORANDUM**

December 13, 2012

TO : James Bryson, Accountant
FROM : Ricardo Torres, Chief of Police
SUBJECT : ID Card System

The Kingsville Police Department Administrative Division is responsible for making all of the City of Kingsville's Identification Cards. During the last several months the printer ribbon for the printer used by our current ID card system is no longer being manufactured. It seemed easy enough to just get a new printer. In checking this avenue we found that the new printers do not work with the old software and the old system that we currently have in house.

Therefore, with the assistance of Mr. Mason, Purchasing Director, we were able to locate pricing on DIR Contract for the attached equipment. Originally this equipment was supposed to have been purchased last budget year with left over 2002-2002A funds that were allocated to the Kingsville PD in the Small Equipment line item. I checked with you and received an e-mail dated December 4th, 2012 that the funds were available and that a budget adjustment would have to be submitted to the City Commissioner for consideration. I am requesting that this take place so that we can make this purchase.

I have attached a quote from SHI Government Solutions acquired by our Purchasing Director, David Mason in the amount of \$4,307.00 for the cost of the equipment via DIR-SCD-810. (See attached quote for details.)

Thank you all for your assistance regarding this matter and I shall await your comments to proceed.



Pricing Proposal
 Quotation #: 6073170
 Created On: 11/27/2012
 Valid Until: 12/14/2012

City of Kingsville

David Mason
 200 E Kleberg 78363
 PO Box 1458
 Kingsville, TX 78364
 United States
 Phone: (361) 595-8025
 Fax: (361) 595-8035
 Email: dmason@cityofkingsville.com

Inside Sales Manager

Jay Martell
 1301 South Mo-Pac Expressway
 Suite 375
 Austin, TX 78746
 Phone: 800-870-6079
 Fax: 512-732-0232
 Email: Jay_Martell@SHI.Com

All Prices are in US Dollar (USD)

Product	Qty	Your Price	Total
1 Canon PowerShot ELPH 110 HS - Digital camera - compact - 16.1 Mpix - 5 x optical zoom - black Canon - Part#: 6039B001 Note: DIR-SDD-810	1	\$255.00	\$255.00
2 Asure ID Express - (v. 7) - license - 1 user - Win HID Global - Part#: 86412	1	\$438.00	\$438.00
3 Zebra P430I - Plastic card printer - color - duplex - dye sublimation/thermal transfer - CR-80 Card (85.6 x 54 mm) up to 130 cards/hour (color) - capacity: 100 cards - USB Zebra Technologies - Part#: P430I-U00AA-ID0 Note: ****Estimated shipping date 8/17/2012**** DIR-SDD-810	1	\$3,084.00	\$3,084.00
4 ZebraCare Extended Warranty - Extended service agreement - parts and labor - 3 years - carry-in - for Zebra P430I Zebra Technologies - Part#: CA0-P430-3C0 Note: DIR-SDD-810	1	\$415.00	\$415.00
5 CARD DIGITAL IMAGING, ZEBRA 104523-114 10 MIL PVC CARD (1000 PER BOX), MINIMUM ORDER QUANTITY: 1 Brady - Part#: 1350-5080	5	\$0.60	\$3.00
6 Zebra UHF Gen 2 RFID Implm] Monza 4QT - RF proximity card (pack of 100) - for Zebra P330I, P430I Zebra Technologies - Part#: 800059-402 Note: **DELIVERY DATE 2-3 Weeks**	1	\$112.00	\$112.00
Total			\$4,307.00

Additional Comments

Good afternoon. Here is the price quote you requested.

Please provide end-user contact information (first name, last name, and email address) for all orders. Not including this information may result in a delay in order processing.

Also, please include SHI quote number on your PO. Please contact me if you have any questions.

Thank You for choosing SHI-GSI To ensure the best level of service, please provide End User Name, Phone Number, and E-Mail Address when submitting a Purchase Order. For any additional information including Hardware and Software Contract Numbers, please contact an SHI-GS Sales Representative at 800-870-6079.

The Products offered under this proposal are subject to the SHI Return Policy posted at www.shi.com/returnpolicy, unless there is an existing agreement between SHI and the Customer.

AGENDA ITEM #4

ORDINANCE NO. 2013-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 BUDGET FOR THE GENERAL FUND'S CITY ADMINISTRATION DEPT. FOR AN INCREASE IN COMPENSATION AS A RESULT OF THE CITY MANAGER'S NEW PROFESSIONAL SERVICES CONTRACT.

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2012-2013 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT REVENUES AND EXPENSES
BUDGET AMENDMENT

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
Fund 001 General Fund					
<u>Expense</u>					
5-103.0	Prof. Serv. Appraisal District		314.01		\$5,049.00
 <u>Revenue</u>					
4-170.0	Garbage Fees		812.00	\$5,371.00	
				\$5,371.00	\$5,049.00
 <u>Expense</u>					
5-101.0	Salaries & Wages		111.00	\$8,749.00	
	Retirement		114.00	\$979.00	
	FICA		115.00	\$670.00	
	Worker's Compensation		117.00	\$22.00	
				\$10,420.00	

[To increase compensation for the City Manager based on the new Professional Services Contract for City Manager Services.]

II.

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

III.

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

IV.

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

INTRODUCED on this the 14th day of January, 2013.

PASSED AND APPROVED on this the day of , 2013.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

CITY OF KINGSVILLE



P. O. BOX 1458 – KINGSVILLE, TEXAS 78364

January 9, 2013

Vince Capell
City Manager
City of Kingsville
P.O. Box 1458
Kingsville, Texas 78364

Re: Budget Amendment to move FY13 Budget for the City Manager Salary Increase

Mr. Capell,

If the City Manager's annual base salary is increased \$15,000 starting March 1, 2013, the following method of funding the increase could be as follows:

For your consideration is a FY13 Budget Amendment to increase the expected Garbage Fee Revenue by \$5,371.00 and decrease the Appraisal District Collection Fees by \$5,049.00. The Garbage fees were conservatively budgeted in FY13 and the Appraisal District finalized budget for the City's portion of the Appraisal District budgeted amount came in less than the amount initially anticipated.

Sincerely,

Mark A. Rushing

Mark A. Rushing

AGENDA ITEM #5

RESOLUTION #2013-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ADMINISTRATIVE SERVICES AGREEMENT WITH NATIONWIDE RETIREMENT SOLUTIONS, INC. FOR AN OPTIONAL DEFERRED COMPENSATION PLAN FOR CITY EMPLOYEES; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville has been a plan sponsor for the deferred compensation program for City employees offered through Nationwide Retirement Solutions, Inc. since 1995;

WHEREAS, due to recent changes, Nationwide needs an updated Administrative Services Agreement, which will have no financial impact to the City;

NOW THEREFORE, 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 execute the Administrative Services Agreement with Nationwide Retirement Solutions, Inc. for administration of the deferred compensation plan for the City of Kingsville employees, 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 28th day of January, 2013.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



MEMORANDUM

From
The Human Resources Department

Date: January 17, 2013

To: Vince Capell,
City Manager

From: Diana Gonzales, SPHR
Human Resources Director

Subject: Administrative Services Agreement - Nationwide

AGENDA ITEM

Authorize the City Manager to Sign, as the Plan Sponsor, the revised Nationwide Administrative Services Agreement for the City's deferred compensation program with Nationwide Retirement Solutions.

BACKGROUND INFORMATION

Nationwide Retirement Solutions, Inc (NRS), as Third Party Administrator of the United States Conference of Mayors Deferred Compensation Program, administered the Deferred Compensation Plan for Public Employees. This deferred plan was originally known as PEBSCO, Public Employees Benefit Services Corporation. The City of Kingsville first allowed employees to participate in this payroll deducted deferred compensation plan in March 1995. Over the years there have been updates to the Nationwide Plan Document including the update to add the Loans for Participant Amendment in 2009.

Unlike the Plan Document, the Administrative Services Agreement has not required any updates and/or amendments since originally signed in 1995 as there had not been any changes. On September 30, 2012 a change occurred which now requires a new (updated) Administrative Services Agreement. The update is due to a change in paid sponsorship according to Nationwide Representative Debbie Palacios-Enriquez. The United States Conference of Mayors is no longer a paid sponsor of the Nationwide Deferred Compensation Program.

The City received notice on October 15, 2012 of an update to the Administrative Services Agreement and then later received a letter indicating the City was not required to take any action as the "existing group annuity contract remains with Nationwide and will continue without interruption." In addition, the letter indicated the "relationship between Nationwide and the Conference ended by mutual agreement" and stated the City did not have to take any action as a result of this change.

Nationwide Representative Debbie Palacios-Enriquez has since indicated the new Administrative Services Agreement is necessary and requires the Plan Sponsor's signature.

FINANCIAL IMPACT

No financial impact to the City.

Approximately 51 City employees currently contribute to the Nationwide Deferred Compensation Program. Total monthly contributions average \$5,500.

ADMINISTRATIVE SERVICES AGREEMENT

This Administrative Services Agreement ("Agreement") is effective on the date written below by and between Nationwide Retirement Solutions, Inc., a Delaware corporation (hereinafter "Nationwide"), and _____, the Plan Sponsor ("Plan Sponsor").

WHEREAS, Plan Sponsor, pursuant to and in compliance with the Internal Revenue Code of 1986, as amended (hereinafter referred to as the "Code"), established and sponsors a Section 457 Plan (hereinafter the "Plan");

WHEREAS, the Plan Sponsor desires to have Nationwide perform the non-discretionary recordkeeping and administrative services described in this Agreement (hereinafter referred to as "Administrative Services"); and

WHEREAS, Nationwide desires to provide such Administrative Services subject to the terms and conditions set forth in this Agreement.

NOW THEREFORE, Nationwide and Plan Sponsor desire to enter into this Agreement.

1. DESIGNATION

Plan Sponsor designates Nationwide as Plan Sponsor's nondiscretionary provider of Administrative Services for the Plan in accordance with the terms of this Agreement.

2. APPOINTMENTS AND RESPONSIBILITIES

Plan Sponsor:

Plan Sponsor is responsible for maintaining the Plan and for maintaining the tax-qualified status of the Plan. Plan Sponsor represents and warrants that the Plan has been properly adopted and established in accordance with any applicable state or local laws or regulations governing the Plan Sponsor's ability to sponsor the Plan. Plan Sponsor warrants that the 457 Plan was established, and will be maintained by Sponsor, in accordance with the provisions of Section 457 of the Code. Plan Sponsor further acknowledges and agrees the Plan Sponsor is an eligible employer as defined by Section 457 of the Code.

Plan Sponsor hereby appoints Nationwide to act as the Plan Sponsor's provider of Administrative Services for the Plan. Any duties or services not specifically described herein as being provided by Nationwide are the responsibility of the Plan Sponsor.

Nationwide:

Nationwide will serve Plan Sponsor, in a non-fiduciary capacity, as the provider of Administrative Services for the Plan Sponsor with respect to the Plan. Nationwide will not exercise any discretionary control or authority over the Plan or the assets of the Plan, and this Agreement does not require Nationwide to do so. Nationwide agrees to perform all Administrative Services for the Plan Sponsor with respect to the Plan as described in this Agreement. This Agreement does not require, nor shall this Agreement be construed as requiring, Nationwide to provide investment, legal, or tax advice to the Plan Sponsor or to the participants of the Plan.

3. TERM

This Agreement shall remain in effect until terminated by one or both of the parties pursuant to Section 6 of this Agreement.

4. COMPENSATION

Nationwide shall be entitled to compensation for performance of the Administrative Services for the Plan under this Agreement. Unless otherwise permitted under this Agreement, such compensation shall be in the form of payments made by Nationwide's affiliates including Nationwide Life Insurance Company (NLIC) under their separate arrangements.

Plan Sponsor acknowledges that Nationwide and its affiliates receive payments in connection with the sale and servicing of investments allocated to participant Plan accounts ("Investment Option Payments"). As compensation for the services provided in this Agreement, the parties agree that Nationwide and its affiliates are entitled to receive the Investment Option Payments. In addition to the foregoing, the parties acknowledge and agree that Nationwide or its affiliates may receive revenue associated with annuity contracts offered by NLIC, as well as fees associated with specific services or products.

Employer may request Nationwide and/or its affiliates to provide additional services not described in this Agreement by making such a request in writing, which Nationwide may decide to perform for compensation to be negotiated by the parties prior to the commencement of the additional services.

5. ADMINISTRATION SERVICES

A. ENROLLMENT AND COMMUNICATION/EDUCATION SERVICES

Nationwide agrees to establish an account for each Plan participant, beneficiary and alternate payee (for purposes of this Agreement only, hereinafter referred to as "participants"). For each such account, Nationwide will record and maintain the following information:

- (a) name;
- (b) Social Security number and/or identifying account number;
- (c) mailing address;
- (d) date of birth;
- (e) current investment allocation direction;
- (f) contributions allocated and invested;
- (g) investment transfers;
- (h) benefit payments;
- (i) current account balance;
- (j) transaction history since funding under the Agreement;
- (k) contributions since funding under the Agreement;
- (l) e-mail address (optional);
- (m) benefit tax withholding information; and
- (n) such other information as agreed upon by the Plan Sponsor and Nationwide.

Nationwide will post and credit the amounts transmitted by the Plan Sponsor to the accounts of Plan participants in accordance with the latest written instructions from participants or the Plan Sponsor (as applicable) on file with Nationwide.

Nationwide agrees to process the enrollment of employees eligible to participate in the Plan as determined by the Plan Sponsor. The Plan Sponsor agrees to allow and facilitate the periodic distribution of materials to Plan participants at the time and in the manner determined by the Plan Sponsor; provided however, that all reasonable expenses associated with such distribution shall be paid by Nationwide. The Plan Sponsor further agrees to allow and facilitate the periodic distribution to its employees of materials prepared by Nationwide regarding products and services offered by Nationwide, or its affiliates, which Nationwide reasonably believes would be beneficial to such Plan participants.

B. PLAN CONTRIBUTIONS

Nationwide agrees to post funds received as contributions in accordance with that separate agreement between Plan Sponsor and NLIC when received in good order by Nationwide. The term "in good order", as used in this Agreement, means the receipt of required information by Nationwide, in a form deemed reasonably acceptable to Nationwide (in Nationwide's sole discretion), with respect to the processing of a request or the completion of a task by Nationwide that reasonably requires information from a third-party. For transactions that are not in good order, Nationwide shall return the funds to the Plan Sponsor within five (5) "Business Days". Nationwide will not be liable for any delay in posting if the Plan Sponsor fails to send the funds representing contribution amounts or contribution allocation information in accordance with Nationwide's instructions to the central processing site designated by Nationwide, or for any delay in posting that results from the receipt of funds and/or contribution allocation that Nationwide determines to be not in good order.

As used in this Agreement, the term "Business Day" means each Monday through Friday that the New York Stock Exchange is open for business.

The Plan Sponsor agrees to:

1. Transmit Plan contributions to Nationwide.
2. Provide to Nationwide, in a mutually agreed upon electronic, paper, or magnetic media, contribution allocation information with respect to participant accounts to include not less than the following:
 - Name of participant
 - Social security number of participant and/or identifying account number
 - Amount to be credited to participant's account(s)

Funds may be sent by wire transfer, through an automated clearinghouse or by check in accordance with written instructions provided by Nationwide. Failure to follow the written instructions provided by Nationwide may result in delay of posting to participant accounts.

The Plan Sponsor is responsible for providing updated information regarding Plan participants requested by Nationwide that the Plan Sponsor and Nationwide mutually agree is necessary for Nationwide to perform the Administrative Services to the Plan Sponsor under this Agreement.

C. SERVICES WITH RESPECT TO PARTICIPANT PLAN ACCOUNTS

1. Nationwide will provide a secure Internet site. Using this site, participants may: (i) obtain such information regarding their accounts and (ii) conduct transactions with respect to their accounts. The Plan Sponsor authorizes Nationwide to honor instructions

regarding such transactions that may be submitted by a participant using the secure Internet site. Nationwide will operate its Internet site in accordance with reasonable provisions to ensure the security of such service.

2. Participants will have the ability to exchange existing account balances, in full or in part, and to redirect future contributions from one Investment Option offered by the Plan to another on any Business Day, subject to Nationwide policies and any restrictions required by the investment options.
3. Participants will receive quarterly statements detailing their account activity for the Plan.
4. Nationwide agrees to deliver account statements (by U.S. mail or electronically) to participants within thirty (30) calendar days after the end of each calendar quarter. This timeframe is contingent upon Nationwide receiving index fund returns from the mutual fund providers within four (4) Business Days after the end of each quarter.

D. **DISTRIBUTIONS**

1. Nationwide shall make all distributions as permitted by the Plan. Participants are responsible for selecting a form of payment from those available under the terms of the Plan and making all other determinations regarding available distributions options, e.g., rollover to an individual retirement annuity or another eligible retirement plan, etc.
2. Nationwide shall furnish each participant who has received a benefit payment tax reporting forms in the manner and time prescribed by federal and state law.
3. To the extent required by federal and state law, Nationwide will calculate and withhold from each benefit payment federal and state income taxes. Nationwide will report such withholding to the federal and state governments as required by applicable law.

6. **TERMINATION**

Either the Plan Sponsor or Nationwide may terminate this Agreement for any reason upon providing one-hundred and twenty (120) days written notice to the other party. Provision of such written notice of termination by Sponsor to Nationwide does not relieve the Plan Sponsor of any termination requirements that may be associated with specific investment options, nor does it relieve Plan Sponsor of any termination requirements associated with those investment options.

7. **ASSIGNABILITY**

No party to this Agreement shall assign the same without the express written consent of the other party, which consent shall not be unreasonably withheld. This provision shall not restrict Nationwide's right to delegate certain services to an agent, including any affiliate. Unless agreed to by the parties, no such assignment shall relieve any party to this Agreement of any duties or responsibilities herein.

8. **CONFIDENTIALITY**

Nationwide agrees to maintain all information obtained from or related to all Plan participants as confidential. The Plan Sponsor and Nationwide agree that Nationwide, its officers, employees, brokers, registered representatives, affiliates, vendors and professional advisors (such as attorneys, accountants and actuaries) may use and disclose Plan and participant information only to enable or assist it in the performance of its duties hereunder and with other Plan-related activities, and the Plan Sponsor expressly authorizes Nationwide to disclose Plan and participant

information to its agents and/or broker of record on file with Nationwide. Plan and participant information may also be used or disclosed by Nationwide to other third parties pursuant to a written authorization signed by the Plan Sponsor. Notwithstanding anything to the contrary contained herein, it is expressly understood that Nationwide retains the right to use any and all information in its possession in connection with its defense and/or prosecution of any litigation which may arise in connection with this Agreement, the investment arrangement funding the Plan, or the Plan; provided, however, in no event will Nationwide release any information to any person or entity except as permitted by applicable law.

This Section 8 will survive the termination for any reason of this Agreement.

9. CIRCUMSTANCES EXCUSING PERFORMANCE

Neither party to this Agreement shall be in default by reason of failure to perform in accordance with its terms if such failure arises out of causes beyond their reasonable control and without fault or negligence on their part. Such causes may include, but are not limited to, Acts of God or public enemy, acts of the government in its sovereign or contractual capacity, fires, floods, epidemics, quarantine or restrictions, freight embargoes, and unusually severe weather.

Neither party shall be responsible for performing all of that portion of services precluded by the foregoing events for such period of time as the Plan Sponsor or Nationwide are precluded from performing such services in the normal course of business. Neither Nationwide nor the Plan Sponsor shall be liable for lost profits, losses, damage or injury, including without limitation, special or consequential damages, resulting in whole or in part from the foregoing events.

“Acts of God” are defined as acts, events, happenings or occurrences due exclusively to natural causes and inevitable accident or disaster, exclusive from all human intervention.

10. INDEMNIFICATION

Nationwide agrees to indemnify, defend and hold harmless the Plan Sponsor, its officers, directors, agents, and employees from and against any loss, damage or liability assessed against the Plan Sponsor or incurred by the Plan Sponsor arising out of or in connection with any claim, action, or suit brought or asserted against the Plan Sponsor alleging or involving Nationwide’s non-performance of the provisions of this Agreement under Nationwide’s exclusive control, or negligence or willful misconduct in the performance of its services, duties and obligations under this Agreement.

11. PARTIES BOUND

This Agreement and the provisions thereof shall be binding upon and shall inure to the benefit of the successors and assigns of Nationwide and the Plan Sponsor. The Plan and Plan participants are not parties to this Agreement, and Nationwide has no contractual obligations to the Plan or Plan participants. This Agreement shall be enforceable only by the parties, not by Plan participants or other third-parties, and is intended to create no third party beneficiaries.

12. APPLICABLE LAW AND VENUE

The laws of the state in which the Plan Sponsor is located shall govern the rights and obligations of the parties under this Agreement without regard to choice of law principles.

13. MODIFICATION

This writing is intended both as the final expression of the Agreement between the parties and as a complete statement of the terms of the Agreement. Notwithstanding anything contained herein to the contrary, this Agreement may be amended from time to time and as mutually agreed upon by the parties. Except as otherwise provided herein, no modification of this Agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

14. NO WAIVER

The failure of either party to enforce any provision of this Agreement shall not be construed as a waiver of that provision or of any other provision in this Agreement and either party may, at any time, enforce the provision previously unenforced, unless a modification to this Agreement has been executed that affects the provision previously unenforced.

15. SEVERABILITY

Any provision of this Agreement which is prohibited or unenforceable in any jurisdiction where performance is required shall be ineffective to the extent such provision is prohibited or unenforceable without invalidating the remaining provisions, and any such prohibition or unenforceable provision in any jurisdiction shall not invalidate or render unenforceable such provision in any other jurisdiction.

16. COMPLIANCE WITH LAWS

Both the Plan Sponsor and Nationwide agree to comply, in their respective roles under this Agreement, in all material respects with all applicable federal laws and regulations as they affect the Plan and the administration thereof. Nothing contained herein shall be construed to prohibit either party from performing any act or not performing any act as either may be required by statute, court decision, or other authority having jurisdiction thereof.

17. PRIVITY OF CONTRACT

Plan Sponsor acknowledges and agrees that Nationwide and Plan participants shall have no privity of contract with each other.

18. HEADINGS

The headings of articles, paragraphs, and sections in this Agreement are included for convenience only and shall not be considered by either party in construing the meaning of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement effective on the date first written above.

Nationwide Retirement Solutions, Inc.:

Plan Sponsor

(name of entity)

By: _____

By: _____

Name:

Name:

Title:

Title:

Effective Date: _____

REGULAR AGENDA

AGENDA ITEM #6

RESOLUTION #2013-_____

A RESOLUTION ESTABLISHING GUIDELINES AND CRITERIA FOR STIMULATING ECONOMIC DEVELOPMENT WITHIN THE CITY; AUTHORIZING THE CITY MANAGER TO ACCEPT APPLICATIONS ON BEHALF OF THE CITY FOR PRESENTATION TO THE COMMISSION; AND PROVIDING FOR EVALUATION OF EACH APPLICATION FOR CONFORMITY WITH SUCH GUIDELINES AND CRITERIA PRIOR TO SUBMISSION TO THE COMMISSION.

WHEREAS, a need for economic development, especially single-family residential development, exists within the City based on current demand and new job creation;

WHEREAS, the City desires to increase the amount of economic and new residential single-family units built within the city, thereby increasing the sales tax and ad valorem tax base of the City to the benefit of other local taxing entities;

WHEREAS, through offering local economic incentives, the City believes this action will stimulate new economic and residential single-family development within the city;

WHEREAS, additional single-family residential units will benefit the citizens, expand the tax base, and increase the population by capturing a larger share of the workforce that may be living elsewhere due to lack of adequate local housing stock; and

WHEREAS, the City desires to approve certain guidelines and criteria for stimulating economic development within the city as a local incentive to create additional housing, a higher level of employment, economic activity and stability within the City of Kingsville;

WHEREAS, the City of Kingsville desires to establish and provide for the administration of a program that provides personnel and services and/or money of the city to promote local economic development and to stimulate business and commercial activity in the city, pursuant to authority found in section 380.001 of the Local Government Code.

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

1.

THAT the Guidelines and Criteria for Stimulating Economic Development within the City (the "Guidelines", attached as Exhibit A) are hereby approved for two years from the effective date of this resolution;

II.

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

III.

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

IV.

THAT the City Manager is authorized to accept applications pursuant to such Guidelines for presentation to the City Commission for the granting of Economic Development Agreements.

V.

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

VI.

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 28th day of January, 2013.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**GUIDELINES AND CRITERIA
FOR
ECONOMIC DEVELOPMENT INCENTIVES
WITH
THE CITY OF KINGSVILLE**

SECTION I. General Purpose:

The City of Kingsville, Texas, is committed to the promotion of economic development in all parts of the City and to an ongoing improvement in the quality of life for the citizens residing within the City. The City recognizes that these objectives are generally served by enhancement and expansion of the local economy and tax base. The City will, on a case by case basis, give consideration to providing economic incentives, as authorized by Vernon's Texas Code Annotated (V.T.C.A.), Local Government Code, Chapter 380, as stimulation for economic development within the City of Kingsville. It is the policy of the City that said consideration will be provided in accordance with the guidelines and criteria herein set forth and in conformity with the Local Government Code.

Nothing contained herein shall imply, suggest or be understood to mean that the City is under any obligation to provide economic incentives to any applicant and adoption of these GUIDELINES AND CRITERIA GOVERNING ECONOMIC DEVELOPMENT INCENTIVES. (these "Guidelines") The Guidelines shall not create any property, contract, or other legal right in any person to have the governing body of the City consider or grant a specific application or request for economic incentives. With the above rights reserved all applications for economic incentives will be considered on a case by case basis.

SECTION II. Definitions:

As used within these guidelines and criteria, the following words or phrases shall have the following meaning:

1. Program Time Limit: Development Agreements may be approved by the governing body of the City of Kingsville for a period not to exceed five (5) years.
2. Agreement Time Limit: An applicant for a Development Agreement shall have all infrastructure improvements and development of the lots fully developed within 5 years of execution of said Residential Development Agreement.
3. Economic Incentives: The City of Kingsville may provide a maximum of one hundred percent (100%) of the total labor and equipment cost (to be determined by the City Engineer) of infrastructure (water and/or sewer or street) in the form of man-power and equipment, both of which will be provided by the City of Kingsville,

that are to be located on real property within the city limits of the City of Kingsville, Texas for economic development purposes as designated in the Development Agreement for a period of time not to exceed five (5) years. The City of Kingsville may also provide a grant of money and/or reimbursables for infrastructure (water &/or sewer or street) that are to be located on real property within the city limits of the City of Kingsville, Texas for economic development purposes as designated in the Development Agreement for a period of five (5) years, with the ability of an extension upon request by the applicant for up to an additional 5 years to be approved by the City Commission, but shall not exceed a total term of 10 years.

4. The City: The City of Kingsville, a municipal corporation, located within the city limits of City of Kingsville, Texas.
5. Development Agreement: A contract between a property owner and the City for the economic incentives to be provided by the City of Kingsville for qualified property located within the City of Kingsville.
6. Base Year Value: The assessed value as determined by the Kleberg County Tax Assessor of property eligible for economic incentives as of January 1 preceding the execution of a Development Agreement as herein defined.
7. Facility: The building, units or structures erected on the Real Property.
8. Improvements to Real Property or Improvements: Shall mean the construction and completion of any Facility located upon, or to be located upon Real Property, as herein defined.
9. Owner: The record title owner of Real Property.
10. Real Property: Land on which Improvements are to be made located within the city limits.
11. Plat: A map of a subdivision showing the location and boundaries of individual parcels of land subdivided into lots, with streets, alleys, easements, etc., usually drawn to scale.
12. Living Space: The area of the house that is heated and/or cooled.

SECTION III. Intent of Criteria and Guidelines: The intent of the criteria and guidelines, as herein set forth, is to establish the minimum standards which an applicant for economic incentives must meet in order to be considered for such status by the City.

SECTION IV: Criteria and Guidelines for Economic Incentives:

1. Real Property will be eligible for economic incentives consideration provided such property meets the following guidelines and criteria:
 - (a) Creation of new value: Economic incentives may only be granted for newly platted single family residential development lots that result in the development of single family residential units with a minimum of 1300 square feet of living space, and/or multi-family apartment buildings with a minimum of 12 total dwelling units, and/or commercial and retail development that creates jobs, sales taxes & additional property value.
2. If the water and/or sewer infrastructure must pass undeveloped land, the applicant must pay 100% of the cost for that section of infrastructure and may seek reimbursement from the future developer of said undeveloped land as development occurs.
3. If the water and/or sewer infrastructure must pass developed land and the property owner of the developed land wants to connect to the infrastructure, then said property owner must pay 100% of the cost for the section of infrastructure crossing the entirety of his property.
4. The developer/contractor shall abide by and not solicit or seek undue relief from all applicable building codes and or site development standards as approved by the City Commission and/or promulgated by other industry rulemaking bodies.
5. The total amount or value of economic incentives may not exceed that which is required to complete the project including a reasonable, but not excessive return on investment under existing market conditions.
6. The following types of property shall be ineligible for economic incentives status:
 - a. manufactured homes;
 - b. modular homes;
 - c. homes built with open foundations (eligible for street infrastructure assistance);
 - d. apartments with 11 or fewer dwelling units;
 - e. duplexes, triplexes and quadplexes (eligible for street infrastructure assistance);
 - f. hotel accommodations (unless part of a large scale apartment development wherein extended stay units are developed);
 - g. motel accommodations;
 - h. property owned by the State of Texas or any State agency; and,
 - i. property owned or leased by a member of the City Commission of the City of Kingsville.
7. In order for a Facility to qualify for economic incentives, all of the following conditions must apply:

- a. the Real Property must be owned by the same person, corporation, partnership or other business entity;
- b. the Real Property must be located in the city limits of the City of Kingsville;
- c. there can be no liens on the property and all property taxes must be current;
- d. the applicant or his developer must put up a cash bond/performance bond or irrevocable letter of credit in the amount of 105% of the cost of the economic incentives;
- e. the improvements to the Real Property must be for single family residential development lots that result in the development of single family residential units with a minimum of 1300 square feet of living space, and/or multi-family apartment buildings with a minimum of 12 total dwelling units; and/or commercial and retail development that creates jobs, sales taxes & additional property value.; and
- f. construction must be a minimum 100% completed no later than the expiration of the Residential Development Agreement.

6. Bond/Irrevocable Letter of Credit

a. The Applicant shall submit to the city, no later than the date the Development Agreement is approved by the Kingsville City Commission, a cash bond/performance bond or irrevocable letter of credit in the amount of 105% of the cost of the economic incentives, from a surety authorized to do business in the State of Texas. The bond or irrevocable letter of credit shall be valid for a period of *no less than* five years from the date that the application is submitted to the City Commission for approval.

b. The bond or irrevocable letter of credit shall provide, but not be limited to, the following condition: there shall be recoverable by the city, jointly and severally from the principal and surety any and all financial loss, or costs suffered or incurred by the city in connection with Applicant's development within the city.

c. The bond or irrevocable letter of credit shall contain the following endorsement: "it is hereby understood and agreed that this bond/irrevocable letter of credit may not be canceled by the surety company until the term of the Development Agreement expires, or at which time the project is completed and approved by the City for which release of the bond has been granted in writing"; the rights to the city with respect to the bond/irrevocable letter of credit are in addition to all other rights of the city; and no action, proceeding, or exercise of a right with respect to such bond/irrevocable letter of credit shall affect any other rights of the city."

d. Notwithstanding anything contained to the contrary, the Development Agreement shall not be effective unless and until a copy of the agreement, signed by an authorized officer of the Applicant, and the bond or irrevocable letter of credit have been filed with the City Secretary.

7. The amount and term of economic incentives shall be determined by the City Commission of the City of Kingsville on a case by case basis; however, in no event

shall economic incentives be offered by the City of Kingsville for a term in excess of ten(10) years.

8. No property shall be eligible for economic incentives unless such property meets the requirements of V.T.C.A. Local Government Code, Section 380 et seq.

9. The economic qualification for economic incentives shall be as follows:

a. Facility:

i. The creation of a Facility, which has not previously existed within the City, and will be new development or approved redevelopment of a blighted property; and,

ii. The development to be erected or affixed in or on the Real Property within the city limits of the City of Kingsville, Texas, for which economic incentives are sought must consist of single family residential development lots that result in the development of single family residential units with a minimum of 1300 square feet of living space; and/or multi-family apartment buildings with a minimum of 12 total dwelling units; and/or commercial and retail development that creates jobs, sales taxes & additional property value. All construction must be a minimum 100% completed no later than the expiration of the Residential Development Agreement.

b. Notwithstanding any of the requirements set forth herein, the governing body of the City of Kingsville, upon the affirmative vote of three-fourths of its members, may vary any of the above requirements when variation is demonstrated by the applicant for Economic Incentives to be in the best interest of the City and that it will enhance the economic development of the City.

c. By signing a Development Agreement, an applicant whereby agrees that once a Development Agreement has been executed by all necessary parties applicant will not seek a real estate inventory discount with the Kleberg County Appraisal District for the real property and any improvements thereon.

10. Value of Facility:

a. The value of the development lots and/or improvements to be made, comprising the Facility shall be determined by the Kleberg County Appraisal District in accordance with the terms and provisions of a Development Agreement executed between the City and the owner of the Real Property.

11. Authority

a. The governing body of the City shall have total discretion as to whether economic incentives are to be granted. Such discretion, as herein retained, shall be exercised on a case by case basis by the City Commission of the City of Kingsville. The adoption of these guidelines and criteria by the governing body of the City of Kingsville does not:

- i. Limit the discretion of the governing body to decide whether to enter into a specific economic incentives agreement;
 - ii. Limit the discretion of the governing body to delegate to its employees the authority to determine whether or not the governing body should consider a particular application or request for economic incentives; or,
 - iii. Create any property, contract, or other legal right in any person to have the governing body consider or grant a specific application or request for economic incentives.
- b. The burden to demonstrate that an application for economic incentives should be granted shall be upon the applicant. The City shall have full authority to request any additional information from the applicant that the City deems necessary to assist it in considering such application.

SECTION V. Development Agreement:

1. A Development Agreement may be executed between the owner of Real Property and the City. A Development Agreement shall:

a. Establish and set forth the Base Year assessed value of the property for which economic incentives are sought.

b. Provide that ineligible property as described in Section IV, Subsection 4, hereinabove shall not be subject to a Development Agreement.

c. Fully describe and list the kind, number and location of all of the improvements to be made in or on the Real Property.

d. Set forth the estimated value of all improvements to be made in or on the Real Property.

e. Clearly provide that economic incentives shall be granted only to the extent:

i. The City has sufficient resources and labor to complete the project; and,

ii. That the Kingsville City Commission approves the application submitted for a Development Agreement.

f. Provide for the portion of the total square footage of each single family residential unit to be built, number of dwelling units per multi-family structure,

and/or the number and type of jobs and/or forecasted sales tax increases and forecasted property tax value increases on Property.

- g. Provide for the commencement date and the termination date of the agreement. In no event shall said date exceed a total period of ten years.
- h. Describe the development of and improvements to Real Property including:
 - i. What type of economic assistance for water &/or sewer or street infrastructure is being sought.
 - ii. The nature of the construction, proposed time table of completion, a map or drawings of the improvements above mentioned.
 - iii. The amount of investment.
 - iv. A list containing the kind, number and location of all proposed improvements.
 - v. Any other information required by the City.
- i. Provide a legal description of the Real Property upon which improvements are to be made.
- j. Provide access to and authorize inspection of the Real Property or improvements by employees of the City, which has executed a Development Agreement with owner to insure improvements are made according to the specifications and conditions of the Development Agreement and all relevant codes and ordinances.
- k. Provide for the limitation of the uses of the Real Property or improvements consistent with the general purpose of encouraging development during the period covered by Development Agreement.
- l. Provide for contractual obligations in the event of default by owner, violation of the terms or conditions by owner, recapturing economic assistance provided by the city in the event owner defaults or otherwise fails to make improvements as provided in said Development Agreement, and any other provision as may be required or authorized by State Law.
- m. Contain each term agreed to by the owner of the property.
- n. Provide that the governing body of the City of Kingsville may cancel or modify the agreement if the property owner fails to comply with the agreement. If the completion of the project is delayed due to the fault of the City, then the Agreement Time Limit will be extended by an equivalent amount of time.
- o. Applicant is responsible for the cost and accuracy of all surveying and stakework.
- p. Applicant shall be responsible for any additional cost incurred for additional work due to changes in layout or due to errors in surveying or stakework.

q. Upon approval by the Kingsville City Commission, the City will provide a maximum of 100% of the total labor cost (to be determined by the City Engineer) of the water &/or sewer or street infrastructure in the form of man-power and equipment and/or money. The City shall not perform nor be responsible for excavation work performed in excess of five feet. In the event that the excavation for water and/or sewer exceeds five feet, the City of Kingsville will provide assistance by providing backfill material, hauling, waiving of any landfill tipping fees for backfill material only, and final (finish) grading on all excavated areas, to exclude existing infrastructure such as, but not limited to, curbs, sidewalks, driveways, stormdrains, etc.

r. The city shall not run any water and sewer lines or install any meters or taps on the private property to connect to the structure(s) as a part of the Development Agreement.

s. The city shall not be responsible for any meters fees or tap fees.

t. The tap from the city's main line will be laid in accordance with an exhibit to the application for Development Agreement.

u. Development within the subdivision is not exclusive to one contractor.

v. New phases of existing subdivisions are allowed.

w. Notwithstanding anything contained to the contrary, the Development Agreement shall not be effective unless and until a copy of the agreement, signed by an authorized officer of the applicant/property owner, and the cash bond/performance bond/irrevocable letter of credit, have been filed with the City Secretary.

2. Any notice, as provided for herein, is presumed delivered when placed in the mail, postage paid and properly addressed to the appropriate presiding officer. A notice properly addressed and sent by registered or certified mail for which a return receipt is received by the sender is considered to have been delivered to the addressee.

SECTION VI. Application:

1. Any owner of taxable property located within the City of Kingsville, which has no liens on the property, may apply for economic incentives by filing an application with the City of Kingsville and by paying an application fee of \$750.00 at the time of filing said application.

2. The application shall consist of a completed application form accompanied by:

a. A general description of the improvements to be undertaken.

- b. A map indicating the approximate location of improvements on the Real Property, together with the location of any or all development located on the Real Property or Facility.
- c. A list of any and all Tangible Personal Property presently existing on the Real Property or located in an existing Facility.
- d. A proposed time schedule for undertaking and completing the proposed improvements.
- e. A statement of the additional value to the Real Property as a result of the proposed improvements.
- f. A statement of the assessed value of the Real Property, for the Base Year.
- g. Information concerning the total square footage and number of new single family residential units, and/or number of multi-family residential units and/or the commercial and retail development and/or the number of new jobs and/or forecasted new sales tax information and also the assumed additional property tax value that will be created as result of the improvements undertaken.
- h. Any other information which the City deems appropriate for evaluating the financial capacity of the applicant and compatibility of the proposed improvements with these guidelines and criteria.
- i. Information that is provided to the City in connection with an application or request for Development Economic Incentives and which describes the specific plans for facilities to be constructed on the property for which economic incentives are sought is confidential and not subject to public disclosure until the Development Agreement is executed. Information in the custody of the City after the agreement is executed is not confidential.

SECTION VII. Recapture:

- 1. In the event that any type of Development Agreement:
 - a. has been entered into but the owner or applicant fails to undertake or complete such improvements;
 - b. has been entered into and development begins but subsequently discontinues for any reason, excepting fire, explosion or other casualty or accident or natural disaster or other event beyond the reasonable control of applicant or owner for a period of 90 days during the term of a Development Agreement, or
 - c. has been entered into but the City determines that the applicant or owner is in default of any of the terms or conditions contained in the Development Agreement,

then in such event the Development Agreement shall terminate and all economic assistance shall likewise terminate. The City shall give the applicant or owner sixty (60) days written notice to cure such default. In the event such default is not cured to the satisfaction of the City within the sixty (60) days notice period, then the Development Agreement shall terminate and all economic incentives shall likewise terminate and the City shall be entitled to reimbursement.

The burden shall be upon the applicant or owner to prove to the satisfaction of the City that the discontinuance of development was as a result of fire, explosion, or other casualty or accident or natural disaster or other event beyond the reasonable control of applicant or owner. In the event the applicant or owner meets this burden and the City is satisfied that the discontinuance of the development was the result of events beyond the reasonable control of the applicant or owner, then such applicant or owner shall have a period of sixty days from written notice of the City that an exception was met in which to resume the development. In the event that the applicant or owner fails to resume the development within sixty days, the Development Agreement shall terminate and the City shall be entitled to reimbursement.

2. The date of termination, as that term is used in this document shall, in every instance, be the 60th day after the day the City sends notice of default in the mail to the address shown in the Development Agreement to the Applicant or Owner. Should the default be cured by the owner or applicant within the sixty (60) day notice period, the Owner/Applicant shall be responsible for so advising the City, failing in which, the Development Agreement remains terminated and the economic incentive provided by the City must be reimbursed.
3. The City shall be reimbursed a percentage of the total economic incentives (cash, labor, and equipment), plus a 5% penalty for administrative expenses, within 60 days of the date of termination. The percentage of economic incentives to be reimbursed is based on the total number of undeveloped lots (or in the case of a non-residential project the total percentage of the undeveloped project value) at the time of default divided by the total number of lots (or in the case of a non-residential project the total percentage of the anticipated project value) to have been developed as stated in the Development Agreement, plus an additional 5% penalty for administrative expenses.
4. In the event that a Development Agreement is terminated for any reason what so ever and economic incentives are not paid within the time period herein specified, then in such event, the city may seek recourse by filing suit in a court of competent jurisdiction in Kleberg County, Texas.

5. If the completion of the project is delayed due to the fault of the City, then the Development Agreement Time Limit will be extended by an equivalent amount of time.
6. By way of example as to how a reimbursement calculation should work, see the following:
 - a. Development Agreement states a total amount of economic incentives of \$400,000 (cash, labor and equipment) will be received by developer.
 - b. Development Agreement states 60 lots are to be developed.
 - c. At the time of default, only 30 lots are developed.
 - d. Then 30 divided by 60 equals 50%.
 - e. Add the 5% penalty to the 50% and the sum is 55%.
 - f. Multiply the total economic incentives of \$400,000 by 55% to get the amount to be repaid to the city (\$220,000) within 60 days.

SECTION VIII. Miscellaneous:

1. Any notice required to be given by these criteria or guidelines shall be given in the following manner:
 - a. To the owner or applicant: written notice shall be sent to the address appearing on the Development Agreement.
 - b. To the City: written notice shall be sent to the address appearing on the Development Agreement.
2. Upon the completion of improvements made to any real property as set forth in these criteria and guidelines, a designated employee or employees of the City, having executed a Development Agreement with applicant or owner, shall have access to the real property to insure compliance with the Development Agreement.
3. A Development Agreement may be assigned to a new property owner but only after written consent has been obtained from the City that executed such an agreement with the applicant or owner.
4. These guidelines and criteria are effective upon the date of their adoption by the City Commission of the City of Kingsville and shall remain in force for two years. At the end of the two year period, these guidelines and criteria may be readopted, modified, amended or rewritten as the conditions may warrant.
5. The guidelines and criteria once adopted by the City may be amended or repealed by a vote of three-fourths of the members of the governing body of the City during the term in which these guidelines and criteria are effective.
6. Notwithstanding anything contained to the contrary, the Development Agreement shall not be effective unless and until a copy of the agreement, signed by an

authorized officer of the Applicant, and the cash bond/performance bond or irrevocable letter of credit have been filed with the City Secretary.

7. In the event that the excavation for sewer and/or water exceeds five feet, the City of Kingsville will provide assistance by providing backfill material, hauling, waiving of any landfill tipping fees, and final (finish) grading on all excavated areas, to exclude existing infrastructure such as, but not limited to, curbs, sidewalks, driveways, stormdrains, etc.

DRAFT



**APPLICATION FOR ECONOMIC DEVELOPMENT INCENTIVES
WITH THE CITY OF KINGSVILLE**

FILING INSTRUCTIONS:

Applicant should complete and submit no later than NINETY (90) DAYS prior to the anticipated commencement of construction of improvements. The applicant acknowledges that they have read and understand these guidelines and criteria for economic development incentives with the City of Kingsville (Copy attached). This application will become a part of any later agreement or contract. Knowingly false representations herein may result in voiding of any subsequent agreements or contracts.

AN ORIGINAL COPY OF THIS APPLICATION AND ATTACHMENTS SHOULD BE SUBMITTED TO:

Director of Planning & Development Services
City of Kingsville
P.O. Box 1458
Kingsville, Texas 78364

Section 1 - APPLICANT INFORMATION

Date of Application: _____

Applicant Name: _____

Company Name: _____

Address: _____

Phone: _____

Email: _____

Applicant's Representative on this project:

Name: _____

Address: _____

Phone: _____

Email: _____

(a) Type of Ownership (check one):

Corporation () Partnership () Proprietorship ()

(b) Parent Company(ies)_____

Subsidiary Company(ies)_____

Affiliated Company(ies)_____

(c) Are the property taxes on said property described below current?

Yes No

(d) Are there any recorded or unrecorded liens on the property?

Yes No If yes, amount. \$ _____

(e) Have you, your partners or business associates ever been charged and or convicted of any felony crimes?

Yes No

(f) Has the cash bond/performance bond/irrevocable letter of credit been provided in the amount of 105% of the cost of the economic incentives to be received?

Yes No

(g) Is the above stated cash bond/performance bond/irrevocable letter of credit valid for a period of no less than five years from the date that the application is submitted to the City Commission for approval?

Yes No

(h) Are the required endorsement and conditions stated in section IV of the Guidelines included on the cash bond/performance bond/irrevocable letter of credit?

Yes No

(i) The Applicant agrees to provide access to and authorize inspection of the Real Property or improvements to the Real Property by employees of the City to ensure improvements are made according to the specification and conditions of the Development Agreement and all relevant codes and ordinances.

Yes No

(j) The Applicant agrees to provide for contractual obligations in the event of default by owner, violation of the terms or conditions by owner, recapturing economic assistance provided by the city in the event owner defaults or otherwise fails to make improvements as provided in the Development Agreement, and any other provision as may be required or authorized by State law.

Yes No

Section II –DEVELOPMENT/PROJECT INFORMATION

(a) Describe the type of development or project development for which economic development incentives are requested:

(b) Address of proposed development and legal description: _____.

(c) The proposed development is located in the following taxing jurisdictions:

School District: _____

Water District: _____

City: _____

County: _____

Other: _____

City: Kingsville, Texas

(d) This application is for a New Development _____ or an Expansion _____.

(e) State the exact type of economic development assistance you are seeking from the city.

(f) What is the current zoning?

(g) Will there be any other land use applications associated with this project (i.e. rezoning, subdivision, etc.)?

(h) State the monetary amount and timing of requested economic development incentives, if any.

(i) Specify the nature and timing of request for in-kind (i.e. streets, sewers, waterline) economic development incentives, if any.

Section III – DEVELOPMENT DESCRIPTION

Please attach the following:

- (a) A general description of the infrastructure improvements to be undertaken.
- (b) A descriptive list of the improvements for which assistance is requested.
- (c) A list of the kind, number and location of all proposed improvements to Real Property.
- (d) A site map indicating the approximate location of the proposed improvements on the Real Property, together with the location of any or all existing improvements located on the Real Property.
- (e) A list of any and all Tangible Personal Property presently existing on the Real Property.
- (f) A proposed time schedule for undertaking and completing the proposed improvements.
- (g) A general description stating whether the proposed improvements are in connection with:
 - (1) construction of a New Development (of any type herein defined); or,
 - (2) expansion of an existing Development (of any type herein defined); or,
 - (3) other.
- (h) A statement of the additional market value to the Real Property resulting from the proposed improvements.

- (i) A statement listing the dollar amount of investment via a cash flow pro forma with an indicated rate of return once calculated against the estimated construction valuations and hard/soft costs.
- (j) A statement of the assessed value of the Real Property for the Base Year.
- (k) Provide that ineligible property as described in Section IV, Subsection 4 of the Economic Development Guidelines, shall not be subject to a Development Agreement.
- (l) Provide information concerning the type of development and the specific result that will be garnered as a result of the improvements undertaken. This shall be in conformance with the criteria listed in the Economic Development Guidelines.
- (m) Provide information concerning the total square footage of each of the single family residential units, and/or number of multi-family dwelling units, and/or the number of new jobs to be created or forecasted sales tax increases.

Section IV - ECONOMIC IMPACT INFORMATION

Part A - Current Investment in Existing Improvements:

Opening of improvements:

Month: _____ Year: 20____

Part B – Construction:

(a) Construction start date:

Month: _____ Year: 20____

(b) Development Total (S.F. Dwellings, M.F. Dwellings, # of jobs):

At Start: _____

Finish: _____

Part C - School District Impact Estimates:

Give estimated number of population increase: _____

Estimates of families to be transferred to area: _____

Estimates of children to be added to ISD's: _____

Part D - City Impact Estimates:

- (a) Volume of treated water required from City in gallons per day: _____
- (b) Volume of effluent water to be treated by City in gallons per day: _____
- (c) Please provide a statement on planned water and sewer treatment methods, and disposal of effluent water if the Development is to be located outside City systems. _____

- (d) Has the required TCEQ permitting process been started (circle one)?
Yes No

Part E - Estimated Appraised Value on Site: (Land/ Personal Improvements/ Personal Property)

- (a) Valuation of Development on January 1 Preceding Proposed Assistance: _____
- (b) Value of Development upon completion of the project, and other associated improvements: _____
- (c) Estimated Value of Eligible Improvements after Economic Development Agreement expiration: _____

Section V - OTHER AGREEMENT APPLICATIONS

- (a) Has applicant made application for economic development assistance for this Development to any other taxing jurisdictions (circle one)?
Yes No
- (b) If "Yes", please provide:
 - (1) Dates of Application:
 - (2) Hearing Dates:
 - (3) Name of Jurisdiction(s) and Contact(s):
 - (4) Any letters of intent to abate or applications submitted:

Section VI - DECLARATION

To the best of my knowledge, the above information is an accurate description of the project details.

Applicant's Signature

Date

Owner's Signature

Date

Receiving For City

Date

DRAFT

AGENDA ITEM #7

ORDINANCE NO. 2013-_____

AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR 1727 S. 7TH STREET (LOTS 20-21, SOUTHMORE AC) FOR A LAWN SERVICE & TREE TRIMMING BUSINESS; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION.

WHEREAS, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Israel S. Lopez, for amendment to the zoning map of the City of Kingsville;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, January 16, 2013, during a meeting of the Planning Commission, and on Monday, January 28, 2013, during a meeting of the City Commission, in the Commission Chambers, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

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

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended and a Special Use Permit is granted for a lawn service & tree trimming business on the premises known as 1727 South 7th Street, Lots 20-21, Southmore AC, as more specifically describe on site plan attached as Exhibit A.

SECTION 2. That the Special Permit granted in Section 1 of this Ordinance is subject the following conditions:

1. ALLOWED USE: The only uses authorized by this Special Permit other than the permitted "R2" Two-Family Residential District uses is as a lawn service & tree trimming business.

2. TIME LIMIT: This Special Permit is good for the duration of the business from the date of this ordinance **unless** (a) the property is not being used for the purpose outlined in Condition 1, or (b) any other conditions have not been complied with, or (c) there is a change in ownership of the business.

4. SPECIAL CONDITION: (4.1) The applicant shall obtain all required licenses for

operating the business and permits for building, fire and health thereby meeting all adopted codes to operate said business, and shall cooperate with all annual fire safety, health, and sanitation inspections, in order to maintain compliance with state and city regulations for the operation of a lawn service & tree trimming business. (4.2) Outdoor storage of equipment and/or materials shall be limited to small equipment and shall be completely enclosed by a 100% sight obscuring privacy fence to prevent the contents from being visible from the public right-of-way and/or adjacent property. (4.3) No stockpiling of any mulch, brush clippings, grass clippings, rock or other such materials shall be allowed to be stored on the site wherein a nuisance by bee created. (4.5) All activity on site shall be in complete compliance of all City codes, especially the nuisance, building and zoning codes.

SECTION 3. That the official Zoning Map of the City of Kingsville, Texas, is amended to reflect the amendment to the Zoning Ordinance made by Section 1 of this ordinance.

SECTION 4. That the Zoning Ordinance and Zoning Map of the City of Kingsville, Texas, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

SECTION 5. That to the extent that this amendment to the Zoning Ordinance represents a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the Zoning Ordinance, as amended by this ordinance.

SECTION 6. That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

SECTION 7. That publication shall be made in the official publication of the City of Kingsville as required by the City Charter of the City of Kingsville. Codification is not required.

INTRODUCED on this the 28th day of January, 2013.

PASSED AND APPROVED on this the ____ day of February, 2013.

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



Planning & Development Services Department

TO: Mayor & City Commission

THROUGH: Vincent Capell, City Manager

FROM: Michael Kellam, AICP, Director of Planning & Development Services *(MK)*

SUBJECT: Special Use Permit request to allow a lawn care and tree trimming service in a residential area at 1727 S. 7th St.

DATE: January 18, 2013

The City of Kingsville Planning and Zoning Commission met on January 16, 2012 at 7:00 p.m. in regard to a request made by Mr. Israel S. Lopez, to allow for the operation of a lawn care and tree trimming service, to be located in a residentially zoned area at 1727 S. 7th St. The property is located in a R-2 Two Family Residential District and is immediately adjacent to a C-2 Retail District to the west which is occupied by existing commercial uses. This type of use requires a special use permit to be approved by the City Commission as it is not a use allowed by right within the R-2 Two Family Residential District.

All pertinent notices were published and sent out to the surrounding property owners that are within the 200ft radius 15 days prior to the meeting. One neighboring resident, Mr. Roger Pollard, spoke at the Planning & Zoning Commission meeting regarding concerns and past complaints he'd had regarding the piling of mulch on the site and other debris. Mr. Lopez indicated the site has been and is in the process of being cleaned in preparation of the lawn care business as well as his intent to construct a new home immediately to the north of the garage to be utilized as the storage of his lawn care equipment. Additionally, conditions of approval regulating the storage of equipment, materials or any other potential violations would not be allowed as part of the special use permit.

Additionally, staff presented the attached staff report, supplemental information and applicant information to the Planning & Zoning Commission. As stated in the staff report the request was found to not be a detriment to the surrounding uses as the equipment and materials will be limited and will be mostly within the existing structure that is to be repaired and remodeled. Additionally, the conditions, in conjunction with city nuisance codes, will address the concerns of the City and those of the neighbor who spoke.

Additionally, given the proximity to the existing commercial corridor, neighboring commercial uses and the aforementioned findings, staff is comfortable with the issuance of the special use permit with conditional approval. This specially permitted use is a lesser intense quasi-commercial activity that can co-exist with the existing surrounding uses, while also allowing for future residential occupancy upon the ceasing of this operation.

Planning staff recommends conditional approval of this rezoning request. The Planning & Zoning Commission recommended **Conditional Approval** of the request with a unanimous 5/0 vote, with the following conditions:

1. To avoid spot zoning for a commercial property within a residential neighborhood, this special use permit shall expire should the approved special use cease, or in the case of a change in ownership.
2. Any future outdoor storage of equipment and or materials shall be limited to small equipment and shall be completely enclosed by a 100% sight obscuring privacy fence to prevent the contents from being visible from the public right of way and/or adjacent property owners.
3. The business shall obtain all required licenses and permits for the planned construction activity and improvements, thereby meeting all adopted codes to operate said business.
4. No stockpiling of any mulch, brush clippings, grass clippings, rock or other such materials shall be allowed to be stored on the site wherein a nuisance may be created. All activity on site shall be in complete compliance of the nuisance, building and zoning codes.

Attachments

**Staff Report to the PLANNING & ZONING COMMISSION
and CITY COMMISSION**

by the Planning & Development Services Department, Planning Division
City of Kingsville, Texas

Request: APPROVAL OF A SPECIAL USE PERMIT TO ALLOW FOR A LAWN SERVICE AND TREE TRIMMING BUSINESS AT 1727 S. 7TH STREET.

Petitioner and Agent: Israel S. Lopez

Date of P&Z Hearing: January 16, 2013

Comprehensive Plan Land Use: Low Density Residential

Existing Zoning Classification: R-2 Two-Family Residential District

Adjacent Zoning: North & South: R-2 Two Family Residential District

East: R-1 Single Family Residential District

West: C-4 Commercial District

EXISTING INFRASTRUCTURE

Transportation: Ailsie Street- Local
7th Street- Local

Community Facilities: Services provided

Capital Improvements: Services Provided

Fire Station Proximity: Within one and one half mile

100 Year Flood Plain: The property is not within a floodplain

EXHIBITS PRESENTED

- Chapter 15 of the Kingsville Code of Ordinances (present at the meeting)
- City of Kingsville Master Plan (present at meeting)
- Site map
- Aerial Photo
- Mailing list of owners within 200 feet

BACKGROUND AND HISTORY

The petitioner is requesting a special use permit to allow the operation of a lawn care and tree trimming business. The property is currently unoccupied but historically has been utilized as a mobile home park. One existing structure remains on the property consisting of a two car (26'x24') garage. The applicant is the owner of the site wherein the proposed lawn care and tree trimming business will be housed.

FIELD INSPECTION AND PERTINENT DATA

The site is located near the southwest corner of the 7th Street and Ailsie Street intersection. The proposed site to be occupied by the specially permitted lawn and tree trimming service totals one half acre, and also contains the aforementioned existing structure. The applicant states he will make significant repairs to rehabilitate the existing two car garage, if approved. The applicant states the lawn and tree trimming service equipment will be housed within the structure with no outdoor storage of equipment or materials. The applicant indicates additional trees and other site improvements will be made to the property to enhance the

appearance of the area. In addition the applicant intends to construct his personal home on the two lots (one half acre) immediately to the north.

Pertaining to the business, staff has determined the special use permit will be the best route for allowing this type of use as it prevents spot zoning or the potential creation of future incompatible uses. Given the intent of the current user to house all equipment and materials within the existing structure, little to no impact will be made on adjacent residential uses. There is no anticipated customer traffic therefore no detriment is caused in that regard. Staff would recommend that conditions be placed on the special use permit to ensure no outdoor storage is created without a 100% sight obscuring fence to where equipment and materials are not visible from the right of way and/or by neighboring property owners. This shall be in addition to the expiration of the special use permit upon transfer of title, cessation of the business by the current owner/applicant.

Given the proposed improvements to the property, the intent of the applicant to construct a future home adjacent to the property and the aforementioned findings, staff is comfortable with the issuance of the special use permit. This specially permitted use will not be a detriment to the neighborhood and with the proposed conditions to be placed on the special use permit can easily co-exist with the existing surrounding uses, while also allowing for future residential occupancy upon the ceasing of this operation.

STAFF REVIEW & RECOMMENDATION

In general, the Planning & Zoning Commission shall consider the following factors when making a recommendation on the Special Use Permit request:

1. The proposed special use permit is in harmony with the general purpose, goals, objectives and standards of the adopted city master plan;
2. The use will not be detrimental to existing adjacent uses or to uses permitted generally in the zoning district in which the proposed conditional use is to be located;
3. The use will not generate volumes and/or types of vehicular traffic that will be hazardous to or conflict with the existing or anticipated traffic in the surrounding area; and
4. The proposed use meets the height, area and design standards established in the zoning district.

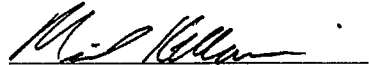
Staff recommends **Conditional Approval** of this request with the following findings:

1. To avoid spot zoning for a commercial property within a residential neighborhood, this special use permit shall expire should the approved special use cease, or in the case of a change in ownership.
2. Any future outdoor storage of equipment and or materials shall be limited to small equipment and shall be completely enclosed by a 100% sight obscuring privacy fence to prevent the contents from being visible from the public right of way and/or adjacent property owners.
3. The business shall obtain all required licenses and permits for the planned construction activity and improvements, thereby meeting all adopted codes to operate said business.

And with the following findings:

1. The proposed special use permit is in harmony with the general purpose, goals, objectives and standards of the adopted city master plan;

2. The use will not be detrimental to existing adjacent uses or to uses permitted generally in the zoning district in which the proposed conditional use is to be located;
3. The use will not generate volumes and/or types of vehicular traffic that will be hazardous to or conflict with the existing or anticipated traffic in the surrounding area; and
4. The proposed use meets the height, area and design standards established in the zoning district.

Prepared by: 
Michael Kellam, AICP
Director of Planning & Development Services

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

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1727 S. 7th Street Nearest Intersection 7th and Ailsie
 (Proposed) Subdivision Name Southmore Lot 20, 21 Block -
 Legal Description: Southmore Ac, Lot 20, 21
 Existing Zoning Designation Residential Future Land Use Plan Designation Commercial

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Israel S. Lopez Phone ⁽³⁶¹⁾ 522-6007 FAX N/A
 Email Address (for project correspondence only): lopezlawn@yahoo.com
 Mailing Address P.O. Box 5899 City Kingsville State TX Zip 78364
 Property Owner Israel S. Lopez Phone ⁽³⁶¹⁾ 522-0858 FAX N/A
 Email Address (for project correspondence only): lopezlawn@yahoo.com
 Mailing Address P.O. Box 5899 City Kingsville State TX Zip 78364

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

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

Please provide a basic description of the proposed project: See attached

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

Applicant's Signature: Israel S. Lopez / Candi Lopez Date: 12-07-12
 Property Owner(s) Signature: Israel S. Lopez / Candi Lopez Date: 12-07-12
 Accepted by: _____ Date: _____

Application Check List for Special Use Permits

The following must be submitted prior to the application deadline. Otherwise, the application will be deemed incomplete and may result in unnecessary delays: (Please ✓ when complete)

Site and landscape plans: Applicant must provide 15 - 11"x17" or 8 ½"x11" copies of the plans, plus the following:

- ✓ 1.
- ✓ 2. The location, dimension, material and configuration of all buildings, structures and other improvements.
- ✓ 3. The location and extent of usable open space.
- NA 4. The location, access and other dimensions of proposed off-street parking and loading facilities and the number and configuration of spaces to be provided.
- ✓ 5. The location, dimensions and materials of sidewalks, driveways and other impervious surfaces.
- NA 6. The location and intensity of illumination of any illuminated areas.
- ✓ 7. The proposed use of open space.
- NA 8. A landscaping plan, which shall include existing and proposed landscaping on both the subject property and adjacent public areas and including an installation schedule.
- NA 9. The location of all utilities, including electric lines, storm drainage, sanitary sewers and water service.
- NA 10. The location and extent of required setbacks and yards.
- ✓ 11. The elevation of all buildings and structures to depict height.
- ✓ 12. The lot size in square feet and the dimensions thereof.
- NA 13. Any areas proposed for outdoor storage, refuse collection, exterior mechanical equipment, exterior communication devices and utility apparatus.
- NA 14. The dimensions, location and landscaping of required landscape/buffer setbacks and screening.
- ✓ 15. The land uses surrounding the lot(s) for which site plan approval is being sought.
- ✓ 16. The zoning on the lots and parcels surrounding the lot(s) for which site plan approval is being sought.
- NA 18. Such additional information as the Director of Development Services may deem pertinent and essential to the application.

Please note that this process can take up to 100 days.

Also, make sure you contact 595-8020 for information on City-required inspections and certificate of occupancy.

Amended to a S.U.P. Request
RE-ZONING REQUEST

- 1) This request is for Lots 20 & 21 (1 acre) of Southmore Acres. The physical address is 1727 S. 7th Street, Kingsville, Texas. At one time this property was a small mobile home/RV park known as "Shady Acres".
- 2) Currently, there are no mobile homes or RVs located on the property. The only structure that remains is a garage (approximate size is 26' x 24'). There are also several concrete pads the largest being a 12' x 60' section that was once an open porch to a mobile home.
- 3) Lot 20 – 76.4' x 285' (.50 acres)
Lot 21 - 76.4' x 285' (.50 acres)
- 4) Lot 19 (1729 S. 7th Street) is owned by Delwin Randall and is currently being used as a mobile home park. There are three mobile homes on the property.
Lots 22 and 23 are owned by us (Israel S. and Candi K. Lopez). We acquired this property in 2010 and intend for this to be our residence.
- 5) All lots (19, 20, 21, 22 and 23) are currently zoned residential.
- 6) Our intent for this property is the following:
 - Garage – Replace roof and all rotted wood.
Replace current exterior with fiber cement siding.
Add new garage door.
Repaint exterior of garage.

Concrete Porch – (12' x 60' section) – Leave as is.

Smaller concrete pads – break and remove cement from property.

Our request, should it be granted, is to use this property for our small lawn service and tree trimming business. The main purpose would be to store all equipment in the garage area to keep it out of plain site. We have already began the process of removing any unsightly debris and trimming/cleaning the existing mesquite trees to enhance the "park like" feel the property still has. Our future plans include planting more trees/grass/shrubs as well as a privacy fence.

LEBERG COUNTY APPRAISAL DISTRICT
 PROPERTY 14729 R
 Equal Description
 COUTHMORE AC, LOT 20, 21

OWNER ID 49566
OWNERSHIP 100.00%
 Ref ID: R14729
70000002000192
UTUS 1727 S 7TH ST
APPR VAL METHOD: Cost
ACRES:
EFF. ACRES:

PROPERTY APPRAISAL INFORMATION 2012
 WHITTINGTON JOY BETH
 319 S 25TH ST
 KINGSVILLE, TX 78363-6007

ENTRIES
 CAD 100%
 CKI 100%
 GKL 100%
 SKI 100%
 WST 100%

VALUES
 IMPROVEMENTS 1,690
 LAND MARKET + 19,860
 MARKET VALUE = 21,550
 PRODUCTIVITY LOSS - 0
 APPRAISED VALUE = 21,550
 HS CAP LOSS - 0
 ASSESSED VALUE = 21,550

EXEMPTIONS
 SKETCH OF IMPROVEMENT (RESIDENTIAL)

17 STG 238	14	14	13 STG 130	10	14	60 MA 840	14
17 24	14	14	13 13	10	14	60 OP1 720	14
26 AGU 624	12	12	60	12	12	60	12
24							

REMARKS
 FOR '12 FLV IMPS PER APPR LR 2/17/12 3/5/12
 MMG - FOR '11 ADJ DEPR TO 45% ON MA PER
 APPR LR 4/17/11 4/20/11 MMG - FOR '11 CHG
 LAND DIMENSIONS, REMOVE DEPTH FACTORS.

BUILDING PERMITS
 PERMIT AREA ST PERMIT VAL

SALE DT PRICE GRANTOR DEED INFO

08/08/2005	*****	RICHTER KATIE GE	OT / I
08/30/2001	*****	RICHTER GENELL	WD / 221 / 437
08/28/2001	*****	RICHTER KATIE GE	SPWD / 221 / 423

IMPROVEMENT INFORMATION

#	TYPE	DESCRIPTION	MTHD	CLASS/SUBCL	AREA	UNIT PRICE	UNITS	BUILT	EFF YR	COND. VALUE	DEPR	PHYS	ECON	FUNC	COMP	ADJ	VALUE
1.	RESIDENTIAL	MAIN AREA	F	FFZJ	940.0	0.00	1	1974		1,000	45%	100%	100%	100%	100%	0.45	1,000
		OP1 OPEN PORCH B	F		720.0	0.00	1	1974		5,770	5%	100%	100%	100%	100%	0.05	0
		AGU ATTACHED GAR	SP		624.0	9.24	1	1974		250	5%	100%	100%	100%	100%	0.05	290
		STG STORAGE	F	SPJ	238.0	0.00	1	1974		250	5%	100%	100%	100%	100%	0.05	0
		STG STORAGE	F	FLVJ	130.0	0.00	1	0		7,020	100%	100%	100%	100%	100%	1.00	250
																	1,540
																	1,690

LAND INFORMATION

CLS	TABLE	SC	HS	METH	DIMENSIONS	UNIT PRICE	GROSS VALUE	ADJ MASS	ADJ VAL	SRC	RR Wells	Capacity	IRR Acres	Oil Wells	AG APPLY	AG CLASS	AG TABLE	AG UNIT	PRC	AG VALUE
	SPECIAL	C1	N	FF	76.4X285	130.00	9,930	1.00	1.00	A	0		9,930	0	NO			0.00	0	0
	SPECIAL	C1	N	FF	76.4X285	130.00	9,930	1.00	1.00	A	0		9,930	0	NO			0.00	0	0
																				19,860

TEBERG COUNTY APPRAISAL DISTRICT
 PROPERTY 13154 R
 Equal Description
 OUTHMORE AC, LOT 22, 23

OWNER ID
 17473
OWNERSHIP
 100.00%

PROPERTY APPRAISAL INFORMATION 2012
 LOPEZ ISRAEL S
 ETUX CANDI K
 PO BOX 5899
 KINGSVILLE, TX 78364-5899

VALUES
 IMPROVEMENTS 0
 LAND MARKET + 19,860
 MARKET VALUE = 19,860
 PRODUCTIVITY LOSS - 0
 APPRAISED VALUE = 19,860
 HS CAP LOSS - 0
 ASSESSED VALUE = 19,860

ENTITIES
 CAD 100%
 CKI 100%
 GKL 100%
 SKI 100%
 WST 100%

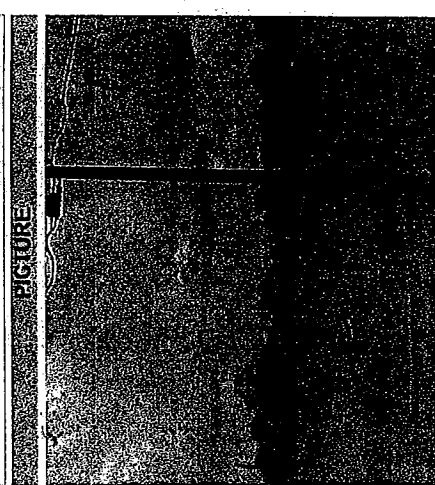
ACRES:
 EFF. ACRES:
 APPR VAL METHOD: Cost

GENERAL
 LAST APPR. LR
 LAST APPR. YR 2011
 LAST INSP. DATE 04/17/2011
 NEXT INSP. DATE

EXEMPTIONS

REMARKS
 FOR 2011 NO VAL CHG ON ACCT PER APPR LR
 4/17/11 4/18/11 VG - FOR '11 CHG LAND UNIT
 PRICE PER IE 9/14/10 4/26/11 JO - FOR 2008 NO
 VALUE CHG PER LR/RC 4/1/08 MM - FOR '06

BUILDING PERMITS
 ISSUE DT PERMIT TYPE PERMIT AREA ST PERMIT VAL



IMPROVEMENT INFORMATION
 SUBD: S700 100.00% NBHD:
 # TYPE DESCRIPTION MTHD CLASS/SUBCL AREA UNIT PRICE/UNITS BUILT EFF YR COND. VALUE DEPR PHYS ECON FUNC COMP ADJ ADJ VALUE

SALE DT PRICE GRANOR DEED INFO
 5/03/2010 ***** ISASSI ALFRED L WD / 431 / 975
 4/27/2005 ***** KLEBERG COUNTY TXRS / 307 / 177
 4/01/2005 ***** TREVEY DORIS D SHF / 305 / 252

LAND INFORMATION
 DIMENSIONS 76.4X285 130.00
 UNIT PRICE GROSS VALUE 9,930 1.00
 ADJ MASS ADJ VAL SRC 1.00 A
 IRR Wells: 0 Capacity: 0
 MKT VAL AG APPLY AG CLASS AG TABLE AG UNIT PRC AG VALUE
 9,930 NO 0.00 0
 9,930 NO 0.00 0
 19,860 0

TEBERG COUNTY APPRAISAL DISTRICT
 PROPERTY 15503
 Equal Description
 SOUTHWEST AC, LOT 19

OWNER ID 45379
OWNERSHIP 100.00%

ADDRESS RANDALL DELWIN
 1901 SOUTH PARK DR
 KINGSVILLE, TX 78363

APPR VAL METHOD: Cost
ACRES:
EFF. ACRES:

VALUES
 IMPROVEMENTS 2,000
 LAND MARKET 9,930
 MARKET VALUE 11,930
 PRODUCTIVITY LOSS 0
 APPRAISED VALUE 11,930
 HS CAP LOSS 0
 ASSESSED VALUE 11,930

ENTITIES
 CAD 100%
 CKI 100%
 GKL 100%
 SKI 100%
 WST 100%

EXEMPTIONS
 No Sketch Available

GENERAL
 LAST APPR. LR
 LAST APPR. YR 2011
 LAST INSP. DATE 04/17/2011
 NEXT INSP. DATE

REMARKS
 FOR 2011 NO VAL CHG ON ACCT PER APPR LR
 4/17/11 4/18/11 VG - FOR '11 CORR DEPTH &
 REM DEPTH FACTOR PER APPR IE 8/209/10
 4/28/11 MMG - FOR '10 CHG METHODOLOGY

BUILDING PERMITS
 ISSUE DT PERMIT TYPE PERMIT AREA ST PERMIT VAL

SALE DT PRICE GRANOR DEED INFO
 08/27/2003 ***** RANDALL EVELYN B WD / 266 / 147
 03/01/1984 ***** RANDALL CONARD OT / 450 / 63
 UNKNOWN OT / /

SUBD: S700 100.00% NBHD
 # TYPE DESCRIPTION MTHD CLASS/SUBCL AREA UNIT PRICE UNITS BUILT EFF YR COND. VALUE DEPR PHYS ECON FUNC COMP ADJ ADJ VALUE
 1, A1 4 MOBILE HOM F FLV .0 2,000 100% 100% 100% 100% 1.00 1.00 2,000
 1. RESIDENTIAL STCD: A1 0.0 2,000
 Homesite: N

LAND INFORMATION
 IRR Wells: 0 Capacity: 0
 MKT VAL AG APPLY AG CLASS AG TABLE AG UNIT PRC AG VALUE
 9,930 NO 0.00 0

IMPROVEMENT FEATURES



LAND INFORMATION
 IRR Wells: 0 Capacity: 0
 MKT VAL AG APPLY AG CLASS AG TABLE AG UNIT PRC AG VALUE
 9,930 NO 0.00 0

SUBD: S700 100.00% NBHD
 # DESCRIPTION CLS TABLE SC HS SPECIAL A1 N METH DIMENSIONS UNIT PRICE GROSS VALUE ADJ MASS ADJ VAL SRC
 1, A1 4 MOBILE HOM F FLV .0 2,000 100% 100% 100% 100% 1.00 A 76.4X285 130.00 9,930 1.00 1.00 A
 Comment: F: 76.4 R: 76.4 D: 285.0 FF

VALUES
 IMPROVEMENTS 2,000
 LAND MARKET 9,930
 MARKET VALUE 11,930
 PRODUCTIVITY LOSS 0
 APPRAISED VALUE 11,930
 HS CAP LOSS 0
 ASSESSED VALUE 11,930

ENTITIES
 CAD 100%
 CKI 100%
 GKL 100%
 SKI 100%
 WST 100%

EXEMPTIONS
 No Sketch Available

GENERAL
 LAST APPR. LR
 LAST APPR. YR 2011
 LAST INSP. DATE 04/17/2011
 NEXT INSP. DATE

REMARKS
 FOR 2011 NO VAL CHG ON ACCT PER APPR LR
 4/17/11 4/18/11 VG - FOR '11 CORR DEPTH &
 REM DEPTH FACTOR PER APPR IE 8/209/10
 4/28/11 MMG - FOR '10 CHG METHODOLOGY

BUILDING PERMITS
 ISSUE DT PERMIT TYPE PERMIT AREA ST PERMIT VAL

SALE DT PRICE GRANOR DEED INFO
 08/27/2003 ***** RANDALL EVELYN B WD / 266 / 147
 03/01/1984 ***** RANDALL CONARD OT / 450 / 63
 UNKNOWN OT / /

SUBD: S700 100.00% NBHD
 # TYPE DESCRIPTION MTHD CLASS/SUBCL AREA UNIT PRICE UNITS BUILT EFF YR COND. VALUE DEPR PHYS ECON FUNC COMP ADJ ADJ VALUE
 1, A1 4 MOBILE HOM F FLV .0 2,000 100% 100% 100% 100% 1.00 1.00 2,000
 1. RESIDENTIAL STCD: A1 0.0 2,000
 Homesite: N

LAND INFORMATION
 IRR Wells: 0 Capacity: 0
 MKT VAL AG APPLY AG CLASS AG TABLE AG UNIT PRC AG VALUE
 9,930 NO 0.00 0

Jessica Storck

From: Candi K. Lopez <lopezlawn@yahoo.com>
Sent: Monday, December 17, 2012 10:09 AM
To: Jessica Storck
Cc: lopezlawn@yahoo.com
Subject: Equipment listing - Lopez Lawn Service

Hi Jessica -

Here is the equipment listing you asked for:

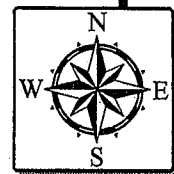
- 1 - Skid Loader
 - 2 - Walk Behind Mowers
 - 2 - Push Mowers
 - 3 - Back Pack Blowers
 - 3 - Weed Trimmers
 - 1 - Stump Grinder
 - 1 - Tiller
- Approx. 30 handheld tools such as rakes, shovels, hoes, brooms, etc.
- 3 - Utility trailers
 - 2 - Work trucks (2001 Ford Crewcab flatbed pickup and 1994 Ford Crewcab pickup)

As a side note, the back hoe that is currently at the 1727 S. 7th Street location is not ours. We are just borrowing it for clean up of the location.

Let me know if you need anything else.

Thank you,
Candi K. Lopez

1727 S. 7th



11567

20062

4005191

1718 S. 7th St
1722 S. 7th

4005192

13154

S 7th

18540

14729

20185

21708

17026

15503

E Ailsle

16567

24922

17327

25674

18094

10375

18860

11121

19655

11916

1727 S. 7th
200' Radius

0 62.5 125 250 Feet

Page 1/1

Drawn By: Valerie Valero

Last Update: 12/17/2012

Note:

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



CITY OF KINGSVILLE
ENGINEERING DEPARTMENT

200 East Kleberg
Kingsville, Texas 78363
Office: 361-595-8005
Fax: 361-595-8035

AGENDA ITEM #8



Engineering Department

361-595-8007

361-595-8035 Fax

DATE: January 23, 2013
TO: City Commission through City Manager
FROM: Naim Khan, Director of Public Works/City Engineer
SUBJECT: Reduction of the City landfill operation hours on Saturday.

SUMMARY

This item will allow the City to reduce the operation period of the City landfill on Saturday by 2 hours.

BACKGROUND

After careful review of the Saturday operations at the City landfill, staff has come to the conclusion that the hours of operation on Saturday can be reevaluated. The operating hours on Saturday as of now are 8 am to 2 pm. Staff has reviewed the cost of operation and the tonnages of trash the landfill receive during these hours and feels that it is not beneficial or financially viable to continue operating past 12 noon on Saturdays.

One year historical data shows how much the City can save by reducing the hours of operation on Saturday by two hours. In 2012 from January to December, total revenue was \$814.25 in that two hour period. At the same time, the City spent \$8424.00 for manpower, about \$1300 for fuel usage plus the added utilities and wear & tear of the equipment. Peak customer hours at the landfill are between 8 am and 11 am. After that it slows down considerably. The City's Sanitation Division and most of other customers have confirmed that they can have their trash delivered to the landfill by noon. City staff believes that it will be a huge benefit and a fiscally responsible change for the residents of the City of Kingsville.

RECOMMENDATION

Staffs recommend the approval of the proposed 2 hours reduction of operational hours at the Landfill on Saturdays.

FINANCIAL IMPACT

Historical data shows there will be about \$9,000/year savings

Approved

Vincent Capell, City Manager

Number of customers entering the Landfill after 12:00 p.m. on Saturdays

January 7,2012 - December 29,2012

DATE	BRUSH	C&D/TRASH	CITY TRUCK	COMMENTS
1/7/2012	4	9	2	6.25
1/14/2012	4	4	2	12.50
1/21/2012	4	24	1	31.25
1/28/2012	4	4	2	12.50
Subtotal=	16	41	7	62.50
2/4/2012	0	0	0	0.00
2/11/2012	2	4	0	6.25
2/18/2012	2	2	1	0.00
2/25/2012	0	0	2	0.00
Subtotal=	4	6	3	6.25
3/3/2012	2	19	2	12.50
3/10/2012	0	4	2	18.75
3/17/2012	6	18	0	25.00
3/24/2012	3	5	2	12.50
3/31/2012	0	0	0	0.00
Subtotal=	11	46	6	68.75
4/7/2012	4	4	1	6.25
4/14/2012	4	10	2	30.00
4/21/2012	2	12	1	12.50
4/28/2012	8	2	2	12.50
Subtotal=	18	28	6	61.25
5/5/2012	3	2	0	0.00
5/12/2012	3	2	0	12.50
5/19/2012	3	15	2	6.25
5/26/2012	7	5	2	25.00
Subtotal=	16	24	4	43.75
6/2/2012	4	8	1	24.75
6/9/2012	3	7	2	30.00
6/16/2012	6	3	2	0.00
6/23/2012	1	7	0	31.25
6/30/2012	10	5	2	12.50
Subtotal=	24	30	7	98.50
7/7/2012	1	6	1	0.00
7/14/2012	3	5	2	25.00
7/21/2012	11	17	2	31.25
7/28/2012	2	6	2	12.50

Number of customers entering the Landfill after 12:00 p.m. on Saturdays

January 7, 2012 - December 29, 2012

Subtotal=	17	34	7	68.75
8/4/2012	8	11	1	0.00
8/11/2012	3	13	2	31.25
8/18/2012	5	20	2	31.00
8/25/2012	6	4	2	25.00
Subtotal=	22	48	7	87.25
9/1/2012	5	7	1	17.50
9/8/2012	5	10	0	30.00
9/15/2012	7	20	0	36.25
9/22/2012	8	13	1	57.50
9/29/2012	3	2	1	6.25
Subtotal=	28	52	3	147.50
10/6/2012	5	9	1	12.50
10/13/2012	4	2	2	6.25
10/20/2012	4	2	2	12.50
10/27/2012	21	18	2	35.00
Subtotal=	34	31	7	66.25
11/3/2012	8	4	2	5.00
11/10/2012	7	10	2	12.50
11/17/2012	3	2	1	11.25
11/24/2012	2	6	1	6.25
Subtotal=	20	22	6	35.00
12/1/2012	3	14	0	18.75
12/8/2012	5	6	2	6.25
12/15/2012	9	4	1	12.50
12/22/2012	5	4	2	12.50
12/29/2012	0	8	0	18.50
Subtotal=	22	36	5	68.50
TOTALS=	460	796	136	814.25