

City of Kingsville, Texas

AGENDA CITY COMMISSION

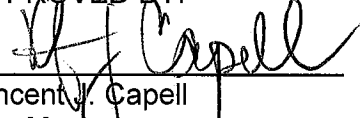
**MONDAY, DECEMBER 10, 2012
REGULAR MEETING**

**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 regarding introduction of an ordinance amending the zoning ordinance by granting a Special Use Permit for 607 South 13th (Lots 5, Block 30, Retama Park) for an off-site caterer/bakery. (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 resolution authorizing the submission of a grant application on behalf of the City of Kingsville Fire Department to Firehouse Subs Public Safety Foundation for the purpose of requesting grant funding for three additional StreetSmart Lifeline (EMS) Segway vehicles, with no cash match. (Interim Fire Chief).
2. Motion to approve authorizing the purchase of two 2012 Dodge Chargers and applicable equipment for the Kingsville Police Department from Grapevine Dodge Chrysler Jeep via Buyboard (contract #358-10) for and using "Operation Stone Garden" grant funds of approximately \$50,465.50 with any additional funding for equipping the vehicles coming from Chapter 59 Funds, as per staff recommendation. (Purchasing Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consider a resolution authorizing the Mayor to execute an Interlocal Agreement with the Kingsville Independent School District relating to Waiver of Certain Planning Fees in Exchange for Certain Land. (Mayor Fugate).
4. Consider a resolution authorizing the Mayor to sign all necessary documentation on behalf of the City of Kingsville regarding the voluntary demolition of Kleberg County Trustees property located at 508 S. 2nd Street, Kingsville, Texas. (Director of Planning & Development Services).
5. Consider introduction of an ordinance amending the zoning ordinance by granting a Special Use Permit for 607 South 13th (Lots 5, Block 30, Retama Park) for an off-site caterer/bakery. (Director of Planning & Development Services).

6. Consider a resolution abandoning a utility easement within the Serenity Estates No. 2 Subdivision. (City Engineer/Public Works Director).
7. Consider a resolution vacating the plat of Young Terrace Addition Subdivision. (City Engineer/Public Works Director).
8. Consider removing from the table a resolution of the City of Kingsville authorizing the City Attorney to execute a License Agreement for the King Ranch Running W Mark for a mural to be located in downtown Kingsville. (City Manager).
9. Consider a resolution of the City of Kingsville authorizing the City Attorney to execute a License Agreement for the King Ranch Running W Mark for a mural to be located in downtown Kingsville. (City Attorney).
10. Consider a resolution of the City of Kingsville consenting to T-Mobile entering into a Master Prepaid Lease with Crown Castle International Corp., which includes the cell tower lease for 1133 W. Kenedy Street, Kingsville, Texas, as the Master Prepaid Lease will be subject to and subordinate to the City's Lease with T-Mobile and authorizing the City Manager to execute any necessary paperwork to reflect same. (City Attorney).
11. Consider waiving interest on weed liens for property owned by Roy Saenz, Lots 1-8, Block 1, Colonia Mexicana. (Finance Director).

VII. Adjournment.

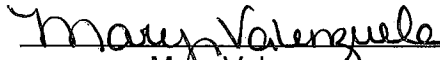
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative 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:

December 7, 2012 at 1:30 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)

NOVEMBER 26, 2012

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 26, 2012 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Al Garcia, Mayor Pro-Tem
Dianne Leubert, Commissioner
Noel Pena, Commissioner
Arturo Pecos, Commissioner

CITY COMMISSION ABSENT:

Sam R. Fugate, Mayor

CITY STAFF PRESENT:

Vince Capell, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
David Mason, Purchasing Director
Mark Rushing, Finance Director
James Bryson, Accountant Manager
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
Rose Morrow, Municipal Court Supervisor
Naim Kahn, Public Works Director/City Engineer
Daniel Ramirez, Building Official
Jennifer Bernal, Community Appearance Supervisor

I. Preliminary Proceedings.

OPEN MEETING

Mayor Pro-tem Garcia called the meeting to order in the City Commission Chamber at 6:00 P.M. and announced quorum as present with Mayor Fugate absent.

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 Pro-tem Garcia called for consideration of the minutes for regular meeting held on Monday, November 5, 2012. **Commissioner Pecos made a motion to accept the minutes as presented, seconded by Commissioner Leubert. The motion was**

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

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

1. Public hearing regarding condemnation proceeding for structures located at 418 E. Lee, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Pro-tem Garcia opened the public hearing at 6:03 p.m.

Mr. Mike Kellam, Director of Development Services stated that numerous letters were mailed to the property owner, and no effort from the property owner has been made to contact the City with regards to this property. All proper steps have been taken prior to placing property for condemnation

Mayor Pro-tem Garcia asked Mrs. Courtney Alvarez, City Attorney, if there is a specific time limit that we would need to keep this Public Hearing open to allow the public to speak. Mrs. Alvarez responded there is no period of time to keep this Public Hearing open.

No comments were made by the public on this matter. Mayor Pro-tem Garcia closed this hearing at 6:05 p.m.

2. Public hearing regarding condemnation proceeding for structures located at 523 E. Henrietta, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Pro-tem Garcia opened the public hearing at 6:05 p.m.

Mr. Kellam stated that numerous letters were mailed to the property owner, and no effort from the property owner has been made to contact the City with regards to this property. All proper steps have been taken prior to placing property for condemnation

No comments were made by the public on this matter. Mayor Pro-tem Garcia closed this hearing at 6:07 p.m.

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. Vince Capell, City Manager reported that the week of December 3-7, 2012 is Employee Recognition & Safety Week. During this week, employees will be recognized for their years of service to the City of Kingsville and will be rewarded with a gift item. Department Supervisors will be hosting a breakfast or luncheon for their employees as an appreciation for their hard work. Mr. Capell further stated that Fire Chief finalist will be in town from December 5-7, 2012 for their interviews and tour of the Fire Stations.

Mrs. Courtney Alvarez, City Attorney reported that the next regular scheduled Commission meeting is Monday, December 10, 2012. Therefore all agenda items are due Friday, November 30th as well as staff reports due to the City Manager.

Commissioner Pecos stated that he received compliments from several citizens on the work that city crews have done on city streets.

Commissioner Pena commented on the communication he received regarding sewer and water rates. He stated that this was a good update for him and he would like to commend Mrs. Diana Medina, Collections Manager on her hard work.

Commissioner Pecos stated that he would like to congratulate the University for hosting playoff games.

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)

Mayor Pro-tem Garcia asked for a motion to approve the consent agenda as presented. Commissioner Leubert made a motion to approve the consent agenda as presented, second by Commissioner Pecos.

Commissioner Pecos commended the Kingsville Police Department and Task Force for their donations to these non-profit organizations.

The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garica voting "FOR".

1. Motion to approve final passage of a zoning ordinance by changing the zoning map in reference to Lots 9-16, Block 25 of Ninth Addition, known as 704-B East Fordyce from R1 Single Family Residential District to C2 Retail District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan, and providing for publication. (Director of Planning & Economic Development).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2012-2013 budget for Solid Waste to purchase a Landfill compactor with dozer blade. (Finance Director).
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 Kingsville Amateur Boxing Club, Inc. (Task Force Commander).
4. Motion to approve resolution authorizing the release of Chapter 59 Funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to the Communities in School. (Task Force Commander).
5. Motion to approve resolution authorizing the release of Chapter 59 Funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to the Boys and Girls Club of Kingsville. (Task Force Commander).
6. Motion to approve resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Kingsville Amateur Boxing Club, Inc. (Police Chief).
7. Motion to approve resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Communities in Schools. (Police Chief).
8. Motion to approve resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Boys & Girls Club of Kingsville (Police Chief).
9. Motion to approve out-of-state travel for Mayor Sam Fugate to work on matters related to Naval Air Station Kingsville, on December 4-6, 2012, in Washington, D.C. (City Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

10. Consider condemnation of structures located at 418 E. Lee, Kingsville, Texas. (Director of Planning & Development Services).

Mr. Kellam stated that all necessary approvals were done for this condemnation.

Commissioner Pecos made a motion finding not able to repair building or structure is unsafe; and present condition is a violation of ordinances; and cannot be corrected without substantial reconstruction; then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within a specified time of 60 days, second by

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

11. Consider condemnation of structures located at 523 E. Henrietta, Kingsville, Texas. (Director of Planning & Development Services).

Commissioner Pecos made a motion finding not able to repair building or structure is unsafe; and present condition is a violation of ordinances; and cannot be corrected without substantial reconstruction; then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within a specified time of 60 days, second by Commissioner Leubert. The motion was passed and approved by the following vote: Pena, Leubert, Pecos, Garcia voting "FOR".

12. Consider a resolution authorizing the City to submit an application on behalf of the Kingsville Police Department to the Friends of the NRA's (through the NRA Foundation) Eddie Eagle GunSafe Program for the purpose of requesting an Eddie Eagle mascot costume to promote gun safety, with no cash match. (Police Chief).

Chief Torres stated that the Eddie Eagle costume will be used to teach young children about gun safety. The costume has a value of \$2,500 with no cash match from the City.

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

13. Consider authorizing the purchase of ambulance medical supplies for the Kingsville Fire Department on an annual contract as per staff recommendation. (Bid #13-02). (Purchasing Director).

Mr. David Mason, Purchasing Director stated that this item authorizes the purchase of ambulance medical supplies on an annual contract. Proper advertisement was done in the Kingsville Record on September 23rd and September 30th, 2012 and opened bids Tuesday, October 9, 2012. A total of four bids were received. The bidder recommended for the award submitted the best value bid. It is recommended that the bid be awarded to Henry Schein, Inc. Irmo, SC. Interim Chief Carrion and EMS Supply Officer have reviewed the bids and are making this recommendation.

Motion made by Commissioner Pecos to go with staff recommendation, second by Commissioner Leubert. The motion was passed and approved by the following vote: Pecos, Pena, Leubert, Garcia voting "FOR".

14. Consider authorizing the purchase of one 7.5 yd. dump truck for the Water Construction Department as per staff recommendation. (Purchasing Director).

Mr. Mason stated that this item authorizes the purchase of one 7.5 yard dump truck for Water Construction. This truck will replace an existing truck, Unit 485 which is a 1997 Ford F800. This vehicle is from Grande Ford in San Antonio through BuyBoard contract #358-10 therefore satisfies competitive bidding requirements. This action if approved by Commission will expend \$66,867.20.

Motion was made by Commissioner Leubert to authorize the purchase of one 7.5 yard dump truck, second by Commissioner Pena. The motion was

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

15. Consideration and approval of resolution authorizing publication of Notice of Intention to Issue Certificates of Obligation (Series 2013). (Finance Director).

Mr. Mark Rushing, Finance Director stated that Exhibit A shows detail on upcoming projects. He further stated that Anne Burger Entrekin of First Southwest will be making a presentation to the Commission regarding Certificates of Obligation.

Anne Burger Entrekin of First Southwest explained to the Commission what has happened in the municipal market since her last visit to Kingsville. She presented the Commission with a presentation handbook and explained to the Commission how the municipal market has gone up and down in the past year. She spoke to the Commission about the Bond Buyer's Index of 20 Municipal Bonds.

Commissioner Pecos asked if in this plan, the drainage situation is being considered. If the has to tear down the street to repair the drainage, is that dollar amount included in this proposal.

Mr. Capell stated that there is a dollar amount included for street repairs. A portion of the bond issuance is for street repairs that are torn down to repair drainage pipes.

Mrs. Alvarez stated that this is primarily a storm water CO and in the event there is savings along the way, they will be able to do street repairs. The resolution with attachment Exhibit A is a contract with the bond holders.

Motion made by Commissioner Pecos to approve resolution authorizing publication of Notice of Intention to issue Certificates of Obligation (Series 2013), second by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia voting "FOR".

16. Consider waiving interest on weed liens for property owned by Kevin A. Zeitler, Lots 30-32, Block 63, Original Town. (Finance Director).

Mr. Rushing stated that Mr. Kevin A. Zeitler is requesting the City to waive the weed lien interest for the above said property in the amount of \$866.58.

Mr. Kellam stated that he is not aware of any development going on this property, but he is aware of a prospective buyer for this property.

Motion made by Commissioner Pecos to waive interest on wee liens for property owned by Kevin A. Zeitler, Lots 30-32, Block 63, Original Town, second by Commissioner Leubert. The motion was passed and approved by the following vote: Pena, Leubert, Pecos, Garcia voting "FOR".

17. Consider a resolution authorizing the City Manager to execute an Interlocal Cooperation Contract with the Texas Department of Public Safety to implement the provisions of the Transportation Code, Chapter 706 wherein a local political subdivision may contract with the Texas Department of Public Safety to provide information necessary to deny renewal of the Driver's license of a person who fail to appear for a complaint or citation or fails to pay or satisfy a judgment ordering payment of a fine and cost in the manner ordered by the court in a manner

involving any offense that a court has jurisdiction of under Chapter 4, Code of Criminal Procedure. (Finance Director).

Mr. Rushing stated that in review and restructure of the Municipal Court, we are looking at the different tools that are available to the City to assist in the collection of revenues that is owed. Many municipalities utilize by submitting information to OmniBase network which it is communicated which will affect an individual's ability to renew their driver's license at time of renewal. This would make an individual settle their fines with the Municipal Court and would bring in the revenue that is being owed to the city.

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

18. Consider a resolution of the City of Kingsville authorizing the City Attorney to execute a License Agreement for the King Ranch Running W Mark for a mural to be located in downtown Kingsville. (City Attorney).

Mrs. Alvarez stated that the King Ranch has submitted this agreement to her and prior to the City taking over the Tourism Department. The KCVB was contracting with an artist to do a mural in the downtown area. She stated that it's nice when visitors come and see these murals that show the history of the community. She further stated should the artist and the city choose to place the Running W on the mural, all proper paper work would be in place.

Mr. Bob Trescott, Tourism Director stated that the Mayor has made contact with him and would like this item to be tabled at this time.

Motion made by Commissioner Pena to table item #18, second by Commissioner Leubert. Motion was passed and approved by the following vote: Pena, Leubert, Garcia voting "FOR". Pecos "AGAINST".

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:20 p.m.

ATTEST:

Sam R. Fugate, Mayor

Mary Valenzuela, City Secretary

PUBLIC HEARING(S)

ORDINANCE NO. 2012-_____

AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR 607 SOUTH 13TH STREET (LOTS 5, BLOCK 30, RETAMA PARK) FOR AN OFF-SITE CATERER/BAKERY; 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 it's reports and recommendations concerning the application of Maria del Rosario Perez, for amendment to the zoning map of the City of Kingsville;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, November 14, 2012, during a meeting of the Planning Commission, and on Monday, December 10, 2012, 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 8-0 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 an off-site caterer/bakery on the premises known as 607 South 13th Street, Lots 5, Block 30, Retama Park, 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 "R1" Single Family District uses is as an off-site caterer/bakery.

2. HANDICAP PARKING: A handicapped accessible parking space shall be properly designated for one of the two required parking stalls for ADA customers. All parking stalls shall be of an impervious surface, either asphalt or concrete.

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

ownership of the business.

4. **SPECIAL CONDITION:** The applicant shall obtain all required 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 an off-site caterer/bakery.

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.

INTRODUCED on this the 10th day of December, 2012.

PASSED AND APPROVED on this the ____ day of _____, 201__.

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 

SUBJECT: Special Use Permit request to operate an off-site caterer/bakery in a residential area at 607 S. 13th St.

DATE: November 28, 2012

The City of Kingsville Planning and Zoning Commission met on November 14, 2012 at 7:00 p.m. in regard to a request made by the Ms. Maria del Rosario Perez, to allow for the operation of a catering/bakery operation, specializing in off-site catering and some on-site business interaction, to be located in a residentially zoned area at 607 S. 13th St. The property is located in a R-2 Two Family Residential District and is immediately adjacent to a C-2 Retail District and existing commercial uses to the east. 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. There were no persons in opposition present at the Planning & Zoning Commission meeting or on the record with the Planning Department. One individual other than applicant came and spoke in favor of the request and we received one written statement in favor of the proposed use.

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. No concerns or complaints regarding this special use permit were made to the Planning Department.

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 which consist of both residential and commercial uses. The property is currently vacant with commercial activity immediately to the east, across the street. This property is one block from 14th Street, one of the busiest commercial corridors of the city.

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. 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 8/0 vote, with the following conditions:

1. To avoid the perception and/or potential for spot zoning for a commercial property within a residential area, this special use permit shall expire should the approved special use cease, or in the case of a change in ownership.
2. A handicapped accessible parking space shall be properly designated for one of the two required parking stalls for ADA customers. All parking stalls shall be of an impervious surface, either asphalt or concrete.
3. The business shall obtain all permits for building, fire and health thereby meeting all adopted codes to operate said business.

Attachments

**PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
November 14, 2012**

Planning and Zoning Members Present

Robert McCreight
Lupe Alvarez
Steve Zamora
Tom Dock
Bill Aldrich
Debbie Tiffie
Albert Garcia

Citizens Present

Francisco Aguiniga

Staff Present

Michael Kellam, Director of Planning &
Development Services
Jessica Storck, Planning Secretary

1. **The meeting was called to order at 7:00 p.m.**
2. **Discuss and take action on the meeting minutes of October 17, 2012.**
Mr. Lupe Alvarez made a motion to accept the minutes as circulated. Robert McCreight seconds. All in favor/ none oppose.
3. **Public comments on items on and not on the agenda.**
None.
4. **Discuss and take action on – Maria del Rosario Perez- Request approval for the special use permit to allow for a bakery, specializing in off-site catering and some on-site business interaction, within Lot 5, Block 30 of Retama Park, property located at 607 S. 13th St., currently zoned R-2 Two- Family Residential District.**

Mr. Kellam stated that this request is for a catering business request with minimal customer traffic onsite. The use is not allowed as a matter of right within the current zoning district, but is allowed via a special use permit. It would be predominantly used as a delivery/carry out bakery. The property is currently unoccupied and is near a residential area to the west and a commercial area to the east and had historically been used as a residence. The business will operate from 10:00 am to 7:00pm, and off street parking will be provided. A floor plan was provided by the applicant and shows minimal changes to the interior. He also stated that a written response was received from Ms. Yolanda Zapata, who owns a neighboring property and is in favor of the request. No responses were received in opposition to the request. A full review of the application and field

inspection was completed by staff and a recommendation of conditional approval was presented with the following conditions.

1. To avoid potential 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. A handicapped accessible parking space shall be properly designated for one of the two required parking stalls for ADA customers. All parking stalls shall be of an impervious surface, either asphalt or concrete.
3. The business shall obtain all permits for building, fire and health thereby meeting all adopted codes to operate said business.

Mr. Alvarez stated there is a fence in the area where parking should be. He asked if it would need to be removed. Mr. Kellam stated that the fence would probably need to be removed to allow access for a parking area. (This will be reviewed at the time of plan review and permitting)

Mr. Alvarez asked what type of signage would be allowed. Mr. Kellam stated that small signage would be allowed or commercial monument signage. He also stated that the board could recommend another condition for the signage placing additional limitations if they felt it was necessary.

Mr. Steve Zamora asked if the request was going to be treated as a regular business front since it is going to be catering. Mr. Kellam stated that it will maintain its residential look and feel but the inside would function as a bakery.

Mr. Fransico Aguinia, 704 W. Corral Apt.403, stated that Mr. Cerda, the property owner, is his friend and he is helping him with the application. He continued to state that Ms. Perez was already making cakes for friends and wanted to open a business. He also stated that they would follow all guidelines and conditions they needed to.

Mr. Albert Garcia made a motion to accept the request for the special use permit. Ms. Debbie Tiffie seconds. All in favor/ none oppose.

Mr. Kellam stated that there were no requests for the month of December. Holiday greetings were passed along to each of the board members.

5. Adjourn.

Meeting adjourned at 7:16 p.m.

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 BAKERY,
SPECIALIZING IN OFF-SITE CATERING AND SOME ON-SITE BUSINESS
INTERACTION AT 607-609 S. 13TH STREET.

Petitioner and Agent: Maria del Rosario Perez

Date of P&Z Hearing: November 14, 2012

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

EXISTING INFRASTRUCTURE

Transportation: Fordyce Street- Local
13th Street- Local
Community Facilities: Services provided
Capital Improvements: Services Provided
Fire Station Proximity: Within one 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 Plan
- Mailing list of owners within 200 feet

BACKGROUND AND HISTORY

The petitioner is requesting a special use permit to allow the operation of a carry out bakery specializing in wedding and specialized cakes, with some occasional on site business. The property is currently unoccupied but historically has been utilized as a residential unit. The applicant has permission from the owner for the proposed use, and at the writing of the staff report we have received one written response to the proposal from a neighboring property owner who indicated they are in favor of the request.

FIELD INSPECTION AND PERTINENT DATA

The site is located near the southwest corner of the E. Fordyce and S. 13th Street intersection. The entire structure consists of 1344 square feet of which approximately 500 square feet are to be utilized for the proposed bakery, according to the information submitted by the applicant. The property is currently vacant with commercial activity immediately to the east, across the street. This property is one block from 14th Street, one of the busiest commercial corridors of the city.

The applicant is proposing minor remodeling of the structure and has provided a proposed floor plan. The exterior of the structure is to remain as is, with the only addition being a wooden advertising sign. The proposed hours of operation are 10:00am to 7:00pm, with minimal customer traffic as most of the baked goods will be delivered to the customer's location. Onsite parking exists for approximately two vehicles, which meets the minimum parking code of one per every 250 square feet of retail/service space. The parking area will be required to be paved with an impervious surface to fully comply with the parking code of the City. Given the location and the minimal traffic anticipated by on-site customers, the traffic patterns will not be increase to an unacceptable level. Additionally, the plans have been submitted to the health department by planning staff for review since the operation involves the preparation of food for consumption by the public. Additional requirements may be placed on the business in order to comply with health, building and fire codes. These inspections will take place once the remodel begins and a full plan review is completed.

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. This specially permitted commercial use is a lesser intense commercial activity that can 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. A handicapped accessible parking space shall be properly designated for one of the two required parking stalls for ADA customers. All parking stalls shall be of an impervious surface, either asphalt or concrete.
3. The business shall obtain all permits for building, fire and health 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 609 S. 13th Nearest Intersection FORDYCE ST.

(Proposed) Subdivision Name _____ Lot 5 Block 30

Legal Description: Retama Park

Existing Zoning Designation _____ Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Maria del Rosario Phone 5228744 FAX _____

Email Address (for project correspondence only): agustincerda69@yahoo.com

Mailing Address 800 Gral Cavares 1003 City Kingsville State Tx. Zip 78363

Property Owner Agustin Cerda Phone 5228744 FAX _____

Email Address (for project correspondence only): _____

Mailing Address _____ City _____ State _____ Zip _____

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 type="checkbox"/> Re-zoning Request..... \$ 250.00	<input type="checkbox"/> Re-plat..... \$ 250.00
<input type="checkbox"/> SUP Request/Renewal..... \$ 250.00	<input type="checkbox"/> Vacating Plat..... \$ 50.00
<input type="checkbox"/> Zoning Variance Request (ZBA)..... \$ 250.00	<input type="checkbox"/> Development Plat..... \$ 100.00
<input type="checkbox"/> PUD Request..... \$ 250.00	<input type="checkbox"/> Subdivision Variance Request..... \$ 25.00 ea.

Please provide a basic description of the proposed project: Opening a Take out
Cake Shop

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: Maria del Rosario Date: 10-18-2012

Property Owner(s) Signature: Agustin Cerda Date: 10-18-2012

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.
- ☒ 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.
- ☒ 6. The location and intensity of illumination of any illuminated areas.
- ☒ 7. The proposed use of open space.
- ☒ 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.
- ☒ 9. The location of all utilities, including electric lines, storm drainage, sanitary sewers and water service.
- ☒ 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.
- ☒ 13. Any areas proposed for outdoor storage, refuse collection, exterior mechanical equipment, exterior communication devices and utility apparatus.
- ☒ 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.
- ☒ 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.

KLEBERG COUNTY APPRAISAL DISTRICT
PROPERTY 15847 R
Legal Description
RETAMA PARK, BLOCK 30, LOT 5

PROPERTY APPRAISAL INFORMATION 2012
CERDA AGUSTIN J
607 S 13TH ST
KINGSVILLE, TX 78363-5807

Entities
OAD 100%
CKI 100%
GKL 100%
SKI 100%
WST 100%

Values
IMPROVEMENTS 18,500
LAND MARKET + 6,290
MARKET VALUE = 24,790
PRODUCTIVITY LOSS - 0
APPRAISED VALUE = 24,790
HS CAP LOSS - 0
ASSESSED VALUE = 24,790

Ref ID2: R15847
Map ID PLAT

156303005000192

ACRES:
EFF. ACRES:

SITUS 607 S 13TH ST

APPR VAL METHOD: Cost

SKETCH for Improvement #1 (RESIDENTIAL)

GENERAL

UTILITIES
TOPOGRAPHY
ROAD ACCESS
ZONING
NEXT REASON RECK AUG '12

LAST APPR. LR
LAST APPR. YR 2012
LAST INSP. DATE 05/11/2012
NEXT INSP. DATE 08/31/2012

REMARKS
FOR 2012 NO VAL CHG TO ACCT PER APPR LR
5/11/12 5/15/12 MMG -- FOR 2011 NO VAL CHG
ON ACCT PER APPR LR 4/17/11 4/18/11 VG --
FOR 2008 NO VALUE CHG - CHG STCD AND

BUILDING PERMITS

ISSUE DT PERMIT TYPE PERMIT AREA ST PERMIT VAL
10/03/2011 REM 144 A 7,200
04/07/2003 ROOF 0 A 1,600

SALE DT PRICE GRANTOR DEED INFO
03/30/2007 ***** CITIFINANCIAL MO SPWD / 359 / 230
10/26/2006 ***** MARTINEZ RAMIRO FOR / 348 / 677
02/01/1992 ***** CAVAZOS ELISA T OT / 62 / 871

SUBD: S563 100.00% NBHD:

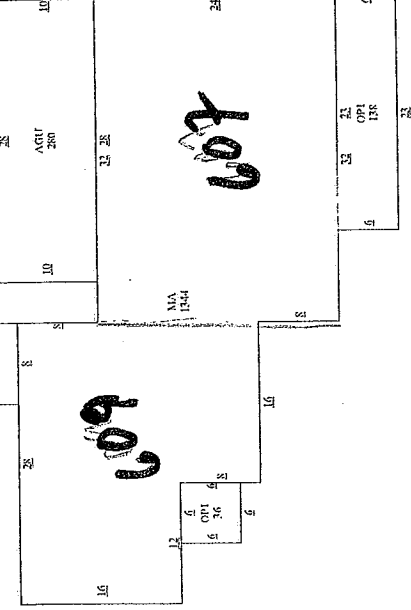
TYPE DESCRIPTION MTHD CLASS/SUBCL AREA UNIT PRICE UNITS BUILT EFF YR COND. VALUE DEPR PHYS ECON FUNC COMP ADJ ADJ VALUE
MA MAIN AREA 1,344.0 40.83 1 1945 1945 P 56,330 50% 100% 100% 100% 100% 16,900
OP1 OPEN PORCH B 36.0 8.17 1 1945 1945 P 290 50% 100% 100% 100% 100% 90
OP1 OPEN PORCH B 138.0 8.17 1 1945 1945 P 1,130 50% 100% 100% 100% 100% 340
SP1 SCREEN PORCH 48.0 9.39 1 1945 1945 P 450 50% 100% 100% 100% 100% 140
AGU ATTACHED GAR 280.0 12.25 1 1945 1945 P 3,430 50% 100% 100% 100% 100% 1,030
CP CARPORT 0.00 1 1945 1945 P 0 100% 100% 100% 100% 100% 0
STCD: B3
1. RESIDENTIAL 1,846.0 61,530

IMPROVEMENT INFORMATION

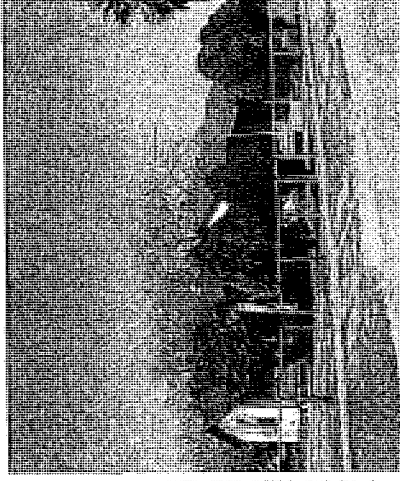
Plumbing 1 2 1,450
Foundation 1 FD6 0
Exterior Wall 1 EW1 0
Interior Finish 1 IN1 0
Roof Style RT2,RM1 0
Heating/Cooling 1 HA2 0
1,450

IMPROVEMENT FEATURES

Plumbing 1 2 1,450
Foundation 1 FD6 0
Exterior Wall 1 EW1 0
Interior Finish 1 IN1 0
Roof Style RT2,RM1 0
Heating/Cooling 1 HA2 0
1,450



PICTURE



SUBD: S563
L# DESCRIPTION
1. B3
Comment: F: 78.6 R: 78.6 FF

100.00% NBHD:
CLS TABLE SC HS METH
SPECIAL B3 Y(100%) FF

DIMENSIONS 78.6X140
UNIT PRICE 80.00
GROSS VALUE 6,290 1.00
ADJ MASS ADJ VAL SRC 1.00 A
MKT VAL 6,290
AG APPLY NO
IRR Acres: 0
Oil Wells: 0

AG CLASS AG TABLE AG UNIT PRC AG VALUE
0.00 0.00 0

Kingsville City Board

To Whom It May Concern:

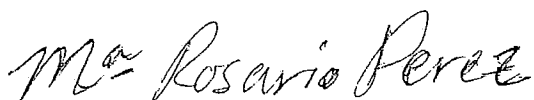
October 18, 2012

My name is Maria del Rosario Perez. I am interested in opening a take out Cake shop. I am specialized in cake decoration. I have been making and selling cakes in my apartment for friends and family for three years. Therefore, I would like the Members of the City Board to give me an opportunity to open my own small business. At the moment, my husband Agustin Cerda owns a vacant building located in 609 South 13th Lot 5 Block 30 RETAMA PARK. I Plan remolded it for the cake shop. The hours for the store will be 10:00 am to 7:00 pm. This building will be used only as a business. A three feet wall section at the entrance will be replaced by a beam so that more work space is available. I plan to use one of the existing rooms for storage. The rest of the space will be used as a work station, without modification, for decorating and packaging cakes. A parking space will be created so that customers have room to park within the business area. The building will be under go minor remodeling to make it suitable.

Layouts of the original and remolded building will be provided with this proposal. Residential grade equipment will be installed in the kitchen area and will employ two workers all year round for delivery. We expect a small number of clients to pick up their cakes, but deliver the majority of them. We believe this business will not be a major disruption to traffic in the area.

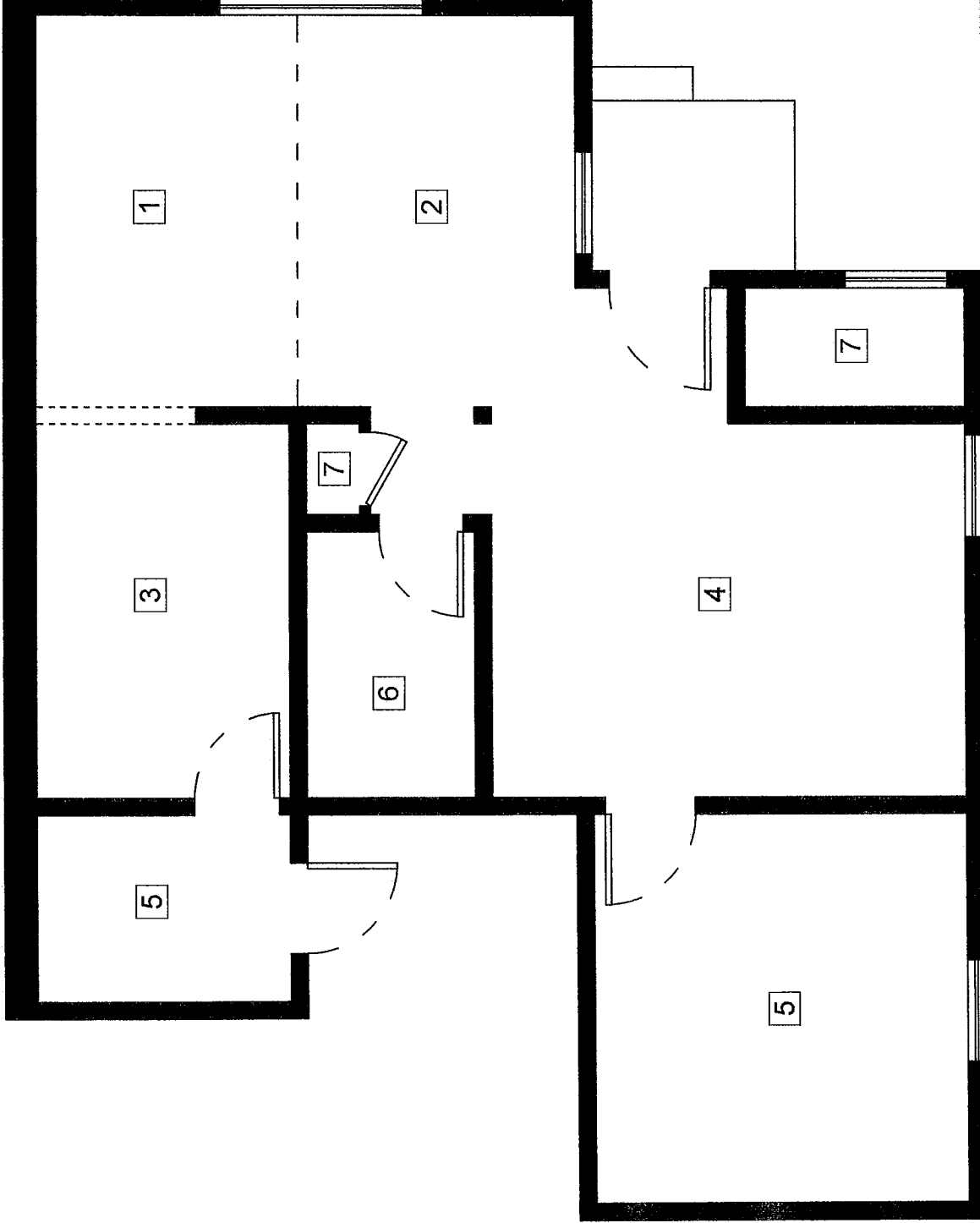
The exterior character of the building will be preserved by placing only a small wooden sign with small lights on the front of it to advertise the business. We also plan to preserve the interior of the building, except for the small partial wall replacement mentioned above, and replacing some carpet floors with linoleum.

Sincerely,

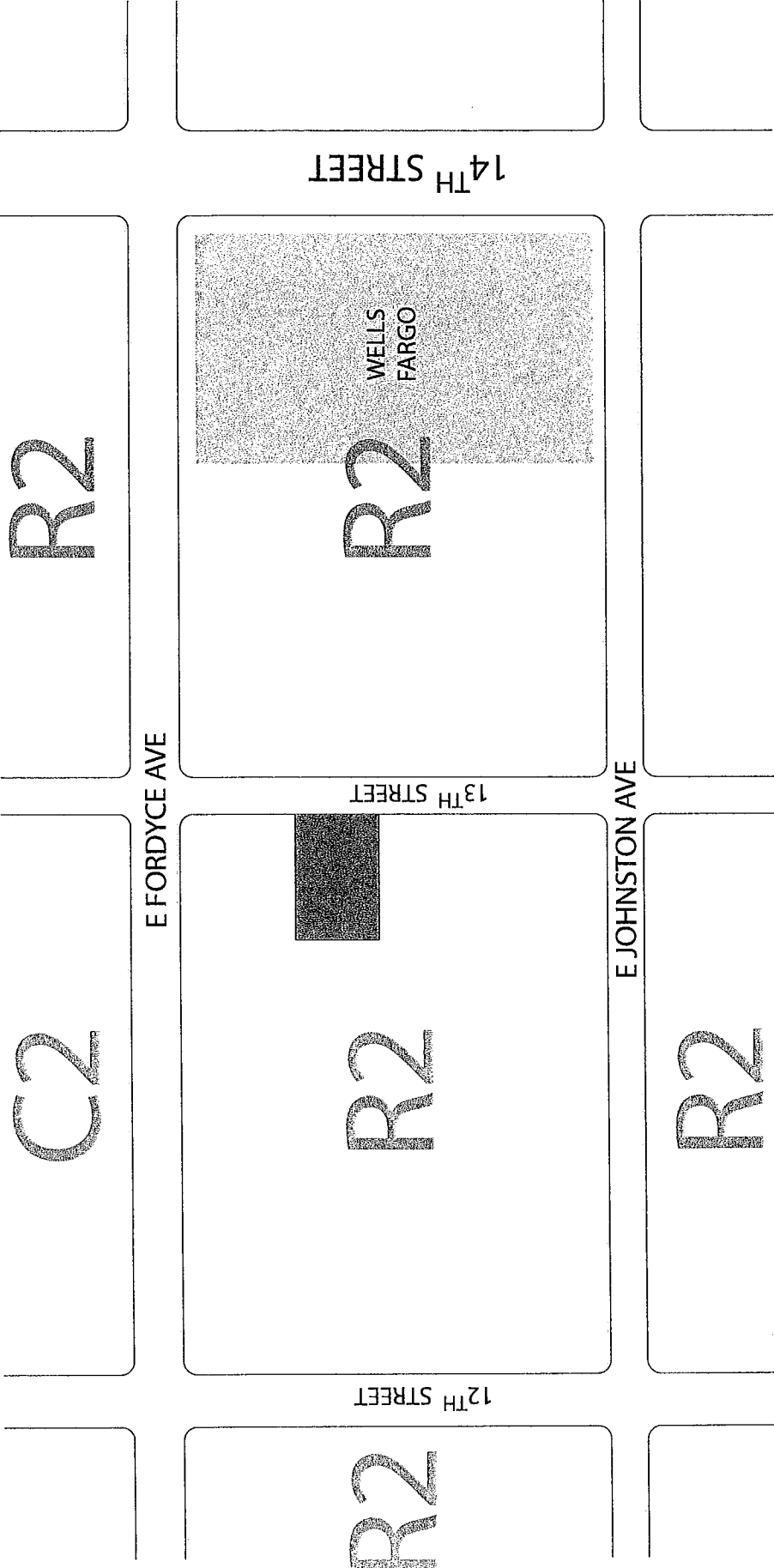
A handwritten signature in cursive script that reads "Ma Rosario Perez". The signature is written in dark ink and is positioned above the printed name.

Maria del Rosario Perez

- 1 - WORK AREA
- 2 - DISPLAY/WAITING
- 3 - KITCHEN
- 4 - DISPLAY AREA
- 5 - STORAGE
- 6 - BATHROOM
- 7 - CLOSET



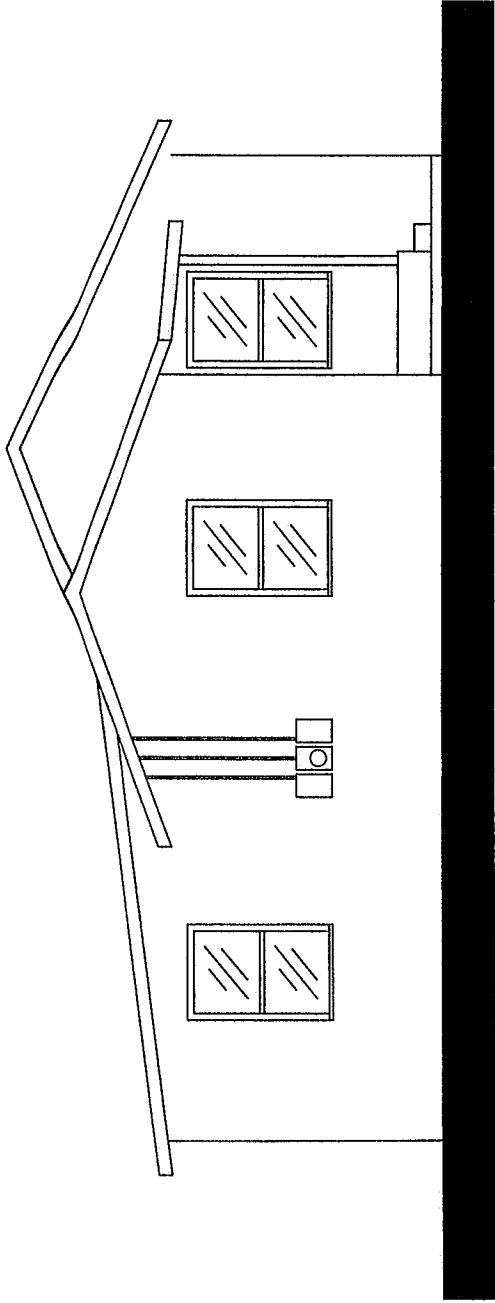
BAKERY-FLOOR PLAN
 1
 NOT TO SCALE



2

BAKERY - SITE PLAN

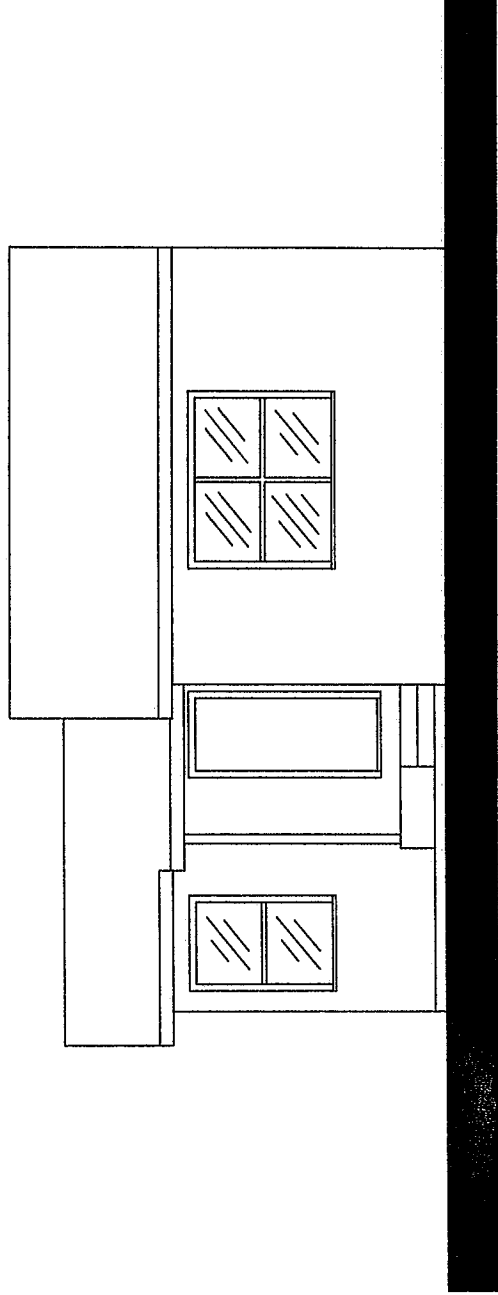
NOT TO SCALE



BAKERY - SOUTH ELEVATION

NOT TO SCALE

3

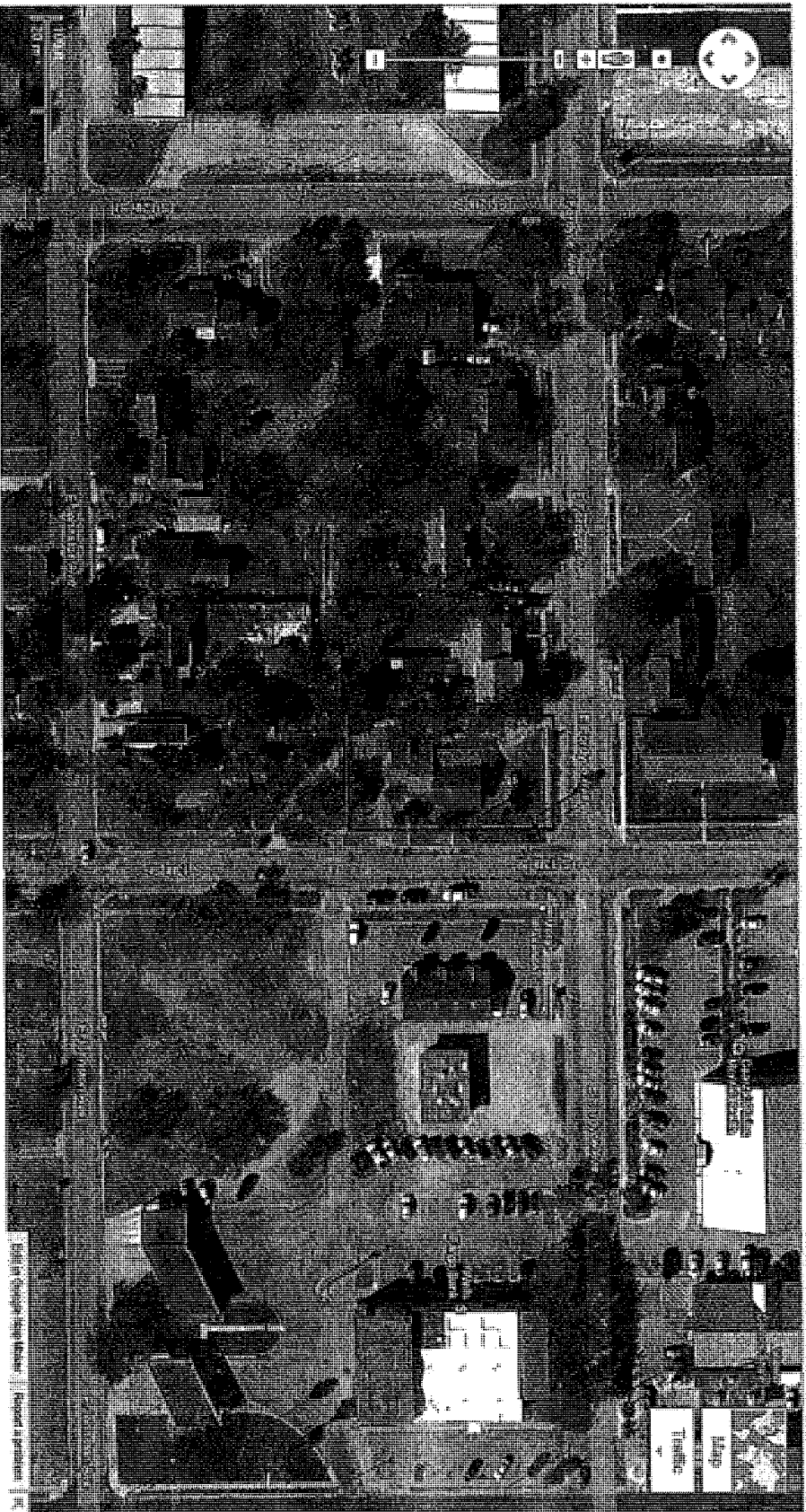


BAKERY - EAST ELEVATION

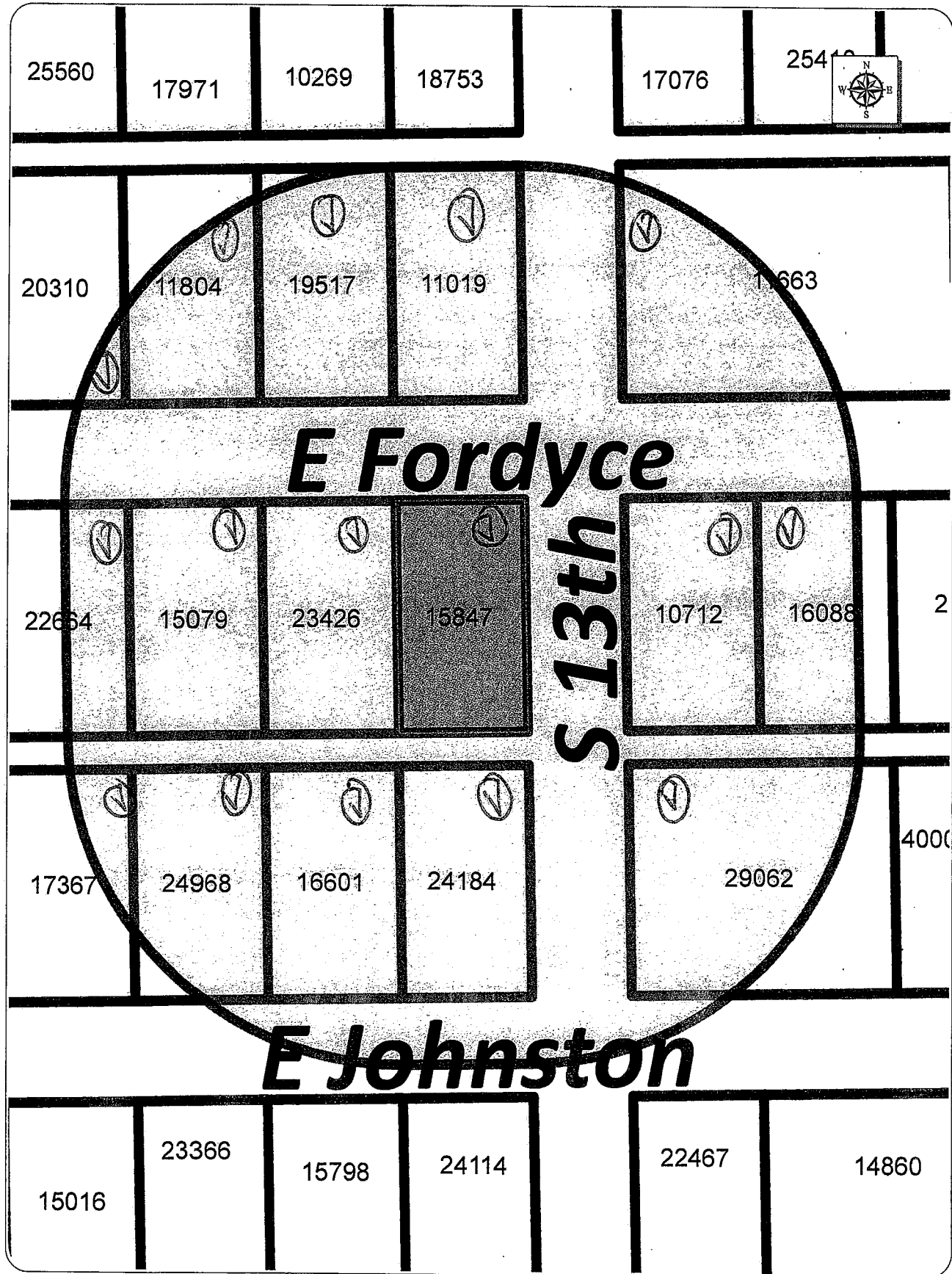
NOT TO SCALE

3

Application for a Special Use Permit for a Caterer/Bakery at 607 S. 13th Street located in an R-2 Two-Family Residential District- Ms. Maria del Rosario Perez



607 S. 13th



CONSENT AGENDA

AGENDA ITEM #1

RESOLUTION #2012-_____

A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION ON BEHALF OF THE CITY OF KINGSVILLE FIRE DEPARTMENT TO THE FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION FOR THE PURPOSE OF REQUESTING GRANT FUNDING FOR THREE ADDITIONAL STREETSMART LIFELINE (EMS) SEGWAY VEHICLES WITH NO CASH MATCH.

WHEREAS, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville, that a grant application be submitted on behalf of the Kingsville Fire Department to Firehouse Subs Public Safety Foundation for grant monies for three additional StreetSmart Lifeline (EMS) Segway vehicles, with no cash match; and

WHEREAS, the City Commission of the City of Kingsville through this resolution has authorized the submission of the grant.

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

I.

THAT the City Commission approves the submission of a grant application to Firehouse Subs Public Safety Foundation for three additional StreetSmart Lifeline (EMS) Segway vehicles on behalf of the City of Kingsville Fire Department, with no cash match.

II.

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

PASSED AND APPROVED by a majority vote of the City Commission the 10th day of December, 2012.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney



KINGSVILLE FIRE DEPARTMENT

DATE: November 30, 2012

TO: City Commission through the City Manager

FROM: Roel Carrion, Interim fire Chief

SUBJECT: Resolution to Support Grant Application

INTER-OFFICE MEMORANDUM

The Kingsville Fire Department is requesting a resolution supporting the application of a grant to the Firehouse Subs Public Safety Foundation for three additional Streetsmart Lifeline vehicles (Modified Segways). These units have been modified with LED lights, siren and compartments to provide space for advanced life support medical equipment. They are utilized by our Paramedics to provide rapid response in the event of a medical emergency in areas where large crowds are gathered like the La Posada Parade event.

The Streetsmart Lifeline vehicles provide better maneuverability and a better field of vision over large crowds that are gathered at special events. These vehicles also provide storage space for medical equipment such as Automated External Defibrillators (AED's) and other life saving supplies. The lights and sirens that the vehicles are equipped will allow us to alert the crowds that we need access to the area. The purchase of these vehicles will enable us to provide a quicker response while carrying the necessary equipment needed on a medical emergency and care can be initiated while an ambulance is dispatched to the area to provide further care and transport to the emergency room at the nearest hospital.

The total funding being requested is \$32,000.00 for three fully equipped Streetsmart Lifeline vehicles with no matching funds required.

AGENDA ITEM #2

**KINGSVILLE POLICE DEPARTMENT
INTER-OFFICE MEMORANDUM**

TO : Vincent J. Capell, City Manager
Courtney Alvarez, City Attorney

FROM : Ricardo Torres, Chief of Police

DATE : December 7, 2012

SUBJECT : Request for Approval to Purchase (2) Dodge Chargers and Applicable Equipment

Kleberg County, Texas was originally allocated \$418,062.46 under the Fiscal Year 2011 Operation Stone Garden grant. Additionally, the County was further supplemented in the amount of \$299,746.54 under the same grant. Total FY 2011 Operation Stone Garden funding for Kleberg County, Texas is \$717,809.00.

The County has divided the total allocation with the City of Kingsville Police Department. The County, working in conjunction with the Corpus Christi Border Patrol Station, has developed a comprehensive operational plan that will enhance cooperation and coordination between federal and local law enforcement entities in a joint mission to secure the United States borders along routes of ingress to include travel corridors and international water boundaries.

A portion of this plan included the acquisition of vehicles. The equipment is an integral component of achieving and sustaining the mission objectives described in each participant's operational plan and is consistent with the overall strategic objective associated with Operation Stonegarden. A total of \$70,000.00 was allocated for the purchase and outfitting of vehicles for use by the Kingsville Police Department.

The Kingsville Police Department intends to purchase two (2)-2012 Dodge Chargers 5.7 Liter HEMI V8 patrol vehicles for "Operation Stonegarden" use in both enhanced and steady state patrols. We contacted Grapevine Dodge Chrysler Jeep, 2601 William D Tate, Grapevine, TX 76051, the BUYBOARD vendor who holds the State of Texas BUYBOARD contact #358-10 to assist us with the purchase.

The base price of the vehicles is \$21,735 and in order to more effectively use the vehicles for these operations we have requested additional options, which are outlined below at a cost of an additional \$3,219.00 per vehicle. See table below:

Code	Options	Bid Price	Code	Options	Bid Price
29A	5.7L V8 HEMI	2118	X5	CLOTH/VINYL REAR SEAT	114
CW6	DEACTIVATE REAR	24	LNF	SPOTLAMP	190

	DOORS				
LNK	LED SPOTLAMP UPGRADE	142	LBG	MAP/RADING LAMPS	47
TBW	FULL SIZED SPARE	152	GUK	FOLD AWAY MIRRORS	57
AAJ	CONNECTIVITY (BLUE TOOTH)	375			
				Total of B. Published Options:	\$3219

The purchase price for the two vehicles is \$50,065.50 and an additional \$400 BUYBOARD Administrative Fee is charged per order bringing the grand total for the purchase to **\$50,465.50** for the vehicles.

The residual \$19,543.50 left after purchase of the vehicles will be used to purchase applicable equipment such as emergency lighting, speed radar, radio communications and video/audio recording equipment to outfit the vehicles for safe operation. Specialty equipment such as laptops and software will be installed as well to assist in the intelligence gathering portions of the Operation Stone Garden objectives. It is our objective to use existing equipment as much as possible should we not be able to fully cover the additional cost brought on by the purchase of equipment for the vehicle. If additional equipment is needed we will ask for a budget amendment of our FY2012-2013 Chapter 59 budget to cover any additional costs.

The purchase of the vehicles will assist in enhancing existing Patrol fleets and personnel in order to achieve the objectives of Operation Stonegarden by members of the Kingsville Police Department.

Please place this item on the next available agenda of the City of Kingsville City Commission for consideration. Thank you for your assistance regarding this matter.

PRODUCT PRICING SUMMARY BASED ON CONTRACT

BUYBOARD #358-10

Grapevine Dodge Chrysler Jeep 2601 William D Tate, Grapevine, TX 76051

End User: KINGSVILLE PD

Rep: Dennis Thomas

Contact: CHIEF

Phone: 817-410-7541

Phone/Email: 361-592-4311 OPT 5 / CHIEF@KINGSVILLEPD.US

Email: dthomas@grapevinedcj.com

Product Description: CHARGER POLICE

Date: 11/29/2012

A. Bid Series: CHARGER POLICE

A. Base Price:

\$21,735

B. Published Options [Itemize each below]

Code	Options	Bid Price	Code	Options	Bid Price
29A	5.7L V8 HEMI	2118	X5	CLOTH/VINYL REAR SEAT	114
CW6	DEACTIVATE REAR DOORS	24	LNF	SPOTLAMP	190
LNK	LED SPOTLAMP UPGRADE	142	LBG	MAP/RADING LAMPS	47
TBW	FULL SIZED SPARE	152	GUK	FOLD AWAY MIRRORS	57
AAJ	CONNECTIVITY (BLUE TOOTH)	375			
Total of B. Published Options:					\$3219

C. Unpublished Options

\$= 0.0%

Options	Bid Price	Options	Bid Price
Total of C. Unpublished Options:			\$

D. Pre-delivery Inspection:

\$55.00

E. Texas State Inspection:

\$ 23.75

F. Manufacturer Destination/Delivery:

\$

G. Floor Plan Interest (for in-stock and/or equipped vehicles):

H. Lot Insurance (for in stock and/or equipped vehicles):

I. Contract Price Adjustment:

J. Additional Delivery Charge: _____ miles

\$

K. Subtotal:

25,032.75

L. Quantity Ordered 2 x K =

50065.50

M. Trade in: _____

N. BUYBOARD Administrative Fee (\$400 per purchase order)

\$400

O. TOTAL PURCHASE PRICE INCLUDING BUYBOARD FEE

\$50,465.50

REGULAR AGENDA

AGENDA ITEM #3

RESOLUTION #2012-_____

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE KINGSVILLE INDEPENDENT SCHOOL DISTRICT RELATING TO WAIVER OF CERTAIN PLANNING FEES IN EXCHANGE FOR CERTAIN LAND; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Kingsville ("City") intends to obtain the old H.M. King High School and renovate it into a new City Hall and the Kingsville Independent School District ("KISD") has other land in the immediate vicinity of the old high school that the City would like to acquire and develop in the future; and

WHEREAS, KISD intends to build a new high school on South Brahma Blvd., expand its warehouse by the administration building, and dispose of a portable building on the Lamar campus to improve the district and beautify the City; and

WHEREAS, the parties believe that the land (cottage, gymnasium, and land north of the gymnasium) near the old high school on 3rd Street should be exchanged with the City for waiver of certain planning and disposal fees for improvements on KISD properties as referenced above;

WHEREAS, the exchange of land for waiver of planning and disposal fees is of benefit to the entities and the public;

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

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

I.

THAT the Mayor is authorized and directed as an act of the City of Kingsville, Texas to enter into an Interlocal Agreement between the City of Kingsville and the Kingsville Independent School District relating to Waiver of Certain Planning Fees in Exchange for Certain Land 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 _____th day of _____, 2012.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**INTERLOCAL AGREEMENT
BETWEEN THE CITY OF KINGSVILLE
AND KINGSVILLE INDEPENDENT SCHOOL DISTRICT
RELATING TO
WAIVER OF CERTAIN PLANNING FEES IN EXCHANGE
FOR CERTAIN LAND**

DRAFT

WITNESSETH:

WHEREAS, the City of Kingsville ("City") and the Kingsville Independent School District ("KISD") try to work together for the benefit of our citizenry when able to do so; and

WHEREAS, KISD owns land commonly known as "the cottage", "the gymnasium", and "land north of the gymnasium" on North Third Street, Kingsville, Texas, which is just south of the current KISD administration building, near the Old High School that is being renovated as the new City Hall; and

WHEREAS, the City desires to acquire the above-referenced land from KISD as part of its renovation project of that area; and

WHEREAS, a proposal to transfer this land to the City in exchange for (1) the waiver of permitting and plan review fees for Phases 1 & 2 of the new High School on South Brahma Blvd., (2) the waiver of permitting and plan review fees for a warehouse addition by the current KISD administration building on North Third Street, (3) the demolition and removal of a portable building by Lamar School, and (4) the sweeping of KISD school parking lots when the City's Street Sweepers are working in zones where said parking lots exist; and

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

NOW, THEREFORE, the City of Kingsville and KISD, in consideration of these mutual covenants and agreements, agree as follows:

1. **PARTIES**. The parties to this Interlocal Agreement ("Agreement") are the City of Kingsville ("City"), a Texas home rule municipality, and the Kingsville Independent School District ("KISD"), a body and corporate politic under the laws of the State of Texas.

2. **PURPOSE**.

- A. The City will: (1) waive the permitting and plan review fees for Volume 1 & 2 plan set for the new High School on South Brahma Blvd. (fees valued at \$63,244.92), (2) waive the permitting and plan review fees for a 5,500 square foot warehouse addition by the current KISD administration building on North Third Street

(estimated fee value of \$2,090.00), (3) demolish and remove a 24x40 foot portable building (960 sq.ft.) by Lamar School (approximate value of \$2,880.00 including estimated dumpster fees, hauling, tipping fees, equipment and personnel.) [NOTE: This Agreement shall exclude any known or unknown hazardous material abatement costs, as these costs shall be borne by KISD.], and (4) sweep KISD school parking lots when the City's Street Sweepers are working in zones where said parking lots exist. Total fee waivers as described herein are not to exceed the amount of \$68,214.92, which is the sum of all calculated fees.

- B. KISD will transfer full and clear title to land commonly known as "the cottage", "the gymnasium", and "land north of the gymnasium" on North Third Street, Kingsville, Texas, which is just south of the current KISD administration building, near the Old High School that is being renovated as the new City Hall, that is depicted on the map & legal description attached hereto and incorporated as a part of this agreement.

3. TERM.

- A. The recurring services as defined in this Agreement, not to include the one time transactions of transfer of land title and/or one time permit fee waivers and demolition, shall be for a term of one year, December 31, 2012 through December 31, 2013, and will automatically renew each year unless terminated by one of the parties.
- B. This Agreement may be terminated at any time by any party with or without cause upon thirty (30) days advance written notice.
- C. Any notice of termination shall be sent to the other party to this interlocal agreement at the address listed in paragraph 4 of this agreement.

4. MISCELLANEOUS PROVISIONS.

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

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

Kingsville Independent School District
Attn: Superintendent

P.O. Box 871
Kingsville, Texas 78364
Telephone: (361) 592-3387
Facsimile: (361) 221-9023

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

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

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

E. Exercise of Police Powers. This Agreement and all activities under this Agreement are undertaken solely as an exercise of the police power of the parties, exercised for the health, safety, and welfare of the public generally, and not for the benefit of any particular person or persons. The parties do not have and may not be deemed to have any duty to any particular person or persons.

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

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

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

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

J. Interlocal Cooperation Act Applies. The parties enter into this Interlocal Agreement under the Texas Government Code Chapter 791 (Interlocal

Cooperation Act). The parties agree that activities under this Agreement are "governmental functions and services" and that the parties are a "local government" and a "state agency" as those terms are defined in this Agreement and in the Interlocal Cooperation Act.

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

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

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

N. Validity and Enforceability. If any current or future legal limitations affect the validity or enforceability of a provision of this Agreement, then the legal limitations are made a part of this Agreement and operate to amend this Agreement to the minimum extent necessary to bring this Agreement into conformity with the requirements of the limitations, and so modified, this Agreement continues in full force and effect.

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

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

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

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

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

EXECUTED by Kingsville Independent School District on the _____ day of _____, 2012.

KISD School Board President
Melissa Windham

Edward Blaha
KISD Superintendent

EXECUTED by the City of Kingsville on the _____ day of _____, 2012.

Sam R. Fugate
Mayor

ATTEST:

Mary Valenzuela
City Secretary

APPROVED AS TO FORM:

Courtney Alvarez
City Attorney

AGENDA ITEM #4

RESOLUTION # 2012-_____

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN ALL NECESSARY DOCUMENTATION ON BEHALF OF THE CITY OF KINGSVILLE REGARDING THE VOLUNTARY DEMOLITION OF KLEBERG COUNTY TRUSTEES PROPERTY LOCATED AT 508 S. 2ND STREET, KINGSVILLE, TEXAS.

WHEREAS, the City Commission of the City of Kingsville finds that it is in the best interest of the citizens of Kingsville that the structure(s) located on 508 S. 2nd, Street, Kingsville, Texas be removed from the premises as they are in a significant state of disrepair and create an immediate health and safety hazard to the surrounding area; and

WHEREAS, the property at 508 S. 2nd, Street, Kingsville, Texas is currently owned by the four local taxing entities listed as the Kleberg County Trustees;

WHEREAS, each of the other three local taxing entities has been asked to give their consent to execute the necessary paperwork and approvals to place this property in the City's Voluntary Dangerous Building Demo Program;

WHEREAS, the City needs to authorize someone to execute the necessary paperwork to place this property in the City's Voluntary Dangerous Building Demo Program; and

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

I.

THAT the City Commission of the City of Kingsville authorizes the Mayor as an act of the City to execute all necessary paperwork to submit the structure(s) located at 508 S. 2nd Street, Kingsville, Texas in the City's Voluntary Dangerous Building Demo Program.

II.

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

PASSED AND APPROVED by a majority vote of the City Commission the _____ day of December, 2012.

Sam 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

May 30, 2012

KLEBERG COUNTY TRUSTEE
PO BOX 1457
KINGSVILLE TEXAS 78364-1457

Re: 2ND ADDITION BLOCK 2 LOT N/2-2

508 S 2ND ST

Dear Sir or Madam:

It has been determined that the structure at **508 S 2nd ST** is in a significant state of disrepair and creates a safety and health hazard to the surrounding area and the community at large. The structure is in direct violation to the City of Kingsville's Code of Ordinance § 15-1-165 Condemned Building or Structure; Specifications as adopted and as stated below.

§ 15-1-165 CONDEMNED BUILDING OR STRUCTURE; SPECIFICATIONS.

(A) Any building or structure of any type of material, whether public or private property, existing within the city limits, which is determined to be unsafe for or dangerous to human occupancy, shall be declared and be and become a condemned building or structure.

(B) The condemned buildings or structures mentioned in division (A) shall be determined to be such under the following listed terms and conditions:

(1) Any building or structure which, for want of repair or by reason of age or dilapidated condition, or for any causes, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein.

(2) Any building or other structure which shall be determined to have a permanent or temporary plumbing condition existing in violation of the installation, maintenance and repair provisions of the City Plumbing Code presently duly enacted or to be duly enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Plumbing Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(3) Any building or other structure which shall be determined to have a permanent or temporary electrical installation condition existing in violation of the installation, maintenance or repair provisions of the City Electrical Code as it is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Electrical Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(4) Any building or structure which shall be determined to contain a faulty and defective structural condition existing in violation of the construction, maintenance and repair provisions of the City Building Code as is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the Building Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(5) Any building or structure which shall be determined to have a permanent or temporary sanitary condition existing in violation of the various health and sanitation ordinances duly enacted and to be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the sanitation ordinances to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

('62 Code, § 4-6-1)

AN INVESTIGATION HAS BEEN CONDUCTED ON THESE PREMISES FOR NON-COMPLIANCE WITH CITY ORDINANCES. YOU ARE HEREBY NOTIFIED THAT THESE VIOLATIONS LISTED MUST BE CORRECTED WITHIN THIRTY (30) CALENDAR DAYS (**JUNE 30, 2012**) FROM RECEIPT THIS LETTER.

WE MUST RECEIVE WRITTEN RESPONSE FROM YOU WITHIN TEN (10) DAYS **JUNE 13, 2012** FROM THIS NOTICE INDICATING THE ACTION YOU INTEND TO TAKE WITHIN THE NEXT THIRTY (30) CALENDAR (**JUNE 30, 2012**) DAYS TO CORRECT SUBSTANDARD CONDITIONS.

If these violations are not mitigated within thirty (30) calendar days of the date of this letter, a case will be processed through Municipal Court. If you should commit another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property.

Please provide proof of necessary permits and "passed" inspections for all reconstruction and/or repairs. Provide proof of proper disposal, i.e. landfill receipt or method used to remediate condemned structure.

If you need further information, please contact me at (361) 595-8019, Monday through Friday from 8:00 AM – 12:00 PM & 1:00 PM - 5:00 P.M.

Sincerely,



Abel Carrillo
Building Official

2012 PRELIMINARY ROLL

CKI - CITY OF KINGSVILLE

Geo ID Order

06/07/2012 08:18AM

Prop ID	Owner	% Legal	Description	Effective Acres	Imp HS	Imp NHS	Land HS	Land NHS	Prod Use	Prod Mkt	Market	Prod Loss	Appraised	Cap	Assessed	Exemptions	Taxable	Tax Rate	Est. Tax
13773	32867	100.00	R Geo: 100400127000192 CRAIG LOIS MARIE 524 W FORDYCE AVE KINGSVILLE, TX 78363-5346	0.000000	20,460	0	1,000	0	0	0	21,460	0	21,460	0	21,460	0	21,460	0.842200	180.74
			2ND, BLOCK 1, LOT 27, 28																
			State Codes: A Situs: 524 W FORDYCE	Acres: Map ID: Mtg Cd: DBA:	0.0000 PLAT														
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable	Tax Rate	Est. Tax										
CKI	CITY OF KINGSVILLE				21,460	0	21,460	0.842200	180.74										
14569	31748	100.00	R Geo: 100400129000192 BAZAN GLENDA 225 BIRCHWOOD DR KINGSVILLE, TX 78363-7523	0.000000	0	5,260	0	1,000	0	0	6,260	0	6,260	0	6,260	0	6,260	0.842200	52.72
			2ND, BLOCK 1, LOT 29, 30																
			State Codes: A Situs: 526 W FORDYCE	Acres: Map ID: Mtg Cd: DBA:	0.0000 PLAT														
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable	Tax Rate	Est. Tax										
CKI	CITY OF KINGSVILLE				6,260	0	6,260	0.842200	52.72										
15354	14168	100.00	R Geo: 100400131000192 FERGUSON GRATIA 4541 WESTBRIAR LN GRAND PRAIRIE, TX 75052-354	0.000000	34,330	0	500	0	0	0	34,830	0	34,830	0	34,830	0	34,830	0.842200	293.34
			2ND, BLOCK 1, LOT 31, "DP TAX DEFERRAL 2010"																
			State Codes: A Situs: 528 W FORDYCE	Acres: Map ID: Mtg Cd: DBA:	0.0000 PLAT														
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable	Tax Rate	Est. Tax										
CKI	CITY OF KINGSVILLE				34,830	0	34,830	0.842200	293.34										
23698	19476	100.00	R Geo: 100400132000192 FERGUSON EDNA E 4541 WESTBRIAR LN GRAND PRAIRIE, TX 75052-354	0.000000	0	0	0	500	0	0	500	0	500	0	500	0	500	0.842200	4.21
			2ND, BLOCK 1, LOT 32																
			State Codes: C Situs: 530 W FORDYCE	Acres: Map ID: Mtg Cd: DBA:	0.0000 PLAT														
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable	Tax Rate	Est. Tax										
CKI	CITY OF KINGSVILLE				500	0	500	0.842200	4.21										
10262	13270	100.00	R Geo: 100400201000192 KLEBERG COUNTY TRUSTEE PO BOX 1457 KINGSVILLE, TX 78364-1457	0.000000	0	10,670	0	500	0	0	11,170	0	11,170	0	11,170	0	11,170	0.842200	0.00
			2ND, BLOCK 2, LOT N/2 1-2, "E X E M P T"																
			State Codes: X Situs: 508 S 2ND ST TX	Acres: Map ID: Mtg Cd: DBA:	0.0000 PLAT														
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable	Tax Rate	Est. Tax										
CKI	CITY OF KINGSVILLE				11,170	11,170	0	0.842200	0.00										
31586	13270	100.00	R Geo: 100400201010192 KLEBERG COUNTY TRUSTEE PO BOX 1457 KINGSVILLE, TX 78364-1457	0.000000	0	2,720	0	500	0	0	3,220	0	3,220	0	3,220	0	3,220	0.842200	0.00
			2ND, BLOCK 2, LOT S/2 1-2, "E X E M P T"																
			State Codes: X Situs: 508 S 2ND ST TX	Acres: Map ID: Mtg Cd: DBA:	0.0000 PLAT														
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable	Tax Rate	Est. Tax										
CKI	CITY OF KINGSVILLE				3,220	3,220	0	0.842200	0.00										
11012	41746	100.00	R Geo: 100400203000192 WICKHAM KEVIN PO BOX 66 KINGSVILLE, TX 78364-0066	0.000000	21,740	0	1,000	0	0	0	22,740	0	22,740	0	22,740	0	22,740	0.842200	191.52
			2ND, BLOCK 2, LOT 3, 4																
			State Codes: A Situs: 425 W HUISACHE	Acres: Map ID: Mtg Cd: DBA:	0.0000 PLAT														
Entity	Description	Xref Id	Freeze: (Year)	Ceiling	Assessed	Exemptions	Taxable	Tax Rate	Est. Tax										
CKI	CITY OF KINGSVILLE				22,740	0	22,740	0.842200	191.52										

address 50852 nd		owner		date of inspctn 5-31-12	
inspector <i>ONE</i>		type of insp <i>Condm</i>		type of building <i>Res</i>	
B=broken		P= pictures		R= needs repair	
M= missing		D= dirty		A= abandoned, dilapidated	
X=unacceptatle		H= hazard		I= incomplete	
		O= out dated		V= over grown	
				N= need repairs	
EXTERIOR		BATHROOM		other rm	rt/ctr/lft
fence	<i>m</i>	present	<i>DOX</i>	lits/plgs	
yard	<i>DXH</i>	electricity	<i>BHX</i>	elec hzrds	
foundation	<i>Bx</i>	elec hazds	<i>mHX</i>	security	
skirt	<i>Na</i>	security	<i>Bx</i>	windows	
walls	<i>DX</i>	windows	<i>Na</i>	ceiling	
roof	<i>BxH</i>	ceiling	<i>✓</i>	walls	
ft door	<i>BxH</i>	walls	<i>✓</i>	floors	
bk door	<i>BxH</i>	floors	<i>DX</i>	smk detectr	
secured	<i>BxH</i>	commode	<i>OHX</i>	other rm	rt/ctr/lft
windows	<i>BxH</i>	lavatory	<i>OHX</i>	lits/plgs	
stairs	<i>✓</i>	tub/shower	<i>DX</i>	elec hzrds	
porches	<i>BxH</i>	ventilation	<i>D</i>	security	
electric	<i>OBx</i>	Bedroom 1	rt/ctr/lft <i>Ⓟ</i> ft/ctr/rr <i>Ⓟ</i>	windows	
plumbing	<i>OX</i>	lits/plgs	<i>OX</i>	ceiling	
gas	<i>OX</i>	elec hzrds	<i>OX</i>	walls	
trees	<i>DXH</i>	security	<i>BxH</i>	floors	
sidewalk	<i>✓</i>	windows	<i>BxH</i>	smk detectr	
parking	<i>mx</i>	ceiling	<i>BxH</i>	HEATER	<i>mx</i>
LIVN RM		walls	<i>DX</i>	WTR HTR	<i>mx</i>
present		floors	<i>DX</i>	VENTILATION	
electric	<i>OX</i>	smk detectr	<i>mx</i>	COOLING	<i>mx</i> <i>Ⓟ</i>
elec hazrds	<i>OX</i>	Bedroom 2	rt/ctr/lft <i>Ⓟ</i> ft/ctr/rr <i>Ⓟ</i>	PLUMBING	<i>O</i>
secured	<i>XH</i>	lits/plgs	<i>OXH</i>	SEWER TAP	<i>m</i>
windows	<i>Bx</i>	elec hzrds	<i>OXH</i>	WATER TAP	<i>m</i>
ceiling	<i>BxH</i>	security	<i>Bx</i>	ACCESS TO UNIT	
walls	<i>Bx</i>	windows	<i>mx</i>	FIRE EXITS	<i>mx</i> <i>B</i>
floor	<i>BDx</i>	ceiling	<i>DX</i>	INFESTATION	
KITCHEN		walls	<i>DX</i>	GARBAGE	<i>DX</i>
present	<i>DXB</i>	floors	<i>DBx</i>	DEBRIS	<i>DX</i>
electricity	<i>OXH</i>	smk detectr	<i>mx</i>	REFUSE DISPOSAL	
elec hzrds	<i>OXH</i>	Bedroom 3	rt/ctr/lft <i>Ⓟ</i> ft/ctr/rr <i>Ⓟ</i>	INTERIOR	
secured	<i>XP</i>	lits/plgs		HALLS	
windows	<i>Bx</i>	elec hzrds	<i>✓</i>	STAIRS	
ceiling	<i>Bx</i>	security	<i>✓</i>	INTR HZRDS	
walls	<i>DX</i>	windows	<i>✓</i>	AIR QLTY	
floor	<i>DX</i>	ceiling	<i>✓</i>		
stove	<i>mx</i>	walls	<i>✓</i>		
refrigerator	<i>mx</i>	floors	<i>✓</i>		
sink	<i>BxH</i>	smk detectr			

address 50857 PD		owner		date of inspctn 5-31	
inspector C. Se		type of insp Condom		type of building Bus	
B=broken		P= pictures		R= needs repair	
M= missing		D= dirty		I= incomplete	
X=unacceptatle		H= hazard		O= out dated	
A= abandoned,dilapidated		V= over grown		N= need repairs	
EXTERIOR		BATHROOM		other rm rt/ctr/lft ft/ctr/rr	
fence m		present		lits/plgs	
yard Dx		electricity		elec hzrds	
foundation ✓		elec hazds		security	
skirt m		security		windows	
walls D Bx H		windows		ceiling	
roof Bx H		ceiling		walls	
ft door Bx H		walls		floors	
bk door Bx H		floors		smk detectr	
secured Bx H		commode		other rm rt/ctr/lft ft/ctr/rr	
windows Bx H		lavatory		lits/plgs	
stairs na		tub/shower		elec hzrds	
porches B Hx		ventilation		security	
electric mox		Bedroom 1		rt/ctr/lft	ft/ctr/rr
plumbing mox		lits/plgs		ceiling	
gas mox		elec hzrds		walls	
trees Dx		security		floors	
sidewalk ✓		windows		smk detectr	
parking ✓		ceiling		HEATER m x	
LIVN RM		walls		WTR HTR m x	
present		floors		VENTILATION	
electric		smk detectr		COOLING O H	
elec hzrds		Bedroom 2		rt/ctr/lft	ft/ctr/rr
secured		lits/plgs		PLUMBING O H	
windows		elec hzrds		SEWER TAP m x	
ceiling		security		WATER TAP m x	
walls		windows		ACCESS TO UNIT	
floor		ceiling		FIRE EXITS H x	
KITCHEN		walls		INFESTATION	
present		floors		GARBAGE Dx	
electricity		smk detectr		DEBRIS Dx	
elec hzrds		Bedroom 3		rt/ctr/lft	ft/ctr/rr
secured		lits/plgs		REFUSE DISPOSAL Dx	
windows		elec hzrds		INTERIOR	
ceiling		security		HALLS	
walls		windows		STAIRS	
floor		ceiling		INTR HZRDS	
stove		walls		AIR QLTY	
refrigerator		floors			
sink		smk detectr			

CONDEMNATION CHECKLIST

Property Address: 508 S 2nd Phone: _____
 Property Owner: Kleberg County Trust Phone: _____
 Owner's Address: P.O. Box 1457 Fax: _____
Kingsville, TX 78364

BEGINNING DATE	ENDING DATE	ACTION
<input type="checkbox"/> <u>5-30-12</u>	<u>5-30-12</u>	1. Identify structure unfit for human habitation.
<input type="checkbox"/> <u>5-30-12</u>	<u>5-30-12</u>	2. Inspect Property. (Building Official)
		<input type="checkbox"/> a. Prepare inspection report.
		<input type="checkbox"/> b. Photograph property.
<input type="checkbox"/> <u>5-30-12</u>	<u>5-30-12</u>	3. Determine ownership from county assessment & tax collection record.
<input type="checkbox"/> <u>5-30-12</u>	<u>5-30-12</u>	4. Obtain legal description.
<input type="checkbox"/> <u>5-30-12</u>	<u>5-30-12</u>	5. Obtain or complete title report to verify ownership & other vested interests, such as mortgage holders, trustees, etc.
<input type="checkbox"/> <u>5-30-12</u>	<u>5-30-12</u>	6. Send Notice of Violation & copy of inspection report to property owner(s) of record. Request written response from owner within 10 days from Notice of Violation indicating action the owner intends to take within the next 30 days to correct substandard conditions.
<input type="checkbox"/> _____	_____	7. If response is not received or is not adequate, proceed as follows:
<input type="checkbox"/> _____	_____	8. Send 20-day pre notification letter owner(s) & others with vested interest in property advising the date the property will be presented to City Council for consideration of condemnation.
		<input type="checkbox"/> a. Owner unknown or whereabouts not known or such owner is a nonresident of Texas.
<input type="checkbox"/> _____	_____	1) Post affidavit in newspaper twice a week for one week
<input type="checkbox"/> _____	_____	9. Post sign on property advising date the City Council will consider condemnation of structure.

<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	_____	_____

10. Photograph posted sign.

11. Prepare information packet for each City

Council member, plus one each for City Manager,
City Attorney & City Secretary consisting of

☐ a. Location Map

☐ b. Photographs of the structure

☐ c. Inspection report

☐ d. Pre-condemnation notice

☐ e. Condemnation resolution

12. Place condemnation action resolution &
supporting documentation for placement on the
City Council agenda.

13. City Council adopts condemnation resolution.

14. File Notice of Condemnation with the County
Clerk:

15. Send owner(s) & other vested interests the
following:

☐ a. Copy of the City Council resolution.

☐ b. 45-day order to demolish

16. Post 45-day Order to Demolish on structure.

17. Evaluate status of owner's action on 46th day
after Order of Demolition was issued. If no action
taken by owner, proceed with demolition.

18. Photograph posted notice.

19. Notify utility companies to disconnect &
remove services from structure for safe
demolition.

20. Issue Notice to Proceed to Public Works Dir.

21. Prepare demolition cost statement consisting of:

☐ a. Mailing fees

☐ b. Publication fees

☐ c. Demolition costs

☐ d. Landfill tipping fees

☐ e. Filing fees

☐ f. Administrative fees

☐ g. Any documentation miscellaneous costs



22. Send a letter & cost statement to the

Collections Department so they can send out bill.

Make copy of documents and send to the City

Attorney requesting a lien to be place on the
property.

CITY OF KINGSVILLE 12-6-12

ADDRESS <u>508 S. 2nd</u>		OWNER		INSPECTOR <u>Daniel</u>			
LEGAL DESCRIPTION		LOT <u>1/3</u> 1-2 EXEMPT BLOCK <u>2</u>					
OWNER INFO		<u>Kleberg County Trustee 508 S. 2nd Kingsville TX. 78375</u>					
PROPERTY CONDITION REPORT							
	ACCEPTABLE			CONDITIONS			
	YES	NO	NOT/APP	UNSAFE	SEVERE	HAZARD	Remedies
1. YARD		X		X			Clean up
CONDITION		X		X			
2. UTILITIES		X		X			n/a
a. ELECTRICITY		X		X			
b. GAS		X		X			
c. WATER		X		X			
3. ROOF		X			X		
a. COVERING		X			X		
b. STRUCTURE		X			X		
4. WALLS		X			X		
a. EXTERIOR		X			X		
b. INTERIOR		X			X		
c. CEILINGS		X			X		
5. WINDOWS/DOORS		X			X		Broken }
a. SECURED		X			X		
b. CONDITION		X			X		
		X			X		
6. FOUNDATION		X			X		
a. FLOORS		X			X		
7. PLUMBING		X			X		
8. ELECTRICAL		X					
CODES	ADDITIONAL CONCERNS						
B. broken							
M. missing							
D. dirty							
X. unacceptable							
Bd. Bedroom							
Bt. Bathroom							
Kt. Kitchen							
Lv. Livingroom							
Dn. Diningroom							
Ft. front							
Bk back							
Lf. Left							
Rt. Right							

KLEBERG COUNTY APPRAISAL DISTRICT				PROPERTY APPRAISAL INFORMATION 2012			
PROPERTY	10262	R	OWNER ID	KLEBERG COUNTY TRUSTEE	CAD	100%	IMPROVEMENTS
Legal Description	2ND, BLOCK 2, LOT N/2 1-2, "EX E M P T"			PO BOX 1457	CKI	100%	LAND MARKET
				KINGSVILLE, TX 78364-1457	GKL	100%	MARKET VALUE
			OWNERSHIP		SKI	100%	PRODUCTIVITY LOSS
			100.00%		WST	100%	APPRAISED VALUE

Ref ID: R10262
Map ID: FLAT

SITUS	508 S 2ND ST TX	ACRES:	EFF. ACRES:	APPR VAL METHOD:	Cost	ASSESSED VALUE	11,170
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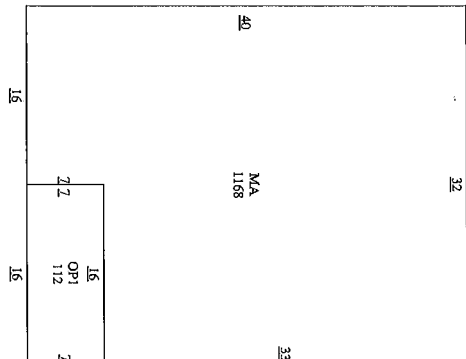
GENERAL			
UTILITIES	LAST APPR. LR		
TOPOGRAPHY	LAST APPR. YR	2011	
ROAD ACCESS	LAST INSP. DATE	04/06/2011	
ZONING	NEXT INSP. DATE		
NEXT REASON			

REMARKS
FOR '11 ADJ PHYS TO 50% PER APR LR 4/6/11
4/7/11 MMG -- FOR 2008 ADD 2007 NBHD CDS
BACK ONTO IMPS PER REMOVED IN ERROR
PER LR 5/9/09 JO -- FOR 2008 REMOVE NBHD

BUILDING PERMITS			
ISSUE DT	PERMIT TYPE	PERMIT AREA	ST PERMIT VAL

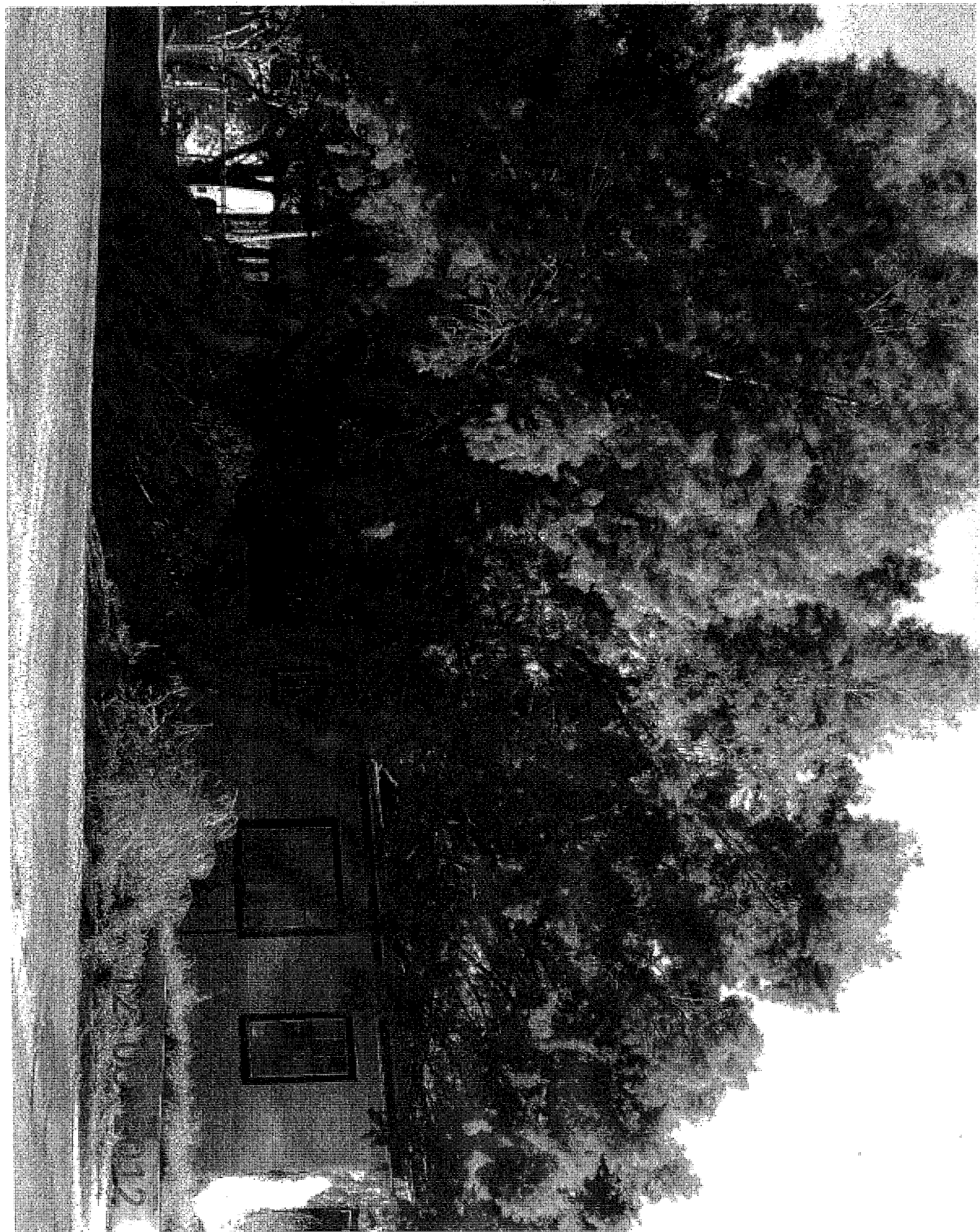
DEED INFO			
SALE DT	PRICE	GRANTOR	
08/12/2011	*****	DONE DEALS INC	SHF / 456 / 305
10/11/2000	*****	MEKORD DALE	SPWD / 204 / 385
04/05/2000	*****	KLEBERG COUNTY TXRS /	194 / 835

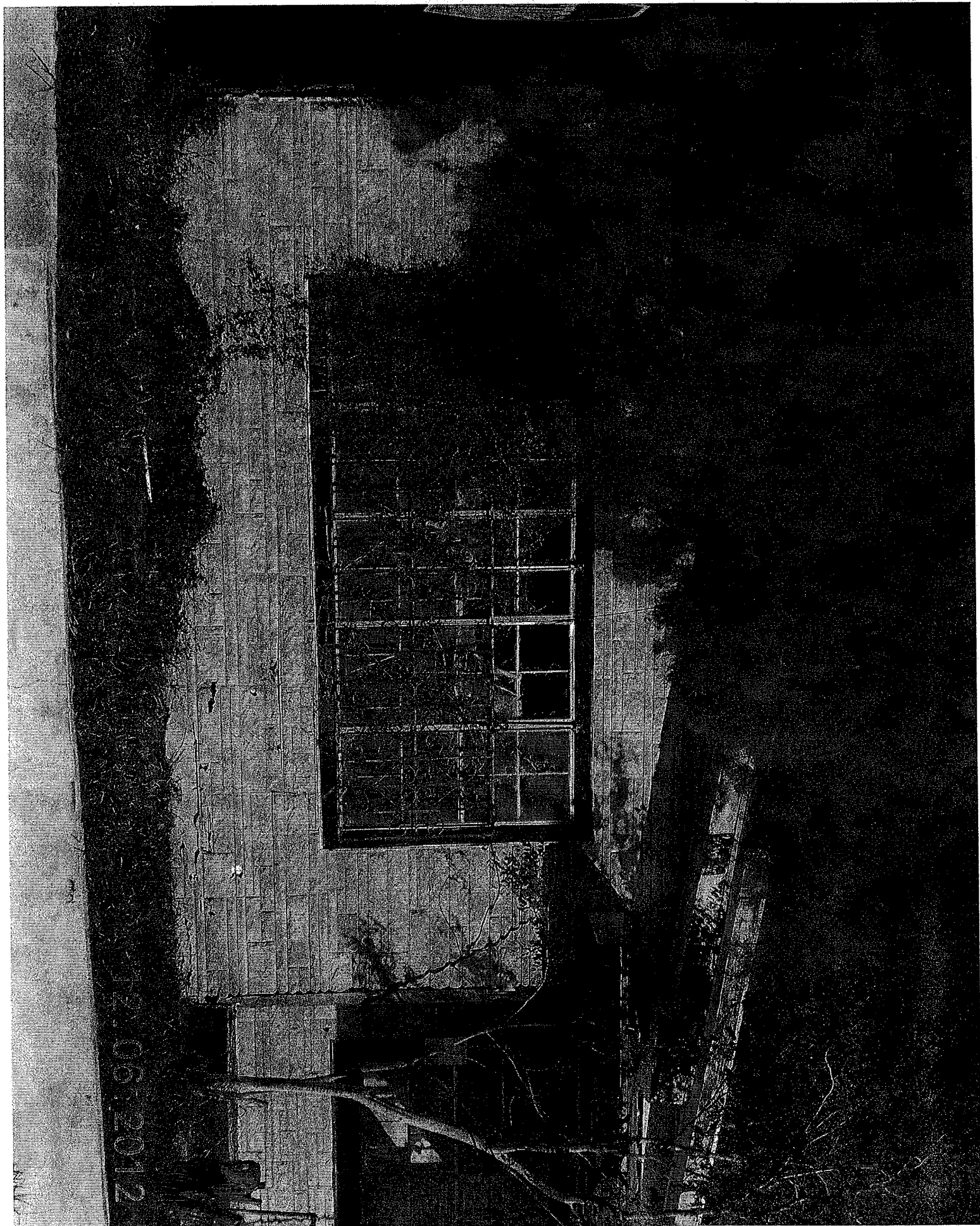
IMPROVEMENT INFORMATION													
#	TYPE	DESCRIPTION	MTHD	CLASS	SUBCL	AREA	UNIT	PRICE	UNITS	BUILT	EFF YR	COND.	VALUE
1.	RESIDENTIAL	MA MAIN AREA	R	FF3/		1,168.0		42.09	1	1969	1969	A	52,390
		OP1 OPEN PORCH B	R	4/		112.0		8.42	1	1969	1969	A	940
					STCD: X3	1,280.0							53,330
								Homeste: N					
LAND INFORMATION													
SUBD:	S004	100.00%	NBHD:										
L#	DESCRIPTION	CLS	TABLE	SC	HS	METH	DIMENSIONS	UNIT PRICE	GROSS VALUE	ADJ	MASS ADJ	VAL SRC	ADJ VALUE
1.	X3 EXEMPT - COUNTY		SPECIAL	X3	N	FF	50X70	20.00	1,000	0.50	1.00	A	13,340
Comment: F: 50.0 R: 50.0 D: 70 FF													



IMPROVEMENT FEATURES			
Heating/Cooling	1	CF3	3,224
Foundation	1	FD6	0
Exterior Wall	1	EW1	0
Interior Finish	1	IN1	0
Roof Style	1	RT6, RM3	0
Flooring	1	FL7	0
Plumbing	1		3,224

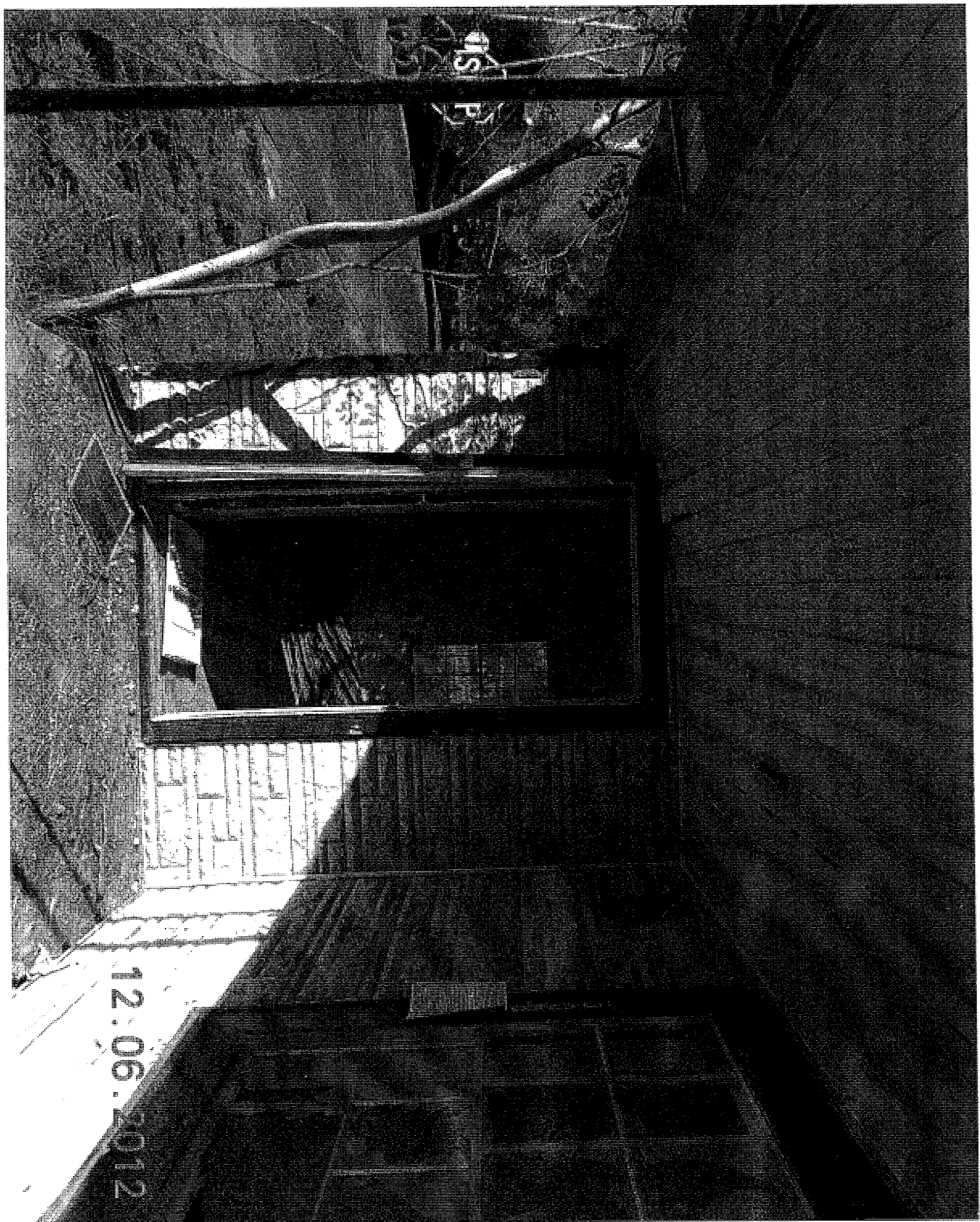
LAND INFORMATION													
SUBD:	S004	100.00%	NBHD:										
L#	DESCRIPTION	CLS	TABLE	SC	HS	METH	DIMENSIONS	UNIT PRICE	GROSS VALUE	ADJ	MASS ADJ	VAL SRC	ADJ VALUE
1.	X3 EXEMPT - COUNTY		SPECIAL	X3	N	FF	50X70	20.00	1,000	0.50	1.00	A	13,340
Comment: F: 50.0 R: 50.0 D: 70 FF													



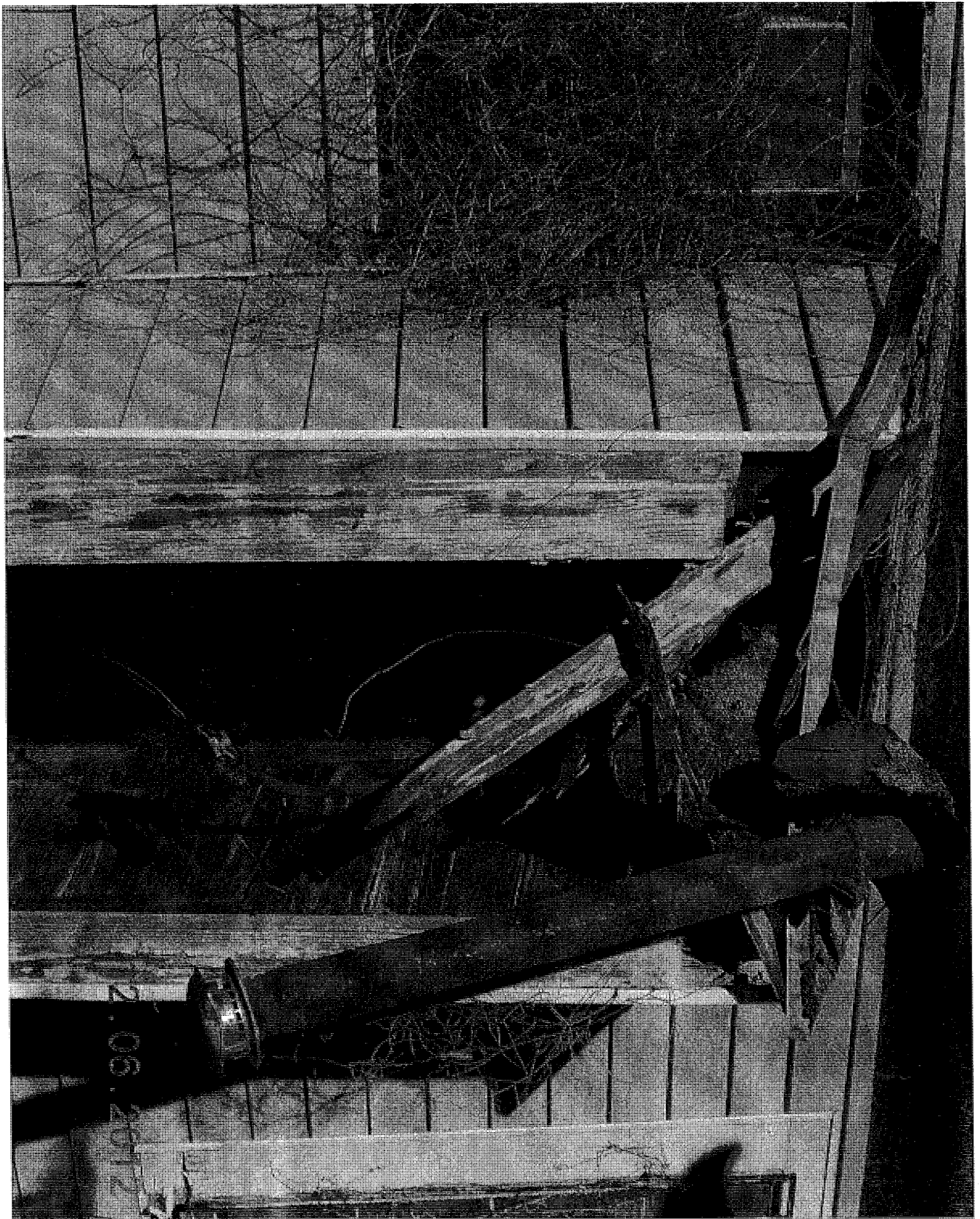




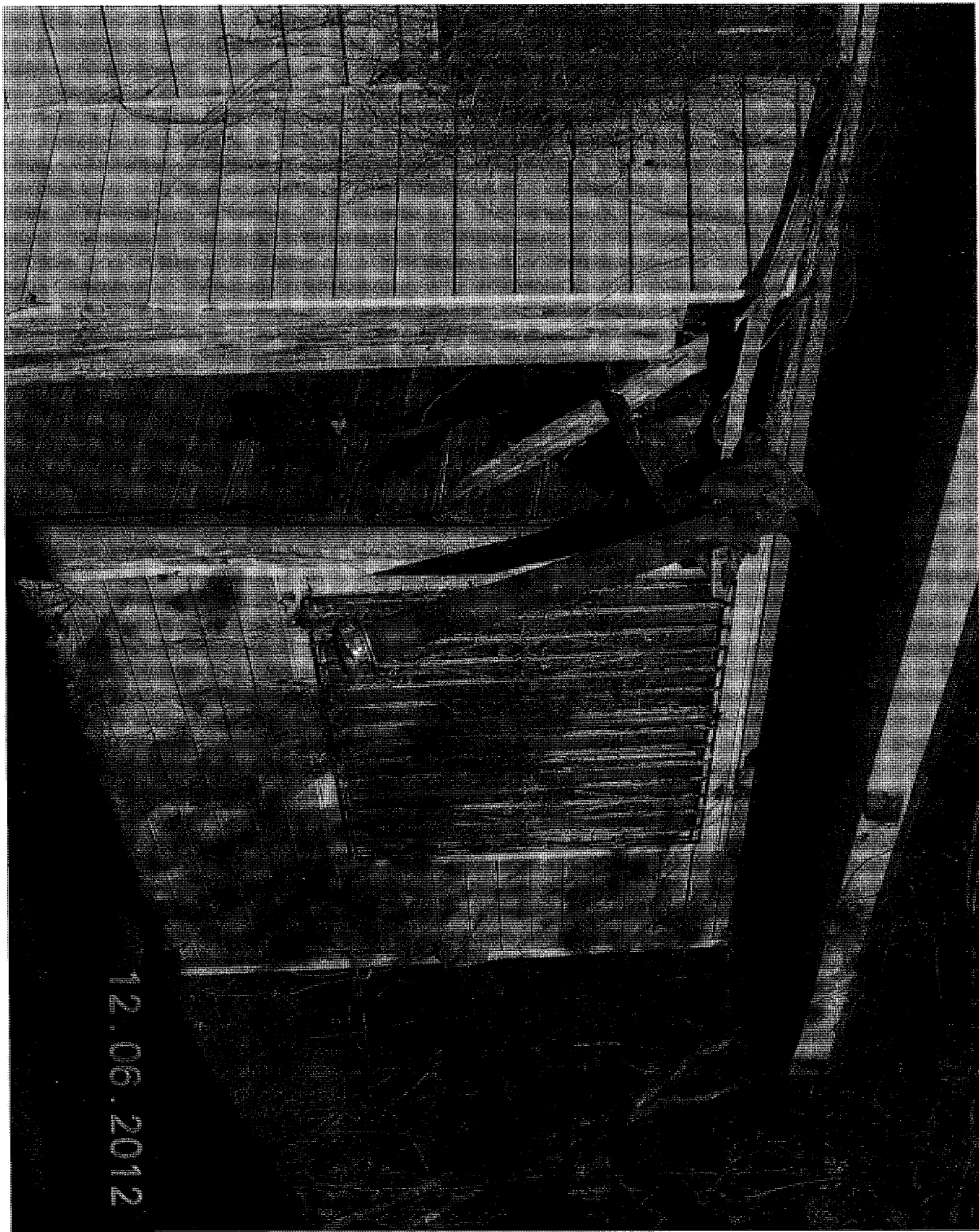
2012

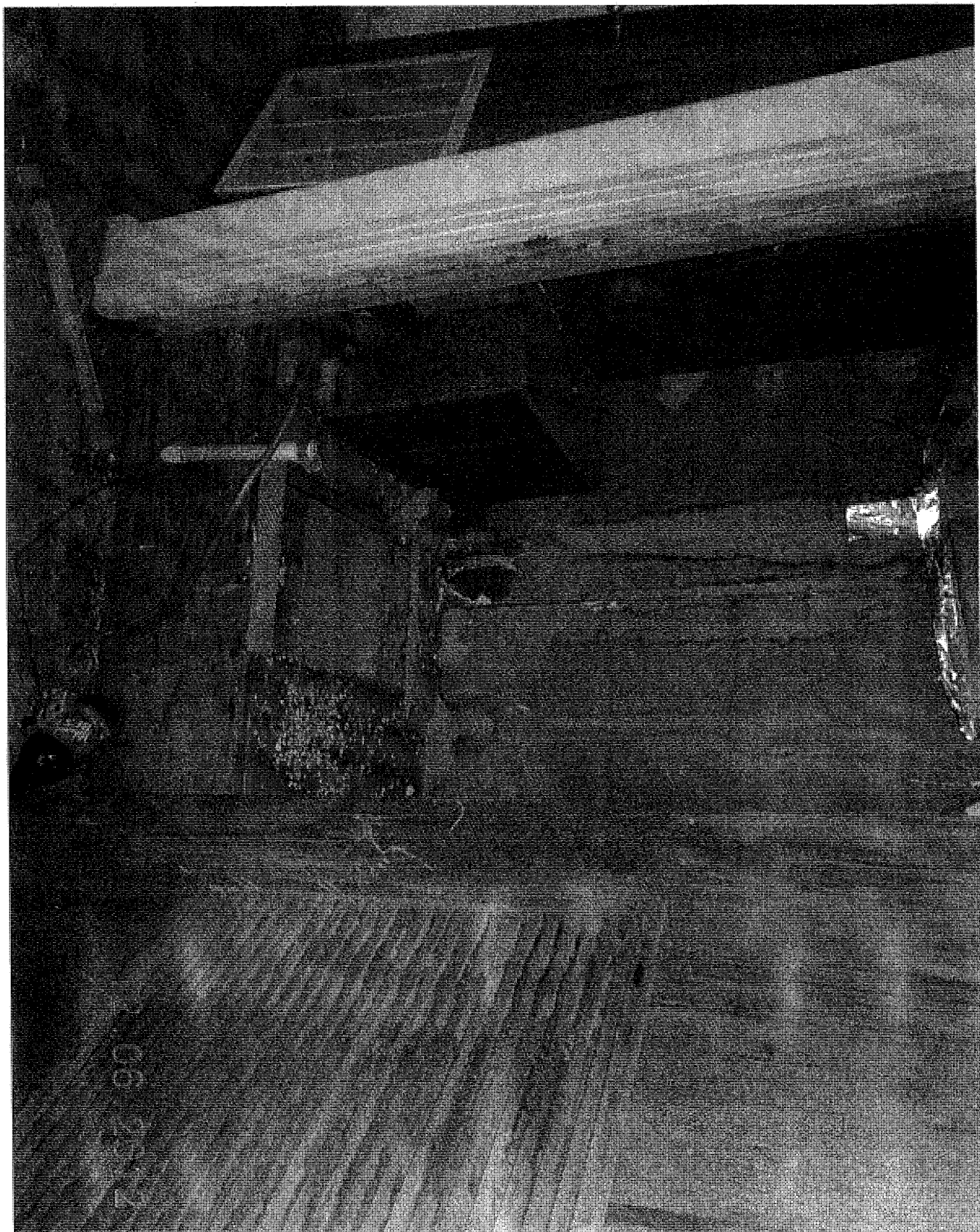


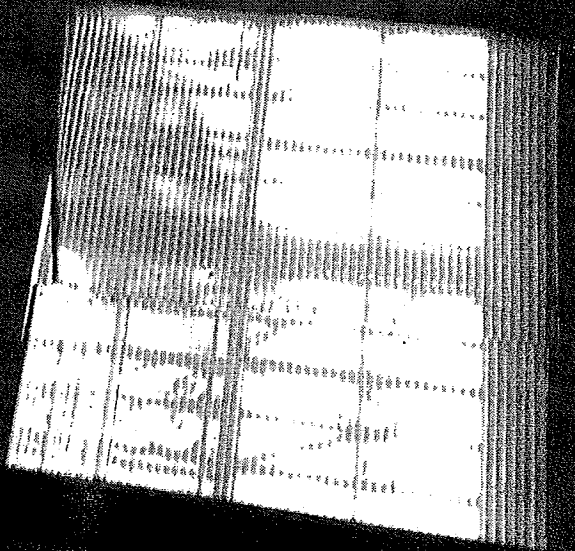




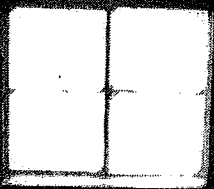
12.06.2012



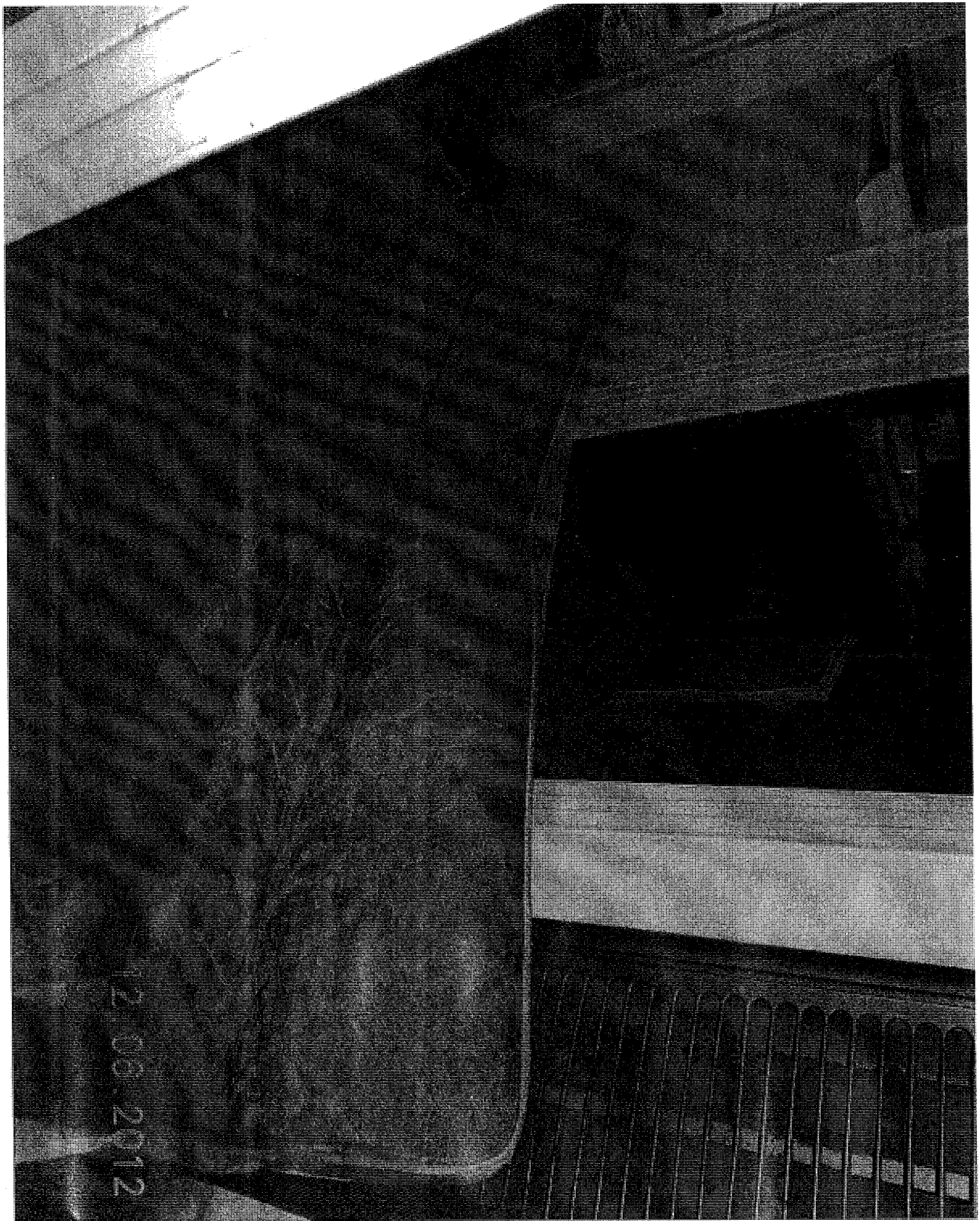




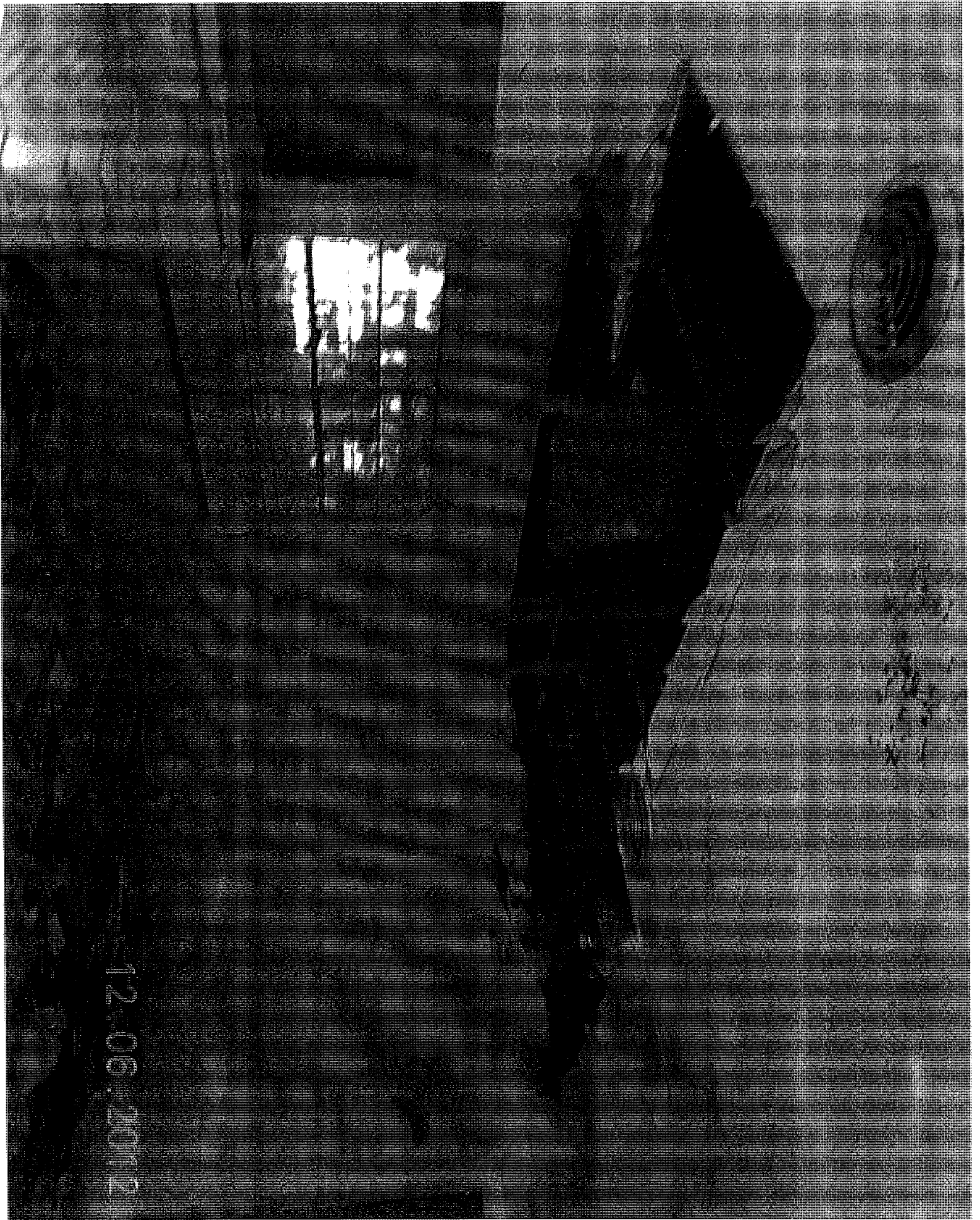
12.06.2012



12.06.2012



12 00 2012



12.06.2012

AGENDA ITEM #5

ORDINANCE NO. 2012-_____

AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR 607 SOUTH 13TH STREET (LOTS 5, BLOCK 30, RETAMA PARK) FOR AN OFF-SITE CATERER/BAKERY; 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 it's reports and recommendations concerning the application of Maria del Rosario Perez, for amendment to the zoning map of the City of Kingsville;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, November 14, 2012, during a meeting of the Planning Commission, and on Monday, December 10, 2012, 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 8-0 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 an off-site caterer/bakery on the premises known as 607 South 13th Street, Lots 5, Block 30, Retama Park, 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 "R1" Single Family District uses is as an off-site caterer/bakery.

2. **HANDICAP PARKING:** A handicapped accessible parking space shall be properly designated for one of the two required parking stalls for ADA customers. All parking stalls shall be of an impervious surface, either asphalt or concrete.

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

ownership of the business.

4. **SPECIAL CONDITION:** The applicant shall obtain all required 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 an off-site caterer/bakery.

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.

INTRODUCED on this the 10th day of December, 2012.

PASSED AND APPROVED on this the ____ day of _____, 201__.

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 

SUBJECT: Special Use Permit request to operate an off-site caterer/bakery in a residential area at 607 S. 13th St.

DATE: November 28, 2012

The City of Kingsville Planning and Zoning Commission met on November 14, 2012 at 7:00 p.m. in regard to a request made by the Ms. Maria del Rosario Perez, to allow for the operation of a catering/bakery operation, specializing in off-site catering and some on-site business interaction, to be located in a residentially zoned area at 607 S. 13th St. The property is located in a R-2 Two Family Residential District and is immediately adjacent to a C-2 Retail District and existing commercial uses to the east. 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. There were no persons in opposition present at the Planning & Zoning Commission meeting or on the record with the Planning Department. One individual other than applicant came and spoke in favor of the request and we received one written statement in favor of the proposed use.

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. No concerns or complaints regarding this special use permit were made to the Planning Department.

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 which consist of both residential and commercial uses. The property is currently vacant with commercial activity immediately to the east, across the street. This property is one block from 14th Street, one of the busiest commercial corridors of the city.

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. 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 8/0 vote, with the following conditions:

1. To avoid the perception and/or potential for spot zoning for a commercial property within a residential area, this special use permit shall expire should the approved special use cease, or in the case of a change in ownership.
2. A handicapped accessible parking space shall be properly designated for one of the two required parking stalls for ADA customers. All parking stalls shall be of an impervious surface, either asphalt or concrete.
3. The business shall obtain all permits for building, fire and health thereby meeting all adopted codes to operate said business.

Attachments

**PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
November 14, 2012**

Planning and Zoning Members Present

Robert McCreight
Lupe Alvarez
Steve Zamora
Tom Dock
Bill Aldrich
Debbie Tiffce
Albert Garcia

Citizens Present

Fransisco Aguiniga

Staff Present

Michael Kellam, Director of Planning &
Development Services
Jessica Storck, Planning Secretary

1. **The meeting was called to order at 7:00 p.m.**
2. **Discuss and take action on the meeting minutes of October 17, 2012.**
Mr. Lupe Alvarez made a motion to accept the minutes as circulated. Robert McCreight seconds. All in favor/ none oppose.
3. **Public comments on items on and not on the agenda.**
None.
4. **Discuss and take action on – Maria del Rosario Perez- Request approval for the special use permit to allow for a bakery, specializing in off-site catering and some on-site business interaction, within Lot 5, Block 30 of Retama Park, property located at 607 S. 13th St., currently zoned R-2 Two- Family Residential District.**

Mr. Kellam stated that this request is for a catering business request with minimal customer traffic onsite. The use is not allow as a matter of right within the current zoning district, but is allowed via a special use permit. It would be predominantly used as a delivery/carry out bakery. The property is currently unoccupied and is near a residential area to the west and a commercial area to the east and had historically been used as a residence. The business will operate from 10:00 am to 7:00pm, and off street parking will be provided. A floor plan was provided by the applicant and shows minimal changes to the interior. He also stated that a written response was received from Ms. Yolanda Zapata, who owns a neighboring property and is in favor of the request. No responses were received in opposition to the request. A full review of the application and field

inspection was completed by staff and a recommendation of conditional approval was presented with the following conditions.

1. To avoid potential 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. A handicapped accessible parking space shall be properly designated for one of the two required parking stalls for ADA customers. All parking stalls shall be of an impervious surface, either asphalt or concrete.
3. The business shall obtain all permits for building, fire and health thereby meeting all adopted codes to operate said business.

Mr. Alvarez stated there is a fence in the area where parking should be. He asked if it would need to be removed. Mr. Kellam stated that the fence would probably need to be removed to allow access for a parking area. (This will be reviewed at the time of plan review and permitting)

Mr. Alvarez asked what type of signage would be allowed. Mr. Kellam stated that small signage would be allowed or commercial monument signage. He also stated that the board could recommend another condition for the signage placing additional limitations if they felt it was necessary.

Mr. Steve Zamora asked if the request was going to be treated as a regular business front since it is going to be catering. Mr. Kellam stated that it will maintain its residential look and feel but the inside would function as a bakery.

Mr. Fransico Aguinia, 704 W. Corral Apt.403, stated that Mr. Cerda, the property owner, is his friend and he is helping him with the application. He continued to state that Ms. Perez was already making cakes for friends and wanted to open a business. He also stated that they would follow all guidelines and conditions they needed to.

Mr. Albert Garcia made a motion to accept the request for the special use permit. Ms. Debbie Tiffie seconds. All in favor/ none oppose.

Mr. Kellam stated that there were no requests for the month of December. Holiday greetings were passed along to each of the board members.

5. **Adjourn.**

Meeting adjourned at 7:16 p.m.

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 BAKERY,
SPECIALIZING IN OFF-SITE CATERING AND SOME ON-SITE BUSINESS
INTERACTION AT 607-609 S. 13TH STREET.

Petitioner and Agent: Maria del Rosario Perez

Date of P&Z Hearing: November 14, 2012

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

EXISTING INFRASTRUCTURE

Transportation: Fordyce Street- Local
13th Street- Local
Community Facilities: Services provided
Capital Improvements: Services Provided
Fire Station Proximity: Within one 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 Plan
- Mailing list of owners within 200 feet

BACKGROUND AND HISTORY

The petitioner is requesting a special use permit to allow the operation of a carry out bakery specializing in wedding and specialized cakes, with some occasional on site business. The property is currently unoccupied but historically has been utilized as a residential unit. The applicant has permission from the owner for the proposed use, and at the writing of the staff report we have received one written response to the proposal from a neighboring property owner who indicated they are in favor of the request.

FIELD INSPECTION AND PERTINENT DATA

The site is located near the southwest corner of the E. Fordyce and S. 13th Street intersection. The entire structure consists of 1344 square feet of which approximately 500 square feet are to be utilized for the proposed bakery, according to the information submitted by the applicant. The property is currently vacant with commercial activity immediately to the east, across the street. This property is one block from 14th Street, one of the busiest commercial corridors of the city.

The applicant is proposing minor remodeling of the structure and has provided a proposed floor plan. The exterior of the structure is to remain as is, with the only addition being a wooden advertising sign. The proposed hours of operation are 10:00am to 7:00pm, with minimal customer traffic as most of the baked goods will be delivered to the customer's location. Onsite parking exists for approximately two vehicles, which meets the minimum parking code of one per every 250 square feet of retail/service space. The parking area will be required to be paved with an impervious surface to fully comply with the parking code of the City. Given the location and the minimal traffic anticipated by on-site customers, the traffic patterns will not be increase to an unacceptable level. Additionally, the plans have been submitted to the health department by planning staff for review since the operation involves the preparation of food for consumption by the public. Additional requirements may be placed on the business in order to comply with health, building and fire codes. These inspections will take place once the remodel begins and a full plan review is completed.

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. This specially permitted commercial use is a lesser intense commercial activity that can 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. A handicapped accessible parking space shall be properly designated for one of the two required parking stalls for ADA customers. All parking stalls shall be of an impervious surface, either asphalt or concrete.
3. The business shall obtain all permits for building, fire and health 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 609 S. 13th Nearest Intersection FOROYCE ST.

(Proposed) Subdivision Name _____ Lot 5 Block 30

Legal Description: Retama Park

Existing Zoning Designation _____ Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Maria del Rosario Phone 5228744 FAX _____

Email Address (for project correspondence only): agustincerda69@yahoo.com

Mailing Address 800 Gral Cavazos 1003 City Kingsville State Tx. Zip 78363

Property Owner Agustin Cerda Phone 5228744 FAX _____

Email Address (for project correspondence only): _____

Mailing Address _____ City _____ State _____ Zip _____

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 type="checkbox"/> Re-zoning Request..... \$ 250.00	<input type="checkbox"/> Re-plat..... \$ 250.00
<input type="checkbox"/> SUP Request/Renewal..... \$ 250.00	<input type="checkbox"/> Vacating Plat..... \$ 50.00
<input type="checkbox"/> Zoning Variance Request (ZBA)..... \$ 250.00	<input type="checkbox"/> Development Plat..... \$ 100.00
<input type="checkbox"/> PUD Request..... \$ 250.00	<input type="checkbox"/> Subdivision Variance Request..... \$ 25.00 ea.

Please provide a basic description of the proposed project: Opening a Take out
Cake Shop

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: Maria del Rosario Date: 10-18-2012

Property Owner(s) Signature: Agustin Cerda Date: 10-18-2012

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.
- ☒ 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.
- ☒ 6. The location and intensity of illumination of any illuminated areas.
- ☒ 7. The proposed use of open space.
- ☒ 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.
- ☒ 9. The location of all utilities, including electric lines, storm drainage, sanitary sewers and water service.
- ☒ 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.
- ☒ 13. Any areas proposed for outdoor storage, refuse collection, exterior mechanical equipment, exterior communication devices and utility apparatus.
- ☒ 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.
- ☒ 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.

True Automation, Inc.

True Automation, Inc.

Kingsville City Board

To Whom It May Concern:

October 18, 2012

My name is Maria del Rosario Perez. I am interested in opening a take out Cake shop. I am specialized in cake decoration. I have been making and selling cakes in my apartment for friends and family for three years. Therefore, I would like the Members of the City Board to give me an opportunity to open my own small business. At the moment, my husband Agustin Cerda owns a vacant building located in 609 South 13th Lot 5 Block 30 RETAMA PARK. I Plan remolded it for the cake shop. The hours for the store will be 10:00 am to 7:00 pm. This building will be used only as a business. A three feet wall section at the entrance will be replaced by a beam so that more work space is available. I plan to use one of the existing rooms for storage. The rest of the space will be used as a work station, without modification, for decorating and packaging cakes. A parking space will be created so that customers have room to park within the business area. The building will be under go minor remodeling to make it suitable.

Layouts of the original and remolded building will be provided with this proposal. Residential grade equipment will be installed in the kitchen area and will employ two workers all year round for delivery. We expect a small number of clients to pick up their cakes, but deliver the majority of them. We believe this business will not be a major disruption to traffic in the area.

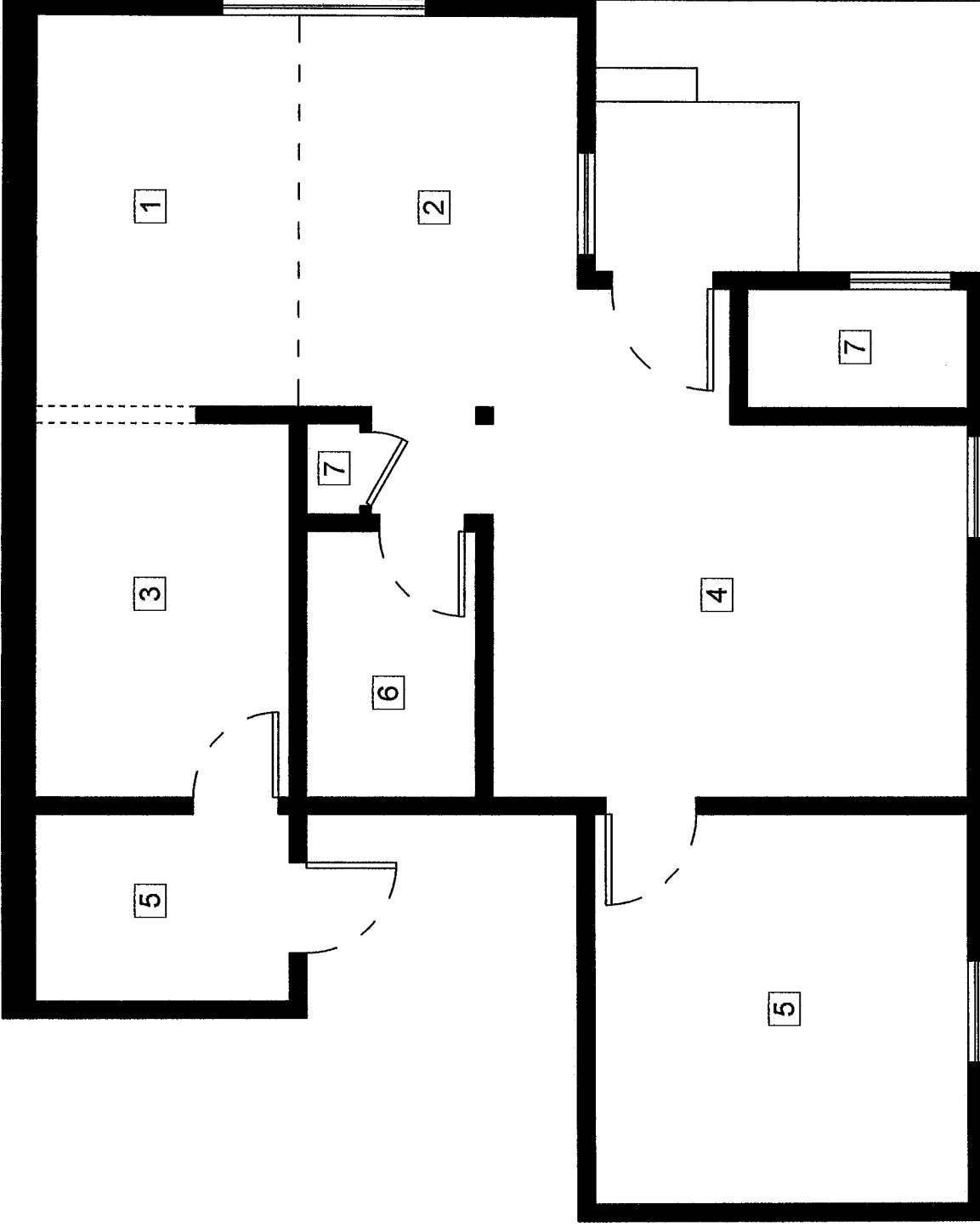
The exterior character of the building will be preserved by placing only a small wooden sign with small lights on the front of it to advertise the business. We also plan to preserve the interior of the building, except for the small partial wall replacement mentioned above, and replacing some carpet floors with linoleum.

Sincerely,

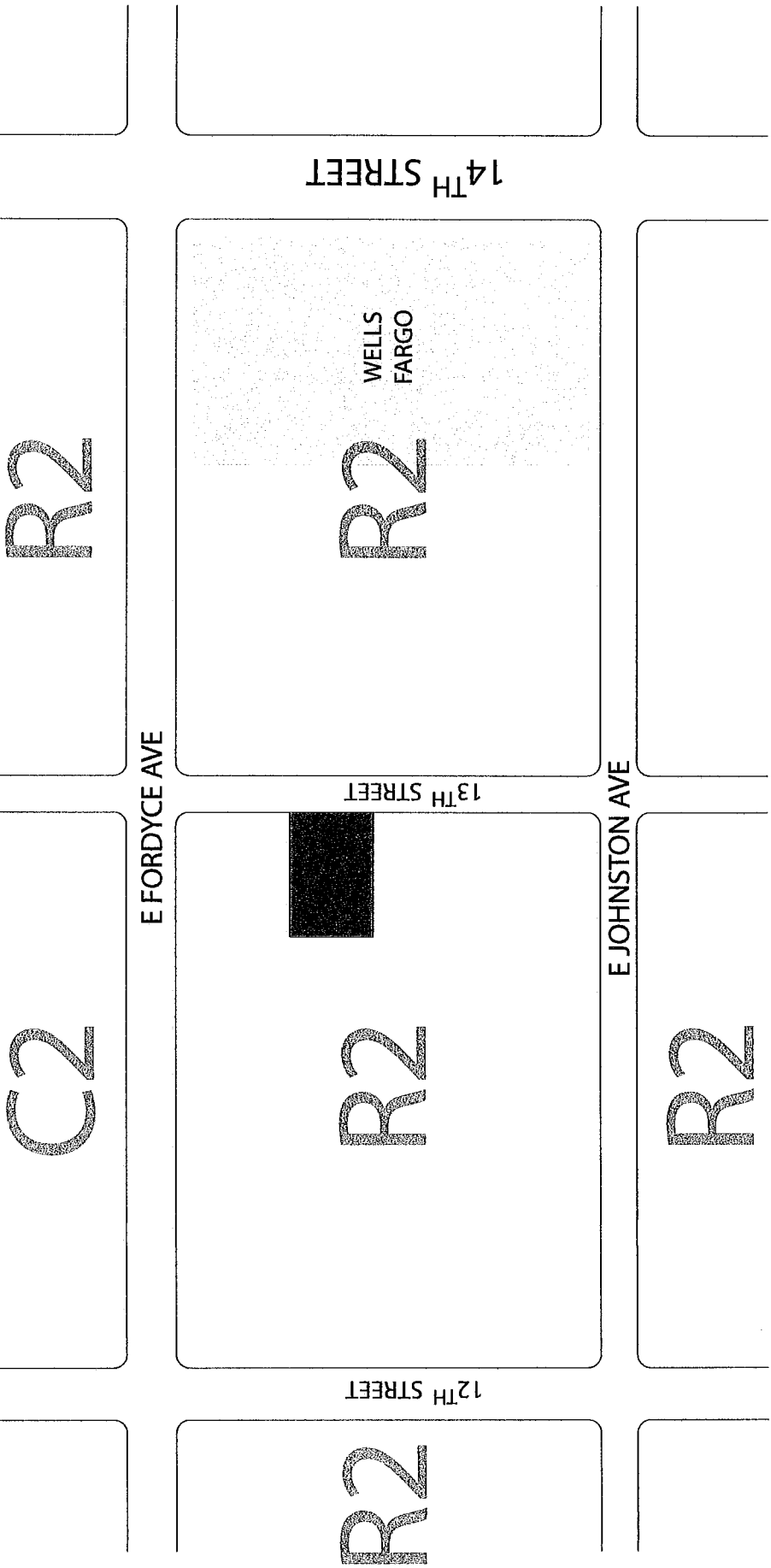
A handwritten signature in cursive script that reads "Ma^r Rosario Perez". The signature is written in dark ink and is positioned above the printed name.

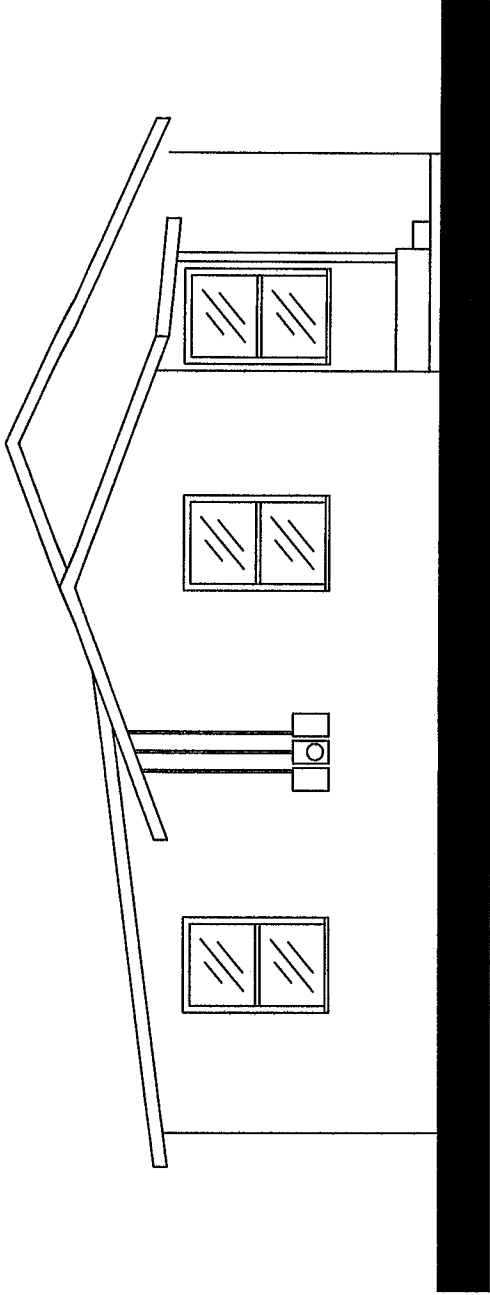
Maria del Rosario Perez

- 1 - WORK AREA
- 2 - DISPLAY/WAITING
- 3 - KITCHEN
- 4 - DISPLAY AREA
- 5 - STORAGE
- 6 - BATHROOM
- 7 - CLOSET



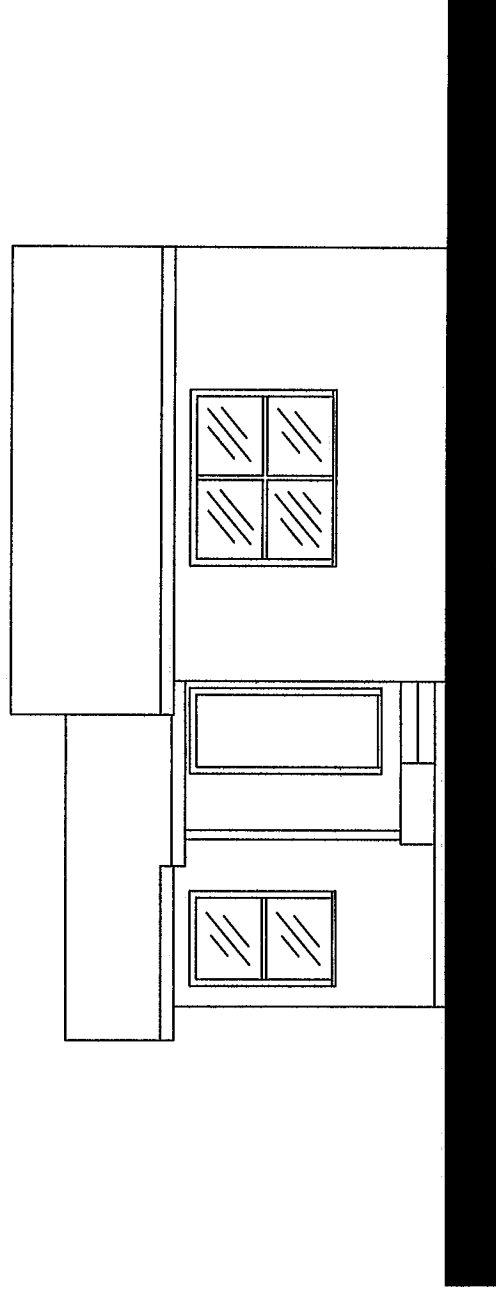
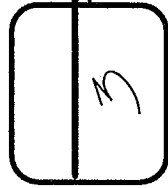
BAKERY - FLOOR PLAN
 1
 NOT TO SCALE





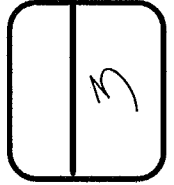
BAKERY - SOUTH ELEVATION

NOT TO SCALE



BAKERY - EAST ELEVATION

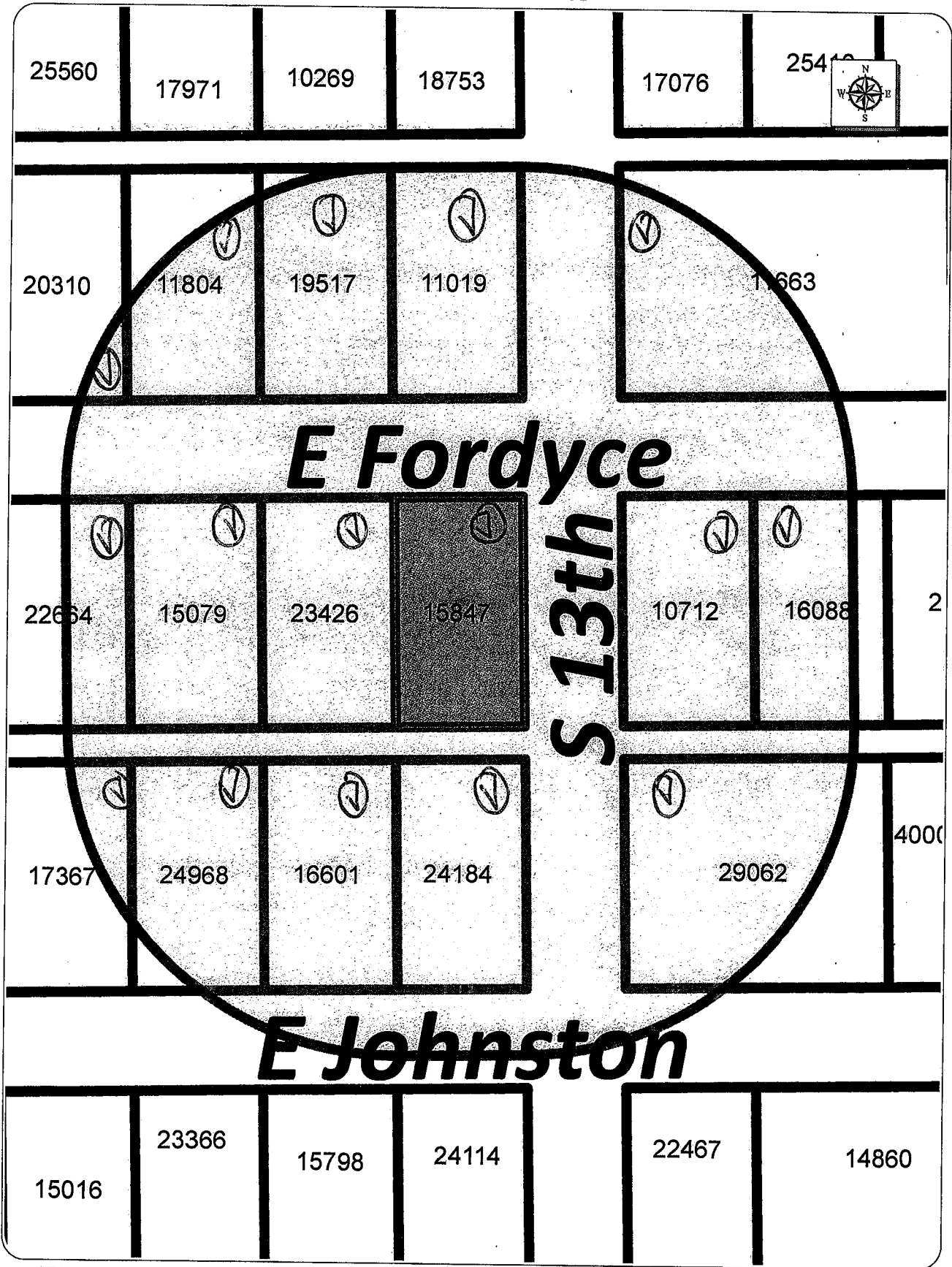
NOT TO SCALE




*Application for a Special Use Permit for a Caterer/Bakery at 607 S. 13th Street located in an
R-2 Two-Family Residential District- Ms. Maria del Rosario Perez*



607 S. 13th



Page 1 / 1	Drawn By:	<p>DISCLAIMER</p> <p>THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</p>	 <p>CITY OF KINGSVILLE ENGINEERING DEPARTMENT 200 East Kleberg Kingsville, Texas 78363 Office: 361-595-8005 Fax: 361-595-8035</p>
	Last Update: 10/24/2012		
	Note:		

AGENDA ITEM #6

RESOLUTION # 2012-

A RESOLUTION ABANDONING A UTILITY EASEMENT WITHIN THE SERENITY ESTATES NO. 2 SUBDIVISION; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a 15' x 339.27' utility easement located within the Serenity Estates No. 2 Subdivision has been requested to be abandoned by the property owner, Victoria Guerrero; and

WHEREAS, the utility easement was approved by the Kingsville City Commission back on January 26, 2009 at a duly noticed public meeting; and

WHEREAS, the City has confirmed with AEP, AT&T, CMA, Center Point and City public works departments that there are no active lines detected within the easement and none of the parties are opposed to the abandonment of the easement; and

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

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

I.

THAT the 15' x 339.27' utility easement located within the Serenity Estates No. 2 Subdivision as depicted in accordance with Exhibit A hereto attached and made a part hereof is hereby abandoned.

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 Kingsville City Commission on the 10th day of December, 2012.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

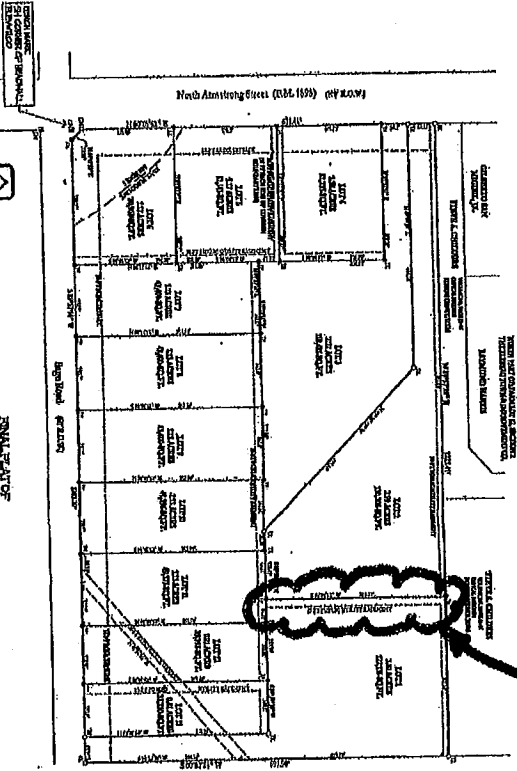
Courtney Alvarez, City Attorney

Attachment A

PROPOSED EASEMENT CLOSURE

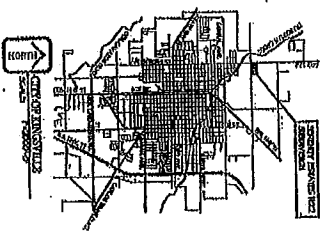
SURVEY NOTES

1. THE LAND CONTAINED HEREIN WAS ACQUIRED BY THE STATE OF TEXAS BY DEED DATED 1954, RECORDED IN PUBLIC RECORDS, COUNTY OF DALLAS, TEXAS.
2. THE LAND CONTAINED HEREIN WAS ACQUIRED BY THE STATE OF TEXAS BY DEED DATED 1954, RECORDED IN PUBLIC RECORDS, COUNTY OF DALLAS, TEXAS.
3. THE LAND CONTAINED HEREIN WAS ACQUIRED BY THE STATE OF TEXAS BY DEED DATED 1954, RECORDED IN PUBLIC RECORDS, COUNTY OF DALLAS, TEXAS.
4. THE LAND CONTAINED HEREIN WAS ACQUIRED BY THE STATE OF TEXAS BY DEED DATED 1954, RECORDED IN PUBLIC RECORDS, COUNTY OF DALLAS, TEXAS.
5. THE LAND CONTAINED HEREIN WAS ACQUIRED BY THE STATE OF TEXAS BY DEED DATED 1954, RECORDED IN PUBLIC RECORDS, COUNTY OF DALLAS, TEXAS.
6. THE LAND CONTAINED HEREIN WAS ACQUIRED BY THE STATE OF TEXAS BY DEED DATED 1954, RECORDED IN PUBLIC RECORDS, COUNTY OF DALLAS, TEXAS.
7. THE LAND CONTAINED HEREIN WAS ACQUIRED BY THE STATE OF TEXAS BY DEED DATED 1954, RECORDED IN PUBLIC RECORDS, COUNTY OF DALLAS, TEXAS.
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9. THE LAND CONTAINED HEREIN WAS ACQUIRED BY THE STATE OF TEXAS BY DEED DATED 1954, RECORDED IN PUBLIC RECORDS, COUNTY OF DALLAS, TEXAS.
10. THE LAND CONTAINED HEREIN WAS ACQUIRED BY THE STATE OF TEXAS BY DEED DATED 1954, RECORDED IN PUBLIC RECORDS, COUNTY OF DALLAS, TEXAS.



SERENITY ESTATES NO. 2

THE LAND CONTAINED HEREIN WAS ACQUIRED BY THE STATE OF TEXAS BY DEED DATED 1954, RECORDED IN PUBLIC RECORDS, COUNTY OF DALLAS, TEXAS.



Alpha Engineering

2890050
7-7-77
B. L. L. 7-7-77
B. L. L. 7-7-77
B. L. L. 7-7-77

THE LAND CONTAINED HEREIN WAS ACQUIRED BY THE STATE OF TEXAS BY DEED DATED 1954, RECORDED IN PUBLIC RECORDS, COUNTY OF DALLAS, TEXAS.

Alpha Engineering

THE LAND CONTAINED HEREIN WAS ACQUIRED BY THE STATE OF TEXAS BY DEED DATED 1954, RECORDED IN PUBLIC RECORDS, COUNTY OF DALLAS, TEXAS.

THE LAND CONTAINED HEREIN WAS ACQUIRED BY THE STATE OF TEXAS BY DEED DATED 1954, RECORDED IN PUBLIC RECORDS, COUNTY OF DALLAS, TEXAS.

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THE LAND CONTAINED HEREIN WAS ACQUIRED BY THE STATE OF TEXAS BY DEED DATED 1954, RECORDED IN PUBLIC RECORDS, COUNTY OF DALLAS, TEXAS.



Engineering Department

361-595-8007

361-595-8035 Fax

DATE: November 30, 2012
TO: City Commission through City Manager
FROM: Naim Khan, Director of Public Works/City Engineer
SUBJECT: Easement Closure at Serenity Estates No. 2 Subdivision

SUMMARY

This item authorizes to abandon a 15' x 339.27' Utility Easement located within the Serenity Estates No. 2 Subdivision. **(See attachment A).**

BACKGROUND

The property owner, Victoria Guerrero, is requesting to abandon utility easement located within the Serenity Estates No. 2 Subdivision that was approved by the Mayor and City Commission on the 26th day of January 2009. The staff has verified with AEP, AT&T, CMA, Center Point, including City's Water and Sanitary Sewer Departments, which all confirmed that there no active lines detected within the easement.

RECOMMENDATION

Staff recommends that the utility easement in question be abandoned.

FINANCIAL IMPACT

No financial impact to the City of Kingsville. The staff requires that all documentations of the abandonment be appropriately recorded at the Kleberg County Records Department, which includes all fees to be obtained at the property owner's expense.

Approved

Vincent Capell, City Manager

AGENDA ITEM #7

RESOLUTION # 2012-

A RESOLUTION VACATING THE PLAT OF YOUNG TERRACE ADDITION SUBDIVISION; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a plat for the Young Terrace Addition Subdivision, which includes all streets, alleys, and a 10' x 118' utility easement, has been requested to be abandoned (vacated) by the property owner, Nolan Farms; and

WHEREAS, the plat was approved by the Kingsville City Commission back on October 19, 1959 at a duly noticed public meeting, but the plat has not been developed throughout the years; and

WHEREAS, pursuant to Texas Local Government Code section 212.013, the proprietors of the tract covered by a plat may vacate the plat at any time before any lot in the plat is sold; and, no lots in the plat has have been sold or developed; and

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 easement located in this plat and none of the parties are opposed to the vacating of the plat; and

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

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

I.

THAT the plat for Young Terrace Addition Subdivision, which includes all streets, alleys, and a 10' x 118' utility easement located within the undeveloped Young Terrace Addition Subdivision, as depicted in accordance with Exhibit A hereto attached and made a part hereof is hereby abandoned and vacated.

II.

THAT, pursuant to Texas Local Government Code section 212.013(c), the County Clerk shall write legibly on the vacated plat the word "Vacated" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded.

III.

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

IV.

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

PASSED AND APPROVED by a majority vote of the Kingsville City Commission on the 10th day of December, 2012.

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: November 30, 2012
TO: City Commission through City Manager
FROM: Naim Khan, Director of Public Works/City Engineer
SUBJECT: Vacate (Abandon) the Plat of Young Terrace Addition Subdivision

SUMMARY

This item authorizes the City to vacate (abandon) the Plat of Young Terrace Addition Subdivision which includes all streets, alleys, and a 10' x 118' Utility Easement referenced in the plat for this undeveloped 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, it was not developed throughout the years. The property owner, Nolan Farms, is requesting to abandon (or vacate) the plat with the intentions of re-platting this subdivision for alternative developments. The 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 depicted in the plat.

RECOMMENDATION

Staff recommends that the Young Terrace Subdivision Plat be vacated. All streets, alleys, and utility easement referenced in the plat will be vacated and abandoned as reflected in the resolution for this item.

FINANCIAL IMPACT

No financial impact to the City of Kingsville. Staff requires that all documentations of the vacating of the plat 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

75

COUNTRY OF ORIGIN: YEMEN. Mr. and Mrs. Hassan Ali Hassan, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850,

COUNTY OF KANSAS.

Before me, the undersigned authority, on this day, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, acknowledged to me that he executed the same for the purposes and consideration therein expressed, and that he executed the foregoing instrument as his free act and deed.

In the capacity therein stated.

Given under my hand and seal of office this 22 day of September, 1961.

Notary Public for the State of Kansas

COUNTY OF ELIZABETH: This plat of the Young Terrace Addition, has been submitted to and considered by the planning and zoning commission of the City of Elizabeth, Essex County, New Jersey, and is approved by such commission.

Dated this 10th day of June, 1938.
The City Planning and Zoning Commission of the City of Kingman,
Mohave County, Texas.

Lewis R. Perkins

COUNTY OF KINGSVILLE
 to the City of Kingsville, do hereby certify that the foregoing plat of two townships addition was approved and accepted by the City Commission on the 10th day of December 1911.

James C. King
 Mayor of Kingsville, Texas

[illegible]

STATE OF CALIFORNIA
COUNTY OF KINGS
I, W. W. COYNE, Registered Professional Engineer, Aliso, Texas, do hereby certify that this plat of Young's Tract, Addition, to the Kings River, Kings County, Texas, truly and accurately represents a surveyed and subdivided tract of land in the above described section.

Date: Sept 18, 1964

1. M. M. TRUETT, City Engineer, do hereby certify that the plan of YOUNG TREEACE herein shown complies with section 4 "FINAL PLAN" of the SUBDIVISION REGULATIONS and STANDARDS as adopted by the COUNTY OF KEELE.

22. M. Transit City Express

STATE OF KENTUCKY
COUNTY OF KENTON:

I, S. A. Brown, Clerk of said County, do hereby certify that the foregoing plat of tracts therein described was approved and accepted by said Board of Commissioners of said County at its regular session held on the 10th day of November, 1908, as shown by order of record in the minutes of said Court, and that the same are now being returned to Volume _____ page _____ of the records of said Court this 10th day of December, 1908.

S. A. BROWN,
Clerk of Kenton County.

BEING A SUBDIVISION CONTAINING 5122 ACRES OF LAND OUT OF FARM 31025
ACRES, BLOCK 27, SECTION 7 OF DELBERT TOWNSHIP, RANGE 14 NORTH, TOWNSHIP 14
NORTH, RANGE 14 NORTH, TOWNSHIP 14 NORTH, COUNTY OF SHERBORN, STATE OF
KANSAS, BEING A SUBDIVISION OF THE LAND OWNED BY JAMES C. CARR,
BY HERMAN SCHULZ AND CLARA MOORE OF LAND OWNED BY JAMES C. CARR,
ACRES 401 SHOWN CORNER RAILROAD AND 200 FEET LENGTH OF RAILROAD BEING 200 FEET
UNLESS OTHERWISE NOTED.

*Solo Lad Lines re adms-5' floor carpeting as moved Solo Blvd/Lines: Adm. at West
Frontier removes floor - Admin. 4th Floor*

you will not
from the West line, shall be located nearest them, and

FARM LOT NO. 2
DROPPED EASEMENT CLOSURE

FROM LOT NO. 5

YOUNG TERRACE ADDITION
KINGSVILLE, TEXAS

REC'D
FBI
JAN 11 1964

2

10

AGENDA ITEM #8

AGENDA ITEM #9

RESOLUTION #2012-_____

A RESOLUTION OF THE CITY OF KINGSVILLE AUTHORIZING THE CITY ATTORNEY TO EXECUTE A LICENSE AGREEMENT FOR THE KING RANCH RUNNING W MARK FOR A MURAL TO BE LOCATED IN DOWNTOWN KINGSVILLE.

WHEREAS, the City of Kingsville is participating in a mural to be located in historic downtown Kingsville, depicting the history of the City;

WHEREAS, the King Ranch to be depicted on the mural and it is desirable to use the King Ranch Running W Mark on the mural;

WHEREAS, the King Ranch has submitted a License Agreement for use of the King Ranch Running W Mark on the mural.

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

I.

THAT the City Commission authorizes the City Attorney, as an act of the City, to execute the License Agreement for the King Ranch Running W Mark, as per the attached.

II.

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

PASSED AND APPROVED by a majority vote of the City Commission on the ____ day of _____, 2012.

Sam R. Fugate

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

October 24, 2012

City of Kingsville

Attn: Courtney Alvarez, City of Kingsville, Attorney
200 East Kleberg Avenue
Kingsville, TX 78363

Re: ***License Agreement for King Ranch Running W Mark***

Dear Ms. Alvarez:

This will confirm and form a legally binding agreement (the "Agreement") for King Ranch, Inc. ("KR") and King Ranch IP Licensing LLC ("KRIP") (collectively "King Ranch") to grant to the City of Kingsville ("Licensee"), the right and license to display in a limited way as described in this Agreement (i) King Ranch's RUNNING W Mark (the "Mark") a copy of which is attached as Exhibit A.

Subject to the terms of this Agreement, King Ranch grants to Licensee a royalty-free, non-transferable right and license to produce the Mark on an outside mural located on the side of a building located at the southeast corner of Kleberg Street and 7th Street in the historic part of downtown Kingsville, Texas. This agreement is strictly limited to this singular use. Licensee shall not have the right to sell any photos or souvenirs bearing the Mark.

King Ranch shall have the right to inspect the mural to determine Licensee's compliance with this Agreement and to determine if the use accurately reflects the Mark and quality standards required by King Ranch. King Ranch may immediately terminate this Agreement should the mural not meet King Ranch's approval by way of written communication of such termination.

Under the terms of this Agreement, King Ranch grants, and Licensee accepts, a right and license to display the Mark in a limited way as described in this Agreement and not otherwise. The use of the Mark in this manner by the Licensee does not connote any endorsement, sponsorship or affiliation between King Ranch, its employees, goods, services, or properties, and the Licensee. Licensee shall not have the right to grant any sublicense or right to others to use or display the Mark.

Licensee shall not pay any sum for the use of the Mark.

Licensee will not use or display the Mark or any confusingly similar designations or marks, on or in connection with any goods, services, business or venture except as expressly authorized in this Agreement.

The Licensee's rights and obligations under this Agreement shall be perpetual unless terminated under the provisions of this Agreement. King Ranch shall have the right to terminate the license for the failure by Licensee to comply with the obligations of this Agreement. Within thirty (30) calendar days after termination of the license, Licensee shall (a) cease all further use of the Mark and (b) permanently remove the Mark in any form or use, from all materials under Licensee's custody or control.

Neither Licensee nor its affiliates shall use any mark, designation, logo, word or design in close proximity to the Mark if such use could result in confusion with respect to, or degradation of, the integrity, identity, recognizability, or appearance of the Mark.

The Mark shall be owned solely by King Ranch. Licensee and its affiliates shall have no right, title, interest or ownership in the Mark except as expressly provided in this Agreement. Any and all benefits arising from use or display of the Mark shall inure to King Ranch. All use or display of the Mark by Licensee shall be accompanied by the registered trademark symbol (®), as shown in Exhibit A. Such trademark symbol shall be large enough to be distinguishable.

Licensee warrants and represents that its Board of Directors has adopted a resolution approving this Agreement, has directed a copy of this Agreement to be placed in its Board Minutes and has authorized and directed its undersigned representative to execute and deliver this Agreement on its behalf.

If these terms are acceptable, please sign in the space provided below.

Very truly yours,

King Ranch, Inc.

By: _____

Name: _____

Title: _____

King Ranch IP Licensing LLP

By: King Ranch IP, LLC, its general partner

By: _____

Name: _____

Title: _____

Attachment – Exhibit A

ACCEPTED AND AGREED TO:

Courtney Alvarez, City of Kingsville, Attorney

By: _____

Title

Date

EXHIBIT A



King Ranch's RUNNING W Mark

AGENDA ITEM #10



CITY OF KINGSVILLE LEGAL DEPARTMENT

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

Date: December 6, 2012

To: City Commission Members

From: Courtney Alvarez, City Attorney *CA*

Re: Consent to T-Mobile Master Prepaid Lease with Crown

HISTORY: The City has a lease agreement with T-Mobile for property the City owns at 1133 W. Kenedy Street. This lease agreement for a cell tower site was approved by the City Commission and executed on January 30, 2004. The lease agreement is for an initial ten year term with four-5 year renewal options. Under the lease T-Mobile has certain payment and maintenance obligations, among others, to the City. The lease requires they obtain the City's consent prior to assigning, subletting, subcontracting or transferring any interest in the lease to any other party.

ISSUE: The City received a request from T-Mobile for consent to their entering into a Master Prepaid Lease with Crown Castle International Corporation.

ANALYSIS: The Master Prepaid Lease with Crown would be subject to and subordinate to the lease with the City. Crown would be required to meet the existing obligations of T-Mobile under the lease with the City. The Master Prepaid Lease states that if Crown does not meet its obligations, then T-Mobile will meet them. The terms of the lease with the City could not change without the City's prior approval.

RECOMMENDATION: There appears to be no negative impact to the City from approving the requested action item.

RESOLUTION #2012-_____

A RESOLUTION CONSENTING TO T-MOBILE ENTERING INTO A MASTER PREPAID LEASE WITH CROWN CASTLE INTERNATIONAL CORP., WHICH INCLUDES THE CELL TOWER LEASE FOR 1133 W. KENEDY STREET, KINGSVILLE, TEXAS, AS THE MASTER PREPAID LEASE WILL BE SUBJECT TO AND SUBORDINATE TO THE CITY'S LEASE WITH T-MOBILE AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY PAPERWORK TO REFLECT SAME; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville owns property at 1133 W. Kenedy Street, Kingsville, Texas, which is currently under lease to T-Mobile (T-Mobile Site ID #CC01279C);

WHEREAS, T-Mobile is entering into a Master Prepaid Lease Agreement with Crown Castle International Corp. regarding the tower portfolio of T-Mobile and its affiliates, which includes the site under lease with the City;

WHEREAS, the agreement between T-Mobile and Crown specifically states that it is subject to and subordinate to the lease with the City and the terms of the City's lease will not change without our prior approval,

WHEREAS, T-Mobile has asked for the City's consent to the Master Prepaid Agreement with Crown, who will become responsible for T-Mobile's obligations under the lease with the City;

WHEREAS, the City of Kingsville would still have right to enforce all laws of this state and City with regard to the property in question.

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

I.

THAT the City consents to the Master Prepaid Lease Agreement between T-Mobile and Crown with the understanding that it is subject to and subordinate to the lease with the City and the terms of the City's lease will not change without City's prior approval and the City Manager is authorized and directed as an act of the City of Kingsville, Texas to execute any necessary paperwork to effectuate said consent.

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
10th day of December, 2012.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



SENT BY CERTIFIED MAIL

T-Mobile USA, Inc.
12920 SE 38th Street, Bellevue, WA 98006

City of Kingsville
PO Box 1458
Kingsville, TX 78364-1458

November 7, 2012

T-Mobile Site ID: CC01279C

Re: The lease ("Lease") for the premises located at or about 1133 W. Kenedy Street [E911], Kingsville, TX 78363 ("Site"), and the transfer of the Lease to T-Mobile West Tower LLC.

2ND NOTICE WITH CLARIFICATION REGARDING CROWN SUBSIDIARY (UNDERLINED)

Dear Landlord:

On September 28, 2012, T-Mobile USA, Inc. ("T-Mobile") and Crown Castle International Corp. ("Crown") entered into an agreement ("Agreement") regarding the tower portfolio of T-Mobile and its affiliates, which includes your Site.

T-Mobile expects this transaction to close approximately at the end of November, 2012. At closing, T-Mobile (including its affiliates) will assign the Lease and all of its rights in the Site and Lease to T-Mobile West Tower LLC. T-Mobile West Tower LLC will then enter into a master prepaid lease (basically a sublease) which grants certain rights to a subsidiary of Crown. These rights include the right to manage and operate the Site and an option in the future to acquire T-Mobile's (including its affiliates) interest in the Site. T-Mobile West Tower LLC will remain the owner of the rights, title in and interest in and to the Site until the Crown subsidiary exercises the option. Additionally, a subsidiary of T-Mobile will continue to maintain its communications facilities (including modifications) on the Site as part of the Agreement with Crown.

This letter asks that you please confirm your consent to the master prepaid lease with Crown, as it relates to this Lease, by signing this letter and returning it in the enclosed self-addressed envelope. **If you have already mailed in a signed consent, and this revised letter including the clarification regarding the Crown subsidiary is not a problem, you do not need to sign and return this letter, and your previous signed consent is deemed to apply to the contents of this letter.** You should receive a follow-up letter with further details around the time this transaction closes.

Courtney Alvarez

From: Property Management(Cell Sites) <PropertyManagement@t-mobile.com>
Sent: Monday, December 03, 2012 4:09 PM
To: Courtney Alvarez
Subject: CC01279C - Crown Castle Tower Transaction Inquiry

Hi Courtney,

Hi Dan,

Thank you for your inquiry regarding the agreement between T-Mobile and Crown.

Below is additional information we've been provided to share with landlords.

The agreement between T-Mobile and Crown specifically states that it is subject to and subordinate to your lease. The terms of your lease will not change without your prior approval.

The agreement between T-Mobile and Crown is set to close on November 30, 2012. Prior to that date, T-Mobile is responsible for the payment of rent and maintenance as provided under the terms of the lease. After November 30, 2012, Crown will be responsible for the payment of rent and maintenance as provided under the terms of the lease. Additional information will be sent by mail with detailed information regarding this and other matters.

The agreement between T-Mobile and Crown can be found on the Security Exchange Commission website.

Go to: <http://www.sec.gov/Archives/edgar/data/1051470/000095015712000418/0000950157-12-000418-index.htm>

The document that details the transfer of the rights to operate and manage the tower portfolio, of which your site is a part, from T-Mobile to Crown is the Master Prepaid Lease (#3 on the above website). Please note that this document has not been signed. The document will be executed at closing on November 30, 2012.

Here is a link to Crown Castle which contains information on the company, including Annual Reports.

Go to: <http://www.crowncastle.com/>

Should you have any additional questions, please feel free to contact towertransaction@t-mobile.com.

Thank you,

Anna Whitfield
T-Mobile
Property Management
877-373-0093
813-353-6449 eFax

AGENDA ITEM #11

November 20, 2012

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

Re: Consider waiving interest on Weed Liens
Property owned by Roy Saenz
Lot 1-8, Block 1, Colonia Mexicana

Lien # 1 Vol. 358 Page 466, filed 3/27/07 principal \$ 920.16 + interest \$ 524.49 = \$1,444.65			
Lien # 2 Vol. 384 Page 778, filed 2/26/08 principal \$ 562.92 + interest \$ 270.20 = \$ 833.12			
Lien # 3 Vol. 402 Page 293, filed 11/20/08 principal \$ 140.73 + interest \$ 56.29 = \$ 197.02			
Lien # 4 Vol. 441 Page 336, filed 10/26/10 principal \$ <u>140.73</u> + interest \$ <u>28.15</u> = \$ <u>168.88</u>			
	\$ 1764.54	\$ 879.13	\$ 2643.67

Mr. Capell,

Mr. Roy Saenz is requesting the City waive the Weed Lien Interest accrued on the property he owns located at Lot 1-8, Block 1, Colonia Mexicana. There are three (4) separate Weed Lien filed against the property. The liens have been numbered Lien # 1, Lien # 2, and Lien # 3, and Lien #4, for reference purposes of this letter. Lien #1 covers work performed from 5/02 through 12/05 by the City, Lien # 2 covers work performed from 05/06 through 6/07 by the City, Lien #3 covers work performed on 12/27/07 by the City, and Lien #4 covers work performed on 10/20/2006 by the City.

Mr. Saenz has paid the principal amount of \$1,764.54 on 11/2/2012 and is requesting that the Commission consider approving the waiver of interest in the amount of **\$879.13**.

Sincerely,

Mark A. Rushing