

City of Kingsville, Texas

AGENDA CITY COMMISSION

**WEDNESDAY, SEPTEMBER 5, 2012
SPECIAL MEETING**

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

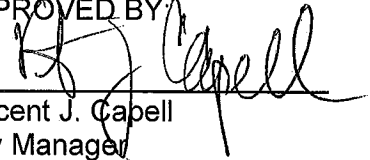
I. Preliminary Proceedings.

OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S) – Required by Law

APPROVED BY:



Vincent J. Capell
City Manager

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

1. Public Hearing on a proposed tax rate increase from \$.84220 to \$.88218 for Fiscal Year 2012-2013. (Finance Director).
2. Public Hearing on proposed Fiscal Year 2012-2013 budget. (Finance Director).

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

IV. Public Comment on Agenda Items³

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

V.

Consent Agenda

Notice to the Public

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 3, Water, Providing for an increase in water rates. (Finance Director).
2. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 2, Sewer, Providing for an increase in sewer rates. (Finance Director).
3. Motion to approve final passage of an ordinance granting a subdivision variance from the minimum lot grading requirements for Jalisco Ranch subdivision on property located in the 1600 block of Carlos Truan Blvd. (Director of Development Services).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. Review, discuss, and receive direction from the Commission as to City Manager's proposed fiscal year 2012-2013 budget for departments of the City of Kingsville. (City Manager).
5. Consider final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to 1.99 acres out of KT&I Co., Block 22, Part of Lot 6 known as in the 1600 Block of East Trant Road from AG Agricultural District to C4 Commercial District; Amending the comprehensive plan to account for any deviation from the existing comprehensive plan; and providing publication. (Director of Development Services).

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 is 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 elopez@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:

August 28, 2012 at 5:10 P.M. and remained so posted continuously for at least 72 hours preceding the schedule time of said meeting.


Edna S Lopez, TRMC, CMC
City Secretary
City of Kingsville, Texas

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

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

MINUTES OF PREVIOUS MEETING(S)

AUGUST 27, 2012

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, AUGUST 27, 2012 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL/200 EAST KLEBERG AVENUE AT 4:00 P.M.

CITY COMMISSION PRESENT:

Sam R Fugate, Mayor
Al Garcia, Commissioner
Noel Pena, Commissioner
Arturo Pecos, Commissioner – arrived at 4:12 P.M.
Dianne Leubert, Commissioner

CITY STAFF PRESENT:

Vincent J Capell, City Manager
Edna S Lopez, City Secretary
Courtney Alvarez, City Attorney
Mike Kellam, Director of Development Services
Ricardo Torres, Police Chief
Roel Carrion, Interim Fire Chief
Diana Gonzales, Human Resource Director
Robert Rodriguez, Library Director
Frank Garcia, Wastewater Supervisor
Willie Vera, Task Force Commander
Robert Bennett, Landfill Supervisor
Susan Ivy, Parks Director
Mark Rushing, Finance Director
Tony Verdin, Information System Technician
Bill Donnell, Asst Public Works Director
Melissa Perez, Risk Manager
Rose Morrow, Municipal Court Supervisor
Jose Valadez, Street Supervisor
Arturo Moreno, Accountant II
Marco Jimenez, Water Supervisor
Teresa Vasquez, Interim Accounting Manager
Joey Garcia, Information Technology Systems
Luke Stevens, Sanitation Supervisor
Joe Casillas, Water Production Supervisor

I. Preliminary Proceedings.

OPEN MEETING

Convene into **III. Reports from Commission & Staff.** - Review and discuss proposed fiscal year 2012-2013 budget for departments of the City of Kingsville. (City Manager).

Health Department – Ms Yolanda Cadena

Ms Cadena addressed the Commission and stated this budget was reduced due to two employees being transferred to the Community Appearance department. She stated she was very much in favor of this move.

Parks – Ms Susan Ivy

Ms Ivy addressed the Commission and provided historical information with regard to what the City provides the Parks, projects completed, pool repairs needed, information on grants, lightning for soccer field. She asked for funds - \$25,000 to be recommitted in order to continue with soccer field project. The ongoing support of the projects is important to the community. As for the neighborhood parks, they will start to move on that project, evaluations have taken place and the priorities have been set. There was lengthy discussion on improving the parks. The City provides \$46,000 in water trade and an additional \$200,000. Mayor Fugate suggested raising water trade to \$80,000 with understanding that the county has to use additional monies for infrastructure. Ms Ivy suggested the City and County meet to discuss and redo their Interlocal Agreement. City Manager Capell stated they can make decisions today or they can direct him to come up with some options. The Commission expressed their concerns about the parks.

Mayor Fugate called for Mr. Dick Messberger, EDC Representative to address the Commission and stated Kingsville is considered a defense dependent community. The economy is based on agriculture, oil & gas, education, retail and defense. What's going on right now, the Department of Defense will be leaner ten years from now than it is today. The deficit reduction act of last year cut the Department of Defense budget by half a trillion dollars. If Congress can't get together and adopt a budget then there automatic cuts that take place January 2, 2013 which is another half a trillion dollars. If this takes place this will basically be a back door BRAC. The Navy would go from 283 ships to 233 ships. This is monitored because it determines the amount of pilots needed. Through four rounds of base closures, Kingsville has been recommended by the Navy, three times for expansion and the fourth time by the base closure commission. A lot has to do because Kingsville has a unique training facility and the community has been proactive. In 1991 when Kingsville was added to the BRAC list, we were added for review. The City, County and business community got together and the first thing done was to contract with a consultant in DC. The first contract was for \$10,000 a month for one year, for a total of \$120,000. Following 1991, the consultant was kept on a lower consulting fee under contract and as a result Kingsville was recommended for expansion in 1993 & 1995. It's been announced that there will be another BRAC round in 2013 & 2015 but Congress said no way. The Under-Secretary of Defense appeared before the House Armed Services Committee and Congress said we will not approve it, and she said we don't need your approval; a base closure can be done. If Congress doesn't approve it there will not be any money to impact those communities that have their bases closed. There's no way for a 2012 BRAC because there isn't time, they are talking possibility of 2014. At this time what is being done to be proactive is that they have resurrected the South Texas Military Facility Task Force which came into being 1993. He referred to a handout with information that has been put together showing the unique assets in South Texas. If all combined assets are put together, you have 9- 8000 ft. runways with Kingsville owning six. The number one objective is to protect what we have, the second objective is to place NAS-Kingsville and South Texas in a position that they close, consolidate, realign, we are in a position to take on additional missions.

Mayor Fugate suggested budgeting \$20,000 for BRAC issues, providing monies in the Legal Department for professional service in case a lawsuit comes up in reference to wind farms and adding money for pothole patcher. City Manager Capell made some suggestions in order to get these things done.

Library – Mr. Robert Rodriguez

Mr. Rodriguez addressed the Commission and stated proposed core budget is lower than last year's budget. The roof has been repaired and air conditioning project is being worked on. The air condition repair will cost \$56,040 which is half the amount for each entity. City Manager Capell stated this is in the budget.

Mr. Joey Garcia, Information Technology Service addressed the Commission and provided information on present and future technology being used to attract patrons to the library. They have ongoing efforts to educate the public.

Volunteer Fire – Volunteer Fire Chief Rick Salinas

Mr. Salinas addressed the Commission and stated their mission is to help the Kingsville Fire Department in all aspects. The budget is basically the same, slight increase to utilities and motor gas & oil. There are twenty-three volunteers and capped out at thirty. There was discussion on the new pump house.

GO Debt Service, UF Debt Service, UF Capital Projects, Landfill Closure/Post Closure, GF Capital Projects, & GF & UF CO's –Mr. Bill Donnell and Mr. Mark Rushing

Mr. Rushing addressed the Commission and stated that Ms Ann Entekin, First Southwest had previously provided information on this item. The revenues projected is \$1,697,777, expenditures are at \$1,889,088 which would pull fund balance from \$838,340 down to \$647,091. Looking to try to maintain an average fund balance about half of the debt service schedule in relation to that about 25 -50% is the goal. Under the utility debt service, the starting fund balance for fiscal year 2013 is \$207,607, revenues are \$1,376,023, expenditures as per debt service schedule is \$1,374,823 which would increase fund balance \$12,000, an ending balance of \$208,897. He stated the City is proposing possibility of going out for CO's in January 2013. A resolution will be done to commit fund balance to issue within eighteen months in order to go on with the drainage projects this fall and they can be chargeable to the CO issue if done. The storm water drainage revenues would be matched with the debt service schedule.

Mayor Fugate stated he would like to revisit the drainage issue. City Manager Capell stated the storm water project are projects that the citizens want. Mayor Fugate stated there are some issues with the government on storm water drainage. City Manager Capell stated this would provide a separate source of funding to do these projects.

Mr. Donnell presented Fund 087 information stating that in previous years a garbage truck that could be used both ways for residential and commercial. There's a wheel loader that is on order and \$130,000 to complete landfill permit amendment. The remaining balance was used to purchase dumpsters.

In the Landfill closure fund, Mr. Rushing stated they are looking at doing a study in the amount of \$40,000 in order to look at the closure/post closure cost and at expenditures that the City might be incurring in the future. Currently going into fiscal year 2013, there \$3.9 built up in the closure/post closure. Revenue projected for next year is \$296,550, expenditures \$40,000, with an ending balance of \$4,163,888. This is a state mandate.

In the Fund 091, City Manager Capell stated this pertains to his budget message. Some numbers will changed based on discussion. Mr. Rushing provided information on projects for monies left in the CO accounts.

There was discussion on finishing the budget workshop after tonight's regular meeting or coming back another day. Decision was made to come back another to discuss the budget. Mayor Fugate called for a recess at 5:55 P.M.

6:00 P.M. – Regular Session of the Agenda continues

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Mr. Rushing followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Mayor Fugate called consideration of the minutes of the Special Meetings of Monday, August 20, 2012, Tuesday, August 21, 2012 and Wednesday, August 22, 2012. **Commissioner Leubert made a motion to approve the minutes, as presented, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Fugate, Garcia, Pena, Leubert voting “FOR”. Pecos “ABSENT”.**

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

1. Public Hearing to consider ordinance for creation of a storm water utility. (City Manager).

Mayor Fugate opened the public hearing at 6:06 P.M. and announced if anyone wanted to speak on this subject, they could do so for 5 minutes by coming to the podium announcing their name and address.

Mr. Lance Hamm, 912 South Creek, concerned about how this will be paid and on the City spending the \$2 million of excess taxes on other things and now the engineering firm coming back that the drainage issues needed to be addressed and the citizens will be charged. He stated that the City had a bunch of money and could have been easily used but now taxing residents. He asked that they delay project for 8 months until the City has money to pay for it without taxing the residents.

City Manager Capell stated that points brought up by Mr. Hamm could be valid. Mayor Fugate stated any money that was spent is necessary to run the city. The citizens need to know why we need this done, there's flooding problems but the City streets drain. City Manager Capell stated the City needs several million dollars every year, the storm water utility provides a steady source of income for infrastructure. Commissioner Leubert stated she was under the impression this was a State mandated.

Mayor Fugate asked if there were infrastructure projects that are needed now and why are we doing this now?

Mr. Grady Reed, HDR Engineering representative stated according to State Statue the City does not need to have a storm water utility to fund those projects. A storm water utility does create a dedicated funding source because right now the City's storm water functions are competing for other thing out of the General Fund. Mayor Fugate stated this is not necessarily the flooding issue but the pollution issue. Other than 14th Street and King Street, he does not see a flooding issue. Mr. Reed stated citizens are paying for storm water through the taxes they pay. A storm water fee is charged based on how much runoff for each partial. Average homeowner rate based on five year, \$1.25 per equivalent residential unit for three year then about \$1.63. For commercial customers, the average cost is 9.6 times a \$1.25 per month. Once created a storm water utility may be dissolved after five years.

Mayor Fugate closed the public hearing at 6:25 P.M.

2. Public Hearing to rezone 1.99 acres out of KT&I Co., Block 22, Part of Lot 6 known as in the 1600 Block of East Trant Road from AG Agricultural district to C4 Commercial District. (Director of Development Services).

Mayor Fugate opened the public hearing at 6:25 P.M. and announced if anyone wanted to speak on this subject, they could do so for 5 minutes by coming to the podium announcing their name and address.

Mr. Kellam stated this application was denied by the Planning & Zoning Commission by a vote of 5-0. It wasn't consistent with the City's comprehensive plan.

Mayor Fugate closed the public hearing at 6:27 P.M.

3. Public Hearing regarding preliminary plat for Fred Kurth of Melden & Hunt, Inc. and providing for conditional approval of same, located at 1600 Block of Carlos Truan Blvd. (Director of Development Services).

Mayor Fugate opened the public hearing at 6:27 P.M. and announced if anyone wanted to speak on this subject, they could do so for 5 minutes by coming to the podium announcing their name and address.

Mr. Kellam stated this item was heard by the Planning and Zoning Commission. This is for ninety lots and seven streets which will connect Caesar and Carlos Truan. This has no bearing on the base. Staff reviewed and found some things that will need approval from TXDOT. Staff recommends conditional approval for the preliminary plat as drawn and presented, tonight.

Mr. Fred Kurt, Melden & Hunt provided a handout. Mr. Mark Dizdar, Developer addressed the Commission, stating their relationship with Kleberg Bank is good, as is with the City of Kingsville. He stated Kingsville is not well-deserved with housing. The Jalisco Ranch property will have a photo copy of University Blvd. There are 191 homes total build up value is \$35,000,000, which is about a 5% growth in taxable value.

Mr. Kurt explained the facts & agreement regarding the project.

Mayor Fugate closed the public hearing at 6:40 P.M.

4. Public Hearing on a proposed tax rate increase from \$.84220 to \$.88218 for Fiscal Year 2012-2013. (Finance Director).

Mayor Fugate opened the public hearing at 6:40 P.M. and announced if anyone wanted to speak on this subject, they could do so for 5 minutes by coming to the podium announcing their name and address.

Ms Alvarez announced the vote to adopt the City of Kingsville's 2012-2013 fiscal year tax rate will take place on September 17th, 2012 at a City Commission meeting at 6:00 P.M. in the Alcorn Commission Chambers, here at City Hall 200 East Kleberg, Kingsville, Texas. The second public hearing on the tax rate will take place on September 5th, 2012 at a special City Commission Meeting at 6:00 P.M. in the Alcorn Commission Chambers here at City Hall, 200 East Kleberg, Kingsville, Texas.

Mr. Rushing the budget as presented is based on the overall tax rate \$.84220 which is current tax rate of fiscal year 2012. The current M&O rate is \$.63752, and the current I&S rate is \$.20468, for subtotal of \$.84220. Next year's I&S rate will move to \$.17825 and the M&O rate would be \$.66395. At the last meeting it was approved to go right underneath rollback which gave versatility in the budget process to increase those rates, but the budget as presented is based on an overall total tax rate for fiscal year 2013 equal to overall total tax rate of \$.84220 which is fiscal year's 2012 tax rate.

Mayor Fugate closed the public hearing at 6:44 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, Convention and Visitor's Bureau, 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.”

Ms Alvarez reminded Staff that agenda items are due on Friday, 31st for the meeting of September 10th, and there will be a special meeting on September 5th.

Mayor Fugate presented a Keep Kingsville Beautiful “BECAUSE YOU CARE AWARD” to the Boxing Club representatives Mr. Jaime Cantu and Mr. Lee Canales.

Mayor Fugate presented a Keep Kingsville Beautiful “BECAUSE YOU CARE AWARD” to the City of Kingsville Brush Crew.

IV. Public Comment on Agenda Items³

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

Mayor Fugate called for comments on all agenda and non-agenda items.

Mr. Lance Hamm, 912 South Creek spoke about the Nature's Own RV Park regarding the fence.

Mr. Ricardo Vega, 805 West Kleberg spoke about installing a sidewalk on Armstrong and King all the way to Memorial Middle School for the kids to use. He stated the sidewalk at the recycling center is being done with City money and is rarely used.

Mayor Fugate called for consideration of the items in the Consent Agenda, Items 1-3. **Commissioner Pecos made a motion to approve, Items 1 & 3, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Fugate, Garcia, Pena, Leubert, Pecos voting “FOR”.**

V. Consent Agenda

1. RESOLUTION NO. 2012-48 Motion to approve resolution authorizing the City Manager to execute an amended Professional Services Agreement between the City of Kingsville and Imagine It Studios relating to City website. (Director of Development Services).

2. RESOLUTION NO. 2012-49 Motion to approve resolution authorizing participation in Union Pacific Foundation: Community Based Grant Program for four segways and miscellaneous equipment; Authorizing the Fire Chief to act on the City's behalf with such program. (Interim Fire Chief).

Commissioner Garcia asked how the segways would be used. Interim Fire Chief Carrion stated this would be used for parades and different events. This will help paramedics get through small spaces. There is no cash match.

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

3. RESOLUTION NO. 2012-50 Motion to approve resolution authorizing the City Manager to enter into an amendment to the revised Water Utility Supply contract (Gov. Contract #N69450-12-C-001) between the City of Kingsville, Texas and the Federal Government for Naval Air Station-Kingsville (to reflect water rate recently adopted by ordinance for NASK). (City Engineer/Public Work Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. Consider introduction of an ordinance granting a subdivision variance from the minimum lot grading requirements for Jalisco Ranch subdivision on property located in the 1600 block of Carlos Truan Blvd. (Director of Development Services).

Mr. Kellam stated this item was presented to Planning & Zoning Commission with lengthy discussion. Staff is requiring a minimum slope is a 1% slope, applicant request is .75. Staff's position is they follow City Codes. They have been working together but have not been able to come to an agreement, so subdivision variance was requested. There is question regarding the lot grading which will hinder the development and attempts to save a majority of the existing trees. Staff researched the issue and has found the grading can and should be done prior to the individual lot development to ensure proper drainage within the entire site. Additionally, the approval of the preliminary plat is dependent upon the granting of a subdivision variance from the minimum lot grading requirements as prescribed by the subdivision code. Staff recommended denial of subdivision variance request based on the researched and analyzed findings within the staff report. Planning & Zoning Commission recommended approval of the request with a 4/1 vote.

INTRODUCTION ONLY

5. RESOLUTION NO. 2012-51 Consider resolution accepting preliminary plat request for Jalisco Ranch Subdivision in the 1600 Block of Carlos Truan Blvd. from Fred Kurth of Melden & Hunt, Inc. and providing for conditional approval of same. (Director of Development Services).

Mr. Kellam stated staff recommends approval. There will be sidewalks and have great walk ability.

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

6. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 1.99 acres out of KT&I Co., Block 22, Part of Lot 6 known as in the 1600 Block of East Trant Road from AG Agricultural District to C4 Commercial District; Amending the comprehensive plan to account for any deviation from the existing comprehensive plan; and providing publication. (Director of Development Services).

Mayor Fugate stated is will not work, this is a bad idea.

INTRODUCTION ONLY

7. Consider introduction of an ordinance of the City Commission of the City of Kingsville, Texas, amending Chapter V Public Works of the Code of Ordinances of the City of Kingsville, Texas by adding Article 6 entitled "Stormwater Utility System"; Article 1 "Stormwater Utility System Rules" to establish a Municipal Stormwater Utility System; Establish an administrative appeals process; Provide penalties and remedies for nonpayment; Exempt certain property from fees; and provide a process by which to discontinue the Stormwater Utility System; Providing a cumulative clause; providing a severability clause; Providing a savings clause; and providing an effective date. (City Manager).

Mayor Fugate stated this is something that needs to be done.

INTRODUCTION ONLY

8. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 2, Sewer, Providing for an increase in sewer rates. (Finance Director).

Mr. Rushing stated this in accordance with the 5 year model, cost to increase by 3%.

INTRODUCTION ONLY

9. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 3, Water, Providing for an increase in water rates. (Finance Director).

Mr. Rushing stated this in accordance with the 5 year model, cost to increase by 1%.

INTRODUCTION ONLY

10. Consider introduction of an ordinance annexing the hereinafter described territory to the City of Kingsville, Kleberg County, Texas and extending the boundary limits of said City so as to include said hereinafter described property (Lot 9, Section 22, KT&I Subdivision) within said City limits, and granting to all the inhabitants of said property all the rights and privileges of other citizens and binding said inhabitants by all of the Acts, Ordinances, Resolutions, and Regulations of said City; and Adopting a Service Plan, Repealing all Ordinances in conflict herewith and Providing for an effective date. (Director of Development Services).

Mayor Fugate stated this will add \$30,000 in taxes and 200 citizens.

INTRODUCTION ONLY

VI. Adjournment.

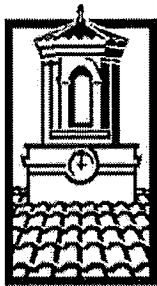
There being no further business to come before the City Commission, the meeting was adjourned at 7:30 P.M.

Sam R Fugate, Mayor

ATTEST:

Edna S Lopez, TRMC, CMC
City Secretary

PUBLIC HEARING(S)



Reiki, belly dancing courses set to begin in September

By Julie Navejar
TAMUK Communications

The Center for Continuing Education at Texas A&M University-Kingsville provides a number of classes each semester geared toward improving the individual.

This fall, two of the classes include Reiki and belly dancing.

Reiki (pronounced Rye-key) is a complementary form of Japanese medicine which transfers positive energy from the instructor to the participant.

Practitioners have been known to feel increased energy, vitality and an overall healthier well-being.

During the eight-week course, the instructor will demonstrate how to conduct Reiki in three courses, representing different skill levels: initiation and theory, practical application of techniques, increasing energy, deep relaxation and overall peace.

The Reiki course begins Tuesday, Sept. 4 and will be held every Tuesday and Thursday, from 6 to 8 p.m. through Thursday, Oct. 25, in room 215 of Cousins Hall.

Belly dancing is a Middle Eastern dance practice that is a great way to stay fit while maintaining elegance and beauty.

It has been practiced throughout West Asia and North Africa by both men and women for centuries.

With most movements confined to the hip and abdominal areas, this dance form creates a visually striking spectacle that is sure to attract curiosity and intrigue.

The alluring art is a great way to tone muscle and improve posture with a dance that works with the body.

Belly dancing begins Wednesday, Sept. 5, and continues every Monday and Wednesday, from 6:30 to 8 p.m. through Wednesday, Oct. 24.

The class is held in the dance studio in the Health and Recreation Building.

The cost of each course is \$75 for eight weeks.

Texas A&M-Kingsville faculty and staff receive a \$10 discount and university students may take the courses for only \$45.

For more information or to reserve a place in class, call the Center for Continuing Education at (361) 593-2861, email conted@tamuk.edu or visit the office in room 108 of Cousins Hall.

Notice of Public Hearing on Tax Increase

The CITY OF KINGSVILLE will hold two public hearings on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 6.10 percent (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax calculated under Chapter 26, Tax Code). Your individual taxes may increase at a greater or lesser rate, or even decrease, depending on the change in the taxable value of your property in relation to the change in taxable value of all other property and the tax rate that is adopted.

The first public hearing will be held on August 27, 2012 at 6:00 PM at the Honorable Robert H. Alcorn Commission Chambers, City Hall, 200 E. Kleberg, Kingsville, TX.

The second public hearing will be held on September 5, 2012 at 6:00 PM at the Honorable Robert H. Alcorn Commission Chambers, City Hall, 200 E. Kleberg, Kingsville, TX.

The members of the governing body voted on the proposal to consider the tax increase as follows:

FOR: Mayor Sam R. Fugate Mayor Proteem Alfonso R. Garcia
City Commissioner Arturo Pecos City Commissioner Dianne Leubert
City Commissioner Noel Pena

AGAINST:

PRESENT and not voting:

ABSENT:

The average taxable value of a residence homestead in CITY OF KINGSVILLE last year was \$72,816. Based on last year's tax rate of \$0.84220 per \$100 of taxable value, the amount of taxes imposed last year on the average home was \$613.26.

The average taxable value of a residence homestead in CITY OF KINGSVILLE this year is \$73,293. If the governing body adopts the effective tax rate for this year of \$0.83147 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$609.41.

If the governing body adopts the proposed tax rate of \$0.88218 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$646.58.

Members of the public are encouraged to attend the hearings and express their views.

NOTICE OF PUBLIC MEETING TO DISCUSS BUDGET AND PROPOSED TAX RATE

The Bishop CISD will hold a public meeting at 6:15 pm, August 30, 2012 in the District Conference Board Room, 719 E. Sixth Street, Bishop, Texas. The purpose of this meeting is to discuss the school district's budget that will determine the tax rate that will be adopted. Public participation in the discussion is invited.

The tax rate that is ultimately adopted at this meeting or at a separate meeting at a later date may not exceed the proposed rate shown below unless the district publishes a revised notice containing the same information and comparisons set out below and holds another public meeting to discuss the revised notice.

Maintenance Tax	\$1.039240/\$100 (proposed rate for maintenance and operations)				
School Debt Service Tax	\$0.511560/\$100 (proposed rate to pay bonded indebtedness)				
Approved by Local Voters					
Comparison of Proposed Budget with Last Year's Budget					
The applicable percentage increase or decrease (or difference) in the amount budgeted in the preceding fiscal year and the amount budgeted for the fiscal year that begins during the current tax year is indicated for each of the following expenditure categories.					
Maintenance and operations	5.68 % increase				
Debt Service	-0.62 % decrease				
Total expenditures	4.46 % increase				
Total Appraised Value and Total Taxable Value (as calculated under Section 26.04, Tax Code)					
	Preceding Tax Year	Current Tax Year			
Total appraised value* of all property	\$638,513,302	\$701,646,722			
Total appraised value** of new property**	\$1,635,753	\$2,205,429			
Total taxable value*** of all property	\$461,453,430	\$466,922,810			
Total taxable value*** of new property**	\$1,083,469	\$2,004,777			
*Appraised value is the amount shown on the appraisal roll and defined by Section 1.04(8), Tax Code.					
** "New property" is defined by Section 26.01(2)(7), Tax Code.					
*** "Taxable value" is defined by Section 1.04(10), Tax Code.					
Bonded Indebtedness					
Total amount of outstanding and unpaid bonded indebtedness* \$24,149,823					
*Outstanding principal.					
Comparison of Proposed Rates with Last Year's Rates					
Maintenance & Operations	Interest & Sinking Fund*	Total	Local Revenue Per Student	State Revenue Per Student	
Last Year's Rate	\$1.039240	\$0.516551*	\$1.555791	\$6.010	\$3,429
Rate to Maintain Same Level of Maintenance & Operations Revenue & Pay Debt Service	\$1.062255	\$0.511560*	\$1.573815	\$6.021	\$3,769
Proposed Rate	\$1.039240	\$0.511560*	\$1.550800	\$5,941	\$3,436
*The Interest & Sinking Fund tax revenue is used to pay for bonded indebtedness on construction, equipment, or both. The bonds, and the tax rate necessary to pay those bonds, were approved by the voters of this district.					
Comparison of Proposed Levy with Last Year's Levy on Average Residence					
	Last Year	This Year			
Average Market Value of Residences	\$81,831	\$86,169			
Average Taxable Value of Residences	\$50,465	\$53,936			
Last Year's Rate Versus Proposed Rate per \$100 Value	\$1.555791	\$1.550800			
Taxes Due on Average Residence	\$785.13	\$836.44			
Increase (Decrease) in Taxes		\$51.31			
*Under state law, the dollar amount of school taxes imposed on the residence homestead of a person 65 years of age or older or of the surviving spouse of such a person, if the surviving spouse was 55 years of age or older when the person died, may not be increased above the amount paid in the first year after the person turned 65, regardless of changes in tax rate or property value.					
Notice of Rollback Rate: The highest tax rate the district can adopt before requiring voter approval at an election is \$1.551560. This election will be automatically held if the district adopts a rate in excess of the rollback rate of \$1.551560.					
Fund Balances					
The following estimated balances will remain at the end of the current fiscal year and are not encumbered with or by a corresponding debt obligation. Less estimated funds necessary for operating the district before receipt of the first state aid payment.					
Maintenance and Operations Fund Balance(s)	\$0				
Interest & Sinking Fund Balance(s)	\$146,000				

Two honored as distinguished students during summer commencement

By Julie Navejar
TAMUK Communications

Two graduates at Texas A&M University-Kingsville's summer commencement ceremony received the Distinguished Undergraduate Student Award sponsored by the Student Government Association. Only one bachelor's degree student from each college receives the award.

To be nominated, a student must be a graduating senior with no less than 60 credit hours earned at Texas A&M-Kingsville. The student must have at least a 3.5 grade point average and must be involved in extracurricular activities. The student also must have the endorsement of the dean of the college from which he/she receives a degree.

This summer's recipients are Alyssa Marie Reyes, College of Arts and Sciences; and Modesto Morales Jr., College of Business Administration.

Reyes is from Kingsville and earned her bachelor's degree in biomedical sciences. She

is a member of the Pre-Pharmacy Association, Tri-Beta National Biological Honor Society and a Presidential Ambassador.

She was nominated to Who's Who Among Students in American Universities and Colleges and has been on the President's List, Dean's List and Honor Roll. Reyes also is a Javelina Preview Days volunteer. She graduated with a 3.96 grade point average.

Morales, from Harlingen, received a bachelor's degree in accounting and finance. He is a member of Delta Sigma Pi, Accounting Society and Delta Mu Delta Business Honors Fraternity.

He was nominated to Who's Who Among Students in American Universities and Colleges and has been on the President's List, Dean's List and Honor Roll. Morales is an ALPFA National Scholar, HACU Scholar, STARS Scholar, Texas A&M-Kingsville Presidential Blue Scholar, College of Business Administration Scholar and Delta Sigma Pi Chapter Collegiate of the Year. He graduated with a 3.82 grade point average.



Pictured from left are Modesto Morales Jr., Dr. Terisa Riley, interim senior vice president for fiscal and student affairs and Alyssa Marie Reyes. (Submitted photos)

TAMUK Dates to Remember

By Julie Navejar
TAMUK Communications

(Editor's note: All of the events listed take place on the Texas A&M University-Kingsville campus unless otherwise noted. For additional information, call the number listed within each entry or contact Julie Navejar in the Office of Marketing and Communications at (361) 593-2590. For online information, visit us at www.tamuk.edu.)

Continuing through Thursday, Sept. 6 IMAGINES DE UNA XICANA which features selected works by renowned California-based Chicana artist Yreina D. Cervantez, in the Ben Bailey Art Gallery. A closing reception will be at 6 p.m. Wednesday, Sept. 5. The exhibit and closing reception are free and open to the public. For more information, contact TAMUK art professor Santa Barraza at (361) 593-3401.

Friday, Aug. 24 HOGGIE DAYS ORIENTATION for incoming freshman will be held. To make reservations or for more information, call (361) 593-3907 or visit the website at <http://www.tamuk.edu/newstudentorientation/index.html>.

Saturday, Aug. 25 MOVE IN DAY. Residence halls open for the fall semester.

Monday, Aug. 27 FIRST CLASS DAY for all regular students.

Monday, Aug. 27 FIRST CLASS DAY for the first eight week session.

Friday, Aug. 31 VOLLEYBALL against Our Lady of the Lake at 1 p.m. at the Kingsville Hampton Inn Court in the Steinke Physical Education Center. Tickets are \$5 for adults, \$4 for public school students, senior citizens and members of the military and free for TAMUK students with a valid identification card. For more information, call (361) 593-4030.

Friday, Aug. 31 FIFTH CLASS DAY. Students will be dropped from classes if they have not paid in full or made payment arrangements.

Friday, Aug. 31 VOLLEYBALL against Schreiner at 7 p.m. at the Kingsville Hampton Inn Court in the Steinke Physical Education Center. Tickets are \$5 for adults, \$4 for public school students, senior citizens and members of the military and free for TAMUK students with a valid identification card. For more information, call (361) 593-4030.

Saturday, Sept. 1 FIRST CLASS DAY for all Saturday students.

Saturday, Sept. 1 VOL-

LEYBALL against McMurry at 9 a.m. at the Kingsville Hampton Inn Court in the Steinke Physical Education Center. Tickets are \$5 for adults, \$4 for public school students, senior citizens and members of the military and free for TAMUK students with a valid identification card. For more information, call (361) 593-4030.

Saturday, Sept. 1 VOLLEYBALL against Wayland Baptist at 1 p.m. at the Kingsville Hampton Inn Court in the Steinke Physical Education Center. Tickets are \$5 for adults, \$4 for public school students, senior citizens and members of the military and free for TAMUK students with a valid identification card. For more information, call (361) 593-4030.

Saturday, Sept. 1 FOOTBALL The Javelinas will take on Central Washington at 7 p.m. in Javelina Stadium. This game is a tribute to Matt Romig and is Make-A-Wish night. General admission tickets are \$8 in advance and \$10 the day of the game. Reserved seats are \$10 for sections A and F; \$12 for sections B and E; \$15 for sections C and D; and \$20 for the box seating in sections C and D. Parking is \$5. TAMUK students are free with a valid identification card. For more information, call (361) 593-4030.

Monday, Sept. 3 LABOR DAY HOLIDAY The university is closed.

Got a news tip?

Call the Kingsville Record and Bishop News at 592-NEWS

NOTICE OF PUBLIC HEARING ON BUDGET

Notice is hereby given that a Public Hearing on the proposed City of Kingsville Budget for Fiscal Year 2012-2013 will be held on Wednesday, September 5, 2012, at 6:00 p.m. at the Honorable Robert H. Alcorn Commission Chambers, City Hall, 200 East Kleberg, Kingsville, Texas.

This budget will raise more total property taxes than last year's budget by \$368,718, or 6.41%, and of that amount, \$29,863.25 is tax revenue to be raised from the new property added to the tax roll this year.

A copy of the proposed budget is on file in the offices of the City of Kingsville City Secretary and the Director of Finance and on the City's website (www.cityofkingsville.com) since August 17, 2012, for the public to review. All interested citizens will have the opportunity to give written and oral comments at the Public Hearing.

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COMMUNITY CREDIT UNION

*Must meet monthly qualifications.

**PETITIONS,
GRIEVANCES, &
PRESENTATIONS**

CONSENT AGENDA

AGENDA ITEM #1

ORDINANCE NO. 2012-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER V, ARTICLE 3, WATER, PROVIDING FOR AN INCREASE IN WATER RATES; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City had a water rate study done by HDR Engineering and the following increases were recommended by that study,

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

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

I.

THAT Section 5-3-51 of Article 3: Water of Chapter V, Public Works, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§ 5-3-51 MINIMUM MONTHLY CHARGE; RATE SCHEDULE.

(A) The following monthly rates shall be charged inside-city customers for the use of city water, provided that minimum monthly charges shall be made and bills rendered accordingly, under the standard water rates schedule as follows:

<i>Minimum Monthly Bill Water Service</i>					
<i>Meter Allowance Size</i>	<i>Meter Allowance Size</i>	<i>Multi-Family Residential*</i>	<i>Commercial**</i>	<i>Irrigation</i>	<i>Gallons</i>
5/8 - 3/4 inch	12.04 <u>12.16</u>	\$0.00	\$0.00	\$0.00	0
5/8 - 3/4 inch	—	22.82 <u>23.04</u>	23.73 <u>23.96</u>	27.20 <u>27.47</u>	3,000
1 inch	24.68 <u>24.92</u>	27.76 <u>28.03</u>	29.99 <u>30.28</u>	34.08 <u>34.42</u>	5,000
1 1/4 inch	30.04 <u>30.31</u>	33.18 <u>33.51</u>	36.26 <u>36.62</u>	43.39 <u>43.82</u>	7,000

1½ inch	36.80 <u>37.16</u>	40.95 <u>41.35</u>	45.65 <u>46.10</u>	55.52 <u>56.07</u>	10,000
2 inch	53.66 <u>54.19</u>	56.48 <u>57.04</u>	64.44 <u>65.08</u>	79.80 <u>80.60</u>	16,000
3 inch	—	105.69 <u>106.74</u>	113.96 <u>115.09</u>	156.70 <u>158.26</u>	35,000
4 inch	—	170.42 <u>172.12</u>	175.72 <u>177.47</u>	257.86 <u>260.43</u>	60,000
6 inch	—	338.74 <u>342.12</u>	335.69 <u>339.04</u>	520.90 <u>526.10</u>	125,000
8 inch	---	---	640.06 <u>646.46</u>	---	200,000

* Includes apartments of 3-4 units.

** Includes hotels, motels, and apartments over 4 units.

(B) The following monthly rates shall be charged outside-city customers for the use of city water, provided that minimum monthly charges shall be made and bills rendered accordingly, under the standard water rates schedule as follows:

Minimum Monthly Bill Water Service

<i>Meter Allowance Size</i>	<i>Single-Family Residential</i>	<i>Multi-Family Residential*</i>	<i>Commercial**</i>	<i>Irrigation</i>	<i>Gallons</i>
5/8 – ¾ inch	43.85 <u>13.98</u>	\$0.00	\$0.00	\$0.00	0
5/8 – ¾ inch	—	26.24 <u>26.50</u>	27.28 <u>27.55</u>	31.27 <u>31.58</u>	3,000
1 inch	28.39 <u>28.67</u>	31.92 <u>32.24</u>	34.48 <u>34.83</u>	39.18 <u>39.58</u>	5,000

1¼ inch	34.51 <u>34.85</u>	38.15 <u>38.54</u>	41.69 <u>42.10</u>	49.37 <u>49.86</u>	7,000
1½ inch	42.30 <u>42.72</u>	47.09 <u>47.56</u>	52.49 <u>53.01</u>	63.85 <u>64.48</u>	10,000
2 inch	61.72 <u>62.33</u>	64.96 <u>65.60</u>	74.10 <u>74.84</u>	91.76 <u>92.67</u>	16,000
3 inch	—	121.54 <u>122.75</u>	131.04 <u>132.35</u>	180.19 <u>181.99</u>	35,000
4 inch	—	195.98 <u>197.93</u>	202.08 <u>204.10</u>	296.53 <u>299.49</u>	60,000
6 inch	—	389.54 <u>393.43</u>	386.02 <u>389.88</u>	599.02 <u>605.01</u>	125,000
8 inch	---	---	736.05 <u>743.41</u>	---	200,000

* Includes apartments of 3-4 units.

** Includes hotels, motels, and apartments over 4 units.

(C) For all water furnished in excess of the minimum allowance, the charge per 1,000 gallons of water delivered per month shall be shown as follows:

	In-side City	Outside City
Single-family residential:		
0 - 5,000 gallons	2.52 <u>2.54</u>	2.91 <u>2.93</u>
5,001 - 10,000 gallons	2.66 <u>2.68</u>	3.06 <u>3.09</u>
10,001 – 15,000 gallons	2.77 <u>2.79</u>	3.20 <u>3.23</u>

15,001 - 20,000 gallons	2.90 <u>2.92</u>	3.34 <u>3.37</u>
20,001 - 30,000 gallons	3.02 <u>3.05</u>	3.47 <u>3.50</u>
30,000 + gallons	3.91 <u>3.94</u>	4.50 <u>4.54</u>
Multi-family:	2.68 <u>2.70</u>	3.08 <u>3.11</u>
Commercial:	3.20 <u>3.23</u>	3.68 <u>3.71</u>
Irrigation	4.03 <u>4.07</u>	4.64 <u>4.68</u>

(D) These rates shall be applied to all water that passes through the meter regardless of whether the water is used or not.

(E) Industrial rates by special contract with the city.

(F) Naval Air Station Kingsville water rate, as determined by the most current water rate study, is set at \$1.75/1,000 gallons.

II.

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

III.

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

IV.

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

INTRODUCED on this the 27th day of August, 2012.

PASSED AND APPROVED on this the 10th day of September, 2012.

Sam R. Fugate, Mayor

ATTEST:

Edna Lopez, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

Memo

To: Vince Capell, City Manager
From: Mark Rushing, Finance Director
CC: Courtney Alvarez, City Attorney
Date: 08/17/2012
Re: Water and Waste Water Rates

Following the Water and Waste Water rate models provided by HDR Engineering, it is time to update the water and waste water rates increases.

This request is to add the first reading of the water and waste water rate increases to the commission meeting scheduled for August 27th, 2012. The proposed increase represents a Water 1% rate increase and a Waste Water 3% rate increase. This is still in accordance with the scheduled FY13 rate increases in the City of Kingsville 5-Year Water/Waste Water Model (August 27, 2010) adopted by the City of Kingsville in September 2010. If the FY13 rate increases are approved by the City of Kingsville Commission as stated, this would generate an additional Water Sales Revenue of \$42,829.53 and Sewer Sales Revenue of \$93,922. These increases have already been incorporated in the Proposed "Draft" FY13 Budget.

Thank you for your consideration in this matter.

Mark A. Rushing

Mark Rushing, Finance Director

AGENDA ITEM #2

ORDINANCE NO. 2012-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER V, ARTICLE 2, SEWERS, PROVIDING FOR AN INCREASE IN SEWER RATES; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City had a waste water rate study done by HDR Engineering and the following increases were recommended by that study,

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

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

I.

THAT Section 5-2-2 of Article 2: Sewers of Chapter V, Public Works, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§ 5-2-2 USER CLASSIFICATIONS; SCHEDULE OF CHARGES.

(A) *Single-family residential*. Minimum monthly charge of \$40.23 ~~\$10.54~~ with an allowance of 2,000 gallons. For consumption in excess of 2,000 gallons a charge of \$2.92 ~~\$3.01~~ per 1,000 gallons will be levied to a maximum of 15,000 gallons after which no further charge shall be levied.

(B) *Duplex*. Minimum monthly charge of \$42.55 ~~\$12.93~~ with an allowance of 2,000 gallons. For consumption in excess of 2,000 gallons a charge of \$2.92 ~~\$3.01~~ per 1,000 gallons will be levied.

(C) *Multi-family residential (includes apartments of 3-4 units)*. Minimum monthly charge of \$49.19 ~~\$19.76~~ with an allowance for 3,000 gallons. For consumption in excess of 3,000 gallons, a charge of \$2.92 ~~\$3.01~~ per 1,000 gallons shall be levied.

(D) *Commercial (includes hotels, motels, apartments over 4 units, and all others not meeting any other categories)*. Minimum monthly charge of \$23.60 ~~\$24.31~~ with an allowance of 3,000 gallons. For consumption in excess of 3,000 gallons a charge of \$3.08 ~~\$3.17~~ per 1,000 gallons will be levied.

(E) *Irrigation*. No customer using city water services solely for irrigation purposes shall be assessed a sewer charge.

(F) *Industrial plants*. By special contract with the city.

(G) *Billing charge.* All sewer customers who are not billed for water services shall be assessed a monthly billing charge of ~~\$2.00~~ \$2.06 in addition to their sewer charges.

(H) (1) *Outside city limits.* All parts of this section shall apply to customers located outside the city limits and who receive city sewer service except the rates to such customers shall be as follows:

(2) *Single-family residential.* Minimum monthly charge of ~~\$11.73~~ \$12.08 with an allowance of 2,000 gallons. For consumption in excess of 2,000 gallons a charge of ~~\$3.35~~ \$3.45 per 1,000 gallons of water consumed to a maximum of 15,000 gallons after which no further charge shall be levied.

(3) *Duplex.* Minimum monthly charge of ~~\$14.15~~ \$14.58 with an allowance of 2,000 gallons. For consumption in excess of 2,000 gallons a charge of ~~\$3.55~~ \$3.66 per 1,000 gallons of water consumed.

(4) *Multi-family residential (includes apartments of 3-4 units).* Minimum monthly charge of ~~\$22.06~~ \$22.73 with an allowance of 3,000 gallons. For consumption in excess of 3,000 gallons a charge of ~~\$3.55~~ \$3.66 per 1,000 gallons of water consumed.

(5) *Commercial (includes hotels, motels, apartments over 4 units, and all others not meeting any of the above categories).* Minimum monthly charge of ~~\$27.14~~ \$27.96 with an allowance of 3,000 gallons. For consumption in excess of 3,000 gallons a charge of ~~\$3.54~~ \$3.65 per 1,000 gallons of water consumed.

II.

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

III.

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

IV.

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

INTRODUCED on this the 27th day of August, 2012.

PASSED AND APPROVED on this the 10th day of September, 2012.

Sam R. Fugate, Mayor

ATTEST:

Edna Lopez, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

Memo

To: Vince Capell, City Manager
From: Mark Rushing, Finance Director
CC: Courtney Alvarez, City Attorney
Date: 08/17/2012
Re: Water and Waste Water Rates

Following the Water and Waste Water rate models provided by HDR Engineering, it is time to update the water and waste water rates increases.

This request is to add the first reading of the water and waste water rate increases to the commission meeting scheduled for August 27th, 2012. The proposed increase represents a Water 1% rate increase and a Waste Water 3% rate increase. This is still in accordance with the scheduled FY13 rate increases in the City of Kingsville 5-Year Water/Waste Water Model (August 27, 2010) adopted by the City of Kingsville in September 2010. If the FY13 rate increases are approved by the City of Kingsville Commission as stated, this would generate an additional Water Sales Revenue of \$42,829.53 and Sewer Sales Revenue of \$93,922. These increases have already been incorporated in the Proposed "Draft" FY13 Budget.

Thank you for your consideration in this matter.

Mark A. Rushing

Mark Rushing, Finance Director

AGENDA ITEM #3

ORDINANCE #2012-_____

**AN ORDINANCE GRANTING A SUBDIVISION VARIANCE FROM THE
MINIMUM LOT GRADING REQUIREMENTS FOR JALISCO RANCH
SUBDIVISION ON PROPERTY LOCATED IN THE 1600 BLOCK OF
CARLOS TRUAN BLVD.; PROVIDING FOR PUBLICATION.**

WHEREAS, the Planning and Zoning Commission held a meeting on August 8, 2012 in regard to a request made by Fred Kurth on behalf of Melden & Hunt, Inc. to approve a subdivision variance from the minimum lot grading requirements for Jalisco Ranch subdivision on property located in the 1600 Block of Carlos Truan Blvd.;

WHEREAS, section 15-3-49 of the Code of Ordinances of the City of Kingsville says subdivisions will be sloped at a minimum grade of 1%; and, section 15-3-101(K) of the Code of Ordinances of the City of Kingsville requires residential lots be graded to the front of the lot at a minimum slope of 1.0% to provide positive drainage;

WHEREAS, the developer would like a variance to grade the slope at 0.75% and/or other varying percent below 1% and has requested a variance for that deviation pursuant to section 15-3-101(O);

WHEREAS, Planning & Engineering staff recommended denial of the subdivision variance request based on the research and analyzed findings found within the staff report and supplemental information;

WHEREAS, the Planning and Zoning Commission recommended approval of the subdivision variance request by a 4-1 vote, this matter is now before the City Commission for consideration;

WHEREAS, approval of the preliminary plat is dependent upon the granting of a subdivision variance from the minimum lot grading requirements as prescribed by the subdivision code;

WHEREAS, the City Commission has determined that this subdivision variance request 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 subdivision variance request (for lot grading of the site to be graded at 0.75%) and/or other varying percents below 1% from the minimum lot grading requirements as prescribed in the subdivision code (of 1.0%) is hereby granted for the property located in the 1600 block of Carlos Truan Blvd.

SECTION 2. That the subdivision code of the City of Kingsville, Texas, as amended from time to time, shall remain in full force and effect and apply to this property except for the

variance to lot grading as noted in this ordinance.

SECTION 3. That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

SECTION 4. That if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

SECTION 5. That this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

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

INTRODUCED on this the 27th day of August, 2012.

PASSED AND APPROVED on this the _____th day of _____, 2012.

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Edna Lopez, City Secretary

APPROVED AS TO FORM:

By: _____
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: Subdivision Variance Request in the 1600 Block of Carlos Truan Blvd.

DATE: August 14, 2012

The City of Kingsville Planning and Zoning Commission met on August 8, 2012 at 7:00 p.m. in regard to a request made by Melden & Hunt, Inc. Fred L. Kurth serving as the agent, to approve a subdivision variance from the minimum lot grading requirements on property located in the 1600 block of Carlos Truan Blvd. Fred L. Kurth appeared at the meeting to present in favor of the preliminary plat. No other residents were present to speak on the matter.

Staff presented the attached staff report to the Planning & Zoning Commission. As stated in the staff report the request was recommended to be denied based on the findings found within the report. The applicant maintains the position that the lot grading is cumbersome, will hinder the development and attempts to save a majority of the existing trees. Staff researched the issue and has found the grading can and should be done prior to the individual lot development to ensure proper drainage within the entire site. Additionally, the approval of the preliminary plat is dependent upon the granting of a subdivision variance from the minimum lot grading requirements as prescribed by the subdivision code.

As previously stated, Planning staff recommends denial of this subdivision variance request based on the researched and analyzed findings found within the staff report. The Planning & Zoning Commission recommended approval of the request with a 4/1 vote.

Attachments

August 8, 2012 P&Z Meeting Minutes for:

- 1. Discuss and take action on- Requesting a variance to the subdivision ordinance to allow relief from the minimum one percent grading slope on each lot to be created within Jalisco Ranch at the 1600 Block of Carlos Truan Blvd. Staff recommendation: Denial.**

Mr. Kellam stated that a variance is being requested for 52.61 acres to allow the lot grading of the site to be graded at 0.75% versus the Subdivision Code requirement of 1.0%. He also stated that staff had discussed various options regarding the lot grading and offered sample designs that could be adequately graded during the required infrastructure. Additionally, he informed the board that the site grading for the lots is the responsibility of the developer and not the individual builder. Mr. Kellam states that the variance was recommended Denial for the following reasons; That there are no special or unusual circumstances affecting the property such that the strict application of the provisions of this article would deprive the owner of the reasonable use of his land, and is not the mere grant of a privilege not granted to others. Also, the variance is not necessary for the preservation and enjoyment of a substantial property right of the owner as the granting of the variance will not preserve the trees as intended, due to the fact that a majority of the trees will still need to be removed for infrastructure and home construction, and the burden of the lot grading will be placed on the individual builder or lot purchaser. Lastly, the granting of the variance would not be detrimental to the public safety, or be injurious to other property in the vicinity but there may be consideration of an inconvenience and a burden on the welfare of the individual builder or lot purchaser.

Chairman Zamora asked how much natural slope is out at the proposed site. Mr. Kahn stated that the area is very flat. He also stated the 1.0% slope is very common in building aspects. It is nothing unusual and is in our Code of Ordinances. Mr. Kellam also stated that lot grading should be done all at once so there is a natural flow and not ponding in the area and which makes a mosquito hazard and potential flooding issue. Chairman Zamora confirmed if there was a storm drain ditch and Mr. Kahn agreed.

Mr. Garcia stated if the board was to grant approval to the variance request how much would grade be affected in terms to the negative impact to the City. Mr. Kahn stated that even though the code states 1.0% with all the construction is still goes below the 1.0%. If you go less it will affect the neighbors and not drain properly and create mosquito hazards.

At this point, lengthy discussion took place regarding the slope percentages, and advantages to grading the site all at once and the argument that grading at time of construction was beneficial to the developer and preservation of the existing trees. Staff presented the point that the trees will be required to be moved once infrastructure and home construction began so the preservation would be minimal, so the argument was moot.

Mr. Kurth stated that Melden & Hunt is requesting a little relief from the Subdivision code. Also, that if the variance was given more trees can be saved. He also requested that the grading be done at the building phase and not at the subdivision phase.

Chairman Zamora asked if there was a motion to be entertained for the item that the staff recommendation is to deny the variance. Mrs. Tiffie made a motion to approve the request of the variance. MR. McCreight seconds. Motion passed 4/1 there by recommending approval of the variance to the City Commission.

Staff Report to the PLANNING & ZONING COMMISSION and CITY COMMISSION

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

Request: Approval of a variance to the subdivision ordinance to allow relief from the minimum one percent grading slope on each lot to be created within Jalisco Ranch

Location: 1600 Block of Carlos Truan Blvd.

Petitioner and Agent: Melden & Hunt Inc., Fred Kurth, P.E., Agent

Date of PC Hearing: August 8, 2012

Existing Zoning Classification: R-1 Single Family Residential District

Adjacent Zoning: East: C-4 Commercial District

North, South: R-1 Single Family Residential District

West: R-3 Multi-Family Residential District

EXISTING INFRASTRUCTURE

Transportation: Carlos Truan Blvd.- Arterial
Caesar Avenue- Arterial

Community Facilities: Services provided

Capital Improvements: Public Street Improvements, Sanitary Sewer & Storm Water Collection to be performed by the developer

Fire Station Proximity: Within two miles

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
- Application for the subdivision variance

STAFF REVIEW AND RECOMMENDATION

The subject property consists of approximately 52.61 acres of land located in the 1600 block of Carlos Truan Blvd. in the southeastern portion of Kingsville.

Melden & Hunt Inc. is requesting a variance to the Subdivision Code, on behalf of their client Mark Dizdar, that would allow the grading of the site to be minimal or as needed for each individual lot with the utilization of drainage swales. Section 15-3-49. Lot Grading, specifically states the requirement that each lot have a minimum slope of one percent to ensure proper drainage.

According to the application, the applicant is requesting this variance for the following reasons:

1. The existing terrain of the area is very flat and the developer is requesting relief to retain the existing trees where possible.

2. The one percent slope will require a mass grading effort that will require 18 to 24 inches of fill in the rear of some lots, with grade cuts in the front of the lots. This poses a risk of covering the roots of the existing trees, which the developer wishes to avoid.
3. Both the engineer and the developer have extensive experience in developing flat properties, and know how to raise the foundation/pad while constructing a swale between the homes to allow drainage from the rear of the property to the front flowing into the street. This is accomplished by providing fill elevating the lot four to eight inches during street/infrastructure construction. When the foundation is constructed at a later date, six to twelve inches of fill is brought in leaving the drainage swales to the side of the lot, and the foundation design is engineered to provide adequate penetration of the natural ground and no additional compaction testing is required.

Staff has discussed various options regarding the lot grading and has offered a sample design in which the development could be adequately graded during the installation of the required infrastructure, thereby alleviating the need for fill dirt to raise each individual lot in the future. The Engineering Department states grading at a minimum slope of 1.0% in an unpaved area is necessary to prevent unwanted flooding and is an industry standard that is a widely accepted practice in different cities in Texas. Although the Jalisco Ranch development site is flat, achieving a 1.0% grade for the swale is not difficult. This can be achieved by lowering the streets and thereby raising the building pads. Since the storm pipe will be day-lighted to the existing Caesar ditch, which is very deep, and the sanitary sewer line along Carlos Truan is about 10 feet deep, lowering the site will not create any discharge issues for both the sanitary sewer and storm water. It is agreed upon that this site has a lot of trees but the number of trees saved by changing the swale grade from 1.0% to 0.75%, will be very minimum. Moreover, the site grading is the responsibility of the developer not the individual builder. Staff requests the development lots be graded at 1.0% slope by the developer as required by the Subdivision Code. Staff does not recommend reducing the grade requirements from 1.0% to 0.75%.

When reviewing a variance to the subdivision ordinance, the Planning Commission should consider the following findings of fact:

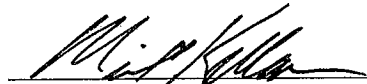
1. That there are special or unusual circumstances affecting the property such that the strict application of the provisions of this article would deprive the owner of the reasonable use of his land, and is not the mere grant of a privilege not granted to others; and,
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the owner; and,
3. The granting of the variance would not be detrimental to the public safety, convenience or welfare or be injurious to other property in the vicinity.

Staff's findings, based on review of the site and the application, state that the applicant's request does not meet the criteria for finding 1 in that there are no special circumstances affecting the property and also does not meet the criteria for finding 2 in that granting the variance will not preserve the trees as intended, due to the fact that a majority of the trees will still need to be removed for infrastructure and home construction, and the burden of the lot grading will be placed on the individual builder or lot purchaser. Staff agrees that finding 3 is met, as this action will not be detrimental to the public safety or injurious, but there may be consideration of an inconvenience and a burden on the welfare of the individual builder or lot purchaser.

Therefore, Staff recommends **Denial** of this request based on the following findings of fact:

1. That there are no special or unusual circumstances affecting the property such that the strict application of the provisions of this article would deprive the owner of the reasonable use of his land, and is not the mere grant of a privilege not granted to others; and,
2. The variance is not necessary for the preservation and enjoyment of a substantial property right of the owner as the granting of the variance will not preserve the trees as intended, due to the fact that a majority of the trees will still need to be removed for infrastructure and home construction, and the burden of the lot grading will be placed on the individual builder or lot purchaser; and,
3. The granting of the variance would not be detrimental to the public safety, or be injurious to other property in the vicinity but there may be consideration of an inconvenience and a burden on the welfare of the individual builder or lot purchaser.

Prepared by:



Mike Kellam, AICP

Director of Planning & Development Services



Engineering

DATE: July 30, 2012

TO: Mr. Michael Kellam, Director of Development Services

FROM: Naim Khan, Director of Public Works/City Engineer

SUBJECT: Swale Grade for the residential lots from 1.0% to 0.75%

The City of Kingsville Ordinance number 15-3-101(K) says "Residential lots shall be graded to provide positive drainage towards the front of the lot at a minimum slope of 1.0%". Grading at minimum slope of 1.0% in an unpaved area to prevent unwanted flooding is an industry standard and widely accepted practice in different cities in Texas. Although Jalisco Ranch site is flat, achieving 1.0% grade for the swale is not difficult by lowering the streets and raising the building pads. Since the storm pipe will be day-lighted to existing Caesar ditch which is very deep and the sanitary sewer line along Carlos Truan is about 10 feet deep, lowering the site will not create any discharge issue for both the sanitary sewer and storm water. I agree that this site has a lot of trees but the number of trees saved by changing the swale grade from 1.0% to 0.75%, will be very minimum. Moreover the site grading is the responsibility of the developer not the builder. Staff wants to see the swale be graded at 1.0% slope by the developer. The staff does not recommend changing the swale grade from 1.0% to 0.75%.

CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please **PRINT** or **TYPE**)

Project Address _____ Nearest Intersection CARLOS TRUAN BOULEVARD

(Proposed) Subdivision Name JALISCO RANCH DEVELOPMENT Lot _____ Block _____

Legal Description: 52.61 AC. OUT OF FARM LOTS 2,3, 7 SECT. 17 KLEBERG T&I SUBD

Existing Zoning Designation R1-SINGLE FAMILY DISTRICT Future Land Use Plan Designation R1-SINGLE FAMILY DISTRICT

OWNER/APPLICANT INFORMATION: (Please **PRINT** or **TYPE**)

Applicant/Authorized Agent MELDEN & HUNT, INC. Phone (956) 381-0981 FAX (956) 381-1839

Email Address (for project correspondence only): fkurth@meldenandhunt.com

Mailing Address 115 W. MCINTYRE ST. City EDINBURG State TX Zip 78541

Property Owner _____ Phone _____ 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 checked="" type="checkbox"/> Subdivision Variance Request.....\$25.00 ea.

Please provide a basic description of the proposed project _____

BEING 52.61 ACRES OF LAND TO INCLUDE:

1.) LA VILLA @ JALISCO RANCH

3.) QUE LINDO @ JALISCO RANCH

2.) LA PERLA @ JALISCO RANCH

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: _____ Date: 7-10-12

Property owners signature: _____ Date: _____

Accepted by: [Signature] - Section 15-3-49 Date: 7-11-12

Subdivision Code Variance Application Check List:

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

Detail in writing responses to all the following:

- X 1. Describe the special and unusual circumstances affecting your property for which the strict application of the subdivision code would deprive you of the reasonable use of land, and is not the mere granting of a privilege not granted to others.

IT IS OUR DESIRE TO MOVE AS LITTLE AMOUNT OF DIRT AS POSSIBLE
SO TO NOT ADVERSELY AFFECT THE EXISTING ONSITE TREES WHILE
STILL HAVING EXCELLENT DRAINAGE OFF THE LOTS INTO THE STREETS.
THE SPECIAL CIRCUMSTANCES ARE TWO:

1.) THE EXISTING LAND IS VERY FLAT

2.) THE SITE HAS HUNDREDS OF TREES ON IT WHICH MAKE THE
LOTS DESIREABLE.

- X 2. Describe why the variance is necessary for the preservation and enjoyment of a substantial property right.

A 1% SLOPE WILL REQUIRE A MASS REGRADING OF THE SITE PLACING
18" TO 24" OF FILL AT THE REAR OF THE LOTS AND CUTTING
SIGNIFICANTLY THE FRONT OF THE LOTS & STREETS. THIS WILL COVER
ROOTS OF THE TREES AT THE REAR AND EXPOSE ROOTS NEAR THE FRONT
OF THE LOTS RESULTING IN KILLING MANY OF THE TREES.

- X 3. Describe why the variance would not be detrimental to the public safety, convenience or welfare, or be injurious to other property in the vicinity.

BOTH THE ENGINEER & DEVELOPER HAVE EXTENSIVE EXPERIENCE WITH
FLAT PROPERTY AND KNOW HOW TO RAISE THE HOUSE PAD ADEQUATELY,
BUT KEEP THE SWALE BETWEEN HOMES SUCH THAT ANY WATER BUILDING
UP IN THE REAR YARD CAN FLOW OUT TO THE STREET. THE BEST WAY TO
ACCOMPLISH THIS IS TO PLACE STREET CUT MATERIAL AT THE REAR OF
THE LOT ELEVATING IT 4-8 INCHES DURING THE INFRASTRUCTURE
CONSTRUCTION. DURING THE HOME BUILDING PHASE, THE FOUNDATION
CONTRACTOR PLACES 6-12 INCHES OF FILL FOR THE PAD LEAVING THE
SWALES AT THE SIDES. THE FOUNDATION DESIGN IS SUCH THAT THE
ADEQUATE PENETRATION OF NATURAL GROUND IS DESIGNED INTO THE
PLAN AND NO ADDITIONAL TESTING IS NOT REQUIRED.

(REGULAR AGENDA)

AGENDA ITEM #4

AGENDA ITEM #5

ORDINANCE #2012-_____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO 1.99 ACRES OUT OF KT&I CO., BLOCK 22, PART OF LOT 6 KNOWN AS IN THE 1600 BLOCK OF EAST TRANT ROAD FROM AG AGRICULTURAL DISTRICT TO C4 COMMERCIAL DISTRICT; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.

WHEREAS, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Larry Smith, for amendment to the zoning ordinance and zoning map of the City of Kingsville;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, August 8, 2012 during a meeting of the Planning and Zoning Commission, and on Monday, August 27, 2012 during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

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

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of 1.99 acres out of KT&K Co., Block 22, part of Lot 6, in area known as 1600 block of East Trant Road from AG Agricultural District to C4 Commercial District, as more specifically described on the Zone Change Map, attached as Exhibit A.

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

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

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

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

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

INTRODUCED on this the 27th day of August, 2012.

PASSED AND APPROVED on this the ____th day of _____, 2012.

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Edna S. Lopez, City Secretary

APPROVED:

Courtney Alvarez, City Attorney

NOTES:

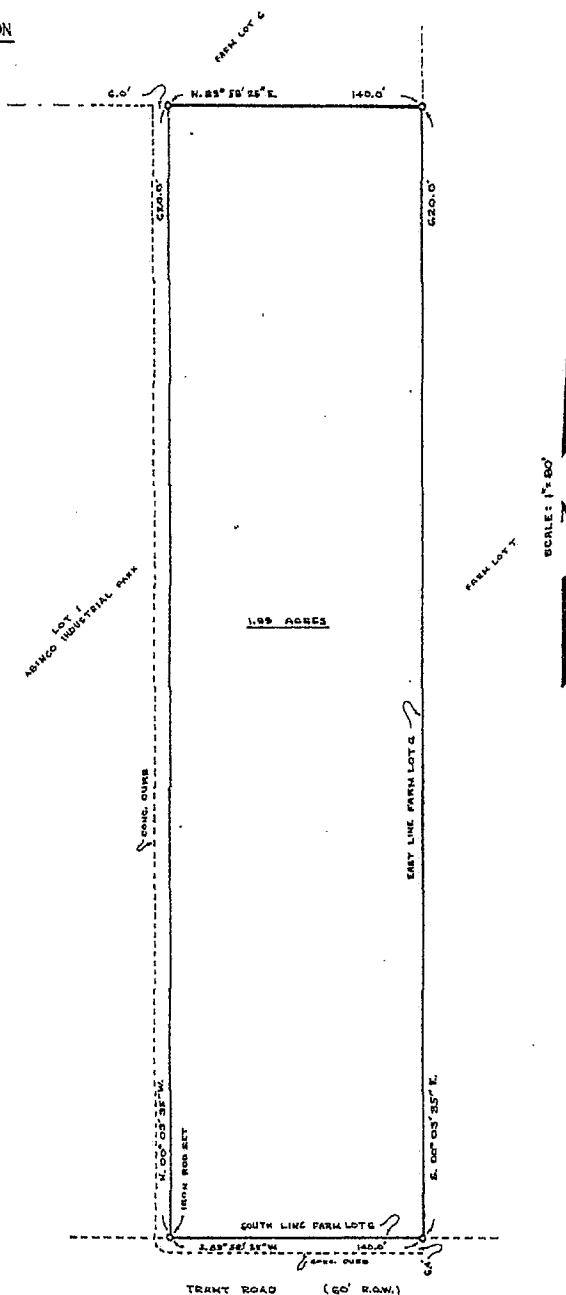
1) KLEBERG TOWN AND IMPROVEMENT COMPANY SUBDIVISION

RECORDED: VOLUME 3, PAGE 26, ENVELOPE 87
MAP AND PLAT RECORDS
KLEBERG COUNTY, TEXAS

2) ABINCO INDUSTRIAL PARK

RECORDED: ENVELOPE 147
MAP AND PLAT RECORDS
KLEBERG COUNTY, TEXAS

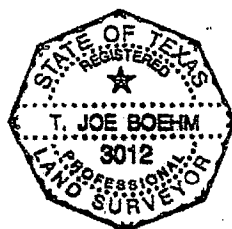
3) IRON ROD FOUND AT ALL PROPERTY CORNERS EXCEPT SOUTHWEST PROPERTY CORNER. IRON ROD SET AT SAID SOUTHWEST PROPERTY CORNER. BEARINGS TAKEN AS INDICATED BY PLAT OF RECORD REFERENCED IN NOTE 2 HEREON.



SURVEY

SHOWING 1.99 ACRES OF LAND OUT OF FARM LOT 6, SECTION 22, KLEBERG TOWN AND IMPROVEMENT COMPANY SUBDIVISION, KLRBERG COUNTY, TEXAS, SURVEYED ON THE GROUND UNDER MY SUPERVISION ON 03 SEPTEMBER 1993 FOR LARRY R. SMITH.

BY: T. Joe Boehm
T. Joe Boehm, P.E., R.P.L.S.



BBE

BOEHM BROTHERS
ENGINEERING
SHINER, TEXAS



Planning Development Services Department

TO: Mayor & City Commission

THROUGH: Vincent Capell, City Manager

FROM: Michael Kellam, AICP, Director of Planning & Development Services

SUBJECT: Rezoning Request in the 1600 Block of E. Trant Road

DATE: June 26, 2012

The City of Kingsville Planning and Zoning Commission met on June 20, 2012 at 7:00 p.m. in regard to a request made by Smith & Sullivan Inc., with Larry Smith serving as the agent, to rezone 1.99 Acres of property, which is located within the KT&I Co. Block 22, part of lot 6, in the 1600 block of East Trant Road. The request is to rezone from AG Agricultural District to C4 Commercial District. There were no persons in favor or in opposition present at this meeting.

All pertinent notices were published and sent out to the surrounding property owners that are within the 200ft radius. No questions, comments or complaints regarding this rezone were made to the Planning Department.

The applicant was not present at the meeting; therefore staff presented the attached staff report to the Planning & Zoning Commission. As stated in the staff report the request was found to be inconsistent with proper planning and land use management due to its proximity to existing residential development. Staff identifies the highest and best use of the property to be utilized as residential including, multi-family, townhome/duplex and single family type development creating a transitional development pattern from 77 highway. Additionally, the request is inconsistent with the future land use plan and the master plan of the city.

Planning staff recommends denial of this rezoning request. The Planning & Zoning Commission recommended denial of the request with a unanimous 5/0 vote.

Attachments

August 8, 2012 P&Z Meeting Minutes for:

Discuss and take action on –Requesting approval for the rezoning of KT&I CO, Block 22, LOT PT 6, property located in the 1600 block of East Trant Road, from AG Agricultural District to C-4 Commercial District. Staff recommendation: Denial.

Mr. Kellam stated that action was already taken in June 2012 and the noticing/publishing date was missed by two days and did not satisfy statute. He also stated that it would need to be re-heard to relieve any concerns regarding procedure. Staff recommendation still remains the same of denial because it did not conform to the long term housing plan.

Chairman Zamora stated that a vote was taken in June 2012 and recollected that it was denied.

Debbie Tiffie moved that a denial be made on the rezoning of KT&I CO, Block 22, LOT PT 6, property located in the 1600 block of East Trant Road, from AG Agricultural District to C-4 Commercial District. Tom Dock seconds. Motion passed 5/0.

June 20, 2012 P&Z Minutes to accompany the above:

Discuss and take action on –Request for approval of a rezoning of KT&I CO, Block 22, Lot pt. 6, property also known as East Trant Road., from AG Agricultural District to C-4 Commercial District. Staff Recommendation: Disapproval.

Mr. Kellam stated the current agenda sent out to board members had a typo and new agenda was printed and corrected. Mr. Kellam stated that the petitioner was requesting the area to be used as a vehicle storage area. Staff performed the necessary research and analysis and based on several findings of fact it was determined the highest and best use of this property is to be utilized as residential. Additionally, the proposed area is shown in the future land use plan and the Master Plan as residential use. The Commercial zoning, if approved would create an incompatible use and would not be conducive to future growth needs.

Mr. McCreight asked what does a vehicle impound lot mean.

Mr. Kellam stated that it was described as a tow yard for impounded cars and trucks.

Mr. Aldrich asked if a towing company will operate the impound lot.

Mr. Kellam stated that the information was not provided.

Mr. Dock asked if the petitioner asked the City for any recommendations for what the property could be used for.

Mr. Kellam stated that the petitioner has not asked the City for any recommendations nor has any discussion taken place with the applicant.

Mr. Zamora asked what the proposed site is identified as within the future land use plan for whether it is multi-family or single family homes.

Mr. Kellam states it is identified to be utilized as residential and in the Master Plan it states it is identified as an Auto Urban residential use for future growth and development. This can best be described as an area that would best be developed as a transitional area from the highway and existing hotel, transitioning to a multi-family/townhome use down to single family residential.

Mr. Aldrich makes a motion to deny the rezoning request from AG-Agricultural to C4- Commercial District.

Mr. Alvarez seconds.

Motion Passed 5/0.

Staff Report to the PLANNING & ZONING COMMISSION and CITY COMMISSION

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

Request: **APPROVAL OF A ZONING DISTRICT CHANGE FROM AG AGRICULTURAL DISTRICT TO C-4 COMMERCIAL DISTRICT FOR A PROPERTY LOCATED IN THE 1600 BLOCK OF EAST TRANT ROAD.**

Petitioner and Agent: Smith & Sullivan Inc., Larry Smith, Agent

Date of P&Z Hearing: August 8, 2012

Comprehensive Plan Land Use: Residential

Existing Zoning Classification: AG Agricultural District

Adjacent Zoning: West: C-4 Commercial District

North, South & East: AG Agricultural District

EXISTING INFRASTRUCTURE

Transportation: Trant Road- Local

Community Facilities: Services provided

Capital Improvements: None planned

Fire Station Proximity: Within three & one-half miles

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

EXHIBITS PRESENTED

- Chapter 15 of the Kingsville Code of Ordinances (present at the meeting)
- City of Kingsville Master Plan (present at meeting)
- Application for a Zoning District Change
- Mailing list of property owners within 200 feet

BACKGROUND AND HISTORY

The petitioner is requesting a zoning district change in order to facilitate the location of a vehicle storage lot to be operated on this site. The historical use of the property consists of solely agricultural uses. The identified parcel lies to the east of State Highway 77 and to the north of Trant Road. The requested zoning does not conform to the Future Land Use Plan, which designates the future use as Residential. Continued residential growth is intended to take place in this area, given its proximity to the already developed Paulson Falls Subdivision. Staff concurs with the adopted Master Plan in that the highest and best use of this property and the surrounding area is residential.

FIELD INSPECTION AND PERTINENT DATA

This parcel is currently undeveloped and is used for agricultural row crop. At the present time, the petitioner is planning to utilize the site as a vehicle storage lot. The surrounding zoning varies but the proposed zoning will cause a detrimental impact to the planned development of the area, and the available land for housing growth. This area was also identified as the priority area for future residential growth in the recently adopted Comprehensive Housing Plan.

STAFF REVIEW & RECOMMENDATION

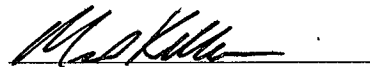
In general, the Planning Commission shall consider the following factors when making a recommendation on the Zoning District Change request:

1. Whether the proposal is in conformance with the goals and policies contained in all elements of the master plan;
2. Whether the proposal is in keeping with the purpose of the zoning districts;
3. Whether the proposal is detrimental to the public health, safety and welfare;
4. Whether the proposal is detrimental to existing or potential adjacent land uses;
5. Whether the proposal will generate traffic levels inappropriate, hazardous or detrimental to the existing or potential nearby land uses.

Staff recommends **DENIAL** of this request with the following findings:

1. The proposed zoning district change is not in conformance with the general goals and policies of the city in that it is not consistent with the adopted Master Plan or Comprehensive Housing Plan; and
2. Commercial zoning would not be appropriate to the area, and will be detrimental to the future planned growth of the community.
3. The proposal is not in keeping with the purpose of the zoning districts wherein the zoning to be consistent with all adopted plans and policies.

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 E. Trant Road Nearest Intersection Hwy 77
 (Proposed) Subdivision Name _____ Lot _____ Block _____
 Legal Description: KT+I CO, Block 22, Lot 6 (S/E COR 140X 620)
 Existing Zoning Designation AG Future Land Use Plan Designation C4

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Larry Smith Phone 281-485-7281 FAX _____
 Email Address (for project correspondence only): Larry.Bojac@gmail.com
 Mailing Address 4527 Rossett Place N City Pearland State Tx Zip 77584
 Property Owner Smith & Sullivan Inc Phone _____ FAX _____
 Email Address (for project correspondence only): Larry.Bojac@gmail.com
 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 checked="" type="checkbox"/> Re-zoning Request..... \$ 250.00	<input type="checkbox"/> Re-plat..... \$ 250.00
<input type="checkbox"/> SUP Request/Renewal..... \$ 250.00	<input type="checkbox"/> Vacating Plat..... \$ 50.00
<input type="checkbox"/> Zoning Variance Request (ZBA)..... \$ 250.00	<input type="checkbox"/> Development Plat..... \$ 100.00
<input type="checkbox"/> PUD Request..... \$ 250.00	<input type="checkbox"/> Subdivision Variance Request..... \$ 25.00 ea.

Please provide a basic description of the proposed project: Request to re-zone
from Ag to C4.

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: [Signature] Date: 05/10/2012
 Property Owner(s) Signature: [Signature] Date: 05/10/2012
 Accepted by: Jessica J. Foraker Date: 5/10/12

PROPERTY 12190
Legal Description
K T & J CO, BLOCK 22, LOT PT 6, (S/E COR 140 X 620),
ACRES 1.99
OWNER ID
51684
OWNERSHIP
100.00%
SMITH & SULLIVAN INC
4527 RUSSETT PL N
PEARLAND, TX 77584-7608
Ref ID: R12190
Map ID G-6, AERIAL D4
ACRES: 1.9900
EFF. ACRES:
APPR VAL METHOD: Cost

SITUS HWY 77

UTILITIES
TOPOGRAPHY
ROAD ACCESS
ZONING
NEXT REASON
LAST APPR. LR
LAST APPR. YR 2009
LAST INSP. DATE 02/09/2009
NEXT INSP. DATE

REMARKS
FOR 2009 NO VALUE CHG TO ACCT PER APPR
LR 2/09/09 2/23/09 MMG -
ALT.ACCT:OUT290002205100192 - FOR '06
START ROLLBACK PER FIELD VISIT REMOVE

ISSUE DT PERMIT TYPE PERMIT AREA ST PERMIT VAL

SALE PRICE GRANTOR DEEDING
12/07/2006 ***** SMITH LARRY WD / 351 / 278
11/08/2001 ***** ABINCO WD / 225 / 166
***** UNKNOWN OT / /

TYPE DESCRIPTION MTHD CLASS/SUBCL AREA UNIT PRICE/UNITS BUILT EFF YR COND. VALUE DEPR PHYS ECON FUNC COMP ADJ ADJ VALUE

100.00%	CAD	100%	IMPROVEMENTS	0	
100%	CKI	100%	LAND MARKET	+	6,370
100%	GKL	100%	MARKET VALUE	=	6,370
100%	SKI	100%	PRODUCTIVITY LOSS	-	0
100%	WST	100%	APPRAISED VALUE	=	6,370
			HS CAP LOSS	-	0
			ASSESSED VALUE	=	6,370

AG CLASS	AG APPLY	AG TABLE	AG UNIT	PRC	AG VALUE
AG-R11	NO				253.00
					0

VARIANCE REQUESTED FOR E. TRANT

