

City of Kingsville, Texas

AGENDA CITY COMMISSION

**MONDAY, JULY 8, 2013
REGULAR 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
Regular Meeting – June 24, 2013**

APPROVED BY:



Vincent J. Capell
City Manager

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

1. Public Hearing for an ordinance amending the zoning ordinance by granting a special use permit at 1601 S. Hwy 77, Suite P (Kingsville industrial Park 2, Lot 14.84 AC Tract) for a sports bar/club; amending the comprehensive plan to account for any deviations from the existing comprehensive plan; providing for publication. (Director of Planning and Development Services).

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

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

IV. Public Comment on Agenda Items³

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

V.

Consent Agenda

Notice to the Public

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Consider approving final passage of an ordinance amending the Fiscal Year 2012-2013 Budget of the General Fund for improvements to the City of Kingsville Downtown Pavilion. (Director of Finance).
2. Consider approving final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies, Section 1 Classification and Compensation Plan to add the position of Accounting Supervisor and Landfill Foreman to the Compensation and Classification Plan for Fiscal Year 2012-2013. (Director of Human Resources).
3. Consider approving final passage of an ordinance amending the fiscal year 2012-2013 budget of the General Fund for Legal Department Professional Services. (Director of Finance).
4. Consider appointing John Garza, III to the City Zoning Board of Adjustment to fill a vacancy for a 2 year term. (Director of Planning and Development Services).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider introduction of an ordinance amending the zoning ordinance by granting a special use permit at 1601 S. Hwy 77, Suite P (Kingsville industrial Park 2, Lot 14.84 AC Tract) for a sports bar/club; amending the comprehensive plan to account for any deviations from the existing comprehensive plan; providing for publication. (Director of Planning and Development Services).
6. Consider preliminary subdivision plat for Lake View Villas, containing 24 lots, located in the 1900 block and 2000 block of East General Cavazos Blvd with conditions, as per staff recommendation. (Director of Planning and Development Services).
7. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Sections 15-6-115 through 15-6-131, providing for substantial revisions to the sign ordinance. (Director of Planning and Development Services).

8. Consider resolution abandoning an easement within Farm Lot 15, Section 17 of the KT&I Co. Subdivision. (Director of Planning and Development Services).
9. Consider resolution authorizing participation in the Community-Oriented Connectivity Broadband Grant sponsored by the U.S. Department of Agriculture (USDA) Rural Utilities Service (RUS); authorizing City Staff and the Director of Telecommunications at Texas A&M University in College Station to act on the City's behalf with such Program. (Director of Purchasing/IT).
10. Consider introduction of an ordinance amending the Fiscal Year 2012-2013 budget of the General Fund Information Technology Department for G.I.S. Server Hosting Services. (Director of Finance).
11. Consider authorizing staff to negotiate contract for GIS hosting services with Timmons Group, as per staff recommendation. (RFP 13-11) (Director of Purchasing & IT).
12. Consider awarding bid (#13-13) for concrete paving improvements Phase 3 to E-Tech Construction, as per staff recommendation. (Director of Purchasing & IT).
13. Consider resolution authorizing the City Manager to execute an easement with Kleberg County for construction and maintenance of a fence near the Kingsville Law Enforcement Center. (Chief of Police).
14. Consider resolution authorizing the City Manager to execute an easement agreement (for a water line) with the Board of Regents of the Texas A&M University System for construction and maintenance of a water line. (City Engineer/Public Works Director).

VII. Adjournment.

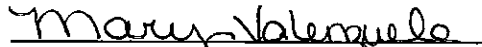
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

NOTICE

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

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

June 28, 2013 at 4:30 P.M. and remained so posted continuously for at least 72 hours preceding the schedule time of said meeting.



Mary Valenzuela
City Secretary
City of Kingsville, Texas

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

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

MINUTES OF PREVIOUS MEETING(S)

JUNE 24, 2013

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JUNE 24, 2013 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

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

CITY COMMISSION ABSENT:

Al Garcia, Commissioner

CITY STAFF PRESENT:

Vincent Capell, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
David Mason, Purchasing/IT Director
Willie Vera, Task Force Commander
James Bryson, Accounting Manager
Mark Rushing, Finance Director
Emilio Garcia, Health Director
Ruthie Valdez, Interim Library Director
Charlie Cardenas, Public Works Director/City Engineer
Jennifer Bernal, Community Appearance Supervisor
Diana Medina, Collection Manager
Cynthia Martin, Downtown and Volunteer Manager
Ricardo Torres, Chief of Police
Melissa Perez, Risk Manager
Bill Donnell, Assistant Public Works Director
Joey Reed, Fire Chief
Robert Isassi, Director of Planning & Development Services
Bob Trescott, Downtown Director
Robert Bennett, Landfill Supervisor
Diana Gonzales, Human Resources Director
Tony Verdin, Information Systems Technician

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 6:00 p.m. and announced quorum as present. Commissioner Garcia absent.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Special Meeting – June 4, 2013

Regular Meeting – June 10, 2013

Mayor Fugate asked for a motion from the Commission to approve the minutes as presented. **Commissioner Pecos made a motion to approve the minutes as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Pena and Fugate voting: "FOR".**

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

None.

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

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

Mr. Vince Capell, City Manager, reported that he was informed by Dick Messbarger, Director of Economic Development, that Kleberg County has approved the EDA Agreement with Zarsky Development Company, LLC. and the Interlocal Agreement with the City of Kingsville for the Wildwood Trails Development during a Commissioners Court meeting on June 24, 2013.

Mrs. Courtney Alvarez, City Attorney, reported that the next City Commission meeting is scheduled for Monday, July 8, 2013. Mrs. Alvarez reminded staff that the deadline to submit items for this agenda is Thursday, June 27, 2013 due to staff scheduling. She further stated that she will be out of the office on vacation July 1-2, 2013.

Mr. Glenn Jones, Community Plans Liaison Office Mission Sustainment NAS Kingsville, introduced the 34th Commanding Officer of Naval Air Station Kingsville, Captain Christopher "Chet" Misner.

Captain Misner, Commanding Officer of Naval Air Station Kingsville, stated that he and his family are very excited to command Naval Air Station Kingsville and ready to be a part of our community. He looks forward to working with the City of Kingsville in upcoming endeavors.

Sugar Cox, 215 S. 4th Street, spoke to the Commission regarding the Junior Firefighters Explorer Program. He stated that he looked into the program when he was 9 years old just to find out that you had to be 14 years of age. He is now 13 years old and is one month shy from turning 14. He recently visited Fire Station to gather information he would need to join the Junior Firefighters Explorer Program. He was told that the program is no longer in existence due to lack of participation. He is asking the Commission to look into reinstating the program so those who would like to be a part of it

can join. He feels that the program would help young teenagers stay focused and out of trouble and would teach them all about becoming a firefighter.

Mayor Fugate asked Mr. Cox what grade he was in. Mr. Cox stated that he was in the 7th grade.

Commissioner Leubert asked when he would be turning 14 years old and asked if he had friends that would be interested in this program. Mr. Cox stated that his birthday is July 27th, further stated that he has a few friends that are interested in the program.

Mayor Fugate asked Mr. Cox to get with Vince Capell, City Manager and Joey Reed, Fire Chief regarding possibly reinstating the program. Mayor Fugate read a proclamation for Pauline Gonzales Munoz who turned 100 years old.

IV. Public Comment on Agenda Items ³

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

Mr. Jon Everest of 610 S. 18th Street has lived in Kingsville since 2010 and is a student of Texas A&M University-Kingsville. He stated that he would like to speak with regards to the canopy located on 6th Street. He stated that he has seen the proposal for conduit and electricity to be installed at the canopy for a cost of \$2,500. He further stated that he would like to see a counter proposal for solar panels or wind turbine to be installed on the canopy. He further stated that the purpose of the canopy is to become an activity area which can become appealing to college students as well as the community.

V.

Consent Agenda

Notice to the Public

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

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

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

Mayor Fugate asked for a motion to approve the consent agenda as presented.

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

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2012-2013 Budget of the State Forfeiture Fund and Kingsville Law Enforcement Fund for the purchase of vehicles and equipment for the Police Department. (Director of Finance.)

2. Motion to approve resolution authorizing collection fee in the amount of 30% of debts and accounts receivable such as unpaid fines, fees, court costs, forfeited bonds, and restitution ordered paid by a municipal court serving the

city, and amounts in cases in which the accused has failed to appear: 1) as promised under subchapter A, Chapter 543, Transportation Code, or other law; 2) in compliance with a lawful written notice to appear issued under Article 14.06(b), Texas Code of Criminal Procedure, or other law; 3) in compliance with a lawful summons issued under Article 15.03(b), Texas Code of Criminal Procedure; 4) in compliance with a lawful order of a court serving the city; or 5) as specified in a citation, summons, or other notice authorized by section 682.002, Transportation Code, that charges the accused with a parking or stopping offense, when such debts, accounts receivable and amounts are more than 60 days past due and have been referred to an attorney or other vendor for collection; repealing all conflicting resolutions and providing for an effective date. (City Attorney).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consider resolution establishing a Kingsville Main Street Downtown Plan for the City of Kingsville, Texas. (Tourism Director).

Bob Trescott, Tourism Director, stated that this is a downtown work plan which is produced yearly since 2011. This plan was brought before the City Commission in July, 2012 and was updated and discussed at the Commission Goal Setting Retreat in May, 2013. He further stated that the city desires to preserve, redevelop and revitalize the Kingsville Historic Downtown District. The City has adopted a Master Plan in 2008 that endorses such preservation, redevelopment and revitalization. The Kingsville Main Street Program and Kingsville Historic Downtown Association are partnering with each other and with City departments and boards on projects and programs that advance downtown district preservation, redevelopment and revitalization. After comprehensive research and studies of existing physical and market conditions and possible future trends, a comprehensive Downtown Plan has been prepared. This plan was developed with the purpose of reviewing the background, enumerating guiding principles, providing a strategic framework and listing projects and programs that advance downtown district preservation, redevelopment and revitalization. Staff is requesting that the Kingsville Main Street Downtown Plan be accepted and approved by the City Commission.

Commissioner Leubert stated that this plan is a well put together plan which has great ideas, but if Commission authorize and establish this downtown plan, does this mean that the City is definitely doing every item listed on this plan or can it be changed.

Mr. Trescott stated that this plan is a work in progress plan that will change from time to time.

Commissioner Leubert stated that there are things listed in the plan that Commission may not feel that they are ready for or may not want it done at all. She further stated that the plan as a whole is a good plan but would recommend some changes.

Mr. Capell stated that any item listed on the plan, would require Commission approval before work could be done.

Commissioner Leubert stated that she would like to see timelines for some of these projects. Mayor Fugate stated that he agrees with Commissioner Leubert with regards to timelines.

Motion made by Commissioner Pecos to approve the resolution establishing a Kingsville Main Street Downtown Plan for the City of Kingsville, second by

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

4. Consider resolution authorizing City Manager to enter into an Interlocal Agreement for Cooperative Purchasing of Goods, Products and/or Services between the City of Kingsville and the City of Bedford, Texas. (Director of Purchasing and IT).

Mr. David Mason, Purchasing/IT Director, stated that this item authorizes an interlocal agreement for cooperative purchasing with the City of Bedford. Chapter 271.1002 Subchapter F of the Local Government Code, and the Interlocal Cooperation Act, 791.001 allow cities to enter into agreements with each other to purchase goods and services. Chief Reed is interested in purchasing nomex shirts and pants through GST Public Safety. A substantial discount can be obtained by using the purchasing contract in place from the City of Bedford. The City of Bedford is in agreement with the City of Kingsville using their contract and has provided us with an interlocal agreement. There is no specific financial impact of the interlocal agreement itself.

Commissioner Pecos asked if this would allow us to be a part of the Coop.

Mr. Mason stated that it would and it's operated by the City of Bedford and have around fifty cities involved in this.

Commissioner Leubert commended Mr. Mason and Chief Reed for their work.

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

5. Consider authorizing staff to move forward with improvements for Phase 1 of the Downtown Pavilion Improvement Project. (Director of Purchasing and IT).

Mr. Mason stated that the Tourism staff started developing estimates in quote for some work at the pavilion. Staff is providing estimates of work to include grading, clearing, and a concrete slab; power washing, prep and touch up painting to the structure, electrical and construction of a dumpster enclosure. He further stated that we will work with local contractors to ensure maximum value for the dollar expenditures for this project. Its value to the community far outweighs the dollar expenditures. Along with the basic estimate amount of \$47,985.75, there are several vendors requesting payment from the original project totaling \$2,105 bringing the subtotal to \$50,063.75. He further stated that a ten percent contingency fee of \$5,006.38, total project is estimated to be \$55,070.13. These monies will be provided through a budget amendment.

Commissioner Leubert stated that she would like for staff to look into the cost for solar panels for the canopy.

Mr. Capell stated that the pavilion is a small piece of this project that staff is working on at this time. He further stated that he has asked staff to create a team that would assist in making decisions on this particular project.

Commissioner Leubert asked if a motion is made to approve this item, does this mean the City is required to do the items listed or can they be changed.

Mayor Fugate stated that staff would need Commission approval prior to any project being done.

Mr. Capell stated that there is a budget amendment and once Commission approves this budget amendment, staff is not required to get further approval from the Commission.

Motion made by Commissioner Pena to authorize staff to move forward with improvements for Phase 1 of the Downtown Pavilion Improvement Project, second by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Pena, Leubert, Fugate voting "FOR".

6. Consider introduction of an ordinance amending the Fiscal Year 2012-2013 Budget of the General Fund for improvements to the City of Kingsville Downtown Pavilion. (Director of Finance).

Mr. Mark Rushing, Finance Director, stated that this item is an introduction item amending the Fiscal Year 2012-2013 budget of the general fund for improvements to the downtown pavilion.

Mayor Fugate stated that there is a surplus of \$140,000 left from last year that staff may want to use on certain projects.

Introduction item only.

7. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies, Section 1 Classification and Compensation Plan to add the position of Accounting Supervisor and Landfill Foreman to the Compensation and Classification Plan for Fiscal Year 2012-2013. (Director of Human Resources).

Ms. Diana Gonzales, Human Resources Director, stated that the item before them is an introduction item to amend the current City of Kingsville Classification and Compensation Plan for Fiscal year 2012-2013 by adding a position title of Accounting Supervisor to the Finance Department. With the current vacancy of one of the Accountant II positions, it is proposed to create an Accounting Supervisor instead of filling the existing titled vacancy. The financial impact for the Accounting Supervisor position for an estimated 7 pay periods in current fiscal year is \$5,721.28 in wages plus benefits of \$2,365.44 for a total of \$8,086.72. The cost will be absorbed by the current department budget. The change would also add a position title of Landfill Foreman to the position allotted to the Public Works Department. With the current vacancy of the Equipment Operator III position, it is proposed to create a Landfill Foremen instead of filling the existing titled vacancy. The financial impact for the Landfill Foreman position for an estimated 7 pay periods in current fiscal year of \$1,355.80 in base wages plus benefits of \$815.58 for a total of \$2,171.38. The cost will be absorbed by the current department budget.

Commissioner Pecos asked if there was an increase with the two positions being created.

Ms. Gonzales stated that for this fiscal year it would be absorbed but next year there will be an increase in the budget.

Commissioner Pena asked if the Accounting Supervisor position was a new position.

Ms. Gonzales stated that by not filling the Accounting II position, they are able to create the Accounting Supervisor position.

Mayor Fugate asked why staff is choosing to do this at this time.

Mr. Capell responded that with the turnover in the Finance Department, it is a challenge to get qualified personnel that will stay with the City of Kingsville for a longer period of time.

Introduction item only.

8. Consider resolution approving cooperation with the Steering Committee of Cities served by AEP TCC to review AEP Texas Central Company's requested

approval of an adjustment to its energy efficiency cost recovery factor; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals (with all costs paid by the utility); finding that the meeting at which this resolution is passed is open to the public as required by law; requiring legal notice of this resolution to legal counsel. (City Attorney).

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

Mayor Fugate asked if there was no objection from Commission and staff, he would like to discuss agenda item #12 prior to going into agenda item #9. No objections were made by Commission or staff.

12. Consider condemnation order for 1229 E. Avenue B, Kingsville, Texas. (Director of Planning & Development Services).

Mr. Robert Isassi, Director of Planning and Development Services, stated that with reference to property owners Mr. & Mrs. Francisco Resendez, request for rescinding a building condemnation order for their building located at 1229 E. Ave. B. The property was approved for condemnation during a Commission meeting May 28, 2013. Since this ruling, Mr. & Mrs. Resendez are appealing the condemnation based on their belief that the building is able to be repaired. They have further assured the City of their commitment to address all of the deficiencies found in the City Official's Property Condition Report. The City Official has since re-evaluated the building and found it to remain out of compliance and agrees that the building is able to be repaired. The City Official has listed building's exterior and interior deficiencies in further detail below. In meeting with Mr. & Mrs. Resendez on June 18th, 2013, they have assured the City that they will address all of the building's exterior deficiencies to meet the City's requirements within 60 days. The exterior deficiencies and City's Code requirements are as follows, yard condition is fair. City requires mow, trim and weeds the yard. The exterior wall is in poor condition with parts of insulation and interior drywall exposed. City requires new siding on all sides of the exterior wall. The roof is structurally sound but a section of the roof is missing and shingles need to be replaced. City requires new roof covering. The building does not have any window or door trim, soffit panels, or fascia boards. City requires installation following completion of the siding. Following the exterior work, Mr. & Mrs. Resendez have assured the City that they will address the interior deficiencies before the expiration of the building permit. The permit will be immediately applied for if the Commission agrees to rescind the condemnation. The interior deficiencies with the City's requirements are as follows, interior walls and ceiling are open with no drywall. City requires new drywall and electrical outlets on interior walls to meet City Codes. Plumbing missing, city requires the installation of working plumbing. At this time, no utilities are currently connected, city requires installation of electricity and water services before a Certificate of Occupancy can be granted. Following the Commission's meeting, if rescinded, Mr. Resend will then reapply for the building permit with aforementioned timetable assurances. Furthermore, if the Commission agrees to rescind Mr. Resendez building condemnation, our Public Works Department will need to return to the property to reconnect the sewer and water taps. It is staff's recommendation that we afford Mr. Resendez the opportunity to address these issues based on his assurances that he will deliver the exterior repairs within sixty (60) days from the issuance of a building permit. If the exterior is not addressed within sixty (60) day limit, the City and Mr. & Mrs. Resendez have agreed that we can begin the condemnation process and revoke the existing permit.

Commissioner Leubert thanked staff for working together with property owner in trying to salvage this property.

Mayor Fugate state that citizens also need to keep up with their property,

Mr. Frank Resendez stated that the City has not cleaned up his property.

Mayor Fugate responded that neither did the property owner of this location. He further commented to Mr. Resendez that he was speaking out of order. Mr. Resendez had the opportunity to speak on behalf of this item during public comments and chose not to.

Mr. Resendez stated that he thought he was going to have the opportunity to speak while the item was presented.

Mayor Fugate again commented to Mr. Resendez that he was out of order and therefore not to speak any further.

Motion made by Commissioner Pecos to rescind the condemnation order for 1229 E. Avenue B, second by Commissioner Leubert. The motion was passed and approved by the following vote, Pecos, Pena, Leubert, Fugate voting "FOR".

9. Executive Session: Executive Session pursuant to Section 551.071, Texas Government Code, Consultation with Attorney Exception, the City Commission shall convene in executive session to seek legal advice from the City Attorney regarding a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional conduct of the State Bar of Texas clearly conflicts with this chapter. (City Attorney).

Mayor Fugate announced the Executive Session and convened into Executive Session at 6:52 p.m.

The Commission reconvened into regular session at 7:25 p.m.

10. Consider possible action in Mendoza v. City of Kingsville case. (City Attorney).

No discussion or action taken.

11. Consider introduction of an ordinance amending the Fiscal Year 2012-2013 Budget of the General Fund for Legal Department Professional Services. (Director of Finance).

Mr. Rushing stated that this is an introduction item only. The request for additional funds for two matters are being handled by outside counsel.

Introduction item only.

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:27 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

PUBLIC HEARING(S)



Planning & Development Services Department

TO: Mayor and City Commission

THROUGH: Vincent Capell, City Manager

FROM: Robert G. Isassi, P.E., Director of Planning & Development Services

SUBJECT: **Special Use Permit Request**

DATE: June 27, 2013

This is a request from a local business owner to approve a Special Use Permit to allow for the operation of a sports bar/club business at the northeast corner of the Wild Horse Mall. The site is currently unoccupied but was previously utilized as a furniture store. Multiple commercial businesses utilize the surrounding suites with a church and school across E. Carlos Truan Blvd. and the back of a residential zone to the west. The applicant will be renting the suite wherein the proposed sports bar/club business will be used.

Per Land Use Chart in Appendix A in the City Ordinance, a Special Use Permit is required for a sports bar/club in a "C2" Retail District, which is what the land is currently zoned.

The Planning and Zoning Commission reviewed and approved the special use permit by a 4-3 vote on June 26th, 2013. In the meeting, there were some concerns on its proximity to a movie theater, church, and a charter school. Four citizens spoke to the commission and stated that were concerned about patrons leaving the parking lot inebriated and intermingling with movie patrons. They were also concerned about its proximity to a church and school. The business owner stated that the only business entrance/exit was outside of the mall so that wandering mall traffic would be separated. During the meeting, a commission member stated that the owner has a proven history of abiding to all laws and regulations and noted that the business is not a detriment to adjacent businesses.

The proposed Special Use Permit is in harmony with the general purpose, goals, objectives and standards of the adopted City's Master Plan. Its use will not be detrimental the existing adjacent uses or to uses permitted generally in the zoning district in which the proposed

conditional use is to be located. The use will not generate traffic volumes or change the types of vehicles existing or anticipated in the surrounding area.

Staff recommends that the Special Use Permit be conditionally approved based on the following conditions:

1. The only uses authorized by this Special Use Permit other than the permitted "C2" Retail District uses is as a sports bar/club.
2. This Special Use Permit is good for the duration of the business from the date of this ordinance unless:
 - a. the property is not being used for the purpose outlined in Condition 1, or
 - b. any other conditions have not been complied with, or
 - c. there is a change in ownership of the business.
3. The applicant shall obtain all required licenses for operating the business and permits for building, fire and health thereby meeting all adopted codes to operate said business, and shall cooperate with all annual fire safety, health, and sanitation inspections, in order to maintain compliance with state and city regulations for the operation of a sports bar/club.

ORDINANCE NO. 2013-_____

AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT AT 1601 S. HWY 77, SUITE P (KINGSVILLE INDUSTRIAL PARK 2, LOT 14.84 AC TRACT) FOR A SPORTS BAR/CLUB; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION.

WHEREAS, the Planning Commission has forwarded to the City Commission it's reports and recommendations concerning the application of Leon Garcia, for amendment to the zoning map of the City of Kingsville;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, June 26, 2013, during a meeting of the Planning Commission, and on Monday, July 8, 2013, during a meeting of the City Commission, in the Commission Chambers, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

WHEREAS, a majority of the Planning Commission by a 4-3 vote APPROVED the requested special use permit; and

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended and a Special Use Permit is granted for a sports bar/club on the premises known as 1601 S. Hwy. 77, Suite P (the northeast corner of Wildhorse Crossing Mall), Lot 14.84 AC Tract, Kingsville Industrial Park 2, as more specifically describe on site plan attached as Exhibit A.

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

1. ALLOWED USE: The only uses authorized by this Special Permit other than the permitted "C2" Retail District uses is as a sports bar/club.

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

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

operating the business and permits for building, fire and health thereby meeting all adopted codes to operate said business, and shall cooperate with all annual fire safety, health, and sanitation inspections, in order to maintain compliance with state and city regulations for the operation of a sports bar/club. .

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

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

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

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

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

INTRODUCED on this the 8th day of July, 2013.

PASSED AND APPROVED on this the 22nd day of July, 2013.

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

Staff Report to the PLANNING & ZONING COMMISSION and CITY COMMISSION

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

Request: APPROVAL OF A SPECIAL USE PERMIT TO ALLOW FOR A SPORTS BAR/CLUB AT
1601 S. HWY 77, SUITE P.

Petitioner and Agent: Leon Garcia

Date of P&Z Hearing: June 26, 2013

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

EXISTING INFRASTRUCTURE

Transportation: Senator Carlos Truan Blvd- Local
Hwy 77- Local
Community Facilities: Services Provided
Capital Improvements: Services Provided
Fire Station Proximity: Within two and two half 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 map
- Aerial Photo
- Mailing list of owners within 200 feet

BACKGROUND AND HISTORY

The petitioner is requesting a special use permit to allow the operation of a sports bar/club business. The suite is currently unoccupied but historically has been utilized as a furniture store. Multiple commercial businesses utilize the surrounding suites. The applicant will be renting the suite wherein the proposed sports bar/club business will be housed.

FIELD INSPECTION AND PERTINENT DATA

The site is located near the intersection of US Hwy 77 and Carlos Truan Blvd. The proposed site to be occupied by a sports bar/club totaling 3800 square feet. The applicant states he will make significant repairs to rehabilitate the existing suite, if approved.

Pertaining to the business, staff has determined the special use permit will be the best route for allowing this type of use as it prevents spot zoning or the potential creation of future incompatible uses. Little to no impact will be made on adjacent residential uses. Staff would recommend that a condition be placed on the

special use permit to ensure the expiration of the special use permit upon transfer of title, cessation of the business by the current owner/applicant.

STAFF REVIEW & RECOMMENDATION

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

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

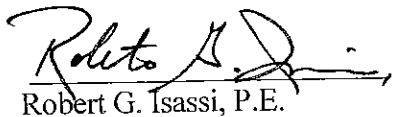
Staff recommends **Conditional Approval** of this request with the following findings:

1. To avoid spot zoning for a commercial property within a residential neighborhood, this special use permit shall expire should the approved special use cease, or in the case of a change in ownership.
2. The business shall obtain all required licenses and permits for the planned construction activity and improvements, thereby meeting all adopted codes to operate said business.

And with the following findings:

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

Prepared by:

 P.E.
Robert G. Isassi, P.E.

Director of Planning & Development Services

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

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1601 S. Hwy 77 Suite P Nearest Intersection Senator Carls Trvan / Hwy 77
 (Proposed) Subdivision Name H/A Lot _____ Block _____
 Legal Description: Kingsville Ind. Park 2, Lot 14.84 AC Tract, (wildhorse crossing) AC 14.84
 Existing Zoning Designation C 2 Future Land Use Plan Designation C 2

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Leon Garcia Phone 361-774-1012 FAX _____
 Email Address (for project correspondence only): 037leo@gmail.com
 Mailing Address 1533 Lewis City Kingsville State TX Zip 78363
 Property Owner Durrill Properties LTD Phone 361-884-8857 FAX _____
 Email Address (for project correspondence only): Becky G w Durrill property.com
 Mailing Address 792 WFM 1961 City Yorktown State TX Zip 78164

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

Please provide a basic description of the proposed project: the relocation of
Club La Cupla, Inc from 3430 S. Hwy 77 to 1601 S. Hwy 77,
Suite P located in the Northeast corner of Wildhorse crossing

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: Leon Garcia Date: 6-6-13
 Property Owner(s) Signature: Becky G Durrill Date: 6-17-2013
 Accepted by: Jessica G. Stork Date: 6-6-13

LEBERG COUNTY APPRAISAL DISTRICT
 PROPERTY 28783 R 04/02/1997
 41721
 OWNER ID
 % PROP TAX APPEAL & SERVICE CO
 792 W FM 1961
 YORKTOWN, TX 78164
 OWNERSHIP
 100.00%
 ACRES: 14.8400
 Ref ID2: R28783
 39100001010192
 APPR VAL METHOD: Cost
 EFF. ACRES:
 SKETCH for Improvement #1 (COMMERCIAL)

PROPERTY APPRAISAL INFORMATION 2013
 Durrill Properties Ltd
 % PROP TAX APPEAL & SERVICE CO
 792 W FM 1961
 YORKTOWN, TX 78164
 OWNERSHIP
 100.00%
 ACRES: 14.8400
 Ref ID2: R28783
 39100001010192
 APPR VAL METHOD: Cost
 EFF. ACRES:
 SKETCH for Improvement #1 (COMMERCIAL)

GENERAL
 LAST APPR. LR
 LAST APPR. YR 2013
 LAST INSP. DATE 05/07/2013
 NEXT INSP. DATE
 REMARKS
 FOR '13 FLAT IMP VALUE (SEE INCOME VALUE
 ON FILE) PER LR 5/7/13 5/8/13 JO -- FOR '13
 ADD OP1 OPN GAZ & STN IMPS PER LR 5/7/13
 5/8/13 JO -- FOR 2012 NO VAL CHG TO ACCT

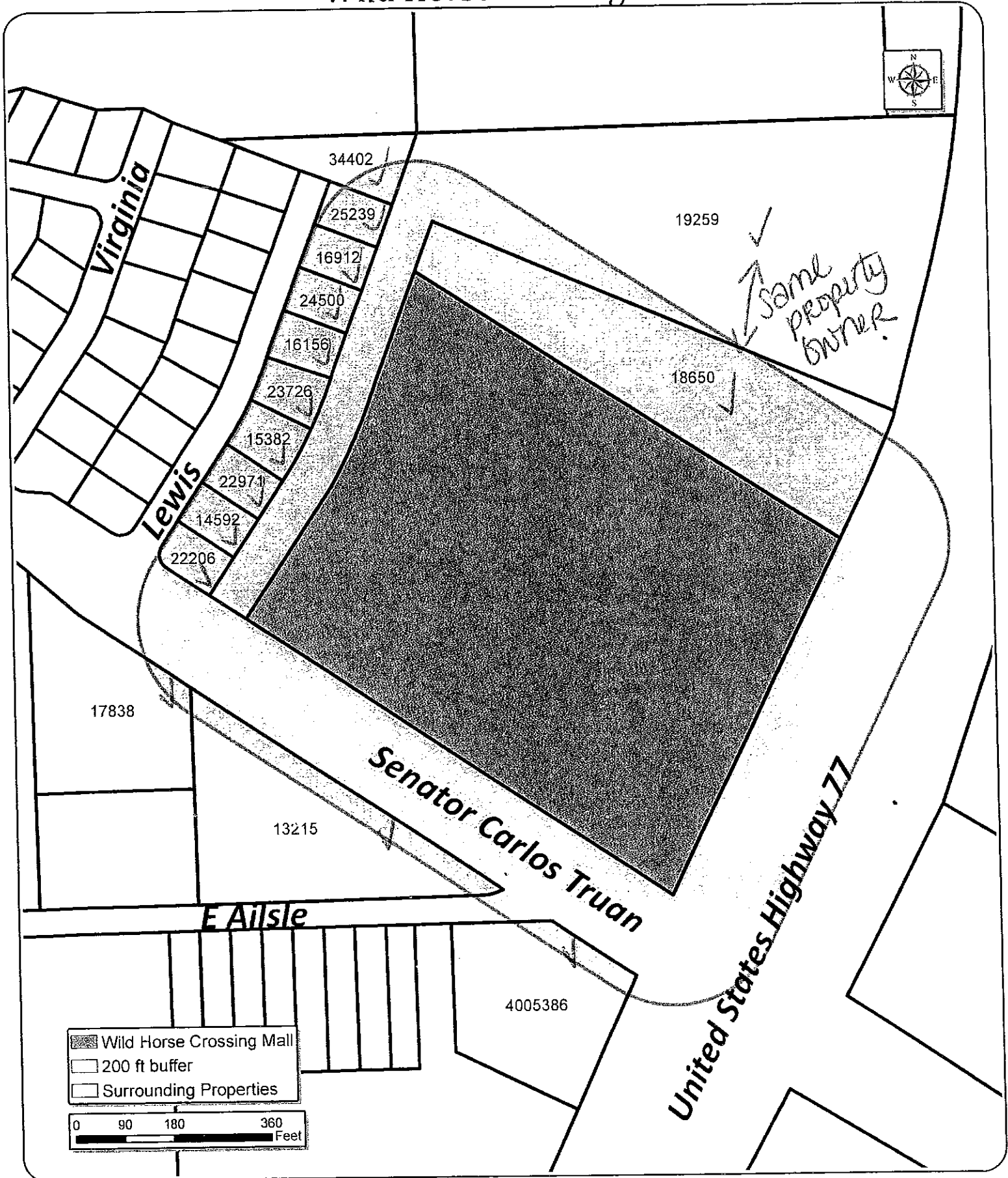
BUILDING PERMITS
 ISSUE DT PERMIT TYPE PERMIT AREA ST PERMIT VAL
 05/06/2010 S & W 0 A 6,972
 04/09/2010 S & W 0 A 6,972
 SALE DT PRICE GRANTOR DEED INFO
 06/01/2001 ***** MILLER F ROBERTS WD / 216 / 517
 12/29/1997 ***** CREDITCARS INC WD / 154 / 184

IMPROVEMENTS
 LAND MARKET 502,360
 MARKET VALUE + 323,220
 PRODUCTIVITY LOSS = 825,580
 APPRAISED VALUE - 0
 HS CAP LOSS = 825,580
 ASSESSED VALUE = 825,580
 EXEMPTIONS

IMPROVEMENT INFORMATION									
#	TYPE	DESCRIPTION	MTHD	CLASS/SUBCL	AREA	UNIT PRICE	UNITS	BUILT	EFF YR
1	MA	MAIN AREA	F	RS3LJ	102,366.0			1989	1989
2	CN1	CANOPY BASIC	F	NV/	576.0			1989	1989
3	CN1	CANOPY BASIC	F	NV/	576.0			1989	1989
4	CN1	CANOPY BASIC	F	NV/	660.0			1989	1989
5	DOCK	LOADING DOCK	F	NV/	1,500.0			1989	1989
6	CON	CONCRETE	F	NV/	415,000.0			1989	1989
STCD: F1					520,878.0				
SUBD: S391					502,360				
1. COMMERCIAL					502,360				

LAND INFORMATION									
SUBD	L#	DESCRIPTION	CLS	TABLE	SC	HS	METH	DIMENSIONS	UNIT PRICE
S391	F1		100.00%	NBHD	F1	N	SQ	646,430.0000	.50
					GROSS VALUE		323,220		
					ADJ MASS ADJ VAL SRC		1.00 A		
					IRR Wells: 0 Capacity: 0		0.00		
					IRR Acres: 0		0.00		
					MKT VAL		323,220		
					AG APPLY		NO		
					AG CLASS		0.00		
					AG TABLE		0.00		
					AG UNIT PRC		0.00		
					AG VALUE		323,220		

Wild Horse Crossing Mall

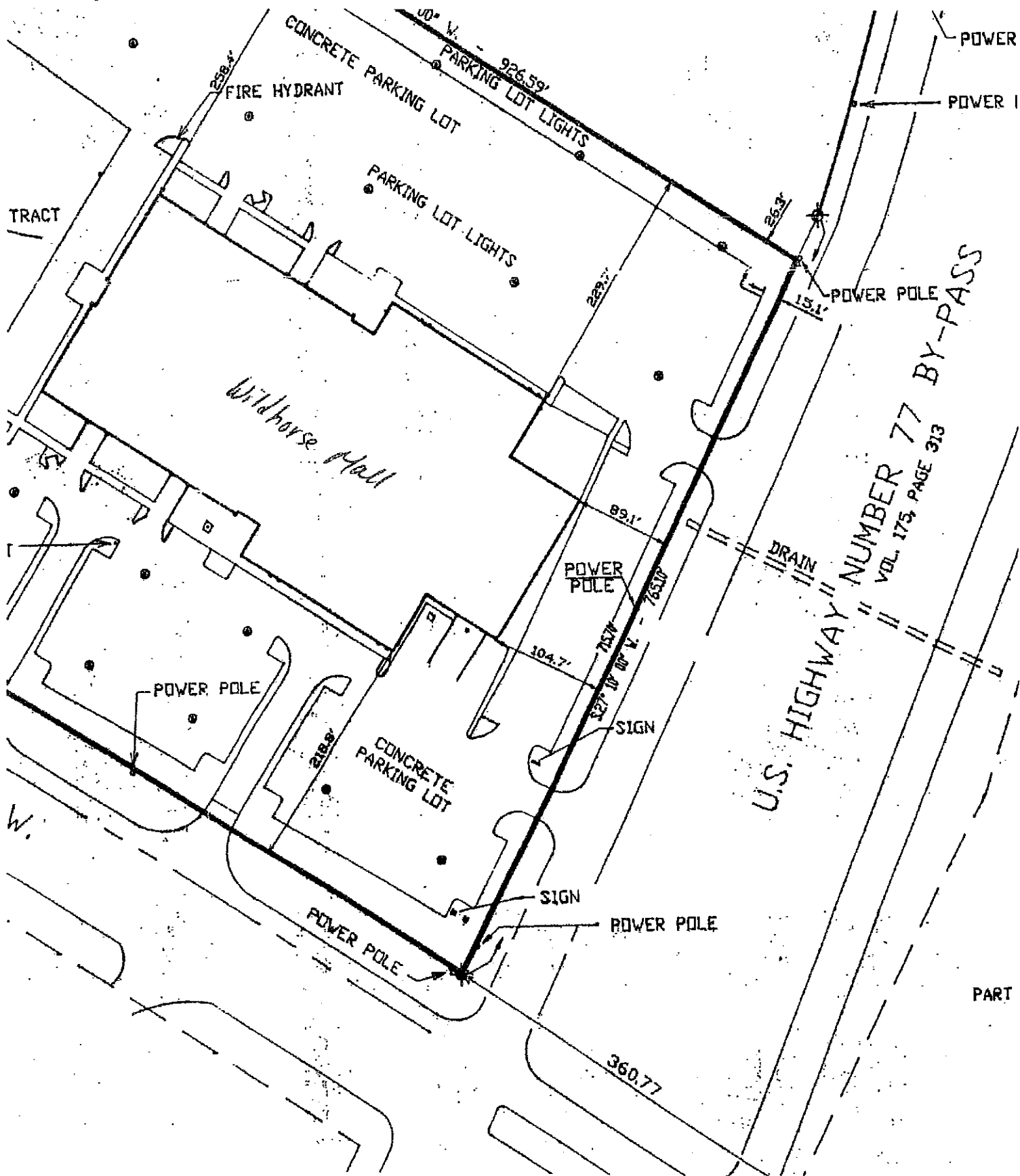


Scope of work

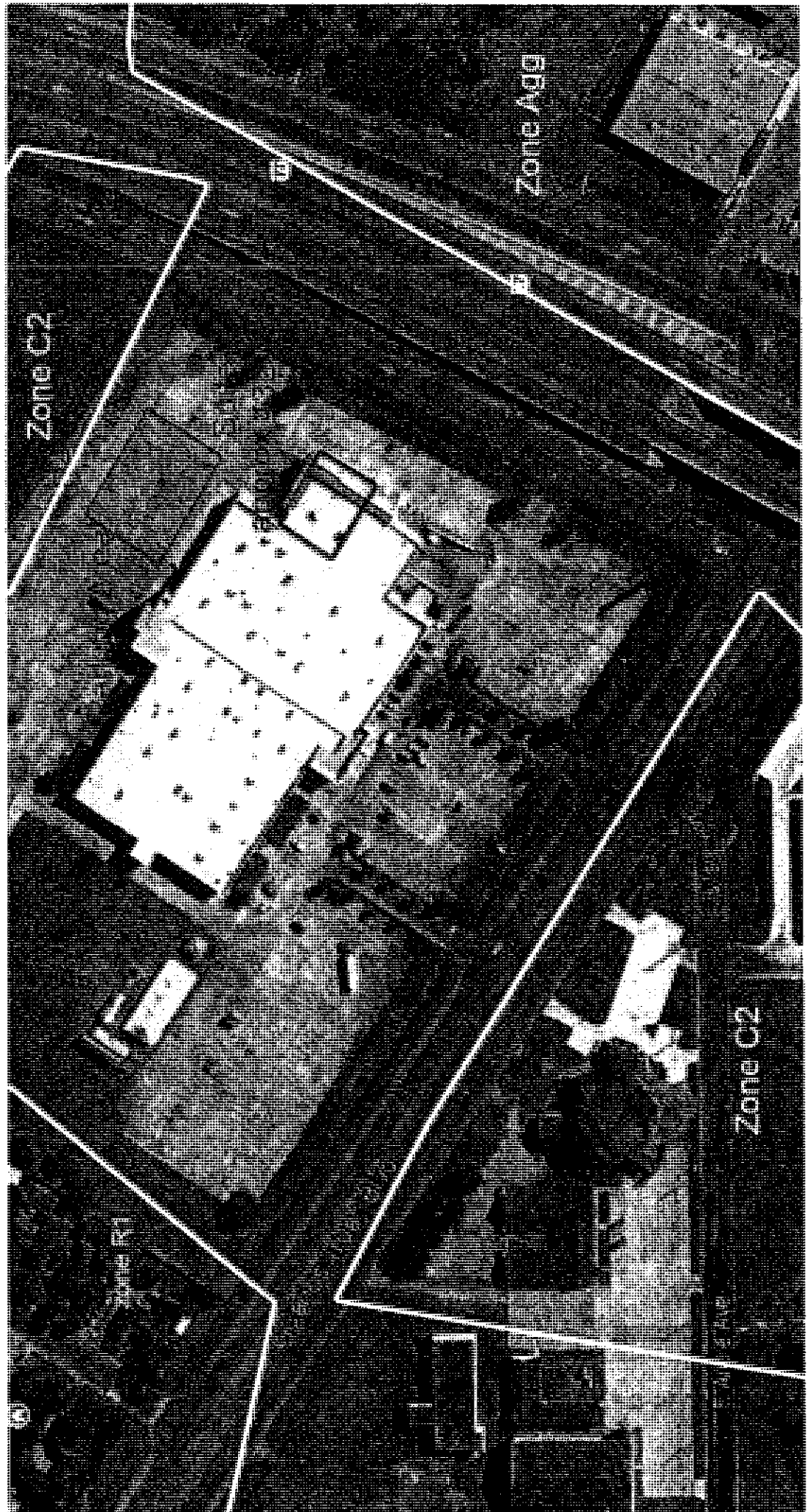
1. The purpose and scope of work is the relocation of Club La Cupula Inc. (dba The Silver Spur) from 3430 S Hwy 77 to 1601 S Hwy 77, Suite P located in the Northeast corner of the Wildhorse Mall. Number of employees is 16 with 7 full time and 11 part-time and hours of operation are Mon-Sun 5 till 2

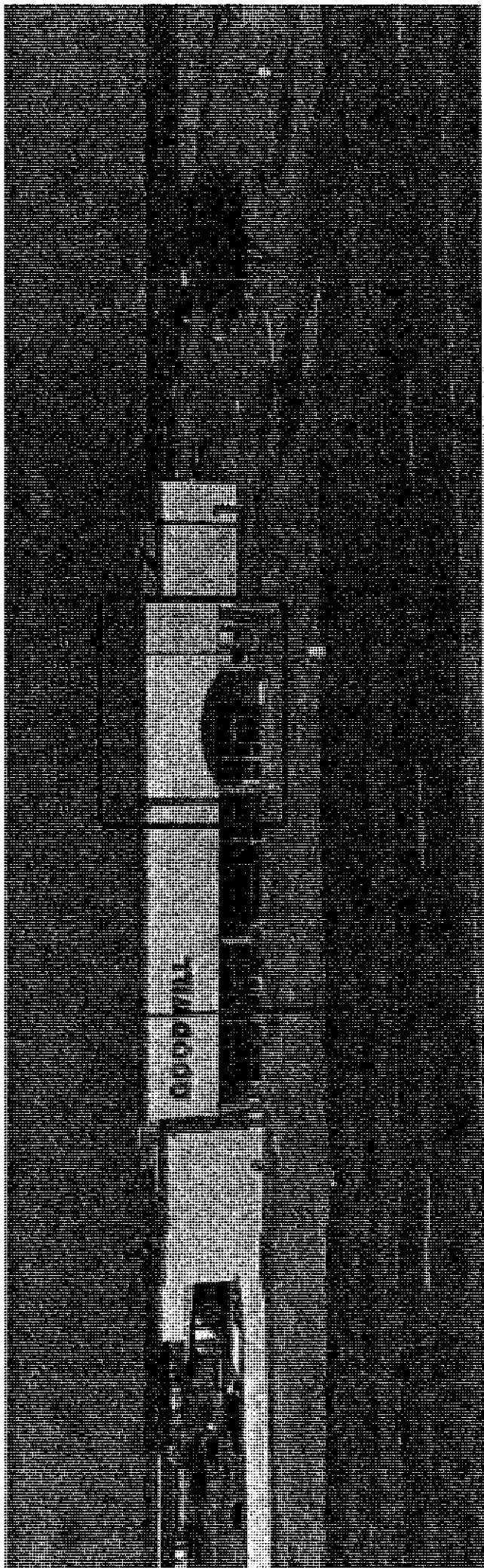
The new site will require the following renovations:

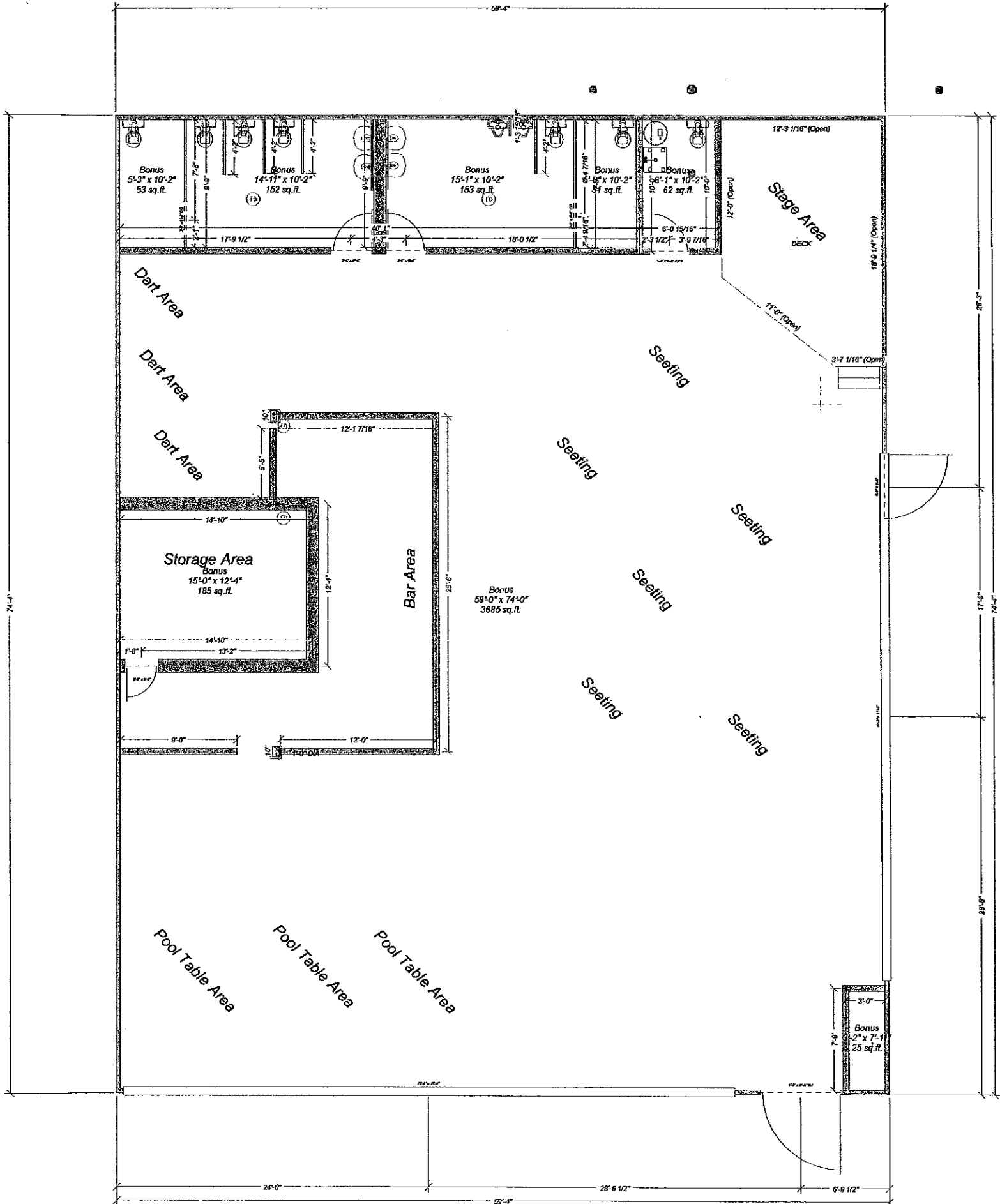
- a. Construction of new ADA compliant restrooms and mop sink.
 - b. Construction of a new permanent bar-top and storage closet.
2. See attached page 5 for layout and configuration.
 3. See page 3
 4. See page 2
 5. See page 3
 6. n/a
 7. n/a
 8. Current. Page 3
 9. Current.
 10. Current. Page 2
 11. n/a
 12. See page 3
 13. See page 3
 14. Current. Page 3
 15. See page 3
 16. See page 3

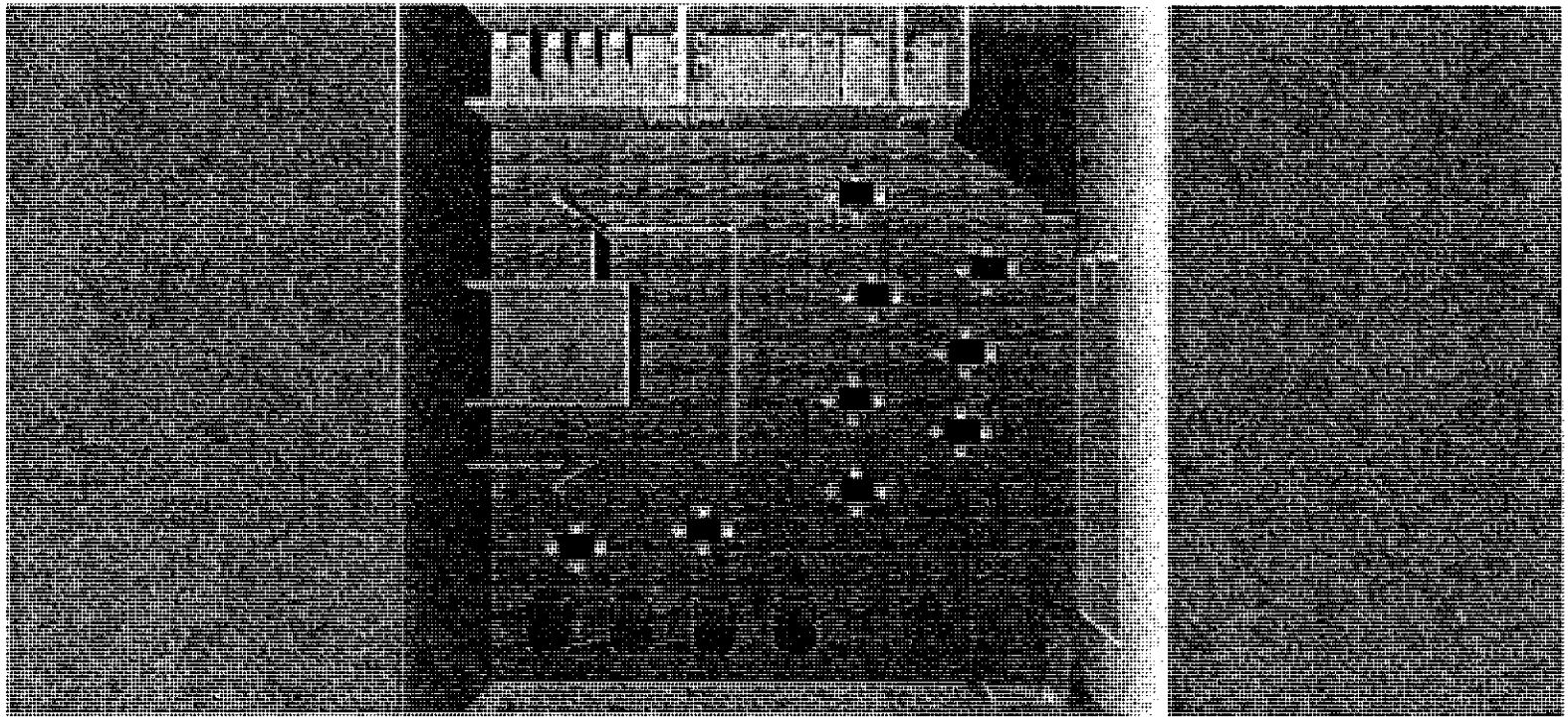


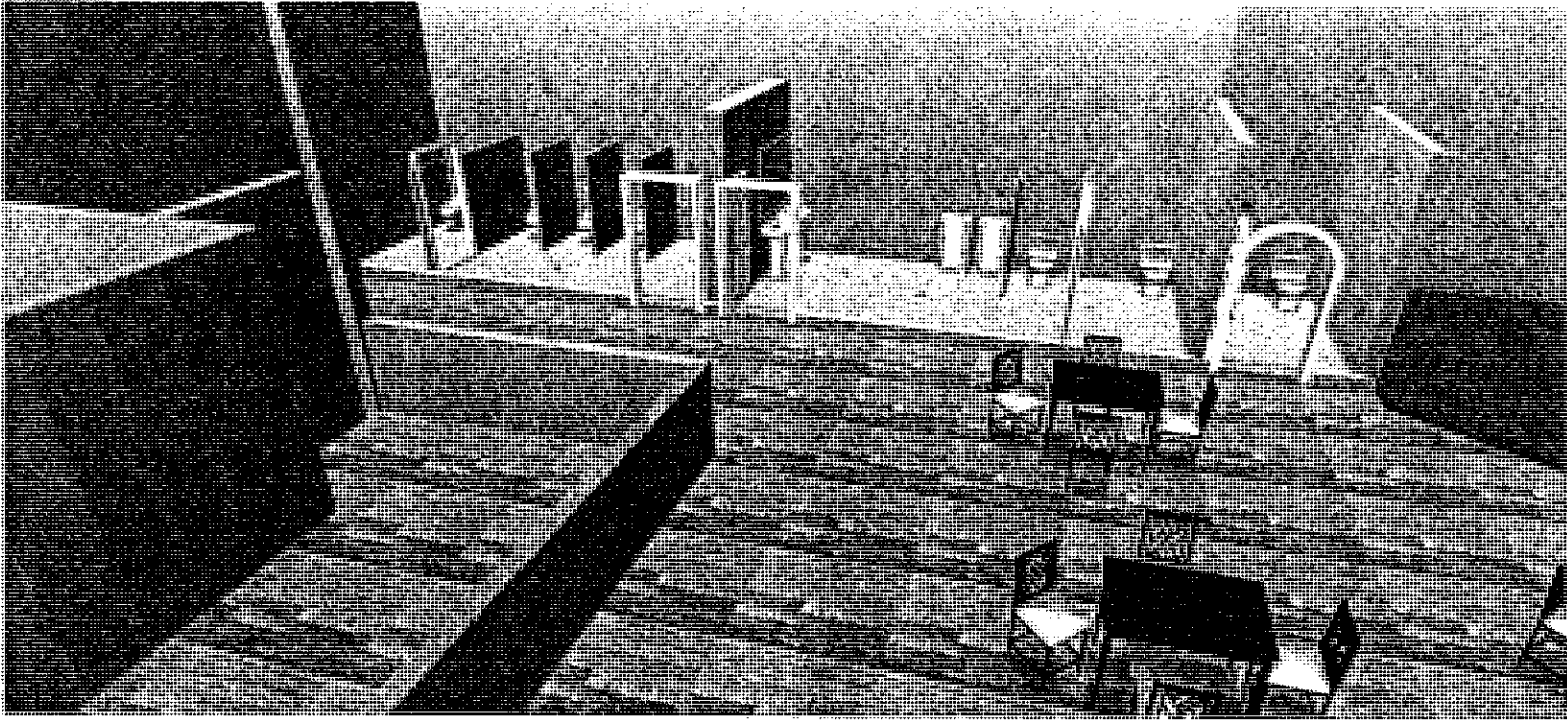
U.S. HIGHWAY NUMBER 77 BY-PASS
VOL. 175 PAGE 313











CITY OF KINGSVILLE

P. O. BOX 1458 – KINGSVILLE, TEXAS 78364



June 28, 2013

Leon Garcia
Club LA Cupula, Inc.
3430 S. Hwy 77
Kingsville, TX 78363

Mr. Garcia,

After performing the research and physical inspection you requested for the property at 1601 S. Hwy 77 Suite P, Engineering Department has concluded that the property in question has met all distance requirements as established by State codes and City Ordinance ORD-2004-20. The re-location of the Silver Spur has exceeded City Ordinance ORD-2004-20 by 917.18 feet from front main entrance of establishment to church main entrance as described and mentioned in ordinance mentioned above. Should you have any questions regarding this issue, please feel free to contact me at 595-8005 or via email at vvalero@cityofkingsville.com.

Best Regards,

A handwritten signature in cursive script that reads "Valerie Valero".

Valerie Valero
Graduate Engineer
City of Kingsville Engineering Department

CONSENT AGENDA

AGENDA ITEM #1

ORDINANCE NO. 2013-

AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 BUDGET OF THE GENERAL FUND FOR IMPROVEMENTS TO THE CITY OF KINGSVILLE DOWNTOWN PAVILION.

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

I.

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

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
<hr/>					
Fund 01 General Fund					
<u>Revenue</u>					
4-160 City & Co. Services	Vacant Lot Clearance	621.10		6,161	
4-160 City & Co. Services	Demolition Recovery	621.20		37,510	
4-160 City & Co. Services	Noxious Matter Abatement	621.30		<u>\$ 11,401</u>	
				<u>\$ 55,072</u>	
<u>Expenditures</u>					
5-450.0-712.01 Parks	Capital Project	712.01		<u>\$ 55,072</u>	
				<u>\$ 55,072</u>	

[To budget for the improvements to the City of Kingsville Downtown Pavilion.]

II.

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

III.

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

IV.

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

INTRODUCED on this the 24th day of June, 2013.

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

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #2

ORDINANCE NO.2013- _____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER III, ARTICLE 7, PERSONNEL POLICIES, SECTION 1 CLASSIFICATION AND COMPENSATION PLAN TO ADD THE POSITION OF ACCOUNTING SUPERVISOR AND LANDFILL FOREMAN TO THE CITY OF KINGSVILLE CLASSIFICATION AND COMPENSATION PLAN FOR FISCAL YEAR 2012-2013; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the certain changes are proposed to the City of Kingsville Classification and Compensation Plan for FY 2012-2013 are desired so that the plan more accurately reflects the type of position necessary for the effective operation of departments;

WHEREAS, the requested change is to add the position of Accounting Supervisor, ML4, and Landfill Foreman, Range 20 to the City of Kingsville Classification and Compensation Plan for Fiscal Year 2012-2013.

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

I.

THAT Section 3-7-1 Adoption of the Job Classification and Compensation Plan of Article 7: Personnel Policies of Chapter III: Administration of the Code of Ordinances of the City of Kingsville, Texas, which adopts by reference the City of Kingsville Classification and Compensation Plan dated effective as of October 1, 2012 shall be amended to adopt by reference the revised Classification and Compensation Plan for FY 2012-2013 to incorporate the changes stated above as per the document attached hereto.

II.

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

III.

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

IV.

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

INTRODUCED on this the 24th day of June, A. D., 2013.

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

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

Approved As to Form:

Courtney Alvarez, City Attorney

**CITY OF KINGSVILLE
CLASSIFICATION AND COMPENSATION PLAN
FISCAL YEAR 2012-2013**

Ordinance Introduced: September 10, 2012
Amendment Introduced: June 24, 2013

Ordinance Approved: September 17, 2012

NON-EXEMPT / NON-CIVIL SERVICE		MIN/HOURLY	MAX/HOURLY
RANGE 7	Custodian Equipment Service Worker Library Assistant FT/PT Maintenance Worker Plant Helper Utility Worker	\$ 8.38	\$11.05
RANGE 8	Animal Control Officer/Kennel Attendant Children's Services Librarian Equipment Operator I Recycling Technician	\$ 8.57	\$11.30
RANGE 9	Customer Service Representative Municipal Court Deputy Clerk Reference/Information Librarian	\$ 8.91	\$12.04
RANGE 10	Circulation Librarian Technician Services Assistant	\$ 9.32	\$12.15
RANGE 11	Pump Operator	\$ 9.75	\$12.87
RANGE 12	Inventory Clerk Information and Technology Librarian	\$10.21	\$13.32
RANGE 13	-	\$10.67	\$13.77
RANGE 14	Accountant I Customer Billing Specialist Engineering Technician Equipment Operator II GIS Technician Meter Reader Technician Telecommunications Operator	\$11.17	\$14.28
RANGE 15	Administrative Assistant I	\$11.66	\$14.78
RANGE 16	Lead Telecommunications Operator	\$12.21	\$15.87

RANGE 17	Accountant II Administrative Assistant II Assistant Library Administrator Equipment Operator III Maintenance Technician Water/Wastewater Operator Welder/Fabricator	\$12.79	\$15.89
RANGE 18	Lab Technician Legal Assistant/Paralegal	\$13.36	\$16.46
RANGE 19	Code Enforcement Officer	\$14.00	\$17.11
RANGE 20	Meter Reader Foreman Wastewater Construction Foreman Wastewater Plant Foreman <u>Landfill Foreman</u>	\$14.64	\$18.14
RANGE 21	City Marshal Crime Scene Specialist Health Inspector I	\$17.17	\$20.78
RANGE 22	Building Inspector City Marshal – Senior Health Inspector II	\$17.84	\$21.89
OTHER POSITIONS			
	Probationary Firefighters (0-12 months)	\$ 13.52	\$13.52
	Probationary Police Officers (0-12 months)	\$ 13.50	\$17.80

**CLASSIFICATION PLAN
EXEMPT LEVEL SALARY PLAN
FY 2012-2013**

	<u>BEGINNING</u> <u>MIN</u>	<u>BEGINNING</u> <u>MAX</u>
EXECUTIVE OFFICER – 1 City Manager	\$ 91,350	\$121,800
EXECUTIVE OFFICER - 2 City Attorney Municipal Court Judge	\$ 76,125	\$ 98,455
MANAGEMENT LEVEL - 1 Fire Chief Finance Director Police Chief Public Works Director/City Engineer Planning & Development Services Director	\$ 60,900	\$ 91,350
MANAGEMENT LEVEL - 2 Assistant City Attorney Human Resources Director Purchasing and Technology Director Tourism Services Director	\$ 46,183	\$ 78,155
MANAGEMENT LEVEL - 3 Accounting Manager Assistant Public Works Director City Marshal (Commander) Health Director Library Director Risk Manager	\$ 40,600	\$ 68,005
MANAGEMENT LEVEL - 4 <u>Accounting Supervisor</u> Building Official City Marshal - (Assistant Commander) City Secretary Collection's Manager Community Appearance Supervisor Downtown and Volunteer Manager Engineering Technician Garage Supervisor Information System Technician Landfill Supervisor Municipal Court Manager Sanitation Supervisor Street Supervisor Wastewater Supervisor Water Production Supervisor Water Supervisor	\$ 35,525	\$ 55,825

FY 12-13

PAY RANGE Year	A TEMP	B New Hire	C 1	D 3	E 6	F 10	G 15	H 20	I 25
7	\$8.51	\$8.87	\$9.22	\$9.58	\$9.93	\$10.28	\$10.64	\$10.99	\$11.22
8	\$8.70	\$9.07	\$9.59	\$9.94	\$10.29	\$10.65	\$10.99	\$11.35	\$11.47
9	\$8.91	\$9.33	\$9.75	\$10.18	\$10.60	\$11.02	\$11.44	\$11.88	\$12.04
10	\$9.32	\$9.67	\$10.02	\$10.37	\$10.73	\$11.07	\$11.46	\$11.91	\$12.15
11	\$9.75	\$10.15	\$10.53	\$10.91	\$11.31	\$11.70	\$12.09	\$12.47	\$12.87
12	\$10.21	\$10.60	\$10.99	\$11.38	\$11.77	\$12.16	\$12.54	\$12.93	\$13.32
13	\$10.67	\$11.05	\$11.44	\$11.83	\$12.22	\$12.61	\$12.99	\$13.39	\$13.77
14	\$11.17	\$11.55	\$11.94	\$12.33	\$12.72	\$13.10	\$13.50	\$13.91	\$14.28
15	\$11.66	\$12.06	\$12.44	\$12.84	\$13.23	\$13.61	\$14.00	\$14.39	\$14.78
16	\$12.21	\$12.67	\$13.12	\$13.58	\$14.04	\$14.49	\$14.96	\$15.42	\$15.87
17	\$12.79	\$13.18	\$13.56	\$13.96	\$14.34	\$14.74	\$15.11	\$15.50	\$15.89
18	\$13.36	\$13.74	\$14.13	\$14.51	\$14.92	\$15.31	\$15.69	\$16.08	\$16.46
19	\$14.00	\$14.38	\$14.78	\$15.15	\$15.55	\$15.94	\$16.34	\$16.72	\$17.11
20	\$14.64	\$15.42	\$15.81	\$16.19	\$16.59	\$16.97	\$17.36	\$17.75	\$18.14
21	\$17.17	\$17.43	\$18.03	\$18.63	\$19.22	\$19.62	\$20.01	\$20.39	\$20.78
22	\$17.84	\$18.54	\$19.13	\$19.74	\$20.34	\$20.74	\$21.12	\$21.52	\$21.89

*Note: +/- cent(s) due to rounding

HOURLY CHART

- STEP A -** City discretion for part-time and temporary positions.
STEP B - New Hire – Orientation Period
STEP C - Step following completion of one (1) year of employment.
STEP D - Step for eligible employees with three (3) years of current uninterrupted City service.
STEP E - Step for eligible employees with six (6) years of current uninterrupted City service.
STEP F - Step for eligible employees with ten (10) years of current uninterrupted City service.
STEP G - Step for eligible employees with fifteen (15) years of current uninterrupted City service.
STEP H - Step for eligible employees with twenty (20) years of current uninterrupted City service.
STEP I - Step for eligible employees with twenty-five (25) years of current uninterrupted City service.

The hourly chart shall be relevant to all full-time non-civil service, non-management employees maintaining a position in the same range. Part-time employees (less than 32 hours per week) shall be paid at the beginning hourly rate of the hourly chart or at the federal minimum wage rate, unless otherwise approved by the City Manager.

CERTIFICATION PAY HOURLY NON-EXEMPT EMPLOYEES (EXCLUDES CIVIL SERVICE PERSONNEL)

Hourly personnel in the Solid Waste Management divisions, Water Department, Water Production Department and Wastewater divisions are eligible for the following certification pay:

Class/Grade/Unit	Monthly	Per Pay Period Basis *
I or D	\$ 30.00	\$ 13.85
C	\$ 40.00	\$ 18.47
II or B	\$ 55.00	\$ 25.39
III or A	\$ 85.00	\$ 39.24

*** Rounding up one cent on per pay period amounts**

MANAGEMENT LEVEL STEP PROGRAM INCREASE DUE ON ANNIVERSARY DATE OF MANAGEMENT LEVEL POSITION.

1 ST YEAR	3%	15 TH YEAR	2%
3 RD YEAR	3%	20 TH YEAR	2%
6 TH YEAR	3%	25 TH YEAR	2%
10 TH YEAR	2%		




MEMORANDUM

From
The Human Resources Department

Date: June 13, 2013

To: Mr. Vincent Capell
City Manager

From: Diana Gonzales, SPHR 
Human Resources Director

Subject: Amendment to Classification and Compensation Plan FY 2012-2013
Agenda Item Information: Part 1 Finance

SUMMARY

The HR office received notification to amend City of Kingsville Classification and Compensation Plan for Fiscal Year 2012-2013 by adding a position title of Accounting Supervisor (Management Level 4) to the positions allotted the Finance Department. With the current vacancy of one of the Accountant II (Range 17) positions, it is proposed to create an Accounting Supervisor instead of filling the existing titled vacancy.

The position of Accounting Supervisor shall oversee the three (3) staff Accountants and be in charge of special revenues/projects. This position shall supervise and participate in the preparation and posting of adjusting journal entries, balancing and reconciliation of the general ledger and subsidiary accounts including but not limited to Municipal Court, Utility Billing, Fixed Assets, Building Licenses & Permits, Purchase Order/Encumbrances, Accounts Payable, Payroll and Accounts Receivable.

Attached is the full job description for this new titled position.

DEPARTMENT STRUCTURE

The Finance Department structure at the beginning of the fiscal year is outlined below with the proposed changes:

Finance Director – Admin Division

Accounting Manager

Accounting Supervisor

- Accountant II – (duties of general ledger and admin)
- Accountant II – (duties of accounts payable)
- Accountant II – (duties of payroll)
- ~~Accountant II – (duties of special revenue/projects)~~

Collection Manager – Utility Billing Division

- Customer Billing Specialist (2)
- Customer Service Representatives (2.5)
- Meter Reader Foreman (1)
- Meter Reader Technician (1)

Municipal Court Manager - Municipal Court Division

- Municipal Court Deputy Clerk (2)
- Customer Service Representative (.5)

FINANCIAL IMPACT

Fiscal Year 2012-2013 financial impact consists of the difference in the Accountant II position to the Accounting Supervisor position for estimated 7 pay periods in current fiscal year of \$5,721.28 in base wages plus benefits of \$2,365.44 for a total of \$8,086.72. The cost will be absorbed by current department budget.

Staffing levels remain the same with this proposed change.

RECOMMENDATION

The addition of the job title will change the structure of the Finance – Admin Division to better streamline the processes and allow the Finance Director to assign the immediate supervision of the 3 staff accountants to this new position as well as some of the special revenue/projects.

The Human Resource Department has worked with the Finance Director and City Manager on the Finance Department structure to create a more efficient department including updating Finance Administration's job descriptions.

After discussions with the Finance Department and approval of the City Manager's office to proceed, it is recommended to amend City of Kingsville Classification and Compensation Plan for FY 2012-2013 to create a Management Level 4 position of Accounting Supervisor



CITY OF KINGSVILLE

Job Description

Job Title Accounting Supervisor	Department Finance	Effective Date May 1, 2013
Reports to: Accounting Manager	Job Code ML4	Salary Range ML4
Approved by Finance Director	FLSA Status Exempt	
Approved by Human Resource Director	Signature:	
	Signature:	

ORGANIZATIONAL RELATIONSHIPS

1. Reports to: Accounting Manager
2. Directs: Accountant(s)
3. Other: Works closely with all City departments/division and the general public.

ESSENTIAL JOB FUNCTION:

Performs routine accounting work: maintains a variety of financial records and prepares statements, reports, and reconciliations; performs related work as required.

1. Coordinates department workflow to ensure timely completion of all accounting functions
2. Prioritizes and allocates work and provides advice, guidance and training to support staff
3. Recommends and administers policies and procedures
4. Continuously monitors and evaluates the efficiency and effectiveness of service delivery methods and procedures
5. Assesses and monitors work load, administrative and support systems and internal reporting relationships
6. Provides research and documentation for the completions of annual audit and financial statement preparation
7. Audits and maintains reconciliation of significant revenue sources (Taxes: property, sales, franchise, hotel/motel, etc.)
8. Audits and maintains reconciliations of significant expenditure uses (payroll, electricity, gasoline, purchasing credit cards, etc.)
9. Participates in the development and administration of the department's annual budget
10. Answers questions and provides information to the public and other departments including financial reporting, accounts payable and payroll data
11. Supervises processing of City's Payroll, Accounts Payable and General Ledger
12. Supervises and participates in the preparation/posting, adjusting journal entries, balancing and reconciliation of the general ledger and subsidiary accounts including but not limited to Municipal Court, Utility Billing, Fixed Assets, Building Licenses& Permits, Purchase Order/Encumbrances, Accounts Payable, Payroll and Accounts Receivable.
13. Responsible for the City's Fixed Asset program to include posting to subsystems, generating reports, and working with department on annual physical inventory
14. Assists in the development and modification of internal accounting controls, policies, procedures and practices.
15. Conducts performance evaluations of direct reports and reviews depart staff evaluations.

ADDITIONAL DUTIES:

- Perform other duties as assigned

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES:

- Knowledge of governmental accounting principles and practices
- Knowledge of principles of financial administration, including budgeting and reporting
- Knowledge of methods and applications of computerized accounting
- Knowledge of modern office practices, procedures, methods and equipment
- Proficiency in the use of computers and office software to include Microsoft Office Suite – Word and Excel
- Ability to communicate effectively, orally and in writing
- Ability to develop and implement accounting system modifications
- Ability to establish and maintain effective working relationships with internal and external customers

PREFERENCE:

- INCODE software experience

MINIMUM QUALIFICATIONS:

- Bachelor's degree from an accredited college or university in Accounting or Finance
- Two (2) years experience in accounting, finance or related field

Acceptable Equivalency:

- Any combination of experience, education and skills necessary for the performance of duties

Conditions of Employment:

- High School Diploma or Equivalent
- Possession of Valid Driver's License
- Proof of Citizenship and /or eligibility to work in the U.S. legally
- Drug Screen
- Background investigation
- City employees are required in the course and scope of their employment to provide services for the benefit of the general public during emergency situations that threaten the safety of Kingsville citizens. City employees must be able to work immediately before, during, and/or immediately after an emergency in accordance with the City of Kingsville Emergency Services Policy No. 881 effective August 28, 2006.
- City employees are required to conduct themselves in a professional manner and shall exhibit and extend such professional conduct appropriate for the circumstances to those with whom they come into contact both internally and externally during the performance of their duties. Examples of professional conduct include, but are not limited to, being communicative, informative, fair, honest and respectful.

PHYSICAL REQUIREMENTS:

Overall Strength Demands: The following describes the overall strength demand of the functions performed by the incumbent during a typical workday.

X Sedentary ☐ Light ☐ Medium ☐ Heavy ☐ Very Heavy

Physical Demand Codes: The following describes if the incumbent is expected to exert the following physical demands during a typical workday and the overall frequency.

Codes for "how often":

N = No

E = extensive
(100-70%)

M = moderate
(60-30%)

I = infrequent
(20-10%)

A = almost never
(<10%)

Task	Code	Task	Code	Task	Code	Task	Code
1. Standing	M	6. Pushing/Pulling	I	11. Crawling	A	16. Vision	E
2. Sitting	E	7. Overhead Work	A	12. Bending	I	17. Hearing	E
3. Walking	M	8. Fine Dexterity	E	13. Twisting	I	18. Talking	E
4. Lifting	I	9. Kneeling	A	14. Climbing	A	19. Video Display	E
5. Carrying	I	10. Crouching	A	15. Balancing	A	20. Other	

Machines, Tools, Equipment and Work Aids:

The essential functions of this position require the daily use of telephone, Fax machine, PC terminal, printer, calculator, adding machine, copy machine, and various resource materials.

Environmental Factors:

The essential functions of this position are performed in an office environment.

NOTE: The above statements are intended to describe the general nature and level of work performed by an employee in this position. These statements are not to be construed as an exhaustive list of all responsibilities, duties, and skills required of employees in this position. This job description is not an employment agreement, contract agreement, or contract. Management has exclusive right to alter this job description at any time without notice.



MEMORANDUM

From
The Human Resources Department

Date: June 13, 2013

To: Mr. Vincent Capell
City Manager

From: Diana Gonzales, SPHR *DGonzales*
Human Resources Director

Subject: Amendment to Classification and Compensation Plan FY 2012-2013
Agenda Item Information: Part 2 Public Works – Landfill Division

SUMMARY

The HR office received a request to amend City of Kingsville Classification and Compensation Plan for Fiscal Year 2012-2013 by adding a position title of Landfill Foreman (Range 20) to the positions allotted the Public Works Department. With the current vacancy of the Equipment Operator III (Range 17) position, it is proposed to create a Landfill Foreman instead of filling the existing titled vacancy.

The position of Landfill Foreman shall be responsible for the operation of heavy equipment for various projects and assist in the daily management of the work area while supervising employees in the field.

Attached is the full job description for this new titled position.

DIVISION STRUCTURE

The structure of the Landfill Division of Public Works as of the beginning of the fiscal year is outlined below with the proposed changes:

Landfill Supervisor

Landfill Foreman

Equipment Operator III

Equipment Operator II (5 Full-time) (1 Temporary Part-Time)

Maintenance Worker (1)

FINANCIAL IMPACT

Fiscal Year 2012-2013 financial impact consists of the difference in the Equipment Operator III position to the Landfill Foreman position for estimated 7 pay periods in current fiscal year of \$1,355.80 in base wages plus benefits of \$815.58 for a total of \$2,171.38. The cost will be absorbed by the current division budget.

Staffing levels remain the same with this proposed change.

RECOMMENDATION

The addition of the job title will change the structure of the Landfill Division of Public Works to better streamline the operation and allow the Landfill Supervisor to assign the immediate supervision of field personnel to the Landfill Foreman who is out in the field on a continuous basis. This will also allow for the Landfill Supervisor to concentrate on the overall management of the landfill to include managing the operating budget and complying with regulatory requirements.

After discussions with the Public Works Department and approval of the City Manager's office to proceed, it is recommended to amend City of Kingsville Classification and Compensation Plan for FY 2012-2013 to create a Landfill Foreman (Range 20).



CITY OF KINGSVILLE

Job Description

Job Title Landfill Foreman	Department Public Works	Effective Date
Reports to: Landfill Supervisor	Job Code Salary Range Range 20	FLSA Status Non-Exempt
Approved by Department Director	Signature:	
Approved by Human Resource Director	Signature:	

ORGANIZATIONAL RELATIONSHIPS

1. Reports to: Landfill Supervisor
2. Directs: Equipment Operator II's and Maintenance Worker(s)
3. Other: N/A

ESSENTIAL JOB FUNCTIONS:

Definition: Under the direction of the Landfill Supervisor, responsible for the operation of heavy equipment for various projects and including the placement, compacting and covering of solid waste. Performs other duties as required for the daily operation of the division.

Essential Job Functions:

1. Operates all applicable heavy equipment to including, but not limited to, landfill compactors, bulldozer, motor graders, hydraulic excavators, backhoes, loaders, etc.
2. Assists in supervising support personnel
3. Assists in the daily management of daily work area and other operational projects
4. Performs routine preventive maintenance and repairs on equipment
5. May be required to work extended hours and Saturdays

ADDITIONAL DUTIES:

Any other duty as assigned.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES:

- Knowledge of mechanical operation of heavy equipment, proper care and knowledge of skillfully and safely using the equipment.
- Ability to keep written records.
- Ability to communicate orally and in writing
- Ability to establish and maintain effective working relationships with internal and external customers

MINIMUM QUALIFICATIONS:

- Possession of a Commercial Driver's License or ability to obtain within three (3) months
- Three (3) years heavy equipment operator experience
- Class A Solid Waste Certification or a Solid Waste Provisional Class A certification within one (1) year of employment

Acceptable Equivalency:

- Any combination of experience, education and skills necessary for the performance of duties

Conditions of Employment:

- High School Diploma or Equivalent
- Possession of Valid Driver's License
- Satisfactory Driving Record
- Proof of Citizenship and /or eligibility to work in the U.S. legally
- Physical Examination
- Drug Screen
- Background investigation

- City employees are required in the course and scope of their employment to provide services for the benefit of the general public during emergency situations that threaten the safety of Kingsville citizens. City employees must be able to work immediately before, during, and/or immediately after an emergency in accordance with the City of Kingsville Emergency Services Policy No. 881 effective August 28, 2006.
- City employees are required to conduct themselves in a professional manner and shall exhibit and extend such professional conduct appropriate for the circumstances to those with whom they come into contact both internally and externally during the performance of their duties. Examples of professional conduct include, but are not limited to, being communicative, informative, fair, honest and respectful.

PHYSICAL REQUIREMENTS:

Must be able to lift and carry up to 100 pounds; push, pull and/or drag up to 150 pounds of equipment and /or materials; climbs, crawls, kneels, squats, stoops, stands, sits, and bends when driving or maintaining equipment; hear and see clearly when working around equipment or in traffic. Works outdoors in extreme temperatures and inclement weather with some exposure to dust, fumes, noise, mechanical, electrical, and chemical hazards while using proper safety precautions.

☐ Sedentary ☐ Light ☐ Medium ☐ Heavy ☒ Very Heavy

Physical Demand Codes: The following describes if the incumbent is expected to exert the following physical demands during a typical workday and the overall frequency.

Codes for "how often":

N = No

E = extensive
(100-70%)

M = moderate
(60-30%)

I = infrequent
(20-10%)

A = almost never
(<10%)

Task	Code	Task	Code	Task	Code	Task	Code
1. Standing	M	6. Pushing/Pulling	E	11. Crawling	M	16. Vision	E
2. Sitting	E	7. Overhead Work	M	12. Bending	M	17. Hearing	E
3. Walking	M	8. Fine Dexterity	E	13. Twisting	M	18. Talking	E
4. Lifting	E	9. Kneeling	M	14. Climbing	M	19. Video Display	I
5. Carrying	E	10. Crouching	M	15. Balancing	M	20. Other	

Machines, Tools, Equipment and Work Aids:

The essential functions of this position require the daily use operation of heavy equipment and utilization of radios, cell phones and office equipment.

Environmental Factors:

The essential functions of this position are performed in an indoor and outdoor work environment; in seasonal heat and cold or adverse weather conditions; and in vehicles.

NOTE: The above statements are intended to describe the general nature and level of work performed by an employee in this position. These statements are not to be construed as an exhaustive list of all responsibilities, duties, and skills required of employees in this position. This job description is not an employment agreement, contract agreement, or contract. Management has exclusive right to alter this job description at any time without notice.

AGENDA ITEM #3



**CITY OF KINGSVILLE
LEGAL DEPARTMENT**

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

Date: June 19, 2013

To: City Commission Members

From: Courtney Alvarez, City Attorney *CA*

Re: Budget Amendment for Professional Services

The professional services budget for the Legal Department this year was approved for \$26,000. Two matters being handled by outside counsel (arbitration and Mendoza case) have been very active as they reach conclusion. To date, about \$5,300 has already been incurred and paid on them. Due to recent activity new invoices for both have been received totaling about \$32,000, necessitating the requested budget amendment. The request includes additional funds in estimation of the remaining final bills to be received in these matters.

ORDINANCE NO. 2013-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 BUDGET OF THE GENERAL FUND FOR LEGAL DEPARTMENT PROFESSIONAL SERVICES.

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

I.

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

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
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Fund 01 General Fund

Revenue

4-190 Purchasing	Auction Revenue	920.00	\$ <u>19,000</u>	
			\$ <u>19,000</u>	

Expenses

5-140.0 Legal Department - Professional Services	314.00	\$ <u>19,000</u>	
		\$ <u>19,000</u>	

[To budget for additional Legal Department - Professional Services due to litigation.]

II.

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

III.

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

IV.

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

INTRODUCED on this the 24th day of June, 2013.

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

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #4



Planning & Development Services Department

TO: Mayor and City Commission

THROUGH: Vincent Capell, City Manager

FROM: Robert G. Isassi, P.E., Director of Planning & Development Services

SUBJECT: **New Member Zoning Board of Adjustments – John Garza III**

DATE: June 27, 2013

This is a request from the City to approve Mr. John Garza, III to the Zoning Board of Adjustments (ZBA) for a two year term. For some time now, the ZBA has had a vacancy that Mr. Garza has volunteered to fill.

John Garza, III is the owner of Eyecon Video productions, an established local company that has been in business for approximately 17 years. Mr. Garza received a degree in Communications from Texas A&M – Kingsville (TAMUK) in 1995 and subsequently received a Bachelor of Science degree in Industrial Technology also from TAMUK in 2002. A member of the Society of Manufacturing Engineers and OSHA certified in Construction Safety, John has dealt with a vast number of private entities over the years which have allowed him to gain firsthand knowledge of the critical elements that comprise a solid infrastructure.

Mr. Garza understands that the Zoning Board of Adjustment hears and decides appeals for variances to the ordinance so long as granting the variance does not contradict the public interest and ensures that the spirit of the ordinances are observed.

The Director of Planning and Development Services recommends Mr. Garza to be approved to serve on the Board based on his belief that Mr. Garza's knowledge of the City, education, and experience will serve as an asset to the board in making fair and prudent decisions.

John Garza

John Garza is the owner of Eyecon Video productions, an established local company that has been in business approximately 17 years. He received a degree in Communications from TAMUK in 1995 and subsequently received a Bachelor of Science degree in Industrial Technology also from TAMUK in 2002. A member of the Society of Manufacturing Engineers and OSHA certified in Construction Safety, John has dealt with a vast number of private entities over the years which have allowed him to gain firsthand knowledge of the critical elements that comprise a solid infrastructure.

REGULAR AGENDA

AGENDA ITEM #5



Planning & Development Services Department

TO: Mayor and City Commission

THROUGH: Vincent Capell, City Manager

FROM: Robert G. Isassi, P.E., Director of Planning & Development Services

SUBJECT: **Special Use Permit Request**

DATE: June 27, 2013

This is a request from a local business owner to approve a Special Use Permit to allow for the operation of a sports bar/club business at the northeast corner of the Wild Horse Mall. The site is currently unoccupied but was previously utilized as a furniture store. Multiple commercial businesses utilize the surrounding suites with a church and school across E. Carlos Truan Blvd. and the back of a residential zone to the west. The applicant will be renting the suite wherein the proposed sports bar/club business will be used.

Per Land Use Chart in Appendix A in the City Ordinance, a Special Use Permit is required for a sports bar/club in a "C2" Retail District, which is what the land is currently zoned.

The Planning and Zoning Commission reviewed and approved the special use permit by a 4-3 vote on June 26th, 2013. In the meeting, there were some concerns on its proximity to a movie theater, church, and a charter school. Four citizens spoke to the commission and stated that were concerned about patrons leaving the parking lot inebriated and intermingling with movie patrons. They were also concerned about its proximity to a church and school. The business owner stated that the only business entrance/exit was outside of the mall so that wandering mall traffic would be separated. During the meeting, a commission member stated that the owner has a proven history of abiding to all laws and regulations and noted that the business is not a detriment to adjacent businesses.

The proposed Special Use Permit is in harmony with the general purpose, goals, objectives and standards of the adopted City's Master Plan. Its use will not be detrimental the existing adjacent uses or to uses permitted generally in the zoning district in which the proposed

conditional use is to be located. The use will not generate traffic volumes or change the types of vehicles existing or anticipated in the surrounding area.

Staff recommends that the Special Use Permit be conditionally approved based on the following conditions:

1. The only uses authorized by this Special Use Permit other than the permitted "C2" Retail District uses is as a sports bar/club.
2. This Special Use Permit is good for the duration of the business from the date of this ordinance unless:
 - a. the property is not being used for the purpose outlined in Condition 1, or
 - b. any other conditions have not been complied with, or
 - c. there is a change in ownership of the business.
3. The applicant shall obtain all required licenses for operating the business and permits for building, fire and health thereby meeting all adopted codes to operate said business, and shall cooperate with all annual fire safety, health, and sanitation inspections, in order to maintain compliance with state and city regulations for the operation of a sports bar/club.

ORDINANCE NO. 2013-_____

AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT AT 1601 S. HWY 77, SUITE P (KINGSVILLE INDUSTRIAL PARK 2, LOT 14.84 AC TRACT) FOR A SPORTS BAR/CLUB; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION.

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

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, June 26, 2013, during a meeting of the Planning Commission, and on Monday, July 8, 2013, during a meeting of the City Commission, in the Commission Chambers, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

WHEREAS, a majority of the Planning Commission by a 4-3 vote APPROVED the requested special use permit; and

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended and a Special Use Permit is granted for a sports bar/club on the premises known as 1601 S. Hwy. 77, Suite P (the northeast corner of Wildhorse Crossing Mall), Lot 14.84 AC Tract, Kingsville Industrial Park 2, as more specifically describe on site plan attached as Exhibit A.

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

1. ALLOWED USE: The only uses authorized by this Special Permit other than the permitted "C2" Retail District uses is as a sports bar/club.

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

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

operating the business and permits for building, fire and health thereby meeting all adopted codes to operate said business, and shall cooperate with all annual fire safety, health, and sanitation inspections, in order to maintain compliance with state and city regulations for the operation of a sports bar/club. .

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

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

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

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

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

INTRODUCED on this the 8th day of July, 2013.

PASSED AND APPROVED on this the 22nd day of July, 2013.

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

Staff Report to the PLANNING & ZONING COMMISSION and CITY COMMISSION

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

Request: APPROVAL OF A SPECIAL USE PERMIT TO ALLOW FOR A SPORTS BAR/CLUB AT
1601 S. HWY 77, SUITE P.

Petitioner and Agent: Leon Garcia

Date of P&Z Hearing: June 26, 2013

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

EXISTING INFRASTRUCTURE

Transportation: Senator Carlos Truan Blvd- Local
Hwy 77- Local
Community Facilities: Services Provided
Capital Improvements: Services Provided
Fire Station Proximity: Within two and two half 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 map
- Aerial Photo
- Mailing list of owners within 200 feet

BACKGROUND AND HISTORY

The petitioner is requesting a special use permit to allow the operation of a sports bar/club business. The suite is currently unoccupied but historically has been utilized as a furniture store. Multiple commercial businesses utilize the surrounding suites. The applicant will be renting the suite wherein the proposed sports bar/club business will be housed.

FIELD INSPECTION AND PERTINENT DATA

The site is located near the intersection of US Hwy 77 and Carlos Truan Blvd. The proposed site to be occupied by a sports bar/club totaling 3800 square feet. The applicant states he will make significant repairs to rehabilitate the existing suite, if approved.

Pertaining to the business, staff has determined the special use permit will be the best route for allowing this type of use as it prevents spot zoning or the potential creation of future incompatible uses. Little to no impact will be made on adjacent residential uses. Staff would recommend that a condition be placed on the

special use permit to ensure the expiration of the special use permit upon transfer of title, cessation of the business by the current owner/applicant.

STAFF REVIEW & RECOMMENDATION

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

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

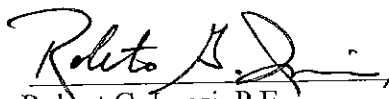
Staff recommends **Conditional Approval** of this request with the following findings:

1. To avoid spot zoning for a commercial property within a residential neighborhood, this special use permit shall expire should the approved special use cease, or in the case of a change in ownership.
2. The business shall obtain all required licenses and permits for the planned construction activity and improvements, thereby meeting all adopted codes to operate said business.

And with the following findings:

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

Prepared by:

 **PE.**
Robert G. Isassi, P.E.

Director of Planning & Development Services

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

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1601 S. Hwy 77 Suite P Nearest Intersection Senator Carlos Trevan / Hwy 77
 (Proposed) Subdivision Name N/A Lot Block
 Legal Description: Kingsville Ind. Park 2, Lot 14.84 AC Tract, (wildhorse crossing) AC 14.84
 Existing Zoning Designation C 2 Future Land Use Plan Designation C 2

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Leon Garcia Phone 361-774-1012 FAX
 Email Address (for project correspondence only): 037leo@gmail.com
 Mailing Address 1533 Lewis City Kingsville State TX Zip 78363
 Property Owner Durrill Properties LTD Phone 361-884-8857 FAX
 Email Address (for project correspondence only): Becky G @ Durrill property.com
 Mailing Address 792 WFM 1961 City Yorktown State TX Zip 78164

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

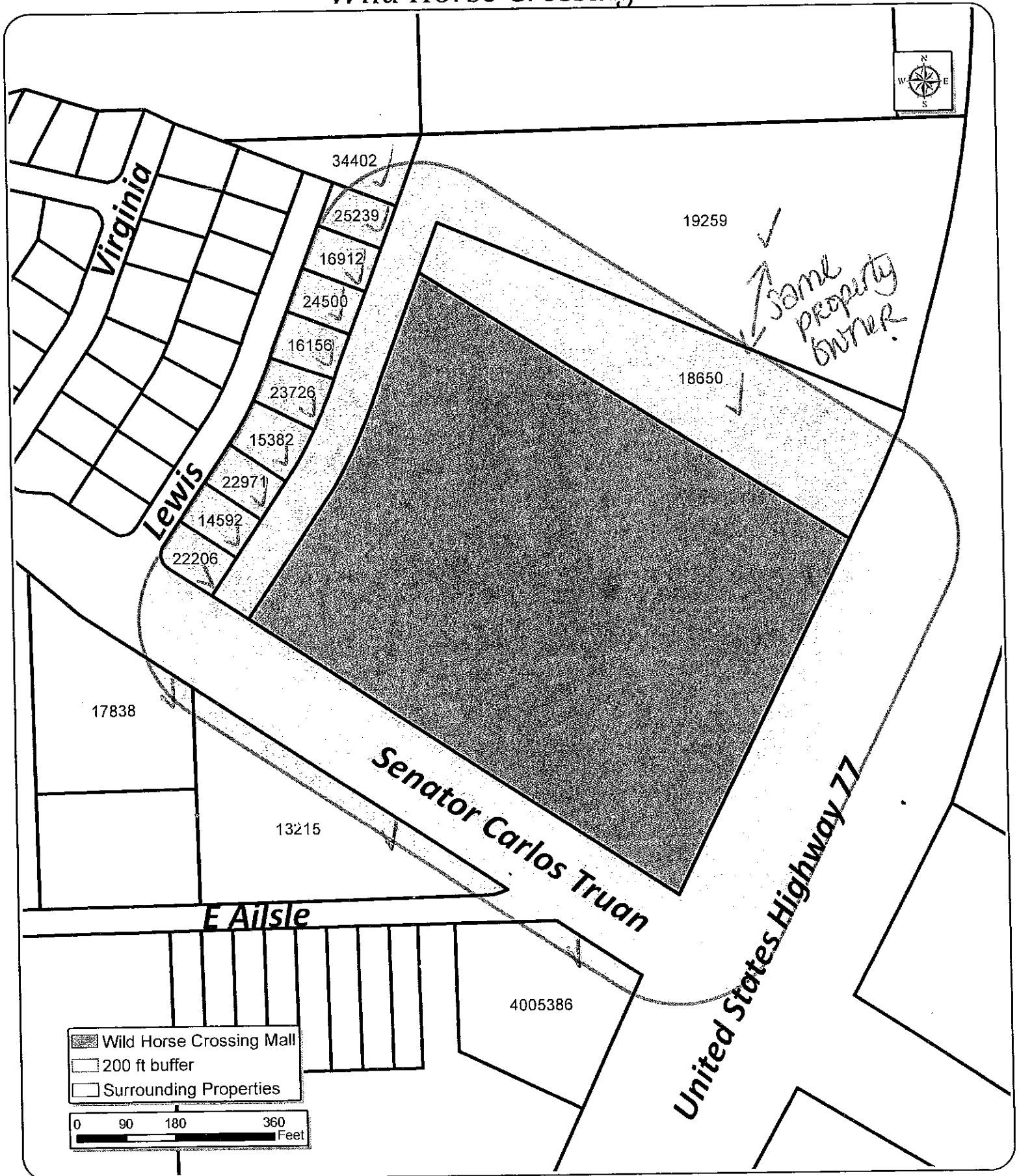
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<input type="checkbox"/> Administrative Appeal (ZBA).....\$ 250.00	<input type="checkbox"/> Final Plat..... Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request....\$ 250.00	<input type="checkbox"/> Minor Plat..... \$ 100.00
<input type="checkbox"/> Re-zoning Request.....\$ 250.00	<input type="checkbox"/> Re-plat..... \$ 250.00
<input checked="" type="checkbox"/> SUP (Request) Renewal.....\$ 250.00	<input type="checkbox"/> Vacating Plat..... \$ 50.00
<input type="checkbox"/> Zoning Variance Request (ZBA).....\$ 250.00	<input type="checkbox"/> Development Plat.....\$ 100.00
<input type="checkbox"/> PUD Request.....\$ 250.00	<input type="checkbox"/> Subdivision Variance Request....\$ 25.00 ea.

Please provide a basic description of the proposed project: the relocation of
Club La Cupula, Inc from 3430 S. Hwy 77 to 1601 S. Hwy 77,
Suite P located in the Northeast corner of Wildhorse crossing

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: Leon Garcia Date: 6-6-13
 Property Owner(s) Signature: Becky G. Durrill Date: 6-17-2013
 Accepted by: Jessica Y. Stork Date: 6-6-13

Wild Horse Crossing Mall



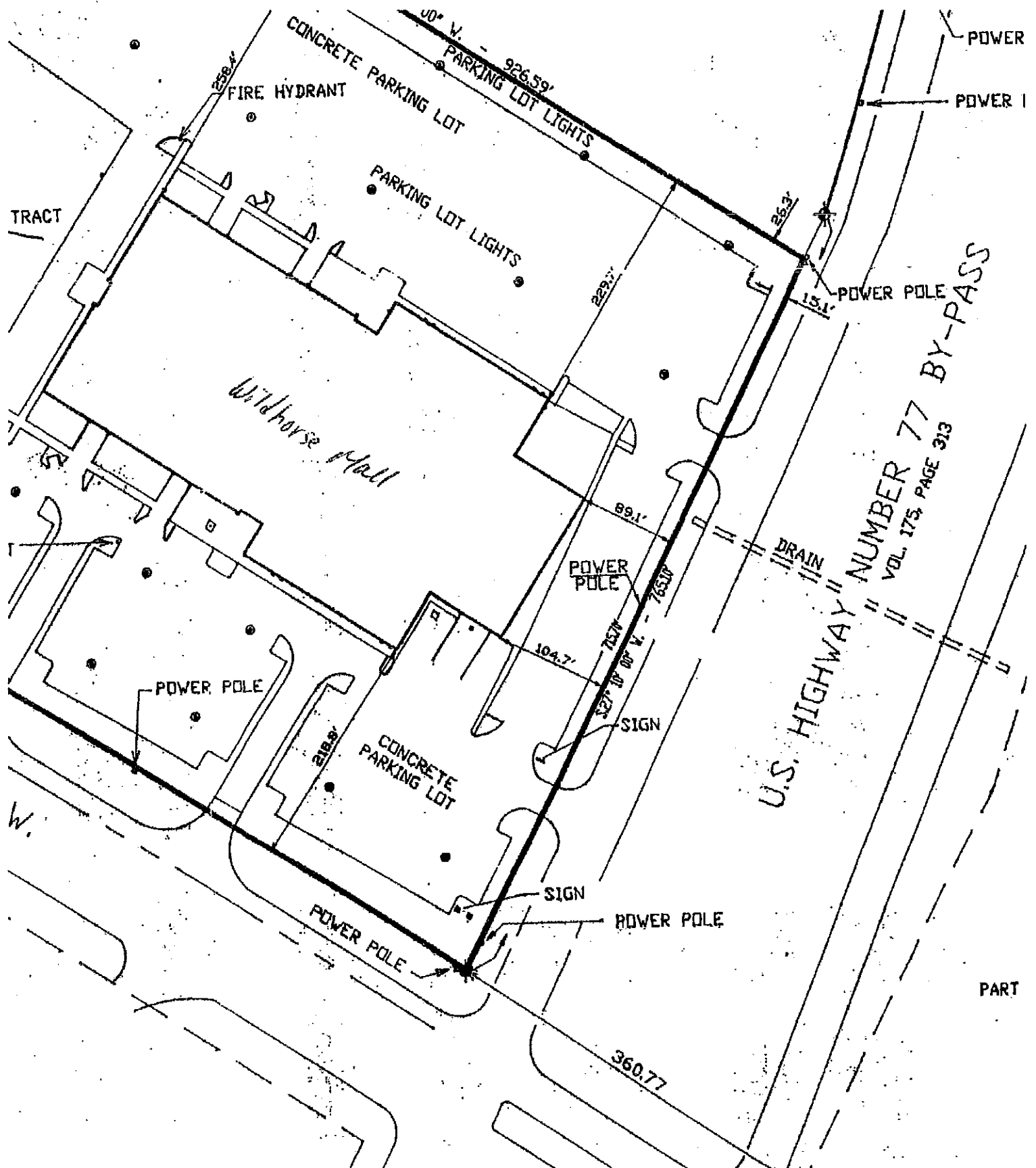
Scope of work

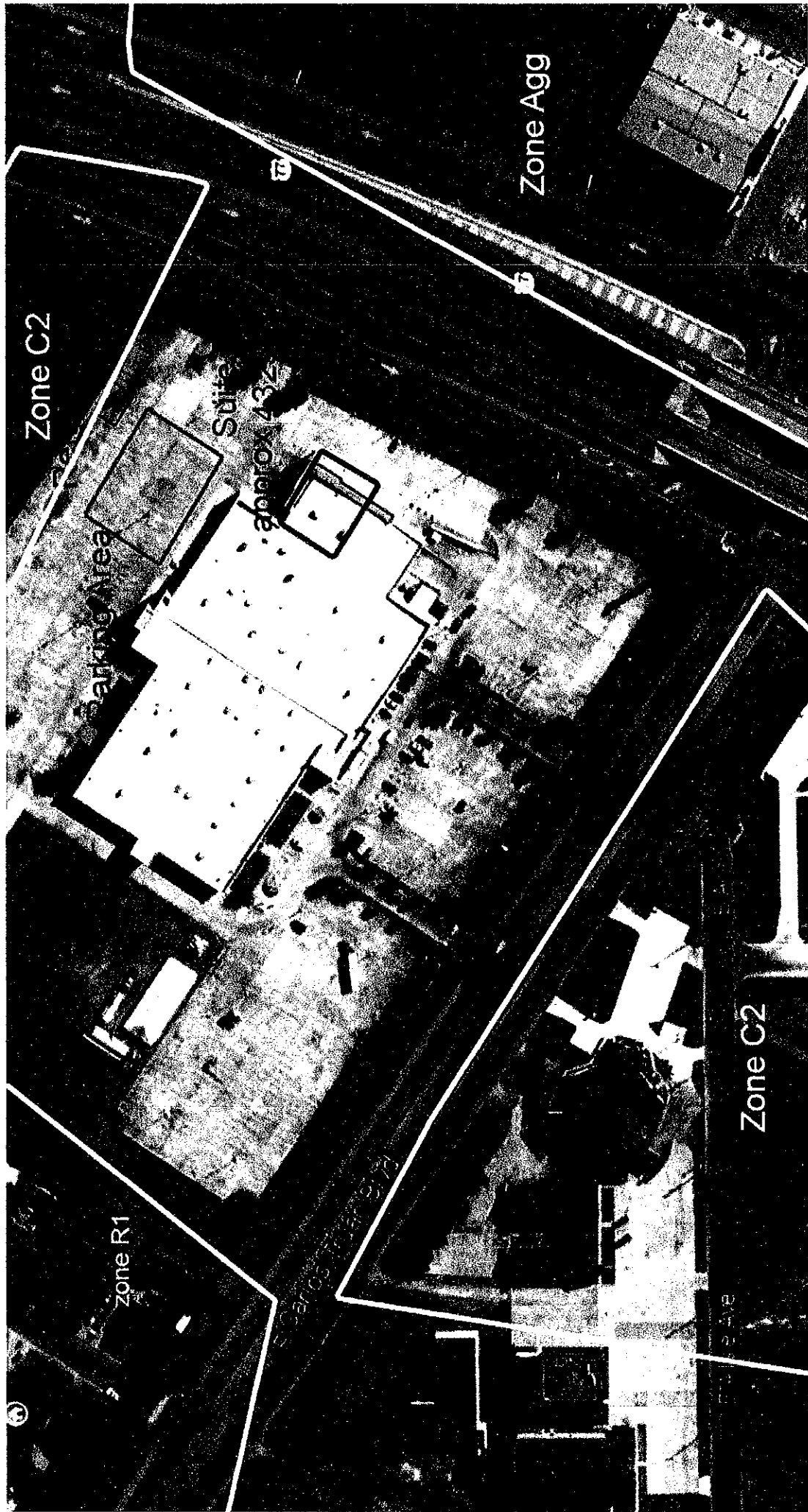
1. The purpose and scope of work is the relocation of Club La Cupula Inc. (dba The Silver Spur) from 3430 S Hwy 77 to 1601 S Hwy 77, Suite P located in the Northeast corner of the Wildhorse Mall. Number of employees is 16 with 7 full time and 11 part-time and hours of operation are Mon-Sun 5 till 2

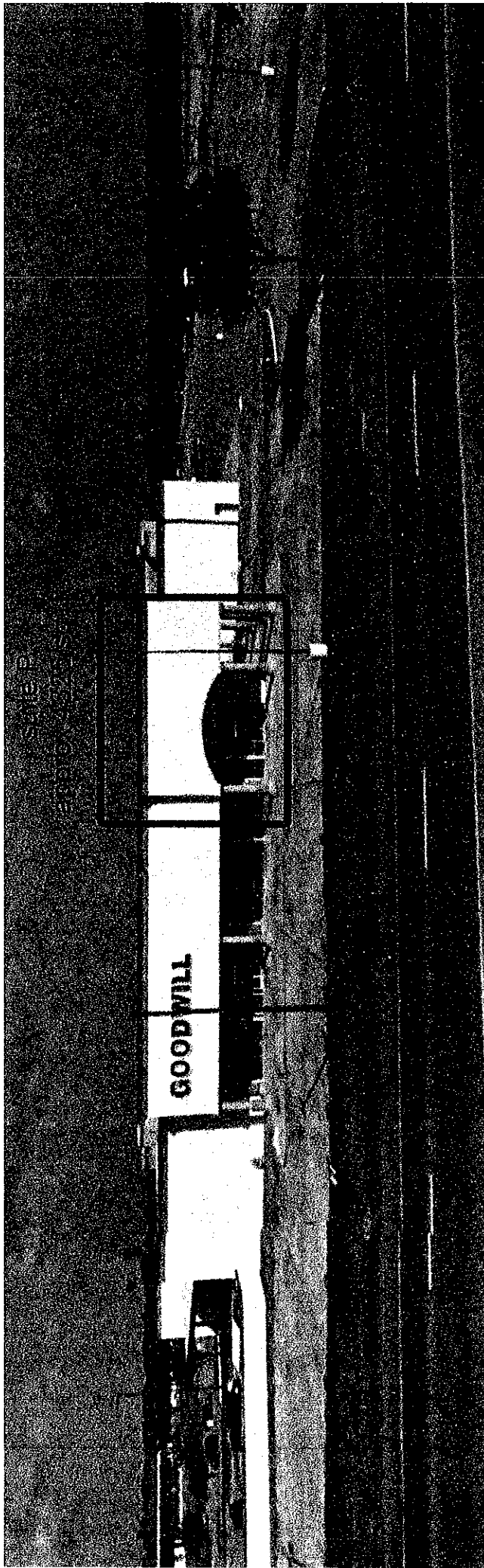
The new site will require the following renovations:

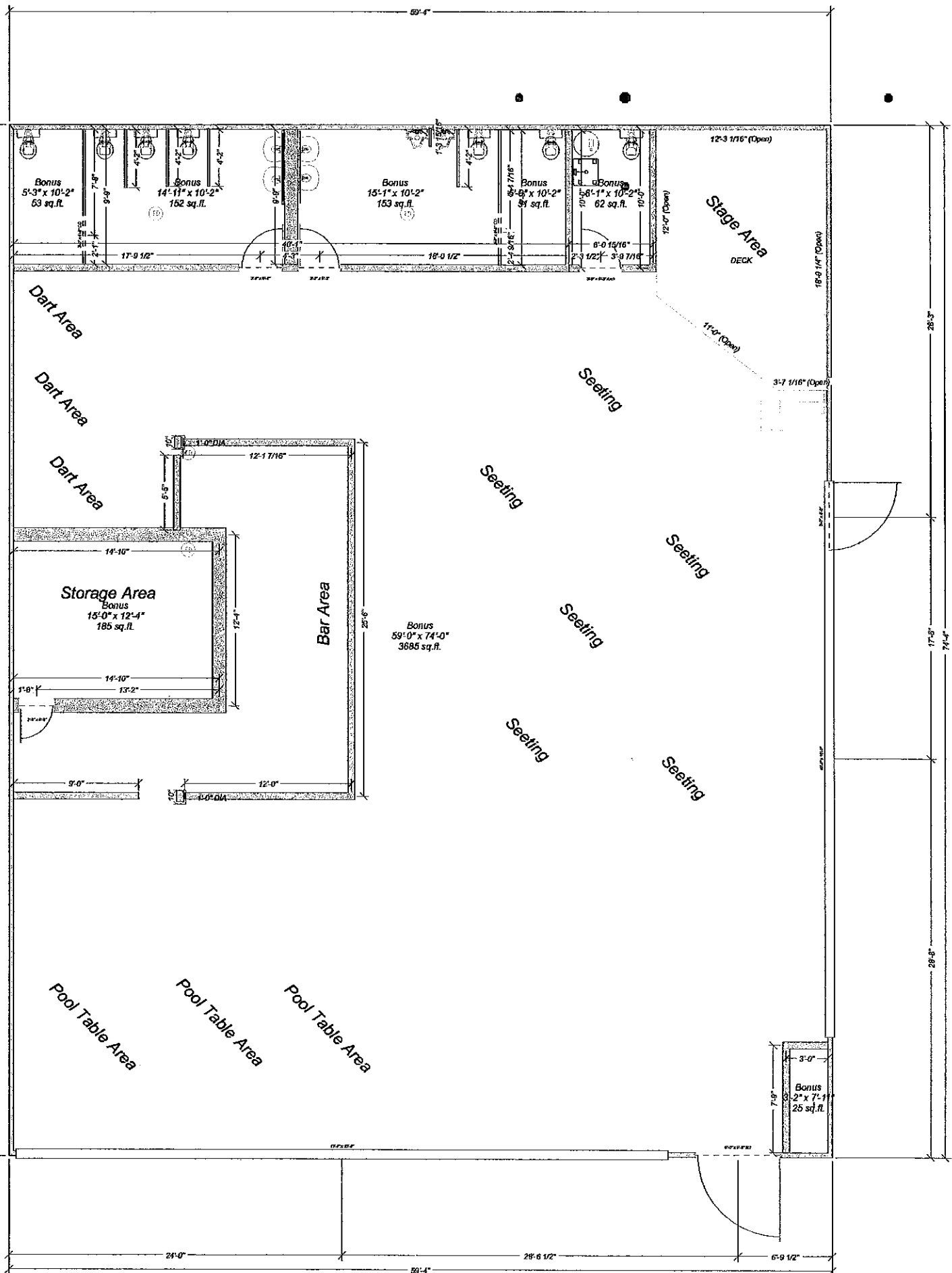
- a. Construction of new ADA compliant restrooms and mop sink.
 - b. Construction of a new permanent bar-top and storage closet.
2. See attached page 5 for layout and configuration.

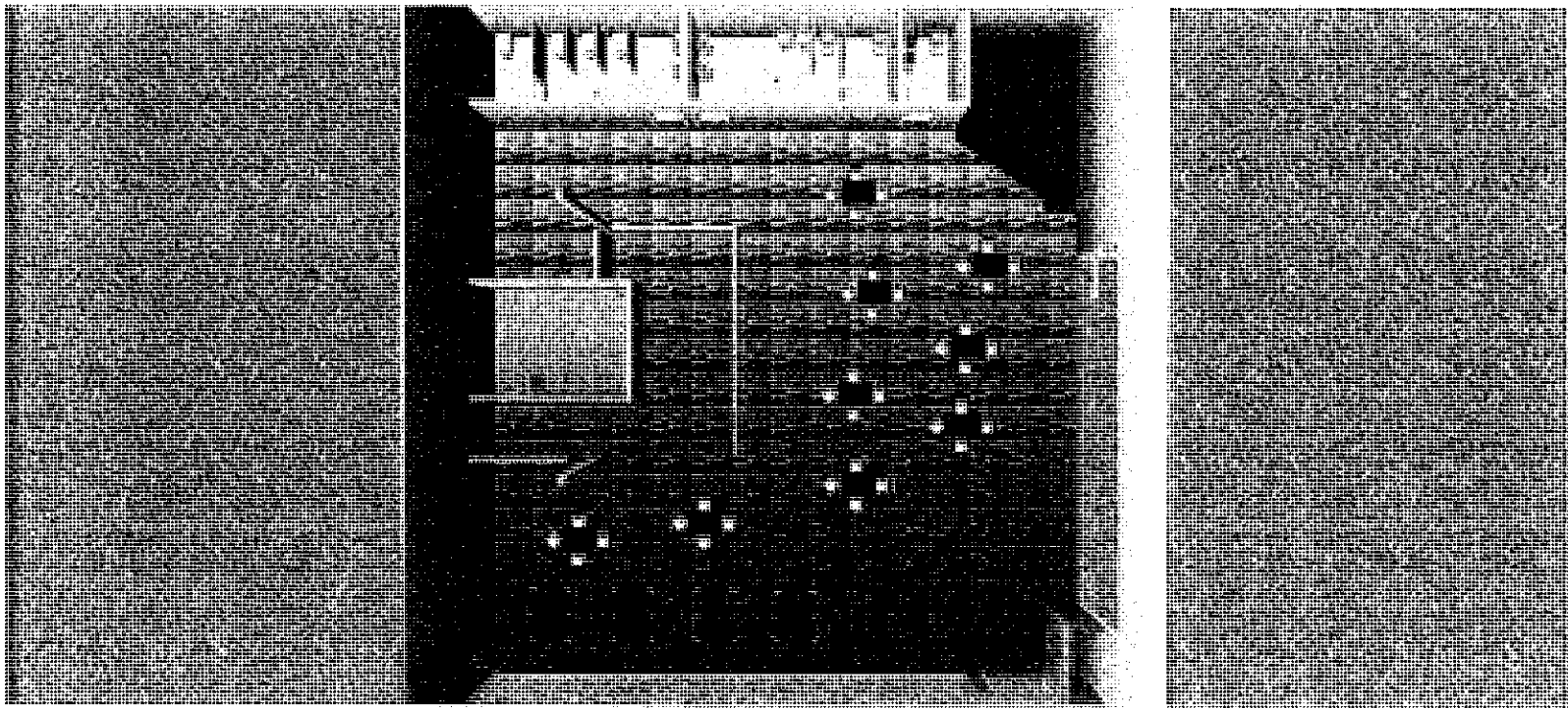
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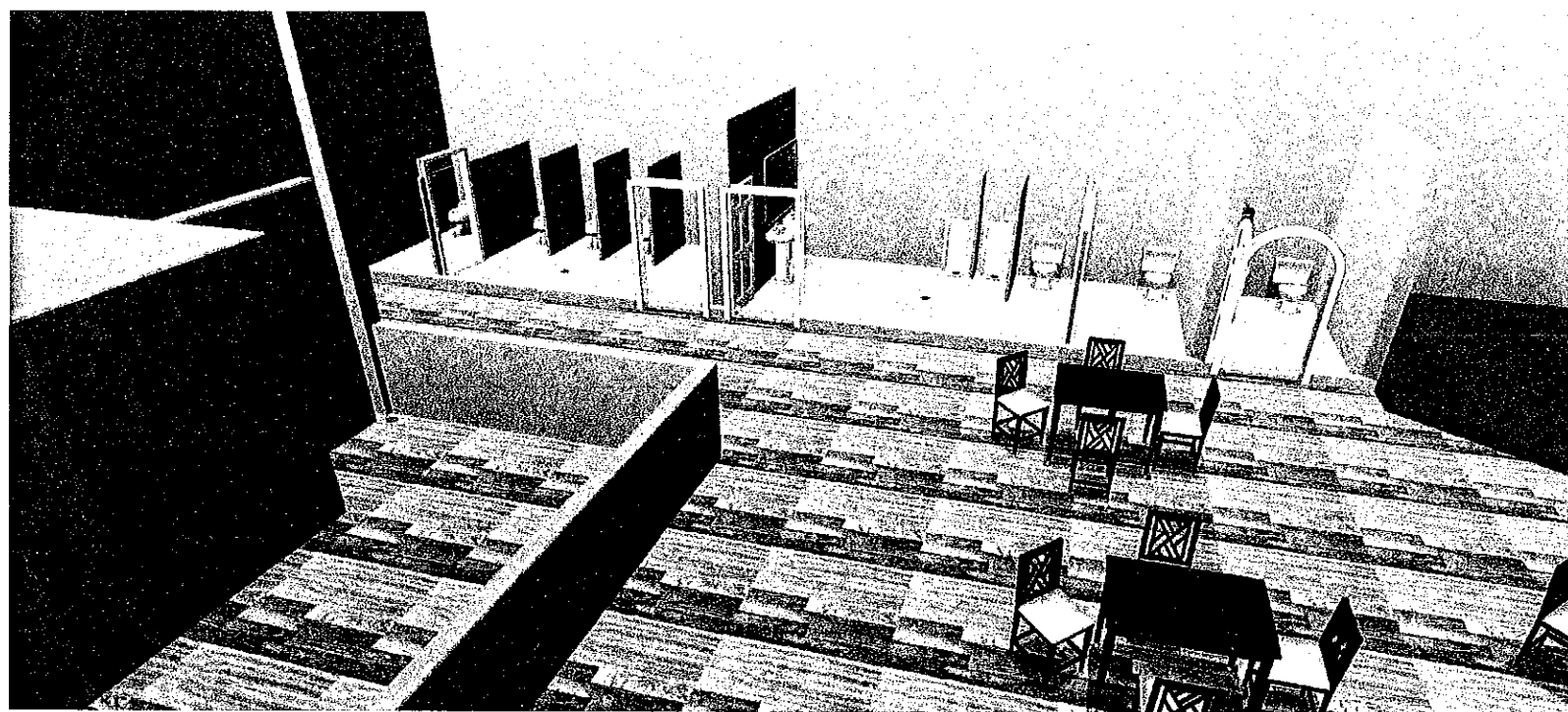












CITY OF KINGSVILLE

P. O. BOX 1458 – KINGSVILLE, TEXAS 78364



June 28, 2013

Leon Garcia
Club LA Cupula, Inc.
3430 S. Hwy 77
Kingsville, TX 78363

Mr. Garcia,

After performing the research and physical inspection you requested for the property at 1601 S. Hwy 77 Suite P, Engineering Department has concluded that the property in question has met all distance requirements as established by State codes and City Ordinance ORD-2004-20. The re-location of the Silver Spur has exceeded City Ordinance ORD-2004-20 by 917.18 feet from front main entrance of establishment to church main entrance as described and mentioned in ordinance mentioned above. Should you have any questions regarding this issue, please feel free to contact me at 595-8005 or via email at vvalero@cityofkingsville.com.

Best Regards,

A handwritten signature in cursive script that reads "Valerie Valero".

Valerie Valero
Graduate Engineer
City of Kingsville Engineering Department

AGENDA ITEM #6



Planning & Development Services Department

TO: Mayor and City Commission

THROUGH: Vincent Capell, City Manager

FROM: Robert G. Isassi, P.E., Director of Planning & Development Services

SUBJECT: **Approval Request for a Preliminary Subdivision Plat**

DATE: June 27, 2013

This is a request for approval of a major preliminary subdivision plat entitled Lake View Villas containing 24 lots on 3.78 acres. The subdivision is located on the 1900 and 2000 block of East General Cavazos Blvd. The street, Isabella Dr., will connect to an existing collector street, Paulson Falls Blvd., on one end and a hammerhead turnaround dead-end on the other. A partial tract of permanent open space will be provided within which to access a stormwater detention basin to control stormwater runoff.

The preliminary plat has been reviewed by the City and has found it to contain all informational requirements listed in the City Ordinance. Per the General Provision 15-3-1 of the City Ordinance, the preliminary plat has been reviewed and unanimously approved by the Planning and Zoning Commission on June 26th, 2013.

City staff recommends the approval of the plat based on its benefit to the community, its generally safe location, and its adherence to the Ordinance regulations.

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 MAJOR PRELIMINARY SUBDIVISION PLAT ENTITLED LAKE VIEW VILLAS CONTAINING 24 LOTS, LOCATED IN THE 1900 BLOCK AND 2000 BLOCK OF EAST GENERAL CAVAZOS BLVD.

Petitioner and Agent: Melden & Hunt Inc., Fred Kurth, P.E., Agent
Date of P&Z Hearing: June 26, 2013

Comprehensive Plan Land Use: Residential
Existing Zoning Classification: R-1 Single Family Residential District
Adjacent Zoning: East: Ag Agricultural District
South: R-1 Single Family Residential District
West: Ag Agricultural District

EXISTING INFRASTRUCTURE

Transportation: General Cavazos Blvd.- Collector
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 major preliminary subdivision plat

BACKGROUND AND HISTORY

This petitioner is requesting approval of this major subdivision plat which will contain 24 lots and one street. Isabella Drive, a dead end street will connect to the existing collector street Paulson Falls Blvd. In all, Lake View Villas will have one point of collector street access outside the subdivision. Partial of a tract of permanent open space will be provided, within to access a storm water detention basin to control storm water runoff. The development is not within the Controlled Compatible Land Use Area, and is outside of the Noise Zones and the Accident Potential Zones. The area is within the Military Influence Area #2.

The following comments have been provided by City staff in the review of the proposal as shown to date:

- (1) Full construction plans must be submitted which include installation of a residential street tree plan and other improvements required in Article V of the Subdivision regulations;
- (2) The proposed Isabella Drive as submitted includes a T-head dead end and will need to accommodate a turnaround movement for passenger and fire and emergency apparatus.

STAFF REVIEW & RECOMMENDATION

When reviewing a preliminary plat of a major subdivision the Planning Commission typically shall consider the following factors:

1. Whether the plat conforms to the Subdivision Regulations and the applicable provisions of the zoning ordinance and other land use regulation; and,
2. Whether the plat represents an overall development pattern that is consistent with the goals and policies of the City's Master Plan, the Major Street Plan, the official future land use map, the capital improvements program and any other applicable planning documents adopted by the City.

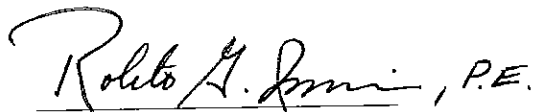
Staff recommends **CONDITIONAL APPROVAL** of this preliminary plat with the following conditions:

- (1) Full construction plans must be submitted which include installation of a residential street tree plan and other improvements required in Article V of the Subdivision regulations;
- (2) The proposed Isabella Drive has been submitted a dead end and will need to accommodate a turnaround movement.
- (3) The primary median on Paulson Falls Blvd will need to be shortened in length as fire truck apparatus and utility trucks cannot make such a sharp turn to enter into the proposed Isabella Drive.

With the above conditions, the following findings of fact have been considered:

1. The plat conforms to the Subdivision Regulations and the applicable provisions of the zoning ordinance and other land use regulation; and,
2. The plat represents an overall development pattern that is consistent with the goals and policies of the City's Master Plan, the Major Street Plan, the official future land use map, the capital improvements program and any other applicable planning documents adopted by the City.

Prepared by:

 , P.E.

Robert G. Isassi, P.E.

Director of Planning & Development Services

CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address _____ Nearest Intersection SEC Paulson Falls Blvd.
F.M. 1330

(Proposed) Subdivision Name Lakeview Villas Lot _____ Block _____

Legal Description: 3.78 acres out of Farm Lot 1, Sect. 22, The Kleberg Town

Existing Zoning Designation Imprv. Future Land Use Plan Designation _____
(Garden Homes)

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): f.kurth@meldenandhunt.com

Mailing Address 115 W. McIntire City Edinburg State TX Zip 78541

Property Owner So. Tx. Benevolent Society Phone (956) 687-6000 FAX (956) 682-6000

Email Address (for project correspondence only): mdizdar@firstcompasshomes.com

Mailing Address 1409 W. Main City McAllen State TX Zip 78501

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

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

Please provide a basic description of the proposed project

A resubdivision of 3.78 acres into 29 Residential lots for
proposed garden homes

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: 5-16-12

Property owners signature: _____ Date: _____

Accepted by: _____ Date: _____

WALSH AND SAWYER
SEWERS AND TOWNS

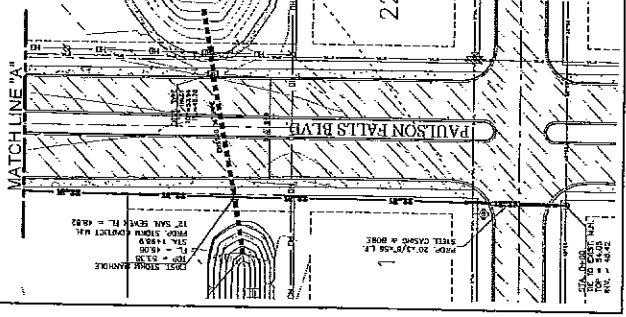
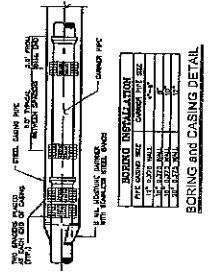
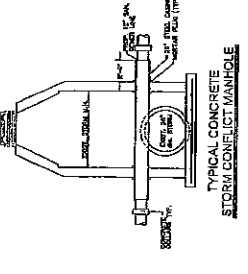
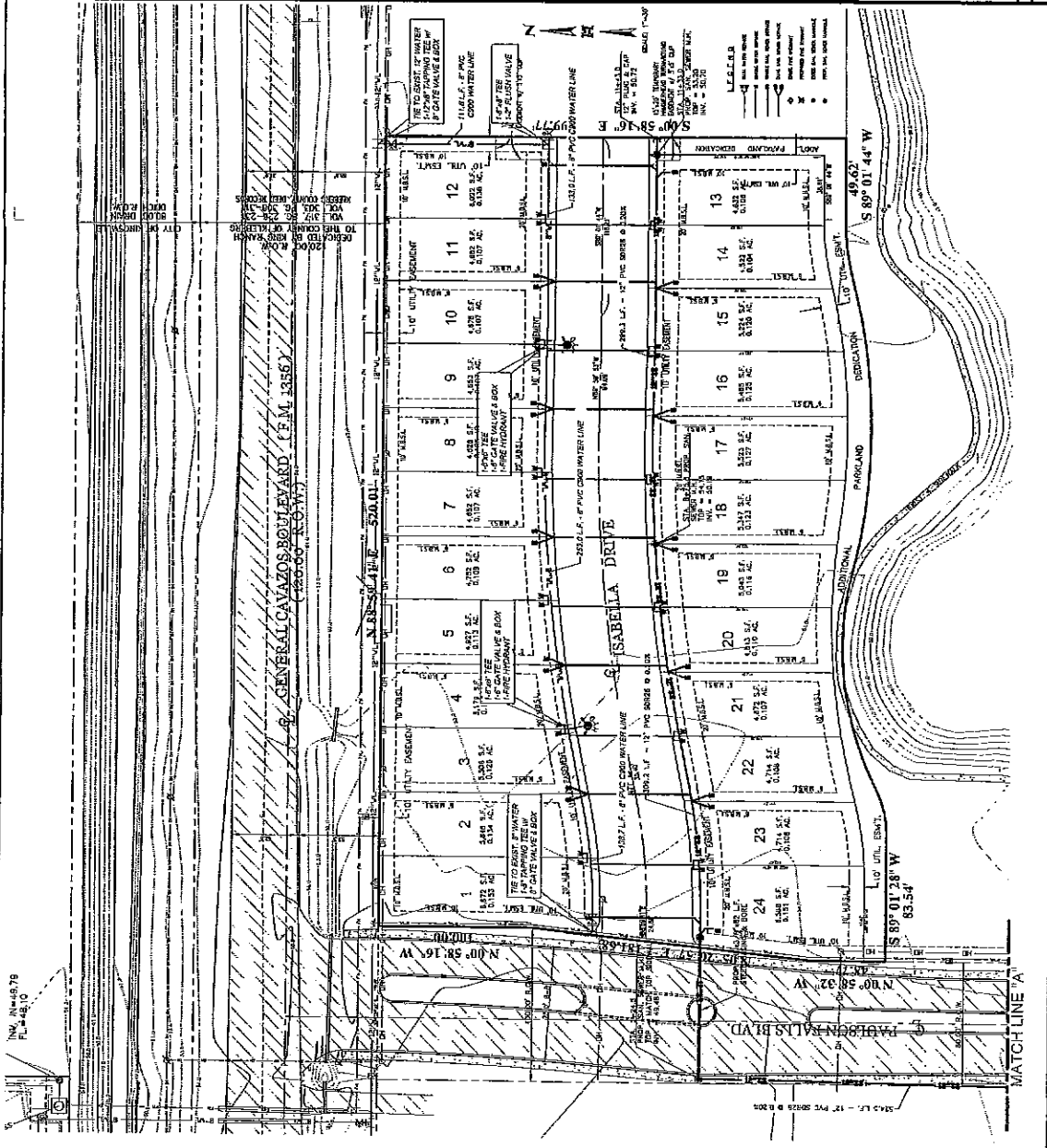
WAKELAND ALFAS
KINGSBURY, DENVER

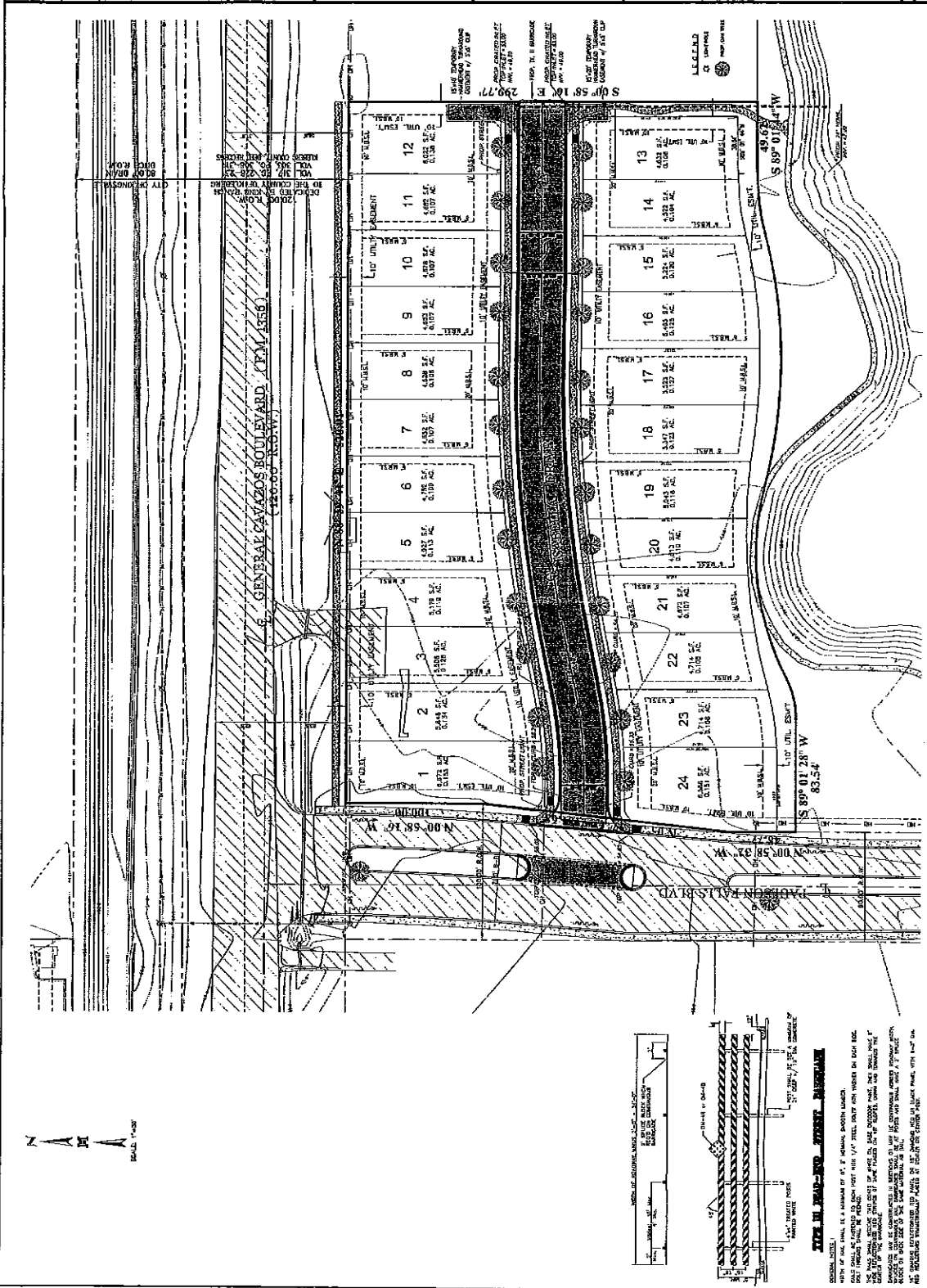


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AGENDA ITEM #7



Planning & Development Services Department

TO: Mayor and City Commission

THROUGH: Vincent Capell, City Manager

FROM: Robert G. Isassi, P.E., Director of Planning & Development Services

SUBJECT: **Ordinance Amendment**

DATE: June 27, 2013

This is a request from the City to approve an amendment to the City Code of Ordinances, Chapter XV, "Land Usage", Article 6, "Sign Regulations", of Chapter 15, "Zoning". Specifically,

- Section 15-6-117, "Owner Identification Signs Permitted",
- Section 15-6-121, "Prohibited Signs", and
- Section 15-6-126, "Permits".

These sections were updated to meet the City's currently-adopted 2008 Master Plan in which it was recommended that the signing ordinance be amended to require monument signing in lieu of pole signing and to clarify exempt and prohibited sign usage.

Per the Commissions direction, City staff has reviewed the existing sign code in order to best serve the public while ensuring sign usage is appropriate and attractive and has made the attached changes. The changes were reviewed by the Planning and Zoning Commission and unanimously approved. In the meeting, there were no public comments on the issue. The items that have been revised are reflected in **bold** in the attached document.

The Director of Planning and Development Services, recommends that the amendment be approved based on: the Planning and Zoning Commission's review and approval, its adherence to the approved Master Plan, and its clarification in signing requirements and permit regulations.

Staff Report to the PLANNING & ZONING COMMISSION and CITY COMMISSION

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

Request: REQUESTING APPROVAL OF AN AMENDMENT TO CHANGE ARTICLE VI "SIGN REGULATIONS" OF CHAPTER 15 "ZONING", SPECIFICALLY SECTION 15-6-117 "OWNER IDENTIFICATION SIGNS PERMITTED", SECTION 15-6-121 "PROHIBITED SIGNS" AND SECTION 15-6-126 "PERMITS" DEALING WITH NEEDED UPDATES PERTAINING TO RECOMMENDED AMENDMENTS PER THE ADOPTED MASTER PLAN & NEEDED LANGUAGE PERTAINING TO EXEMPT SIGNAGE AND PROHIBITED SIGNAGE.

Petitioner and Agent: City of Kingsville
Date of P&Z Hearing: June 26, 2013

EXHIBITS PRESENTED

- Chapter 15 of the Kingsville Code of Ordinances (present at the meeting)
- Kingsville Master Plan (present at the meeting)

FIELD INSPECTION AND PERTINENT DATA

Per the City Commissions direction, city staff has been researching and reviewing the sign code application in order to best serve the public while also ensuring sign usage is appropriate and attractive. In performing this review several areas of Article VI "Zoning", specifically in the "Sign Regulations" section were identified as needing revisions and/or additional language to address exempt signage, temporary signage and prohibited signs. As you are aware, community appearance is one of the City Commission top priorities and this is in line with that priority.

Specifically, staff identified needed revisions within Section 15-6-117 "Owner Identification Signs Permitted" Section 15-6-121 "Prohibited Signs" and Section 15-6-126 "Permits" regarding the type of permitted signage, establishing regulations on temporary signage, identifying prohibited signage and providing additional clarification on exempt signage such as political signage. Currently, the code was unclear as to timelines for placement and removal of certain exempt and temporary signage. Additionally, sizing of allowed signage was out of character for the defined placement to which that scale would create safety issues and detract from the zoning districts in which they could be placed. Also included in the amendments is the ability to expand signage square footage for multi-tenant shopping centers or office buildings to accommodate typical signage needs.

The proposed new language is also consistent with the recommendations of the City of Kingsville's adopted Master Plan. This new language will only affect newly installed signage, as all existing signage will be allowed to remain as a "legal non-conforming use" or "grandfathered" use, unless the signage is unused for a period longer than six months. If this language is adopted and a business wanted to install a sign that is inconsistent with the code, they could apply for relief from the code to attempt to obtain approval for a variance by the Zoning Board of Adjustment. These items have been revised and are reflected in **bold** on the attached document.

STAFF REVIEW & RECOMMENDATION

The purpose of this proposed amendment is to revise Article VI "Sign Regulations" of Chapter 15 "Zoning", specifically Section 15-6-117 "Owner Identification Signs Permitted", Section 15-6-121 "Prohibited Signs" and Section 15-6-126 "Permits" dealing with needed updates pertaining to recommended amendments per the adopted Master Plan & needed language pertaining to exempt signage and prohibited signage.

Staff recommends **Approval** of the amendment requests.

Prepared by:



Robert G. Isassi, P.E.

Director of Planning & Development Services

ORDINANCE NO. 2013-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING SECTIONS 15-6-115 THROUGH 15-6-131, PROVIDING FOR SUBSTANTIAL REVISIONS TO THE SIGN ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

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

WHEREAS, the City has determined that the sign ordinance is in need of substantial revision for the ease of users, benefit of the public to add clarity and for public health and safety;

WHEREAS, the City of Kingsville Planning and Zoning Commission has reviewed this ordinance at a meeting on June 26, 2013 and recommends its approval;

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

I.

THAT Article 6: Zoning of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, Sections 15-6-115 through 15-6-131 shall be amended to read as follows:

...

§ 15-6-115 SIGNS RESTRICTED.

(A) The size, number, characteristics, and location of signs are restricted by this article. Signs owned by or required by governmental entities are not regulated by this article. Advertising signs (signs not on the lot occupied by the business identified or signs aimed at products sold on site) are limited to business, industrial, and agricultural districts with property having frontage on numbered U.S. and State Highways.

(B) Owner identification signs are permitted in all retail, commercial, industrial and agricultural districts (C-1, C-2, C-3, C-4, I-1, I-2, Ag), but in the case of freestanding signs, all signage shall be limited to a monument type signage.

(C) *Monument sign* means a sign resting on the ground immediately below it or with the bottom of the sign within 18 inches of the ground immediately below it.

Sec. 15-6-116. - RESIDENTIAL SIGNS PERMITTED.

No signs other than one real estate sign per street frontage (for rent or for sale) with a maximum area of ten square feet, political signs (any number) with a maximum area of 200 square feet, per sign, occupant's name signs (two) with no business reference and

a maximum area of three square feet shall be permitted in the R-1 Single-Family and R-2 Two-Family Districts. In the R-3 Multi-Family and R-4 General Residential Districts, all signs permitted in the R-1 District and one sign per street frontage (maximum size of 80 square feet per sign) identifying the name of apartments are permitted. No sign shall be placed within 20 feet of the point of intersection of any two right-of-way lines. (Ord. 97041, passed 12-8-97)

§ 15-6-117. OWNER IDENTIFICATION SIGNS PERMITTED.

- (A) Owner identification signs in permitted districts shall comply with the standards of this section. Freestanding signs are limited to one sign per street frontage. The maximum size of any freestanding owner identification sign shall be 200 square feet. Freestanding signs shall have at least eight feet of clearance or be of such a design to preclude pedestrians from walking beneath the sign be only of a monument type sign. The square footage of a multi-tenant sign may be increased by 16 square feet for each additional tenant over the first with a maximum of 500 square feet overall. No sign shall be placed within the arc formed by a 20 foot radius from the point of intersection of two street right-of-way lines unless it complies with § 15-6-120. Each business may possess one sign intended for temporary use, not including such as banners. Temporary or portable signs if electrically connected are limited to a three-foot cord. Pole and wall signs shall have a maximum size of 60 square feet. Temporary signs and banners shall not be larger than 32 square feet and shall be permitted to comply with § 15-6-126(c).
- (B) Flat wall signs shall have a maximum size a total sign area limited to 10% of the facade on which the sign(s) is/are located computed against the first 20 feet in building height. Roof signs shall not exceed 200 square feet and be limited to one sign per building be permitted. Roof and wall signs shall not project more than one foot from the building and it shall be anchored to withstand wind conditions as specified by the adopted Building Code.
- (C) Temporary sandwich board signs may only be located in front of commercial properties within the Historic District where sidewalks are a minimum of eight feet wide. These temporary signs shall be located on a sidewalk during business hours. Under no exception shall the signs be placed over any commemorative pavers. The total size of the sign is not to exceed 42 inches by 24 inches (height x width). The signs must be internally weighted to withstand strong winds. The temporary sandwich board signs shall be placed on the sidewalk one foot from the curb. Only one sandwich board sign shall be permitted per business, and the sign shall be located in front of that specific business, not at another location. If the business is a corner property, the sign may only be placed in one location. Historical Development Board design approval is required prior to a permit being issued by the city.

§ 15-6-118. ADVERTISING SIGNS.

Advertising signs shall not exceed 200 square feet.

(Ord. 97041, passed 12-8-97)

§ 15-6-119. PROJECTING SIGNS.

No sign shall be permitted on or to project into the public right of way except in the Central Business District (C-3) upon receipt of a special use permit. In no case shall any sign be less than eight feet above the sidewalk. Special use permits for signs may be revoked upon 30 days notice by the City Commission and signs must be removed from the public right of way by the end of the 30 day period.

(Ord. 97041, passed 12-8-97)

§ 15-6-120. OBSTRUCTING SIGNS.

Signs shall be designed and located so as not to significantly obstruct sight lines of driveways or intersections of public streets.

(Ord. 97041, passed 12-8-97; Ord. 98013, passed 7-13-98)

**§15-6-121. Strobe revolving and rapidly flashing light displays prohibited
PROHIBITED SIGNS**

[REDACTED]

The following signs shall be prohibited in all zoning districts:

[REDACTED]

(2) Signs in a public right of way other than those permitted under § 15-6-119

(3) Signs within a driveway or street intersection sight visibility triangle which are between three feet and eight feet in height

[REDACTED]

(5) Signs such as beacons or tethered balloons which are otherwise permitted but which by their design or location interfere with aircraft safety.

[REDACTED]

(7) Obsolete signs as defined in § 15-6-131.

(8) Advertising on street furniture, including but not limited to, park benches, trash receptacles, dumpster enclosures, bus shelters, etc.

(9) Signs on public property. Signs found on public property in violation of this section will be removed by the City and disposed of.

(Ord. 97041, passed 12-8-97)

§15-6-122 TRAFFIC FLOW SIGNS.

Signs to facilitate or direct traffic flow shall be permitted as needed. Traffic signs containing advertising or owner identification information shall be counted as owner identification or advertising signs. All such signs shall meet the requirements of the manual and specifications for a uniform system of traffic control devices adopted by the Texas Transportation Commission. No sign may be posted on or in view of a highway which attempt to direct the movement of traffic or prohibits viewing of a traffic sign or signal.

(Ord. 97041, passed 12-8-97)

§ 15-6-123. IRREGULAR SHAPED SIGNS.

Signs of irregular shape (other than square, rectangle, triangle, or circle) shall have their area computed by drawing a rectangle around the sign and computing the enclosed area.

(Ord. 84-009, passed 6-18-84; Ord. 97041, passed 12-8-97)

§ 15-6-124. MAXIMUM SIZE; U.S. HIGHWAY 77 BYPASS.

(A) Owner identification and advertising signs located within 300 feet of the U.S Highway 77 Bypass right of way ~~which utilize steel poles~~ shall ~~be of a monument style and~~ ~~shall~~ not have their total ~~display face sign~~ area exceed 400 square feet, with a maximum height ~~of ten feet and a maximum length of 40 feet equal to that which is~~ ~~allowed in the respective zoning district~~ inclusive of ~~sign frame, cabinet,~~ border and trim ~~to measured from grade~~ ~~to be excluding the base or apron.~~

(B) The maximum size limitations apply to each side of the sign structure or structures visible to approaching traffic.

(C) Signs may be placed back-to-back, side by side, or stacked, with not more than two display faces visible to approaching traffic on the Highway 77 Bypass. Such sign structure or structures shall be considered one sign.

(D) Signs that exceed 200 square feet in area, including cutouts, may not be stacked or placed side by side.

(Ord. 97041, passed 12-8-97)

§ 15-6-125. BANNERS.

Banners are allowed and shall be located as allowed by ~~§ 15-6-126 §§ 15-6-117 through~~ ~~15-6-124~~. The term ~~"Temporary signs"~~ or "Portable signs" ~~does~~ ~~do~~ not include banners.

(Ord. 97041, passed 12-8-97; Ord. 98003, passed 2-23-98; Ord. 98013, passed 7-13-98)

§ 15-6-126. PERMITS.

(A) All signs and banners are required to be permitted prior to installation. ~~Political, local~~ ~~state, and non-profit organization signs are exempted from permitting fees. Political~~ ~~signs must be removed within ten days of applicable election. Temporary or portable~~ ~~signs must be issued a new permit at the beginning of each calendar year.~~

~~(B) Exempt signs: The following signs are exempt from the permit requirements of~~ ~~these sign regulations. No sign, including exempt signs, may be posted within a~~ ~~street, right-of-way without written approval from the Director of Public Works or~~ ~~his designee.~~

(1) Advertising and identifying signs located on currently licensed vehicles such as taxicabs, buses and trucks, as well as on bus benches, except for those vehicle signs prohibited under § 15-6-121.

(2) Any legal or public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance.

§ 15-6-122. Signs on public property. No sign shall be placed on any public property, including but not limited to, streets, sidewalks, public buildings, bridges, or other public structures, except as authorized by the governing body. No sign shall be placed on any public property, including but not limited to, streets, sidewalks, public buildings, bridges, or other public structures, except as authorized by the governing body. No sign shall be placed on any public property, including but not limited to, streets, sidewalks, public buildings, bridges, or other public structures, except as authorized by the governing body.

(4) Holiday and seasonal lights and decorations with no commercial message.

§ 15-6-123. Signs on private property. No sign shall be placed on any private property, including but not limited to, streets, sidewalks, public buildings, bridges, or other public structures, except as authorized by the governing body. No sign shall be placed on any private property, including but not limited to, streets, sidewalks, public buildings, bridges, or other public structures, except as authorized by the governing body.

a. One sign shall be permitted on the property at any one time and shall be removed within 48 hours following the end of the temporary activity or event.

b. May be either installed flat against a structure or affixed in the ground as a freestanding sign.

c. In residential zoning districts, the maximum size shall be nine square feet.

d. In nonresidential zoning districts, the maximum size shall be 32 square feet.

(C) Temporary signs generally, except as otherwise permitted in this sign code, are not classified as exempt signs under § 15-6-126 of the sign code; therefore temporary signs shall:

(1) Obtain a sign permit to be valid for 30 consecutive days, and no more than two temporary sign permits shall be issued for each business per any 180 day period.

(2) Not be placed in street rights-of-way or otherwise diminish public safety such as placement in an intersection visibility triangle.

(3) Not be mounted on a roof or above the roofline.

(4) Not be artificially illuminated; and

(5) Be a maximum of 20 square feet in area when located in residential zoning districts (R3 & R4 districts only);

(6) Be a maximum of 100 square feet in area when located in nonresidential zoning districts;

(7) Be limited to one sign per parcel for each street frontage;

(8) Signs advertising a temporary event may be placed no more than 60 days prior to the event and shall be removed no later than 10 days after the event has ended.

Permit fees will be as follows: \$0.20 per square foot, with a minimum permit fee of \$15.00.

(Ord. 97041, passed 12-8-97; Ord. 98003, passed 2-23-98; Ord. 98013, passed 7-13-98; Ord. 200022, passed 11-20-00)

• § 15-6-127. HISTORICAL DISTRICT.

Any sign or banner to be located within the Historical District shall be reviewed by the Historical Development Board to determine if the sign or banner is in compliance with the Historical Ordinance.

(Ord. 91034, passed — ; Ord. 97041, passed 12-8-97)

§ 15-6-128. PENALTY.

If the owner fails to obtain a permit within three business days of being notified to obtain a permit, a written notice shall be sent by certified mail notifying the owner that he has two days from receipt of the written notice to obtain the required permit. Failure to comply with the written notification will result in a complaint being filed in Municipal Court. For each day the permit is not obtained, it will result in a separate offense. The fine per offense shall not exceed \$500.00.

(Ord. 97041, passed 12-8-97)

• §15-6-129 GRANDFATHER CLAUSE.

Signs already in existence are exempted from permitting, but in the event of repair and/or replacement, other than routine maintenance, all existing signs shall comply with §§ 15-6-115 through 15-6-128 at that time. Notwithstanding anything else herein, all signs must comply with § 15-6-120.

(Ord. 98013, passed 7-13-98)

§15-6-130 CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS.

(A) Definitions.

Changeable electronic variable message sign (CEVMS) shall mean a sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

Off-premises sign shall mean any sign, commonly known as a billboard, that advertises a business, person, activity, goods, products or services not located on the premises where the sign is installed and maintained, or that directs persons to a location other than the premises where the sign is installed and maintained.

On-premises sign shall mean any sign identifying or advertising the business, person, activity, goods, products or services sold or offered for sale on the premises where the sign is installed and maintained when such premises is used for business purposes.

Sign code application area shall mean the corporate limits of the city and the area of its extraterritorial jurisdiction as defined by Tex. Local Gov't Code § 42.021.

(B) Prohibitions.

(1) *Prohibition of new off-premises sign.* From and after the effective date, no new construction permit shall be issued for the erection of an off-premises sign including, but not limited to, ~~billboards~~ new off-premises CEVMS or the conversion of an existing non-CEVMS off-premises sign to a CEVMS, within the Sign Code Application Area.

(2) *Prohibition of changeable electronic variable message signs.* From and after the effective date, no new CEVMS shall be allowed within the Sign Code Application Area.

(C) *Grandfather clause.* CEVMS signs already in existence on the passage of this ordinance are allowed to remain; however, in the event of repair and/or replacement, other than routine maintenance, such signs must comply with this section.

(Ord. 2008-19, § I, passed 5-19-08)

§15-6-131 UNSAFE AND OBSOLETE SIGNS

(A) *Unsafe signs.* If, in the opinion of the Director of Development Services, Building Official, or other designated representative, any sign is or has become dangerous or unsafe in any manner whatsoever, the Director, Building Official, or designated representative shall issue an order to the real property owner directing that the sign shall be immediately repaired and made safe, or taken down and removed.

(B) *Obsolete or abandoned signs and sign structures.* Any sign or sign support structure, whether existing on or installed after the effective date of this sign code: (1) which, for at least 90 consecutive days, has not identified or advertised a bona fide business, lessor, service, owner, product, or activity, or advertised a time which has passed or an event which has occurred; or (2) which has been dilapidated for 30 days or more; or (3) for which the city cannot determine the identity of a legal owner.

(C) *Dilapidated Sign.* A sign which is decayed, deteriorated, or which has fallen into partial ruin that: (1) has any portion of the finished material or surface of the message portion of the sign that is visibly faded, flaked, broken off, missing, cracked, splintered, or defective or that is otherwise visibly deteriorated or in a state of disrepair so as not to substantially appear as it was intended or designed to appear when originally constructed; or (2) has an element, structural support, or frame member that is visibly bent, broken, dented, torn, twisted, leaning, or at angles other than those at which it was originally erected.

(D) *Removal.* The owner, agent, or person in control of any premises on which there is displayed or maintained an unsafe, abandoned, obsolete or dilapidated sign or supporting structure or the owner or person in control of an unsafe, abandoned or dilapidated sign or supporting structure shall comply with the following requirements:

- a. Any sign that is unsafe, abandoned, obsolete or dilapidated shall be removed.
- b. If a supporting structure used or designed to be used with a sign is unsafe, abandoned, obsolete or dilapidated, the supporting structure shall be removed.
- c. If an unsafe, abandoned, obsolete or dilapidated supporting structure does not have a can, frame, or similar part of the supporting structure that would hold the sign or to which the sign would be attached, the supporting structure shall be removed.

Failure to remove shall be a violation of this ordinance. It shall be a rebuttable presumption that a sign is abandoned if it meets the definition of ~~dilapidated~~ abandoned or obsolete sign.

(E) *Process.* Should the director of Development Services, Building Official, or other designated representative, determine that any sign is not properly maintained, is unsafe or insecure or has otherwise been constructed, erected or maintained in violation of the provisions of this code, he shall declare it to be a public nuisance and

give written notice of same via hand delivery or certified mail return receipt requested to the real property owner of record.

- a. Such notice and order shall contain substantially the following: (1) location, type, and business name of the sign that is sufficient for identification of such sign; (2) a statement that the designated city employee has found such sign to be in violation of this code or other laws, together with a general description of such violation; (3) the amount of time required to bring the sign into compliance with this code or any other law, said time not to exceed ten (10) days, which may be extended by the designated city employee when it is shown that such corrections cannot be accomplished within the original ten-day time period.
- b. Should the owner of the premises where the sign in question is located fail to remove or repair the sign within the time period specified in this section, the city may remove or repair the sign and assess the cost for same against the owner of record of the real property from which it was removed or repaired. If said costs are not paid, then said costs shall constitute as a valid lien. The City shall assess the costs as a valid lien against such property with the lien accruing interest at eight (8) percent per annum, simple interest until such time as paid in full.
- c. In addition to the above, the ~~Building Official~~ ~~Director of Development Services, or other designated representative~~ may issue citations or pursue any other administrative or legal remedy in order to abate any sign which is in violation of this code or any other law.
- d. Notwithstanding anything to the contrary, the ~~Building Official~~ ~~Director of Development Services, or other designated representative~~ may cause any sign which is dangerous as an immediate hazard to persons or property to be removed summarily and without notice.

....

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 22ndth day of April, 2013.

PASSED AND APPROVED on this the ___th day of May, 2013.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

Corridor Enhancement

1. Prepare corridor and small area enhancement plans focusing on enhancements outside of the public right-of-way on State routes and both within and outside of the right-of-way on local streets. Within the right-of-way of local streets, consider boulevard street sections for major collector and arterial roadways.
2. Adopt design standards related to commercial and industrial development. Standards should regulate the building size, roof, and skyline; materials and design elements; loading and storage placement and screening; open space and streetscape areas; landscaping; and signage. Industrial district standards should differentiate between outer (those with street frontage and visible to the public) and interior (those shielded or screened from public view via building orientation, location, or design) elevations. Truck loading and exterior storage areas must be effectively screened and buffered.

Sign Control

1. Amend the sign ordinance to require monument versus pole signs, with an incentive for an increase in the total allowable sign area for multi-tenant centers. Establish the allowable types of signage, as well as the total permissible sign face area, and the allowable number of signs per site and their locations. The ordinance should specify the types of signs that are allowed without a permit, such as government signs, private traffic control signs, and utility and hazard signs, among others. In addition, it should specify prohibited signs including motion, illuminated, and portable signs. A master sign plan should be required for multiple tenant buildings, planned development, and large subdivisions, requiring submittal and approval of a plan prior to sign permitting and construction. Other provisions such as site visibility and maintenance and handling of abandoned, damaged, and discontinued signs should be addressed.

Neighborhood Character

1. Incorporate into the zoning ordinance anti-monotony regulations for future single-family development. The standards require a minimum separation between similar houses on the same block and require a variety of floor plans, facade treatments, and other dimensional requirements (height, roof type, material types, garage placement, etc.).
2. Amend the subdivision regulations to require a perimeter bufferyard around neighborhoods. The scale of the bufferyard would be commensurate with the intensity of the subject and adjacent uses. Arterial streets would be accounted for to ensure sufficient visual protection and to mitigate noise and other impacts.
3. Create neighborhood connectivity standards that set a minimum number of entrances to subdivisions based upon size. "One way in/one way out" subdivisions should be discouraged. Thresholds can identify the number of connections (i.e., two connections if over 50 units).

AGENDA ITEM #8



Planning & Development Services Department

TO: Mayor & City Commission

THROUGH: Vincent Capell, City Manager

FROM: Robert G. Isassi, P.E., Director of Planning & Development Services

SUBJECT: **Request to release blanket easement**

DATE: June 27, 2013

This is a request from Ms. Alana Logue, who represents the owner of the property located along East General Cavazos Blvd., between US 77 and Golf Course Road, and Mr. Steven Charnquist who represents a potential buyer of this property. They are requesting that a blanket City easement, referenced in a 1905 deed, be released.

The Engineering Office has investigated the deed history and discovered a 2007 deed for the property which does not mention any such easement. It is the City's belief that this easement was either previously released or abandoned in the time between 1905 and 2007 without any documentation.

The owner is requesting the full release of this easement based on engineering drainage improvements done along East General Cavazos Blvd. and Golf Course Rd. which do not require additional drainage running through an arbitrary location within this property. Furthermore, in reassurances to the City, our City ordinances require drainage plans for all new development that would be occurring on this and all property that will further attest that the existing drainage can handle this runoff.

The City Engineer and I are recommending that this easement be released so that additional developments may continue along East General Cavazos and Golf Course Rd without the easement referenced in the 1905 deed deterring its potential for continued growth.

RESOLUTION # 2013-_____

A RESOLUTION ABANDONING AN EASEMENT WITHIN FARM LOT 15, SECTION 17 OF THE KT&I CO. SUBDIVISION; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a drainage easement is located within Farm Lot 15, Section 17 of the KT&I Co. Subdivision has been requested to be abandoned by the property owner, Merchants Holding Company, LLC; and

WHEREAS, the drainage easement was given in a 1905 deed, recorded on Volume F, Page 313 at the Deed of Records of the Kleberg County Clerk's Office; and

WHEREAS, the City has no need for the easement as there is drainage in the area and as city ordinances require drainage plans for development of the property and none of the parties are opposed to the abandonment of the easement; and

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

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

I.

THAT drainage easement located within the 1905 deed, recorded on Volume F, Page 313 at the Deed of Records of the Kleberg County Clerk's Office as depicted in accordance with Exhibit A & B hereto attached and made a part hereof is hereby abandoned.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the Kingsville City Commission
on the 8th day of July, 2013.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

THE STATE OF TEXAS

COUNTY OF NUECES

KNOW ALL MEN BY THESE PRESENTS,

That THE KLEBERG TOWN AND IMPROVEMENT COMPANY, a corporation duly incorporated and existing by virtue of and in conformity with the laws of the State of Texas, for and in consideration of the sum of (\$1077.90/100) One Thousand and Seventy Seven and 90/100

Dollars to it paid, and to be paid, by

JORGEN A. KIRK

of the County of ALAMEDA

and State of CAL.

as follows:

The sum of Three Hundred and Fifty Nine Dollars and Fifty Cents (\$359.60/100) in cash, the receipt of which is hereby confessed and acknowledged, and the further sums of

Two Hundred and Thirty Nine Dollars and Fifty Cents (\$239.50/100) and
Two Hundred and Thirty Nine Dollars and Forty Five Cents, (\$239.45/100) and
Two Hundred and Thirty Nine Dollars and Forty Five Cents, (\$239.45/100)

Represented by the three (3) promissory notes of the grantee, of even date herewith and payable to the order of the grantor One (1), two (2), and three (3)

years respectively from the date of these presents, together with interest from the date hereof, on each of said three (3) deferred payments, at the rate of six (6) per centum per annum, payable annually, and also ten (10) per centum as attorney's fees on all the principal, and all the interest to accrue thereon; should the three (3) promissory vendor's lien notes evidencing said deferred payments, or either of them, be placed in the hands of an attorney for collection after maturity or be collected by or through the Probate Courts;

has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto the said Jorgen A. Kirk, all that certain lot, tract, piece or parcel of land lying and being situated in the said County of Nueces, and State of Texas, and more particularly bounded and described as follows, to-wit:

Thirty-Five and Ninety three One Hundredths (35.93) acres of land,

Being a part to the extent of the metes, bounds and quantity thereof; of that certain larger tract or grant of land called and known as "El Rincon de Santa Gertrudie, Originally granted by the State of Tamaulipas to Juan Mindiola; the said Thirty-Five and Ninety Three One Hundredths (35.93) acres of land being the Farm Lot number Fifteen (15) in Block Number Seventeen (17)

of and in the surveyed and plotted limits of the suburbs of the town of Kingsville, according to the survey and maps thereof now here especially referred to and made part hereof for greater certainty of description of the land hereby conveyed

TO HAVE AND TO HOLD the same unto the said Jorgen A. Kirk,

and to his heirs and assigns FOREVER, subject, however, to the following covenants and conditions, which shall run with the land to be binding upon all persons claiming by, through or under the said grantee:

FIRST: It is covenanted and agreed by the grantee herein for himself, his heirs and assigns, that this conveyance is accepted by him upon the condition that neither he nor any person under him shall drill, dig or bore upon said land or any part thereof below the surface of the soil to a depth in excess of one hundred (100) feet for any purposes whatsoever; except with the written consent or permission of the party of the first part, which written consent or permission will be given to the grantee herein to drill, dig or bore an artesian well or artesian wells in and upon the said land, to provide water for domestic purposes, and for irrigation of said land, under rules and regulations established or from time to time to be established by the Board of Directors of the grantor company, said rules and regulations to be at all times of equal and undiscriminating operation upon all grantees of like quantities of lands from the said grantor for agricultural purposes and of a similar character; the said grantee agreeing to conform to such rules and regulations as a part of the consideration hereof; and for the joint and common benefit of the grantor and all grantees of like character.

SECOND. It is covenanted and agreed by the grantee herein for himself, his heirs and assigns, that the grantor shall have the right and privilege at any time hereafter to establish, construct and maintain, at its own expense, pipe lines and ditches, to conduct water over and across any part of the lands herein conveyed; either to provide water for the use of other persons, or for drainage purposes, provided that the right of way so exercised shall not take land more than five feet in width, and provided that after any portion of the land shall have been improved by the said grantee his heirs and assigns, by the construction of buildings, cisterns,

fences or otherwise, there shall, upon the establishment or original construction of said pipe line or lines, ditch or ditches, over and across said land, be paid to the grantee his heirs or assigns, the actual damage or money loss, if any, done or caused thereby to such improvements.

THIRD. It is covenanted and agreed by the grantee himself, for himself his heirs and assigns, that the breach or violation of either of the covenants aforesaid, shall, at the option of the grantor, cause a forfeiture of the estate and property hereby granted, and reversion thereof to the grantor herein, its successors or assigns.

FOURTH. It is covenanted and agreed, and this conveyance is accepted by the grantee upon the express conditions that neither he nor any person holding under him shall at any time establish or maintain any business for the sale at retail of spirituous or malt liquors, or knowingly permit the establishment or maintenance of any such business for the sale at retail of spirituous or malt liquors; said condition being imposed upon the grantee herein for the benefit of and as a reversion pertaining and belonging to Mrs. H. M. King, of Nueces County, Texas, her heirs and assigns, as provided under the term, of a certain deed of conveyance made and executed by the said Mrs. H. M. King to The Kleberg Town and Improvement Company, on the 20th day of August 1904, and recorded in the office of the County Clerk of Nueces County, in Volume 12, pages 546 to 550 reference to which is hereby made. But the said condition shall be availed of by the said Mrs. H. M. King, her heirs, assigns, or legal representatives, only in the following manner:

In the event of the breach of the said covenant by the said grantee or any assign, lessee or sub-lessee of him or other person claiming rights under or through this deed of conveyance, notice in writing shall be served upon said offender, requiring a cessation of such breach of condition, and if said offender shall not within thirty days thereafter wholly cease from such breach of the covenant and condition aforesaid, said Mrs. H. M. King, original grantor, her heirs, assigns or legal representatives, may enter upon said land or the part, section, lot or subdivision thereof owned or claimed in right by said offender, and all right, title and interest of said person of possession or otherwise, shall immediately and forthwith cease and terminate in favor of the said original grantor, her heirs, assigns or legal representatives.

And the said grantor binds itself, and its successors, to warrant and forever defend all and singular the said premises unto the said Jorgen A. Kirk, his

heirs, and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, except as hereinbefore provided.

It is, however, now hereby expressly understood and agreed that a vendor's lien is now herein and hereby expressly retained upon all of the lands and premises hereby conveyed, to secure the payment of all of the said unpaid purchase money and all interest and attorney's fees that may accrue thereon, according to the tenor and effect of said promissory vendor's lien notes.

IN WITNESS WHEREOF, the said The Kleberg Town and Improvement Company has caused these presents to be signed in its corporate name by its president, and its corporate seal to be hereto affixed and attested by its Secretary, on this

(L. S.)

Fourteenth (14") day of June, A.D. 1905.

Attest: Caesar Kleberg,
Secretary.

THE KLEBERG TOWN AND IMPROVEMENT COMPANY,
By Robt. J. Kleberg,
President.

THE STATE OF TEXAS,

COUNTY OF NUECES. BEFORE ME, SAM RAGLAND

a Notary Public duly commissioned in and for the said State and County personally came The Kleberg Town and Improvement Company by its President Robert J. Kleberg, known to me to be the person whose name is subscribed to the foregoing instrument as President of The Kleberg Town and Improvement Company, and who acknowledged the same to be the act of the said corporation, and that he executed the same for the purposes and consideration therein expressed.

Given under my hand and Seal of office, this 5th day of July A.D. 1905.

(L. S.)

Sam Ragland,
Notary Public, Nueces County, Texas.

THE STATE OF TEXAS,

COUNTY OF NUECES. I, H.E. Luter, Clerk of the County Court in and for said County, do hereby certify that the foregoing Deed dated the 14th day of June 1905, with its certificate of authentication, was filed for record in my office, the 24th day of July 1905, at 2:05 o'clock P.M., and duly recorded the 28th day of August, 1905, at 4:30 o'clock P.M. in Deed Record of said County in Vol. 38 on pages 251 to 255.

Witness my hand and the seal of the County Court of said County at office in Corpus Christi, Texas, the day and year last above written.

(L. S.)

H.E. Luter,
County Clerk, Nueces County.

By Ora Caldwell, Deputy.

270480
WARRANTY DEED

DATE: May 25, 2007

GRANTOR: **MERCHANTS HOLDING COMPANY, L.L.C.**
A Texas limited liability company

GRANTOR'S MAILING ADDRESS : 1 Estrella Ranch Lane
Hebbronville, Jim Hogg County, Texas 78361

GRANTEE: **T9E THREE, LP**
A Texas limited partnership

GRANTEE'S MAILING ADDRESS: 1 Estrella Ranch Lane
Hebbronville, Jim Hogg County, Texas 78361

CONSIDERATION: TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration.

PROPERTY (including any improvements):

Situated in Kleberg County, Texas and being a 35.4 ± acre tract of land out of Farm Lot 15, Section 17, more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

None.

Grantors, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, GRANT, SELL AND CONVEY to Grantees the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantees, Grantees' heirs, executors, administrators, successors or assigns forever. Grantors binds Grantors, and Grantors' heirs, executors, administrators, successors and assigns to WARRANT AND FOREVER DEFEND all and singular the property to Grantees and Grantees' heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

When the context requires, singular nouns and pronouns include the plural.

[signature page follows]

MERCHANTS HOLDING COMPANY, L.L.C.
A Texas limited liability company

By: _____

Name: STEVEN C. GRINNELL

Its: Managing Member

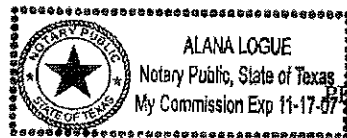
STATE OF TEXAS
COUNTY OF _____

§
§

BEFORE ME, the undersigned authority, on this day personally appeared Steven C. Grinnell, Managing Member of Merchants Holding Company, L.L.C., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and on behalf of said company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 11 day of June, 2007.

Alana Logue
Notary Public, State of Texas



PREPARED BY AND AFTER RECORDING RETURN TO:

SAMES & WERSTAK, L.L.P.
Attorneys at Law
Walker Plaza
5810 San Bernardo, Suite 400
Laredo, Texas 78041

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13:36

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174/18

KLEBERG COUNTY TITLE

Exhibit "A"

VOL 0365 PAGE 761

590

Field notes for a 35.4 ± acre tract of land out of Farm Lot 15, Section 17, The Kleberg Town & Improvement Co., Kleberg County, Texas.

... X ...

Being all that certain tract or parcel of land situated in Kleberg County, Texas, and being a part of Farm Lot 15, Section 17, The Kleberg Town & Improvement Co., a subdivision to the said Kleberg County described by map or plat recorded in Envelope 18, Plat Cabinet I, Map and Plat Records, Kleberg County, Texas, and being a part of that tract of land conveyed by deed to Martin Christopher recorded in Volume 12, Pages 552-553, Deed Records, Kleberg County, Texas, more particularly described by metes and bounds as follows to wit:

BEGINNING at an iron rod found in the ground and taken for the intersection of the South line of the aforementioned Farm Lot 15 with the West Right-of-Way line of Texas State Road FM 3320 (said Right-of-Way described in deed to the State of Texas recorded in Volume 293, Pages 314-317, Deed Records, Kleberg County, Texas) for THE POINT OF BEGINNING, said point being the Southeast corner of the tract herein described;

THENCE, with the aforementioned South line of Farm Lot 15, WEST, a distance of 1242.5 feet to an iron rod found in the ground for a corner, said corner being the Southwest corner of the aforementioned Farm Lot 15, said corner being the Southwest corner of the tract herein described;

THENCE, with the West line of the aforementioned Farm Lot 15, NORTH, a distance of 1185.03 feet to an iron rod found in the ground for a corner, said corner being in the Southeast Right-of-Way line of U. S. Highway No. 77 By-Pass, (said Right-of-Way described in deed to the State of Texas recorded in Volume 175, Pages 593-596, Deed Records, Kleberg County, Texas) said corner being an outer corner in the West line of the tract herein described;

THENCE, with the aforementioned Southeast Right-of-Way line of U. S. Highway No. 77 By-Pass, N. 28° 26' 49" E., a distance of 64.68 feet to an iron rod found in the ground for a corner, said corner being in the North line of the aforementioned Farm Lot 15, said corner being the Northwest corner of the tract herein described;

THENCE, with the aforementioned North line of Farm Lot 15, EAST, a distance of 1211.69 feet to an iron rod found in the ground for a corner, said corner being in the aforementioned West Right-of-Way line of Texas State Road FM 3320, said corner being the Northeast corner of the tract herein described;

THENCE, with the aforementioned West Right-of-Way line of Texas State Road FM 3320, SOUTH, a distance of 1241.9 feet to RETURN TO AND CLOSE AT THE POINT OF BEGINNING, containing within said bounds 35.4 ± acres of land.

... X ...

The above field notes were prepared from data obtained from a survey made, on the ground, under my supervision in the month of September 2004 for Merchants Holding Co., LLC.

By: 



RECORDER'S MEMORANDUM:
All or Parts of the Text on this Page
Was Not Clearly Legible For Satisfactory
Recording

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FILE# 270480
FILED FOR RECORD

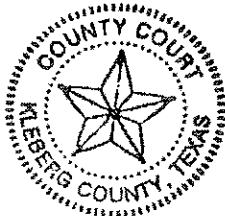
2007 JUN 21 PM 3:24

LEO ALARCON
COUNTY CLERK KLEBERG COUNTY

BY *Clarissa Moreno*
DEPUTY

CLARISSA M. MORENO

THE STATE OF TEXAS, COUNTY OF KLEBERG, I HEREBY CERTIFY THAT
THIS INSTRUMENT WAS FILED ON THE DATE AND TIME STAMPED
HEREON BY ME AND WAS DULY RECORDED IN THE OFFICIAL RECORDS
OF KLEBERG COUNTY, TEXAS



VOL 365 PAGE 759

JUN 25 2007

RECORDING DATE

Leo Alarcon

LEO ALARCON

COUNTY CLERK, KLEBERG COUNTY

ANY PROVISIONS HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR
USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR
RACE INVALID AND ENFORCEABLE UNDER FEDERAL LAW

RETURN TO:

KLEBERG COUNTY TITLE

216 E. KLEBERG

KINGSVILLE, TEXAS 78363

RECORDERS MEMORANDUM:

ALL OR PART OF A SOCIAL SECURITY NUMBER, IF CONTAINED IN THIS DOCUMENT,
MAY HAVE BEEN REDACTED. TEX. GOV'T CODE SEC. 552.147 (b) THE COUNTY CLERK
MAY REDACT A LIVING PERSON'S SOCIAL SECURITY NUMBER FROM ANY OR
ALL DOCUMENTS CONTAINED FOR DISCLOSURE BY KLEBERG COUNTY.

United States Highway 77

C4

Farm-to-Market Road 332

R3

T9E THREE LP

KT & CO, BLOCK 17, LOT 15, ACRES 35.33

MUK

General Cavazos

n Falls

R2

AGENDA ITEM #9



Purchasing/IT Department

361-595-8025
361-595-8035 Fax

DATE: June 27, 2013
TO: City Commission through City Manager
FROM: David Mason, Purchasing/IT Director
SUBJECT: USDA/RUS Broadband Grant Application

SUMMARY

This resolution is in support of the Community-Oriented Connectivity Broadband Grant sponsored by the United States Department of Agriculture (USDA) Rural Utilities Service (RUS).

BACKGROUND

The City of Kingsville, as an entity and a community, suffers from a severe lack of technology infrastructure. High speed internet is almost nonexistent and the potential for additional services is not good. Mr. Walt Magnussen, Director of Telecommunications at Texas A&M University (TAMU) in College Station, TX has been in touch with the City of Kingsville concerning the aforementioned grant. TAMU would apply for and manage the grant and project on behalf of the City of Kingsville. The grant could be in the range of \$1 to \$1.5 million dollars with an estimated match of \$150,000.

Mr. Magnussen 's explanation of the project included:

- "Establish a neutral communications hub in town (it would interconnect to the TAMUK and Valley Telephone network).
- Run fiber to all city buildings.
- Install a city WiMax network that would provide free Internet access to all citizens for 2 years (a requirement of the grant)
- Install at least one community computer center (a library, community center or some such)."

RECOMMENDATION

It is highly recommended the Commission give full support to this program to enhance infrastructure improvements the telecommunications base of the City. Internal operations, economic development, and quality of life issues are all subject to vast improvement.

FINANCIAL IMPACT

The Resolution of Support in and of itself has no immediate financial impact. Should the grant be awarded, approximately \$150,000- in matching funds would be necessary and could come from the City's available fund balance reserves.

RESOLUTION #2013-_____

A RESOLUTION AUTHORIZING PARTICIPATION IN THE COMMUNITY-ORIENTED CONNECTIVITY BROADBAND GRANT SPONSORED BY THE U.S. DEPARTMENT OF AGRICULTURE (USDA) RURAL UTILITIES SERVICE (RUS); AUTHORIZING CITY STAFF AND THE DIRECTOR OF TELECOMMUNICATIONS AT TEXAS A&M UNIVERSITY IN COLLEGE STATION TO ACT ON THE CITY'S BEHALF WITH SUCH PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City, as an entity and a community, suffers from a severe lack of technology infrastructure; and

WHEREAS, the U.S. Department of Agriculture (USDA) Rural Utilities Service (RUS) is providing grant money for such technology infrastructure through the Community-Oriented Connectivity Broadband Grant; and

WHEREAS, the Director of Telecommunications at Texas A&M University in College Station has been in touch with the City concerning this grant and would apply for and manage the grant and project on behalf of the City

WHEREAS, the grant has a 15% cash match and staff has identified a funding source should the City be successful in obtaining the grant.

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

I.

THAT the City authorizes staff and the Director of Telecommunications at Texas A&M University in College Station to apply for and participate in the Community-Oriented Connectivity Broadband Grant sponsored by the U.S. Department of Agriculture Rural Utilities Service in conformance with this program. The City is approving the application and acceptance of any grant funds for this program.

II.

THAT the staff and the Director of Telecommunications at Texas A&M University in College Station are hereby authorized and directed to act on the City's behalf in all matters pertaining to the Community-Oriented Connectivity Broadband Grant including any certifications, amendments or representations stipulated therein and that they will administer the program and execute and submit all certifications, reports, or contracts necessary for the administration and expenditure of such program.

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the 8th
day of July , 2013.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



United States Department of Agriculture

RURAL UTILITIES SERVICE STATUS OF BROADBAND INITIATIVES PROGRAM As of 4/3/13



Introduction

The Department of Agriculture's broadband goal is to increase the number of rural Americans with access to robust broadband service and provide the speeds and bandwidth for health care, public safety, educational, business and social services. Rural Utilities Service (RUS) provides financing that facilitates broadband service providers offering affordable, broadband service to residents and businesses, expanding access to education and health care, creating high-skilled, high-wage jobs, and increasing economic opportunities across rural America. This infrastructure investment creates jobs when projects are planned and built, adds jobs when these projects become operational and again as these services are used by communities to spur further economic expansion.

RUS telecommunications infrastructure financing is provided through several loan and grant programs, including the Rural Broadband Access Loan and Loan Guarantee Program, the Infrastructure Loan Program, and the Community Connect Grant Program. The agency's priorities are to ensure that rural communities have access to high-speed Internet services and applications that are made possible by broadband infrastructure such as distance learning and telemedicine services. The RUS funding results in rural residents, businesses, governments and community institutions receiving new or improved broadband services. Performance measures directly measure the impact of the programs on rural communities. Program outreach efforts are focused on identifying rural areas that do not have access to these services, which are essential for economic development and improved health and education services.



The Broadband Initiatives Program

On February 17, 2009, President Obama signed the American Recovery and Reinvestment Act of 2009 (Recovery Act) into law. The Recovery Act provided RUS with \$2.5 billion to expand access to broadband services in rural America. The Recovery Act expanded RUS' existing authority to make loans and provided new authority to make grants for the purpose of facilitating broadband deployment in rural communities. To maximize the level of funds available for broadband projects, the agency leveraged its budget authority appropriated by the Recovery Act to make grants, loans and loan/grant

BIP Status Report As of 4/3/13 (continued)

combination awards. In total for the broadband program, over \$2.23 billion in grants and \$1.19 billion in loans were made to 320 projects, totaling over \$3.4 billion. Of those original 320 projects, 297 were for broadband networks ("Infrastructure"), 4 for satellite broadband service support and 19 for technical assistance grants.

The Recovery Act funded projects designed to provide broadband service quickly, and large infrastructure projects—considered transformative—that may take as many as five years to build out. All RUS projects must comply with federal and state environmental, historic preservation and in some cases tribal or intergovernmental reviews that can require significant consultation with the public. RUS technical and financial oversight continues throughout the project's life and beyond. Rigorous project oversight has led to the rescission of 39 BIP awards. As a result, nearly \$266 million has been returned to the Treasury.

Under the Recovery Act, contracts signed by awardees require that all loan/grant funds must be advanced by September 30, 2015. Funds not advanced will be rescinded by RUS and returned to the U.S. Treasury. RUS and senior USDA officials have repeatedly encouraged awardees to complete Recovery Act projects as quickly as possible. RUS field employees continue to vigorously monitor the progress of construction and compliance of the BIP awardees.

The vast majority of the BIP awards were obligated between March and September, 2010. Projects are progressing well and within expectations. The RUS has worked closely with Federal and state partners to complete required reviews and to address regulatory or processing issues. The agency is working closely with awardees to expedite project construction. All 19 Technical Assistance awards have been fully disbursed. The \$100 million satellite broadband program has now disbursed 87 percent of its funds to the four satellite awardees.

The larger and more complex Infrastructure projects continue to progress, offering more rural residential and business consumers access to broadband service. One hundred and sixteen Infrastructure projects, representing \$1.5 billion in funding, are partially operational or have been completed. About \$2.6 billion of construction for Infrastructure projects has been completed or is actively being worked on. The pace of construction exceeds the pace of reimbursement.

Presently, only four awards have not drawn any loan or grant funds (representing 1.2 percent of the awards and 1.2 percent of the funding). There are multiple reasons why these projects have not advanced far enough to draw funds. RUS continues to closely oversee these projects and is working with these awardees, Federal partners and government entities to address issues impacting completion of these projects. RUS will work to ensure that projects remain viable.



Key Performance Metrics and Results

<i>Metric</i>	<i>Result</i>
1. Miles of fiber deployed	43,197.8
2. Number of wireless access points placed	562
3. Jobs created in most recent quarter (www.recovery.gov)	5,563
4. Broadband subscribers receiving new or improved broadband:	
• Households	99,424
• Businesses	6,358
• Educational Providers	165
• Libraries	85
• Healthcare Providers	221
• Public Safety Providers	170
• Total broadband subscribers receiving new or improved broadband	106,423



Operational Statistics

Number of original projects awarded	320
Amount of original awards (loans and grants)	\$3,425 million
Number of original infrastructure projects awarded	287
Infrastructure projects partially operational or complete	116
Percent of active infrastructure projects partially operational or complete	40%
Number of infrastructure projects with completed environmental reviews	257
Number of infrastructure projects where environmental reviews are not required	30
Percent of infrastructure projects with completed environmental reviews	89.6%
Number of infrastructure projects actively drawing funds*	243
Percent of infrastructure projects actively drawing funds*	84.7%
Number of infrastructure projects fully advanced*	10
Percent of infrastructure projects fully advanced*	3.9%
Number of rescinded projects	39
Percent of projects rescinded	12.2%

*Note: Awardees do not receive loan and grant funds at time of the award. Rather, awardees request "advances" under the loan, grant or loan/grant combination after completing an advance request and providing documentation and certifications that meet RUS requirements for approved purposes, budget, etc.



Community-Oriented Connectivity Broadband Grant Program Fiscal Year 2013

June 18, June 25, and July 2, 2013

1:00 to 3:00 pm EDT

Workshop Agenda

Introduction – Kenneth Kuchno, Director of the Broadband Division

Presenters – Laurel Leverrier, Deputy Director of the Broadband Division

Melanie Umstead – Senior Engineer

Felecia Harris-McCray and Tracey Kost – Loan Specialists

Q&A Session – Kenneth Kuchno, Laurel Leverrier, Melanie Umstead, Felecia Harris-McCray and Tracey Kost

More information about the Community Connect Grant Program is available on our website at:

<http://www.rurdev.usda.gov>
<http://communityconnect.usda.gov>

On June 18th, June 25th, and July 2nd the Rural Utilities Service (RUS) will host webinars focused on the Community-Oriented Connectivity Broadband Grant Program (Community Connect Grant Program). These webinars will inform participants about the major eligibility and regulatory requirements of the program and will provide detailed guidance on how to submit a successful grant application. There will also be time for participants to ask the speakers specific questions about putting together an application.

Due to the limited amount of room available for each session, interested parties must preregister with the RUS Broadband Division. Seats for each session will be reserved in the order in which requests are received by the RUS. Contact us soon to ensure you can attend the workshop that works best for your schedule!

Audio Conference and WebEx Information

Due to the limited amount of seats available for each session, interested parties must preregister with the RUS Broadband Division. Seats for each session will be reserved in the order in which the requests are received by the RUS. To preregister, please contact Nicole Payne or Carla Johnson by phone at (202) 720-2281 or (202) 720-0667 or by email at Carla.Johnson2@wdc.usda.gov or Nicole.Payne@wdc.usda.gov

The Audio Conference and WebEx information will be provided prior to the scheduled workshop sessions.

Questions? Please contact the RUS at community.connect@wdc.usda.gov with any questions about these events.

The United States Department of Agriculture is an equal opportunity provider, lender, and employer.

From: "Magnussen Jr, Walter R" <wmagnussen@mail.telecom.tamu.edu>

Date: June 23, 2013, 9:26:04 AM CDT

To: Robert Trescott <rtrescott@cityofkingsville.com> ,

Subject: RE: Technology

Robert, Robert

We may have an opportunity to fix all of the Kingsville issues but it is going to take some real fast action. The USDA has released a grant to do some rural broadband projects. This would require a 15% match which I assume that the City would need to fund. What I would propose would be to:

Establish a neutral communications hub in town (it would interconnect to the TAMUK and Valley Telephone network).

Run fiber to all city buildings.

Install a city WiMax network that would provide free Internet access to all citizens for 2 years (a requirement of the grant)

Install at least one community computer center (a library, community center or some such).

The academy at TAMU would write and manage the grant. We would do the tech plan etc.

I guess that we are looking at \$1.0 to \$1.5 million. This would put the match at about \$150K.

This grant was just released and is due July 11th. If this is possible we will need to talk and start on Monday. I am on vacation this week but I can get a lot of it done from on the road. I do have golf lined up for tomorrow morning but can work on it after that.

Let me know if this is possible.

Walt



Telecommunications

» [Home](#) » [About](#) » [Employee Contact Information](#) » [Walt Magnussen](#)

Walt Magnussen

Director

Telecommunications

Texas A&M University

TAMU MS 1174

Phone: 979.845.5588

Fax: 979.847.1111

Email: telecom@tamu.edu



DATE: June 26, 2013

TO: City Commission

VIA: City Manager

FROM: Director of Tourism

SUBJECT: Application for a Community Connect Grant

1. The City of Kingsville and its citizens are being adversely impacted by deficiencies in our local telecommunications capacity and capability.
2. There are two Federal broadband initiatives that are being routed through Kingsville.
3. The Texas A&M University System Telecommunications Department has been involved in those telecommunications projects and many others.
4. The Texas A&M University System Telecommunications folks have made us aware of a new USDA Community Connect Grant with a short fuse that might accelerate our benefiting from the locally installed broadband Internet service initiatives mentioned above and they have offered to assist us with an application and with the grant.
5. The deadline for the grant is July 11, 2013 and the required match for a \$1 – \$1.5million possible award is estimated to be \$150,000.
6. We feel that the grant represents a tremendous opportunity to remedy systemic telecommunications deficiencies that constitute significant risk.
7. Further, we feel that the partnership with the Texas A&M University System Telecommunications Department on this issue will provide very significant benefit to us even if we fail to win an award this cycle.
8. We therefore request a resolution of support for the \$150,000 grant match and for submission of an application for the USDA Community Connect Grant on July 11, 2013.
9. Grant match to be funded with available fund balance reserves.

Kingsville and Broadband Internet Service

Background

Kingsville and Kleberg County have some areas that are characterized as urbanized and many that are characterized as rural, with some pockets of persistent poverty; Kingsville and Kleberg County have a number of telecommunications providers with widely varied capability and capacity.

Deficiencies in telecommunications capacity and capability are having serious negative impacts on governmental and business operations, informational and educational support and quality of life for our residents, and on our economic development.

Federal Initiatives

Some time back, we learned that the Federal government was funding two broadband internet service initiatives that would bring substantial broadband through our community. One system is intended to provide high quality internet service to rural South Texas; the other is intended to link Texas A&M campuses.

We explored participating in either or both of those initiatives, but both initiatives have experienced delays and our interest was put on hold.

Opportunity

On June 24, we learned from our source within the Texas A&M University system that there was a new USDA Community Connect Grant with a short fuse that might accelerate our benefiting from the locally installed broadband Internet service initiatives mentioned above. We could ameliorate our municipal telecommunications and, at the same time, improve Internet service to underserved residents and improve our economic development market advantage.

Details

We might be able to establish a “last mile” system linked to the backbones of the Federal initiatives, with a municipal telecommunications hub, running a fiber network linking City buildings and developing a community wireless broadband alternative to cable and DSL.

Fine Print

- The grant deadline is July 11, 2013
- The grant award might total \$1million - \$1.5 million
- Our required match is estimated to be \$150,000
- The Texas A&M University System Telecommunications Department in College Station has offered to prepare and manage our grant.

Notes

- Municipal operations, local business operations, Internet access and quality of life for our citizens and economic development are all being adversely affected by our current telecommunications infrastructure.
- We are spending funds for interim fixes to City telecommunications capabilities
- We stand a chance to accelerate solutions by making a commitment in the form of the required match, a substantial sum of money but a small investment considering the risks of doing nothing.
- We believe that our partnering with the Texas A&M University System and the research and work required for this grant effort will pay dividends even if we fail to receive a grant award in this grant cycle.

AGENDA ITEM #10



Purchasing/IT Department

361-595-8025
361-595-8035 Fax

DATE: June 27, 2013
TO: City Commission through City Manager
FROM: David Mason, Purchasing/IT Director
SUBJECT: RFP 13-11 GIS Hosting Services

SUMMARY

This item will approve the negotiation of a contract for GIS hosting services with Timmons Group.

BACKGROUND

We advertised the proposal on April 24, 2013 and May 1, 2013, as well as posting the information on the City of Kingsville website. Four potential vendors submitted by opening time on May 14, 2013.

RECOMMENDATION

RFP review committee members met several times. After careful consideration and ranking, Timmons group emerged on top. It is recommended that we negotiate a contract with Timmons Group, 1001 Boulders Parkway, Richmond, VA 23225.

FINANCIAL IMPACT

Initial cost will be \$13,180 with monthly hosting cost of \$600 for three months for a total FY 2013 impact of \$14,980.

Approved

Vincent Capell, City Manager

ORDINANCE NO. 2013-

AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 BUDGET OF THE GENERAL FUND INFORMATION TECHNOLOGY DEPARTMENT FOR G.I.S. SERVER HOSTING SERVICES.

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

I.

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

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
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Fund 01 General Fund

Capital

2	Unassigned Fund Balance- (FY12 Surplus)	610.00			\$ <u>14,980</u>
					\$ <u>14,980</u>

Expenses

5-190.2	Purchasing / IT - Professional Services	314.00		\$ <u>14,980</u>	
				\$ <u>14,980</u>	

[To amend the General Fund Information Technology Department budget for G.I.S. server hosting services.]

II.

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

III.

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

IV.

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

INTRODUCED on this the 8th day of July, 2013.

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

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



Pricing

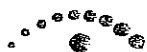
Pricing for the proposed Web LoGISTics design and development for the City of Kingsville is included below. Optional and additional functionality can be discussed between Timmons Group and the City of Kingsville.

	NRS	MRC
Project Initiation and Planning	\$1,500	
Site/Database Development	\$3,600	
Site/Database Testing	\$2,500	
Site/Database Deployment	\$1,200	
Site/Database Hosting - per month beginning when site goes live		\$600
Total	\$8,800	

Optional Development	NRS	MRC
*Buffer Tool on All Layers (Buffering on parcels only is included above)	*\$1,500	
*Data Extract (Extracts data in visible extent of map)	*\$2,880	
**Web Editing	**	
**Distance/Bearing Tool	**	
**Ability to Add Legend Items and Edit Legend Display	**	

*Items are optional and can be added to the site for a one time price in the NRS field.

**Items are optional, but not priced due to varying requirements that would need to be discussed and further scoped between the City and Timmons Group before pricing.





Engineering Department

361-595-8005

361-595-8035 Fax

DATE: May 30, 2013
TO: David Mason, Director of Purchasing and Information Technology
FROM: Paul Laraway, Geographic Information System (GIS) Technician
REF: RFP 13-11 GIS Proposal

The City of Kingsville Engineering Department has reviewed and evaluated all submitted proposals in reference to RFP 13-11 Geographic Information System (GIS) Server that will develop, design, launch, and host a user friendly web application to deploy the data to end users. The organization/companies service must allow The City of Kingsville Engineering Department and IT groups to easily manage and add content in order to allow for frequent changes in the dynamic environment in which we work where things continuously change. The design and layout should be aesthetically pleasing, simple for users to navigate, and provide tools necessary to manipulate data and data layers. The site must also be completely secure against intrusion.

The RFP 13-11 received proposals from various candidate organizations/companies including Sam's Inc., City Gate GIS, LJA Engineering, and Timmons Groups. After reviewing each proposal based upon qualifications/experience, operational plan for the city, resources and availability, past performance, including price proposal (**Attachment #1**) for all listed services in proposal (**Attachment #2**). Engineering would recommend to pursue with Timmons Group has the organization to fulfill all GIS Server Hosting production for the City of Kingsville.

ATTACHMENT #1
RFP NO. 13-11 GIS PROPOSAL EVALUATION SUMMARY

<u>Companies</u>	<u>Max. Pts</u>	<u>Evaluation #1</u>	<u>Evaluation #2</u>	<u>Evaluation #3</u>	<u>TOTAL</u>
Timmons	100	79	84	87	250
SAM	100	79	78	81	238
LJA Eng.	100	44	48	41	133
Citygate GIS	100	65	58	50	173

RFP NO. 13-11 GIS PROPOSAL EVALUATION #1

<u>EVALUATION CRITERIA</u>	<u>Max. Pts</u>	<u>Timmons</u>	<u>SAM</u>	<u>Citygate GIS</u>	<u>LJA Eng.</u>
Qualifications and experience	20	18	18	10	15
Operational plan for the City	25	18	20	5	15
Resources and availability	20	15	15	5	10
Past performance	25	21	20	15	20
Price Proposal	10	7	6	9	5
TOTAL POINTS	100	79	79	44	65

RFP NO. 13-11 GIS PROPOSAL EVALUATION #2

<u>EVALUATION CRITERIA</u>	<u>Max. Pts</u>	<u>Timmons Group</u>	<u>SAM Inc.</u>	<u>Citygate GIS</u>	<u>LJA Engineering, Inc.</u>
Qualifications and experience	20	17	15	10	15
Operational plan for the City	25	20	20	10	15
Resources and availability	20	20	18	5	10
Past performance	25	20	20	15	15
Price Proposal	10	7	5	8	3
TOTAL POINTS	100	84	78	48	58

RFP NO. 13-11 GIS PROPOSAL EVALUATION #3

<u>EVALUATION CRITERIA</u>	<u>Max. Pts</u>	<u>Timmons Group</u>	<u>SAM Inc.</u>	<u>Citygate GIS</u>	<u>LJA Engineering, Inc.</u>
Qualifications and experience	20	18	16	8	13
Operational plan for the City	25	20	18	9	10
Resources and availability	20	20	21	5	10
Past performance	25	20	20	12	13
Price Proposal	10	9	6	7	4
TOTAL POINTS	100	87	81	41	50

ATTACHMENT #2

The following criteria must be met to achieve a successful project:

- Visually and aesthetically pleasing design
- User-friendly environment that is easy to navigate
- Data can be changed/modified easily by The City of Kingsville Engineering Department personnel with minimal effort
- All software and licensing requirements should be included as part of this project
- Web Application should be compatible with all current web browsing technology and easily upgradeable
- Ability to work closely with The City of Kingsville Engineering Department and IT Manager on coordination of project tasks and resources
- Plan and perform a complete testing process on web site and database in order to ensure functionality
- Hosted data must be easily manipulated by end users with tools as:
 - Measurement tools (with selectable units for each)
 - Point tool
 - XY point tool (coordinates)
 - Line tool
 - Distance/Bearing line tool
 - Buffer tool
 - XY buffer tool (coordinates)
 - Freehand drawing tools (lines and polygons)
 - Area measurement tools
 - Text tools
 - Layer manager
 - Selectable base maps and aerials
 - Ability to turn layers on/off
 - Ability to add external data
 - Ability to see all information on specific layers with a point and click interface
 - Property identifier and/or report view
 - Editable legend creator
 - Ability to add legend items and edit legend display
 - Ability to add scale bars
 - Printing tools and print preview
 - Search and query tools
 - Data downloads
- Application must be secure against intrusion and City of Kingsville Engineering Department and IT staff must be allowed to set permissions on data

AGENDA ITEM #11



Purchasing/IT Department

361-595-8025
361-595-8035 Fax

DATE: June 27, 2013
TO: City Commission through City Manager
FROM: David Mason, Purchasing/IT Director
SUBJECT: RFP 13-11 GIS Hosting Services

SUMMARY

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BACKGROUND

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RECOMMENDATION

RFP review committee members met several times. After careful consideration and ranking, Timmons group emerged on top. It is recommended that we negotiate a contract with Timmons Group, 1001 Boulders Parkway, Richmond, VA 23225.

FINANCIAL IMPACT

Initial cost will be \$13,180 with monthly hosting cost of \$600 for three months for a total FY 2013 impact of \$14,980.

Approved

Vincent Capell, City Manager



Pricing

Pricing for the proposed Web LoGISTics design and development for the City of Kingsville is included below. Optional and additional functionality can be discussed between Timmons Group and the City of Kingsville.

TASK	NRS	MIRC
Project Initiation and Planning	\$1,500	
Site/Database Development	\$3,600	
Site/Database Testing	\$2,500	
Site/Database Deployment	\$1,200	
Site/Database Hosting - per month beginning when site goes live		\$600
Total	\$8,800	

Optional Development	NRS	MIRC
*Buffer Tool on All Layers (Buffering on parcels only is included above)	*\$1,500	
*Data Extract (Extracts data in visible extent of map)	*\$2,880	
**Web Editing	**	
**Distance/Bearing Tool	**	
**Ability to Add Legend Items and Edit Legend Display	**	

*Items are optional and can be added to the site for a one time price in the NRS field.

**Items are optional, but not priced due to varying requirements that would need to be discussed and further scoped between the City and Timmons Group before pricing.



Engineering Department

361-595-8005

361-595-8035 Fax

DATE: May 30, 2013
TO: David Mason, Director of Purchasing and Information Technology
FROM: Paul Laraway, Geographic Information System (GIS) Technician
REF: RFP 13-11 GIS Proposal

The City of Kingsville Engineering Department has reviewed and evaluated all submitted proposals in reference to RFP 13-11 Geographic Information System (GIS) Server that will develop, design, launch, and host a user friendly web application to deploy the data to end users. The organization/companies service must allow The City of Kingsville Engineering Department and IT groups to easily manage and add content in order to allow for frequent changes in the dynamic environment in which we work where things continuously change. The design and layout should be aesthetically pleasing, simple for users to navigate, and provide tools necessary to manipulate data and data layers. The site must also be completely secure against intrusion.

The RFP 13-11 received proposals from various candidate organizations/companies including Sam's Inc., City Gate GIS, LJA Engineering, and Timmons Groups. After reviewing each proposal based upon qualifications/experience, operational plan for the city, resources and availability, past performance, including price proposal (**Attachment #1**) for all listed services in proposal (**Attachment #2**). Engineering would recommend to pursue with Timmons Group has the organization to fulfill all GIS Server Hosting production for the City of Kingsville.

ATTACHMENT #1
RFP NO. 13-11 GIS PROPOSAL EVALUATION SUMMARY

<u>Companies</u>	<u>Max. Pts</u>	<u>Evaluation #1</u>	<u>Evaluation #2</u>	<u>Evaluation #3</u>	<u>TOTAL</u>
Timmons	100	79	84	87	250
SAM	100	79	78	81	238
LJA Eng.	100	44	48	41	133
Citygate GIS	100	65	58	50	173

RFP NO. 13-11 GIS PROPOSAL EVALUATION #1

<u>EVALUATION CRITERIA</u>	<u>Max. Pts</u>	<u>Timmons</u>	<u>SAM</u>	<u>Citygate GIS</u>	<u>LJA Eng.</u>
Qualifications and experience	20	18	18	10	15
Operational plan for the City	25	18	20	5	15
Resources and availability	20	15	15	5	10
Past performance	25	21	20	15	20
Price Proposal	10	7	6	9	5
TOTAL POINTS	100	79	79	44	65

RFP NO. 13-11 GIS PROPOSAL EVALUATION #2

<u>EVALUATION CRITERIA</u>	<u>Max. Pts</u>	<u>Timmons Group</u>	<u>SAM Inc.</u>	<u>Citygate GIS</u>	<u>LJA Engineering, Inc.</u>
Qualifications and experience	20	17	15	10	15
Operational plan for the City	25	20	20	10	15
Resources and availability	20	20	18	5	10
Past performance	25	20	20	15	15
Price Proposal	10	7	5	8	3
TOTAL POINTS	100	84	78	48	58

RFP NO. 13-11 GIS PROPOSAL EVALUATION #3

<u>EVALUATION CRITERIA</u>	<u>Max. Pts</u>	<u>Timmons Group</u>	<u>SAM Inc.</u>	<u>Citygate GIS</u>	<u>LJA Engineering, Inc.</u>
Qualifications and experience	20	18	16	8	13
Operational plan for the City	25	20	18	9	10
Resources and availability	20	20	21	5	10
Past performance	25	20	20	12	13
Price Proposal	10	9	6	7	4
TOTAL POINTS	100	87	81	41	50

ATTACHMENT #2

The following criteria must be met to achieve a successful project:

- Visually and aesthetically pleasing design
- User-friendly environment that is easy to navigate
- Data can be changed/modified easily by The City of Kingsville Engineering Department personnel with minimal effort
- All software and licensing requirements should be included as part of this project
- Web Application should be compatible with all current web browsing technology and easily upgradeable
- Ability to work closely with The City of Kingsville Engineering Department and IT Manager on coordination of project tasks and resources
- Plan and perform a complete testing process on web site and database in order to ensure functionality
- Hosted data must be easily manipulated by end users with tools as:
 - Measurement tools (with selectable units for each)
 - Point tool
 - XY point tool (coordinates)
 - Line tool
 - Distance/Bearing line tool
 - Buffer tool
 - XY buffer tool (coordinates)
 - Freehand drawing tools (lines and polygons)
 - Area measurement tools
 - Text tools
 - Layer manager
 - Selectable base maps and aerials
 - Ability to turn layers on/off
 - Ability to add external data
 - Ability to see all information on specific layers with a point and click interface
 - Property identifier and/or report view
 - Editable legend creator
 - Ability to add legend items and edit legend display
 - Ability to add scale bars
 - Printing tools and print preview
 - Search and query tools
 - Data downloads
- Application must be secure against intrusion and City of Kingsville Engineering Department and IT staff must be allowed to set permissions on data

AGENDA ITEM #12



Purchasing/IT Department

361-595-8025
361-595-8035 Fax

DATE: June 27, 2013
TO: City Commission through City Manager
FROM: David Mason, Purchasing/IT Director
SUBJECT: Bid 13-13 Concrete Paving Improvement Phase 3

SUMMARY

This authorizes the award of a contract for the repair of ten (10) intersections within the City of Kingsville.

BACKGROUND

We advertised for sealed bids on June 5, 2013 and June 12, 2013 and proposals were accepted until 1:30 pm on June 25, 2013. Two potential vendors attended the mandatory prebid meeting and site visitation on June 11, 2013. One bid was submitted, that of E-Tech Construction in the amount of \$149,700.

RECOMMENDATION

It is recommended the contract be awarded to E-Tech Construction, 11115 Cedar Park, San Antonio, TX 78249 in the amount of \$149,700 with an alternate on one of the projects of \$10,736 bringing the total to \$160,436. E-Tech construction has successfully completed several projects for the City of Kingsville including the Cavazos Water Line extension and is in good standing with the City.

FINANCIAL IMPACT

This action will expend \$160,436 from 068-5-305.0-531.00 CO 2013 Street Projects fund.

Approved

Vincent Capell, City Manager

AGENDA ITEM #13



Engineering Department

361-595-8007

361-595-8035 Fax

DATE: June 20, 2013

TO: City Commission through City Manager

FROM: Engineering Department

SUBJECT: Easement for Construction & Maintenance of Security Fence at the City of Kingsville Law Enforcement Center.

SUMMARY

This item authorizes the City of Kingsville to add a 15 foot easement for construction and maintenance of a security fence at Lot One (1) of The Law Enforcement Center of the City of Kingsville. The 15 foot easement will begin at the South West corner of Lot One (1) of the Law Enforcement Center and head 15 feet West onto the Kleberg County Jail property then head North for 550 feet and then head East for 15 feet where it will meet with the North West corner of Lot One (1) of the Law Enforcement Center and finally head South for 550 feet where it will end at the starting point at the South West corner of Lot One (1) of the Law Enforcement Center of the City of Kingsville.

BACKGROUND

The Plat of The Law Enforcement Center of Kingsville, Texas was filed with the Kleberg County Clerk on the 2nd day of June, 1998. Kingsville Police Chief Ricardo Torres is requesting the addition of a 15 foot easement for construction and maintenance purposes described above for a fence for the proposed parking lot for seized vehicles. Kleberg County owns the property on which the easement would be located to the east of the jail. Chief Torres has spoken to Kleberg County Judge Juan Escobar, who has agreed to present the item to Commissioners Court to grant permission for addition of the easement needed to construct the fence.

RECOMMENDATION

Staff recommends approval of the resolution for the requested easement. Should the easement be obtained, we also recommend that prior to construction 811 Digtes be contacted to verify if there are any existing utilities in the area described above.

FINANCIAL IMPACT

Nominal financial impact to the City of Kingsville from payment of the filing fee. The easement would need to be appropriately recorded at the Kleberg County Clerk's Office pursuant to state law, so the City would need to pay the filing fees.

Approved

Vincent Capell, City Manager

RESOLUTION # 2013-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT WITH KLEBERG COUNTY FOR CONSTRUCTION AND MAINTENANCE OF A FENCE NEAR THE KINGSVILLE LAW ENFORCEMENT CENTER; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City needs to install a security fence for a proposed parking lot for seized vehicles at the Kingsville Law Enforcement Center (Center), which houses the police department; and

WHEREAS, the City needs an easement along the west side of the Center in order to construct and maintain the proposed fence, which should improve security and aesthetics in the area; and

WHEREAS, the County is agreeable to providing such a document to the City to improve the health, safety, and quality of life of the residents of their jurisdictions.

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

I.

THAT the City Manager is authorized and directed as an act of the City of Kingsville, Texas to execute the Easement with Kleberg County in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the 8th day of July, 2013.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

EASEMENT

State of Texas §
 §
County of Kleberg §

KNOW ALL MEN BY THESE PRESENTS:

Date: July 22, 2013

Grantor: Kleberg County, Texas
Grantor's Address: 700 E. Kleberg; P.O. Box 752
 Kingsville, Texas 78364

Grantee: City of Kingsville, Texas
Grantee's Address: 200 E. Kleberg; P.O. Box 1458
 Kingsville, TX 78364

Easement Property:

The Grantor's property subject to this Easement is described in the documents recorded at:

Volume 83, Pages 17-20 of the Deed Records of Kleberg County, Texas.

See the metes and bounds property description attached hereto and incorporated herein as "Exhibit A", and

Easement Purpose: For the installation, construction, maintenance, replacement, and repair of a fence.

Consideration: The sum of ONE NO/100 DOLLARS (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor.

Grant of Easement: Grantor, for the above consideration, GRANTS, SELLS, and CONVEYS to Grantee and Grantee's heirs, successors and assigns, an easement over, on and across the Easement Property for the Easement Purposes, together with all and singular the rights and appurtenances thereto in any way belonging (collectively the "Easement"), to have and hold the Easement to Grantee and Grantee's heirs, successors and assigns forever. Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend the title to the Easement in Grantee and Grantee's heirs, successors and assigns against every person whomever lawfully or otherwise claiming or to claim the

Easement or any part of the Easement, except as to the Reservations from Conveyance and Exceptions to Warranty.

Terms & Conditions: The following terms and conditions apply to the Easement granted by this Agreement:

1. *Character of Easement.* The Easement is appurtenant to, runs with and inures to the benefit of Grantee ("Holder"), Grantee's heirs, successors and assigns. Subject to Grantor's reservation of rights, the Easement is exclusive and irrevocable.
2. *Duration of Easement.* The duration of the easement is perpetual.
3. *Assignment.* Grantee shall have the right to assign this Easement to any public entity.
4. *Purpose.* The purpose of this easement is for the installation, construction, maintenance, replacement, and repair of a fence.
5. *Binding Effect.* This Agreement binds and inures to the benefit of the parties and their respective heirs, successors and permitted assigns.
6. *Choice of Law.* This Agreement will be constructed under the laws of the State of Texas without regard to choice-of-law rules of any jurisdiction. Venue is in the county in which the Easement Property is located.
7. *Further Assurances.* Each signatory party warrants that such party has full authority to execute this Agreement and bind that party. Each signatory party agrees to execute and deliver any additional documents and instruments and to perform any additional acts necessary or appropriate to perform the terms, provision and conditions of this Agreement and all transactions contemplated by this Agreement.
8. *Integration.* This Agreement contains the complete agreement of the parties and cannot be varied except by written agreement of the parties. The parties agree that there are no oral agreements, representations or warranties that are not expressly set forth in this Agreement.

Grantor:
Kleberg County, Texas

By: _____
Kleberg County Judge
Juan Escobar

This instrument was acknowledge before me on the _____ day of _____, 2013, by _____.

Notary Public, State of Texas

ACCEPTED:

Vincent J. Capell
City Manager
City of Kingsville, Texas

This instrument was acknowledged before me on the ____ day of _____, 2013 by Vincent J. Capell, City Manager, City of Kingsville, Texas for and on behalf of said municipal corporation.

Notary Public, State of Texas

After Recording
Return to:

City of Kingsville, Texas
P.O. Box 1458
Kingsville, TX 78364

EXHIBIT A

METES AND BOUNDS DESCRIPTION

Said property to be an easement is platted as part of the KT&I CO, Block 10, LOT PT 7 as recorded in the Kleberg County Map Records.

BEGINNING at the Southeast Corner of Lot 1, Law Enforcement Center of the City of Kingsville as it exists in June, 1998, Kleberg County, Texas;

THENCE West for a distance of 15 feet to the KT&I Co, Block 10, LOT PT 7 of the City of Kingsville, Kleberg County, Texas;

THENCE North for a distance of 550 feet to a point being 15 feet west of the Northwest corner of Law Enforcement Center, Lot 1 of the City of Kingsville, Kleberg County, Texas;

THENCE East for a distance of 15 feet to Northwest Corner of Law Enforcement Center, Lot 1 of the City of Kingsville, Kleberg County, Texas;

THENCE South for a distance of 550 feet to a point being the Southwest Corner of the Law Enforcment, Lot 1 of the City of Kingsville, Kleberg County, Texas, said point also being the POINT OF BEGINNING.

AGENDA ITEM #14



PUBLIC WORKS DEPARTMENT

DATE: June 28, 2013
TO: Mr. Capell, City Manager
FROM: Charlie Cardenas, Public Works Director/ City Engineer
SUBJECT: Proposed 10' Utility Easement along Seale Street

The City's Public Works & Engineering Departments always look at the future needs of the community. The proposed 10' utility easement along Seale Street from Ave "B" to Corral will assist the City in improving water pressure, volume and chlorine residual to the North West part of the city and will assist the University with its future needs. The University has worked diligently with the City in presenting the easement agreement to the Board of Regents of the Texas A&M University System. Staff recommends approval of this easement for the benefit and growth of the City's water distribution system.

RESOLUTION # 2013-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT AGREEMENT (FOR A WATER LINE) WITH THE BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM FOR CONSTRUCTION AND MAINTENANCE OF A WATER LINE; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City staff had contacted Texas A&M University-Kingsville representatives about the City's request to install a water line near the area of the Newman Center where Seale Street is being extended out to Corral Avenue; and

WHEREAS, the water line will allow for redundancy and looping to improve water in the City's and the University's lines; and

WHEREAS, the Texas A&M University System is agreeable to granting the ten foot utility easement for the water line; and

WHEREAS, the granting of the easement will improve the health, safety, and quality of life of the residents of both entities.

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

I.

THAT the City Manager is authorized and directed as an act of the City of Kingsville, Texas to execute the Easement Agreement with the Board of Regents of the Texas A&M University System in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the
_____ 8th day of _____ July _____, 2013.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

EASEMENT AGREEMENT

(Water Line)

1. Grant of Easement. The **BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM**, as grantor (“**TAMUS**”), on behalf of the State of Texas, acting by and through its duly authorized officer, under authority of System Policy 41.01, and by virtue of authority granted to the Board of Regents by TEX. EDUC. CODE ANN. §85.26, in consideration of the mutual benefits to be derived by both parties, hereby **GRANTS, BARGAINS, SELLS, and CONVEYS** to the **CITY OF KINGSVILLE, TEXAS**, a municipality of the State of Texas, as grantee (“**KINGSVILLE**”), its permitted successors and assigns, a nonexclusive ten foot (10’) wide right-of-way easement (the “Easement”) for a water line, on, across and under certain property of **TAMUS** (the “Property”), located in Kleberg County, Texas, more particularly described in Exhibit “A” attached hereto and made part of this Easement Agreement (this “Agreement”).

2. Purpose and Location of Easement. The Easement is granted for the purpose of installing, operating and maintaining an underground water pipeline. A plat of the Property showing the surface area affected by the Easement and the location of the underground water pipeline and **KINGSVILLE**’s right-of-way is depicted on Exhibit “A” attached hereto and made a part of this Agreement.

3. Right of Access. **KINGSVILLE** has the right of ingress and egress across the Property for the purpose of installing, constructing, operating, maintaining, repairing, replacing, and rebuilding the underground water pipeline. **KINGSVILLE** agrees to occupy the surface of the Property only to the extent and for the length of time necessary for constructing, operating, maintaining, repairing, replacing, and rebuilding the underground water pipeline. Any gate or opening used by **KINGSVILLE** for ingress or egress in the exercise of its rights must be kept in proper condition and closed at all times.

4. Duties. The line must be buried not less than twenty-four inches (24”) below the surface. If **KINGSVILLE** damages or destroys any fence, road, bridge, culvert, building, or other improvement, or any personal property, other than its own personal property, **KINGSVILLE** must, within a reasonable period of time, repair, or replace the improvement or personal property to the extent that such improvement or personal property will, as nearly as practicable, be in like condition as before such damage or destruction. In lieu of requiring repair or replacement, **TAMUS** may, at its option, require that **KINGSVILLE** pay money damages, including without limitation, those damages incurred as a result of **KINGSVILLE** or its agents or employees entering or departing the Property, or by reason of being present on the Property. **KINGSVILLE** agrees to notify **TAMUS** no later than three (3) business days after completion of the initial construction of the underground water pipeline, and to cooperate with **TAMUS**’ personnel in an onsite inspection to assess any damages resulting from **KINGSVILLE**’s activities. **KINGSVILLE** agrees to notify **TAMUS** five (5) business days prior to commencement of any repairs or replacements.

5. No Fee Interest Granted. This is a grant of a nonexclusive easement only, and does not grant any fee interest to the surface, subsurface, or any interest in the minerals on or

under the Property. The conveyance is made subject to any and all outstanding restrictions, reservations, covenants, conditions, leases, easements and other encumbrances filed of record or apparent on the ground. **TAMUS** expressly retains all rights to grant, control and renew all restrictions, reservations, covenants, conditions, leases, easements and other encumbrances, of every kind and character, on, over or under the Property.

6. Duration of Easement. In accordance with TEX. EDUC. CODE ANN. §85.26(c), this grant is for a term of ten (10) years and may be renewed only at the election of **TAMUS**. **KINGSVILLE** expressly understands that its continued possession of the Property under this Agreement after expiration of its term, without first obtaining a renewal from the Board of Regents of The Texas A&M University System, is a violation of state law that subjects **KINGSVILLE** to a penalty of ONE HUNDRED DOLLARS (\$100) for each day of such violation.

7. Removal of Equipment. **KINGSVILLE** has the right to remove its equipment at the expiration of this Agreement provided all obligations to **TAMUS** under this Agreement are fully satisfied. All equipment must be removed within one hundred twenty (120) calendar days from the date of termination or abandonment of the Easement granted by this Agreement. If removal causes injury to the surface or to any improvements of **TAMUS**, **KINGSVILLE** will restore the surface or improvements or at **TAMUS**' option, pay for such damage within sixty (60) calendar days after completion of such removal. If **KINGSVILLE** fails to remove the equipment within the times set forth in this Paragraph, **TAMUS** shall have the right to remove and dispose of the equipment and collect all costs of removal and disposal from **KINGSVILLE**.

8. Nonexclusive Easement. The Easement is nonexclusive. **TAMUS** reserves for **TAMUS** and **TAMUS**' successors and assigns the right to full use and enjoyment of the Property and the right to convey the Property or other rights or easements to others, so long as such use or conveyance does not unduly interfere with **KINGSVILLE**'s use.

9. Hold Harmless. **TO THE EXTENT PERMITTED BY LAW, KINGSVILLE AGREES TO INDEMNIFY AND HOLD TAMUS HARMLESS FROM ANY AND ALL CLAIMS, DEMANDS, LIABILITIES, AND CAUSES OF ACTION FOR PERSONAL INJURY OR DEATH AND/OR DAMAGE TO OR DESTRUCTION OF PROPERTY OR IMPROVEMENTS CAUSED BY, ARISING OUT OF, OR RESULTING FROM THE EXERCISE OF RIGHTS GRANTED TO KINGSVILLE, ITS EMPLOYEES, AGENTS, OR OTHER PERSONS ACTING UNDER KINGSVILLE'S DIRECTION. KINGSVILLE FURTHER AGREES TO PAY ALL EXPENSES, COSTS, AND ATTORNEYS' FEES ASSOCIATED WITH SUCH CLAIMS, DEMANDS, LIABILITIES, AND CAUSES OF ACTION, AS WELL AS THOSE INCURRED BY TAMUS IN THE ENFORCEMENT OF THIS INDEMNITY PROVISION.**

10. Use of Property; Compliance. Before breaking ground and during the term of this Agreement, **KINGSVILLE** shall comply with and obtain any permits or licenses which may be required by federal, state or local statute in connection with the use of the Property, including the Antiquities Code of Texas, Chapter 191 of the Texas Natural Resources Code. **KINGSVILLE**

agrees that title to all archaeological objects and artifacts, if any, discovered in or on the Property shall remain with **TAMUS**.

11. Hazardous Waste. **KINGSVILLE** will not use the Property or permit the Property to be used so as to cause, suffer, or allow any contamination of soils, ground water, surface water, or natural resources on or adjacent to the Property resulting from, but not limited to, spills or leaks of oil, gasoline, hazardous materials, hazardous wastes, or other chemical compounds. **KINGSVILLE** is solely responsible for cleanup of any contamination resulting from violation of this provision.

IF THE PRESENCE OF HAZARDOUS MATERIALS ON THE PROPERTY IS CAUSED OR PERMITTED BY KINGSVILLE AND SUCH MATERIALS RESULT IN CONTAMINATION OF THE PROPERTY OR IF CONTAMINATION OF THE PROPERTY BY HAZARDOUS MATERIAL OTHERWISE OCCURS AND IS RELATED TO KINGSVILLE'S USE, THEN KINGSVILLE SHALL INDEMNIFY, DEFEND, AND HOLD TAMUS HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS, JUDGMENTS, DAMAGES, PENALTIES, FINES, COSTS, LIABILITIES, OR LOSSES (INCLUDING DIMINUTION IN VALUE OF THE PROPERTY, DAMAGES FOR THE LOSS OF OR RESTRICTION ON USE OF THE PROPERTY OR OF ANY AMENITY OF THE PROPERTY, AND SUMS PAID IN SETTLEMENT OF CLAIMS, ATTORNEYS' FEES, CONSULTANTS' FEES AND EXPERTS' FEES) WHICH ARISE DURING OR AFTER THE EASEMENT TERM AS A RESULT OF SUCH CONTAMINATION. THIS INDEMNIFICATION OF TAMUS BY KINGSVILLE INCLUDES COSTS INCURRED IN CONNECTION WITH ANY INVESTIGATION OF SITE CONDITIONS AND ANY CLEANUP, REMEDIAL, REMOVAL, OR RESTORATION WORK REQUIRED BY ANY FEDERAL, STATE, OR LOCAL GOVERNMENTAL AGENCY OR POLITICAL SUBDIVISION BECAUSE OF THE PRESENCE OF HAZARDOUS MATERIAL.

12. Default and Termination. It is agreed that upon default by **KINGSVILLE** of any of the covenants and conditions set forth in this Agreement, **TAMUS** has the right, and such right is expressly reserved, to declare the Easement forfeited, without prejudice to any claim **TAMUS** may have against **KINGSVILLE**; provided, however, **TAMUS** will give **KINGSVILLE** written notice of its intention to terminate the Easement and the reasons for termination, and **KINGSVILLE** will have thirty (30) calendar days after receipt of notice to rectify the default or violation. Upon timely correction, as determined by **TAMUS** in its sole discretion, the Easement will remain in full force and effect. Termination or abandonment of the Easement for any cause is automatic and all rights granted revert to **TAMUS** without the necessity of any further action or suit on the part of **TAMUS**. Upon termination or abandonment, **KINGSVILLE** agrees to file a Release of Easement in the Deed Records of the County in which the Property is located, but if it fails to do so within ten (10) days following written demand from **TAMUS**, then **TAMUS** shall have the right to file the Release of Easement. Abandonment will be deemed to have occurred when the Easement is not used for the purposes granted for a continuous period of one calendar year.

13. Notices. Any notice required or permitted under this Agreement must be in writing, and shall be deemed to be delivered (whether actually received or not) when deposited with the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the intended recipient at the address set out below. Notice may also be given by regular mail, personal delivery, courier delivery, email, or other commercially reasonable means and will be effective when actually received. **TAMUS** and **KINGSVILLE** may change their respective notice address by sending to the other party a notice of the new address. Notices should be addressed as follows:

TAMUS:	The Texas A&M University System Office of General Counsel Attn: System Real Estate 301 Tarrow, 6 th Floor College Station, Texas 77840-7896
KINGSVILLE:	City of Kingsville, Texas P.O. Box 1458 Kingsville, Texas 78364 Attention: Courtney Alvarez, City Attorney

14. Waiver. The failure of **KINGSVILLE** or **TAMUS** to insist in any one or more instances on a strict performance of any of the covenants of this Agreement shall not be construed as a waiver or relinquishment of such covenants in future instances, but the same shall continue and remain in full force and effect.

15. Privileges and Immunities. **KINGSVILLE** acknowledges that **TAMUS** is an agency of the State of Texas and nothing in this Agreement will be construed as a waiver or relinquishment by **TAMUS** of its right to claim exemptions, privileges, and immunities as may be provided by law.

16. Governing Law and Venue. The validity of this Agreement and all matters pertaining to this Agreement, including but not limited to, matters of performance, non-performance, breach, remedies, procedures, rights, duties, and interpretation or construction, shall be governed and determined by the Constitution and the laws of the State of Texas. Pursuant to Section 85.18, *Texas Education Code*, venue for any suit filed against **TAMUS** shall be in the county in which the primary office of the chief executive officer of **TAMUS** is located.

17. Grammatical Interpretation. When the singular number is used, it also includes the plural, and the masculine gender includes the feminine and neuter gender.

18. Headings. Headings are for reference and will not be construed to limit or alter the meaning of the provisions of this Agreement.

19. Saving Clause. If any term, provision, covenant, or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder

of the provisions will remain in full force and effect and will not be affected, impaired or invalidated.

20. Assignment. **KINGSVILLE** may not sell, assign, encumber or convey the Easement without the prior written consent of **TAMUS** and any attempt by **KINGSVILLE** to sell, assign, encumber or convey the Easement without such consent will cause this Agreement to terminate.

21. Successors and Assigns. This Agreement and each and all of its covenants, obligations, and conditions shall inure to the benefit of and be binding upon the heirs, personal representatives, successors, and permitted assigns of the parties.

22. Entire Agreement. This Agreement constitutes the complete agreement of the parties and supersedes any prior understanding or agreement, written or oral, between them regarding the issues covered by this Agreement. This Agreement may not be modified orally or in any manner other than by agreement in writing signed by the parties hereto or their permitted successors or assigns.

23. Effective Date. This Agreement is deemed to be in force as of the 15th day of July, 2013.

[SIGNATURES FOLLOW ON NEXT PAGE]

**BOARD OF REGENTS OF THE TEXAS A&M
UNIVERSITY SYSTEM**, an agency of the State
of Texas

By: _____
JOHN SHARP
Chancellor
The Texas A&M University System

APPROVED AS TO FORM:

TIMOTHY V. COFFEY
Managing Counsel, Property and Construction
Office of General Counsel
The Texas A&M University System

ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

This instrument was acknowledged before me this ____ day of _____, 2013 by
JOHN SHARP, Chancellor of The Texas A&M University System, on behalf of the Board of
Regents of The Texas A&M University System, an agency of the State of Texas.

Notary Public

[SIGNATURES CONTINUED ON NEXT PAGE]

TERMS AND CONDITIONS EXPRESSLY ACKNOWLEDGED AND ACCEPTED:

CITY OF KINGSVILLE, TEXAS, a municipality
of the State of Texas

By: _____
Name: _____
Title: _____

APPROVED AS TO FORM AND CONTENT:

COURTNEY ALVAREZ
City Attorney

ATTEST:

MARY VALENZUELA
City Secretary

ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF KLEBERG §

This instrument was acknowledged before me this ____ day of _____, 2011 by
_____, _____, of the City of Kingsville, Texas, a
municipality of the State of Texas, on behalf of said municipality.

Notary Public