

# *City of Kingsville, Texas*

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## **AGENDA CITY COMMISSION**

**TUESDAY, SEPTEMBER 3, 2013  
SPECIAL MEETING**

**HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS  
CITY HALL/200 EAST KLEBERG AVENUE  
4:00 P.M.**

### **I. Preliminary Proceedings.**

#### **OPEN MEETING**

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

**MINUTES OF PREVIOUS MEETING(S) – Required by Law  
NONE**

APPROVED BY:

  
\_\_\_\_\_  
Vincent J. Capell  
City Manager

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

**NONE**

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

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

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

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

**V.**

**Consent Agenda**

**Notice to the Public**

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separately unless requested by a Commission Member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to 1.43 acres of Lot 1-10, Block 1 of the Escondido Park 4 Subdivision known as 800 Escondido Road from R3-Multi-Family District to R1-Single-Family District. (Director of Planning & Development Services).
2. Motion to approve final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to 2.0 acres of Lot 10, Block 2 of the Kleberg Town & Improvement Co. Subdivision known as 102 W. Sage Road from AG-Agricultural to R1-Single-Family District. (Director of Planning & Development Services).
3. Motion to approve final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to Lot 1, Block 7, Retama Park Subdivision known as 808 S. 13th from R2 Two-Family District to C2 Retail District. (Director of Planning & Development Services).
4. Motion to approve final passage of an ordinance amending the Fiscal Year 2012-2013 budget for Fund 067 CO Series 2013 GF Streets and Fund 068 CO Series 2013 Drainage for the CO2013 debt issuance costs net of refund. (Director of Finance).
5. Motion to approve final passage of an ordinance amending the Fiscal Year 2012-2013 budget for the transfer of fund balance from Fund 001 General Fund to the Solid Waste Capital Projects Fund 087. (Director of Finance).
6. Motion to approve final passage of an ordinance amending the Fiscal Year 2012-2013 budget for the reallocation of funds initially budgeted for a drainage project to be used for a water line project along Seale Street. (Director of Finance).

**REGULAR AGENDA**

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

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

7. Review and discuss proposed fiscal year 2013-2014 budget for departments of the City of Kingsville. (City Manager).

## VII. Adjournment.

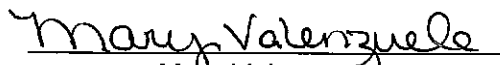
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

August 28, 2013 at 10:00 A.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)**

# **PUBLIC HEARING(S)**

# **CONSENT AGENDA**

# **AGENDA ITEM #1**

**ORDINANCE 2013-\_\_\_\_\_**

**AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO 1.43 ACRES OUT OF LOT 1-10, BLOCK 1, ESCONDIDO PARK 4 SUBDIVISION KNOWN AS 800 ESCONDIDO ROAD FROM R-3 MULTI-FAMILY DISTRICT TO R-1 SINGLE-FAMILY DISTRICT; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.**

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

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, July 17, 2013 during a meeting of the Planning and Zoning Commission, and on Monday, August 26, 2013 during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

**WHEREAS**, the Planning & Zoning Commission by a 5-0 vote approved the requested rezone; and

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

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

**SECTION 1.** That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of 1.43 acres out of Escondido Park 4, Block 1, Lot 1-10, Lot PT common ground with lots 11-17, known as 800 Escondido Road from R-3 Multi-Family District to R-1 Single Family District, as more specifically described on the Zone Change Map, attached as Exhibit A.

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

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

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



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

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

INTRODUCED on this the 26th day of August, 2013.

PASSED AND APPROVED on this the \_\_\_\_<sup>th</sup> day of September, 2013.

**THE CITY OF KINGSVILLE**

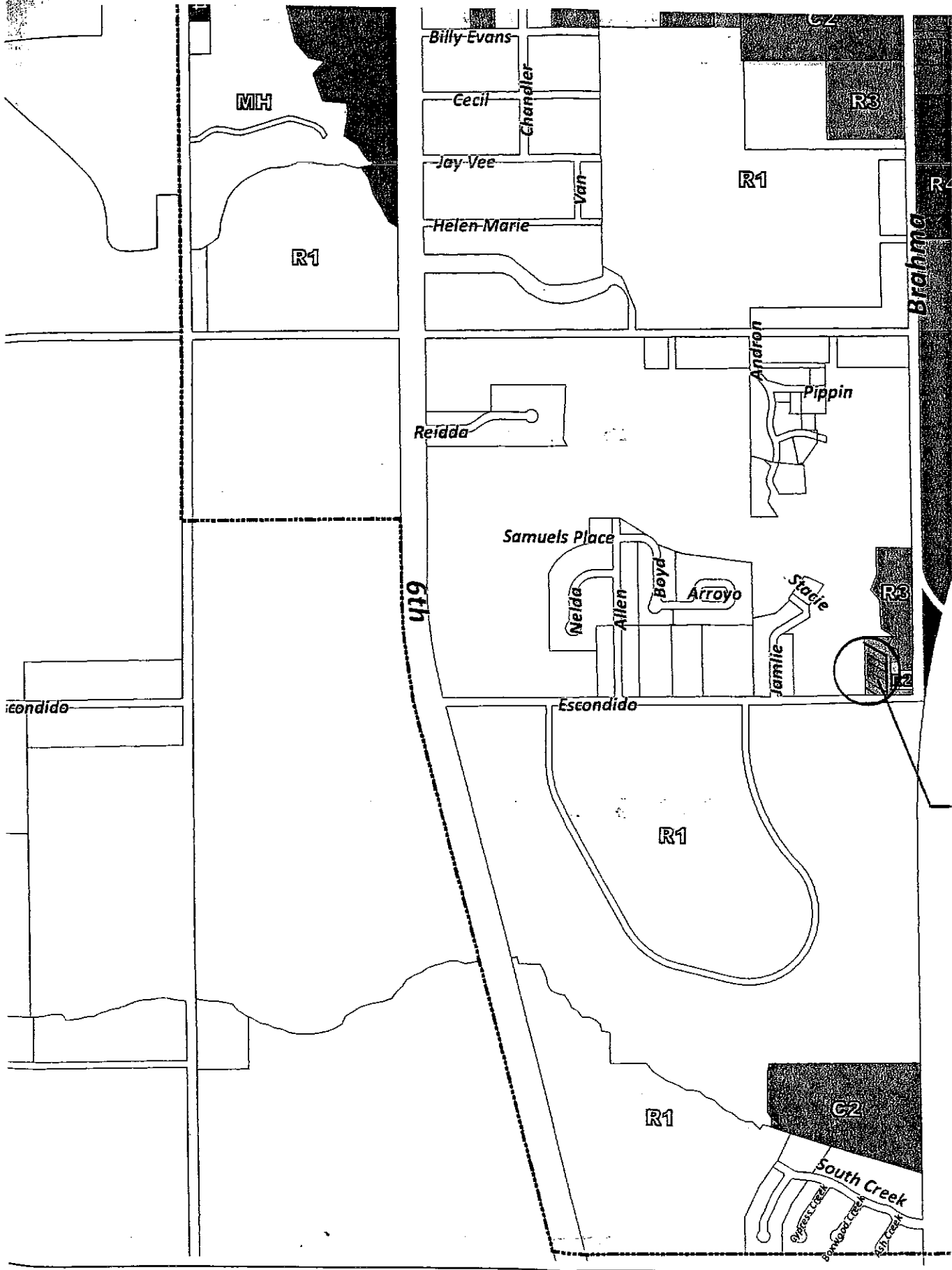
\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

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

**APPROVED:**

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



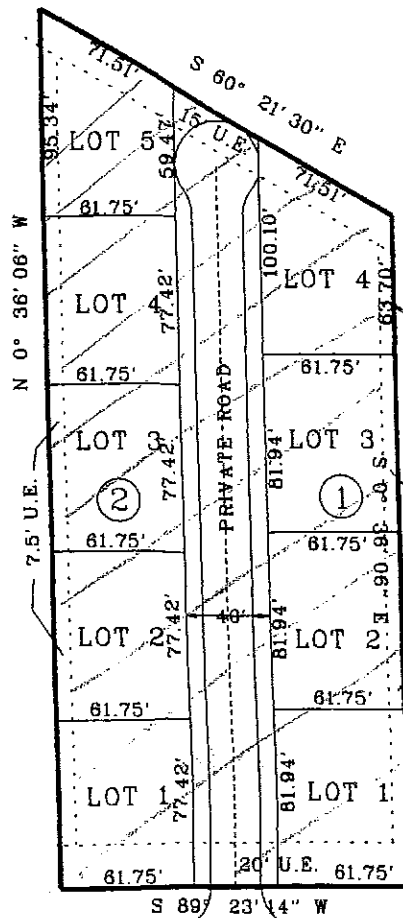
SUBJECT  
PROPERTY

SOUTH CREEK ESTATES  
SUBDIVISION  
KINGSVILLE, TEXAS

SANTA GERTRUDIS CREEK

VACANT LAND  
AGRICULTURAL USE  
ZONED: R1  
SINGLE-FAMILY DISTRICT

KLEBERG TOWN  
AND  
IMPROVEMENT COMPANY  
SECTION 21  
LOT 13



EXISTING  
TOWNHOMES  
ZONED: R2  
TWO-FAMILY DISTRICT

TOM AND ANN GORDON

ESCONDIDO PARK PHASE 4

ESCONDIDO ROAD

PROPOSED SUBDIVISION ZONING REQUEST

CURRENT ZONING: R3- MULTI-FAMILY DISTRICT

PREPARED BY: APEX SURVEYING AND MAPPING

LAND SURVEYORS



## Planning & Development Services Department

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TO: Mayor & City Commission

THROUGH: Vincent Capell, City Manager

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

SUBJECT: **Request to Re-zone 800 Escondido Rd. from R3 to R1**

DATE: August 16, 2013

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This is a request from Robert A. Garza to re-zone the 1.43 acres of Lot 1, Block 10 of the Escondido Park 4 Subdivision from a Multi-family R3 District to a Single-Family R1 District.

This request was unanimously approved by Planning & Zoning Commission at the latest meeting on July 17<sup>th</sup>, 2013. The petitioner is requesting the zoning change to construct nine (9) single-family garden homes with a gated entrance and privately-maintained cul-de-sac road. The developer will be working with the City on the construction and layout of these homes to meet City Ordinances once the subdivision is re-zoned.

Staff recommends approval of this request based on its conformance with the goals & policies contained in all of the elements of the current Master Plan, the proposal is not detrimental to the public health, safety, and welfare, it will not generate inappropriate or hazardous traffic levels in the area, nor is it detrimental to existing or potential adjacent land uses.

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

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

Request: **APPROVAL OF REZONING A 1.43 ACRE TRACT OF LOT 1,  
BLOCK 10 OF ESCONDIDO PARK 4 SUBDIVISION LOCATED  
AT 800 ESCONDIDO ROAD; FROM R-3, MULTI-FAMILY  
DISTRICT TO AN R-1, SINGLE FAMILY DISTRICT.**

Petitioner & Agent: Robert A. Garza

Date of P&Z Hearing: July 17<sup>th</sup>, 2013

Comprehensive Plan Land Use:	Private / Housing
Existing Zoning Classification:	R-3, Multi-Family District
Adjacent Zoning:	North: Santa Gertrudis Creek
	South: R-1: City / County Dick Kleberg Park
	East: R-2: Two-Family District & R-3: Multi-Family Dist.
	West: R-1: Single-Family District

## **EXISTING INFRASTRUCTURE**

Transportation:	Escondido Rd. – Local
Community Facilities:	Services provided
Capital Improvements:	Services provided
Fire Station Proximity:	2.4 driving miles
100 Year Floodplain:	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 the meeting)
- Site Plan
- Mailing list of owners within 200 feet

## **BACKGROUND AND HISTORY**

The petitioner is requesting a zoning district change in order to facilitate the construction of a 2 block, 9 lot, single-family residential district subdivision with a private, gated road. The historical use of this property has been brush and open field with no development history. Lots in the surrounding area have been developing single-family homes to the west and townhouse apartments to the east. The surveyor has stated that the gated road will be privately owned and maintained after construction.

## **FIELD INSPECTION AND PERTINENT DATA**

Existing condition of the land is as parking lot with minor brush land. A minor strip of land deeded to Tom & Ann Gordon serves at the west side parking for the townhome apartments.

STAFF REVIEW AND RECOMMENDATION

In general, Planning and Zoning Commission considers the following factors when making a recommendation on Zoning District Changes:

1. Whether the proposal is in conformance with the goals and policies contained in all elements of the 2008 Master Plan.
2. Whether the proposal is in keeping with the purpose of the zoning districts.
3. Whether the proposal is detrimental to the public health, safety and welfare.
4. Whether the proposal is detrimental to existing or potential adjacent land uses.
5. Whether the proposal will generate traffic levels inappropriate, hazardous, or detrimental to the existing or potential nearby land uses.

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

1. The proposal is in conformance with the goals and policies contained in all elements of the 2008 Master Plan.
2. The proposal is in keeping with the purpose of the zoning districts.
3. The proposal is not detrimental to the public health, safety, and welfare.
4. The proposal is not detrimental to existing or potential adjacent land uses.
5. The proposal will not generate inappropriate, hazardous, or detrimental traffic levels in the existing or nearby area.

Prepared by:



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 800 Escondido RD Nearest Intersection ESCONDIDO + JAMIE

(Proposed) Subdivision Name SOUTH CREEK ESTATES of 1-10 Block \_\_\_\_\_

Legal Description: ESCONDIDO PARK PHASE 4

Existing Zoning Designation R3 (MULTI-FAMILY) Future Land Use Plan Designation R1 (SINGLE-FAMILY)

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

Applicant/Authorized Agent ROBERT A. GARZA Phone 361-522-4868 FAX 361-592-3031

Email Address (for project correspondence only): ROB GARZA @ PEOPLE PC. COM

Mailing Address 345 DANA City KINGSVILLE State TX. Zip 78363

Property Owner ROBERT A. GARZA  
ROEL NUNEZ Phone 361-522-4868 FAX 361-592-3031

Email Address (for project correspondence only): ROB GARZA @ PEOPLE PC. COM

Mailing Address 345 DANA City KINGSVILLE State TX. Zip 78363

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

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

Please provide a basic description of the proposed project:

SINGLE-FAMILY SUBDIVISION (9 LOTS)  
SMALL GARDEN STYLE 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 Robert A. Garza Date: 6-27-13  
Property Owner's Signature Robert A. Garza Date: 6-27-13  
Accepted by: Jessica J. Ford Date: \_\_\_\_\_

## Application Check List for a Re-Zoning

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

Site and landscape plans: 1 full size and 15 - 11"x17" reductions (copies from PMT reduction)

- ☒ 1. A written description of the requested zoning district and the proposed use. (REFERENCE SITE PLAN)
- ☒ 2. A site plan showing the location, dimension, material and configuration of all existing buildings, structures and other improvements.
- ☒ 3. The lot size in square feet and the dimensions thereof.
- ☒ 4. The land uses surrounding the lot(s) for which site plan approval is being sought.
- ☒ 5. The zoning on the lots and parcels surrounding the lot(s) for which site plan approval is being sought.
- ☒ 6. Such additional information as the city planner may deem pertinent and essential to the application.

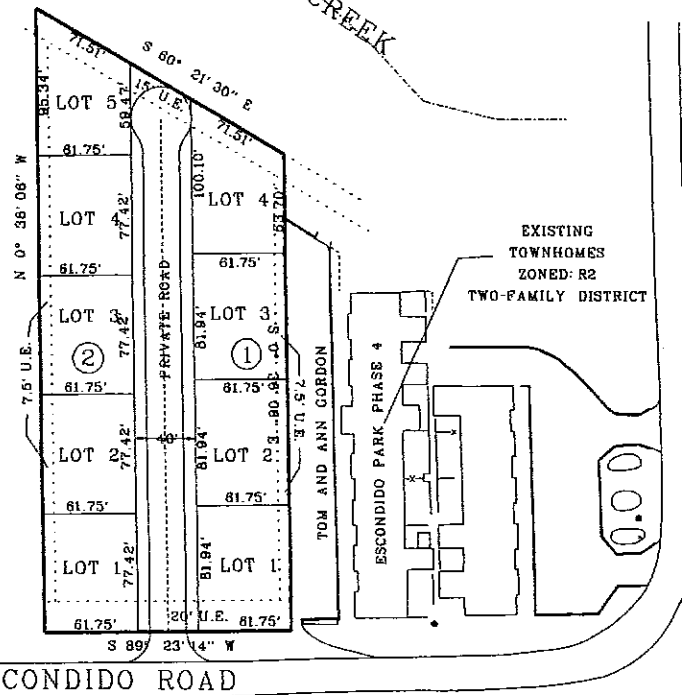
**Please note that this process can take up to 100 days.**



SOUTH CREEK ESTATES  
SUBDIVISION  
KINGSVILLE, TEXAS

VACANT LAND  
AGRICULTURAL USE  
ZONED: R1  
SINGLE-FAMILY DISTRICT

KLEBERG TOWN  
AND  
IMPROVEMENT COMPANY  
SECTION 21  
LOT 13



PROPOSED SUBDIVISION ZONING REQUEST

CURRENT ZONING: R3- MULTI-FAMILY DISTRICT

PROPOSED ZONING: R1- SINGLE-FAMILY DISTRICT

PROPOSED PROJECT IS THE CREATION OF A 2 BLOCK, 9 LOT SIBDIVISION OF GARDEN HOMES FOR THOSE DESIRING SMALL YARDS IN A GARDEN STYLE HOME SETTING. THERE WILL BE A PRIVATE GATED ROAD FROM THE EXISTING ESCONDIDO ROAD.

BLOCK 1, LOTS 1-4: 5059.80 S.F.

BLOCK 2, LOTS 1-5: 4780.69 S.F.

HOMES WILL BE CONSTRUCTED OF WOOD FRAME WITH MASONRY EXTERIOR. THEY WILL RANGE IN SIZE FROM 1400 S.F. TO 2200 S.F. AND WILL BE PRICED FROM THE LOW \$100,000.00 TO THE \$200,00.00 RANGE

PREPARED BY: APEX SURVEYING AND MAPPING

— LAND SURVEYORS —

4737 KOSAREK DRIVE  
CORPUS CHRISTI, TEXAS 78415

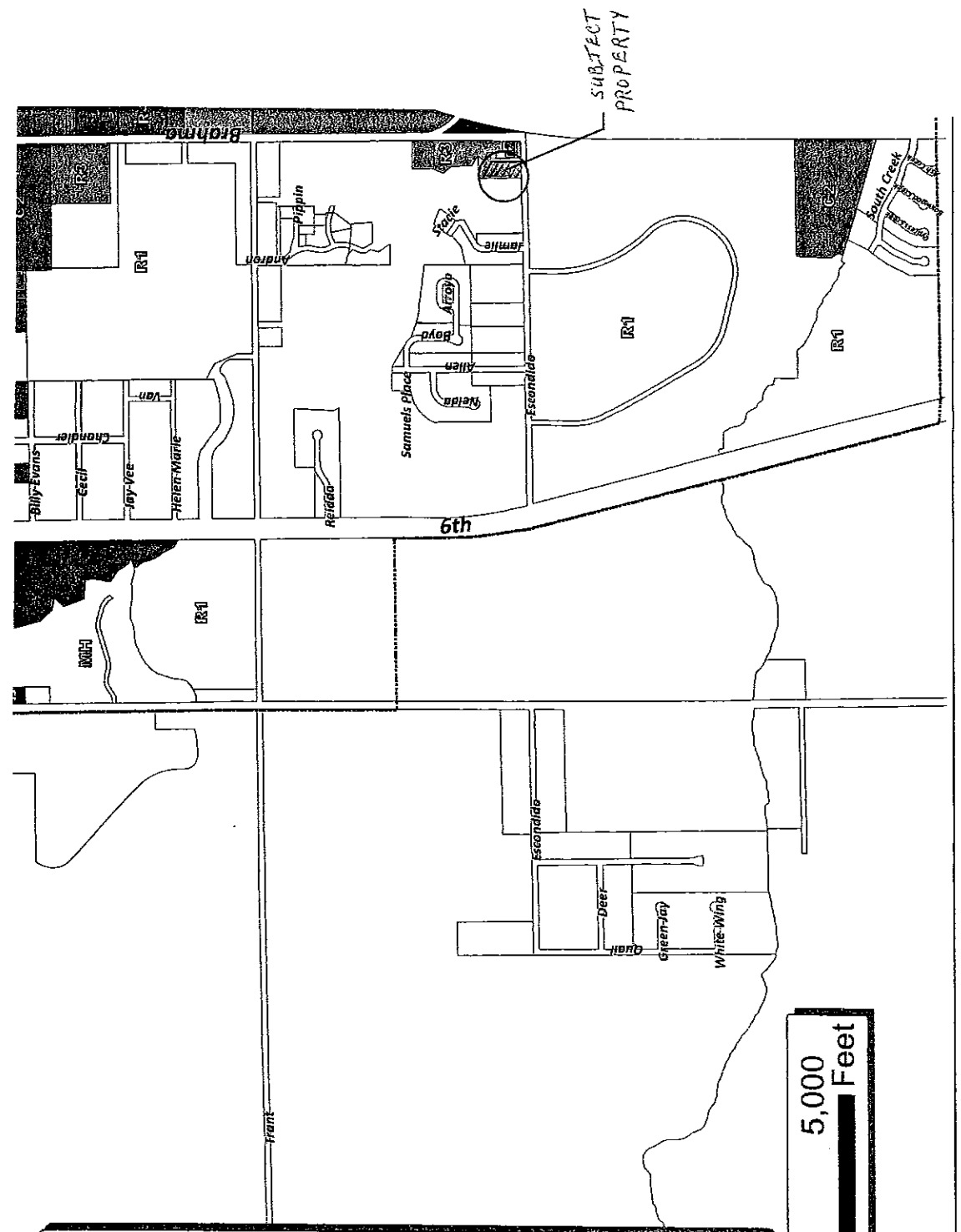
DRAWN BY: J.A.W. DATE: 6/18/13

NOTE: ALL BEARINGS ARE NAD-83 GRID

SCALE: 1" = 80'

# Legend

Zone	
TAMUK - Texas A&M University - Kingsville	
R4 - General Residential District	
R3 - Multi-Family District	
R2 - Two-Family District	
R1 - Single-Family District	
MH - Mobile Home District	
I2 - Heavy Industrial District	
I1 - Light Industrial District	
C4 - Commercial District	
C3 - Central Business District	
C2 - Retail District	
C1 - Neighborhood Service District	
AG - Agricultural District	
City Limits	



## **AGENDA ITEM #2**

**ORDINANCE 2013-\_\_\_\_\_**

**AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO 2.0 ACRES OUT OF LOT 10, BLOCK 2, KLEBERG TOWN & IMPROVEMENT CO. SUBDIVISION KNOWN AS 102 W. SAGE ROAD FROM AG- AGRICULTURE DISTRICT TO R-1 SINGLE-FAMILY DISTRICT; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.**

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

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, July 17, 2013 during a meeting of the Planning and Zoning Commission, and on Monday, August 26, 2013 during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

**WHEREAS**, the Planning & Zoning Commission by a 5-0 vote approved the requested rezone; and

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

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

**SECTION 1.** That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of 2.0 acres out of Kleberg Town & Improvement Co., Block 2, Lot 10, known as 102 W. Sage Road from AG-Agriculture District to R-1 Single Family District, as more specifically described on the Zone Change Map, attached as Exhibit A.

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

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

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

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

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

INTRODUCED on this the 26th day of August, 2013.

PASSED AND APPROVED on this the \_\_\_\_<sup>th</sup> day of September, 2013.

**THE CITY OF KINGSVILLE**

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

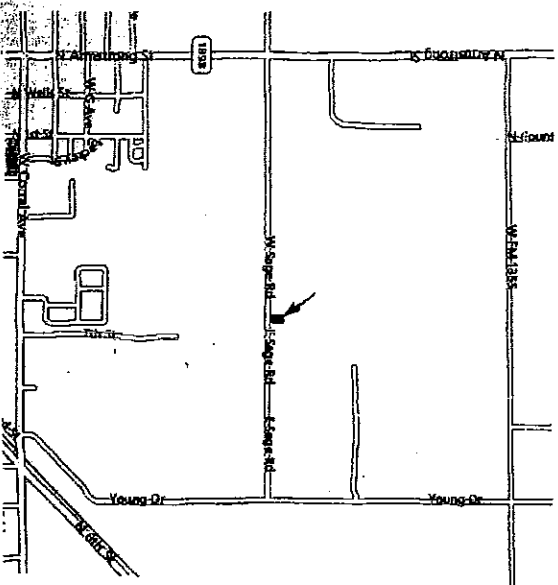
**ATTEST:**

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

**APPROVED:**

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

Proposed Tract for Re-Zoning:  
 A 2.0 ACRE TRACT OF LAND, PART OF  
 FARM LOT 10, BLOCK 2, KLEBERG TOWN  
 & IMPROVEMENT CO. SUBDIVISION OF  
 KLEBERG COUNTY, TEXAS



**RE-ZONING REQUEST**  
**FROM ZONE "AG" TO ZONE "R1"**  
**102 West Sage Road**  
**Kingsville, TX**

**102 WEST SAGE ROAD**  
**KINGSVILLE, TX**

0 150'

SHEET

JOB NO.

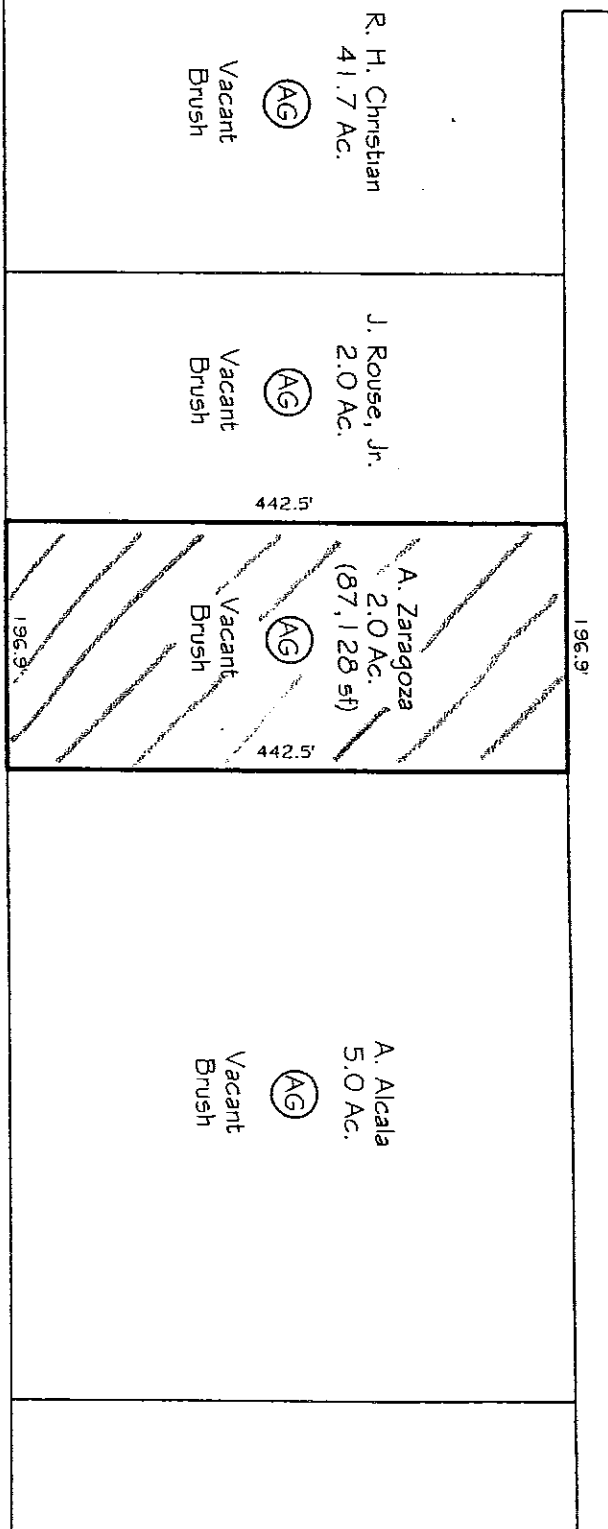
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SCALE:

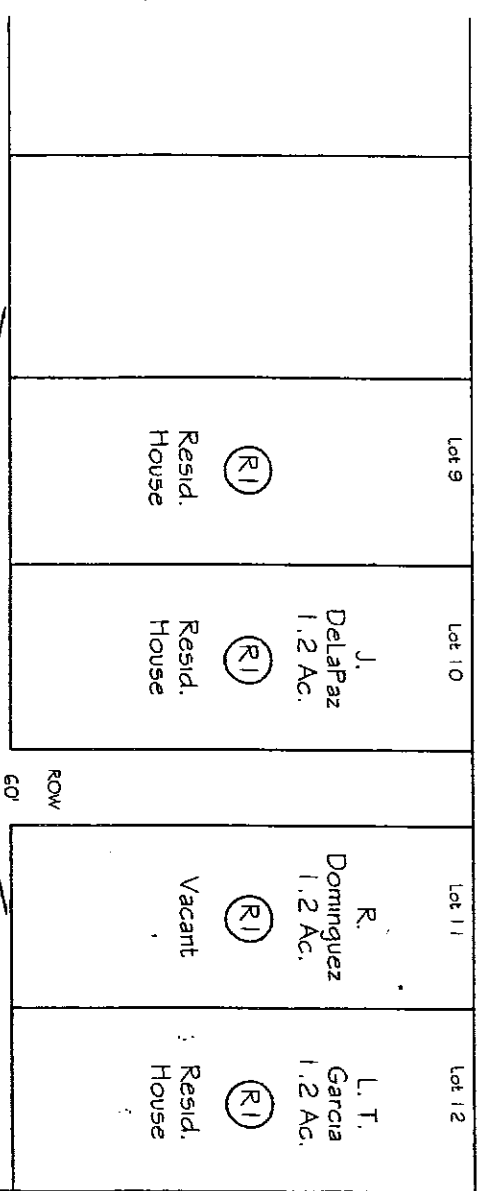
1/8" = 1'

DATE:

**CASTILLO**  
 119 NORTH 7TH STREET  
 KINGSVILLE, TEXAS 78363  
 (361)-592-6744 FAX (361)-592-6744



West Sage Road



SERENITY ESTATES

M. Schoech  
31.5 Ac.  
(R1)  
Vacant



## Planning & Development Services Department

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TO: Mayor & City Commission

THROUGH: Vincent Capell, City Manager

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

SUBJECT: **Request to Re-zone 102 W Sage Rd. from AG to R1**

DATE: August 16, 2013

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This is a request from agent Hoss Castillo to re-zone a 2.0 acre tract of Farm Lot 10, Block 2 of the Kleberg Town & Improvement Co. Subdivision located at 102 W Sage Rd. from Agricultural, AG, to a Single-Family R1 District.

This request was unanimously approved by Planning & Zoning Commission at the latest meeting on July 17<sup>th</sup>, 2013. The petitioner is requesting the zoning change so that the owner, Alejandro Zaragoza, can construct his single-family home on the lot. The proposed re-zone is on the North side of Sage Rd. and will be the second R1 home on the North side of Sage, between Armstrong St. and Young Dr.

Staff recommends approval of this request based on its conformance with the goals & policies contained in all of the elements of the current Master Plan, the proposal is not detrimental to the public health, safety, and welfare, it will not generate inappropriate or hazardous traffic levels in the area, nor is it detrimental to existing or potential adjacent land uses.



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

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

**Request: APPROVAL OF REZONING A 2.0 ACRE TRACT OF FARM LOT 10, BLOCK 2 OF KLEBERG TOWN & IMPROVEMENT (KT&I) CO. SUBDIVISION LOCATED AT 102 WEST SAGE ROAD; FROM AG, AGRICULTURE, TO R-1, SINGLE FAMILY RESIDENTIAL.**

Petitioner & Agent: Hoss Castillo  
Date of P&Z Hearing: July 17<sup>th</sup>, 2013

Comprehensive Plan Land Use: Private / Housing  
Existing Zoning Classification: AG: Agriculture  
Adjacent Zoning: North, East & West: AG: Agriculture  
South: R-1: Single Family Residential District

## **EXISTING INFRASTRUCTURE**

Transportation: West Sage Road – Local  
Community Facilities: Services provided  
Capital Improvements: Services provided with the exception of wastewater  
Fire Station Proximity: 1.7 driving miles  
100 Year Floodplain: 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 the meeting)
- Site Plan
- Mailing list of owners within 200 feet

## **BACKGROUND AND HISTORY**

The petitioner is requesting a zoning district change in order to facilitate the construction of a single-family residential home for Mr. Alejandro Zaragoza. The historical use of this property has been for ranching. Lots in the surrounding area, most notably on the south side of Sage Road, have been developing single-family homes. There is one other single-family residential home on the north side of Sage Rd. which is located on the Sage Rd. / North Armstrong intersection.

## **FIELD INSPECTION AND PERTINENT DATA**

Existing condition of the land is as brush land. On the north side of Sage Rd., neighboring property is also brush land. On the south side of Sage Rd., there are newly constructed (3-4 years old) single family homes.

STAFF REVIEW AND RECOMMENDATION

In general, Planning and Zoning Commission considers the following factors when making a recommendation on Zoning District Changes:

1. Whether the proposal is in conformance with the goals and policies contained in all elements of the 2008 Master Plan.
2. Whether the proposal is in keeping with the purpose of the zoning districts.
3. Whether the proposal is detrimental to the public health, safety and welfare.
4. Whether the proposal is detrimental to existing or potential adjacent land uses.
5. Whether the proposal will generate traffic levels inappropriate, hazardous, or detrimental to the existing or potential nearby land uses.

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

1. The proposal is in conformance with the goals and policies contained in all elements of the 2008 Master Plan.
2. The proposal is in keeping with the purpose of the zoning districts.
3. The proposal is not detrimental to the public health, safety, and welfare.
4. The proposal is not detrimental to existing or potential adjacent land uses.
5. The proposal will not generate inappropriate, hazardous, or detrimental traffic levels in the existing or nearby area.

Prepared by: Robert G. Isassi, 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 102 W. Sage Road Nearest Intersection 2000' West of Sage Road & Young Drive  
(Proposed) Subdivision Name KT&I Co. Farm Lot 10 Block 2  
Legal Description: 2.0 Ac. tract out of Farm Lot 10, Block 2, KT&I Co.  
Existing Zoning Designation AG Future Land Use Plan Designation R1

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Hoss Castillo Phone 361-592-6744 FAX \_\_\_\_\_  
Email Address (for project correspondence only): hcastillo6744@sbcglobal.net  
Mailing Address 119 N. 7th St. City Kingsville State TX Zip 78363  
Property Owner Alejandro Zaragoza Phone 361-516-1655 FAX \_\_\_\_\_  
Email Address (for project correspondence only): \_\_\_\_\_  
Mailing Address 630 W. Santa Gertrudis City Kingsville State TX Zip 78363

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

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

Please provide a basic description of the proposed project:

Re-Zone a 2.0 Acre Tract of Land on W. Sage Road from  
Zone "AG" to Zone "R1", to construct new residential  
home for the property owner.

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 Hoss Castillo Date: 6-26-13  
Property Owner's Signature Alejandro Zaragoza Date: 6-26-2013  
Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

### Application Check List for Re-Zoning

Applicant: Alejandro Zaragoza

Property Address: 102 West Sage Road  
Kingsville, TX 78363

### Application Check List for a Re-Zoning

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

Site and landscape plans: 1 full size and 15 - 11"x17" reductions (copies from PMT reduction)

- ☒ 1. A written description of the requested zoning district and the proposed use.
- ☒ 2. A site plan showing the location, dimension, material and configuration of all existing buildings, structures and other improvements.
- ☒ 3. The lot size in square feet and the dimensions thereof.
- ☒ 4. The land uses surrounding the lot(s) for which site plan approval is being sought.
- ☒ 5. The zoning on the lots and parcels surrounding the lot(s) for which site plan approval is being sought.
- ☒ 6. Such additional information as the city planner may deem pertinent and essential to the application.

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

## **Application Check List for Re-Zoning**

Applicant: Alejandro Zaragoza

Property Address: 102 West Sage Road  
Kingsville, TX 78363

1. Written Description of the requested zoning district and proposed use.  
Re-Zone a 2.0 acre tract of land located at 102 W. Sage Road, Kingsville, TX, from Zone "AG" to Zone "R1," in order to construct a new residential home for the property owner. This 2.0 Acre tract of land is located out of Farm Lot 10, Block 2, Kleberg Town & Improvement Co. Subdivision, City of Kingsville, Kleberg County, Texas.
2. Site Plan showing location, dimension, material and configuration of all existing buildings, structures and other improvements.  
A site plan for the tract of land is attached. Currently, the tract of land has no existing buildings, structures, nor any other improvements. The site consists of only scattered Mesquite brush and native grasses.
3. Lot Size in square feet and dimensions thereof.  
The lot size is 87,128 square feet with dimensions of 196.9 feet wide (East and West) and 442.5 feet long (North and South).
4. Land Uses surrounding the lot for which site plan approval is being sought.  
The tracts of land surrounding the lot on the North, East, and West boundaries are all vacant, idle brush land. The tracts of land on the South boundary of the lot, directly across Sage Road, are either residential homes (Lots 9, 10, & 12, Serenity Estates) or vacant brush land (Lot 11). The large tract of land located Southeast of the lot is currently an active cropland.
5. Zoning on the lots and parcels surrounding the lot for which site plan approval is being sought.  
The tracts of land surrounding the lot on the North, East, and West boundaries are all Zone "AG," Agriculture. The tracts of land along the South boundary of the lot, across Sage Road, are all Zone "R1," Residential.
6. Such Additional Information as the City Planner may deem pertinent and essential to the application.  
There is no additional information requested by the City.

TaxNetUSA - TX : Kleberg : 2013 Preliminary : Detail Report

Page 1 of 1

# TaxNetUSA

The Source for Property Tax Information

*Total  
Pages - 4*

TaxNetUSA &gt; Texas &gt; Kleberg County &gt; Detail Report

PIDN: 34166 GEO: 290000210006192

Owner Name ROUSE JIMMY JR

Mailing Address  
ETUX Leticia  
413 LEMONWOOD  
KINGSBVILLE, TX 78363-7542

Location SAGE RD

Legal KT &amp; I CD, BLOCK 2, LOT PT 10, ACRES 4.0

## Value Information

## 2013 Preliminary

Land Value	\$80,000.00
Improvement Value	\$0.00
AG Market Value	\$0.00
Timber Market Value	\$0.00
Total Market Value	\$80,000.00
AG Productivity Value	\$0.00
Timber Productivity Value	\$0.00
Appraised Value	\$80,000.00
Ten Percent Cap Loss Value	\$0.00
Assessed Value	\$80,000.00
Previous Appraised Value	\$80,000.00
Percent Change	0.000%

View 2012 Certified Value

Data up to date as of May 22, 2013 including 2013 Preliminary values.

A Property Detail report appears to be available. You must have an account with TaxNetUSA to view Property Detail reports.

Sign in or sign up for free to access:

Property Details  
Taxing Jurisdictions  
Estimated Property Taxes  
Improvement Details

View Sample Report

*To: Jessica -  
Planning*

*The East 1/2 sold to A. Zaragoza in May 2013*

*Hoss C.*

GF# 20131779

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

### **WARRANTY DEED**

**DATE:** MAY \_\_\_\_\_, 2013

**GRANTOR:** JIMMY ROUSE, JR. and wife, LETICIA ROUSE

**GRANTOR'S MAILING ADDRESS (including County):**

413 Lemonwood  
Kingsville, Texas 78363  
County: Kleberg County, Texas

**GRANTEE:** MARIA GUADALUPE MARQUEZ and ALEJANDRO ZARAGOZA

**GRANTEE'S MAILING ADDRESS (including County):**

1803 Margaret Lane  
Kingsville, Texas 78363  
County: Kleberg County, Texas

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

**PROPERTY:**

**PROPERTY DESCRIPTION IS CONTAINED ON EXHIBIT "A" ATTACHED HERETO, MADE A PART HEREOF AND INCORPORATED BY REFERENCE HEREIN.**

**RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:**

The conveyance recited above is made and accepted subject to all presently valid restrictions, reservations, covenants, conditions, rights-of-way, easements, mineral leases and royalty and mineral conveyances now outstanding and of record, if any, in Kleberg County, Texas, affecting the above described **PROPERTY.**

**TAX PRORATION AGREEMENT**

To: Kleberg County Title Co.

RE: GF No. 20131779

Date: May 15, 2013

Property: The East One-Half (E 1/2) of a 4.00+/- acre tract of land out of Farm Lot 10, Section 2, The Kleberg Town &amp; Improvement Co., Kleberg County, Texas as described in the attached Exhibit A.

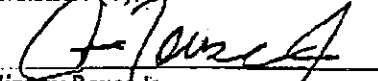
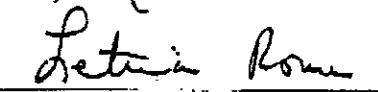
NOTE: The Company is prohibited from insuring the area or quantity of the land described herein. Therefore, the Company does not represent that the acreage or square footage calculations are correct. References to quantity are for informational purposes only.

This indicates our understanding of the handling of the property taxes in the referenced transaction. Since the property taxes for the current year cannot be determined at this time, the purchasers will be given credit for their share of the current year's taxes, in consideration of which purchaser will pay the full tax for the year when taxes are due. This amount is based on an estimate only, since current figures are not yet available. The purchasers have also been made aware that they must take a copy of their recorded deed when received to the Central Appraisal District in order to have the taxes changed into their names and file for any exemptions which apply.

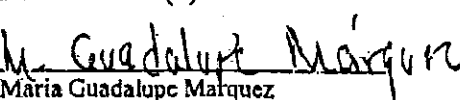
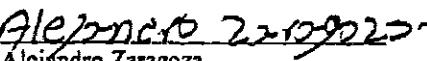
If the actual tax assessment exceeds the estimated amount prorated at closing, seller agrees to immediately reimburse the purchaser the additional sum owed for the period from January 1 up to the closing date. Should the actual tax assessments be less than the estimated amount prorated at closing, purchaser agrees to immediately reimburse the seller the excess amount prorated/credited at closing.

All parties understand that Kleberg County Title Co. will not be responsible for, nor will they be involved in, this tax proration settlement. It is agreed that Seller and Purchaser will contact each other directly, and the refund will be paid immediately upon written notification (with supporting documentation) from the other party that same is due.

SELLER(S):

  
Jimmy Rouse Jr.  
Leticia Rouse

PURCHASER(S):

  
Maria Guadalupe Marquez  
Alejandro Zaragoza



Field notes for a 4.00 ± acre tract of land out of Farm Lot 10, Section 2, 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 10, Section 2, The Kleberg Town & Improvement Co., a subdivision to the said Kleberg County described by map or plat recorded in Envelope 18, Plat Cabinet 1, Map and Plat Records, Kleberg County, Texas, and being a part of that tract of land conveyed by deed to R. H. Christian recorded in Volume 236, Pages 312-315, Official 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 Southeast corner of Farm Lot 9 of the aforementioned Section 2, said corner being in the intersection of the North line of the 60 foot Right-of-Way of Kleberg County Road 2010 W (Sage Road) with the West line of the 60 foot Right-of-Way of Kleberg County Road 1038 N;

THENCE, with the South line of the aforementioned Farm Lot 9 and with the aforementioned North Right-of-Way line of Kleberg County Road 2010 W, WEST, (at a distance of 1262.5 feet pass the Southwest corner of the aforementioned Farm Lot 9 same being the Southeast corner of the aforementioned Farm Lot 10), for a total distance of 1968.7 feet to an iron rod, with cap, found in the ground for a corner, said corner being THE POINT OF BEGINNING and the Southeast corner of the tract herein described;

THENCE, continuing with the aforementioned North Right-of-Way line of Kleberg County Road 2010 W and with the South line of the aforementioned Farm Lot 10, WEST, a distance of 393.8 feet to an iron rod, with cap, set in the ground for a corner, said corner being the Southwest corner of the tract herein described;

THENCE, NORTH, a distance of 442.55 feet to an iron rod, with cap, set in the ground for a corner, said corner being in the South line of a tract of land conveyed by deed to Jose Gus Carrales and John G. Carrales recorded in Volume 80, Pages 659-662, Official Records, Kleberg County, Texas, said corner being the Northwest corner of the tract herein described;

THENCE, with the aforementioned South line of the Carrales tract of land, EAST, a distance of 393.8 feet to an iron rod, with cap, found in the ground for a corner, said corner being the Northeast corner of the tract herein described;

THENCE, SOUTH, a distance of 442.55 feet to RETURN TO AND CLOSE AT THE POINT OF BEGINNING, containing within said bounds 4.00 ± 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 April 2007 for R. H. Christian.

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



KLEBERG COUNTY APPRAISAL DISTRICT  
PROPERTY 34166 R 01/25/2008  
Legal Description  
C & I CO, BLOCK 2, LOT PT 10, ACRES 4.0  
OWNER ID 55785  
OWNERSHIP 100.00%  
Ref ID2: R34166  
Map ID G-4  
290000210006192  
SITUS SAGE RD TX  
PROPERTY APPRAISAL INFORMATION 2013  
ROUSE JIMMY JR  
ETUX LETICIA  
413 LEMONWOOD  
KINGSVILLE, TX 78363-7542  
ACRES: 4.0000  
EFF. ACRES:  
APPR VAL METHOD: Cost

GENERAL  
LAST APPR. IE 2012  
LAST APPR. YR 2012  
LAST INSP. DATE 03/12/2012  
NEXT INSP. DATE  
VALUES  
IMPROVEMENTS 0  
LAND MARKET + 60,000  
MARKET VALUE = 60,000  
PRODUCTIVITY LOSS - 0  
APPRAISED VALUE = 60,000  
HS CAP LOSS - 0  
ASSESSED VALUE = 60,000  
EXEMPTIONS

SKETCH COMMANDS

REMARKS  
FOR '12 CHG LAND TABLE - \$15,000/AC PER  
SALES IN AREA PER APPR IE 3/12/12 3/27/12  
NMKG - FOR 2011 NO VAL CHG ON ACCT PER  
APPR LR 3/16/11 4/15/11 VG - NEW FOR 2008 -

BUILDING PERMITS  
ISSUE DT PERMIT TYPE PERMIT AREA ST PERMIT VAL

SALE DT PRICE GRANTOR DEED INFO  
25/17/2010 \*\*\*\*\* ECHARTEA MAX WDWL / 432 / 571  
34/09/2007 \*\*\*\*\* CHRISTIAN R H WDWL / 359 / 758

SUBD: S2900 100.00% NBHD:  
# TYPE DESCRIPTION MTHD CLASS/SUBCL AREA UNIT PRICE/UNITS BUILT EFF YR COND VALUE DEPR PHYS ECON FUNC COMP ADJ ADJ VALUE

IMPROVEMENT FEATURES

SUBD: S2900 100.00% NBHD:  
# DESCRIPTION CLS TABLE P9B  
1. RB5 (BRUSH LAND)  
LAND INFORMATION  
DIMENSIONS 4.0000 AC  
UNIT PRICE 15,000.00  
GROSS VALUE 60,000.00  
IRR Wells: 0 Capacity: 0  
ADJ MASS ADJ VAL SRC 1.00 A  
MKT VAL 80,000  
IRR Acres: 0  
AG APPLY AG TABLE AG UNIT PRG AG VALUE  
NO 44.00 0  
Oil Wells: 0  
AG CLASS AG-RB5

# **AGENDA ITEM #3**



## 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 Re-zone 808 S 13<sup>th</sup> St. from R2 to C2**

DATE: August 16, 2013

---

This is a request from Linda Franklin to re-zone the Southeast corner lot of 13<sup>th</sup> and Doddridge from a two-family R2 District to a Commercial C2 District at Retama Park, Block 7, Lot 1 located at 808 S 13<sup>th</sup> St.

This request was approved by Planning & Zoning Commission on March 9<sup>th</sup>, 2008 and was not immediately submitted to Commission for approval. The owner may be selling the property soon and wishes for the re-zoning to be finalized. The lot is currently a vacant lot next to Homesmart and Remco (old Hollywood Video). The Planning & Zoning Commission unanimously approved the rezoning.

The Planning Department has evaluated the request and can find no issues with it. It is within the Master Plan concept and should continue to promote commercial growth in the area.

**ORDINANCE #2013-\_\_\_\_\_**

**AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO LOT 1, BLOCK 7 OF RETAMA PARK, KNOWN AS 808 SOUTH 13<sup>TH</sup> STREET FROM R2 TWO-FAMILY DISTRICT TO C2 RETAIL DISTRICT; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.**

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

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, March 19, 2008 during a meeting of the Planning and Zoning Commission, and on Monday, August 26, 2013 during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

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

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

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

**SECTION 1.** That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of Lots 1, Block 7 of Retama Park, known as 808 South 13<sup>th</sup> Street from R2 Two-Family District to C2 Retail District, as more specifically described on the Zone Change Map, attached as Exhibit A.

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

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

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

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

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

**INTRODUCED** on this the 26th day of August, 2013. .

**PASSED AND APPROVED** on this the \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2013.

**THE CITY OF KINGSVILLE**

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

**ATTEST:**

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

**APPROVED:**

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

**PLANNING AND ZONING COMMISSION  
MEETING - MINUTES  
MARCH 19, 2008 AT 7:00 P.M.  
CITY OF KINGSVILLE COMMISSION CHAMBERS  
200 E. KLEBERG AVE  
KINGSVILLE, TX 78363**

**Planning & Zoning Members Present**

**Robert McCreight**

**Steve Zamora**

**Bill Aldrich**

**Ramon Perez**

**John Howe**

**Citizens Present**

**Linda Franklin**

**Elbert W. Franklin III**

**Planning & Zoning Members Absent**

**Leo Alarcon**

**Lupe Alvarez**

**Armando Martinez**

**Staff Present**

**Jennifer Trevino, Planning Secretary**

**Armando Gutierrez, City Engineer**

1. **The meeting was called to order at 7:00 p.m.**
2. **Public comments on items on or off the agenda;**  
There were no public comments at this time.
3. **Discuss and take action on minutes of February 20, 2008;**  
Mr. McCreight made a motion to accept the minutes as presented; it was seconded by Mr. Aldrich. The motion passed 5/0.
4. **Discuss and consider a request to rezone from R2 Two Family District to C4 Commercial District, Retama Park Block 7, Lot 1, property also known as 808 S. 13<sup>th</sup>, Linda Franklin is the applicant;**

Mr. Gutierrez stated he wanted to mention that is property is at 13th & Doddridge and it was a vacant lot and he thought at one time it was a duplex that burned down sometime in the ladder part of last year. In October of last year and it was cleaned up and the property is already in commercial zoning. They sent out notices and have not received any

opposition. The block to the east is also C2, so rezoning this property to C2 is consistent with the overall plans that exist in the area. He had no objections to getting this property rezoned to C2. Robert McCreight said, "as opposed to a C4" and he said yes. Mr. Gutierrez said he thought C4 was put in there as a matter of allowing the commission to work the discretion of deciding if they want to go C2, 3, or 4., but really C2 is what is appropriated and what the other properties along the area are.

The code recommended we stay with the C2. Steven Zamora then said, "basically the item then would be to approve it but instead of going C4 we would be approving C2 in lieu of C4". That is correct. Jennifer Trevino then asked if she could mention something. Mr. Zamora told her to do a motion, and then she said "they didn't ask for a C4, they just asked for a commercial so we advertised it as C4." Mr. Zamora then said the applicant doesn't have a particular need for a C4. Jennifer then said no. Mr. Gutierrez then explained that a C2 was a retail district and that was what they learned about and a C4 is more of an open area and allows welding shops and mechanics shop, etc. Mr. Zamora then made a motion to be continued or, then Mr. Aldrich made a motion to change it from a C4 to a C2. It was seconded by Mr. Howe. Motion passed 5/0.

5. **Miscellaneous: Items not on the agenda may be discussed but no action may be taken at this time;**

Mr. Gutierrez mentioned that he received a call on Monday from Land Mark Valley Homes that had the plans ready and wanted to submit to the counties and he requested they submit one set so he could have the opportunity to review it before they made all the copies. He received them yesterday afternoon and didn't get a chance to review them today, but will be looking at them tomorrow. He took a quick glance and it and nothing caught his attention. He received the construction plans with recommendation to move on to the construction phase (subdivision infrastructure, not whole construction) if they met all the requirements.

There was discussion on JLUS meeting that was held on Tuesday night (4/18/08). Mr. Gutierrez said it wasn't creating any more restrictions and what already existed was what was falling into place. It gives a level of comfort for anyone coming from outside to know the plan and knows what is allowed or not allowed and they can invest more in the city with more confidence. Once JLUS does the preliminary draft, the final should be followed shortly. There were additional recommendations that the JLUS will identify



issues and then make recommendations. Once all recommendations have been included in the plan, then we can ask city commission for approval, and then we can go into the implementation phase. Furthermore, the master plan is on hold until the JLUS can be finalized just in case something comes up that might affect the master plan. They are estimating that the master plan should be finished by April 14, 2008. Once the commission has adopted the JLUS study then we can go into the implementation phase before we start reviewing ordinances and changing the ordinances and coming up with new requirements or new policies.

6. **Adjourn**

Mr. Howe made a motion to adjourn; it was seconded by Mr. Aldrich. The motion passed 5/0. The meeting was adjourned at 7:10 p.m.

## **AGENDA ITEM #4**

# CITY OF KINGSVILLE



P. O. BOX 1458 - KINGSVILLE, TEXAS 78364

August 16, 2013

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

**Re: Budget Amendment - CO 2013 Debt Issuance (net of issuance cost refund)**

Mr. Capell,

The attached budget amendment will provide for the CO 2013 debt issue in January / February 2013 net of the \$15,343.29 refund by First Southwest our Financial Advisors. The initial issuance cost fees paid to First Southwest was \$76,194.55. The refund pulls the net issuance down to \$60,851.26 which is a very reasonable issuance cost amount considering the issue dollar amounts. The CO 2013 issue consisted of new debt in the amount of \$4,265,000 for drainage projects and \$965,000 for street projects (stated at par amounts) totaling \$5,230,000. In addition, the CO 2013 refunding of the CO 2002A existing debt in the amount of \$1,260,000 was issued at the same time reducing our overall issuance cost.

This Budget Amendment, given you approval, would be on the Commission Meeting agenda August 26, 2013 for first reading.

Sincerely,

*Mark A. Rushing*

Mark A. Rushing

CC: Courtney Alvarez, City Attorney

**ORDINANCE NO. 2013-**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 BUDGET FOR FUND 067 CO SERIES 2013 GF STREETS AND FUND 068 CO SERIES 2013 DRAINAGE FOR THE CO 2013 DEBT ISSUANCE COSTS NET OF REFUND.**

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

I.

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

**CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT**

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
-----------	------------------	---------------	-----------------	-----------------	-----------------

**Fund 067 CO Series 2013 GF Street Projects**

Revenues

4-000.0	Bond Proceeds	995.00	\$994,391	
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4-000.0	Bond Insurance Premium	996.00	\$39,554	
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Expenses

5-000.0	PrfSrv Bond Issue Costs	314.04	\$22,905	
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\$1,056,850

**Fund 068 CO Series 2013 Drainage**

Revenues

4-000.0	Bond Proceeds	995.00	\$4,325,000	
---------	---------------	--------	-------------	--

4-000.0	Bond Insurance Premium	996.00	\$174,818	
---------	------------------------	--------	-----------	--

Expenses

5-000.0	PrfSrv Bond Issue Costs	314.04	\$121,233	
---------	-------------------------	--------	-----------	--

\$4,621,051

[This budget amendment will provide for the CO 2013 debt issue in January/February 2013 net of the \$15,343.29 refund by First Southwest. The CO 2013 issue consisted of new debt in the amount of \$4,265,000 for drainage projects and \$965,000 for street projects.]

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 26th day of August, 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 #5**

# CITY OF KINGSVILLE



P. O. BOX 1458 – KINGSVILLE, TEXAS 78364

August 16, 2013

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

**Re: Budget Amendment - Budget Transfer from General Fund 001 to Fund 087 Additional Sanitation / Solid Waste Fees.**

Mr. Capell,

The City completed a study in FY 2007-2008 and found that the City of Kingsville sanitation fee needed to be increased to stay comparable to fees charged in surrounding cities. These fees were subsequently implemented starting April 2008, but only half of the overall consultant recommended increase was implemented in the 1<sup>st</sup> year. In FY 2008-2009, the second year of implementation, the full amount of the consultant recommended increase was implemented. At that time Fund 087 Solid Waste Capital Projects was created for the purpose of financing related sanitation debt service and any residual revenue collected amount above the debt service payments could be used to purchase capital items in the sanitation department. As a result, the 1<sup>st</sup> half year of collected revenues in the amount of \$114,247 still resides in reserves in the Fund 001 General Fund - "Committed" Fund Balance. This budget amendment would move the money to Fund 087 Solid Waste Capital Projects - "Committed" Fund Balance to be used for this intended purpose.

This Budget Amendment, given your approval, would be on the Commission Meeting agenda August 26, 2013 for first reading.

Sincerely,

*Mark A. Rushing*

Mark A. Rushing

CC: Courtney Alvarez, City Attorney

**ORDINANCE NO. 2013-**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 BUDGET FOR THE TRANSFER OF FUND BALANCE FROM FUND 001 GENERAL FUND TO THE SOLID WASTE CAPITAL PROJECTS FUND 087.**

**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
<b>Fund 01 General Fund</b>					
<u>Capital</u>					
2 000.00	Fund Balance	Reserved For Cap. Proj	684.00		<u>\$114,248</u>
					<u>\$114,248</u>
<u>Expenses</u>					
5-690.00	Transfer To	Fund Exp/Trsfers Out	394.87	<u>\$114,248</u>	
				<u>\$114,248</u>	
<b>Fund 087 Solid Waste Capital Projects</b>					
<u>Revenues</u>					
4-000.00	Transfer from Fund 01	Transfer In	750.01	<u>\$114,248</u>	
				<u>\$114,248</u>	
<u>Capital</u>					
2 000.00	Fund Balance	Reserved for Cap. Proj	610.00	<u>\$114,248</u>	
				<u>\$114,248</u>	

[To transfer Solid Waste revenues that exceed what is needed for debt service payments to Capital Projects Fund 087 for the purchase of capital items for the sanitation department]

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 26th day of August, 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 #6**



## ***Engineering Department***

361-595-8007

361-595-8035 Fax

DATE: August 16, 2013  
TO: City Commission through City Manager  
FROM: Juan Carlos Cardenas, Director of Public Works/City Engineer  
SUBJECT: FY2013 Utility Fund Budget Amendment (Fund 051)

### **SUMMARY**

This item authorizes a budget amendment to the FY2013 Utility Fund (051) for expenditures occurring this fiscal year for the installation of an 8" waterline along Seale Street from Corral Ave to Ave "B".

### **BACKGROUND**

In FY 2013, \$70,000.00 was budgeted in CO Series 2011 General Fund (065) to be expensed in partnership with TAMUK to improve drainage for the north side of Santa Gertrudis Estates Subdivision and the intersection of Ave "B" & Seale Street. When city staff was performing a cost benefit analysis of a water connection along Seale Street with the University and of drainage improvements needed in the area of the University, TAMUK requested the City reallocate the drainage funds (065-5-305.0-531.00 \$70,000) for the installation of a waterline and service connection along Seale Street between Corral Ave & Ave "B" and that TAMUK would pay the drainage improvement expenses for the north side of Santa Gertrudis Estates Subdivision and Ave "B" & Seale Street intersection.

#### **Fund (051) – Utility Fund:**

Requested Budget Amend: \$70,000.00 from Utility Fund Balance

Add to Water Line Extension Budget FY13: (600.1-541.00) \$70,000.00

### **RECOMMENDATION**

The proposed budget amendment is very important to complete the waterline project this fiscal year. Staff recommends proceeding with approval of the proposed budget amendment.

### **FINANCIAL IMPACT**

Detail of the Utility Fund Budget Amendment request is mentioned above and noted in the budget amendment ordinance.

Approved

---

Vincent Capell, City Manager

ORDINANCE NO. 2013-

**AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 BUDGET FOR THE REALLOCATION OF FUNDS INITIALLY BUDGETED FOR A DRAINAGE PROJECT TO BE USED FOR A WATER LINE PROJECT ALONG SEALE STREET.**

**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
<b>Fund 051 Utility Fund</b>					
<u>Capital</u>					
2-000.00	Fund Balance	Unreserved Fund Balance	610.00		<u>\$70,000</u>
					<u>\$70,000</u>
<u>Expenses</u>					
5-601.10	Water	Water Line Ext.	541.00	<u>\$70,000</u>	<u>\$70,000</u>

[Texas A&M University-Kingsville requested that the \$70,000 initially budgeted for a drainage project on the North Side of Santa Gertrudis Estates Suddivision be used for a water line along Seale Street from Corral to Ave B.]

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 26th day of August, 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

# **REGULAR AGENDA**

## **AGENDA ITEM #7**