

City of Kingsville, Texas

AGENDA CITY COMMISSION

**MONDAY, NOVEMBER 25, 2013
REGULAR MEETING**

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

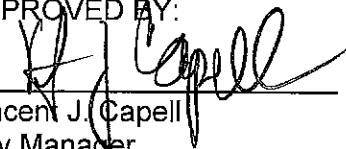
I. Preliminary Proceedings.

OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S) – Required by Law
Special Meeting – November 18, 2013

APPROVED BY:



Vincent J. Capell
City Manager

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

1. None.

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

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

IV. Public Comment on Agenda Items.³

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

V.

Consent Agenda

Notice to the Public

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 Fund 001 General Fund budget to provide for adjustments due to the City of Kingsville and the Kingsville Professional Firefighter's Association (IAFF Local #2390) Collective Bargaining Agreement. (Director of Finance).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 Budget for the Utility Fund for Water Treatment Operations to satisfy SEP agreed to by TCEQ. (Director of Finance).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 budget from the General Fund 001 Fund Balance for City Special to Cover Attorney Fees. (Director of Finance).
4. Motion to approve resolution authorizing the release of Chapter 59 Funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to the Communities in School. (Task Force Commander).
5. Motion to approve resolution authorizing the release of Chapter 59 Funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to the Boys and Girls Club of Kingsville. (Task Force Commander).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

6. Consider approval of a preliminary plat of 25.64 acres, Oak Tree Apartment Tract, located on Northwest corner of intersection of E. General Cavazos & Golf Course Road, subdividing Lot 2, Block 1 into eight lots and a dedicated road, with the conditions recommended by staff. (Director of Planning & Development Services).
7. Consider approval of a final plat of Lots 2A, 2B, & 2C of Block 1 within 25.64 acres, Oak Tree Apartment Tract, located on Northwest corner of intersection of E. General Cavazos & Golf Course Road, with the conditions recommended by staff. (Director of Planning & Development Services).
8. Consider a resolution establishing guidelines and criteria governing tax abatement for all taxing entities located within the City of Kingsville; authorizing the City Manager to accept application on behalf of the City for presentation to the Commission; stating the

City elects to be eligible to participate in tax abatements; and providing for evaluation of each application for conformity with such guidelines and criteria prior to submission to the Commission. (City Attorney).

9. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 5, Traffic Schedules, amending the location of speed limit zones on FM 3320 (Golf Course Road). (City Engineer/Public Works Director).

10. Consider introduction of an ordinance authorizing the purchase of 2.767 acres of land at 2000 North Armstrong for a new water well (Well #25). (City Engineer/ Public Works Director).

11. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 9-10-7 providing for a change to the height of vegetation overhanging streets and public parkways. (Director of Planning and Development Services).

12. Discuss and consider continued participation in the NLC service line warranty program. (Mayor)

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:

November 22, 2013 at 2:00 P.M. and remained so posted continuously for at least 72 hours preceding the schedule time of said meeting.

Mary Valenzuela
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)

OCTOBER 28, 2013

A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 18, 2013 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 5:00 P.M.

CITY COMMISSION PRESENT:

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

CITY STAFF PRESENT:

Vince Capell, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Charlie Cardenas, Public Works Director/Engineer
Deborah Balli, Finance Director
Emilio Garcia, Health Director
Diana Gonzales, Human Resources Director
Melissa Perez, Risk Manager
Cynthia Martin, Downtown & Volunteer Manager
Ken Starrs, Assistant Task Force Commander
Robert Isassi, Planning & Development Services Director
David Mason, Purchasing/IT Director
Bob Trescott, Tourism Director
James Creek, Fire Department
Steve Palacios, Fire Department
Joey Reed, Fire Chief

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 5:00 P.M. with four members of the City Commission present. Pecos to arrive late.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

Mayor Fugate stated that if there weren't any objections from the Commission, he would like to forego these proceedings and go straight to the agenda items. No objections were made.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Special Meeting – October 22, 2013

Mayor Fugate asked for a motion to approve the minutes of October 22, 2013.

Motion made by Commissioner Leubert to approve the minutes for October 22, 2013, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Garcia, Leubert, Pena, Fugate voting "FOR".

Regular Meeting – October 28, 2013

Mayor Fugate asked for a motion to approve the minutes of October 28, 2013.

Motion made by Commissioner Pena to approve the minutes for October 28, 2013, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pena, Garcia voting "FOR". Fugate "ABSTAIN".

Commissioner Pecos arrives at the meeting. 5:06 P.M.

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

1. None.

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

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

Mr. Capell, City Manager reported that the Employee Recognition & Safety Week is scheduled for December 2nd – December 6th, 2013. A list of activities has been given to the City Commission. The safety banquet is scheduled for December 6, 2013 at the TAMUK Ballroom. Capell further thanked staff for all their hard work in the preparation for this event.

Mrs. Alvarez, City Attorney reported that the next Commission meeting is scheduled for November 25th. City Hall departments will be closed on November 28th & 29th for the Thanksgiving Holiday. The agenda for the December 9th meeting will need to be posted on December 2nd due to the City Secretary attending the Secretary of State Election Seminar on the same week, therefore the deadline for agenda items will be due earlier than normal.

Mayor Fugate asked if staff will be able to have the old high school property swap on the next agenda. Mr. Capell responded that the all information has been given to the school district and staff is waiting on their decision. Mrs. Alvarez stated that the school district discussed some items during one of their workshops that were not included in the agreement. Also forwarded to the school district was a Joint Election agreement for the May 2014 Election.

IV. Public Comment on Agenda Items³

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

V.

Consent Agenda

Notice to the Public

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

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

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

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

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 Fund 001 General Fund budget to provide for adjustments due to the City of Kingsville and Kingsville Law Enforcement Association Collective Bargaining Agreement. (Director of Finance).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

2. Presentation by Captain Christopher Misner and CPO Glenn Jones on the new Air Installation Compatible Use Zones (AICUZ) study at NAS-Kingsville. (Director of Planning and Development Services).

Captain Christopher Misner reported that the AICUZ has been completed and at the convenience of the Commission, he would like to make a presentation to the Commission with the full details of the AICUZ. The AICUZ will be presented to the Chamber of Commerce during its Eggs & Issues breakfast scheduled for December 5th.

Mayor Fugate asked how the City of Kingsville looks as far as the AICUZ goes. Mr. Glenn Jones reported that the noise zones have decreased. This is from a result of a quieter aircraft which has better noise modeling compare to the aircraft from back in 1998.

Mayor Fugate asked if there were any encroachment issues at this time. Mr. Jones there are no encroachment issues at this time.

3. Consider authorizing participation in and waiver of certain vendor fees for the 2nd Annual Ranch Hand Festival to be held November 22-24, 2013. (Director of Tourism).

Mr. Trescott, Tourism Director reported that this is the second annual Ranch Hand Festival from November 22-24, 2013. The City traditionally has offered in-kind services in exchange for sponsorship acknowledgement for large community events. These services come in the form of street closing, solid waste pickup, police and EMS support, marketing and other services. The departments have been working together to reduce overtime costs for these services while still providing city support.

Motion made by Commissioner Garcia to authorize participation in and waiver of certain vendor fees for the 2nd Annual Ranch Hand Festival, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".

4. Consider authorizing the purchase of goods and services from Texas Correctional Industries for installation of fencing at the City of Kingsville Law Enforcement Center, as per staff recommendation. (Purchasing/IT Director).

Mr. Mason, Purchasing/IT Director stated that this item is for the approval of goods and services from Texas Correctional Industries for fencing at the City of Kingsville Law Enforcement Center. It is recommended that the second quote with two gate controllers for \$46,094.49 and the rear chain link with slats for \$26,403.53 be accepted and authorized by the Commission. This purchase will expend a total of \$72,498.02 from Chapter 59 Funds.

Motion made by Commissioner Leubert to authorize the purchase of goods and services from Texas Correctional Industries, seconded by Commissioner Pena.

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

5. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 9-10-7 providing for a change to the height of vegetation overhanging streets and public parkways and prohibiting planting in the right-of-way. (Director of Planning and Development Services).

Mr. Isassi reported that this request is being made by city staff which was presented during the meeting of October 28th. This request is to raise the minimum height of trees that overhang into the streets causing damage to sanitation trucks, limit the accessibility of emergency vehicles, and present a nuisance to pedestrians walking along the sidewalk. Staff is requesting to change the height from 13ft. to 15ft.. This ordinance will also prohibit the planting of plants, trees, hedges, shrubs or related things in the city right-of-ways.

Fire Chief Reed stated that he is proposing to allow the height of tree limbs to be 13' at the curb graduating up to 15' when 7' from the curb, the width of a car. This would give an arched appearance and give the fire apparatus a little more room in which to work on narrow streets if a car is not parked along the side.

Commissioner Garcia stated that on Henrietta Street, Spur 69 belongs to the state. Does the city have any jurisdiction in this area? Mrs. Alvarez stated that over the tree in the air, yes, on the ground no.

Mayor Fugate asked staff to re-write the ordinance and bring back to Commission at a later meeting.

No action taken on this item.

6. Consider a resolution authorizing the City Manager to enter into a Collective Bargaining Agreement between the City of Kingsville, Texas and the Kingsville Professional Firefighter's Association, IAFF Local #2390 for Fiscal Years 2013-2016. (Human Resources Director).

Mrs. Gonzales, Human Resources Director reported that the City of Kingsville and association members commenced collective bargaining on May 22, 2013. Several meetings were held to discuss the current agreement and proposed changes. On November 13, 2013, the City of Kingsville received notification indicating the Kingsville Professional Firefighter's Association met and held a vote to ratify the proposed agreement. During the negotiation meetings the existing agreement was revised for substantive changes and to be more user-friendly. Most articles received some revision or were rewritten. The proposed document has thirty-eight (38) articles which more accurately reflect the information contained within each of the articles.

Mayor Fugate thanked staff and the association for all their hard work in preparing this agreement.

Motion made by Commissioner Leubert to authorized the City Manager to enter into a Collective Bargaining Agreement between the City of Kingsville and the Kingsville Professional Firefighter's Association, IAFF Local #2390, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Garcia, Leubert, Pecos, Fugate voting "FOR".

7. Consider introduction of an ordinance amending the Fiscal Year 2013-2014 Fund 001 General Fund budget to provide for adjustments due to the City of Kingsville and the Kingsville Professional Firefighter's Association (IAFF Local #2390) Collective Bargaining Agreement. (Director of Finance).

Mrs. Deborah Balli, Finance Director stated that as a result of the negotiations that took place on the firefighter's contract, an increase of \$11,711 which will be taken from fund balance.

Introduction item only.

8. Consider introduction of an ordinance amending the Fiscal Year 2013-2014 Budget for the Utility Fund for Water Treatment Operations to satisfy SEP agreed to by TCEQ. (Director of Finance.)

Mrs. Balli reported that this item was approved by the City Commission on April 8, 2013 for \$30,533. With subsequent negotiations, TCEQ lowered the penalty amount to \$10,318. This was not expended last year. Therefore staff is bringing to Commission for approval with the new dollar amount to be paid from fund balance.

Introduction item only.

9. Executive Session: Under Section 551.071 of the Texas Open Meetings Act, the City Commission shall convene in Executive Session to seek legal advice from the City Attorney regarding contemplated compromise and settlement for cause no. 11-058-D pending in the 105th District Court, Kleberg County, Texas. (City Attorney).

Mayor Fugate announced the executive session. The Commission convened into executive session at 5:30 P.M.

The Commission reconvened into regular session at 6:02 P.M.

10. Consider a resolution authorizing the City Manager to execute a Compromise and Settlement Agreement in Cause No. 11-058-D pending in the 105th District Court. (City Attorney).

Mrs. Alvarez stated that staff is recommending for Commission to approve the modified resolution which was given to them at the beginning of this meeting.

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

11. Consider introduction of an ordinance amending the Fiscal Year 2013-2014 budget from the General Fund 001 Fund Balance for City Special to Cover Attorney Fees. (Director of Finance).

Mrs. Balli stated that this ordinance is for \$10,000 for attorney fees due to Cause No. 11-058-D. This will be paid out of fund balance.

Introduction item only.

At this time Commission went back to hear agenda item #3 and take action.

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:10 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

CONSENT AGENDA

AGENDA ITEM #1

ORDINANCE NO. 2013-

AN ORDINANCE AMENDING THE FISCAL YEAR 2013-2014 FUND 001 GENERAL FUND BUDGET TO PROVIDE FOR ADJUSTMENTS DUE TO THE CITY OF KINGSVILLE AND THE KINGSVILLE PROFESSIONAL FIREFIGHTER'S ASSOCIATION (IAFF LOCAL #2390) COLLECTIVE BARGAINING AGREEMENT.

WHEREAS, the City and the Kingsville Professional Firefighter's Association, IAFF Local #2390 (Fire Union) were still negotiating a collective bargaining agreement between the two parties at the time the FY13-14 budget for the City was adopted;

WHEREAS, no funds for wages and benefits were budgeted above the prior fiscal year amounts for the civil service positions covered under the collective bargaining agreement due to the pending negotiations;

WHEREAS, the parties have concluded their negotiating sessions and approved a new collective bargaining agreement;

WHEREAS, moneys for wages and benefits above the prior fiscal year amounts now need to be budgeted for the civil service positions in the Fire Department as outlined in the agreement;

WHEREAS, it was unforeseen when the budget was adopted what amount of funding would be needed for these expenditures this fiscal year.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2013-2014 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 001 General Fund

Capital

2-000.0 Fund Balance	- Fund Balance (FY 2014)	610.0	
			<u>\$11,711</u>
			<u>\$11,711</u>

Expenditures (See attached spreadsheet for specific department coding)

5- 220.0 Fire-	Salaries	111.00	\$ 77,572
5- 220.0 Fire-	Overtime-Holiday Buyback	112.50	\$(91,306)
5- 220.0 Fire-	TMRS	114.00	\$ 11,130
5- 220.0 Fire-	TMRS-Holiday Buyback	114.50	\$(10,218)
5- 220.0 Fire-	FICA	115.00	\$ 7,610
5- 220.0 Fire-	FICA-Holiday Buyback	115.50	\$(6,984)
5- 220.0 Fire-	Worker's Comp.	117.00	\$ 1,828
5- 220.0 Fire-	Educational Incentive	119.00	\$ (601)
5- 220.0 Fire-	Certification Pay	122.00	\$ 22,500
5- 220.0 Fire-	Life Insurance	123.00	\$ 180

[To amend FY14 Fund 001 General Fund to provide for wages and benefits above the FY13 amounts due to the recently negotiated Collective Bargaining Agreement with the Fire Union.]

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 18th day of November, 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-

AN ORDINANCE AMENDING THE FISCAL YEAR 2013-2014 BUDGET FOR THE UTILITY FUND FOR WATER TREATMENT OPERATION TO SATISFY SEP AGREED TO BY TCEQ.

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 2013-2014 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 51 Utilities Fund					
<u>Capital</u>					
2	Fund Balance	Unreserved Fund Bal.	610.00		<u>\$10,318</u>
					<u>\$10,318</u>
<u>Expenses</u>					
5-700.1	North Plant	State Fees-TCEQ Penalties	321.10	<u>\$10,318</u>	
				<u>\$10,318</u>	

[To budget for Waste Water Treatment Operation Penalties and modified permit penalties imposed by TCEQ that is to be satisfied through an SEP. This item was initially approved for \$30,533 by City Commission on April 8, 2013 via Ordinance #2013-18. Subsequently, TCEQ lowered the amount due to \$10,318. In late October 2013, the TCEQ Commission approved the SEP at the lower amount. As no funds were expended for this item in the prior year's budget as planned and the amount due was subsequently reduced to of \$10,318, this item needs to be budgeted and paid this fiscal year.]

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 18th day of November, 2013.

PASSED AND APPROVED on this the 25th day of November, 2013.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



Engineering Department

361-595-8007
361-595-8035 Fax

DATE: November 12, 2013
TO: City Commission through City Manager
FROM: Juan Carlos Cardenas, Director of Public Works/City Engineer
SUBJECT: FY2014 Utility Fund Budget Amendment (Fund 051)

SUMMARY

This item authorizes a budget amendment to the FY2014 Utility Fund (051) for TCEQ on a revised agreement of the SEP for Water or Wastewater Treatment Assistance.

BACKGROUND

Texas Commission on Environmental Quality conducted an investigation on October 1 through October 9, 2012 for the City's wastewater effluent compliance. They documented several violations that were primarily reporting in nature and an unauthorized discharge of untreated wastewater caused by a broken sewer collection line at the intersection of Lee Avenue and 17th Street that allegedly killed approximately 33 fish in Tranquitas Creek. The preliminary penalty assessment was \$30,533 in the agreed order, so a budget amendment was approved in FY13 for this amount but was not expended in that fiscal year. Subsequently, through negotiations, TCEQ lowered the penalty amount to \$10,318. In late October 2013, the TCEQ Commission approved an Agreed Order for the City to have an SEP done for \$10,318. The City now needs to budget for this item.

Fund (051) – Utility Fund:

Original Adopted Budget: (700.1-321.10) \$00.00

Requested Budget Amend Increase: \$10,318.00

New Budget FY14: (700.1-321.10) \$10,318.00

RECOMMENDATION

Staff recommends proceeding with approval of the proposed budget amendment.

FINANCIAL IMPACT

State Fees-TCEQ Penalties will reduce unreserved utility fund balance. A detail of the Utility Fund Budget Amendment request is mentioned above.

Approved

Vincent Capell, City Manager

AGENDA ITEM #3

ORDINANCE NO. 2013-

AN ORDINANCE AMENDING THE FISCAL YEAR 2013-2014 BUDGET FROM THE GENERAL FUND 001 FUND BALANCE FOR CITY SPECIAL TO COVER ATTORNEY FEES.

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 2013-2014 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 001	General Fund				
<u>Capital</u>					
2		Fund Balance	610.00		<u>\$10,000</u>
					<u>\$10,000</u>
<u>Expenses</u>					
5-103.0 City Special		Attorney Fees/Court Costs	327.00	<u>\$10,000</u>	
				<u>\$10,000</u>	

[A tentative settlement agreement has been reached in a pending suit, which includes \$10,000 for attorney fees to come from fund balance leftover from the prior fiscal year. It is the recommendation of the City Attorney that this settlement agreement would be in the best interest of the City.]

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 ____ day of November. 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

RESOLUTION NO. 2013-_____

A RESOLUTION OF THE CITY OF KINGSVILLE AUTHORIZING THE RELEASE OF CHAPTER 59 FUNDS OF THE KINGSVILLE SPECIALIZED CRIMES AND NARCOTICS TASK FORCE FOR DONATION TO COMMUNITIES IN SCHOOLS FOR A DRUG AND ALCOHOL PREVENTION PROGRAM.

WHEREAS, the Texas Code of Criminal Procedure, Article 59.06(h) allows for the release of Chapter 59 funds for nonprofit programs for the prevention of drug abuse;

WHEREAS, Communities in Schools is a non-profit organization working to (1) turn the tide against drug and alcohol abuse in the Kingsville community and (2) make a positive statement to our young people about living a drug-free and alcohol-free lifestyle by implementing a drug and alcohol prevention program for students attending schools in the Kingsville Independent School District, the community and their families; and

WHEREAS, Communities in Schools has developed a program called FOCUS (Focusing On Children Uniting against Substances) to educated students ages 5-17 and their families on short and long term effects of alcohol, tobacco and other drugs;

WHEREAS, the FOCUS program will also disseminate information at health fairs, PTA meetings, Red Ribbon Kick-off, etc.

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

I.

THAT the City Commission authorizes the Kingsville Specialized Crimes and Narcotics Task Force to assist with a \$5,000 donation to the Communities in Schools to help educate young people about living a drug-free and alcohol-free lifestyle and comply with any reporting requirement the Task Force may designate.

II.

THAT local elected representatives shall be encouraged to promote, endorse, and support Communities in Schools for the benefit of the community.

PASSED AND APPROVED by a majority vote of the City Commission on the 25th day of _____ November _____, 2013.

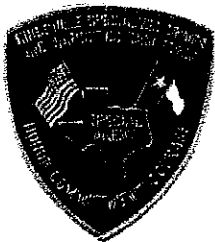
Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



**KINGSVILLE SPECIALIZED CRIMES
AND NARCOTICS TASK FORCE**

P. O. BOX 213

KINGSVILLE, TEXAS 78364

tfadmin@kingsvilletaskforce.com

(361) 595-5778

Fax (361) 595-5781



November 14, 2013

Mr. Vincent J. Capell
City Manager
City of Kingsville, Texas

Mr. Capell,

The Kingsville Specialized Crimes & Narcotics Task Force has received Chapter 59 donation requests from the Boys & Girls Club of Kingsville and the Kingsville's Communities In Schools organization. Both organizations have submitted applications to the Task Force and both requests have been approved by me.

The Kingsville Task Force's 2013/2014 Annual Budget was approved with a total of \$30,000.00 allocated in the Donation's line item (5-233.0-314.10). The above organizations will each receive \$5,000.00 donations resulting in an account balance of \$20,000.00 remaining for donations to other groups.

If you approve these requests, can they be placed on the Regular City's Commissioners Court Agenda for Monday November 25, 2013? Your kind consideration to these requests is greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Guillermo Vera".

Guillermo "Willie" Vera, Commander
Kingsville Specialized Crimes & Narcotics Task Force

Attachments

**KINGSVILLE SPECIALIZED CRIMES
AND NARCOTICS TASK FORCE
Chapter 59 Donation Policy**

1. A person/entity seeking a donation (financial assistance) through the Kingsville Specialized Crimes and Narcotics Task Force and with particularity Chapter 59 Forfeiture Funds shall file an application with the Commander on forms provided through his office.
2. The filing procedures shall be as follows:
 - a. Filing period. An application for financial assistance shall be filed with the Commander not less than 30 days or more than 60 days prior to the proposed donation.
 - b. The name, address and telephone number of the entity seeking a donation.
 - c. No more than one donation will be made per calendar year.
 - d. Applicant shall provide documentation relating to any other financial assistance that they receive for review by the Commander.
3. Applicant must meet one of the following criteria:
 - a. Nonprofit program for the prevention of drug abuse, applicant must provide a copy of the organization's charter.
 - b. Nonprofit chemical dependency treatment facilities licensed under Chapter 464, Health and Safety Code;
 - c. Nonprofit drug and alcohol rehabilitation or prevention programs administered or staffed by professionals designated as qualified and credentialed by the Texas Commission on Alcohol and Drug Abuse; or
 - d. Must be an organization that has the same beliefs and value system as the Kingsville Specialized Crimes and Narcotics Task Force and the law enforcement code of ethics.
 - e. Short written statement explaining what will be done with the contribution to insure compliance with the disposition of forfeited property under Chapter 59 of

the Texas Code of Criminal Procedure and the number of citizens it will affect in our community.

4. The Commander shall grant or deny a permit solely on the basis of the requirements stated in the aforementioned sections above. The Commander shall advise the organization's point of contact of the decision to grant or deny the request for contribution no later than the sixtieth day after date of receiving the completed application and all required attachments.

**KINGSVILLE SPECIALIZED CRIMES
AND NARCOTICS TASK FORCE
APPLICATION FOR CHAPTER 59 DONATION**

1. **APPLICANT'S**
NAME Gloria Taylor ADDRESS _____ PHONE _____
Executive Director
2. **ORGANIZATION'S**
NAME Communities In Schools ADDRESS P.O. Box 331203 PHONE 361-696-4057
3. **NARRATIVE:** explain what will be done with the contribution to insure compliance with the disposition of forfeited property under Chapter 59 of the Texas Code of Criminal Procedure and the number of citizens it will affect in our community.

Communities In Schools proposes to implement a drug and alcohol prevention program through the support of the City of Kingsville Specialized Crimes and Narcotics TASK Force Chapter 59 Donation to students attending schools in Kingsville Independent School District. The goal of the FOCUS (Focusing On Children Uniting against Substances) program is to educate participants ages 5-17 and their families on short and long term effects of alcohol, tobacco and other drugs. The activities proposed offers various methods such as but not limited to small groups, wide school events and curriculums The CIS program will also disseminate information at health fairs, PTA meetings, Red Ribbon week, week without violence, Child Abuse Month etc. Below is an outline of additional main events that have been very popular; therefore we would like continue to implement in 2013-2014.

H.M. King High School

End of the Year DRUG FREE Bash (whole school)

Date: last day of school: June 2014

Time: 10:30 - 1:30, during lunches and for an hour after school was let out

Place: track at H.M. King High School

Description: Students will be invited to attend the drug free bash during their lunch period on the last day of school and for an hour after the final bell students were able stay and take part in different activities. Activities included: obstacle course, bungee run, rock wall, tricycle races with intoxication goggles on. Drug Free items were raffled off throughout the afternoon to the students.

J.S. Gillett Intermediate & Memorial Middle

Drug Free (whole school)/Motivational Speaker

Date: May 2014

Time: 9:00 a.m. – 3:00 p.m.

Place: J.S. Gillett Intermediate School Gym

Description: Students will be invited to attend the lock-in and participate in numerous activities, which included karaoke, a game room with the Wii Nintendo System and other board games, movies, a 3 on 3 basketball tournaments, and luau activities. Students will also be provided a sit down dinner with presentations. A drug free motivational talk will be held and a presentation with the DUI goggles.

APPROVED: _____

Guillermo Vera
KTF Commander

DATE: 11/12/13 TIME: 3PM

AGENDA ITEM #5

RESOLUTION 2013- _____

A RESOLUTION OF THE CITY OF KINGSVILLE AUTHORIZING THE RELEASE OF CHAPTER 59 FUNDS OF THE KINGSVILLE SPECIALIZED CRIMES AND NARCOTICS TASK FORCE FOR DONATION TO THE BOYS & GIRLS CLUB OF KINGSVILLE.

WHEREAS, the Texas Code of Criminal Procedure, Article 59.06(h) allows for the release of Chapter 59 funds for nonprofit programs for the prevention of drug abuse;

WHEREAS, the Boys & Girls Club of Kingsville is a non-profit organization that provides anti-drug programs to the youths of the city and the area by providing educational study opportunities, athletic programs, field trips and other activities with a drug-free message that have a positive impact on the children of Kingsville;

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

I.

THAT the City Commission authorizes the Kingsville Specialized Crimes and Narcotics Task Force to assist with a \$5,000 donation to the Boys & Girls Club of Kingsville, to help educate young people about living a drug-free and alcohol-free lifestyle and comply with any reporting requirement the Task Force may designate.

II.

THAT local elected representatives shall be encouraged to promote, endorse, and support the Boys & Girls Club of Kingsville in their efforts for the benefit of the community through drug abuse prevention programs.

PASSED AND APPROVED by a majority vote of the City Commission on the 25th day of November, 2013.

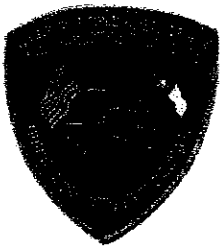
Sam R. Fugate, Mayor

ATTEST:

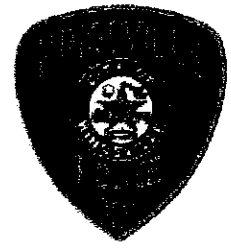
Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



**KINGSVILLE SPECIALIZED CRIMES
AND NARCOTICS TASK FORCE**
P. O. BOX 213
KINGSVILLE, TEXAS 78364
tfadmin@kingsvilletaskforce.com
(361) 595-5778
Fax (361) 595-5781



November 14, 2013

Mr. Vincent J. Capell
City Manager
City of Kingsville, Texas

Mr. Capell,

The Kingsville Specialized Crimes & Narcotics Task Force has received Chapter 59 donation requests from the Boys & Girls Club of Kingsville and the Kingsville's Communities In Schools organization. Both organizations have submitted applications to the Task Force and both requests have been approved by me.

The Kingsville Task Force's 2013/2014 Annual Budget was approved with a total of \$30,000.00 allocated in the Donation's line item (5-233.0-314.10). The above organizations will each receive \$5,000.00 donations resulting in an account balance of \$20,000.00 remaining for donations to other groups.

If you approve these requests, can they be placed on the Regular City's Commissioners Court Agenda for Monday November 25, 2013? Your kind consideration to these requests is greatly appreciated.

Sincerely,

Guillermo "Willie" Vera, Commander
Kingsville Specialized Crimes & Narcotics Task Force

Attachments

KINGSVILLE SPECIALIZED CRIMES AND NARCOTICS TASK FORCE Chapter 59 Donation Policy

1. A person/entity seeking a donation (financial assistance) through the Kingsville Specialized Crimes and Narcotics Task Force and with particularity Chapter 59 Forfeiture Funds shall file an application with the Commander on forms provided through his office.
2. The filing procedures shall be as follows:
 - a. Filing period. An application for financial assistance shall be filed with the Commander not less than 30 days or more than 60 days prior to the proposed donation.
 - b. The name, address and telephone number of the entity seeking a donation.
 - c. No more than one donation will be made per calendar year.
 - d. Applicant shall provide documentation relating to any other financial assistance that they receive for review by the Commander.
3. Applicant must meet one of the following criteria:
 - a. Nonprofit program for the prevention of drug abuse, applicant must provide a copy of the organization's charter.
 - b. Nonprofit chemical dependency treatment facilities licensed under Chapter 464, Health and Safety Code;
 - c. Nonprofit drug and alcohol rehabilitation or prevention programs administered or staffed by professionals designated as qualified and credentialed by the Texas Commission on Alcohol and Drug Abuse; or
 - d. Must be an organization that has the same beliefs and value system as the Kingsville Specialized Crimes and Narcotics Task Force and the law enforcement code of ethics.
 - e. Short written statement explaining what will be done with the contribution to insure compliance with the disposition of forfeited property under Chapter 59 of

the Texas Code of Criminal Procedure and the number of citizens it will affect in our community.

4. The Commander shall grant or deny a permit solely on the basis of the requirements stated in the aforementioned sections above. The Commander shall advise the organization's point of contact of the decision to grant or deny the request for contribution no later than the sixtieth day after date of receiving the completed application and all required attachments.

**Kleberg County Task Force
APPLICATION FOR CHAPTER 59 DONATION**

1. APPLICANT'S

NAME John Perez

ADDRESS 1238 E. Kenedy, Kingsville, TX **PHONE** 361-592-2100

2. ORGANIZATION'S

NAME Boys & Girls Club of Kingsville

ADDRESS 1238 E. Kenedy, Kingsville, TX **PHONE** 361-592-2100

- 3. NARRATIVE:** Explain what will be done with the contribution to insure compliance with the disposition of forfeited property under Chapter 59 of the Texas Code of Criminal Procedure and the number of citizens it will affect in our community.

The Boys & Girls Club of Kingsville continues to strive for excellence in our children of today. We currently are serving over 400 youth throughout the year and we serve 100 youth on a daily basis. We are providing the important education needed in the challenges our children face today. Our core programs focus on the importance of Education, life skills and healthy life styles. We are also feeding over 100 student's dinner and a snack on a daily basis. One core area that needs your help is our mentoring program. As we move forward, there are expenses that are in need. We have been honored that The Task Force has supported our programs and have donated to educational programs such as out mentoring and SMART Moves programs.

It is important that we deliver our expertise and continue to make a difference in children's lives today. We are asking for you help in donating to help with our daily programming. The monies would go directly towards our mentoring and SMART Moves programs which consist of decision making and learning to say no to drugs and other negative peer pressures.

Please know that we continue to make an impact and strive for excellence.

Thank you for your consideration and we look forward to having you as our supporter.

APPROVED: Guillermo Vera, Cmdr. KTF
Date: 11/12/13 2:45 PM

REGULAR AGENDA

AGENDA ITEM #6



Planning Department

TO: Vince Capell, City Manager

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

SUBJECT: Preliminary Plat – Oak Tree Apartment Tract

DATE: November 21, 2013

Reference is made to a request for approval of a 25.64 Acre preliminary plat located on the northwest corner of E. General Cavazos and Golf Course Road, Oak Tree Apartment Tract. The petitioner is requesting approval of this major subdivision plat which will contain eight (8) lots. This preliminary plat subdivides Lot 2 into Lot 2A which is zoned R-3, Lot 2B1, 2B2, 2B3, 2B4, 2B5, 2B6, and 2C which are zoned C-4. The development is not within the Controlled Compatible Land Use Area, and is outside of Noise Zones and Accident Potential Zones. The area is within the Military Influence Area #3.

The Planning and Zoning Commission has reviewed the preliminary plat in their November 20th, 2013 meeting and conditionally approved the plat by a vote of 6-0. The conditions of approval are as follows:

1. The East General Cavazos Blvd. drainage ditch on the south easement of Lot 2 shall be further reviewed when construction plans are submitted to ensure that the access design can accommodate future driveways or roads crossing over this ditch and should include culverts, wingwalls, and safety elements to cross the ditch;
2. The dedicated "Kingsville Crossing Road" proposed name will need to be evaluated by Engineering to ensure that it meets the naming consistency within the City;
3. The dedicated road must be designed and constructed in such a way so as to adequately drain per engineering requirements;
4. As each lot develops, full construction plans must be submitted which shall include installation of monuments, street lighting, sanitary sewers, storm sewers, sidewalks, water lines, and other improvements required in Article V of the Subdivision regulations;
5. As each lot develops, future construction within the lots should illustrate added utility lines in the plans and ensure that they are able to connect to the surrounding utilities; e.g. an existing 8" wastewater lift station on the southern portion of the property.
6. When reviewing construction plans, the City shall ensure that ACIUZ guidelines for constructing within the noise zone are followed, e.g. lighting, soundproofing, non-bird attractant regulations, etc.

City Staff agrees with the Planning & Zoning Commission's findings and recommends **CONDITIONAL APPROVAL** of this request.

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 A PRELIMINARY PLAT OF 25.64 ACRE, OAK TREE APARTMENT TRACT, LOCATED ON THE NORTHWEST CORNER OF E. GENERAL CAVAZOS AND GOLF COURSE RD. INTERSECTION. THE PRELIMINARY PLAT WILL SUBDIVIDE LOT 2, BLOCK 1 INTO 8 LOTS AND A DEDICATED ROAD.**

Petitioner & Agent: Urban Engineering - Xavier Galvan, Agent
Date of P&Z Hearing: November 20th, 2013.

Comprehensive Plan Land Use: Commercial Business and Multi-Family Residential
Existing Zoning Classification: Mixed: Commercial Business C-4 and R-3, Multi-Family District
Adjacent Zoning: North: C-4 Business District
South: Mixed: R-2, AG, C-2
East: R-1 Single Family District
West: C-4 Business District

EXISTING INFRASTRUCTURE

Transportation: General Cavazos Blvd. – Arterial road to the South of the plat
FM3320 (Golf Course Rd.) – Collector road to the East of the plat
US0077 NB Frontage – arterial highway to the West of the plat
Community Facilities: Services provided
Capital Improvements: None proposed
Fire Station Proximity: 2.5 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)
- City of Kingsville Comprehensive Housing Plan
- Site Plan
- Application for major preliminary subdivision plat
- Mailing list of owners within 200 feet

BACKGROUND AND HISTORY

The petitioner is requesting approval of this major subdivision plat which will contain eight (8) lots. This preliminary plat subdivides Lot 2 into Lot 2A which is zoned R-3, Lot 2B1, 2B2, 2B3, 2B4, 2B5, 2B6, and 2C which are zoned C-4. The development is not within the Controlled Compatible Land Use Area, and is outside of Noise Zones and Accident Potential Zones. The area is within the Military Influence Area #3.

STAFF REVIEW AND RECOMMENDATION

When reviewing a preliminary plat of a major subdivision, the Planning & Zoning Commission should 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 regulations.
2. Whether the plat represents an overall development pattern consistent with the goals and policies of the City's Master Plan, Comprehensive Housing 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.

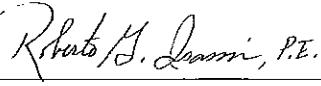
Staff recommends **CONDITIONAL APPROVAL** of this request with the following findings:

1. The East General Cavazos Blvd. drainage ditch within the south easement of Lot 2 will be further reviewed once construction plans are submitted to ensure that the design can accommodate Any future driveways or roads crossing over this ditch should include culverts, wingwalls, and safety elements to cross the ditch;
2. The dedicated "Kingsville Crossing Road" proposed name will need to be evaluated and approved by the Planning and Zoning Commission;
3. The dedicated road must be designed and constructed in such a way so as to drain into the drainage outfall along E. General Cavazos Blvd.;
4. Full construction plans must be submitted which include installation of monuments, streets, street lighting, sanitary sewers, storm sewers, sidewalks, water lines, and other improvements required in Article V of the Subdivision regulations;
5. The preliminary plat drawings show existing utility lines. Future construction within the lots should illustrate added utility lines in the construction plans.
6. When reviewing construction plans, the City shall ensure that JAZB lighting, soundproofing, and non-bird attractant regulations are followed.

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

1. The plat conforms to the Subdivision Regulations and applicable provisions of the zoning ordinance and land use regulations.
2. The plat represents an overall pattern consistent with the goals and policies of the City's Master Plan, Comprehensive Housing Plan, the Major Street Plan, the official future land use map, and the capital improvements program.

Prepared by:

 12 Nov. 2013
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 T9E Threes, L.P. Nearest Intersection East General Cavazos Boulevard & F.M. 3320
(Proposed) Subdivision Name Preliminary plat of Oak Tree Apartment Tract Lot 2A, 2B1, 2B2, 2B3, 2B4, 2B5, 2B6 & 2C Block 1
Legal Description: re-plat of Lot 2, Block 1, Oak Tree Apartment Tract
Existing Zoning Designation R3 Multi-Family District 3/C4 Future Land Use Plan Designation R3 Multi-Family District 3/C4

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Urban Engineering Phone (361)854-3101 FAX (361)854-6001
Email Address (for project correspondence only): xavierg@urbaneng.com
Mailing Address 2725 Swannier Drive City Corpus Christi State Texas Zip 78411
Property Owner T9E Threes, L.P. Phone (210)404-2080 FAX (210)404-2922
Email Address (for project correspondence only): stevengrinnell6@gmail.com
Mailing Address 999 East Basse Road, Suite 180, #528 City San Antonio State Texas Zip 78209

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	<u>179.44</u> 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:

Proposed Lot 2A is being re-platted for the development of an apartment community. The apartment community will consist of 8 apartment buildings with a total of 192 units, 205 uncovered apartment parking spaces, 120 carport parking spaces, 60 garage spaces, 10 community/office parking spaces, a maintenance building and a community building. Proposed Lot 2C is being re-platted for a future hotel site. Other lots shown are pad sites for future development.

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 Adam C. Grinnell Date: 10-18-13
Property Owner's Signature _____ Date: _____
Accepted by: Jessica York Date: 10-18-13

AGENDA ITEM #7



Planning Department

TO: Vince Capell, City Manager

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

SUBJECT: Final Plat – Oak Tree Apartment Tract

DATE: November 21, 2013

Reference is made to a request for approval of a 25.64 Acre final plat located on the northwest corner of E. General Cavazos and Golf Course Road, Oak Tree Apartment Tract. The petitioner is requesting approval of this major subdivision plat which will subdivide Lot 2 into three (3) lots, Lot 2A, 2B, and 2C. The development is not within the Controlled Compatible Land Use Area, and is outside of Noise Zones and Accident Potential Zones. The area is within the Military Influence Area #3.

The Planning and Zoning Commission has reviewed the final plat in their November 20th, 2013 meeting and conditionally approved the plat by a vote of 6-0. The conditions of approval are as follows:

1. The East General Cavazos Blvd. drainage ditch on the south easement of Lot 2 shall be further reviewed when construction plans are submitted to ensure that the access design can accommodate future driveways or roads crossing over this ditch and should include culverts, wingwalls, and safety elements to cross the ditch;
2. The dedicated "Kingsville Crossing Road" proposed name will need to be evaluated by Engineering to ensure that it meets the naming consistency within the City;
3. The dedicated road must be designed and constructed in such a way so as to adequately drain per engineering requirements;
4. As each lot develops, full construction plans must be submitted which shall include installation of monuments, street lighting, sanitary sewers, storm sewers, sidewalks, water lines, and other improvements required in Article V of the Subdivision regulations;
5. As each lot develops, future construction within the lots should illustrate added utility lines in the plans and ensure that they are able to connect to the surrounding utilities; e.g. an existing 8" wastewater lift station on the southern portion of the property.
6. When reviewing construction plans, the City shall ensure that ACIUZ guidelines for constructing within the noise zone are followed, e.g. lighting, soundproofing, non-bird attractant regulations, etc.

City Staff agrees with the Planning & Zoning Commission's findings and recommends **CONDITIONAL APPROVAL** of this request.

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 A FINAL PLAT OF LOTS 2A, 2B, AND 2C
WITHIN A 25.64 ACRE, OAK TREE APARTMENT TRACT,
LOCATED ON THE NORTHWEST CORNER OF E. GENERAL
CAVAZOS AND GOLF COURSE RD. INTERSECTION.**

Petitioner & Agent: Urban Engineering - Xavier Galvan, Agent

Date of P&Z Hearing: November 20th, 2013.

Comprehensive Plan Land Use:	Commercial Business and Multi-Family Residential
Existing Zoning Classification:	Mixed: Commercial Business C-4 and R-3, Multi-Family District
Adjacent Zoning:	North: C-4 Business District South: Mixed: R-2, AG, C-2 East: R-1 Single Family District West: C-4 Business District

EXISTING INFRASTRUCTURE

Transportation:	General Cavazos Blvd. – Arterial road to the South of the plat FM3320 (Golf Course Rd.) – Collector road to the East of the plat US0077 NB Frontage – arterial highway to the West of the plat
Community Facilities:	Services provided
Capital Improvements:	None proposed
Fire Station Proximity:	2.5 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)
- City of Kingsville Comprehensive Housing Plan
- Site Plan
- Application for major preliminary subdivision plat
- Mailing list of owners within 200 feet

BACKGROUND AND HISTORY

The petitioner is requesting approval of this final plat creating Lot 2A, 2B, and 2C within a 25.64 acre lot. The lots will require additional construction information when developed. This development is not within the Controlled Compatible Land Use Area, and is outside of Noise Zones and Accident Potential Zones. The area is within the Military Influence Area #3.

STAFF REVIEW AND RECOMMENDATION

When reviewing a preliminary plat of a major subdivision, the Planning & Zoning Commission should 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 regulations.
2. Whether the plat represents an overall development pattern consistent with the goals and policies of the City's Master Plan, Comprehensive Housing 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 request with the following findings:

1. The East General Cavazos Blvd. drainage ditch within the south easement of Lot 2B and 2C will be further reviewed once construction plans are submitted to ensure that the design can accommodate any future driveways or roads crossing over this ditch should include culverts, wingwalls, and safety elements to cross the ditch;
2. The Golf Course Rd. drainage ditch within the east easement of Lot 2A and 2B will be further reviewed once construction plans are submitted to ensure that the design can accommodate any future driveways or roads crossing over this ditch should include culverts, wingwalls, and safety elements to cross the ditch;
3. Full construction plans must be submitted which include installation of monuments, streets, street lighting, sanitary sewers, storm sewers, sidewalks, water lines, and other improvements required in Article V of the Subdivision regulations;
4. The plat drawings show existing utility lines. Future construction within the lots should illustrate added utility lines in the construction plans.
5. When reviewing construction plans, the City shall ensure that JAZB lighting, soundproofing, and non-bird attractant regulations are followed.

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

1. The plat conforms to the Subdivision Regulations and applicable provisions of the zoning ordinance and land use regulations.
2. The plat represents an overall pattern consistent with the goals and policies of the City's Master Plan, Comprehensive Housing Plan, the Major Street Plan, the official future land use map, and the capital improvements program.

Prepared by:

 12 Nov. '13
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 T9E Three, L.P. Nearest Intersection East General Cavazos Boulevard & F.M. 3320

(Proposed) Subdivision Name Oak Tree Apartment Tract Lot 2A, 2B and 2C Block 1

Legal Description: re-plat of Lot 2, Block 1, Oak Tree Apartment Tract

Existing Zoning Designation R3 Multi-Family District 3/C4 Future Land Use Plan Designation R3 Multi-Family District 3/C4

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Urban Engineering Phone (361)854-3101 FAX (361)854-6001

Email Address (for project correspondence only): xavierg@urbaneng.com

Mailing Address 2725 Swantner Drive City Corpus Christi State Texas Zip 78411

Property Owner T9E Three, L.P. Phone (210)404-2080 FAX (210)404-2922

Email Address (for project correspondence only): stevengrinnell6@gmail.com

Mailing Address 999 East Basse Road, Suite 180, #528 City San Antonio State Texas Zip 78209

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

Annexation Request	No Fee	Preliminary Plat	Fee Varies
Administrative Appeal (ZBA)	\$250.00	<input checked="" type="checkbox"/> Final Plat	<u>1025.00</u> Fee Varies
Comp. Plan Amendment Request	\$250.00	Minor Plat	\$100.00
Re-zoning Request	\$250.00	Re-plat	\$250.00
SUP Request/Renewal	\$250.00	Vacating Plat	\$50.00
Zoning Variance Request (ZBA)	\$250.00	Development Plat	\$100.00
PUD Request	\$250.00	Subdivision Variance Request	\$25.00 ea

Please provide a basic description of the proposed project:

Proposed Lot 2A is being re-platted for the development of an apartment community. The apartment community will consist of 8 apartment buildings with a total of 192 units, 205 uncovered apartment parking spaces, 120 carport parking spaces, 60 garage spaces, 10 community/office parking spaces, a maintenance building and a community building. Proposed Lot 2C is being re-platted for a future hotel site.

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.

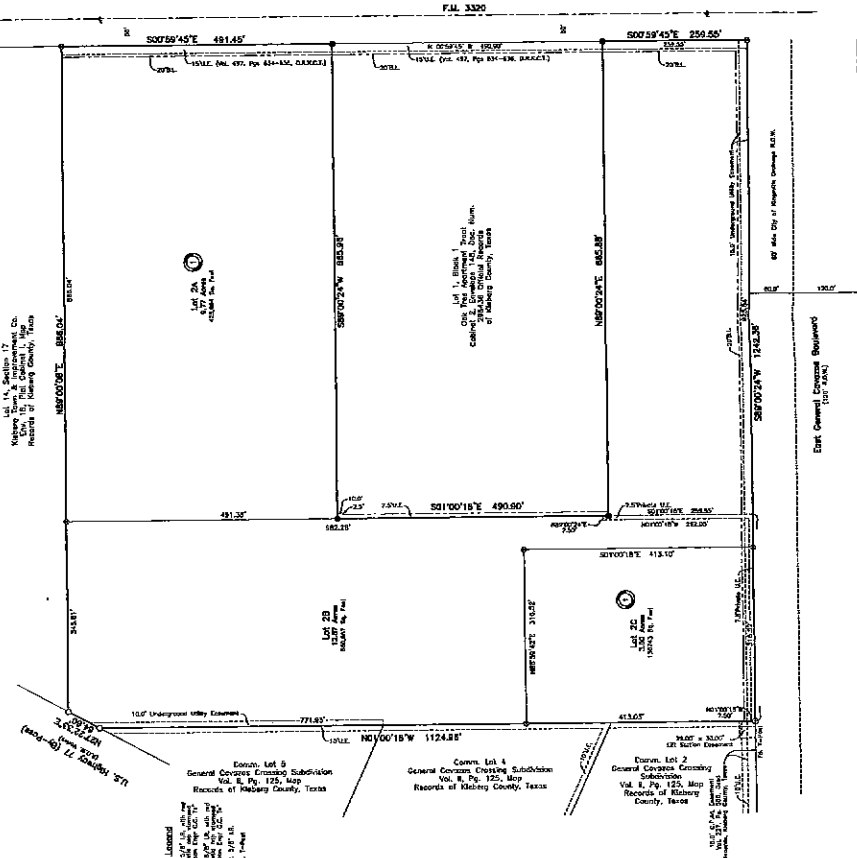
Applicant's Signature Alan C. Grinnell Date: 10-18-13

Property Owner's Signature _____ Date: _____

Accepted by: Jessica J. Forca Date: 10/18/13

Plat of **Oak Tree Apartment Tract** **Block 1, Lots 2A, 2B and 2C**

Lot 2A, 2B and 2C are out of Lot 2, Block 1, Oak Tree Apartment Tract, a map of which is recorded in Volume 442, Page 284, of the Official Public Records of Harris County, Texas.



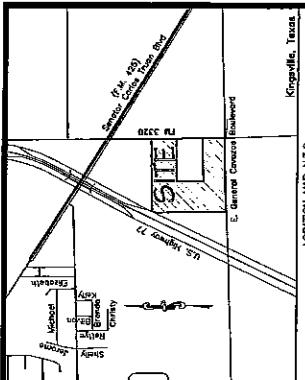
- 1) These plat and map are intended to show the location of the lots and the location of the streets and other improvements.
- 2) The plat and map are intended to show the location of the lots and the location of the streets and other improvements.
- 3) The plat and map are intended to show the location of the lots and the location of the streets and other improvements.
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State of Texas
County of Harris
This plat and map are intended to show the location of the lots and the location of the streets and other improvements.

By: Albert T. Lamy, Executive Vice-President
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LOCATION MAP N.E.S.
Scale 1" = 100'

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DATE: OCT. 15, 2013
DRAWN BY: J. L. LAMY
CHECKED BY: J. L. LAMY
APPROVED BY: J. L. LAMY
RECORDS: J. L. LAMY

AGENDA ITEM #8

RESOLUTION NO. 2013-_____

A RESOLUTION ESTABLISHING GUIDELINES AND CRITERIA GOVERNING TAX ABATEMENT FOR ALL TAXING ENTITIES LOCATED WITHIN THE CITY OF KINGSVILLE; AUTHORIZING THE CITY MANAGER TO ACCEPT APPLICATIONS ON BEHALF OF THE CITY FOR PRESENTATION TO THE COMMISSION; STATING THE CITY ELECTS TO BE ELIGIBLE TO PARTICIPATE IN TAX ABATEMENTS; AND PROVIDING FOR EVALUATION OF EACH APPLICATION FOR CONFORMITY WITH SUCH GUIDELINES AND CRITERIA PRIOR TO SUBMISSION TO THE COMMISSION.

WHEREAS, the City designated a reinvestment zone within the City of Kingsville (via Ordinance No. 2011-34 on December 12, 2011, which is valid for five years) and desires to be eligible to participate in tax abatements within that zone; and

WHEREAS, the City desires to abate taxes on the increase in value of eligible property and other improvements to induce the investment of private resources in productive business enterprises located in the reinvestment zone.

WHEREAS, the City desires to approve certain guidelines and criteria for the granting of tax abatement as a local incentive to create a higher level of employment, economic activity and stability within the City of Kingsville.

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

I.

THAT the **GUIDELINES AND CRITERIA GOVERNING TAX ABATEMENT FOR ALL TAXING UNITS LOCATED WITHIN THE CITY OF KINGSVILLE** (the "Guidelines", attached as Exhibit A) are hereby approved for two years from the effective date of this resolution.

II.

THAT the Guidelines at the end of the two-year period may be readopted, modified, amended or rewritten as the conditions may warrant.

III.

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

IV.

THAT the City Manager is authorized to accept applications pursuant to such Guidelines for presentation to the City Commission for the consideration of Tax Abatement Agreements.

V.

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

VI.

THAT the City hereby states that it elects to be eligible to participate in tax abatements.

VII.

THAT the City hereby finds the improvements sought are feasible and would be of benefit to the zone after the expiration of any agreements.

VIII.

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 25th day of November, 2013.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**GUIDELINES AND CRITERIA
GOVERNING TAX ABATEMENT FOR
ALL TAXING UNITS LOCATED WITHIN
THE CITY OF KINGSVILLE**

SECTION 1. General Purpose:

The TAXING UNITS located wholly within or partially within the City of Kingsville, Texas, are committed to the promotion of high quality development in all parts of the City of Kingsville, Texas; and to an ongoing improvement in the quality of life for the citizens residing within the TAXING UNITS. The TAXING UNITS recognize that these objectives are generally served by enhancement and expansion of the local economy. The TAXING UNITS will, on a case by case basis, give consideration to *providing* tax abatement, as authorized by V.T.C.A., Tax Code, Chapter 312, as stimulation for economic development within the TAXING UNITS. It is the policy of the TAXING UNITS that said consideration will be provided in accordance with the guidelines and criteria herein set forth and in conformity with the Tax Code.

Nothing contained herein shall imply, suggest or be understood to mean that the TAXING UNITS are under any obligation to provide tax abatement to any applicant and adoption of these GUIDELINES AND CRITERIA GOVERNING TAX ABATEMENT (these "Guidelines") shall not create any property, contract, or other legal right in any person to have the governing body of a TAXING UNIT consider or grant a specific application or request for tax abatement. With the above rights reserved all applications for tax abatement will be considered on a case by case basis.

SECTION II. Definitions:

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

1. Abatement of Taxes: To exempt from ad valorem taxation all or part of the value of certain real property, tangible personal property on the real property, the leasehold interest in tax-exempt real property, and improvements placed on land located in a reinvestment zone or enterprise zone established for economic development purposes as designated in the Tax Abatement Agreement for a period of time not to exceed ten (10) years.
2. TAXING UNIT: The City of Kingsville or any other governmental taxing unit located totally within or partially within the City of Kingsville.
3. Tax Abatement Agreement: (1) A contract between a property owner or lessee and a TAXING UNIT for the abatement of taxes on qualified property located within the reinvestment zone; or, (2) a contract for the abatement of taxes that complies with V.T.C.A. Tax Code, Chapter 312.

4. **Base Year Value:** The assessed value of property eligible for tax abatement as of January 1 preceding the execution of an Abatement Agreement as herein defined.
5. **Distribution Center Facility:** A building or structure including Tangible Personal Property used or to be used primarily to receive, store, service or distribute goods or materials.
6. **Expansion of Existing Facilities or Structures:** The addition of buildings, structures, machinery or equipment to a Facility after the execution of a Tax Abatement Agreement.
7. **Existing Facility or Structure:** A Facility as of the date of execution of the Tax Abatement Agreement, located in or on Real Property eligible for tax abatement.
8. **Facility:** The improvements made to Real Property eligible for tax abatement and including the building or structure erected on such Real Property and/or any Tangible Personal Property to be located in or on such property.
9. **Improvements to Real Property or Improvements:** Shall mean the construction, additions to, structural upgrading of, replacement of, or completion of any Facility located upon, or to be located upon Real Property, as herein defined, or any Tangible Personal Property placed in or on said Real Property.
10. **Leasehold Interest:** A leasehold interest in tax-exempt real property as set out in V.T.C.A., Tax Code, Section 312.204.
11. **Manufacturing Facility:** A Facility which is or will be used for the primary purpose of the production of goods or materials or the processing or change of goods or materials to a finished product.
12. **Modernization of Existing Facilities:** The replacement or upgrading of existing facilities.
13. **New Facility:** The construction of a Facility on previously undeveloped real property eligible for tax abatement.
14. **Other Basic Industry:** A Facility other than a distribution center Facility, a research Facility, a regional service Facility or a manufacturing Facility which produces goods or services or which creates new or expanded job opportunities and services a market either within or outside of the City of Kingsville, Texas.
15. **Owner:** The record title owner of Real Property or the legal owner of Tangible Personal Property. In the case of land leased from a Taxing Unit the lessee shall be deemed the owner of such leased property together with all Improvements and Tangible Personal Property located therein.

16. Productive Life: The number of years a Facility is expected to be in service.
17. Real Property: Land on which Improvements are to be made or fixtures placed.
18. Regional Services Facility: A Facility, the primary purpose of which is to service or repair goods or materials and which creates job opportunities within the TAXING UNIT.
19. Reinvestment Zone: Real Property designated as a Reinvestment Zone under the provisions of V.T.C.A., Tax Code, Section 312.201 et. seq.
20. Research Facility: A Facility used or to be used primarily for research or experimentation to improve or develop new goods and/or services or to improve or develop the production process for such goods and/or services.
21. Tangible Personal Property: Any Personal Property, not otherwise defined herein and which is necessary for the proper operation of any type of Facility.

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

SECTION IV: Criteria and Guidelines for Tax Abatement:

1. Any type of Facility will be eligible for tax abatement consideration provided such Facility meets the following guidelines and criteria:
2. Creation of new value: Abatement may only be granted for the additional value resulting from any of the following:
 - (a) modernization of a Facility of any type;
 - (b) construction of a New Facility of any type;
 - (c) expansion of a Facility of any type.
3. New or existing facilities, of any type herein defined, located in a enterprise zone, reinvestment zone or upon Real Property eligible for such status will be eligible for consideration for tax abatement status provided all other criteria or guidelines are satisfied.
4. Improvements to Real Property are eligible for tax abatement status.
5. The following types of property shall be ineligible for tax abatement status and shall be fully taxed:
 - (a) inventories or supplies;

- (b) tools;
- (c) furnishings and other forms of movable personal property;
- (d) vehicles;
- (e) aircraft;
- (f) boats;
- (g) property owned by the State of Texas or any State agency.

6. In order for a Facility to qualify for abatement, one of the following conditions must apply:

(a) The Real Property and eligible Improvements and Tangible Personal Property must be owned by the same person, corporation, partnership or other business entity; or,

(b) In the case of Real Property leased from a TAXING UNIT the leasehold interest in tax-exempt property as set forth in V.T.C.A., Tax Code, Section 312.204 and all improvements placed thereon together with all Tangible Personal Property used in conjunction with said improvements must be owned by the same person, corporation, partnership or other business entity and said owner must have a lease commitment of at least 7 years.

7. In reinvestment zones, the amount and term of abatement shall be determined on a case by case basis, however, in no event shall taxes be abated for a term in excess of ten (10) years. The amount of the taxable value of Improvements to be abated and the term of the abatement shall be determined by the City of Kingsville in all cases except that a reinvestment zone that is a state enterprise zone is designated for the same period as a state enterprise zone as provided by Chapter 2303, Government Code. The authority of all other TAXING UNITS shall be as set forth in V.T.C.A., Tax Code, Section 312.206.

In enterprise zones, the governing body of each TAXING UNIT may execute a written agreement with the owner of the property. The agreement may, but is not required to, contain terms that are identical to those contained in the agreement with the City of Kingsville and the only terms of the agreement that may vary are the portion of the property that is to be exempt from taxation under the agreement and the duration of the agreement.

8. No property shall be eligible for tax abatement unless such property meets the requirements of V.T.C.A. Tax Code, Section 312.202 and 312.204.

9. The economic qualification for tax abatement shall be as follows:

(a) New Facility:

1. The creation of a New Facility, which has not previously existed within the TAXING UNIT, and will be a totally new business operation; and,

2. The improvements and Tangible Personal Property to be erected or affixed in or on the Real Property for which tax abatement is sought must be at a minimum value of one hundred thousand dollars and the New Facility must create and retain new jobs during the entire term established in the Tax Abatement Agreement executed by applicant and the TAXING UNIT.

(b) Expansion of existing Facility:

1. The structural addition to a Facility in the amount of at least \$100,000 and the creation and retention of at least 5 new jobs at said Facility during the entire term established in the Tax Abatement Agreement executed by applicant and the TAXING UNIT.

(c) Modernization of existing Facility.

1. The replacement and upgrading of an existing Facility and the value of such improvements will be at a minimum value of one hundred thousand dollars. In addition, such replacement and upgrading must create and retain at least 5 new jobs during the entire term established in the Tax Abatement Agreement executed by the applicant and the TAXING UNIT.

10. Notwithstanding any of the requirements set forth in Section 9 the governing body of a Taxing Unit upon the affirmative vote of three-fourths of its members may vary any of the above requirements when variation is demonstrated by the applicant for Tax Abatement to be in the best interest of the TAXING UNIT and that it will enhance the economic development of the TAXING UNIT. By way of example, and not by limitation, the governing body of a Taxing Unit may consider the following or similar terms in determining whether a variance shall be granted:

(a) That the increase in productivity of the Facility will be substantial and hence directly benefit the economy.

(b) That the increase of goods or services produced by the Facility will be substantial and hence directly benefit the economy.

(c) That the employment maintained at the Facility will be increased.

(d) That the waiver of the requirement will contribute and provide for the retention of existing jobs within the TAXING UNIT.

(e) That the applicant for tax abatement has demonstrated that if tax abatement is granted to his Facility even though his Facility will not employ additional personnel that nevertheless due to the existence of said Facility a substantial number of new jobs will be created as a direct result of his Facility in other facilities located with the TAXING UNIT.

(f) Any other evidence tending to show a direct and substantial economic benefit to the TAXING UNIT.

11. Taxability:

(a) The portion of the value of improvements to be abated shall be abated in accordance with the terms and provisions of a Tax Abatement Agreement executed between the TAXING UNIT and the owner of the taxable Real Property, leasehold interests or improvements on tax exempt real property, and/or Tangible Personal Property. The agreement shall at least meet the minimum standards of the provisions of V.T.C.A., Tax Code, Section 312 .205.

(b) All ineligible property, otherwise taxable, shall be fully taxed.

(c) The governing body of each TAXING UNIT shall have total discretion as to whether tax abatement is to be granted. Such discretion, as herein retained, shall be exercised on a case by case basis. The adoption of these guidelines and criteria by the governing body of a Taxing Unit does not:

1. Limit the discretion of the governing body to decide whether to enter into a specific tax abatement agreement;
2. Limit the discretion of the governing body to delegate to its employees the authority to determine whether or not the governing body should consider a particular application or request for tax abatement; or,
3. Create any property, contract, or other legal right in any person to have the governing body consider or grant a specific application or request for tax abatement.

(d) The burden to demonstrate that an application for tax abatement should be granted shall be upon the applicant. Each TAXING UNIT to which the application has been directed shall have full authority to request any additional information from the applicant that the governing body of such TAXING UNIT deems necessary to assist it in considering such application.

12. Tax abatements will be considered in accordance with the attached Ad Valorem Tax Abatement Schedule.

SECTION V. Criteria and Guidelines for Creation of Reinvestment Zone:

1. No property shall be eligible for tax abatement unless such property is located in a reinvestment zone meeting the requirements of V.T.C.A., Tax Code, Section 312.202. To be designated as a reinvestment zone an area must:

(a) Substantially arrest or impair the sound growth of the municipality creating the zone, retard the provision of housing accommodations, or constitute an economic or social liability and be a menace to the public health, safety, morals, or welfare in its present condition and use because of the presence of:

1. a substantial number of substandard, slum, deteriorated, or deteriorating structures;
2. the predominance of defective or inadequate sidewalks or streets;
3. faulty size, adequacy, accessibility or usefulness of lots;
4. unsanitary or unsafe conditions;
5. the deterioration of site or other improvements;
6. tax or special assessment delinquency exceeding the fair value of the land;
7. defective or unusual conditions of title;
8. conditions that endanger life or property by fire or other cause; or,
9. any combination of these factors;

(b) Be predominately open and, because of obsolete platting, deterioration of structures or site improvements, or other factors, substantially impair or arrest the sound growth of the municipality;

(c) Be in a federally assisted new community located in a home-rule municipality or in an area immediately adjacent to a federally assisted new community located in a home-rule municipality;

(d) Be located entirely in an area that meets the requirements for federal assistance under Section 119 of the Housing and Community Development Act of 1974 (42 U.S.C. Section 5318);

(e) Encompass signs, billboards, or other outdoor advertising structures designated by the governing body of the municipality for relocation, reconstruction, or removal for the purpose of enhancing the physical environment of the municipality, which the legislature declares to be a public purpose; or,

(f) Be reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the municipality.

2. For purposes of this Section, a federally assisted new community is a federally assisted area:

(a) That has received or will receive assistance in the form of loan guarantees under Title X of the National Housing Act (12 U.S.C. Section 1749aa et seq.); and,

(b) A portion of which has received grants under Section 107(a)(1) of the Housing and Community Development Act of 1974, as amended, made pursuant to the authority created by that section for grants in behalf of new communities assisted under Title VII of the Housing and Urban Development Act of 1970 or Title IV of the Housing and Urban Development Act of 1968 or in behalf of new community projects assisted under Title X of the National Housing Act, as amended.

3. The governing body of a municipality, as required by Section 312.201, V.T.C.A., Tax Code, shall hold a public hearing on the designation of an area within its jurisdiction as a reinvestment zone. The burden shall be on the owner of the property sought to be included in the zone or applicant for the creation of the reinvestment zone to establish the following:

(a) That the requirements of Subsection 1 of this Section have been met.

(b) That the improvements sought are feasible and practical.

(c) That the improvements sought would be a benefit to the land to be included in the zone.

(d) That the improvements sought would be a benefit to the City of Kingsville after the expiration of a Tax Abatement agreement.

4. No later than the seventh day before the date set for the above public hearing notice of such hearing shall be:

(a) Published in a newspaper having general circulation in the TAXING UNIT.

(b) Delivered in writing to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed reinvestment zone.

(c) The costs of these notices shall be at the applicant's expense.

5. At the public hearing described in Subsection 3 above, any interested person is entitled to speak and present evidence for or against the designation of such reinvestment zone.

6. At the conclusion of the hearing described in Subparagraph 3 above, the governing body shall enter its findings as follows:

(a) That the applicant or owner has or has not met his burden as hereinabove set forth, and,

(b) That the improvements sought are or are not feasible and practical.

(c) That the proposed improvements sought will or will not be a benefit to the land to be included in the reinvestment zone and to the TAXING UNIT after the expiration of an agreement entered into under the V.T.C.A., Tax Code, Section 312.204 or Section 312.211.

7. An application for the creation of a reinvestment zone shall not be granted unless the TAXING UNIT considering such application enters affirmative findings to Subparagraphs a, b, and c of Subsection 6 above set forth.

8. At the conclusion of the public hearing herein required and upon the affirmative finding of the governing body as required by Subsection 7 above and after a determination that all other legal prerequisites have been met, the governing body may designate a reinvestment zone in accordance with the provisions of V.T.C.A., Tax Code, Section 312.201.

9. The designation of a reinvestment zone expires five years after the date of the designation and may be renewed for periods not to exceed five years, except that a reinvestment zone that is a state enterprise zone is designated for the same period as a state enterprise zone as provided by Chapter 2303, Government Code. The expiration of the designation does not affect an existing tax abatement agreement made in accordance with Chapter 312, Subchapter B, Texas Tax Code.

10. Designation of an area as an enterprise zone under the Texas Enterprise Zone Act, Chapter 2303, Subchapter C, Texas Government Code, constitutes designation of the area as a reinvestment zone under Subchapter B of the Property Redevelopment and Tax Abatement Act without further hearing or other procedural requirements other than those provided by the Texas Enterprise Zone Act, Chapter 2303, Subchapter C, Texas Government Code.

SECTION VI. Tax Abatement Agreement:

1. After the creation of a reinvestment zone as hereinabove authorized a Tax Abatement Agreement may be executed between the owner and any TAXING UNIT. A Tax Abatement Agreement shall:

(a) Establish and set forth the Base Year assessed value of the property for which tax abatement is sought.

(b) Provide that the taxes paid on the Base Year assessed value shall not be abated as a result of the execution of said Tax Abatement Agreement.

(c) Provide that ineligible property as described in Section IV, Subsection 5, hereinabove shall be fully taxed.

(d) Provide for the exemption of Improvements in each year covered by the agreement only to the extent the value of such Improvements for each such year exceed the value for the year in which the agreement is executed.

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

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

(g) Clearly provide that tax abatements shall be granted only to the extent:

1. The improvements to Real Property increase the value of the Real Property for the year in which the Tax Abatement Agreement is executed; and,
2. That the Tangible Personal Property Improvements to Real Property were not located on the Real Property prior to the period covered by the Tax Abatement Agreement.

(h) Provide for the portion of the value of the Improvements to Real Property or Improvements to be abated. This determination is to be made consistent with the provisions of Section IV, Subsection 5, of these guidelines and criteria as hereinabove set forth.

(i) Provide for the commencement date and the termination date. In no event shall said date exceed a period of ten years.

(j) Describe the type and proposed use of the Improvements to Real Property or Improvements including:

- (1) Whether the Improvements are for a New Facility, modernization of a Facility, or expansion of a Facility.
- (2) The nature of the construction, proposed time table of completion, a map or drawings of the Improvements above mentioned.
- (3) The amount of investment and the commitment for the creation of new jobs.
- (4) A list containing the kind, number and location of all proposed Improvements.
- (5) Any other information required by the TAXING UNIT.

(k) Provide a legal description of the Real Property upon which Improvements are to be made.

(l) Provide access to and authorize inspection of the Real Property or Improvements by employees of the TAXING UNIT, which has executed a Tax Abatement Agreement with owner to ensure Improvements or repairs are made according to the specifications and conditions of the Tax Abatement Agreement.

(m) Provide for the limitation of the uses of the Real Property or Improvements consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect.

(n) Provide for contractual obligations in the event of default by owner, violation of the terms or conditions by owner, recapturing property tax revenue last as a result of the tax abatement agreement in the event owner defaults or otherwise fails to make Improvements as provided in said Tax Abatement Agreement, and any other provision as may be required or authorized by State Law.

(o) Contain each term agreed to by the owner of the property.

(p) Require the owner of the property to certify annually to the governing body of each TAXING UNIT that the owner is in compliance with each applicable term of the agreement.

(q) Provide that the governing body of the City of Kingsville may cancel or modify the agreement if the property owner fails to comply with the agreement.

(r) Provide for any other provisions the Taxing Unit opts to include as allowed by law.

2. Not later than the seventh day before City of Kingsville enters into an agreement for tax abatement under V.T.C.A., Tax Code, Chapter 312 the governing body of the City of Kingsville or a designated officer or employee thereof shall deliver to the presiding officer of the governing body of each of the taxing units in which the property to be subject to the agreement is located, a written notice that the City of Kingsville, intends to enter into the agreement. The notice must include a copy of the proposed Tax Abatement Agreement.

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

4. Failure to deliver the notice, as described in Subparagraph 2 above, does not affect the validity of the agreement.

SECTION VII. Application:

1. Any present owner of taxable property located within a TAXING UNIT may apply for tax abatement by filing an application with the City of Kingsville, when the Real Property or Tangible Personal Property for which abatement sought is located within the City limits of the City of Kingsville.
2. The application shall consist of a completed application form accompanied by:
 - (a) A general description of the Improvements to be undertaken.
 - (b) A descriptive list of the Improvements for which tax abatement is requested.
 - (c) A list of the kind, number and location of all proposed Improvements of the Real Property, Facility or Existing Facility.
 - (d) A map indicating the approximate location of Improvements on the Real Property, Facility or Existing Facility together with the location of any or all Existing Facility located on the Real Property or Facility.
 - (e) A list of any and all Tangible Personal Property presently existing on the Real Property or located in an existing Facility.
 - (f) A proposed time schedule for undertaking and completing the proposed Improvements.
 - (g) A general description stating whether the proposed Improvements are in connection with:
 - (1) the modernization of a Facility (of any type herein defined); or,
 - (2) construction of a New Facility (of any type herein defined); or,
 - (3) expansion of a Facility (of any type herein defined); or,
 - (4) any combination of the above.
 - (h) A statement of the additional value to the Real Property or Facility as a result of the proposed Improvements.

(i) A statement of the assessed value of the Real Property, Facility or Existing Facility for the Base Year.

(j) Information concerning the number of new jobs that will be created or information concerning the number of existing jobs to be retained as result of the Improvements undertaken.

(k) Any other information which the TAXING UNIT, to which the application has been directed, deems appropriate for evaluating the financial capacity of the applicant and compatibility of the proposed Improvements with these guidelines and criteria.

(l) Information that is provided to a Taxing Unit in connection with an application or request for tax abatement and which describes the specific processes or business activity to be conducted or the equipment or other property to be located on the property for which tax abatement is sought is confidential and not subject to public disclosure until the Tax Abatement Agreement is executed. Information in the custody of a Taxing Unit after the agreement is executed is not confidential. (V.T.C.A., Tax Code, Section 312.003).

(m) The TAXING UNIT to whom the application for tax abatement has been directed shall determine if the property described in said application is within a designated reinvestment zone. If the TAXING UNIT determines that the property described is not within a current reinvestment zone then they shall so notify the applicant and said application shall then be considered both as an application for the creation of a reinvestment zone and a request for tax abatement to be effective after the zone is created.

SECTION VIII. Recapture:

1. In the event that any type of Facility, (as defined in Section II, Subparagraphs 5, 6, 7, 8, 10, 11, 12, 13, 17, 19) is completed and begins producing goods or services, but subsequently discontinues producing goods or services for any reason, excepting fire, explosion or other casualty or accident or natural disaster or other event beyond the reasonable control of applicant or owner for a period of 180 days during the term of a tax abatement agreement, then in such event the Tax Abatement Agreement shall terminate and all abatement of taxes shall likewise terminate. Taxes abated during the calendar year in which termination takes place shall be payable to each TAXING UNIT by no later than January 31st of the following year. Taxes abated in years prior to the year of termination shall be payable to each TAXING UNIT within sixty (60) days of the date of termination. The burden shall be upon the applicant or owner to prove to the satisfaction of the TAXING UNIT to whom the application for tax abatement was directed that the discontinuance of producing goods or services was as a result of fire, explosion, or other casualty or accident or natural disaster or other event beyond the reasonable control of applicant or owner. In the event the applicant or owner meets this burden and the TAXING UNIT is satisfied that the discontinuance of the production of goods or services was the result of events beyond the reasonable control of the

applicant or owner, then such applicant or owner shall have a period of one year in which to resume the production of goods and services. In the event that the applicant or owner fails to resume the production of goods or services within one year, the Tax Abatement Agreement shall terminate and the Abatement of all taxes shall likewise terminate. Taxes abated during the calendar year in which termination takes place shall be payable to each TAXING UNIT by not later than January 31st of the following year. Taxes abated in years prior to the year of termination shall be payable to each TAXING UNIT within sixty (60) days of the date of termination. The one year time period, hereinabove mentioned, shall commence upon written notification from the TAXING UNIT to the applicant or owner.

2. In the event that the applicant or owner has entered into a Tax Abatement Agreement to make improvements to a Facility of any type described in Section 1 above, but fails to undertake or complete such improvements, then in such event the TAXING UNIT to whom the application for Tax Abatement was directed shall give the applicant or owner sixty (60) days written notice of such failure. The applicant or owner shall demonstrate to the satisfaction of the TAXING UNIT, above mentioned, that the applicant or owner has commenced to cure such failure within the sixty (60) days above mentioned. In the event that the applicant or owner fails to demonstrate that he is taking affirmative action to cure his failure, then in such event the Tax Abatement Agreement shall terminate and all abatement of taxes shall likewise terminate. Taxes abated during the calendar year in which termination takes place shall be payable to each TAXING UNIT by no later than January 31st of the following year. Taxes abated in years prior to the year of termination shall be payable to each TAXING UNIT within sixty (60) days of the date of termination.

3. In the event that the TAXING UNIT to whom application for Tax Abatement was directed determines that the applicant or owner is in default of any of the terms or conditions contained in the Tax Abatement Agreement, then in such event the TAXING UNIT shall give the applicant or owner sixty (60) days written notice to cure such default. In the event such default is not cured to the satisfaction of the TAXING UNIT within the sixty (60) days notice period, then the Tax Abatement Agreement shall terminate and all abatement of taxes shall likewise terminate. Taxes abated during the calendar year in which termination takes place shall be payable to TAXING UNIT by no later than January 31st of the following year. Taxes abated in years prior to the year of termination shall be payable to each TAXING UNIT within sixty (60) days of the date of termination.

4. In the event that the applicant or owner allows ad valorem taxes on property ineligible for Tax Abatement owed to any TAXING UNIT to become delinquent and fails to timely and properly follow the legal procedures for their protest or contest, then in such event the Tax Abatement Agreement shall terminate and all abatement of taxes shall likewise terminate. Taxes abated during the calendar year in which termination, under this subparagraph takes place shall be payable to each TAXING UNIT by no later than January 31st of the following year. Taxes abated in years prior to the year of

termination shall be payable to each TAXING UNIT within sixty (60) days of the date of termination.

5. In the event that the applicant or owner, who has executed a Tax Abatement Agreement with any TAXING UNIT, relocated the business, for which tax abatement has been granted, to a location outside of the designated reinvestment zone, then in such event, the Tax Abatement Agreement shall terminate after sixty (60) days written notice by the TAXING UNIT to the Owner/Applicant. Taxes abated during the calendar year in which termination under this subparagraph take place shall be payable to each TAXING UNIT by no later than January 31st of the following year. Taxes abated in years prior to the year of termination shall be payable to each TAXING UNIT within sixty (60) days of the date of termination.

6. The date of termination as that term is used in the Subsection VIII shall, in every instance, be the 60th day after the day the TAXING UNIT sends notice of default, in the mail to the address shown in the Tax Abatement Agreement to the Applicant or Owner. Should the default be cured by the owner or applicant within the sixty (60) day notice period, the Owner/Applicant shall be responsible for so advising the TAXING UNIT, failing in which, the abatement remains terminated and the abated taxes must be paid.

7. In every case of termination set forth in Subparagraphs 1, 2, 3, 4 and 5 above, the TAXING UNIT to which the application for tax abatement was directed shall determine whether default has occurred by Owner/Applicant in the terms and conditions of the Tax Abatement Agreement and shall so notify all other TAXING UNITS. Termination of the Tax Abatement Agreement by the TAXING UNIT to which the application for tax abatement was directed shall constitute simultaneous termination of all Tax Abatement Agreements of all other TAXING UNITS.

8. In the event that a Tax Abatement Agreement is terminated for any reason what so ever and taxes are not paid within the time period herein specified, then in such event, the provisions of V.T.C.A., Tax Code, Section 33.01 (Penalties and Interest) will apply.

SECTION IX. Miscellaneous:

1. Any notice required to be given by these criteria or guidelines shall be given in the following manner:

(a) To the owner or applicant: written notice shall be sent to the address appearing on the Tax Abatement Agreement.

(b) To a Taxing Unit: written notice shall be sent to the address appearing on the Tax Abatement Agreement.

2. The Chief Appraiser of the Kleberg County Appraisal District shall annually assess the Real and Personal Property comprising the reinvestment zone. Each year, the

applicant or owner receiving tax abatement shall furnish the Chief Appraiser with such information as may be necessary for the abatement. Once value has been established, the Chief Appraiser shall notify the TAXING UNITS which levy taxes of the amount of assessments.

3. Upon the completion of improvements made to any type of Facility as set forth in these criteria and guidelines a designated employee or employees of any TAXING UNIT having executed a Tax Abatement Agreement with applicant or owner shall have access to the Facility to ensure compliance with the Tax Abatement Agreement.

4. A Tax Abatement Agreement may be assigned to a new owner but only after written consent has been obtained from all TAXING UNITS which have executed such an agreement with the applicant or owner.

5. These guidelines and criteria are effective upon the date of their adoption by a Taxing Unit and shall remain in force for two years. At the end of the two year period these guidelines and criteria may be readopted, modified, amended or rewritten as the conditions may warrant.

6. Each TAXING UNIT shall determine whether or not said TAXING UNIT elects to become eligible to participate in tax abatement. In the event the TAXING UNIT elects to become eligible to participate in tax abatement, then such TAXING UNIT shall adopt these guidelines and criteria forwarding a copy of both the election to participate and adoption of guidelines and criteria to all other TAXING UNITS.

7. In the event of a conflict between these guidelines and criteria and V.T.C.A., Tax Code, Chapter 312, the Tax Code shall prevail and these guidelines and criteria interpreted accordingly.

8. The guidelines and criteria once adopted by a Taxing Unit may be amended or repealed by a vote of three-fourths of the members of the governing body of a TAXING UNIT during the two year term in which these guidelines and criteria are effective.

9. The Property Redevelopment and Tax Abatement Act is subject to review as provided by the Texas Sunset Act (Section 325.0082 Government Code). If not continued in effect this statute expires September 1, 2021.

10. The term a "job" or "jobs" as used herein in the context of maintaining current jobs or creating and retaining new jobs shall have the following meaning. In order to constitute a "job" it must mean the employment of one or more persons on a regular or routine basis for a total period of at least 40 hours per week at the prevailing Federal minimum wage rate or the employment of one person with no hours requirement with a salary not based on an hourly structure and a wage or salary equal to fifteen times the prevailing Federal minimum wage rate.

Employment of an independent contractor shall never constitute a "job".

Any employment of labor which does not meet these requirements shall not constitute a "job" for the purpose of meeting the job created and retained or maintained requirement provided for in these guidelines and criteria.

11. The completion of construction will be deemed to occur upon the issuance of a certificate of occupancy for the project.

AD VALOREM TAX ABATEMENT SCHEDULE

APPRAISED VALUE OF NEW CONSTRUCTION OR EXPANSION INVESTMENT	ANNUAL PERCENTAGE OF TAX ABATEMENT	APPRAISED VALUE OF NEW CONSTRUCTION OR EXPANSION INVESTMENT	ANNUAL PERCENTAGE OF TAX ABATEMENT	**ACTUAL NEW JOBS CREATED AND MAINTAINED	LENGTH OF TAX ABATEMENT
\$100,000	2.00	\$2,600,000	52.00	5 - 15	1 YEAR
\$200,000	4.00	\$2,700,000	54.00	16 - 30	2 YEARS
\$300,000	6.00	\$2,800,000	56.00	31 - 45	3 YEARS
\$400,000	8.00	\$2,900,000	58.00	46 - 60	4 YEARS
				61 AND OVER	5 YEARS
\$500,000	10.00	\$3,000,000	60.00		
\$600,000	12.00	\$3,100,000	62.00		
\$700,000	14.00	\$3,200,000	64.00		
\$800,000	16.00	\$3,300,000	66.00		
\$900,000	18.00	\$3,400,000	68.00		
\$1,000,000	20.00	\$3,500,000	70.00		
\$1,100,000	22.00	\$3,600,000	72.00		
\$1,200,000	24.00	\$3,700,000	74.00		
\$1,300,000	26.00	\$3,800,000	76.00		
\$1,400,000	28.00	\$3,900,000	78.00		
\$1,500,000	30.00	\$4,000,000	80.00		
\$1,600,000	32.00	\$4,100,000	82.00		
\$1,700,000	34.00	\$4,200,000	84.00		
\$1,800,000	36.00	\$4,300,000	86.00		
\$1,900,000	38.00	\$4,400,000	88.00		
\$2,000,000	40.00	\$4,500,000	90.00		
\$2,100,000	42.00	\$4,600,000	92.00		
\$2,200,000	44.00	\$4,700,000	94.00		
\$2,300,000	46.00	\$4,800,000	96.00		
\$2,400,000	48.00	\$4,900,000	98.00		
\$2,500,000	50.00	\$5,000,000	100.00		

TAX ABATEMENT WILL BE OFFERED TO ANY NEW OR EXISTING BUSINESS

*** **LENGTH OF ABATEMENT WILL BE BASED UPON ACTUAL NUMBER OF NEW FULLTIME JOBS THAT ARE CREATED PAYING WAGES OF 150% OR MORE ABOVE MINIMUM WAGE. JOBS MUST BE MAINTAINED FOR THE DURATION OF THE ABATEMENT PERIOD TO QUALIFY AND WILL BE SUBJECT TO VERIFICATION OF QUALIFICATION ANNUALLY.**

**APPLICATION FOR TAX ABATEMENT
IN THE
CITY OF KINGSVILLE, TEXAS**

FILING INSTRUCTIONS:

This application should be filed at least THIRTY (30) WORKING DAYS prior to the anticipated commencement of construction of improvements or the installation of equipment or the location of any personal property. This filing acknowledges familiarity and assumed conformance with "GUIDELINES AND CRITERIA GOVERNING TAX ABATEMENT FOR ALL TAXING UNITS CONTAINED WITHIN THE CITY OF KINGSVILLE, TEXAS" (Copy attached). This application will become a part of any later agreement or contract, and knowingly false representations thereon will be grounds for the voiding of any later agreement or contract.

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

CITY MANAGER
City of Kingsville
P.O. Box 1458
Kingsville, Texas 78364

Section 1 - APPLICANT INFORMATION

Date of Application: _____

Applicant Name: _____

Company Name: _____

Address: _____

Phone: _____

Applicant's Representative on this project:

Name: _____

Address: _____

Phone: _____

Type of Ownership (check one): Corporation () Partnership () Proprietorship ()

Total Current Number of Employees: _____

Corporate Annual Sales Per Year: _____

Annual Report Submitted (circle one)?

Yes No

Section II - FACILITY INFORMATION

(a) check type of Facility for which abatement is requested:

- () Manufacturing Facility
- () Regional Services Facility
- () Research Facility
- () Distribution Center Facility
- () Regional Entertainment Center
- () Other Basic Industry

(b) Address of proposed Facility and legal description: _____

(c) The proposed Facility is located in: _____

School District: _____

City: _____

(d) Describe product or service to be provided: _____

(e) This application is for a New Facility: _____

Expansion: _____

Modernization: _____

Section III - FACILITY DESCRIPTION

Please attach the following:

- (a) A general description of the improvements to be undertaken.
- (b) A descriptive list of the improvements for which tax abatement is requested.
- (c) A list of the kind, number and location of all proposed improvement of the Real Property, Facility or Existing Facility.
- (d) A site map indicating the approximate location of improvements on the Real Property, Facility or Existing Facility together with the location of any or all Existing Facilities located on the Real Property or Facility.

- (e) A list of any and all Tangible Personal Property presently existing on the Real Property or located in an Existing Facility.
- (f) A proposed time schedule for undertaking and completing the proposed improvements.
- (g) A general description stating whether the proposed improvements are in connection with:
 - (1) the modernization of a Facility (of any type herein defined); or,
 - (2) construction of a New Facility (of any type herein defined); or,
 - (3) expansion of a Facility (of any type herein defined); or,
 - (4) any combination of the above.
- (h) A statement of the additional value to the Real Property or Facility as a result of the proposed improvements.
- (i) A statement of the assessed value of the Real Property, Facility or Existing Facility for the Base Year.
- (j) Information concerning the number of new jobs that will be created or information concerning the number of existing jobs to be retained as a result of the improvements undertaken.

Section IV - ECONOMIC IMPACT INFORMATION

Part A - Current Investment in Existing Improvements:

Part B - Permanent Employment Estimates:

(1) If existing Facility what is the current employment?

(2) Estimated number of jobs:

Retained:

At start-up:

Created:

In One Year:

(3) Opening of improvements:

Month: _____ Year: 200__

Part C - Construction and Employment Estimates:

(1) Construction start:

Month: _____ Year: 200__

(2) Number of construction jobs:

At Start: _____

Peak: _____

Finish: _____

(3) Number of man years:

Part D - School District Impact Estimates:

Give estimated number of: _____

Families transferred to area: _____

Children added to ISD's: _____

Part E - City Impact Estimates:

(1) Volume of treated water required from City in gallons per day:

(2) Volume of effluent to be treated by City in gallons per day:

(3) Please provide a statement on planned water and sewer treatment methods, and disposal of effluent if the Facility is to be located outside City systems.

(4) _____ Has permitting been started (circle one)?
Yes No

Part F - Estimated Appraised Value on Site:

(Land/ Personal Improvements/ Personal Property)

Valuation of Facility on January 1 Preceding Proposed Abatement:

Value of Facility Upon Completion of Project, of Personal Property, and Improvements not Subject to Abatement

Estimate Value of Eligible Improvements after Abatement Agreement

Expires: _____

Part G - Variance:

(a) Is a variance being sought under Section IV 9.(d) of the "Guidelines" (circle one)?

Yes No

(b) If "Yes", attach any supplementary information required.

Section V - OTHER AGREEMENT APPLICATIONS

(a) Has applicant made application for abatement of this Facility to other taxing jurisdictions or counties (circle one)?

Yes No

(c) If "Yes", please provide:

- (1) Dates of Application:
- (2) Hearing Dates:
- (3) Name of Jurisdiction(s) and Contact(s):
- (4) Any letters of intent to abate:

Section VI - DECLARATION

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

Applicant's Signature

Date

Receiving For City

Date

AGENDA ITEM #9

ORDINANCE NO. 2013-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER VII, ARTICLE 5, TRAFFIC SCHEDULES, AMENDING THE LOCATION OF SPEED LIMIT ZONES ON FM 3320 (GOLF COURSE ROAD); PROVIDING FOR APPROPRIATE PENALTIES, FINES, AND FEES REGARDING THE REGULATION THEREOF; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the Texas Department of Transportation has performed traffic/speed studies and has requested these changes to the speed limit zones on FM 3320 (Golf Course Road) within the city limits;

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

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

I.

THAT Schedule I of Article 5: Traffic Schedules of Chapter VII, Traffic Code, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§ 7-5 SCHEDULE I: SPEED LIMITS.

...

(I) Farm to Market 3320 (Golf Course Road).

<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Ord. No.</i>	<i>Date Passed</i>
FM 3320 (Golf Course Road)	Beginning at FM425 (Carlos Truan Blvd.) to General Cavazos Blvd.	40 mph		
FM 3320 (Golf Course Road)	From General Cavazos Blvd. to FM 2090 (the southern city limit)	55 mph		

...

Penalty, see §1-1-99.

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 25th day of November, 2013.

PASSED AND APPROVED on this the 9th day of December, 2013.

Sam Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



Engineering Department

361-595-8005
361-595-8035 Fax

DATE: November 15, 2013
TO: City Commission through City Manager
FROM: Charlie Cardenas, P.E., City Engineer/Director of Public Works
SUBJECT: Reduce the speed limit on FM 3320/Golf Course Road from FM 425/Carlos Truan Blvd. to FM 2090 (southern city limit on that road)

SUMMARY

This item allows the City to approve an ordinance to establish the speed limits on FM 3320/Golf Course Road from FM 425/Carlos Truan Blvd. to General Cavazos Blvd. from 50 mph to 40 mph and on FM 3320/Golf Course Road from General Cavazos Blvd. to FM 2090 from 60 mph to 55 mph.

BACKGROUND

The Engineering Department received a request on November 4, 2013 from the Texas Department of Transportation (TXDOT) to pass an ordinance establishing new speed limits on FM 3320 (Golf Course Road) From FM 425 (Carlos Truan Blvd.) to General Cavazos Blvd. from 50 mph to 40 mph and from General Cavazos Blvd. to FM 2090 from 60 mph to 55 mph. The request is based on a performed a speed study performed by TXDOT in the spring of 2013 on FM 3320 (Golf Course Road). The study showed the 85th percentile of traffic to be at 40 mph and 55 mph respectively.

RECOMMENDATION

Given the current development and the traffic studies in this area, staff recommends an ordinance be passed to establish the speed limits on FM 3320/Golf Course Road from FM 425 (Carlos Truan Blvd.) to General Cavazos Blvd. at 40 mph and from General Cavazos Blvd. to FM 2090 at 55 mph.

FINANCIAL IMPACT

No financial impact to the City of Kingsville. Establishing this ordinance is in accordance with state and federal guidelines and the Manual of Uniformed Traffic Control Devices (MUTCD). TXDOT will pay for and install the new speed limit signs.

Approved

Vincent Capell, City Manager



125 EAST 11TH STREET | AUSTIN, TEXAS 78701-2483 | (512) 463-8580 | WWW.TXDOT.GOV

November 4, 2013

Corpus Christi District

Control: 3511-01
Highway: FM 3320
City: Kingsville
County: Kleberg

Mr. Charlie Cardenas, P.E.
City Engineer
City of Kingsville
200 E. Kleberg
Kingsville, TX 78363


Dear Mr. Cardenas:

Attached is a copy of a speed zone strip map for Farm to Market 3320 that runs through the City Limits of Kingsville. We have concluded the speed zone study from North city limit of Kingsville (FM 425) to FM 1717. As a result of our study, we are proposing to decrease the existing speed limit (within city limits) from 50mph to 40 mph (from FM 425 To General Cavazos). We also propose to decrease the existing speed from General Cavazos to FM 1717 from 60mph to 55 mph (outside city limits).

If our proposal is satisfactory, please secure city action and return two copies of the City Ordinance to our office. We will then update the speed limit signs on FM 3320.

If you have any questions, please contact Jacob Longoria at (361) 808-2212 or myself at (361) 808-2490

Sincerely,


America B. Garza, P.E.
Transportation Operations

CC: Ismael Soto, P.E. Director of Traffic Operations
Oscar Soliz, P.E. Area Engineer
Mike Flores, Maintenance Supervisor

OUR GOALS

MAINTAIN A SAFE SYSTEM • ADDRESS CONGESTION • CONNECT TEXAS COMMUNITIES • BEST IN CLASS STATE AGENCY
An Equal Opportunity Employer

Courtney Alvarez

From: Derryk Blasig <Derryk.Blasig@txdot.gov>
Sent: Wednesday, October 30, 2013 11:28 AM
To: Adrian Madison; America Garza; Dexter Turner; Ernesto De La Garza; Ismael Soto; Jacob Longoria; Joe Tellez; Kassondra Munoz
Subject: FM 3320 (3511-1) Speed Zone Approval

We have reviewed the following speed zone request:

County: Kleberg
Highway: FM 3320
Control Section: 3511-1
City: Kingsville

We concur with the following speed zones:

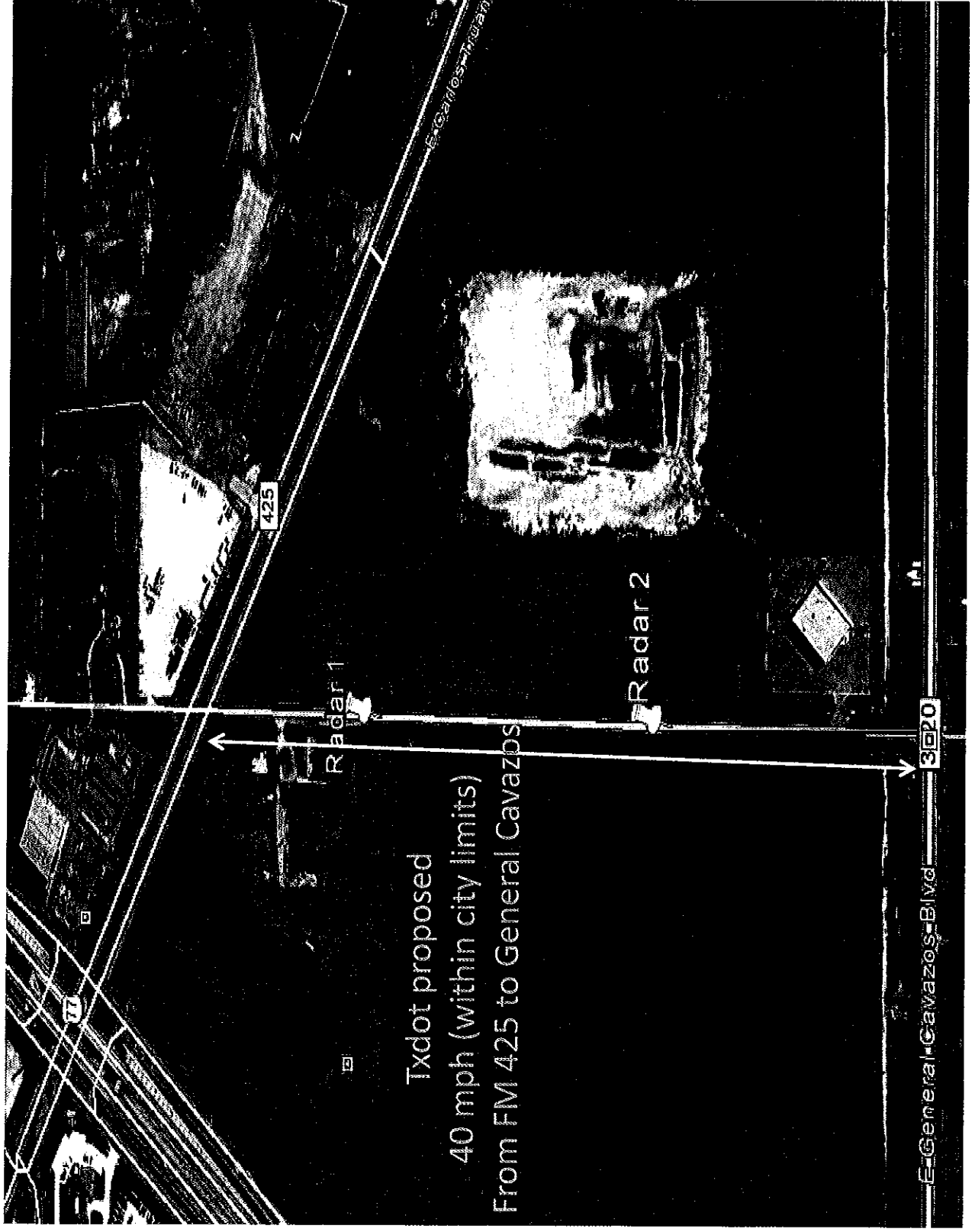
- 1) MP 1.000 to MP 1.412 / 0.412 mile / 40 mph
- 2) MP 1.412 to MP 3.008 / 1.596 miles / 55 mph

Please proceed with city of Kingsville to have a city ordinance passed for zone 1.

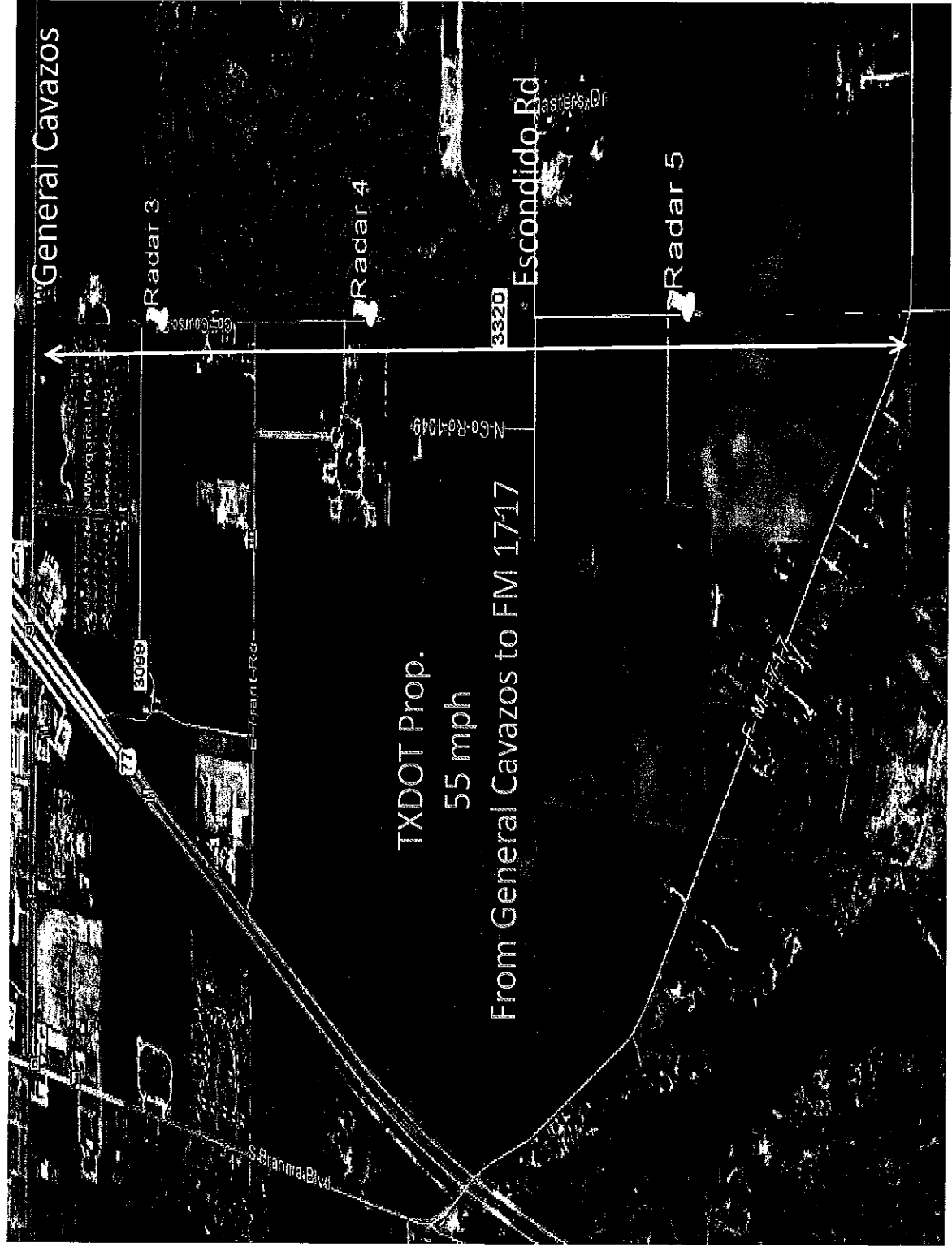
We will include zone 2 in the December 2013 commission minute order.

The proper portion of MO 110257 (9/29/2005) will be superseded.

Proposed Speed Study at FM 3320
Kleberg County



Proposed Speed Study at FM 3320
Kleberg County



AGENDA ITEM #10

ORDINANCE NO. 2013-_____

**AUTHORIZING THE PURCHASE OF 2.767 ACRES OF LAND AT 2000
NORTH ARMSTRONG FOR A NEW WATER WELL (WELL #25);
PROVIDING FOR PUBLICATION.**

WHEREAS, the City Commission previously designated funds for the purchase of land on which to build a new water well (well #25);

WHEREAS, staff has been working with the hydrologist to locate a suitable site for the new water well, has located a site, and has negotiated a proposed agreement with the land owner for the acquisition of the land; and

WHEREAS, the parties propose to purchase 2.767 acres of land from Manuel Ugues on a tract of land located at 2000 North Armstrong, Kingsville, Texas for \$48,825.00 and for in-kind services in the form of an irrigation water meter (\$265 estimated value), a driveway (\$1,500 estimated value) and 100 tons of reclaimed road material (\$3,500 estimated value); and

WHEREAS, the City Commission has determined that this acquisition 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 staff is authorized to purchase 2.7 acres of land from Manuel Ugues on a tract of land located at 2000 North Armstrong, Kingsville, Texas, as more specifically described on the survey attached as "Exhibit A", which is made a part of this ordinance.

SECTION 2. That staff is authorized to purchase the land for \$48,825.00 and for in-kind services in the form of an irrigation water meter (\$265 estimated value), a driveway (\$1,500 estimated value), and 100 tons of reclaimed road material (\$3,500 estimated value).

SECTION 3. The City Manager is authorized, as an act of the City of Kingsville, to execute any and all documents necessary to complete this land acquisition.

SECTION 4. That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

SECTION 5. 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 25th day of November, 2013.

PASSED AND APPROVED on this the 9th day of December, 2013.

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

LVN, Inc.
Engineers & Consultants
801 Navigation Blvd., Suite 200
Corpus Christi, Texas 78408

2.767 Acres

Field note description for a **2.767** acre tract of land being out of the west 126.3 feet of Track 7 of the T.C. Moore subdivision and Track 8 North of Tranquitas Creek of the T.C. Moore subdivision described in a deed to Albert H. Dean, Sr. as recorded in Vol. 338, Pgs. 376-380, Deed Records, Kleberg County, Texas. Said **2.767** acre tract of land being more particularly described by metes and bounds as follows:

Beginning at a 5/8" iron rod found on the North side of Tranquitas Creek being the Southeast corner of the tract herein described, said corner having Texas State Plane, Zone 4205, NAD 83 Coordinates of **X=1186290.31** and **Y=17083773.03**, and also being the **Point of Beginning**.

Thence **North 69° 40' 17" West**, a distance of **452.56** feet to a 5/8" iron rod set for the Southwest corner of the tract herein described;

Thence **North 00° 57' 34" West**, a distance of **203.69** feet to a 5/8" iron rod set for the Northwest corner of the tract herein described;

Thence **North 89° 02' 26" East**, a distance of **421.68** feet to a 5/8" iron rod set for the Northeast corner of the tract herein described;

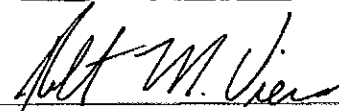
Thence **South 00° 57' 34" East**, a distance of **368.00** feet to a 5/8" iron rod found for the Southeast corner of the tract herein described and the **Point of Beginning**.

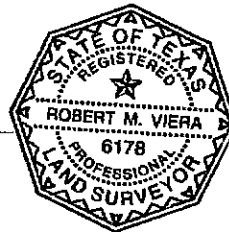
Containing more or less **2.767** acres of land (120,536.53 sq. ft.).

State of Texas
County of Nueces

I, **Robert M. Viera**, a Registered Professional Land Surveyor of LVN, Inc., hereby certify that the foregoing field notes were prepared from information of record and a survey made on the ground under my direction and is true and correct and that I have been engaged under contract to complete such operation with due and reasonable diligence consistent with sound professional practice.

This the 20th day of NOVEMBER 2013.


Robert M. Viera, R.P.L.S.
State of Texas Lic. No. 6178

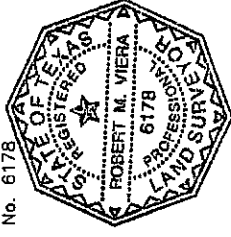


State of Texas
County of Kleberg

I, ROBERT VIERA, a Registered Professional Land Surveyor, of LNV Inc., do hereby certify that the foregoing map was prepared from information of record and under my direction and supervision.

This the 2nd day of November 2013.

Robert M. Viera
Robert M. Viera, R.P.L.S.
State of Texas License No. 6178



LEGEND:
D.R.K.C.T. DEED RECORDS, KLEBERG COUNTY, TEXAS
FND FOUND
I.R. IRON ROD
P.O.B. POINT OF BEGINNING
--- PROPERTY LINE
--- DEED LIMITS
□ TRACT BOUNDARY LIMITS

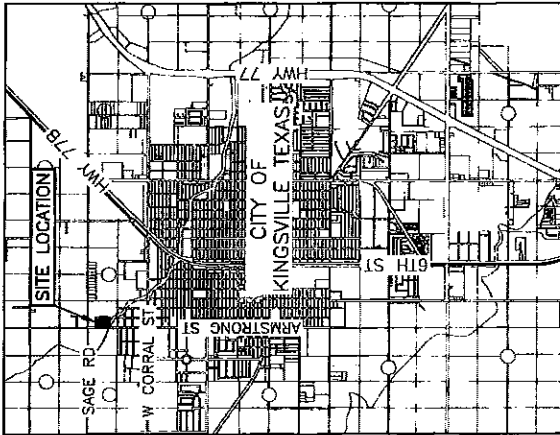
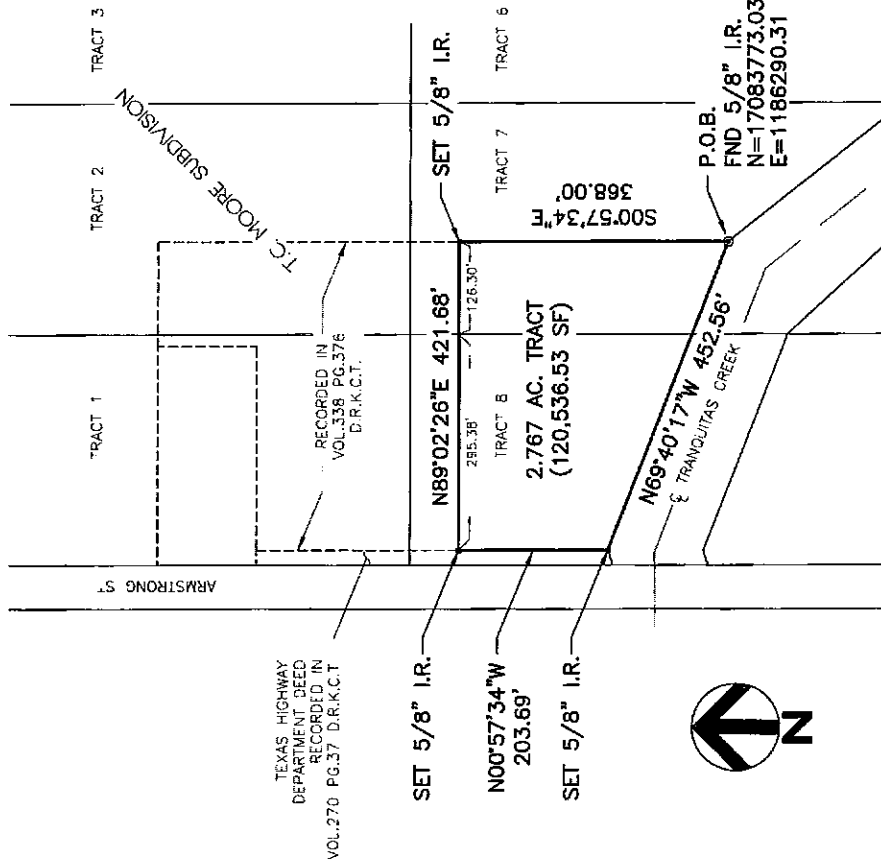


EXHIBIT OF A
2.767 AC. TRACT
(120,536.53 SQ. FT)
CITY OF KINGSVILLE, TEXAS

DEED RECORD VOL. 270 PG. 37 D.R.K.C.T.
DEED RECORD VOL. 338 PG. 376 D.R.K.C.T.

LNV
engineers | architects | contractors
2001 MARSHALL BLVD, SUITE 100
KINGSVILLE, TEXAS 78343
TEL: 361-544-1111
WWW.LNVINC.COM

DRAWN BY: ACJ
CHECKED BY: DO
DATE: 11-20-13



Engineering Department

361-595-8007
361-595-8035 Fax

DATE: November 15, 2013
TO: City Commission through City Manager
FROM: Juan Carlos Cardenas, P.E., Director of Public Works/City Engineer
SUBJECT: Land for New Water Well #25 (Fund 066)

SUMMARY

This item authorizes the purchase of 2.7 acres of land for proposed Water Well #25.

BACKGROUND

Engineering and Public Works have been working to acquire a location suitable for a proposed Water Well #25. It has been difficult to find a location where adequate existing utilities are located. We have been in contact with several property owners toward the north side of the city and have located a property that meets the requirements for a potential new well location. Manuel Ugues owns a tract of land at 2000 N. Armstrong. This land is adjacent to the north side of Tranquitas Creek and the east side of N. Armstrong with access from N. Armstrong. This land is a good location with connection ability to a new 8" pvc waterline running parallel on the east side of N. Armstrong. During negotiations in addition to the land purchase price (\$48,825.00), Mr. Ugues requested in-kind services from the City in the form of an irrigation water meter (\$265), a driveway (\$1,500) and 100 tons of reclaimed road material (\$3,500) on the remaining 3 acres. The hydrologist, Joe Vickers, believes this location to be a good site for water production.

Fund (066) – CO Series 2011 Utility:

Original Adopted Budget FY14: (600.2-714.00) \$50,000.00

Purchase amount FY14: \$48,825.00

Budget Remaining FY14: (600.2-714.00) \$1,175.00

RECOMMENDATION

Staff recommends proceeding with approval of the negotiated land purchase from Manuel Ugues for Water Well #25.

FINANCIAL IMPACT

This transaction will expend budgeted funds and some in-kind services for the purchase of land for a new water well.

Approved

Vincent Capell, City Manager

AGENDA ITEM #11

ORDINANCE NO. 2013-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING SECTION 9-10-7 PROVIDING FOR A CHANGE TO THE HEIGHT OF VEGETATION OVERHANGING STREETS AND PUBLIC PARKWAYS; 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.

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

I.

THAT Section 9-10-7 of Article 10: Streets and Sidewalks of Chapter IX, General Regulations, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§ 9-10-7 TREES AND SHRUBBERY.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Alley. That narrow public way for the accommodation of the property it reaches which serves as a property dividing line within each block.

Parkways. All of that realty between the private property line and the public street line or boundary which belongs to the public or city by prescription, easement, dedication, deed or otherwise.

(B) *Unlawful planting.*

(1) It shall be unlawful to plant, sow or otherwise cultivate plants, trees, hedges, shrubs or related things upon any alley within the city limits.

(2) Hereafter it shall be unlawful to plant, sow or otherwise cultivate plants, trees, shrubs, hedges or related things in parkways in such a manner that will constitute a hazard to vehicles and passenger traffic by obstructing passage or vision. Particular attention will be paid to street intersections.

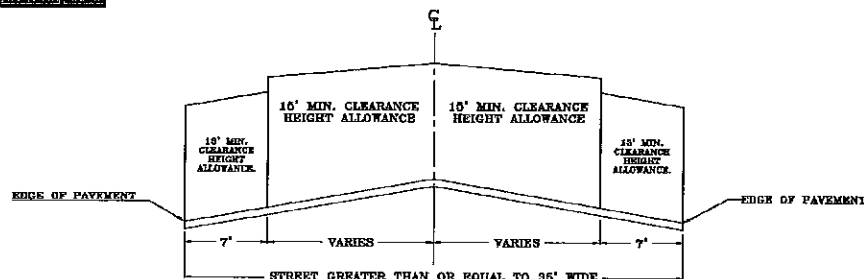
(3) Trees, limbs, shrubs or other vegetation overhanging public parkways and streets shall be trimmed by the property owner concerned so that the lowest branch or twig shall be at least 13 feet above the sidewalk or street as follows:

(a) for streets greater than or equal to 35 feet in width, the lowest branch or twig shall be at least 13 feet above the roadway from the edge of the

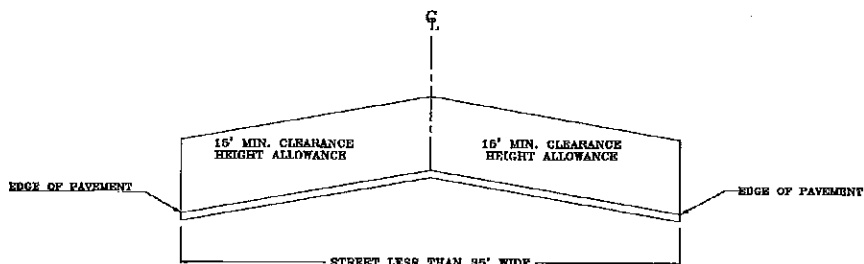
pavement to 7 feet into the roadway and at least 15 feet above the roadway for areas beyond 7 feet from the edge of the pavement into the roadway (see top illustration in diagram below); or

(b) for streets 35 feet or less in width, the lowest branch or twig shall be at least 15 feet above the roadway (see bottom illustration in diagram below).

Example:



CROSS-SECTION OF TYPICAL GREATER THAN OR EQUAL TO 35' ROAD



CROSS-SECTION OF TYPICAL LESS THAN 35' ROAD

(C) *Obstructions to vision.* All trees, shrubs, hedges or related things now in existence upon obstruction of passage or blocking of vision, are hereby declared to be public nuisances and will be abated by the adjoining property owner or in the alternative by employees of the city. All hedges or similar vision blocking vegetation within 30 feet of intersection will be abated or trimmed so as to eliminate vision obstruction to vehicle traffic. If the nuisance is abated by city employees the property owner will be billed for the labor, equipment and any disposal fees. Failure to pay for the abatement will result in a lien being filed against the property.

(1962 Code, §§ 9-5-1—9-5-3; Ord. 77-29, passed 8-22-77; Ord. 2004-26, passed 9-13-04)

Cross reference— *Penalty, see § 1-1-99.*

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 28th day of October, 2013.

PASSED AND APPROVED on this the 25th day of November, 2013.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #12