

# *City of Kingsville, Texas*

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## **AGENDA CITY COMMISSION**

**MONDAY, JANUARY 13, 2014  
REGULAR MEETING**

**HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS  
CITY HALL/200 EAST KLEBERG AVENUE  
4:00 P.M. Workshop  
6:00 P.M. Regular Meeting**

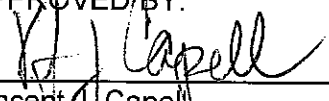
### **I. Preliminary Proceedings.**

#### **OPEN MEETING**

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

1. **Workshop** to review and discuss Fire Department operations for fiscal year 2013-2014. (City Manager).

APPROVED BY:

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

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

#### **MINUTES OF PREVIOUS MEETING(S) – Required by Law**

Regular meeting – November 25, 2013

Regular meeting – December 9, 2013

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

1. Public hearing for an alcohol variance application for El Corral Restaurant located at 1415 14<sup>th</sup> Street, Kingsville, TX. (Director of Planning & Development Services).
2. Public hearing for an alcohol variance application for Chopstix located at 1701 S. Brahma Blvd. #E, Kingsville, TX. (Director of Planning & Development Services).
3. Public hearing for an ordinance amending the zoning ordinance by changing the zoning map in reference to 21.175 acres of K.T. & I. Co., Block 9, Lot PT 3, 4, & 6 out of a 64.67 acre tract in 1400 Block of West Santa Gertrudis Avenue from AG-Agricultural District to R3-Multi-Family District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan and providing for publication. (Director of Planning & Development Services).

### **III. Reports from Commission & Staff.<sup>2</sup> (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<sup>3</sup>**

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

#### **V.**

##### **Consent Agenda**

##### **Notice to the Public**

*The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commission Member 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 General Fund Budget for the City of Kingsville to accept donations for the Kingsville Police Department. (Finance Director).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 Fund 054 Utility Fund Capital Projects Fund to utilize Fiscal Year 2012-2013 fund balance for completion of the water well #19 pump house project. (Finance Director).
3. Motion to approve a resolution of the City of Kingsville authorizing the release of Chapter 59 funds of the South Texas Specialized Crimes and Narcotics Task Force for donation to the Kingsville Amateur Boxing Club, Inc. (Task Force Commander).

##### **REGULAR AGENDA**

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

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

4. Consider approval of an alcohol variance of El Corral Restaurant located at 1415 14<sup>th</sup> Street, Kingsville, TX. (Director of Planning and Development Services).
5. Consider approval of an alcohol variance of Chopstix located at 1701 S. Brahma Blvd. #E, Kingsville, TX. (Director of Planning and Development Services).
6. Consider a resolution authorizing the Mayor to enter into an Interlocal Cooperation Agreement between the City of Kingsville and Texas A&M University-Kingsville relating to engineering design for Richard Avenue between Sixth Street and Ninth Street and for Seventh Street from Richard Avenue to Kleberg Avenue. (City Engineer/Public Works Director).
7. Resolution authorizing City Manager to enter into a contract for Professional Services between City of Kingsville and LNV, Inc. for engineering services for new water transmission line improvements. (City Engineer/Public Works Director).
8. Resolution authorizing City Manager to enter into a contract for Professional Services between City of Kingsville and LNV, Inc. for engineering services for new forcemain improvements. (City Engineer/Public Works Director).
9. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 21.175 acres of K.T. & I. Co., Block 9, Lot PT 3, 4, & 6 out of a 64.67 acre tract in 1400 Block of West Santa Gertrudis Avenue from AG-Agricultural District to R3-Multi-Family District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan and providing for publication. (Director of Planning and Development Services).
10. Consider approval of 21.175 acre plat for property located at the 1400 block of West Santa Gertrudis Avenue with the conditions recommended by the Planning & Zoning Commission. (Director of Planning and Development Services).
11. Consider authorizing City Manager to enter into letter agreement with Caesar Silva for economic development assistance for a water and sewer line extension for new apartments to be located at 1205 W. King Street. (Director of Planning and Development Services).
12. Motion to approve a resolution authorizing the Chief of Police to enter into a Memorandum of Understanding between the Children's Advocacy Center of the Coastal Bend and the Kingsville Police Department relating to protocols for reports of abuse and neglect of children. (Chief of Police).
13. Consider authorizing the purchase of compact wheel loader for the Sanitation Department, as per staff recommendation. (Purchasing Director).

## **VII. Adjournment.**

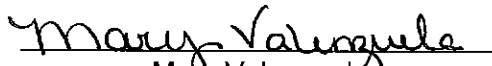
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

NOTICE
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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:

January 8, 2014 at 4:30 P.M. and remained so posted continuously for at least 72 hours preceding the schedule time of said meeting.

  
Mary Valenzuela  
City Secretary  
City of Kingsville, Texas

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

By: \_\_\_\_\_  
City Secretary's Office  
City of Kingsville, Texas

# **MINUTES OF PREVIOUS MEETING(S)**

NOVEMBER 25, 2013

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 25, 2013 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.**

**CITY COMMISSION PRESENT:**

Sam Fugate, Mayor  
Noel Pena, Commissioner  
Al Garcia, Commissioner

**CITY STAFF PRESENT:**

Vince Capell, City Manager  
Jessica Storck, Administrative Assistant II  
Courtney Alvarez, City Attorney  
Charlie Cardenas, Public Works Director/Engineer  
Deborah Balli, Finance Director  
Emilio Garcia, Health Director  
Diana Gonzales, Human Resources Director  
Ken Starrs, Assistant Task Force Commander  
Ricardo Torres, Chief of Police  
Robert Isassi, Planning & Development Services Director  
Bill Donnell, Assistant Public Works Director

**I. Preliminary Proceedings.**

**OPEN MEETING**

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

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

The invocation was delivered by Mrs. Courtney Alvarez, City Attorney, followed by the Pledge of Allegiance and the Texas Pledge.

**MINUTES OF PREVIOUS MEETING(S) – Required by Law**

Special Meeting – November 18, 2013

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

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

1. None.

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

Mrs. Alvarez, City Attorney reported that city office will be closed Thursday, November 28<sup>th</sup> and Friday, November 29<sup>th</sup> for the Thanksgiving Holiday. The next City Commission meeting is scheduled for December 9<sup>th</sup> with a workshop regarding Technology Issues. She further reported that on November 30<sup>th</sup> from 8:00 a.m. to 12:00 p.m. the City will be hosting a free tire disposal at 1300 E. Corral.

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

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

Francisco Resendez, 213 Fairview Drive has come forward to the Commission to request a three week extension for the demolition of his property located at 1229 E. Ave. B which was condemned by Commission on October 28, 2013.

#### **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)*

**Motion made by Commissioner Garcia to approve the consent agenda as presented seconded by Commissioner Pena. The motion was passed and approved by the following vote: Garcia, Pena, 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 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.<sup>4</sup>**

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).

Mr. Isassi, Director of Planning & Development Services reported that this a request to approve a preliminary plat of 25.64 acres located on the northwest corner of E. General Cavazos and Golf Course Road, otherwise known as the 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 281, 282, 283, 284, 285, 286, and 2C which are zoned C-4. The Planning and Zoning Commission has reviewed the preliminary plat in November 20, 2013 meeting and conditionally approved the plat by a vote of 6-0. The condition 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, wing-walls, 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 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 AICUZ guidelines for constructing within the noise zone are followed, e.g. lighting, soundproofing, non-bird attractant regulations, etc. Mr. Isassi stated that city staff agrees with the Planning & Zoning Commission's findings and recommends condition approval of this request.

**Motion made by Commissioner Pena to approve the preliminary plat with the conditions recommended by the Planning & Zoning Commission, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Pena, Garcia, Fugate voting "FOR".**

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).



Mr. Isassi stated that two out of the eight plats are ready to be purchased and developed. This is to finalize and record the sale of the property at the County Courthouse. Plat 2B will need to be replatted to meet the plat as it grows.

**Motion made by Commissioner Garcia to approve the final plat of Lots 2A, 2B, and 2C of Block 1 within the 25.64 acres Oak Tree Apartments tract with same conditions, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Pena, Garcia, Fugate voting "FOR".**

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).

Mrs. Alvarez stated that this needs to be done every two years as per the Texas Legislature. The Guidelines were last approved in late November 2011.

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

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).

Mr. Cardenas, City Engineer/Director of Public Works reported that the Engineering Department received a request on November 4, 2013 from the Texas Department of Transportation to pass an ordinance establishing new speed limits. 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 50mph to 40 mph and on FM 3320/Golf Course Road from General Cavazos Blvd. to FM 2090 from 60mph to 55mph. Given the current development and the traffic studies in this area, staff recommends these changes.

**Introduction item only.**

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).

Mr. Cardenas stated that this item authorizes the purchase of 2.7 acres of land for proposed Water Well #25. Engineering and Public Works have been working to acquire a location suitable for a proposed Water Well #25. 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), 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 of water production.

**Introduction item only.**

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).

Mr. Isassi stated that this is a request made by city staff which was presented to City Commission on November 18, 2013 but was necessitated to be rewritten to accommodate the existing 13ft. minimum clearance on wider roads. He further stated that since the November 18<sup>th</sup> meeting, the ordinance was rewritten to allow the existing 13ft. minimum clearance height allowance on the first 7 feet of the edge of the pavement for roads greater than or equal to 35ft. wide but raise the minimum clearance to 15ft. everywhere else. The rewrite of the ordinance also removed the proposed restriction on planting within the right-of-way. The reason for the removal was because the existing ordinance already has a clause regarding planting on right-of-ways.

Mayor Fugate asked if this is just for the trimming of trees. Mr. Isassi stated that this was correct.

Commissioner Garcia asked if it has been determined which trees would need to be cut down and which will just be trimmed. Mr. Isassi responded no, they are not identified on the report. Mr. Isassi further stated that with Chief Reed not being present at tonight's meeting, he would not be able to answer questions to the fullest of his ability.

Mayor Fugate suggested holding off on taking action on this item until all five Commission members and Chief Reed are present to receive feedback.

**No action taken.**

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

Mayor Fugate suggested holding off on taking action on this item until all five Commission members are present.

## **VII. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:45 P.M.

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Sam R. Fugate, Mayor

ATTEST:

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Mary Valenzuela, City Secretary

**DECEMBER 9, 2013**

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, DECEMBER 9, 2013 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 4:00 P.M.**

**CITY COMMISSION PRESENT:**

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

**CITY STAFF PRESENT:**

Vince Capell, City Manager  
Jessica Storck, Administrative Assistant  
Courtney Alvarez, City Attorney  
Deborah Balli, Finance Director  
Emilio Garcia, Health Director  
Diana Gonzales, Human Resources Director  
Willie Vera, Task Force Commander  
Ricardo Torres, Chief of Police  
Robert Isassi, Planning & Development Services Director  
Bill Donnell, Assistant Public Works Director  
Tony Verdin, Information Systems Technician  
Joey Reed, Fire Chief  
Jessica Storck, Administrative Assistant II  
Joey Garcia, Library Tech.  
Robert Rodriguez, Library Director  
Jennifer Bernal, Community Appearance Supervisor  
David Mason, Purchasing/Technology Director  
Tony Wilson, Police Department Tech.  
James Bryson, Accounting Manager  
Melissa Perez, Risk Manager  
Bob Trescott, Tourism Director  
Valerie Valero, Engineering Technician

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 4:04 p.m. and announced quorum with all five Commission members present.

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

The invocation was delivered by Courtney Alvarez, City Attorney followed by the Pledge of Allegiance and the Texas Pledge.

1. Workshop to review and discuss technology projects of the departments of the City of Kingsville for fiscal year 2013-2014. (City Manager).

**I. Introduction**

Mr. Capell reported to the Commission the updates on technology for city departments such as time clock plus and Laserfiche/Document Imaging.

Mr. Mason reported on the new changes in technology throughout city departments. He further reported that the internet speed has been upgraded at city hall.

## **II. Laserfiche/Document Imaging Project**

Mr. Tony Verdin Information Systems Technician, reported on the benefits of smarter growth. The benefits are reduced overhead, increased flexibility, control security risk's, and controls costs by avoiding the magic bullet scenario. He further reported on the Laserfiche/Document Imaging Systems. Mr. Verdin stated that Laserfiche is a document management and records retention system which was approved as an improvement project for the 2013-2014 year. This fully integrates with third party programs or stands alone. The city has contracted with MCCi Professional Services for this project management services. MCCi also manages the city's code of ordinances. MCCi will provide 3 days of onsite training, one day for records management and two days for user training. The administrative training will be conducted during the remote installation and configuration remote session. Mr. Verdin stated that staff will begin scanning backlog at the end of January, 2014 and scan between 1-2 years of backlog every six months. Representatives will begin working first with the City Secretary's office, Finance, Purchasing, Human Resources, Engineering and Legal Departments. He further stated that this system will interact with the records retention schedule provided by the Texas State Library.

## **III. Financial Accounting Software Upgrade to Incode Version X**

Mrs. Deborah Balli, Finance Director reported on choosing VX over InVision which is not an upgrade but a conversion. Mr. Verdin reported that Version X stores all data in SQL tables while InVision stores little or no data in this format. She further stated that this will greatly expand data and search reporting capabilities. She further reported on the user interface. Version X is organized around processes, administration, and reporting. Version X will offer expanded capability to customize a user desktop. Mrs. Balli further reported on accounting functions for general ledger is year-end is soft, not hard. In accounts payable, commodity codes are required and draft items from payroll will go through regular payables. Purchase orders setup will convert approval paths, which offer greater flexibility. Payroll and Human Resources are combined into the comprehensive personnel management application. Positions control all aspects of how an employee is compensated. Unlimited user defined tax codes that display separately from other deductions on the employee record. Employee self-service application will allow employees to access earnings history and other employee information over the web. Version VX allows the user to maintain an unlimited number of leave accrual codes on an employee.

## **IV. Geographic Information System (GIS)**

Mr. Robert Isassi, Director of Planning & Development Services, reported on Geographical Information Systems Status Update. This update will allow staff to look up an address and view the lot and give them information on who owns the property. He further reported on GovQA, which is a citizen request management. This is a 24/7 self-service which is automated routing of requests to appropriate departments. Mr. Isassi further spoke about the new city website and its capabilities.

## **VII. City Website**

Mrs. Jessica Storck, Administrative Assistant II, reported on the new City of Kingsville website. She reported that it has many capabilities and one is the search bar should lead citizens to the appropriate webpages. She further stated that a link can currently be found on the city homepage showing commission meeting agenda and packets along with staff reports. There is also a links to pay your water bill, municipal court fines and information on local events. The city website also has links to the current engineering maps as well as a calendar with updated events.

Mayor Fugate called for a recess at 5:00 p.m.

Mayor Fugate called the workshop/meeting back to order at 5:15 p.m.

#### **VIII. Police Website**

Mr. Tony Wilson, Police Department Tech, reported on the Kingsville Police Department (KPD) website and technology. Mr. Wilson stated that the KPD has been a very technologically progressive organization under the guidance of Chief Torres. They've come a long way in a short amount of time. He further stated that the internet and social media help the KPD work smarter. Such as digital tools is Crime Stoppers and KPD website assist in gathering information from the public. The new site, as well as Nixle, will be able to push news out of Facebook and Twitter automatically. Mr. Wilson gave an example that if we reach 20% of the local population with a photo of robbery suspect, odds are very good that someone will be able to identify that individual. Mr. Wilson further discussed the design philosophy of the KPD website. Mr. Wilson stated that the online presence creates transparency. A strong informative website builds trust with the community. People want to know what's going on in their neighborhood. He further stated that they plan to post a daily police blotter. Mr. Wilson reported that the following current projects are in progress, using technology to streamline the gathering and distribution of information inside the department; upgrading computers and equipment; new fiber connection to speed up data connections in police officers units; new video system in cars; smart boards for meeting rooms; transitioning out old tasers for new ones; new ticket writers; and moving to Office and Outlook in the cloud.

#### **IX. Library Website**

Mr. Joey Garcia, Library Technology, reported on the Library Technology overview. Mr. Garcia reported that the Library website was revamped based on public feedback received a year ago. He stated that that Library's network operated on one single DSL line that offered a speed of up to 6 megabits per second. This connection was shared with the staff and public computers, along with WiFi users. He further stated that patrons who would access sites that required more speed to load the site's content would adversely affect everyone on the entire network. The library's network consisted of 23 workstations, of which 13 were for public use and 10 were for staff use. Up until 2013, the entire network was utilizing computers that had Microsoft Window XP as their operating system. Mr. Garcia further stated that the library's WiFi network was built upon a system called SmartWiFi provided by LessNetworks of Austin, TX. Users who wished to access the library's WiFi needed to have a WiFi-Ready device and an active e-mail account to register themselves to access the internet. He further stated that as time went on, this system became cumbersome for new and even existing users, which at time would deter some people from utilizing the library's WiFi connection. Mr. Garcia stated that the library had two servers, an ILS Server that stores both information about the library's collection and library patron accounts and a SmartWiFi Server that relayed system health information to LessNetworks. Mr. Garcia further reported that the library's network now operates on two DSL Lines, both of which carry a speed of up to 18 megabits per second. One DSL line is dedicated to giving the public and staff networks Internet access, while the second DSL line is dedicated to providing WiFi users internet access. The library's network consists of 31 workstations, of which 16 are for public use and 15 are for staff use. The three additional computers that were added now make it possible for adults to use the internet in the Children's Computer Lab while the children are either on a computer or utilizing the Children's Area. The library went through a 3 year plan to upgrade its entire computer inventory which began in December, 2011, and was completed in January 2013, 7 months ahead of the estimated August 2013 completion date.

## **X. Tourism Website**

Bob Trescott, Tourism Director, reported that Tourism is now using surveys to receive feedback for Tourism development. He further stated that a lot of the technology information for the Tourism Department has already been discussed in at a previous workshop with the City Commission,

## **XI. Technology Opportunities at New City Hall**

Mr. Mason reported that a designed development package was received on December 3<sup>rd</sup>. Walls and department building layout are near completion. He further stated that staff would like to see the following technology within the building, magnetic keycard entry system for security, smartboards and overhead projectors to share information with a large group, streaming data over monitors where citizens congregate, upgraded phone technology, and server technology.

Mayor Fugate closed the workshop at 5:56 p.m.

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

Mayor Fugate opened the regular session of the Commission meeting to order at 6:05 p.m.

## **MINUTES OF PREVIOUS MEETING(S) – Required by Law**

None.

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

1. None.

## **III. Reports from Commission & Staff.<sup>2</sup> (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 thanked the Public Works Department for their assistance in the demolishing of the old fire training tower. He further thanked the Employee Recognition & Safety Committee for all their hard work in the preparation of this year's City Banquet. Mr. Capell recommended to the Commission to skip the next scheduled Commission meeting scheduled for December 23, 2013. He further stated that if any emergency items were to come up, a special meeting would be scheduled, otherwise the next regularly scheduled City Commission meeting is scheduled for January 13, 2014.

Mayor Fugate stated that he would be available if a special meeting is required.

Mrs. Alvarez reported that there is a change to agenda item #8, joint election agreement with Kingsville Independent School District. The change adds an early voting site at the KISD Administration Building.

Commissioner Garcia stated that he would like for staff to look into the renewal contract for the cable company. He further stated that he would like for staff to look for other alternatives.

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

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

Brenda Gonzalez, a resident of Kingsville who is employed with Community Action Corporation of South Texas. Ms. Gonzalez made a brief presentation to the City Commission regarding the Department of Assistive and Rehabilitative Services Division for Early Childhood Intervention.

#### **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 from the Commission to approve the minutes as presented.

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

1. Motion to approve final passage 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).
2. Motion to approve final passage 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).
3. Motion to approve resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Kingsville Amateur Boxing Club, Inc. (Chief of Police).

4. Motion to approve resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Boys and Girls Club. (Chief of Police).
5. Motion to approve resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Communities in Schools. (Chief of Police).
6. Motion to approve resolution authorizing participation in Local Border Security Program FY2014 with the Texas Department of Public Safety for law enforcement personnel overtime and operational costs, authorizing the Chief of Police to act on the city's behalf with such program. (Chief of Police).

## **REGULAR AGENDA**

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

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

7. Consider a resolution authorizing the City Manager to enter into an Economic Development Agreement between the City of Kingsville and the South Texas Benevolent Society, LLC, regarding Lake View Villas. (Director of Planning and Development services).

Mr. Isassi reported that this item is for the Lakeview Villa which will pay \$81,000 over 5 years with 50% to the City beginning payment on March 1<sup>st</sup>. The city has the authority to extend this time for an additional 5 years.

Mayor Fugate asked City Manager if he supports this item. Mr. Capell stated that he supports this agreement.

Mayor Fugate reported that there will be 24 units, garden homes, built averaging 1300ft. with two car garages. He further stated that Kingsville has a need for these types of homes.

Mr. Isassi stated that he has not seen the plans for these homes.

Commissioner Pecos asked if staff has contacted the County. Mr. Capell stated that he has spoken with individuals from the County which looks favorable. Mr. Capell stated that if the City Commission approves this and the County does not, does the City want to go into the agreement alone with the developer. The County will still receive their taxes.

**Motion made by Commissioner Pena to approve this resolution authorizing the City Manager to enter into an Economic Development Agreement between the City of Kingsville and South Texas Benevolent Society, LLC regarding Lake View Villas, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".**

8. Consider a resolution authorizing the City Manager to enter into a Joint Election Agreement between the City of Kingsville and the Kingsville Independent School District, relating to the 2014 General Election. (City Secretary).

Mayor Fugate stated that this will make it convenient for the voters and saves tax payers money.

**Motion made by Commissioner Leubert to approve this resolution authorizing the City Manager to enter into a Joint Election Agreement between the City of Kingsville and the Kingsville Independent School District, seconded by Commissioner Pena.**



Commissioner Pena stated that this is about 20 years overdue. Mayor Fugate responded that this will be good for both the City and school district as they will both see a savings.

Mary Valenzuela, City Secretary, stated that both entities will see a savings of roughly \$13,000 to \$15,000.

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

9. Consider accepting donation of \$500 from Apache Corporation and \$500 from Kingsville Area Federal Credit Union for purchase of bail out bags for police officers. (Chief of Police).

Ricardo Torres, Chief of Police, reported that the City of Kingsville Police Department is in receipt of a \$500 donation from Apache Corporation and \$500 donation from Kingsville Area Educators Federal Credit Union for purchase of Bail Out Bags for officers to show their appreciation for the assistance provided by the officers. This donation will purchase 50 Bail Out Bags.

**Motion made by Commissioner Pena to accept this donation, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Pena, Garcia, Leubert, Pecos, Fugate voting "FOR".**

10. Consider introduction of an ordinance amending the Fiscal Year 2013-2014 General Fund Budget for the City of Kingsville to accept donations for the Kingsville Police Department. (Finance Director).

Mrs. Balli reported that this item to amend the fiscal year 2013-2014 General Fund Budget to accept the donations for the Kingsville Police Department.

**Introduction item only.**

11. Consider introduction of an ordinance amending the Fiscal Year 2013-2014 Fund 054 Utility Fund Capital Projects Fund to utilize Fiscal Year 2012-2013 fund balance for completion of the water well #19 pump house project. (Finance Director).

Mrs. Balli stated that this item is a request for a budget amendment. Last year this project was budget but was not completed. The amount of the budget amendment is \$223,960. Mr. Cardenas reported that this project should be completed in a month.

**Introduction item only.**

12. 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).

Mr. Isassi reported that this item has been brought to the Commission in two previous meetings.

Commissioner Leubert asked how high the fire truck is.

Chief Reed stated that it is 14' 6" including the bucket. He further stated that if the bucket was to receive damage, it could cost around \$50,000 to repair.

Mayor Fugate stated that safety comes first and if the height of the trees needs to be raised so be it.

Chief Reed stated that the city can lose homes to a fire if trees are in the way of the fire truck.

Commissioner Garcia stated that this ordinance is not clear to him. It doesn't state whether a tree will be cut down completely or just trimmed.

Mrs. Alvarez stated that it will only be the portion of the tree, limb, or shrub that is in violation of the height requirement.

Commissioner Garcia asked what happens when vehicles are parked along both sides of the road and there is a house on fire. How do you get through with a fire truck to attack the fire?

Commissioner Leubert stated that 13-15ft is a compromise.

Chief Reed stated that there are a lot of access problems that need to look into. Reed further stated that no matter what it takes, the fire truck will get through to attack the fire.

**Motion made by Commissioner Pena to approve this ordinance as stated in the ordinance presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pena, Fugate voting "FOR". Garcia and Pecos voting "AGAINST".**

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

Mayor Fugate stated that he requested for this item to be placed on the agenda because of the many complaints he has received from citizens. Citizens are upset with the fact the city logo is being used in the mail out envelope making citizens think that it is coming from the City of Kingsville.

Commissioner Leubert stated that she has received calls from citizens asking what department they need to call with regards to this service.

Mayor Fugate stated that he doesn't recall the Commission approving the use of city logo. He felt that in the letter sent out by the company, it would mention that the City of Kingsville is in support of this service. Mayor Fugate further asked Mrs. Alvarez for her thoughts of this program. Mrs. Alvarez stated that it was in the agreement that the Commission approved on March 25, 2013.

Commissioner Pena asked if the City could disassociate from this program. Mrs. Alvarez stated that this agreement is a one year agreement and was signed on March 26, 2013. The agreement states that if the City chooses to terminate the agreement, the City is to notify the company of termination 90 days or more prior to the renewal, which would make it December 26, 2013.

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

## **VII. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:45 P.M.

---

Sam R. Fugate, Mayor

ATTEST:

---

Mary Valenzuela, City Secretary

# **PUBLIC HEARING(S)**

# **PUBLIC HEARING #1**



## Planning & Development Services Department

---

**TO:** Mayor & City Commission

**THROUGH:** Vincent Capell, City Manager

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

**SUBJECT:** Request for Alcohol Variance at 1415 N. 14<sup>th</sup> St

**DATE:** January 7, 2014

---

Ms. Olga C. Barrera, operator of El-Corral Restaurant is requesting an alcohol variance for a Wine and Beer Retailers Permit. This address is located at 1415 N. 14<sup>th</sup> St. and is within 300ft of an adult day care. The property in question therefore requires a variance according to City ordinance ORD-2004-20.

Also, all required notices have been sent to the property owners within 300ft. Additionally, a public hearing notice was placed in the newspaper on December 22, 2013. As of this point, we have not received any negative feedback from the property owners and or citizens that have been noticed.



# On-Premise Prequalification Packet

L-ON  
(09/2013)

Please complete this Prequalification Packet with information concerning your proposed business location for which you are applying to sell/serve alcoholic beverages. This information will be used to obtain your pre-qualification to hold a license/permit. You will submit this information to the proper governmental entities for certification that your proposed location is legal for the type of license/permit for which you are applying.

Please immediately contact your local TABC office to determine if you must post a 60 Day Sign at your proposed location, and for more information.

## LOCATION INFORMATION

### 1. Type of On-Premise License/Permit

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> BG Wine and Beer Retailer's Permit          | <input type="checkbox"/> LB Mixed Beverage Late Hours Permit         |
| <input type="checkbox"/> BE Beer Retail Dealer's On-Premise License             | <input type="checkbox"/> MI Minibar Permit                           |
| <input type="checkbox"/> BL Retail Dealer's On-Premise Late Hours License       | <input type="checkbox"/> CB Caterer's Permit                         |
| <input type="checkbox"/> BP Brewpub License                                     | <input type="checkbox"/> FB Food and Beverage Certificate            |
| <input type="checkbox"/> V Wine & Beer Retailer's Permit for Excursion Boats    | <input type="checkbox"/> PE Beverage Cartage Permit                  |
| <input type="checkbox"/> Y Wine & Beer Retailer's Permit for Railway Dining Car | <input type="checkbox"/> RM Mixed Beverage Restaurant Permit with FB |
| <input type="checkbox"/> MB Mixed Beverage Permit                               |  |

### 2. Indicate Primary Business at this Location

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Restaurant | <input type="checkbox"/> Sporting Arena, Civic Center, Hotel |
| <input type="checkbox"/> Bar                   | <input type="checkbox"/> Miscellaneous _____                 |
| <input type="checkbox"/> Sexually Oriented     |  |

### 3. Trade Name of Location

El Corral Restaurant

### 4. Location Address

1415 14th St.

City	Kingsville TX	County	Kleburg	State	TX	Zip Code	78363
------	---------------	--------	---------	-------	----	----------	-------

### 5. Mailing Address

330 W Ave A.

City	Kingsville	State	TX	Zip Code	78-363
------	------------	-------	----	----------	--------

### 6. Business Phone No.

( ) Pending

### Alternate Phone No.

(956) 404-8066

### E-mail Address

maldonado.siller@hotmail.com

## OWNER INFORMATION

### 7. Type of Owner

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Individual         | <input type="checkbox"/> Corporation               | <input type="checkbox"/> City/County/University |
| <input type="checkbox"/> Partnership                   | <input type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Other _____            |
| <input type="checkbox"/> Limited Partnership           | <input type="checkbox"/> Joint Venture             |   |
| <input type="checkbox"/> Limited Liability Partnership | <input type="checkbox"/> Trust                     |   |

### 8. Entity/Applicant

Olga E. Barrera

### 9. If Applicant Is/Must Be Listed Below (attach L-OIC if additional space is needed).

Individual/Individual Owner	Limited Liability Company/All Officers or Managers
Partnership/All Partners	Joint Venture/Venturers
Limited Partnership/All General Partners	Trust/Trustee(s)
Corporation/All Officers	City, County, University/Official

Last Name	First Name	MI	Title
Barrera	Olga	H-	Owner
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title



CITY OF  
**KINGSVILLE**  
MEMORANDUM

**DATE**

Friday, November 25, 2013

**TO**

Mary Valenzuela, City Secretary

**FROM**

Engineering Department

**SUBJECT**

Alcohol License for 1415 N 14 St.

Mrs. Valenzuela,

After performing the research and physical inspection you requested for the property at 1415 N 14 St. (El Corral Restaurant), we have concluded that the property in question does fall within the 1,000 ft boundary of two day cares and one church; therefore, it will require a variance according to City Ordinance sections 11-3-4&5.

Notices must be sent to the property owners within the 300 foot boundary and a public hearing and publication in the local newspaper is required.

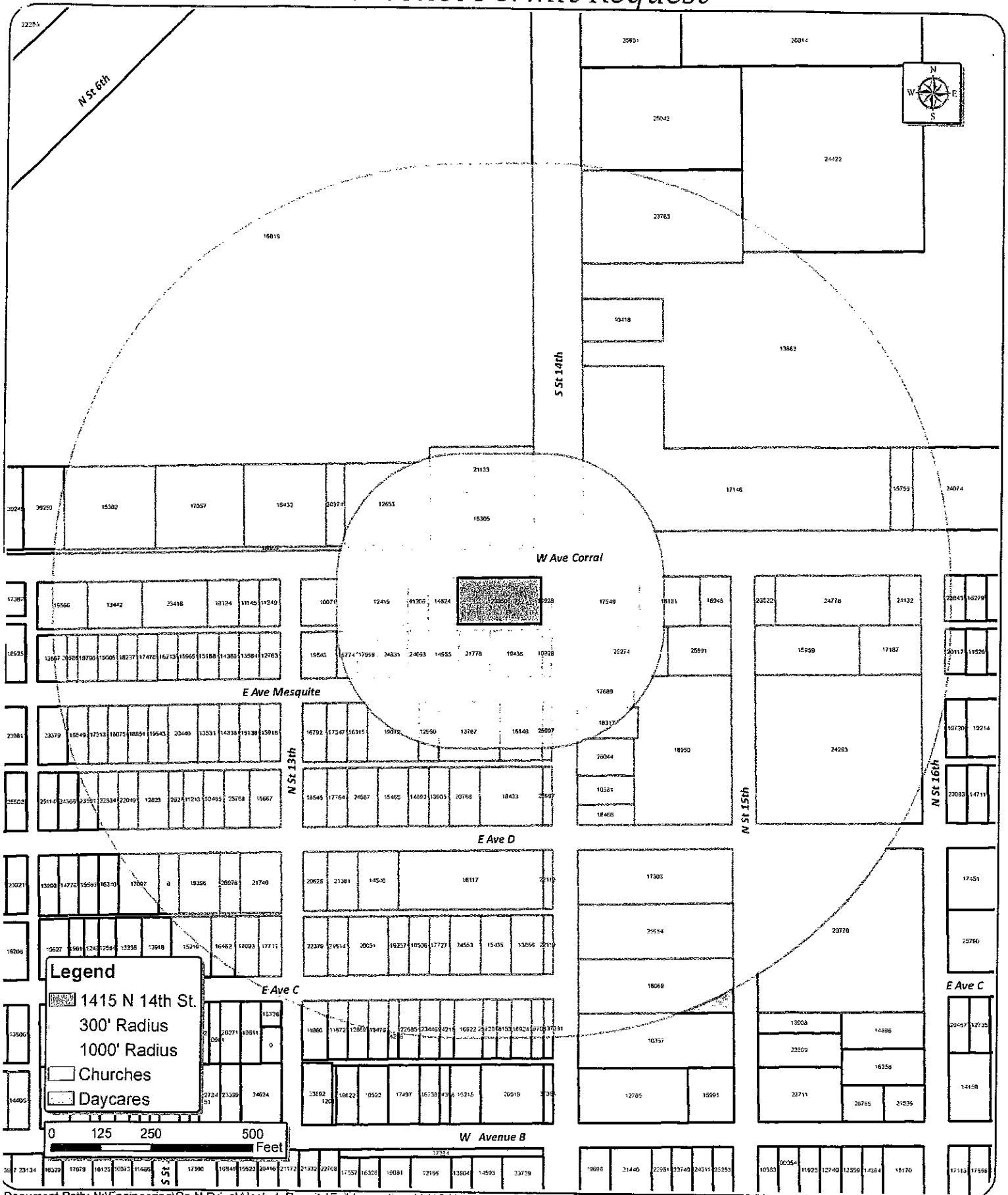
Thank you,

Engineering Department

**Attachment 1** shows the property and the relative location of the (two day cares and one church); suspected to be close to the property. Little Tots Child Development Center, La Paloma Adult Day Care and Miracle Worship Center-Centro De Milagros are within the 1,000 foot boundary.

**Attachment 2** shows all properties within the 300 foot boundary in correlation with their Short ID provided by the Kleberg County Appraisal District.

# Alcohol Permit Request



Document Path: N:\Engineering\On N Drive\Alcohol\_Permits\Fail Inspections\1415 N 14th St\1415 N 14th St.mxd

Page  
1 / 1

Drawn By: D. Herrera

Last Update: 11/24/2013

Note:

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OR ANY OTHER PURPOSE.



**CITY OF KINGSVILLE  
ENGINEERING DEPARTMENT**

200 East Kleberg  
Kingsville, Texas 78363

Office: 361-595-8005

Fax: 361-595-8035



## Five honored as distinguished students during winter commencement

By Julie Navejar  
TAMUK Communications

Five graduates at Texas A&M University-Kingsville's winter commencement ceremony received the Distinguished Undergraduate Student Award sponsored by the Student Government Association.

Only one bachelor's degree student from each college receives the award.

To be nominated, a student must be a graduating senior with no less than 60 credit hours earned at TAMUK. The student must have at least a 3.5 grade point average and must be involved in extracurricular activities.

The student also must have the endorsement of the dean of the college from which he/she receives a degree.

This summer's recipients are Johnny Edward Stevens Jr., Dick and Mary Lewis Kleberg College of Agriculture, Natural Resources and

Human Sciences; Erin K. Wise, College of Business Administration; Joshua Jordan Ortega, Frank H. Dotterweich College of Engineering; Kristella Monique Laso, College of Education and Human Performance; and Morgan Hunter, College of Arts and Sciences.

Johnny Edward Stevens Jr., of Somerset, earned a degree in agriculture science. He was a member of the university's soil judging team, where he won ninth place individual and fourth place team at the Region Four collegiate soil judging competition in Arkansas. Stevens has been on both the President's List and Dean's List and is the recipient of the Outstanding Undergraduate Award for Agriculture Science. He graduated with a 3.55 grade point average.

Palacios resident Erin K. Wise earned a degree in information systems. She is a member of the Association of Information

Technology Professionals and has served as secretary. She also is a member of the Accounting Society and the Collegiate 4-H Club. Wise is a member of the Delta Mu Delta International Honor Society and Tau Sigma National Honor Society. She is a representative on the Campus Activities Board and has volunteered for The Bigger Event, Texas Highway Clean-up and served as Jim Wells County Food Show and Food Challenge judge. She graduated with a 3.64 grade point average.

Joshua Jordan Ortega is from Kingsville. He earned his degree in mechanical engineering. He is a former treasurer of both the Society of Hispanic Professional Engineers and Latinos in Science and Engineering. He also is a member of the American Society of Mechanical Engineers. Ortega was nominated to "Who's Who Among Students in American Universities and Colleges"



Pictured, from left, are Johnny Edward Stevens Jr., Morgan Hunter, Erin K. Wise, Dr. Teresa Riley, senior vice president fiscal and student affairs, Kristella Monique Laso, and Joshua Jordan Ortega. (Submitted photo)

and is a member of Tau Beta Pi and Pi Tau Sigma. He graduated with a grade point average of 3.76.

Kristella Monique Laso, of Alice, earned a degree in interdisciplinary studies. She is treasurer of Kappa Delta Pi Honor Society and has been on the President's List, Dean's List and Honor Roll. Laso is a member of the Golden Key International Honor Society.

She graduated with a grade point average of 3.84.

Morgan Hunter, of Odem, earned a degree in communication sciences and disorders. She is a member of the National Student Speech Language Hearing Association and Student Audiology Forum. Hunter is an Arts and Sciences Peer Advisor, Javelina Camp Counselor, co-chair

of the Campus Activities Board comedy and magic committee and a graduate of the EXCEL Freshman Leadership Program. She was nominated to "Who's Who Among Students in American Universities and Colleges" and has been on the President's List, Dean's List and Honor Roll. She graduated with a 3.74 grade point average.

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Tuesday, Dec. 24 9am - 4pm

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**SORGHUM U**

Save the date

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**AGRICULTURAL PARTNER**  
**THE SORGHUM JOURNAL**

### PUBLIC NOTICE

The City Commission of the City of Kingsville will hold a public hearing on Monday, January 13, 2014, at 6:00 P.M. to discuss and/or take action on the following items:

Request for an alcohol variance for a Wine and Beer Retailer's Permit for the establishment known as Chopstix located at 1701 S. Brahma Blvd, Suite E.

The meeting will be held at City Hall, 200 East Kleberg Ave., Kingsville, Texas in the City Commission Chambers. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

### PUBLIC NOTICE

The City Commission of the City of Kingsville will hold a public hearing on Monday, January 13, 2014, at 6:00 P.M. to discuss and/or take action on the following items:

Request for an alcohol variance for a Wine and Beer Retailer's Permit for the establishment known as El Corral Restaurant located at 1415 N. 14th St.

The meeting will be held at City Hall, 200 East Kleberg Ave., Kingsville, Texas in the City Commission Chambers. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

# **PUBLIC HEARING #2**



## Planning & Development Services Department

---

**TO:** Mayor & City Commission

**THROUGH:** Vincent Capell, City Manager

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

**SUBJECT:** Request for Alcohol Variance at 1701 S. Brahma #E

**DATE:** January 7, 2014

---

Mr. Guo Tai Huang, owner and operator of Chopstix Restaurant is requesting an alcohol variance for a Wine and Beer Retailers Permit and a Food and Beverage Certificate. This address is located at 1701 S. Brahma #E and is within 300ft of a public school. The property in question therefore requires a variance according to City ordinance ORD-2004-20.

Also, all required notices have been sent to the property owners within 300ft. Additionally, a public hearing notice was placed in the newspaper on December 22, 2013. As of this point, we have not received any negative feedback from the property owners and or citizens that have been noticed.



# On-Premise Prequalification Packet

L-ON  
(09/2013)

Please complete this Prequalification Packet with information concerning your proposed business location for which you are applying to sell/serve alcoholic beverages. This information will be used to obtain your pre-qualification to hold a license/permit. You will submit this information to the proper governmental entities for certification that your proposed location is legal for the type of license/permit for which you are applying.

Please immediately contact your local TABC office to determine if you must post a 60 Day Sign at your proposed location, and for more information.

## LOCATION INFORMATION

### 1. Type of On-Premise License/Permit

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> BG Wine and Beer Retailer's Permit          | <input type="checkbox"/> LB Mixed Beverage Late Hours Permit         |
| <input type="checkbox"/> BE Beer Retail Dealer's On-Premise License             | <input type="checkbox"/> MI Minibar Permit                           |
| <input type="checkbox"/> BL Retail Dealer's On-Premise Late Hours License       | <input type="checkbox"/> CB Caterer's Permit                         |
| <input type="checkbox"/> BP Brewpub License                                     | <input checked="" type="checkbox"/> FB Food and Beverage Certificate |
| <input type="checkbox"/> V Wine & Beer Retailer's Permit for Excursion Boats    | <input type="checkbox"/> PE Beverage Cartage Permit                  |
| <input type="checkbox"/> Y Wine & Beer Retailer's Permit for Railway Dining Car | <input type="checkbox"/> RM Mixed Beverage Restaurant Permit with FB |
| <input type="checkbox"/> MB Mixed Beverage Permit                               |  |

### 2. Indicate Primary Business at this Location

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Restaurant | <input type="checkbox"/> Sporting Arena, Civic Center, Hotel |
| <input type="checkbox"/> Bar                   | <input type="checkbox"/> Miscellaneous _____                 |
| <input type="checkbox"/> Sexually Oriented     |  |

### 3. Trade Name of Location

Chopstix

### 4. Location Address

1701 S Brahma Blvd #E

City  
Kingsville

County  
Kleberg

State  
TX

Zip Code  
78363

### 5. Mailing Address

Same

City

State

Zip Code

### 6. Business Phone No.

( ) -

### Alternate Phone No.

( ) -

### E-mail Address

## OWNER INFORMATION

### 7. Type of Owner

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Individual                    | <input checked="" type="checkbox"/> Corporation    | <input type="checkbox"/> City/County/University |
| <input type="checkbox"/> Partnership                   | <input type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Other _____            |
| <input type="checkbox"/> Limited Partnership           | <input type="checkbox"/> Joint Venture             |   |
| <input type="checkbox"/> Limited Liability Partnership | <input type="checkbox"/> Trust                     |   |

### 8. Entity/Applicant

XING DENG WANG CORPORATION

### 9. If Applicant Is/Must Be Listed Below (attach L-OIC if additional space is needed).

- |  |  |
|--|--|
| Individual/Individual Owner              | Limited Liability Company/All Officers or Managers |
| Partnership/All Partners                 | Joint Venture/Venturers                            |
| Limited Partnership/All General Partners | Trust/Trustee(s)                                   |
| Corporation/All Officers                 | City, County, University/Official                  |

Last Name

Guo Huang

First Name

Guo Tai

MI

Title

Owner

Last Name

Huang

First Name

Zhen

MI

Title

Vice President

Last Name

First Name

MI

Title



CITY OF  
**KINGSVILLE**

MEMORANDUM

DATE

Friday, December 16, 2013

TO

Mary Valenzuela, City Secretary

FROM

Engineering Department

SUBJECT

Alcohol License for 1701 S Brahma Blvd

Mrs. Valenzuela,

After performing the research and physical inspection you requested for the property at 1701 S Brahma Blvd, we have concluded that the property in question does fall within the 1,000 ft boundary of (2 schools, and 2 churches); therefore, it will require a variance according to City Ordinance sections 11-3-4&5. Notices must be sent to the property owners within the 300 foot boundary and a public hearing and publication in the local newspaper is required.

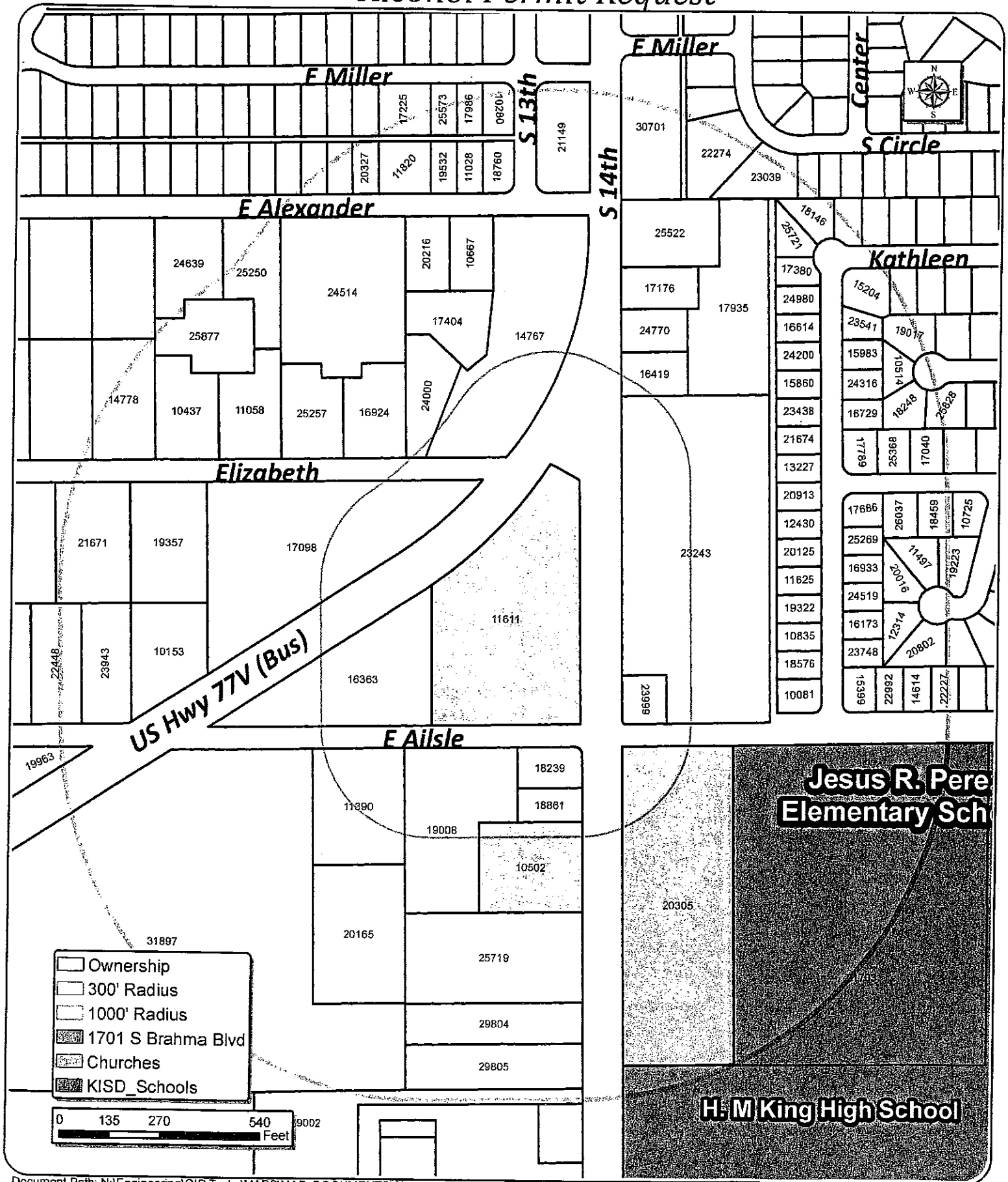
Thank you,

Engineering Department

**Attachment 1** shows the property and the relative location of the (2 schools, and 2 churches); suspected to be close to the property. Jesus R. Perez Elementary School, H.M King High School, First Christian Church, and Bay Area Fellowship are within the 1,000 foot boundary.

**Attachment 2** shows all properties within the 300 foot boundary in correlation with their Short ID provided by the Kleberg County Appraisal District.

# Alcohol Permit Request



Document Path: N:\Engineering\GIS Techs\MAPSMAP\_DOCUMENTS\Alcohol\_Permit.mxd

Page 1 / 1	Drawn By: Engineering Dept.	<p><b>DISCLAIMER</b></p> <p>THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</p>	<p><b>CITY OF KINGSVILLE</b>  <b>ENGINEERING DEPARTMENT</b>          200 East Kleberg          Kingsville, Texas 78363          Office: 361-595-8005          Fax: 361-595-8035</p>
	Last Update: 12/16/2013		
	Note:		



## Five honored as distinguished students during winter commencement

By Julie Navejar  
TAMUK Communications

Five graduates at Texas A&M University-Kingsville's winter commencement ceremony received the Distinguished Undergraduate Student Award sponsored by the Student Government Association.

Only one bachelor's degree student from each college receives the award.

To be nominated, a student must be a graduating senior with no less than 60 credit hours earned at TAMUK. The student must have at least a 3.5 grade point average and must be involved in extracurricular activities.

The student also must have the endorsement of the dean of the college from which he/she receives a degree.

This summer's recipients are Johnny Edward Stevens Jr., Erin K. Wise, College of Business Administration; Joshua Jordan Ortegón, Frank H. Ditterweh College of Engineering; Kristella Monique Laso, College of Education and Human Performance; and Morgan Hunter, College of Arts and Sciences.

Johnny Edward Stevens Jr., of Somerset, earned a degree in agriculture science. He was a member of the university's soil judging team, where he won ninth place individual and fourth place team at the Region Four collegiate soil judging competition in Arkansas. Stevens has been on both the President's List and Dean's List and is the recipient of the Outstanding Undergraduate Award for Agriculture Science. He graduated with a 3.55 grade point average.

Palacios resident Erin K. Wise earned a degree in information systems. She is a member of the Association of Information

Human Sciences; Erin K. Wise, College of Business Administration; Joshua Jordan Ortegón, Frank H. Ditterweh College of Engineering; Kristella Monique Laso, College of Education and Human Performance; and Morgan Hunter, College of Arts and Sciences. She is a representative on the Campus Activities Board and has volunteered for the Bigger Event, Texas Highway Clean-up and served as Jim Wells County Food Show and Food Challenge judge. She graduated with a 3.64 grade point average.

Joshua Jordan Ortegón is from Kingsville. He earned his degree in mechanical engineering. He is a former treasurer of both the Society of Hispanic Professional Engineers and Latinos in Science and Engineering. He also is a member of the American Society of Mechanical Engineers. Ortegón was nominated to "Who's Who Among Students in American Universities and Colleges"



Pictured, from left, are Johnny Edward Stevens Jr., Morgan Hunter, Erin K. Wise, Dr. Taria Riley, senior vice president fiscal and student affairs, Kristella Monique Laso, and Joshua Jordan Ortegón. (Submitted photo)

and is a member of Tau Beta Pi and Pi Tau Sigma. He graduated with a grade point average of 3.76.

Kristella Monique Laso, of Alice, earned a degree in interdisciplinary studies. She is treasurer of Kappa Delta Pi Honor Society and has been on the President's List, Dean's List and Honor Roll. Laso is a member of the Golden Key International Honor Society.

She graduated with a grade point average of 3.84.

Morgan Hunter, of Odem, earned a degree in communication sciences and disorders. She is a member of the National Student Speech Language Hearing Association and Student Audiology Forum. Hunter is an Arts and Sciences Peer Advisor, Javelina Camp Counselor, co-chair

of the Campus Activities Board comedy and magic committee and a graduate of the ExCEL Freshman Leadership Program. She was nominated to "Who's Who Among Students in American Universities and Colleges" and has been on the President's List, Dean's List and Honor Roll. She graduated with a 3.74 grade point average.

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**Oliver's**  
DISTINCTIVE JEWELRY

Have it engraved!  
Free Gift Wrap!

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Sunday, Dec. 22 12pm - 4pm  
Monday, Dec. 23 9am - 6pm  
Tuesday, Dec. 24 9am - 4pm

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**SORGHUM U**

*Save the date*

**Tuesday, Jan. 7, 2014**  
**Levelland, TX**  
Mallet Conference Center

**Thursday, Jan. 9, 2014**  
**Robstown, TX**  
Richard M. Borchard Regional Fair Grounds

**Sorghum U** is a farmer-focused event that provides resources to make informed production decisions on your operation. Come learn with experienced farmers and industry leaders how grain sorghum can contribute to the profitability of your operation.

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[www.hpj.com/sorghumu](http://www.hpj.com/sorghumu)  
or call 1-855-422-6652

**Sorghum CHECKOFF** **CRIST BUSTER SPEED KING INC.** **JOURNAL**

### PUBLIC NOTICE

The City Commission of the City of Kingsville will hold a public hearing on Monday, January 13, 2014, at 6:00 P.M. to discuss and/or take action on the following items:

Request for an alcohol variance for a Wine and Beer Retailer's Permit for the establishment known as Chopstix located at 1701 S. Brahma Blvd, Suite E.

The meeting will be held at City Hall, 200 East Kleberg Ave., Kingsville, Texas in the City Commission Chambers. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

### PUBLIC NOTICE

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Request for an alcohol variance for a Wine and Beer Retailer's Permit for the establishment known as El Conial Restaurant located at 1415 N. 4th St.

The meeting will be held at City Hall, 200 East Kleberg Ave., Kingsville, Texas in the City Commission Chambers. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

# **PUBLIC HEARING #3**



**ORDINANCE 2014-\_\_\_\_\_**

**AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO 21.175 ACRES OF K.T.&I. CO, BLOCK 9, LOT PT 3, 4, & 6 OUT OF A 64.67 ACRE TRACT IN 1400 BLOCK OF WEST SANTA GERTRUDIS AVENUE FROM AG- AGRICULTURAL DISTRICT TO R3-MULTI-FAMILY DISTRICT; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.**

**WHEREAS**, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Eric Jakimier, agent for property owner Martin Clements II, for amendment to the zoning ordinance and zoning map of the City of Kingsville;

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, December 18, 2013 during a meeting of the Planning and Zoning Commission, and on Monday, January 13, 2014 during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

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

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

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

**21.175 ACRES OF K.T.&I. CO, BLOCK 9, LOT PT 3, 4, & 6 OUT OF A 64.67 ACRE TRACT IN THE 1400 BLOCK OF WEST SANTA GERTRUDIS AVENUE FROM AG- AGRICULTURAL DISTRICT TO R3-MULTI-FAMILY DISTRICT**

**SECTION 1.** That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of 21.175 acres out of K.T.&I. Co, Block 9, Lot PT 3, 4, & 6 out of 67.58 acre tract, known as 1725 W. Santa Gertrudis Avenue from AG-Agricultural District to R3-Multi-Family District, as more specifically described on the Zone Change Map, attached as Exhibit A.

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

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

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

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

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

**INTRODUCED** on this the 13th day of January, 2014.

**PASSED AND APPROVED** on this the 27<sup>th</sup> day of January, 2014.

EFFECTIVE DATE: \_\_\_\_\_, 2014

**THE CITY OF KINGSVILLE**

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

**ATTEST:**

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

**APPROVED:**

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



# Planning Department

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**TO:** Vince Capell, City Manager

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

**SUBJECT:** Rezone Approval Request – Domus Development Group

**DATE:** January 3, 2014

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Reference is made to a request for approval of a change in zoning request of a 21.175-Acre lot located on the 1400 block of West Santa Gertrudis Street. The petitioner is requesting a zoning district change from Agricultural (AG) to Multi-Family Residential (R3) in order to facilitate the development of a furnished student housing development. The developer plans to construct this housing facility in two phases; the first phase will include the northern half of the lot, with the second phase developing southern portion soon thereafter. Currently, this property is undeveloped. The historical use of the property has been unused brush land. The area surrounding the proposed development site has been developed as residential, with mostly single-family homes and multi-family apartments (Santa Gertrudis Apartments) to the northwest and student housing (Turner-Bishop Hall) to the northeast.

This rezone request was reviewed by the Director of Planning and Development Services as well as reviewed and recommended for approval by the Planning and Zoning Commission who met on December 18<sup>th</sup>, 2013. In the meeting, citizens spoke on the issue with many concerns ranging from noise and privacy levels to the disturbance of a natural habitat in the city. In the meeting 16 citizens spoke against approving this request while 4 citizens spoke for its approval.

The Planning Director recommended approval of the rezone based on the Comprehensive Housing Plan's need for additional housing coupled with the University's need for student housing. In the Director's Staff Report, Robert iterated that the land in the area is already R1/R3 mixed. Given this regularity, the proposed zoning will not cause a detrimental impact to the area and will fit within the landscape and character of the community while also serving a core demographic that is currently underserved. Furthermore, to ensure a compatible land use blend is achieved between the single family residential units to the immediate east, the future development of the site will require a landscape buffer or some type of screening as required per section 15-8-15 "Screening Standards" of the Landscape Code of the City of Kingsville. Prior to this meeting, the developer had submitted a plat which will provide a 60' landscape buffer. The proposed buildings will be another 80' from the edge of that buffer to create a distance of approximately 140' from the proposed structure to the edge of property on the east side.

After listening to the citizens in attendance and evaluating the Planning Director's report, the Commission voted to approve the rezoning request by a vote of 5-0. City Staff agrees with the Planning & Zoning Commission's findings and recommends APPROVAL of this request by City Commission.

# **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 CHANGE IN ZONING REQUEST OF 21.175  
ACRES OF A 67.58 ACRE TRACT DESCRIBED IN A DEED  
RECORDED IN "VOLUME 424, PAGE 136, DEED RECORDS  
KLEBERG COUNTY TEXAS" FROM AN AGRICULTURAL  
DISTRICT TO R3 / MULTI-FAMILY DISTRICT.**

Petitioner & Agent: Eric Jakimier, Domus Development Group  
Date of P&Z Hearing: December 18<sup>th</sup>, 2013

Comprehensive Plan Land Use:	R3 (Multi-Family Residential) Requested
Existing Zoning Classification:	AG (Agricultural)
Adjacent Zoning:	North: R1 (Single Family Residential Dist.) with an R3 (Multi-Family Dist.) within the R1 District South: Mixed: AG and C2 (Commercial District) East: R1 (Single Family District) West: AG (Agricultural)

## **EXISTING INFRASTRUCTURE**

Transportation:	King Ave. - Arterial road to the south of the plat Santa Gertrudis Ave. - Arterial road to the north of the plat
Community Facilities:	Services provided
Capital Improvements:	504-bed Student Apartment Housing Development
Fire Station Proximity:	0.64 driving miles
100 Year Floodplain:	The property is not within the 100-year floodplain. The subject site is located within Flood Zone "C". The areas of minimal flood hazard, which are the areas outside the Special Flood Hazard Area (SFHA) and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X.

## **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 a zoning district change from AG / Agricultural to R3 / Multi-Family Residential in order to facilitate the development of a 504 bed apartment development which will

be built in two phases. The first phase will include the northern half of the lot, with the second half, or southern portion, developing thereafter. Currently the lot is zoned agricultural and is undeveloped. The historical use of the property has been agricultural however the area surrounding the proposed development site has been developed as residential, mostly single family homes with multi-family apartments to the northwest.

#### FIELD INSPECTION AND PERTINENT DATA

This parcel is currently undeveloped and is proposed to be utilized as a multi-family development site to service the growing population within the City; particularly this area is due to the community and university growth. The zoning to the northwest of the property is R3 / Multi-Family residential and is occupied by a multi-family development. The land uses to the immediate north and east are single family homes within a R1 Single Family Residential district.

The proposed zoning is consistent with the area in that it is currently a mix of multi-family and single-family dwellings. Additionally, the northwest quadrant of the city frequently has this mix of single and multi-family residential uses as it serves various family types that work and/or attend the University as well as those that desire apartment living and are not affiliated with the university. [Given this regularity, the proposed zoning will not cause a detrimental impact to the area and will fit within the landscape and character of the community while also serving a core demographic that is currently underserved. To ensure a compatible land use blend is achieved between the single family residential units to the immediate east, the future development of the site will require a landscape buffer or some type of screening as required per section 15-8-15 "Screening Standards" of the Landscape Code of the City of Kingsville.]

#### Sec. 15-8-15. Screening standards.

*A screening device is required between all R1/R2 residential land use/zoning and all types of multi-family (R3 and above), commercial and industrial land use/zoning. Screening is also required between R1/R2 residential land use/zoning and all mobile home zoning land use/zoning.*

#### Sec. 15-8-16. General.

*When screening is required, the installation and maintenance thereafter of a visual screen shall be provided consisting of a solid material and/or masonry fence or wall at least six feet in height which cannot be seen through.*

This area was also identified as a priority area for future residential growth in the recently adopted Comprehensive Housing Plan given its proximity to the University and the historic deficiencies in diverse housing options for both University students, staff, faculty and long term residents of the City. The Comprehensive Housing Plan and the Kingsville Master Plan speak to the very need of diversified housing choices throughout the City. This general area has been identified in various studies such as the aforementioned adopted plans, but also within the 2012 Kingsville Market Study and plans/studies performed by the university. The rezoning of this property meets the need identified in those various plans and studies and is consistent with the long term development plans of the City.

*CHP was done by M. Kellham. Contacted Mike to discuss this location's growth plan. Mike stated this was a perfect place for it but he never thought it would be sold.*

*also  
Genk  
Apk.  
—  
Is a note that  
ishop-Turner Hall  
is an R3-type  
of housing  
development.*

### STAFF REVIEW AND RECOMMENDATION

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

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

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

1. The proposal is in conformance with the goals and policies contained in all elements of the 2008 Master Plan. The Master Plan's Growth Strategy and Policies on Chapter 2 – Growth Capacity, Page 10, states that “development should be encouraged first within the City Limits” so as to minimize costs to utility growth so that public infrastructure is not extended until there is a net fiscal benefit for doing so.
2. The proposal is in keeping with the purpose of the zoning districts. As stated in the field inspection, the zoning of this type is similar to existing blends around the university. As part of living around the university, the expected diversity in housing types is planned and predictable.
3. The proposal is not detrimental to the public health, safety, and welfare.
4. The proposal is not detrimental to existing or potential adjacent land uses.
5. The proposal will not generate inappropriate, hazardous, or detrimental traffic levels in the existing or nearby area. The developer has consulted with a traffic engineer and had him perform a basic traffic level increase study. The adjacent State Highway (King Ave.) and boulevard (Santa Gertrudis St.) can more than adequately handle the expected increase of traffic levels.

The Planning Department has evaluated the request and can find no issues with it. It is within the Master Plan concept and will meet the housing needs in the area.

Prepared by: Robert G. Isassi, P.E. 11 Dec. 2013  
Robert G. Isassi, P.E.  
Director of Planning & Development Services

December 18, 2013

Planning and Zoning Commission  
City of Kingsville, TX

RE: Rezoning and re-plat of KT&I CO, Block 9, Lot PT 3, 4, 6

Dear Planning and Zoning Commissioners:

We can think of no better way to begin this letter than to remind the Commissioners of a principle that was dear to the King Family—the importance of land; and to reiterate the historical significance of Santa Gertrudis and King Avenues:


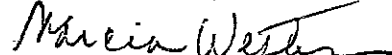
One of the many canonical stories told of Richard King relates advice given to him prior to the Civil War<sup>1</sup> by then Lt. Col. Robert E. Lee when they rode by horseback together: “*Buy land; and never sell.*” Mrs. Henrietta King reminded Captain King of this advice as late as 1883 when he wished to sell the ranch after their son died<sup>2</sup>. And in 1903 when Mrs. King donated the land that was to become Kingsville, its two longest streets were to be King Avenue and Santa Gertrudis Avenue<sup>3</sup>, both of which join at the entrance to the King Ranch today.

We have lived on West Santa Gertrudis for only two and half years. One of our neighbors, however, has lived in her home for over 50 years. It is important that you know that newcomers and long-time residents alike are *extremely alarmed* at the prospect that the historic native rangeland lying between West King and Santa Gertrudis Avenues is being considered for rezoning to multi-family housing.

Although we live within the city limits, our property adjoins an open natural space that supports native rangeland plants and diverse wildlife populations. Like our neighbors, we purchased our homes largely because they are situated in this *unique urban environment*: we enjoy the benefits of an open native space while also living within city limits. West Santa Gertrudis Avenue is a prime recreational area for both local residents and others in Kingsville. We know many people who live elsewhere in Kingsville but who nevertheless jog, or bicycle, or walk pets along Santa Gertrudis—they have their own neighborhoods for such recreation, but they choose to do so along West Santa Gertrudis. Just last week, we saw white-tailed deer as well as fox in this rangeland: it is no wonder that the neighborhood is so special.

This property adds irreplaceable value to our homes and to the city of Kingsville. Rezoning this property will not only diminish the quality of our lives but will also negatively affect the property value of our homes. Developing this land for multi-family housing will change forever a historic neighborhood that is as important to those of us along West Santa Gertrudis as it is to others in Kingsville: its development will make this neighborhood like every other neighborhood in every other town...*it will become nothing special*... and Kingsville will be the less for it.

We strongly urge the Planning and Zoning Commission to deny the request to rezone this property.

Respectfully,   


Marcia and David Wester  
1626 West Santa Gertrudis

<sup>1</sup> William Broyles, “The Last Empire,” *Texas Monthly*, Oct. 1980; Tom Lea, *The King Ranch*, 1957, Little Brown and Co., vol. 1, pp. 144-145.

<sup>2</sup> Judy Alter, “The Queen of the King Ranch,” *Texas Co-Op Power*, January 2008.

<sup>3</sup> Mona Sizer, *The King Ranch Story*, 1999, Republic of Texas Press, p. 156.



# Planning Department

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**TO:** Vince Capell, City Manager

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

**SUBJECT:** Rezone Approval Request – Domus Development Group

**DATE:** January 3, 2014

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This rezone request was reviewed by the Director of Planning and Development Services as well as reviewed and recommended for approval by the Planning and Zoning Commission who met on December 18<sup>th</sup>, 2013. In the meeting, citizens spoke on the issue with many concerns ranging from noise and privacy levels to the disturbance of a natural habitat in the city. In the meeting 16 citizens spoke against approving this request while 4 citizens spoke for its approval.

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**Petitioner & Agent:** Eric Jakimier, Domus Development Group  
**Date of P&Z Hearing:** December 18<sup>th</sup>, 2013

**Comprehensive Plan Land Use:** R3 (Multi-Family Residential) Requested  
**Existing Zoning Classification:** AG (Agricultural)  
**Adjacent Zoning:** North: R1 (Single Family Residential Dist.) with an  
R3 (Multi-Family Dist.) within the R1 District  
South: Mixed: AG and C2 (Commercial District)  
East: R1 (Single Family District)  
West: AG (Agricultural)

## **EXISTING INFRASTRUCTURE**

**Transportation:** King Ave. - Arterial road to the south of the plat  
Santa Gertrudis Ave. - Arterial road to the north of the plat  
**Community Facilities:** Services provided  
**Capital Improvements:** 504-bed Student Apartment Housing Development  
**Fire Station Proximity:** 0.64 driving miles  
**100 Year Floodplain:** The property is not within the 100-year floodplain. The subject site is located within Flood Zone "C". The areas of minimal flood hazard, which are the areas outside the Special Flood Hazard Area (SFHA) and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X.

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#### Sec. 15-8-15. Screening standards.

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*also note that Bishop-Turner Hall is an R3-type of housing development.*

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2. Whether the proposal is in keeping with the purpose of the zoning districts.
3. Whether the proposal is detrimental to the public health, safety and welfare.
4. Whether the proposal is detrimental to existing or potential adjacent land uses.
5. Whether the proposal will generate traffic levels inappropriate, hazardous, or detrimental to the existing or potential nearby land uses.

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

1. The proposal is in conformance with the goals and policies contained in all elements of the 2008 Master Plan. The Master Plan's Growth Strategy and Policies on Chapter 2 – Growth Capacity, Page 10, states that “development should be encouraged first within the City Limits” so as to minimize costs to utility growth so that public infrastructure is not extended until there is a net fiscal benefit for doing so.
2. The proposal is in keeping with the purpose of the zoning districts. As stated in the field inspection, the zoning of this type is similar to existing blends around the university. As part of living around the university, the expected diversity in housing types is planned and predictable.
3. The proposal is not detrimental to the public health, safety, and welfare.
4. The proposal is not detrimental to existing or potential adjacent land uses.
5. The proposal will not generate inappropriate, hazardous, or detrimental traffic levels in the existing or nearby area. The developer has consulted with a traffic engineer and had him perform a basic traffic level increase study. The adjacent State Highway (King Ave.) and boulevard (Santa Gertrudis St.) can more than adequately handle the expected increase of traffic levels.

The Planning Department has evaluated the request and can find no issues with it. It is within the Master Plan concept and will meet the housing needs in the area.

Prepared by: Robert G. Isassi, P.E. 11 Dec. 2013  
Robert G. Isassi, P.E.  
Director of Planning & Development Services

December 18, 2013

Planning and Zoning Commission  
City of Kingsville, TX

RE: Rezoning and re-plat of KT&I CO, Block 9, Lot PT 3, 4, 6

Dear Planning and Zoning Commissioners:

We can think of no better way to begin this letter than to remind the Commissioners of a principle that was dear to the King Family—the importance of land; and to reiterate the historical significance of Santa Gertrudis and King Avenues:


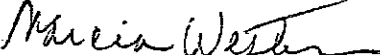
One of the many canonical stories told of Richard King relates advice given to him prior to the Civil War<sup>1</sup> by then Lt. Col. Robert E. Lee when they rode by horseback together: “*Buy land; and never sell.*” Mrs. Henrietta King reminded Captain King of this advice as late as 1883 when he wished to sell the ranch after their son died<sup>2</sup>. And in 1903 when Mrs. King donated the land that was to become Kingsville, its two longest streets were to be King Avenue and Santa Gertrudis Avenue<sup>3</sup>, both of which join at the entrance to the King Ranch today.

We have lived on West Santa Gertrudis for only two and half years. One of our neighbors, however, has lived in her home for over 50 years. It is important that you know that newcomers and long-time residents alike are *extremely alarmed* at the prospect that the historic native rangeland lying between West King and Santa Gertrudis Avenues is being considered for rezoning to multi-family housing.

Although we live within the city limits, our property adjoins an open natural space that supports native rangeland plants and diverse wildlife populations. Like our neighbors, we purchased our homes largely because they are situated in this *unique urban environment*: we enjoy the benefits of an open native space while also living within city limits. West Santa Gertrudis Avenue is a prime recreational area for both local residents and others in Kingsville. We know many people who live elsewhere in Kingsville but who nevertheless jog, or bicycle, or walk pets along Santa Gertrudis—they have their own neighborhoods for such recreation, but they choose to do so along West Santa Gertrudis. Just last week, we saw white-tailed deer as well as fox in this rangeland: it is no wonder that the neighborhood is so special.

This property adds irreplaceable value to our homes and to the city of Kingsville. Rezoning this property will not only diminish the quality of our lives but will also negatively affect the property value of our homes. Developing this land for multi-family housing will change forever a historic neighborhood that is as important to those of us along West Santa Gertrudis as it is to others in Kingsville: its development will make this neighborhood like every other neighborhood in every other town...*it will become nothing special*... and Kingsville will be the less for it.

We strongly urge the Planning and Zoning Commission to deny the request to rezone this property.

Respectfully,   


Marcia and David Wester  
1626 West Santa Gertrudis

<sup>1</sup> William Broyles, “The Last Empire,” *Texas Monthly*, Oct. 1980; Tom Lea, *The King Ranch*, 1957, Little Brown and Co., vol. 1, pp. 144-145.

<sup>2</sup> Judy Alter, “The Queen of the King Ranch,” *Texas Co-Op Power*, January 2008.

<sup>3</sup> Mona Sizer, *The King Ranch Story*, 1999, Republic of Texas Press, p. 156.

## A PETITION

TO THE PLANNING AND ZONING COMMISSION, KINGSVILLE, TEXAS

December 18, 2013

We, the undersigned homeowners and residents along West Santa Gertrudis and Seale Streets in Kingsville, Texas, are unanimous in our opposition to the rezoning request for the property between West Santa Gertrudis Street and West King Street west of Seale Street. Although we live within the city limits, our properties adjoin an open native space that supports native rangeland plants and diverse wildlife populations. Many of us purchased our homes largely because they are situated in this *unique urban environment*: we enjoy the benefits of an open native space while also living within city limits. This property—as a native space—adds irreplaceable value to our homes. Rezoning this property will not only diminish the quality of our lives but will also negatively affect the property value of our homes. We strongly urge the City of Kingsville to **deny the request** to rezone this property from Agriculture (AG) to Multi-Family (R-3). Signed:

David B. Wester

Marcia Wester

Gregory Leavelle

Nora Salinas

Rubendo Salinas

James A. Noia

Wendy H. Hays

John A. Cunniff

Lauren Hamilton

Tom Davis

Austin Davis

Tom Davis Jr.

Grant D. Jiles

Monica

Monica

Monica

Shirley Foster

L. W. Johnson

M. C. Johnson

E. G. Johnson

E. G. Johnson

E. G. Johnson

Suzette White

Barbara Collins

## A PETITION

TO THE PLANNING AND ZONING COMMISSION, KINGSVILLE, TEXAS

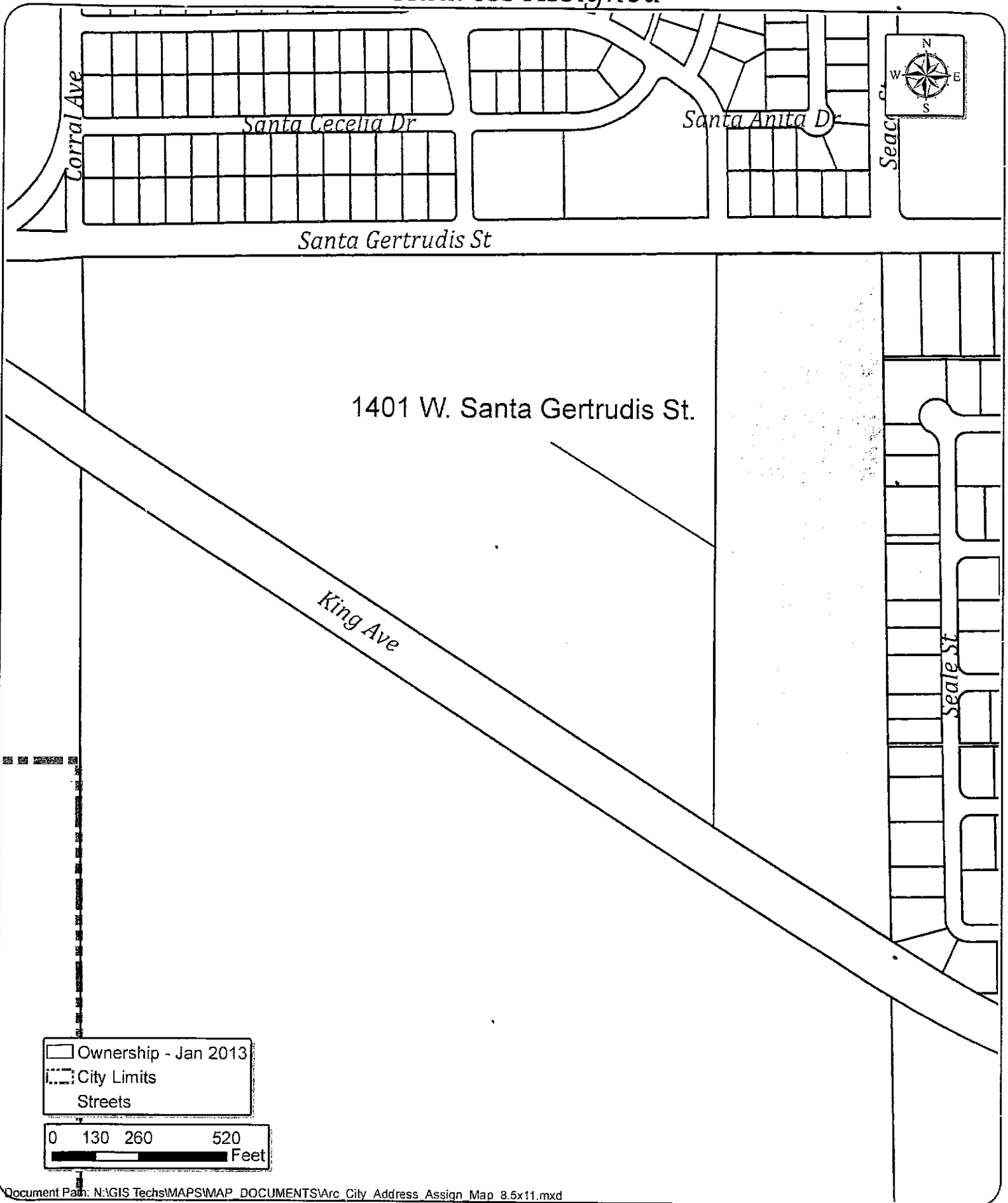
December 18, 2013

We, the undersigned homeowners and residents along West Santa Gertrudis and Seale Streets in Kingsville, Texas, are unanimous in our opposition to the rezoning request for the property between West Santa Gertrudis Street and West King Street west of Seale Street. Although we live within the city limits, our properties adjoin an open native space that supports native rangeland plants and diverse wildlife populations. Many of us purchased our homes largely because they are situated in this *unique urban environment*: we enjoy the benefits of an open native space while also living within city limits. This property—as a native space—adds irreplaceable value to our homes. Rezoning this property will not only diminish the quality of our lives but will also negatively affect the property value of our homes. We strongly urge the City of Kingsville to **deny the request** to rezone this property from Agriculture (AG) to Multi-Family (R-3). Signed:

Rohito Vela Cardona  
Nichelle G. Pila  
Univari D. Danner  
Katelynn Horner  
Christy  
Challor  
Myra  
Donna Lee  
Christy  
Julie L. Cook  
Nancy J. Mann  
NICHOLESTER

Brian E. Smith  
Camille C. Smith  
Elmore M. Solis  
Dawn Schueneman  
Betsy Florence  
Richard Carrera  
Barbara Sorensen  
Luzy Bruce  
Karen Ruff  
Valencia Rando  
Olivia H. Sapp  
Sharon Rickard  
Sharon

# Address Assigned



Document Path: N:\GIS Techs\MAPSWAP DOCUMENTS\Arc\_City Address Assign\_Map 8.5x11.mxd

Page 1 / 1	Drawn By: Engineering Department	<p>DISCLAIMER</p> <p>THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</p>	<p><b>CITY OF KINGSVILLE</b>  <b>ENGINEERING DEPARTMENT</b>                  200 East Kleberg                  Kingsville, Texas 78363                  Office: 361-595-8005                  Fax: 361-595-8035</p>
	Last Update: 11/25/2013		
	Note:		





# CITY OF KINGSVILLE

P. O. BOX 1458 - KINGSVILLE, TEXAS 78364



November 26, 2013

# COPY

Dear Property Owner:

The Planning and Zoning Commission will hold a public hearing and meeting to consider an item on Wednesday, December 18, 2013, at 7:00 p. m. at the City Commission Chambers, located at City Hall, 200 E. Kleberg, Kingsville, Texas. The following items will be discussed:

**Item 1- Eric Jakimier, Agent - Requesting the rezoning of 21.17 acres of KT&I CO, BLOCK 9, LOT PT 3, 4, 6, of the 64.67 acre plat located at 1725 West Santa Gertrudis Street, to be rezoned from (AG) Agricultural to (R-3) Multi-Family District. This lot will extend south to West King Avenue.**

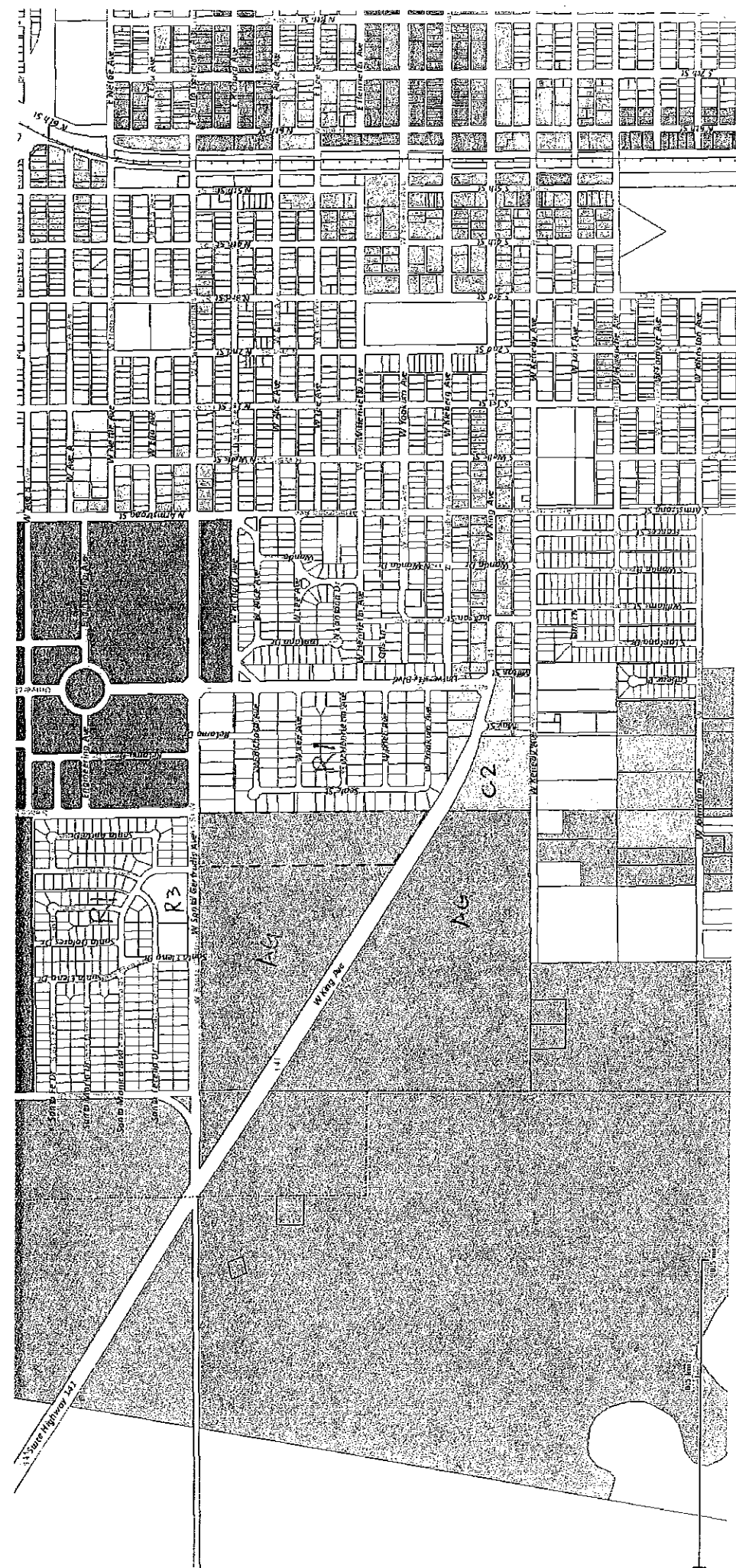
**Item 2- Eric Jakimier, Agent - Requesting the approval of a re-plat of KT&I CO, BLOCK 9, LOT PT 3, 4, 6, of the 64.67 acre plat located at 1401 West Santa Gertrudis Street, between Seal St. and Santa Monica Blvd. This lot will extend south to West King Avenue.**

Your property is located within 200 feet of this request. If you have any comments or questions in regards to this matter, please contact me at (361) 595-8055.

Sincerely,

A handwritten signature in cursive script, reading "Robert G. Isassi, P.E.", is written above the typed name.

Robert G. Isassi, P.E.  
Director of Developmental Services



# Domus Development LLC

21 November 2013

Mr. Robert Isassi  
Director of Planning & Development Services  
200 East Kleberg Avenue  
Kingsville, Texas 78364

Dear Mr. Isassi:

We are submitting an application to change the zoning on part of the land located at 1725 West Santa Gertrudis Avenue. As part of that request we have formerly sent you the application and fee as well as the owner's authorization to pursue this change in zoning.

1. The change we are requesting is from AG to R3 and we will be developing the property to provide approximately 198 units of student housing multifamily in the first of two proposed phases.
2. Attached you find a proposed site plan for the total development. Obviously we are at the very early stages of this development so things may change slightly from what is attached. There are no existing structures on the proposed tract.
3. The lot size is 21.17 acres or approximately 922,165 SF. The dimensions are 1,696.45' on the west property line, 495.84' on the north, 2,024.00' on the east and 594.61' on the south.
4. The land use to the west and south is unimproved land and to the east and south is single-family.
5. Attached is an excerpt from the City of Kingsville Zoning Map showing R1 zoning on the north and east sides and AG to the south and west.

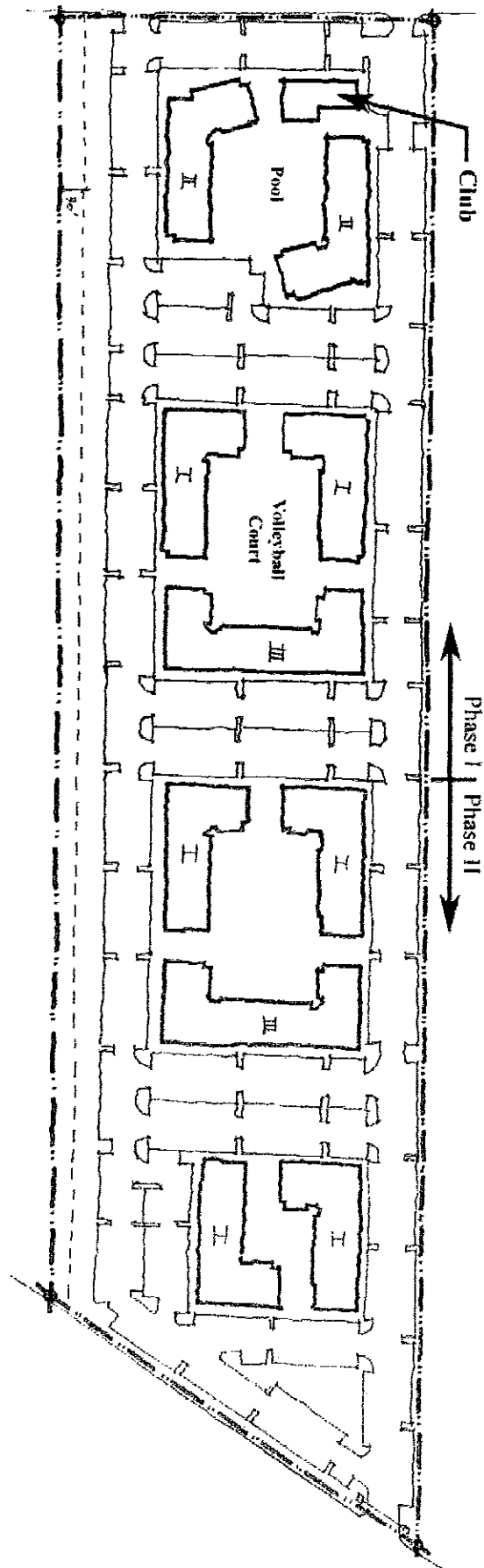
Please feel free to request any information you may need to consider this request.

Sincerely,

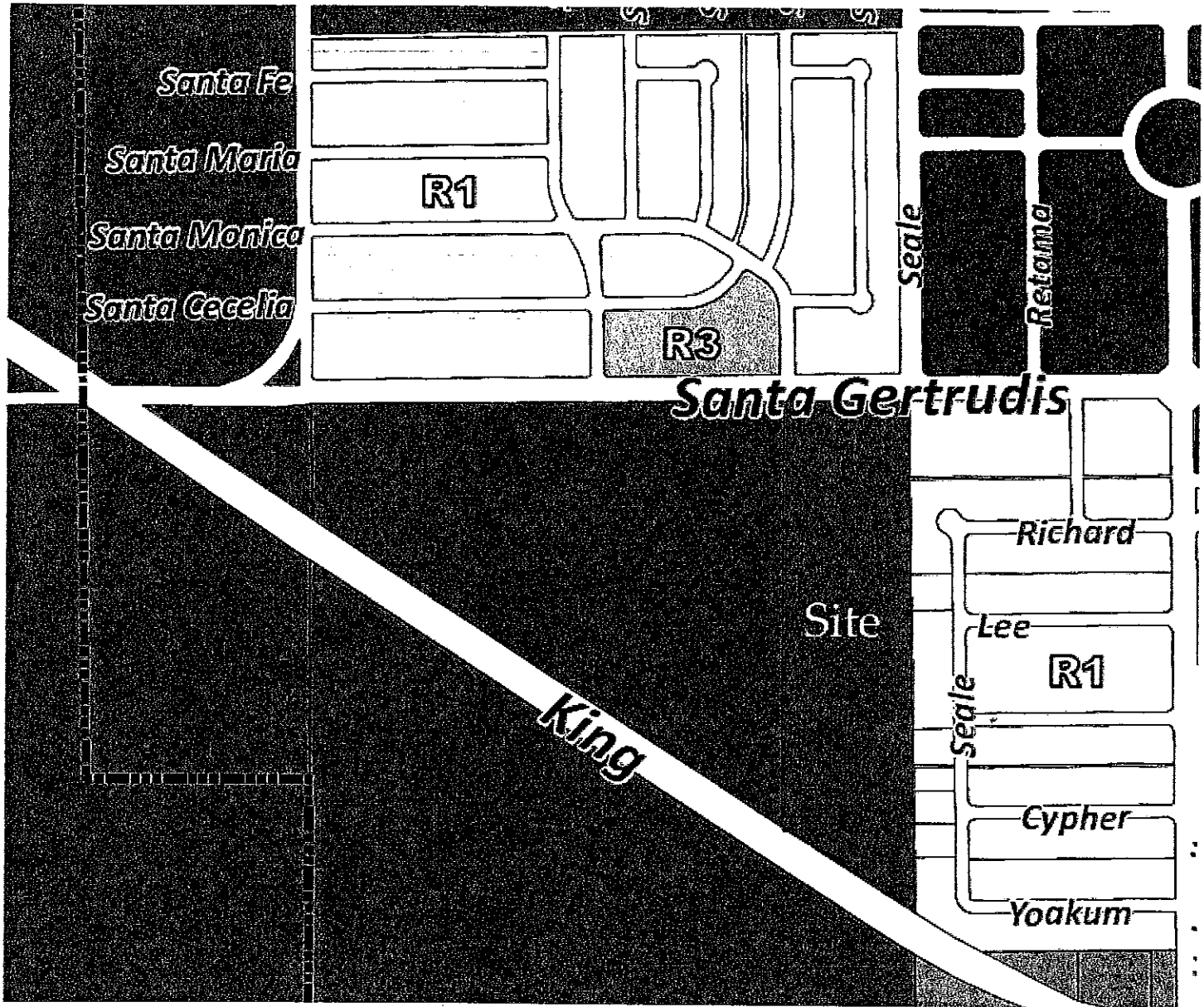
Domus Development LLC



Eric O. Jakimier  
President



# Domus Development LLC



Site with adjacent zoning

CITY OF KINGSVILLE  
PLANNING AND ZONING DIVISION  
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address \_\_\_\_\_ Nearest Intersection \_\_\_\_\_

(Proposed) Subdivision Name TBD Lot 3, 4, 6 Block 9

Legal Description: Attached

Existing Zoning Designation A4 Future Land Use Plan Designation R3

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Eric Jakimier Phone 469 585 5743 FAX \_\_\_\_\_

Email Address (for project correspondence only): ejakimier@domusdevelopmentllc.com

Mailing Address 5646 Milton, Ste 410 City Dallas State Texas Zip 75206

Property Owner Martin Clement II Phone 361 522 4373 FAX \_\_\_\_\_

Email Address (for project correspondence only): mw.clement@att.net

Mailing Address 1725 West Santa Gertrudis City Kingsville State Texas Zip 78363

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

<input type="checkbox"/> Annexation Request.....No Fee	<input type="checkbox"/> Preliminary Plat.....Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA).....\$250.00	<input type="checkbox"/> Final Plat.....Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request.....\$250.00	<input type="checkbox"/> Minor Plat.....\$100.00
<input checked="" type="checkbox"/> Re-zoning Request.....\$250.00	<input checked="" type="checkbox"/> Re-plat.....\$250.00 → Dec. 18 <sup>th</sup>
<input type="checkbox"/> SUP Request/Renewal.....\$250.00	<input type="checkbox"/> Vacating Plat.....\$50.00
<input checked="" 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 Student housing, multifamily

I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application  
I further certify that I have read and examined this application and know the same to be true and correct. If any of  
the information provided on this application is incorrect the permit or approval may be revoked.

Applicant's signature: [Signature] Date: 13 November 2013

Property owners signature: \_\_\_\_\_ Date: \_\_\_\_\_

Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

CITY OF KINGSVILLE  
PLANNING AND ZONING DIVISION  
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1401 W. Santa Gertrudis Nearest Intersection \_\_\_\_\_  
(Proposed) Subdivision Name TBD Lot 3, 4, 6 Block 9  
Legal Description: Attached  
Existing Zoning Designation A4 Future Land Use Plan Designation R3

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Eric Jakimier Phone 469 585 5743 FAX \_\_\_\_\_  
Email Address (for project correspondence only): ejakimier@domusdevelopmentllc.com  
Mailing Address 5646 Milton, Ste 410 City Dallas State Texas Zip 75206  
Property Owner Martin Clement II Phone 361 522 4373 FAX \_\_\_\_\_  
Email Address (for project correspondence only): mwcclement@att.net  
Mailing Address 1725 West Santa Gertrudis City Kingsville State Texas Zip 78363

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

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

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I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application  
I further certify that I have read and examined this application and know the same to be true and correct. If any of  
the information provided on this application is incorrect the permit or approval may be revoked.

Applicant's signature: [Signature] Date: 13 November 2013  
Property owners signature: [Signature] Date: 11-14-13  
Accepted by: Jessica Y. Stock Date: 11-18-13

LEBERG COUNTY APPRAISAL DISTRICT  
PROPERTY 14379 R  
Legal Description  
T & I CO, BLOCK 9, LOT PT 3, 4, 6, ACRES 64.67

OWNER ID  
12009  
CLEMENT MARTIN W II  
PO BOX 1418  
KINGSVILLE, TX 78364-1418  
OWNERSHIP  
100.00%

Entities	Values
CAD 100%	IMPROVEMENTS 389,320
CKI 100%	LAND MARKET + 329,560
GKL 100%	MARKET VALUE = 718,880
SKI 100%	PRODUCTIVITY LOSS - 247,280
WST 100%	APPRAISED VALUE = 471,600
	HS CAP LOSS - 0
	ASSESSED VALUE = 471,600

30000903103192 Ref ID2: R14379

ACRES: 64.6700  
EFF. ACRES:

ITUS 1725 W STA GERTRUDIS

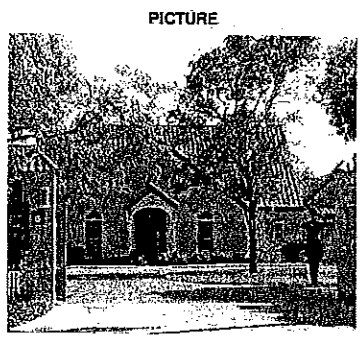
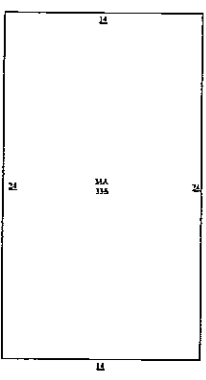
APPR VAL METHOD: Cost

GENERAL  
TILITIES  
TOPOGRAPHY  
ROAD ACCESS  
DRAINING  
EXT REASON  
LAST APPR. IE  
LAST APPR. YR 2012  
LAST INSP. DATE 02/21/2012  
NEXT INSP. DATE

SKETCH for Improvement #2 (COMMERCIAL)

EXEMPTIONS  
HS HOMESTEAD

REMARKS  
FOR '12 CORR LAND MKT CODE PER APPR IE  
2/16/12 4/1/12 MMG -- FOR 2011 LAND  
SCHEDULE RATE CHG PER IE/AYG 5/13/2011  
JO-- FOR 2011 LAND SCHEDULE RATE CHG



BUILDING PERMITS  
ISSUE DT PERMIT TYPE PERMIT AREA ST PERMIT VAL  
DATE DT PRICE GRANTOR DEED INFO  
\*\*\*\*\* UNKNOWN OT / /

SUBD: S2900		100.00%		NBHD:		IMPROVEMENT INFORMATION														
TYPE	DESCRIPTION	MTHD	CLASS/SUBCL	AREA	UNIT PRICE/UNITS	BUILT	EFF YR	COND.	VALUE	DEPR	PHYS	ECON	FUNC	COMP	ADJ	ADJ VALUE				
MA	MAIN AREA	C	SS3A/	336.0	2.15	1	1985	1985	720	80%	100%	100%	100%	100%	0.80	580				
COMMERCIAL		STCD: E3		336.0	Homestead: N				720							580				

SUBD: S2900		100.00%	NBHD:		LAND INFORMATION										IRR Wells: 0		Capacity: 0		IRR Acres: 0		Oil Wells: 0			
# DESCRIPTION	CLS	TABLE	SC	HS	METH	DIMENSIONS	UNIT PRICE	GROSS VALUE	ADJ	MASS ADJ	VAL SRC	MKT VAL	AG APPLY	AG CLASS	AG TABLE	AG UNIT PRC	AG VALUE							
NATIVE PASTURE	T15		D1	N	A	4.0700 AC	2,125.00	8,650	1.00	1.00	A	8,650	YES	1D1	AG-RN5	61.00	250							
E3	P12		E3	N	A	0.5000 AC	10,000.00	5,000	1.00	1.00	A	5,000				0.00	0							
RB3 (BRUSH LAND)	T15		D1	N	A	9.7300 AC	2,125.00	20,680	1.00	1.00	A	20,680	YES	1D1	AG-RB3	62.00	600							
RB4 (BRUSH LAND)	P12		D1	N	A	1.7900 AC	10,000.00	17,900	1.00	1.00	A	17,900	YES	1D1	AG-RB4	56.00	100							

continued on next page



# **CONSENT AGENDA**

# **AGENDA ITEM #1**

ORDINANCE NO. 2013-

**AN ORDINANCE AMENDING THE FISCAL YEAR 2013-2014 GENERAL FUND BUDGET FOR THE CITY OF KINGSVILLE TO ACCEPT DONATIONS FOR THE KINGSVILLE POLICE DEPARTMENT.**

**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
<b>Fund 001</b>	<b>General Fund</b>				
<u>Revenues</u>					
4-210	Police Dept.	Miscellaneous Income	990.00	<u>\$1,000.</u>	
				<u>\$1,000.</u>	
<u>Expenditures</u>					
5-210.2	Police Dept.	Supplies	211.00	<u>\$1,000.</u>	
				<u>\$1,000.</u>	

[To accept a donation of \$500 from the Apache Corporation and a second donation of \$500 from the Kingsville Area Educators Federal Credit Union both to be used towards the purchase of Bail Out Bags for law enforcement officers of the Kingsville Police Department.]

II.

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

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause,

phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

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

INTRODUCED on this the 9th day of December, 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

KINGSVILLE POLICE DEPARTMENT

**INTER-OFFICE MEMORANDUM**

November 21<sup>st</sup>, 2013

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

**FROM** : Ricardo Torres, Chief of Police

**SUBJECT** : Request to Accept \$500 Donation from Apache Corporation and \$500 Donation from Kingsville Area Educators Federal Credit Union for Purchase of Bail Out Bags for Officers

The City of Kingsville Police Department is in receipt of a donation from Apache Corporation in the amount of \$500.00. Last year I made contact with Faron Griffin, District Production Manager, who informed me that his company had sent the check and made similar donations to police departments near their facilities around the state. Mr. Griffin explained that Apache Corporation has a facility on FM70 between Kingsville and Agua Dulce to explain why we were a recipient. Mr. Griffin indicated that his company would prefer that the funds be spent on equipment that would assist our department.

Some of our KPD officers have been providing information to some of our local banks and credit unions with regards to crime prevention. The Kingsville Area Educators Federal Credit Union has donated \$500.00 to the Kingsville Police Department to show their appreciation for the assistance provided by the officers. These funds are also to be spent on equipment for our officers of the department.

Over the last several years due to multiple national tragedies involving active shooters professional law enforcement personnel are being outfitted with custom rapid response tactical field tools. The initial element is the bailout bags which we are ordering that were designed from the ground up to be the ultimate personal gear carry/last resort bailout bag. The bailout bags can then be filled with additional ammunition for rifles and handguns during an active shooter scenario. Additional items can be included such as water, energy bars, self aid and buddy aid medical kits, additional flashlights, as well as a myriad of other tools to assist officers when dealing with these types of scenarios.

We would request that this be placed on the next available City of Kingsville Commission Agenda for consideration to accept the donations for the equipment mentioned. Thank you for your assistance regarding this matter.



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- 1000D nylon construction
- Interior lined with loop-sided Velcro and MOLLE
- Front mag pockets hold up to 6 AR magazines
- Adjustable strap with quick-release
- 5"H x 15"W x 9"D (67.5 cubic inches of storage)

Maxpedition Jumbo  
KLS-839  
\$59.99

## **AGENDA ITEM #2**

**ORDINANCE NO. 2013-**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2013-2014 FUND 054 UTILITY FUND CAPITAL PROJECTS FUND TO UTILIZE FISCAL YEAR 2012-2013 FUND BALANCE FOR COMPLETION OF THE WATER WELL #19 PUMP HOUSE PROJECT.**

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

I.

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

**CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT**

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
<hr/>					
<b>Fund 054</b>	<b>Utility Fund Capital Projects</b>				
<u>Capital</u>					
2		Fund Balance (FY 2013)	610.0		<u>\$223,960</u>
					<u>\$223,960</u>
<u>Expenses</u>					
5-600.2 Water		Water Well #19 Pump House	720.20	\$213,965	
5-600.2 Water		Water Well #19 Pump House	720.19	<u>\$ 9,995</u>	
				<u>\$223,960</u>	

[To amend FY14 Fund 054 Utility Fund Capital Projects Fund as per the attached memo provided by the Engineering Department for the Pump House Project.]

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 \_\_\_\_\_, 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



## ***Engineering Department***

361-595-8007  
361-595-8035 Fax

DATE: November 22, 2013  
TO: City Commission through City Manager  
FROM: Juan Carlos Cardenas, Director of Public Works/City Engineer  
SUBJECT: Utility Fund Capital Projects Budget Amendment (Fund 054)

### **SUMMARY**

This item authorizes a budget amendment for the Utility Fund Capital Projects (Fund 054) for expenditures occurring this fiscal year 2014 for the completion of constructing Water Well #19 and pump house.

### **BACKGROUND**

In FY 2013, \$287,400.00 was budgeted with \$73,435.00 expensed. Funds were not carried over during the FY 2014 budget process. Due to the late start and changes in the well and pump house, the project was not able to be completed in FY 2013. The total requested for this budget amendment is \$223,960.00 to complete the project in FY 2014.

#### **Fund (054) Utility Fund Capital Projects:**

Original Adopted Budget: \$287,400.00

Spent until September 2013: \$73,435.00

Budget Amend Increase for 2014 Utility Fund Capital Projects: \$223,960.00

### **RECOMMENDATION**

The proposed budget amendment is very important to finish the projects in a timely manner. Staff recommends proceeding with approval of the proposed budget amendment.

### **FINANCIAL IMPACT**

Detail of the Budget Amendment is mentioned above.

Approved

---

Vincent Capell, City Manager

# **AGENDA ITEM #3**

**RESOLUTION NO. 2014- \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF KINGSVILLE AUTHORIZING THE RELEASE OF CHAPTER 59 FUNDS OF THE SOUTH TEXAS SPECIALIZED CRIMES AND NARCOTICS TASK FORCE FOR DONATION TO THE KINGSVILLE AMATEUR BOXING CLUB, INC.**

**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 Kingsville Amateur Boxing Club, Inc. is a non-profit organization that provides anti-drug programs to the youths of the city and the area by providing athletic programs 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 South Texas Specialized Crimes and Narcotics Task Force to assist with a \$5,000 donation to the Kingsville Amateur Boxing Club, Inc., 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 Kingsville Amateur Boxing Club, Inc. 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 13<sup>th</sup> day of January, 2014.

\_\_\_\_\_  
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**

***(361) 595-5778***

**(361) 595-5778**

**Fax (361) 595-5781**



December 27, 2013

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

Mr. Capell,

The Kingsville Specialized Crimes & Narcotics Task Force has received a Chapter 59 donation request from The Kingsville Amateur Boxing Club Inc. This organization has submitted an application to the Task Force and the request has 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). Two previous donation requests of \$5,000.00 each have been approved and distributed by the Kingsville Task Force. The above organization will receive a \$5,000.00 donation resulting in an account balance of \$15,000.00 remaining for donations to other groups.

If you approve this request, can it be placed on the Regular City's Commissioners Court Agenda for Monday January 13, 2014? Your kind consideration to this request will be 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  
APPLICATION FOR CHAPTER 59 DONATION**

1. APPLICANT'S  
NAME Jaime Cantu ADDRESS Kingsville Boxing Club PHONE 361-728-3955
2. ORGANIZATION'S  
NAME The Kingsville ADDRESS 12th Street Gym PHONE As Above  
Amateur Boxing Club Inc. 525 S. 12th St.
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.

*See Attachment*

APPROVED: Guillermo Vera, KTF  
Commander

DATE: 12/27/13 TIME: 10:00 AM

To: Cdr. Willie Vera  
Specialized Crime and Narcotics Task Force

**The Kingsville Boxing Club is hereby submitting this request for a grant approval in the amount of \$5,000.00. Below is a history of our program and an explanation as to where this grant money will be used.**

### **The Kingsville Amateur Boxing Club Inc.**

#### **Purpose and History**

The Kingsville Amateur Boxing Club Inc. aka, The Kingsville Boxing Club is a non-profit physical fitness program dedicated to the youth of the Coastal Bend Counties primarily Kleberg County as its training facilities are located in Kingsville, Texas. The club's purpose is to offer our youth an alternative to the streets and an opportunity to build their self-esteem, develop discipline, become educated of the effects of drug and alcohol abuse and to become a constructive part of our society. This is accomplished through daily training and classroom education. This club is currently funded by a variety of sources, including its own fundraising efforts.

In 1997, in response to a deeply felt community need, the club founder along with several local community leaders (to include former Chief of Police Felipe Garza, current Chief of Police Rick Torres and current Kleberg County Sheriff Edward Mata) supported the idea to establish and form a local boxing program that would be open to all members of this community with the intent on offering our youth a positive place to exhaust their energy's, build their self esteem and excel in the sport of amateur boxing. The clubs motto is *"Producing Champions in and out of the Ring"*.

Since then, the club has continued to grow and has developed into a program where families come together to exercise, military and law enforcement personnel utilize the facility to improve their fitness status, university students attend because of the low cost and the opportunity to release some stress in a positive way. In addition, our young amateur boxers are becoming elite athletes that have represented not only our city and state but also our country in competing in international competitions. Also, several of our participants have gone on to become professionals in society to include; Military Personnel (Pilots), Law Enforcement Personnel, US Border Patrol Agents, High School and College Graduates, and Professional Boxers.

***Through this initial program the club has developed several others to include:***

- **Drug, Alcohol and Substance abuse education** – Twice a month, a certified Drug and Alcohol Abuse Counselor conducts classes for all individuals.

- **Drug Awareness Information Give Away** – The Kingsville Boxing Club gives away for free, Educational Activity books and other items that focus on Drug Awareness and City Leadership.
- **Anti-Bullying Campaign** – This past year, the boxing club initiated our Anti Bullying Campaign by handing out activity books, book markers and other items that talk about bullying. **In addition, pamphlets about Sexting are also given out.**
- **Knock Out Home Work/Tutoring Program** – Once a week (Wednesdays) the Kingsville Boxing Club opens its doors and allows students from throughout the community to come and receive assistance with their homework or for tutoring. Additional days are made available at the students' request. (Most volunteers and tutors are from our local University)
- **Camp of Champs** – This program was established in 2008 and is a cost free camp that is geared towards children ages 8-14 and focuses on the importance of health, fitness, discipline and faith. (The same type of training is given on a daily basis and if there aren't enough participants, the program is run during normal training hours).
- **Training Facility** – Our facility has opened its doors to Law Enforcement Personnel as well as Military Personnel to use as a fitness center or an instructional facility.
- **Community Service** – Members of the Kingsville Boxing Club volunteer once a month to assist Senior Citizens whose alley ways are in violation of our city codes and they must be cleaned up. The club contacts the local enforcement office for a list of addresses. In addition, members of our club participated in two City and County Volunteer Clean-up activities.
- **Community Involvement** – The Kingsville Boxing club members volunteered for several different community events to include: National Night Out, Christmas present drive to assist needy families (Angels on Assignment Org), Motivational Speaking for different organizations and supported a "Back to School" School Supply Drive.

**More information on the above subjects can be found in our website:**  
**[www.12thstreetgym.org](http://www.12thstreetgym.org)**



### **Request for Funding**

The purpose of this request is to request that a \$5,000.00 grant be awarded to our program to be used in the following manner:

- 1. Money will be used to help our program continue to spread our Drug Free Message to members of our community (primarily our youth).**
- 2. A portion of this grant will be used to purchase additional equipment needed to ensure that all participants are properly equipped to conduct their physical training.**
- 3. All money will be used to directly impact our program. Our program has no paid staff and all money will be used to help operate our program.**

The Kingsville Boxing club currently has no major sponsor and relies solely on the support of our community and organizations such as yours to continue our existence. The average cost per year to operate our club is \$15,000.00 (last 5 years).

Approval of this grant is very important to our program. Without your organizations support, this program could not function in the manner that it has. Our program has received high praise from community leaders and members of our community. In addition, leaders from different communities have stated that they are very impressed with our program and believe that our community is fortunate to have a program like ours. It is directly because of your organization that we are as successful as we have been.

If additional information is needed in this matter, the undersigned can be contacted @ 361-728-3955

Encls  
Past Finance Reports

Sincerely,

Jaime Cantu  
Kingsville Boxing Club

# **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.

# **REGULAR AGENDA**

## **AGENDA ITEM #4**



## Planning & Development Services Department

---

**TO:** Mayor & City Commission

**THROUGH:** Vincent Capell, City Manager

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

**SUBJECT:** Request for Alcohol Variance at 1415 N. 14<sup>th</sup> St

**DATE:** January 7, 2014

---

Ms. Olga C. Barrera, operator of El-Corral Restaurant is requesting an alcohol variance for a Wine and Beer Retailers Permit. This address is located at 1415 N. 14<sup>th</sup> St. and is within 300ft of an adult day care. The property in question therefore requires a variance according to City ordinance ORD-2004-20.

Also, all required notices have been sent to the property owners within 300ft. Additionally, a public hearing notice was placed in the newspaper on December 22, 2013. As of this point, we have not received any negative feedback from the property owners and or citizens that have been noticed.



# On-Premise Prequalification Packet

L-ON  
(09/2013)

Please complete this Prequalification Packet with information concerning your proposed business location for which you are applying to sell/serve alcoholic beverages. This information will be used to obtain your pre-qualification to hold a license/permit. You will submit this information to the proper governmental entities for certification that your proposed location is legal for the type of license/permit for which you are applying.

Please immediately contact your local TABC office to determine if you must post a 60 Day Sign at your proposed location, and for more information.

## LOCATION INFORMATION

### 1. Type of On-Premise License/Permit

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> BG Wine and Beer Retailer's Permit          | <input type="checkbox"/> LB Mixed Beverage Late Hours Permit         |
| <input type="checkbox"/> BE Beer Retail Dealer's On-Premise License             | <input type="checkbox"/> MI Minibar Permit                           |
| <input type="checkbox"/> BL Retail Dealer's On-Premise Late Hours License       | <input type="checkbox"/> CB Caterer's Permit                         |
| <input type="checkbox"/> BP Brewpub License                                     | <input type="checkbox"/> FB Food and Beverage Certificate            |
| <input type="checkbox"/> V Wine & Beer Retailer's Permit for Excursion Boats    | <input type="checkbox"/> PE Beverage Cartage Permit                  |
| <input type="checkbox"/> Y Wine & Beer Retailer's Permit for Railway Dining Car | <input type="checkbox"/> RM Mixed Beverage Restaurant Permit with FB |
| <input type="checkbox"/> MB Mixed Beverage Permit                               |  |

### 2. Indicate Primary Business at this Location

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Restaurant | <input type="checkbox"/> Sporting Arena, Civic Center, Hotel |
| <input type="checkbox"/> Bar                   | <input type="checkbox"/> Miscellaneous _____                 |
| <input type="checkbox"/> Sexually Oriented     |  |

### 3. Trade Name of Location

El Corral Restaurant

### 4. Location Address

1415 14th St.

City

Kingsville TX

County

Kleburg

State

TX

Zip Code

78363

### 5. Mailing Address

330 W Ave A.

City

Kingsville

State

TX

Zip Code

78-363

### 6. Business Phone No.

( ) Pending

### Alternate Phone No.

(956) 404-8066

### E-mail Address

maldonado.siller@hotmail.com

## OWNER INFORMATION

### 7. Type of Owner

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Individual         | <input type="checkbox"/> Corporation               | <input type="checkbox"/> City/County/University |
| <input type="checkbox"/> Partnership                   | <input type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Other _____            |
| <input type="checkbox"/> Limited Partnership           | <input type="checkbox"/> Joint Venture             |   |
| <input type="checkbox"/> Limited Liability Partnership | <input type="checkbox"/> Trust                     |   |

### 8. Entity/Applicant

Olga A. Barrera

### 9. If Applicant Is/Must Be Listed Below (attach L-OIC if additional space is needed).

- |  |  |
|--|--|
| Individual/Individual Owner              | Limited Liability Company/All Officers or Managers |
| Partnership/All Partners                 | Joint Venture/Venturers                            |
| Limited Partnership/All General Partners | Trust/Trustee(s)                                   |
| Corporation/All Officers                 | City, County, University/Official                  |

Last Name

Barrera

First Name

Olga

MI

HL

Title

Owner

Last Name

First Name

MI

Title

Last Name

First Name

MI

Title



CITY OF  
**KINGSVILLE**

**MEMORANDUM**

**DATE**

Friday, November 25, 2013

**TO**

Mary Valenzuela, City Secretary

**FROM**

Engineering Department

**SUBJECT**

Alcohol License for 1415 N 14 St.

Mrs. Valenzuela,

After performing the research and physical inspection you requested for the property at 1415 N 14 St. (El Corral Restaurant), we have concluded that the property in question does fall within the 1,000 ft boundary of two day cares and one church; therefore, it will require a variance according to City Ordinance sections 11-3-4&5.

Notices must be sent to the property owners within the 300 foot boundary and a public hearing and publication in the local newspaper is required.

Thank you,

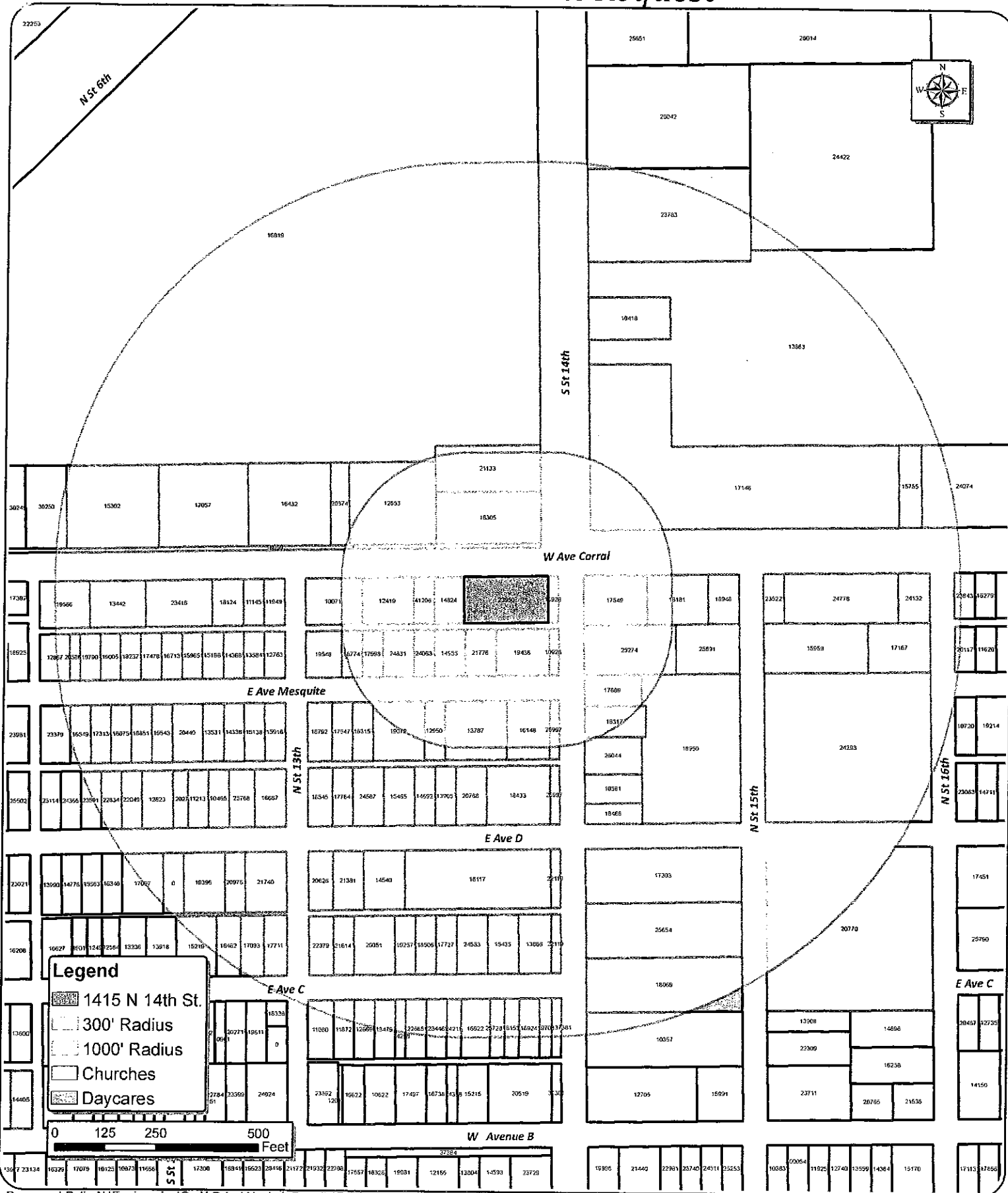
Engineering Department

**Attachment 1** shows the property and the relative location of the (two day cares and one church); suspected to be close to the property. Little Tots Child Development Center, La Paloma Adult Day Care and Miracle Worship Center-Centro De Milagros are within the 1,000 foot boundary.

**Attachment 2** shows all properties within the 300 foot boundary in correlation with their Short ID provided by the Kleberg County Appraisal District.



# Alcohol Permit Request



Document Path: N:\Engineering\On N Drive\Alcohol\_Permits\Fail Inspections\1415 N 14th St\1415 N 14th St..mxd

Drawn By: D. Herrera

Last Update: 11/24/2013

Note:

DISCLAIMER  
THIS MAP IS FOR VISUAL PURPOSES ONLY.  
THE INFORMATION ON THIS SHEET MAY  
CONTAIN INACCURACIES OR ERRORS.  
THE CITY OF KINGSVILLE IS NOT  
RESPONSIBLE IF THE INFORMATION CONTAINED  
HEREIN IS USED FOR ANY DESIGN,  
CONSTRUCTION, PLANNING, BUILDING,  
OR ANY OTHER PURPOSE.



**CITY OF KINGSVILLE**  
**ENGINEERING DEPARTMENT**  
200 East Kleberg  
Kingsville, Texas 78363  
Office: 361-595-8005  
Fax: 361-595-8035

## Five honored as distinguished students during winter commencement

By Julie Navar  
TAMUK Communications

Five graduates at Texas A&M University-Kingsville's winter commencement ceremony received the Distinguished Undergraduate Student Award sponsored by the Student Government Association.

Only one bachelor's degree student from each college receives the award.

To be nominated, a student must be a graduating senior with no less than 60 credit hours earned at TAMUK. The student must have at least a 3.5 grade point average and must be involved in extracurricular activities.

The student also must have the endorsement of the dean of the college from which he/she receives a degree.

This summer's recipients are Johnny Edward Stevens Jr., Dick and Mary Lewis Kleberg College of Agriculture, Natural Resources and

Human Sciences; Erin K. Wise, College of Business Administration; Joshua Jordan Ortegón, Frank H. Dotterweich College of Engineering; Kristella Montique Laso, College of Education and Human Performance; and Morgan Hunter, College of Arts and Sciences.

Johnny Edward Stevens Jr., of Somerset, earned a degree in agriculture science. He was a member of the university's soil judging team, where he won ninth place individual and fourth place team at the Region Four collegiate soil judging competition in Arkansas. Stevens has been on both the President's List and Dean's List and is the recipient of the Outstanding Undergraduate Award for Agriculture Science. He graduated with a 3.55 grade point average.

Palacios resident Erin K. Wise earned a degree in information systems. She is a member of the Association of Information

Technology Professionals and has served as secretary. She also is a member of the Accounting Society and the Collegiate 4-H Club. Wise is a member of the Delta Mu Delta International Honor Society and Tau Sigma National Honor Society. She is a representative on the Campus Activities Board and has volunteered for The Bigger Event, Texas Highway Clean-up and served as Jim Wells County Food Show and Food Challenge judge. She graduated with a 3.64 grade point average.

Joshua Jordan Ortegón is from Kingsville. He earned his degree in mechanical engineering. He is a former treasurer of both the Society of Hispanic Professional Engineers and Latinos in Science and Engineering. He also is a member of the American Society of Mechanical Engineers. Ortegón was nominated to "Who's Who Among Students in American Universities and Colleges"



Pictured, from left, are Johnny Edward Stevens Jr., Morgan Hunter, Erin K. Wise, Dr. Tarina Riley, senior vice president fiscal and student affairs, Kristella Montique Laso, and Joshua Jordan Ortegón. (Submitted photo)

and is a member of Tau Beta Pi and Pi Tau Sigma. He graduated with a grade point average of 3.76.

Kristella Montique Laso, of Alice, earned a degree in interdisciplinary studies. She is treasurer of Kappa Delta Pi Honor Society and has been on the President's List, Dean's List and Honor Roll. Laso is a member of the Golden Key International Honor Society.

She graduated with a grade point average of 3.84.

Morgan Hunter, of Odessa, earned a degree in communication sciences and disorders. She is a member of the National Student Speech Language Hearing Association and Student Audiology Forum. Hunter is an Arts and Sciences Peer Advisor, Javelina Camp Counselor, co-chair

of the Campus Activities Board comedy and magic committee and a graduate of the EXCEL Freshman Leadership Program. She was nominated to "Who's Who Among Students in American Universities and Colleges" and has been on the President's List, Dean's List and Honor Roll. She graduated with a 3.74 grade point average.

Visit [KingsvilleRecord.com](http://KingsvilleRecord.com)

### Christmas Sale

DIAMOND

**Oliver's**  
DISTINCTIVE JEWELRY

Have it engraved!  
Free Gift Wrap!

Visit, Monticello, Dismal, American Express  
in Gold Jewelry Available, VA

**220 E. Kleberg**  
**592-6678**  
**Historic Downtown**  
**Kingsville**

**HOLIDAY HOURS:**  
Saturday, Dec. 21 10am - 5pm  
Sunday, Dec. 22 12pm - 4pm  
Monday, Dec. 23 9am - 6pm  
Tuesday, Dec. 24 9am - 4pm

Smile,  
Let Your Teeth Show

Our Services Include:

Digital X-Rays • Tooth Whitening • Root Canals  
Crowns, Bridges/Veneers • Cosmetic Contouring • Sedation  
Orthodontics (Braces) • Implants • Specialty Dentures

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Cosmetic

**Juvederm**

**New Patients Welcome**  
Financing Options Available  
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Sedation Dentistry is Also Available  
Schedule Your Appointment TODAY!

**Dr. Tanya P. Lawhon, DDS**  
312 South Ave B  
Bishop, TX 78343  
(361) 584-2217  
[www.LawhonDental.com](http://www.LawhonDental.com)

# SORGHUM U

Save the date

**Tuesday, Jan. 7, 2014**  
**Levelland, TX**  
Mallet Conference Center

**Thursday, Jan. 9, 2014**  
**Robstown, TX**  
Richard M. Borchard Regional Fair Grounds

**Sorghum U** is a farmer-focused event that provides resources to make informed production decisions on your operation. Come learn with experienced farmers and industry leaders how grain sorghum can contribute to the profitability of your operation.

Register online at  
[www.hpij.com/sorghumu](http://www.hpij.com/sorghumu)  
or call 1-855-422-6652

There is no charge to attend Sorghum U and lunch is included.  
Registration begins at 8:00 a.m.

**SORGHUM CHECKOFF**  
**CRIST BUSTER**  
**THE SPEED KING INC.**  
**SORGHUM PARTNER**  
**HIGH PLAINS JOURNAL**

### PUBLIC NOTICE

The City Commission of the City of Kingsville will hold a public hearing on Monday, January 13, 2014, at 6:00 P.M. to discuss and/or take action on the following items:

Request for an alcohol variance for a Wine and Beer Retailer's Permit for the establishment known as Chopstix located at 1701 S. Brahma Blvd, Suite E.

The meeting will be held at City Hall, 200 East Kleberg Ave., Kingsville, Texas in the City Commission Chambers. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

### PUBLIC NOTICE

The City Commission of the City of Kingsville will hold a public hearing on Monday, January 13, 2014, at 6:00 P.M. to discuss and/or take action on the following items:

Request for an alcohol variance for a Wine and Beer Retailer's Permit for the establishment known as El Corral Restaurant located at 1415 N. 14th St.

The meeting will be held at City Hall, 200 East Kleberg Ave., Kingsville, Texas in the City Commission Chambers. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

# **AGENDA ITEM #5**



## Planning & Development Services Department

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**TO:** Mayor & City Commission

**THROUGH:** Vincent Capell, City Manager

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

**SUBJECT:** **Request for Alcohol Variance at 1701 S. Brahma #E**

**DATE:** January 7, 2014

---

Mr. Guo Tai Huang, owner and operator of Chopstix Restaurant is requesting an alcohol variance for a Wine and Beer Retailers Permit and a Food and Beverage Certificate. This address is located at 1701 S. Brahma #E and is within 300ft of a public school. The property in question therefore requires a variance according to City ordinance ORD-2004-20.

Also, all required notices have been sent to the property owners within 300ft. Additionally, a public hearing notice was placed in the newspaper on December 22, 2013. As of this point, we have not received any negative feedback from the property owners and or citizens that have been noticed.



# On-Premise Prequalification Packet

L-ON  
(09/2013)

Please complete this Prequalification Packet with information concerning your proposed business location for which you are applying to sell/serve alcoholic beverages. This information will be used to obtain your pre-qualification to hold a license/permit. You will submit this information to the proper governmental entities for certification that your proposed location is legal for the type of license/permit for which you are applying.

Please immediately contact your local TABC office to determine if you must post a 60 Day Sign at your proposed location, and for more information.

## LOCATION INFORMATION

### 1. Type of On-Premise License/Permit

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> BG Wine and Beer Retailer's Permit          | <input type="checkbox"/> LB Mixed Beverage Late Hours Permit         |
| <input type="checkbox"/> BE Beer Retail Dealer's On-Premise License             | <input type="checkbox"/> MI Minibar Permit                           |
| <input type="checkbox"/> BL Retail Dealer's On-Premise Late Hours License       | <input type="checkbox"/> CB Caterer's Permit                         |
| <input type="checkbox"/> BP Brewpub License                                     | <input checked="" type="checkbox"/> FB Food and Beverage Certificate |
| <input type="checkbox"/> V Wine & Beer Retailer's Permit for Excursion Boats    | <input type="checkbox"/> PE Beverage Cartage Permit                  |
| <input type="checkbox"/> Y Wine & Beer Retailer's Permit for Railway Dining Car | <input type="checkbox"/> RM Mixed Beverage Restaurant Permit with FB |
| <input type="checkbox"/> MB Mixed Beverage Permit                               |  |

### 2. Indicate Primary Business at this Location

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Restaurant | <input type="checkbox"/> Sporting Arena, Civic Center, Hotel |
| <input type="checkbox"/> Bar                   | <input type="checkbox"/> Miscellaneous _____                 |
| <input type="checkbox"/> Sexually Oriented     |  |

### 3. Trade Name of Location

Chopstix

### 4. Location Address

1701 S Brahma Blvd #E

City Kingsville

County

Kleberg

State

TX

Zip Code

78363

### 5. Mailing Address

Same

City

State

Zip Code

### 6. Business Phone No.

( ) -

### Alternate Phone No.

( ) -

### E-mail Address

## OWNER INFORMATION

### 7. Type of Owner

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Individual                    | <input checked="" type="checkbox"/> Corporation    | <input type="checkbox"/> City/County/University |
| <input type="checkbox"/> Partnership                   | <input type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Other _____            |
| <input type="checkbox"/> Limited Partnership           | <input type="checkbox"/> Joint Venture             |   |
| <input type="checkbox"/> Limited Liability Partnership | <input type="checkbox"/> Trust                     |   |

### 8. Entity/Applicant

XING DENG WANG CORPORATION

### 9. If Applicant Is/Must Be Listed Below (attach L-OIC if additional space is needed).

Individual/Individual Owner

Limited Liability Company/All Officers or Managers

Partnership/All Partners

Joint Venture/Venturers

Limited Partnership/All General Partners

Trust/Trustee(s)

Corporation/All Officers

City, County, University/Official

Last Name

Guo Huang

First Name

Guo Tai

MI

Title

Owner

Last Name

Huang

First Name

Zhen

MI

Title

Vice President

Last Name

First Name

MI

Title



CITY OF  
**KINGSVILLE**

**MEMORANDUM**

**DATE**

Friday, December 16, 2013

**TO**

Mary Valenzuela, City Secretary

**FROM**

Engineering Department

**SUBJECT**

Alcohol License for 1701 S Brahma Blvd

Mrs. Valenzuela,

After performing the research and physical inspection you requested for the property at 1701 S Brahma Blvd, we have concluded that the property in question does fall within the 1,000 ft boundary of (2 schools, and 2 churches); therefore, it will require a variance according to City Ordinance sections 11-3-4&5. Notices must be sent to the property owners within the 300 foot boundary and a public hearing and publication in the local newspaper is required.

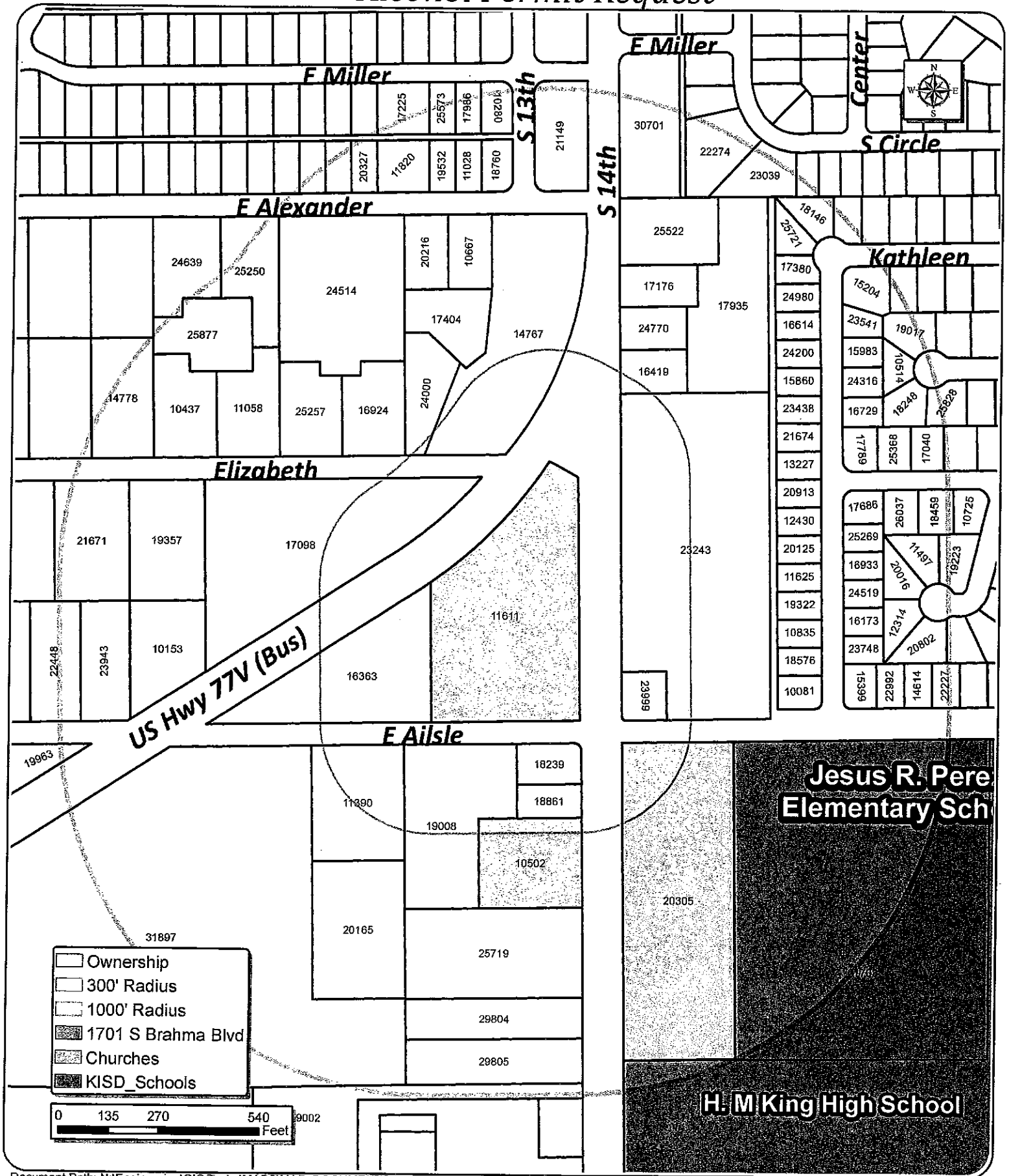
Thank you,

Engineering Department

**Attachment 1** shows the property and the relative location of the (2 schools, and 2 churches); suspected to be close to the property. Jesus R. Perez Elementary School, H.M King High School, First Christian Church, and Bay Area Fellowship are within the 1,000 foot boundary.

**Attachment 2** shows all properties within the 300 foot boundary in correlation with their Short ID provided by the Kleberg County Appraisal District.

# Alcohol Permit Request



Document Path: N:\Engineering\GIS Techs\MAPS\MAP\_DOCUMENTS\Alcohol\_Permit.mxd

Page 1 / 1	Drawn By: Engineering Dept.	<p>DISCLAIMER</p> <p>THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</p>	<p><b>CITY OF KINGSVILLE</b></p> <p><b>ENGINEERING DEPARTMENT</b></p> <p>200 East Kleberg</p> <p>Kingsville, Texas 78363</p> <p>Office: 361-595-8005</p> <p>Fax: 361-595-8035</p>
	Last Update: 12/16/2013		
	Note:		

## Five honored as distinguished students during winter commencement

By Julie Navejar  
TAMUK Communications

Five graduates at Texas A&M University-Kingsville's winter commencement ceremony received the Distinguished Undergraduate Student Award sponsored by the Student Government Association.

Only one bachelor's degree student from each college receives the award.

To be nominated, a student must be a graduating senior with no less than 60 credit hours earned at TAMUK. The student must have at least a 3.5 grade point average and must be involved in extracurricular activities.

The student also must have the endorsement of the dean of the college from which he/she receives a degree.

This summer's recipients are Johnny Edward Stevens Jr., Dick and Mary Lewis Kleberg College of Agriculture, Natural Resources and

Human Sciences; Erin K. Wise, College of Business Administration; Joshua Jordan Ortegón, Frank H. Dotterweich College of Engineering; Kristella Monique Lazo, College of Education and Human Performance; and Morgan Hunter, College of Arts and Sciences.

Johnny Edward Stevens Jr., of Somerset, earned a degree in agriculture science. He was a member of the university's soil judging team, where he won ninth place individual and fourth place team at the Region Four collegiate soil judging competition in Arkansas. Stevens has been on both the President's List and Dean's List and is the recipient of the Outstanding Undergraduate Award for Agriculture Science. He graduated with a 3.55 grade point average.

Palacios resident Erin K. Wise earned a degree in information systems. She is a member of the Association of Information

Technology Professionals and has served as secretary. She also is a member of the Accounting Society and the Collegiate 4-H Club. Wise is a member of the Delta Mu Delta International Honor Society and Tau Sigma National Honor Society. She is a representative on the Campus Activities Board and has volunteered for The Bigger Event, Texas Highway Clean-up and served as Jim Wells County Food Show and Food Challenge judge. She graduated with a 3.64 grade point average.

Joshua Jordan Ortegón is from Kingsville. He earned his degree in mechanical engineering. He is a former treasurer of both the Society of Hispanic Professional Engineers and Latinos in Science and Engineering. He also is a member of the American Society of Mechanical Engineers. Ortegón was nominated to "Who's Who Among Students in American Universities and Colleges"



Pictured, from left, are Johnny Edward Stevens Jr., Morgan Hunter, Erin K. Wise, Dr. Terisa Riley, senior vice president fiscal and student affairs, Kristella Monique Lazo, and Joshua Jordan Ortegón. (Submitted photo)

and is a member of Tau Beta Pi and Pi Tau Sigma. He graduated with a grade point average of 3.76.

Kristella Monique Lazo, of Alice, earned a degree in interdisciplinary studies. She is treasurer of Kappa Delta Pi Honor Society and has been on the President's List, Dean's List and Honor Roll. Lazo is a member of the Golden Key International Honor Society.

She graduated with a grade point average of 3.84.

Morgan Hunter, of Odem, earned a degree in communication sciences and disorders. She is a member of the National Student Speech Language Hearing Association and Student Audiology Forum. Hunter is an Arts and Sciences Peer Advisor, Javelina Camp Counselor, co-chair

of the Campus Activities Board comedy and magic committee and a graduate of the EXCEL Freshman Leadership Program. She was nominated to "Who's Who Among Students in American Universities and Colleges" and has been on the President's List, Dean's List and Honor Roll. She graduated with a 3.74 grade point average.

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**SORGHUM U**

Save the date

**Tuesday, Jan. 7, 2014**  
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Mallet Conference Center

**Thursday, Jan. 9, 2014**  
**Robstown, TX**  
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### PUBLIC NOTICE

The City Commission of the City of Kingsville will hold a public hearing on Monday, January 13, 2014, at 6:00 P.M. to discuss and/or take action on the following items:

Request for an alcohol variance for a Wine and Beer Retailer's Permit for the establishment known as Chopstix located at 1701 S. Brahma Blvd. Suite E.

The meeting will be held at City Hall, 200 East Kleberg Ave., Kingsville, Texas in the City Commission Chambers. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

### PUBLIC NOTICE

The City Commission of the City of Kingsville will hold a public hearing on Monday, January 13, 2014, at 6:00 P.M. to discuss and/or take action on the following items:

Request for an alcohol variance for a Wine and Beer Retailer's Permit for the establishment known as El Corral Restaurant located at 1415 N. 14th St.

The meeting will be held at City Hall, 200 East Kleberg Ave., Kingsville, Texas in the City Commission Chambers. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.



# **AGENDA ITEM #6**

**RESOLUTION #2014-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF KINGSVILLE AND TEXAS A&M UNIVERSITY-KINGSVILLE RELATING TO ENGINEERING DESIGN WORK FOR RICHARD AVENUE BETWEEN THE SIXTH STREET AND NINTH STREET AND FOR SEVENTH STREET FROM RICHARD AVENUE TO KLEBERG AVENUE; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville ("City") and Texas A&M University-Kingsville ("TAMUK") try to work together for the benefit of our community when able to do so; and

**WHEREAS**, Richard Avenue from 6<sup>th</sup> Street to 9<sup>th</sup> Street and 7<sup>th</sup> Street from Richard Avenue to Kleberg Avenue are both in need of engineering design for major repairs; and

**WHEREAS**, TAMUK has one of the best engineering programs in the country and has engineering students who could benefit from real world experience; and

**WHEREAS**, TAMUK has a program called Javelina Innovation Lab that pairs students with projects like this engineering design project; and

**WHEREAS**, the City of Kingsville and TAMUK would both benefit from the local university students performing the engineering design work for the City for this section of Richard Avenue and of 7<sup>th</sup> Street and eventual road repairs from this design work would be for the benefit of those who live, work, and visit here; and

**WHEREAS**, the City is prepared to pay for the engineering design work for the repairing of this section of these streets and TAMUK has agreed to provide students and staff supervisors for this project via their Javelina Innovation Lab; and

**WHEREAS**, the City Commission approved a similar Interlocal Agreement with TAMUK relating to design engineering work for Kleberg Avenue between the Kleberg County Courthouse and Third Street via Resolution #2012-24 at a meeting on May 14, 2012, which has been beneficial to the parties; and

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

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

I.

**THAT** the Mayor is authorized and directed as an act of the City of Kingsville, Texas to enter into an Interlocal Cooperation Agreement Between the City of Kingsville and the Texas A&M University-Kingsville relating to engineering design work for Richard Avenue between the Sixth Street and Ninth Street and for Seventh Street from Richard Avenue to Kleberg Avenue in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the  
\_\_\_\_\_ 13<sup>th</sup> day of \_\_\_\_\_ January \_\_\_\_\_, 2014.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**INTERLOCAL AGREEMENT  
BETWEEN THE CITY OF KINGSVILLE  
AND TEXAS A&M UNIVERSITY KINGSVILLE  
RELATING TO  
ENGINEERING DESIGN WORK FOR  
RICHARD AVENUE BETWEEN  
SIXTH STREET AND NINTH STREET  
AND FOR SEVENTH STREET FROM  
RICHARD AVENUE TO KLEBERG AVENUE**

**WITNESSETH:**

**WHEREAS**, Richard Avenue from 6<sup>th</sup> Street to 9<sup>th</sup> Street and 7<sup>th</sup> Street from Richard Avenue to Kleberg Avenue are both in need of engineering design for repairs; and

**WHEREAS**, TAMUK has one of the best engineering programs in the country and has engineering students who could benefit from real world experience; and

**WHEREAS**, TAMUK has a program called Javelina Innovation Lab that pairs students with projects like this engineering design project; and

**WHEREAS**, the City of Kingsville and TAMUK would both benefit from the local university students performing the engineering design work for the City for this section of Richard Avenue and this section of 7<sup>th</sup> Street and eventual road repairs from this design work would be for the benefit of those who live, work, and visit here; and

**WHEREAS**, the City is prepared to pay for the engineering design work for the repairing of this section of the streets and TAMUK has agreed to provide students and staff supervisors for this project via their Javelina Innovation Lab; and

**WHEREAS**, the City Commission has previously approved a similar Interlocal Agreement with TAMUK relating to design engineering work for Kleberg Avenue between the Kleberg County Courthouse and Third Street via Resolution #2012-24 at a meeting on May 14, 2012; and

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

**NOW, THEREFORE**, the City of Kingsville and Texas A&M University Kingsville, in consideration of these mutual covenants and agreements, agree as follows:

1. **PARTIES**. The parties to this Interlocal Agreement ("Agreement") are the City of Kingsville ("City"), a Texas home rule municipality, and Texas A&M University Kingsville

("TAMUK"), a member of the Texas A&M University System, a state agency, and Texas institution of higher education.

## 2. PURPOSE.

- A. TAMUK will do engineering design work for Richard Avenue from 6<sup>th</sup> Street to 9<sup>th</sup> Street and engineering design work for 7<sup>th</sup> Street from Richard Avenue to Kleberg Avenue for an amount not to exceed \$34,838.00.
- B. The City will pay TAMUK a total amount not to exceed \$34,838.00 towards the engineering design work for Richard Avenue from the 6<sup>th</sup> Street to 9<sup>th</sup> Street and engineering design work for 7<sup>th</sup> Street from Richard Avenue to Kleberg Avenue.

## 3. TERM.

- A. This Agreement shall be for a term of nine months from January 13, 2014 through September 13, 2014.
- B. This Agreement may be terminated at any time by any party with or without cause upon thirty (30) days advance written notice.
- C. Any notice of termination shall be sent to the other party to this interlocal agreement at the address listed in paragraph 4 of this agreement.

## 4. MISCELLANEOUS PROVISIONS.

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

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

Texas A&M University Kingsville  
Attention: Executive Director of Research & Sponsored Programs  
700 University Blvd. MSC 201  
Kingsville, Texas 78363-8202  
Telephone: (361) 593-3219  
Facsimile: (361) 593-3409

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

violation or breach of any of the terms, provisions, and covenants of this Agreement.

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

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

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

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

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

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

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

J. Interlocal Cooperation Act Applies. The parties enter into this Interlocal Agreement under the Texas Government Code Chapter 791 (Interlocal Cooperation Act). The parties agree that activities under this Agreement are "governmental functions and services" and that the parties are a "local government" and a "state agency" as those terms are defined in this Agreement and in the Interlocal Cooperation Act.

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

Government Code or that proper power and authority has been delegated by the governing body.

L. Entirety of Agreement. No other oral or written commitments of the parties with respect to the engineering design work on Richard Avenue from the 6<sup>th</sup> Street to 9<sup>th</sup> Street and the engineering design work on 7<sup>th</sup> Street from Richard Avenue to Kleberg Avenue may have any force or effect if not contained in this Interlocal Agreement or any amendments thereto.

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

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

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

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

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

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

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

T. Dispute Resolution: The dispute resolution process provided in Chapter 2260, *Texas Government Code*, and the related rules adopted by the Texas Attorney General pursuant to Chapter 2260, shall be used by TAMUK and the City of Kingsville to attempt to resolve any claim for breach of this agreement by either party that cannot be resolved in the ordinary course of business. City shall submit written notice of a claim of breach of contract under this Chapter to Director of Procurement and General Services of TAMUK, who shall examine City's claim and any counterclaim and negotiate with City in an effort to resolve the claim.

**EXECUTED** by Texas A&M University – Kingsville on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Sandra D. Garcia, CRA  
Executive Director of Research & Sponsored Programs

**ATTEST:**

\_\_\_\_\_  
Debora Bugenhagen  
Administrative Assistant III, Finance and Administration

**EXECUTED** by the City of Kingsville on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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





## ***Engineering Department***

361-595-8007  
361-595-8035 Fax

DATE: December 30, 2013  
TO: City Commission through City Manager  
FROM: Juan Carlos Cardenas, P.E., City Engineer/Director of Public Works  
SUBJECT: Interlocal Agreement with TAMUK for Richard Avenue between 6<sup>th</sup> Street & 9<sup>th</sup> Street, and Calle Siete (7<sup>th</sup> Street) from Richard Avenue to Kleberg Avenue.

### **SUMMARY**

This item authorizes staff to enter into an interlocal agreement between TAMUK and the City for the Javelina Innovation Lab to start design work for Richard Avenue Between 6<sup>th</sup> Street to 9<sup>th</sup> Street, and 7<sup>th</sup> Street from Richard Avenue to Kleberg Avenue.

### **BACKGROUND**

Dr. Stephen J. Nix, Dean and professor at TAMUK College of Engineering has proposed to create a team of four (4) students from Texas A&M University-Kingsville that will provide detailed engineering design for the reconstruction of Richard Avenue from 6<sup>th</sup> street to 9<sup>th</sup> Street and of 7<sup>th</sup> Street from Richard Avenue to Kleberg Avenue. The scope of work will include the following:

- Initial Investigation
- Survey
- Plan & Profile
- Drainage
- Utilities
- Sidewalks
- ADA Design Consideration
- Other inclusions as requested by the City

The deliverables will include brief monthly progress reports to the City, as well as a 30%, 50%, 90% progress memoranda, and final design documents. The project will extend over 9 months, with the final project schedule prepared in collaboration with City personnel upon execution of the agreement between the City and TAMUK.

### **RECOMMENDATION**

The City Commission has previously approved a similar Interlocal Agreement with TAMUK relating to design engineering work for Kleberg Avenue between the Kleberg County Courthouse and Third Street via Resolution #2012-24 at a meeting on May 14, 2012.

Staff recommends approving the interlocal agreement with City and TAMUK.

**FINANCIAL IMPACT**

The design work for this project will cost the City \$34,838.00 with funding coming from 2014 budget item 091 General Fund Capital Projects (5-301.0-314.01 professional services TAMUK) and from the FY 2013 budget surplus funds.

Approved

---

Vincent Capell, City Manager

**Javelina Innovation Lab  
Frank H. Dotterweich College of Engineering  
Texas A&M University-Kingsville  
Kingsville, Texas**

*Proposal to the City of Kingsville, Texas*

*Engineering Design for Improvements to Richard Avenue between 6<sup>th</sup> and 9<sup>th</sup> Street and  
Calle Siete (7<sup>th</sup> Street) from Richard Avenue to Kleberg Avenue  
January 3, 2013*

**Introduction**

The City of Kingsville, Texas (the City) and the College of Engineering at Texas A&M University-Kingsville (TAMUK) have developed a highly beneficial and synergistic relationship. Over the last three years civil engineering students have completed several senior design projects of interest to the City. Most recently, a team of students supported by a contract with the City redesigned the ¾-mile stretch of Kleberg Avenue between 3<sup>rd</sup> Street and 11<sup>th</sup> Street. The Kleberg Avenue project is complete and has been gauged by nearly all as a great success. In the interest continuing to provide opportunities for students to gain practical, hands-on, highly marketable experience while performing cost-effective engineering services for the City, we offer this proposal to complete a redesign of a three-block segment of Richard Avenue and a 7<sup>th</sup> Street from Richard Avenue to Kleberg Avenue. Richard Avenue was, at one time, the historic heart of the City for many of its Hispanic residents. Improving 7<sup>th</sup> Street (or Calle Siete) will better connect Richard Avenue with the historic downtown district centered on Kleberg Avenue and create a more unified, and inclusive, historic district.

**Scope of Work**

A team of four engineering students from Texas A&M University-Kingsville will be formed to provide a detailed engineering design for the reconstruction of the above indicated segments of Richard Avenue and 7<sup>th</sup> Street. They will work under the guidance of TAMUK faculty and the City's engineering staff. The scope of work will include the follow:

- Initial investigation
- Complete survey
- Plan
- Profile
- Drainage
- Utilities
- Sidewalks
- ADA design considerations
- Other inclusions as requested by the City

The deliverables will include brief periodic progress meetings with City engineering staff, 30%, 60%, 90% progress memoranda, and a final design document suitable for moving forward with construction. The project will commence January, 2014 and end on September, 2014 (40 weeks), with the final project

schedule prepared in collaboration with City personnel upon execution of the agreement between the City and TAMUK.

#### Project Management

The team of students will be supervised directed by Dr. Stephan J. Nix, Dean and Professor, TAMUK College of Engineering in close collaboration with Mr. Charlie Cardenas, P.E., Public Works Director and City Engineer, City of Kingsville. Other faculty from the Department of Civil and Architectural Engineering will provide specific technical advice where needed. The student team will be provided space and computers for the project in the Javelina Innovation Lab (currently located in the TAMUK Engineering Complex). All specialized software needed for the project will be provided by the City. The University will provide normally expected office software (e.g., Microsoft Word, Microsoft Excel, etc.). Dr. Nix will be responsible for monitoring work schedules and ensuring the completion of project tasks.

#### Project Budget

Category	Amount
<b><i>Salaries/Wages</i></b>	
Principal Investigator, S.J. Nix	0
Civil Engineering faculty mentor (in addition to Dr. Nix)	3,000
Students (4), \$11.25/hr*15 hours/week*40 weeks	27,000
<b>Subtotal – Salaries/Wages</b>	<b>\$ 30,000</b>
<b><i>Fringe Benefits</i></b>	
Faculty/Staff 17.7%	531
Students 2.4%	648
<b>Subtotal – Fringe Benefits</b>	<b>\$ 1,179</b>
<b><i>Group Insurance</i></b>	
PI \$591/month	\$ 0
<b><i>Supplies/Miscellaneous</i></b>	<b>\$ 2,000</b>
<b><i>Indirect Cost 5% Total Modified Direct Costs</i></b>	<b>\$ 1,659</b>
<b>TOTAL</b>	<b>\$ 34,838</b>

**Vincent J. Capell**

---

**To:** Mayor & Commission  
**Cc:** Charlie Cardenas  
**Subject:** FW: Richard Street and 7th Street improvements  
**Attachments:** richard flood.JPG; TAMUKRichard&7th.pdf

Dear Mayor and Commission,

The Agenda (item no. 6) for Monday, January 13<sup>th</sup>, includes a proposed contract in the approximate amount of \$35,000 (included in the FY2014 budget) with TAMUK for student engineering of Richard Street from 6<sup>th</sup> to 9<sup>th</sup> Street (3 blocks) and from Richard Street along 7<sup>th</sup> Street to Kleberg Street (5 blocks). This project would be similar in cost and scope to the recently completed TAMUK engineering project for Kleberg Street from the County Courthouse to the former H.M. King School (soon to be new City Hall). Were the City to employ an outside engineering firm, staff estimates that the cost to the City would be approximately 10 times greater than that which we expect to pay to TAMUK.

As you know, this is not the only area of the City and not the only City streets that could be re-engineered or re-designed. Some streets are better than others and some areas of drainage are better than others. I am recommending these particular streets and blocks for re-engineering and re-design for the following reasons: (1) The cost of TAMUK's services are pretty much in line with the amount of money budgeted (\$35,000), (2) The entire length of street is within an historically significant area of town including the Richards Street Old Town commercial area, (3) The three blocks of Richard Street are in close proximity to the new downtown park, which we are also attempting to revitalize and grow, (4) The engineered improvements along 7<sup>th</sup> Street would tie into the re-engineered/re-designed improvements on Kleberg Street, (5) the storm water drainage problems on Richard, which would also be addressed in this engineering contract, are as bad as almost any place within the City of Kingsville and probably worse than most. Attached to this e-mail is a photograph taken in 2013 of the drainage problems at the Richard and 7<sup>th</sup> Street intersection.

If the City Commission would like to consider using some or all of the \$35,000 for other streets then perhaps it could simply take no action on this item Monday night. In addition to the attached files, please also see the following e-mail comments from Charlie Cardenas with respect to this proposed engineering project.

**Vincent J. Capell**  
**City Manager**

200 E. Kleberg  
PO Box 1458  
Kingsville TX 78364

(361) 595-8002 – Voice  
(361) 595-8024 – Fax  
[citymanager@cityofkingsville.com](mailto:citymanager@cityofkingsville.com)

**From:** Charlie Cardenas  
**Sent:** Wednesday, January 08, 2014 11:56 AM  
**To:** Vincent J. Capell  
**Subject:** Richard Street and 7th Street improvements

Good Morning Mr. Capell,

Attached is a diagram showing the limits of design for the Richard Street and 7<sup>th</sup> Street project. Also attached, is a photo of localized surface flooding in recent September 2013 rains at the intersection of Richard Street and 7<sup>th</sup> Street.

More importantly the following is my opinion on the importance of this project:

1. It is obvious from the photograph that this area has a drainage issue. This is due to in part, that the drainage on 7<sup>th</sup> Street mostly exist on the surface. The storm water drainage in this area runs underneath Richard Street (to 14<sup>th</sup> Street/ Tranquitas Creek) and Yoakum Avenue (to 14<sup>th</sup> Street/Tranquitas Creek). The storm water drainage along 7<sup>th</sup> Street in this area is surface channeled, which is a relatively flat grade.
2. Another important factor to redesign this area is ADA and pedestrian walkability. Although Richard street has sidewalks, they are not ADA accessible. 7<sup>th</sup> Street does not have any sidewalks, making it difficult for the community to walk to commercial areas, downtown, entertainment areas and centralized grocery needs (HEB).
3. An area of concern is safety lighting and pedestrian lighting. Richard Street and 7<sup>th</sup> Street are in need of adequate lighting.

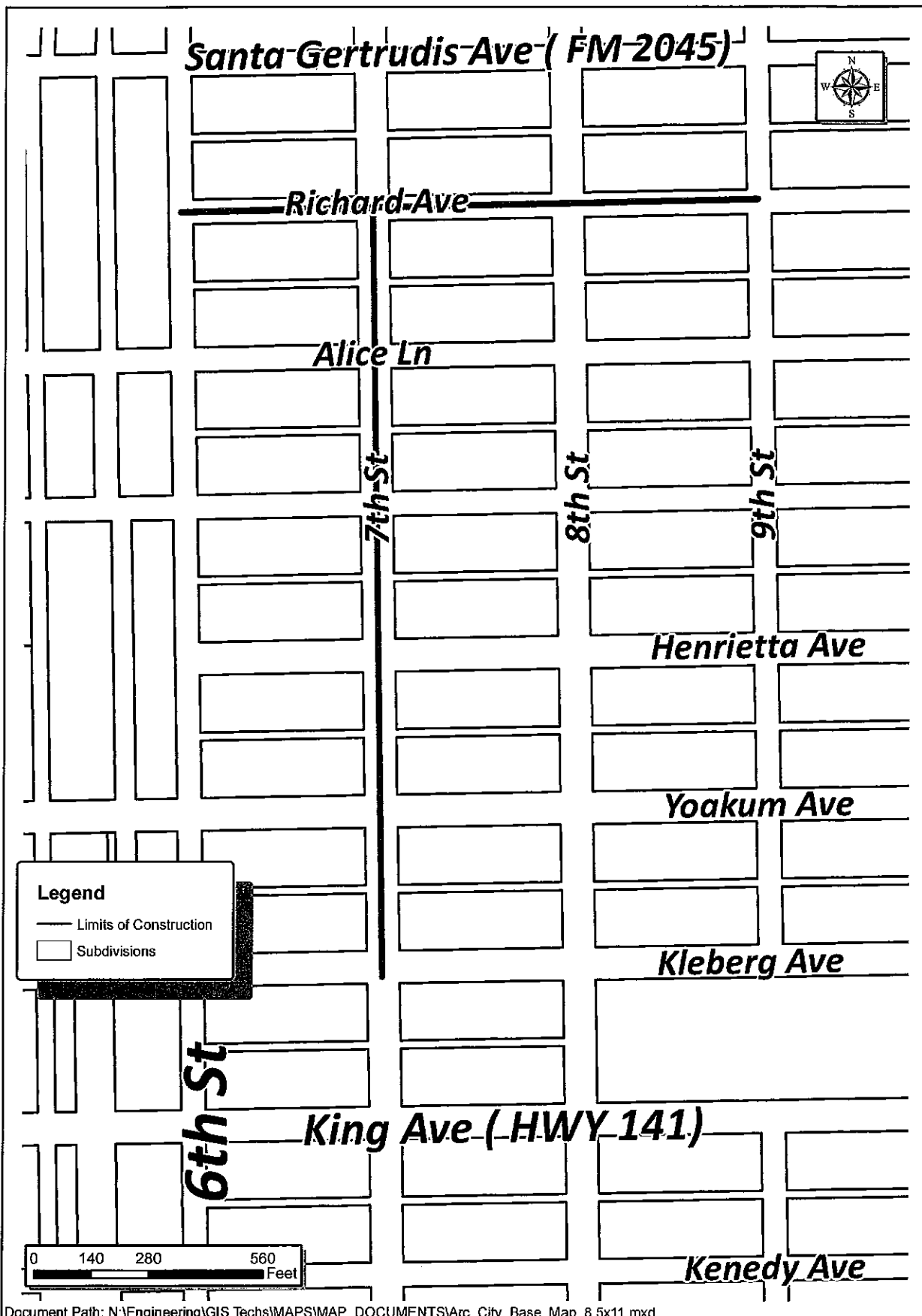
This project will design for functionality and aesthetics. Roadway, sidewalks, drainage, utilities, signage, roadway markings and lighting will be addressed, as well as beautification efforts leading into our central commercial and business downtown areas.

Thank You,



**Charlie Cardenas, P.E.**  
**City Engineer/Director of Public Works**  
City of Kingsville  
200 E. Kleberg Avenue  
Kingsville, Texas 78363  
Office 361.595.8004

# TAMUK Richard Ave. and 7th St.



Document Path: N:\Engineering\GIS Techs\MAPS\MAP DOCUMENTS\Arc City Base Map 8.5x11.mxd

<div>Page</div> <div>1 / 1</div>	<div>Drawn By: D. Herrera</div>	<div>DISCLAIMER</div> <div>THIS MAP IS FOR VISUAL PURPOSES ONLY.</div> <div>THE INFORMATION ON THIS SHEET MAY</div> <div>CONTAIN INACCURACIES OR ERRORS.</div> <div>THE CITY OF KINGSVILLE IS NOT</div> <div>RESPONSIBLE IF THE INFORMATION CONTAINED</div> <div>HEREIN IS USED FOR ANY DESIGN,</div> <div>CONSTRUCTION, PLANNING, BUILDING,</div> <div>OR ANY OTHER PURPOSE.</div>	<div> </div>	<div>CITY OF KINGSVILLE</div> <div>ENGINEERING DEPARTMENT</div> <div>200 East Kleberg</div> <div>Kingsville, Texas 78363</div> <div>Office: 361-595-8005</div> <div>Fax: 361-595-8035</div>
	<div>Last Update: 1/8/2014</div>			
	<div>Note:</div>			





## **AGENDA ITEM #7**

**RESOLUTION #2014-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR PROFESSIONAL SERVICES BETWEEN CITY OF KINGSVILLE AND LNV, INC. FOR ENGINEERING SERVICES FOR NEW WATER TRANSMISSION LINE IMPROVEMENTS; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville desires to have engineering work done for a new water transmission line on Kenedy Avenue from Armstrong Street to 14<sup>th</sup> Street (to connect the east and west water towers) with funding for such project coming from the City's FY 2014 budget in item 066 Certificate of Obligation (CO) 2011 Funds (066-5-600.1-541.00 Water Line);

**WHEREAS**, the City Commission on October 11, 2010 approved a master agreement with LNV, Inc. relating to engineering services for water and wastewater departments via Resolution #2010-45 and this agreement would arise under that one;

**WHEREAS**, the City and LNV, Inc. have worked to prepare a Contract for Professional Services between the City of Kingsville and LNV, Inc. for New Water Transmission Line Improvements.

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

I.

**THAT** the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into a Contract for Professional Services between the City of Kingsville and LNV, Inc. for engineering services for New Water Transmission Line Improvements in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the  
13th day of January, 2014.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

***CONTRACT FOR PROFESSIONAL SERVICES***

***BETWEEN***

***CITY OF KINGSVILLE***

***&***

***LVN, INC.***

***Engineers/Architect/Contractors***

***for***

***Water Transmission Line***

***December 2013***

## **CONTRACT FOR PROFESSIONAL SERVICES**

### **PART I - AGREEMENT**

THIS AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between the City of Kingsville, 200 E. Kleberg Street, Kingsville, Texas 78364 (hereinafter called the "OWNER"), acting herein by Vincent J. Capell City Manager, hereunto duly authorized, and, LNV, Inc., 801 Navigation, Suite 300, Corpus Christi, Texas 78408, (hereinafter called the "ENGINEER") acting herein by Robert M. Viera, P.E., Vice President.

#### **WITNESSETH THAT:**

WHEREAS, the OWNER desires to implement an Engineering Services Contract; and

WHEREAS the OWNER desires to engage ENGINEER, to render certain services in connection with its Water Transmission Main Improvements Project.

NOW, THEREFORE, the parties do mutually agree as follows:

1. Scope of Services. The ENGINEER will perform all articles of work described in Part II - Scope of Services, which is attached hereto and made a part of this contract. The ENGINEER shall provide for the OWNER the Engineering Services and other documents specified in the Scope of Services as a part of the stated fee for services.
2. Time of Performance. The services of ENGINEER shall commence on the date above first given for the execution of this agreement. In any event, all of the services required and performed hereunder shall be completed no later than December 2014.
3. Access to Information. It is agreed that the OWNER and its agencies as are existing, available and necessary for the carrying out of the work outlined above shall furnish all information, data, reports and records and maps to ENGINEER. No charge will be made to ENGINEER and its agencies will cooperate with ENGINEER in every way possible to facilitate the performance of the work described in the Contract.

4. Compensation and Method of Payment. *The amounts of compensation and reimbursement to be paid hereunder shall conform to Part III of this Contract.*
5. Indemnification. *ENGINEER shall comply with the requirements of all applicable laws, rules and regulations, and shall exonerate, indemnify, and hold harmless the OWNER and its agency members from and against them, and shall assume full responsibility for payments of Federal, State and local taxes on contributions imposed or required under the Social Security, workman's compensation and income tax laws.*
6. Miscellaneous Provisions.
  - a. *This agreement shall be construed under and in accord with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Kleberg, Texas.*
  - b. *This agreement shall be binding upon and ensure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns where permitted by this Contract.*
  - c. *In any case, if one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegal or unenforceability shall not affect any other provision thereof, and this Contract shall not be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.*
  - d. *If any action at law or inequity is necessary to enforce or interpret the terms of this Contract, the prevailing party shall be entitled to reasonable attorney's fees, costs, and necessary disbursements in addition to any other relief to which such party may be entitled.*
  - e. *This contract may be amended by mutual agreement of the parties hereto in writing to be attached to an incorporated into this Contract.*
7. Terms and Conditions. *This Professional Services Contract is also subject to the provisions attached hereto, titled "Part II - Scope of Services", Part III - Payment Schedule", "Part IV - Terms and Conditions".*

*IN WITNESSETH HEREOF, the parties have hereunto set their hands and seals.*

*CITY OF KINGSVILLE, TEXAS*

*By: \_\_\_\_\_*  
*Vincent J. Capell, City Manager*

*ATTEST: \_\_\_\_\_*

*LVN, Inc.*

*By: \_\_\_\_\_*  
*Robert M. Viera, P.E., Vice President*

## **PART II**

### **SCOPE OF SERVICES**

*The Engineering Firm shall render the following professional services necessary for the development of the project:*

#### **A. SCOPE OF BASIC SERVICES**

- 1. Attend preliminary conferences with the OWNER regarding the requirements of the project.*
- 2. Submit detailed drawings, plans and specifications to appropriate regulatory agencies and obtain clearance.*
- 3. Prepare technical specifications.*
- 4. Prepare Contract Documents.*
- 5. Tabulate, analyze, and review bids for completeness and accuracy.*
- 6. Conduct pre-construction conference and assist in preparing minutes of meeting.*
- 7. Issue Notice to Proceed to construction contractor.*
- 8. Provide in all proposed construction contracts deductive alternatives where feasible, so that should the lowest responsive base bid for construction exceed the funds available, deductive alternatives can be taken to reduce the bid price.*
- 9. Design for access by persons with disabilities to facilities to be used by the public in accordance with Public Law 504.*
- 10. Use forms for instructions to bidders, general conditions, contract, bid bond, performance bond, and payment bond.*
- 11. Make periodic visits to the site to observe the progress and quality of the work, and to determine in general if the work is proceeding in accordance with the Contract.*
- 12. Consult with and advise the locality during construction; issue to contractors all instructions requested by the locality; and prepare routine change orders if required, at no charge for engineering services to the*



*locality when the change order is required to correct errors or omissions by the Engineer; provide price analysis for change orders; process and submit change orders for approval by locality.*

13. *Review shop and working drawings furnished by contractors for compliance with design concept and with information given in contract documents (contractor will be responsible for dimensions to be confirmed and correlated at job site).*
14. *Based on the Engineer's on-site observations and review of the contractor's applications for payment, determine the amount owing to the contractor in such amounts; such approvals of payment to constitute a representation to the locality, based on such observations and review, that the work has progressed to the point indicated and that the quality of work is in accordance with the plans, specifications and contract documents.*
15. *Require that retainage is withheld from all payments on construction contracts until final acceptance by the locality.*
16. *Prepare Certificate of Construction Completion and Clean Lien Certificate.*
17. *Conduct interim/final inspections.*
18. *Revise contract drawings to show the work as actually constructed, and furnish the locality with a set of "as built" plans.*

#### **B. SUBCONTRACTS**

1. *No work under this Contract shall be subcontracted by ENGINEER without prior approval, in writing, from the OWNER.*
2. *The ENGINEER shall, prior to proceeding with the work, notify OWNER in writing of the name of any subcontractors proposed for the work, including the extent and character of the work to be done by each.*
3. *If any time during progress of the work, the OWNER determines that any subcontractor is incompetent or undesirable, the OWNER will notify the ENGINEER who shall take reasonable and immediate steps to satisfactorily cure the problem, substitute performance, or cancel such subcontract. Subletting by subcontractors shall be subject to the same regulations. Nothing contained in this Contract shall create any contractual relation between any subcontractor and OWNER.*

C. **STANDARD OF PERFORMANCE AND DEFICIENCIES**

1. *All services of the ENGINEER and its independent professional associates, consultants and subcontractors will be performed in a professional, reasonable and prudent manner in accordance with generally accepted professional practice. The ENGINEER represents that it has the required skills and capacity to perform the work and services to be provided under this Contract.*
2. *The ENGINEER represents that services provided under this Contract shall be performed within the limits prescribed by the OWNER in a manner consistent with that level of care and skill ordinarily exercised by other professional consultants under similar circumstances.*
3. *Any deficiency in ENGINEER's work and services performed under this contract shall be subject to the provisions of applicable State and Federal law. Any deficiency discovered shall be corrected upon notice from OWNER and at the ENGINEER's expense if the deficiency is due to ENGINEER's negligence. The OWNER shall notify the ENGINEER in writing of any such deficiencies and provide an opportunity for mutual investigation and resolution of the problem prior to pursuit of any judicial remedy. In any case, this provision shall in no way limit the judicial remedies available to the OWNER under applicable state or federal law.*
4. *The ENGINEER agrees to and shall hold harmless the OWNER, its officers, employees, and agents from all claims and liability of whatsoever kind or character due to or arising solely out of the negligent acts or omissions of the ENGINEER, its officers, agents, employees, subcontractors, and others acting for or under the direction of the ENGINEER doing the work herein contracted for or by or in consequence of any negligence in the performance of this Contract or by or on account of any omission in the performance of this contract.*

**D. SCOPE OF SPECIAL SERVICES**

*In addition, the ENGINEER shall provide the following special services at the lump sum amounts found in Part III.*

- 1. Make any necessary surveys of existing rights-of-way, topography, utilities, or other field data required for proper design of the project. Provide consultation and advice as to the necessity of the OWNER providing or obtaining other services such as auger borings, core borings, soil tests, or other subsurface explorations; laboratory testing and inspecting of samples or materials; other special consultations. The ENGINEER will review any tests required and act as the OWNER's representative in connection with any such services.*
- 2. Resident type observation of construction of the project.*

**E. ITEMS OF WORK**

*A list of items covered under the scope of services for this contract are Attached as Exhibit A.*

### **PART III**

#### **PAYMENT SCHEDULE**

1. PROGRESS PAYMENTS. Once each month, after funds are available, the OWNER shall pay the ENGINEER, upon receipt of an invoice for Professional Engineering Services performed during the preceding month, under PART II - SCOPE OF SERVICES, of this Agreement.
2. PAYMENT FOR SERVICES to the ENGINEER. The OWNER shall pay the ENGINEER for the services described in PART II, the following lump sum prices:

	<u>DESCRIPTION</u>	<u>AMOUNT</u>
<b>BASIC SERVICES</b>		
1.	Design Phase	\$75,000.00
2.	Bidding Phase	\$ 2,500.00
3.	Survey	\$ 10,000.00
4.	Construction Observation	\$25,000.00
5.	TCEQ/Railroad Permit	\$ 2,500.00
	<b>TOTAL</b>	<b>\$115,000.00</b>

## **PART IV**

### **TERMS AND CONDITIONS**

#### **1. Termination of Contract for Cause**

*If, through any cause, LNV, Inc. (ENGINEER) shall fail to fulfill in a timely and proper manner its obligations under this Contract, or if the ENGINEER shall violate any of the covenants, agreements, or stipulations of this Contract, the OWNER shall thereupon have the right to terminate this Contract by giving written notice to the ENGINEER of such termination and specifying the effective date of such termination. In such event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by the ENGINEER under this Contract shall, at the option of the OWNER, become its property and the ENGINEER shall be entitled to receive just and equitable compensation of any work satisfactorily completed hereunder.*

*Notwithstanding the above, the ENGINEER shall not be relieved of liability to the OWNER for damages sustained by the OWNER by virtue of any breach of the Contract by the ENGINEER, and the OWNER may withhold any payments to the ENGINEER for the purpose of set-off until such time as the exact amount of damages due the OWNER from the ENGINEER is determined.*

#### **2. Termination for Convenience of the OWNER**

*The OWNER may terminate this Contract at any time by giving at least ten (10) days notice in writing to the ENGINEER. If the Contract is terminated by the OWNER as provided herein, the ENGINEER will be paid for the work performed and expenses incurred up to the termination date. If this Contract is terminated due to the fault of the ENGINEER, Paragraph 1 hereof relative to termination shall apply.*

#### **3. Changes**

*The OWNER may, from time to time, request changes in the scope of the services of the ENGINEER to be performed hereunder. Such changes, including any increase or decrease in the amount of the ENGINEER's compensation, which are mutually agreed upon by and between the OWNER and the ENGINEER, shall be incorporated in written amendments to this contract.*

#### **4. Personnel**

- a. *The ENGINEER represents that it has, or will secure at its own expense, all personnel required in performing the services under this contract. Such*

*personnel shall not be employees of or have any contractual relationship with the OWNER.*

- b. All of the services required hereunder will be performed by the ENGINEER or under its supervision and all personnel engaged in the work shall be fully qualified and shall be authorized or permitted under State and Local law to perform such services.*
- c. None of the work or services covered by this contract shall be subcontracted without the prior written approval of the OWNER. Any work or services subcontracted hereunder shall be specified by written contract or agreement and shall be subject to each provision of this Contract.*

**5. Assignability**

*The ENGINEER shall not assign any interest on this Contract, and shall not transfer any interest in the same (whether by assignment or notation), without the prior written consent of the OWNER thereto: Provided, however, that claims for money by the ENGINEER from the OWNER under this Contract may be assigned to a bank, trust company, or other financial institution without such approval. Written notice of any such assignment or transfer shall be furnished promptly to the OWNER.*

**6. Reports and Information**

*The ENGINEER, at such times and in such forms as the OWNER may require, shall furnish the OWNER such periodic detailed reports as it may request pertaining to the work or services undertaken pursuant to this Contract, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this Contract.*

**7. Records and Audits**

*The ENGINEER shall maintain accounts and records, including personnel, property and financial records, adequate to identify and account for all costs pertaining to the Contract and such other records as may be deemed necessary by the OWNER to assure proper accounting for all project funds, both Federal and non-Federal shares. These records will be made available for audit purposes to the OWNER or any authorized representative, and will be retained for three (3) years after the expiration of this Contract unless permission to destroy them is granted by the OWNER.*

8. **Findings Confidential**

*All of the reports, information, data, etc., prepared or assembled by the ENGINEER under this Contract are confidential and the ENGINEER agrees that they shall not be made available to any individual or organization without the prior written approval of the OWNER.*

9. **Copyright**

*No report, maps, or other documents produced in whole or in part under this Contract shall be the subject of any application for copyright by or on behalf of the ENGINEER.*

10. **Compliance with Local Laws**

*The ENGINEER shall comply with all applicable laws, ordinances and codes of the State and local governments, and the ENGINEER shall save the OWNER harmless with respect to any damages arising from any tort done in performing any of the work embraced by this Contract.*

11. **Equal Employment Opportunity**

*During the performance of this Contract, the ENGINEER agrees as follows:*

- a. *The ENGINEER will not discriminate against any employee or applicant for employment because of race, creed, sex, color or national origin. The ENGINEER will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, sex, color or national origin. Such action shall include but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The ENGINEER agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the OWNER setting forth the provisions of this non-discrimination clause.*
- b. *The ENGINEER will, in all solicitation or advertisements for employees placed by on or behalf of the ENGINEER, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, or national origin.*

12. **Interest of Members of the OWNER**

*No member of the governing body of the OWNER and no other officer, employee, or agent of the OWNER who exercises any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this contract and the ENGINEER shall take appropriate steps to assure compliance.*

13. **Interest of Other Local Public Officials**

*No member of the governing body of the OWNER and no other public official of such OWNER, who exercise any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this Contract; and the ENGINEER shall take appropriate steps to assure compliance.*

14. **Interest of ENGINEER and Employees**

*The ENGINEER covenants that it presently has no interest and shall not acquire interest, direct or indirect, in the study area or any parcels therein or any other interest which would conflict in any manner or degree with the performance of his services hereunder. The ENGINEER further covenants that in the performance of this contract, no person having any such interest shall be employed.*

**END OF DOCUMENT**





## ***Engineering Department***

361-595-8007  
361-595-8035 Fax

DATE: January 3, 2014  
TO: City Commission through City Manager  
FROM: Juan Carlos Cardenas, P.E., City Engineer/Director of Public Works  
SUBJECT: Task Order #060 Agreement with LNV Inc., for engineering services for the construction of an 18" Water Transmission line on Kennedy Street from Armstrong to 14<sup>th</sup> Street

### **SUMMARY**

This item authorizes staff to enter into an agreement between LNV Inc. and the City of Kingsville for engineering services for the construction of a new 18" water transmission line on Kenedy Avenue from Armstrong Street to 14<sup>th</sup> Street. The transmission line will connect the city's east and west water towers. There is an existing old line with constant breaks and maintenance issues. The new larger line will increase water capacity throughout the city and enhance water quality.

### **BACKGROUND**

This Task Order, #060 is in accordance with the 2010 Master Agreement between LNV Engineering and the City of Kingsville for professional services for water & waste water departments. Basic Services and the scope of work of this Task Order will include the following:

- Design phase
- Survey
- Bidding
- Construction Administration
- Permitting (TCEQ and Union Pacific Railroad)

The deliverables will include progress reports to the City, as well as a 30%, 50%, 90%, and final design documents. The design and construction of this project will extend over 9 months, with the final project schedule prepared in collaboration with City personnel upon execution of the agreement between the City and LNV.

### **RECOMMENDATION**

The City Commission has previously approved the master agreement with LNV relating to engineering services for water and wastewater departments via Resolution #2010-45 at a meeting on October 11, 2010.

Staff recommends approving the task order #060 to begin the design of the new 18" water transmission line.

**FINANCIAL IMPACT**

The Engineering cost for the work for this project is \$115,000.00 with funding coming from 2014 budget item 066 Certificate of Obligation (CO) 2011 Funds (066-5-600.1-541.00 Water Line).

Approved

---

Vincent Capell, City Manager

## **AGENDA ITEM #8**

**RESOLUTION #2014-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR PROFESSIONAL SERVICES BETWEEN CITY OF KINGSVILLE AND LNV, INC. FOR ENGINEERING SERVICES FOR NEW FORCEMAIN IMPROVEMENTS; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville desires to have engineering work done for a new waste water force main improvements from 17<sup>th</sup> Street to the North 3 MGD waste water treatment plant with funding for such project coming from the City's FY 2014 budget in item 054 Utility Fund Capital Projects (054-5-700.3-543.00 Utility Plant);

**WHEREAS**, the City Commission on October 11, 2010 approved a master agreement with LNV, Inc. relating to engineering services for water and wastewater departments via Resolution #2010-45 and this agreement would arise under that one

**WHEREAS**, the City and LNV, Inc. have worked to prepare a Contract for Professional Services between the City of Kingsville and LNV, Inc. for New Forcemain Improvements.

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

I.

**THAT** the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into a Contract for Professional Services between the City of Kingsville and LNV, Inc. for engineering services for new Forcemain Improvements in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the  
13th day of January, 2014.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

***CONTRACT FOR PROFESSIONAL SERVICES***

***BETWEEN***

***CITY OF KINGSVILLE***

***&***

***LNV, INC.***

***Engineers/Architect/Contractors***

***for***

***New Forcemain Improvements***

***December 2013***

## **CONTRACT FOR PROFESSIONAL SERVICES**

### **PART I - AGREEMENT**

*THIS AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between the City of Kingsville, 200 E. Kleberg Street, Kingsville, Texas 78364 (hereinafter called the "OWNER"), acting herein by Vincent J. Capell City Manager, hereunto duly authorized, and, LNV, Inc., 801 Navigation, Suite 300, Corpus Christi, Texas 78408, (hereinafter called the "ENGINEER") acting herein by Robert M. Viera, P.E., Vice President.*

**WITNESSETH THAT:**

*WHEREAS, the OWNER desires to implement an Engineering Services Contract; and*

*WHEREAS the OWNER desires to engage ENGINEER, to render certain services in connection with its New Forcemain Improvements.*

*NOW, THEREFORE, the parties do mutually agree as follows:*

1. *Scope of Services.*  
*The ENGINEER will perform all articles of work described in Part II - Scope of Services, which is attached hereto and made a part of this contract. The ENGINEER shall provide for the OWNER the Engineering Services and other documents specified in the Scope of Services as a part of the stated fee for services.*
2. *Time of Performance.* *The services of ENGINEER shall commence on the date above first given for the execution of this agreement. In any event, all of the services required and performed hereunder shall be completed no later than December 2014.*
3. *Access to Information.* *It is agreed that the OWNER and its agencies as are existing, available and necessary for the carrying out of the work outlined above shall furnish all information, data, reports and records and maps to ENGINEER. No charge will be made to ENGINEER and its agencies will cooperate with ENGINEER in every way possible to facilitate the performance of the work described in the Contract.*

4. Compensation and Method of Payment. The amounts of compensation and reimbursement to be paid hereunder shall conform to Part III of this Contract.
5. Indemnification. ENGINEER shall comply with the requirements of all applicable laws, rules and regulations, and shall exonerate, indemnify, and hold harmless the OWNER and its agency members from and against them, and shall assume full responsibility for payments of Federal, State and local taxes on contributions imposed or required under the Social Security, workman's compensation and income tax laws.
6. Miscellaneous Provisions.
  - a. This agreement shall be construed under and in accord with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Kleberg, Texas.
  - b. This agreement shall be binding upon and ensure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns where permitted by this Contract.
  - c. In any case, if one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegal or unenforceability shall not affect any other provision thereof, and this Contract shall not be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
  - d. If any action at law or inequity is necessary to enforce or interpret the terms of this Contract, the prevailing party shall be entitled to reasonable attorney's fees, costs, and necessary disbursements in addition to any other relief to which such party may be entitled.
  - e. This contract may be amended by mutual agreement of the parties hereto in writing to be attached to and incorporated into this Contract.
7. Terms and Conditions. This Professional Services Contract is also subject to the provisions attached hereto, titled "Part II - Scope of Services", Part III - Payment Schedule", "Part IV - Terms and Conditions".



*IN WITNESSETH HEREOF, the parties have hereunto set their hands and seals.*

*CITY OF KINGSVILLE, TEXAS*

*By: \_\_\_\_\_*  
*Vincent J. Capell, City Manager*

*ATTEST: \_\_\_\_\_*

*LNV, Inc.*

*By: \_\_\_\_\_*  
*Robert M. Viera, P.E., Vice President*

## **PART II**

### **SCOPE OF SERVICES**

*The Engineering Firm shall render the following professional services necessary for the development of the project:*

#### **A. SCOPE OF BASIC SERVICES**

- 1. Attend preliminary conferences with the OWNER regarding the requirements of the project.*
- 2. Submit detailed drawings, plans and specifications to appropriate regulatory agencies and obtain clearance.*
- 3. Prepare technical specifications.*
- 4. Prepare Contract Documents.*
- 5. Tabulate, analyze, and review bids for completeness and accuracy.*
- 6. Conduct pre-construction conference and assist in preparing minutes of meeting.*
- 7. Issue Notice to Proceed to construction contractor.*
- 8. Provide in all proposed construction contracts deductive alternatives where feasible, so that should the lowest responsive base bid for construction exceed the funds available, deductive alternatives can be taken to reduce the bid price.*
- 9. Design for access by persons with disabilities to facilities to be used by the public in accordance with Public Law 504.*
- 10. Use forms for instructions to bidders, general conditions, contract, bid bond, performance bond, and payment bond.*
- 11. Make periodic visits to the site to observe the progress and quality of the work, and to determine in general if the work is proceeding in accordance with the Contract.*
- 12. Consult with and advise the locality during construction; issue to contractors all instructions requested by the locality; and prepare routine change orders if required, at no charge for engineering services to the*

*locality when the change order is required to correct errors or omissions by the Engineer; provide price analysis for change orders; process and submit change orders for approval by locality.*

13. *Review shop and working drawings furnished by contractors for compliance with design concept and with information given in contract documents (contractor will be responsible for dimensions to be confirmed and correlated at job site).*
14. *Based on the Engineer's on-site observations and review of the contractor's applications for payment, determine the amount owing to the contractor in such amounts; such approvals of payment to constitute a representation to the locality, based on such observations and review, that the work has progressed to the point indicated and that the quality of work is in accordance with the plans, specifications and contract documents.*
15. *Require that retainage is withheld from all payments on construction contracts until final acceptance by the locality.*
16. *Prepare Certificate of Construction Completion and Clean Lien Certificate.*
17. *Conduct interim/final inspections.*
18. *Revise contract drawings to show the work as actually constructed, and furnish the locality with a set of "as built" plans.*

#### **B. SUBCONTRACTS**

1. *No work under this Contract shall be subcontracted by ENGINEER without prior approval, in writing, from the OWNER.*
2. *The ENGINEER shall, prior to proceeding with the work, notify OWNER in writing of the name of any subcontractors proposed for the work, including the extent and character of the work to be done by each.*
3. *If any time during progress of the work, the OWNER determines that any subcontractor is incompetent or undesirable, the OWNER will notify the ENGINEER who shall take reasonable and immediate steps to satisfactorily cure the problem, substitute performance, or cancel such subcontract. Subletting by subcontractors shall be subject to the same regulations. Nothing contained in this Contract shall create any contractual relation between any subcontractor and OWNER.*

C. STANDARD OF PERFORMANCE AND DEFICIENCIES

1. *All services of the ENGINEER and its independent professional associates, consultants and subcontractors will be performed in a professional, reasonable and prudent manner in accordance with generally accepted professional practice. The ENGINEER represents that it has the required skills and capacity to perform the work and services to be provided under this Contract.*
2. *The ENGINEER represents that services provided under this Contract shall be performed within the limits prescribed by the OWNER in a manner consistent with that level of care and skill ordinarily exercised by other professional consultants under similar circumstances.*
3. *Any deficiency in ENGINEER's work and services performed under this contract shall be subject to the provisions of applicable State and Federal law. Any deficiency discovered shall be corrected upon notice from OWNER and at the ENGINEER's expense if the deficiency is due to ENGINEER's negligence. The OWNER shall notify the ENGINEER in writing of any such deficiencies and provide an opportunity for mutual investigation and resolution of the problem prior to pursuit of any judicial remedy. In any case, this provision shall in no way limit the judicial remedies available to the OWNER under applicable state or federal law.*
4. *The ENGINEER agrees to and shall hold harmless the OWNER, its officers, employees, and agents from all claims and liability of whatsoever kind or character due to or arising solely out of the negligent acts or omissions of the ENGINEER, its officers, agents, employees, subcontractors, and others acting for or under the direction of the ENGINEER doing the work herein contracted for or by or in consequence of any negligence in the performance of this Contract or by or on account of any omission in the performance of this contract.*

D. SCOPE OF SPECIAL SERVICES

*In addition, the ENGINEER shall provide the following special services at the lump sum amounts found in Part III.*

1. *Make any necessary surveys of existing rights-of-way, topography, utilities, or other field data required for proper design of the project. Provide consultation and advice as to the necessity of the OWNER providing or obtaining other services such as auger borings, core borings, soil tests, or other subsurface explorations; laboratory testing and inspecting of samples or materials; other special consultations. The ENGINEER will review any tests required and act as the OWNER's representative in connection with any such services.*
2. *Resident type observation of construction of the project.*

E. ITEMS OF WORK

*A list of items covered under the scope of services for this contract are Attached as Exhibit A.*

### **PART III**

#### **PAYMENT SCHEDULE**

1. PROGRESS PAYMENTS. Once each month, after funds are available, the OWNER shall pay the ENGINEER, upon receipt of an invoice for Professional Engineering Services performed during the preceding month, under PART II - SCOPE OF SERVICES, of this Agreement.
2. PAYMENT FOR SERVICES to the ENGINEER. The OWNER shall pay the ENGINEER for the services described in PART II, the following lump sum prices:

	<u>DESCRIPTION</u>	<u>AMOUNT</u>
<b>BASIC SERVICES</b>		
1.	Design Phase	\$65,000.00
2.	Bidding	\$2,500.00
3.	Construction Inspection	\$20,000.00
2.	Surveying	\$10,000.00
3.	TCEQ/TXDOT Permitting	\$ 7,500.00
	<b>TOTAL</b>	<b>\$105,000.00</b>

## **PART IV**

### **TERMS AND CONDITIONS**

#### **1. Termination of Contract for Cause**

*If, through any cause, LNV, Inc. (ENGINEER) shall fail to fulfill in a timely and proper manner its obligations under this Contract, or if the ENGINEER shall violate any of the covenants, agreements, or stipulations of this Contract, the OWNER shall thereupon have the right to terminate this Contract by giving written notice to the ENGINEER of such termination and specifying the effective date of such termination. In such event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by the ENGINEER under this Contract shall, at the option of the OWNER, become its property and the ENGINEER shall be entitled to receive just and equitable compensation of any work satisfactorily completed hereunder.*

*Notwithstanding the above, the ENGINEER shall not be relieved of liability to the OWNER for damages sustained by the OWNER by virtue of any breach of the Contract by the ENGINEER, and the OWNER may withhold any payments to the ENGINEER for the purpose of set-off until such time as the exact amount of damages due the OWNER from the ENGINEER is determined.*

#### **2. Termination for Convenience of the OWNER**

*The OWNER may terminate this Contract at any time by giving at least ten (10) days notice in writing to the ENGINEER. If the Contract is terminated by the OWNER as provided herein, the ENGINEER will be paid for the work performed and expenses incurred up to the termination date. If this Contract is terminated due to the fault of the ENGINEER, Paragraph 1 hereof relative to termination shall apply.*

#### **3. Changes**

*The OWNER may, from time to time, request changes in the scope of the services of the ENGINEER to be performed hereunder. Such changes, including any increase or decrease in the amount of the ENGINEER's compensation, which are mutually agreed upon by and between the OWNER and the ENGINEER, shall be incorporated in written amendments to this contract.*

#### **4. Personnel**

- a. *The ENGINEER represents that it has, or will secure at its own expense, all personnel required in performing the services under this contract. Such*

*personnel shall not be employees of or have any contractual relationship with the OWNER.*

- b. All of the services required hereunder will be performed by the ENGINEER or under its supervision and all personnel engaged in the work shall be fully qualified and shall be authorized or permitted under State and Local law to perform such services.*
- c. None of the work or services covered by this contract shall be subcontracted without the prior written approval of the OWNER. Any work or services subcontracted hereunder shall be specified by written contract or agreement and shall be subject to each provision of this Contract.*

**5. Assignability**

*The ENGINEER shall not assign any interest on this Contract, and shall not transfer any interest in the same (whether by assignment or notation), without the prior written consent of the OWNER thereto: Provided, however, that claims for money by the ENGINEER from the OWNER under this Contract may be assigned to a bank, trust company, or other financial institution without such approval. Written notice of any such assignment or transfer shall be furnished promptly to the OWNER.*

**6. Reports and Information**

*The ENGINEER, at such times and in such forms as the OWNER may require, shall furnish the OWNER such periodic detailed reports as it may request pertaining to the work or services undertaken pursuant to this Contract, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this Contract.*

**7. Records and Audits**

*The ENGINEER shall maintain accounts and records, including personnel, property and financial records, adequate to identify and account for all costs pertaining to the Contract and such other records as may be deemed necessary by the OWNER to assure proper accounting for all project funds, both Federal and non-Federal shares. These records will be made available for audit purposes to the OWNER or any authorized representative, and will be retained for three (3) years after the expiration of this Contract unless permission to destroy them is granted by the OWNER.*



8. **Findings Confidential**

*All of the reports, information, data, etc., prepared or assembled by the ENGINEER under this Contract are confidential and the ENGINEER agrees that they shall not be made available to any individual or organization without the prior written approval of the OWNER.*

9. **Copyright**

*No report, maps, or other documents produced in whole or in part under this Contract shall be the subject of any application for copyright by or on behalf of the ENGINEER.*

10. **Compliance with Local Laws**

*The ENGINEER shall comply with all applicable laws, ordinances and codes of the State and local governments, and the ENGINEER shall save the OWNER harmless with respect to any damages arising from any tort done in performing any of the work embraced by this Contract.*

11. **Equal Employment Opportunity**

*During the performance of this Contract, the ENGINEER agrees as follows:*

- a. *The ENGINEER will not discriminate against any employee or applicant for employment because of race, creed, sex, color or national origin. The ENGINEER will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, sex, color or national origin. Such action shall include but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The ENGINEER agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the OWNER setting forth the provisions of this non-discrimination clause.*
- b. *The ENGINEER will, in all solicitation or advertisements for employees placed by on or behalf of the ENGINEER, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, or national origin.*

12. **Interest of Members of the OWNER**

*No member of the governing body of the OWNER and no other officer, employee, or agent of the OWNER who exercises any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this contract and the ENGINEER shall take appropriate steps to assure compliance.*

13. **Interest of Other Local Public Officials**

*No member of the governing body of the OWNER and no other public official of such OWNER, who exercise any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this Contract; and the ENGINEER shall take appropriate steps to assure compliance.*

14. **Interest of ENGINEER and Employees**

*The ENGINEER covenants that it presently has no interest and shall not acquire interest, direct or indirect, in the study area or any parcels therein or any other interest which would conflict in any manner or degree with the performance of his services hereunder. The ENGINEER further covenants that in the performance of this contract, no person having any such interest shall be employed.*

**END OF DOCUMENT**



## ***Engineering Department***

361-595-8007

361-595-8035 Fax

DATE: January 3, 2014

TO: City Commission through City Manager

FROM: Juan Carlos Cardenas, P.E., City Engineer/Director of Public Works

SUBJECT: Task Order #050 Agreement with LNV Inc., for Engineering services for the construction of a 24" Waste Water force main from 17<sup>th</sup> Street to the North 3MGD WWTP

### **SUMMARY**

This item authorizes staff to enter into an agreement between LNV Inc. and the City of Kingsville for Engineering services for the construction of a new 24" wastewater force main line from 17<sup>th</sup> Street to the North 3 MGD Wastewater Treatment Plant. The force main line will be constructed in existing city right of way (ROW) parallel to Tranquitas Creek. Currently there are multiple Asbestos Cement (AC) lines going to the wastewater treatment plant (WWTP) that are brittle and are frequently being repaired. This project will enhance the efficiency and maintenance of the lift station at 17<sup>th</sup> and Lee, as well as the 3 MGD North WWTP.

### **BACKGROUND**

This Task Order #050 is in accordance with the 2010 Master Agreement between LNV Engineering and the City of Kingsville for professional services for water & waste water departments. Basic Services and the scope of work of this Task Order will include the following:

- Design phase
- Survey
- Bidding
- Construction Administration
- Permitting (TCEQ and TXDOT)

The deliverables will include progress reports to the City, as well as a 30%, 50%, 90%, and final design documents. The design and construction of this project will extend over 9 months, with the final project schedule prepared in collaboration with City personnel upon execution of the agreement between the City and LNV.

### **RECOMMENDATION**

The City Commission has previously approved the master agreement with LNV relating to engineering services for water and wastewater departments via Resolution #2010-45 at a meeting on October 11, 2010.

Staff recommends approving the task order #050 to begin the design of the New Force Main.

**FINANCIAL IMPACT**

The Engineering cost for the work for this project is \$105,000.00 with funding coming from 2014 budget item 054 Utility Fund Capital Projects (054-5-700.3-543.00 Utility Plant).

Approved

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Vincent Capell, City Manager

## **AGENDA ITEM #9**

**ORDINANCE 2014-\_\_\_\_\_**

**AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO 21.175 ACRES OF K.T.&I. CO, BLOCK 9, LOT PT 3, 4, & 6 OUT OF A 64.67 ACRE TRACT IN 1400 BLOCK OF WEST SANTA GERTRUDIS AVENUE FROM AG- AGRICULTURAL DISTRICT TO R3-MULTI-FAMILY DISTRICT; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.**

**WHEREAS**, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Eric Jakimier, agent for property owner Martin Clements II, for amendment to the zoning ordinance and zoning map of the City of Kingsville;

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, December 18, 2013 during a meeting of the Planning and Zoning Commission, and on Monday, January 13, 2014 during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

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

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

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

**21.175 ACRES OF K.T.&I. CO, BLOCK 9, LOT PT 3, 4, & 6 OUT OF A 64.67 ACRE TRACT IN THE 1400 BLOCK OF WEST SANTA GERTRUDIS AVENUE FROM AG- AGRICULTURAL DISTRICT TO R3-MULTI-FAMILY DISTRICT**

**SECTION 1.** That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of 21.175 acres out of K.T.&I. Co, Block 9, Lot PT 3, 4, & 6 out of 67.58 acre tract, known as 1725 W. Santa Gertrudis Avenue from AG-Agricultural District to R3-Multi-Family District, as more specifically described on the Zone Change Map, attached as Exhibit A.

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

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

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

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

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

**INTRODUCED** on this the 13th day of January, 2014.

**PASSED AND APPROVED** on this the 27<sup>th</sup> day of January, 2014.

EFFECTIVE DATE: \_\_\_\_\_, 2014

**THE CITY OF KINGSVILLE**

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

**ATTEST:**

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

**APPROVED:**

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



# Planning Department

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**TO:** Vince Capell, City Manager

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

**SUBJECT:** Rezone Approval Request – Domus Development Group

**DATE:** January 3, 2014

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Reference is made to a request for approval of a change in zoning request of a 21.175-Acre lot located on the 1400 block of West Santa Gertrudis Street. The petitioner is requesting a zoning district change from Agricultural (AG) to Multi-Family Residential (R3) in order to facilitate the development of a furnished student housing development. The developer plans to construct this housing facility in two phases; the first phase will include the northern half of the lot, with the second phase developing southern portion soon thereafter. Currently, this property is undeveloped. The historical use of the property has been unused brush land. The area surrounding the proposed development site has been developed as residential, with mostly single-family homes and multi-family apartments (Santa Gertrudis Apartments) to the northwest and student housing (Turner-Bishop Hall) to the northeast.

This rezone request was reviewed by the Director of Planning and Development Services as well as reviewed and recommended for approval by the Planning and Zoning Commission who met on December 18<sup>th</sup>, 2013. In the meeting, citizens spoke on the issue with many concerns ranging from noise and privacy levels to the disturbance of a natural habitat in the city. In the meeting 16 citizens spoke against approving this request while 4 citizens spoke for its approval.

The Planning Director recommended approval of the rezone based on the Comprehensive Housing Plan's need for additional housing coupled with the University's need for student housing. In the Director's Staff Report, Robert iterated that the land in the area is already R1/R3 mixed. Given this regularity, the proposed zoning will not cause a detrimental impact to the area and will fit within the landscape and character of the community while also serving a core demographic that is currently underserved. Furthermore, to ensure a compatible land use blend is achieved between the single family residential units to the immediate east, the future development of the site will require a landscape buffer or some type of screening as required per section 15-8-15 "Screening Standards" of the Landscape Code of the City of Kingsville. Prior to this meeting, the developer had submitted a plat which will provide a 60' landscape buffer. The proposed buildings will be another 80' from the edge of that buffer to create a distance of approximately 140' from the proposed structure to the edge of property on the east side.

After listening to the citizens in attendance and evaluating the Planning Director's report, the Commission voted to approve the rezoning request by a vote of 5-0. City Staff agrees with the Planning & Zoning Commission's findings and recommends APPROVAL of this request by City Commission.



# **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 CHANGE IN ZONING REQUEST OF 21.175  
ACRES OF A 67.58 ACRE TRACT DESCRIBED IN A DEED  
RECORDED IN "VOLUME 424, PAGE 136, DEED RECORDS  
KLEBERG COUNTY TEXAS" FROM AN AGRICULTURAL  
DISTRICT TO R3 / MULTI-FAMILY DISTRICT.**

Petitioner & Agent: Eric Jakimier, Domus Development Group  
Date of P&Z Hearing: December 18<sup>th</sup>, 2013

Comprehensive Plan Land Use: R3 (Multi-Family Residential) Requested  
Existing Zoning Classification: AG (Agricultural)  
Adjacent Zoning: North: R1 (Single Family Residential Dist.) with an  
R3 (Multi-Family Dist.) within the R1 District  
South: Mixed: AG and C2 (Commercial District)  
East: R1 (Single Family District)  
West: AG (Agricultural)

## **EXISTING INFRASTRUCTURE**

Transportation: King Ave. - Arterial road to the south of the plat  
Santa Gertrudis Ave. - Arterial road to the north of the plat  
Community Facilities: Services provided  
Capital Improvements: 504-bed Student Apartment Housing Development  
Fire Station Proximity: 0.64 driving miles  
100 Year Floodplain: The property is not within the 100-year floodplain. The subject site is located within Flood Zone "C". The areas of minimal flood hazard, which are the areas outside the Special Flood Hazard Area (SFHA) and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X.

## **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 a zoning district change from AG / Agricultural to R3 / Multi-Family Residential in order to facilitate the development of a 504 bed apartment development which will

be built in two phases. The first phase will include the northern half of the lot, with the second half, or southern portion, developing thereafter. Currently the lot is zoned agricultural and is undeveloped. The historical use of the property has been agricultural however the area surrounding the proposed development site has been developed as residential, mostly single family homes with multi-family apartments to the northwest.

#### FIELD INSPECTION AND PERTINENT DATA

This parcel is currently undeveloped and is proposed to be utilized as a multi-family development site to service the growing population within the City; particularly this area is due to the community and university growth. The zoning to the northwest of the property is R3 / Multi-Family residential and is occupied by a multi-family development. The land uses to the immediate north and east are single family homes within a R1 Single Family Residential district. The proposed zoning is consistent with the area in that it is currently a mix of multi-family and single-family dwellings. Additionally, the northwest quadrant of the city frequently has this mix of single and multi-family residential uses as it serves various family types that work and/or attend the University as well as those that desire apartment living and are not affiliated with the university. Given this regularity, the proposed zoning will not cause a detrimental impact to the area and will fit within the landscape and character of the community while also serving a core demographic that is currently underserved. To ensure a compatible land use blend is achieved between the single family residential units to the immediate east, the future development of the site will require a landscape buffer or some type of screening as required per section 15-8-15 "Screening Standards" of the Landscape Code of the City of Kingsville.

#### Sec. 15-8-15. Screening standards.

*A screening device is required between all R1/R2 residential land use/zoning and all types of multi-family (R3 and above), commercial and industrial land use/zoning. Screening is also required between R1/R2 residential land use/zoning and all mobile home zoning land use/zoning.*

#### Sec. 15-8-16. General.

*When screening is required, the installation and maintenance thereafter of a visual screen shall be provided consisting of a solid material and/or masonry fence or wall at least six feet in height which cannot be seen through.*

This area was also identified as a priority area for future residential growth in the recently adopted Comprehensive Housing Plan given its proximity to the University and the historic deficiencies in diverse housing options for both University students, staff, faculty and long term residents of the City. The Comprehensive Housing Plan and the Kingsville Master Plan speak to the very need of diversified housing choices throughout the City. This general area has been identified in various studies such as the aforementioned adopted plans, but also within the 2012 Kingsville Market Study and plans/studies performed by the university. The rezoning of this property meets the need identified in those various plans and studies and is consistent with the long term development plans of the City.

*CHP was done by M. Kellham. Contacted Mike to discuss this location's growth plan. Mike stated this was a perfect place for it but he never thought it would be sold.*

*Also note that Bishop-Turner Hall is an R3-type of housing development.*

*single family  
Gentle Apt.*

### STAFF REVIEW AND RECOMMENDATION

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

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

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

1. The proposal is in conformance with the goals and policies contained in all elements of the 2008 Master Plan. The Master Plan's Growth Strategy and Policies on Chapter 2 – Growth Capacity, Page 10, states that “development should be encouraged first within the City Limits” so as to minimize costs to utility growth so that public infrastructure is not extended until there is a net fiscal benefit for doing so.
2. The proposal is in keeping with the purpose of the zoning districts. As stated in the field inspection, the zoning of this type is similar to existing blends around the university. As part of living around the university, the expected diversity in housing types is planned and predictable.
3. The proposal is not detrimental to the public health, safety, and welfare.
4. The proposal is not detrimental to existing or potential adjacent land uses.
5. The proposal will not generate inappropriate, hazardous, or detrimental traffic levels in the existing or nearby area. The developer has consulted with a traffic engineer and had him perform a basic traffic level increase study. The adjacent State Highway (King Ave.) and boulevard (Santa Gertrudis St.) can more than adequately handle the expected increase of traffic levels.

The Planning Department has evaluated the request and can find no issues with it. It is within the Master Plan concept and will meet the housing needs in the area.

Prepared by: Robert G. Isassi, P.E. 11 Dec. 2013  
Robert G. Isassi, P.E.  
Director of Planning & Development Services

December 18, 2013

Planning and Zoning Commission  
City of Kingsville, TX

RE: Rezoning and re-plat of KT&I CO, Block 9, Lot PT 3, 4, 6

Dear Planning and Zoning Commissioners:

We can think of no better way to begin this letter than to remind the Commissioners of a principle that was dear to the King Family—the importance of land; and to reiterate the historical significance of Santa Gertrudis and King Avenues:



One of the many canonical stories told of Richard King relates advice given to him prior to the Civil War<sup>1</sup> by then Lt. Col. Robert E. Lee when they rode by horseback together: “*Buy land; and never sell.*” Mrs. Henrietta King reminded Captain King of this advice as late as 1883 when he wished to sell the ranch after their son died<sup>2</sup>. And in 1903 when Mrs. King donated the land that was to become Kingsville, its two longest streets were to be King Avenue and Santa Gertrudis Avenue<sup>3</sup>, both of which join at the entrance to the King Ranch today.

We have lived on West Santa Gertrudis for only two and half years. One of our neighbors, however, has lived in her home for over 50 years. It is important that you know that newcomers and long-time residents alike are *extremely alarmed* at the prospect that the historic native rangeland lying between West King and Santa Gertrudis Avenues is being considered for rezoning to multi-family housing.

Although we live within the city limits, our property adjoins an open natural space that supports native rangeland plants and diverse wildlife populations. Like our neighbors, we purchased our homes largely because they are situated in this *unique urban environment*: we enjoy the benefits of an open native space while also living within city limits. West Santa Gertrudis Avenue is a prime recreational area for both local residents and others in Kingsville. We know many people who live elsewhere in Kingsville but who nevertheless jog, or bicycle, or walk pets along Santa Gertrudis—they have their own neighborhoods for such recreation, but they choose to do so along West Santa Gertrudis. Just last week, we saw white-tailed deer as well as fox in this rangeland: it is no wonder that the neighborhood is so special.

This property adds irreplaceable value to our homes and to the city of Kingsville. Rezoning this property will not only diminish the quality of our lives but will also negatively affect the property value of our homes. Developing this land for multi-family housing will change forever a historic neighborhood that is as important to those of us along West Santa Gertrudis as it is to others in Kingsville: its development will make this neighborhood like every other neighborhood in every other town...*it will become nothing special...* and Kingsville will be the less for it.

We strongly urge the Planning and Zoning Commission to deny the request to rezone this property.

Respectfully,   
  
Marcia and David Wester  
1626 West Santa Gertrudis

<sup>1</sup> William Broyles, “The Last Empire,” *Texas Monthly*, Oct. 1980; Tom Lea, *The King Ranch*, 1957, Little Brown and Co., vol. 1, pp. 144-145.

<sup>2</sup> Judy Alter, “The Queen of the King Ranch,” *Texas Co-Op Power*, January 2008.

<sup>3</sup> Mona Sizer, *The King Ranch Story*, 1999, Republic of Texas Press, p. 156.



# Planning Department

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**TO:** Vince Capell, City Manager

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

**SUBJECT:** Rezone Approval Request – Domus Development Group

**DATE:** January 3, 2014

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This rezone request was reviewed by the Director of Planning and Development Services as well as reviewed and recommended for approval by the Planning and Zoning Commission who met on December 18<sup>th</sup>, 2013. In the meeting, citizens spoke on the issue with many concerns ranging from noise and privacy levels to the disturbance of a natural habitat in the city. In the meeting 16 citizens spoke against approving this request while 4 citizens spoke for its approval.

The Planning Director recommended approval of the rezone based on the Comprehensive Housing Plan's need for additional housing coupled with the University's need for student housing. In the Director's Staff Report, Robert iterated that the land in the area is already R1/R3 mixed. Given this regularity, the proposed zoning will not cause a detrimental impact to the area and will fit within the landscape and character of the community while also serving a core demographic that is currently underserved. Furthermore, to ensure a compatible land use blend is achieved between the single family residential units to the immediate east, the future development of the site will require a landscape buffer or some type of screening as required per section 15-8-15 "Screening Standards" of the Landscape Code of the City of Kingsville. Prior to this meeting, the developer had submitted a plat which will provide a 60' landscape buffer. The proposed buildings will be another 80' from the edge of that buffer to create a distance of approximately 140' from the proposed structure to the edge of property on the east side.

After listening to the citizens in attendance and evaluating the Planning Director's report, the Commission voted to approve the rezoning request by a vote of 5-0. City Staff agrees with the Planning & Zoning Commission's findings and recommends APPROVAL of this request by City Commission.

# **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 CHANGE IN ZONING REQUEST OF 21.175  
ACRES OF A 67.58 ACRE TRACT DESCRIBED IN A DEED  
RECORDED IN "VOLUME 424, PAGE 136, DEED RECORDS  
KLEBERG COUNTY TEXAS" FROM AN AGRICULTURAL  
DISTRICT TO R3 / MULTI-FAMILY DISTRICT.**

Petitioner & Agent: Eric Jakimier, Domus Development Group  
Date of P&Z Hearing: December 18<sup>th</sup>, 2013

Comprehensive Plan Land Use: R3 (Multi-Family Residential) Requested  
Existing Zoning Classification: AG (Agricultural)  
Adjacent Zoning: North: R1 (Single Family Residential Dist.) with an  
R3 (Multi-Family Dist.) within the R1 District  
South: Mixed: AG and C2 (Commercial District)  
East: R1 (Single Family District)  
West: AG (Agricultural)

## **EXISTING INFRASTRUCTURE**

Transportation: King Ave. - Arterial road to the south of the plat  
Santa Gertrudis Ave. - Arterial road to the north of the plat  
Community Facilities: Services provided  
Capital Improvements: 504-bed Student Apartment Housing Development  
Fire Station Proximity: 0.64 driving miles  
100 Year Floodplain: The property is not within the 100-year floodplain. The subject site is located within Flood Zone "C". The areas of minimal flood hazard, which are the areas outside the Special Flood Hazard Area (SFHA) and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X.

## **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 a zoning district change from AG / Agricultural to R3 / Multi-Family Residential in order to facilitate the development of a 504 bed apartment development which will

be built in two phases. The first phase will include the northern half of the lot, with the second half, or southern portion, developing thereafter. Currently the lot is zoned agricultural and is undeveloped. The historical use of the property has been agricultural however the area surrounding the proposed development site has been developed as residential, mostly single family homes with multi-family apartments to the northwest.

#### FIELD INSPECTION AND PERTINENT DATA

This parcel is currently undeveloped and is proposed to be utilized as a multi-family development site to service the growing population within the City; particularly this area is due to the community and university growth. The zoning to the northwest of the property is R3 / Multi-Family residential and is occupied by a multi-family development. The land uses to the immediate north and east are single family homes within a R1 Single Family Residential district. The proposed zoning is consistent with the area in that it is currently a mix of multi-family and single-family dwellings. Additionally, the northwest quadrant of the city frequently has this mix of single and multi-family residential uses as it serves various family types that work and/or attend the University as well as those that desire apartment living and are not affiliated with the university. Given this regularity, the proposed zoning will not cause a detrimental impact to the area and will fit within the landscape and character of the community while also serving a core demographic that is currently underserved. To ensure a compatible land use blend is achieved between the single family residential units to the immediate east, the future development of the site will require a landscape buffer or some type of screening as required per section 15-8-15 "Screening Standards" of the Landscape Code of the City of Kingsville.

#### Sec. 15-8-15. Screening standards.

*A screening device is required between all R1/R2 residential land use/zoning and all types of multi-family (R3 and above), commercial and industrial land use/zoning. Screening is also required between R1/R2 residential land use/zoning and all mobile home zoning land use/zoning.*

#### Sec. 15-8-16. General.

*When screening is required, the installation and maintenance thereafter of a visual screen shall be provided consisting of a solid material and/or masonry fence or wall at least six feet in height which cannot be seen through.*

This area was also identified as a priority area for future residential growth in the recently adopted Comprehensive Housing Plan given its proximity to the University and the historic deficiencies in diverse housing options for both University students, staff, faculty and long term residents of the City. The Comprehensive Housing Plan and the Kingsville Master Plan speak to the very need of diversified housing choices throughout the City. This general area has been identified in various studies such as the aforementioned adopted plans, but also within the 2012 Kingsville Market Study and plans/studies performed by the university. The rezoning of this property meets the need identified in those various plans and studies and is consistent with the long term development plans of the City.

*CHP was done by M. Kellham. Contacted Mike to discuss this location's growth plan. Mike stated this was a perfect place for it but he never thought it would be sold.*

*Also note that Bishop-Turner Hall is an R3-type of housing development.*

*Just for Gent Apt.*

STAFF REVIEW AND RECOMMENDATION

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

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

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

1. The proposal is in conformance with the goals and policies contained in all elements of the 2008 Master Plan. The Master Plan's Growth Strategy and Policies on Chapter 2 – Growth Capacity, Page 10, states that “development should be encouraged first within the City Limits” so as to minimize costs to utility growth so that public infrastructure is not extended until there is a net fiscal benefit for doing so.
2. The proposal is in keeping with the purpose of the zoning districts. As stated in the field inspection, the zoning of this type is similar to existing blends around the university. As part of living around the university, the expected diversity in housing types is planned and predictable.
3. The proposal is not detrimental to the public health, safety, and welfare.
4. The proposal is not detrimental to existing or potential adjacent land uses.
5. The proposal will not generate inappropriate, hazardous, or detrimental traffic levels in the existing or nearby area. The developer has consulted with a traffic engineer and had him perform a basic traffic level increase study. The adjacent State Highway (King Ave.) and boulevard (Santa Gertrudis St.) can more than adequately handle the expected increase of traffic levels.

The Planning Department has evaluated the request and can find no issues with it. It is within the Master Plan concept and will meet the housing needs in the area.

Prepared by: Robert G. Isassi, P.E. 11 Dec. 2013  
Robert G. Isassi, P.E.  
Director of Planning & Development Services



December 18, 2013

Planning and Zoning Commission  
City of Kingsville, TX

RE: Rezoning and re-plat of KT&I CO, Block 9, Lot PT 3, 4, 6

Dear Planning and Zoning Commissioners:

We can think of no better way to begin this letter than to remind the Commissioners of a principle that was dear to the King Family—the importance of land; and to reiterate the historical significance of Santa Gertrudis and King Avenues:



One of the many canonical stories told of Richard King relates advice given to him prior to the Civil War<sup>1</sup> by then Lt. Col. Robert E. Lee when they rode by horseback together: “*Buy land; and never sell.*” Mrs. Henrietta King reminded Captain King of this advice as late as 1883 when he wished to sell the ranch after their son died<sup>2</sup>. And in 1903 when Mrs. King donated the land that was to become Kingsville, its two longest streets were to be King Avenue and Santa Gertrudis Avenue<sup>3</sup>, both of which join at the entrance to the King Ranch today.

We have lived on West Santa Gertrudis for only two and half years. One of our neighbors, however, has lived in her home for over 50 years. It is important that you know that newcomers and long-time residents alike are *extremely alarmed* at the prospect that the historic native rangeland lying between West King and Santa Gertrudis Avenues is being considered for rezoning to multi-family housing.

Although we live within the city limits, our property adjoins an open natural space that supports native rangeland plants and diverse wildlife populations. Like our neighbors, we purchased our homes largely because they are situated in this *unique urban environment*: we enjoy the benefits of an open native space while also living within city limits. West Santa Gertrudis Avenue is a prime recreational area for both local residents and others in Kingsville. We know many people who live elsewhere in Kingsville but who nevertheless jog, or bicycle, or walk pets along Santa Gertrudis—they have their own neighborhoods for such recreation, but they choose to do so along West Santa Gertrudis. Just last week, we saw white-tailed deer as well as fox in this rangeland: it is no wonder that the neighborhood is so special.

This property adds irreplaceable value to our homes and to the city of Kingsville. Rezoning this property will not only diminish the quality of our lives but will also negatively affect the property value of our homes. Developing this land for multi-family housing will change forever a historic neighborhood that is as important to those of us along West Santa Gertrudis as it is to others in Kingsville: its development will make this neighborhood like every other neighborhood in every other town...*it will become nothing special*... and Kingsville will be the less for it.

We strongly urge the Planning and Zoning Commission to deny the request to rezone this property.

Respectfully,   
  
Marcia and David Wester  
1626 West Santa Gertrudis

<sup>1</sup> William Broyles, “The Last Empire,” *Texas Monthly*, Oct. 1980; Tom Lea, *The King Ranch*, 1957, Little Brown and Co., vol. 1, pp. 144-145.

<sup>2</sup> Judy Alter, “The Queen of the King Ranch,” *Texas Co-Op Power*, January 2008.

<sup>3</sup> Mona Sizer, *The King Ranch Story*, 1999, Republic of Texas Press, p. 156.

**A PETITION**  
**TO THE PLANNING AND ZONING COMMISSION, KINGSVILLE, TEXAS**  
December 18, 2013

We, the undersigned homeowners and residents along West Santa Gertrudis and Seale Streets in Kingsville, Texas, are unanimous in our opposition to the rezoning request for the property between West Santa Gertrudis Street and West King Street west of Seale Street. Although we live within the city limits, our properties adjoin an open native space that supports native rangeland plants and diverse wildlife populations. Many of us purchased our homes largely because they are situated in this *unique urban environment*: we enjoy the benefits of an open native space while also living within city limits. This property—as a native space—adds irreplaceable value to our homes. Rezoning this property will not only diminish the quality of our lives but will also negatively affect the property value of our homes. We strongly urge the City of Kingsville to **deny the request** to rezone this property from Agriculture (AG) to Multi-Family (R-3). Signed:

Edward B. Wester

Marcia Wester

Enrique Lealace

Nora Salinas

Rolando Salinas

James A. Noia

Wesley H. Hays

James A. Cerna

Lawrence Hamilton

Tom Davis

Austin Davis

Tom Davis Sr.

(same)

Frank D. Jiles

BRAMMA

Monroe

Kirkman

Adonai

Spencer Foster

L. W. Johnson

M. C. Johnson

Eugene E. Johnson

W. E. Murphy

Suzette White

Barbara Collins

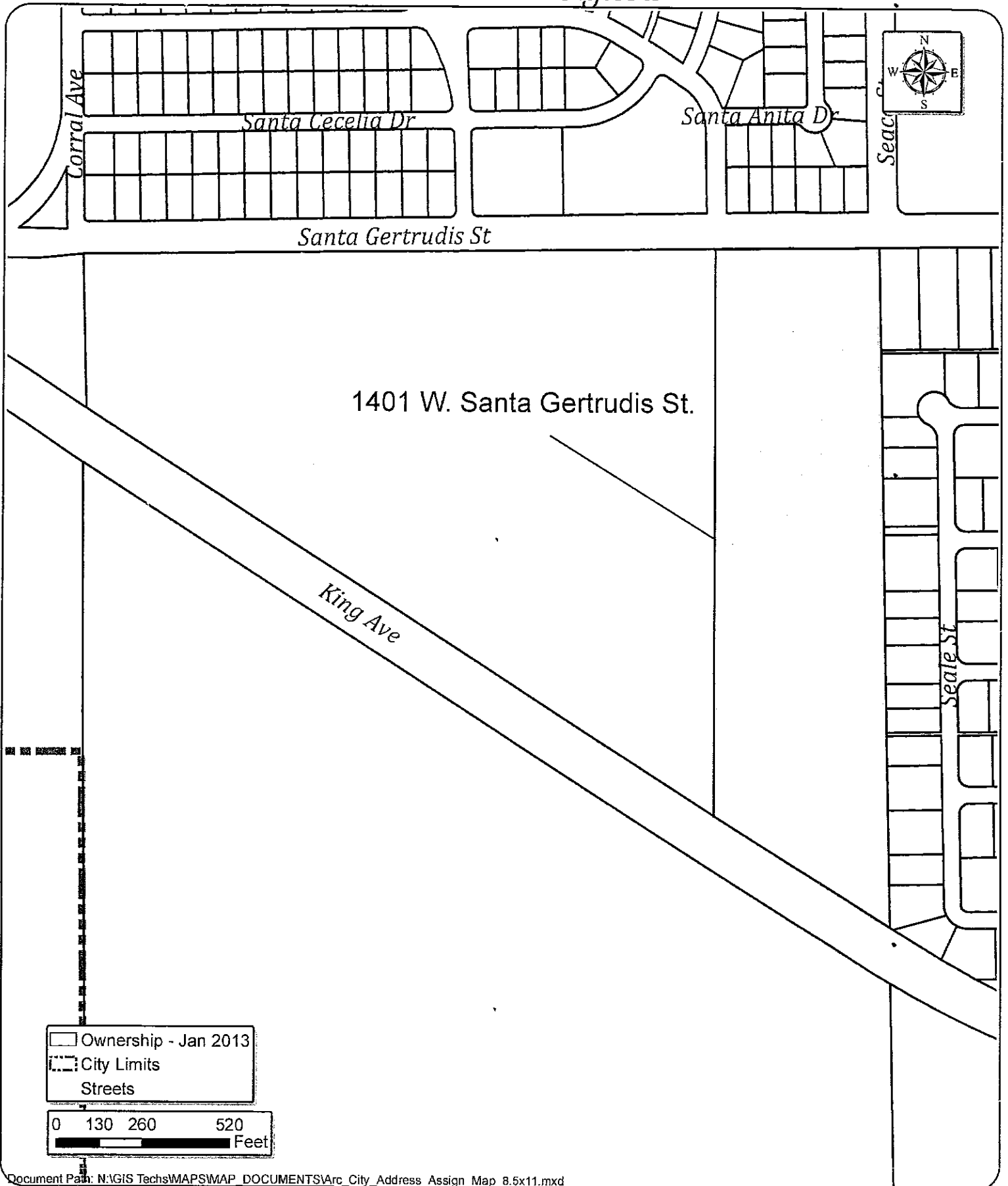
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Rolando Vela Cardona  
Michelle J. J. J.  
Luisa D. D.  
Katelyn Horner  
Curtis  
G. J. J.  
R. J. J.  
Dorothy J. J.  
C. J. J.  
J. J. J.  
Mary J. J.  
NICKHESTER

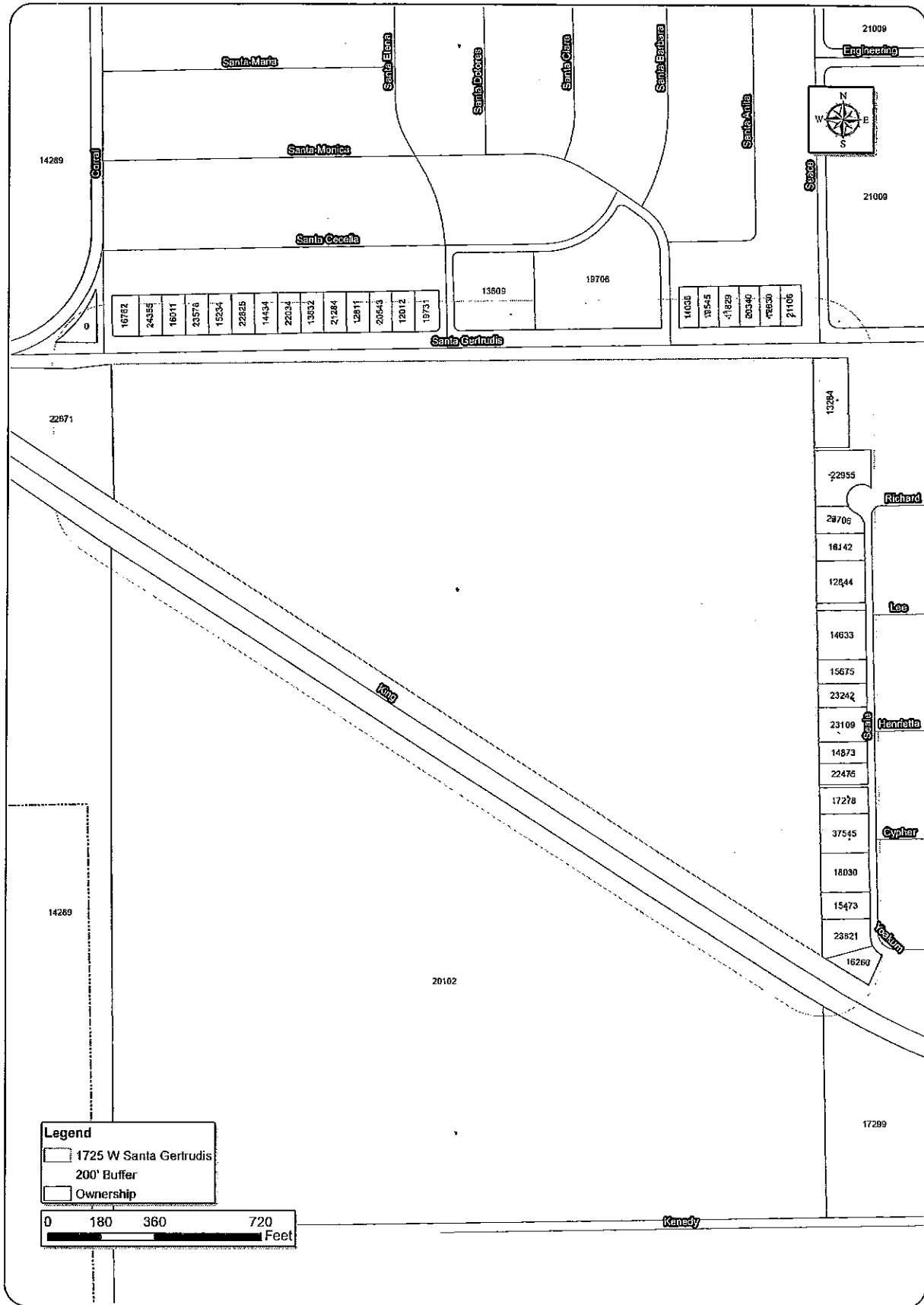
Brian E. J.  
Connie C. J.  
Sharon M. J.  
Lauri Schueneman  
Betty Florence  
Richard Carrera  
Barbara J. J.  
Luz J. J.  
K. J. J.  
Valdemar J. J.  
Chico H. J.  
Sharon J. J.  
J. J. J.

Address Assigned



Document Path: N:\GIS Techs\MAPS\MAP DOCUMENTS\Arc City Address Assign Map 8.5x11.mxd

43 people contacted  
1725 W Santa Gertrudis



# CITY OF KINGSVILLE

P. O. BOX 1458 – KINGSVILLE, TEXAS 78364



November 26, 2013

# COPY

Dear Property Owner:

The Planning and Zoning Commission will hold a public hearing and meeting to consider an item on Wednesday, December 18, 2013, at 7:00 p. m. at the City Commission Chambers, located at City Hall, 200 E. Kleberg, Kingsville, Texas. The following items will be discussed:

**Item 1- Eric Jakimier, Agent - Requesting the rezoning of 21.17 acres of KT&I CO, BLOCK 9, LOT PT 3, 4, 6, of the 64.67 acre plat located at 1725 West Santa Gertrudis Street, to be rezoned from (AG) Agricultural to (R-3) Multi-Family District. This lot will extend south to West King Avenue.**

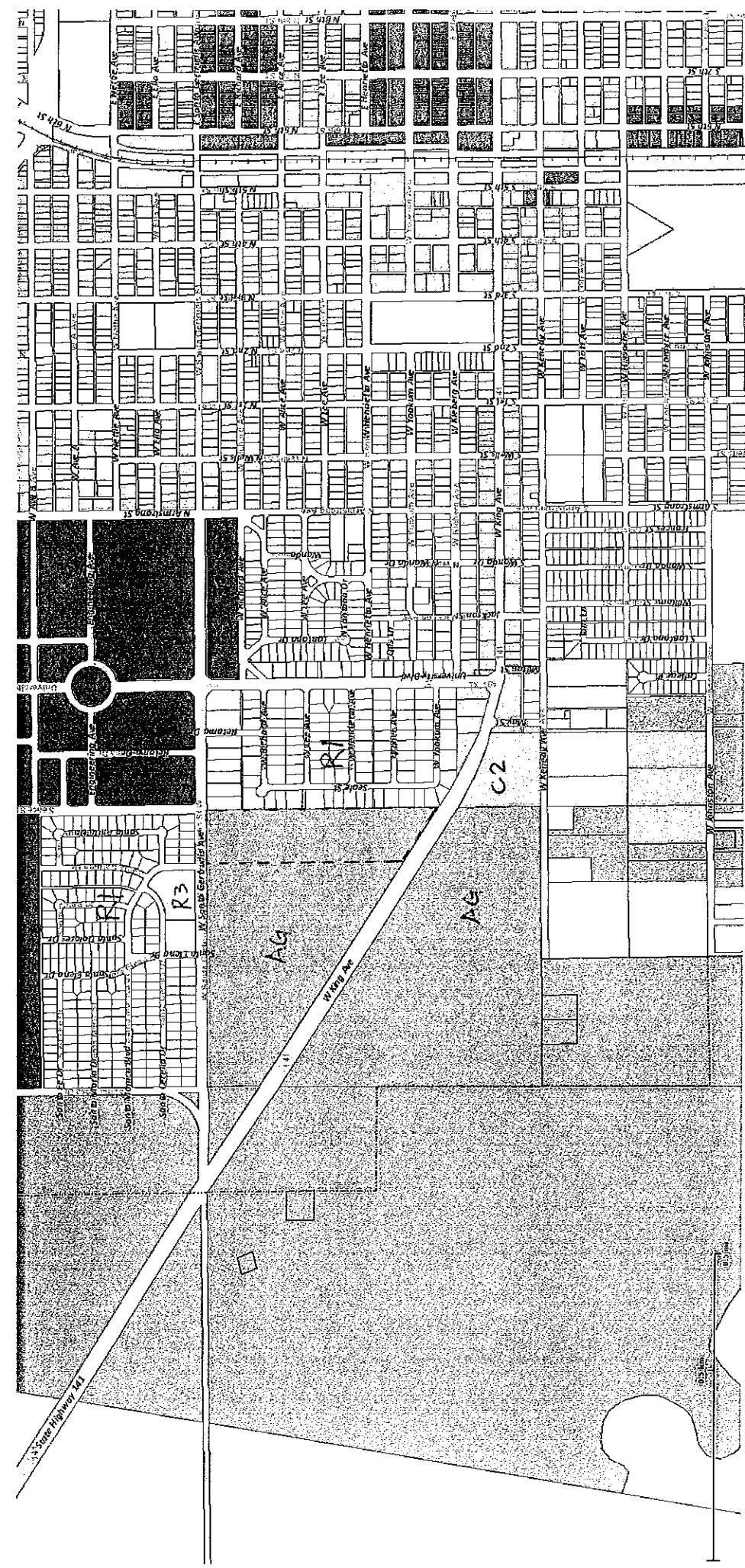
**Item 2- Eric Jakimier, Agent - Requesting the approval of a re-plat of KT&I CO, BLOCK 9, LOT PT 3, 4, 6, of the 64.67 acre plat located at 1401 West Santa Gertrudis Street, between Seal St. and Santa Monica Blvd. This lot will extend south to West King Avenue.**

Your property is located within 200 feet of this request. If you have any comments or questions in regards to this matter, please contact me at (361) 595-8055.

Sincerely,

A handwritten signature in cursive script, reading "Robert G. Isassi, P.E.", is written in dark ink.

Robert G. Isassi, P.E.  
Director of Developmental Services



# Domus Development LLC

21 November 2013

Mr. Robert Isassi  
Director of Planning & Development Services  
200 East Kleberg Avenue  
Kingsville, Texas 78364

Dear Mr. Isassi:

We are submitting an application to change the zoning on part of the land located at 1725 West Santa Gertrudis Avenue. As part of that request we have formerly sent you the application and fee as well as the owner's authorization to pursue this change in zoning.

1. The change we are requesting is from AG to R3 and we will be developing the property to provide approximately 198 units of student housing multifamily in the first of two proposed phases.
2. Attached you find a proposed site plan for the total development. Obviously we are at the very early stages of this development so things may change slightly from what is attached. There are no existing structures on the proposed tract.
3. The lot size is 21.17 acres or approximately 922,165 SF. The dimensions are 1,696.45' on the west property line, 495.84' on the north, 2,024.00' on the east and 594.61' on the south.
4. The land use to the west and south is unimproved land and to the east and south is single-family.
5. Attached is an excerpt from the City of Kingsville Zoning Map showing R1 zoning on the north and east sides and AG to the south and west.

Please feel free to request any information you may need to consider this request.

Sincerely,

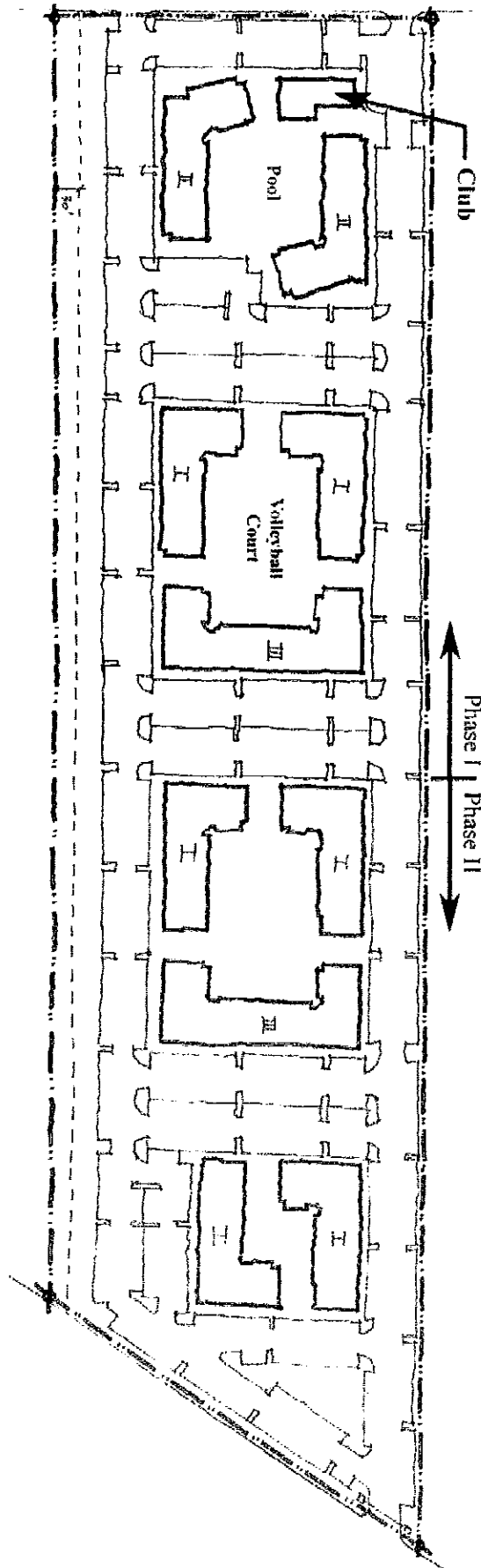
Domus Development LLC

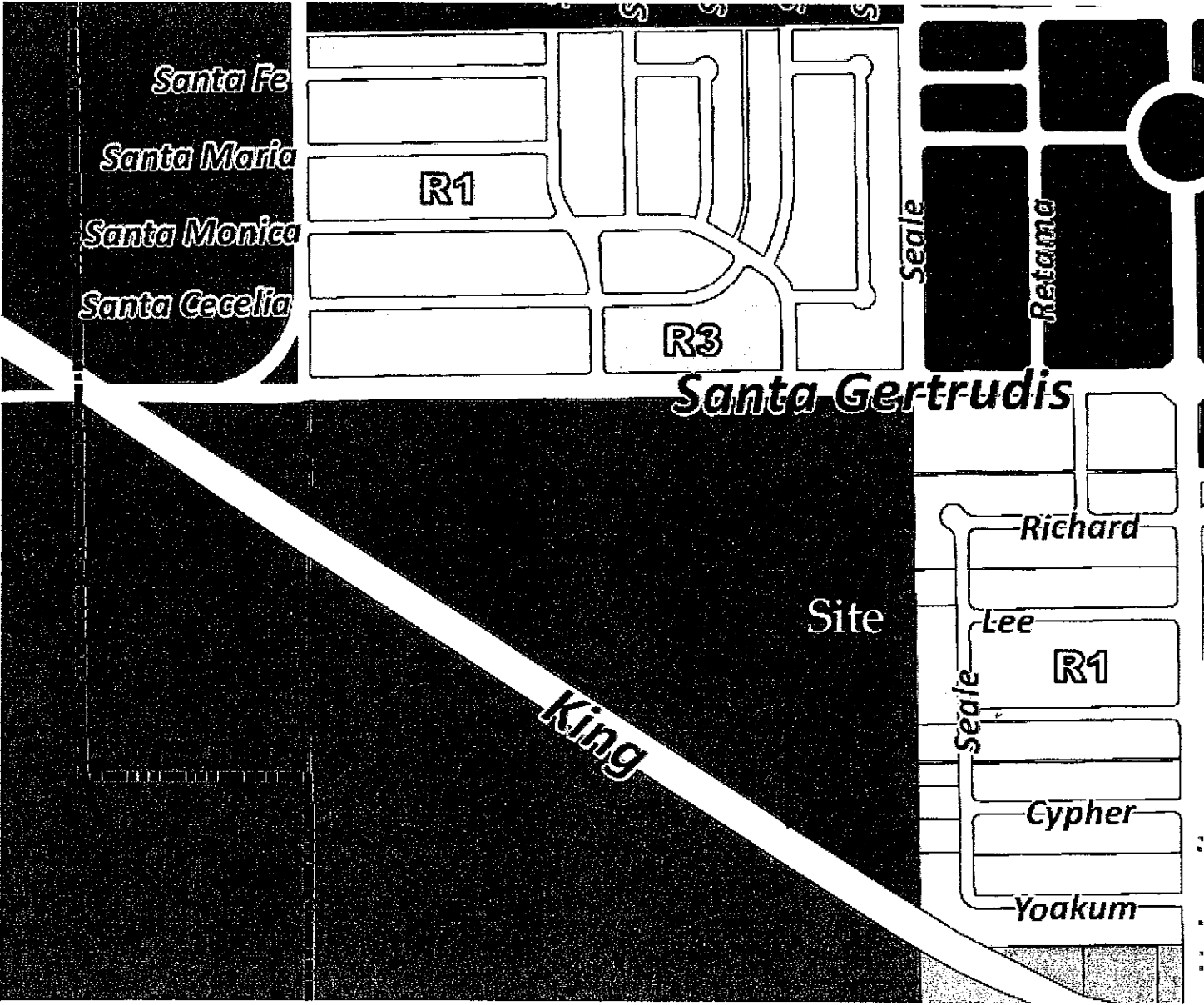


Eric O. Jakimier  
President



# Domus Development LLC





Site with adjacent zoning

CITY OF KINGSVILLE  
PLANNING AND ZONING DIVISION  
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address \_\_\_\_\_ Nearest Intersection \_\_\_\_\_  
 (Proposed) Subdivision Name TBD Lot Farm 3, 4, 6 Block 9  
 Legal Description: Attached  
 Existing Zoning Designation AG Future Land Use Plan Designation R3

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

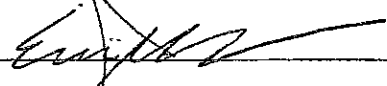
Applicant/Authorized Agent Eric Jakimier Phone 469 585 5743 FAX \_\_\_\_\_  
 Email Address (for project correspondence only): ejakimier@domusdevelopmentllc.com  
 Mailing Address 5646 Milton, Ste 410 City Dallas State Texas Zip 75206  
 Property Owner Martin Clement II Phone 361 522 4373 FAX \_\_\_\_\_  
 Email Address (for project correspondence only): mmclement@att.net  
 Mailing Address 1725 West Santa Gertrudis City Kingsville State Texas Zip 78363

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

<input type="checkbox"/> Annexation Request.....No Fee	<input type="checkbox"/> Preliminary Plat.....Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA).....\$250.00	<input type="checkbox"/> Final Plat.....Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request.....\$250.00	<input type="checkbox"/> Minor Plat.....\$100.00
<input checked="" type="checkbox"/> Re-zoning Request.....\$250.00	<input checked="" type="checkbox"/> Re-plat.....\$250.00 ← Dec. 18th
<input type="checkbox"/> SUP Request/Renewal.....\$250.00	<input type="checkbox"/> Vacating Plat.....\$50.00
<input checked="" 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 Student housing, multi-family

I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application  
 I further certify that I have read and examined this application and know the same to be true and correct. If any of  
 the information provided on this application is incorrect the permit or approval may be revoked.

Applicant's signature:  Date: 13 November 2013  
 Property owners signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

CITY OF KINGSVILLE  
PLANNING AND ZONING DIVISION  
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1401 W. Santa Gertrudis Nearest Intersection \_\_\_\_\_

(Proposed) Subdivision Name TBD Lot 3, 4, 6 Block 9

Legal Description: Attached

Existing Zoning Designation AG Future Land Use Plan Designation R3

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Eric Jakimier Phone 469 585 5743 FAX \_\_\_\_\_

Email Address (for project correspondence only): ejakimier@domusdevelopmentllc.com

Mailing Address 5646 Milton, Ste 410 City Dallas State Texas Zip 75206

Property Owner Martin Clement II Phone 361 522 4373 FAX \_\_\_\_\_

Email Address (for project correspondence only): mwcclement@att.net

Mailing Address 1725 West Santa Gertrudis City Kingsville State Texas Zip 78363

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

<input type="checkbox"/> Annexation Request.....No Fee	<input type="checkbox"/> Preliminary Plat.....Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA).....\$250.00	<input type="checkbox"/> Final Plat.....Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request.....\$250.00	<input type="checkbox"/> Minor Plat.....\$100.00
<input checked="" type="checkbox"/> Re-zoning Request.....\$250.00	<input checked="" type="checkbox"/> Re-plat.....\$250.00
<input type="checkbox"/> SUP Request/Renewal.....\$250.00	<input type="checkbox"/> Vacating Plat.....\$50.00
<input checked="" 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 Student housing, multi-family

I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application  
I further certify that I have read and examined this application and know the same to be true and correct. If any of  
the information provided on this application is incorrect the permit or approval may be revoked.

Applicant's signature: [Signature] Date: 13 November 2013

Property owners signature: [Signature] Date: 11-14-13

Accepted by: Jessica Y. [Signature] Date: 11-18-13

KLEBERG COUNTY APPRAISAL DISTRICT  
PROPERTY 14379 R  
Legal Description  
K T & I CO, BLOCK 9, LOT PT 3, 4, 6, ACRES 64.67

OWNER ID  
12009  
OWNERSHIP  
100.00%  
PROPERTY APPRAISAL INFORMATION 2013  
CLEMENT MARTIN W II  
PO BOX 1418  
KINGSVILLE, TX 78364-1418

Entities	Values
CAD 100%	IMPROVEMENTS 389,320
CKI 100%	LAND MARKET + 329,560
GKL 100%	MARKET VALUE = 718,880
SKI 100%	PRODUCTIVITY LOSS - 247,280
WST 100%	APPRAISED VALUE = 471,600
	HS CAP LOSS - 0
	ASSESSED VALUE = 471,600

290000903103192 Ref ID2: R14379

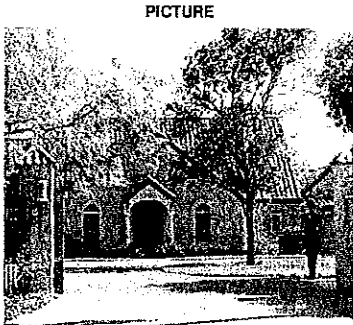
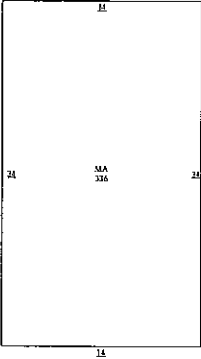
SITUS 1725 W STA GERTRUDIS ACRES: 64.6700  
EFF. ACRES:  
APPR VAL METHOD: Cost

GENERAL  
UTILITIES  
TOPOGRAPHY  
ROAD ACCESS  
ZONING  
NEXT REASON  
LAST APPR. IE  
LAST APPR. YR 2012  
LAST INSP. DATE 02/21/2012  
NEXT INSP. DATE

SKETCH for Improvement #2 (COMMERCIAL)

EXEMPTIONS  
HS HOMESTEAD

REMARKS  
FOR '12 CORR LAND MKT CODE PER APPR IE  
2/16/12 4/1/12 MMG - FOR 2011 LAND  
SCHEDULE RATE CHG PER IE/AYG 5/13/2011  
JO- FOR 2011 LAND SCHEDULE RATE CHG



BUILDING PERMITS  
ISSUE DT PERMIT TYPE PERMIT AREA ST PERMIT VAL

SALE DT PRICE GRANTOR DEED INFO  
\*\*\*\*\* UNKNOWN OT / /

SUBD: S2900 100.00% NBHD:		IMPROVEMENT INFORMATION													
LT#	DESCRIPTION	MTHD	CLASS/SUBCL	AREA	UNIT PRICE/UNITS	BUILT	EFF YR	COND.	VALUE	DEPR	PHYS	ECON	FUNC	COMP	ADJ. VALUE
MA	MAIN AREA	C	SS3A/	336.0	2.15	1	1985	1985	720	80%	100%	100%	100%	100%	0.80 580
2.	COMMERCIAL	STCD: E3		336.0					720						580

IMPROVEMENT FEATURES

SUBD: S2900 100.00% NBHD:		LAND INFORMATION													
LT#	DESCRIPTION	CLS	TABLE	SC	HS	METH	DIMENSIONS	UNIT PRICE	GROSS VALUE	ADJ MASS	ADJ VAL	VAL SRC	MKT VAL	AG APPLY	AG VALUE
5.	NATIVE PASTURE	T15	D1	N	A		4.0700 AC	2,125.00	8,650	1.00	1.00	A	8,650	YES	8,650
6.	E3	P12	E3	N	A		0.5000 AC	10,000.00	5,000	1.00	1.00	A	5,000		5,000
7.	RB3 (BRUSH LAND)	T15	D1	N	A		9.7300 AC	2,125.00	20,680	1.00	1.00	A	20,680	YES	20,680
8.	RB4 (BRUSH LAND)	P12	D1	N	A		1.7900 AC	10,000.00	17,900	1.00	1.00	A	17,900	YES	17,900

continued on next page

# **AGENDA ITEM #10**



# Planning Department

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**TO:** Vince Capell, City Manager

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

**SUBJECT:** Plat Approval Request – Domus Development Group

**DATE:** January 3, 2014

---

Reference is made to a request for approval of a 21.175-Acre plat located on the 1400 block of West Santa Gertrudis. The petitioner is requesting approval of this plat which will create one new lot of record. The lot is planned to construct a furnished student housing complex with access at Santa Gertrudis St. and King Avenue (SH 141). The owner who owns the remaining 46.415-Acres adjacent to this lot has created this plat for the purpose of selling the property to the agent/developer requesting approval of this plat.

This plat was reviewed by the Director of Planning and Development Services as well as reviewed and recommended for approval by the Planning and Zoning Commission who met on December 18<sup>th</sup>, 2013. The Planning & Zoning Commission conditionally approved the request by a vote of 5-0. The conditions of the approval are as follows:

1. Add sidewalks along the street frontage,
2. Create a sound buffer between the adjacent properties to the east of the proposed lot,
3. Provide the City with an engineered drainage plan for review and approval so as to not inundate the City's drainage in the area, and
4. Provide construction drawings for plan review prior to beginning any work.

City Staff agrees with the Planning & Zoning Commission's findings and recommends 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 MINOR PLAT ENTITLED LEGENDS OF TEXAS  
SUBDIVISION, LOT 1, BEING 21.175 ACRES OUT OF A 67.59 ACRE TRACT  
DESCRIBED IN A DEED RECORDED IN VOLUME 424, PAGE 136, DEED  
RECORDS WITHIN KLEBERG COUNTY, TEXAS.**

Petitioner & Agent: Eric Jakimier, Domus Development Group  
Date of P&Z Hearing: December 18<sup>th</sup>, 2013

Comprehensive Plan Land Use:	R3 (Multi-Family Residential)
Existing Zoning Classification:	AG (Agricultural)
Adjacent Zoning:	North: R1 (Single Family Residential Dist.) with an R3 (Multi-Family Dist.) within the R1 District South: Mixed: AG and C2 (Commercial District) East: R1 (Single Family District) West: AG (Agricultural)

## **EXISTING INFRASTRUCTURE**

Transportation:	King Ave. (SH 141) - Arterial road to the south of the plat Santa Gertrudis St. - Arterial road to the north of the plat
Community Facilities:	Services provided
Capital Improvements:	504-bed Student Apartment Housing Development
Fire Station Proximity:	0.64 driving miles
100 Year Floodplain:	The property is not within the 100-year floodplain. The subject site is located within Flood Zone "C". The areas of minimal flood hazard, which are the areas outside the Special Flood Hazard Area (SFHA) and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X.

## **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 plat which will create one new lot of record. The proposed lot is planned to contain a 504-bed student housing apartment complex with access at Santa Gertrudis St. and King Avenue (SH 141). This lot is planned to be developed in two



phases. Phase one will construct northern segment of the lot followed by the southern segment once the first phase is complete. The owner has created this plat for the purpose of selling the property to the agent/developer requesting approval of this plat.

The proposed lot is currently served by sanitary sewer as well as an 8 inch water main and electric utilities. The plat currently does not show a detention area(s) due to the fact that it is only one lot and does not require main extensions or street improvements; however detention will be required as part of the development plans and will be reviewed and approved through the development review process at the time of permit review. As presented, the plat conforms to the minimum requirements as delineated by the subdivision code. The plat is not within the Controlled Compatible Land Use Area, and is outside of Noise Zones and Accident Potential Zones.

#### 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:

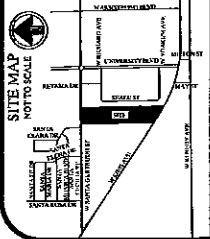
1. Full construction plans must be submitted which will include installation of monuments, streets, street lighting, sanitary sewers, storm sewers, sidewalks, water lines, and other improvements required in Article III of the Subdivision regulations;
2. The construction drawings show existing utility lines (sanitary sewer lines and water lines). Future construction within the lot must illustrate added utility lines in the construction plans.
3. On site storm detention will be required as per the code of ordinances.
4. Sidewalks shall be required along all street frontages as required per the code of ordinances.

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: Robert G. Isassi, P.E. 12-Dec-2013  
Robert G. Isassi, P.E.  
Director of Planning & Development Services

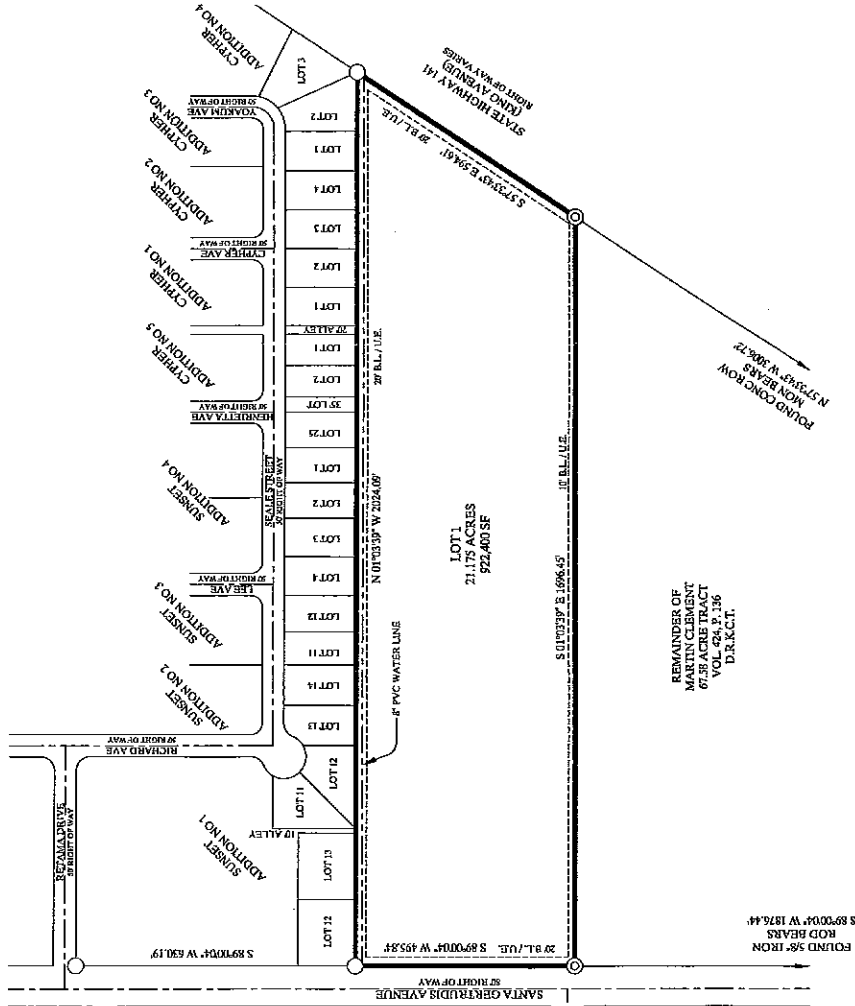
*plat  
approved.  
unanimously  
6-0.*



GRAPHIC SCALE  
1 inch = 100 feet

# PLAT OF LEGENDS OF TEXAS SUBDIVISION LOT 1

BEING A PLAT OF 21.175 ACRES OUT OF A 67.39 ACRES TRACT  
DESCRIBED IN THE 134th DEED RECORDS KLEBERG COUNTY, TEXAS



- NOTES:
1. THE SUBJECT SITE IS LOCATED IN FLOOD ZONE "C" AS INDICATED ON COMMUNITY FLOOD HAZARD MAP, KLEBERG COUNTY, TEXAS, DATED JANUARY 1, 1984.
  2. BEARINGS ARE BASED ON GLOBAL POSITIONING SYSTEM AND IS (93.426) DATUM.
  3. THE TOTAL PLATTED AREA IS 21.175 ACRES.
  4. THE PROPOSED AREA IS NOT WITHIN THE ACQUISITION BOUNDARIES.

**Brister Surveying**  
Ronald E. Brister, Surveyor  
1000 E. 10th Street, Suite 100  
Copperfield, Texas 75841  
Phone: 409-396-1000  
Fax: 409-396-1001  
Internet: [www.brister-surveying.com](http://www.brister-surveying.com)  
Professional License No. 1072800

STATE OF TEXAS  
COUNTY OF KLEBERG

I, MARTIN CLEMENT II, DO HEREBY CERTIFY THAT I AM THE  
OWNER OF THE LAND SHOWN HEREON AND HAVE  
CAUSED THE PLAT TO BE SURVEYED FOR THE  
PURPOSE OF DESCRIPTION AND DEVELOPMENT.

THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013  
MARTIN CLEMENT II, OWNER

STATE OF TEXAS  
COUNTY OF KLEBERG

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY  
PERSONALLY APPEARED \_\_\_\_\_, KNOWN TO ME TO BE  
THE SAME PERSON AS \_\_\_\_\_, WHO IS  
ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS  
THE ACT AND USED OF SAID LANDS FOR THE PURPOSE AND  
CONSIDERATION THEREON EXPRESSED, AND IN THE  
CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE  
THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013  
NOTARY PUBLIC

STATE OF TEXAS  
COUNTY OF KLEBERG

THIS PLAT OF SAGE ESTATES UNIT 1 IS HEREBY  
ADMINISTRATIVELY APPROVED BY THE DIRECTOR OF  
THE DEPARTMENT OF LANDS OF THE CITY OF KINGSVILLE, TEXAS.  
THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013  
PROVIDED, HOWEVER, THAT THE APPROVAL SHALL BE  
INVALID AND NULL AND VOID, UNLESS THIS PLAT IS FILED  
WITH THE COUNTY CLERK.

DIRECTOR

STATE OF TEXAS  
COUNTY OF KLEBERG

I, LEO ALARCON, CLERK OF THE COUNTY OF KLEBERG  
DO HEREBY CERTIFY THAT THE FOREGOING PLAT OF SAGE ESTATES UNIT 1  
CERTIFICATE OF AUTHENTICATION, WAS FILED FOR RECORD  
IN MY OFFICE THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013  
AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., AND THE SAME IS  
COUNTY, IN CLOSET \_\_\_\_\_ ENVELOPE \_\_\_\_\_

COUNTY CLERK  
KLEBERG COUNTY, TEXAS

BY: \_\_\_\_\_  
DEPUTY

STATE OF TEXAS  
COUNTY OF KLEBERG

I, RONALD E. BRISTER, A REGISTERED PROFESSIONAL LAND  
SURVEYOR, DO HEREBY CERTIFY THAT I AM THE  
OWNER OF THE LAND SHOWN HEREON AND HAVE  
CAUSED THE PLAT TO BE SURVEYED FOR THE  
PURPOSE OF DESCRIPTION AND DEVELOPMENT.

THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013  
RONALD E. BRISTER  
REGISTERED PROFESSIONAL LAND SURVEYOR  
DATE OF MAP: 21 NOVEMBER 2013

# **AGENDA ITEM #11**



# Planning Department

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**TO:** Vince Capell, City Manager

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

**SUBJECT:** Caesar Silva - King Ave. Apartments

**DATE:** January 3, 2014

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Reference is made to a request from Mr. Caesar Silva for sharing the expense of installing a water and wastewater tap to his proposed 15-unit apartment complex. Mr. Silva met with City staff last year to discuss the plan layout of the apartments as well as request information as to the location of City utilities. After receiving an estimated price for the utility taps, Mr. Silva made a request for economic development assistance. In further discussions with Mr. Silva, City staff has proposed a 50/50 cost-sharing partnership with Mr. Silva. By cost-sharing this expense, the City will require additional landscaping and beautification efforts from the developer as well as require elevation plan details with building appearance details. Furthermore, the City will benefit from this agreement by

1. having additional utility users,
2. increasing the housing market,
3. expanding the tax base,
4. providing the opportunity for potential development of the adjoining lot, and
5. additional citizenry within the community.

In the discussion, Mr. Silva was agreeable to this proposal. We iterated to Mr. Silva that this agreement would first need to be approved by City Commission. The terms of payment for the Mr. Silva's actual cost will be paid out for no more than 12 months.

City staff recommends proceeding with the approval of this cost sharing agreement and is requesting that City Commission evaluate and approve this request. A draft agreement for both the City Manager and Mr. Silva to sign with the terms of the 50% cost sharing arrangement is attached to this memo.

Cesar Silva  
4409 Masters Dr.  
Kingsville, TX 78363

RE: Installation of 8-inch water and wastewater line and to your property at 1205 W King

Dear Mr. Silva,

It is my understanding that you have been in discussions with City staff regarding a 50/50 cost-sharing arrangement between your proposed apartment development and the City, payable over 12 months, to install an 8-inch water line and an 8-inch wastewater (sewer) line to your property off of King Avenue. Please be advised that this request was presented to and approved by the Kingsville City Commission at a meeting on January 13<sup>th</sup>, 2014.

The project has been estimated to cost \$16,000 (combined water and sewer costs), with each party paying half of that amount. The Commission approved the 50/50 cost sharing arrangement for the "actual cost" of the project, which is not certain at this time. "Actual costs" will be tracked by City staff for the actual labor, material, and equipment to complete this work. Blue Book Rental Rates for Construction Equipment prices will be used. So, if the actual costs come in at an amount over the estimated cost, you will be responsible for half of the overage as well. Should the project come in at an amount less than the estimated cost, you would receive a reduction due on your final invoice for half of the amount of the underage. The Commission approved this cost-sharing arrangement with you to pay half of the estimated project cost over a 12-month period using a monthly billing process.

Please provide written acknowledgement if you understand and agree to these terms. If this arrangement is no longer acceptable, please contact me at 361-595-8002, or City Planner, Robert Isassi, 361-595-8053.

Sincerely,

Vincent Capell  
City Manager  
City of Kingsville

## **AGENDA ITEM #12**

**RESOLUTION #2014-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE POLICE CHIEF TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CHILDREN'S ADVOCACY CENTER OF THE COASTAL BEND AND THE KINGSVILLE POLICE DEPARTMENT RELATING TO PROTOCOLS FOR REPORTS OF ABUSE AND NEGLECT OF CHILDREN; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

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

I.

**THAT** the Kingsville Chief of Police is authorized and directed as an act of the City of Kingsville, Texas to enter into a Memorandum of Understanding Between the Children's Advocacy Center of the Coastal Bend and the Kingsville Police Department relating to protocols for reports of abuse and neglect of children in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the 13th day of January, 2014.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**KINGSVILLE POLICE DEPARTMENT  
INTER-OFFICE MEMORANDUM**

January 2, 2014

**TO** : Vincent J. Capell, City Manager

**FROM** : Ricardo Torres, Chief of Police

**SUBJECT** : Memorandum of Understanding with Children's Advocacy Center of the Coastal Bend

The "Children's Advocacy Center of the Coastal Bend" would like to enter into a Memorandum of Understanding with the City of Kingsville Police Department to respond to the needs of child abuse and neglect victims, and share information for the purpose of investigation and prosecution as well as victim services. This agreement would be in place until such time as either party provides written notice to the other to terminate said agreement.

I would recommend that we be allowed to participate in the MOU and would ask that this item be placed on the next available City of Kingsville City Council agenda for approval. Thank you for your assistance regarding this matter.



**Children's Advocacy Center of the Coastal Bend**  
**Memorandum of Understanding**

This agreement made by and between the undersigned agency,

Witnessed That:

Whereas, child abuse is recognized as a nationally significant problem and realizing that the traditional criminal justice system and many of the agencies that respond to investigate and handle these cases are not equipped for the child victim, the undersigned head of agency in Kleberg County to utilize the Children's Advocacy Center of the Coastal Bend; and

- To develop a cooperative team approach to the investigation of child abuse and neglect.
- To reduce to the absolute minimum the number of interviews the child abuse victim must participate in, so as to minimize "re-victimization" of the child.
- To support the founding, development, and continuation of a neutral "child-friendly" environment where both the investigation of the abuse and/or rehabilitative services are offered to the child victim and non-offending family members.
- To share information for the purpose of investigation, prosecution, and victim services.

All State and Federal confidentiality laws will be followed in connection with this agreement. This agreement can be terminated by any party without giving written notice to the other parties.

Now therefore, the undersigned agency has agreed to support the concept and philosophy of a Child Advocacy Center as stated in the Texas Family Code.

\_\_\_\_\_  
Ricardo Torres                      Date  
Chief of Police  
Kingsville Police Department

\_\_\_\_\_  
Mindy Jimenez                      Date  
Executive Director  
Children's Advocacy Center of the Coastal  
Bend

# **AGENDA ITEM #13**



## Purchasing/IT Department

361-595-8025  
361-595-8035 Fax

DATE: December 24, 2013  
TO: City Commission through City Manager  
FROM: David Mason, Purchasing/IT Director  
SUBJECT: Compact Wheel Loader for Sanitation

### SUMMARY

This item authorizes the purchase of one compact wheel loader with grapple for the Sanitation Department from Holt Cat under BuyBoard contract 424-13.

### BACKGROUND

This budgeted purchase is for a loader with grapple to assist in brush collection, demolitions, and other support activities provided by the Sanitation Department.

### RECOMMENDATION

We believe the best value for the City is a Caterpillar 908H with 81" industrial grapple bucket for \$75,395.00, net, after trade in of the Viking grapple. This machine is similar to the current 908H and the current scoop bucket will fit either machine as well as the grapple bucket is heavier construction than the John Deere or Volvo. Having two of the same machine reduces operator training to a minimum, saving man hours thereby increasing usable machinetime. This is the most powerful machine at 201.3 cu in (3.3L) and weighs over one ton more than the Volvo which not only increases lifting capacity but overall durability as well.

### FINANCIAL IMPACT

This action will expend \$75,395.00 from 087-5-170.2-712.00, Solid Waste Capital Projects of which \$116,199 is budgeted for FY2014.

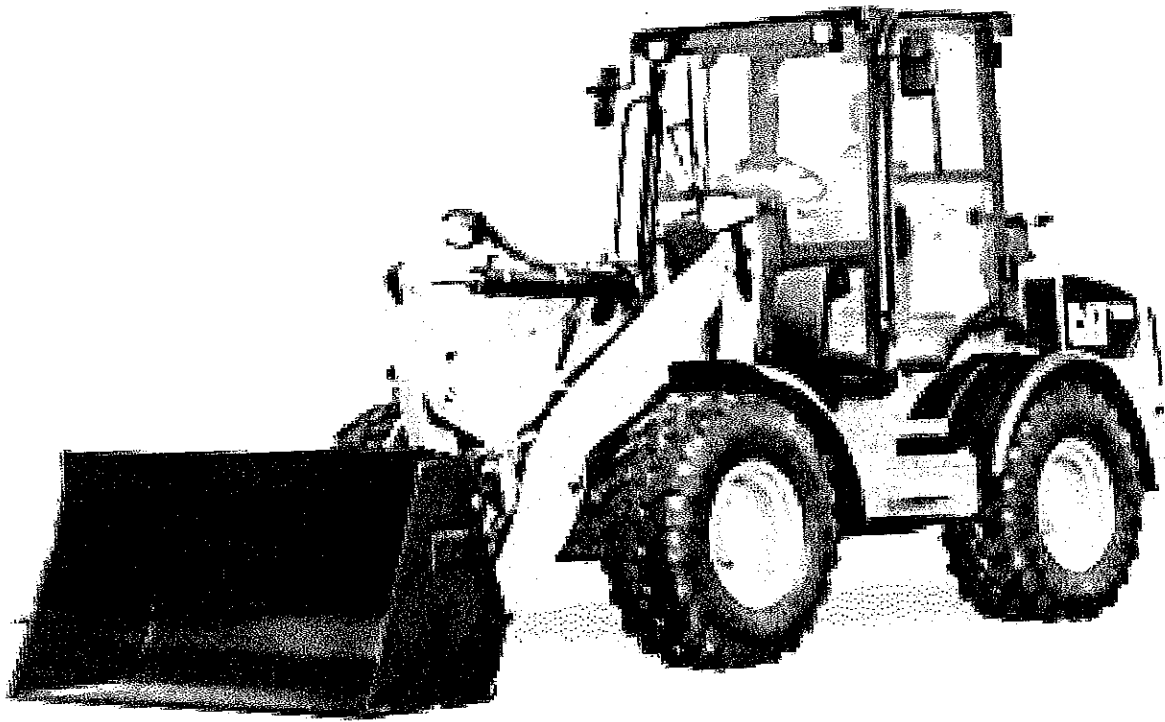
Approved

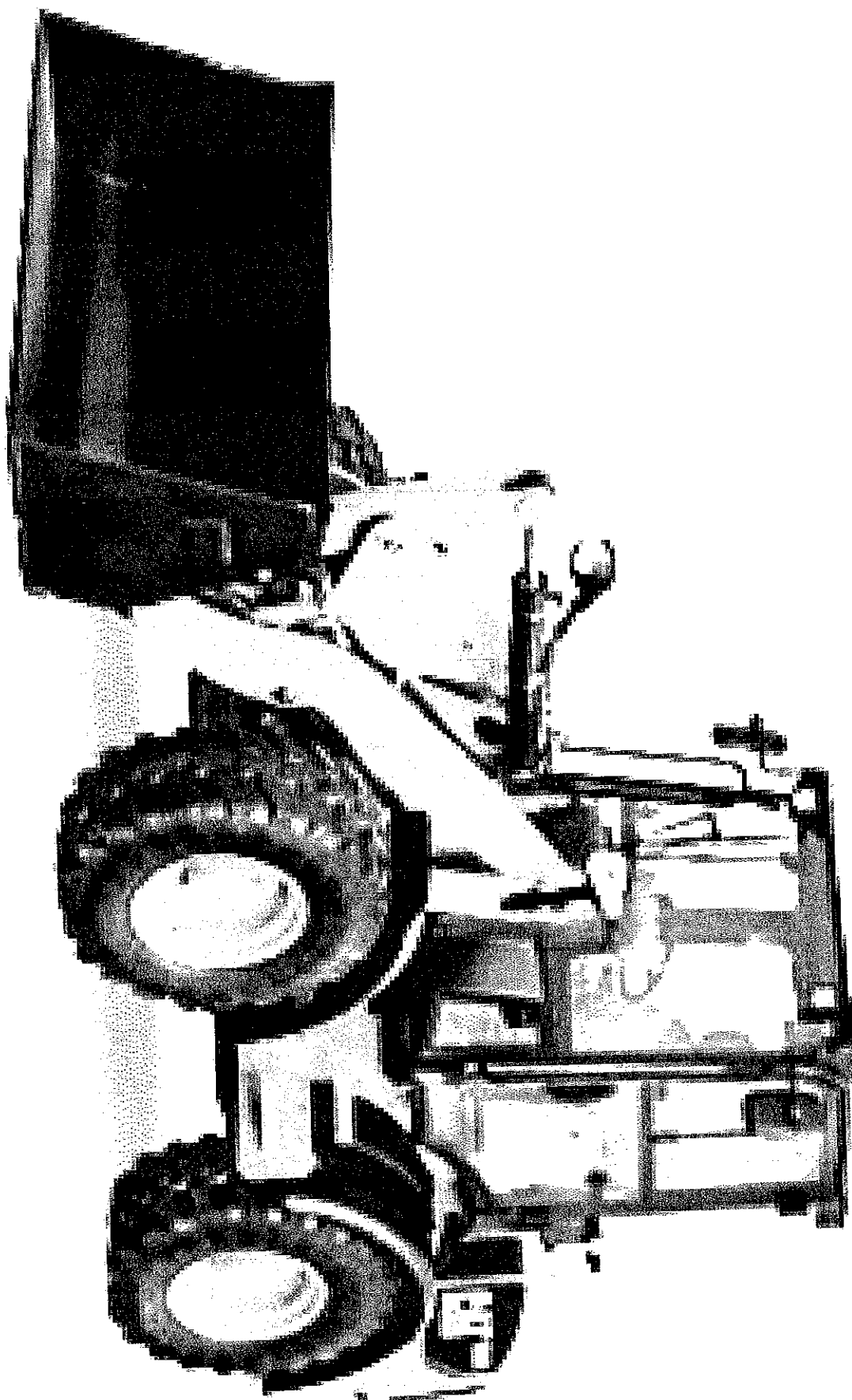
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Vince Capell, City Manager

## QUOTE TAB FOR SMALL WHEEL LOADER

	Doggett/ John Deere 324J	ROMCO/Volvo L30GS	Holt/Cat 908H
Machine	87,086.00	70,908.00	83,775.00
Grapple	included	3,378.00	6,620.00
Less Trade In	-8,000.00	-4,000.00	-15,000.00
Total	\$79,086.00	\$70,286.00	\$75,395.00





## Compare selected machines

[Change Selected Machines](#)[New Comparison](#)

	CATERPILLAR 908 H2 Interim Tier 4	JOHN DEERE 324J Interim Tier 4	VOLVO L 30 G Tier 4
<b>DRIVELINE</b>			
<b>Power Source</b>			
Engine manufacturer	Caterpillar	John Deere	Volvo
Engine model	C3.3B DIT	PowerTech 5030T	D3.3D
Emission rating		Interim Tier 4	
Displacement inches³ [ ltr ]	201.3 [3.3]	184 [2.9]	201.3 [3.3]
<b>Transmission</b>			
Transmission type	Hydrostatic	Hydrostatic	Hydrostatic w/Powershift
Transmission manufacturer	Caterpillar	John Deere	Volvo
<b>Axles &amp; Tracks</b>			
Steering type	Articulation	Articulation & Rear Wheel	Articulation
Diff lock - Front / rear	F: 100% / R: 100%	Yes / No	F: 100 / R: 100
<b>Wheels &amp; tires</b>			
tire size - Standard	405 / 70 R18	405 / 70 R20	405 / 70 R18
	CATERPILLAR 908 H2 Interim Tier 4	JOHN DEERE 324J Interim Tier 4	VOLVO L 30 G Tier 4
<b>DIMENSIONS</b>			
<b>Transport Dimensions</b>			
Overall length ft/in [ mm ]	18 ft 11 in [5760]	18 ft 11 in [5760]	17 ft 4 in [5280]
<b>Static Dimensions</b>			
Wheelbase ft/in [ mm ]	7 ft 1 in [2170]	7 ft 7 in [2300]	7 ft 1 in [2150]
<b>Performance Dimensions</b>			
Loader type	Double Arm	Double Arm	Double Arm
	CATERPILLAR 908 H2 Interim Tier 4	JOHN DEERE 324J Interim Tier 4	VOLVO L 30 G Tier 4
<b>CAPACITIES</b>			
<b>Lubricants</b>			
Fuel tank capacity gallons (US) [ ltr ]	20.6 [78]	21.5 [81]	22.7 [86]
Hydraulic tank capacity gallons (US) [ ltr ]		21.1 [80]	17.2 [65]
	CATERPILLAR 908 H2 Interim Tier 4	JOHN DEERE 324J Interim Tier 4	VOLVO L 30 G Tier 4
<b>PERFORMANCE</b>			
	CATERPILLAR 908 H2 Interim Tier 4	JOHN DEERE 324J Interim Tier 4	VOLVO L 30 G Tier 4

	CATERPILLAR 908 H2 Interim Tier 4	JOHN DEERE 324J Interim Tier 4	VOLVO L 30 G Tier 4
Dynamic			
Max. forward speed - std.    mph [ kph ]	12.4 [20]	18.6 [29.9]	19 [30]
Electrical			
System voltage    V	12	12	12
Hydraulic			
Main pump type	Axial Piston Pump	Gear	Gear
	CATERPILLAR 908 H2 Interim Tier 4	JOHN DEERE 324J Interim Tier 4	VOLVO L 30 G Tier 4
WEIGHTS			
Static			
Operating weight    lbs [ kg ]	14253 [6465]	13404 [6080]	12125 [5500]
Max Operating Weight    lbs [ kg ]			12589 [5710]
	CATERPILLAR 908 H2 Interim Tier 4	JOHN DEERE 324J Interim Tier 4	VOLVO L 30 G Tier 4
	CATERPILLAR 908 H2 Interim Tier 4	JOHN DEERE 324J Interim Tier 4	VOLVO L 30 G Tier 4