

City of Kingsville, Texas

AGENDA CITY COMMISSION

**MONDAY, JANUARY 12, 2015
REGULAR MEETING**

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

I. Preliminary Proceedings.


OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Regular Meeting – December 8, 2014
Special Meeting – December 15, 2014

APPROVED BY:



Vincent J. Capell
City Manager

Public Hearing - (Required by Law).¹

1. NONE.

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

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

III. Public Comment on Agenda Items.³

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

IV.

Consent Agenda

Notice to the Public

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 15-6-130, providing for revisions to the electronic variable messaging sign ordinance. (Director of Planning and Development Services).
2. Motion to approve re-appointment of Raymond Perez to the Joint Airport Zoning Board for a two-year term. (Director of Planning and Development Services).
3. Motion to approve out-of-state travel for City Commission and staff to attend the National League of Cities Conference in Washington, DC on March 7-12, 2015. (Commissioner Garcia).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. Discussion on potential Tax Credit Housing Project by Cayetano Housing. (Director of Planning and Development Services).
5. Consider a resolution of the City Commission of Kingsville, Texas authorizing the submission of a Texas Community Development Block Grant Program application to the Texas Department of Agriculture for the Community Development Fund; and authorizing the Mayor to act as the City's executive officer and authorized representative in all matters pertaining to the City's participation in the Texas Community Development Block Grant Program. (City Engineer/Public Works Director).
6. Consider a resolution of the City of Kingsville City Commission requesting the members of the 84th Legislative Session of the State of Texas to support legislation that increases funding for the Texas Recreation & Parks Account and Large County and Municipality Recreation and Parks Account Local Park Grant Programs, and the Texas State Park System. (Parks and Recreation Manager).
7. Consider a resolution authorizing the City Manager as the authorized representative to enter into project agreements for utilization of inmate worker program from the Glossbrenner Unit Community Squad. (Risk Manager).
8. Consider accepting \$500 grant for Keep Kingsville Beautiful from Keep Texas Beautiful and Lowes for maintenance of a Native Garden Project. (Director of Planning and Development Services).
9. Consider a resolution approving an application and agreement for Historic District Façade Grant Program from David Thibodeaux for the V. Salazar Building. (Downtown Manager).

10. Consider a resolution approving an application and agreement for the Historic District Façade Grant Program from Dr. Steven Nix for the Javelina Innovation Lab. (Downtown Manager).

11. Consider a resolution approving an application and agreement for Historic District Façade Grant Program from Cal Collins for the Texas Theater. (Downtown Manager).

12. Consider introduction of an ordinance amending the Fiscal Year 2014-2015 budget for the Tourism Fund to provide funding to the Façade Grant Program. (Director of Finance).

13. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Article 1, General Business Regulations, adopting Sections 2 & 3-Miscellaneous Health Department inspection fees and foster home/group home inspections. (Director of Health).

14. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Article 7, Food Sales and Food Service Establishments, Sections 17 & 18, providing for changes for user fees, permit fees, and length of licenses and adding a re-inspection fee. (Director of Health).

15. Consider a resolution authorizing the City Manager to enter into a Master Service Agreement by and between Foremost Telecommunications and the City of Kingsville. (Director of Purchasing and Technology).

16. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 6, Zoning, providing for three alternate Board of Adjustment members. (Director of Planning and Development Services).

17. Executive Session: Pursuant to Section 551.074, of the Texas Open Meetings Act, the City Commission shall convene in executive session to deliberate the evaluation & duties of the City Manager. (Commissioner Garcia).

VII. Adjournment.

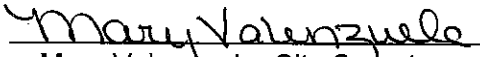
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

NOTICE

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

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

January 8, 2015 at 3:00 P.M. and remained so posted continuously for at least 72 hours proceeding 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)

DECEMBER 8, 2014

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, DECEMBER 8, 2014 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

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

CITY STAFF PRESENT:

Vince Capell, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Deborah Balli, Finance Director
Tom Ginter, Director of Planning & Development Services
Leo Alarcon, Tourism Director
Emilio Garcia, Health Director
Susan Ivy, Parks & Recreation Manager
Charlie Cardenas, Public Works Director/City Engineer
Ricardo Torres, Chief of Police
Bill Donnell, Assistant Public Works Director
Willie Vera, Task Force Commander
Cynthia Martin, Downtown Manager
Rose Morrow, Municipal Court Manager

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 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.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Special Meeting – December 1, 2014

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

Public Hearing - (Required by Law).¹

1. NONE.

II. Reports from Commission & Staff.² (City Manager’s Staff Report Attached).

“At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of

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

Mr. Vince Capell, City Manager, thanked the City Commission for attending the Employee Recognition & Safety Banquet on December 5th. He further thanked all those who participated in making this banquet a big success. Capell further congratulated those individuals and departments who received awards during the banquet.

Mrs. Courtney Alvarez, City Attorney, reported that the next regular Commission meeting is scheduled for Monday, January 12, 2015. Agenda items for this meeting are due Friday, January 2, 2015.

Commissioner Garcia stated that he has a comment that isn't positive or negative but informative issue that he would like information on. On the transition from the County employees to the City positions, he would like to have information as to if they lost any vacation days or sick leave or anything like that, made available to the Commission. He understands that some of the members or some of the employees were shorted on vacation time with the transition.

Mr. Capell responded by stating that their expectation was as far as any accrued balances, they would need to be settled out with the County. When starting with the City they would begin as a new employee. Capell further stated that it is pretty simple in context, that if they had any vacation accrued with the County, it would need to be settled. These employees were to start as new hires with the City.

Commissioner Pena commented that the County does not pay any sick leave when you leave your position with the County.

Mr. Capell commented that our benefits, the city's benefits package is different probably from the County's, but he isn't sure about everything they offer, but when the new employees came to the City, the City's benefits were offered to them, and expected them to settle out with the County when they left. This was the simplest and easiest solution for them.

Commissioner Pecos commented that the County owed them their vacation. Mr. Capell agreed with this comment and further stated that generally vacation is an obligation that needs to be paid for you unlike sick leave. The City's approach to this whole thing is to expect them to settle out with the County and come on with the City as a new hire.

Commissioner Garcia asked if there was any particular special consideration given to any of the employees that made the transition for sick leave or any leave.

Mr. Capell responded that there was, for one employee. Commissioner Garcia responded that this was bothersome. Mr. Capell stated that it was accommodation and expectation. Commissioner Garcia stated that there is a concern among other employees that this happened, but anyway if he could still receive the information he requested.

Mr. Capell responded that he would have to say since Commissioner Garcia has raised the issue, that other employees felt that they had very little to complain about. At this point, Mr. Capell's voice fades out on the audio.

Commissioner Garcia commented that in his view, he doesn't know what the circumstances are and he has yet to discover that but in his view, if they are going to give consideration to one employee in that circumstance, why not the others.

Mr. Capell commented that this saved the City money and further commented that if employees have questions they can always come to him or they can go to the Human Resources. Capell commented that this is the first time that he has ever become informed that our employees have any questions whatsoever and he has to hear it from Commissioner Garcia. Capell further commented that as City Manager he doesn't appreciate it. He further commented that employees come to me because he runs the City operation and if they go to a Commissioner and he finds out who they are, it's not going to go down well for them, I'll tell you that already.

Commissioner Garcia commented that he is only approaching this in a sense of fairness. Mr. Capell commented back that he is approaching this in a sense of fairness. It's not fair to him, running the City, that they go around the City Manager and go to a Commissioner to express their concerns.

Mayor Fugate commented that it would be best for Commissioner Garcia to get with the City Manager about this issue and discuss this with him. Fugate stated that he agrees that the City Manager runs the City and there is proper protocol and employees need to be directed in that direction, but be that as it may, you all work this out in another time.

Commissioner Leubert commented that the La Posada parade was well attended and thanked all those involved for putting this parade together. Commissioner Leubert further commented that she is concerned with approving agenda item #7 during tonight's meeting. She further stated that request were made by the Commission at a previous meeting that have not been met. She would like to hold off on taking action on this item at this time.

Commissioner Pena thanked the citizens for attending the La Posada parade.

III. Public Comment on Agenda Items.³

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

IV.

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

- 1. Motion to approve final passage of an ordinance amending the Fiscal Year 2014-2015 General Fund Budget for membership into the Texas Mayors of Military Communities. (Director of Finance).**
- 2. Motion to approve final passage of an ordinance amending the Fiscal Year 2014-2015 Municipal Court Technology Fund Budget for technology purchases in FY 14-15. (Director of Finance).**
- 3. Motion to approve a resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Kingsville Amateur Boxing Club, Inc. for a drug and alcohol prevention program. (Chief of Police).**
- 4. Motion to approve a resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Communities in Schools for a drug and alcohol prevention program. (Chief of Police).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

- 5. Consider a resolution authorizing the City Manager to enter into a Golf Course Effluent Water Agreement between the City of Kingsville and Kleberg County. (City Attorney).**

Mrs. Alvarez reported that the City of Kingsville and Kleberg County previously entered into a Golf Course Effluent Water Agreement with the prior golf course managers. Since a change in golf course managers has occurred a necessitation of a new agreement is required. Mrs. Alvarez further commented that she attended the Kleberg County Commissioners meeting today where they have approved this agreement unanimously.

Motion made by Commissioner Pena to authorize the City Manager to enter into a Golf Course Effluent Water Agreement between the City of Kingsville and Kleberg County, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting "FOR".

- 6. Consider a resolution authorizing the Mayor to enter into an Interlocal Cooperation Agreement between the City of Kingsville- Kingsville Specialized**

Crimes and Narcotics Task Force and the Cameron County Sheriff's Office for Law Enforcement Services. (Task Force Commander).

Mr. Willie Vera, Task Force Commander, reported that this is a request from the Cameron County Sheriff's Office to enter into an Interlocal Cooperation Agreement for the purpose of sharing intelligence and asset sharing. This will enable both agencies to form a mutual interlocal agency agreement to assist in criminal and narcotic investigations and law enforcement. This agreement will also enhance the opportunity for both entities to increase the forfeiture of contraband traveling through both jurisdictions. Vera stated that asset sharing is another critical avenue for the Kingsville Task Force to continue fulfilling their mission and future financial sustainability.

Commissioner Garcia asked at what percentage is the sharing. Commander Vera responded that it will be shared equally.

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

7. Consider approval of new City seal/logo. (Director of Tourism).

Mr. Leo Alarcon, Tourism Director, reported that when he was asked to incorporate the proposed new city hall into the new city logo, he thought about implementing the dome tower into the logo. He further reported that he made the changes that were requested by the City Commission at a previous meeting, but didn't think the changes fit nicely. Mr. Alarcon further discussed handouts that were passed out to the City Commission during this meeting.

Commissioner Leubert commented that she would still like to see a sample of the logo with a prickly pear cactus which has not been provided to the City Commission. Leubert feels that she is not ready to take action on this item today. Leubert further requested to see a sample picture of the city logo with prickly pear cactus on of the logo.

Mayor Fugate stated that it would best if this item was to be placed on the agenda for final approval on Monday, December 15, 2014. This would allow time for staff to make the requested changes and provide the Commission with copies for their review.

No action taken.

8. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 15-1-172, providing for collection of attorney's fees and court costs with lien foreclosure suits. (City Attorney).

Mrs. Alvarez reported that agenda items 8 through 11 have the same language included. The language added reads "Should the City file suit to foreclosure on any liens to recover unpaid expenditures, fees, interest, and expenses it shall also be entitled to collect the maximum interest rate allowed, reasonable attorney's fees and other court cost and fees allowable under the law".

Introduction item.

9. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 9-7-5, providing for collection of attorney's fees and court costs with lien foreclosure suits. (City Attorney).

Introduction item.

10. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 3-10-37, providing for collection of attorney's fees

and court costs with lien foreclosure suits and updating who receives payments. (City Attorney).

Mrs. Alvarez reported that this was a pre-62 reference where the City Secretary receives payments. Staff recommends that be changed to Director of Finance.

Introduction item.

11. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by adopting Section 3-10-60, providing for collection fees on delinquent debts to City, including attorney's fees and court costs. (City Attorney).

Introduction item.

Mayor Fugate further commented that if any of the City Commissioners have any questions with regards to the ordinances being introduced at tonight's meeting, they should direct them to city staff.

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, TRMC, City Secretary

DECEMBER 15, 2014

A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, DECEMBER 15, 2014 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 4:00 P.M.

CITY COMMISSION PRESENT:

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

CITY STAFF PRESENT:

Vince Capell, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Deborah Balli, Finance Director
Tom Ginter, Director of Planning & Development Services
Leo Alarcon, Tourism Director
Emilio Garcia, Health Director
Susan Ivy, Parks & Recreation Manager
Charlie Cardenas, Public Works Director/City Engineer
Ricardo Torres, Chief of Police
Bill Donnell, Assistant Public Works Director
Cynthia Martin, Downtown Manager
Melissa Perez, Risk Manager
Michael Krueger, Municipal Court Judge
Joey Garcia, Library Information Technician
Charlie Sosa, Street Supervisor
Daniella Herrera, GIS Technician
Austin Jurica, GIS Technician
Arnoldo Castillo, GIS Technician
Sharam Santillan, Engineer's Assistance
Diana Gonzales, Human Resources Director
Tony Verdin, Information Systems Technician
Kyle Benson, Help Desk
Joey Reed, Fire Chief
Ricardo Torres, Police Chief

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 4:00 p.m. and announced quorum with four Commission members present. Commissioner Pecos not in attendance at this time.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

Mayor Fugate asked that if there weren't any objections, he would like to waive these proceedings and go directly into the agenda items. No objections were made.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Regular Meeting – December 8, 2014

No action taken on minutes to allow for additional information to be added. Minutes for December 8, 2014 City Commission meeting will be brought back for approval on January 12, 2015.

Public Hearing - (Required by Law).¹

1. NONE.

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

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

Mr. Vince Capell, City Manager, wished all Happy Holidays.

Mrs. Courtney Alvarez, City Attorney, reported that the next regularly scheduled meeting is set for January 12, 2015 with agenda items due on January 2, 2015. Alvarez reported that city offices will be closed on December 25th & 26th, 2014 and January 1, 2015. Mrs. Alvarez further stated that there was an item that was added to the agenda, item #10, which was placed at the end and asked to move this item prior to discussing the city logo and street workshop. Alvarez wished all Happy Holidays.

Mayor Fugate commented that he would like to move agenda item #10 before item #5, if no objections were made. No objections were made.

Commissioner Garcia wished all Happy Holidays.

III. Public Comment on Agenda Items.³

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

Mayor Fugate opened public comments section of the agenda. Anyone speaking during this time would need to state their name and address and would have three minutes to speak.

No comments were made from the public.

IV.

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

- 1. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 15-1-172, providing for collection of attorney's fees and court costs with lien foreclosure suits. (City Attorney).**
- 2. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 9-7-5, providing for collection of attorney's fees and court costs with lien foreclosure suits. (City Attorney).**
- 3. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 3-10-37, providing for collection of attorney's fees and court costs with lien foreclosure suits and updating who receives payments. (City Attorney).**
- 4. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by adopting Section 3-10-60, providing for collection fees on delinquent debts to City, including attorney's fees and court costs. (City Attorney).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

Mayor Fugate announced that if there were no objections from the City Commission, he would like to move and take action on agenda item #10 before agenda item #5. No objections were made by the City Commission, therefore moving on to agenda item #10.

- 5. Consider a resolution authorizing the Mayor to execute a Consent to Sublease Agreement between the City of Kingsville, Texas, the Kleberg County Heritage Foundation, and Union Pacific Railroad Company for the land at the Kingsville railroad passenger depot. (City Attorney).**

Commissioner Pecos arrives to the meeting at 4:08 p.m.

Mrs. Alvarez reported that the City has previously had consent to sublease agreement with the Kleberg County Heritage Foundation and Union Pacific Railroad Company for land around the railroad depot. Alvarez further reported that in July, 2014, a new lease agreement between the Heritage Foundation and the City was approved, which was just for the depot building only. Once that's done it gets reported to Union Pacific and then their people will draw up this consent to sublease agreement and it was just received recently from the Kleberg County Heritage Foundation which was then brought to the City for approval. This is something that the Union Pacific requires and has required in the past, to which the city has had one in place for the about 10 years.

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

6. Consider participation with the 2015 Kleberg-Kenedy County Junior Livestock Show series of events at the J.K. Northway Expo Center. (Parks and Recreation Manager).

Mrs. Susan Ivy, Parks Manager, reported that she has provided the City Commission with a brief history on the Livestock Show and its involvement with Kleberg County as well as a schedule for the show for this coming year. It is her understanding that there was some conversation in the transition of the Parks system from the County to the City. Ivy further stated that when she began discussing the event with the livestock show and City Manager, by the time they were transitioning, they had already planned half of the event. It is their understanding that the request is that the City honor the same arrangement that the County had with the Livestock Show Association, which is no cost for the use of the facility and that the Parks Department provide assistance with cleanup and assist with the setup of equipment needed to hold this event.

Commissioner Leubert asked what would be the cost to the City for this type of event including labor and electricity.

Mrs. Ivy responded that the electricity for the month is about \$10,000. Commissioner Leubert asked if this was for the livestock show. Mrs. Ivy responded that the show itself is a week-long. They split off the pee-wee show into the beginning, because of the size of the thing which has just grown and grown. The animals usually come in on Tuesday and they start showing from Wednesday through Saturday with the auction on Saturday night. Because of the size of the event, they split it the really young kids where the pee-wee show is held the Saturday before.

Commissioner Leubert further asked what the City's cost would be for supporting the show. Mrs. Ivy responded that it would probably cost around \$20,000 with the utilities and manpower and equipment time. Ivy further commented that within the last five years, the event has grown with the addition of the concert. However, some of the events that have been added are very well attended which brings in more people into Kingsville. Mrs. Ivy stated that keeping it the same this year, is going to result in us having conversations with the new Kleberg County Judge elect, and Kenedy County, after this event is over with to see how we can bring in revenue to offset some of the expenses for the next year's show.

Commissioner Garcia asked that on the revenue side, does the County participate in any of this. Mrs. Ivy's response was no.

Commissioner Pecos commented that all revenues are returned to the kids for scholarships.

Mrs. Ivy further commented that all revenue gained from the concert, is given back to the kids in a scholarship.

Commissioner Leubert commented that it is important that the community understands what the City is providing to the community.

Mrs. Ivy commented that one of the things they are researching and will be working with them on is trying to find ways that they may bring in revenue without hurting their scholarship fundraising. They have been a couple of suggestions made to which they are pursuing some of those possibility.

Motion made by Commissioner Pecos to approve participation with the 2015 Kleberg-Kenedy County Junior Livestock Show series of events at the J.K. Northway Expo Center, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Pecos, Pena, Garcia Leubert, Fugate voting "FOR".

7. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 15-6-130, providing for revisions to the electronic variable messaging sign ordinance. (Director of Planning and Development Services).

Mr. Tom Ginter, Director of Planning and Development Services, reported that up to this point, these types of signs have been prohibited and between November 2012 and March, 2014, there were 4 requests to the Zoning Board of Adjustments (ZBA) for approval, which were approved. This past summer the Planning and Zoning Commission had some research done to determine what it would take to approve the signs instead of going through the ZBA and getting them approved, and also to get them regulated. Ginter stated that this has been done and finding that the City of Amarillo and City of Rockport do allow the verbal message signs in their communities, which raises the question, how far do you go in regulating them. The City of Amarillo regulates them such as the one that the Planning and Zoning has recommended approval of with the number regarding the brightness, no animation and those kinds of things. Ginter further mentioned that the City of Rockport is very general which gives no numbers which is a safety factor. Mr. Ginter further stated that the Planning & Zoning Commission recommended unanimously this amendment.

Commissioner Garcia asked if there was one already in place. Mr. Ginter responded by stating that there wasn't one in place for changing a verbal message sign. Commissioner Garcia asked if the City has an ordinance for illumination signs. Mr. Ginter's response stated that there is an ordinance for illumination but it doesn't cover what is being requested. Commissioner Garcia commented that when this ordinance was approved, the City was approached by Naval Air Station-Kingsville regarding this ordinance.

Mayor Fugate asked if Mr. Ginter has already been in contact with the Naval Air Station-Kingsville. Mr. Ginter responded that he has not been in contact with Naval Air Station-Kingsville. Mayor Fugate commented that the reason the Commission has not voted to approve these types or signs is it could affect the Navy jets flying at dark. Mayor Fugate further commented that the Zoning Board of Adjustments should be made aware of this matter. Fugate continue to state that Kingsville has a different issue than Amarillo and Rockport. Mayor Fugate requested for Mr. Ginter to come in contact with Naval Air Station-Kingsville and be sure they are ok with this matter.

Introduction item.

8. Consider approval of new City seal/logo. (Director of Tourism).

Mr. Leo Alarcon, Tourism Director, provided the City Commission with proposed City seal/logo samples for Commission reviews. The first sample was pictured with a prickly pear cactus to the left side of the logo and no palm trees as requested to be seen by some

of the Commission members. The second sample was that of the tower with prickly pear cactus to both sides (left and right) of the tower. The third sample is that of the city logo (long version) with palms trees to the left and right of the logo. The fourth sample is the (smaller version) tower with palms trees on both sides of the tower. The fifth sample was that of the (longer version logo) with a prickly pear cactus to the left and a palm tree to the right of the logo. The sixth sample was that of the (smaller version logo) with a prickly pear cactus to the left of the tower and a palm tree on the right side of the tower.

Mr. Alarcon commented that his recommendation for the new city log be that of sample 3 and 4. The logo with the palm trees on both sides of the logo.

Mayor Fugate asked about a previous logo sample with the horse silhouettes in the background, which was introduced to the Commission at a previous meeting.

Mr. Alarcon commented that this sample with the horse silhouettes will be used for marketing such as for the Ranch Hand Festival/Breakfast.

Commissioner Leubert commented that she prefers the sample with the prickly pear cactus and the palm as it looks more indicative to Kingsville.

Motion made by Commissioner Pena to approve city logo three (long version of city logo with palms trees at both ends) and four (short version of city logo with palms trees at both sides of the tower), seconded by Commissioner Garcia with one condition, that he would like the star in city logo sample 3 that within the horseshoe located below the letter g, the small star be colored in white instead of brown/tan.

Mr. Alarcon commented that he will make the change as requested.

Mayor Fugate asked for clarification on the motion. The motion stands as stated above.

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

9. Workshop to discuss streets and street funding sources. (City Engineer/Public Works Director).

Mr. Capell reported that there has been at least three years of study and work for this presentation tonight. It has been a tremendous amount of work for a good reason because there is nothing more important today than the condition of our streets.

A three ring binder of information was provided to each member of the City Commission regarding the City of Kingsville's Street Maintenance Improvement Program.

Mr. Capell reported the following information from the workbook provided to the City Commission regarding the City of Kingsville's Street Maintenance Improvement Program. Commentary Assumptions & Perspectives Q&A.

Commentary, the early years- How did our streets, curbs & gutters get into this condition? So far as I can tell the City of Kingsville has rarely has a consistently reliable, annual, ongoing source of funding for its streets, curbs, and gutters. In my view, this reality has been and continues to be the leading cause of poor streets, curbs, and gutters.

Staff's research, which included reviewing documents as far back as July 1915 shows that the City relied upon a number of different funding mechanisms comprised mostly of bonds, special street assessments, and an occasional property tax initiative. Between 1972 and 1986 when the program ended, the City of Kingsville likely used and relied upon the Federal Revenue Sharing Program to pay for repairs and upgrades to these assets. When that program ended in 1986, the City was likely left once again without an adequate source of annual, ongoing funding for streets.

Mr. Capell further reported that approximately three years City staff inventories, assessed and quantified the condition (Good, Fair, or Poor) of all City asphalt & concrete streets and curbs & gutter assets on a per mile basis. This information was later presented to the City Commission at which time it was agreed that staff needed to change and improve its construction methods in order to maximize the life expectancy of these assets at a lower average annual cost to our residents. It appeared to me at that time that the City had not, or at least not recently, inventoried or rated the condition of these assets. This lack of assessment violated an essential truth, which is if it can't be measured, it can't be improved. Capell further commented that today, everything that has happened in the past leads us to this point in time. Since that first streets workshop with the City Commission two plus years ago, Charlie Cardenas, Engineer, and his staff have developed and tested a Geographic Information System (GIS) containing 66,000 data elements for every mile, block, and square yard of city street, curb and gutter. Had the City Commission not authorized the purchases of the GIS Software the Server three years ago our staff would not have been able to develop the City's GIS tool nor would we have the high quality and engineering certainty contained in the GIS data for making important decisions. It deserves mention that most City's would have hired an engineering/consulting firm at great expense to develop and refine their GIS. Capell stated that he is proud to say that our City's GIS tools have been created internally at a far lower cost. Capell further congratulated Mr. Cardenas and his team for this amazing and successful effort.

Mr. Capell stated that for each of the last three budget cycles, his budget message has included a comment to the City Commission that the use of bond funds is not the best way to fund street improvements. Capell stated that he said that while bond funds are better than no funds, the use of bond funds doesn't achieve the City's objective of having a sufficient, annual, ongoing source of funding for its streets, curbs, and gutters. Bond funds are, however, a preferred source of funding for larger, intermittent street and infrastructure projects. Mr. Capell further reported on the assumptions and perspectives. He stated that our goal is the elimination of all poor streets (those having a CRI < 50 on a 100 point scale) and the high number of potholes that come with them. This is arguably the number one immediate priority for our City. Better streets = safer streets, fewer potholes, happier motorists, more attractive neighborhoods and corridors, and a more livable city. Capell stated that anything of importance that is worth doing well – streets included. In order to do anything well, it must be planned, measured and monitored. Our plan will, if used properly and updated timely, outlast individual staff members and elected officials. Streets satisfy two important public needs: traffic conveyance and water conveyance. Traffic conveyance is often financed using sales taxes, property taxes and other general fund sources. Water conveyance can and often is funded using a Storm Water Fee in a Utility Fund. The reality of our streets (design and function) makes them an operational hybrid – part transportation system (General Fund) and part water conveyance system (Utility Fund). The most cost effective solutions for streets (best overall value for our residents) are those that cost the least in the long term even though they might cost more in the short term. Spending more now gives us streets that last longer so that over the life of the street the City is actually spending less per year. Unless there is a pressing need to do so, streets should not be replaced until they are at the very end of their useful lives. To replace a street before the end of its useful life would be to waste resident and taxpayer resources.

Mr. Charlie Cardenas, Public Works Director/Engineer, reported that this started plan began before he came on board with the City of Kingsville. Cardenas recognized the hard work done by Mr. Naim Kahn, previous Engineer and Ms. Valerie Valero, previous Engineering Assistant. Cardenas further introduced the Street Team, Mr. Capell, Mrs. Balli, Charlie Sosa, Daniella Herrera, Austin Jurica, Arnoldo Castillo, Sharam Santillan, Engineering Assistance, and Bill Donnell.

Mr. Cardenas stated that in the definitions, the asphalt streets have a rating of good, fair, or poor. During the budget workshops, the scoring of streets was discussed. The scoring began in the spring and early summer. Mr. Cardenas stated that he personally drove every street and every block and part of the scoring is to count every pothole at that time. The reason he mentions spring and summer is because it changes once the wet weather begins, which requires it to be updated with a new scoring.

Mayor Fugate commented that the list of streets and dates of repair is out for the public to see. Fugate further asked staff to be careful when rearranging the order as it may upset some citizens.

Mr. Cardenas commented that this list stands as it is for 2015 and 2016. The 2015 list of streets is what has already been approved by the City Commission. Cardenas further discussed the ratings of streets, good is a rating of 176, fair is a rating of 75-51, and poor is 50-0. In the Federal Highway Administration and the best engineering practices, there are some other things that were taken out on the scoring. Cardenas stated that it's important to him that this is noted. In Kingsville the traffic volume is negligible. Kingsville does not have a traffic problem. Cardenas further commented that the life of an asphalt street is about 20 years and concrete streets have a life of 50 years. Cardenas further commented that the rating of a concrete street is different than an asphalt street. Curb and gutter will last for 50 years, however we are replacing the type of curb with new developments as they are being fixed. He further stated that during this presentation, the Commission will hear him say PCI, which means Pavement Condition Index, which is a score that is given to a street and FDC, acronym for Full Depth Construction, which is what has been done in the past two years during the construction of a street. When you tear up a street and putting in new limestone based materials. Cardenas further stated that you then have an overlay, which is the top two inches of a street. If the base material is good, the top two inches is all they will replace.

Commissioner Garcia asked how one would know if the base is good before tearing it up. Mr. Cardenas stated that they are two ways to do this. The primary way is to do a core sample, where they drill down and pull it out and analyze the different layers of the asphalt or the flexible paving. The other way, upon experience and observation, you could see where the base has failed on a street or you can see the sunken portion of the street or a ring around the street. Cardenas commented that when you see the sunken portion of the street it's usually water infiltration.

Commissioner Garcia asked that when core samples are done, how many samples are pulled. Mr. Cardenas responded that it's usually one every four hundred feet (one per block). Cardenas reported that a rejuvenator is chemical application that is sprayed on the surface of the street so that the surface of the pavement may be activated chemically.

Mr. Cardenas further reported that during his presentation, he will use the acronym GIS, Graphic Information System which is a computer software that the City has invested in. The GIS software is available on the City of Kingsville's website which will allow you to measure a property and check on a property, which is information that the title companies and developers like to use. Cardenas stated that GIS is being used for the pavement model. Cardenas further spoke about the different distresses on a street such as alligator cracking, edge cracking, joint reflection cracking, longitudinal and transverse cracking, patching and utility cut patching, potholes, and rutting.

Mr. Cardenas spoke about the calculated and informed assumptions. The size of a block which is 400 feet, but some blocks is larger than others and some blocks are wider than others. GIS measures, very accurately, the width and length of every block.

Commissioner Garcia if the meets and bounds are used with GIS to the exact.

Mr. Cardenas responded that it is exact. Same as with properties is also exact, which is important for the title companies. Cardenas further reported that in the last two years, the city has done six miles of street. In 2014, forty-seven blocks were done and in 2013 they worked on thirty blocks. This happened with better equipment, trained personnel, and more efficient ways of constructing a new street. Cardenas stated that there is a drop off rate if a poor street (under 50) it's already dropped off. But there are those fair streets that are dropping off. Some are on the verge of dropping to poor and some are descent. Cardenas further talked about the life of a street and how the score affects the remaining life of a street and how we plan what year a street will be rebuilt. As for fair streets there is a certain rate that those streets are dropping off to poor. These fair streets are dropping off at two miles a year, although we are still going positive at a one-third rate. A maintenance activity has certain periodic maintenance activities that need to be done on a street within those 20 years. Cardenas continued and discussed curb and gutter, in which this case they are seeing both sides of the streets. However, there are some that once the reconstruction begins only one side may be done.

Mr. Cardenas continued to speak about the factors contributing to asphalt street failure. Water infiltration is where water seeps into the roadway through cracks that cause base failures. Passenger traffic loads is moderate weight causing minor but more distress. Commercial traffic loads are heavy weight causing severe distress. A traffic volume is when frequent traffic causes repetition distress. Vehicle turning movements causes distress at intersections, driveways, and back up motions. Corrosion/Oxidation can be done by Ultra Violet (UV) exposure. Chemical decomposition is also created. Several chemicals and solvents react chemically when contact is made with the reinforcing steel in concrete. Utility repairs are street cuts made to the roadway compromising the uniformity and integrity of the roadway. This results in roadway failure over a period a time.

Mayor Fugate asked what is being used to spray the weeds on the street. Mr. Bill Donnell, Assistant Public Works Director, responded that what is being used is roundup for the grass and 24D broadleaf weed killer mixed with soapy water.

Mr. Cardenas further commented that temperature changes is extreme changes is temperature causes soil and materials to expand and contract. This causes the street to buckle. Weather conditions, salt treatment affects the chemical compound of the reinforcing steel to decompose and corrode. Lack of scheduled maintenance causes the roadway to be short lived. Mr. Cardenas further stated that the primary purpose of a curb is water conveyance instead of open ditches.

Mr. Cardenas spoke about maps (provided to the Commission) regarding GIS pavement model maps showing street, curb and gutter ratings of streets in Kingsville. Cardenas stated that there are long concrete streets that will be considered Capital Projects such as Kleberg Street from City Hall to the Kleberg County Courthouse, Richard Street from Tenth Street to 6th Street. Mr. Cardenas spoke about the curb and gutter inventory. There are three types of curbs in Kingsville, but would like to standardize it to one type of curb. The old type is what is called the square curb. The popular 1970's, 1980's type was the rollover curb which is a swale. The most efficient type of curb is the six inch curb, which does retainage of the soil and works well for the water conveyance. The standard curb for Kingsville is the six inch curb, so when a curb needs to be replaced, it is replaced with the six inch curb. Mr. Cardenas spoke about photos (provided to the City Commission) regarding curbs.

Mayor Fugate commented that on his street, he has rollover curbs which has edge cracking, and asked if this was common with this type of curb or any other type of curb. Mr. Cardenas responded that this indicates that there was some water infiltration in the base material underneath the curb. Cardenas further gave examples of different types of curbs and gutters rating by condition.

Mr. Cardenas stated that there are five types of data elements that were placed on a chart. The five types are street identifiers, conditions rating, past street activity, future street activity, and cost components. He further commented that they will be keeping track of the maintenance history by GIS. This will help track every pothole and work order done. Cardenas commented that it isn't wise to reconstruct a fair street if it still has eight years of left rather reconstruction a street that is poor or has one year left. Cardenas stated that he as other staff and Commission members hear the concerns coming from citizens regarding street repairs. Cardenas stated that he takes all concerns from citizens very seriously.

Ms. Daniella Herrera, GIS Technician, reported on data elements key and information. Ms. Herrera reported that this is every block in the City have an attribute from all the elements. Every block has the type of surface whether its asphalt, caliche, or concrete. They are identified what zone from 1-15. It also has whether the streets are arterial, collector, principal arterial, and the direction it's in. What is most important to the citizens is the block number for every street. Herrera further reported that the important factor to this is the PCI Class rating (0-100) that was received from Mr. Cardenas. The status is where it is mentioned what size is the block and what year is it in the schedule for repair or has it been completed. In the activity section, this shows where the streets falls such as FDC overlay. Ms. Herrera further reported that what GIS does is measurements on streets where cost are calculated. Based on the length and width, the cost of overlay, fog seal rejuvenation cost overlay edge, cost FDC, and fog & crack for every block. Herrera reported that by knowing the length and the width, the square footage meaning they got the square yards and able to use the current cost of overlay, materials for overlay, materials for FDC and add them up and multiply into the square yardage to determine how much that particular block will cost to do overlay and fog seal.

Commissioner Garcia asked that out of curiosity, if he was to give them his address, a time estimate can be given to him of when his street will be up for repairs. Garcia further asked how much it would cost to do every street today.

Mr. Capell responded that it would cost \$2,125,366.

Commissioner Pecos asked that considering the fact that the oil is 60% less than last year, is there a possibility to purchase as much as material so we can take advantage of the low cost, before oil prices go up.

Mr. Capell's response was that we are not seeing a reduction in asphalt prices unfortunately.

Mr. Cardenas responded that asphalt prices are not going up as concrete prices are up. Cardenas further commented that every year it gets bided out and there are so many contracts that there are one year, two year, with the most being a three year contract. When it does bid out, you get the three year contract that holds in those prices for the three year period. He further commented that if every street were to get fixed today, we would be fixing some streets that still have some life to it.

Mayor Fugate stated that city crew is doing all they can do, and it would be impossible to fix all the streets in one year.

Mr. Cardenas commented that their current plan that is being presented, does not take into consideration contractor cost or employee cost as this is done in-house. In a full depth construction (FDC) a 6" base is used with MC-30 primer emulsion (seal of base material), AC-5 oil (tack for rock), #4 grade gravel (for seal coat) and 2" of hot mixed asphalt concrete (HMAC). In the hot mix overlay, it is used MC-30 primer emulsion (seal of existing road base), and 2" of hot mixed asphalt concrete (HMAC). Fog and crack seal, use bituminous asphalt oil (much like an AC-5) used to cover/seal the street, and use rubberized crack sealant to fill in lateral and longitudinal cracks. Rejuvenator is a chemical compound used through a distributor to re-oxidize asphalt streets. Chemical reacts with top surface of the asphalt. Concrete street is 6" base material (limestone), 6" 3000 psi concrete, and #4 rebar, 18" off center. Concrete curb and gutter consist of 6" base material (limestone), 6" 3000 psi concrete, and #4 rebars, 18" off center. Cardenas further commented on the construction and maintenance plan which was provided in map form to the City Commission. He further explained that the term "sandwich" which is a term used in building streets. Mr. Cardenas briefly commented on maps of street repairs for years 2016 through 2033. Cardenas stated that the 2035 year street is what is being done this year, 2015.

Mayor Fugate called the meeting to recess at 5:40 p.m. to allow dinner to be served.

Mayor Fugate reconvened the meeting at 6:08 p.m.

Mr. Cardenas discussed briefly the yearly cost graph which is the 20 year plan can current cost estimates. In the graph provided to the City Commission it shows a green line that is for the next 20 years to replace every bad concrete street in the city. Since it doesn't have a rating, it's a static cost in today's dollars. The red line is the average cost. This is the average yearly cost which is \$2.16 million dollars a year. The blue line is a variable line, which is considered the actual line. This line in some years is lower and some years are higher. In order to come to that target line, we had to move up and move back some street but not moved more than two years. He further stated that the city would not want to replace the street before its time, the most it's going to be before its time is two years. He further commented on a chart that shows how many blocks will be done in full depth construction and overlay. In the first five to six years, it's mostly full depth construction, because we will be getting rid of poor streets.

Mr. Capell commented that 16% of city streets are rated poor today, which is about sixteen miles. Those streets will be repaired, because they are top priority, in the first five years. The rest of the time, the streets that are falling from fair into poor. All the streets that are rated poor today will be repaired within the next five years.

Mr. Cardenas continued with his presentation stating that the question was asked, what \$2.1 million a year buys. Cardenas stated that every year is a little different. It will buy so many miles of full depth construction, overlay, concrete street, curb and gutter, and maintenance activity. Cardenas further discussed maps provided to the Commission regarding the projected years of street repairs.

Mayor Fugate asked when 6th street will be repaired. Mr. Cardenas responded that it will be done in the year 2026. Mayor Fugate asked if staff will try to place a seal coat on the street. Cardenas stated that there is a maintenance activity schedule for this to keep it for 2026.

Commissioner Leubert commented that the information that was provided to the Commission regarding the street presentation is well put together. The information is easy to read to where anyone reading this can understand it.

Mr. Capell stated that the one thing he would caution the Commission about is that this is a dynamic model and each and every year Mr. Cardenas and his staff estimates will change. Mr. Capell gave an example of a street that may be on the schedule for full depth construction in 2021, because this changes every year and updated every year, that 2021 street may be able to be moved to 2022 or move to 2020. Mr. Capell further commented on the financing part for street repairs. He stated that he understands from the City Commission stand point that property taxes are not the most popular way to provide revenue for streets. The direction he is taking from the City Commission is that it is preferred to look at other areas than property tax. Increasing property taxes is problematic in several ways. Property tax is already been used to fund the city's employees cost, supplies/materials needed in the everyday street maintenance program. Our budget is roughly around \$1.5 million in the general fund which goes to employees, basic cost in the streets division in the Public Works Department. If you assume that all of this is paid by property tax, it's about \$.20 of our property tax levy or M&O levy or about 31% of our property tax levy is getting used to pay for streets department expenses. Capell further commented that Mr. Cardenas has been talking about the \$2.1 million that will go for are the outside contractor cost as well as the material cost. With the employee cost already covered in the existing general fund budget, which is provided each and every year. What we don't have annual ongoing source of funding is for material cost and contractor cost. Mr. Capell further stated that if the city was to try and raise \$2.1 million using property tax, we would have to increase our levy \$.29. Mr. Capell stated that of \$2.1 million a year it's actually \$2,125,000. He is proposing that we take \$1.4 million from stormwater fund which goes back to his definition of what street are for. Streets are for two things, traffic conveyance and water conveyance. Because it's for both those reasons, if he had to assign a percentage to which is the greater, he would say that water conveyance is the greater. It affects everything from the design to the construction. Capell further stated that water infiltration is the single largest factor that deteriorates our streets. For those reasons staff should look at the stormwater fee as a way to fund the street improvement program.

Mayor Fugate asked how much is being proposed to go up on the stormwater. Mr. Capell responded that at this time it is \$15.00 per year (\$1.25 per month) which goes entirely to paying a debt service, which we would have to keep that in place. We can't go in and spend that for something, it needs to stay in place until the bonds are fully retired. The increase would be about \$98.00 per year which makes a little less than \$7.50 per month.

Commissioner Leubert asked if this includes the \$3.00 that staff wants to take from the Landfill Department. Mr. Capell's response was no, this is something separate. Commissioner Leubert commented that if you want to take landfill fees, which in her opinion, anybody that is paying that thinks it's going to landfill. She further asked if it is or isn't at this time. Mr. Capell responded that it is, as of right now it is. Commissioner Leubert further asked if before there was money taken from it and used for something else. Mr. Capell response was that we did use the excess reserved that was created. Capell stated that the excess reserve was created for the H.M. King. Commissioner Leubert further asked that it is being suggested to raise \$7.78 plus \$3.00. Mr. Capell stated that we are talking about the stormwater fee. Commissioner Leubert responded right, you want to raise the stormwater to about \$7.78 and add the other \$3.00 from the landfill for that. Mr. Capell asked if those could be handled individually. Commissioner Leubert's response was that she is only trying to cut to the chase of that. Mr. Capell's response was that he doesn't think we should cut to the chase but go through it methodically one by one. Commissioner Leubert responded to go ahead and explain.

Mr. Capell continued to state that it is slight less than \$7.50 per month which is the cost of a hamburger and fries. People can get new streets in this town if they want to put \$1.4 million toward \$2.1 million. The other portion, there are two portions, which Capell calls fee swap, the reason he proposed these is because the landfill closure is currently being paid at \$3.00 per month, which is included in the monthly utility bill. Capell stated that because of a mistake in the 1999 landfill tipping fee study where they misestimated the acreage, which was disclosed in the city annual financial statements. It was discovered that there were using two cube acres. They really had more acres and more time to accumulate the required post closure/closure reserves. Capell stated that we had been accumulated more than the city needed for a little more than a decade, and because we accumulated more than we needed, we used some of those excess funds to pay for the H.M. King High School (proposed new City Hall). The \$1.7 million in particular, there was \$1 million from bond funds and \$1.7 million from the excess reserves in the landfill post closure fund and another \$500,000 of utility funds, which is what got us to the \$3.2 million for the H.M. King School. The excess collected, \$3.00 collected every month, about \$2.00 of that is an excess, we really only need to collect about \$1.00 per month. To have enough money to pay for the closure/post closure care reserves by the year 2060. Capell commented that Engineering Firms will come in and refigure the numbers and those may change. One place the money could come from is to take the \$200,000 and use it for something else. Capell stated that what he likes about that, from a residents stand point, it doesn't ask them to pay any more than they are already paying. It is up to the City Commission whether they would like to characterize that and use it for something else.

Mayor Fugate commented that this is what Commissioner Leubert is stating. There should be some truth and diligence if we do decide to use this money for something other than what it's been collected for.

Mr. Capell stated that it has been previously disclosed as it has been included in his previous year's budget messages and stating again here at tonight's meeting. Capell stated that we made no effort to conceal it or hide it, we just need to decide if we are going to roll it back \$1.00 and that where it will stay until it needs to be increased and are we going to use the extra \$2.00 to go towards this cost. Capell commented that this isn't the only reason he is suggesting, he stated that Mr. Cardenas mentioned the damage that heavy trucks do to our streets such as when we send our garbage trucks out there, twice a week, to every resident in this city. It has never been asked from the Sanitation Division of Public Works to reimburse or pay for any of our streets, but that would be one justification for using some of those funds on our city streets. Mr. Capell further commented that he isn't asking for the Commission to make a decision tonight but simply just making recommendations.

Mayor Fugate commented that this is the number one issue that our citizens have in our city, streets. Hearing that Commission Leubert and Commissioner Pecos receive the most complaints regarding our streets, we have to pay for them somehow.

Mr. Capell commented that there are other ways to pay for streets, such as use property taxes or street fees.

Mayor Fugate asked that besides property taxes and street fees, what else is staff recommending.

Mr. Capell responded that there what he calls swap. It comes from the \$4.00 fee that was excess fee added on to landfill bills that were for debt service. The debt service was used to purchase all kinds of vehicles and trucks prior to Mr. Capell's arrival. This debt is now posted and close to paid off. He stated that this debt right now is close to \$482,000. It will

take us until year seven (2022 yr), until that debt is all paid off but it shows that the debt every year mostly declines until year seven at which point it's all paid off and all that money, if Commission choses to do so, could be changed over and directed towards streets rather than simply letting it lasp or issuing new debt. Mr. Capell stated that his suggestion is that Commission let this debt lasp to use the debt capacity that is in the general fund debt to purchase the equipment. This is something the residents are currently paying that we could both let lasp and allow their fees to go down or it can be utilized for something else. If we utilize it, if it's not used for this, then we would have to generate the money in some other fashion. Capell commented that the transfer is basically is taking the money from solid waste until the excess debt is completely paid off at which point the transfer is a nominal amount. Capell stated that this is as simple as he can make it without including any property taxes which has some advantages. Saves on having to increase the fees on residents above what they are currently paying. Capell further stated that stromwater fee is interesting from a public policy perspective, because right now if you generate this money through a property tax, all kinds of organizations are exempt from property tax. Very few organizations are exempt from the stormwater fee.

Commissioner Leubert commented that call it a stormwater fee, basically it's a street fee.

Mr. Capell's response was that he is calling it a stormwater fee because our street is a utility and by definition that the street utility is as much about stormwater drainage as it about traffic.

Commissioner Leubert agreed but stated that its going to be fixing streets so the public will look at this and say that the city wants to charge them a stormwater fee to fix the streets cause that's where the water floods. Leubert further commented that it's still a street which makes a fee added on plus \$10.00 per individual paying taxes or bills, but it's a fee whether it is called a stormwater or street, but it will be used to fix streets. Leubert further commented that she rather be honest with the public and let them know it will be used to fix the streets.

Mr. Capell stated that he is being honest and if Commissioner Leubert wants to characterize it as something else, that is her decision. Capell further commented that he doesn't think he is being dishonest with anybody. He has given the Commission plenty of justification for why he thinks this is a stromwater fee. Streets are created to drain water from the crown of the street to all the individual sandwich layers. The way it's constructed is all about preventing infiltration and prompting water runoff.

Mayor Fugate commented that for the sake of argument, legally it could not be done. Can we just do a street fee. Mr. Capell responded that he thinks we have had some experience with street fees. Mayor Fugate commented that he isn't speaking of doing the assessment; he is talking about doing a user fee. Mr. Capell commented that staff would need to look into it some more. Capell stated that he doesn't know whether voter approval is required or not. Mayor Fugate commented that the city created a stromwater fee without voter approval.

Mr. Capell commented that he hopes that this could be brought back to Commission in January, 2015 where staff talk about it again or bring back additional information to the Commission. This would have given the City Commission enough time to think about all that has been presented during tonight's meeting.

Mayor Fugate stated that the City Attorney would need some time to look into this as well as the City Commission. He further stated that he understands that the City Manager has

done as much as he can with the finances available. But he cannot imagine the voter approving raising ad valorem taxes.

Mr. Capell commented that whether it's a stormwater fee or street fee, he thinks voters would like the fact that the city is spreading it around a little more than to the typical property tax payer.

Mayor Fugate commented that the voters may get an opportunity to vote on this and see what they want.

Mr. Capell further spoke about information provided by First Southwest when the City was refinancing debt and issuing new debt. It shows that the City of Kingsville tax rate comparison to Texas cities our size, Kingsville has the higher tax rate and the lowest assessed valuation compared to all the comparable. This means that we have had to charge a high tax rate because of our low assessed valuation. The low assessed valuation is probably because we had so many tax exempt employees. Based on comparisons to other Texas Cities Kingsville is the third from the highest in terms to the total tax rate. Capell further reported that while we are trying to attract development, builders are doing their math they look at tax really hard and not look at stormwater fees. Capell commented that another reason whether the Commission wants to call it a street fee or stormwater fee, you look at a fee as oppose to the property. He further commented that they may have trouble getting a sufficient return on investment because our tax rates are too high. Capell's concern is that if the City raises the taxes higher, it may make it difficult for new development to come in.

Commissioner Leubert commented that her concern is that if the proposed rate is \$10.00 per month or per resident or business, our residents at a higher tax bracket are going to have less of an impact. Those who are making less money and living in smaller homes we will be impacting the lower economic group than the higher economic group. Leubert stated that she understands spreading around, which makes sense, but we still have to look at both tax brackets and how it will impact each.

Mr. Capell responded that the stormwater fee is regressive because whether you own a \$50,000 home or \$350,000 home, they will be paying the same fee. It was designed to setup that way and it is regressive but that's a policy decision. Capell stated it does spread it around and more people are paying it but its regressive tax because the little guy will be paying more of a percentage of his/her income.

Mayor Fugate commented that the argument to that is that it is a user fee, everybody uses the streets and if you use them, you should pay for them.

Mr. Capell stated that after looking at a 2012 Stormwater Fee Survey, Kingsville was not included in this survey as we didn't have stormwater fee at the time. Capell calculated what Kingsville's fee would be per month and per year, what the additional proposed would be per month and per year, and what the total proposed would be per month and per year. The City's would go to \$9.03 per month which puts us in the upper rates for stormwater. Capell further commented that the City Commission has not increased the City's property tax for five years in a row. In his view, the longer the Commission holds the properties tax the more comparable and competitive Kingsville will get with other communities. Whether it's a stormwater fee or street fee, it makes more sense to look in that direction than it does in property tax. A stormwater fee or user fee, which ever the Commission decides to do, it puts it at \$108 per year which is less than any most individual family monthly electric bill. In terms on how it compares to other utilities it's far more cost effective.

Mayor Fugate and Commissioner Pecos excused themselves from Commission meeting at 6:42 p.m.

Commissioner Garcia opposed a question that if the City doesn't raise property taxes, how does this impact our bond rating.

Mr. Capell's responded that based on our existing based levels the city is fine. Capell stated that after having First Southwest run a debt capacity schedule for Kingsville which states with current tax rate both I&S and M&O, if those rates don't increase this is how much debt you can issue in the future by year and Kingsville is sitting pretty well. There are two analyses that are run for Kingsville. One says we can issue \$11,800,000 in new debt between now and 2019 assuming no growth in assessed valuation. The reason for this is because the city is paying old debt off. The second analysis shows that the city can issue \$15,500,000 worth of debt by year 2019 assuming that our estimated average growth and assessed valuation is at 1.67% per year. This indicates that we will have a high ability to issue new debt without increasing the tax rate.

Commissioner Garcia asked if staff has looked into possibly cutting back on garbage pickup to just one day a week instead of twice a week. This will allow the city to divert some of those funds into the street program.

Mr. Capell responded that it has been discussed with staff internally. A lot of cities have once a week garbage pickup and works well for them, but we would like to poll the residents and see how they feel about garbage being changed from being picked up twice a week to once a week.

Commissioner Garcia commented that by possibly changing the garbage pickup schedule, it will save some money that can be used for the street program.

Mr. Capell commented that with all the information presented during tonight's meeting, if Commission needs additional information or would like some analysis done it will be provided to Commission at a future meeting. Capell further stated that the City is trying to create \$2.1 million dollars to do something that the city hasn't done before in the way we are trying to do it.

Commissioner Leubert asked what the City's surplus per year is. Mr. Capell responded that in the general fund for this year is an estimated \$160,000. Capell stated that when he first arrived in Kingsville, the City had a surplus of \$2 million dollars. This was due to budgeting our sales taxes to low and received some savings from vacancies within the City.

Mr. Capell reported on divisions that have a user fee charge. He stated that the problem with some of those divisions that have a user fee services are experiences large deficits that are coming from sales tax and property tax. Capell gave an example that within the Planning Division for permits & licenses it shows \$407,000 in revenue with \$858,000 in expense incurred. This division alone has deficit of \$451,000 which needs to come from somewhere. Capell continued to state that where this is coming from is all the other general fund sources such as sales tax, property tax, and ambulance fees. Capell stated that one of the solutions for general fund and street improvements is to increase the amount of expenses covered by user fees.

Commissioner Leubert stated that staff could tighten some of the budgets as well and save this way. Leubert continued to state that in the past the city had been able to purchase needed items with surplus monies.

Mr. Capell responded that as soon as people start asking city employees to do less, he will be fully onboard. Capell further stated that tightening the budget is a consideration in order to save money.

Commissioner Garcia asked staff to look into the possibility of changing the garbage pickup from twice a week to once a week, and see what type of savings this would bring to the City.

Mr. Capell commented that he encourages the City Commission to keep in mind that although with talks of possibly increasing some fees, citizens will be receiving improved streets within the City.

Commissioner Pena agrees with this, but he further stated that we should not be deceitful as to how the city presents it to the community.

10. Consider a resolution abandoning a 1907 water and drainage easement within 1.891 acres of Lot 14, Section 17, K.T.& I. Co. also being out of Lot 1, Block 1, Bhakta Subdivision at 2489 U.S. 77 in Kingsville. (Director of Planning and Development Services).

Mrs. Alvarez reported that the City Commission did one of these earlier this year for the Legends Property on West Santa Gertrudis.

Mayor Fugate commented that there was one done for the Western Oaks as well.

Mrs. Alvarez continued to state that this is not uncommon for these things to come up and sometimes the new purchasers or new lenders would like to have them removed so that they may have some higher level of confidence that it wouldn't be an issue in the future. The City is still protected with regards to State Statue and City Ordinances.

Motion made by Commissioner Pena to approve this resolution, seconded by Commissioner Garcia.

Mayor Fugate commented that with both owners/representatives from the title company are present at tonight's meeting, it was suggested that since this has become an issue, maybe we should look into doing away with all these easements at one time to where they won't have to be addressed individually.

Mrs. Alvarez's response was that the only challenge would be with regards to the filing at the courthouse. She's not sure how they would attach this to every K.T. & I property.

Mayor Fugate asked for Mr. Michael Krueger to address this to the City Commission and staff.

Mr. Michael Krueger stated that it would only be necessary to file one time stating that the City of Kingsville no longer wish rely upon these restrictions that were filed in 1907. As Kingsville continues to grow, it will keep them from coming to the Commission with this issue over and over. Krueger further stated that he is willing to assist the City Attorney in drafting this document.

Mrs. Alvarez commented that this can be worked on and bring to the Commission for their approval at a meeting in January, 2015.

Mayor Fugate commented that there is no rush to do this, as we have some time to work on it.

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

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:57 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, City Secretary

PUBLIC HEARING(S)

CONSENT AGENDA

AGENDA ITEM #1

ORDINANCE NO. 2014-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING SECTION 15-6-130, PROVIDING FOR REVISIONS TO THE ELECTRONIC VARIABLE MESSAGING SIGN ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

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

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

WHEREAS, the City of Kingsville Planning and Zoning Commission has reviewed this ordinance at a meeting on December 10, 2014 and voted 6-0 to recommend its approval;

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

I.

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

...

Sec. 15-6-130. Changeable electronic variable message signs.

(A) Purpose and Intent. More businesses desire to utilize advancements in technology which permit signs to change copy electronically (e.g., utilizing a Changeable Electronic Variable Message (CEVMS) or a Light Emitting Diode (LED) type of sign). These newer technologies pose additional risks of impacting adjacent areas and adversely affecting the environment in which they operate unless regulated in a reasonable fashion. The intent of this section is to establish operating standards and regulations for signs which utilize these newer technologies in order to minimize the secondary effects that often accompany the unregulated display of digital signs, preserve the character of adjacent areas (with a principal focus on residential neighborhoods), protect property values, and reduce traffic hazards caused by undue distractions.

(AB) Definitions.

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

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

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

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

(C) Permitted uses

Lighted CEVMS shall be permitted within all non-residential zoning districts of the Sign Code Application Area (excluding Ag Districts), provided information can be shown indicating they meet the below criteria prior to permitting and are maintained to perform as such after installation.

- (1) Comply with the size and placement criteria as prescribed within Section 15-6-115 through 15-6-120.
- (2) The luminance/brightness shall be limited to 5,000 NIT's during daylight, and 250 NIT's from dusk to dawn.
- (3) The luminance/brightness of the sign shall be controlled by an ambient light monitor which shall automatically adjust the brightness levels based on ambient light levels.
- (4) The sign display shall remain static for a minimum of five seconds, and shall require instantaneous change of the display.
- (5) No animation or video shall be allowed utilizing the CEVMS.
- (6) The CEVMS display shall be programmed to go dark in the instance of a malfunction.

(BD) Prohibitions.

- (4) Prohibition of new off-premises sign. From and after the effective date, no new construction permit shall be issued for the erection of an off-premises

sign including, but not limited to, billboards, new off-premises CEVMS or the conversion of an existing non-CEVMS off-premises sign to a CEVMS, within the Sign Code Application Area.

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

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

II.

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

III.

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

IV.

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

INTRODUCED on this the 15thth day of December, 2014.

PASSED AND APPROVED on this the 12th day of January, 2015.

Sam R. Fugate, Mayor

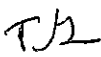
ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

To: Vince Capell, City Manager

From: Tom Ginter, Director of Planning and Development Services 

Date: January 2, 2015

Subject: Agenda Item – Amendment to Code of Ordinances by Amending Section 15-6-130,
Changing Electronic Variable Message Signs

At the December 15th City Commission meeting, the first reading of this amendment was presented to the City Commission. At that time the Commission members asked some questions that I believe that I have gotten answers for them. Of significant concern was the impact of the message signs to NAS-Kingsville. Since then I have been in contact with Glen Jones, Community Plans Liaison Officer for NAS-Kingsville. Attached is an email to me about this issue and he states that there are the protections are in place so NASK doesn't have an issue with the amendments.

Specifically those reasons are:

1. Billboards along 77 are not eligible for electronic signs, only in front of businesses
2. Height restrictions come into play
3. There are intensity levels stated in the amendment

If any other information is needed I will be glad to provide that to you.

Tom Ginter

From: Jones, Glenn R CIV NAVFAC SE <glenn.r.jones@navy.mil>
Sent: Wednesday, December 17, 2014 10:45 AM
To: Tom Ginter
Cc: 'Robert McCreight' (robert@kingsvilletxhomes.com); Brad Womack; Mike Kellam; Jones, Glenn R CIV NAVFAC SE
Subject: City Of Kingsville Lighting Ordinance
Attachments: 23_36-2 JAZB Lighting Ordinance 2010 -rick-dr.doc; JLUS -Variable Elec Signs Ordn.pdf

Tom,

Sorry I missed you this morning after EDC. I wanted to visit briefly. I did speak with Robert McCreight and Mike Kellam this morning. I think I may have misunderstood the P&Zs discussion on the amendment to the lighting ordinance. I believed it to address only those signs in town, at street level, and in front of businesses. I just want to ensure we have compatibility and I think we can do that without having NASK take a hard stand against any electronic signage. In this matter, height and intensity are my primary concerns, with shielding being one possible mitigation should a sign be distracting to our pilots.

Robert assured me that the signs along 77 (billboards) like Gem's for instance, are not eligible for electronic signs and Mike mentioned that height restrictions should also come into play. Changes to any of those signs would require them to come into compliance with current code.

Those signs along 77 (Gems, car dealers, etc.) would be a problem for NASK's pilots if they were electronic. As long as all electronic digital signs are low-level in front of the business there should be no or little impact to NASK. If there is a problem, as long as the city has the authority to have the lights shielded as outlined in the JAZB lighting ordinance, that should remedy any other concerns. The JAZB and the City's ordinances should be similar since they share a boundary west of the air station.

With shielding as an option, and height restrictions and low intensity enforced, NASK has no issue with electronic signage.

In an unrelated issue, the JAZB needs to meet in January. It is imperative to get this board functioning again. I can work with you and Brad on an agenda. Much needs to be discussed and acted upon.

Feel free to contact me anytime to discuss further.

-Glenn

Glenn R. Jones
Community Plans Liaison Officer (Mission Sustainment)
Air Operations Department
311 N. Mitscher Ave, ste 212
NAS Kingsville, TX 78363-5002
361-516-4770; (D) 876; (C) 361-331-6164

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To: Vince Capell, City Manager

From: Tom Ginter, Director of Planning and Development Services



Date: December 11, 2014


Subject: Agenda Item – Amendment to Code of Ordinances by amending Section 15-6-130, Changing Electronic Variable Message Signs

Prior to my arrival Electronic Variable Message Signs were prohibited in the City of Kingsville. A number of variances for this type of sign have been submitted to the Zoning Board of Adjustment and approved by that body. Because of that and what probably would be an ongoing thing it was determined by the Planning and Zoning Board to consider an amendment to the ordinances to allow them with restrictions.

Staff along with Mike Kellum did the research and provided information to the Planning and Zoning Board on language concerning changing variable message signs. In the amendment, paragraph A states the purpose and intent of the change. It recognizes that this technology is preferred by many businesses but pose risks. A new paragraph C is introduced as Permitted Uses. This paragraph goes into more detail as to where they can be located and how they are to be operated after installation.

Attached are copies of the City of Amarillo's and the City of Rockport's ordinances pertaining to this subject. Both cities allow them; it is just a question of how much regulation you want to have over them. From the review of the examples, Amarillo goes into detail by using a number for the brightness while Rockport is very general just states that the intensity of the electric illumination shall be lessened. After some discussion the Board determined that they wanted to be specific with the brightness so the motion was made to recommend approval of the amendment as written. The board voted unanimously to recommend approval of the amendment to Section 15-6-130.

To: Planning and Zoning commission Members

From: Tom Ginter, Director of Planning and Development Services 

Date: December 4, 2014

Subject: Agenda Information – Changeable Electronic Variable Message (CEVMS)

At the last meeting the Commission recommended that staff research what other cities are doing pertaining to this issue. Since then I have also had the opportunity to talk to Mark Kellum who started the research when Cynthia Martin was the Interim Director, I also have a call into the Macareno Sign Company but have not heard from him as to the writing of this memo. I will continue to research this topic to find out any more answers if necessary. The decision to amend the sign ordinance started when the variances were being requested by entities to have a CEVMS. Up to this point I believe they were not allowed. The important issues are the aesthetics to the environment and safety. The aesthetics would be from Las Vegas to very limited which obviously can be a wide range. The other is safety which is an important function to be concerned with. Those concerns are being addressed in Section C Permitted Uses. I have also attached parts of two city ordinances which allow CEVMS. One is from the City of Amarillo and the other is from the City of Rockport.

They both allow CEVMS in their communities. I have tried to point out that clearly the City of Amarillo has taken the stance that is closest to our suggested language which puts a specific limit on the brightness of the sign. The City of Rockport just states that the intensity of the electric illumination shall be lessened. There is no number attached to it. So it is fair to say that while they are allowable it depends upon the community how far you want to go in regulating the operation.

At this point staff recommendation would be to approve the amendment as recommended.

master plan.

C. Required submittals. In order to obtain a sign master plan, the owner(s) of the property located within the proposed sign master plan area must sign and submit an application to the City's Planning Department, on a form provided, which application must be accompanied by the following:

- 1) A site plan showing the proposed boundaries of the master sign plan area.
- 2) A site plan showing the location of all existing or proposed freestanding signs.
- 3) A table showing the type, square footage and heights of each sign indicated on the site plan.
- 4) All signs and sign structures, both existing and new, and parts thereof, within a Sign Master Plan shall be maintained in proper operating condition in accordance with the original design and in a safe, hazard-free condition. The owner or the owner's designated agent shall be responsible for the maintenance of the signs and sign structures.
- 5) The application fee established by the City for the processing of such applications.

D. When effective. A sign master plan shall not become effective until all owners of the property within the sign master plan have signed an agreement which indicate the property owners' agreement that:

- 1) The sign master plan can be amended only by the written consent of all parties or their successors, and the City.
- 2) The agreement is binding on all successors in interest to the property within the sign master plan area.
- 3) Each party waives any right to apply for or install any sign inconsistent with the provisions of the sign master plan, even though such sign might otherwise be allowed under this Chapter.

E. Single premises. Once approved by the City, the area described in the sign master plan will be deemed to be a single premises for the purpose of determining whether a

sign is an on-premises sign. A sign which advertises a use on a lot within the sign master plan area which is not a use which occurs on that lot shall be termed a sign master plan ("SMP") sign. The use advertised on an SMP sign shall be defined as an SMP use.

F. City review of signs. All freestanding signs included within a sign master plan area shall be individually subject to review and approval of placement, size and height, as approved by the City of Amarillo.

Sec. 4-2-9 Sign standards.

In addition to all permit requirements and other regulations contained in this Chapter, the following regulations shall be applicable to all permanent signs.

A. Illumination.

1) Light from any exterior source intended to illuminate a sign:

- ✗ a. Shall be shaded, shielded, or directed in such a way so that the light intensity or brightness shall not adversely affect the vision of pedestrian or vehicle operators on public or private streets, driveways, or parking areas, or operators of aircraft in the approach path to any airport runway;
- ✗ b. Shall not contain a light source which produces a pulsating strobe-like effect.

2) Illumination from any sign:

- ✗ a. Shall not interfere with the effectiveness of any official traffic sign, signal or device.
- ✗ b. Shall not contain a light source which produces a pulsating strobe-like effect.
- ✗ c. Shall not exceed 5,000 nits (candelas per square meter) during daylight hours or 500 nits between dusk and dawn, as measured from the closest property line.

3) Electronic message displays must have an electronic control to produce the required illumination change required in subparagraph 2.

- ✗ 4) No lighted sign shall be erected within 150 feet of a residential development unless the sign is oriented in such a manner as to not be directly viewable from the residential use.

B. Maintenance and removal.

1) The Building Official shall have the authority to inspect any outdoor sign as to determine its structural integrity.

2) All signs and sign structures, both existing and new, and parts thereof, must be maintained in a safe, readable, and proper operating condition. Signs, which are determined by the Building Official to be in a dilapidated or otherwise unsafe condition, shall not be allowed to remain on any premises.

3) For any sign so designated as dilapidated or otherwise unsafe, written notice shall be given to remove the sign or bring the sign into compliance with this ordinance subject to procedures outlined in Chapter 4-3, Article I, Section 4-3-3.

4) Any sign which is determined by the Building Official to be abandoned, after receiving written notification as described in subparagraph 3 above, the property owner, lessee, or person responsible for the sign shall have 60 working days in which the message portion of the sign must be replaced to identify a bona fide business on the property, be painted over, replaced with an opaque face, modified, or removed so that the remaining sign is left visually unobtrusive, presents a solid façade, and does not appear to be in disrepair or dismantled.

5) Where an Electric Sign is erected or constructed, an inspection by the Electrical Inspector shall be made and such Electric Sign shall comply with City ordinances.

6) Any person occupying any location with a Sign shall be subject to the same duties and responsibilities as the owner of the location on which the Sign is located, with respect to keeping the site clean, sanitary, inoffensive, and clear of all debris, trash, junk or other noxious substances.

C. Locations, sign height clearances.

1) Any Sign projecting over the Public Right-of-way, where permissible under this chapter, shall have a clearance from the bottom face of the Sign to the Sidewalk or finish grade as follows:

- a. A Sign projecting not more than one-third the distance from the property line to the back of the Curb shall have a minimum clearance of eight (8) feet.
- b. A Sign projecting more than one-third the distance from the property line to the Curb shall have a minimum clearance of twelve (12) feet.
- c. Any Sign which projects over a street or alley or areas of egress and ingress for vehicular traffic on private property, shall have a minimum clearance of sixteen (16) feet, six (6) inches.

d. Any Sign which does not project over a street or alley or other areas of egress or ingress used for vehicular traffic on private property and which are located not less than eight (8) feet from any area of egress and ingress, shall have a minimum clearance of four (4) feet below the face of the Sign; if such Sign is located on a corner lot such Sign shall comply with the sight restriction limitations specified by Chapter 16-3.

e. No Sign shall be placed upon public property except Signs used by the City, the State, the County of Potter, the County of Randall or the United States, for instructive and directive purposes for controls involving life and safety of the public, and except Signs where the City Commission has granted franchise rights.

f. No Sign shall block the egress or ingress of any Structure and shall have a minimum of five (5) feet perpendicular clearance from any place of egress or ingress.

g. No Temporary Sign constructed of material other than paper, cloth, canvas or vinyl, shall project over or across or be placed upon a Public Right-of-way. All such Signs shall have a minimum clearance of sixteen (16) feet, six (6) inches above the Public Right-of-way.

D. Identification requirements.

1) All outdoor signs for which a permit is required shall be plainly marked with the name of the person, firm or corporation erecting such sign and shall have affixed on the front thereof the permit number issued for said sign or other identification approved by the Building Official.

E. Sign construction.

- 1) All Signs shall be designed to withstand the design wind pressure as required in the City Building Code.
- 2) All braces, guy wires and supports shall be designed to withstand all dead load and wind load stresses.
- 3) Any Sign with more than a forty-foot height shall have the plans sealed by an architect or engineer licensed to practice in the State.

City of Rockport

That Section 6-100 "Changeable copy signs", Chapter 6, City of Rockport Code of Ordinances, is hereby amended to read as follows:

Section 6-100. Changeable copy signs.

- a) Only one changeable copy sign shall be allowed for movie theaters in addition to a freestanding sign permitted under Section 6-84. Maximum sign size and height shall be in accordance with required regulations applicable under Section 6-84.
- b) Only one changeable copy sign shall be allowed as part of a freestanding sign permitted under Section 6-84.
- +c) Electronic changeable copy signs may be permitted as addressed in subsections (a) & (b) above, provided the electronic message shall appear and remain static for a period of no less than 60 seconds (time and temperature signs being the exception), whereas such message shall immediately be replaced by another message or symbol. Such message or symbol shall meet the criteria as addressed in Sections 6-42 and 6-44 of this article. The intensity of electronic illumination shall be lessened during the night time hours of operation in accordance with the City's Light Nuisance Ordinance. This provision does not apply to any traffic signalization device or highway information sign regulated by local, state or federal law.
- d) A changeable copy sign or electronic message board sign shall not be allowed as a wall sign.

SECTION 6. REPEALER.

Any previously adopted ordinances, and any subsequent amendments to them, which are in conflict with this Ordinance, are all hereby repealed.

SECTION 7. SEVERABILITY.

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon adoption by second and final reading.

To: Vince Capel, City Manager

From: Tom Ginter, Director of Planning and Development Services

Date: November 14, 2014

Subject: Public Hearing and Action Item

The Planning and Zoning at the recommendation of the Planning Department will be reviewing the sign language ordinance especially pertaining to Section 15-6-130 pertaining to Changeable Electronic Variable Message Signs at their November 19th meeting. It is my understanding that a public hearing is required by the City commission prior to possible approval. The amendment was prompted by the business owners who were expressing a desire to have the ordinance changed to allow their use. The amended language that is being recommended does the following to the current ordinance:

1. It creates a new paragraph A which states the purpose and intent of the change. It is recognized that this technology is preferred by many businesses but pose risks, It is important for the City to work with businesses on these advancements but to ensure that the public is protected pertaining to property values and traffic hazards.
2. The previous paragraph A becomes B, with no changes
3. A new paragraph C is introduced as Permitted Uses. This paragraph goes into more detail as to where they can be located and how they are to be operated after installation.
4. The previous paragraph B becomes D with the elimination of section 2.
5. The paragraph C becomes E with the addition of as is after remain.

Mike Kellam put together this amendment to the sign ordinance. Staff recommends approval.

AGENDA ITEM #2

To: Vince Capell, City Manager

From: Tom Ginter, Director of Planning and Development Services

TG

Date: January 2, 2015

Subject: Re-Appointment of Raymond Perez to Joint Airport Zoning Board

As you know the City Commission is responsible for the appointment of two members to the Joint Airport Zoning Board. The two members appointed were Ken Moses to a 3 year term which expires July of 2015 and Raymond Perez a two year term which expired July of 2014. The Joint Airport Zoning Board is gearing up to start meeting again so this item needs to be taken care of. I have contacted Mr. Perez and he desires to be re-appointed to the position. While I lack the history of the Joint Airport Zoning Board it seems that it would be helpful to go with the current members because they have the history of the issues and frankly since it has been awhile for the board to meet, we can get down to conducting the business in an expedient manner. I have contacted Mr. Perez and he is interested in being re-appointed. If he is re-appointed it would be for a two year term which would expire in January of 2017.

Joint Airport Zoning Board Term Dates

Brad Womack, Chairman Appointed by JAZB Members annually
100 E. Kleberg
361-595-2924

Anse Windham County 7/12 2 year term
628 E. Escondido
361-595-5382 Home
361-522-0312 Cell

Daniel Morales County 6/12 3 year term - 6 / 15
1309 Palm St
361-595-7208 home

Ken Moses City 7/12 3 year term 7 / 15
306 E. Miller
361-455-1659 Cell 533 - 0270
361-516-4331 Work

Raymond Perez City 7/12 2 year term 7 / 14
317 E. Shelton
361-779-4218 Cell

RESOLUTION R2010-03

A RESOLUTION AUTHORIZING THE CREATION OF A JOINT AIRPORT ZONING BOARD AND INVESTING SUCH JOINT AIRPORT ZONING BOARD WITH THE POWERS SUCH BOARDS ARE AUTHORIZED TO EXERCISE UNDER THE PROVISION OF THE AIRPORT ZONING ACT, TEXAS LOCAL GOVERNMENT CODE §§ 241.001 ET SEQ.


WHEREAS, the City Commission of the City of Kingsville recognizes that the continued operation of Naval Air Station Kingsville (NAS Kingsville) is important to the economy of the City of Kingsville, Kleberg County, and the region and that its future operational capacity should be protected because it fulfills an essential community purpose; and

WHEREAS, a joint airport zoning board is necessary to coordinate future planning efforts of the City of Kingsville and Kleberg County to avoid airport hazards and to maintain the operational capacity of NAS Kingsville;

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

1. The City Commissioners of the City of Kingsville, Texas, as authorized by the provisions of the Airport Zoning Act, Texas Local Government Code, §§ 241.001 et seq., hereby creates a joint airport zoning board to be known as the Kingsville-Kleberg County Joint Airport Zoning Board, which board shall have the powers and exercise the duties set forth in Texas Local Government Code, §§ 241.014.
2. The Kingsville-Kleberg County Joint Airport Zoning Board shall be composed of five (5) members, two (2) members to be appointed by the County Commission of Kleberg County, Texas; two (2) members to be appointed by the City Commission of the City of Kingsville; and, one (1) member elected by a majority of the members so appointed and said fifth member shall serve as chairman of the said Kingsville-Kleberg County Joint Airport Zoning Board.
3. Exercising its rights as an appointing authority, the City Commission of the City of Kingsville, Texas, shall appoint, by a majority vote, two members to a new joint airport zoning board. The initial term for one member shall be three years and a term of two years for the second member. Subsequent terms for both members shall be two years.
4. This resolution shall be in full force and effect from and after its passage by this City Commission.

PASSED AND APPROVED by a majority vote of the Kingsville City Commission
on the 25 day of January, 2010.


Sam R. Fugate, Jr., Mayor

ATTEST:


Edna S. Lopez, City Secretary

APPROVED AS TO FORM:


Courtney Alvarez, City Attorney

AGENDA ITEM #3



This March, join more than 1,000 officials from cities and towns across the country to bring the voice of cities to Washington, D.C. With a new session of Congress just getting underway, it will be more important than ever to tell your senators and representatives what is important to you and your community. United with the nation's city leaders, learn about National League of Cities' priorities for federal action in 2015 and advocate on behalf of cities for those priorities.

Why attend?

Get informed: As a city leader, you must stay up-to-date on the latest political news affecting cities. At the Congressional City Conference, you'll hear straight from administration officials about the federal laws that will impact your community.

Be heard: Advocate on behalf of NLC's federal action priorities, benefiting communities across the country.

Learn from experts: Join city leaders at intimate, intensive workshop sessions on topics ranging from economic development to funding opportunities, and more.

Who should attend?

- Elected officials
- City managers
- Intergovernmental affairs staff
- Chief financial officers
- Senior policy officials



Preliminary Conference Schedule

Main Conference Events: Monday, March 9– Tuesday, March 10
(note times are subject to change)

Monday, March 9

7:30 a.m. – 9:00 a.m. Celebrate Diversity Breakfast
9:00 a.m. – 10:30 a.m. Opening General Session
10:45 a.m. – 12:15 p.m. Concurrent Workshops
1:45 p.m. – 3:15 p.m. Concurrent Workshops
3:30 p.m. – 5:00 p.m. General Session
5:15 p.m. – 6:30 p.m. State League Caucuses and Receptions

Tuesday, March 10

8:45 a.m. – 10:15 a.m. Concurrent Workshops
10:30 a.m. – Noon Concurrent Workshops
12:30 p.m. – 2:00 p.m. General Session and Lunch
2:00 p.m. – 5:00 p.m. Delegates' Pre-scheduled Capitol Hill Visits
5:15 p.m. – 6:30 p.m. State League Caucuses and Receptions
6:30 p.m. – 7:30 p.m. The Capitol Steps

Wednesday, March 11

All-Day-Delegates' Pre-scheduled Capitol Hill Visits

Pre-conference Activities:

Saturday, March 7

9:00 a.m. – 5:00 p.m. NLC University Seminars*
5:30 p.m. – 7:00 p.m. Constituency and Special Group Meetings/Events

Sunday, March 8

8:30 a.m. – Noon NLC Board of Directors Meeting
NLC Advisory Council Meeting
9:00 a.m. – 5:00 p.m. NLC University Seminars*
1:30 p.m. – 4:00 p.m. Policy and Advocacy Committee Meetings/Events
5:15 p.m. – 7:00 p.m. Constituency and Special Group Meetings
5:30 p.m. – 6:45 p.m. Orientation to NLC for First Time Attendees

* Additional fees may apply




Registration Fees:	Early Bird	Advance
Registration Type	Valid Until 1/30/14	Valid Until 3/6/15
NLC Member City	\$560	\$685
SML Member City	\$660	\$785
Non-Member/Other	\$690	\$890
First Time Attendee	\$425	\$425
Youth Delegate/Chaperone	\$120	\$120
Student	\$125	\$125
Spouse/Guest	\$75	\$75

Register now!

REGULAR AGENDA

AGENDA ITEM #4

To: Vince Capell, City Manager

From: Tom Ginter, Director of Planning and Development Services 

Date: January 7, 2015

Subject: Agenda Item: Presentation by Cayetano Housing pertaining to the development of a Tax Credit Housing Project

The City of Kingsville has been approached by Cayetano Housing to develop a tax credit housing project. The location that is under consideration is at 500 W. General Cavazos. At this time to the east is the Courts of Los Palomas which is 600 W. General Cavazos and to the west is Safeguard Mini Storage at 420 W. General Cavazos. I believe to the south is ground and the dental office of Charles A. Clements at 325 W. General Cavazos. To the north is ground.

The purpose of the presentation is to allow this company to acquaint themselves with the City Commission and express basic information about the tax credit program and the project. This a presentation item only, no action is desired.

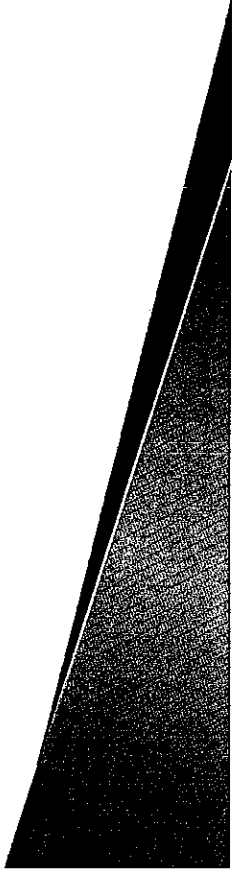
Since the application process is based on points and city approval adds points this will no doubt come up in the presentation. No decision is needed at this meeting but it will likely be brought up again if they determine to move forward with the project. It has also been mentioned that they can direct the project application to a family community or an elderly community. I frankly do not have a good feel for that so that may come up also in the presentation.

Attached is a handout from Cayetano Housing that talks about the program, the company and project specifics.

If you have any questions, please feel free to ask.

Agenda

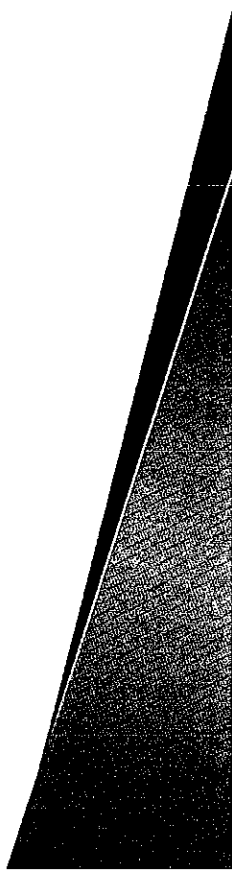
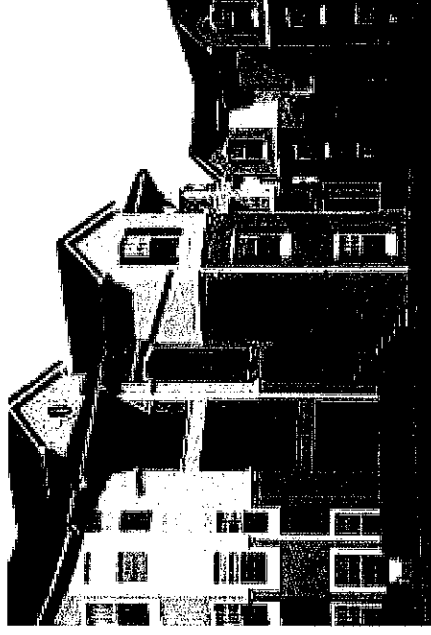
- ▶ Tax Credit Program Overview
- ▶ Why Kingsville is Good Fit
- ▶ Who is Cayetano Housing
- ▶ Project Specifics
 - Location
 - Unit Type and Mix
 - Product Amenities and Services
 - Target Market
- ▶ Benefits to Kingsville
- ▶ What we need from Kingsville



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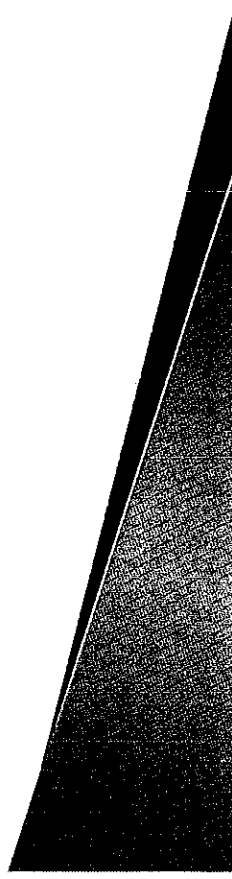
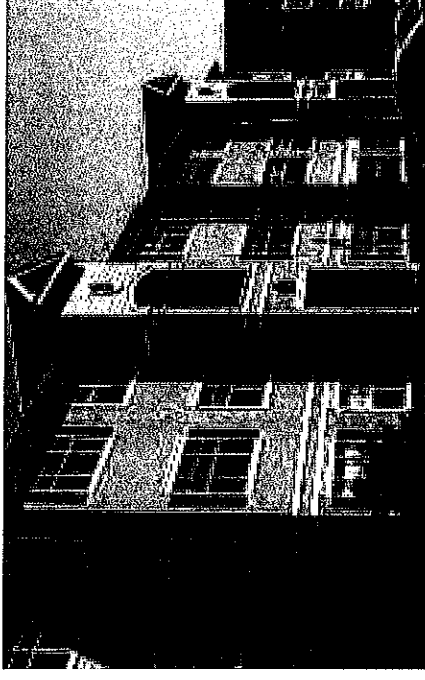
Tax Credit Program Overview

- ▶ Tax Credit Program created through Tax Act of 1986
- ▶ Encourage private industry to invest and develop affordable housing



Tax Credit Program Overview

- ▶ Tax Credit is realized by the Investor
- ▶ Investor dollars are used as Equity to reduce debt
- ▶ Average Equity 65–70%



Tax Credit Program Overview

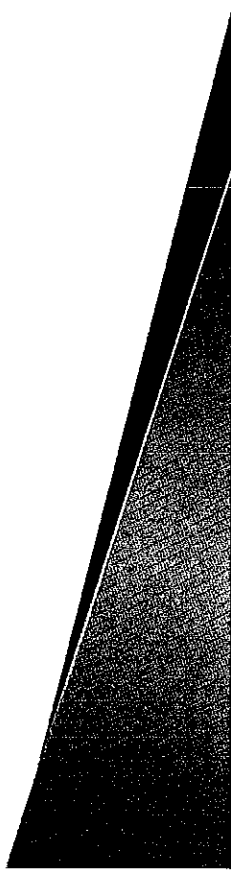
- ▶ Reduction in debt requires lower operating income thus allowing for lower rents
- ▶ Does NOT equate to lower quality of tenant
- ▶ ALL tenants must go through a thorough screening process
- ▶ Zero tolerance for criminal violations



CAYETANO

Tax Credit Program Overview

- ▶ Regulated by the Internal Revenue Service
- ▶ State Credit Allocations published annually
- ▶ Administered by each state through
Qualified Allocation Plan



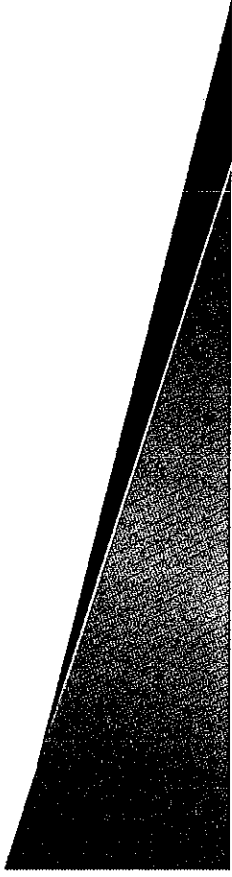
Why Kingsville?

1. Kingsville needs Affordable Housing

1. Existing Tax Credit Projects (Kings Crossing & Courts of Las Palomas) have few vacancies

2. Kingsville has a good chance of winning

1. Site location in a High Opportunity Area
2. Exemplary Schools will enable us to be competitive
3. Highly competitive process – 1 point makes a difference

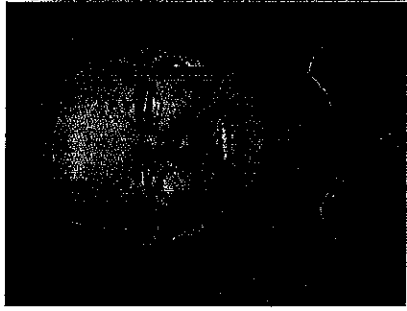


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Who is Cayetano Housing?

Our team has cross industry experience of...

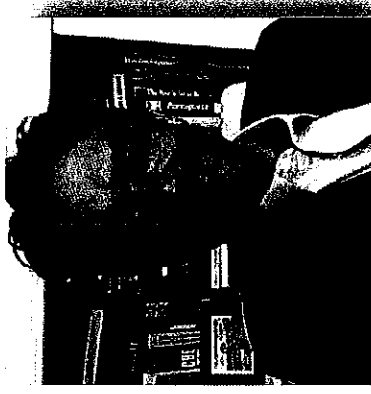
- ▶ 20+ years in Real Estate Development
- ▶ 15+ years in Tax Credit Compliance
- ▶ 20+ years in Tax Credit Property Management
- ▶ 15+ years in Real Estate Underwriting



Kyndel Bennett
President



Lora Myrick
Compliance



Matthew Long
Development

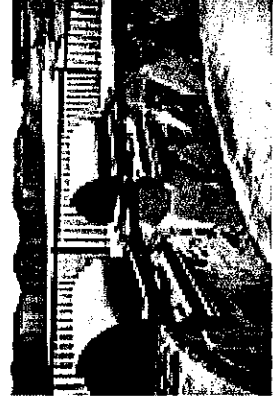
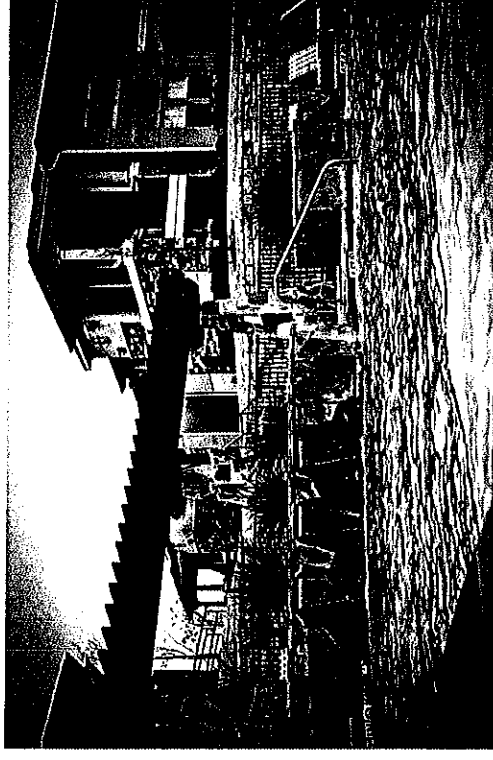


Teresa Shell
Underwriter

CAYETANO

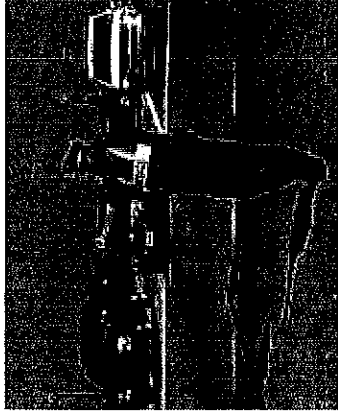
Development Overview

- ▶ 2 Story Multi-Family
- ▶ Garden Style
- ▶ Gated Community
- ▶ Stone and Masonry
- ▶ Clubhouse
- ▶ Mix of 1, 2 and 3 Bedrooms
- ▶ Approximately 48 units



Target Market

- ▶ Who will live at our development?
 - Persons who earn 30% – 100% of Adjusted Median Gross Income.



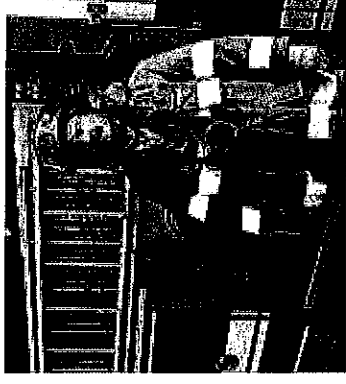
Police Officers



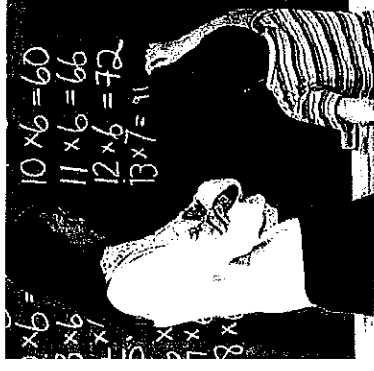
Bus Drivers



City Employees



Firemen

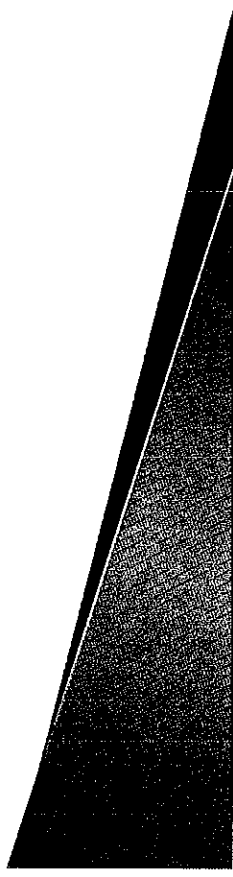


Teachers

Target Market

► Rent and Income Requirements

Unit Type	Income Brackets	Targeted Incomes	Maximum Monthly Rents**
1 Bedroom Unit	60% AMI	\$27,300	\$568
	50% AMI	\$22,750	\$473
	30% AMI	\$13,650	\$284
2 Bedroom Unit	60% AMI	\$30,300	\$682
	50% AMI	\$25,250	\$568
	30% AMI	\$15,150	\$341
3 Bedroom Unit	60% AMI	\$35,160	\$788
	50% AMI	\$29,300	\$656
	30% AMI	\$17,580	\$394



Benefits to Kingsville

Economic Benefits

- \$5.0 Million dollar construction investment to the city
- Creation of 100 jobs during construction
- Creation of 3 permanent jobs after construction
- Generation of permitting and fees for the city
- New Property taxes paid annually to the city

Social Benefits

- Provide affordable, high-quality housing in a good area
- Enable local workforce less commuting for a better quality of life

Potential Support Services

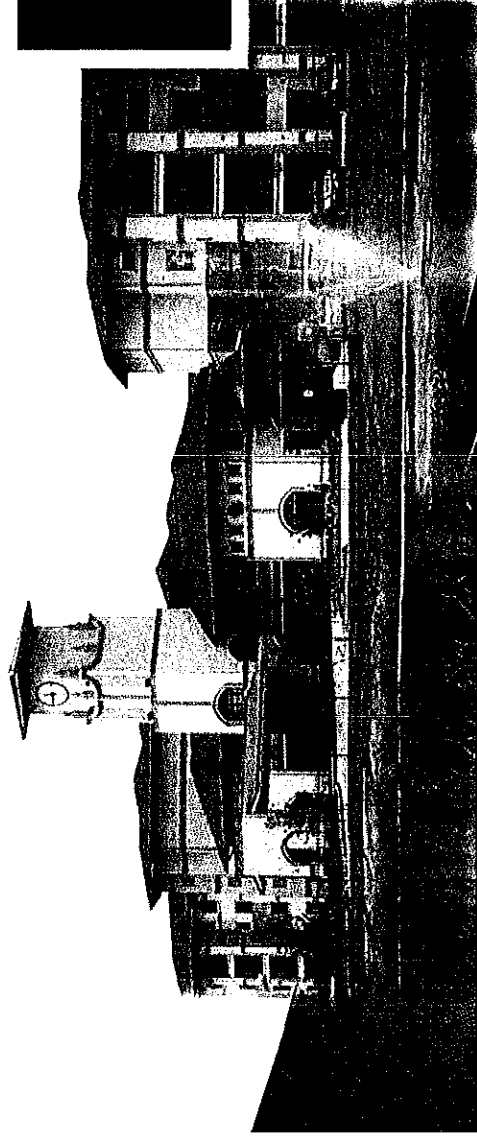
- Social Events
- Health and Nutrition Courses
- Exercise Classes
- Health Fairs
- Food Pantry
- Financial Management Courses
- Tutoring for children
- Notary Public



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Professional Management

- Property will be professionally managed by Alpha Barnes Real Estate Services based in Dallas, Texas. www.alpha-barnes.com
- Alpha-Barnes manages approximately 85 properties or 15,000 units that are primarily located in Texas
- On-Site Management and Staff
- Professional Landscaping and Maintenance
- Ongoing preventative maintenance for both the buildings and units
- Residents are screened thoroughly via various checks that include credit, criminal, rental history and income
- Residents must comply with community rules and regulations or may be evicted.



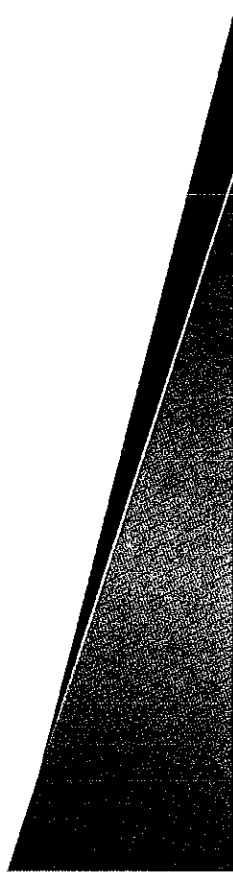
What We Need from Kingsville

(In order to be competitive)

1. Resolution of Support
2. Resolution of Funding Commitment
 - Can be structured as a loan, tax abatement or deferment of fees
 - Formula Based on Population
 $24,889 \times .15 \times 43 \text{ affordable units} = \$160,534$

Our Proposal:

- ▶ Loan from either the City of Kingsville (Housing Authority) or the Kingsville EDC
- ▶ 3% interest; 15 year term; amortized over 30 years



CAYETANO

Matthew Long | *Principal*

4600 Finley Drive, Austin, Texas 78731
[512] 762-8471 | longmatthew02@gmail.com

AGENDA ITEM #5

RESOLUTION # 2015-_____

A RESOLUTION OF THE CITY COMMISSION OF KINGSVILLE, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

WHEREAS, the City Commission of the City of Kingsville desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income; and

WHEREAS, certain conditions exist which represent a threat to the public health and safety; and

WHEREAS, it is necessary and in the best interests of the City of Kingsville to apply for funding under the Texas Community Development Blok Grant Program;

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

I.

THAT a Texas Community Development Block Grant Program application for the Community Development Fund is hereby authorized to be filed on behalf of the City of Kingsville with the Texas Department of Agriculture.

II.

THAT the City of Kingsville's application be placed in competition for funding under the Community Development Fund.

III.

THAT the application be for \$300,000.00 of grant funds to provide funds to carry out water system improvements and upgrades.

IV.

THAT the City Commission directs and designates the Mayor as the City's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the City's participation in the Texas Community Development Block Grant Program.

V.

THAT all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.

VI.

THAT it further be stated that the City of Kingsville is committing \$60,000 from its Utility Fund as a cash contribution toward the activities of this project.

VII.

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

PASSED AND APPROVED by a majority vote of the City Commission the 12th day of January, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

City of Kingsville
Engineering Department
361-595-8007
361-595-8035

DATE: December 23, 2014
TO: City Commission through City Manager
FROM: Charlie Cardenas P.E., City Engineer/Director of Public Works
SUBJECT: Community Development Block Grant

SUMMARY

This item will authorize staff to apply for a \$300,000 Community Development Block Grant to install new/replace old water lines in the City.

BACKGROUND

There are old water lines throughout the City that are Asbestos Cement (AC) and Cast Iron. These lines are vulnerable to crack and break due to age and weather conditions in this area. Some pipes are undersized. Replacing these lines with proper size PVC is the best solution. Grant money will be used to replace these old water lines or to install new lines.

The grant is through the Texas Department of Agriculture. This particular grant (TDA has many different grants) is called Texas Community Development Block Grant Program, Community Development Fund Application (2015-2016). The maximum amount we can apply for is \$300,000.00.

There is a 20% match that the city will need to contribute for this project if it is awarded. Engineering design will be consulted through this grant. There is an administrative fee of \$40,000 which will be paid through this grant as well. Funds will be used for the pipe, fire hydrant and valve installation.

RECOMMENDATION

The Staffs recommend applying for the Grant.

FINANCIAL IMPACT

If the full amount of the grant is awarded, then the 20% cash match of \$60,000.00 will come from the CO 2011 Fund 66.

Approved

Vincent Capell, City Manager

This English notice was published in the Kingsville Record on January 7, 2015:

**PUBLIC HEARING
CITY OF KINGSVILLE
TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)**

The City of Kingsville will hold a public hearing at 5 p.m. on Monday, January 12, 2015, at Alcorn Commission Chambers at Kingsville City Hall, 200 E. Kleberg, Kingsville, Texas 78363 regarding the Texas Department of Agriculture's CDBG Program. Citizens are encouraged to attend to discuss the citizen participation plan, local housing and community development needs, available funding, eligible activities, past use of funds, and development of CDBG applications. Written comments may also be submitted to the City Secretary at the address above. Persons with disabilities or others requiring auxiliary aids or services to participate in this hearing should make arrangements with the City Secretary at 361-595-8002 at least two days before the hearing. Puede encontrar este aviso en Inglés y en Español en las oficinas municipales de la Ciudad.

.....

**AVISO PARA OBTENER COMENTARIOS PUBLICOS
CIUDAD DE KINGSVILLE
BECA DE BLOQUE DEL DESARROLLO DE COMUNIDADES DE TEXAS**

La ciudad de Kingsville tendrá una audiencia pública el día 12 de enero, a las 5 pm en la sala municipal, 200 E. Kleberg, Kingsville, Texas 78363, para obtener comentarios del público para su beca de bloque del desarrollo de comunidades (CDBG) del departamento de agricultura de Texas. Invitamos al público para discutir el plan de participación de ciudadanos, las necesidades de desarrollo de viviendas y comunidades locales, la financiación disponible, actividades elegibles, el uso de fondos pasados, y el desarrollo de aplicaciones de CDBG. Miembros del público también pueden someter comentarios escritos a la Secretaría de la ciudad a la dirección anterior. Personas con discapacidades y otras personas que requieren ayuda o servicios auxiliares para participar en esta audiencia pueden hacer arreglos con la Secretaría de la ciudad al 361-595-8002 al menos de dos días antes de la audiencia.

.....

Posted: January 8, 2015 @ 10:30 a.m.

By: Mary Valenzuela
Mary Valenzuela, City Secretary

**NOTICE OF PUBLIC HEARING
CITY OF KINGSVILLE, TEXAS
TO CONSIDER COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

The City of Kingsville will hold a public hearing on Monday, January 12, 2015 at 5:00 p.m. in the Alcorn Commission Chambers at the Kingsville City Hall (200 E. Kleberg, 1st Floor, Kingsville, Texas 78363) regarding the submission of an application to the Texas Department of Agriculture for a Texas Community Development Block Grant Program (TxCDBG) grant. The purpose of this meeting is to allow citizens an opportunity to discuss the citizen participation plan, the development of local housing and community development needs, the amount TxCDBG funding available, all eligible TxCDBG activities, and the use of past TxCDBG funds. The City of Kingsville encourages citizens to participate in the development of this TxCDBG application to make their views known at this public hearing. Citizens unable to attend this meeting may submit their views and proposals to Mayor Sam Fugate at City Hall, 200 E. Kleberg, Kingsville, Texas 78363. Persons with disabilities that wish to attend this meeting should contact the Mayor's Office to arrange for assistance at (361) 595-8002. Individuals who require auxiliary aids or services for this meeting should contact City Hall at least two days before the meeting, so that appropriate arrangements can be made. Puede encontrar este aviso en Inglés y en Español en las oficinas municipales de la Ciudad.

Posted: December 30, 2014 @10:30 a.m.

By: Mary Valenzuela
Mary Valenzuela, City Secretary

MISCELLANEOUS

**FOR SALE
VEHICLES**

0135.

PERSONALS

housing and community development
to available fund-
able activities

You can buy an ad just for \$35.00 for 20 words or less.

KINGSVILLE RECORD
AND BISHOP NEWS

AGENDA ITEM #6

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF KINGSVILLE CITY COMMISSION REQUESTING THE MEMBERS OF THE 84th LEGISLATIVE SESSION OF THE STATE OF TEXAS TO SUPPORT LEGISLATION THAT INCREASES FUNDING FOR THE TEXAS RECREATION & PARKS ACCOUNT AND LARGE COUNTY AND MUNICIPALITY RECREATION AND PARKS ACCOUNT LOCAL PARK GRANT PROGRAMS, AND THE TEXAS STATE PARK SYSTEM.

WHEREAS, the Texas Parks & Wildlife Department ("TPWD") administers the Texas Recreation & Parks Account Local Park Grant Program ("TRPA") and the Large County and Municipality Recreation and Parks Account (Urban Account) and manages 94 State parks and historical sites in Texas; and

WHEREAS, TPWD has separate accounts in their general revenue fund referred to as the TRPA and Urban Account for the purpose of providing matching grants to political subdivisions for parks and recreation projects, and for outreach grants to introduce new populations to outdoor experiences; and

WHEREAS, the matching grants provided by the TPWD are utilized for the planning, acquisition, and development of local park, recreation and open space areas to be owned and maintained by political subdivisions; and

WHEREAS, funds granted to political subdivisions under the TRPA and Urban Account guidelines have funded 1,629 projects of the 3,470 submitted over 30 years delivering over \$800 million to the local Texas economy; and

WHEREAS, political subdivisions throughout the State of Texas depend on grants from TPWD through the TRPA to stimulate the acquisition and development of parks and recreational areas for the benefit and enjoyment of their citizenry; and

WHEREAS, the TRPA, Urban Account, and State parks are funded from sales tax on sporting goods and that the development of new parks stimulates the purchase of sporting goods; and

WHEREAS, the TRPA, Urban Account, and State parks are partially funded from federal dollars used for parks, recreation, open space, trails, and tourism from the United States Department of the Interior Land and Water Conservation Fund (LWCF), the Sport Fish Restoration Boat Access program and the United States Department of Transportation Recreation Trails; and

WHEREAS, the maintenance and improvements of State park and historic sites and the addition of new parks is a priority to Texans due to the State's expanding population and extensive tourism industry; and

WHEREAS, the development of parks encourages and promotes public health, economic development, job creation, education; corporate relocations, an improved quality of life, and juvenile crime prevention; and

WHEREAS, funds are needed for major repairs at Local and State parks and for the acquisition and development of parks and facilities; and

WHEREAS, it is the desire of this City Commission that a copy of this resolution with appropriate names affixed be presented to the Governor of Texas and the leadership of the 84th Texas Legislature.

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

1. **THAT** members of the 84th Legislature of Texas seek passage of legislation maximizing the use of revenues from the sporting goods sales tax and federal funds to increase funding for parks and recreation programs for both Local and State parks and that all TRPA and Urban Account funded park projects be subject to the established TPWD competitive scoring system.

2. **THAT** members of the 84th Legislature of Texas restore funding to the TRPA and Urban accounts in the amount of at least \$15.5 million per year.

PASSED AND APPROVED by the City of Kingsville City Commission on this the

12th day of January 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

Parks & Recreation

Inter-office Memo

To: Vince Capell, City Manager, Kingsville City Commission

CC: Mary Valenzuela, City Secretary

From: Susan Ivy, Parks Manager

Date: 1/7/2015

Re: Resolution for City Agenda January 12, 2015

The **Texas Recreation and Park Society (TRAPS)** is a 501 (c)3 nonprofit organization that consists of approximately 2,000 parks and recreation professionals, students and citizen advocates who share a common passion for advocacy, education, networking and offering quality services to their communities.

I have been a member of this organization during my employment with the Parks Department and have transferred our representation to be named through the City of Kingsville Parks & Recreation.

Each year this organization organizes a “Walk the Halls of the Capitol” in Austin at the State Capitol Building encouraging our members to make appointments and visit our State Representatives and discuss issues and goals of our Community Parks.

Each year communities are asked to present resolutions to the State Officials in support of the funding of Texas Parks & Wildlife from which we all are allowed to apply for grant funding for Community Park Improvements and Outdoor Program funding.

In recent years, due to State Budget cuts, funding for Texas Parks & Wildlife has been cut drastically causing some of the grant programs to be suspended. Some have been restored but limited.

This year TRAPS is asking that community resolutions ask our State Officials to increase funding to Texas Parks & Wildlife to continue their efforts to improve and maintain State Parks and increase grant funding to the many community park systems in need of assistance.

Due to timing of events in Kingsville I will not be able to “Walk the Halls” this year but am asking that City of Kingsville Commission approve the attached resolution in support of increased funding to Texas Parks & Wildlife Department. We will be developing a Master Plan for the Parks System in the next year that will allow us to apply for funding from Texas Parks & Wildlife. Increased funding will better our chances to benefit from their grant program.

AGENDA ITEM #7

RESOLUTION #2015-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER AS THE AUTHORIZED REPRESENTATIVE TO ENTER INTO PROJECT AGREEMENTS FOR UTILIZATION OF INMATE WORKER PROGRAM FROM THE GLOSSBRENNER UNIT COMMUNITY SQUAD.

WHEREAS, the City of Kingsville owns and operates lots of property within the city limits, which requires constant maintenance and it has certain improvement projects that could be done at some those properties; and

WHEREAS, State of Texas through the Texas Department of Criminal Justice previously issued an Administrative Directive allowing for the use of offender labor for community and public work projects, providing definitions, procedures and project forms; and

WHEREAS, the Texas Department of Criminal Justice provides offender labor for the purposes of developing, improving, and restoring public land and buildings, as well as providing vocational programs for offenders to enhance rehabilitation and aid in reducing recidivism; and

WHEREAS, the Texas Department of Criminal Justice provides offender labor shall be utilized in order for certain offenders to fulfill community service court requirements while saving taxpayer dollars with no displacement of jobs currently held in the community; and

WHEREAS, the Glossbrenner Prison Unit has a Community Squad that might be available to perform some special maintenance and other projects on city property under specific regulations and supervision at no cost to taxpayers; and

WHEREAS, the City and the Glossbrenner Prison Unit are now considering limited projects that the inmate worker program could perform for the City, where the City would provide the equipment and the Prison Unit would provide the laborers; and

WHEREAS, the Prison Unit has performed this same service for other regional local government units to provide a valuable resource at no expense to those entities other than the equipment and resources needed to perform the projects; and

WHEREAS, these project agreements would specify the parties responsibilities and the scope of each project; and

WHEREAS, the City believes the additional free labor to assist with property maintenance and improvement projects will allow for more efficient use of resources and improve the health and quality of life of the residents of its jurisdiction, and

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

I.

THAT the City Commission of the City of Kingsville authorizes staff to proceed with Project Agreements for utilization of the Glossbrenner Prison Unit Inmate Worker Program for maintenance and improvement projects on city property, and designates the City Manager as the City's authorized representative in all matters pertaining to such Project Agreements.

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 the 12th day of January, 2015.

Sam Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

Inter-office Memo

Use of Offender Labor

For Kingsville Texas/Parks & Recreation

To: City Commission
From: Melissa Perez, Risk Manager
Date: 01/07/2015

The Texas Department of Criminal Justice provides offender labor for the purposes of developing, improving, and restoring public land and buildings as well as providing vocational programs for offenders to enhance rehabilitation and aid in reducing recidivism.

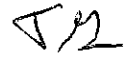
Offender labor also can be utilized in order for certain offenders to fulfill community service court requirements while saving taxpayer dollars with no displacement of jobs currently held in the community.

Some facts and information about the Community Service Squad working in Kingsville

- 2 correctional officers from the San Diego Facility will be with the offenders at all times.
- The officers provide water for the offenders (Igloo w/ice water)
- Offenders will be escorted by an officer to utilize the bathroom in the park area; one officer goes inside with the offenders and another waits outside. Officers will make sure there are no civilians around the area.
- A 12 passenger van will be provided to transport the offenders to and from San Diego and Kingsville during the duration of time the offenders will be working.
- Gas for the van will be supplied by the City of Kingsville.
- All equipment lawnmowers, riding mowers, saws, personal protective equipment will be provided by The City of Kingsville.
- Safety Training (Equipment used) will be provided by the Risk Manager and Public Works staff if needed.
- This is Free-labor there is no charge to the city for their services and assistance they will be providing.
- There will be 6 to 8 offenders coming with 2 correctional officers.
- Offenders will usually come ½ days (3 to 4 hours) 3 to 4 days of the week. One of the days possibly being a full day. (On the full day a box lunch will be provided by the City) (Aramark-University)
- The only time the offenders would not come to work in the city would be if there was inclement weather, Unit shakedown or lockdown, short on staff w/officers. The SD Facility usually calls the city early in the morning to inform them.

AGENDA ITEM #8

To: Vincent Capell, City Manager

From: Tom Ginter, Director of Planning and Development Services 

Date: January 2, 2015

Subject: Agenda Item for January 12th meeting

Attached is a memo from Jennifer Bernal explaining the use of the grant funds that were given to Keep Kingsville Beautiful from Keep Texas Beautiful. Since the grants funds were used by the City of Kingsville for the Native Garden project the City Commission should acknowledge receipt of those grant funds.



MEMO

Community Appearance Division

TO: Mr. Tom Ginter, Director of Planning & Development Services
FROM: Jennifer Bernal, Community Appearance Supervisor
SUBJECT: KTB/Lowes Grant – Jan 12th Commission Mtg Agenda Item
DATE: December 24, 2014

Keep Kingsville Beautiful was awarded a grant from Keep Texas Beautiful and Lowes for a Native Garden project. A check in the amount of \$500 was given to KKB to go towards maintenance of this garden. The garden is located behind the Recycling Center and will be used as an educational tool for citizens to get an idea of what type of xeriscape plants to use in their gardens at home. It is a big push towards water conservation education.

Jennifer L Bernal
City of Kingsville
Community Appearance Supervisor

CITY OF KINGSVILLE

TO: VINCENT CAPELL, CITY MANAGER
FROM: DEBORAH BALLI, FINANCE DIRECTOR
DATE: 01/05/2015
SUBJECT: Accounting for Grant/Donation

The accounting for the grant award of \$500 from Keep Texas Beautiful and Lowe's for completing the Native and Adaptive Plant Demonstration Garden grant will be deposited into the Pooled Cash account and booked as a liability to Keep Kingsville Beautiful. The funds will be issued upon request with appropriate support documentation. This will allow the City to maintain control over the funds accepted while making sure that funds spent are in compliance with the award.



Deborah Balli, Finance Director

AGENDA ITEM #9

RESOLUTION #2015-_____

A RESOLUTION APPROVING AN APPLICATION AND AGREEMENT FOR THE HISTORIC DISTRICT FAÇADE GRANT PROGRAM FROM DAVID THIBODEAUX FOR THE V. SALAZAR BUILDING.

WHEREAS, the City Commission recognized a need exists for economic development, historic restoration & preservation, and tourism promotion in the historic district of the city, especially in the downtown area, and approved Historic District Façade Grant Program Guidelines in an effort to enhance meeting these objectives;

WHEREAS, the City has received an Application and an Agreement for a Historic District Façade Improvement Grant from David Thibodeaux for external renovation of the V. Salazar Building located at 200 East Richard Street, near the downtown area and in the historic district;

WHEREAS, the application has a projected external renovation amount of \$92,460 and the applicant is requesting a grant amount of \$46,200 for renovation of the building's façade, canopy, windows, doors, and the like;

WHEREAS, staff has reviewed the application and is recommending it for approval by the Commission as it appears to conform to the grant guidelines

WHEREAS, the City believes external improvements to property in the city increase assessed values thereby expanding the tax base and stimulate historic preservation & renovation, which enhance tourism and increases economic activity; and

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

I.

THAT the Historic District Façade Grant Application and Agreement for David Thibodeaux for the external renovation of the V. Salazar Building located at 200 East Richard Street, Kingsville, Texas be approved as per the attached and the City shall provide as a grant reimbursement of an amount up to \$46,200.00 so long as all of the terms and conditions of the guidelines are met;

II.

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

PASSED AND APPROVED by a majority vote of the City Commission on the 12th
day of January, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



DATE: November 21, 2014

TO: City Commission

VIA: Vince Capell, City Manager

FROM: Cynthia Martin, Downtown Manager

SUBJECT: Façade grant application for 200 E Richard, V. Salazar Building

David Thibodeaux submitted a façade grant application on behalf of Steve Flores Management Trust, building owner, to restore the historic façade of the building with the exception of the east wall to which will be added tall windows and a doorway that will open onto a courtyard that will be created on that side of the building enhancing the building's proposed use as an event center. Construction has begun on the restoration. Mr. Thibodeaux is overseeing the project and has done an exemplary job of keeping the restoration true to the original and ensuring quality construction.

Budget for restoration of the building's façade is \$ 92,460 not including construction of a stucco fence shown in the exterior plan nor any expenses for the proposed courtyard. This would put the maximum grant amount at \$46,200. Façade grants are meant to be a 50-50 reimbursement match on a dollar for dollar basis generally not to exceed \$10,000 subject to availability of budgeted funds, unless otherwise approved by City Commission. The budget for this year's façade grant program is \$50,000 of which none has been awarded.

The grant guidelines provide for larger grants if the project is significant and meaningful from a historical perspective or would serve as a revitalization anchor project that would accelerate private investment. This project is potentially both as little original fabric is left in the historically Hispanic business section of downtown. And the grant applicant is planning to continue development along Richard Street. Plus the project would set a standard for future development in the area.

The Historical Development Board has reviewed and approved the proposed changes to the façade of this building and recommend awarding a façade grant for the project.

Attachments: Façade grant application
Statement of costs
Plans
Photographs
Façade grant guidelines

APPLICATION

Project Title: V. Salazar Building Date Prepared: 10-6-2014

Owner: Steve Flores Management Trust Phone #: 512 797 9053

Email Address: LTHibodeaux@aol.com ☒ Individual ☐ Corporation ☐ Nonprofit ☐ Other
(Circle)

Address: 1908 West 38th St.

Contact (if different): DAVID THibodeaux Phone #: 512 797 9053

Email Address: _____ ☐ Individual ☐ Corporation ☐ Nonprofit ☐ Other
(Circle)

Address: _____

Project Location / Address: 200
~~1908~~ East Richard St.
Kingsville, TX. 78763

Legal Description: 1927 V. Salazar building
Block 5 Lot 31-32

Parcel Number: _____

National Register Texas Landmark ☒ Kingsville Historic Landmark ☐ Contributing Property
(Circle)

Proposed Use: Event Center

Scope of Work: See attached paper work for details
- New Roof, Rebuild front Canopy & side
Canopy. Rebuild window frames, Reconstruct
South & West Walls, re Stucco paint, Restore
original doors.

Schedule: _____

Violation history: _____

Attach documents that support:

- ☐ Legal description of the property
- ☐ Plans for the façade improvement work
- ☐ Photographs
- ☐ Statement of costs, budget, and/or pro-forma
- ☐ Construction schedule and completion date
- ☐ Access authorization
- ☐ Statement of the proposed use for the property
- ☐ Proof of absence of delinquent loans, fees, taxes, fines, etc.
- ☐ Additional requested information

Projected Grant Amount _____

--

Estimated Cost of Salazar Building Rehab work
For Façade Improvement Grant

Rebuilding of all window frames & canopies	\$14,271.00
Reconstruct south/west walls, Re- stucco	\$15,150.00
Roof (does not include replacing rotten wood)	\$14,000.00
Glass for front and side windows	\$ 3,566.52
Refurbish 3 old doors Reconstruct 1	\$ 1,640.75
Repair & restore original garage (stucco/roof)	\$13,846.00
Lighting under Canopy's and up light building	\$ 2,636.69
Replace Trusses on back roof	\$ 5,000.00
Add 4 windows 1 door to east wall (labor only)	\$ 8,000.00
East wall and part of back repair stucco	\$ 7,000.00
Detailed paint job (like originally was)	\$ 7,350.00

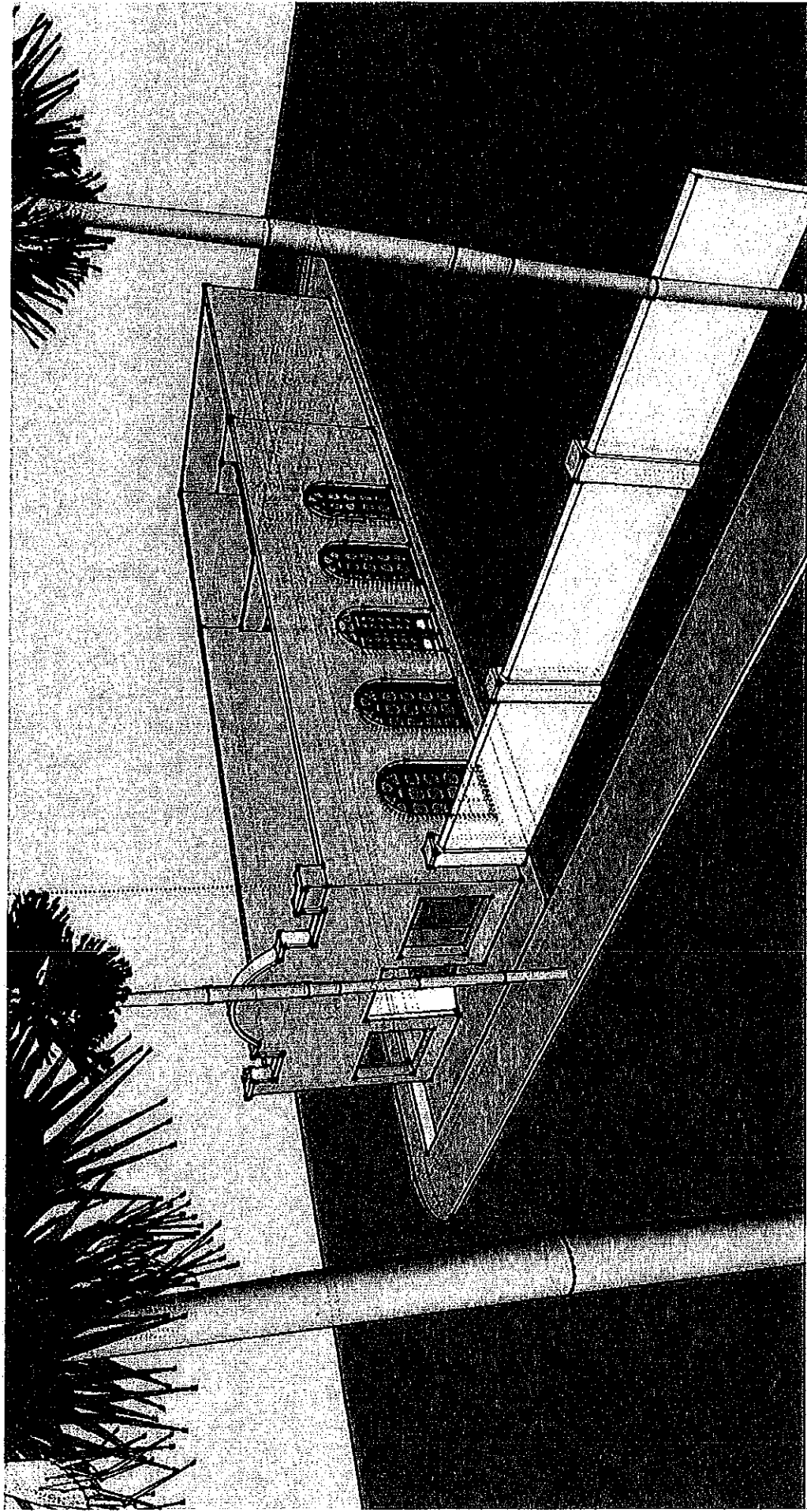
Total \$ 92,460.96

This total does not include any of the build out on the inside of the building. This is all facade and structural work. Reconstruction of the south and west walls includes a solid paint color. The detailed paint job will cost more.

The proposed use of the building will be an event center for weddings, family reunions and meetings.

The building is currently undergoing construction. It is estimated that the restoration of the building will be complete February 2015.

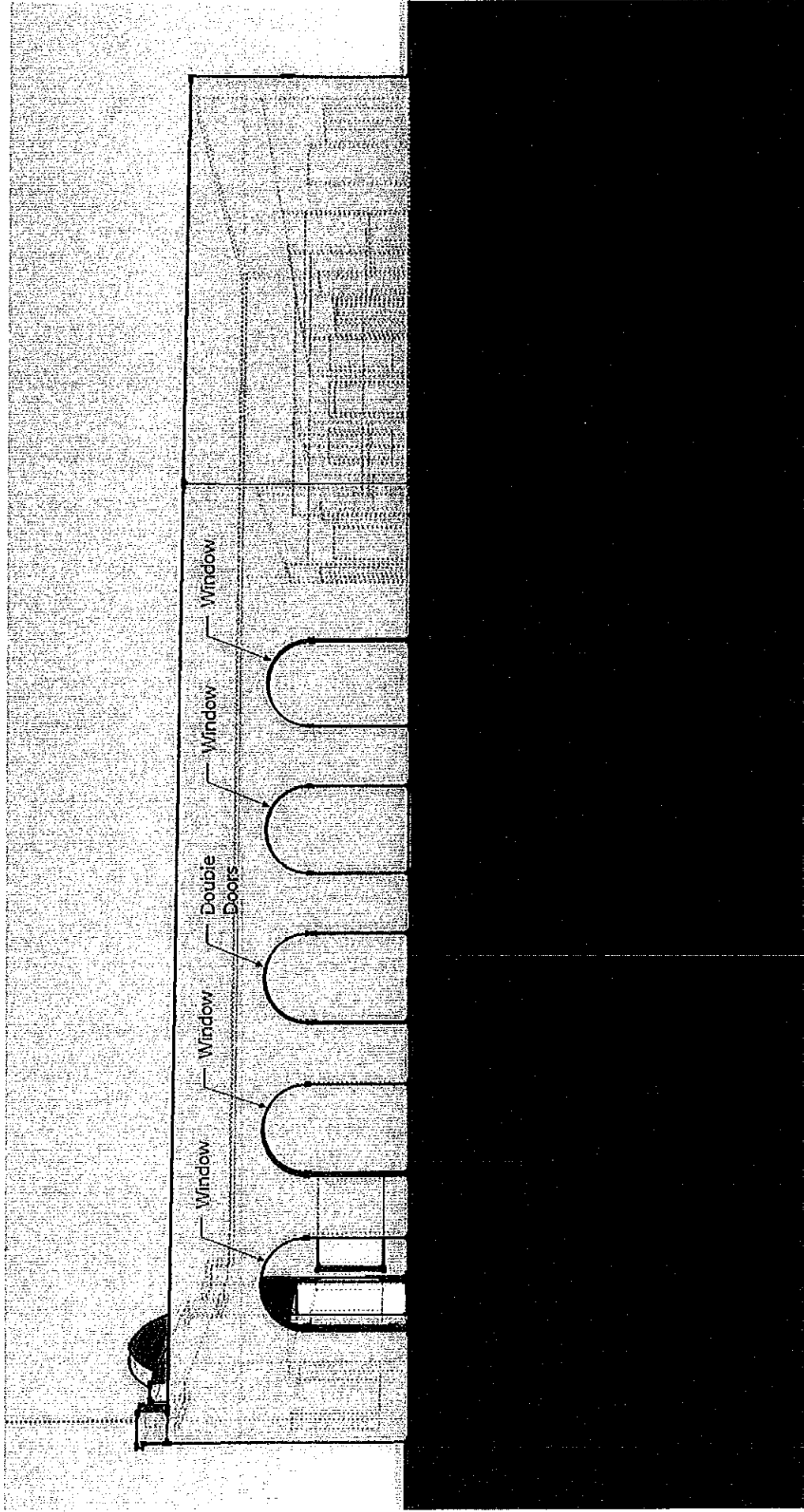
Salazar Building Restoration
Exterior Plan



South

North

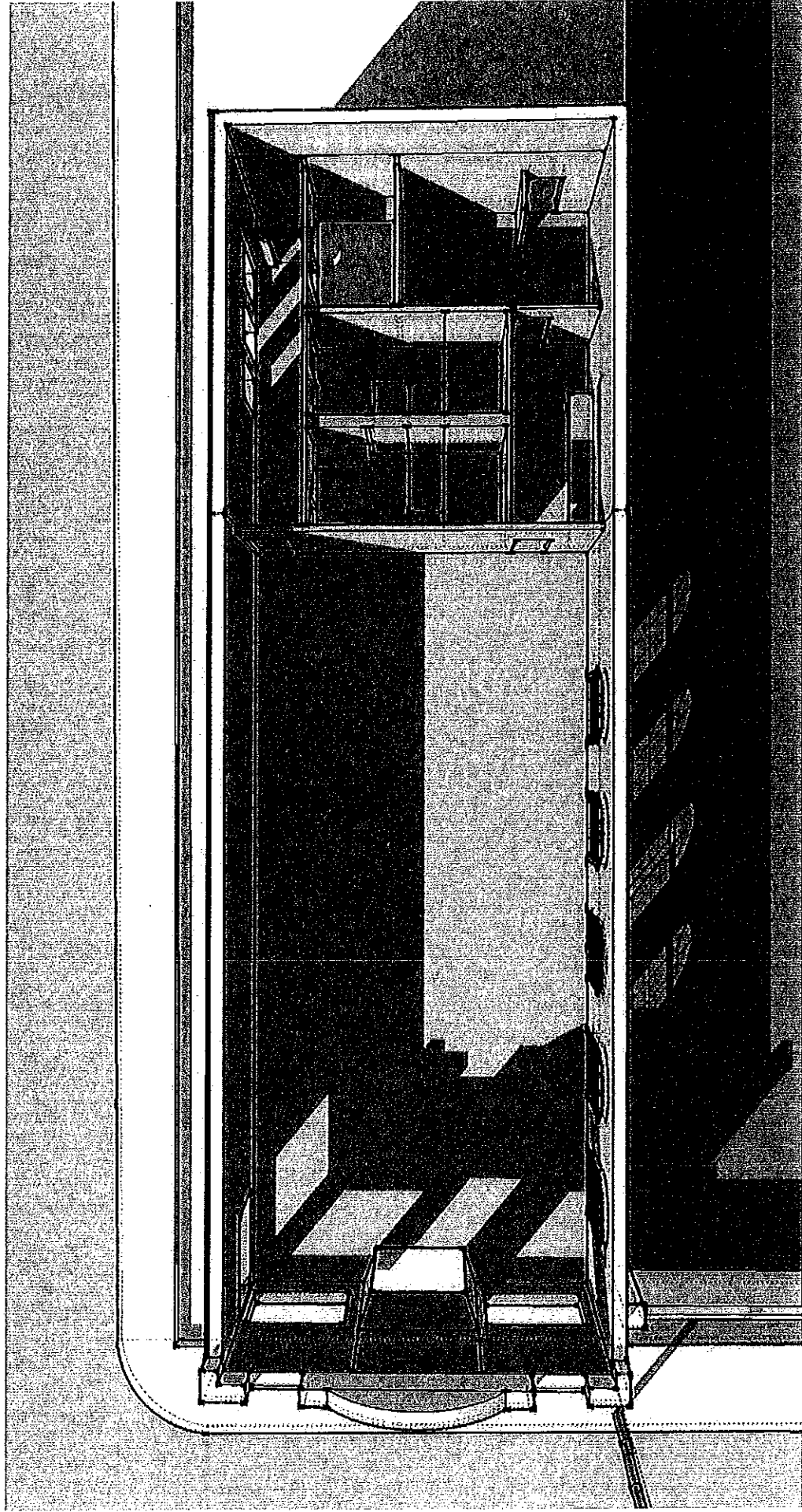
**Salazar Building Restoration
Exterior Plan**



South

North

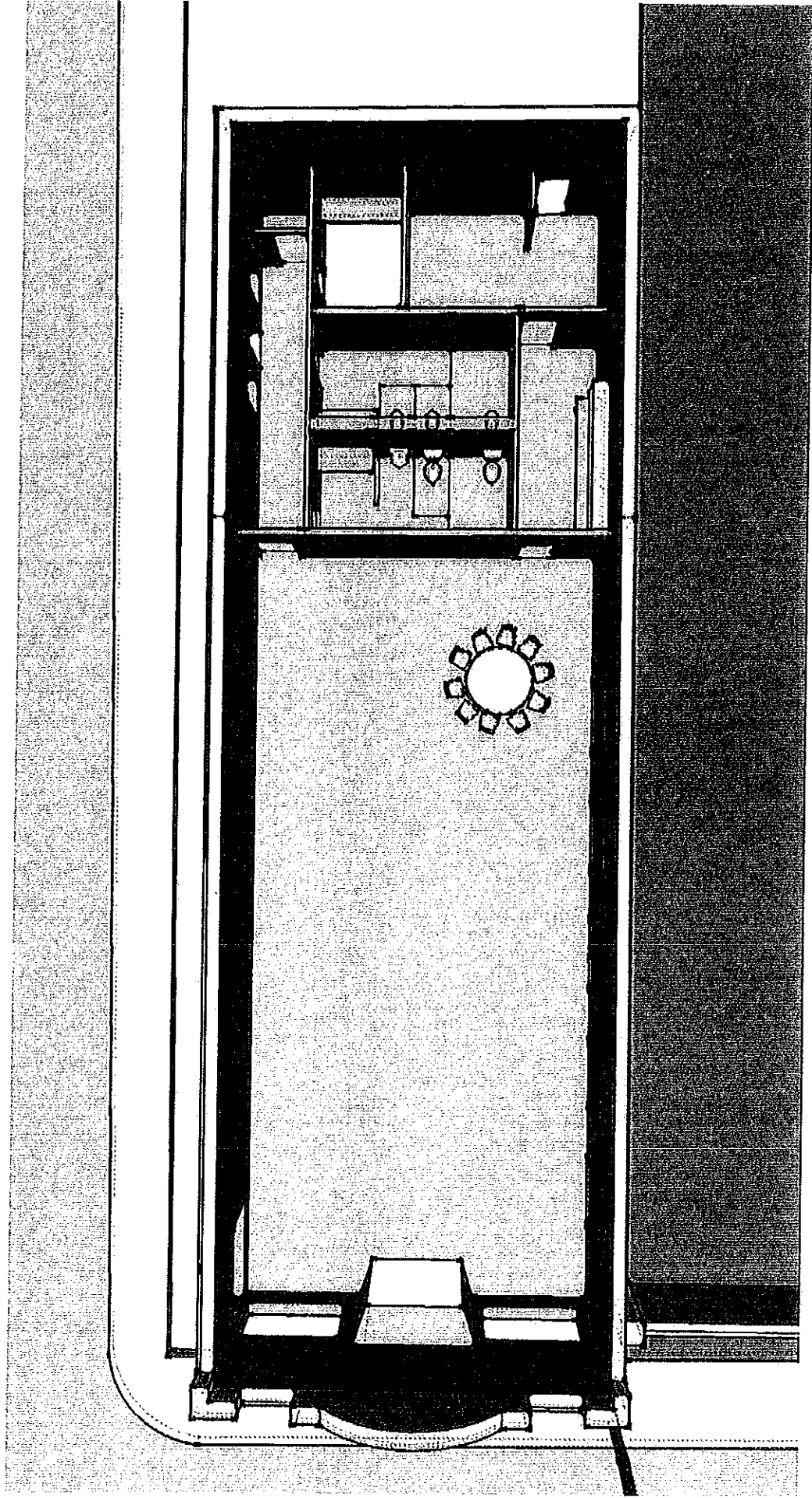
Salazar Building Restoration
Interior Plan



South

North

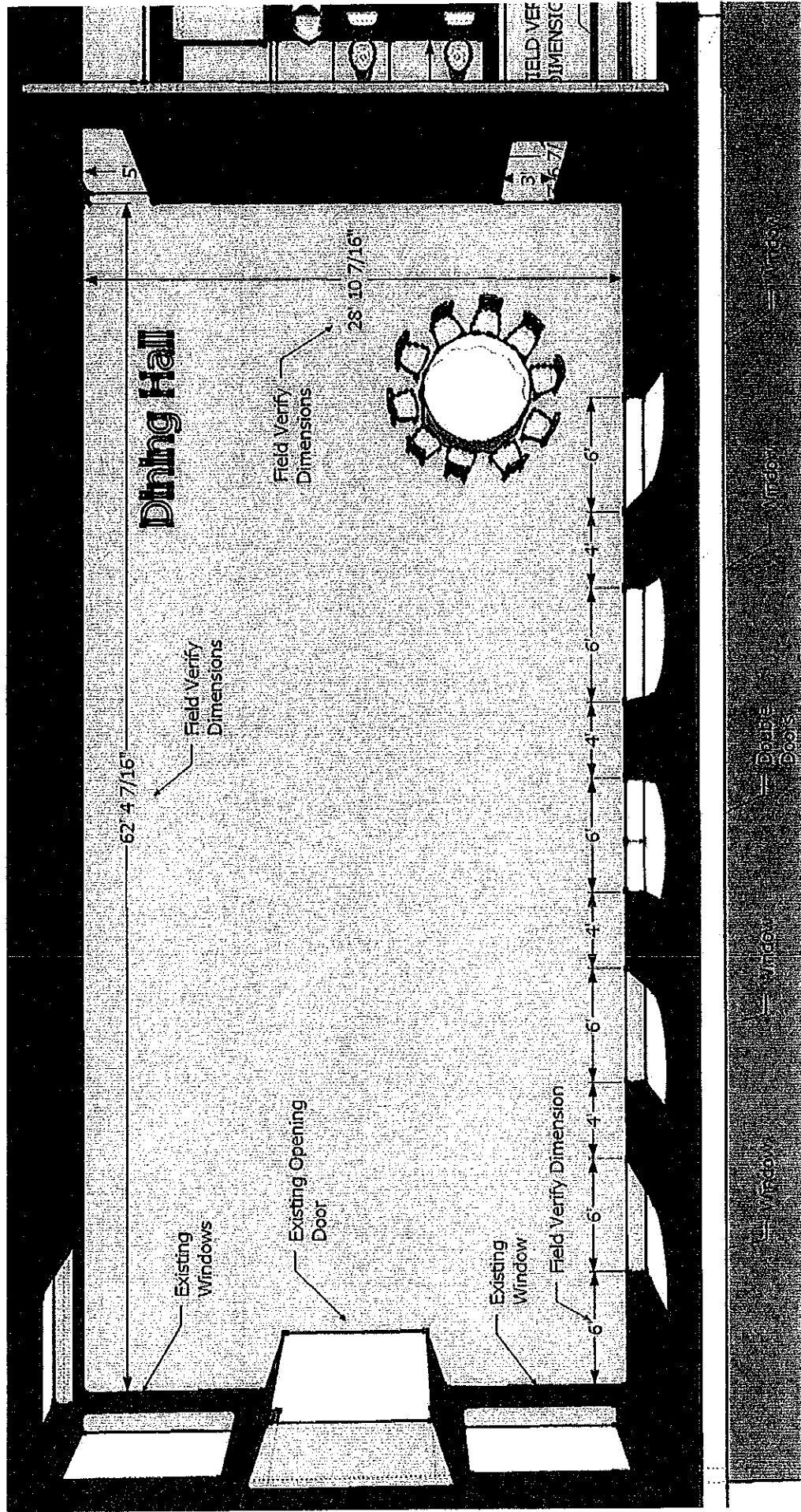
Salazar Building Restoration
Interior Plan



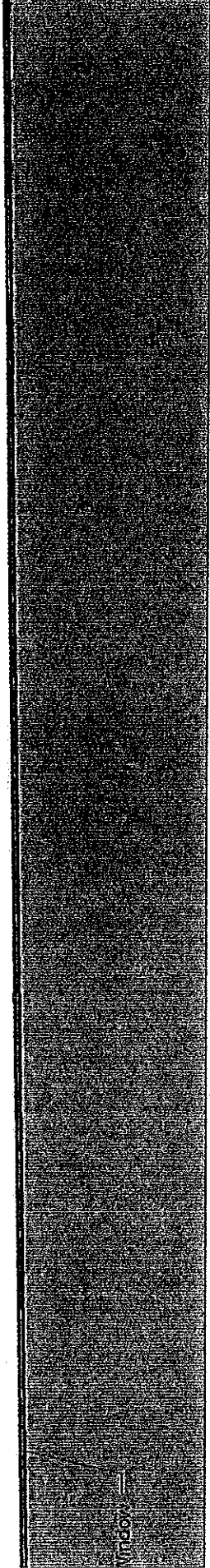
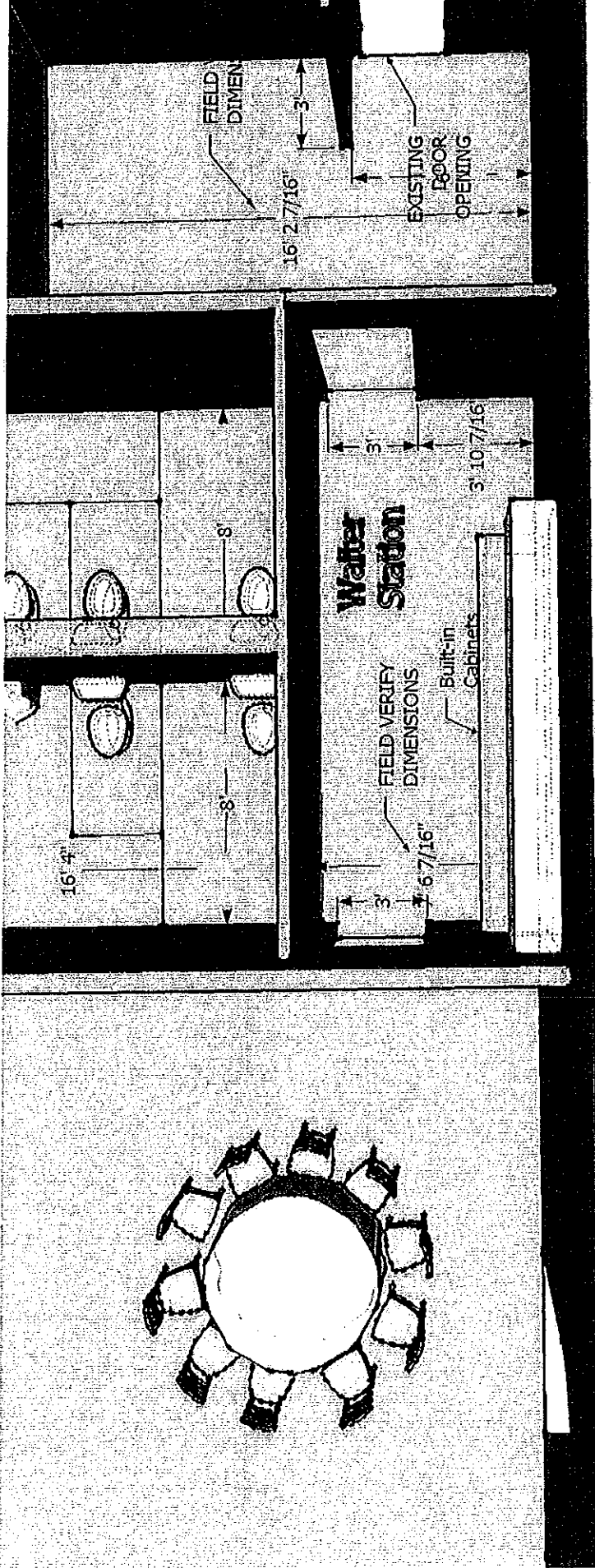
South

North

Salazar Building Restoration Detailed Interior Plan



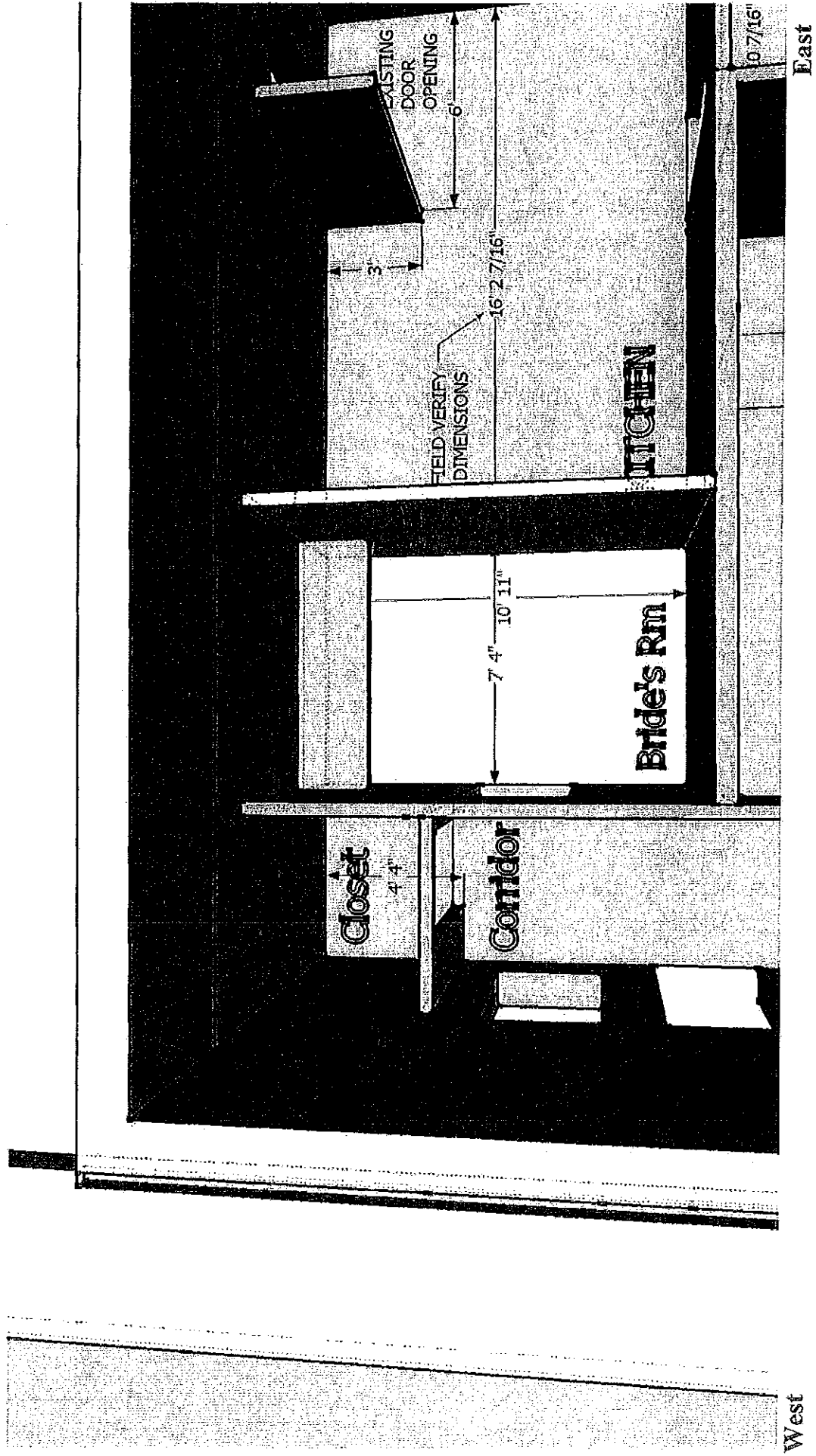
Salazar Building Restoration
Detailed Interior Plan



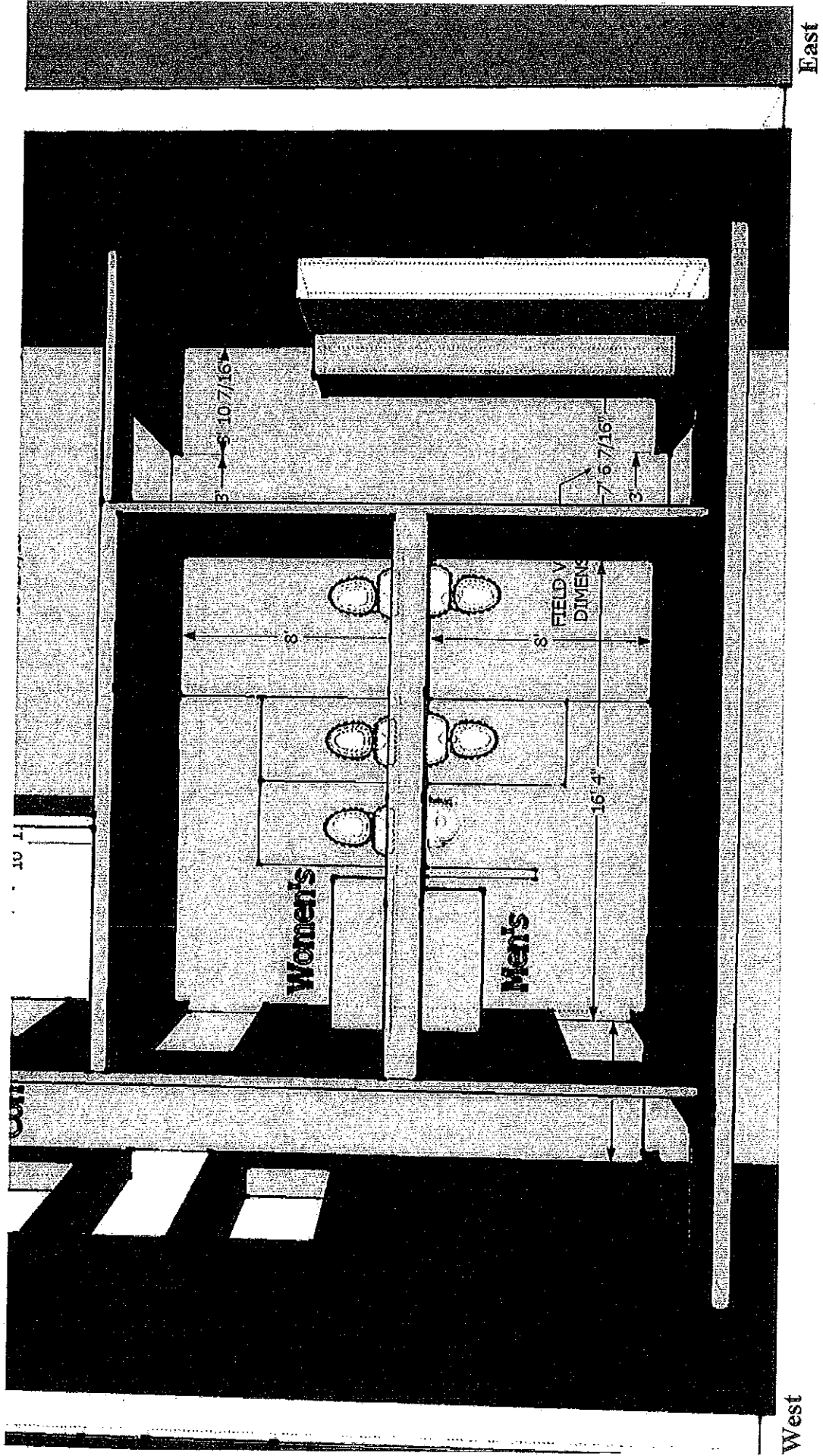
South

North

Salazar Building Restoration Detailed Interior Plan



Salazar Building Restoration Detailed Interior Plan



Salazar Building before
200 E Richard Ave.



Salazar Building 11.14.14
200 E Richard Ave.



City of Kingsville

Historic District Façade Grant Program Guidelines



For more information please contact Tourism Services Department
at (361) 592-8516 or visit our website www.cityofkingsville.com

FACADE GRANT PROGRAM GUIDELINES

HISTORIC PRESERVATION AS A TOURISM AND ECONOMIC DEVELOPMENT TOOL FOR KINGSVILLE'S HISTORIC DOWNTOWN

FACADE GRANT PROGRAM CREATED

Thirty years ago, the City of Kingsville created a Historic District and a Historical Development Board to protect historic resources within this District. In an effort to assist the Historic Development Board with this task consistent with the City Commission goals for historic preservation, tourism, and economic development the City Commission hereby designates and approves a Façade Grant Program funded, in part or in whole, from Hotel/Motel Tax revenues.

PUBLIC PURPOSE

The Façade Grant Program Guidelines provide guidance to property owners, City Policymakers and City staff concerning the use of Façade Grant awards that will achieve a certain public purpose, namely, the protection and preservation of the City's historic structures in a manner that promotes tourism and encourages economic development. Accordingly, City staff may propose, Historic Development Board may recommend, and the City Commission may approve the award of Façade Program Grants for certain commercial, residential, and/or mixed use properties in the furtherance of these public purposes.

ELIGIBLE PARTICIPANTS/APPLICANTS

Grant awards will be considered for property owners who repair, improve, replace and/or rehabilitate certain building facades or other exterior features. Façade Grants will also be considered for property owners who mitigate certain deleterious building conditions, internal or external, structural or non-structural, functional or aesthetic, that threaten the structure's existence, prevents its highest and best use, or otherwise limits its full economic utility.

To be considered eligible, a participant/applicant must be in good legal and financial standing with Federal, State, and Local governments and taxing jurisdictions. The participant/applicant must have appropriate ownership and control of the property for which the Façade Grant is being sought. And the participant/applicant must not have any major actual or pending criminal claims or bankruptcy filings. The City shall seek approval from the applicant and the applicant shall provide any and all information that the City deems necessary to assist it in consideration of the Façade Grant Project including, but not limited to obtaining releases from the Applicant for criminal, background, credit and other histories.

Property owners shall not assume they will qualify for Façade Grant Program award until such time as the City Commission has given its final approval of the grant and then only when the applicant meets all Façade Grant criteria including passing all City inspections.

ELIGIBLE PROPERTIES

Eligible properties include properties in the Historic Downtown District that are on the National Register of Historic Places; recorded as Texas Historic Landmark; designated City of Kingsville Historic Landmark; a historically significant, contributing property within the Historic District or as otherwise recommended by the Historic Preservation Officer and/or Historical Development Board or City Commission. Façade Grants may be awarded by the City Commission, after application and review by the Historic Development Officer and Historical Development Board or at the City Commission's sole discretion.

ELIGIBLE PROJECTS

Project eligibility considerations can be numerous, complicated and subjective. Considerations can include, but are not necessarily limited to: The historic significance of the building, its potential contribution to the achievement of Commission goals for historic preservation, tourism, development, downtown revitalization and economic development, perceived risk vs. reward of the project, property owner resources, funding availability, impact on the immediately surrounding properties and on the Historic District generally.

Façade Program Grants offered to one property owner shall not obligate the City to make awards to other property owners having similar or dissimilar projects and/or properties. Each Façade Grant application is reviewed, considered and funded on a case-by-case basis based on merit subject to available funding.

Buildings that are officially designated as historically significant by local, state, or federal entities may or may not be given preference. Restoration of storefronts to their historic appearance may or may not be given preference. Restoration work that is not in conformity with local restoration guidelines will be denied access to the Façade Grant Program, unless an exception is made by the City Commission prior to the start of façade improvements.

ELIGIBLE EXPENDITURES (mostly or exclusively exterior)

Eligible project expenditures include, but are not necessarily limited to, the following:

- Architect and engineering fees
- Awnings
- Cleaning (major)
- Compatible new construction
- Door/window replacement or repair
- Electrical and/or plumbing (major)
- Exterior murals
- Fire escapes
- Foundations
- Gutters
- Landscape and hardscape features
- Lighting
- Paint
- Preserving historical architectural elements
- Recessing or reconfiguring entrances
- Rehabilitation of contributing structures

- Removal/replacement of incompatible exterior finishes or materials
- Roofing
- Signs (new, repairs, replacements, removal)
- Other (as determined on a case-by-case basis)

INELIGIBLE EXPENDITURES (mostly or exclusively interior)

- Appliances
- Capital equipment purchases
- Cleaning (minor)
- Decorative treatments
- Electrical and/or plumbing (minor or incidental)
- Escalators and/or elevators
- Feasibility and/or consultant studies
- Furniture
- Government fees
- HVAC systems
- Incompatible new construction
- Legal, financing, leasing, rental and other administrative and financing expenses
- Owner and/or tenant labor (value assigned to)
- Paint, floor, wall, window or ceiling treatments
- Repair tools and equipment
- Security systems
- Sprinkler or fire suppression systems
- Taxes
- Wall construction and partitions
- Other (as determined on a case-by-case basis)

RULES AND PROCEDURES

The Façade Grant Project

The Façade Grant Project must be described accurately and explained fully so as to provide a reasonably informed person with the obvious limits and scope of the Project. Items excluded from mention will be considered ineligible for reimbursement under the Façade Grant Program unless otherwise approved by the City Commission.

The burden for justifying the Façade Grant shall be borne by the applicant.

Façade Grant Amount

Façade grants are intended to be a 50-50 reimbursement match with the City matching the building owner's invested dollars in the Façade Grant Project on a dollar-for-dollar basis up to an amount generally not to exceed \$10,000 per property, subject to the availability of budgeted funds, unless otherwise approved by the City Commission.

Certain façade grants may be considered for amounts up to \$50,000, subject to the availability of budgeted funds. For façade grants of this amount to be considered, the related expenditures would need to serve as a revitalization anchor project that significantly accelerates private investment in other historic preservation projects in the Downtown Historic District or is so significant and meaningful from an historical perspective that it would justify on its own merits this level of public expenditure.

Façade Grant Disbursements

Façade Grants shall generally be disbursed by the City up to the amount approved by the City Commission after the property owner has first paid his/her portion. The City will disburse façade grant funds a maximum of one time per month supported with and accompanied by copies of original contractor invoices that relate specifically to the Façade Grant Project as defined. Checks may be postponed or held to secure all supporting documentation and approvals.

Façade Grant Advances

Façade Grant disbursements are intended to occur in a single payment or in a series of payments and on a reimbursement basis in amounts not to exceed the total of the Façade Grant Award following the performance of the work by the property owner's contractor and following successful inspection of the work by the City's Historic Preservation Officer and Building Official or their respective designees.

However, the City Commission may, at its discretion, advance funds to the property owner. Amounts advanced, if any, to property owners shall be considered loans subject to repayment until such time as sufficient, credible documentation and justification have been provided to City staff in conformance with the Façade Grant Program Guidelines, Façade Grant Program Application and other applicable agreements.

Advances of Façade Grant Project funds should be limited and rare. Applicants desiring an advance shall produce a cash bond/performance bond or irrevocable letter of credit in the amount of 105% of the cost of the requested monetary advance in order to be considered for such an advance. Once the work is performed and passes inspection, the City will release the cash bond/performance bond or irrevocable letter of credit. If the applicant fails to perform the work or to pass inspection, the City shall retain the cash bond/performance bond or irrevocable letter of credit and recoup the amount of money advanced plus the 5% administrative expense amount.

Project Building Plans and Inspections

After application and approval by the Commission, award payments are contingent upon the property owner providing required plans, obtaining all necessary permits, passing all required inspections and compliance with all other customary administrative rules and procedures.

PROJECT RECOMMENDATIONS FROM THE CITY'S HISTORIC PRESERVATION OFFICER AND HISTORIC DEVELOPMENT BOARD

The City's Historic Preservation Officer and Historic Development Board have the right to review, question, and make recommendations with respect to Façade Grant Program Guidelines and Façade Grant Program Project Applications.

DEED RESTRICTIONS AND/OR GRANT OF EASEMENT

For certain Façade Grant Program projects it may be deemed necessary for the City to obtain a deed restriction or grant of easement to protect the City's investment in the project. The terms and duration of any deed restrictions or easements are to be negotiated prior to approval of a Façade Grant by the Commission.

AGENDA ITEM #10

RESOLUTION #2015-_____

A RESOLUTION APPROVING AN APPLICATION AND AGREEMENT FOR THE HISTORIC DISTRICT FAÇADE GRANT PROGRAM FROM DR. STEVEN NIX FOR THE JAVELINA INNOVATION LAB.

WHEREAS, the City Commission recognized a need exists for economic development, historic restoration & preservation, and tourism promotion in the historic district of the city, especially in the downtown area, and approved Historic District Façade Grant Program Guidelines in an effort to enhance meeting these objectives;

WHEREAS, the City has received an Application and an Agreement for a Historic District Façade Improvement Grant from Dr. Steven Nix for external renovation of the Javelina Innovation Lab located at 231 East Kleberg Avenue, in the downtown area and in the historic district;

WHEREAS, the application has a projected external renovation amount of \$36,660 and the applicant is requesting a grant amount of \$18,300 for renovation of the exterior canopy at the front entrance and exterior lighting;

WHEREAS, staff has reviewed the application and is recommending it for approval by the Commission as it appears to conform to the grant guidelines

WHEREAS, the City believes external improvements to property in the city increase assessed values thereby expanding the tax base and stimulate historic preservation & renovation, which enhance tourism and increases economic activity; and

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

I.

THAT the Historic District Façade Grant Application and Agreement for Dr. Steven Nix for the external renovation of the Javelina Innovation Lab located at 231 East Kleberg Avenue, Kingsville, Texas be approved as per the attached and the City shall provide as a grant reimbursement of an amount up to \$18,300.00 so long as all of the terms and conditions of the guidelines are met;

II.

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

PASSED AND APPROVED by a majority vote of the City Commission on the 12th
day of January, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



DATE: November 21, 2014

TO: City Commission

VIA: Vince Capell, City Manager

FROM: Cynthia Martin, Downtown Manager

SUBJECT: Façade grant application for 231 E Kleberg, Javelina Innovation Lab

Dr. Steven Nix has submitted a façade grant application on behalf of building owners, Board of Regents of TAMUS, to replace the walkway canopy and add some lighting to the face of the building. There are safety and drainage concerns with the current canopy. Additionally there are appearance and health issues as the current corrugated metal canopy collects debris from the street tree on the corner and bird dropping ect. resulting in plants growing in the canopy. The new, proposed canopy would be engineered, wind load certified and of a design to eliminate drainage and debris collection concerns. Also proposed is lighting either in the canopy itself or on the building making walking by at night safer and more pleasant. People feel more secure passing a lit building rather than one with large, dark windows.

This canopy would set a standard for downtown and is the first step in the restoration of the building façade as shown in the photograph section of the attached grant application. Budget for this project is \$37,460 with eligible expenses of \$36,660 and a projected maximum grant amount of \$18,300. Façade grants are mean to be a 50-50 reimbursement match on a dollar for dollar basis generally not to exceed \$10,000 subject to availability of budgeted funds, unless otherwise approved by City Commission. The budget for this year's façade grant program is \$50,000 of which none has been awarded.

The Historical Development Board has reviewed and approved the proposed changes to the façade of this building and recommend awarding a façade grant for the project.

Attachments: Façade grant application
Statement of costs
Photographs
Façade grant guidelines

APPLICATION

Project Title: Wilson Building Walkway Canopy Date Prepared: October 17, 2014

Owner: Board of Regents of TAMUS Phone #: (979) 458-7700

Email Address: tamus-webmaster@tamus.edu Individual Corporation Nonprofit Other
(Circle)

Address: 301 Tarrow Street, 6th Floor, College Station, TX 77840-7896

Contact (if different): Dr. Stehan Nix Phone #: (361) 593-2106

Email Address: stephan.nix@tamuk.edu Individual Corporation Nonprofit Other
(Circle)

Address: Frank H. Dotterweich College of Engineering, Texas A&M University-Kingsville

700 University Blvd., MSC 188, Kingsville, TX 78363

Project Location / Address: 231 E. Kleberg Avenue, Kingsville, TX 78363

Legal Description: Orig Town, Block 50, Lot 15, 16, (EXEMPT)

Parcel Number: n/a

National Register Texas Landmark Kingsville Historic Landmark Contributing Property
(Circle)

Proposed Use: To update the facade at 231 E. Kleberg Avenue

Scope of Work: Remove existing exterior walkway canopy at the front of the entrance
and replace with a new metal prefinished metal panel and replace lighting.

Schedule: _____

Violation history: None.

Attach documents that support:

- ☐ Legal description of the property ✓
- ☐ Plans for the façade improvement work ✓
- ☐ Photographs ✓
- ☐ Statement of costs, budget, and/or pro-forma ✓
- ☐ Construction schedule and completion date ✓
- ☐ Access authorization ✓
- ☐ Statement of the proposed use for the property ✓
- ☐ Proof of absence of delinquent loans, fees, taxes, fines, etc. ✓
- ☐ Additional requested information

Projected Grant Amount \$37,460

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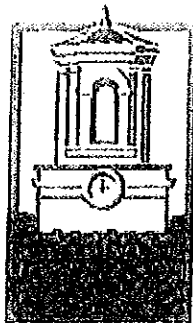
Plans for the Facade Improvement

PROGRAM OF REQUIREMENTS

WILSON BUILDING WALKWAY CANOPY

**PROJECT MANAGER
ERNEST SALAZAR, JR.**

DATE: 09/15/14



**TEXAS A&M
UNIVERSITY
KINGSVILLE**

EXECUTIVE SUMMARY

On May 23, 2011, Wilson's True Value Properties, Inc. donated to the Texas A&M University System an existing building and land located at 231 East Kleberg Ave., Kingsville, TX. Texas A&M University-Kingsville intends to use the Gifted Property in support of student-success initiatives within the Frank H. Dotterweich College of Engineering. The gift Property will house an engineering innovation, research, and development facility which will provide students with office and meeting space to develop innovative solutions to scientific and technical problems posed by industries, governmental agencies and non-governmental agencies in South Texas and to pursue their own innovations.

PROJECT DESCRIPTION

Preliminary Scope Statement

Remove existing exterior walkway canopy at the front of the entrance and replace with a new metal frame prefinished metal panel and replace lighting.

Scope of Work

Construction

- Remove existing canopy
- Remove existing lighting
- Patch/repair plaster if damaged
- Repaint area
- Furnish and install new metal frame and metal panels canopy

Network/Data/Phone

- None

Furniture, Fixtures, & Equipment

- None

Signage

- None

Requirements

- Conform to TAMUK's Facility Design Guidelines

Assumptions

- The project will not change in scope.
- Approved funding will be available upon request
- Asbestos abatement may be required
- Area of construction will be available for construction from 7:00 am to 5:00 pm, Monday through Friday.

- All unforeseeable items will be brought to the attention of the project manager and must be authorized prior to any work commencing

Constraints

- The project must operate within the funding and resource allocations approved

RISKS

Environmental

- Asbestos abatement is anticipated in the scope

ADA

- Not required

Other Factors

- Potential noise disruptions to adjoining areas during the demo and construction phase may cause shutdown and delays.
- Changes in project scope and budget during design and construction.
- Design errors and omissions.
- Non-collaborative environment
- Lack of attention to project relationships and failure to develop a project attitude that reduces adversarial relationships
- Incomplete information
- Conflicting interpretations of contract document requirements
- Lengthy resolution of issues.
- Funding.
- Possible lead time construction items.

PROJECT DELIVERABLES

- New covered walkway canopy

PROJECT APPROVAL REQUIREMENTS

Success will be determined by the Project Sponsor, Dr. Stephan Nix (Dean, Frank H. Dotterweich College of Engineering). Key responsibilities include:

- Approving the requirements, timetable, resources and budget
- Authorizing the provision of funds / resources (internal or external)
- Approving the project plan
- Ensuring that major business risks are identified and managed
- Approving any major changes in scope
- Receiving Project Review Group minutes and taking action accordingly
- Resolving issues escalated by the Project Manager / Project Review Group
- Ensuring business / operational support arrangements are put in place
- Defining the vision and high level objectives for the project

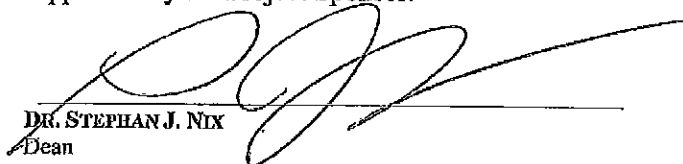
- Ensuring the participation of a business resource (if required)
- Providing final acceptance of the solution upon project completion.

PROJECT MANAGER

Ernest Salazar, Jr. is named Project Manager for the duration of the project. Mr. Salazar is responsible to manage all project tasks, scheduling, and communication regarding the project. Mr. Salazar will coordinate all resource requirements through the Procurement department. Mr. Salazar is authorized to approve all budget expenditures up to, and including, the allocated budget amounts. Any additional funding must be requested through the Project Sponsor, DR. Nix.

AUTHORIZATION

Approved by the Project Sponsor:


DR. STEPHAN J. NIX
Dean

Date: 10/21/14

Tax Statement

1. Legal Description
2. Proof of absence of delinquent fees & taxes

STATEMENT OF ALL TAXES DUE

ACCT # 1-001-050-15000-192
DATE 10/14/2014
DR



MELISSA T DELAGARZA, PCC
P O BOX 1457
KINGSVILLE, TX 78364-1457
(361) 595-8542

Property Description

ORIG TOWN, BLOCK 50, LOT 15, 16, (E X E M P T)

TOWN - LOCATION - 231 E KLEBERG AVE
ACRES - .160

Values

LAND MKT VALUE 7,000 IMPR/PERS MKT VAL 61,640
LAND AGR VALUE MKT. BEFORE EXEMP 68,640
EXEMPTIONS GRANTED: LIMITED TAXBL VAL
(REMOVAL OF EXEMPTIONS MAY RESULT IN ADDITIONAL TAXES DUE)

BOARD OF REGENTS OF TAMUS
ATTN: SYSTEM REAL ESTATE
301 TARRON STREET, 6TH FLOOR

COLLEGE STATION TX 77840-7896

	LEVY	P & I	ATTY FEES	AMT DUE
TAXES 2014	.00	.00	.00	.00
	.00	.00	.00	.00
				=====
				.00
				.00
				.00
				.00
				.00

ACCT # 1-001-050-15000-192

TOTAL DUE 10/2014 .00
TOTAL DUE 11/2014 .00
TOTAL DUE 12/2014 .00
TOTAL DUE 01/2015 .00

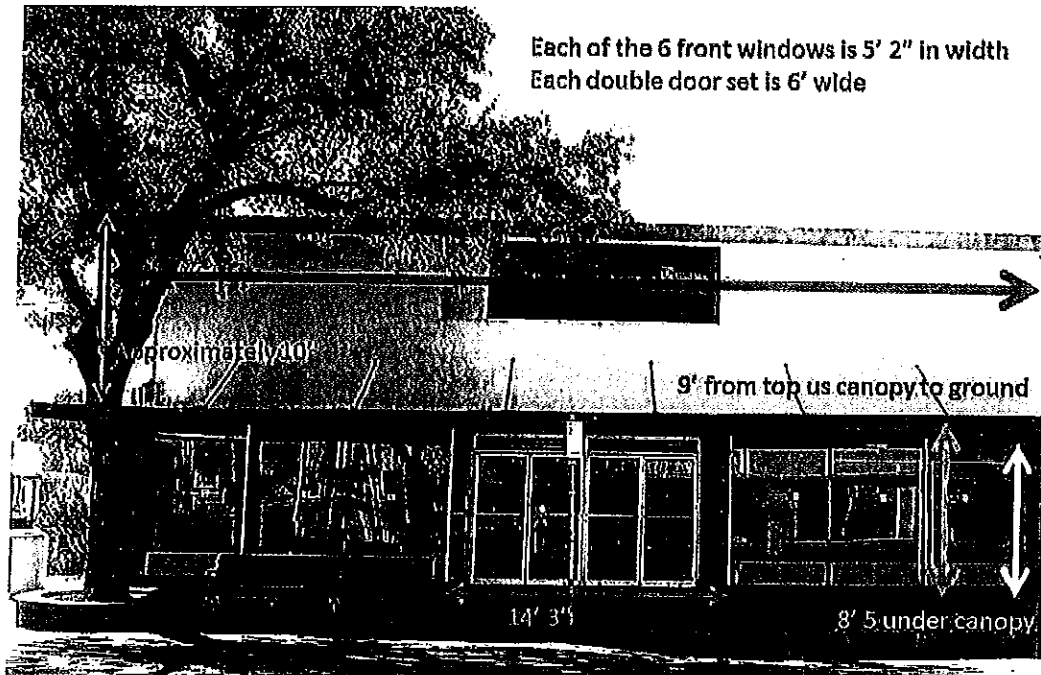
BREAKDOWN OF TAX DUE BY JURISDICTION

JURISDICTION	TAXES	PEN & INT	ATTY FEES	TOTAL
KLEBERG COUNTY	.00	.00	.00	.00
CITY OF KINGSVILLE	.00	.00	.00	.00
KINGSVILLE ISD	.00	.00	.00	.00
SOUTH TX WATER AUTH	.00	.00	.00	.00

TOTAL TAX LEVY FOR THE CURRENT ROLL YEAR00

Photographs

Javelina Innovation Lab Office Front Views



Corner post is 2' 7" wide

Side of original building is 85' 6"; side of addition is 54' 10"



Walkway Canopy View



Future Plan for the Office Front at 213 E. Kleberg Avenue

Budget

Texas A&M University - Kingsville

Date: 09.15.14

Program of Requirements - Estimated Budget

Project: Wilson Building renovation Canopy repair

Project Manager: Ernest Salazar, Jr.

			Estimated	Revised Budget	Comments
1	Architect/Engineering Fee	10%	\$2,698		
2	Construction		\$26,980		
	Contract				
	Construction Contingency	10%			
	Alternate 1 -				
	Alternate 2 -				
	Alternate 3 -				
3	Formal Bid Advertisement				
	Corpus Christi Caller Times		\$500		
	Kingsville Record		\$300		
4	Asbestos				
	Survey/Specifications/Air Monitoring		\$500		
	Abatement		\$2,000		
	Other Abatement Fees				
5	Data/Phone Needs (iTech) & Projector				
6	Security				
	Cameras				
	Card Swipes				
	Fire Alarm Device Relocation				
7	Furniture, Fixtures, & Equipment				
8	Signage				
9	Irrigation/Landscaping				
10	Fire Suppression				
11	Locksmith Charges				
12	Moving Crew Charges				
13	Testing				
	Soil				
	Uplift/Pull				
	Concrete				
14	TDLR-Design Review/Inspection				
15	Utilities - Easements, Meters, Generators, etc.				

Project Budget Subtotal	\$35,676
Project Management Fees	\$1,784
Total Estimated Project Cost	\$37,460

Date reviewed by Department

9/15/2014

Construction Schedule and Completion Date

ID	Task Name	Duration	Start	Finish	October	November	December	January	February
1	Initiate Project	5 days	Mon 11/3/14	Fri 11/7/14	Oct				
2	Construction Doc's, asbestos si	14 days	Mon 11/10/14	Thu 11/27/14					
3	Procurement	14 days	Fri 11/28/14	Wed 12/17/14					
4	Construction	30 days	Thu 12/18/14	Wed 1/28/15					
5	Project close-out & Punch	10 days	Thu 1/29/15	Wed 2/11/15					

Task Split	Milestone	External Tasks
Progress	Project Summary	External Milestone
		Deadline

Project: Project schedule for walkway
Date: Mon 10/20/14

Statement of Proposed Use for the Property

Proposed Use of Property: 231 E. Kleberg

Texas A&M University–Kingsville Javelina Innovation Lab

Texas A&M-Kingsville is committed to creating wealth for the City of Kingsville and its citizens through higher education programs, economic development activities and strategies. Through enhanced collaboration with community partners, and other key stakeholders, Texas A&M-Kingsville will foster the development of a culture of learning and innovation and assist community leaders with economic development that builds on the assets of the university.

Texas A&M-Kingsville's Javelina Innovation Lab (JIL) mission is to provide engineering students with opportunities to develop innovative solutions to scientific and technical problems posed by industries, governmental agencies, and non-governmental agencies in South Texas, and to pursue their own innovations, provide financial support to students working on these problems, and add significantly to the economic development by developing a generations of high-quality engineers and ideas that lead to new knowledge-based and manufacturing enterprises for South Texas and the community of Kingsville.

- The Javelina Innovation Lab (JIL) in downtown Kingsville brings an added dimension of community development via cooperation between the University and local stakeholder groups.
- The enhancement of the JIL will allow broad community appeal in offering continuing education, a forum for presentations and product development, and an added attraction to the downtown area.
- The path to community development is a well-supported mix of leadership, community buy in, and adequate project funding.
- Downtown development and redevelopment is a means to enhance current Main Street structures while repurposing aged facilities that can serve as a catalyst for activity and growth.
- Upgrading the JIL, will bring an additional value added proposition to downtown by adding a diversification of services via an education learning center and location to foster new business and jobs.
- Funding for the JIL calls for a broad based community plan to facilitate a major upgrade of the facilities, as well as leverage up improvements to attract matching funding.

1. Description of the Proposed Program

Texas A&M-Kingsville wants to foster the development of a culture of collaboration and assist community leaders with economic development for the City of Kingsville and the surrounding area that builds on the assets of the university.

The Javelina Innovation Lab is a creative, forward thinking, "out-of-the-box" idea spawned by the desire to give Texas A&M University College of Engineering students a very unique opportunity to better themselves for a rapid transition into a real work environment as well as provide the local community with a high-tech downtown business that will attract quality people to a quality town. The idea has gained momentum by the donation of a downtown Kingsville building to the Texas A&M-Kingsville College of Engineering. Few engineering students get the opportunity to experience a true work environment before being thrust into the workforce after graduation. The Javelina

Innovation Lab will provide that experience for the mutual benefit of our students and the local industries, governments and communities we serve.

Structure

The JIL is housed in downtown Kingsville, with high visibility to the public. Included will be a project display area open to the public during normal business hours (A 6,000 sq.ft. building has been acquired. A team of students are working on the initial clean up and design of the facility. Estimates for bringing the building up to code and a minimum level of functionality are in the works.)

Texas A&M-Kingsville engineering students are employed to work on projects of interest to industry, state, and local governments, and non-governmental organizations (NGOs), as well as projects the students propose. Typically, these are projects of medium-term and long-term benefits that may affect bottom lines several quarters in the future. Students are supported by funds provided to the JIL through contracts with industries, governments, and NGOs for specific projects.

Through remote network connections with clients, students work part-time on projects while in school during the academic year or full-time during the summer without the financial burden of relocation.

Students also have the opportunity to work on research and development projects that they propose. After completing a prototype, student teams have the opportunity to present their ideas to the Coastal Bend Business Plan Competition for assistance in the development of their products. The Coastal Bend Innovation Center can also provide assistance. Students are supported through donations and gift funds provided by alumni and friends of the College of Engineering, grants, and other sources internal to the University.

The JIL is overseen by an Independent Board of Advisors drawn from the community, partnering industries, and South Texas ISD's. Day-to-day operation is handled by a Director, a technician, and an office manager. Other personnel may include a business development coordinator (with expertise in patent development, intellectual property issues, market analysis, entrepreneurship, and business development), additional technicians, a financial manager, and additional clerical staff. Board of Investors review projects for marketability and possible investment in further R&D.

Advanced undergraduates lead the student project teams, with each having industry and faculty mentor/advisors. The team members come from all four classes (freshman, sophomore, junior, senior). Students from area high schools may also participate on project teams in paid internships.

The JIL is not intended or designed to compete with or replace professional engineering services. JIL is an "innovative solutions" enterprise. It is the client's responsibility to finalize and implement these solutions under the auspices of their own engineering staff or consultants, and to accept the liability thereafter. The strength of the JIL is the creativity and exuberance of young engineers working for the experience and the support of their education.

2. Targets and Outcomes

Texas A&M-Kingsville will foster the development of a culture of collaboration and assist community leaders with economic development for the City and the surrounding area that builds on the assets of the university.

The Javellna Innovation Lab (JIL), a student-focused enterprise, mission is as follows:

- Engineering students
- To provide engineering students with opportunities to develop innovative solutions to scientific and technical problems posed by industries, governmental agencies and non-governmental agencies in South Texas, and to pursue their own innovations
- To provide financial support to students working on these problems

- To add significantly to the economic development of South Texas by developing a generation of high-quality engineers who know how to “get things done”; and processes, prototypes, and ideas that lead to new knowledge-based and manufacturing enterprises for South Texas

The JIL is based on the premise that paid work, “work-ships”, within the students’ areas of interest is a far more effective way to build student success than simply providing scholarships.

Economic Development Impact

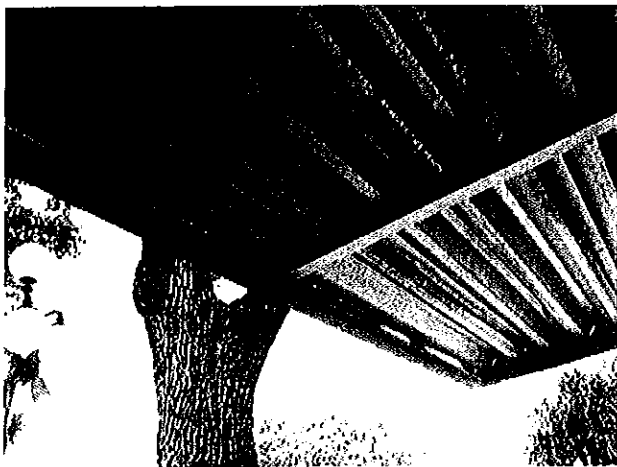
- Self-sustaining enterprise at the end of a 3-year ramp up period, employing 40 students and a staff of 3 with a payroll of over \$400,000. At the end of 5 years the goal is to have over 70 students employed.
- The Lab will serve as the genesis for new technology products and enterprises.
- Presence of a creative, technical enterprise in downtown Kingsville will add to the attractiveness of the area for new businesses.

The Frank H. Dotterweich College of Engineering has been the campus’ leader in the sustainability initiative by acting as a test bed for energy assessments, audits, and HVAC setback programs. Students and faculty have taken the lead in these efforts. Within this context the Javelina Innovation Laboratory is dedicated to sustainability principles and the University’s goals. More specifically, the Ben F. and Florence C. Wilson Building – the future home of the JIL – will be renovated in the spirit of the University’s sustainability goals.

Renovation of the Wilson Building will be certified in accordance with the achievement of the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) certification program. LEED certification will be a first for both Texas A&M University-Kingsville and downtown Kingsville. The LEED program identifies nearly 60 areas in which principle of sustainable, green practices can be applied to new and renovated buildings. The renovated structure will meet LEED prerequisites in:

- Sustainable Sites
- Water Efficiency
- Energy and Atmosphere
- Materials and Resources
- Indoor Environmental

Innovation Lab 11.14.14
231 E Kleberg Ave.



City of Kingsville

Historic District Façade Grant Program Guidelines



For more information please contact Tourism Services Department
at (361) 592-8516 or visit our website www.cityofkingsville.com

FACADE GRANT PROGRAM GUIDELINES

HISTORIC PRESERVATION AS A TOURISM AND ECONOMIC DEVELOPMENT TOOL FOR KINGSVILLE'S HISTORIC DOWNTOWN

FACADE GRANT PROGRAM CREATED

Thirty years ago, the City of Kingsville created a Historic District and a Historical Development Board to protect historic resources within this District. In an effort to assist the Historic Development Board with this task consistent with the City Commission goals for historic preservation, tourism, and economic development the City Commission hereby designates and approves a Façade Grant Program funded, in part or in whole, from Hotel/Motel Tax revenues.

PUBLIC PURPOSE

The Façade Grant Program Guidelines provide guidance to property owners, City Policymakers and City staff concerning the use of Façade Grant awards that will achieve a certain public purpose, namely, the protection and preservation of the City's historic structures in a manner that promotes tourism and encourages economic development. Accordingly, City staff may propose, Historic Development Board may recommend, and the City Commission may approve the award of Façade Program Grants for certain commercial, residential, and/or mixed use properties in the furtherance of these public purposes.

ELIGIBLE PARTICIPANTS/APPLICANTS

Grant awards will be considered for property owners who repair, improve, replace and/or rehabilitate certain building facades or other exterior features. Facade Grants will also be considered for property owners who mitigate certain deleterious building conditions, internal or external, structural or non-structural, functional or aesthetic, that threaten the structure's existence, prevents its highest and best use, or otherwise limits its full economic utility.

To be considered eligible, a participant/applicant must be in good legal and financial standing with Federal, State, and Local governments and taxing jurisdictions. The participant/applicant must have appropriate ownership and control of the property for which the Façade Grant is being sought. And the participant/applicant must not have any major actual or pending criminal claims or bankruptcy filings. The City shall seek approval from the applicant and the applicant shall provide any and all information that the City deems necessary to assist it in consideration of the Façade Grant Project including, but not limited to obtaining releases from the Applicant for criminal, background, credit and other histories.

Property owners shall not assume they will qualify for Façade Grant Program award until such time as the City Commission has given its final approval of the grant and then only when the applicant meets all Façade Grant criteria including passing all City inspections.

ELIGIBLE PROPERTIES

Eligible properties include properties in the Historic Downtown District that are on the National Register of Historic Places; recorded as Texas Historic Landmark; designated City of Kingsville Historic Landmark; a historically significant, contributing property within the Historic District or as otherwise recommended by the Historic Preservation Officer and/or Historical Development Board or City Commission. Façade Grants may be awarded by the City Commission, after application and review by the Historic Development Officer and Historical Development Board or at the City Commission's sole discretion.

ELIGIBLE PROJECTS

Project eligibility considerations can be numerous, complicated and subjective. Considerations can include, but are not necessarily limited to: The historic significance of the building, its potential contribution to the achievement of Commission goals for historic preservation, tourism, development, downtown revitalization and economic development, perceived risk vs. reward of the project, property owner resources, funding availability, impact on the immediately surrounding properties and on the Historic District generally.

Façade Program Grants offered to one property owner shall not obligate the City to make awards to other property owners having similar or dissimilar projects and/or properties. Each Façade Grant application is reviewed, considered and funded on a case-by-case basis based on merit subject to available funding.

Buildings that are officially designated as historically significant by local, state, or federal entities may or may not be given preference. Restoration of storefronts to their historic appearance may or may not be given preference. Restoration work that is not in conformity with local restoration guidelines will be denied access to the Façade Grant Program, unless an exception is made by the City Commission prior to the start of façade improvements.

ELIGIBLE EXPENDITURES (mostly or exclusively exterior)

Eligible project expenditures include, but are not necessarily limited to, the following:

- Architect and engineering fees
- Awnings
- Cleaning (major)
- Compatible new construction
- Door/window replacement or repair
- Electrical and/or plumbing (major)
- Exterior murals
- Fire escapes
- Foundations
- Gutters
- Landscape and hardscape features
- Lighting
- Paint
- Preserving historical architectural elements
- Recessing or reconfiguring entrances
- Rehabilitation of contributing structures

- Removal/replacement of incompatible exterior finishes or materials
- Roofing
- Signs (new, repairs, replacements, removal)
- Other (as determined on a case-by-case basis)

INELIGIBLE EXPENDITURES (mostly or exclusively interior)

- Appliances
- Capital equipment purchases
- Cleaning (minor)
- Decorative treatments
- Electrical and/or plumbing (minor or incidental)
- Escalators and/or elevators
- Feasibility and/or consultant studies
- Furniture
- Government fees
- HVAC systems
- Incompatible new construction
- Legal, financing, leasing, rental and other administrative and financing expenses
- Owner and/or tenant labor (value assigned to)
- Paint, floor, wall, window or ceiling treatments
- Repair tools and equipment
- Security systems
- Sprinkler or fire suppression systems
- Taxes
- Wall construction and partitions
- Other (as determined on a case-by-case basis)

RULES AND PROCEDURES

The Façade Grant Project

The Façade Grant Project must be described accurately and explained fully so as to provide a reasonably informed person with the obvious limits and scope of the Project. Items excluded from mention will be considered ineligible for reimbursement under the Façade Grant Program unless otherwise approved by the City Commission.

The burden for justifying the Façade Grant shall be borne by the applicant.

Façade Grant Amount

Façade grants are intended to be a 50-50 reimbursement match with the City matching the building owner's invested dollars in the Façade Grant Project on a dollar-for-dollar basis up to an amount generally not to exceed \$10,000 per property, subject to the availability of budgeted funds, unless otherwise approved by the City Commission.

Certain façade grants may be considered for amounts up to \$50,000, subject to the availability of budgeted funds. For façade grants of this amount to be considered, the related expenditures would need to serve as a revitalization anchor project that significantly accelerates private investment in other historic preservation projects in the Downtown Historic District or is so significant and meaningful from an historical perspective that it would justify on its own merits this level of public expenditure.

Façade Grant Disbursements

Façade Grants shall generally be disbursed by the City up to the amount approved by the City Commission after the property owner has first paid his/her portion. The City will disburse façade grant funds a maximum of one time per month supported with and accompanied by copies of original contractor invoices that relate specifically to the Façade Grant Project as defined. Checks may be postponed or held to secure all supporting documentation and approvals.

Façade Grant Advances

Façade Grant disbursements are intended to occur in a single payment or in a series of payments and on a reimbursement basis in amounts not to exceed the total of the Façade Grant Award following the performance of the work by the property owner's contractor and following successful inspection of the work by the City's Historic Preservation Officer and Building Official or their respective designees.

However, the City Commission may, at its discretion, advance funds to the property owner. Amounts advanced, if any, to property owners shall be considered loans subject to repayment until such time as sufficient, credible documentation and justification have been provided to City staff in conformance with the Façade Grant Program Guidelines, Façade Grant Program Application and other applicable agreements.

Advances of Façade Grant Project funds should be limited and rare. Applicants desiring an advance shall produce a cash bond/performance bond or irrevocable letter of credit in the amount of 105% of the cost of the requested monetary advance in order to be considered for such an advance. Once the work is performed and passes inspection, the City will release the cash bond/performance bond or irrevocable letter of credit. If the applicant fails to perform the work or to pass inspection, the City shall retain the cash bond/performance bond or irrevocable letter of credit and recoup the amount of money advanced plus the 5% administrative expense amount.

Project Building Plans and Inspections

After application and approval by the Commission, award payments are contingent upon the property owner providing required plans, obtaining all necessary permits, passing all required inspections and compliance with all other customary administrative rules and procedures.

PROJECT RECOMMENDATIONS FROM THE CITY'S HISTORIC PRESERVATION OFFICER AND HISTORIC DEVELOPMENT BOARD

The City's Historic Preservation Officer and Historic Development Board have the right to review, question, and make recommendations with respect to Façade Grant Program Guidelines and Façade Grant Program Project Applications.

DEED RESTRICTIONS AND/OR GRANT OF EASEMENT

For certain Façade Grant Program projects it may be deemed necessary for the City to obtain a deed restriction or grant of easement to protect the City's investment in the project. The terms and duration of any deed restrictions or easements are to be negotiated prior to approval of a Façade Grant by the Commission.

AGENDA ITEM #11

RESOLUTION #2015-_____

A RESOLUTION APPROVING AN APPLICATION AND AGREEMENT FOR THE HISTORIC DISTRICT FAÇADE GRANT PROGRAM FROM CAL COLLINS FOR THE TEXAS THEATER.

WHEREAS, the City Commission recognized a need exists for economic development, historic restoration & preservation, and tourism promotion in the historic district of the city, especially in the downtown area, and approved Historic District Façade Grant Program Guidelines in an effort to enhance meeting these objectives;

WHEREAS, the City has received an Application and an Agreement for a Historic District Façade Improvement Grant from Cal Collins for external renovation of the Texas Theater located at 327 East Kleberg Avenue, in the downtown area and in the historic district;

WHEREAS, the application has a projected external renovation amount of \$42,397 and the applicant is requesting a grant amount of \$21,200 for renovation of the theater marquee;

WHEREAS, staff has reviewed the application and is recommending it for approval by the Commission as it appears to conform to the grant guidelines;

WHEREAS, the City approved an application and agreement for the Historic District Façade Grant Program via resolution in October of 2013 in the amount of \$45,000 for renovation of the facades, vertical sign, horizontal marquee, doors, windows, and ticket booth but major electrical and roofing repairs came up causing a shortfall in funding for completion of the marquee necessitating this application;

WHEREAS, the City believes external improvements to property in the city increase assessed values thereby expanding the tax base and stimulate historic preservation & renovation, which enhance tourism and increases economic activity; and

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

I.

THAT the Historic District Façade Grant Application and Agreement for Cal Collins for the external renovation of the Texas Theater located at 327 East Kleberg Avenue, Kingsville, Texas be approved as per the attached and the City shall provide as a grant reimbursement of an amount up to \$21,200.00 so long as all of the terms and conditions of the guidelines are met;

II.

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

PASSED AND APPROVED by a majority vote of the City Commission on the 12th
day of January, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



DATE: November 21, 2014

TO: City Commission

VIA: Vince Capell, City Manager

FROM: Cynthia Martin, Downtown Manager

SUBJECT: Façade grant application for 327 E Kleberg, Texas Theater

Mr. Cal Collins has submitted a façade grant application for the Texas Theater to in the amount of \$21,000 to complete the restoration of the horizontal marquee. The horizontal marquee has been restored structurally but money is needed to repair/replace the metal frame and skin, install lighting and new Plexiglas panels and bring power to the structure to complete its restoration. Once the marquee is completely restored and lit the building will look complete and 'come alive.' Mr. Collins is using his own funds for all expenses associated with interior restoration and half the eligible expenses for the exterior. Approval of his application for a façade improvement grant would turn the focus of the project to the completion of the marquee.

In October of 2013, Mr. Collins applied for and received a façade improvement grant of \$45,000. This money has since been spent on improvements to the theater's facade and on other eligible expenses such as major electrical and roofing. Expenses for new electrical service to the building and roofing of the building were not anticipated so not included in the original request but covered under the grant as these repairs were considered essential leaving a need to money to finish the proposed work.

Mr. Collins has made significant progress inside the theater using his own funds, for example, a theater quality stage has been completed enabling the theater to host live performances; restoration of the lobby and concession stand are well under way; ADA compliant restrooms stand ready for fixtures and plumbing; the stairs to the balcony have been restored; the water damaged theater seats have been removed from the main floor and that space cleared out.

The Texas Theater project serves as a revitalization anchor project that has potential to spur private investment in several of the vacant buildings that occupy that block. The restoration of the theater has already prompted Mr. Collins to purchase the adjacent vacant building at 323 E. Kleberg with plans to renovate that building as well.

Attachments: Façade grant application for the Texas Theater
Statement of costs
Photographs
Façade grant guidelines

APPLICATION

Project Title: Texas Theater Date Prepared: 10/25/2014

Owner: Cal Collins Phone #: (210) 834-4042

Email Address: calcollins2005@yahoo.com Individual Corporation Nonprofit Other
(Circle)

Address: 24838 Fairway Springs, San Antonio, TX 78260

Contact (if different): _____ Phone #: _____

Email Address: _____ Individual Corporation Nonprofit Other
(Circle)

Address: _____

Project Location / Address: 327 E Kleberg Avenue, Kingsville, TX 78363

Legal Description: ORIG TOWN, Block 51, Lots 12 - 16

Parcel Number: _____ Zoning C-3

National Register; Texas Landmark; Kingsville Historic Landmark; Contributing Property; Other
(Circle)

Comment _____

Proposed Use: Theater live and video

Scope of Work: Renovate theater marquee

Schedule: Work to commence upon grant approval

Contractor(s) Cal Collins

Violation history: None

Attach documents that support:

- Legal Description of property, proof of ownership, and other proof of eligibility for grant
- Plans for the façade grant eligible project
- Photographs
- Statements of costs, budget, pro forma and other descriptions of expenses
- Construction schedule
- Authorization for access by City staff and other officials
- Statement of proposed use and timetable for occupancy of property
- Proof of absence of delinquent taxes, fines, fees, liens, claims, etc.
- Additional information when requested

Project Amount \$42,397

Requested grant amount \$21,200

Applicant signature Cal Collins

Office Use:

Date Received 10/25/2014

Acknowledged by Cynthia Martin

Meeting Date(s) November 10, 2014

Staff and/or Board and/or Commission actions Historical Development Board approved project

10/19/2013

Notice Date(s) _____

Comments _____



AGREEMENT

I have read the guidelines and the application for the City of Kingsville Historic District Façade Improvement Grant Program and have met with City staff and I fully understand the terms and conditions that affect the eligibility and possible awards under that program.

I intend to use any grant awarded to me under that program for the project(s) described in the attached application which I believe meet the intended purposes and limitations of the subject program.

I understand that I, as owner of the property, must meet the standards enumerated, that the project must meet guidelines, that the grant must be approved at the sole discretion of the City of Kingsville, that awards are subject to availability of funds and are further subject to inspections by the Historic Preservation Officer and the City Building Official or their designees.

I understand that disbursements are generally made as reimbursements and are made subject to the rules contained in the program guidelines.

I further understand that certain projects may require deed restrictions and/or a grant of easement, as negotiated in advance.

Address/ Description of Property Texas Theater, 329 E Kleberg Ave., Kingsville, TX 78363

Building Owner Name Cal Collins

Business Owner Address 24838 Fairway Springs, San Antonio, TX 78363

Signature(s) _____


Date _____

For the City Cynthia Martin

Signature _____ Date October 27, 2014

ACKNOWLEDGMENT

Please sign below to acknowledge that you have received, understand, and agree to the basic provisions of the Façade Grant Program Guidelines.


Applicant/Owner

Date

Cynthia Martin, Historic Preservation Officer

Date

Independent Theatre Supply, Inc.

4038 No. PanAm Expressway
San Antonio, TX 78219

October 24, 2014

Mr. Cal Collins
Texas Theatre
Kingsville, TX

Theatre Marquee Renovation

Remove damaged metal work and repair or replace both frame and skin of marquee as needed.

Paint both interior of light box (white) and exterior to original color with sign quality paint.

Install LED Neon type light in Yellow around perimeter of sign in a wave pattern

Replace old back lighting with high output sign grade LED's white

Install new Plexiglass panels with track for Snap Lok letters

Supply 400 10" Snap Lok letters.

Subtotal with material, labor, freight and sales tax.	\$38,897.00
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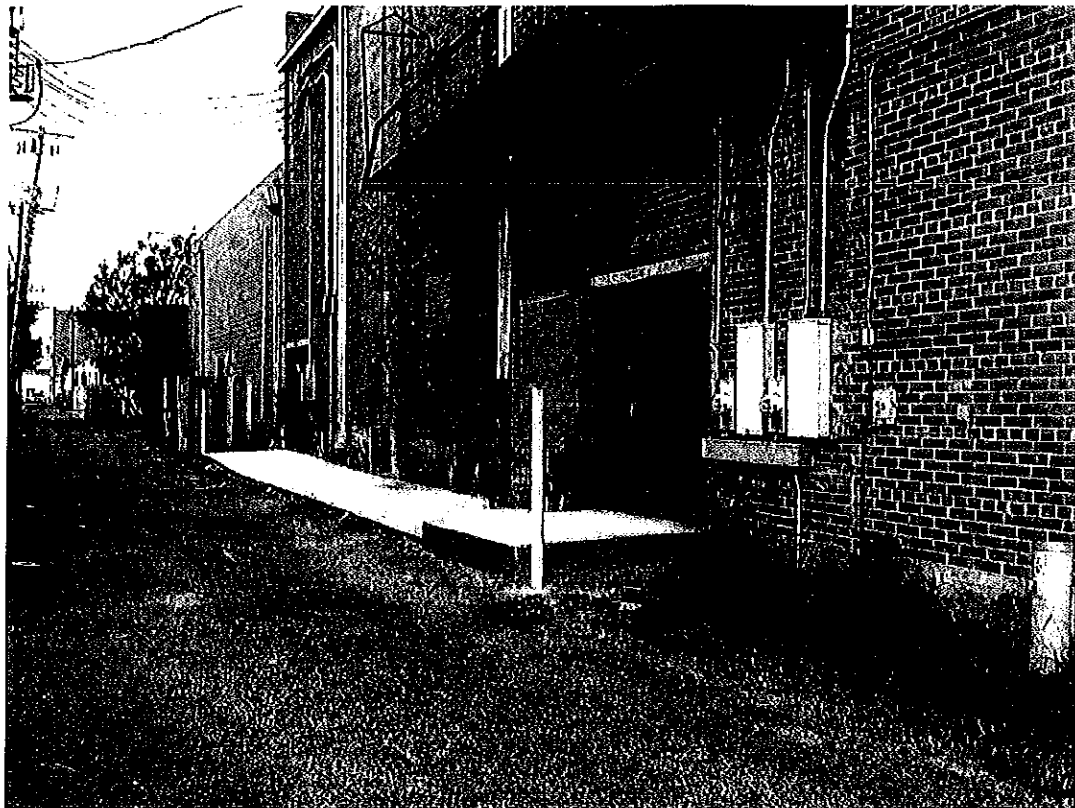
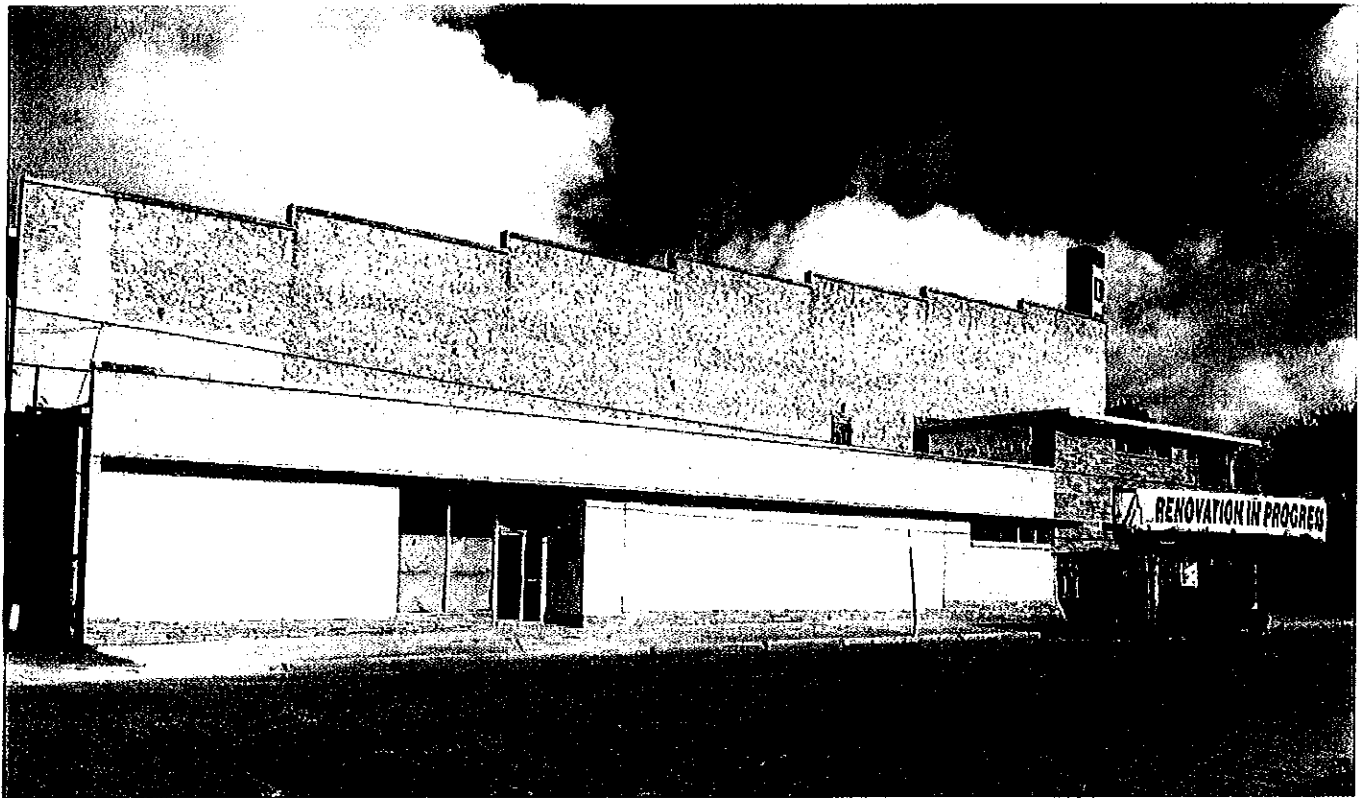
Electrical	<u>3,500.00</u>
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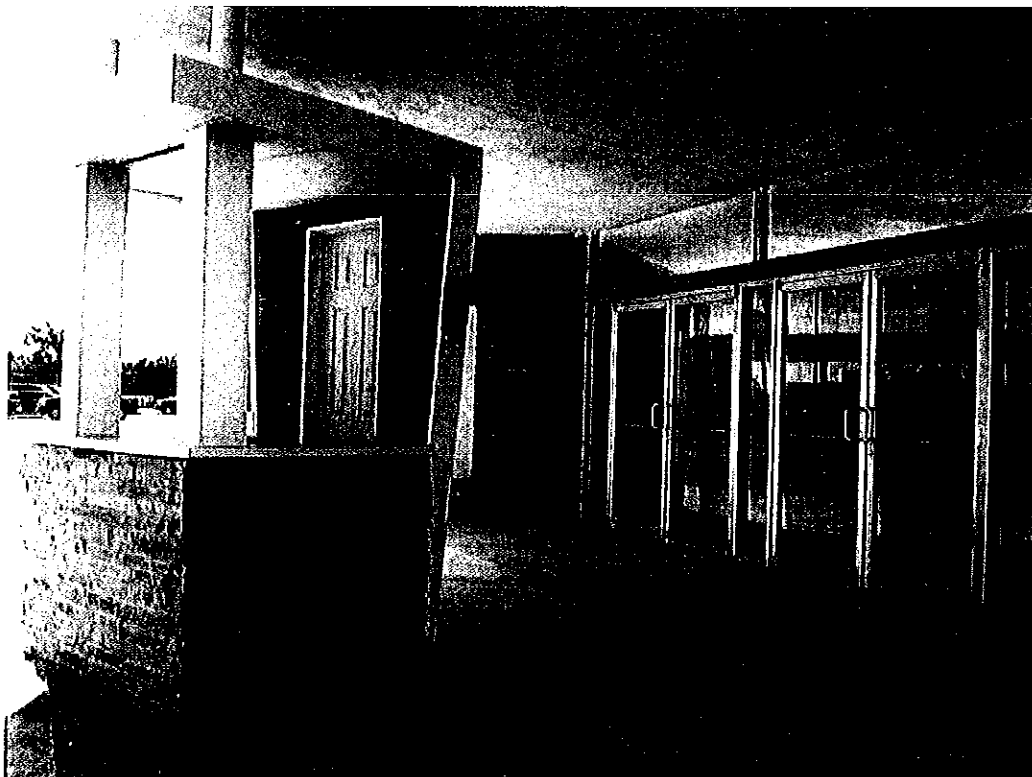
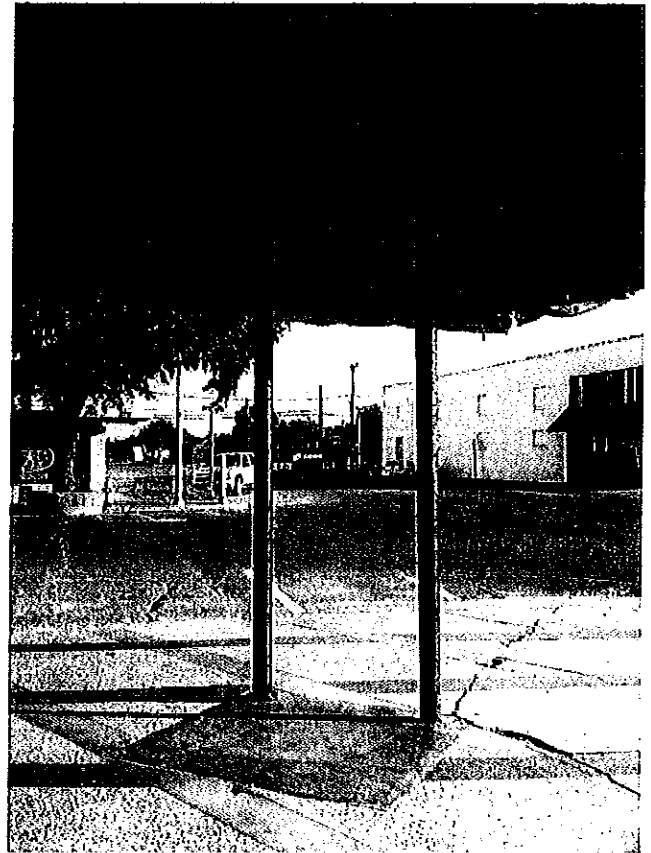
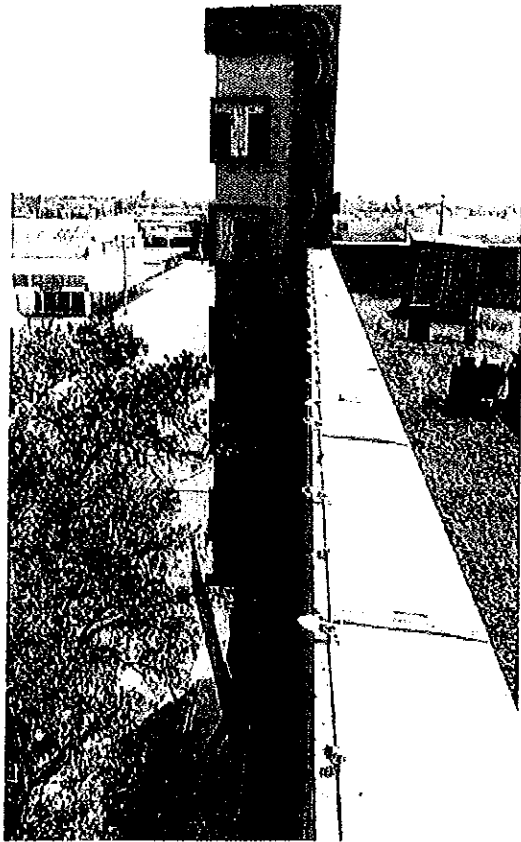
Total	\$42,397.00
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Amount of façade grant requested \$21,200

TEXAS THEATER RENOVATION
November 2014







City of Kingsville

Historic District Façade Grant Program Guidelines



For more information please contact Tourism Services Department
at (361) 592-8516 or visit our website www.cityofkingsville.com

FAÇADE GRANT PROGRAM GUIDELINES

HISTORIC PRESERVATION AS A TOURISM AND ECONOMIC DEVELOPMENT TOOL FOR KINGSVILLE'S HISTORIC DOWNTOWN

FAÇADE GRANT PROGRAM CREATED

Thirty years ago, the City of Kingsville created a Historic District and a Historical Development Board to protect historic resources within this District. In an effort to assist the Historic Development Board with this task consistent with the City Commission goals for historic preservation, tourism, and economic development the City Commission hereby designates and approves a Façade Grant Program funded, in part or in whole, from Hotel/Motel Tax revenues.

PUBLIC PURPOSE

The Façade Grant Program Guidelines provide guidance to property owners, City Policymakers and City staff concerning the use of Façade Grant awards that will achieve a certain public purpose, namely, the protection and preservation of the City's historic structures in a manner that promotes tourism and encourages economic development. Accordingly, City staff may propose, Historic Development Board may recommend, and the City Commission may approve the award of Façade Program Grants for certain commercial, residential, and/or mixed use properties in the furtherance of these public purposes.

ELIGIBLE PARTICIPANTS/APPLICANTS

Grant awards will be considered for property owners who repair, improve, replace and/or rehabilitate certain building facades or other exterior features. Façade Grants will also be considered for property owners who mitigate certain deleterious building conditions, internal or external, structural or non-structural, functional or aesthetic, that threaten the structure's existence, prevents its highest and best use, or otherwise limits its full economic utility.

To be considered eligible, a participant/applicant must be in good legal and financial standing with Federal, State, and Local governments and taxing jurisdictions. The participant/applicant must have appropriate ownership and control of the property for which the Façade Grant is being sought. And the participant/applicant must not have any major actual or pending criminal claims or bankruptcy filings. The City shall seek approval from the applicant and the applicant shall provide any and all information that the City deems necessary to assist it in consideration of the Façade Grant Project including, but not limited to obtaining releases from the Applicant for criminal, background, credit and other histories.

Property owners shall not assume they will qualify for Façade Grant Program award until such time as the City Commission has given its final approval of the grant and then only when the applicant meets all Façade Grant criteria including passing all City inspections.

ELIGIBLE PROPERTIES

Eligible properties include properties in the Historic Downtown District that are on the National Register of Historic Places; recorded as Texas Historic Landmark; designated City of Kingsville Historic Landmark; a historically significant, contributing property within the Historic District or as otherwise recommended by the Historic Preservation Officer and/or Historical Development Board or City Commission. Façade Grants may be awarded by the City Commission, after application and review by the Historic Development Officer and Historical Development Board or at the City Commission's sole discretion.

ELIGIBLE PROJECTS

Project eligibility considerations can be numerous, complicated and subjective. Considerations can include, but are not necessarily limited to: The historic significance of the building, its potential contribution to the achievement of Commission goals for historic preservation, tourism, development, downtown revitalization and economic development, perceived risk vs. reward of the project, property owner resources, funding availability, impact on the immediately surrounding properties and on the Historic District generally.

Façade Program Grants offered to one property owner shall not obligate the City to make awards to other property owners having similar or dissimilar projects and/or properties. Each Façade Grant application is reviewed, considered and funded on a case-by-case basis based on merit subject to available funding.

Buildings that are officially designated as historically significant by local, state, or federal entities may or may not be given preference. Restoration of storefronts to their historic appearance may or may not be given preference. Restoration work that is not in conformity with local restoration guidelines will be denied access to the Façade Grant Program, unless an exception is made by the City Commission prior to the start of façade improvements.

ELIGIBLE EXPENDITURES (mostly or exclusively exterior)

Eligible project expenditures include, but are not necessarily limited to, the following:

- Architect and engineering fees
- Awnings
- Cleaning (major)
- Compatible new construction
- Door/window replacement or repair
- Electrical and/or plumbing (major)
- Exterior murals
- Fire escapes
- Foundations
- Gutters
- Landscape and hardscape features
- Lighting
- Paint
- Preserving historical architectural elements
- Recessing or reconfiguring entrances
- Rehabilitation of contributing structures

- Removal/replacement of incompatible exterior finishes or materials
- Roofing
- Signs (new, repairs, replacements, removal)
- Other (as determined on a case-by-case basis)

INELIGIBLE EXPENDITURES (mostly or exclusively interior)

- Appliances
- Capital equipment purchases
- Cleaning (minor)
- Decorative treatments
- Electrical and/or plumbing (minor or incidental)
- Escalators and/or elevators
- Feasibility and/or consultant studies
- Furniture
- Government fees
- HVAC systems
- Incompatible new construction
- Legal, financing, leasing, rental and other administrative and financing expenses
- Owner and/or tenant labor (value assigned to)
- Paint, floor, wall, window or ceiling treatments
- Repair tools and equipment
- Security systems
- Sprinkler or fire suppression systems
- Taxes
- Wall construction and partitions
- Other (as determined on a case-by-case basis)

RULES AND PROCEDURES

The Façade Grant Project

The Façade Grant Project must be described accurately and explained fully so as to provide a reasonably informed person with the obvious limits and scope of the Project. Items excluded from mention will be considered ineligible for reimbursement under the Façade Grant Program unless otherwise approved by the City Commission.

The burden for justifying the Façade Grant shall be borne by the applicant.

Façade Grant Amount

Façade grants are intended to be a 50-50 reimbursement match with the City matching the building owner's invested dollars in the Façade Grant Project on a dollar-for-dollar basis up to an amount generally not to exceed \$10,000 per property, subject to the availability of budgeted funds, unless otherwise approved by the City Commission.

Certain façade grants may be considered for amounts up to \$50,000, subject to the availability of budgeted funds. For façade grants of this amount to be considered, the related expenditures would need to serve as a revitalization anchor project that significantly accelerates private investment in other historic preservation projects in the Downtown Historic District or is so significant and meaningful from an historical perspective that it would justify on its own merits this level of public expenditure.

Façade Grant Disbursements

Façade Grants shall generally be disbursed by the City up to the amount approved by the City Commission after the property owner has first paid his/her portion. The City will disburse façade grant funds a maximum of one time per month supported with and accompanied by copies of original contractor invoices that relate specifically to the Façade Grant Project as defined. Checks may be postponed or held to secure all supporting documentation and approvals.

Façade Grant Advances

Façade Grant disbursements are intended to occur in a single payment or in a series of payments and on a reimbursement basis in amounts not to exceed the total of the Façade Grant Award following the performance of the work by the property owner's contractor and following successful inspection of the work by the City's Historic Preservation Officer and Building Official or their respective designees.

However, the City Commission may, at its discretion, advance funds to the property owner. Amounts advanced, if any, to property owners shall be considered loans subject to repayment until such time as sufficient, credible documentation and justification have been provided to City staff in conformance with the Façade Grant Program Guidelines, Façade Grant Program Application and other applicable agreements.

Advances of Façade Grant Project funds should be limited and rare. Applicants desiring an advance shall produce a cash bond/performance bond or irrevocable letter of credit in the amount of 105% of the cost of the requested monetary advance in order to be considered for such an advance. Once the work is performed and passes inspection, the City will release the cash bond/performance bond or irrevocable letter of credit. If the applicant fails to perform the work or to pass inspection, the City shall retain the cash bond/performance bond or irrevocable letter of credit and recoup the amount of money advanced plus the 5% administrative expense amount.

Project Building Plans and Inspections

After application and approval by the Commission, award payments are contingent upon the property owner providing required plans, obtaining all necessary permits, passing all required inspections and compliance with all other customary administrative rules and procedures.

PROJECT RECOMMENDATIONS FROM THE CITY'S HISTORIC PRESERVATION OFFICER AND HISTORIC DEVELOPMENT BOARD

The City's Historic Preservation Officer and Historic Development Board have the right to review, question, and make recommendations with respect to Façade Grant Program Guidelines and Façade Grant Program Project Applications.

DEED RESTRICTIONS AND/OR GRANT OF EASEMENT

For certain Façade Grant Program projects it may be deemed necessary for the City to obtain a deed restriction or grant of easement to protect the City's investment in the project. The terms and duration of any deed restrictions or easements are to be negotiated prior to approval of a Façade Grant by the Commission.

AGENDA ITEM #12

ORDINANCE NO. 2015-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2014-2015 BUDGET FOR THE TOURISM FUND TO PROVIDE FUNDING TO THE FAÇADE GRANT PROGRAM.

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 2014-2015 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
Fund 002 Tourism Fund					
<u>Capital</u>					
2		Unreserved Fund Balance	61002		<u>\$16,000</u>
					<u>\$16,000</u>
<u>Expenses</u>					
5-1072	Visitor Services	Façade Grants	34600	<u>\$16,000</u>	
				<u>\$16,000</u>	

[To amend the FY15 Tourism Fund budget to increase the Façade Grant Program as per the attached memo from the Finance Director. This amendment will allow the Tourism Department to fund (3) new grant applications and (1) application approved in FY 13-14 but not expended until FY 14-15.]

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 and become effective on and after adoption and publication as required by law.

INTRODUCED on this the 12th day of January, 2015.

PASSED AND APPROVED on this the ___ day of _____, 2015.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

CITY OF KINGSVILLE

TO: VINCENT CAPELL, CITY MANAGER
FROM: DEBORAH BALLI, FINANCE DIRECTOR
DATE: 01/07/2015
SUBJECT: Façade Grant Program

The Tourism Department is requesting a budget amendment to the FY 14-15 budget in the amount of \$16,000. This amount is the net amount needed to cover (3) grant applications proposed on the January 12th agenda and (1) grant application approved in FY 13-14 but not expended until FY 14-15.

Texas Theatre	327 E. Kleberg	\$21,000
Innovation Lab	231 E. Kleberg	\$15,000
Salazar Building	200 E. Richard	\$20,000
Al's Hair Design *FY 13-14 carry-over	321 E. Kleberg	\$10,000*
	Total	\$66,000
	FY 14-15 Façade Grant Budget	\$50,000
	Requested Budget Amendment Amount	\$16,0000

*Approved in FY 13-14 but not expended and rolled into Fund Balance. Expenditures will occur in FY 14-15.

This budget amendment, given your approval, would be on the Commission Meeting agenda January 12, 2015 for first reading.

Sincerely,
Deborah Balli

AGENDA ITEM #13

ORDINANCE # 2015-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XI, ARTICLE 1, GENERAL BUSINESS REGULATIONS, ADOPTING SECTIONS 2 & 3- MISCELLANEOUS HEALTH DEPARTMENT INSPECTION FEES AND FOSTER HOME/GROUP HOME INSPECTIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City-County Health Board held a duly posted public meeting on October 30, 2014 and voted 6-0 to recommend adoption of inspection fees for foster home/group home inspections, in order to cover the cost to provide the service and to add a re-inspection fee in the event someone fails an inspection;

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

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

I.

THAT Sections 11-1-2 & 11-1-3 of Article 1: General Business Regulations of Chapter XI, Business Regulations, of the Code of Ordinances of the City of Kingsville, Texas, shall be adopted to read as follows:

ARTICLE 1: GENERAL BUSINESS REGULATIONS

§ 11-1-2 MISCELLANEOUS HEALTH DEPARTMENT INSPECTION FEES.

All individuals, organizations, and/or businesses, including foster homes or group homes, requesting Health Department inspections for any type of facility or establishment not current or licensed elsewhere in this Code shall pay a fifty dollar (\$50.00) fee for the inspection. An inspection, if passed, is valid for twelve months from its date of approval. Should an inspection fail, then after correction of the violation(s), the permit requestor/holder shall submit written notification to the Health Department that the violations have been eliminated and request another inspection. The re-inspection fee is \$50.00. All fees shall be paid before any inspections are performed. Fees collected under this section shall be deposited into the City's general fund.

§ 11-1-3 FOSTER HOME/GROUP HOME.

A permit and inspection shall be required to operate a foster home or a group home.

...

II.

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

III.

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

IV.

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

INTRODUCED on this the 12 th day of January, 2015.

PASSED AND APPROVED on this the ____ th day of January, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary


APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

CITY-COUNTY HEALTH UNIT

INTEROFFICE MEMORANDUM

TO: Vincent J. Capell, City Manager

FROM: Emilio H. Garcia, City-County Health Director 

CC: Deborah Balli, Finance Director

SUBJECT: Food Establishments Annual Permits, Re-inspections, Food Handler Cards,
Foster Homes, Temporary Food Event and Food Mobile Unit Fees

DATE: 6/02/2014

Attached you will find a spreadsheet of several cities around the region that have different fees for their Food Establishment Annual Permits, Re-inspections, Food Handler Classes and years of usage, Foster Home inspections, Temporary Food Event and Food Mobile Units Permit. The fees for the City of Kingsville have not been evaluated and increased in several years. The last time these fees were amended was November 11, 2000 (Ord. 200022) 14 years ago. I will also be requesting new fees for other areas that do not have any fees implemented. I strongly suggest that we increase our fees to a more applicable level.

Some cities Annual Food Establishment Permits are based on how many employees are employed by a Food Establishment, therefore using an employee scale to determine the cost of the annual permit fee per Food Establishment. Please see attached spreadsheet. Other cities just charge a flat annual fee. The employee scale type is a good way to increase our revenues for food establishment annual permit fees, but we would have to track the exact number of employees per food establishment and those numbers can fluctuate yearly. As of March 10, 2014 the City of Kingsville has 127 Food Establishment Annual Permits at \$100.00 yearly totaling \$12,700.00

These permit revenues are collected by the City of Kingsville permit department and are deposited to a city account. It is my recommendation that we keep on with a flat yearly fee permit and that we also increase our annual Food Establishment Permit to \$125.00 or \$150.00 yearly. If in 2015 all the Food Establishments are retained and renew their permits @ \$125.00 X 127=\$15,875 and at \$150.00 X 127=\$19,050. Sec. 11-7-3 of the city ordinance will have to be amended once a fee increase is selected. Whichever amount is decide upon, it will bring in some much needed revenue to the City of Kingsville.

Most cities charge a \$50.00 re-inspection fee for those food establishments that earn a failing score below 70 or that have several physical concerns and violations and require a re-inspection. The City of Kingsville does not charge for re-inspections but should consider implementing this as a city ordinance under section 11-7-3. It is estimated that the City-County Health Department does 25 to 45 re-inspections yearly. With a re-inspection fee the city would generate an extra \$1250.00 to \$2250.00. These re-inspection fees can be collected by the Health Department and be transferred over to the collections department of the City of Kingsville.

The cities that offer a 2 hour food handler class usually charge \$10.00 for 3 years of usage. Some other cities charge the same amount but the permit is only good for 2 years. Most on-line companies that offer on-line training issue permits that are good for two years only. The City-County Health Department charges \$10.00 per individual and their food handler permit is good for 3 years. For non-profit groups, they are charged \$20.00 and the food handler card is good for 3 years. I would recommend that we keep the same fee (\$10.00) for the food handler card permit but reduce it to 2 years instead of 3 years and raise the fee for non-profit groups from \$20.00 to \$25.00 and reduce it to 2 years also. This would first of all keep all food handler individuals informed of food service changes every two years; second, revenues will be circulating every two years instead of three years. In 2012-2013 Fiscal Year 952 individuals attended our Food Handler Course generating \$9,520.00 in revenues. These revenues can be re-occurring every 2 years. Also that same year 79 non-profits fundraiser food handler courses were given generating \$1580.00 in revenues. If the fee for the non-profit fundraiser food handler course is raised to \$25.00 per non-profit organization it would generate \$1975.00 every two years. Also non-profit organizations such as church groups, civil organizations, school groups and other non-profits are charged only \$20.00 per fundraiser food handler class. It is my recommendation that the fee be raised to \$25.00 per group and also reduced it from 3 years to 2 years. These revenues are collected by the Health Department and are transferred to the Kleberg County Treasures Office for deposit.

Those cities that inspect Foster Homes charge anywhere from \$30.00 to \$100.00 for an annual inspection permit. The City of Kingsville does not charge any Foster Homes for an annual permit inspection. As of today we have 2 Foster Homes that are inspected yearly but that number fluctuates yearly. In Fiscal Year 2012-2013, 7 foster homes were inspected without any permit/inspection fees. If such a permit and inspection fee is implemented by the City of Kingsville it could generate \$50.00 to \$350.00 yearly. It is my recommendation that the City of Kingsville implement a \$50.00 annual inspection & permit fee through a city ordinance. This fee would be something new that the City of Kingsville has never implemented before thus creating some new revenue for the city and offsetting the hourly rate of the Inspector conducting the inspection. These permit fees can be collected by the Health Department and be transferred over to the collections department of the City of Kingsville.

City-County Health Department also charges for Temporary Food Event Permits. These are one day events that are held by churches, civil organizations, individuals that are fundraising, festival, carnivals, and parades within the city limits. The fees as of now are \$25.00 for profit and \$10.00 for non-profit (must show proof 501(C) (3) status). These fees are very low and should be raised to a more reasonable level. In Fiscal Year

2012-2013, 84 Temporary Food Event Permits were issued out for both profit and non-profit which generated \$2100.00 in revenues. It is my recommendation that the City of Kingsville raises the Temporary Food Event Permit fees to \$40.00 for profit and \$25.00 for non-profit. If the City of Kingsville approves the increase of the temporary food event permits it will increase our revenues well over \$2100.00 yearly. These permit revenues are collected by the City of Kingsville Collection Department.

The City-County Health Department also inspects and permits Mobile Units yearly. The yearly permit fee is \$100.00. In Fiscal Year 2012-2013, 8 Mobile Units were inspected and permitted to sell foods within the city limits, which generated \$800.00 in revenues for that year. It is my recommendation that this permit is raised to \$125.00 per year. The numbers of Mobile Units we inspect vary from year to year. These permit revenues are collected by the City of Kingsville Collection Department.

Our Health Inspectors can take 30 minutes to an hour to do an inspection and that depends on the size of an establishment. The Health Inspector I hourly rate is \$18.03 and the hourly rate of the Health Inspector II is \$20.34. If the City of Kingsville approves the fee increases, these new revenues would offset the hourly rates of our Health Inspectors and allow us to purchase other equipment such as a new food handler course video, new thermometers, laptop computers, new software for electronic food inspection forms and so forth.

If all new fees are approved by City Manager, Vincent J. Capell, the Mayor and the City Commission the new fees will go into effect in January 1, 2015.

↓
with the exception of the Food Establishments
Annual Permits that will go into
effect for the year 2016

New City Ordinance

Foster Homes

Foster home/group homes. A permit shall be required to operate a foster home or a group home. All individuals, organizations, and and/or businesses, including **foster homes**, requesting health department inspections for any type of facility or establishment not current or licensed elsewhere in this code shall pay a fifty dollar (\$50.00) fee for the initial inspection. Correction of violation(s) is to be verified by the health department after receiving written notification from the permit holder that the violations have been eliminated or at the end of the specified period of time and be noted on the inspection report and in the health department's record. All fees shall be paid before the inspections are performed. Fees collected under this section shall be deposited into the city general fund.

Memorandum



TO: Vince Capell, City Manager
Cc: Mayor and City Commissioners
FROM: Emilio H. Garcia, City-County Health Director *EAG*
SUBJECT: Section 11-7-17 thru 11-17-18 Permit provisions & Food handling
Certification required & fees
Date: November 13, 2014

The City-County Board of Health held their bi-monthly meeting on Thursday, October 30, 2015 at the City-County Health Department. Several user fees and permit fees for Food Service were introduced to the Board of Health for their review and consideration for approval. The user fees and permit fees for food service have not be evaluated and increased since November 11, 2000 (Ord. 200022) 14 years ago. With increasing costs for fuel (gasoline), employee salaries, vehicle insurances and employee health insurances; it is time to increase the City of Kingsville food service fees to a more reasonable level. Therefore we are requesting that this item be placed on the agenda for the next City Commissioners meeting. Also attached you will find the Board of Health minutes and approval (The motion Passed: 6-0) for all food service user and permit fees. The City-County Board of Health requests that the City Commission also approves their recommendation for the food service fee increases.

Thank you,

CITY COUNTY HEALTH BOARD

REGULAR MEETING MINUTES

OCTOBER 30, 2014

Health Board Members Present

Otis Myers, Chairman

Joni Harrel

Ben Salinas

Judy Anthony

Karen Tallant

Norma Sue Adrian

Health Board Members Absent

Dr. Justin Harkey

Citizens Present

Staff Present

Emilio H. Garcia, Health Director

Monica Longoria, Administrative Assistant II

1. Call meeting to order.

The meeting was called to order at 5:31 pm.

Chairman Otis Myers conducted the meeting.

2. Public comments on items on or off the agenda*:

N/A

3. Discuss and approve minutes of August 21, 2014;

Motion to approve minutes was made by Judy Anthony and seconded by Karen Tallant.

The motion Passed: 6/0

4. Discuss and approve August 2014 and September 2014 Monthly Reports;

The board asked questions and discussed the monthly reports. Judy Anthony asked Mr. Garcia to start showing the compliance percentage for sterilization agreements.

Motion to approve reports was made by Joni Harrel and seconded by Ben Salinas.

The motion Passed: 6/0

5. Reports from Board & Staff:

The board had a short discussion regarding the Food Service Reports.

Motion to accept reports was made by Norma Sue Adrian and seconded by Ben Salinas.

The motion Passed: 6/0

6. Discuss old business:

a. Discuss final approval of all Animal Control Fees

There was a discussion on the Pet Licensing Fees for cats and why it was set the same for sterilized and

unsterilized cats. Karen Tallant suggested the licensing fee set for sterilized and unsterilized dogs should also apply to cat licensing. The board also discussed the need to do sterilization before the adoption of the animal out of the shelter.

7. Discuss new business:

a. Discuss Adoption practices and adoption form

New Adoption form was reviewed and begin date for use will be January 1st.

A motion to accept the new Adoption form was made by Karen Tallant and seconded by Ben Salinas.

Motion passed 6/0

b. Discuss Euthanasia (PTS) practices

Euthanasia practices were discussed, including whether or not animal control euthanizes pregnant animals and what becomes of litters that are born in the shelter.

c. Discuss Sterilization Agreement Contract and take any action as deemed

This item was tabled for next board meeting due to lack of information. A veterinarian's recommendation about what the appropriate age to get animal sterilized is will be presented to the board at the next meeting.

d. Discuss and approve all Food Establishment Permit Fees

The board reviewed the proposed Food Service schedule of fees for 2015.

The Board suggested the following fees:

Temporary Event Permits: \$30.00 for Profit and \$20.00 for Non-Profit organizations.

Annual Food Permits: \$150.00 for both City and County.

Food Establishment Re-inspection fee (for failing score): \$50.00

Mobile Unit Food Permit: \$125.00 for both City and County.

Food Handler Permits: Employment \$15.00 per person-valid for 2 years

Fundraiser: \$25.00 per Organization-valid for 2 years

Foster Inspection: \$50.00

Foster Re-inspection: \$50.00

e. Discuss and approve the fee(s) and application form for implementing a city pet license for the City of Kingsville.

This item was tabled for next board. The board would like to discuss in further detail.

Set date for next Health Board meeting-December 18, 2014.

8. Adjourn.

Motion to adjourn was made by Judy Anthony and seconded by Karen Tallant.

The motion Passed 6/0.

Meeting adjourned at 7:20 pm.

AGENDA ITEM #14

ORDINANCE # 2015-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XI, ARTICLE 7, FOOD SALES AND FOOD ESTABLISHMENTS, SECTIONS 17 & 18, PROVIDING FOR CHANGES FOR USER FEES, PERMIT FEES, AND LENGTH OF LICENSES AND ADDING A RE-INSPECTION FEE; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City-County Health Board held a duly posted public meeting on October 30, 2014 and voted 6-0 to recommend increases to certain health ordinance fees that had not been updated since 2000 and 2007, in order to cover the cost to provide the service and to add a re-inspection fee for food establishments that fail an inspection;

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

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

I.

THAT Section 11-7-17 and Section 11-7-18 of Article 7: Food Sales and Food Establishments of Chapter XI, Business Regulations, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

ARTICLE 7: FOOD SALES AND FOOD ESTABLISHMENTS

§ 11-7-17 PERMIT PROVISIONS.

(A) It shall be unlawful for any person to operate a food service establishment, temporary food service, food processing establishment, mobile food unit, seafood peddler, and retail food store in the city who does not possess a current, valid permit from the city. Such permit shall be posted in a conspicuous place, and only persons who comply with the requirements of this subarticle shall be entitled to receive and retain such a permit.

(B) Such permit may be temporarily suspended or revoked by the Health Director or Inspector upon the violation by the holder of any of the terms of this subarticle.

(1) *Fees.* Each person required to secure a permit under this subarticle shall, before issuance of any permit, pay to the city the sum herein provided as an inspection

and permit fee according to the following schedule:

	Permits expiring prior to 12/31/15	Permits expiring on or after 12/31/15
Food service establishments	\$100	\$150
Mobile units	\$100	\$125
Retail food stores	\$100	\$150
Temporary food establishments	\$25	\$30
<u>Temporary food event (non- profit)</u>		\$20
Late fee	\$25	\$50
Seafood peddler	\$100	\$125
<u>Produce peddler</u>		\$125

(2) *Expiration and renewal.*

(a) Permits issued for food establishments, mobile units, retail food stores, shall automatically expire on the 31st day of December next following its issuance, except as otherwise stated herein. Such permit shall also automatically expire if the holder thereof changes the location of his place of business, sells, transfer equity, or otherwise disposed of such business or materially changes the character of such business.

(b) Upon the expiration of a permit, and within 30 days thereafter, the person conducting the business shall obtain a renewal thereof in the same manner as an original permit, if he wishes to continue operating the business. Failure by an establishment to pay this fee within 30 days will require such establishment to pay an additional \$25 late fee.

(c) Temporary food establishment permits shall be issued only for 14 days or less in conjunction with a single event or celebration.

(3) Re-inspection Fee. If a food establishment, mobile unit, or retail food store fails an inspection by the Health Department, then a \$50 re-inspection fee shall be paid for each re-inspection by Health Department personnel.

(Ord. 94001, passed 1-10-94; Am. Ord. 200022, passed 11-20-00) Penalty, see § 11-7-99

§ 11-7-18 FOOD HANDLING CERTIFICATION REQUIRED; REVOCATION; DISPLAY.

(A) Certification.

(1) All employees and/or individuals who work or assist in food service, temporary food service, food processing establishments, retail food stores, or mobile food units must obtain food handling certification before beginning to work. A minimum of two hours of food sanitation training for each employee is required every two ~~three~~ years to ensure employee performance of their duties in accordance with food service sanitation ordinances rules and regulations.

(2) This training shall be an approved Health Department course.

(a) A fee of \$15 ~~40.00~~ will be charged for each food handler permit issued by the Health Department.

(b) A non-profit organization will be charged a fee of \$25 ~~20.00~~ for members of the organization who will assist in food preparation as long as the organization is able to show Form 990 and/or documents from the State of Texas showing non-profit exempt status.

(3) A food handler's permit shall be valid for a period of two ~~three~~ years from the date of issuance, unless valid permit is sooner revoked by the City Health Director or Inspector.

(B) Revocation. If inadequate hygienic performance is demonstrated by the employee and such unsatisfactory performance is a result of material violations of food service sanitation ordinances, rules or regulations, the Health Director or Inspector may revoke the food handler's permit.

(C) Posting. Each food handler permit shall be at all times kept posted, filed or otherwise readily available for viewing by a Health Director or Inspector.
(Ord. 94001, passed 1-10-94; Ord. 2007-02, passed 1-8-07) Penalty, see § 11-7-99

...

II.

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

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a

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

IV.

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

INTRODUCED on this the 12 th day of January, 2015.

PASSED AND APPROVED on this the ____th day of January, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

Memorandum



TO: Vince Capell, City Manager
Cc: Mayor and City Commissioners
FROM: Emilio H. Garcia, City-County Health Director *EAG*
SUBJECT: Section 11-7-17 thru 11-17-18 Permit provisions & Food handling
Certification required & fees
Date: November 13, 2014

The City-County Board of Health held their bi-monthly meeting on Thursday, October 30, 2015 at the City-County Health Department. Several user fees and permit fees for Food Service were introduced to the Board of Health for their review and consideration for approval. The user fees and permit fees for food service have not be evaluated and increased since November 11, 2000 (Ord. 200022) 14 years ago. With increasing costs for fuel (gasoline), employee salaries, vehicle insurances and employee health insurances; it is time to increase the City of Kingsville food service fees to a more reasonable level. Therefore we are requesting that this item be placed on the agenda for the next City Commissioners meeting. Also attached you will find the Board of Health minutes and approval (The motion Passed: 6-0) for all food service user and permit fees. The City-County Board of Health requests that the City Commission also approves their recommendation for the food service fee increases.

Thank you,

**CITY COUNTY HEALTH BOARD
REGULAR MEETING MINUTES
OCTOBER 30, 2014**

Health Board Members Present

Otis Myers, Chairman
Joni Harrel
Ben Salinas
Judy Anthony
Karen Tallant
Norma Sue Adrian

Health Board Members Absent

Dr. Justin Harkey

Citizens Present

Staff Present

Emilio H. Garcia, Health Director
Monica Longoria, Administrative Assistant II

1. Call meeting to order.

The meeting was called to order at 5:31 pm.
Chairman Otis Myers conducted the meeting.

2. Public comments on items on or off the agenda*:

N/A

3. Discuss and approve minutes of August 21, 2014:

Motion to approve minutes was made by Judy Anthony and seconded by Karen Tallant.
The motion Passed: 6/0

4. Discuss and approve August 2014 and September 2014 Monthly Reports:

The board asked questions and discussed the monthly reports. Judy Anthony asked Mr. Garcia to start showing the compliance percentage for sterilization agreements.

Motion to approve reports was made by Joni Harrel and seconded by Ben Salinas.

The motion Passed: 6/0

5. Reports from Board & Staff:

The board had a short discussion regarding the Food Service Reports.

Motion to accept reports was made by Norma Sue Adrian and seconded by Ben Salinas.

The motion Passed: 6/0

6. Discuss old business:

a. Discuss final approval of all Animal Control Fees

There was a discussion on the Pet Licensing Fees for cats and why it was set the same for sterilized and

unsterilized cats. Karen Tallant suggested the licensing fee set for sterilized and unsterilized dogs should also apply to cat licensing. The board also discussed the need to do sterilization before the adoption of the animal out of the shelter.

7. Discuss new business:

a. Discuss Adoption practices and adoption form

New Adoption form was reviewed and begin date for use will be January 1st.

A motion to accept the new Adoption form was made by Karen Tallant and seconded by Ben Salinas.
Motion passed 6/0

b. Discuss Euthanasia (PTS) practices

Euthanasia practices were discussed, including whether or not animal control euthanizes pregnant animals and what becomes of litters that are born in the shelter.

c. Discuss Sterilization Agreement Contract and take any action as deemed

This item was tabled for next board meeting due to lack of information. A veterinarian's recommendation about what the appropriate age to get animal sterilized is will be presented to the board at the next meeting.

d. Discuss and approve all Food Establishment Permit Fees

The board reviewed the proposed Food Service schedule of fees for 2015.

The Board suggested the following fees:

Temporary Event Permits: \$30.00 for Profit and \$20.00 for Non-Profit organizations.

Annual Food Permits: \$150.00 for both City and County.

Food Establishment Re-inspection fee (for failing score): \$50.00

Mobile Unit Food Permit: \$125.00 for both City and County.

Food Handler Permits: Employment \$15.00 per person-valid for 2 years

Fundraiser: \$25.00 per Organization-valid for 2 years

Foster Inspection: \$50.00

Foster Re-inspection: \$50.00

e. Discuss and approve the fee(s) and application form for implementing a city pet license for the City of Kingsville.

This item was tabled for next board. The board would like to discuss in further detail.

Set date for next Health Board meeting-December 18, 2014.

8. Adjourn.

Motion to adjourn was made by Judy Anthony and seconded by Karen Tallant.

The motion Passed 6/0.

Meeting adjourned at 7:20 pm.

CITY-COUNTY HEALTH UNIT

INTEROFFICE MEMORANDUM

TO: Vincent J. Capell, City Manager

FROM: Emilio H. Garcia, City-County Health Director 

CC: Deborah Balli, Finance Director

SUBJECT: Food Establishments Annual Permits, Re-inspections, Food Handler Cards, Foster Homes, Temporary Food Event and Food Mobile Unit Fees

DATE: 6/02/2014

Attached you will find a spreadsheet of several cities around the region that have different fees for their Food Establishment Annual Permits, Re-inspections, Food Handler Classes and years of usage, Foster Home inspections, Temporary Food Event and Food Mobile Units Permit. The fees for the City of Kingsville have not been evaluated and increased in several years. The last time these fees were amended was November 11, 2000 (Ord. 200022) 14 years ago. I will also be requesting new fees for other areas that do not have any fees implemented. I strongly suggest that we increase our fees to a more applicable level.

Some cities Annual Food Establishment Permits are based on how many employees are employed by a Food Establishment, therefore using an employee scale to determine the cost of the annual permit fee per Food Establishment. Please see attached spreadsheet. Other cities just charge a flat annual fee. The employee scale type is a good way to increase our revenues for food establishment annual permit fees, but we would have to track the exact number of employees per food establishment and those numbers can fluctuate yearly. As of March 10, 2014 the City of Kingsville has 127 Food Establishment Annual Permits at \$100.00 yearly totaling \$12,700.00

These permit revenues are collected by the City of Kingsville permit department and are deposited to a city account. It is my recommendation that we keep on with a flat yearly fee permit and that we also increase our annual Food Establishment Permit to \$125.00 or \$150.00 yearly. If in 2015 all the Food Establishments are retained and renew their permits @ \$125.00 X 127=\$15,875 and at \$150.00 X 127=\$19,050. Sec. 11-7-3 of the city ordinance will have to be amended once a fee increase is selected. Whichever amount is decide upon, it will bring in some much needed revenue to the City of Kingsville.

Most cities charge a \$50.00 re-inspection fee for those food establishments that earn a failing score below 70 or that have several physical concerns and violations and require a re-inspection. The City of Kingsville does not charge for re-inspections but should consider implementing this as a city ordinance under section 11-7-3. It is estimated that the City-County Health Department does 25 to 45 re-inspections yearly. With a re-inspection fee the city would generate an extra \$1250.00 to \$2250.00. These re-inspection fees can be collected by the Health Department and be transferred over to the collections department of the City of Kingsville.

The cities that offer a 2 hour food handler class usually charge \$10.00 for 3 years of usage. Some other cities charge the same amount but the permit is only good for 2 years. Most on-line companies that offer on-line training issue permits that are good for two years only. The City-County Health Department charges \$10.00 per individual and their food handler permit is good for 3 years. For non-profit groups, they are charged \$20.00 and the food handler card is good for 3 years. I would recommend that we keep the same fee (\$10.00) for the food handler card permit but reduce it to 2 years instead of 3 years and raise the fee for non-profit groups from \$20.00 to \$25.00 and reduce it to 2 years also. This would first of all keep all food handler individuals informed of food service changes every two years; second, revenues will be circulating every two years instead of three years. In 2012-2013 Fiscal Year 952 individuals attended our Food Handler Course generating \$9,520.00 in revenues. These revenues can be re-occurring every 2 years. Also that same year 79 non-profits fundraiser food handler courses were given generating \$1580.00 in revenues. If the fee for the non-profit fundraiser food handler course is raised to \$25.00 per non-profit organization it would generate \$1975.00 every two years. Also non-profit organizations such as church groups, civil organizations, school groups and other non-profits are charged only \$20.00 per fundraiser food handler class. It is my recommendation that the fee be raised to \$25.00 per group and also reduced it from 3 years to 2 years. These revenues are collected by the Health Department and are transferred to the Kleberg County Treasures Office for deposit.

Those cities that inspect Foster Homes charge anywhere from \$30.00 to \$100.00 for an annual inspection permit. The City of Kingsville does not charge any Foster Homes for an annual permit inspection. As of today we have 2 Foster Homes that are inspected yearly but that number fluctuates yearly. In Fiscal Year 2012-2013, 7 foster homes were inspected without any permit/inspection fees. If such a permit and inspection fee is implemented by the City of Kingsville it could generate \$50.00 to \$350.00 yearly. It is my recommendation that the City of Kingsville implement a \$50.00 annual inspection & permit fee through a city ordinance. This fee would be something new that the City of Kingsville has never implemented before thus creating some new revenue for the city and offsetting the hourly rate of the Inspector conducting the inspection. These permit fees can be collected by the Health Department and be transferred over to the collections department of the City of Kingsville.

City-County Health Department also charges for Temporary Food Event Permits. These are one day events that are held by churches, civil organizations, individuals that are fundraising, festival, carnivals, and parades within the city limits. The fees as of now are \$25.00 for profit and \$10.00 for non-profit (must show proof 501(C) (3) status). These fees are very low and should be raised to a more reasonable level. In Fiscal Year

2012-2013, 84 Temporary Food Event Permits were issued out for both profit and non-profit which generated \$2100.00 in revenues. It is my recommendation that the City of Kingsville raises the Temporary Food Event Permit fees to \$40.00 for profit and \$25.00 for non-profit. If the City of Kingsville approves the increase of the temporary food event permits it will increase our revenues well over \$2100.00 yearly. These permit revenues are collected by the City of Kingsville Collection Department.

The City-County Health Department also inspects and permits Mobile Units yearly. The yearly permit fee is \$100.00. In Fiscal Year 2012-2013, 8 Mobile Units were inspected and permitted to sell foods within the city limits, which generated \$800.00 in revenues for that year. It is my recommendation that this permit is raised to \$125.00 per year. The numbers of Mobile Units we inspect vary from year to year. These permit revenues are collected by the City of Kingsville Collection Department.

Our Health Inspectors can take 30 minutes to an hour to do an inspection and that depends on the size of an establishment. The Health Inspector I hourly rate is \$18.03 and the hourly rate of the Health Inspector II is \$20.34. If the City of Kingsville approves the fee increases, these new revenues would offset the hourly rates of our Health Inspectors and allow us to purchase other equipment such as a new food handler course video, new thermometers, laptop computers, new software for electronic food inspection forms and so forth.

If all new fees are approved by City Manager, Vincent J. Capell, the Mayor and the City Commission the new fees will go into effect in January 1, 2015.

↓
with the exception of the Food Establishments
Annual Permits that will go into effect for
the year 2016.

Food Establishment Fees and Permits from Surrounding Cities

City	Food Permit Fee	Who Collects	Annually	Re-inspections	Re-inspections for a failing score fee	Food Handler Card fee	Years	Day Care & Foster Home Annual Fees
Kingsville, Texas	\$100.00	City	Yes	No	\$0.00	\$10.00	3	No Inspections Fee
Portland, Texas								
Ingleside, Texas								
Ingleside by the Bay, Texas								
Sinton, Texas	Employee Scale	San						
Gregory, Texas	0-3 = \$50.00	Patricio	Yes	Yes	\$50.00	\$10.00	3	\$30.00
Taft, Texas	4-6 = \$75.00	County						
Mathis, Texas	7-9 = \$150.00							
Odem, Texas	10-15 = \$200.00							
Mathis on the Lake, Texas	16-Over = \$300.00							
McAllen, Texas	1-10 = \$100.00	City	Yes	No	\$0.00	\$10.00	3	No Inspections Fee
Alice, Texas	11-Over = \$150.00							
South Padre Island, Texas	\$100.00	City	Yes	No	\$0.00	No Classes	0	\$60.00
Corpus Christi, Texas	\$100.00	City	Yes	Yes	\$50.00	No Classes	0	No Inspections
Port Aransas, Texas	1-9 = \$205.00	Nueces						
Agua Dulce, Texas	10-25 = \$330.00							
Banquette, Texas	26-50 = \$480.00	City	Yes	Yes	\$50.00	\$10.00	2	\$50.00
Bishop, Texas	51-100 = \$630.00							
	101-Over = \$780.00							
Harlingen, Texas	1-2 = \$40.00							
	3-5 = \$60.00							
	6-9 = \$80.00	City	Yes	Yes	\$50.00	No Classes	0	\$40.00
	10-Over \$100.00							
Edingburg, Texas	1-10 = \$100.00	City	Yes	No	\$0.00	\$30.00	2	Day Care Inspection \$100.00
	11-Over = \$150.00							
Mission, Texas	1-10 = \$50.00	City	Yes	No	\$0.00	\$5.00	2	No Inspection Fee
	11-Over = \$100.00							

City rankings of Food Service revenue (Fees) from the highest to the lowest in the surrounding region.

1. Corpus Christi, Texas

Port Aransas

Agua Dulce

Banquette

Bishop

2. San Patricio County

Potland

Ingleside

Sinton

Gregory

Taft

Mathis

Odem

Mathis on the Lake

Ingleside by the Bay

3. Edingburg , Texas

4. McAllen, Texas

5. Harlingen, Texas

6. Alice, Texas

7. South Padre Island, Texas

8. Kingsville, Texas

9. Mission, Texas

Current

- **Sec. 11-7-18. - Food handling certification required; revocation; display.**

(A)

Certification.

(1)

All employees and/or individuals who work or assist in food service, temporary food service, food processing establishments, retail food stores, or mobile food units must obtain food handling certification before beginning to work. A minimum of two hours of food sanitation training for each employee is required every three years to ensure employee performance of their duties in accordance with food service sanitation ordinances rules and regulations.

(2)

This training shall be an approved Health Department course.

(a)

A fee of \$10.00 will be charged for each food handler permit issued by the Health Department.

(b)

A non-profit organization will be charged a fee of \$20.00 for members of the organization who will assist in food preparation as long as the organization is able to show Form 990 and/or documents from the State of Texas showing non-profit exempt status.

(3)

A food handler's permit shall be valid for a period of three years from the date of issuance, unless valid permit is sooner revoked by the City Health Director or Inspector.

(B)

Revocation. If inadequate hygienic performance is demonstrated by the employee and such unsatisfactory performance is a result of material violations of food service sanitation ordinances, rules or regulations, the Health Director or Inspector may revoke the food handler's permit.

(C)

Posting. Each food handler permit shall be at all times kept posted, filed or otherwise readily available for viewing by a Health Director or Inspector.

(Ord. 94001, passed 1-10-94; Ord. 2007-02, § 1, passed 1-8-07)

Cross reference—Penalty, see § 11-7-99.

Proposed Increases

- **Sec. 11-7-18. - Food handling certification required; revocation; display.**

(A)

Certification.

(1)

All employees and/or individuals who work or assist in food service, temporary food service, food processing establishments, retail food stores, or mobile food units must obtain food handling certification before beginning to work. A minimum of two hours of food sanitation training for each employee is required every two years to ensure employee performance of their duties in accordance with food service sanitation ordinances rules and regulations.

(2)

This training shall be an approved Health Department course.

(a)

A fee of \$15.00 will be charged for each food handler permit issued by the Health Department.

(b)

A non-profit organization will be charged a fee of \$25.00 for members of the organization who will assist in food preparation as long as the organization is able to show Form 990 and/or documents from the State of Texas showing non-profit exempt status.

(3)

A food handler's permit shall be valid for a period of two years from the date of issuance, unless valid permit is sooner revoked by the City Health Director or Inspector.

(B)

Revocation. If inadequate hygienic performance is demonstrated by the employee and such unsatisfactory performance is a result of material violations of food service sanitation ordinances, rules or regulations, the Health Director or Inspector may revoke the food handler's permit.

(C)

Posting. Each food handler permit shall be at all times kept posted, filed or otherwise readily available for viewing by a Health Director or Inspector.

(Ord. 94001, passed 1-10-94; Ord. 2007-02, § 1, passed 1-8-07)

Cross reference— Penalty, see § 11-7-99.

Current

- **Sec. 11-7-17. - Permit provisions.**

(A)

It shall be unlawful for any person to operate a food service establishment, temporary food service, food processing establishment, mobile food unit, seafood peddler, and retail food store in the city who does not possess a current, valid permit from the city. Such permit shall be posted in a conspicuous place, and only persons who comply with the requirements of this subarticle shall be entitled to receive and retain such a permit.

(B)

Such permit may be temporarily suspended or revoked by the Health Director or Inspector upon the violation by the holder of any of the terms of this subarticle.

(1)

Fees. Each person required to secure a permit under this subarticle shall, before issuance of any permit, pay to the city the sum herein provided as an inspection and permit fee according to the following schedule:

Food service establishments	\$100.00
Mobile units	100.00
Retail food stores	100.00
Temporary food establishments	25.00
Late fee	50.00
Seafood peddler	100.00

(2)

Expiration and renewal.

(a)

Permits issued for food establishments, mobile units, retail food stores, shall automatically expire on the 31st day of December next following its issuance, except as otherwise stated herein. Such permit shall also automatically expire if the holder thereof changes the location of his place of business, sells, transfer equity, or otherwise disposed of such business or materially changes the character of such business.

(b)

Upon the expiration of a permit, and within 30 days thereafter, the person conducting the business shall obtain a renewal thereof in the same manner as an original permit, if he wishes to continue operating the business. Failure by an establishment to pay this fee within 30 days will require such establishment to pay an additional \$25.00 late fee.

(3)

Temporary food establishment permits shall be issued only for 14 days or less in conjunction with a single event or celebration.

(Ord. 94001, passed 1-10-94; Ord. 200022, passed 11-20-00)

Cross reference— Penalty, see § 11-7-99.

Proposed Increases

- **Sec. 11-7-17. - Permit provisions.**

(A)

It shall be unlawful for any person to operate a food service establishment, temporary food service, food processing establishment, mobile food unit, seafood peddler, and retail food store in the city who does not possess a current, valid permit from the city. Such permit shall be posted in a conspicuous place, and only persons who comply with the requirements of this subarticle shall be entitled to receive and retain such a permit.

(B)

Such permit may be temporarily suspended or revoked by the Health Director or Inspector upon the violation by the holder of any of the terms of this subarticle.

(1)

Fees. Each person required to secure a permit under this subarticle shall, before issuance of any permit, pay to the city the sum herein provided as an inspection and permit fee according to the following schedule:

Food service establishments	\$ 150.00
Mobile units	\$ 125.00
Retail food stores	\$ 150.00
Temporary food establishments	\$ 30.00
Temporary food event (non-profit)	\$ 20.00
Late fee	\$ 50.00
Seafood & Produce peddler	\$ 125.00

(2)

Expiration and renewal.

(a)

Permits issued for food establishments, mobile units, retail food stores, shall automatically expire on the 31st day of December next following its issuance, except as otherwise stated herein. Such permit shall also automatically expire if the holder thereof changes the location of his place of business, sells, transfer equity, or otherwise disposed of such business or materially changes the character of such business.

(b)

Upon the expiration of a permit, and within 30 days thereafter, the person conducting the business shall obtain a renewal thereof in the same manner as an original permit, if he wishes to continue operating the business. Failure by an establishment to pay this fee within 30 days will require such establishment to pay an additional \$25.00 late fee.

(3)

Temporary food establishment permits shall be issued only for 14 days or less in conjunction with a single event or celebration.

**CITY OF KINGSVILLE, TEXAS
FOOD SERVICE DIVISION
SCHEDULE FEES**

ANNUAL FOOD PERMIT

FEE

Food service establishments	\$150.00
Retail food stores	\$150.00
Mobile units	\$125.00
Late fee	\$50.00
Temporary food establishment	\$30.00
Temporary food establishment (non-profit)	\$20.00
Seafood & Produce peddler	\$125.00

FOOD HANDLING CERTIFICATION

FEE

YEARS

Regular food handler card (individuals)	\$15.00	2
Fundraiser food handler card (non-profit organizations only)	\$25.00 per group	2

AGENDA ITEM #15

RESOLUTION #2015-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MASTER SERVICE AGREEMENT BY AND BETWEEN FOREMOST TELECOMMUNICATIONS AND THE CITY OF KINGSVILLE; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City and the King High Historical Foundation approved a long-term lease agreement on November 10, 2014 for the H. M. King High School building, built in 1909 and located at Kleberg Avenue and North 3rd Street here within the city limits of the City of Kingsville, to be the new City Hall; and,

WHEREAS, the King High Historical Foundation has begun improvements to the building so that it could be used as a new City Hall, while preserving its historical features and history for years to come; and,

WHEREAS, the City is responsible for the telecommunication, internet and security services for the building, and some of the wiring for those services needs to be installed early in the Foundation's construction process; and,

WHEREAS, after receiving information from several providers, the City has located a provider that provides the best value to the City for the fiber services at the new City Hall, and that could provide fiber services to other city departments in the future as needed; and,

WHEREAS, the City and Foremost Telecommunications have negotiated a Master Services Agreement for fiber services and installation, which would include the new City Hall building.

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 Master Services Agreement by and between the Foremost Telecommunications and the City of Kingsville in accordance with Exhibit A hereto attached and made a part hereof, as well as a service order for the new City Hall building.

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 12th day of January, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



Purchasing/IT Department

361-595-8025
361-595-8035 Fax

DATE: January 5, 2015
TO: City Commission through City Manager
FROM: David Mason, Purchasing/Technology Director
SUBJECT: Fiber Contract for New City Hall

SUMMARY

This item authorizes the contract for Fiber Connectivity of the New City Hall.

BACKGROUND

As the New City Hall currently has no infrastructure or service providers, we attempted to find the best value available for internet services.

RECOMMENDATION

We believe the best value for the City is Foremost Telecommunications. They have adequate bandwidth available for current and future needs. The installation of fiber optic cable to the building is no charge with a two year service contract. Foremost was recommended by our DIR network and telephone vendor and after analyzing the service of three companies, we believe Foremost Telecommunications offers the best value to the City.

FINANCIAL IMPACT

Upon installation, a 50 Mb line will be \$1395.00 per month for five (5) years. Additional city locations will be added for telephone service and internet service as we continue to connect our entire system.

AGENDA ITEM #16

ORDINANCE NO. 2015- _____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER XV, ARTICLE 6, ZONING, PROVIDING FOR THREE ALTERNATE BOARD OF ADJUSTMENT MEMBERS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

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

WHEREAS, this ordinance is necessary for the efficient and timely administration of city business as Zoning Board of Adjustment (ZBA) meetings must be noticed through advertisement in the newspaper and mailing out letters to property owners within 200 feet of the site or parcel in question, and when a meeting must be cancelled due to a lack of quorum it is costly and slows this process;

WHEREAS, the Texas Local Government code section 211.008(c) allows for the appointment of alternate board members to serve in the absence of one or more regular members when requested to do so by the mayor or city manager;

WHEREAS, the statute provides that an alternate member serves for the same period as a regular ZBA board member (two years) and is subject to removal in the same manner as a regular board member, as are the alternates vacancies are filled the same as regular board members;

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

I.

THAT Section 15-6-157 of Article 6: Zoning of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§15-6-157 BOARD OF ADJUSTMENT.

(A) *Organization.* The Board of Adjustment shall consist of five members each to be appointed by the City Commission for a term of two years. The Board of Adjustment shall also consist of three alternate members, each to be appointed by the City Commission for a term of two years, who will serve in the absence of one or more regular members when requested to do so by the mayor or city manager. Any member may be removed by the City Commission upon written charges after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. A

maximum of five members may attend and vote at a Board of Adjustment meeting.

II.

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

III.

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

IV.

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

INTRODUCED on this the 12th day of January, 2015.

PASSED AND APPROVED on this the 26th day of January, 2015.

EFFECTIVE DATE: _____

Sam R. Fugate, Jr., Mayor


ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

To: Vince Capell, City Manager

From: Tom Ginter, Director of Planning and Development Services 

Date: January 2, 2015

Subject: Agenda Item Jan. 12, 2015 Amendment to Ordinance Section 15-6-157

The issue of getting a quorum for the Zoning Board of Adjustment has come to the forefront as of late. This is my recommendation as attempt to prevent that from happening in the future. State law allows the governing body to appoint alternates to the Board of Adjustment. This is done by communities so business can be conducted despite the fact that one or two if its members may not be able to attend the meeting. For the Board of Adjustment to conduct business four of the five members must show up to conduct business. Because of that I am also recommending that three alternates be appointed.

I have conferred with the City Attorney and she has drafted an amendment to the ordinance which is attached.

It is hoped that at the January 26, 2015 City Commission meeting three alternates could be appointed to the Board of Adjustment.

Tom Ginter

From: Courtney Alvarez
Sent: Monday, December 22, 2014 2:22 PM
To: Tom Ginter
Subject: Draft ZBA Ordinance
Attachments: ZBA Member Size Am-dr1-011215.doc

Tom,

Based on our conversation today of the results of the research on this issue, attached please find a draft ordinance amending the Code of Ordinances to allow for three alternate Board of Adjustment members. The language tracks the state statute, which is cited in the Whereas section of the document. Code of Ordinance section 15-5-157(I) already states that the vote of four members is required for an item to be approved. The last sentence to section 15-6-157(A) was added to clarify that there should not be more than five members (regular and alternates combined) present and voting at a meeting.

Please contact me with any questions or comments. Any revisions, along with a staff memo, would need to be received by January 2, 2015 in order to make the January 12th City Commission meeting agenda.

Thanks,
Courtney

ORDINANCE NO. 2015- _____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER XV, ARTICLE 6, ZONING, PROVIDING FOR THREE ALTERNATE BOARD MEMBERS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

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

WHEREAS, this ordinance is necessary for the efficient and timely administration of city business as Zoning Board of Adjustment (ZBA) meetings must be noticed through advertisement in the newspaper and mailing out letters to property owners within 200 feet of the site or parcel in question, and when a meeting must be cancelled due to a lack of quorum it is costly and slows this process;

WHEREAS, the Texas Local Government code section 211.008(c) allows for the appointment of alternate board members to serve in the absence of one or more regular members when requested to do so by the mayor or city manager;

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II.

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

III.

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

IV.

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

INTRODUCED on this the 12th day of January, 2015.

PASSED AND APPROVED on this the 26th day of January, 2015.

EFFECTIVE DATE: _____

Sam R. Fugate, Jr., Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #17