

City of Kingsville, Texas

AGENDA CITY COMMISSION

**MONDAY, OCTOBER 13, 2014
REGULAR MEETING**

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

I. Preliminary Proceedings.

OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Special Meeting – September 2, 2014
Special Meeting – September 3, 2014
Regular Meeting – September 8, 2014
Special Meeting – September 15, 2014
Special Meeting – September 18, 2014
Regular Meeting – September 22, 2014

APPROVED BY:



Vincent J. Capell
City Manager

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

1. NONE.

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

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

IV. Public Comment on Agenda Items.³

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

V.

Consent Agenda

Notice to the Public

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Land Use, Article 3, Subdivisions, Sections 15-3-15 through 15-3-25, revising the platting procedures. (Interim Director of Planning & Development Services).
2. Motion to approve out-of-state travel for the City Engineer/Public Works Director and the Wastewater Supervisor to tour and evaluate the Centrisys facility in Kenosha, Wisconsin in late October or November of 2014, with all travel and lodging expenses paid by the company. (City Engineer/Public Works Director).
3. Motion to approve membership renewal with Electric Reliability Council of Texas ("ERCOT") for 2015 membership year. (City Attorney).
4. Motion to approve a resolution authorizing the City Manager to enter into an engagement letter agreement between the City of Kingsville, Texas and John Womack & CO., P.C. for the 2013-2014 Fiscal Year Audit. (Finance Director).
5. Motion to approve appointment of Jonathan Plant to the Historical Development Board for a three year term. (Downtown Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

6. Consider authorizing participation in the Kingsville Heritage Rodeo & Cook-off, November 21 & 22, 2014 during the King Ranch Breakfast and the Ranch Hand Festival. (Director of Tourism).
7. Consider introduction of an ordinance amending the fiscal year 2014-2015 budget for the General Fund to provide funding for building improvements to the city property at 2211 South Brahma Blvd. (Director of Finance).
8. Consider a resolution authorizing the Mayor to enter into a Concession Agreement between Kleberg County and the City of Kingsville for the L.E. Ramey Golf Course. (City Attorney).

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.

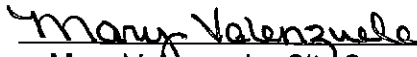
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative Commission votes. The speaker must identify himself by name and address.
4. Items being considered by the Commission for action except citizens comments to the Mayor and 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:

October 10, 2014 at 2:00 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)

SEPTEMBER 2, 2014

A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON TUESDAY, SEPTEMBER 2, 2014 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 4:00 P.M.

CITY COMMISSION PRESENT:

Dianne Leubert, Commissioner
Noel Pena, Commissioner
Al Garcia, Commissioner
Arturo Pecos, Commissioner

CITY COMMISSION ABSENT:

Sam Fugate, Mayor

CITY STAFF PRESENT:

Vince Capell, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Emilio Garcia, Health Director
Willie Vera, Task Force Commander
Charlie Cardenas, Engineer/Public Works Director
David Mason, Purchasing/IT Director
Bill Donnell, Assistant Public Works Director
Robert Rodriguez, Library Director
Tony Verdin, Information Systems Technician
Cynthia Martin, Interim Tourism Director
Charlie Sosa, Street Supervisor
Luke Stevens, Sanitation Supervisor
Leo Alarcon, Tourism Director
Frank Garcia, Wastewater Supervisor
Jennifer Bernal, Community Appearance Supervisor
Deborah Balli, Finance Director
Marco Jimenez, Water Department Supervisor
Joe Casillas, Water Production Supervisor
Melissa Perez, Risk Manager
Stacie Pena, Accountant Manager
Pete Pina, Landfill Supervisor

I. Preliminary Proceedings.

OPEN MEETING

Mayor Pro-tem Leubert 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. Mayor Fugate absent.

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
None.**

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

NONE

III. Reports from Commission & Staff²

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

Mrs. Alvarez reminded staff that the final budget workshop is scheduled for Wednesday, September 2, 2014 at 4:00 p.m. with two public hearings scheduled at 6:00 p.m.

IV. Public Comment on Agenda Items³

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

V.

Consent Agenda

Notice to the Public

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

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

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

None

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

1. Review and discuss proposed fiscal year 2014-2015 budget for departments of the City of Kingsville. (City Manager).

Mr. Capell reported that there is some uncertainties regarding the Parks Department. He stated that he was told today, that the County Commission considered an agreement for Parks & Golf Course and accepted the proposed agreement. Capell further commented that he is not certain version of the agreement the County has approved, but he is aware that they have added one stipulation that will charge the City a use fee for equipment used. Capell stated that he would like for the County to reconsider this, and does not recommend the City Commission to approve such agreement with this stipulation.

Commissioner Pena asked if this would include all existing inventory. Mr. Capell responded that he thinks they are talking about their large equipment items. Commissioner Pena asked if there is an inventory list. Capell responded that Susan Ivy has this list. He further stated that most of the equipment does not have a high value to it.

Mr. Capell reported that as to the Health and Library budgets, the County has asked the City to cut back on expenditures by 10%. Capell commented that the agreement is that the County and City share the expenses 50%-50%, which has never worked out exactly this way, but we come pretty close.

Commissioner Pecos asked if the city doesn't match the decrease of 10%, then the City will be responsible for that extra percentage.

Mr. Capell responded that if this is the case, it is no longer a 50%-50% sharing relationship. He further stated that one day in the future the City can add \$75,000 to the Library budget to fix their air condition issues, although there is no agreement with the County for the repairs to the air condition, since it is their building. He further stated that he would recommend for the City Commission to approve the \$75,000, but the City would not spend it until there are other discussions with the County and get these issues resolved.

Commissioner Leubert asked if the \$75,000 is only half of the cost or is it a total cost. Mr. Capell responded that he's not sure of what the cost would be just yet, but we would request for the County to pay half of their portion as it is their building.

Commissioner Pecos stated that it is important to have the air conditioning system working properly for the sake of books and computers.

Mr. Robert Rodriguez, Library Director stated that as per County Commissioner Lomas, it would cost \$80,000 to replace the air conditioning units at that Library.

Health Department – Emilio Garcia

Mr. Garcia reported that the Health Department consist of four animal control officers, two health inspectors, one kennel attendant, one customer representative and one administrative assistance. Mr. Garcia stated that the Health Department is requesting to purchase a full-stock trailer for a cost of \$4,695. This trailer would be used for transporting horses, as we have had several issues with loose horses out in the county area. Last year the commission approved \$1,000 for minor vet care, this year \$4,000 is being requested for continuous minor vet care such as shots, rabies, for adoptable dogs and cats. In the training & travel line item \$2,750 for annual conferences for Health Inspectors and Animal Control Officers. In

memberships & dues \$750 is requested to pay dues for Texas Environmental Health Association and Texas Animal Control Association. Catering line item, it is requested \$350 for catering for training classes and safety week.

Mr. Garcia commented that he would like to utilize the updated city website by posting pictures of dogs and cats up for adoption.

Commissioner Garcia asked that when an individual adopts a pet, do they refund the Health Department for the cost of vaccinations. Mr. Emilio Garcia stated that is no additional cost other than the adoption fee that is assessed to the individual. If the pet is not vaccinated by the Health Department, the individual has 10 days to vaccinate their pet than bring the receipt to the Health Department and a refund of \$15.00 for rabies vaccination fee is refunded.

Mr. Garcia further stated that under the budget for capital outlay, it is being requested that two pickup trucks be purchased to replace the older vehicles in use at this time, but only one truck was approved for this budget year. Also being requested is additional truck animal stalls which consist of 6 stalls each. A triple stack stainless steel cat cages is also being requested. Garcia further stated that he is looking into increasing their animal control fees, service permits, etc. Garcia has performed a comparison of fourteen surrounding cities and stated that Kingsville has the lowest fees thus far. He stated that these fees have not been increased in several years. Mr. Garcia further reported that he would like to purchase a new 12x16 storage building which will also require a 12x16 concrete pad to place the new storage building. This building will be used to store animal food, which is being stored now in the older storage building. The old storage building will be used to store lockers. The area where the lockers are stored currently will be used for a cat adoption room. Mr. Garcia reported that the roof in the euthanasia building has been replaced. He further stated that materials were purchased by the Health Department and the labor was done by the County.

Commissioner Garcia commended Mr. Emilio Garcia for doing a great job in running the Health Department.

Parks Department – Susan Ivy

Ms. Susan Ivy, Parks Director stated that her staff and herself know more than anyone the big changes that are needed in the parks. She further stated that they want the same Parks as everyone else which is to be safe, fun for families and look nice. Ms. Ivy went on and stated the Parks Departments priorities which are as followed; secure the perimeter of Dick Kleberg Park with new gates, evaluate paving of roads and parking areas, evaluate staffing assignments and prioritize duties, re-evaluate facility agreements, update fee schedules and policies for usage. Ms. Ivy further stated that she would like to discuss long term plans for the older facilities such as J.K. Northway Expo Center and horse's stalls. The recreation building and office in Dick Kleberg Park and Brookshire Pool are in need of extensive improvements. She further reported that if the L.E. Ramey Park becomes a city managed park, skeet range area needs to be assessed as well. Ivy further stated that the Parks Department will work with the Tourism Department in order to develop a marketing strategy for J.K. Northway Expo Center. Ms. Ivy continued by stating that she and her staff are eager to begin a

new journey with the assistance of the City of Kingsville and greatly appreciate the commitment by the City and County to help improve the Parks and make the changes needed to move forward.

Golf Course Department – Bill Donnell

Mr. Donnell reported that the golf course is nearly 50 years old and not much has happened with it. There are a lot of improvements that need to be done to which the City has the equipment and staff to help improve the golf course. Donnell stated that it will take an aggressive maintenance program for the fairways, greens, irrigation and drainage improvements. This can be done only through our staff but also through the Engineering Department at Texas A&M University-Kingsville. Mr. Donnell stated that he is working with Dr. Nix on a graduate program through projects that will assist with the golf course.

Commissioner Leubert asked about effluent water going through the Golf Course. Mr. Donnell reported that there are two water wells onsite and have the piping for effluent water. The situation that has come up with the effluent water is the sodium content. It's his understanding that the water well sodium content is high as well but through a fertilizer program and a maintenance program of the fairways and greens, you ask the employees there now if they buy fertilizer and their response is no. You ask them if they have a pole saw, and their response is no. The maintenance that is happening at the Golf Course is at a minimum. Mr. Donnell further reported that the golf course website is need of updating as well. New fees and policies need to be drafted and submitted to City Commission for approval. Donnell further stated that staff will learn more after October 1, 2014, once the City takes over.

Library Department – Robert Rodriguez

Mr. Rodriguez reported that the Library has been serving the residence of Kleberg County as a learning center since founded back in February 1909. Its mission is to provide quality services, materials, and reading resources to meet the personal, educational and professional needs of its community. The Library staff consists of nine full-time employees and one part-time employee. The Library currently houses over 55,000 items as part of its collection with a circulation of 35,000 items on a yearly basis. The programs and services provided are meant to encourage a love of reading and learning. The Library's 2014-2015 proposed budget totals to \$283,805, which is basically the same as last fiscal year. Only vital necessities for daily operations have been increased. The Library Board is requesting that the City Commission approve the City's Library budget as proposed.

Commissioner Garcia asked what the radius of operations for the Bookmobile is. Mr. Rodriguez responded by stating that the Bookmobile will service as far as Sarita in Kenedy County. Sarita currently pays the Library \$2,000 in a yearly basis to provide Library services to their community. Commissioner Garcia asked if Riviera and Ricardo will be serviced as well. Mr. Rodriguez responded that they are hoping to use the Bookmobile as an outreach vehicle as going out to local schools in Kingsville, Ricardo, Riviera, and King-Ranch School. It will be used to promote the Library services currently offered and some of the technologies that

is offered by the Library. The Bookmobile will offer some of the technologies that the Library already has in-house and bring to the schools. Commissioner Garcia further asked if fuel has been budgeted. Mr. Rodriguez stated that fuel is being budgeted. Commissioner Garcia asked who will be operating the Bookmobile. Mr. Rodriguez stated that it will be operated by Mr. Joey Garcia, IT Librarian.

Tourism Department – Leo Alarcon

Mr. Alarcon reported that he plans to have the Xeriscape Garden and Pavilion renamed. Since the City has always been a big part of this location that the City name be used in naming the location. He further stated that he would like remove the fence near this area and paint the water tower with a mural if possible. The Tourism is requesting a cargo van to transport items for events. He is also requesting for some software to be used for marketing. Mr. Alarcon also would like to have a technician/maintenance person to assist him with all his ideas.

Mr. Capell commented that there was one marketing position but Mr. Alarcon suggested two part-time positions instead of the one full-time. Mr. Alarcon would like to have a part-timer for marketing and a part-timer for maintenance.

Commissioner Garcia asked about a calendar of events for the new fiscal year. Mr. Alarcon responded that the calendar of events is in conjunction with the Kingsville Chamber of Commerce.

Mr. Alarcon stated that he has some ideas that he would like to see come to the J.K. Northway such as big bands to hold concerts. He recalls back in the day when big country singers would come into Kingsville to hold concerts. He would like to see these types of events return to our community.

The following Certificates of Obligations Series was presented by Deborah Balli, Finance Director.

036-CO Series 2000

Mrs. Balli stated that a lot of these funds are older series that should have been closed out. This year staff is going to make an effort to get all of these cleaned up that are no longer needed. Fund 036, CO Series 2000 is estimated \$27,000 left in this fund at the end of fiscal year 2014. This is a fund that we anticipate to close at the end 2015, so staff has taken the \$27,000 and transferred it to other various funds to offset the cost of proposed projects for fiscal year 2015.

039-CO Series 2002-2002A

In fund 039 CO Series 2000 it is estimated to have \$78,710 left at the end of fiscal year 2014. It is being proposed that monies be used for the following projects; \$4,033 for labor on the fence project, \$66,214 for four unmarked fleet vehicles, and \$9,000 for chairs to be used in the CIB Division and CIB Conference room. Balli stated that the difference between the fiscal year 2014 estimates and the proposed projects is about \$537 which will be transferred out of fund 037.

063-CO Series 2007-General

It's estimated that \$1,173 left in this fund at the end of fiscal year 2014. This money will be transferred to the general fund in effort to close out this fund which is part of the residual cleanup staff is trying to accomplish.

064-CO Series 2009

It's estimated that \$74,396 left at the end of fiscal year 2014. Staff has proposed projects for fiscal year 2015 for \$76,633. These projects include \$57,500 for 100 dumpsters with \$19,133 for landfill expansion which is related to permitting. The difference between fiscal year 2014 estimates and the proposed projects is about \$2,236.40 which will be part of the funds we will be bringing in from fund 036.

011-510 Debt Service GO

This fund is used to pay the debt service for general fund related to debt obligations. Fund 087 will transfer in revenues from additional garbage fee revenues and pay a portion of the 2009 CO Series debt service for amount of \$352,250. The total debt service for the 2009 CO Series is about \$381,900 and the difference is coming in from the amount we already have in the fund balance of the debt service fund. The expenditures are estimated to be \$1,812,492 which covers general debt service of principles, interest, and paying agent fees.

012-510 Debt Service UF

The total utility fund debt service for fiscal year 2015 is \$1,544,110. Fund 055 transfers in \$290,450 which covers CO Series 2013 which includes the paying agent fees. The remainder of the debt service will be covered by the transfer in for utility fund to pay this debt service.

062-CO Series 2009

It is estimated that there will be \$55,058 at the end of fiscal year 2014. Proposed projects for fiscal year 2015 are one carry over project from fiscal year 2014 for \$55,000 for sliplining work. The reason it is being carried over is due to the fact that staff is still waiting on quotes. This is a very small project and we are having some difficulties finding some contractors to bid on this project. The difference between the two amounts is \$58.00 which is going to be transferred to fund 066.

065-CO Series 2011

It is estimated that there will be \$199,428 at the end of fiscal year 2014. It has projected a little bit of interest which is about \$5,800 and staffs proposed projects for fiscal year 2015 which are all for Asphalt Street repair projects. Once those projects are completed, we will close this fund in fiscal year 2015.

066-CO Series 2011

It is estimated that there will be \$2,100,201 at the end of fiscal year 2014. The proposed projects for fiscal year 2015 which consist of \$10,000 for waterline pipe construction, \$68,100 for the a generator for Water Well #25, \$798,853 for the construction of Water Well #25. Staff plans to award this project sometime this month. Staff is transferring the residual amount from fund 062 and 035 to close out those funds. Staff estimates that there will be a fund balance at the end of fiscal year 2015 of \$1,237,971, which will be a fund that staff continues to use.

055-CO Series 2013

It is estimated that there will be \$304,644 at the end of fiscal year 2014. This fund is used to collect stormwater revenues to pay for the associated debt service

towards the capital projects. This fund will transfer out \$290,450 to cover the debt service payment. It will leave an estimated fund balance of \$249,094 at the end of fiscal year 2015.

067-CO Series 2013

It is estimated that there will be \$644,569 in the fund balance at the end of fiscal year 2014. The proposed projects for fiscal year 2015 are all for the asphalt street repairs projects. With a little bit of interest coming in, staff is anticipating that this fund will close at the end of fiscal year 2015.

068-CO Series 2013

This is a drainage fund in utility fund. It is estimated that there will be \$3,213,166 for fund balance at the end of fiscal year 2014. The proposed projects for fiscal year 2015 consist of the remaining 5 year drainage project, concrete street replacement project, and curb and gutter replacement project. With some accrued interest, the projected ending funding balance for fiscal year 2015 of \$837,938.

Mrs. Balli stated that these are the CO Series funds, which staff is anticipating closing as many as possible.

Commissioner Garcia asked that if on Series 055 is there a recurring balance or transferred balance. Mrs. Balli responded that in Series 055, those are bond revenues received every year and the only monies that will be transferred out of this fund is to pay for this debt service.

Summary of Transfers

Mrs. Balli reported that for fiscal year 2014-2015 were estimated that our total transfers in will be \$8,161,239 and our transfers out are same amount as transfers in.

091 General Fund-Projects from Prior Year Surplus

Mrs. Balli reported that this setup to transferring money for the projects that were proposed. The end of the year, we should not carry forward a balance to this fund. We will have transfers in of \$2,224,945 for the New City Hall which includes \$500,000 for the audio visual, communications, and furniture. The expenditures going out are \$3,763,960. For the City Hall building we have a total of \$3,200,000, \$88,500 for the 6th Street corridor tree planting, \$35,540 for the concrete and fence work at the Recycling Center. There is \$15,000 for the computer at the Fire Department and \$93,000 for vehicles, and \$187,920 for machinery and equipment and \$59,500 for Fire Station #1 remodeling. There is \$35,000 for Computer Aided Dispatch and \$24,500 for engineering services from Texas A&M University-Kingsville and \$25,000 for street soil testing. This total up to \$3,763,960 of expenditures which will leave \$109,091 in this fund which staff plans to transfers back to 001 so there will not be a remaining balance in this fund.

Commissioner Garcia commented that the fire radio system that is being requested by the Fire Department should not be done now. He further stated that he feels that it is not compatible with any of the radio systems already being used. Commissioner Garcia feels that this needs to be looked into a little more. Garcia stated that through the Council of Governments Homeland Security, all operating

agencies in the area to have the same communication capability and if the Fire Department goes and into this new system, it will not have the capability to communicate with any other communication systems or other agencies.

Mr. Capell responded that before the Commission makes any decisions, he would like for the Fire Chief to respond to these questions at a later meeting since he is not in attendance at this meeting today.

Commissioner Leubert commented that she is in agreement with Commissioner Garcia.

Commissioner Garcia stated that he would like to see the actual calls that have taken place in the Fire Department for the last three years and average them out to see what that does to a daily call or hourly call situation. This would justify separating those functions. Garcia stated that what we have been trying to do here in this community is to consolidate as much as we can, and it seems as if we are going in the opposite direction.

Mr. Capell commented that he would like for Fire Chief Reed to address some of these questions that the Commission have.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:52 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

SEPTEMBER 3, 2014

A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON WEDNESDAY, SEPTEMBER 3, 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
Al Garcia, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Vince Capell, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Emilio Garcia, Health Director
Willie Vera, Task Force Commander
Charlie Cardenas, Engineer/Public Works Director
David Mason, Purchasing/IT Director
Bill Donnell, Assistant Public Works Director
Tony Verdin, Information Systems Technician
Cynthia Martin, Interim Tourism Director
Melissa Perez, Risk Manager
Jennifer Bernal, Community Appearance Supervisor
Linda Gerd, Volunteer Fire Department
Ron Gerd, Volunteer Fire Department
Diana Gonzales, Human Resources Director
Deborah Balli, Finance Director
Stacie Pena, Accountant Manager
David Bodiford, Accountant Supervisor
Joey Reed, Fire Chief
Jessica Storck, Administrative Assistant
Ricardo Torres, Chief of Police

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 all five Commission members present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

1. Review and discuss proposed fiscal year 2014-2015 budget for departments of the City of Kingsville. (City Manager).

100-City Commission – Mary Valenzuela

Mrs. Mary Valenzuela, City Secretary presented the budget for the City Commission. Mrs. Valenzuela stated that the budget being proposed is the same as fiscal year 2014. This includes \$25,000 for training & travel which is designated \$5,000 for each Commission member.

Commissioner Garcia asked if the training & travel last year was \$25,000. Mayor Fugate responded yes. Commissioner Garcia stated that it fell short on possible conference trip to Washington, DC. Mayor Fugate stated that one of the reasons is that airline tickets have gone up in price.

Commissioner Pena commented that he does not want to increase the training & travel budget for the Commission. Commissioner Garcia responded that this was his opinion and not everyone else's.

Commissioner Garcia further stated that the National League of Cities is in Austin, therefore there may be a slight savings for the new fiscal year.

Mayor Fugate commented that he would like for the training & travel budget to stay at what is being proposed and see how the year ends up.

Commissioner Garcia asked if the Laserfiche software comes out of City Commission budget. Mrs. Valenzuela responded by stating that the money for Laserfiche software comes out of the Purchasing/IT Department. Garcia asked if computers or updates to computers come from the Commission budget. Mrs. Valenzuela stated that this is out of the Purchasing/IT Department.

101-City Manager/City Secretary – Vince Capell

Mr. Capell stated that the budget hasn't changed much from current year's adopted budget. There was an increase of \$27,000 to which \$25,000 is being budgeted to improve external communications through a newspaper insert similar to the Javelina Highlights. Capell stated that he would like to a quarterly newsletter that will give some highlights that are going on throughout the City.

Mayor Fugate stated that this is a good idea to get information out to our citizens.

Commissioner Garcia questioned as to why the City Manager and City Secretary's training and travel budget is proposed at \$14,000 and the Commission only receives \$25,000.

Mayor Fugate stated that with the City Manager & City Secretary needing to keep up their CEU's, this amount is necessary.

Commissioner Leubert asked if the City Secretary will be required to travel as much since she has already completed her TRMC Certification. Mrs. Valenzuela responded by saying that not as much travel will be required. Valenzuela further stated there is some travel needed to keep up her certification, but not as much.

110-Human Resources – Diana Gonzales

Mrs. Diana Gonzales, Human Resources Director stated that the Human Resources office processes all new employees as well as retirees. She further stated that the Laserfiche is being utilized within her department. All employee files are being scanned and stored on Laserfiche. The Human Resources Department is also responsible for putting together the Health Fair for all city employees and their dependents. Mrs. Gonzales reported that last year there were 99 screenings done last year. Her office also oversees the Employee Recognition Program, Professional Development Training, Game night, and updates the employee's handbooks. The Human Resources has worked diligently in keeping within their core budget.

Commissioner Leubert stated that she would like to see an increase from the \$9.00 paying position to the \$10.00 paying position.

Mr. Capell stated that this would probably cause a ripple effect because if you increase those positions it will require for other positions to be increased. This could cause for an hourly employee that accrues overtime make more than his/her supervisor.

Commissioner Pecos commented that this is something that may be looked into next budget year.

Entrust Presentation

Representatives of Entrust made a presentation to the Commission regarding the changes to Health Insurance. All remains the same with one new addition for employees, AmeriDoc. AmeriDoc is a service that doctors provide services by phone. If an individual has a minor problem he/she can call AmeriDoc and speak with a doctor and receive a diagnosis and they can call in a prescription for the problem. This service is accessible to all employees 24/7, 365 days a year. There is no co-pay for this service.

Commissioner Leubert stated that this is only for moans and groans type of issues. Serious issues would require for the employee/dependent to see a doctor at their office.

Legal Department – Courtney Alvarez

Mrs. Alvarez reported that the Legal Department's budget is basically the same. The only increase is in salaries which are the assistant's 1 year anniversary and salary increase for City Attorney which was approved by the Commission in June, 2014.

Commissioner Leubert asked if in the salary line item, was the City Attorney's increase that was approved earlier this year already included. Mrs. Alvarez responded that it has been included already.

Planning Department – Cynthia Martin

Mrs. Martin reported on the following supplemental increase requests; In printing & publishing line item it is being requested \$500, Building Services training & travel \$1,200, in Community Appearance training & travel \$1,000, catering \$2,500, professional services \$10,000, and printing & publishing \$1,000. In capital outlay requests it is being requested for a operator pickup truck for \$37,887 and trailer & skid loader \$14,120.

Mrs. Martin stated that the Planning Department oversees the Master Plan, Comprehensive Housing Plan, plan for city improvements, and plan for future developments. Development services provided are subdivisions, platting, annexations, zoning regulations, rezoning, zoning variances, and facilitate development such as offer incentives and evaluate codes. The following are projects the Planning Department are working on, plan for city wide tree planting, Master Plan for downtown public space, and wayfinding plan. The Planning Department is currently in the development stages of making amendments to subdivision codes re-platting procedures, creation of developer's guide, and amendments to Municipal Codes re-front and side yard parking. Mrs. Martin further stated that Planning Department provides the following services, inspect buildings, issue permits, issue contractor licenses, and maintain records.

Mayor Fugate recessed the meeting at 5:56 p.m.

Mayor Fugate reconvened into the regular session of the agenda at 6:00 p.m.

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

MINUTES OF PREVIOUS MEETING(S) – Required by Law

NONE.

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

1. Public Hearing on a proposed tax rate increase from \$.84220 to \$.89255 for Fiscal Year 2014-2015. (Finance Director).

Mayor Fugate announced and opened this public hearing at 6:02 p.m.

Mrs. Alvarez announced that the vote to adopt the City of Kingsville's 2014-2015 fiscal year tax rate will take place on September 15, 2014 at a City Commission meeting at 6:00 p.m. in the Alcorn Commission Chambers here at City Hall, 200 E. Kleberg, Kingsville, TX.

Mayor Fugate announced that if anyone would like to speak on behalf of this item, they may come up and stated their name and address and they have 5 minutes to make their comments.

No comments were made by either staff or public.

Mayor Fugate closed this public hearing at 6:04 p.m.

2. Public Hearing on proposed Fiscal Year 2014-2015 budget. (Finance Director).

Mayor Fugate announced and opened this public hearing at 6:04 p.m.

Mayor Fugate announced that if anyone would like to speak on behalf of this item, they may come up and stated their name and address and they have 5 minutes to make their comments.

No comments were made by either staff or public.

Mayor Fugate closed this public hearing at 6:05 p.m.

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

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

Mrs. Alvarez reported that the next regular commission meeting is scheduled for September 8, 2014 at 6:00 p.m.

IV. Public Comment on Agenda Items³

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

V.

Consent Agenda

Notice to the Public

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

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

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

None.

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

1. Consider a resolution expressing the City's intent to authorize the Mayor to enter into an Interlocal Agreement between Kleberg County and the City of Kingsville for the L. E. Ramey Golf Course. (City Attorney).

Mrs. Alvarez stated that she has been working with the County Attorney regarding this agreement. She further stated that the County is requesting a letter stating what the City's intent is for taking over the Golf Course.

Mr. Capell stated that County Judge Escobar is on the same page as the City.

Commissioner Pecos reported that the Parks Department and Golf Course were not included in the County's budget for the upcoming fiscal year.

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

Mayor Fugate reconvened with the budget workshop at 6:10 p.m.

Community Appearance – Jennifer Bernal

Ms. Bernal reported on the Community Appearance budget. She stated that for fiscal year 2013-2014 the Commission has approved 12 demolition orders and has received 17 voluntary demolitions. The Community Appearance Department continues to work hard on property cleanups.

Mayor Fugate asked how many employees this department has at this time. Ms. Bernal stated that there are two employees. Mayor Fugate asked for a number of how many lots are inspected. Ms. Bernal stated that lots inspected in a year around 2,500 of which half are mowed. Mayor Fugate further stated that this department is doing a great job.

Ms. Bernal commented that she would like to give gratitude to the Street Department for their assistance. She further reported on why and what they do. She stated that her department looks forward for clearing the way for new economic development. She further commented that on October 1st, it will be 3 years since the Community Appearance Department was created. Numbers are overwhelming that the job is getting done. However, there is still some work to be done. Ms. Bernal stated that the Community Appearance is requesting an increase in their travel & training line item. This will allow for employees to keep up with any changes implemented by the State and to allow Code Enforcement Officers to maintain their certification. She further reported that at this time the department has one code officer in training and will receive certification this year. There is also a request to increase their catering line item. This will allow for the purchase of food and drinks for volunteers during community cleanup events. She further stated that due to the increase in abatements for overhanging trees the need for new saws, pole saws, and ladders are needed. Trash off has been very popular with the public which has decreased illegal dumping.

Mayor Fugate stated that it was a good idea to take in tires at trash off events.

Ms. Bernal stated that the trash off site has been permitted by TCEQ as a citizen's collection site. The large amounts of debris and junk are prohibited to stay on the ground for a long period of time. In professional services line item there is an increase which will allow the rental of large roll-outs which are needed due to the high volume of trash collected during trash off events. Public education has always been a solution for some of the community appearance issues. Advertisements, flyers, articles in newspaper, and talks at various functions have assisted in informing citizens of code violations. Because of revisions, creations, and old codes being brought back, a request is being made in printing & publishing line item. Ms. Bernal further commented that her department wants to be more effective and efficient in property cleanups. A request is being made to purchase attachments for the skid loader such as a concrete breaker and a closed bucket. This will allow the department to break down small porches and other small areas of concrete.

Commissioner Pena asked about repeat violators and how the department is dealing with type of issue.

Mr. Capell commented that has been talking with Ms. Bernal regarding a different approach in how to handle repeat violators. He stated that what he is hoping to do is initiate some foreclosures, although it may be difficult to do but worth looking into.

Finance Department – Deborah Balli

Mrs. Balli reported that the Finance Department is made up of three divisions, Finance Administration, Municipal Court, and Collection Department. Mrs. Balli reported that as far as revenues go, for the current tax of real property, the budget is based on the current tax rate at a 98% collection rate. The bingo tax is not budgeted for the next fiscal year as her understanding is that as per the State Comptroller's Office, there are no bingo halls within the City of Kingsville. The Finance Administration Department Division is made up of 6 employees. Their major activities are budget preparation, monitoring, and completing the audited financial statements. In fiscal year 2014 we upgraded to a new version of Incode for financials. Mrs. Balli announced that within the Finance Department, Stacie Pena, Accountant Manager has received her CPA certification and would like to congratulate her on this accomplishment. Balli further stated that the Finance Department is now fully staffed with the addition of Mr. David Bodiford as Accountant Supervisor. She further stated that the Finance Department will going with the State Comptroller's transparency initiative which means that there are certain things that need to be posted on the City website such as check registers, CAFR, and budgets. An application will be submitted to the State Comptroller's office for this transparency. Balli mentioned that next year she would like to submit the city's budget documents to GFOA as we do our CAFR. Balli stated that the only change in actual expenditure budget for Finance Administration is in audit fees. These fees used to be housed out of the 103.0 fund, but this year it been combined into the Finance Department budget.

Volunteer Fire Department – Ron Gerd

Mr. Gerd reported that the Volunteer Fire Department is to assist the Kingsville Fire Department with fire prevention, suppression, rescue, emergency medical services, hazmat response, disaster response, and applicable mutual aid response as pursuant to written agreement. The Volunteer Fire Department goals are to promote, unify, represent, and educate in accordance with the Fire Service of Texas. The department's objective is to train, educate, and certify all volunteers for a rapid response to all emergencies. In fiscal year 2014 the Volunteer Fire Department responded to 102 general alarms, 60 drills and training, 12 safety meetings, 2,961.75 hours of administration and maintenance, and 828.3 hours of community service and special events. The department has a total of 36 members with an additional 3 coming in soon. One of the top priorities of the department is to obtain proper PPE equipment for all volunteers.

Purchasing/Technology – David Mason

Mr. Mason reported that so this year, the Purchasing Department has written out 1,787 purchase order for a mere \$9,058,218. Over \$655,000 has been processed in procurement card purchases. Mr. Mason stated that the Purchasing Department's budget remained the same as current year with a slight increase of \$855. Mason reported on the Technology budget. He stated that several updates were done last year such as Incode X, Laserfiche, GIS Online, GovQa, Office 365 email, Forced XP migration, and offsite backups. The supplemental request being made for fiscal year 2015 is Helpdesk staff member at \$39,609, title change increase of \$4,320.79 for existing staff, Incode increase of \$4,500, phone system for Fire Department \$1,000, Exchange 365 \$3,000, GovQA license for \$10,000, web portal Laserfiche for \$15,000, and phone system interconnectivity for new City Hall \$500,000.

Commissioner Leubert stated that she received a call from a citizen that stated that there was a credit charge for credit card transactions. Mrs. Balli stated that there is a charge for credit charge transactions when paying online.

Commissioner Garcia asked what the capacity for Laserfiche is. Mr. Tony Verdin stated that the short answer is as much as we need. The way it's built, we expand out the storage as it is needed. Right now it is expanded to 100GB if more is needed it gets expanded out. Commissioner Garcia asked if this is locally stored or is it stored in the cloud. Mr. Verdin response was that it is locally stored.

Municipal Court – Deborah Balli

Mrs. Balli reported that Municipal Court has 4.5 employees to which the .5 employee comes from Collections Department. This past year that person was out allocated 75% from Municipal Court and 25% Collections Department. This year it is being requested for an additional staff member. The reason for an additional employee is because certain initiatives have been taken on such as the Warrant Officer, Linebarger, and OmniBase which will create a new workload. Municipal Court has court dates every other week to which they continue to clear backlog of old cases.

Municipal Court Technology – Deborah Balli

Mrs. Balli stated that these funds are received from certain fees that are assessed on court cases. These revenues can only be used for technology purchases that will improve Municipal Court operations.

Commissioner Garcia stated that he had suggested to the Municipal Court Judge to do video arraignments. Mrs. Balli stated that she is not aware of this at this time.

Utility Billing-Collections Department – Deborah Balli

Mrs. Balli stated that there is an increase request for postage at \$2,000, printing & publishing \$700, and an additional \$1,164 for copies that are needed for inserts to water bills. There is a capital outlay request of \$700,000 for the renovation of the new Utility Billing & Collections Department.

Mayor Fugate asked what the timeline is for the new City Hall. Mr. Capell stated that he is not aware of a proper timeline but would like to get it done this year.

Utility Billing – Meter Readers – Deborah Balli

Mrs. Balli reported that in this department there are two employees who are responsible for reading all the water meters and repair and maintenance of water meters. An increase request is made for additional meters and parts for a sum of \$8,250, first aid kit \$40, GPS services for two vehicles \$625, and \$30,000 for additional water meters for Wildwood Trails Subdivision.

Commissioner Garcia asked if there is an auditing system that is used to make sure all water meters are being read correctly. Mrs. Balli stated that she would get with the Collections Manager on this question.

City Special – Deborah Balli

Mrs. Balli stated that this division is used for expenditures that affect City Hall. The transfer for OPEB is no longer being made. Audit fees were merged into the Finance Department budget and accrual fee was budgeted higher for next year due to a study needing to be done every two years. Additional funding was including for economic efforts and no budget was included for election expenses as there is no election in the upcoming year.

Mayor Fugate stated that he is glad to see that the City has put some money for economic efforts. Knowing that Mr. Dick Messbarger will be retiring sometime this year, it's going to be needed. It's unfortunate that the County did not include money in their proposed budget for this effort.

Municipal Building – Charlie Cardenas

Mr. Cardenas stated that he does not want to invest too much money in the current building as we plan on moving to the new City Hall in near future. Supplies that are being purchased will be compatible and taken to the new City Hall.

Mayor Fugate would like to see plans for the existing city hall. Either develop it or sell it.

Mr. Capell stated that the existing building would be a good location to continuing housing Municipal Court. There are different options as to what to do with the current City Hall.

Dispatch/Communications System – Joey Reed

Chief Reed stated that he was asked to come in and answer some questions about the Fire Departments proposal for communication and radio equipment and the dispatch center. Reed stated that things they are looking for is the speed of response for emergency call, their effectiveness and operability with other agencies and safety. He stated that seconds count for all emergency calls. Fire increases in size ten times every minute. Clear communications is important this is why it is being proposed to purchase new headsets in the apparatus so it can be clearly heard over the noise of sirens and engines. Interoperable is the big question with this whole system. Currently they are able use the 800 radio as long as the repeater is up which is located above the police station. This gives good signal in the buildings because of how the waves are. Reed further gave an example of how wave bands work. He further stated that in Texas 85% of the fire departments are on VHF, because they're in the country and it goes a long way. But won't go in the house you are standing in the front yard of. 80% of the people in Texas which are in metropolitan areas are protected under 800 radio. Reed stated that we have 800 radios, but the problem is that when that repeater goes down, he can't talk from downtown to the freeway. The other issue is that 800 system is a proprietary system. Reed stated that Corpus has the same radio system as Kingsville and we cannot talk directly to them. If communication is needed with Corpus, they have to switch over and go to a state mutual aid channel and communicate with them. Reed stated that what he is asking for is a VHF Repeater, which he is trying to purchase out of current budget, a 700 repeater and all things that make it where he can patch radio panels in a computer. Chief Reed reported that the only way they can communicate with Nueces County is through the 800 mutual aid channel, without it being patched. This makes it complicated through the current police dispatch. Jim Wells County is they are calling for mutual aid and they call the Kingsville Fire Department, currently they can't communicate with them at all. Reed stated that they would have to go on scene and give them a radio so that they can communicate with us. Reed stated that the Fire Department is not locked in to buying these particular radios, there are other radios that will also include UHF. Reed said that it is not feasible to get the UHF multi-band radios because everyone in Texas is leaving. Reed stated that they will be able to communicate with anyone who comes to assist to where if they get on an engine to assist Beeville or Corpus on a high rise fire, they can link up to whatever channels they are on. Reed said that it would only require for them to patch us through their computer and into their channel. Reed stated that our computer will allow us to connect 6 different radio frequencies through their computer at the dispatch center. This will allow them to speak with the incident commander as they are responding it. Reed stated that right now, this system that currently being used is one of the worse he's ever seen. This is going to take them from that to being one of the best interoperable systems in the Coastal Bend area for a minimal amount of money.

Mayor Fugate stated that he remembers last year asking Chief Reed if we would ever get out of the 70's era. Chief Reed stated that this is not the full system. This isn't giving every firefighter the multi-band \$5,000 radio. This is putting one in each apparatus. What this does is makes us meet federal guidelines and state guidelines which is a level 4 in the State of Texas out of 6 levels and will put us far ahead of everyone around us. Reed stated that this is not anything that has been discussed but he believes that if the Fire Department goes with this system, there may be other small local small departments that will ask them to start dispatching. Their dispatch such as police and sheriff departments they send you the call and you're on your own. Reed said that now if you get a call one of our seven to eight firefighters has to stay behind to dispatch. Reed further stated that this is team military exercise. He stated that the little league has more people than the Fire Department. Chief Reed explained a flow chart to the Commission regarding an old system. Reed stated that he attended some ISO meetings at the National Chief Conference, and he stated that he thought that his dispatch would rate a 1 or 2, but he's pretty sure now that they rate a zero on dispatch.

Commissioner Leubert asked if this was going to be compatible with the Police Department. Chief Reed responded that they are still going to use police radios due to not having enough money to purchase enough for every position in the apparatus. They're looking into buying one portable radio for each apparatus and one mobile radio for about 6 apparatus, any apparatus that could leave town. Reed stated that a mobile radio has more power and gets out a little further. It allows them to communicate with anybody. Commissioner Leubert asked once again, if this will be compatible with the Police Department. Chief Reed responded, yes.

Chief Torres commented that originally there was a system where there was a printer that was actually allocated to the Fire Department where the call would go to. Chief Torres further stated that now they are going to an upgraded model of their 911 system, which will be addressed next year. He stated that they have all new equipment in their communications center which was delivered a day ago. He stated that that he couldn't comment and what will happen on the 911 side until they get that up and running. But there will be quite a few upgrades. Torres stated that as far as their system shutting down, their 800 radio system, their 800 radio system, their repeaters are out at the Kleberg Park. They have five radios that are tied into that and if it crashes. Torres stated that what Chief Reed is referring to is a 15 minute time period where they actually lost power and the backup generator did not work. He further stated that they have a backup repeater in their command trailer so that when that radio system goes down, they can bring up a secondary 800 repeater but it will be one frequency for everyone. But as a temporary fill-in for a couple of hours it will work. Chief Torres further commented as to the safety radios and stated that the only 800 MHz radios in this region are in the refinery terminal companies.

Commissioner Leubert suggested for the Fire and Police Department to communicate with regards to radio systems.

Commissioner Garcia commented that his concern is that all agencies are not communicating with each other during an emergency and they should be. Garcia further stated that all entities need to work well with each other.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 8:08 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

SEPTEMBER 8, 2014

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 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
Al Garcia, Commissioner

CITY COMMISSION ABSENT:

Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Vince Capell, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Deborah Balli, Finance Director
Emilio Garcia, Health Director
Willie Vera, Task Force Commander
David Mason, Purchasing/IT Director
Ken Starrs, Asst. Task Force Commander
Diana Gonzales, Human Resources Director
Rose Morrow, Municipal Court Manager
Melissa Perez, Risk Manager
Leo Alarcon, Tourism Director
Joey Reed, Fire Chief
Tony Verdin, Information Systems Technician
Charlie Cardenas, Public Works Director/Engineer
Ricardo Torres, Police Chief
Bill Donnell, Assistant Public Works Director
James Creek, Fire Department

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 four Commission members present. Commissioner Pecos absent.

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

NONE

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

1. NONE

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

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

Mrs. Courtney Alvarez, City Attorney, updated the Commission on a meeting she and Mr. Mason had with Mr. Colston representative of Gulf Coast Broadband who is currently working with staff on the longer term lease, and stated that during tonight's meeting there is a temporary three month WiFi site lease. Mrs. Alvarez further reported that staff has received the sewer line contract from the Navy which will be on the next agenda.

Mayor Fugate reported that the Mayor of Killeen, TX has formed a committee called Mayors of Texas Communities which is a group made up of Mayor's with military installations within their city. The committee works together on economic development issue through the legislature which will begin to meet January, 2015.

James Creek, Fire Department, presented the City Commission with Cancer Awareness t-shirts on behalf of the Kingsville Fire Department.

IV. Public Comment on Agenda Items³

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

No public comments were made.

V.

Consent Agenda

Notice to the Public

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

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

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

Motion made by Commissioner 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 resolution authorizing the release of Chapter 59 funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to the Douglass Youth Center. (Task Force Commander).

2. Motion to consider resolution authorizing the City Manager to enter into a second Temporary Commercial Wifi Site Lease Agreement between the City of Kingsville and Riviera Telecommunications. (Director of Purchasing & IT).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consider a resolution authorizing the Mayor to enter into an Interlocal Agreement between Kleberg County and the City of Kingsville for the Parks within the city limits. (City Manager).

Motion made by Commissioner Leubert to approve this agreement, seconded by Commissioner Pena and Commissioner Garcia.

Mayor Fugate stated that after reviewing this contract, he did not see a bailout provision for the County stating that they want the Parks back within a time frame.

Mrs. Alvarez stated that there is not an early termination explicitly stated, but there is a provision that states that either party feels that the other party is not living up to their part of the agreement, they are to notify the other party in writing and try to get the issue resolved within 30 days. If not, then they hold a joint meeting on the issue.

Mayor Fugate stated that his point is that he does not want to spend a lot of money and time in getting them built back up and then all of a sudden the City receives a notice in 90 days stating that they want it back. Fugate further asked if this was a 10 year lease.

Mrs. Alvarez responded that the initial term is 20 years and in those documents there are two 10 year renewals so they would automatically renew unless the City provides notice within 180 days prior to current period.

Mr. Capell state that staff wanted a long term lease to have control since it is a large financial investment.

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

4. Consider a resolution authorizing the Mayor to enter into an Interlocal Agreement between Kleberg County and the City of Kingsville for the L.E. Ramey Golf Course. (City Manager).

Mr. Capell stated that that the County did not put it on their agenda for today's meeting. Capell feels that the County is waiting for word from the federal government regarding the land of the Golf Course. Mr. Capell further state that after speaking to the County Judge with regards to equipment at the Parks Department, Capell suggested to the Judge larger equipment they want rather than charging the City a user fee for the use of their equipment.

Motion made by Commissioner Pena to approve the resolution authorizing the Mayor to enter into an interlocal agreement with Kleberg County for the L.E. Ramey Golf Course, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Pena, Garcia, Leubert, Fugate voting "FOR".

5. Consider introduction of an ordinance adopting the City Manager's Budget, as amended, of the City of Kingsville, Texas, and appropriating funds for the fiscal year beginning October 01, 2014 and ending September 30, 2015 in the particulars hereinafter stated. (Director of Finance).

Mrs. Deborah Balli reported that proposed budget that was submitted to the City Commission is for \$52,515,032.

Introduction item.

6. Consider introduction of an ordinance establishing and adopting the ad valorem tax rate for all taxable property within the City of Kingsville, Texas for the Fiscal Year beginning October 01, 2014 and ending September 30, 2015, distributing the tax levy among the various funds, and providing for a lien on real and personal property to secure the payment of taxes assessed. (Director of Finance).

Mrs. Balli reported that the tax rate that is included in the budget is the same tax rate of 0.84220. This tax rate will raise more taxes for maintenance & operations than last year tax rate. The tax rate will effectively be raised by 2.67% and will raise taxes for maintenance & operations on a \$100,000 home by approximately \$1.54. The allocation of the tax rate is .65558 for maintenance & operations and .18662 for general obligation debt service for a total of .84220.

Introduction item.

7. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies. (Director of Human Resources).

Mrs. Diana Gonzales, Human Resources Director, reported that during the budget workshop City Manager has included the proposed changes in the fiscal year 2014-2015 proposed budget. She further stated that in the compensation plan there are three different types of changes, new positions, renaming positions, and classifications. Under the non-exempt section, there are some new positions for the golf course which are Golf Pro-attendant, Pro-shop attendant. For some of the new positions there is the Tourism Service Technician, Municipal Court Specialist, Fire Telecommunications Operator, Help Desk, Lead Maintenance Technician, and the addition of seasonal and temporary employees that will assist with the transition of the Golf Course and Parks Departments. Mrs. Gonzales reported that there are some positions that are being renamed which are the Animal Control Officer Kennel Attendant is to be divided into to two different job titles and renamed. The Animal Control Officer will be Animal Control Specialist and the Kennel Attendant to Animal Care Attendant. She further mentioned that to differentiate between the Fire and Police Telecommunications is just adding the word Police to the telecommunication operator position. Under Finance, the two accounting II positions will be AP Specialist, Payroll Specialist, and Accounting Assistant. The Code Enforcement Officers positions will be change to Community Appearance Inspector. She further mentioned that there are also some reclassification and renaming of titles within the compensation plan.

Commissioner Garcia asked that with the title changes and renaming of positions, is there any increases in salaries or hourly rates.

Mrs. Gonzales responded that some of the title changes do not have an increase. The renaming of positions and changes to the City Marshal, Task Force Commander, and the Assistant Task Force Commander do result in additional compensation which was included in the proposed budget.

Commissioner Garcia asked for the amounts of increase for these positions. Mrs. Gonzales responded that for the Task Force Commander it is an increase \$5,400 and the Assistant Task Force Commander increased by \$3,000. Mrs. Gonzales stated that the positions and the duties assigned to the positions were re-evaluated and therefore readjusted the pay.

Mrs. Gonzales stated that the hourly chart has been updated with proposed class 7 to 11 adjustments and the proposed COLA's. The process was started at maxing out at 20 years of the compensation on certain positions. In class 21 and 22, starting to max out those positions at 15 years. Staff will be working on proposals for some of the other positions next fiscal year to have the positions maxed out at 15 years then the percentage between the classes and steps we can start working to address those inconsistencies in the chart. It is being proposed to eliminate step A which is the first step on the compensation chart. This step is being used for temporary position. In review, those individuals that the city is hiring are conducting the duties of the position and should be compensated at the rate of regular employees who are being hired for those positions. Mrs. Gonzales further stated that part-time and temporary employees do not receive benefits such as insurance, sick, vacation, or retirement. She further commented about the certification pay on the compensation plan. She further stated that within the ordinance being proposed, a new paragraph is added which can answer the Commission question, Can we do better with the position in the \$9.00 range. The new paragraph states that new hires shall be placed at the compensation Class for the designated positions. New hires may be placed in the Step within the designated Class corresponding to the years of experience the new employee brings to the City correlating to the designated duties of the position not to exceed the Ten (10) Year Step unless approve by City Commission.

Introduction item.

8. Consider introduction of an ordinance ratifying classifications and prescribing the number of positions in such classifications for the classified service in the Police Department by removing one new officer position due to end of grant requirements. (Director of Human Resources).

Mrs. Alvarez stated that the three year grant and one year carry-on period of the police officer position has concluded so that extra position can be removed from the number of Police Officer positions.

Introduction item.

9. Consider introduction of an ordinance amending the Code of Ordinances of the City of Kingsville, Texas, Article IX "General Regulations", Chapter 9 "Smoking Regulations" by adding Sections 40-43, "E-Cigarette, Electronic Cigarette, and Liquid Nicotine Regulations", for the purpose of prohibiting the sale and distribution of electronic cigarettes and liquid nicotine to minors and prohibiting the use and possession of electronic cigarettes and liquid nicotine by minors; providing a severability clause; providing for a penalty fine not to exceed the sum of five hundred (\$500.00) dollars for each offence. (Chief of Police).

Rick Torres, Chief of Police, stated that protecting the younger citizens of the City against an untested nicotine product like electronic cigarettes and liquid nicotine represents sound public health and fiscal policy. A ban on the sale of electronic cigarettes, liquid nicotine and associated paraphernalia in the City to persons under the age of 18, a prohibition on self-service merchandising in order to minimize their physical accessibility to minors, and the prohibition of the use and possession of such products by minors, serves an important public interest in furtherance of the health, safety, and general welfare of the citizens of Kingsville.

Mayor Fugate asked how the merchants will be notified of this ordinance and is there any kind of penalty for the merchant.

Chief Torres stated that if the merchant sells it to an underage individual, they will be in violation. He further stated that letters could be drafted and sent to merchants making them aware of this ordinance.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:35 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

SEPTEMBER 15, 2014

A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 15, 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
Al Garcia, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Deborah Balli, Finance Director
Emilio Garcia, Health Director
Willie Vera, Task Force Commander
Diana Gonzales, Human Resources Director
Rose Morrow, Municipal Court Manager
Melissa Perez, Risk Manager
Leo Alarcon, Tourism Director
Joey Reed, Fire Chief
Tony Verdin, Information Systems Technician
Charlie Cardenas, Public Works Director/Engineer
Ricardo Torres, Police Chief
Bill Donnell, Assistant Public Works Director

I. Preliminary Proceedings.

OPEN MEETING

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

NONE

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

1. NONE

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

"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works- Building Maintenance,

*Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, **WATER AND WASTEWATER RATE STUDY PRESENTATION.** No formal action can be taken on these items at this time."*

Mrs. Courtney Alvarez, City Attorney, reported that the next scheduled Special Commission meeting is Thursday September 18, 2014 and the next regularly scheduled Commission meeting will be Monday, September 22, 2014.

Presentation made by Mr. Grady of HDR regarding Water/Wastewater Rates Study. Mr. Grady stated that the goals of this presentation are to present model assumptions and utility financial performance and discuss HDR's recommended changes to City's utilities rates. The rate study process is to review the City's existing water and wastewater rate model. HDR has worked with city staff to obtain required data such as water & wastewater use data, water & wastewater connection data, and financial data. They have discussed proposed rates with city staff and have made recommendations to the City of Kingsville based on those discussions. The assumptions on water & wastewater are that a plan is to continue payments to South Texas Water Authority of \$350,000 a year during the 5 year planning period. Assume a 3% rate of inflation on all budget items except fuel and utilities. Contribute to the capital fund of \$760,000 in fiscal year 2015 and in all remaining years. This will be updated as a revised CIP is developed. It is necessary to maintain at least a 3 month reserve in the City's utility fund and about a four month reserve in fiscal year 2019. The approximate growth rate of 0.3% per year in number of new connections. Mr. Grady further stated that it is recommendation that a 1% increase in water rates and no increase in wastewater rates. An additional rate increases may be needed in the future depending on future expenses and the CIP. Rates should be examined every year and adjusted as needed.

Commissioner Pecos asked when the 1% increase would take effect. Mr. Grady responded that the start date will be October 1, 2014.

Commissioner Garcia asked if the inflation rate is still at 3% or lower. Mr. Grady responded that they assume its 3%, but could probably use 2%.

Commissioner Pena asked if this increase is the same as last year. Mr. Grady did not recall what the rates were last year.

Mayor Fugate stated that with the new economic developments in Kingsville this year, the rate model does not reflect on the new services provided.

IV. Public Comment on Agenda Items³

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

No comments were made.

V.

Consent Agenda

Notice to the Public

The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal

sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

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

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

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

1. Motion to approve final passage of an ordinance ratifying classifications and prescribing the number of positions in such classifications for the classified service in the Police Department by removing one new officer position due to end of grant requirements. (Director of Human Resources).

2. Motion to approve final passage of an ordinance amending the Code of Ordinances of the City of Kingsville, Texas, Article IX "General Regulations", Chapter 9 "Smoking Regulations" by adding Sections 40-43, "E-Cigarette, Electronic Cigarette, and Liquid Nicotine Regulations", for the purpose of prohibiting the sale and distribution of electronic cigarettes and liquid nicotine to minors and prohibiting the use and possession of electronic cigarettes and liquid nicotine by minors; providing a severability clause; providing for a penalty fine not to exceed the sum of five hundred (\$500.00) dollars for each offence. (Chief of Police).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consider final passage of an ordinance adopting the City Manager's Budget, as amended, of the City of Kingsville, Texas, and appropriating funds for the fiscal year beginning October 01, 2014 and ending September 30, 2015 in the particulars hereinafter stated. (Director of Finance).

Mrs. Deborah Balli, Finance Director, reported that the budget that was presented to the Commission is for a total of \$52,515,032 which includes general obligations debt service of \$1,850,000 with interest of \$272,442. No changes have been received.

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

4. Consider ratifying the property tax increase reflected in the 2014-2015 Annual Budget of the City of Kingsville. (Finance Director).

Mrs. Balli reported that the tax rate, if approved, will raise more taxes for maintenance & operations for this year over last year. The tax rate will be effectively raised by 2.67% and will raise taxes for maintenance & operations on a \$100,000 home by approximately \$154.00.

Mrs. Alvarez commented that the rate is the same but due to changes in valuation and additional property coming on the tax roll, the same rate actually generates more revenues than it generated last year.

Motion made by Commissioner Pecos to approve the ratifying property tax increase reflected in the 2014-2015 Annual Budget of the City of Kingsville, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting "FOR."

5. Consider final passage of an ordinance establishing and adopting the ad valorem tax rate for all taxable property within the City of Kingsville, Texas for the Fiscal Year beginning October 01, 2014 and ending September 30, 2015, distributing the tax levy among the various funds, and providing for a lien on real and personal property to secure the payment of taxes assessed. (Director of Finance).

Mrs. Balli reported that the rate is the same at last year of .84220 and the allocation is that for maintenance & operations it would be .65558 and for general obligations bond debt service it would be .18662 for the total rate of .84220.

Motion made by Commissioner Pecos stating I move that the property tax rate be increased by the adoption of a tax rate of \$0.84220, which is effectively a 1.77% percent increase in the tax rate, seconded by Commissioner Pena and Commissioner Garcia. The motion was passed and approved by the following vote: Pena, Garcia, Luebert, Pecos, Fugate voting "FOR".

6. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies (to reflect the compensation plan in the FY14-15 budget). (Director of Human Resources).

Ms. Diana Gonzales, Human Resources Director, reported that the draft that was presented to the Commission at its last meeting has remained the same.

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

7. Consider resolution authorizing the City Manager to enter into a sewer line construction utility supply contract (Gov. Contract #N69450-14-C-0037) between the City of Kingsville, Texas and the Federal Government for Naval Air Station-Kingsville. (City Attorney).

Mrs. Alvarez reported that the City has been in talks with the Navy regarding their interest in tying into the City's sewer system so that we could provide sewer service to them. The City has received, from the contracting division in Florida, an agreement which is enclosed in the packet that would cover the expenses for the construction of the sanitary sewer line from the Navy Base property to the City's North Waste Water Treatment Plant.

Commissioner Garcia asked that by taking all the Navy's anticipated needs, what is the capacity that will be leftover for growth. Mr. Charlie Cardenas, Public Works Director, responded that currently the daily needs is about half of what the capacity of the 3MGD plant can treat. When the Navy is taken on, it will be more like 10%.

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

Mayor Fugate commented that this helps to BRAC proof this base.

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

8. Consider awarding contract for Force Main Improvements from NAS-Kingsville to the North Wastewater Treatment Plant to the 5125 Company as the lowest responsible bidder, as per the recommendation of the contract engineer (LNV) and staff. (Director of Purchasing and IT).

Mr. Cardenas reported that this is for the sewer line that will connect the base property to the North Plant. 5125 Company was the lowest bidder and they are currently in town working on a different project. This is recommended by the contract engineer LNV Engineering and staff to award this contract to 5125 Company.

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

9. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 3, providing for an increase in water rates (as per rate study of 1%). (Director of Finance).

Mrs. Balli reported that based on the study that was presented by Mr. Grady of HDR. The 1% increase is not included in the fiscal year 2015 budget.

Mayor Fugate stated that if any questions, they can be addressed with staff since this item is on as an introductory item and will be considered for final passage at the next Monday, September 22nd meeting.

Mrs. Alvarez commented that his item is listed on the Thursday, September 18th Commission meeting.

Mayor Fugate recommended that this item get pulled from the September 18th meeting and place on the September 22nd meeting.

Introduction item.

10. Consider introduction of an ordinance amending the Fiscal Year 2013-2014 budget for the refinancing costs for the 2014 limited tax refunding bonds. (Director of Finance).

Mrs. Balli reported that when the refunding was done this year there was an additional cost associated with the refunding due to some of the cost which requires us to submit a total of \$319,680 from Utility Fund balance to be transferred to the Utility Fund Debt Service Fund to cover the bond issuance fees and the first principal and interest payment.

Mayor Fugate recommended that this item get pulled from the September 18th meeting and place on the September 22nd meeting.

Introduction item.

11. Consider introduction of an ordinance amending the Fiscal Year 2013-2014 budget for the City of Kingsville for deficit accounts at year end. (Director of Finance).

Mrs. Balli stated that this item is to clearing any negative balances within the department's budget. In fund 001 additional funding of \$4,000 to the Utilities line item in the Municipal Building Department and transfer funds to Fund 064 for the Landfill expansion shortfall. In fund 051 additional postage and freight in the amount of \$10,550 to the Collections Department. Due to an increase in A/R billings every month has caused an increase in postage & freight expenditures. This amendment will also transfer \$58,000 to fund 054 to cover the shortfall of transfers in from fund 051. In fund 064, Landfill expansion costs originally budgeted for FY 13-14 were not expected to occur until FY 14-

15 and were rolled over into the FY 14-15 budget. These are now expected to be occur in FY 13-14.

Introduction item.

12. Consider resolution providing for revisions to the City of Kingsville Administrative Policies and Procedures, Policy 620.03 Working Hours and Time-Keeping. (Director of Finance).

Mrs. Balli reported that the Finance Department is working in implement a paperless payroll system in order to increase the efficiency and effectiveness of the current time-keeping system. In order to achieve this system, staff is recommending the change of Administrative Policy 620.03 Working Hours and Time-Keeping to require Department Director/Designee approved time reports instead of signed time cards by employees and Department Directors.

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

13. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter IX-General Regulations, Article 8-Parks and Recreation, providing for regulations and fees for the Parks and the L.E. Ramey Golf Course. (City Attorney).

Mrs. Alvarez stated that since the city will soon be responsible for the Parks within the city limits and the golf course, the city ordinances were lacking in the area regarding fees and regulations. Staff looked at other cities comparable to our size regarding parks regulations and those that have municipal golf courses for some of their regulations. This helped city staff create this ordinance to fit our needs. The ordinance has been reviewed by the current Parks Director and Mr. Bill Donnell who is the Interim Golf Course Manager.

Mayor Fugate asked if the rates at the golf course will be raised. Mrs. Alvarez stated that this rate were received from the golf course which is the current rates. She further stated that the annual membership for an individual and their spouse was more than twice of that for an individual, therefore it was lowered.

Introduction item.

VII. Adjournment.

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

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

SEPTEMBER 18, 2014

A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON THURSDAY, SEPTEMBER 18, 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
Al Garcia, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Emilio Garcia, Health Director
Charlie Cardenas, Public Works Director/Engineer
Jessica Storck, Administrative Assistant
Emilio Garcia, Health Director
Cynthia Martin, Interim Director of Planning & Development Services

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 all five Commission members present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

These proceedings were waived.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

NONE

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

1. NONE.

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

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

Mrs. Courtney Alvarez, City Attorney, reported that the next Commission meeting is scheduled for Monday, September 22, 2014 at 6:00 p.m.

IV. Public Comment on Agenda Items³

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

V.

Consent Agenda

Notice to the Public

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

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

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

These items will be moved to the September 22, 2014 City Commission agenda. No action taken on the consent agenda.

1. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 3, providing for an increase in water rates (as per rate study of 1%). (Director of Finance).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 budget for the refinancing costs for the 2014 limited tax refunding bonds. (Director of Finance).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 budget for the City of Kingsville for deficit accounts at year end. (Director of Finance).
4. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter IX-General Regulations, Article 8-Parks and Recreation, providing for regulations and fees for the Parks and the L.E. Ramey Golf Course. (City Attorney).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Workshop to discuss the proposed changes to City Planning ordinances regarding platting procedures that would be incorporated in the Code of Ordinances Chapter XV, Land Use, Article 3, Subdivisions, Sections 15-3-15 through 15-3-25. (Director of Planning & Development Services).

Mr. Mike Kellam of CK Consulting reported on the changes proposed changes to the Land Use Code. As a part of the continual review of the current codes and land use regulations by city staff, consulting services were provided to create the Developer's Guide which is a comprehensive guide to land development and to assist in addressing identified deficiencies within the current subdivision code. As part of researching and creating the Developer's Guide, it was determined by staff and the consultant that additional subdivision code language was needed to guide both the public and staff in the platting of land within the city. Additionally, varying plat types afforded by the Texas Local Government Code, were not being utilized due to a lack of being clearly defined or identified in the local ordinances. These varying plat types allow for additional options in land development platting and provide the ability to better streamline the development process or allow corrective action in an abbreviated timeframe compared to existing subdivision code authority.

Commissioner Garcia asked if the Developer's Guide will be available on the City website. Mr. Kellam's response was yes. Kellam stated that a PDF and Word copy was provided to staff to able them to make any necessary updates as needed.

Mr. Kellam thanked the Planning Department for all their assistance in putting this guide together. Kellam reported that this was also presented to the Planning & Zoning Commission last night. There was some good discussion and were happy with the way the code was written. The Planning & Zoning voted approval on the code changes with a vote of 6-0.

Mr. Kellam stated that in section 15-3-15 it's describes improve the development of land in the city that will improve the health, safety, and welfare of the community. Providing what a subdivision is and why it's necessary as to implement the City's Master Plan. Mr. Kellam further reported that the new proposed code sections that include 15-3-20 through 15-3-24. These sections include the allowance of the following; A conceptual development plat that works in conjunction with a Planned Unit Development; an amended plat which will allow the applicant the ability to now make minor corrections to an existing plat; a replat which will allow for a significant change to a portion of a platted area of a larger plat; a lot line adjustment plat which give the applicant the ability to adjust one specific lot line; and/or a vacating plat which provides for the ability to vacate a plat that is no longer considered for development or is obsolete in design.

These new code sections provide guidance in the application of these types of plats and provide for submittal, review and approval processes to clearly guide staff, the general public and the Boards and Commissions through consideration and approval. Most importantly, the new sections provide flexibility by both city staff and the developer in the platting and development process by streamlining the process and providing expedited processes to make changes or correct minor errors. This eliminates the need of having to go through the lengthier preliminary and final platting process more than once. Mr. Kellma further stated that a fee schedule code section is proposed which will more clearly define the associated application fees for the different types of plat applications. Previously this was separated in several sections of the subdivision code and only prescribed fees for preliminary and final plats. This newly proposed section includes all the defined plat types and clearly outlines the fees associated with the application, all in one section rather than having to revert back to separate sections to determine the platting fees. The fee schedule section also includes the county recording fees associated with the platting process. Mr. Kellam further iterated that amending plats do not require a public hearing.

Mayor Fugate asked that if a plat is vacated, does this change the zoning. Mr. Kellam's response was no but it changes the underlined easement/roadway dedications. Mayor

Fugate stated that the old trailer park on Kenedy Street, Mr. Mark Dizdar is interested in purchasing and redevelop it. Mr. Kellam stated that if he owns the property, Mr. Dizdar could replat it or vacate the plat. Kellam further stated that a vacating plat is basically someone that would not want to spend money on a new design, but he could plat over it.

Commissioner Garcia asked what is flexible zoning technique.

Mr. Kellam's responded that this would be a Planned Unit Development (PUD). This allows flexibility on setbacks lot sizes because it's tied to a specific land that's approved by the City Commission prior to the plat. Mr. Kellam went on to talk about section 15-3-23 which is similar to amending plat but deals with one individual lot line. This is called a lot line adjustment which is a singular plat.

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 4:55 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

SEPTEMBER 22, 2014

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 22, 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
Al Garcia, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
David Mason, Purchasing/IT Director
Deborah Balli, Finance Director
Leo Alarcon, Tourism Director
Emilio Garcia, Health Director
Diana Gonzales, Human Resources Director
Bill Donnell, Assistant Public Works Director
Charlie Cardenas, Public Works Director/Engineer
Emilio Garcia, Health Director
James Creek, Fire Department
David Guerra, Fire Department
Joey Reed, Fire Chief

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 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

Regular Meeting - August 25, 2014

Special Meeting - August 26, 2014

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

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

1. Public hearing on an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Land Use, Article 3, Subdivisions, Sections 15-3-15 through 15-3-25, revising the platting procedures. (Interim Director of Development Services).

Mayor Fugate announced and opened this public hearing at 6:01 p.m.

Mrs. Cynthia Martin, Interim Director of Planning & Development Services reported that this is for changes to the Land Use Code which was presented at a previous workshop on September 18, 2014. This will address deficiencies in the current code as well as a Developer's Guide.

No further comments were made.

Mayor Fugate closed this public hearing at 6:03 p.m.

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

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

Mrs. Courtney Alvarez, City Attorney, reported that the next Commission meeting is scheduled for Monday, October 13th with agenda items due on Friday, October 3rd. Alvarez further reported that the City of Kingsville will be hosting Trash Off Event on Saturday, September 27, 2014 from 8:00 a.m. to 12:00 p.m.

IV. Public Comment on Agenda Items.³

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

V.

Consent Agenda

Notice to the Public

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

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

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

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

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 budget for the refinancing costs for the 2014 limited tax refunding bonds. (Director of Finance).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 budget for the City of Kingsville for deficit accounts at year end. (Director of Finance).
3. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter IX-General Regulations, Article 8-Parks and Recreation, providing for regulations and fees for the Parks and the L.E. Ramey Golf Course. (City Attorney).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. Consider resolution approving the City of Kingsville's 2014 Tax Roll pursuant to the Texas Property Tax Code, Chapter 26, Section 26.04(e). (Director of Finance).

Mrs. Deborah Balli, Finance Director, reported that taxable amount is \$728,913,665 at our adopted rate of .84220 and the calculated levy is \$6,146,919.83

Motion made by Commissioner Leubert to approve the City of Kingsville's 2014 Tax Roll, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert Fugate voting "FOR".

5. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 3, providing for an increase in water rates (as per rate study of 1%). (Director of Finance).

Mrs. Balli stated that this was presented by Mr. Grady of HDR. This is as per the five year study that was done which calls for a 1% increase in water rates. The 1% water rate increase will generate additional revenue of \$44,000. Balli further stated that the adopted budget for fiscal year 2015 did not include the 1% increase. Any CIP projects that will be coming up in the future will not be affected by the current rates or the projected 1% increase. The funding is already established for anything listed in that budget this year. This is just a matter of adopting to keep in line with the study.

Commissioner Pecos asked how much more increase will this be for a regular home. Mrs. Balli stated that if the regular water bill is around \$70.00 to \$100.00, it will increase by \$1.00.

Commissioner Leubert stated that she does not agree with the study.

Mrs. Balli stated that the study that's done takes a look at capital projects that need to be done. In order to set aside funding so that when these projects come up, the money will be there. This will prevent for larger percentage to be increased in the future.

Mayor Fugate commented that the study has its purpose but it's not taking into consideration the new water customers and new development in Kingsville. Mayor Fugate further commented that maybe this should be looked at next year.

Motion made by Commissioner Garcia to approve this ordinance, seconded by Commissioner Pecos. The motion FAILED by the following vote: Garcia, Pecos voting "FOR". Leubert, Pena, Fugate voting "AGAINST".

6. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Land Use, Article 3, Subdivisions, Sections

15-3-15 through 15-3-25, revising the platting procedures. (Interim Director of Development Services).

Mrs. Martin stated that this is the same ordinance that was presented earlier during the public hearing.

Introduction item.

7. Consider approval of a preliminary plat entitled Sage Estates Unit 2 for 11.686 acres located on Farm Lot 10, Section 2, KT&I Co. on Sage Road. (Interim Director of Development Services).

Mrs. Martin stated that this is a request for approval of an 11.686 acre plat located on Farm Lot 10, Section 2, KT&I, property facing Sage Road. The petitioner is requesting approval of this plat which will create eight lots with varying widths. The lots are planned to sell off as individual lots. This plat was reviewed by the Director of Planning & Development Services and reviewed and recommended for approval by the Planning & Zoning Commissioner during a meeting on September 17, 2014. The Planning & Zoning Commissioner approved the request by vote of 6-0.

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

8. Consider resolution approving changes to the entry level requirements for the Fire Department recommended by the City of Kingsville Civil Service Commission. (Director of Human Resources).

Ms. Gonzales, Human Resources Director, reported that the Kingsville Civil Service Commission met on September 4, 2014 to consider a request from the Fire Chief to amend the hiring requirements for entry-level firefighter testing listed in the Civil Service Rules and Regulations Chapter 7, Classifications, Section 7.06. The requested change only affects criteria #4 requiring applicants to hold the Texas Commissioner of Fire Protection Basic Structure Fire Suppression certification to be eligible for entry-level testing. The requested change states, that an individual eligible to test must have their Basic Structure Fire Suppression Certification, before taking the exam. Previously it allowed up to 180 days to which acquire the certification, but the Fire Chief feels that it would be more prudent to have the certification to allow the individual to test.

Commissioner Leubert asked if anyone has come across this that did not agree with it. Mrs. Gonzales responded no.

Mayor Fugate asked if the Union has had any objections to this request.

Chief Reed commented that the Union has not objected to this. He further stated that they are willing to give it a try.

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

9. Consider a resolution authorizing the Mayor to enter into a Water Supply Contract with the South Texas Water Authority. (City Attorney).

Mrs. Alvarez stated that this agreement is a temporary, 1 year contract to which the primary purpose of this contract is to conduct a pilot study to determine the minimum amount of water that can be taken by the City while still maintain the chloramine residual in the Authority's 42-inch water transmission line near Kingsville at the level required by TCEQ. In the event the parties enter into a longer contract, neither party is required to consider this contract as a template for the long-term contract. Alvarez further stated that there is a water tank at the Authority's Kingsville station to which they currently went out

for bonds about two years to get a new tank built there so that the size would be smaller and change out the size of the pumps. One of the things that are required before this could be done is for the Authority to have a water supply contract in place. Once those facilities are built and certified, the Authority will then be presented some kind of transmittal documents so that the city can take ownership of the pumps. Currently the City is maintaining the pumps. Of the handling charge is the same in this agreement as it was in the prior agreement. The other cost involved in the rate of water is what the Authority passes through to its customers from the City of Corpus Christi.

Commissioner Garcia commented that it was mentioned that the City currently maintains the pumps and once this transmittal takes place, the city will continue those pumps. Mrs. Alvarez said that they will become the City's assets. Garcia stated that nothing was mentioned about the tank and once this takes place, will we be maintaining the tank. Mrs. Alvarez stated that it is a new tank so it would be regular maintenance and not something that would need a lot of work. This would be something that would need to go into the water rate study because this will be additional assets.

Commissioner Pecos asked if the taxing agencies still trying to make the Authority reduce the pipeline as far as dimensions are concerned. Mrs. Alvarez responded that this is still pending.

Commissioner Leubert asked how this will benefit the tax payers of Kingsville. Mrs. Alvarez responded yes, the City of Kingsville over the course of time has paid a share for the 42-inch pipeline, not only the City but also the tax payers. It is beneficial to have a secondary water source in the event something happens from the reservoir we draw our water from.

Mayor Fugate asked if all other water customers are getting the same contract we are getting. Mrs. Alvarez responded that our contract is going to be the template that they will work off of, because they draw off of a different place in the line due to not having the bellcurve requirement. They will have similar agreement with regards to the taking over certain facilities.

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

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:37 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

PUBLIC HEARING(S)

CONSENT AGENDA

AGENDA ITEM #1

ORDINANCE NO.2014- _____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER XV, LAND USE, ARTICLE 3, SUBDIVISIONS, SECTIONS 15-3-15 THROUGH 15-3-25; REVISING THE PLATTING PROCEDURES; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City of Kingsville is updating its Code of Ordinances and found that Sections 15-3-15 through 15-3-25, dealing with platting procedures are recommended for certain changes to improve the quality of life in the city;

WHEREAS, the City of Kingsville Planning & Zoning Commission met on September 17, 2014 to consider these recommended changes and voted 6 to 0 to approve;

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 15-3-15 through 15-3-25 of Article 3: Subdivisions of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

...

SEC. 15-3-15. PRELIMINARY CONFERENCE PURPOSES OF REGULATIONS

~~Prior to the official filing of a preliminary plat, the subdivider shall consult with an present a proposed plan of subdivision to the Department of Planning and Community Development for comments and advice on the procedures, specifications and standards required by the city for the subdivision of land.~~

~~(A) The purposes of these provisions are to regulate the subdivision and improvement of land for urban use, to provide adequate light, air, open space, drainage, transportation, public utilities and other needs, to assure the maintenance of health, safety and an attractive and efficient community, and to encourage the economical use of human and natural resources.~~

~~(B) The subdivision of land is the first step in the process of urban development. The arrangement of land parcels in the community for residential, commercial and industrial uses and for streets, alleys,~~

schools, parks and other public purposes provides the basic framework for the uses of land and for the arrangement of the community.

(C) These regulations are designed, intended and should be administered in a manner to:

- (1) Implement the city's adopted master plan for development;
- (2) Provide for neighborhood conservation and prevent the development of slums and blight;
- (3) Harmoniously relate the development of the various tracts of land in the city to the existing community development and facilitate and coordinate the future development of adjoining tracts;
- (4) Provide the best possible design for the tract being subdivided and developed;
- (5) Reconcile the diverse interests of the subdivider, adjacent property owners and the city;
- (6) Coordinate the provision of streets within subdivisions with existing and planned streets and with other features of the master plan and official future land use map;
- (7) Ensure that all necessary public utilities and facilities are provided and are or will be available, accessible and adequate pursuant to adopted city standards and requirements, at the time of subdivision or development;
- (8) Establish adequate and accurate records of land subdivision.

(D) *Authority.* This chapter is enacted pursuant to the authority of Local Government Code Sections 212.001 through 212.904, with all other statutory and legal authority which now, or which may in the future, provide authority for subdivision regulations.

(E) *Applicability.* Hereafter, every owner or subdivider of any lot, tract or parcel of land situated within the corporate limits of the city or the extraterritorial jurisdiction of the city who may seek to subdivide the same into two or more parts for the purpose of laying out any subdivision or any additions thereto shall comply with the provisions of these regulations, unless otherwise exempted pursuant to this section.

(F) *Conformity with zoning ordinance.* All plats reviewed under the provisions of these regulations shall conform to all zoning ordinance provisions for the district in which the plat is to be located. All required zoning changes shall be made prior to approval of the final plat by the council.

(G) *Preliminary conference.* Prior to the official filing of a preliminary plat, the subdivider shall consult with and present a proposed plan of

subdivision to the Department of Planning and Development Services for comments and advice on the procedures, specifications and standards required by the city for the subdivision of land.

SEC. 15-3-16. PRELIMINARY PLAT AND ACCOMPANYING DATA; FEES; PROCESSING PROCEDURES. GENERAL SUBDIVISION & PLATTING PROCEDURES, DEFINITIONS

(A) *Types of Plats Required.* A Final Plat or a Minor Plat shall be approved prior to any land division that is subject to these regulations and prior to commencement of any new development or construction project.

(B) *Replat.* A replat in accordance with State Law and the provisions of Sections 15-3-21(A) and 15-3-21(B) shall be required any time a platted, recorded lot is further divided or expanded, thereby changing the boundary and dimensions of the property.

(C) *Amending Plat.* In the case of minor revisions to recorded plats or lots a Minor Plat or Amending Plat may also be utilized if allowed by State Law and if in accordance with Section 15-3-21(A) and 15-3-21(C).

(D) *Conceptual Development Plat.* A conceptual development plat shall be required when application is made for a planned unit development where flexible zoning techniques will be utilized. The conceptual development plat is to accompany the planned unit development zoning application showing the information as required within Section 15-3-20.

(E) Definitions:

(1) *Amending Plat.* A plat intended to perform a minor change in a previously approved plat that meets one or more of the criteria listed in section 15-3-21(A) and 15-3-21(C).

(2) *Conceptual development plat.* A plat prepared in accordance with the provisions of these and any other applicable regulations for the purpose of providing a conceptual design of planned unit developments and other flexible zoning techniques to support and reflect a pending final subdivision plat.

(3) *Final Plat.* A plat prepared in accordance with the provisions of these and any other applicable regulations and is prepared in the proper format to be recorded in the office of public records of Kleberg County.

(4) *Lot line adjustment.* A boundary relocation between two or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where no additional lots are created.

(5) *Minor Plat.* A subdivision of an entire lot of record resulting in not more than a total of four lots, tracts, blocks or parcels whether the lots are created at one time or over an extended period of time, provided that such subdivision does not involve:

- (a) a planned unit development;
- (b) the creation of new public streets;
- (c) the extension of a utility or other public facility; or
- (d) the installation of drainage improvements through one or more lots to serve one or more other lots.

(6) *Preliminary plat.* A plat prepared in accordance with the provisions of these and any other applicable regulations which plat is made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it.

(7) *Replat.* A plat indicating the replacement of all or a portion of an existing recorded subdivision plat with a new and different subdivision plat.

(8) *Subdivision.* Improved or unimproved land or lands divided or proposed to be divided for the purpose of sale or lease, whether immediate or future, into five or more lots, parcels or fractional interests.

(9) *Vacating Plat.* An instrument declaring that a recorded plat and its dedication(s) be vacated or cancelled.

(A) *General.* Preliminary plat shall be required when substantial water, wastewater, earthwork, roadway improvements or if unusual property circumstance require further review by city staff. When minor improvements are required a letter of explanation and detailed sketch will suffice. Waiving the preliminary plat requirement will be left to the discretion of the city's authorized agent.

(B) *Time for filing and copies required.* The subdivider shall present 15 blue or black line copies of the plat to the Director of Planning no less than ten working days prior to the date at which formal application for the preliminary plat approval is made to the Planning and Zoning Commission.

(C) *Filing fees.*

(1) Such plat shall be accompanied by a filing fee as noted below. An additional fee of \$200.00 shall be collected for any replat or amending plat to defray the expense of publication and notice required by local ordinance or state statute. No action by the Planning and Zoning Commission shall be valid until the filing fee has been paid. This fee shall not be refunded should the subdivider fail to make formal application for preliminary plat approval or should the plat be disapproved.

Preliminary Plat Filing Fees (Payable Upon Submittal)	
Up to 0.99 acres	\$115.00
One acre to 4.99 acres	230.00
Five acres or more	46.00 per acre

(2) The filing fee shall be waived when a preliminary plat is not required.

~~(D) Form and content.~~ The preliminary plat shall be drawn at a scale of one inch to 100 feet on sheets 24 inches wide and 36 inches long, with a binding margin of not less than one and one half inches on the left side of the sheet and margins on the other three sides of not less than one half inch. When more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat. The plat shall show the following:

- ~~(1) Names and addresses of the subdivider, record owner, engineer and/or surveyor.~~
- ~~(2) Proposed name of the subdivision, which shall not have the same spelling as or be pronounced similarly to the name of any other subdivision located within the city limits or the extra-territorial jurisdiction of the city. Proposed names of streets, which shall not be the same or similar to those already assigned to other streets in other parts of the city unless there is a street continuation.~~
- ~~(3) Names of contiguous subdivisions.~~
- ~~(4) Subdivision boundary lines, indicated by heavy lines, and the computed acreage of the subdivision.~~
- ~~(5) Existing sites as follows:~~
 - ~~(a) The general location, dimensions, names and description of all existing or recorded streets, alleys, reservations, easements or other public rights of way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries.~~
 - ~~(b) The general location, dimensions, description and name of all existing or recorded residential lots, parks, public areas and other sites within or contiguous with the subdivision.~~

- ~~(c) The general location, dimensions, description and flow line of the existing watercourses, associated floodplains and drainage structures within the subdivision or on contiguous tracts.~~
- ~~(6) The general location, dimensions, description and names of all proposed streets, alleys, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots and other sites within the subdivision. Exception: Specific lot dimensions do not have to be shown.~~
- ~~(7) The location of sanitary sewer lines.~~
- ~~(8) The location of water lines.~~
- ~~(9) The location of watercourses, drainage and flood prevention structures.~~
- ~~(10) Date of preparation, scale of plat and north arrow.~~
- ~~(11) A copy of the U.S.G.S. topographical map.~~
- ~~(12) Vicinity sketch or map at a scale of not more than 1,000 feet to an inch which shall show existing subdivisions, streets, easements, rights-of-way, parks and public facilities in the vicinity.~~
- ~~(13) AICUZ boundaries where applicable and identified by the Department of Planning and Community Development.~~
- ~~(14) Staff reserves the right to request additional information to adequately enforce the intent of the preliminary plat requirements.~~
- ~~(15) A final plan for the proposed fills or other structure-elevating techniques, levees, channel modifications, retaining walls and other methods to overcome flood or erosion-related hazards (see § 15-3-65(B)(3) of this article).~~
- ~~(16) Notice: This property is located within an area that is one-quarter mile outside of the Naval Air Station (NAS) Kingsville 65 dB DNL noise contours and may be impacted by noise, odors, flight safety hazards, and other potential compatibility issues relating to installation operations. This property may also be subject to additional development regulations relative to the property's proximity to the installation.~~
- ~~(E) Processing the preliminary plat.~~
 - ~~(1) On receipt of the preliminary plat and other required information, the Planning and Zoning Commission shall render a decision thereon within 30 days. Such decision may consist of approval, disapproval or conditional approval. Conditional approval shall be considered to be the approval of a plat or replat subject to conformity with prescribed conditions, but shall be deemed to be a disapproval of such plat or replat until such conditions are complied with. All objections made to the preliminary plat, or conditions imposed, shall be furnished to the subdivider in writing.~~
 - ~~(2) When a preliminary plat and other required information has been approved, the subdivider may thereafter file a final plat or plats of sections of the subdivision upon which approval of the preliminary plat has been obtained, and upon the filing of the final plat or plats, preliminary plat shall be~~

~~considered approved or conditionally approved as in subdivision (1) above; provided, however, that such approval or conditional approval of the remainder of the preliminary plat shall be limited to a one-year period; provided further, however, that the Planning and Zoning Commission may, at its discretion, extend such period of validity. When a preliminary plat has been approved and thereafter the subdivider fails to file with the Planning and Zoning Commission a final plat of the subdivision or a section thereof within a period of six months, the approval of the preliminary plat shall be void except, however, the Planning and Zoning Commission may, in its discretion, extend such period of validity.~~

~~(3) The Director of Planning shall approve a Plat:~~

- ~~(a) If the plat consists of four or fewer lots fronting on an existing street and not creating a new street;~~
- ~~(b) If the plat is an amending plat as described in Section 212.016 of the Texas Local Government Code as of the date of the adoption of this subsection unless otherwise required by law.~~
- ~~(c) If water and sewer service for development on the proposed lots is immediately available without a service extension, and no extension of municipal facilities is required to serve the proposed lots;~~
- ~~(d) No variance is required for the plat to meet the requirements of subsection (e); and~~
- ~~(e) The plat complies with the subdivision ordinance applicable at the time the application for final plat approval was filed.~~

~~If the plat consists of more than four lots but is not an amending plat, or if a variance is required, the Planning and Zoning Commission shall approve the plat if the plat complies with the subdivision ordinance and, after action on the requested variance, with all requirements of this Code applicable at the time the application for final plat approval was filed. For the purposes of this subsection, "amending plat" has the same meaning as contained in Section 212.016 of the Texas Local Government Code as of the date of the adoption of this subsection unless otherwise required by law.~~

SEC. 15-3-17. FINAL PLAT; DECISION OF COMMISSION; FEES. MINOR PLAT. PROCESSING AND APPROVAL.

(A) Application Requirements. ~~The requirements for the submittal of a Minor Plat shall be the same as the requirements for a Final Plat, as outlined in Section 15-3-19.~~

~~The Director of Planning & Development Services shall administratively approve a Minor Plat if:~~

- (1) the plat consists of four or fewer lots fronting on an existing street and not creating a new street;
- (2) the plat is an amending plat as described in Section 212.016 of the Texas Local Government Code unless otherwise required by law;
- (3) water and sewer service for development on the proposed lots is immediately available without a service extension, and no extension of municipal facilities is required to serve the proposed lots;
- (4) no variance is required for the plat to meet the requirements of section 153.19; and
- (5) the plat complies with the subdivision ordinance applicable at the time the application for final plat approval was filed.

The final plat and accompanying data shall conform to the preliminary plat as conditionally approved by the Planning & Zoning Commission, incorporating any and all changes, modifications, alterations, corrections and conditions required by the Planning & Zoning Commission.

The final plat and accompanying data shall conform to the preliminary plat as conditionally approved by the Planning Commission, incorporating any and all changes, modifications, alterations, corrections and conditions required by the Planning Commission.

(A)

~~The original and ten copies of the final plat. This plat shall be drawn on mylar, a minimum scale of one inch to 100 feet or larger in ink with all figures and letters legible, and the whole proper for filing for record in the office of the County Clerk with the following information given:~~

~~(1) The title or name by which the subdivision is to be identified, north point, the scale of the map and the name of the state-registered professional engineer and/or state-licensed or registered land surveyor responsible.~~

~~(2) A definite legal description and identification of the tract being subdivided. This description shall be sufficient for the requirements of title examination. The plat shall be a descriptive diagram drawn to scale. The plat shall show by reference that the subdivision is a particular portion or part of the previously filed plat; recognized grant or partition.~~

~~(3) The boundaries of the subdivided property, the location or designation of all streets, alleys, parks and other areas intended to be dedicated or deeded to the public use, with proper dimensions. The~~

~~boundaries of the subdivisions shall be indicated by a heavy line and shall be tied by dimensions to the parent subdivision.~~

~~(4) The location of all adjacent streets and alleys, with their names, and the names of adjoining subdivisions with exact location and designation by number of lots and blocks.~~

~~(5) All lot, block and street boundary lines, with blocks and lots numbered or lettered consecutively. Building lines and easements shall be shown and shall be defined by dimension. The actual width of all streets shall be shown, measured at right angles or radially, where curved. All principal lines shall have the bearing and any deviations from the norm shall be indicated.~~

~~(6) Accurate dimensions, both linear and angular, of all items on the plat; the boundary survey on the site shall close within one in 10,000. Linear dimensions shall be expressed in feet and decimals of a foot; angular dimensions may be shown by bearings. Curved boundaries shall be fully described and all essential information given (radius, delta, arc); circular curves shall be defined by actual length of radius and not by degree of curve. Complete dimensional data shall be given on fractional lots.~~

~~(7) The location and description of all lot, block and subdivision corners.~~

~~(a) Lot corners shall be three-fourths inch iron pipe or five-eighths inch iron rod 24 inches to 30 inches long with the top set flush with the ground.~~

~~(b) Block corners shall be three-fourths inch iron pipe or five-eighths inch iron rod 24 inches to 30 inches long. They shall be double pinned with the top rod being set flush with ground and shall include the beginning and end of all curves within each block.~~

~~(c) Subdivision corners will be marked by a concrete monument that meets or exceeds the following standard. A five-eighths inch iron rod shall be set in a concrete block measuring six inches in diameter and 24 inches long.~~

~~(8) The flood hazard areas shall be delineated on the final plat, and reserved by deed restrictions as areas not suitable for development.~~

~~(9) A certificate of ownership in fee of all land embraced in the subdivision, and of the authenticity of the plat and dedication, shall be signed and acknowledged by all owners of any interest in the land. The acknowledgment shall be in the form required in the conveyance of real estate. Approval and acceptance of all lien holders shall be included.~~

~~(10) A certificate by the responsible surveyor in charge, duly authenticated, that the plat is true and correct and in accordance with the determination of surveys as staked on the ground.~~

~~(11) A disclosure statement that all or a portion of the subdivision falls within the AICUZ; the disclosure statement to be displayed prominently with other required certificates.~~

~~(12) In addition to other required certificates, the forms set out in the appendix shall be entered on the plat following the certificates of owner, engineer, and the like, and preceding the certificate of the County Clerk.~~

~~(13) The final plat submitted to the Planning and Zoning Commission, as well as the City Commission, and to be filed for record with the County Clerk, shall not show construction features such as curb lines or public utility lines or other structures not involved in the title covenant.~~

~~(14) The area of each lot shall be clearly indicated by writing the number of square feet in each lot on the final plat.~~

~~(B) Final restrictive covenants. A copy of the final restrictive covenants to govern the nature of the use of the property in the subdivision shall be submitted if the subdivision is planned for the use of individual septic tanks in lieu of a sanitary sewer system. The Planning and Zoning Commission may, in the public interest, require that these be filed simultaneously with the plat.~~

~~(C) Planning and Zoning Commission to render decision within 30 days. Upon filing of the final plat along with other required information, the Planning and Zoning Commission, as well as the City Commission, shall both render a decision thereon within 30 days after their respective regular meetings. The decision may consist of approval, disapproval or conditional approval. Reasons for disapproval or conditional approval shall be stated in writing. When a plat is conditionally approved, the subdivider may subsequently refile the final plat meeting the objections or required conditions, and the Planning and Zoning Commission shall, at the next regular meeting thereafter, sign the final plat, provided it meets the objections or imposed conditions.~~

~~(D) When final plat approved. Upon approval of the final plat, the plat being otherwise fully endorsed and all provisions of the Subdivision Ordinance complied with shall be filed by the city with the County Clerk of Kleberg County, Texas.~~

~~(E) Assurance for completion and warranty of improvements.~~

~~(1) Completion of improvements.~~

~~(a) Except for a single or two-family residential subdivision which may exercise the option provided in section 15-3-17(F) as provided below, all applicants shall be required to~~

~~complete, to the satisfaction of the Director of Public Works all street, sanitary and other public improvements, as well as lot improvements on the individual residential lots of the subdivision or addition as required in Article III of these regulations prior to approval of the final plat for the subdivision. The required improvements shall be those specified in the approved infrastructure improvement plan(s) and said improvements shall be initiated within two years.~~

~~(b) As a condition of preliminary plat approval, the City Commission may require the applicant to deposit in escrow a deed describing by metes and bounds and conveying to the city all street rights-of-way, easements and public land required by these regulations, pending acceptance of improvements by the city and recordation of the final plat. In the event the applicant is unable to complete the required improvements, and such improvements are deemed necessary for the preservation of the public health and safety, the city may compel the delivery of the deed in order to complete the improvements as required.~~

~~(F) Improvement agreement and guarantee of completion of public improvements.~~

~~(1) Subdivision improvement agreement. The City Commission may waive the requirement of Section 15-3-17(E) for the completion of required improvements prior to issuance of building permits and, in lieu thereof, may permit the applicant to enter into a subdivision improvement agreement by which the applicant covenants and agrees to complete all required public improvements no later than five years following the date upon which the final plat is signed. Such five-year period may be extended for up to an additional five years upon its expiration at the discretion of the Director of Public Works. The City Commission may also require the applicant to complete and dedicate some required public improvements prior to approval of the final plat and to enter into a subdivision improvement agreement for completion of the remainder of the required improvements during such five-year period. The applicant shall covenant to warranty the required public improvements for a period of two years following acceptance by the city of all required public improvements and shall provide a warranty that all required public improvements shall be free from defect for a period of two years following such acceptance by the city. The subdivision improvement agreement shall contain such~~

other terms and conditions as are agreed to by the applicant and the city.

~~(2) Covenants to run with the land.~~ The subdivision improvement agreement shall provide that the covenants contained therein shall run with the land and bind all successors, heirs and assignees of the applicant. The subdivision improvement agreement shall be recorded with the county recorder of deeds. All existing lienholders shall be required to subordinate their liens to the covenants contained in the subdivision improvement agreement.

~~(3) Completion security.~~

~~(a) Whenever the City Commission permits an applicant to enter into a subdivision improvement agreement, the applicant shall be required to provide sufficient security to ensure completion of the required public improvements. Such security shall be in the form of a surety bond, cash escrow or letter of credit.~~

~~(b) The surety bond, cash escrow or letter of credit shall be in an amount estimated by the Director of Public Works as reflecting the cost of the improvements in the approved construction plan and shall be sufficient to cover all promises and conditions contained in the subdivision improvement agreement.~~

~~(c) In addition to all other security, when the city participates in the cost of an improvement, the applicant shall provide a performance surety bond from the contractor, with the city as a co-obligee.~~

~~(d) The issuer of any surety bond shall be subject to the approval of the City Attorney.~~

~~(4) Escrow agent.~~ If security is provided in the form of a cash escrow, the applicant shall deposit same with the Director of Finance and with an escrow agent mutually agreed upon by the director and the applicant subject to commission approval and audit, a cash amount or certified check endorsed to the escrow agent for a face value in an amount not less than the amount specified by the Director of Public Works pursuant to Section 15-3-17(F)(3)(c).

~~(5) Accrual.~~ The surety bond or cash escrow account shall accrue to the city for administering the construction, operation and maintenance of the improvements.

~~(6) Warranty Bond/Maintenance Security.~~

~~(a) The applicant shall guarantee the improvements, excluding sidewalks and streetlights, against defects in~~

~~workman-ship and materials for a period of two years from the date of city acceptance of such improvements. The maintenance security shall be secured by a surety bond, cash escrow or letter of credit in an amount reflecting 50% of the cost of the completed improvements pursuant to Subsection 15-3-17(F)(3)(c).~~

~~(b) If the applicant has entered into a subdivision improvement agreement for the completion of required improvements, the surety bond, cash escrow or letter of credit may be retained by the city in lieu of the warranty bond/maintenance security, provided the total amount of the surety bond, cash escrow or letter of credit reflects 50% of the cost of the completed improvements pursuant to Subsection 15-3-17(F)(3)(c).~~

~~(c) The applicant shall enter into a maintenance agreement with the city providing the applicant's guarantee of the improvements as required by Section 15-3-17(F)(6)(a). The maintenance agreement shall be accompanied by maintenance security in the form of a surety bond, cash escrow or letter of credit totaling 50% of the costs of all completed improvements pursuant to Subsection 15-3-17(F)(3)(c). The maintenance security shall run with the land and bind all successors, heirs and assignees of the applicant and shall be filed with the City Secretary's office.~~

~~(d) The city shall have the right, by ordinance, to waive the warranty bond/maintenance security on those sanitary sewers and street improvements constructed that were inspected and approved by the Director of Public Works and have been in use for two or more years.~~

~~(G) Approval to be valid for 12 months. Approval of a final plat shall be valid for a period of 12 months; provided, however, that this period may be extended by the Planning and Zoning Commission upon written request by the subdivider.~~

~~(H) Filing fees. Upon the submission of each final plat for approval, a filing fee shall be paid to the city as noted below.~~

Plat Filing Fees (Payable Upon Submittal)

Up to 0.99 acres\$100.00

One acre to 4.99 acres200.00

Five acres or more40.00

per acre

(l) *Recording fees.* Subdivider shall be responsible for all recording fees, which shall consist of \$50.00 for the first page and \$40.00 for each additional page, plus \$10 for certification of the first page and \$5.00 for each additional page.

SEC. 15-3-18 DISAPPROVAL RESTRICTED. PRELIMINARY PLAT AND ACCOMPANYING DATA. PROCESSING PROCEDURES.

(A) *General.* Preliminary plat shall be required when substantial water, wastewater, earthwork, roadway improvements or if unusual property circumstance require further review by city staff. When minor improvements are required a letter of explanation and detailed sketch will suffice. Waiving the preliminary plat requirement will be left to the discretion of the city's authorized agent.

(B) *Time for filing and copies required.* The subdivider shall present 5 blue or black line copies of the plat to the Director of Planning and Development Services no less than ten working days prior to the date at which formal application for the preliminary plat approval is made to the Planning and Zoning Commission.

(C) *Form and content.* The preliminary plat shall be drawn at a scale of one inch to 100 feet on sheets 24 inches wide and 36 inches long, with a binding margin of not less than one and one-half inches on the left side of the sheet and margins on the other three sides of not less than one-half inch. When more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat. The plat shall show the following:

(1) Names and addresses of the subdivider, record owner, engineer and/or surveyor.

(2) Proposed name of the subdivision, which shall not have the same spelling as or be pronounced similarly to the name of any other subdivision located within the city limits or the extra-territorial jurisdiction of the city. Proposed names of streets, which shall not be the same or similar to those already assigned to other streets in other parts of the city unless there is a street continuation.

(3) Names of contiguous subdivisions.

(4) Subdivision boundary lines, indicated by heavy lines, and the computed acreage of the subdivision.

(5) Existing sites as follows:

(a) The general location, dimensions, names and description of all existing or recorded streets, alleys, reservations, easements or other public rights of way within the

subdivision, intersecting or contiguous with its boundaries or forming such boundaries.

(b) The general location, dimensions, description and name of all existing or recorded residential lots, parks, public areas and other sites within or contiguous with the subdivision.

(c) The general location, dimensions, description and flow line of the existing watercourses, associated floodplains and drainage structures within the subdivision or on contiguous tracts.

(6) The general location, dimensions, description and names of all proposed streets, alleys, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots and other sites within the subdivision. Exception: Specific lot dimensions do not have to be shown.

(7) The location of sanitary sewer lines.

(8) The location of water lines.

(9) The location of watercourses, drainage and flood prevention structures.

(10) Date of preparation, scale of plat and north arrow.

(11) A copy of the U.S.G.S. topographical map.

(12) Vicinity sketch or map at a scale of not more than 1,000 feet to an inch which shall show existing subdivisions, streets, easements, rights-of-way, parks and public facilities in the vicinity.

(13) AICUZ boundaries where applicable and identified by the Department of Planning and Development Services.

(14) Staff reserves the right to request additional information to adequately enforce the intent of the preliminary plat requirements.

(15) A final plan for the proposed fills or other structure-elevating techniques, levees, channel modifications, retaining walls and other methods to overcome flood or erosion-related hazards (see § 15-3-65(B)(3) of this article).

(16) Notice. This property is located within an area that is one-quarter mile outside of the Naval Air Station (NAS) Kingsville 65 dB DNL noise contours and may be impacted by noise, odors, flight safety hazards, and other potential compatibility issues relating to installation operations. This property may also be subject to additional development regulations relative to the property's proximity to the installation.

(D) Processing the preliminary plat.

(1) On receipt of the preliminary plat and other required information, the Planning and Zoning Commission shall render a decision thereon within 30 days. Such decision may consist of approval, disapproval or conditional approval. Conditional approval shall be considered to be the approval of a plat or replat subject to

conformity with prescribed conditions, but shall be deemed to be a disapproval of such plat or replat until such conditions are complied with. All objections made to the preliminary plat, or conditions imposed, shall be furnished to the subdivider in writing.

(2) When a preliminary plat and other required information has been approved, the subdivider may thereafter file a final plat or plats of sections of the subdivision upon which approval of the preliminary plat has been obtained, and upon the filing of the final plat or plats, preliminary plat shall be considered approved or conditionally approved as in subdivision (1) above, provided, however, that such approval or conditional approval of the remainder of the preliminary plat shall be limited to a one year period, provided further, however, that the Planning and Zoning Commission may, at its discretion, extend such period of validity. When a preliminary plat has been approved and thereafter the subdivider fails to file with the Planning and Zoning Commission a final plat of the subdivision or a section thereof within a period of six months, the approval of the preliminary plat shall be void except, however, the Planning and Zoning Commission may, in its discretion, extend such period of validity.

No plat shall be disapproved nor the processing thereof delayed for noncompliance with any requirement or condition not set forth in this article or otherwise required by law.

SEC. 15-3-19 PLATTED LOTS. FINAL PLAT, DECISION OF COMMISSION

The final plat for both major and minor plats, and accompanying data shall conform to the preliminary plat as approved or conditionally approved by the Planning and Zoning Commission or the Director of Planning and Development Services in the case of a minor plat. The plat incorporate any and all changes, modifications, alterations, corrections and conditions required by the Planning Commission or the Director.

(A) *The original and ten copies of the final plat.* This plat shall be drawn on mylar, a minimum scale of one inch to 100 feet or larger, in ink with all figures and letters legible, and the whole proper for filing for record in the office of the Kleberg County Clerk with the following information given:

(1) The title or name by which the subdivision is to be identified, north point, the scale of the map and the name of the state-registered professional engineer and/or state-licensed or registered land surveyor responsible.

- (2) A definite legal description and identification of the tract being subdivided. This description shall be sufficient for the requirements of title examination. The plat shall be a descriptive diagram drawn to scale. The plat shall show by reference that the subdivision is a particular portion or part of the previously filed plat, recognized grant or partition.
- (3) The boundaries of the subdivided property, the location or designation of all streets, alleys, parks and other areas intended to be dedicated or deeded to the public use, with proper dimensions. The boundaries of the subdivisions shall be indicated by a heavy line and shall be tied by dimensions to the parent subdivision.
- (4) The location of all adjacent streets and alleys, with their names, and the names of adjoining subdivisions with exact location and designation by number of lots and blocks.
- (5) All lot, block and street boundary lines, with blocks and lots numbered or lettered consecutively. Building lines and easements shall be shown and shall be defined by dimension. The actual width of all streets shall be shown, measured at right angles or radially, where curved. All principal lines shall have the bearing and any deviations from the norm shall be indicated.
- (6) Accurate dimensions, both linear and angular, of all items on the plat, the boundary survey on the site shall close within one in 10,000. Linear dimensions shall be expressed in feet and decimals of a foot; angular dimensions may be shown by bearings. Curved boundaries shall be fully described and all essential information given (radius, delta, arc). Circular curves shall be defined by actual length of radius and not by degree of curve. Complete dimensional data shall be given on fractional lots.
- (7) The location and description of all lot, block and subdivision corners.
- (a) Lot corners shall be three-fourths inch iron pipe or five-eighths inch iron rod 24 inches to 30 inches long with the top set flush with the ground.
- (b) Block corners shall be three-fourths inch iron pipe or five-eighths inch iron rod 24 inches to 30 inches long. They shall be double pinned with the top rod being set flush with ground and shall include the beginning and end of all curves within each block.
- (c) Subdivision corners will be marked by a concrete monument that meets or exceeds the following standard. A five-eighths inch iron rod shall be set in a concrete block measuring six inches in diameter and 24 inches long.

(8) The flood hazard areas shall be delineated on the final plat, and reserved by deed restrictions as areas not suitable for development.

(9) A certificate of ownership in fee of all land embraced in the subdivision, and of the authenticity of the plat and dedication, shall be signed and acknowledged by all owners of any interest in the land. The acknowledgment shall be in the form required in the conveyance of real estate. Approval and acceptance of all lien holders shall be included.

(10) A certificate by the responsible surveyor in charge, duly authenticated, that the plat is true and correct and in accordance with the determination of surveys as staked on the ground.

(11) A disclosure statement that all or a portion of the subdivision falls within the AICUZ, the disclosure statement to be displayed prominently with other required certificates.

(12) In addition to other required certificates, the forms set out in the appendix shall be entered on the plat following the certificates of owner, engineer, and the like, and preceding the certificate of the County Clerk.

(13) The final plat submitted to the Planning and Zoning Commission, as well as the City Commission, and to be filed for record with the County Clerk, shall not show construction features such as curb lines or public utility lines or other structures not involved in the title covenant.

(14) The area of each lot shall be clearly indicated by writing the number of square feet in each lot on the final plat.

(B) *Final restrictive covenants.* A copy of the final restrictive covenants to govern the nature of the use of the property in the subdivision shall be submitted if the subdivision is planned for the use of individual septic tanks in lieu of a sanitary sewer system. The Planning and Zoning Commission may, in the public interest, require that these be filed simultaneously with the plat.

(C) *Planning and Zoning Commission to render decision within 30 days.* Upon filing of the final plat along with other required information, the Planning and Zoning Commission, as well as the City Commission, shall both render a decision thereon within 30 days after their respective regular meetings. The decision may consist of approval, disapproval or conditional approval. Reasons for disapproval or conditional approval shall be stated in writing. When a plat is conditionally approved, the subdivider may subsequently refile the final plat meeting the objections or required conditions, and the Planning and Zoning Commission shall, at the next regular meeting

thereafter, sign the final plat, provided it meets the objections or imposed conditions.

(D) *When final plat approved.* Upon approval of the final plat, the plat being otherwise fully endorsed and all provisions of the Subdivision Ordinance complied with shall be filed by the city with the County Clerk of Kleberg County, Texas.

(E) *Assurance for completion and warranty of improvements.*

(1) *Completion of improvements.*

(a) Except for a single or two-family residential subdivision which may exercise the option provided in section 15-3-19(F) as provided below, all applicants shall be required to complete, to the satisfaction of the Director of Public Works all street, sanitary and other public improvements, as well as lot improvements on the individual residential lots of the subdivision or addition as required in Article III of these regulations prior to approval of the final plat for the subdivision.

The required improvements shall be those specified in the approved infrastructure improvement plan(s) and said improvements shall be initiated within two years.

(b) As a condition of preliminary plat approval, the City Commission may require the applicant to deposit in escrow a deed describing by metes and bounds and conveying to the city all street rights-of-way, easements and public land required by these regulations, pending acceptance of improvements by the city and recordation of the final plat. In the event the applicant is unable to complete the required improvements, and such improvements are deemed necessary for the preservation of the public health and safety, the city may compel the delivery of the deed in order to complete the improvements as required.

(F) *Improvement agreement and guarantee of completion of public improvements.*

(1) *Subdivision improvement agreement.* The City Commission may waive the requirement of Section 15-3-19(E) for the completion of required improvements prior to issuance of building permits and, in lieu thereof, may permit the applicant to enter into a subdivision improvement agreement by which the applicant covenants and agrees to complete all required public improvements no later than five years following the date upon which the final plat is signed. Such five-year period may be extended for up to an

additional five years upon its expiration at the discretion of the Director of Public Works. The City Commission may also require the applicant to complete and dedicate some required public improvements prior to approval of the final plat and to enter into a subdivision improvement agreement for completion of the remainder of the required improvements during such five-year period. The applicant shall covenant to warranty the required public improvements for a period of two years following acceptance by the city of all required public improvements and shall provide a warranty that all required public improvements shall be free from defect for a period of two years following such acceptance by the city. The subdivision improvement agreement shall contain such other terms and conditions as are agreed to by the applicant and the city.

(2) *Covenants to run with the land.* The subdivision improvement agreement shall provide that the covenants contained therein shall run with the land and bind all successors, heirs and assignees of the applicant. The subdivision improvement agreement shall be recorded with the county recorder of deeds. All existing lienholders shall be required to subordinate their liens to the covenants contained in the subdivision improvement agreement.

(3) *Completion security.*

(a) Whenever the City Commission permits an applicant to enter into a subdivision improvement agreement, the applicant shall be required to provide sufficient security to ensure completion of the required public improvements. Such security shall be in the form of a surety bond, cash escrow or letter of credit.

(b) The surety bond, cash escrow or letter of credit shall be in an amount estimated by the Director of Public Works as reflecting the cost of the improvements in the approved construction plan and shall be sufficient to cover all promises and conditions contained in the subdivision improvement agreement.

(c) In addition to all other security, when the city participates in the cost of an improvement, the applicant shall provide a performance surety bond from the contractor, with the city as a co-obligee.

(d) The issuer of any surety bond shall be subject to the approval of the City Attorney.

(4) *Escrow agent.* If security is provided in the form of a cash escrow, the applicant shall deposit same with the Director of Finance and with an escrow agent mutually agreed upon by the Director and the applicant subject to City Commission

approval and audit, a cash amount or certified check endorsed to the escrow agent for a face value in an amount not less than the amount specified by the Director of Public Works pursuant to Section 15-3-19(F)(3)(c).

(5) *Accrual*. The surety bond or cash escrow account shall accrue to the city for administering the construction, operation and maintenance of the improvements.

(6) *Warranty Bond/Maintenance Security*.

(a) The applicant shall guarantee the improvements, excluding sidewalks and streetlights, against defects in workman-ship and materials for a period of two years from the date of city acceptance of such improvements. The maintenance security shall be secured by a surety bond, cash escrow or letter of credit in an amount reflecting 50% of the cost of the completed improvements pursuant to Subsection 15-3-19(F)(3)(c).

(b) If the applicant has entered into a subdivision improvement agreement for the completion of required improvements, the surety bond, cash escrow or letter of credit may be retained by the city in lieu of the warranty bond/maintenance security, provided the total amount of the surety bond, cash escrow or letter of credit reflects 50% of the cost of the completed improvements pursuant to Subsection 15-3-19(F)(3)(c).

(c) The applicant shall enter into a maintenance agreement with the city providing the applicant's guarantee of the improvements as required by Section 15-3-19(F)(6)(a). The maintenance agreement shall be accompanied by maintenance security in the form of a surety bond, cash escrow or letter of credit totaling 50% of the costs of all completed improvements pursuant to Subsection 15-3-19(F)(3)(c). The maintenance security shall run with the land and bind all successors, heirs and assignees of the applicant and shall be filed with the City Secretary's office.

(d) The city shall have the right, by ordinance, to waive the warranty bond/maintenance security on those sanitary sewers and street improvements constructed that were inspected and approved by the Director of Public Works and have been in use for two or more years.

(G) *Approval to be valid for 12 months*. Approval of a final plat shall be valid for a period of 12 months, provided, however, that this

period may be extended by the Planning and Zoning Commission upon written request by the subdivider.

(A) *When replat is not required.* When any lot and a portion of a lot or portions of lots aggregating a larger tract in width and/or size than the average lot in the block in which same is situated are conveyed as a single unit for a single use purpose from a previously legally-platted subdivision, no replat thereof shall be required.

(B) *Exceptions:*

- (1) This exception shall not apply to any extension across an easement or public way, nor permit changing the facing of the original lots.
- (2) This exception is not to be construed as a waiver of any requirement of the zoning ordinance, as amended, or other applicable ordinance or recorded restriction, and for such interpretations, the integrated tract shall thereafter be considered as a single lot.

SEC. 15-3-20. CONCEPTUAL DEVELOPMENT PLAT

(A) In order to fully implement flexible zoning techniques such as a planned unit development, applicants shall be required to submit applications for subdivision review simultaneously with applications for zoning approval. Depending upon the size and location of the proposed development, such applications shall conform with the subdivision application requirements of these regulations.

(B) Where the zoning ordinance authorizes planned unit development zoning applications that permit the use of land and density of structures to differ from that allowed as of right, and the application also involves the subdivision of land, whether residential or non-residential, subdivision approval by the City Commission shall be required in addition to all other procedures and approvals required by the zoning ordinance, regardless of whether applicable zoning procedures also require City Commission approval, review or recommendation.

(C) *Requirements:*

- (1) When a planned unit development application is submitted that also involves the subdivision of land, the application shall first be submitted to the governmental body or official authorized to accept the application pursuant to the zoning ordinance.
- (2) The application for subdivision approval shall be made in the form of a conceptual development plat, containing, in addition to all of the requirements of the zoning ordinance, the following information:

a. Legal description of the property proposed to be subdivided.

b. Name of the proposed subdivision.

c. Date, scale, North arrow.

d. Property owner's name and address.

e. Description of all existing covenants, liens and encumbrances.

f. Name, address and seal or registration number of licensed engineer, architect or surveyor who has prepared the conceptual development plat.

g. Location of property lines.

h. Existing or platted easements, rights-of-way, streets or other public ways.

i. Masses of trees or individual trees of eight inches or more in diameter, measured four feet above ground level.

j. Names of adjoining landowners within 200 feet of any perimeter boundary of the proposed subdivision.

k. Location, sizes, elevations and slopes of existing sewers, water mains, culverts and other underground structures within the boundaries of the proposed subdivision and immediately adjacent thereto.

l. Existing permanent buildings.

m. Utility poles and utility rights-of-way on or immediately adjacent to the property proposed to be subdivided.

n. Approximate topography at the same scale as required for a preliminary plat.

o. Approximate location and width of all proposed streets within and abutting the proposed subdivision.

p. Preliminary proposals for connections with existing water supply and sanitary sewerage systems and preliminary proposals for collecting and discharging surface water drainage.

q. Approximate location, dimensions and area of all proposed or existing lots.

r. Approximate location, dimensions and area of all parcels of land.

s. A disclosure statement that all or a portion of the subdivision falls within the AICUZ, the disclosure statement to be displayed prominently with other required certificates.

SEC. 15-3-21 REPLATS AND AMENDING PLAT: GENERAL REQUIREMENTS.

(A) Applicability and Terminology.

- (1) The procedures outlined in this section shall apply only if a property owner seeks to change any portion of a plat that has been filed of record with the appropriate County.**
- (2) The term "replat" includes changes to a recorded final plat, whether the change is effected by replating without vacation or approving an Amending Plat.**

(B) City Action Required: Unless otherwise specified, any change to a recorded plat shall be subject to approval by the City Commission.

(C) Construction Management: If the subdivision as replatted requires construction of additional improvements, the provisions of Section 15-3-45 through 15-3-57 shall apply. If the subdivision as replatted does not require any appreciable alteration or improvement of utility installations, streets, alleys, building setback lines, etc., then no Construction Plans shall be required.

(D) Application and Approval Procedures: Unless otherwise specified, application and all related procedures and approvals, including recordation, for a replat or Amending Plat shall be the same as specified for a Final Plat as outlined in Section 15-3-19(A).

(E) Replats.

(1) Purpose & Applicability: A replat of all or a portion of a recorded plat may be approved in accordance with State law without vacation of the recorded plat, if the replat:

- (a) Is signed and acknowledged by only the owners of the property being replatted;**
- (b) Is approved after a public hearing; and**
- (c) Does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded plat.**

(2) General Notice and Hearing Requirements.

Published notice of the public hearing conducted by the City Commission on the replat application shall

be given as follows and in accordance with State law:

(a) Notice of the required public hearing shall be given no later than 15 days prior to the date of the hearing by:

i. Publication in an official newspaper or a newspaper of general circulation in the applicable City or unincorporated area (as applicable) in which the proposed replat property is located, and

ii. By written notice with a copy of Section 212.015(c) of the Texas Local Government Code (as amended) attached, forwarded by the City to the owners of lots that are in the original subdivision and that are within two hundred feet (200') of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the ETJ, the most recently approved applicable county tax roll of the property upon which the replat is requested. The written notice may be delivered by depositing the notice properly addressed with postage prepaid in a post office or postal depository within the boundaries of the City.

3) *Partial Replat Application.* If a replat is submitted for only a portion of a previously platted subdivision, the replat must reference the previous subdivision name and recording information, and must state on the replat the specific lots which are being changed along with a detailed "Purpose for Replat" statement.

4) *Special Replat Requirements.*

(a) *Applicability.* A replat without vacation of the preceding plat, in accordance with State law, must conform to the requirements of this Section if:

i. During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot, or

l. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.

(b) Exception: The requirements of this Section shall not apply to any approval of a replat application for a portion of a recorded plat if all of the proposed area sought to be replatted was designated or reserved for usage other than for single- or duplex-family residential usage. Such designation must be noted on the recorded plat or in the legally recorded restriction applicable to such plat.

(c) Notice and Hearing: Notice of the required public hearing shall be given as prescribed in 15-6-21(E)(2).

5) Effect: Upon approval and recording of the replat, it is controlling over the previously recorded plat for the portion replatted.

(F) Amending Plat

(1) Purpose & Applicability: The purpose of an amending plat shall be to provide an expeditious means of making minor revisions to a recorded plat consistent with the provisions of State law. The procedures of an amending plat shall apply only if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:

- (a) to correct an error in a course or distance shown on the preceding plat;
- (b) to add a course or distance that was omitted on the preceding plat;
- (c) to correct an error in a real property description shown on the preceding plat;
- (d) to indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
- (e) to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
- (f) to correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot

- numbers, acreage, street names, and identification of adjacent recorded plats.
- (g) to correct an error in courses and distances of lot lines between two adjacent lots if
- i. both lot owners join in the application for amending the plat
 - ii. neither lot is abolished
 - iii. the amendment does not attempt to remove recorded covenants or restrictions, and
 - iv. the amendment does not have a material adverse effect on the property rights of the other owners in the plat
- (h) to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement
- (i) to relocate one or more lot lines between one or more adjacent lots if
- i. the owners of all those lots join in the application for amending the plat
 - ii. the amendment does not attempt to remove recorded covenants or restrictions, and
 - iii. the amendment does not increase the number of lots
- (j) to make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if
- i. the changes do not affect applicable zoning and other regulations of the municipality
 - ii. the changes do not attempt to amend or remove any covenants or restrictions, and
 - iii. the area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area, or
- (k) to replat one or more lots fronting on an existing street if
- i. the owners of all those lots join in the application for amending the plat
 - ii. the amendment does not attempt to remove recorded covenants or restrictions
 - iii. the amendment does not increase the number of lots, and
 - iv. the amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities

Notice. A hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.

SEC. 15-3-22 VACATING PLAT

(A) Purpose. The purpose of a Plat Vacation is to provide an expeditious means of vacating a recorded plat in its entirety consistent with provisions of State law.

(B) Initiation of a Plat Vacation

(1) By Property Owner. The property owner of the tract covered by a plat may submit an application to vacate the plat at any time before any lot in the plat is sold.

(2) By All Lot Owners. If lots in the plat have been sold, an application to vacate the plat must be submitted by all the owners of lots in the plat.

(3) City Commission. If the City Commission determines that the plat should be vacated in the interest of and to protect the public's health, safety and welfare, and

a. No lots within the approved plat have been sold within five (5) years following the date that the Final Plat was approved by the City, or

b. The property owner has breached a Subdivision Improvement Agreement, and the City is unable to obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by the property owner or its successor, or

c. The plat has been of record for more than five (5) years, and the City Commission determines that the further sale of lots within the subdivision or addition presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots owned by the property owner or its successors.

(C) Notice. Published notice of the public hearing on the Plat Vacation application shall be given in accordance with local and State law. The hearing shall be conducted by the City Commission.

(D) Action by the City Commission. The City Commission shall

(i) Review the Plat Vacation application, the findings of

the Director of Planning & Development Services and any other information available. From all such information, the City Commission shall make a finding as to whether or not the plat should be vacated. The City Commission's decision on a Plat Vacation shall be final.

(2) Take one of the following actions:

- a. Approve the Plat Vacation;
- b. Approve the Plat Vacation with conditions which shall mean that the Plat Vacation shall be considered to have been approved once such conditions are fulfilled; or
- c. Deny the Plat Vacation.

SEC. 15-3-23 LOT LINE ADJUSTMENTS

(A) *Adjustment of lot lines between adjacent parcels.* No person shall record a deed or other document adjusting the property boundary not otherwise approved by the procedures of this section, unless a lot line adjustment is first approved by the director in the manner herein described.

- (1) Requests for lot line adjustments shall be made on forms provided by the director, shall provide all information as defined in 15-3-19(A) for the proposal to be properly evaluated, shall be accompanied by the required filing fee and by the preliminary record of survey showing the proposed new parcel boundaries and including complete legal descriptions.
- (2) After investigation and receipt of reports of other departments or affected agencies, the director shall approve the lot line adjustment, or approve it subject to conditions or exactions necessary to conform to zoning and building ordinances or to facilitate relocation of existing utilities, infrastructure or easements, or to assure that the record of survey map is properly recorded, provided it is found in writing that the proposed lot line adjustment conforms to local zoning and building ordinances.
- (3) The time limits applicable to the approval or conditional approval of subdivisions as provided in Section 15-3-19(C) herein, shall apply to any such lot line adjustment.

If the proposed lot line adjustment is approved, the Director of Planning and Development Services shall sign the record of survey which shall contain a precise legal description of the adjusted property, supplied by the applicant and certified by a registered civil engineer or licensed land surveyor. Within 90 days following approval by the Director, three copies (one being on mylar) of the lot

line adjustment shall be filed by the city with the county recorder of deeds; after acknowledgement by the county recorder of deeds, the mylar copy shall be retained by the county recorder of deeds and two copies shall be returned to the city, one copy to be retained by the City Engineer and the other to be retained by the Director of Planning & Development Services. The applicant(s) shall bear all expenses in connection with the filing and the city shall not be required to file the lot line adjustment until the applicant(s) has paid the required filing fee.

SEC. 15-3-24. FILING FEES, RECORDING FEES

(A) *Filing fees.* Upon the submission of application for approval of the actions provided in this Section, a filing fee shall be paid to the city as prescribed below:

- (1) Minor Plat ... \$100.00
- (2) Preliminary Plat
 - Up to 0.99 acres ... \$115.00
 - One acre to 4.99 acres ... \$230.00
 - Five acres or more ... \$46.00 per acre
- (3) Final Plat
 - Up to 0.99 acres ... \$100.00
 - One acre to 4.99 acres ... \$200.00
 - Five acres or more ... \$40.00 per acre
- (4) Replat ... \$200.00
- (5) Amending Plat ... \$200.00
- (6) Conceptual Development Plat ... \$100.00
- (7) Vacating Plat ... \$50.00
- (8) Lot Line Adjustment ... \$50.00

No action by the Planning and Zoning Commission shall be valid until the filing fee has been paid. This fee shall not be refunded should the subdivider fail to make formal application for plat approval or should the plat be disapproved. The filing fee shall be waived when a preliminary plat is not required.

(B) *Recording Fees.* Subdivider shall be responsible for all recording fees, which shall consist of \$50.00 for the first page and \$40.00 for each additional page.

SEC. 15-3-25. DISAPPROVAL RESTRICTED

No plat shall be disapproved nor the processing thereof delayed for noncompliance with any requirement or condition not set forth in this article or otherwise required by law.

~~Secs. 15-3-26—15-3-29. Reserved.~~

~~Secs. 15-3-20—15-3-29. Reserved.~~

...

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 22nd day of September, 2014.

PASSED AND APPROVED on this the _____th day of _____, 2014.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

EFFECTIVE DATE: _____, 2014

Memorandum

TO: Mayor & Commission Members

Through: Vince Capell, City Manager
Cynthia Martin, Interim Planning & Development Services Director

FROM: Mike Kellam, AICP, CK Consulting Firm, LLC

SUBJECT: Section 15-3-15 through 15-3-25

DATE: September 11, 2014

As a part of the continual review of the current codes and land use regulations by city staff, consulting services were provided to create the “Developer’s Guide; a comprehensive guide to land development,” and to assist in addressing identified deficiencies within the current subdivision code. As part of researching and creating the Developer’s Guide, it was determined by staff and the consultant that additional subdivision code language was needed to guide both the public and staff in the platting of land within the city. Additionally, varying plat types afforded by the Texas Local Government Code, were not being utilized due to a lack of being clearly defined or identified in the local ordinances. These varying plat types allow for additional options in land development platting and provide the ability to better streamline the development process or allow corrective action in an abbreviated timeframe compared to existing subdivision code authority.

Given these findings and in conjunction with the creation of the Developer’s Guide, code language was drafted to address the identified needs. The proposed version of the subdivision code goes beyond the previous code in that it provides additional options within the platting process, specifically defines these plat types and describes how they can be utilized depending on the situation. Furthermore, it provides information and guidance as to the form and content of the plat submittals and the subsequent review processes by the City.

With the exception of the additional language pertaining to the purpose and intent of the subdivision code, a majority of the existing code language was maintained after a thorough review to ensure it met today’s ever-changing development environment. Minor changes were made to the existing subdivision code sections to better define the processes and requirements in form and content.

The (new) proposed code sections include 15-3-20 through 15-3-24. These sections include the allowance of the following:

- A *conceptual development plat* that works in conjunction with a Planned Unit Development;
- An *amended plat* which will allow the applicant the ability to now make minor corrections to an existing plat (e.g. a street name change);



- A *replat* which will allow for a significant change to a portion of a platted area of a larger plat;
- A *lot line adjustment plat* which gives the applicant the ability to adjust one specific lot line; and/or
- A *vacating plat* which provides for the ability to vacate a plat that is no longer considered for development or is obsolete in design.

These new code sections provide guidance in the application of these types of plats and provide for submittal, review and approval processes to clearly guide staff, the general public and the Boards and Commissions through consideration and approval. Most importantly, the new sections provide flexibility by both city staff and the developer in the platting and development process by streamlining the process and providing expedited processes to make changes or correct minor errors. This eliminates the need of having to go through the lengthier preliminary and final platting process more than once.

Finally, a *fee schedule* code section is proposed which will more clearly define the associated application fees for the different types of plat applications. Previously this was separated in several sections of the subdivision code and only prescribed fees for preliminary and final plats. This newly proposed section includes all the defined plat types and clearly outlines the fees associated with the application, all in one section rather than having to revert back to separate sections to determine the platting fees. The fee schedule section also includes the county recording fees associated with the platting process.



Planning & Development Services Department

TO: Mayor & City Commission

THROUGH: Vincent Capell, City Manager

FROM: Cynthia Martin, Interim Director of Planning & Development Services

SUBJECT: Chapter 15, Article III "Subdivisions" Amendments: Sec. 15-3-15 thru 15-3-25

DATE: September 18, 2014

In an effort to streamline the subdivision code and provide for additional tools within the platting process, this section of code was identified by planning staff as an area we can improve the code language to assist both the development community and city staff. Additionally, the revisions/amendments will now afford additional options and plat types that were previously not defined within the code.

The proposed language will provide clear and concise direction pertaining to the purpose and intent of the subdivision code, the use of conceptual development plats, amended plats, replats and vacating plats. Additionally, the fee schedule was updated to reflect the various plats and clearly communicate the fees for plat submittals.

Staff presented the attached staff report and supplemental information to the Planning & Zoning Commission. As stated in the staff report the request was found to be consistent with the adopted Master Plan which identifies this type of action in an effort to promote organize and effective development.

Planning staff recommends approval of this request. The Planning & Zoning Commission recommended **Approval** of the request with a unanimous 6/0 vote.

Attachments

AGENDA ITEM #2



Engineering Department

361-595-8005

361-595-8035 Fax

DATE: September 30, 2014

TO: City Commission through City Manager

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

SUBJECT: Out of State Travel (at no cost to the city) to tour and evaluate centrifuge system for wastewater treatment.

SUMMARY

This item grants permission for Charlie Cardenas (City Engineer/Director of Public Works) and Frank Garcia (Wastewater Supervisor) to travel to the Centrisys company headquarters and factory in Kenosha, Wisconsin (North of Chicago Illinois) to evaluate a centrifuge sludge dewatering system. All travel and lodging expenses will be covered by Centrisys.

BACKGROUND

As part of the five year wastewater plan, a centrifuge sludge dewatering system was budgeted in the 2014 – 2015 annual budget. A sludge dewatering system will enhance wastewater operations. It will reduce the manpower at the drying beds and reduce the amount of solid waste at the landfill. Centrisys is a particular centrifuge system that is being considered. Centrisys would like for representatives from the City of Kingsville to tour their facility and make sure their centrifuge will fit the needs of Kingsville. The one day itinerary will include meeting with engineers, presentations, and tours of the factory and repair facilities.

RECOMMENDATION

Staff recommends Charlie Cardenas and Frank Garcia to visit with Centrisys in Kenosha, Wisconsin to evaluate the centrifuge dewatering system.

FINANCIAL IMPACT

There are no obligations or financial impacts to the City of Kingsville.

Approved

Vincent Capell, City Manager

AGENDA ITEM #3

Mr. Brewster's Direct Line: (512) 322-5831
Email: cbrewster@lglawfirm.com
Fax: (512) 472-0532

MEMORANDUM

TO: City and Other Political Subdivision Members of ERCOT

FROM: Chris Brewster

DATE: September 30, 2014

RE: ERCOT Membership Renewal for 2015

The purpose of this memorandum is to recommend that your city or other political subdivision renew its membership in the Electric Reliability Council of Texas ("ERCOT") for 2015. For the reasons that we detail below, an ERCOT membership continues to be a straightforward and cost-effective way for your city to influence electric policy in Texas, and **we recommend that you submit your ERCOT membership renewal by Friday, November 7, 2014**. The membership fee is \$100 per year.

What is ERCOT?

ERCOT is the entity that is responsible for operating the electric grid in the deregulated portion of Texas. Furthermore, ERCOT maintains the set of complicated rules that frame the way that electricity is bought and sold in the deregulated wholesale market. Through a process of negotiation and deliberation within committees of interested parties, the ERCOT stakeholder process is constantly reviewing and revising these rules, known as the ERCOT Protocols. Most of the issues addressed at ERCOT are addressed nowhere else – the Public Utility Commission ("PUC") has largely delegated these issues to the ERCOT stakeholder process.

What role do cities play in the ERCOT process?

Consumers, such as cities and other political subdivisions, have a voice in ERCOT's decision-making process. Each segment of the ERCOT market has a vote on issues before ERCOT, through its representatives on the Technical Advisory Committee ("TAC") and the Board of Directors.

TAC and the Board are the bodies responsible for making the most important decisions about the detailed workings of the ERCOT market. These decisions can have bottom-line impacts on electricity prices. A total of **140** cities and other political subdivisions joined ERCOT in 2014. With this membership strength, cities successfully elected two city representatives to TAC and one director to ERCOT's Board of Directors for 2014. A strong contingent of city members would make continuation of this strong presence likely for 2015.

As you know, ERCOT faced many challenges in 2014 including trying to ensure that an adequate energy supply is in place over the next several years. Both ERCOT and the PUC considered, and then rejected, high-level market design changes that would have significantly increased customers' bills. We expect the PUC and the ERCOT stakeholder process to continue to examine many aspects of Texas's deregulated market design in 2015, making cities' presence in the ERCOT process on behalf of consumers of continued importance.

What does an ERCOT membership require?

It is not difficult to renew your ERCOT membership. A simple form is required, along with payment of a \$100 membership fee. In the pages that follow, you find a guide to completion of the form. We are also available to assist you; please feel welcome to call me (Chris Brewster) at the phone number at the top of this memorandum, or email me at cbrewster@lglawfirm.com.

In order to vote for candidates for the 2015 Technical Advisory Committee and the Board of Directors, ERCOT must receive your renewal application and \$100 fee by Friday, November 7, 2014.

WHEN COMPLETING THE ATTACHED APPLICATION FORM, PLEASE NOTE THE FOLLOWING:

- Only corporate members may vote in ERCOT matters. In response to **Question No. A.2** on the form, we recommend that cities renew as **Corporate**, rather than associate, members. [for your convenience, we have already checked this option]
- For corporate members in the Small or Large Commercial Consumer Segment, the renewal fee is **\$100**. The form designates how the payment is to be made in paragraph A.3.
- **Question No. A.4** asks that you designate the segment in which you are renewing. Cities and other political subdivisions qualify for membership in the **Consumer** segment, and within that segment **you must choose either the Small or Large Commercial Consumer** sub-segments.

In the listing of cities on the attached page, we have noted which cities joined in each of these categories for 2014. We recommend that you choose the same segment when renewing your membership for 2015. Please call me (Chris Brewster) at 512-322-5831 (or email: cbrewster@lglawfirm.com) if you have any questions about this.

- In response to **Question No. A.5, please designate as your authorized representative** an employee of your city that can receive notices from ERCOT. ERCOT contacts its members very rarely; this person will not be inundated with emails. During the coming year, please feel free to forward anything you receive from ERCOT to me at the email address above.
- There is **no need to answer Question No. A.6**, as it is not relevant to cities' memberships in ERCOT.

- Item A.3 on the form states the address at which to mail the form to ERCOT, but this can also be done by email to: **membership@ercot.com**. Please note that **if you submit your application via email, ERCOT asks that you send the \$100 renewal fee by wire.** ERCOT does not accept credit cards. **After you have sent your application to ERCOT, please forward a copy to me at cbrewster@lglawfirm.com or fax to (512) 472-0532.** This will help us track pending applications, and will allow us to follow up with ERCOT if issues arise.

Please feel free to call or email us if you have any questions in completing the form or about ERCOT in general.

ERCOT Membership List for 2014 (taken from website)

Small Commercial	Large Commercial
Aransas County Municipal Utility District No. 1	Aquilla Water Supply District
City of Belton	City of Abilene
City of Benbrook	City of Alamo
City of Breckenridge	City of Allen
City of Carrizo Springs	City of Arlington
City of Celina	City of Big Spring
City of Cisco	City of Brownwood
City of Clyde	City of Canton
City of Comanche	City of Carrollton
City of Commerce	City of Cleburne
City of Coppel	City of Corpus Christi
City of Copperas Cove	City of Dallas
City of Corinth	City of Decatur
City of Crockett	City of Denison
City of Crowley	City of Euless
City of Deer Park	City of Farmers Branch
City of DeSoto	City of Forest Hill
City of Dilley	City of Fort Worth
City of Dublin	City of Galveston
City of Early	City of Grand Prairie
City of Eastland	City of Grapevine
City of Frisco	City of Haltom City
City of George West	City of Harlingen
City of Glenn Heights	City of Houston
City of Hamilton	City of Killeen
City of Harker Heights	City of Kingsville
City of Honey Grove	City of La Feria
City of Howe	City of Lewisville
City of Hutto	City of Mansfield
City of Ingleside	City of Mercedes
City of Ingleside on the Bay	City of Mesquite
City of Josephine	City of Mission
City of Justin	City of Missouri City
City of Keller	City of Morgan's Point
City of Kerens	City of North Richland Hills
City of Lake Worth	City of Odessa
City of Little River-Academy	City of Pearland
City of Lorena	City of Port Lavaca
City of Los Fresnos	City of Portland
City of Malakoff	City of Rio Grande City
City of McAllen	City of Robinson
City of Murchison	City of Rockport
City of Murphy	City of Sachse
City of Nassau Bay	City of San Angelo
City of Oak Point	City of Seadrift
City of Ovilla	City of Sherman
City of Paris	City of South Padre Island
City of Piney Point Village	City of Stephenville
City of Point Comfort	City of Sweetwater
City of Pottsboro	City of Taylor Lake Village
City of Ranger	City of Temple
City of River Oaks	City of The Colony
City of Rosenberg	City of Tyler
City of Rotan	City of Vernon
City of San Juan	City of Victoria

Small Commercial	Large Commercial
City of Seagoville City of Snyder City of Spring Valley Village City of Springtown City of Sulphur Springs City of Texas City City of University Park City of Venus City of Webster City of Weston Lakes City of Wharton City of White Settlement City of Whitney City of Woodway City of Wylie Town of Argyle Town of Highland Park Town of Laguna Vista Town of Prosper Town of Sunnyvale Town of Woodsboro	City of Waco City of Watauga City of Waxahachie City of Wichita Falls Johnson County Special Utility District South Texas Water Authority Town of Addison Town of Flower Mound Upper Leon River Municipal Water District



**ELECTRIC RELIABILITY COUNCIL OF TEXAS, INC.
MEMBERSHIP APPLICATION AND AGREEMENT FOR MEMBERSHIP YEAR 2015**

This Membership Application and Agreement (Agreement) is by and between Electric Reliability Council of Texas Inc. (ERCOT) and the City of Kingsville, Texas (Applicant). In consideration of the mutual covenants contained herein, the parties hereby agree that the Applicant shall become an ERCOT Member and receive the ERCOT Member Services and benefits described herein, subject to the terms and conditions of this Agreement. This Agreement shall be effective as of the date signed by the Applicant provided that the Applicant meets all of the qualifications for ERCOT Membership.

Capitalized terms that are not defined in this Agreement shall have the meaning as defined in the ERCOT Bylaws or the ERCOT Protocols.

A. Membership Application Information

1. Name of Entity applying for Membership: the City of Kingsville, Texas
2. Type of Membership: Check **ONE** type of Membership. *Affiliated Entities as defined in the ERCOT Bylaws may hold only one Corporate Membership.*

Entities applying for additional Memberships, such as an Associate Membership, must use a separate Agreement for each Membership. The applicable fees are listed below and entitle Members to services ERCOT provides such as hosting ERCOT meetings, providing Members with necessary information and such other Member Services as may from time to time be offered. Please note that any Member may request that the Member's Annual Member Service Fees be waived for good cause shown.

☒ **Corporate.** Voting. \$2,000 per Membership Year (except Residential and Commercial Consumer Members fees are \$100 per year). Corporate Membership includes the right to vote on matters submitted to the general membership such as election of Board Directors, election of Technical Advisory Committee (TAC) Representatives and TAC subcommittees thereof and amendments to the Articles of Incorporation and the ERCOT Bylaws. Residential Consumer Members do not elect a Director to represent the Residential Consumer interests as the Public Counsel is mandated to represent these interests.

☐ **Associate.** Non-voting. \$500 per Membership Year (except Residential and Commercial Consumer Members fees are \$50 per year). Associate Membership includes no voting rights. However, an Associate Member may be elected by Corporate Members to serve as a voting member of the Board, TAC or a TAC subcommittee thereof.

☐ **Adjunct.** Non-voting. \$500 per Membership Year. Entities not meeting the Segment requirements for Membership may join as Adjunct Members upon Board approval. Adjunct Membership does not include voting rights or the right to be elected to the Board, TAC or a TAC subcommittee thereof.

3. The Applicable Annual Member Services Fee must accompany this Agreement and be delivered to ERCOT by the Record Date in order for the Member to participate in the elections for the Membership Year. Please make checks payable to ERCOT and mail to ERCOT, Attention: Legal Department, 7620 Metro Center Drive, Austin, Texas 78744. Please send an email to membership@ercot.com for wire instructions.

4. Segment Participation: (Check ONE Segment designation.)

☒ **Consumer.** Any Entity representing the interests of end-users of electricity in the ERCOT Region.

Check **ONE** Subsegment designation:

☐ **Residential Consumer**

☐ **Small Commercial Consumer** (Peak demand of 1000 KW or less)

☒ **Large Commercial Consumer** (Peak demand greater than 1000 KW)

☐ **Industrial Consumer** (Average monthly demand greater than 1 megawatt and engaged in an industrial process)

☐ **Cooperative.** An Entity operating in the ERCOT Region that is: (i) a corporation organized under Chapter 161 of the Texas Utilities Code or a predecessor statute to Chapter 161 and operating under that chapter; (ii) a corporation organized as an electric cooperative in a state other than Texas that has obtained a certificate of authority to conduct affairs in the State of Texas; (iii) a cooperative association organized under Tex.Rev.Civ.Stat. 1396-50.01 or a predecessor to that statute and operating under that statute; or (iv) a River Authority as defined in Tex. Water Code §30.003.

☐ **Independent Generator.** Any Entity that is not a Transmission and Distribution Entity (T&D Entity) or an Affiliate of a T&D Entity and (i) owns or controls generation of at least 10 MW in the ERCOT Region; or (ii) is preparing to operate and control generation of at least 10 MW in the ERCOT Region, and has approval of the appropriate governmental authority, has any necessary real property rights, has given the connecting transmission provider written authorization to proceed with construction and has provided security to the connecting transmission provider.

☐ **Independent Power Marketer.** Any Entity that is not a T&D Entity or an Affiliate of a T&D Entity and is registered at the Public Utility Commission of Texas (PUCT) as a Power Marketer to serve in the ERCOT Region.

☐ **Independent REP.** Any Entity that is certified by the PUCT to serve in the ERCOT Region as a Retail Electric Provider (REP) under PURA §39.352 and that is not an Affiliate of a T&D Entity operating in the ERCOT Region.

☐ **Aggregators** may register to participate in this Segment if unable to qualify in any other Segment.

☐ **Investor-Owned Utility.** (i) An investor-held, for-profit "electric utility" as defined in PURA §31.002(6) that (a) operates within the ERCOT Region, (b) owns 345 kV interconnected transmission facilities in the ERCOT Region, (c) owns more than 500 pole miles of transmission facilities in the ERCOT Region, or (d) is an Affiliate of an Entity described in (a), (b) or (c); or (ii) a public utility holding company of any such electric utility.

☐ **Municipal.** An Entity operating in the ERCOT Region that owns or controls transmission or distribution facilities, owns or controls dispatchable generating facilities, or provides retail electric service and is either: (i) a municipally owned utility as defined in PURA §11.003 or (ii) a River Authority as defined in Tex. Water Code §30.003.

5. Identify your designated representative for required notices to ERCOT Members and for participation in meetings of the Corporate Members:

Name: Courtney Alvarez
Title: City Attorney
Address: P.O. Box 1458
City, State, Zip: Kingsville, TX 78364
Phone: (361) 595-8016
Fax: (361) 592-4696
Email: attny@cityofkingsville.com

6. List any other ERCOT Memberships held by the Applicant or any Affiliates (attach extra pages if necessary):

(a) Entity name: _____
Segment: _____

(b) Entity name: _____
Segment: _____

(c) Entity name: _____
Segment: _____

B. Membership Agreement

1. **Membership.** Membership in ERCOT is open to any Entity that meets any of the Segment definitions set forth in the Bylaws. Members must be an organization that either operates in the ERCOT Region or represents consumers within the ERCOT Region. Members may join as a Corporate, Associate or Adjunct Member subject to the criteria set forth in the ERCOT Bylaws. Members must apply for Membership through an authorized officer or agent.

2. **Fees.** Annual Member Services Fees are described in the ERCOT Bylaws and may be changed through the procedure set forth therein. Any change in fees shall automatically become effective as to all ERCOT Members without the necessity of amending this Agreement. All Memberships are year to year and must be renewed annually. Annual Member Services Fee renewals shall be due by the record date for the annual membership meeting. Membership fees may not be prorated. This Agreement shall renew in yearly increments upon ERCOT's receipt of the following (1) Member's Renewal Application and (2) Member's applicable Annual Member Services Fee. Any Member may request that the Member's Annual Member Service Fees be waived for good cause shown.

3. **Application for Membership.** Members will submit the following items in order to apply for Membership: (i) payment of the Annual Member Services Fee and (ii) a signed copy of this Agreement. Upon approval, ERCOT will promptly notify Member Applicant of the same.

4. **Change of Designated Representative.** An ERCOT Member may change its representative at any time by written request (signed by a duly authorized representative of the ERCOT Member) submitted to the ERCOT Legal Department at membership@ercot.com.

5. **Suspension and Expulsion.** All ERCOT Members shall abide by the ERCOT Bylaws, as they may be amended from time to time, and any other rule or regulation duly adopted by the Board of

Directors. Any ERCOT Member, who willfully violates any provision of this Agreement, the ERCOT Bylaws, or any other rule or regulation duly adopted by the Board of Directors, may be reprimanded, suspended, and/or expelled in accordance with procedures adopted by the Board of Directors or set forth in the ERCOT Bylaws. Such action will affect all persons deriving Membership privileges through such ERCOT Member.

6. **Amendment.** This Agreement may be amended, modified, superseded, canceled, renewed, or extended and the terms and conditions hereof may be waived only by a written instrument executed by both parties hereto or, in the case of a waiver, by the party waiving compliance.

7. **Governing Law.** This Agreement shall be governed by and construed and interpreted in accordance with the laws of the State of Texas that apply to contracts executed in and performed entirely within the State of Texas, without reference to any rules of conflict of laws. Parties consent to the exclusive jurisdiction of Texas.

IN WITNESS WHEREOF, the Member certifies that (i) the Member meets the requirements for ERCOT Membership in the Segment designated herein; (ii) all information provided herein is true and correct to the best of the Member's knowledge; and (iii) through its authorized representative the Member agrees to be bound by the terms of this Agreement, the ERCOT Bylaws and any other requirements duly adopted by the Board of Directors.

By: _____

Printed Name: Courtney Alvarez

Title: City Attorney, City of Kingsville, Texas

Date: _____

AGENDA ITEM #4

RESOLUTION NO. 2014-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ENGAGEMENT LETTER AGREEMENT BETWEEN THE CITY OF KINGSVILLE, TEXAS AND JOHN WOMACK & CO., P.C. FOR THE 2013-2014 FISCAL YEAR AUDIT; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

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

I.

THAT the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into an Engagement Letter Agreement Between John Womack & Co., P.C. and the City of Kingsville, Texas for the 2013-2014 Fiscal Year audit in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

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

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

JOHN WOMACK & CO., P.C.
CERTIFIED PUBLIC ACCOUNTANTS

JOHN L. WOMACK, CPA

JOHN R. WOMACK, CPA
MARGARET KELLY, CPA

P. O. BOX 1147
KINGSVILLE, TEXAS 78364
(361) 592-2671
FAX (361) 592-1411

September 25, 2014

Mayor Sam Fugate, City Commissioners and City Manager Capell
City of Kingsville
P.O. Box 1458
Kingsville, Texas 78364

We are pleased to confirm our understanding of the services we are to provide the City of Kingsville for the year ended September 30, 2014. We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of City of Kingsville as of and for the year ended September 30, 2014. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement City of Kingsville's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to City of Kingsville's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis.
2. Budgetary comparison schedules.
3. GASB required supplementary pension information and



4. OPEB.

We have also been engaged to report on supplementary information other than RSI that accompanies City of Kingsville's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole, in a report combined with our auditor's report on the financial statements:

1. Combining statements for the CAFR and
2. Individual Fund Statements and Supporting Schedules.

Audit Objectives

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of the accounting records of City of Kingsville and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of City of Kingsville's financial statements. Our report will be addressed to the Mayor and City Commissioners of the City of Kingsville. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports or may withdraw from this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and on compliance and other matters will include a paragraph that states (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control on compliance,

and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The paragraph will also state that the report is not suitable for any other purpose. If during our audit we become aware that City of Kingsville is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

Management Responsibilities

Management is responsible for the financial statements and all accompanying information as well as all representations contained therein. As part of the audit, we will assist with preparation of your financial statements, related notes and depreciation schedules (if needed) using your assigned life and depreciation method. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. You agree to assume all management responsibilities relating to the financial statements, related notes and depreciation schedules (if needed) and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, related notes and depreciation schedules (if needed) using your assigned life and depreciation method and that you have reviewed and approved the financial statements, related notes and depreciation schedules (if needed) prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on your website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

Management is responsible for establishing and maintaining effective internal controls, including evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; following laws and regulations; and ensuring that management is reliable and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles, for the preparation and fair presentation of the financial statements in conformity with U.S.

generally accepted accounting principles, and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants and for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts or grant agreements, or abuse that we report.

You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits or other studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. Our responsibility as auditors is limited to the period covered by our audit and does not extend to later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories,

and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City of Kingsville's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

Other Matters and Limitation on Liability

In the unlikely event that differences concerning our services or fees should arise that are not resolved by mutual agreement, to facilitate judicial resolution and save time and expense of both parties, the City agrees to participate in mediation, under the Commercial

Mediation Rules of the American Arbitration Association, before any claim is asserted.

In the event that John Womack & Co., P.C. is found to be negligent in provision of any services covered by this agreement which result in damage to the City, John Womack & Co., P.C.'s liability to the City will be limited to actual damages or losses incurred by the City. John Womack & Co., P.C. will not be liable to the City for any punitive damages.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash or other confirmations we request and will locate any documents selected by us for testing.

We will provide copies of our reports to the City Commission; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of John Womack & Co., P.C. and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to cognizant agencies or their designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of John Womack & Co., P.C. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

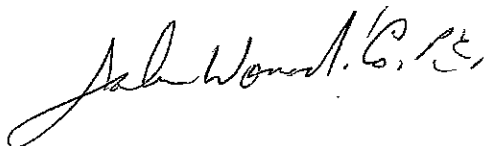
The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the cognizant agency. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit on approximately November 03, 2014 and to issue our reports no later than March 31, 2015. John L Womack is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

We estimate that our fee for these services will be \$49,500 for the audit, \$2,500 for the Task Force, \$25,000 for the GASB 34, 35 and 54 and GFOA report presentation, \$4,500 (as needed) for the fixed assets, and \$3,500 for the state and federal grants plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.). Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to the City of Kingsville and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Womack & Co., P.C.", written in dark ink.

John Womack & Co., P.C.

RESPONSE:

This letter correctly sets forth the understanding of the City of Kingsville.

Management Signature: _____

Title: _____

Date: _____

Governance signature: _____

Title: _____

Date: _____

AGENDA ITEM #5



DATE: October 2, 2014

TO: City Commission

VIA: Vince Capell, City Manager

FROM: Cynthia Martin, Downtown Manager

SUBJECT: Historical Development Board Appointment

The Historical Development Board would like to recommend the appointment of Mr. Jonathan Plant to the Historical Development Board. Mr. Plant is currently Director of the Conner Museum. He has Master's degrees in History with an emphasis on Museum Studies from the University of Central Oklahoma. Mr. Plant is a resident of Kingsville and has an interest in American History and historic architecture.

I am hereby requesting the City Commission consider the appointment of Mr. Jonathan Plant to the Historical Development Board for a three year term at the next Regular Commission meeting.

Cynthia Martin

Jonathan Alan Plant

Home:

730 Santa Elena Drive
Kingsville, Texas 78363

Tel: [REDACTED]

e-mail: [REDACTED]

John E. Conner Museum

700 University Blvd, MSC 134
Kingsville, Texas 78363

Tel: 361-593-2849

e-mail: jonathan.plant@tamuk.edu

Areas of Interest

- American History, 18th-early 20th Century
- Texas Revolution
- American Civil War
- Victorian Society
- Westward Expansion, 19th-20th Centuries
- Decorative Arts
- Historic Architecture, particularly Richardson Romanesque

Education

- M.A., History - Museum Studies, University of Central Oklahoma, 1997
- B.A., English - Technical Writing, Oklahoma State University, 1993

Additional Training

- Completed Northern States Conservation Center Online Class, "MS201: Storage for Infinity: An Overview of Museum Storage Principles", November 6 - December 15, 2006
- Completed After the Storm: Recovery of Wet Collections" sponsored by the NPS National Center for Preservation Technology, Natchitoches, Louisiana, March 20, 2006

Grants and Awards

- Coastal Bend Community Foundation Special Grant, 2014
Allocated for exhibits upgrade
- Coastal Bend Community Foundation Annual Grant, 2013
Used to subsidize Coastal Bend Regional History Fair
- Texas Historical Commission Small Museums Grant, 2006
Making archival-quality copies of collections records

Presentations

- "And the Myth Goes On...More "Lies My Docent Told Me..." Texas Association of Museums Annual Conference, El Paso, March 18, 2009
- "Closet Taxes, Short People and Melted Makeup: Lies My Docent Told Me," Texas Association of Museums Annual Conference, Galveston, March 27, 2008

Work Experience

Museum Director	04/2013 to Present
John E. Conner Museum, Kingsville, Texas	

- Oversee Museum Operations, including museum building and storage areas
- Supervise staff of 3 permanent employees and 2-5 part-time employees
- Approve Museum Budget
- Serves as Department Chair in the College of Arts & Sciences
- Serve as ex-officio member of Friends of the Conner Museum, 501C3 organization
- Coordinate collaborative efforts with community heritage organizations and other museums
- Complete grant applications and funding requests
- Report annually on use of Hotel/Motel Tax Allocation to City Commission
- Develop advertisements and promotional materials for Museum
- Assist with museum tours and programs

Curator	11/2007 to 04/2013
John E. Conner Museum, Kingsville, Texas	

- Supervised 3-5 part-time and student employees
- Implemented student intern program and supervised interns
- Composed press releases for upcoming exhibits and events; give media interviews
- Monitored environmental conditions
- Reviewed and revised permanent exhibits
- Developed and install temporary exhibits; installed incoming traveling exhibits
- Conducted guided tours for college classes, public school groups, and general public
- Recommended conservation treatment for artifacts
- Implemented preservation measures in collection storage areas
- Maintained collections records

Contract Curator	08/2007 to 09/2007
Fort Bend County Museum Association, Richmond, Texas	

- Identified and salvaged historically significant items from defunct industrial complex
- Accessioned items into computer database

Curator (Park Specialist II)	01/2006 to 09/2007
Varner Hogg-Plantation State Historic Site, West Columbia, Texas	

- Led Interpretation Team, oversaw Site Programmer
- Monitored environmental conditions in historic plantation house and archaeological sites
- Wrote preservation grant; was awarded grant & oversaw implementation
- Consulted with contractors and served as liaison between site director and contractors
- Conducted dialogues with building preservation specialists and recommended treatments
- Researched and wrote furnishing plans
- Developed and installed temporary exhibits
- Conducted hands-on activity programs
- Reorganized Collections Storage

Site Interpreter (Exhibit Technician II)	11/2001 to 01/2006
Sea Rim State Park & Sabine Pass Battleground State Historic Site, Sabine Pass, Texas	

- Developed interpretive programming for two park sites
- Conducted educational programs for school groups and general public
- Developed and coordinated "Living History Day" program with local heritage groups
- Drafted interpretive text for nature trail signage
- Created park brochures and interpretive handouts
- Wrote historical narrative for Texas State Historical Marker (installed 2005)
- Compiled research for marker commemorating Union Dead at the Battle of Sabine Pass (monument installed 2007)

Contract Historian	12/1997 to 04/1998
Oklahoma Historical Society, Oklahoma City, Oklahoma	

- Researched 1921 Tulsa Race Riot using primary source materials and insurance maps
- Selected graphics for "Fourteen Flags Over Oklahoma" temporary exhibit
- Assisted various divisions within OHS

Contract Historian	08/1997 to 09/1997
Oklahoma Territorial Museum, Guthrie, Oklahoma	

- Researched primary source materials on 1889 Oklahoma Land Rush
- Developed artifact lists for temporary exhibit
- Created exhibit panel on local architecture
- Updated collections records

Museum Assistant	09/1996 to 05/1997
UCO Laboratory of History Museum, Edmond, Oklahoma	

- Reorganized collections records and implemented modern trinomial cataloging system
- Conducted guided tours
- Implemented preservation measures in collections storage
- Researched and revised text and graphics on existing exhibits
- Wrote chapters on object numbering, security, and artifact preservation for operations handbook

Professional Memberships

- Mountain-Plains Museums Association
- Texas Association of Museums

References

Sandra Rexroat
Director
South Texas Archives
700 University Blvd, MSC 197
Kingsville, TX 78363
361-593-4154
sandra.rexroat@tamuk.edu

Kandy Taylor-Hille
Former Site Manager
Varner-Hogg Plantation SHS
2012 N Rock Island
Angleton, TX 77515
979-319-5230 or 979-248-0521
ktaylorh@gmail.com

Dr. Cynthia Brandimarte
Historic Sites Advisor
Texas Parks & Wildlife Department
4200 Smith School Road
Austin, TX 78744
512-389-4464
cindybrandimarte@tpwd.texas.gov

Jeff Briley
Assistant Museum Director
Oklahoma History Center
2401 N. Laird Avenue
Oklahoma City, OK 73105
405-522-0799
jbriley@okhistory.org

REGULAR AGENDA

AGENDA ITEM #6



Date: September 25, 2014

To: City Commission via City Manager

From: Leo H. Alarcon, Director of Tourism Services /s/ LA

Re: Request for City Support for Rodeo event at Dick Kleberg Park

The Kingsville Chamber of Commerce Board of Directors have requested the support of the City for the newly created Kingsville Heritage Rodeo & Cook-off. The Rodeo and Cook-off will be part of the Annual Ranch Hand Weekend in Kingsville and will be incorporated with the Breakfast at the King Ranch and the Festival at downtown. The Chamber has applied for sponsorship for this event in terms of in-kind services from City departments. The Rodeo is scheduled for Friday and Saturday, November 21 & 22, 2014 at the J. K. Northway Expo Center from 7 p.m. to 10 p.m. Also scheduled for Friday, November 21, 2014 for the cook-off participants to check in, this is not opened to the public.

The board is requesting City support in the form of the rental fee in the amount of \$3,000 for the expo center at Dick Kleberg Park, advertising from the department of Tourism in the amount of \$2,800, security from the Police and Task Force departments estimated at about \$4,000 for Friday and Saturday nights and trash cans and trash pick up estimated at about \$200.

Proceeds will go to the Kingsville Chamber of Commerce and for the Scholarship Fund which will award high school students scholarships from Kingsville and Riviera in attending Texas A&M University – Kingsville.



Cost for City support for the Kingsville Heritage Rodeo & Cook-off

Parks Department

J. K. Northway Expo Center rental fee	Est. cost	\$3,000
---------------------------------------	-----------	---------

Department of Tourism

Advertising in Radio and newspapers.	Est. cost	\$2,800
--------------------------------------	-----------	---------

Police and Task Force Departments

KPD & Task Force have been asked to provide security by email.	Est. cost	\$4,000
--	-----------	---------

Public Works Department

Provide outdoor trash cans and trash pick up services for events.	Est. cost	\$ 200
---	-----------	--------

Estimated Total		\$10,000
-----------------	--	----------



August 7, 2014

City of Kingsville

Honorable Mayor & Commissioners:

The Kingsville Chamber of Commerce is requesting the City of Kingsville's assistance in sponsorship of the Kingsville Heritage Rodeo & Cook-off. It will be a pro rodeo, along with a sanctioned cook-off. This event is to be held in November during the weekend of the King Ranch Breakfast and the Ranch Hand Festival, November 21 & 22.

We expect the event to bring in many visitors to Kingsville and hopefully we will have hotel rooms for them to spend a night or two. Our estimate is 2000 people at each night's performance. Of course with the cook-off having over 100 teams, we will also need additional rooms at hotels.

We hope that this will become an annual event and will help boost numbers at the breakfast, as well as our Ranch Hand Festival downtown. We have been soliciting sponsors and so far everyone has been receptive and excited about a rodeo in Kingsville.

We are asking the City to donate \$5,000 in cash and \$5,000 in-kind (security, advertising, etc.). Our budget for the event is attached.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in cursive script, reading "Alice Byers".

Ms. Alice Byers
Executive Director
Kingsville Chamber of Commerce

AGENDA ITEM #7

ORDINANCE NO. 2014-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2014-2015 BUDGET FOR THE GENERAL FUND TO PROVIDE FUNDING FOR BUILDING IMPROVEMENTS TO CITY PROPERTY AT 2211 SOUTH BRAHMA BLVD.

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
<hr/>					
Fund 001 General Fund					
<u>Capital</u>					
2		Unreserved Fund Balance	61000		<u>\$17,000</u>
					<u>\$17,000</u>
<u>Expenses</u>					
5-1030	City Special	Building Maintenance	51100	<u>\$17,000</u>	
				<u>\$17,000</u>	

This item authorizes the Planning & Development Services Department to provide building improvements to a city-owned building located at 2211 S. Brahma Blvd. Improvements are needed in preparation for the lease of the building as discussed in the attached memo.

II.

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

III.

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

IV.

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

INTRODUCED on this the 13th day of October, 2014.

PASSED AND APPROVED on this the ___ day of _____, 2014.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



Planning Department

TO: Mayor and Commission Members

THROUGH: Vince Capell, City Manager

FROM: Jessica Storck – Administrative Assistant II Planning Department

SUBJECT: Budget Amendment – GCS Building Improvements

DATE: October 6, 2014

Reference is made to the June 23rd, 2014 City Commission meeting in which Robert Isassi updated City Commission on the existing condition of the Global Contact Services (GCS) building located at 2211 Brahma Blvd. As previously discussed, the City has already begun partnering with the local university by leasing the building to the university to attract Eagle Ford Shale companies to Kingsville for research. In order to make the building move-in-ready, the City is continuing to make repairs, perform maintenance, and update certain aspects of the building before leasing.

In FY14, the beginning budget for the Fund 001 the balance was \$20,325.00. We used \$12,309.30 and had a remainder of \$8,015.70, which was not expended and lapsed at the end of FY14 on 9/30/2014.

The breakdown of the needed work completed is as follows:

Fire Inspection & Fire Equip Maintenance \$2564.84
Cost to perform a fire alarm and system check from a certified company to ensure that the existing alarm system is working. Cost to maintain the existing fire extinguishers which have not been checked since 2007 and to replace rechargeable batteries for emergency lighting.

Plumbing \$3619.46
Installed rebuild kit for 10 commodes. Remove and replace 10 lavatory faucets with flex lines. Repair 10 urinals, replace 20 gallon water heater and mop sink with faucet.

Carpentry \$550.00
Cost to replace rear storage area exit door, construct new stairs to the building, and waterseal the building.

AC Repairs \$5575.00
Inspected rooftop units fixing minor repairs and cleaning. Replaced burnt blower motor and clean coils, added freon, replaced thermostat and unclog drain on 9 systems.

In FY15 additional funds are needed to complete the move in ready project at the GCS Building.

Ceiling Tiles \$3639.20
Replace approximately 80 ceiling tiles that had water damage from a faulty AC system. Also replace the tile outside of the building under the awning that was soaked with feces from birds living in awning.

Locksmith \$105.00
Drill opened the combination lock that had no code.

Sanitation

Sanitation \$8645.00
Sanitize bathrooms, clean building, wax and strip floors, sweep, vacuum, mop, and clean windows and glass doors.

Electrical Repairs \$3800.00
Repair light fixtures that are not working, disconnect Every other light so electricity is not consumed.
Remove all existing power poles in bull pens and disconnect splice box above ceiling tile.

City staff is requesting a total of \$17,000.00 (includes a 6% contingency cost) to cover these estimated costs to prepare the building for occupancy. City staff is creating a plan and contacting vendors for this project once the budget amendment is approved. City staff is requesting the \$17,000.00 to be funded from Fund 001 – Fund Balance.

City Costs For GCS Building

Description	FY 2014			FY 2015 Expended Proposed	Project Total (Budget Deficit)
	Actual Budgeted	Expended	Budget (Deficit)		
Fire Inspection/Fire Equipment Maint					
Plumbing	\$900.00	\$2,564.84	(\$1,664.84)		(1,664.84)
AC Repairs	\$800.00	\$3,619.46	(\$2,819.46)		(2,819.46)
Carpentry	\$4,800.00	\$5,575.00	(\$775.00)		(775.00)
Ceiling Tile Replacement indoors	\$3,500.00	\$550.00	\$2,950.00		2,950.00
Electrical	\$400.00		\$400.00	\$1,600.00	(1,600.00)
Sanitation	\$1,000.00		\$1,000.00	\$3,800.00	(3,400.00)
Locksmith	\$500.00		\$500.00	\$8,645.00	(7,645.00)
Pest Control	\$800.00		\$800.00	\$105.00	395.00
Roof Inspection	\$500.00		\$500.00		800.00
ADA Compliance	\$5,000.00		\$5,000.00		500.00
Awning Tile Replacement (Bird Infestation)				\$2,039.20	5,000.00
Beginning Funds	\$325.00		\$325.00		(2,039.20)
Contingency	\$1,800.00		\$1,800.00	\$800.00	325.00
					1,000.00
Total	\$20,325.00	\$12,309.30	\$8,015.70	\$16,989.20	(8,973.50)

FY14 Beginning Budget
\$20,325.00
FY14 Budget Spent
\$12,309.30
FY14 Budget Not Spent
\$8,015.70
FY15 Budget Needed
\$16,989.20
University Costs
\$7,319.12

AGENDA ITEM #8

RESOLUTION # 2014-____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONCESSION AGREEMENT BETWEEN KLEBERG COUNTY AND THE CITY OF KINGSVILLE FOR THE L. E. RAMEY GOLF COURSE; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the County of Kleberg and the City of Kingsville have previously entered into interlocal agreements to share expenses for various departments for the residents of their respective entities; and

WHEREAS, these interlocal agreements were enacted to reduce duplicitous services and expenses from having each entity provide the same services; and

WHEREAS, the County is currently responsible for the operation and maintenance of the L.E. Ramey Golf Course located just outside the city limits within the City's extraterritorial jurisdiction; and

WHEREAS, the County and the City desire to see the continued operation of the L.E. Ramey Golf Course within Kleberg County; and

WHEREAS, the County and the City propose that the City should take over responsibility for the operation and maintenance of the 534 acres the County currently maintains that includes the L.E. Ramey Golf Course and its surrounding land for its continued use as parks and recreation purposes; and

WHEREAS, the County obtained the land for the L.E. Ramey Golf Course and its surrounding land from the U.S. Department of the Interior, who requires approval of any concession agreement the County enters into for the property;

WHEREAS, the County and the City believe the continued operation of the golf course and surrounding area will improve the health and quality of life of the residents of their jurisdictions.

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

I.

THAT the City authorizes and directs the City Manager, as an act of the City of Kingsville, Texas, to enter into a Concession Agreement between Kleberg County and the City of Kingsville for maintenance and operation of the 534 acres of land the County is currently under contract with the U.S. Department of the

Interior for which includes the L. E. Ramey Golf Course for continued use as a golf course and recreation area.

II.

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

III.

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

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

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**KLEBERG COUNTY
AND
CITY OF KINGSVILLE
CONCESSION AGREEMENT**

This Concession Agreement, hereinafter referred to as the "Agreement" is made and entered into this _____ day of _____, 2014, between Kleberg County, Texas hereinafter referred to as the "County" a body and corporate and politic under the laws of the State of Texas, and the City of Kingsville, Texas, hereinafter called the "Concessionaire", a home rule municipal corporation under the laws of the State of Texas.

Witnesseth:

Whereas, the County, owns certain land totaling 533.88 acres, obtained by the County from the United States of America (hereinafter referred to as the "USA", as surplus property, known as the L.E. Ramey Golf Course and property, and deeded to the County on March 16, 1973. Said Quitclaim Deed (hereinafter "Deed") is attached and hereinafter referred to as **Exhibit A**; and

Whereas, Condition No. C on Page 2 of said Deed provides that the County shall not sell, lease, assign or otherwise dispose of the premises, except to another eligible government agency. However, nothing in this provision shall preclude the County from providing related recreational facilities and services compatible with the approved application, through concession agreements entered into with third parties, provided prior concurrence to such agreements is provided in writing by the Secretary of the Interior or his/her delegated representative, NPS; and

Whereas, the County and Concessionaire desire to provide a golf, food service, and other recreational activities on a portion of L.E. Ramey Golf Course and property for the use and benefit of the general public; and

Whereas the County is satisfied that provision of additional services and facilities at L.E. Ramey Golf Course and property is in the County's best interest.

NOW, THEREFORE, for the reasons set forth above, and in consideration of the mutual covenants and agreements as hereinafter set forth, the County agrees to allow Concessionaire to provide maintenance and operation for golf, food service, and other recreational services and facilities hereinafter to be mentioned upon a portion of the real property described in Exhibit A attached hereto and incorporated herein by this reference and located at the L.E. Ramey Golf Course and property.

1. **Location:** The County does hereby assign to the Concessionaire the use of the land, buildings, and facilities which is located on the property as described in Exhibit A (hereinafter "Assigned Premises").

2. **Use of Premise:** (a) Concessionaire shall use, occupy and maintain the Assigned Premises in a business like, careful, clean and non-hazardous manner for the sole purpose of golf, food service, and other recreational activities; (b) Such use shall be considered Concessionaire's concession operation (hereinafter "Concession Operation"); (c) Concessionaire shall conduct the Concession Operation in strict compliance with, and subject to all of the restrictions, covenants, terms and provisions imposed by the Secretary on the Assigned Premises as set forth in Exhibit A; (d) Written approval by the County and written concurrence by the Secretary shall be required for any other proposed use(s) in conjunction with or in addition to those specified above.

The L.E. Ramey Golf Course and property will be open to the general public for parks and recreational activities during normal working hours established by Concessionaire, except when closed due to necessity.

3. **Personal Property:** Concessionaire shall have use of the following personal property which shall be maintained in good working condition, subject to reasonable wear and tear. The equipment, maintenance tools, kitchen equipment and appliances, golf carts, golf supplies and equipment, inventory, cash registers, computers, phones, fax machines, furniture, and office supplies, and other like items. Upon completion/termination of this Agreement, all items shall be accounted for and returned to County. During the course of this Agreement any damage to personal equipment shall be reported to County.
4. **Term:** This Agreement shall be effective from October 1, 2014 to September 30, 2034.
5. **Renewal:** Concessionaire will have an option to renew this Agreement for two (2) consecutive ten (10)-year terms upon conditions to be mutually agreed upon at that time. Any agreement reached by the County and Concessionaire for renewal of this agreement shall be subject to the written approval of the Secretary if any significant changes to the Agreement are proposed for inclusion in any subsequent renewal. Any renewal of this Agreement shall require Concessionaire to comply with all of the terms and conditions in the Deed and this Agreement, specifically including but not limited to paragraph 2(c) herein.

Each option to renew term shall be deemed to be automatically exercised by Concessionaire, unless Concessionaire gives County written notice that Concessionaire will not extend the term, such notice to be given at least one hundred eighty (180) days prior to the expiration of the primary term with respect to the first option to renew term, and at least one hundred eighty (180) days prior to the expiration of the option to renew term then in effect with respect to the successive option renewal terms thereafter.

6. **Concession Payments:** The County agrees to pay the Concessionaire Thirty-five Thousand and No/100 Dollars (\$35,000.00) per year. Said sum to be paid in equal monthly installments within the first fifteen (15) days of each month. After the first two years of this agreement, the Concessionaire will set aside three percent (3%) of the revenues after taxes received at the L.E. Ramey Golf Course and property to be placed in a golf course capital maintenance fund. Fees charged by Concessionaire for activities at the L.E. Ramey Golf Course and property are the same fees that have been charged by the County for those same activities. The fees are reasonable, do not deny participation by the general public, and have been adopted via ordinance after two readings by the City Commission of the Concessionaire at a duly posted meeting, without objection by the County or any other individual.
7. **Concessionaire's records and documents:** With respect to all matters covered by this Agreement concessionaire's records and documents shall be subject at all times to inspection review or audit by the County. Concessionaire will supply County any documentation that may be needed by the County to file required compliance reports to the Secretary.
8. **Operations and Maintenance:** Concessionaire should offer reasonable prices, establish minimum hours of operation, provide courteous service, maintain the building and grounds in as good or better a condition than that which they receive the property. County should assist with capital improvements and other assistance when requested and feasible.
9. **Licenses and Permits:** All necessary licenses and permits to operate concession must be obtained from the appropriate offices before operation may begin. All licenses are subject to Code of Enforcement for safety, health and fire inspections.
10. **Operating Expenses and Utilities:** Concessionaire is responsible for operating expenses and utilities. Concessionaire may request assistance from the County for the costs associated with installation/upgrade of systems that are required by building codes and local ordinances relating to safety, health and fire. These systems must meet all local, state and federal requirements.
11. **Non-discrimination:** County and Concessionaire agree to comply with all Federal laws relating to nondiscrimination in connection with any use, operation, program, or activity on or related to the previously described property, including, but not limited to:

All requirements imposed by or pursuant to the non-discrimination regulations of the U.S. Department of the Interior (43 C.F.R. Part 17);

Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d-1), which prohibits discrimination on the basis of race, color, or national origin;

The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et seq.), which prohibits discrimination on the basis of age;

Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicap;

The Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151), which requires facilities located on the property to be accessible to the physically handicapped; and

The Americans with Disabilities Act of 1990 (42 U.S.C. 12181), which requires that no otherwise qualified handicapped individual shall, solely by reason of his or her handicap, be excluded from the participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

12. **Alterations and Improvements:** Concessionaire may not make alterations or improvements in an amount or having a market value exceeding \$25,000 to the Assigned Premises without notification to the County Judge representing the County. Objection to such written notification will not be unreasonably withheld or delayed.

If structural changes are required, the Concessionaire shall arrange for and supervise all necessary construction work and be responsible for all costs associated with providing the changes.

13. Concessionaire acknowledges that the Assigned Property is subject to the possibility of reversion back to the United States ***without compensation being paid to the Concessionaire*** by the United States should there be a material breach of noncompliance by the County or the Concessionaire for not adhering to the covenants, restrictions and agreements contained within Exhibit A. Should Concessionaire make capital or other improvements that exceed \$50,000 and the depreciable expense or expected useful life for such improvements has not been exhausted when reversion occurs, then Concessionaire shall be entitled to compensation for such remaining depreciable expense or expected useful life.

14. **Maintenance and Repair:** The Concessionaire shall at its sole cost and expense maintain the Assigned Premises in good condition and perform such repairs that become necessary from time to time during the term of this Agreement and any renewals hereof as set forth herein.

15. **Inspection of Concession Areas:** Concessionaire shall allow the County Judge representing the County, or his designee and/or the Secretary's

designated representative, herein the NPS, at any and all reasonable times to inspect the Assigned Premises, including or improvement thereon.

16. **Indemnity:** Concessionaire hereby expressly agrees to indemnify, save and hold harmless, and defend the County and the United States against all fines, claims, damages, liens, losses, judgments, and expenses arising out of, or from any act or omission by the Concessionaire and its representatives, agents, employees, or any others in or on the Assigned Premises on the Concessionaire's behalf.
17. **Insurance:** Concessionaire shall, at its own expense, provide such public liability insurance that will protect Concessionaire and the County from all claims for damages to property and persons, including death, and particularly the use of products prepared, and/or sold, which may arise in the operation of the activities conducted under this Agreement or anyone directly or indirectly employed by Concessionaire. All policies shall name the County as a named insured. The public liability insurance shall provide limits of not less than \$1 million dollars for one person or occurrence, \$1 million dollars for more than one person injured or killed in any one accident or occurrence, and shall include products liability coverage. Property damage liability insurance shall provide a limit of not less than \$1 million dollars.

Concessionaire agrees to provide evidence to the County that insurance is current based on subsequent renewal information.

18. **Assignment and Subletting:** Concessionaire shall not assign this Agreement or any interest therein, nor let or sublet the said premises or any part thereof or any right or privilege appurtenant thereto, nor permit the occupancy or use of any part thereof by any other person. Said let or underlet shall be grounds for termination of Agreement by the County or possible reversion by the USA.
19. **Amendment to Concession Agreement:** This Agreement contains all the terms and conditions between the parties, and no alteration, amendment, or addition shall be valid unless in writing and signed by both parties with written concurrence by the Secretary of the Interior or his/her delegated representative, NPS.
20. **Laws and Regulations:** Concessionaire is aware of and agrees that it will use the Assigned Premises so as to conform with deeded environmental and usage controls and not violate any laws, regulations and /or requirements of the United States of America and/or State of Texas and/or any ordinance, rule or regulation of the County now or hereafter made, relating to the use of the Assigned Premises.

21. **Surrender; Waste:** Concessionaire agrees that upon expiration of this Agreement or earlier termination thereof, it shall surrender the Assigned Premises to the County in as good or better condition as they were in at the time of execution of this Agreement, ordinary wear excepted.

Concessionaire shall remove its personal property from the Assigned Premises at the end of this Agreement. Concessionaire further agrees that it shall permit no waste nor suffer the same to be committed, nor injure nor misuse the Assigned Premises, and that upon termination of this Agreement for any reason, Concessionaire shall remove any of its personal property, that is not listed in paragraph 3 or otherwise belonging to the County, within 30 days of such termination.

22. **Liens:** Concessionaire shall keep the Assigned Premises free from any and all liens arising out of any work performed, materials furnished, or obligations incurred by Concessionaire during the term of this Agreement or any extension or renewal thereof.

23. **Waiver:** Failure of either party to complain of any act or omission on the part of the other party, no matter how long the same may continue, shall not be deemed to be a waiver by said party of any of said party's rights hereunder. No waiver by either party at any time, expressed or implied, of any breach of any provision of this Agreement shall be deemed a waiver of breach of any other provision of this Agreement or a consent to any subsequent breach of the same or any other provision. If any action by either party shall require the consent and approval of the other party, the other party's consent to or approval of such action on any one occasion shall not be deemed to be a consent to or approval of said action on any subsequent occasion. Any and all rights and remedies which either party may have under this Agreement, upon any breach, shall be distinct, separate and cumulative and shall not be deemed inconsistent with each other; and no one of them, whether exercised by said party or not, shall be deemed to be an exclusion of any other.

24. **Termination:** This Agreement shall terminate automatically upon the occurrence of any one or more of the following events:

- a. The County unilaterally terminates the Agreement upon 180 days written notice for cause and specifying the date of termination, after giving written notice and at least 90 days opportunity to cure.
- b. Concessionaire materially violates any provision of the Agreement and after receiving written notice fails to cure within 90 days.
- c. The expiration of the term of this Agreement or any renewal thereof.
- d. The Concessionaire unilaterally terminates the Agreement upon 180 days written notice for whatever cause and specifying the date of termination, after giving written notice and at least 90 days opportunity to cure.

25. No Conveyance:

Nothing in this Agreement conveys, or shall be construed as conveying, any estate or interest in the Assigned Premises, or in any of the property described in Exhibit A or paragraph 3 in this Agreement, from the County to the Concessionaire, nor does this Agreement surrender absolute control over and possession of the Assigned Premises to the Concessionaire. The County, by this Agreement, conveys, and the Concessionaire, by this Agreement, receives only such authority as is set forth in this Agreement, and that may be necessary and appropriate to use the Assigned Premises in a manner that is consistent with the Concession Operation specified herein.

26. Acknowledgement:

This Agreement and the obligations of the parties hereto are subject to the terms and conditions set forth in the Deed from the United States of America to the County, dated March 16, 1974, and recorded at the Kleberg County Registry of Deeds/Clerks Office at Book Volume 272, Page 175 (attached hereto as Exhibit A), and the current Program of Utilization which governs the use of the Assigned Premises. Violations of the said terms and conditions may be grounds for reversion to the United States of America, at its discretion and termination of this Agreement. In the event of a reversion as described in this paragraph, Concessionaire-owned personal and real property improvements associated with the Assigned Premises, may be subject to seizure, without compensation, by the United States.

27. Notice: Any notice by either party to the other shall be in writing and shall be deemed to be given only if delivered personally or mailed by registered or certified mail as follows:

County:	County Judge representing the County of Kleberg, Texas Juan M. Escobar P.O. Box 752 Kingsville, TX 78364
---------	--

Concessionaire:	City Manager representing the City of Kingsville, Texas Vincent J. Capell P.O. Box 1458 Kingsville, TX 78364
-----------------	--

Other addresses may be established as the parties hereto may designate by written notice to the other party and delivered in accordance with the provisions of this paragraph.

IN WITNESS WHEREOF, the County has authorized its County Judge representing the County to sign this Agreement and Concessionaire has approved the Agreement and signed as of the date first noted above.

WITNESS:

COUNTY (OWNER)

BY:

Juan M. Escobar
County Judge, Kleberg County
P.O. Box 752
Kingsville, TX 78364

WITNESS:

CONCESSIONAIRE

BY:

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

)

SS

)

me, _____, personally

appeared _____, representing the County of Kleberg, Texas, known to be the person described in the foregoing instrument and acknowledged that he/she executed the same in the capacity therein stated and for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand.

My Commission Expires:

)

) SS

)

me, _____, personally

appeared _____, representing Concessionaire, known to be the person described in the foregoing instrument and acknowledged that he/she executed the same in the capacity therein stated and for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand.

Commission Expires: