

City of Kingsville, Texas

AGENDA CITY COMMISSION

**MONDAY, SEPTEMBER 22, 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)

APPROVED BY:

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Regular Meeting - August 25, 2014

Special Meeting - August 26, 2014

Vicent J. Capell by m
Vincent J. Capell
City Manager

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).

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.

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V.

Consent Agenda

Notice to the Public

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 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).
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).
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).
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).
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).
9. Consider a resolution authorizing the Mayor to enter into a Water Supply Contract with the South Texas Water Authority. (City Attorney).

VII. Adjournment.

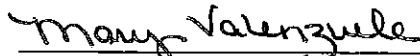
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative 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:

September 19, 2014 at 3:00 P.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.



Mary Valenzuela, City Secretary
City of Kingsville, Texas

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

By: _____
City Secretary's Office
City of Kingsville, Texas

MINUTES OF PREVIOUS MEETING(S)

AUGUST 25, 2014

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, AUGUST 25, 2014 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 3:30 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
Deborah Balli, Finance Director
Emilio Garcia, Health Director
Willie Vera, Task Force Commander
Ken Starrs, Asst. Task Force Commander
Jennifer Bernal, Community Appearance Supervisor
David Mason, Purchasing/IT Director
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
Stacie Pena, Accounting Supervisor
David Bodiford, Accounting Manager
Jessica Storck, Planning Administrative Assistant
Charlie Cardenas, Public Works Director/Engineer
Ricardo Torres, Police Chief
Tony Wilson, Information Systems Technician
Julian Cavazos, Lieutenant
Thelma Trevino, Purchasing Administrative Assistant

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 3:30 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).

Mr. Vince Capell, City Manager reported to the Commission this budget is intended and designed to continue the City Commission goals. He stated that this budget improves equipment and vehicles this year that which improves employee's safety and assist with daily duties. Capell further stated that there is a significant amount of money into streets, water,

stormwater and wastewater infrastructure. Upgrading several buildings such as the new City Hall, Cottage Building, Pump House 19 and Fire Station. Also included is investment in the Parks and Golf Course which are new departments coming to the City. Capell stated that the budget also includes \$25,000 for ways to improve residents and visitors communication such as a newsletter inserted into the local newspaper or even public announcements on the local cable channels. He also stated that the current telephone systems need some upgrading to allow incoming callers to leave a voicemail if there is no answer. The new telephone system will be for the new city hall. Also included in the budget is \$100,000 for Tourism which will be working on a Kingsville Image and Awareness Program marketing. This program will require more discussion among staff and will be brought to Commission for final approval. He further stated the general fund is a little tight due to bringing in the Parks and Golf Course Departments. When these two departments were brought in, the city didn't pull in any additional fund balance to which 25% of operations fund balance didn't come with it. Capell further stated in the last 2-3 years staff has tried to spend down old Certificate of Obligations (CO) fund balances in a way it was anticipated in the bond covenant. He further reported that these balances are expected to be \$0 by end of Fiscal Year 2015. Mr. Capell further reported on some unknowns that are not mentioned on his budget message such as the final bid cost for the new City Hall has not been received, but should be received within the next couple of weeks.

Mayor Fugate commented that staff has done a great job in the preparation of the new fiscal year budget for 2015.

Kingsville Police Department – Chief Torres

Chief Torres reported that Kingsville Police Department mission statement is to provide quality police and citizen interaction with an emphasis on integrity, fairness and professionalism. The value of human life and strive to perform their duties with integrity and uphold the laws embodied by the constitution at the federal, state, and local level. The police department is committed to their city and hold themselves accountable to both each other and the citizens they serve. The Police Department strives to treat our citizens with respect, while protecting their right to live in a safe environment. Torres further stated that setting objectives for the agency converts the mission and values of the organization into targets and performance milestones. They represent a commitment to producing specific results in a specified time frame. Reduce the incidence of crime. Increase quality of service and customer satisfaction. Provide high-quality training for personnel and increase diversity of agency personnel. The Police Department also monitors and assesses workload for police officers and civilian staff to insure that it is at an acceptable level. Chief Torres further reported on the target technology for increased efficiencies and effectiveness. They installed 40" interactive television in small conference room, which has skype capabilities and have teleconferencing capabilities. In the Patrol briefing room, two 55" interactive televisions installed where training is taken place. Torres further reported that 17 computers have been replaced within the Police Department. Building damaged by windstorm replaced with new cover and storage area. Police Department has installed a new gate to run behind and around the police station. Torres further stated that the department is very active in social media which improves communication with the citizens. Using social media assist with solving crimes within our city. Torres further stated that when a crime occurs, it is usually placed on Facebook and within 2-6 hours the Police Department has a suspect. Chief Torres further stated that trends to watch for are synthetic marijuana. This continues to be the current drug of choice, especially amongst younger users. The police department is working hard in keeping this drug of choice off city streets. Chief Torres stated that a committee of Chiefs from this region is currently being formed to evaluate current pursuit policies. The goal is to have a policy that all departments in the Coastal Bend Region may adopt so that issues do not arise when a pursuit is started in one jurisdiction and enters into others. Torres further reported on the beautification of our city. Neighborhood improvement officers created in fiscal year 2013-2014, have observed 558 violations, 432 citations for parked vehicles facing traffic, 24 violations of parked/stopping/standing on sidewalk, and 19 prohibited

junk vehicles. Torres reported that traffic enforcement officers were created in the attempt to reduce motor vehicle and pedestrian accidents in June, 2014. There were 295 traffic stops and 483 violations in last 2 months. For the month of August 2014 only 6 motor vehicle accidents have been reported. Last year there were 28 for the month of August.

Chief Torres continued to report on the police department's budget line items. Within the Administration Division, 210.1, Systems Specialists increase of \$4,320.74. Patrol Division, 210.2, Patrol Lieutenant stayed within core of budget. Communication Bureau, 210.3, medical treatment increase of \$1,950, dispatchers are now licensed by TCOLE and are required to take a psychological prior to hiring. In the Crimes RMS/CAD maintenance there is an increase of \$4,500. Within the Communications Personnel, civilian supervisor \$50,180.59. This position will replace current Sergeant Position in Communications and result is more boots on the street. Sergeant will be assigned to Patrol Division. The Civilian position will be chosen internally from 4 lead supervisors. This will result in 3 lead dispatchers and 9 dispatchers in Communications Bureau. Torres stated that Supervisors can also sit in to dispatch and assist on duty dispatchers during busy time periods. In Criminal Investigation Bureau, 210.4, 200 overtime hours which total to \$7,582. In uniform and Personal Wear, tactical vest carriers \$1,077 and uniforms and personal wear for SLOD increase of \$2,850. In the laundry line item which is investigators taking clothing to cleaners, which is a contract item, it's asking increase of \$6,713. The Police Department is also asking to purchase 18 chairs for an amount of \$19,000 which will be used for CIB and small conference room.

Commissioner Garcia questioned the dollar amount for the purchase of 18 chairs. Chief Torres responded that they want to purchase heavy duty chairs as they are used by dispatch. Dispatchers are required to sit for long periods of time which could be uncomfortable.

Torres further stated that they are asking to purchase 4 unmarked vehicles for investigators which total to \$66,214. In the Community Service Department, 210.5, in guns and ammunition, there is an increase amount to purchase duty ammunition and practice ammunition which totals up to \$2,750. Torres further reported on the utilization of State Forfeiture Funds (Chapter 59 fund) for fiscal year 2014-2015. The following are fund drug prevention programs to which the Kingsville Police Department donates to Palmer Drug Abuse Program (PDAP), Martin Luther King Jr. Committee, Boys & Girls Club, Communities in School, and Boy Scouts of America. The following are fund maintenance contracts, Hernandez Ind., TIG PC Specialist (Cisco Firewall), AFIX Technologies, Leads Online, Net Motion Clients, Net Motion Server, Brazos, Tech, Daily Wells Radios, Daily Wells Tower Site Maintenance, Morpho Det., Cummins Alison (money counter) VMware, SAS Red Scope, Antivirus Subscription EST, and Office 365 which has 80 users/1yr. In fund equipment it is being requested the following items, 8 Fuji Code 2 Police Bike Max Combo, 8 Niterider Police Sirens, 8 Smith Pivlock V2 Tactical Ballistic Sunglasses, Bicycle Truing Station, 8 Blackburn Toolmanator Bike Multi too, and 8 Blackburn Mammoth Anyvalve Mini Bik which total to \$10,500. Also being requested is 10 Taser ECD and related equipment totaling \$11,000. Requesting 6 Dell Optiplex Computers, Dell XPS 12 Convertible Ultrabook, 4 Dell Venue Tablets, POE Switches, and WiFi Adapter & Hardware for a total of \$40,350. In utilization of Federal forfeiture funds for 2014-2015, it is being requested that Vigilant License Plate Reader Systems X3 be purchased for a total of \$42,980. In Operation Stonegarden for 2013 it has been funded for use in salaries and benefits totaling \$81,320.67, stop sticks x 30 totaling \$15,000, and mileage for police department for a total of \$21,723.98. Chief Torres further stated that the Kingsville Police Department is committed to excellence.

Commissioner Garcia asked Chief Torres what is the difference between a traffic enforcement officer and a regular police officer. Chief Torres responded that the traffic enforcement officer sole job is traffic enforcement which monitors school zones, stop lights, and stop signs.

Fire Department – Chief Joey Reed

Chief Reed reported that with the installation of an industrial extractor machine to clean bunker gear, hoods, and gloves will pay for itself in a 2 year period. Reed further stated that 2 new bathroom facilities have been installed in Fire Station #1. The interior remodel for Fire Station 2 has been completed, except for the doors. The exterior for Fire Station #2 included a new driveway and sidewalks as well as landscaping being done. The street located on the south side of the station will be widened within 3 to 4 weeks. Reed further stated that there is a water fountain project on the north end of the station. Chief Reed thanked the Sanitation Department for their assistance with this project. Reed continued presenting his budget and stated that additional communication equipment was purchased for the department which will allow them to radio dispatch the fire station the call is for and will trigger a signal and radio information to that station. The Fire Department is requesting additional funds for the purchase of new uniforms. This will allow two additional uniforms to each firefighter. Included in this budget is also a request for the purchase of a new truck with an attached camper shell for the Fire Marshall. This will allow him to carry equipment needed for fire inspection or investigations. Fire station #1 needs some repairs and need to remediate a termite problem that has been an ongoing issue. The quote to remediate the termite problem is \$10,500. It is being requested for two additional dispatchers for night shift which allow one extra firefighter to focus on fire calls. The positions will work 40 hours per week. Chief Reed further reported that the need for administrative help is needed to assist with policy implementation. It is being requested for a large upgrade in the whole fire station radio communications system. Reed stated that what has been discovered is that when the repeater goes down, and they go to direct/talk around, where the radio signal doesn't have to go through repeater to go to someone it will go from my radio to your radio. Reed stated that the current radios only go a mile or less. If the repeater goes down we can't talk from fire station to the three ways, much less the south end of town. He further stated that a VHF repeater is being purchased and received approval for the new frequencies. Old VHF radios allow them to talk further then the city limits which are without a repeater. With a repeater communications installed on the roof of the fire station, communications can go much further, as far as Alice, TX. Reed stated that all radios currently used are not fire rated because they are police radios. They are commercial radios and not intensively safe nor water resistant. If you are in an explosive atmosphere with these radios, chances are they will blow up. The radios proposed to be purchased are intensively safe and water proof. Each radio cost \$5,500 each. These radios talk on VHF, 700, and 800 frequencies. By doing this, we will meet the state communications public safety plan.

Commissioner Garcia suggested for Chief Reed to contact Texas Municipal League (TML) for assistance in drafting policies. Chief Reed's response was that he would not contact TML to assist him with his fire procedures. Reed further stated that with his experience with TML is that they can come in with general safety issues only. As for setting up his engineer's program, wild land firefighting, or the incident command system, they would not be a great reference for this. Commissioner Garcia stated that other cities have already developed these procedures so there is no need to reinvent it. Chief Reed responded that he is capable of writing all these procedures, but has no time to do it which is why he is asking for additional assistance.

Mayor Fugate recessed the meeting at 5:04 p.m.

Mayor Fugate reconvened the meeting at 5:15 p.m. At this time, budget workshop continued.

Task Force – Commander Willie Vera

Commander Vera reported that the Task Force main goal is to have a fund balance of at least current year plus two years in the books. Vera further reported that for fiscal year 2010-2011 siezures, it has exceeded \$1.400,000 million and 2012 \$1,630,000 million. He further stated that in 2012 and 2013 there is \$2,654,000 and in current year there is \$2,195,000. In total bank

accounts there is a sum of \$2.8 million in total for state and federal accounts. Vera further stated that taking the \$1.4 million that will be owed for this current fiscal year and for 2014-2015 roughly will come under that. He further stated that the fund balance will be close to \$341,000 as indicated. Commander Vera further stated that a full-time position has been deleted and have a current part-time position. There are 11 employees with 10 full-time and 1 part-time for the new fiscal year. Vera continued to report that with the new fiscal year the Task Force is proposing a new salary schedule which is part of the City Manager's budget. This is the first time in the history of the Task Force where a salary increase is being requested. This is due to attract a quality interdiction officer as well to retain this individual with today's market.

Commissioner Garcia asked how many Task Forces are there in the State of Texas. Commander Vera's response was that this is the only Task Force that is 100% self-sufficient. Vera further stated that due to high success from this Task Force, other cities and counties would like to begin their own Task Force.

Commissioner Pecos commented that this Task Force has been very successful in Kingsville.

Risk Management – Melissa Perez

Mrs. Perez reported on the Risk Management budget. Perez stated that there are a few increases in certain line items within her budget. These increases will assist with the preparation of Safety Week, Employee Recognition & Safety Banquet, Professional Development meetings, and game night events. Also requested is an increase in medical supplies and printing & publishing. Mrs. Perez further stated that the Risk Management office is continuing to strive for a higher standard than the previous years of 2012-2013. Injuries and claims are improving with the new standards that have been implemented since 2012. Perez stated that supervisors are taking a stronger role in training and accident/injury prevention. Mrs. Perez reported that the Risk Manager also meets with the TML Discovery Team and can retrieve the statistics on injuries. She further stated that if claims are climbing to high, a meeting is setup with the supervisor of the department and discuss the issue.

Commissioner Pecos asked for number of accidents and injuries for 2014. Mrs. Perez responded that numbers are improving due to extensive training.

Mayor Fugate stated that he would like to see numbers of injuries reported.

Commissioner Garcia requested to see numbers of auto accidents reported for the past 5 years.

Mayor Fugate recessed the meeting at 5:45 p.m.

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

Mayor Fugate reconvened meeting into regular session at 6:05 p.m.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Regular Meeting – August 11, 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 regarding request for an alcohol variance for a Beer Retail Dealer's Off-Premise License, Package Store Permit, Local Distributor's Permit, Local Cartage Permit and Package Store Tasting Permit for the establishment

known as Topsy Time located at 2730 S. Brahma Blvd., Suite 100. (Interim Director of Planning & Development Services).

Mayor Fugate announced and opened this public hearing at 6:05 p.m.

Mrs. Jessica Storck, Administrative Assistant filling in for Mrs. Cynthia Martin, Interim Director of Planning & Development Services, stated that this request is for beer retail dealer's off-premise license, package store permit, local distributor's permit, local cartage permit and package store tasting permit for the establishment known as Topsy Time located at 2730 S. Brahma Blvd., Suite 100. The property in question comes within 300 feet of a school which require Commission approval. All required notices have been sent to the property owner within 300ft with a public hearing notice was placed in the newspaper on August 3, 2014. As of this point, staff has not received any negative feedback from the property owners or citizens that have been noticed.

Mayor Fugate closed this public hearing at 6:08 p.m.

2. 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 6:08 p.m.

Mrs. Courtney Alvarez, City Attorney stated that before the Finance Director makes her presentation regarding the proposed tax rate, the tax rate public hearing statement must be read.

Mrs. Alvarez stated that a second public hearing on the tax rate will take place on September 3, 2014 at a special City Commission meeting at 6:00 p.m. in the Alcorn Commission Chambers here at City Hall, 200 E. Kleberg, Kingsville, Texas. 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, Texas.

Mrs. Deborah Balli, Finance Director reported that the proposed tax rate is been proposed to increase from 0.84220, which is this year's tax rate to .89255 which is just below the roll back rate. Currently this year's taxable values are \$728,913,665 which increase over last year's taxable values of \$714,248,395 for a total of \$14,665,270. If the City did not increase the tax rate, the city would take \$123,511 of additional revenues if we kept the tax rate. Mrs. Balli further stated that the same as last year, if we were to increase it to the proposed rate, we would take in an additional \$367,008, it gives us room to work with if it comes up to through the budget process

Mayor Fugate asked if our present budget is based on 0.84220 tax rate. Mrs. Balli stated that this was correct.

Mayor Fugate closed this public hearing at 6:10 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, **HISTORICAL SURVEY PRESENTATION.** No formal action can be taken on these items at this time."*

Mrs. Alvarez reminded staff about the next budget workshop scheduled for August 26, 2014 at 4:00 p.m.. Monday, September 1, 2014 is Labor Day and city offices will be closed to observe the holiday. Next budget workshops are scheduled for Tuesday, September 2, 2014 at 4:00 p.m. and Wednesday, September 3, 2014 at 4:00 p.m. with a special meeting at 6:00 p.m. with a public hearing on the budget and tax rate.

Mayor Fugate introduced Mr. Jose Luthenbacher, Life Scout Troop 186. Mr. Luthenbacher discussed his Eagle Scout Project for Kingsville which consists of repairing and painting old street markers throughout the City.

IV. Public Comment on Agenda Items³

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

Mrs. Jean Claire Turcotte of 3730 Andron is requesting that the committee that was formed last year to have the centennial for the Kleberg County continues and put together the Pinto Bean Contest this Friday and Saturday of the Labor Day weekend. She further stated that she is requesting from the City in-kind services and a small donation. She stated that they would like to make this an annual event. Mrs. Turcotte stated that one recipient will receive a scholarship for Texas A&M University-Kingsville. The committee would like to continue this event as an annual event.

Commissioner Pecos asked for the name of the scholarship. Mrs. Turcotte responded that it is called the Kleberg County Centennial Scholarship.

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

1. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 5, Traffic Schedules, providing for a new school zone on Shelly Street for the Kingsville Independent School

District's H. M. King High School and the installation of school zone signs. (City Engineer/Public Works Director).

2. Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 Budget for the Tourism Fund to provide funding to the Façade Grant Program. (Director of Finance).

3. Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 Budget for the General Fund Service Center to provide funding for the Service Center to repair and restart the cathodic protection system and for TCEQ required inspections. (Director of Finance).

4. Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 Budget for the General Fund Landfill Department to provide funding for ground water monitoring and Title V air permit. (Director of Finance).

5. Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 Budget for the Utility Fund Waste Water Department to provide funding for repair of 2000 AMP main breaker and fuel purchase for backup generator. (Director of Finance).

6. Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 Budget for the General Fund Municipal Court Department to provide funding for temporary employees in Municipal Court while the Department was understaffed. (Director of Finance).

7. Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 Budget for the General Fund Finance Department to provide funding for additional audit fees. (Director of Finance).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

8. Consider authorizing a request for an alcohol variance for a Beer Retail Dealer's Off-Premise License, Package Store Permit, Local Distributor's Permit, Local Cartage Permit and Package Store Tasting Permit for the establishment known as Topsy Time located at 2730 S. Brahma Blvd., Suite 100. (Interim Director of Planning & Development Services).

Motion made by Commissioner Garcia Commissioner Pecos to authorizing the request for an alcohol variance for Topsy Time located at 2730 S. Brahma Blvd., Suite 100, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".

9. Consider resolution authorizing the Mayor, Chief of Police and Task Force Commander to enter into an Interlocal Cooperation Agreement between the Kleberg County Sheriff's Office, the Jim Wells County Sheriff's Department, the City of Kingsville-Kingsville Specialized Crimes and Narcotics Task Force and the City of Kingsville Police Department. (Task Force Commander).

Commander Vera stated that with the four agencies that are participating in the Stone Garden Grant. Commander Vera further stated that any of the agencies involved have a seizure, it must be distributed among all the agencies.

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

10. Consider authorizing participation in the Pinto Bean Festival and BBQ Cook-off August 29 & 30, 2014 at the J.K. Northway Expo Center. (Director of Tourism).

Mr. Leo Alarcon, Tourism Director stated that this request is for in-kind services from the City of Kingsville. This would consist of advertisement of the Pinto Bean Festival with a total cost of \$1,500, security from the Police Department estimated at \$3,600 and trash cans and trash pickup estimated at \$200.

Commissioner Pecos asked if the Tourism Department has the money to cover the cost of advertisement. Mr. Alarcon responded that it's within the Tourism budget.

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

11. 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).

Mrs. Alvarez stated that the Tourism Director has requested for Commission not to take any action on this item at this time. It will be brought to Commission at a later meeting.

No action taken.

12. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter IX, Article 5, Fire Prevention and Protection, adopting Section 15, providing for exceptions to the Fire Code for Multi-Story Buildings. (Fire Chief).

Chief Reed stated that this item is to amend the City of Kingsville's Fire Prevention Ordinance due to the number of other apartment complexes that are requesting plans approval for this same type construction. Other cities have discovered there are long corridors or breezeways in 2 or 3 story buildings. These corridors or breezeways are not required to have sprinkler coverage under the international fire code. Chief Reed further stated that he is asking that several parts of the building have sprinklers including breezeways, stairwells, patios, and possibly the attics. Reed further stated that he would also like future projects to include a dry standpipe system for firefighter hose line access in the stairwells due to the length of the buildings and the potential for long hose lays.

Introduction item.

13. Consider rescinding condemnation order for 317 North 1st Street, Kingsville, Texas. (Interim Director of Planning and Development Services).

Ms. Jennifer Bernal, Community Appearance Supervisor reported that on April 23, 2014, the City Commission voted to condemn the house located at Lot 14, 15 and 16, Block 7, Henrietta Addition, also known as 317 N. 1st Street. The owners were given 30 days to demolish the property. The owners of record were Delwin Randall and Jeffrey Lee Price. Mr. Delwin is a realtor and had the house up for sale at the time of the condemnation. Ms. Bernal further stated that by May 23, 2014 code enforcement inspectors and the building official went out to the property and noticed that the structure was still standing. On July 23, 2014, Angelita Trevino purchased the property from Delwin Randall and Jeffrey Lee Price. Mrs. Trevino plans to repair the house and live in it and has agreed to hire an engineer, at her expense, to inspect the roof, structure and foundation of the house and submit plans for any needed repairs. Mrs. Trevino has also agreed to hire a general contractor to do the work and is also working with Mr. Ramirez, Building Official. Mr. Ramirez is asking the engineer to submit three sets of plans for his approval. It will take about one week for plan review and authorization of the permit. Once the permit is issued, the contractor will have 60 days to complete the work. Ms. Bernal further stated

that it is staff's recommendation to rescind the condemnation of property located at 317 N. 1st Street.

Mayor Fugate stated that his concern is that staff puts a lot of time and energy into this work, and would like for staff to look possibly having the property owner reimburse the city of some of the cost spent in preparation of a condemnation.

Mr. Capell asked Ms. Bernal if there are any liens placed on this property and whether property taxes are paid up to date. Ms. Bernal responded that the property taxes of \$803.00 were paid for current year of 2014. Year 2012 and 2013 was a total of \$4,246.00, which were also paid off. Also paid was cleaning lien totaling \$593.71.

Commissioner Leubert stated that the previous owner should be charged an administrative fee.

Motion made by Commissioner Garcia to approve the rescinding of condemnation of 317 N. 1st Street, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos Pena, Garcia, Fugate voting "FOR".

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:40 p.m.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

AUGUST 26, 2014

A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON TUESDAY, AUGUST 26, 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

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
Charlie Cardenas, Engineer/Public Works Director
David Mason, Purchasing/IT Director
Diana Gonzales, Human Resources Director
Robert Rodriguez, Library Director
Cynthia Martin, Interim Tourism Director
Joey Reed, Fire Chief
Bill Donnell, Assistant Public Works Director
Marco Jimenez, Water Supervisor
Luke Stevens, Sanitation Supervisor
Pete Pina, Landfill Supervisor
Carol Rogers, Administrative Assistant I
Tony Verdin, IT Specialist
Stacie Pena, Accountant Manager
David Bodiford, Accountant Supervisor
Arturo Perez, Garage Supervisor
Sharam Santillan, Engineer's Assistant
Frank Garcia, Wastewater Supervisor
Joe Casillas, Water Production Supervisor

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 6:04 p.m. and announced quorum with four Commission members present. Commissioner Pecos absent.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

Mayor Fugate waived the preliminary proceedings. No objections were made.

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."

No Comments were made from the Commission or Staff.

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)

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

1. **Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter IX, Article 5, Fire Prevention and Protection, adopting Section 15, providing for exceptions to the Fire Code for Multi-Story Buildings. (Fire Chief).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

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

Mr. Charlie Cardenas, Public Works Director/Engineer presented the budget for the following departments.

Public Works Solid Waste-Recycling

Mr. Charlie Cardenas, Public Works Director/Engineer presented the budget for the Public Works Departments. Cardenas reported that the Recycling Center was opened in 1996 and has been in operation for 18 years. In Fiscal Year 2014, the Recycling Center produced 250 tons of recyclables and made \$13,780.00 in revenue. Currently, the drop off to the Recycling Center is limited to one driveway, where residents maneuver in the parking lot and back out of the facility. Pick up of the compacted recyclables are done in the same manner, sometimes conflicting heavy equipment and residents. Furthermore, relocating the compactor away from residential drop off will allow better maintenance to the compactor. Mr. Cardenas reported that what is listed in the budget is \$35,000 for these improvements. Cardenas further reported that capital and future improvements are in effort to enhance safety. Public works will fence in that north side of the property. This fenced in area will be the new ingress and egress for recycling operations. The recycling compactor will be relocated to the north side. Funding for this project will be in both Fiscal Year 2014 (electrical service) and Fiscal Year 2015 (concrete driveway and fence). Cardenas commented that the Recycling Center also has other uses such as a book exchange program, reading room, paper shredding (\$.50 per pound), cell phone recycling, and after hour drop offs. The city sanitation staff, in an effort to encourage recycling participates in several educational awareness programs such as Earth Day, tree recycling, and University recycling.

Commissioner Garcia asked if staff is looking into computer recycling options. Mr. Cardenas responded by stating that it is being looked into. Although this type of recyclables would need to be hauled out by a private company. Cardenas further stated that there is a recycling for old ink cartridges.

Mayor Fugate commented that the weekend drop off is a great service for our citizens.

Sanitation Department

Mr. Cardenas gave a brief background on the Sanitation Department. Cardenas stated that there are 18 employees in this department, 17 vehicles that consist of 4 residential garbage trucks, 2 commercial garbage trucks, 2 residential/commercial trucks, 3 brush trucks, 2 tommy lifts trucks, 2 brush tractors, and 2 pickup trucks. Cardenas further reported that the sanitation department services over 600 businesses and has collected 9,000 tons of waste and over 8,000 tons residential waste. Brush crews have assisted with 14 large abatements and 27 demolitions this year. There are four brush zones in the City and crews have collected over 2,500 tons of brush this year. Cardenas further reported on the dumpster enclosure program for 2015. Requested is also \$5,000 for 8 dumpster enclosures. It is also being requested to purchase 19 new dumpsters as well. Other sanitation efforts are the Christmas tree recycling, white goods pick-ups, adopt a truck program, and assist in trash offs.

Commissioner Garcia commented that in the past, the old dumpsters would get repaired. He further asked what will happen to those dumpsters that are rusting out. Mr. Cardenas response was that those dumpsters will be sold for scraps.

Mr. Luke Stevens stated that all new businesses are being notified at the time of setting up new water/garbage service, that it is mandatory to have a dumpster enclosure.

Landfill, Capital, and Closure Fund

Mr. Cardenas reported that the City of Kingsville Landfill has 8 full-time employees. The Landfill has two vehicles, nine machinery of heavy equipment (John Deere Dozer recently purchased in 2013). The Landfill has received 8,000 tons of residential waste, 10,000 tons of commercial waste, 2,600 tons of brush, 5,600 tons of construction debris, and 587 tons of sludge from the Wastewater Treatment Plants. It has collected 90 tons of recycled tires, 43 tons of tires, 22 tons of waste from trash offs, and 6 tons of metal scrap. Cardenas reported that the landfill has paid \$27,895.57 in fees to TCEQ for municipal solid waste reporting. He further stated that the landfill permit will be amended which involves the landfill expansion to 15' higher and 20' feet lower, as well as adding more tire processing.

Commissioner Garcia commented that the landfill had 90 tons of recycled tires and 43 tons of tires, what is the difference in both. Mr. Pete Pina, Landfill Supervisor responded that recycled tires are those that are picked up by a contracted company and a regular tire, are tires that come into the landfill to be stored until the contracted company comes to pick up. Commissioner Garcia asked where these tires are coming from. Mr. Cardenas stated that these are tires collected by customers as well as those that are collected at the Trash Off event.

Mr. Cardenas continued with his budget presentation. He further reported that additional monies are being requested for maintenance on machinery. A 1993 tandem truck needs to be replaced which is used to haul items and dirt at the landfill. A skid loader with broom, bucket and other attachments are needed to maintain the landfills internal roadway. Fencing will also be needed to help with loose papers. Mr. Cardenas stated that TCEQ is performing more comprehensive sampling and compliance inspections throughout the state. The City of Kingsville has complied with all inspections and regulations.

Commissioner Garcia stated that the area where city employees sit to have their lunch is exceptionally bad with dust everywhere. He further stated that he would like to see something done to the building to eliminate dust from coming into the building. Mr. Cardenas responded that there may be something they can do to eliminate this from happening.

Mrs. Deborah Balli, Finance Director reported on the Landfill Closure Fund. Balli reported that these are fees that are collected from the landfill that are used for projects that are needed for the landfill.

Commissioner Leubert stated that she is concerned that the setup was for post closure/ closure, and now the funds are being used for other things. She further stated that if the funds are being used for other things, the public would need to be notified.

Mrs. Balli stated that the numbers are looked at to make sure there's to cover liabilities for the post closure/closure amount that is needed for whenever this gets done. She further stated that this can fluctuate based on the amount of usage we have at the landfill and how much base is left out there.

Commissioner Garcia asked when it is estimated to close. Mr. Capell's response was 30 to 40 years from now. Mr. Cardenas added, currently, without landfill expansion and without increase of our current volume.

Public Works Administration & Engineering

Mr. Cardenas reported that Public Works has 95 full-time employees, Engineer has 3 part-time interns. Public Works Administration and Engineering is funded 50/50 by both the general fund and utility fund. The Engineering Department is responsible for the city's Graphic Information Systems Program. Newly purchased Total Station Surveying equipment is compatible with AutoCad 3D. The Engineering Department has generated the City's pavement model used for the life cycle of paving the city's streets. Mr. Cardenas further reported that the Engineering Department designs and assist construction of street projects, design curb and gutter projects and project management for curb and gutter projects.

Service Center & Garage Department

The Service Center is the Public Works building and grounds. There are three (3) fuel pumps equipped with cathodic protection. These departments assist the Task Force and Police Department with after hour vehicle searches. The Garage Department would like to differentiate a lead technician from the other maintenance technicians. The garage structure has been modified to reflect a new lead technician with experience and skills to lead and train other technicians who will serve as foreman in their supervisor's absence.

Streets

The street department has 16 full-time employees and 41 units of machinery. Within the city there are 119 miles of asphalt streets and 9.2 miles of concrete streets. There are 172,902 linear feet (33 miles) of storm drain lines, 851 storm inlets, and 154,375 linear feet (30 miles) of curb and gutter, not including new curb and gutter from 2013 and 2014. The street department also performs mowing of creeks and ditches, signs and markings, school zones and signals, street furniture and fixtures, and lighting. In current street construction program, the street department completed 29 blocks in 2013, which is a production rate of 2 to 3 blocks a week. An increase in overtime is requested to work on weekends to catch up on other maintenance duties. In 2014 to date, including overlay 30 blocks were completed with 39 blocks left to go. In 2013, a street teams was created to discuss and receive input on upcoming street reconstruction. The street department for 2015 is looking into a new pavement model and scoring program to prioritize streets and create a dynamic model to maintain street.

Mayor Fugate called for a recess at 5:40 p.m.

Mayor Fugate reconvened the meeting at 6:15 p.m.

Water Construction & Water Construction-Capital

Water Construction has 13 full-time employees, 7 crew trucks, 3 dump trucks, 3 backhoes, 1 excavator, and 1 mini bobcat with multiple attachments. In fiscal year 2014, the water construction department repaired 222 water main brakes and completed 975 service calls. The department has also installed 4,020 linear feet of water line and is assisting with new developments such as Oak Tree Apartments, Rancho Vista, Paulson Falls Subdivision, and Texas A&M University-Kingsville. The Water Construction assists the Community Appearance Department with demolitions of condemned structures. As the Water Construction Department has a 5 year water plan, we are requesting a new backhoe and skid loader.

In capital projects, the major project is the Kenedy water line project. It is an 18" water main that will connect the East and West side water towers. This will help in improving water quality and water production.

Water Production

The City of Kingsville produced 938,814,000 gallons of ground water in fiscal year 2014. South Texas Water Authority supplied 122,998,000 gallons of surface water in 2014. Combined together, over 1 billion of gallons of water were produced/consumed in fiscal year 2014. Mr. Cardenas reported that they have received zero TCEQ violations and have a rating of "Superior Water System". For fiscal year 2015, it is planned to construct Well #25, have a 5 year plan and utility rate, have Well #22 ground storage tank rehab, SCADA system upgrades and pumps, Well #19 rehab, old pump house at water well #19 renovated, and upgrade the department vehicles.

Wastewater Utility

Wastewater Department has two divisions, Wastewater Treatment and Wastewater collections. They consist of 11 lift stations, 19 full-time employees, and have 11 pieces of heavy machinery and 9 work trucks. In fiscal year 2014, 2,766 linear feet of sewer line was replaced, 36 manholes were repaired, 88 linear feet of service line was replaced, and 641 linear feet of sewer line was smoked tested for inlow and infiltration. In 2014, the department received and took care of 582 service calls, 24 new service taps were installed, and videotaped 641 linear feet of sewer line. Crews also work with Community Appearance to cap 16 sewer taps for demolition. The department inspected 71 restaurants grease traps quarterly. In the wastewater treatment plant, it is being asked to replace the thickener control panels, replace the work shed, sludge dewatering system, and a backup breaker system for both plants. The following lift stations need repairs, 17th and Lee, FM 1717 and Golf Course.

The Wastewater Collections Department has placed 2,766 linear feet of sewer main which includes installing sewer lines for developments, new sewer extensions, and relocated effluent lines on Master Drive. Manhole rehabilitation, construction and inspections include the following, Wildwood Trails, Lake View Villas, Rancho Vista, street reconstruction, and city wide.

Mr. Cardenas further thanked the Commission with all their support they have provided to the departments mentioned above.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:50 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

PUBLIC HEARING(S)

PUBLIC HEARING #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 local 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 plat is re-recorded or 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 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 or 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 (c); 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 15-3-19; 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 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 AIGUZ; 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 bounding 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 S. 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 or 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 devoted 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 circular 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

hereafter, 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.*

(i) *Completion of improvements.*

(a) Except for a single or two-family residential subdivision which may exercise the option provided in section 16-3-19(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 II 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.*

(i) *Subdivision improvement agreement.* The City Commission may waive the requirement of Section 16-3-19(F), 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 assigns 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) *Approval*. 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 workmanship 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 plan.

g. Location of property lines.

h. Existing or drafted 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:

1. 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

2. 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 EIU, 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.

b) *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 II.

1. 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

11. 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 15-3-21(E)(2).

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

(R) 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
- (e) 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
- (f) to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement
- (g) 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
- (h) 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 replot one or more lots fronting on an existing street
- 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 on 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 16-3-19(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

The 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 . . . \$280.00
 - 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) Redat . . . \$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 \$60.00 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

Vehicle Scouts

of Kleberg County Human Services and Stephen F. Austin Elementary School.

"We will be able to transport (residents), particularly to the elderly and disabled, to the soup kitchen," Mills said.

Chief Deputy Juan Gonzalez, with the KCSO, said the seized vehicle is one of many that the department has donated over the years for local organizations and entities to utilize. The KCSO has previously donated seized vehicles to the Palmer Drug Abuse Program and various Kleberg County departments, Gonzalez said.

The vehicles are essentially donated to the organizations for use until they are no longer able, he said. At that point, recipients have the opportunity to return the vehicle and, if there is still a need, receive a new one, Gonzalez said. The old vehicle is then auctioned off, he added.

"It's something that saves them money in the long run," Gonzalez said.

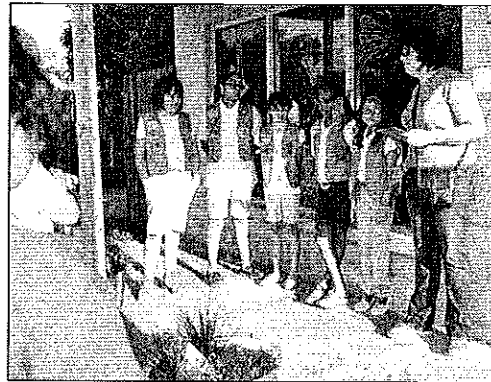
Mills said the van donation was just the latest example of the amount of support the proposed soup kitchen, spearheaded by Sister Elizabeth Smith, has received from the community.

Smith, a retired Christus Spohn Hospital Kleberg Spiritual Care Chaplain, founded the soup kitchen in order to provide meals for the less fortunate in the area. Weavers of Love is overseeing implementation of the program.

"We've gotten a tremendous amount of support for this," Mills said. She said there is no set timeline on when the soup kitchen would open to the public, but added that it would be "soon."



Elisa Meza-Briones, above, plays with one of the rescued dogs housed at Animal Rescue Kleberg. At right, from left, are Madelyn Rendon, Elisa Meza-Briones, Amelia Tuller and Gabi Garcia with a couple of dogs housed at the facility. The Girl Scouts all helped paint pots in the front of the building. In addition to donating the new sign. (Photos by Amber Aldaco)



member, about what the ARK could use.

"We immediately noticed that there was no readable sign and we even had trouble finding the ARK," Mueller said. "So the girls decided that they would like to donate a sign and help spruce up the front of the building."

Along with donating a sign, the Girl Scout Juniors painted some pots for regional plants, painted paw prints leading up to the front door and a few Mexican tiles with the address number for the front of the building. Tuller and her husband also renovated the front door by sanding parts of it and re-painting it.

ARK board members presented each girl with a framed certificate of recognition, as well as one for the whole troop.

The girl scouts raised money through bake sales, and a portion of the Girl Scout cookie sales went toward the sign. Those members who helped with the sign project were

Elisa Meza-Briones, Gabi Garcia, Amelia Tuller, Madelyn Rendon and Madelyn Ruiz.

"I'm really glad to see the young girls in this area being responsible pet owners and helping the ARK," Smith said. "Girl Scouts encourages them to be responsible, and they worked really hard for their badge."

COMBINED LAW ENFORCEMENT EVENT TOGETHER WE ARE MAKING A DIFFERENCE



Grammy Award Winner
Jimmy Gonzalez
A GIMPO MAZZ



WHERE: JK NORTHWAY

DATE: OCTOBER 7, 2014

TIME: 6PM - 10PM

For more information contact:
TERRY RIOS AT 361-595-8500 ext.1303

National Night Out 2014 Booth Registration

Name of Organization: _____

Type of Organization: _____

Check all that apply (can choose more than one):
 Food or Food/Giveaway _____
 Informational _____
 Entertainment _____
 Other _____

Interactive Activity:
 One where attendees can interact with the police or other law enforcement officers in a fun way.
 Explain what will be given out: _____

Contact Person and Phone Number: _____

Contact e-mail address: _____

Event will be held on: Tuesday, October 7, 2014 - Event Registration, at the JK Northway Education Center
 Booths will be set up on the main floor of the building. Booths will be set up on the main floor of the building.
 Booths are on a first come first serve basis, and only 50 booths will be accepted.
 Booth numbers will be given out before the event.
 Entry fees can be mailed, by mail, to the City of Kingsville, Texas, or dropped off at the City Office.
 For more information contact: 361-595-8500 ext.1303

Concert

Johanna Strauss; a tango piece by Argentinian composer Astor Piazzolla; a blues piece by composer W.C. Handy; 'The Girl from Ipanema' by Antonio Carlos Jobim; and America the Beautiful.

Each member of the group gave the audience some background information on

each piece they performed, as well as some information about themselves.

Master Sergeant Kara Frank finished the concert by thanking everyone present at the concert for not only supporting the U.S. Air Force but also supporting all the armed services.



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PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, September 17, 2014 at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard:

ITEM #1 - RH Christian, owner - Requesting approval for the plat of Sage Estate Unit 2, 11.686 acres out of Farm Lot 10, Section 2, KT & IC, property facing Sage Road.

ITEM#2- Consider approval of amendments Chapter 15 Land Usage Article 3 Subdivisions Sec. 15-3-15 thru 15-3-29, Platting Procedures to amend the City Code of Ordinances.

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

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, September 22, 2014 at 6:00 p.m. wherein the City Commission will discuss the introduction on the following item and at which time all interested persons will be heard:

ITEM#1- Consider approval of amendments Chapter 15 Land Usage Article 3 Subdivisions Sec. 15-3-15 thru 15-3-29, Platting Procedures to amend the City Code of Ordinances.

The meeting will be held at City Hall, 200 East Kleberg, in the City Commission Chambers. If you have any questions about the items on the agenda, please contact the City Secretary at (361) 595-8002.

CONSENT AGENDA

AGENDA ITEM #1

ORDINANCE NO. 2014-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2013-2014 BUDGET FOR REFINANCING COSTS FOR THE 2014 LIMITED TAX REFUNDING BONDS.

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

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2013-2014 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
Fund 051 Utility Fund					
<u>Capital</u>					
2		Unreserved Fund Balance	61002		<u>\$319,680</u>
					<u>\$319,680</u>
<u>Expenses</u>					
5-0000	Non-Departmental	Trnsfr To UF Debt Svc	35300	<u>\$319,680</u>	
				<u>\$319,680</u>	
Fund 012 UF Debt Service					
<u>Revenue</u>					
4-0000	Non-Departmental	Transfer From Fund 051	75010	<u>\$319,680</u>	
<u>Expenses</u>					
5-5100	Debt Service	PrfSrv-Bond Issue Cost/Fees	31404	<u>\$123,838</u>	
5-5100	Debt Service	Prinicple	61100	<u>\$140,000</u>	
5-5100	Debt Service	Interest	62100	<u>\$55,842</u>	
				<u>\$319,680</u>	

[To amend the FY14 budget as per the attached memo provided by the Finance Department for additional funding for costs associated with the 2014 Limited Tax Refunding Bonds.]

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 15th day of September, 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

CITY OF KINGSVILLE

TO: VINCENT CAPELL, CITY MANAGER
FROM: DEBORAH BALLI, FINANCE DIRECTOR
DATE: 09/02/14
SUBJECT: Budget Amendment-2014 Limited Tax Refunding Bonds

The attached budget amendment will provide for the costs associated with the 2014 Limited Tax Refunding Bonds issued this fiscal year. The bond issuance fees/costs for this refinance totaled \$123,838 and the first principal and interest payment for the 2014 refunding bonds totaled \$195,842. The attached budget amendment is requesting a total of \$319,680 from Utility Fund Balance be transferred to the Utility Fund Debt Service Fund to cover the bond issuance fees and the first principal and interest payment.

This Budget Amendment, given your approval, would be on the Commission Meeting Agenda September 15, 2014 for first reading.

Sincerely,

Deborah Balli

CC: Courtney Alvarez, City Attorney

AGENDA ITEM #2

ORDINANCE NO. 2014-

AN ORDINANCE AMENDING THE FISCAL YEAR 2013-2014 BUDGET FOR THE CITY OF KINGSVILLE FOR DEFICIT ACCOUNTS AT YEAR END.

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

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2013-2014 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
Fund 001 General Fund					
<u>Capital</u>					
2		Unreserved Fund Balance	61002		<u>\$32,212</u>
					<u>\$32,212</u>
<u>Expenses</u>					
5-0000	Non-Departmental	Transfer Out to Fund 064	39464	<u>\$28,212</u>	
5-1020	Municipal Building	Utilities	32300	<u>\$ 4,000</u>	
				<u>\$32,212</u>	
Fund 051 Utility Fund					
<u>Capital</u>					
2		Unreserved Fund Balance	61002		<u>\$68,550</u>
					<u>\$68,550</u>
<u>Expenses</u>					
5-0000	Non-Departmental	Transfer Out to Fund 054	39410	<u>\$58,000</u>	
5-6201	Collections	Postage & Freight	31300	<u>\$10,550</u>	
				<u>\$68,550</u>	
Fund 054 UF Capital Projects					
<u>Revenue</u>					
4-0000	Non-Departmental	Transfer From Fund 051	75010	<u>\$58,000</u>	
Fund 064 Utility Fund					
<u>Revenue</u>					
4-0000	Non-Departmental	Transfer From Fund 051	75010	<u>\$28,212</u>	

Expenses

5-1703 Landfill	Landfill Expansion	71400	\$28,212
			<u>\$28,212</u>

[To amend the FY14 budget as per the attached memo provided by the Finance Department for additional funding for deficit accounts at year end.]

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 15th day of September, 2014.

PASSED AND APPROVED on this the 22nd day of September, 2014.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

CITY OF KINGSVILLE

TO: VINCENT CAPELL, CITY MANAGER
FROM: DEBORAH BALLI, FINANCE DIRECTOR
DATE: 09/05/14
SUBJECT: FY 13-14 End of Year Budget Amendment

Attached is the ordinance to adopt the Fiscal Year End 2013-2014 End of Year Budget Amendment. If approved, this should provide funding for various departmental budgets in the City. A summary for each fund is provided below.

Fund 001-The attached budget amendment will provide for 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.

Fund 051-The attached budget amendment will provide additional postage and freight in the amount of \$10,550 to the Collections Department. 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.

Fund 054-The attached budget amendment will provide for \$58,000 Transfers In from Fund 051.

Fund 064-Landfill expansion costs originally budgeted for FY13-14 were not expected to occur until FY 14-15 and were rolled over into the FY14-15 budget. These are now expected to be occur in FY 13-14.

This Budget Amendment, given your approval, would be on the Commission Meeting Agenda September 15, 2014 for first reading.

Sincerely,

Deborah Balli

CC: Courtney Alvarez, City Attorney

AGENDA ITEM #3

ORDINANCE NO. 2014-____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENEDING CHAPTER IX-GENERAL REGULATIONS, ARTICLE 8-PARKS AND RECREATION, PROVIDING FOR REGULATIONS AND FEES FOR THE PARKS AND THE L.E. RAMEY GOLF COURSE; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City and County have recently approved interlocal agreements to transfer operations and maintenance of all of the parks within the city limits and the L.E. Ramey Golf Course from the County to the City;

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 to reduce duplicitous services and expenses from having each entity provide the same services; and

WHEREAS, the approval of these interlocal agreements necessitate the City to enact regulations and fees for the properties covered under the interlocal agreements; and

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 Chapter IX- General Regulations, Article 8-Parks and Recreation, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

ARTICLE 8 PARKS AND RECREATION

PARKS

§ 9-8-1 ADMINISTRATION.

The administration and supervision of the parks and recreation department shall be the responsibility of the Parks and Recreation Manager or such other person as may be delegated or assigned such duties by the City Manager. The Parks and Recreation Manager may adopt, revise or rescind rules, regulations, departmental policies and procedures, create or alter recreational programs and take action regarding the day-to-day management and operations of the parks,

park buildings, and park facilities that do not conflict with this article, city commission-adopted policies, or federal or state laws. The Parks and Recreation Manager may make the following rules or take the following actions relating to the operation of the parks, park buildings, and park facilities:

- (A) The closing of all or part of a park or park facility because of weather or unsafe considerations that could endanger users or result in damage to the park, park building or park facility;
- (B) The reservation, scheduling, and use of parks, park facilities, and park buildings designed for or designated for specific uses;
- (C) Processing applications for special use permit agreements and rental and use agreements;
- (D) Regulating the use of a park, park buildings, and park facilities for public, private and commercial purposes;
- (E) Any other rule or action reasonably necessary to manage and operate parks, park buildings, and park facilities.

§ 9-8-2 USER FEES.

The Parks & Recreation Manager is hereby authorized to collect fees for the use of all park facilities and equipment. All fees charged for the use of facilities or equipment under this section shall be due and payable to the city. The free use of all facilities and equipment of the parks and recreation department for which rental or use fees are established is hereby prohibited to any individual or group or to any employee or officer of the city.

§ 9-8-3 RENTAL AND USER AGREEMENTS.

- (A) The Parks & Recreation Manager is empowered to prepare and sign user or rental agreements for the rental of facilities and/or equipment of the parks and recreation department. All user and rental agreements shall be signed by the Parks & Recreation Manager or the City Manager's designees under the following conditions:
 - a. The form of every instrument used for a particular purpose shall be approved by the City Attorney, provided, however, that this not require the signatory approval of the City Attorney on each document executed pursuant to this section; and

- b. All blanks are filled and information is provided as required by the form instrument.

Verbal arrangements to rent are not recognized under any circumstances, and this article and the contracts and agreements shall constitute the whole agreement between the parties and may not be altered unless done so in writing, signed by authorized representatives of both parties.

- (B) All agreements shall provide that parties contracting for the use of city facilities or other property shall hold the city harmless from any and all liability for any claim or claims as a result of use of the premises, equipment, or other property and shall indemnify the city in case of any claims resulting from their operations, use, or occurring as a result of their occupancy of the premises or use of property and all agreements shall specifically include such provisions.
- (C) The Parks & Recreation Manager shall apply any deposit against any amounts owed to the City for use of the property/facilities, and the Manager may refuse to enter into any agreement until any and all amounts due the City by any applicant or organization, or by any organization which the applicant has represented, have been paid in full.
- (D) The Manager, or their representatives or designee, may enter rented facilities for the purpose of ensuring that parties comply with the provisions of this article or the applicable agreement.
- (E) Clean up responsibility; failure to clean. Each applicant shall be responsible for the cleaning of the property/facility after use. Each applicant shall deposit with the City, at the time of the filing of the rental agreement or special use agreement, a cleaning deposit in the amount provided for the rental or use. In the event that the applicant shall fail to clean the property/facility as specified in their agreement after use, the City may charge the applicant for the actual cost of cleaning the property/facility and apply the cleaning deposit to the total cost of cleaning.
- (F) Damages from use. Each applicant shall deposit with the City, at the time of the filing of the rental agreement or special use agreement, a deposit in the amount as provided in their agreement. In the event that the City determines any damages upon inspection, the City may charge the applicant for the actual cost of the damages and apply the deposit to the total cost of the damages.

§ 9-8-4 RENTAL RATES.

The Parks & Recreation Manager shall prepare a schedule of rental rates for the use of facilities to include, but not be limited to, pavilions, shelters, picnic tables, swimming pools, recreation centers, and athletic fields. This schedule shall be submitted to the City Manager for approval, and shall be reviewed on an annual basis. Such rates shall bear a reasonable relation to current rental rates charged for use of similar commercial facilities so as to neither be excessive or grossly

deficient by comparison; provided, however, all such rates, except athletic field rental rates, shall not increase annually by more than twenty-five (25) per cent and rates for organized youth activities shall not exceed a level which would recover forty (40) per cent of the estimated total cost, nor shall new fees be created, without the City Commission's approval by motion or resolution. The approved schedule shall be filed with the City Secretary and copies shall be provided to the City Commission. Specific rates, however, may be adjusted at any time, and the Parks & Recreation Manager shall have the authority to negotiate special rates for special situations.

§ 9-8-5 CITY-OWNED EQUIPMENT.

Unless specifically stated in the agreement, the use of city-owned equipment is not included in the rental of a facility. The Parks & Recreation Manager shall prepare a list of city-owned equipment that is available for rent and recommend fees for its use. This fee schedule shall be submitted to the City Manager for approval. Such fees shall bear a reasonable relation to cost and depreciation of such equipment to allow the City to recover the acquisition, maintenance, or replacement costs of such equipment as necessary. The approved schedule shall be filed with the City Secretary and copies shall be provided to the City Commission.

§ 9-8-6 SPECIAL SERVICES.

The Parks & Recreation Manager shall prepare a list of special services that are available to the public. This list, including the recommended fees to be charged, shall be submitted to the City Manager for approval. The approved schedule shall be filed with the City Secretary and copies shall be provided to the City Commission.

§ 9-8-7 RECREATION FEES AND CHARGES.

The Parks & Recreation Manager shall prepare a list of recreation fees and charges for the public use of swimming pools, tennis courts, recreation centers, athletic fields, and other city-owned facilities. The schedule of fees and charges shall be submitted to the City Manager for approval, and be reviewed on an annual basis. Such rates shall bear a reasonable relation to current rental rates charged for similar commercial facilities so as to neither be excessive or grossly deficient by comparison; provided, however, all such fees, but not including adult softball and adult baseball league fees and charges for athletic fields, shall not increase annually by more than twenty-five (25) per cent and fees for organized youth activities shall not exceed a level which would recover forty (40) per cent of the estimated total cost, nor shall new fees be created, without the City Commission's approval by motion or resolution. The approved schedule shall be filed with the City Secretary and copies shall be provided to the City Commission. Specific fees, however, may be adjusted at any time, and the

Parks & Recreation Manager shall have the authority to negotiate special rates for special situations.

§ 9-8-8 SPECIAL USE PERMIT AGREEMENT FOR PARKS.

(A) Definition. Special use means any temporary gathering, rally, parade, festival, exhibit, display, entertainment, performance, or presentation held in a park, park building or park facility:

- a. In which more than 250 persons are expected to attend or participate; or
- b. That requires the placement or erection of one or more stages, booths, kiosks, tables, tents, barricades, or similar temporary structures or facilities to support or serve the special use; or
- c. That provides an alcoholic beverage for sale or consumption to the attendees.

A special use does not include persons gathering in a park to participate in or observe an athletic event held at the facilities designed for that purpose.

(B) Permit required. It is unlawful for any person to sponsor, hold, or conduct a special use without first receiving a permit from the City.

(C) Application process. A person seeking a permit for a special use in a city park, park building, or park facility must file an application with the City on the form provided for that purpose. A complete application must be filed not less than 30 days before the proposed date of the special use. The application must be signed by the person or persons responsible for the special use and must include the following information:

- a. A description of the use and the number and type of activities planned;
- b. The date and time of the special use;
- c. The number and types of vendors that will be present;
- d. The number of people expected to attend the special use;
- e. The arrangements that will be made for traffic control, security, additional restroom facilities, medical care, traffic control, and other services or facilities to support the special use;
- f. Whether there will be a charge for the special use and the basis upon which persons may or may not be admitted to the event if other than a charge;
- g. A description of any structures that will be used or erected to support the event;
- h. The circumstances under which any alcoholic beverages will be served or possessed;
- i. Any other information the City determines is necessary to evaluate the application and determine whether it meets the requirements of this article.

- (D) Fees and deposits. The City may establish and collect fees, deposits, and bonds to pay for or ensure the payment of costs incurred by the City relating to the use of a park, park building, or park facility for special use, including costs incurred for trash cleanup and removal, providing security, protection or medical care, for the administration of this article and for any other necessary or related services that arise directly from the use of the park, park building, or park facility. However, the City may not impose an additional fee on any applicant because of any constitutionally protected speech to be expressed during the special use that may create the need for additional security for persons opposing the speech expressed.
- (E) Permit decision. The City will make a decision on the permit application as promptly as possible after the applicant has provided all the information required by the application, including in the form and manner required, but in no other case later than ten business days after the date a complete application is submitted. The city will grant a permit unless the city finds one or more of the following exist:
- a. The application submitted is not sufficient or complete, provides false information, does not comply with this article or a regulation approved hereunder, or was not submitted with any required documents, fees or deposits;
 - b. The time or location for the proposed special use conflicts with the time or place of either a city sponsored event or a special use for which a permit has been issued or an application was already pending and there is insufficient space in the park, park building, or park facility to accommodate both events;
 - c. The applicant has failed to arrange or provide for adequate parking, trash cleanup, security, or other arrangements to ensure that the special use will be safe, secure and healthful for the participants thereof;
 - d. The special use does not comply with this article, state or federal laws or regulations, or a reasonable condition imposed by the Parks & Recreation Manager for issuance of the permit;
 - e. The applicant has held a prior special use for which the applicant failed to comply with a requirement of this article, failed to pay any required fees, charges, or deposits, failed to comply with all of the conditions of the permit, failed to pay or remedy damage incurred to public property, created a dangerous condition or situation, failed to comply with reasonable requests of the Manager, or otherwise violated the purpose or intent of this article;
 - f. The special event is being held primarily for commercial purposes;
 - g. The proposed use would present an unreasonable danger to the health or safety of the applicant, special use attendees, or other users of the park, park building, or park facility.
- (F) Conditions. The Manger may impose reasonable conditions on a special use permit issued to ensure compliance with city rules, regulations, and

this article. The permit issued will contain in writing all the conditions and requirements that apply to the special use.

- (G) Denial of permits. If the Parks & Recreation Manager refuses to issue a permit as authorized by this article, the Manager will specify in writing the provisions of this article upon which the refusal was based as well as any factual information in support of the determination.
- (H) Permit revocation. The Parks & Recreation Manager may revoke a permit for a special use after it is issued because of the failure to comply with any condition or requirement of the permit or this article. The Manager will give written notice of the revocation of the permit at the address of the applicant as listed on the application.
- (I) Appeals from denial or revocation. An applicant may appeal a permit denial, revocation, or imposition of conditions by filing a written appeal to the office of the City Manager within three days of the mailing of the appealable event.

§ 9-8-9 PROHIBITION OF CAMPING AND OTHER ACTIVITIES.

(A) Definitions.

- a. Camping: Occupying a site as a dwelling place for any length of time, whether in a vehicle, tent or improvised shelter, sleeping bag or without a shelter. Occupation of a site under the circumstances above for more than two (2) hours at any time during the period from midnight to sunrise shall be presumed to be overnight camping.
 - b. Campfires: Any open fire composed of any material in a fire pit or on the ground, except for those fires contained in a barbecue pit constructed and maintained by the City or in a portable barbecue pit or similar device designed for the preparation of food.
 - c. Person: Any individual or group of individuals.
 - d. Manager: The Manager of the Parks & Recreation Department, or their designee.
- (B) Prohibition. Unless otherwise provided in this section, it is unlawful for any person to camp or to build, operate, or use a campfire in any park.

§ 9-8-10 CURFEW.

Between the hours of 10:00 p.m. and 6:00 a.m., no person shall enter or be present in any city park or parking lots connected therewith or adjacent thereto, excluding a city employee in performance of the employee's duties, and a person permitted to engage in leisure and recreational activities under the Parks and Recreation Department.

§ 9-8-4 LIQUOR IN PUBLIC PARKS PROHIBITED; EXCEPTION.

(A) Except as hereinafter provided, it shall be unlawful for any person to consume or possess any alcoholic beverage or beverages in any public park within the corporate limits of the city.

(B) In the event a person, persons, or corporation shall lease or rent the premises in ~~the Dick~~ Kleberg Park known as the J. K. Northway Building ~~and~~ ~~background~~ for public or private use and shall desire to serve or permit alcoholic beverages to be consumed on the premises, ~~in addition to the requirements for Special Use Permit Agreements in §9-8-3,~~ the following rules shall apply ~~thereafter~~:

(1) (a) An application shall be made to the ~~Parks & Recreation Manager~~ ~~City-County Parks Board~~ which shall contain the following:

1. The person or persons responsible for the use of the building.
2. The purpose for which the building is to be used.
3. The number of persons expected to attend the function for which the building let.
4. The type of beverages to be sold or consumed on the premises.
5. The type of security that will be provided by the applicant.
6. The hours such beverages will be sold or consumed on the premises.
7. The person whose license will be used for the sale of any alcoholic beverage.
8. The applicant shall sign a statement that all applicable state laws will be complied with before any alcoholic beverages are sold or consumed on the premises.

(b) If the ~~Parks & Recreation Manager~~ ~~City-County Parks Board~~ deems that the public interest shall be served by the issuance of a permit for such purposes, such ~~Manager Board~~ may issue a permit and such permit shall contain the rules applicable to same.

(2) In addition to the items enumerated above, the ~~Parks & Recreation Manager~~ ~~City-County Parks Board~~ may make such additional requirements as they deem necessary for the safety and well-being of the persons attending such function.

(1962 Code, § 6-1-53)

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

§ 9-8-12 FIREARMS IN PUBLIC PARKS PROHIBITED; EXCEPTION.

(A) Except as hereinafter provided, it shall be unlawful for any person to possess or discharge any firearm in any public park within the corporate limits of the city.

(B) Exception: (1) certified law enforcement officers may possess a firearm.

§ 9-8-13 FIREWORKS PROHIBITED IN PARKS.

The bringing of fireworks and the discharge of fireworks into the parks is prohibited.

§ 9-8-14 USE OF PARK PROPERTY

- (A) It shall be unlawful for any person to enter into, pass through, or congregate with other persons on park property at a time, whether night or day, when such property is closed to the general public
- (B) It shall be unlawful for any person to enter into, pass through, or congregate with other persons on park property for any other purpose than to participate in an authorized use of the parks during the hours the parks are open for business.
- (C) The provisions of this section do not apply to agents, representatives, licensees or employees of the city; provided, however, that such persons are engaged in the performance of their duties.
- (D) It shall be unlawful for any person to disregard any order issued by the Parks & Recreation Manager, or their designee, relating to the use, means, or manner of play at the parks.
- (E) It shall be unlawful for any person to remain in any building, swimming pool, playground, park area or public property within the city after being advised by the Parks & Recreation Manager or any person authorized by the manager or any association, club or group, so authorized to conduct, manage, supervise, sponsor or be responsible for such supervised recreation that he is interfering with disrupting or preventing the orderly conduct of such supervised activity or program and after having been asked to leave such swimming pool, playground, park or public property within the city.
- (F) Glass containers. To prevent injury to persons using and enjoying the recreational facilities, no glass container of any kind shall be brought upon park properties.
- (G) Traffic and parking. All vehicular traffic shall obey the posted speed limit and parking of vehicles shall be done only in designated areas unless by permit stating otherwise.
- (H) No soliciting. No person may solicit funds or donations or peddle any goods, wares, or merchandise except by permit of the city.
- (I) Vehicles. No person shall park a vehicle upon any public roadway, city-owned or maintained park lands, public playground or public recreation area which is owned, operated or maintained by the city for the principal purpose of:
 - a. Displaying such vehicle for sale;
 - b. Washing, greasing, or repairing such vehicle except repairs necessitated by an emergency.

Any person who violates any provision of this section shall, upon conviction, be subject to a penalty as prescribed in §1-1-99.

§ 9-8-10 ~~10~~. RULES AND REGULATIONS.

The following rules and regulations are hereby established for the use of the lake at Dick Kleberg Park in the city:

- (A) No swimming, wading or bathing shall be allowed therein at any time.
- (B) No boats or floats equipped with mechanical power shall be used thereon.
- (C) No nets, seines or trout lines shall be, used for the catching of fish.
- (D) Any person desiring to use a boat thereon shall first apply to the Parks and Recreation Department for a permit to do so. A permit shall be issued by the Director unless in his opinion such use would be detrimental to the lake and property thereon.

§ 9-8-11 ~~11~~ INJURING PROPERTY; LITTERING PROHIBITED.

- (A) It shall be unlawful for any person to injure, deface, mutilate, remove, pull down, break, or in any manner interfere with or molest, secrete or destroy any real or personal property belonging to or under the control of the Parks and Recreation Department ~~either within or without the confines of Dick Kleberg Park.~~
- (B) It shall be unlawful for any person to deposit dirt, trash, cans, papers or other litter onto the ground in ~~any park~~ Dick Kleberg Park or to throw or deposit the same into the lake ~~therein situated~~ ~~at Dick Kleberg Park.~~

(1962 Code, § 9-8-2)

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

GOLF COURSE

§ 9-8-30 TRAFFIC.

It shall be unlawful for any person to walk upon or across, or to drive or to ride upon any animal-drawn or motor-driven vehicle upon or across the city golf course, between sunset and sunrise, except that such regulation shall not apply to law enforcement officers engaged in the discharge of their duties, or employees of the city performing their duly assigned duties.

§ 9-8-31 USE OF GOLF COURSE PROPERTY.

- (A) It shall be unlawful for any person to enter into, pass through, or congregate with other persons on the municipal golf course property at a time, whether night or day, when such property is closed to the general public.
- (B) It shall be unlawful for any person to enter into, pass through, or congregate with other persons on municipal golf course property for any other purpose than to participate in an authorized use of the municipal golf course during the hours the golf course is open for business.
- (C) The provisions of this section do not apply to agents, representatives, licensees or employees of the City; provided, however, that such persons are engaged in the performance of their duties.
- (D) It shall be unlawful for any person to play golf using driving-range golf balls which are identified as such by a clearly marked colored or black circle circumventing the golf ball.
- (E) It shall be unlawful for any person to disregard any order issued by the Golf Course Manager, or his designee, relating to the means or manner of play at the golf course.
- (F) It shall be unlawful for any person to drive a cart upon any area except designated golf cart areas except as authorized by the Golf Course Manager.
- (G) Any person who violates any provision of this section shall, upon conviction, be subject to a penalty as prescribed in §1-1-99.

§ 9-8-32 LIVESTOCK.

It shall be unlawful for any person owning or having under his control any horses, cattle or other livestock to allow the horses, cattle or other livestock to go in, upon or across the city golf course.

§ 9-8-33 DAMAGE TO PROPERTIES.

It is unlawful for any person to intentionally cut, mutilate, deface, defoliate, or otherwise destroy or cause injury, in whole or in part, to any part or portion of the municipal golf course premises, facilities or equipment. It is unlawful for any person to willfully or wantonly mark or deface or in any way injure the golf course facilities or any part thereof, or any fixtures therein or appertaining thereto. A violation of this section shall, upon conviction, be punished as provided in §1-1-99.

§ 9-8-34 OPERATIONS.

The following regulations shall be in effect relative to the use of the municipal golf course:

- (1) Rules of Play. The "Rules of Play" posted at the municipal golf course will be strictly enforced.
- (2) Tournament. Tournament schedules will be coordinated with the Golf Course Manager. All tournament organizers shall make the proper arrangements with the golf manager to ensure that scheduling conflicts will be avoided.
- (3) Soft Spikes. Only soft spikes will be allowed on the municipal golf course.
- (4) Practice Area. Practice will be allowed only in areas designated by the Golf Course Manager.
- (5) Trail Fee. The trail fee prescribed by this article shall be paid in advance by each golfer using a private golf cart on each daily round played.
- (6) Patrol Marshals. The Golf Course Manager shall select up to five patrol marshals. One patrol marshal per day is allowed to patrol. Compensation for each marshal will be two free green fees per week for each day they patrol. The duties of the patrol marshal shall be as follows:
 - a. Promote congeniality, goodwill and sportsmanship;
 - b. Check for fee receipts, membership cards and illegal players;
 - c. Report to the Golf Course Manager any hazards or conditions that may jeopardize the health and safety of the players; and
 - d. Provide services as directed by the Golf Course Manager or his designee.

§ 9-8-35 ALCOHOLIC BEVERAGES PROHIBITED ON GOLF COURSE.

The bringing of beer or other alcoholic beverages onto the municipal golf course is prohibited. Beer is available for purchase at the club house where a limited number of ice chests and ice are available if desired. This provision may be waived by the golf manager for special events.

§ 9-8-36 FIREWORKS PROHIBITED ON GOLF COURSE.

The bringing of fireworks and the discharge of fireworks onto the municipal golf course is prohibited.

**§ 9-8-37 FIREARMS ON GOLF COURSE PROPERTY PROHIBITED;
EXCEPTION.**

(A) Except as hereinafter provided, it shall be unlawful for any person to possess or discharge any firearm in any golf course property.

(B) Exceptions: (1) certified law enforcement officers may possess a firearm, and (2) when at a designated shooting range.

§ 9-8-38 DEFINITIONS.

The following definitions shall apply to this article:

- (1) *College Student.* Any person actively enrolled in a minimum of twelve hours of college.
- (2) *Golf Course Manager.* The administrator in charge of the municipal golf course, who shall be employed and discharged by the City Manager.
- (3) *Junior.* Any person 18 years of age or younger, currently enrolled in high school or below. A junior under the age of 12 must be accompanied by an adult.
- (4) *Lessee.* Any person or organization of whatever nature that uses the municipal golf course premises, facilities or equipment.
- (5) *Military.* Any person actively enlisted in the U.S. military.
- (6) *Municipal Golf Course.* The L.E. Ramey Golf Course and the entire premises thereof, including but not limited to the clubhouse, restaurant, pro shop, cart shed and golf course itself, and all other parts or portions thereof.
- (7) *Nine hole fee.* Paid by persons wishing to play nine holes of golf.
- (8) *Senior.* Any person who is 62 years of age or older.

§ 9-8-39 USE FEES.

The Golf Course Manager is hereby authorized to collect fees for the use of all golf course facilities and equipment, such fees to be set from time to time by the City Commission. All fees charged for the use of facilities or equipment under this section shall be due and payable to the City. Persons who have paid fees under the old fee schedule are required to pay the difference in accordance with the new fee schedule. The free use of all facilities and equipment of the

municipal golf course is hereby prohibited to any individual or group or to any employee or officer of the city, except as provided for in this article.

§ 9-8-40 SALE OF MERCHANDISE; CONCESSIONS.

- (A) Only the city and its assigns may sell merchandise at the municipal golf course. The use of any portion of the municipal golf course by any individual, group, firm, or corporation other than the City for the purpose of selling merchandise is hereby prohibited without the written consent of the Golf Course Manager. Sale of merchandise by tax-exempt/nonprofit charitable organizations or civic groups is hereby excepted from such prohibition and shall be permitted upon the approval of the Golf Course Manager.
- (B) Only the City and its assigns shall have the right to operate concessions for the sale of food, drinks (including alcoholic beverages), programs, novelties, souvenirs, etc. Sale of concessions by tax-exempt charitable organizations and civic groups are hereby exempted from such prohibition and shall be permitted upon the approval of the Golf Course Manager.

§ 9-8-41 GOLF COURSE FEES.

The following schedule of fees shall be paid by the patrons of the municipal golf course. The Golf Course Manager may negotiate rates for golf course special events and promotions.

(A) Daily Green Fees:

Golf course green fees for persons 18 years of age or older (non-refundable).

(1) 18-Holes of Play:

Weekends and holidays: \$ 14.75

Weekends and holidays with ½ cart fee: \$ 25.25

Weekend twilight with ½ cart fee: \$20.25

Weekdays: \$ 12.75

Weekdays with ½ cart fee: \$ 23.25

Weekdays twilight with ½ cart fee: \$19.25

(2) 9-Holes of Play:

Weekends and holidays: \$ 8.25

Weekends and holidays with ½ cart fee: \$ 15.75

Weekdays: \$ 7.25

Weekday with ½ cart fee: \$ 14.75

(B) Junior Fees:

Golf course green fees for persons in the classification of junior (non-refundable).

(1) 18-Holes of Play:

Weekdays: \$ 7.75

Weekdays with ½ cart fee: \$ 15.25

(2) 9-Holes of Play:

Weekdays: \$ 4.75

Weekdays with ½ cart fee: \$ 12.25

(C) Junior Fees:

(D) College Student Fees:

Golf course green fees for persons in the classification of College Student (non-refundable).

(1) 18-Holes of Play:

Weekdays: \$ 8.75

Weekdays with ½ cart fee: \$ 16.25

(2) 9-Holes of Play:

Weekdays: \$ 5.75

Weekdays with ½ cart fee: \$ 13.25

(E) Military Fees:

Golf course green fees for persons in the classification of Military (non-refundable).

18-Holes of Play:

Weekdays: \$ 10.75
Weekdays with ½ cart fee: \$ 21.25

(F) Senior Fees:

Golf course green fees for persons 62 years of age or older (non-refundable).

18-Holes of Play:

Weekdays: \$ 9.75
Weekdays with ½ cart fee: \$ 20.25

(G) Annual membership fees:

Annual membership entitles that person to unlimited green fees for 365 days from date of purchase (non-refundable).

Annual individual membership rate: \$ 700.00
Annual individual and spouse joint member rate: \$1,200.00
Junior annual membership rate: \$ 460.00
College Student annual membership rate: \$520.00
Military annual membership rate: \$540.00

(H) Monthly membership fees:

Monthly membership entitles player to unlimited green fees for 30 days from date of purchase (non-refundable).

Monthly individual membership rate: \$ 96.00
Monthly individual and spouse joint membership rate: \$ 155.00
Monthly Junior membership rate: \$65.00

(I) Annual cart fee and green fee:

Annual cart fee is per player and entitles player to unlimited carts for 365 days from date of purchase (non-refundable) and unlimited green fees for 365 days from date of purchase (non-refundable).

Annual individual cart fee and green fee: \$ 2,000.00

Annual individual & spouse joint cart fees and green fee: \$3,190.00

(J) Monthly cart fee and green fee:

Monthly cart fee is per player and entitles player to unlimited carts for 30 days from date of purchase (non-refundable) and unlimited green fees for 30 days from date of purchase (non-refundable).

Monthly individual cart and green fee: \$ 185.00

Monthly individual & spouse joint cart and green fee: \$ 360.00

(K) Private cart trail fee:

This fee is for use of a private golf cart by the owner of the private cart, the owner's spouse or qualified junior and up to one additional rider (limited to a total of two riders), authorized by owner. Fee is valid for 365 days from date of purchase (non-refundable).

Daily private cart trail fee: \$ 7.50

Private carts are subject to approval for safety purposes and liability issues by the Golf Course Manager or their designee. The owners of powered golf carts shall be fully responsible for the safety and liability of occupants and the safe operation of their powered golf carts and shall be responsible for ensuring that their golf carts are maintained and operated in accordance with their golf cart operation/instruction manual while on municipal golf course property.

(L) Monthly Locker Fee:

Monthly locker fee is per player and entitles player to use of a locker for 30 days from date of purchase (non-refundable).

Monthly individual locker fee: \$ 80.00

(M) Daily Golf Club Rental Fee:

Daily golf club fee is per player and entitles player to use of a set of golf clubs (non-refundable).

Daily golf club rental fee: \$ 8.00

(N) Monthly Driving Range Membership Fee:

Monthly driving range membership entitles player to unlimited driving range fees for 30 days from date of purchase (non-refundable).

Monthly individual membership rate: \$ 80.00

(O) Range Ball Bucket Fee:

Range ball bucket fee entitles player to the use of the bucket of balls once (non-refundable).

Large Bucket (135 balls): \$9.00

Medium Bucket (75 balls): \$7.00

Small Bucket (35 balls): \$3.00

(P) Minors less than 16 years of age shall not operate golf carts on municipal golf course property.

(Q) Each golf course green fee shall entitle payee to play a maximum of 18 holes of golf on the date paid. Additional payment of green fees shall be required if more than 18 holes of golf are to be played.

...

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 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, work or ordinance hereof be given full force and effect for its purpose.

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

INTRODUCED on this 15th day of September, 2014.

PASSES AND APPROVED on this the 22nd day of September, 2014.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

REGULAR AGENDA

AGENDA ITEM #4

RESOLUTION NO. 2014-_____

RESOLUTION APPROVING THE CITY OF KINGSVILLE'S 2014 TAX ROLL AS SUBMITTED BY THE KLEBERG COUNTY TAX ASSESSOR-COLLECTOR PURSUANT TO THE TEXAS PROPERTY TAX CODE, CHAPTER 26, SECTION 26.09(E).

WHEREAS, the duly appointed Kleberg County Tax Assessor Collector has submitted the 2014 Tax Roll for the City of Kingsville; and

WHEREAS, the City Commission has reviewed the appraisal and tax rolls, and set the tax rate at the level necessary to support the approved budget of the City of Kingsville.

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

"The 2014 Tax Roll for the City of Kingsville is hereby approved pursuant to Section 26.09 (e) of the Texas Property Tax Code".

PASSED AND APPROVED by majority vote of the City Commission on the 22nd day of September 2014.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

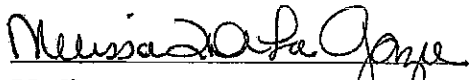
APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**SUBMISSION OF THE 2014 TAX ROLL FOR THE CITY OF
KINGSVILLE PURSUANT TO SECTION 26.09(e) OF THE TEXAS
PROPERTY TAX CODE**

The 2014 Tax Roll for the City of Kingsville is hereby submitted for approval at the next regular scheduled meeting of the City of Kingsville Commissioner's Court. The 2014 Tax Roll is submitted for approval under Section 26.09(e) of the Texas Property Tax Code and was calculated in compliance with the same code by multiplying the values from the Certified Appraisal Roll plus/minus any changes in value approved by the Kleberg County Appraisal Review Board by the tax rate adopted by this governing body for the 2014 tax year. Values and taxes are at a ratio of 100% of appraised value. The 2014 Tax Roll for the City of Kingsville is stored in the Kleberg County Tax Office in compliance with the State Records Retention guidelines. A copy of the tax roll for reference purposes and convenient availability is filed with the Kleberg County Clerk's Office.

I, Melissa T. De La Garza, PCC – Kleberg County Tax Assessor-Collector, hereby certify the figures from the 2014 Tax Roll as reflected on the attached summary page taken directly from the 2014 Tax Roll. I certify that the foregoing information, and the roll it represents is accurate and correct to the best of my knowledge. Certified and submitted this 18th day of September 2014.



**Melissa T. De La Garza, PCC
Kleberg County Tax Assessor-Collector**

Improvements:		Number	Amount		
Homesteadable		4,093	264,493,898--:		
New Homesteadable		55	993,840 :	Impr. Total	
Non-Homesteadable		4,130	300,265,047 :--	565,752,785--:	
New Non-Homesteadable			0--:		
Land:		Number	Amount		
Homesteadable		4,024	36,638,863--:	Land Total	
Non-Homesteadable		5,162	81,191,095--:--	117,829,958--:	
Acres	7,477.905	9,110			Total Market
					816,180,031
Productivity:		Number	Amount		
Agricultural Market		143	10,887,070--:	Productivity Mkt	Total Accounts
Timber Market			0--:--	10,887,070--:	11,132
Agricultural Use Value		143	508,530		
Timber Use Value			0		
Exempt Agricultural Market			0		
Exempt Agricultural Value			0		
Other:		Number	Amount		
Minerals			0--:	Other	
Personal Property Market		1,278	121,710,218--:--	121,710,218--:	
Miscellaneous:		Number	Amount		
Homestead Market Value		4,061	300,407,318		
Homestead Cap Value		4,061	298,369,860		
Tax Increment Zone Market			0		
Tax Increment Zone Base			0		
Deductions:		Exemption	Number	Amount	
Constitutional Exempt				0-----	
Productivity Loss			143	10,378,540-----	
Homestead Cap Loss			213	2,037,458-----	
Homestead				0--:	
Homestead Frozen				0 :	Homestead Total
Homestead Local				0 :--	0--:
Homestead Local Frozen				0 :	
Homestead Local %				0 :	
Homestead Local % Frozen				0--:	
					Total
					Deductions
					87,266,366
Over 65	8,400	1,524	12,558,761--:		
Over 65 Frozen			0 :	Over 65 Total	
Over 65 Local			0 :--	12,558,761--:	
Over 65 Local Frozen			0--:		
Disabled Person			0--:		
Disabled Person Frozen			0 :	Disabled Person	
Disabled Person Local			0 :--	0--:	
Disabled Person Lcl Frzn			0--:		
Disabled Veteran HS Full		61	4,794,419--:		
Disabled Veteran		208	2,006,898 :	Disabled Veteran	
Disabled Veteran Frozen			0--:--	6,801,317--:	
Abatements		1	5,435,700--:		
Pollution Control			0 :		
Freeport			0 :	Other Exemptions	
HB366		51	14,640 :--	55,490,290--:	
Prorated Exempt			0 :		
Other		444	50,039,950--:		Net Taxable
					728,913,665
Frozen Taxable Value Loss			0		
Frozen Limit (CAD Original)			.00		
Frozen Limit Adjusted (Transfers)			.00		Net Taxable
Frozen Tax Levy Used			.00		Less Frozen
Late Agricultural Penalty			.00		728,913,665
Late Correction Penalty			.00		
Late Rendition Penalty		335	8,008.94		

Total Tax Levy	0.00842200	Actual Levy	6,146,920.48	Calculated Levy	6,146,919.83
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Calc sequence: DV Tot HS,Dis Vet,Ovr 65,Ovr 65 Lcl,Hmstd,Hmstd Lcl,Disabled,Disabled Lcl,Other.
Apply Ownership Interest to Hmstd, Over 65, Dis Person, Hmstd Lcl %, Hmstd Lcl, Hmstd Min, Dis V
Apply Disabled Veteran exemption to Non-Homestead then to Homestead values.

AGENDA ITEM #5

ORDINANCE NO. 2014-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER V, ARTICLE 3, WATER, PROVIDING FOR AN INCREASE IN WATER RATES; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City previously contracted with HDR Engineering to perform a five-year water rate study and this is the fifth and final year of that study, which recommends a 1% increase in the water rates;

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

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

I.

THAT Section 5-3-51 of Article 3: Water of Chapter V, Public Works, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§ 5-3-51 MINIMUM MONTHLY CHARGE; RATE SCHEDULE.

(A) The following monthly rates shall be charged inside-city customers for the use of city water, provided that minimum monthly charges shall be made and bills rendered accordingly, under the standard water rates schedule as follows:

<i>Minimum Monthly Bill Water Service</i>					
<i>Meter Allowance Size</i>	<i>Single-Family Residential</i>	<i>Multi-Family Residential*</i>	<i>Commercial**</i>	<i>Irrigation</i>	<i>Gallons</i>
5/8 - ¾ inch	12.42 12.29	\$0.00	\$0.00	\$0.00	0
5/8 - ¾ inch	—	23.51 23.27	24.45 24.20	28.03 27.75	3,000
1 inch	25.43 25.17	28.60 28.34	30.90 30.59	38.15 37.77	5,000
1¼ inch	30.93 30.62	34.19 33.85	37.36 36.99	44.71 44.26	7,000

Minimum Monthly Bill Water Service					
Meter Allowance Size	Single-Family Residential	Multi-Family Residential*	Commercial**	Irrigation	Gallons
1½ inch	37.92 37.54	42.19 41.77	47.04 46.57	57.20 56.63	10,000
2 inch	55.29 54.74	58.19 57.64	66.39 65.73	82.23 81.44	16,000
3 inch	—	108.89 107.84	117.41 116.24	161.45 159.85	35,000
4 inch	—	175.59 173.85	181.05 179.25	265.67 263.04	60,000
6 inch	—	349.01 345.55	345.86 342.43	536.69 531.37	125,000
8 inch	---	---	659.46 652.93	---	200,000
<p>* Includes apartments of 3-4 units.</p> <p>** Includes hotels, motels, and apartments over 4 units.</p>					

(B) The following monthly rates shall be charged outside-city customers for the use of city water, provided that minimum monthly charges shall be made and bills rendered accordingly, under the standard water rates schedule as follows:

Minimum Monthly Bill Water Service					
Meter Allowance Size	Single-Family Residential	Multi-Family Residential*	Commercial**	Irrigation	Gallons
5/8 - ¾ inch	14.27 14.12	\$0.00	\$0.00	\$0.00	0
5/8 - ¾ inch	—	27.04 26.77	28.11 27.83	32.22 31.90	3,000
1 inch	29.25 28.96	32.90 32.57	35.54 35.18	40.38 39.98	5,000

Minimum Monthly Bill Water Service					
Meter Allowance Size	Single-Family Residential	Multi-Family Residential*	Commercial**	Irrigation	Gallons
1¼ inch	35.56 35.20	39.32 38.93	42.96 42.53	50.87 50.36	7,000
1½ inch	43.59 43.15	48.52 48.04	54.08 53.54	65.79 65.13	10,000
2 inch	63.59 62.96	66.93 66.26	76.35 75.59	94.54 93.60	16,000
3 inch	—	125.22 123.98	135.02 133.68	185.65 183.81	35,000
4 inch	—	201.91 199.91	208.22 206.15	305.52 302.49	60,000
6 inch	—	401.35 397.37	397.72 393.73	617.17 611.06	125,000
8 inch	—	—	758.36 750.85	—	200,000

* Includes apartments of 3-4 units.

** Includes hotels, motels, and apartments over 4 units.

(C) For all water furnished in excess of the minimum allowance, the charge per 1,000 gallons of water delivered per month shall be shown as follows:

	In-side City	Outside City
Single-family residential:		
0 - 5,000 gallons	2.60 2.57	2.99 2.96
5,001 - 10,000 gallons	2.74 2.71	3.16 3.12
10,001 - 15,000 gallons	2.85 2.82	3.31 3.27
15,001 - 20,000 gallons	2.98 2.95	3.45 3.41
20,001 - 30,000 gallons	3.11 3.08	3.58 3.54

30,000 + gallons	4.02 3.98	4.64 4.59
Multi-family:	2.76 2.73	3.19 3.15
Commercial:	3.31 3.27	3.79 3.75
Irrigation	4.16 4.11	4.78 4.73

(D) These rates shall be applied to all water that passes through the meter regardless of whether the water is used or not.

(E) Industrial rates by special contract with the city.

(F) Naval Air Station Kingsville water rate, as determined by the most current water rate study, is set at \$1.75/1,000 gallons.

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 15th day of September, 2014.

PASSED AND APPROVED on this the 22nd day of September, 2014.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

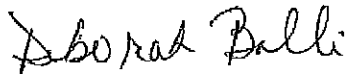
Memo

To: Vince Capell, City Manager
From: Deborah Balli, Finance Director
CC: Courtney Alvarez, City Attorney
Date: 09/04/2014
Re: Water Rates

Following the Water rate models provided by HDR Engineering, it is time to update the water rate fees.

This request is to add the first reading of the water rate increase to the commission meeting scheduled for September 15, 2014.

Thank you.



Deborah Balli, Finance Director

AGENDA ITEM #6

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 and 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

(I) *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 workmanship 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

ii. 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 15-3-21(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:

(1) 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

Vehicle — Scouts

of Kleberg County Human Services and Stephen F. Austin Elementary School.

"We will be able to transport (residents), particularly to the elderly and disabled, to the soup kitchen," Mills said.

Chief Deputy Juan Gonzalez, with the KCSO, said the seized vehicle is one of many that the department has donated over the years for local organizations and entities to utilize. The KCSO has previously donated seized vehicles to the Palmer Drug Abuse Program and various Kleberg County departments, Gonzalez said.

The vehicles are essentially donated to the organizations for use until they are no longer able, he said. At that point, recipients have the opportunity to return the vehicle and, if there is still a need, receive a new one, Gonzalez said. The old vehicle is then auctioned off, he added.

"It's something that saves them money in the long run," Gonzalez said.

Mills said the van donation was just the latest example of the amount of support the proposed soup kitchen, spearheaded by Sister Elizabeth Smith, has received from the community.

Smith, a retired Christus Spohn Hospital Kleberg Spiritual Care Chaplain, founded the soup kitchen in order to provide meals for the less fortunate in the area. Weavers of Love is overseeing implementation of the program.

"We've gotten a tremendous amount of support for this," Mills said. She said there is no set timeline on when the soup kitchen would open to the public, but added that it would be "soon."



Elisa Meza-Briones, above, plays with one of the rescued dogs housed at Animal Rescue Kleberg. At right, from left, are Madelyn Rendon, Elisa Meza-Briones, Amelia Tuller and Gabi Garcia with a couple of dogs housed at the facility. The Girl Scouts all helped paint pots in the front of the building, in addition to donating the new sign. (Photos by Amber Aldaco)

member, about what the ARK could use.

"We immediately noticed that there was no readable sign and we even had trouble finding the ARK," Tuller said. "So the girls decided that they would like to donate a sign and help spruce up the front of the building."

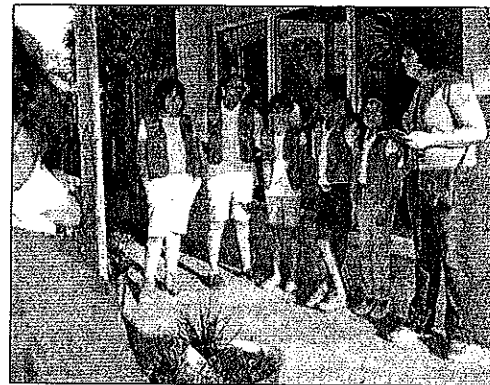
Along with donating a sign, the Girl Scout Juniors painted some pots for regional plants, painted paw prints leading up to the front door and a few Mexican tiles with the address number for the front of the building. Tuller and her husband also renovated the front door by sanding parts of it and re-painting it.

ARK board members presented each girl with a framed certificate of recognition, as well as one for the whole troop.

The girl scouts raised money through bake sales, and a portion of the Girl Scout cookie sales went toward the sign. Those members who helped with the sign project were

Elisa Meza-Briones, Gabi Garcia, Amelia Tuller, Madelyn Rendon and Madelyn Ruiz.

"I'm really glad to see the young girls in this area being responsible pet owners and helping the ARK," Smith said. "Girl Scouts encourages them to be responsible, and they worked really hard for their badge."



COMBINED LAW ENFORCEMENT EVENT TOGETHER WE ARE MAKING A DIFFERENCE



WITH
Granma Avenida Vinales
Wanda Gonzalez
y Grupo Jazz



WHERE: JK NORTHWAY

DATE: OCTOBER 7, 2014

TIME: 6PM - 10PM

For more information contact:
TERRY RIOS AT 361-593-8500 ext.1303

National Night Out

2014

Booth Registration

Name of Organization: _____

Type of Organization: _____

Check all that apply (tick above ones that apply):
☐ Food or Goods Giveaway ☐ Demonstration
☐ Interactive Activities ☐ Informational ☐ Other: _____

Interested Activity: _____

Explain what will be given out: _____

Contact Person and Phone Number: _____

Contact email address: _____

Event will be held on: Thursday, October 7, 2014 from 6pm-10pm, at the JK Northway Courtyard Center.
 Booth form must be in no later than 5:00 PM, September 15, 2014.
 Booths are on a first come first serve basis, and only 90 booths will be available.
 Booth fees are \$100.00. Booth fees will be given out before the event.
 Every booth must be marked with a "NIGHT OUT" sign. Signage will be supplied by the city or dropped off at the Sheriff's Office.
 For more information contact: 361-593-8500 ext.1303.

Concert

Johann Strauss; a tango piece by Argentinian composer Astor Piazzolla; a blues piece by composer W.C. Handy; The Girl from Ipanema by Antonio Carlos Jobim; and America the Beautiful.

Each member of the group gave the audience some background information on

each piece they performed, as well as some information about themselves.

Master Sergeant Kara Frank finished the concert by thanking everyone present at the concert for not only supporting the U.S. Air Force but also supporting all the armed services.



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OLIVER
PHYSICAL THERAPY & SPORTS MEDICINE

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, September 17, 2014 at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard:

ITEM #1 - RH Christian, owner - Requesting approval for the plat of Sage Estate Unit 2, 11.686 acres out of Farm Lot 10, Section 2, KT & 1C, property facing Sage Road.

ITEM#2- Consider approval of amendments Chapter 15 Land Usage Article 3 Subdivisions Sec. 15-3-15 thru 15-3-29, Platting Procedures to amend the City Code of Ordinances.

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

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, September 22, 2014 at 6:00 p.m. wherein the City Commission will discuss the introduction on the following item and at which time all interested persons will be heard:

ITEM#1- Consider approval of amendments Chapter 15 Land Usage Article 3 Subdivisions Sec. 15-3-15 thru 15-3-29, Platting Procedures to amend the City Code of Ordinances.

The meeting will be held at City Hall, 200 East Kleberg, in the City Commission Chambers. If you have any questions about the items on the agenda, please contact the City Secretary at (361) 595-8002.

AGENDA ITEM #7



Planning Department

TO: Vince Capell, City Manager

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

SUBJECT: Plat Approval Request – Sage Estates Unit 2

DATE: September 18, 2014

Reference is made to a request for approval of an 11.686-acre plat located on Farm Lot 10, Section 2, KT&IC, 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 to future landowners. The property located to the east and west of the proposed plat is agricultural.

This plat was reviewed by the Director of Planning and Development Services and reviewed and recommended for approval by the Planning and Zoning Commission at their September 17, 2014 meeting. The Planning & Zoning Commission approved the request by a vote of 6-0.

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

AGENDA ITEM #8

RESOLUTION 2014-_____

A RESOLUTION OF THE CITY OF KINGSVILLE APPROVING CHANGES TO THE ENTRY LEVEL REQUIREMENTS FOR THE FIRE DEPARTMENT AS RECOMMENDED BY THE CITY OF KINGSVILLE CIVIL SERVICE COMMISSION.

WHEREAS, the City of Kingsville appointed a Civil Service Commission to deal with certain matters pertaining to the Police and Fire Departments;

WHEREAS, the City of Kingsville Civil Service Commission met at a duly posted meeting on September 4, 2014 and unanimously voted to approve the Fire Chief's recommended changes to the entry level requirements for the Fire Department, so that a Basic Structure Fire Suppression Firefighter Certification issued by the Texas Commission of Fire Protection is necessary to apply and is no longer able to be obtained within 180 days of employment;

WHEREAS, the Civil Service Rules and Regulations adopted November 1983 in Article VIII Miscellaneous Provisions, Section 3 Changes of Rules state "any changes shall not become operative until approved by the City Commission."

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

I.

THAT the City Commission approves the revision to the entry level requirements for the Fire Department making Basic Structure Fire Suppression Firefighter Certification issued by the Texas Commission of Fire Protection necessary to apply for employment with the Fire Police Department.

II.

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

PASSED AND APPROVED by a majority vote of the City Commission on the 22nd day of September, 2014.

Sam R. Fugate

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



MEMORANDUM

From
The Human Resources Department

Date: September 12, 2014

To: Vincent Capell
City Manager

From: Diana Gonzales, SPHR *Diana Gonzales*
Human Resources Director

Subject: Civil Service Rules and Regulations

SUMMARY

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 – Classification, Section 7.06.

The requested change only affects criteria #4 requiring applicants to hold the Texas Commission of Fire Protection Basic Structure Fire Suppression certification to be eligible for entry-level testing.

Below is the Fire Department entry-level minimum requirements with the requested change.

- 7.06 The Commission shall determine the minimum requirements for employment as a member of the Fire and Police Departments. Such qualification shall be in accordance with applicable state law and these Rules and Regulations.

FIRE DEPARTMENT: ENTRY-LEVEL MINIMUM REQUIREMENTS

1. Age
18 years of age but not 36 years of age or older
2. Education
High School diploma or GED certificate
3. Driver's License
Possession of a valid license (TX Class B required within 90 days of employment)
4. ~~Basic Structure Fire Suppression Firefighter Certification issued by the Texas Commission of Fire Protection Standards and Education or ability to obtain certification within 180 days of employment~~
5. Active EMT-P (Paramedic) certification issued by the Texas Department of State Health Services.

BACKGROUND INFORMATION

The Civil Service Commission has the authority to make revisions, amendments, supplementation and repeal of rules as deemed necessary and appropriate. Changes to the rules and regulations will only become effective after approval by the City Commission

The Civil Service Commission met on September 4, 2014 and unanimously voted to approved the recommended change.

FINANCIAL IMPACT - No additional financial impact.

RECOMMENDATION

Fire Chief Joey Reed is recommending the change to entry level hiring requirements for Fire Department personnel. The Civil Service Commission unanimously approved the recommended change.

In review of procedures allowing for change of entry level requirements, the Civil Service Commission governed by Texas Local Government Code (TLGC) Chapter 143 is allowed to impose qualifications for beginning fire fighter positions. These qualifications can be in addition to the minimum qualifications set out in TLGC Chapter 143 as well as exceed the minimum standards set by the Commission of Fire Protection.

AGENDA ITEM #9

RESOLUTION #2014-_____

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A WATER SUPPLY CONTRACT WITH THE SOUTH TEXAS WATER AUTHORITY; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville (the "City") and the South Texas Water Authority (the "Authority") have previously had a Water Supply Contract and now desire to enter into a one-year water supply contract; and

WHEREAS, the Authority and City acknowledge that this is a temporary, one-year contract, the primary purpose of which is to conduct a pilot study to determine the minimum amount of water that can be taken by the City while still maintaining the chloramine residual in the Authority's 42-inch water transmission line near Kingsville at the level required by the TCEQ; and, 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; and

WHEREAS, the Authority is presently charging its water supply customers a handling charge of \$.426386 cents per 1,000 gallons and that same handling charge has been set by the Authority for the 2014-2015 fiscal year, as reflected in this proposed one-year contract.

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

I.

THAT the Mayor is authorized and directed as an act of the City of Kingsville, Texas to enter into a Water Supply Contract between the City of Kingsville and the South Texas Water Authority, a copy of which is attached hereto as Exhibit "A".

II.

THAT the City agrees to a handling charge of \$.426386 cents per 1,000 gallons of water delivered during the fiscal year October 1, 2014 through September 30, 2015.

III.

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

IV.

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 22nd day of September, 2014.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

WATER SUPPLY CONTRACT

THE STATE OF TEXAS §

COUNTY OF KLEBERG §

The Parties to this Contract are the South Texas Water Authority, a governmental agency, conservation and reclamation District and body politic and corporate, having been created under Chapter 436 Acts of the 66th Legislature, Regular Session, 1979, of the laws of the State of Texas, all pursuant to Article XVI, Section 59 of the Texas Constitution ("Authority") and the City of Kingsville, Kleberg County, Texas (hereinafter called "Wholesale Customer"). They agree as follows.

RECITALS

WHEREAS, the Authority owns a water transmission line extending from the City of Corpus Christi O.N. Stevens Water Treatment Plant to the Authority's office on Sage Road in Kingsville; and

WHEREAS, the Authority has entered into that certain Water Supply Agreement by and between the Authority and the City of Corpus Christi dated October 14, 1980, pursuant to which the Authority purchases water for resale to its customers; and

WHEREAS, the Authority is willing to sell, and the Wholesale Customer is willing to buy, water available to the Authority from the City of Corpus Christi; and

WHEREAS, the Authority and Wholesale Customer acknowledge that this is a temporary, one-year contract, the primary purpose of which is to conduct a pilot study to determine the minimum amount of water that can be taken by Wholesale Customer while still maintaining the chloramine residual in the Authority's 42-inch transmission line near Kingsville at the level required by the 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.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, Authority and Wholesale Customer agree as follows:

SECTION 1. DEFINITIONS

Terms and expressions as used in this Contract, unless the context clearly shows otherwise, shall have the following meanings:

(A) "Corpus Christi Water Supply Agreement" means that Water Supply Agreement between the Authority and the City of Corpus Christi dated October 14, 1980.

(B) "Cost of Water" shall mean the actual price per one thousand gallons paid by the Authority to the City of Corpus Christi for water received by the Authority under the Corpus Christi Water Supply Agreement during a Service Month.

(C) "Customers" shall mean the water customers of the Authority.

(D) "Fiscal Year" shall mean the twelve-month period beginning on October 1 and ending September 30.

(E) "Service Month" means that period of time from one meter reading to the next in the billing cycle. Each Service Period will be approximately one calendar month, unless the parties agree otherwise.

(F) "Water Rate" shall mean the rate to be charged for water, set in accordance with Section 8 (A).

SECTION 2. QUANTITY

(A) The Authority shall make available for purchase by the Wholesale Customer, at the delivery point or points herein specified, water, with the quality described in Section 3 below, at a maximum authorized daily purchase rate which, together with the actual production capacity of the Water Customer's system as such production exists from time to time, is at least 0.6 gallon per minute per connection in the Wholesale Customer's water distribution system, in accordance with the number of such connections as may exist from time to time. The word "connection" as used in this paragraph shall have the same meaning as in Texas Administrative Code Title 30, Part 1, Chapter 290, Subchapter D, Section 290.38(14). The Authority's obligation herein to deliver water to the Wholesale Customer shall be limited by the provisions of the Corpus Christi Water Supply Agreement, as more fully stated in Section 12 of this Contract.

(B) The Authority further agrees to use its best efforts to furnish water sufficient for the reasonable demands of the Wholesale Customer, but its obligations to furnish such water shall be limited to the quantity of water available to it and the capacity of the Authority's supply main, having due regard for the equitable interests of the Wholesale Customer, the Authority, and the other Customers and further limited by the provisions of the Corpus Christi Water Supply Agreement.

SECTION 3. QUALITY

The Authority warrants and represents that, so long as the Wholesale Customers taking water after the Bishop station take enough water to maintain the chloramine residual in the Authority's 42-inch transmission line near Kingsville, at the level required by the TCEQ, the Authority shall deliver potable water meeting the requirements of all state and federal rules and regulations in reference thereto. If these customers do not take enough water to maintain the chloramine residual, as described in the foregoing sentence, the water delivered by the Authority to Wholesale Customer shall be water as received by the Authority from the City of Corpus Christi, as modified by the transportation process, and re-disinfected by the Authority

immediately prior to delivering to Wholesale Customers, which the Authority believes will be potable water, but which the parties recognize there is a dispute in that regard before the Texas Commission on Environmental Quality ("TCEQ").

SECTION 4. POINTS OF DELIVERY & TITLE CONVEYANCE OF THE FACILITIES

The point of delivery of the water by the Authority to Wholesale Customer shall be the outlet of the Authority's meter located next to the Authority's office in Kingsville, Texas immediately before it enters the Authority's 5.0 million gallon ground storage tank, and any such other point of delivery mutually agreed upon by the Wholesale Customer and the Authority. The Wholesale Customer shall provide and maintain an air gap between the Authority's system and the Wholesale Customer's distribution system at the point of delivery.

The Authority is in the process of replacing its 5.0 mg ground storage tank and pumps with a 1.0 mg ground storage tank and three pumps. The Authority will convey those facilities to Wholesale Customer, and Wholesale Customer will accept those facilities, if certified for usage. The conveyance shall be by conveyance documents acceptable to the Authority and Wholesale Customer.

SECTION 5. MEASURING EQUIPMENT

(A) The Authority shall furnish, install, operate and maintain at its own expense the necessary metering equipment of standard type for measuring properly the quantity of water delivered under this contract. Such metering equipment shall be located on the Authority's supply main at a location already designated by Authority. Such meter or meters and other equipment so installed shall remain the property of Authority. The calibration and adjustment of the meter equipment shall be done only by the employees or agents of the Authority. However, the Wholesale Customer shall have access to such metering equipment at all reasonable times. For the purpose of this contract, the original record of the reading of the main meter shall be the journal or other record book of the Authority in its office in which the records of the employees or agents of the Authority who take the reading are or may be transcribed. Upon written request of the Wholesale Customer, the Authority will give the Wholesale Customer a copy of such journal or record book, or permit the Wholesale Customer to have access to the same in the office of the Authority during reasonable business hours.

(B) Not more than once in each calendar year, on a date as near the end of such calendar year as practical, the Authority shall calibrate its main meter or meters and present to the Wholesale Customer accuracy certification. This calibration shall be performed in the presence of a representative of Wholesale Customer, and the Parties shall jointly observe any adjustments which are made to the meter in case any adjustments shall be necessary, and if the check meter hereinafter provided for has been installed, the same shall also be calibrated in the presence of a representative of the Wholesale Customer and the parties shall jointly observe any adjustments which are made to the meter in case any adjustments shall be necessary. The Authority shall give the Wholesale Customer notice of the time when any such calibration is to be made. If a representative of the Wholesale Customer is not present at the time set, the

Authority may proceed with calibration and adjustments in the absence of any representative of the Wholesale Customer.

(C) If either party at any time observes a variation between a main delivery meter and the check meter, if any such check meter shall be installed, such party will promptly notify the other party, and the meters shall then be adjusted to accuracy. Each party shall give the other party forty eight (48) hours notice of the time of any test of meter so that the other party may conveniently have a representative present.

(D) If, upon any test, the percentage of inaccuracy of metering equipment is found to be in excess of two percent (2%), registration thereof shall be corrected for a period extending back to the time when such inaccuracy began, if such time is ascertainable, and if such time is not ascertainable, then for a period extending back one-half (1/2) of the time elapsed since the last date of calibration, but in no event farther back than a period of six (6) months. If, for any reason, the main meter is out of service or out of repair so that the amount of water delivered cannot be ascertained or computed from the reading thereof, the water delivered, through the period such meter is out of service or out of repair, shall be estimated and agreed upon by the parties thereto upon the basis of the best data available. For such purpose, the best data available shall be deemed to be the registration of any check meter if the same has been installed and is accurately registering. Otherwise, the amount of water delivered during such period may be estimated (i) by correcting the error if the percentage of error is ascertainable by calibration tests or mathematical calculation, or (ii) by estimating the quantity of delivery by deliveries during the preceding periods under similar conditions when the meter was registering accurately.

(E) The Wholesale Customer may, at its option and its own expense, install and operate a check meter to check the meter installed by the Authority, but the measurement of water for the purpose of this contract shall be solely by the Authority's meter, except in the cases hereinabove specifically provided to the contrary. Such check meter shall be of standard make and shall be subject at all reasonable times to inspection and examination by any employee or agent of the Authority, but the reading, calibration and adjustment thereof shall be made only by the Wholesale Customer, except during any period when a check meter may be used under the provisions hereof for measuring the amount of water delivered, in which case the reading, calibration and adjustment thereof shall be made by the Authority with like effect as if such check meter had been furnished or installed by the Authority.

SECTION 6. MEASUREMENT

The volume of water that is billed to the Wholesale Customer shall be the amount of water delivered to the Wholesale Customer at the Points of Delivery described in Section 4. The unit of measurement for water delivered hereunder shall be 1,000 gallons of water, U.S. Standard Liquid Measure.

SECTION 7. DELIVERY PRESSURE

The water shall be delivered by the Authority at the point of delivery at the Wholesale Customer's distribution system at "0" pressure.

SECTION 8. PRICES AND TERMS

(A) Water Rate - The Wholesale Customer shall pay for all water delivered into its system from the Authority at the Water Rate, which shall be the sum of two elements – a Handling Charge as described in subparagraph 1 and the Cost Of Water as described in subparagraph 2.

1. Handling Charge

The Handling Charge shall be designed to cover all of the Authority's expenses other than the Cost Of Water, including operation and maintenance expenses and amounts budgeted to be paid in the current year for capital improvements, plus an amount sufficient to accumulate and maintain a reasonably adequate reserve fund as projected in the current rate in the adopted budget, less tax receipts and all other income and revenue. The Handling Charge, commencing on the effective date of this Contract, shall be the price charged to the Authority's other customers, which is \$0.426386 per thousand gallons of water delivered.

2. Cost of Water

The Cost of Water shall be as defined in Section 1, paragraph (D). It is expected that the Cost of Water will fluctuate from month to month, resulting in a corresponding fluctuation in the Water Rate.

(B) Equal Water Rate - The Authority shall charge the Wholesale Customer and all other Customers at the same Water Rate.

(C) Billing and Payment - The Authority shall bill the Wholesale Customer monthly for the amounts due the Authority hereunder for water delivered to the Wholesale Customer during the preceding Service Month, which bill shall disclose the nature of the amounts due. Each bill shall show the amount of water delivered to the Wholesale Customer during the Service Month, and the total amount of water delivered to the Wholesale Customer during the Contract Year to-date. The monthly bill will be delivered to the Wholesale Customer as soon as practicable after the Authority receives a statement from the City of Corpus Christi showing the Cost of Water for that period. All such bills shall be payable by the Wholesale Customer on or before the thirtieth day from the date on which they are received by the Director of Finance at the Wholesale Customer's Office. Any mistakes by the Authority in calculations or figures shall not alleviate the Wholesale Customer's obligation to pay the bill in full. Any mistakes in any calculations or figures shall be corrected promptly upon discovery and the corrected bill will be furnished to the Wholesale Customer. An adjustment in the amount paid as a result of such mistake in calculation or figure will be added or deducted from the following month's bill, as appropriate, with an explanation of the mistakes. The corrected bill shall be payable within 30 days after receipt. If the Wholesale Customer disputes a bill, it shall nevertheless pay the bill, in full, pending any refund, as may be determined as a result of appeal of the disputed portion of the

bill. If the dispute is not resolved by agreement, or by appropriate administrative agency or court decision, it shall be resolved by the dispute resolution procedures provided in Section 17.

(D) Late Payment - In the event the Wholesale Customer shall fail to make any payment required to be made to the Authority under this Contract, within the time specified herein, interest on the amount due shall accrue from the time payment is due at the rate of six percent (6%) per annum, or the maximum rate allowed by law, whichever is less, from the date such payment becomes due until paid in full. In the event any such payment is not made within sixty days from date such payment becomes due, the Authority may, at its option, discontinue the delivery of water to the Wholesale Customer until the amount then due the Authority is paid in full with interest as above specified.

(E) Fee In-Lieu of Taxes - In order to ensure equity for all Customers, all current and any future Customers who are outside the Authority's water district shall pay an in-lieu-of-tax fee to cover both Operations and Maintenance Tax and Debt Service Tax. The in-lieu of tax fee shall be equal to the Customer's most recent certified tax roll multiplied by the Authority's adopted tax rate, with said charge being billed monthly as a separate line item.

(F) No Connection or Demand Fees - No connection fees for existing points of delivery or demand fees shall be payable by the Wholesale Customer as a condition for receiving water under this Contract.

SECTION 9. SPECIAL CONDITIONS

(A) The Authority agrees that it will not sell water to any customer now being served by the Wholesale Customer or reasonably capable of being served by the Wholesale Customer's waterworks distribution system, except with the express written consent of the Wholesale Customer.

(B) The Authority shall, subject to Section 11 and the other provisions of this Contract, hold itself ready, willing, and able to supply water to the Wholesale Customer to the extent it is capable.

(C) Each of the parties hereto (the indemnifying party) shall be responsible for and agrees to save and hold the other party harmless from all claims, demands and causes of action which may be asserted by anyone on account of the transportation, storage, treatment, delivery, or disposal of said water while title remains in the indemnifying party.

(D) The Authority shall never have the right to demand payment by the Wholesale Customer of any obligation assumed or imposed on the Wholesale Customer under and by virtue of this Contract from funds raised or to be raised by taxation. The Wholesale Customer's obligation under this Contract shall never be construed to be a debt of the Wholesale Customer of such kind as to require it under the laws of this State to levy and collect a tax to discharge such obligation, it being expressly understood by the parties hereto that all payments due by the Wholesale Customer hereunder are to be made from the revenues received by the Wholesale Customer from its waterworks system.

(E) The Wholesale Customer represents and covenants that the water supply to be obtained pursuant to this Contract is essential and necessary to the operation of its waterworks system, and that all payments to be made hereunder by it will constitute reasonable and necessary "operating expenses" of the Wholesale Customer's waterworks system as defined in Chapter 1502 of the Government Code, as amended; and that all such payments will constitute reasonable and necessary "operating expenses" of the Wholesale Customer's waterworks system under any and all revenue bond issues of the Wholesale Customer, with the effect that the Wholesale Customer's obligation to make payments from its waterworks revenues under this Contract shall have priority over its obligations to make payments of the principal of and interest on any and all of its revenue bonds.

(F) The Wholesale Customer agrees to fix and collect such rates and charges for water and services to be supplied by its waterworks system as will make possible the prompt payment of all expenses of operating and maintaining its waterworks system, including all payment contracted hereunder, and the prompt payment of the principal of and interest on its obligations payable from the revenues of its waterworks system.

(G) During any period of time when, in the judgment of the Authority, there is a critical shortage of water in the sources of supply available to the Authority, which makes it impractical or inadvisable for the Authority to deliver to the Wholesale Customer and the other Customers the full amounts of water required to be delivered under the water supply contracts with the Customers, the water deemed available by the Authority from its sources of supply shall be rationed to the Wholesale Customer and other Customers during each month of such period of time in accordance with the "Drought Contingency Plan for the South Texas Water Authority" adopted on May 28, 2013 which shall be amended from time to time in compliance with applicable State and Federal Requirements.

(H) The Wholesale Customer is participating in the Federal Flood Insurance Program and will continue to do so during the term of this Contract.

(I) The Wholesale Customer, in accordance with Water Code 11.1272, does hereby agree to implement a water conservation plan that provides for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss of and reuse of water, or prevent the pollution of water, so that a water supply is made available for future or alternative uses and the Wholesale Customer will develop a conservation plan and it shall be filed with the Authority.

(J) The Wholesale Customer acknowledges that it is required by Sec. 11.1272, Water Code, to develop a drought contingency plan consistent with the appropriate approved regional water plan. Wholesale Customer also acknowledges that the Corpus Christi Water Supply Agreement requires that, if the City of Corpus Christi implements any measures under its Water Conservation and Drought Contingency Plan, the Authority shall within thirty (30) days of notice of the implementation of any restrictions, surcharges or rationing by the City of Corpus Christi, impose similar restrictions, surcharges or rationing measures on its customers. Any contract for the resale of water furnished by the Authority shall contain a similar condition.

(K) The Authority shall provide to the Wholesale Customer a copy of the Authority's annual audit report within 30 days of its acceptance by the Authority's Board of Directors.

(L) The Authority shall provide the Wholesale Customer with a copy (by electronic copy, if practicable) of each agenda and agenda packet for every Authority Board meeting within 36 hours after posting for such meeting and immediately upon posting of an emergency meeting.

SECTION 10. FORCE MAJEURE

In case by reason of force majeure either party hereto shall be rendered unable wholly or partially to carry out its obligations under this Contract, then if such party shall give notice and full particulars of such force majeure in writing to the other party within a reasonable time after occurrence of the event or cause relied on, the obligation of the party giving such notice, so far as it is affected by such force majeure, shall be suspended during the continuance of the inability then claimed, but for no longer period, and any such party shall endeavor to remove or overcome such inability with all reasonable dispatch. The term "force majeure" as employed herein, shall mean an act of God, labor strike, lockout or other industrial disturbance, act of a public enemy, order of any kind of the Government of the United States or the State of Texas or any civil or military authority, insurrection, riot, act of terrorism, epidemic, landslide, lightning, earthquake, fire, hurricane, storm, flood, washout, drought, arrest, restraint of government and people, civil disturbance, explosion, breakage or accident to machinery or pipe line, partial or entire failure of water supply, or inability on the part of the Authority to deliver water hereunder or on the part of the Wholesale Customer to receive or purchase water hereunder on account of any other cause not reasonably within the control of the party. It is understood and agreed that the settlement of strikes and lockouts shall be difficult and that the above requirement that any force majeure be remedied with all reasonable dispatch shall not require the settlement of a strike or lockout by acceding to the demands of the opposing party or parties when such settlement is unfavorable in the judgment of the party having the difficulty.

SECTION 11. LIMITATIONS ON AUTHORITY'S OBLIGATION

This contract is in all things subject to the Corpus Christi Water Supply Agreement. By the execution of this contract the Wholesale Customer acknowledges that it has received and reviewed a true copy of said contract. The Wholesale Customer agrees that it will take no action which would cause a violation of the Corpus Christi Water Supply Agreement and it will comply with such agreement including the following stipulation with regard to the rationing of water:

"All water sales agreements between Authority and its customers shall stipulate that should there be a shortage in the basic supply of water which requires the restriction or curtailing of any customer of water within the City limits of City that coincident with such restriction or limitation within City, Authority will limit and restrict all of its customers, both direct and indirect through resale, to the same extent. Such rationing by City shall be applied uniformly to all water customers of City."

SECTION 12. TERM OF CONTRACT

The term of this Contract shall begin on the 1st day of October, 2014 and continue in full force and effect through the latter of either midnight on September 30, 2015 or sixty (60) days after the date that either party gives notice of its intent to terminate this Contract to the other party.

SECTION 13. MODIFICATION

Consent of The Parties - This Contract may be changed or modified only with the consent of the governing bodies of both the Authority and the Wholesale Customer.

SECTION 14. REGULATORY BODIES

This Contract shall be subject to all applicable rules, regulations and laws of the State of Texas, or any governing body or agency having lawful jurisdiction, or any authorized representative or agency of any of them.

SECTION 15. NOTICES

All notices or communications to a party provided for herein shall be in writing and shall be delivered to the party by personal delivery, by facsimile, or by sending said notices by registered or certified mail, return receipt requested, to the address stated below. A notice is effective and shall be deemed given when received by facsimile or by personal delivery, or signed for with the United States Postal Service.

Any such notice mailed to the Authority shall be addressed:

South Texas Water Authority
P.O. Box 1701
Kingsville, Texas 78364-1701
Attn: Executive Director
Fax: (361) 592-5965

Any such notice mailed to the Wholesale Customer shall be addressed:

City of Kingsville
P.O. Box 1458
Kingsville, Texas 78364-1701
Attn: City Manager
Fax: (361) 595-8024

SECTION 16. NO THIRD-PARTY BENEFICIARIES

Nothing in this Contract shall be construed to confer any right, privilege or benefit on any customer, taxpayer, or a citizen of the City of Kingsville or the Authority, or on any other person or entity not a Party hereto, or otherwise create any third-party beneficiary relationship. Nothing

in this Contract will be construed as creating any form of partnership or joint venture relationship between the Parties, nor shall either Party be authorized to act as an agent for the other Party.

SECTION 17. DISPUTE RESOLUTION PROCEDURES

If a dispute arises between the parties relating to this Contract or to the performance of the parties hereto, the parties agree and covenant that they will use the following dispute resolution procedures, prior to filing suit:

(A) Either party may give notice to the other party that a dispute exists and request that these procedures be commenced. A meeting then shall be held promptly between the parties to attempt in good faith to negotiate a resolution of the dispute.

(B) If, within 10 days after such meeting, the parties have not reached agreement on a resolution, either party may demand that the dispute be submitted to non-binding mediation, and both parties shall participate in good faith to select a mediator and to participate in the mediation procedures to attempt to negotiate a resolution. If the parties do not otherwise agree on a mediator, the dispute shall be submitted to a mediator in Kleberg or Nueces County.

(C) Each party shall bear his own attorney's fees and other costs and expenses incurred in connection with any dispute resolution proceeding, except as specifically provided herein.

(D) With respect to any particular dispute, the deadlines, procedures, and other requirements of this Section may be amended or waived by the parties by a specific agreement in writing and signed by both parties.

(E) In the event mediation is unsuccessful, the Parties may seek relief as provided in Section 20 of this Contract.

(F) This Contract shall be governed in all respects by, and construed in accordance with, the laws of the State of Texas. Venue and jurisdiction of any action shall be in a state court sitting in the County of residence of the Wholesale Customer.

SECTION 18. GUARANTEED PURCHASE

(A) The Wholesale Customer shall purchase a minimum volume of water not to exceed \$350,000 annually unless additional purchases are necessary to supplement the City of Kingsville water requirements and additional money is made available in the budget for the additional volumes. To assist the Authority in maintaining the chloramine residual in the Authority's 42-inch transmission line near Kingsville, at the level required by the TCEQ, Wholesale Customer agrees to take water on the Daily Usage Schedule attached hereto as Exhibit "A." The Authority and the Wholesale Customer may cooperate to adjust the daily usage to determine what best works to retain the chloramine residual at the level required by the TCEQ regulations and to stay within the Wholesale Customer's budget for water purchases.

(B) This section is subject to other provisions of this Contract which may affect the amount of water available or distributed, such as the provisions dealing with the Corpus Christi Water Supply Agreement, force majeure, drought contingency plans, water rationing, and water conservation.

SECTION 19. CAPTIONS

Captions to sections of this Contract are for convenience and shall not be considered in the interpretation of the provision.

SECTION 20. REMEDIES UPON DEFAULT

(A) Remedies. The parties agree that the Authority's undertaking to provide water is an obligation, failure in performance of which cannot be adequately compensated in money damages alone. Accordingly, the Authority agrees, in the event of any default on its part, that the Wholesale Customer shall be entitled to specific performance in addition to any other available legal or equitable remedies.

(B) Remedies Cumulative Not Exclusive. The remedies provided for herein are not exclusive remedies. All other remedies at law or in equity may be availed of by either party and shall be cumulative except to the extent otherwise specifically provided, or limited, under this Contract.

SECTION 21. GENERAL PROVISIONS

(A) Covenant of Good Faith and Fair Dealings. The Authority and the Wholesale Customer agree to cooperate and to deal with one another fairly and in good faith at all times to effectuate the purposes and intent of this Contract. They also agree to execute and deliver such further legal documents or instruments and to perform such further acts as are reasonably necessary to effectuate the purposes and intent of this Contract.

(B) Waiver. The failure on the part of either party to require performance by the other of any portion of this Contract shall not be deemed a waiver of, or in any way affect that party's rights to enforce such provision. Any waiver by either party or any provision of the Agreement shall not be a waiver of any other provision hereof.

(C) Severability. The invalidity or unenforceability of any provision of this Contract shall not affect the validity or enforceability of any other provision of this Contract.

(D) Time. Time is of the essence. Unless otherwise specified, all references to "days" means calendar days. If the date for performance of any obligation falls on a Saturday, Sunday, or other day on which either Party's offices are not open for business, the date for performance will be the next following regular business day.

(E) Authority. Each of the persons signing on behalf of the Wholesale Customer and the Authority hereby confirm that they have the authority to execute this Contract on behalf of the party indicated by their signature and have the authority to bind such party hereto.

(F) Entire Contract. This Contract contains all agreements between the parties hereto and any agreement not contained herein shall not be recognized by the parties. Words of gender shall be construed to include any other gender, and words in the singular shall include the plural and vice versa unless the context requires otherwise.

(G) Counterparts. This Contract may be executed by the parties in any number of counterparts, each of which when so executed and delivered shall be deemed an original instrument, but all such counterparts together shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties hereto acting under authority of their respective governing bodies have caused this Contract to be duly executed in several counterparts, each of which shall constitute a duplicate original, all as of the day and year first written above.

SOUTH TEXAS WATER AUTHORITY

By _____
President, Board of Directors

ATTEST:

Certificate of Secretary

The foregoing Contract was approved by the Board of Directors of the South Texas Water Authority, and the President was authorized to execute it on behalf of the Authority, at a duly called and posted public meeting on the _____ day of _____, 2014.

Secretary, Board of Directors
(AUTHORITY'S SEAL)

CITY OF KINGSVILLE, TEXAS

By _____
Mayor
Sam R. Fugate

ATTEST:

Certificate of Secretary

The foregoing Contract was presented to and approved by the City Commission of the City of Kingsville, and the Mayor was authorized to execute it on behalf of the City, at a duly called and posted public meeting, on the _____ day of _____, 2014.

City Secretary
Mary Valenzuela
(CITY SEAL)

Kingsville High and Low Averages by Month for Years 1981 through 2010 ¹

Month	Mo. Usage	Daily Usage	Days	High	Low	5-year Avg
January	10,850,000	350,000	31	69	46	169,928,311
February	11,900,000	425,000	28	72	50	Difference
March	17,825,000	575,000	31	78	55	89,146,689
April	21,750,000	725,000	30	84	62	
May	26,350,000	850,000	31	89	69	
June	28,500,000	950,000	30	93	74	
July	31,000,000	1,000,000	31	95	74	
August	31,775,000	1,025,000	31	96	75	
September	27,000,000	900,000	30	91	71	
October	23,250,000	750,000	31	86	63	
November	17,250,000	575,000	30	78	55	
December	11,625,000	375,000	31	70	48	
	259,075,000		365			

¹ Reference from the National Climatic Data Center, NOAA's 1981-2010 Climate Normals

Month	High	Difference	Low	Difference		Incremental Changes per High Temp Degree: 25,000 gallons
August	96		75	1,025,000		
July	95	1	74	1,000,000		
June	93	2	74	0 950,000		
September	91	2	71	3 900,000		
May	89	2	69	2 850,000		
October ²	86	3	63	6 775,000		
April	84	2	62	1 725,000		
March	78	6	55	7 575,000		
November	78	0	55	0 575,000		
February	72	6	50	5 425,000		
December	70	2	48	2 375,000		
January	69	1	46	2 350,000		

² Adjustment for October as a result of considerable "low" temp difference.

