

# ***City of Kingsville, Texas***

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## **AGENDA CITY COMMISSION**

**MONDAY, SEPTEMBER 28, 2015  
REGULAR MEETING**

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

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

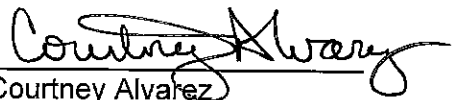
#### **OPEN MEETING**

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

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

- Regular Meeting – August 24, 2015
- Special Meeting – August 25, 2015
- Regular Meeting – September 14, 2015
- Special Meeting – September 15, 2015
- Special Meeting – September 16, 2015
- Special Meeting – September 21, 2015

APPROVED BY:

  
Courtney Alvarez  
Interim City Manager

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

1. Public Hearing regarding request for an alcohol variance for a Wine and Beer Retailer's Permit and Retailer's Off-Premise Permit for the establishment known as Javelina Mart located at 1202 N. Armstrong, Kingsville, Texas. (Director of Planning & Development Services).
2. Public Hearing regarding request for an alcohol variance for a Wine and Beer Retailer's Permit for the establishment known as Double Seven Drive-Thru located at 1414 N. 14<sup>th</sup> Street, Kingsville, Texas. (Director of Planning & Development Services).
3. Public Hearing regarding request for an alcohol variance for a Wine and Beer Retailer's Permit for the establishment known as Wingstop located at 1310 E. General Cavazos, Suite G, Kingsville, Texas. (Director of Planning & Development Services).
4. Public Hearing regarding ordinance amending the zoning ordinance by changing the zoning map in reference to 2 acres at Lot 3, Burris Acres, known as 700 General Cavazos from C2-Retail District to C4-Commercial District. (Director of Planning & Development Services).

### **III. Reports from Commission & Staff.<sup>2</sup> (City Manager's Staff Report Attached).**

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

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

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

#### **V.**

##### **Consent Agenda**

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

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

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

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

1. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies. (Human Resource Director).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2014-2015 Utility Fund budget to cover increased utility costs. (Director of Finance).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2014-2015 budget for deficit accounts at year end. (Director of Finance).

##### **REGULAR AGENDA**

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

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

4. Consider request for an alcohol variance for a Wine and Beer Retailer's Off-Premise Permit for the establishment known as Javelina Mart located at 1202 N. Armstrong, Kingsville, Texas. (Director of Planning & Development Services).

5. Consider request for an alcohol variance for a Wine and Beer Retailer's Permit for the establishment known as Double Seven Drive-Thru located at 1414 N. 14<sup>th</sup> Street, Kingsville, Texas. (Director of Planning & Development Services).
6. Consider request for an alcohol variance for a Wine and Beer Retailer's Permit for the establishment known as Wingstop located at 1310 E. General Cavazos, Suite G, Kingsville, Texas. (Director of Planning & Development Services).
7. Consider a resolution authorizing the Mayor to enter into a one-year Water Supply Contract with the South Texas Water Authority. (City Attorney).
8. Consider a resolution approving the City of Kingsville's 2015 Tax Roll as submitted by the Kleberg County Tax Assessor-Collector pursuant to the Texas Property Tax Code, Chapter 26, Section 26.09(e). (Finance Director).
9. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 2 acres at Lot 3, Burris Acres, known as 700 General Cavazos from C2-Retail District to C4-Commercial District. (Director of Planning & Development Services).
10. Consider introduction of an ordinance amending the zoning ordinance by granting a Special Use Permit for 700 General Cavazos (2 acres at Lot 3, Burris Acres) for self-storage facility. (Director of Planning & Development Services).
11. Consider introduction of an ordinance amending the zoning ordinance by granting a Special Use Permit for 1220 N. 14<sup>th</sup> Street (1.1534 acres at Lot 2, Block 6, McBryde acres) for storage warehouse. (Director of Planning & Development Services).
12. Consider a resolution authorizing the submission of a Texas Community Development Block Grant program application to the Texas Department of Agriculture for the Texas Capital Fund, and authorizing the City Manager to act as the City's executive officer and authorized representative in all matters pertaining to the City's participation in the Texas Community Development Block Grant program for improvements in the downtown area. (Downtown Manager).
13. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinance by amending Chapter IX-General Regulations, Article 8-Parks and Recreation, providing for regulations and fees for the Pavilion and Bandstand areas. (Downtown Manager).
14. Consider a resolution revising the City of Kingsville Travel Policy. (Finance Director).
15. Discuss presentation on Street Improvement and Maintenance Program and street user fee. (City Engineer/Public Works Director).

## **VII. Adjournment.**


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

NOTICE

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 22, 2015 at 3:00 P.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.

  
Mary Valenzuela, City Secretary  
City of Kingsville, Texas

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

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



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

**AUGUST 24, 2015**

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, AUGUST 24, 2015 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 4:00 P.M.**

**CITY COMMISSION PRESENT:**

Sam Fugate, Mayor  
Dianne Leubert, Commissioner  
Noel Pena, Commissioner  
Al Garcia, Commissioner  
Arturo Pecos, Commissioner (Arrived at 4:55 p.m.)

**CITY STAFF PRESENT:**

Courtney Alvarez, Interim City Manager/City Attorney  
David Mason, Purchasing/IT Director  
Tom Ginter, Director of Planning & Development Services  
Emilio Garcia, Health Director  
Deborah Balli, Finance Director  
Diana Gonzales, Human Resources Director  
Charlie Cardenas, Public Works Director/Engineer  
Ken Starrs, Assistant Task Force Commander  
Ricardo Torres, Police Chief  
Robert Rodriguez, Library Director  
Bill Donnell, Asst. Public Works Director  
Tony Verdin, IT Specialist  
Susan Ivy, Parks Manager  
Melissa Perez, Risk Manager  
Jimmy Saenz, Golf Course Manager  
Charlie Sosa, Street Supervisor  
David Bodiford, Accounting Supervisor  
Stacie Pena, Accounting Manager  
Cynthia Martin, Downtown & Volunteer Manager  
Joe Casillas, Water Production Supervisor  
Leo Alarcon, Tourism Director  
Joey Reed, Fire Chief

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 4:00 p.m. and announced quorum with four Commission members present. Commissioner Pecos will be arriving late.

Mayor Fugate asked Interim City Manager if the Commission is to go right into the budget workshop.

Mrs. Alvarez responded that the way the agenda is setup, we will convene into the budget workshop and at 6:00 p.m., Commission can resume the regular portion of the meeting. The Commission at the last meeting had asked about the payoff for the Texas Capital Fund Note on the building that is last occupied by GCS and is currently occupied by the University. The original loan payoff was November 1, 2021, back on April 18, 2006 the City received a twelve month deferment. Whenever the last occupant left the building and then the new estimated loan

payoff is November 1, 2022. This is according to the Texas Capital Fund, as she spoke with them on this date.

**CONVENE INTO BUDGET WORKSHOP:**

Review and discuss proposed fiscal year 2015-2016 budget for departments of the City of Kingsville. (Interim City Manager).

**Health Department 001-440**

Mr. Emilio Garcia reported he has requested additional supplemental expenditures of \$3,000 under minor vet care to provide more services to animals that are being impounded. In the past it has been used to give age appropriate shots and vaccinations. This year he would like to purchase K-9 Parvo Shots and syringes to provide to dogs that are one year old and younger that enter the Health Department facility. Also requested is funding to purchase Shelter Pro Managers Software. The cost for this software is around \$4,000, which will be split between the City and County funds. This will assist in tracking all animals that come in and out of the shelter. Under the minor equipment line item, it is being requested to construct and install ten (10) outside dog kennels, which will help with the overflow of animals in the facility. The total cost of these kennels is \$22,840.00, which will be split between the County and City.

Commissioner Leubert asked if staff will be adding spring covers to these kennels or will they just be open.

Mr. Garcia responded that they will be open but will have a roof. The slab will be 40ft long by 8ft wide on a six inch pad with an incline for the drainage so that when staff goes and wash sanitize it will flow into the sewer system. During the winter season, dogs will be kept indoors, but if the overflow occurs, they will be used during this season and dog domes will be purchased. Garcia further commented that plans on having this constructed on the Southside of the building where there already exist a caged in area which is a dog run at this time. Garcia stated that the County has already approved there portion of the money at the last meeting. The other thing being requested is a one-time purchase of a bio scanner of Time Clock Plus for the shelter. The reason for requesting this is that when Animal Control Officer are on call, they have to go and clock-in at the Police Department. By having their own scanner at the shelter, they can go in and punch in and get to work immediately.

Commissioner Garcia asked that what was stated that the \$4,000 software is going to be used to identify the animals that come in and out of the shelter. What process is staff going to be used to identify the animal?

Mr. Garcia responded that they can probably designate a number to them on a yearly basis.

Commissioner Garcia further asked if it will have digital pics of each animal.

Mr. Garcia responded that this software is capable taking digital pics. He further stated that the only thing this that was not included in this software was the capability to pay with a credit card.

Commissioner Garcia asked that with regards to the kennels being proposed, what is going to be the location of these kennels.

Mr. Garcia responded that they will be installed on the Southside of the building.

Commissioner Garcia also asked for the height of these kennels. Mr. Garcia responded that they will be five feet high. Commissioner Garcia stated that what he is concerned about is the height as staff needs to walk in and out of this area. Mr. Garcia responded that it will be fine as stated.

Commissioner Leubert thanked Mr. Garcia for including the Parvo in the budget. She also stated that she feels that the Health Department has made great strides just in this last year because everybody she speaks to, which everyone is on Facebook, and having the rescue people coming in and working with staff and getting information on Facebook has really helped. She then asked how much euthanasia has been done this last month.

Mr. Garcia responded that this past month 22 dogs were euthanized.

Commissioner Leubert further stated that this is because staff has been working with rescue groups and without working with them, number would probably be higher.

Mayor Fugate asked Mrs. Alvarez that he has noticed that there is some extra overtime included in this budget, is there a reason for this increase.

Mrs. Alvarez responded that the department requested the additional overtime.

Mayor Fugate stated that it seems considerably more than what was approved this last fiscal year.

Mr. Garcia responded that the overtime was based on last year's numbers.

#### **Parks Department 001-450**

Mrs. Susan Ivy, Parks Manager, reported since this is her first year of going through a budget process, she would like to thank everyone for a smooth transition from the County to the City. She stated that one of the highlights is the presence made by the Kingsville Police Department at Dick Kleberg Park which has made a difference in the amount of vandalism in this area. The business of doing business with the City is much easier. Ivy also stated that having P-Cards has cut back on some work in the office. The standard of professionalism within the City policies and procedures in place and the amount of support her department receives from the City has helped her department. Some of the things that her department was able to accomplish last year with the assistance of the City is the old water storage tank at the park has been removed, new roof at Brookshire Pool as well as new picnic tables, and new bucket for the tractor. The recreational hall has been improved and new park equipment in various parks since the transition. They would like to concentrate more on community programming and not so much on things that the Tourism Department can do for this department. Ivy is also looking into updating their master plan in order to score higher for the qualifying points that help guarantee funding through certain grants. A new rental rate is being worked on for the use of all facilities.

Mayor Fugate commented that a skate park and splash pad is what he is expecting to see in the CO's this next winter, but now is the time to start planning for these things. The City has to find more things for our kids to do in this community.

Mrs. Ivy reported that in the budget that is being proposed by the City Manager's Office, it allows to increase seasonal staffing, additional small equipment purchases, and increase training for staff. Staff is working with the Extension Office to get Master Garden Training and get Sports Field Management Class to the Extension Office. Proposed funds have been allowed for advertisement for events within the community. This will allow for word to get out to the community of what events are occurring within our community.

Mayor Fugate asked with the additional seasonal employment, would it be possible to get extended hours at the pool.

Mrs. Ivy responded that additional funding for temporary staff has been given for this purpose specifically. She further stated that discussion has taken place with staff to possibly add additional attractions at the pool that would make more attractive, such as a water volleyball league that may attract some teams. Mrs. Ivy stated that staff is working on a rental fee schedule for use of the facilities within the Parks. This will be something that will be brought to the City Commission for their consideration. Mrs. Ivy went on to speak about the Parks Department budget. Ivy stated that in the supplies line item it has been reduced, although they make lots of purchases from this line item but will try to find ways to assist in reducing these cost. She further stated that there were a lot of one time tool purchases that are not repeat purchases. Under the chemicals line item, there is an increase for chemicals for the Brookshire Pool. Staff will need to look into resurfacing the pool in the future as it is going to require it soon.

Commissioner Garcia asked if staff has a dollar amount of what it would cost to resurface this pool.

Mrs. Ivy responded that she has contacted several companies and is waiting for information on the resurfacing of the pool.

Commissioner Garcia stated that his concern is that staff is putting aide to the pool and putting more money into it.

Mrs. Ivy responded that there are some hard questions to answer and it would be nice to have an Olympic size pool as swim teams are growing. So the question is how much money do we want to continue to put into this pool and do we want it to continue to be at the location it's in right now or a move it to a more central location. Also do we want a water feature at Dick Kleberg Park so that it enhances the tourism possibility to attract people to our community. These are questions that we need to take into consideration.

Mayor Fugate commented that swimming pools do better if they are kept running all year. Once pumps have been shut down, the life expectancy is gone. In order to maintain a pool, it must be kept watered.

Mrs. Ivy continued in her discussion of the Parks Department budget. New funding for the Parks Department include professional services for GPS to be installed in their vehicles, swim team programing which is new funding which has an additional \$500 that will be added to the donation that is received from the Brookshire Foundation to help fund this program. New money is coming in to budget for the new softball league; this wasn't budgeted in the original budget for last year, so it's coming in looking like additional money, but this is all covered by the entry fee to play the sport. Recreational programs did not have money budgeted in the original part budget so staff has moved some money around to provide this program and match it with the grants and donations that are received for the summer. Training and travel has some additional funds to allow training for staff. This money will be spent on manuals and training material for staff. Ivy continued on to state that her department has asked for money to purchase additional mowers and rent lift as they continually need to replace lights within the coliseum which will reduce cost from staff having to hire someone to replace the lights.

Commissioner Garcia asked for the cost to replace one light if someone from the outside is called to replace it.

Mrs. Ivy responded that the lift alone is about \$700 per day. Staff has tried to pair these type of things with Public Works, when they are going to have lifts to come in for a month for any other purpose. But in case of an emergency, staff is hiring a company to bring in a lift to do this type of work.

Commissioner Garcia asked when an electrician with a lift is being hired, what does the cost generally run.

Mrs. Ivy responded that it would cost a minimum of \$1,500. Ivy continued with her discussion of the Parks Department budget. Advertising can be handled through the Tourism Department that will bring people into the community that will stay for a few days. Although, Tourism is limited as to how to spend this money and we need to be able to address how to get some of this information to the public that is not qualified under the Tourism Department guidelines.

Commissioner Garcia asked that with regards to the lift, if more than one department uses that utility would it be worth purchasing one for the City.

Mrs. Ivy responded that she can't speak for other departments as she is not aware as to how often they may use it, but as for the Parks Department they have a lot of lights on the ball fields that are old as well in the coliseum. She further stated that in a matter of getting a better maintenance plan for those things, and timing it, so that staff is working together.

Commissioner Garcia stated that he would like to see what uses a lift would have within the different departments and if it would advantageous to purchase one versus renting it every time it is needed.

#### **Golf Course 001-450**

Mr. Jimmy Saenz, Golf Course Manager, reported on the Golf Course budget. Mr. Saenz stated that he is still trying to get everything organized. He stated that things are moving forward quickly since he's been here in the last 4 months. He further stated that his department may be able to assist Mrs. Ivy's department with a mower or two as his department may have some Skaggs that his staff will not be using. Greens have been improved in the last few months. Revenue wise, his department is improving and with marketing events in the local newspaper has boost attendance at the Golf Course. There are a lot of plans for the Golf Course such as irrigation system. There are a lot of cosmetic things that need to be done at the Golf Course but will get done.

Mayor Fugate commented that since the City took over the Golf Course about ten months ago, in the last four months that Mr. Saenz has been with the City, there have been some major improvements at the Golf Course. This Golf Course hasn't been taken care of in, atlas the past 30 years. Fugate further commented that he appreciates all the work Mr. Saenz has put into the Course.

Mr. Saenz commented that the Golf Course is already booked for every weekend from September 5<sup>th</sup> until the week before Thanksgiving. Mr. Saenz stated that he will be working with staff on the cart lease as it is about to expire.

Commissioner Leubert asked when the cart lease is up. Mayor Fugate responded October 1<sup>st</sup>.

Mr. Saenz commented that the lease was taken over from the County to the City and staff needs to work on whether or not the City has to go out for bids. Saenz further thanked his staff for all their hard work in bringing this Course to where it is now. Mr. Saenz reported that within his budget, all line items have stayed the same. The only removal in the budget was of the grounds and permanent fixtures. This was for repairs to the shop such as floors, carpets, and paint.

Mrs. Alvarez reported that in last year's budget, the former City Manager had put \$50,000 for capital improvements for both the Golf and Parks budget.

Mr. Saenz commented that this was a one-time supplemental to allow for improvements but has asked for this to be a permanent line item.

Mayor Fugate commented that what is asked for in this budget is for an amount of \$4,500 and further asked what Mr. Saenz would use this money towards.

Mr. Saenz responded that he would use this money to continue updates in the shop, fairways, and figure out how to get water to the driving range.

Commissioner Garcia asked that on the potential revenue side at the Golf Course, the kitchen area and/or sale of beer, what the update on this issue is.

Mr. Saenz responded that staff is still pursuing the beer license.

Mayor Fugate asked why the City has to wait on the County for this and why can't the City get its own beer license.

Commissioner Garcia responded by stating that you cannot have two licenses at the same address.

Mrs. Alvarez commented that the other issue is that TABC wants the owner or lessor, and while we have the agreement with County she has not received word, and have requested for an update for word from the Department of Interior on the Concessionaires Agreement.

Commissioner Leubert asked why staff has to wait so long for their decision.

Mrs. Alvarez commented that the County is responsible for submitting it as they have the agreement with the Department of Interior.

Commissioner Pecos asked if the County hasn't submitted the application.

Mrs. Alvarez responded that it is her understanding, from speaking with their personnel, that they submitted last Fall but has not received an update on the status of the approval.

Mayor Fugate asked if staff has a contact name that maybe staff can contact and see what the status may be.

Mrs. Alvarez responded that the County has the name, as they have the agreement, but city staff doesn't have a name.

Mayor Fugate asked staff to see if they could get the name of the individual.

Commissioner Pecos commented that maybe this is something Congressman Vela can assist the city with. Pecos asked what the dollar amount the County gave to the City when it took over the Golf Course.

Mrs. Alvarez responded that they gave \$35,000.

Mayor Fugate commented that the County has also agreed to pay \$31,000 for the irrigation system.

#### **Library 001-460**

Mr. Robert Rodriguez, Library Director, thanked the City Commission for their support during the mold remediation closure.

Mayor Fugate commented that he was amazed as to how many citizens use the Library. Complimented Mr. Rodriguez and his staff for a great job they do at the Library.

Mr. Rodriguez reported that the Library's 2015-2016 proposed budget is for the amount of \$289,352, which is the same amount as last year. Only vital necessities for daily operations have been increased.

Commissioner Pecos asked for Mr. Rodriguez's opinion on the County coming in with their match of the budget.

Mr. Rodriguez responded that the County will be matching their amount.

Mayor Fugate asked for a status on the electrical issues in the Library.

Mr. Rodriguez stated that as far as the electrical work, it is 95% complete.

Mayor Fugate asked for the cost. Mr. Rodriguez responded that he is not aware of the cost.

#### **Tourism 002-107**

Mr. Leo Alarcon, Tourism Director, reported that Mr. Jonathan Plant of the Conner Museum will also be presenting their budget for the upcoming fiscal year. Mr. Alarcon reported that the Tourism Department consisted of four divisions and asked the Finance Department to consolidate these four divisions into one. The one division that was added is for the Parade of \$1,000. The budget for the Tourism Department stayed the same as previously.

Commissioner Pecos asked that by Mr. Alarcon consolidating these divisions, was the department able to save any money or was it maintained the same.

Mr. Alarcon responded that they left it the same but he hopes that during the year they may get it down to where every cent is allocated within its proper line item.

Mayor Fugate had a question on professional services line item and asked if the dollar amount of \$118,000 is a correct amount.

Mrs. Alvarez commented that this includes the \$100,000 for the marketing program that was carried over from last year.

Mayor Fugate commented that he doesn't think this program will come into fruition.

Mrs. Alvarez responded that this can be reallocated later in the year.

Mayor Fugate asked if this one of her cubbyholes. Mrs. Alvarez responded that this was a directive given to the City Manager last year and he put it in and staff wasn't sure of the status and staff just carried over into this budget.

Commissioner Garcia asked what this was about.

Mayor Fugate responded that this is for the Regional Alliance that the City has with the County, School District, Celanese, and Naval Base. This group meets once a month where an overall marketing plan is discussed for the greater Kingsville area. The City set aside \$100,000 and the University had \$50,000 as other businesses. With some of the members in the group unable to commit their portion of the money, so the group just quieted down.



Mr. Alarcon stated that the other capital outlay item was that of the Wayfinding signs which has \$50,000 in this line item and remains there.

Mayor Fugate commented that this has been in the budget for four years, and it is time that we do something with it.

Mr. Alarcon commented that before the previous City Manager resigned, he was asked to design a wayfinding sign. He further commented that he has budgeted \$100,000 for the moving of the Tourism Department.

Mayor Fugate asked how the move will affect staff while the move is made and where would they go. Mrs. Alvarez responded that based on the timing of the move; there are a few options available.

Commissioner Garcia asked when the move is taking place.

Mr. Cardenas responded that he has been meeting with representatives from Texas Department of Transportation where he was told that the next process is doing the right-of-way deeding which will occur within the next month or so. As for moving, the bid process will begin within the next month, to do the concrete slab near the caboose. Once the slab is done we will be ready to execute the move. Cardenas further stated that staff is hoping to make the move sometime in November or December.

Mayor Fugate asked Mr. Alarcon that if the new proposed location would be a better one for his department overall.

Mr. Alarcon responded that being out on the highway is very important for Tourism to be at as it attracts visitors coming through town.

Commissioner Garcia asked after the completion of the Tourism Department, has staff given any thought on what to do with the Caboose.

Mr. Alarcon responded that he would like to see a sitting area around the area and have it as part of a decoration.

Mr. Jonathan Plant, Conner Museum, reported on the Conner Museum yearly budget. Mr. Plant stated that expenses this year are close to those budgeted last year. He further stated that there was a carryover of \$38,766.42 deposit this year of \$84,639.68. Totals spent this year on the following; salaries, wages, and benefits \$43,153.87; exhibits and outreach \$16,283.95; advertising \$19,536.58 for a total expense of \$78,974.40. The projected budget for next year, actual balance as of the 20<sup>th</sup> is \$44,431.70. The total estimated revenue is \$129,431.70 for salaries, wages, and benefits was increased to \$45,000; exhibits and outreach \$22,000 and advertisement was increased to \$32,100.00 for total expenses of \$99,100.00. Mr. Plant further stated that during the past year the Museum has had five different temporary exhibits. The total attendance for the year at the Museum was 12,255. On salaries the funds from the city's support for vital positions, one paid for was at 77% of the Museum Curator salary the other 23% comes from the University. They also pay for the halftime Visitors Services Specialist, which consist of students and part-time workers who run the front desk and man the Museum during the Saturday hours. They also assist with exhibit installations, group tours, and reception. The Museum participated in three outreach community events including Ranch Hand Festival Downtown, Parade of Lights, and Cinco de Mayo Celebration. These community outreach events comprise about \$5,000 from the exhibits and outreach budget. The Museum also presented the Regional History Fair where they had students from six different counties. The all attendance for all outreach events was 4,380 which is an addition to the 12,255 that had already

visited the museum. On the promotion, only one billboard is being done, which is the billboard on King Street. Advertisement is done in two of the RV Park Guides and this year the Museum began advertising in the room directories and other hotel chains in Alice and Kingsville. Advertising is also taking place on the online Veteran's view magazine, which is a National magazine on digital, Channel 3, and KRIS 6. Plant further stated that the Museum has contracted with TV stations to advertise throughout this coming year. The museum serves as a venue for monthly Kleberg County Historical monthly meetings and provided tours for TXDOT visitor's center employees. Tours were also provided for incoming Naval Station personnel.

Mayor Fugate asked if the Museum will be having any children's programs at the Museum.

Mr. Plant responded that they have children's programs. During the summer this year, they had 114. One week in May they had 1,000 children's coming through the Museum.

The budget workshop ended at 5:30 p.m. Mayor Fugate recessed the meeting at 5:30 p.m.

### **REGULAR MEETING RESUMES AT 6:00 P.M.**

Mayor Fugate reconvened the meeting into regular session at 6:00 p.m. with all five Commission members present.

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

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

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

Regular Meeting – August 17, 2015

Mayor Fugate called for a motion to approve the minutes of August 17, 2015 as presented.

**Motion made by Commissioner Pena to approve the August 17<sup>th</sup> minutes as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".**

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

### **1. Public Hearing on a proposed tax rate increase from \$.84220 to \$.89610 for Fiscal Year 2015-2016. (Finance Director).**

Mayor Fugate announced and opened this public hearing at 6:02 p.m. Mayor Fugate stated that if there was anyone that would like to speak on behalf of this item, may do so at this time and would need to state their name and address. There is a five (5) minute time limit to speak and cannot be extended by City Commission.

Mrs. Alvarez reminded the public that there will be second public hearing on the 2015-2016 tax rate that will also be held at 6:00 p.m. on Wednesday, September 2, 2015, in the Alcorn Commission Chambers located at 200 E. Kleberg Ave., Kingsville, TX; on the same day and time there will also be a public hearing on the City's budget.

Mrs. Balli reported that the proposed tax rate is \$.89610 which is the rollback rate, but just to remind the public that the budget has been built on the previous rate of \$.84220. This just gives us some room to work with through the budget process.

Mayor Fugate commented that this is one of those things that you do that's prudent, chances are and would be remote that we raise the tax rate this year, but this is just something that is done every year than we always go back.

Mayor Fugate asked Mrs. Alvarez if there was any time limit that a public hearing would need to stay open, as no one wishes to comment on this item.

Mrs. Alvarez responded that there is nothing in the Tax Code requiring that it be held for a certain period of time.

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

### **III. Reports from Commission & Staff.<sup>2</sup> (City Manager's Staff Report Attached).**

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

Mayor Fugate presented Mr. Joe Luna, Task Force Agent with a certificate of appreciation, plaque and City of Kingsville watch for his 19 years of service to the City of Kingsville. Mayor Fugate asked representatives from the Kleberg-Kenedy County Junior Livestock Show to make their presentation to the City Commission at this time.

Representative reported that the livestock show has been here for the past 65 years. The show affects over 600 kids per year as positively and with participation in the show. Participants sale well over 230-240 projects every year in during this sale. In premium dollars they bring in \$1.3 million that comes in from the community and surround areas and which is above and beyond the underlying value of the animals. This is largely for the benefits of the kids that have worked hard for their secondary education. The grounds where the show takes place were originally the fairgrounds which were built to hold the livestock show. In the 70's the Ranch donated money to build the J.K. Northway Coliseum which was built large to host the livestock show as well as rodeos and any other events. This has been a quality of life benefit for the community in a lot of different areas outside the livestock show, but certainly the livestock show has been the focal point when it comes to the youth and education. The livestock show has benefited from the fact that it hasn't paid rent for the facility for 65 years. There has been cases where the County wanted to charge rent but it was paid with in-kind services. He further stated that he wants the City Commission to have a full understanding on what all the livestock show does. They are not here trying to receive a discount for any other benefit than for the benefit of the kids. Every dollar that is paid in rent, is a dollar paid less to a child. Of the \$1.3 million a commission is charged of 6% to host the show which his spent to pay the auctioneer and other things. There is one salaried employee that maintains the books and financial affairs of the operation year round. The livestock also enlist hundreds of volunteers, some that work year round to put on the show and some that show up one day to man a board and push pigs around, but the community is very involved in this and there is tremendous participation. He further commented that the money first goes to the children and then, in that commission, absent the expenses that they may have related to the show, the remainder goes into a fund that is used for

scholarships. There is no profit left in the association though there is a savings that is used for fulfill obligations that are made to past graduating seniors so that there scholarships can be paid. The livestock show has money but those moneys are earmarked for past scholarship recipients. He stated that they are on a facility committee and also on the board. The Board has given them the authority to come before the City Commission and state what they would like to offer the City in lieu of rent. There is offer is to pay \$5,000 per year for five years in-kind. They are asking for the city to look and see what needs to be done to the building and they would like to pay for those repairs, to the extent that they can up to \$5,000 a year. Some of the projects can be done by the volunteers. He stated that at this time he does not have a formal proposal to present to the City Commission at this time. The President will be drafting a letter to the City Commission so that they may have something to look at and possibly place on the agenda for consideration.

Mayor Fugate asked how long the livestock show goes on for that they actually occupied the facility. The representative responded that the livestock show goes on for twelve days.

Commissioner Garcia commented that he would like to see the utility cost, from the past, for the twelve day period that the livestock show is using the facility.

Mrs. Alvarez commented that staff will work on gathering these numbers.

Mrs. Susan Ivy commented that based on the information that they have been dealing with representatives of AEP and based on the usage last year it ran around \$890 per day, just for the air conditioner.

Mayor Fugate asked about the labor. Mrs. Ivy responded that with regards to labor, there is a decent agreement between the Livestock Show and the Park System. This will be presented to the City Commission in the future for their consideration.

Commissioner Garcia commented that this is the City's first experience with the Livestock Show since the transition of the Parks Department and J.K. Northway Coliseum. Garcia stated that he hopes that the Livestock representatives don't get the wrong impression with the questions that are being asked, but this Commission needs to know how the Livestock operates.

Mayor Fugate asked what type of agreements Jim Wells and Nueces County has with their governments that they may have to rent facilities from.

Representative responded that he is not aware of the agreements they may have in place.

Commissioner Pena asked about the in-kind proposal the representative just mentioned. Pena asked if there was a need at this time that would comply with the \$5,000.

Representative responded that the horse stalls need to be torn down and maybe this is something the Livestock can do for the city.

Mayor Fugate commented that the County has run this building to the ground. One of the reasons that we took over it is because the city got tired of watching them do this. He further stated that he doesn't think there isn't anyone on this Commission that is interested in making money off the livestock, but we are interested in covering out cost,

which is fair to say. Fugate further stated that he does a golf tournament for the Boys & Girls Club at the County owned Golf Course, that now the City runs. All the proceeds go to the Boys & Girls Club except the fee that goes to the County for playing golf. Boys & Girls Club serves over 700 kids that are under privilege that need the money more than the Livestock participants. Fugate further commented that he has a hard time not covering our cost. The Commission made a pledge to do a better job out there and supply people with the means to take care of the facility. This is very difficult for the City not to cover its cost.

Mrs. Ivy responded that what she has done is reached out to Judge Madrid regarding the possibility of the County assisting with some of their manpower during the event to offset some of the City's employees being there as it incurs a lot of overtime.

Mayor Fugate commented that the City is not interested in making money from this event but it needs to cover its cost.

Commissioner Leubert asked how many improvements have been made over the years.

Representative responded that they replaced the doors on the exterior of the building and re-covered the 50x100 building this past year where they spent around \$50,000. There have also been other repairs that have been made by the volunteers.

Commissioner Leubert stated that we have to make sure that we can continue to have a place for the Livestock Show to take place. She stated that if the City can cover its cost, we won't be having that. She stated that her other concern is that the City gives them a break other groups will want the same thing. She further stated that \$5,000 in in-kind services is good, but it may need to be increased.

Representative stated that he doesn't have the authority to make any decisions. He stated that the building leadership that has vision and money, or the ability to get money through grants or other means.

Commissioner Leubert commented that she feels that there needs to be a Board in place for the J.K. Northway to make these types of decisions.

Mrs. Alvarez reported that there are budget meetings scheduled for tomorrow and Wednesday of this week at 4:00 p.m. Special meeting on Wednesday, September 2, 2015 at 6:00 p.m. to hear the second public hearing on the tax rate and the budget. The next regular meeting is scheduled for September 14<sup>th</sup> with agenda and staff reports for this meeting due on Wednesday, September 2<sup>nd</sup>. Memorial Day holiday on September 7<sup>th</sup>.

Commissioner Leubert stated that she attended the Disc Golf Opening this past weekend and congratulated Mr. Charlie Cardenas for all his hard work.

Commissioner Pecos stated that since we are in hurricane season, staff may want to look into the creeks around the city and make sure they are clean. This is just in case we get serious rains.

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

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

V.

**Consent Agenda**

**Notice to the Public**

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

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

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

NONE.

**REGULAR AGENDA**

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

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

**1. Consider resolution nominating certain person(s) as candidate(s) for election to the Board of Directors for the Kleberg County Appraisal District. (Interim City Manager).**

Mayor Fugate stated that Commissioner Garcia has been doing this for a number of years and asked if he would like to continue.

Commissioner Garcia responded that he would like to sit in for at least one more year.

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

**2. Consider resolution requesting the Texas Department of Transportation support a change in the speed limit on US 77 By-Pass at the FM 1717 intersection to 55 miles per hour within the city limits of the City of Kingsville. (Mayor Fugate).**

Mrs. Alvarez reported that the City Engineer has reviewed this resolution and is in agreement with it.

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

Commissioner Leubert stated that her concern is that if we do the 55mph, it will give people a crossing a false sense of safety.

Commissioner Pecos commented that the Kingsville Police Department can issue citations to those speeding.

Commissioner Garcia stated that he recalls that the last visit the City had from representatives from TXDOT, they were against any speed limit change under 65mph.

Mayor Fugate responded that he understands.

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

**3. Consider acceptance of a \$200 donation for the Volunteer Fire Department. (Director of Finance).**

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

**4. Consider introduction of an ordinance amending the Fiscal Year 2014-2015 General Fund Budget to accept a donation for the Volunteer Fire Department. (Director of Finance).**

Introduction item.

**5. Consider introduction of an ordinance amending the Fiscal Year 2014-2015 General Fund Budget to transfer City Commission training & travel funds to the L.E. Ramey Golf Course and to Corral Park. (Director of Finance).**

Mayor Fugate asked if this was Commissioner Leubert's money she would like to have transferred over.

Commissioner Leubert commented that she is transferring money to the Golf Course.

Commissioner Pena commented that he is transferring money to the Corral Park.

Introduction item.

**6. Consider resolution authorizing the Kingsville Chief of Police to enter into an Interagency Cooperation Agreement between the City of Kingsville-Police Department and the Texas A&M University-Kingsville Police Department for the loan of a surplus or seized vehicle. (Chief of Police).**

Chief Torres stated this is an Interagency Agreement between the City of Kingsville Police Department and Felipe Garza, Chief of Police for the Texas A&M University-Kingsville Police Department for the loan of a law enforcement vehicle.

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

Commissioner Pena asked if there are any vehicles available for staff, as the City Commission looks at the issue with Car Allowances.

Chief Torres responded that there are no vehicles.

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

**7. Consider a resolution accepting a donation/dedication of storm sewer pipe and manhole in the state right-of-way from Kingsville Legends, Ltd. (Director of Planning & Development Services).**

Mr. Ginter stated that about a year ago the storm sewer pipe and manhole was constructed in the state right-of-way. When this was done, it was believed that everything was ok. After the fact TXDOT decided that a private entity could not own a storm sewer or manhole or any type of utility in a right-of-way. This was just discovered about a month ago, so staff has had a meeting with TXDOT where it was stated that the City has to take this portion over, this portion is only what's in the right-of-way.

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

Commissioner Garcia asked why.

Mr. Matt Kane, of TXDOT stated that about two years ago they starting a research on what permits required. They initially spoke to TXDOT and they stated that since we are not doing

a driveway with this permit, and we are doing these improvements there is no utility permits that are required. They went forward with the storm sewer after the fact TXDOT came back and said they would get this inspected which turned out good. Now they are moving into phase two which requires a pull driveway permit. With that they come back and said that it probably best to paper that right even though it wasn't right the first time and do the donation agreement.

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

**8. Consider resolution authorizing the City Manager to enter into a Multiple Use Agreement with the Texas Department of Transportation for maintenance and operation of storm sewer pipe and a manhole in the State Highway 141 (West King Avenue) right-of-way near the Kingsville Legends Apartments. (Director of Planning & Development Services).**

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

**9. Consider a resolution authorizing the submission of an application to the Flood Mitigation Assistance Program for the purpose of requesting grant funding for mitigating flooding issues at 314 S. 20<sup>th</sup>, with no cash match or in-kind service requirement. (Director of Planning & Development Services).**

Mr. Ginter reported that the funds from the grant will be used to purchase the house and the ground, demolish the structure and in perpetuity the City will own the ground and a house will not be allowed to be built on it.

Mayor Fugate asked if this property is occupied.

Mr. Ginter stated that the residence is occupied.

Mr. Cardenas stated that there are multiple claims of water damage due to flooding.

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

**10. Presentation and discussion of the City of Kingsville Street Improvement & Maintenance Program and financing options. (City Engineer/Public Works Director).**

Mr. Cardenas reported that he has been working with a valuable team on this second discussion point on funding for the Street Improvement & Maintenance Program. The group has been researching what other cities have been doing in particular Bryan, TX part of their street user fees does not include residential street. Staff has come up with a 20 year plan that includes all the streets in Kingsville. This plan includes all streets that the City maintains and owns. The production rate is about 40 blocks a year which is about 3 miles of street per year. After year 5, focus will be on more maintenance type of work and not fully depth construction or reconstruct work. Priorities of street construction and type of street construction were based on the Pavement Condition Index (PCI). The target yearly cost, which includes full depth construction, street overlay, seal coats, crack sealing and equipment maintenance total to \$1.6 million. The City has approximately 1300 blocks of street which is about 100 miles and since 2013 the city has completed 103 blocks of street which is about 8 miles. Funding sources are utility fees, property taxes, general fund, and capital outlay. Street fee funded approximately 40% by residents. The residential fee structure is a base residential fee of \$5.00 from single family residents (6636), apartments/mobile homes (3999) and multifamily units (170). Residential rates fee apartment/mobile homes 85% occupancy rate equals to \$4.25. Multifamily rate is \$9.25



which consists of \$5.00 for the house, \$4.25 for the apartment in the back. There are some exemptions such as government housing and student housing.

Mayor Fugate asked why a fee may not be assessed to government housing and student housing and is it illegal to assess a fee on these types of properties.

Mrs. Alvarez responded that its state property and it would be inconsistent and staff would have to double check the legality.

Mr. Cardenas further reported that residents will pay \$620,979.00; single family will pay \$398,160.00; Apartment/Mobile Homes \$203,949.00; and Multi-Family \$18,870.00. Non-residential will pay 60% with a base price of \$5.00 times equivalent residential unit (ERU) times the ITE trip generation. The ITE trip generation manual does not specify the type of city surveyed. The assumption is being made that a large metropolitan city and was the base of these studies. It is fair to give 70% discount on these numbers based on the population size of Kingsville. Example types of non-residential facilities with the highest trip generator are fast food restaurants, 148.836. Lowest trip generators are mini storage units at 0.07. The highest monthly charge without cap is Walmart at \$50,600.00 monthly. Lowest monthly charge equals \$1.63 Data Services. Cardenas reported that to come to the target yearly cost of \$1.6 million, it was important to cap the non-residential fee to \$500.00 a month. He further reported that 77 facilities reached the cap, 720 did not reach the cap. Cardenas stated that we need to verify approximately 10% of multi-family housing, establish and allow an appeal process, and establish a Street Maintenance and Improvement Program fee through City Commission.

Commissioner Garcia stated that non-profit organizations and churches are facilities that are visited by the same citizens that live within this community, so it would be like paying twice.

Mr. Cardenas responded that they will not be double paying the individual.

Commissioner Garcia further commented that these property owners will be paying twice if they have membership with a church or as a member of an organization.

Mayor Fugate asked if any other cities have exempted these types of establishments from paying a fee.

Mr. Cardenas responded that the City of Corpus Christi and City of Bryant exempt these types of establishments on a case by case basis.

Commissioner Garcia commented that this is not a fair thing to do those individuals.

Mayor Fugate stated that it sounds like there is mechanisms that will be put in place that will be fair to charge this fee.

Mr. Cardenas stated that this fee is strictly for streets.

Mayor Fugate commented that this is what citizens are mandating and agrees about property taxes. He feels that property owners of this community already do their share and we can't even close consider this in his opinion.

Commissioner Garcia commented that we can call this a fee but it is really a tax being collected.

Mayor Fugate stated that the biggest complaint he receives is with regards to streets. Citizens want their streets fixed and feel that citizens will not oppose this fee.

Mr. Cardenas stated that if the Commission wishes, staff has a list of the top capped businesses and big ERU's for their view.

Commissioner Pecos asked that with regards to the Certificate of Obligations for this upcoming year was there any money set aside for streets.

Mrs. Alvarez responded that staff has asked the various department heads that have larger capital needs to come up with proposed projects and to produce a list for those and the cost associated with each project. This should be done within the next few weeks.

Mr. Cardenas stated that he has mentioned some capital projects in the past that are candidates of this. There were only three on that plan, those being Richard Street, Kleberg Street, and overlaying of 6<sup>th</sup> Street.

Mrs. Balli commented that staff did the allocation based on 40% coming from residential and 60% coming from commercial. The Commission can suggest a different type of split if they choose too. This is our first attempt to get to the number that is needed to get to the \$1.6 million.

Commissioner Garcia commented that what happens to those individuals who own apartments and decide to sell from one month to another.

Mrs. Balli commented that within the utility billing system they are coded as residential multifamily so staff went off based on that coding.

Commissioner Pecos commented that staff has given this Commission an option and it is up to the Commission to decide what avenue they would like to take.

## **VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:10 p.m.

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Sam R. Fugate, Mayor

## **ATTEST:**

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Mary Valenzuela, TRMC, City Secretary

**AUGUST 25, 2015**

**A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON TUESDAY, AUGUST 25, 2015 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 4:00 P.M.**

**CITY COMMISSION PRESENT:**

Sam Fugate, Mayor  
Dianne Leubert, Commissioner  
Noel Pena, Commissioner  
Al Garcia, Commissioner  
Arturo Pecos, Commissioner (Arrived at 4:30 p.m.)

**CITY STAFF PRESENT:**

Courtney Alvarez, Interim City Manager/City Attorney  
Tom Ginter, Director of Planning & Development Services  
Emilio Garcia, Health Director  
Deborah Balli, Finance Director  
Diana Gonzales, Human Resources Director  
Charlie Cardenas, Public Works Director/Engineer  
Willie Vera, Task Force Commander  
Bill Donnell, Asst. Public Works Director  
Tony Verdin, IT Specialist  
Susan Ivy, Parks Manager  
Melissa Perez, Risk Manager  
Charlie Sosa, Street Supervisor  
Rose Morrow, Municipal Court Manager  
Luke Stevens, Sanitation Supervisor  
Joe Casillas, Water Production Supervisor  
Frank Garcia, Waste Water Supervisor  
Leo Alarcon, Tourism Director  
David Bodiford, Accounting Supervisor  
Pete Pina, Landfill Supervisor  
Art Perez, Garage Supervisor  
Joey Reed, Fire Chief

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the City Commission at 4:00 p.m. with four City Commission members present. Commissioner Pecos arriving late.

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

Waived these proceedings.

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

**None.**

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

**NONE**

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

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

Mrs. Alvarez reported that the next budget workshop is scheduled for Wednesday, August 26, 2015 at 4:00 p.m.

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

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

No public comments made.

#### **V.**

##### **Consent Agenda**

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

*The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commission Member 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 Leubert. The motion was passed and approved by the following vote: Garcia, Leubert, Pena, Fugate voting "FOR".**

**1. Consider approval of final passage of an ordinance amending the Fiscal Year 2014-2015 General Fund Budget to accept a donation for the Volunteer Fire Department. (Director of Finance).**

**2. Consider approval of final passage of an ordinance amending the Fiscal Year 2014-2015 General Fund Budget to transfer City Commission training & travel funds to the L.E. Ramey Golf Course and to Corral Park. (Director of Finance).**

##### **REGULAR AGENDA**

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

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

**3. Review and discuss proposed fiscal year 2015-2016 budget for departments of the City of Kingsville. (City Manager).**

**Solid Waste – Recycling 001-170**

Mr. Cardenas reported that the big change in this department, Professional Services had an increase as staff received the quote from Republic Services for hauling recyclables.

Commissioner Leubert asked for a status on the electricity grant.

Mr. Cardenas responded that they have already ordered materials and work has begun and should be done by this Thursday. Cardenas further stated that invoices will be submitted as soon as they're done.

Commissioner Leubert commented that invoices need to be submitted by Friday.

Mr. Cardenas thanked the City Commission for all their hard work on this grant.

**Solid Waste – Sanitation 001-170**

Mr. Cardenas reported that within the General Fund budget, there is no additional monies being requested for this department.

Mayor Fugate stated that the only increase he sees within this budget is in the Unemployment line item.

Mr. Cardenas responded that what had occurred was that this year there was an increase in overtime due to the brush blitzes in the spring. This was the time when there was a lot of down brush due to heavy storms.

Commissioner Garcia asked about certification pay, there was nothing 2013, 2014, and 2015 up to the year-to-date activity of \$279.29, did the city have employees back in 2013 that were certified and not being compensated.

Mr. Donnell responded that the department did not have any employees with certifications. Their job duties did not require it.

Commissioner Leubert commented that this was the time TCEQ changed the requirements in the A License and the D License, they changed all of this back then so people who had all those license didn't need those licenses anymore.

**Solid Waste – Landfill 001-170**

Mr. Cardenas reported that there is no capital outlay requested, as it was done last year. Last year there was some equipment purchased and this is why staff isn't asking for items this year. Professional Services is being reduced which is Nasmith Contract. More discussion will take place during the next budget workshop.

Commissioner Pena asked about the increase of \$9,000 for state fees in 2015.

Mr. Cardenas responded that it is the same in 2015. Mr. Cardenas corrected himself by stating that it increased 2014-2015. Cardenas further stated that TCEQ state fees fluctuate.

**Solid Waste-Landfill Capital Projectes 087-170**

Mr. Cardenas reported that staff is not proposing an increase in 103 line. He further stated that he would like to give the City Commission an update on what \$127,099 will paying for, which is the landfill expansion and the new permit. Staff has been working

with Nasmith Engineering and TCEQ on which is to open a new cell and expand the landfill vertically by going deeper and higher.

Commissioner Leubert asked if TCEQ has changed their attitude as they were not going to go higher.

Mr. Cardenas responded that staff met with TCEQ on this, and they have been very helpful on what they are doing but their concern is the Navy Base. The Navy Base gave staff their blessing already with this project.

Mayor Fugate commented that the only problem would be the attraction of birds that the landfill attracts.

Mr. Cardenas further commented that as long as staff is working and staying in communication with TCEQ and it should be fine.

Commissioner Garcia asked if the permit was for the existing cell.

Mr. Cardenas responded that the permit is for new cells.

Commissioner Garcia asked about the situation on the existing cell, what is the longevity of that cell.

Mr. Cardenas responded that the landfill has been taking in a lot of material which is causing the cell to fill up quickly. Cardenas further stated that we would need to be careful; because the city could definitely open up a new cell with the current permit, but it won't be the amended permit, so when this is done it looks like the City is losing money. Nasmith Engineering performed a survey that shows that the City is losing capacity very quickly and may only have about a year left with the current cell. Now if the cell about to reach its capacity and the amendment is about to be approved, we could be granted with a temporary authorization which means that it would allow for us to stockpile up to 250 feet temporary with the understanding that the stockpile will be moved to the new permitted cell.

Commissioner Leubert commented that we don't want it to reach that point because then we would have to place a certain amount of soil which takes up space.

Commissioner Garcia commented that when the City first started with that cell, there was a projected life. Does staff recall what that projected life of that cell when it was first started?

Commissioner Leubert commented that she recalls it being eight years, but also keeping the C&D out of it, which is already in it and it takes a lot of volume.

#### **Solid Waste-Landfill Closure Fund 090-170**

Mr. Cardenas commented that it is required by TCEQ to have a closure fund.

Mrs. Balli commented that no expenses are being expanded out of this fund. Staff is accumulating the revenues that are being received for this fund so we can have enough liability in this fund balance to cover the closure post-closure on the landfill.

Commissioner Leubert commented that this amount is based on a percentage that is provided by TCEQ. Leubert further asked if the city is still charging all water customers a \$3.00 fee per month and has all this money in the landfill closure post closure and have we used money from that and have we paid it back. If the city is charging citizens for it, for the landfill closure post closure, it should be in an account for landfill closure post closure and used for anything else.

Mrs. Balli responded that as everyone knows, some of the money was used for the funding of the new city hall. So the question is do we pay it back or not pay it back. What

staff has talked about was that at some point in time it will get paid back but at this point in time, there is no need to pay it back because we would have to pay it back with general fund and those funds at this time, are in a position that we need to build up the reserves in general fund. So the question to the City Commission is, do they want to start trying to pay out of general fund now, to a fund that doesn't need it right now, being that we are in a position that we need to build up our reserves.

Commissioner Leubert commented that if the city is charging the public a fee for a purpose, and the city is not using it for that purpose but were borrowing against it, yet we are still charging the public for that fee, she has a real problem with that. Leubert further commented that if the city doesn't have to pay it back, all that financially makes sense, but when you are the public and you are being charged for something, that to her shows that the transparency is no longer there and it's not going to what it's supposed to be going to.

Mrs. Balli commented that the fee being charged to our customers is going to be needed as we get closer to having to pay for the closure cost.

Commissioner Leubert responded that as tax payers think that it is going for one thing when it's not.

Mrs. Balli commented that it is still going to go there, but we just don't need to pay off the expenditure right now as we have enough money in there now to cover our liability required. At some point in time, when general fund is in a position to better pay back what it has borrowed, then it would make sense to pay back.

Commissioner Leubert further commented that she understands this but as a tax payer we need to think about who is paying our bills.

Commissioner Garcia asked what was the amount borrowed.

Mrs. Balli responded that she thinks the amount is around \$2.7, but doesn't have the exact dollar amount at this time.

Mayor Fugate commented that he feels it's lower than that.

Commissioner Garcia stated that he would like to get the correct dollar amount.

#### **Public Works Administration 001-003/051-801 (50-50)**

Mr. Cardenas stated that this is a fund that is split 50-50 between General Fund and Utility Fund. Cardenas further stated that there are no changes within this budget.

#### **Engineering 001-301/051-800 Engineering (50-50)**

Mr. Cardenas stated that in this fund there was some cost savings from having a part-time position vacant. He further stated that his department is continuing the partnership with Texas A&M University-Kingsville.

#### **Service Center 001-302**

Mr. Cardenas reported that this budget includes cost for repairs to the roof at the service center which total to \$14,000. Under laundry line item, this pays for the rental of the floor mats.

#### **Garage 001-303**

Mr. Cardenas reported that under minor tools and equipment furniture, the proposal for \$350 for mechanics that have tools, is incorrect, it should read \$2,400.

Commissioner Garcia asked if supervisors ride-along with their employees to see what occurs on a daily basis.

Mr. Cardenas responded that Mr. Luke Stevens, Sanitation Supervisor does ride-along once a week.

### **Streets 001-305**

Mr. Cardenas stated that there is only \$300,000 left in this budget for the fiscal year.

Mayor Fugate commented that when he came on board as Mayor for the City of Kingsville, \$35,000 was set aside for street materials. Fugate asked if this department hired extra employees as there is an \$80,000.00 increase in this budget.

Mrs. Gonzales responded that the increase is for those individuals who are below the \$10.00 an hour that will be increased to \$10.00 and also includes health benefits and the 1% increase COLA.

Mr. Cardenas stated that he would like to add some extra employees for Ground Maintenance. This will allow the Street Department crew to focus more on potholes and other street repairs. Cardenas stated that within this budget, it includes for the additional of three employees that will consist of one Operator II and two maintenance workers strictly stormwater functions. These employees will be paid from the Utility Fund and not General Fund.

Commissioner Pecos asked how many employees are within the Street Department.

Mr. Cardenas responded that there are 16 fulltime employees in the Street Department.

Commissioner Leubert asked if the new employees will be under the direction of the Street Department. Mr. Cardenas responded that they will be under the direction of the Street Department and the responsibility and accountability will be under the Street Department but will be funded by the Utility Fund.

Commissioner Garcia asked if they will be cleaning right-of-ways, curbs, and gutters. Mr. Cardenas responded yes. They will also be performing any mowing needs throughout the City.

### **Water Construction 051-600**

Mr. Cardenas reported that in there is a slight increase in a couple of line items that are for a State fee through the Railroad Commission which is for a contingency fee.

**There is no audio recording for the following department budget presentations: Water Construction-Capital Projects, Water Production, Water Production-Capital Projects, Wastewater Utility, and Wastewater-Capital Projects. Therefore, the minutes below were completed from staff notes.**

### **Water Construction-Capital Projects 054-600**

Waterline will cost \$240,000. Of that, \$180,000 is for operations, valves and waterlines; \$60,000 is for small sidewalk and curb and gutters. The 8 inch waterline replacement will cost \$60,000 which will be done with the CDB Grant.

### **Water Production 051-600**

As the city has a new Water Well, it is necessary to hire one additional maintenance technician. Water Well #19 will have upgrades in the total of \$245,000. The pump at Water Well #19 will have a rehab that will cost \$300,000. Staff would like for the old pump house to be used to store the Volunteer Fire Truck and add public restrooms. Mr.



Cardenas will make a presentation and bring renderings to the City Commission at a later meeting.

**Water Production-Capital Projects 054-600**

Within this budget staff is looking into replacing an 11 year old backhoe. Place a forcemain on Masters Drive which will cost \$65,000. Staff will also be doing manhole rehabilitation for the amount of \$120,000. Centrifuge will come in next week.

**Wastewater Utility 051-700**

Utilities are up due to treating more water due to higher inflow and infiltration. The Navy mandated to lower utility usage. City is looking into doing a utility survey/audit; an audit of street lights has already been done, but not an overall audit.

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 5:19 p.m.

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Sam R. Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, TRMC, City Secretary

**SEPTEMBER 14, 2015**

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 14, 2015 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.**

**CITY COMMISSION PRESENT:**

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

**CITY COMMISSION ABSENT:**

Arturo Pecos, Commissioner

**CITY STAFF PRESENT:**

Courtney Alvarez, Interim City Manager/City Attorney  
Mary Valenzuela, City Secretary  
Emilio Garcia, Health Director  
Diana Gonzales, Human Resources Director  
Susan Ivy, Parks & Recreation Manager  
Charlie Cardenas, Public Works Director/Engineer  
Ricardo Torres, Police Chief  
Robert Rodriguez, Library Director  
Joey Reed, Fire Chief  
Jimmy Saenz, Golf Course Manager  
Leo Alarcon, Tourism Director  
Thelma Trevino, Administrative Assistant  
Melissa Perez, Risk Manager  
Deborah Balli, Finance Director  
Bill Donnell, Assistant Public Works Director

**I. Preliminary Proceedings.**

**OPEN MEETING**

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

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

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

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

Special Meeting – September 2, 2015

Special Meeting – September 8, 2015

Mayor Fugate called for a motion to approve the minutes of September 2, 2015.

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

Mayor Fugate called for a motion to approve the minutes of September 8, 2015.

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

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

1. NONE

**III. Reports from Commission & Staff.<sup>2</sup> (City Manager's Staff Report Attached).**

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

Mrs. Alvarez reported that the City of Kingsville will be hosting Trash Off Day on Saturday, September 19, 2015 from 8:30 a.m. to 12:00 p.m. at 6<sup>th</sup> Street and Ave. B. Volunteers are still needed for this event. There is a Special City Commission meeting scheduled for September 15<sup>th</sup> at 1:00 p.m. to interview City Manager applicants. The regularly scheduled City Commission meeting will be on Monday, September 28<sup>th</sup> with deadlines to submit agenda items and staff report on Wednesday, September 16<sup>th</sup> before 5:00 p.m.

Commission Leubert commented that with the loss of Mr. Miguel Martin, the community has lost a huge presence to our community. Mr. Martin was very involved in this community.

Mayor Fugate presented a proclamation to Mr. Zachary William Rodriguez for his Eagle Scout Award.

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

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

Mr. Leon Alcore, 1610 E. Fordyce, stated that he would like to see something done about his neighbors dumping trash onto his property. He further stated that he has reported this to the Community Appearance Department in the past few months.

**V.**

**Consent Agenda**

**Notice to the Public**

*The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being*

*discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.*

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

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

Mayor Fugate asked for a motion to approve the consent agenda item as presented.

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

**1. Motion to approve a resolution authorizing participation in Operation Border Star with the Homeland Security Grants Division of the Governor's Office for local border security to interdict criminal activity. (Chief of Police).**

**2. Motion to approve expending funds from the City of Kingsville Employee Benefit Plan Trust for the City Health Fair (for employees and eligible dependents). (Human Resources Director).**

**REGULAR AGENDA**

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

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

**3. Consider final passage of an ordinance adopting the City Manager's Budget, as amended, of the City of Kingsville, Texas, and appropriating funds for the fiscal year beginning October 01, 2015 and ending September 30, 2016 in the particulars hereinafter stated. (Director of Finance).**

Mrs. Balli reported that there was a minor change made to the ordinance due to some corrections that were made by staff concerning insurance rate that is used for Life Insurance and also had to correct some certification pay. Balli further reported that employees have 30 days to make changes to their Health coverage, so staff had a change to one of the health coverages. The total overall increase is \$12,624.00 to the budget, so if the Commission adopts this number it would be \$44,896,987.00.

**Motion made by Commissioner Leubert to approve the budget as presented, seconded by Commissioner Garcia. The motion failed by the following vote: Garcia, Leubert voting "FOR". Pena and Fugate voting "AGAINST".**

Mayor Fugate announced that this item doesn't pass and asked Mrs. Alvarez, City Attorney, what she purposes for the City Commission to do, does the Commission continue with the next agenda item and vote on the Tax Rate.

Mrs. Alvarez responded that the Commission cannot move forward in voting on the Tax Rate Ordinance as the budget is what sets the tax rate, so we would need to have the budget adopted prior to setting the tax rate. Procedurally that's the order in which it flows.

Mayor Fugate opened the item for discussion.

Commissioner Garcia commented that during the last meeting, the Commission had Commissioner Pecos present and the Commission expressed their desires and he assumed, with the direction that was given to staff, to prepare the budget based on the

Commission responses. He further stated that he assumed that it was going to go in that direction.

Mayor Fugate commented that everyone that was present at that meeting know how he felt about it. Fugate asked Mrs. Alvarez as the City Attorney, does he have an obligation to vote for this budget that he doesn't feel it's appropriate.

Mrs. Alvarez responded that they have voted on the budget itself, the question now is the time frame within which we would need to schedule another meeting to vote on the budget and get the tax rate adopted, if we can't get one adopted tonight. Alvarez further commented that one option would be recess until at some point tomorrow or another option would be just to finish the meeting tonight and then repost for an emergency meeting at some point in the next day or two. She further commented that she is not aware as to what Commissioner Pecos's travel schedule was and if he plans on being out today and tomorrow.

Commissioner Garcia commented that Commissioner Pecos will be out all week including Friday. He further stated that Commission will also be out attending TML Annual Conference from September 22<sup>nd</sup>-25<sup>th</sup>.

Mayor Fugate asked if it would appropriate to talk about some kind of compromise.

Mrs. Alvarez responded that the item is still open; it's not a positive and that it's been approved.

Mayor Fugate stated that the problem that he has with it is the raises that were not approved that was for the amount of \$56,000 approximately.

Mrs. Balli commented that what staff has taken out of the budget was everything except for the \$10.00 rate which will bring everybody up to \$10.00 and the anniversaries. Staff took out all the smoothing and raises as staff was instructed, so the budget did change from the last meeting. Some type of compromise would need to be done that everyone would be agreement with as the City would have to have the tax rate adopted by no later than Wednesday.

Mayor Fugate asked if she is talking about this upcoming Wednesday. Mrs. Balli responded yes.

Mrs. Alvarez stated that under Section 26.06 of the Texas Tax Code subpart (e) the meeting to vote on the tax increase may not be earlier than the 3<sup>rd</sup> day or later than the 14<sup>th</sup> day after the date of the second public hearing. The City's second public hearing was on Wednesday, September 2<sup>nd</sup>, 2015.

Mayor Fugate asked Commissioner Leubert is she had any thoughts on this issue.

Commissioner Leubert stated that her concern with the City Commission conversation during the last meeting, was the ability to have the employees have a pay that gave them a, not a cost of living, but a living wage. This to her is employees making less than \$50,000. She doesn't think that these employees are getting recognized as they should be, and that was her biggest problem. She further stated that \$10.00 is a fair wage to start for employees that are not making that much money and the raises that they were going to receive were going to be pennies on the dollar. They maybe receive a few hundred dollars per year versus those employees that are making a good living wage and they were going to receive between \$3,000 to \$5,000 raise. Leubert further commented that we also had the situation where for example, the Police Chief was receiving a raise who has quite a few people under him verses somebody that maybe only has a couple. It's not going to be, that you're going to get paid one amount and the other person will get paid the same because it's a different job. She further commented that her concern is the employees who make \$50,000 and below, those are the employees she's concerned with on making a living wage. She stated that her opinion is that we should allow the new City

Manager to come in and evaluate the situation and make those adjustments as they see fit.

Mayor Fugate asked Mrs. Alvarez how long she has been employed with the City of Kingsville.

Mrs. Alvarez responded that she has been with the City for 15 years.

Mayor Fugate further stated that this was Mrs. Alvarez's second go around as Interim City Manager. Mrs. Alvarez responded yes. Fugate further commented that he believes that when she was hired on, Mrs. Alvarez worked directly under the City Manager.

Mrs. Alvarez responded that she was hired as the Assistant City Attorney to the City Attorney.

Mayor Fugate further asked that if she and staff came up with these proposed raises.

Mrs. Alvarez responded yes.

Mayor Fugate further asked if Mrs. Alvarez felt that the proposed raises were justified.

Mrs. Alvarez responded that she thinks they are fair and equitable and aligned with the prior three years of compensation increases in what the plan was with the former City Manager.

Mayor Fugate further asked that in the last two years, the other administrators received raises when some of the proposed now did not.

Mrs. Alvarez response was yes.

Mayor Fugate further asked Mrs. Alvarez that she has heard Commissioner Leubert's argument that it's not fair and equitable to the city as a whole, and asked Mrs. Alvarez if she agreed with Commissioner Leubert's comments. He further stated that he doesn't mean to put Mrs. Alvarez on the spot, as he is aware that Mrs. Alvarez works for Commissioner Leubert, but asked if that was a fair statement.

Mrs. Alvarez responded that Commissioner Leubert is certainly entitled to her opinion.

Commissioner Leubert stated that she would like to clarify that she is not saying and never did say that it wasn't fair and equitable to everybody as some people deserve raises, her concern are the employees that are making \$50,000 and below as a living wage, that is her concern.

Mayor Fugate asked if everyone received a raise in this budget.

Mrs. Alvarez responded that they did in some form. They either had their contractual raises for civil service employees or received a 1% COLA.

Mayor Fugate asked how many raises have the Commission give to the employees.

Mrs. Alvarez responded that she believes that the Commission has approved COLA increases in the last six years.

Mayor Fugate asked when the last time the County received any kind of raises was.

Mrs. Alvarez responded that she doesn't have that information.

Commissioner Pena asked if anyone received a substantial raise last year.

Mrs. Diana Gonzales, Human Resources Director, responded that last year the only raise employees received was the 1 ½% COLA across the board.

Commissioner Pena further asked if there were any individuals who received an increase.

Mrs. Gonzales responded that after reviewing the previous City Manager's Budget Message, it indicates in that budget message that there had been numerous request which were not submitted at that point.

Commissioner Pena stated there were some individuals that did receive raises; those were individuals were from the Task Force.

Mrs. Gonzales responded that the Task Force was separated last year out of the regular employees, and had a separate category. This was Task Force and Senior Task Force. Gonzales further stated that she has to go back and look at the budget messages as she was not prepare to answer questions during tonight meeting.

Commissioner Pena stated that he's just making a point, that there were individuals who received substantial raises last year that were approved by this City Commission.

Mrs. Gonzales responded yes, and further stated that they were substantial the year before there were substantial. It was a complete reclassification of some positions. It was basically revamping of the classifications in FY 12-13.

Commissioner Pena stated that when he ran for City Commissioner he had made it clear in some form that he had no agenda relative as to how he would operate as a Commissioner in city government, and to date he doesn't have an agenda. Pena further stated that he is fortunate as Chief Executive Officer to recommend raises for his staff year after year. Pena stated that he is of the opinion that this Commission that unanimously voted for Mrs. Alvarez to be appointed as Interim City Manager, which he feels that she has done a tremendous job of running this City, with recommendations from the Human Resources that he cannot object to what staff is recommending. Staff is in the best position to evaluate and look at staff and make recommendations that are viable. Pena stated that he doesn't see anything that may be out of proportion and doesn't see how a new City Manager will have an edge on evaluating and looking at these positions that currently exist as they are not new positions. He further stated that he will not sit here and ever attempt to micromanage what the city is doing. After making a list of all the salaries for each individual within the city, he feels that they are all in categories that are ok or need improvement. He further stated that he would hate to castigate any individual that is on the list because they don't feel that the current administration has the capability to make a call on this matter.

Commissioner Garcia stated that he doesn't look at positions or personalities behind the position, what he looks at is money and everything. Major line items within the budget have been hit with extra expenses and that is what he is looking at. Garcia further stated that when the City Commission hired City Manager Vince Capell in March, this time of the year, after being with the city for six months, he was giving raises to individuals that he had been working with for six months, to which he was against. Garcia continue to state that the previous city manager hadn't evaluated these individuals, and because the city had over a million dollars back then, that money has now been depilated as we go. Garcia also stated that salaries are about 80% of a budget and it doesn't go down. The pricing of materials and equipment that is brought into the city for purchase, prices go up.

Commissioner Pena commented that the salaries budget is 47% of the entire budget. Salary budget is \$17,000,000 out of \$44,000,000 and the Commission is talking about \$56,000. Pena stated that when you look at the numbers, it's a municipal number comparison.

Commissioner Garcia responded that it is.

Mayor Fugate stated that Mr. Capell had been here less than six months, but Mrs. Alvarez has been here for fifteen years and has worked with these employees to which she knows this staff and this government and when tells him that this is what the city need to do, he feels that the City Commission needs to follow her recommendation.

Fugate continued to say that the City has a great staff and to keep employees, the city has to pay the money, which is what Mrs. Alvarez is trying to do. He stated that he supports Mrs. Alvarez in her recommendation regarding raises and see no reason why not to support it.

Commissioner Pena stated that he read the minutes from the City Commission which he was not present, and he read where Commissioner Garcia mentioned his role with the Appraisal District, and he has followed just about everything going on with the Appraisal District and he sees Commissioner Garcia of staff in the Appraisal District. When some members of the Appraisal District were attempting to contract out and remove staff from Kleberg County, Commissioner Garcia fought that. Every time there is a recommendation for an increase Commissioner Garcia has been there on those issues consistently. Pena stated that he appreciates Garcia bringing up at the previous meeting and in return have the same concerns for city staff.

Commissioner Garcia responded that the Appraisal District operates a little different. It operates on non-profit basis and if the Appraisal District would have gone with replacing staff, the only thing different is the profit motive that a company coming in would have in running the Appraisal District. The employees that are there are not operating on a profit mode and that's why he was opposed to that. Garcia further stated that in order to retain individuals that had all their certification, which there were four individuals that had appraisal certification that this community paid for, and this was one of the reasons he supported it.

Commissioner Pena responded that Commissioner Garcia made the right decision on that because Kleberg County could not afford to lose those employees.

Commissioner Garcia further stated that this was mainly because if the idea of the Appraisal District operates on a non-profit basis and all the monies that are not used in the budget, are returned to the entities.

Mayor Fugate asked if Commissioner Garcia is not insinuating that city staff doesn't acquire certifications and licenses just are there required at the Appraisal District. Fugate further stated that just as Commissioner Pena pointed out, Commission Garcia voted for every pay increase the Appraisal District presented, never turned one down. Fugate further stated that this is the issue the city has now. Our staff here is just as valuable as that staff there.

Commissioner Garcia stated that he would like to clarify some of this. Garcia stated that he has defended some pay increase but a lot were not approved.

Mayor Fugate and Commissioner Pena responded that this is not the issue. Fugate further commented that this one may not pass either.

Commissioner Garcia responded that this is the issue and he feels that he is being interrogated here and hopes that his position is respected as he doesn't interrogate anyone on this Commission on every single item and feels that there is unfairness here.

Mayor Fugate asked how much of a surplus is built in this budget.

Mrs. Balli reported that as it stands now, we have \$330,000 above minimum requirement.

Commissioner Leubert asked Mrs. Alvarez if this discussion can keep going on and on as the Commission has already made a motion and voted on the item so the Commission can't really call for questions.

Commissioner Garcia responded that the Commission can call for question if  $\frac{3}{4}$  of the members approve the question.

Commissioner Leubert stated that all she is asking for is a yes or no.



Mrs. Alvarez responded that the discussion could go on or we can come to some sort of resolution and take this up at a separate meeting.

Commissioner Garcia stated that he would like to remind the Commission that Commissioner Pecos sentiments are with approving the budget as it is and since he's not here, we are in this situation now.

Mayor Fugate commented that he can appreciate that, but just because Commissioner Pecos is not present at this meeting it doesn't lend itself for him to change his conviction and how he feels on this issue.

Commissioner Garcia stated that he is not asking him to.

Mayor Fugate asked Mrs. Alvarez what is the next step.

Mrs. Alvarez responded that the only thing that is stated in the Tax Code, is that if the Commission the rate adopted by the preferable date then it defaults to the prior year's rate which is actually what the Commission is proposing on adopting anyway.

Mayor Fugate asked if procedurally the Commission just passes on this item and go on to the next item.

Mrs. Alvarez stated that the Commission takes no action on item #4 or #5.

**4. Consider final passage of an ordinance establishing and adopting the ad valorem tax rate for all taxable property within the City of Kingsville, Texas for the Fiscal Year beginning October 01, 2015 and ending September 30, 2016, distributing the tax levy among the various funds, and providing for a lien on real and personal property to secure the payment of taxes assessed. (Director of Finance).**

No action taken.

**5. Consider ratifying the property tax increase reflected in the 2015-2016 Annual Budget of the City of Kingsville. (Director of Finance).**

No action taken.

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

Mrs. Gonzales stated that the ordinance that was prepared was based on the previous meeting as to what the current budget was calculated at which had the 1% for all exempt and non-exempt positions and the schedule associated with that is attached. Gonzales further stated just as a notation that was not included in here, there is usually a plus or minus one cent due to rounding.

Introduction item.

**7. Consider introduction of an ordinance amending the Fiscal Year 2014-2015 Utility Fund budget to cover increased utility costs. (Director of Finance).**

Mrs. Balli stated that this is part of the year end clean up that we do. Staff takes a look at how all the departments are doing with their budget, and it looks like for the utility fund there are several departments that are not going to be able to cover the increase utility cost and that due to all the rain that was received. It has caused us to pump more at the wastewater plants.

Introduction item.

**8. Consider introduction of an ordinance amending the Fiscal Year 2014-2015 budget for deficit accounts at year end. (Director of Finance).**

Mrs. Balli stated that a couple of the items are because staff is trying to close out some funds and we need to wait until the end of the year to make sure that we knew exactly how much were in those funds used to closeout. She further stated that we are recognizing anticipated revenues expenditures of the Border Star Grant and this is basically year end clean staff is trying to do.

Introduction item.

**9. Consider a resolution abandoning 20 feet of a 40 foot road dedication easement along the West side of Lantana Street within Lot 3, Block 1 of Collegiate Station development while providing for a utility easement. (Director of Planning & Development Services).**

Mr. Cardenas stated that this is more of a formality. There is a 40 foot dedicated easement. The developer is requesting for the city to abandon 20 feet of the 40 feet in the dedication. Cardenas stated that it's really not city land; it's just a dedicated easement. Out of the 20 feet that is being requested to abandon, 10 feet will be retained for utility easement.

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

Mrs. Alvarez stated that for clarification on item #2, while the section 26.06 proposes those states the other section with regards to the tax rate 26.05, indicates that the governing body of each taxing unit should it before the latter of September 30<sup>th</sup> or the 60<sup>th</sup> day after the certified appraisal role is received by the taxing unit adopt the rate. Alvarez stated that the actual drop dead date, assuming that the city received it on July 24<sup>th</sup>, from the Appraisal District, which she believes we did, it would be Tuesday, September 22<sup>nd</sup>. If we did not have a tax rate and a budget adopted prior to that date, it would default to according to subpart C, the lower of the effective rate for this year or the rate adopted last year. The effective rate for this year is slightly lower than last year's tax rate, which we are looking to adopt, which means that staff would have to cutout an additional \$75,871 from the budget it should default to last year's effective rate, instead of the proposed rate.

Mayor Fugate asked that if the Commission doesn't do something by the 22<sup>nd</sup> of this month, and pass the tax rate that is being proposed by staff, we will lose \$75,000.

Mrs. Alvarez responded that this is correct.

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:39 p.m.

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Sam R. Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, TRMC, City Secretary

**SEPTEMBER 15, 2015**

**A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON TUESDAY, SEPTEMBER 15, 2015 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 1:00 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:**

Courtney Alvarez, Interim City Manager/City Attorney  
Mary Valenzuela, City Secretary  
Diana Gonzales, Human Resources Director  
Melissa Perez, Risk Manager  
Jessica Storck, Legal Assistant  
Thelma Trevino, Administrative Assistant

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the City Commission at 1:03 p.m. with four City Commission members present. Commissioner Pecos being absent.

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

Mayor Fugate waived the preliminary proceedings.

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

NONE

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

1. NONE

**III. Reports from Commission & Staff.<sup>2</sup> (City Manager's Staff Report Attached).**

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development , Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works- Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Water*

*and Wastewater Rate Study presentation. No formal action can be taken on these items at this time."*

Mayor Fugate stated that if the rest of the Commission members agree, he would like for staff to schedule a Special City Commission for Monday, September 21, 2015 at 12:00 p.m. for consideration to adopt the budget and tax rate.

Mrs. Alvarez commented that in reviewing the Tax Code and phoned the Comptroller's Office but they pointed us to the two sections that staff was already aware of, but essentially we would need to have, if it's going to be something other than effective rate, that rate would need to be adopted tomorrow. Anything beyond tomorrow would cause us to default to the effective rate. Due to conflicts within the two statutes, the one that was discussed 26.05 and 26.06.

Mayor Fugate asked for clarification.

Mrs. Alvarez stated that if it's going to be something other than the effective rate, it would need to be tomorrow.

Mayor Fugate asked if that is what the budget is proposed on, the effective rate.

Mrs. Alvarez stated that is proposed on \$.84220, the effective rate is \$.83216. Alvarez further stated that we can't set the tax rate without a budget. Procedurally you will have the budget adopted and then that sets the tax rate.

Mayor Fugate asked if there was an ordinance or state law that would allow it.

Mrs. Alvarez stated that the budget that the governing body adopts is what determines what the tax rate will be.

Mayor Fugate asked if the City Commission could call for an emergency meeting for tomorrow.

Mrs. Alvarez responded that this could be done.

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

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

No public comments made.

#### **V.**

##### **Consent Agenda**

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

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

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

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

NONE

## **REGULAR AGENDA**

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

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

**1. Executive Session: Under Section 551.074, Texas Government Code, Personnel Matters. The City Commission shall convene in executive session to interview City Manager applicants, Darla Jones, Jesus Garza, and David Vela and to deliberate the appointment and employment of said individuals for the position of City Manager and may include from time to time recesses as needed. (Mayor Fugate).**

Mayor Fugate announced and convened the meeting into executive session at 1:08 p.m.

Mayor Fugate called for first interviewee to come into closed session at 1:18 p.m.

First interview ended at 1:45 p.m.

Mayor Fugate recessed the executive session at 1:45 p.m.

Mayor Fugate reconvened into executive session at 2:23 p.m.

Mayor Fugate called for second interviewee to come into closed session at 2:24 p.m.

Second interview ended at 3:14 p.m.

Mayor Fugate recessed the executive session at 3:14 p.m.

Mayor Fugate reconvened into executive session at 3:16 p.m.

Mayor Fugate recessed the executive session at 3:44 p.m.

Mayor Fugate reconvened into executive session at 3:53 p.m.

Mayor Fugate called for third interview to come into closed session at 3:53 p.m.

Third interview ended at 5:00 p.m.

Mayor Fugate recessed the executive session at 5:00 p.m.

Mayor Fugate reconvened into executive session at 5:05 p.m.

Mayor Fugate convened the meeting into open session at 5:10 p.m.

#### **VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 5:10 p.m.

---

Sam R. Fugate, Mayor

#### **ATTEST:**

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Mary Valenzuela, TRMC, City Secretary

**SEPTEMBER 16, 2015**

**A SPECIAL EMERGENCY MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON WEDNESDAY, SEPTEMBER 16, 2015 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 12:00 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:**

Courtney Alvarez, Interim City Manager/City Attorney  
Mary Valenzuela, City Secretary  
Deborah Balli, Finance Director  
Diana Gonzales, Human Resources Director  
Melissa Perez, Risk Manager  
Emilio Garcia, Health Director  
Charlie Cardenas, Public Works Director/Engineer

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the City Commission at 12:00 p.m. with four City Commission members present. Commissioner Pecos being absent.

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

Mayor Fugate waived the preliminary proceedings.

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

NONE

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

1. NONE

**III. Reports from Commission & Staff.<sup>2</sup> (City Manager's Staff Report Attached).**

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

Mrs. Alvarez stated that agenda items and staff reports for the City Commission meeting on September 28<sup>th</sup>, are due today by 5:00 p.m.

Mayor Fugate stated that the Conner Museum will be hosting an event tonight from 6:00 to 8:00 p.m.

Mrs. Alvarez further reported that the Historical Board meeting scheduled for today has been cancelled. As far as she is aware, the Planning & Zoning Commission will still be meeting this evening. The State of the County Address is scheduled for tomorrow at 11:30 a.m. at the Salazar Building.

Commissioner Pena stated that he would like to read an excerpt from the Corpus Christi Caller Times regarding raises being proposed for City of Corpus employees. Pena further stated he is very disappointed that this Commission refuses to adequately pay our city employees. He further stated that he is also disappointed that some of the Commission have come up with a threshold in terms as to what is important and he believes that this is not fair. Pena stated that every position in the City of Kingsville is important. He stated that the Commission needs to keep this in mind as they tackle this issue in the future. With the comment made that the issue be placed on the new City Manager, and maybe the City Manager will bring it back in a month or two.

Commissioner Garcia asked if he could respond to the comment made by Commissioner Pena.

Mayor Fugate suggested to allow the Commission to get to the item, then the Commission may make their comments.

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

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

No comments made.

#### **V.**

##### **Consent Agenda**

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

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

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

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

None.

##### **REGULAR AGENDA**

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

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

**1. Consider final passage of an ordinance adopting the City Manager's Budget, as amended, of the City of Kingsville, Texas, and appropriating funds for the fiscal year beginning October 01, 2015 and ending September 30, 2016 in the particulars hereinafter stated. (Director of Finance).**

Commissioner Garcia commented that he has been a City Commissioner for a long time. The Commission has made changes as time has gone by and we've had abided by such comments as Commissioner Pena has eluted too, but we also have to remember that there was a package presented to the Commission that stated that certain amount of people were going to get raises and the other were to receive nothing. Garcia further stated that the Commission has to remember that those employees that are not heading a department aren't considered in packages like those being proposed. He further stated that those employees who have working positions outside would also like a package like this. He stated that this needs to be considered as well, as it is a balance that needs to be retained and if the need arises we can always do that, it's not an impossibility. Garcia stated that he feels that the Commission needs to look at how the money is being spent. With \$57,000, when you look at it for a year, with a budget of \$45,000,000.00 as a comparison is very little amount. But when you add it up year after year, within 4 to 5 years, it's a core of \$1 million.

Mayor Fugate asked for a motion on this item.

**Motion made by Commissioner Leubert to approve this ordinance, seconded by Commissioner Garcia.**

Mayor Fugate asked Mrs. Balli, that it is his understanding that the City Commission has to pass this budget today or our effective tax rate will cost us close to \$80,000 out of revenues, which will be \$80,000 less than what we have if the Commission doesn't approve this budget today as today is the last day.

Mrs. Balli responded that from what Mrs. Alvarez and herself been able to determine, today is the last day to approve the budget.

Mayor Fugate commented that this is good enough for him. He stated that he wants to make sure that everybody understands why he is changing his vote. Fugate further stated that this is not something that he wants to do, he doesn't agree with the budget and feels that he has made his point very clear on that, but we can't lose revenue and it's very unfortunate that we can't do this Monday when Commissioner Pecos returns. Fugate stated that he can vote his conviction, but he can't as he can't stand to lose money.

Commissioner Leubert stated that on Commissioner Pena's comment, staff was talking about step increase, which we already have that was put into place many years ago, and are still in place.

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

**2. Consider final passage of an ordinance establishing and adopting the ad valorem tax rate for all taxable property within the City of Kingsville, Texas for the Fiscal Year beginning October 01, 2015 and ending September 30, 2016, distributing the tax levy among the various funds, and providing for a lien on real and personal property to secure the payment of taxes assessed. (Director of Finance).**

**Motion made by Commissioner Pena "I move that the property tax rate be increased by the adoption of a tax rate of \$0.84220, which is effectively a 1.21% percent increase in the tax rate", seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pena, Garcia, Fugate voting "FOR".**



**3. Consider ratifying the property tax increase reflected in the 2015-2016 Annual Budget of the City of Kingsville. (Director of Finance).**

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

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 12:11 p.m.

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

**ATTEST:**

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

SEPTEMBER 21, 2015

A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 21, 2015 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 5:00 P.M.

**CITY COMMISSION PRESENT:**

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

**CITY STAFF PRESENT:**

Courtney Alvarez, Interim City Manager/City Attorney  
Mary Valenzuela, City Secretary  
David Mason, Purchasing/IT Director  
Tom Ginter, Director of Planning & Development Services  
Emilio Garcia, Health Director  
Diana Gonzales, Human Resources Director  
Charlie Cardenas, Public Works Director/Engineer  
Melissa Perez, Risk Manager  
Ricardo Torres, Police Chief  
Tony Verdin, Information Systems Technician  
Deborah Balli, Finance Director  
Leo Alarcon, Tourism Director  
Ron Gerd, Volunteer Fire Department  
Rose Morrow, Municipal Court Supervisor  
Rosa Vela, Municipal Court Specialist  
Thelma Trevino, Administrative Assistant II

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 5:00 p.m. and announced quorum with all five Commission members present.

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

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

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

NONE

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

1. NONE

**III. Reports from Commission & Staff.<sup>2</sup> (City Manager's Staff Report Attached).**

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development , Code*

*Enforcement, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works- Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Water and Wastewater Rate Study presentation. No formal action can be taken on these items at this time.”*

Mrs. Alvarez stated that she would like to thank everyone who assisted with the Trash Off Event. Alvarez further stated that the next City Commission meeting is scheduled for September 28, 2015.

Mayor Fugate reported the Farmer's Market is scheduled for Saturday, September 26, 2015.

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

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

No public comments were made.

#### **V.**

##### **Consent Agenda**

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

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

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

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

NONE

##### **REGULAR AGENDA**

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

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

1. **Executive Session: Pursuant to Section 551.074, Texas Open Meetings Act, the City Commission shall convene in Executive Session to deliberate the appointment, employment, and duties of the City Manager. (Mayor Fugate).**

Mayor Fugate announced and convened the meeting into executive session at 5:04 p.m.

Mayor Fugate reconvened the meeting into open session at 5:25 p.m.

2. **Consider action on applicants for the position of City Manager, to include but not be limited to the selection of a finalist for a prospective offer of employment. (Mayor Fugate).**

Mayor Fugate asked Mrs. Alvarez if the Commission makes their motion as to their choice as the finalist for the City Manager position, then go out start the negotiations of a contract.

Mrs. Alvarez responded that the Commission selects the finalist for the position and begin negotiations of a contract.

Mayor Fugate further asked if they would need to go into any particulars.

Mrs. Alvarez responded not at this time, unless the Commission wants to give staff some guidelines to regards to a salary range the Commission may be looking at so that staff may know how to negotiate.

Mayor Fugate responded that it can be done, but not in a motion.

**Motion made by Commissioner Pena to offer Jesus Garza the position of City Manager, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".**

#### **VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 5:29 p.m.

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Sam R. Fugate, Mayor

#### **ATTEST:**

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Mary Valenzuela, TRMC, City Secretary

# **PUBLIC HEARING(S)**

# **PUBLIC HEARING #1**

## Planning & Development Services Department

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TO: Mayor & City Commission

THROUGH: Courtney Alvarez, Interim City Manager

FROM: Tom Ginter, Planning & Development Services Director

SUBJECT: **Request for Alcohol Variance at 1202 N. Armstrong**

DATE: September 14, 2015

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Sri Kala, operator of the Javelina Mart is requesting an alcohol variance for a Wine and Beer Retailer's Off-Premise Permit. This address is located at 1202 N. Armstrong and is within 1,000 ft. boundary of 2 churches. The property in question therefore requires a variance according to City ordinance ORD-2004-20.

Also, all required notices have been sent to the property owners within 300ft. Additionally, a public hearing notice was placed in the newspaper on September 13, 2015. As of this point, we have not received any negative feedback from the property owners or citizens that have been noticed.

COLLEGE VIEW BAPTIST CHURCH  
1324 N ARMSTRONG AVE  
KINGSVILLE, TX 78363  
#20018

SAMADI LEILA  
110 S 14TH ST  
KINGSVILLE, TX 78363  
#18073

GUTIERREZ ROBERTO  
109 DRY FORK RD  
GEORGE WEST, TX 78022  
#15036

ZAPATA YOLANDA  
1923 RETTYE DR  
KINGSVILLE, TX 78363  
#12703

MENDEZ PATRICIA A  
707 W C AVE  
KINGSVILLE, TX 78363  
#18817

YAKLIN DENNIS L  
618 W AVE C  
KINGSVILLE, TX 78363  
#11252

ZAPATA YOLANDA  
1923 RETTYE DR  
KINGSVILLE, TX 78363  
#11924

COASTAL BEND BAPTIST CHURCH  
PO BOX 1160  
KINGSVILLE, TX 78364  
#30175

YAKLIN DENNIS  
618 W AVE C  
KINGSVILLE, TX 78363  
#13403

WESTBROOK MICHELLE ANN  
2005 RETTYE  
KINGSVILLE, TX 78363  
#10494

ZAPATA YOLANDA  
1923 RETTYE DR  
KINGSVILLE, TX 78363  
#20427

ZAPATA YOLANDA  
1923 RETTYE DR  
KINGSVILLE, TX 78363  
#11869

VELA ANNA LEE  
1219 N WELLS  
KINGSVILLE, TX 78363  
#11902

ZAPATA YOLANDA  
1923 RETTYE DR  
KINGSVILLE, TX 78363  
#20468

TEXAS A & M UNIVERSITY  
301 TARROW STREET, 6TH FLOOR  
COLLEGE STATION, TX 77840  
#21009

SALINAS MARLA ETAL  
725 W HENRIETTA AVE  
KINGSVILLE, TX 78363  
#15813

MENDIETTA DANIEL  
708 W C AVE  
KINGSVILLE, TX 78363  
#18519

CRUSE JAMES D  
PO BOX 4  
FULTON, TX 78358  
#18037

STEHLE ADAM REID  
702 W AVE C  
KINGSVILLE, TX 78363  
#11561

NORTH AMERICAN ISLAMIC TRUST  
721 ENTERPRISE DR STE 100  
OAK BROOK, IL 60523  
#22353

TEXAS A & M UNIVERSITY  
301 TARROW STREET, 6TH FLOOR  
COLLEGE STATION, TX 77840  
#21009



## **PUBLIC NOTICE**

The City Commission of the City of Kingsville will hold a public hearing on Monday, September 28, 2015, at 6:00 P.M. to discuss and/or take action on the following items:

**Request for an alcohol variance for a Wine and Beer Retailer's Off-Premise Permit, for the establishment known as Javelina Mart located at 1202 N. Armstrong.**

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

## Conservation technical assistance available

For over 75 years, the now Natural Resources Conservation Service has assisted landowners, operators and producers to solve conservation problems on their land. Thus, our motto of "Helping People Help The Land."

The NRCS came about in the 1930s during the Dust Bowl as the Soil Conservation Service. Our name changed in 1994 to reflect several natural resources including soil, water, air, plants and animals. The basic program is called the technical assistance program.

So if you have a problem by wind or water or an issue with grazing management, contact our office and we can assist you.

Our agency can assist with planning proper nutrient and pest management on cropland and pastures. We can help you to analyze and inventory your soil, water, air, plant and animal resources so that wise decisions can be reached on developing a resource management system to improve, maintain and sustain those resources for the future.

We are the only federal agency that deals one-on-one with the landowner or operator in the conservation and wise use of our natural resources.

The purpose of the program is to assist land users, communities, units of state and local government, and other federal agencies in planning and implementing conservation systems.

Objective of the program are to assist individuals and groups to meet their goals for resource stewardship and to comply

with certain state and local requirements.

This assistance is provided on a voluntary basis. Assistance to individuals is provided through local conservation districts in accordance with the memorandum of understanding signed by the Secretary of Agriculture, the governor of the state and the conservation district.

Another objective is providing technical assistance to participants in USDA cost-share and conservation incentive programs and other state programs.

The agency also develops effective science-based technologies for natural resource assessment, management, and conservation.

So before any financial assistance program is developed, conservation technical assistance is provided to identify resource concerns on the land and then practices are planned and applied to solve the resource problems.

The Kingsville NRCS office works through the Kleberg-Kenedy Soil and Water Conservation District headquartered in Kingsville.

Besides approving conservation plans and contracts, the district has been sponsoring a poster and essay contest for the local schools and highlighting outstanding conservation achievements at their annual Awards Banquet in February.

The district has their annual report that is available that summarizes their work during the last year.

For more information on the conservation technical assistance program and other cost-share programs, contact the NRCS office at 401 E. King, Ste. 100 in Kingsville or call at (361) 592-0309 Ext. 3.

Robert Schmidt

NRCS District Conservationist

## King Ranch establishes chair for Business Leadership at McCombs School

*Hirst is the first to be appointed as the Business Leadership Chair*

Submitted Item

D. Eric Hirst, associate dean of graduate programs at the McCombs School of Business at the University of Texas at Austin, has been named the King Ranch Chair for Business Leadership effective Sept. 1.

"It is an honor to hold the King Ranch Chair for Business Leadership," Hirst said. "The King Ranch is a Texas institution renowned for its long history of innovation in ranching, farming, publishing, retail and more. Connecting it with the Texas MBA programs and their long history of innovation in graduate business education is natural partnership I look forward to cultivating."

The King Ranch Chair for Business Leadership is funded by an endowment established by the King Ranch Family Trust. The chair will support academic leadership at the McCombs School through the enhancement of education and professional activities of the holder, and to help ensure enlightened leadership in business education.

Hirst is the first to be appointed to the King Ranch Chair for Business Leadership. He is a professor and researcher in the areas of financial accounting, financial statement analysis, investor and security analysis, judgment and

decision-making.

Hirst leads the strategy and operations of six Texas MBA programs serving over 1,200 MBA students, and is the school's primary representative on the contracting, design and construction of the new \$173 million graduate school of business building, Robert B. Rowling Hall.

"We are pleased with Eric Hirst as the King Ranch Chair for Business Leadership's inaugural recipient," said James "Jamey" H. Clement Jr., chairman of the King Ranch board. "Since the days of Henrietta King to Bob Kleberg to today, the King Ranch family has always supported education - elementary school to higher education - and this adds a new dimension."

The King Ranch Chair for Business Leadership will replace the endowed Kleberg-King Ranch Centennial Professorship in Management, established in 1966, first held by Dr. Eugene B. Konecni under tenure of Dean George M. Kozmetsky.

The Kleberg-King Ranch Centennial Professorship was established with a gift from the Alice G. K. Kleberg Fund, now known as the King Ranch Family Trust.

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The King Ranch Chair for Business Leadership will always have a recipient, chosen by the Dean of the McCombs School of Business. The holder of the chair will be a faculty member who is also serving as an administrative leader in the McCombs School.

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Kenedy County-Wide CSD will host their

**Annual Title 1 Parent Meeting on Wednesday, September 16, 2015 at 6:00pm in the school cafeteria**

All parents are encouraged to attend. Dinner will be provided.

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## PUBLIC NOTICE

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**Request for an alcohol variance for a Wine and Beer Retailer's Off-Premise Permit, for the establishment known as Javelina Mart located at 1202 N. Armstrong.** The meeting will be held at City Hall, 200 East Kleberg Ave., Kingsville, Texas in the City Commission Chambers. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

**NEW LOCATION**



**1720 S. BRAHMA BLVD. KINGSVILLE 361-219-0278**

<b>20% off</b> <b>EVERYTHING</b> <b>SALE</b> <small>EXCLUDES CLEARANCE</small>	<b>JUNIPER ORNAMENTALS</b> <small>MORE THAN</small> <b>40% off</b>	<b>OAK TREES</b> <small>NOW AVAILABLE IN</small> <b>15 gal - 100 gal</b>	<b>7 GALLON MAGNOLIA TREES</b> <small>CLEARANCE</small> <b>\$55.00</b>
<b>7 GALLON WAXLEAF</b> <small>CLEARANCE</small> <b>\$15.00 each</b>	<b>ALL 7 GALLON CREPE MYRTLES</b> <small>NOW</small> <b>\$30.00 each</b>	<b>4 IN. POTS</b> <small>WERE \$2.00 EACH</small> <small>CLEARANCE NOW</small> <b>\$1.50 each</b>	<b>BOUGAINVILLEA TRELLIS</b> <small>NOW ALL</small> <b>1/2 off</b>
<b>MOSS BOULDERS</b> <small>WHOLE PILET NOW</small> <b>\$375.00</b> <small>CEMENT</small>	<b>ALL YOUR PLANTING MATERIAL</b> <b>SOLD IN BULK OR BY THE YARD</b>		
	<small>WULF</small> <small>ENRICHED VEGETABLE GARDEN SOIL</small> <small>ENRICHED FLOWER GARDEN SOIL</small> <small>LAWN DRESSING TO GREEN UP</small> <small>YOUR HOT SPOTS</small>	<small>\$5.00</small> <small>\$9.00</small> <small>\$8.00</small> <small>\$7.00</small>	

**STRAIGHT EDGE LANDSCAPE NURSERY**

**GREAT SELECTION EXCELLENT QUALITY**

**TREE TRIMMING - LANDSCAPING - ROCK WORK**

Open Monday - Friday 8:00 am - 5:00pm  
 Saturday 8:30am - 2:30pm Closed Sunday

Eloisa Acuña Nursery Manager  
 Real Mañana (Cinco de Mayo) 361-298-1250



# Off-Premise Prequalification Packet

received  
8-18-15

L-OFF (09/2013)

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

## LOCATION INFORMATION

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

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> BQ Wine and Beer Retailer's Off-Premise Permit | <input type="checkbox"/> LP Local Distributor's Permit    |
| <input type="checkbox"/> BF Beer Retail Dealer's Off-Premise License               | <input type="checkbox"/> E Local Cartage Permit           |
| <input type="checkbox"/> P Package Store Permit                                    | <input type="checkbox"/> ET Local Cartage Transfer Permit |
| <input type="checkbox"/> Q Wine Only Package Store Permit                          | <input type="checkbox"/> PS Package Store Tasting Permit  |

### 2. Indicate Primary Business at this Location

- |   |   |
|---|---|
| <input type="checkbox"/> Grocery/Market             | <input checked="" type="checkbox"/> Convenience Store without Gas |
| <input type="checkbox"/> Liquor Store               | <input type="checkbox"/> Miscellaneous _____                      |
| <input type="checkbox"/> Convenience Store with Gas |   |

### 3. Trade Name of Location

JAVELINA MART

### 4. Location Address

1202 NORTH ARMSTRONG AVE.

City KINGSVILLE	County KLEBERG	State TX	Zip Code 78363
5. Mailing Address 1202 NORTH ARMSTRONG AVE	City KINGSVILLE	State TX	Zip Code 78363
6. Business Phone No. (361) 592-1377	Alternate Phone No. (708) 227-0279	E-mail Address gandhi.mick05@gmail.com	

## OWNER INFORMATION

### 7. Type of Owner

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

### 8. Entity/Applicant

SRI KALA, LLC

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

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

Last Name GANDHI	First Name NAINESH	MI	Title managing member
Last Name RANI	First Name REETA	MI	Title managing member
Last Name	First Name	MI	Title



CITY OF  
**KINGSVILLE**

**MEMORANDUM**

**DATE**

Friday, August 21, 2015

**TO**

Mary Valenzuela, City Secretary

**FROM**

Engineering Department

**SUBJECT**

Alcohol License for: 1202 N. Armstrong St.

Mrs. Valenzuela,

After performing the research and physical inspection you requested for the property at 1220 N. Armstrong St., we have concluded that the property in question does fall within the 1,000 ft. boundary of 2 churches; therefore, it will require a variance according to City Ordinance sections 11-3-4&5.

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

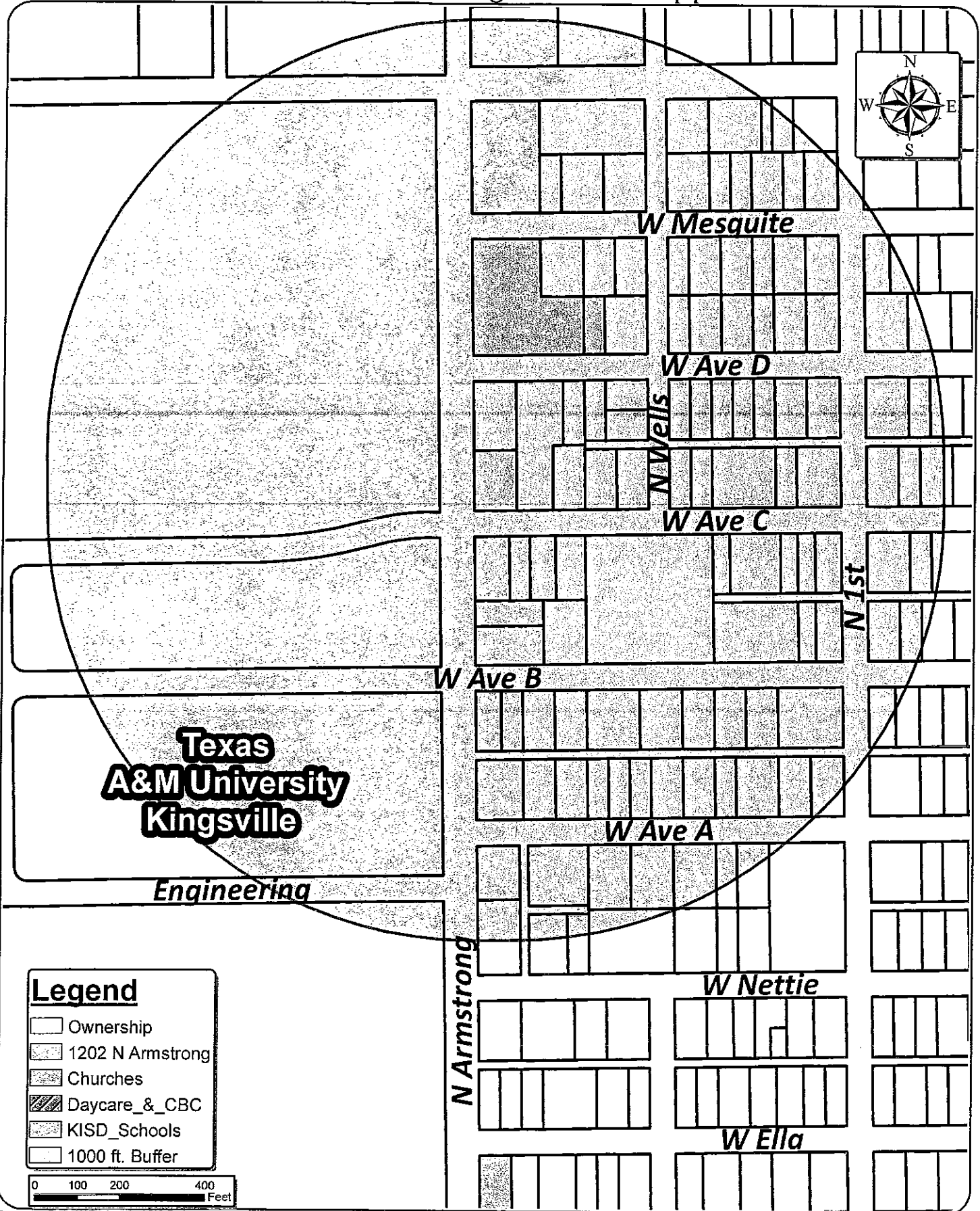
Thank you,

Engineering Department

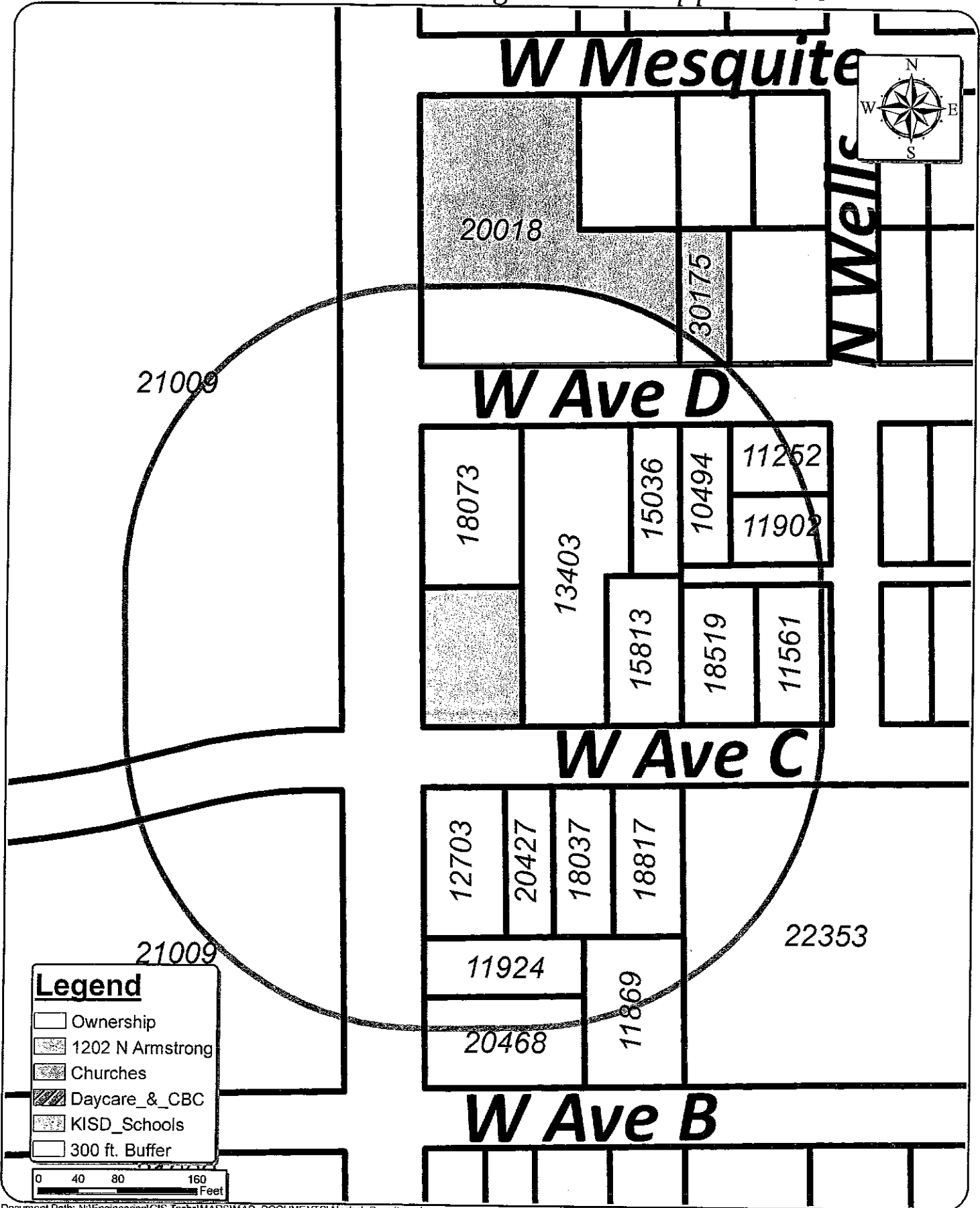
**Attachment 1** shows the property and the relative location of the 2 churches; suspected to be close to the property. University Baptist Church and Coastal Bend Baptist Church are within the 1,000 foot boundary.

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


# 1202 N. Armstrong - Alcohol Application



# 1202 N. Armstrong - Alcohol Application



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

Page 1/1	Drawn By: Engineering Dept.	DISCLAIMER THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.	 <b>CITY OF KINGSVILLE</b> <b>ENGINEERING DEPARTMENT</b> 200 East Kleberg Kingsville, Texas 78363 Office: 361-595-8005 Fax: 361-595-8035
	Last Update: 8/18/2015		
	Note: Please see attached documents.		

# **PUBLIC HEARING #2**

## Planning & Development Services Department

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TO: Mayor & City Commission

THROUGH: Courtney Alvarez, Interim City Manager

FROM: Tom Ginter, Planning & Development Services Director

SUBJECT: **Request for Alcohol Variance at 1414 N. 14<sup>th</sup> Street**

DATE: September 14, 2015

---

Mr. Javier Sanchez, operator of the Double Seven Drive-Thru is requesting an alcohol variance for a Wine and Beer Retailer's Permit. This address is located at 1414 N. 14<sup>th</sup> Street and is within 1,000 ft. boundary of 2 daycares and 1 church. The property in question therefore requires a variance according to City ordinance ORD-2004-20.

Also, all required notices have been sent to the property owners within 300ft. Additionally, a public hearing notice was placed in the newspaper on September 13, 2015. As of this point, we have not received any negative feedback from the property owners or citizens that have been noticed.



## **PUBLIC NOTICE**

The City Commission of the City of Kingsville will hold a public hearing on Monday, September 28, 2015, at 6:00 P.M. to discuss and/or take action on the following items:

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## Conservation technical assistance available

For over 75 years, the now Natural Resources Conservation Service has assisted landowners, operators and producers to solve conservation problems on their land. Thus, our motto of "Helping People Help The Land."

The NRCS came about in the 1930s during the Dust Bowl era as the Soil Conservation Service. Our name changed in 1994 to reflect several natural resources including soil, water, air, plants and animals. The basic program is called the technical assistance program.

So if you have an erosion problem by wind or water or an issue with grazing management, contact our office and we can assist you.

Our agency can assist with planning proper nutrient and pest management on cropland and pastureland.

We can help you to analyze and inventory your soil, water, air, plant and animal resources so that wise decisions can be reached on developing a resource management system to improve, maintain and sustain those resources for the future.

We are the only federal agency that deals one-on-one with the landowner or operators in the conservation and wise use of our natural resources.

The purpose of the program is to assist land-owners, communities, units of state and local government, and other federal agencies in planning and implementing conservation systems.

Objectives of the program are to assist individuals and groups to meet their goals for resource stewardship and to comply

with certain state and local requirements.

This assistance is provided on a voluntary basis. Assistance to individuals is provided through local conservation districts in accordance with the memorandum of understanding signed by the Secretary of Agriculture, the governor of the state and the conservation district.

Another objective is providing technical assistance to participants in USDA cost-share and conservation incentive programs and other state programs.

The agency also develops effective science-based technologies for natural resource assessment, management, and conservation.

So before any financial assistance program is developed, conservation technical assistance is provided to identify resource concerns on the land and then practices are planned and applied to solve the resource problems.

The Kingsville NRCS office works through the Kleberg-Kenedy Soil and Water Conservation District headquartered in Kingsville.

Besides approving conservation plans and contracts, the district has been sponsoring a poster and essay contest for the local schools and highlighting outstanding conservation achievements at their annual Awards Banquet in February.

The district has their annual report that is available that summarizes their work during the last year.

For more information on the conservation technical assistance program and other cost-share programs, contact the NRCS office at 401 E. King, Ste. 100 in Kingsville or call at (361) 592-0309 Ext. 3.

Robert Schmidt

NRCS District Conservationist

## King Ranch establishes chair for Business Leadership at McCombs School

*Hirst is the first to be appointed as the Business Leadership Chair*

### Submitted Item

D. Eric Hirst, associate dean of graduate programs at the McCombs School of Business at the University of Texas at Austin, has been named the King Ranch Chair for Business Leadership effective Sept. 1.

"It is an honor to hold the King Ranch Chair for Business Leadership," Hirst said. "The King Ranch is a Texas institution renowned for its long history of innovation in ranching, farming, publishing, retail and more. Connecting it with the Texas MBA programs and their long history of innovation in graduate business education is a natural partnership I look forward to cultivating."

The King Ranch Chair for Business Leadership is funded by an endowment established by the King Ranch Family Trust. The chair will support academic leadership at the McCombs School through the enhancement of education and professional activities of the holder, and to help ensure enlightened leadership in business education.

Hirst is the first to be appointed to the King Ranch Chair for Business Leadership. He is a professor and researcher in the areas of financial accounting, financial statement analysis, investor and security analysts, judgment and

decision-making.

Hirst leads the strategy and operations of six Texas MBA programs serving over 1,200 MBA students, and is the school's primary representative on the contracting, design and construction of the new \$173 million graduate school of business building, Robert B. Rowling Hall.

"We are pleased with Eric Hirst as the King Ranch Chair for Business Leadership's inaugural recipient," said James "Jamey" H. Clement Jr., chairman of the King Ranch board. "Since the days of Henrietta King to Bob Kleberg to today, the King Ranch family has always supported education - elementary school to higher education - and this adds a new dimension."

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KINGSVILLE 361-218-0278**

<b>20% off EVERYTHING SALE</b> <small>EXCLUDES CLEARANCE</small>	<b>JUNIPER ORNAMENTALS MORE THAN 40% off</b>	<b>OAK TREES NOW AVAILABLE IN 15 gal - 100 gal</b>	<b>7 GALLON MAGNOLIA TREES CLEARANCE \$55.00</b>
<b>7 GALLON WAXLEAF CLEARANCE \$15.00 each</b>	<b>ALL 7 GALLON CREPE MYRTLES NOW \$30.00 each</b>	<b>4 IN. POTS WERE \$2.00 EACH CLEARANCE NOW \$1.50 each</b>	<b>BOUGAINVILLEA TRELLIS NOW ALL 1/2 off</b>
<b>MOSS BOULDERS WHOLE PALLET NOW \$375.00 PER PALLET</b>	<b>ALL YOUR PLANTING MATERIAL SOLD IN BULK OR BY THE YARD</b>		
	<b>MULCH</b>	<b>ENRICHED VEGETABLE GARDEN SOIL</b>	<b>ENRICHED FLOWER GARDEN SOIL</b>
		<b>LAWN DRESSING TO GREEN UP</b>	<b>YOUR HOT SPOTS</b>
		155¢	159¢
		159¢	174¢

**STRAIGHT EDGE  
LANDSCAPE NURSERY**

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Open Monday - Friday 8:00 am - 5:00 pm  
Saturday 8:30 am - 2:30 pm Closed Sunday

Eloisa Acuña - Nursery Manager  
Roel Nuñez (Owner) 361-228-4759

WEST PAUL M  
489 N COUNTY ROAD 1050  
KINGSVILLE, TX 78363  
#17146

WEST PAUL M  
489 N COUNTY ROAD 1050  
KINGSVILLE, TX 78363  
#21133

WEST PAUL M  
489 N COUNTY ROAD 1050  
KINGSVILLE, TX 78363  
#18305

BARRERA OLGA C  
330 W AVE A  
KINGSVILLE, TX 78363  
#23950

TEXAS DEPT OF TRANSPORTATION  
125 E 11TH ST  
AUSTIN, TX 78701  
#18059

CASTILLO ERNESTINA G  
932 E MESQUITE AVE  
KINGSVILLE, TX 78363  
#21776

VILLARREAL EXIQUIO E  
PO BOX 1462  
KINGSVILLE, TX 78364  
#18181

FUENTES S T LLC  
1400 E CORRAL AVE  
KINGSVILLE, TX 78363  
#16946

PENNINGTON SHARON LYNN  
PO BOX 341  
KINGSVILLE, TX 78364  
#25274

FUENTES S T LLC  
1400 E CORRAL AVE  
KINGSVILLE, TX 78363  
#25891

FUTURE DATA SERVICES  
PO BOX 5083  
KINGSVILLE, TX 78364  
#18950

SCHROEDER OTTO E JR  
PO BOX 198  
CALLIHAM, TX 78007  
#17689

RODRIGUEZ RODNEY  
627 N 14TH ST  
KINGSVILLE, TX 78363  
#18317

MALTBY RANDELL L  
PO BOX 5083  
KINGSVILLE, TX 78364  
#26044

OCHOA JOSE ROLANDO  
134 W FM 772  
KINGSVILLE, TX 78363  
13787

ZAVALA DIANA G  
PO BOX 1069  
KINGSVILLE, TX 78364  
#16148

TEXAS HIGHWAY PATROL  
PO BOX 14087  
AUSTIN, TX 78773  
#25997

GONZALES MARCOS EST  
926 E MESQUITE AVE  
KINGSVILLE, TX 78363  
#14955

PEREZ SABAS JR  
PO BOX 1754  
KINGSVILLE, TX 78364  
#14824

CASTILLO ERNESTINA G  
932 E MESQUITE AVE  
KINGSVILLE, TX 78363  
#19436

TEXAS HIGHWAY PATROL  
PO BOX 14087  
AUSTIN, TX 78773  
#10928

received  
8-21-15



# On-Premise Prequalification Packet

L-ON  
(09/2013)

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

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

## LOCATION INFORMATION

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

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

### 2. Indicate Primary Business at this Location

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

### 3. Trade Name of Location

Double Seven Drive-Thru

### 4. Location Address

1414 N. 14<sup>th</sup> STREET

City <u>Kingsville</u>	County <u>Kleberg</u>	State <u>TEXAS</u>	Zip Code <u>-</u>
---------------------------	--------------------------	-----------------------	----------------------

### 5. Mailing Address

City <u>11502 HAVEN Drive</u>	City <u>Corpus Christi</u>	State <u>TEXAS</u>	Zip Code <u>78410-</u>
----------------------------------	-------------------------------	-----------------------	---------------------------

### 6. Business Phone No.

( ) Pending

### Alternate Phone No.

(361) 522-5106

### E-mail Address

gobigred1990@yahoo.com

## OWNER INFORMATION

### 7. Type of Owner

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

### 8. Entity/Applicant

Javier Sanchez

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

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

Last Name <u>Sanchez</u>	First Name <u>Javier</u>	MI	Title <u>Owner</u>
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title



CITY OF  
**KINGSVILLE**

MEMORANDUM

DATE

Friday, August 31, 2015

TO

Mary Valenzuela, City Secretary

FROM

Engineering Department

SUBJECT

Alcohol License for 1414 N. 14th

Mrs. Valenzuela,

After performing the research and physical inspection you requested for the property at 1414 N. 14th, we have concluded that the property in question does fall within the 1,000 ft boundary of 2 daycares, and 1 church; therefore, it will require a variance according to City Ordinance sections 11-3-4&5.

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

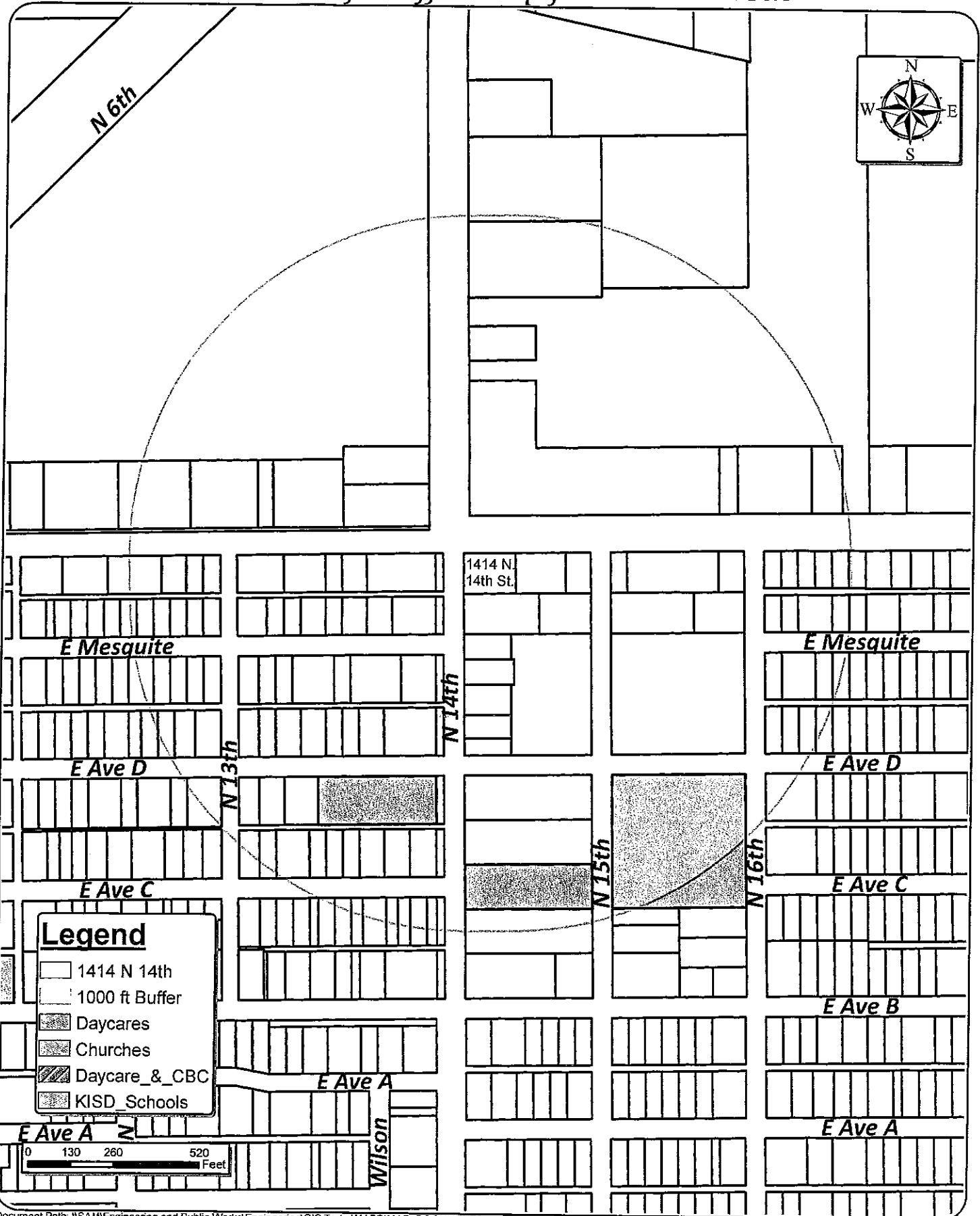
Thank you,

Engineering Department

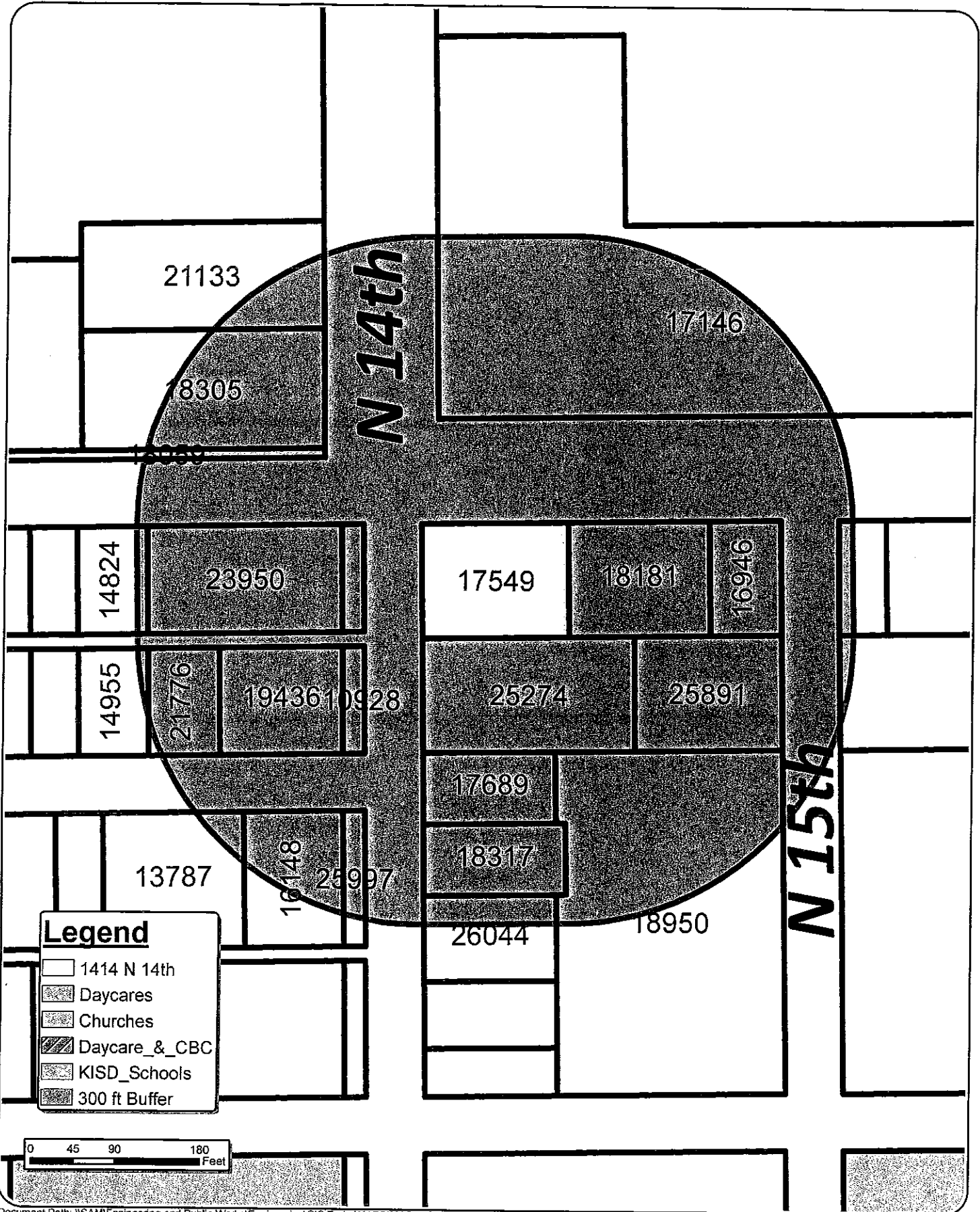
**Attachment 1** shows the property and the relative location of the 2 daycares and 1 church; suspected to be close to the property. Centro De Milagros, La Paloma Adult Daycare, and Brown Villa Headstart Center, are within the 1,000 foot boundary.

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

# 1000 ft Buffer Map for 1414 N. 14th



# 300 ft Buffer Map With Prop. ID's for 1414 N 14th St.



Document Path: \\SAM\Engineering and Public Works\Engineering\GIS Techs\MAPS\MAP\_DOCUMENTS\Alcohol\_Permit.mxd

Page 1/1	Drawn By: Engineering Dept.	DISCLAIMER THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.	CITY OF KINGSVILLE <b>ENGINEERING DEPARTMENT</b> 200 East Kleberg Kingsville, Texas 78363 Office: 361-595-8005 Fax: 361-595-8035
	Last Update: 8/24/2015		
	Note: Please see attached documents.		

# **PUBLIC HEARING #3**



## Planning & Development Services Department

---

TO: Mayor & City Commission

THROUGH: Courtney Alvarez, Interim City Manager

FROM: Tom Ginter, Planning & Development Services Director

SUBJECT: **Request for Alcohol Variance at 1310 E. General Cavazos, Ste. G**

DATE: September 14, 2015

---

Mr. J. M. Lozano, operator of the Wingstop is requesting an alcohol variance for a Wine and Beer Retailer's Permit. This address is located at 1310 E. General Cavazos, Ste. G and is within 1,000 ft. boundary of 1 school. The property in question therefore requires a variance according to City ordinance ORD-2004-20.

Also, all required notices have been sent to the property owners within 300ft. Additionally, a public hearing notice was placed in the newspaper on September 13, 2015. As of this point, we have not received any negative feedback from the property owners or citizens that have been noticed.

WAL-MART STORES INC #01-0442  
PO BOX 8050  
BENTONVILLE, AR 72712  
#34457

CHRISTUS SPOHN HOSPITAL KLEBERG  
792 W FM 1961  
YORKTOWN, TX 78164  
#25707

K I S D  
PO BOX 871  
KINGSVILLE, TX 78364  
#21703

LOWES HOME CENTERS  
PO BOX 1000  
MOORESVILLE, NC 28115  
#4002007

INTERNATIONAL BANK OF COMMERCE  
PO BOX 1030  
ZAPATA, TX 78076  
#4002004

TSAI TRUST  
7482 HOYLAKES CT  
GILROY, CA 95020  
#4002005

## **PUBLIC NOTICE**

The City Commission of the City of Kingsville will hold a public hearing on Monday, September 28, 2015, at 6:00 P.M. to discuss and/or take action on the following items:

**Request for an alcohol variance for a Wine and Beer Retailer's Permit, for the establishment known as Wingstop located at 1310 E. General Cavazos Ste. G.**

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

## Conservation technical assistance available

For over 75 years the now Natural Resources Conservation Service has trained landowners, operators and producers to solve conservation problems on their land. Thus, the motto of "Helping People Help The Land" is a reality. The NRCS (National Resources Conservation Service) was established in 1933 during the Dust Bowl era. The Soil Conservation Service was renamed in 1994 to reflect several natural resources including soil, water, air, plants and animals. The basic program is called the technical assistance program.

Soil erosion is a problem by itself. Water or an issue with grazing management, contact our office and we can assist you. Our agency can assist with planning proper nutrient and pest management on cropland and pastureland. We can help you to analyze and inventory your soil, water, air, plant and animal resources so that wise decisions can be reached on developing a resource management system to improve, maintain and sustain those resources for the future.

We are the only federal agency that deals one-on-one with the landowner or operator in the conservation and use of our natural resources.

The purpose of the program is to assist landowners, communities, units of state and local government and other federal agencies in planning and implementing conservation systems.

Objectives of the program are to assist individuals and groups to meet their goals for resource stewardship and to comply

with certain state and local requirements. This assistance is provided on a voluntary basis. Assistance to individuals is provided through local conservation districts in accordance with the memorandum of understanding signed by the Secretary of Agriculture, the governor of the state and the conservation district.

Another objective is "providing technical assistance to participants in USDA cost-share and conservation incentive programs and other state programs."

The agency also develops effective science-based technologies for natural resource assessment, management, and conservation.

Before any financial assistance program is developed, conservation technical assistance is provided to identify resource concerns on the land and then practices are planned and applied to solve the resource problems.

The Kingsville NRCS office works through the Kleberg-Kenedy Soil and Water Conservation District, headquartered in Kingsville.

Besides approving conservation plans and contracts, the district has been sponsoring a poster and essay contest for the local schools and highlighting outstanding conservation achievements at their annual Awards Banquet in February.

The district has their annual report that is available that summarizes their work during the last year.

For more information on the conservation technical assistance program and other cost-share programs, contact the NRCS office at 401 E. King, Ste. 100 in Kingsville or call at (361) 592-0309 Ext. 3.

## King Ranch establishes chair for Business Leadership at McCombs School

*Hirst is the first to be appointed as the Business Leadership Chair*

### Submitted Item

D. Eric Hirst, associate dean of graduate programs at the McCombs School of Business at the University of Texas at Austin, has been named the King Ranch Chair for Business Leadership effective Sept. 1.

"It is an honor to hold the King Ranch Chair for Business Leadership," Hirst said. "The King Ranch is a Texas institution renowned for its long history of innovation in ranching, framing, publishing, retail and more. Connecting it with the Texas MBA programs and their long history of innovation in graduate business education is a natural partnership I look forward to cultivating."

The King Ranch Chair for Business Leadership is funded by an endowment established by the King Ranch Family Trust. The chair will support academic leadership at the McCombs School through the enhancement of education and professional activities of the holder, and to help ensure enlightened leadership in business education.

Hirst is the first to be appointed to the King Ranch Chair for Business Leadership. He is a professor and researcher in the areas of financial accounting, financial statement analysis, investor and security analysis, judgment and

decision-making.

Hirst leads the strategy and operations of six Texas MBA programs serving over 1,200 MBA students, and is the school's primary representative on the contracting, design and construction of the new \$173 million graduate school of business building, Robert B. Rowling Hall.

"We are pleased with Eric Hirst as the King Ranch Chair for Business Leadership's inaugural recipient," said James "Jamey" H. Clement Jr., chairman of the King Ranch board. "Since the days of Henrietta King to Bob Kleberg to today, the King Ranch family has always supported education - elementary school to higher education - and this adds a new dimension."

The King Ranch Chair for Business Leadership will replace the endowed Kleberg-King Ranch Centennial Professorship in Management, established in 1966, first held by Dr. Eugene B. Konecni under tenure of Dean George M. Kozmetsky.

The Kleberg-King Ranch Centennial Professorship was established with a gift from the Alice G. K. Kleberg Fund, now known as the King Ranch Family Trust.

"Both King Ranch and the University of Texas have long histories and we are pleased to work together to build an even stronger education system in the state of Texas," Clement said.

The King Ranch Chair for Business Leadership will always have a recipient, chosen by the Dean of the McCombs School of Business. The holder of the chair will be a faculty member who is also serving as an administrative leader in the McCombs School.

## PUBLIC NOTICE

The City Commission of the City of Kingsville will hold a public hearing on Monday, September 28, 2015, at 6:00 P.M. to discuss and/or take action on the following items:

**Request for an alcohol variance for a Wine and Beer Retailer's Permit, for the establishment known as Wingstop located at 1310 E. General Cavazos Ste. C.**  
The meeting will be held at City Hall, 200 East Kleberg Ave., Kingsville, Texas in the City Commission Chambers. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

## Kenedy County-Wide CSD will host their

**Annual Title 1 Parent Meeting  
on Wednesday,  
September 16, 2015  
at 6:00pm in the school cafeteria**

All parents are encouraged to attend.  
Dinner will be provided.

## PUBLIC NOTICE

The City Commission of the City of Kingsville will hold a public hearing on Monday, September 28, 2015, at 6:00 P.M. to discuss and/or take action on the following items:

**Request for an alcohol variance for a Wine and Beer Retailer's Permit, for the establishment known as Double Seven Drive-Thru located at 1414 N. 14th Street.**  
The meeting will be held at City Hall, 200 East Kleberg Ave., Kingsville, Texas in the City Commission Chambers. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

## PUBLIC NOTICE

The City Commission of the City of Kingsville will hold a public hearing on Monday, September 28, 2015, at 6:00 P.M. to discuss and/or take action on the following items:

**Request for an alcohol variance for a Wine and Beer Retailer's Off-Premise Permit, for the establishment known as Javelina Mart located at 1202 N. Armstrong.**  
The meeting will be held at City Hall, 200 East Kleberg Ave., Kingsville, Texas in the City Commission Chambers. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

**NEW LOCATION**



**1720 S. BRAHMA BLVD.  
KINGSVILLE 361-213-0278**

<b>20% off</b> EVERYTHING SALE <small>EXCLUDES CLEARANCE</small>	JUNIPER ORNAMENTALS MORE THAN <b>40% off</b>	OAK TREES NOW AVAILABLE IN <b>15 gal-100 gal</b>	7 GALLON MAGNOLIA TREES CLEARANCE <b>\$55.00</b>
7 GALLON WAXLEAF CLEARANCE <b>\$15.00 each</b>	ALL 7 GALLON CREPE MYRTLES NOW <b>\$30.00 each</b>	4 IN. POTS WERE \$2.00 EACH CLEARANCE NOW <b>\$1.50 each</b>	BOUGAINVILLEA TRELLIS NOW ALL <b>1/2 off</b>
MOSS BOULDERS <small>WICKLE PALLET NOW</small> <b>\$375.00</b> <small>PER PALETTE</small>	ALL YOUR PLANTING MATERIAL SOLD IN BULK OR BY THE YARD MULCH <small>\$55.00</small> ENRICHED VEGETABLE GARDEN SOIL <small>\$59.00</small> ENRICHED FLOWER GARDEN SOIL <small>\$58.00</small> LAWN DRESSING TO GREEN UP <small>\$74.00</small> YOUR HOT SPOTS		

## STRAIGHT EDGE LANDSCAPE NURSERY

GREAT SELECTION EXCELLENT QUALITY  
TREE TRIMMING - LANDSCAPING - ROCK WORK

Open Monday - Friday 8:00 am - 5:00 pm  
Saturday 8:30 am - 2:30 pm Closed Sunday

Eloisa Acuña - Nursery Manager  
Rael Nunez (Owner) 361-226-4759



received  
9-9-15

# On-Premise Prequalification Packet

L-ON (03/2015)

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

Please contact your local TABC office to determine if you must post a 60 Day Sign at your proposed location or for any additional information.

## LOCATION INFORMATION

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

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

### 2. Indicate Primary Business at this Location

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

### 3. Trade Name of Location

Wingstop

### 4. Location Address

1310 E. General Cavasas, Ste. G

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

### 5. Mailing Address

727 Arroyo Dr.

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

### 6. Business Phone No.

(361) 592-9464

### Alternate Phone No.

(361) 246-9324

### E-mail Address

TexasRepLozano@gmail.com

## OWNER INFORMATION

### 7. Type of Owner

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

### 8. Entity/Applicant

J.M. Lozano Enterprises L.L.C.

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

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

Last Name Lozano Jr.	First Name Jose	MI M	Title Manager
Last Name Lozano Sr.	First Name Jose	MI M	Title Manager
Last Name	First Name	MI	Title



CITY OF  
**KINGSVILLE**

**MEMORANDUM**

**DATE**

Friday, September 9, 2015

**TO**

Mary Valenzuela, City Secretary

**FROM**

Engineering Department

**SUBJECT**

Alcohol License for 1310 E. General Cavazos

Mrs. Valenzuela,

After performing the research and physical inspection you requested for the property at 1310 E. General Cavazos, we have concluded that the property in question does fall within the 1,000 ft. boundary of 1 school; therefore, it will require a variance according to City Ordinance sections 11-3-4&5.

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

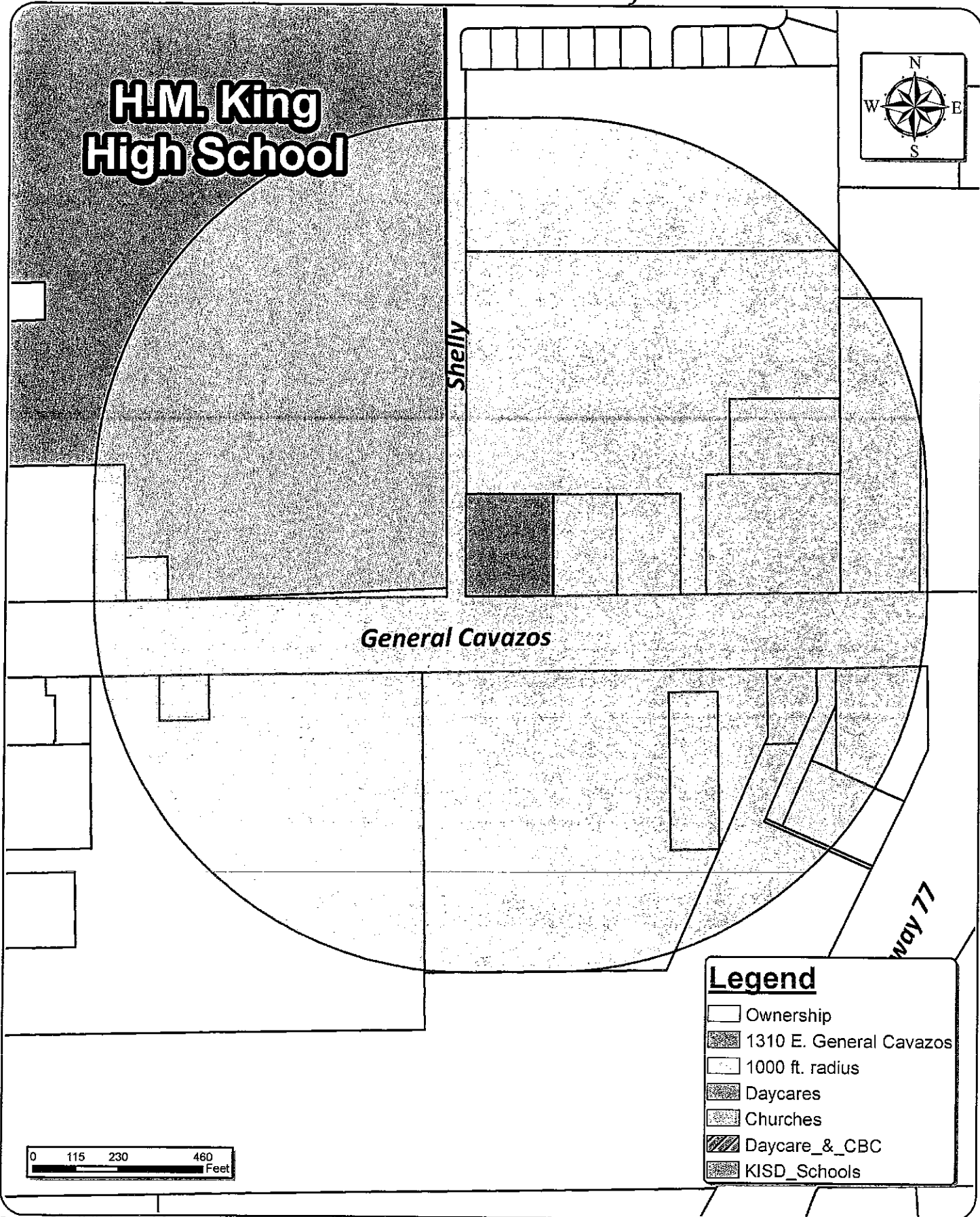
Thank you,

Engineering Department

**Attachment 1** shows the property and the relative location of the 1 school; suspected to be close to the property. H. M. King High School is within the 1,000 foot boundary.

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

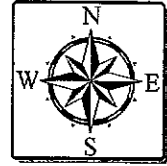
# Alcohol Permit - 1000 ft radius



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

Page 1 / 1	Drawn By: Engineering Dept.	<p>DISCLAIMER</p> <p>THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</p>	<p><b>CITY OF KINGSVILLE</b>  <b>ENGINEERING DEPARTMENT</b>                  200 East Kleberg                  Kingsville, Texas 78363                  Office: 361-595-8005                  Fax: 361-595-8035</p>
	Last Update: 9/9/2015		
	Note: Please see attached documents.		

# Alcohol Permit - 300 ft radius



21703

Shelly

4002007

4002004

4002005

**General Cavazos**

34457

25707



## Legend

- Ownership
- 1310 E. General Cavazos
- 300 ft. radius
- Daycares
- Churches
- Daycare\_&\_CBC
- KISD\_Schools

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

Page 1 / 1	Drawn By: Engineering Dept.	DISCLAIMER THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.		<b>CITY OF KINGSVILLE</b> <b>ENGINEERING DEPARTMENT</b> 200 East Kleberg Kingsville, Texas 78363 Office: 361-595-8005 Fax: 361-595-8035
	Last Update: 9/9/2015			
	Note: Please see attached documents.			



# **PUBLIC HEARING #4**

**ORDINANCE #2015-\_\_\_\_\_**

**AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO 2 ACRES AT LOT 3, BURRIS ACRES, KNOWN AS 700 GENERAL CAVAZOS FROM C2-RETAIL DISTRICT TO C4-COMMERCIAL DISTRICT; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.**

**WHEREAS**, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Deral Meadows, for amendment to the zoning ordinance and zoning map of the City of Kingsville;

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, September 16, 2015 during a meeting of the Planning and Zoning Commission, and on Monday, September 28, 2015 during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

**WHEREAS**, a majority of the Planning Commission by a 5-0 vote APPROVED the requested rezone with one abstention; and

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

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

**SECTION 1.** That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of 2 acres at Lot 3, Burris Acres, known as 700 General Cavazos from C2 Retail District to C4 Commercial District, as more specifically described on the Zone Change Map, attached as Exhibit A.

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

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

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

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

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

**INTRODUCED** on this the 28th day of September, 2015.

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

**THE CITY OF KINGSVILLE**

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

**ATTEST:**

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

**APPROVED:**

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

# City of Kingsville



29361

11932

31128

31126

**General Cavazos**





22153

13734

22919

20148

## Legend

-  Ownership
-  700 General Cavazos
-  200 ft. Radius
-  City Limits

0 50 100 200 Feet

Document Path: N:\Engineering\GIS Techs\MAPS\MAP\_DOCUMENTS\Arc\_City\_Base\_Map\_8.5x11.mxd

Drawn By: Engineering Department

Last Update: 8/18/2015

Note:

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HEREIN IS USED FOR ANY DESIGN,  
CONSTRUCTION, PLANNING, BUILDING,



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

P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

To: Mayor and City Commission

From: Tom Ginter, Director of Planning and Development Services

Date: September 14, 2015

Subject: Rezone – Planning and Zoning Commission Meeting Agenda

The Planning Zoning met on Wednesday September 16, 2015 to consider a rezone application from Deral Meadows, agent from C2 (Retail) to C4 (Commercial). The address of the rezone request is 700 General Cavazos. This piece of property is currently zoned C2. The property is on the south side of General Cavazos. I believe that the property has a for sale sign on it. The Master Plan calls for a Suburban single family living but as you know that part of General Cavazos has more commercial and multifamily on it. There is a storage unit across the street and a multifamily development. My belief is that because of the traffic on General Cavazos this area will be a commercial corridor in the future. At most possible multifamily development which has been attempted across the street on the vacant property. I do not see single family housing on General Cavazos. It should be noted that to operate a storage unit the zoning has to be correct and then a special use permit to be recommended. It is a two-step process for the applicant to operate this business.

**Staff Recommendation:** Even though there are other zonings near this property because of this particular use I recommend that the rezoning be approved. This will provide another source of storage units for the area to the south which will develop into R1 in the future.

**This item was recommended for Approval by a vote of 5 to 0 and 1 abstained, contingent upon Mr. Meadows buying the property first.**

#### **SECOND STEP of the approval process:**

This is the second step of the approval process for the applicant to operate a storage unit. If the Planning and Zoning Commission denies the rezoning then it wouldn't make much sense to approve the special use permit. If the Planning and Zoning Commission recommends approval of the rezoning then it would seem likely to recommend approval of the special use permit. This could be the time to make a point about the fence requirement for this applicant. Since the property is adjacent to a residential property the applicant must comply with Section 15-6-28 Fence Regulations (g) Commercial or industrial buildings adjacent to residential properties shall install, at a minimum, an eight (8) foot high sight-obscuring fence constructed of a consistent solid material such as wood, brick or block. The fence shall be so constructed so that the finished side is facing the residential properties. Landscaping will be required.

**This item was recommended for Approval by a vote of 5 to 0 and 1 abstained, with an amendment to fence the east side of the property according to the fence regulations for a C2 zoned area.**

CITY OF KINGSVILLE  
PLANNING AND ZONING DIVISION  
MASTER APPLICATION

**PROPERTY INFORMATION: (Please PRINT or TYPE)**

Project Address \*\*\* General Cavazos Blvd. Nearest Intersection Brahma Blvd.

(Proposed) Subdivision Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

Legal Description: Burris Acres Lot 3 2 Acres

Existing Zoning Designation C2 - Retail Future Land Use Plan Designation C4 - Commercial

**OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)**

Applicant/Authorized Agent Deral Meadows Phone 361-595-5255 FAX \_\_\_\_\_

Email Address (for project correspondence only): DeralM@SDKingsville.com

Mailing Address 1500 E. General Cavazos Bl City Kingsville State TX Zip 78363

Property Owner Beverly Nielsen Revocable Trust Phone \_\_\_\_\_ FAX \_\_\_\_\_

Email Address (for project correspondence only): \_\_\_\_\_

Mailing Address 403 S. 6th City Kingsville State TX Zip 78363

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

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

Please provide a basic description of the proposed project:

Develop 2 acres of vacant land into a self storage facility as attached drawings show.

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

Applicant's Signature D. Meadows Date: 8/7/2015

Property Owner's Signature Candice E. [Signature] Date: 8/11/15

Accepted by: Adela Barnett Date: 8/11/15

TEXAS DEPT OF TRANSPORTATION  
125 E 11TH ST  
AUSTIN, TX 78701  
#31126

GOETSCH WESLEY L  
523 E GENERAL CAVAZOS  
KINGSVILLE, TX 78363  
#22153

MAY EUGENE Q TRUST  
1222 CYPHER ST  
KINGSVILLE, TX 78363  
#13734

JEAN SHEILA B  
529 GENERAL CAVAZOS  
KINGSVILLE, TX 78363  
#22919

YAKLIN EDDIE L  
PO BOX 112  
KINGSVILLE, TX 78364  
#20148

NOTES:

1) BURRIS ACRES

AN ADDITION TO THE CITY OF KINGSVILLE  
KLEBERG COUNTY, TEXAS

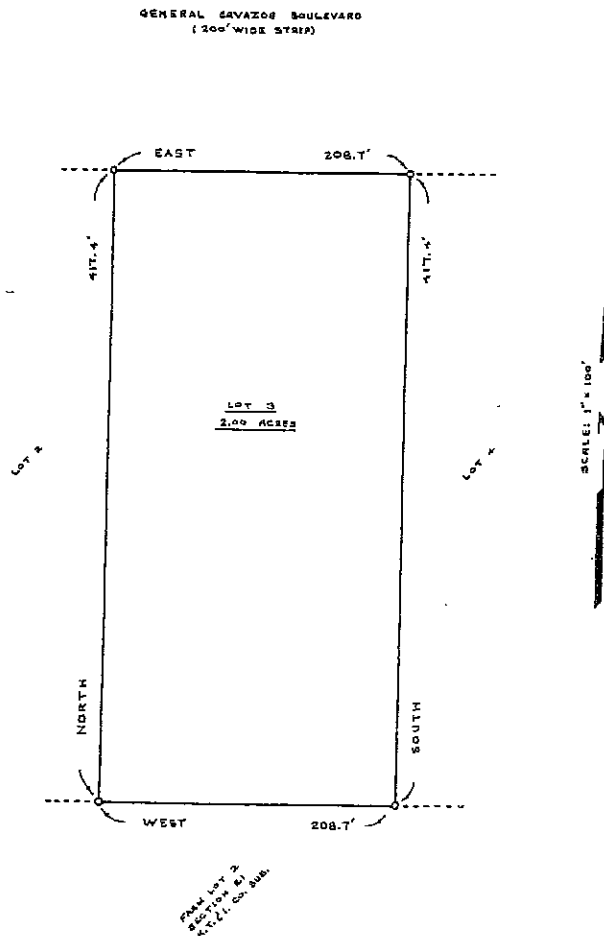
RECORDED: VOLUME 2A, PAGE 45, ENVELOPE 49  
MAP AND PLAT RECORDS  
KLEBERG COUNTY, TEXAS

2) KLEBERG TOWN AND IMPROVEMENT COMPANY  
SUBDIVISION

RECORDED: VOLUME 3, PAGE 26, ENVELOPE 87  
MAP AND PLAT RECORDS  
KLEBERG COUNTY, TEXAS

3) THIS PROPERTY LIES WITHIN ZONE C, AN AREA OF MINIMAL FLOODING OUTSIDE THE 500-YEAR FLOOD PLAIN AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 480424-0005C, FEDERAL INSURANCE ADMINISTRATION, AS REVISED AUGUST 17, 1981 FOR THE CITY OF KINGSVILLE.

4) FENCE LOCATED ALONG SOUTH PORTION OF EAST LOT LINE EXTENDS 0.6 FEET TO THE WEST OVER SAID LOT LINE AT SOUTHEAST LOT CORNER.



SHOWING A 2.00 ACRE TRACT OF LAND, MORE OR LESS, SAME BEING ALL OF LOT 3, BURRIS ACRES, KLEBERG COUNTY, TEXAS, SURVEYED ON THE GROUND UNDER MY SUPERVISION IN THE MONTH OF JANUARY 1993 FOR THE STATE BANK OF KINGSVILLE.

BY: T. Joe Boehm  
T. Joe Boehm, P.E., R.P.L.S.



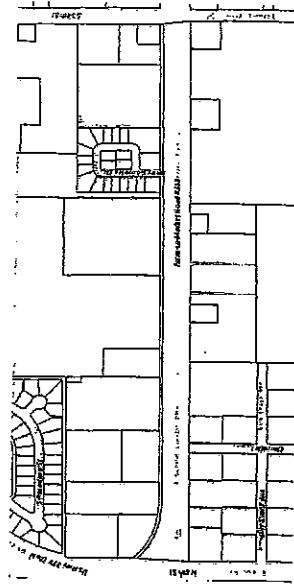
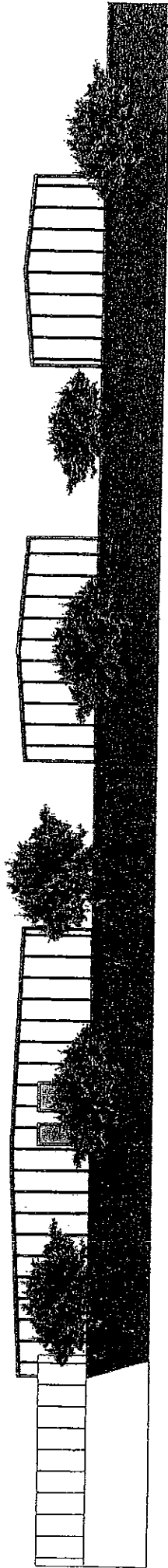
**BBE**

BOEHM BROTHERS  
ENGINEERING  
SHINER, TEXAS



# *Safety Deposit Self Storage*

## *Kingsville, TX*

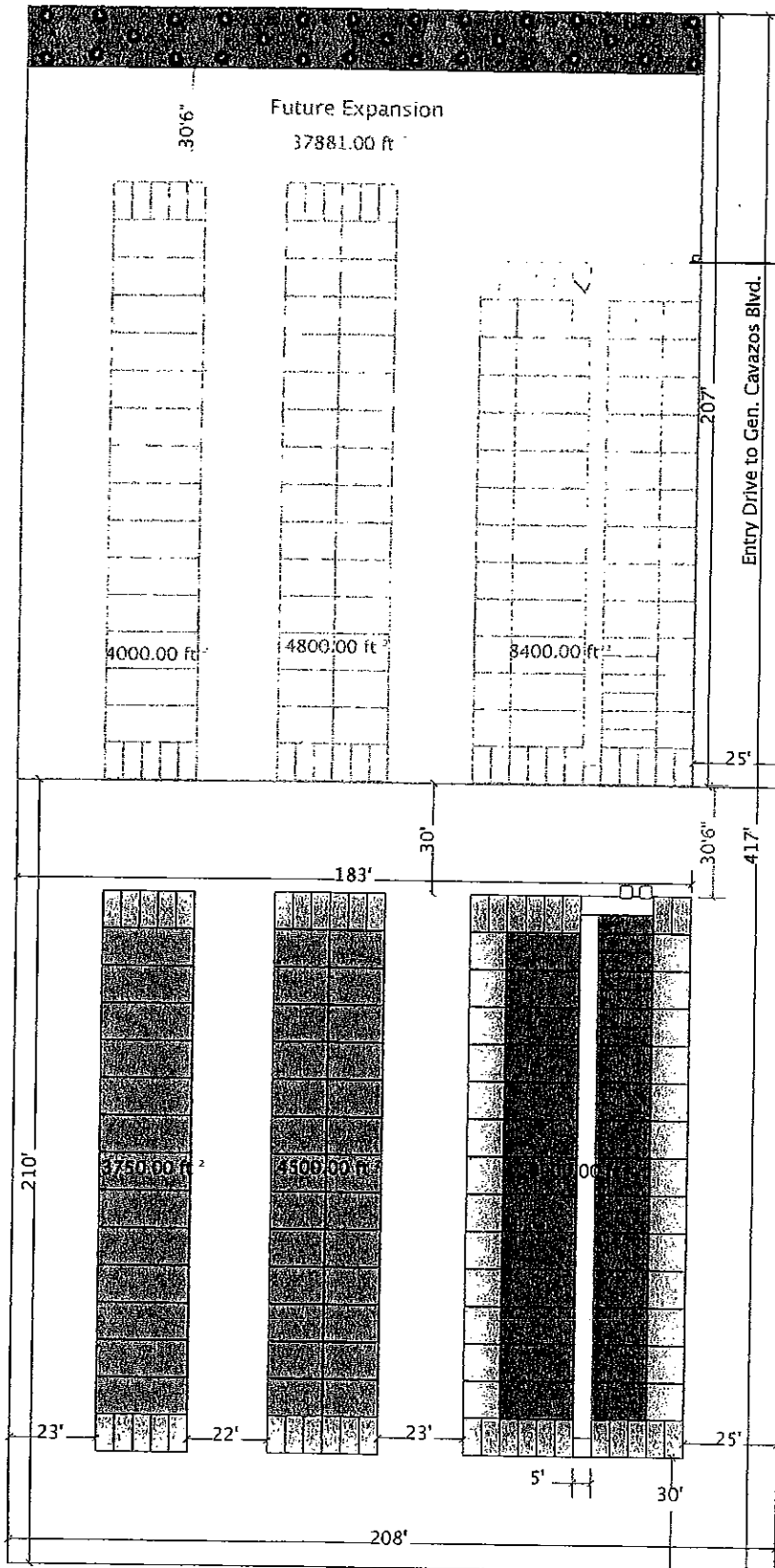


# Safety Deposit Self Storage

525 General Cavazos Blvd. Kingsville, TX



General Cavazos Blvd.



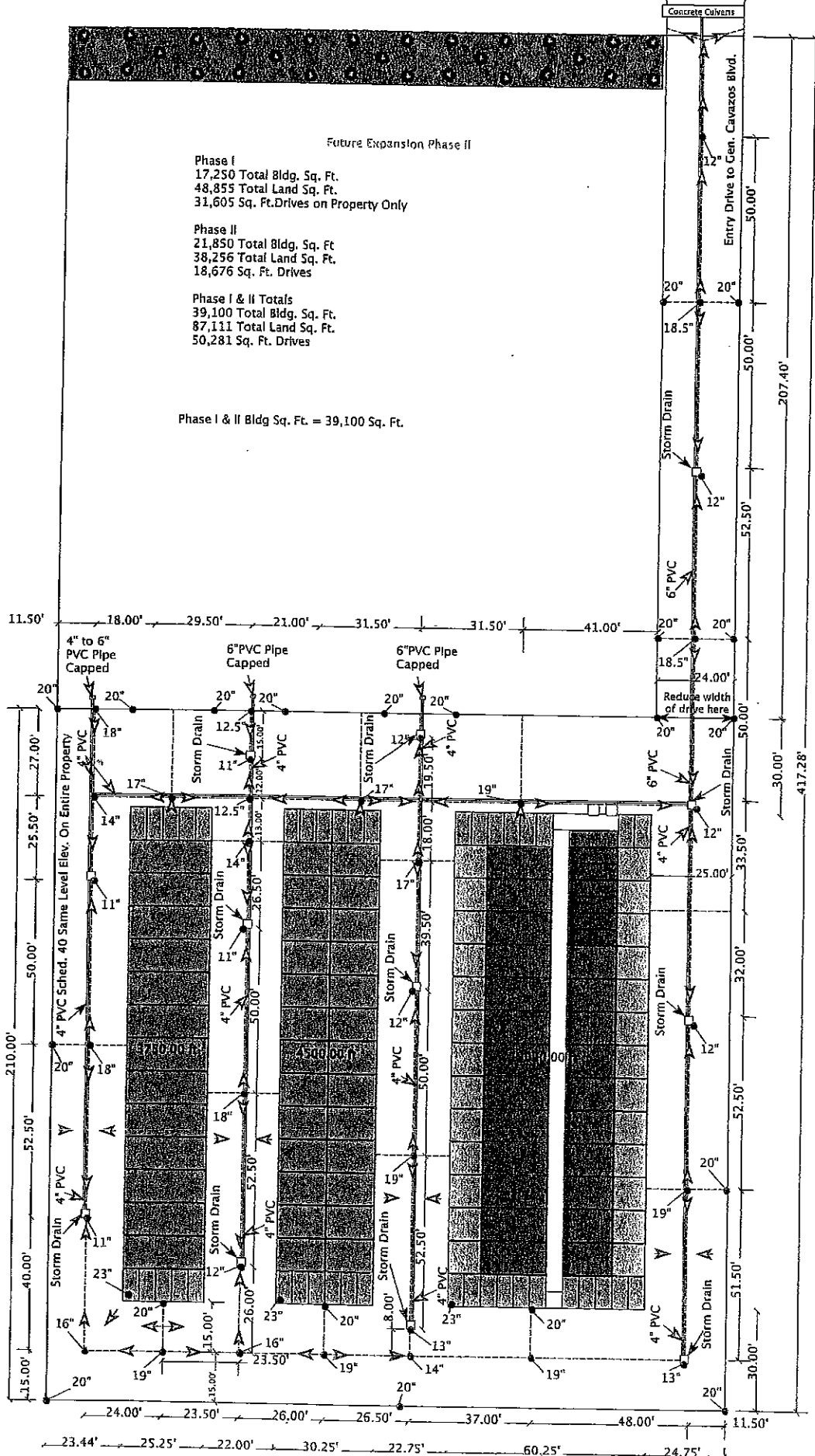
Phase I  
 17,250 Total Bldg. Sq. Ft.  
 48,855 Total Land Sq. Ft.  
 31,605 Sq. Ft. Drives on Property Only

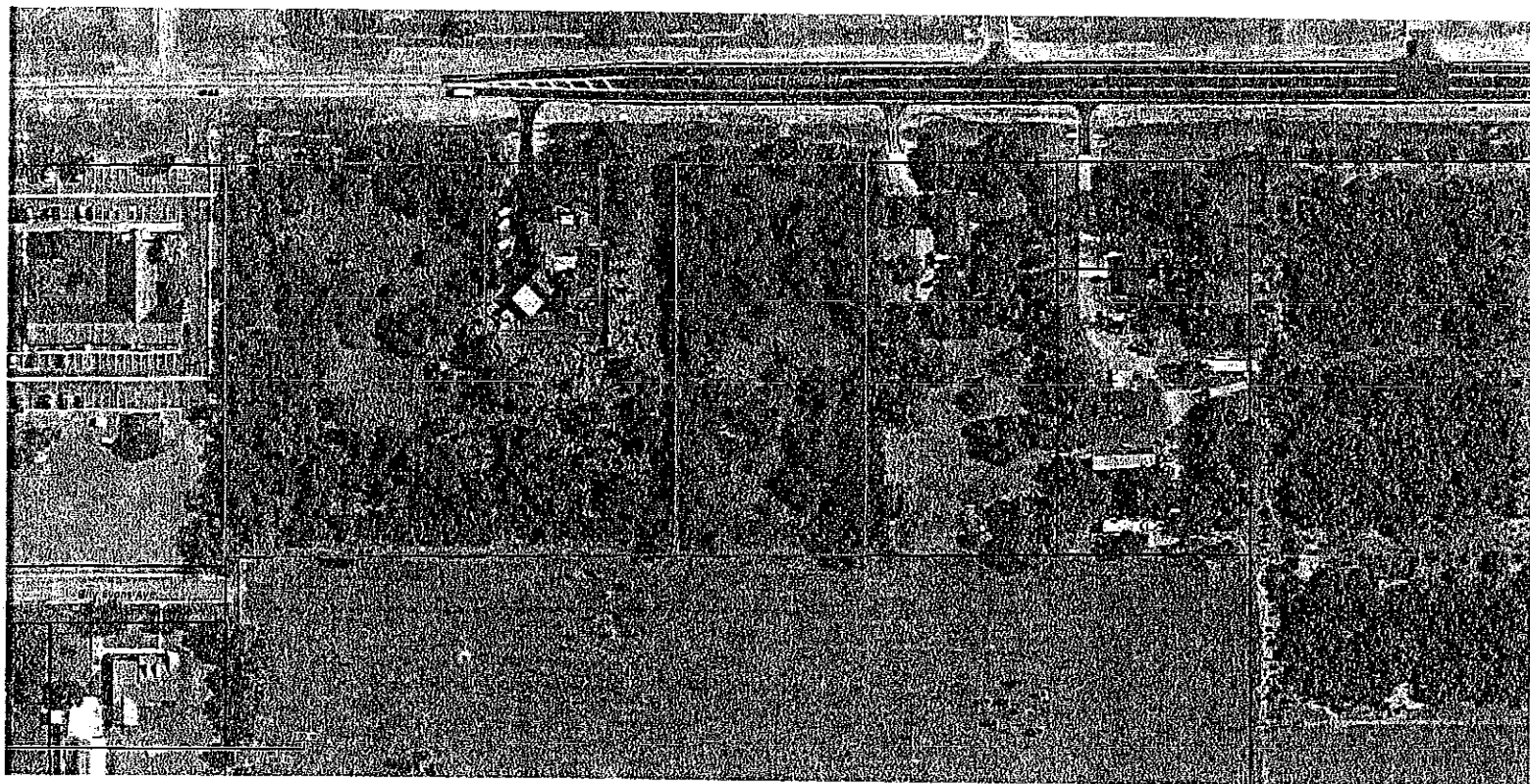
Phase II  
 21,850 Total Bldg. Sq. Ft.  
 38,256 Total Land Sq. Ft.  
 18,676 Sq. Ft. Drives

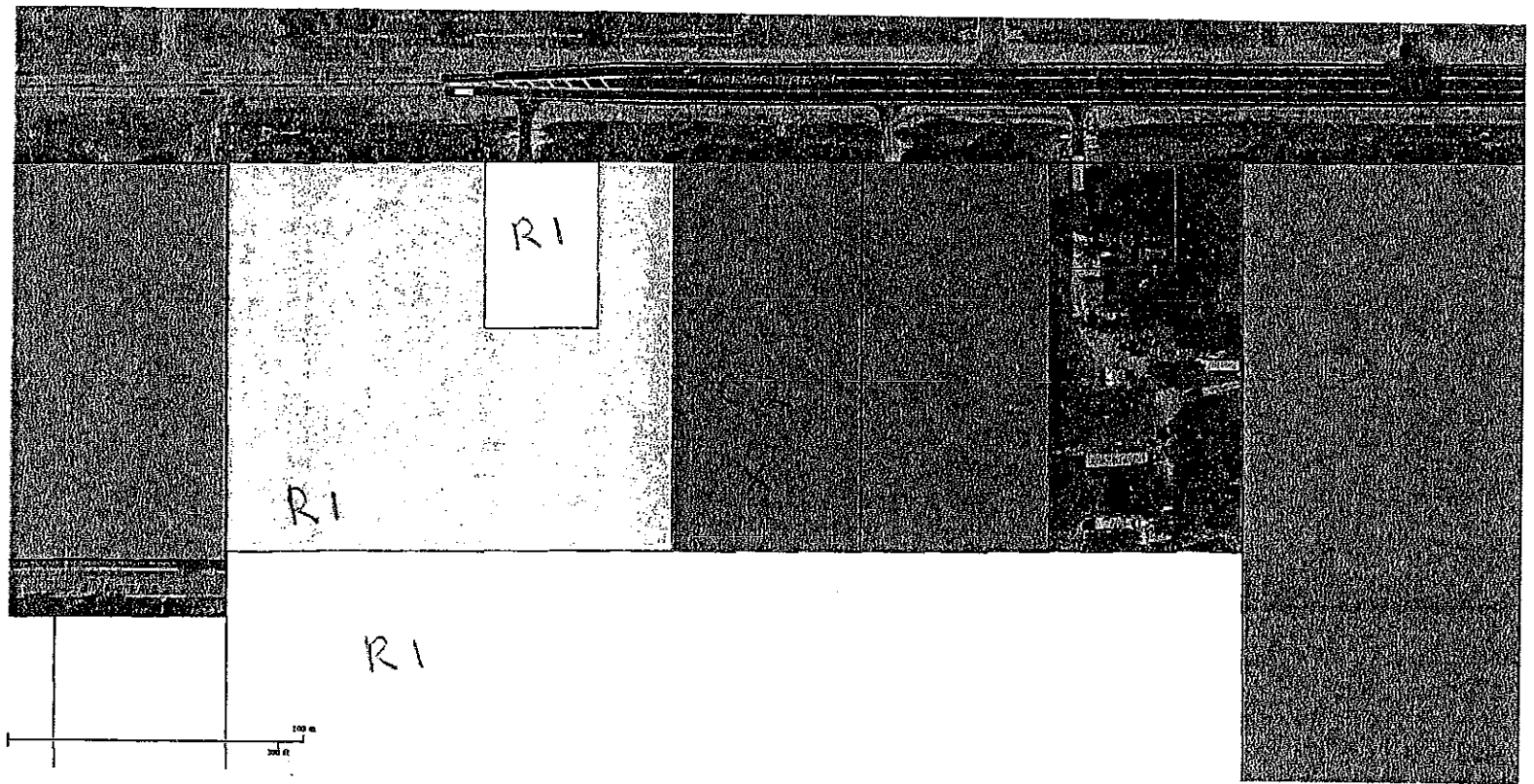
Phase I & II Totals  
 39,100 Total Bldg. Sq. Ft.  
 87,111 Total Land Sq. Ft.  
 50,281 Sq. Ft. Drives

Phase I & II Bldg Sq. Ft. = 39,100 Sq. Ft.

General Cavazos Blvd.







X- Property in question

Red- C2 zoning

Yellow- R1 zoning

Sec. 15-6-28. - Fence regulations.

- (a) *Purpose.* The purpose of these regulations is to establish criteria for the location, maintenance and appearance of privacy fences and other visual barriers including landscaped hedges. The intent is to limit the amount of privacy fencing/barriers in order to promote the open, unencumbered characteristics of Kingsville and ensure the safe visibility of pedestrian and vehicular traffic.
- (b) *Permit required.* Except as provided for single strand electrical wires herein, a fence permit shall be obtained and the required fee paid as set out in Section 15-1-6(B)(4) before installation of any fence. A site plan indicating the location of the proposed fence, property lines, setbacks and buildings, and a typical detail of the fence showing the material and general appearance of the fence shall be submitted with the permit request. A boundary survey of the property is not required but may be deemed necessary by the property owner, applicant or City in the case of a boundary line dispute or other reason as deemed necessary by the property owner or applicant. All swimming pool permits are to be accompanied by a fence permit when an existing compliant fence is not present to prevent unwanted entry.
- (c) For all property within the City, no person or business shall erect or maintain a sight obscuring fence forward from the front building line, excluding any and all porches, decks, patios or similar appurtenances, except where otherwise authorized by this code.
- (d) Fences over three (3) feet in height and with more than 50% sight obscured shall be deemed to be a Sight-Obscuring Fence.
- (e) In no case shall a sight-obscuring fence, hedge, tree or other visual barrier be placed or maintained in excess of three feet high within a Street or Driveway Intersection Sight Visibility Triangle as defined in Section 15-6-21 of this code of ordinances. Trees within a Street or Driveway Intersection Sight Visibility Triangle shall be kept trimmed so the tree canopy is no less than ten (10) feet high.
- (f) Fences in residential areas shall not exceed four (4) feet in height in any front yard area and six and a half (6.5) feet in height in any side or rear yard area. Nonresidential areas are restricted to a maximum of four (4) feet in the front yard area and a minimum of eight (8) feet in height in any side or rear yard area but shall not exceed ten (10) feet in height.
- \* (g) Commercial or industrial buildings adjacent to residential properties shall install, at a minimum, an eight (8) foot high sight-obscuring fence constructed of a consistent solid material such as wood, brick or block. The fence shall be so constructed so that the finished side is facing the residential properties.
- (h) Fences or hedges/landscape materials shall be required to screen storage areas allowed in all commercial and industrial districts and shall be of sufficient height to screen the storage from adjacent public right-of-way and adjacent properties. If screening is required to exceed eight (8) feet in height, then landscaping material shall be utilized to soften the impact and add to the screening. Trees that will grow to a sufficient height to screen storage from adjacent properties shall be utilized where the terrain is such that a screen exceeding ten (10) feet in height is needed.
- (i) The height of a fence shall be measured from the highest adjoining finished grade.
- (j)

	R1	R2	R3	R4	MH	C1	C2	C3	C4	I1	I2	Ag
Lithographer or print shop							P	P	P	P	P	
Lumber yard							S	P	P	S	P	
Dairy or ice cream plant									S	P	P	P
Maintenance or repair service for buildings									P	P	P	
Laboratory, scientific or research							S	S	S	P	P	S
Paint shop							S	P	P	P	P	
Plumbing shop							S	S	P	P	P	
Railroad or bus passenger							S	P	P	P		
Railroad team tracks, freight depot or docks									P	P	P	P
* Storage warehouse									S	S	S	
Trade, vocational or commercial schools							S	P	P	S	S	
Trailer and mobile home sales							S		P	P	P	
Transfer storage terminal									P	P	P	
Welding or machine shop									P	P	P	
Wholesale office, storage, sales not elsewhere listed									P	P	P	
Milk depot						S	S	P	P	P		

## Poster, essay contest materials available

The Kleberg-Kenedy Soil and Water Conservation District directors have just received information for the 2016 poster and essay contest for students in the local schools. Children 12 years and under are eligible for the poster contest and 18 years and under for the essay contest. It is an open contest to boys and girls and does not jeopardize Texas University Interscholastic League eligibility.

Robert  
Schmidt

NRCS  
District  
Conservationist

The essay contest theme for the 2016 is "How Soil and Water Conservation Helps Feed the World." The students should write their essay about soil and water conservation practices, making it interesting to the reader so that the reader can understand the essay. Make sure the ideas are clear and easy to read and write the ideas in detail so that the reader really

understands what he or she is saying. Of course, correct spelling, capitalization, punctuation, grammar and sentences are a must. More information on the poster and essay contests can be obtained at <http://www.nrcsnet.org/stewardship/education.com>.

Maximum of 300 words is allowed in preparation of the essays for children 13 and under and maximum of 500 for children 14 to 18.

"This is the 10th year that the essay contest has been split up between the age groups," David Schubert, director on the board said. "Splitting the age groups helps in fairness for those participating."

The posters for the 2016 contest will be based on the theme of "Local Heroes - Your Hardworking Pollinators." Pollinators are a very important part of the web of life upon which we all depend. Pollinators provide a majority of the food we consume and help

maintain our environment. Agriculture production depends on pollinators to produce human food production worldwide. We can't live without pollinators.

"Our district makes conservation education of our youth in the local schools a top priority each year," Ernest Bippert Jr., secretary on the Kleberg-Kenedy SWCD board said. "This year's poster theme is especially important in providing the abundant, safe and affordable food supply that we enjoy each and every day of lives."

"As always, our board of directors look forward to working with the schools with the assistance of our local Natural Resources Conservation Service staff," John Prukop, chairman of the board said. "Our district office has the information concerning the contest and Linda Muguerra, district administrator, will be getting the information out to the schools that are interested. Any schools in Kleberg and

Kenedy Counties that are interested should contact the District office at 401 E. King Ste.100 or call at (361) 592-0309, ext. 3 in Kingsville."

"The top five students in the poster and essay contests in the junior and senior divisions will be recognized at the annual awards banquet, usually held in February of each year," Vern Crocker, director of the local SWCD board said. "By participating in the contest, students learn the importance of soil and water conservation." The rainfall simulator is available for presentations, which educates students on the importance of protecting the soil.

"The local NRCS staff can schedule times to go out to the schools if they are interested. Students have done very well in the area awards contest and a student from Sarita was awarded the first place in the state contest."

For more information, contact the district office in Kingsville at (361) 592-0309, ext. 3 or come by the office at 401 E. King Ave., Ste. 100.

### PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, September 16, 2015 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:

Adame J. Alvaro, owner - Requesting a special use permit for a storage warehouse currently zoned as C4 (Commercial) located at MCBRYDE AC, BLOCK 6, LOT 2, ACRES 1.1524 also known as 1220 N. 14th Street.

Nielsen Beverly Anne, owner, Deral Meadows, agent - Requesting to rezone from C2 (Retail) to C4 (Commercial) located at BURRIS AC, LOT 3, ACRES 2 also known as 700 General Cavazos.

Nielsen Beverly Anne, owner, Deral Meadows, agent - Requesting a special use permit to operate a storage warehouse located at BURRIS AC, LOT 3, ACRES 2 also known as 700 General Cavazos.

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 28, 2015 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:

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### NOTICE OF PUBLIC HEARING ON KLEBERG COUNTY APPRAISAL DISTRICT BUDGET

The Kleberg County Appraisal District will hold a public hearing on a proposed budget for the 2016 fiscal year.

The public hearing will be held on September 10, 2015, at 10:30 a.m. in the board room of the Appraisal District office located at 502 E. Kleberg, Kingsville, Texas.

A summary of the appraisal district budget follows:

The total amount of the proposed budget.	\$318,289.99
The total amount of increase from the current year's budget.	\$ .00
The number of employees compensated under the proposed budget.	10 (full time equivalent)
The number of employees compensated under the current budget.	10 (full time equivalent)

The appraisal district is supported solely by payments from the local taxing units served by the appraisal district.

If approved by the appraisal district board of directors at the public hearing, this proposed budget will take effect automatically unless disapproved by the governing bodies of the county, school district, cities and towns served by the appraisal district.

A copy of the proposed budget is available for public inspection in the office of each of those governing bodies. A copy is also available for public inspection at the appraisal district office.

KLEBERG COUNTY APPRAISAL DISTRICT  
502 E. KLEBERG - P.O. BOX 1027  
KINGSVILLE, TEXAS 78363  
(361) 595-5775

## Garza promoted to Assistant Vice-President

### Submitted Item

The board of directors of Kingsville Community Federal Credit Union promoted Imelda H. Garza to assistant vice-president in charge of retail lending Aug. 19.

Garza has served as a retail loan officer since her promotion in January 2011. She began her employment with the credit union as a loan processor in June 2003 and has assumed additional administrative and lending duties during her tenure.

A longtime resident of Ricardo, Garza is a graduate of H.M. King High School, Leadership Kingsville and recently received her diploma from Credit Union National Association Management School at University of Wisconsin as a certified credit union executive.

Garza is a member of St. Martin's Catholic Church and serves as a volunteer in income tax preparation for the credit union Volunteer Income Tax Assistance Program, a free tax



Imelda H. Garza

preparation service to tax payers. Garza. They have two children, Kimberly Garza and Albert Garza Jr. (A).

## Unemployment rate increases for several counties

By Tim Acosta  
[tacosta@king-ranch.com](mailto:tacosta@king-ranch.com)

Kleberg County's unemployment rate increased slightly last month, keeping the figure above 6 percent, according to figures recently released by Workforce Solutions of the Coastal Bend.

During the month of July, Kleberg County's unemployment rate increased 0.2 percent to 6.2 percent. The county's total labor force dropped 0.5 percent to 14,918, with 13,987 of those individuals employed. The number of unemployed workers increased 2.6 percent to 931.

Compared to July 2014, last month's unemployment rate was unchanged.

The unemployment rate for Nueces County last month was 4.9 percent, which was only a 0.1 percent increase from the month prior. The total labor force for Nueces County dropped 0.56 percent to 168,928, with 160,605 of those workers employed.

The number of unemployed workers increased 2.6 percent to 8,322 from the month prior. Compared to July 2014, last month's unemployment rate was 0.5 percent lower.

Kenedy County's unemployment rate decreased 0.5 percent from June to 2.5 percent last month. That number is 0.2 percent higher than the rate in place in July 2014.

The Coastal Bend region's not seasonally adjusted unemployment rate for July went up slightly to 5.5 percent, 0.2 percent higher than the month of June and 0.2 percent lower than July 2014, Workforce Solutions officials said.

The Corpus Christi Metropolitan Statistical Area's unemployment rate increased 0.1 percent in the month and is 0.5 percent lower than July of last year, Workforce Solutions representatives said.

Aransas and Nueces counties experienced the greatest yearly decrease with a change of 0.9 percent and 0.5 percent respectively. McMullen County continues to post the lowest unemployment rate in the state at 1.4 percent.



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## **PUBLIC HEARING NOTICE**

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# **CONSENT AGENDA**

# **AGENDA ITEM #1**

**ORDINANCE NO. 2015-\_\_\_\_\_**

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER III, ARTICLE 7, PERSONNEL POLICIES; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

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

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

I.

**THAT** Section 3-7-1 of Article 7: Personnel Policies of Chapter III. Administration of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

**§ 3-7-1 ADOPTION OF THE JOB CLASSIFICATION AND COMPENSATION PLAN.**

The City of Kingsville Classification and Compensation Plan dated effective as of October 1, 2015 is hereby adopted by reference providing for certain classifications and positions as more particularly defined therein. Classified positions and incumbents thereof who have completed the designated probationary period and any extensions thereof shall be subject to the terms and conditions of all policies incorporated by reference and adopted by the City Commission by resolution. Except members of the Fire and Police collective bargaining units, all other employees (executive, managerial, or hourly) serve at will, at the pleasure of the City Manager, or designee, or at the pleasure of the City Commission if appointed by the City Commission, and shall have and continue such at-will status, notwithstanding any other provision of this Classification Plan, any other City Ordinance, or any rule or regulation of the City.

All Non-Exempt Non-Civil Service employees of the City of Kingsville, in their current positions, are placed in the step corresponding to the anniversary of their current hire date with the City according to Fiscal Year 2015-2016 Hourly Chart.

New hires shall be placed at the compensation Class for the designated positions. New hires may be placed in the Step within the designated Class corresponding to the years of experience the new employee brings to the City correlating to the designated duties of the position not to exceed the Ten (10) Year Step unless approved by City Commission.

Non-Exempt employees promoted, transferred or temporarily assigned to a position in a higher classification range shall commence at the first step of the higher Class that causes an increase in the employees' hourly pay rate. Each promoted, transferred or temporarily assigned employee shall then proceed to the next step after one (1) year in their current position and shall proceed to each step thereafter on the 3<sup>rd</sup>, 6<sup>th</sup>, 10<sup>th</sup>, 15<sup>th</sup>, 20<sup>th</sup> and 25<sup>th</sup> year or until the employee reaches the last step of the compensation schedule.

Employees demoted, transferred, temporarily assigned, or accepting a position in a lower Class shall commence at the same step of pay in the lower Class as the employee held at the time of such demotion, transfer, temporary assignment or acceptance of the lower Class position. Employees meeting these criteria shall proceed to the next step of the compensation plan, as scheduled, based on years of City service.

All management employees of the City of Kingsville shall be placed in a step program to receive a scheduled salary increase on the anniversary date of their 1<sup>st</sup>, 3<sup>rd</sup>, 6<sup>th</sup>, 10<sup>th</sup>, 15<sup>th</sup>, 20<sup>th</sup> and 25<sup>th</sup> year of service in the Management Level position. Percentage increases shall correspond to the Management Level Step Program included in the Classification and Compensation Plan for Fiscal Year 2015-2016.

Executive Level 1 & 2 positions shall receive a cost of living adjustment when Non-Exempt Non-Civil Service employees receive a cost of living adjustment. The City Commission shall evaluate the performance of and recommend salaries for Executive Level 1 & 2 positions each July to prepare for the up-coming fiscal year.

II.

**THAT** all Ordinances of 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 14<sup>th</sup> day of September, A. D., 2015.

**PASSED AND APPROVED** on this the 28th day of September, A. D., 2015.

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

**ATTEST:**

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

**Approved As to Form:**

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

**CITY OF KINGSVILLE  
CLASSIFICATION AND COMPENSATION PLAN – NON-EXEMPT  
FISCAL YEAR 2015-2016**

<b>NON-EXEMPT / NON-CIVIL SERVICE</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>
<b>CLASS 7</b> Custodian Equipment Service Worker Golf Pro-Shop Attendant Library Assistant FT/PT Maintenance Worker Plant Helper Utility Worker	\$ 10.00	\$11.68
<b>CLASS 8</b> Animal Control Specialist Animal Care Attendant Children's Services Librarian Equipment Operator I Recycling Technician	\$ 10.00	\$11.81
<b>CLASS 9</b> Customer Service Representative Municipal Court Deputy Clerk Reference/Information Librarian	\$ 10.00	\$12.54
<b>CLASS 10</b> Circulation Librarian Technician Services Assistant	\$ 10.27	\$12.64
<b>CLASS 11</b> Pump Operator Fire Telecommunications Operator	\$ 10.80	\$13.19
<b>CLASS 12</b> Information and Technology Librarian Inventory Clerk	\$ 11.03	\$13.86
<b>CLASS 13</b> Tourism Services Technician	\$ 11.50	\$14.33
<b>CLASS 14</b> Customer Billing Specialist Engineering Technician Equipment Operator II GIS Technician Meter Reader Technician Police Telecommunications Operator Municipal Court Specialist	\$ 12.02	\$14.86
<b>CLASS 15</b> Administrative Assistant I	\$ 12.54	\$15.38
<b>CLASS 16</b> Lead Telecommunications Operator	\$ 13.18	\$16.52

<b>CLASS 17</b> A/P Specialist	\$ 13.73	\$16.54
Accounting Assistant		
Administrative Assistant II		
Assistant Library Administrator		
Equipment Operator III		
Help Desk Coordinator		
Maintenance Technician		
Payroll Specialist		
Water/Wastewater Operator		
Welder/Fabricator		
<b>CLASS 18</b> Lab Technician	\$ 14.30	\$17.13
Legal Assistant/Paralegal		
<b>CLASS 19</b> Community Appearance Inspector	\$ 14.97	\$17.39
Lead Maintenance Technician		
<b>CLASS 20</b> Foreman	\$ 16.04	\$18.47
<b>CLASS 21</b> Crime Scene Specialist	\$ 18.14	\$20.82
Health Inspector I		
<b>CLASS 22</b> Building Inspector	\$ 19.29	\$21.98
Engineer's Assistant		
Health Inspector II		
<b>CLASS TF</b> City Marshal	\$ 18.95	\$ 21.33
<b>CLASS TFS</b> Senior City Marshal	\$ 21.77	\$ 24.51
<b>OTHER POSITIONS</b>		
Seasonal/Temporary Employees	\$ 10.00	\$12.12
Example of positions include: Brookshire Pool Attendants/Instructors, Lifeguards/Park Recreational Program Assistants, etc.		
Probationary Firefighters (0-12 months)	\$ 14.08	\$14.22
Probationary Police Officers (0-12 months)	\$ 17.25	\$19.00

**CITY OF KINGSVILLE  
CLASSIFICATION AND COMPENSATION PLAN - EXEMPT  
FISCAL YEAR 2015-2016**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
<b>EXECUTIVE OFFICER – 1</b>		
City Manager	\$ 95,950	\$141,400
<b>EXECUTIVE OFFICER - 2</b>		
City Attorney	\$ 80,800	\$121,200
Municipal Court Judge		
<b>MANAGEMENT LEVEL - 1</b>		
Economic Development Director	\$ 70,700	\$101,000
Fire Chief		
Finance Director		
Police Chief		
City Engineer/Public Works Director		
Planning & Development Services Director		
<b>MANAGEMENT LEVEL - 2</b>		
Assistant City Attorney	\$ 50,500	\$ 78,937
Human Resources Director		
Parks and Recreation Director		
Purchasing and Technology Director		
Task Force Commander		
Tourism Services Director		
<b>MANAGEMENT LEVEL - 3</b>		
Accounting Manager	\$ 41,621	\$ 68,685
Assistant Task Force Commander		
Assistant Public Works Director		
Golf Course Manager		
Health Director		
Library Director		
Parks & Recreation Manager		
Risk Manager		
<b>MANAGEMENT LEVEL - 4</b>		
Accounting Supervisor	\$ 36,419	\$ 56,383
Building Official		
City Secretary		
Collection's Supervisor		
Police Communication's Supervisor		
Community Appearance Supervisor		
Downtown and Volunteer Supervisor		
Garage Supervisor		
Landfill Supervisor		
Municipal Court Supervisor		
Sanitation Supervisor		
Street Supervisor		
Systems Specialist		
Wastewater Supervisor		
Water Production Supervisor		
Water Supervisor		



**NON-EXEMPT RATE SCHEDULE    FY 2015-2016**

Schedule reflects 1% COLA increase and adjustment of minimum rate to \$10

	<b>B</b> <b>New Hire</b>	<b>C</b> <b>1</b>	<b>D</b> <b>3</b>	<b>E</b> <b>6</b>	<b>F</b> <b>10</b>	<b>G</b> <b>15</b>	<b>H</b> <b>20</b>	<b>I</b> <b>25</b>
<b>7</b>	\$10.00	\$10.00	\$10.18	\$10.53	\$10.99	\$11.26	\$11.50	\$11.68
<b>8</b>	\$10.00	\$10.19	\$10.54	\$10.92	\$11.26	\$11.64	\$11.81	
<b>9</b>	\$10.00	\$10.43	\$10.87	\$11.30	\$11.73	\$12.18	\$12.36	\$12.54
<b>10</b>	\$10.27	\$10.64	\$11.00	\$11.35	\$11.75	\$12.21	\$12.45	\$12.64
<b>11</b>	\$10.80	\$11.18	\$11.59	\$12.00	\$12.39	\$12.79	\$13.19	\$13.19
<b>12</b>	\$11.03	\$11.43	\$11.84	\$12.25	\$12.66	\$13.05	\$13.45	\$13.86
<b>13</b>	\$11.50	\$11.90	\$12.32	\$12.72	\$13.12	\$12.52	\$13.93	\$14.33
<b>14</b>	\$12.02	\$12.42	\$12.84	\$13.23	\$13.64	\$14.05	\$14.47	\$14.86
<b>15</b>	\$12.54	\$12.95	\$13.36	\$13.77	\$14.16	\$14.56	\$14.98	\$15.38
<b>16</b>	\$13.18	\$13.66	\$14.13	\$14.60	\$15.08	\$15.56	\$16.04	\$16.52
<b>17</b>	\$13.73	\$14.11	\$14.52	\$14.93	\$15.33	\$15.73	\$16.13	\$16.54
<b>18</b>	\$14.30	\$14.71	\$15.11	\$15.52	\$15.93	\$16.33	\$16.73	\$17.13
<b>19</b>	\$14.97	\$15.38	\$15.77	\$16.18	\$16.58	\$17.01	\$17.39	
<b>20</b>	\$16.04	\$16.45	\$16.85	\$17.26	\$17.66	\$18.06	\$18.47	
<b>21</b>	\$18.14	\$18.76	\$19.38	\$19.29	\$20.41	\$20.82		
<b>22</b>	\$19.29	\$19.91	\$20.54	\$21.17	\$21.58	\$21.98		
<b>TF</b>	\$18.95	\$19.32	\$19.72	\$20.10	\$20.92	\$21.33		
<b>TFS</b>	\$21.77	\$22.19	\$22.64	\$23.10	\$24.03	\$24.51		

\*Note: +/- 1 cent(s) due to rounding

- STEP B -** New Hire
- STEP C -** Step following completion of one (1) year of employment.
- STEP D -** Step for eligible employees with three (3) years of current uninterrupted City service.
- STEP E -** Step for eligible employees with six (6) years of current uninterrupted City service.
- STEP F -** Step for eligible employees with ten (10) years of current uninterrupted City service.
- STEP G -** Step for eligible employees with fifteen (15) years of current uninterrupted City service.
- STEP H -** Step for eligible employees with twenty (20) years of current uninterrupted City service.
- STEP I -** Step for eligible employees with twenty-five (25) years of current uninterrupted City service.

The hourly chart shall be relevant to all non-exempt, non-civil service employees maintaining a position in the same CLASS, unless otherwise approved by the City Manager.

**CERTIFICATION PAY -  
HOURLY NON-EXEMPT EMPLOYEES  
(EXCLUDES CIVIL SERVICE PERSONNEL)**

Class/Grade/Unit	Monthly	Per Pay Period Basis *
TCEQ I or D	\$ 30.00	\$ 13.85
TCEQ C	\$ 40.00	\$ 18.47
TCEQ II or B	\$ 55.00	\$ 25.39
TCEQ III or A	\$ 85.00	\$ 39.24
Intermediate Peace Officer	\$ 30.00	\$ 13.85
Advanced Peace Officer	\$ 52.00	\$ 24.00
Master Peace Officer	\$ 100.00	\$ 46.15

**\* Rounding may be required for payroll purposes.**

**MANAGEMENT LEVEL STEP PROGRAM  
INCREASE DUE ON ANNIVERSARY DATE OF MANAGEMENT LEVEL POSITION.**

1 <sup>ST</sup> YEAR	3%
3 <sup>RD</sup> YEAR	3%
6 <sup>TH</sup> YEAR	3%
10 <sup>TH</sup> YEAR	2%
15 <sup>TH</sup> YEAR	2%
20 <sup>TH</sup> YEAR	2%
25 <sup>TH</sup> YEAR	2%

## **AGENDA ITEM #2**

**ORDINANCE NO. 2015-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2014-2015 UTILITY FUND BUDGET TO COVER INCREASED UTILITY COSTS.**

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

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2014-2015 budget be amended as follows:

**CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT**

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
-----------	------------------	---------------	-----------------	-----------------	-----------------

**Fund 051 Utility Fund**

Capital

2		Unreserved Fund Balance	61002		<u>\$62,000</u>
					<u>\$62,000</u>

Expenses

5-7001 WW North Plant	Utilities	32300	\$13,000	
5-7002 WW South Plant	Utilities	32300	\$44,000	
5-7003 WW Sewer	Utilities	32300	<u>\$ 5,000</u>	
Construction				
			<u>\$62,000</u>	

[To amend the FY 14-15 Utility Fund Budget due to an increase in utility charges. The Waste Water Plants experienced higher than anticipated utility usage as per the attached memo from the Finance Director.]

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 14<sup>th</sup> day of September, 2015.

**PASSED AND APPROVED** on this the 28th day of September, 2015.

**EFFECTIVE DATE:** \_\_\_\_\_

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



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## MEMORANDUM

---

To: COURTNEY ALVAREZ, INTERIM CITY MANAGER  
From: DEBORAH BALLI, FINANCE DEPARTMENT DIRECTOR  
Date: 09/02/2015  
Subject: UTILITIES

The Finance Department is requesting a budget amendment to cover increased utility charges received by the Waste Water Department. Due to heavy rains the utility usage increased at all Waste Water locations. Since the departments will not be able to cover the entire amount of the increased charges with line item transfers we are asking for a \$62,000 budget amendment for utility expenditures.

Location	Requested Amount
Waste Water-North Plant	\$13,000
Waste Water-South Plant	\$44,000
Waste Water-Sewer Construction	\$5,000
<b>Total</b>	<b>\$62,000</b>

This budget amendment, given your approval, would be on the Commission Meeting agenda September 14, 2015 for first reading.

Sincerely,  
Deborah Balli

# **AGENDA ITEM #3**

**ORDINANCE NO. 2015-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2014-2015 BUDGET FOR 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 2014-2015 budget be amended as follows:

**CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT**

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
-----------	------------------	---------------	-----------------	-----------------	-----------------

**Fund 001 General Fund**

Revenues

4-0000 Non-Dept	Transfer from Fund 038	75038	\$204.60	
-----------------	------------------------	-------	----------	--

**Fund 017 PD Grant Border Star-LBSP**

Revenues

4-2100 Police Dept	State Grants	72010	\$40,000	
--------------------	--------------	-------	----------	--

Expenses

5-2100 Police Dept	Overtime	11200	\$40,000	
--------------------	----------	-------	----------	--

**Fund 038 CO Series 2001-General**

Capital

2	Restricted for Capital Outlay	74002		\$204.60
---	-------------------------------	-------	--	----------

Expenses

5-6900 Fund Trsfrs	Transfer Out to Fund 001	80001	\$204.60	
--------------------	--------------------------	-------	----------	--

**Fund 410 Activity Fund**

Revenues

4-1200 Risk Mgr	Donations-Safety	72031	\$200	
-----------------	------------------	-------	-------	--

Expenses

5-1200 Risk Mgr	Minor Eq/Furniture	21700	\$200	
-----------------	--------------------	-------	-------	--

[To amend the City of Kingsville FY 14-15 Budget for deficit accounts at year end as per the attached memo from the Finance Director.]



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 14<sup>th</sup> day of September, 2015.

**PASSED AND APPROVED** on this the \_\_\_ day of September, 2015.

**EFFECTIVE DATE:** \_\_\_\_\_

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



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## MEMORANDUM

---

To: COURTNEY ALVAREZ, INTERIM CITY MANAGER  
From: DEBORAH BALLI, FINANCE DEPARTMENT DIRECTOR  
Date: 09/10/2015  
Subject: FY 2012-2013 End of Year Budget Amendment

Attached is the Ordinance to adopt the Fiscal Year End 2014-2015 End of Year Budget Amendment. A summary for each fund is provided below.

Fund 001- The attached budget amendment will budget for the closing transfer from Fund 038.

Fund 017-The attached budget amendment will budget the anticipated revenues and expenditures for the Borderstar Grant.

Fund 038-The attached budget amendment will budget for the close of Fund 038 and transfer the remaining fund balance to General Fund.

Fund 410-The attached budget amendment will budget for revenues and expenditures received for the Safety Week Committee.

This budget amendment, given your approval, would be on the Commission Meeting agenda September 14, 2015 for first reading.

Sincerely,  
Deborah Balli

# **REGULAR AGENDA**

# **AGENDA ITEM #4**

## Planning & Development Services Department

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TO: Mayor & City Commission

THROUGH: Courtney Alvarez, Interim City Manager

FROM: Tom Ginter, Planning & Development Services Director

SUBJECT: **Request for Alcohol Variance at 1202 N. Armstrong**

DATE: September 14, 2015

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Sri Kala, operator of the Javelina Mart is requesting an alcohol variance for a Wine and Beer Retailer's Off-Premise Permit. This address is located at 1202 N. Armstrong and is within 1,000 ft. boundary of 2 churches. The property in question therefore requires a variance according to City ordinance ORD-2004-20.

Also, all required notices have been sent to the property owners within 300ft. Additionally, a public hearing notice was placed in the newspaper on September 13, 2015. As of this point, we have not received any negative feedback from the property owners or citizens that have been noticed.

COLLEGE VIEW BAPTIST CHURCH  
1324 N ARMSTRONG AVE  
KINGSVILLE, TX 78363  
#20018

COASTAL BEND BAPTIST CHURCH  
PO BOX 1160  
KINGSVILLE, TX 78364  
#30175

TEXAS A & M UNIVERSITY  
301 TARROW STREET, 6TH FLOOR  
COLLEGE STATION, TX 77840  
#21009

SAMADI LEILA  
110 S 14TH ST  
KINGSVILLE, TX 78363  
#18073

YAKLIN DENNIS  
618 W AVE C  
KINGSVILLE, TX 78363  
#13403

SALINAS MARLA ETAL  
725 W HENRIETTA AVE  
KINGSVILLE, TX 78363  
#15813

GUTIERREZ ROBERTO  
109 DRY FORK RD  
GEORGE WEST, TX 78022  
#15036

WESTBROOK MICHELLE ANN  
2005 RETTYE  
KINGSVILLE, TX 78363  
#10494

MENDIETTA DANIEL  
708 W C AVE  
KINGSVILLE, TX 78363  
#18519

ZAPATA YOLANDA  
1923 RETTYE DR  
KINGSVILLE, TX 78363  
#12703

ZAPATA YOLANDA  
1923 RETTYE DR  
KINGSVILLE, TX 78363  
#20427

CRUSE JAMES D  
PO BOX 4  
FULTON, TX 78358  
#18037

MENDEZ PATRICIA A  
707 W C AVE  
KINGSVILLE, TX 78363  
#18817

ZAPATA YOLANDA  
1923 RETTYE DR  
KINGSVILLE, TX 78363  
#11869

STEHLE ADAM REID  
702 W AVE C  
KINGSVILLE, TX 78363  
#11561

YAKLIN DENNIS L  
618 W AVE C  
KINGSVILLE, TX 78363  
#11252

VELA ANNA LEE  
1219 N WELLS  
KINGSVILLE, TX 78363  
#11902

NORTH AMERICAN ISLAMIC TRUST  
721 ENTERPRISE DR STE 100  
OAK BROOK, IL 60523  
#22353

ZAPATA YOLANDA  
1923 RETTYE DR  
KINGSVILLE, TX 78363  
#11924

ZAPATA YOLANDA  
1923 RETTYE DR  
KINGSVILLE, TX 78363  
#20468

TEXAS A & M UNIVERSITY  
301 TARROW STREET, 6TH FLOOR  
COLLEGE STATION, TX 77840  
#21009

## **PUBLIC NOTICE**

The City Commission of the City of Kingsville will hold a public hearing on Monday, September 28, 2015, at 6:00 P.M. to discuss and/or take action on the following items:

**Request for an alcohol variance for a Wine and Beer Retailer's Off-Premise Permit, for the establishment known as Javelina Mart located at 1202 N. Armstrong.**

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

## Conservation technical assistance available

For over 75 years, the now Natural Resources Conservation Service has assisted landowners, operators and producers to solve conservation problems on their land. Thus, the motto of "Helping People Help The Land."

The NRCS came about in the 1930s during the Dust Bowl era as the Soil Conservation Service. Our name changed in 1994 to reflect several natural resources including soil, water, air, plants and animals. The basic program is called the technical assistance program.

So if you have an erosion problem by wind or water or an issue with grazing management, contact our office and we can assist you.

Our agency can assist with planning proper nutrient and pest management on cropland and pastureland.

We can help you to analyze and inventory your soil, water, air, plant and animal resources so that wise decisions can be reached on developing a resource management system to improve, maintain and sustain those resources for the future.

We are the only federal agency that deals one-on-one with the landowner or operator in the conservation and wise use of our natural resources.

The purpose of the program is to assist land users, communities, units of state and local government, and other federal agencies in planning and implementing conservation systems.

Objectives of the program are to assist individuals and groups to meet their goals for resource stewardship and to comply

with certain state and local requirements.

This assistance is provided, on a voluntary basis. Assistance to individuals is provided through local conservation districts, in accordance with the memorandum of understanding signed by the Secretary of Agriculture, the governor of the state and the conservation district.

Another objective is "providing technical assistance to participants in USDA cost-share and conservation incentive programs and other state programs."

The agency also develops effective science-based technologies for natural resource assessment, management, and conservation.

So before any financial assistance program is developed, conservation technical assistance is provided to identify resource concerns on the land and then practices are planned and applied to solve the resource problems.

The Kingsville NRCS office works through the Kleberg, Kenedy, Soil and Water Conservation District headquartered in Kingsville.

Before approving conservation plans and contracts, the district has been sponsoring a poster and essay contest for the local schools and highlighting outstanding conservation achievements at their annual Awards Banquet in February.

The district has their annual report that is available that summarizes their work during the last year.

For more information on the conservation technical assistance program and other cost share programs, contact the NRCS office at 401 E. King, Ste. 100 in Kingsville or call at (361) 592-0309 Ext. 3.

Robert Schmidt

NRCS District Conservationist

## King Ranch establishes chair for Business Leadership at McCombs School

*Hirst is the first to be appointed as the Business Leadership Chair*

Submitted Item

D. Eric Hirst, associate dean of graduate programs at the McCombs School of Business at the University of Texas at Austin, has been named the King Ranch Chair for Business Leadership effective Sept. 1.

"It is an honor to hold the King Ranch Chair for Business Leadership," Hirst said. "The King Ranch is a Texas institution renowned for its long history of innovation in ranching, farming, publishing, retail and more. Connecting it with the Texas MBA programs and their long history of innovation in graduate business education is a natural partnership I look forward to cultivating."

The King Ranch Chair for Business Leadership is funded by an endowment established by the King Ranch Family Trust. The chair will support academic leadership at the McCombs School through the enhancement of education and professional activities of the holder, and to help ensure enlightened leadership in business education.

Hirst is the first to be appointed to the King Ranch Chair for Business Leadership. He is a professor and researcher in the areas of financial accounting, financial statement analysis, investor and security analysts, judgment and

decision-making.

Hirst leads the strategy and operations of six Texas MBA programs serving over 1,200 MBA students, and is the school's primary representative on the contracting, design and construction of the new \$173 million graduate school of business building, Robert B. Rowling Hall.

"We are pleased with Eric Hirst as the King Ranch Chair for Business Leadership inaugural recipient," said James "Jamey" H. Clement Jr., chairman of the King Ranch board. "Since the days of Henrietta King to Bob Kleberg to today, the King Ranch family has always supported education - elementary school to higher education - and this adds a new dimension."

The King Ranch Chair for Business Leadership will replace the endowed Kleberg-King Ranch Centennial Professorship in Management, established in 1966, first held by Dr. Eugene B. Konecni under tenure of Dean George M. Kuzmetsky.

The Kleberg-King Ranch Centennial Professorship was established with a gift from the Alice G. K. Kleberg Fund, now known as the King Ranch Family Trust.

"Both King Ranch and the University of Texas have long histories and we are pleased to work together to build an even stronger education system in the state of Texas," Clement said.

The King Ranch Chair for Business Leadership will always have a recipient, chosen by the Dean of the McCombs School of Business. The holder of the chair will be a faculty member who is also serving as an administrative leader in the McCombs School.

### PUBLIC NOTICE

The City Commission of the City of Kingsville will hold a public hearing on Monday, September 28, 2015, at 6:00 P.M. to discuss and/or take action on the following items:

**Request for an alcohol variance for a Wine and Beer Retailer's Permit, for the establishment known as Wingstop located at 1310 E. General Cavazos Ste. G.**  
The meeting will be held at City Hall, 200 East Kleberg Ave., Kingsville, Texas in the City Commission Chambers. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

Kenedy County-Wide CSD will host their

**Annual Title 1 Parent Meeting  
on Wednesday,  
September 16, 2015  
at 6:00pm in the school cafeteria**

All parents are encouraged to attend.  
Dinner will be provided.

### PUBLIC NOTICE

The City Commission of the City of Kingsville will hold a public hearing on Monday, September 28, 2015, at 6:00 P.M. to discuss and/or take action on the following items:

**Request for an alcohol variance for a Wine and Beer Retailer's Permit, for the establishment known as Double Seven Drive-Thru located at 1414 N. 14th Street.**  
The meeting will be held at City Hall, 200 East Kleberg Ave., Kingsville, Texas in the City Commission Chambers. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

### PUBLIC NOTICE

The City Commission of the City of Kingsville will hold a public hearing on Monday, September 28, 2015, at 6:00 P.M. to discuss and/or take action on the following items:

**Request for an alcohol variance for a Wine and Beer Retailer's Off-Premise Permit, for the establishment known as Javelina Mart located at 1202 N. Armstrong.**  
The meeting will be held at City Hall, 200 East Kleberg Ave., Kingsville, Texas in the City Commission Chambers. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

**NEW LOCATION**



**1720 S. BRAHMA BLVD.  
KINGSVILLE 361-219-0278**

<b>20% off EVERYTHING SALE</b> <small>EXCLUDES CLEARANCE</small>	<b>JUNIPER ORNAMENTALS MORE THAN 40% off</b>	<b>OAK TREES NOW AVAILABLE IN 15<sup>gal</sup>-100<sup>gal</sup></b>	<b>7 GALLON MAGNOLIA TREES CLEARANCE \$55<sup>00</sup></b>
<b>7 GALLON WAXLEAF CLEARANCE \$15<sup>00</sup> each</b>	<b>ALL 7 GALLON CREPE MYRTLES NOW \$30<sup>00</sup> each</b>	<b>4 IN. POTS WERE \$2.00 EACH CLEARANCE NOW \$1<sup>50</sup> each</b>	<b>BOUGAINVILLEA TRELLIS NOW ALL 1/2 off</b>
<b>MOSS BOULDERS W/ICE PALLET NOW \$37<sup>500</sup></b>	<b>ALL YOUR PLANTING MATERIAL SOLD IN BULK OR BY THE YARD</b> <div style="display: flex; justify-content: space-between;"> <div> <p>MULCH</p> <p>ENRICHED VEGETABLE GARDEN SOIL</p> <p>ENRICHED FLOWER GARDEN SOIL</p> <p>LAWN DRESSING TO GREEN UP</p> <p>YOUR HOT SPOTS</p> </div> <div> <p>455<sup>00</sup></p> <p>459<sup>00</sup></p> <p>456<sup>00</sup></p> <p>774<sup>00</sup></p> </div> </div>		

**STRAIGHT EDGE  
LANDSCAPE NURSERY**

**GREAT SELECTION    EXCELLENT QUALITY**

**TREE TRIMMING • LANDSCAPING • ROCK WORK**

Open Monday - Friday 8:00am - 5:00pm  
Saturday 8:30am - 2:30pm    Closed Sunday

*Enlist Acuña - Nursery Manager*  
*Rael Nufiez (Owner) 361-228-4759*





# Off-Premise Prequalification Packet

**received**  
8-18-15

L-OFF (09/2013)

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

## LOCATION INFORMATION

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

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> BQ Wine and Beer Retailer's Off-Premise Permit | <input type="checkbox"/> LP Local Distributor's Permit    |
| <input type="checkbox"/> BF Beer Retail Dealer's Off-Premise License               | <input type="checkbox"/> E Local Cartage Permit           |
| <input type="checkbox"/> P Package Store Permit                                    | <input type="checkbox"/> ET Local Cartage Transfer Permit |
| <input type="checkbox"/> Q Wine Only Package Store Permit                          | <input type="checkbox"/> PS Package Store Tasting Permit  |

### 2. Indicate Primary Business at this Location

- |   |   |
|---|---|
| <input type="checkbox"/> Grocery/Market             | <input checked="" type="checkbox"/> Convenience Store without Gas |
| <input type="checkbox"/> Liquor Store               | <input type="checkbox"/> Miscellaneous _____                      |
| <input type="checkbox"/> Convenience Store with Gas |   |

### 3. Trade Name of Location

JAVELINA MART

### 4. Location Address

1202 NORTH ARMSTRONG AVE.

City KINGSVILLE	County KLEBERG	State TX	Zip Code 78363
5. Mailing Address 1202 NORTH ARMSTRONG AVE	City KINGSVILLE	State TX	Zip Code 78363
6. Business Phone No. (361) 592-1377	Alternate Phone No. (708) 227-0279	E-mail Address gandhi.nick05@gmail.com	

## OWNER INFORMATION

### 7. Type of Owner

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

### 8. Entity/Applicant

SRI KALA, LLC

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

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

Last Name GANDHI	First Name NAINESH	MI	Title managing member
Last Name RANI	First Name REETA	MI	Title managing member
Last Name	First Name	MI	Title



CITY OF  
**KINGSVILLE**

MEMORANDUM

DATE

Friday, August 21, 2015

TO

Mary Valenzuela, City Secretary

FROM

Engineering Department

SUBJECT

Alcohol License for: 1202 N. Armstrong St.

Mrs. Valenzuela,

After performing the research and physical inspection you requested for the property at 1220 N. Armstrong St., we have concluded that the property in question does fall within the 1,000 ft. boundary of 2 churches; therefore, it will require a variance according to City Ordinance sections 11-3-4&5.

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

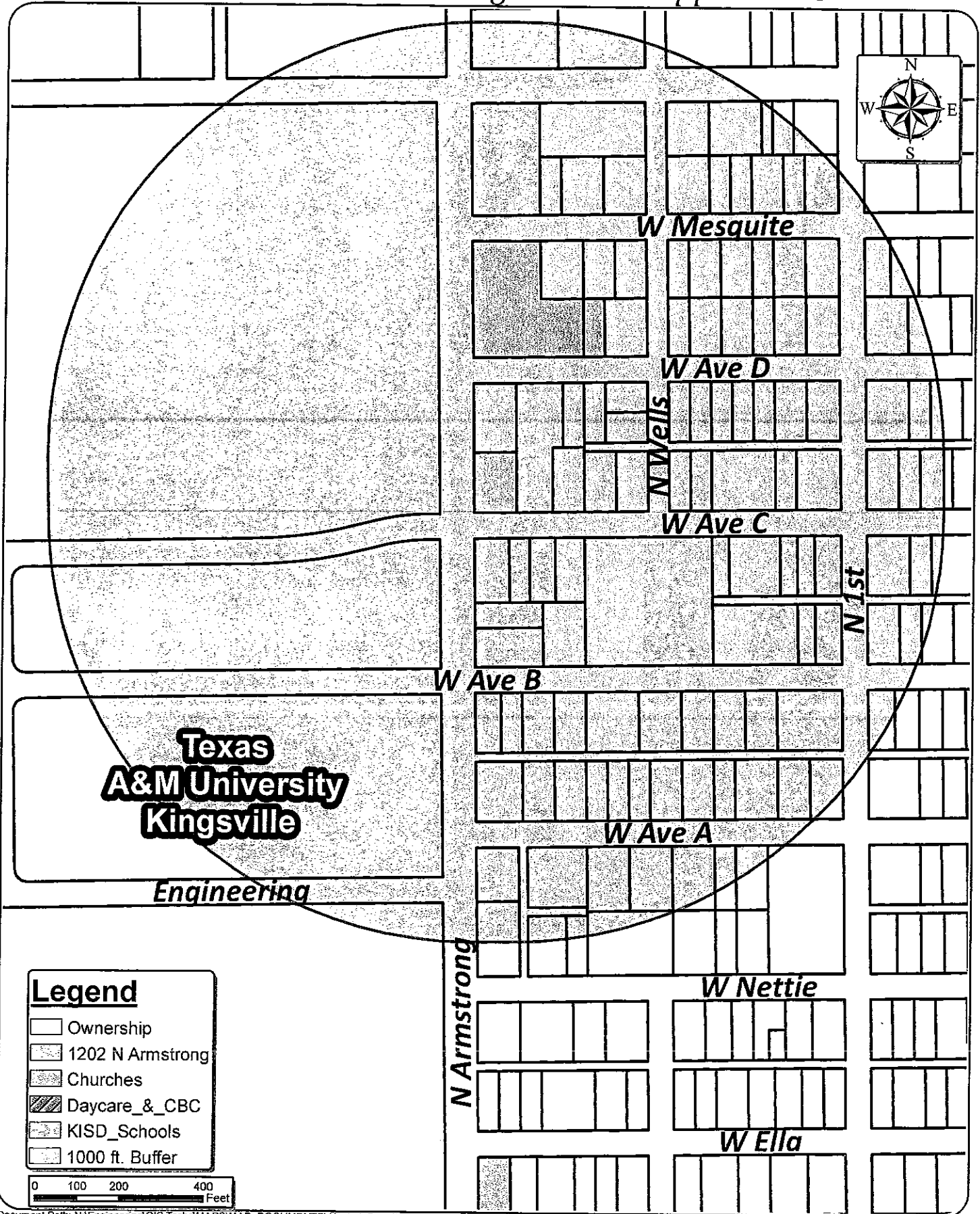
Thank you,

Engineering Department


**Attachment 1** shows the property and the relative location of the 2 churches; suspected to be close to the property. University Baptist Church and Coastal Bend Baptist Church are within the 1,000 foot boundary.

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

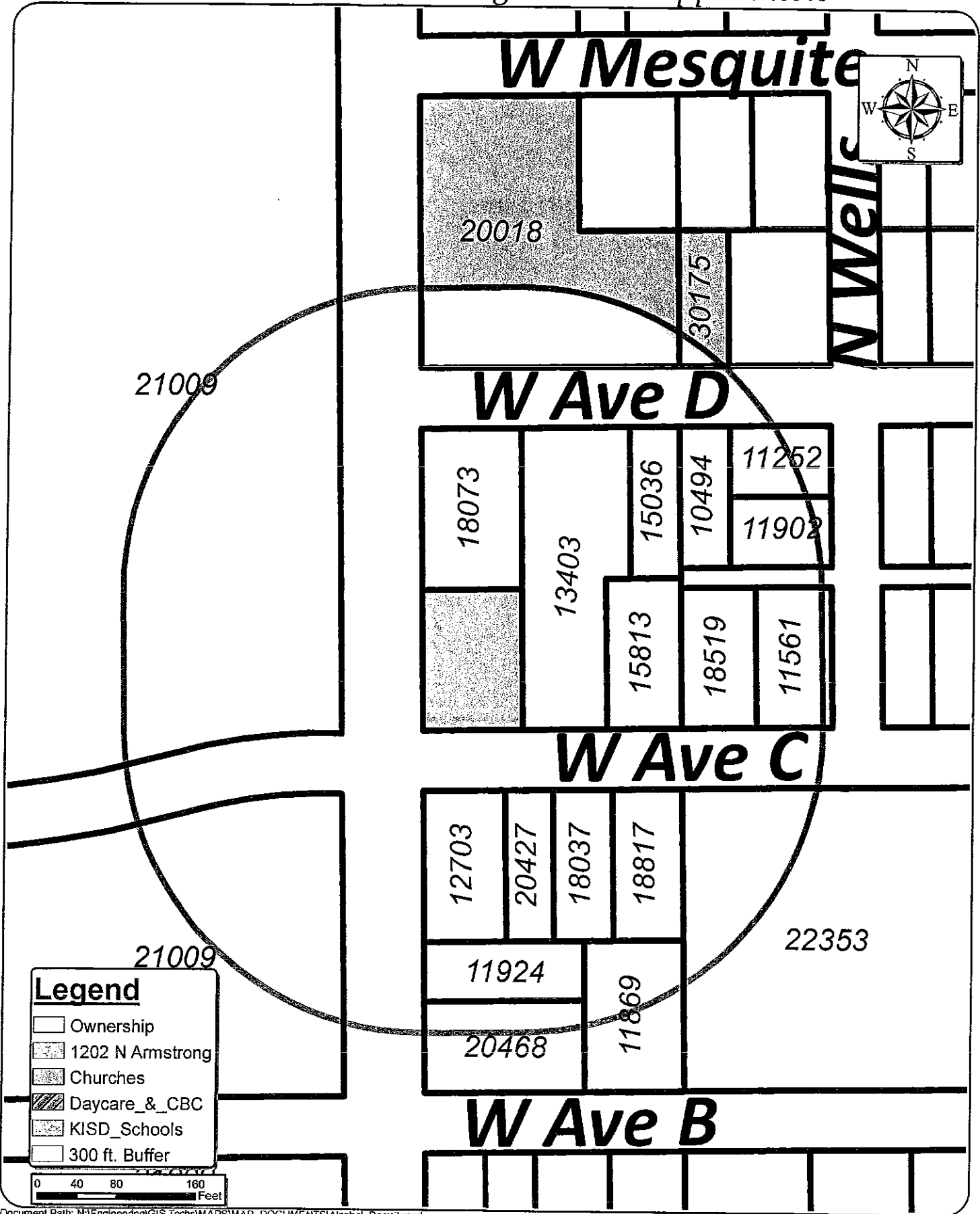
# 1202 N. Armstrong - Alcohol Application



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

Page 1/1	Drawn By: Engineering Dept.	DISCLAIMER THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.		<b>CITY OF KINGSVILLE</b> <b>ENGINEERING DEPARTMENT</b> 200 East Kleberg Kingsville, Texas 78363 Office: 361-595-8005 Fax: 361-595-8035
	Last Update: 8/18/2015			
	Note: Please see attached documents.			

# 1202 N. Armstrong - Alcohol Application



Document Path: N:\Engineering\GIS Techs\MAPSWAP\_DOCUMENTS\Alcohol\_Permi.mxd

Page 1/1	Drawn By: Engineering Dept.	<p>DISCLAIMER</p> <p>THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</p>	<p>CITY OF KINGSVILLE</p> <p>ENGINEERING DEPARTMENT</p> <p>200 East Kleberg</p> <p>Kingsville, Texas 78363</p> <p>Office: 361-595-8005</p> <p>Fax: 361-595-8035</p>
	Last Update: 8/18/2015		
	Note: Please see attached documents.		

## **AGENDA ITEM #5**

## Planning & Development Services Department

---

TO: Mayor & City Commission

THROUGH: Courtney Alvarez, Interim City Manager

FROM: Tom Ginter, Planning & Development Services Director

SUBJECT: **Request for Alcohol Variance at 1414 N. 14<sup>th</sup> Street**

DATE: September 14, 2015

---

Mr. Javier Sanchez, operator of the Double Seven Drive-Thru is requesting an alcohol variance for a Wine and Beer Retailer's Permit. This address is located at 1414 N. 14<sup>th</sup> Street and is within 1,000 ft. boundary of 2 daycares and 1 church. The property in question therefore requires a variance according to City ordinance ORD-2004-20.

Also, all required notices have been sent to the property owners within 300ft. Additionally, a public hearing notice was placed in the newspaper on September 13, 2015. As of this point, we have not received any negative feedback from the property owners or citizens that have been noticed.

## **PUBLIC NOTICE**

The City Commission of the City of Kingsville will hold a public hearing on Monday, September 28, 2015, at 6:00 P.M. to discuss and/or take action on the following items:

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## Conservation technical assistance available

For over 75 years, the now Natural Resources Conservation Service has assisted landowners, operators and producers to solve conservation problems on their land. Thus, our motto of "Helping People Help The Land."

The NRCS came about in the 1930s during the Dust Bowl era as the Soil Conservation Service. Our name changed in 1994 to reflect several natural resources including soil, water, air, plants and animals. The basic program is called the technical assistance program.

So if you have an erosion problem by wind or water or an issue with grazing management, contact our office and we can assist you.

Our agency can assist with planning proper nutrient and pest management on cropland and pastureland.

We can help you to analyze and inventory your soil, water, air, plant and animal resources so that wise decisions can be reached on developing a resource management system to improve, maintain and sustain those resources for the future.

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The purpose of the program is to assist land-users, communities, units of state and local government, and other federal agencies in planning and implementing conservation systems.

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For more information on the conservation technical assistance program and other cost-share programs, contact the NRCS office at 401 E. King, Ste. 100 in Kingsville or call at (361) 592-0309 Ext. 3.

Robert Schmidt

NRCS District Conservationist

## King Ranch establishes chair for Business Leadership at McCombs School

*Hirst is the first to be appointed as the Business Leadership Chair*

Submitted Item

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"It is an honor to hold the King Ranch Chair for Business Leadership," Hirst said. "The King Ranch is a Texas institution renowned for its long history of innovation in ranching, farming, publishing, retail and more. Connecting it with the Texas MBA programs and their long history of innovation in graduate business education is a natural partnership I look forward to cultivating."

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"We are pleased with Eric Hirst as the King Ranch Chair for Business Leadership's inaugural recipient," said James "Jamey" H. Clement Jr., chairman of the King Ranch board. "Since the days of Hennessey King to Bob Kleberg to today, the King Ranch family has always supported education - elementary school to higher education - and this adds a new dimension."

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"Both King Ranch and the University of Texas have long histories and we are pleased to work together to build an even stronger education system in the state of Texas," Clement said.

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**NEW LOCATION**



**1720 S. BRAHMA BLVD. KINGSVILLE 361-219-0278**

<b>20% off EVERYTHING SALE</b> <small>EXCLUDES CLEARANCE</small>	<b>JUNIPER ORNAMENTALS</b> <small>MORE THAN 40% off</small>	<b>OAK TREES</b> <small>NOW AVAILABLE IN 15gal-100gal</small>	<b>7 GALLON MAGNOLIA TREES</b> <small>CLEARANCE \$55<sup>00</sup></small>
<b>7 GALLON WAXLEAF</b> <small>CLEARANCE \$15<sup>00</sup> each</small>	<b>ALL 7 GALLON CREPE MYRTLES</b> <small>NOW \$30<sup>00</sup> each</small>	<b>4 IN. POTS</b> <small>WERE \$2.00 EACH CLEARANCE NOW \$1<sup>50</sup> each</small>	<b>BOUGAINVILLEA TRELLIS</b> <small>NOW ALL 1/2 off</small>
<b>MOSS BOULDERS</b> <small>WHOLE PALLET NOW \$375<sup>00</sup></small>	<b>ALL YOUR PLANTING MATERIAL SOLD IN BULK OR BY THE YARD</b>		
	<b>MULCH</b> <small>155<sup>00</sup></small>	<b>ENRICHED VEGETABLE GARDEN SOIL</b> <small>159<sup>00</sup></small>	<b>ENRICHED FLOWER GARDEN SOIL</b> <small>158<sup>00</sup></small>
	<b>LAWN DRESSING TO GREEN UP</b> <small>74<sup>00</sup></small>	<b>YOUR HOT SPOTS</b>	

## STRAIGHT EDGE LANDSCAPE NURSERY

GREAT SELECTION EXCELLENT QUALITY

TREE TRIMMING - LANDSCAPING - ROCK WORK

Open Monday - Friday 8:00 am - 5:00 pm  
Saturday 8:30 am - 2:30 pm Closed Sunday

Eloisa Acuña Nursery Manager  
Roel Núñez (Owner) 361 228 4759



WEST PAUL M  
489 N COUNTY ROAD 1050  
KINGSVILLE, TX 78363  
#17146

WEST PAUL M  
489 N COUNTY ROAD 1050  
KINGSVILLE, TX 78363  
#21133

WEST PAUL M  
489 N COUNTY ROAD 1050  
KINGSVILLE, TX 78363  
#18305

BARRERA OLGA C  
330 W AVE A  
KINGSVILLE, TX 78363  
#23950

TEXAS DEPT OF TRANSPORTATION  
125 E 11TH ST  
AUSTIN, TX 78701  
#18059

CASTILLO ERNESTINA G  
932 E MESQUITE AVE  
KINGSVILLE, TX 78363  
#21776

VILLARREAL EXIQUIO E  
PO BOX 1462  
KINGSVILLE, TX 78364  
#18181

FUENTES S T LLC  
1400 E CORRAL AVE  
KINGSVILLE, TX 78363  
#16946

PENNINGTON SHARON LYNN  
PO BOX 341  
KINGSVILLE, TX 78364  
#25274

FUENTES S T LLC  
1400 E CORRAL AVE  
KINGSVILLE, TX 78363  
#25891

FUTURE DATA SERVICES  
PO BOX 5083  
KINGSVILLE, TX 78364  
#18950

SCHROEDER OTTO E JR  
PO BOX 198  
CALLIHAM, TX 78007  
#17689

RODRIGUEZ RODNEY  
627 N 14TH ST  
KINGSVILLE, TX 78363  
#18317

MALTBY RANDELL L  
PO BOX 5083  
KINGSVILLE, TX 78364  
#26044

OCHOA JOSE ROLANDO  
134 W FM 772  
KINGSVILLE, TX 78363  
13787

ZAVALA DIANA G  
PO BOX 1069  
KINGSVILLE, TX 78364  
#16148

TEXAS HIGHWAY PATROL  
PO BOX 14087  
AUSTIN, TX 78773  
#25997

GONZALES MARCOS EST  
926 E MESQUITE AVE  
KINGSVILLE, TX 78363  
#14955

PEREZ SABAS JR  
PO BOX 1754  
KINGSVILLE, TX 78364  
#14824

CASTILLO ERNESTINA G  
932 E MESQUITE AVE  
KINGSVILLE, TX 78363  
#19436

TEXAS HIGHWAY PATROL  
PO BOX 14087  
AUSTIN, TX 78773  
#10928

**received**  
8-21-15



# On-Premise Prequalification Packet

L-ON  
(09/2013)

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

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

## LOCATION INFORMATION

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

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

### 2. Indicate Primary Business at this Location

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

### 3. Trade Name of Location

Double Seven Drive-Thru

### 4. Location Address

1414 N. 14<sup>th</sup> STREET

City <u>Kingsville</u>	County <u>Kleberg</u>	State <u>TEXAS</u>	Zip Code <u>-</u>
5. Mailing Address <u>11502 HAVEN Drive</u>	City <u>Corpus Christi</u>	State <u>TEXAS</u>	Zip Code <u>78410</u>

### 6. Business Phone No.

( ) Pending

### Alternate Phone No.

(361-) 522-5106

### E-mail Address

gohigred1990@yahoo.com

## OWNER INFORMATION

### 7. Type of Owner

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

### 8. Entity/Applicant

Javier Sanchez

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

Individual/Individual Owner		Limited Liability Company/All Officers or Managers	
Partnership/All Partners		Joint Venture/Venturers	
Limited Partnership/All General Partners		Trust/Trustee(s)	
Corporation/All Officers		City, County, University/Official	
Last Name Sanchez	First Name Javier	MI	Title Owner
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title



CITY OF  
**KINGSVILLE**

**MEMORANDUM**

**DATE**

Friday, August 31, 2015

**TO**

Mary Valenzuela, City Secretary

**FROM**

Engineering Department

**SUBJECT**

Alcohol License for 1414 N. 14th

Mrs. Valenzuela,

After performing the research and physical inspection you requested for the property at 1414 N. 14th, we have concluded that the property in question does fall within the 1,000 ft boundary of 2 daycares, and 1 church; therefore, it will require a variance according to City Ordinance sections 11-3-4&5.

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

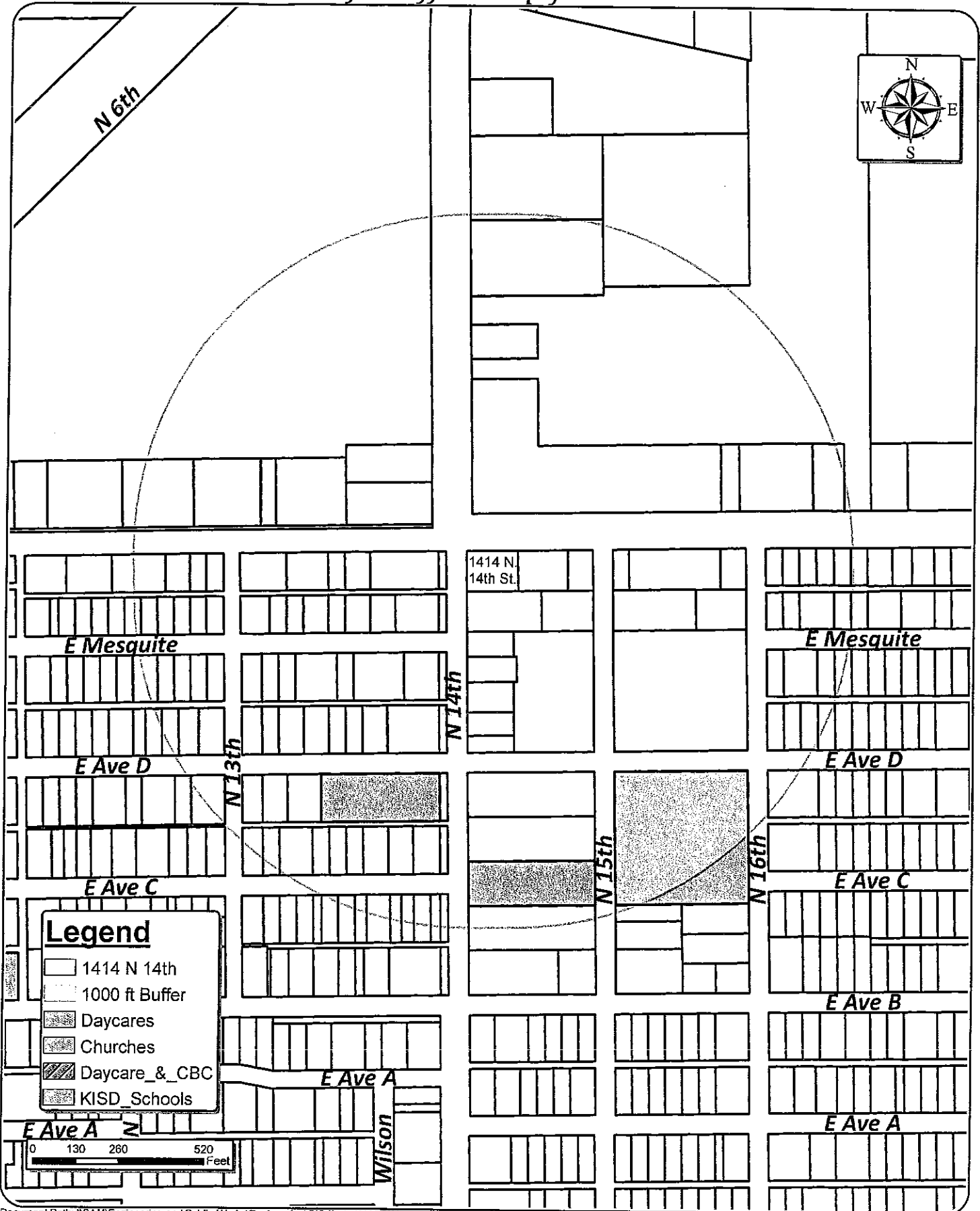
Thank you,

Engineering Department

**Attachment 1** shows the property and the relative location of the 2 daycares and 1 church; suspected to be close to the property. Centro De Milagros, La Paloma Adult Daycare, and Brown Villa Headstart Center, are within the 1,000 foot boundary.

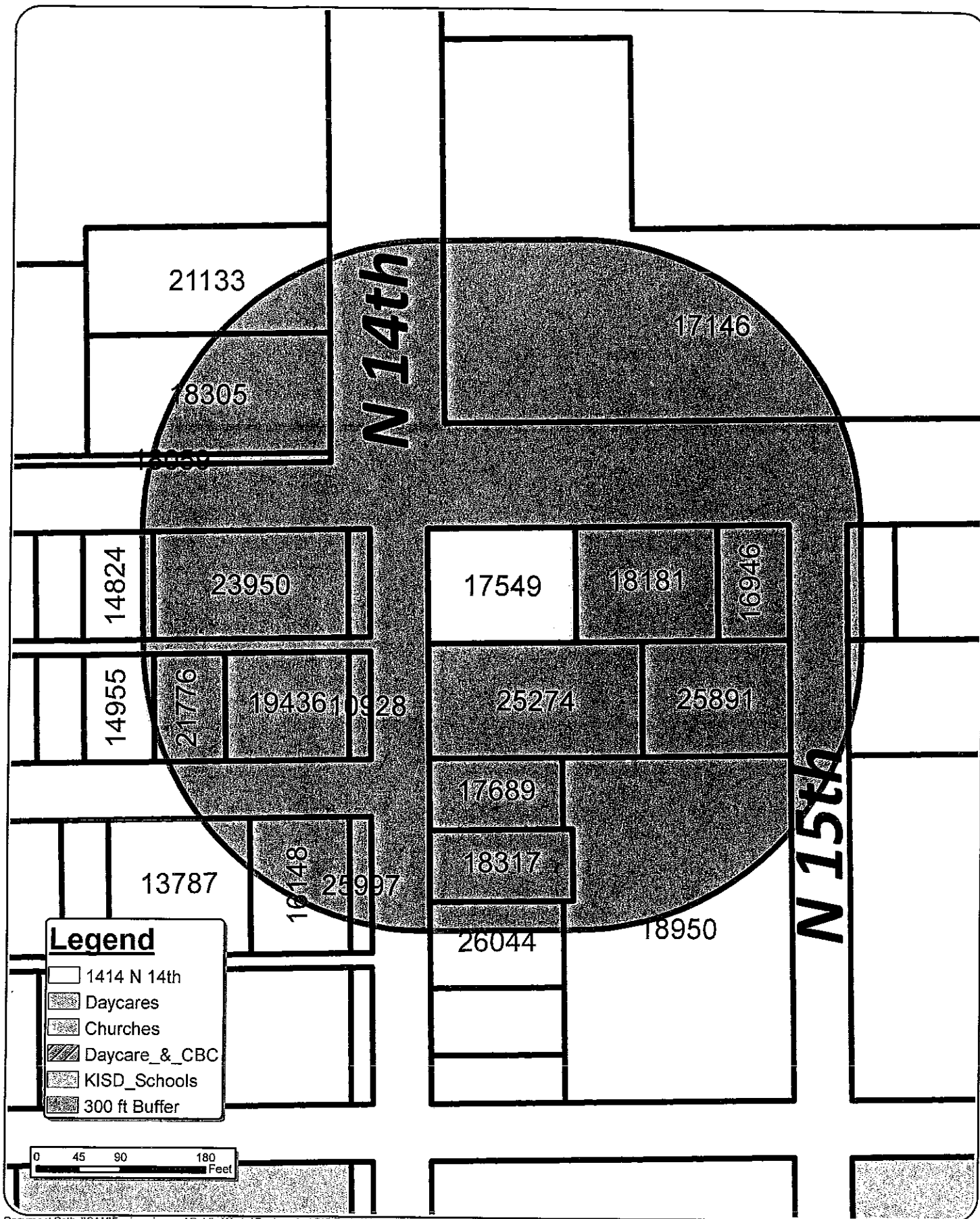
**Attachment 2** shows all properties within the 300 foot boundary in correlation with their Short ID provided by the Kleberg County Appraisal District.

# 1000 ft Buffer Map for 1414 N. 14th



Document Path: \\SAM\Engineering and Public Works\Engineering\GIS Techs\MAPS\MAP\_DOCUMENTS\Alcohol\_Permit.mxd

# 300 ft Buffer Map With Prop. ID's for 1414 N 14th St.



Document Path: \\SAM\Engineering and Public Works\Engineering\GIS Techs\MAPS\MAP\_DOCUMENTS\VA\cohol\_Permil.mxd

Page 1/1	Drawn By: Engineering Dept.	DISCLAIMER THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.	CITY OF KINGSVILLE ENGINEERING DEPARTMENT 200 East Kleberg Kingsville, Texas 78363 Office: 361-595-8005 Fax: 361-595-8035
	Last Update: 8/24/2015		
	Note: Please see attached documents.		



# **AGENDA ITEM #6**

## Planning & Development Services Department

---

TO: Mayor & City Commission

THROUGH: Courtney Alvarez, Interim City Manager

FROM: Tom Ginter, Planning & Development Services Director

SUBJECT: **Request for Alcohol Variance at 1310 E. General Cavazos, Ste. G**

DATE: September 14, 2015

---

Mr. J. M. Lozano, operator of the Wingstop is requesting an alcohol variance for a Wine and Beer Retailer's Permit. This address is located at 1310 E. General Cavazos, Ste. G and is within 1,000 ft. boundary of 1 school. The property in question therefore requires a variance according to City ordinance ORD-2004-20.

Also, all required notices have been sent to the property owners within 300ft. Additionally, a public hearing notice was placed in the newspaper on September 13, 2015. As of this point, we have not received any negative feedback from the property owners or citizens that have been noticed.

WAL-MART STORES INC #01-0442  
PO BOX 8050  
BENTONVILLE, AR 72712  
#34457

CHRISTUS SPOHN HOSPITAL KLEBERG  
792 W FM 1961  
YORKTOWN, TX 78164  
#25707

K I S D  
PO BOX 871  
KINGSVILLE, TX 78364  
#21703

LOWES HOME CENTERS  
PO BOX 1000  
MOORESVILLE, NC 28115  
#4002007

INTERNATIONAL BANK OF COMMERCE  
PO BOX 1030  
ZAPATA, TX 78076  
#4002004

TSAI TRUST  
7482 HOYLAKES CT  
GILROY, CA 95020  
#4002005



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## Conservation technical assistance available

For over 75 years, the now Natural Resources Conservation Service (NRCS) has assisted landowners, operators and producers to solve conservation problems on their land. Thus, our motto of "Helping People Help The Land."

The NRCS came about in the 1930s during the Dust Bowl era as the Soil Conservation Service. Our name changed in 1994 to reflect several natural resources including soil, water, plants and animals. The basic program is called the technical assistance program.

So if you have an erosion problem by wind or water or an issue with grazing (management), contact our office and we can assist you.

Our agency can assist with planning proper nutrient and pest management on cropland and pastureland. We can help you to analyze and inventory your soil, water, air, plant and animal resources to make wise decisions. We can be reached on developing a resource management system to improve, maintain and sustain those resources for the future.

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**1720 S. BRAHMA BLVD. KINGSVILLE 361-219-0278**

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<b>7 GALLON WAXLEAF</b> <small>CLEARANCE</small> <b>\$15.00 each</b>	<b>ALL 7 GALLON CREPE MYRTLES</b> <small>NOW</small> <b>\$30.00 each</b>	<b>4 IN. POTS WERE \$2.00 EACH</b> <small>CLEARANCE NOW</small> <b>\$1.50 each</b>	<b>BOUGAINVILLEA TRELLIS</b> <small>NOW ALL</small> <b>1/2 off</b>
<b>MOSS BOULDERS</b> <small>WHOLE PILEY NOW</small> <b>\$375.00</b> <small>PER PILEY</small>	<b>ALL YOUR PLANTING MATERIAL SOLD IN BULK OR BY THE YARD</b>		
	<small>MULCH \$55.00 ENRICHED VEGETABLE GARDEN SOIL \$59.00 ENRICHED FLOWER GARDEN SOIL \$64.00 LAWN DRESSING TO GREEN UP \$74.00</small>	<b>YOUR HOT SPOTS</b>	

**STRAIGHT EDGE LANDSCAPE NURSERY**

GREAT SELECTION    EXCELLENT QUALITY

TREE TRIMMING - LANDSCAPING - ROCK WORK

Open Monday - Friday 8:00 am - 5:00 pm  
Saturday 8:30 am - 2:30 pm    Closed Sunday

Eloin Acuña    Nursery Manager

**received**  
9-9-15



# On-Premise Prequalification Packet

L-ON (03/2015)

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

Please contact your local TABC office to determine if you must post a 60 Day Sign at your proposed location or for any additional information.

## LOCATION INFORMATION

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

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

### 2. Indicate Primary Business at this Location

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

### 3. Trade Name of Location

Wingstop

### 4. Location Address

1310 E. General Cavazos, Ste. G

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

### 5. Mailing Address

727 Arroyo Dr.

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

### 6. Business Phone No.

(361) 592-9464

### Alternate Phone No.

(361) 246-9324

### E-mail Address

TexasRepLozano@gmail.com

## OWNER INFORMATION

### 7. Type of Owner

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

### 8. Entity/Applicant

J.M. Lozano Enterprises L.L.C.

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

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

Last Name Lozano Jr.	First Name Jose	MI M	Title Manager
Last Name Lozano Sr.	First Name Jose	MI M	Title Manager
Last Name	First Name	MI	Title



CITY OF  
**KINGSVILLE**

**MEMORANDUM**

**DATE**

Friday, September 9, 2015

**TO**

Mary Valenzuela, City Secretary

**FROM**

Engineering Department

**SUBJECT**

Alcohol License for 1310 E. General Cavazos

Mrs. Valenzuela,

After performing the research and physical inspection you requested for the property at 1310 E. General Cavazos, we have concluded that the property in question does fall within the 1,000 ft. boundary of 1 school; therefore, it will require a variance according to City Ordinance sections 11-3-4&5.

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

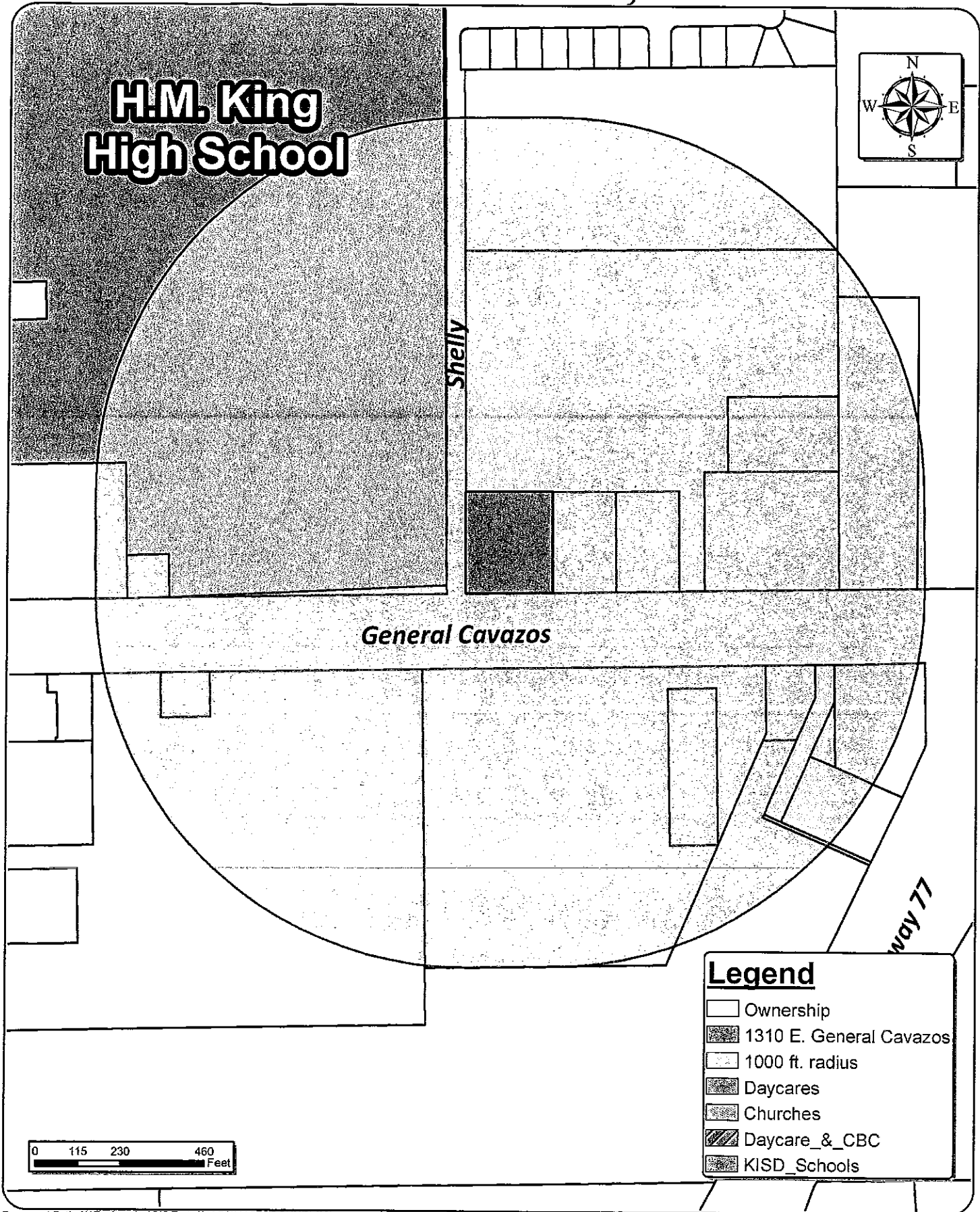
Thank you,

Engineering Department

**Attachment 1** shows the property and the relative location of the 1 school; suspected to be close to the property. H. M. King High School is within the 1,000 foot boundary.

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

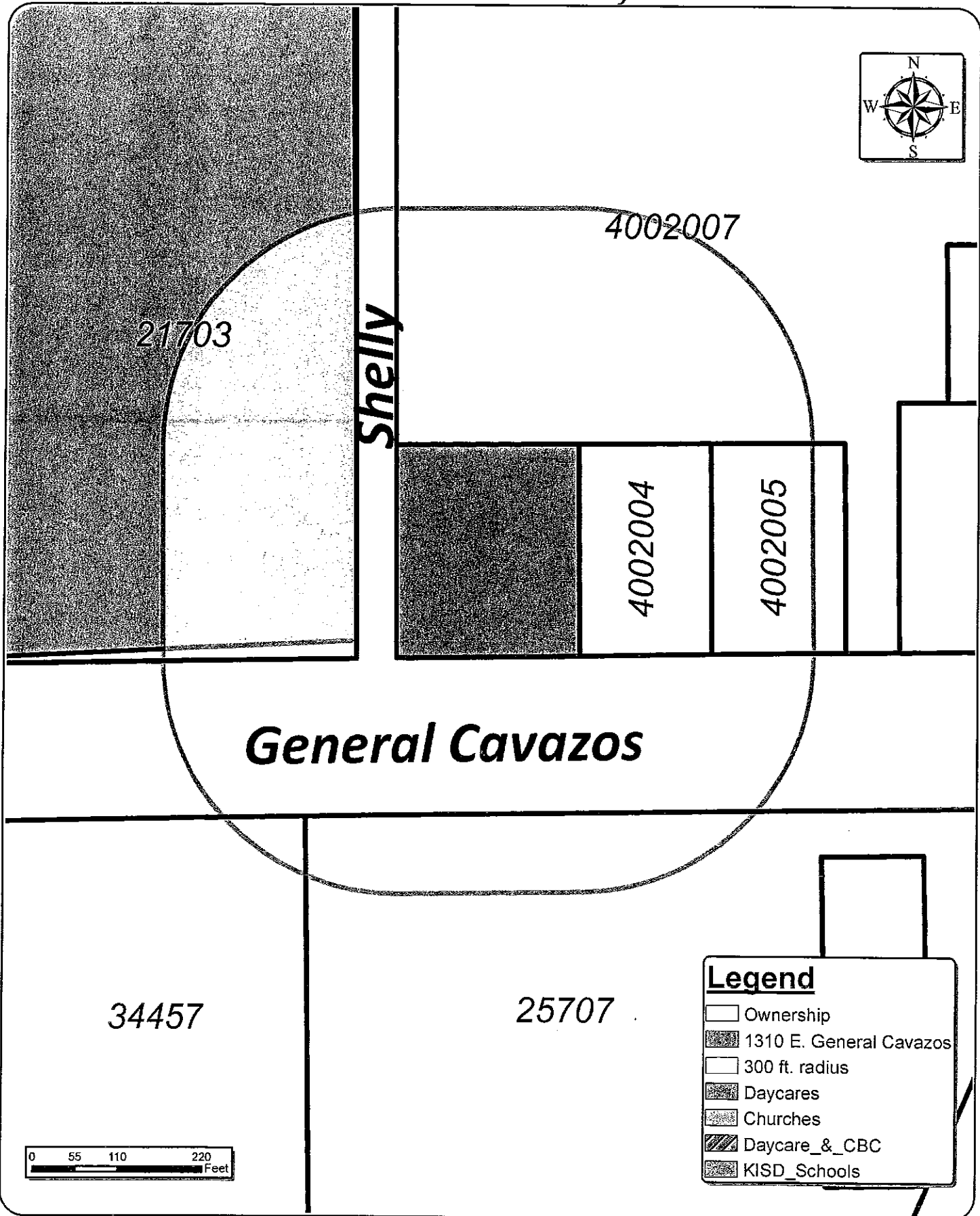
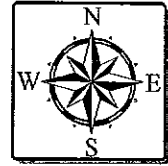
# Alcohol Permit - 1000 ft radius



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

Page 1 / 1	Drawn By: Engineering Dept.	<p>DISCLAIMER</p> <p>THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</p>	<p><b>CITY OF KINGSVILLE</b></p> <p><b>ENGINEERING DEPARTMENT</b></p> <p>200 East Kleberg</p> <p>Kingsville, Texas 78363</p> <p>Office: 361-595-8005</p> <p>Fax: 361-595-8035</p>
	Last Update: 9/9/2015		
	Note: Please see attached documents.		

# Alcohol Permit - 300 ft radius



## Legend

- Ownership
- 1310 E. General Cavazos
- 300 ft. radius
- Daycares
- Churches
- Daycare\_&\_CBC
- KISD\_Schools

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

<div>Page</div> <div>1 / 1</div>	Drawn By: Engineering Dept.	<p><small>DISCLAIMER</small></p> <p>THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</p>	<p><b>CITY OF KINGSVILLE</b>  <b>ENGINEERING DEPARTMENT</b>                  200 East Kleberg                  Kingsville, Texas 78363                  Office: 361-595-8005                  Fax: 361-595-8035</p>
	Last Update: 9/9/2015		
	Note: Please see attached documents.		



# **AGENDA ITEM #7**

**RESOLUTION #2015-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A ONE-YEAR 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 another 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 \$0.426386 cents per 1,000 gallons, and that same handling charge has been set by the Authority for the 2015-2016 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 \$0.426386 cents per 1,000 gallons of water delivered during the fiscal year October 1, 2015 through September 30, 2016.

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  
28th day of September, 2015.

\_\_\_\_\_  
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 66<sup>th</sup> 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 stated in subparagraph b, 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 eight percent (8%) 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 1<sup>st</sup> day of October, 2015 and continue in full force and effect through the latter of either midnight on September 30, 2016 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,

CITY OF KINGSVILLE, TEXAS

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Mayor

**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 \_\_\_\_\_, 2015.**

\_\_\_\_\_  
City Secretary

(CITY SEAL)

# Kingsville High and Low Averages by Month for Years 1981 through 2010 <sup>1</sup>

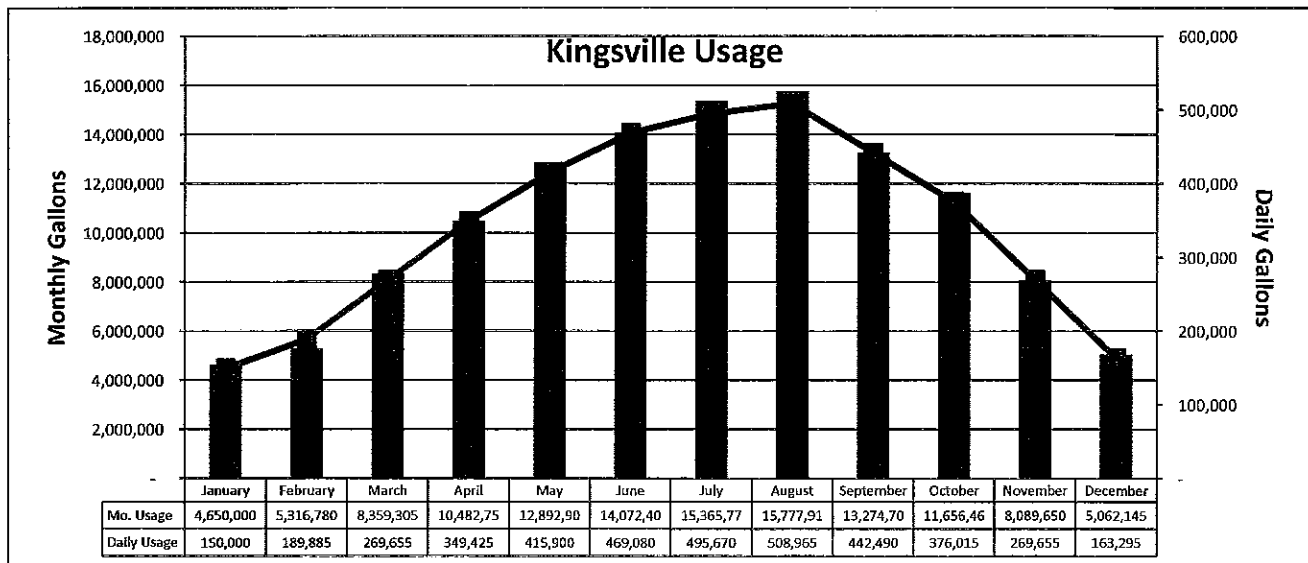
Month	Mo. Usage	Daily Usage	Days	High	Low
January	4,650,000	150,000	31	69	46
February	5,316,780	189,885	28	72	50
March	8,359,305	269,655	31	78	55
April	10,482,750	349,425	30	84	62
May	12,892,900	415,900	31	89	69
June	14,072,400	469,080	30	93	74
July	15,365,770	495,670	31	95	74
August	15,777,915	508,965	31	96	75
September	13,274,700	442,490	30	91	71
October	11,656,465	376,015	31	86	63
November	8,089,650	269,655	30	78	55
December	5,062,145	163,295	<u>31</u>	70	48
	125,000,780		365		

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

Month	High	Difference	Low	Difference	Incremental Changes per High Temp Degree:
August	96		75		508,965
July	95	1	74	1	495,670
June	93	2	74	0	469,080
September	91	2	71	3	442,490
May	89	2	69	2	415,900
October	86	3	63	6	376,015
April	84	2	62	1	349,425
March	78	6	55	7	269,655
November	78	0	55	0	269,655
February	72	6	50	5	189,885
December	70	2	48	2	163,295
January	69	1	46	2	150,000

5-year Avg  
169,928,311

Cost @ 2.80  
\$ 350,002.18



## **AGENDA ITEM #8**

**RESOLUTION NO. 2015-\_\_\_\_\_**

**RESOLUTION APPROVING THE CITY OF KINGSVILLE'S 2015 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 2015 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 2015 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 28<sup>th</sup> day of September, 2015.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



**SUBMISSION OF THE 2015 TAX ROLL FOR THE CITY OF  
KINGSVILLE PURSUANT TO SECTION 26.09(e) OF THE TEXAS  
PROPERTY TAX CODE**

**The 2015 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 2015 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 2015 tax year. Values and taxes are at a ratio of 100% of appraised value. The 2015 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 2015 Tax Roll as reflected on the attached summary page taken directly from the 2015 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 28th day of September 2015.**



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

Improvements:		Number	Amount		
Homesteadable		4,024	265,731,438--:		
New Homesteadable		65	2,422,510 :	Impr. Total	
Non-Homesteadable		4,204	324,088,423 :--	592,242,371--:	
New Non-Homesteadable			0--:		
:					
Land:		Number	Amount		
Homesteadable		3,953	37,181,458--:	Land Total	
Non-Homesteadable		5,322	83,391,827--:--	120,573,285--:	
Acres	7,617.100	9,255			Total Market
					852,492,386
:					
Productivity:		Number	Amount		
Agricultural Market		140	10,974,920--:	Productivity Mkt	Total Accounts
Timber Market			0--:--	10,974,920--:	11,208
Agricultural Use Value		140	484,160		
Timber Use Value			0		
Exempt Agricultural Market			0		
Exempt Agricultural Value			0		
:					
Other:		Number	Amount		
Minerals			0--:	Other	
Personal Property Market		1,214	128,701,810--:--	128,701,810--:	
:					
Miscellaneous:		Number	Amount		
Homestead Market Value		3,997	303,650,426		
Homestead Cap Value		3,997	302,642,174		
Tax Increment Zone Market			0		
Tax Increment Zone Base			0		
:					
Deductions:		Exemption	Number	Amount	
Constitutional Exempt				0-----:	
:					
Productivity Loss		140	10,490,760-----:		
:					
Homestead Cap Loss		173	1,008,252-----:		
:					
Homestead			0--:		
Homestead Frozen			0 :	Homestead Total	
Homestead Local			0 :--	0--:	
Homestead Local Frozen			0 :		
Homestead Local %			0 :		
Homestead Local % Frozen			0--:		Total
					Deductions
					96,815,188
:					
Over 65	8,400	1,526	12,594,548--:		
Over 65 Frozen			0 :	Over 65 Total	
Over 65 Local			0 :--	12,594,548--:	
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		70	5,645,289--:		
Disabled Veteran		207	2,043,802 :	Disabled Veteran	
Disabled Veteran Frozen			0--:--	7,689,091--:	
:					
Abatements		1	5,531,700--:		
Pollution Control			0 :		
Freeport			0 :	Other Exemptions	
HB366		47	12,490 :--	65,032,537--:	
Prorated Exempt			0 :		
Other		445	59,488,347--:		Net Taxable
					755,677,198
:					
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		2	89.46		755,677,198
Late Correction Penalty			.00		
Late Rendition Penalty		299	5,585.27		
:					
Total Tax Levy			0.00842200	Actual Levy	Calculated Levy
				6,369,988.35	6,369,988.09

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.

**2015 FINAL VALUE INFORMATION  
AS OF 7-27-15**

**TAXING UNIT  
CITY OF KINGSVILLE**

<b>GROSS VALUES</b>		<b>2015 FINAL VALUES</b>
REAL:	\$	723,790,576
PERSONAL:	\$	99,061,220
MINERAL:	\$	29,640,590
 TOTAL GROSS VALUE:	 \$	 852,492,386
 TOTAL EXEMPTIONS:	 \$	 85,304,735
 HOMESTEAD CAP ADJ:	 \$	 1,008,252
 LOSS TO AGRICULTURAL: VALUATION	 \$	 10,490,760
 NET TAXABLE VALUE:	 \$	 755,688,639

**2015 FINAL VALUE INFORMATION  
AS OF 7-27-15**

**TAXING UNIT  
CITY OF KINGSVILLE**

<b>GROSS VALUES</b>		<b>2015 FINAL VALUES</b>	<b>2014 FINAL VALUES</b>	<b>DIFFERENCE</b>
<b>REAL:</b>	\$	723,790,576	\$ 694,469,813	\$ 29,320,763
<b>PERSONAL:</b>	\$	99,061,220	\$ 95,315,110	\$ 3,746,110
<b>MINERAL:</b>	\$	29,640,590	\$ 26,395,108	\$ 3,245,482
<b>TOTAL GROSS VALUE:</b>	\$	852,492,386	\$ 816,180,031	\$ 36,312,355
<b>TOTAL EXEMPTIONS:</b>	\$	85,304,735	\$ 74,850,368	\$ 10,454,367
<b>HOMESTEAD CAP ADJ:</b>	\$	1,008,252	\$ 2,037,458	\$ (1,029,206)
<b>LOSS TO AGRICULTURAL: VALUATION</b>	\$	10,490,760	\$ 10,378,540	\$ 112,220
<b>NET TAXABLE VALUE:</b>	\$	755,688,639	\$ 728,913,665 (INC)	\$ 26,774,974

CITY OF KINGSVILLE						
Values	Real Estate	Personal	Minerals	CAD Total	NETD Total	Difference
Market Value	852,492,386	0	0	852,492,386	852,492,386	0
Productivity Loss	10,490,760	0	0	10,490,760	10,490,760	0
HS limited value Loss	1,008,252			1,008,252	1,008,252	0
Constitutional Exempt	0	0	0	0	0	0
Taxable before Exempt	840,993,374	0	0	840,993,374	840,993,374	0
<b>Exemptions</b>						
Homestead	0			0	0	0
OV65	12,579,158					
OV65S	16,800					
Sixty-five	12,595,958			12,595,958	12,594,548	-1,410 CAD gave in O65 Netdata in DV
Disability	0			0	0	0
DV1	605,235					
DV1S	25,000					
DV2	429,750					
DV2S	7,500					
DV3	340,000					
DV4	519,830					
DV4S	120,000					
DVHS	5,290,215					
DVHSS	338,710					
Disabled Vet	7,876,240	0		7,876,240	7,889,091	12,851
AB	5,531,700					
CH	49,290					
EX-XG	433,020					
EX-XN	1,819,270					
EX-XV	55,015,325					
EX-EV(Prorated)	326,972					
EX366	12,490					
LIH	859,300					
PPV	985,170					
Other	65,032,537	0	0	65,032,537	65,032,537	0
Total Exemptions	85,304,735	0	0	85,304,735	85,316,176	11,441
Net Taxable Value	755,688,639	0	0	755,688,639	755,677,198	-11,441
<b>Prorated Total DV</b>						
						1,381
						10,060
						11,441

## **AGENDA ITEM #9**

**ORDINANCE #2015-\_\_\_\_\_**

**AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO 2 ACRES AT LOT 3, BURRIS ACRES, KNOWN AS 700 GENERAL CAVAZOS FROM C2-RETAIL DISTRICT TO C4-COMMERCIAL DISTRICT; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.**

**WHEREAS**, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Deral Meadows, for amendment to the zoning ordinance and zoning map of the City of Kingsville;

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, September 16, 2015 during a meeting of the Planning and Zoning Commission, and on Monday, September 28, 2015 during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

**WHEREAS**, a majority of the Planning Commission by a 5-0 vote APPROVED the requested rezone with one abstention; and

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

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

**SECTION 1.** That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of 2 acres at Lot 3, Burris Acres, known as 700 General Cavazos from C2 Retail District to C4 Commercial District, as more specifically described on the Zone Change Map, attached as Exhibit A.

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

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

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

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

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

**INTRODUCED** on this the 28th day of September, 2015.

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

**THE CITY OF KINGSVILLE**

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

**ATTEST:**

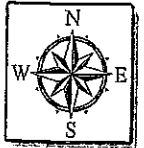
\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED:**

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



# City of Kingsville



29361

11932

31128

31126

## General Cavazos





22153

13734

22919

20148

### Legend

-  Ownership
-  700 General Cavazos
-  200 ft. Radius
-  City Limits

0 50 100 200 Feet

Document Path: N:\Engineering\GIS Techs\MAPS\MAP\_DOCUMENTS\Arc\_City\_Base\_Map\_8.5x11.mxd

Page  
1 / 1

Drawn By: Engineering  
Department

Last Update: 8/18/2015

Note:

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



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

P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

To: Mayor and City Commission

From: Tom Ginter, Director of Planning and Development Services

Date: September 14, 2015

Subject: Rezone – Planning and Zoning Commission Meeting Agenda

The Planning Zoning met on Wednesday September 16, 2015 to consider a rezone application from Deral Meadows, agent from C2 (Retail) to C4 (Commercial). The address of the rezone request is 700 General Cavazos. This piece of property is currently zoned C2. The property is on the south side of General Cavazos. I believe that the property has a for sale sign on it. The Master Plan calls for a Suburban single family living but as you know that part of General Cavazos has more commercial and multifamily on it. There is a storage unit across the street and a multifamily development. My belief is that because of the traffic on General Cavazos this area will be a commercial corridor in the future. At most possible multifamily development which has been attempted across the street on the vacant property. I do not see single family housing on General Cavazos. It should be noted that to operate a storage unit the zoning has to be correct and then a special use permit to be recommended. It is a two-step process for the applicant to operate this business.

**Staff Recommendation:** Even though there are other zonings near this property because of this particular use I recommend that the rezoning be approved. This will provide another source of storage units for the area to the south which will develop into R1 in the future.

**This item was recommended for Approval by a vote of 5 to 0 and 1 abstained, contingent upon Mr. Meadows buying the property first.**

## **SECOND STEP of the approval process:**

This is the second step of the approval process for the applicant to operate a storage unit. If the Planning and Zoning Commission denies the rezoning then it wouldn't make much sense to approve the special use permit. If the Planning and Zoning Commission recommends approval of the rezoning then it would seem likely to recommend approval of the special use permit. This could be the time to make a point about the fence requirement for this applicant. Since the property is adjacent to a residential property the applicant must comply with Section 15-6-28 Fence Regulations (g) Commercial or industrial buildings adjacent to residential properties shall install, at a minimum, an eight (8) foot high sight-obscuring fence constructed of a consistent solid material such as wood, brick or block. The fence shall be so constructed so that the finished side is facing the residential properties. Landscaping will be required.

**This item was recommended for Approval by a vote of 5 to 0 and 1 abstained, with an amendment to fence the east side of the property according to the fence regulations for a C2 zoned area.**

CITY OF KINGSVILLE  
PLANNING AND ZONING DIVISION  
MASTER APPLICATION

**PROPERTY INFORMATION: (Please PRINT or TYPE)**

Project Address \*\*\* General Cavazos Blvd. Nearest Intersection Brahma Blvd.

(Proposed) Subdivision Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

Legal Description: Burris Acres Lot 3 2 Acres

Existing Zoning Designation C2 - Retail Future Land Use Plan Designation C4 - Commercial

**OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)**

Applicant/Authorized Agent Deral Meadows Phone 361-595-5255 FAX \_\_\_\_\_

Email Address (for project correspondence only): DeralM@SDKingsville.com

Mailing Address 1500 E. General Cavazos Bl City Kingsville State TX Zip 78363

Property Owner Beverly Nielsen Revocable Trust Phone \_\_\_\_\_ FAX \_\_\_\_\_

Email Address (for project correspondence only): \_\_\_\_\_

Mailing Address 403 S. 6th City Kingsville State TX Zip 78363

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

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

Please provide a basic description of the proposed project:

Develop 2 acres of vacant land into a self storage facility as attached drawings show.

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

Applicant's Signature Deral Meadows Date: 8/7/2015

Property Owner's Signature Candice E. Nielsen Trustee for BANT Date: 8/11/15

Accepted by: Adela Barnett Date: 8/11/15

TEXAS DEPT OF TRANSPORTATION  
125 E 11TH ST  
AUSTIN, TX 78701  
#31126

JEAN SHEILA B  
529 GENERAL CAVAZOS  
KINGSVILLE, TX 78363  
#22919

GOETSCH WESLEY L  
523 E GENERAL CAVAZOS  
KINGSVILLE, TX 78363  
#22153

YAKLIN EDDIE L  
PO BOX 112  
KINGSVILLE, TX 78364  
#20148

MAY EUGENE Q TRUST  
1222 CYPHER ST  
KINGSVILLE, TX 78363  
#13734

NOTES:

1) BURRIS ACRES

AN ADDITION TO THE CITY OF KINGSVILLE  
KLEBERG COUNTY, TEXAS

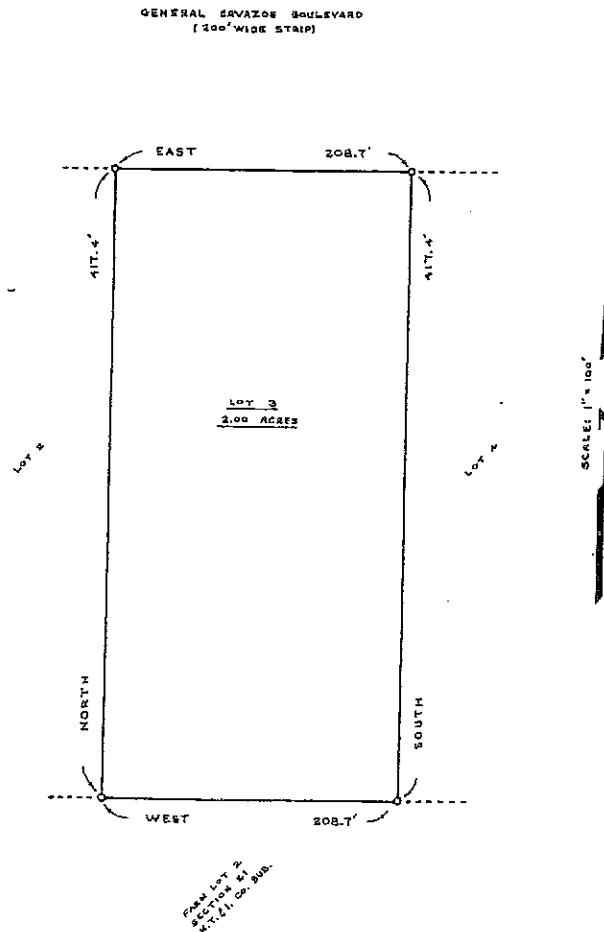
RECORDED: VOLUME 2A, PAGE 45, ENVELOPE 49  
MAP AND PLAT RECORDS  
KLEBERG COUNTY, TEXAS

2) KLEBERG TOWN AND IMPROVEMENT COMPANY  
SUBDIVISION

RECORDED: VOLUME 3, PAGE 26, ENVELOPE 87  
MAP AND PLAT RECORDS  
KLEBERG COUNTY, TEXAS

3) THIS PROPERTY LIES WITHIN ZONE C, AN  
AREA OF MINIMAL FLOODING OUTSIDE THE  
500-YEAR FLOOD PLAIN AS SHOWN ON THE  
FLOOD INSURANCE RATE MAP, COMMUNITY  
PANEL NUMBER 480424-0005 C, FEDERAL  
INSURANCE ADMINISTRATION, AS REVISED  
AUGUST 17, 1981 FOR THE CITY OF  
KINGSVILLE.

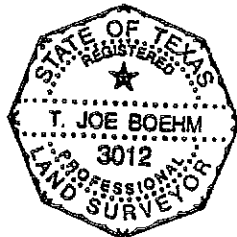
4) FENCE LOCATED ALONG SOUTH PORTION OF  
EAST LOT LINE EXTENDS 0.6 FEET TO  
THE WEST OVER SAID LOT LINE AT  
SOUTHEAST LOT CORNER.



PLAT

SHOWING A 2.00 ACRE TRACT OF LAND, MORE OR LESS, SAME  
BEING ALL OF LOT 3, BURRIS ACRES, KLEBERG COUNTY, TEXAS,  
SURVEYED ON THE GROUND UNDER MY SUPERVISION IN THE  
MONTH OF JANUARY 1993 FOR THE STATE BANK OF KINGSVILLE.

BY: T. Joe Boehm  
T. Joe Boehm, P.E., R.P.L.S.

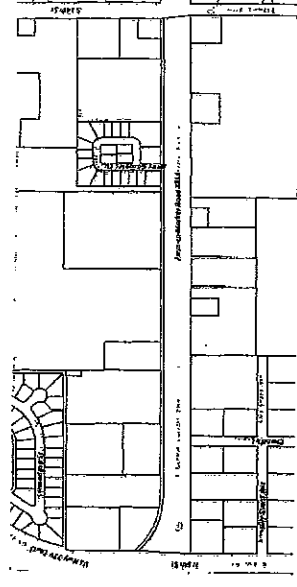
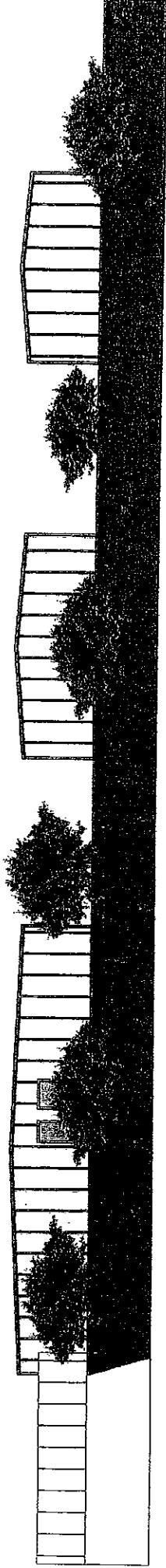


**BBE**

BOEHM BROTHERS  
ENGINEERING  
SHINER, TEXAS

# *Safety Deposit Self Storage*

## *Kingsville, TX*

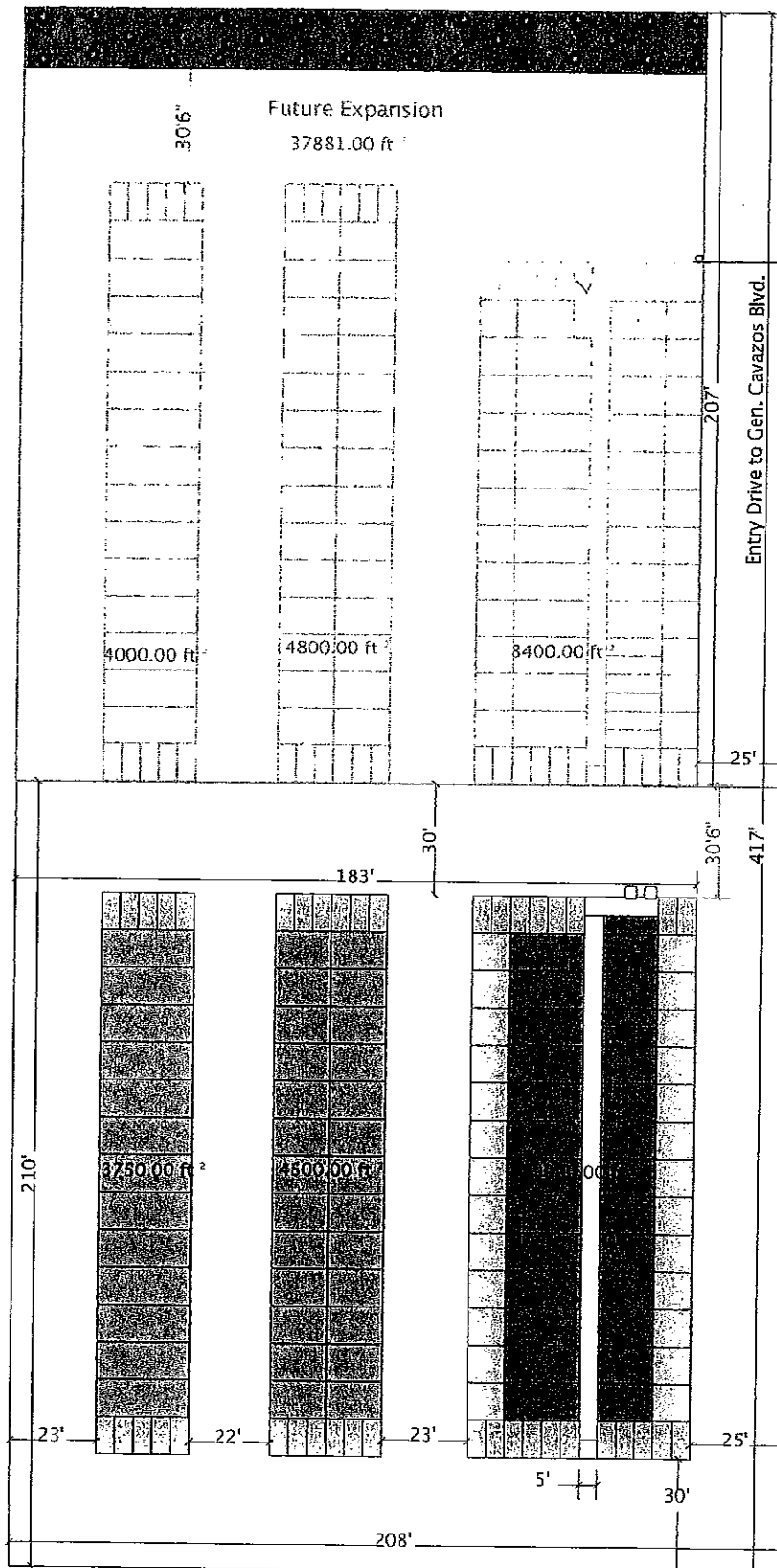


# Safety Deposit Self Storage

525 General Cavazos Blvd. Kingsville, TX



General Cavazos Blvd.

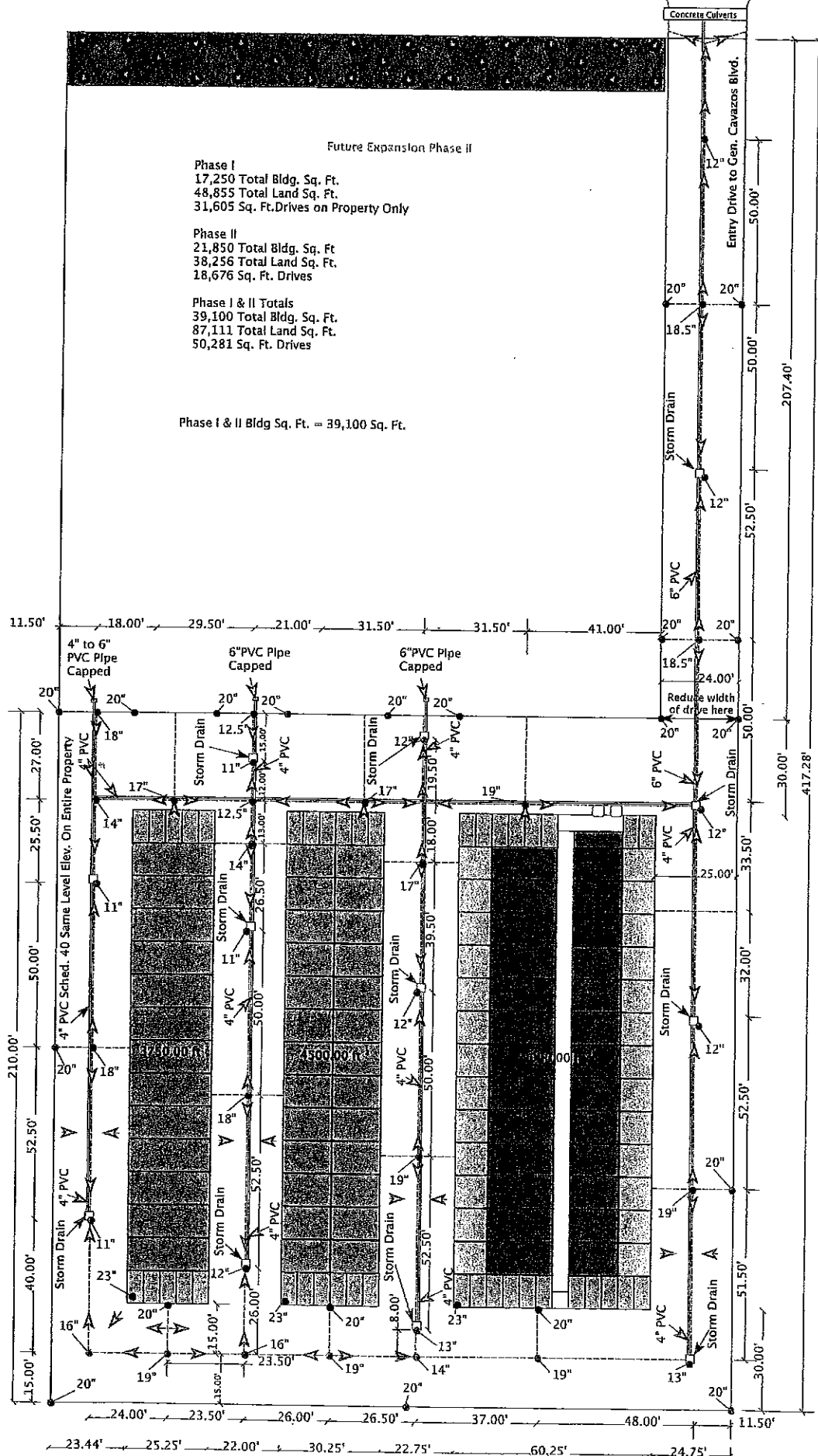


Phase I  
17,250 Total Bldg. Sq. Ft.  
48,855 Total Land Sq. Ft.  
31,605 Sq. Ft. Drives on Property Only

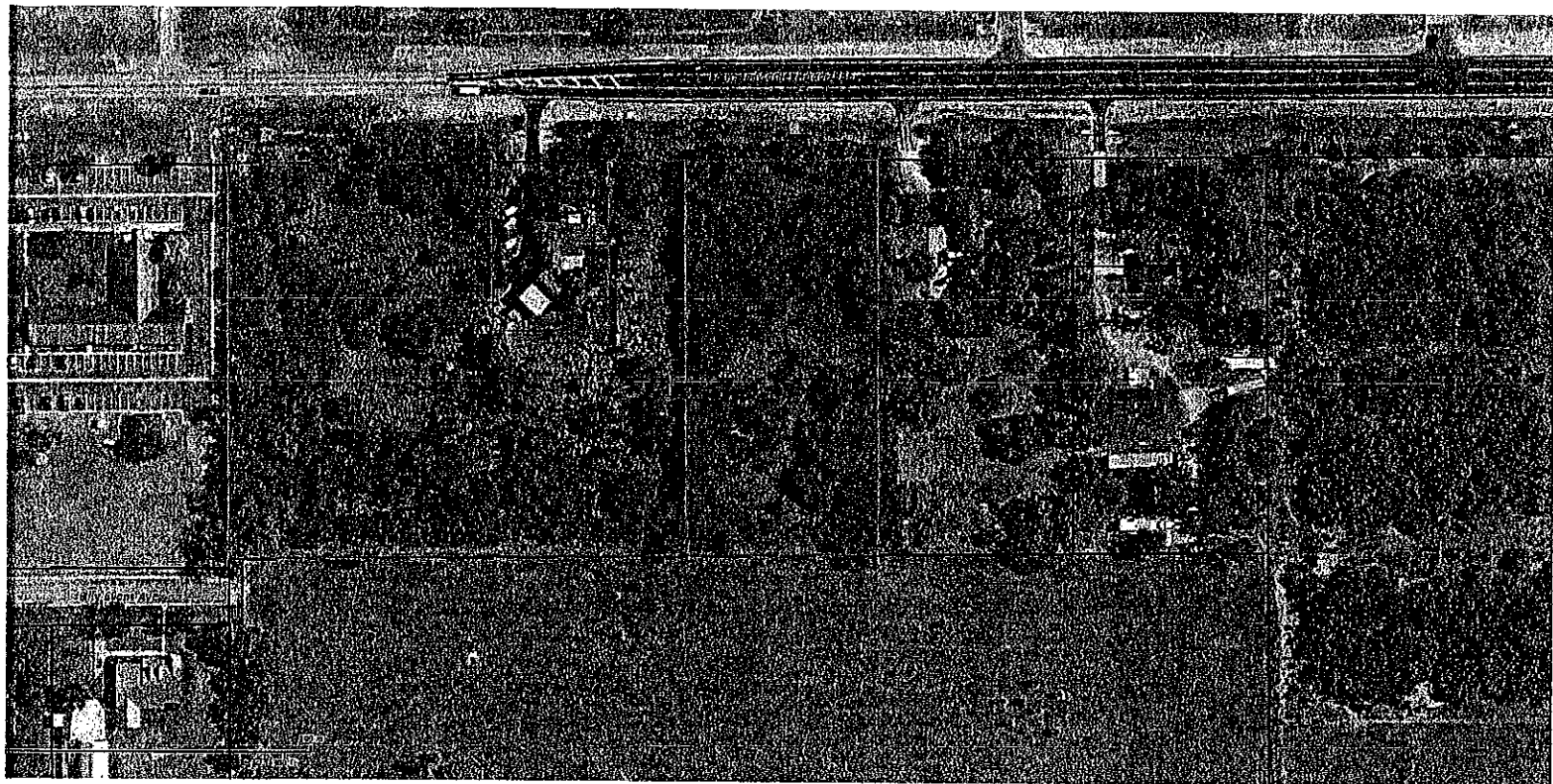
Phase II  
21,850 Total Bldg. Sq. Ft.  
38,256 Total Land Sq. Ft.  
18,676 Sq. Ft. Drives

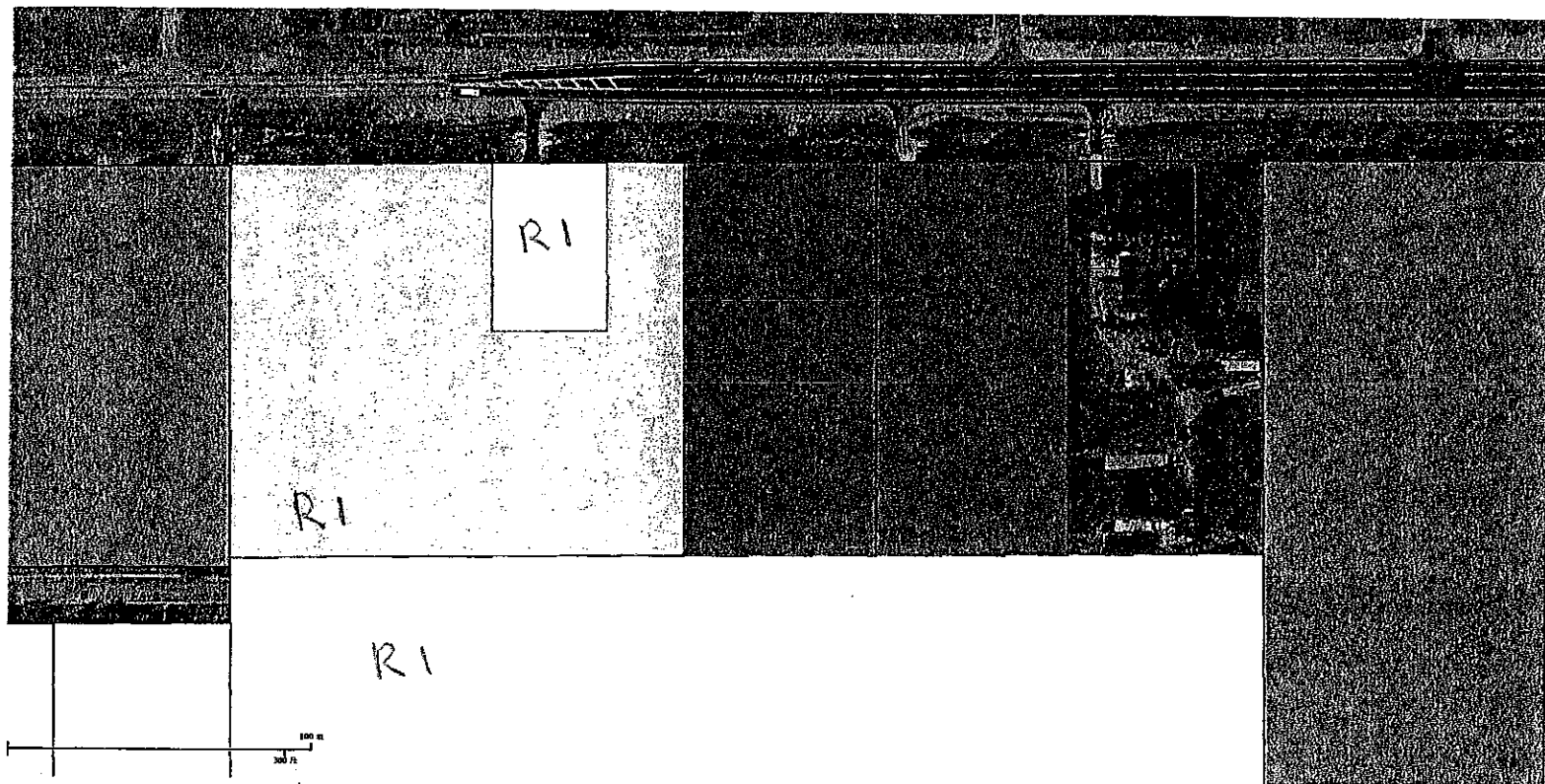
Phase I & II Totals  
39,100 Total Bldg. Sq. Ft.  
87,111 Total Land Sq. Ft.  
50,281 Sq. Ft. Drives

Phase I & II Bldg Sq. Ft. = 39,100 Sq. Ft.









X- Property in question

Red- C2 zoning

Yellow- R1 zoning

Sec. 15-6-28. - Fence regulations.

- (a) *Purpose.* The purpose of these regulations is to establish criteria for the location, maintenance and appearance of privacy fences and other visual barriers including landscaped hedges. The intent is to limit the amount of privacy fencing/barriers in order to promote the open, unencumbered characteristics of Kingsville and ensure the safe visibility of pedestrian and vehicular traffic.
- (b) *Permit required.* Except as provided for single strand electrical wires herein, a fence permit shall be obtained and the required fee paid as set out in Section 15-1-6(B)(4) before installation of any fence. A site plan indicating the location of the proposed fence, property lines, setbacks and buildings, and a typical detail of the fence showing the material and general appearance of the fence shall be submitted with the permit request. A boundary survey of the property is not required but may be deemed necessary by the property owner, applicant or City in the case of a boundary line dispute or other reason as deemed necessary by the property owner or applicant. All swimming pool permits are to be accompanied by a fence permit when an existing compliant fence is not present to prevent unwanted entry.
- (c) For all property within the City, no person or business shall erect or maintain a sight obscuring fence forward from the front building line, excluding any and all porches, decks, patios or similar appurtenances, except where otherwise authorized by this code.
- (d) Fences over three (3) feet in height and with more than 50% sight obscured shall be deemed to be a Sight-Obscuring Fence.
- (e) In no case shall a sight-obscuring fence, hedge, tree or other visual barrier be placed or maintained in excess of three feet high within a Street or Driveway Intersection Sight Visibility Triangle as defined in Section 15-6-21 of this code of ordinances. Trees within a Street or Driveway Intersection Sight Visibility Triangle shall be kept trimmed so the tree canopy is no less than ten (10) feet high.
- (f) Fences in residential areas shall not exceed four (4) feet in height in any front yard area and six and a half (6.5) feet in height in any side or rear yard area. Nonresidential areas are restricted to a maximum of four (4) feet in the front yard area and a minimum of eight (8) feet in height in any side or rear yard area but shall not exceed ten (10) feet in height.
- \* (g) Commercial or industrial buildings adjacent to residential properties shall install, at a minimum, an eight (8) foot high sight-obscuring fence constructed of a consistent solid material such as wood, brick or block. The fence shall be so constructed so that the finished side is facing the residential properties.
- (h) Fences or hedges/landscape materials shall be required to screen storage areas allowed in all commercial and industrial districts and shall be of sufficient height to screen the storage from adjacent public right-of-way and adjacent properties. If screening is required to exceed eight (8) feet in height, then landscaping material shall be utilized to soften the impact and add to the screening. Trees that will grow to a sufficient height to screen storage from adjacent properties shall be utilized where the terrain is such that a screen exceeding ten (10) feet in height is needed.
- (i) The height of a fence shall be measured from the highest adjoining finished grade.
- (j)

	R1	R2	R3	R4	MH	C1	C2	C3	C4	I1	I2	Ag
Lithographer or print shop							P	P	P	P	P	
Lumber yard							S	P	P	S	P	
Dairy or ice cream plant									S	P	P	P
Maintenance or repair service for buildings									P	P	P	
Laboratory, scientific or research							S	S	S	P	P	S
Paint shop							S	P	P	P	P	
Plumbing shop							S	S	P	P	P	
Railroad or bus passenger							S	P	P	P		
Railroad team tracks, freight depot or docks									P	P	P	P
* Storage warehouse									S	S	S	
Trade, vocational or commercial schools							S	P	P	S	S	
Trailer and mobile home sales							S		P	P	P	
Transfer storage terminal									P	P	P	
Welding or machine shop									P	P	P	
Wholesale office, storage, sales not elsewhere listed									P	P	P	
Milk depot						S	S	P	P	P		

## Poster, essay contest materials available

The Kleberg-Kenedy Soil and Water Conservation District directors have just received information for the 2016 poster and essay contest for students in the local schools. Children 12 years and under are eligible for the poster contest and 18 years and under for the essay contest. It is an open contest to boys and girls and does not jeopardize Texas University Intercollegiate League eligibility.

The essay contest theme for the 2016 is "How Soil and Water Conservation Helps Feed the World." The students should write their essay about soil and water conservation practices, making it interesting to the reader so that the reader can understand the essay. Make sure the ideas are clear and easy to read and write the ideas in detail so that the reader really

understands what he or she is saying. Of course, correct spelling, capitalization, punctuation, grammar and sentences are a must. More information on the poster and essay contests can be obtained at <http://www.nacdn.org/stewardship/education.com>.

Maximum of 300 words is allowed in preparation of the essays for children 13 and under and maximum of 500 for children 14 to 18.

"This is the 10th year that the essay contest has been split up between the age groups," David Schubert, director on the board said. "Splitting the age groups helps in fairness for those participating."

The posters for the 2016 contest will be based on the theme of "Local Heroes - Your Hardworking Pollinators." Pollinators are a very important part of the web of life upon which we all depend. Pollinators provide a majority of the food we consume and help

maintain our environment. Agriculture production depends on pollinators to produce human food production worldwide. We can't live without pollinators.

"Our district makes conservation education of our youth in the local schools a top priority each year," Ernest Bippert Jr., secretary on the Kleberg-Kenedy SWCD board said. "This year's poster theme is especially important in providing the abundant, safe and affordable food supply that we enjoy each and every day of lives."

"As always, our board of directors look forward to working with the schools with the assistance of our local Natural Resources Conservation Service staff," John Prudop, chairman of the board said. "Our district office has the information concerning the contest and Linda Muguerra, district administrator, will be getting the information out to the schools that are interested. Any schools in Kleberg and

Kenedy Counties that are interested should contact the District office at 401 E. King St. 100 or call at (361) 592-0309, ext. 3 in Kingsville."

"The top five students in the poster and essay contests in the junior and senior divisions will be recognized at the annual awards banquet, usually held in February of each year," Vern Crocker, director of the local SWCD board said. "By participating in the contest, students learn the importance of soil and water conservation."

The rainfall simulator is available for presentations, which educates students on the importance of protecting the soil.

The local NRCS staff can schedule times to go out to the schools if they are interested. Students have done very well in the area awards contest and a student from Saria was awarded the first place in the state contest.

For more information, contact the district office in Kingsville at (361) 592-0309, ext. 3 or come by the office at 401 E. King Ave., Ste. 100.

### PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, September 16, 2015 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:

Adame J. Alvaro, owner - Requesting a special use permit for a storage warehouse currently zoned as C4 (Commercial) located at MCBRYDE AC, BLOCK 6, LOT 2, ACRES 1.1524 also known as 1220 N. 14th Street.

Nielsen Beverly Anne, owner, Deral Meadows, agent - Requesting to rezone from C2 (Retail) to C4 (Commercial) located at BURRIS AC, LOT 3, ACRES 2 also known as 700 General Cavazos.

Nielsen Beverly Anne, owner, Deral Meadows, agent - Requesting a special use permit to operate a storage warehouse located at BURRIS AC, LOT 3, ACRES 2 also known as 700 General Cavazos.

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 28, 2015 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:

Adame J. Alvaro, owner - Requesting a special use permit for a storage warehouse currently zoned as C4 (Commercial) located at MCBRYDE AC, BLOCK 6, LOT 2, ACRES 1.1524 also known as 1220 N. 14th Street.

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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.

### NOTICE OF PUBLIC HEARING ON KLEBERG COUNTY APPRAISAL DISTRICT BUDGET

The Kleberg County Appraisal District will hold a public hearing on a proposed budget for the 2016 fiscal year.

The public hearing will be held on September 10, 2015, at 10:30 a.m. in the board room of the Appraisal District office located at 502 E. Kleberg, Kingsville, Texas.

A summary of the appraisal district budget follows:

The total amount of the proposed budget.	\$818,289.99
The total amount of increase from the current year's budget.	\$ .00
The number of employees compensated under the proposed budget.	10 (full time equivalent)
The number of employees compensated under the current budget.	10 (full time equivalent)

The appraisal district is supported solely by payments from the local taxing units served by the appraisal district.

If approved by the appraisal district board of directors at the public hearing, this proposed budget will take effect automatically unless disapproved by the governing bodies of the county, school district, cities and towns served by the appraisal district.

A copy of the proposed budget is available for public inspection in the office of each of those governing bodies. A copy is also available for public inspection at the appraisal district office.

KLEBERG COUNTY APPRAISAL DISTRICT  
502 E. KLEBERG - P.O. BOX 1027  
KINGSVILLE, TEXAS 78363  
(361) 595-5775

## Garza promoted to Assistant Vice-President

### Submitted Item

The board of directors of Kingsville Community Federal Credit Union promoted Imelda H. Garza to assistant vice-president in charge of retail lending Aug. 19.

Garza has served as a retail loan officer since her promotion in January 2011. She began her employment with the credit union as a loan processor in June 2003 and has assumed additional administrative and lending duties during her tenure.

A longtime resident of Ricardo, Garza is a graduate of H.M. King High School, Leadership Kingsville and recently received her diploma from Credit Union National Association Management School at University of Wisconsin as a certified credit union executive.

Garza is a member of St. Martin's Catholic Church and serves as a volunteer in income tax preparation for the credit union Volunteer Income Tax Assistance Program, a free tax



Imelda H. Garza

preparation service to tax payers. Garza. They have two children, Kimberly Garza. She is married to Albert and Albert Garza Jr. (A).

## Unemployment rate increases for several counties

By Tim Acosta  
[tacosta@king-ranch.com](mailto:tacosta@king-ranch.com)

Kleberg County's unemployment rate increased slightly last month, keeping the figure above 6 percent, according to figures recently released by Workforce Solutions of the Coastal Bend.

During the month of July, Kleberg County's unemployment rate increased 0.2 percent to 6.2 percent. The county's total labor force dropped 0.5 percent to 14,918, with 13,987 of those individuals employed. The number of unemployed workers increased 2.6 percent to 931.

Compared to July 2014, last month's unemployment rate was unchanged.

The unemployment rate for Nueces County last month was 4.9 percent, which was only a 0.1 percent increase from the month prior. The total labor force for Nueces County dropped 0.56 percent to 168,928, with 160,606 of those workers employed.

The number of unemployed workers increased 2.6 percent to 8,322 from the month prior. Compared to July 2014, last month's unemployment rate was 0.5 percent lower.

Kenedy County's unemployment rate decreased 0.5 percent from June to 2.5 percent last month. That number is 0.2 percent higher than the rate in place in July 2014.

The Coastal Bend region's not seasonally adjusted unemployment rate for July went up slightly to 5.5 percent, 0.2 percent higher than the month of June and 0.2 percent lower than July 2014, Workforce Solutions officials said.

The Corpus Christi Metropolitan Statistical Area's unemployment rate increased 0.1 percent in the month and is 0.5 percent lower than July of last year, Workforce Solutions representatives said.

Aransas and Nueces counties experienced the greatest yearly decrease with a change of 0.9 percent and 0.5 percent respectively. McMullen County continues to post the lowest unemployment rate in the state at 1.4 percent.

## **PUBLIC HEARING NOTICE**

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, September 16, 2015 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:

**Adame J. Alvaro, owner – Requesting a special use permit for a storage warehouse currently zoned as C4 (Commercial) located at MCBRYDE AC, BLOCK 6, LOT 2, ACRES 1.1524 also known as 1220 N. 14th Street.**

**Nielsen Beverly Anne, owner, Deral Meadows, agent – Requesting to rezone from C2 (Retail) to C4 (Commercial) located at BURRIS AC, LOT 3, ACRES 2 also known as 700 General Cavazos.**

**Nielsen Beverly Anne, owner, Deral Meadows, agent – Requesting a special use permit to operate a storage warehouse located at BURRIS AC, LOT 3, ACRES 2 also known as 700 General Cavazos.**

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 28, 2015 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:

**Adame J. Alvaro, owner – Requesting a special use permit for a storage warehouse currently zoned as C4 (Commercial) located at MCBRYDE AC, BLOCK 6, LOT 2, ACRES 1.1524 also known as 1220 N. 14th Street.**

**Nielsen Beverly Anne, owner, Deral Meadows, agent – Requesting to rezone from C2 (Retail) to C4 (Commercial) located at BURRIS AC, LOT 3, ACRES 2 also known as 700 General Cavazos.**

**Nielsen Beverly Anne, owner, Deral Meadows, agent – Requesting a special use permit to operate a storage warehouse located at BURRIS AC, LOT 3, ACRES 2 also known as 700 General Cavazos.**

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 #10**

**ORDINANCE NO. 2015-\_\_\_\_\_**

**AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR 700 GENERAL CAVAZOS (2 ACRES AT LOT 3, BURRIS ACRES) FOR SELF STORAGE FACILITY; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION.**

**WHEREAS**, the Planning Commission has forwarded to the City Commission it's reports and recommendations concerning the application of owner Deral Meadows, for amendment to the zoning map of the City of Kingsville;

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, September 16, 2015, during a meeting of the Planning Commission, and on Monday, September 28, 2015, during a meeting of the City Commission, in the Commission Chambers, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

**WHEREAS**, a majority of the Planning Commission voted 5-0 to APPROVE, with one abstention, the requested special use permit; and

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

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

**SECTION 1.** That the Zoning Ordinance of the City of Kingsville, Texas, is amended and a Special Use Permit is granted for a self storage facility on the premises known as 700 General Cavazos (2 acres at Lot 3, Burris Acres), as more specifically describe on site plan attached as Exhibit A.

**SECTION 2.** That the Special Permit granted in Section 1 of this Ordinance is subject the following conditions:

1. ALLOWED USE: The only uses authorized by this Special Permit other than the permitted "C4" Commercial District uses is as a self storage facility..

2. TIME LIMIT: This Special Permit is good for the duration of the business from the date of this ordinance **unless** (a) the property is not being used for the purpose outlined in Condition 1, or (b) any other conditions have not been complied with, or (c) there is a change in ownership of the business.

4. SPECIAL CONDITION: (4.1) The applicant shall obtain all required licenses for operating the business and permits for building, fire and health thereby meeting all adopted



codes to operate said business, and shall cooperate with all annual fire safety, health, and sanitation inspections, in order to maintain compliance with state and city regulations for the self storage facility. (4.2) All activity on site shall be in complete compliance of all City codes, especially the nuisance, fire, building and zoning codes.

**SECTION 3.** That the official Zoning Map of the City of Kingsville, Texas, is amended to reflect the amendment to the Zoning Ordinance made by Section 1 of this ordinance.

**SECTION 4.** That the Zoning Ordinance and Zoning Map of the City of Kingsville, Texas, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

**SECTION 5.** That to the extent that this amendment to the Zoning Ordinance represents a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the Zoning Ordinance, as amended by this ordinance.

**SECTION 6.** That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

**SECTION 7.** That publication shall be made in the official publication of the City of Kingsville as required by the City Charter of the City of Kingsville. Codification is not required.

**INTRODUCED** on this the 28th day of September, 2015.

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

**THE CITY OF KINGSVILLE**

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Sam R. Fugate, Mayor

**ATTEST:**

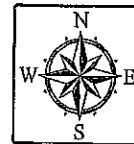
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Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

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Courtney Alvarez, City Attorney



29361

11932

31128

31126

**General Cavazos**





22153

13734

22919

20148

**Legend**

-  Ownership
-  700 General Cavazos
-  200 ft. Radius
-  City Limits

0 50 100 200 Feet

Document Path: N:\Engineering\GIS Techs\MAPS\MAP\_DOCUMENTS\Arc\_City\_Base\_Map\_8.5x11.mxd

Page  
1 / 1

Drawn By: Engineering  
Department

Last Update: 8/18/2015

Note:

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



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

P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

To: Mayor and City Commission

From: Tom Ginter, Director of Planning and Development Services

Date: September 14, 2015

Subject: Rezone – Planning and Zoning Commission Meeting Agenda

The Planning Zoning met on Wednesday September 16, 2015 to consider a rezone application from Deral Meadows, agent from C2 (Retail) to C4 (Commercial). The address of the rezone request is 700 General Cavazos. This piece of property is currently zoned C2. The property is on the south side of General Cavazos. I believe that the property has a for sale sign on it. The Master Plan calls for a Suburban single family living but as you know that part of General Cavazos has more commercial and multifamily on it. There is a storage unit across the street and a multifamily development. My belief is that because of the traffic on General Cavazos this area will be a commercial corridor in the future. At most possible multifamily development which has been attempted across the street on the vacant property. I do not see single family housing on General Cavazos. It should be noted that to operate a storage unit the zoning has to be correct and then a special use permit to be recommended. It is a two-step process for the applicant to operate this business.

**Staff Recommendation:** Even though there are other zonings near this property because of this particular use I recommend that the rezoning be approved. This will provide another source of storage units for the area to the south which will develop into R1 in the future.

**This item was recommended for Approval by a vote of 5 to 0 and 1 abstained, contingent upon Mr. Meadows buying the property first.**

## **SECOND STEP of the approval process:**

This is the second step of the approval process for the applicant to operate a storage unit. If the Planning and Zoning Commission denies the rezoning then it wouldn't make much sense to approve the special use permit. If the Planning and Zoning Commission recommends approval of the rezoning then it would seem likely to recommend approval of the special use permit. This could be the time to make a point about the fence requirement for this applicant. Since the property is adjacent to a residential property the applicant must comply with Section 15-6-28 Fence Regulations (g) Commercial or industrial buildings adjacent to residential properties shall install, at a minimum, an eight (8) foot high sight-obscuring fence constructed of a consistent solid material such as wood, brick or block. The fence shall be so constructed so that the finished side is facing the residential properties. Landscaping will be required.

**This item was recommended for Approval by a vote of 5 to 0 and 1 abstained, with an amendment to fence the east side of the property according to the fence regulations for a C2 zoned area.**

**CITY OF KINGSVILLE  
PLANNING AND ZONING DIVISION  
MASTER APPLICATION**

**PROPERTY INFORMATION: (Please PRINT or TYPE)**

Project Address \*\*\* General Cavazos Blvd. Nearest Intersection Brahma Blvd.

(Proposed) Subdivision Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

Legal Description: Burris Acres Lot 3 2 Acres

Existing Zoning Designation C2 - Retail Future Land Use Plan Designation C4 - Commercial

**OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)**

Applicant/Authorized Agent Deral Meadows Phone 361-595-5255 FAX \_\_\_\_\_

Email Address (for project correspondence only): DeralM@SDKingsville.com

Mailing Address 1500 E. General Cavazos Bl City Kingsville State TX Zip 78363

Property Owner Beverly Nielsen Revocable Trust Phone \_\_\_\_\_ FAX \_\_\_\_\_

Email Address (for project correspondence only): \_\_\_\_\_

Mailing Address 403 S. 6th City Kingsville State TX Zip 78363

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

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

Please provide a basic description of the proposed project:

Develop 2 acres of vacant land into a self storage facility as attached drawings show.

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

Applicant's Signature D. Meadows Date: 8/7/2015  
Property Owner's Signature Candice E. J. Trustee for BANT Date: 8/11/15  
Accepted by: Adela Barrios Date: 8/11/15

TEXAS DEPT OF TRANSPORTATION  
125 E 11TH ST  
AUSTIN, TX 78701  
#31126

GOETSCH WESLEY L  
523 E GENERAL CAVAZOS  
KINGSVILLE, TX 78363  
#22153

MAY EUGENE Q TRUST  
1222 CYPHER ST  
KINGSVILLE, TX 78363  
#13734

JEAN SHEILA B  
529 GENERAL CAVAZOS  
KINGSVILLE, TX 78363  
#22919

YAKLIN EDDIE L  
PO BOX 112  
KINGSVILLE, TX 78364  
#20148

NOTES:

1) BURRIS ACRES

AN ADDITION TO THE CITY OF KINGSVILLE  
KLEBERG COUNTY, TEXAS

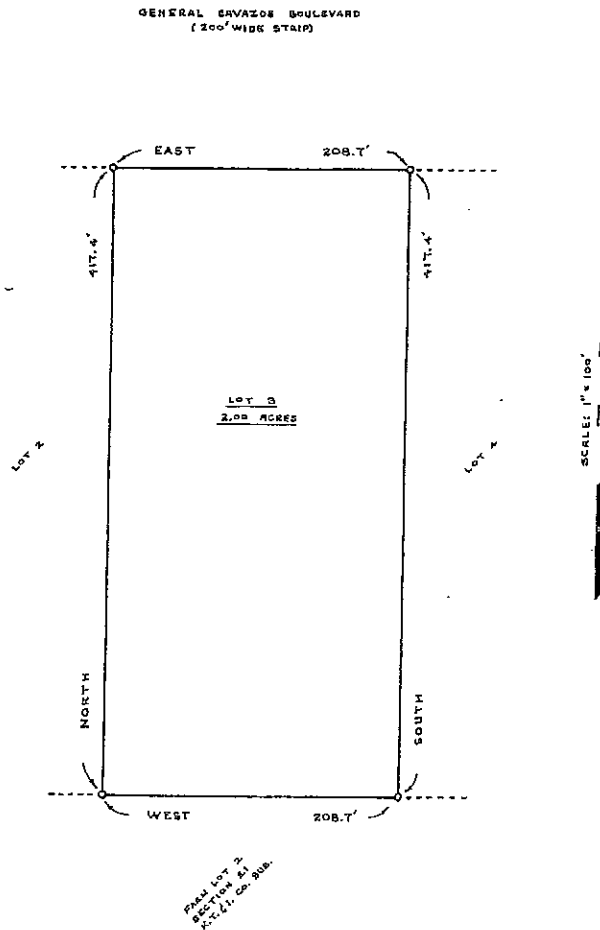
RECORDED: VOLUME 2A, PAGE 45, ENVELOPE 49  
MAP AND PLAT RECORDS  
KLEBERG COUNTY, TEXAS

2) KLEBERG TOWN AND IMPROVEMENT COMPANY  
SUBDIVISION

RECORDED: VOLUME 3, PAGE 26, ENVELOPE 87  
MAP AND PLAT RECORDS  
KLEBERG COUNTY, TEXAS

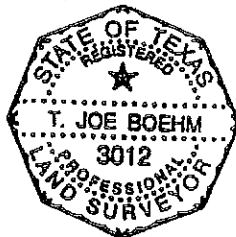
3) THIS PROPERTY LIES WITHIN ZONE C, AN  
AREA OF MINIMAL FLOODING OUTSIDE THE  
500-YEAR FLOOD PLAIN AS SHOWN ON THE  
FLOOD INSURANCE RATE MAP, COMMUNITY  
PANEL NUMBER 480424-0005 C, FEDERAL  
INSURANCE ADMINISTRATION, AS REVISED  
AUGUST 17, 1981 FOR THE CITY OF  
KINGSVILLE.

4) FENCE LOCATED ALONG SOUTH PORTION OF  
EAST LOT LINE EXTENDS 0.6 FEET TO  
THE WEST OVER SAID LOT LINE AT  
SOUTHEAST LOT CORNER.



SHOWING A 2.00 ACRE TRACT OF LAND, MORE OR LESS, SAME  
BEING ALL OF LOT 3, BURRIS ACRES, KLEBERG COUNTY, TEXAS,  
SURVEYED ON THE GROUND UNDER MY SUPERVISION IN THE  
MONTH OF JANUARY 1993 FOR THE STATE BANK OF KINGSVILLE.

BY T. Joe Boehm  
T. Joe Boehm, P.E., R.P.L.S.

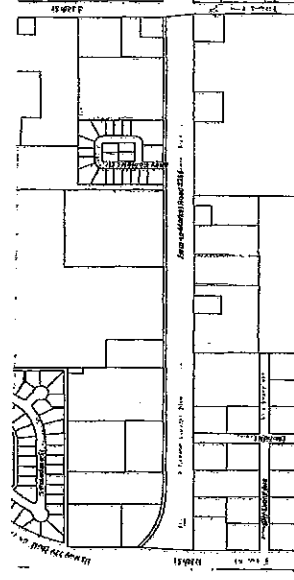
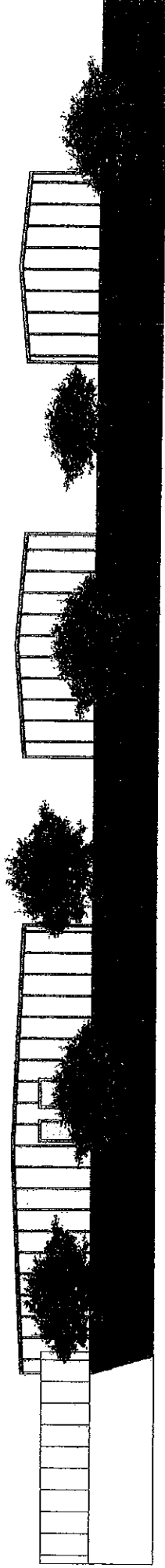


**BBE**

BOEHM BROTHERS  
ENGINEERING  
SHINER, TEXAS

# *Safety Deposit Self Storage*

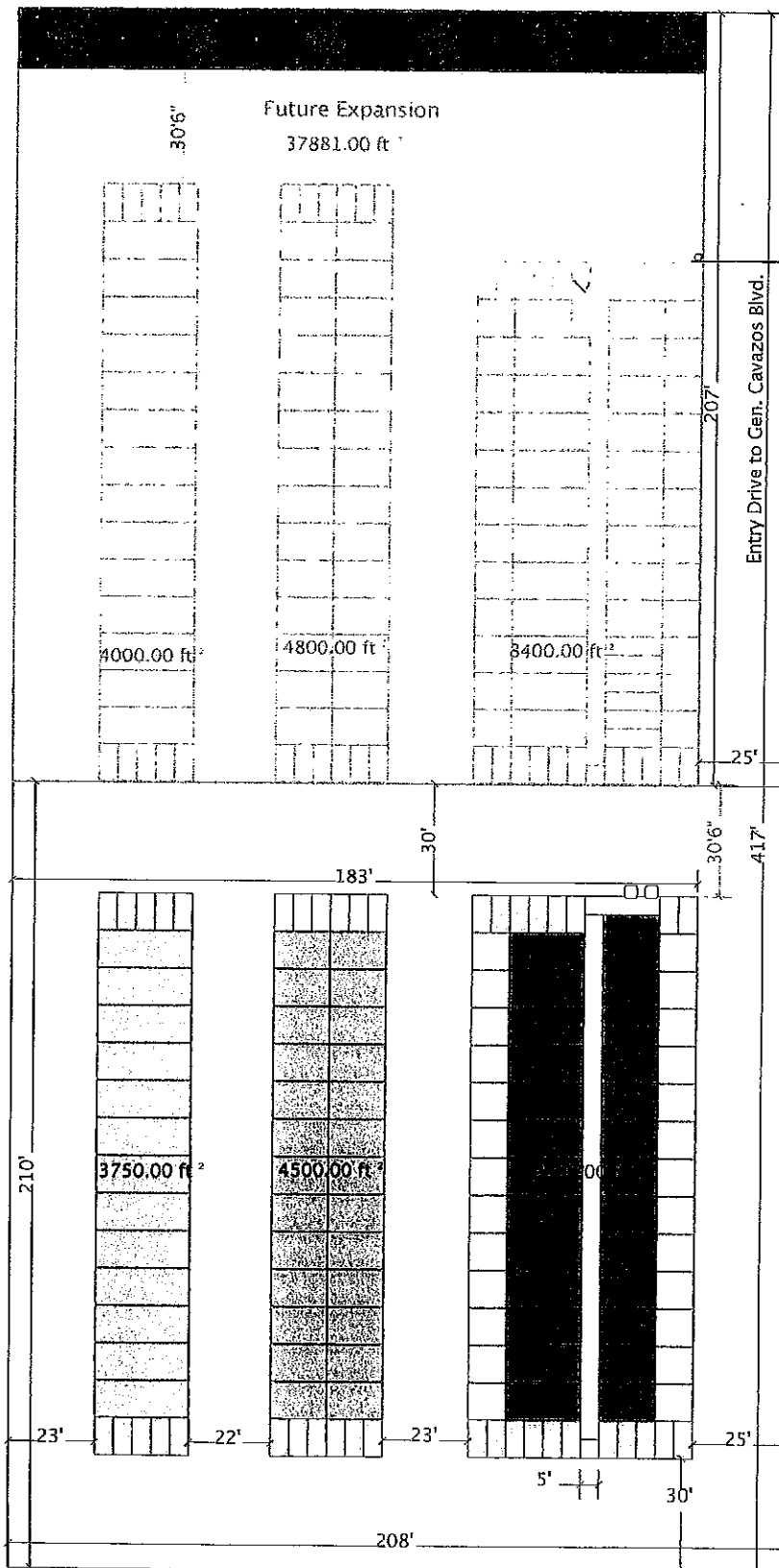
## *Kingsville, TX*



525 General Cavazos Blvd. Kingsville, TX



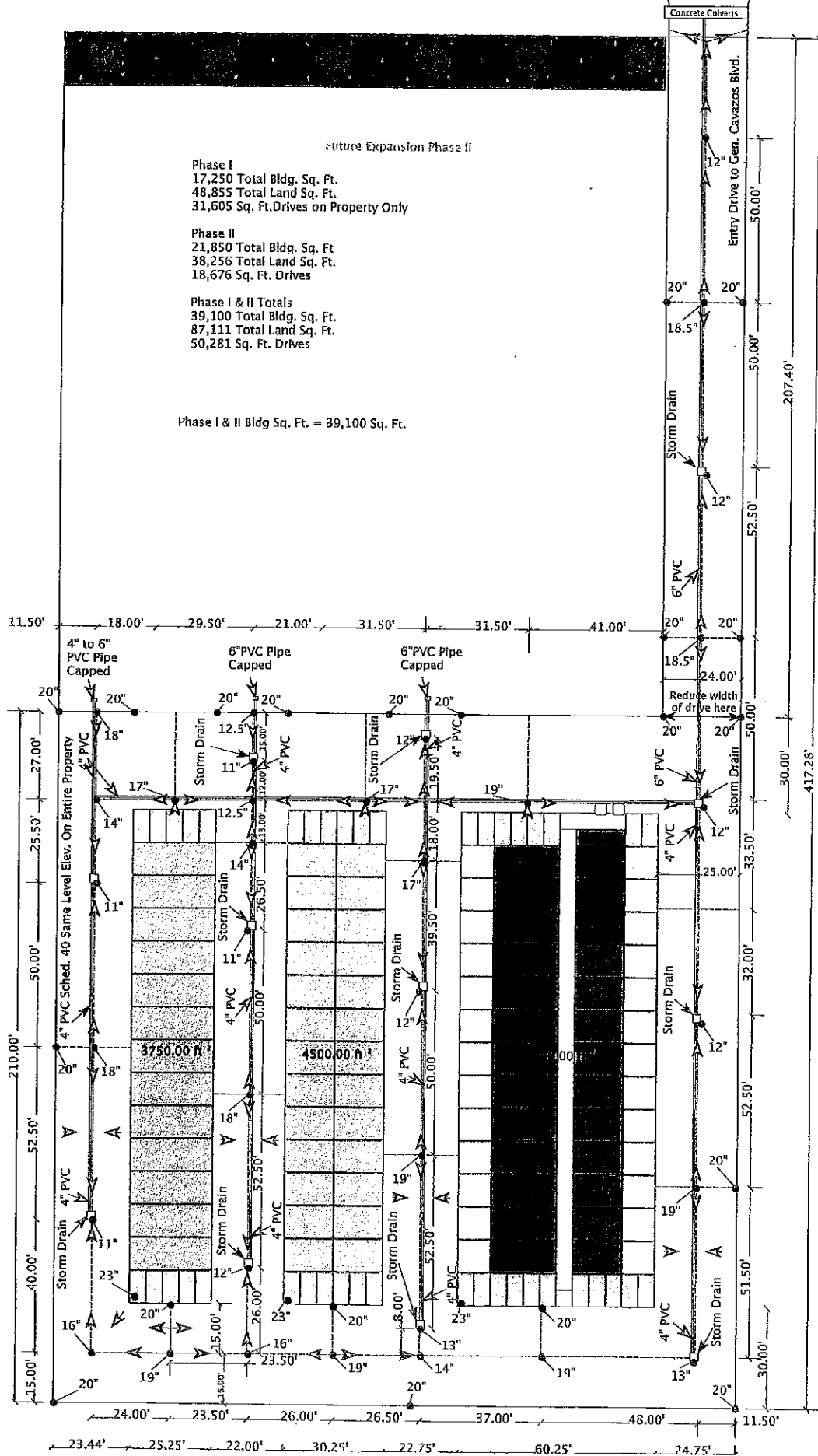
General Cavazos Blvd.

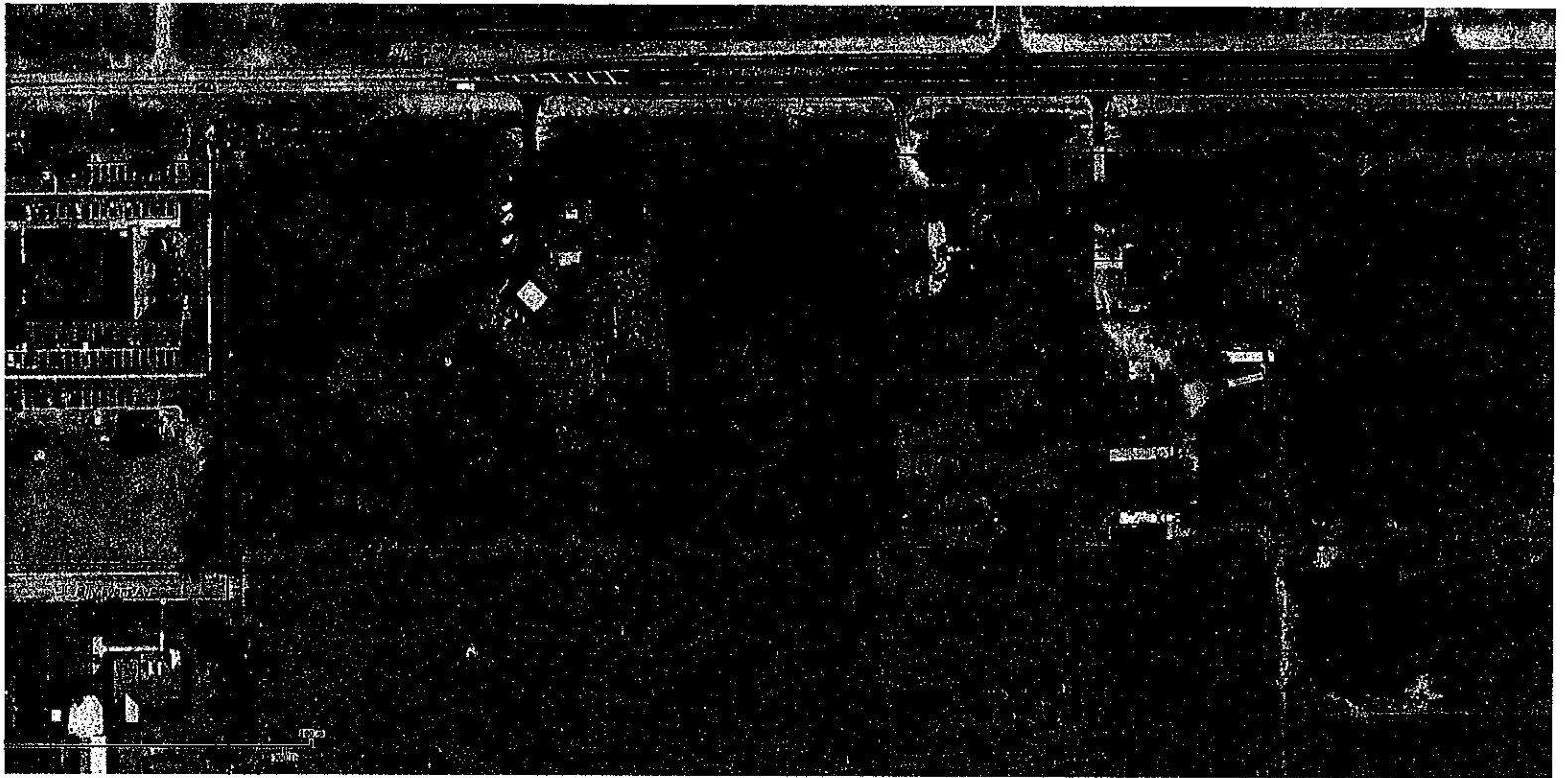


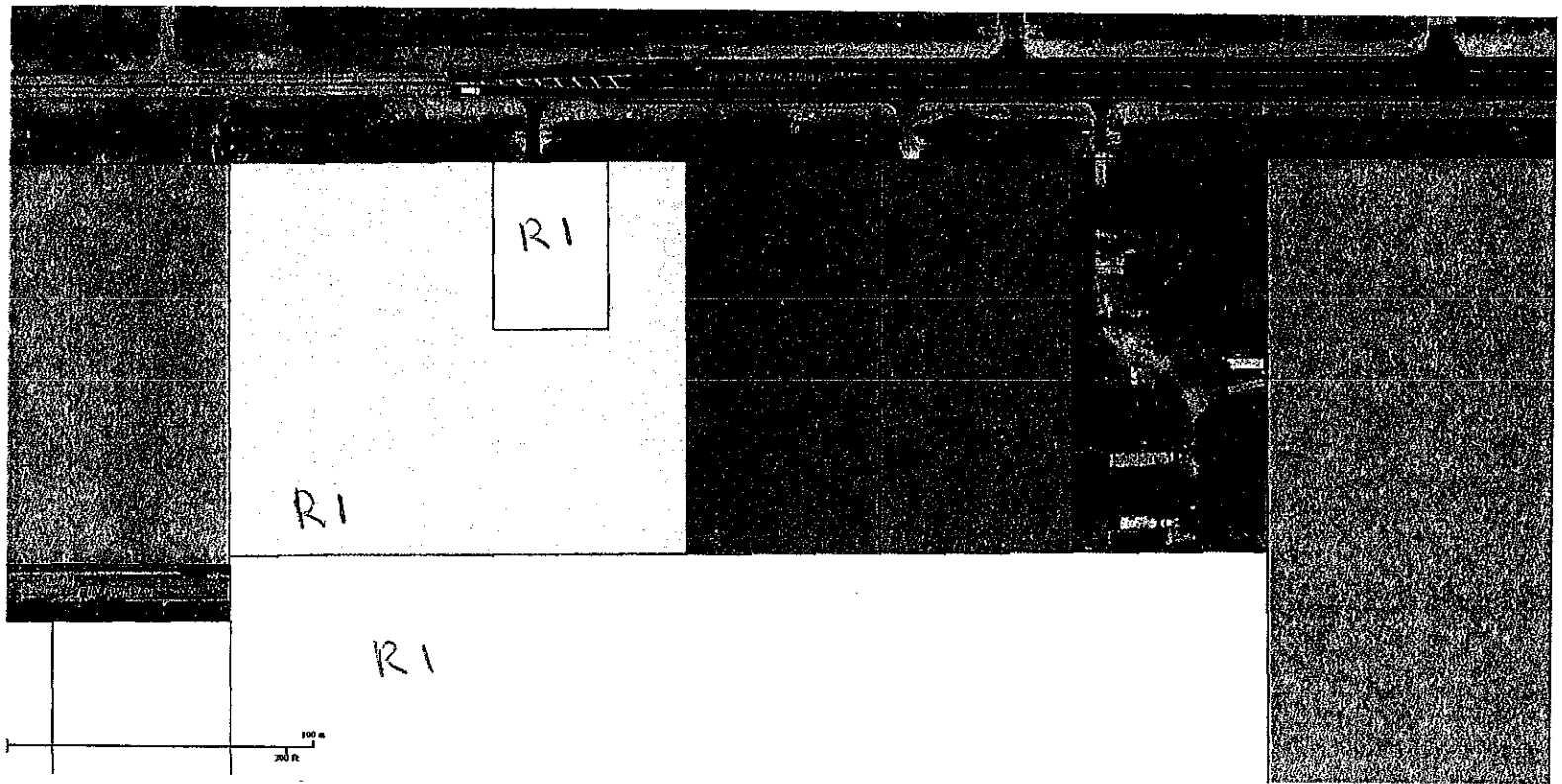
Phase I & II Totals  
39,100 Total Bldg. Sq. Ft.  
87,111 Total Land Sq. Ft.  
50,281 Sq. Ft. Drives

Phase I & II Bldg Sq. Ft. = 39,100 Sq. Ft.









X- Property in question

Red- C2 zoning

Yellow- R1 zoning

Sec. 15-6-28. - Fence regulations.

- (a) *Purpose.* The purpose of these regulations is to establish criteria for the location, maintenance and appearance of privacy fences and other visual barriers including landscaped hedges. The intent is to limit the amount of privacy fencing/barriers in order to promote the open, unencumbered characteristics of Kingsville and ensure the safe visibility of pedestrian and vehicular traffic.
- (b) *Permit required.* Except as provided for single strand electrical wires herein, a fence permit shall be obtained and the required fee paid as set out in Section 15-1-6(B)(4) before installation of any fence. A site plan indicating the location of the proposed fence, property lines, setbacks and buildings, and a typical detail of the fence showing the material and general appearance of the fence shall be submitted with the permit request. A boundary survey of the property is not required but may be deemed necessary by the property owner, applicant or City in the case of a boundary line dispute or other reason as deemed necessary by the property owner or applicant. All swimming pool permits are to be accompanied by a fence permit when an existing compliant fence is not present to prevent unwanted entry.
- (c) For all property within the City, no person or business shall erect or maintain a sight obscuring fence forward from the front building line, excluding any and all porches, decks, patios or similar appurtenances, except where otherwise authorized by this code.
- (d) Fences over three (3) feet in height and with more than 50% sight obscured shall be deemed to be a Sight-Obscuring Fence.
- (e) In no case shall a sight-obscuring fence, hedge, tree or other visual barrier be placed or maintained in excess of three feet high within a Street or Driveway Intersection Sight Visibility Triangle as defined in Section 15-6-21 of this code of ordinances. Trees within a Street or Driveway Intersection Sight Visibility Triangle shall be kept trimmed so the tree canopy is no less than ten (10) feet high.
- (f) Fences in residential areas shall not exceed four (4) feet in height in any front yard area and six and a half (6.5) feet in height in any side or rear yard area. Nonresidential areas are restricted to a maximum of four (4) feet in the front yard area and a minimum of eight (8) feet in height in any side or rear yard area but shall not exceed ten (10) feet in height.
- \* (g) Commercial or industrial buildings adjacent to residential properties shall install, at a minimum, an eight (8) foot high sight-obscuring fence constructed of a consistent solid material such as wood, brick or block. The fence shall be so constructed so that the finished side is facing the residential properties.
- (h) Fences or hedges/landscape materials shall be required to screen storage areas allowed in all commercial and industrial districts and shall be of sufficient height to screen the storage from adjacent public right-of-way and adjacent properties. If screening is required to exceed eight (8) feet in height, then landscaping material shall be utilized to soften the impact and add to the screening. Trees that will grow to a sufficient height to screen storage from adjacent properties shall be utilized where the terrain is such that a screen exceeding ten (10) feet in height is needed.
- (i) The height of a fence shall be measured from the highest adjoining finished grade.
- (j)

	R1	R2	R3	R4	MH	C1	C2	C3	C4	I1	I2	Ag
Lithographer or print shop							P	P	P	P	P	
Lumber yard							S	P	P	S	P	
Dairy or ice cream plant									S	P	P	P
Maintenance or repair service for buildings									P	P	P	
Laboratory, scientific or research							S	S	S	P	P	S
Paint shop							S	P	P	P	P	
Plumbing shop							S	S	P	P	P	
Railroad or bus passenger							S	P	P	P		
Railroad team tracks, freight depot or docks									P	P	P	P
* Storage warehouse									S	S	S	
Trade, vocational or commercial schools							S	P	P	S	S	
Trailer and mobile home sales							S		P	P	P	
Transfer storage terminal									P	P	P	
Welding or machine shop									P	P	P	
Wholesale office, storage, sales not elsewhere listed									P	P	P	
Milk depot						S	S	P	P	P		

## **PUBLIC HEARING NOTICE**

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, September 16, 2015 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:

**Adame J. Alvaro, owner – Requesting a special use permit for a storage warehouse currently zoned as C4 (Commercial) located at MCBRYDE AC, BLOCK 6, LOT 2, ACRES 1.1524 also known as 1220 N. 14th Street.**

**Nielsen Beverly Anne, owner, Deral Meadows, agent – Requesting to rezone from C2 (Retail) to C4 (Commercial) located at BURRIS AC, LOT 3, ACRES 2 also known as 700 General Cavazos.**

**Nielsen Beverly Anne, owner, Deral Meadows, agent – Requesting a special use permit to operate a storage warehouse located at BURRIS AC, LOT 3, ACRES 2 also known as 700 General Cavazos.**

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 28, 2015 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:

**Adame J. Alvaro, owner – Requesting a special use permit for a storage warehouse currently zoned as C4 (Commercial) located at MCBRYDE AC, BLOCK 6, LOT 2, ACRES 1.1524 also known as 1220 N. 14th Street.**

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**Nielsen Beverly Anne, owner, Deral Meadows, agent – Requesting a special use permit to operate a storage warehouse located at BURRIS AC, LOT 3, ACRES 2 also known as 700 General Cavazos.**

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 #11**

**ORDINANCE NO. 2015-\_\_\_\_\_**

**AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR 1220 N. 14<sup>th</sup> STREET (1.1534 ACRES AT LOT 2, BLOCK 6, MCBRYDE ACRES) FOR STORAGE WAREHOUSE; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION.**

**WHEREAS**, the Planning Commission has forwarded to the City Commission it's reports and recommendations concerning the application of owner Adame J. Alvaro, for amendment to the zoning map of the City of Kingsville;

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, September 16, 2015, during a meeting of the Planning Commission, and on Monday, September 28, 2015, during a meeting of the City Commission, in the Commission Chambers, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

**WHEREAS**, a majority of the Planning Commission voted 5-0 to APPROVE, with one abstention, the requested special use permit; and

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

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

**SECTION 1.** That the Zoning Ordinance of the City of Kingsville, Texas, is amended and a Special Use Permit is granted for a storage warehouse on the premises known as 1220 N. 14<sup>th</sup> Street (1.1524 acres at Lot 2,Block 6, McBryde Acres), as more specifically describe on site plan attached as Exhibit A.

**SECTION 2.** That the Special Permit granted in Section 1 of this Ordinance is subject the following conditions:

1. **ALLOWED USE:** The only uses authorized by this Special Permit other than the permitted "C4" Commercial District uses is as a storage warehouse.

2. **TIME LIMIT:** This Special Permit is good for the duration of the business from the date of this ordinance **unless** (a) the property is not being used for the purpose outlined in Condition 1, or (b) any other conditions have not been complied with, or (c) there is a change in ownership of the business.

4. **SPECIAL CONDITION:** (4.1) The applicant shall obtain all required licenses for operating the business and permits for building, fire and health thereby meeting all adopted



codes to operate said business, and shall cooperate with all annual fire safety, health, and sanitation inspections, in order to maintain compliance with state and city regulations for the storage warehouse. (4.2) All activity on site shall be in complete compliance of all City codes, especially the nuisance, fire, building and zoning codes.

**SECTION 3.** That the official Zoning Map of the City of Kingsville, Texas, is amended to reflect the amendment to the Zoning Ordinance made by Section 1 of this ordinance.

**SECTION 4.** That the Zoning Ordinance and Zoning Map of the City of Kingsville, Texas, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

**SECTION 5.** That to the extent that this amendment to the Zoning Ordinance represents a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the Zoning Ordinance, as amended by this ordinance.

**SECTION 6.** That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

**SECTION 7.** That publication shall be made in the official publication of the City of Kingsville as required by the City Charter of the City of Kingsville. Codification is not required.

**INTRODUCED** on this the 28th day of September, 2015.

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

**THE CITY OF KINGSVILLE**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

To: Mayor and City Commission

From: Tom Ginter, Director of Planning and Development Services

Date: September 14, 2015

Subject: Special Use Permit – Planning and Zoning Commission Meeting Agenda

The Planning Zoning met on Wednesday September 16, 2015 to consider a special use application from Adame J. Alvaro for a storage warehouse. The address of the proposed location for the business is 1220 N. 14<sup>th</sup> Street. Attached is information pertaining to this request. The land that surrounds the site is zoned C4. Currently the property is located on the east side of 14<sup>th</sup>, between the La Paloma Daycare and the Decorative Art Studio. The Master Plan has a zoning of Suburban Commercial which is an allowed use. Landscaping will be required. As you read in the documents provided, the owner is trying to save as many trees as possible.

**Staff Recommendation:** With the positives of C4 zoning around it and on a main road for the community, the recommendation is to approve the request for the special use permit.

**This item was recommended for Approval by a 5 to 0 vote and 1 abstained.**

# CITY OF KINGSVILLE

200 E. Kleberg Avenue  
Planning & Development Services Dept.  
Planning & Zoning Division

Kingsville, Texas 78363  
Phone: (361) 595-8055  
Fax: (361) 595-8065

## Master Land Use Application

### PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1220 N. 14th St. Located in the City ETJ

(Proposed) Subdivision Name \_\_\_\_\_ Total number of Lots \_\_\_\_\_

Legal Description: McBRYDE AC, Block 6, Lot 2, Acres 1.1524  
C4-Commercial

Existing Zoning Designation Retail Future Land Use Designation Retail/Storage

### OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent ALVARO J. ADAME Phone 210-416-7658 FAX ---

Email Address (for project correspondence only): ajain5a@yahoo.com

Mailing Address P.O. Box 5299 City Kingsville State TX Zip 78364

Property Owner ALVARO ADAME Phone 210-416-7658 FAX ---

Email Address (for project correspondence only): ajain5a@yahoo.com

Mailing Address P.O. Box 5299 City Kingsville State TX Zip 78364

Select appropriate request(s) for which approval is sought. Attach appropriate checklist(s) with this application.

<input type="checkbox"/> Annexation Request.....No Fee	<input type="checkbox"/> Preliminary Plat.....Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA).....\$250.00	<input type="checkbox"/> Final Plat.....Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request.....\$250.00	<input type="checkbox"/> Minor Plat.....\$100.00
<input type="checkbox"/> Re-zoning Request.....\$250.00	<input type="checkbox"/> Re-plat.....\$200.00
<input checked="" type="checkbox"/> SUP Request/Renewal.....\$250.00	<input type="checkbox"/> Vacating Plat.....\$50.00
<input type="checkbox"/> Zoning Variance Request (ZBA).....\$250.00	<input type="checkbox"/> Conceptual Development Plat.....\$100.00
<input type="checkbox"/> PUD Request.....\$250.00	<input type="checkbox"/> Subdivision Variance Request.....\$25.00 ea
<input type="checkbox"/> Lot Line Adjustment Plat.....\$100.00	<input type="checkbox"/> Amending Plat.....\$100.00

Please provide a basic description of the proposed project:

SELF Storage

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

Applicant's Signature: Alvaro Adame Date: July 24, 2015

Property Owner's Signature: Alvaro Adame Date: July 24, 2015

Application and Fee Accepted by: Adela Barrientes Date: July 24, 2015



Document Path: N:\Engineering\GIS Techs\MAPS\MAP\_DOCUMENTS\Arc\_City\_Base\_Map\_8.5x11.mxd

Page 1 / 1	Drawn By: Engineering Department	<p><b>DISCLAIMER</b> THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</p>	<p><b>CITY OF KINGSVILLE</b> <b>ENGINEERING DEPARTMENT</b> 200 East Kleberg Kingsville, Texas 78363 Office: 361-595-8005 Fax: 361-595-8035</p>
	Last Update: 8/18/2015		
	Note:		



MILLER JAIME  
924 S 24TH ST  
KINGSVILLE, TX 78363  
#18153

TREVINO GUADALUPE EST  
618 W AVE F  
KINGSVILLE, TX 78363  
#18924

REYES ALICIA B  
828 E LEE AVE  
KINGSVILLE, TX 78363  
#19708

FORGASON CAROLINE A 1977  
700 N ST MARYS ST STE 1200  
SAN ANTONIO, TX 78205  
#37831

BARRAZA JOAQUIN  
556 E COUNTY ROAD 2100  
KINGSVILLE, TX 78363  
#15435

BARRAZA JOAQUIN  
556 E COUNTY ROAD 2100  
KINGSVILLE, TX 78363  
#13866

TEXAS HIGHWAY PATROL  
PO BOX 14087  
AUSTIN, TX 78773  
#22119

SOLIZ RUBEN G  
1624 N ARMSTRONG AVE  
KINGSVILLE, TX 78363  
#16117

OHLENBUSCH HERMAN H  
926 S 14TH ST, STE 103  
KINGSVILLE, TX 78363  
#17303

LA PALOMA DAY  
1212 N 14TH ST STE 1  
KINGSVILLE, TX 78363  
#18069

MARKY HOLDINGS LTD  
3009 POST OAK STE 1200  
HOUSTON, TX 77056  
#10357

CENTRO DE MILAGROS  
210 W FAIRVIEW DR  
KINGSVILLE, TX 78363  
#20770

DE LA ROSA AURELIO EST  
1112 N 15TH ST  
KINGSVILLE, TX 78363  
#13908

FUTURE DATA SERVICES INC  
PO BOX 5083  
KINGSVILLE, TX 78364  
#18466

FUTURE DATA SERVICES INC  
PO BOX 5083  
KINGSVILLE, TX 78364  
#18950

CORTEZ ALFREDO EST  
1110 N 15TH ST  
KINGSVILLE, TX 78363  
#22309

**Four Palms Storage LLC  
Business Plan  
Prepared By  
Alvaro J Adame  
P.O. Box 5299  
Kingsville, Texas 78364  
210-416-7658**

**Executive Summary**

Four Palms Storage LLC (referred to from hereon in as the "Company") is intended to be established as a Limited Liability Company at 1220 N. 14<sup>th</sup> street Kingsville Texas 78364 with the expectation of rapid expansion in the retail mini warehouse storage industry

**Business Description**

The company shall be formed as a Limited Liability Company under Texas State Laws and headed by Alvaro J. Adame

**Situation Analysis**

Based on the all information gathered for this site, I feel the proposed site has most of the characteristics that are desirable for a successful self-storage development. With first rate service intended to be the focus of the company and the cornerstone of the company's success. All clients will receive conscientious, one to one timely service in all capacities, be they transactions, conflicts or complaints. This is expected to create a loyal company following and return business.

East side view



Rear view

15<sup>th</sup> st looking towards 14<sup>th</sup> st





Current condition of property



Rear view



Front View





In consideration of preserving all trees everything possible will be done to save them



The old fence will be replaced with a new chain link fence  
Back of property borders 15<sup>th</sup> street

Front view



Side View

of existing facility





Wrought Iron fence similar to the one pictured below will be erected in front of property facing 14<sup>th</sup> street



## Front view

Of existing facility

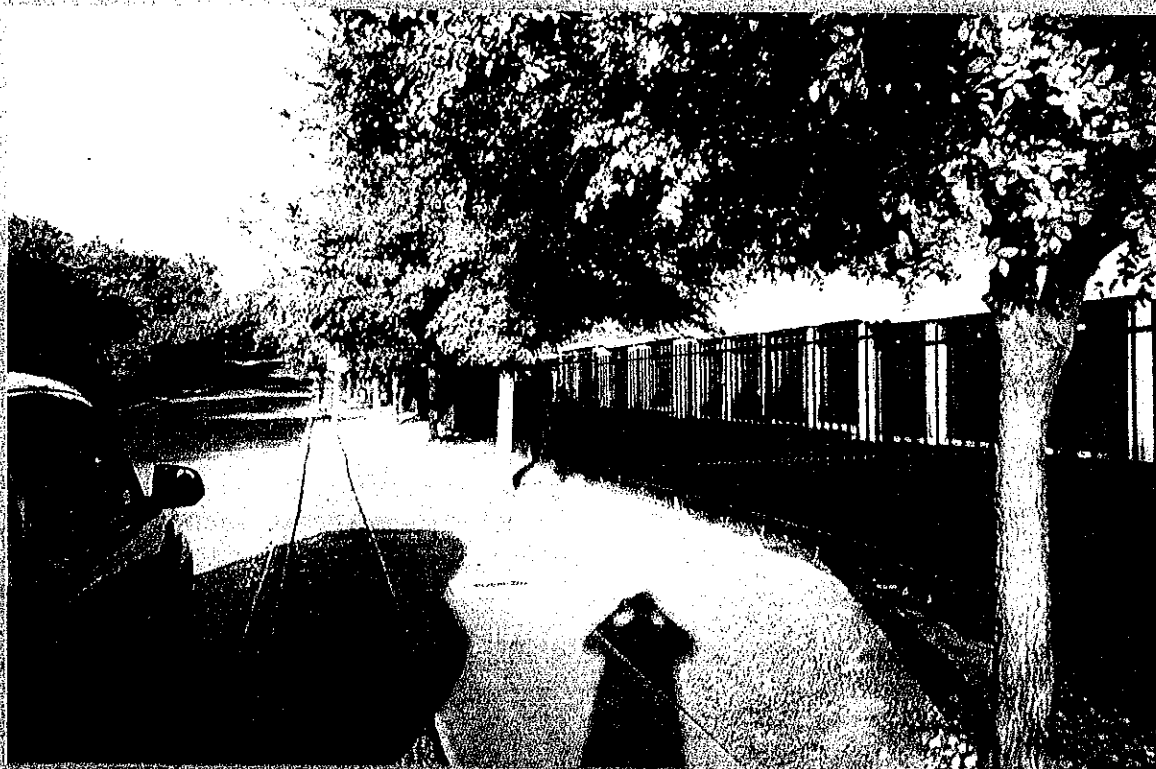
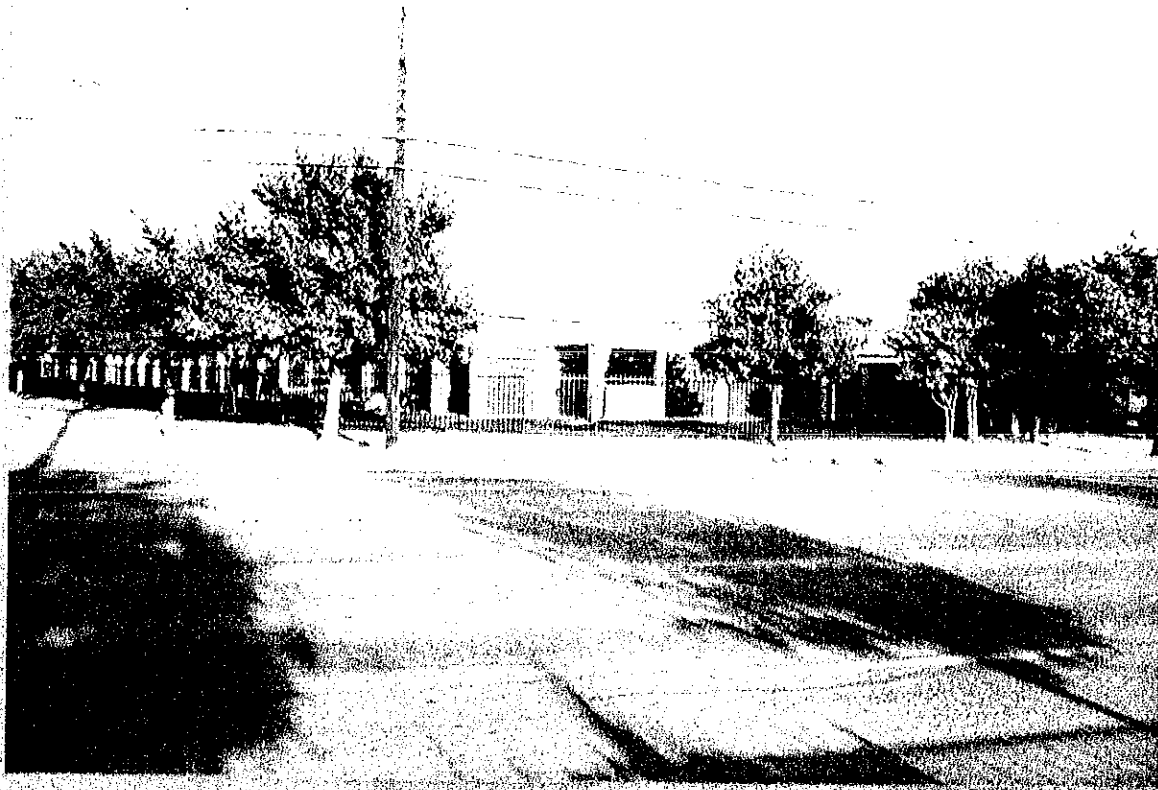


## Side View

Of existing facility





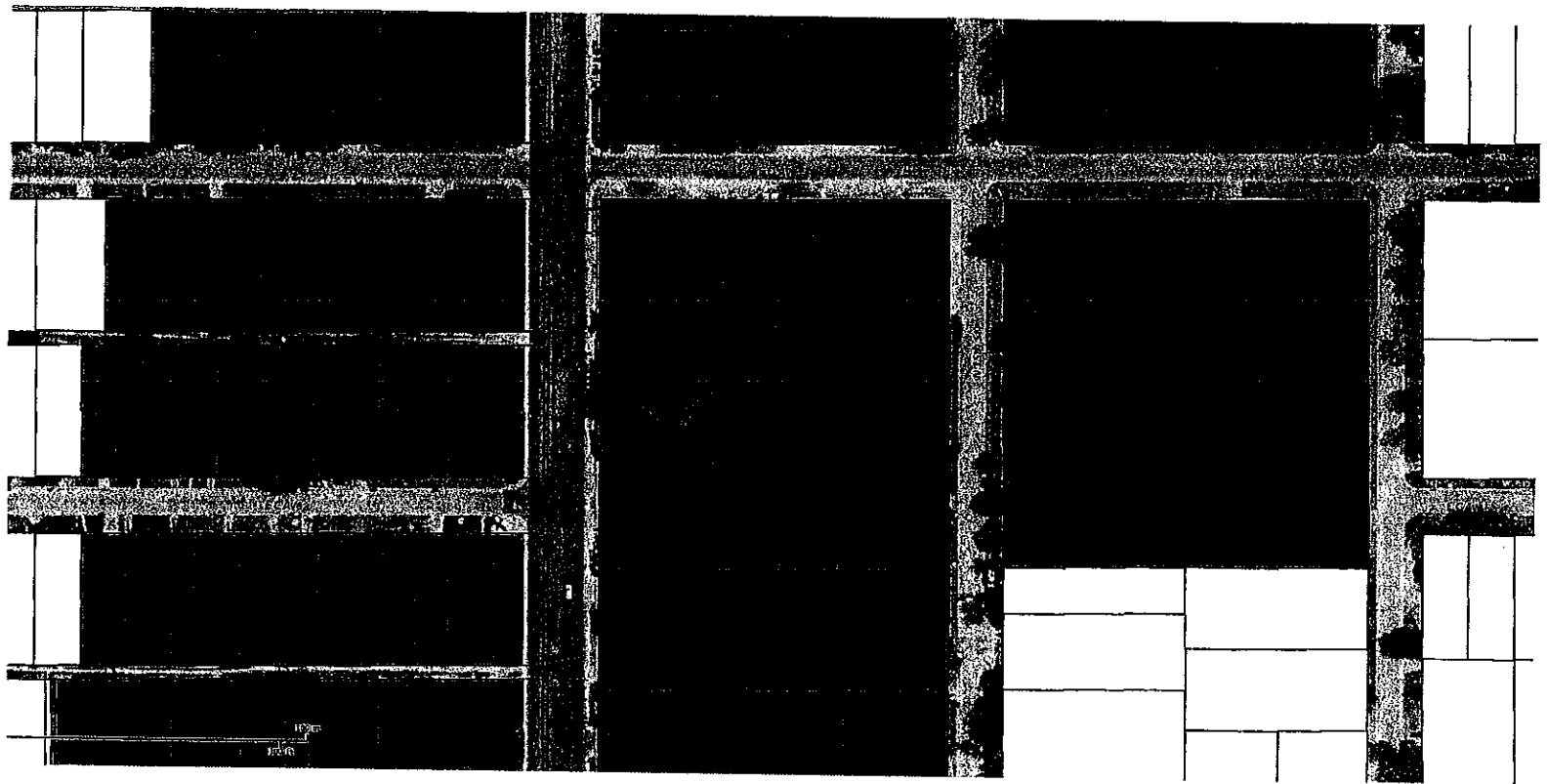


Aesthetics will be paramount similar to above photos



1220 N. 14th





The red is C4 zoning  
X - Property in question

	R1	R2	R3	R4	MH	C1	C2	C3	C4	I1	I2	Ag
Lithographer or print shop							P	P	P	P	P	
Lumber yard							S	P	P	S	P	
Dairy or ice cream plant									S	P	P	P
Maintenance or repair service for buildings									P	P	P	
Laboratory, scientific or research							S	S	S	P	P	S
Paint shop							S	P	P	P	P	
Plumbing shop							S	S	P	P	P	
Railroad or bus passenger							S	P	P	P		
Railroad team tracks, freight depot or docks									P	P	P	P
* Storage warehouse									S	S	S	
Trade, vocational or commercial schools							S	P	P	S	S	
Trailer and mobile home sales							S		P	P	P	
Transfer storage terminal									P	P	P	
Welding or machine shop									P	P	P	
Wholesale office, storage, sales not elsewhere listed									P	P	P	
Milk depot						S	S	P	P	P		

## **PUBLIC HEARING NOTICE**

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## **AGENDA ITEM #12**

**RESOLUTION # 2015-\_\_\_\_\_**

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

**WHEREAS**, the City of Kingsville participates in the Texas Main Street program;

**WHEREAS**, the Texas Community Block Grant Program, through the Texas Capital Fund, provides eligible Texas Main Street communities with matching grants to expand or enhance public infrastructure in historic Main Street districts to aid in eliminating handicapped barriers and deteriorated conditions in the downtown;

**WHEREAS**, the City Commission of the City of Kingsville desires to develop a viable community and improve its historic downtown area by making ADA improvements and sidewalk repairs in the designated Main Street area; and

**WHEREAS**, if awarded, the grant will be used to construct three new handicapped ramps downtown and replace a section of badly deteriorated curb and sidewalk in Kingsville's Main Street area;

**WHEREAS**, it is necessary and in the best interests of the City of Kingsville to submit an application for funding under the Texas Community Development Block Grant Program, with the Texas Capital Fund as the fund category to make these improvements;

**WHEREAS**, the City intends to make an application for \$150,000 of funding and has set aside a ten percent (10%) cash match in the FY15-16 budget for this item, should it be awarded, as the City does not have funding to cover more than that for the project but may be able to contribute some in-kind services as well;

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

I.

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

II.

**THAT** if awarded, the grant money will be used to construct three new handicapped ramps downtown and replace a section of badly deteriorated curb and sidewalk in Kingsville's Main Street area, which the City could not otherwise fund.

III.

**THAT** the application be for \$150,000.00 of grant funds to provide funding for ADA improvements and sidewalk repairs in the designated Main Street area in downtown Kingsville.

IV.

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

V.

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

VI.

**THAT** it further be stated that the City of Kingsville is committing \$150,000 from its General Fund as a cash match contribution toward the activities of this project.

VII.

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

**PASSED AND APPROVED** by a majority vote of the City Commission the 28th day of September, 2015.

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

**ATTEST:**

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

**APPROVED AS TO FORM**

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

To: Courtney Alvarez, Interim City Manager

From: Cynthia Martin, Downtown Manager

Via: Tom Ginter, Director of Planning and Development Services

Date: September 10, 2015

Subject: TCDBG Main Street Grant

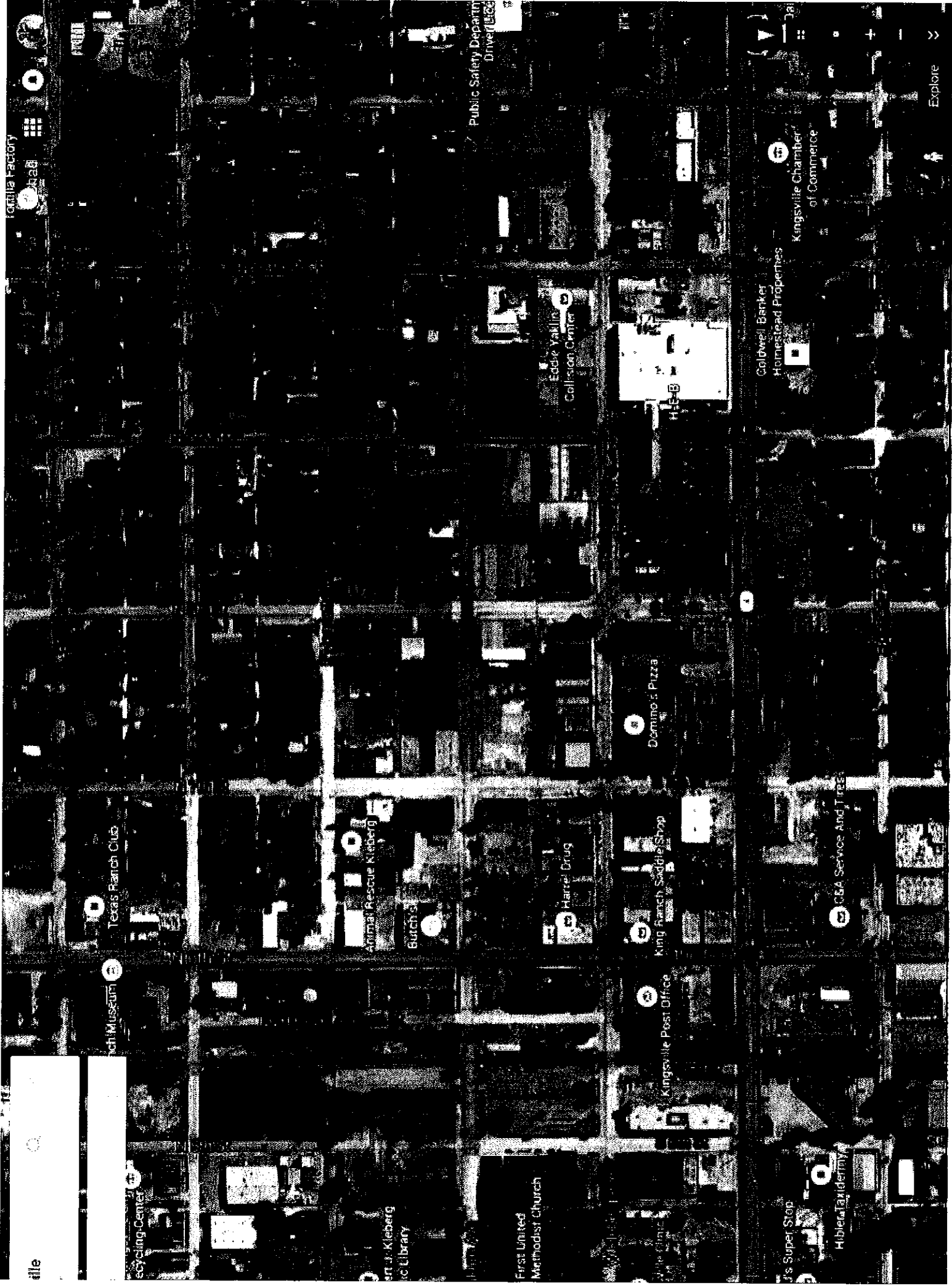
A resolution authorizing the submission of an application for funding under the Texas Community Block Grant Program, Texas Capital Fund, for the purpose of requesting grant funding for ADA improvements and sidewalk repair in Kingsville's designated Main Street area in the amount of \$150,000. This program provides eligible Texas Main Street communities with matching grants to expand or enhance public infrastructure in historic Main Street districts. The program aids in eliminating handicapped barriers and deteriorated conditions in the downtown. Grants range from \$50,000 to \$150,000 per community. Through partnership with the Texas Department of Agriculture, designated Main Street Programs have received more than \$11.1 million in grants and leveraged more than \$23.7 million in projects.

If awarded, the grant will be used to construct three new handicapped ramps downtown and replace a section of badly deteriorated curb and sidewalk. A project map is included showing the location of the proposed improvements.

A minimum cash match of 10% or \$15,000 is required. Additional match contributions of in-kind services may earn additional points in the scoring process. The application deadline is Oct. 1, 2015.

The grant application requires a passed/adopted local government resolution authorizing submission of the application be attached.

We respectfully request City Commission to pass such a resolution.



Public Safety Department Driver Training

Kingsville Chamber of Commerce

Kingsville Post Office

King Ranch Saddle Shop

Domino's Pizza

Harrell Drug

Animal Rescue Niteberg

Butcher

Texas Ranch Club

Kingsville Museum

Kingsville Taxidermy

Hibel's Super Stop

CBA Service And Trees

Goldwell Banker Homestead Properties

Eddie Yakin Collision Center

First United Methodist Church





# **Texas Community Development Block Grant Program**

2015 Texas Capital Fund Downtown Revitalization/Main Street  
Programs

Application Guide

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## **TxCDBG Goals and Requirements**

The goal of the Texas Community Development Block Grant (TxCDBG) Program is to develop viable communities by providing decent housing and a suitable living environment, as well as by expanding economic opportunities, principally for persons of low-to-moderate income. In awarding funding pursuant to Government Code Section 487.351(c), the Texas Department of Agriculture (TDA) shall give priority to eligible activities in the areas of economic development, community development, rural health and rural housing to support workforce development.

The objectives of the TxCDBG Program are:

- To improve public facilities to meet basic human needs, principally for low-to-moderate income persons;
- To improve housing conditions, principally for persons of low-to-moderate income;
- To expand economic opportunities by creating or retaining jobs, principally for low-to-moderate income persons; and
- To provide assistance and public facilities to eliminate conditions hazardous to the public health and of an emergency nature.

## **Application Submittal and Deadline Requirements**

The application procedures for the 2015 Texas Capital Fund (TCF) Downtown Revitalization (DRP) and Main Street (MS) Programs are included in this Application Guide. The application for the 2015 TCF Fund is available at [www.TexasAgriculture.gov](http://www.TexasAgriculture.gov). The procedures in this application guide supersede those published in all previous TCF application guides.

The Texas Capital Fund Downtown Revitalization and Main Street Programs will be available on a competitive basis, to eligible applicants statewide. Applications for the 2015 program year are due by 5:00 p.m. C.T. on October 1, 2015. Applications will not be accepted after 5:00 p.m. on the date due.

For Program Year 2015, TDA will be accepting Downtown Revitalization and Main Street Program applications on the same date.

1. Each applicant must submit a complete application to TDA. No changes to the application will be allowed after the application deadline date, unless they are a result of TDA recommendations.
2. Applications will be ranked by score for each fund, from high to low and tie-breakers may be used.
3. Applications within the funding range for each fund are reviewed for eligibility and completeness in descending order based on their score.

## **Contact Information**

Mailing Address (for U.S. Postal Service): Texas Department of Agriculture Texas Community Development Block Grant Program Post Office Box 12847, Capitol Station Austin, Texas 78711	Physical Address (for Overnight Carriers): 1700 N. Congress Avenue, 11 <sup>th</sup> Floor Mailroom Austin, Texas 78701
Physical Address (for Hand Delivery): 1700 N. Congress Avenue, 2nd Floor Austin, Texas 78701	Telephone (for Technical Assistance): 512-936-0232 – Telephone

Any application that is incomplete, noncompliant with program requirements, or received late will be disqualified. Applications lacking information necessary to make a determination concerning the eligibility of the activity (e.g., slum and blight designation) or compliance with TxCDBG and Federal program requirements (e.g., citizen

participation requirements) will be disqualified. A substantially complete TCF application must include all of the following information:

- A completed 424 Form with original signature;
- All application forms, fully completed;
- A passed/adopted Local Government Resolution authorizing submission of the application;
- Evidence of compliance with the TxCDBG Citizen Participation Plan including the Public Hearing Notice;
- Legible, quality maps;
- Applicant's Annual Audit (See Attachments Section);
- Documentation of an active SAM Registration (System for Award Management, sam.gov).

Applications lacking any of the items listed above will be disqualified. An Application Review Checklist is located at the end of the Application Guide. Applicants must verify that the application is complete using the checklist.

Completed applications received by the deadline may be subject to disqualification including but not limited to any of the following reasons:

- The applicant is not a unit of general local government;
- The project is located in an entitlement area;
- The application contains ineligible activities;
- The applicant does not comply with the TxCDBG Citizen Participation Plan requirements;
- The applicant does not meet the Applicant Performance Threshold Requirements;
- The application contains false information;
- The application does not contain adequate or acceptable information to show that each proposed application activity meets the applicable National Program Objective;
- The application does not comply with the requirement concerning the preparation of an assessment of the applicant's housing and community development needs prior to submission of a TxCDBG application;
- The applicant does not provide necessary financial interest report(s) (Form A503);
- The applicant does not respond, refuses to respond, or does not provide an adequate response to requests for revisions or additional information within the prescribed timeline;

The requirements and procedures specified in the Annual Action Plan and the Texas Administrative Code will govern the 2015 TCF Downtown Revitalization and Main Street Programs application process. The Action Plan is included in the 2015-2019 Consolidated Plan on the Texas Department of Housing and Community Affairs (TDHCA) website at <http://www.tdhca.state.tx.us>. The Texas Administrative Code rules can be found on TDA's website.

## **Eligible Applicants**

Eligible applicants are incorporated cities not participating or designated as eligible to participate in the entitlement portion of the federal Community Development Block Grant Program. Non-entitlement cities that are not participating in urban county programs through existing participation agreements are eligible applicants unless the city's population counts toward the urban county CDBG allocation.

Non-entitlement cities are located predominately in rural areas and are generally:

- cities with populations of less than 50,000 persons;
- cities that are not designated as a central city of a metropolitan statistical area; or
- cities that are not participating in urban county programs.

## **Eligible Downtown Revitalization Applicants**

Eligible applicants must be an incorporated municipality and not be designated as an official Texas Historical Commission Main Street City. To determine eligibility of a particular city, contact TDA. The city is responsible for the administration and success of the project throughout the term of the contract.

All proposed infrastructure improvements to be funded by the TxCDBG Program must be located on public property within the designated downtown district. Typically, a downtown district will meet 2 or more of the following:

1. The city's historic area of commerce;
2. May be the area around the courthouse or city square;
3. Commercial area for the community;
4. Buildings of historical significance, but not primarily residential;
5. Must be areas included in or contiguous to the economic center of the community; and
6. The retail area for the community that does not include single-family dwellings.

### **Eligible Main Street Revitalization Applicants**

Eligible applicants must be an incorporated municipality with a designation as an official Texas Historical Commission Main Street City prior to applying to TxCDBG and must remain a participating city for the duration of the award/contract. To determine eligibility of a particular city, contact TDA. The city is responsible for the administration and success of the project throughout the term of the contract.

All proposed infrastructure improvements to be funded by the TxCDBG Program must be located on public property within the designated Main Street area.

### **Program Income**

Program income is gross income received by a state, a unit of general local government, or a subrecipient of a unit of general local government that was generated from the use of TxCDBG funds. When program income is generated by an activity that is only partially funded with CDBG funds, the income shall be prorated to reflect the percentage of TxCDBG funds used.

Program income includes, but is not limited to, the following:

- Payments of principal and interest on loans, lease payments, and late fees;
- Proceeds from the sale of loans/leases;
- Gross income from the use, sale, or rental of real or personal property acquired by the applicant or a subrecipient;
- Gross income from the use, sale, or rental of real property owned by the applicant or subrecipient that was constructed or improved;
- Gross income from the use of infrastructure improvements constructed or improved with CDBG funds;
- Funds collected through special assessments, impact fees or other additional fees from benefiting businesses, if the special assessments or fees are used to recover all or part of the CDBG portion of public improvements;
- Proceeds from the disposition of equipment; and
- Interest earned on funds held in a Revolving Loan Fund account.

All program income must be returned to the state. Program income returned to the state will be used for eligible economic development activities.

### **National Program Objective (NPO)**

A city must meet all of the following requirements in order for its application to be considered:

Address the objective of eliminating slum or blight conditions in the downtown area of the community by the following objectives. The assistance must be for public infrastructure improvements, which will aid in the elimination of a slum or blighted area. This is further defined as follows:

- a. Spot Slum/Blight Objective. To show how this objective will be met, the applicant must pass a resolution, which supports a determination of the specific spot/area as slum or blighted.
  - i. Document that the project qualifies as slum or blighted on a spot basis under local law; and
  - ii. Describe the specific condition of blight or physical decay that is to be treated.
- b. Slum/Blight Area Objective. To show how this objective will be met, the applicant must pass a resolution, which supports the establishment of the area as slum or blighted. The documentation that

is required to show that this objective will be met includes a designation of the boundaries of the area, a description of the conditions that qualify it as slum or blighted, and the way in which the assisted activity addresses one or more of the conditions that qualified the area as slum or blighted.

The project or an area within a municipality may be considered as a slum or blighted area, if the area is detrimental to the public health, safety, morals, and welfare of the municipality because the area:

- i. Has a predominance of buildings or other improvements that are dilapidated, deteriorated, or obsolete due to age or other reasons; or
- ii. Is prone to high population densities and overcrowding due to inadequate provision for open space; or
- iii. Is composed of open land that, because of its location within municipal limits, is necessary for sound community growth through replatting, planning, and development for predominantly residential uses; or
- iv. Has conditions that exist due to any of the causes enumerated in Paragraph (1) or any combination of those causes that:
  1. Endanger life or property by fire or other causes; or
  2. Are conducive to the ill health of the residents, disease transmission, abnormally high rates of infant mortality, abnormally high rates of juvenile delinquency and crime, or disorderly development because of inadequate or improper platting for adequate residential development of lots, streets, and public utilities.

## **Applicant Performance Threshold Requirements**

1. Demonstrate the ability to manage and administer the proposed project, including delivery of all the proposed benefits outlined in the application.
2. Demonstrate the financial management capacity to operate and maintain any improvements made in conjunction with the proposed project.
3. Levy a local property tax or local sales tax option.
4. Demonstrate satisfactory performance on prior and existing TxCDBG contracts and resolve all outstanding compliance and audit findings related to previous TxCDBG awards.
5. Applicants may not have an existing DRP/MS contract with an award date in excess of 48 months prior to the application deadline date, regardless of extensions granted.
6. The applicant must satisfactorily close-out an open TCF Downtown Revitalization contract before the applicant can submit another DRP application. It is the responsibility of the applicant to notify the Contract Specialist and the Monitoring Team sixty (60) days prior to the application deadline and ensure that close-outs are submitted at least thirty (30) days prior to the application deadline. Incomplete close-outs and improper documentation by the applicant may result in failure to meet this application requirement.
7. Main Street applicants must be in good standing and in compliance with the THC's Main Street Program.

## **Eligible Activities**

TxCDBG monies are only available for public infrastructure improvements. For all proposed uses, requested funds may not exceed the minimum necessary to meet the needs of the downtown area. Excess/speculative improvements, extra connections or excessive looping will not be funded.

TxCDBG monies are to reimburse a city for eligible expenditures they have made or incurred, rather than advance payments. These reimbursements will be only for work/materials actually completed/delivered. Cities are responsible to pay construction contractors according to the terms of their agreements. TxCDBG monies are available to

reimburse cities for construction draws when they are in compliance with the terms of their TxCDBG contract. Failure to comply with the terms of the TxCDBG contract does not relieve the city of its liability to pay contractors.

Funds may be provided for the following:

- Sidewalks, lighting, public parking lots.
- Activities required to eliminate architectural barriers for the disabled.
- Water lines, storage and pumping facilities, and related items
- Sewer lines, lift stations, and related items
- Road construction/renovation, to include curb and gutter and related drainage.
- Natural gas lines and related items.
- Electric power lines and transformers.
- Award administration.

### **Ineligible Activities**

The applicant may not use funds for the following:

- Grant or otherwise transfer TxCDBG monies to a business.
- Speculation, investment or excess improvements over the minimum improvements needed for the Downtown area.
- Building rehabilitation, building construction, machinery, equipment, or working capital.
- Landscaping, benches, ornamental signs or trash cans.
- Refinancing or to repay the applicant, a local related economic development entity, a benefiting business or its owners and related parties for expenditures.
- Architectural and/or Engineering services (but may be used for matching funds).
- Demolition of a historic building.

## **Section 106 Compliance**

Each applicant is required to provide verification of compliance with Section 106 as described. The regulation requires the applicant to consult with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the federal grantor agency of the existence of any such properties. In addition, the applicant must comply with all requirements established by the federal grantor agency to avoid or mitigate adverse effects upon such properties. The application must include a copy of the letter submitted for determination of historic district eligibility to the History Division's National Register Program, at the Texas Historical Commission and any written response. A fax copy of this letter will be acceptable. If grant award is received and eligibility or existence of a National Historic District is determined, the project construction plans must be submitted to the Architecture Division at the Texas Historical Commission in order to be in compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.). Please contact THC for more information.

Additional information about the National Historic Preservation Act and the Section 106 process may be obtained from the following web sites:

- Advisory Council on Historic Preservation web site: <http://www.achp.gov/>
- Advisory Council on Historic Preservation, National Historic Preservation Act/Section 106 guidance: <http://www.achp.gov/work106.html>
- "Protecting Historic Properties, A Citizen's Guide to Section 106 Review": <http://www.achp.gov/pubs-citizensguide.html>
- Section 106 reviewer contacts from Archeology and History Programs can be found at: <http://www.thc.state.tx.us/about/contact>

## **TxDOT Compliance**

Each applicant will be required to indicate whether the proposed infrastructure improvements will be located within a Texas Department of Transportation (TxDOT) controlled highway, road, or right of way. If yes, the applicant will be required to provide documentation to TDA which indicates that the applicant has notified and/or consulted with TxDOT of their proposed improvements prior to the TxCDBG contract execution date.

## **ADA/Architectural Barriers Act**

State law requires that all projects involving any building, parking lot and/or sidewalk construction activities, regardless of source of funding, must ensure that plans and specifications will be in compliance with the requirements concerning the elimination of architectural barriers encountered by persons with disabilities, as specified in Chapter 469 of the Texas Government Code and the rules promulgated thereunder (Title 16, Part 4, Chapter 68 of the Texas Administrative Code), and be submitted to the Texas Department of Licensing and Regulation (TDLR) for review, as required by the Texas Architectural Barriers Act. The plans and specifications shall be sent to the Texas Department of Licensing and Regulations, Architectural Barriers Division, P.O. Box 12157, Austin, Texas 78711.

Additionally, all communities must ensure that all their project activities are in compliance with all provisions of the Americans with Disabilities Act (ADA).

## **Citizen Participation Plan Requirements**

Each applicant must complete a citizen participation process that complies with the TxCDBG Citizen Participation Plan requirements as described in this guide prior to submitting an application.

A locality can only receive a TxCDBG grant if the locality certifies that it follows a detailed citizen participation plan that provides for and encourages citizen participation at all stages of the program.

TxCDBG applicants and funded localities are required to carry out citizen participation in accordance with the Citizen Participation Plan adopted for the TxCDBG Program. Each applicant certifies by signing a 424 Form that it has and will comply with the requirements of this Citizen Participation Plan including taking reasonable steps to ensure access for persons with Limited English Proficiency (LEP) by providing language assistance as appropriate.

Each applicant must maintain a citizen participation file that includes a copy of this Plan, the LEP plan, the applicant's complaint procedures, any technical assistance provided by the applicant, and public notices, minutes, and attendance lists for public hearings.

### **Complaint Procedures:**

The applicant must have written citizen complaint procedures that provide a timely written response to complaints and grievances. Citizens must be made aware of the location, days, and hours when copies of the plan are available.

### **Technical Assistance:**

When requested, the applicant shall provide technical assistance to groups representative of persons of low-to-moderate income in developing proposals for the use of TxCDBG funds. The level and type of assistance shall be determined by the applicant based upon the specific needs of the community's residents.

### **Public Hearing Provisions:**

For public hearings scheduled and conducted by a TxCDBG applicant, the following public hearing provisions must be observed:

1. Public notice of the hearings must be published in a local newspaper at least seventy-two (72) hours prior to the scheduled hearing. The public notice must include the date, time, location and topics to be considered at



the public hearing. A published newspaper article may also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.

2. The public hearing must be held at a time and location convenient to potential or actual beneficiaries and include accommodations for persons with disabilities. Furthermore, the applicant must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to each hearing. The public hearing must be held after 5:00 p.m. on a weekday or at a convenient time on a Saturday or Sunday.
3. When a significant number of non-English speaking residents are expected to participate in a public hearing, an interpreter must be present to accommodate the needs of the non-English speaking residents.

Note: The public hearing and the adoption of the resolution cannot occur on the same date to ensure adequate time for public comment.

Applicants must comply with the following citizen participation requirements for the preparation and submission of an application to the TxCDBG program:

1. The public hearing must occur prior to the adoption of the local government resolution authorizing the submission of the application.
2. The locality must retain documentation of the hearing notice(s), attendance lists, minutes of the hearing(s), and any other records concerning the proposed use of funds for a period of three years after the application deadline, or as specified by other program requirements. Such records must be available to the public in accordance with Chapter 552, Government Code.
3. The public hearing must meet the following TxCDBG notification requirements and include a discussion with citizens covering the following topics:
  - The development of housing and community development needs.
  - The amount of funding available.
  - All eligible activities under the Texas Community Development Block Grant Program.
  - The applicant's use of past TxCDBG contract funds, if applicable.
  - The estimated amount of funds proposed for activities that will meet the national objective of benefit to low-to-moderate income persons.
  - The plans of the locality to minimize displacement of persons and to assist persons actually displaced as a result of activities assisted with TxCDBG funds, if applicable.

Citizens must be encouraged to submit their views and proposals regarding community development and housing needs, with particular emphasis on persons of low-to-moderate income who are residents of slum or blighted areas. Local organizations that provide services or housing for low-to-moderate income persons, including the local Public Housing Authority, the local Health and Human Services office, the local Mental Health and Mental Retardation office, and other local service providers such as Faith-Based organizations, must receive written notification concerning the date, time, location and topics to be covered at the public hearing. Citizens must be made aware of the location where they may submit their views and proposals in case they are unable to attend the public hearing. While more than one application may be discussed at the public hearing, a hearing held for the previous program year's submission of the same application does not satisfy the requirements for any subsequent competition.

At least five (5) days prior to the submission of an application for TxCDBG funds, the applicant must publish a public notice in a local newspaper that includes the following information:

- The TxCDBG fund categories for which applications will be submitted.
- The amount of TxCDBG funds requested in each application.
- A short description of the proposed project activities in each application.
- The locations of the project activities included in each application.
- The location and hours when the application will be available for public review.

Note: This 2nd notice must be published no less than one (1) day after the notice for the initial public hearing/meeting is published.

Applicants must comply with the following citizen participation requirements in the event that the application is successful:

- The locality must hold a public hearing concerning any proposed substantial change, as determined by TDA, in the use of TxCDBG funds from one eligible activity to another. Must provide citizens with reasonable advance notice of and opportunity to comment on activities which are proposed to be added, deleted or substantially changed from the locality's application
- Upon completion of the activities, the locality shall hold a public hearing and review its program performance, including the actual use of TxCDBG funds.
- The locality must retain documentation of the hearing notice(s), attendance lists, minutes of the hearing(s), and any other records concerning the actual use of funds for the greater of:
  - Three years after close-out of the U.S. Department of Housing and Urban Development's (HUD) grant to the State of Texas (please see TDA website)
  - If notified by TDA in writing, the date that the final audit is accepted with all audit issues resolved to TDA's satisfaction (Please see date of TDA audit acceptance letter if applicable); or
  - A date consistent with the period required by other applicable laws and regulations as described in 24 CFR 570.490 and 570.506, and 2 CFR 200.333.

The applicant certifies compliance with the TxCDBG Citizen Participation Plan requirements by signing the 424 form. Failure to comply with these requirements may result in disqualification of the application.

## **Local Certifications**

Each applicant for TxCDBG funding must certify by signing the 424 Form that it has adhered to the Local Certifications included in this application guide in the preparation of any TxCDBG application. Adherence to these certifications must be ongoing in the event that the application is successful.

With respect to the expenditure of funds provided under a TxCDBG contract, each TxCDBG contractor is required to certify that:

1. It will minimize displacement of persons as a result of activities assisted with such funds.
2. The program will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964 (42 USC 2000d *et seq.*) and the Fair Housing Act (42 USC 3601 *et seq.*), and that it will affirmatively further fair housing, as specified by TDA.
3. It will provide opportunities for citizen participation, hearings and access to information with respect to its community development programs, and that it is following the TxCDBG Program Citizen Participation Plan.
4. It will not attempt to recover any capital costs of public improvements assisted in whole or in part with such funds by assessing any amount against properties owned and occupied by persons of low-to-moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements unless: (A) such funds are used to pay the proportion of such fee or assessment related to the capital costs of such public improvements that are financed from revenue sources other than such funds; or (B) for purposes of assessing any amount against properties owned and occupied by persons of low-to-moderate income who are not persons of very low income, the contractor certifies that it lacks sufficient funds under this contract to comply with the requirements of clause (A).
5. It will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and Federal implementing regulations at 49 CFR Part 24, and the requirements of section 570.606 including the following of a residential anti-displacement and relocation assistance plan, as specified by TDA, in the event that displacement of residential dwellings will occur in connection with a project assisted with TxCDBG funds.
6. It has adopted or will adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations and enforce applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within its jurisdiction.

7. To the best of the TxCDBG contractors' knowledge and belief, no Federal appropriated funds have been paid or will be paid, by or on behalf of the TxCDBG Contractor, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
8. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the TxCDBG Contractor shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
9. The TxCDBG contractor must require that the language of this certification be included in the award documents for all sub-awards at all levels (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

## **Minority Participation/Local Opportunity**

The TxCDBG Program encourages localities to affirmatively take action to utilize small, minority (MBE) and women-owned (WBE) businesses whenever possible. Although funded localities are not directly responsible for meeting a specific minority business participation goal, TxCDBG reports to HUD on the levels of MBE and WBE hiring under all CDBG contracts. To increase participation of small, minority and women owned-businesses localities may use the Texas Comptroller of Public Accounts Historically Underutilized Business (HUB) Directory. Also in accordance with Section 3 of the Housing and Urban Development Act of 1968, successful applicants using CDBG funding for housing or other public construction are required, to the greatest extent feasible, to provide training and employment opportunities to lower-income residents and contract opportunities to businesses in the project area.

## **Fair Housing Activities**

Any locality receiving funds under the TxCDBG Program must certify that it will affirmatively further fair housing choice. Each funded locality must conduct at least one fair housing activity during the contract period, even if the locality is currently undertaking fair housing activities. Activities that qualify as affirmatively furthering fair housing include, but are not limited to, the following:

- Cities may pass a fair housing ordinance and publicize the existence of such an ordinance.
- Counties may adopt written fair housing policies and procedures that are equivalent to a fair housing ordinance and publicize the existence of such policies.
- The development of a strategy to pass a fair housing ordinance to be evidenced by public hearings and input from interested parties.
- The establishment of a written local complaint and monitoring process and notification to the public of its existence.
- The initiation of a fair housing counseling referral service that provides housing choices outside historically minority and/or low-to-moderate income neighborhoods to be evidenced by adoption of written procedures and publication of the availability of such service.
- The completion of a community-wide housing analysis to determine impediments to fair housing and actions to eliminate these impediments.
- The designation of April, or some other month, as Fair Housing Month through resolution or proclamation along with at least one other activity to support fair housing.

In addition, communities that receive CDBG funds, chief elected officials, and third party consultants may be required to have Fair Housing training. Training will be offered at both on-site workshops and state-wide webinars.

## **Conflict of Interest**

Under the federal conflict of interest provisions at 24 CFR 570.489 (h), that are included in the regulations governing state administration of Community Development Block Grant (CDBG) funds (24 CFR 570, Subpart I), no persons who exercise or have exercised any function or responsibilities, with respect to CDBG activities, or who are in a position to participate in a decision making process, or gain inside information regarding CDBG activities, may obtain a financial interest or benefit from the activity, or have interest in any contract, subcontract, or agreement, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure, or for one year thereafter.

These conflict of interest provisions apply to any person who is an employee, agent, consultant, officer, or elected official of the State, or of a unit of general local government, or of any designated public agencies, or subrecipients that are receiving CDBG funds.

Under these provisions, a conflict of interest would exist if an employee, elected official, or their family members receive benefit from an activity. For example, if a member of a mayor's family was selected to receive CDBG assistance or would benefit from or receive a CDBG award, abstention from voting does not clear the conflict of interest. Another example where a conflict of interest would exist (business ties) is a situation where a consultant, who is employed by an engineering firm, has been selected by a city to provide administration services for the TxCDBG contract and the city is considering the selection of an engineer from that same firm to provide engineering services for the TxCDBG contract.

TDA may grant an exception to the conflict of interest provisions on a case-by-case basis if it determines that such exception will serve to further the purpose of the TxCDBG Program and the effective and efficient administration of the project. An exception may be considered only upon written request from the city that includes the following documentation:

- A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made.
- An opinion of the attorney for the city that the interest for which the exception is sought would not violate state or local law.
- Whether the exception would provide a significant cost benefit or an essential degree of expertise to the project that would not be available otherwise.
- Whether an opportunity was provided for open competitive bidding or negotiation.
- Whether the person affected is a member of a group or class of low or moderate income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class.
- Whether the person affected has withdrawn from his/her functions or responsibilities, or the decision making process with respect to the specific assisted activity in question.
- Whether the interest or benefit was present before the affected person was in the position as an employee, agent, consultant, officer, or elected official of the city, or of any designated public agencies, or sub-recipients that are receiving CDBG funds.
- Whether undue hardship will result to the city or the persons affected when weighed against the public interest served by avoiding the prohibited conflict.
- Any other relevant considerations.

## **Funding Request Amounts**

This represents the minimum and maximum amount that may be requested/awarded for a project. These amounts apply to any project funded under the Texas Capital Fund Downtown Revitalization and Main Street Programs.

Minimum \$50,000

Maximum \$150,000

The program can fund only the actual, allowable, and reasonable costs of the proposed project, and may not exceed these amounts. All projects awarded under the TxCDBG program are subject to final agreement between TDA and the applicant regarding the final award amount, but at no time will the award exceed the amount originally requested in the application.

## **Matching Funds**

At a minimum, TxCDBG monies must be matched with a minimum of 10% of the requested grant amount in the form of cash from the city. Additional match contributions may earn additional points in the scoring process. Additional match may come from other eligible sources. Reimbursable and matching funds may not be spent or incurred prior to a contract execution date from the TxCDBG program.

NOTE: Matching funds from other state or federal sources are ineligible for DRP or MS.

For each activity identified on Table 1, the match monies must be expended prior to drawing TxCDBG monies for that activity. Also, if a community experiences cost overruns or elects to do oversizing, the community's funds will be required to be used prior to drawing TxCDBG monies. Also, if project costs come in under budget or the city elects to reduce the project scope, the committed match monies must still be expended prior to drawing TxCDBG monies. Overall, the city is required to expend the same ratio of local funds to TxCDBG funds as submitted in the application.

All force account or in-kind services may be applied only towards match in excess of the minimum required 10% cash contribution.

### **Force Account Equipment Use (in-kind service)**

The value of in-kind equipment use match for equipment owned by the locality must be based on a use allowance or depreciation (both cannot be used for the same piece of equipment) and cannot be based on the estimated rental cost of such equipment if already owned by the locality.

To document the value of estimated in-kind equipment use match based on a use allowance, the applicant may use equipment hourly rates and mileage rates established by the Federal Emergency Management Agency (available from TDA upon request).

Depreciation value may be used only if the equipment is not already fully depreciated and the schedule is based on acquisition cost. The applicant must provide an attachment/schedule that shows how the value of the match was determined.

If determining value by use allowance, the schedule must include a list of the equipment (including the capacity or size of the equipment), the hourly use rate or mileage rate, and the number of estimated hours or miles that each piece of equipment will be used on project related activities.

If determining value based on depreciation, the schedule must include a list of the equipment, the depreciation schedule, and the acquisition cost of each piece of equipment.

## **Federal Funding Accountability and Transparency Act (FFATA)**

In September 2006 the President signed the Federal Funding Accountability and Transparency Act (FFATA) requiring the Office of Management and Budget (OMB) to develop a publicly available, free-of-charge, searchable website on federal funding. Federal funding includes grants, sub-grants, loans, awards, cooperative agreements, and other forms of financial assistance. On April 6, 2010, the OMB issued a memorandum outlining responsibilities for State agencies making sub-awards with Federal funds.

Beginning October 1, 2010, TDA is responsible for reporting data on each TxCDBG award, which will be entered into the [usaspending.gov](http://usaspending.gov) database. This data includes:

- The name of the entity receiving the award;
- The amount of the award;
- Information on the award, including transaction type, funding agency, Catalog of Federal Domestic Assistance (CFDA) number, program source, and a descriptive award title;
- Location of the entity receiving the award and the primary location of performance under the award, including the city, state, congressional district, and county; and
- The Data Universal Numbering System (DUNS) number for the entity receiving the award.

Additional information deemed relevant by the OMB must also be provided, and all information is due no more than thirty days after a grant is awarded.

In addition, applicants must register on the System for Award Management (SAM) and entities must have an active registration to receive funding from HUD. Information on SAM registration is available at <https://www.sam.gov>.

## **False Information on Applications**

The following actions may be taken, on a case-by-case basis, where TDA finds that an applicant provided false information in its application for TxCDBG funding.

If the applicant provides false information in a TxCDBG Fund application that has the effect of increasing the applicant's competitive advantage, or false beneficiary information that increases the number or percentage of potential beneficiaries, TDA TxCDBG staff shall make a recommendation for action to the Director of the State TxCDBG Program.

Actions that the Director may make include, but are not limited to:

1. Disqualification of the application and holding the locality ineligible to apply for TxCDBG funding for a period of at least one year not to exceed two program years.
2. Even if an award has been made, the locality may be liable for funds expended if adjustment to the scores would have resulted in a change in rankings for the purpose of funding.
3. Holding the locality ineligible to apply for TxCDBG funding for a period of two program years or until any issue of restitution is resolved, whichever is longer.

An applicant may appeal a decision of the State TxCDBG Director by filing an appeal with the Administrator of the Office of Rural Affairs.

## **Appeals Process**

Refer to Title 4, Part 1, Chapter 30.6, Subchapter A of the Texas Administrative Code (TAC).

## **Application Instructions**

### **Cover Sheet**

Select the application type from the dropdown box highlighted in red. Selecting the application type also selects the appropriate program's scoring sheet. Failure to select the correct application type may result in disqualification of the application. Enter the applicant's name in the space provided. The applicant's name will then appear in the footer of every page in the application.

### **Application Checklist**

Carefully read the list of required attachments and application forms located on page 29 of this guide, checking off each completed item. This minimizes the likelihood of serious deficiencies or disqualification.

### **424 Form**

The numbered sections below coincide with the numbered fields on the 424 Form. All information is required unless otherwise noted. The applicant must provide an email address, as indicated, in box 18.

1. **Type of Submission**- Under the Application column, select either Construction or Non-Construction. The majority of TxCDBG applications, except for Planning-only applications, include some construction activities.
2. **Date Submitted**- To use the calendar provided, click on the drop-down arrow on the right side of the box.
3. **Date Received by State** – Leave this field blank.
4. **Date Received by Federal Agency** – Leave this field blank.
5. **Applicant Information**- Provide the applicant's Legal Name (e.g., City of ABC, ABC County) and the Organizational Unit (can be the same as the Legal Name). **Mailing address, telephone number, fax number, and email address are required for both the applicant and the application preparer.** The applicant's physical address and county are also required.
6. **Employer Identification Number**- Also known as the Federal Tax ID, this 14-digit number is required to facilitate disbursement of funds.
- 6a. **DUNS Number** – All applicants must have a Data Universal Numbering System number to apply for Federal funds. The DUNS number is a nine-character identification number provided by Dun and Bradstreet. There is no charge to obtain a DUNS number. For additional information, visit the Dun and Bradstreet website at [www.dnb.com](http://www.dnb.com). Failure to provide the applicant's DUNS number at the application stage may result in delayed award disbursement. The DUNS number is also required to be registered with the System for Award Management.
7. **Type of Applicant**- Select County or City.
8. **Type of Application**- Check the appropriate box.
9. **Name of Federal/State Agency** – Provided by TDA
10. **Catalog of Federal Domestic Assistance Number** – Provided by TDA
11. **Project Type** – Use the drop-down menu to select the project type that best describes the proposed project. For a project with a benefiting business, use Economic Development Direct Financial Assistance - For Profit. 11a. **Type of Application** – Provided by TDA
12. **Target Area(s) Affected by the Project**- Briefly identify the target areas of the city affected by the project. Acceptable descriptions would be: "The ABC Community in southeast XYZ County", "The ABC Community and LMN Community in XYZ County", "The ABC Water Supply Corporation Service Area", "The A, B, C, and D Colonias of XYZ County", and "Jollyville neighborhood in the northwest portion of ABC Town".
13. **Applicant's Fiscal Year** – Indicate the beginning and end dates of the applicant's fiscal year.

14. ***Congressional Districts***– Provide the congressional districts of the entity applying for funding, as well as for the proposed project site(s). This information is available through the “Who Represents Me” feature at the Texas State Legislature’s web site: [www.fyi.legis.state.tx.us](http://www.fyi.legis.state.tx.us).
15. ***Estimated Funding***– Complete each field as follows:
- A. TxCDBG Request: Amount requested from TDA through this application;
  - B. Federal: Amount committed from federal resources such as RUS or USDA-RD;
  - C. State: Amount committed from state resources such as TWDB;
  - D. Applicant: Amount of match committed by the applicant;
  - E. Local: Amount committed from local resources such as a WSC, WCID, MUD, or any other local entity other than the applicant;
  - F. Other: Amount committed from resources other than those listed above, including cash or equity from the business; and
  - G. Total: This will calculate automatically.
16. ***Is application subject to review by State Executive Order 12372 Process?*** – For TxCDBG applications, the answer to this question is “No.” Texas Review and Comment System (TRACS) no longer exists for review.
17. ***Is the Applicant delinquent on any Federal debt?*** If the answer is “Yes,” include an explanation concerning the nature, amount, and date when payment of the debt became delinquent.
18. ***Certification***– Before signing the 424 Form, the authorized signatory should read the text in this field carefully and review the Local Certifications and Citizen Participation Plan sections of this guide. Complete all sub-fields prior to signature.

## **Scoring Criteria**

### **Main Street Application Scoring Criteria**

The following is an outline of the selection criteria used by TDA for the selection of projects under the Main Street Program. Applications will be reviewed for feasibility in descending order based on the scoring criteria. Supporting documentation must be placed immediately behind the application. Scoring criteria follows:

Scoring - Maximum 95 points

(A) Poverty Rate (maximum 10 points). Awarded if the applicant's annual poverty rate is higher than or equal to the annual state poverty rate using the most recent available American Community Survey – 5 year estimate as follows:

- score 5 points if the poverty rate meets or exceeds the state average; or
- score 10 points if the poverty rate is 115% of the state’s average.

(B) Median Household Income (maximum 10 points). Awarded if the applicant's median household income is lower than or equal to the annual state’s household income using the most recent available American Community Survey – 5 year estimate as follows:

- score 5 points if the rate is lower than or equal to the state’s median household income; or
- score 10 points if the rate is 85% of the state’s median household income.

(C) Unemployment Rate (maximum 5 points). Awarded if the applicant's unemployment rate meets or exceeds the annual state’s unemployment rate using the most recent available American Community Survey – 5 year estimate as follows:

- score 5 points if the rate meets or exceeds the state unemployment rate.



(D) Leverage/Match (maximum 10 points). A minimum 10% cash match is required. Awarded for the commitment of additional matching funds relative to the amount of CDBG funds requested as follows:

- score 5 points if 20% in matching funds are committed; or
- score 10 points if 30% in matching funds are committed

Additional match may be cash and/or in-kind. The applicant must provide a resolution from the city council authorizing the match expenditure. The resolution must include the commitment amount and the proposed use of the funds. If other eligible sources of funding are injected into the project, a commitment letter from the sources must also be submitted.

(E) Economic Development Consideration (maximum 5 points). Awarded if the city has passed an economic development sales tax (Type 4A/4B).

- score 5 points for passage of a local economic development tax

(F) Sidewalks and ADA Compliance (10 points). Awarded for the percentage of CDBG funds requested for sidewalk/ADA compliance relative to the total CDBG funds requested.

- score 5 points if 50% or less of the requested funds will be used for sidewalk and/or ADA compliance activities; or
- score 10 points if 70% or more of the requested funds will be used for sidewalk and/or ADA compliance activities

(G) Broad-based Public Support (maximum 10 points). Awarded for providing the following:

- score 5 points for providing a letter from at least one of the following organizations: The County Historic Preservation Commission, the local design review board, the Economic Development Corporation or the Chamber of Commerce supporting the project and describing how the project enhances the community's historic assets and historic preservation goals; and
- score 5 points for providing letters from 50% or more of the businesses and/or property owners impacted by the proposed project, within the downtown business district. This specifically includes businesses and /or property owners within one (1) block of the proposed improvements.

Broad based support map: Maps supporting Broad-based support from businesses and/or property owners must clearly correlate with the letters of support and be based on a plat map of the impacted project area, specifically a one-block radius of the proposed improvements. Buildings occupied/owned by Federal, state and local government entities are not considered toward broad-based support. Incomplete, ambiguous or mislabeled maps supporting Broad-based support may result in the loss of these points for scoring purposes.

(H) Benefit to Low- to-Moderate Income (LMI) Population (maximum 10 points). Awarded for projects that benefit populations with 51% or more LMI individuals as follows:

- score 5 points if the LMI population meets or exceeds 51%; or
- score 10 points if the LMI population meets or exceeds 60%.

This information may be obtained from the most recent income limits on the U.S. Department of Housing and Urban Development's website. See Appendix I for more information.

(I) Grant Application Training (maximum 5 points). Awarded as follows:

- a current city official/employee has attended a DRP/MS training in the current or previous calendar year.

(J) Historic Preservation Ethic Impact (10 points). Awarded as follows:

- score 5 points if the applicant has a current historic preservation ordinance; and
- score 5 points if the applicant has adopted design guidelines for the Main Street program or project area.

(K) Main Street Program Participation (5 points). Awarded for the applicant's continuous participation in the Main Street program as follows:

- score 1 point for every two calendar years of continuous participation in the Main Street program. Points will not be broken into half points for increments less than two-years. If a city leaves the Main Street program and then returns at a later date, "continuous participation" will be calculated from the year the applicant returned to the program.

Applicants will receive the maximum amount of points if they have participated in the program for 10 continuous years.

(L) Main Street Recognition (maximum 5 points). Awarded as follows:

- score 5 points if the applicant's Main Street program received National Recognition from the National Main Street program in the previous calendar year.

## **Downtown Revitalization Application Scoring Criteria**

The following is an outline of the selection criteria used by TDA for the selection of projects under the Downtown Revitalization Program. Applications will be reviewed for feasibility in descending order based on the scoring criteria. Supporting documentation must be placed immediately behind the application. Scoring criteria follows:

Scoring - Maximum 85 points

(A) Poverty Rate (maximum 10 points). Awarded if the applicant's annual poverty rate is higher than the annual state poverty rate using the most recent available American Community Survey – 5 year estimate as follows:

- score 5 points if the poverty rate meets or exceeds the state average; or
- score 10 points if the poverty rate is 115% of the state's average.

(B) Median Income (maximum 10 points). Awarded if the applicant's median household income is lower than or equal to the annual state's household income using the most recent available American Community Survey – 5 year estimate as follows:

- score 5 points if the rate is lower than or equal to the state's median household income; or
- score 10 points if this rate is 85% of the state's median household income.

(C) Unemployment Rate (maximum 5 points). Awarded if the applicant's unemployment rate meets or exceeds the annual state's unemployment rate using the most recent available American Community Survey – 5 year estimate as follows:

- score 5 points if the rate meets or exceeds the state unemployment rate.

(D) Previous Contracts (Maximum 10 points). Awarded if the applicant has received one or fewer DRP awards in the preceding 2 calendar years as follows:

- score 5 points if the applicant has received 1 DRP award in the preceding 2 calendar years; or
- score 10 points if the applicant has received 0 DRP awards in the preceding 2 calendar years

(E) Leverage/Match (maximum 10 points). A minimum 10% cash match is required for the grant. Awarded for the commitment of additional matching funds relative to the amount of TxCDBG funds requested as follows:

- score 5 points if 20% in matching funds are committed; or
- score 10 points if 30% in matching funds are committed

Additional match may be cash and/or in-kind. The applicant must provide a resolution from the city council authorizing the match expenditure. The resolution must include the commitment amount and the proposed use of the funds. If other eligible sources of funding are injected into the project, a commitment letter from the sources must also be submitted.

(F) Economic Development Consideration (maximum 5 points). Awarded if the city has passed an economic development sales tax (Type 4A/4B).

- score 5 points for passage of a local economic development tax

(G) Sidewalks and ADA Compliance (10 points). Awarded for the percentage of TxCDBG funds requested for sidewalk/ADA compliance relative to the total TxCDBG funds requested.

- score 5 points if 50% or less of the requested funds will be used for sidewalk and/or ADA compliance activities; or
- score 10 points if 70% or more of the requested funds will be used for sidewalk and/or ADA compliance activities

(H) Broad-based Public Support (maximum 10 points). Awarded for providing the following:

- score 5 points for providing a letter from at least one of the following organizations: The County Historic Preservation Commission, the local design review board, the Economic Development Corporation or the Chamber of Commerce supporting the project and describing how the project enhances the community's historic assets and historic preservation goals; and
- score 5 points for providing letters from 50% or more of the businesses and/or property owners impacted by the proposed project, within the downtown business district. This specifically includes businesses and /or property owners within one (1) block of the proposed improvements.

Broad based support map: Maps supporting Broad-based support from businesses and/or property owners must clearly correlate letters of support and be based on a plat map of the impacted project area, specifically a one-block radius of the proposed improvements. Buildings occupied/owned by Federal, state and local government entities are not considered toward broad-based support. Incomplete, ambiguous or mislabeled maps supporting Broad-based support may result in the loss of these points for scoring purposes

(I) Benefit to Low- to-Moderate Income (LMI) Population (maximum 10 points). Awarded for projects that benefit populations with 51% or more LMI individuals as follows:

- score 5 points if the LMI population meets or exceeds 51%; or
- score 10 points if the LMI population meets or exceeds 60%.

This information may be obtained from the most recent income limits on the U.S. Department of Housing and Urban Development's website. See Appendix I for more information.

(J) Grant Application Training (maximum 5 points). Awarded as follows:

- a current city official/employee has attended a DRP/MS training in the current or previous calendar year.

## **Scoring Tie-Breaker**

In the event of a tie score and insufficient funds to approve all applications, the following tie breaker criteria will be used for both DRP and MS.

First-The tying applications are ranked from lowest to highest based on applicant's most recently available American Community Survey 5-yr Estimates poverty rate. Thus, preference is given to the applicant with the higher poverty rate. This information may be obtained from the Census Department's American Fact Finder website: <http://factfinder2.census.gov/main.html>. A copy of this documentation must be included with the score sheet in the application.

Second-If a tie still exists after applying the first criteria then applications are ranked from highest to lowest based on the most recently available American Community Survey 5-yr Estimates unemployment rate. Thus, preference is given to the applicant with the higher unemployment rate. This information may be obtained from the Census Department's American Fact Finder website: <http://factfinder2.census.gov/main.html>. A copy of this documentation must be included with the score sheet in the application.

## **Project Approval Information**

This form asks for a variety of information about a proposed project. Please be sure to verify your responses, as TDA staff may rely on this information to make important decisions regarding the project's eligibility and approval status. Some items on this form include follow-up questions that will only appear if necessary. If a question does not apply to the proposed project, select "N/A". Failure to respond to any item on the Project Approval Information form will result in a deficiency notice.

## **Community Needs Information**

### ***List of All Identified Community Needs***

Provide a list of all the applicant's identified community development and housing needs, not just those addressed in the application. List the needs in order of importance, using the boxes marked "+" and "x" to add or delete space for additional items.

### ***Community Needs Assessment Questionnaire***

Provide the information requested for each item, including information concerning the applicant's past and future efforts to provide affordable housing opportunities in the applicant's jurisdiction and the applicant's past efforts to provide infrastructure improvements through the issuance of general obligation or revenue bonds. A response is required for each item; "None" and "N/A" are acceptable.

### ***Fair Housing Activities***

Any locality receiving TxCDBG monies must certify that it will affirmatively further fair housing. Using the table, in the application, identify the activities presently undertaken to affirmatively further fair housing and which new activities will be undertaken if an award is made by TDA. Applicants should be aware that, in the event of funding, these fair housing efforts will be monitored. Other activities may be eligible, and the applicant should contact TDA to determine eligibility.

### ***The Needs Addressed In This Application Were Determined By***

Indicate the method(s) used to determine the needs addressed in this application, including the date(s) of each method/assessment. If the exact date is not known, choose the first day of the appropriate month and year. If a city's application includes activities benefiting persons located within the city's ETJ, the applicant must describe how the activity benefiting persons located in the ETJ is meeting the applicant's community development and housing needs, including the needs of low to moderate income persons.

### ***Description of the Need(s) Addressed in This Application***

Provide a description of the problem the proposed project will address, including how the proposed improvements will assist the city. TDA will use the information from this section to draft a contract in the event that the application is successful. Please double-check for accuracy and do not use all capital letters.

## **Project Summary**

This section is to be answered for each target area identified within the application and it consists of four questions intended to summarize the most basic aspects of the proposed project(s). Responses will be used to draft a contract if the application is awarded. Ensure the information provided in this section is accurate and in agreement with all other parts of the application. To answer the questions on this form, follow the instructions below:

1. **"Summarize the problem(s) to be addressed within the application by target area."**

Guidance: state the nature of the problem by expanding on the Description of Needs from the previous section, as well as specific locations and the state of existing facilities.

**EXAMPLE-** The existing six-inch (6") asbestos cement water line is old and deteriorated which results in frequent breaks and water loss making the water line unreliable. This water line is the only source of water serving the city north of State Highway 88 and does not provide adequate capacity.

2. **"Identify the boundaries of the designated downtown district or Main Street area."**

Guidance: Utilizing cardinal boundaries and/or streets, identify the boundaries of the designated downtown district or Main Street area. Lastly, identify the location of the activity/project using cross streets, or provide a brief description/narrative of the location of the activity/target area. Use the "+" box on the right side of the page for additional lines to provide street locations, if necessary (or the "x" box to delete unnecessary ones)..

3. **"Identify the action(s) to resolve the problem(s) and their anticipated outcomes. Include specific materials and quantities, as well as any anticipated Acquisition. Provide the proposed description based on the example below and examples in the Application Guide."**

Guidance: describe what action is required to address the problem, including the type and amount of material required for construction activities. For projects that will take place in more than one target area, be sure to describe the conditions and proposed work at each site. Describe in detail acquisition needed for the activity. The response should resemble a standard TxCDBG Performance Statement (see Appendix III: Form/Document Samples for an example).

**EXAMPLE-** Contractor shall install one thousand four hundred thirty linear feet (1,430 l.f.) of concrete sidewalks, seventeen (17) ADA compliant ramps and associated appurtenances.

4. **"Disclose the source(s) and use(s) of non-TxCDBG funds."**

Guidance: Disclose the source, use and amount of any non-TxCDBG funds committed to the proposed project. This includes all cash, material, land, and in-kind match.

Provisions at Subpart A of 24 CFR Part 4 require TxCDBG applicants to disclose the information requested in each part of this section:

- Assistance from other government sources in connection with the TxCDBG project;
- The sources of funds contributed to the project; and
- The uses for which the funds are to be utilized.

Each reportable source of funds must indicate:

- The name and address, city, state, and zip code of the individual or entity providing the assistance. If applicable, include at least one organizational level below the agency name. For example, U.S. Department of Transportation, U.S. Coast Guard; Department of Safety, Highway Patrol;
- The program name, and any relevant identifying numbers or other means of identification for the assistance; and
- The type of assistance (e.g., applicant contribution, loan, grant, loan insurance).

TDA will make all applicant disclosure reports available to the public for five years in the case of applications for competitive assistance, and for generally three years in the case of other applications. Update reports will be available along with the disclosure reports, but in no case for a period less than three years. All reports, both initial reports and update reports, will be made available in accordance with the Texas Public Information Act (Chapter 552, Texas Government Code). Failure to provide any required information may delay the processing of the application and may result in sanctions and penalties, including imposition of the administrative and civil penalties specified under 24 CFR Section 4.38.

### **Additional Project Information**

Answer the four questions on this page to identify: 1) any persons with a reportable financial interest to disclose; 2) the type of acquisition (if applicable) needed for the proposed project; 3) any construction activities to be completed by Force Account; and 4) drought-related needs, if applicable.

Applicants must provide information on anyone with financial interest in the proposed project exceeding \$50,000 or 10 percent of the requested amount (whichever is lower). This includes developers, contractors, or consultants involved in the application for TxCDBG assistance or in the planning, development, or implementation of the project or activity. A "financial interest" is any financial involvement in the project or activity, including (but not limited to) situations in which an individual or entity has an equity interest in the project or activity, shares in any profit on resale

or any distribution of surplus cash or other assets of the project or activity, or receives compensation for any goods or services provided in connection with the project or activity. Residence in housing for which assistance is sought is not considered a covered financial interest.

The applicant disclosure report must specify all expected sources of funds from TxCDBG and from any other source that is or will be available for the proposed project or activity. Non-TxCDBG sources typically include the applicant's local contribution, other government assistance referred, equity, and contributions from foundations and private individuals. The report must also specify all expected use(s) of the funds. All sources and uses of funds must be included if they can be reasonably expected to be available for the proposed project.

Additional disclosures apply to update reports. During the period in which a TCF DRP/MS application is pending, the applicant must make the following additional disclosures:

1. Any information that should have been disclosed in connection with the application but was inadvertently omitted.
2. Any information that would have been subject to disclosure in connection with the application but that arose at a later time, including information concerning an interested party that now meets the applicable disclosure threshold.
3. Any changes in previously disclosed Other Government Assistance that exceeds the previously disclosed amount.
4. For changes in previously disclosed financial interests, any change in the amount of the financial interest of a person that exceeds the amount of the previously disclosed interests by \$50,000 or by 10 percent of such interests (whichever is lower).
5. For changes to previously disclosed sources of funds, any change in a source of funds that exceeds the lower of:
  1. The amount previously disclosed for that source of funds by \$250,000 or by 10 percent of the amount previously disclosed for that source, whichever is lower; or
  2. The amount previously disclosed for all sources of funds by \$250,000 or by 10 percent of the amount previously disclosed for all sources of funds, whichever is lower.
6. For changes to previously disclosed uses of funds, any change in a use of funds that exceeds the lower of:
  - a. The amount previously disclosed for that use of funds by \$250,000 or by 10 percent of the amount previously disclosed for that use, whichever is lower; or
  - b. The amount previously disclosed for all uses of funds by \$250,000 or by 10 percent of the amount previously disclosed for all uses of funds, whichever is lower.

For Questions 2 and 3, click on the appropriate response and provide a response if prompted.

Acquisition of any real property associated with a TxCDBG funded project must follow the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and the HUD implementing regulations (regardless of whether the acquisition is funded by private funds or funds from another state or federal agency). Contact TDA for additional information on the Uniform Act.

### **Table 1 – Beneficiary and Funding Data**

Refer to Appendix II: Sample Table 1 and Table 2 for an example of a properly completed Table 1 form.

Enter the following information for each target area:

- Target Area Name – enter the name of the applicable target area. Construction Completion Method(s) – identify how each proposed activity will be accomplished:
  - select “contract” for activities that will be accomplished by the bid/contract process.

- select “force account” for force account labor (performed by the applicant’s own employees); or
  - select “combination” for a combination of both (Contract) and (Force Account);
- Activity Description – choose the appropriate activity from the dropdown menu. After selecting an activity, the appropriate HUD activity number will appear in the next field.
  - When completing the form for the General Administration activity, the Gender, Ethnicity, and Census Geographic Area information is not required. For the General Administration line item, use the TxCDBG Construction and/or Other Construction columns to indicate the portions of the Administration costs to be paid by TxCDBG funds and/or Other funds respectively.
- Total Benes (Total Activity Beneficiaries) – enter the total number of beneficiaries of the activity. For projects with multiple activities, each separate activity requires a separate beneficiary count. Once this information is entered for all activities (if applicable), enter the sum total of all the beneficiaries at the bottom of the column. This is true when activities take place in different sectors of a jurisdiction, but may also be true when the activities are proposed in the same general vicinity. See Appendix I for more information.
- LMI Benes (Activity LMI Beneficiaries) – enter the number of persons identified out of the Total Beneficiaries whose income falls below 80% of the area median family income. Once this information is entered for all activities, enter the sum total of all the LMI beneficiaries at the bottom of the column. See Appendix I for more information.
- LMI % (Activity LMI %) – this is the percentage of an activity’s beneficiaries that are LMI, and will automatically calculate.
- TxCDBG Construction – indicate the amount of TxCDBG funds requested for each construction activity. Be sure to correlate this figure for all construction activities on Table 2 – Budget Justification.
  - Use this column for General Administration (choose General Administration as the activity and then budget the amount in the TxCDBG Construction column). The amount requested for General Administration must not exceed 16% of total Construction and Acquisition costs. The locality is responsible for any cost incurred for General Administration (Program Administration, Compliance, Audit, etc.) that exceeds the TxCDBG-funded amount.
- TxCDBG Engineering – For DRP and MS Engineering/architectural services may not be paid by TxCDBG funds.
- TxCDBG Acquisition – indicate the amount of TxCDBG funds requested to pay acquisition costs associated with the activity. This amount should also appear on Table 2 – Budget Justification.
- Other Construction – indicate the amount of local or other matching funds committed to pay for the construction costs associated with the activity.
- Other Engineering – indicate the amount of local or other matching funds committed to pay for the engineering costs associated with the activity.
- Other Acquisition – indicate the amount of local or other matching funds committed to pay the acquisition costs associated with the activity.
- The source(s) of all other funds must be disclosed in the Project Summary section of the application when the “other” amount is greater than zero. TDA requires a commitment documenting each outside source of funding.
- Activity Total – this is the total cost of completing each activity, including funds from TxCDBG and all other sources, and will automatically calculate. The total for all activities should match the total project cost on the 424 form.
- Gender Data – enter in the total number of male and female beneficiaries that will be served in the target area. The number in the Total Benes column (Gender Data) should match the Total Beneficiary – Activity Totals

column in the section above. This data is available on the U.S. Census website using the most recent available American Community Survey – 5 year Estimate.

- **Race/Ethnicity Data** – provide the race, and ethnicity data of the beneficiaries that will be served in the target area. This data is available on the U.S. Census website using the most recent available American Community Survey – 5 year estimate. Beneficiaries for the CDBG Program must consider persons of Hispanic or Latino origin as an ethnic group. Therefore, persons of Hispanic or Latino origin must also be included under one or more of the single race or multi-race categories. The number of persons shown in the single race or multi-race categories, not including the persons shown as Hispanic or Latino origin, should equal the total number of project beneficiaries when added together. The number in the Total Activity Beneficiaries column must match the Activities column in the section above.
- **Census Geographic Area Data** – for reporting purposes, HUD requires that TDA collect information regarding the location of each project activity. The county code/FIPS (Federal Information Processing Standard) code will automatically populate when you choose the applicant’s county from the drop down menu on the cover page. Next, enter all of the applicable census tracts (6-digit) and block group where the activity’s beneficiaries reside.
- **This Activity Benefits a Target Citywide/Countywide Benefit** – identify whether the proposed activity will benefit an entire city or county.
- **Beneficiary Identification Methods** – indicate which of the three acceptable methods was used by selecting the appropriate box, and then provide the appropriate information that is requested under the selected identification method. The three acceptable ways to determine how many beneficiaries an activity will serve are the following
  - HUD Census-based Data;
  - TxCDBG-approved Survey; and
  - TxCDBG-approved Limited Clientele Information.

## **Table 2 – Budget Justification of Retail Costs**

For all proposed uses, requested funds may not exceed the minimum necessary to meet the needs of the business(es). Excess/speculative improvements, extra connections or excessive looping will not be funded. For projects involving more than one activity, this form should reflect each separate activity and its applicable costs. Do not include cost categories such as contingency funds, profit, overhead, and bonding as separate costs. They should be built into the estimated construction costs.

Force account labor costs, whether to be paid with funds or included as local match, must be based on the estimated TxCDBG contract-related construction hours to be worked by force account workers and the hourly wages to be paid, not on labor costs estimated through the bid/contract method. These costs must be described in the Project Summary section of the application.

Equipment costs for equipment owned by the locality, whether to be paid with TxCDBG funds or included as local match, must be based on a use allowance (such as those used by FEMA) or depreciation (based on acquisition cost, and only if the equipment is not already fully depreciated). Calculate all costs based on hours the equipment is in use on the project.

Please enter the following:

- **Activity Description** – refer to the listed activities on Table 1. Activities shown on this form must correspond to those shown on Table 1. Use the dropdown menu for a full list of activity descriptions and their corresponding activity(ies). Use the “+” box on the right side of the page for additional line items (or the “x” to remove unnecessary ones).
- **Materials/Facilities/Services** – in this column, list the materials/facilities/services associated with each activity.



- **\$/Unit, Unit, and Quantity** – for projects that will be completed using force account labor, use the materials/facilities/services column to calculate the value of the force account, such as the estimated contract-related construction hours multiplied by hourly wage rates with the total amount indicated in the Construction column, or attach a separate Force Account Schedule. See Appendix II: Form/Document Samples for an example of a properly completed Table 2 – Budget Justification for Retail Costs involving Force Account labor. There are two acceptable methods for determining actual construction costs:
  1. Break down the construction costs into labor and materials components for each activity (use this method for activities involving force account labor); or
  2. Use unit price (**\$/Unit**) and the number of units (**Quantity**) for each activity. The units used (e.g., linear feet (lf), square feet (sf), etc.) must be priced to include all proposed improvements related to and necessary for the major construction activity.
- **Construction** – enter the price of a material associated with a construction activity. This is the quantity in the “\$/Unit” column multiplied by the number in the “Qty” column.
- **Engineering** – engineering/architectural costs are required to be broken out and entered by **each construction activity** and by the following engineering services (survey, design, and construction/inspection). Special engineering services and their costs must be itemized on Table 2.
- **Acquisition** – enter any cost involved with a proposed activity involving acquisition of real property (easements, rights-of-way, etc.). The projected acquisition costs must be broken out by the activity for which the acquisition is needed. Acquisition costs associated with construction activities, such as easements for a water system improvement project, should be shown in the “Acquisition” column. Please keep in mind that TDA requires compliance with the Uniform Real Property Acquisition and Relocation Policies Act of 1970. **Do not add a separate Acquisition activity line item unless the project involves acquisition of real estate, in which case the “Construction” and “Engineering” columns should be blank for the Acquisition activity.**
- **Total** – the totals for each line item and column will calculate automatically. Each activity cost and the associated total activity costs must be consistent with those shown on Table 1. General Administration costs are not shown on Table 2.
- **Signature of Registered Engineer/Architect Responsible For Budget Justification (and Seal)** – for public facilities projects, a professional engineer or architect licensed to practice in the State of Texas must complete this form. The engineer or architect’s signature and registration seal must be on the form. Please also provide the date the form is completed and the engineer or architect’s telephone number. If the professional seal is a pressure (non-ink) seal, please ensure that a penciled-over image of the seal is visible on the duplicate copy.

## **National Program Objectives**

Provide a Justification of Beneficiary Identification Method that was used to identify the beneficiaries of the proposed projects.

## **Anticipated Objectives and Outcomes**

Indicate the anticipated objectives and outcomes from the proposed activities by completing the following for each activity:

- Activity – using the dropdown menu, select the appropriate activity. If the options in the drop-down menu do not accurately describe the proposed activity, you may type the appropriate project type in this field rather than selecting from those provided from the drop-down list. Also, use the boxes marked “+” and “x” on the right side of the page to add or delete space for additional activities.
- Anticipated Objective – select one anticipated objective for each activity:
  - Create a suitable living environment.
  - Provide decent affordable housing
  - Create economic opportunities.

- Anticipated Outcome – select one outcome for each activity in the application (excluding engineering and administration):
  - Availability / Accessibility
  - Affordability
  - Sustainability

NOTE: Only one set of objectives and outcomes is required for each activity. If multiple objectives and outcomes are provided for each activity, the responses listed first for each activity will be used for reporting purposes by TxCDBG staff.

### ***Anticipated Outcome Units***

Of the following, select the box next to the most appropriate description of the proposed activities:

- Infrastructure/Public Facilities Improvement Project
- Services
- Planning Activity

Once the additional questions appear, select the Activity from the dropdown menu. Use the “+” box on the right side of the page to add additional activities, if applicable (or the “x” box to delete unnecessary ones). For each activity, provide the following:

- Identify the number of persons for each of the following:
  - Anticipated to have new access to this type of public facility or infrastructure improvement;
  - Anticipated to have improved access to this type of public facility or infrastructure improvement; or
  - Anticipated to be served by public facility or infrastructure that is no longer substandard.

NOTE: The total for each activity and outcome must not exceed the total number of beneficiaries identified in the application.

### ***Additional Activity Information***

Select only those that apply.

- *One-for-One Replacement* – requires that a grantee replace occupied and vacant units that are demolished or converted.
- *Revolving Loan Fund* – established to make loans whereby principal repayments of loans are re-paid into the fund and re-lent to other borrowers.
- *Brownfield Activity* – any activity designed to treat a piece of industrial or commercial property that is abandoned or underused and often environmentally contaminated, especially one considered as a potential site for redevelopment.
- *Special Assessment* – means the recovery of the capital costs of a public improvement, such as streets, water or sewer lines, curbs, and gutters, through a fee or charge levied or filed as a lien against a parcel of real estate as a direct result of benefit derived from the installation of a public improvement, or one-time charge made as a condition of access to public improvement.
- *Favored Activity* – certain activities specifically related to economic development.
- *Colonia* – Any identifiable unincorporated community that is determined to be a colonia on the basis of objective criteria, including lack of potable water supply, lack of adequate sewage systems, and lack of decent, safe, and sanitary housing; and was in existence as a colonia prior to the date of enactment of the Cranston-Gonzalez National Affordable Housing Act (November 28, 1990).
- *Presidentially Declared Disaster Area* – any area that is listed as an active disaster area on the Federal Emergency Management Agency website ([www.fema.gov](http://www.fema.gov)).

- *Historic Preservation Area* – any area that has been identified in accordance with the standards for the treatment of historic properties as set by the Secretary of the Interior.
- *Displacement* – a displaced person is any lower income family or individual that moves from real property, or moves his or her personal property from real property, permanently and involuntarily, as a direct result of the conversion of an occupied or vacant occupiable low/moderate income dwelling unit, or the demolition of any dwelling unit, in connection with an assisted activity.
- *Float Funded* – process by which a state’s CDBG funds are already under contract to grant recipient, yet the state awards the same funds to another grant recipient providing that the state is repaid before the initial grant recipient needs the funds to meet their obligation(s) for their CDBG funded activities.

## **Attachments**

The application must be submitted with the following attachments, if applicable, in the order specified.

### ***Scoring Sheet Supporting Documentation***

All scoring criteria must be supported by documentation. Failure to submit all back-up documentation to support scoring may result in a loss of points.

### ***Project Maps***

A minimum of 3 project maps must be included with the application. Please identify the location of buildings, private and public infrastructure, that are part of this project with sufficient detail to properly prepare a project description for the contract documents. All maps must be color coded and drawn to scale. Failure to comply will delay the processing of the application.

1. Area Map: The area map must show the general location of the project in relation to major landmarks such as freeways, rivers, and major streets and location of project site.
2. Designated downtown district/Main Street area Map: must identify the specified boundaries of the downtown/Main Street area. **Note: Proposed project activities must be located within these designated boundaries.**
3. Project Site Map: The project site map must be a magnification of the project site delineating:
  - Identifying buildings and landmarks adjacent to improvements;
  - Location and size of both existing and proposed infrastructure (road, water, sidewalks, sewer, etc.) improvements;
  - Name of adjacent streets and identification of the nearest intersection; and
  - Identification of proposed improvements (legend or key is required) to clearly identify the proposed project.

### ***Photos***

The city shall provide no more than twenty-five (25) photos of the proposed project area. The pictures should be numbered, illustrating the entire project area, including a narrative that identifies the specific location/address and the slum/blight conditions to be eliminated.

### ***Resolutions***

The application *must* be submitted with a resolution from the local City Council authorizing the submission of the application. The governing body must adopt/pass the resolution before the application submission and after the application public hearing. Failure to comply with these resolution requirements may result in disqualification of the application.

The language of the resolution must, at a minimum:

1. Authorize the submission of an application for funding under the Texas Community Development Block Grant Program.
2. Designate the Texas Capital Fund as the fund category under which the application is to be considered.
3. Designate the activities addressed in the application.
4. Designate the dollar amount being requested.

5. Designate a person (e.g., City Manager or Mayor) who will be authorized to execute documents in conjunction with the application, and any resulting grant contract.
6. Commit to the provision of resources by source and use (if applicable) in support of the proposed project activities, including the specific source (e.g., General Fund, Water/Sewer Fund, General Obligation Bonds) and use of those resources.
7. Commit to compliance with all federal, state, and program requirements, including environmental review, labor standards, procurement, acquisition of property, civil rights, and administrative requirements.

For a sample resolution, see Appendix III: Form and Document Samples.

#### ***Documentation of Additional Matching Funds***

All resources committed in an application and considered in the scoring of that application must be provided in the event that the project is selected for funding. If these resources are not made available, the locality may be subject to the sanctions described in the “False Information on Application” section of this guide.

If other eligible sources of funding are injected into the project, a commitment letter from each source must be included.

#### ***Letter from applicant addressing its inability to fund the proposed improvements***

Letter on city letterhead explaining why the city is unable to self-finance the proposed improvements without a TxCDBG award.

#### ***Published Notices of Public Hearing and Application Activities***

Prior to the preparation and submission of an application for DRP/MS funds, each applicant must hold at least one public hearing and publish a notice that describes the application activities and the availability of the application(s) for public review.

The public hearing gives citizens information about the Texas Community Development Block Grant Program and eligible program activities, as well as opportunities to participate in the development of the applicant's community and economic development needs and the development of TxCDBG applications.

The public notice gives citizens information on proposed uses for the funds and an opportunity to review and comment on the application(s) prior to submission.

Other requirements include:

- Public notices should be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community service providers.
- Ensure nondiscrimination by taking reasonable steps to ensure meaningful access for persons with Limited English Proficiency (LEP) by providing language assistance as appropriate. Contact TDA for additional information on this requirement based on the community's needs and characteristics.
- Persons with disabilities must be able to attend the hearing and an applicant must make arrangements for individuals who require auxiliary aids or services, if contacted at least two days prior to the hearing.
- Local organizations that provide services or housing for low-to-moderate income persons, including the local Public Housing Authority, Health and Human Services office, Faith-based organizations, and Mental Health and Mental Retardation office, must receive written notification concerning the date, time, location and topics to be covered at the public hearing.

The written notification sent to local service providers for the public hearing must include the date, time, location and topics of discussion at the public hearing (a copy of the notice will suffice if it includes all required information). Send this notification to service providers serving the jurisdiction's residents – if a local office is located in the community, then that office should receive the notification. If a local office is not located in the community, send the notification to the local or regional office location that serves the jurisdiction's residents.

The following items are required as evidence of adherence with public hearing and public notice requirements:

1. A copy of the actual published public hearing notice (full page of the newspaper with publication title and date or publisher's affidavit and a copy of the notice) for the required public hearing. The notice must conform to the requirements of the Citizen Participation Plan, including specifics such as the date, time, location of the hearing and the topics to be discussed.
2. A copy of the actual published notice of the application(s) activities and availability of the application(s) for public review. This may be either a full newspaper page with the publication title and date or publisher's affidavit and a copy of the notice. The notice must conform to the requirements of the Citizen Participation Plan including the timing of the published notice and the information included in the notice.
3. A listing of the local service providers that received written notification of the public hearing. Copies of the written notifications must be kept by the applicant and will be reviewed by TDA staff during site visits. Again, the written notification must conform to the requirements of the Citizen Participation Plan including specifying the date, time, and location of the hearing and the topics of discussion.

TDA recommends verifying that the public notices are published on the correct days, as well as allowing sufficient time for publication and public hearing issues to be resolved rather than completing these steps just prior to submitting the application.

For sample public notices, see Appendix III: Form and Document Samples.

***Section 106 notification letter (Determination of Eligibility) to/from Texas Historical Commission***

Copy of the letter on city letterhead and sent to the Texas Historical Commission (THC). A response from the THC is not required, but should be included, if available.

***TxDOT notification letter and response (if applicable)***

Copy of the letter indicating that the applicant has notified and/or consulted with TxDOT regarding their proposed improvements.

***Evidence of Active SAM Registration***

The applicant shall include a screen-shot from the System for Award Management (SAM) website at <https://sam.gov> verifying the entity's registration is active. The screen shot must include the registration expiration date. If the registration has expired, then it is an Inactive Account and has not met this requirement. It may take time to register or re-activate, so start early.

***Annual Audit***

Applicants must comply with the audit requirements in the Texas Local Government Code for the fiscal year ending 2013 or after. Failure to submit an audit by the application deadline will result in automatic disqualification. CPA opinion letter can be accepted in lieu of the complete audit.

***Exemption Determination for Activities Listed at 24 CFR §58.34***

The applicant must include a completed Exemption Determination for Activities Listed at 24 CFR §58.34 form for the proposed project.

(See Appendix III: Form and Document Samples)

***Application Review Checklist***

See the following page for the Application checklist and instructions.

**Applicant Name:** \_\_\_\_\_

## Application Review Checklist for Texas Capital Fund

The following items **must** be included in the application. If the application is found to be substantially incomplete it will be denied without further consideration. Applications that have deficiencies will be given 10 business days to satisfy those deficiencies. Applicant or Application Preparer must initial for each item included in the application or indicate that the item is not applicable. Print this page separately and insert directly behind the Application Coversheet.

TEXAS CAPITAL FUND DRP/MS Application Contents	Initial if complete NA if not applicable
---	---

### ***Original Application – Part 1***

Completed 424 Form with original signature	
Completed DRP/MS Scoring Sheet	
Project Approval Information with all question answered	
Community Needs Assessment	
Project Summary	
Additional Project Information and Source and Use of non-TxCDBG funds Disclosure	
Table 1	
Table 2	
National Program Objectives	

### ***Attachments – Part 2***

Attach Score Sheet supporting documentation	
Area Map	
Designated downtown/Main Street area Map	
Project Site Map	
Photos of proposed project site	
Resolution passed by the applicant	
Documentation of Additional Matching Funds- Letter(s) of Commitment	
Letter from applicant addressing its inability to fund the proposed improvements	
Public notices	
Actual published public hearing notice or Publisher's Affidavit and copy of notice	
Actual published notice of application activities and availability of the application for public review or Publisher's Affidavit and copy of notice	
Listing of the local service providers that were sent the written notification of the public hearing	
Section 106 notification letter (Determination of Eligibility) to/from Texas Historical Commission	
TxDOT notification letter and response (if applicable)	
Evidence of active SAM Registration	
Applicant's Independent Auditor's Opinion letter from FY2013 Annual Audit	
Exemption Determination for Activities Listed at 24 CFR §58.34	

## **Appendix I: Using Census Data and Surveys**

To count project beneficiaries and document LMI percentage based on data from the Census, use the Low-to-Moderate-Income Summary Data (LMISD) spreadsheets from the TDA web site. This Excel file contains population and income data for the State of Texas down to the Block Group level.

TxCDBG will only allow the use of the LMISD data to qualify an activity and to document the activity beneficiaries under the following conditions:

1. The project activity will benefit all of the persons within a census geographic area or a significant number of the persons (at least 60% of the persons) within a census geographic area. The census geographic area could be a county, place, census tract, or block group.
2. If only LMISD data is used to document the beneficiaries of an application activity, the low- and moderate income benefit percentage must be at least 51% (not 50.99%) for a single census geographic area or for combinations of two or more census geographic areas.
3. The LMISD data may be used in combination with beneficiaries identified using other methods (as appropriate) to document the beneficiaries of an application activity. Again, the activity must benefit at least 51% low and moderate income persons.

1.

If an application activity does not benefit an entire census geographic area, or a significant number of the persons within a census geographic area, then the applicant must use another method to document the beneficiaries. The applicant should then consider conducting a local TxCDBG survey to document the beneficiaries and the low- and moderate-income benefit percentage for the activity. A local survey is usually the best way to document the beneficiaries of direct benefit activities.

### **Navigating the LMISD Spreadsheets**

The following are the three separate spreadsheets that compose the LMISD data (along with the information that each contains):

1. **ALL BLOCK GROUPS STATEWIDE** – data for every block group in the state
  - a. “geoname” – identifies each block group by census tract and county
  - b. “countyname” – identifies the county
  - c. “tract” – identifies the census tract
  - d. “blkgrp” – identifies the block group
  - e. “lowmod” – number of LMI persons within the block group
  - f. “lowmoduniv” – total number of persons within the block group
  - g. “lowmod\_pct” – percentage of LMI persons in the block group
2. **LOCAL UNITS OF GOV (NON-ENT)** – data for every non-entitlement entity in the state
  - a. “group” – identifies type of entity (COUNTIES, COUSUB/MCD, PLACES)
  - b. “geoname” – identifies the entity
  - c. “place” – provides a place’s identifying census number, if applicable
  - d. “county” – provides a county’s identifying census number, if applicable
  - e. “cousub” – provides a county subdivisions/CDP identifying census number, if applicable
  - f. “lowmod” – number of LMI persons within the block group
  - g. “lowmoduniv” – total number of persons within the block group
  - h. “lowmod\_pct” – percentage of LMI persons in the block group
3. **LOCAL UNITS OF GOV (ENT)** – data for every entitlement entity in the state
  - a. “cdbgrname” – identifies the entitlement entity
  - b. “county” – provides a county’s identifying census number, if applicable
  - c. “countyname” – identifies the county in which the entity is located
  - d. “tract” – identifies the census tract
  - e. “blkgrp” – identifies the block group
  - f. “lowmod” – number of LMI persons within the block group

- g. “lowmoduniv” – total number of persons within the block group
- h. “lowmod\_pct” – percentage of LMI persons in the block group
- i.

The “ALL BLOCK GROUPS STATEWIDE” data may be used to qualify a project that benefits a target area(s) or used to recreate entity-wide LMI data that is broken out by block group (to use in substituting with income surveys or other allowable data) for a project that is entity-wide.

Due to the fact that “split block groups” are no longer available and applicant’s (namely cities) are no longer able to identify which part of a block group’s population actually resides within an entity’s jurisdiction and which ones do not, applicants must recreate these “split block groups” using 2010 Census Data (by using the “Urban/Rural – 090” geographic type) to identify the actual population of a block group that is within their jurisdiction. Once that number is obtained, an applicant must simply apply the original LMI percentage of that block group to the adjusted number to calculate LMI persons for that particular block group. Whether an applicant is obtaining beneficiary numbers for a target area or recreating entity-wide data, the method above will apply to each (if applicable).

The “LOCAL UNITS OF GOV (NON-ENT)” data may be used to qualify a project that has a benefit area that is entity-wide. This data may not be used in combination with any other data or method of identifying beneficiaries (for example, income surveys), with the exception of institutional data (prison, nursing home, etc.) that may be substituted in, as appropriate.

The “LOCAL UNITS OF GOV (ENT)” data is simply provided for the use of eligible county applicants that have an entitlement entity within its jurisdiction. If a county applies for a project with a county-wide benefit, the populations of any and all entitlement entities within the county’s jurisdiction must be subtracted and not considered when calculating the beneficiary data.

**Example 1:** The City of Athens wants to apply for a project that includes the installation of water distribution lines and fire hydrants in 2 block group (BG) areas. Using the LMISD spreadsheet to recreate the block group data, the City finds the following information:

- BG 5 has 100 residents, but an examination of the project maps indicates the project will only serve 35. The LMI percentage for BG 5 is 51%.
- BG 6 also has 100 residents, but the project is only expected to serve 20.
- 

Can the City of Athens use Census data to qualify this project? No, because the project *will not benefit a significant number of BG 5 or BG 6 residents*. Both block groups would qualify if more than 60% of the residents of each were expected to receive benefits. In this case, City A must perform a survey of the benefiting areas.

**Example 2:** Tom Green County wants to apply for a county-wide benefit project that includes reconstructing streets throughout the entire county. The county has three incorporated area (that also includes an entitlement city) that it must subtract from its beneficiary data:

Group	geoname	Place	County	Cousub	lowmod	lowmod	lowmod_pct
COUNTIES	Tom Green County, Texas		451		41,710	102,505	40.69%
	San Angelo (from entitlement data)				38,855	93,710	41.46%
PLACES	Grape Creek CDP, Texas	30629			1,060	2,885	36.74%
PLACES	Christoval CDP, Texas	14872			210	445	47.19%
			Total of Cities:		40,125	97,040	
	County's Unincorporated Population:				1,585	5,465	29.00%



The LMI percentage of the entire unincorporated area is 29.00% (1,585 low- to moderate-income persons and 5,465 total beneficiaries). Tom Green County cannot qualify the project using Census data because the project does not benefit at least 51% low- and moderate-income persons.

**Example 3:** The City of Trenton wants to apply for a direct benefit project that includes the installation of water distribution lines and fire hydrants in 2 block group (BG) areas. The project will benefit a significant number of BG 2 residents (70%) and a small section of BG 3 (about 5%).

After recreating the “split block groups”, the City finds that the population of BG 2 is 70% low- and moderate-income (455 low- and moderate-income persons and 650 total residents) according to 2010 Census data. BG 3 is found to be 45% low- and moderate-income (324 low and moderate income persons and 720 total residents) according to Census data.

Can the City of Trenton use Census data to qualify this project? Yes and no. TxCDBG would allow the use of Census data for BG 2 but not for BG 3. The City would be advised to use census data for BG 2 and to survey the beneficiaries located in BG 3.

The City surveys BG 3 beneficiaries and the survey identifies 35 total and 28 low to moderate income beneficiaries. The number of beneficiaries in BG 2 (about 70% of BG 2 residents) is 450 total and 315 low and moderate income. Therefore, there are 485 total activity beneficiaries, 343 of whom are of low- to moderate-income.

Applicants using LMISD data to document activity beneficiaries must submit the following information with the application:

- A copy of the data from the LMISD spreadsheet(s) for the applicant and/or the TxCDBG-completed cover sheet, which includes low-and moderate-income benefit percentages for each census geographic area.
- A copy of the methodology and the supporting documentation (SF 1 information if applicable) used to determine the total number and number of low- and moderate-income beneficiaries for a census geographic area where only a portion of the census geographic area is receiving benefit from an application activity.
- For target area activities that do not benefit the entire city or county, a census map that contains the numbers for each census geographic area, the boundaries of each census geographic area, and the locations of the project activities within each census geographic area receiving project benefit.
- The Census information and maps are available from various state agencies and from various websites. When trying to obtain information or maps, first check with your local Council of Governments, as most have these materials for their respective regions. You may also contact TxCDBG staff for information concerning the availability of Census information. Census maps are available on the Census Bureau website at <http://www.census.gov/geo/maps-data/maps/block/2010/>.

## Appendix II: Sample Table 1 and Table 2

TABLE 1												
Target Area: <u>Designated Downtown District</u>		<input checked="" type="checkbox"/> Construction Completion Type: <u>Contract</u>										
Activity Description	Total Benes	LMI Benes	LMI %	TxCDBG Construction	TxCDBG Engineering	TxCDBG Acquisition	Other Construction	Other Engineering	Other Acquisition	Activity Total		
<u>Sidewalks</u>	<u>100</u>	<u>51</u>	<u>51.00%</u>	<u>135,000</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>30,000</u>	<u>5,000</u>	<u>170,000</u>	<input checked="" type="checkbox"/>	
<u>Lighting</u>	<u>0</u>	<u>0</u>	<u>0.00%</u>	<u>500</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>500</u>	<input checked="" type="checkbox"/>	
<u>Administration (Use Construction column activityDescriptionHudDd)</u>	<u>0</u>	<u>0</u>	<u>0.00%</u>	<u>15,000</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>15,000</u>	<input checked="" type="checkbox"/>	
ACTIVITY TOTALS:				<u>0</u>	<u>0</u>	<u>0.00%</u>	<u>150,500</u>	<u>0</u>	<u>0</u>	<u>30,000</u>	<u>5,000</u>	<u>185,500</u>

Race	# Non-Hispanic Beneficiaries	# Hispanic Beneficiaries	Total Activity Beneficiaries
<u>Asian</u>	<u>30</u>	<u>0</u>	<u>30</u>
<u>Black/African American</u>	<u>20</u>	<u>10</u>	<u>30</u>
<u>White</u>	<u>15</u>	<u>10</u>	<u>25</u>
<u>American Indian/Alaskan native</u>	<u>10</u>	<u>5</u>	<u>15</u>
TOTALS:		<u>75</u>	<u>25</u>
Gender		Total Males	Total Females
		<u>50</u>	<u>50</u>

REQUIRED - Census Geographic Area Data										County Code
Identify the census tract and block group(s) in which the project will take place										<u>12</u>
Census Tract (6-digit)	01	02	03	04	05	06	07	08	09	10
<u>9500.00</u>	<input checked="" type="checkbox"/>									

☒ City-wide Benefit  
☐ County-wide Benefit

Beneficiary Identification Method(s)

☐ An approved TxCDBG survey was used to identify the beneficiaries for this activity.  
☒ 2010 Census information used to identify the beneficiaries for this activity?  
☐ The required Census or Texas State Data Center map has been provided if required.

Provide the number of beneficiaries identified through each of the following methods for this activity:

TxCDBG Survey: 0 2010 Census: 100 Area Benefit: 0 Housing Activity: 0 Limited Clientele: 0

TABLE 2 - BUDGET JUSTIFICATION OF RETAIL COSTS										
Activity Description	HUD Act #	Materials/Facilities/Services	\$/Unit	Unit	Quantity	Construction	Engineering	Acquisition	Total	
<u>Sidewalks</u>	<u>03L</u>	<u>Concrete sidewalks</u>	<u>\$50.00</u>	<u>LF</u>	<u>2,500</u>	<u>\$125,000</u>	<u>\$0</u>	<u>\$0</u>	<u>\$125,000</u>	<input checked="" type="checkbox"/>
<u>Sidewalks</u>	<u>03L</u>	<u>Demo</u>	<u>\$25,500.00</u>	<u>LS</u>	<u>1</u>	<u>\$25,500</u>	<u>\$0</u>	<u>\$0</u>	<u>\$25,500</u>	<input checked="" type="checkbox"/>
<u>Sidewalks</u>	<u>03L</u>	<u>Engineering</u>	<u>\$0.00</u>	<u>EA</u>	<u>0</u>	<u>\$0</u>	<u>\$35,000</u>	<u>\$0</u>	<u>\$35,000</u>	<input checked="" type="checkbox"/>
<u>Sidewalks</u>	<u>03L</u>	<u>Ramps</u>	<u>\$0.00</u>	<u>EA</u>	<u>0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<input checked="" type="checkbox"/>
<u>Sidewalks</u>	<u>03L</u>	<u>Acquisition</u>	<u>\$5,000.00</u>	<u>EA</u>	<u>0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$5,000</u>	<u>\$5,000</u>	<input checked="" type="checkbox"/>
						<u>\$150,500</u>	<u>\$35,000</u>	<u>\$5,000</u>	<u>\$190,500</u>	

Seal	Signature of Registered Engineer/Architect Responsible For Budget Justification:	Date:	Phone Number:

## **Appendix III: Form and Document Samples**

### ***Sample Public Hearing Notice and Application Activities Notice***

#### **SAMPLE PUBLIC HEARING NOTICE:**

Published on (July 14, 2012):

#### **PUBLIC HEARING NOTICE**

(XYZ) COUNTY

TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

(XYZ) County will hold a public hearing at 7:00 p.m. on July 14, 2012, at (XYZ) County Courthouse regarding the submission of an application to the Texas Department of Agriculture for a Texas Community Development Block Grant Program (TxCDBG) grant. The purpose of this meeting is to allow citizens an opportunity to discuss the citizen participation plan, the development of local housing and community development needs, the amount of TxCDBG funding available, all eligible TxCDBG activities, and the use of past TxCDBG funds. The County encourages citizens to participate in the development of this TxCDBG application and to make their views known at this public hearing. Citizens unable to attend this meeting may submit their views and proposals to (John Doe), County Judge at the County Courthouse. Persons with disabilities that wish to attend this meeting should contact the County Courthouse to arrange for assistance. Individuals who require auxiliary aids or services for this meeting should contact the County Courthouse at least two days before the meeting so that appropriate arrangements can be made. Para más información en español, comuníquese con (add local contact name) al XXX-XXX-XXXX.

#### **SAMPLE APPLICATION ACTIVITIES NOTICES:**

Published on (September 26, 2012):

#### **PUBLIC NOTICE**

(XYZ) COUNTY

TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

(XYZ) County is giving notice of the county's intent to submit Texas Community Development Block Grant Program grant applications for a (Downtown Revitalization/Main Street) grant request of (\$150,000) for (the installation of ADA compliant sidewalk activity) in the (community of XX). The application is available for review at the (XYZ) County Courthouse during regular business hours. Para obtener una copia en español, comuníquese con (add local contact name) al XXX-XXX-XXXX.

**EXHIBIT A**

**PERFORMANCE STATEMENT**

**City of Virginia**

All activities funded with TxCDBG funds must meet one of the CDBG program's National Objectives: benefit low- and moderate-income persons, aid in the prevention or elimination of slums or blight, or meet community development needs having a particular urgency.

The Contractor shall carry out the following activities in the target area(s) identified on the map in its Economic Development application. The Contractor shall obtain the Department's prior written approval for any modifications or changes that are made to this project's activities specified in Exhibits A and B.

**CURRENT NEED**

The purpose of this Economic Development project is to provide infrastructure in the form of sidewalk activities in the Downtown Revitalization area designated by the Contractor. The Contractor certifies that the activities carried out under this contract will meet the national objective of aiding in the prevention or elimination of slums or blight.

**Sidewalk Activities**

The "minimum necessary" activities are to consist of one thousand four hundred thirty linear feet (1,430 l.f.) of concrete sidewalks, seventeen (17) ADA compliant ramps and associated appurtenances. These improvements shall be in the following locations:

<b>Location</b>	<b>From</b>	<b>To</b>
Augustine Street	Austin Street	Houston Street
Shelbyville Street	Cora Street	490 l.f. east
Cora Street	Shelbyville Street	Pecan street

**General Administration**

Contractor shall ensure that the amount of Department funds expended for all eligible project-related administration activities, including the required annual program compliance and fiscal audit does not exceed the amount specified for administration in the Budget.

**Engineering**

Contractor shall ensure that the amount of Department funds and/or matching funds expended for all eligible project-related engineering services, including preliminary and final design plans and specifications, all interim and final inspections, and all special services does not exceed the amount specified for engineering in the Budget.

## Exemption Determination for Activities Listed at 24 CFR §58.34

Grant Recipient: \_\_\_\_\_ Project Name: \_\_\_\_\_

Project Description (Include all actions which are either geographically or functionally related): \_\_\_\_\_

Location: \_\_\_\_\_

Funding Source: CDBG HOME ESG HOPWA EDI Capital Fund Operating Subsidy Hope VI Other

Estimated Funding Amount: \_\_\_\_\_ Grant Number: \_\_\_\_\_

I have reviewed and determined that the abovementioned project is Exempt per 24 CFR §58.34 as follows:

<input type="checkbox"/>	58.34(1). Environmental & other studies, resource identification & the development of plans & strategies;
<input type="checkbox"/>	58.34(2) Information and financial services;
<input type="checkbox"/>	58.34 (3) Administrative and management activities;
<input type="checkbox"/>	58.34(4) Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;
<input type="checkbox"/>	58.34(5) Inspections and testing of properties for hazards or defects;
<input type="checkbox"/>	58.34(6) Purchase of insurance;
<input type="checkbox"/>	58.34(7) Purchase of tools;
<input type="checkbox"/>	58.34 (8) Engineering or design costs;
<input type="checkbox"/>	58.34(9) Technical assistance and training;
<input type="checkbox"/>	58.34(10) Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration;
<input type="checkbox"/>	58.34(11) Payment of principal and interest on loans made or obligations guaranteed by HUD;
<input type="checkbox"/>	58.34(12) Any of the categorical exclusions listed in §58.35(a) provided that there are no circumstances that require compliance with any other Federal laws and authorities cited in §58.5.

The responsible entity must also complete and attach the **58.6 Compliance Checklist**. By signing below the Responsible Entity officially determines in writing that all activities covered by this determination are Exempt and meets the conditions specified for such exemption under section 24 CFR §58.34. This document must be maintained in the ERR.

AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:

\_\_\_\_\_  
Authorized Responsible Entity Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Responsible Entity Name (printed)

\_\_\_\_\_  
Title (printed)

**Determination of Eligibility** letter to be produced on city letterhead and sent to the Texas Historical Commission (THC). A response from the THC is not required for the TxCDBG Application, but should be included if available.

**[DATE]**

Mark Wolfe, State Historic Preservation Officer  
Texas Historical Commission  
c/o History Programs Division  
P.O. Box 12276  
Austin, TX 78711-2276

Re: Texas Capital Fund Grant, **[CITY, COUNTY]**

Dear Reviewer:

The City of **[CITY]** is making an application for a Texas Capital Fund grant through the Texas Department of Agriculture. The Texas Capital Fund is financed by the U.S. Department of Housing and Urban Development through the Texas Community Development Block Grant Program. We understand that a review is required for our project under Section 106 of the National Historic Preservation Act because of the federal funding involved.

The proposed project will consist of **[DESCRIBE PROJECT]**.

We understand that the first step in the Section 106 review process is to identify whether there are historic buildings, structures, objects, sites, or districts within our project's Area of Potential Effect (APE), which extends beyond the concise footprint of the project location to include adjacent buildings and structures that may experience physical or visual effects from the project. [In the case of sidewalk construction, the APE should include all buildings and structures adjacent to the sidewalk.] Please review the attached material and determine whether properties in the APE are eligible for listing in the National Register of Historic Places:

- Photos of all buildings, structures, or sites 45 years old or older within the above-defined area (labeled with addresses). [Photos should be high quality, color, and show at least the main façade of the building in its entirety.]
- General photos of the project locations (streetscape, etc.).
- Maps with the project area marked. [Historic-age buildings should be identified on maps or photographs should be keyed to maps.]

If you identify historic properties in the APE and our project is selected for funding, we understand that we will need to submit more information regarding the project design elements in order for your office to evaluate the project's potential to affect historic properties and complete the Section 106 review process. This information will include construction documents for the proposed project. However, we also understand that your office recommends early consultation during the design process, before the submission of these drawings, to prevent adverse effects to historic properties and avoid unnecessary delay to project construction.

If you have questions about this information please contact me at **[TELEPHONE NUMBER]** or **[EMAIL]**.

Yours truly,

**[CITY REPRESENTATIVE]**  
**[CITY DEPARTMENT]**

Enclosures

## **AGENDA ITEM #13**

ORDINANCE NO. 2015-\_\_\_\_

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 PAVILION AND BANDSTAND AREAS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

**WHEREAS**, the City of Kingsville owns the Bandstand and the Pavilion area both of which are located in the historic downtown area;

**WHEREAS**, there is a growing desire by the public to use these areas for events, while there is a cost to the City for maintaining the areas and covering expenses for event usage, it is necessary for the City to enact regulations and fees for the use of these City properties; 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**

**PAVILION AND BANDSTAND**

...

**§ 9-8-60 ADMINISTRATION.**

The administration and supervision of the Pavilion and Bandstand shall be the responsibility of the Downtown Manager or such other person as may be delegated or assigned such duties by the City Manager. The Downtown Manager may adopt, revise or rescind rules, regulations, departmental policies and procedures, and take action regarding the day-to-day management and operations of the Pavilion and Bandstand located in the downtown historic district so long as they do not conflict with this article, city commission-adopted policies, or federal or state laws. The Downtown Manager may make the



following rules or take the following actions relating to the operation of the Pavilion, Bandstand, and Railroad Depot buildings and facilities:

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

#### **§ 9-8-61 USER FEES.**

The Downtown Manager is hereby authorized to collect fees for the use of all Pavilion, Bandstand, and Railroad Depot facilities and equipment. All fees charged for the use of facilities or equipment under this section shall be due and payable to the city.

#### **§ 9-8-62 RENTAL AND USER AGREEMENTS.**

- (A) The Downtown Manager is empowered to prepare and sign user or rental agreements for the rental of facilities and/or equipment of the Pavilion, Bandstand, and Railroad Depot. All user and rental agreements shall be signed by the Downtown 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 Downtown 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.

### **§ 9-8-63 RENTAL RATES.**

The Downtown Manager shall prepare a schedule of rental rates for the use of facilities to include the Pavilion, Bandstand, and Railroad Depot. 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, 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 Downtown Manager shall have the authority to negotiate special rates for special situations.

#### **§ 9-8-64 CITY-OWNED EQUIPMENT.**

Unless specifically stated in the agreement, the use of city-owned equipment is not included in the rental of a facility. Should any city-owned equipment be available and rented. The fee for their use 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 fee schedule shall be filed with the City Secretary and copies shall be provided to the City Commission.

#### **§ 9-8-65 SPECIAL SERVICES.**

As needed, the Downtown 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.

#### **§ 9-8-66 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 the Pavilion, Bandstand, and Railroad Depot area:

- 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.

(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 the the Pavilion, Bandstand, and Railroad Depot area 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 the Pavilion, Bandstand, and Railroad Depot area 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 the Pavilion, Bandstand, and Railroad Depot area. 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 the Pavilion, Bandstand, and Railroad Depot area 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 Downtown 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 Downtown 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 the Pavilion, Bandstand, and Railroad Depot area.
- (F) Conditions. The Downtown Manager 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 Downtown 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 Downtown 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.

#### **§ 9-8-67 PROHIBITION OF CAMPING AND OTHER ACTIVITIES.**

It is unlawful for any person to camp or to build, operate, or use a campfire in any of the Pavilion, Bandstand or Railroad Depot areas.

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

#### **§ 9-8-68 CURFEW.**

Between the hours of 10:00 p.m. and 6:00 a.m., no person shall enter or be present in any Pavilion, Bandstand or Railroad Depot areas or parking lots connected therewith or adjacent thereto, excluding a city employee in performance of the employee's duties, unless the person has rented the facility and is setting up for or cleaning up after a duly authorized event in those areas.

#### **§ 9-8-69 LIQUOR REGULATIONS.**

(A) In the event a person, persons, or corporation shall lease or rent the the Pavilion, Bandstand, and Railroad Depot 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 §9-8-66, the following rules shall apply:

(1) (a) An application shall be made to the Downtown Manager which shall contain the following:

1. The person or persons responsible for the use of the rented area.
2. The purpose for which the area is to be used.
3. The number of persons expected to attend the function for which the area is rented.
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 Downtown Manager deems that the public interest shall be served by the issuance of a permit for such purposes, such Manager may issue a permit and such permit shall contain the rules applicable to same.

(2) In addition to the items enumerated above, the Downtown Manager 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

#### **§ 9-8-70 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 Downtown Manager, ie Pavilion, Bandstand, and Railroad Depot.

(B) It shall be unlawful for any person to deposit dirt, trash, cans, papers or other litter onto the ground in the Pavilion, Bandstand, and Railroad Depot area.

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

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

...

II.

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

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final 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 28<sup>th</sup> day of September, 2015.

**PASSES AND APPROVED** on this the 12<sup>th</sup> day of October, 2015.

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Sam R. Fugate, Mayor

**ATTEST:**

---

Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

---

Courtney Alvarez, City Attorney

**DATE: September 10, 2015**

**TO: City Commission**

**VIA: Leo Alarcon, Director of Tourism**

**FROM: Cynthia Martin, Downtown Manager**

**SUBJECT: Fees for Events Held in the Downtown Pavilion & Bandstand**

The City of Kingsville has a policy of charging fees to cover expenses for events requiring City support. The Tourism Department is bringing before Commission a proposal to institute fees of \$75 per event with a deposit of \$35 for the use of each of the pavilion at 251 N. 6<sup>th</sup> Street and the Centennial Bandstand in the 100 W block of Kleberg Avenue. These fees are intended to cover the cost of electricity, trash services, any City staff time or other miscellaneous costs associated with providing the use of these facilities to parties for private or public events.

Parties using these facilities for public events may be subject to other fees related to street closings fees, vendor fees and/or food vendor fees as already established per City ordinances. These fees would be in addition to the proposed fees for the use of the facility. It is further proposed that, in line with current policy on street closings, the City Commission may waive these fees for events open to the public by an affirmative vote.

Anticipating future requests, the Tourism Department would like to reserve the right to rent out a portion of the Visitor Center and/or the Depot Museum for private and public events depending on staff availability. Pricing for the use of these facilities would be per event and in an amount equal to the actual costs and expenses incurred by the city cleaning the site after the event and any other actual expenses of the city associated with the event.

With inquiries about the use of these facilities on the rise, this is a good time to consider assessing fees for their use.



**Downtown Pavilion or Centennial Bandstand  
Rental Contract**

**Date of Contract:**

This lease is made by and between City of Kingsville Tourism Services Department as agent for the City of Kingsville, Texas (Lessor) and \_\_\_\_\_ Lessee upon these terms:

**1. FACILITY TO BE USED:**

Downtown Pavilion \_\_\_\_\_  
Centennial Bandstand \_\_\_\_\_

**2. PURPOSE:** Lessee shall use the Facility for the stated purpose and no other without the written consent of Lessor. Lessee's stated purpose for use of the facility is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**3. RENTAL PERIOD:** Lessee shall move in, use and occupy the Facility on these dates and times: Starting: \_\_\_\_\_ at \_\_\_\_:\_\_\_\_.m.  
Ending: \_\_\_\_\_ at \_\_\_\_:\_\_\_\_.m.

**Rental Period:** The facility is available for rent for recreational use from 7am-11pm

**4. RENTAL FEE:** For the rental of the Facility, Lessee will pay Lessor the sum of \$75.00 per event.

If the rental application is approved, the rental fee is due fourteen (14) days prior to the requested reservation date.

If the rental application is submitted within fourteen (14) days prior to the requested reservation date, then the rental fee and deposit are due at the same time the completed rental application is submitted.

If the rental date is for a Sunday or Monday, then the contract, deposits, and rental fee are all due NO LATER THAN 5:00p.m. on the Friday prior to the rental date.

The rental fee is due in the form of cash, cashier's check or money order made payable to the City of Kingsville, or credit cards.

**Neither the rental fee nor the deposit will be refunded if the reservation is cancelled less than 7 days prior to the reservation date.**

**5. REQUIRED DEPOSIT:** Lessee will post a \$35.00 Refundable Cleaning Deposit in cash, check or money order only at the time the rental contract is submitted in order to hold the requested reservation date.

The \$35.00 cleaning deposit will be forfeited if all garbage and trash are not placed in the containers furnished by the Tourism Services Department and the Facility and equipment is not left in a clean and neat condition and without damage to property or missing property. The \$35.00 cleaning deposit will also be forfeited if any property is damaged during the event or if any are missing. If the above conditions are satisfied, the \$35.00 cleaning deposit will be processed for payment through the City of Kingsville's Finance Department. A check made payable to Lessee should be received in the mail at the address stated on the rental contract within 30 days following the event. If the cleanup costs and/or damages exceed the amount of the deposit, then Lessee is responsible for the excess costs.

**6. RIGHT TO CANCEL:** If Lessee misrepresents in any way the kind of Event to be held at the Facility and thereby induced Lessor into entering into this lease, then Lessor shall have the right to cancel this lease without refunding and monies paid hereunder and without liability for any loss or damage to Lessee. Lessor's Agent shall be the sole judge of whether Lessee has made such misrepresentation and, if so, whether Lessee induced Lessor into executing this Lease. Should such cancellation occur, Lessee hereby waives any claim for damages against Lessor and any rights granted under this Lease.

**7. RESERVATION REQUEST:** If Lessee notifies the person responsible for facility rental at the Tourism Services Department that they would like to reserve the Facility, and the notification is by mail or telephone, then the Facility will be temporarily reserved for three days from the date the request is received. A rental application agreement will need to be obtained, completed, and submitted along with the necessary deposits within the three day temporary reservation period, otherwise the reservation will be cancelled. The rental fee is due fourteen (14) days prior to the requested reservation date. If the request to reserve is received less than fourteen (14) days prior to the requested rental date, then the completed contract, deposit, and fees must all be submitted at the same time.

**8. INDEMNITY:** Lessee must indemnify and hold harmless Lessor and their officers, agents, elected officials, and employees from and against all claims, demands, causes of action, costs and liabilities, in law or in equity, of every kind and nature whatsoever, directly or indirectly resulting from or caused by the Lessee's use and occupation of the Facilities for the Event(s) whether such use is authorized or not, or from any act or omission of Lessee, or of their officers, agents, elected officials, employees, guests, patrons, or invitees. Lessee shall, at its sole risk and expense, defend any and all suits, actions, or other legal proceedings which may be brought or instituted against Lessor, their officers, agents, elected officials, and employees, or any such claim, demand or cause of action, and Lessee shall pay and satisfy any judgment or decree which may

be rendered against Lessor, their officers, agents, elected officials, and employees, in any such suit or legal proceedings.

**9. CANCELLATION BY LESSEE:** If Lessee cancels the Event or fails to occupy the Premises at the time specified, all deposits required by this Lease are forfeited to Lessor.

**10. DEFAULT:** If Lessee defaults in the payment of the rent at the time specified or if Lessee defaults in any other Lease covenant, this Lease, at the option of the Lessor, will terminate and the relation of the parties will be the same in all respects as if said term had fully expired; and Lessor may reenter the Facility and hold the same, remove all persons therefrom, and resort to any legal proceeding to obtain such possession, and Lessee shall pay the full amount of said rental as herein agreed to be paid.

**11. COMPLIANCE WITH LAWS AND REGULATIONS:** Lessee must comply with all applicable laws, ordinances, and regulations adopted or established by federal, state, or local governmental agencies, as well as all Facility rules and regulations provided by Lessor, and Lessee will require its agents and employees to do so. Lessee also is responsible for seeing that no activities in violation of federal, state or local laws are permitted in or on the Facilities. Lessee will obtain and pay for all necessary permits and/or licenses. Nothing may be presented, used, or sold that is contrary to law or prohibited by ordinances of the City of Kingsville.

**12. PUBLIC SAFETY:** Lessee must conduct its activities with regard to public safety, and will heed applicable regulations and requests by governmental agencies responsible for public safety. Lessee must keep unobstructed all portions of the sidewalks, passageways, and all ways of access to public utilities at the Facility. Lessee will not bring onto the Premises anything likely to endanger any person on the Premises, or to constitute a hazard to property thereon without prior approval of Lessor.

**13. DEFACEMENT OF FACILITY:** Lessee will, upon termination of this lease, surrender the Facility in as good an order and condition as existed at the start, acts of God and ordinary wear and tear, excepted. Lessee shall not injure, mar, or in any manner deface said Facility, and shall not cause or permit anything to be done whereby said Facility or equipment therein is in any manner injured, marred or defaced. Lessee will not drive or permit to be driven, nails, hooks, tacks, or alternations of any kind therein. No bills or signs shall be taped, pasted, nailed or otherwise attached to said Facility without the prior written approval of Lessor's Agent.

**14. PAYMENT FOR DAMAGES:** Lessee will pay costs of repair or replacement for any and all damages of whatever origin occurring during the term of the Lease in order to restore the Facility to a condition equal to that which existed when the Lease began. Lessor's Agent will give a detailed accounting to Lessee at the end of such restoration.

**15. STAFFING:** If required for an event, security services must be coordinated through Licensed Peace Officers.

**Special Services and Charges**

1. All security expenses are the responsibility of the Lessee.

Licensed Peace officers required by Lessor are strictly hired for crowd control and facility security.

A complete plan for security, if required, must be provided to the Tourism Services Director at the time of payment.

**16. RIGHT OF INSPECTION/CONTROL OF FACILITY:** In leasing space to the Lessee, Lessor does not give up control or the right to enforce all necessary laws, rules and regulations. Duly authorized agents of Lessor may enter the Facility at any time and on any occasion without any restrictions whatsoever.

**17. PERSONS VIOLATING THE LAW:** If Lessor has good cause to believe that any person at the Facility is in violation of Federal, State or local law, ordinance or City regulation or rental term, then Lessor's Agent may object, or cause to be ejected any such person or persons.

**18. COPYRIGHTS:** Lessee must assume all costs arising from the use of patented, trademarked, franchised or copyrighted music, materials, devices, processes or dramatic rights used on or incorporated in the Event. Lessee must indemnify, defend and hold harmless Lessor from any claims or costs, including legal fees, which might arise from question of use of any such material described above.

**19. LOST ARTICLES:** Lessor will not be responsible for any lost articles.

**20. CIVIL RIGHTS:** Lessee must not discriminate against any employee or any applicant for employment because of race, religion or national origin, and will not discriminate for those same reasons against any persons relative to admission, services or privileges offered to or enjoyed by the general public.

**21. NON-ASSIGNMENT:** Lessee shall not assign this lease or allow any use of the Facility other than that herein specified, or let or sublet the same, or allow any article to be brought into or act done at the Facility that increases the premiums on the policy or policies of insurance held by Lessor on its Facility or violates the terms on any such policy.

**22. UNAVOIDABLE HAPPENINGS:** Should the Facility or any part thereof be destroyed or damaged by fire or any other cause, or if any other casualty or unforeseen occurrence by or the United States Government or the State of Texas, or any arm or instrumentality thereof, renders the fulfillment of this Lease impossible, then this Lease

terminates. Lessee shall pay rental for the Facility only up to the time of such termination at the rate herein specified, and Lessee hereby waives any claims for damages or compensation should this Lease be so terminated.

**23. EVACUATION OF FACILITY:** If it becomes necessary, in the Lessor's Agent's judgment, to evacuate the Premises for reasons of public safety, Lessee will retain possession of the Facility for sufficient time to complete presentation of the Event without additional rental charge providing such time does not interfere with another lease. If it is not possible to complete the presentation of the Event, the rental shall be forfeited, prorated or adjusted at the discretion of the Lessor's Agent, based on the situation, and the Lessee hereby waives any claim for damages or compensation from the Lessor.

**24. INTERRUPTION OR TERMINATION OF EVENT:** Lessor retains the right to interrupt or terminate any Event when, in the sole judgment of Lessor's Agent, such act is necessary in the interest of public safety.

**25. SCHEDULING:** Unless otherwise specified in writing, Lessor may schedule other similar events both before and after the dates of this lease without notice to Lessee.

**26. OTHER CONDITIONS:** Any matters not expressly provided for in this Lease will be at the sole discretion of Lessor. Lessee and Lessor stipulate that in entering this Lease they are not in any way partners or joint ventures but are to each other Lessor and Lessee, respectively, and occupy that status only.

**All Lessees Must:**

- 1. Meet with Tourism Services Department Staff to coordinate the schedule and needs of the event in advance.**
- 2. Make sure that minors are supervised at all times of the event by a parent, guardian, or other responsible adult.**

**All Lessees MUST NOT:**

- 1. Permit any illegal substances, weapons or illegal activities on the premises.**

**All food and/or beverage vendors are required to have proper licenses and permits from City of Kingsville Health Department.**

**All vendors are required to collect and pay the proper Sales taxes to the State, City and County.**

**No open flames are allowed inside the Facility or the surrounding grounds.**

**Lessees are responsible for insuring safe loading and unloading of equipment and vendors equipment into and out of the Facility. Lessees are responsible for insuring that all persons or groups associated with this event use proper equipment needed for any task or set up they undertake. For instance – chairs are NOT to be used as ladders.**

**Lessees are responsible for making sure that electrical cords are used in a safe manner free from overloading power outlets and causing trip hazards.**

By signature below Lessee understand and agrees to all requirements and rules detailed herein.

**This Lease shall bind the parties and their respective heirs, executors, successors, administrators and assigns.**

**This lease must be signed in duplicate and returned to Lessor within the time periods stated herein above, along with all rental fees and deposits, or it may be considered null and void.**

**SIGNED IN DUPLICATE ORIGINALS on the date shown on page one of this Lease.**

City of Kingsville, Texas,

BY \_\_\_\_\_  
Tourism Services Staff, as agent for City of Kingsville  
**LESSOR**

BY \_\_\_\_\_  
Printed Name and Title \_\_\_\_\_  
On behalf of \_\_\_\_\_  
**LESSEE**

**Address:** \_\_\_\_\_  
**Phone:** \_\_\_\_\_  
**Fax:** \_\_\_\_\_  
**Email:** \_\_\_\_\_

## **AGENDA ITEM #14**

**RESOLUTION NO. 2015-\_\_\_\_\_**

**A RESOLUTION REVISING THE CITY OF KINGSVILLE TRAVEL POLICY.**

**WHEREAS**, the purpose of the travel policy is to establish a more efficient, cost-effective, uniform procedure for the processing of requests for travel authorization, advances and reimbursements, and to identify travel expenses eligible for payment, and to establish proper accounting for all travel-related expenses for the City; and

**WHEREAS**, the City's Travel Policy has not been updated in a number of years and is in need of revision.

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

I.

**THAT** the City of Kingsville Travel Policy be adopted as per the document attached hereto.

II.

**THAT** this policy shall apply to City-related travel.

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 28<sup>th</sup> day of September, 2015.

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Sam R. Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

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Courtney Alvarez, City Attorney





# TRAVEL POLICY

**Purpose** - This Travel Policy establishes uniform procedures for the processing of requests for travel authorization, advances and reimbursements; and, it identifies travel expenses eligible for payment and establishes proper accounting for all travel-related expenses for the City of Kingsville (City).

**Policy** – The City of Kingsville will cover reasonable and necessary travel expenses for authorized City business. Application of this policy will ensure clear and consistent understanding of the rules by which travel reimbursements will be provided, thereby providing the best service and expedient reimbursement for travelers, ensure reimbursements are fair and equitable to both the city and the traveler and ensure compliance with federal regulations. Any person traveling on City business is expected to exercise the same care when incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Travelers will be responsible for unauthorized costs and any additional expenses incurred for personal preference or convenience.

## Policy Guidelines

Eligible Expenses – When all considerations are equal, travelers should choose the lowest rates (i.e., governmental, corporate or other) available at that time, regardless of personal preferences for suppliers. Transportation expenses should not exceed the lowest practical and available cost of competing airfare. Traveler may use any suitable means of transportation (in terms of traveling time), but payment of transportation costs will be based on the most economical mode of transportation and not on personal preferences (i.e. mileage for personal car versus airfare)

### Transportation – Air Travel

1. Travelers must consider all expenses to be incurred when comparing airfares including add-in costs such as baggage fees, fuel surcharges, etc. to meet the lowest cost requirement.
2. Travelers should make every effort to book travel as soon as possible when travel authorization has been given to obtain the best fares.
3. Optional and additional costs for “premium” seats or other “upgrades” (exit row or aisle seats, early check-in programs, etc.) are not reimbursable to the employee unless that is the only type of seat available. You will need to receive authorization for the additional cost prior to booking and you must print out something from the website that indicates

only premium seats were available. The prior authorization must be included with your travel request.

4. City will be responsible for mandatory surcharges added to the base ticket price such as fuel surcharges, airport fees, and taxes.
5. Travelers may consider duration of travel time including layover time and cost of direct versus indirect flights when choosing the best airfare. Selection of a higher cost flight should be documented as to why this is best arrangement and authorized by the Department Director prior to booking the flight.
6. Generally, flights departing or arriving within 2 hours of requested time with the lowest cost should be accepted.
7. Generally, when comparing trips for total travel time, the lower cost should be accepted if total hours is less than 2 hours for domestic travel, 6 hours for international travel.
8. Cancellation fees and re-booking fees are eligible for reimbursement when the change in arrangements is required by and benefits the City. Re-booking fees incurred for the convenience of the traveler may not be reimbursable and would require the specific approval of the Department Director or City Manager.
9. Generally, non-refundable tickets must be used for another trip by the same traveler on the same airline. If the traveler cancels a trip due to personal reasons, the traveler is responsible for the unused trip in so far as the airline credit must be used on the next appropriate trip within the applicable timeframe before expiration of the trip credit. If the credit can be used and the traveler chooses not to fly, the amount of the credit must be deducted from future transportation cost requests until the total credit amount has been recouped by the City.
10. Baggage fees & guidelines:
  - If the airline charges for each checked piece of baggage:
    - City will not reimburse any baggage fees for a trip of 1 night or less
    - City will reimburse for the first bag only for trips of 2 to 7 nights
    - City will reimburse reasonable expense for a second bag only when the authorized trip is 8 nights or more.
  - If checked baggage charges include no charge for the first piece and additional charges start beginning with the second piece of baggage:
    - City will reimburse reasonable expense for a second bag only when the authorized trip is 8 nights or more.

- City does not reimburse for any overweight fee.
- Reimbursement for baggage fees requires an itemized receipt to include traveler name, date, and amount charged by the carrier.
- Additional baggage fees incurred for transportation of materials to/from a conference which are related to City business and is within the responsibility of the traveler to transport may be allowed with approval of the Department Director and should be included in the travel authorization estimate as a miscellaneous (other) expense.
- Travelers should plan ahead and use alternate delivery and shipping arrangements when available and compare the costs of shipping versus checked baggage.
- Travelers are reminded that baggage fees are not included in the price of the ticket and the traveler must most often pay these fees at the time of checking the baggage with the airline. Estimated costs should be included in travel authorization amounts and included in amount of advance funds (where advances are authorized).
- Frequent traveler benefits (i.e. frequent flyer miles) earned by City employees or other travelers who earned such benefits while on official City business may retain those benefits for personal use. Any cost associated with membership in programs is at the sole cost of the traveler.

Transportation – Personal Vehicles:

1. If a traveler uses his or her own personal vehicle on a business trip, reimbursement will be at the federal government mileage rate in effect at the time of travel.
2. The City reimburses for actual mileage using the most direct route. The Traveler must include the mapping site, (*i.e.*: *MapQuest*) directions showing to and from destinations and the number of miles of the most direct route. If the traveler is requesting additional mileage for miles driven from hotel to training and other instances, detail records must be kept documenting the miles driven.
3. The cost of parking a vehicle when necessary to conduct City business may be reimbursed.
4. Reimbursable travel mileage for a given day may not include the mileage required for commuting between home and office or place of assignment. If a traveler lives outside the City, normal commute miles must be subtracted from the miles claimed. You must include a MapQuest printout of the number of miles between your home and office for verification. Mileage to and from a travel destination which is less miles than the individual's normal daily commute are not reimbursable.

5. If a City vehicle is available and provided for travel to/from the destination for an individual traveler or group of travelers, an employee may not choose to drive a personal vehicle and then submit mileage without prior approval from the Department Director.
6. If there are several travelers going to the same training and staying at the same hotel, efforts need to be made to condense the number of individual vehicles so that everyone is not traveling by themselves incurring excessive transportation costs to the City. Department Directors will be responsible to insure transportation methods and costs are reasonable for the travelers and the City.

Example: Conference in San Antonio – 4 employees attending. All leaving from Kingsville, all staying at the same hotel. The Department Director and/or City Manager may determine that all 4 employees can travel together and they designate one employee as the driver. If any of the employees choose to take their personal vehicle in addition to the designated driver, the employee cannot request mileage because it is their choice not to ride in the assigned vehicle.

7. Employees must do a cost comparison between using a personal vehicle, rental car or flying and include those comparisons with the travel request. Employees will be reimbursed for the lowest, most efficient method of travel. Several factors including the amount of time each method will take will be used in the determination.

Example: Rental Car is the less expensive at \$100 rental + \$50 estimated gas = \$150.00. Mileage for personal vehicle = \$200

If employee chooses to use personal vehicle, even though less expensive for employee to rent a car, employee will only be reimbursed the lower \$150.00.

The same applies to flying. If it less expensive to fly and the employee chooses not to fly, reimbursement will be made at the lower cost of transportation method.

When doing cost comparisons, make sure that you take all costs into consideration. If you fly, add costs of transportation to and from the airport and airport parking fees. If you rent a car, add gas costs.

#### Transportation - Car Allowance

1. Persons who receive a car allowance must deduct 50 miles from the amount of miles requested for mileage reimbursement.

2. Persons who live outside the City and receive a car allowance must deduct both car allowance miles and commuting miles, depending on where the traveler lives in relation to the location where they are traveling. Example: Person lives in Corpus Christi and their commute round trip is 60 miles. This person is traveling to San Antonio and the round trip to San Antonio is 500 miles. The traveler in this example would request 500 miles, less 60 commute miles, less 50 car allowance miles = 390 miles. The Travel Authorization form has a place to record each component of the calculation.

Please note that all mileage requests must use your normal place of work as the start and return location.

#### Transportation – Rental Car

1. Rental car expense must receive prior approval from the Department Director and will only be authorized when it is more practical and/or less expensive than the use of a personal vehicle, taxi cab or other public transportation.
2. If there are several travelers going to the same training and staying at the same hotel, the use of car pools, rental cars, etc. must be evaluated to see what makes the most financial sense for the City. If it is determined that a car pool or rental cars are more beneficial for the City and a traveler chooses to drive their personal vehicle, the traveler may be prevented from claiming any mileage for the trip.
3. Request for a rental car should be presented in writing, with sufficient justification for the expenditure, and submitted with the Travel Authorization form.
4. Fees associated with parking a rented vehicle and gas (to refill the rental vehicle) should be included in cost evaluation and are eligible for reimbursement.
5. Car rental insurance, including collision damage waivers, should not be included or accepted in the rental agreement because the City carries insurance when driving a rental car. Such fees are not reimbursable. As members of the State of Texas Purchasing Coop, the rate at all Enterprise and most Avis locations, the daily rate includes the loss damage waiver (LDW). Please call Purchasing for the Coop number.
6. Taxi cab and other local transportation expenses may not be reimbursed if a traveler has an approved rental car or is receiving mileage.

7. If the traveler is driving into an area where they may be subject to toll charges, please check with the rental company to see if prepaid toll pass is available. If it is, please purchase and it will be available for reimbursement. If not, please take care of tolls as they are incurred. If the traveler incurs penalties for non-payment of tolls, it will be the traveler's responsibility for the additional charges.

### Lodging

1. Costs will be based on the actual costs of lodging, including taxes, and should not exceed the single-occupancy rate, or where the traveler is attending a conference, the conference site rate.
  - Always check the designated travel program rate for the hotel before booking the registration. The government rate may be lower than the conference rate. Traveler should select the lower of the two.
  - Hotel reservations must be booked in a timely fashion to receive the discounted conference rate.
  - Where the conference site rate is not available, traveler must check the GSA website for the cost of lodging allowable for the destination. An alternative hotel may be booked at either the conference rate or GSA rate whichever is higher. *For example: The traveler was not able to get the conference rate because the block was sold out or the reservation was not made in time. The conference rate was \$149. The GSA allowable rate is \$189 for this destination. The traveler has a maximum limit of \$189 as the price of the hotel room before taxes. The traveler must submit the brochure or document that indicates the conference rate and the GSA allowable rate with the Travel Authorization Form.*
  - Hotel taxes should be paid. The State of Texas does not exempt City government employees from payment of hotel occupancy taxes.
2. When two or more travelers occupy the same room, the rate for the hotel room cannot exceed the cost of individual rooms. One traveler should be designated as the person responsible for payment of the room and should list the names of all the room occupants on the travel request.
3. Lodging reimbursement is restricted for travel within 150 miles round trip of the employee's assigned work location.
4. If the conference opening sessions start in the morning, lodging may be secured for arrival the day before the conference. If the conference opening session begins in the afternoon, lodging may not be allowed the day before, barring extenuating circumstances and City Manager approval.

5. The City will not pay for the hotel on the day the conference ends. If the traveler wishes to stay past the end day of the conference, it will be at their expense unless travel cannot be completed within a time frame that allows safe travel. Department Directors should make this determination and submit the request prior to travel to the City Manager for approval.
6. Booking sites such as Travelocity, Orbitz, and Hotels.com should be avoided unless it can be shown that the site can provide substantial savings to the City. Generally, these sites are non-refundable and if there is a change in the traveler's plans, the entire hotel cost may be lost. The City will not be responsible for this additional penalty payment.

#### Conference Registration

1. Conference registrations must be booked in a timely fashion to receive the greatest discount.
2. Fees for conventions, conferences and seminars will be considered eligible for reimbursement.
3. Conference registration details must be submitted with the Travel Authorization form to allow verification of discounted rates offered.
4. Conference attendance must be for legitimate purposes that assist the employee in the duties of their position.

#### Meals

1. The cost of meals, snacks, and other incidental expenses, including taxes and tips, will be reimbursed at the per diem rate authorized for the destination city.
2. The authorized per diem allowances shall be the rates set annually by the Federal Government's General Services Administration for different areas of the country.
3. To assist in determining the per diem rates for cities not listed, a traveler can enter the zip code of the destination city. The per diem rate along with the allocation must be submitted with the Travel Authorization Form.
4. Meals with an overnight stay must be submitted with the Travel Authorization Form and paid through a Travel Advance. Travelers should not use their P Card for meals that involve an overnight stay. If for some reason, the Traveler does not submit their Travel Authorization Form in time for processing by Accounts Payable and uses their

P-Card for meal purchases, they will receive reimbursements for the actual meal purchase up to the per diem limit. Incidentals are not allowable if the traveler does not request a travel advance. *For example: Traveler did not submit Travel Authorization in time to receive their travel advance. Traveler receives authorization to still go on the requested travel. Traveler pays for their meals using their P-Card. (1) Per Diem for lunch is \$11.00, but the traveler pays \$7.89 for lunch + \$2.00 tip. Traveler will submit the receipt for \$9.89 and will only receive reimbursement for the \$9.89. Traveler will not receive the per diem \$11.00 rate. (2) Per Diem for lunch is \$11.00, but the traveler pays \$10.50 for lunch + \$2.00 tip. Traveler will submit the receipt for \$10.50 and will only receive reimbursement for \$11.00.*

5. Meals without an overnight stay are no longer allowed. No reimbursement or travel advance will be provided and the employee cannot use their P Card to purchase the meal. However, there may be an emergency or extenuating circumstances that require an exception to this restriction. The Department Director may request an exception from the City Manager. Approval of this exception must be attached as backup documentation.

#### Other Incidental Expense

1. Other miscellaneous expenses eligible for reimbursement with receipts include tolls, parking charges, cab fares, and business related telephone calls, faxes and copying.
2. Reasonable laundry and dry cleaning costs, where travel from the City of Kingsville area extends over a period of seven or more consecutive days are covered.
3. Any traveler with a city issued cell phone may not submit for reimbursements for any phone calls unless it is an emergency.
4. Parking a personal vehicle at the airport while on City business, if necessary, should be pre-approved on the Travel Authorization form. Reimbursement should not exceed the posted rate for Long-Term parking lots at the Airport.

#### Internet Access

1. If you know you will need internet access to perform City business while traveling, you must contact the Purchasing/Information Technology department and check out a MIFI device that will grant you internet access along a more secure network.
2. Employees can also check with Purchasing/Information Technology for other options that will not result in hotel internet charges. Hotel internet charges are not reimbursable by the City.



Ineligible Expenses

1. Flight or trip insurance, collision damage waivers, personal telephone calls, laundry/dry cleaning (if travel is less than seven days), personal entertainment (includes alcohol), fitness center usage charges, and personal services in general are not eligible for reimbursement.
2. Other miscellaneous items requested should be forwarded to the Finance Department for consideration. When in doubt, pay for the item with a personal payment card and then submit it for reimbursement.

Exceptions

1. While it is expected that all city employees and officials adhere to the practices outlined in this Travel Policy, it is recognized that, at times, expenses not specifically listed may be incurred for the promotion of the city's interests and may be considered for reimbursement.
2. Exception requests should be fully documented in accordance with this policy and submitted for reimbursement.
3. Review and consideration of unusual expenses should be reasonable, and approval of such expenses should be granted only when there is a clear benefit to the City.
4. Although this Policy is intended to be comprehensive, circumstances may arise which are not specifically addressed by this Policy. In such circumstances, review and approval of associated travel and expenses shall be made by the Finance Department. Appeals of these decisions shall be directed to the City Manager.

Authorizations

1. Travel authorizations and advances must be approved by the Department Director or their designated representative in accordance with the provisions of this Policy.
2. Traveler must submit the Travel Authorization Request form along with all supporting documentation to the Department Director. Once approved by the Department Director, the request will be submitted to the Purchasing and then Purchasing will submit to Finance who will then send to the City Manager for approval. The number of reviews is necessary because each reviewer is looking for a different item. Directors determine the need for travel. Purchasing reviews the method of travel and verifies the supporting documentation is attached. Finance

reviews budget compliance. City Manager has final determination that travel is in the best interest of the City.

3. All out of state travel requests need to go before the City Commissioners for approval. Allow enough time to get this request on the agenda for discussion and approval.
4. The City Manager, or designee, may at any time restrict travel and/or direct additional approvals as necessary to be obtained prior to any travel being authorized. If so directed, the stated policy and process for travel and travel authorization remains in effect and supersedes any approvals listed in this Policy during the given time period.
5. The traveler shall complete the Travel Authorization Request Form and forward to the Department Director for approval prior to the start date of the itinerary.
6. All anticipated expenses associated to the trip should be included in the Travel Authorization Form including all items that may be paid, other than by the traveler, such as registration or conference fees, airline tickets, etc.
7. Conferences, conventions, training classes and other meetings require inclusion of a formal brochure including dates, costs and other materials to document itinerary details and anticipated expenses.
8. Department Directors, Purchasing, and Finance shall review the Travel Authorization Request form for the reasonableness of the anticipated expenditures, for comparison with budgeted travel expense allocations and make the determination whether or not travel will commence. For Department Directors, Purchasing shall be the one to initially review all submittals. Purchasing's review makes sure that all submittals are included and travel policies have been followed. Purchasing then submits it to Finance. Finance's review makes sure that there is sufficient budget and that all reservations have been secured in a timely manner. Finance also verifies that there isn't any outstanding travel reconciliations and that all prior amounts due the city have been cleared. Finance then submits to the City Manager for final approval. Travel authorization must be reviewed prior to submittal to the City Manager.
9. Any emergency trip that is taken without a prepared and signed Travel Authorization form must be approved in advance by the City Manager and documented through e-mail or some other form of written approval.

### Travel Reconciliation

1. Within five (5) business days after a traveler's return from an authorized trip, the traveler is responsible for completing and submitting the completed travel reconciliation section. Failure to complete this reconciliation will delay any reimbursement or may affect the approval of future travel requests.
2. The Travel Reconciliation section must be accompanied by a copy of the original or corrected Travel Authorization Request form along with the final hotel bill and any other final receipt that was not submitted with the original travel request.
3. The Travel Reconciliation must be submitted to Purchasing for validation and it will be forwarded to Finance for final processing and filing.
4. When the Travel Reconciliation is completed and the employee owes money back to the City, payment must be made at the time of submittal at the Utility Billing office and a copy of the receipt must be attached to front of the Reconciliation form.
5. In the absence of a lost, forgotten or otherwise unavailable receipt(s), a traveler may prepare a written statement of expense(s).
  - Correspondence must provide as much detail as possible to document the expenses including date, place of purchase, type of purchase, dollar amount and reason for no receipt.
  - Department Director's review and approval is required on the written statement.
  - The statement is then included with the Travel Reconciliation submittal.
6. If the Travel Reconciliation indicates that the traveler is owed reimbursement, payment will be processed by Accounts Payable on the next check run.
7. Additionally, travel advances not cleared within 60 days may result in an employee not allowed further travel advances. Exemptions for further travel must be authorized by the Department Director. Restrictions from future travel advances may be enforced as permanent by the City Manager if the traveler repeatedly fails to submit receipts and other required documents in accordance with this Policy.

### Travel –Non Exempt Employees

1. Employees classified as non-exempt (hourly) will be paid for any travel time outside of their scheduled work hours when they are a passenger on an airplane, train, boat, bus, or automobile. The employee will be paid from the time they leave the City to the time they arrive at the hotel based on the time requirements from the Mileage

calculator. Whenever possible, Department Directors shall adjust non-exempt (hourly) employee schedules to coincide with travel/training so as to include travel time in the workweek and not create overtime. *Example: A Monday – Friday work week may be adjusted to Sunday – Thursday or any work week combination in order not to create overtime.*

#### Calculation of Per Diem

1. Meal expenses incurred by travelers while on official city business requiring an overnight stay are reimbursed on a per diem basis using the rates established by the Federal GSA.
2. Official travel time starts at the time the traveler leaves their home, office, or other point of departure and ends at the time the traveler returns to their home, office, or other point of return.
3. Employees choosing to extend travel time prior to or at the end of official travel for personal convenience will not be considered on travel status for that time. Travel status would be calculated as if the travel had begun and ended had the traveler not extended the travel.
4. Travelers may claim full per diem even if meals are provided at the conference. However, Department Directors may limit this benefit due to budgetary constraints.
5. On the day of departure, breakfast per diem is provided if you leave before 7 am, lunch is provided if you leave prior to 11:00 am and dinner is provided if you leave before 5:00 pm. On the day of return, if you return prior to 11:00 am, breakfast per diem will be provided, prior to 5:00 pm, lunch per diem will be provided, after 7:00 pm, dinner per diem will be provided. Employees may not extend the departure and/or return time in an effort to receive additional per diem. Department Directors will validate departure and arrival times for reasonableness of conference attendance. The fact that the employee still leaves early does not mean that the employee would be entitled to receive more than the dinner per diem.
6. Per diem will not be paid in addition to a Ticketed Event. Department Directors have the responsibility of making sure that attending the ticketed event is beneficial as it is normally more expensive than the allotted per diem rate.

### Roles & Responsibilities

- Finance Department
  1. The Finance Department has the responsibility of maintaining and updating this Policy for Commission approval.
  2. Prepare payments for and ensure proper accounting of all approved and eligible travel-related expenditures.
  3. Report to the City Manager's Office on a monthly basis any travel reconciliation/receipts that have not been submitted to Finance within significant prescribed time frames established by this Policy.
  4. Conduct compliance audits.
- Department Directors
  1. Assign appropriate staff person to act as the department travel coordinator.
  2. Make every effort to anticipate travel expenses so expenses will be accurately budgeted.
  3. Be expected to ensure travel expenses do not overrun travel appropriations through the course of the fiscal year by reviewing the reasonableness of anticipated expenditures and the financial feasibility of the trip.
  4. Review all requests for travel authorization. Such review shall include a determination whether travel is necessary and a determination of the reasonableness of those expenses for payment by the City.
  5. Ensure that the selection and acquisition of related arrangements (transportation, accommodation, advances, etc.) are consistent with the provision of this policy.
  6. Enforce deadlines for timely submission from traveler and prompt approval processing by the Director.
- Traveler
  1. Once travel has been approved, the employee may not make changes that cause the city to expend additional funds without prior approval of their supervisor. Example: Traveler is approved to take a city vehicle which is no cost to the city for mileage. Without approval, employee decides to take personal vehicle which results in the

employee requesting mileage. Reimbursement will be denied unless the city vehicle is not available and Director has been advised and approves the change prior to departure. Substantiation of this change authorization must be included with the travel reconciliation.

2. Be conservative in expenditures while traveling on City business as if such costs were being paid by themselves. Reasonable records and original receipts of travel expenses need to be maintained.
3. Obtain prior authorization to travel by submission of the Travel Authorization form. Accurately list all categories of expenses anticipated to be incurred and sign the form as indicated.
4. Traveler's signature on the Travel Authorization Request form attests to an understanding and agreement to amounts authorized for travel and the amount and purpose of any advance being requested.
5. Travelers should have full understanding of accountabilities upon completion of the authorized trip and steps to be taken should the trip be cancelled or postponed.
6. Attend the conference/training sessions. It is not appropriate or acceptable to attend social events during the normal session hours. (*i.e. trip to a museum, etc. during time that classes are going on*) Travel to a conference or seminar is a privilege in that the City expects you to return with additional knowledge that will assist you in your job duties. Not attending conference sessions may invalidate your trip and you may then be responsible for repayment of all trip expenditures.
7. Submit fully completed travel expense reconciliations according to the provision of this policy with the necessary supporting documentation, including original receipts and explanations as required.
8. Traveler may remove or redact personal information such as personal credit card numbers, mileage account numbers, home address, date of birth, social security numbers or other information that is not pertinent to the expense receipt. Travelers are reminded that any receipt submitted to the City becomes a public document and subject to open records requests.
9. Be responsible for safeguarding of travel advances and funds provided.

10. Submit claims and clear any debt for travel advance if any, no later than five (5) business days after completion of travel. Any monies owed to the City must be paid in full within the five (5) business days. Any funds owed due to trip cancellation or postponement must be paid in full within five (5) business days.
11. The traveler is responsible to obtain and retain a receipt for monies returned to the City.

# **AGENDA ITEM #15**