

City of Kingsville, Texas

AGENDA CITY COMMISSION

MONDAY, JUNE 12, 2017

REGULAR MEETING

CITY HALL

HELEN KLEBERG GROVES COMMUNITY ROOM

400 WEST KING AVENUE

6:00 P.M.

I. Preliminary Proceedings.

OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – May 25, 2017

APPROVED BY:


Jesús A. Garza
City Manager

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

1. None.

III. Reports from Commission & Staff.²

"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, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; Public Works- Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, 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.³

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

V.

Consent Agenda

Notice to the Public

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to appoint Lance Hancock to the Hotel Occupancy Tax Fund Advisory Board for the unexpired portion of a 2-year term due to Toni Nagel-Mason's resignation. (Tourism Director).
2. Motion to approve accepting donation of equipment, Cellebrite's UFED Touch Ultimate SW, from the Kleberg/Kenedy County District Attorney for the Kingsville Police Department. (Chief of Police).
3. Motion to approve a resolution of the City of Kingsville, Texas approving cooperation with the cities served by AEP to review AEP Texas Inc.'s requested approval of an adjustment to its Energy Efficiency Cost Recovery Factor, hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals, finding that the meeting at which this resolution is passed is open to the public as required by law, requiring notice of this resolution to legal counsel. (City Attorney).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. Consider final passage of an ordinance amending the zoning ordinance by changing the zoning in reference to KT&I Co., Block 7, Lot W/23, Pt 4, 31.55 acres, also known as area behind 221 W. Sage Road from R1-Single Family to AG-Agriculture District, applicant Victoria Avalos. (Director of Planning and Development Services).
5. Consider a resolution authorizing the Mayor to execute a Real Estate Lease Agreement between the City of Kingsville and the Kingsville Greater Area Economic Development Council. (City Manager).
6. Consider a resolution authorizing the City Manager to execute a Facility Use Agreement between the City of Kingsville and the American Red Cross. (Fire Chief).
7. Consider a resolution accepting funds for Operation Stonegarden with the Homeland Security Grants Division of the Governor's Office for local border security to interdict criminal activity with no anticipated cash match, authorizing the Chief of Police to act on the City's behalf with such program. (Chief of Police).
8. Consider introduction of an ordinance amending Chapter III-Administration, Article 3-Departments, Boards, & Commissions, by adopting Sections 3-3-120 through 3-3-130, providing for creation of a Main Street Advisory Board, terms for members, meetings, quorum and voting at meetings, removal and vacancy. (Director of Planning and Development Services).

9. Consider introduction of an ordinance amending Chapter III-Administration, Article 3-Departments, Boards, & Commissions, by adopting Sections 3-3-140 through 3-3-150, providing for creation of a Parks Advisory Board, terms for members, meetings, quorum and voting at meetings, removal and vacancy. (Director of Parks and Recreation).

10. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 Budget to increase vehicle maintenance in the Sanitation Division. (City Engineer/Public Works Director).

11. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 Budget to increase wastewater utility plant maintenance. (City Engineer/Public Works Director).

12. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 Budget for additional vehicle maintenance in the Fire Department. (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 citizen's comments to the Mayor and Commission, no comment at this point without 5 affirmative votes of the Commission.

NOTICE

This City of Kingsville and Community Room 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 located at City Hall, 400 West King Ave, 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:

June 9, 2017 at 3:00 P.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.



Mary Valenzuela, TRMC, 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)

MAY 25, 2017

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON THURSDAY, MAY 25, 2017 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:30 P.M.

CITY COMMISSION PRESENT:

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

CITY COMMISSION ABSENT:

Edna Lopez, Commissioner

CITY STAFF PRESENT:

Jesús Garza, City Manager
Courtney Alvarez, City Attorney
Tom Ginter, Director of Planning & Development Services
Diana Gonzales, Human Resources Director
Charlie Cardenas, Public Works Director/Engineer
Kyle Benson, IT Manager
Sharam Santillan, Capital Projects Manager
Cynthia Martin, Downtown Manager
Israel Vasquez, Facility Maintenance Manager
Emilio Garcia, Health Director
Jason Alfaro, Parks & Rec Director
Leo Alarcon, Tourism Director
Derek Williams, Systems Specialist
Adrian Garcia, Fire Chief
Robert Rodriguez, Library Director
David Solis, Risk Manager
Bill Donnell, Asst. Public Works Director
Deborah Balli, Finance Director

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 5:35 P.M. with four Commission members present. Commissioner Lopez absent.

WORKSHOP: Discuss Goals & Objectives for the Fiscal Year 2018 Budget Development Process. (City Manager).

City Manager Jesús Garza commented that today's workshop is a discussion about goals and objectives for Fiscal Year 2018. This is the time of the year that staff is preparing to figure the budget for the upcoming fiscal year which will be presented through a series of workshops during the summer. Goals for this current fiscal year were a bit ambitious so there are several projects that will be carried over to the next fiscal year. The objective for this discussion is to determine services that need improvements or enhancements and to develop priorities for the upcoming fiscal year budget. Overall from an organizational standpoint based on conversations Garza had with the City Commission and staff, he wants to make sure that we continue to evaluate all departments and divisions for further

consolidations to maximize usage of resources. Continue modernization of City processes and service delivery via technological enhancements and updated policies and procedures. We like to make this the 21st Century City. Continue focusing on renovating work spaces for City employees and spaces that are visited/used by our residents. Garza further stated that under compensation and benefits, he would like to evaluate the continuation of the three-year plan that was introduced as part of FY 2016-2017. Consider altering plan to include a COLA in year 2, increase focus on Leadership Training, and implement wellness program. Garza stated that Parks & Recreation is an important thing, with the Parks Master Plan completed it is important to continue the implementation of the plan. The Skate Park is ongoing and is scheduled to be completed in the next fiscal year. The pool improvements will continue which is scheduled to open this upcoming weekend, although some improvements are still pending such as the Kiddie pool, repairing the decking and so forth. There will also be some focus on baseball and softball fields. Also, to be focused on is Chamberlain Park once the old gymnasium is demolished. Garza stated that a few meetings ago there was a parks maintenance fund. This was based from the Master Plan that identified that maintenance is a huge problem for us. Staff will also be evaluating policies, procedures, and fees. Infrastructure projects include the continuation of the Street Maintenance and Improvement Program (SMIP). Staff will do resurfacing of streets and increase focus right off major thoroughfares. Garza commented that we need to explore corridor street projects which are capital improvements projects which in the past has been funded through the Certificates of Obligation (CO's). Evaluation of Street User Fee and Storm Water Fee is also looked at. By stating this, Garza commented that he is not meaning for fees to go up, but just simply look at it. The drainage master plan that was recently awarded, it is a huge priority to complete this project in the next fiscal year. If awarded the sidewalk grant, we need to make sure to have the matching funds associated with this project. Other infrastructure improvements are the permit amendment process to increase capacity at the landfill, Energy savings project at Waste Water Treatment Plants, and sewer manhole rehab. As for public safety, evaluate staffing levels for both uniform and non-uniform at Police & Fire Department. Also being looked at are staff grant opportunities. Continue implementation of improved radio communication system and facility improvements which will be through CO 2016. Staff will continue to evaluate equipment and vehicle replacements for both departments. For this next fiscal year, there will be a special focus on Emergency Management/EOC. Historically this type of focus hasn't necessarily been identified separately in the budget. Staff now wants to give it its own division and bring some structure to it.

Mayor Fugate made some comments that were not picked up on the audio.

Mr. Garza continued with his presentation. Downtown revitalization, discussions have taken place regarding the infrastructure improvements to Kleberg Ave which will be a focus since the city is going through the process with EDA. The initial phase of this has been submitted to the EDA, so now we are simply waiting for a response. One other thing that will come in the new fiscal year is repairing 7th Street between Kleberg Ave. and King Street. Staff will also continue its focus on the Façade Program. Staff will also continue to focus on the implementation of the Downtown Vision Plan and Downtown Pavilion. As for Tourism, we will improve marketing efforts outside of local market. Will continue exploring the feasibility of the JK Northway Improvements Phase 1. One of the ways to start exploring this is to start having conversations about the Venue Tax mechanism that will hopefully pay for some aspect of phase 1. Staff will also evaluate additional phases of Way Finding Signage. One of the things that has come up is the lack of monument

signage. There is monument signage on King Street but once the overpass was built, now you drive over it. Additional areas to look at are Economic Development and the continued partnership with the EDC as well as the Animal Shelter. With the Health & Library Department, we want to evaluate the agreements with Kleberg County, to be clear, this isn't because the City wants to split the department but with the agreement being over 40 years old it is necessary to evaluate them at one point. Revenue enhancements, staff will review and assess all fees and fines to compare with industry standards and with recovery of expenditures. One of the things that will help facilitate this is to establish a Master Fee Schedule for changes and annual review.

Commissioner Garcia voiced a concern that he had. Garcia stated that he came over to City Hall to attend the Skate Park Presentation was given. While he was sitting in the audience, one of the kids mentioned if there would be any restrooms at the skate park. Garcia stated that this may be an issue that the city may need to address.

Mr. Garza commented that it may be an issue initially but one of the big reasons this site was selected for the skate park was for its proximity of the bathrooms at the pool.

Commissioner Garcia asked if these restrooms would be available to those at the skate park. Mr. Garza responded that not right away as there needs to be some adjustments made at the site to facilitate this, although it is a long-term vision.

Mayor Fugate made some comments that were not picked up on the audio.

Mr. Garza commented that staff is preparing to better increase demolitions. One of the things that staff wants to evaluate as part of the next budget cycle is rethinking Community Appearance slightly. While it is good that we are knocking down dilapidated structures we also need to have an operation to help fill those spaces as it is not good for the overall health of our community to have empty lots around the city.

Mayor Fugate opened the regular session of the meeting at 6:00 p.m. with four Commission members present. Commissioner Lopez absent

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – May 8, 2017

Motion made by Commissioner Pena to approve the minutes of May 8, 2017, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Pecos, Garcia, Fugate voting "FOR".

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

1. Public Hearing on amending the zoning ordinance by changing the zoning in reference to KT&I Co., Block 7, Lot W/23, Pt 4, 31.55 acres, also known as area behind 221 W. Sage Road from R1-Single Family to AG-Agriculture District, applicant Victoria Avalos. (Director of Planning and Development Services).

Mayor Fugate announced the Public Hearing at 6:03 P.M.

Mayor Fugate announced that this is a public hearing and if anyone would like to speak on behalf of this item may do so now with a five-minute time limit. Additional time cannot be extended by City Commission.

Mr. Tom Ginter, Director of Planning and Development Services, showed a map of the zoning in the rezoned area and gave street location. Ginter further showed the legal plat of the property. He stated that the previous property owner purchased the property in May 1996 which at the time was zoned agricultural. In November 2006, it was zoned to R-1 and has remained that since that time. The property was sold to the applicant in June 2014.

Mayor Fugate asked that with the map that is being shown now, are there any properties that are zoned Agricultural. Mr. Ginter responded that if you go further East, it is Young Drive, it's probably agricultural but not as you go South. Mayor Fugate asked about the other side of Sage Road. Mr. Ginter's response was that that area is agricultural.

Commissioner Pena asked if there were any homes on the Northside where it says agriculture. Mr. Ginter pointed to an area on the map that has a couple of agriculture lots. Ginter commented that this area is Serenity Estates 2, and there are homes in there and is also zoned R-1.

Commissioner Pena asked if there were existing homes that are listed as agricultural. Mr. Ginter responded that it is to his belief that there are some homes but would need double check.

Mayor Fugate commented that this may be agricultural in the back but the lots in the front where it shows the lots, he recalls when it was rezoned which are residential.

Commissioner Pena stated that he is trying to clarify this as on the map that is being displayed is in color green.

Mr. Ginter commented that on the zoning map and on the records that he has, it shows as agricultural.

Mr. Garza commented that from his understanding is that you can have a house on a piece of property that is zoned agricultural.

Mayor Fugate asked City Attorney, Courtney Alvarez if she recalled the Commission replatted and approved it. Mrs. Alvarez responded that it is platted but this is just the zoning.

Mr. Ginter commented that this is only the plat for Serenity Estates.

Mr. Garza commented that a plat is different than a zoning.

Mayor Fugate asked if the city has ever taking property that is residential and owned it back to agricultural? Fugate commented that he doesn't believe ever seeing that done.

Mrs. Alvarez commented that she doesn't recall any specifically. We have had properties that were agricultural and rezoned to R-1 that were not developed and were platted but not developed, and those plats have since expired.

Mr. Melvin Schoech, 605 W. Sage Road, he is the original owner of Serenity Estates 1 & 2, and the land in question. He moved to Sage Road in 1968 and purchased this property from the Mormon Church back in 1995-1996. At that time the area was a flat land which was farmed by David Schubert. Serenity 1 was leased to Walsh Thomas and before that it was leased to August Stuffer who ran animals on the property. Schoech commented that it has been zoned Agricultural all this time. He does not recall asking for a rezoning in 2006. The Avalos's bought the property and they have improved this property by building a fence around it and cleaning it up. He feels that this property should be back to agriculture. He

stated that this property should be zoned agricultural as it is what it's being used for now and has always been used for and will continue to be used for.

John Guerrero 321 W. Sage Road, moved into the area in 2006. He stated that he had been told that there would be more residential homes built behind him and in the front area. With that understanding he and his family built their home in the area. When the Avalos purchased the property, he stated that he wasn't sure what they heard from Mr. Schoech whether he told them it was agricultural and so they bought it thinking it was. If they weren't told correctly that it was zoned as R-1 and not agricultural, he is sorry that it happened. Guerrero further commented that there has always been farming behind his home. He is concerned about is that there is cattle in the back and he didn't move in the area to live by a ranch. His main concern is that if he ever decides to move and sell his property he doesn't want anyone worrying about anything being behind the property such as farm animals. Guerrero commented that he has nothing against farm animals as he himself has cattle and hogs in the back for 4-H purposes.

Noelia Chapa, 313 W. Sage Road, prepared a book for the City Commission that she is going to be discussing. She stated that in this book you will find the letter from Mr. Tom Ginter about the meeting it also stated that it had the rezoning and the directors did not come to a conclusion therefore there is no recommendation from them. Chapa commented that they met on May 17th.

Mayor Fugate reminded Mrs. Chapa that she only had five minutes to speak on this item. Mrs. Chapa understood her time limit.

Mrs. Chapa continued to show pictures of her home and the land around her home. Behind her home she stated that there is corrals. She stated that it was her understanding that when she built her home, they were to leave 10ft buffer as the developer of Serenity Estates was to build Phase 2 behind her property. She commented that the fence that was built was also used to build the corrals. She further commented as the property is under agricultural, Ms. Victoria Avalos only has to pay \$126.33. Mrs. Chapa commented that she does not want this land to be agricultural. She purchased this land to near her family and were happy until the farms animals came into play.

Leo Villarreal, representing the rezone request, clients Jessie Rodriguez and Victoria Avalos commented that he is aware of the time limit he has to speak, but ask if he would have another opportunity to speak on behalf of this item.

Mayor Fugate asked for some guidance from City Attorney, Courtney Alvarez. Mrs. Alvarez commented that they have the opportunity to speak during the public hearing and public comments prior to getting into the agenda. Can't give additional time during the public hearing but can receive additional time during the public comments.

Mr. Villarreal commented that he would like to introduce his clients, Mr. Jessie Rodriguez and Ms. Victoria Avalos. He commented that once the Commission hears the zoning requested, the Commission will see that it will not adversely affect the public interest community health or safety or welfare of this community.

Jackie Guerrero, 321 w. Sage Road, commented that when she and her family decided where they would like to build their home where they will raise their family it was here in Kingsville. When she spoke to Mr. Schoech and bought their property they looked around the area and it was all residential. Mr. Schoech was farming behind them but believed it would be residential. She stated that she does have her two stock show animals for her two kids, but overall she wants to protect their investment and stay in residential so that in the future once her kids are grown and gone, she and her husband may want to leave and

having the option that the resale value be good. Guerrero commented that she would like for the area to remain residential.

Efrain Chapa, 313 W. Sage Road, commented that if they are already in the City, they don't want to go backwards. He stated that Leo Alarcon is doing a good job marketing Kingsville and moving us forward. By doing this rezone, we will only be going backwards. He commented that they do not want to stop the production of new homes in this area.

There being no further comments, Mayor Fugate closed this public hearing at 6:22 P.M.

III. Reports from Commission & Staff.²

"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, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; 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 presented a proclamation for National Preservation Awareness Month to Cynthia Martin, Downtown Manager.

Mrs. Courtney Alvarez reported that the next City Commission meeting is scheduled for Monday, June 12th with agenda items for this meeting due on Friday, June 2nd.

IV. Public Comment on Agenda Items.³

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

Lance Hamm, 912 South Creek, commented that he is concerned about the highway safety on US Hwy 77 and FM1717. He stated that he had a meeting with TXDOT last week and was very disappointed with the outcome of the meeting. Several years ago there was a motorcycle accident that caused the an individual to lose his life. He believes the southbound merge lane at King Avenue and Hwy 77 is too short and very dangerous. He asked for TXDOT to give him the turn lane distance for Northbound to go to the median and Westbound to go onto FM1717, of which he did not receive a reply from TXDOT. At the meeting last week, he still hadn't received a reply when he asked for the information again. By his calculations, the turn lane going Northbound and going West into FM 1717 is about 145ft. By TXDOT's book, 865ft is required in order to make it a safe turning lane, so this is at about 17%. While traveling through the area tonight as he was making his way to this meeting, three vehicles were in that turn lane trying to go to the median but couldn't as the median was full. The last car was still out on the fast lane because there wasn't enough room. Hamm commented that it would be great if someone was really concerned about the safety of our residents in this area. Hamm commented that someone is going to die on FM1717 and US Hwy 77 if we don't act quickly. The City has an ordinance for 55mph on US Hwy 77. Both the City and County signed resolutions in 2015 to lower the speed limit to 55mph, TXDOT still has not done this. The only option remaining is for the City to ask

the Texas Transportation Commission for a minute-order to get it lowered. The other thing that can be done is to look at the turn lane, both left and right on FM 1717 which is too short.

City Manager Jesús Garza commented that at the meeting that occurred here at City Hall with TXDOT to which Mr. Charlie Cardenas was present for, the conversation for most part was on the speed limit and from his understanding TXDOT ok'd going to 60mph, based on some analysis they did at their end. Now, the speed limit is at 65mph, both the City and County passed resolutions saying that they would like the speed limit at 55mph. Garza stated that both the City and County will work together to enforce the speed limit and later have TXDOT come back and do another speed study that will hopefully justify lowering the speed limit to 55mph per the rules and regulations TXDOT has.

Mr. Leo Villarreal, passed out copies of maps to the City Commission. He commented that in 1996 the plat was filed for record which does contain the lots in the front but at the bottom it remains unplatted. This property has always been used for agricultural. He also produced copies of Guerrero, Garcia and Chapa's warrant deed which are blank and have no conditions and representations, no limitations regarding any of the things they have represented during tonight's meeting. The thirty acres have been used and plowed farmed as stated by Mr. Schoech. It has been 14 years that they have lived with agriculture next to them and it being too late to object to an agriculture. Villarreal further commented that Mike Kassners Appraisal states that highest and best used is agriculture for future residential use. The warrant deed Avalos purchased strictly purchases land, acreage and nothing else. The surrounding properties it is agricultural. Some of the areas that are residential are also marked as agriculture as they are also used for agricultural and farmed as agricultural. Mrs. Avalos has invested \$454,000 into her property. Pictures also show the home and where the fence has been built across the residencies. There is a 100ft buffer zone planted with fruit trees and magnolia trees before you get to the corrals. Only three people oppose the rezone, not the other twelve residents that reside in this area. Villarreal stated that they believed they bought agricultural land. Once rezoned in 2006, it was continued to be used as agriculture. Villarreal commented that he believes that after 14 years that these residents have been living there, they have waived their right to protest this rezone.

John Guerrero, 321 W. Sage Road, commented that he is not protesting as stated by Mr. Villarreal, he was agriculture in the past and there was farming behind them, but no animals for the last 12 years. Since Avalos purchased the property, it has been improved. The only concerns are the corrals behind him and how many more animals will be put back there. Guerrero commented that it is becoming small community with a country atmosphere.

Noelia Chapa, 313 W. Sage Road, commented that her concern is that Mr. Schoech was the one that came out winning. He sold their property, their 5ft to them and then turned around and sold it to the Avalos. Chapa further commented that it is not them they are objecting, but objecting also to them using their fence. She stated that they paid for that fence. She stated that they moved out to the area in 2005 and have been fine but objects to the animals that are out there. Chapa commented that this is not why she moved out there for. She wanted it to be peaceful and calm and almost like living in the country.

Efrain Chapa commented that if they wanted to build a house in the farm, they could have done it at his ranch. He stated that they were looking into the future and thought this was going to be their growing area in Kingsville. As his wife stated, they built the fence and don't have thousands of dollars to hire an attorney to speak to them. But he, as a Boys Scout he is telling the truth.

Jesse Rodriguez, 221 W. Sage Road, commented that they are the ones petitioning to go back to agriculture. He hired Mr. Villarreal as this is so out of their hands. This is terrible and this is the only reason he had to hire an attorney. He stated that he is not saying that he built Mr. Chapa's fence or built Mr. Guerrero's fence, they have built all the rest of the

fence. It is a private fence so that the back part of their homes, they don't have to see his animals. He commented that his animals are very well kept. Mr. Guerrero owns less than two and he has one cow and three pigs. Sometimes he has two cows and three pigs or more in an acre in a half. Mr. Rodriguez commented that he has six cows on thirty acres. His daughter does rodeos and he has an arena for her horses and practices barrel racing. He commented that if they can have animals in an acre and a half, he purchased thirty acres for his daughter and where he has six cattle, chickens, and peacocks. He said that he didn't do anything wrong as he thought they had purchased agriculture property. He never knew it wasn't considered agriculture. There are no other entrances but only two entrances to the back property. He stated that they will never develop that property. How these people can stand here today and say that they want homes back there when he owns the land. He can say whether he wants homes back there, not them, he doesn't plan on ever selling the property, whether it is granted to be agricultural or not. This property will not be sold as the property will be left to his daughters.

Jackie Guerrero, 321 W. Sage Road, stated that she would like to make some clarifications. Their children are in 4-H and FFA and under the city guidelines, it states that they could have one for the County Show, San Antonio, and Houston not do they participate in their local but also in State shows as well. When they purchased the property in 2004, the City of Kingsville has a comprehensive annual financial report dated September 30, 2008. This report kind of advertises where they live. Talking about Residential-1, which is on page 7 of 180, and it is one of the developments in Kingsville for young adults to come in and raise their family. When they bought the property, they thought of the dream of, when Mr. Schoech stated that it would potentially have the easement to their left side and being a future development in the back with sidewalks. This plan wasn't planned out so there wasn't any guarantee to it which is the last portion of the misunderstanding of all the twelve residents. They are not here so it is a little bit presumptuous to go ahead and assume that there's only three. Guerrero commented that they are here and her investment is 321 W. Sage Road and she prefers it staying the same.

V.

Consent Agenda

Notice to the Public

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

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

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

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

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2016-2017 Budget to accept and expend Park Donations for specialized playground equipment. (Parks & Rec Director).

2. Motion to approve resolution authorizing the release of Chapter 59 funds of the Kingsville Police Department for donation to the Boys Scouts of America Venado District for drug abuse prevention programs. (Police Chief).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

Mayor Fugate commented that he would like to take agenda item #4 prior to item #3. Commissioner Pecos commented that agenda item #3 is only an introduction item. Mayor Fugate then stated that he will take the agenda items in the order they are listed below.

3. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning in reference to KT&I Co., Block 7, Lot W/23, Pt 4, 31.55 acres, also known as area behind 221 W. Sage Road from R1-Single Family to AG-Agriculture District, applicant Victoria Avalos. (Director of Planning and Development Services).

Mayor Fugate commented that this is an introduction item only. He explained that ordinances require two readings, first reading is the introduction of the item and the second reading is where it will be determined whether to approve or disapprove.

Mayor Fugate opposed some questions to Tom Ginter, Director of Planning and Development Services. He asked that by Mr. Rodriguez stating that he owns this property but he is also hearing the name Avalos, how does this work?

Mr. Ginter responded that they are husband and wife. The property is under the wife's name, Victoria Avalos.

Mayor Fugate commented that the gentleman introduced himself as Jessie Rodriguez. Mr. Ginter responded that this was correct. Mayor Fugate further asked where Mr. Jessie Rodriguez comes from. Mr. Ginter responded that he is the husband to Victoria Avalos.

Mr. Garza commented that if any of them have any questions between now and the next meeting, staff is available to answer those questions. Garza stated that he wants to make sure that the City Commission is as educated as much as possible on this issue so that when they are ready to vote, it comes from a perspective of understanding what's going on.

Mayor Fugate commented that what confused him is the fencing and how this property is situated and looks. Fugate asked City Attorney, Courtney Alvarez if there was any objection on the Commission, during their own free time, to go out there and look this thing over, if they chose too.

Mrs. Alvarez responded not trespassing on property.

Mayor Fugate commented that he is pretty sure that all of them would probably allow him on their property so that he could see what they are talking about. But if not, that's fine as well.

Commissioner Garcia commented that on the perceived easement discussion that took place here today, he doesn't know if they could resolve this problem regarding the real estate issue.

Mrs. Alvarez commented that this would be a private property matter between the property owners.

Mayor Fugate commented that the City Commission is not here for that.

Introduction item.

4. Consider accepting the Comprehensive Annual Financial Report of the City of Kingsville for Fiscal Year 2015-2016. (Finance Director).

Mr. Luke Womack, of John Womack & CO., P.C., reported on the City of Kingsville Comprehensive Annual Financial Report (CAFR). Mr. Womack reminded the City Commission of the certificate that was received from the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting. There are 38,000 cities in America and only 4 ½ to 5% receive this certificate. Not that all cities submit it, but it is very rare in financial reporting, and the city has this and receive on an annual basis. This certificate is an excellence that states that everything has been produced in accordance with specific standards. Womack stated that he has already met with the Audit Committee where he went over all the numbers with the Committee. He stated that the one year finding they had is now gone. The accounting staff has eradicated this. Page 39 of the CAFR shows the General Fund, Police Forfeiture fund, Debt Service, Capital Projects, and other governmental funds. Last year's total assets was \$13.6 Million Dollars and this year's total assets being a total of \$12.53 Million Dollars. Primarily due to spending of restrictive cash is what built this place and this is why it is depleted and not because of operations. The Landfill is \$2,479,993.00 which is what is still available in the general fund for potential land closure. The Capital Outlay number you only see a thousand, last year it was \$2 Million Dollars and those monies have been spent in order to provide facilities for the city. The \$7.1 Million Dollars, last year that was \$5.359 Million Dollars so the unreserved fund balance went up substantially. The General Fund is in excellent shape. Police Forfeiture Fund, half of it was moved over to the County but it still left \$1.726 Million Dollars in reserve Police Fund. Debt Service Fund it is collect \$1.8 Million Dollars per year, and payoff all the debt general fund indebtedness and has a fund balance of \$618,000.00. Capital Projects there is a fund balance of \$6.5 Million Dollars. There was a bond issue right at the end of last year, and that money has been available to the City this year for intended purposes. Womack commented that all the governmental finances are in excellent shape. Womack then reported on page 42 of the CAFR. This page show revenue of \$17,862,000.00. Last year it was at \$17.3 Million Dollars and actual revenues are up by \$500,000.00. Expenditures are up more so being at \$20,729,000.00 and total expenditures up by \$900,000.00 from the prior year, primarily from capital outlays expenditures that the city dealt with when building the new city hall. The amount of \$74,264.00 in brackets, last year that number was \$1 Million Dollars in brackets. The city has reduced that loss by a Million Dollars resulting in a total fund balance of \$10,444,893.00. The revenues were increasing and expenditures did jump primarily because of the built of the new city hall. The Police Forfeiture Fund it had about a \$286,248.00 revenues over expenditures which was a positive increase. Debt Service had a positive increase of \$39,346.00, positive revenues over expenditures taking it to \$618,994.00. Capital Projects has \$6,740,000.00 which was the new bond issue. There was also a bond premium of \$198,000.00 which was also money to the City. The result here is a total increase of \$6,083,000.00 and had \$425,000 leaving a fund balance of \$6.5 Million Dollars. The General Fund and all the major funds are in excellent shape and are performing as prescribed. Page 45 of the CAFR, the Enterprise Fund all the assets are in good shape compared to last year. Capital assets have been added and also liabilities are down slightly because last year the city had some outstanding obligations. Bond Debt paying off as scheduled, but there is \$3,783,000.00 is what the city has in capital outlay restricted and last year it was \$5.6 Million dollars. Those monies were spent on Enterprise Capital Outlay during the year which is why it decreased. However, unrestricted went from \$4,885,000.00 from last year to \$5,265,000.00. The unrestricted portion for the Enterprise Fund is doing well. It does show some decreases in there but those were planned, when you have those restrictions that means that it will eventually will be spent, you don't intend to hold it forever. The Internal Service Fund, last year had a \$1,075,000.00 in it total current assets and this year that number is \$1,364,000.00. The \$895,000.00 last year that number was \$632,000.00 so it actually added about \$263,000.00 to the fund balance for major medical leaving for a total fund balance

\$895,000.00. The Enterprise Fund it actually had revenues of \$8,415,000.00, last year that number was \$8,192,000.00, so revenues was up by \$200,000.00. Expenditures were up, last year that total number right now is \$7,162,000.00 is actually \$6,495,000.00. Total income this year of \$1.252 Million Dollars verses \$1.6 Million dollar last year which is actually down \$450,000.00 due to operating cost even though revenue was up. Transfer out \$1.4 Million Dollars to the General Fund and then you have a Net Operating Loss of \$381,000.00, operating loss for the Enterprise Fund. Page 49 of the CAFR show the Cash Flows. \$2,381,684.00 is the total cash dollars that the city earned in excess of cash expenditures for operations only. So the operation generated \$2.381 Million Dollars. In the bracket it shows \$1.4 Million Dollars that was transferred out to the General Fund. Principal and Interest payment of \$1,608,000.00, that is the total of all Enterprise Debt. Capital acquisitions at \$952,910.00 for a total usage there of \$2,546,526.00. When you put those all together, you will see the \$1,422,387.00 in brackets, that is an expenditure over revenue which is a depletion of cash and assets earned. Last year that number was \$2.2 Million Dollars so the city has had two consecutive years of actual cash depletion, so the Commission may want to look at that and see how they are going to slow that down. Womack commented that it is still strong, but the city is going through some substantial dollars. A Million was Capital Outlay which was needed, it's not that it's not necessary but the city just needs to make sure they are on the right course. Womack stated that the only finding the city had to deal with the Golf Course and it has already been resolved. The City Commission appropriated point of sale equipment, cameras, and inventory process. Womack commented that what is missing is the bidding is gone and was handled properly. We also had a material finding for quite a few years and things were not being handled in a timely manner, it was. Womack commented that the City has one of the best accounting staff they have ever had under Deborah Balli, Finance Director and her staff and the City Manager working with them, it's been excellent.

Motion made by Commissioner Pecos to accept the Comprehensive Annual Financial Report of the City of Kingsville for Fiscal Year 2015-2016, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Pena, Pecos, Garcia, Fugate voting "FOR".

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:00 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, City Secretary

CONSENT AGENDA

AGENDA ITEM #1



Date: May 25, 2017

To: City Commission via City Manager Jesus Garza

CC: Courtney Alvarez, City Attorney and Mary Valenzuela, City Secretary

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

Re: Member appointment, Hotel Occupancy Tax Fund Advisory Board

Summary:

In their May 18, 2017 regular quarterly meeting, the Hotel Occupancy Tax Fund Advisory Board nominated King Ranch, Inc. Retail Operations Manager Lance Hancock to replace Toni Nagel-Mason and represent the King Ranch Museum and the King Ranch Visitor Center for an unexpired term on the board. The board is composed of nine members including two ex-officio members and each appointee represents various aspects of Kingsville.

Background:

The Hotel Occupancy Tax Fund Advisory Board was established on May 4, 2016 for conducting comprehensive assessments of the city's tourism potential and for making recommendations to the Kingsville City Manager of activities, programs, and expenditures that will help increase tourism and visitors to Kingsville. Seven voting members are appointed to serve two year terms and each is to represent the following:

- A representative of the Hotel Industry within the City of Kingsville.
- A representative of the King Ranch Museum and/or the King Ranch Visitor Center.
- A representative of the Conner Museum.
- A representative of the historical downtown district/merchants.
- A representative of Texas A&M University-Kingsville.
- A resident of the City of Kingsville.
- The Director of Tourism Services for the City of Kingsville.

The City Manager and the Kleberg County Judge serve as ex-officio members of the Board with no voting privileges.



AGENDA ITEM #2

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Ricardo Torres, Chief of Police
DATE: May 25, 2017
SUBJECT: Acceptance of Donation

Summary:

The police department is requesting the acceptance the donation of a Cellebrite, cost \$11,000.00, from the Kleberg/Kenedy County District Attorney John T. Hubert.

Background:

This system is used to assist criminal investigators with in-depth physical, file system, password and logical extractions of evidentiary data from the widest variety of mobile devices and operating systems.

Financial Impact:

As a condition of acceptance, the police department agrees to cover the annual maintenance costs of \$3,400.00 annually after the first year of ownership.

Recommendation:

We request the City of Kingsville City Commission accept the donation of the Cellebrite from Kleberg/Kenedy County District Attorney John T. Hubert for use by our department.



JOHN T. HUBERT
DISTRICT ATTORNEY

(361)595-8544/8545
FAX (361) 595-8522



KLEBERG & KENEDY COUNTIES

KLEBERG COUNTY COURTHOUSE
P.O. Box 1471
KINGSVILLE, TEXAS 78364

COUNTY of KLEBERG
KINGSVILLE, TEXAS

May 15, 2017

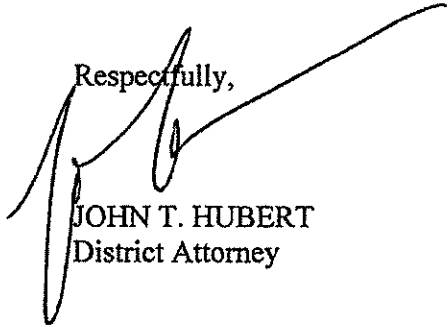
Chief Rick Torres
Kingsville Police Department
1500 King Street
Kingsville, TX. 78363

Re: Cellebrite

Dear Chief Torres:

Upon approval by the Kleberg County Commissioner's Court, I have agreed to purchase new Cellebrite equipment for the Kingsville Police Department. This will be at an approximate cost of \$11,000, for the equipment only, with your Department funding the maintenance and upgrades. The \$11,000 will be from the D.A.'s Chapter 59, Asset Forfeiture Fund.

Respectfully,


JOHN T. HUBERT
District Attorney

JTH:lsm

Cellebrite Inc.

7 Campus Drive
Suite 210
Parsippany New Jersey 07054
United States

Tel. +1 201 848 8552
Fax. +1 201 848 9982
Tax ID#: 22-3770059
DUNS: 033095568
CAGE: 4C9Q7
Company Website: <http://www.cellebrite.com>



Quote

Quote# Q-03016-1
Date: May 15, 2017

Bill To
Kingsville Police Department
1700 E. King Street
Kingsville, Texas
United States
Contact:
Phone:

Ship To
Kingsville Police Department
1700 E. King Street
Kingsville, TX No Zip
United States
Contact:
Phone:

Customer ID	Good Through	Payment Terms	Currency	Sales Rep
SF-00045371	Jun 14, 2017	Net 30	USD	John Keenan

Qty	Product Code	Product Name	Start Date	End Date	Unit Price	Net Amount	Net Total
1	A-SOW-07-023	UFED Touch Ultimate SW renewal	May 15, 2017	May 14, 2018	000000	USD 3,400.00	USD 3,400.00
UFED Touch Ultimate SW renewal							

SubTotal	USD 3,400.00
Shipping & Handling	USD 0.00
Sales Tax (6.25%)	USD 212.50
Total	USD 3,612.50

Comments:

For further information please email to John Keenan at john.keenan@cellebrite.com or call at 973.206.7631

Terms and conditions:

- Payment terms: Net 30; 1.5% per month interest on late payment
- Shipping: FCA, Parsippany, NJ, USA : Limited Warranty: Hardware: 12 Months; Software: 60 days; Touch Screen: 30 days
- 12 months software support included in initial purchase. The next support period purchased begins immediately at the end of the 12 months, i.e., no gaps in support period are allowed.

Cellebrite has three different terms of sale.

Any purchase of unlocking services are governed by <http://legal.cellebrite.com/CB-us-us/index.html>.

Any purchase of UFED Analytics Enterprise services are governed by <http://legal.cellebrite.com/us/Cellebrite-Unlocking-Services-Terms-and-Conditions.pdf>.

Any other purchases of products or services, including without limitation training services, are governed by <http://legal.cellebrite.com/us/index.html>.

In addition to these terms, software is licensed by Cellebrite in accordance with an end user license agreement available at <http://legal.cellebrite.com/us/Cellebrite-EULA.pdf>.

In the event of any dispute as to which terms apply, Cellebrite shall have the right to reasonably determine which terms apply to a given purchase order.

***SALES TAX DISCLAIMER:** Cellebrite, Inc. is required to collect Sales and Use Tax for purchases made from the following certain U.S. States. Orders are accepted with the understanding that such taxes and charges shall be added, as required by law. Where applicable, Cellebrite Inc. will charge sales tax unless you have a valid sales tax exemption certificate on file with Cellebrite Inc. Cellebrite Inc. will not refund tax amounts collected in the event a valid sales tax certificate is not provided. If you are exempt from sales tax, you must provide us with your sales tax exempt number and fax a copy of your sales tax exempt certificate to Cellebrite Inc. Please include the following information on your PO for Cellebrite UFED purchase:

Prepared by John Keenan

AGENDA ITEM #3

**City of Kingsville
Legal Department**

TO: Mayor and City Commissioners

CC: Jesús A. Garza, City Manager

FROM: Courtney Alvarez, City Attorney

DATE: June 6, 2017

SUBJECT: **Resolution to Evaluate AEP Texas Inc.'s (2018 Energy Efficiency Cost Recovery Factor) Rate Recovery Filing**

Summary: AEP Texas Inc. ("AEP" or "Company") filed an application on or about June 1, 2017 with the Public Utility Commission of Texas ("PUC" or "Commission"), seeking to adjust its 2018 Energy Efficiency Cost Recovery Factor ("EECRF"). Pursuant to Commission rules, AEP is required to annually apply no later than June 1 of every year to adjust its EECRF in order to reflect changes in program costs and bonuses and to minimize any over- or under-collection of energy efficiency costs resulting from the use of the EECRF.

The resolution authorizes the City to join with the Cities Served by AEP ("Cities") to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

Background: City groups have long participated in ratemaking proceedings before the PUC, the Courts, and the Legislature on electric utility regulation matters. Participation in a city group such as Cities allows cities to advocate for the public interest and accomplish more collectively than each city could on its own.

The City of Kingsville has participated with the Cities Served by AEP in prior rate case and cost recovery filings. AEP pays for the cost of the review of their request, so there is no out of pocket cost to the City. As there is no individual or agency that reviews the rate cases and recovery requests on behalf of the affected parties/citizens, the legislature has given cities authority to do so with the utility company paying for the expenses involved in the review.

Last year in Docket Nos. 45928 and 45929, the Commission authorized AEP to adjust its 2017 EECRFs to recover \$10,761,9123 (\$9,003,339 for the Central Division and \$1,758,574 for the North Division). In this filing, AEP is seeking to adjust its EECRF to collect \$11,618,997



**City of Kingsville
Legal Department**

(\$9,488,449 for the Central Division and \$2,130,548 for the North Division) in 2018 to reflect the following components:

- 1) recovery of \$8,650,863 for AEP Texas (\$6,813,091 for the Central Division and \$1,837,772 for the North Division) which is the forecasted 2018 energy efficiency program expenditures in excess of its projected energy efficiency revenues collected from base rates adjusted as outlined in the rule;
- 2) return to customers the amount of \$1,173,691 for the Central Division and \$328,735 for the North Division, representing the over-recovery of \$1,502,426 for AEP Texas actual energy efficiency costs for 2016;
- 3) recovery of \$3,492,251 for the Central Division and \$556,190 for the North Division representing AEP Texas' 2016 performance bonus of \$4,048,441 for achieving demand and energy savings that exceeded its minimum goals to be achieved in 2016;
- 4) recovery of \$5,713 (\$2,822 for the Central Division and \$2,891 for the North Division) representing 2016 EECRF proceeding expenses incurred in Docket Nos. 45929 and 45928 by municipalities as authorized by 16 TAC § 25.181(f)(3)(B); and
- 5) recovery of \$416,407 for AEP Texas' share of the EM&V costs to evaluate PY 2016 and PY 2017 (\$353,977 for the Central Division and \$62,430 for the North Division).

Purpose of the Resolution:

The purpose of the Resolution is to evaluate the EECRF application proposed by AEP. An explanation of the "Be It Resolved" paragraphs follows:

Section 1. This section authorizes the City to participate in Cities as a party in the Company's EECRF filing, PUC Docket No. 47236.

Section 2. This section authorizes the hiring of Lloyd Gosselink and consultants to review the filing, negotiate with the Company, and make recommendations to the City



**City of Kingsville
Legal Department**

regarding reasonable rates. Additionally, it authorizes Cities to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

Section 3. The Company will reimburse Cities for its reasonable rate case expenses. Legal counsel and consultants of Cities will submit monthly invoices that will be forwarded to AEP for reimbursement. No individual city incurs liability for payment of rate case expenses by adopting this resolution.

Section 4. This section merely recites that the resolution was passed at a meeting that was open to the public and that the consideration of the resolution was properly noticed.

Section 5. This section provides that Cities' counsel will be notified of the City's action by sending a copy of the approved and signed resolution to certain designated individuals.

Financial Impact: This action has no financial impact to the City.

Recommendation: Approve the resolution as presented.



RESOLUTION NO. 2017-_____

A RESOLUTION OF THE CITY OF KINGSVILLE, TEXAS APPROVING COOPERATION WITH THE CITIES SERVED BY AEP TO REVIEW AEP TEXAS INC.'S REQUESTED APPROVAL OF AN ADJUSTMENT TO ITS ENERGY EFFICIENCY COST RECOVERY FACTOR; HIRING LEGAL AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO LEGAL COUNSEL.

WHEREAS, on or about June 1, 2017, AEP Texas Inc. ("AEP" or "Company"), pursuant to the Public Utility Regulatory Act ("PURA") § 39.905 and Public Utility Commission of Texas ("Commission" or "PUC") Substantive Rule 25.181(f), filed with the Commission an application for a 2018 Energy Efficiency Cost Recovery Factor ("EECRF"), PUC Docket No. 47236; and

WHEREAS, the City of Kingsville, Texas will cooperate with similarly situated city members and other city participants located within the AEP service area in conducting a review of the Company's application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, working with the Cities Served by AEP ("Cities") to review the rates charged by AEP allows members to accomplish more collectively than each city could do acting alone; and

WHEREAS, Cities has a history of participation in PUC dockets and projects, as well as court proceedings, affecting transmission and distribution utility rates in AEP's service area to protect the interests of municipalities and electric customers residing within municipal boundaries; and

WHEREAS, PURA § 33.023 provides that costs incurred by cities in ratemaking activities are to be reimbursed by the regulated utility.

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

1. That the City is authorized to participate with Cities in PUC Docket No. 47236.
2. That subject to the right to terminate employment at any time, the City of Kingsville, Texas hereby authorizes the hiring of the law firm of Lloyd Gosselink and consultants to negotiate with the Company, make recommendations to the City

regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

3. That the City's reasonable rate case expenses shall be reimbursed by AEP.

4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

5. A copy of this Resolution shall be sent to Chris Brewster, Counsel to Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED this the 12th day of June, 2017.

Sam R. Fugate, Mayor, City of Kingsville

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

REGULAR AGENDA

AGENDA ITEM #4

City of Kingsville
Department of Planning and Development services

To: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director

DATE: May 18, 2017

SUBJECT: Rezoning request from Victoria Avalos, owner requesting the rezone of KT & I Co, Block 7, Lot W/23 PT 4, Acres 31.55

Summary:

Background:

Financial Impact:

Recommendation: The motion was made to approve the rezoning request with a second. The vote was 2 votes yes, 2 votes no. Motion failed. Since 4 members showed up 4 votes were needed for any motion to be approved.



City of Kingsville
Department of Planning and Development services

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director

DATE: May 12, 2017

SUBJECT: Rezoning Request from Victoria Avalos, owner requesting the rezone of KT & I Co, Block 7, Lot W/23 PT 4, Acres 31.55

Summary: The Planning and Zoning Commission met on April 19th to hold a public hearing and consider action on this rezoning request. The public hearing was held and completed but due to information received during the meeting the Planning and Zoning Commission decided to table the action item. It was tabled due to a statement made by the previous property owner. He stated the property was never rezoned to R1 and was still zoned Agriculture. I stated that the records I researched showed the property was zoned as R1. Due to the statement from the property owner the Planning and Zoning Commission felt that the right thing to do was to table the item to allow me to research the documents for proof that it was rezoned. Attached is a copy of the ordinance that rezoned the property from Agriculture to R1 Residential. This was done effective November 8, 2006. There is a map that reflects the area in question. There was another statement made that isn't as critical but that there is another plat pertaining to the 31.55 acres. While I believe that the previous property owner did put together a layout concerning his plan to develop the 31.55 acres, it was never submitted to the city for plat approval. I have talked to him and he has told me that he never did submit it to the city. For a plat to become official there is a certain process for that to happen per our ordinances. I have attached and marked the certain sections which apply to this process. Chapter 212 of the Local Government Code gives authority to municipalities concerning this process. I have attached the appropriate pages and marked the section which applies to this process. There is a plat included in the packet. The document that was put together is not an official plat so there is no record of it either in our database or at the courthouse. The Planning and Zoning Commission was supposed to meet on May 3rd regarding this item but did not due to a family issue for the



City of Kingsville
Department of Planning and Development services

applicant and their legal counsel being ill. The item was tabled until the next meeting which will be May 17th.

Background:

Financial Impact: Since the land is currently in Ag value according to the current property owner the tax revenue I believe would stay the same. Obviously if the property was developed into residential then the tax rate would increase.

Recommendation: Since the meeting on the 19th it is evident that there are two concerns that neighboring property owners have expressed, they are expectations of how the property was to be developed and compatibility with the total area. The land has been used in an agricultural manner by the previous owner and current owner. There has been significant citizen engagement on this item. The Planning and Zoning Commission will conduct a meeting on May 17 to take action on the rezoning request. I will then provide to the City Secretary an email as to the result of that action.



ORDINANCE #2017-_____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO KT&I CO., BLOCK 7, LOT W/23, PT 4, 31.55 ACRES, ALSO KNOWN AS AREA BEHIND 221 W. SAGE ROAD FROM R1-SINGLE FAMILY TO AG-AGRICULTURE 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 Victoria Avalos, owner, 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, April 19, 2017 during a meeting of the Planning and Zoning Commission, and on Thursday, May 25, 2017 during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

WHEREAS, the item did not pass due to a 2-2 vote of the Planning Commission on the requested rezone with no abstentions; 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 KT&I Co., Block 7, Lot W/23, Pt 4, 31.55 acres also known as area behind 221 W. Sage Road from R1-Single Family to AG-Agriculture 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 25th day of May, 2017.

PASSED AND APPROVED on this the 12th day of June, 2017.

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED:

Courtney Alvarez, City Attorney

ORDINANCE ORD2006-44

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO 31.55 ACRES OUT OF K.T. & I SUBDIVISION, SECTION 7, PART OF LOTS 3 AND 4 FROM "AG", AGRICULTURE TO "R-1", SINGLE FAMILY RESIDENTIAL; 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 M.A. Schoech, 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 20, 2006, during a meeting of the Planning Commission, and on Monday, October 9, 2006, during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

WHEREAS, the 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 31.55 acres out of K.T. & I Subdivision, Section 7, Part of Lots 3 and 4, From "AG" Agriculture to "R-1" Single Family Residential 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 9th day of October, 2006.

PASSED AND APPROVED on this the 23rd day of October, 2006.

THE CITY OF KINGSVILLE


Sam R. Fugate, Mayor

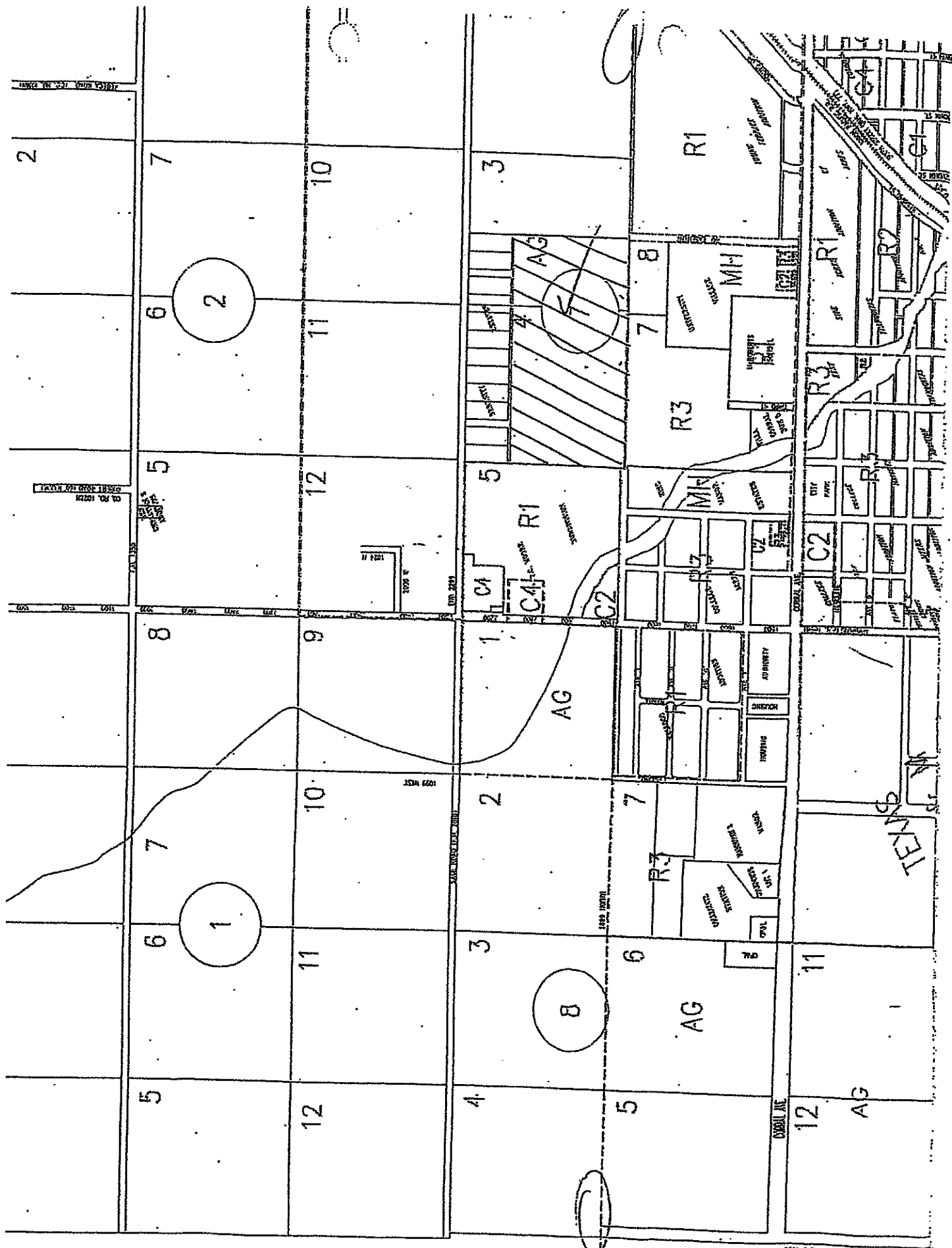
ATTEST:


Edna S. Lopez, City Secretary

APPROVED:

By: 
Courtney Alvarez, City Attorney

EFFECTIVE DATE: November 8, 2006



PLATTING PROCEDURES⁽²⁾*Footnotes:**— (2) —*

Editor's note— Ord. No. 2014-65, § 1, adopted October 13, 2014, repealed the former platting procedures, §§ 15-3-15--15-3-19, and enacted a new platting procedures as set out herein. The former platting procedures pertained to similar subject matter. See Code Comparative Table for complete derivation.

Sec. 15-3-15. - Purposes of regulations.

- (A) The purposes of these provisions are to regulate the subdivision and improvement of land for urban use, to provide adequate light, air, open space, drainage, transportation, public utilities and other needs; to assure the maintenance of health, safety and an attractive and efficient community; and to encourage the economical use of human and natural resources.
- (B) The subdivision of land is the first step in the process of urban development. The arrangement of land parcels in the community for residential, commercial and industrial uses and for streets, alleys, schools, parks and other public purposes provides the basic framework for the uses of land and for the arrangement of the community.
- (C) These regulations are designed, intended and should be administered in a manner to:
 - (1) Implement the city's adopted master plan for development.
 - (2) Provide for neighborhood conservation and prevent the development of slums and blight.
 - (3) Harmoniously relate the development of the various tracts of land in the city to the existing community development and facilitate and coordinate the future development of adjoining tracts.
 - (4) Provide the best possible design for the tract being subdivided and developed.
 - (5) Reconcile the diverse interests of the subdivider, adjacent property owners and the city.
 - (6) Coordinate the provision of streets within subdivisions with existing and planned streets and with other features of the master plan and official future land use map.
 - (7) Ensure that all necessary public utilities and facilities are provided and are or will be available, accessible and adequate, pursuant to adopted city standards and requirements, at the time of subdivision or development.
 - (8) Establish adequate and accurate records of land subdivision.
- (D) *Authority.* This chapter is enacted pursuant to the authority of Local Government Code Sections 212.001 through 212.904, with all other statutory and legal authority which now, or which may in the future, provide authority for subdivision regulations.

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

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

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

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

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

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

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

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

(1) *Completion of improvements.*

(a) Except for a single or two-family residential subdivision which may exercise the option provided in section 15-3-19(F) as provided below, all applicants shall be required to complete, to the satisfaction of the Director of Public Works all

(b) on-site water wells constructed before September 1, 2001, that fail to provide an adequate supply of safe drinking water.

(b) A fine or criminal penalty prescribed by the ordinance does not apply to a violation in the extraterritorial jurisdiction.

(c) The municipality is entitled to appropriate injunctive relief in district court to enjoin a violation of municipal ordinances or codes applicable in the extraterritorial jurisdiction.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 46(b), eff. Aug. 28, 1989; Acts 1989, 71st Leg., ch. 822, Sec. 6, eff. Sept. 1, 1989; Acts 2001, 77th Leg., ch. 68, Sec. 1, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 731, Sec. 3, eff. Sept. 1, 2003.

✓Sec. 212.004. PLAT REQUIRED. (a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

(b) To be recorded, the plat must:

- (1) describe the subdivision by metes and bounds;
- (2) locate the subdivision with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part; and

XSec. 212.005. APPROVAL BY MUNICIPALITY REQUIRED. The municipal authority responsible for approving plats must approve a plat or replat that is required to be prepared under this subchapter and that satisfies all applicable regulations.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 46(b), eff. Aug. 28, 1989; Acts 1993, 73rd Leg., ch. 1046, Sec. 2, eff. Aug. 30, 1993.

XSec. 212.006. AUTHORITY RESPONSIBLE FOR APPROVAL GENERALLY.

(a) The municipal authority responsible for approving plats under this subchapter is the municipal planning commission or, if the municipality has no planning commission, the governing body of the municipality. The governing body by ordinance may require the approval of the governing body in addition to that of the municipal planning commission.

(b) In a municipality with a population of more than 1.5 million, at least two members of the municipal planning commission, but not more than 25 percent of the membership of the commission, must be residents of the area outside the limits of the municipality and in which the municipality exercises its authority to approve subdivision plats.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 46(b), eff. Aug. 28, 1989.

Sec. 212.0065. DELEGATION OF APPROVAL RESPONSIBILITY. (a) The governing body of a municipality may delegate to one or more officers or employees of the municipality or of a utility owned or operated by the municipality the ability to approve:

- (1) amending plats described by Section 212.016;
- (2) minor plats or replats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities; or
- (3) a replat under Section 212.0145 that does not require the creation of any new street or the extension of municipal facilities.

XSec. 212.008. APPLICATION FOR APPROVAL. A person desiring approval of a plat must apply to and file a copy of the plat with the municipal planning commission or, if the municipality has no planning commission, the governing body of the municipality.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

XSec. 212.009. APPROVAL PROCEDURE. (a) The municipal authority responsible for approving plats shall act on a plat within 30 days after the date the plat is filed. A plat is considered approved by the municipal authority unless it is disapproved within that period.

(b) If an ordinance requires that a plat be approved by the governing body of the municipality in addition to the planning commission, the governing body shall act on the plat within 30 days after the date the plat is approved by the planning commission or is considered approved by the inaction of the commission. A plat is considered approved by the governing body unless it is disapproved within that period.

(c) If a plat is approved, the municipal authority giving the approval shall endorse the plat with a certificate indicating the approval. The certificate must be signed by:

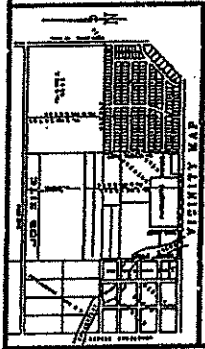
(1) the authority's presiding officer and attested by the authority's secretary; or

(2) a majority of the members of the authority.

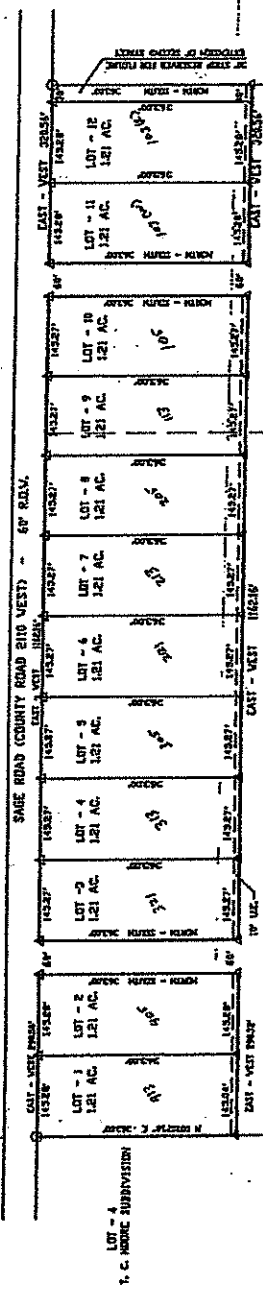
(d) If the municipal authority responsible for approving plats fails to act on a plat within the prescribed period, the authority on request shall issue a certificate stating the date the plat was filed and that the authority failed to act on the plat within the period. The certificate is effective in place of the endorsement required by Subsection (c).

(e) The municipal authority responsible for approving plats shall maintain a record of each application made to the authority and the authority's action taken on it. On request of an owner of an affected tract, the authority shall certify the reasons for the action taken on an application.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.



F. L. 11, SEC. 2,
KLEBERG TOWN & IMPROVEMENT
COMPANY'S SUBDIVISION



STATE OF TEXAS
COUNTY OF TARRANT
I, J. L. MOORE, JR., Surveyor, do hereby certify that the above and foregoing plat of subdivision of the land of the F. L. 11, SEC. 2, KLEBERG TOWN & IMPROVEMENT COMPANY'S SUBDIVISION, is a true and correct copy of the original plat on file in my office, and that the same has been duly recorded in the public records of said county, to wit: in Book 17, Page 17, of the Public Records of said county.

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221133
FILED FOR RECORD
- PREPARED BY P. J. J.
COUNTY CLERK
JAN 11 2011



WADE ENGINEERS
& SURVEYORS INC.
4211 ALLENDALE
KINGSVILLE, TEXAS 78642
409-692-2888

SERENITY ESTATES

A 14.52 ACRE SUBDIVISION OUT OF FARM LOTS 3 & 4, SECTION 7,
KLEBERG TOWN AND IMPROVEMENT COMPANY SUBDIVISION,
KLEBERG COUNTY, TEXAS.

LEGEND
FROM FIRST PLANS THE SURVEY
FROM FIRST SET THE SURVEY

X - rezoning request

T-Home of Applicant

$$Y - C_H \quad Z - C_Z$$

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand).

Brown Bag

said of those the Brown Bag Food Bank has assisted since 1996. "The majority of these senior citizens...they're all on fixed incomes. They appreciate (the help)."

Coleman founded the food bank in 1996 as a way to give back to the Bishop community for its support after she was diagnosed with cancer, which she later beat. The program has assisted thousands of people over its lifespan, closing just shy of its full 21st year in operation, Garcia said. Notes were handed out to individuals on Thursday who were picking up their food items to inform them of the closure.

Its high school scholarship fund will remain open, though, officials said.

The group supplied qualified individuals in need with brown paper bags full of food items - like boxes of cereal, canned goods, chips, pasta, frozen meats, fruits and vegetables - as well as toiletries, like diapers, tissues and toilet paper.

The Brown Bag Food Bank, like many similar initiatives, relied on private donations to purchase items from the Food Bank of Corpus Christi. The Corpus Christi-based organization has about 60 food pantries in its 11-county service area, which stretches from Beeville to Kenedy

County, said Lauren Pfeiffer, agency relations coordinator for the Food Bank of Corpus Christi.

Those pantries, like the Brown Bag Food Bank, purchase food items for about \$0.14 per pound as part of a shared maintenance fee, she said. Fresh produce, pastries and breads are provided free of charge, she added. Pfeiffer said food pantry programs are necessary for all communities, because they assist those residents who are on fixed or limited incomes.

"A lot of people don't realize that it's a lot of seniors on fixed incomes - it's not people that are abusing the system," she said. "It's people who are disabled, it's your grandma, it's someone you may know who goes to a food pantry - it's a lot of families who just can't get by month-to-month on a minimum wage income."

"It's definitely reassuring that there are other programs that these folks can go to," she added.

Aside from the Brown Bag Food Bank, First Baptist Church in Bishop also runs a food pantry of its own that operates on the second Friday of every month, from 3:30 to 7:30 p.m. Individuals seeking assistance from the First Baptist Church food pantry must fill out an application, which can be done the day of

the event, to see if they qualify for help. The food pantry is only open to Bishop residents.

Andrea Emme, a parishioner of the First Baptist Church in Bishop, said church officials gave her the go-ahead to start the program two years ago. The food pantry relies on private donations from church parishioners and the public to purchase food from the Food Bank of Corpus Christi, Emme said.

"I just felt I needed to do something, and I asked our pastor at the time and he said, 'Go for it,' so we did," Emme said.

"I just love helping people out," she added. "It really is rewarding."

First Baptist Church also provides emergency food bags for certain situations, and volunteers also run a clothing closet with donated clothes and household items. That closet is open on Thursdays, from 10 a.m. to noon, but can also be opened for emergency situations, such as in the event a family loses their belongings in a house fire, Emme said.

For more information on the food pantry at First Baptist Church - or to volunteer or donate - call Andrea Emme at (361) 584-3546.

Tim Acosta can be contacted at tacosta@kingsrecord.com or (361) 221-0743.

Gaddis

da," she said. "Special Olympics help athletes discover new strengths and abilities, skills and success, and builds confidence and fulfillment."

Carrales said H.M. King started participating in competitive Special Olympics basketball last year. This year, the school's team did well enough to make it into the Division 1 championship where they finished in second place.

"That was a major accomplishment for just our second year in competition," Carrales said.

Jalen served not just as the basketball team's center, but also as its captain. Carrales said being a team leader helped bring Jalen "out of his shell."

"I became a leader," he said.

Carrales said as team captain, Jalen's leadership skills, as well as his willingness to help his teammates, came to the forefront.

"He's always encouraging (his teammates)," she said.

On April 8, Gaddis and his fellow athletes participated in the Special Olympics track and field competition in Flour Bluff. At the event, H.M. King finished strong, coming back with 46 gold medals, 25 silver and 15 bronze.

"And as a team, that's really awesome," Carrales said.

But the biggest award was still to come, however, as Jalen was recognized as the Area 2 Special Olympics Male Athlete of the Year during the event.

"Excited ain't the word," Henry said, recalling his reaction when Jalen received the award.

"It's been a while since (H.M. King) has had the award, so we're excited for Jalen," Carrales said.

Carrales said Area 2 is comprised of 16 counties, stretching from Colburn to Victoria. She said nearly 2,000 Special Olympics athletes are represented in

Area 2.

"Every coach submits an athlete nomination form, and then a committee actually selects the athlete of the year based on that," Carrales said.

On Jalen's nomination form, Carrales said she wrote about his 12 years competing in the Special Olympics, along with a rundown of his best qualities.

"I wrote, 'Jalen has the spirit of kindness and love towards all,'" she said. "And that spirit of kindness and love just kind of radiates to all of us."

"He knows no limits," she added. "There's no boundaries. Everything to him is good. If he made the basket, it's good, and if he didn't make the basket, it's good. He's happy, and I think that's kind of a life lesson that we all need to have sometimes."

"It's just having fun," Jalen added.

Anthony Ruiz can be contacted at arui@kingsrecord.com or (361) 221-0251.

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, May 8, 2017 at 6:00 p.m. wherein the City Commission will discuss the introduction on the following item and at which time all interested persons will be heard:

ITEM #1 - Victoria Avalos, owner, requesting the rezoning of KT & I CO, BLOCK 7, LOT W 2 3, PT 4, ACRES 31.55 from (R1) Single Family to (AG) Agricultural.

The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the City Secretary at (361) 595-8002.

Jubilee Academies PUBLIC FORUM

TEXAS A&M UNIVERSITY-KINGSVILLE-SUB 219B
KINGSVILLE, TX



COME AND JOIN US

For a presentation on our Jubilee Academies in Kingsville,

Sharing our model of:

- Small Class Sizes
- 18 Students/Classroom
- Academic Excellence
- Safe Drug Free, Violence Free Environment
- Teaching of Character and Leadership Skills
- Using the Steven Covey's 7 Habits of Highly Successful People

www.jubileeacademiccenter.com

APRIL 25, 2017 AT 6:00 P.M.

CALL FOR MORE INFO-361-221-2591

WILD HORSE DESERT ROUND-UP

Friday, April 28th and Saturday, April 29th
at the Bishop City Park

SPONSORED BY: BISHOP CHAMBER OF COMMERCE

FRIDAY ***

5:00 PM B&G COOK-OFF CHECK-IN (COMMUNITY CENTER)
6:00 PM SILENT AUCTION BEGINS (COMMUNITY CENTER)
6:00 PM DJ NOME KICKS OFF THE START OF EVENTS (UNDER THE PAVILION)
6:30 PM SAINTS TURN IN (COMMUNITY CENTER)
7:00 PM ILUSO (UNDER PAVILION)
7:30 PM CHEFS CHOICE TURN IN (COMMUNITY CENTER)
8:00 PM MICHAEL LONCHONLY COMANTO JUANES (UNDER PAVILION)
8:30 PM PAN DE CAJALO TURN IN (COMMUNITY CENTER)
9:00 PM MARACHI CELESTIAL (UNDER PAVILION)
10:00 PM JAMJEN (UNDER PAVILION)

SATURDAY ***

6:15 AM B&G CHURCH (JOLLER V CAMP SITE)
7:30 AM 1ST ANNUAL ROTY'S WALK LAP AROUND THE POND
HONORING THOSE WHO HAVE LOST ARE STILL
FIGHTING OR HAVE BEATEN CANCER (PAVILION BY THE LAKE)
(DEDICATION BY JUNE 2 MILE WALK (PAVILION BY THE LAKE))
8:00 AM ST. PAUL LUTHERAN CHURCH & SCHOOL MUSIC (UNDER PAVILION)
8:00 AM B&G COOKS MEETING (JUAN CAMP SITE)
9:00 AM VENDOR CRAFT, FOOD & GALLERIE BOOTHS OPEN (PARK WIDE)
9:00 AM SILENT AUCTION OPENS (COMMUNITY CENTER)
9:30 AM NATIONAL ANTHEM (UNDER PAVILION)
9:30 AM HERO WORKOUT ALL LEVELS - COME PREPARED TO JOIN (PAVILION)
10:00 AM GRAND OPENING OF THE BISHOP SPLASHPAD (TENTATIVE)
10:00 AM - 2:00 PM KIDS AREA SPONSORED BY LOWES (NEAR THE PAVILION)
11:00 AM DOLLATTER BISHOP JR. HIGH VS JUICE (HIGH SCHOOL BASEBALL FIELD)
11:00 AM B&G TURN IN (COMMUNITY CENTER)
11:00 AM WORK OUT WARS BEGINS (PAVILION)
12:00 PM CHICKEN TURN IN (COMMUNITY CENTER)
2:00 PM KIDS TURN IN (COMMUNITY CENTER)
2:30 PM KIDS BOUTHER HERO WORKOUT - (PAVILION)
4:00 PM BROSKEY RUN IN (COMMUNITY CENTER)
5:00 PM KIDS Q (LOCATION IN PARK TO BE ANNOUNCED)
5:00 PM B&G AWARDS (UNDER PAVILION)
6:00 PM AUCTION CLOSER (COMMUNITY CENTER)
7:00 PM S&W NEWZ RECORDS - LIVE MUSIC (UNDER PAVILION)
8:00 PM HYDE AFTER - LIVE MUSIC (UNDER PAVILION)



City of Kingsville
Department of Planning and Development services

To: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director

DATE: April 13, 2017

SUBJECT: Agenda item for a rezoning request from Victoria Avalos KT & I Block 7, Lot W23, Pt 4 31.55 acres From R1 to AG

Summary: The applicant Victoria Avalos is requesting a rezone of the above property from R1 to Agriculture.

Background: This property has been zoned R1 for some time. Attachment A reflects the zoning of the property around this request. Attachment B is a plat that was approved for this area that shows future development in 1996. Attachment C reflects that the previous owner owned it from 1996 to 2014. The applicant purchased the property in June of 2014. Since that time they have determined that they have no desire to develop it and would like to take advantage of the uses that are allowed under the agricultural zone. Attachment D reflects the uses allowed under an agricultural zone and what is not allowed when it is zoned R1. Just a reminder that it takes 10 acres to be zoned agricultural. There have been concerns about the number of animals so included in the packet is Attachment E which are the specific sections on animals. Since there is no mention of the number of animals compared to the zoning there could be a conflict when it relates to agriculture. There is an obvious expectation by the abutting property owners that the ground would be residential in the future and the change to agricultural brings concern to them as to the uses allowed. On the other hand should the property owner be allowed to utilize the ground that he owns to the fullest extent allowed by the city ordinances?

Financial Impact: I see minimal financial impact. My belief is that currently while it is zoned R1 the appraisal value is agricultural since that is how the property is being utilized. Since property ownership can change you obviously never know what can happen in the future.

Recommendation: The Planning and Zoning Commission doesn't meet on this item until April 19th, so after that meeting I will be able to get to you their recommendation.



CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address _____ Nearest Intersection _____

(Proposed) Subdivision Name _____ Lot _____ Block _____

Legal Description: KT + 1 Co, Block 7, Lot W/23, PT 4, Acres 31.55

Existing Zoning Designation R1 Future Land Use Plan Designation AG

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Victoria Avalos Phone 361-947-1037 FAX _____

Email Address (for project correspondence only): Vickyjessie21@yahoo.com

Mailing Address 221 W. Sage City Kingsville State TX Zip 78363

Property Owner Victoria Avalos Phone _____ FAX _____

Email Address (for project correspondence only): _____

Mailing Address _____ City _____ State _____ Zip _____

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:

Re zoning from R-1 to AG

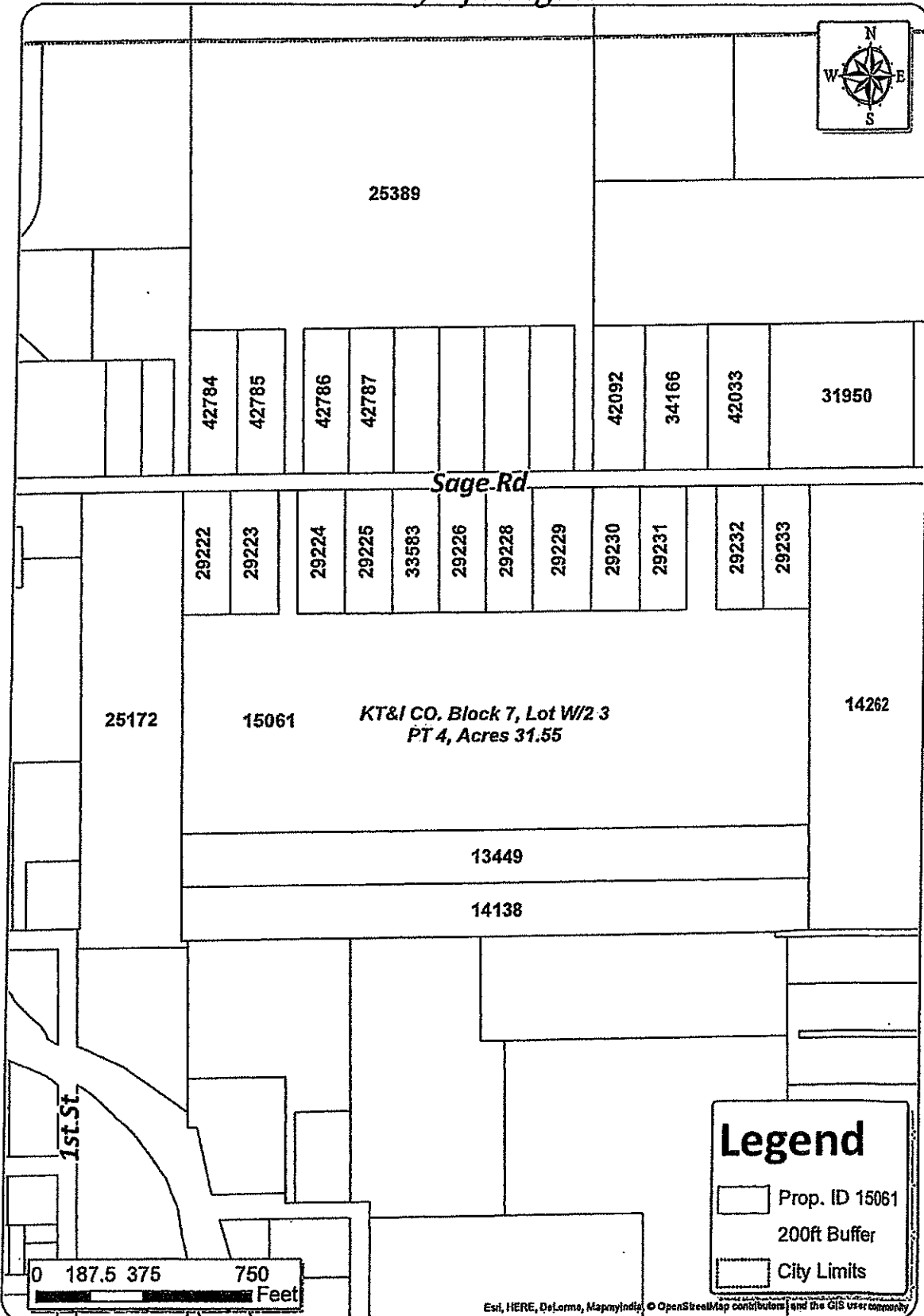
I hereby certify that I am the owner and /or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature _____ Date: _____

Property Owner's Signature Victoria Avalos Date: 3-23-17

Accepted by: _____ Date: _____

City of Kingsville



Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

R H CHRISTIAN
PO BOX 732
KINGSVILLE, TX 78364-0732
#25389

ANTONIO ALEGRIA SR
ETUX MONICA
2106 BROOK LN
KINGSVILLE, TX 78363
#42786

JOHN DAVID SILVA
ETUX TERESA MARIE
2005 S 2ND ST
KINGSVILLE, TX 78363
#34166

DANIEL RAY GARZA
ETUX MARGO
1030 NATIONAL DR
CORPUS CHRISTI, TX 78416-2135
#29222

ATILANO EFRAIN CHAPA
ETUX NOELIA L CHAPA
313 W SAGE RD
KINGSVILLE, TX 78363-2800
#29225

ALFRED L ISASSI
ETUX ERNESTINA A RAMOS
213 W SAGE RD
KINGSVILLE, TX 78363-2820
#29228

JAVIER DE LA PAZ
ETUX ROXANNE
248 E COUNTY ROAD 2210
KINGSVILLE, TX 78363-2650
#29231

THOMAS WASH F
524 W I AVE
KINGSVILLE, TX 78363-3187
#25172

MAY FAMILY REVOCABLE TRUST
DEAN MAY (TRUSTEE)
2734 STEARMAN ST
POPLAR GROVE, IL 61065-8248
#14138

ANN MARIE TORRES
AKA ANN MARIE LOERA
ETVIR CHRISTOPHER
701 W KLEBERG AVE
KINGSVILLE, TX 78363-4216
#42784

JAVIER MENDEZ JR
ETUX RUTH L
401 E LOTT
KINGSVILLE, TX 78363
#42787

MARIA GUADALUPE MARQUEZ
ALEJANDRO ZARAGOZA
1803 MARGARET LANE
KINGSVILLE, TX 78363
#42033

CARLOS GUERRERO
ETUX ELDA S GUERRERO
431 W SAGE RD
KINGSVILLE, TX 78363-2789
#29223

OSCAR COLECIO
ROSALIE COLECIO
305 W SAGE RD
KINGSVILLE, TX 78363-2800
#33583

OSCAR DIAZ
ETUX GLORIA PENA
2535 5TH ST
INGLESIDE, TX 78362
#29229

ROJELIO DOMINGUEZ JR
933 W G AVE
KINGSVILLE, TX 78363-3046
#29232

FRANKLIN WELDING DALLAS LLC
PO BOX 511
1710 YOUNG DR
KINGSVILLE, TX 78364-0511
#14262

ANN MARIE TORRES
AKA ANN MARIE LOERA
ETVIR CHRISTOPHER
701 W KLEBERG AVE
KINGSVILLE, TX 78363-4216
#42785

ELIBERTO AGUILAR
114 W SAGE RD
KINGSVILLE, TX 78363
#42092

ANTONIO ALCALA JR
ETUX IMELDA T
1009 WARNER ST
CARROLLTON, TX 75006-6344
#31950

JOHN GUERRERO
ETUX JACKIE
321 W SAGE RD
KINGSVILLE, TX 78363-2800
#29224

VICTORIA ANNA AVALOS
221 W SAGE RD
KINGSVILLE, TX 78363
#29226

CLIFFORD SUTCLIFFE
ETUX KERRI L
3701 WILLOW LAKE LN
ENID, OK 73703
#29230

LARRY T GARCIA
103 W SAGE RD
KINGSVILLE, TX 78363
#29233

ETHEL CHAYS
2003 BLUEBIRD AVE NW
HUNTSVILLE, AL 35816-1704
#13449

To: Planning and Zoning Commission Members

From: Tom Ginter, Director

Date: April 13, 2017

Subject: Rezoning of property 31.55 acres KT&I. Block 7, Lot W/23 Pt 4

Background and Summary:

The 31.55 acres owned by Victoria Avalos is currently zoned R1. Attachment A reflects the current zoning of the property per request and the zoning of the property around it. Attachment B reflects how the plat for the property was approved by the City of Kingsville in 1996. Attachment C reflects the deed history of the property which was owned by one individual since 1996. In June of 2014 the property was purchased by Victoria Avalos.

I believe that this background is important because it reflects how long the property was slated for a residential development and probably the expectation of the abutting property owners that it stays zoned residential.

The applicant has decided now that they prefer to rezone the property to agriculture since, they do not want to develop it residential and they would like to take advantage of the uses that are allowed in an agricultural zone. Attachment D reflects the uses allowed under an Agricultural zone and what is not allowed when it is zoned R1. Reminder that to be zoned Agricultural one must have at least 10 acres.

There have been concerns about the number of animals, enclosed is the ordinance that speaks to this question. Specifically Section 9-3-2 and Section 9-3-3 give you guidance on that subject. Since there is no mention of the number of animals related to the zoning there could be a conflict when it relates to agriculture.

I understand that with the expectation of this land being zoned residential and that to the abutting property owners agricultural uses may not be compatible would cause concern. More importantly do those concerns from the abutting property owners hold a higher priority than the property owner attempting to utilize his property to his desire under the Code of Ordinances?

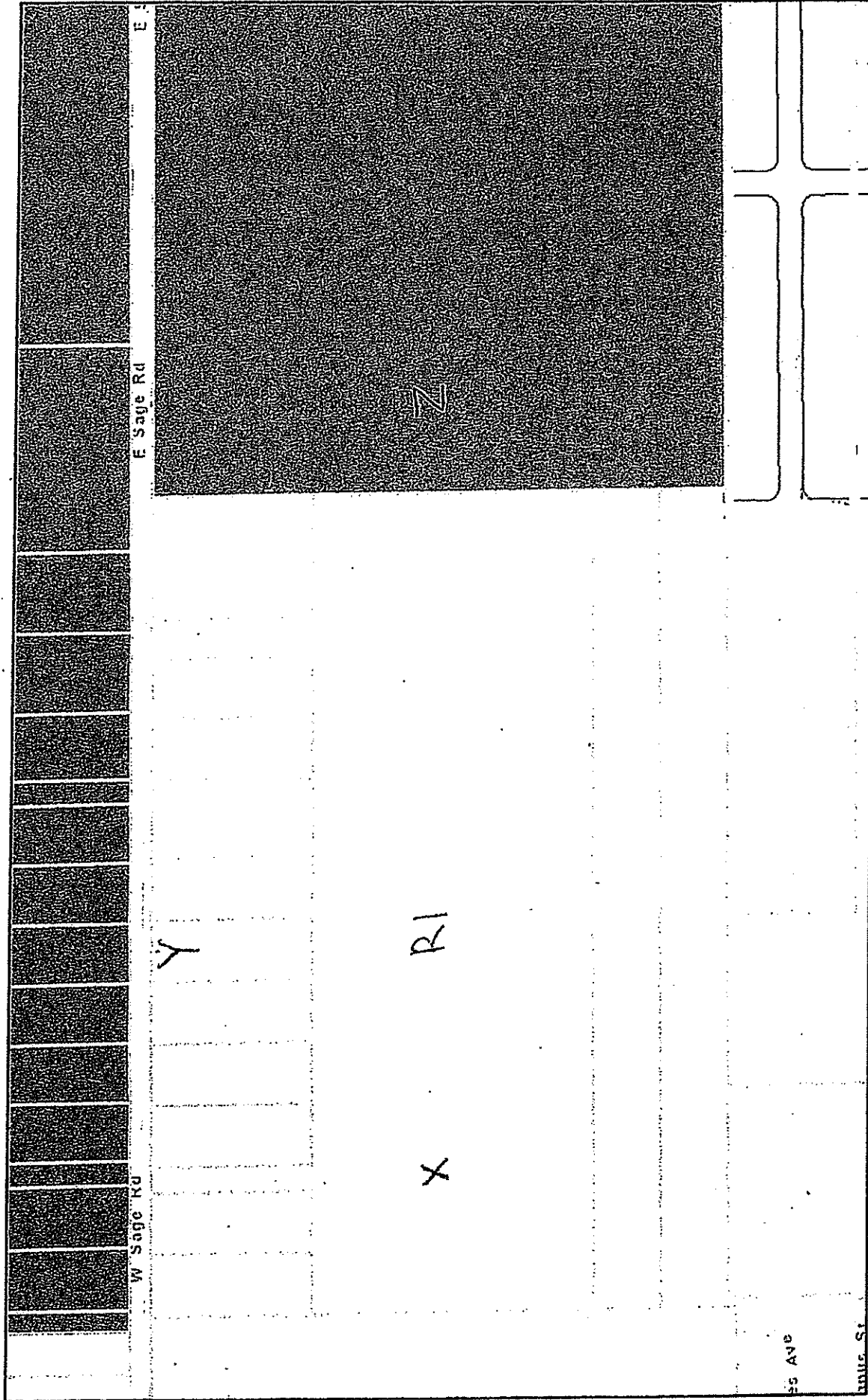
Financial Impact:

Since property ownership and the land use can always change I see minimal impact now and into the future. Even though it is zoned residential, the appraisal district may have it as an agricultural value since that is how the ground is being utilized.

Recommendation:

After much thought I would like to recommend to the planning and zoning commission that the rezoning be approved for passage by the city commission. I would hope that with 31.55 acres the property owner would be cognizant of the abutting property owners concerns and that they could work together so they all enjoyed the country life.

Attachment A



April 13, 2017

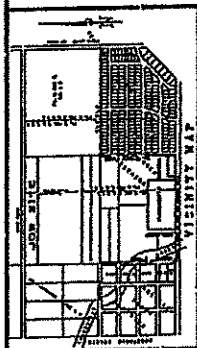
X - Property - rezoning request

Z - Agriculture zone

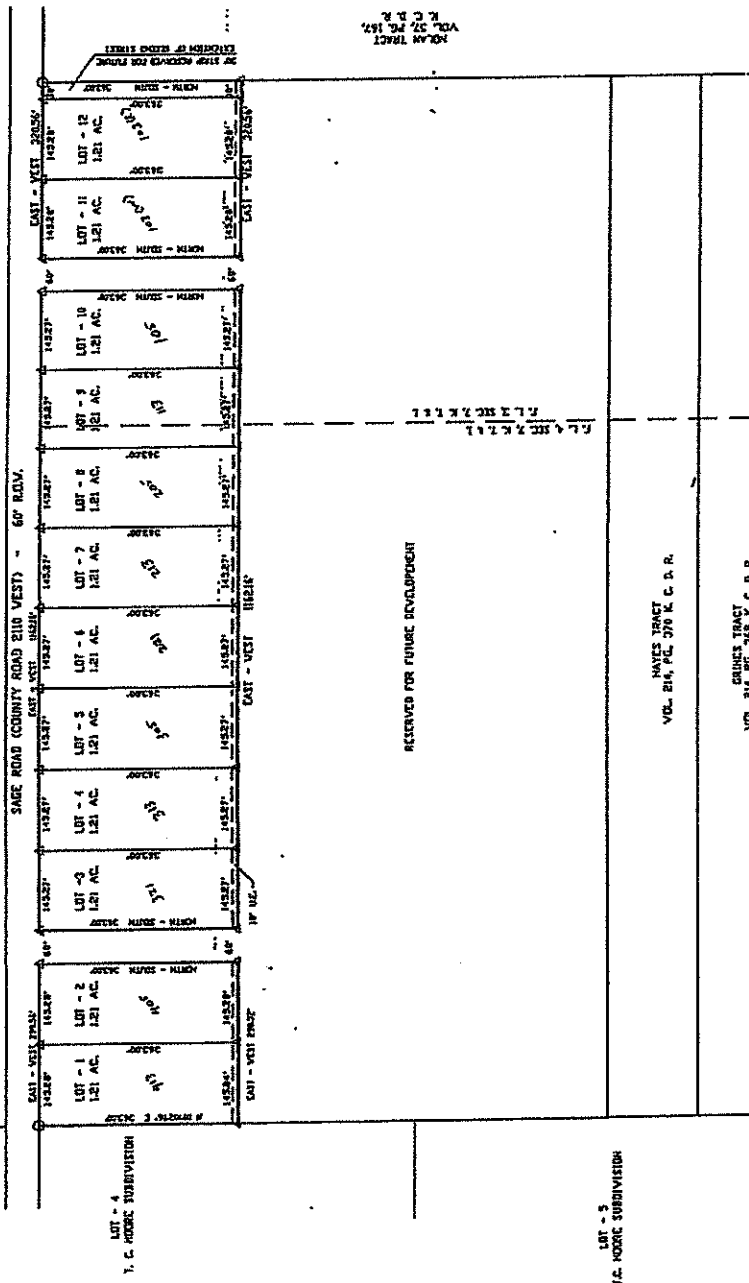
Y - Applicant residence

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

Attachment B



F. L. II, SEC. 2,
KLEBERG TOWN & IMPROVEMENT
COMPANY'S SUBDIVISION



STATE OF TEXAS

COUNTY OF KLEBERG

STATE OF TEXAS

COUNTY OF KLEBERG

STATE OF TEXAS

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COUNTY OF KLEBERG

CADE ENGINEERS
& SURVEYORS INC.
4311 ALEXANDER
KINGSTOWN, TEXAS 78643



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COUNTY OF KLEBERG

STATE OF TEXAS

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Attachment C

Kleberg CAD

Property Search Results > 15061 AVALOS VICTORIA for Year 2017

Property

Account

Property ID: 15061 Legal Description: KT & I CO, BLOCK 7, LOT W/2 3, PT 4, ACRES 31.55
 Geographic ID: 290000704101192 Agent Code:
 Type: Real
 Property Use Code:
 Property Use Description:

Location

Address: SAGE RD Mapsc: A1
 Neighborhood: Map ID:
 Neighborhood CD:

Owner

Name: AVALOS VICTORIA Owner ID: 60216
 Mailing Address: 221 W SAGE RD % Ownership: 100.000000000000%
 KINGSVILLE, TX 78363

Exemptions:

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$0	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$88,210	\$4,160
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$88,210	
(-) Ag or Timber Use Value Reduction:	-	\$84,050	
<hr/>			
(=) Appraised Value:	=	\$4,160	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$4,160	

Taxing Jurisdiction

Owner: AVALOS VICTORIA
 % Ownership: 100.000000000000%
 Total Value: N/A

Entity Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD KLEBERG COUNTY APPRAISAL DISTRICT	N/A	N/A	N/A	N/A
CKI CITY OF KINGSVILLE	N/A	N/A	N/A	N/A
GKL KLEBERG COUNTY	N/A	N/A	N/A	N/A
SKI KINGSVILLE I.S.D.	N/A	N/A	N/A	N/A
WST SOUTH TEXAS WATER AUTHORITY	N/A	N/A	N/A	N/A
Total Tax Rate:	N/A			

Taxes w/Current Exemptions: N/A

Taxes w/o Exemptions:

N/A

Improvement / Building

No improvements exist for this property.

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	IMPR2	IMPROVED PASTURE	21.9500	956142.00	0.00	0.00	\$61,370	\$3,250
2	IMPR3	IMPROVED PASTURE	4.6100	200811.60	0.00	0.00	\$12,890	\$540
3	OTH4	RB4 (BRUSH LAND)	2.2100	96267.60	0.00	0.00	\$6,180	\$180
4	OTH5	RB5 (BRUSH LAND)	2.7800	121096.80	0.00	0.00	\$7,770	\$190

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2017	N/A	N/A	N/A	N/A	N/A	N/A
2016	\$0	\$78,630	3,860	3,860	\$0	\$3,860
2015	\$0	\$107,440	3,590	3,590	\$0	\$3,590
2014	\$0	\$76,160	11,280	11,280	\$0	\$11,280
2013	\$0	\$78,120	11,500	11,500	\$0	\$11,500
2012	\$0	\$66,820	12,050	12,050	\$0	\$12,050
2011	\$0	\$62,780	11,350	11,350	\$0	\$11,350
2010	\$0	\$60,520	11,950	11,950	\$0	\$11,950
2009	\$0	\$60,520	11,400	11,400	\$0	\$11,400
2008	\$0	\$74,610	10,310	10,310	\$0	\$10,310
2007	\$0	\$53,610	7,020	7,020	\$0	\$7,020
2006	\$0	\$53,640	7,350	7,350	\$0	\$7,350
2005	\$0	\$53,010	7,640	7,640	\$0	\$7,640
2004	\$0	\$44,790	5,400	5,400	\$0	\$5,400
2003	\$0	\$53,640	5,430	5,430	\$0	\$5,430
2002	\$0	\$53,640	6,040	6,040	\$0	\$6,040
2001	\$0	\$47,330	7,740	7,740	\$0	\$7,740
2000	\$0	\$43,700	8,370	8,370	\$0	\$8,370
1999	\$0	\$36,280	9,630	9,630	\$0	\$9,630
1998	\$0	\$31,550	8,680	8,680	\$0	\$8,680
1997	\$0	\$46,070	2,630	2,630	\$0	\$2,630
1996	\$0	\$46,070	0	46,070	\$0	\$46,070
1995	\$0	\$46,070	0	46,070	\$0	\$46,070

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	6/17/2014	WDVL	WARRANTY DEED W/VENDOR'S LEIN	SCHOECH MELVIN & GENELL TRUST	AVALOS VICTORIA	514	043	
2	11/15/2001	SPWD	SPECIAL WARRANTY DEED	SCHOECH MELVIN A	SCHOECH MELVIN & GENELL TRUST	225	478	0
3	5/22/1996	SPWD	SPECIAL WARRANTY DEED	CHURCH OF JESUS CHRIST	SCHOECH MELVIN A	131	442	

Questions Please Call (361) 595-5775

[illegible]

Attachment E

ARTICLE 3. - ANIMALS⁽⁴⁾

Footnotes:

--- (4) ---

Statutory reference— For state law concerning animals generally, see Tex. Health & Safety Code, Title 10 and Tex. Penal Code, §§ 42.09 and 42.10; Rabies Control Act, see Tex. Penal Code, § 42.09.

GENERAL PROVISIONS

Sec. 9-3-1. - Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Animals or poultry. As specifically named herein, by whatever other name they might be called, includes every age and sex of each of the herein named species of animal or poultry.

Hybrid animals. First, second or third generation offspring of two animals of different species, one of which is from the wild.

Permit. Any permit granted by the Health Officer pursuant to power granted to him in this article.

Prohibited animal. Any venomous or poisonous amphibian or reptile or potentially dangerous reptile because of its size such as boas, pythons, anacondas, monitor lizards and crocodilians; any member of the class Aves that is protected from human possession by federal law and any of the large flightless birds such as ostriches, rhea, emus and cassowaries; any of the class Mammalia that is not normally born and raised in captivity, such as, but not limited to, cheetah, lion, tiger, bobcat, jaguar, leopard, cougar, wolves, dingos, coyotes, jackals, weasels, skunks, mink, badgers, bears, kangaroos, opossums, bats, sloths, anteaters, armadillos, elephants, monkeys, raccoons, chimpanzees, gorillas, porcupines, antelope, deer, bison, camels, peccaries (javelinas). This does not include those mammals bred and raised as pets or offered for sale such as domestic cats, dogs, hamsters, guinea pigs, gerbils, or domestic hares.

Ratproof. The state of being constructed so as to effectively prevent entry of rats.

Sanitary. Any condition of good order and cleanliness which precludes the probability of disease transmission.

(1962 Code, § 6-3-1; Ord. —, passed 1-28-54; Ord. 87011, passed 6-22-87; Ord. 93006, passed 4-12-93)

* Sec. 9-3-2. - Keeping of certain animals restricted; permit requirement.

It is and shall be unlawful for any person to keep, own, maintain, use or have in their possession any rabbits, hares, guinea pigs, horses, mules, donkeys, cattle, goats, sheep, chickens, turkeys, guineas, geese, ducks or homing pigeons, within the corporate limits; except that such animals or poultry may be kept under the conditions hereinafter set forth, provided a permit is first obtained as hereinafter provided. This section shall not apply to the keeping of dogs as provided in §§ 9-3-25 et seq. of this article.

(1962 Code, § 6-3-2; Ord. —, passed 1-28-54; Ord. 200020, passed 10-9-00; Ord. 2002-34, passed 12-16-02)

Cross reference—Penalty, see § 9-3-99.

***Sec. 9-3-3. - Permit application and validity; sanitary requirements.**

(A) Permit application required. Permits are required as a prerequisite to the keeping, owning, maintaining, using or having in one's possession any rabbits, horses, hares, guinea pigs, mules, donkeys, cattle, goats, sheep, chickens, turkeys, guineas, geese, ducks and homing pigeons. Permits may be obtained by written application and compliance with the sanitary requirements as set forth by the Health Officer. The application shall affirmatively show that the applicant has facilities for keeping such animals or poultry in quarters meeting the standards set by the Health Officer, which will confine the animals or poultry within limits not closer than 100 feet to the exterior limits of any dwelling resided in by anyone other than the applicant.

(B) Permit for livestock exhibition. However, any person under 19 years of age, who is an active member of a nonprofit organization actively engaged in the exhibition of livestock (including rabbits and/or hares), may, upon proper application and proof of such membership, be authorized to keep rabbits and/or hares, without complying with the 100-foot requirement stated in division (A). Additionally, upon proper application and proof of such membership, such persons may be authorized to keep rabbits, hares, guinea pigs, goats, sheep, chickens, turkeys, guineas, geese, ducks or pigeons without complying with the 100-foot requirement stated herein during the period of November 1 through March 31 with the written consent of any owner and/or occupant of a dwelling within the 100-foot requirement. The limits contained in division (C) shall apply provided, however, the combined limit for goats and/or sheep shall not exceed four and the number of poultry shall not exceed 25.

(C) Limits on non-exhibition livestock. No permit shall be issued or be valid if issued for the permitting and/or keeping upon any premises or within an area within the city limits a combined total of more than 12 of the following: rabbits, hares, guinea pigs, chickens, turkeys, guineas, geese and ducks; or a combined total of more than two of the following: horses, mules, donkeys, goats, sheep, and cattle. Each such permit, unless revoked sooner, shall be valid and effective for not more than 12 months from its date of issuance thereof.

(1962 Code, § 6-3-3; Ord. 81049, passed 11-23-81; Ord. 200020, passed 10-9-00; Ord. 2002-34, passed 12-16-02)

Sec. 9-3-4. - Messenger pigeons; permit requirements.

Permits may be obtained for the keeping of Antwerp Messenger Pigeons, commonly called carrier or homing pigeons, by filing written application showing the following:

(A)

That such pigeons will be confined to closed lofts, and released therefrom only for training and exercise flights and not allowed to fly at will.

(B)

That no other breed of pigeons will be kept in the same loft.

Grand Jury indictments

By Tim Acosta
Managing Editor

A Kingsville man arrested this year on multiple drug charges was recently indicted by a Kleberg County grand jury for possession of marijuana, stemming from the discovery of two bags of marijuana in a home where he was staying.

Matthew Medrano, 27, was indicted March 23 on one count of possession of marijuana (greater than four ounces but less than five pounds), a state jail felony. The indictment stemmed from his arrest on Feb. 17, after Kingsville police executed a search warrant on a home in the 1000 block of W. Lost St.

Members of the KP's Street Level Operations Team conducted the operation after an investigation that lasted several weeks, police said. They found two bags of marijuana during the search - one in a couch on which Medrano was sleeping in his bedroom and another in a couch in the front of the house, investigators said.

Medrano also had a number of outstanding warrants for his arrest stemming from other drug charges from 2013 for which he has been indicted and was on the run from law enforcement at the time of the Feb. 17 raid.

Those warrants included a motion to revoke probation for a previous possession of marijuana conviction; failure to appear for a possession of controlled substance (Penalty Group 2A, greater than four ounces but less than five pounds) hearing and motion to revoke probation for possession of controlled substance (Penalty Group 2A, greater than four ounces but less than five pounds), police have said.

Medrano also had 11 city warrants with fines totaling

\$3,560, including multiple violations for not having a driver's license, expired registration, failure to maintain financial responsibility and failure to appear in Municipal Court.

If convicted, Medrano is facing up to two years in prison and a maximum \$10,000 fine.

Other indictments issued on March 23 were:

- Leonel Garza-Garza, 35, one count each of money laundering, greater than \$500,000, first-degree felony; unlawful use of a criminal instrument, second-degree felony; and money transmission act, third-degree felony.

- Alexis Adrian Caballero, 22, possession of a controlled substance, Penalty Group 1, greater than or equal to 400 grams, first-degree felony.

- Antonio Rangel Jr., 40, money laundering, greater than \$150,000 but less than \$500,000, second-degree felony.

- Hilario Gomez Vela, 37, burglary of a building, state jail felony.

- Kaylor Reagan Florence, 21, prohibited substance in a correctional facility, third-degree felony.

- Daniel Jesa Mendietta II, 22, driving while intoxicated - third or more offense, third-degree felony.

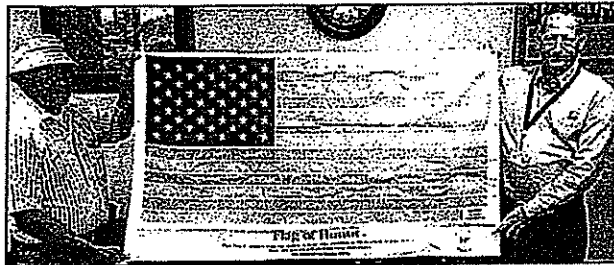
- Rigoberto Oliva, 36, assault on a public servant, third-degree felony.

- Edward Ramirez, 39, driving while intoxicated - third or more offense (repeat felony offender), second-degree felony.

- Thomas Michael McFadden, 35, driving while intoxicated - third or more offense, evading arrest or detention with a motor vehicle, and retaliation, all third-degree felonies.

- Martin Roy Longoria, 24, assault - family violence (strangulation), third-degree felony.

Flag of honor presented to sheriff's office



The Kleberg County Sheriff's Office on March 28 was presented with a commemorative Flag of Honor by the Kingsville Woodmen Life Chapter 2441. The flag, which honors the lives of all those lost in the Sept. 11, 2001 terror attacks, will be displayed at the Kleberg County Sheriff's Office for the public's view. Sheriff Richard Kirkpatrick said he was "honored and humbled" by the opportunity to display the flag in memory of all those who perished in the tragedy. Pictured are Kleberg County Sheriff Richard Kirkpatrick, right, and Pedro Vasquez, left. (Submitted item)

St. Paul Lutheran School Information Night

April 4th ~ 6:00 p.m.-7:30 p.m.



Come visit our school and have all your questions answered!

*Curriculum *Class Sizes *Come & Go as you Please

*Get a Tour and talk to current Parents

801 E. Main St. ~ Bishop

361-584-2778

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Regular Meeting Wednesday, April 19, 2017 at 6:00 p.m. wherein the Commission will discuss and/or take action on the following item and at which time all interested persons will be heard:

ITEM #1 - Victoria Avalos, owner, requesting the rezoning of KT & I CO, BLOCK 7, LOT W/2.3, PT 4, ACRES 31.55 from (R1) Single Family to (AG) Agricultural.

The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Groves Community Room. 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, April 24, 2017 at 6:00 p.m. wherein the City Commission will discuss the introduction on the following item and at which time all interested persons will be heard:

ITEM #1 - Victoria Avalos, owner, requesting the rezoning of KT & I CO, BLOCK 7, LOT W/2.3, PT 4, ACRES 31.55 from (R1) Single Family to (AG) Agricultural.

The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the City Secretary at (361) 595-8002.

CITY OF KINGSVILLE

TRASH-OFF DAY

The City of Kingsville will be hosting a Trash-Off Day. Citizens can dump their trash for FREE!

Saturday, April 8, 2017 from 8:30 a.m. - 12:00 p.m.

*** Weather Permitting ***

Located at 6th Street and E. Avenue B.

Two blocks NORTH of Kleberg Elementary School

You must provide proof of residency and a utility bill.

Contact Community Appearance for more info at 361.595.8002

NO Construction. RESIDENTS ONLY!

We WILL Accept:

- Brush
- Furniture
- Appliances
- Tires (1 per vehicle)

ONLY standard automobile tires, no larger than 20 inch.



We will NOT Accept:

- Hazardous Waste
- Concrete
- Household Garbage
- Roofing Shingles and Sheetrock
- No tractor or semi-truck tires

Volunteers Needed!!

Trash bags and gloves will be provided



COME ON IN AFTER WORK, RELAX AND ENJOY YOUR RECOVERY
Open Monday - Thursday 8:00 am - 6:30 pm
Friday 8:00 am - 5:00 pm



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Smalltown Plaza - Kingsville, Texas
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Pre/Post Op
Total Knee/Hipt
Men's/Women's Health

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PUBLIC NOTICE

On March 27, 2017, the Kingsville City Commission had public hearings and action item to consider condemnation of the following property. The City Commission found the structure(s) on each of the properties to be dangerous, unsafe, in violation of city ordinances, unable to be corrected without substantial expense of reconstruction, and a public nuisance. The Commission ordered the property owner/agent/person in charge of each of the properties to demolish the structure within 30 days:

624 E Henrietta, Kingsville, Texas

A copy of each order can be obtained from the City Secretary at City Hall (400 W King Avenue, Kingsville, Texas) or by mailing her at P.O. Box 1458, Kingsville, Texas 78363.

Brown Bag

said of those the Brown Bag Food Bank has assisted since 1996. "The majority of these senior citizens...they're all on fixed incomes. They appreciate (the help)."

Coleman founded the food bank in 1996 as a way to give back to the Bishop community for its support after she was diagnosed with cancer, which she later beat. The program has assisted thousands of people over its lifespan, closing just shy of its full 21st year in operation, Garcia said. Notes were handed out to individuals on Thursday who were picking up their food items to inform them of the closure.

Its high school scholarship fund will remain open, though, officials said.

The group supplied qualified individuals in need with brown paper bags full of food items like boxes of cereal, canned goods, chips, pasta, frozen meats, fruits and vegetables - as well as toiletries, like diapers, tissues and toilet paper.

The Brown Bag Food Bank, like many similar initiatives, relied on private donations to purchase items from the Food Bank of Corpus Christi. The Corpus Christi-based organization has about 60 food pantries in its 11-county service area, which stretches from Beeville to Kennedy

County, said Lauren Pfeiffer, agency relations coordinator for the Food Bank of Corpus Christi.

Those pantries, like the Brown Bag Food Bank, purchase food items for about \$0.14 per pound as part of a shared maintenance fee, she said. Fresh produce, pastries and breads are provided free of charge, she added. Pfeiffer said food pantry programs are necessary for all communities because they assist those residents who are on fixed or limited incomes.

"A lot of people don't realize that it's a lot of seniors on fixed incomes - it's not people that are abusing the system," she said. "It's people who are disabled, it's your grandma, it's someone you may know who goes to a food pantry - it's a lot of families who just can't get by month-to-month on a minimum wage income."

"It's definitely reassuring that there are other programs that these folks can go to," she added.

Aside from the Brown Bag Food Bank, First Baptist Church in Bishop also runs a food pantry of its own that operates on the second Friday of every month, from 3:30 to 7:30 p.m. Individuals seeking assistance from the First Baptist Church food pantry must fill out an application, which can be done the day of

the event, to see if they qualify for help. The food pantry is only open to Bishop residents.

Andrea Emme, a parishioner of the First Baptist Church in Bishop, said church officials gave her the go-ahead to start the program two years ago. The food pantry relies on private donations from church parishioners and the public to purchase food from the Food Bank of Corpus Christi, Emme said.

"I just felt I needed to do something, and I asked our pastor at the time and he said, 'Go for it,' so we did," Emme said.

"I just love helping people out," she added. "It really is rewarding."

First Baptist Church also provides emergency food bags for certain situations, and volunteers also run a clothing closet with donated clothes and household items. That closet is open on Thursdays, from 10 a.m. to noon, but can also be opened for emergency situations, such as in the event a family loses their belongings in a house fire, Emme said.

For more information on the food pantry at First Baptist Church - or to volunteer or donate - call Andrea Emme at (361) 581-3546.

Tim Austin can be contacted at taustin@kingsrecord.com or (361) 221-0243.

Gaddis

do," she said. "Special Olympics help athletes discover new strengths and abilities, skills and success, and build confidence and fulfillment."

Carriles said H.M. King started participating in competitive Special Olympics basketball last year. This year, the school's team did well enough to make it into the Division I championship where they finished in second place.

"That was a major accomplishment for just our second year in competition," Carriles said.

Jalen served not just as the basketball team's center, but also as its captain. Carriles said being a team leader helped bring Jalen "out of his shell."

"I became a leader," he said.

Carriles said as team captain, Jalen's leadership skills, as well as his willingness to help his teammates, came to the forefront.

"He's always encouraging (his teammates)," she said.

On April 8, Gaddis and his fellow athletes participated in the Special Olympics track and field competition in Flour Bluff. At the event, H.M. King finished strong, coming back with 46 gold medals, 25 silver and 15 bronze.

"And as a team, that's really awesome," Carriles said.

But the biggest award was still to come, however, as Jalen was recognized as the Area 2 Special Olympics Male Athlete of the Year during the event.

"Excited ain't the word," Henry said, recalling his reaction when Jalen received the award.

"It's been a while since (H.M. King) has had the award, so we're excited for Jalen," Carriles said.

Carriles said Area 2 is comprised of 16 counties, stretching from Calhoun to Victoria. She said nearly 2,000 Special Olympics athletes are represented in

Area 2. "Every coach submits an athlete nomination form, and then a committee actually selects the athlete of the year based on that," Carriles said.

On Jalen's nomination form, Carriles said she wrote about his 12 years competing in the Special Olympics, along with a rundown of his best qualities.

"I wrote, 'Jalen has the spirit of kindness and love towards all,'" she said. "And that spirit of kindness and love just kind of radiates to all of us."

"He knows no limits," she added. "There's no boundaries. Everything to him is good, and if he didn't make the basket, it's good. He's happy, and I think that's kind of a life lesson that we all need to have sometimes."

"It's just having fun," Jalen added.

Anthony Ruiz can be contacted at arui@kingsrecord.com or (361) 221-0251.

PUBLIC HEARING NOTICE

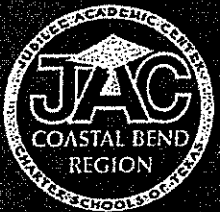
The City Commission of the City of Kingsville will hold a Public Hearing Monday, May 8, 2017 at 6:00 p.m. wherein the City Commission will discuss the introduction on the following item and at which time all interested persons will be heard:

ITEM #1 - Victoria Aviles, owner, requesting the rezoning of KT & I CO, BLOCK 7, LOT W 2 3, PT 4, ACRES 31.55 from (R1) Single Family to (AG) Agricultural. The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the City Secretary at (361) 595-8002.

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WILD HORSE DESERT ROUND-UP

Friday, April 28th and Saturday, April 29th
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FRIDAY 4-28

- 5:00 PM BBQ COOK-OFF CHECK-IN (COMMUNITY CENTER)
- 5:00 PM SILENT AUCTION BEGINS (COMMUNITY CENTER)
- 6:00 PM DJ HOE KIDS OFF THE START OF EVENTS (UNDER THE PAVILLION)
- 6:00 PM FALCONS TURN IN (COMMUNITY CENTER)
- 7:00 PM RUSO (UNDER PAVILLION)
- 7:00 PM CHEF'S CHOICE TURN IN (COMMUNITY CENTER)
- 8:00 PM MICHAEL LONGORIA & CONJUNTO JAMAS (UNDER PAVILLION)
- 8:30 PM PAN DE CAMPO TURN IN (COMMUNITY CENTER)
- 8:30 PM WUPHICH COUNTRY (UNDER PAVILLION)
- 10:00 PM BALEEN (UNDER PAVILLION)

SATURDAY 4-29

- 8:45 AM BBQ CHURCH (TOLLER V CAMP SITE)
- 7:00 AM 1ST ANNUAL ROY'S WALK (LAP AROUND THE POND)
- 7:00 AM HONORING THOSE WHO HAVE LOST ARE STILL FIGHTING OR HAVE BEATEN CANCER (PAVILLION BY THE LAKE)
- 8:00 AM ST. PIER LUTHERAN CHURCH & SCHOOLS MUSIC (UNDER PAVILLION)
- 8:00 AM BBQ COOKS MEETING (BURN CAMP SITE)
- 8:00 AM VENDOR CRAFT, FOOD & GAME BOOTHS OPEN (PARK WIDE)
- 8:00 AM SILENT AUCTION OPENS (COMMUNITY CENTER)
- 8:30 AM NATIONAL ANTHEM (UNDER PAVILLION)
- 8:30 AM HERO WORKOUT - ALL LEVELS - COME PREPARED TO JOG (PAVILLION)
- 10:00 AM GRAND OPENING OF THE BISHOP SPLASHPAD (RECREATIVE)
- 10:00 AM 200PA 100S AREA SPONSORED BY LOWES (NEAR THE PAVILLION)
- 10:00 AM DEL HITTER BISHOP JR. HIGH VS ALICE (HIGH SCHOOL BASEBALL FIELD)
- 11:00 AM BEAN TURN IN (COMMUNITY CENTER)
- 11:00 AM WORKOUT WARRIORS BEGIN (PAVILLION)
- 12:00 PM CHECK-IN TURN IN (COMMUNITY CENTER)
- 2:00 PM RUSO TURN IN (COMMUNITY CENTER)
- 2:30 PM KIDS SUPER HERO WORKOUT - (PAVILLION)
- 4:00 PM BASKET BALL IN (COMMUNITY CENTER)
- 5:00 PM KIDS & ADULTS IN PARK TO BE ANNOUNCED
- 6:00 PM BBQ ANCHORS (UNDER PAVILLION)
- 6:00 PM AUCTION CLOSING (COMMUNITY CENTER)
- 7:00 PM BAD NEWS RECORDS-LIVE MUSIC (UNDER PAVILLION)
- 8:00 PM HYDE AFTER 8 - LIVE MUSIC (UNDER PAVILLION)



KYSO teams compete at state finals

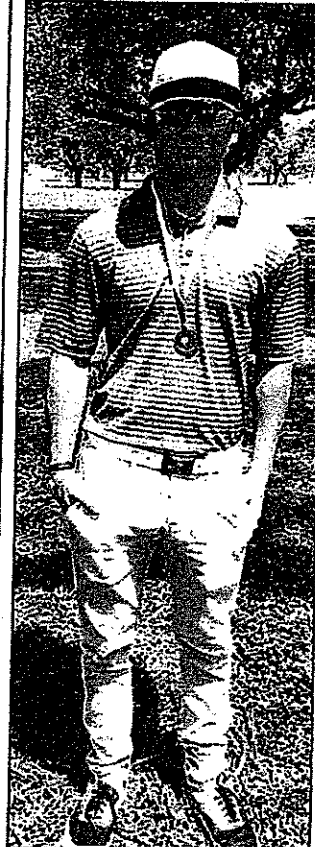


The Kingsville Thunder U15 team took third place last weekend at the South Texas District Cup state finals in Beaumont. Members of the team are Mia Jimenez, Zandra Garcia, Mia Gonzalez, Maddy Carrier, Melissa Hernandez, DeeDee Lopez, Callita Moreno, Anissa Monroe and Jaqueline Telle. Coaches are Mark Alaric and Kim Dominguez. (Submitted photo)



The KYSO U14 football team won the Western District of the South Texas Cup in April in McAllen, and finished third in the state finals last weekend. Pictured in front, from left, are Daniel Barboza, Aidyn Garcia, Julian Salazar, Weyton Fugate and Howard Williams. In middle are Yari Guajardo, Enrique Monserate, Jose Huerta, Edgar Huerta and Devyn Garcia. In back are Garin Garcia, Pedro Cruz, Jose Gallegos and coach Clifford Sutcliffe. Not pictured are coaches Marco Villaga and Tommy Garcia. (Submitted photo)

Benton represents Riviera at region



Riviera's Justin Benton competed at the 2A Region IV golf tournament two weeks ago in Corpus Christi, finishing in 14th place out of 85 golfers at the tournament. Benton, a sophomore, has advanced to the regional tournament the past two years. (Submitted photo)

KYSO hosting British camp

By Jaime Gonzalez
Sports Editor

The Kingsville Youth Soccer Organization is hosting a British soccer camp next month at Dick Kleberg Park.

The camp is run by Challenger Sports and is instructed by one of Challenger's international coaches, and is available to players ages six through 10.

The camp runs from June 5-9, and is a half-day camp from 5:30-8:30 p.m.

Each camper will receive a T-shirt, soccer ball, poster and camp certificate.

The British camp focuses on foot skills,

moves, juggling and tactical practices.

The camp also features a Camp World Cup, adding competition and cultural variety to the soccer instruction.

The daily tournament gives campers the chance to represent a World Cup team, with extra points awarded for making up chants, wearing team colors, creating flags and learning about their chosen country's culture.

Space is limited, and the price of the camp is \$141.

Challenger Sports provides camps, clinics, tours, tournament, training, uniforms and equipment to soccer

organizations throughout the United States and Canada, and partners with the National Soccer Coaches Association of America.

Their camp is the only soccer camp accredited by the American Camping Association for complying with up to 300 standards for health, safety and program quality.

For more information, go to www.challengersports.com, or contact Miles Palmer at mpalmer@challengersports.com or at (318) 272-7335.

Jaime Gonzalez can be contacted at jgonzalez@king-ranch.com or (361) 221-0244.

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PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Thursday, May 25, 2017 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:

Victoria Avalos, owner, requesting the rezoning of KT & I CO, BLOCK 7, LOT W/ 23, PT 4, ACRES 31.55 from (R1) Single Family to (AG) Agricultural.

The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the City Secretary at (361) 595-8002.

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- Blue Cross of VA
- Blue Cross of WI
- Blue Cross of WA
- Blue Cross of AZ
- Blue Cross of CO
- Blue Cross of UT
- Blue Cross of NM
- Blue Cross of MT
- Blue Cross of WY
- Blue Cross of SD
- Blue Cross of NE
- Blue Cross of KS
- Blue Cross of OK
- Blue Cross of MO
- Blue Cross of IA
- Blue Cross of MN
- Blue Cross of ND
- Blue Cross of S.D.
- Blue Cross of NE
- Blue Cross of KS
- Blue Cross of OK
- Blue Cross of MO
- Blue Cross of IA
- Blue Cross of MN
- Blue Cross of ND
- Blue Cross of S.D.

AGENDA ITEM #5

RESOLUTION #2017-_____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A REAL ESTATE LEASE AGREEMENT BETWEEN CITY OF KINGSVILLE AND THE GREATER AREA KINGSVILLE ECONOMIC DEVELOPMENT COUNCIL; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville ("City") desires to make available office space in the newly refurbished City of Kingsville Cottage Building, which will house the Planning & Economic Development Department for the City;

WHEREAS, the City and the Greater Area Kingsville Economic Development Council ("EDC") often work together to recruit and retain businesses in Kingsville;

WHEREAS, the City and the EDC believe that having both entities operating out of the same building will facilitate economic development efforts in the community and have worked to develop a Real Estate Lease Agreement to provide the EDC with two furnished offices and utilities in the City's economic development Cottage Building;

WHEREAS, the City of Kingsville and the Greater Area Kingsville Economic Development Council, as well as the community, would all benefit from the agreement; and

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

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 and execute a Real Estate Lease Agreement between the City of Kingsville and the Greater Area Kingsville Economic Development Council in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the
_____ 12th day of June, 2017.

Sam R. Fugatè, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



REAL ESTATE LEASE AGREEMENT

This is a Lease Agreement by and between the City of Kingsville, a Texas home-rule municipal corporation ("Landlord"), and the Greater Area Kingsville Economic Development Council, a non-profit corporation within the State of Texas ("Tenant"). The parties agree as follows:

1. Premises: Landlord, in consideration of the Lease payments provided in the agreement, leases to Tenant two rooms totaling approximately 327 square feet (one room is approximately 154 sq.ft. & the other room is approximately 173 sq.ft.) (the "Premises") in the City of Kingsville Cottage Building located at 410 West King Avenue, Kingsville, Texas 78363. Tenant will consult with Landlord to request the use of any spaces other than the two rooms leased. Landlord shall have final say on availability if any conflicting use requests arise.
2. Term: The initial Lease term shall be three (3) years and shall commence on July 1, 2017 through June 30, 2020. The Lease will automatically renew for one (1) year renewal terms each year after the initial term, for a maximum total of five (5) years inclusive of the initial term. This Lease may be terminated at any time by any party with or without cause upon sixty (60) days advance written notice. Any notice of termination shall be sent to the other party at the address listed in paragraph 22 of this agreement.
3. Security Deposit: Tenant shall pay to the Landlord a security deposit in the sum of (\$250.00), payable on or before move-in.
4. Lease Payments: Tenant shall pay to the Landlord a monthly Lease payment of \$600.00, equaling an annual Lease payment totaling \$7,200.00.

Payment is due on the first working day of each month: Such payments shall be made to the Landlord at 400 West King Ave, Kingsville, TX, 78363. Lease payment received after the first working day of the month shall be deemed delinquent. If payment is not received by Landlord by the 10th of each month, Tenant shall pay a late charge of \$50 plus a penalty of \$5 per day until the rent is received in full. Tenant shall pay \$50 for each returned check.

5. Possession: Tenant shall be entitled to possession on the first day of the term of this Lease, and shall yield possession to Landlord on the last day of the term of the Lease, unless otherwise agreed by both parties in writing.
6. Use of Premises: Tenant may use the Premises for a professional office only. The Premises may not be used for any other purpose without the prior written consent of the Landlord.

7. Remodeling or Structural Improvements: Tenant shall have no right to conduct any construction or remodeling of the Premises. If Tenant believes they need to construct a fixture on the Premises (at the Tenant's expense) that appropriately facilitate its use for such purposes, then Tenant must submit a request for the proposed fixture and installation details in writing to Landlord. Only with the prior written consent of the Landlord would such construction be undertaken and such fixtures be erected. At the end of the Lease term, Tenant shall be entitled to remove (or at the request of Landlord shall remove) such fixtures, and shall restore the Premises to substantially the same condition of the Premises at the commencement of the Lease.
8. Maintenance: Landlord shall have the obligation to maintain the Premises in good repair at all times.
9. Access by Landlord to Premises: Subject to Tenant's consent (which shall not be unreasonably withheld), Landlord shall have the right to enter the leased Premises to make inspections, provide necessary services, or show the unit to prospective tenants, or workmen. As provided by law, in the case of an emergency, Landlord may enter the Premises without Tenant's consent.
10. Utilities and Services: Landlord shall pay for the following services for the Leased Property: air conditioning and heating; electricity for air conditioning, heating, lighting and other purposes; replacement of overhead electric lamps; water and sewage charges; replacement of broken glass; window washing; and maintenance and repairs of all common areas. Landlord shall provide basic office furnishings, phones, copier, internet, and computers, which will remain city property. Tenant's users of electronic devices owned by the City or using the City's internet or the City's WIFI are subject to the City's Acceptable Use Policy found in the City of Kingsville's Administration Policy Book, Policy # 890.11-Acceptable Use.
11. Quiet Possession: So long as the Tenant performs its obligations, Landlord warrants that the Tenant shall have quiet and peaceful possession of the Leased Property and the right to use it free of interference from excessive noise, noxious or unpleasant fumes or odors, or other disturbances from other tenants of the same building.
12. Signs: All signs, plaques or other identification to be erected by the Tenant shall be subject to advance approval of the Landlord. All signs or other identification approved by Landlord and affixed to the Leased Property shall remain the property of the Tenant and shall be removed by the Tenant at the end of the Lease and the Tenant shall be responsible for restoring the Leased Property to its original condition. All signs shall conform with local zoning ordinances and regulations and will be at owner's expense.
13. Property Insurance: Landlord and Tenant shall each be responsible to maintain appropriate insurance for their respective interests in the Premises and property located on the Premises.

14. Indemnity Regarding Use of Premises: Tenant agrees to indemnify, hold harmless, and defend Landlord from and against any and all losses, claims, liabilities, and expenses, including reasonable attorney fees, if any, which Landlord may suffer or incur in connection with Tenant's use of the Premises.
15. Taxes: Tenant shall pay all real property taxes and personal property taxes and assessments which may be levied against the Premises and which are attributable to Tenant's use of the Premises.
16. Mechanics Liens: Neither the Tenant nor anyone claiming through the Tenant shall have the right to file mechanics liens nor any other kind of lien on the Premises and the filing of this Lease constitutes notice that such liens are invalid. Further, Tenant agrees to give actual advance notice to any contractors, subcontractors, or suppliers of goods, labor, or services that such liens will not be valid.
17. Defaults: Tenant shall be in default of this Lease, if Tenant fails to fulfill any Lease obligation or term by which Tenant is bound. Subject to any governing provisions of law to the contrary, if Tenant fails to cure any financial obligation within 10 days (or any other obligation within 10 days after written notice of such default is provided) by Landlord to Tenant, Landlord may take possession of the Premises without further notice, and without prejudicing Landlord's rights to damages. In the alternative, Landlord may elect to cure any default and the cost of such action shall be added to Tenant's financial obligations under the Lease. Tenant shall pay all cost, damages, and expenses suffered by Landlord by reason of Tenant's defaults.
18. Damage to Premises: If the Premises or any part of it is made untenable by fire, the elements, or other casualty, rent for the Premises, or the affected portion thereof, shall stop from the date of such casualty to the restoration of tenantability. The Landlord shall restore the Premises with all reasonable speed and, if the Landlord fails to restore the Premises, or the affected part of it, to tenantability within sixty (60) days, the Tenant may then terminate this Lease. If more than fifty percent of the Premises is rendered untenable by such casualty, either the Landlord or the Tenant may terminate this Lease, unless the Landlord can restore the Premises within ninety (90) days of such casualty. No rent shall accrue for the period of untenability.
19. Cumulative Rights: The rights of the parties under this Lease are cumulative, and shall not be construed as exclusive unless otherwise required by law.
20. Assignability/Subletting: Tenant may not assign or sublease any interest in the Premises without the prior written consent of Landlord, which shall not be unreasonably withheld.
21. Notice: Notices under this Lease shall not be deemed valid unless given or served in writing and forwarded by mail, postage prepaid, addressed as follows:

Landlord: City of Kingsville, Texas
Attention: Mayor
400 W. King Ave.
Kingsville, TX 78363
Telephone: (361) 595-8002
Facsimile: (361) 595-8024

Tenant: Greater Kingsville Area Economic Development Council
Attention: President
635 E. King Ave.
Kingsville, Texas 78363
Telephone: (361) 592-6438
Facsimile: (361) 592-0866

Such address may be changed from time to time by either party by providing notice as set forth above.

22. Entire Agreement/Amendment: This Lease Agreement contains the entire agreement of the parties and there are no other promises or conditions in any other agreement whether oral or written. This Lease may be modified or amended in writing, if the writing is signed by the party obligated under the amendment.
23. Severability: If any portion of the Lease shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of the Lease is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, such provision shall be deemed to be written, construed, and enforced as so limited.
24. Authorization to Execute this Agreement: Each individual executing this Lease Agreement on behalf of a corporation or other entity warrants that he or she is authorized to execute this Lease Agreement on behalf of such corporation or other entity and that this Lease Agreement is binding upon such corporation or other entity.

The parties hereby make this Lease Agreement effective by signing as shown below.

City of Kingsville, Texas

LANDLORD

By: _____
Sam R. Fugate
Mayor

Date: _____

Greater Kingsville Area Economic
Development Council
TENANT

By: _____
Glenn Jones
President

Date: 6-8-17

AGENDA ITEM #6

**City of Kingsville
Fire Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Adrian Garcia, Fire Chief / EMC

DATE: June 12, 2017

SUBJECT: American Red Cross Facility Use Agreement – JK Northway Exposition Center

Summary:

The Kingsville Office of Emergency Management is requesting to enter into a Facility Use Agreement with the American Red Cross for the use of the JK Northway Exposition Center for the purposes of establishing a temporary emergency or disaster related service center, storage for supplies, parking of vehicles, or a disaster shelter.

Background:

The agreement is being requested in efforts to have a suitable shelter within the City of Kingsville and an established partnership with the American Red Cross in managing such a shelter. This shelter can be utilized as accommodations for incoming disaster refugees, provide a temporary shelter for post disaster victims, or provide a suitable staging area for state or federal resources.

Furthermore, on establishing this partnership, the American Red Cross will provide commercial general liability & automobile insurance, workers compensation, and employers' liability insurance while the shelter is in operation.

Lastly, the agreement indemnifies the owner of the facility against any legal liability, including reasonable attorney fees, in respect to claims for bodily injury, death, and property damage arising from the negligence of the Red Cross during the use of the facility.

Financial Impact:

None until a shelter is opened. Shelter operational financial impact will be covered by the facility owner (City) and reimbursement may be requested from the American Red Cross within (60) days after the occupancy of the Red Cross ends with appropriate supporting documentation. The following will be reimbursed: damage to the facility or other property,



**City of Kingsville
Fire Department**

reasonable costs associated with custodial and food service personnel, and reasonable out-of-pocket costs for the utilities.

Recommendation:

The following American Red Cross Facility Use Agreement is in support of efforts by the Kingsville Office of Emergency Management to improve our community's overall emergency plan. In addition, it meets current and ongoing Emergency Management goals in better preparing our City in response to emergency events requiring a suitable shelter. Our recommendation is that the Commission approve this Facility Use Agreement with the American Red Cross.



RESOLUTION #2017-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FACILITY USE AGREEMENT BETWEEN CITY OF KINGSVILLE AND THE AMERICAN RED CROSS; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville desires to make available a facility to assist the community in the event the American Red Cross needs to open a shelter in here;

WHEREAS, the Kingsville Fire Chief, who is the City's current Emergency Management Coordinator, has worked with representatives of the American Red Cross to prepare an assessment of the J.K. Northway to use that facility should it become necessary;

WHEREAS, the City and the American Red Cross have worked to prepare a Facility Use Agreement between the City of Kingsville and the American Red Cross.

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

I.

THAT the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into and execute a Facility Use Agreement between the City of Kingsville and the American Red Cross in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the _____ 12th day of June, 2017.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



Terms and Conditions

1. Use of Facility: Upon request and if feasible, Owner will permit the Red Cross to use and occupy the Facility on a temporary basis to conduct emergency, disaster-related activities. The Facility may be used for any of the following purposes (both parties must initial all that apply):

Facility Purpose	Owner Initials	Red Cross Initials
Service Center (Operations, Client Services, or Volunteer Intake)		<i>JKL</i>
Storage of supplies		<i>JKL</i>
Parking of vehicles		<i>JKL</i>
Disaster Shelter		<i>JKL</i>

2. Facility Management: The Red Cross will designate a Red Cross official to manage the activities at the Facility ("Red Cross Manager"). The Owner will designate a Facility Coordinator to coordinate with the Red Cross Manager regarding the use of the Facility by the Red Cross.

3. Condition of Facility: The Facility Coordinator and Red Cross Manager (or designee) will jointly conduct a survey of the Facility before it is turned over to the Red Cross. They will use the first page of the Red Cross's **Facility/Shelter Opening/Closing Form** to record any existing damage or conditions. The Facility Coordinator will identify and secure all equipment in the Facility that the Red Cross should not use. The Red Cross will exercise reasonable care while using the Facility and will not modify the Facility without the Owner's express written approval.

4. Food Services (*This paragraph is applicable only when the Facility is used as a shelter or service center.*): Upon request by the Red Cross, and if such resources are available, the Owner will make the food service resources of the Facility, including food, supplies, equipment and food service workers, available to feed the shelter occupants. The Facility Coordinator will designate a Food Service Manager to coordinate the provision of meals at the direction of and in cooperation with the Red Cross Manager. The Food Service Manager will establish a feeding schedule and supervise meal planning and preparation. The Food Service Manager and Red Cross Manager will jointly conduct a pre-occupancy inventory of the food and food service supplies before the Facility is turned over to the Red Cross. When the Red Cross vacates the Facility, the Red Cross Manager and Facility Coordinator or Food Service Manager will conduct a post-occupancy inventory of the food and supplies used during the Red Cross's activities at the Facility.

5. Custodial Services (*This paragraph is applicable only when the Facility is used as a shelter or service center.*): Upon request of the Red Cross and if such resources exist and are available, the Owner will make its custodial resources, including supplies and workers, available to provide cleaning and sanitation services at the Facility. The Facility Coordinator will designate a Facility Custodian to coordinate the provision of these services at the direction of and in cooperation with the Red Cross Manager.

6. Security/Safety: In coordination with the Facility Coordinator; the Red Cross Manager, as he or she deems necessary and appropriate, will coordinate with law enforcement regarding any security and safety issues at the Facility.



Facility Use Agreement
Disaster Cycle Services Job Tools
DCS JT-C DMWT / Facility Management

7. **Signage and Publicity:** The Red Cross may post signs identifying the Facility as a site of Red Cross operations in locations approved by the Facility Coordinator. The Red Cross will remove such signs when the Red Cross's activities at the Facility are concluded. The Owner will not issue press releases or other publicity concerning the Red Cross's activities at the Facility without the expressed, written consent of the Red Cross Manager. The Owner will refer all media questions about the Red Cross activities to the Red Cross Manager.

8. **Closing the Facility:** The Red Cross will notify the Owner or Facility Coordinator of the date when the Red Cross will vacate the Facility. Before the Red Cross vacates the Facility, the Red Cross Manager and Facility Coordinator will jointly conduct a post-occupancy inspection, using the second page of the *Shelter/Facility Opening/Closing Form* to record any damage or conditions.

9. **Fee** (*This paragraph is not applicable when the Facility is used as a shelter. The Red Cross does not pay fees to use facilities as shelters.*): Both parties must initial the applicable statement below:

- a. Owner will not charge a fee for the use of the Facility in recognition of the services the Red Cross provides to the community. Owner initials: _____ Red Cross initials: JK
- b. The Red Cross will pay \$ _____ per day/week/month (circle one) for the right to use and occupy the Facility. Owner initials: _____ Red Cross initials: _____

10. **Reimbursement:** The Red Cross will reimburse the Owner for the following:

- a. *Damage to the Facility or other property of Owner*, reasonable wear and tear excepted, resulting from the operations of the Red Cross. Reimbursement for facility damage will be based on replacement at actual cash value. The Red Cross, in consultation with the Owner, will select from among bids from at least three reputable contractors. The Red Cross is not responsible for storm damage or other damage caused by the disaster.
- b. (*Only when Facility is used as a shelter or Service Center*) Reasonable costs associated with custodial and food service personnel which would not have been incurred but for the Red Cross's use of the Facility. The Red Cross will reimburse at per-hour, straight-time rate for wages actually incurred but will not reimburse for (i) overtime or (ii) costs of salaried staff.
- c. Reasonable, actual, out-of-pocket costs for the utilities indicated below, to the extent that such costs would not have been incurred but for the Red Cross's use of the Facility. (Both parties must initial all utilities to be reimbursed by the Red Cross):

	Owner initials	Red Cross initials
Water	_____	<u>JK</u>
Gas	_____	<u>JK</u>
Electricity	_____	<u>JK</u>
Waste Disposal	_____	<u>JK</u>



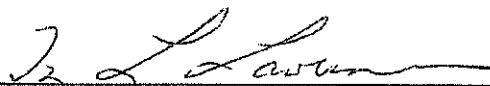
Facility Use Agreement
Disaster Cycle Services Job Tools
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The Owner will submit any request for reimbursement to the Red Cross within 60 days after the occupancy of the Red Cross ends. Any request for reimbursement must be accompanied by supporting invoices. Any request for reimbursement for personnel costs must be accompanied by a list of the personnel with the dates and hours worked.

11. Insurance: The Red Cross shall carry insurance coverage in the amounts of at least \$1,000,000 per occurrence for Commercial General Liability and Automobile Liability. The Red Cross shall also carry Workers' Compensation coverage with statutory limits for the jurisdiction within which the facility is located and \$1,000,000 in Employers' Liability.

12. Indemnification: The Red Cross shall defend, hold harmless, and indemnify Owner against any legal liability, including reasonable attorney fees, in respect to claims for bodily injury, death, and property damage arising from the negligence of the Red Cross during the use of the Facility.

13. Term: The term of this agreement begins on the date of the last signature below and ends 30 days after written notice by either party.

	THE AMERICAN NATIONAL RED CROSS
_____ Owner (legal name)	_____ (legal name)
_____ By (signature)	 _____ By (signature)
	Terry L Lawrenson
_____ Name (printed)	_____ Name (printed)
	Texas Gulf Coast Region Sheltering Lead
_____ Title	_____ Title
_____ Date	7-13-2017 _____ Date



Facility Use Agreement

The American National Red Cross ("Red Cross"), a non-profit corporation chartered by the United States Congress, provides services to individuals, families and communities when disasters strike. The disaster relief activities of the Red Cross are made possible by the American public who support the Red Cross with generous donations. The Red Cross's disaster services are also supported by facility owners who permit the Red Cross to use their buildings as shelters and other service delivery sites for disaster victims. This agreement is between the Red Cross and a facility owner ("Owner") so the Red Cross can use the facility to provide services during a disaster.

Parties and Facility

Owner:

Legal name:

Address:

24-hour Point of Contact:

Name and title:

Work phone:

Cell

phone/pager:

Address for Legal Notices (only if different from address above):



Facility Use Agreement
Disaster Cycle Services Job Tools
DCS JT-C DMWT / Facility Management

Red Cross:

Legal name: The American National Red Cross

Chapter Name: American Red Cross of Greater Houston

Chapter address: 2700 Southwest Freeway

Houston, TX 77098

24-Hour Point of Contact:

Name and title: Terry Lawrenson – Texas Gulf Coast Region Sheltering Lead

Work phone: Cell 713-306-1824
phone/pager:

Address for Legal Notices:

Same as above

Facility:

(Insert name and complete street address of building or, if multiple buildings, write "See attached Facility List," and attach facility list, including complete street address of each building that is part of this agreement. In addition, if only a portion of the building is part of this agreement, then include a description of that portion of the building.)



Shelter Facility Survey

BASIC SHELTER INFORMATION

Site Name/ School District JK Northway Caledonia NSS ID# _____ Date 4/24/12
Name of building _____ Building # _____ of _____
Phone # 361-219-7300 Fax # _____ Website kingville-hs.org

Shelter address

Town/ City Kingville County/ Parish Madison State TX Zip Code 75263

Mailing Address (if different) P.O. Box 1108

Town/ City Kingville County/ Parish Madison State TX Zip Code 75263

Agency operating shelter (check one) ☒ Red Cross ☐ FEMA ☐ DHS ☐ TSA ☐ SBC ☐ Other _____

Shelter agency type (check one) ☒ Red Cross managed ☐ Red Cross partner ☐ Red Cross supported ☐ Independent _____

Shelter type (check all that apply) ☐ Evacuation ☒ General ☐ Medical ☐ Other _____

General facility notes

Shelter Capacity

Use the calculations to calculate the capacity for sleeping space.

Total sq feet 35,139 ☐ Evacuation 19,170 usable sq ft + 20 sq ft/person = 958 person capacity
☐ Post Impact 19,170 usable sq ft + 40 sq ft/person = 479 person capacity
Sq feet usable for sleeping space 19,170 ☐ Other _____ usable sq ft + _____ sq ft/person = _____ person capacity

Geographic Information

Use major landmarks (e.g. highways, intersections, rivers, railroad crossings, etc.) that will be easily recognizable in a disaster. Latitude and longitude coordinates can be found at online web sites, using a global positioning system device, or will auto populate when the address is entered into the National Shelter System.

Latitude _____ Longitude _____ Elevation _____

In storm surge/evacuation ☐ Yes ☐ No Hurricane category or evacuation area _____ In flood plain ☐ Yes ☐ No year flood impact ☐ No

Directions to facility



Shelter Facility Survey

Point of Contact to Authorize Use of Facility

Name Lee A. Alvarado Title Director of Tourism Services Phone # 361-592-9511
24 hour # 361-219-7916 Fax # 361-592-3227 Email lalvarado@cityofkingsville.com
Contact notes _____

Point of Contact to Open Facility

Name Norma Garcia Title Fire Chief / Emergency Management Phone # 361-592-6445
24 hour # 361-219-8300 Fax # 361-595-4796 Email agarcia@cityofkingsville.com
Contact notes _____

Alternate Point of Contact

Name Jesus Garcia Title City Manager Phone # 361-592-6200
24 hour # 361-219-2570 Fax # _____ Email _____
Contact notes _____

Pet Shelter

Pet shelter space available on site ☒ Yes answer questions below ☐ No nearest location South end of facility
Separate ventilation system ☐ Yes ☒ No Cement or tile floors with drains ☒ Yes ☐ No Outdoor space to relieve pets ☒ Yes ☐ No
Agency that will operate the pet shelter City of Kingsville / Norma Garcia Phone # 361-219-7715 24 hour # same

ADDITIONAL INFORMATION

Shelter agreement signed ☐ Yes ☐ No Date signed _____ Notes _____
Pre-designated shelter team assigned ☐ Yes Team name _____ ☐ No
Current facility floor plans available ☐ Yes Location of copies _____ ☐ No
International Association of Venue Managers (IAVM) facility ☐ Yes ☐ No

Use the Standards for Selection of Hurricane Evacuation Shelters to select hurricane evacuation shelters. In this document, you will find a planning process that involves many factors (e.g. technical information for storm surge and flood mapping). This process requires close coordination with local officials for technical information to make decisions about hurricane shelter suitability. Use the Facility Construction section to assist with determining whether this can be a hurricane evacuation shelter.

Shelter can be a hurricane evacuation shelter ☐ Yes ☐ No Notes _____



Shelter Facility Survey

Survey Conductors (List all who participated in the survey)

Name	Title	Organization	Phone #
Adrian Garcia	Fire Chief/Engineer	City of Kingsville	361-719-8300
Sandy Mural	Corps member	CEMA Corps	202-550-5938
Joan Chua Chang	Corps member	CEMA Corps	202-624-4012

LIMITATIONS OF FACILITY USE

Check one ☒ This facility will be available for use at any time during the year ☐ This facility is only available for use during the time periods listed below ☐ This facility is not available for use during the time periods listed below

Dates (mm/dd/yyyy) Times (hh:mm)

Dates (mm/dd/yyyy) Times (hh:mm)

From _____ ☐ AM ☐ PM From _____ ☐ AM ☐ PM

To _____ ☐ AM ☐ PM To _____ ☐ AM ☐ PM

List any recurring dates that the facility is not available (e.g. every sunday) _____

Areas of the facility that are restricted during use _____

FACILITY CONSTRUCTION & SAFETY

Facility Construction

Construction material ☐ Wood ☐ Masonry/Brick ☐ Pre-fab ☐ Bungalow ☒ Concrete ☒ Metal ☐ Trailer ☐ Pod ☐ Other _____

stories/floors _____ Notes _____

Elevator ☐ Yes Location _____ ☒ No Notes _____

Open roof-spans (see Standards for Selection of Hurricane Evacuation Shelters for current standards) ☐ Yes Length _____ ☒ No

Windows in sleep area ☐ Yes ☒ No If yes, shatter protected ☐ Yes ☒ No If yes, protected with shutter ☐ Yes ☒ No

Fire & AED Safety

Some facilities may not meet fire codes based on building capacity. The questions below are a general reference. Contact your local fire department with questions or for more information.

Fire alarms & systems (check all that apply) ☐ Working smoke detectors ☒ Inspected fire alarm system ☐ Functional sprinkler system ☒ Functional direct fire department alert

Comments from fire department _____

AED(s) on site ☐ Yes Location _____ ☒ No



Shelter Facility Survey

Facility Inspection Point of Contact

If requested, who would inspect this facility post-impact to determine it is safe to occupy?

Name David Sobic Title Risk Manager Phone # 361-595-3096
24 hour # 361-955-4517 Fax # _____ Email dsobic@cityoflongville.com

Contact notes _____

SANITATION, FEEDING & UTILITIES

Sanitation, Utilities & Power

The recommended ratio for toilet facilities is a minimum of 1 toilet for 20 people. The optimum scenario for showers is 1 shower for every 25 residents. Count all facilities that will be available to shelter residents and staff.

Showers available ☒ Yes # of showers 4 ☐ No Toilets available ☒ Yes # of toilets 18 ☐ No

Check all that apply Heating ☒ Electric ☐ Natural Gas ☐ Propane ☐ Fuel Oil Cooling ☒ Electric ☐ Natural Gas ☐ Propane

Check all that apply Cooking ☐ Electric ☐ Natural Gas ☐ Propane Water ☒ Municipal ☐ Well(s) ☐ Trapped

Self-sufficient power ☐ Yes Type _____ ☒ No

Note fuel requirements, generator capacity, facility areas supported by generator(s), and other relevant information.

Emergency generator on site ☐ Yes ☒ No Notes _____

Feeding

Food Prep (check all that apply) ☐ Warming oven kitchen ☐ Full service ☐ Central kitchen (delivery)

Food stock stored on site ☐ Yes # meal can be served _____ ☒ No Refrigeration units on site ☒ Yes # units 1 ☐ No

Seating capacity ☐ Cafeteria ☐ Snack Bar ☒ Other indoor seating _____ Total estimated seating capacity for eating _____

Notes on feeding _____

ACCESSIBILITY

See accompanying Shelter Facility Survey-Accessibility Instructions.

Facility Construction

Facility built in 1993 or later, or extensively altered in 1992 or later. _____ ☐ Yes ☒ No

Parking Areas

Parking available. _____ ☒ Yes ☐ No

Answer below if parking is available

Accessible parking space(s) ☒ Yes ☐ No Notes _____

Van accessible parking space(s) ☒ Yes ☐ No Notes _____

Drop-off/Loading Area

Permanent drop-off area/loading zone with marked access aisle or space available to designate as temporary drop-off area/loading zone. ☒ Yes ☐ No

Facility Entrance

- Sidewalk connects parking area and any drop-off area to at least one facility entrance. ☒ Yes ☐ No
- Route from accessible parking spaces and any drop-off area/loading zone to at least one facility entrance has no steps or curbs without curb cuts. ☒ Yes ☐ No
- Where route crosses curb, curb cuts are at least 36" wide. ☒ Yes ☐ No
- Automatic doors or doors without knob hardware. ☒ Yes ☐ No
- Doorways at least 32" wide when door is open. ☒ Yes ☐ No
- Level landings on interior and exterior sides of entry door. ☒ Yes ☐ No
- No objects protrude from the side more than four inches into the route to the facility entrance. ☒ Yes ☐ No
- If the main facility entrance does not appear to be accessible, another entry is accessible. ☒ Yes ☐ No
- A sign identifies the location of the accessible entrance. ☐ Yes ☐ No

Routes to Service Delivery Areas

- A route without steps is available to access each service delivery area, as well as restrooms and showers or service can be provided in area that can be accessed by route with no steps. ☒ Yes ☐ No
- Using a yard stick held horizontally at your waist level, walk from the facility entrance to each service delivery area, as well as restrooms and showers. Except at doorways (which must be only 32" wide), no part of the route is less than 36" wide. ☒ Yes ☐ No
- Route has vertical clearance of at least 80". ☒ Yes ☐ No
- No objects protrude from the side more than 4" into the routes to the various service delivery areas. ☒ Yes ☐ No
- Automatic doors or doors without knob hardware. ☒ Yes ☐ No
- Doorways at least 32" wide when door is open along routes to each service. ☒ Yes ☐ No
- If a service delivery area is accessible only by elevator, there is back-up power for the elevator(s). ☐ Yes ☐ No

Ramps

- Ramps are at least 36" wide, have handrails on both sides 34"-38" above the ramp surface, and have level landings at least 60" long. ☒ Yes ☐ No
- If yes, type of ramp ☐ Fixed ☐ Portable ☐ Not provided
- If ramps are longer than 30 feet, a level landing at least 60" long is provided every 30 feet. ☐ Yes ☐ No

Restrooms

- Area where person in a wheelchair can turn around (60-inch diameter circle or T-shape turn area). ☒ Yes ☐ No
- Doorways at least 32" wide when door is open. ☒ Yes ☐ No
- Doors without knob hardware. ☒ Yes ☐ No
- Toilet seat is 17"-19" high. Flush control is automatic or manual control on the open side of the toilet and no higher than 48". ☒ Yes ☐ No
- Toilet's centerline is 16"-18" from the nearest side wall. ☒ Yes ☐ No
- Stall at least 60" wide and 56" deep (wall-mounted toilet) or 59" deep for (floor mounted toilet). ☒ Yes ☐ No
- Space at least 9" high is provided beneath the front and one side of the stall. ☒ Yes ☐ No
- Appropriate grab bars. ☒ Yes ☐ No
- Toilet paper dispenser is within 36" of the rear wall. ☒ Yes ☐ No
- At least one accessible sink. ☒ Yes ☐ No



Shelter Facility Survey

Showers

Showers available.

☒ Yes ☐ No

Answer below if showers are available

At least one accessible shower stall with appropriate grab bars.

☐ Yes ☐ No

Stall type ☐ Transfer stall ☒ Roll-in shower ☐ Not provided

Shower seat 17"-19" high. If in transfer stall, seat is on the wall opposite the shower controls. If in roll-in shower, seat is on wall adjacent to the shower controls.

☒ Yes ☐ No

Hand-held shower spray with ability to mount at 48" (typically via a mount that can be adjusted along a fixed vertical bar), or alternatively a fixed shower head at 48".

☒ Yes ☐ No

Controls do not require tight grasping, pinching or twisting and are mounted 38"-48" high and no more than 18" from the front of the shower.

☒ Yes ☐ No

Eating areas

At least some tables have tops 28"-34" high and space underneath at least 27" high, 30" wide and 19" deep.

☐ Yes ☒ No

Serving line or counter no higher than 34".

☐ Yes ☒ No

Assessment

Relevant areas of the facility are accessible to people with disabilities without adjustments.

☐ Yes ☒ No

Facility has at least one accessible entrance and one accessible restroom, and otherwise is capable of being made accessible during a disaster with minor adjustments.

☒ Yes ☒ No

Facility would require extensive adjustments to be accessible during a disaster.

☐ Yes ☒ No

Adjustments for Accessibility (Identify any adjustments or enhancements that should be made to make the relevant areas of the facility accessible during a disaster)

OTHER CONSIDERATIONS

Additional Facilities & Space

Isolated care areas

☒ Yes ☐ No

Type of area

☒ Rooms

☐ Shelter area

☐ Separate facility/area

Shelter registration area

☒ Yes ☐ No

Laundry facilities

☐ Yes ☒ No

of washers

of dryers

Who can access the laundry facilities

☐ Shelter workers

☐ Shelter residents

Special conditions or restrictions for laundry

Available Materials

One cot and two blankets per shelter resident is recommended. Note all available materials for shelter use in the notes section.

Cots available

☐ Yes # of cots

☒ No Location

Blankets available

☐ Yes # of blankets

☒ No Location

Children's supplies (e.g. cribs & changing table)

☐ Yes ☒ No

Chairs & tables available

☒ Yes

of chairs

of tables

☐ No

Notes

bleaches would take 24 hours to fold in if necessary



Shelter Facility Survey

Facility Ownership & Proximity Considerations

Does the entity that plans to manage the shelter own the building? ☐ Yes ☐ No

If no, is there a current written plan? ☐ Yes ☐ No

Is this facility within five miles of an evacuation route? ☒ Yes ☐ No

Is this facility within ten miles of a nuclear power plant? ☐ Yes ☒ No

Knox County owns but
Kingsville manages

Written plan, not operating, is
within

Groups Associated with the Facility & Training

Facility staff required when using facility? ☒ Yes ☐ No

Paid feeding staff required when using facility? ☐ Yes ☒ No

Church auxiliary required when using facility? ☐ Yes ☐ No

Fire auxiliary required when using facility? ☐ Yes ☐ No

Other required? ☐ Yes ☐ No

Other security, first aid/health check

Will any of the above groups be trained or experienced in Red Cross shelter operations or support? ☐ Yes ☒ No

If yes, describe
capabilities

Has the facility been trained in Red Cross sheltering (if not Red Cross managed)?

☐ Yes ☒ No

If yes, describe
capabilities

Training requested by facility or group

☒ Yes # of staff to be trained 5-10 ☐ No

ADDITIONAL NOTES & INFORMATION

Type of Space, i.e. Gym, Hall, Auditorium, etc.: Area Floor & coliseum

Attached to School?: N/A If yes, can use if school is in session?:

Floor coverings required?: YES If yes, can facility provide?: NO

Plugs available in the Dormitory for medical equipment?: YES If yes, how many?: 20 (A)

Is WiFi available? YES For Staff? YES For Clients? YES

Describe space for pets, i.e. covered walkway, garage, etc.: Temporary pens outside



Shelter Facility Survey

ADDITIONAL NOTES & INFORMATION, continued

Draw space available or replace with map of facility:

$$59 \times 23 = 1,257$$

$$124 \times 23 = 2,852$$

$$213 \times 90 = 19,170$$

$$\text{TOTAL} = 39,139$$

59 x 23 = 1,257

124 x 23 = 2,852

OFFICE USE ONLY (Do not fill out box during survey)

Chapter Category / Priority of Use: Designated by chapter leadership after the survey is completed.

This is a primary shelter for
(check one)

☐ General population ☐ Evacuation Center

Shelter cannot be used for
(check all that apply)

☐ General population ☐ Evacuation Center

This is a priority shelter for the
following events (check all that apply)

☐ Hurricane ☐ Earthquake ☐ Large Scale Fire / Flood /

AGENDA ITEM #7

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: June 2, 2017

SUBJECT: 2016 Operation Stonegarden Grant #3194302 Acceptance and Budget Amendment

Summary:

The Kingsville Police Department has been invited to participate in the 2016 OPSG and has been approved for participation during this performance period of 1/1/2017 thru 8/31/2017.

Background:

The OPSG Program supports enhanced cooperation and coordination among Customs and Border Protection (CBP), United States Border Patrol (USBP), and Federal, state, local, tribal, and territorial law enforcement agencies. The OPSG Program provides funding to support joint efforts to secure the United States' borders along routes of ingress from international borders to include travel corridors in states bordering Mexico and Canada, as well as states and territories with international water borders. The program is also risk-driven, capability based strategic plans that outline high-priority needs relating to terrorism preparedness. For these plans to be effective, government officials and elected leaders, working with the whole community, must consider how to sustain current capability levels, while also addressing potential gaps.

Financial Impact:

The grant for "Operation Stonegarden" is a reimbursement type but does not require any cash match. We have been conditionally approved \$194,421.56 in funds to cover personnel costs, fuel and equipment.

Recommendation:

We would request a resolution for acceptance of funds by the grantee's authorized official the City Manager. We also request a budget amendment to begin using these funds as soon as practical. Please place this on the next available agenda. Thank you for your assistance regarding this matter.



RESOLUTION NO. 2016- 50

A RESOLUTION AUTHORIZING PARTICIPATION IN OPERATION STONEGARDEN WITH THE HOMELAND SECURITY GRANTS DIVISION OF THE GOVERNOR'S OFFICE FOR LOCAL BORDER SECURITY TO INTERDICT CRIMINAL ACTIVITY WITH NO ANTICIPATED CASH MATCH; AUTHORIZING THE CHIEF OF POLICE TO ACT ON THE CITY'S BEHALF WITH SUCH PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Homeland Security Grants Division of the Governor's Office has invited the City of Kingsville Police Department to participate in a grant for Local Border Security in an effort to deter and facilitate directed actions to interdict criminal activity; and

WHEREAS, the City of Kingsville has previously been allowed to apply for reimbursement of overtime for law enforcement personnel and dispatchers, and other allowed costs associated with this project that will assist with the deterrence of illegal activity in our area;

WHEREAS, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville, that the Kingsville Police Department participate in an application to the Office of the Governor's Homeland Security Grant Division for Operation Stonegarden for grant monies for reimbursement for personnel costs, fuel and maintenance for law enforcement purposes for FY2016-2017; and

WHEREAS, the City agrees to provide the applicable matching funds for the said project, if any, as required by the Office of the Governor for the Operation Stonegarden Grant Program grant application; and

WHEREAS, the City agrees that in the event of loss or misuse of the Office of the Governor grant funds, the City of Kingsville City Commission assures that the funds received through the grant will be returned to the Office of the Governor in full;

WHEREAS, the City Commission of the City of Kingsville designates the Kingsville Chief of Police as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

1.

THAT the City Commission of the City of Kingsville approves the submission of the grant application for the Operation Stonegarden Grant Program for reimbursement for personnel costs, fuel and maintenance for law enforcement purposes to the Office of the Governor.


II.

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

PASSED AND APPROVED by a majority vote of the City Commission the 11th day of July, 2016.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, City Secretary

APPROVED AS TO FORM


Courtney Alvarez, City Attorney

RESOLUTION NO. 2017-_____

A RESOLUTION ACCEPTING FUNDS FOR OPERATION STONEGARDEN GRANT# 3194302 WITH THE HOMELAND SECURITY GRANTS DIVISION OF THE GOVERNOR'S OFFICE FOR LOCAL BORDER SECURITY TO INTERDICT CRIMINAL ACTIVITY WITH NO ANTICIPATED CASH MATCH; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACT ON THE CITY'S BEHALF WITH SUCH PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Homeland Security Grants Division of the Governor's Office had previously invited the City of Kingsville Police Department to participate in a grant for Local Border Security in an effort to deter and facilitate directed actions to interdict criminal activity; and

WHEREAS, the City of Kingsville has previously been allowed to apply for reimbursement of overtime for law enforcement personnel and dispatchers, and other allowed costs associated with this project that will assist with the deterrence of illegal activity in our area;

WHEREAS, the City Commission of the City of Kingsville finds that it is in the best interest of the citizens of Kingsville, that the Kingsville Police Department participate in an application to the Office of the Governor's Homeland Security Grant Division for Operation Stonegarden for grant monies for reimbursement for personnel costs, fuel and maintenance for law enforcement purposes for Grant Period 1/1/2017 thru 8/31/2017; and

WHEREAS, the City agreed to provide the applicable matching funds for the said project, if any, as required by the Office of the Governor for the Operation Stonegarden Grant Program grant application; and

WHEREAS, the City agreed that in the event of loss or misuse of the Office of the Governor grant funds, the City of Kingsville City Commission assures that the funds received through the grant will be returned to the Office of the Governor in full;

WHEREAS, the City Commission of the City of Kingsville designated the Kingsville City Manager or his designee as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency; and

WHEREAS, the City Kingsville Police Department was recently notified that it has been conditionally approved \$194,421.56 in funds to cover personnel costs, fuel, and equipment through Operation Stonegarden, which is a reimbursement type grant that does not require any cash match.

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

I.

THAT the City Commission of the City of Kingsville accepts the Operation Stonegarden grant funds for Grant Period 1/1/2017 thru 8/31/2017 and participation in the Operation Stonegarden Grant Program for reimbursement for personnel costs, fuel, equipment, and maintenance for law enforcement purposes to the Office of the Governor and designates the Kingsville City Manager or his designee as the grantee's authorized official.

II.

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

PASSED AND APPROVED by a majority vote of the City Commission the 12th day of June, 2017.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

AGENDA ITEM #8

City of Kingsville
Department of Planning and Development services

To: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director

DATE: June 5, 2017

SUBJECT: Amending Chapter III, Article 3 to provide for the Creation of a Main Street Advisory Board

Summary: It has been determined that with the implementation of the Downtown Vision Plan and with the Department of Planning and Development Services working with the Main Street Advisory Board it would be best to formalize the Main Street Advisory Board with the adoption of this ordinance

Background: The Department of Planning and Development Services has been working with the Main Street Advisory Board for almost 3 years. I believe a lot of progress has been made with the Board in relationship to downtown and the importance of their input to what actions the city takes. Especially when it is in regards to the Downtown Vision Plan and the EDA Grant that we hope to implement in the future. The Main Street Advisory Board will provide a platform for those invested in our downtown to submit opinions and recommendations to staff.

Financial Impact: None directly since the positions receive: no compensation.

Recommendation: Approve the ordinance as submitted. Also I would like to recommend the following transition of members from the current Main Street Advisory Board to the newly created Board with the following designations:

Frank Benvenuto – Downtown Merchants – Kleberg Bank

Chris Maher – Downtown Merchants – Kingsville Record

Jeff Chavez – Downtown Merchants – HEB

Claudia Perez Rios – Resident



City of Kingsville
Department of Planning and Development services

Michelle Spearman – Resident

This would leave us with two openings, someone to represent TAMUK and another downtown merchant.



ORDINANCE NO. 2017-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER III-ADMINISTRATION, ARTICLE 3-DEPARTMENTS, BOARDS, & COMMISSIONS, BY ADOPTING SECTIONS 3-3-120 THROUGH 3-3-130, PROVIDING FOR CREATION OF A MAIN STREET ADVISORY BOARD, TERMS FOR MEMBERS, MEETINGS, QUORUM AND VOTING AT MEETINGS, REMOVAL AND VACANCY; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City Commission of the City of Kingsville believes that a thriving downtown is vital to the quality of life of its citizens and the enhancement and promotion of tourism; and

WHEREAS, the City Commission in 2016 hired consultants to work with staff and the community on a vision plan for downtown Kingsville;

WHEREAS, the consultants have met numerous times over the last year and there were public forums to give citizens the opportunity to comment on and participate in the Kingsville Downtown Vision Plan;

WHEREAS, the Kingsville Downtown Vision Plan has been completed and presented to the City Commission, and a presentation on the final plan was held on February 27, 2017;

WHEREAS, the City Commission of the City of Kingsville approved a Downtown Vision Plan via Ordinance No. 2017-15 on March 20, 2017 and the plan contains general policies that are propose to be used by the City in the preparation of land use and development ordinances, in decisions regarding the provisions of City services and capital improvements, and in other policy considerations by the City Commission and its various boards, commissions and committees for the downtown area;

WHEREAS, the City Commission has determined that the formal creation of a Main Street Advisory Board should be formed to help make recommendations on implementaton of the Downtown Vision Plan; 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 III-Administration, Article 3- Departments, Boards & Commissions of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to adopt Sections 3-3-120 through 3-3-130 as follows:

MAIN STREET ADVISORY BOARD

§ 3-3-120 BOARD CREATED.

There is hereby created for the city a Main Street Advisory Board.

§ 3-3-121 BOARD MEMBERSHIP.

- (A) The Main Street Advisory Board shall have seven (7) voting members and be appointed by the City Commission at the recommendation of the City Manager. The Main Street Advisory Board members shall serve without compensation. The members of the Board shall include:
 - a. Four members to represent the historical downtown district/merchants.
 - b. One member to represent Texas A&M University-Kingsville.
 - c. Two members must be residents of the City of Kingsville.
- (B) In addition to the regular voting members of the Board, the City Manager and the Kingsville Greater Area EDC Director shall serve as ex-officio members of the Board with no voting privileges.
- (C) The members of the Board from the voting membership shall elect a Chairman and Vice-Chairman to conduct the meetings and the voting members shall fill any vacancy in either of the offices of Chairman or Vice-Chairman.

§ 3-3-122 TERMS OF MEMBERS.

The board members shall hold office and serve from and after the date of their respective appointments, subject to the conditions provided in this article, for the following terms.

- (A) All of the board members shall serve for two (2) year terms without term limits.

§ 3-3-123 QUORUM & VOTING.

- (A) A minimum of four (4) board members is needed to form a quorum.
- (B) An official recommendation requires a majority vote of the quorum of board members present (e.g., 4 of 7 members present, 3 of 4 members present).

§ 3-3-124 CONFLICTS OF INTEREST.

The board members shall comply with V.T.C.A. Local Government Code Chapters 171 & 176, as the same may hereafter be amended, concerning matters involving conflicts of interest. Conviction of an offense by V.T.C.A. Local Government Code Ch. 171 or Ch.176 shall constitute a forfeiture of the position on the board held by the person convicted.

§ 3-3-125 COMPENSATION.

All board members of the Main Street Advisory Board shall receive no salary or compensation for serving on the board with the exception of the Director of Planning, who shall receive no extra compensation other than as employed by the City of Kingsville.

§ 3-3-126 DUTIES GENERALLY.

The Main Street Advisory Board shall have the following duties and responsibilities:

- (A) Make recommendations on implementation of the Downtown Vision Plan adopted by the City Commission in 2017, and any amendments thereto;
- (B) With the City's Main Street Manager, develop an annual plan of goals, objectives, and activities for the Main Street Program;
- (C) Serve as advocates for the Main Street Program, understanding and interpreting the Main Street Program work to the community;
- (D) Develop and make recommendations to the City Manager regarding the Main Street District.

§ 3-3-127 MEETINGS.

- (A) Any member of the board may request an item be added to the agenda.
- (B) The board shall have the authority and duty to promulgate rules and regulations governing its official meetings.
- (C) The board shall have regular meetings at least once monthly, the date to be set out in the board's minutes. All meetings shall be open to the public and shall be governed by the Open Meetings Act.
- (D) Special meetings may be set at the will and discretion of the board whenever it deems necessary. The chairman of the board shall call the special meeting.

- (E) The Administrative Assistant from the City's Planning and Development Services Department will act as the Board Secretary and be responsible for preparing and posting the board agendas and keeping minutes of all meetings. The Board Secretary shall not have voting rights.

§ 3-3-128 REPORT OF MEETINGS.

It shall be the duty of the board to approve minutes and the Board Secretary will file with the City Secretary the minutes of each meeting of said board, together with a list of the members of the Board who were present at the meeting.

§ 3-3-129 REMOVAL FROM OFFICE.

Any board member may be removed at any time by a majority vote of the City Commission for inefficiency, neglect of duty, malfeasance in office, or failure to maintain eligibility.

§ 3-3-130 VACANCY.

- (A) A vacancy arises if any board member is absent from three (3) consecutive regular meetings; is removed under § 3-3-130; is convicted as stated in § 3-3-124; or resigns.
- (B) If for any reason the position of any board member shall have been vacated by removal or otherwise, the appointment and confirmation to fill such vacancy shall be made by the City Commission for the unexpired term of the vacated office.

II.

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

III.

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

IV.

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

INTRODUCED on this the 12th day of June, 2017.

PASSED AND APPROVED on this the 26th day of June, 2017.

EFFECTIVE DATE: _____, 2017.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #9

City of Kingsville
Parks and Recreation Department

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Jason Alfaro, Parks & Recreation Director
DATE: June 8, 2017
SUBJECT: Creation of a Parks and Recreation Advisory Board

Summary:

This Item will authorize the creation of a parks and recreation advisory board.

Back Ground:

The City of Kingsville Commission approved the Master Parks Plan on March 27, 2017. The master plan contains recommendations for development of ordinances, policies, and suggests the creation of a parks advisory board to help make recommendations during the implementation of the parks master plan.

Impact:

The board will serve as advocates for the Kingsville parks system and allow for greater transparency of the work being conducted and associated costs within our parks system. The board will be advocates of the public enabling us to have a better understanding of the community needs from a quality of life perspective.

Recommendation:

It is recommended that the City approve of the creation of the parks and recreation advisory board.

ORDINANCE NO. 2017-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER III-ADMINISTRATION, ARTICLE 3-DEPARTMENTS, BOARDS, & COMMISSIONS, BY ADOPTING SECTIONS 3-3-140 THROUGH 3-3-150, PROVIDING FOR CREATION OF A PARKS AND RECREATION ADVISORY BOARD, TERMS FOR MEMBERS, MEETINGS, QUORUM AND VOTING AT MEETINGS, REMOVAL AND VACANCY; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City Commission of the City of Kingsville believes that a diverse and dynamic park system is vital to the quality of life of its citizens and enhances tourism; and

WHEREAS, the City Commission in 2016 hired consultants to work with staff and the community on a master plan for the park system in Kingsville;

WHEREAS, the consultants have met numerous times over the last year and there were public forums to give citizens the opportunity to comment on and participate in the Parks Master Plan;

WHEREAS, the Kingsville Parks Master Plan has been completed and presented to the City Commission, and a presentation on the final plan was held on March 20, 2017;

WHEREAS, the City Commission of the City of Kingsville approved a Parks Master Plan via Ordinance No. 2017-16 on March 27, 2017 and the plan contains general policies that are proposed to be used by the City in the preparation of land use and development ordinances, in decisions regarding the provisions of City services and capital improvements, and in other policy considerations by the City Commission and its various boards, commissions and committees for the parks in Kingsville;

WHEREAS, the City Commission has determined that the formal creation of a Parks and Recreation Advisory Board should be formed to help make recommendations on implementation of the Parks Master Plan; 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 III-Administration, Article 3- Departments, Boards & Commissions of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to adopt Sections 3-3-140 through 3-3-150 as follows:

PARKS AND RECREATION ADVISORY BOARD

§ 3-3-140 BOARD CREATED.

There is hereby created for the city a Parks and Recreation Advisory Board.

§ 3-3-141 BOARD MEMBERSHIP.

- (A) The Parks and Recreation Advisory Board shall have seven (7) regular voting members who shall be appointed by the City Commission at the recommendation of the City Manager. The Parks and Recreation Advisory Board members shall serve without compensation. The members of the board should be interested in public parks and public recreation and the general use of leisure time of the people of the city.
- (B) Of the regular member positions, six (6) shall be filled by persons who reside within the city limits of Kingsville and one (1) may be a person who resides outside of the city limits of Kingsville but within Kleberg County.
- (C) In addition to the regular voting members of the board, the board has the discretion to identify and name one minor, who resides within Kleberg County, to serve on the board as an ex-officio, non-voting youth member of the board. The youth member shall be enrolled in grades 9-12 and serve a term in length identified by the Parks Board at the time of the youth member's selection, but not to exceed three (3) consecutive years.
- (D) In addition to the regular voting members of the Board, the City Parks and Recreation Director shall serve as an ex-officio member of the Board with no voting privileges.
- (E) The members of the Board from the voting membership shall elect a Chairman and Vice-Chairman to conduct the meetings and the voting members shall fill any vacancy in either of the offices of Chairman or Vice-Chairman.

§ 3-3-142 TERMS OF MEMBERS.

The board members shall hold office and serve from and after the date of their respective appointments, subject to the conditions provided in this article, for the following terms.

- (A) All of the board members shall serve for three (3) year, staggered terms without term limits.

- (B) Each seat on the board will be assigned a "place" number. To the extent possible, staggering shall be done so that the board membership is divided into thirds. Initial staggering of the membership will be accomplished by having all members who are serving as of the first meeting following approval and passage of this section "draw lots" to determine which "place" will have what number of service in the initial transition period (e.g., one-third (1/3) of the places will draw for one-year terms, one-third (1/3) of the places will draw for two-year terms, and the remaining one-third (1/3) of the places will draw for three-year terms). Thereafter, each "place" will have a three (3) year term.

§ 3-3-143 QUORUM & VOTING.

- (A) A minimum of four (4) board members is needed to form a quorum.
- (B) An official recommendation requires a majority vote of the quorum of board members present (e.g., 4 of 7 members present, 3 of 4 members present).

§ 3-3-144 CONFLICTS OF INTEREST.

The board members shall comply with V.T.C.A. Local Government Code Chapters 171 & 176, as the same may hereafter be amended, concerning matters involving conflicts of interest. Conviction of an offense by V.T.C.A. Local Government Code Ch. 171 or Ch.176 shall constitute a forfeiture of the position on the board held by the person convicted.

§ 3-3-145 COMPENSATION.

All board members of the Parks and Recreation Advisory Board shall receive no salary or compensation for serving on the board with the exception of the Director of Parks and Recreation, who shall receive no extra compensation other than as employed by the City of Kingsville.

§ 3-3-146 DUTIES GENERALLY.

The Parks and Recreation Advisory Board shall have the following duties and responsibilities:

- (A) Make recommendations on the implementation of the Parks Master Plan adopted by the City Commission in 2017, and any amendments thereto;
- (B) With the City's Parks Director, develop an annual work plan of goals, objectives, and activities for the Kingsville parks system;

- (C) Serve as advocates for the Kingsville parks system, understanding and interpreting the Kingsville parks system's work to the community;
- (D) Develop and make recommendations to the City Manager regarding the Kingsville parks system.

§ 3-3-147 MEETINGS.

- (A) Any member of the board may request an item be added to the agenda.
- (B) The board shall have the authority and duty to promulgate rules and regulations governing its official meetings.
- (C) All meetings shall be open to the public and shall be governed by the Open Meetings Act.
- (D) Special meetings may be set at the will and discretion of the board whenever it deems necessary. The chairman of the board shall call the special meeting.
- (E) The Director of Parks and Recreation or designee shall be responsible for preparing and posting the board agendas and keeping minutes of all meetings.

§ 3-3-148 REPORT OF MEETINGS.

It shall be the duty of the board to approve minutes and the Director of Parks and Recreation or designee will file with the City Secretary the minutes of each meeting of said board, together with a list of the members of the Board who were present at the meeting.

§ 3-3-149 REMOVAL FROM OFFICE.

Any board member may be removed at any time by a majority vote of the City Commission for inefficiency, neglect of duty, malfeasance in office, or failure to maintain eligibility.

§ 3-3-150 VACANCY.

- (A) A vacancy arises if any board member is absent from three (3) consecutive regular meetings; is removed under § 3-3-130; is convicted as stated in § 3-3-124; or resigns.
- (B) If for any reason the position of any board member shall have been vacated by removal or otherwise, the appointment and confirmation

to fill such vacancy shall be made by the City Commission for the unexpired term of the vacated office.

II.

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

III.

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

IV.

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

INTRODUCED on this the 12th day of June, 2017.

PASSED AND APPROVED on this the 26th day of June, 2017.

EFFECTIVE DATE: _____, 2017.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #10

**City of Kingsville
Public Works**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Charlie Cardenas, Public Works Director/City Engineer
DATE: June 5, 2017
SUBJECT: Budget Amendment Sanitation Division

Summary:

This budget amendment allocates funding to the current year sanitation budget. The Sanitation Division trucks have required more maintenance than predicted.

Background:

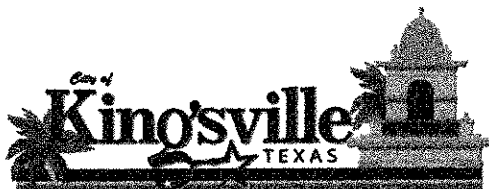
Throughout the year the garbage trucks have required more maintenance to keep them on the service routes. Staff is having increased amounts of electrical repairs and hydraulic cylinder and hydraulic line repairs. Unit 329 required a new regen system and then an engine and injectors expensing over \$35,000. The Vehicle Maintenance line item 001-5-1702-411.00 is currently in the negative by \$18,000 for garbage truck maintenance and repairs. Preventive maintenance for the garbage trucks is on schedule and up to date.

Financial Impact:

This budget amendment for Vehicle Maintenance will reallocate funding of \$50,000.00 from General Fund Unassigned Balance to 001-5-1702-41100 for garbage truck maintenance and repairs through the fiscal year.

Recommendation:

Staff recommends approval of this budget amendment to cover unforeseen equipment repair expenses and to maintain compliance for sanitation operations.



ORDINANCE NO. 2017-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2016-2017 BUDGET TO INCREASE VEHICLE MAINTENANCE IN THE SANITATION DIVISION.

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 2016-2017 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 General Fund					
Equity					
2		Unassigned Fund Balance	61002		<u>\$ 50,000</u>
Expenses					
5-1702	Sanitation	Vehicle Maintenance	41100	<u>\$50,000</u>	

[To amend the City of Kingsville FY 16-17 Budget to increase vehicle maintenance in the sanitation division as per the attached memo from the Public Works Director/City Engineer.]

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 12th day of June, 2017.

PASSED AND APPROVED on this the ____ day of _____, 2017.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #11

**City of Kingsville
Public Works**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Charlie Cardenas, Public Works Director/City Engineer

DATE: June 5, 2017

SUBJECT: Budget Amendment Wastewater Division

Summary:

This budget amendment allocates funding to the current year wastewater budget. The Wastewater Division blowers, pumps and uv system have required more repairs than predicted.

Background:

Throughout the year the wastewater blowers, pumps and uv system have required more repairs to keep them in service. Unforeseen repairs include North Plant (051-5-7001) Replace Turblex CPU North Plant \$6,000, Replace Control Cabinet a/c for UV System \$12,550. Replace lift station pumps \$13,000.

South Plant (051-5-7002) Replaced Turblex blower motor \$8,250, Replaced backup blower motor \$8,250, backup Spencer blower needs repairs for \$15,660, Replaced control panel breaker \$2,699, Rewound 2 submersible pumps \$10,500; Need to replace blower breaker \$3,576.

(051-5-7003) 17th & Lee Lift station pump repair for \$15,000, Replaced starter relay breaker \$4,705; FM 1717 Lift station repairs electrical problems for pump/motors for \$13,275, bypass pump rental \$5,261.

Financial Impact:

This budget amendment for Utility Plant will reallocate funding of \$118,726.00 from Utility Fund Unassigned Balance to 051-5-7001-54300(\$31,550), 051-5-7002-54300(\$48,935), 051-5-7003-54300(\$38,241), for unforeseen Utility Plant repairs through the fiscal year.

Recommendation:

Staff recommends approval of this budget amendment to cover unforeseen equipment repair expenses and to maintain compliance for wastewater operations.



ORDINANCE NO. 2017- _____

AN ORDINANCE AMENDING THE FISCAL YEAR 2016-2017 BUDGET TO INCREASE WASTEWATER UTILITY PLANT MAINTENANCE.

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 2016-2017 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 051 Utility Fund					
Equity					
2		Unreserved Fund Balance	61002		<u>\$118,726</u>
Expenses					
5-7001	North Plant	Utility Plant	54300	\$ 31,550	
5-7002	South Plant	Utility Plant	54300	\$ 48,935	
5-7003	Sewer Construction	Utility Plant	54300	\$ 38,241	
				<u>\$ 118,726</u>	

[To amend the City of Kingsville FY 16-17 Budget to increase utility plant maintenance in the Wastewater Division as per the attached memo from the Public Works Director/City Engineer.]

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 12th day of June, 2017.

PASSED AND APPROVED on this the ____ day of _____, 2017.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #12

CITY OF KINGSVILLE
FIRE DEPARTMENT

119 N. 10th STREET, KINGSVILLE, TX 78363



Date: June 1, 2017

To: Deborah Balli, Finance Director

From: Adrian Garcia, Fire Chief / EMC

Subject: Budget Amendment

Ms. Balli,

I am requesting a budget amendment in the amount of \$8,000.00 to the Kingsville FD's Vehicle/Machinery Maintenance Account (001-5-220.0-4110.0). This request is due to various repairs and maintenance issues with our Fire Department Fleet, for example tire, battery, and brake replacement of various vehicles. More specifically, requiring approximately \$3,000.00 in repairs to one of our ambulances (MICU's), requiring replacement of A/C and repairing multiple oil leaks throughout the chassis.

Once more, the request is being made to keep our KFD Fleet in safe and operating condition, so we may safely respond to emergencies when called upon. Lastly, additional funding is being requested in our Vehicle/Machinery Maintenance Account in efforts to have enough funds to address any other maintenance issues for the remainder of the fiscal year.

Any consideration to this request will be greatly appreciated and if any additional information is needed please feel free to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "Adrian Garcia", is written over a horizontal line.

Adrian Garcia
Fire Chief / EMC
Kingsville Fire Department

ORDINANCE NO. 2017-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2016-2017 BUDGET FOR ADDITIONAL VEHICLE MAINTNENANCE IN THE FIRE DEPARTMENT.

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

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2016-2017 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 General Fund					
Equity					
2		Unassigned Fund Balance	61002		<u>\$ 8,000</u>
Expenses					
5-2200	Fire	Vehicle Maintenance	41100	<u>\$8,000</u>	

[To amend the City of Kingsville FY16-17 Budget to increase vehicle maintenance in the Fire Department as per the attached memo from the Fire Chief /EMC.]

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 12th day of June, 2017.

PASSED AND APPROVED on this the ____ day of _____, 2017.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney