AGENDA CITY COMMISSION

MONDAY, AUGUST 28, 2017 REGULAR MEETING

CITY HALL
HELEN KLEBERG GROVES COMMUNITY ROOM
400 WEST KING AVENUE
4:00 P.M.- Workshop
6:00 P.M.-Regular Meeting

I. Preliminary Proceedings.

OPEN MEETING

CONVENE INTO BUDGET WORKSHOP:

Review and discuss proposed fiscal year 2017-2018 budget for departments of the City of Kingsville. (City Manager).

REGULAR MEETING RESUMES AT 6:00 P.M.

INVOCATION / PLEDGE OF ALLEGIANCE — (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

None.

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

1. Public Hearing on a *proposed* tax rate increase from \$.84220 to \$.88681 for Fiscal Year 2017-2018. (Finance Director).

APPROVED BY:

Jesús A. Garza Lity Manager

- 2. Public hearing regarding condemnation proceeding for structures (house & garage) located at 702 W. Henrietta, Kingsville, Texas. (Director of Planning & Development Services).
- 3. Public hearing regarding rezone of KT&I Co., Block 22, Lots 3 & 4, 1.15 acres, also known as area South of Chili's Restaurant on US77 Southbound Frontage Road from AG-Agriculture District to C2-Retail District, application of Carol Lagutchik for Brazos de Santos Partners, Ltd., application on behalf of Paul M. West, owner. (Director of Planning & Development Services).

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

Page 1 of 4 AGENDA – KINGSVILLE CITY COMMISSION AUGUST 28, 2017 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, SEP, Legislative Update, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, 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. <u>Consent Agenda</u>

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.

<u>CONSENT MOTIONS, RESOLUTIONS, ORDINANCES AND ORDINANCES FROM PREVIOUS MEETINGS:</u>

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

- 1. Motion to approve out-of-state travel for the Parks & Recreation Director to attend the 2017 International Society of Arboriculture Leadership Workshop in Champaign, Illinois from October 2-5, 2017, with travel paid by state and international arboriculture associations. (Parks & Recreation Director).
- 2. Motion to approve reappointment of Historical Development Board members Lupita Perez and Sandra Rexroat, each to three year terms. (Downtown Manager).
- 3. Motion to approve expending funds from the City of Kingsville Employee Benefit Plan Trust for the 2017 City Health Fair (for employees and eligible dependents). (Human Resources Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.4

- 4. Consider condemnation of structures (house & garage) located at 702 W. Henrietta, Kingsville, Texas. (Director of Planning & Development Services).
- 5. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to KT&I Co., Block 22, Lots 3 & 4, 1.15 acres, also known as area South of Chili's Restaurant on US77 Southbound Frontage Road from AGAgriculture District to C2-Retail District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning & Development Services).

- 6. Presentation and discussion on proposal for historical memorial street designation signs (not renaming) for certain streets. (City Manager).
- 7. Consider awarding the contract for bid (RFP 17-17) for Santa Gertrudis Street Improvement Project 2017, as per staff recommendation. (Capital Improvements Manager).
- 8. Consider appointments of members to the Parks & Recreation Advisory Board. (Parks & Recreation Director).
- 9. Consider a resolution authorizing the City to submit an application to the Lowe's Community Partners Grant program for the purpose of requesting grant funding for a walking path at Dick Kleberg Park along Escondido Road for the Kingsville Parks Department with an anticipated cash match, authorizing the City Manager to submit the grant and the City Parks & Recreation Director as the grant official to act on the City's behalf with such grant program. (Parks & Recreation Director).
- 10. Consider accepting donation from the Kleberg County Sheriff's Association in the amount of \$300 for the Parks & Recreation Department movie in the park. (Parks & Recreation Director).
- 11. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 budget to accept and expend a donation from the Kleberg County Sheriff's Association for the Parks Department. (Parks & Recreation Director).
- 12. Consider a resolution in support of the construction and operation of the Raven Petroleum Refinery. (Mayor Fugate).
- 13. Consider a resolution approving an application and agreement for the Historic District Façade Grant Program from Mary Lou Gonzalez for property located at 228 E. Kleberg Avenue, Kingsville, Texas. (Downtown Manager).
- 14. Consider a resolution adopting the City of Kingsville Fraud Prevention and Detection Policy. (Finance Director).
- 15. Consider a resolution adopting the City of Kingsville Grant Administration Policy. (Finance Director).
- 16. Consider a resolution authorizing the City to submit an application to the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Program's FY2017 JAG Program Local Solicitation Grant requesting funding for law enforcement equipment on behalf of the Kingsville Police Department with no anticipated cash match. (Police Chief).
- 17. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 6, zoning, amending Section 15-6-21 Definitions to add fairgrounds, rodeo grounds, farm, ranch, and orchard; and amending Appendix A-Land Use Categories to add fairgrounds, rodeo grounds, and farm. (Director of Planning & Development Services).
- 18. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Electric Code Sections 15-1-56-Definitions and 15-1-59-Qualifications and Registration. (Director of Planning and Development Services).
- 19. Consider introduction of an ordinance adopting Article 8-Use of Public R.O.W.-Network Nodes & Support Structures, in Chapter V-Public Works; regulating the physical use, occupancy, and maintenance of City Rights-of-Way by wireless network providers; describing the purpose; providing for definitions; requiring compliance with the City Design Manual and applicable codes for the installation of network nodes and node support poles pursuant to Chapter 284 of the Texas Local Government Code; providing City procedures for applications for permits; establishing time periods for approval of permit applications; providing application fees and annual public Right-of-Way rental

rates; providing restrictions on placement of network nodes and node support poles in municipal parks, residential areas, historic districts, and design districts; providing indemnity for the City. (Director of Planning and Development Services).

- 20. Consider introduction of an ordinance approving a Design Manual for the installation of network nodes and node support poles; and approving a pole attachment agreement regulating the installation of network nodes on City service poles and utility poles. (Director of Planning and Development Services).
- 21. Executive Session: Pursuant to Section 551.087, Texas Government Code, Deliberations Regarding Economic Development Negotiations Exception, the City Commission shall convene in executive session to deliberate the offer of a financial or other incentive to a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations. (City Manager).

VII. Adjournment.

City of Kingsville, Texas

- 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.
- 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:

August 24, 2017 at 4:00 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 remove	d from the official posting board at the Kingsville City Hall on th	ie
following date and time:		
By:		
City Secretary's Office	**************************************	

PUBLIC HEARING(S)

PUBLIC HEARING #1

2017 Governing Body Summary #1A* Benchmark 2017 Tax Rates CITY OF KINGSVILLE

Date: 08/07/2017 11:08 AM

DESCRIPTION OF TAX RATE	TAX RATE PER \$100	THIS YEAR'S TAX LEVY**	ADDITIONAL TAX LEVY
Effective Tax Rate	\$0.84299	\$6,895,593	
One Percent \$100 Tax Increase***	\$0.85142	\$6,964,549	\$68.956
One Cent per \$100 Tax Increase***	\$0.852990	\$6,977,392	\$81,799
Notice & Hearing Limit****	\$0.84299	\$6,895,593	\$0
Rollback Tax Rate	\$0.88682	\$7,254,119	\$358,526
Last Year's Tax Rate	\$0.842200	\$6,889,130	\$-6,463
Proposed Tax Rate	\$0.88681	\$7,254,037	\$358,444

^{*}These figures are provided as estimates of possible outcomes resulting from varying the tax rate. Please be aware that these are only estimates and should not be used alone in making budgetary decisions.

^{**}Tax levies are calculated using line 19 of the Effective Tax Rate Worksheet and this year's frozen tax levy on homesteads of the elderly or disabled.

^{***}Tax increase compared to effective tax rate.

^{****}The Notice and Hearing Limit is the highest tax rate that may be adopted without notices and a public hearing. It is the lower of the rollback tax rate or the effective tax rate.

NOTICE OF 2017 TAX YEAR PROPOSED PROPERTY TAX RATE FOR CITY OF KINGSVILLE

A tax rate of \$0.88681 per \$100 valuation has been proposed for adoption by the governing body of CITY OF KINGSVILLE. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate.

The governing body of CITY OF KINGSVILLE proposes to use revenue attributable to the tax rate increase for the purpose of quality of life improvements, which include increase to the Fire Department Personnel and increased focus on the maintenance of our City Parks.

PROPOSED TAX RATE	\$0.88681 per \$100
PRECEDING YEAR'S TAX RATE	\$0.84220 per \$100
EFFECTIVE TAX RATE	\$0.84299 per \$100
ROLLBACK TAX RATE	\$0.88682 per \$100

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for CITY OF KINGSVILLE from the same properties in both the 2016 tax year and the 2017 tax year.

The rollback tax rate is the highest tax rate that CITY OF KINGSVILLE may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS FOLLOWS:

property tax amount= (rate) x (taxable value of your property)/100

For assistance or detailed information about tax calculations, please contact:

MELISSA T. DE LA GARZA, PCC KLEBERG COUNTY TAX ASSESSOR-COLLECTOR 700 E. Kleberg, Kingsville TX 78363 361-595-8542 mtdelagarza@co.kleberg.tx.us www.co.kleberg.tx.us

You are urged to attend and express your views at the following public hearings on the proposed tax rate:

First Hearing: August 28, 2017 at 6:00 PM at the Helen Kleberg Groves Community Room, City Hall, 400 W. King, Kingsville, TX.

Second Hearing: September 5, 2017 at 6:00 PM at the Helen Kleberg Groves Community Room, City Hall, 400 W. King, Kingsville, TX.

2017 Planning Calendar CITY OF KINGSVILLE

Date: 08/07/2017 11:08 AM

Date	Activity
April-May	Mailing of notices of appraised value by chief appraiser.
April 30*	The chief appraiser prepares and certifies to the tax assessor for each county, municipality, and school district participating in the appraisal district an estimate of the taxable value.
May 15*	Deadline for submitting appraisal records to ARB.
July 20 (Aug. 30)	Deadline for ARB to approve appraisal records.
July 25	Deadline for chief appraiser to certify rolls to taxing units.
July 18, 2017	Certification of anticipated collection rate by collector.
August 1, 2017	Calculation of effective and rollback tax rates.
August 14, 2017	Submission of effective and rollback tax rates to governing body.
August 11, 2017	72-hour notice for meeting (Open Meetings Notice).
August 14, 2017	Meeting of governing body to discuss tax rate; if proposed rate tax rate will exceed the rollback rate or the effective tax rate (whichever is lower), take record vote and schedule public hearing.
August 20, 2017	Publish the Notice of Property Tax Rates by September 1 or the 30th day after the first date that the taxing unit has received each applicable certified appraisal roll. Notice must also be posted on the municipality's website.
August 25, 2017	72-hour notice for public hearing (Open Meetings Notice)
August 28, 2017	Public hearing.
September 1, 2017	72-hour notice for second public hearing (Open Meetings Notice)
September 5, 2017	Second public hearing (may not be earlier than 3 days after first public hearing); schedule and announce meeting to adopt tax rate 3-14 days from this date.
September 8, 2017	72-hour notice for meeting at which governing body will adopt tax rate (Open Meetings Notice)
September 11, 2017	Meeting to adopt tax rate. Meeting is 3 to 14 days after second public hearing. Taxing unit must adopt tax rate by Sept. 30 or 60 days after receiving certified appraisal roll, whichever is later.

^{*}Tax Code Section 81.06 directs that if a date falls on a weekend, the deadline is extended to the following regular business day

TAX RATE PUBLIC HEARING STATEMENT

The second public hearing on the tax rate will take place on September 5, 2017 at a Special City Commission meeting at 6:00 p.m. in the Helen Kleberg Groves Community Room here at City Hall, 400 W. King Ave., Kingsville, Texas.

The <u>vote to adopt</u> the City of Kingsville's 2017-2018 fiscal year tax rate will take place on September 11, 2017 at a City Commission meeting at 6:00 p.m. in the Helen Kleberg Groves Community Room here at City Hall, 400 W. King Ave., Kingsville, Texas.

PUBLIC HEARING #2



P.O. BOX 1458 KINGSVILLE, TX 78364

REPORT ADDRESS		INSPECTOR	
702 W HENRIETTA HOUSE		DANIEL RAMIREZ	
LEGAL DESCRIPTION	BLOCK		LOT
HENRIETTA HEIGHTS	8		17-20
OWNER NAME	OWNER'S ADDRESS		CITY/STATE/ZIP
CAROLYN R FRANKLIN	220 N COUNTY RD 1080		KINGSVILLE, TEXAS 78363

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	Interior		Х		H,B,C,D,OU,NR	
Plumbing			Х	X		
Electrical			Х	Х		
REASON CODES:						
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P.O. BOX 1458 KINGSVILLE, TX 78364

REPORT ADDRESS		INSPECTOR		
702 W HENRIETTA HOUSE		DANIEL RAMIREZ		
LEGAL DESCRIPTION	вгоск		LOT	
HENRIETTA HEIGHTS	8		17-20	
OWNER NAME	OWNER'S ADDRESS		CITY/STATE/ZIP	
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P.O. BOX 1458 KINGSVILLE, TX 78364

REPORT ADDRES	SS	***************************************	***************************************		INSPECTOR	***************************************		
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SIGNATURE: DATE:

DANIEL H. RAMIREZ, CITY OF KINGSVILLE BUILDING OFFICIAL

5/18/2017

CONDEMNATION CHECKLIST

Property Address: Property Owner: Owner's Address:	10) W Hema avolyn R Fran 30 N Coxuly Rou Lingsylle, TX 1	Phone:
PLANNED DATE	ACTUAL DATE	ACTION
5-1-11	5-1-17	1. Identify structure unfit for human habitation.
D 5 d-11 -	5-8-11	2. Inspect Property. (Building Official)
		☐ a. Prepare inspection report and date.
V 1 - 17	5 2 17	☐ b. Photograph property with date stamp.
0 5 6 11	7-7,11	3. Determine ownership from county assessment &
K-1-17	C 2011	tax collection record.
05 7 11	5-5-17	4. Obtain legal description.
05-7/11	2-7/11	5. Obtain or complete title report to verify owner-
		ship & other vested interests, such as mortgage
05-1-17	SIM	holders, trustees, etc.
	3-1-11	6. Send Notice of Violation & copy of inspection
Correction litter	resead for	report to property owner(s) of record. Request
Both Structure	5-18-17	written response from owner within 10 days from
5-18-17	2-18-11	Notice of Violation indicating action the owner
		intends to take within the next 30 days to correct
		substandard conditions.
_ 0 0 0	0.0-17	7. 2 nd Notice Sent. (10 day response) (Optional)
0 8-4-11	8-9 11	8. If response is not received or is not adequate, pro-
-8-9-17	9-9-17	ceed as follows:
		9. Send 20-day pre notification letter owner(s) &
		others with vested interest in property advising
		the date the property will be presented to City
		Council for consideration of condemnation.
7 2 2 1	9 22 12	☐ a. Owner unknown or whereabouts not known or such owner is a nonresident of Texas.
ロー1-27-11	1-21-11	1) Post affidavit in newspaper twice a week
0010		for one week
0 0-4-11	8-4-11	10. Post sign on property advising date the City

4)		Council will consider condemnation of structure.
		11. Within the Historical District. Meeting date to
0	6	be heard by the Historical Development Board.
	8 -17	12. Photograph posted sign with date stamp.
0817	9 -17	13. Prepare information packet for each City
		Council member, plus one each for City Manager, City Attorney & City Secretary consisting of
		☐ a. Location Map
		☐ b. Photographs of the structure with date stamp
		☐ c. Inspection report
		☐ d. Pre-condemnation notice
0	Ô	☐ e. Condemnation resolution
0, -11	0, -11	14. Place condemnation action resolution &
		supporting documentation for placement on the
		City Council agenda.
		15. City Council adopts condemnation resolution.
		16. File Notice of Condemnation with the County
		Clerk.
<u> </u>		17. Send owner(s) & other vested interests the
		following:
		☐ a. Copy of the City Council resolution.
		☐ b. 45-day order to demolish
	Alabaman	18. Post 45-day Order to Demolish on structure.
		☐ a. Take photo with date stamp
		19. Evaluate status of owner's action on 46th day
		after Order of Demolition was issued. If no action
		taken by owner, proceed with demolition.
	P-1101-0-1101-0-1101-0-1101-0-1101-0-1101-0-1101-0-1101-0-1101-0-1101-0-1101-0-1101-0-1101-0-1101-0-1101-0-110	20. Photograph posted notice with date stamp.
		21. Notify utility companies to disconnect &
		remove services from structure for safe
		demolition.
	AND THE PROPERTY OF THE PROPER	22. Issue Notice to Proceed to Public Works
		Director and Demolition Crew.
		23. Prepare demolition cost statement consisting of:
		☐ a. Mailing fees
		☐ b. Publication fees

1	□ c. Demolition costs
	☐ d. Landfill tipping fees
	□ e. Filing fees
	☐ f. Administrative fees
	☐ g. Any documentation miscellaneous costs
	24. Send a letter & cost statement to the
	Collections Department so they can send out bill.
	Make copy of documents and send to the City
	Attorney requesting a lien to be place on the
	property.

Values 84,150 IMPROVEMENTS 84,150 LAND MARKET + 12,000 MARKET VALUE = 96,150 PRODITIOTIVITY LOSS 0	= 96,15	HE	SNC				IMPROVEMENT FEATURES Foundation FD1 0 Exterior Wall 1 EW1 0 Interior Finish 1 IN1 0 RT2,RM1 0 Flooring 1 EL7 0 Hartin/Cooling 1 HAE 0 HARE 1 HAE 0 HAE 0 HARE 1 HAE 0 H	Oll Walls: 0 AG CLASS AG TABLE AG UNIT PRC AG VALUE
PROPERTY APPRAISAL INFORMATION 2016 Entities FRANKLIN CAROLYN R CAD 100% 220 N COUNTY ROAD 1080 GKI 100% KINGSVILLE, TX 78363-2623 SKI 100% WST 100%	ACRES: EFF. ACRES:	APPR VAL METHOD: Cost	SKETCH for Improvement #2 (RESIDENTIAL)	Z Z Z WM Z Z Z WM Z Z		E E	MPROVEMENT INFORMATION BUILT EFEYR COND. VALUE DEPR PHYS ECON FUNC COMP ADJ ADJ VALUE 1955 1955 G 14,360 55% 90% 100% 100% 100% 0.50 7,110 1955 1955 G 3,860 55% 90% 100% 100% 0.50 7,310 N 18,220 90% 100% 100% 0.50 9,020	LAND INFORMATION IRR Wells: 0 Capacity: 0 IRR Acres: 0 ONS UNIT PRICE GROSS VALUE ADJ MASS ADJ VAL SRC MKT VAL AG APPLY
CEBENTY 18008 R APPRAISAL DISTRICT ROPERTY 18008 R 17428 Igal Description SARIETTA HGTS, BLOCK 8, LOT 17-20 OWNERSHIP 100.00%	Ref ID2; R18008 S000817000192 Map ID A2	TUS 702 W HENRIETTA	GENERAL FILITIES POGRAPHY JAD ACCESS LAST INSP. DATE NING NEXT INSP. DATE	EMARKS FOR '17 ADD FF6 CLASS TO MA2 - CHG OP1'S TO OP3'S PER IE 4/3/17 4/4/17 JO FOR '14 ADJ DEPR TO 55%, ON BOTH IMPR SEGS PER APPR LR 3/11/14 3/20/14 MMG FOR 2013 ADD FF	SUE DT PERMIT TYPE PERMIT AREA ST PERMIT VAL 1/29/2007 REM 400 A 500	ALE DT PRICE GRANTOR DEED INFO 3/06/1994 **** CLEMENT MARTIN WOT / 99 / 596 UNKNOWN OT / /	IUBD: S350. 100:00% NBHD: IVPE DESCRIPTION MTHD CLASS/SUBCL AREA UNIT PRICEUNITS BIOMA MAIN AREA R FF2/ 540.0 26.60 1 19 7/ 484.0 7.38 1 19 RESIDENTIAL STCD: A1 1,024.0 Homestie: N	UBD: S350 100.00% NBHD: DESCRIPTION CLS TABLE SC HS METH DIMENSIONS

by VICKI

True Automation, Inc.

Values 100% IMPROVEMENTS 84,150 100% LAND MARKET + 12,000 100% MARKET VALUE = 96,150 100% PRODITIVITY I OSS - 0	APPRAISED VALUE = 96,150 HS CAPLOSS	LUE = 96.15	SN	PICTURE			IMPROVEMENT FEATURES IMPROVEMENT FEATURES 1 1 2 2,520 2520 2,5
PROPERTY APPRAISAL INFORMATION 2016 Entities FRANKLIN CAROLYN R 220 N COUNTY ROAD 1080 CKI KINGSVILLE, TX 78363-2623 SKI WST	ACRES: EFF. ACRES:	APPR VAL METHOD: Cost	SKETCH for Improvement #1 (RESIDENTIAL)	वा रहे। स म म स स स स स स स स स स स स स स स स स	. प्र । प्र । प्र । प्र । प्र । प्र	700 F	IMPROVEMENT INFORMATION INPURIOR INPUR
LEBERG COUNTY APPRAISAL DISTRICT AOPERTY 18008 R 17428 Igal Description SNRIETTA HGTS, BLOCK 8, LOT 17-20 OWNER ID 100.00%	Ref ID2; R18008 IS000817000192 Map ID A2	TUS 702 W HENRIETTA	GENERAL FILITIES DPOGRAPHY LAST APPR. YR DAD ACCESS LAST INSP. DATE NEXT INSP. DATE	EMARKS FOR '17 ADD FF6 CLASS TO MA2 - CHG OP1'S TO OP3'S PER IE 4/3/17 4/4/17 JO FOR '14 ADJ DEPR TO 55% ON BOTH IMPR SEGS PER APPR LR 3/11/14 3/20/14 MMG FOR 2013 ADD FF	SUE DT PERMIT TYPE PERMIT AREA ST PERMIT VAL 1/29/2007 REM 500	ALE DT PRICE GRANTOR DEED INFO 5/06/1994 ***** CLEMENT MARTIN WOT / 99 / 596 UNKNOWN OT / /	SUBD: S350 100.00% NBHD: ITYPE DESCRIPTION MTHO CLASS/SUBGL, AREA UNIT PRICEUNITS MAIN AREA R FF6/40.0 1,733.0 51.55 1 MAIN AREA R FF6/40.0 10.31 1 1 OPE PORCH B R */ 400.0 10.31 1 MAZ 2ND STORY B R */ 1,502.0 41.24 1 OPEN PORCH B R */ 1,502.0 10.31 1 RESIDENTIAL STCD: A1 A,071.0 Homestie: N

IRR Acres; 0 Oil Wells; 0

MKT VAL AG APPLY AG CLASS AG TABLE AG UNIT PRC AG VALUE 12,000 NO 0.00 8,737 12,000 LAND INFORMATION IFFORMATION IFF Wells: 0 Capacity: 0

METH DIMENSIONS UNIT PRICE GROSS VALUE ADJ MASS ADJ VAL SRC
FF 100X140 120.00 1.00 A IUBD: S350 100.00% NBHD:

I DESCRIPTION CLS TABLE SC HS A1 N Mment: F: 100.0 B: 100.0 D: 140 FF

True Automation, Inc.

County: KLEBERG

Page 716

2015 CERTIFIED APPRAISAL ROLL

As of Supplement # 0 CKI - CITY OF KINGSVILLE

Geo ID Order

07/23/2015 14:40PM

Prop ID	Owner %	Legal Descript	ion						Values		
14166		R Geo: 1350008	30700019	2	Effe	ective Acres: (0.00000.0	imp HS:			58,040
LARA ROSITA	A	HENRIETTA HGT	S, BLOCK	8, LOT E/6, 7, 8, A	CRES .0			Imp NHS:	4,850	Prod Loss:	0
719 W LEE A	VE			,	Acres:		0.0000	Land HS: Land NHS:		Appraised: Cap:	58,040 0
KINGSVILLE,	TX 78363-4228	State Codes: A Situs: 719 W LEE	=		ap ID:		A2	Prod Use:	•	Assessed:	58,040
		Olus. 715 W LLE	=		tg Cd: DBA:			Prod Mkt:	0	Exemptions:	DP, HS
Entity CKI	Description CITY OF KINGSV		Xref Id	Freeze: (Year)	Ceiling	Assessed 58,040	Exem	ptions 0	Taxable 58,040		
14974	61259 100.00	R Geo: 1350008	09000192	2		ective Acres: 0	.000000		0		67,460
NIELSEN RAI DR MARIA GO	ONZALEZ AGENC	HENRIET I A HGT	S, BLOCK	8, LOT 9, 10, W/2 1	11			Imp NHS: Land HS:		Prod Loss: Appraised:	0 67,460
403 S 6TH ST KINGSVILLE,		State Codes: A, B			Acres:			Land NHS:	6,250	Cap:	. 0
KII4GOVILLE,	17 70303	Situs: 715 W LEE	•		ap ID: tg Cd:		AZ	Prod Use: Prod Mkt:		Assessed: Exemptions:	67,460
					DBA:						
CKI	Description CITY OF KINGSV	ILLE		Freeze: (Year)	Ceiling	Assessed 67,460	Exem	ptions 0	Taxable 67,460		
24075 D&R RICHAR	50005 100.00 DSON FARMS LTD	R Geo: 1350008 HENRIETTA HGT	12000192 S. BLOCK	9 8 I OT F/2 11 12	Effe	ctive Acres: 0	.000000	Imp HS: Imp NHS:	0 52 720	Market:	58,980
PO BOX 75		, nemeriandi	o, blook	0, 101 02 11, 12,	13			Land HS:		Prod Loss: Appraised:	0 58,980
GREGORY, T	X 78359-0075	State Codes: A. B			Acres: ap ID:			Land NHS: Prod Use:	6,250	Cap:	0
		Situs: 709 W LEE	TX	Mt	g Cd:		AZ	Prod Mkt:		Assessed: Exemptions:	58,980
					DBA:					·	
Entity CKI	Description CITY OF KINGSVI	LLE		Freeze: (Year) (Ceiling	Assessed 58,980	Exem	ptions 0	Taxable 58,980		
24845 SAENZ FAMIL		R Geo: 1350008 HENRIETTA HGT:			Effe	ctive Acres: 0	.000000	Imp HS: Imp NHS:	49 420	Market:	55,930
LIVING TRUS	T	TIENTILE TITTLE T	o, <u>bloo</u> it	•				Land HS:		Prod Loss: Appraised:	0 55,930
PO BOX 1914	MARIA (CO-TR)	State Codes: B			icres: ip ID:			Land NHS: Prod Use:	7,500	Cap: Assessed:	0 55,930
MISSION, TX		Situs: 703 W LEE		Mt	g Cd:		AL.	Prod Mkt:		Exemptions:	55,550
				l	DBA:						
CKI	Description CITY OF KINGSVI	LLE		Freeze: (Year) C	Ceiling	Assessed 55,930	Exem	otions 0	Taxable 55,930		
18008 FRANKLIN CA	17428 100.00 ROLYN R	R Geo: 1350008 HENRIETTA HGT:			Effe	ctive Acres: 0.	.000000	imp HS: imp NHS;	0 84 150	Market: Prod Loss:	96,150 0
220 N COUNT	Y ROAD 1080		-,					Land HS:	0	Appraised:	96,150
KINGSVILLE,	TX 78363-2623	State Codes: A			cres: p ID:			Land NHS: Prod Use:	12,000 0	Cap: Assessed:	96,150
		Situs: 702 W HEN	IRIETTA	Mtg	g Cd:			Prod Mkt:		Exemptions:	30,100
				'	DBA:						
CKI	Description CITY OF KINGSVI	LLE		Freeze: (Year) C		Assessed 96,150		0	Taxable 96,150		
19561 CARRALES DA	51294 100.00 ANIEL	R Geo: 13500082 HENRIETTA HGTS	21 000192 S, BLOCK 8	3, LOT 21, 22	Effec	ctive Acres: 0.	000000	imp HS: imp NHS:	49,230 0	Market: Prod Loss:	55,230 0
710 W HENRIE	ETTA AVE		,					Land HS:	6,000	Appraised:	55,230
KINGSVILLE,	TX 78363-4210	State Codes: A			cres: p fD:			Land NHS: Prod Use:	0	Cap: Assessed:	0 55.230
		Situs: 710 W HEN	RIETTA	Mtg	Cd:			Prod Mkt:		xemptions:	
				ı	OBA:						
CKI	Description CITY OF KINGSVI	LLE		Freeze: (Year) C		Assessed 55,230	·	0	Taxable 55,230		
20356 GUTIERREZ A		R Geo: 13500082 HENRIETTA HGTS		3, LOT 23, 24, E/2 2		ctive Acres: 0.0	000000	Imp HS: Imp NHS:	0 36.520	Market: Prod Loss:	44,020 0
ETAL ALBERT	O A GUTIERREZ						0.00	Land HS:	0	Appraised:	44,020
112 CENTURY MATHIS, TX 78		State Codes: A			cres: p ID;			Land NHS: Prod Use:	7,500 0	Cap: Assessed:	0 44,020
,		Situs: 712 W HEN	RIETTA	Mtg	Cd:			Prod Mkt:		xemptions:	,020
				L	OBA:						
	Description CITY OF KINGSVII		ref ld l	Freeze: (Year) C	eiling	Assessed 44,020	Exemp	otions 0	Taxable 44,020		

Kleberg CAD

Property Search Results > 18008 FRANKLIN CAROLYN R for Year 2017

Property

Account

Property ID:

18008

Legal Description: HENRIETTA HGTS, BLOCK 8, LOT 17-20

Geographic ID:

135000817000192

Agent Code:

Type:

Real

Property Use Code: **Property Use Description:**

Location

Address: Neighborhood: **702 W HENRIETTA**

Mapsco: Map ID:

A2

Neighborhood CD:

Owner

Name: Mailing Address: FRANKLIN CAROLYN R

Owner ID:

17428

220 N COUNTY ROAD 1080 KINGSVILLE, TX 78363-2623 % Ownership:

100.0000000000%

Exemptions:

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$85,380	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$12,000	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
(=) Market Value:	=	\$97,380	
(–) Ag or Timber Use Value Reduction:	_	\$0	
(=) Appraised Value:	=	\$97,380	
(-) HS Cap:	_	\$0	

(=) Assessed Value:	=	\$97,380	

Taxing Jurisdiction

Owner:

FRANKLIN CAROLYN R

% Ownership: 100.0000000000%

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			ar time con any class, manning some projection as arrangement and account	
and Manager departs by the		Microbiological Company and Company and Company and America.	Taxes	Taxes w/Current Exemptions:		

7			
	Taxes w/o Exemptions:	N/A	

1955 484.0

Improvement / Building

Improver	ment #1: RESIDENTIAL State Code: A1	Living A	rea: 3235	.0 sqft	Value: \$76,360
Туре	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	FF6	EW1	1955	1733.0
OP3	OPEN PORCH BETTER (25%)	*		1955	400.0
OP3	OPEN PORCH BETTER (25%)	*		1955	36.0
MA2	2ND STORY (80%)	FF6		1955	1502.0
OP2	OPEN PORCH BASIC (20%) (2ND FLOOR)	*		1955	400.0
Improver	nent #2: RESIDENTIAL State Code: A1	Living A	rea: 540.(osqft '	Value: \$9,020
Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	FF2	EW1	1955	540.0

AGU ATTACHED GARAGE UNFINISHED (30%) *

Land

#	Туре	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	A1	A1	0.3214	14000.00	100.00	140.00	\$12,000	\$0

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	\$84,150	\$12,000	0	96,150	\$0	\$96,150
2015	\$84,150	\$12,000	0	96,150	\$0	\$96,150
2014	\$84,150	\$12,000	0	96,150	\$0	\$96,150
2013	\$91,810	\$12,000	0	103,810	\$0	\$103,810
2012	\$91,810	\$12,000	0	103,810	\$0	\$103,810
2011	\$91,810	\$12,000	0	103,810	\$0	\$103,810
2010	\$91,810	\$12,000	0	103,810	\$0	\$103,810
2009	\$91,810	\$12,000	0	103,810	\$0	\$103,810
2008	\$90,870	\$12,000	0	102,870	\$0	\$102,870
2007	\$90,870	\$12,000	0	102,870	\$0	\$102,870
2006	\$90,870	\$12,000	0	102,870	\$0	\$102,870
2005	\$115,490	\$12,000	0	127,490	\$0	\$127,490
2004	\$115,490	\$12,000	0	127,490	\$0	\$127,490
2003	\$115,490	\$12,000	0	127,490	\$0	\$127,490
2002	\$115,490	\$12,000	0	127,490	\$0	\$127,490
2001	\$104,240	\$10,000	0	114,240	\$0	\$114,240
2000	\$104,240	\$9,000	0	113,240	\$0	\$113,240
1999	\$108,480	\$9,000	0	117,480	\$0	\$117,480
1998	\$122,890	\$9,000	0	131,890	\$3,550	\$128,340
1997	\$107,670	\$9,000	0	116,670	\$0	\$116,670
1996	\$107,670	\$9,000	0	116,670	\$0	\$116,670
1995	\$107,670	\$9,000	0	116,670	\$0	\$116,670

Deed History - (Last 3 Deed Transactions)

# Deed Date Type Description Grantor Grantee Volume Page Deed Number	Volume Page Deed Numb	rantee Volume	Grantor	Description	Type	Deed Date	#

1 ,	ОТ	Other	CLEMENT MARTIN W II	FRANKLIN CAROLYN R	99	596	A
2	OT	Other	UNKNOWN	CLEMENT		Philosophy Sunandata (1) 1914	*
				MARTIN W II			

Questions Please Call (361) 595-5775

Website version: 1.2.2.14

Database last updated on: 4/19/2017 8:23 PM

© N. Harris Computer Corporation

STATEMENT OF ALL TAXES DUE

ACCT # 1-350-008-17000-192 DATE 04/20/2017

SD SD

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

Property Description
HENRIETTA HGTS, BLOCK 8, LOT 17-20

TOWN ACRES

.321

LOCATION-

702 W HENRIETTA

-Values

LAND MKT VALUE LAND AGR VALUE

12,000

IMPR/PERS MKT VAL MKT. BEFORE EXEMP LIMITED TXBL. VAL

84,150 96,150

EXEMPTIONS GRANTED:

NONE

FRANKLIN CAROLYN R

220 N COUNTY ROAD 1080

KINGSVILLE

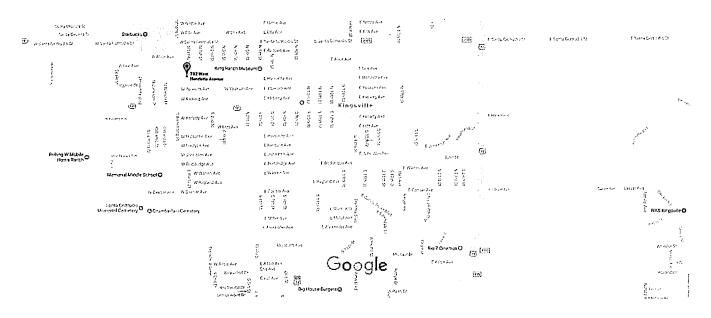
TX 78363-2623

TAXES 2016	LEVY	P&I .00	ATTY FEES	AMT DUE
	.00	.00	.00	.00
ACCT	# 1-350-008-17000-192	TOTAL DUE TOTAL DUE TOTAL DUE	05/2017 06/2017	.00 .00 .00 .00
	BREAKDOWN	OF TAX DUE BY JU	RISDICTION	

JURISDICTION	LEVY	P&I A	CT FEES	TOTAL
KLEBERG COUNTY	.00	.00	.00	.00
CITY OF KINGSVILLE	.00	.00	.00	.00
KINGSVILLE ISD	.00	.00	.00	.00
SOUTH TX WATER AUTH	.00	.00	.00	.00

TAX LEVY FOR THE CURRENT ROLL YEAR: 137 796.89
TAX LEVY FOR THE CURRENT ROLL YEAR: CITY 809.78
TAX LEVY FOR THE CURRENT ROLL YEAR: KISD 1,460.42
TAX LEVY FOR THE CURRENT ROLL YEAR: STWA 79.75
TOTAL TAX LEVY FOR THE CURRENT ROLL YEAR: 3,146.84

Google Maps 702 W Henrietta Ave



Map data ©2017 Google 1000 ft

255



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

MAY 1, 2017

CAROLYN R FRANKLIN 220 N COUNTY ROAD 1080 KINGSVILLE, TX 78363

Re: HENRIETTA HGT, BLOCK 8 LOT 17-20

702 W HENRIETTA

Dear Sir or Madam:

It has been determined that the structure at 702 W HENRIETTA is in a significant state of disrepair and creates a safety and health hazard to the surrounding area and the community at large. The structure is in direct violation to the City of Kingsville's Code of Ordinance § 15-1-165 Condemned Building or Structure; Specifications as adopted and as stated below.

§ 15-1-165 CONDEMNED BUILDING OR STRUCTURE; SPECIFICATIONS.

- (A) Any building or structure of any type of material, whether public or private property, existing within the city limits, which is determined to be unsafe for or dangerous to human occupancy, shall be declared and be and become a condemned building or structure.
- (B) The condemned buildings or structures mentioned in division (A) shall be determined to be such under the following listed terms and conditions:
- (1) Any building or structure which, for want of repair or by reason of age or dilapidated condition, or for any causes, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein.
- (2) Any building or other structure which shall be determined to have a permanent or temporary plumbing condition existing in violation of the installation, maintenance and repair provisions of the City Plumbing Code presently duly enacted or to be duly enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Plumbing Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.
- (3) Any building or other structure which shall be determined to have a permanent or temporary electrical installation condition existing in violation of the installation, maintenance or repair provisions of the City Electrical Code as it is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Electrical Code to endanger

the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

- (4) Any building or structure which shall be determined to contain a faulty and defective structural condition existing in violation of the construction, maintenance and repair provisions of the City Building Code as is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the Building Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.
- (5) Any building or structure which shall be determined to have a permanent or temporary sanitary condition existing in violation of the various health and sanitation ordinances duly enacted and to be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the sanitation ordinances to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

('62 Code, § 4-6-1)

AN INVESTIGATION HAS BEEN CONDUCTED ON THESE PREMISES FOR NON-COMPLIANCE WITH CITY ORDINANCES. YOU ARE HEREBY NOTIFIED THAT THE VIOLATIONS LISTED MUST BE CORRECTED WITHIN THIRTY (30) CALENDAR DAYS FROM RECEIPT THIS LETTER. PLEASE REFER TO THE ENCLOSED PROPERTY CONDITION REPORT REGARDING THE SPECIFIC VIOLATIONS REQUIRING CORRECTIVE ACTION.

WE MUST RECEIVE WRITTEN RESPONSE FROM YOU WITHIN TEN (10) DAYS FROM THIS NOTICE INDICATING THE ACTION YOU INTEND TO TAKE WITHIN THE NEXT THIRTY (30) DAYS TO CORRECT SUBSTANDARD CONDITIONS.

If these violations are not mitigated within thirty (30) calendar days of the date of this letter, a condemnation will be processed through City Commission. If you should commit another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property.

Please provide proof of necessary permits and "passed" inspections for all reconstruction and/or repairs. Provide proof of proper disposal, i.e. landfill receipt or method used to remediate the condemned structure.

If you need further information or have questions, please contact me at (361) 595-8019, Monday through Friday from 8:00 AM - 12:00 PM & 1:00 PM - 5:00 P.M.

Sincerely,

Daniel Ramirez Building Official



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

MAY 18, 2017

CAROLYN R FRANKLIN 220 N COUNTY ROAD 1080 KINGSVILLE, TX 78363

Re: HENRIETTA HGTS, BLOCK 8, LOT 17-20 702 W HENRIETTA (FRONT STUCTURE HOUSE AND THE BACK STUCTURE GARGAGE)

Dear Sir or Madam:

It has been determined that the structure at 702 W HENRIETTA is in a significant state of disrepair and creates a safety and health hazard to the surrounding area and the community at large. The structure is in direct violation to the City of Kingsville's Code of Ordinance § 15-1-165 Condemned Building or Structure; Specifications as adopted and as stated below.

§ 15-1-165 CONDEMNED BUILDING OR STRUCTURE; SPECIFICATIONS.

- (A) Any building or structure of any type of material, whether public or private property, existing within the city limits, which is determined to be unsafe for or dangerous to human occupancy, shall be declared and be and become a condemned building or structure.
- (B) The condemned buildings or structures mentioned in division (A) shall be determined to be such under the following listed terms and conditions:
- (1) Any building or structure which, for want of repair or by reason of age or dilapidated condition, or for any causes, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein.
- (2) Any building or other structure which shall be determined to have a permanent or temporary plumbing condition existing in violation of the installation, maintenance and repair provisions of the City Plumbing Code presently duly enacted or to be duly enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Plumbing Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.
- (3) Any building or other structure which shall be determined to have a permanent or temporary electrical installation condition existing in violation of the installation, maintenance or repair provisions of the City Electrical Code as it is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Electrical Code to endanger

- the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.
- (4) Any building or structure which shall be determined to contain a faulty and defective structural condition existing in violation of the construction, maintenance and repair provisions of the City Building Code as is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the Building Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.
- (5) Any building or structure which shall be determined to have a permanent or temporary sanitary condition existing in violation of the various health and sanitation ordinances duly enacted and to be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the sanitation ordinances to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

('62 Code, § 4-6-1)

AN INVESTIGATION HAS BEEN CONDUCTED ON THESE PREMISES FOR NON-COMPLIANCE WITH CITY ORDINANCES. YOU ARE HEREBY NOTIFIED THAT THE VIOLATIONS LISTED MUST BE CORRECTED WITHIN THIRTY (30) CALENDAR DAYS FROM RECEIPT THIS LETTER. PLEASE REFER TO THE ENCLOSED PROPERTY CONDITION REPORT REGARDING THE SPECIFIC VIOLATIONS REQUIRING CORRECTIVE ACTION.

WE MUST RECEIVE WRITTEN RESPONSE FROM YOU WITHIN TEN (10) DAYS FROM THIS NOTICE INDICATING THE ACTION YOU INTEND TO TAKE WITHIN THE NEXT THIRTY (30) DAYS TO CORRECT SUBSTANDARD CONDITIONS.

If these violations are not mitigated within thirty (30) calendar days of the date of this letter, a condemnation will be processed through City Commission. If you should commit another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property.

Please provide proof of necessary permits and "passed" inspections for all reconstruction and/or repairs. Provide proof of proper disposal, i.e. landfill receipt or method used to remediate the condemned structure.

If you need further information or have questions, please contact me at (361) 595-8019, Monday through Friday from 8:00 AM – 12:00 PM & 1:00 PM - 5:00 P.M.

Sincerely,

Daniel Ramirez Building Official



BUILDING DEPARTMENT

City of Kingsville Phone: 361-595-8019 Fax: 361-595-8035

CERTIFIED MAIL - RETURN RECEIPT #7011 1570 0003 3833 4675

AUGUST 9, 2017

CAROLYN R FRANKLIN 220 N COUNTY ROAD 1080 KINGSVILLE, TX 78363

Re: HEARING FOR PROPERTY AT 702 W HENRIETTA

Dear Sir or Madam:

On MAY 18, 2017, a letter was sent from the City of Kingsville stating that your property located at **702 W HENRIETTA** was a fire hazard or was dangerous to human life, or constitutes a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment such that the structures located thereon are unsafe and a nuisance. In that letter, you were further advised that you needed to repair or demolish the structures within a certain timeframe. As the timeframe has passed and the unsafe structures on your property have not been repaired or demolished, the structures on your property are being recommended for condemnation before the Kingsville City Commission.

You are hereby cited to appear before the City Commission at a public hearing on Monday, AUGUST 28, 2017 at 6:00 p.m. to show cause why such structures should not be condemned. You may appear in person, by agent or by counsel at the hearing. You will need to submit at the hearing proof of the scope of any work that may be required to comply with city ordinances and the time it will take to reasonably perform the work. The condemnation hearing is set for AUGUST 28, 2017.

The hearing will take place at the Helen Kleberg Groves Community Room located on the first floor of City Hall, 400 West King, Kingsville, Texas, during a regularly scheduled meeting of the City Commission.

If you have any questions about the condemnation process or how to get a building permit to fix the structures, please contact me at (361) 595-8019.

Sincerely.

Daniel Ramirez Building Official

Carolyn Franklin

220 N Co Rd 1080 Kingsville, TX 7863

June 18, 201

Mr. Ramirez,

I have not been able to begin the repairs on my property at 702 W. Henrietta. I am having difficulty finding a carpenter to do the repairs. Unfortunately, due to my work schedule I do not have time during the work week to contact people. My husband will have some time in his schedule next week, and he will contact people he knows to help him find a carpenter. I am sorry for the delay, but it has not been possible for me to get this accomplished.

Thank You,

Carolyn Franklin

May 15, 2017

Mr. Ramirez,

I will make necessary repairs to the property at 702 W. Henrietta.

Carolyn Franklin

PUBLIC NOTICE

The City Commission will meet on Monday, August 28, 2017 at 6:00 P.M. The following items are set for public hearing and discussion and / or action: Request to condemn the unsafe structures located at:

702 W HENRIETTA

If you are the property owner, holder of mortgage(s), or anyone having a substantial interest in any these properties, we would request that you attend the meeting. The meeting will be held at City Hall, 400 West King, at the Helen Kleberg Groves Community Room.

If you have any questions about the items on agenda, please contact the Building Department at (361) 595-8019 or (361) 595-8020.

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LYSS III Kingsvine:

He was a painter.

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Local News

Sunday, August 6, 2017

PUBLIC NOTICE

The City Commission will meet on Monday, August 28, 2017 at 6:00 P.M. The following items are set for public hearing and discussion

Request to condemn the unsafe structures located at;

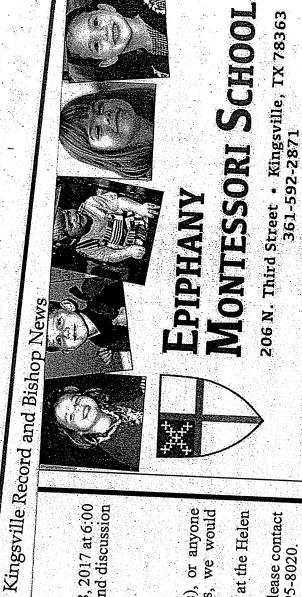
702 W HENRIETTA

If you are the property owner, holder of mortgage(s), or anyone having a substantial interest in any these properties, we would request that you attend the meeting.

The meeting will be held at City Hall, 400 West King, at the Helen Kleberg Groves Community Room.

If you have any questions about the items on agenda, please contact the Building Department at (361) 595-8019 or (361) 595-8020. Admissions@EpiphanySchoolKingsville.org

www.epiphanyschoolkingsville.org







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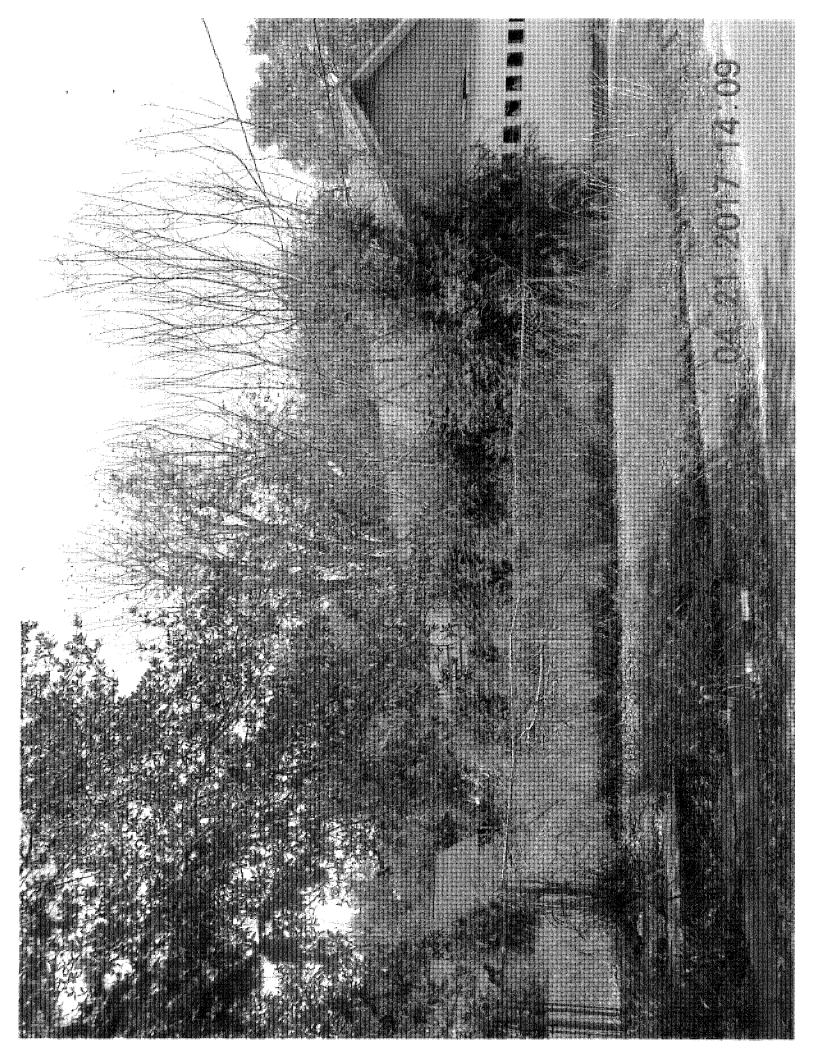
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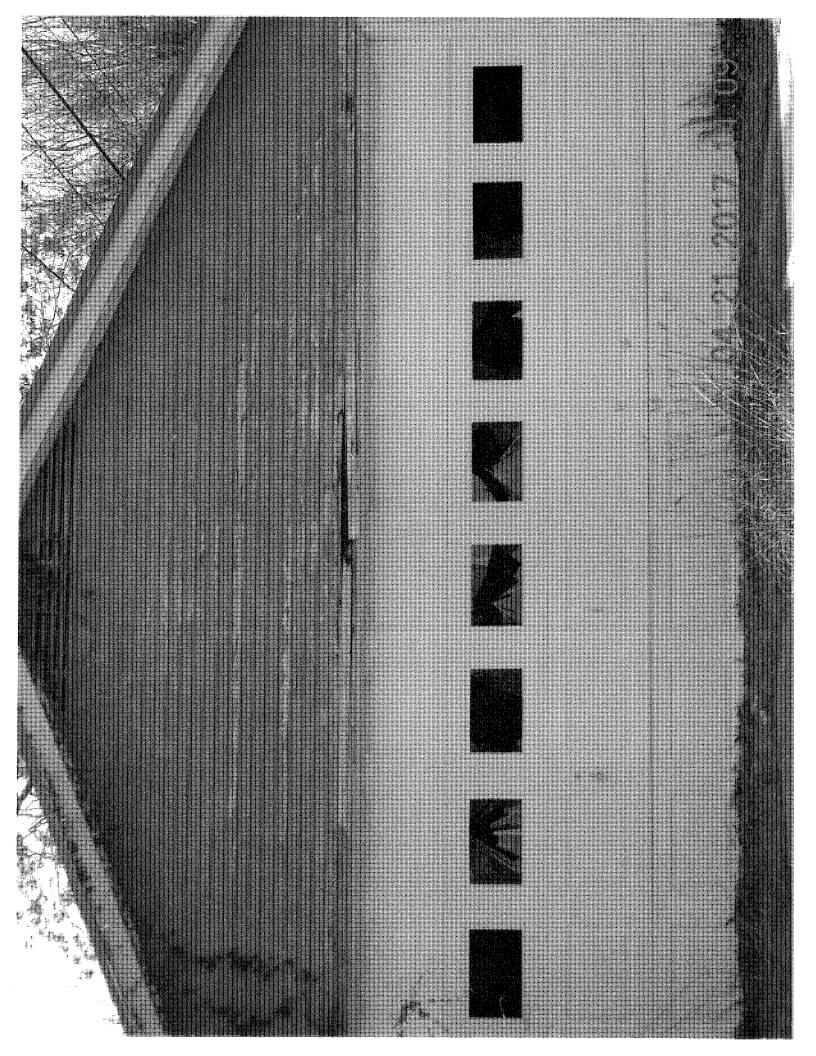
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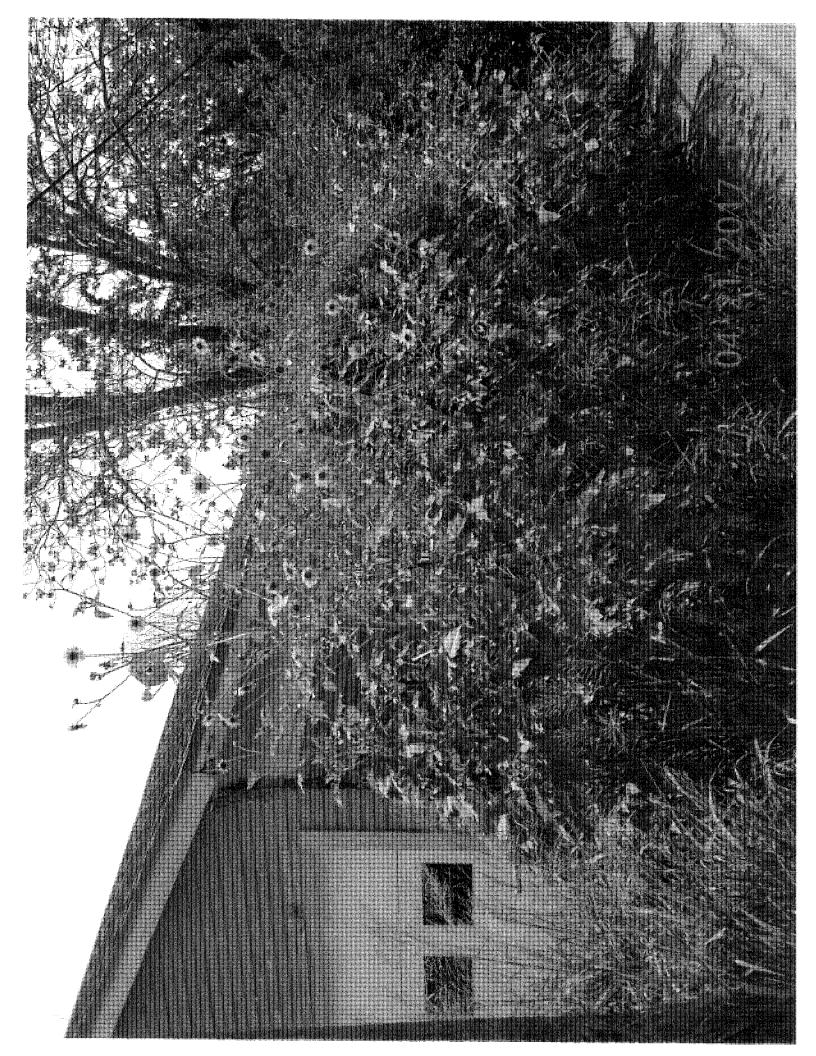
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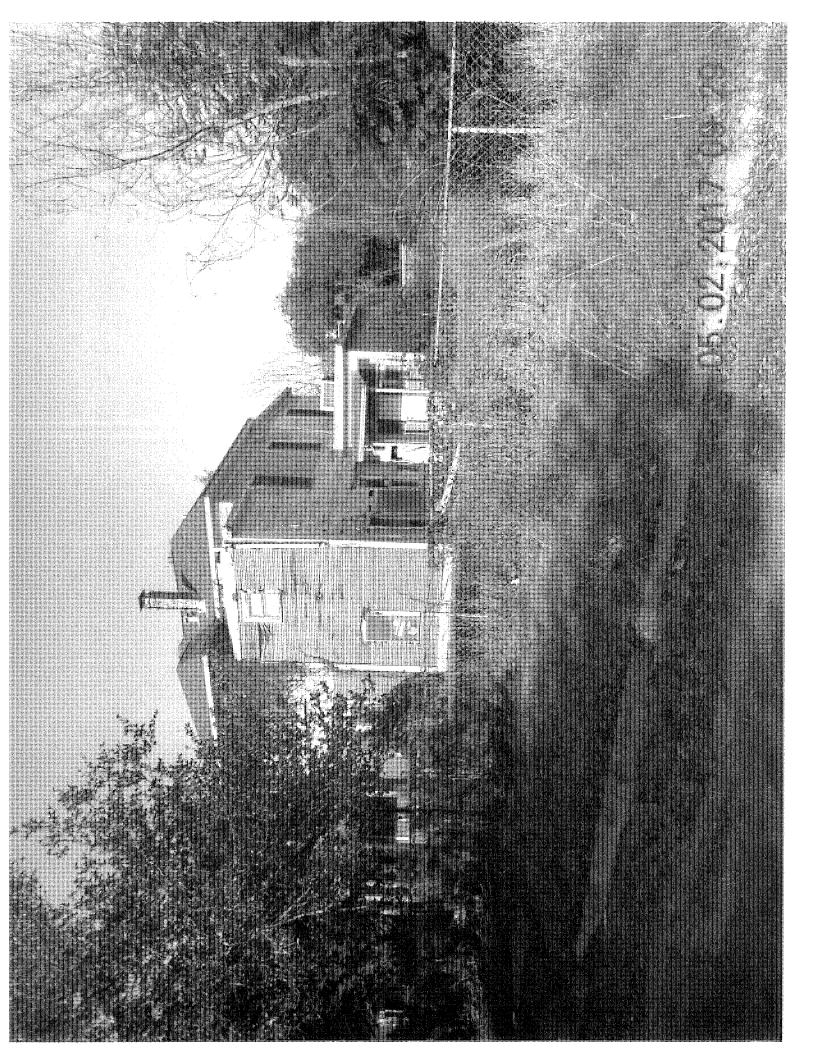


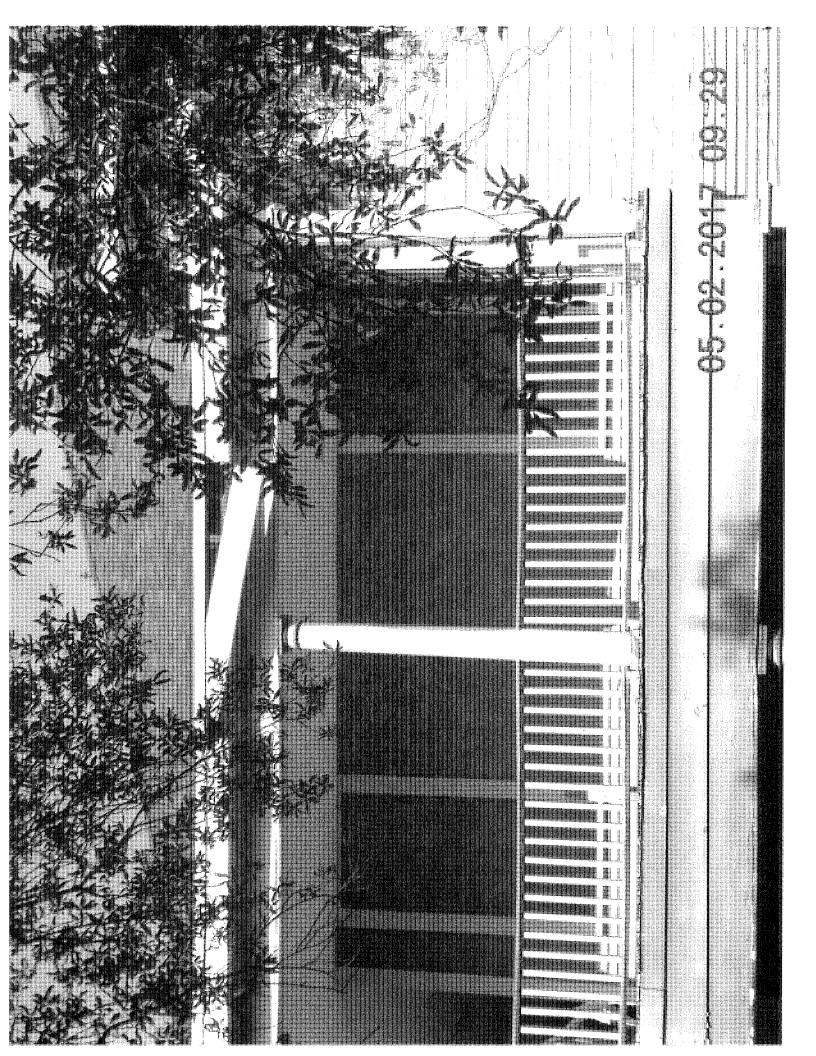




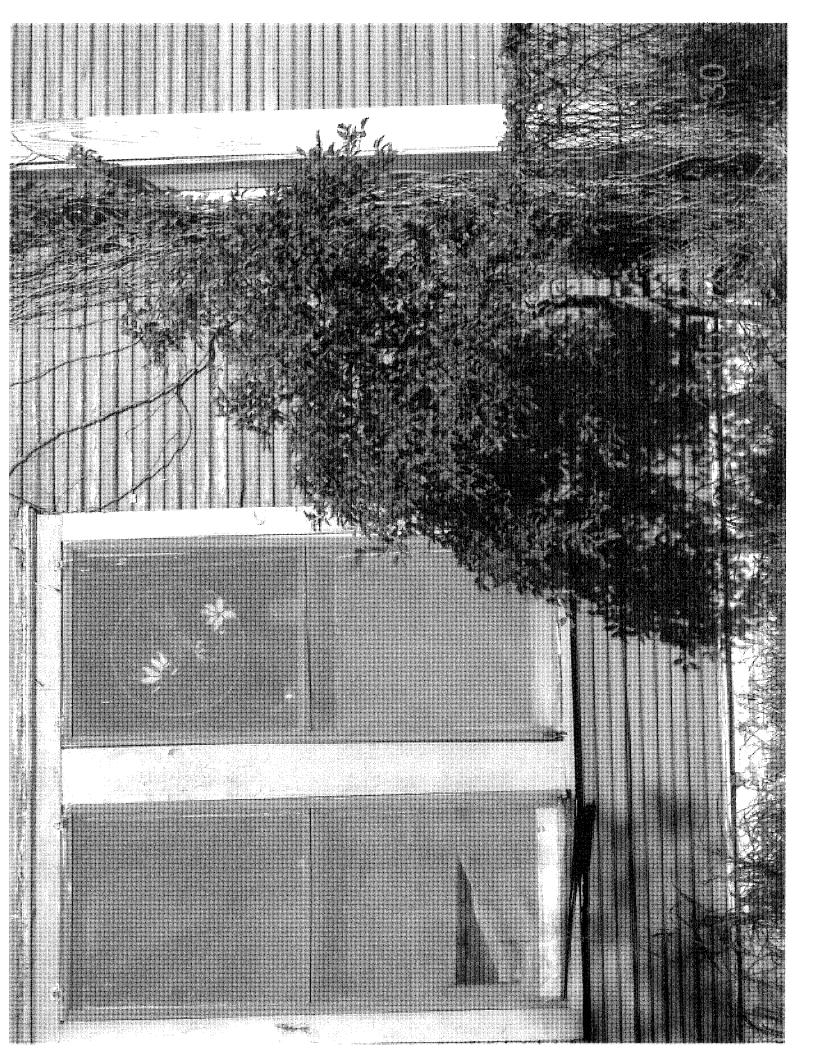




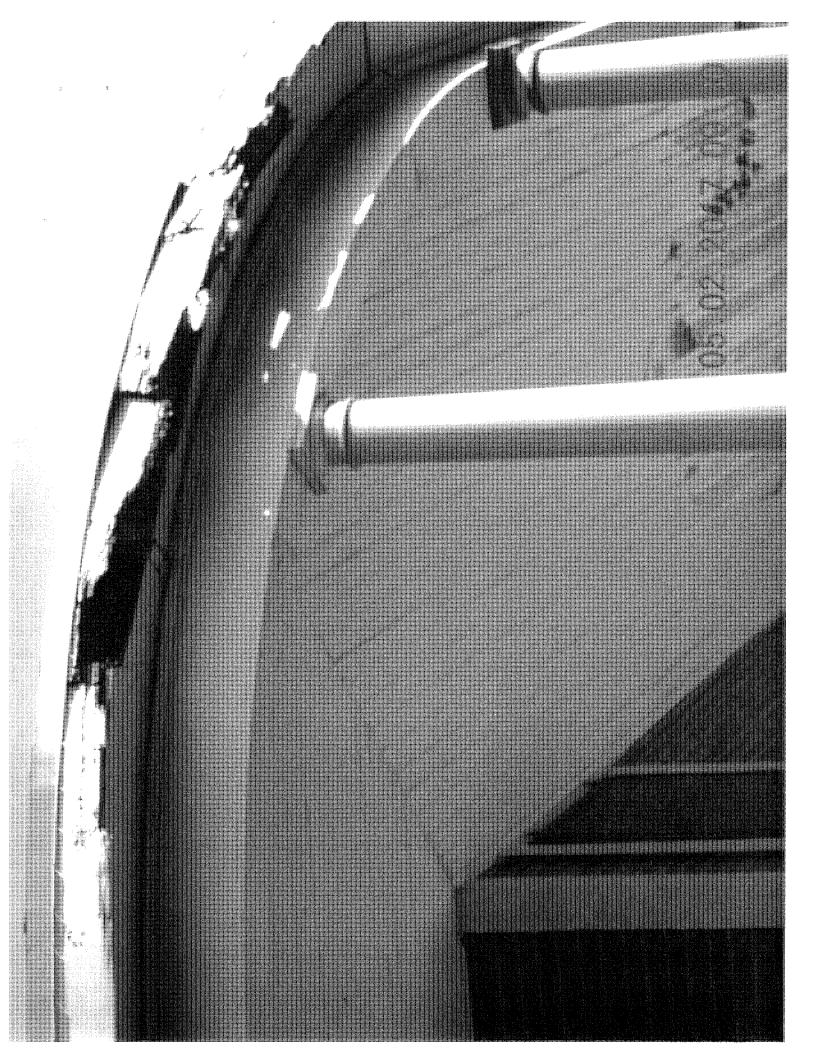


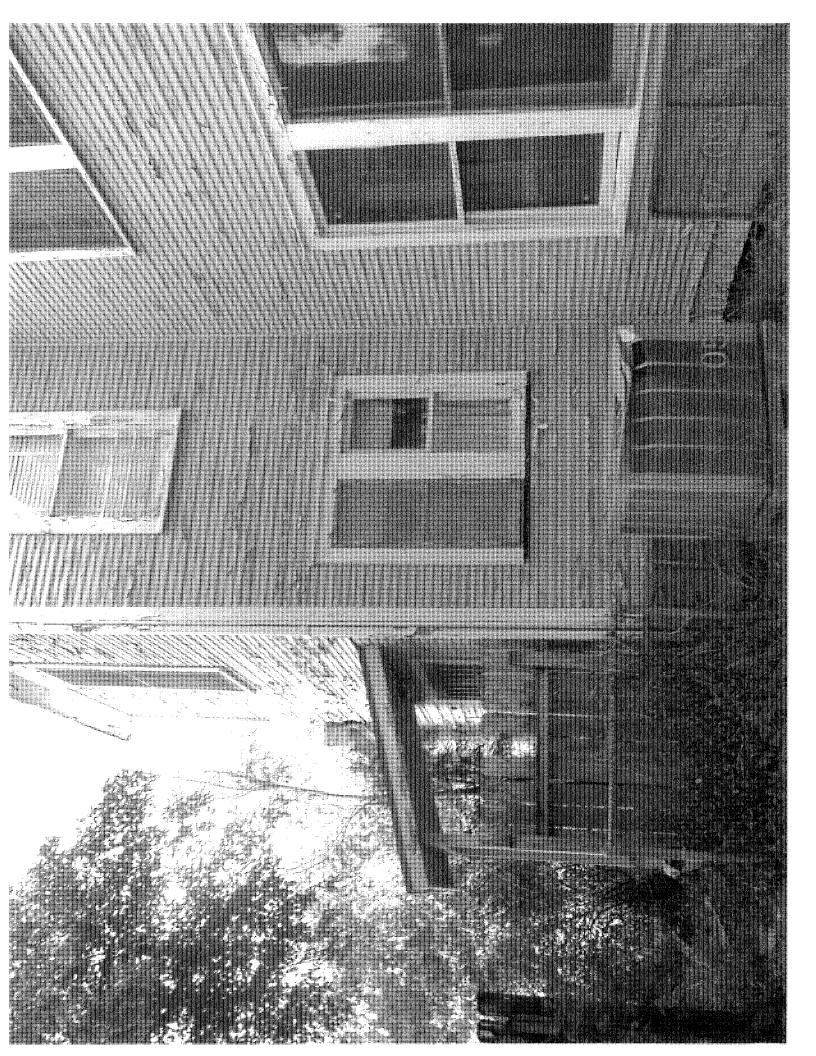
















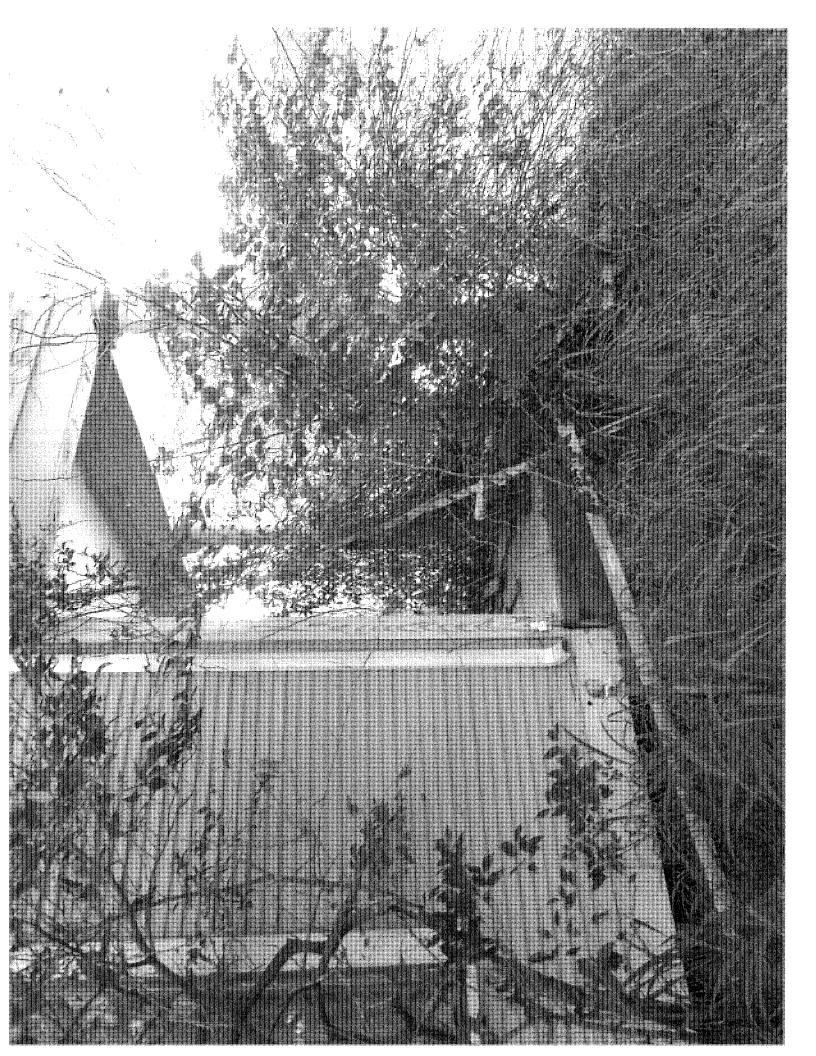




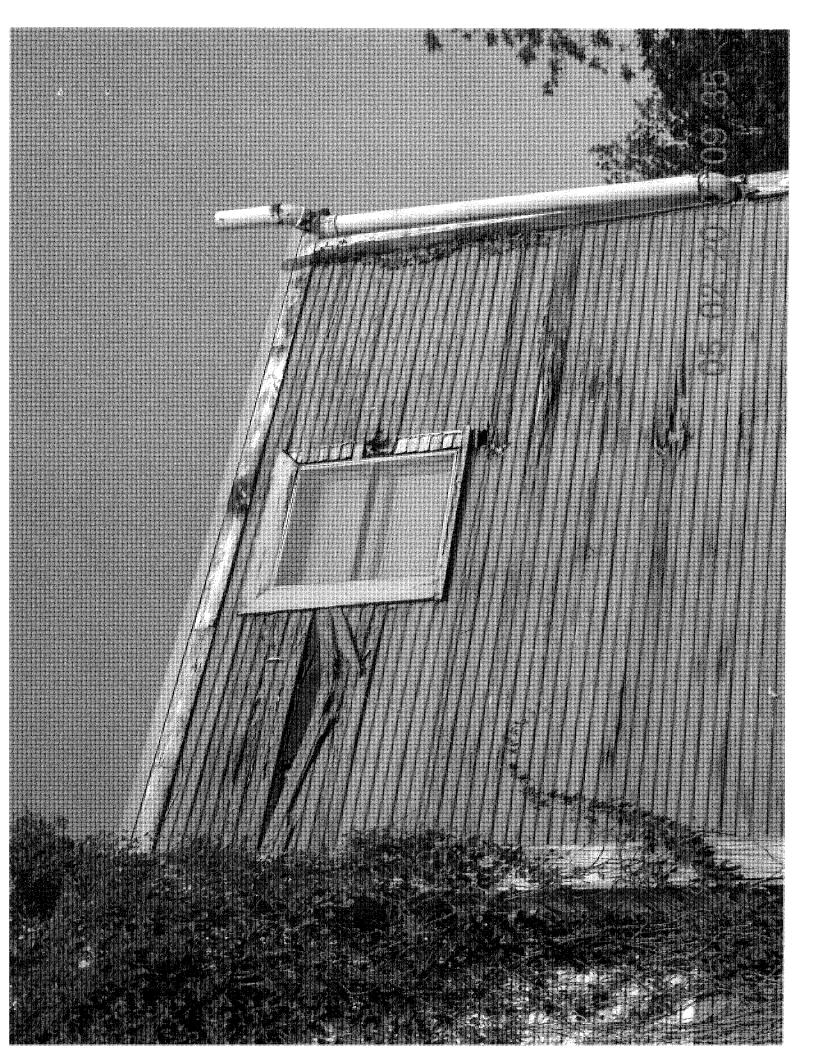




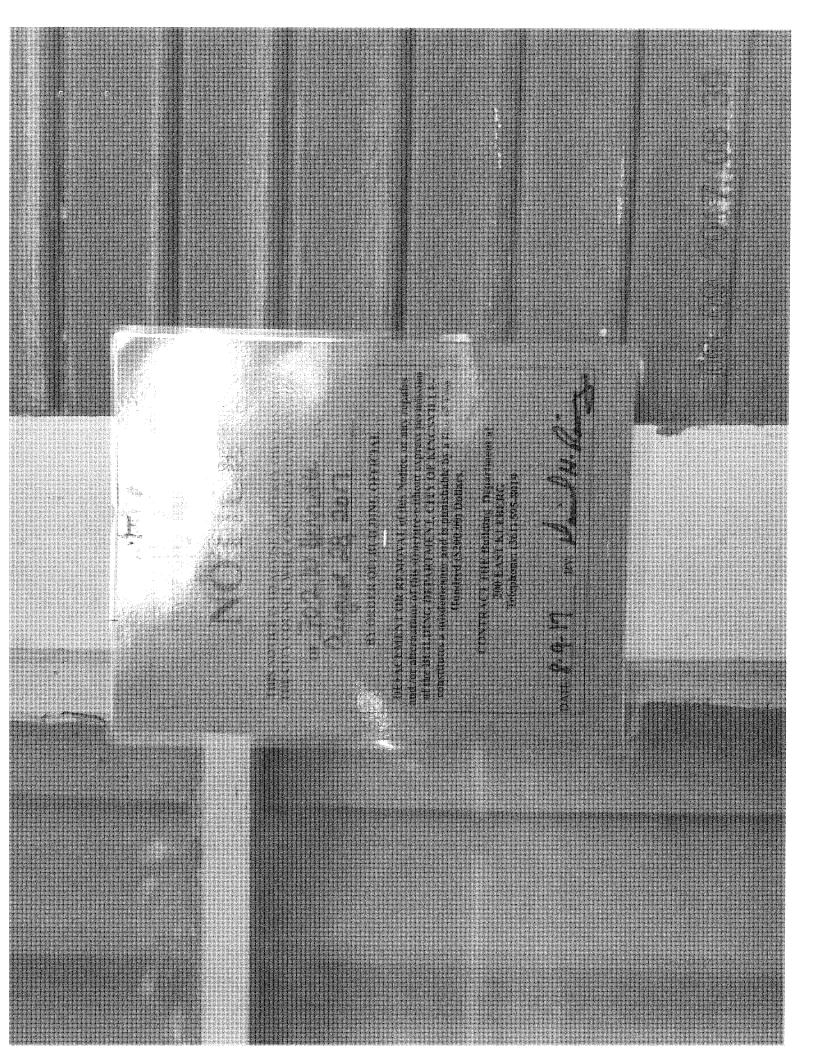






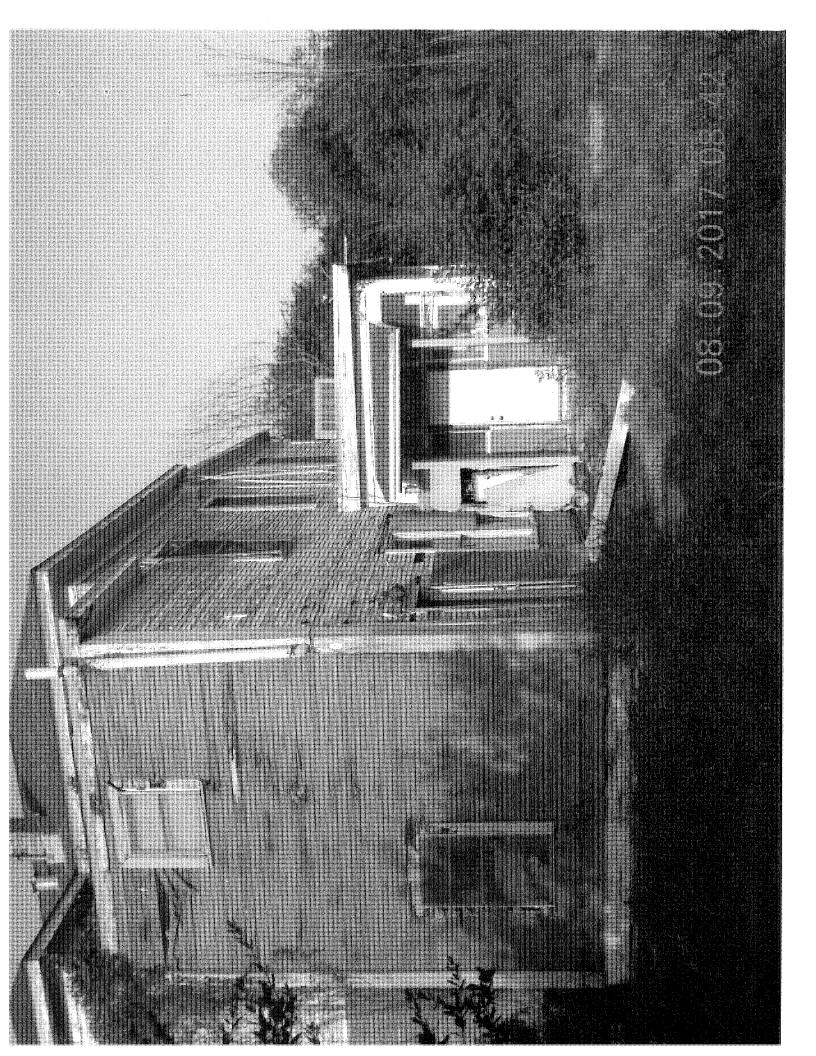




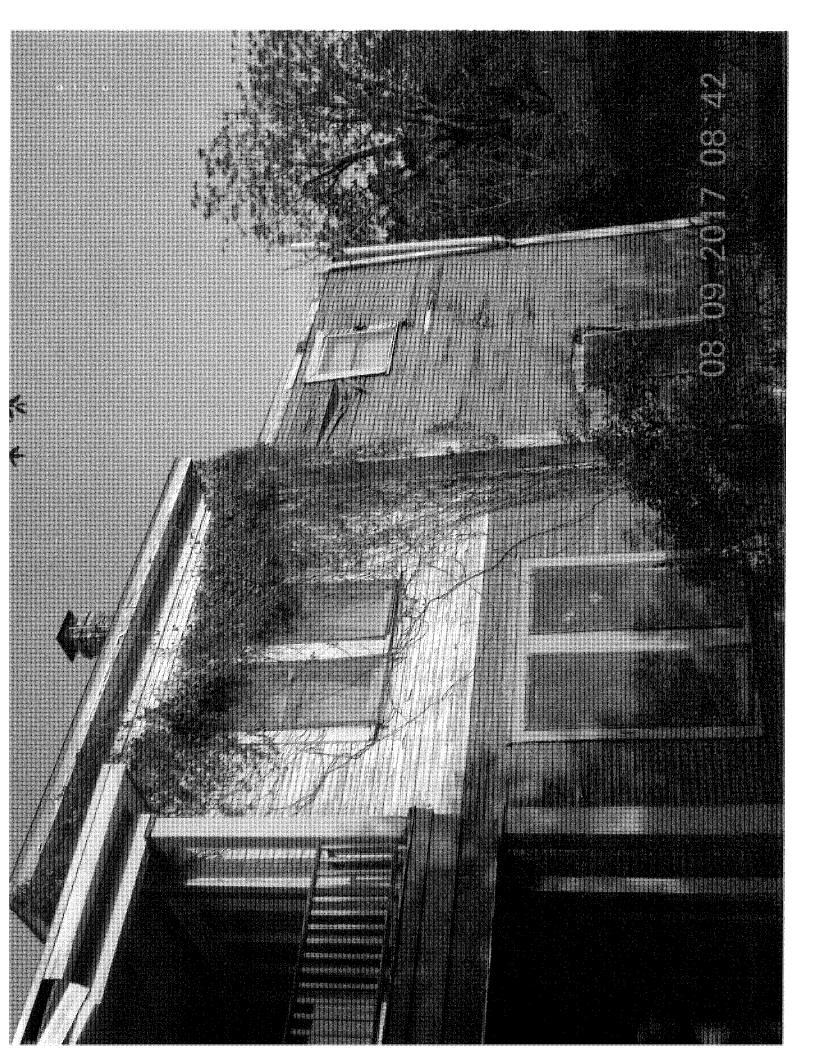


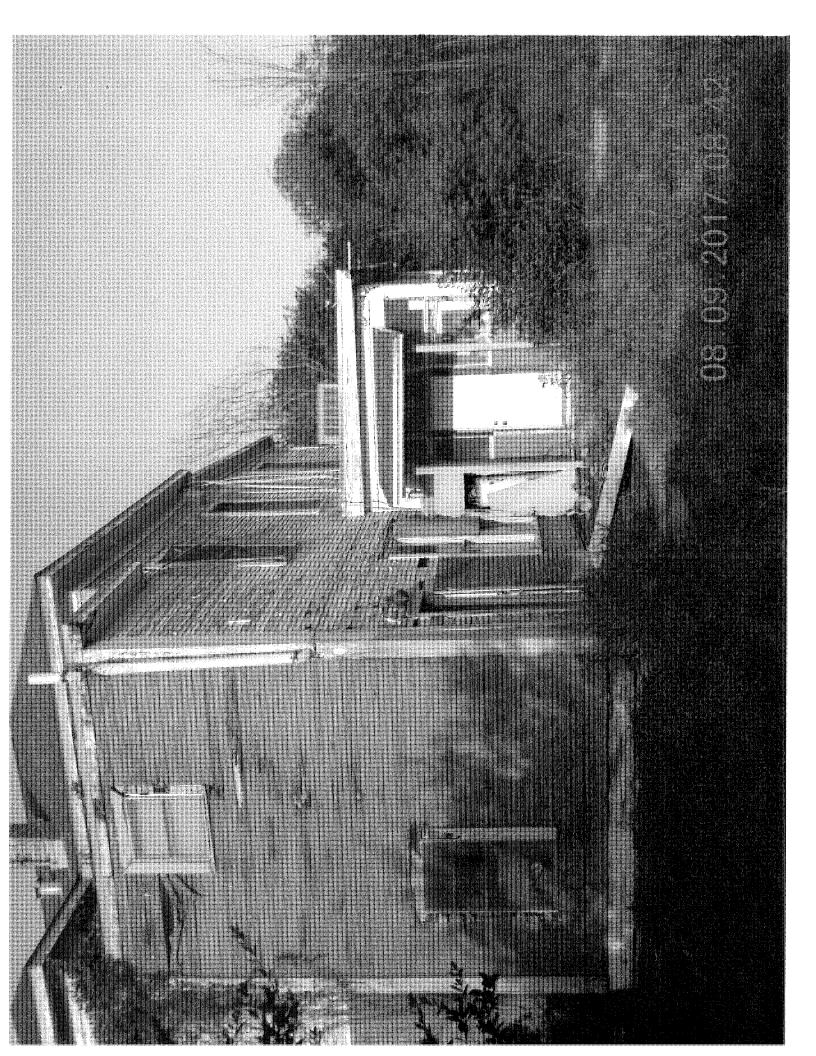


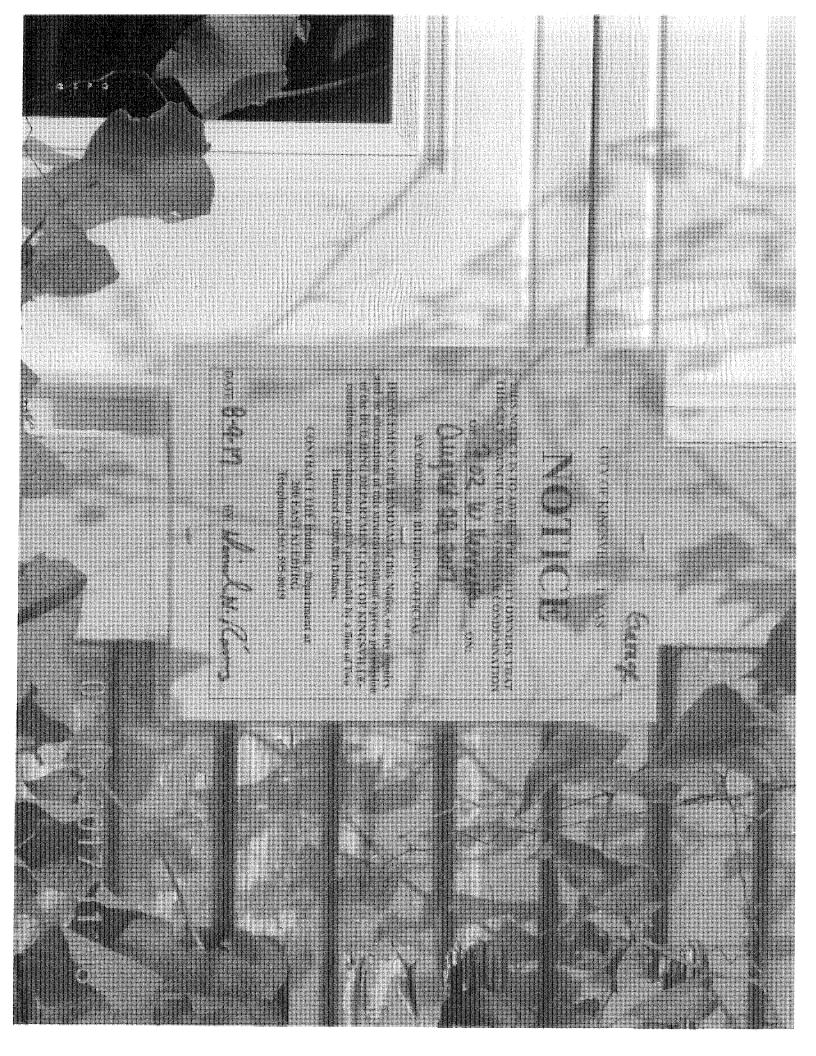


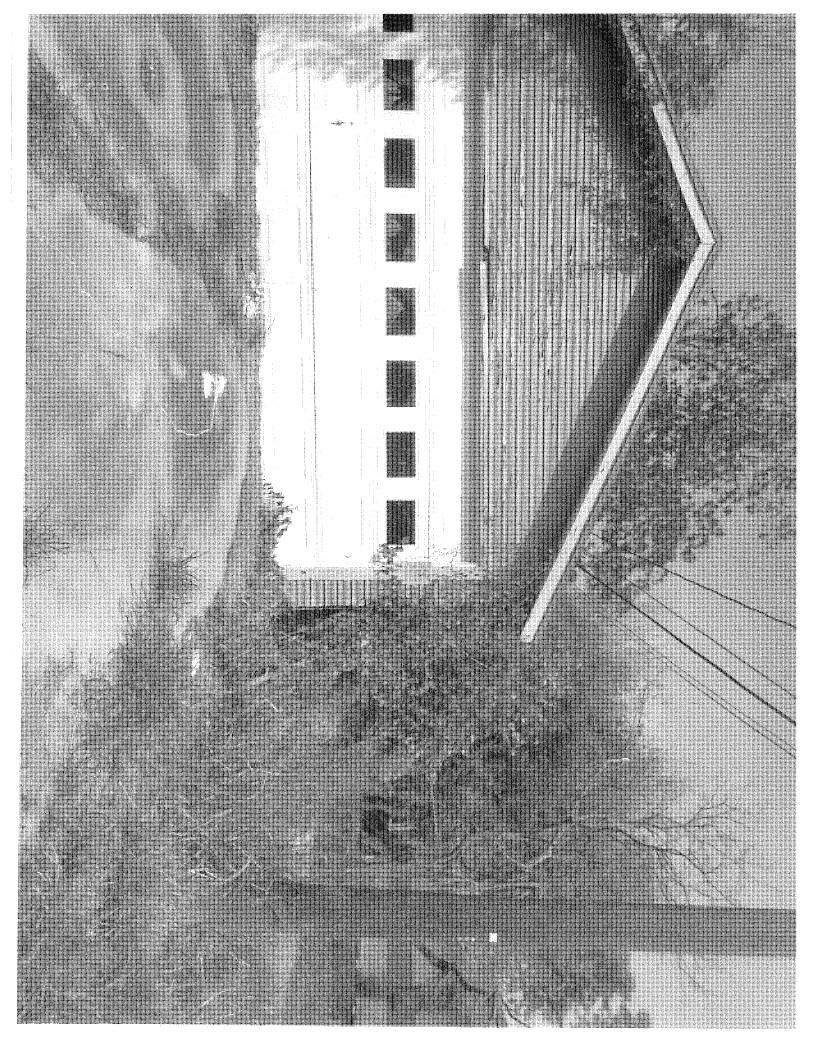


















Author

"We were actually part of the first graduating class," she said. "We were the first

seniors, my class." It was during her senior year that Hollie took her first steps into professional writing as an intern with the Kingsville Record.
"I got to learn all about

writing, newswriting, and I got to write a lot of wedding announcements and cover some stuff," she said. "It was a really good early lesson in writing and story

lesson in without telling."
Hollie remembered a time while working with the newspaper when she made a mistake while writing a wedding engagement, mix-ing up the bride-to-be with the future groom's mother.

"And this woman was

not happy that I said she was marrying her son," she said. "I think I was probably better suited to fiction than the facts, but (the internship) was a great lesson in seeing how a newspaper runs. Writing, deadlines, and all of the stuff like that goes into what I do now.

Even with writing being a constant presence in her ear-ly life, Hollie said her ambitions lied elsewhere.

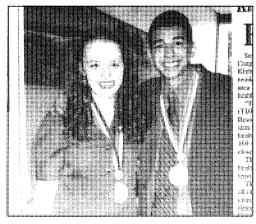
"I liked telling stories, but I knew that I wanted to be an actor," she said. Hollie said she applied to

several colleges, both in and out of Texas, to study acting. While she was accepted to several colleges out-of-state, and she planned to attend DePaul University in Chi-cago in the fall of 1998, there

was "a hiccup to the plan."

"We ended up not having quite enough money to
afford the school," she said. "So my twin sister, Heather, and I, we went to San Anto-

Hollie and her sister at-tended the University of Texas at San Antonio for one ter, but her dream was still to pursue an acting career. Working various jobs while attending classes, the two sisters were able to save enough money to move to



New York City at the age of 19, where they attended the American Academy of Dramatic Arts.

Hollie also attended Hunter College where she studied English as she continued her acting career in various theatre productions. "Most of it was terrible, if I'm honest," she said. "I

mean, I wasn't doing Broadway. I was just trying to get that big break." Hollie said she then be-

gan to lean more into her writing, and started to con-sider that as a career after receiving positive feedback during a writing class held at a community center on the Upper West Side.

"It was kind of the turning point," she said. "I still didn't think that it would be a career yet, but I started taking more classes, started writing more short stories, short fiction, and then I wrote my first short screen-

play."
To continue pursuing her acting career, and at her mother's insistence to "try something new," Hollie moved to Los Angeles in

cision I've ever made," she

While in L.A., Hollie said she won a contest for a short screenplay she wrote, which led to a mentorship with veteran screenplay writer Stephen Susco, best known for writing the 2004 film "The Grudge." "I really credit him for

seeing something special in me," she said.

After taking some classes at UCLA, Hollie's big break came in 2008 when she was accepted into the Warner Brothers Writers Workshop, a highly competitive fello ship program that trained her and helped her break into television writing. "And over the years, I've

continued to write and work in television," she said.

Hollie's writing credits for television include episodes of "Cold Case," "The Client List" and most recently "The Shadowhunters" (2016), Shadowhunters" (2016), which just finished its second season on Freeform.

"Imade it, and it sounds so much simpler (when telling my story), but there were a lot of ups and downs, years 2005. of unemployment, having
"Which was the best de-

ends meet while trying to get that next big break," she said. "It's definitely not an international bestseller, translated into 11 languages easy path."

It was during one of those downturns that led Hollie to try her hand at writing a novel. She said after "The Client List" was cancelled in 2013, she became "frus-trated with the politics of it all" and writing solely for a paycheck made her feel like she was "losing that creative

spark.
Inspiration came to her, she said, while watching a story on the evening news about three women held captive in Cleveland before escaping a decade later. In-corporating her own experi-ences as a twin sister, Hollie

ences as a lwin sister, Hollie started writing what would eventually become her first novel, "Baby Doll." "I didn't even know it was going to be a book," she said. "I just sat down and wrote. I think I wrote for a week, and when I was finished, I had 90 pages."

Not knowing what to do with what "was definitely not a script," Hollie took a writing class with novelist

writing class with novelist Eduardo Santiago. Fourteen months later, she finished her first draft.

her first draft.

"In TV writing, it's a very collaborative experience," she said. "Obviously, someone has the idea, but everyone comes together, sits in a room and formulates the storyline. Writing novels, Published in 2016, "Baby

an international bestseller, translated into 11 languages and selected for the United Kingdom's Richard and

eu rangdom's Richard and Judy Book Club in Spring 2017. Hollie's next book, "The Walls," is about a press agent for the Texas Depart-ment of Corrections and single mother who endures domestic violence from her boyfriend. Using her know-lege of the criminal justice system, she explores ways end the abuse once and for

Like her first novel, Hollie said she drew inspiration from her own life, predom-inantly from her mother, Betty, who was a victim of domestic abuse.

"She was a champion of my writing and definitely my biggest fan," Hollie said of her mother, who passed away in January and to whom the book is dedicat-

ed.
"When I was younger, she used to tell me, 'I know you're going to be a writer,' and I used to get angry," she added. "'Mom, I'm going to be an actress. Writing is just something I do for fun.' But

Another inspiration was Hollie's former high school journalism teacher, and for-mer Kingsville Record managing editor, Lee Ann Barn-hardt.
"She was a reporter, and

was a murder that happened in Kingsville, and the (murderer) ended up being executed. (Barnhardt) was allowed to be there."

HOLLIE OVERTON

(At left) Kingsville native Hollie Overton's is pictured on the front page of the Kingsville Record and Bishop News on May 13, 1998 with classmate Carlos Villared al, receiving a UIL State Championship award in po-etry interpretation for Santa Gertrudis Academy High

School. (Above) Overton is pictured in the Salute to Seniors tabloid in May 24, 1998, recognizing all the local high school seniors. (File photos)

"Just hearing her story of what that was like really informed my fascination with capital punishment and the death penalty, and the mor-al complications behind it," she added.

Hollie said unlike her first novel, which was set in the northeastern part of the country, she wanted "The Walls" to "have a sense of place," and chose to draw om her experiences living in Texas.

"And I hope that my love for Texas comes through (in my writing)," she said. With "The Walls" releas-

ing this week, Hollie will be visiting Texas on Sept. 23 for a book signing and read-ing at Barnes and Noble in Corpus Christi. She said she would also be stopping in Kingsville, which she has not done since 2012.

"I'm very excited to be coming back," she said. "I'm excited to see family and friends, and also sprinkle some of my mom's ashes in Kingsville. It'll be nice to come home again."
"The Walls" releases do-

mestically on Aug. 8 and is available for preorder online and in bookstores across the United States and the United Kingdom.

Anthony Ruiz can be con

had been a witness to an tacted at artif@king-ranch.execution," she said. "There com or (361) 221-0251.

Toothbrush Abrasion? But I Was Only Trying To Get My Teeth Clean!!

Occasionally, we see a patient with worn, sensitive root areas and a "fingernail catch" at the gumline of certain teeth— usually the upper side teeth. This is many times caused by "toothbrush abrasion", a result of using too much toothpaste abrasion", a result of using too much toothpaste or a brush that is too hard. You should use only a small pencil erasure-size button of toothpaste on a SOFT bristle brush. There are many brands of paste and brushes, but you should stay with SOFT bristles and any good fluoride paste. Left untreated, and if the patient continues with the heavy paste, hard or medium brush and improper brushing techniques the brushing wears just the brushing techniques, the brushing wears into the root horizontally and causes sensitivity and de-cay. Since the tooth's enamel ends at the gumline, the improper brushing is actually wearing into the root of the tooth, closer to the nerve! Not a very pleasant thought, is it? So help preserve your teeth, brush properly, and see your



PUBLIC NOTICE

The City Commission will meet on Monday, August 28, 2017 at 6:00 P.M. The following items are set for public hearing and discussion

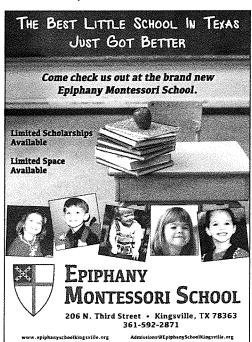
Request to condemn the unsafe structures located at:

702 W HENRIETTA

If you are the property owner, holder of mortgage(s), or anyone having a substantial interest in any these properties, we would request that you attend the meeting.

The meeting will be held at City Hall, 400 West King, at the Helen

Kleberg Groves Community Room.
If you have any questions about the items on agenda, please contacthe Building Department at (361) 595-8019 or (361) 595-8020.



PUBLIC HEARING #3

City of Kingsville Planning and Development Services

TO:

Mayor and City Commissioners

CC:

Jesus A. Garza, City Manager

FROM:

Tom Ginter, Director of Planning and Development Services

DATE:

August 18, 2017

SUBJECT:

Rezoning request from Brazos de Santos Partners, Ltd. Of 1.5 acres out of KT & I

CO, Block22, Lots 3 & 4 from AG (Agricultural District) to C2 (Retail District)

Summary:

Brazos de Santo Partners has submitted a request to re zone 1.15 acres out of Block 22, Lots 3 and 4 from Agricultural to C2. The reason for the request is that the proposed project is a fast food restaurant with drive a through.

Background:

This ground is owned by Paul West and is directly south of the Chili's. In the packet are site plans that give detailed information as to the site and its relationship to the other properties that surround. Essentially to the north the properties are zoned C2 and to the south they are zoned Agricultural. Mr. West owns the ground to the south.

Financial Impact:

The financial impact to the city would be a positive one. The proposed project would add to the tax base and provide jobs for the community. I believe it would be a plus for the dining scene for the citizens of Kingsville.

Recommendation:

The Planning and Zoning Commission voted 5-0 to recommend approval of the rezoning request .



CITY OF KINGSVILLE PLANNING AND ZONING DIVISION MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)				
Project Address N/A	Nearest Intersection US 77 at E. Genera	l Cavazos		
(Proposed) Subdivision Name BDSP-Kingsville	Lot Out of 3 & 4 Block 22			
Legal Description: 1.15 acres out of KT & I Co, Block 22	, Lots 3 & 4			
Existing Zoning Designation AG (Agricultural District)	_ Future Land Use Plan Designation <u>C2 (R</u>	etail District)		
OWNER/APPLICANT INFORMATION: (Please PRINT or Carol Lagutchik	·			
Applicant/Authorized Agent for Brazos de Santos Part	ners, <u>Ltd.</u> Phone <u>(210) 225-4461</u> FA	Χ		
Email Address (for project correspondence only): clagur	chik@billmillerbbq.com	ordering derived believe		
Mailing Address P.O. Box 839925 City	San Antonio State TX	_ Zip_78283		
Property Owner Paul M. West	Phone FAX			
Email Address (for project correspondence only):		· · · · · · · · · · · · · · · · · · ·		
Mailing Address 489 N. County Rd. 1050	ity Kingsville State TX	Zip <u>78363</u>		
Select appropriate process for which approval is sought	. Attach completed checklists with this ap	plication.		
Annexation RequestNo Fee	Preliminary Plat	Fee Varies		
Administrative Appeal (ZBA)\$250.00	Final Plat	Fee Varies		
Comp. Plan Amendment Request\$250.00	Minor Plat	\$100.00		
✓ Re-zoning Request\$250.00	Re-plat	\$250.00		
SUP Request/Renewal\$250.00	Vacating Plat	\$50.00		
Zoning Variance Request (ZBA)\$250.00	Development Plat			
PUD Request\$250.00	Subdivision Variance Request_			
Please provide a basic description of the proposed project: Fast food restaurant with drive through				
I hereby certify that I am the owner and /or duly at application. I further certify that I have read and extrue and correct. If any of the information provide approval may be revoked. Applicant's Signature Property Owner's Signature Accepted by: Docusigned by:	kamined this application and know the	same to be		

City of Kingsville - 200 Ft. Radius Map FM 1356 17360 4003191 4003193 25707 10621 Legend Land to be Rezoned 200 Ft. Buffer 10621 380 Feet 190 Document Path: N:\GIS Techs\MAPS\MAP_DOCUMENTS\Arc_City_Address_Assign_Map_8.5x11.mxd Drawn By: DISCLAIMER
THIS MAP IS FOR VISUAL PURPOSES ONLY.
THE INFORMATION ON THIS SHEET MAY
CONTAIN INACCURACIES OR ERRORS.
THE CITY OF KINGSVILLE IS NOT
RESPONSIBLE IF THE INFORMATION CONTAINED
HEREIN IS USED FOR ANY DESIGN,
CONSTRUCTION, PLANNING, BUILDING,
OR ANY OTHER PURPOSE. CITY OF KINGSVILLE **Engineering Department** ENGINEERING DEPARTMENT 400 W King Ave Last Update: 8/17/2017 Kingsville, Texas 78363 Note: Office: 361-595-8007 Fax: 361-595-8064

CHRISTUS SPOHN HOSPITAL KLEBERG % PROP TAX APPEAL & SERVICE CO 792 W FM 1961 YORKTOWN, TX 78164 #16111

CHRISTUS SPOHN HOSPITAL KLEBERG % PROP TAX APPEAL & SERVICE CO 792 W FM 1961 YORKTOWN, TX 78164 #25707

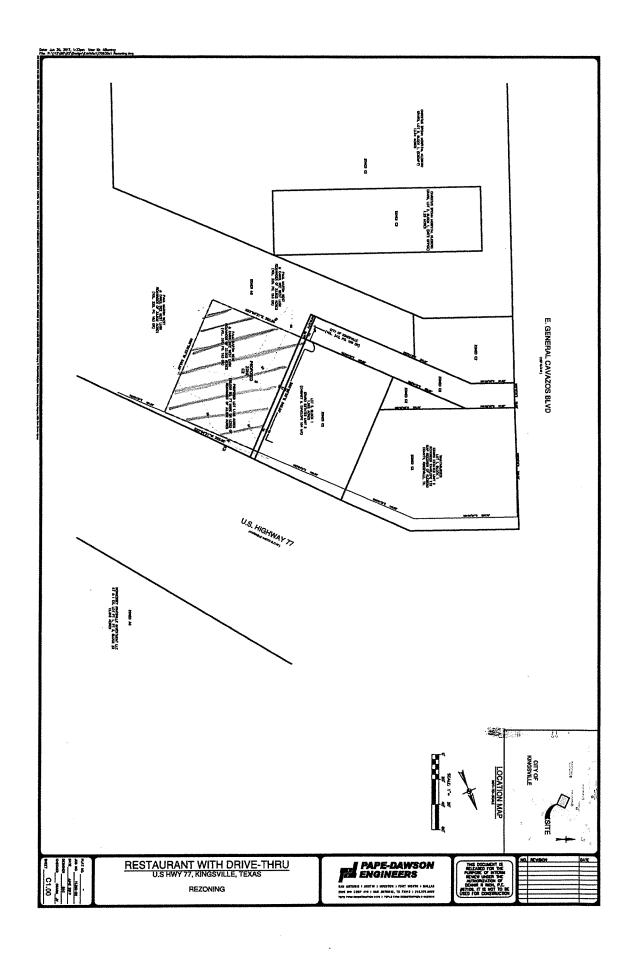
PAUL M WEST 489 N COUNTY ROAD 1050 KINGSVILLE, TX 78363-8923 #10621

PAUL M WEST 489 N COUNTY ROAD 1050 KINGSVILLE, TX 78363-8923 #4003191

BRINKER TEXAS LP ATTN GENERAL COUNSEL 6820 LYNDON B JOHNSON FWY DALLAS, TX 75240-6511 #4003192

BRINKER TEXAS LP ATTN GENERAL COUNSEL 6820 LYNDON B JOHNSON FWY DALLAS, TX 75240-6511 #4003193

WHATABURGER INC ATTN: REAL ESTATE DEPT. PO BOX 13752 PHILADELPHIA, PA 19101-3752 #17360



To: Planning and Zoning Commission Members

From: Tom Ginter, Director

Date: August 11, 2017

Subject: Agenda Item Information

Agenda Item #1 and #2:

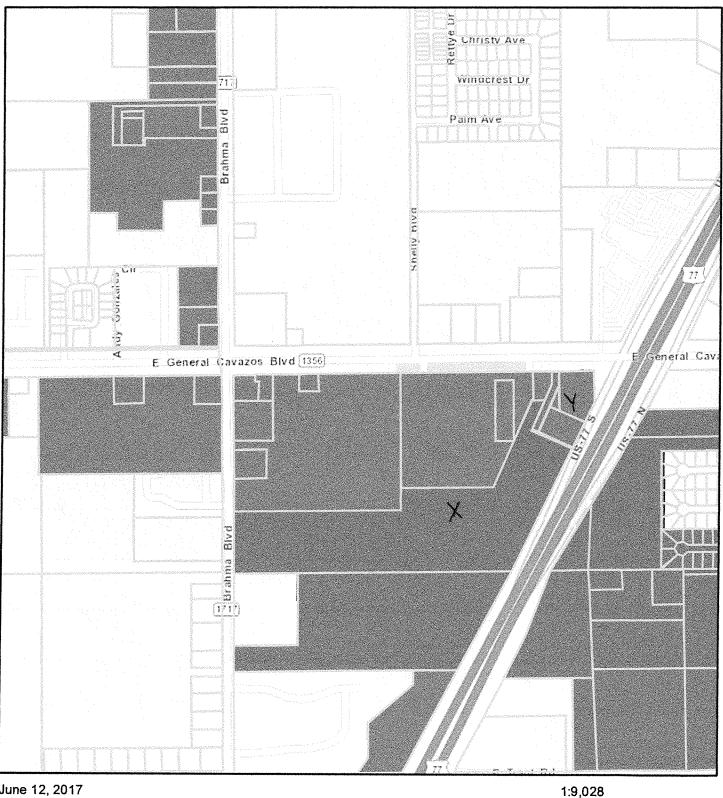
Both of these items pertain to the rezoning request as noted on the application. This particular ground is 1.148 acres just South of Chili's. The rezone request is from Agriculture to C2, just like the other two businesses that are there, Chili's and Whataburger. Issues such as drainage and traffic will be reviewed and discussed with City staff. Staff recommends to submit an approved recommendation to the City Commission.

Agenda Item #3:

As suggested by the Commission, the following changes were made to the ordinance.

- 1. In Appendix A Land Use Categories, Fairground and Rodeo Grounds were put together. A Special Use Permit is required for Agriculture with it being permitted in I1 and I2.
- 2. The word sheep will be deleted from the Ranch definition. It will now read: An area of 10 or more acres including various structures, given primarily to the practice of ranching, raising and grazing livestock.
- 3. Change the definition of Fairground to the following: Open space of land where fairs, exhibitions or other public events are held in a permanent structure.

Since the last meeting if there are other changes, please let me know so I can include it in the Ordinance. If I do not receive any corrections by Monday at Noon, then I will get the ordinance to you.



June 12, 2017

X - agriculture

Would have to

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Verune from Ay to

Y - C2

Sources: Esri, HERE, Delarme, Ut

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, @ OpenStreetMap contributors, and the GIS User Community

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0.3 mi

0.4 km

Kingsville Record and Bishop News

Wednesday, July 26, 2017

Area competitors head to Waco for state rodeo

By Jaime Gonzalez Sports Editor

Local competitors will be heading to Waco this week for the state finals of the Texas Youth Rodeo Association.

Eleven competitors

competitors Eleven competitors from the area, ranging from ages six through 16, are competing at the state finals that began on Tuesday and run through

Tuesday and run uuung Saturday.
"When I was younger, I rode horses and started to rodeo," 8-year-old Elizabeth Ivey said. "I ended up really liking it."
For Elizabeth, and

several other competitors, their love of rodeo developed thanks to family tradition.

"I grew up ranching," Becky Ivey, Elizabeth's mother said, "We've always been on horses."

always been on horses."
Becky livey said
Elizabeth got her first
pony when she was two.
"Since then it was just
every day, 'Can I ride?', so
we ride," Becky said.
Several of the
competitors had their final

practice last weekend in Ricardo before hitting the road to Waco.

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Tres Mendietta has competed at the state finals before, and said the event continues to get bigger and better.
"My dad ton

"My dad roped, and when I was younger he got me into riding," he said.

"It's an annual thing for us," he said. "The whole family packs up and heads up there. It gets better and

better every year."

Tres will be joined in the competition this time around with his sister, Trista, also competing in

"I'm pretty excited," she said about competing at the state finals for the first

Twelve-year-old Garcia said he got into rodeo as an alternative to

rodeo as an alternative to more traditional youth sports four years ago.

"I played sports and didn't like it," J.T. said.
"My dad rodeod a lot and got me into it. I made new friends and I'm having

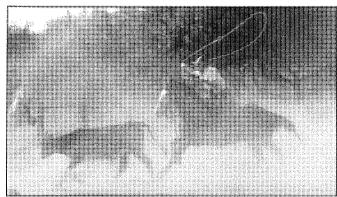
"For us, it's been a family tradition," Jennifer Garcia, J.T.'s mother, said. "He has a great-great-grandfather that was a Kineño on the King Ranch. He grew up riding horses, and he took to it and loved it.

Juan Garcia, J.T.'s father, hosts the practice for the competitors, and serves as

competiors, and serves as a coach for the group.

Other riders competing at the state rodeo include McKenzie Bryce, Grant Garza, Kayle Utterback, Joey Gonzalez, Emma Gonzalez, Grace Bull and Adelei Gutterrez. Adelei Gutierrez.

"My dad roped, and when I was younger he got ne into riding," he said.
Tres has been competing defended by the content of the contacted at gonzales@ king-ranch.com or (361) 221-0246.







Pictured at top, J.T. Garcia ropes a calf in preparation for this week's TYRA state finals. Above at left, Tres Mendietta also ing their practice session on Saturday. Above at right, Elizabeth Ivey runs poles with her horse. (Photo:

Boxers win at Victoria



Three Kingsville Boxing Club fighters traveled to compete in Victoria last weekend. Pictured, from left, are John Cason, Roel Garcia and Dylan Salinas. Cason and Salinas won their bouts, while Garcia went unopposed on the card. Also pictured are coaches Michael Pendleton and Lee Ortegon. (Submitted photo)



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Statement from managing editor

A July 23 story in the Kingsville Record and Bishop News incorrectly reported that local retiring after 60 years of officiating high school,

sports in the area.

Cusack is not retiring and intends to continue officiating games at the levels previously listed, though he has been specified and Bishop News apologizes for the error.

junior high and youth retired from being an sports in the area.

H.M. King sets football, volleyball practices

upcoming fall sports.

The New Bull camp

for freshman players runs on Monday through Wednesday, 9 a.m. to

Staff Reports
The H.M. King athletic department has set the practice schedules for the upcoming fall sports.

Upper classmen in football will need to report Aug. 3 at from 8 athletes, their first day athletes, their first day to report is Aug. 7 from and lockers.

and lockers. 8 to 9 a.m. at the schoo First practice players will need to report to the locker room at 6:15 a.m. Volleyball practice will begin Aug. 1 from 6 to the first day of practice. All physical for athletes need to be turned into the athletic department before

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, August 16th, 2017 at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard:

Carol Lagutchik for Brazos de Santos Partners, Ltd, applicant, Paul M. West, owner, requesting the rezone of 1.15 acres out of KT & I CO, Block 22, LOTS 3 & 4 from AG (Agricultural

Districty to C2 (Retail District).

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 August 28th, 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:
Carol Lagutchik for Brazos de Santos Partners, Ltd, applicant,

Paul M. West, owner, requesting the rezone of 1.15 acres out of KT & I CO, Block 22, LOTS 3 & 4 from AG (Agricultural District) to C2 (Retail District).

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Oldicilient more ----

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junior high and youth sports in the area.

Cusack is not retiring and intends to continue officiating games at the levels previously listed, though he has been retired from being an umpire for high school baseball for the past three years.

The Kingsville Record and Bishop News apologizes for the error.

H.M. King sets football, volleyball practices

Staff Reports

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The New Bull camp for freshman players runs on Monday through Wednesday, 9 a.m. to noon. Upper classmen in football will need to report Aug. 3 at from 8 a.m. to noon to helmets and lockers.

First practice players will need to report to the locker room at 6:15 a.m.

Volleyball practice will begin Aug. 1 from 6 to 8:30 a.m. in dome B.

For cross country athletes, their first day to report is Aug. 7 from 8 to 9 a.m. at the school's softball field.

All physical for athletes need to be turned into the athletic department before the first day of practice.

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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.

ORDINANCE #2017-	

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO KT&I CO., BLOCK 22, LOTS 3 & 4, 1.15 ACRES, ALSO KNOWN AS AREA SOUTH OF CHILI'S RESTAURANT ON US 77 SOUTHBOUND FRONTAGE ROAD FROM AGAGRICULTURE DISTRICT TO C2-RETAIL 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 Carol Lagutchik for Brazos de Santos Partners, Ltd, applicant, on behalf of Paul M. West, 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, August 16, 2017 during a meeting of the Planning and Zoning Commission, and on Monday, August 28, 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 PASSED with a 5-0 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:

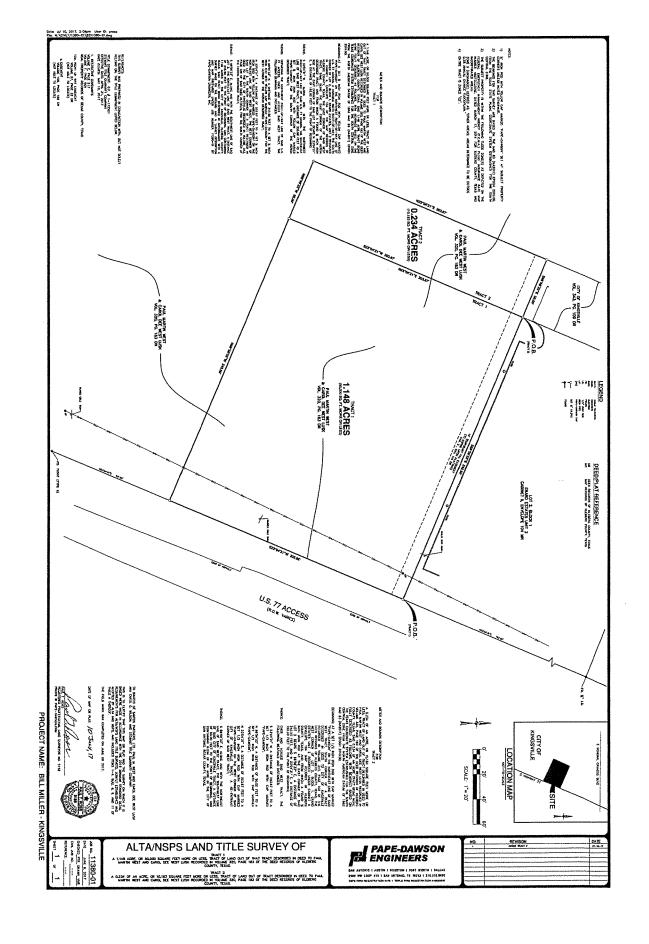
SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of KT&I Co., Block 22, Lot 3 & 4, 1.15 acres also known as area south of Chili's Restaurant on the US77 Southbound Frontage Road from AG-Agriculture District to C2-Retail District, as more specifically described on the Zone Change Map, attached as Exhibit A.

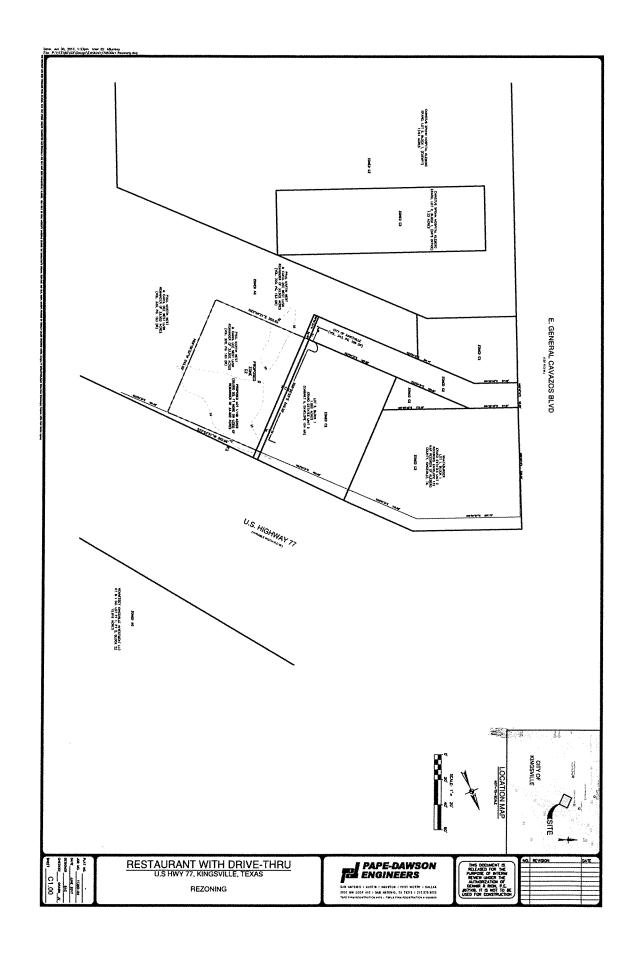
SECTION 2. That the official Zoning Map of the City of Kingsville, Texas, is amended to reflect the amendments to the Zoning Ordinance made by Section 1 of this ordinance.

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

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

SECTION 5. That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.
SECTION 6. That publication shall be made in the official publication of the City of Kingsville as required by the City Charter of the City of Kingsville.
INTRODUCED on this the 28th day of August, 2017.
PASSED AND APPROVED on this the 29th day of August, 2017.
THE CITY OF KINGSVILLE
Sam R. Fugate, Mayor
ATTEST:
Mary Valenzuela, City Secretary
APPROVED:
Courtney Alvarez, City Attorney





CONSENT AGENDA

AGENDA ITEM #1

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: August 21, 2017

SUBJECT: Out of state leadership training opportunity.

Summary:

This Item will approve out of state travel to Champaign, Illinois for the 2017 International Society of Arboriculture (ISA) Leadership Workshop from October $2^{nd} - 5^{th}$.

Back Ground:

I have been a board member for the International Society of Arboriculture Texas Chapter since 2016. At our last board meeting the president asked if I would be able to attend the leadership workshop this year.

Impact:

There is no financial impact to the city. The workshop is free, as it is by invitation only. The airfare and hotel will be paid for by ISAT and ISA.

Recommendation:

Requesting the city commission approve the out of state travel to the ISA leadership workshop.

AGENDA ITEM #2

City of Kingsville Planning Department

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Cynthia Martin, Downtown Manager

DATE: August 18, 2017

SUBJECT: Historical Development Board Reappointment

Summary: Mrs. Lupita Perez is seeking reappointment to the Historical Development Board.

Background: Mrs. Lupita Perez is a long-time resident of Kingsville. Mrs. Perez is a realtor with Coldwell Banker Homestead Properties here in Kingsville. This would be her fourth term on the Historical Development Board. She has been a wonderful resource to the board as a local historian and advocate for preserving your city's built heritage.

Financial Impact: NA

Recommendation: The Historical Development Board recommended that Lupita Perez be reappointed to the Historical Development Board for a three year term.



City of Kingsville Planning Department

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Cynthia Martin, Downtown Manager

DATE: August 18, 2017

SUBJECT: Historical Development Board Reappointment

Summary: Ms. Sandra Rexroat is seeking reappointment to the Historical Development Board.

Background: Ms. Sandra Rexroat, 4108 Jamlie Ave., is a resident of Kingsville. Ms. Rexroat is the retired Director of the South Texas Archives. This would be her second term on the Historical Development Board. In July 2016, Ms. Rexroat attended the National Association of Preservation Commission Forum Conference in Mobile, Alabama for advanced training in how to become a better and more effective board member.

Financial Impact: NA

Recommendation: The Historical Development Board recommended that Sandra Rexroat be reappointed to the Historical Development Board for a three year term.



AGENDA ITEM #3

City of Kingsville Human Resource Department

TO: Mayor and City Commissioners

CC: Jesús A. Garza, City Manager

FROM: Diana Gonzales, Human Resource Director

DATE: August 18, 2017

SUBJECT: 2017 Health Fair

Summary: A health fair proposal is submitted for your consideration to expend an estimated \$8,000 from the City of Kingsville Benefit Plan Trust account for a 2017 Health Fair for employees and their eligible dependents covered under the health plan. Eligible employees signing up for exams or flu vaccines will not experience any out of pocket expense.

All employees are welcome to visit and pick up information from vendor tables without signing up for exams. The City is working with the Texas A&M Health Science Center for a date in October 2017 at venue to be determined.

This year the City is proposing to have a health fair and to utilize the services of Texas A&M Health Science Center's Irma Rangel School of Pharmacy, Christus Spohn Wellness and other wellness education vendors to provide services and information to the City's employees and their families.

Background: The City has conducted health fairs for the past twelve (12) years and the following is a summary of the most recent five (5) years of participation and expenditures.

Actual Cost	# of Heart Studies	# of Flu Vaccines	# of PSA's
\$ 8,708	88	94	45
\$10,707	99	111	49
\$10,250	100	118	20
\$ 6,542	200	118	37
\$ 6,981	108	90	36
	\$ 8,708 \$10,707 \$10,250 \$ 6,542	\$ 8,708 88 \$10,707 99 \$10,250 100 \$ 6,542 200	\$ 8,708

Financial Impact: No additional costs. The proposed expense is included in expected health claims for Fiscal Year 2017-2018.

Recommendation: Allow to conduct a health fair for employees and their health plan eligible dependents.



REGULAR AGENDA

AGENDA ITEM #4

FOR CONDEMNATION INFORMATION REFER TO PUBLIC HEARING ITEM #2

AGENDA ITEM #5

City of Kingsville Planning and Development Services

TO:

Mayor and City Commissioners

CC:

Jesus A. Garza, City Manager

FROM:

Tom Ginter, Director of Planning and Development Services

DATE:

August 18, 2017

SUBJECT:

Rezoning request from Brazos de Santos Partners, Ltd. Of 1.5 acres out of KT & I

CO, Block22, Lots 3 & 4 from AG (Agricultural District) to C2 (Retail District)

Summary:

Brazos de Santo Partners has submitted a request to re zone 1.15 acres out of Block 22, Lots 3 and 4 from Agricultural to C2. The reason for the request is that the proposed project is a fast food restaurant with drive a through.

Background:

This ground is owned by Paul West and is directly south of the Chili's. In the packet are site plans that give detailed information as to the site and its relationship to the other properties that surround. Essentially to the north the properties are zoned C2 and to the south they are zoned Agricultural. Mr. West owns the ground to the south.

Financial Impact:

The financial impact to the city would be a positive one. The proposed project would add to the tax base and provide jobs for the community. I believe it would be a plus for the dining scene for the citizens of Kingsville.

Recommendation:

The Planning and Zoning Commission voted 5-0 to recommend approval of the rezoning request .



CITY OF KINGSVILLE PLANNING AND ZONING DIVISION MASTER APPLICATION

Project Address <u>N/A</u>	Nearest Intersection US 77 at E. Genera	I Cavazos
(Proposed) Subdivision Name BDSP-Kingsville	Lot Out of 3 & 4 Block 22	
Legal Description: 1.15 acres out of KT & I Co, Block 22	2, Lots 3 & 4	
Existing Zoning Designation AG (Agricultural District)	Future Land Use Plan Designation <u>C2 (R</u>	Retail District)
OWNER/APPLICANT INFORMATION: (Please PRINT or	TYPE)	
Carol Lagutchik Applicant/Authorized Agent <u>for Brazos de Santos Part</u>	ners, Ltd. Phone (210) 225-4461 FA	x
Email Address (for project correspondence only): clagu	tchik@billmillerbbq.com	The same of the sa
Mailing Address P.O. Box 839925 City	y San Antonio State TX	Zip_78283
Property Owner Paul M. West	_ Phone FAX	
Email Address (for project correspondence only):		
Mailing Address 489 N. County Rd. 1050	City Kingsville State TX	Zip <u>78363</u>
Select appropriate process for which approval is sough	t. Attach completed checklists with this ap	plication.
Annexation RequestNo Fee	Preliminary Plat	
Administrative Appeal (ZBA)\$250.00	Fig. 1 Disa	Coo Veries
	Final Plat	
Comp. Plan Amendment Request\$250.00	Minor Plat	\$100.00
Comp. Plan Amendment Request\$250.00 ✓ Re-zoning Request\$250.00	Minor Plat Re-plat	\$100.00 \$250.00
Comp. Plan Amendment Request\$250.00✓ Re-zoning Request\$250.00SUP Request/Renewal\$250.00	Minor Plat	\$100.00 \$250.00
Comp. Plan Amendment Request\$250.00 ✓ Re-zoning Request\$250.00 SUP Request/Renewal\$250.00 Zoning Variance Request (ZBA)\$250.00	Minor Plat Re-plat	\$100.00 \$250.00 \$50.00
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Comp. Plan Amendment Request \$250.00 ✓ Re-zoning Request \$250.00 SUP Request/Renewal \$250.00 Zoning Variance Request (ZBA) \$250.00 PUD Request \$250.00 Please provide a basic description of the proposed proj Fast food restaurant with drive through	Minor Plat	\$100.00 \$250.00 \$50.00 \$100.00 \$25.00 ea
Comp. Plan Amendment Request\$250.00 ✓ Re-zoning Request\$250.00 SUP Request/Renewal\$250.00 Zoning Variance Request (ZBA)\$250.00 PUD Request\$250.00 Please provide a basic description of the proposed proj Fast food restaurant with drive through I hereby certify that I am the owner and /or duly a application. I further certify that I have read and e	Minor Plat	\$100.00 \$250.00 \$50.00 \$100.00 \$25.00 ea
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<u>City of Kingsville - 200 Ft. Radius Map</u> FM 1356 17360 4003191 4003193 25707 10621 Legend Land to be Rezoned 200 Ft. Buffer 10621 380 Feet 190 Document Path: N:\GIS Techs\MAPS\MAP_DOCUMENTS\Arc_City_Address_Assign_Map_8.5x11.mxd Drawn By: DISCLAIMER
THIS MAP IS FOR VISUAL PURPOSES ONLY.
THE INFORMATION ON THIS SHEET MAY
CONTAIN INACCURACIES OR ERRORS.
THE CITY OF KINGSVILLE IS NOT
ESPONSIBLE IF THE INFORMATION CONTAINED
HEREIN IS USED FOR ANY DESIGN,
CONSTRUCTION, PLANNING, BUILDING,
OR ANY OTHER PURPOSE. CITY OF KINGSVILLE **Engineering Department** ENGINEERING DEPARTMENT 400 W King Ave Last Update: 8/17/2017 Kingsville, Texas 78363 Office: 361-595-8007 Fax: 361-595-8064

CHRISTUS SPOHN HOSPITAL KLEBERG % PROP TAX APPEAL & SERVICE CO 792 W FM 1961 YORKTOWN, TX 78164 #16111

CHRISTUS SPOHN HOSPITAL KLEBERG % PROP TAX APPEAL & SERVICE CO 792 W FM 1961 YORKTOWN, TX 78164 #25707

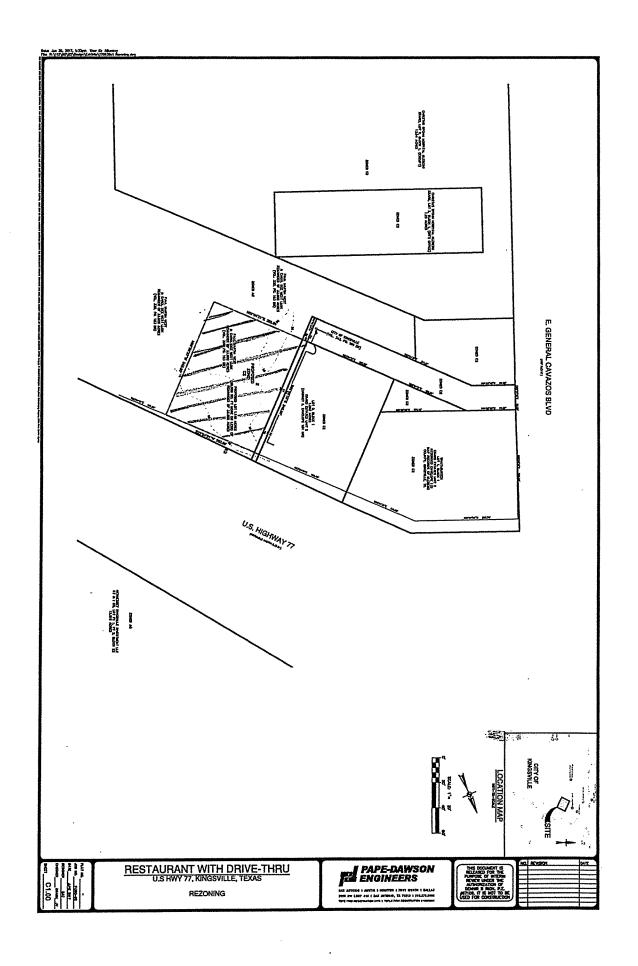
PAUL M WEST 489 N COUNTY ROAD 1050 KINGSVILLE, TX 78363-8923 #10621

PAUL M WEST 489 N COUNTY ROAD 1050 KINGSVILLE, TX 78363-8923 #4003191

BRINKER TEXAS LP ATTN GENERAL COUNSEL 6820 LYNDON B JOHNSON FWY DALLAS, TX 75240-6511 #4003192

BRINKER TEXAS LP ATTN GENERAL COUNSEL 6820 LYNDON B JOHNSON FWY DALLAS, TX 75240-6511 #4003193

WHATABURGER INC ATTN: REAL ESTATE DEPT. PO BOX 13752 PHILADELPHIA, PA 19101-3752 #17360



To: Planning and Zoning Commission Members

From: Tom Ginter, Director

Date: August 11, 2017

Subject: Agenda Item Information

.

Agenda Item #1 and #2:

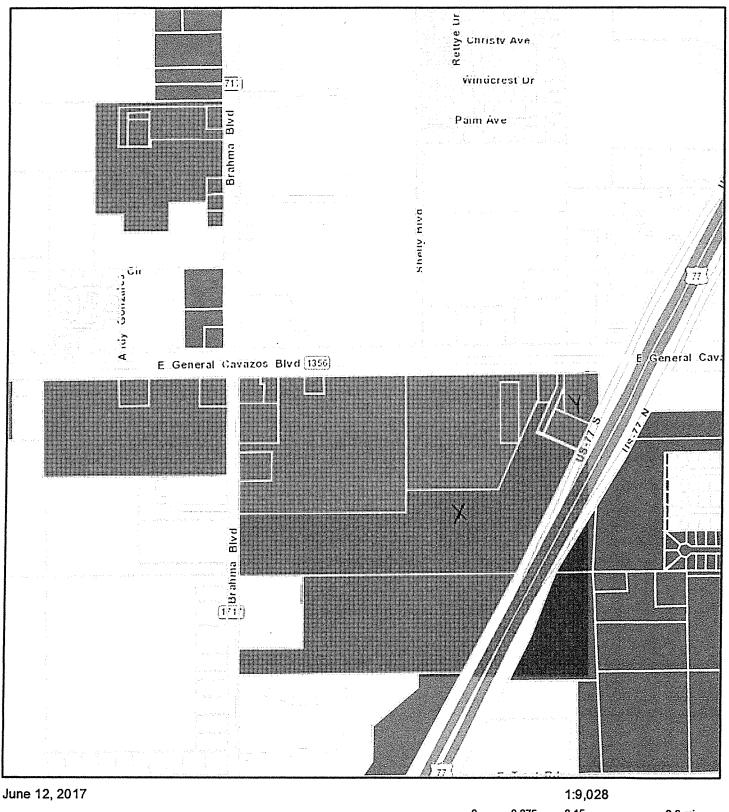
Both of these items pertain to the rezoning request as noted on the application. This particular ground is 1.148 acres just South of Chili's. The rezone request is from Agriculture to C2, just like the other two businesses that are there, Chili's and Whataburger. Issues such as drainage and traffic will be reviewed and discussed with City staff. Staff recommends to submit an approved recommendation to the City Commission.

Agenda Item #3:

As suggested by the Commission, the following changes were made to the ordinance.

- 1. In Appendix A Land Use Categories, Fairground and Rodeo Grounds were put together. A Special Use Permit is required for Agriculture with it being permitted in I1 and I2.
- 2. The word sheep will be deleted from the Ranch definition. It will now read: An area of 10 or more acres including various structures, given primarily to the practice of ranching, raising and grazing livestock.
- 3. Change the definition of Fairground to the following: Open space of land where fairs, exhibitions or other public events are held in a permanent structure.

Since the last meeting if there are other changes, please let me know so I can include it in the Ordinance. If I do not receive any corrections by Monday at Noon, then I will get the ordinance to you.



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0 0.075 0.15 0.3 mi

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1:9,028

C2

Sources: Esri, HERE, Delarme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

Kingsville Record and Bishop News

Wednesday, July 26, 2017

Area competitors head to Waco for state rodeo

By Jaime Gonzalez Sports Editor

Local competitors will be heading to Waco this week for the state finals of the Texas Youth Rodeo

Association.

Eleven competitors from the area, ranging from ages six through 16, are competing at the state finals that began on Tuesday and run through Sametay.

Tuesday and run truough Saturday.

"When I was younger, I rode horses and started to rodeo," 8-year-old Elizabeth Ivey said. "I ended up really liking it." For Elizabeth and

several other competitors, their love of rodeo developed thanks to

developed thanks to family tradition.

"I grew up ranching," Becky Ivey, Elizabeth's mother said, a "We've always been on horses." Becky Ivey said Elizabeth got her first pony when she was two. "Since then it was just every day, 'Can I ride?", so we ride," Becky said.

Several of the competitions had their final

Several of the competitors had their final practice last weekend in Ricardo before hitting the oad to Waco.

road to Waco.

Tres Mendietta has competed at the state finals before, and said the event continues to get bigger and better.

"My dad roped, and

when I was younger he got me into riding," he sald. Tres has been competing

since he was four.

"It's an annual thing for us," he said. "The whole family packs up and heads up there. It gets better and better every year."

Tres will be joined in the competition this time around with his sister, Titte also competing in the competition this time around with his sister, Titte also competing in

Trista, also competing in

Waco.
"I'm pretty excited," she said about competing at the state finals for the first

the state finals for the first time.

Twelve-year-old J.T.
Garcia said he got into rodeo as an alternative to more traditional youth sports four years ago.

"I played sports and didn't like it," J.T. said.
"My dad rodeod a lot and cot me into it. I made new

got me into it. I made new friends and I'm having

fun."

"For us, it's been a family

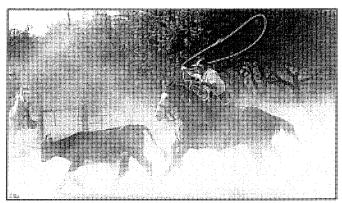
"Immifer Garcia, tradition," Jennifer Garcia, J.T.'s mother, said. "He has a great-great-grandfather that was a Kineño on the King Ranch. He grew up riding horses, and he took to it and loved it." Juan Garcia, J.T.'s father,

hosts the practice for the competitors, and serves as a coach for the group.

Other riders competing at the state rodeo include McKenzie Bryce, Grant Garza, Kayle Utterback, Joey Gonzalez, Emma Gonzalez, Grace Bull and

Adelei Gutierrez.

Jaime Gonzalez can le
contacted at jgonzalez@ contacted at jgonzalez@ king-ranch.com or (361) 221-0246.







Pictured at top, J.T. Garcia ropes a calf in preparation for this week's TYRA state finals. Above at left, Tres Mendietta also

Boxers win at Victoria



Three Kingsville Boxing Club fighters traveled to compete in Victoria last weekend. om left, are John Cason, Roel Garcia and Dylan Salinas. Cason and Salinas outs, while Garcia went unopposed on the card. Also pictured are coaches Michael Pendicton and Lee Ortecon, (Submitted photo)





Dr. Tanya P. Lawhon, DDS

General Dentistry 312 South Ave B Bishop, TX 78343 (361)584-2217

Statement from managing editor

A July 23 story in the Kingsville Record and Bishop News incorrectly reported that local reported that local umpire Joe Cusack was retiring after 60 years of officiating high school,

junior high and youth sports in the area.

Cusack is not retiring and intends to continue officialing games at the levels previously listed, though he has been retired from being an umpire for high school baseball for the past three years.

The Kingsville Record and Bishop News apologizes for the error.

H.M. King sets football, volleyball practices

Staff Reports
The H.M. King athletic department has set the practice schedules for the upcoming fall sports.

The New Bull camp

for freshman players runs on Monday through Wednesday, 9 a.m. to

Upper classmen in football will need to report Aug. 3 at from 8 and tockers.
First practice players will need to report to the locker room at 6:15 a.m.
Volleyball practice will begin Aug. 1 from 6 to

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, August 16th, 2017 at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will

Carol Lagutchik for Brazos de Santos Partners, Ltd, applicant, Paul M. West, owner, requesting the rezone of 1.15 acres out of KT & I CO, Block 22, LOTS 3 & 4 from AG (Agricultural District) to C2 (Retail District).

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 August 28th, 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:
Carol Lagutchik for Brazos de Santos Partners, Ltd. applicant,

Paul M. West, owner, requesting the rezone of 1.15 acres out of KT & I CO, Block 22, LOTS 3 & 4 from AG (Agricultural

District) to C2 (Retail District).
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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Staff Reports

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The New Bull camp freshman players runs on Monday through. Wednesday, 9 a.m. to noon.

Upper classmen in football will need to report Aug. 3 at from 8 a.m. to noon to helmets and lockers.

First practice players will need to report to the locker room at 6:15 a.m.

Volleyball practice will begin Aug. 1 from 6 to

8:30 a.m. in dome B.

For cross country athletes, their first day to report is Aug. 7 from 8 to 9 a.m. at the school's softball field.

All physical for athletes need to be turned into the athletic department before the first day of practice.

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Carol Lagutchik for Brazos de Santos Partners, Ltd, applicant, Paul M. West, owner, requesting the rezone of 1.15 acres out of KT & I CO, Block 22, LOTS 3 & 4 from AG (Agricultural

District) to C2 (Retail District).

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.

ORDIN	ANCE	#2017-	
OIZUIN	AIVL	#2017-	

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO KT&I CO., BLOCK 22, LOTS 3 & 4, 1.15 ACRES, ALSO KNOWN AS AREA SOUTH OF CHILI'S RESTAURANT ON US 77 SOUTHBOUND FRONTAGE ROAD FROM AGAGRICULTURE DISTRICT TO C2-RETAIL 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 Carol Lagutchik for Brazos de Santos Partners, Ltd, applicant, on behalf of Paul M. West, 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, August 16, 2017 during a meeting of the Planning and Zoning Commission, and on Monday, August 28, 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 PASSED with a 5-0 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:

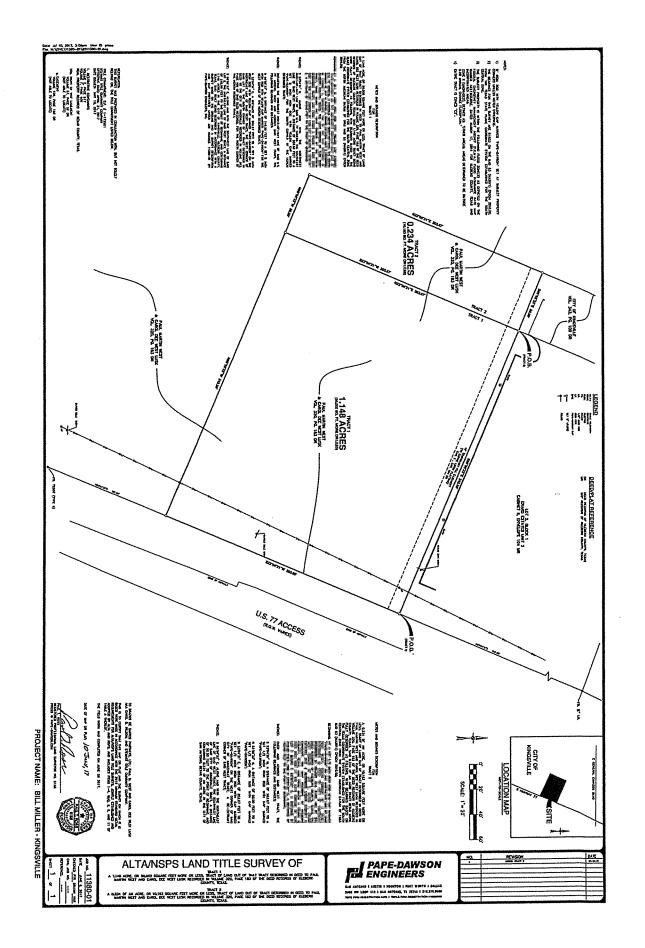
SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of KT&I Co., Block 22, Lot 3 & 4, 1.15 acres also known as area south of Chili's Restaurant on the US77 Southbound Frontage Road from AGAgriculture District to C2-Retail District, as more specifically described on the Zone Change Map, attached as Exhibit A.

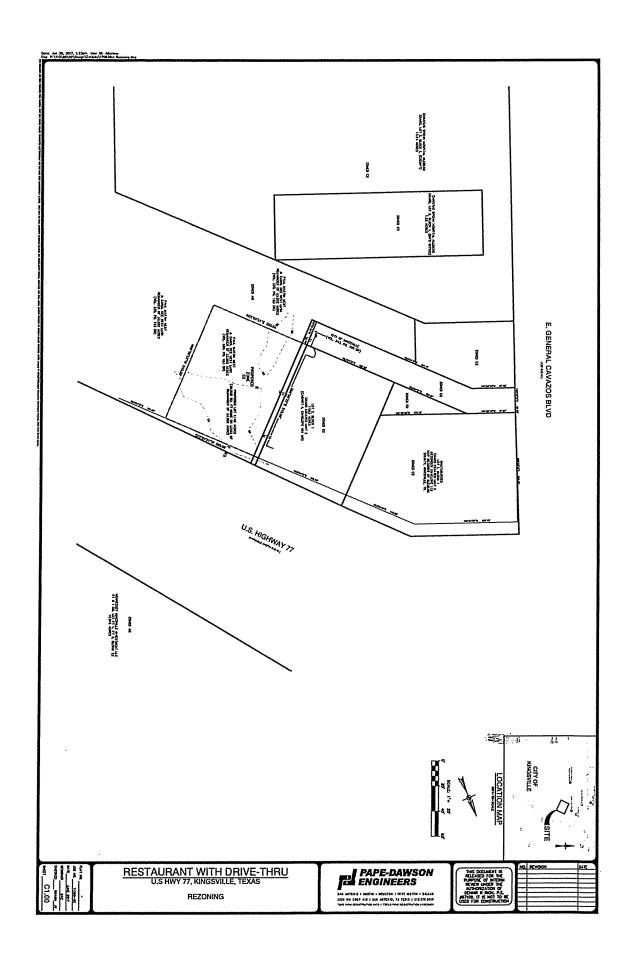
SECTION 2. That the official Zoning Map of the City of Kingsville, Texas, is amended to reflect the amendments to the Zoning Ordinance made by Section 1 of this ordinance.

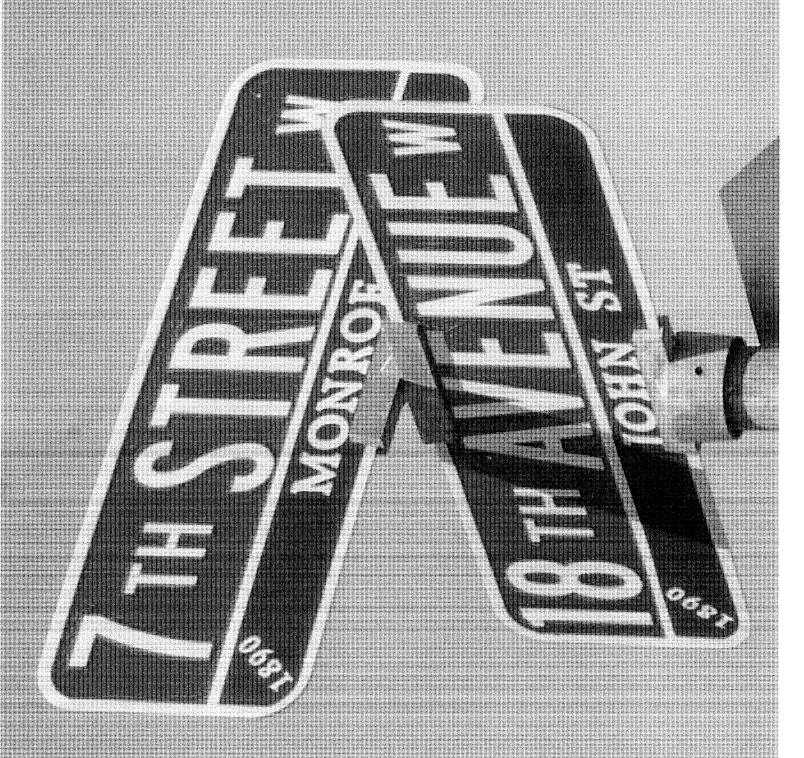
SECTION 3. That the Zoning Ordinance and Zoning Map of the City of Kingsville, Texas, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

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

SECTION 5. That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.
SECTION 6. That publication shall be made in the official publication of the City of Kingsville as required by the City Charter of the City of Kingsville.
INTRODUCED on this the 28th day of August, 2017.
PASSED AND APPROVED on this the 29th day of August, 2017.
THE CITY OF KINGSVILLE
Sam R. Fugate, Mayor
ATTEST:
Mary Valenzuela, City Secretary
APPROVED:
Courtney Alvarez, City Attorney









DEPARTMENT OF
HISTORY, POLITICAL SCIENCE & PHILOSOPHY

MSC 165 • 700 UNIVERSITY BLVD.

KINGSVILLE, TEXAS 78363

PHONE 361/593-3501 • FAX 361/593-3502

March 31, 2017

Dear Dr. Tallant,

Thank you for taking the time to consider our Kingsville street re-designation project. We greatly appreciate the support you have already provided to re-designate the street names on Avenues B, C, D, and 6th street. Redesignating these street names will constitute an important step in honoring the historical significance of the Mexican American community in Kingsville. By re-designating 6th Street as "Los Kineños Trail," this project will remind community members and tourists of the important role the Kineños played in the establishment of the King Ranch and the opportunities that the Ranch has offered to those who migrated to the area.

This project highlights the significance of the Mexican American neighborhood and community in Kingsville, Texas. This neighborhood, including Avenues B, C, and D, was originally named La Colonia Mexicana by the Kleberg Town and Input Co. The original street names were Perez (Ave B), Chaparral (Ave C), and Garza (Ave D). The Mexican American community in this area experienced opportunities and challenges as they worked and raised their families. Multiple family owned businesses provided income for some households and as well resources for all the residents in the area. Richard Street became the focal point of this business community. People who lived in La Colonia could easily walk to the shops to purchase necessities. The newspaper Las Notas de Kingsville highlighted the activities of the Mexican American community. For example, it announced club meetings and dances throughout the area. Citizens raised money to build St. Martin's Catholic Church, which played (and continues to play) a vital role in serving the Mexican American community. The lifestyle of those in La Colonia Mexicana varied; some faced little-to-no hardship, while others overcame multiple challenges. Some of these challenges included a low family income, segregation, rationing during World War II, and learning English. Despite these difficulties, La Colonia Mexicana provided a home environment that gave a sense of belonging to the Mexican American community.

The development of Kingsville as a city payed homage to Captain Richard King and Los Kineños. In 1852, Richard King wanted to establish a prosperous ranch on land many people would have described as a desert. Meanwhile, those living in the town of Cruillas, Tamaulipas, Mexico were suffering from a drought and had little resources with which to survive. King, who was searching for cattle to buy, came across the little town and recognized the hardships of its people. He bought all the cattle and offered the people of Cruillas the opportunity to travel back with him to the Ranch. King gave them the chance to start a new life, providing housing, food, and pay. Even though the ride back to the Ranch would require an investment of time, King brought the people in caravans. When they arrived, King's vision of a prosperous ranch was at hand. The Kineños provided new and efficient work skills that made labor on the ranch faster and easier. Cattle round ups and branding were a vital operation, so they created the branding table which made holding down the cattle easier. Not only did the Kineños' labor and work ethic provide a foundation for the prosperous ranch, but their culture, opinions, and celebrations created a distinct identity for the Ranch. King managed the Ranch as a family institution rather than prioritizing it as a business. The Kineños were thus loyal to King and in return King and his wife cared for their ranch hands as if they were family. Christmas was an important

celebration for the Kings and they invited all the Kineños and their families to that gathering. The Kings made sure that every worker and family member received a present. Bar-b-ques were another way that the Kings displayed their appreciation. Even today, events such as the Ranch Hand Breakfast reflect the celebrations the Kings hosted in order to show appreciation to their ranch workers.

Re-designating the street names in La Colonia Mexicana and along 6th Street will thus provide the opportunity to honor and restore an important and interesting part of Kingsville's history. This would also acknowledge the families and business owners who helped the community grow and prosper even through times of hardship. Re-designating the name of 6th Street to Los Kineños Trail will remind residents and tourists alike of the important role that these workers played in the development of the Ranch and broader community.

We have made significant progress on this project since last visiting with you. In particular, we thank you for your assistance in gaining support from the King Ranch. Ms. Salinas has also secured preliminary support from the city. Our next step includes securing support from business owners along 6th Street, and finding funds to defray the cost of the signs. The project for La Colonia Mexicana involves changing 36 street signs at a cost of \$55.00/sign, for a total cost of \$1980.00. The project for 6th Street involves changing 48 street signs at a cost of \$55.00/sign, for a total cost of \$2640.00. We would appreciate any help that the university could provide in defraying the costs of this project. Additionally, we would appreciate it if we could indicate the University's support of this project when asking for support from local business people and city officials. We do thank you again for your time and for the help that you have already provided for this particular project.

Sincerely,

Ms. Maggie Salinas Hispanic Chamber of Commerce

Briana Rodriguez Student Intern and History Major

Dr. Shannon Baker Professor of History and Chair Department of History, Political Science, and Philosophy Texas A&M University--Kingsville



OFFICE OF THE PRESIDENT MSC 101 • KINGSVILLE, TEXAS 78363-8202 361/593-3207 • FAX 361/593/3218

April 4, 2017

Ms. Maggie Salinas Hispanic Chamber of Commerce

Dr. Shannon Baker, Professor & Chair Department of History, Political Science, and Philosophy Texas A&M University-Kingsville

Ms. Briana Rodriguez
Student Intern and History Major

Dear Ms. Salinas, Dr. Baker, and Ms. Rodriguez,

It was my pleasure to visit with you all earlier this week and to learn more about the *La Colonia Mexicana* Neighbor & Community Project. This is truly a wonderful venture and one that I wholeheartedly support.

As the oldest institution of higher education in South Texas it is our duty to assist in preserving the history and culture of the Kingsville community and I genuinely appreciate the time and effort each of you has put forth in moving this project forward. It is absolutely true that the dual-naming of the streets in *La Colonia Mexicana* would never have happened without each of you and your never-say-die attitudes. I salute each of you!

Additionally, it is my pleasure to inform you that Texas A&M University-Kingsville will support the La Colonia Mexican Project in the amount of \$4,620 to cover the cost of the eighty-four (84) street signs that will be needed to complete the dual-naming of these streets.

Again, congratulations and best wishes as you move this project toward a successful conclusion.

Warm regards,

Steven H. Tallant

President

City of Kingsville Engineering/Public Works

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Sharam Santillan, Capital Improvements Manager

DATE: August 28, 2017

SUBJECT: Bid#17-17 Santa Gertrudis Avenue Street Improvements

Summary:

This item authorizes awarding the contract for Bid#17-17 Santa Gertrudis Avenue Street Improvements.

Background:

We advertised for bids on July 16, 2017 and July 23, 2017. A pre-bid meeting was held July 26, 2017 with two (2) potential bidders attending. Two (2) responsive bids were received by the deadline of Tuesday, August 8, 2017 at 2:00 p.m. Bid proposals were broken down by unit price of material quantities. The City has the flexibility to decide the extent of the project that would be awarded based on our budget. The project was bid on material quantities for the completion of Santa Gertrudis Avenue from 6th Street to 14th Street. Based on our budget, Staff recommends we award the contract for the completion of street improvements to Santa Gertrudis Avenue from 6th Street to the Tranquitas Creek Bridge to the lowest responsible bidder, Jimmy Evans Company.

Company	Base Bid	Base Bid + Deductive Alternative No. 1	Base Bid + Deductive Alternative No. 2
Jimmy Evans Company	\$702,543.60	\$656,917.60	\$517,957.10
Donald Hubert Construction Company	\$1,060,425.25	\$1,029,138.85	\$553,487.86

Financial Impact:

The financial impact will be an amount of \$656,917.60 consisting of the Base Bid + Deductive Alternative No. 1. A total of \$662,901.84 in funding is available through account 033-5-3050-52100 Street and Bridge and account 033-5-3050-52132 Public Works-Phase 2-CO Street Project.

Recommendation:

It is recommended the City contracts with Jimmy Evans Company, PO Box 9749, Austin, TX 78766 for Bid 17-17 Santa Gertrudis Avenue Street Improvements in the amount of \$656,917.60.



BID TABULATION

Project Number 17-17 Project Name 2017 Santa Gertrudis Avenue Street Improvements Date Tuesday, August 08, 2017

City of Kingsville Engineering Deptartment 400 W. King Avenue Kingsville, TX 78363

\$522,201.46		\$472,331.10		TOTAL BASE + DEDUCTIVE ALTERNATIVE NO. 1 + DEDUCTIVE ALTERNATIVE NO. 2	TIVEALTE	SE + DEDUC	TOTAL BA
\$553,487.86		\$517,957.10		TOTAL BASE + DEDUCTIVE ALTERNATIVE NO. 2	TIVE ALTE	SE + DEDUC	TOTAL BA
\$1,029,138.85		\$656,917.60		TOTAL BASE + DEDUCTIVE ALTERNATIVE NO. 1	TIVE ALTE	SE + DEDUC	TOTALBA
\$1,060,425.25		\$702,543.60				BASE BID SUB-TOTAL	BASE BID
(\$506,937.39)		(\$184,586.50)		VENO, 2	TERNATIV	TOTAL DEDUCTIVE ALTERNATIVE NO. 2	TOTAL DE
(\$191,496.36)	(\$133.54)	(\$111,852.00)	(\$78.00)	2" HMAC PAVEMENT (TYPE D)(LABOR ONLY)	TON	1,434	C-5
(\$25,096.50)	(\$175.50)	(\$10,010.00)	(\$70.00)	SINGLE COURSE SEAL (#4 GRADE GRAVEL)(LABOR ONLY)	TON	143	C-4
(\$38,684.33)	(\$11.87)	(\$13,036.00)	(\$4.00)	SINGLE COURSE SEAL (AC-5)(LABOR ONLY)	GAL	3,259	C-3
(\$12,707.50)	(\$6.50)	(\$4,496.50)	(\$2.30)	PRIME COAT (MC-30)(LABOR ONLY)	GAL	1,955	C-2
(\$238,952.70)	(\$42.30)	(\$45,192.00)	(\$8.00)	8" LIMESTONE FLEXIBLE BASE (TYPE A, GRADE 1)(LABOR ONLY)	TON	5,649	C-1
				DEDUCTIVE ALTERNATIVE NO. 2 - SANTA GERTRUDIS AVENUE (6TH ST TO TRANQUITAS CREEK BRIDGE)	TIVE NO. 2	/E ALTERNA	DEDUCTIV
(\$31,286.40)		(\$45,626,00)		VENO.1	TERNATIV	TOTAL DEDUCTIVE ALTERNATIVE NO. 1	TOTALDE
(\$31,286.40)	(\$2.40)	(\$45,626.00)	(\$3.50)	GEO-GRID BASE REINFORCEMENT(IN LIEU OF LIME TREAT SUBGRADE)	SY	13,036	B-1
				DEDUCTIVE ALTERNATIVE NO. 1 - SANTA GERTRUDIS AVENUE (6TH ST TO TRANQUITAS CREEK BRIDGE)	TIVE NO. 1	/E ALTERNA	DEDUCTIV
\$1,060,005,05		\$700 543 60				SE BID	TOTAL BASE BID
\$5,000.00	\$5,000.00	\$75,000.00	\$75,000.00	MOBILIZATION	Ŋ	נו	A-16
\$5,000.00	\$5,000.00	\$5,500.00	\$5,500.00	STORM-WATER POLLUTION PREVENTION PLAN(SW3P)	LS	1	A-15
\$22,698.00	\$3,783.00	\$12,000.00	\$2,000.00	TRAFFIC CONTROL PLAN	MO	6	A-14
\$84,082.20	\$6.45	\$52,144.00	\$4.00	ROAD EXCAVATION/DEMOLITION	SY	13,036	A-13
\$8,000.00	\$1,600.00	\$4,625.00	\$925.00	MANHOLE AND VALVE ADJUSTMENTS	ΕA	5	A-12
\$738.00	\$4.10	\$684.00	\$3.80	REFLECTORIZED PAVEMENT MARKER(TY II-A-A)	ΕA	180	A-11
\$1,755.00	\$17.55	\$1,600.00	\$16.00	PREFABRICATED PAVEMENT MARKING(TY C, W, 24", SLD)	두	100	A-10
\$4,025.00	\$8.75	\$3,680.00	\$8.00	PREFABRICATED PAVEMENT MARKING(TY C, W, 12", SLD)	는	460	A-9
\$2,583.00	\$0.42	\$2,460.00	\$0.40	REFLECTORIZED PAVEMENT MARKING(TY 1, Y, 4", SLD, 090 MIL)	뉴	6,150	A-8
\$2,583.00	\$0,42	\$2,460.00	\$0.40	REFLECTORIZED PAVEMENT MARKING(TY 1, W, 4", SLD, 090 MIL)	ᄕ	6,150	A-7
\$319,065.00	\$222.50	\$222,270.00	\$155.00	2" HMAC PAVEMENT(TYPE D)	TON	1,434	A-6
\$41,827.50	\$292.50	\$31,460.00	\$220.00	(#4 GRADE GRAVEL)	TON	143	A-5
\$64,528.20	\$19.80	\$26,072.00	\$8.00	SINGLE COURSE SEAL(AC-5)	GAL	3,259	A-4
\$21,309.50	\$10.90	\$10,557.00	\$5.40	PRIME COAT(MC-30)	GAL	1,955	A-3
\$391,193.25	\$69.25	\$192,066.00	\$34.00	8" LIMESTONE FLEXIBLE BASE(TYPE A, GRADE 1)	TON	5,649	A-2
\$86,037.60	\$6.60	\$59,965.60	\$4.60	LIME TREAT SUBGRADE(3% LIME, 6")	SY	13,036	A-1
				SANTA GERTRUDIS AVENUE (6TH ST TO TRANQUITAS CREEK BRIDGE)	RTRUDIS A	- SANTA GEI	BASE BID -
PRICE	PRICE	PRICE	PRICE	DESCINE I ON	CIVIT	4	I E IVI
TOTAL	UNIT	TOTAL	TINU	DESCIBATION	TIME	OTTV	Mati
onstruction Co. k 84 IX 78364	Donald Hubert Construction Co. PO Box 84 Kingsville, TX 78364		Jimmy Evans Co PO Box 9749 Austin, TX 78766				

ITEM	QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL PRICE
C-1	5,649	TON	8" LIMESTONE FLEXIBLE BASE (TYPE A, GRADE 1)	\$22.70	\$128,232.30
C-2	1,955	GAL	PRIME COAT (MC-30)	\$3.38	\$6,607.90
C-3	3,259	GAL	SINGLE COURSE SEAL (AC-5)	\$2.40	\$7,821.60
C-4	143	TON	SINGLE COURSE SEAL (#4 GRADE GRAVEL)	\$54.50	\$7,793.50
C-5	1,434	TON	2" HMAC PAVEMENT (TYPE D)	\$67.09	\$96,207.06
OTAL M	ATERIAL O	COST			\$246,662.36

BID TABULATION

Project Number 17-17 Project Name 2017 Santa Gertrudis Avenue Street Improvements Date Tuesday, August 08, 2017

> City of Kingsville Engineering Deptartment 400 W. King Avenue Kingsville, TX 78363

900,44,3000		CO. P. CO. P. C.					
\$ 500 A 700 FO		00 014 00		TOTAL BASE + DEDUCTIVE ALTERNATIVE NO. 1 + DEDUCTIVE ALTERNATIVE NO. 2	GIVE AL	SE+DEDU	TOTAL BA
\$617.515.50		\$570.914.00		TOTAL BASE + DEDUCTIVE ALTERNATIVE NO. 2	CTIVE ALT	SE + DEDU	TOTAL BA
\$1,156,137.00		\$729,124.00		TOTAL BASE + DEDUCTIVE ALTERNATIVE NO. 1	CTIVE ALI	ISE + DEDU	TOTAL BA
\$1,191,177.00		\$780,224.00				BASE BID SUB-TOTAL	BASE BID
(\$573,661.50)		(\$209,310,00)		IOTAL DEDUCTIVE ALVERNATIVE NO. 2	MARKET	Way(M) SIEG	TOTAL D
(\$217,002.50)	(\$133.54)	(\$126,750.00)	(\$78.00)	N 2" HMAC PAVEMENT (TYPE D)(LABOR ONLY)	NOT	1,625	C-5
(\$29,835.00)	(\$175.50)	(\$11,900.00)	(\$70.00)	N SINGLE COURSE SEAL (#4 GRADE GRAVEL)(LABOR ONLY)	NOT	170	C-4
(\$43,919.00)	(\$11.87)	(\$14,800.00)	(\$4.00)	L SINGLE COURSE SEAL (AC-5)(LABOR ONLY)	GAL	3,700	C-3
(\$14,300.00)	(\$6.50)	(\$5,060.00)	(\$2.30)	L PRIME COAT (MC-30)(LABOR ONLY)	GAL	2,200	C-2
(\$268,605.00)	(\$42.30)	(\$50,800.00)	(\$8.00)	N 8" LIMESTONE FLEXIBLE BASE (TYPE A, GRADE 1)(LABOR ONLY)	NOT	6,350	C-1
				DEDUCTIVE ALTERNATIVE NO. 2 - SANTA GERTRUDIS AVENUE (6TH ST TO 14TH ST)	ATIVE NO	VE ALTERN	DEDUCTI
(\$35,040.00)		(\$51,100.00)		TOTAL DEDUCTIVE ALTERNATIVE NO. 1	LITERINA	AEI/MI ID/Met	(GENTIO)
(\$35,040.00)	(\$2.40)	(\$51,100.00)	(\$3.50)	GEO-GRID BASE REINFORCEMENT(IN LIEU OF LIME TREAT SUBGRADE)	SY	14,600	B-1
				DEDUCTIVE ALTERNATIVE NO. 1 - SANTA GERTRUDIS AVENUE (6TH ST TO 14TH ST)	ATIVE NO	VE ALTERN	DEDUCTI
\$1 191 177 00	100,000,00	\$780 774 00	1000000			SE BID	TOTAL BASE BID
\$5,000.00	\$5,000.00	\$75,000,00	\$75,000.00		ا كا	1	A-16
\$5,000.00	\$5,000.00	\$5,500.00	\$5,500.00	STORM-WATER POLLUTION PREVENTION PLAN(SW3P)	rs	1	A-15
\$22,698.00	\$3,783.00	\$12,000.00	\$2,000.00	TRAFFIC CONTROL PLAN	МО	6	A-14
\$94,170.00	\$6,45	\$58,400.00	\$4.00		SY	14,600	A-13
\$8,000.00	\$1,600.00	\$4,625.00	\$925.00	MANHOLE AND VALVE ADJUSTMENTS	ΕA	5	A-12
\$738.00	\$4.10	\$684.00	\$3.80	REFLECTORIZED PAVEMENT MARKER(TY II-A-A)	ΕA	180	A-11
\$1,755.00	\$17.55	\$1,600.00	\$16.00	PREFABRICATED PAVEMENT MARKING(TY C, W, 24", SLD)	듀	100	A-10
\$4,025.00	\$8.75	\$3,680.00	\$8.00	PREFABRICATED PAVEMENT MARKING(TY C, W, 12", SLD)	Fin	460	A-9
\$2,583.00	\$0.42	\$2,460.00	\$0.40	REFLECTORIZED PAVEMENT MARKING(TY 1, Y, 4", SLD, 090 MIL)	듀	6,150	A-8
\$2,583.00	\$0.42	\$2,460.00	\$0.40	REFLECTORIZED PAVEMENT MARKING(TY 1, W, 4", SLD, 090 MIL)	F.	6,150	A-7
\$361,562.50	\$222.50	\$251,875.00	\$155.00	N 2" HMAC PAVEMENT(TYPE D)	TON	1,625	A-6
\$49,725.00	\$292.50	\$37,400.00	\$220.00		TON	170	A-5
\$73,260.00	\$19.80	\$29,600.00	\$8.00	L SINGLE COURSE SEAL(AC-5)	GAL	3,700	A-4
\$23,980.00	\$10.90	\$11,880.00	\$5.40	L PRIME COAT(MC-30)	GAL	2,200	A-3
\$439,737.50	\$69.25	\$215,900.00	\$34.00	N 8" LIMESTONE FLEXIBLE BASE(TYPE A, GRADE 1)	TON	6,350	A-2
\$96,360.00	\$6.60	\$67,160.00	\$4.60	LIME TREAT SUBGRADE(3% LIME, 6")	SY	14,600	A-1
				SANTA GERTRUDIS AVENUE (6TH ST TO 14TH ST)	ERTRUDIS	- SANTA GI	BASE BID -
PRICE	PRICE	PRICE	PRICE	DESCIRETION	Olan	<u>-</u>	וורואו
TOTAL	UNIT	TOTAL	UNIT			OTV	TEM
onstruction Co. k·84 X 78364	Donald Hubert Construction Co. PO Box 84 Kingsville, TX 78364		Jimmy Evans Co. PO Box 9749 Austin, TX 78766				

ITEM	QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL PRICE
C-1	6,350	TON	8" LIMESTONE FLEXIBLE BASE (TYPE A, GRADE 1)	\$22.70	\$144,145.00
C-2	2,200	GAL	PRIME COAT (MC-30)	\$3.38	\$7,436.00
C-3	3,700	GAL	SINGLE COURSE SEAL (AC-5)	\$2.40	\$8,880.00
C-4	170	TON	SINGLE COURSE SEAL (#4 GRADE GRAVEL)	\$54.50	\$9,265.00
C-5	1,625	TON	2" HMAC PAVEMENT (TYPE D)	\$67.09	\$109,021.25
OTAL M	ATERIAL C	OST			\$278,747.25

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: August 21, 2017

SUBJECT: Selection and appointment of Parks and Recreation Advisory Board Members

Summary:

This Item will authorize the selection and appointment of parks and recreation advisory board members.

Back Ground:

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. The City of Kingsville Commission approved the creation of a parks and recreation advisory board on June 26, 2017.

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 commission appoint the citizens suggested by the City Manager to the parks and recreation advisory board.

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: August 21, 2017

SUBJECT: Lowe's Community Grant Opportunity

Summary:

This Item will approve the submission of a Lowe's Community Grant in the amount of \$122,000 for a walking path at Dick Kleberg Park along Escondido Road. The grant is a 50/50 match with a \$61,000 match from the City.

Back Ground:

The Lowe's Community Partners Grant help build better communities by providing monetary assistance municipalities looking for high-need projects. The grants range from \$2,000 to \$100,000. The parks master plan included the conceptual design for Dick Kleberg Park, and has a walking path between the existing bollards along Escondido Road. Multiple people walk this path every day and often times are walking in the road or ditch. A secure path connecting the two entrances to the park would alleviate the safety concerns along Escondido.

Impact:

The grant is a 50/50 match and would have the City contributing \$61,000. These funds would come from the CO 2016 funds for park improvements.

Recommendation:

Requesting the city commission approve the submittal of a Lowe's Community Grant.

A RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPLICATION TO THE LOWE'S COMMUNITY PARTNERS GRANT PROGRAM FOR THE PURPOSE OF REQUESTING GRANT FUNDING FOR A WALKING PATH AT DICK KLEBERG PARK ALONG ESCONDIDO ROAD FOR THE KINGSVILLE PARKS DEPARTMENT WITH AN ANTICIPATED CASH MATCH; AUTHORIZING THE CITY MANAGER SUBMIT THE GRANT AND THE CITY PARKS & RECREATION DIRECTOR AS THE GRANT OFFICIAL TO ACT ON THE CITY'S BEHALF WITH SUCH GRANT PROGRAM.

WHEREAS, the Lowe's Community Partners Grant helps build better communities by providing monetary assistance to municipalities looking for high-need projects; and

WHEREAS, the City of Kingsville, Texas (hereinafter "City") adopted a Parks Master Plan that included the conceptual design for Dick Kleberg Park with a walking path between the existing bollards along Escondido Road;

WHEREAS, multiple people walk this path connecting the two park entrances on Escondido Road every day and are often walking in the road or ditch and a secure path would alleviate the safety concerns there and may promote additional recreational use of the path for improved fitness of our citizens;

WHEREAS, the City wishes to apply for the Lowe's Community Partners Grant that has a 50/50 cash match; and

WHEREAS, the Kingsville Parks Department would like to apply for approximately \$122,000.00 in funding for this Escondido Road path project through the program and has identified funding in the CO2016 funds for parks improvements to meet the anticipated \$61,000.00 cash match; and

WHEREAS, the City Commission of the City of Kingsville through this resolution has authorized the City Manager to submit an application for the aforementioned grant and project and the City Parks & Recreation Director as the authorized grant official to administer the grant.

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

1.

THAT the City Manager is hereby authorized and directed to sign and act on the City's behalf in all matters pertaining to the Lowe's Community Partners Grant Program, including any certifications, amendments or representations stipulated therein and that the City Parks & Recreation Director, as the authorized grant official, will administer the

program and execute and submit all certifications, reports, or contracts necessary for the administration and expenditure of such program.

II.

THAT the City Commission approves the submission of the grant application for the Escondido Road walking path in Dick Kleberg Park for the Kingsville Parks Department to the Lowe's Community Partners Grant Program on the City's behalf with a fifty percent cash match that is *anticipated* to be approximately \$61,000.00.

III.

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

IV.

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

PASSED AND APPROVED by a majority vote of the City Commission the <u>28th</u> day of <u>August</u>, 2017.

Sam R. Fugate, Mayor	
ATTEST:	
Mary Valenzuela, City Secretary	
ADDDOVED AS TO FORM	
APPROVED AS TO FORM	
Courtney Alverez City Atterney	
Courtney Alvarez, City Attorney	II DE THE RELLE TO LEGEL TO THE PROPERTY OF TH

City of Kingsville Parks & Recreation Department

TO:

Mayor and City Commissioners

CC:

Jesus A. Garza, City Manager

FROM:

Jason Alfaro, Parks & Recreation Director

DATE:

August 21, 2017

SUBJECT:

Receipt of \$300 donation from the Kleberg County Sheriffs' Association

Summary:

The Parks & Recreation Department would like approval from City Commission to receive a \$300 donation from the Kleberg County Sheriffs' Association. These funds would be used to help offset the cost of a movie in the park.

Background:

Kleberg County Sheriffs' Association has continuously provided support to the parks and recreation department.

Financial Impact:

This donation of \$300 will help offset the cost of the last movie in the park.

Recommendation:

We recommend that City Commission authorize the receipt of this donation in the amount of \$300 from the Kleberg County Sheriffs' Association, and amend the budget to record the acceptance of these funds into the parks budget.



City of Kingsville Parks & Recreation Department

TO:

Mayor and City Commissioners

CC:

Jesus A. Garza, City Manager

FROM:

Jason Alfaro, Parks & Recreation Director

DATE:

August 21, 2017

SUBJECT:

Receipt of \$300 donation from the Kleberg County Sheriffs' Association

Summary:

The Parks & Recreation Department would like approval from City Commission to receive a \$300 donation from the Kleberg County Sheriffs' Association. These funds would be used to help offset the cost of a movie in the park.

Background:

Kleberg County Sheriffs' Association has continuously provided support to the parks and recreation department.

Financial Impact:

This donation of \$300 will help offset the cost of the last movie in the park.

Recommendation:

We recommend that City Commission authorize the receipt of this donation in the amount of \$300 from the Kleberg County Sheriffs' Association, and amend the budget to record the acceptance of these funds into the parks budget.



ORDINANCE NO. 2017-	
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AN ORDINANCE AMENDING THE FISCAL YEAR 2016-2017 BUDGET TO ACCEPT AND EXPEND A PARK DONATION FROM THE KLEBERG COUNTY SHERIFF'S ASSOCIATION.

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

١.

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 G	eneral Fund				
Revenue					
4-4503	Parks & Recreation	Park Donations	58003	\$300	
				\$300	
Expenses					
5-4503	Parks & Recreation	Recreational Programs	31499	\$300	
				\$300	

[To amend the City of Kingsville FY 16-17 Budget to accept and expend a park donation from the Kleberg County Sheriff's Association as per the attached memo from the Parks & Recreation Director.]

II.

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

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission

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 28 th day of <u>August</u> , 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

	RE	SOL	LUTI	ON	#201	7	'-
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A RESOLUTION OF THE CITY OF KINGSVILLE, TEXAS IN SUPPORT OF THE CONSTRUCTION AND OPERATION OF THE RAVEN PETROLEUM REFINERY.

WHEREAS, the City of Kingsville is the county seat of Kleberg County and home to nearly 85% of the County's total population and is continually looking for economic development opportunities for the benefit of its citizens; and

WHEREAS, the City understands that its citizens enjoying living and working here but some may have to work outside the city or county; and

WHEREAS, the Raven Petroleum Refinery is being proposed for construction and operation in nearby Duval County; and

WHEREAS, the community would benefit from the construction and operation of the Raven Petroleum Refinery as it would provide additional opportunities for employment of Kingsville residents and potentially increase sales tax and/or ad valorem tax revenues of the City from people choosing to shop and/or live here while working there.

NOW, THEREFORE BE IT RESOLVED THAT:

Section 1: The City Commission of the City of Kingsville, Texas supports the construction and operation of the Raven Petroleum Refinery in nearby Duval County, Texas.

Section 2: This resolution shall be in effect as of the date of its approval.

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

_28thc	lay of	August	2017.
Sam R. F	ugate, N	Mayor	
ATTEST:			
Mary Vale	nzuela,	City Secret	tary
APPROV	ED AS	TO FORM:	
Courtney .	Alvarez	, City Attorn	iey

City of Kingsville Planning Department

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Cynthia Martin, Downtown Manager

DATE: August 18, 2017

SUBJECT: Façade grant application for 228 E Kleberg Ave.

Summary:

Mrs. Mary Lou Gonzalez has submitted a façade grant application for 228 E Kleberg Ave., the Can Go Insurance Agency office, requesting a grant amount of \$2,500 for signage. Façade grants are meant to be a 50-50 reimbursement match on a dollar for dollar basis generally not to exceed \$20,000 subject to availability of budgeted funds, unless otherwise approved by City Commission.

Background:

In October 2013, the City Commission established the Façade Improvement Grant program to achieve a certain public purpose, namely the protection and preservation of the City's historic structures in a manner that encourages economic development. Recent changes to the grant guidelines now allow downtown business owners to apply for assistance with signage for their business.

The brick building at 228 E Kleberg was completed in the 1930's and was designed as two small stores. The Rex Barber Shop occupied one side and Meek-Ferguson Jewelers the other side. Stroman Barber Shop was a late 1970's tenant. Currently the building houses Can Go Insurance Agency. Mrs. Gonzalez owns both the building and the business and it is her intent to install signage that is compatible with the downtown architecture, attractive and easily visible by both pedestrians and vehicles that pass by.

Financial Impact:

The City's match for this grant award would be \$2,750 funded by Hotel Occupancy Tax funds.

Recommendation:

It is recommended to approve a grant award up to \$2,750 for this project.



APPLICATION

Project Title:	United Healthcare Sign	I	Date Prepared: 8/8/17
Owner: <u>Mar</u>	y Lou C. Gonzalez	Phone #:	361-522-5618
Email Address	cangoinsurance en	ail. Com _Individual	Corporation Nonprofit Other (Circle)
Address: P.	O. Boy 1422; Kingsvill	e, TX 783	364
Contact (if dif	ferent):		Phone #: (361) 595-3377
Email Addres	s:	Individual	Corporation Nonprofit Other (Circle)
Address:			
	ion/Address: <u>228</u> E. Kle 10 Insurance Ageney		
	ption: Lot Eighteen (18) E on as Original Townsit cord in Envelope 96, Ma		Three (43) Map of Kingsvill, sville, according to map or, Kleburg County, Texas
•	er:		
National Reg	rister; Texas Landmark; Kingsvill (e Historic Land Circle)	dmark; Contributing Property; Other
Comment			

Proposed Use: Advertise current owner's business
Scope of Work: Replace old "Fergensen's" sign that was removed and
install a rustic Looking sign Son "UnitedHealth Cook"
Schedule: To be installed as soon as possible
Contractor(s) John Macareno Signis and Graphics and with specie
assess Lonce from Mr. Raymond Parez
Violation history: N/A
Attach documents that support: • Legal Description of property, proof of ownership, and other proof of eligibility for grant • Plans for the façade grant eligible project • Photographs • Statements of costs, budget, pro forma and other descriptions of expenses • Construction schedule • Authorization for access by City staff and other officials • Statement of proposed use and timetable for occupancy of property • Proof of absence of delinquent taxes, fines, fees, liens, claims, etc. • Additional information when requested Project Amount
Applicant signature Mary Rou C. Compile
Office Use:
Date Received Acknowledged by
Meeting Date(s)
Staff and/or Board and/or Commission actions
Notice Date(s)
Comment

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AGREEMENT

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

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

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

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

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

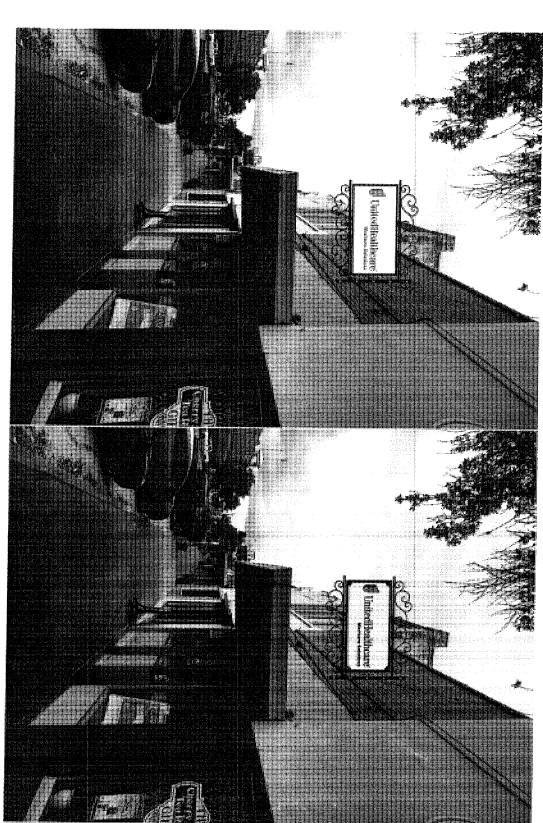
Address/ Description of Property 228 E. Rieberg Ave
Building Owner Name Mary Lou C. Gonzalez
Building Owner Name
Business Owner Address P.O. Boy 1422; Kingsville, Tx 78364
Signature(s) May Lou C Gurzulos
Date 8/8/2017
For the City
~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~
Signature Date 880

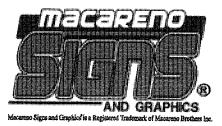
Directory Name: \\macarenoserver\FILES\\MacSignsShare\Sign Jobs\s-v File Name: United Health Care_Downtown Sign.fs



Current Date: 7/7/2017 Current Time: 3:54:32 PM

Number of Characters: 0 Sign Dimension: 621.772in x 413.800in





Invoice

7/12/2017	31573
Date	Invoice #

Kingsville, Texas

UNITED HEALTH CARE PO BOX 1422 KINGSVILLE, TX 78364 Please remit payment to: 209 E NETTIE AVE. KINGSVILLE, TX 78363 361-592-0545 / Fax: 361-595-4053

Project Address: 228 E. Kleberg / Kingsville, TX

			;	P.O. Num	ber	Terms		Rep
								JMM
Item Code	Quantity		Desc	cription		Rate	A	mount
Electrical S Permit Custom Installation	1 1 1	ENG WRC SIGN INST	' ELECTRICAL S INEERING & PE DUGHT IRON W N ALLATION s Tax	RMIT FEE		3,295.00 395.00 795.00 595.00 8.25%		3,295.00T 395.00T 795.00T 595.00T 419.10
Sign & Date					Subt	otal	\$4	5,080.00
	-				Total		\$5	5,499.10
Phone #	Fax#		E-n	nail	Payn	nents/Credits	\$0.00	
361-592-0545	361-595-4	1053	macarenosigns	@sbcglobal.net	Bala	ance Due	\$5,4	499.10

invoices with a balance of \$100 or more require a deposit of half down at time of order. Invoices with a balance of less than \$100 must be paid in full at time of order. Any invoice not paid in full prior to the last day of the month will be assessed a finance charge of 10% APR. The finance charge will be computed as of Macareno Signs & Graphics accounting month end and each succeeding month end until the balance is paid in full.

F	RES	OI	_U	ITI	ON	#20	17	_

A RESOLUTION APPROVING AN APPLICATION AND AGREEMENT FOR THE HISTORIC DISTRICT FAÇADE GRANT PROGRAM FROM MARY LOU GONZALEZ FOR PROPERTY LOCATED AT 228 E. KLEBERG AVENUE, KINGSVILLE, TEXAS.

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

WHEREAS, the City has received an Application and an Agreement for a Historic District Façade Improvement Grant from Mary Lou Gonzalez on behalf of Can Go Insurance Agency Offices for exterior signage of a property located at 228 E. Kleberg Avenue, in the downtown area and in the historic district;

WHEREAS, the application has a projected amount for the external signage of about \$5,499.10 and the applicant is requesting a grant amount of \$2,500, which would be the maximum reimbursable amount of 50% of the out-of-pocket expenses for work performed and paid for by the applicant, for renovation of the building's exterior signage on the façade;

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

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

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

١.

THAT the Historic District Façade Grant Application and Agreement for Mary Lou Gonzalez on behalf of Can Go Insurance Agency Offices for external signage at a property located at 228 E. Kleberg Avenue, Kingsville, Texas be approved as per the attached and the City shall provide as a grant reimbursement of an amount up to \$2,500.00 so long as all of the terms and conditions of the Historic District Façade Improvement Grant guidelines are met;

THAT	this	Resolution	shall be a	and become	effective on	or after add	otion.
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PASSED AND APPROVED by a majority vote of the City Commission on the <u>28th</u> day of <u>August</u> , 2017.
Sam R. Fugate, Mayor
ATTEST:
Mary Valenzuela, City Secretary
APPROVED AS TO FORM:
Courtney Alvarez, City Attorney

AGENDA ITEM #14

City of Kingsville Finance Department

TO:

Mayor and City Commissioners

CC:

Jesus A. Garza, City Manager

FROM:

Deborah Balli, Director of Finance

DATE:

August 23, 2017

SUBJECT:

Fraud Prevention & Detection Policy & Grant Administration Policy

Summary:

After consulting with the City's external auditors, the Finance Department has created several policies including the creation of the Fraud Prevention and Detection Policy and the Grant Administration Policy.

Recommendation:

Staff recommends approval of these policies to increase and strengthen internal controls.



RESOLUTION NO. 2017-____

A RESOLUTION ADOPTING THE CITY OF KINGSVILLE FRAUD PREVENTION AND DETECTION POLICY.

WHEREAS, the City Commission wants to be proactive in taking steps to prevent fraudulent activities involving city resources and personnel and believes the adoption of a Fraud Prevention and Detection Policy for employees would be beneficial; and

WHEREAS, the outside auditor has suggested such a policy would be helpful in strengthening the financial position of the City; and

WHEREAS, staff has worked to develop a Fraud Prevention and Detection Policy that it presents for approval;

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

1.

THAT the Fraud Prevention and Detection Policy (the "Fraud Policy", attached as Exhibit A) is hereby approved.

11.

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 28th day of August, 2017.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



FRAUD PREVENTION AND DETECTION POLICY

Background

The Fraud Prevention and Detection Policy is established by the City of Kingsville to facilitate the development of controls which will aid in the detection and prevention of fraud against the City. It is the intent of the City to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations.

Scope

This policy applies equally to any fraudulent activity involving anyone with a business relationship with the City of Kingsville, without regard to length of service, title/position, or relationship.

It is the City's intent to investigate any alleged acts of fraud, misappropriation or other similar irregularity.

Policy Statement

City Employees are responsible for the prevention and detection of fraud, misappropriations and other inappropriate conduct. Example of fraudulent acts include, but are not limited to:

- Any dishonest or fraudulent act.
- Forgery or alteration of documents or accounts belonging to the City of Kingsville.
- Misapplication of funds, securities, supplies or other assets.
- Impropriety in the handling or reporting of money or financial transactions.
- Profiting on insider knowledge of the City's activities.
- Gifts from vendors (outside of limits).
- Destruction, removal or inappropriate use of records, equipment or other assets.
- Disclosure of confidential and proprietary information to outside parties.
- Any similar or related inappropriate conduct.

Fraud may be committed by an individual, a group of individuals, or by one or more organizations. Fraud is a violation of trust that, is in general, refers to an intentional act committed to secure personal or business advantage.

Reporting Procedure

The City of Kingsville has established a formal reporting mechanism whereby an employee having knowledge of any suspected fraudulent activity can report these suspicions. The reporting process is as follows:

An employee who knows of or suspects wrongdoing shall report the wrongdoing immediately to the employee's manager or supervisor, or if that is not feasible, the next highest person in the employee's chain of command to whom the employee may comfortably report the wrongdoing.

To report fraud, waste and/or abuse describe your concern in detail. Provide the names of all individuals involved, including any other witnesses. Give the dates and times the incident(s) occurred and the location(s) where it happened. State whether there is any supporting documentation such as license plate numbers, invoice numbers, transaction numbers, case numbers, check numbers or other document numbers. Copies of the supporting documentation may be sent in with the complaint form. The reporting party should provide contact information for the City follow-up on the concerns.

Once the employee provides information to the supervisor, the employee will not:

- contact the suspected individual to determine facts or demand restitution.
- discuss the case, facts, suspicions, or allegations with unauthorized personnel.

Investigation Responsibilities

Department Directors have the primary responsibility for the investigation of suspected fraudulent acts involving their departments. Supervisors receiving information involving other City departments shall relay the information to the next higher level of authority.

Acting in Good Faith

Employees reporting irregularity in accordance with the Fraud Reporting Policy must be acting in good faith and have reasonable grounds for believing the information provided. Allegations made maliciously or with knowledge of their falsity will not be tolerated. Individuals making such allegations may be subject to disciplinary action up to and including termination of employment.

Acknowledgement and Signature

I have read the contents of this fraud prevention and detection policy. I understand that management will not tolerate fraudulent or dishonest activities of any kind and that I am not to engage in such activities while employed with the City of Kingsville.

I also acknowledge that the provisions of these policies are part of the terms and conditions of my continued employment with the City of Kingsville.

Furthermore, I understand that violation of these policies/procedures may result in disciplinary action up to and including termination of employment and that this acknowledgement form is not to be construed as a guaranteed contract of employment with the City of Kingsville.

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Signature	 	 	
Date			

AGENDA ITEM #15

City of Kingsville Finance Department

TO:

Mayor and City Commissioners

CC:

Jesus A. Garza, City Manager

FROM:

Deborah Balli, Director of Finance

DATE:

August 23, 2017

SUBJECT:

Fraud Prevention & Detection Policy & Grant Administration Policy

Summary:

After consulting with the City's external auditors, the Finance Department has created several policies including the creation of the Fraud Prevention and Detection Policy and the Grant Administration Policy.

Recommendation:

Staff recommends approval of these policies to increase and strengthen internal controls.



RESOLUTION NO. 2017-____

A RESOLUTION ADOPTING THE CITY OF KINGSVILLE GRANT ADMINISTRATION POLICY.

WHEREAS, the City Commission wants to provide a consistent approach to the administration of grants for the City and believes the adoption of a Grant Administration Policy for employees would be beneficial; and

WHEREAS, the policy would help to ensure that grants are properly monitored and funds separately accounted for which should help to improve the financial position of the City; and

WHEREAS, staff has worked to develop a Grant Administration Policy that it presents for approval;

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

1.

THAT the Grant Administration and Detection Policy (the "Grant Policy", attached as Exhibit A) is hereby approved.

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 28th day of August, 2017.

Sam R. Fugate, Mayor
ATTEST:
Mary Valenzuela, City Secretary
APPROVED AS TO FORM:
Courtney Alvarez, City Attorney



GRANT ADMINISTRATION POLICY

PURPOSE

The City of Kingsville Grant Administration Policy has been developed for the purpose of standardizing grant and grant related activity for all current and future grant activity.

DELEGATION OF AUTHORITY

Administrative Authority

Although the official recipient of the grant is the City of Kingsville, responsibility for programmatic administration of grants within the City rests with the department that applied for the grants (i.e., Grantee department). Grant activity will be coordinated with the Finance Department to ensure proper inclusion in the combined citywide reports under federal and state reporting guidelines.

All Accounting, Monitoring and Financial Reporting Authority

The City's Finance Department is responsible for all official financial records of the City; and in that capacity, the Finance Department is responsible for maintaining adequate records to ensure compliance with federal and state accounting and reporting requirements.

The grantee departments are responsible for programmatic monitoring of all grant activities and assuring compliance with federal and state regulations. Grantee departments are solely responsible for resolution of deficits.

GRANT APPLICATION / OFFER PROCEDURES

This section includes all functions associated with obtaining a grant when a pre-application or an application of any format is required. Most of these activities are the responsibility of the originating department and include:

Procedures:

- 1. The City department will inform the Finance Department of any new grant application being submitted. The Finance Department must be notified within 10 days of submission.
- 2. The Grantee Department Director appoints a Grant Manager to assume the responsibilities of developing the application, managing, administering, and monitoring any subgrantee.

- 3. The City department requesting the grant is the initiating department and will prepare the initial draft of the grant application.
- 4. The Director of the initiating department will review the draft before submitting the draft for review by the Finance Department and the City Attorney's Office for legal compliance.
- 5. Other appropriate personnel as deemed necessary by the Grant Manager will also review the draft.
- 6. The initiating department will modify the draft, if necessary, from information gained by the Finance Department, City Attorney's Office and other appropriate City departments.
- 7. The initiating department will prepare and include an agenda memorandum and all supporting documentation for the grant to include but not be limited to:
 - a. Agenda request
 - b. Grant application
 - c. Any supporting documentation relative to the grant application.

GRANT AWARD PROCEDURES

This grant award section includes the initial procedures required when a grant is awarded.

Grantee Procedures:

- 1. Directors of Grantee departments ("Grantee") are responsible for the programmatic and fiscal activities relating to their respective grant.
- 2. Grantee will provide the original fully executed grant award document to the:
 - a. City Secretary,
 - b. Finance Department, and
 - c. Grantee will maintain a copy for their files
- 3. Grantee will prepare City Commission agenda request to accept and appropriate the grant and to amend the grant if such action becomes necessary.
- 4. Grantee will provide full and accurate information upon initial creation of the grant, by completing a Grant Creation Form (See Attachment A).
- 5. Administer program income and indirect costs.
- 6. Budget changes requiring Grantor approval must be completed by Grantee.
- 7. Prepare and timely submit Federal Financial Reports (FFRs); when needed, request grant reimbursement.
- 8. Follow the procedures that are required by the Grantor.
- 9. Perform grant closeout.

Finance Procedures:

1. Create grant fund in financial software and enter grant budget based on the budget amendment information that is provided by the Grantee.

- 2. Record grant revenues and expenditures in the City's financial software, including program income and local match.
- 3. Track grant expenditures by approved budget categories.
- 4. Reconcile Federal Financial Reports (FFRs) with the accounting records at least on a quarterly basis.
- 5. Perform grant closeout.
- 6. Conduct any other pertinent grant related financial activities.

GRANT REPORTING PROCEDURES

The grant reporting section relates to the functions dealing with the monthly, quarterly and/or yearly reporting requirements.

Grantee Department:

- 1. Monitor their grants not less frequently than monthly to ensure changes are valid and deficits are not incurred.
- 2. Ensure that any external reports due to Grantors are submitted timely and accurately.
- 3. Notify Finance Department immediately upon receipt of notification when the Grantor requests a monitoring or financial audit on their grant.
- 4. Responsible for authorizing purchases and putting together all monthly/quarterly State and Federal progress reports, or other reports as may be required.
- 5. Ensure any communication from the Grantor is handled quickly and accurately, particularly in cases where failure to respond will result in a vendor hold.
- 6. Communicate with Finance in a timely fashion to ensure that grant items are posted in the correct fund/accounting period.
- 7. Ensure all matching requirements are wholly recorded.
- 8. Provide authorization, documentation, special conditions, or language as required to the Purchasing Division of the Finance Department for purchases needed to carry out the requirements of the grant.
- 9. Responsible for reviewing costs claimed to ensure accurate posting to the general ledger and for compliance with the provisions of the grant.
- 10. Grantee departments that prepare and submit their own FFRs/Request for Reimbursement must provide a copy to the Finance Department.

Grantee Department Close-Out Procedures:

- 1. Complete the grant scope work.
- 2. Prepare and submit any required grant close out documents.
- 3. Review grant file for completeness.

Finance Department:

- 1. Provide all information needed for reimbursement requests/reports to the Grantee Department. Supporting documentation includes a system generated expenditure transaction printout that agrees with the cost being claimed.
- 2. The reimbursement requests will be signed by the Finance Director. If a signature resolution is required by a granting agency, then the individual so designated will coordinate his/her signature requirements with the Finance Department.
- 3. Grant deficits are not acceptable. Any deficit that remains in a grant fund will be moved to the grantee's operating department budget at the end of the grant.
- 4. Prepare requests for advances only if required by the granting agency and will maintain record keeping assuring that advanced funds are expended within the required time frame.
- 5. Establish an account receivable in the general ledger accounts.
- 6. Grant funds will be received and recorded by the Finance Department.
- 7. Maintain the Schedule of Expenditures of Federal Awards and State Financial Assistance and will provide a copy to the external auditors by the predetermined date of each year. The Accounting Manager will be the liaison between the external auditors and the Grantee Departments.
- 8. The Finance Department is responsible for ensuring that the copies of the Comprehensive Annual Financial Report (CAFR) are available to the appropriate granting agencies.

Finance Department Close-Out Procedures:

- 1. Grant Accountant will notify affected departments that the project is completed and schedule a "close-out" meeting if necessary to resolve any final procedural issues.
- 2. Grant Accountant ensures final receipt of grant revenues.
- 3. Grant Accountant will assist with any required grant close-out documents.
- 4. Grant Accountant will inactivate grant in accounting software.
- 5. Grant Accountant will review grant file for completeness.

Audit Findings and Corrective Actions

Periodically, grants are subjected to Grantor monitoring and review. In some cases, reviews result in audit findings requiring corrective actions on the part of the Grantee. In such instances, the Grantee will evaluate and perform the corrective actions necessary to bring any grant into compliance with valid findings. These measures will be performed in a timely manner, especially when failure to do so may result in a Grantor/vendor hold.

QUESTIONS ON THIS POLICY

Questions on this Policy may be referred to the Director of Finance.

GRANT ADMINISTRATION POLICY 08/28/2017

DEFINITIONS

<u>Cash Match</u> – Non-Federal or State cash spent for project-related costs under a grant agreement. Cash matches must be recorded in each individual grant fund as indicated by grant contract. These cash matches are typically recorded via transfer to/from entry.

<u>Catalog of Federal Domestic Assistance (CFDA)</u> – Federally funded grants are assigned specific numbers for reporting purposes. These numbers are provided to the City by the grantor and are necessary for accurate reporting in the Single Audit Reports. Website is www.cfda.gov

<u>Certification</u> – A statement by an employee and approved by a supervisor stating that the employee worked solely on a particular program for the period covered by the certification.

<u>Continuation Grant</u> – A grant the City has received in the prior fiscal year and anticipates receiving in the current fiscal year.

Encumbrance – Unexpended commitments identified as a purchase requisition or purchase order.

<u>Grant(s)</u> — A contract reflecting a relationship between the Federal Government or State government and the City in which one of the former entities provide the City with money in order for the City to accomplish a specified purpose. The money granted to the City is legally restricted to expenditures or uses for that specified purpose.

<u>Grantee</u> – City department responsible for the application, ordinance process, and day to day management of the grant's financial and programmatic needs.

<u>Grantor</u> – Funding agency or organization awarding money to the City for a particular purpose. Typically consists of federal or state organizations.

<u>In-Kind</u> — Contributions of a reasonable value of property or services in lieu of cash contributed to a grant.

<u>Indirect Cost Activity</u> – Activity under which the costs are incurred for a common or joint purpose benefiting more than one cost objective (purpose). These costs are not readily assigned to the cost objectives being specifically benefited.

<u>Federal Financial Report (FFR)</u> – The FFR is used to submit financial information about individual grant awards to the Grantor.

<u>Match</u> – Costs incurred in the grant that are not borne from the Grantor; it is the City's contribution in time, goods, services, or dollars towards the grant.

AGENDA ITEM #16

RESOLUTION NO. 2017-____

A RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPLICATION TO THE EDWARD J. BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM'S FY2017 JAG PROGRAM LOCAL SOLICITATION GRANT REQUESTING FUNDING FOR LAW ENFORCEMENT EQUIPMENT ON BEHALF OF THE KINGSVILLE POLICE DEPARTMENT WITH NO ANTICIPATED CASH MATCH.

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 ("the Department") participate in an application to apply for grant monies from the Edward Byrne Memorial Justice Assistance Grant Program (JAG) for law enforcement personnel equipment/programs, system assessment and program evaluation and technology improvement programs; and

WHEREAS, the Department would like to apply for a JAG Grant in the amount of \$10,320.000, which would be split evenly with the Kleberg County Sheriff Department based on the grant requirements;

WHEREAS, the City's half would equal \$5,160.00 which the Department would like to use for tactical team headsets that would be compatible with the P25 radio upgrades; and

WHEREAS, the JAG Grant has no anticipated cash match; and

WHEREAS, the City Commission of the City of Kingsville through this resolution has authorized the Police Chief to submit the grant and administer the grant and necessary paperwork if the grant is awarded to the City;

WHEREAS, the City Commission of the City of Kingsville agrees that in the event of loss or misuse of the Criminal Justice Division funds, the City Commission assures that the funds will be returned to the Criminal Justice Division in full.

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

1.

THAT the City Commission approves the submission of the grant application for the Edward Byrne Memorial Justice Assistance Grant Program (JAG) for FY2017 JAG Program Local Solicitation grant for law enforcement personnel equipment/programs, system assessment and program evaluation and technology improvement programs for the afore-mentioned headsets on the City's behalf with no anticipated cash.

II.

THAT the Chief of Police is hereby authorized and directed to act on the City's behalf in all matters pertaining to the JAG Grant including any certifications, amendments or representations stipulated therein and that the Chief of Police will administer the program and execute and submit all certifications, reports, or contracts necessary for the administration and expenditure of such program.

III.

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

IV.

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

PASSED AND APPROVED by a majority vote of the City Commission the <u>28th</u> day of <u>August</u>, <u>2017</u>.

Sam R. Fugate, Mayor
ATTEST:
Mary Valenzuela, City Secretary
APPROVED AS TO FORM

Courtney Alvarez, City Attorney

Courtney Alvarez

From:

Ricardo Torres <chief@kingsvillepd.us>

Sent:

Wednesday, August 09, 2017 2:18 PM

To:

rkirkpatrick@klebergcoso.org

Cc:

Jesús Garza; Courtney Alvarez; Deborah Balli; corina.gonzales@kingsvillepd.us

Subject:

JAG Local Solicitation

Attachments:

JAGLocal17 Grant Announcement.pdf; JAGMOU.pdf; 2017 TEXAS LOCAL JAG

ALLOCATIONS.pdf

Sheriff Kirkpatrick:

As per our telephone conversation this morning we would like to apply for the 2017 JAG Local Solicitation Grant. Unfortunately the grant amount is only \$10,320.00. This grant is categorized as disparate so an MOU has to be drafted between the City of Kingsville and County of Kleberg for application. We would split the grant 50/50 and I would construct the grant. Please review the attached materials and let me know how you would like to use your \$5,160.00 portion of the grant.

Due to the P25 radio upgrades we will be purchasing Silynx Clarus XPR headsets for our tactical team to use with their new radios.

The grant is due on 09/05/2017 so we must move as quickly as possible. Thanks for your assistance on this issue.

Ricardo Torres
Chief of Police
Kingsville Police Department
P. O. Box 1458
1700 E. King Ave.
Kingsville, Texas 78363
PH#(361) 592-4311 Option #5
Fax# (361) 593-1714
e-mail chief@kingsvillepd.us

U.S. Department of JusticeOffice of Justice Programs
Bureau of Justice Assistance



The <u>U.S. Department of Justice</u> (DOJ), <u>Office of Justice Programs</u> (OJP), <u>Bureau of Justice Assistance</u> (BJA) is seeking applications for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. This program furthers the Department's mission by assisting State, local, and tribal efforts to prevent or reduce crime and violence.

Edward Byrne Memorial Justice Assistance Grant Program FY 2017 Local Solicitation Applications Due: September 5, 2017

Eligibility

Only units of local government may apply under this solicitation. By law, for purposes of the JAG Program, the term "units of local government" includes a town, township, village, parish, city, county, borough, or other general purpose political subdivision of a state; or, it may also be a federally recognized Indian tribal government that performs law enforcement functions (as determined by the Secretary of the Interior). A unit of local government may be any law enforcement district or judicial enforcement district established under applicable State law with authority to independently establish a budget and impose taxes; for example, in Louisiana, a unit of local government means a district attorney or parish sheriff.

A JAG application is not complete, and a unit of local government may not receive award funds, unless the chief executive of the applicant unit of local government (e.g., a mayor) properly executes, and the unit of local government submits, the "Certifications and Assurances by Chief Executive of Applicant Government" attached to this solicitation as <u>Appendix I</u>.

In addition, as discussed further <u>below</u>, in order validly to accept a Fiscal Year (FY) 2017 JAG award, the chief legal officer of the applicant unit of local government must properly execute, and the unit of local government must submit, the specific certification regarding compliance with 8 U.S.C. § 1373 attached to this solicitation as <u>Appendix II</u>. (Note: this requirement does not apply to Indian tribal governments.) (The text of 8 U.S.C. § 1373 appears in <u>Appendix II</u>.)

Eligible allocations under JAG are posted annually on the JAG web page under "Funding."

Deadline

Applicants must register in the <u>OJP Grants Management System (GMS)</u> prior to submitting an application under this solicitation. All applicants must register, even those that previously registered in GMS. Select the "Apply Online" button associated with the solicitation title. All registrations and applications are due by 5 p.m. eastern time on September 5, 2017.

This deadline does **not** apply to the certification regarding compliance with 8 U.S.C. § 1373. As explained <u>below</u>, a unit of local government (other than an Indian tribal government) may not validly accept an award unless that certification is submitted to the Office of Justice Programs (OJP) on or before the day the unit of local government submits the signed award acceptance documents.

For additional information, see <u>How to Apply</u> in <u>Section D. Application and Submission</u> Information.

Contact Information

For technical assistance with submitting an application, contact the Grants Management System (GMS) Support Hotline at 888–549–9901, option 3, or via email at GMS.HelpDesk@usdoj.gov. The GMS Support Hotline operates 24 hours a day, 7 days a week, including on federal holidays.

An applicant that experiences unforeseen GMS technical issues beyond its control that prevent it from submitting its application by the deadline must email the National Criminal Justice Reference Service (NCJRS) Response Center at grants@ncirs.gov within 24 hours after the application deadline in order to request approval to submit its application. Additional information on reporting technical issues appears under "Experiencing Unforeseen GMS Technical Issues" in How to Apply in Section D. Application and Submission Information.

For assistance with any other requirement of this solicitation, applicants may contact the NCJRS Response Center by telephone at 1–800–851–3420; via TTY at 301–240–6310 (hearing impaired only); by email at grants@ncirs.gov; by fax to 301–240–5830, or by web chat at https://webcontact.ncirs.gov/ncichat/chat.jsp. The NCJRS Response Center hours of operation are 10:00 a.m. to 6:00 p.m. eastern time, Monday through Friday, and 10:00 a.m. to 8:00 p.m. eastern time on the solicitation close date. Applicants also may contact the appropriate BJA State Policy Advisor.

Funding opportunity number assigned to this solicitation: BJA-2017-11301

Release date: August 3, 2017

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Edward Byrne Memorial Justice Assistance Grant Program FY 2017 Local Solicitation CFDA #16.738

A. Program Description

Overview

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of federal criminal justice funding to States and units of local government. BJA will award JAG Program funds to eligible units of local government under this FY 2017 JAG Program Local Solicitation. (A separate solicitation will be issued for applications to BJA directly from States.)

Statutory Authority: The JAG Program statute is Subpart I of Part E of Title I of the Omnibus Crime Control and Safe Streets Act of 1968. Title I of the "Omnibus Act" generally is codified at Chapter 26 of Title 42 of the United States Code; the JAG Program statute is codified at 42 U.S.C. §§ 3750-3758. See also 28 U.S.C. § 530C(a).

Program-Specific Information

Permissible uses of JAG Funds - In general

In general, JAG funds awarded to a unit of local government under this FY 2017 solicitation may be used to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including for any one or more of the following:

- Law enforcement programs
- Prosecution and court programs
- Prevention and education programs
- Corrections and community corrections programs
- Drug treatment and enforcement programs
- Planning, evaluation, and technology improvement programs
- Crime victim and witness programs (other than compensation)
- Mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams

Under the JAG Program, units of local government may use award funds for broadband deployment and adoption activities as they relate to criminal justice activities.

Limitations on the use of JAG funds

Prohibited and controlled uses of funds – JAG funds may not be used (whether directly or indirectly) for any purpose prohibited by federal statute or regulation, including those purposes specifically prohibited by the JAG Program statute as set out at 42 U.S.C. § 3751(d):

- (1) Any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.
- (2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order—
 - (a) Vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters)
 - (b) Luxury items
 - (c) Real estate
 - (d) Construction projects (other than penal or correctional institutions)
 - (e) Any similar matters

For additional information on expenditures prohibited under JAG, as well as expenditures that are permitted but "controlled," along with the process for requesting approval regarding controlled items, refer to the <u>JAG Prohibited and Controlled Expenditures Guidance</u>. Information also appears in the JAG FAQs.

Cap on use of JAG award funds for administrative costs – A unit of local government may use up to 10 percent of a JAG award, including up to 10 percent of any earned interest, for costs associated with administering the award.

Prohibition of supplanting; no use of JAG funds as "match" – JAG funds may not be used to supplant State or local funds but must be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities. See the JAG FAQs on BJA's JAG web page for examples of supplanting.

Although supplanting is prohibited, as discussed under "What An Application Should Include," the leveraging of federal funding is encouraged.

Absent specific federal statutory authority to do so, JAG award funds may not be used as "match" for the purposes of other federal awards.

Other restrictions on use of funds – If a unit of local government chooses to use its FY 2017 JAG funds for particular, defined types of expenditures, it must satisfy certain preconditions:

Body-Worn Cameras (BWC)

A unit of local government that proposes to use FY 2017 JAG award funds to purchase BWC equipment or to implement or enhance BWC programs, must provide to OJP a certification(s) that the unit of local government has policies and procedures in place related to BWC equipment usage, data storage and access, privacy considerations, training, etc. The certification can be found at:

https://www.bja.gov/Funding/BodyWornCameraCert.pdf.

A unit of local government that proposes to use JAG funds for BWC-related expenses will have funds withheld until the required certification is submitted and approved by OJP.

The BJA <u>BWC Toolkit</u> provides model BWC policies and best practices to assist departments in implementing BWC programs.

Apart from the JAG Program, BJA provides funds under the Body-Worn Camera Policy and Implementation Program (BWC Program). The BWC Program allows jurisdictions to develop and implement policies and practices required for effective program adoption and address program factors including the purchase, deployment, and maintenance of camera systems and equipment; data storage and access; and privacy considerations. Interested units of local government may wish to refer to the <u>BWC web page</u> for more information. Units of local government should note, however, that JAG funds may not be used as any part of the 50 percent match required by the BWC Program.

Body Armor

Ballistic-resistant and stab-resistant body armor can be funded through the JAG Program, as well as through BJA's Bulletproof Vest Partnership (BVP) Program. The BVP Program is designed to provide a critical resource to local law enforcement through the purchase of ballistic-resistant and stab-resistant body armor. For more information on the BVP Program, including eligibility and application, refer to the BVP web page. Units of local government should note, however, that JAG funds may not be used as any part of the 50 percent match required by the BVP Program.

Body armor purchased with JAG funds may be purchased at any threat level, make, or model from any distributor or manufacturer, as long as the body armor has been tested and found to comply with the latest applicable National Institute of Justice (NIJ) ballistic or stab standards. In addition, body armor purchased must be made in the United States.

As is the case in the BVP Program, units of local government that propose to purchase body armor with JAG funds must certify that law enforcement agencies receiving body armor have a written "mandatory wear" policy in effect. FAQs related to the mandatory wear policy and certifications can be found at:

https://www.bja.gov/Funding/JAGFAQ.pdf. This policy must be in place for at least all uniformed officers before any FY 2017 funding can be used by the unit of local government for body armor. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all uniformed officers while on duty. The certification must be signed by the Authorized Representative and must be attached to the application if proposed as part of the application. If the unit of local government proposes to change project activities to utilize JAG funds to purchase body armor after the award is accepted, the unit of local government must submit the signed certification to BJA at that time. A mandatory wear concept and issues paper and a model policy are available by contacting the BVP Customer Support Center at vests@usdoj.gov or toll free at 1–877–758–3787. The certification form related to mandatory wear can be found at:

www.bja.gov/Funding/BodyArmorMandatoryWearCert.pdf.

DNA Testing of Evidentiary Materials and Upload of DNA Profiles to a Database

If JAG Program funds will be used for DNA testing of evidentiary materials, any resulting **eligible** DNA profiles must be uploaded to the Combined DNA Index System (CODIS, the national DNA database operated by the Federal Bureau of Investigation [FBI]) by a government DNA lab with access to CODIS. No profiles generated with JAG funding may be entered into any other non-governmental DNA database without prior express written approval from BJA.

In addition, funds may not be used for purchase of DNA equipment and supplies when the resulting DNA profiles from such technology are not accepted for entry into CODIS.

Interoperable Communication

Units of local government (including subrecipients) that use FY 2017 JAG funds to support emergency communications activities (including the purchase of interoperable communications equipment and technologies such as voice-over-internet protocol bridging or gateway devices, or equipment to support the build out of wireless broadband networks in the 700 MHz public safety band under the Federal Communications Commission [FCC] Waiver Order) should review FY 2017 SAFECOM Guidance. The SAFECOM Guidance is updated annually to provide current information on emergency communications policies, eligible costs, best practices, and technical standards for State, local, tribal, and territorial grantees investing federal funds in emergency communications projects. Additionally, emergency communications projects should support the Statewide Communication Interoperability Plan (SCIP) and be coordinated with the fulltime Statewide Interoperability Coordinator (SWIC) in the State of the project. As the central coordination point for their State's interoperability effort, the SWIC plays a critical role, and can serve as a valuable resource. SWICs are responsible for the implementation of SCIP through coordination and collaboration with the emergency response community. The U.S. Department of Homeland Security Office of Emergency Communications maintains a list of SWICs for each of the States and territories. Contact OEC@hq.dhs.gov. All communications equipment purchased with FY 2017 JAG Program funding should be identified during quarterly performance metrics reporting.

In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety communities, OJP requires the recipient to comply with DOJ's Global Justice Information Sharing Initiative guidelines and recommendations for this particular grant. Recipients must conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: https://www.it.oip.gov/gsp grantcondition. Recipients must document planned approaches to information sharing and describe compliance to GSP and an appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

Required compliance with applicable federal laws

By law, the chief executive (e.g., the mayor) of each unit of local government that applies for an FY 2017 JAG award must certify that the unit of local government will "comply with all provisions of [the JAG program statute] and all other applicable Federal laws." To satisfy this requirement, each unit of local government applicant must submit two properly executed certifications using the forms shown in Appendix I and Appendix II.

All applicants should understand that OJP awards, including certifications provided in connection with such awards, are subject to review by DOJ, including by OJP and by the DOJ

Office of the Inspector General. Applicants also should understand that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in a certification submitted to OJP in support of an application may be the subject of criminal prosecution, and also may result in civil penalties and administrative remedies for false claims or otherwise. Administrative remedies that may be available to OJP with respect to an FY 2017 award include suspension or termination of the award, placement on the DOJ high risk grantee list, disallowance of costs, and suspension or debarment of the recipient.

BJA areas of emphasis

BJA recognizes that there are significant pressures on local criminal justice systems. In these challenging times, shared priorities and leveraged resources can make a significant impact. As a component of OJP, BJA intends to focus much of its work on the areas of emphasis described below, and encourages each unit of local government recipient of an FY 2017 JAG award to join us in addressing these challenges:

- Reducing Gun Violence Gun violence has touched nearly every State and local government in America. While our nation has made great strides in reducing violent crime, some municipalities and regions continue to experience unacceptable levels of violent crime at rates far in excess of the national average. BJA encourages units of local government to invest JAG funds in programs to combat gun violence, enforce existing firearms laws, and improve the process for ensuring that persons prohibited from purchasing guns are prevented from doing so by enhancing reporting to the FBI's National Instant Criminal Background Check System (NICS).
- National Incident-Based Reporting System (NIBRS) The FBI has formally announced its intentions to establish NIBRS as the law enforcement crime data reporting standard for the nation. The transition to NIBRS will provide a more complete and accurate picture of crime at the national, State, and local levels. Once this transition is complete, the FBI will no longer collect summary data and will accept data only in the NIBRS format. Also, once the transition is complete, JAG award amounts will be calculated on the basis of submitted NIBRS data. Transitioning all law enforcement agencies to NIBRS is the first step in gathering more comprehensive crime data. BJA encourages recipients of FY 2017 JAG awards to use JAG funds to expedite the transition to NIBRS.
- Officer Safety and Wellness The issue of law enforcement safety and wellness is an
 important priority for the Department of Justice. Preliminary data compiled by the
 National Law Enforcement Officers Memorial Fund indicates that there were 135 line-ofduty law enforcement deaths in 2016—the highest level in the past 5 years and a 10
 percent increase from 2015 (123 deaths).

Firearms-related deaths continued to be the leading cause of death (64), increasing 56 percent from 2015 (41). Of particular concern is that of the 64 firearms-related deaths, 21 were as a result of ambush-style attacks representing the highest total in more than two decades. Traffic-related deaths continued to rise in 2016 with 53 officers killed, a 10 percent increase from 2015 (48 deaths). Additionally, there were 11 job-related illness deaths in 2016, mostly heart attacks.

BJA sees a vital need to focus not only on tactical officer safety concerns but also on health and wellness as they affect officer performance and safety. It is important for law enforcement to have the tactical skills necessary, and also be physically and mentally well, to perform, survive, and be resilient in the face of the demanding duties of the

profession. BJA encourages units of local government to use JAG funds to address these needs by providing training, including paying for tuition and travel expenses related to attending trainings such as <u>VALOR training</u>, as well as funding for health and wellness programs for law enforcement officers.

- Border Security The security of United States borders is critically important to the reduction and prevention of transnational drug-trafficking networks and combating all forms of human trafficking within the United States (sex and labor trafficking of foreign nationals and U.S. citizens of all sexes and ages). These smuggling operations on both sides of the border contribute to a significant increase in violent crime and U.S. deaths from dangerous drugs. Additionally, illegal immigration continues to place a significant strain on federal, State, and local resources—particularly on those agencies charged with border security and immigration enforcement—as well as the local communities into which many of the illegal immigrants are placed. BJA encourages units of local government to use JAG funds to support law enforcement hiring, training, and technology enhancement in the area of border security.
- Collaborative Prosecution BJA supports strong partnerships between prosecutors and police as a means to improve case outcomes and take violent offenders off the street. BJA strongly encourages State and local law enforcement to foster strong partnerships with prosecutors to adopt new collaborative strategies aimed at combating increases in crime, particularly violent crime. (BJA's "Smart Prosecution" Initiative is a related effort by OJP to promote partnerships between prosecutors and researchers to develop and deliver effective, data-driven, evidence-based strategies to solve chronic problems and fight crime.)

Goals, Objectives, and Deliverables

In general, the FY 2017 JAG Program is designed to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice. The JAG Local Program is designed to assist units of local government with respect to criminal justice.

As discussed in more detail <u>below</u>, a unit of local government that receives an FY 2017 JAG award will be required to prepare various types of reports and to submit data related to performance measures and accountability. The Goals, Objectives, and Deliverables are directly related to the <u>JAG Progam accountability measures</u>.

Evidence-Based Programs or Practices

OJP strongly emphasizes the use of data and evidence in policy making and program development in criminal justice, juvenile justice, and crime victim services. OJP is committed to:

- Improving the quantity and quality of evidence OJP generates
- Integrating evidence into program, practice, and policy decisions within OJP and the field
- · Improving the translation of evidence into practice

OJP considers programs and practices to be evidence-based when their effectiveness has been demonstrated by causal evidence, generally obtained through one or more outcome evaluations. Causal evidence documents a relationship between an activity or intervention (including technology) and its intended outcome, including measuring the direction and size of a change, and the extent to which a change may be attributed to the activity or intervention.

Causal evidence depends on the use of scientific methods to rule out, to the extent possible, alternative explanations for the documented change. The strength of causal evidence, based on the factors described above, will influence the degree to which OJP considers a program or practice to be evidence-based. The OJP <u>CrimeSolutions.gov</u> website is one resource that applicants may use to find information about evidence-based programs in criminal justice, juvenile justice, and crime victim services.

A useful matrix of evidence-based policing programs and strategies is available through the <u>Center for Evidence-Based Crime Policy</u> at George Mason University. BJA offers a number of program models designed to effectively implement promising and evidence-based strategies through the BJA "Smart Suite" of programs, including Smart Policing, Smart Supervision, Smart Pretrial, Smart Defense, Smart Prosecution, Smart Reentry, and others (see: https://www.bja.gov/Programs/CRPPE/smartsuite.html). BJA encourages units of local government to use JAG funds to support these "smart on crime" strategies, including effective partnerships with universities, research partners, and non-traditional criminal justice partners.

BJA Success Stories

The <u>BJA Success Stories</u> web page features projects that have demonstrated success or shown promise in reducing crime and positively impacting communities. This web page will be a valuable resource for States, localities, territories, tribes, and criminal justice professionals that seek to identify and learn about JAG and other successful BJA-funded projects linked to innovation, crime reduction, and evidence-based practices. **BJA strongly encourages the recipient to submit success stories annually (or more frequently).**

If a unit of local government has a success story it would like to submit, it may be submitted through My BJA account, using "add a Success Story" and the Success Story Submission form. Register for a My BJA account using this <u>registration</u> link.

B. Federal Award Information

BJA estimates that it will make up to 1,100 local awards totaling an estimated \$83,000,000.

Awards of at least \$25,000 are 4 years in length, and award periods will be from October 1, 2016 through September 30, 2020. Extensions beyond this period may be made on a case-by-case basis at the discretion of BJA and must be requested via GMS no less than 30 days prior to the grant end date.

Awards of less than \$25,000 are 2 years in length, and award periods will be from October 1, 2016 through September 30, 2018. Extensions of up to 2 years can be requested for these awards via GMS no less than 30 days prior to the grant end date, and will be automatically granted upon request.

All awards are subject to the availability of appropriated funds and to any modifications or additional requirements that may be imposed by statute.

Type of Award

BJA expects that any award under this solicitation will be in the form of a grant. See <u>Statutory and Regulatory Requirements</u>; <u>Award Conditions</u>, under <u>Section F. Federal Award Administration Information</u>, for a brief discussion of important statutes, regulations, and award conditions that apply to many (or in some cases, all) OJP grants.

JAG awards are based on a statutory formula as described below.

Once each fiscal year's overall JAG Program funding level is determined, BJA works with the Bureau of Justice Statistics (BJS) to begin a four-step grant award calculation process, which, in general, consists of:

- (1) Computing an initial JAG allocation for each State, based on its share of violent crime and population (weighted equally).
- (2) Reviewing the initial JAG allocation amount to determine if the State allocation is less than the minimum award amount defined in the JAG legislation (0.25 percent of the total). If this is the case, the State is funded at the minimum level, and the funds required for this are deducted from the overall pool of JAG funds. Each of the remaining States receive the minimum award plus an additional amount based on its share of violent crime and population.
- (3) Dividing each State's final award amount (except for the territories and District of Columbia) between the State and its units of local governments at a rate of 60 and 40 percent, respectively.
- (4) Determining unit of local government award allocations, which are based on their proportion of the State's 3-year violent crime average. If the "eligible award amount" for a particular unit of local government as determined on this basis is \$10,000 or more, then the unit of local government is eligible to apply directly to OJP (under the JAG Local solicitation) for a JAG award. If the "eligible award amount" to a particular unit of local government as determined on this basis would be less than \$10,000, however, the funds are not made available for a direct award to that particular unit of local government, but instead are added to the amount that otherwise would have been awarded to the State.

Financial Management and System of Internal Controls

Award recipients and subrecipients (including recipients or subrecipients that are pass-through entities¹) must, as described in the Part 200 Uniform Requirements² as set out at 2 C.F.R. 200.303:

- (a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that [the recipient (and any subrecipient)] is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States and the "Internal Control Integrated Framework", issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
- (b) Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.

¹ For purposes of this solicitation, the phrase "pass-through entity" includes any recipient or subrecipient that provides a subaward ("subgrant") to carry out part of the funded award or program.

² The "Part 200 Uniform Requirements" refers to the DOJ regulation at 2 C.F.R Part 2800, which adopts (with certain modifications) the provisions of 2 C.F.R. Part 200.

- (c) Evaluate and monitor [the recipient's (and any subrecipient's)] compliance with statutes, regulations, and the terms and conditions of Federal awards.
- (d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
- (e) Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or [the recipient (or any subrecipient)] considers sensitive consistent with applicable Federal, State, local, and tribal laws regarding privacy and obligations of confidentiality.

To help ensure that applicants understand the administrative requirements and cost principles, OJP encourages prospective applicants to enroll, at no charge, in the DOJ Grants Financial Management Online Training, available here.

Budget and Financial Information

Trust Fund – Units of local government may draw down JAG funds either in advance or on a reimbursement basis. To draw down in advance, a trust fund must be established in which to deposit the funds. The trust fund may or may not be an interest-bearing account. If subrecipients draw down JAG funds in advance, they also must establish a trust fund in which to deposit funds.

Tracking and reporting regarding JAG funds used for State administrative costs — As indicated earlier, a unit of local government may use up to 10 percent of a JAG award, including up to 10 percent of any earned interest, for costs associated with administering the award. Administrative costs (when utilized) must be tracked separately; a recipient must report in separate financial status reports (SF-425) those expenditures that specifically relate to each particular JAG award during any particular reporting period.

No commingling – Both the unit of local government recipient and all subrecipients of JAG funds are prohibited from commingling funds on a program-by-program or project-by-project basis. For this purpose, use of the administrative JAG funds to perform work across all active awards in any one year is not considered comingling.

Disparate Certification – In some cases, as defined by the legislation, a disparity may exist between the funding eligibility of a county and its associated municipalities. Three different types of disparities may exist:

- The first type is a zero-county disparity. This situation exists when one or more municipalities within a county are eligible for a direct award but the county is not; yet the county is responsible for providing criminal justice services (such as prosecution and incarceration) for the municipality. In this case, the county is entitled to part of the municipality's award because it shares the cost of criminal justice operations, although it may not report crime data to the FBI. This is the most common type of disparity.
- A second type of disparity exists when both a county and a municipality within that county qualify for a direct award, but the award amount for the municipality exceeds 150 percent of the county's award amount.

 The third type of disparity occurs when a county and multiple municipalities within that county are all eligible for direct awards, but the sum of the awards for the individual municipalities exceeds 400 percent of the county's award amount.

Jurisdictions certified as disparate must identify a fiscal agent that will submit a joint application for the aggregate eligible allocation to all disparate municipalities. The joint application must determine and specify the award distribution to each unit of local government and the purposes for which the funds will be used. When beginning the JAG application process, a Memorandum of Understanding (MOU) that identifies which jurisdiction will serve as the applicant or fiscal agent for joint funds must be completed and signed by the Authorized Representative for each participating jurisdiction. The signed MOU should be attached to the application. For a sample MOU, go to: www.bja.gov/Funding/JAGMOU.pdf.

Cost Sharing or Match Requirement

The JAG Program does not require a match.

For additional cost sharing and match information, see the <u>DOJ Grants Financial Guide</u>.

Pre-Agreement Costs (also known as Pre-award Costs)

Pre-agreement costs are costs incurred by the applicant prior to the start date of the period of performance of the grant award.

OJP does *not* typically approve pre-agreement costs. An applicant must request and obtain the prior written approval of OJP for any such costs. All such costs incurred prior to award and prior to approval of the costs are incurred *at the sole risk* of the applicant. (Generally, no applicant should incur project costs *before* submitting an application requesting federal funding for those costs.)

Should there be extenuating circumstances that make it appropriate for OJP to consider approving pre-agreement costs, the applicant may contact the point of contact listed on the title page of this solicitation for the requirements concerning written requests for approval. If approved in advance by OJP, award funds may be used for pre-agreement costs, consistent with the recipient's approved budget and applicable cost principles. See the section on "Costs Requiring Prior Approval" in the DOJ Grants Financial Guide for more information.

Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs\

OJP strongly encourages every applicant that proposes to use award funds for any conference, meeting-, or training-related activity (or similar event) to review carefully—before submitting an application—the OJP and DOJ policy and guidance on approval, planning, and reporting of such events, available at:

https://www.ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm.

OJP policy and guidance (1) encourage minimization of conference, meeting, and training costs; (2) require prior written approval (which may affect project timelines) of most conference, meeting, and training costs for cooperative agreement recipients, as well as some conference, meeting, and training costs for grant recipients; and (3) set cost limits, which include a general prohibition of all food and beverage costs.

Costs Associated with Language Assistance (if applicable)

If an applicant proposes a program or activity that would deliver services or benefits to individuals, the costs of taking reasonable steps to provide meaningful access to those services

or benefits for individuals with limited English proficiency may be allowable. Reasonable steps to provide meaningful access to services or benefits may include interpretation or translation services, where appropriate.

For additional information, see the "Civil Rights Compliance" section under "Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2017 Awards" in the OJP Funding Resource Center.

C. Eligibility Information

For information on eligibility, see the title page of this solicitation.

Note that, as discussed in more detail <u>below</u>, the certification regarding compliance with 8 U.S.C. § 1373 must be executed and submitted before a unit of local government (other than an Indian tribal government) can make a valid award acceptance. Also, a unit of local government may not receive award funds (and its award will include a condition that withholds funds) until it submits a properly executed "Certifications and Assurances by Chief Executive of Applicant Government."

D. Application and Submission Information

What an Application Should Include

This section describes in detail what an application should include. An applicant should anticipate that if it fails to submit an application that contains all of the specified elements, it may negatively affect the review of its application; and, should a decision be made to make an award, it may result in the inclusion of award conditions that preclude the recipient from accessing or using award funds until the recipient satisfies the conditions and OJP makes the funds available.

An applicant may combine the Budget Narrative and the Budget Detail Worksheet in one document. If an applicant submits only one budget document, however, it must contain **both** narrative and detail information. Please review the "Note on File Names and File Types" under How to Apply to be sure applications are submitted in permitted formats.

OJP strongly recommends that applicants use appropriately descriptive file names (e.g., "Program Narrative," "Budget Detail Worksheet and Budget Narrative," "Timelines," "Memoranda of Understanding," "Résumés") for all attachments. Also, OJP recommends that applicants include résumés in a single file.

In general, if a unit of local government fails to submit required information or documents, OJP either will return the unit of local government's application in the Grants Management System (GMS) for submission of the missing information or documents, or will attach a condition to the award that will withhold award funds until the necessary information and documents are submitted. (As discussed elsewhere in this solicitation, the certification regarding compliance with 8 U.S.C. § 1373—which is set out at Appendix II—will be handled differently. Unless and until that certification is submitted, the unit of local government (other than an Indian tribal government) will be unable to make a valid acceptance of the award.)

	CITY SECRETARY CONTRACT NO
THE STATE OF	
COUNTY OF	KNOW ALL BY THESE PRESENT
	L AGREEMENT _, AND COUNTY OF,
201_ BYRNE JUSTICE ASSISTANC	CE GRANT (JAG) PROGRAM AWARD
This Agreement is made and entered into thisdof, acting by and through its governing body COUNTY, and the CITY of, acting by and the referred to as CITY, both of County, State of	ay of, 201, by and between The COUNTY the Commissioners Court, hereinafter referred to as rough its governing body, the City Council, hereinafter f, witnesseth:
WHEREAS, this Agreement is made under the a Code: and	uthority of Sections, Government
	governmental functions or in paying for the performance performance or those payments from current revenues
	erformance of this Agreement is in the best interests of ic, and that the division of costs fairly compensates the his agreement: and
WHEREAS, the CITY agrees to provide the COLProgram: and	NTY \$ from the JAG award for the
WHEREAS, the CITY and COUNTY believe it to	be in their best interests to reallocate the JAG funds.
NOW THEREFORE, the COUNTY and CITY agree	as follows:
<u>Se</u>	ction 1.
CITY agrees to pay COUNTY a total of \$ of	JAG funds.
<u>Se</u>	ction 2.
COUNTY agrees to use \$ for thePr	ogram until (date).
<u>Se</u>	ction 3.
Nothing in the performance of this Agreement shall in claims for which liability may be imposed by the	npose any liability for claims against COUNTY other thanTort Claims Act.

	S	e	С	ti	o	n	4
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Nothing in the performance of this Agreeme claims for which liability may be imposed by	nt shall impose any liability for claims against CITY other than theTort Claims Act.
	Section 5.
	sible for its own actions in providing services under this agreement at may arise from the furnishing of the services by the other party.
	Section 6.
The parties to this Agreement do not intend	for any third party to obtain a right by virtue of this Agreement.
	Section 7.
	do not intend to create any obligations express or implied other ment shall not create any rights in any party not a signatory hereto
CITY OF,	COUNTY OF,
City Manager	County Judge
ATTEST:	APPROVED AS TO FORM:
City Secretary	Assistant District Attorney
APPROVED AS TO FORM:	Contract Authorization
City Attorney	

^{*}By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contracts or legal document on behalf of other parties. Our view of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval and should seek review and approval by their own respective attorney(s).

2017 TEVAS-LUGAL VAG ALLUCCATIONS

Listed below are all jurisdictions in the state that are eligible for FY 2017 JAG funding, as determined by the JAG formula. For additional details regarding the JAG formula and award calculation process, with examples, please refer to the updated JAG rechnical report here: https://www.bja.gov/Jag/pdfs/JAG-Technical-Report.pdf and current JAG Frequently Asked Questions here: https://www.bja.gov/Funding/JAGFAQ.pdf

Finding your jurisdiction:

- (1) Disparate jurisdictions are listed in shaded groups below, in alphabetic order by county.
- (2) Eligible individual allocations are listed alphabetically below the shaded, disparate groupings.
- (3) Counties that have an asterisk (*) under the "Eligible Individual Allocation" column did not submit the level of violent crime data to qualify for a direct award from BJA, but are in the disparate grouping indicated by the shaded area. The JAG

legislation requires these counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on the required Memorandum of Understanding (MOU). A sample MOU is provided online at: https://www.bja.gov/Funding/JAGMOU.pdf. Disparate jurisdictions do not need to abide by the listed individual allocations, which are provided for information only. Jurisdictions in a funding disparity are responsible for determining individual amounts within the Eligible Joint Allocation and for documenting individual allocations in the MOU.

AMDERSON County ** AMDERSON County ** AMGELIAR COUNTY County ** AMGELIAR COUNTY County ** BELL COUNTY County \$50,330 RALES OLD Municipal \$51,2564 SEAR COUNTY County \$58,332 REAL COUNTY County \$53,564 SAN ANTONIC CITY Municipal \$52,080 BEAND CITY Municipal \$27,186 BEAND CITY Municipal \$27,186 BEAND CITY Municipal \$27,186 COLILIN COUNTY County \$22,080 COLILIN COUNTY County \$22,080 COLLIN COUNTY Municipal \$21,082 PANO CITY Municipal \$24,080 <th></th> <th>\$10,371</th> <th></th> <th>\$10,936</th> <th></th> <th></th> <th>\$76,296</th> <th></th> <th>\$681,485</th> <th></th> <th>\$24,080</th> <th></th> <th></th> <th>\$47,826</th> <th></th> <th>\$53,038</th> <th></th> <th></th> <th>\$51,395</th> <th></th> <th>\$900,568</th> <th></th> <th></th>		\$10,371		\$10,936			\$76,296		\$681,485		\$24,080			\$47,826		\$53,038			\$51,395											\$900,568		
		\$10,371		\$10,936		\$63,332	\$12,964	\$36,454	\$645,031	•	\$24,080		\$27,186	\$20,640	\$13,683	\$39,355	•	\$17,945	\$33,450	*	\$17,457	\$14,043	\$662,975	\$12,682	\$11,193	\$47,929	\$37,327	\$38,790	\$33,810	\$12,168		\$25,004
ANGELINE CITY ANGELINA COUNTY LUFKIN CITY BELL COUNTY KILLEEN CITY TEMPLE CITY TEMPLE CITY BOWIE COUNTY BRAZOS COUNTY BRAZOS COUNTY BRAZOS COUNTY COLLEGE STATION CITY COLLIN COUNTY BROWNSVILLE CITY CAMERON COUNTY BALCH SPRINGS CITY CARROLLTON CITY DALLAS CITY DALLAS CITY DALLAS CITY DESOTTO CITY DESOTTO CITY DESOTTO CITY DALLAS CITY DALLAS CITY DALLAS CITY DALLAS CITY DALLAS CITY DALLAS CITY CARROLLTON CITY DESOTTO CITY DESOTTO CITY DESOTTO CITY DESOTTO CITY DESOTTO CITY CARROLLTON CITY DENTON CITY BENNO CITY CARLARDSON CITY DENTON COUNTY DENTON CITY	County	Municipal	County	Municipal	County	Municipal	Municipal	County	Municipal	County	Municipal	County	Municipal	Municipal	County	Municipal	County	Municipal	Municipal	County	Municipal	Municipal	Municipal	Municipal	Municipal	Municipal	Municipal	Municipal	Municipal	Municipal	County	Municipal
	ANDERSON	PALESTINE CITY	ANGELINA COUNTY	LUFKIN CITY	BEIL COUNTY	KILLEEN CITY	TEMPLE CITY	BEXAR COUNTY	SAN ANTONIO CITY	BOWIE COUNTY	TEXARKANA CITY	BRAZOS COUNTY	BRYAN CITY	COLLEGE STATION CITY	CAMERON COUNTY	BROWNSVILLE CITY	COLLIN COUNTY	MCKINNEY CITY	PLANO CITY	DALUAS COUNTY	BALCH SPRINGS CITY	CARROLLTON CITY	DALLAS CITY	DESOTO CITY	DUNCANVILLE CITY	GARLAND CITY	GRAND PRAIRIE CITY	IRVING CLIT	MESQUITE CITY	RICHARDSON CITY	DENTON COUNTY	DENTON CITY

2017 TEXAS LOCAL LAG ALLOCATIONS

Listed below are all jurisdictions in the state that are eligible for FY 2017 JAG funding, as determined by the JAG formula. For additional details regarding the JAG formula and award calculation process, with examples, please refer to the updated JAG Frequently Asked Questions here: https://www.bja.gov/Jag/pdfs/JAG-Technical-Report.pdf and current JAG Frequently Asked Questions here: https://www.bja.gov/Jag/pdfs/JAG-Technical-Report.pdf

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https://www.bja.gov/Funding/JAGMOU.pdf. Disparate jurisdictions do not need to abide by the listed individual allocations, which are provided for information only. Jurisdictions in a funding disparity are responsible for determining individual amounts within the Eligible Joint Allocation and for documenting individual allocations in the MOU.

CONTRACTOR AND	\$108,977		\$218,827			\$30,241		\$11,090		\$32,064		\$2,347,973		\$10,988		\$15,249		\$11,732			\$112,725		\$10,140		\$10,320		\$11,039		100.00
\$22,309	\$89'98\$	\$20.948	\$197,879	•	\$18,381	\$11,860	•	\$11,090	*	\$32,064	\$679,431	\$1,668,542	•	\$10,988	*	\$15,249	*	\$11,732	•	\$86,334	\$26,391	*	\$10,140	•	\$10,320	•	\$11,039	***************************************	740.000
County	Municipal	County	Municipal	County	Municipal	Municipal	County	Municipal	County	Municipal	County	Municipal	County	Municipal	County	Municipal	County	Municipal	County	Municipal	Municipal	County	Municipal	County	Municipal	County	Municipal	County	
ECTOR COUNTY	ODESSA CITY	EL PASO COUNTY	EL PASO CITY	SALVESTON COLUNTY	GALVESTON CITY	TEXAS CITY	GRAYSON COUNTY	SHERMAN CITY	GREGG COUNTY	LONGVIEW CITY	HARRIS COUNTY	HOUSTON CITY	HARRISON COUNTY	MARSHALL CITY	HOWARD COUNTY	BIG SPRING CITY	HUNT COUNTY	GRÉENVILLE CITY	JEFFERSON COUNTY	BEAUMONT CITY	PORT ARTHUR CITY	JIM WELLS COUNTY	ALICE CITY	KLEBERG COUNTY	KINGSVILLE CITY	LAMAR COUNTY	PARIS CITY	LUBBOCK COUNTY	Total Manageria
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ZOLZ TENASLIOCAL IAG ALLOCATIONS

Listed below are all jurisdictions in the state that are eligible for FY 2017 JAG funding, as determined by the JAG formula. For additional details regarding the JAG formula and award calculation process, with examples, please refer to the updated JAG Frequently Asked Questions here: https://www.bja.gov/Jag/pdfs/JAG-Technical-Report.pdf and current JAG Frequently Asked Questions here: https://www.bja.gov/Jag/pdfs/JAG-Technical-Report.pdf

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www.bja.gov/Funding/JAGMOU.pdf. Disparate jurisdictions do not need to abide by the listed individual allocations, which are provided for information only, Jurisdictions in a funding disparity are responsible for determining individual amounts within the Eligible Joint Allocation and for documenting individual allocations in the MOU.

		\$56,812		\$30,190			\$167,457		\$101,198		\$47,621						\$523,089		\$42,641		\$24,619		\$303,904		\$27,032		\$15,634		\$76,374	
	\$10,962	\$45,850	•	\$30,190	•	\$157,240	\$10,217	•	\$101,198	\$15,865	\$31,756	***	\$144,712	\$14,607	\$341,795	\$11,578	\$10,397	•	\$42,641	-	\$24,619	\$42,025	\$261,879	•	\$27,032		\$15,634		\$76,374	the state of the s
County	Municipal	Municipal	County	Municipal	County	Municipal	Municipal	County	Municipal	County	Municipal	County	Municipal	Municipal	Municipal	Municipal	Municipal	County	Municipal	County	Municipal	County	Municipal	County	Municipal	County	Municipal	County	Municipal	
MCLENNAN COUNTY	BELLMEAD CITY	WACO CITY	MIDIAND COUNTY	MIDLAND CITY	NUECES COUNTY	CORPUS CHRISTI CITY	ROBSTOWN CITY	POTTER COUNTY	AMARILLO, CITY	SMITH COUNTY	TYLER CITY	TARRANT COUNTY	ARUNGTON CITY	BEDFORD TOWN	FORT WORTH CITY	HURST CITY	NORTH RICHLAND HILLS CITY	TAYLOR COUNTY	ABILENE CITY	TOM GREEN COUNTY	SAN ANGELO CITY	TRAVIS COUNTY	AUSTIN CITY	VICTORIA COUNTY	VICTORIA CITY	WALKER COUNTY	HUNTSVILLECITY	WEBB COUNTY	LAREDO,CITY	
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2017-TEMAS GOCAL FAG ALLOCATIONS

Listed below are all jurisdictions in the state that are eligible for FY 2017 JAG funding, as determined by the JAG formula. For additional details regarding the JAG formula and award calculation process, with examples, please refer to the updated JAG Technical report here: https://www.bja.gov/Jag/pdfs/JAG-Technical-Report.pdf and current JAG Frequently Asked Questions here: https://www.bja.gov/Funding/JAGFAQ.pdf

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legislation requires these counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on the required Memorandum of Understanding (MOU). A sample MOU is provided online at: https://www.bja.gov/Funding/JAGMOU.pdf. Disparate jurisdictions do not need to abide by the listed individual allocations, which are provided for information only. Jurisdictions in a funding disparity are responsible for determining individual amounts within the Eligible Joint Allocation and for documenting individual allocations in the MOU.

loint Allacation		\$10,679																											
Direct Aligeation	•	\$10,679		\$12,014	\$15,172	\$19,485	\$11,963	\$13,606	\$16,892	\$12,502	\$24,080	\$66,131	\$15,634	\$13,580	\$12,990	\$43,026	\$14,017	\$12,939	\$48,443	\$12,939	\$46,594	\$12,374	\$17,842	\$11,347	\$15,018	\$15,763	\$26,134	\$11,013	
Government Type	County	Municipal		Municipal	County	Municipal	County	County	Municípal	Municipal	Municipal	County	Municipal	County	County	County	County	Municipal	County	Municipal	Municipal	Municipal	Municípal	Municipal	Municipal	Municipal	Municipal	County	
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AGENDA ITEM #17

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:

August 18, 2017

SUBJECT:

Amendments to Chapter XV, Article 6, Zoning, Amending Section 15-6-21

Definitions and Appendix A Land Use Categories

Summary: Attached are recommended amendments to Section 15-6-21 Definitions and to Appendix A Land Use categories

Background: In the past few months we have had requests in relationship to Appendix A Land Use Categories that were not clear which then impacts my interpretation in comparing the request to the land use chart. Consequently I suggested to the Planning and Zoning Commission that they review the two pieces of the ordinance that were applicable. This is where the definition section came into play because there were no definitions for the request from the applicant.

To summarize the issues and our goal in clarification:

- 1. That surrounding uses of land that fits the ranch category be taken into account
- 2. Since rodeo type events were not defined, should they be defined and where do we want them

Financial Impact: I do not believe there will be a financial impact to the city and or to the applicant.



City of Kingsville Department of Planning and Development Services

Recommendation: After reviewing the Appendix A – Land Use Categories and Section 15-6-21 Definitions, the following changes are being recommended:

- 1. Revise the definition of fairgrounds to add on a permanent location
- 2. Separate farm, ranch, orchard definitions in Section 15-6-21
- 3. Add Rodeo Grounds to the Appendix A and a definition in Section 15-6-21 for it. The land use of rodeo grounds is recommended to be permitted in I1, I2 and a Special Use Permit in Agriculture
- 4. Keep Park and Playground together in the Land Use Chart
- 5. Add Farm to the Land Use Chart with it being permitted in Agriculture
- 6. Add Ranch to Land Use with a Special Use Permit in I1, I2 and Agriculture.

The Planning and Zoning Commission voted 5 to 0 to recommend approval of the amendments to Appendix A – Land use Categories and Section 15-6-21 Definitions.



ORDINANCE NO. 2017-____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER XV, ARTICLE 6, ZONING, AMENDING SECTION 15-6-21 DEFINITIONS TO ADD FAIRGROUNDS, RODEO GROUNDS, FARM, RANCH, AND ORCHARD; AND, AMENDING APPENDIX A-LAND USE CATEGORIES TO ADD FAIRGROUNDS, RODEO GROUNDS, AND FARM; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the Planning & Zoning Commission has forwarded to the City Commission its reports and recommendations concerning the proposed zoning ordinance changes; and

WHEREAS, the item PASSED with a 5-0 vote of the Planning Commission on the requested rezone with no abstentions; 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:

1.

THAT Article 6: Zoning of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, Section 15-6-21 and Appendix A-Land Use Categories shall be amended to read as follows:

Use Regulations and Districts

. . .

§ 15-6-21 DEFINITIONS.

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

. . .

Dwelling unit. A building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters and includes sanitary, sleeping and food preparation facilities.

Fairground. Open space of land where fairs, exhibitions, or other public events are held on a permanent location.

Family. Defined for purposes of R1, R2 and MH Zones: Any number of individuals living together in a dwelling unit which are related by blood, marriage, or adoption, or up to and including three unrelated individuals. Defined for purposes of R3 and R4 Zones:

Any number of individuals living together in a dwelling unit which are related by blood, marriage, or adoption, or up to and including four unrelated individuals.

Family food production. Raising of crops for family use.

Farm. An area of 10 or more acres which is used for growing of usual farm products, vegetables, fruits, trees, and grains and for the raising thereon of the usual farm poultry and farm animals such as horse, cattle, and sheep and the necessary accessory uses for raising and treating and storing products used on the premises.

Farm accessory building. A structure other than a dwelling on a farm for the shelter, protection or storage of the usual farm equipment, animals or crops.

Farm, ranch or orchard. An area of ten or more acres which is used for the commercial production of crops or the keeping of the usual farm poultry and animals and normal accessory uses for these purposes.

Fraternity or sorority house. A building designed as group living quarters for members only and offering social and recreational activities.

...

Nursing home. An institution licensed by the State of Texas where those persons suffering from illness, injury, deformity, deficiency or age are given care or treatment on a prolonged or permanent basis.

Orchard. An area of 10 or more acres with the intentional planting of trees or shrubs maintained for food production. Usually composed of fruit or nut producing trees which are generally grown for commercial production.

Parcel. Any contiguous land under common ownership which does not satisfy the definition of a lot.

. . .

Ranch. An area of 10 or more acres including various structures, given primarily to the practice of ranching, raising, grazing livestock.

Residence home for the aged. A home where elderly people are provided with lodging and meals with or without nursing care.

<u>Rodeo Grounds</u>. An area or location of which rodeo events take place such as roping, steer wrestling, barrel racing and other events that are generally associated with a rodeo.

Secondary residential structure. A subordinate dwelling unit (detached), other than a mobile home.

. . .

(1962 Code, § 11-2-7; Ord. 99036, passed 10-25-99; Ord. 2001-15, passed 8-13-01; Ord. 2003-11, passed 5-12-03; Ord. 2009-20, § I, passed 8-10-09; Ord. 2010-12, passed 5-17-10; Ord. 2014-27, § I, passed 4-23-14; Ord. 2016-20, § I, passed 3-28-16)

...

APPENDIX A. - LAND USE CATEGORIES

Sec. 1. - Land use chart.

The following chart shall set out the land uses within the city:

P = Permitted

S = Special use permit required

X = Special review required

= Not permitted (absence of any symbol)

[Land Use Chart on the following pages]

	Land Use	Cha	art									
Institutional and Special Service	R1	R2	R3	R4	МН	C1	C2	С3	C4	11	12	Ag
						The second secon	The second secon					
Day nursery or kinder	S	S	S	Р	P	Р	P	Р	Р	Р		P
Farm, ranch, or orchard												P
Fairground/Rodeo									and a second sec	P	Р	<u>S</u>
Rodeo Grounds										B	B	S
Lodge or Club	programment of the second		S		P	Р	S		740 OCC 100 OC	-escribio e escri		P
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Library, art gallery, museum			ļ	S	S		Р	Р				TO be a constructive of the second or the se
Park, playground, fairground	P	Р	Р	Р	Р	Р	P	Р	Р	Р	Р	P

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11.

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	th day of	, 2017

PASSED AND APPROVED on this the	th day of	, 2017.
Sam R. Fugate, Mayor		
ATTEST:		
Mary Valenzuela, City Secretary		
APPROVED AS TO FORM:		
Courtney Alvarez, City Attorney		

AGENDA ITEM #18

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: July 15, 2016

SUBJECT: Amendment of electric code section 15-1-56

Summary: This past legislative session H.B. 3329 was passed. This bill essentially prohibits a municipality or region from collecting a fee from a state – licensed electrician for work performed in the municipality.

Background: The interested parties noted that the state already charges electricians a state licensing fee and yes municipalities will then charge the electrician a fee for registering in that particular town or city. The parties felt that this was redundant and created a financial burden for the electricians.

Financial Impact: We charge \$65.00 dollars for an electrician to register in Kingsville. We estimate that the loss of revenue will be in the range of \$3,000 to \$5,000 dollars.

Recommendation: Approve ordinance.



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J.2017	1/).20	NO	CE	NAN	RDII	C

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING ELECTRIC CODE SECTIONS 15-1-56-DEFINITIONS AND 15-1-59-QUALIFICATIONS AND REGISTRATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City is updating some of its building codes and desires to bring the Electric Code in conformance with recently revised state law;

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 OF KINGSVILLE BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS:

1.

THAT Sections 15-1-56 and 15-1-59 of Article I: Building Regulations of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§ 15-1-56 DEFINITIONS.

For the purpose of this subarticle, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words not defined in this section shall have the meaning given to them in the 2014 Edition of NFPA 70, National Electric Code.

APPROVED or **APPROVAL.** Approved by the Planning Department. Nationally recognized standards shall be the basis of such approval.

AUTHORIZED PERSON. An individual or authorized representative of a firm or corporation who is licensed under the provisions of this subarticle to do the work provided by this subarticle.

BOARD. The Electrical Examining Board as created in this subarticle.

CITY. The territory within the corporate limits of the City of Kingsville, Texas.

CONDUCTOR. A wire or cable or other form of metal suitable for carrying electrical current or potential.

ELECTRICAL CONSTRUCTION. All work and material used in installing, maintaining and extending a system of electrical wiring and all appurtenances, apparatus and equipment used in connection therewith, inside of or attached to any building or structure.

ELECTRICAL CONTRACTOR. Any person engaged in the business of installing, maintaining or altering, by contract, electrical conductors or equipment, and who is qualified under terms and provisions of this subarticle.

ELECTRICIAN. A person engaged in the business of electrical construction, maintenance and repair, and who is qualified under the provisions of this subarticle.

EQUIPMENT. Materials, fittings, motors and the like, used as a part of or in connection with electrical installations.

INSPECTOR. An individual who has been designated by the city as an Electrical Inspector.

MAINTENANCE WORK. The act of keeping in safe operating condition any conductor or piece of equipment in any and all existing electrical installations, but does not include the installation of additional electrical work, electrical equipment or apparatus.

OWNER. Any person holding legal title to any real property within the city.

PERMIT. A building permit (electrical) for work covered under this subarticle.

REGISTERING. That person who has satisfied the Examining Board of Electricians and has satisfied the Board that he is qualified to do the work stated in the application, that he has paid the necessary registration fees to date, and that his name is carried in the records of the Electrical Inspector as qualified under the provisions of this code.

SPECIAL RULING. A written ruling or decision passed by the Board and filed in the office of the Electrical Inspector.

Sec. 15-1-59. - Qualification and registration of electricians.

- (A) Registration required.
 - (1) It shall be unlawful for any person to engage in the business of installing electrical equipment for which a permit is required by this subarticle unless such person is a holder of a certificate of registration as required by this subarticle.
 - (2) Every electrical contracting firm must maintain an established place of business and shall have a person in attendance to receive messages for the electrical inspection section of the city or concerned persons during business hours. Electrical contracting firms must maintain a local telephone listing at their principal place of business. Each electrical firm must be operated by a master electrician,

2

registered with the city, who is owner, part owner, or holds a responsible place in the employment of the company and be bonded as stated in the following sentences: A person holding a master license for an electrical contracting firm must be part owner or a responsible official of the firm and be duly bonded with the firm and legally responsible for his actions for the firm and responsible with the firm for all work performed by the firm or corporation. Affidavit to his position in the firm must be furnished the city by the firm or corporation.

- (3) It shall be unlawful for any person to falsely represent himself or herself publicly as being in any other classification than that which the person is registered as provided in this subarticle.
- (B) Classification of registration. There shall be four classes of electrical registration which shall be known as follows:
 - (1) Master electrician.
 - (2) Limited master electrician.
 - (3) Journeyman electrician.
 - (4) Apprentice electrician.
- (C) *Method of registration*. Applications for registrations shall be made in writing to the Planning Department on forms available in the office of the inspector.
 - (1) An applicant, if of contractual basis, shall file an affidavit giving the names of owners, officers, or directors and their addresses. In addition the name and address of the person who shall be in charge of all work done under this subarticle, and the name and address of the registered electrician qualified to do work under this subarticle shall be provided.
 - (2) All applicants shall furnish a completed application to the Planning Department with copies of their state contractors license, masters license, journeyman license, drivers license and insurance.
 - (3) If the applicant is to conduct the business and supervise work himself or herself, he or she shall be examined for the class of work in which he or she intends to engage.

(D) General.

- (1) In the actual work of installing, maintaining, altering or repairing any electric conductors or equipment for which a permit is required by law there shall be present and in direct supervision a qualified electrician of the proper qualification. It shall be required that an electrician of the registered classification of the first two grades as listed in division (B) of this section, reliable and responsible for layout and technical supervision of any work which has required the securing of permits, and a journeyman or higher classified grade electrician shall be in direct on-the-job supervision of work carried on as specified herein; except in work falling under the classifications of sign or elevator work which work shall be performed by, or directly supervised by, the person holding such certificate of registration.
- (2) Should it come to the notice of the inspector or his or her assistants that such supervision and control are not being maintained, the inspector may order the work be discontinued and the person to whom the permit has been issued shall discontinue further work until proper supervision has been employed and supplied; provided, further, that nothing herein shall be construed as prohibiting the employment of a maximum of two apprentices or helpers to assist each person duly registered and qualified under the provisions of this subarticle. Apprentices shall be under the direct supervision of a licensed journeyman or master electrician on all job sites.

(E) Registration-fees.

- (1) The fees for a certificate of registration or a registration card shall be payable to the city at the office of the Planning Department as set forth in division (E)(3) of this section.
- (2) Annual renewal of a certificate of registration shall accompany payment of fees and shall be authorized by a certified receipt signed by the license clerk or inspector. The holder of the certificate shall affix and display each yearly receipt. The registration card shall be available and be shown upon request.
- (3) Table.

REGISTRATION CLASS	ANNUAL- LICENSE FEE
Master electrician	\$65.00
Limited master electrician (sign and elevator)	65.00
Journeyman electrician	40.00
Apprentice electrician	20.00

- (EE) Certificate of registration. A certificate of registration form shall be prepared by the Planning Department in registering all of the classifications listed in division (B) of this section.
 - (1) A certificate of registration shall not be transferable.
 - (2) A certificate of registration shall not be valid unless signed by the permit clerk, inspector or the Building Official.
 - (3) The annual receipt shall be attached to the certificate of registration in the space so designated.
 - (4) A certificate of registration shall expire on December 31, each year.
 - (5) Should the holder of a certificate take up another occupation full time, even though he or she may apply for registration each year, he or she shall be required to pass an examination each two years.
- $(G \underline{F})$ Registration slips. Registration slips shall be issued all persons complying with the provisions of this subarticle for registration.
- (HG) Registration not transferable. It shall be unlawful for any person to lend, rent or transfer his or her certificate of registration or any rights to any other person, and for any person to make use of any such rights which are not actually his or her own.
- (IH) Display or evidence of registration. It shall be required that all registrants shall properly display their certificates or cards of registration as provided herein.

- (1) Every holder of a certificate as a master electrician or limited master electrician shall display his or her certificate in a conspicuous place in his or her principal place of business.
- (2) Electricians shall carry their registration slip on their person at all times while doing electrical work along with any state required license and shall produce and exhibit it when requested by any inspector or any proper official of the city. Failure to produce the registration slip shall constitute an offense punishable under § 15-1-62(E).
- (41) Exceptions from registration requirements. The following classes of work may be carried out by persons who are not registered electricians:
 - (1) The replacement of lamps, fuses and connection of portable devices to suitable receptacles which have been permanently installed.
 - (2) The installation, alteration or repairing of any wiring, devices or equipment for the operation of signal or the transmission of intelligence, where such wiring, devices, appliances, or equipment operates at a voltage not exceeding 50 volts between conductors and does not include generating or transforming equipment.
 - (3) The installation, alteration or repair of electric wiring, devices, appliances and equipment installed by or for an electrical public service corporation operating under a franchise from the city when for the use of such corporation in the generation, transmission, distribution or metering of the electrical energy or for the use of such a corporation in the operation of street railways, signals or the transmission of intelligence.
 - (4) Any work involved in the manufacture or test of electrical materials, devices, appliance or apparatus, but not including any installation of wiring other than that required for testing purposes, if such equipment as completed is approved by the inspector before it is installed or used within the city under a permit covering such installation.

(1962 Code, § 4-4-5; Ord. —, passed 8-16-51; Ord. 91040, passed 12-9-91; Ord. 93008, passed 4-12-93; Ord. 95012, passed 6-12-95; Ord. 200022, passed 11-20-00; Ord. 2004-11, passed 6-14-04; Ord. 2006-16, passed 4-17-06)

Cross reference—Penalty, see § 15-1-999.

. . .

11.

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.

V.

THAT nothing in this ordinance or in the National Electric Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

INTRODUCED on this day on the <u>28th</u> day of <u>August</u> , 2017.
PASSED AND APPROVED on this the 29th day of August, 2017.
Sam R. Fugate, Mayor
ATTEST:
Mary Valenzuela, City Secretary
APPROVED AS TO FORM:
Courtney Alvarez, City Attorney
EFFECTIVE:

AGENDA ITEM #19

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:

August 24, 2017

SUBJECT:

Ordinance concerning the approval of a design manual pertaining network nodes

in the public right of way

Summary: In this past legislative session a bill was passed which allows the deployment of network nodes in the public right of way. In that legislation cities are allowed to adopt a design manual which would give guidance concerning the installation and construction of network nodes. The legislation is S.B. No. 1004. The legislation becomes effective September 1, 2017.

Background: This issue is one of which the state wanting to reduce regulations by cities stepped in and passed this legislation for that purpose.

Financial Impact: The financial impact is yet to be determined. Obviously it will depend upon how many for if any communication companies decide to install network nodes in Kingsville.

Recommendation: Approve ordinance. This is the best method that we have in trying to conduct oversight regarding this issue.



ORDINANCE #2017-

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY ADOPTING ARTICLE 8-USE OF PUBLIC R.O.W.-NETWORK NODES & STRUCTURES, IN CHAPTER V-PUBLIC WORKS; REGULATING THE PHYSICAL USE, OCCUPANCY, AND MAINTENANCE OF CITY RIGHTS-OF-WAY BY WIRELESS NETWORK PROVIDERS; DESCRIBING THE PURPOSE; PROVIDING DEFINITIONS; REQUIRING COMPLIANCE WITH THE CITY DESIGN MANUAL AND APPLICABLE CODES FOR THE INSTALLATION OF NETWORK NODES AND NODE SUPPORT POLES PURSUANT TO CHAPTER 284 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING CITY PROCEDURES FOR APPLICATIONS FOR PERMITS; ESTABLISHING TIME PERIODS FOR APPROVAL OF PERMIT APPLICATIONS; PROVIDING APPLICATION FEES AND ANNUAL PUBLIC RIGHT-OF-WAY RENTAL RATES; PROVIDING RESTRICTIONS ON PLACEMENT OF NETWORK NODES AND NODE SUPPORT POLES IN MUNICIPAL PARKS, RESIDENTIAL AREAS, HISTORIC DISTRICTS, AND DESIGN DISTRICTS; PROVIDING INDEMNITY FOR THE CITY; PROVIDING REPEALING AND SAVINGS CLAUSES: PROVING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN IMPLEMENTATION DATE OF SEPTEMBER 1, 2017 AND PUBLICATION.

WHEREAS, the City of Kingsville, Texas ("City") recognizes that the State of Texas has delegated to the City the fiduciary duty, as a trustee, to manage the public right-of-way for the health, safety, and welfare of the public to Texas municipalities; and

WHEREAS, Chapter 284 of the Texas Local Government Code ("the Code") allows certain wireless network providers to install in the City's public rights-of-way their wireless facilities, described and defined in Section 284.002 of the Code as "Micro Network Nodes", "Network Nodes", and "Node Support Poles;" and

WHEREAS, as expressly allowed by Section 284.108 of the Code and pursuant to its police power authority reserved in Sec. 284.301 of the Code, the City has enacted a

Design Manual for the Installation of Network Nodes and Node Support Poles ("the Design Manual") in order to meet its fiduciary duty to the citizens of the City, and to give assistance and guidance to wireless telecommunications network providers to assist such companies in the timely, efficient, safe and aesthetically pleasing installation of technologically competitive equipment; and

WHEREAS, the City Commission desires to regulate the installation of Network Nodes and Network Support Poles pursuant to Chapter 284 of the Code in a way that is fair, reasonable and nondiscriminatory; 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:

SECTION I FINDINGS OF FACT

THAT Article 8-Use of Public Rights-of-Way- Network Nodes & Support Structures of Chapter V-Public Works of the Code of Ordinances of the City of Kingsville, Texas, shall be adopted to read as follows and that the forgoing recitals are incorporated into this Right-of-Way Management Ordinance as findings of fact:

SECTION II. USE OF PUBLIC R.O.W.-NETWORK NODES & SUPPORT STRUCTURES

§ 5-8-1 PURPOSE.

The purpose of this chapter is to:

- (A) Assist the City in the competitively neutral and nondiscriminatory management of the physical use, occupancy and maintenance of its public rights-of-way by wireless network providers;
- (B) Secure fair and reasonable compensation for the physical use and occupancy of the public rights-of-way by wireless network providers in a nondiscriminatory and competitively neutral manner; and

(C) Assist the City in protecting the public health, safety, and welfare.

§5-8-2 GOVERNING LAW.

This chapter shall be construed in accordance with Chapter 284 of the Texas Local Government Code ("the Code") to the extent not in conflict with the Constitution and laws of the United States or of the State of Texas.

§ 5-8-3 DEFINITIONS.

For the purpose of this chapter, the definitions found in the City Design Manual for the Installation of Network Nodes and Node Support Poles ("the Design Manual") are hereby incorporated into this chapter and shall apply unless the context clearly indicates or requires a different meaning. The following definitions as found in the Design Manual are specifically applicable to this chapter:

Applicable codes means:

- (A) the City uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; and
- (B) local amendments to those codes to the extent not inconsistent with Chapter 284.

City means the City of Kingsville, Texas or its lawful successor.

City Commission means the municipal governing body of the City of Kingsville, Texas.

Chapter 284 means Texas Local Government Code, Chapter 284.

Code means the Texas Local Government Code.

Collocate and collocation mean the installation, mounting, maintenance, modification, operation, or replacement of Network Nodes in a public right-of-way on or adjacent to a pole.

<u>Decorative pole means a streetlight pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory City codes and ordinances.</u>

<u>Design District</u> means an area that is zoned, or otherwise designated by municipal code, and for which the City maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

<u>Easement</u> means and shall include any public easement or other compatible use created by dedication, or by other means, to the City for public utility purposes or any other purpose whatsoever. "Easement" shall include a private easement used for the provision of utilities.

<u>Federal Communications Commission or FCC means the Federal Administrative Agency, or lawful successor, authorized to oversee cable television and other multichannel regulation on a national level.</u>

Highway right-of-way means right-of-way adjacent to a state or federal highway.

Historic district means an area that is zoned or otherwise designated as a historic district under municipal, state, or federal law.

<u>Law means common law or a federal, state, or local law, statute, code, rule, regulation, order, or ordinance.</u>

Local means within the geographical boundaries of the City.

Location means the City-approved and lawfully permitted location for the Network Node.

Mayor means the mayor of the City of Shepherd, Texas, or designee.

Micro network node means a Network Node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

Municipal park means an area that is zoned or otherwise designated by the City as a public park for the purpose of recreational activity.

Network node means equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term:

- (A) includes:
 - (i) equipment associated with wireless communications;
 - (ii) a radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and
 - (iii) coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation; and
- (B) does not include:
 - (i) an electric generator;
 - (ii) a pole; or
 - (iii) a macro tower

Network provider means:

(A) a wireless service provider; or

- (B) a person that does not provide wireless services and that is not an electric utility but builds or installs on behalf of a wireless service provider:
 - (i) Network Nodes; or
 - (ii) Node Support Poles or any other structure that supports or is capable of supporting a network node.

Node support pole means a pole installed by a network provider for the primary purpose of supporting a Network Node.

Permit means a written authorization for the use of the public right-of-way or collocation on a service pole required from the City before a network provider may perform an action or initiate, continue, or complete a project over which the municipality has police power authority.

Pole means a service pole, City-owned utility pole, node support pole, or utility pole.

<u>Private easement means an easement or other real property right that is only for the benefit of the grantor and grantee and their successors and assigns.</u>

Provider has the same meaning as "Network Provider."

<u>Public right-of-way</u> means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the City has an interest. The term does not include:

- (A) a private easement; or
- (B) the airwaves above a public right-of-way with regard to wireless telecommunications.

Service pole means a pole, other than a City-owned utility pole, owned or operated by the City and located in a public right-of-way, including:

- (A) a pole that supports traffic control functions;
- (B) a structure for signage;
- (C) a pole that supports lighting, other than a decorative pole; and
- (D) a pole or similar structure owned or operated by a municipality and supporting only network nodes.

Street means only the paved portion of the right-of-way used for vehicular travel, being the area between the inside of the curb to the inside of the opposite curb, or the area between the two parallel edges of the paved roadway for vehicular travel where there is no curb. A "Street" is generally part of, but smaller in width than the width of the entire right-of-way, while a right-of-way may include sidewalks and utility easements. A "Street" does not include the curb or the sidewalk, if either are present at the time of a permit application or if added later.

<u>Traffic Signal means any device, whether manually, electrically, or mechanically operated by which traffic is alternately directed to stop and to proceed.</u>

<u>Transport facility means each transmission path physically within a public right-of-way, extending with a physical line from a Network Node directly to the network, for the purpose of providing backhaul for network nodes.</u>

<u>User means a person or organization which conducts a business over facilities occupying</u> the whole or a part of a public street or right-of-way, depending on the context.

Utility pole means a pole that provides:

- (A) electric distribution with a voltage rating of not more than 34.5 kilovolts; or
- (B) services of a telecommunications provider, as defined by Chapter 284, Section 51.002, Utilities Code.

Wireless service means any service, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using a Network Node.

Wireless service provider means a person that provides wireless service to the public.

Wireless facilities mean "Micro Network Nodes," "Network Nodes," and "Node Support Poles" as defined in Texas Local Government Code, Chapter 284.

§ 5-8-4 USE AND OCCUPANCY OF PUBLIC RIGHTS-OF-WAY.

Pursuant to this chapter and subject to the Design Manual and the Code, a wireless network provider has the nonexclusive right to use and occupy the public rights-of-way in the City for the purpose of constructing, maintaining, and operating its facilities used in the provision of Wireless facilities.

The terms of this chapter shall apply to all wireless network providers' facilities used, in whole or part, in the provision of wireless services throughout the City, including any annexed areas upon the effective date of annexation or the date the City provides the company written notice, whichever date occurs later.

§ 5-8-5 COMPLIANCE WITH DESIGN MANUAL AND APPLICABLE CODES.

All wireless network providers shall comply with the terms of this right-of-way management ordinance, City applicable codes, and the terms and conditions of the City's Design Manual.

§ 5-8-6 GENERAL CONSTRUCTION AND MAINTENANCE REQUIREMENTS.

A network provider shall construct and maintain Network Nodes and Network Support Poles described in the Code in a manner that does not:

- (A) Obstruct, impede, or hinder the usual travel or public safety on a public right-of-way;
- (B) Obstruct the legal use of a public right-of-way by other utility providers;
- (C) Violate nondiscriminatory applicable codes;
- (D) Violate or conflict with the City's publicly disclosed public right-of-way design specifications; or
- (E) Violate the federal Americans with Disabilities Act of 1990 (ADA).

§ 5-8-7 PERMIT APPLICATIONS.

- (A) Except as otherwise provided in Chapter 284 of the Code, a network provider shall obtain a permit or permits from the City to install a Network Node, Node Support Pole, or Transport Facility in a City public right-of-way.
- (B) As required by Chapter 284 of the Code, the City shall not require a network provider to perform services for the City for which the permit is sought.
- (C) A network provider that wants to install or collocate multiple Network Nodes inside the municipal limits of the City is entitled to file a consolidated permit application with the City for not more than 30 Network Nodes and upon payment of the applicable fee(s), receive a permit or permits for the installation or collocation of those Network Nodes.
- (D) The network provider shall provide the following information in its permit applications:
 - (1) <u>Applicable construction and engineering drawings and information to confirm that</u> the applicant will comply with the City's Design Manual and applicable codes;
 - (2) Any additional information reasonably related to the network provider's use of the public rights-of-way to ensure compliance with the Design Manual and this chapter;
 - (3) A certificate that the Network Node(s) complies with applicable regulations of the Federal Communications Commission; and certification that the proposed Network Node(s) will be placed into active commercial service by or for the network provider not later than the 60th day after the date of construction and final testing of each Network Node is completed.
 - (4) A certificate of insurance that provides that the Network Provider and its contractor has at least \$1,000,000.00 in general liability coverage.

- (E) Exception: As provided in Section 284.157 of the Code, a network provider is not required to apply, obtain a permit, or pay a rate to the City for:
 - (1) Routine maintenance that does not require excavation or closing of sidewalks or vehicular lanes in a public right-of-way;
 - (2) Replacing or upgrading a Network Node or Network Pole with a node or pole that is substantially similar in size or smaller and that does not require excavation or closing of sidewalks or vehicular lanes in a public right-of-way; or
 - (3) The installation, placement, maintenance, operation, or replacement of Micro Network Nodes that are strung on cables between existing poles or Node Support Poles in compliance with the National Electrical Safety Code;
 - (4) Notwithstanding Subdivision (D) above, the network provider or its contractors shall notify the City at least 24 hours in advance of work described in this Subdivision (D).

§ 5-8-8 INSTALLATION IN HISTORIC DISTRICTS OR DESIGN DISRICTS

A network provider must obtain advance written consent from the City Commission before collocating new Network Nodes or installing new Node Support Poles in an area of the City that has been zoned or otherwise designated as a historic district or as a design district if the district has decorative poles. The network provider shall be required to comply with the General Aesthetic Requirements described in the City's Design Manual. The City has the authority to designate new historic districts and design districts at a future date.

§ 5-8-9 INSTALLATION IN MUNICIPAL PARKS AND RESIDENTIAL AREAS

A network provider may not install a new Node Support Pole in a public right-of-way without the City Commission's discretionary, nondiscriminatory and written consent if the public right-of way:

- (1) Is in a municipal park; or
- (2) Is adjacent to a street or thoroughfare that is:
 - i. Not more than 50 feet wide; and

- ii. Adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.
- (3) In addition to the above, a network provider installing a Network Node or Node Support Pole in a public right-of way shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.
- (4) The network provider shall be further required to comply with guidelines set out in the City's Design Manual.

§ 5-8-10 MUNICIPAL REVIEW PROCESS BY THE CTIY.

- (A) **Determination of Application Completeness**: The City shall determine whether the permit application is complete and notify the applicant of that determination:
 - (1) For Network Nodes and Note Support Poles: no later than 30 days after the date the City receives the permit application.
 - (2) For a Transport Facility: no later than 10 days after the date the City receives the permit application.
- (B) Approval or Denial of Application: The City shall approve or deny a completed application after the date it is submitted to the City:
 - (1) For Network Nodes: No later than 60 days after the date the City receives the complete application.
 - (2) For Network Support Poles: No later than 150 days after the date the City receives the complete application.
 - (3) For Transport Facilities: No later than 21 days after the City receives the complete application.
- (C) Basis for Denial of Application: If an application is denied by the City, it shall document the basis for the denial, including the specific applicable City code provisions or other City rules, regulations, or other law on which the denial is based. The documentation for the denial must be sent by electronic mail to the applicant on or before the date that the City denies the application.

- (D) Resubmission of Denied Application: The applicant may cure the deficiencies identified in the denial application.
 - (1) The applicant has 30 days from the date the City denies the completed application to cure the deficiencies identified in the denial documentation without paying an additional application fee, other than any fee for actual costs incurred by the City.
 - (2) The City shall approve or deny the revised completed application after a denial not later than the 90th day after the City receives the revised completed application. The City's review shall be limited to the deficiencies cited in the denial documentation.
- (E) **Nondiscriminatory Review**: Each completed application shall be processed by the City on a nondiscriminatory basis.

§ 5-8-11 TIME OF INSTALLATION.

A network provider shall begin installation for which a permit is granted not later than six months after final approval of the application and shall diligently pursue installation to completion. The City Mayor may in his/her sole discretion grant reasonable extensions of time as requested by the network provider.

§ 5-8-12 APPLICABLE FEES AND RENTAL RATES TO THE CITY.

(A) As compensation for the network provider's use and occupancy of the City public rights-of-way, the network provider shall pay application fees and annual public right-of-way rental rates as set forth below, which shall be in lieu of any lawful tax, license, charge, right-of-way permit, use, construction, street cut or inspection fee; or other right-of-way related charge or fee, whether charged to the network provider or its contractor(s) within the City, except the usual general ad valorem taxes, special assessments and sales tax levied in accordance with state law and equally applicable to all general businesses in the City.

(B) Network Nodes:

(1) Application Fee: The application fee shall be \$100.00 for each Network Node for up to but not more than 30 Network Nodes.

- (2) Annual Public Right-of-Way Rate Fee: The annual public right-of-way rate shall be \$250.00 per Network Node installed in the City public rights-of-way.
- (3) Public Right-of-Way Rate Adjustment: As provided in Section 284.054 of the Code, the City may adjust the amount of the annual public right-of-way rate not more than annually by an amount equal to one-half the annual change, if any, in the Consumer Price Index (CPI). The City shall provide written notice to each network provider of the new rate; and the rate shall apply to the first payment due to the City on or after the 60th day following the written notice.

(C) Node Support Poles:

(1) The application fee for each Network Support Pole shall be \$100.00.

(D) Transfer Facilities:

- (1) The application fee for each Transfer Facility shall be \$100.00.
- (2) The annual Transfer Facility rental rate shall be \$28.00 monthly for each Network Node site located in a public right-of-way. However, no rate is required if the network provider is already paying the City an amount equal to or greater than the amount of other City right-of-way fees for access lines under Chapter 283 of the Code or cable franchise fees under Chapter 66 of the Texas Utility Code.

(E) Micro Network Nodes:

(1) No application fee is required for a Micro Network Node if the installation is attached on lines between poles or node support poles.

(F) Collocation of Network Nodes on Service Poles

(1) Subject to the City's Pole Service Agreement, the collocation of Network Nodes on City service poles shall be at a rate of \$20.00 per year per service pole.

(G) City-Owned Municipal Utility Poles:

(1) A network provider shall pay an annual pole attachment rate for the collocation of a Network Node supported by or installed on a City-owned

utility pole based upon the pole attachment rate consistent with Section 54.024 of the Texas Utilities Code, applied on a per-foot basis.

(H) The City shall not seek or accept in-kind services in lieu of or as additional payment or consideration from any user of the public rights-of-way for use of the public rights-of-way.

§ 5-8-13 INDEMNITY.

As provided in Section 284.302 of the Code, a wireless Network Provider shall indemnify, defend, and hold the City harmless from and against all liability, damages, cost, and expense, including reasonable attorney's fees, arising from injury to person or property proximately caused by the negligent act or omission of the Network Provider. The City shall promptly notify the Network Provider of any claims, demands, or actions ("claims") covered by this indemnity after which the Network Provider shall defend the claims. The Network Provider shall have the right to defend and compromise the claims. The City shall cooperate in the defense of the claims. The foregoing indemnity obligations shall not apply to claims arising solely from the negligence of City; however, they shall apply in the case of all claims which arise from the joint negligence of the Network Provider and the City; provided that in such cases, the amount of the claims for which the City shall be entitled to indemnification shall be limited to that portion attributable to the Network Provider. Nothing in this section shall be construed as waiving any governmental immunity available to the City under state law or waiving any defenses of the parties under state law.

§ 5-8-14 EFFECT ON OTHER UTILITIES AND TELECOMMUNICATION PROVIDERS.

Nothing in this Ordinance shall govern attachment of Network Nodes on poles and other structures owned or operated by investor-owned electric utilities, electric cooperatives, telephone cooperatives, or telecommunication providers.

SECTION III. REPEALING ALL ORDINANCES IN CONFLICT

THAT all other ordinances or parts of ordinances inconsistent or in conflict with this

Ordinance are, or to the extent of such inconsistency or conflict, hereby repealed.

SECTION IV. SAVINGS CLAUSE

THAT the City Commission of the City of Kingsville, Texas does hereby declare that if any section, subsection, paragraph, sentence, clause, phrase, work or portion of this Ordinance is declared invalid, or unconstitutional, by a court of competent jurisdiction, that in such event, it would have passed and ordained any and all remaining portions of this Ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declare that its intent is to make no portion of this Ordinance dependent upon the validity of any portion thereof, and that all said remaining portions shall continue in full force and effect.

SECTION V. COMPLIANCE WITH OPEN MEETINGS ACT

THAT it is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VI. IMPLEMENTATION DATE & PUBLICATION.

THAT this Ordinance shall be implemented on September 1, 2017 and be codified and become effective on and after adoption and publication as required by law.

INTRODUCED on this the 28th th day of August, 2017.
PASSED AND APPROVED on this the 29th th day of August, 2017.
Sam R. Fugate, Mayor

ATTEST:
Mary Valenzuela, City Secretary
APPROVED AS TO FORM:
Courtney Alvarez, City Attorney

AGENDA ITEM #20

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:

August 24, 2017

SUBJECT:

Design Manual for the oversight concerning construction of small cell nodes

network

Summary: Due to state bill S.B. No. 1004 the city has limited ability in conducting oversight. It is apparent from our research that a design manual which is allowed in the legislation the best method to have oversight. We did not have this before so that is why we are requesting approval of this document.

Background: As you know from prior experience we have had requests regarding communication poles to be placed in Kingsville. The operation small cell nodes are different and they have the right to put them in our right of way. It is still important for the City to have oversight regarding construction.

Financial Impact: It is hard to determine if there will be any financial impact. It will depend upon how many or if any requests that we get.

Recommendation: Approve design manual which will give us a document to provide oversight for the installation of small cell network nodes.



ORDINANCE #	2017
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AN ORDINANCE BY THE CITY OF KINGSVILLE, TEXAS, APPROVING A DESIGN MANUAL FOR THE INSTALLATION OF NETWORK NODES AND NODE SUPPORT POLES; AND APPROVING A POLE ATTACHMENT AGREEMENT REGULATING THE INSTALLATION OF NETWORK NODES ON CITY SERVICE POLES AND UTILITY POLES; DECLARING GOVERNING LAW; PROVIDING REPEALING AND SAVINGS CLAUSES; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN IMPLEMENTATION DATE OF SEPTEMBER 1, 2017 & PUBLICATION.

WHEREAS, the City of Kingsville, Texas ("City") recognizes that the State of Texas has delegated to the City the fiduciary duty, as a trustee, to manage the public right-of-way for the health, safety, and welfare of the public to Texas municipalities; and

WHEREAS, Chapter 284 of the Texas Local Government Code ("the Code") allows certain wireless network providers to install in the public rights-of-way their wireless facilities, described and defined in Section 284.002 of the Code as "Micro Network Nodes", "Network Nodes", and "Node Support Poles;" and

WHEREAS, as expressly allowed by Section 284.108 of the Code and pursuant to its police power authority reserved in Sec. 284.301 of the Code, the City desires to enact a *Design Manual by the City of Kingsville, Texas for the Installation of Network Nodes and Node Support Poles* ("the Design Manual") in order to meet its fiduciary duty to the citizens of the City, and to give assistance and guidance to wireless telecommunications network providers to assist such companies in the timely, efficient, safe and aesthetically pleasing installation of technologically competitive equipment; and

WHEREAS, the City Commission desires to approve a *Pole Attachment Agreement* by which wireless telecommunication network providers may attach and collocate their network nodes on city service and utility poles subject to the Code, the Design Manual, and the City Right-of-Way Management Ordinance.

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

SECTION I FINDINGS OF FACT

THAT the forgoing recitals are incorporated into this Ordinance as true and correct findings of fact.

SECTION II. APPROVING DESIGN MANUAL

THAT the City Commission hereby approves the *Design Manual by the City of Kingsville, Texas for the Installation of Network Nodes and Node Support Poles*, which is attached here as Exhibit "A."

SECTION III. APPROVING POLE ATTACHMENT AGREEMENT

THAT the City Commission hereby approves the *Pole Attachment Agreement*, which is attached here as Exhibit "B."

SECTION IV.

GOVERNING LAW

THAT this Ordinance shall be construed in accordance with Chapter 284 of the Texas Local Government Code ("the Code") to the extent not in conflict with the Constitution and laws of the United States or of the State of Texas.

SECTION V. REPEALING ALL ORDINANCES IN CONFLICT

THAT all other ordinances or parts of ordinances inconsistent or in conflict herewith, or to the extent of such inconsistency or conflict are hereby repealed.

SECTION VI. SAVINGS CLAUSE

THAT the City Commission of the City of Kingsville, Texas does hereby declares that if any section, subsection, paragraph, sentence, clause, phrase, work or portion of this Ordinance is declared invalid, or unconstitutional, by a court of competent jurisdiction,

that, in such event that it would have passed and ordained any and all remaining portions of this Ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declare that its intent is to make no portion of this Ordinance dependent upon the validity of any portion thereof, and that all said remaining portions shall continue in full force and effect.

SECTION V. COMPLIANCE WITH OPEN MEETINGS ACT

THAT it is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VI. IMPLEMENTATION DATE & PUBLICATION.

THAT this Ordinance shall be implemented on September 1, 2017 and shall not be codified but become effective on and after adoption and publication as required by law.

INTRODUCED on this the 28th th day of August, 2017.				
PASSED AND APPROVED on this the 29th th day of August , 2017.				
Sam R. Fugate, Mayor				
ATTEST:				
Mary Valenzuela, City Secretary				
APPROVED AS TO FORM:				
Courtney Alvarez, City Attorney				

Design Manual by the City of Kingsville, Texas

for the
Installation of Network Nodes and Node Support Poles
pursuant to Tex. Loc. Gov. Code, Chapter 284.

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SECTION 1. PURPOSE AND APPLICABILITY.

The City of Kingsville, Texas ("City") recognizes that the State of Texas has delegated to the City the fiduciary duty, as a trustee, to manage the public right-of-way for the health, safety, and welfare of the public to Texas municipalities.

Purpose: Loc. Gov. Code, Chapter 284 allows certain wireless Network Providers to install in the public rights-of-way their wireless facilities, described and defined in Tex. Loc. Gov. Code, Chapter 284, Sec. 284.002 as "Micro Network Nodes", "Network Nodes", and "Node Support Poles".

As expressly allowed by Tex. Loc. Gov. Code, Chapter 284, Section 284.108, and pursuant to its police power authority reserved in Sec. 284.301¹, the City enacts these Design Guidelines in order to meet its fiduciary duty to the citizens of the City, and to give assistance and guidance to wireless telecommunications providers to assist such companies in the timely, efficient, safe and aesthetically pleasing installation of technologically competitive equipment.

Applicability: This Design Manual is for siting and criteria for the installation Wireless Facilities, including Micro Network Nodes, Network Nodes, Node Support Poles and related ground equipment being installed pursuant to Loc. Gov. Code, Chapter 284

This Design Manual shall apply to any sitings, installations, collocations in, on, over or under the public rights-of-way of Network nodes, Node support poles, Micro network nodes, Distributed Antenna Systems, microwave communications or other Wireless Facilities, by whatever nomenclature, whether they are installed pursuant to Chapter 284, or installed pursuant to an agreement as agreed to and consented to by the City in its discretion, or installed as may otherwise be allowed by state law.

City Rights-of-Way Management Ordinance: A Network Provider shall comply with the City's Rights-of-Way Management Ordinance except where in conflict with this Design Manual or Chapter 284, Subchapter C.

SECTION 2. DEFINITIONS.

The definitions as used in Tex. Loc. Gov. Code, Chapter 284, Sec. 284.002 shall be used in this Design Manual, unless otherwise noted in this Section 2, below.²

Abandon and its derivatives means the facilities installed in the right-of-way (including by way of example but not limited to: poles, wires, conduit, manholes, handholes, cuts, network nodes and node support poles, or portion thereof) that have been left by Provider in an unused or non-functioning condition for more than 120 consecutive calendar days unless, after notice to Provider, Provider has established to the reasonable satisfaction of the City that the applicable facilities, or portion thereof, is still in active use.

Antenna means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

Applicable codes means:

- (A) uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; and
- (B) local amendments to those codes to the extent not inconsistent with Chapter 284.

City means the City of Kingsville, Texas or its lawful successor.

City Commission means the municipal governing body of the City of Kingsville, Texas.

Chapter 284 means Tex. Loc. Gov. Code, Chapter 284.

City Manager means the City Manager for the City of Kingsville, Texas, or designee.

Collocate and collocation mean the installation, mounting, maintenance, modification, operation, or replacement of network nodes in a public right-of-way on or adjacent to a pole.

Concealment or Camouflaged means any Wireless Facility or Pole that is covered, blended, painted, disguised, camouflaged or otherwise concealed such that the Wireless Facility blends into the surrounding environment and is visually unobtrusive as allowed as a condition for City advance approval under Chapter 284, Sec. 284.105 in Historic or Design Districts. A Concealed or Camouflaged Wireless Facility or Pole also includes any Wireless Facility or Pole conforming to the surrounding area in which the Wireless Facility or Pole is located and may include, but is not limited to hidden beneath a façade, blended with surrounding area design, painted to match the supporting area, or disguised with artificial tree branches.

Decorative pole means a streetlight pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal codes.

Design District means an area that is zoned, or otherwise designated by municipal code, and for which the city maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

Disaster emergency or disaster or emergency means an imminent, impending, or actual natural or humanly induced situation wherein the health, safety, or welfare of the residents of the city is threatened, and includes, but is not limited to any declaration of emergency by city state or federal governmental authorities.

Distributed Antenna System or DAS shall be included as a type of "Network Node."

Easement means and shall include any public easement or other compatible use created by dedication, or by other means, to the city for public utility purposes or any other purpose whatsoever. "Easement" shall include a private easement used for the provision of utilities.

Federal Communications Commission or FCC means the Federal Administrative Agency, or lawful successor, authorized to oversee cable television and other multi-channel regulation on a national level.

Highway right-of-way means right-of-way adjacent to a state or federal highway.

Historic district means an area that is zoned or otherwise designated as a historic district under municipal, state, or federal law.

Law means common law or a federal, state, or local law, statute, code, rule, regulation, order, or ordinance.

Local means within the geographical boundaries of the City.

Location means the City approved and lawfully permitted location for the Network Node.

Macro tower means a guyed or self-supported pole or monopole greater than the height parameters prescribed by Chapter 284, Section 284.103 and that supports or is capable of supporting antennas.

Mayor means the Mayor for the City of Kingsville, Texas, or designee.

Micro network node means a network node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

Municipal park means an area that is zoned or otherwise designated by municipal code, use, or agreement, as a public park for the purpose of recreational activity. Includes County owned parks within the city limits.

Municipally owned utility pole means a utility pole owned or operated by a municipally owned utility, as defined by Section 11.003, Utilities Code, and located in a public right-of-way.

MUTCD means Manual of Uniform Traffic Control Devices.

Network node means equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term:

- (A) includes:
 - (i) equipment associated with wireless communications;
 - (ii) a radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and
 - (iii) coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation; and
- (B) does not include:
 - (i) an electric generator;

- (ii) a pole; or
- (iii) a macro tower

Network provider means:

- (A) a wireless service provider; or
- (B) a person that does not provide wireless services and that is not an electric utility but builds or installs on behalf of a wireless service provider:
 - (i) network nodes; or
 - (ii) node support poles or any other structure that supports or is capable of supporting a network node.

Node support pole means a pole installed by a network provider for the primary purpose of supporting a network node.

Permit means a written authorization for the use of the public right-of-way or collocation on a service pole required from a municipality before a network provider may perform an action or initiate, continue, or complete a project over which the municipality has police power authority.

Pole means a service pole, municipally owned utility pole, node support pole, or utility pole.

Private easement means an easement or other real property right that is only for the benefit of the grantor and grantee and their successors and assigns.

Provider has the same meaning as "Network Provider."

Public right-of-way means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest. The term does not include:

- (A) a private easement; or
- (B) the airwaves above a public right-of-way with regard to wireless telecommunications.

Public right-of-way management ordinance means an ordinance that complies with Chapter 284, Subchapter C.

SCADA or Supervisory Control and Data Acquisition systems means a category of software application programs and hardware used by the City for process control and gathering of data in real time from remote locations in order to monitor equipment and conditions of the City public water and wastewater utility facilities. These systems may utilize both cable and wireless communications.

Service pole means a pole, other than a municipally owned utility pole, owned or operated by a municipality and located in a public right-of-way, including:

- (A) a pole that supports traffic control functions;
- (B) a structure for signage;
- (C) a pole that supports lighting, other than a decorative pole; and
- (D) a pole or similar structure owned or operated by a municipality and supporting only

network nodes.

Small cell shall be included as a type of "Network Node."

Street means only the paved portion of the right-of-way used for vehicular travel, being the area between the inside of the curb to the inside of the opposite curb, or the area between the two parallel edges of the paved roadway for vehicular travel where there is no curb. A "Street" is generally part of, but smaller in width than the width of the entire right-of-way, while a right-of-way may include sidewalks and utility easements, a "Street" does not. A "street" does not include the curb or the sidewalk, if either are present at the time of a permit application or if added later.

SWPPP shall mean Storm Water Pollution Prevention Plan.

TAS means Texas Accessibility Standards.

Traffic Signal means any device, whether manually, electrically, or mechanically operated by which traffic is alternately directed to stop and to proceed.

Transport facility means each transmission path physically within a public right-of-way, extending with a physical line from a network node directly to the network, for the purpose of providing backhaul for network nodes.

Underground Requirement Area shall mean means an area where poles, overhead wires, and associated overhead or above ground structures have been removed and buried or have been approved for burial underground pursuant to municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way.

User means a person or organization which conducts a business over facilities occupying the whole or a part of a public street or right-of-way, depending on the context.

Utility pole means a pole that provides:

- (A) electric distribution with a voltage rating of not more than 34.5 kilovolts; or
- (B) services of a telecommunications provider, as defined by Chapter 284, Section 51.002, Utilities Code.

Wireless service means any service, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using a network node.

Wireless service provider means a person that provides wireless service to the public.

Wireless facilities mean "Micro Network Nodes," "Network Nodes," and "Node Support Poles" as defined in Texas Local Government Code Chapter 284.

SECTION 3. PROHIBITED AND PREFERRED LOCATIONS OF MICRO NETWORK NODE, NETWORK NODE, NODE SUPPORT POLE AND RELATED GROUND EQUIPMENT.

- A. Prohibited or Restricted Areas for Certain Wireless facilities, except with Separate City Agreement or Subject to Concealment Conditions.
- 1. Municipal Parks and Residential Areas. In accordance with Chapter 284, Sec. 284.104 (a), a Network Provider may not install a Node Support Pole in a public right-of-way without the City's discretionary, nondiscriminatory, and written consent if the public right-of-way is in a Municipal park or is adjacent to a street or thoroughfare that is:
- a. not more than 50 feet wide of paved street surface, being the area measured as the shortest distance between the inside of the curb to the inside of the opposite curb, or the area measured as the shortest distance between the two parallel edges of the paved roadway for vehicular travel where there is no curb; and
- b. adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.
- 1.1 In accordance with Chapter 284, Sec. 284.104 (b), a Network Provider installing a Network Node or Node Support Pole in a public right-of-way described above shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.
- 1.2 Each permit application shall disclose if it is within a Municipal Park and Residential Areas as described above.
- 2. *Historic District and Design Districts*. In accordance with Chapter 284, Sec. 284.105, a Network Provider must obtain advance written approval from the City before collocating Network Nodes or installing Node Support Poles in a Design District with Decorative Poles or in an area of the City zoned or otherwise designated as a Design District or Historic District.
- 2.1. As a condition for approval of Network Nodes or Node Support Poles in Design Districts with Decorative Poles or in a Historic District, the City shall require reasonable design or Concealment measures for the Network Nodes or Node Support Poles. Therefore, any request for installations in a Design District with Decorative Poles or in a Historic District, must be accompanied with proposed Concealment measures in the permit applications.
- 2.2. The City request that a Network Provider explore the feasibility of using Camouflage measures to improve the aesthetics of the Network Nodes, Node Support Poles, or related ground equipment, or any portion of the nodes, poles, or equipment, to minimize the impact to the aesthetics in Design Districts or in an Historic District.
- 2.3. A Network Provider shall comply with and observe all applicable City, State, and federal historic preservation laws and requirements.

- 2.4. Each permit application shall disclose if it is within a Design District with Decorative Poles or in an area of the City zoned or otherwise designated as a Design District or Historic District.
- 3. *Historic Landmarks*. A Network Provider is discouraged from installing a Network Node or Node Support Pole within 300 feet of a historic site or structure or Historic Landmark recognized by the City, state or federal government (*see, for example, and not limited to* §442.001(3) of the Texas Government Code, and 16 U.S.C. §470), as of the date of the submission of the permit. It is recommended that each permit application disclose if it is with 300 feet of such a structure.
- 4. *Compliance with Undergrounding Requirements*. In accordance with Chapter 284, Sec. 284.107, a Network Provider shall comply with nondiscriminatory undergrounding requirements, including municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way without first obtaining zoning or land use approval.
- 4.1 Areas may be designated from time to time by the City as Underground Requirement Areas in accordance with filed plats, and or conversions of overhead to underground areas, as may be allowed by law.
- 4.2 Each permit application shall disclose if it is within an area that has undergrounding requirements.

B. Least preferable locations.

- 1. **Residential Areas and Parks**. A Network Provider is discouraged from installing a Network Node on an existing pole in a public right-of-way without written consent from the City Commission if the public right-of-way is located in or adjacent to a street or thoroughfare that is adjacent to a municipal park or single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.
- 1.1 In accordance with Chapter 284, Sec. 284.104 (b) a Network Provider installing a Network Node or a Node Support Pole in a public right-of-way shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.
- 2. **Historic Districts and Design Districts**. A Network Provider is discouraged from installing a Network Node or a Node Support Pole in the public right-of-way in any area designated by the City as a Design Districts or in an area of the City zoned or otherwise designated as a Historic District unless such a Network Node or a new Node Support Pole is camouflaged.

C. Most preferable locations

- 1. Industrial areas if not adjacent to a Municipal Park, Residential area, Historic District or Design District.
- 2. Highway Rights-of-Way areas if not adjacent to a Municipal Park, Residential area, Historic District or Design District.

3. Retail and Commercial areas if not adjacent to a Municipal Park, Residential area, Historic District or Design District.

D. Designated Areas.

- 1. The City Commission may designate an area as a Historic District or a Design District under Chapter 284.105 at any time.
- 2. The failure to designate an area in this Chapter shall not mean that such an area is not within a defined district, if so designated by the City Commission. Future areas may be designated as one of these Districts at any time. Such a designation does not require a zoning case.
- 3. While not required under Chapter 284 to designate Underground Compliance Areas to prohibit above ground Wireless facilities, the City may also, from time to time, also designate Underground Compliance Areas.

E. Exceptions

The City by its discretionary consent and agreement may grant exceptions to the above prohibited locations and sizes, but only in a non-exclusive, and non-discriminatory manner, as allowed or required by Chapter 284, Sec. 284.109 and Sec. 284.110.

F. Order of Preference regarding Network Node attachment to existing facilities and New Node Support Poles.

- 1. Existing telephone or electrical lines between existing utility poles. Micro Network Nodes shall only be lashed or afixed on existing telephone or electrical lines between existing utility poles (electric poles or telephones poles), with notice to the pole owner as required by the Federal Pole Attachment Act, and not placed on Utility Poles, Node Support Poles or Service Poles.
- 2. Existing Utility Poles (electric poles or telephones poles), shall be the preferred support facility for Network Nodes and related ground equipment.

3. Municipal Service Poles:

- a. Non-decorative street lights with a height of more than 20 feet.
- b. *Traffic signal structures* when such installation will not interfere with the integrity of the facility and will not interfere with the safety of public and in accordance with an agreement as allowed by Chapter 284, Sec. 285.056 and Sec. 284.101 (a) (3), and (b).
 - c. Street signage shall be a low priority use for attachment of a Network Node.
 - d. Other municipal service pole use is discouraged.

- 4. New node support poles shall be the least preferred type of allowed facility for attachment of Network Nodes.
 - 5. Ground Equipment. Ground equipment should be minimal and the least intrusive.

SECTION 4. GUIDELINES ON PLACEMENT.

A. Generally.

In accordance with Chapter 284.102, a Network Provider shall construct and maintain Network Nodes and Node Support Poles in a manner that does not:

- 1. obstruct, impede, or hinder the usual travel or public safety on a public right-of-way;
 - 2. obstruct the legal use of a public right-of-way by other utility providers;
 - 3. violate nondiscriminatory applicable codes;
- 4. violate or conflict with the City's publicly disclosed public right-of-way management ordinance or this Design Manual.
- 5. violate the federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

B. General Requirements and Information:

- 1. Size Limits. Network Providers shall provide detailed drawings, with calculations to show strict conformity to the size limitations as set forth in Chapter 284, in accordance with, but not limited to Chapter 284, Sec. 284.002, size of a Micro Network Node, Sec. 284.003, Size of Network Nodes, and Sec. 284.103, Max. pole height, with each application and with each request for a permit for each location.³
- 2. State and Federal Rights-of-way permit. If the project lies within a Highway Right-of-Way, the applicant must provide evidence of a permit from the State or Federal Government.
- 3. Confirmation of non-interference with City Safety Communication or SCADA Networks.
 - a. The Network Provider needs to provide analysis that the proposed network node shall not cause any interference with City public safety radio system, traffic signal light system, SCADA system, or other city safety communications components in accordance with Chapter 284, Sec. 284.304.
 - b. It shall be the responsibility of the Network Provider to evaluate, prior to making application for permit, the compatibility between the existing City infrastructure and Provider's proposed Network Node. A Network Node shall not be installed in a location that causes any interference. Network Nodes shall not be allowed on City's public safety radio infrastructure.
- 4. Improperly Located Network Node facilities, Node Support Poles and related ground equipment:

- a. Improperly Located Network Node facilities, Node Support Poles and related ground equipment shall not impede pedestrian or vehicular traffic in the Right-of-Way. If any Network Node facilities, Node Support Poles or ground equipment is installed in a location that is not in accordance with the plans approved by the City and impedes pedestrian or vehicular traffic or does not comply or otherwise renders the Right-of-Way non-compliant with applicable Laws, including the American Disabilities Act, then Network Provider shall promptly remove the Network Node facilities, Node Support Poles or ground equipment.
- b. Notice to Remove unauthorized facilities and relocate and penalty: After 30 days' notice to remove of Network Node facilities, Node Support Poles or ground equipment that is located in the incorrect permitted location, if not relocated the Network Provider shall be subject to a penalty of \$500.00 per day penalty until the Network Node facilities, Node Support Poles or ground equipment is relocated to the correct area within the permitted Location, regardless of whether or not the Network Provider's contractor, subcontractor, or vendor installed the Network Node facilities, Node Support Poles or ground equipment in strict conformity with the City Rights-of-way management ord., and other applicable ordnances concerning improperly located facilities in the rights-of-way.

B. Underground Requirement Areas.

- 1. In accordance with Chapter 284.107, a Network Provider shall, in relation to installation for which the City approved a permit application, comply with nondiscriminatory undergrounding requirements, including municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way without first obtaining zoning or land use approval.
- 2. If a location is designated by the City to transits to be an Underground Requirement Area, then a Network Provider's permit for the location of the Micro Network Node, Network Node, Node Support Pole, and related ground equipment at such location will be revoked 90 days after the designation, with removal of said the Micro Network Node, Network Node, Node Support Pole, and related ground equipment at such location within 90 days of such designation, or as otherwise reasonably allowed by the City for the transition of other overhead facilities.
- 3. Before commencing underground installation, 811 Dig Alert Test must be called so that the area can be flagged for underground utilities.

C. Network Node facilities placement:

- 1. Right-of-Way: Network Node facilities, Node Support Poles and related ground equipment shall be placed, as much as possible, within two feet of the outer edge of the Right-of-Way line to minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a public right-of-way.
- 2. Height above ground. Network Node attachments to a pole shall be installed at least eight (8) feet above the ground in accordance with Chapter 284, Sec. 284.108, and if a Network Node attachment is projecting toward the street, for the safety and protection

of the public and vehicular traffic, the attachment shall be installed no less than sixteen (16) feet above the ground.

- 3. *Protrusions*. In accordance with Chapter 284, Sec. 284.003 (a) (1) (C), Sec. 284.003 (a) (2) (C) and Sec. 284.003 (a) (3) (B) no protrusion from the outer circumference of the existing structure or pole shall be more than two (2) feet.
- 4. *Limit on number of Network Nodes per Site*. There shall be no more than one Network Node on any one Pole.

D. New Node Support Poles.

- 1. New Node Support Poles Spacing. New node support poles shall be spaced apart from existing utility poles or Node Support poles at the same as the spacing between utility poles in the immediate proximity, but no less than at a minimum 300 feet from a utility pole or another Node Support Pole to minimize the hazard of poles adjacent to road ways and to minimize effect on property values and aesthetics on the area.
- 2. Height of Node Support Poles or modified Utility Pole. In accordance with Chapter 284, Sec. 284.103 a Node support pole or modified Utility Pole may not exceed the lesser of:
 - a. 10 feet in height above the tallest existing utility pole located within 500 linear feet of the new pole in the same public right-of-way; or
 - b. 55 feet above ground level.

E. Ground Equipment.

- 1. Ground Equipment near street corners and intersections: Ground equipment should be minimal and the least intrusive. In accordance with Chapter 284.102 (1), to minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a public right-of-way the maximum line of sight required to add to safe travel of vehicular and pedestrian traffic and in order to maximize that line of sight at street corners and intersections and to minimize hazards at those locations, ground equipment may not be installed within 250 feet of a street corner or a street intersection.
- 2. Ground Equipment near Municipal Parks. For the safety of Municipal park patrons, particularly small children, and to allow full line of sights near Municipal park property, the Network Provider shall not install Ground Equipment in a Right-of-Way that is within a Park or within 250 feet of the boundary line of a Park, unless approved by the City Manager in writing.
 - 3. Minimize Ground equipment density:

In accordance with Chapter 284, Sec. 284.102 (1) to enhance the safety requirements of line of sight of pedestrians, particularly small children, the City Manager, or designee, may deny a request for a proposed Location if the Network Provider installs Network Node ground equipment where existing ground equipment within 300 feet already occupies a footprint of 25 sq. ft. or more.

4. Water, Sewer and Storm Drainage Lines:

Special precautions must be taken where underground fiber optic cable is installed in public street rights-of-ways commonly used for utility corridors.

- a. Underground utilities and service connections must be identified prior to excavation. "Dig Alert," "One Call," or similar underground utility contractor must be contacted to identify the locations of subsurface utilities.
- b. If temporary disruption of service is required, the installation contractor must notify the City, the service provider, and customers at least 24 hours in advance. No service on such lines may be disrupted until prior approval from the City and the service provider.
- c. At locations where the fiber optic cable will cross other subsurface utilities or structures, the cable must be installed to provide a minimum of 12 inches of vertical clearance between it and the other subsurface utilities or structures, while still maintaining the other applicable minimum depth requirement. To maintain the minimum depth requirement, the cable must be installed under the existing utility. If the minimum 12-inch clearance cannot be obtained between the proposed cable facility and the existing utility, the fiber optic cable must be encased in steel pipe of avoid future damage.
- d. Existing Water Lines: No communication lines shall be placed on top of a water line but may be placed to the side of a water line at least 4 feet from the center line of the water line. When crossing a water line, a 12-inch vertical or horizontal clearance must be maintained. Poles must be at least 3 feet from a water line.
- e. Existing Sewer Lines: No communication lines shall be placed on top of a sewer line but may be placed to the side of a sewer line at least 4 feet from the center line of the sewer line. When crossing a sewer line, a 12-inch vertical or horizontal clearance must be maintained. Poles must be at least 3 feet from a sewer line.
- f. Existing Storm Drainage Lines: No communication lines shall be placed on top of a storm drainage line but may be placed to the side of a storm drainage line at least 4 feet from the center line of the storm drainage line. When crossing a storm drainage line, a 12-inch vertical or horizontal clearance must be maintained. Poles must be at least 3 feet from a storm drainage line.
- 5. Blocking streets, roads, alleys or lanes:

Texas Department of Transportation (TxDOT) standards must be followed for work zone areas that will block streets, roads, alleys or lanes. A traffic plan must be submitted to the City prior to construction.

F. Municipal Service Poles:

- 1. In accordance with Agreement: Installations on all Service Poles shall be in accordance with an agreement as allowed by Chapter 284, Sec. 285.056 and Sec. 284.101 (a) (3), and (b).
- 2. Required industry standard pole load analysis: Installations on all Service Poles shall have an industry standard pole load analysis completed and submitted to the municipality with each permit application indicating that the Service Pole to which the Network Node is to be attached will safely support the load, in accordance with Chapter 284.108.
- 3. Height of attachments: All attachments on all Service Poles shall be at least 8 feet above grade, in accordance with Chapter 284, Sec. 285.108 (a) (1) (2) and if a Network Node attachment is projecting toward the street, for the safety and protection of the public and vehicular traffic, the attachment shall be installed no less than sixteen (16) feet above the ground.
- 4. *Installations on Traffic Signals*: Installations on all Traffic signal structures must not interfere with the integrity of the facility in any way that may compromise the safety of the public and must be in accordance with an agreement as allowed by Chapter 284, Sec. 285.056 and Sec. 284.101 (a) (3), and (b). Installation of Network Node facilities on any traffic signal structures shall:
 - a. Be encased in a separate conduit than the traffic light electronics;
 - b. Have a separate electric power connection than the traffic signal structure; and
 - c. Have a separate access point than the traffic signal structure; and
- 5. Installations on Street signage: Installations on all street signage structures must not interfere with the integrity of the facility in any way that may compromise the safety of the public. Installation of Network Node facilities on any street signage structures that has electrics shall:
 - a. Be encased in a separate conduit than any City signage electronics;
 - b. Have a separate electric power connection than the signage structure;
 - c. Have a separate access point than the signage structure; and
- 6. Restoration of City facilities and private property: The Network Provider shall be responsible for repairing any damage to any street, street right-of-way, ditch or any structure to its original condition immediately upon completing the installation. Any change to the slope of the land must be remedied, and there must be replacement of top soil and grass to its original condition.

SECTION 5. GENERAL AESTHETIC REQUIREMENTS

A. Concealment.

1. Concealment of Network Nodes and Node support poles shall be required by the City in Design Districts with Decorative Poles and in Historic Districts pursuant to Chapter 284.105.

- 2. It is also the City's preference that all new node support poles be camouflaged, except those located in an area zoned or predominantly industrial area. Companies shall submit their proposal for camouflage with the permit application.
- 3. The Network Node facilities shall be concealed or enclosed as much as reasonably possible in an equipment box, cabinet, or other unit that may include ventilation openings. External cables and wires hanging off a pole shall be sheathed or enclosed in a conduit, so that wires are protected and not visible or visually minimized to the extent possible in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.
- 4. The Network Node facilities shall be concealed or enclosed as much as possible in an equipment box, cabinet, or other unit that may include ventilation openings. External cables and wires hanging off a pole shall be sheathed or enclosed in a conduit, so that wires are protected and not visible or visually minimized to the extent possible, except to the extent not consistent with Chapter 284.

B. New Node Support Pole Spacing.

New node support poles shall be at a minimum 300 feet from a utility pole or another Node Support Pole to minimize the hazard of poles adjacent to road ways and to minimize effect on property values and aesthetics on the area.

C. Minimize Ground Equipment Concentration.

In order to minimize negative visual impact to the surrounding area, and in accordance with Chapter 284, Sec. 284.102 (1) to enhance the safety requirements of line of sight of pedestrians, particularly small children, the City's designee may deny a request for a proposed Location if the Network Provider installs Network Node ground equipment where existing ground equipment within 300 feet already occupies a footprint of 25 sq. ft. or more to minimize effect on property values and aesthetics on the area.

D. Allowed Colors.

- 1. Colors in Historic Districts and Design Districts must be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284
- 2. Colors in Historic Districts and Design Districts must be approved by the City Manager from a palette of approved colors. Unless otherwise provided, all colors shall be earth tones or shall match the background of any structure the facilities are located upon and all efforts shall be made for the colors to be inconspicuous. Colors in areas other than in Historic Districts and Design Districts shall conform to colors of other installations of telecommunication providers in the immediately adjacent areas.

SECTION 6. ELECTRICAL SUPPLY

A. Network Provider shall be responsible for obtaining any required electrical power service to the Micro Network Node, Network Node facilities, Node Support Poles and ground equipment. The City shall not be liable to the Network Provider for any stoppages or shortages of electrical power furnished to the Micro Network Node, Network Node facilities, Node Support

Poles or ground equipment, including without limitation, stoppages or shortages caused by any act, omission, or requirement of the public utility serving the structure or the act or omission of any other tenant or Network Provider of the structure, or for any other cause beyond the control of the City.

B. Network Provider shall not allow or install generators or back-up generators in the Public Right-of-Way in accordance with Chapter 284, Sec. 284.002 (12) (B) (1).

SECTION 7. INSURANCE, INDEMNITY, BONDING AND SECURITY DEPOSITS.

- A. Insurance, bonding and security deposits shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.
- B. Indemnity shall be in accordance with Chapter 284, Sec. 284.302, as provided for in Chapter 283, Sec. 283.057 (a) and (b) of the Texas Loc. Gov't Code.

SECTION 8. REQUIREMENTS IN REGARDS TO REMOVAL, RELOCATION, REPLACEMENT, MAINTENANCE AND REPAIR

A. REMOVAL OR RELOCATION BY NETWORK PROVIDER.

- 1. Removal and relocation by the Network provider of its Micro Network Node, Network Node facilities, Node Support Pole or related ground equipment at its own discretion, shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284
- 2. If the Network Provider removes or relocates a Micro Network Node, Network Node facilities, Node Support Pole or related ground equipment at its own discretion, it shall notify the City Manager in writing not less than 10 business days prior to removal or relocation. Network Provider shall obtain all Permits required for relocation or removal of its Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment prior to relocation or removal.
- 3. The City shall not issue any refunds for any amounts paid by Network Provider for Micro Network Node, Network Node facilities, Node Support Poles or related ground equipment that have been removed.

B. REMOVAL OR RELOCATION REQUIRED FOR CITY PROJECT.

- 1. Removal and Relocation of Network Provider's Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof required for a City project shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284, Sec. 284.107, except as provided in existing state and federal law.
- 2. In accordance with Chapter 284, Sec. 284.107, except as provided in existing state and federal law, a Network Provider shall relocate or adjust Micro Network Node, Network Node, Node Support Pole and related ground equipment in a public right-of-way in a timely manner and without cost to the City managing the public right-of-way

- 3. Network Provider understands and acknowledges that the City may require Network Provider to remove or relocate its Micro Network Node, Network Node, Node Support Pole and related ground equipment, or any portion thereof from the Right-of-Way for City construction projects as allowed by state and federal law, including the common-law.
- 4. Network Provider shall, at the City Manager's direction, remove or relocate the same at Network Provider's sole cost and expense, except as otherwise provided in existing state and federal law, whenever the City Manager reasonably determines that the relocation or removal is needed for any of the following purposes: Required for the construction, completion, repair, widening, relocation, or maintenance of, or use in connection with, any City construction or maintenance project of a street or public rights-of-way to enhance the traveling public's use for travel and transportation.
- 5. If Network Provider fails to remove or relocate the Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof as requested by the City Manager within 90 days of Network Provider's receipt of the request, then the City shall be entitled to remove the Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof at Network Provider's sole cost and expense, without further notice to Network Provider.
- 6. Network Provider shall, within 30 days following issuance of invoice for the same, reimburse the City for its reasonable expenses incurred in the removal (including, without limitation, overhead and storage expenses) of the Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof.

C. REMOVAL REQUIRED BY CITY FOR SAFETY AND IMMINENT DANGER REASONS.

- 1. Network Provider shall, at its sole cost and expense, promptly disconnect, remove, or relocate the applicable Micro Network Node, Network Node, Node Support Pole and related ground equipment within the time frame and in the manner required by the City Manager if the City Manager reasonably determines that the disconnection, removal, or relocation of any part of a Micro Network Node, Network Node, Node Support Pole and related ground equipment (a) is necessary to protect the public health, safety, welfare, or City property, (b) the Micro Network Node, Network Node, Node Support Pole and related ground equipment, or portion thereof, is adversely affecting proper operation of streetlights or City property, or (c) Network Provider fails to obtain all applicable licenses, Permits, and certifications required by Law for its Micro Network Node, Node, Node Support Pole and related ground equipment, or use of any Location under applicable law in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.
- 2. If the City Manager reasonably determines that there is imminent danger to the public, then the City may immediately disconnect, remove, or relocate the applicable Micro Network Node, Node, Node Support Pole and related ground equipment at the Network Provider's sole cost and expense in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.
- 3. Network Provider shall, at its sole cost and expense, promptly disconnect, remove, or relocate the applicable Micro Network Node, Network Node, Node Support Pole and related ground equipment within the time frame and in the manner required by the City Manager if the

City Manager reasonably determines that the disconnection, removal, or relocation of any part of a Micro Network Node, Network Node, Node Support Pole and related ground equipment (a) is necessary to protect the public health, safety, welfare, or City property, (b) the Micro Network Node, Network Node, Node Support Pole and related ground equipment, or portion thereof, is adversely affecting proper operation of streetlights or City property, or (c) Network Provider fails to obtain all applicable licenses, Permits, and certifications required by Law for its Micro Network Node, Network Node, Node Support Pole and related ground equipment, or use of any Location under applicable law. If the City Manager reasonably determines that there is imminent danger to the public, then the City may immediately disconnect, remove, or relocate the applicable Micro Network Node, Network Node, Node Support Pole and related ground equipment at the Network Provider's sole cost and expense.

- 4. The City Manager shall provide 90 days written notice to the Network Provider before removing a Micro Network Node, Network Node, Node Support Pole and related ground equipment under this Section, unless there is imminent danger to the public health, safety, and welfare.
- 5. Network Provider shall reimburse City for the City's actual cost of removal of Micro Network Node, Network Node, Node Support Pole and related ground equipment within 30 days of receiving the invoice from the City.

SECTION 9. INSTALLATION AND INSPECTIONS

A. INSTALLATION.

- 1. Network Provider shall, at its own cost and expense, install the Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment in a good and workmanlike manner in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284
- 2. Network Provider shall, at its own cost and expense, install the Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment in a good and workmanlike manner and in accordance with the requirements promulgated by the City Manager, as such may be amended from time to time. Network Provider's work shall be subject to the regulation, control and direction of the City Manager. All work done in connection with the installation, operation, maintenance, repair, modification, and/or replacement of the Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment shall be in compliance with all applicable laws, ordinances, codes, rules and regulations of the City, applicable county, the state, and the United States ("Laws").

B. INSPECTIONS.

- 1. The City Manager, or designee, may perform visual inspections of any Micro Network Node, Network Node, Node Support Pole or related ground equipment located in the Right-of-Way shall be allowed in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284
- 2. The City Manager, or designee, may perform visual inspections of any Micro Network Node, Network Node, Node Support Pole or related ground equipment located in the Right-of-Way as the City Manager deems appropriate without notice. If the inspection requires physical contact with the Micro Network Node, Network Node, Node Support Poles or related ground equipment, the City Manager shall provide written notice to the Network Provider within five

business days of the planned inspection. Network Provider may have a representative present during such inspection.

SECTION 10. REQUIREMENTS UPON ABANDONMENT OF OBSOLETE MICRO NETWORK NODE, NETWORK NODE, NODE SUPPORT POLE AND RELATED GROUND EQUIPMENT.

- 1. Abandoned or obsolete Micro Network Node, Network Node, Node Support Pole and related ground equipment shall be removed in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.
- 2. Network Provider shall remove Micro Network Node, Network Node, Node Support Pole and related ground equipment when such facilities are Abandoned regardless of whether or not it receives notice from the City. Unless the City sends notice that removal must be completed immediately to ensure public health, safety, and welfare, the removal must be completed within the earlier of 90 days of the Micro Network Node, Network Node, Node Support Pole and related ground equipment being abandoned or within 90 days of receipt of written notice from the City. When Network Provider removes, or abandons permanent structures in the Right-of-Way, the Network Provider shall notify the City Manager in writing of such removal or Abandonment and shall file with the City Manager the location and description of each Micro Network Node, Network Node, Node Support Pole and related ground equipment removed or Abandoned. The City Manager may require the Network Provider to complete additional remedial measures necessary for public safety and the integrity of the Right-of-Way.

SECTION 11. GENERAL PROVISIONS.

- 1. As Built Maps and Records. Network Provider's as built maps and records shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.
- 1.1 A Network Provider shall maintain accurate maps and other appropriate records of its Network Node facilities, Node Support Poles and related ground equipment as they are actually constructed in the Rights-of-Way, including, upon request, the use of Auto CAD/GIS digital format. Network Provider will provide additional maps to the City upon request.
- 2. Courtesy and Proper Performance. Courtesy and Proper Performance of Network provider's personnel, and contractors shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.
- 2.1 A Network Provider shall make citizen satisfaction a priority in using the Right-of-Way. Network Provider shall train its employees to be customer service-oriented and to positively and politely interact with citizens when dealing with issues pertaining to its Micro Network Node, Network Node, Node Support Pole and related ground equipment in the Right-of-Way. Network Provider's employees shall be clean, courteous, efficient, and neat in appearance and committed to offering the highest quality of interaction with the public. If, in the opinion of the City Manager

or designee, Network Provider is not interacting in a positive and polite manner with citizens, he or she shall request Network Provider to take all remedial steps to conform to these standards.

- 3. **DRUG POLICY.** Drug policy of Network provider's personnel, and contractors in the public rights-of-way shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.
- 3.1 It is the policy of the City to achieve a drug-free workforce and workplace. The manufacture, distribution, dispensation, possession, sale, or use of illegal drugs or alcohol by Network Provider's employees, contractors, subcontractors, sub-Network Provider's, or vendors while on City rights-of-way is prohibited.
- 4. ALLOCATION OF FUNDS FOR REMOVAL AND STORAGE. The City Commission has currently appropriated no funds to pay for the cost of any removal or storage of Micro Network Node, Network Node, Node Support Pole and related ground equipment, as authorized under the law.
- 5. **OWNERSHIP**. Ownership of Network Node and related equipment shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable codes and ordinances, except to the extent not consistent with Chapter 284.
- 5.1 No part of a Micro Network Node, Network Node, Node Support Pole and related ground equipment erected or placed on the Right-of-Way by Network Provider will become, or be considered by the City as being affixed to or a part of, the Right-of-Way. All portions of the Micro Network Node, Network Node, Node Support Pole and related ground equipment constructed, modified, erected, or placed by Network Provider on the Right-of-Way will be and remain the property of Network Provider and may be removed by Network Provider at any time, provided the Network Provider shall notify the City Manager prior to any work in the Right-of-Way.
- **6. Tree Maintenance**. Tree maintenance shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.
- 6.1 A Network Provider, its contractors, and agents shall obtain written permission from the City Manager before trimming trees hanging over its Micro Network Node, Network Node, or Node Support Pole, to prevent branches of such trees from contacting attached Micro Network Node, Network Node, or Node Support Pole. When directed by the City Manager, Network Provider shall trim under the supervision and direction of the City Manager. The City shall not be liable for any damages, injuries, or claims arising from Network Provider's actions under this section.
- 7. Signage. Signage shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.
- 7.1 Network Provider shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the Network Node facility that is visible to the public. Signage required under this section shall not exceed 4" x 6", unless otherwise required by law (e.g. RF ground notification signs) or the City Manager.

- 7.2 Except as required by law or by the Utility Pole owner, a Network Provider shall not post any other signage or advertising on the Micro Network Node, Network Node, Node Support Pole, Service pole, or Utility Pole.
- **8. Graffiti Abatement**. Graffiti abatement shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.
- 8.1 As soon as practical, but not later than fourteen (14) calendar days from the date Network Provider receives notice thereof, Network Provider shall remove all graffiti on any of its Micro Network Node, Network Node, Node Support Pole, and related ground equipment located in the Right of Way. The foregoing shall not relieve the Network Provider from complying with any City graffiti or visual blight ordinance or regulation.

9. Restoration.

- 9.1 A Network Provider shall restore and repair of the public rights-of-way from any damage to the Right-of-Way, or any facilities located within the Right-of-Way, and the property of any third party resulting from Network Provider's removal or relocation activities (or any other of Network Provider's activities hereunder) in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.
- 9.2 A Network Provider shall repair any damage to the Right-of-Way, or any facilities located within the Right-of-Way, and the property of any third party resulting from Network Provider's removal or relocation activities (or any other of Network Provider's activities hereunder) within ten (10) calendar days following the date of such removal or relocation, at Network Provider's sole cost and expense, including restoration of the Right-of-Way and such property to substantially the same condition as it was immediately before the date Network Provider was granted a Permit for the applicable Location or did the work at such Location (even if Network Provider did not first obtain a Permit), including restoration or replacement of any damaged trees, shrubs or other vegetation. Such repair, restoration and replacement shall be subject to the sole, reasonable approval of the City Manager.

10. Network provider's responsibility.

- 10.1 A Network Provider shall be responsible and liable for the acts and omissions of the Network Provider's employees, temporary employees, officers, directors, consultants, agents, Affiliates, subsidiaries, sub-Network Provider's and subcontractors in connection with the installations of any Micro Network Node, Network Node, Node Support Pole and related ground equipment, as if such acts or omissions were Network Provider's acts or omissions in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.
- 10.2 A Network Provider shall be responsible and liable for the acts and omissions of the Network Provider's employees, temporary employees, officers, directors, consultants, agents, Affiliates, subsidiaries, sub-Network Provider's and subcontractors in connection with the installations of any Micro Network Node, Network Node, Node Support Pole, Transport Facility and related ground equipment, as if such acts or omissions were Network Provider's acts or omissions.

SECTION 12. ADMINISTRATIVE HEARING – REQUEST FOR EXEMPTION

- 12.1 Should the Network Provider desire to deviate from any of the standards set forth in the Design Manual, the Network Provider may request an Administrative Hearing before a Board of Appeals. The Zoning Board of Adjustment shall act as the Board of Appeals for a Request for Exemption.
- 12.2 The process for an application, hearing and vote shall follow the process set out for a variance.

SECTION 13-19 RESERVED

SECTION 20. DESIGN MANUAL - UPDATES

Placement or Modification of Micro Network Node, Network Node, Node Support Pole, Transport Facility, and related ground equipment shall comply with the City's Design Manual at the time the Permit for installation or Modification is approved and as amended from time to time.

Sec. 284.301. LOCAL POLICE-POWER-BASED REGULATIONS. (a) Subject to this chapter and applicable federal and state law, a municipality may continue to exercise zoning, land use, planning, and permitting authority in the municipality's boundaries, including with respect to utility poles.

⁽b) A municipality may exercise that authority to impose police-power-based regulations for the management of the public right-of-way that apply to all persons subject to the municipality.

⁽c) A municipality may impose police-power-based regulations in the management of the activities of network providers in the public right-of-way only to the extent that the regulations are reasonably necessary to protect the health, safety, and welfare of the public.

² The definitions as used in Tex. Loc. Gov. Code, Chapter 284, Sec. 284.002 shall be used in this Design Manual.

Tex. Loc. Gov. Code, Chapter 284, Sec. 284.002. DEFINITIONS. In this chapter:

^{(1) &}quot;Antenna" means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

^{(2) &}quot;Applicable codes" means:

⁽A) uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; and

⁽B) local amendments to those codes to the extent not inconsistent with this chapter.

^{(3) &}quot;Collocate" and "collocation" mean the installation, mounting, maintenance, modification, operation, or replacement of network nodes in a public right-of-way on or adjacent to a pole.

^{(4) &}quot;Decorative pole" means a streetlight pole specially designed and placed for aesthetic

purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal codes.

- (5) "Design district" means an area that is zoned, or otherwise designated by municipal code, and for which the city maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.
- (6) "Historic district" means an area that is zoned or otherwise designated as a historic district under municipal, state, or federal law.
- (7) "Law" means common law or a federal, state, or local law, statute, code, rule, regulation, order, or ordinance.
- (8) "Macro tower" means a guyed or self-supported pole or monopole greater than the height parameters prescribed by Section 284.103 and that supports or is capable of supporting antennas.
- (9) "Micro network node" means a network node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.
- (10) "Municipally owned utility pole" means a utility pole owned or operated by a municipally owned utility, as defined by Section 11.003, Utilities Code, and located in a public right-of-way.
- (11) "Municipal park" means an area that is zoned or otherwise designated by municipal code as a public park for the purpose of recreational activity.
- (12) "Network node" means equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term:
 - (A) includes:
 - (i) equipment associated with wireless communications;
 - (ii) a radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and
 - (iii) coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation; and
 - (B) does not include:
 - (i) an electric generator;
 - (ii) a pole; or
 - (iii) a macro tower.
 - (13) "Network provider" means:
 - (A) a wireless service provider; or
 - (B) a person that does not provide wireless services and that is not an electric utility but builds or installs on behalf of a wireless service provider:
 - (i) network nodes; or
 - (ii) node support poles or any other structure that supports or is capable of supporting a network node.
- (14) "Node support pole" means a pole installed by a network provider for the primary purpose of supporting a network node.
- (15) "Permit" means a written authorization for the use of the public right-of-way or collocation on a service pole required from a municipality before a network provider may perform an action or initiate, continue, or complete a project over which the municipality has police power authority.

- (16) "Pole" means a service pole, municipally owned utility pole, node support pole, or utility pole.
- (17) "Private easement" means an easement or other real property right that is only for the benefit of the grantor and grantee and their successors and assigns.
- (18) "Public right-of-way" means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest. The term does not include:
 - (A) a private easement; or
 - (B) the airwaves above a public right-of-way with regard to wireless telecommunications.
- (19) "Public right-of-way management ordinance" means an ordinance that complies with Subchapter C.
- (20) "Public right-of-way rate" means an annual rental charge paid by a network provider to a municipality related to the construction, maintenance, or operation of network nodes within a public right-of-way in the municipality.
- (21) "Service pole" means a pole, other than a municipally owned utility pole, owned or operated by a municipality and located in a public right-of-way, including:
 - (A) a pole that supports traffic control functions;
 - (B) a structure for signage;
 - (C) a pole that supports lighting, other than a decorative pole; and
 - (D) a pole or similar structure owned or operated by a municipality and supporting only network nodes.
- (22) "Transport facility" means each transmission path physically within a public right-ofway, extending with a physical line from a network node directly to the network, for the purpose of providing backhaul for network nodes.
 - (23) "Utility pole" means a pole that provides:
 - (A) electric distribution with a voltage rating of not more than 34.5 kilovolts; or
 - (B) services of a telecommunications provider, as defined by Section 51.002, Utilities Code.
- (24) "Wireless service" means any service, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using a network node.
- (25) "Wireless service provider" means a person that provides wireless service to the public.
- ³ Sec. 284.002. DEFINITIONS (8) "Micro network node" means a network node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.
- Sec. 284.003. LIMITATION ON SIZE OF NETWORK NODES. (a) Except as provided by Section 284.109, a network node to which this chapter applies must conform to the following conditions:
 - (1) each antenna that does not have exposed elements and is attached to an existing structure or pole:
 - (A) must be located inside an enclosure of not more than six cubic feet in volume;
 - (B) may not exceed a height of three feet above the existing structure or pole; and

- (C) may not protrude from the outer circumference of the existing structure or pole by more than two feet;
- (2) if an antenna has exposed elements and is attached to an existing structure or pole, the antenna and all of the antenna's exposed elements:
 - (A) must fit within an imaginary enclosure of not more than six cubic feet;
 - (B) may not exceed a height of three feet above the existing structure or pole; and
 - (C) may not protrude from the outer circumference of the existing structure or pole by more than two feet;
- (3) the cumulative size of other wireless equipment associated with the network node attached to an existing structure or pole may not:
 - (A) be more than 28 cubic feet in volume; or
 - (B) protrude from the outer circumference of the existing structure or a node support pole by more than two feet;
- (4) ground-based enclosures, separate from the pole, may not be higher than three feet six inches from grade, wider than three feet six inches, or deeper than three feet six inches; and
- (5) pole-mounted enclosures may not be taller than five feet.
- (b) The following types of associated ancillary equipment are not included in the calculation of equipment volume under Subsection (a):
 - (1) electric meters;
 - (2) concealment elements;
 - (3) telecommunications demarcation boxes;
 - (4) grounding equipment;
 - (5) power transfer switches;
 - (6) cut-off switches; and
 - (7) vertical cable runs for the connection of power and other services.
- (c) Equipment attached to node support poles may not protrude from the outer edge of the node support pole by more than two feet.
- (d) Equipment attached to a utility pole must be installed in accordance with the National Electrical Safety Code, subject to applicable codes, and the utility pole owner's construction standards.

TEXAS LOCAL GOVERNMENT CODE CHAPTER 284

POLE ATTACHMENT AGREEMENT

§

THE STATE OF TEXAS

COUNTY OF KLEBERG §
THIS AGREEMENT is made and entered into pursuant to Section 284.056, Section 284.201, and Section 284.301 of the Texas Local Government Code, effective this day of, by and between the CITY OF KINGSVILLE, TEXAS, hereinafter called "the City", and, hereinafter called "the
Network Provider," and is as follows:
WHEREAS , the Network Provider is a wireless telecommunications <i>network provider</i> as that term is defined in Section 284.002 of the Texas Local Government Code ("the Code); and
WHEREAS , the City owns certain public rights-of-way with service and or utility poles within its municipal territorial limits; and
WHEREAS , the Network Provider desires to attach certain <i>Network Nodes</i> , as that term is defined in Section 284.002 of the Code, on City-owned service poles and/or utility poles; and
WHEREAS, the Network Provider and the City desire to enter into this Agreement to secure authority from the City for the Network Provider to install certain Network Nodes on such City poles, subject to the City's <u>Design Manual for the Installation of Network Nodes and Node Support Poles</u> ("the Design Manual") and the City's Right-of-Way Management Ordinance; and
WHEREAS, this Agreement is entered into pursuant to Chapter 284 of the Texas Local Government Code, in order to address the desires of the Network Provider and the procedures of the City; and
WHEREAS, the Network Provider and the City acknowledge that this Agreement is binding upon the City and the Network Provider and their respective successors and assigns for the term (defined below) of this Agreement; and
NOW, THEREFORE, BE IT MUTUALLY AGREED AS FOLLOWS:
1. <u>Location of the City Poles</u> . The Service and/or Utility Poles owned by the City on which the Network Nodes are to be attached by the Network Provider are generally described as:

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	twork Provider the City Design	_			

- 2. The Network Provider acknowledges that it has received and reviewed the applicable provisions in the City Design Manual and the Right-of-Way Management Ordinance; and further acknowledges that this Pole Attachment Agreement is subject to the terms and regulations of each.
- 3. The Network Provider agrees to pay the City for collocation of its Network Nodes at the following annual rates:
 - a. <u>City Service Poles</u>: \$20.00 per year per service pole.
 - b. <u>City Utility Poles</u>: An annual pole attachment rate applied on a per-foot basis consistent with Section 54.024 of the Texas Utilities Code.
- 4. The City acknowledges that it will comply with the requirements of the Code and that it will allow the collocation of Network Nodes on the City service and utility poles on a non-exclusive, nondiscriminatory basis, subject to the Network Provider paying the applicable fees to the City and complying with the Design Manual and the Right-of-Way Management Ordinance.
- 5. Pursuant to Section 284.301 of the Texas Local Government Code, the Network Provider agrees that the City is authorized to enforce all of the City's regulations that do not materially interfere with the use of Network Nodes.
- 6. The primary term of this Agreement shall be five (5) years commencing upon the effective date first set forth above. This Agreement shall be automatically renewed and extended for subsequent one (1) year terms unless at least sixty (60) days prior to the expiration of the term either party shall give written notice to the other of the party's intent to terminate the Agreement at the end of the current term.

7. Any notice required or permitted under this Agreement shall be in writing and shall be delivered in hand or by registered or certified US mail. Notice to the Network Provider and the City may be addressed as follows:	

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City of Kingsville City Hall 400 West King Ave. Kingsville, Texas 78363

- 8. This Agreement may be enforced by Network Provider or City by any proceeding at law or in equity. Failure to do so shall not be deemed a waiver to enforce the Agreement thereafter.
- 9. If any provision contained in this Agreement is held unconstitutional, invalid or unenforceable, then the remaining provisions shall be deemed severable and shall remain in full force and effect.
- 10. This Agreement shall be governed by the law of the State of Texas and construed in conformity with the provisions of Texas Local Government Code, Chapter 284. Venue shall lie in Kingsville, Kleberg County, Texas.

IN WITNESS WHEREOF, the parties have signed and executed this Agreement effective as of the date first set forth above.

CITY OF KINGSVILLE, TEXAS	
	Dated:
City Manager	
ATTEST:	
City Secretary	
NETWORK PROVIDER:	
Signature of Authorized Officer	
	D / 1
Title of Authorized Officer	Dated:

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AGENDA ITEM #21