

# *City of Kingsville, Texas*

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## **AGENDA CITY COMMISSION MONDAY, MARCH 5, 2018 SPECIAL MEETING**

**CITY HALL  
HELEN KLEBERG GROVES COMMUNITY ROOM  
400 WEST KING AVENUE  
5:00 P.M.**

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


#### **OPEN MEETING**

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

**MINUTES OF PREVIOUS MEETING(S)**

NONE.

APPROVED BY:

  
\_\_\_\_\_  
Jesús A. Garza  
City Manager

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

1. NONE.

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

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police-Communications 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, Landfill Update, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation, Demolition Update, Planning Development Update, Golf Course Update. No formal action can be taken on these items at this time."*

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

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

**V.**

**Consent Agenda**

**Notice to the Public**

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2017-2018 budget to increase KFD Special Events Overtime for the NAS-Kingsville Wings Over South Texas Airshow. (Fire Chief).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2017-2018 budget to accept and expend Park donations from the Woman's Club. (Parks Manager).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2017-2018 budget to include a sponsorship for the NAS-Kingsville Wings Over South Texas Airshow. (City Manager).
4. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 15-6-21-Definitions to include a definition for Brewpub. (Director of Planning & Development Services).
5. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 6, Zoning, amending Appendix A-Land Use Categories to add Brewpub. (Director of Planning & Development Services).

**REGULAR AGENDA**

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

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

6. NONE.

**VII. Adjournment.**

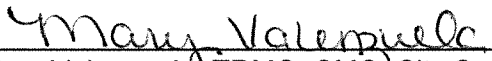
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

NOTICE

This City of Kingsville and Community Room are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/595-8002 or FAX 361/595-8024 or E-Mail mvalenzuela@cityofkingsville.com for further information. Braille Is Not Available. The City Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551-071 (Consultation with Attorney), 551-072 (Deliberations about Real Property), 551-073 (Deliberations about Gifts and Donations), 551-074 (Personnel Matters), 551-076 (Deliberations about Security Devices), 551-086 (Certain Public Power Utilities: Competitive Matters), and 551-087 (Economic Development).

I, the undersigned authority, do hereby certify that the Notice of Meeting was posted on the bulletin board located at the City of Kingsville City Hall, 400 West King Avenue, Kingsville, Texas, which is a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time:

March 1, 2018 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, CMC, City Secretary  
City of Kingsville, Texas

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

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

# **CONSENT AGENDA**

# **AGENDA ITEM #1**

**City of Kingsville  
Fire Department**

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**TO:** Mayor and City Commissioners

**CC:** Jesus A. Garza, City Manager

**FROM:** Adrian Garcia, Fire Chief / EMC

**DATE:** February 26th, 2018

**SUBJECT:** Budget Amendment KFD Overtime Account – NAS-K Wings Over Texas Airshow

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**Summary:**

The Kingsville Fire Department is requesting a budget amendment to the department's Overtime Account (001-5-220.0-1120.0) in the amount of \$1,330.00. The request comes due to insufficient funding planned to cover a request to support the NAS-Kingsville Wings Over Texas Airshow, March 24-25, 2018. The request comes from the NAS-Kingsville FD for additional fire, rescue, and EMS coverage over the two-day event. If approved, the KFD will support the event by providing a fully staffed Engine, MICU, and roving medic units throughout the duration of the event.

**Background:**

The following event is a recurring event that has been supported in the past and recurs every two years. By doing so, our department will provide additional fire, rescue, and EMS support to our NAS-Kingsville FD neighbors.

Lastly, the event is scheduled over two days and personnel will be working approximately ten (10) hour days, each day for a total of twenty (20) hours over the duration of the event.

**Financial Impact:**

In reviewing our current budgeted amount of \$3,100.00 for this event and conferring with our Finance Department, it was determined that an additional \$1,330.00 would have to be added for a total of \$4,430.00 to cover OT and benefits of our personnel during the event.

**Recommendation:**

The following budget amendment request supports the goals set by the Kingsville Fire Department to continue to support the NAS-Kingsville FD during the Wings Over Texas Airshow. Our recommendation is that the Commission approve the budget request, so we may continue to support this event as we have in the past.



**ORDINANCE NO. 2018-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2017-2018 BUDGET TO INCREASE KFD SPECIAL EVENTS OVERTIME FOR THE NAS KINGSVILLE WINGS OVER SOUTH TEXAS AIRSHOW.**

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

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2017-2018 budget be amended as follows:

**CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT**

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 001-General Fund</b>					
<b>Equity</b>					
2		Unassigned Fund Balance	61002		\$ 1,330
<b>Expenses</b>					
5-2200	Fire	Overtime-Special Events	11255	\$ 1,330	

[To amend the City of Kingsville FY 17-18 budget to increase Kingsville Fire Department Special Events Overtime as per the attached memo from the Fire Chief.]

II.

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

III.

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

IV.

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

**INTRODUCED** on this the 26<sup>th</sup> day of February, 2018.

**PASSED AND APPROVED** on this the \_\_ day of \_\_\_\_\_, 2018.

**EFFECTIVE DATE:**\_\_\_\_\_

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



## **AGENDA ITEM #2**

**City of Kingsville  
Parks & Recreation Department**

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TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Susan Ivy, Parks Manager

DATE: February 19, 2018

SUBJECT: Agenda Request – Receipt of \$25 donation from the Woman’s Club of Kingsville  
- Athena Department

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**Summary:**

The Parks & Recreation Department would like approval from City Commission to receive a \$25 donation from the Woman’s Club of Kingsville – Athena Department. These funds would be used to support our recreational opportunities and programs.

**Background:**

The Woman’s Club of Kingsville – Athena Department, provides financial support for presentations made by community organizations. A presentation of the Parks Master Plan was made to the organization.

**Financial Impact:**

The donation of \$25 will help support recreational opportunities and programs for the citizens of our community.

**Recommendation:**

We recommend that City Commission authorize the receipt of this donation in the amount of \$25 from the Woman’s Club of Kingsville – Athena Department, and amend the budget to record the acceptance of these funds into the parks budget.



**ORDINANCE NO. 2018-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2017-2018 BUDGET TO ACCEPT AND EXPEND PARK DONATIONS FROM THE WOMAN'S CLUB.**

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

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2017-2018 budget be amended as follows:

**CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT**

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 001 General Fund</b>					
<b>Revenues</b>					
4-4513	Parks-Recreation	Park Donations	58003	25.00	
<b>Expenses</b>					
5-4513	Parks-Recreation	Recreational Programs	31499	25.00	

[To amend the City of Kingsville FY 17-18 Budget to accept and expend a park donation from the Woman's Club of Kingsville – Athena Department as per the attached memo from the Parks Manager.]

II.

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

III.

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

IV.

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

**INTRODUCED** on this the 26<sup>th</sup> day of February, 2018.

**PASSED AND APPROVED** on this the \_\_ day of \_\_\_\_\_, 2018.

**EFFECTIVE DATE:** \_\_\_\_\_

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #3**

**City of Kingsville  
City Manager's Office**

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TO: Mayor and City Commissioners

FROM: Jesus A. Garza, City Manager

DATE: February 22, 2018

SUBJECT: Sponsorship Agreement for the 2018 Wings Over South Texas Airshow

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**Summary:**

This item authorizes the City Manager to enter into a sponsorship agreement with NAS-Kingsville Moral, Welfare & Recreation Department in the amount of \$3,000 for the 2018 Wings Over South Texas Airshow to be held on March 24 -25, 2018.

**Background:**

The Wings Over South Texas Airshow has a tremendous economic impact to Kingsville. This impact comes in the form of increased Hotel Occupancy Tax Dollars and Sales Tax revenue generated by the nearly 100,000 people that visit Kingsville over the event weekend.

The City of Kingsville has been a partner of the air show for a long time with in kind assistance which the City continues to do so for this air show. However, the City now has an opportunity to be a cash sponsor of the event as well. Being a cash sponsor allows the City to receive more recognition for this partnership relationship. This specific sponsorship level for \$3,000 comes with logos, ads, exhibit space and hospitality advantages that include 10 seats in the platinum tent, 5 sponsor parking passes, complimentary shuttle service to flightline from Sponsor lot, Early access to Wings of Gold Tent ticket sales and 5 tickets to the Sponsor Appreciation Party.

**Financial Impact:**

\$3,000 to be split between the General Fund and Tourism Funds (\$1,500/ea.)

**Recommendation:**

Staff recommends approval of this sponsorship opportunity.





# WINGS OVER SOUTH TEXAS AIR SHOW

**PANTHER: \$3,000**

## **PROMOTIONAL ADVANTAGES**

- Company logo on website
- 1/4 page full color advertisement in Air Show program

## **ON-SITE ADVANTAGES**

- May have 3 company provided banners throughout event
- Company message announced by Air Show announcer
- 10'x10' exhibit space

## **HOSPITALITY ADVANTAGES**

- 1 table in Platinum Tent (10 seats total) – choice of day
- 5 Sponsor Parking Passes (per day)
- Complimentary shuttle service to flightline from Sponsor lot
- Early access to Wings of Gold Tent ticket sales
- 5 tickets to the Sponsor Appreciation Party



**PANTHER and BEARCAT**

The Blue Angels flew the F9F Panther from 1948-1969  
and the F8F Bearcat from 1947-1948



**WINGSOVERSOUTHTEXAS.COM**

**ORDINANCE NO. 2018-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2017-2018 BUDGET TO INCLUDE A SPONSORSHIP FOR THE NAS-KINGSVILLE WINGS OVER SOUTH TEXAS AIR SHOW.**

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

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2017-2018 budget be amended as follows:

**CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT**

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 001 General Fund</b>					
<b>Equity</b>					
2		Unassigned Fund Balance	61002		\$ 1,500
<b>Expenses</b>					
5-1030	City Special	Prof Serv-NASK Air Show	31431	\$ 1,500	
<b>Fund 002 Tourism Fund</b>					
<b>Equity</b>					
2		Restricted-Tourism	61002		\$ 1,500
<b>Expenses</b>					
5-1071	Tourism Admin	Prof Serv-NASK Air Show	31431	\$ 1,500	

[To amend the City of Kingsville FY 17-18 General Fund and Tourism Fund budgets to include a sponsorship for the NAS Kingsville Wings Over South Texas Air Show as per the attached memo from the City Manager.]

II.

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

III.

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



phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

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

**INTRODUCED** on this the 26<sup>th</sup> day of February, 2018.

**PASSED AND APPROVED** on this the \_\_\_ day of \_\_\_\_\_, 2018.

**EFFECTIVE DATE:** \_\_\_\_\_

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #4**

**City of Kingsville**  
**Department of Planning and Development services**

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**TO:** Mayor and City Commissioners  
**CC:** Jesus A. Garza, City Manager  
**FROM:** Tom Ginter, Director  
**DATE:** February 16, 2018  
**SUBJECT:** The approval of the definition of a Brewpub and the Amending of Appendix A  
Land Use Category

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**Summary:** An individual in the community is interested in putting in a brewpub. Since this constitutes the brewing of beer on site that would be light manufacturing. We do not have anything in the zoning ordinance that gives us a good definition of a brewpub and where they should be located. The Planning and Zoning Commission has met once and has given staff direction on these issues.

**Background:** Brewpubs have become popular in the last 5 to 10 years and are now reaching Kingsville for the location of one. A former graduate of TAMUK is interested in establishing one here. We made an presentation to the Planning and Zoning Commission and also discussed his business model. They were receptive to the idea and want to work with him on moving this forward. To move it forward I gave them examples of definitions of a brewpub, how TABC is involved and how other cities classify them. Since there is brewing on site and the delivery of products it makes it different than a bar or a tavern. In this case if food is involved they often use food trucks to do that. He has looked at a site in the 5 points area on 14<sup>th</sup>. From that discussion and my research I have come up with a definition and a recommendation for its location when it comes to where it would not be allowed, permitted or a special use permit is required.

**Financial Impact:** I think the financial impact would be a positive one for the use of a vacant space for a business, sales tax and an entertainment type niche that is desired for our community.



**City of Kingsville**  
**Department of Planning and Development services**

**Recommendation:** The Planning and Zoning Commission met on Thursday, February 22<sup>nd</sup> and voted 4 to 0 to make a recommendation to approve the definition of a brewpub as cited in the ordinance and to where brewpubs will be allowed as shown in the ordinance.



**City of Kingsville**  
**Department of Planning and Development services**

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TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director

DATE: February 16, 2018

SUBJECT: The approval of the definition of a Brewpub and the Amending of Appendix A Land Use Category

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**Summary:** An individual in the community is interested in putting in a brewpub. Since this constitutes the brewing of beer on site that would be light manufacturing. We do not have anything in the zoning ordinance that gives us a good definition of a brewpub and where they should be located. The Planning and Zoning Commission has met once and has given staff direction on these issues.

**Background:** Brewpubs have become popular in the last 5 to 10 years and are now reaching Kingsville for the location of one. A former graduate of TAMUK is interested in establishing one here. We made an presentation to the Planning and Zoning Commission and also discussed his business model. They were receptive to the idea and want to work with him on moving this forward. To move it forward I gave them examples of definitions of a brewpub, how TABC is involved and how other cities classify them. Since there is brewing on site and the delivery of products it makes it different than a bar or a tavern. In this case if food is involved they often use food trucks to do that. He has looked at a site in the 5 points area on 14<sup>th</sup>. From that discussion and my research I have come up with a definition and a recommendation for its location when it comes to where it would not be allowed, permitted or a special use permit is required.

**Financial Impact:** I think the financial impact would be a positive one for the use of a vacant space for a business, sales tax and an entertainment type niche that is desired for our community.



**City of Kingsville**  
**Department of Planning and Development services**

**Recommendation:** The Planning and Zoning Commission will be meeting to make a recommendation on the definition of a brewpub and where it can be located. I will be able to get to the City Secretary on Thursday the 22<sup>nd</sup> as to how that vote went in regards to the recommendation. I have attached memos that I have given to the Planning and Zoning Commission. While you will see a microbrewery mentioned it was determined that it was best to concentrate on a brewpub first and work on the other type of establishments in the future.



To: Planning and Zoning Commission Members

From: Tom Ginter, Director

Date: February 16, 2018

Subject: Agenda items concerning Brewpubs

At our last meeting we discussed brewpubs with a potential owner present to talk about what his plan was for the business. We also talked about what makes them different from other like businesses and where they should be located. Here is my recommendation for the two items that would allow us to go forward with this request.

I have given you examples of definitions in a previous packet. From those examples, I would like to suggest the following:

**Brewpub**

An establishment which holds a valid permit from the Texas Alcohol Beverage Control Board for the manufacture, processing and packaging of alcoholic beverages. Can make and sell beer on site to sell off and on site. Can self-distribute to stores and bars. Can sell other beers for onsite consumption but only their own beer to go. Limited to 10,000 barrels a year in production.

In the example that was given to us if a food truck is utilized then the food truck ordinance would be used comparing to what they would want to do.

Where allowed in Appendix A – Land Use Category

Not allowed in R1, R2, R3, R4 and A

Permitted in C2, C4, I1 and I2

Special Use in C3

To: Planning and Zoning Commission

From: Tom Ginter, Director

Date: February 2, 2018

Subject: Agenda Items

1. As you recall I distributed information to you about this subject matter. Please review this information. The first thing to understand is how these uses are defined. There are two sources of definitions, one that I have found through research through the Planners Dictionary and one that TABC uses. The one that TABC uses is in the document that I have included is in the packet(which has an asterisk next to it). There is also a table that shows the differences. I would like to add one more definition to the list of two and that is the definition of a microbrewery Microbrewery is a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. The development may include the uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district. As you review the differences of the three the microbrewery would be able to brew more beer than a brewpub but not as much as a brewery.

The next thing is to give you an idea of where related uses are allowed in Kingsville. So I have broken these into two categories uses related to a brew pub, microbrewery and a brewery.

**Related uses to a brewpub and a microbrewery**

Restaurant: Special use in C1, Permitted in C2, C3, C4, I1 and I2

Package Liquor: Special use in C1, C2 Permitted in C3 C4

Tavern: Special Use in C1, C2 Permitted in C3, C4

Dance Hall, Night Club: Special use in C2 Permitted in C3, C4, I1

**Related uses to a brewery**

Bakery, Wholesale: Special use in C3, Permitted in C4, I1

Cabinet, Furniture Upholstery Shop: Permitted in C2, C3, C4, I1, I2

Cleaning Laundry: Special Use C3, Permitted C3, C4, I1



## Code of Ordinances for the City of Nacodogches, TX

Definition of Microbrewery: Means a business which:

1. Operates under a manufacturer's license as described in VTCA Alcoholic Beverage Code Chapter 62 issues by the TABC
2. May operate, but is not required to operate under a brewer's permit as described in VTCA ABC Chapter 12 issued by the TABC
3. Has a total maximum production per year of beer, malt liquor and ale of not more than 15,000 barrels (465,000 standard gallons)
4. Does not produce or generate any generally obnoxious odors

Land Use Table for a Microbrewery

Special Use in B2, B3

Permitted in I1, I2

ORDINANCE NO.2018-\_\_\_\_\_

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING SECTION 15-6-21-DEFINITIONS TO INCLUDE A DEFINITION FOR BREWPUB; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City received a request from an individual in the community who is interested in establishing a brewpub, but there is no suitable definition for a brewpub or related zoning designations;

WHEREAS, the City Planning and Zoning Commission considered this request at a publicly posted meeting on February 21, 2018 and voted [REDACTED] the changes stated herein;

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:

I.

THAT Sections 15-6-21 of Article 6: Zoning of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

...

§ 15-6-21 DEFINITIONS.

...

*Bakery or confectionery shop, retail.* A place for preparing, baking, or selling all products on the premises where prepared (no deliveries to buyers, wholesaler, or other retail outlets).

*Basement.* A story below the first story as hereinafter defined.

*Boarding or rooming house.* A building other than a hotel, where lodging is permitted or meals are served for compensation.

*Brewpub.* An establishment which holds a valid permit from the Texas Alcohol Beverage Control Board for the manufacture, processing and packaging of alcoholic beverages that can make and sell beer on-site to sell off and on-site, that can self-distribute to stores and bars that can sell other beers for on-site consumption but only their own beer to-go, and that is limited in production to 10,000 barrels a year.

*Cargo containers.* A metal structure specifically constructed for shipment of goods by ship, rail, or truck that is later used as a place to store goods and materials.

*Cleaning or laundry self service shop. Self service shop with customer operated machines.*

...

(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; Ord. 2017-34, passed 8-29-17)

## II.

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

## III.

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

## IV.

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

## V.

**THAT** nothing in this ordinance 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 26<sup>th</sup> day of February, 2018.

**PASSED AND APPROVED** on this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**EFFECTIVE:** \_\_\_\_\_

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

**ATTEST:**

Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

Courtney Alvarez, City Attorney

ORDINANCE NO.2018-\_\_\_\_\_

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING SECTION 15-6-21-DEFINITIONS TO INCLUDE A DEFINITION FOR BREWPUB; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, the City received a request from an individual in the community who is interested in establishing a brewpub, but there is no suitable definition for a brewpub or related zoning designations;

**WHEREAS**, the City Planning and Zoning Commission considered this request at a publicly posted meeting on February 21, 2018 and voted 4-0 for the changes stated herein;

**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:**

I.

**THAT** Sections 15-6-21 of Article 6: Zoning of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

...

**§ 15-6-21 DEFINITIONS.**

...

*Bakery or confectionery shop, retail.* A place for preparing, baking, or selling all products on the premises where prepared (no deliveries to buyers, wholesaler, or other retail outlets).

*Basement.* A story below the first story as hereinafter defined.

*Boarding or rooming house.* A building other than a hotel, where lodging is permitted or meals are served for compensation.

*Brewpub.* An establishment which holds a valid permit from the Texas Alcohol Beverage Control Board for the manufacture, processing and packaging of alcoholic beverages that can make and sell beer on-site to sell off and on site, that can self-distribute to stores and bars, that can sell other beers for on-site consumption but only their own beer to-go, and that is limited in production to 10,000 barrels a year.

*Cargo containers.* A metal structure specifically constructed for shipment of goods by ship, rail, or truck that is later used as a place to store goods and materials.

*Cleaning or laundry self service shop. Self service shop with customer operated machines.*

...

(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; Ord. 2017-34, passed 8-29-17)

II.

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

III.

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

IV.

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

V.

**THAT** nothing in this ordinance 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 26<sup>th</sup> day of February, 2018.

**PASSED AND APPROVED** on this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**EFFECTIVE:** \_\_\_\_\_

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

## **AGENDA ITEM #5**



**City of Kingsville**  
**Department of Planning and Development services**

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TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director

DATE: February 16, 2018

SUBJECT: The approval of the definition of a Brewpub and the Amending of Appendix A  
Land Use Category

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**Summary:** An individual in the community is interested in putting in a brewpub. Since this constitutes the brewing of beer on site that would be light manufacturing. We do not have anything in the zoning ordinance that gives us a good definition of a brewpub and where they should be located. The Planning and Zoning Commission has met once and has given staff direction on these issues.

**Background:** Brewpubs have become popular in the last 5 to 10 years and are now reaching Kingsville for the location of one. A former graduate of TAMUK is interested in establishing one here. We made an presentation to the Planning and Zoning Commission and also discussed his business model. They were receptive to the idea and want to work with him on moving this forward. To move it forward I gave them examples of definitions of a brewpub, how TABC is involved and how other cities classify them. Since there is brewing on site and the delivery of products it makes it different than a bar or a tavern. In this case if food is involved they often use food trucks to do that. He has looked at a site in the 5 points area on 14<sup>th</sup>. From that discussion and my research I have come up with a definition and a recommendation for its location when it comes to where it would not be allowed, permitted or a special use permit is required.

**Financial Impact:** I think the financial impact would be a positive one for the use of a vacant space for a business, sales tax and an entertainment type niche that is desired for our community.



**City of Kingsville**  
**Department of Planning and Development services**

**Recommendation:** The Planning and Zoning Commission met on Thursday, February 22<sup>nd</sup> and voted 4 to 0 to make a recommendation to approve the definition of a brewpub as cited in the ordinance and to where brewpubs will be allowed as shown in the ordinance.



**ORDINANCE NO. 2018-\_\_\_\_\_**

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER XV, ARTICLE 6, ZONING, AMENDING APPENDIX A-LAND USE CATEGORIES TO ADD BREWPUB; 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/FAILED with a 0-0 vote of the Planning Commission on the requested zoning chart change 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:**

I.

**THAT** Article 6: Zoning of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, Appendix A-Land Use Categories, Section 1-Land Use Chart shall be amended to read as follows:

*Use Regulations and Districts*

...

**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 Chart													
<i>Retail or Related Uses</i>	R1	R2	R3	R4	MH	C1	C2	C3	C4	I1	I2	Ag	
...													
Bakery, wholesale								S	P	P			
<u>Brewpub</u>							P	S	P	P	P		
Building materials sales							S	P	P	S			
...													

...

## II.

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

## III.

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

## IV.

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

Effective Date: \_\_\_\_\_, 2017

**INTRODUCED** on this the 26th th day of February, 2018.

**PASSED AND APPROVED** on this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**City of Kingsville**  
**Department of Planning and Development services**

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TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director

DATE: February 16, 2018

SUBJECT: The approval of the definition of a Brewpub and the Amending of Appendix A Land Use Category

---

**Summary:** An individual in the community is interested in putting in a brewpub. Since this constitutes the brewing of beer on site that would be light manufacturing. We do not have anything in the zoning ordinance that gives us a good definition of a brewpub and where they should be located. The Planning and Zoning Commission has met once and has given staff direction on these issues.

**Background:** Brewpubs have become popular in the last 5 to 10 years and are now reaching Kingsville for the location of one. A former graduate of TAMUK is interested in establishing one here. We made an presentation to the Planning and Zoning Commission and also discussed his business model. They were receptive to the idea and want to work with him on moving this forward. To move it forward I gave them examples of definitions of a brewpub, how TABC is involved and how other cities classify them. Since there is brewing on site and the delivery of products it makes it different than a bar or a tavern. In this case if food is involved they often use food trucks to do that. He has looked at a site in the 5 points area on 14<sup>th</sup>. From that discussion and my research I have come up with a definition and a recommendation for its location when it comes to where it would not be allowed, permitted or a special use permit is required.

**Financial Impact:** I think the financial impact would be a positive one for the use of a vacant space for a business, sales tax and an entertainment type niche that is desired for our community.



**City of Kingsville**  
**Department of Planning and Development services**

**Recommendation:** The Planning and Zoning Commission will be meeting to make a recommendation on the definition of a brewpub and where it can be located. I will be able to get to the City Secretary on Thursday the 22<sup>nd</sup> as to how that vote went in regards to the recommendation. I have attached memos that I have given to the Planning and Zoning Commission. While you will see a microbrewery mentioned it was determined that it was best to concentrate on a brewpub first and work on the other type of establishments in the future.



To: Planning and Zoning Commission Members

From: Tom Ginter, Director

Date: February 16, 2018

Subject: Agenda items concerning Brewpubs

At our last meeting we discussed brewpubs with a potential owner present to talk about what his plan was for the business. We also talked about what makes them different from other like businesses and where they should be located. Here is my recommendation for the two items that would allow us to go forward with this request.

I have given you examples of definitions in a previous packet. From those examples, I would like to suggest the following:

**Brewpub**

An establishment which holds a valid permit from the Texas Alcohol Beverage Control Board for the manufacture, processing and packaging of alcoholic beverages. Can make and sell beer on site to sell off and on site. Can self-distribute to stores and bars. Can sell other beers for onsite consumption but only their own beer to go. Limited to 10,000 barrels a year in production.

In the example that was given to us if a food truck is utilized then the food truck ordinance would be used comparing to what they would want to do.

Where allowed in Appendix A – Land Use Category

Not allowed in R1, R2, R3, R4 and A

Permitted in C2, C4, I1 and I2

Special Use in C3



To: Planning and Zoning Commission

From: Tom Ginter, Director

Date: February 2, 2018

Subject: Agenda Items

1. As you recall I distributed information to you about this subject matter. Please review this information. The first thing to understand is how these uses are defined. There are two sources of definitions, one that I have found through research through the Planners Dictionary and one that TABC uses. The one that TABC uses is in the document that I have included is in the packet(which has an asterisk next to it). There is also a table that shows the differences. I would like to add one more definition to the list of two and that is the definition of a microbrewery Microbrewery is a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. The development may include the uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district. As you review the differences of the three the microbrewery would be able to brew more beer than a brewpub but not as much as a brewery.

The next thing is to give you an idea of where related uses are allowed in Kingsville. So I have broken these into two categories uses related to a brew pub, microbrewery and a brewery.

**Related uses to a brewpub and a microbrewery**

Restaurant: Special use in C1, Permitted in C2, C3, C4, I1 and I2

Package Liquor: Special use in C1, C2 Permitted in C3 C4

Tavern: Special Use in C1, C2 Permitted in C3, C4

Dance Hall, Night Club: Special use in C2 Permitted in C3, C4, I1

**Related uses to a brewery**

Bakery, Wholesale: Special use in C3, Permitted in C4, I1

Cabinet, Furniture Upholstery Shop: Permitted in C2, C3, C4, I1, I2

Cleaning Laundry: Special Use C3, Permitted C3, C4, I1

Code of Ordinances for the City of Nacodogches, TX

Definition of Microbrewery: Means a business which:

1. Operates under a manufacturer's license as described in VTCA Alcoholic Beverage Code Chapter 62 issues by the TABC
2. May operate, but is not required to operate under a brewer's permit as described in VTCA ABC Chapter 12 issued by the TABC
3. Has a total maximum production per year of beer, malt liquor and ale of not more than 15,000 barrels (465,000 standard gallons)
4. Does not produce or generate any generally obnoxious odors

Land Use Table for a Microbrewery

Special Use in B2, B3

Permitted in I1, I2

**ORDINANCE NO. 2018-\_\_\_\_\_**

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**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 4-0 vote of the Planning Commission on the requested zoning chart change with no abstentions; and

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

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**APPENDIX A. - LAND USE CATEGORIES**

**Sec. 1. - Land use chart.**

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

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[Land Use Chart on the following pages]

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<i>Retail or Related Uses</i>	R1	R2	R3	R4	MH	C1	C2	C3	C4	I1	I2	Ag
...												
Bakery, wholesale								S	P	P		
<u>Brewpub</u>							P	S	P	P	P	
Building materials sales							S	P	P	S		
...												

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Effective Date: \_\_\_\_\_, 2017

**INTRODUCED** on this the 26th th day of February, 2018.

**PASSED AND APPROVED** on this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

**ATTEST:**

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Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

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Courtney Alvarez, City Attorney