

City of Kingsville, Texas

AGENDA CITY COMMISSION

**MONDAY, JUNE 11, 2018
REGULAR MEETING**

**CITY HALL
HELEN KLEBERG GROVES COMMUNITY ROOM
400 WEST KING AVENUE
6:00 P.M.**

I. Preliminary Proceedings.

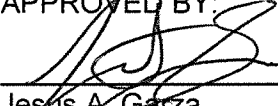
OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – May 29, 2018

APPROVED BY:



Jesus A. Garza
City Manager

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

1. Public hearing regarding a Special Use Permit for 981 N. Lantana, also known as KT&I Co., Block 9, Lot 50x162.6 SW PT 1 (closed Lee St. between Block 6 & 7), for a residential accessory and incidental use. Agent Roque Ordonez for owner Fernando Cruz. (Director of Planning & Development Services).
2. Public hearing regarding an ordinance changing the zoning map in reference to 3rd, Block 6, Lot 14-16, also known as 529 E. Ella Street, from R1-Single Family to R3-Multi-Family District. Agent Roque Ordonez for owner Santiago Cantu. (Director of Planning & Development Services).
3. Public hearing regarding condemnation proceeding for structures located at 414 W. Kenedy, Kingsville, Texas. (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 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, Municipal Court Update. No formal action can be taken on these items at this time."

IV. Public Comment on Agenda Items.³

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

V.

Consent Agenda

Notice to the Public

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2017-2018 Budget to accept and expend park donations. (Parks Manager).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2017-2018 budget to fund an Economic Development Strategic Plan. (City Manager).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2017-2019 Budget for interfund and interdepartmental transfers. (Finance Director).
4. Motion to approve resolution authorizing the City of Kingsville to continue participation in the Texas Main Street Program, authorizing the Mayor to execute the Texas Main Street Locally Designated Program 2018 Contract, and designating Downtown Manager Cynthia Martin as the Main Street Program Manager for the City of Kingsville to coordinate program activities. (Downtown Manager).
5. Motion to approve amended resolution authorizing the City Manager to enter into a Governmental Finance Contract (no.8199) between Government Capital Corporation and the City of Kingsville for a street sweeper, to correct typo. (City Attorney/Purchasing Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

6. Consider condemnation of structure(s) located at 414 W. Kenedy, Kingsville, Texas. (Director of Planning & Development Services).
7. Consider introduction of an ordinance by granting a Special Use Permit for 981 N. Lantana, also known as KT&I Co., Block 9, Lot 50x162.6 SW PT 1 (closed Lee St.

between Block 6 & 7), for a residential accessory and incidental use. (Director of Planning & Development Services).

8. Consider introduction of an ordinance by changing the zoning map in reference to 3rd, Block 6, Lot 14-16, also known as 529 E. Ella Street, from R1-Single Family to R3-Multi-Family District. (Director of Planning & Development Services).

9. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter II-Administration, Article 3-Departments, Boards, & Commissions, by amending Section 3-3-101, providing for the creation of an additional hotel representative on the Hotel Occupancy Tax Advisory Board and removing the Tourism Director as a voting member. (Tourism Director).

10. Consider a resolution authorizing the Mayor to execute an Easement Agreement (utility) with the Board of Regents of the Texas A&M University System for construction and maintenance of fiber optic, water, and electrical lines (across West Santa Gertrudis Avenue). (City Attorney/City Engineer).

11. Consider accepting donation of \$1,200 from La Posada de Kingsville for Parks Department. (Parks Manager).

12. Consider introduction of an ordinance amending the FY17-18 Budget to accept and expend Park donations from La Posada de Kingsville. (Parks Manager).

13. Consider introduction of an ordinance amending the FY17-18 Budget to include the final totals for two capital leases. (Finance Director).

14. Discussion of Utility Fund Capital Improvement Plan and Maintenance Plan for 2019-2029. (City Manager).

15. Discuss and consider sale of certain City-owned real property. (City Manager).

16. Executive Session: Pursuant to Section 551.072, Texas Government Code, Deliberations regarding Real Property Exception, the City Commission shall convene in Executive Session to discuss the purchase, exchange, lease, or value of real property as deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. (City Manager).

VII. Adjournment.

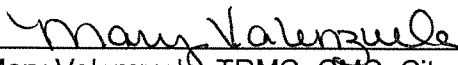
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

June 7, 2018 at 4:00 P.M. and remained so posted continuously for at least 72 hours preceeding 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

MINUTES OF PREVIOUS MEETING(S)

MAY 29, 2018

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MAY 29, 2018 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 6:00 P.M.

CITY COMMISSION PRESENT:

Sam Fugate, Mayor
Edna Lopez, Commissioner
Hector Hinojosa, Commissioner
Dianne Leubert, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Jesus Garza, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Kyle Benson, IT Manager
Tom Ginter, Director of Planning & Development Services
Bill Donnell, Public Works Director
Rudy Mora, City Engineer
Deborah Balli, Finance Director
Derek Williams, IT
David Solis, Risk Manager
Jennifer Bernal, Community Appearance Supervisor
Robert Rodriguez, Library Director
Pete Pina, Landfill Supervisor
Diana Gonzales, Human Resources Director
Richard Flores, Golf Course Manager
Susan Ivy, Parks Manager
Cynthia Martin, Downtown Manager
Jeanine Reyes, Tourism Director
Ricardo Torres, Chief of Police

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 6:00 P.M. all five Commission members present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – May 14, 2018

Motion made by Commissioner Lopez to approve the minutes of May 14, 2018 as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Leubert, Pecos, Fugate voting “FOR”. Hinojosa “ABSTAINED”.

Special Meeting – May 17, 2018

Motion made by Commissioner Lopez to approve the minutes of May 17, 2018 as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting “FOR”.

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

1. None.

III. Reports from Commission & Staff.²

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

Mayor Fugate read and presented a proclamation, plaque, Key to the City, and a watch to former City Commissioner Al Garcia for his dedicated service to the City of Kingsville City Commission for the past 22 years. Mayor Fugate thanked Commissioner Garcia for all his dedication and hard work he has contributed to this community.

Mr. Al Garcia, thanked the community and the City Commission for having given him the opportunity to serve his community for the past 22 years.

Mr. Bill Donnell, Public Works Director gave a Streets Update. Donnell stated that on the road construction projects, the department had been working on the JK Northway parking lot prior to the Annual Gypsy Rally. The department did start on 11th Street between Alice and Elizabeth on a repair where the alley crosses, there was some base failure. Donnell stated that the crew was pulled from this project to work behind Fire Station No. 2, where the road base failed which could cause a fire truck to not be able to get in or out; this project will take the rest of this week making this repair. After this is done, the crew will be moved to Lee Street, between Armstrong and Wanda. Future streets are at 11th Street to Elizabeth to Ailsie and a full depth construction on 19th Street next to the Washeteria on King to Kenedy. Crews have been mowing from Tranquitas Creek, from N. Armstrong as well as Golf Course Road, Shelly Drive and King and Caesar overpasses. Crews are patching in Zones 8 & 9, weed spraying in Zone 6, and sweeping Zone 11 and thoroughfares. Donnell stated that a question was asked about sweeping the zones in residential areas, staff is working on getting back to doing the sweeping in residential areas, but due to staffing issues and sweeper issues caused for crews to stay off the residential areas but will be worked back into slowly. Donnell further stated that the new street sweeper should arrive next week.

Mr. Jesús Garza, City Manager stated that the RFP that had been discussed in the past, the streets RFP came about due to staff falling behind with the SMIT Program, some of it is staffing issues and other issues. There are street priority issues as this division gets tasked with other projects. Staff proceeded to posting an RFP in order to get a third-party

company to come on board to assist with street improvements utilizing the funds from the Street User Fee. Garza stated that this process is currently ongoing and this specific RFP closed in mid-June with the anticipation of the review process occurring at the end of June with bringing forward a recommendation to the City Commission at the first meeting in July. After the approval is done, the finalizing of contracts will begin to take place, which staff is looking forward to finalize by the end of July so that staff can start assigning some road improvement repairs to the third-party company, that may get awarded the bid.

Mr. Richard Flores, Golf Course Manager presented the Commission with a power-point update on the Golf Course. The power-point presentation included pictures of the Golf Course greens renovation week 6. Flores stated that things are going according to plan, it has been a bit rough out there due to weather conditions. The course is on schedule to open on June 1st. The greens are a little thin, but no worse than a heavy aerification and top dressing, which is regular procedure. Flores stated that he plans on opening them on June 1st, mainly to alleviate the pressure from temporary greens and start on a full watering routine on the greens and tee's, as well as on some fairways. He stated that he says some fairways as it does no good to water dirt, unless it is tilled up, fertilized and seeded. He continued on with his presentation, on number 8 green. He stated that it is filling in nicely. The irrigation system is working on number 6 and the sand trap. Flores stated that as they move forward, they will be cleaning up around all the greens as well as weed eating and edging around the sand traps. There will also be new tin cups and tee markers set up. Flores stated that with the upcoming hot days approaching, the weather will slow down progress at the Golf Course.

Commissioner Hinojosa asked if all the greens are ready to be played by June 1st? Mr. Flores responded that they will be ready by June 1st. Commissioner Hinojosa further asked that by looking at the picture on the presentation, he sees a lot of white stuff and asked what this was. Mr. Flores responded that this is sand. Commissioner Hinojosa further asked if they were ready to be played on? Mr. Flores responded yes. Flores also stated that what staff will do is that they will double cut them today; tomorrow they will top dress and will drag them in and will continue the growing program, which is to fertilize heavy and water and should be puttable on Friday. Flores continued to state that they may be a little bumpy as they grow-in but with the amount of golf the course is receiving at this time it's not going to deter opening them up.

Commissioner Leubert asked when staff expects the greens to be fully ready to play on? Mr. Flores responded that completely to be grown-in, he would give them another couple of weeks, but it does require more fertilizer and top dressing and water.

Commissioner Hinojosa asked if staff could delay the opening of those greens for another two weeks? Mr. Flores responded that it can be delayed, which would be better for the greens. He further stated that he has been telling everyone June 1st, but it would protect the greens if it was delayed another couple of weeks. Commissioner Hinojosa commented that he would like to see it held off for another couple of weeks but stated that this was just his opinion.

Commissioner Pecos asked if the Golf Course would recommend what is being said by Commissioner Hinojosa? Mr. Flores responded that he would recommend another two weeks. Flores stated that it is better to open them up when they are ready although it may create some negativity in the way the golfers view the operations. Commissioner Pecos commented that he agrees with Commissioner Hinojosa's comments.

Commissioner Hinojosa commented that he was at the golf course yesterday and spoke with some of the golfers and they stated that they don't mind waiting another two weeks, but it would need to be communicated to them that this is the plan.

Mr. Flores commented that staff can do this and he is not opposed in doing the right thing for the golf course and the city.

Commissioner Pecos asked Mrs. Courtney Alvarez, City Attorney if the Commission needed to make a motion.

Mrs. Alvarez and Mayor Fugate both responded no, it is not their decision. It is an operational decision to be made by staff. Mayor Fugate commented that what the Commission is doing is just advising. Fugate further commented that the City Commission doesn't get into the operational decision making.

Commissioner Hinojosa commented that the Commission can make recommendations. Mayor Fugate commented that only recommendations can be made.

Mr. Jesús Garza presented the Quarterly Budget Report for the second quarter ending March 31, 2018. Garza reported that a lot of these numbers on this report will be at 50% and some will not be. Total revenues with the General Fund is close to 60% of the revenues. Ad Valorem taxes are collected primarily the first two quarters of the year because of when they are due and this number will always be higher at the end of the second quarter. At the end of March 31st, we are at 92% of what was budgeted which equates to \$5.3 million dollars. At this time last year, at the end of March we were at \$4.9 million dollars. From a collection standpoint, it was budgeted at 98% collection rate with our taxes. In non-property tax revenue, which includes sales tax, permits & fees, and a few others, it is at about 50%. Sales tax is a bit higher than the 50%; it has been received in the first six months \$2.46 million dollars in sales tax revenue which is an increase from the \$2.425 that was received last fiscal year. Garza commented that when staff went through the budgeting process for sales tax revenue, the expectation for sales tax revenue was increased; budgeted was \$4.575 and this year staff budgeted receiving \$4.7. Garza further commented that for historical purposes, five years ago in FY 13-14, what was budgeted at that time was \$4.3, so it has increased somewhat in just that five-year period. Permits & Licenses through the Planning Department, which is an area that staff has been tracking and seeing a decrease for a while and continues to decrease even this fiscal year. After six months and after the end of March, we are at only 43% of estimated revenues for this department. A financial figure for this is \$111,000, close to \$112,000. If you contrast that to fiscal year 2017, it was at \$142,000 after six months, which is quite a drop. Percentage wise it may seem not that bad, we are in the 40 percent tile, it is simply because of the amount that was budgeted is different. Last fiscal year it was budgeted in receiving \$275,000, and last year after six months we were at 51% of that, but now we are at 43% of \$256,000. The number that is budgeted for Planning continues on the downward spiral. From a budgetary standpoint in fiscal year 2015 it was budgeted \$361,000 and this fiscal year it was budgeted at \$256,000, which shows a downward spiral.

Commissioner Hinojosa commented that he was a little confused on the sales tax section of the report. Where the report states "actual first quarter", it says \$5.3 million dollars year-to-date, Hinojosa asked which is correct, should it be second quarter? He further commented that there are some others on page 9 and page 10 of the report, which shows first quarter. He stated that he is only trying to see which is correct.

Mr. Garza responded that it is a typo, they should read second quarter.

Commissioner Hinojosa further asked that on sales tax, it was mentioned that staff budgeted more than what was budgeted last year, he asked for staff to explain that on the sales tax at the end of the year, staff adjust the sales tax, which goes back to an accrual method, and further asked if this was correct. He stated that right now it is being recorded on a cash basis but there are some sales tax in October and November that really belong to last year and asked if this was correct.

Mr. Garza responded that this was correct because of when they are received. When staff budgeted, it is based off of estimates which is part of the reason that when staff goes through the audit process, the audit process doesn't begin until January, because things like sales tax don't reconcile until the end of the year even though the fiscal year doesn't end until October 31st. The numbers that are listed for the budget, are numbers that staff estimates as to where staff thinks we are going to be with revenues and when staff goes through the CAFR exercise, that confirms the numbers with actuals.

Commissioner Hinojosa further asked that in the sales tax, it was mentioned that the amount budgeted was increased from last year, is staff keeping track as far as the amount of money is coming in on a monthly basis? Because, it is not a comparison to apples to apples, because of those two months.

Mr. Garza responded that staff is comparing apples to apples simply because when this report was produced last year.

Commissioner Hinojosa commented that he disagrees.

Mr. Garza continued his comment and stated that it was sort of under the same assumption. When staff compares CAFR to CAFR, the numbers will be slightly different. Garza further commented that the purpose of the increase, last year we were tracking through these quarterly budget reports and even monthly reports, an increase in sales tax. For example, if you would go back to last year, just on this report, it shows that sales tax, after six months, it was at 53%, so we continue to track an increase in sales tax revenue, which is the rationale that we utilize to increase the budgetary amount for the sales tax for this fiscal year. Garza stated that because the way the accounting process works, that the actuals may be slightly different, which is why the city goes through the CAFR exercise. Garza stated that when staff goes through the budget exercise, as this summer, staff will utilize the CAFR number, which is now finalized a couple of months ago, that's the number that will be utilized in comparing the historical data which is what is projected for next year.

Commissioner Lopez asked that in Permits & Licenses, the shortfall in there is it due to not having anyone on staff, where we have the vacancy, is this the reason.

Mr. Garza responded no. He further stated that staff is seeing a decrease in residential permits as well as a decrease in commercial permits as well. The city went through some years of some pretty large projects, such as big apartment complexes and went through years where there were more residential permits, so it is simply just due to decrease of development. Because there is a decrease in development, and revenues are down, staff is holding that one particular position that Lopez was referencing, staff is holding it open simply because of the money. Garza stated that the department is not bringing in the money that it needs to sort of continue to run. This specific position is not one that is charged with bringing in new development, so from staff's standpoint there is no direct positive correlation between the Building Inspector and the revenues. Garza further stated that even though there are some small fees that are associated with doing some inspections, but in terms of workload, our current employee is covering that workload. Garza referred to a report that was given sometime back, which is based on a calendar

basis. Some of the figures shown on this report, back in 2016, there were 44 single-family residential permits and in 2017, there were 29. For 2018, when this report was done back in January or February, it showed 3. Garza stated that by seeing this report, there is just a decrease in development. As for commercial development, in calendar year 2017, there were 13 commercial developments and in 2018 there was only 1, at the time of this report, which was earlier this year.

Mr. Garza continued with reporting on the quarterly report ending March 31st. He stated that relating to Municipal Court fines, this is one that historically has been talked about being behind, but he is happy to report that for this fiscal year we are hitting the 50% mark. This fund is more or less on track with what was budgeted this fiscal year. He stated that staff did budget a significant amount this year than what was budgeted last year. Last year it was budgeted \$835,000 in revenue for Municipal Court, which is why it was falling behind last year when staff was tracking through the budget report. This fiscal year staff only budgeted \$760,000. He stated that staff dropped the expectation which meant now that it is more on track from a percentage standpoint, although it does continue to decline as well. Municipal Court specifically with us, is one of those departments where you will probably see a plateau. We know that we are not a growing community to the degree that we would all like too, and so the number of citations that are issued and court cases that are heard by the Municipal Court Judge are at a consistent basis and so Municipal Court revenues isn't something that we shouldn't expect to continue to increase yearly. Where we are right now is just simply trying to figure out where that plateau is so that staff can budget accordingly. By just looking at the numbers, in fiscal year 2016 it was budgeted \$960,000, in fiscal year 2018 it was budget \$835,000 and in this fiscal year it was budgeted \$760,000. With this, staff keeps dropping the expectation the Municipal Court revenues to match the reality of the amount of money that is coming in. In the Parks Department and Golf Course, inclusive with the contributions from the County, staff may recall that the County provides the city with \$550,000 annually, which of that, the city transfers \$25,000 for Tourism for the JK Northway, so really it is \$525,000 for the Parks. Combining both Parks and Golf Course, we are at 42% of expected revenues, which from a number standpoint we are at \$118,000 this year compare to \$112,000 last year. Garza stated that for the Golf Course specifically, it was budgeted revenues at \$277,000 this fiscal year with expenditures being estimated at \$555,000. Staff has gone through the exercise internally of already having staff enter what is called EA's, which are expected annual amounts, and with this, the gap is getting wider and so for example it was budgeted subsidizing the golf course by an amount of \$277,000, and where we will end up at the end of this fiscal year is closer to \$360,000 due to a decrease in revenues and an increase in expenditures.

Commissioner Hinojosa asked if the Golf Course can be given back to the County? Mr. Garza responded that this is a discussion that the Commission needs to have.

Mr. Garza continued to state that later in the meeting, there is an agenda item to discuss fees. Part of it is the increase in maintenance expenses that staff is experiencing due to the improvements, but also part of it is that staff has always discussed addressing fees as we address the improvements, so staff introduced increasing fees during the budget workshop last summer and committed into not having the conversation until the improvements happened. Because the improvement is a few weeks away from being completed, is why staff is bringing the item up. The revenues for the Golf Course and Parks, excluding the contributions, the Golf Course at \$100,000 and the Parks at \$22,000.

Commissioner Hinojosa asked that the money that is received from the County, is it received on a monthly basis? Mr. Garza responded "yes".

Mr. Garza stated that Solid Waste Fund is on track, right at 50%. In the Tourism Fund, as this report was being finalized, staff needs to clarify some of the numbers, of which staff will do a better job in showcasing them for the next report. Garza stated that what he is referring to is, this fiscal year the city transferred \$25,000 from the County's Park contribution to offset expenditures for the JK Northway. This wasn't a number that existed historically. He stated that the top figure which is \$554,000 and compare it to the \$490,000 from last year, the \$490,000 from last year is not inclusive to the \$25,000 that the county is contributing. Garza commented that staff needs a better way to show the comparison from apples to apples as it could be somewhat deceiving by just basing it off of these numbers. Garza stated that the same applies to the JK Northway, which shows the revenue being at \$61,000 in comparison to \$36,000 last year. A big reason for this is because of the additional \$25,000 that was mentioned. On the revenues front for the JK Northway, it shows \$29,000 in revenues for the JK Northway, but this is already taking into account six months' worth of the \$25,000 transfer from the county, so in reality the revenues for the JK Northway is north of \$17,000. The apples to apples comparison for the JK Northway in revenues would be the \$24,000 from last year with the \$17,000, once staff excludes the contribution from the county that is being received this year. This is something that will be clarified for the next report. Garza stated that what staff projected for being the deficit for the JK Northway was about \$124,000 and even though revenues aren't coming in to par, we are still anticipating that gap being around \$125,000 to \$135,000. He further stated that it is obvious that it is being used less, hence why revenues are less, but because it is being used less, the expenses aren't going to meet what we expected them to be, cause it not operational and not having to contract labor to clean it.

Commissioner Hinojosa asked if the JK Northway can be given back to the County? He further asked that if for the Tourism Fund, is there a separate bank account for that?

Mr. Garza responded that as for a bank account, he is not sure if it's a separate bank account, but staff does track it differently in a separate line item.

Commissioner Hinojosa stated that his question was bank account. Mrs. Deborah Balli, Finance Director and Mr. Garza responded yes.

Mr. Garza continued with his report, with Utility Fund. The Utility Fund is one of the funds that have been talked about showing some concern. For this year, after six months, it is hitting north of 50%. For the past years it was hitting lower than what staff expected. A lot of this was from issues that staff had with some equipment and as that issue has been resolved, we have been able to get a better grip around the revenues for the Utility Fund. The Street Maintenance Fund, after six months it is right on track with the estimated annual of \$812,000, so it is right at \$404,000 after six months. For the benefit of the new Commission, staff listed some overarching some of the funding that was actually budgeted and actually spent for the last few years on streets. The Insurance Fund, which is a topic of high interest for staff, it was budgeted, for the first time, exceeding \$4 million dollars in expenditures at \$4.1 and after six months we are above the 50% mark for the \$4.1. Garza stated that he didn't want to say this for a cause of concern, because we do have stop loss insurance that reimburses the city some amounts as we go through the year, but it is something to keep track of.

Commissioner Hinojosa asked that in the \$8.6 increase, what this because of claims or was it because of the increase on the administration from Entrust? Was it an increase from year to year, has there been an increase?

Mr. Garza asked that specifically over year of the administrative or overall? Staff would need to pull this information.

Commissioner Hinojosa commented that he would like to see if this had anything to do with the increase. Mr. Garza commented that staff can get this information to him and include in the next report so it can also be accessible to the public.

Mr. Garza continued with the budget report. Revenues over expenditures, this shows that expenditures are estimated at \$4.1, as mentioned. Garza stated that in the past, it was discussed how the revenues for the insurance fund are at \$3.5, creating the \$600,000 more or less deficit that is being covered through fund balance through the insurance fund.

Commissioner Hinojosa asked that in Fund 98, 71% of that is been expensed? It was budgeted at \$155,000 and \$111,000 has already been spent. Is this because the city hasn't received the money from the EDC Corporation? He stated that he knew that there was a \$41,000 amount budgeted that was going to come in from the EDC. Has any of this money been paid? Mr. Garza responded that the city has received it. Commission Hinojosa further asked what is the reason for it being so high on the expenditures?

Mr. Garza responded that the Economic Development Fund is one that is used not only for EDC. The EDC Fund also includes some other activities such as, it will be used whenever the city accepts revenues for the sale of property or for the exchange of property or for when we do certain things such as later on the agenda there is an item for an Economic Development study which would come from this particular fund. Garza further stated that what is being specifically asked, is what the \$111,000 has been spent on, staff can produce a detailed report to Commissioner Hinojosa and sent it to him.

Commissioner Hinojosa commented that he would like to see that report. Hinojosa further commented that nothing that he has noticed is the money that was used in lieu of taxes, one at one time part of general fund. He stated that they didn't have any in lieu of how's, it used to belong to the general fund and now it moved out. Hinojosa asked when the City took over the EDC.

Mr. Garza responded that the agreement with the EDC began in 2015, prior to him being hired by the City.

Mayor Fugate commented that taxes had nothing to do with the EDC coming into the city. This was something that the Commission, at that time, decided that they would set the \$100,000 aside for economic development purposes. This was a decision that, that commission made, at the time the city started getting the money from Celanese.

Commissioner Hinojosa further asked if the city receives any money from the County? He stated that in the past they used to contribute.

Mr. Garza commented that we don't, but they contribute to the EDC.

Mayor Fugate commented that EDC gets money from the county.

Mr. Garza commented that the last pages of the report consist of a list of budget amendments that were brought to the Commission for approval throughout the year. Accounts receivables are monies that are owed to the city. About a year and a half ago, staff realized that there were collections for services some of the items, such as utility ambulance billing. Therefore, staff went through a process of hiring a company, which is Southwest Recovery to assist the city in collecting outstanding funds owed to the city.

Commissioner Hinojosa asked that with regards to the Sanitation Services, the receivable was \$410,000, was this from water? Mr. Garza response was "no". Garza stated that the sanitation service would be simply just for garbage. Commissioner Hinojosa also asked that out of the \$410,000, \$350,000 was uncollectable? Mr. Garza stated that staff budgets a certain amount as uncollectable. Commissioner Hinojosa stated that he has the same question for the Sewer Account, where there is \$300,000 receivables, \$654,000 from water and \$311,000 from sewer and \$603,000 as uncollectable. Mr. Garza responded that this was correct and stated that there is a lot of opportunity. Commissioner Hinojosa commented that its free water and sewer.

Mr. Garza stated that it is definitely very challenging situation for the city, especially with the transient population. A lot of these, there are people that come in then leave and never pay their bill.

Commissioner Hinojosa commented that maybe the city needs to increase the deposit.

Mr. Garza stated that as for the Capital Outlay projects, a lot of these projects have been completed. At the last City Commission meeting, staff brought to the Commission the street sweeper and the new garbage trucks, which were approved, and are listed on this report. The report may show it as in process, but it's a project that has been completed. Also listed on this report are number of transfer that staff does. Financial policy allows staff the flexibility to transfer within funds an amount up to 10%. For amounts that are greater than 10%, they require Commission approval. For amounts that go from one fund to another fund, also requires Commission approval. As per the Financial Policy, staff must report, in the quarterly report, all the inter-fund transfers that staff makes that are below the 10% amount.

Commissioner Hinojosa stated that he has a request for staff. He stated that he knows that the Commission gets these budget reports on a quarterly basis, he asked if the Commission could receive them on a monthly basis.

Mayor Fugate responded that they could talk about it.

Commissioner Hinojosa commented that when ever Mr. Garza wants to give a report on Streets, he wanted to do it on a quarterly basis, but then the Mayor instructed him to do them on a by meeting basis. Hinojosa stated that what he is requesting is for the financial reports be done on a monthly basis, not the first meeting but at the second meeting.

Mayor Fugate commented that by asking for a report on streets department as oppose to an overall financial report is a little bit different. This has never been done in the past, they are usually done quarterly. Fugate stated that it has been discussed in the past doing a monthly report instead of staff getting up during Commission meetings and spending 45 minutes, if staff could just put a report together and giving it to the Commission, and if any of the Commission members have any questions on an individual basis, they can come in and see the City Manager.

Commissioner Hinojosa agreed with the Mayor's comment regarding a monthly report for the City Commission.

Mr. Garza commented that from a financial standpoint, staff can look at some options on putting something together for the City Commission.

Mayor Fugate commented that it does not have to be reported during a meeting. All staff has to do is get it to the Commission and if there are any questions, they can be brought up to the City Manager.

Mr. Garza commented if this would be a report similar to the one being reported on now, but inclusive to financing.

Commissioner Lopez commented that she agrees with Mayor Fugate on those reports. She further commented that these reports were also posted on the City's website for the public to review. She stated that the Mayor says to do these reports on a monthly basis, but she would like for them to be produced on a biweekly basis. The previous City Manager produced the report on a weekly basis.

Mayor Fugate commented that those reports were done every two weeks.

Mr. Garza commented that the Commission is talking about two different things. One thing is about finances and the other is just general updates and what Commissioner Lopez is referring to is a staff report that was put together. On the financial side, staff can explore options on putting a report together on a monthly basis.

Mayor Fugate commented that the bimonthly reports had financials in them as well. The report included everything. Fugate further stated that if staff wants to take that out, he doesn't have any objections to that.

Mr. Garza commented that reviewing this on a quarterly basis, as to this degree is important, but on a monthly basis, staff will explore some options on the financial part. As for the operational part, there is this report that shows a lot of data and includes other reports as well. Garza stated that both reports are available online. The monthly financial report will be available online as well once it is created.

Commissioner Lopez stated that she would encourage the City Manager to get with the IT Department to retrieve the old reports from the previous city manager. This would give staff an idea of what reports were given to the Commission in the past. She further commented that she would like to see these reports done and published online.

Mrs. Courtney Alvarez, City Attorney reminded staff that the next City Commission meeting is scheduled for June 11th, with agenda items due for this meeting on June 1st.

Commissioner Hinojosa commented that he will not be present at the June 11th City Commission meeting.

Commissioner Lopez thanked the Police Department, Fire Department, and the Volunteer Fire Department for their support to the Lady Lions Softball Team who are heading to the State Championships. These departments assisted in the escorting of buses.

Mayor Fugate commented that the Santa Gertrudis Softball Team is heading to State, which is a great thing for our community. He further congratulated the TAMUK Track and Field Team for their win of the National Championship.

Commissioner Hinojosa commented that on Thursday he attended the IOC Meeting at Coastal Bend College. He encouraged everyone to attend this training. He stated that he would like to see the County take part in this training.

Commissioner Lopez commented that when the move took place to the new building, they were told that we would live stream our meetings and asked if staff was still working on this.

Mr. Garza responded that staff is working on this, it is going to be considered in the new budget. Staff is looking into some software programs that would be able to be the host of that. The City has already invested in some technology in this building but may need to additional technology to supplement existing one in the building. Garza further commented that there is an in-house committee that will look at improving the city's social media, which in the next couple of months, staff will be giving an update on that.

IV. Public Comment on Agenda Items.³

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

Mr. Joe Henkel, 618 Pippin Lane, commented that he would like to comment on agenda #9 regarding the strategic plan. He stated that he has noticed that the city's revenues are going down, and this is an effort to try and develop a long-range plan to change that trend. He stated that Mr. Salazar, the price of this strategic plan seemed very expensive to him, but after looking at it extensively, he can see why the cost is what it is. He stated that he also wants to compliment Mr. Salazar for negotiating for a significant discount on the price. Henkel further commented that this was helpful and it just so happened that the lady that represents the vendors is a native of Kingsville, so she comes back once a year to visit with family, plus she has experience with the Corpus Christi EDC. He stated that they think it is an important expenditure to provide a clear direction and plan and measurable goals for the EDC. He further commented that one of the reasons this particular vendor is worthwhile is because they are in the sight location business themselves, so by participating with that company we are automatically in their data base and are familiar with Kingsville, which is helpful. He stated that he would like to extend the support of the entire Board of Directors of the EDC which approved the proposal by a unanimous vote.

Mr. Jerry Saavedra, American Heart Association representative, stated that he is here on behalf of Smoke-Free Texas which is a Statewide Coalition which includes the American Cancer Society and the American Lung Association. He further commented that as a father of a six-year-old son, and an eight-year-old daughter and former waiter, who had to work in an environment that allowed smoking indoors which caused him to be exposed to second hand smoking. Now with two kids and having to be the bread winner, has increased his risk of a lot of diseases that he will speak about later. He stated that every year, about 42,000 people die from exposure to second hand smoke. This is not from smoking ourselves, this is being exposed from secondhand smoke. Workers in the bar industry are the ones most at risk by having to be breathing in second had smoke. He stated that one statistic is that over the course of an eight-hour work shift, one can inhale smoke up to the equivalent of smoking 36 cigarettes. City across the State of Texas have adopted a comprehensive smoke-free indoor workplace ordinance. This is simply asking those that want to smoke to step outside so that your choice to smoke doesn't hurt anyone else's health. This is not about banning people from smoking, it's simply just taking it outdoors. This is for improving the quality of life for the community.

Anna Ramon, American Cancer Society representative commented that she is here with a support group in favor of agenda item #13. She stated that 154,000 people will die of lung cancer in the United States, which is more than colon, breast, and prostate cancer combined. Smoke is the leading cause of cancer deaths in Texas. About 80% of cancer related deaths are due to smoking. She further read some statistics regarding the economy in Texas due to smoking. She stated that more people will be diagnosed with different types of cancers.

Larry Lee, 342 Anthony Lane, commented that he is in favor of the extension of the greens. He stated that he has been asked to speak on the proposed fee increase on behalf of a group of avid golfers that play at the L.E. Ramey Golf Course on an almost daily basis. He stated that before the Commission votes to increase the fees at the golf course, they need to consider the horrible and almost unplayable condition of the course. It is in terrible condition and does not appear to be properly maintained. The fairways are like concrete, have very little grass and seldom feel the touch of water. The rough isn't being mowed and increases the time of play because players spend excessive time looking for golf balls. The tee boxes on some of the fairways are almost grassless and have uneven surfaces to hit off of, but they don't have an abundance of weeds. He stated that Mr. Flores, states in his request to increase the fees that revenue will come from outside areas as well as local residents and newly developed golfers. His fellow golfers do not believe this will happen under the current conditions and management practices. He stated that he can remember when this golf course was in great condition and people would actually come from the surrounding area to play. There was a time when the golf course would have such a large tournament on Memorial Day they would have to close the course to outside play because they had morning and afternoon tee times to accommodate all the golfers. He stated that he played yesterday, and other than the group of 10 people, there was almost no one on the course and yet they city wants to increase the price of golf. Lee stated that the Commission talks about the \$2,000,000 spent on golf course but over \$150,000 was spent on beautification and an artificial putting green, neither of which had anything to do with actually improving the playability and condition of the golf course. The current temporary greens they are playing on are very bad and are not being properly maintained. He said that they use to have a large group of Winter Texans that stayed in their local RV parks and played golf at course, but management, not talking about Richard, and the condition of the golf course over the years has driven most of them away. Memorial Day Tournament has been cancelled and people have stopped coming to Kingsville to play golf. It is sad that the local golf teams have to practice and play on such a poorly maintained golf course and then are expected to compete at golf tournaments where they actually play on fairways with real grass and good greens. He commented that before the Commission decides to vote, to please come to the golf course and see what deplorable condition it is in. He stated that the men's restroom is often filthy with water, urine, and feces on the floor or commode seats and is seldom cleaned. He stated that he has pictures of such conditions. The golf course needs a janitorial service or someone's position description needs to be changed to include the phrase "and other duties as assigned." He stated that when Jason Alfaro was in position, he forwarded some pictures showing the urinal overflowing, which finally got fixed. He stated that all they are asking for is a decent golf course to play at.

Rosalee Wiesfeld, 801 N. 16th Street, McAllen, TX, is hear to speak on smoke-free Texas and the efforts to help Kingsville to introduce and adopt a comprehensive smoke-free ordinance. She further commented that the Texas Department of State and Health Services offers free signs to all businesses and will assist in distributing them. She stated that Texas A&M Agri-life Extension supports this ordinance.

V.

Consent Agenda

Notice to the Public

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

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

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

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

1. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Land Use, Article 6 Zoning, Air Installation Zoning Regulations, Section 41, Responsibility of Developers: Subdivisions, providing for an annual notice to property owners in the CCLUA about t AICUZ and CCLUZ. (Director of Planning & Development Services).

2. Motion to approve final passage of an ordinance amending the Fiscal Year 2017-2018 budget to expend funds to purchase survey equipment for the Engineering Department. (City Engineer).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

Mayor Fugate asked if there weren't any objections from the Commission, he would like to move agenda item #9 before agenda item #3. No objections were made by the Commission. Agenda item #9 was read and discussed.

Mayor Fugate asked if there weren't any objections from the Commission, he would like to move agenda item #13 before agenda item #3. No objections were made by the Commission. Agenda item #13 was read and discussed.

3. Consider a resolution appointing Edna S. Lopez as Mayor Pro Tempore. (City Attorney).

Motion made by Commissioner Hinojosa to approve the resolution appointing Edna S. Lopez as Mayor Pro Tempore, seconded by Commissioner Leubert. The motion was passed and approved by the following: Pecos, Hinojosa, Leubert, Fugate voting "FOR". Lopez "ABSTAINED".

4. Consider a resolution appointing a Commission Member to the City of Kingsville Audit Committee. (City Attorney).

Motion made by Commissioner Lopez to approve this resolution appointing Commissioner Hector Hinojosa to the City of Kingsville Audit Committee, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

5. Consider a resolution appointing two representatives and two alternates to the Coastal Bend Council of Governments. (City Attorney).

Motion made by Commissioner Hinojosa to approve this resolution appointing Commissioner Leubert and City Manager, Jesús A. Garza as representatives to the Coastal Bend Council of Governments and appoint Commissioner Arturo Pecos and Commissioner Edna Lopez as alternates to the Coastal Bend Council of Governments, seconded by Commissioner Lopez. The motion was passed and

approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

6. Consider accepting donation of surplus recycling equipment from NAS-Kingsville. (Community Appearance Supervisor).

Mrs. Jennifer Bernal, Community Appearance Supervisor stated that the Naval Air Station has contacted her department to offer some equipment from a dissolved recycling program the base had at one time. This equipment includes 2 cardboard balers, 2 compressors and various boxes of tie down. The equipment is in good condition and would be greatly useful in the operations for the department.

Motion made by Commissioner Pecos to accept donation of surplus recycling equipment from NAS-Kingsville, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Leubert, Pecos, Lopes, Hinojosa, Fugate voting "FOR".

7. Consider accepting donations from various sponsors for Parks summer programs and equipment. (Parks Manager).

Motion made by Commissioner Leubert and Commissioner Pecos to approve the acceptance of donations from various sponsors for Parks summer programs and equipment, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".

8. Consider introduction of an ordinance amending the Fiscal Year 2017-2018 Budget to accept and expend park donations. (Parks Manager).

Introduction item.

9. Consider introduction of an ordinance amending the Fiscal Year 2017-2018 budget to fund an Economic Development Strategic Plan. (City Manager).

Mr. Manny Salazar, Economic Development Director, stated that over the last three years they have wrapped up their efforts and brought on the retail coach to assist with the recruitment efforts as the data, contact the developers and retailers. The projects that are in the works right now will make a difference in the Kingsville landscape in the years to come. He stated that he and the City Manager attended the ICSC ReCon Conference, which is the largest real estate conference in the world. This conference has about 40,000 in attendance. He stated that the reason for attending is that this is where all the developers and retailers are. Over the two days they were there, they had 24 meetings with developers. This would allow for them to put Kingsville on the market and show all the potential we have and why they should look at Kingsville for their next project. He stated that he and Mr. Henkel have been working on this for several months now where they have been looking at firms that can conduct an Economic Development Strategic Plan for Kingsville. The EDC appointed a committee to look at this and they have unanimously selected a firm called Newmark Knight Frank to be the vendor for the plan. The plan will provide data used by site selectors, recommendations on ways to improve the attractiveness of the community to site selectors and sectors to target for development. There are a lot of stakeholders involved in this plan. This plan will be a sixteen-week plan. The price that was secured for this plan is \$50,000. The EDC is requesting \$10,000 to help with the cost of the study. Other participating entities include AEP, TAMUK, and Kleberg County, hopefully. He stated that he had met with Judge Madrid regarding this and they will include it in their budget workshop and try to fund this project as well. This plan will focus on industrial and commercial development only. This plan will consist of multiple roundtable discussions. He further stated that the end result of which will be increased tax base and jobs for the community.

Commissioner Leubert asked if this is a match making entity. Mr. Salazar commented that in a lot of ways yes. Leubert commented that it would keep it simplified; they are finding the best businesses for us to make tax base. Mr. Salazar commented yes. They will give us all the leads the data and all the different things that are needed in order to place Kingsville on the radar for future development. Commissioner Leubert further asked that if this company not only provide the data, they also support you after the study. She further stated that a lot of times the companies do a study, the information is given then they walk away. Mr. Salazar stated that they will have a year of follow-up help, which is basically not done as per his understanding, but because the individual of the company has a vested interest in Kingsville, she will be offering that to us.

Commissioner Hinojosa commented that this is a good idea, but his concern is where the money is coming from to pay for this service. He stated that what was mention was the cost of \$50,000 and that the County, AEP, Chamber and others will pay for this. How much will each entity pay for this plan.

Mr. Salazar stated that the EDC has \$5,000 budgeted for this plan. AEP has committed \$5,000 for the plan, Kingsville Area Industrial Foundation is being asked to pitch in \$10,000, University has already sent in \$10,000, and asking for the County and the City to give \$10,000 each.

Introduction item.

10. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter IX-General Regulations, Article 8- Parks and Recreation, providing for revised fees for the L.E. Ramey Golf Course. (Golf Course Manager).

Mayor Fugate commented that he takes exception to what was mentioned earlier in the meeting regarding the golf course. He stated that the small group of golfers that are there every day, they need to understand and realize that if it wasn't for the City of Kingsville, they would be going to Alice or Falfurrias right now, as this golf course would not be in existence, if it wasn't for the City. Fugate further commented that the city has spent millions of dollars on the golf course trying to get this thing in playing shape. He stated that this started way before the City took it over two years ago. It is a small group that don't add anything and only complain. Fugate further commented that whether they play there or not, this course will remain open and maybe do better, as far as he's concern. He commented that if people want to go out there and play golf, you can go out there and play and if you don't, then don't. He stated that the city needs to raise the fees on this course. The proposed fees are still less than what the course in Alice is charging.

Mr. Garza stated that this comes down to the deficit and what is the deficit the commission and the city feels comfortable in absorbing. Over the last several years that the city has taken over, the golf course it can be conveyed that the first fiscal year that deficit was \$234,000 in 2016 it was \$229,000, 2017 it was \$271,000, and in this fiscal year it is at \$277,000, with the expectance of it continuing in increasing. Primarily because of the expense of operating and running the golf course will continue to rise.

Mr. Flores stated that the cost of maintain the golf course has gone up. When the golf course was in good shape, it hosted a lot of tournaments as it mentioned. Flores is proposing to go up on fees, but not to the level of the surrounding golf course. This is something that will need to be done if we want the golf course to remain open.

Commissioner Lopez commented that she respects what the Mayor said, but if the customers aren't happy with the golf course, who will be the customers. They will eventually leave with the city raising fees. She stated that she thinks that staff needs to slow down. The golfers have valid complaints, as she has visited the golf course. She

stated that her opinion is that the city needs to slow down on these fees. Getting upset with them for speaking up is something we do not need to do.

Mr. Garza commented that the conversation to this point was to look at these fees with the improvement. But if the direction of the Commission is not, then staff won't. There are consequences for and against for what happens; the deficit will continue to climb. The reason for the conversation on these fees now, is to assist staff in preparing the budget with the new fees and the estimated in revenues that we might expect with the increase in fees, but ultimately this is a policy direction that needs to come from the Commission. The deficit that the golf course creates, how much is the Commission and city willing to absorb; what point does the Commission say we have reached this number and we need to do whatever we need to do to keep that deficit at an amount.

Commissioner Hinojosa commented that he respects what he said about the golfers, but before the city increase the rates, we need to take care of the golf course. It needs a lot of maintenance. He stated that he recommends maintaining the golf course better than what it is already. He recalls that in the past, the Street Department was used to maintain the course. He stated that he was out there yesterday, and he saw the mess in the men's bathroom. The maintenance at the golf course needs to be looked into before increasing the fees.

Commissioner Pecos stated that everything takes money. The proposed increase fees are very minimal. He stated that the few dollars that will be increased will assist with the improvement of the course. When the city took over the course, we knew that we were going to run into this situation. But with small increases we can improve this course.

Commissioner Lopez commented that staff needs to take a look at the membership fees as they are high.

Commissioner Hinojosa commented that we need to give the course a better appearance before making an increase in fees.

Commissioner Leubert commented that she played at the course over the years, most recent was in the last six months. It is not in great shape; however, we haven't received rain, but if you want something nice, we will need to do something in order to make it better. She stated that maybe we can wait until the greens are better, then we can make the increase.

Mr. Garza stated that staff is looking at a start date for the increase to start on July 1st.

Commissioner Hinojosa commented that he would like to be present at the meeting when this item comes back to the Commission.

Mayor Fugate commented that there are a lot of hidden cost in a golf course and in the last year, the city has spent over \$250,000 on a new water system, \$250,000 on greens. The golf course was not secured and had to put up a new fence. He further stated that these are things that the city was left with. And with the letter that the Commission received today, which is from a small group of very vocal golfers. The vast majority of people that play that golf course aren't going to have any objections to these fees. The individuals involved in the letter don't support the golf course. Fugate further stated how many golfing shirts do they own, they don't buy their tees, balls, or gloves; they don't even buy their beer from there. Fugate stated that there have been problems with this group bringing beer to the course and not buying it from there. Fugate continued to comment that this group does not speak for the vast majority of people that play at this course. Fugate stated that they certainly don't speak for him and they don't speak for those that he plays golf with. He stated that he is tired of hearing all the complaints. He further stated that the tax payers of this community have spent a lot of money trying to

get this thing into order. Fugate agrees with Commissioner Pecos on the \$2.00 increase, which is nothing.

Commissioner Hinojosa commented that he doesn't see any problem with the \$2.00 increase, he would just like to see it in better shape before implementing the increase.

Commissioner Pecos commented that it is being worked on.

Commissioner Hinojosa further commented that he doesn't see them working on it as he was out at the course yesterday.

Both Commissioner Pecos and Mayor Fugate responded that they are working on it.

Commissioner Lopez commented that maybe if staff waits until it looks a little better, maybe people will want to pay, but she does see it happening right now. She further commented that she has received a lot of complaints about the course.

Mrs. Alvarez commented that if the second reading get pushed back to June 25th so that we can try and have a fuller Commission for that particular vote, by the time the publication is done for the newspaper for two consecutive weeks, then ten days after the second publication, will give you the effective date of July 11th.

Introduction item.

11. Discussion on the FY19 Budget Development Calendar and process. (City Manager).

Mr. Garza stated that one of the items that staff is going to pursue is bringing a third party to run a goals and objective exercise for the city. This is an idea that stemmed from simply having a new Commissioner and was discussed with the Mayor. It would be a good idea to bring in someone from the outside with a fresh perspective to develop goals and objectives for the city. This will not only help us guide the city's budget in terms of some of the supplemental request that may get approved versus not get approved. Garza stated that this can also help develop goals and objectives for his performance. He stated that staff solicited proposals from individuals that could come in and do this exercise for the city. What staff decided to do is proceed with a retired City Manager. The individuals name is Toby Hammett Futruell who is a retired City Manager from the City of Austin but currently resided in the Corpus Christi area and is a professor with the MPA Program at Texas A&M Corpus Christi. As a former City Manager, she directly understands what goes into developing a budget and understand the synergy between Commissions and Councils. Staff envisions this process is that staff will work on scheduling one on one meeting between the Commission and Ms. Futrell. She would like to meet on a one on one basis prior to meeting as a group, so that she can get to know individually what your individual priorities are and what your goals are before convening as a group. This will require a special city commission meeting the week of June 18th, to have the group work session with her and staff. He further asked the Commission on their preference on the date and time of date that they would like to schedule this meeting. What was conveyed to her was that this would be no more than a four-hour session. In this session she would summarize with the group the collections of goals and objections that she obtains on the one-on-one meeting with the Commission. She will also identify where there is overlap and where there's not overlap and work with the Commission as a whole to be able to make decisions on what to prioritize and in what order. Garza commented that this will help establish goals and objectives for both the city and himself, which would help when its time for the commission to evaluate him.

Commissioner Hinojosa commented that this would assist the Commission when it comes time to evaluate the City Manager.

Commissioner Pecos asked how much the consultant would charge.

Mr. Garza responded that the cost would be \$4,000 for the entire exercise.

Commissioner Lopez asked when it was decided that the city would get a consultant.

Mr. Garza stated that this was something that was decided as staff. Ultimately this is the City Manager's proposed budget and we as staff typically kind of developed the process. Garza stated that in year's past, he has done things such as surveys and him himself in the past has done the one on one's, then provide the summary to the Commission. He further commented that it is important for us to bring in someone from the outside to bring a fresh perspective to everything.

Mayor Fugate commented that it has been along time since we have done any planning or goals settings.

Commissioner Lopez asked where this money is coming from to pay the consultant.

Mr. Garza responded that it will be a combination of various department accounts that will pay for this fee. Garza further went over briefly the budget calendar. Garza commented that as per ordinance, the City Manager, City Attorney, and Municipal Court Judge would go through an evaluation in July. He stated that last year he requested for his evaluation to take place in November, which it did. He simply added his into July as it is per ordinance but would prefer for his evaluation to be pushed to November as there is value in his occurring after the budget, so that Commission can account for the budget process in the evaluation. He stated that the City Attorney and Municipal Court Judge evaluations should remain in in the usual timeline, as per ordinance. The calendar shows that the first meeting in July, the Health Insurance will be discussed. Dates for workshops in August are also listed on the calendar, the date that the Commission would receive the proposed budget. In comparison to last year, a couple more workshops were added to this year's budget process. This would give staff and the Commission adequate time to go over the budgets.

Mayor Fugate commented that this year for the budget workshops, he would like for staff to concentrate on numbers.

Both Commissioner Hinojosa and Commissioner Lopez agree with Mayor Fugate.

Mr. Garza stated that the process will be a better process this year than last year.

Commissioner Lopez asked that staff not change numbers, just leave true numbers as budgeted.

Commissioner Hinojosa commented that last year in the budget calendar, there is only the general fund and he hopes that in this year, staff will go over all the funds.

Mr. Garza responded that staff went over all the funds.

12. Consider introduction of an ordinance amending the Fiscal Year 2017-2018 Budget for interfund and interdepartmental transfers. (Finance Director).

Mrs. Deborah Balli, Finance Director reported that this is as per policy and how the city does its transfers, we needed to do an interfund budget transfer for credit cards fees which require Commission approval. On the other, funds need to be moved from one project line to another but because it is a different division, it also requires Commission approval because it is more than 10% of the original budget.

Commissioner Hinojosa asked that for the line item of \$103,000 on the building, is this an additional amount that that is needed to finish the building.

Mrs. Balli responded yes. The \$103,000 covers, due to change orders and everything on the original contract, it caused additional architectural fees due to those changes, so the money that was needed to pay for additional architectural fees it ate into the furniture budget. The \$103,000 is for the additional architectural services and fix some

issue with the back door that is needed to be fixed and additional network switches, due to changes on the layout to the first floor.

Commissioner Hinojosa asked that there was \$112,000 left over from the pumphouse and asked if that was going to need anymore money.

Mrs. Balli responded that, that project is done. All staff is doing is moving the savings from the pumphouse by taking \$103,000 from those savings and putting it into the Municipal Building with the balance of that going down to water meters within that fund, that was set aside, as we are having to pay 25% on the warranty this year verses having a 100% coverage, so we are hitting that 75% coverage on our water meters.

Introduction item.

13. Discuss and give direction to staff on preparing a smoke-free ordinance for the City of Kingsville. (Commissioner Pecos).

Commissioner Pecos stated that he believes this had been discussed in the past but decided to wait until the election was over. He asked City Attorney if the city had been working on an ordinance for a smoke-free ordinance in the past prior to the election.

Mrs. Alvarez commented that staff had been working with Mr. Saavedra and Mrs. Weisfeld but had not worked on nor developed an ordinance as of yet. She stated that there is currently existing in Chapter 9, Article 9, City Smoking Regulation Ordinance, but its not as comprehensive as to what most of the other cities have adopted. So, it doesn't go as far as it needs too, to protect the workers that were discussed.

Commissioner Hinojosa asked if we can mimic off of another city in order to save time.

Mrs. Alvarez commented that we have recently received a copy and have begun the format, so staff just needs to know the Commissions preferences with regards distance from an entrance or if there is going to be a smoking area outside and what the distance should be from the entrance of a building.

Mr. Garza stated that more importantly, the purpose for tonight's discuss is to help clarify direction for staff. Staff had the ability to put together the draft ordinance for the Commissions review, but staff doesn't want to necessarily spend the time doing this if the direction from the Commission isn't to go down that path.

Mayor Fugate commented that he senses that this Commission wants to see something put in place. Fugate stated that that most places in Kingsville are already non-smoking. There may just be a hand full of bars that still allow smoking. He further stated that you can get into the argument of how far the government goes, when its already being done.

Commissioner Pecos stated that the American Legion is a smoke-free environment.

Mayor Fugate stated that it is a great thing and something that may need to be done but its already being done.

Mr. Saavedra stated that the current ordinance includes restaurants, but there are a lot of exemptions in the ordinance so bars are given special treatments. But with the comprehensive ordinance, what it does is that it creates a level of playing field saying that these are the rules that the city is going to set and apply them equally to all businesses.

Mayor Fugate commented that he doubts if there has ever been a Mayor in Kingsville that has told an owner that they could not have smoking within their restaurant; people are doing it on their own. Fugate commented that he does not disagree with what they are trying to do, but he thinks a lot of people are already doing it for health reasons.

Mr. Saavedra commented that there are 96 cities and half of them have done it just in the last three years. He stated that this is also thinking about the future as well, such as future businesses coming into the community.

Mayor Fugate stated that he wants a great deal of distance and he wants businesses that sales cigars and humidors to receive an exemption.

Commissioner Leubert stated that people choose to go to these places that allow smoking. They choose to go to these places and the workers have a choice not to work there. This is her opinion. She further made some comments that were not picked up on the audio.

Commissioner Lopez asked if this ordinance gets put in place, who will be enforcing it.

Mr. Garza commented that from his understanding, after having some conversation in-house discussing the what if. It would be one of those things that someone would call in a violation. This all would need to be vetted out. He stated that in other communities it is on a call-in basis.

Commissioner Lopez commented that she agrees with Commissioner Leubert, Kingsville doesn't have a big problem. If people don't want to go to a bar where there are people smoking, well then you don't go. She stated that some people go out to relax and smoke, and she doesn't see the problem in that. To tell someone not to smoke, is not for the Commission to say.

Ms. Ramon commented that while the use of tobacco usage has been at a low, in the past three decades there has been an increase in e-cigarettes. New studies are showing that this is leading to going back to traditional tobacco products. She stated that they were able to get a letter from Golden Family Bingo that actually did comprehensive smoke-free in several of their locations because cities went that route. She stated that they saw an increase in their day time sales because people were actually going to play bingo on their lunch breaks and saw a positive economic benefit by going smoke-free in the bingo halls. This is the largest bingo operator in the United States.

Commissioner Leubert commented that Corpus Christi went through this as well. One of the biggest opponents of smoke-free was a restaurant/bar that increased sales. This was a choice that the people made by going into those places.

Mayor Fugate asked for staff to get something together on this. Fugate asked staff to bring this item back when there is a full Commission present.

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 8:13 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

PUBLIC HEARING(S)

PUBLIC HEARING #1

City of Kingsville
Department of Planning and Development Services

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director

DATE: June 1, 2018

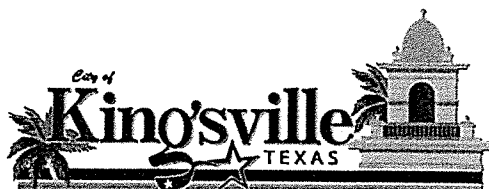
SUBJECT: Special Use Permit Request for 981 N. Lantana

Summary: The applicant would like to build a detached structure behind the house. This structure fits the definition of a residential accessory and incidental use. That use in an R1 zone requires a special use permit prior to construction.

Background: The applicant would like to build a game room in a detached structure behind his house. There will be a sidewalk from the house to the structure. Enclosed is a site plan and a layout of the structure that he wants to build. The structure will have water and sewer. The review from Appendix A is the guide line for determining whether or not a special use permit is required. Appendix A reflects land use categories and what is allowed in each zone. Enclosed is the page with the use noted.

Financial Impact: There will be a building permit fee for this structure.

Recommendation: The Planning and Zoning Commission met on June 6, 2018 to review this request. They approved a recommendation to approve the special use request with the following conditions: That this structure being built is to be used for a game room (family room) and not to be used as a business or rental unit. They voted 4 to 0 to recommend approval of this special use request.



CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 980 N Lantana Nearest Intersection Lee

(Proposed) Subdivision Name _____ Lot _____ Block _____

Legal Description: KT + 1 Co, Block 9, Lot 50x162.6 SW PT 1

Existing Zoning Designation R1 - single family Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Roque Odonez Phone (956) 563-1091 FAX _____

Email Address (for project correspondence only): _____

Mailing Address _____ City _____ State _____ Zip _____

Property Owner Fernando Cruz Phone _____ FAX _____

Email Address (for project correspondence only): fcruz.hd7@gmail.com

Mailing Address 981 N Lantana City Kingsville State TX Zip 78363

Select appropriate process for which approval is sought. Attach completed checklists with this application.

<input type="checkbox"/> Annexation Request	No Fee	<input type="checkbox"/> Preliminary Plat	Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA)	\$250.00	<input type="checkbox"/> Final Plat	Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request	\$250.00	<input type="checkbox"/> Minor Plat	\$100.00
<input type="checkbox"/> Re-zoning Request	\$250.00	<input type="checkbox"/> Re-plat	\$250.00
<input checked="" type="checkbox"/> SUP Request/Renewal	\$250.00	<input type="checkbox"/> Vacating Plat	\$50.00
<input type="checkbox"/> Zoning Variance Request (ZBA)	\$250.00	<input type="checkbox"/> Development Plat	\$100.00
<input type="checkbox"/> PUD Request	\$250.00	<input type="checkbox"/> Subdivision Variance Request	\$25.00 ea

Please provide a basic description of the proposed project:

detached structure on property

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

Applicant's Signature Fernando Cruz by Roque Odonez Date: 05-15-18

Property Owner's Signature Fernando Cruz by Date: 05-15-18

Accepted by: _____ Date: _____

THOMAS A FIELDS
1062 ROCKY CREEK DR
CANYON LAKE, TX 78133-2515
#19973

RYAN AARON DALL
SUSANA CLAIRE ROBERGE
414 UNIVERSITY BLVD
KINGSVILLE, TX 78363-4241
#12868

ANITA G PENNA
1316 FM 1717
KINGSVILLE, TX 78363
#19237

FERNANDO CRUZ HERNANDEZ
981 N LANTANA
KINGSVILLE, TX 78363
#10819

MARIPOSA RENTAL
PROPERTIES LLC
713 TAYLOR RD
FALFURRIAS, TX 78355-4607
#12580

ERIC T DEACON
924 W LEE
KINGSVILLE, TX 78363
#24385

ELIZABETH JONES
2336 E FM 1717 LOT 77
KINGSVILLE, TX 78363-9670
#15451

DONNY R TRANT
ETUX PAMELA P
426 UNIVERSITY BLVD
KINGSVILLE, TX 78363-4241
#12069

RYAN AARON DALL
SUSANA CLAIRE ROBERGE
414 UNIVERSITY BLVD
KINGSVILLE, TX 78363-4241
#21324

BALDEMAR ALARCON
ETUX DORA EST
842 W AVE H
KINGSVILLE, TX 78363
#11519

TERRY W YAKLIN
218 E HOFFMAN AVE
KINGSVILLE, TX 78363-6228
#11778

SCOTT FALTYSKI
ETUX MARCIA
931 W ALICE AVE
KINGSVILLE, TX 78363-4264
#17454

IRENE A MORENO
927 W LEE AVE
KINGSVILLE, TX 78363-4232
#14673

SUSANA RIOS
932 N LANTANA DR
KINGSVILLE, TX 78363
#11564

DON GRANT
ETUX BETTY
420 UNIVERSITY BLVD
KINGSVILLE, TX 78363-4241
#20587

PEGGY WESTBROOK
408 UNIVERSITY BLVD
KINGSVILLE, TX 78363-4241
#20707

TERRY W YAKLIN
218 E HOFFMAN AVE
KINGSVILLE, TX 78363-6228
#20029

TERRY W YAKLIN
218 E HOFFMAN AVE
KINGSVILLE, TX 78363-6228
#20288

TERRY W YAKLIN
218 E HOFFMAN AVE
KINGSVILLE, TX 78363-6228
#16791

TERRY W YAKLIN
218 E HOFFMAN AVE
KINGSVILLE, TX 78363-6228
#23047

into Kingsville, to welcome
travelers into the city. They

• The organization of
Garden Clubs for Kings-
The scholarship has recent-

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, June 6, 2018, 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:

Roque Ordoñez, applicant, Fernando Cruz, owner, requesting a Special Use Permit for a residential accessory and incidental use located at KT & I Co, Block 9, Lot 50x162.6 SW PT 1, (CLOSED LEE ST BETWEEN BLK 6 & 7) also known as 981 North Lantana, Kingsville, Texas.

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.

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Kingsville Garden Club celebrates Platinum Jubilee

Staff Report

Past and current members of the Kingsville Garden Club celebrated their 70th anniversary on Wednesday, May 9 at the home of Karen Tallant, located on the Texas A&M University-Kingsville's campus.

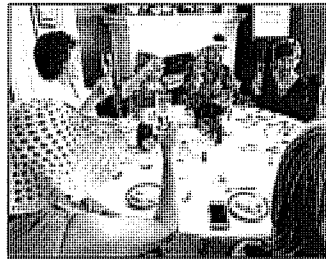
"We did so in a manner that brings to mind a simpler, more elegant time in our history - one when ladies wore dresses, hats and gloves, to come together and meet for their common cause," Linda Hamilton, a member of the Kingsville Garden Club said.

"As we look back at our beginning, learning about the ladies who brought the Kingsville Garden Club to life, we recognize that these women bravely took on the 'wilds' of South Texas to make a better place to live and raise their families," Hamilton said.

Working together, the group led the way by putting their talents and skills to task.

Listed are some of their accomplishments in the past 70 years:

- Being instrumental in helping to create roadside rest areas, parks, a community center and a hospital atrium.
- A collaboration with the Texas Highway Department and with the Texas A&M University Horticulture Department, designing and building structures on highways leading into Kingsville, to welcome travelers into the city. They



Jubilee Celebration was held at the home of Karen Tallant on Texas A&M Kingsville's campus.



Pictured, from left, are Espie Vaughter, Dr. Maria Velez, Amy Schultz, Angela Ruhne and Polly Davis.

helped with the planting of the university's boulevard.

- Organizing and participating in competitions within Texas Garden Clubs in flower arranging and in creating tablescapes, encouraging the finer skills of style and design.
- The organization of Garden Clubs for Kings-

ville children and plant exchanges so that everyone might have the opportunity to enjoy gardens.

• And from their foresight and financial planning, the creation of a scholarship was established for deserving college students in the field of horticulture. The scholarship has recently



Pictured, from left, are Connie Womack, Amy Schultz, Brooke Spitzer, Joan Nuesch and George Henkel.



Leo Alarcon, who created all of the flowers for the luncheon, puts the finishing touches on the dessert, a traditional role for him as he created the arrangements and cake for the Garden Club's 50th anniversary.

become an endowment at Texas A&M University-Kingsville, called the Jane Dodd/Kingsville Garden Club Scholarship.

The Garden Club began with simple objectives that have not changed in the past 70 years:

1. To stimulate cooperative interest in gardening
2. To aid in the protection of wild flowers and birds.
3. To study, in all its aspects, the art of gardening and flower arranging.
4. To encourage civic planning.

The Garden Club has studied flower and vegetable gardens, shrubs and citrus trees, plumerias, ros-

es, bromeliads and made a live wreath. They learned about landscaping their yards, arranging flowers, how to use the correct pruning shears and have made concrete pots. They learned about bugs, bees and bats.

All these programs have assisted the current members of the Garden Club at their homes, businesses and in efforts to maintain the Opal Cochran Park for the city.

The group takes field trips to the Hill Country, TAMUK's horticultural center, the Corpus Christi Botanical Gardens and the King Ranch.

"We know what makes a suitable Martin house and how to build our own water ponds. We take care of our tiny hummingbirds and have learned about the awesome migratory birds that fly over South Texas each year," Hamilton said.

Hamilton said they wanted to honor the women who "took their vision of a better community and made it a reality and to celebrate the continuation of those efforts."

"We still enjoy the fruits of their labor, and thank them for their efforts 70 years ago, to make Kingsville a better place," she said. "We are the Kingsville Garden Club of today. May we continue to contribute our efforts through this club to make Kingsville a place where all of its citizens can bloom where they have been planted."

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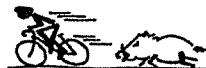
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KINGSVILLE NOON LIONS CLUB



15th Annual A Ride on the Wild Side

Kingsville Noon Lions Club wants to express our deepest appreciation to our loyal sponsors who helped us achieve the best year ever. As most of you know, monies from the bike ride go to special needs children. It enables us to send children to camp with no cost to them. We would especially like to thank King Ranch for sharing their beautiful scenery and hosting this great experience.

Edward Jones	Bettie Bedingsfield
Castafieda Quick Care	C.S. Tax Services
Hahn & Oldham, PC	Kirkpatrick & Associates
Joanie & Tem Miller	El Dorado
Young's Pizza	Christopher Family
D'yan Lopez Insurance	City of Kingsville
Kingsville Bike Depot	Kleberg County
Domino's Pizza	Sheriff's Office
C. Radaneata, OD	Discount Liquor
VFW - Women's Veterans	Santa Gertrudis ISD
Bicycle World RGV	Turcotte Piper Mortuary
Legends	Kingsville Chamber of Commerce
Squirrely's Liquor	Kingsville Visitor Center
Kingsville Pointe Apartments	City of Kingsville
Coastal Bend College	The Kingsville Record and Bishop News
Kleberg Bank	City of Bishop
Apple Creek Apartments	Buddy's Home Furnishings
Southpoint Rentals	Adele Cleveland
Jim's Ice House	Wanda Allday
Four Seasons A/C & Heating	Security Finance
Texas A&M University-Kingsville ROTC	Ramirez-Salinas Funeral Home

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General Dentistry
312 South Ave. B, Bishop, TX 78343
(361) 594-2717

To: Planning and Zoning Commission Members

From: Tom Ginter, Director

Date: June 1, 2018

Subject: Agenda Item #1

The applicant Roque Ordonez lives at 981 N. Lantana. The property owner Fernando Cruz has also signed the application so he is aware of the request. He would like to construct a detached structure, with access to the house by a sidewalk. Enclosed are a site plan of the relationship to the structure to the house and the layout of the proposed structure.

The structure will be approximately 427 square feet with the purpose of providing a game room for his family. In reviewing the Land Use Appendix A, I believe that this is considered a residential accessory and incidental use structure which requires a special use permit for it to be built. As you can see from the layout, it will have water, sewer, but no definite kitchen or bedroom.

Recommendation:

My recommendation is for the Planning and Zoning Commission to give an approval recommendation to the City Commission with conditions. The conditions that I am suggesting are that it is not to be used as a business or a rental unit. We received one phone call as to inquire what it meant in the letter and once given the information he had no problem with that. He did mention that if it was business then he may have has an issue with that.

R1 R2 R3 R4 MH C1 C2 C3 C4 I1 I2 A

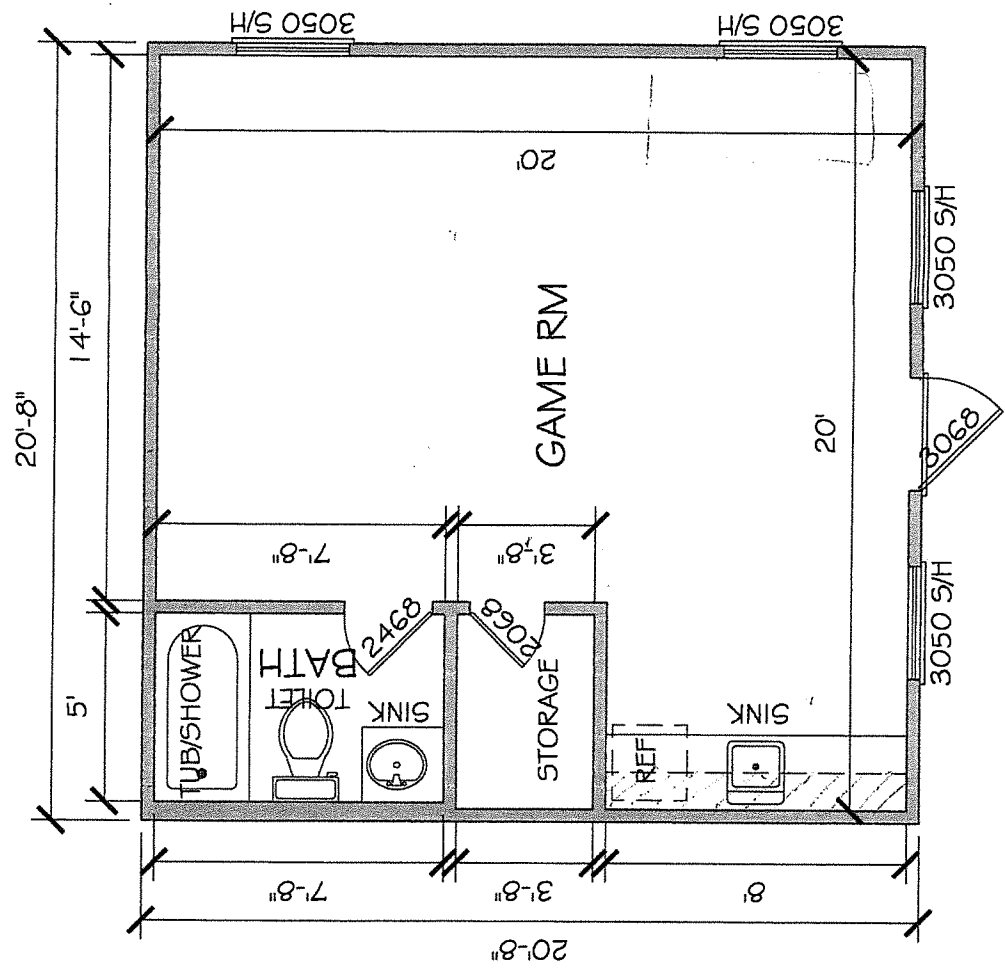
Dwelling, one family det.	P	P	P	P	P	P	P	P				P
Dwelling, one family att.		P	P	P		S	P					P
Dwelling, two family		P	P	P		S	P					
Dwelling, multi-family			P	P		P	P	P				
Boarding or rooming house				P			S	P	P			
Hotel or motel				P			S	P	P			
Dormitory				P								
Fraternity, sorority				P								
Mobile home/manufactured home park or mobile home/manufactured home on lot	S ¹	S ¹	S ¹	S ¹	P					S	S	S
Recreational vehicle park					P		S		S			
Secondary res. structure				P	P		S	S		S	S	S
Other residential accessory and incidental uses	S	S	S	S	S					S	S	
Accessory building	P	P	P	P	P	P	P	P	P	P	P	P
Community center (private)	S	S	S	S	S	P	P	P				
Accessory farm building				P	P	P	P	P	P	P	P	P

Neigh Det Cent/A Com



Drawn By: Mano A. Gonzalez		Builder: S.C. CONSTRUCTION LLC 956-778-7709
Owner: FERNANDO CRUZ		Project Title: CRUZ RESIDENCE
Date Drawn: 5/9/2018		Drawing Scale: NTS
Revised By:		

IMPORTANT DESIGNER NOTES: THESE PLANS ARE INTENDED TO PROVIDE THE BASIC CONSTRUCTION INFORMATION NECESSARY TO CONSTRUCT THIS STRUCTURE. THIS MEANS THAT THESE PLANS MUST BE READ CAREFULLY AND CHECKED COMPLETELY BY THE GENERAL CONTRACTOR OR SUBCONTRACTOR IN ADVANCE OF THE JOB. ANY DISCREPANCY, ERROR, AND/OR OMISSION IS TO BE BROUGHT IMMEDIATELY TO THE ATTENTION OF THE DESIGNER PRIOR TO COMMENCING CONSTRUCTION. DIMENSIONS SHOWN ON THE FLOOR PLANS ARE NOMINAL. SLIGHT FIELD ADJUSTMENTS MAY BE NECESSARY TO ALLOW FOR ACTUAL MATERIAL SIZES AND PRACTICALITY OF CONSTRUCTION. DETAILS AND NOTES NOT PROVIDED WITH THESE DRAWINGS SHOULD BE PROVIDED BY THE MFR., SUPPLIER, OR INSTALLATION CONTRACTOR SPECIFICALLY RELATED TO THAT PARTICULAR PHASE OF CONSTRUCTION.



FLOOR PLAN

SCALE: NTS

AREAS	SQ. FT.
LIVING:	427.00
TOTAL:	427.00

Sheet Number

Revised By:

1 SITE PLAN
SCALE: NTS

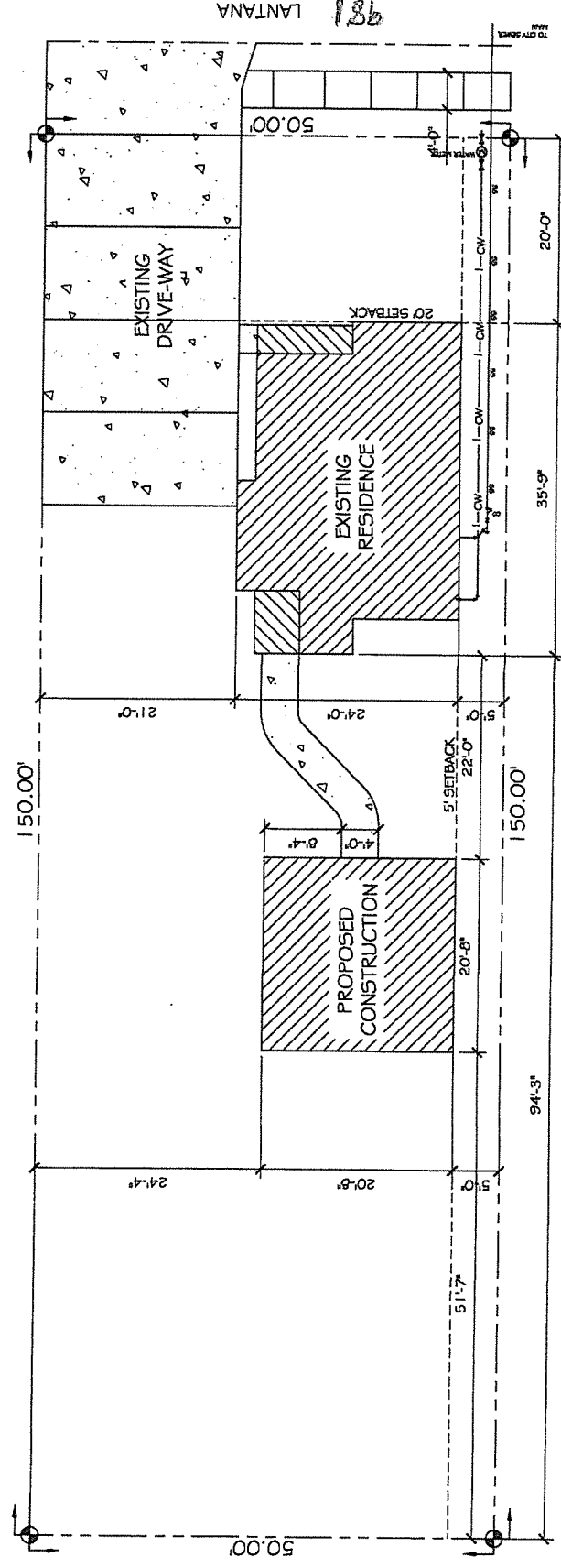
LEGAL DESCRIPTION
LANTANA
KINGSVILLE, TX

Drawn By: Mario A. Gonzalez
Owner: FERNANDO CRUZ
Date Drawn: 5/9/2018
Project Title: CRUZ RESIDENCE
Drawing Scale: NTS
Builder: S.C. CONSTRUCTION LLC 956-778-7709



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IMPORTANT DESIGNER NOTES:



ORDINANCE NO. 2018-_____

AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR 981 N. LANTANA, ALSO KNOWN AS KT&I CO., BLOCK 9, LOT 50X162.6 SW PT 1 (CLOSED LEE ST. BETWEEN BLOCK 6 & 7), FOR A RESIDENTIAL ACCESSORY AND INCIDENTAL USE; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION.

WHEREAS, the Planning Commission has forwarded to the City Commission it's reports and recommendations concerning the application of agent Roque Ordonez, for property owner Fernando Cruz, for amendment to the zoning map of the City of Kingsville;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, June 6, 2018, during a meeting of the Planning Commission, and on Monday, June 11, 2018, during a meeting of the City Commission, in the Helen Kleberg Groves Community Room/Commission Chambers, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

WHEREAS, a majority of the Planning Commission voted 4-0 to APPROVE, the requested special use permit; and

WHEREAS, the property is currently zoned R1-Single Family Residential District and it is desired for a residential accessory and incidental use (game room) structure be located on the property; and

WHEREAS, the City of Kingsville Code of Ordinances Chapter XV-Land Usage, Article 6-Zoning, Appendix A-Land Usage Categories states that for an area zoned R1 a special use permit is required to have a residential accessory and incidental use structure; and

WHEREAS, the City of Kingsville Code of Ordinances section 15-6-142 regulates special use permits; and

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended and a Special Use Permit is granted for a residential accessory and incidental use structure on the premises known as 981 N. Lantana, KT&I Co., Block 9, Lot 50x162.6 SW PT 1 (closed LEE St. between Block 6 & 7), as more specifically describe on site plan attached as Exhibit A.

SECTION 2. That the Special Permit granted in Section 1 of this Ordinance is subject the following conditions:

1. ALLOWED USE: The only uses authorized by this Special Permit is as a game room/family room (residential accessory and incidental use) on the R1 zoned property as the structure to be build is not the single family residential structure located on the property.

2. TIME LIMIT: This Special Permit is good for the duration of the structure from the date of this ordinance **unless** (a) the property is not being used for the purpose outlined in Condition 1, or (b) any other conditions have not been complied with.

4. SPECIAL CONDITION: (4.1) The applicant shall obtain all required licenses for operating the business and permits for building, fire and health thereby meeting all adopted codes to operate said business, and shall cooperate with all annual fire safety, health, and sanitation inspections, in order to maintain compliance with state and city regulations for an animal clinic with outdoor pens. (4.2) All activity on site shall be in complete compliance of all City codes, especially the nuisance, fire, building and zoning codes. (4.3) The structure can be used for a game room/family room, and NOT as a business or rental unit.

SECTION 3. That the official Zoning Map of the City of Kingsville, Texas, is amended to reflect the amendment to the Zoning Ordinance made by Section 1 of this ordinance.

SECTION 4. That the Zoning Ordinance and Zoning Map of the City of Kingsville, Texas, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

SECTION 5. That to the extent that this amendment to the Zoning Ordinance represents a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the Zoning Ordinance, as amended by this ordinance.

SECTION 6. That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

SECTION 7. That publication shall be made in the official publication of the City of Kingsville as required by the City Charter of the City of Kingsville. Codification is not required.

INTRODUCED on this the 11th day of June, 2018.

PASSED AND APPROVED on this the 25th day of June, 2018.

Effective Date: _____

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

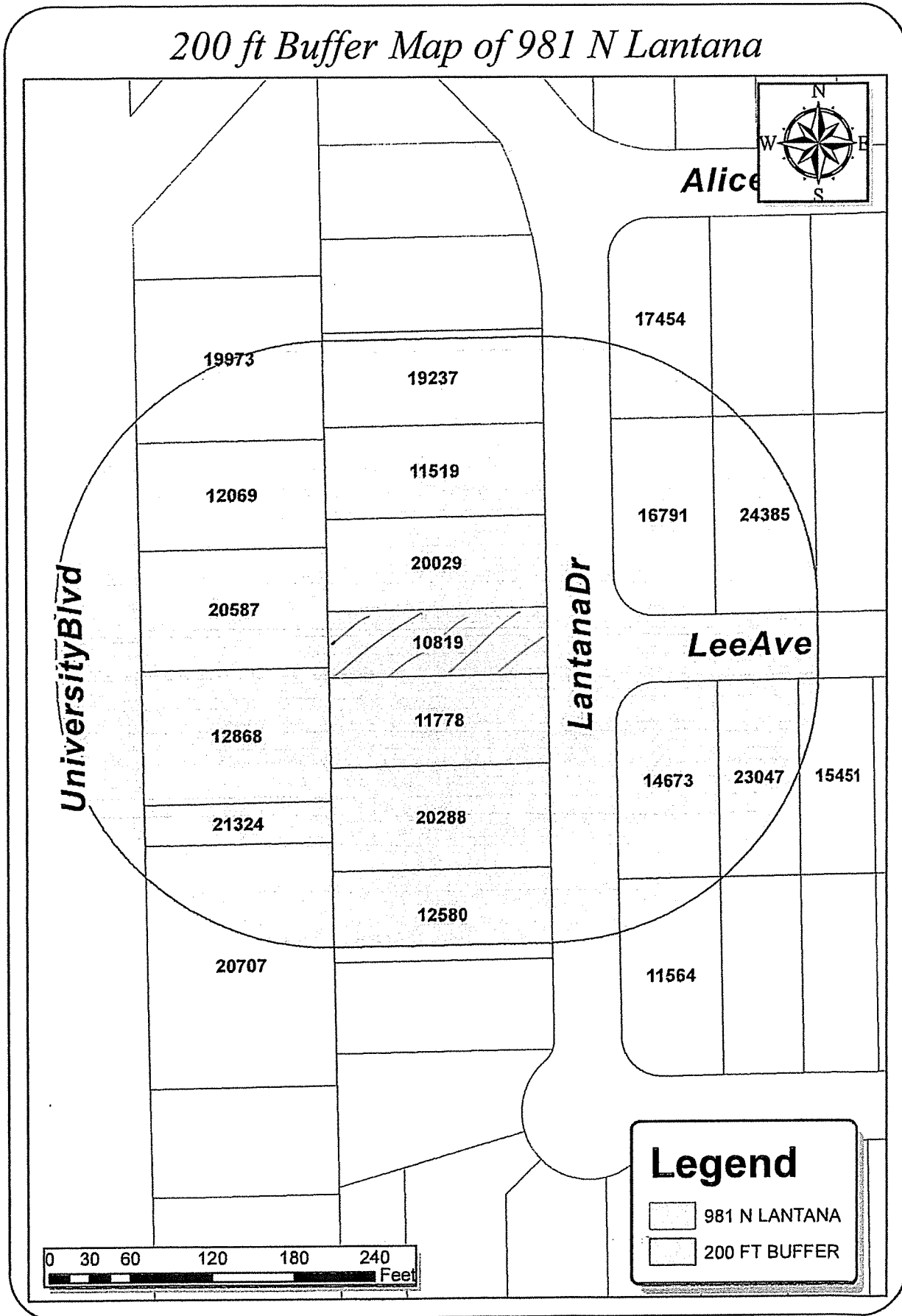
ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

200 ft Buffer Map of 981 N Lantana



PUBLIC HEARING #2

City of Kingsville
Department of Planning and Development Services

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Tom Ginter, Director
DATE: June 1, 2018
SUBJECT: Rezoning request from R1 to R3 at 529 E. Ella

Summary: Applicant requests that he be allowed to build a 2 -2 bedroom structures at 529 E. Ella. Current zoning is R1 and the request is to rezone to R3.

Background: The issue of rezoning property for apartments is one that will be presented to the City Commission on a continual basis I believe. The property surrounding this request is zoned R1 as evidenced by the map that is enclosed. Also enclosed is a copy of a site plan and layout of the structure. The purpose is to give you an idea of the project not necessarily to review the design and construction of the building. Also remember the City Commission just rezoned property from R3 to R1 not much more than a month ago. Eventually the building of apartments may occur there but could this be too soon?

Financial Impact: There is obviously revenue gained from this development. Building permit fee with the assumption that the value would increase consequently the property tax could.

Recommendation: The Planning and Zoning Commission met on June 6 to review and provide a recommendation. The motion was made to approve the re zoning from R1 to R3, the motion failed 4 votes against and 0 for. The Planning and Zoning Commission did not give an approval recommendation concerning this re zoning request.



CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 529 E Ella St Nearest Intersection 10th Street
(Proposed) Subdivision Name 3rd, ~~Block 6~~, Lot 14-16 Block 6
Legal Description: 3rd, Block 6, Lot 14-16
Existing Zoning Designation R1 Future Land Use Plan Designation R3

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Roque Ordóñez Phone (956) 563-1091 FAX -

Email Address (for project correspondence only): _____

Mailing Address 910 W. Chavez City Edinburg State TX Zip 78541

Property Owner Santiago, Cantu Phone (956) 778-7709 FAX -

Email Address (for project correspondence only): sancan4@aol.com

Mailing Address P.O. Box 197 City La Blanca State TX Zip 78558

Select appropriate process for which approval is sought. Attach completed checklists with this application.

<input type="checkbox"/> Annexation Request	No Fee	<input type="checkbox"/> Preliminary Plat	Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA)	\$250.00	<input type="checkbox"/> Final Plat	Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request	\$250.00	<input type="checkbox"/> Minor Plat	\$100.00
<input checked="" type="checkbox"/> Re-zoning Request	\$250.00	<input type="checkbox"/> Re-plat	\$250.00
<input type="checkbox"/> SUP Request/Renewal	\$250.00	<input type="checkbox"/> Vacating Plat	\$50.00
<input type="checkbox"/> Zoning Variance Request (ZBA)	\$250.00	<input type="checkbox"/> Development Plat	\$100.00
<input type="checkbox"/> PUD Request	\$250.00	<input type="checkbox"/> Subdivision Variance Request	\$25.00 ea

Please provide a basic description of the proposed project:

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

Applicant's Signature Roque Ordóñez Date: 05-17-18
Property Owner's Signature _____ Date: _____
Accepted by: S. Resendiz Date: 05-17-18

DIOCESE OF CC
% MOST REV WM MICHAEL
MULVEY, STL D D
620 LIPAN ST
CORPUS CHRISTI, TX 78401-2434
#10118

CARMEN UTLEY
ETVIR RAMIRO UTLEY
530 E ELLA AVE
KINGSVILLE, TX 78363-3833
#14752

JOSE R HERRERA JR
604 E ELLA
KINGSVILLE, TX 78363
#18637

DRUSILLA ANN LOMAS
503 E ELLA AVE
KINGSVILLE, TX 78363-3832
#16734

FLAVIO SALAZAR EST
ANGELITA GUEVARA EST
521 E ELLA AVE
KINGSVILLE, TX 78363-3832
#19025

MARY GUZMAN FREELON
609 E ELLA AVE
KINGSVILLE, TX 78363-3951
#12337

ERNESTO E VALADEZ EST
ELENA H NORMAN (IND EXEC)
7718 HIDDEN IVEY COURT
ORLANDO, FL 32189
#15304

JILMA GUEVARA VIDAURRI
403 HELEN MARIE DR
KINGSVILLE, TX 78363-7309
#12893

JOSE SALVADOR ARIAS
PO BOX 1383
KINGSVILLE, TX 78364-1383
#14073

JOSE MANUEL LOZANO
516 E ELLA AVE
KINGSVILLE, TX 78363-3833
#17070

RAMIRO UTLEY
530 E ELLA AVE
KINGSVILLE, TX 78363-3833
#22373

DAVID DIAZ JR
1102 RED RANCH CIR
CEDAR PARK, TX 78613
#17103

EMILIO C MIRELES JR
ETUX ANNA A
519 E ELLA AVE
KINGSVILLE, TX 78363-3832
#17492

SANTIAGO CANTU
PO BOX 197
LA BLANCA, TX 78558-0197
#19818

VERONICA JANELL GARCIA
1327 E SANTA GERTRUDIS ST
KINGSVILLE, TX 78363-4803
#13138

ROSARIO RIOS
524 E SANTA GERTRUDIS ST
KINGSVILLE, TX 78363-3845
#22892

SONJA D REYNA
AKA SONYA D ROJAS
600 E SANTA GERTRUDIS
KINGSVILLE, TX 78363
#15657

ARTURO REYES EST
612 E SANTA GERTRUDIS
KINGSVILLE, TX 78363
#13248

MARINA M LOZANO EST
528 E ELLA AVE
KINGSVILLE, TX 78363-3833
#23883

JOSE H CAVAZOS JR
508 E SANTA GERTRUDIS ST
KINGSVILLE, TX 78363-3845
#19402

DRUSILLA ANN LOMAS
ETAL
503 E ELLA AVE
KINGSVILLE, TX 78363-3832
#23548

ANNA G MIRELES
ETVIR EMILIO
519 E ELLA AVE
KINGSVILLE, TX 78363-3832
#18256

REBECCA MICHEL DE LA
GARZA
349 E FM 722
KINGSVILLE, TX 78363
#11526

MARIA I DEL BOSQUE CAVAZOS
510 E SANTA GERTRUDIS ST
KINGSVILLE, TX 78363-3845
#16843

ARTURO MORENO
524 E SANTA GERTRUDIS ST
KINGSVILLE, TX 78363-3845
#22135

JOSE SALVADOR ARIAS
PO BOX 1383
KINGSVILLE, TX 78364-1383
#14866

run-off will be selected to serve in the office.

In the Pct. 4 Kleberg County Commissioner run-off, Zaragoza "Shorty" Salinas Jr. is facing David Garcia.

The winner of the run-off election will face Republican Rene Lomas Bazan in November. Bazan was unopposed in the Republican Primary.

Residents who voted in the Republican Primary will not be permitted to participate in the Democrats' run-off.

Voters who participated in the Democratic Primary, as well as residents who did not vote in the election, are eligible to participate.

On Election Day, polls will be open from 7 a.m. to 7 p.m., and voters must vote in their registered precinct. Polling locations are as follows:

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Precincts 33 and 34 - Riviera County Building, 103 N. 7th Street in Riviera

Precinct 35 - Ricardo Community Senior Center, 109 N. Nix Street in Kingsville

Precincts 41, 42, 43, 44 and 45 - Early Voting Annex Office, 720 E. King Ave. in Kingsville.

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, June 6, 2018, 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:

Roque Ordoñez, applicant, Santiago Cantu, owner, requesting the rezone of 3rd, Block 6, Lot 14-16 also known as 529 E Ella Street from R1 (Single Family) to R3 (Multi-Family District).

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Insurance

and district monthly premiums on two plans, as well as added a third high-deductible option.

Throughout 2017 and into 2018, the board has expressed concern about how much longer the district could continue to self-fund health insurance for its employees, and has also discussed the possibility of moving to the health insurance plans offered through the Teacher Retirement System of Texas (TRS) Active Care program.

Insurance representative Mike Goetz, of Gallagher Public Entity and Scholastic Group, presented the first quarter financial report to the board at Tuesday's meeting, which covered the district's medical and pharmacy claims, administration fees and district and employee contributions from January thru March 2018.

According to Goetz's presentation, the KISD had about \$789,000 in medical claims and about \$241,000 in pharmacy claims through March for a total of \$1.03 million. Administration fees during that same time totaled nearly

\$207,000.

"Those are offset by the contributions toward the plan from both the district and employees to the tune of \$984,000, which leaves us year-to-date with a net negative of \$252,000," Goetz said.

According to the presentation, the district's claims totaled about \$1.135 million in the first quarter of 2016, while Q1 2017 had a total of nearly \$923,000 in claims that included about \$509,000 in run-out claims from HealthFirst.

Goetz also presented preliminary numbers for April 2018 to the board, which he said showed an estimated net gain of \$65,000-\$75,000.

"So we're expecting to see this curve turn back into the right direction," he said.

Goetz said one of the main drivers for the first quarter net loss last quarter came from claims from two KISD employees, one of whom was "labeled," or assigned a higher deductible because of a known condition that

would likely exceed the standard deductible, at \$300,000.

According to the presentation, the two employees collectively incurred about \$438,000, or roughly 43 percent of the total claims. The other driver, Goetz said, was that the district was still about \$71,000 from satisfying its aggregating specific deductible of \$125,000.

While he admitted the amount had him initially worried, Goetz said he was still optimistic because "we took our biggest hit in January" prior to banking any contributions for 2018.

"If we had gotten the \$300,000 claimant in July or August, well, we would have had six months of revenue by then and it would have been able to offset that," he said.

Following the presentation and some board discussion on the district's on-site health clinic as well as employee education regarding their health plans and benefits, board president Brian Coufal expressed concern about the district being able to contin-

ue offering a self-insured health insurance program to its employees.

"We have been very generous over the years with our plans, but it's breaking us," he said. "It's absolutely breaking us."

Coufal said he is hopeful, but things are not far off where they are now "compared to when the sky was falling." He then asked that the board convene for a workshop once the second quarter claims projection is ready to be presented, most likely at the end of June, or when the Q2 financial report is ready in July.

In another informational item, the board heard a presentation regarding a health insurance cost alternative through the South Texas Health Cooperative. Following the presentation, Coufal asked that the upcoming workshop include "the options that are out there."

"And I would like for that to include an analysis of TRS," he said.

Anthony Ruiz can be contacted at aruiz@king-ranch.com or (361) 221-0251.

Sentence

in connection to an Aug. 29, 2014 robbery of the IBC Bank near the intersection of Santa Gertrudis and Armstrong Avenues.

Martinez was accused of brandishing a firearm during the robbery, but in return for his guilty plea prosecutors agreed to amend the indictment against him to note that it could have been a "BB gun."

In testimony Friday, friends of Martinez said that over the past year Martinez had volunteered at a boxing gym in Alice and had donated money to the gym and local toy drives over Christmas.

In his closing argument, defense attorney Luis Garcia asked the court for "mercy" based on Martinez's entry of a guilty plea and recommended Martinez be sentenced to probation.

"In order to show justice, a court has to be merciful," Garcia said.

Garcia and co-defense counsel Nathan Fugate also painted a co-defendant in the case, Joanna Cantu, as the "mastermind" of the robbery. Cantu was an employee of the bank at the time and is accused of helping Martinez carry out the crime. She is set to go to trial on June 26.

"She's the one who formulated the plan," Garcia said. "Mr. Martinez, on the other hand, has shown this court that he has accepted responsibility. He has come clean."

Assistant Attorney General Samantha Oglesby, a prosecutor assigned to the case from the Texas Attorney General's Office, took issue with that assessment in her closing remarks. She described

Martinez's guilty plea, entered four years after his original arrest, as a "self-serving" move made to avoid a trial. She also noted that since his 2014 indictment he had been arrested three times for bond violations and recommended he be sentenced to 40 years in prison.

"Your honor, this defendant has repeatedly shown disrespect for this court. He has repeatedly shown that he cannot abide by the terms and conditions (imposed)" Oglesby said. "Deferred adjudication would be an insult to the victims."

Oglesby also noted that Martinez's involvement in volunteer work came after a March 2017 plea agreement reached between the prosecution and the defense that would have capped his sentence at 10 years had been rejected by

the court. Without that agreement, Martinez now faced up to 99 years or life in prison on the charges.

Oglesby also reminded the court that nearly \$50,000 in cash taken during the robbery had never been recovered.

"You can bring all the people in here to testify that four years later he's donating money, but we know where he got that money from," Oglesby

said. "Those are ill-gotten gains, so he gets no benefit for donating money to charities that are associated with a motorcycle gang."

Following closing arguments, Pulcher sentenced Martinez to 25 years in prison on each count, set to run concurrently. He will get credit for time served, which officials said in open court amounted to just over two years. He will

also be required to pay restitution for \$49,092 in cash that was not recovered from the robbery.

"Sir, I don't believe you are evil, but I do believe you made some pretty bad decisions here that will affect these victims for the rest of their lives," Pulcher said.

Christopher Maher can be contacted at cjmaher@king-ranch.com or (361) 221-0242.

City

the results did not change significantly from election night.

In the mayoral race, Fugate and his opponent, Luis A. Gonzalez, each picked up one vote, raising the total to 1,009 to 464 in favor of Fugate.

In the race for city commissioner, Hinojosa added two votes to finish with 688, while Lopez (812), Leubert

(600), Robert "Bob" Charles Pena (148), Al Garcia (564) and Chris Berry (175) each added one vote. Tallies remained unchanged from election night for candidates Marty Ontiveros (181), Lavoyger Durham (187), Ann Marie Torres (496) and Pecos (588). Pecos also received exactly 588 votes in the 2016 election.

Election

run-off will be selected to serve in the office.

In the Pct. 4 Kleberg County Commissioner run-off, Zaragoza "Shorty" Salinas Jr. is facing David Garcia.

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- ◆ Teeth whitening ◆ TV with video capability ◆ Orthodontics (braces)
- ◆ Insurance accepted and filed for you ◆ New patients welcomed

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Exam & Records

\$100

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Limited Dental Exam
NEW PATIENTS ONLY

NO CHARGE

Expires 5/31/18. LC-McCall III, D.D.S., PC • (361) 595-4121

Dr. E.C. McCall III, D.D.S.

116 South 4th Street
Kingsville, Texas 78363

(361) 595-4121

Office Hours: Monday - Thursday 8 am - 5 pm Friday 8 am - 4:00 pm

To: Planning and Zoning Commissioners

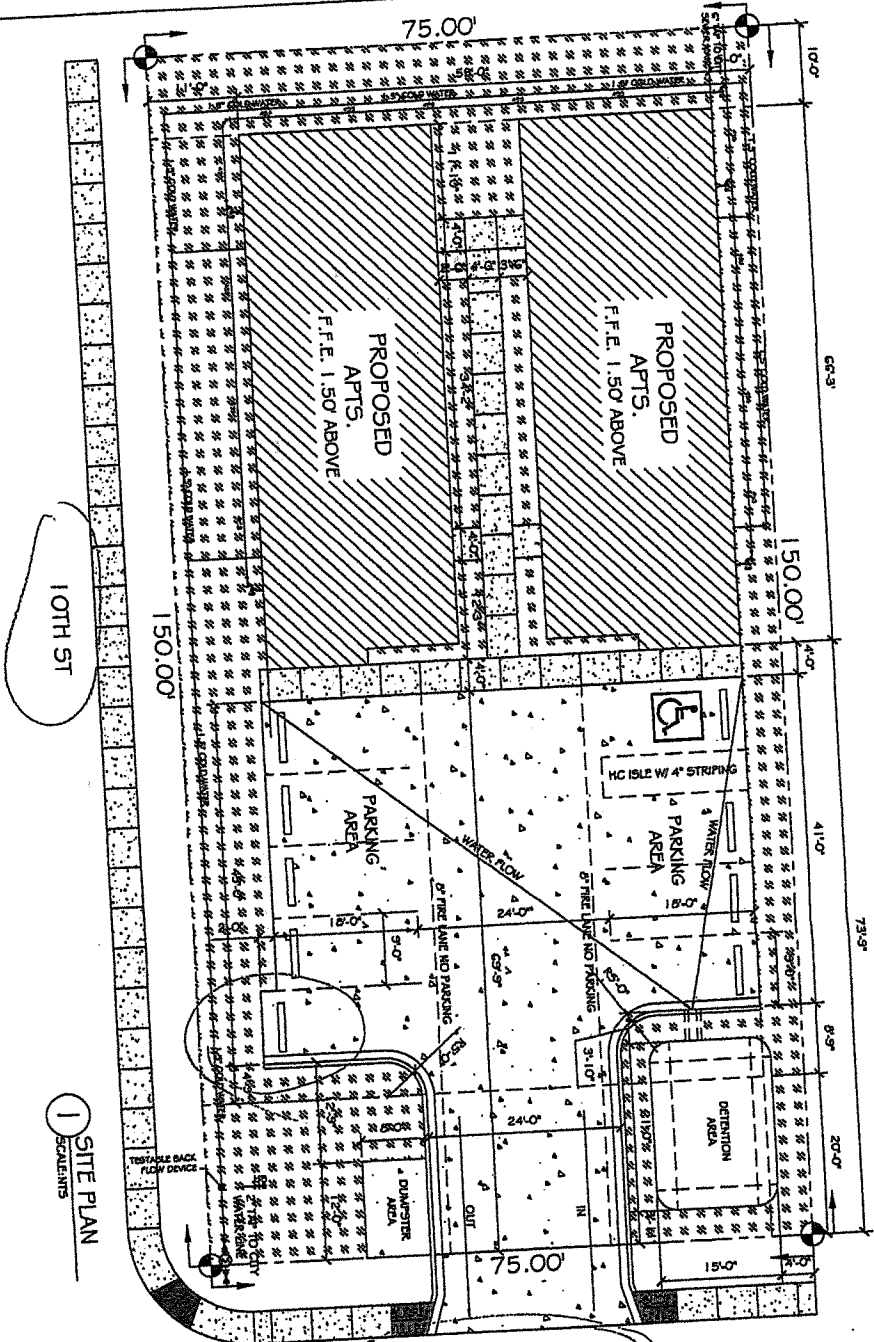
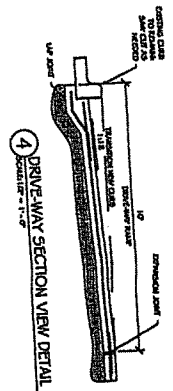
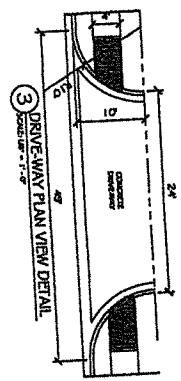
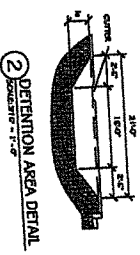
From: Tom Ginter, Director

Date: June 1, 2018

Subject: Agenda Items #2 and #3

Attached is an application for a rezoning at 529 E. Ella. Enclosed is a map which reflects the current zoning is R1. As you can see from the map all of the zoning around this lot is R1. The proposed development are 2- 2 bedroom apartments. While the development itself isn't obtrusive on its own, do we want to start this kind of trend in this part of Kingsville.

Enclosed is a 2 page drawing of the project. The intent of this document is to give you a better idea as to what they want to build. The intent is not to get into detail on the design since that is the responsibility of the development review committee. Also remember that not much more than 1 month ago, we just rezoned a significant amount of property from R3 to R1. Frankly eventually the building of apartments may occur there but could this be too soon?



GROUND COVER LEGEND

DRIVE-WAY & PARKING	4' x 4'
SIDE-WALK	4' x 4'
NEW CONSTRUCTION	
GRASS	

LEGAL DESCRIPTION

529 E ELLA ST.
KINGSVILLE, TX

NUMBER OF PARKING SPACES:	15
HANDICAP PARKING:	1
TYP. PARKING:	14

IMPORTANT DESIGNER NOTES:

THESE PLANS ARE INTENDED TO PROVIDE THE BASIC CONSTRUCTION INFORMATION NECESSARY TO CONSTRUCT THIS STRUCTURE. THIS MEANS THAT THESE PLANS MUST BE FIELD VERIFIED AND CHECKED COMPLETELY BY THE GENERAL CONTRACTOR OR SUBCONTRACTOR IN AUTHORITY FOR THE JOB. ANY DISCREPANCY, ERROR, AMBIGUITY OR OMISSION IF FOUND IS TO BE BROUGHT IMMEDIATELY TO THE ATTENTION OF DESIGNER PRIOR TO COMMENCING CONSTRUCTION. DIMENSIONS SHOWN ON THE FLOOR PLANS ARE "NOMINAL" SIGHT FIELD ADJUSTMENTS MAY BE NECESSARY TO ALLOW FOR ACTUAL MATERIAL SIZES AND PRACTICABILITY OF CONVENTIONAL CONSTRUCTION METHODS. DETAILS AND NOTES NOT PROVIDED WITH THESE DRAWINGS SHOULD BE PROVIDED BY THE MFG., SUPPLIER, OR INSTALLATION CONTRACTOR SPECIFICALLY RELATED TO THAT PARTICULAR PHASE OF CONSTRUCTION.

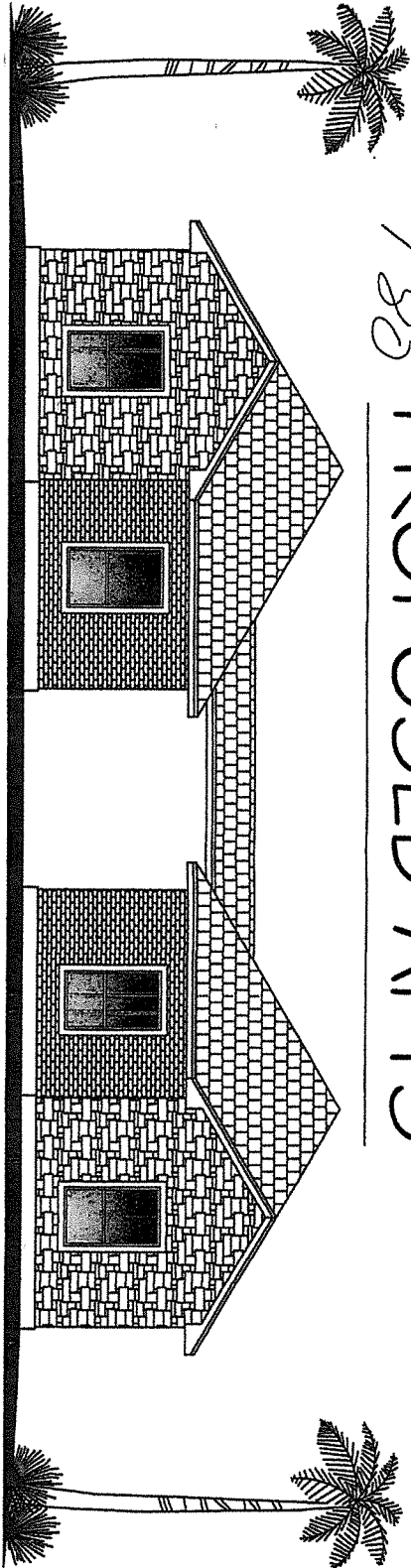
Drawn By: Mano A. Gonzalez	Builder: S.C. CONSTRUCTION LLC 956-778-7709
Owner: SANTIAGO CANTU	Project Title: PROPOSED APTS.
Date Drawn: 2/21/2018	Drawing Scale: VARIES
PLANS DESIGNS "ORDONEZ" 956-380-4087	

Sheet Number: AS 1.0

Revised By:

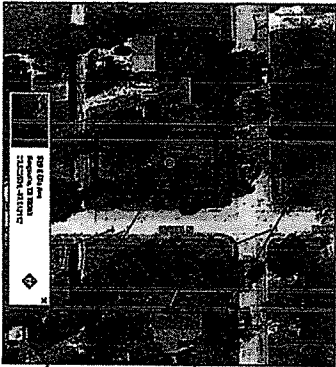


980 PROPOSED APTS



PROJECT DESCRIPTION	
BUILDING PROJECT:	2 BED RM APT. UNITS
AFFILIABLE CODES:	IBC 2009
OCCUPANCY:	R-2
CONSTRUCTION TYPE:	V-B
BLDG. AREA:	PROPOSED: 3134 SQFT
BUILDING HEIGHT:	PROPOSED: 16-7'

AREAS SQ. FT.	
LIVING:	3134.00
PARKING:	3253.00
APTS. SIDE-WALK:	514.00
GREEN AREA:	4349.00
CITY SIDE-WALK:	1086.00



VICINITY MAP

INDEX OF DRAWINGS	
CS 1.0	COVER SHEET
AS 1.0	SITE PLAN
AS 1.1	SITE PLAN DETAILS
AS 1.2	EROSION CONTROL PLAN
AS 1.3	LANDSCAPING PLAN
S 1.0	FOUNDATION PLAN
A 1.0	FLOOR PLAN
A 2.0	ELEVATIONS 1
A 2.1	ELEVATIONS 2
A 3.0	ROOF PLAN
A 3.1	ROOF FRAMING PLAN
A 3.2	CEILING JOIST PLAN
A 4.0	DETAILS 1
M 1.0	MECHANICAL PLAN
E 1.0	ELECTRICAL PLAN
P 1.0	PLUMBING PLAN

SYMBOL LEGEND	
DRAWING TITLE:	ROOF PLAN
ELEVATION MARKER:	16'-0" 16'-0" 16'-0"
ROOM TAG:	ROOF PLAN
ROOM TAG:	ROOF PLAN
SLOPE SYMBOL:	1/4" = 1'-0"
ELEVATION SYMBOL:	1/4" = 1'-0"
SECTION LABEL:	1/4" = 1'-0"
DROP SYMBOL:	1/4" = 1'-0"
DATUM SYMBOL:	1/4" = 1'-0"

AREAS	
LIVING:	27.86
PARKING:	28.92
APTS. SIDE-WALK:	4.57
LANDSCAPING:	36.65

IMPORTANT DESIGNER NOTES:
THESE PLANS ARE INTENDED TO PROVIDE THE BASIC CONSTRUCTION INFORMATION NECESSARY TO CONSTRUCT THIS STRUCTURE. THIS LEAVES THAT THESE PLANS MUST BE FIELD VERIFIED AND CHECKED COMPLETELY BY THE GENERAL CONTRACTOR OR SUBCONTRACTOR IN AUTHORITY FOR THE JOB. ANY DISCREPANCY, ERROR, AND/OR OMISSION FOUND IS TO BE BROUGHT IMMEDIATELY TO THE ATTENTION OF THE DESIGNER. THE DESIGNER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHERS. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHERS. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHERS.

Sheet Number CS 1.0	Drawn By: Mario A. Gonzalez	Builder: S.C. CONSTRUCTION LLC 956-778-7709	 GONSALVES Studio 817 W. Chisum Rd., P.O. Box 1000, TX	
	Owner: SANTIAGO CANTU	Project Title: PROPOSED APTS.		Drawing Scale: NTS
	Date Drawn: 2/21/2018			
	Revised By:			

ORDINANCE #2018-_____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO 3RD, BLOCK 6, LOT 14-16, ALSO KNOWN AS 529 E. ELLA STREET, FROM R1-SINGLE FAMILY TO R3-MULTI-FAMILY 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 Roque Ordonez, agent for Santiago Cantu, 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, June 6, 2018 during a meeting of the Planning and Zoning Commission, and on Monday, June 11, 2018 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 FAILED with a 4-0 vote of the Planning Commission against 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 3rd, Block 6, Lot 14-16, also known as 529 E. Ella Street from R1-Single Family to R3-Multi-Family 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 11th day of June, 2018.

PASSED AND APPROVED on this the 25th day of June, 2018.

Effective Date: _____

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

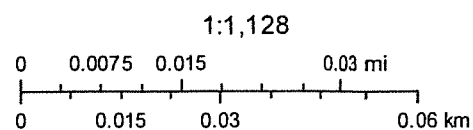
APPROVED:

Courtney Alvarez, City Attorney



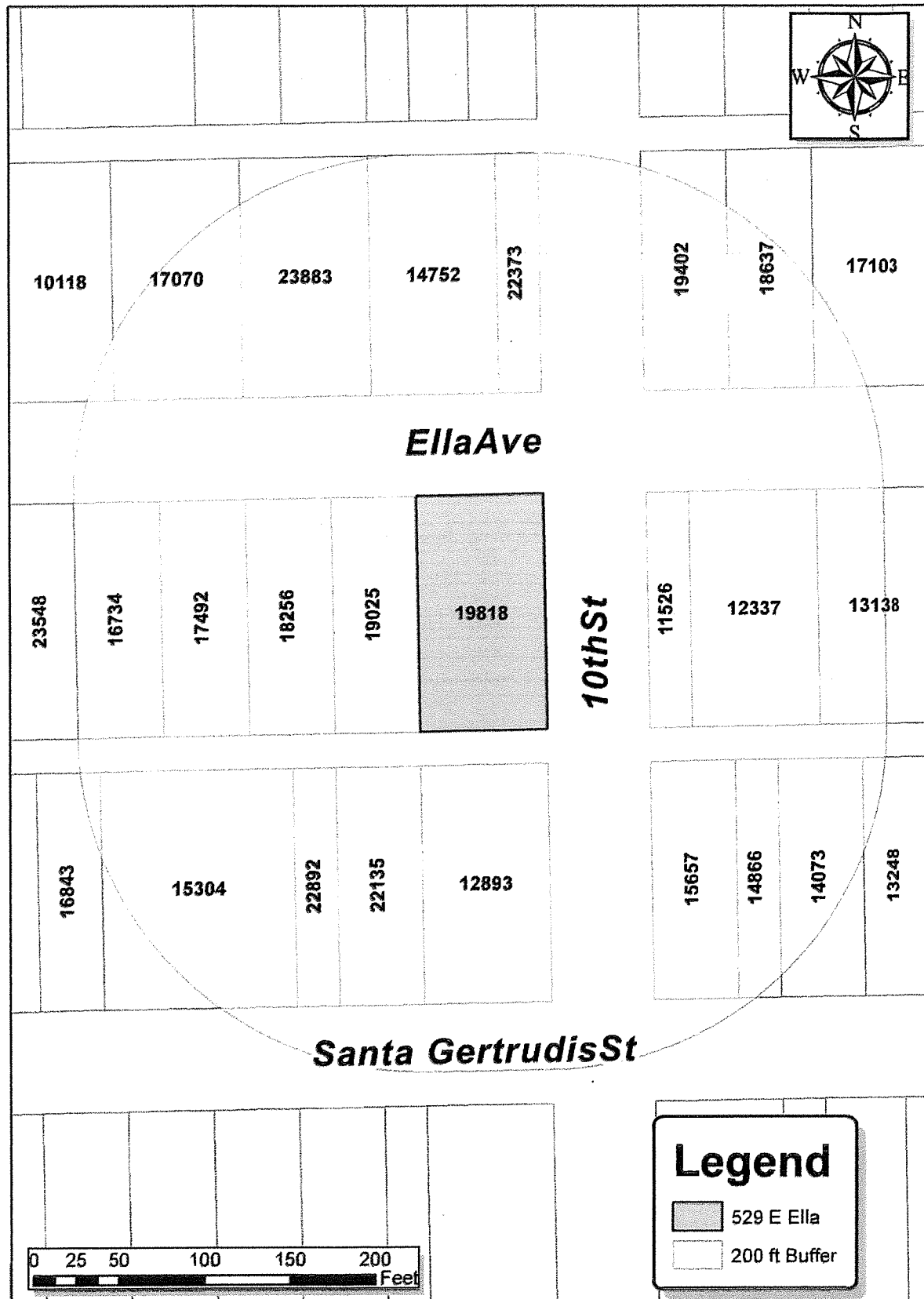
May 17, 2018

X - 529 E. Ella



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

200 ft Buffer Map of 529 E Ella St



PUBLIC HEARING #3

City of Kingsville
Planning and Development Services

TO: Mayor and City Commissioners
CC: Jesus Garza, City Manager
FROM: Tom Ginter, Director
DATE: June 4, 2018
SUBJECT: Condemnation of structure at 414 W. Kenedy

Summary:

Property report is attached which reflects the need for this condemnation

Background:

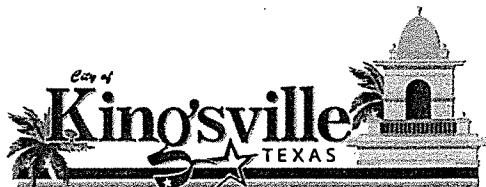
There has been no feedback on this property. All of the letters have been returned.

Financial Impact:

The cost of the demolition will most likely be a tax assessment.

Recommendation:

Approve condemnation of the structure at 414 W. Kenedy



CITY OF KINGSVILLE
PLANNING DEPARTMENT

TO: COURTNEY ALVAREZ, CITY ATTORNEY
FROM: MANUEL BUENTELLO, BUILDING OFFICIAL
SUBJECT: POTENTIAL CODEMNATION LIST
DATE: MAY 18, 2018
CC: TOM GINTER, DIRECTOR OF DEVELOPMENT SERVICES
JENNIFER BERNAL, COMMUNITY APPREARANCE SUPERVISOR
THERESA CAVAZOS, PERMIT CLERK

URGENT: Please review attached packets for your approval. Return to the Planning Dept. ASAP to be submitted for Public Hearing at the Commission Meeting on JUNE 11, 2018.

Property Owner (Name & Address)	City Attorney Approval (initials)	Comments
ESTEBAN MARTINEZ AND MARIA MARTINEZ AT 414 W KENEDY, KINGSVILLE TX		

CRYPTO FUN

Determine the code to reveal the answer!

Solve the code to discover words related to family.
Each number corresponds to a letter.
(Hint: 1 = n)

A. 17 12 13 23 12 1 8 17

Clue: Brothers or sisters

B. 9 15 20 7 1 11

Clue: Authority figure

C. 5 4 16 7

Clue: House

D. 1 24 20 11 24 20 7

Clue: Care for

Answers: A. siblings B. parent C. home D. mother

Guess Who?

I am a comic actor born in Ontario on May 25, 1963. My first acting job was in a commercial with Gilda Radner. I achieved fame on "Saturday Night Live," where I met my "Wayne's World" partner. I've also voiced a big, green ogre during my career.

Answer: Mike Myers

WORD SCRAMBLE

Rearrange the letters to spell something pertaining to family.

V L E O



Answer: Love

IT'S ALL RELATIVE WORD SEARCH

W R I M R P E N T O S I I N S A O P U Y T I R D O H T U A
R S N P A R G A O R H A E P R A E I E L L O F D A I C H E R Y A R D C S I M S U T R U C H V
F R A S N O S E E L W S S A N T B E R M B O N M A L E I C R A D E I T H A A O C N I O F
R O T M O G H I L W I O I F C B L S N E F T H P A N D H W S A A O C N I O F
T H E R N L F G H V F B U N I
M E F B U N I

Find the words hidden vertically, horizontally, diagonally, and backwards.

WORDS

ADOPTIVE
AUNT
AUTHORITY
BABY
BIRTHDAY
BROTHER
CARE
CELEBRATE
CENSUS
CHILD
COMPANION
COMPASSION
DAD
FAMILY
FOSTER
FRIENDLY
GRANDFATHER
GRANDMOTHER
GUARDIAN
HEREDITARY
HOUSEHOLD
IMMEDIATE
LESSONS
LINEAGE
MATERNAL
MOM
NURTURE
PARENTS
PATERNAL
PETS
RELATIVE
SISTER
TRIPLETS
TWIN
UNCLE
UNIT

Celebrating 24 Years
as your Precinct 4
Justice of the Peace

FIESTA
Saturday, May 19th
4 p.m. to 7 p.m.
Flores Park @ N. 12th St.
Live Music & Food

Judge Cheque
De La Paz
Justice of the Peace
Pct. 4 - Kleberg County

We'd like to get to know you.

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Kind, Caring and Complete Family Dentistry

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- ✓ Routine Cleanings
- ✓ Teeth Whitening
- ✓ Braces (Orthodontics)

www.LawhonDental.com

Dr. Tanya P. Lawhon, DDS
General Dentistry
312 South Ave. B, Bishop, TX 78343
(361) 584-2217

PUBLIC HEARING NOTICE

The City Commission will meet on Monday, June 11, 2018 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:

414 W KENEDY

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.

Thank you for serving us,
now let us serve you...

FIRST RESPONDERS BREAKFAST

Inviting all EMS, Firefighters, Lineworkers and Law Enforcement to join us for breakfast and coffee

Friday, May 18th 7 am - 10 am

Chamberlain Masonic Lodge
1721 E. Carlos Truan Blvd.
Kingsville, Texas

women's & men's health services

www.wamhs.org (361) 595-1875

Hours: Mon/Wed/Thurs/Fri 8:30 am - 5 pm Tues 10 am - 7 pm

1000 S. 14th Street, Ste. #1022B
Kingsville, TX 78363

KINGSVILLE RECORD
AND BISHOP NEWS

Like us on Facebook



CITY OF KINGSVILLE

P.O. BOX 1458
KINGSVILLE, TX 78364

REPORT ADDRESS 414 W. Kenedy		INSPECTOR Manuel Buentello
LEGAL DESCRIPTION ORIG TOWN	BLOCK BLOCK 61	LOT LOT 15-17
OWNER NAME MARTINEZ ESTEBAN S EST	OWNER'S ADDRESS 414 W. Kenedy	CITY/STATE/ZIP Kingsville, TX 78363

PROPERTY CONDITION REPORT

PICTURES TAKEN:	Y OR N Y	ACCEPTABLE			REASON CODE	COMMENT CODES
		YES	NO	N/A		
Building						
Condition			X		H,AB,B,C,D,I, NR	1, 2, 5
Yard						
Condition			X		H,AB,B,C,D,I, OV	1,2,3
Utilities						
Electric			X	X	D,H,NR	
Water			X	X	D,MI,NR	
Roof						
Covering			X		H,AB,B,C,D,L,I, NR	4,5
Walls						
Exterior			X		H,AB,B,C,D,L,I, NR	
Interior			X		H,AB,B,C,D,L,I, NR	1,6
Ceilings			X		H,AB,B,C,D,L,I, NR	
Windows/Doors						
Condition			X		B,D,H,I,NR	1
Foundation						
Exterior			X		C,L,NR	
Interior			X		C,L,NR	
Plumbing			X			
Electrical			X			

REASON CODES:

AB-Abandoned	C-Collapsed	I-Incomplete	MO-Mold	NR-Needs Repair
AS-Asbestos	D-Deteriorated	L-Leaning	OU-Outdated	
B-Broken	H-Hazardous	MI-Missing	OV-Overgrown	

COMMENT CODES:

1. AN ATTRACTIVE NUCIANCE TO CHILDREN
2. A HARBOR FOR VAGRANTS, CRIMINAL AND IMMORAL PEOPLE
3. EVIDENCE OF ROACH, RAT, MOUSE, OR OTHER VERMIN FOUND
4. PARTIAL
5. UNCOVERED ROOF
6. GRAFFITI

BUILDING OFFICIAL COMMENTS:

FOUND THE OVERALL CONDITION TO BE IN A SEVERE AND HAZARDOUS STATE OF DISREPAIR. IT IS UNSECURED ALLOWING FOR EASY ACCESS FOR ANIMALS, VAGRANTS, AND CRIMINAL ACTIVITY.

HAS BEEN WITHOUT WATER SINCE N/A AND ELECTRICAL SINCE 2010

SIGNATURE:

MANUEL BUENTELLO, CITY OF KINGSVILLE BUILDING OFFICIAL

DATE: 03/16/2018

CONDEMNATION CHECKLIST

Property Address: 414 W Kennedy Phone: _____
 Property Owner: Estelens Martinez est Phone: _____
 Owner's Address: Ethel Maria M Martinez Fax: _____
414 W Kennedy
Kingsville TX 77603

PLANNED DATE	ACTUAL DATE	ACTION
<input type="checkbox"/> <u>3-13-18</u>	<u>3-13-18</u>	1. Identify structure unfit for human habitation.
<input type="checkbox"/> <u>3-13-18</u>	<u>3-13-18</u>	2. Inspect Property. (Building Official)
		<input type="checkbox"/> a. Prepare inspection report and date.
<input type="checkbox"/> <u>3-16-18</u>	<u>3-16-18</u>	<input type="checkbox"/> b. Photograph property with date stamp.
<input type="checkbox"/> <u>3-16-18</u>	<u>3-16-18</u>	3. Determine ownership from county assessment & tax collection record.
<input type="checkbox"/> <u>3-16-18</u>	<u>3-16-18</u>	4. Obtain legal description.
<input type="checkbox"/> <u>3-20-18</u>	<u>3-20-18</u>	5. Obtain or complete title report to verify ownership & other vested interests, such as mortgage holders, trustees, etc.
		6. Send Notice of Violation & copy of inspection report to property owner(s) of record. Request written response from owner within 10 days from Notice of Violation indicating action the owner intends to take within the next 30 days to correct substandard conditions.
<input type="checkbox"/> <u>5-2-18</u>	<u>5-2-18</u>	7. 2 nd Notice Sent. (10 day response) (Optional)
<input type="checkbox"/> <u>5-2-18</u>	<u>5-2-18</u>	8. If response is not received or is not adequate, proceed as follows:
<input type="checkbox"/> <u>5-2-18</u>	<u>5-2-18</u>	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.
		<input type="checkbox"/> a. Owner unknown or whereabouts not known or such owner is a nonresident of Texas.
<input type="checkbox"/> <u>5-8-18</u>	<u>5-8-18</u>	1) Post affidavit in newspaper twice a week
<input type="checkbox"/> <u>5-13-18</u>	<u>5-3-18</u>	for one week
		10. Post sign on property advising date the City

☐ 5-16-18

5-16-18

☐ 5-3-18

5-3-18

☐ 5-7-18

5-7-18

☐ 5-7-18

5-7-18

☐ _____

☐ _____

☐ _____

☐ _____

☐ _____

☐ _____

☐ _____

☐ _____

☐ _____

Council will consider condemnation of structure.

11. Within the Historical District. Meeting date to be heard by the Historical Development Board.

12. Photograph posted sign with date stamp.

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

☐ e. Condemnation resolution

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.

17. Send owner(s) & other vested interests the following:

☐ a. Copy of the City Council resolution.

☐ b. 45-day order to demolish

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.

20. Photograph posted notice with date stamp.

21. Notify utility companies to disconnect & remove services from structure for safe demolition.

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

- ☐ 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.

LEBERG COUNTY APPRAISAL DISTRICT

PROPERTY 20604
R
OWNER ID
49557

Legal Description
RIG TOWN, BLOCK 61, LOT 15-17

OWNERSHIP
100.00%

Ref ID: R20604
Map ID C1

00106115000192

ITUS 414 W KENEDY

GENERAL

LAST APPR. LR/CT
LAST APPR. YR 2016
LAST INSP. DATE 10/26/2015
NEXT INSP. DATE

REMARKS
FOR '16 CHG DEPR % & EFF YR - ADD 50% PHY
FOR ROT WOOD & ROOF - CHG SG6 TO STPP
W/PP IMP ADJ PER FIELD INSP BY LR/CT
10/26/15 11/10/15 JO -- FOR NOTES ONLY: REM

BUILDING PERMITS

ISSUE DT PERMIT TYPE PERMIT AREA ST PERMIT VAL
14/12/1999 ROOF A 3,000

SALE DT PRICE GRANTOR DEED INFO
16/16/2005 MARTINEZ ESTEBANDEATH / /
14/14/2000 SMART LUCILLA M WD / 195 / 270
15/01/1986 UNKNOWN OT / 497 / 69

SUBD: S001 100.00% NBHD:

#	TYPE	DESCRIPTION	MTHD	CLASS/SUBCL	AREA	UNIT PRICE	UNITS	BUILT
MA	MAIN AREA		R	FF3/	1,590.0		39.77	1940
OP1	OPEN PORCH	B	R	*/	224.0	7.95	1	1940
STPP	STORAGE (CON		R	*/	80.0	2.10	1	0
RESIDENTIAL								
			STCD: A1		1,894.0			Homestead: Y (100%)

PROPERTY APPRAISAL INFORMATION 2017

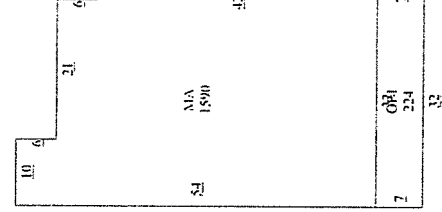
MARTINEZ ESTEBAN S EST
ETUX MARIA M
414 W KENEDY
KINGSVILLE, TX 78363

ACRES:

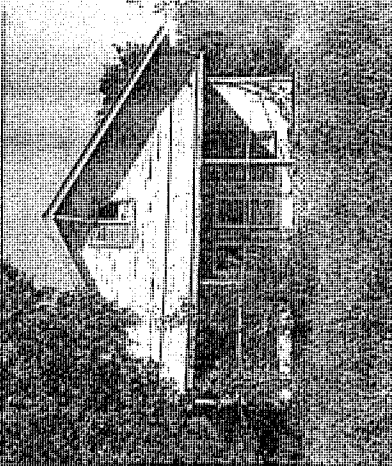
EFF. ACRES:

APPR VAL METHOD: Cost

SKETCH for Improvement #1 (RESIDENTIAL)



PICTURE



IMPROVEMENT INFORMATION

BUILT	EFF YR	COND.	VALUE	DEPR	PHYS	ECON	FUNC	COMP	ADJ	ADJ VALUE
1940	1971		64,680	45%	50%	100%	100%	100%	0.23	14,550
1940	1971		1,780	45%	50%	100%	100%	100%	0.23	400
0	1971			45%	50%	100%	100%	100%	0.00	0
Y (100%)										14,950

IMPROVEMENT FEATURES

Plumbing	1	2	1,450
Foundation	1	FD6	0
Exterior Wall	1	EW5,EWB	0
Interior Finish	1	IN4	0
Roof Style	1	RM1	0
Flooring	1	FL2	0
Heating/Cooling	1	HA2	1,450

SUBD: S001 100.00% NBHD:

DESCRIPTION
A1
Comment: F: 75 R: 75 FF

CLS TABLE
FF70D140 A1 Y (100%) FF

DIMENSIONS
75X140

LAND INFORMATION
UNIT PRICE GROSS VALUE
70.00 5,250 1.00 A

IRR Wells: 0 Capacity: 0
ADJ MASS ADJ VAL SRC

IRR Acres: 0
MKT VAL AG APPLY AG CLASS AG TABLE AG UNIT PRC AG VALUE

Oil Wells: 0
5,250 NO 0.00 0 0

2017 PRELIMINARY ROLL

CKI - CITY OF KINGSVILLE

Geo ID Order

06/15/2017 14:01PM

Prop ID	Owner	% Legal Description	Values
19815	18719	100.00 R Geo: 100106113000192	Effective Acres: 0.000000 Imp HS: 47,310 Market: 50,810
CAMPOS DOLORES		ORIG TOWN, BLOCK 61, LOT 13-14, ACRES .0	Imp NHS: 0 Prod Loss: 0
412 W KENEDY AVE			Land HS: 3,500 Appraised: 50,810
KINGSVILLE, TX 78363-5352			Land NHS: 0 Cap: 0
	State Codes: A	Acres: 0.0000 C1	Prod Use: 0 Assessed: 50,810
	Situs: 412 W KENEDY	Map ID: Mtg Cd: DBA:	Prod Mkt: 0 Exemptions: HS, OV65

Entity	Description	Xref Id	Freeze: (Year) Ceiling	Assessed	Exemptions	Taxable	Tax Rate	Est. Tax
CKI	CITY OF KINGSVILLE			50,810	8,400	42,410	0.842200	357.18

20604	49557	100.00 R Geo: 100106115000192	Effective Acres: 0.000000	Imp HS: 14,950	Market: 20,200
MARTINEZ ESTEBAN S EST		ORIG TOWN, BLOCK 61, LOT 15-17		Imp NHS: 0	Prod Loss: 0
ETUX MARIA M				Land HS: 5,250	Appraised: 20,200
414 W KENEDY			Acres: 0.0000	Land NHS: 0	Cap: 0
KINGSVILLE, TX 78363			Map ID: C1	Prod Use: 0	Assessed: 20,200
	State Codes: A		Mtg Cd: DBA:	Prod Mkt: 0	Exemptions: OV65, HS
	Situs: 414 W KENEDY				

Entity	Description	Xref Id	Freeze: (Year) Ceiling	Assessed	Exemptions	Taxable	Tax Rate	Est. Tax
CKI	CITY OF KINGSVILLE			20,200	8,400	11,800	0.842200	99.38

13709	31823	100.00 R Geo: 100106118000192	Effective Acres: 0.000000	Imp HS: 28,180	Market: 31,680
GARCIA OMAR		ORIG TOWN, BLOCK 61, LOT 18, 19		Imp NHS: 0	Prod Loss: 0
CYNTHIA ANN MORENO				Land HS: 3,500	Appraised: 31,680
420 W KENEDY AVE			Acres: 0.0000	Land NHS: 0	Cap: 0
KINGSVILLE, TX 78363-5352			Map ID: C1	Prod Use: 0	Assessed: 31,680
	State Codes: A		Mtg Cd: DBA:	Prod Mkt: 0	Exemptions: HS
	Situs: 420 W KENEDY				

Entity	Description	Xref Id	Freeze: (Year) Ceiling	Assessed	Exemptions	Taxable	Tax Rate	Est. Tax
CKI	CITY OF KINGSVILLE			31,680	0	31,680	0.842200	266.81

14513	49443	100.00 R Geo: 100106120000192	Effective Acres: 0.000000	Imp HS: 31,370	Market: 36,620
KOMMA ALFRED J		ORIG TOWN, BLOCK 61, LOT 20-22		Imp NHS: 0	Prod Loss: 0
424 W KENEDY AVE				Land HS: 5,250	Appraised: 36,620
KINGSVILLE, TX 78363-5352			Acres: 0.0000	Land NHS: 0	Cap: 0
	State Codes: A		Map ID: C1	Prod Use: 0	Assessed: 36,620
	Situs: 424 W KENEDY		Mtg Cd: DBA:	Prod Mkt: 0	Exemptions: HS, OV65

Entity	Description	Xref Id	Freeze: (Year) Ceiling	Assessed	Exemptions	Taxable	Tax Rate	Est. Tax
CKI	CITY OF KINGSVILLE			36,620	8,400	28,220	0.842200	237.67

23649	46169	100.00 R Geo: 100106123000192	Effective Acres: 0.000000	Imp HS: 35,120	Market: 38,620
HERNANDEZ ROSENDO A		ORIG TOWN, BLOCK 61, LOT 23, 24		Imp NHS: 0	Prod Loss: 0
ETUX NORMA R				Land HS: 3,500	Appraised: 38,620
430 W KENEDY AVE			Acres: 0.0000	Land NHS: 0	Cap: 0
KINGSVILLE, TX 78363-5352			Map ID: C1	Prod Use: 0	Assessed: 38,620
	State Codes: A		Mtg Cd: DBA:	Prod Mkt: 0	Exemptions: HS
	Situs: 430 W KENEDY				

Entity	Description	Xref Id	Freeze: (Year) Ceiling	Assessed	Exemptions	Taxable	Tax Rate	Est. Tax
CKI	CITY OF KINGSVILLE			38,620	0	38,620	0.842200	325.26

21799	12429	100.00 R Geo: 100106201000192	Effective Acres: 0.000000	Imp HS: 0	Market: 37,940
MCCOSLIN J R		ORIG TOWN, BLOCK 62, LOT 1, 2		Imp NHS: 32,940	Prod Loss: 0
1710 CROSSHAVEN				Land HS: 0	Appraised: 37,940
LEWISVILLE, TX 75077			Acres: 0.0000	Land NHS: 5,000	Cap: 0
	State Codes: A		Map ID: C1	Prod Use: 0	Assessed: 37,940
	Situs: 529 W KING		Mtg Cd: DBA:	Prod Mkt: 0	Exemptions:

Entity	Description	Xref Id	Freeze: (Year) Ceiling	Assessed	Exemptions	Taxable	Tax Rate	Est. Tax
CKI	CITY OF KINGSVILLE			37,940	0	37,940	0.842200	319.53

22566	47941	100.00 R Geo: 100106203000192	Effective Acres: 0.000000	Imp HS: 23,770	Market: 28,770
SMITH DANIEL L		ORIG TOWN, BLOCK 62, LOT 3, 4		Imp NHS: 0	Prod Loss: 0
AND CHRISTINA M SMITH				Land HS: 5,000	Appraised: 28,770
525 W KING AVE			Acres: 0.0000	Land NHS: 0	Cap: 0
KINGSVILLE, TX 78363-5357			Map ID: C1	Prod Use: 0	Assessed: 28,770
	State Codes: A		Mtg Cd: DBA:	Prod Mkt: 0	Exemptions: HS
	Situs: 525 W KING				

Entity	Description	Xref Id	Freeze: (Year) Ceiling	Assessed	Exemptions	Taxable	Tax Rate	Est. Tax
CKI	CITY OF KINGSVILLE			28,770	0	28,770	0.842200	242.30

Kleberg CAD

Property Search Results > 20604 MARTINEZ ESTEBAN S EST for Year 2017

Property

Account

Property ID: 20604 Legal Description: ORIG TOWN, BLOCK 61, LOT 15-17
 Geographic ID: 100106115000192 Agent Code:
 Type: Real
 Property Use Code:
 Property Use Description:

Location

Address: 414 W KENEDY Mapsco:
 Neighborhood: Map ID: C1
 Neighborhood CD:

Owner

Name: MARTINEZ ESTEBAN S EST Owner ID: 49557
 Mailing Address: ETUX MARIA M % Ownership: 100.0000000000%
 414 W KENEDY
 KINGSVILLE, TX 78363
 Exemptions: OTHER, HS

Values

(+) Improvement Homesite Value:	+	\$14,950	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$5,250	
(+) Land Non-Homesite Value:	+	\$0	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$20,200	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$20,200	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$20,200	

Taxing Jurisdiction

Owner: MARTINEZ ESTEBAN S EST
 % Ownership: 100.0000000000%
 Total Value: \$20,200

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax	Tax Ceiling
CAD	KLEBERG COUNTY APPRAISAL DISTRICT	0.000000	\$20,200	\$20,200	\$0.00	
CKI	CITY OF KINGSVILLE	0.842200	\$20,200	\$11,800	\$99.37	
GKL	KLEBERG COUNTY	0.795000	\$20,200	\$8,200	\$65.19	\$171.76
SKI	KINGSVILLE I.S.D.	1.518900	\$20,200	\$0	\$0.00	\$49.11
WST	SOUTH TEXAS WATER AUTHORITY	0.085170	\$20,200	\$3,200	\$2.73	
Total Tax Rate:		3.241270				

Taxes w/Current Exemptions: \$167.29

Taxes w/o Exemptions: \$654.74

Improvement / Building

Improvement #41 RESIDENTIAL State Code: A1 Living Area: 1590.0 sqft Value: \$14,950

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	FF3	EW5,EWB	1940	1590.0
OP1	OPEN PORCH BASIC (20%)	*		1940	224.0
STPP	STORAGE (CONSIDERED PP)	*		0	80.0

Land

#

1 A1 A1 0.2410 10500.00 75.00 140.00 \$5,250 \$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2018	N/A	N/A	N/A	N/A	N/A	N/A
2017	\$14,950	\$5,250	0	20,200	\$0	\$20,200
2016	\$14,950	\$5,250	0	20,200	\$0	\$20,200
2015	\$36,560	\$5,250	0	41,810	\$0	\$41,810
2014	\$36,560	\$5,250	0	41,810	\$0	\$41,810
2013	\$36,560	\$5,250	0	41,810	\$0	\$41,810
2012	\$36,560	\$5,250	0	41,810	\$0	\$41,810
2011	\$36,560	\$5,250	0	41,810	\$0	\$41,810
2010	\$36,560	\$5,250	0	41,810	\$0	\$41,810
2009	\$36,560	\$5,250	0	41,810	\$0	\$41,810
2008	\$36,560	\$5,250	0	41,810	\$0	\$41,810
2007	\$36,560	\$5,250	0	41,810	\$0	\$41,810
2006	\$32,830	\$5,250	0	38,080	\$0	\$38,080
2005	\$35,010	\$5,250	0	40,260	\$0	\$40,260
2004	\$35,010	\$5,250	0	40,260	\$0	\$40,260
2003	\$35,010	\$5,250	0	40,260	\$0	\$40,260
2002	\$35,010	\$5,250	0	40,260	\$0	\$40,260
2001	\$35,010	\$5,250	0	40,260	\$0	\$40,260
2000	\$29,000	\$5,250	0	34,250	\$5,200	\$29,050
1999	\$22,630	\$5,250	0	27,880	\$1,250	\$26,630
1998	\$22,630	\$5,250	0	27,880	\$3,670	\$24,210
1997	\$16,760	\$5,250	0	22,010	\$0	\$22,010
1996	\$16,760	\$5,250	0	22,010	\$0	\$22,010
1995	\$16,760	\$5,250	0	22,010	\$0	\$22,010

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	6/16/2005	DEATH	DEATH - ADD EST TO OWNERSHIP	MARTINEZ ESTEBAN S	MARTINEZ ESTEBAN S EST			
2	4/14/2000	WD	WARRANTY DEED	SMART LUCILLA M	MARTINEZ ESTEBAN S	195	270	
3		OT	Other	UNKNOWN	SMART LUCILLA M	497	69	

Questions Please Call (361) 595-5775

Kleberg CAD

Property Search Results > 20604 MARTINEZ ESTEBAN S EST for Year 2018

Property

Account

Property ID: 20604 Legal Description: ORIG TOWN, BLOCK 61, LOT 15-17
 Geographic ID: 100106115000192 Agent Code:
 Type: Real
 Property Use Code:
 Property Use Description:

Location

Address: 414 W KENEDY Mapsco:
 Neighborhood: Map ID: C1
 Neighborhood CD:

Owner

Name: MARTINEZ ESTEBAN S EST Owner ID: 49557
 Mailing Address: ETUX MARIA M % Ownership: 100.0000000000%
 414 W KENEDY
 KINGSVILLE, TX 78363
 Exemptions: OTHER, HS

Values

(+) Improvement Homesite Value:	+	\$14,950	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$5,250	
(+) Land Non-Homesite Value:	+	\$0	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$20,200	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$20,200	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$20,200	

Taxing Jurisdiction

Owner: MARTINEZ ESTEBAN S EST
 % 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			

Taxes w/Current Exemptions: N/A

Taxes w/o Exemptions: N/A

Improvement / Building

Improvement #1: RESIDENTIAL State Code: A1 Living Area: 1590.0 sqft Value: \$14,950

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	FF3	EW5,EWB	1940	1590.0
OP1	OPEN PORCH BASIC (20%)	*		1940	224.0
STPP	STORAGE (CONSIDERED PP)	*		0	80.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	A1	A1	0.2410	10500.00	75.00	140.00	\$5,250	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2018	N/A	N/A	N/A	N/A	N/A	N/A
2017	\$14,950	\$5,250	0	20,200	\$0	\$20,200
2016	\$14,950	\$5,250	0	20,200	\$0	\$20,200
2015	\$36,560	\$5,250	0	41,810	\$0	\$41,810
2014	\$36,560	\$5,250	0	41,810	\$0	\$41,810
2013	\$36,560	\$5,250	0	41,810	\$0	\$41,810
2012	\$36,560	\$5,250	0	41,810	\$0	\$41,810
2011	\$36,560	\$5,250	0	41,810	\$0	\$41,810
2010	\$36,560	\$5,250	0	41,810	\$0	\$41,810
2009	\$36,560	\$5,250	0	41,810	\$0	\$41,810
2008	\$36,560	\$5,250	0	41,810	\$0	\$41,810
2007	\$36,560	\$5,250	0	41,810	\$0	\$41,810
2006	\$32,830	\$5,250	0	38,080	\$0	\$38,080
2005	\$35,010	\$5,250	0	40,260	\$0	\$40,260
2004	\$35,010	\$5,250	0	40,260	\$0	\$40,260

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	6/16/2005	DEATH	DEATH - ADD EST TO OWNERSHIP	MARTINEZ ESTEBAN S	MARTINEZ ESTEBAN S EST			
2	4/14/2000	WD	WARRANTY DEED	SMART LUCILLA M	MARTINEZ ESTEBAN S	195	270	
3		OT	Other	UNKNOWN	SMART LUCILLA M	497	69	

Questions Please Call (361) 595-5775

STATEMENT OF ALL TAXES DUE

ACCT # 1-001-061-15000-192

DATE 11/15/2017

SD



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

Property Description
ORIG TOWN, BLOCK 61, LOT 15-17

TOWN -
ACRES - .241

LOCATION- 414 W KENEDY

Values

LAND MKT VALUE	5,250	IMPR/PERS MKT VAL	14,950
LAND AGR VALUE		MKT. BEFORE EXEMP	20,200
		LIMITED TXBL. VAL	20,200
EXEMPTIONS GRANTED: H S			
(REMOVAL OF EXEMPTIONS MAY RESULT IN ADDITIONAL TAXES DUE)			

MARTINEZ ESTEBAN S EST
ETUX MARIA M
414 W KENEDY

KINGSVILLE TX 78363

	LEVY	P&I	ATTY FEES	AMT DUE
TAXES 2002	623.00	1,183.71	271.00	2,077.71
TAXES 2003	638.65	1,136.79	266.32	2,041.76
TAXES 2004	541.65	633.74	128.92	1,304.31
TAXES 2005	639.70	605.58	.00	1,245.28
TAXES 2006	553.95	480.08	.00	1,034.03
TAXES 2007	643.40	506.14	.00	1,149.54
TAXES 2008	654.53	462.53	.00	1,117.06
TAXES 2009	654.88	410.39	.00	1,065.27
TAXES 2010	669.49	365.98	.00	1,035.47
TAXES 2011	669.49	312.42	.00	981.91
TAXES 2012	669.49	258.87	.00	928.36
TAXES 2013	675.26	207.08	.00	882.34
TAXES 2014	675.33	153.07	.00	828.40
TAXES 2015	522.90	76.69	.00	599.59
TAXES 2016	169.99	11.34	.00	181.33
TAXES 2017	167.30	.00	.00	167.30
	9,169.01	6,804.41	666.24	16,639.66

ACCT # 1-001-061-15000-192

TOTAL DUE 11/2017	16,639.66
TOTAL DUE 12/2017	16,705.79
TOTAL DUE 01/2018	16,771.91
TOTAL DUE 02/2018	16,839.09

YOU MAY PAY YOUR TAXES ONLINE AT www.klebergcountyonline.net
A PROCESSING FEE OF 3.5% WILL BE APPLIED TO CREDIT CARD PAYMENTS

STATEMENT OF ALL TAXES DUE

ACCT # 1-001-061-15000-192

DATE 11/15/2017

SD



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

BREAKDOWN OF TAX DUE BY JURISDICTION

JURISDICTION	LEVY	P&I	ATT FEES	TOTAL
KLEBERG COUNTY	2,500.30	1,840.76	185.80	4,526.86
CITY OF KINGSVILLE	3,717.23	2,531.96	223.19	6,472.38
KINGSVILLE ISD	2,722.54	2,262.11	238.76	5,223.41
SOUTH TX WATER AUTH	228.94	169.58	18.49	417.01

TAX LEVY FOR THE CURRENT ROLL YEAR: 137	65.19
TAX LEVY FOR THE CURRENT ROLL YEAR: CITY	99.38
TAX LEVY FOR THE CURRENT ROLL YEAR: STWA	2.73
TOTAL TAX LEVY FOR THE CURRENT ROLL YEAR	167.30

DEFERRAL DATE 08/10/2005

YOU MAY PAY YOUR TAXES ONLINE AT www.klebergcountyonline.net
A PROCESSING FEE OF 3.5% WILL BE APPLIED TO CREDIT CARD PAYMENTS

STATEMENT OF ALL TAXES DUE

ACCT # 1-001-061-15000-192

DATE 03/20/2018

EA



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

Property Description
ORIG TOWN, BLOCK 61, LOT 15-17

TOWN - LOCATION- 414 W KENEDY
ACRES - .241

Values

LAND MKT VALUE	5,250	IMPR/PERS MKT VAL	14,950
LAND AGR VALUE		MKT. BEFORE EXEMP	20,200
		LIMITED TXBL. VAL	20,200
EXEMPTIONS GRANTED: H S			
(REMOVAL OF EXEMPTIONS MAY RESULT IN ADDITIONAL TAXES DUE)			

MARTINEZ ESTEBAN S EST
ETUX MARIA M
414 W KENEDY

KINGSVILLE TX 78363

	LEVY	P&I	ATTY FEES	AMT DUE
TAXES 2002	623.00	1,208.62	274.75	2,106.37
TAXES 2003	638.65	1,162.35	270.15	2,071.15
TAXES 2004	541.65	648.18	128.92	1,318.75
TAXES 2005	639.70	622.64	.00	1,262.34
TAXES 2006	553.95	494.86	.00	1,048.81
TAXES 2007	643.40	523.30	.00	1,166.70
TAXES 2008	654.53	479.99	.00	1,134.52
TAXES 2009	654.88	427.86	.00	1,082.74
TAXES 2010	669.49	383.83	.00	1,053.32
TAXES 2011	669.49	330.27	.00	999.76
TAXES 2012	669.49	276.71	.00	946.20
TAXES 2013	675.26	225.08	.00	900.34
TAXES 2014	675.33	171.08	.00	846.41
TAXES 2015	522.90	90.63	.00	613.53
TAXES 2016	169.99	15.87	.00	185.86
TAXES 2017	167.30	2.24	.00	169.54
	9,169.01	7,063.51	673.82	16,906.34
				=====
		TOTAL DUE 03/2018		16,906.34
ACCT # 1-001-061-15000-192		TOTAL DUE 04/2018		16,973.55
		TOTAL DUE 05/2018		17,040.77
		TOTAL DUE 06/2018		17,107.98

YOU MAY PAY YOUR TAXES ONLINE AT www.klebergcountyonline.net
A PROCESSING FEE OF 2.95% WILL BE APPLIED TO CREDIT CARD PAYMENTS

STATEMENT OF ALL TAXES DUE

ACCT # 1-001-061-15000-192

DATE 03/20/2018

EA



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

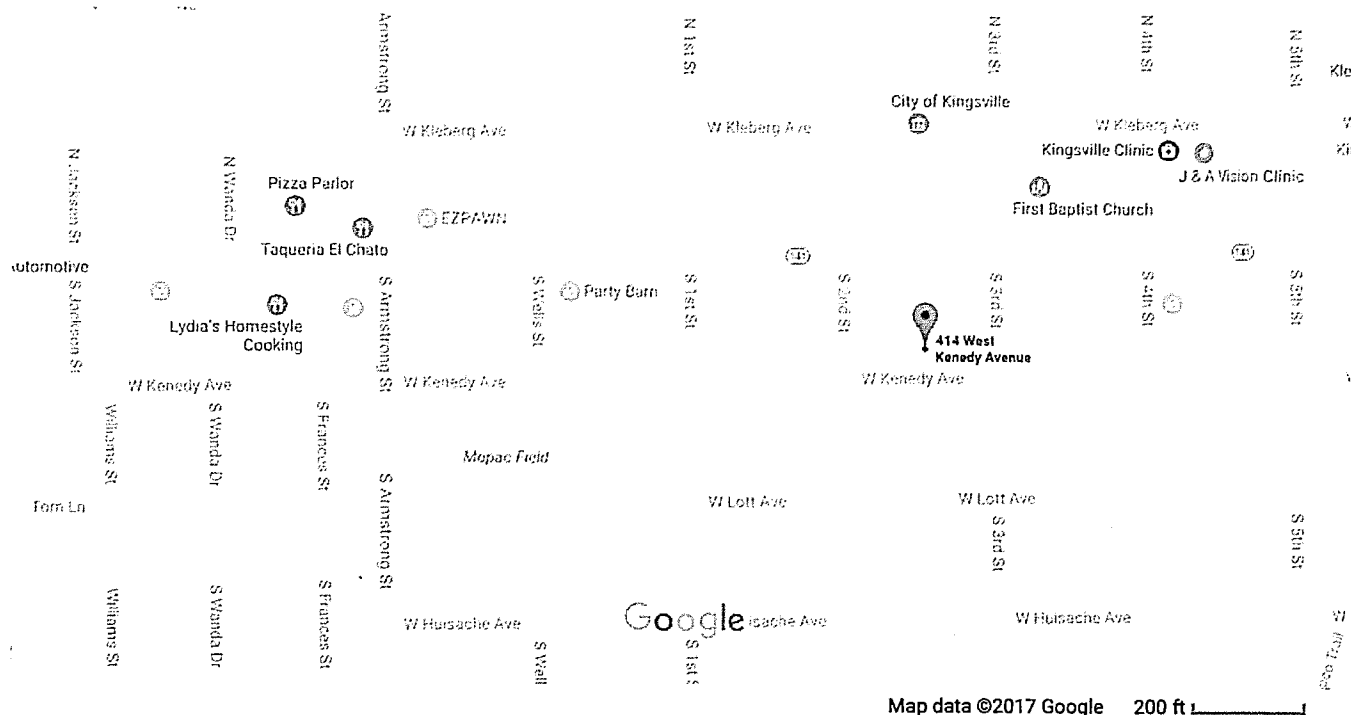
BREAKDOWN OF TAX DUE BY JURISDICTION

JURISDICTION	LEVY	P&I	ATT FEES	TOTAL
KLEBERG COUNTY	2,500.30	1,911.29	187.93	4,599.52
CITY OF KINGSVILLE	3,717.23	2,635.35	225.70	6,578.28
KINGSVILLE ISD	2,722.54	2,340.74	241.48	5,304.76
SOUTH TX WATER AUTH	228.94	176.13	18.71	423.78

TAX LEVY FOR THE CURRENT ROLL YEAR: 137	65.19
TAX LEVY FOR THE CURRENT ROLL YEAR: CITY	99.38
TAX LEVY FOR THE CURRENT ROLL YEAR: STWA	2.73
TOTAL TAX LEVY FOR THE CURRENT ROLL YEAR	167.30

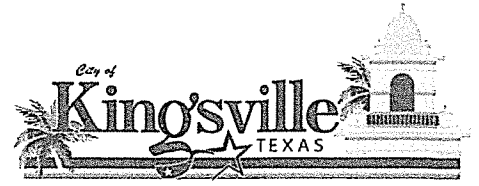
DEFERRAL DATE 08/10/2005

Google Maps 414 W Kenedy Ave



414 W Kenedy Ave
Kingsville, TX 78363





CITY OF KINGSVILLE

P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

MARCH 20, 2018

ESTEBAN S MARTINEZ EST ETUX MARIA M MARTINEZ
414 W KENEDY
KINGSVILLE, TX 78363

Re: ORIG TOWN, BLOCK 61, LOT 15-17 414 W KENEDY

Dear Sir or Madam:

It has been determined that the structure at **414 W KENEDY** 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,



Manuel Buenteello
Building Official



BUILDING DEPARTMENT

City of Kingsville
Phone: 361-595-8019

CERTIFIED MAIL – RETURN RECEIPT #7011 1570 0003 3833 4415

MAY 2, 2018

ESTEBAN S MARTINEZ EST ETUX MARIA M MARTINEZ
414 W KENEDY
KINGSVILLE, TX 78363

Re: **HEARING FOR PROPERTY AT 414 W KENEDY**

Dear Sir or Madam:

On March 20, 2018, a letter was sent from the City of Kingsville stating that your property located at **414 W KENEDY** 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.

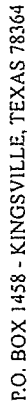
You are hereby cited to appear before the City Commission at a public hearing on **Monday, JUNE 11, 2018 at 6:00 p.m.** to show cause why such structures should not be condemned. You may appear in person, by agent or by counsel at the hearing. You will need to submit at the hearing proof of the scope 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 **JUNE 11, 2018.**

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,

Manuel Buentello
Building Official



THE NATIONAL ARCHIVES

ZIP 78363
041111238105

Mr Esteban S Martinez
Maria M Martinez

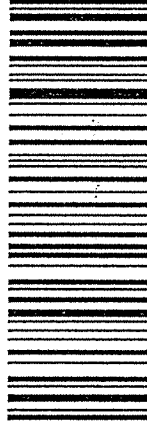
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RETURN TO SENDER
VACANT FORWARD
UNABLE TO FORWARD

[illegible]

09-07-2014 15:45

CERTIFIED MAIL



7011 1570 0003 3833 4187

ILSI-HC STUDY COPIES

71662

2018年12月31日

THE

1458 - KINGSVILLE, TEXAS 78364

ZIP 78393
04111238105

02/7

Est 2744

Esteban S Martinez
Marce M. Martinez
414 W Kennedy 18363
Kingsville, TX

ANKK1: 9352489959

[illegible]

RESEARCH DESIGN

414

03/13/2018 09:26



03/13/2018 09:26

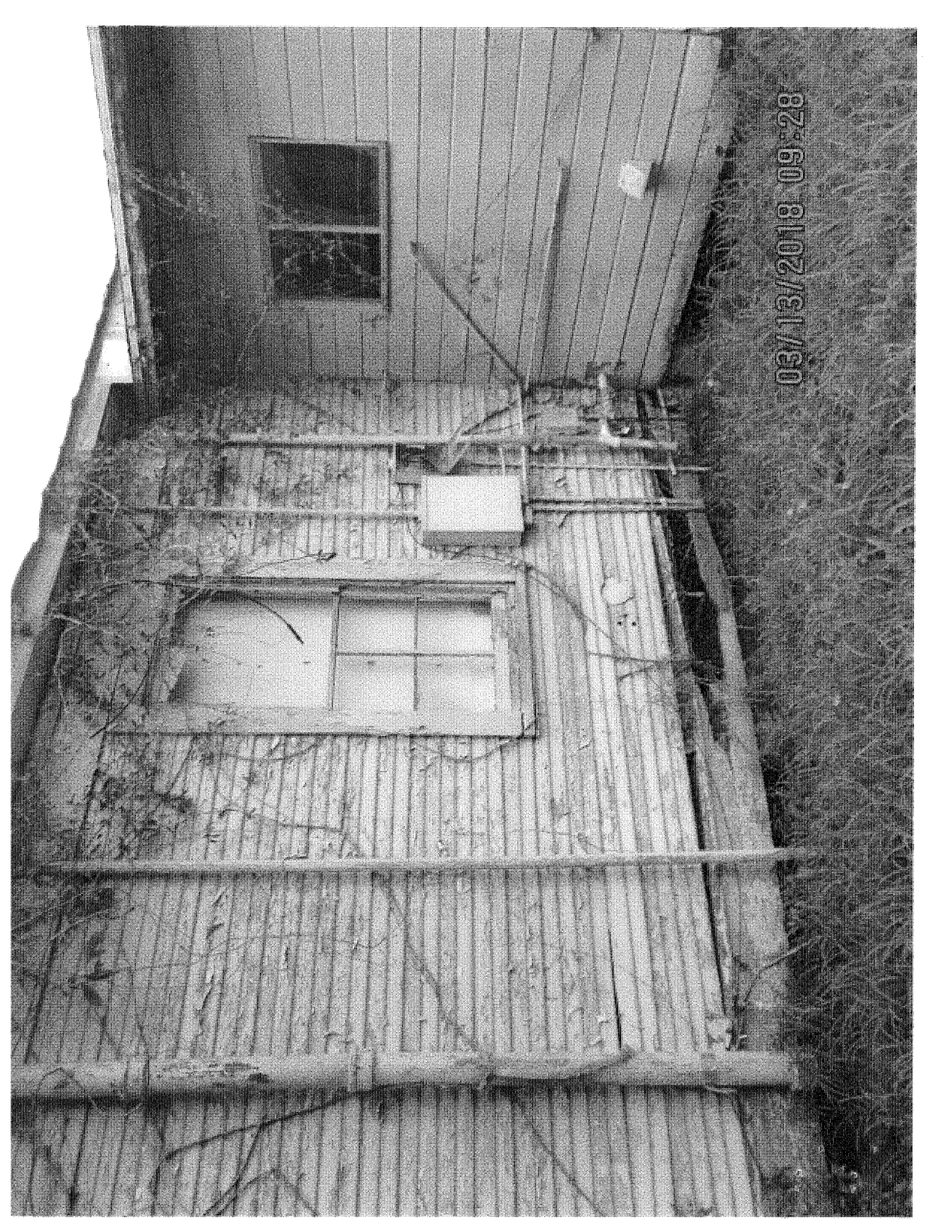
03/13/2018 09:26



03/13/2018 09:27



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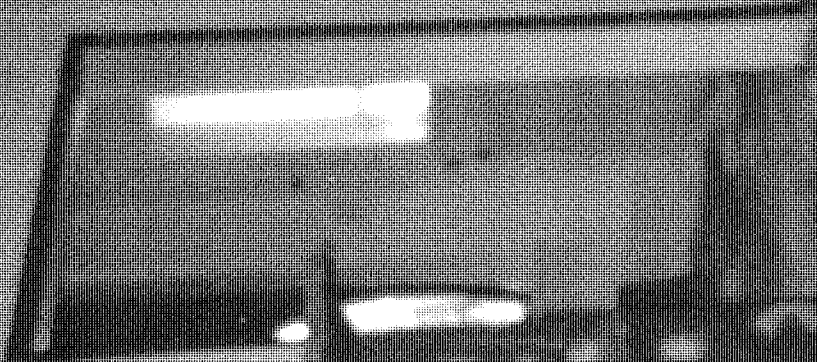
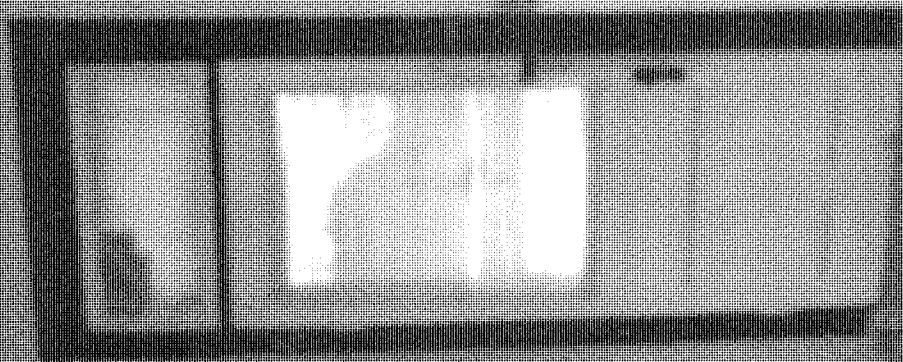
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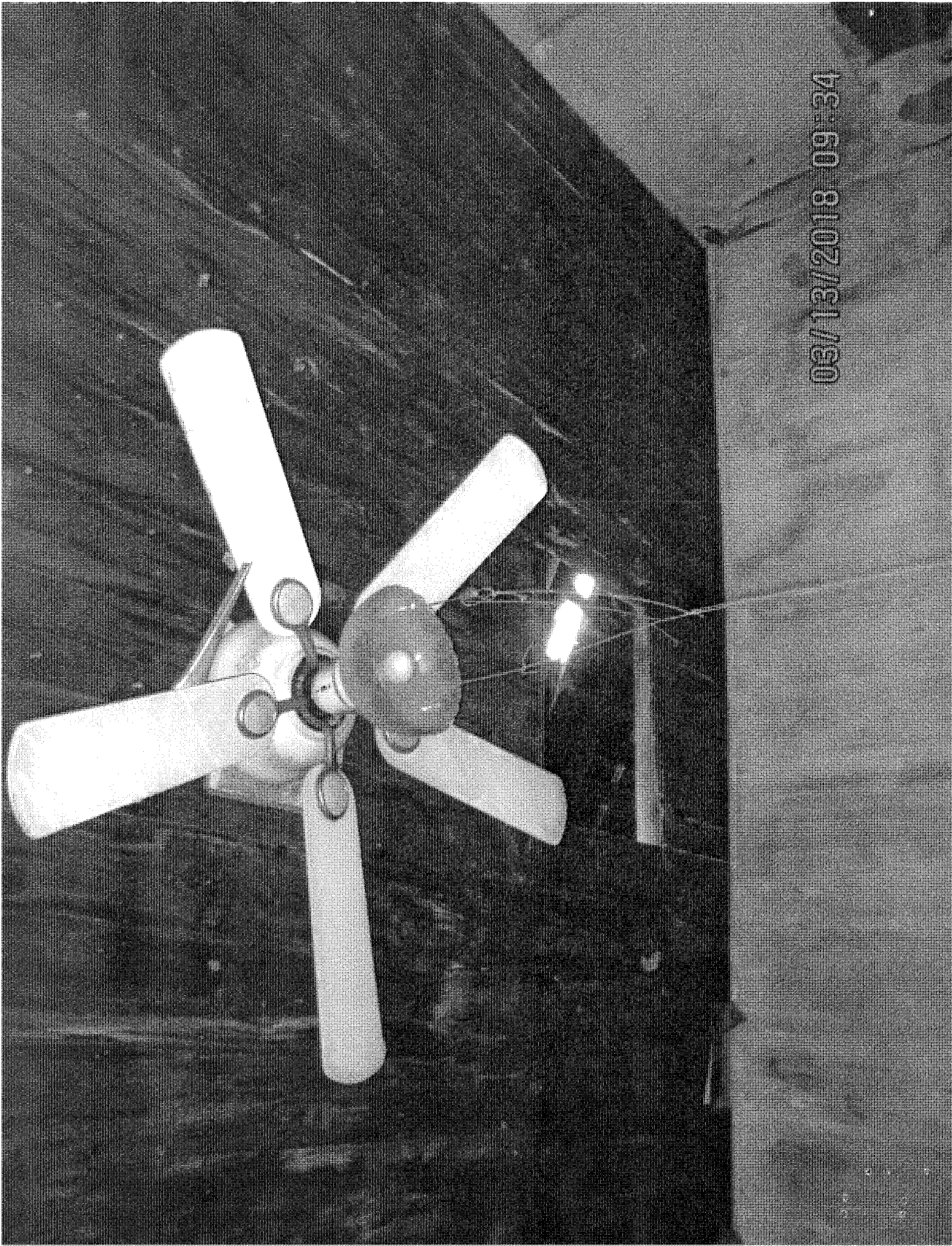
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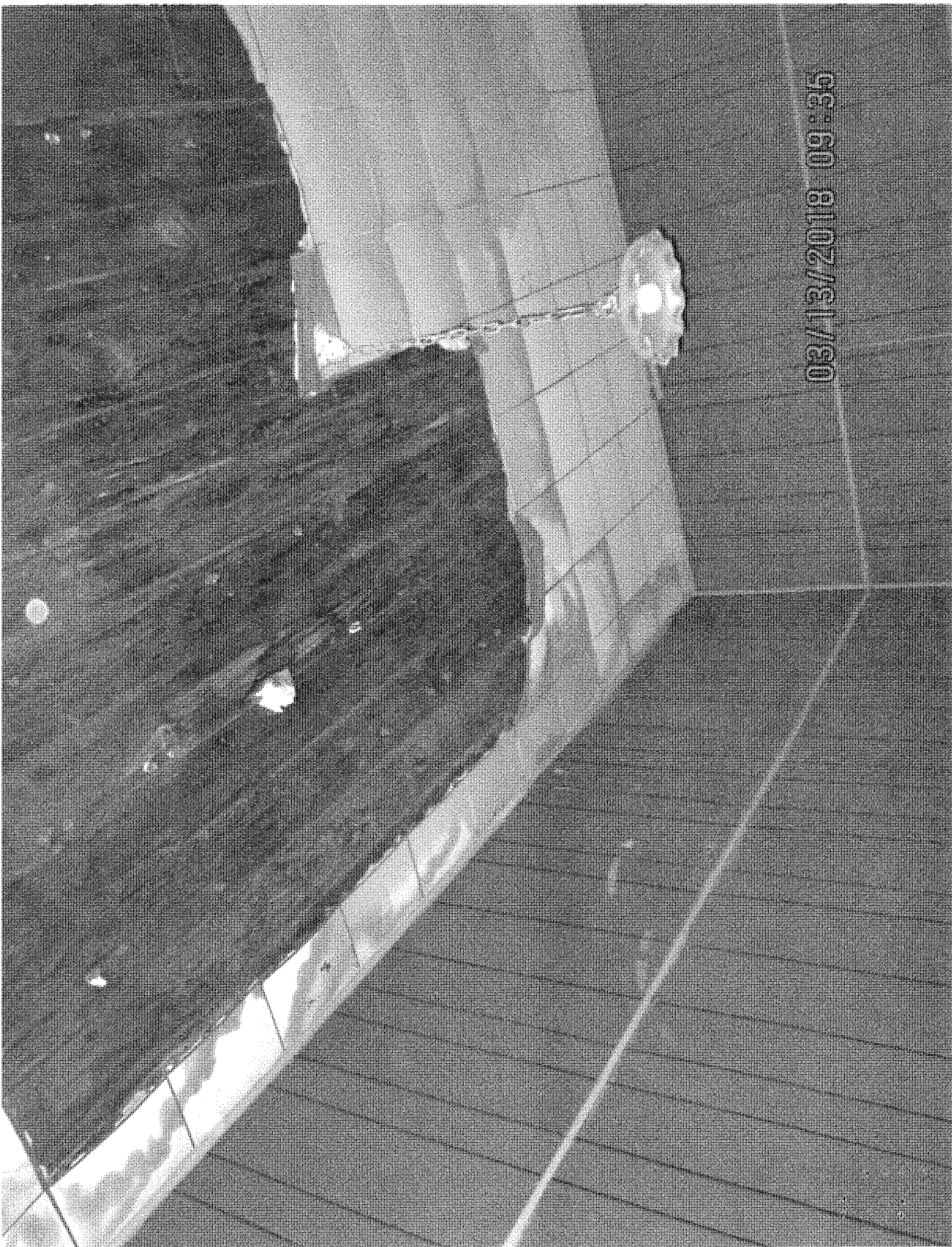






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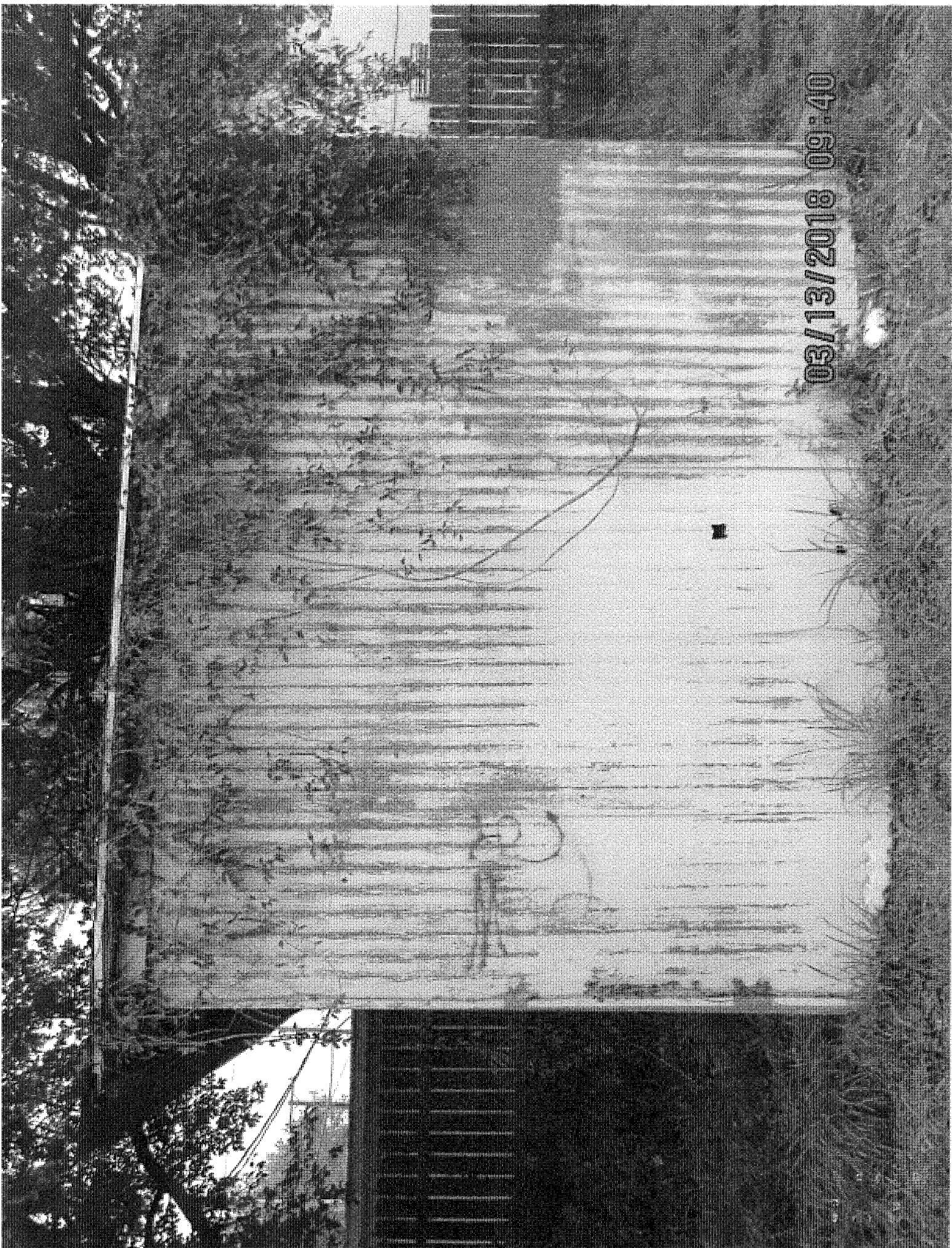


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CITY OF KINGSVILLE, TEXAS

NOTICE

THIS NOTICE IS TO ADVISE PROPERTY OWNERS THAT
THE CITY COUNCIL WILL CONSIDER CONDEMNATION

ON or 5/15/18 W Keady

June 11, 2018

BY ORDER OF: BUILDING OFFICIAL

REMOVAL OF THIS STRUCTURE WITHOUT
THE BUILDING DEPARTMENT, CITY OF KINGSVILLE
is prohibited and is punishable by a fine of Two
Hundred (\$200.00) Dollars.

CONTRACT THE Building Department at
200 EAST KLEBERG
Telephone: (361) 595-8019

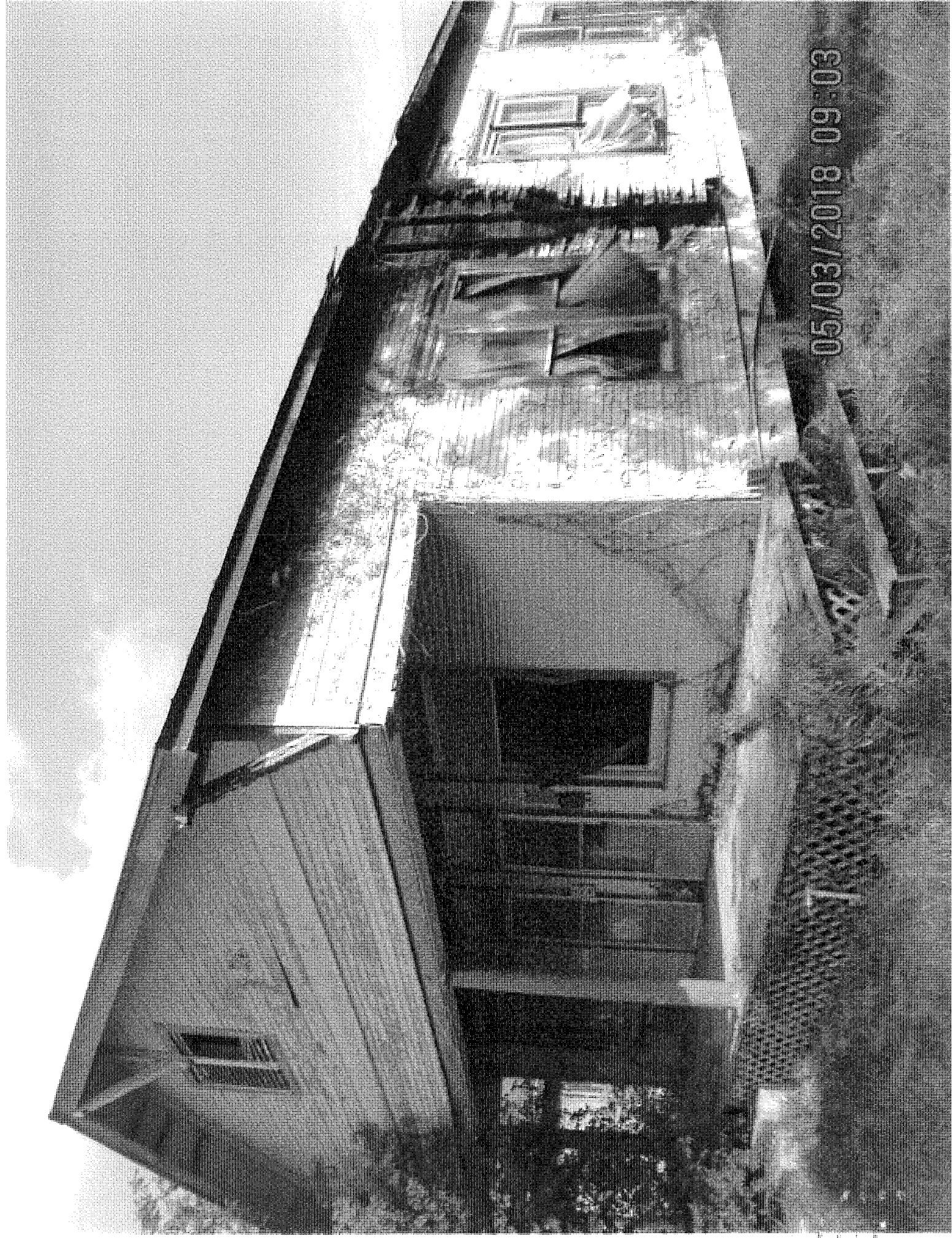
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05/03/2018 09:03



05/03/2018 09:04

PUBLIC NOTICE

The City Commission will meet on Monday, June 11, 2018 at 6:00 P.M. The following items are set for public hearing and discussion and / or action:

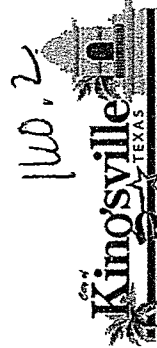
Request to condemn the unsafe structures located at:

414 W KENEDY

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.



CITY OF KINGSVILLE

P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

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RETURN TO SENDER
UNABLE TO FORWARD

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Esteban S Martinez et al
Maria M. Martinez
414 W Kennedy
Kingsville, TX 78603

78363-535214

CONSENT AGENDA

AGENDA ITEM #1

**City of Kingsville
Parks & Recreation Department**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Susan Ivy, Parks Manager
DATE: May 11, 2018
SUBJECT: Agenda Request – Request for Approval of Receipt of Donations to Parks Department

Summary: The Kingsville Parks & Recreation Department has received commitment of various donations for our summer programming and Park improvements totaling \$21,350.00. We are asking that they be approved and recorded in the Park Budget.

Background: For many years the B.C and Addie Brookshire Foundation has contributed to the Parks Department programming and improvement efforts. They have again committed \$14,550.00 to be used for Bus Transportation for Summer Camp, Swim Team, Summer Track, Tables and benches for Kiddie Pool at Brookshire Pool and starting blocks for the Swim Team. We also have received for several years support from the South Texas Specialized Crimes and Narcotics Task Force and the Kleberg Kenedy County District Attorney's office to assist with incorporation of Anti-Drug/Bullying activities and conversations into our programming. Each one of these entities has again committed \$2500.00 for this year providing an additional \$5000.00.

After soliciting requests for sponsorships for our 5 Cinema Summer Outdoor Movies we have received commitments for all of them. The sponsors are: Kingsville Police Department \$400, Hunter's Cover Apartments \$350, Neesen Chevrolet \$350, Twisted Mesquite Lodge \$350 and J. Dean Craig \$350. FYI these amounts cover the licensing of the movies and more popular movies licensing costs more. KPD is sponsoring Coco, a very popular movie.

Financial Impact: These donations will increase the Parks Recreational Programming budget by \$13,300.00 and the Minor Equipment budget by \$8050.00.

Recommendation: I respectfully request that these donations be formally accepted by City Commission and the associated budget amendment approved.



City of Kingsville
Parks & Recreation Department

Summary:	Programming	Equipment	
Brookshire Foundation			
Bus Transportation	\$3500.00		
Swim Team	1500.00		
Summer Track	1500.00		
Kiddie Pool Tables/Benches		2500.00	
Swim Team Starting Blocks		<u>5550.00</u>	
	<u>6500.00</u>	<u>8050.00</u>	<u>\$14,550.00</u>
<u>Movie Licensing</u>			
South Texas Task Force	2500.00		2,500.00
District Attorney John Hubert	2500.00		2,500.00
Kingsville Police Dept	400.00		400.00
Hunter's Cove Apts.	350.00		350.00
Twisted Mesquite Lodge	350.00		350.00
J.Dean Craig	350.00		350.00
Neesen Chevrolet	<u>350.00</u>		<u>350.00</u>
	<u>6800.00</u>		<u>6,800.00</u>
 TOTAL	 13,300.00	 8050.00	 21,350.00



ORDINANCE NO. 2018-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2017-2018 BUDGET TO ACCEPT AND EXPEND PARK DONATIONS.

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
Fund 001 General Fund					
Revenues					
4-4513	Parks-Recreation	Park Donations	58003	13,850.00	
Expenses					
5-4513	Parks-Recreation	Minor Equipment	21700	5,550.00	
5-4513	Parks-Recreation	Recreational Programs	31499	8,300.00	

[To amend the City of Kingsville FY 17-18 Budget to accept and expend park donations from various donors for summer programming and park improvements 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 29th day of May, 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
Greater Kingsville Economic Development Council**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Manny Salazar, Executive Director, Greater Kingsville EDC
DATE: May 16, 2018
SUBJECT: Request for funds for EDC Strategic Plan

Summary: This item requests funding in the amount of \$10,000 from the City of Kingsville to the Greater Kingsville Economic Development Council which will be used for the sole purpose of funding a strategic plan.

Background: In the 30+ year history of the Greater Kingsville EDC, the organization has not commissioned a strategic plan. On May 9, 2018, the organization's board of directors unanimously approved hiring Newmark Knight Frank to be the vendor for the plan. The plan will provide data used by site selectors, recommendations on ways to improve the attractiveness of the community to site selectors and sectors to target for development.

Financial Impact: \$10,000 (from line item 5-1060-31400-Economic Development-Professional Services).

Recommendation: Economic Development requires data to effectively target sectors for growth. Currently, the EDC lacks the data to be competitive, strategic and effective in its recruitment efforts. The strategic plan that the organization is pursuing will enable the organization to prioritize and effectively recruit new industry partners to the community. The end result of which will be increased tax base and jobs.

ORDINANCE NO. 2018-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2017-2018 BUDGET TO FUND AN ECONOMIC DEVELOPMENT STRATEGIC PLAN.

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
Fund 098 Economic Development Fund					
Equity					
2		Unassigned Fund Balance	61002		10,000
Expenses					
5-1060	Economic Development	Professional Services	31400	10,000	

[To amend the City of Kingsville FY 17-18 Budget to fund an Economic Development Strategic Plan as per the attached memo from the Executive Director of the Greater Kingsville EDC.]

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 29th day of May, 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
Finance Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Deborah Balli, Director of Finance

DATE: May 17, 2018

SUBJECT: Budget Amendment Request – Interfund and Interdepartmental Transfers

Summary:

This item authorizes the approval of a budget amendment to transfer a portion of the Credit Card Discount Fees budget from the General Fund to the Utility Fund and an Interdepartmental budget transfer in Fund 054 UF Capital Project Funds that is more than 10% of the department's budget.

Background:

In FY 17-18, the City of Kingsville approved \$73,500 in Credit Card Discount Fees for the General Fund and Utility Fund with the following breakdown:

	Original Budget
General Fund	\$52,000
Utility Fund	\$21,500
Total	\$73,500

With PSN processing utility payments the on-site payments are now split between Utility Billing and Municipal Court. The added payment options offered by PSN have also led to an increase in credit card and e-check usage which has increased fees.

In FY 17-18, Fund 054 UF Capital Project-Water Well #19 was completed in FY 17-18. Excess funds are being reallocated to cover additional municipal building renovation costs in the amount of \$103,000 and additional water meters in the amount of \$47,726.60.

The Municipal Building renovation incurred additional architectural service fees due to various change orders from the initial design. Alterations to the back door and an increase in the number of network switches are also required.



City of Kingsville
Finance Department

In FY 17-18 the warranty for failing water meters dropped from 100% to 75% coverage. While the failure rate has decreased meters are still failing. The additional \$47,726.60 will cover any additional costs that may be incurred in the remainder of this fiscal year.

Financial Impact:

This budget amendment will result in a \$35,000 Interfund transfer and a \$150,726.60 Interdepartmental transfer. Both transfers will have a zero-net effect on fund balance.

Recommendation:

Staff recommends authorization of this budget amendment to complete these capital projects.



ORDINANCE NO. 2018-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2017-2018 BUDGET FOR INTERFUND AND INTERDEPARTMENTAL TRANSFERS.

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
Fund 001 General Fund					
Expenses					
5-1030	City Special	CC Discount Fees	34200		\$ 35,000
5-6900	Fund Trsfrs	Transfer to Fund 051	80051	\$ 35,000	
Fund 051 Utility Fund					
Revenues					
4-0000	Non-Dept	Transfer from Fund 001	75001	\$ 35,000	
Expenses					
5-6201	Utility Billing	CC Discount Fees	34200	\$ 35,000	
Fund 054 UF Capital Projects					
Expenses					
5-6002	Water Production	Water Well #19	72019		\$ (37,890.75)
5-6002	Water Production	Water Well #19 Pump House	72020		\$(112,835.85)
5-6201	Utility Billing	Building	71300	\$ 103,000.00	
5-6202	Meter Readers	Water Meters	22800	\$ 47,726.60	
				\$ 150,726.60	\$(150,726.60)

[To amend the City of Kingsville FY 17-18 Budget to transfer Credit Card Discount Fees budgeted in General Fund to Utility Fund and transfer unused UF Capital Projects funds from Water Production's Water Well #19 project to Utility Billing's Municipal Building and Water Meter projects as per the attached memo from the Finance Director.]

II.

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

III.

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

IV.

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

INTRODUCED on this the 29th day of May, 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
Planning Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Cynthia Martin, Downtown Manager

DATE: May 29, 2018

SUBJECT: Continued Participation in the Texas Main Street Program

Summary:

The City of Kingsville was re-certified as a Texas Main Street City in 2011 and has participated in the program every year since. Each year the City enters into a contract with the Texas Historical Commission (THC) for continued participation in the program and pay an annual participation fee. It is time to renew Kingsville's annual commitment to the program.

Background:

The mission of the Texas Main Street Program is "to provide technical expertise, resources and support for Texas communities in the preservation and revitalization of historic downtowns and commercial neighborhood districts." Local Main Street programs focus on responsibly utilizing a community's historic assets for economic benefit and increased quality of life.

Texas Main Street has a staff of eight dedicated solely to serving the 89 communities that currently participate in the program. These staff members provide a variety of specialized services in the areas of localized economic development; professional design services (architect, project designers); program capacity building and maintenance; planning and small business assistance. In addition, the Texas Historical Commission provides Main Street Managers and Main Street Board members free training opportunities throughout the year. These services come at no cost beyond the program's annual participation fee.

Financial Impact:

The 2018 annual fee for participation in the Texas Main Street Program is \$535.

Recommendation:

It is recommended that the City continue to participate in the Main Street Program.



RESOLUTION NO. 2018-_____

A RESOLUTION AUTHORIZING THE CITY OF KINGSVILLE TO CONTINUE PARTICIPATION IN THE TEXAS MAIN STREET PROGRAM, AUTHORIZING THE MAYOR TO EXECUTE THE TEXAS MAIN STREET LOCALLY DESIGNATED PROGRAM 2018 CONTRACT, AND DESIGNATING DOWNTOWN MANAGER CYNTHIA MARTIN AS THE MAIN STREET PROGRAM MANAGER FOR THE CITY OF KINGSVILLE TO COORDINATE PROGRAM ACTIVITIES.

WHEREAS: The Texas Main Street Program of the Texas Historical Commission has been created to assist small cities to develop a public/private effort to revitalize their "Main Street" area, and Kingsville was selected in 2011 to participate in the Texas Main Street Program, has participated since then, and would like to continue to participate in 2018; and,

WHEREAS: The City of Kingsville desires to maintain its designation as a Texas Main Street to assist with the improvement and revitalization of our downtown area; and,

WHEREAS: The Mayor needs to execute the Texas Main Street Locally Designated Program 2018 Contract on behalf of the City to continue participation in this program; and,

WHEREAS: The City of Kingsville has hired Cynthia Martin as the Downtown Manager to assist the City with overseeing the "Main Street" area and the Texas Main Street Program.

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

SECTION 1. That the City of Kingsville will continue participation in the 2018 Main Street Program with the specific goal of revitalizing the central business district within the context of the preservation and rehabilitation of its historic buildings.

SECTION 2. That the City of Kingsville will provide an adequate budget to employ a full-time Main Street Program Manager for a minimum of three years from its original designation date in 2011, which it has done, and provide funds for the training of the Main Street Program Manager and the operating expenses of the program.

SECTION 3. That the Mayor be authorized to execute the Texas Main Street Locally Designated Program 2018 Contract on behalf of the City of Kingsville.

SECTION 4. That Cynthia Martin, the City's Downtown Manager, be designated to supervise the Main Street Manager activities.

SECTION 5. That this Resolution shall be and become effective on or after adoption.

PASSED, APPROVED, AND ADOPTED by a majority vote of the City Commission this 11th day of June, 2018.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

TEXAS HISTORICAL COMMISSION

**Texas Main Street Locally Designated Program
2018 Contract**

I. PARTIES TO THE CONTRACT

This contract and agreement concerning Kingsville Main Street Program ("Agreement") is entered into between the City of Kingsville (hereinafter referred to as "Participant") and the Texas Historical Commission (hereinafter referred to as THC). Kingsville Main Street Program (hereinafter referred to as "Local Program") is part of a larger program within the Texas Main Street Program (hereinafter referred to as "TMSP"), as defined in 13 TAC sec. 19.3(1), wherein the Participant qualifies as a Texas Main Street Small City, as defined in 13 TAC sec. 19.3(3). The purpose of the Local Program is to assist Participant with the development, revitalization, restoration, and preservation of its historic downtown or commercial neighborhood districts in accordance with the national Main Street Approach. This Agreement shall be governed by Texas Government Code, Section 442.014, and Texas Administrative Code, Title 13, Part 2, Chapter 19.

II. NATIONAL MAIN STREET CENTER BRAND AND NETWORK

This Agreement constitutes a designation of Participant as an official Texas Main Street City (as defined in 13 TAC sec. 19.3(2)) and allows the use of the National Main Street Center, Inc. brand, including MAIN STREET AMERICA™ controlled by National Main Street Center, Inc. 53 West Jackson Blvd., Suite 350 Chicago IL 60604. If Participant's participation in the TMSP ceases, Participant may no longer use the term 'Main Street' to describe its local development, restoration, and preservation program; nor utilize or display the trademarks or branding of the National Main Street Center, Inc. The designation as a Texas Main Street City allows for full participation in the TMSP network, which includes eligibility to receive Texas Main Street publications and participate in Texas Main Street networking opportunities. Designated Texas Main Street Cities, such as Participant, shall execute and submit to the TMSP office the National Main Street Center's Trademark Sublicense Agreement ("TM Sublicense Agreement"), which grants the right to use the registered trademark, logos and brand of National Main Street Center's membership program - MAIN STREET AMERICA™. Participant hereby agrees to, and shall comply with, all terms and conditions of the TM Sublicense Agreement, which is attached hereto as Exhibit A, and incorporated herein by reference. Additionally, Participant acknowledges and agrees that in the event National Main Street Center develops and/or releases an updated TM Sublicense Agreement ("Updated TM Sublicense Agreement") during the Term of this Agreement, Participant shall be required to execute, and comply with, the Updated TM Sublicense Agreement or otherwise be subjected to immediate termination pursuant to the terms of VII. (B) below. Furthermore, the parties acknowledge and agree that the execution of such Updated TM Sublicense Agreement shall not require amendment of this Agreement and shall become part of this Agreement upon its execution. In the event of conflict between multiple TM Sublicense Agreements, the most recently executed version shall control.

III. RESPONSIBILITIES OF THE PARTICIPANT AND LOCAL PROGRAM

A. **Staffing.** In operation of the Local Program, Participant shall employ a full-time paid program manager who will attend at least two professional development segments annually as outlined in subsection B below. If necessary, a Texas Main Street Small City may, after the first three years of participating in the TMSP, permit the program manager position to also perform specific economic development, tourism, and other relevant duties while remaining as a full-time paid program manager. For the purposes of this Agreement, full-time employment means that the program manager works at least forty (40) hours per week dedicated toward the Local Program and downtown revitalization. Participant shall move forward in an efficient manner to fill a program manager vacancy and the THC's State Coordinator shall be kept apprised of progress in filling vacancies. A Texas Main Street Urban City (as defined by 13 TAC 19.3(4)) shall additionally employ a full-time assistant program manager who shall also participate in the professional development under subsection B below.

B. **Professional development.** Professional development is a scored category in the annual "Ten Criteria" report (see section III.C.8 & 9). The program manager will attend two professional development opportunities in their entirety per year from the list below:

1. Real Places Conference of the Texas Historical Commission
2. TMSP Basic Training. Required orientation for new program managers.
3. TMSP Summer Professional Development for all program managers..
4. Texas Downtown Association/Texas Main Street Annual Conference.
5. National Main Street Conference.
6. PastForward Conference of the National Trust for Historic Preservation.

Experienced program managers, as determined by THC, may substitute non-Main Street specific, relevant professional development for one of the above events with prior approval of THC. New managers shall attend the TMSP Basic Training, listed second on the list above, within their first year of employment. If there is an assistant Main Street employee in addition to the program manager/s referenced above, that person should also attend at least one segment of Main Street professional development annually.

If a replacement program manager is hired who has not previously attended TMSP Basic Training or does not have a background in Main Street, as determined by THC, the manager is required to attend one series of Basic Training/Professional Development. A \$500 stipend shall be charged to Participant for the training series required under these circumstances.

To help ensure an effectively-functioning local program, local program boards/volunteers are encouraged to attend TMSP educational opportunities. No stipend is charged for their participation.

C. **Commitment.** Participant agrees to carry out their Local Program work according to the Main Street Approach as promulgated by the National Main Street Center and displayed at <https://www.mainstreet.org/mainstreetamerica/theapproach>. Participant agrees to incorporate the following ten criteria, "Ten Criteria," into their Local Program work:

1. **Cultivate broad-based support for the downtown revitalization process.**
2. **Be vision and mission driven.**
3. **Operate under a Strategic Plan of Work/Plan of Action.**

4. **Apply a historic preservation ethic to all Main Street work.**
 5. **Engage active volunteers, boards and committees.**
 6. **Provide an adequate operating budget.**
 7. **Employ a program manager.** As outlined in III.A above.
 8. **Support ongoing education for staff and volunteers.** As outlined in III.B above.
 9. **Comply with reporting requirements.** As outlined in III.D. below
 10. **Fund and maintain national Main Street America™ membership, part of the National Main Street Center, Inc.**
- D. **Reporting.** To measure progress, Participant shall track statistics such as reinvestment and job/business creation and submit them to the TMSP office by the 10th of the month following the end of each calendar quarter. Monthly activity reports to track specific goal-based activities shall be submitted to the TMSP office by the 10th of each month for the previous month. Even if there has not been reinvestment activity in a month or quarter, Participant shall still submit a report noting such. Additionally, Participant shall submit an annual report, that includes an evaluation of the Local Program implementation of the Ten Criteria outlined in Section III. C above for the previous calendar year.
- E. **Probation. Participant** agrees that their Local Program may be placed on probation, which may result in the suspension of TMSP services or possible removal from the TMSP, for any of the following reasons:
1. Failure to submit an annual Ten Criteria report pursuant to Section III. D above;
 2. Failure to achieve Ten Criteria objectives more than two (2) consecutive years;
 3. Failure to submit monthly reports for more than four (4) consecutive months;
 4. Failure to submit reinvestment reports for more than two consecutive quarters;
 5. Failure to adequately staff or fund the program
 6. Failure to abide by this Agreement.

In the case of probation, Participant will work with the THC's State Coordinator or delegate to overcome any deficiencies. THC may terminate the Local Program's participation in the TMSP if Participant fails to remediate identified deficiencies within a reasonable time. No fees will be refunded in cases of probation and any outstanding fees under this Agreement will remain due. During probationary status, the stipulations called for in sections III and IV of this Agreement may be temporarily altered or suspended upon THC's discretion.

- F. **National Main Street membership.** Participant shall budget for and maintain membership in the National Main Street Center.

IV. SERVICES TO BE PERFORMED BY TMSP

- A. **On-site visits and technical expertise.** TMSP office services are available to designated Texas Main Street Cities in good standing, including those provided through site visits to address design/planning, economic development and organizational/program capacity issues. Services may include, but are not limited to: façade renderings/technical reports, city planning, preservation and historic building expertise by licensed architects and other design professionals; business development and funding advice, program manager and board training, program capacity-building, and strategic planning.
- B. **Securing a Main Street Manager.** Should a replacement program manager be needed, the TMSP office can assist with all elements of the hiring process, including creating job descriptions, job posting and interviewing. Upon request, the TMSP office will assist in the hiring process; however, the responsibility for selection, salary, employment and employee-related legal matters will remain with Participant. Participant is responsible for, and shall hold THC and TMSP harmless from, all acts and omissions of its managers and all of its employees, agents, representatives, contractors and/or subcontractors.

V. GENERAL TERMS AND RESPONSIBILITIES.

A. Confidentiality and Public Information Act

Notwithstanding any provisions of this Agreement to the contrary, Participant understands that THC will comply with the Texas Public Information Act, Texas Government Code, Chapter 552, as interpreted by judicial opinions and opinions of the Attorney General of the State of Texas. THC agrees to notify Participant in writing within a reasonable time from receipt of a request for information related to Participant's work under this Agreement. Participant will cooperate with THC in the production of documents responsive to the request. Participant will notify THC within twenty-four (24) hours of receipt of any third-party requests for information that was provided by the State of Texas for use in performing the Agreement. This Agreement and all data and other information generated or otherwise obtained in its performance may be subject to the Texas Public Information Act. Participant agrees to maintain the confidentiality of information received from the State of Texas during the performance of this Agreement, including information which discloses confidential personal information.

B. Dispute Resolution

The dispute resolution process provided for in Texas Government Code, Chapter 2260, shall be used by THC and Participant to resolve any dispute arising under the Agreement.

If Participant's claim for breach of Agreement cannot be resolved in the ordinary course of business, it shall be submitted to the negotiation process provided in Chapter 2260. To initiate the process, Participant shall submit written notice, as required by Chapter 2260, to the individual identified in the Agreement for receipt of notices. Compliance by Participant with Chapter 2260 is a condition precedent to the filing of a contested case proceeding under Chapter 2260.

The contested case process provided in Chapter 2260 is Participant's sole and exclusive process for seeking a remedy for an alleged breach of Agreement by THC if the parties are unable to resolve their disputes as described above.

Compliance with the contested case process provided in Chapter 2260 is a condition precedent to seeking consent to sue from the Legislature under Chapter 107, Civil Practices and Remedies Code. Neither the execution of the Agreement by THC nor any other conduct of any representative of the THC relating to the Agreement shall be considered a waiver of sovereign immunity to suit.

C. INDEMNIFICATION

PARTICIPANT SHALL DEFEND, INDEMNIFY AND HOLD HARMLESS THE STATE OF TEXAS AND THC, AND/OR THEIR OFFICERS, AGENTS, EMPLOYEES, REPRESENTATIVES, CONTRACTORS, ASSIGNEES, AND/OR DESIGNEES FROM ANY AND ALL LIABILITY, ACTIONS, CLAIMS, DEMANDS, OR SUITS, AND ALL RELATED COSTS, ATTORNEY FEES, AND EXPENSES ARISING OUT OF, OR RESULTING FROM ANY ACTS OR OMISSIONS OF PARTICIPANT OR ITS AGENTS, EMPLOYEES, SUBCONTRACTORS, ORDER FULFILLERS, OR SUPPLIERS OF SUBCONTRACTORS IN THE EXECUTION OR PERFORMANCE OF THE AGREEMENT AND THE TM SUBLICENSE AGREEMENT AND/OR UPDATED TM SUBLICENSE AGREEMENT. THE DEFENSE SHALL BE COORDINATED BY PARTICIPANT WITH THE OFFICE OF THE ATTORNEY GENERAL ("OAG") WHEN TEXAS STATE AGENCIES ARE NAMED DEFENDANTS IN ANY LAWSUIT AND PARTICIPANT MAY NOT AGREE TO ANY SETTLEMENT WITHOUT FIRST OBTAINING THE CONCURRENCE FROM OAG. PARTICIPANT AND THC AGREE TO FURNISH TIMELY WRITTEN NOTICE TO EACH OTHER OF ANY SUCH CLAIM.

PARTICIPANT SHALL DEFEND, INDEMNIFY AND HOLD HARMLESS THE STATE OF TEXAS, THC AND/OR THEIR EMPLOYEES, AGENTS, REPRESENTATIVES, CONTRACTORS, ASSIGNEES, AND/OR DESIGNEES FROM ANY AND ALL THIRD PARTY CLAIMS INVOLVING INFRINGEMENT OF UNITED STATES PATENTS, COPYRIGHTS, TRADE AND SERVICE MARKS, AND ANY OTHER INTELLECTUAL OR INTANGIBLE PROPERTY RIGHTS IN CONNECTION WITH THE PERFORMANCES OR ACTIONS OF PARTICIPANT PURSUANT TO THIS AGREEMENT AND/OR UPDATED TM SUBLICENSE AGREEMENT. PARTICIPANT AND THC AGREE TO FURNISH TIMELY WRITTEN NOTICE TO EACH OTHER OF ANY SUCH CLAIM. PARTICIPANT SHALL BE LIABLE TO PAY ALL COSTS OF DEFENSE INCLUDING ATTORNEYS' FEES. THE DEFENSE SHALL BE COORDINATED BY PARTICIPANT WITH THE OAG WHEN TEXAS STATE AGENCIES ARE NAMED DEFENDANTS IN ANY LAWSUIT AND PARTICIPANT MAY NOT AGREE TO ANY SETTLEMENT WITHOUT FIRST OBTAINING THE CONCURRENCE FROM OAG.

D. Independent Contractor.

Participant or Participant's employees, representatives, agents and any subcontractors shall serve as an independent contractor in providing goods or services. Participant or Participant's employees, representatives, agents and any subcontractors shall not be employees of THC. Should Participant subcontract any of the services required in this Agreement, Participant expressly understands and acknowledges that in entering into such subcontract(s), THC is in no manner liable to any subcontractor(s) of Participant. In no event shall this provision relieve Participant of the responsibility for ensuring that the services rendered under all subcontracts are rendered in compliance with this Agreement and the TM Sublicense Agreement or Updated TM Sublicense Agreement.

E. Ownership of Intellectual Property.

For the purposes of this Agreement, the term "Work Product" is defined as all reports, analyses, work papers, work products, materials, approaches, designs, specifications, systems, documentation, methodologies, concepts, knowledge, know-how, ideas, improvements, plans, advice, research, materials, intellectual property or other property developed, produced, or generated in part or in full by THC and/or in cooperation with Participant, in connection with this Agreement. Work Product specifically excludes pre-existing material owned by Participant, or material developed during the Term of this Agreement independently and exclusively by Participant without any THC involvement or contribution, and that does not include or incorporate any Work Product or Work Product components ("Independent Participant Material"). All Work Product generated pursuant to this Agreement is made the exclusive property of THC. All right, title and interest in and to said Work Product shall vest in THC upon creation and shall be deemed to be, and is expressly intended by the parties to be, a work made for hire and made in the course of the services rendered pursuant to this Agreement. To the extent that title to any such Work Product may not, by operation of law, vest in THC, or such Work Product may not be considered a work made for hire, all rights, title and interest therein are hereby irrevocably assigned to THC. THC shall have the right to obtain and to hold in its name any and all patents, copyrights, registrations or such other protection as may be appropriate to the Work Product subject matter, and any extensions and renewals thereof.

Furthermore, if and to the extent THC provides Participant any Work Product and/or other property owned by THC ("THC Property") to assist Participant to further the Local Program and the purpose of this Agreement, THC hereby grants Participant, commencing upon the date that Participant is designated as a Texas Main Street City, a nonexclusive, revocable, worldwide, fully paid, royalty-free, license, for the Term of this Agreement while Participant remains designated as a Texas Main Street City, to reproduce, modify, distribute, publicly perform, publicly display and use the THC Property only to the extent such use is in furtherance of the Local Program. To the extent Participant provides any Independent Participant Material to THC in connection with this Agreement, Participant hereby grants THC, and THC accepts, a nonexclusive, perpetual, irrevocable, worldwide, fully paid, royalty-free license to use, reproduce, copy, modify distribute, publicly perform, publicly display, store, post on the Internet and creative derivative works of such Independent Participant Material, and to sublicense and transfer such Independent Participant Material to third parties to use in accordance with these license terms for THC purposes.

F. State Auditor.

In addition to and without limitation on the other audit provisions of this Agreement, and to the extent applicable, pursuant to Section 2262.154 of the Texas Government Code, the State Auditor's Office may conduct an audit or investigation of Participant or any other entity or person receiving funds from the State directly under this Agreement or indirectly through a subcontract under this Agreement. The acceptance of funds by Participant or any other entity or person directly under this Agreement or indirectly through a subcontract under this Agreement acts as acceptance of the authority of the State Auditor's Office, under the direction of the Legislative Audit Committee, to conduct an audit or investigation in connection with those funds. Under the direction of the Legislative Audit Committee, Participant or other entity that is the subject of an audit or investigation by the State Auditor's Office must provide the State Auditor's Office with access to any information the State Auditor's Office considers relevant to the investigation or audit. Participant further agrees to cooperate fully with the State Auditor's Office in the conduct of the audit or investigation, including providing all records requested. Participant shall ensure that this paragraph concerning the authority to audit funds received indirectly by subcontractors through Participant and the requirement to cooperate is included in any subcontract it awards. The State Auditor's Office shall at any time have access to and the right to examine, audit, excerpt, and transcribe any pertinent books, documents, working papers, and records of Participant related to this Agreement.

G. Assignment.

Without the prior written consent of THC, Participant may not assign this Agreement, in whole or in part, and may not assign any right or duty required under it.

VI. CONTRACT AMOUNT

In accordance with Texas Government Code, sec.442.014(d) and 13 TAC sec.19.5(d), Participant shall pay THC a fee in the amount of \$535.00 to defray cost of staff time and expenses for services provided under the Local Program. THC shall invoice for the fee and Participant shall tender payment within 60 days.

VII. TERM and TERMINATION

- A. Term. This Agreement begins upon the latest date the Agreement becomes fully executed by individuals who have the authority to bind the party on whose behalf he or she is signing ("Effective Date") and shall expire on December 31, 2018 unless terminated at an earlier date pursuant to subsection B below.
- B. Termination
 1. Either party shall have a right to terminate all performances to be rendered under this Agreement by notifying the other party in writing at least ten (10) days in advance of the termination date.
 2. In the event Participant refuses or fails to execute any Updated TM Sublicense Agreement pursuant to the terms of Section II. above within sixty (60) days of receipt thereof, THC shall have the right to immediately terminate this Agreement by written notice to the Participant.

3. Upon termination of this Agreement under subsections 1 and 2 above, Participant will no longer be designated as an official Texas Main Street City (as defined in 13 TAC sec. 19.3(2)), and will no longer be allowed the use of any Work Product or THC Property, as defined herein, or the registered trademark, logos and brand of National Main Street Center's membership program MAIN STREET AMERICA™. In such event, Participant agrees to return to THC any Work Product and THC Property in its possession.
4. No funds paid under Section VI. Above shall be refunded in any case of termination.

VIII. CHANGES AND AMENDMENTS

Any alterations, additions, or deletions to the terms of this Agreement shall be in writing and signed by both parties.

IX. APPLICABLE LAW AND VENUE; NO WAIVER; SEVERABILITY

This Agreement shall be governed by and construed in accordance with the laws of the State of Texas. The venue of any suit arising under this Agreement is fixed in any court of competent jurisdiction of Travis County, Texas.

Nothing in this Agreement shall be construed as a waiver of THC's sovereign immunity. This Agreement shall not constitute or be construed as a waiver of any of the privileges, rights, defenses, remedies, or immunities available to THC or the State of Texas. The failure to enforce, or any delay in the enforcement, of any privileges, rights, defenses, remedies, or immunities available to THC or the State of Texas under this Agreement or under applicable law shall not constitute a waiver of such privileges, rights, defenses, remedies, or immunities or be considered as a basis for estoppel.

In the event that any provision of this Agreement is later determined to be invalid, void, or unenforceable, then the remaining terms, provisions, covenants, and conditions of this Agreement shall remain in full force and effect, and shall in no way be affected, impaired, or invalidated.

X. PROHIBITED FOREIGN BUSINESSES; BOYCOTTING OF ISRAEL

a) Business with Iran, Sudan, or Terrorist Organizations

In accordance with Texas Government Code, Chapter 2252, Subchapter F, Participant hereby represents and warrants that it is not a company identified on the lists prepared and maintained under Texas Government Code §§ 806.051 (companies with business operations in Sudan), 807.051 (companies with business operations in Iran), or 2252.153 (companies known to have contracts with or provide supplies or services to a foreign terrorist organization). Notwithstanding the foregoing, a company that the United States government affirmatively declares to be excluded from its federal sanctions regime relating to Sudan, Iran, or to a foreign terrorist organization, is not subject to contract prohibition under this clause. A company claiming such exemption must submit the official copy of the declaration.

b) Boycott of Israel

In accordance with Texas Government Code, Chapter 2270, Participant hereby represents and warrants that it does not, and shall not for the duration of this Agreement, boycott Israel as the term is defined under Texas Government Code, Sec. 808.001(1).

XI. FORCE MAJEURE

THC shall not be responsible for performance under this Agreement should it be prevented from performance by an act of war, order of legal authority, act of God, or other unavoidable cause not attributable to the fault or negligence of THC.

Participant shall not be liable to THC for non-performance or delay in performance of a requirement under this Agreement if such non-performance or delay is due to one of the following occurrences, which occurrence must not be preventable through the exercise of reasonable diligence, be beyond the control of Participant, cannot be circumvented through the use of alternate sources, work-around plans, or other means and occur without its fault or negligence: fire; flood; lightning strike; weather damage; earthquake; tornado; hurricane; snow or ice storms; equipment break down; acts of war, terrorism, riots, or civil disorder; strikes and disruption or outage of communications, power, or other utility.

In the event of an occurrence under the above paragraph, Participant will be excused from any further performance or observance of the requirements so affected for as long as such circumstances prevail and Participant continues to use commercially reasonable efforts to recommence performance or observance whenever and to whatever extent possible without delay. Participant shall immediately notify the THC's State Coordinator by telephone (to be confirmed in writing within five (5) calendar days of the inception of such occurrence) and describe at a reasonable level of detail the circumstances causing the non-performance or delay in performance.

XII. Notices. Any notices and/or documents required hereunder shall be deemed to have been duly provided if in writing and delivered personally or by pre-paid guaranteed overnight delivery service, or sent postage prepaid by United States certified mail, return receipt requested. Any such notice shall be effective on the date of delivery if delivered personally, on the next business day following delivery to the guaranteed overnight delivery service if the notice was so delivered and the charges were prepaid, or on the date the recipient signed for the notice if sent by certified mail.

Notices shall be addressed as follows, or at such other address as any party hereto shall notify the other of in writing:

If to THC.:
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711

If to Participant:

THE UNDERSIGNED PARTIES BIND THEMSELVES TO THE FAITHFUL
PERFORMANCE OF THIS AGREEMENT.

Authorized Signature
(City Manager, Mayor, or Board Chair)

Signer title: _____

Signer printed name: _____

Signer address: _____

Signer phone: _____

Date: _____

Debra Drescher, State Coordinator
Texas Main Street Program
P.O. Box 12276 Austin, TX 78711
512-463-5758 debra.drescher@thc.texas.gov

Date: _____

Mark Wolfe, Executive Director
Texas Historical Commission
P.O. Box 12276 Austin, TX 78711
512-463-6100

Date: _____

TRADEMARK SUBLICENSE AGREEMENT

This Trademark Sublicense Agreement ("Sublicense Agreement") is entered into between Texas Historical Commission ("**Coordinating Program**") and _____ ("**Sublicensee**"), effective as of the last date written below. For good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. Background.

A. The National Main Street Center, Inc. ("NMSC") operates a membership program called MAIN STREET AMERICA™. As a part of that program, MAIN STREET AMERICA™ Coordinating Program Membership is available to statewide, regional or citywide organizations that oversee multiple local downtown and neighborhood programs within their service area and work to preserve and revitalize commercial districts. Local Program membership in the MAIN STREET AMERICA™ program is available at the Affiliate or Accredited levels to individual programs or organizations that satisfy the membership eligibility criteria described on the NMSC website (currently located at: <http://www.preservationnation.org/main-street/about-main-street/main-street-america/main-street-america-tier.html#.VmYLY7grLIU>).

B. Organization is a Coordinating Program member of NMSC in good standing and has entered into a Trademark License Agreement with the NMSC which grants to the Coordinating Program the right to sublicense to its Local Programs the use of the NMSC name and trademarks described below.

C. Sublicensee is a Local Program Member in good standing of the MAIN STREET AMERICA™ program at the Accredited level. Sublicensee is also located within the Coordinating Program's geographic service area. Therefore, Sublicensee has the opportunity to enter into this Trademark License Agreement, which grants certain rights to use the NMSC's name and trademarks, including MAIN STREET AMERICA™ and MAIN STREET®, as described below.

D. The NMSC's parent entity, the National Trust for Historic Preservation ("National Trust"), owns the following registered trademarks, which it has delegated to the NMSC the right to sublicense. NMSC and Coordinating Program have entered into a Trademark Licensing Agreement which grants the Coordinating Program the right to sublicense the following registered trademarks:

Mark	U.S. Registration Number
MAIN STREET	Reg. Nos. 3,365,568 and 2,057,207
NATIONAL MAIN STREET CENTER	Reg. No. 2,013,837

These registered trademarks owned by the National Trust, together with the MAIN STREET AMERICA™ word marks and logos referred to in Section 2.A.1 below, the NATIONAL MAIN STREET CENTER logo referred to in Section 2.A.ii below are referred to herein as the "Trademarks."

E. The Trademarks are well known and recognized by the general public and associated in the public mind with the NMSC and the National Trust. The Coordinating Program and the Sublicensee recognize the mutual benefits that accrue from the Sublicensee's use of the Trademarks in accordance with the terms and conditions of this Sublicense Agreement, including the recognition and credibility brought to the Sublicensee through its use of these Trademarks and the benefit to the Coordinating Program and NMSC from association with high-performing Local Programs.

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2. Grant of Sub-License.

A. Subject to the terms and conditions of this Sublicense Agreement, the Coordinating Program hereby grants the Sublicensee the non-exclusive right and license to use the Trademarks to identify and promote its participation in the MAIN STREET AMERICA™ program, as well as its relationship and association with the Coordinating Program and NMSC, in connection with the following activities:

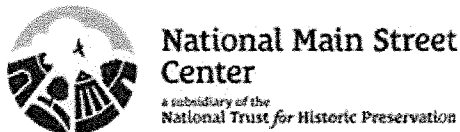
- i. **MAIN STREET AMERICA™ word and logo marks.** The Sublicensee's rights to use the MAIN STREET AMERICA™ word mark and the following MAIN STREET AMERICA logo are limited to Sublicensees which are members in good standing at the Accredited membership level of the MAIN STREET AMERICA™ program:

For use by Local Programs who are Designated Members at the Accredited Level:



As a Main Street America™ Accredited program, INSERT NAME HERE is a recognized leading program among the national network of more than 1,200 neighborhoods and communities who share both a commitment to creating high-quality places and to building stronger communities through preservation-based economic development. All Main Street America™ Accredited programs meet a set of National Accreditation Standards of Performance as outlined by the National Main Street Center.

- ii. **NATIONAL MAIN STREET CENTER® word and logo marks.** The Sublicensee's right to use the NATIONAL MAIN STREET CENTER word mark and the following NATIONAL MAIN STREET CENTER logo solely and exclusively to indicate its association with the National Main Street Center:



- iii. **MAIN STREET® word mark.** The Sublicensee's right to use the MAIN STREET trademark is limited to use made to identify Sublicensee and/or its activities, including as part of the name of the Licensee (e.g. "Main Street Iowa"), in connection with commercial district revitalization and related consultation, education, and training.

3. Scope of and Limitations on Use. Use of the Trademarks by the Sublicensee will be subject to the following limitations:

A. Sublicensee must display the Accredited level MAIN STREET AMERICA membership mark on their website. All uses of the MAIN STREET AMERICA word mark and logo by Sublicensee

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must follow the specific mark, color, and character usage set forth in the Brand Identity Guidelines attached as Exhibit A, which are incorporated by reference as if fully set forth herein. Sublicensee will not use or develop any different logos or designs (including any symbols or stylized presentations), in connection with the MAIN STREET AMERICA mark or logo. Use of the MAIN STREET AMERICA word mark and logos by Sublicensee is a mandatory condition of membership in the MAIN STREET AMERICA program.

B. The MAIN STREET mark, as part of the name and identity of Sublicensee's organization, programs, and activities, can be used on materials designed to promote the work of Sublicensee (e.g., website, brochures, newsletter, letterhead or other printed promotional materials). The right to use the MAIN STREET mark by the Sublicensee is an optional benefit of membership in the MAIN STREET AMERICA program.

C. All uses of the NATIONAL MAIN STREET CENTER logo by Sublicensee must follow the specific mark, color, and character usage set forth in the Brand Identity Guidelines attached as Exhibit A, which are incorporated by reference as if fully set forth herein. Sublicensee will not use or develop any different logos or designs (including any symbols or stylized presentations) in connection with the NATIONAL MAIN STREET CENTER mark. Use of the NATIONAL MAIN STREET CENTER logo by Sublicensee is an optional benefit of membership in the MAIN STREET AMERICA program.

D. This Sublicense Agreement is subject to the terms, conditions, and limitations of the Trademark License Agreement between NMSC and the Coordinating Program.

E. Sublicensee will not apply to register any of the Trademarks, or any other trademark that incorporates any part of the Trademarks or "National Trust for Historic Preservation." Sublicensee will not state or imply that it owns any such trademarks.

F. The Sublicensee will not use the Trademarks in combination with or in juxtaposition with other trademarks except as may be approved in writing by the NMSC. The Sublicensee will apply and display the ® symbol and the ™ symbol next to or with respect to the Trademarks as directed by the Coordinating Program.

G. Other than as specifically provided herein, Sublicensee is not granted any other rights to use, license or sublicense the Trademarks.

4. Term. This Sublicense Agreement will become effective immediately upon the date of last signature below, and, unless terminated early under Sections 5 or 10, will be effective through December 31, 2018, at which time it may be renewed by mutual written agreement of the parties hereto.

5. Conditions. This Sublicense Agreement between Coordinating Program and Sublicensee is conditioned upon Sublicensee having an active MAIN STREET AMERICA membership at the Accredited level with NMSC. The requirements of this membership are currently available at: <http://www.preservationnation.org/main-street/about-main-street/main-street-america/main-street-america-tier.html#.VmYLY7grLIU>, and are incorporated herein by reference.

6. Acknowledgment of Ownership. Use of the Trademarks indicates acknowledgment by the Sublicensee of the NMSC's and the National Trust's rights and title to the Trademarks, (i.e. MAIN STREET AMERICA, NATIONAL MAIN STREET CENTER, and MAIN STREET), and that Sublicensee will not at any time do, or permit to be done, any act or thing that will in any way impair

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the rights of the NMSC or the National Trust. All use of the Trademarks by the Sublicensee will inure to the benefit of the NMSC and the National Trust.

7. Good will and promotional value. Sublicensee recognizes and acknowledges the value of good will associated with the Trademarks and agrees that it will not conduct any activity, provide any service, or produce or distribute goods which in any way damages or reflects adversely upon the NMSC or the National Trust.

8. Non-assignment. This Sublicense Agreement is personal to the Sublicensee, and may not be assigned to any other individual, program, organization, or agency. Any attempted assignment will be null and void.

9. Compliance Verification. It is the responsibility of the Sublicensee to verify compliance with the terms of this Sublicense Agreement, and to provide complete and accurate usage reports to the Coordinating Program. If the Coordinating Program or the NMSC has reason to believe that the Sublicensee is in violation of this Sublicense Agreement, the Coordinating Program or NMSC shall have the right to make inquiries with Sublicensee as necessary to determine compliance. In such case, the Sublicensee will cooperate with the Coordinating Program and/or NMSC in its investigation and provide in a timely fashion any and all information that is requested.

10. Termination.

A. Coordinating Program may terminate this Sublicense Agreement if the Sublicensee violates any of the provisions of this Sublicense Agreement or fails to satisfy the membership criteria established by the NMSC for Accredited Local Programs. Such termination will be effective thirty (30) days after the Coordinating Program sends written notice of such termination to Sublicensee. During this thirty (30) day period, Sublicensee may attempt to cure such violation. If the violation is not cured during this period, the termination will be effective upon the expiration of the thirty (30) day period.

B. This Sublicense Agreement will automatically terminate immediately without any notice required, notwithstanding the above paragraph, if the Coordinating Program or NMSC determines: (i) that sublicensee's actions could negatively affect the goodwill, image, or reputation of the NMSC, the National Trust for Historic Preservation, the Coordinating Program, or any of the Trademarks; (ii) the Sublicensee discontinues all or a significant portion of its business; (iii) the National Trust terminates, revokes, or fails to renew the NMSC's rights to use, license, or sublicense the Trademarks; or (iv) the NMSC terminates, revokes or fails to renew the Coordinating Program's rights to use, license or sublicense the Trademarks.

C. Upon the expiration or early termination of this Agreement, the Sublicensee will discontinue use of the Trademarks and will destroy and delete tangible and electronic documents and files containing any such marks, except for a limited number of copies retained for archival purposes only.

11. Governing Law. This Agreement is entered into in the District of Columbia and will be governed by and construed in accordance with the laws of the District of Columbia, USA, without giving effect to conflict of laws provisions.

12. Annual Report, Notices, Other Communication. Upon request by the Coordinating Program or NMSC, Sublicensee shall submit samples of any materials on which the Trademarks

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licensed under this agreement were used during the year. Such samples shall be submitted within ten business days of receipt of a written request from the Coordinating Program or NMSC.

13. Notices. Any notices which either party is required or may desire to serve upon the other party shall be in writing and may be served either personally or by depositing the same in the mail (first class postage prepaid, certified and return receipt requested) or with a reputable overnight express delivery service (with confirmed delivery, charge prepaid or billed to shipper), addressed to the party to be served as follows, unless a different address is designated in writing by the party to be served. Notice shall also be required to be given by electronic mail on the same date as deposited in the mail. Notice given by mail alone shall not be sufficient.

To Coordinating Program:

Name: Texas Historical Commission
Address: PO Box 12276
Austin, TX 78711-2276
Phone: 512-463-5758
Email: debra.drescher@thc.texas.gov

To Sublicensee:

Name: _____
Address: _____

Phone: _____
Email: _____

14. Successors. This Agreement shall be binding upon, and will inure to the benefit of, the parties and their respective permitted successors and assigns.

15. Modification. No amendment or modification of the terms or conditions of this License Agreement will be valid unless in writing and signed by both parties.

16. Waiver. The failure of either party to partially or fully exercise any right or the waiver by either party of any breach, shall not prevent a subsequent exercise of such right or be deemed a waiver of any subsequent breach of the same or any other term of this Sublicense Agreement. No waiver shall be valid or binding unless in writing and signed by the waiving party.

17. Severability. If any provision of this Sublicense Agreement or the application of any provision hereof to any person or circumstances is held to be void, invalid, or inoperative, the remaining provisions of this Agreement shall not be affected and shall continue in effect and the invalid provision shall be deemed modified to the least degree necessary to remedy such invalidity.

18. Entire Agreement. This Sublicense Agreement is the entire agreement between the parties with respect to the matters referred to herein and it supersedes and replaces all prior and contemporaneous oral and written understandings pertaining to the subject matter hereof.

Coordinating Program

Sublicensee

**National Main Street Center
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By: _____
Name, Title

By: _____
Name, Title

Date: _____

Date: _____

TEXAS HISTORICAL COMMISSION
real places telling real stories

INVOICE

May 14, 2018

Cynthia Martin
Kingsville Main Street Program
410 W King Avenue
Kingsville, TX 78363

Texas Main Street City participation for 2018

2018 Contract for Services \$ 535

Total due within 60 days: \$ 535

Please make check payable to: Texas Historical Commission

Remit to: Texas Main Street Program
 P. O. Box 12276
 Austin, TX 78711-2276

Please call Kimberly Klein at 512.463.6092 with any questions.



AGENDA ITEM #5

RESOLUTION #2018-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A GOVERNMENTAL FINANCE CONTRACT (No.8199) BETWEEN GOVERNMENT CAPITAL CORPORATION AND THE CITY OF KINGSVILLE FOR A STREET SWEEPER; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville, Texas has need for a street sweeper and staff has located one through a purchasing cooperative program in compliance with Texas procurement law;

WHEREAS, on May 14, 2018 the City Commission of the City of Kingsville, Texas ("Lessee") authorized the purchase of a street sweeper to be paid for through a governmental finance contract, or capital lease, which staff has negotiated with Government Capital Corporation ("Lessor");

WHEREAS, the City of Kingsville, Texas ("Issuer") desires to enter into a certain Finance Contract No.8199, by and between the Issuer and Government Capital Corporation ("GCC") dated May 14, 2018 for the purpose of financing a "Street Sweeper";

WHEREAS, the initial authorizing resolution approved on May 14, 2018 contained a one-number typo and this resolution is intended to correct that typo though the intent of the parties and the contract are not changed;

WHEREAS, the City desires to designate this Finance Contract as a "qualified tax exempt obligation" of the City for the purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended;

WHEREAS, the City has carefully reviewed its financing requirements for the current calendar year and reasonably expects that it will not issue more than TEN MILLION DOLLARS (\$10,000,000) of tax-exempt obligations during the calendar year;

WHEREAS, the City expects and anticipate adequate funds to be available for all future lease/purchase payments after the current fiscal year for the following reasons: the City is fiscally stable, has not defaulted on any prior debt obligations, and desires to keep the road equipment to be acquired through this Finance Contract for its capital improvement projects and street maintenance.

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

THAT, the City Manager is hereby authorized to enter in the Finance Contract No. 8199 with Government Capital Corporation for a period of 5 years, with annual payments not to exceed \$54,127.83.

THAT, an official of the City be, and hereby is, authorized, empowered and directed to sign on its behalf the Finance Contract No. 8199 and any addenda, schedules, notes, UCC financing statements or other instruments issued under the provision of the Finance Contract and any other instrument or document which may be necessary or expedient in connection with agreement upon or fulfillment of the provisions of the Lease.

THAT, pursuant to Section 265(b) (3) of the Internal Revenue Code of 1986, as amended, this Finance Contract be and hereby is designated as a "qualified tax-exempt obligation" includable within the TEN MILLION DOLLARS (\$10,000,000) of the aggregate issues designated as "qualified tax-exempt obligations" for the calendar year within which this Finance Contract is entered into.

THAT, the City shall not designate more than TEN MILLION DOLLARS (\$10,000,000) of tax-exempt obligations during the current calendar year as qualified tax-exempt obligations and the City, together with its subordinate entities, does not reasonably expect to issue more than TEN MILLION DOLLARS (\$10,000,000) of tax-exempt obligations during the current calendar year.

THAT, the equipment as described in Exhibit "A": of such agreement is essential to the function of the undersigned or to the service we provide to our citizens. Further, we have an immediate need for, and expect to make immediate use of, substantially all of the equipment, which need is not temporary or expected to diminish in the foreseeable future. The equipment will be used by us only for the purpose of performing one or more of our governmental or proprietary functions consistent with the permissible scope of our authority. Specifically, the equipment was selected by us to be used as follows: Street Sweeping.

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

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

THAT this resolution was considered, passed, and approved at a regular meeting of the City Commission of the City of Kingsville, Texas at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

PASSED AND APPROVED by a majority vote of the City Commission on the 11th day of June, 2018.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

EXHIBIT B

>> SCHEDULE OF PAYMENTS & EARLY REDEMPTION VALUE <<

PUBLIC PROPERTY FINANCE ACT CONTRACT NO.8199 (THE "FINANCE CONTRACT")

BY AND BETWEEN

Government Capital Corporation and the Issuer, City of Kingsville

Schedule Dated as of May 25, 2018

PMT NO.	PMT DATE MO. DAY YR	TOTAL PAYMENT	INTEREST PAID	PRINCIPAL PAID	EARLY REDEMPTION VALUE after pmt on this line
1	1/30/2019	\$54,127.83	\$5,574.13	\$48,553.70	N/A
2	1/30/2020	\$54,127.83	\$6,459.43	\$47,668.40	\$153,845.49
3	1/30/2021	\$54,127.83	\$4,920.70	\$49,207.13	\$103,948.41
4	1/30/2022	\$54,127.83	\$3,332.29	\$50,795.54	\$52,679.16
5	1/30/2023	\$54,127.83	\$1,692.60	\$52,435.23	\$0.00
Grand Totals		\$270,639.15	\$21,979.15	\$248,660.00	

Interest Rate: 3.228%

REGULAR AGENDA

AGENDA ITEM #6

**Backup information for
this condemnation, see
Public Hearing Item #3**

AGENDA ITEM #7

City of Kingsville
Department of Planning and Development Services

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Tom Ginter, Director
DATE: June 1, 2018
SUBJECT: Special Use Permit Request for 981 N. Lantana

Summary: The applicant would like to build a detached structure behind the house. This structure fits the definition of a residential accessory and incidental use. That use in an R1 zone requires a special use permit prior to construction.

Background: The applicant would like to build a game room in a detached structure behind his house. There will be a sidewalk from the house to the structure. Enclosed is a site plan and a layout of the structure that he wants to build. The structure will have water and sewer. The review from Appendix A is the guide line for determining whether or not a special use permit is required. Appendix A reflects land use categories and what is allowed in each zone. Enclosed is the page with the use noted.

Financial Impact: There will be a building permit fee for this structure.

Recommendation: The Planning and Zoning Commission met on June 6, 2018 to review this request. They approved a recommendation to approve the special use request with the following conditions: That this structure being built is to be used for a game room (family room) and not to be used as a business or rental unit. They voted 4 to 0 to recommend approval of this special use request.



CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 980 N Lantana Nearest Intersection Lee

(Proposed) Subdivision Name _____ Lot _____ Block _____

Legal Description: KT + 1 Co, Block 9, Lot 50x162.6 SW PT 1

Existing Zoning Designation R1-single family Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Roque Ordonez Phone (956) 563-1691 FAX _____

Email Address (for project correspondence only): _____

Mailing Address _____ City _____ State _____ Zip _____

Property Owner Fernando Cruz Phone _____ FAX _____

Email Address (for project correspondence only): fcruz.hdz@gmail.com

Mailing Address 981 N Lantana City Kingsville State TX Zip 78363

Select appropriate process for which approval is sought. Attach completed checklists with this application.

<input type="checkbox"/> Annexation Request _____	No Fee	<input type="checkbox"/> Preliminary Plat _____	Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA) _____	\$250.00	<input type="checkbox"/> Final Plat _____	Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request _____	\$250.00	<input type="checkbox"/> Minor Plat _____	\$100.00
<input type="checkbox"/> Re-zoning Request _____	\$250.00	<input type="checkbox"/> Re-plat _____	\$250.00
<input checked="" type="checkbox"/> SUP Request/Renewal _____	\$250.00	<input type="checkbox"/> Vacating Plat _____	\$50.00
<input type="checkbox"/> Zoning Variance Request (ZBA) _____	\$250.00	<input type="checkbox"/> Development Plat _____	\$100.00
<input type="checkbox"/> PUD Request _____	\$250.00	<input type="checkbox"/> Subdivision Variance Request _____	\$25.00 ea

Please provide a basic description of the proposed project:

detached structure on property

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

Applicant's Signature Fernando Cruz by Roque Ordonez Date: 05-15-18
Property Owner's Signature Fernando Cruz by Date: 05-15-18
Accepted by: _____ Date: _____

THOMAS A FIELDS
1062 ROCKY CREEK DR
CANYON LAKE, TX 78133-2515
#19973

RYAN AARON DALL
SUSANA CLAIRE ROBERGE
414 UNIVERSITY BLVD
KINGSVILLE, TX 78363-4241
#12868

ANITA G PENNA
1316 FM 1717
KINGSVILLE, TX 78363
#19237

FERNANDO CRUZ HERNANDEZ
981 N LANTANA
KINGSVILLE, TX 78363
#10819

MARIPOSA RENTAL
PROPERTIES LLC
713 TAYLOR RD
FALFURRIAS, TX 78355-4607
#12580

ERIC T DEACON
924 W LEE
KINGSVILLE, TX 78363
#24385

ELIZABETH JONES
2336 E FM 1717 LOT 77
KINGSVILLE, TX 78363-9670
#15451

DONNY R TRANT
ETUX PAMELA P
426 UNIVERISTY BLVD
KINGSVILLE, TX 78363-4241
#12069

RYAN AARON DALL
SUSANA CLAIRE ROBERGE
414 UNIVERSITY BLVD
KINGSVILLE, TX 78363-4241
#21324

BALDEMAR ALARCON
ETUX DORA EST
842 W AVE H
KINGSVILLE, TX 78363
#11519

TERRY W YAKLIN
218 E HOFFMAN AVE
KINGSVILLE, TX 78363-6228
#11778

SCOTT FALTYSKI
ETUX MARCIA
931 W ALICE AVE
KINGSVILLE, TX 78363-4264
#17454

IRENE A MORENO
927 W LEE AVE
KINGSVILLE, TX 78363-4232
#14673

SUSANA RIOS
932 N LANTANA DR
KINGSVILLE, TX 78363
#11564

DON GRANT
ETUX BETTY
420 UNIVERSITY BLVD
KINGSVILLE, TX 78363-4241
#20587

PEGGY WESTBROOK
408 UNIVERSITY BLVD
KINGSVILLE, TX 78363-4241
#20707

TERRY W YAKLIN
218 E HOFFMAN AVE
KINGSVILLE, TX 78363-6228
#20029

TERRY W YAKLIN
218 E HOFFMAN AVE
KINGSVILLE, TX 78363-6228
#20288

TERRY W YAKLIN
218 E HOFFMAN AVE
KINGSVILLE, TX 78363-6228
#16791

TERRY W YAKLIN
218 E HOFFMAN AVE
KINGSVILLE, TX 78363-6228
#23047

into Kingsville, to welcome
travelers into the city. They

• The organization of
Garden Clubs for Kings-

The scholarship has recent-

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, June 6, 2018, 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:

Roque Ordoñez, applicant, Fernando Cruz, owner, requesting a Special Use Permit for a residential accessory and incidental use located at KT & I Co, Block 9, Lot 50x162.6 SW PT 1, (CLOSED LEE ST BETWEEN BLK 6 & 7) also known as 981 North Lantana, Kingsville, Texas.

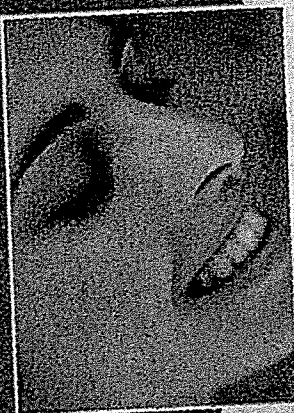
The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

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- ✓ Teeth Whitening
- ✓ Braces (Orthodontics)

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Dr. Tanya P. Lawhon, DDS
General Dentistry

Kingsville Garden Club celebrates Platinum Jubilee

Staff Report

Past and current members of the Kingsville Garden Club celebrated their 70th anniversary on Wednesday, May 9 at the home of Karen Tallant, located on the Texas A&M University-Kingsville's campus.

"We did so in a manner that brings to mind a simpler, more elegant time in our history - one when ladies wore dresses, hats and gloves, to come together and meet for their common cause," Linda Hamilton, a member of the Kingsville Garden Club said.

"As we look back at our beginning, learning about the ladies who brought the Kingsville Garden Club to life, we recognize that these women bravely took on the 'wilds' of South Texas to make a better place to live and raise their families," Hamilton said.

Working together, the group led the way by putting their talents and skills to task.

Listed are some of their accomplishments in the past 70 years:

- Being instrumental in helping to create roadside rest areas, parks, a community center and a hospital atrium.
- A collaboration with the Texas Highway Department and with the Texas A&M University Horticulture Department, designing and building structures on highways leading into Kingsville, to welcome travelers into the city. They



Jubilee Celebration was held at the home of Karen Tallant on Texas A&M Kingsville's campus.



Pictured, from left, are Espie Vaughter, Dr. Maria Velez, Amy Schultz, Angela Rutinke and Polly Davis.

helped with the planting of the university's boulevard.

- Organizing and participating in competitions within Texas Garden Clubs in flower arranging and in creating tablescape, encouraging the finer skills of style and design.
- The organization of Garden Clubs for Kings-

ville children and plant exchanges so that everyone might have the opportunity to enjoy gardens.

- And from their foresight and financial planning, the creation of a scholarship was established for deserving college students in the field of horticulture. The scholarship has recently



Pictured, from left, are Connie Womack, Amy Schultz, Brooke Spitzer, Joan Nuesch and George Henkel.



Leo Alarcon, who created all of the flowers for the luncheon, puts the finishing touches on the dessert, a traditional role for him as he created the arrangements and cake for the Garden Club's 50th anniversary.

become an endowment at Texas A&M University-Kingsville, called the Jane Dodd/Kingsville Garden Club Scholarship.

The Garden Club began with simple objectives that have not changed in the past 70 years:

1. To simulate cooperative interest in gardening

2. To aid in the protection of wild flowers and birds.

3. To study, in all its aspects, the art of gardening and flower arranging.

4. To encourage civic planning.

The Garden Club has studied flower and vegetable gardens, shrubs and citrus trees, plumerias, ros-

es, bromeliads and made a live wreath. They learned about landscaping their yards, arranging flowers, how to use the correct pruning shears and have made concrete pots. They learned about bugs, bees and bats.

All these programs have assisted the current members of the Garden Club at their homes, businesses and in efforts to maintain the Opal Cochran Park for the city.

The group takes field trips to the Hill Country, TAMU's horticultural center, the Corpus Christi Botanical Gardens and the King Ranch.

"We know what makes a suitable Martin house and how to build our own water ponds. We take care of our tiny hummingbirds and have learned about the awesome migratory birds that fly over South Texas each year," Hamilton said.

Hamilton said they wanted to honor the women who "took their vision of a better community and made it a reality and to celebrate the continuation of those efforts."

"We still enjoy the fruits of their labor, and thank them for their efforts 70 years ago, to make Kingsville a better place," she said. "We are the Kingsville Garden Club of today. May we continue to contribute our efforts through this club to make Kingsville a place where all of its citizens can bloom where they have been planted."

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KINGSVILLE NOON LIONS CLUB



15th Annual A Ride on the Wild Side

Kingsville Noon Lions Club wants to express our deepest appreciation to our loyal sponsors who helped us achieve the best year ever. As most of you know, monies from the bike ride go to special needs children. It enables us to send children to camp with no cost to them. We would especially like to thank King Ranch for sharing their beautiful scenery and hosting this great experience.

Edward Jones	Bettie Bedingfield
Castañeda Quick Care	C.S. Tax Services
Hahn & Oldham, PC	Kirkpatrick & Associates
Joanie & Tem Miller	El Dorado
Young's Pizza	Christopher family
D'yan Lopez Insurance	City of Kingsville
Kingsville Bike Depot	Kleberg County
Domino's Pizza	Sheriff's Office
C. Radaneata, OD	Discount Liquor
VFW - Women's Veterans	Santa Gertrudis ISD
Bicycle World RGV	Turcotte Piper Mortuary
Legends	Kingsville Chamber of Commerce
Squirrely's Liquor	Kingsville Visitor Center
Kingsville Pointe Apartments	City of Kingsville
Coastal Bend College	The Kingsville Record and Bishop News
Kleberg Bank	City of Bishop
Apple Creek Apartments	Buddy's Home furnishings
Southpoint Rentals	Adele Cleveland
Jim's Ice House	Wanda Allday
Four Seasons A/C & Heating	Security Finance
Texas A&M University-Kingsville ROTC	Ramirez-Salinas Funeral Home

Thank you to all our dedicated volunteers. There are too many of you to mention, but your contributions were immeasurable and we deeply appreciate your hard work.

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- ✓ Teeth Whitening
- ✓ Braces (Orthodontics)

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Dr. Tanya P. Lawhon, DDS
General Dentistry

312 South Ave. B, Bishop, TX 78343

To: Planning and Zoning Commission Members

From: Tom Ginter, Director

Date: June 1, 2018

Subject: Agenda Item #1

The applicant Roque Ordonez lives at 981 N. Lantana. The property owner Fernando Cruz has also signed the application so he is aware of the request. He would like to construct a detached structure, with access to the house by a sidewalk. Enclosed are a site plan of the relationship to the structure to the house and the layout of the proposed structure.

The structure will be approximately 427 square feet with the purpose of providing a game room for his family. In reviewing the Land Use Appendix A, I believe that this is considered a residential accessory and incidental use structure which requires a special use permit for it to be built. As you can see from the layout, it will have water, sewer, but no definite kitchen or bedroom.

Recommendation:

My recommendation is for the Planning and Zoning Commission to give an approval recommendation to the City Commission with conditions. The conditions that I am suggesting are that it is not to be used as a business or a rental unit. We received one phone call as to inquire what it meant in the letter and once given the information he had no problem with that. He did mention that if it was business then he may have has an issue with that.

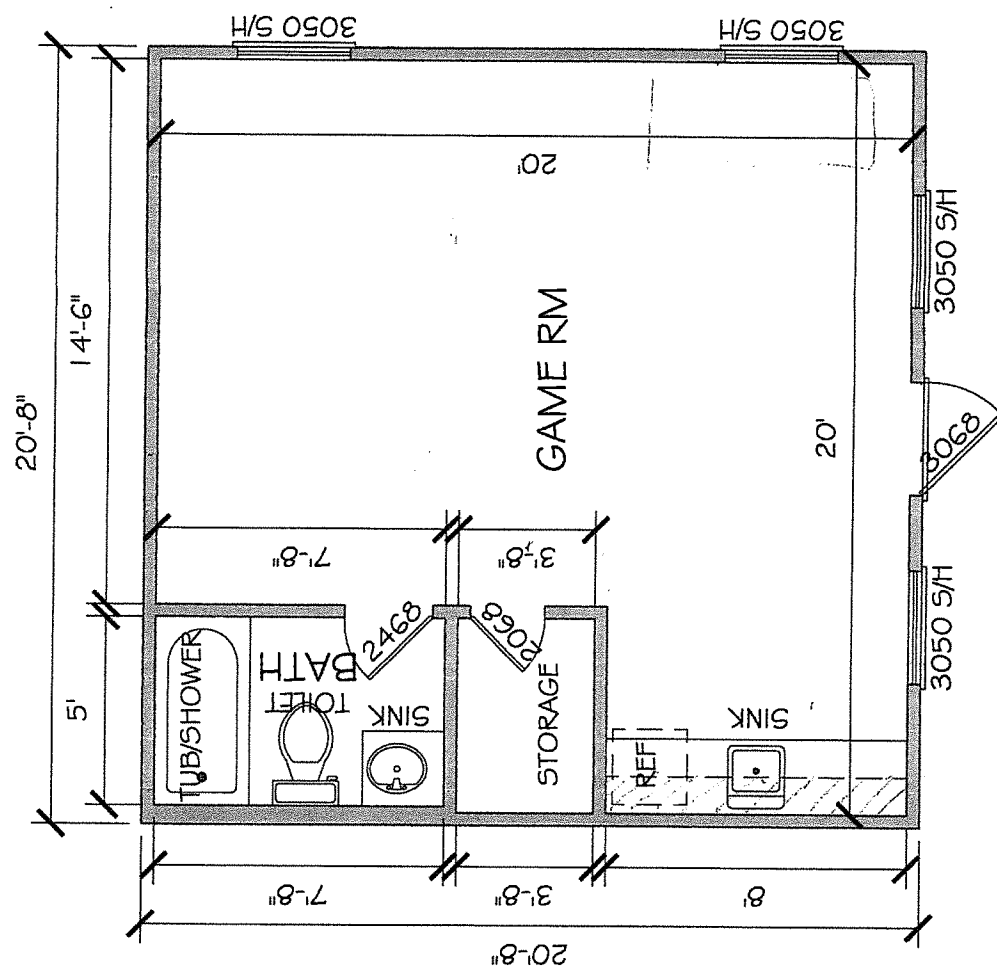
[illegible]



PLANS DESIGNS "ORDONEZ" 956-380-4087	Drawn By: Mando A. Gonzalez	Builder: S.C. CONSTRUCTION LLC 956-778-7709
Date Drawn: 5/9/2018	Owner: FERNANDO CRUZ	Project Title: CRUZ RESIDENCE
Revised By:	Drawing Scale: NTS	

Sheet Number

IMPORTANT DESIGNER NOTES:
 THESE PLANS ARE INTENDED TO PROVIDE THE BASIC CONSTRUCTION INFORMATION NECESSARY TO CONSTRUCT THIS STRUCTURE. THIS MEANS THAT THESE PLANS MUST BE FIELD VERIFIED AND CHECKED COMPLETELY BY THE GENERAL CONTRACTOR OR SUBCONTRACTOR IN AUTHORITY FOR THE JOB. ANY DISCREPANCY, ERROR, ANOMALY OR OMISSION IF FOUND IS TO BE BROUGHT IMMEDIATELY TO THE ATTENTION OF DESIGNER PRIOR TO COMMENCING CONSTRUCTION. DIMENSIONS SHOWN ON THE FLOOR PLANS ARE NOMINAL. SLIGHT FIELD ADJUSTMENTS MAY BE NECESSARY TO ALLOW FOR ACTUAL MATERIAL SIZES AND PRACTICALITY OF CONVENTIONAL CONSTRUCTION METHODS, DETAILS AND NOTES. NOT PROVIDED WITH THESE DRAWINGS SHOULD BE PROVIDED BY THE MFG., SUPPLIER, OR INSTALLATION CONTRACTOR SPECIFICALLY RELATED TO THAT PARTICULAR PHASE OF CONSTRUCTION.



1 FLOOR PLAN SCALE: NTS

AREAS	SQ. FT.
LIVING:	427.00
TOTAL:	427.00

Sheet Number

Revised By:

Drawn By: Mario A. Gonzalez

Owner: FERNANDO CRUZ

Date Drawn: 5/9/2018

Project Title: CRUZ RESIDENCE

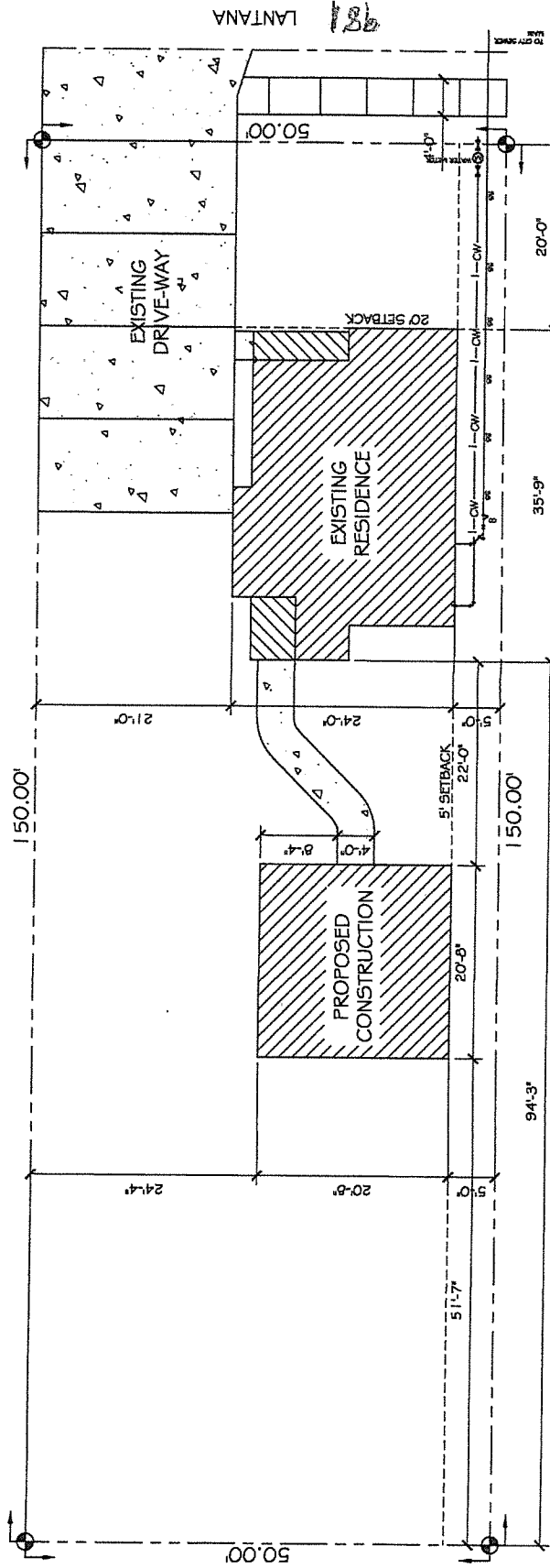
Drawing Scale: NTS

Builder: S.C. CONSTRUCTION LLC 956-778-7709

PLAN DESIGNS "ORDONEZ" (956) 380-4087



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1 SITE PLAN
SCALE: NTS

LEGAL DESCRIPTION
LANTANA
KINGSVILLE, TX

ORDINANCE NO. 2018-_____

AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR 981 N. LANTANA, ALSO KNOWN AS KT&I CO., BLOCK 9, LOT 50X162.6 SW PT 1 (CLOSED LEE ST. BETWEEN BLOCK 6 & 7), FOR A RESIDENTIAL ACCESSORY AND INCIDENTAL USE; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION.

WHEREAS, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the application of agent Roque Ordonez, for property owner Fernando Cruz, for amendment to the zoning map of the City of Kingsville;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, June 6, 2018, during a meeting of the Planning Commission, and on Monday, June 11, 2018, during a meeting of the City Commission, in the Helen Kleberg Groves Community Room/Commission Chambers, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

WHEREAS, a majority of the Planning Commission voted 4-0 to APPROVE, the requested special use permit; and

WHEREAS, the property is currently zoned R1-Single Family Residential District and it is desired for a residential accessory and incidental use (game room) structure be located on the property; and

WHEREAS, the City of Kingsville Code of Ordinances Chapter XV-Land Usage, Article 6-Zoning, Appendix A-Land Usage Categories states that for an area zoned R1 a special use permit is required to have a residential accessory and incidental use structure; and

WHEREAS, the City of Kingsville Code of Ordinances section 15-6-142 regulates special use permits; and

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended and a Special Use Permit is granted for a residential accessory and incidental use structure on the premises known as 981 N. Lantana, KT&I Co., Block 9, Lot 50x162.6 SW PT 1 (closed LEE St. between Block 6 & 7), as more specifically describe on site plan attached as Exhibit A.

SECTION 2. That the Special Permit granted in Section 1 of this Ordinance is subject the following conditions:

1. ALLOWED USE: The only uses authorized by this Special Permit is as a game room/family room (residential accessory and incidental use) on the R1 zoned property as the structure to be build is not the single family residential structure located on the property.

2. TIME LIMIT: This Special Permit is good for the duration of the structure from the date of this ordinance **unless** (a) the property is not being used for the purpose outlined in Condition 1, or (b) any other conditions have not been complied with.

4. SPECIAL CONDITION: (4.1) The applicant shall obtain all required licenses for operating the business and permits for building, fire and health thereby meeting all adopted codes to operate said business, and shall cooperate with all annual fire safety, health, and sanitation inspections, in order to maintain compliance with state and city regulations for an animal clinic with outdoor pens. (4.2) All activity on site shall be in complete compliance of all City codes, especially the nuisance, fire, building and zoning codes. (4.3) The structure can be used for a game room/family room, and NOT as a business or rental unit.

SECTION 3. That the official Zoning Map of the City of Kingsville, Texas, is amended to reflect the amendment to the Zoning Ordinance made by Section 1 of this ordinance.

SECTION 4. That the Zoning Ordinance and Zoning Map of the City of Kingsville, Texas, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

SECTION 5. That to the extent that this amendment to the Zoning Ordinance represents a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the Zoning Ordinance, as amended by this ordinance.

SECTION 6. That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

SECTION 7. That publication shall be made in the official publication of the City of Kingsville as required by the City Charter of the City of Kingsville. Codification is not required.

INTRODUCED on this the 11th day of June, 2018.

PASSED AND APPROVED on this the 25th day of June, 2018.

Effective Date: _____

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

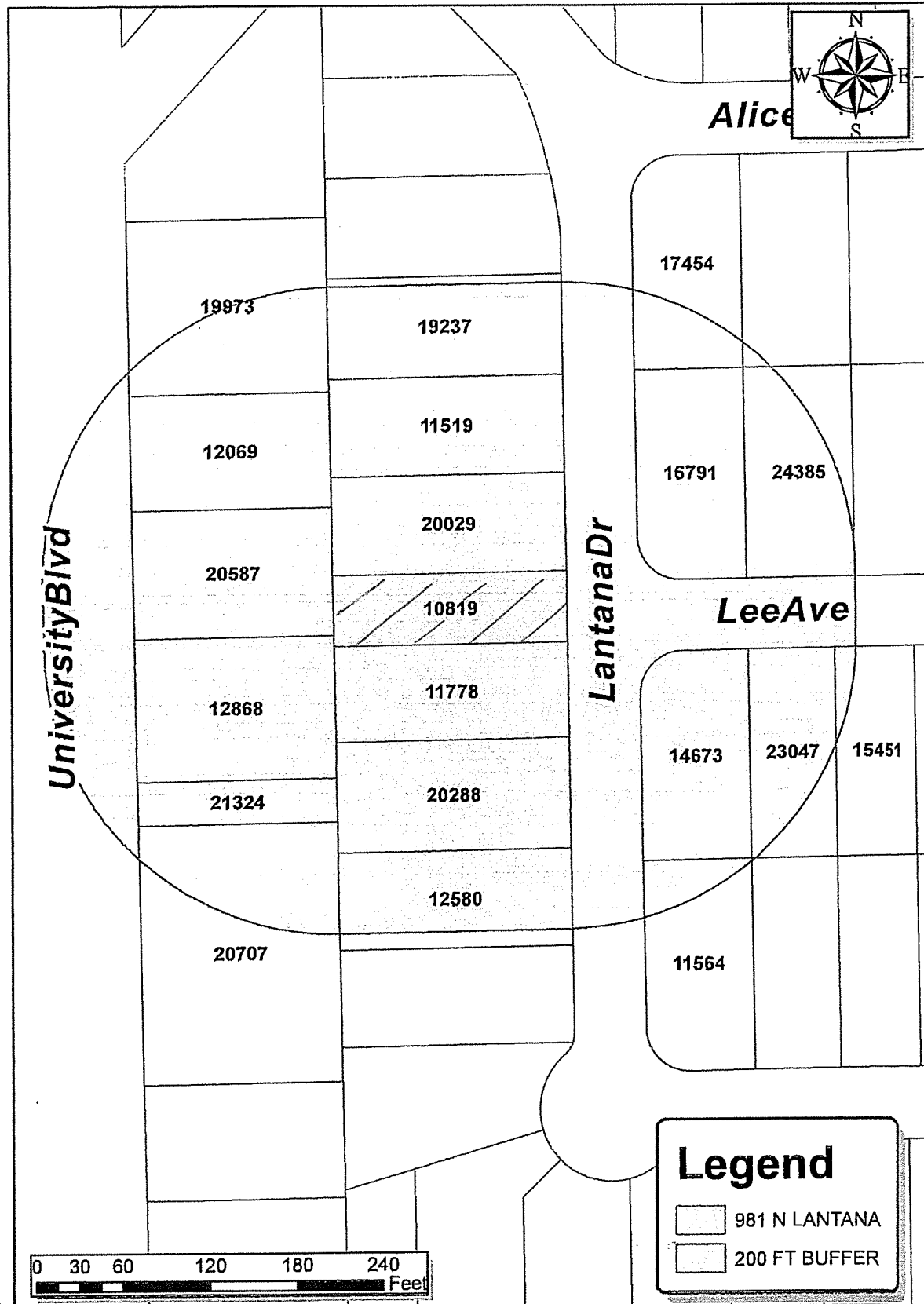
ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

200 ft Buffer Map of 981 N Lantana



AGENDA ITEM #8

City of Kingsville
Department of Planning and Development Services

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director

DATE: June 1, 2018

SUBJECT: Rezoning request from R1 to R3 at 529 E. Ella

Summary: Applicant requests that he be allowed to build a 2 -2 bedroom structures at 529 E. Ella. Current zoning is R1 and the request is to rezone to R3.

Background: The issue of rezoning property for apartments is one that will be presented to the City Commission on a continual basis I believe. The property surrounding this request is zoned R1 as evidenced by the map that is enclosed. Also enclosed is a copy of a site plan and layout of the structure. The purpose is to give you an idea of the project not necessarily to review the design and construction of the building. Also remember the City Commission just rezoned property from R3 to R1 not much more than a month ago. Eventually the building of apartments may occur there but could this be too soon?

Financial Impact: There is obviously revenue gained from this development. Building permit fee with the assumption that the value would increase consequently the property tax could.

Recommendation: The Planning and Zoning Commission met on June 6 to review and provide a recommendation. The motion was made to approve the re zoning from R1 to R3, the motion failed 4 votes against and 0 for. The Planning and Zoning Commission did not give an approval recommendation concerning this re zoning request.



**CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION**

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 529 E Ella St Nearest Intersection 10th Street

(Proposed) Subdivision Name 3rd Block 6, Lot 14-16 Block 6

Legal Description: 3rd Block 6, Lot 14-16

Existing Zoning Designation R1 Future Land Use Plan Designation R3

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Roque Ordóñez Phone (956) 563-1091 FAX -

Email Address (for project correspondence only): _____

Mailing Address 910 W. Chavez City Edinburg State TX Zip 78541

Property Owner Santiago, Cantu Phone (956) 778-7709 FAX -

Email Address (for project correspondence only): sancan4@aol.com

Mailing Address P.O. Box 197 City La Blanca State TX Zip 78558

Select appropriate process for which approval is sought. Attach completed checklists with this application.

<input type="checkbox"/> Annexation Request	No Fee	<input type="checkbox"/> Preliminary Plat	Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA)	\$250.00	<input type="checkbox"/> Final Plat	Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request	\$250.00	<input type="checkbox"/> Minor Plat	\$100.00
<input checked="" type="checkbox"/> Re-zoning Request	\$250.00	<input type="checkbox"/> Re-plat	\$250.00
<input type="checkbox"/> SUP Request/Renewal	\$250.00	<input type="checkbox"/> Vacating Plat	\$50.00
<input type="checkbox"/> Zoning Variance Request (ZBA)	\$250.00	<input type="checkbox"/> Development Plat	\$100.00
<input type="checkbox"/> PUD Request	\$250.00	<input type="checkbox"/> Subdivision Variance Request	\$25.00 ea

Please provide a basic description of the proposed project:

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

Applicant's Signature Roque Ordóñez Date: 05-17-18
Property Owner's Signature _____ Date: _____
Accepted by: S. Rosendy Date: 05-17-18

DIOCESE OF CC
% MOST REV WM MICHAEL
MULVEY, STL D D
620 LIPAN ST
CORPUS CHRISTI, TX 78401-2434
#10118

CARMEN UTLEY
ETVIR RAMIRO UTLEY
530 E ELLA AVE
KINGSVILLE, TX 78363-3833
#14752

JOSE R HERRERA JR
604 E ELLA
KINGSVILLE, TX 78363
#18637

DRUSILLA ANN LOMAS
503 E ELLA AVE
KINGSVILLE, TX 78363-3832
#16734

FLAVIO SALAZAR EST
ANGELITA GUEVARA EST
521 E ELLA AVE
KINGSVILLE, TX 78363-3832
#19025

MARY GUZMAN FREELON
609 E ELLA AVE
KINGSVILLE, TX 78363-3951
#12337

ERNESTO E VALADEZ EST
ELENA H NORMAN (IND EXEC)
7718 HIDDEN IVEY COURT
ORLANDO, FL 32189
#15304

JILMA GUEVARA VIDAURRI
403 HELEN MARIE DR
KINGSVILLE, TX 78363-7309
#12893

JOSE SALVADOR ARIAS
PO BOX 1383
KINGSVILLE, TX 78364-1383
#14073

JOSE MANUEL LOZANO
516 E ELLA AVE
KINGSVILLE, TX 78363-3833
#17070

RAMIRO UTLEY
530 E ELLA AVE
KINGSVILLE, TX 78363-3833
#22373

DAVID DIAZ JR
1102 RED RANCH CIR
CEDAR PARK, TX 78613
#17103

EMILIO C MIRELES JR
ETUX ANNA A
519 E ELLA AVE
KINGSVILLE, TX 78363-3832
#17492

SANTIAGO CANTU
PO BOX 197
LA BLANCA, TX 78558-0197
#19818

VERONICA JANELL GARCIA
1327 E SANTA GERTRUDIS ST
KINGSVILLE, TX 78363-4803
#13138

ROSARIO RIOS
524 E SANTA GERTRUDIS ST
KINGSVILLE, TX 78363-3845
#22892

SONJA D REYNA
AKA SONYA D ROJAS
600 E SANTA GERTRUDIS
KINGSVILLE, TX 78363
#15657

ARTURO REYES EST
612 E SANTA GERTRUDIS
KINGSVILLE, TX 78363
#13248

MARINA M LOZANO EST
528 E ELLA AVE
KINGSVILLE, TX 78363-3833
#23883

JOSE H CAVAZOS JR
508 E SANTA GERTRUDIS ST
KINGSVILLE, TX 78363-3845
#19402

DRUSILLA ANN LOMAS
ETAL
503 E ELLA AVE
KINGSVILLE, TX 78363-3832
#23548

ANNA G MIRELES
ETVIR EMILIO
519 E ELLA AVE
KINGSVILLE, TX 78363-3832
#18256

REBECCA MICHEL DE LA
GARZA
349 E FM 722
KINGSVILLE, TX 78363
#11526

MARIA I DEL BOSQUE CAVAZOS
510 E SANTA GERTRUDIS ST
KINGSVILLE, TX 78363-3845
#16843

ARTURO MORENO
524 E SANTA GERTRUDIS ST
KINGSVILLE, TX 78363-3845
#22135

JOSE SALVADOR ARIAS
PO BOX 1383
KINGSVILLE, TX 78364-1383
#14866

run-off will be selected to serve in the office.

In the Pct. 4 Kleberg County Commissioner run-off, Zaragoza "Shorty" Salinas Jr. is facing David Garcia.

The winner of the run-off election will face Republican Rene Lomas Bazan in November. Bazan, was unopposed in the Republican Primary.

Residents who voted in the Republican Primary will not be permitted to participate in the Democrats' run-off.

Voters who participated in the Democratic Primary, as well as residents who did not vote in the election, are eligible to participate.

On Election Day, polls will be open from 7 a.m. to 7 p.m., and voters must vote in their registered precinct. Polling locations are as follows:

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Precincts 21, 22, 23 and 24 - University

Baptist Church, 1324 N. Armstrong in Kingsville
Precincts 31 and 32 - Knights of Columbus Hall Council 3389, 320 Gen. Cavazos Blvd. in Kingsville

Precincts 33 and 34 - Riviera County Building, 103 N. 7th Street in Riviera

Precinct 35 - Ricardo Community Senior Center, 109 N. Nix Street in Kingsville

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PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, June 6, 2018, 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:

Roque Ordoñez, applicant, Santiago Cantu, owner, requesting the rezone of 3rd, Block 6, Lot 14-16 also known as 529 E Ella Street from R1 (Single Family) to R3 (Multi-Family 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.

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Insurance

and district monthly premiums on two plans, as well as added a third high-deductible option.

Throughout 2017 and into 2018, the board has expressed concern about how much longer the district could continue to self-fund health insurance for its employees, and has also discussed the possibility of moving to the health insurance plans offered through the Teacher Retirement System of Texas (TRS) Active Care program.

Insurance representative Mike Goetz, of Gallagher Public Entity and Scholastic Group, presented the first quarter financial report to the board at Tuesday's meeting, which covered the district's medical and pharmacy claims, administration fees and district and employee contributions from January thru March 2018.

According to Goetz's presentation, the KISD had about \$789,000 in medical claims and about \$241,000 in pharmacy claims through March for a total of \$1.03 million. Administration fees during that same time totaled nearly

\$207,000.

"Those are offset by the contributions toward the plan from both the district and employees to the tune of \$984,000, which leaves us year-to-date with a net negative of \$252,000," Goetz said.

According to the presentation, the district's claims totaled about \$1.135 million in the first quarter of 2018, while Q1 2017 had a total of nearly \$923,000 in claims that included about \$509,000 in run-out claims from HealthFirst.

Goetz also presented preliminary numbers for April 2018 to the board, which he said showed an estimated net gain of \$65,000-\$75,000.

"So we're expecting to see this curve turn back into the right direction," he said.

Goetz said one of the main drivers for the first quarter net loss last quarter came from claims from two KISD employees, one of whom was "labeled," or assigned a higher deductible because of a known condition that

would likely exceed the standard deductible, at \$300,000.

According to the presentation, the two employees collectively incurred about \$438,000, or roughly 43 percent of the total claims. The other driver, Goetz said, was that the district was still about \$71,000 from satisfying its aggregating specific deductible of \$125,000.

While he admitted the amount had him initially worried, Goetz said he was still optimistic because "we took our biggest hit in January" prior to banking any contributions for 2018.

"If we had gotten the \$300,000 claimant in July or August, well, we would have had six months of revenue by then and it would have been able to offset that," he said.

Following the presentation and some board discussion on the district's on-site health clinic as well as employee education regarding their health plans and benefits, board president Brian Coufal expressed concern about the district being able to contin-

ue offering a self-insured health insurance program to its employees.

"We have been very generous over the years with our plans, but it's breaking us," he said. "It's absolutely breaking us."

Coufal said he is hopeful, but things are not far off where they are now "compared to when the sky was falling." He then asked that the board convene for a workshop once the second quarter claims projection is ready to be presented, most likely at the end of June, or when the Q2 financial report is ready in July.

In another informational item, the board heard a presentation regarding a health insurance cost alternative through the South Texas Health Cooperative. Following the presentation, Coufal asked that the upcoming workshop include "the options that are out there."

"And I would like for that to include an analysis of TRS," he said.

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

Sentence

in connection to an Aug. 29, 2014 robbery of the IBC Bank near the intersection of Santa Gertrudis and Armstrong Avenues.

Martinez was accused of brandishing a firearm during the robbery, but in return for his guilty plea prosecutors agreed to amend the indictment against him to note that it could have been a "BB gun."

In testimony Friday, friends of Martinez said that over the past year Martinez had volunteered at a boxing gym in Alice and had donated money to the gym and local toy drives over Christmas.

In his closing argument, defense attorney Luis Garcia asked the court for "mercy" based on Martinez's entry of a guilty plea and recommended Martinez be sentenced to probation.

"In order to show justice, a court has to be merciful," Garcia said.

Garcia and co-defense counsel Nathan Fugate also painted a co-defendant in the case, Joanna Cantu, as the "mastermind" of the robbery. Cantu was an employee of the bank at the time and is accused of helping Martinez carry out the crime. She is set to go to trial on June 26.

"She's the one who formulated the plan," Garcia said. "Mr. Martinez, on the other hand, has shown this court that he has accepted responsibility. He has come clean."

Assistant Attorney General Samantha Oglesby, a prosecutor assigned to the case from the Texas Attorney General's Office, took issue with that assessment in her closing remarks. She described

Martinez's guilty plea, entered four years after his original arrest, as a "self-serving" move made to avoid a trial. She also noted that since his 2014 indictment he had been arrested three times for bond violations and recommended he be sentenced to 40 years in prison.

"Your honor, this defendant has repeatedly shown disrespect for this court. He has repeatedly shown that he cannot abide by the terms and conditions (imposed)" Oglesby said. "Deferred adjudication would be an insult to the victims."

Oglesby also noted that Martinez's involvement in volunteer work came after a March 2017 plea agreement reached between the prosecution and the defense that would have capped his sentence at 10 years had been rejected by

the court. Without that agreement, Martinez now faced up to 99 years or life in prison on the charges.

Oglesby also reminded the court that nearly \$50,000 in cash taken during the robbery had never been recovered.

"You can bring all the people in here to testify that four years later he's donating money, but we know where he got that money from," Oglesby

said. "Those are ill-gotten gains, so he gets no benefit for donating money to charities that are associated with a motorcycle gang."

Following closing arguments, Pulcher sentenced Martinez to 25 years in prison on each count, set to run concurrently. He will get credit for time served, which officials said in open court amounted to just over two years. He will

also be required to pay restitution for \$49,092 in cash that was not recovered from the robbery.

"Sir, I don't believe you are evil, but I do believe you made some pretty bad decisions here that will affect these victims for the rest of their lives," Pulcher said.

Christopher Maher can be contacted at cjmaher@king-ranch.com or (361) 221-0242.

City

the results did not change significantly from election night.

In the mayoral race, Fugate and his opponent, Luis A. Gonzalez, each picked up one vote, raising the total to 1,009 to 464 in favor of Fugate.

In the race for city commissioner, Hinojosa added two votes to finish with 688, while Lopez (812), Leubert

(600), Robert "Bob" Charles Pena (148), Al Garcia (564) and Chris Berry (175) each added one vote. Tallies remained unchanged from election night for candidates Marly Ontiveros (181), Lavoyger Durham (187), Ann Marie Torres (496) and Pecos (588). Pecos also received exactly 588 votes in the 2016 election.

Election

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- ◆ Teeth whitening ◆ TV with video capability ◆ Orthodontics (braces)
- ◆ Insurance accepted and filed for you ◆ New patients welcomed

MAY SPECIALS

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Exam & Records

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Limited Dental Exam
NEW PATIENTS ONLY

NO CHARGE

Expires 5/31/18. E.C. McCall III, D.D.S., P.C. • (361) 595-4121

Dr. E.C. McCall III, D.D.S.

116 South 4th Street
Kingsville, Texas 78363

(361) 595-4121

To: Planning and Zoning Commissioners

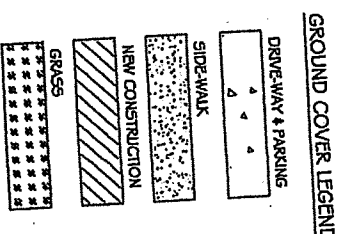
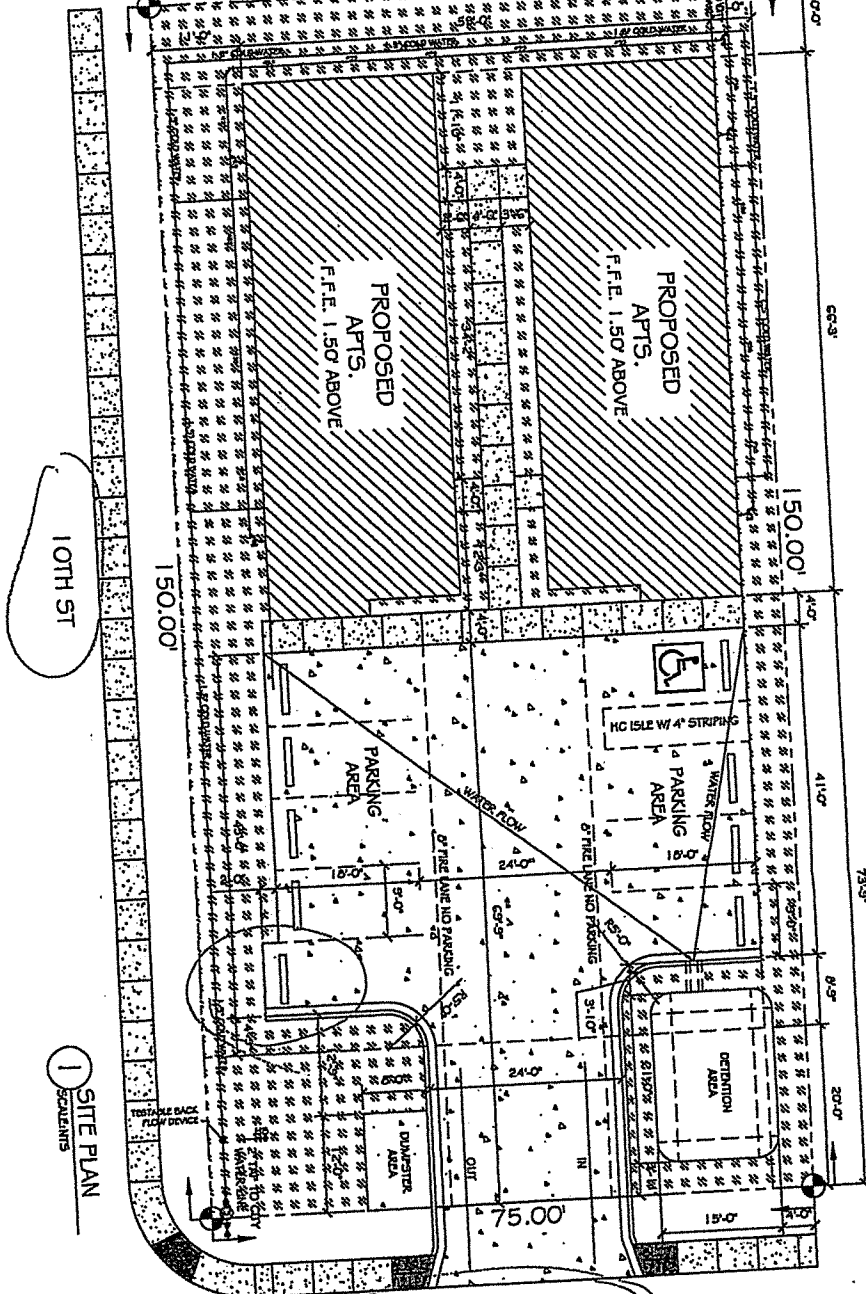
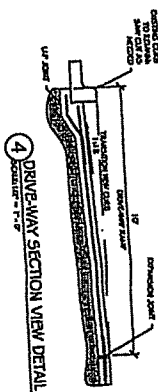
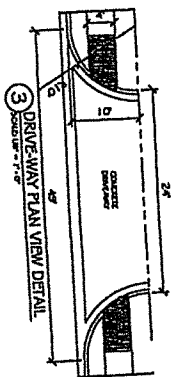
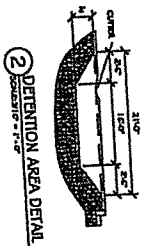
From: Tom Ginter, Director

Date: June 1, 2018

Subject: Agenda Items #2 and #3

Attached is an application for a rezoning at 529 E. Ella. Enclosed is a map which reflects the current zoning is R1. As you can see from the map all of the zoning around this lot is R1. The proposed development are 2- 2 bedroom apartments. While the development itself isn't obtrusive on its own, do we want to start this kind of trend in this part of Kingsville.

Enclosed is a 2 page drawing of the project. The intent of this document is to give you a better idea as to what they want to build. The intent is not to get into detail on the design since that is the responsibility of the development review committee. Also remember that not much more than 1 month ago, we just rezoned a significant amount of property from R3 to R1. Frankly eventually the building of apartments may occur there but could this be too soon?



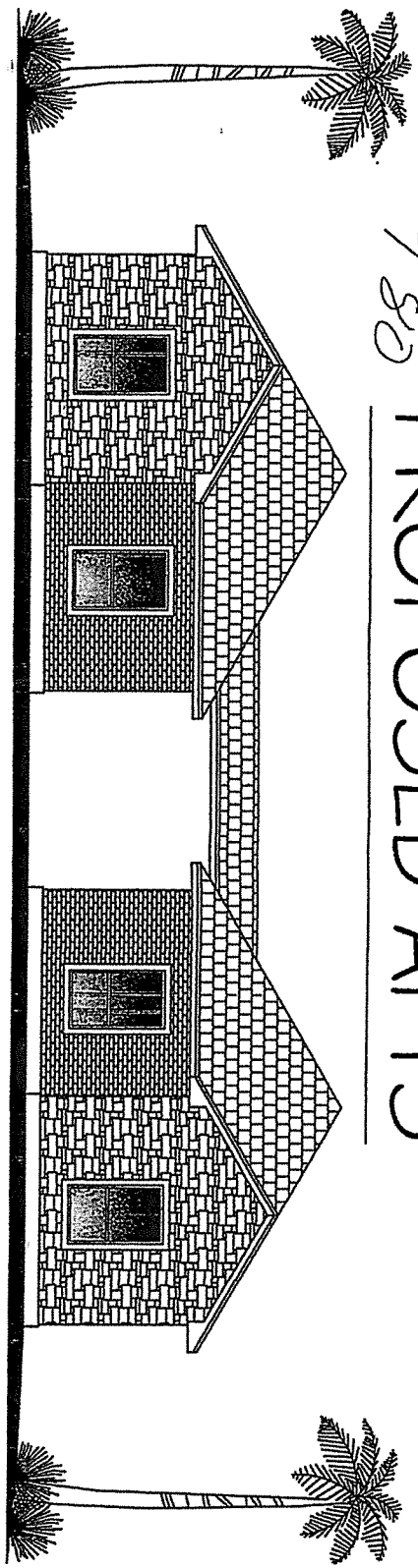
LEGAL DESCRIPTION	
529 E ELLA ST. KINGSVILLE, TX	
NUMBER OF PARKING SPACES:	9
HANDICAP PARKING:	1
TYP. PARKING:	8

IMPORTANT DESIGNER NOTES:
 THESE PLANS ARE INTENDED TO PROVIDE THE BASIC CONSTRUCTION INFORMATION NECESSARY TO CONSTRUCT THIS STRUCTURE. THIS MEANS THAT THESE PLANS MUST BE FIELD VERIFIED AND CHECKED COMPLETELY BY THE GENERAL CONTRACTOR OR SUBCONTRACTOR IN AUTHORITY FOR THE JOB. ANY DISCREPANCY, ERROR, AND/OR OMISSION IF FOUND IS TO BE BROUGHT IMMEDIATELY TO THE ATTENTION OF DESIGNER PRIOR TO COMMENCING CONSTRUCTION. MODIFICATIONS SHOWN ON THE FLOOR PLANS ARE THOSE THAT MUST BE MADE TO ALLOW FOR ACTUAL MATERIAL SIZES AND PRACTICALITY OF CONSTRUCTION METHODS, DETAILS AND NOTES NOT PROVIDED WITH THESE DRAWINGS SHOULD BE PROVIDED BY THE MFG., SUPPLIER, OR INSTALLATION CONTRACTOR SPECIFICALLY RELATED TO THAT PARTICULAR PHASE OF CONSTRUCTION.

Drawn By: Mano A. Gonzalez	Builder: S.C. CONSTRUCTION LLC 956-770-7709
Owner: SANTIAGO CANTU	Project Title: PROPOSED APTS.
Date Drawn: 2/21/2018	Drawing Scale: VARIES
Revised By:	PLANS DESIGNS "ORDONEZ" 956-380-4087
Sheet Number: AS 1.0	

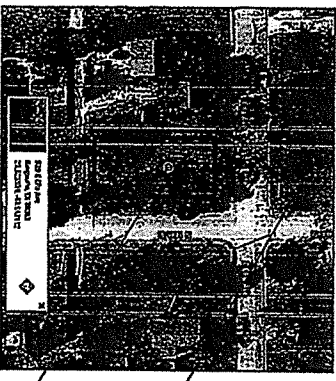


780 PROPOSED APTS



PROJECT DESCRIPTION	
BUILDING PROJECT:	2 BED RM APT. UNITS
APPLICABLE CODES:	IBC 2009
OCCUPANCY:	R-2
CONSTRUCTION TYPE:	V-B
BLDG. AREA:	PROPOSED: 3134 SQFT
BUILDING HEIGHT:	PROPOSED: 16'-7"

AREAS		SQ. FT.	
LIVING:		3134.00	
PARKING:		3253.00	
APTS. SIDE-WALK:		514.00	
GREEN AREA:		4949.00	
CITY SIDE-WALK:		1086.00	



VICINITY MAP

INDEX OF DRAWINGS	
CS 1.0	COVER SHEET
AS 1.0	SITE PLAN
AS 1.1	EROSION CONTROL PLAN
AS 1.2	LANDSCAPING PLAN
AS 1.3	FOUNDATION PLAN
5 1.0	FLOOR PLAN
A 1.0	ELEVATIONS 1
A 2.0	ELEVATIONS 2
A 3.0	ROOF PLAN
A 3.1	ROOF FRAMING PLAN
A 3.2	CEILING JOIST PLAN
A 4.0	DETAILS 1
M 1.0	MECHANICAL PLAN
E 1.0	ELECTRICAL PLAN
P 1.0	PLUMBING PLAN

SYMBOL LEGEND	
DRAWING TITLE:	FLOOR PLAN
ELEVATION MARKER:	ELEVATION MARKER
ROOM TAG:	ROOM TAG
ROOF SLOPE:	ROOF SLOPE
SLOPE SYMBOL:	SLOPE SYMBOL
ELEVATION SYMBOL:	ELEVATION SYMBOL
SECTION LABEL:	SECTION LABEL
DROP SYMBOL:	DROP SYMBOL
DATUM SYMBOL:	DATUM SYMBOL

AREAS		%	
LIVING:	27.96		
PARKING:	28.92		
LANDSCAPING:	4.57		

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Sec. 15-6-4. - Changes and amendments; application fee.

- (A) This zoning article, including boundaries of districts and regulations, may be amended, supplemented or changed by ordinance of the City Commission. The City Commission shall receive the report of the Planning and Zoning Commission prior to adopting any change or amendment to the zoning ordinance.
- a. The Planning and Zoning Commission shall conduct a public hearing, announcement of which shall be published once in a newspaper of local circulation fifteen (15) days prior to such hearing before acting upon any zoning matter.
 - i. All property owners within 200 feet of the property on which the change is proposed shall be sent written notice not less than ten (10) days before the hearing date. The list of property owners shall be prepared from the last city tax roll listing all property owners who have rendered their property for city taxes. Notice is adequately served by depositing properly addressed and postage paid notice with the city post office. Property owners whose names do not appear on the city tax roll are adequately notified by the publication in a newspaper of local circulation.
 - b. Following the Planning and Zoning Commission public hearing and report, the City Commission shall conduct a public hearing, announcement of which shall be published once in a newspaper of local circulation fifteen (15) days prior to such hearing before acting upon any zoning matter.
 - i. Three-fourths ($\frac{3}{4}$) vote of the members of the City Commission shall be necessary to make any change should a petition opposed to such change be presented by the owners of 20% of either the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same and extending 200 feet therefrom.
 - ii. Three-fourths ($\frac{3}{4}$) vote of the members of the City Commission shall be necessary to overrule a recommendation of the Planning and Zoning Commission that a proposed amendment, supplement, or change be denied.
 - c. Applications for Special Use permits, changes of districts (rezones), or other applications which require notification or publication shall be accompanied by a fee of \$250.00.
 - (B) The fee for processing appeals to the Board of Adjustment shall be based on the actual costs of materials used, mailing, and publication costs as determined by the Planning Division of the Management Services Department, the fee to be payable prior to the scheduling of any hearing or appeal.

(1962 Code, § 11-1-4; Ord. 84009, passed 6-18-84; Ord. 90027, passed 6-25-90; Ord. 2014-44, passed 8-11-2014)

ORDINANCE #2018-_____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO 3RD, BLOCK 6, LOT 14-16, ALSO KNOWN AS 529 E. ELLA STREET, FROM R1-SINGLE FAMILY TO R3-MULTI-FAMILY 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 Roque Ordonez, agent for Santiago Cantu, 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, June 6, 2018 during a meeting of the Planning and Zoning Commission, and on Monday, June 11, 2018 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 FAILED with a 4-0 vote of the Planning Commission against 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 3rd, Block 6, Lot 14-16, also known as 529 E. Ella Street from R1-Single Family to R3-Multi-Family 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 11th day of June, 2018.

PASSED AND APPROVED on this the 25th day of June, 2018.

Effective Date: _____

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

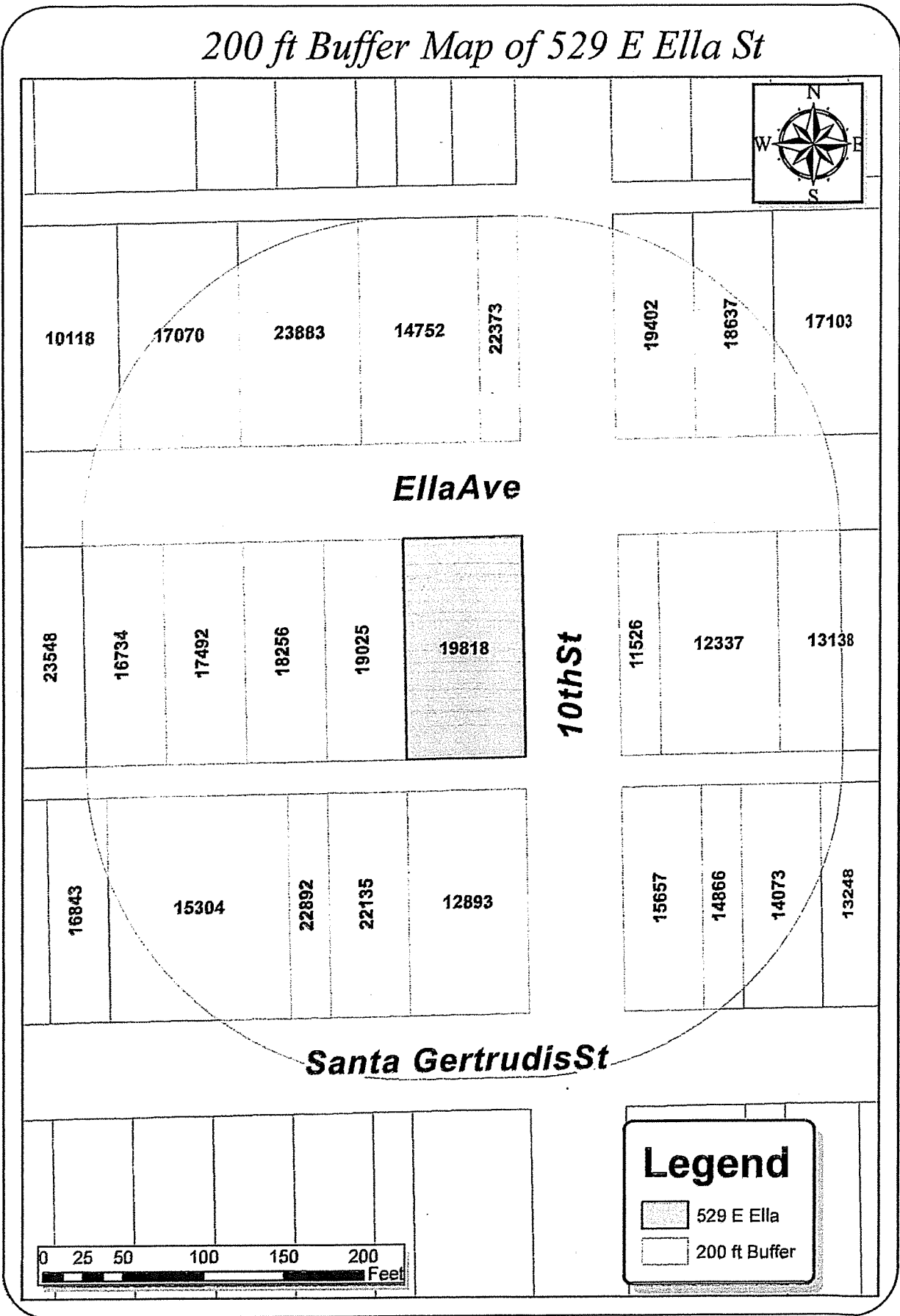
ATTEST:

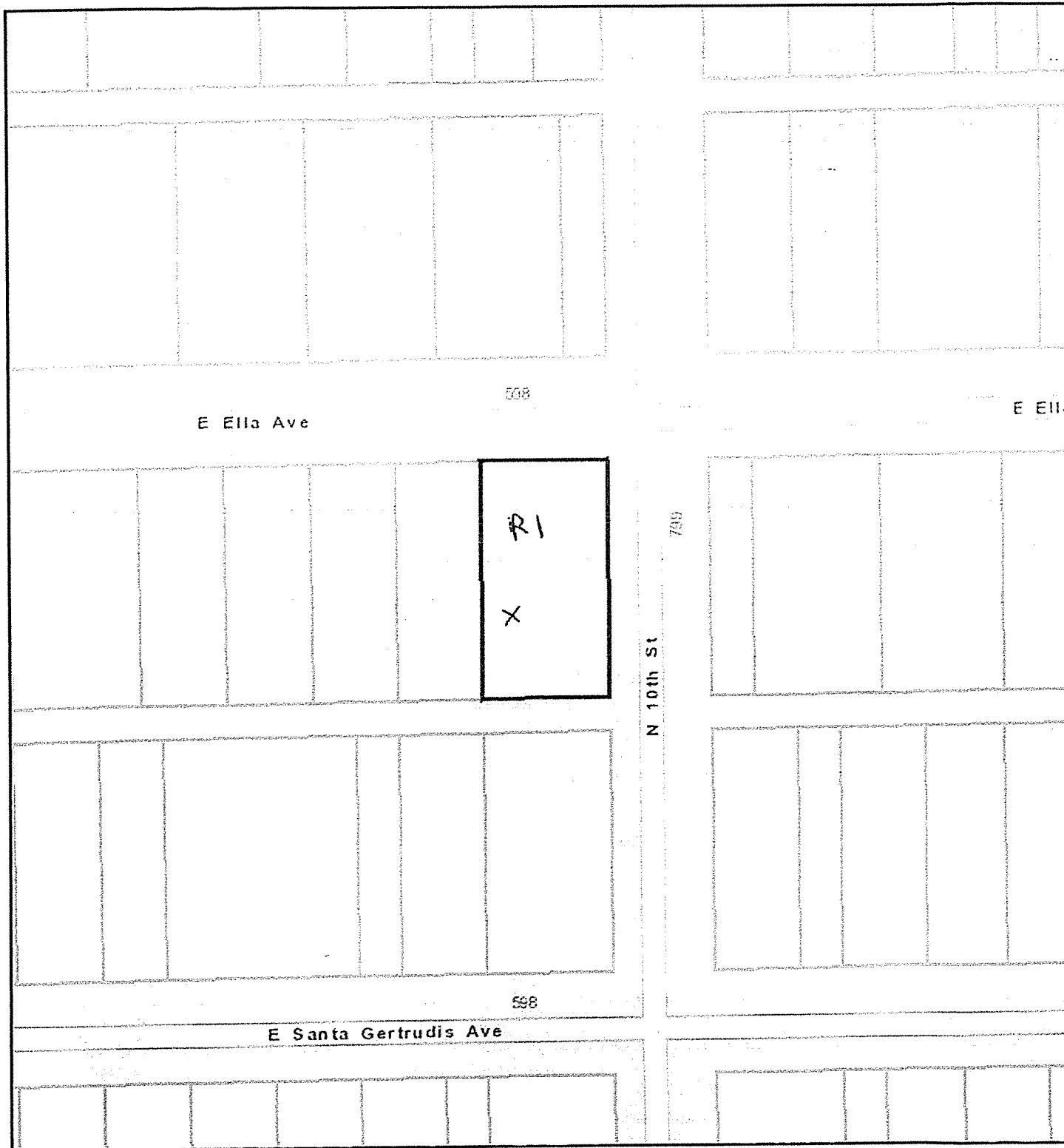
Mary Valenzuela, City Secretary

APPROVED:

Courtney Alvarez, City Attorney

200 ft Buffer Map of 529 E Ella St

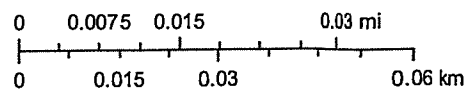




May 17, 2018

X - 529 E. Ella

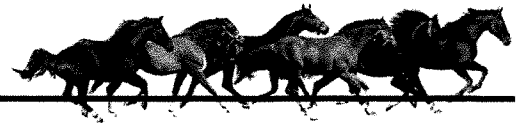
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Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

AGENDA ITEM #9

CITY OF KINGSVILLE



P. O. BOX 1458 - KINGSVILLE, TEXAS 78364

Date: June 1, 2018

To: City Commission via City Manager Jesus Garza

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

From: Janine Reyes, Director of Tourism Services

Summary: The Hotel Occupancy Tax Advisory Board was created in 2016 by City of Kingsville City Commissioners. The board meets quarterly and makes recommendations for activities, programs and expenditures authorized by state tax code guiding appropriate use of occupancy tax funds.

The board met on May 17, 2018 and recommended that another Hotel Industry member be added to the board. Because that would bring the number of voting members up to 8, it has been recommended to remove the Tourism Director as a voting member. The director would still prepare agendas, attend, and help with meetings.

All members will be appointed to the board by the City Commission at the recommendation of the City Manager.

The HOT Advisory Board members would then consist of

- Two Hotel Industry representative
- One King Ranch Museum/King Ranch Visitors Center representative
- One Conner Museum representative
- One historical downtown district representative
- One Texas A&M-Kingsville representative
- One resident of the City of Kingsville representative

Board members serve two-year terms and receive no compensation.



www.cityofkingsville.com

ORDINANCE NO. 2018-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER III-ADMINISTRATION, ARTICLE 3-DEPARTMENTS, BOARDS, & COMMISSIONS, BY AMENDING SECTION 3-3-101, PROVIDING FOR THE CREATION OF AN ADDITIONAL HOTEL REPRESENTATIVE ON THE HOTEL OCCUPANCY TAX ADVISORY BOARD AND REMOVING THE TOURISM DIRECTOR AS A VOTING MEMBER; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City Commission of the City of Kingsville believes that the Hotel Occupancy Tax funds are vital to the quality of life and the enhancement and promotion of tourism and the convention and hotel industry; and

WHEREAS, the City of Kingsville believes in the appropriate governing of Hotel Occupancy Tax funds; and

WHEREAS, in 2016 the City Commission of the City of Kingsville created a Hotel Occupancy Tax Advisory Board to better govern Hotel Occupancy Tax; and

WHEREAS, the board members are responsible for conducting a comprehensive assessment of the city's tourism potential and making recommendations to the City Manager of activities, programs, and expenditures as authorized by the Texas Tax Code, Chapters 351 and Texas Local Government Code Chapters 334 & 335, and any other applicable codes that will help increase tourism and visitors in Kingsville; and

WHEREAS, the Advisory Board for the Hotel Occupancy Tax for the City of Kingsville met on May 17, 2018 and recommended the creation of an additional board position for the hotel industry; and

WHEREAS, the this change would bring the voting membership of the board to eight persons, it is also recommended that the Tourism Director be removed as a voting member of the Board in order to keep the number at seven; and

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

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

I.
THAT Chapter III-Administration, Article 3- Departments, Boards & Commissions of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to as follows:

HOTEL OCCUPANCY TAX ADVISORY BOARD

§ 3-3-100 BOARD CREATED.

There is hereby created for the city a Hotel Occupancy Tax Advisory Board.

§ 3-3-101 BOARD MEMBERSHIP.

- (A) The Hotel Occupancy Tax Advisory Board shall have seven (7) voting members and be appointed by the City Commission at the recommendation of the City Manager. The Hotel Occupancy Tax Advisory Board members shall serve without compensation. The members of the Board shall include:
- a. Two ~~One~~ members to represent the Hotel Industry within the City of Kingsville.
 - b. One member to represent the King Ranch Museum and/or the King Ranch Visitors Center.
 - c. One member to represent the Conner Museum.
 - d. One member to represent the historical downtown district/merchants.
 - e. One member to represent Texas A&M University-Kingsville.
 - f. ~~One member shall be the Director of Tourism Services for the City of Kingsville.~~
 - g. f. One member must be a resident of the City of Kingsville.
- (B) In addition to the regular voting members of the Board, the City Manager and the Kleberg County Judge shall serve as ex-officio members of the Board with no voting privileges.
- (C) The members of the Board from the voting membership shall elect a Chairman and Vice-Chairman to conduct the meetings and the voting members shall fill any vacancy in either of the offices of Chairman or Vice-Chairman.

§ 3-3-102 TERMS OF MEMBERS.

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

- (A) All of the board members shall serve for two (2) year terms without term limits.
- (B) The Director of Tourism Services for the City shall serve through their employment with the city.

§ 3-3-103 QUORUM.

- (A) A minimum of four (4) board members is needed to form a quorum.
- (B) An official recommendation requires a majority vote of four board members.

§ 3-3-104 CONFLICT OF INTEREST.

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

§ 3-3-105 COMPENSATION.

All board members of the Hotel Occupancy Tax Advisory Board shall receive no salary or compensation for serving on the board with the exception of the Director of Tourism Services, who shall receive no extra compensation other than as employed by the City of Kingsville.

§ 3-3-106 DUTIES GENERALLY.

The Hotel Occupancy Tax Advisory Board shall have the following duties and responsibilities:

- (A) The board will develop special rules and instructions in recommending the use of Hotel Occupancy Tax funds to the City Manager in accordance with the Texas Tax Code Ch. 351 Subchapter B and Texas Local Government Code Chapters 334 & 335, and any other applicable codes; and
- (B) Develop and make recommendations to the City Manager on matters concerning the Hotel Occupancy Tax Funds within the scope of the Texas Tax Code Ch. 351 Subchapter B and Texas Local Government Code Chapters 334 & 335, and any other applicable codes.

§ 3-3-107 MEETINGS.

- (A) Any member of the board may request an item be added to the agenda.

- (B) The board shall have the authority and duty to promulgate rules and regulations governing its official meetings.
- (C) The board shall have regular meetings at least once quarterly, the date to be set out in the board's minutes. All meetings shall be open to the public and shall be governed by the Open Meetings Act.
- (D) Special meetings may be set at the will and discretion of the board whenever it deems necessary. The chairman of the board shall call the special meeting.
- (E) The Director of Tourism Services shall be responsible for preparing and posting the Board agendas.

§ 3-3-108 REPORT OF MEETINGS.

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

§ 3-3-109 REMOVAL FROM OFFICE.

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

§ 3-3-110 VACANCY.

- (A) A vacancy arises if any board member is absent from three (3) consecutive regular meetings; is removed under § 3-3-110; is convicted as stated in § 3-3-104; or resigns.
- (B) If for any reason the position of any board member shall have been vacated by removal or otherwise, the appointment and confirmation to fill such vacancy shall be made by the City Commission for the unexpired term of the vacated office.

II.

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

III.

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

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

IV.

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

INTRODUCED on this the 11th day of June, 2018.

PASSED AND APPROVED on this the _____th day of _____, 2018.

EFFECTIVE DATE: _____, 2018.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #10

RESOLUTION # 2018-_____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT AGREEMENT (UTILITY) WITH THE BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM FOR CONSTRUCTION AND MAINTENANCE OF FIBER OPTIC LINES, WATER LINES, AND ELECTRICAL LINES; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Texas A&M University-Kingsville ("University") is undergoing extensive development on the northwest and southwest corners of west Santa Gertrudis Avenue at Armstrong Avenue where new facilities are being built on campus; and

WHEREAS, the University proposes placing utilities, including but not limited to fiber optic lines, water lines, and electrical lines from its property on the south side of Santa Gertrudis Avenue underneath the street to its property on the north side of Santa Gertrudis Avenue; and

WHEREAS, City staff has worked with representatives from the Texas A&M University System to prepare an Easement Agreement between the two parties; and

WHEREAS, the City is agreeable to granting the Texas A&M University System a 0.042 acre tract utility easement for the fiber optic lines, water lines, and electrical lines; and

WHEREAS, the granting of the easement will improve the health, safety, and quality of life of the residents of both entities.

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

I.

THAT the Mayor is authorized and directed as an act of the City of Kingsville, Texas to execute the Easement Agreement (utility) with the Board of Regents of the Texas A&M University System for utilities, including but not limited to, fiber optic lines, electrical lines, and water lines in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the
_____ 11th day of June _____, 2018.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

EASEMENT AGREEMENT

(Utility)

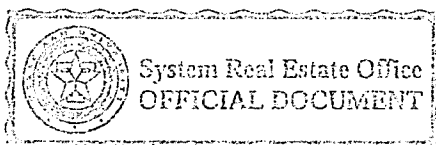
1. Grant of Easement. The **CITY OF KINGSVILLE**, a Texas municipal corporation, as grantor ("CITY"), for \$10 and other good and valuable consideration, hereby **GRANTS, BARGAINS, SELLS, and CONVEYS** to the **BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM**, an agency of the State of Texas, for the use and benefit of Texas A&M University - Kingsville, as grantee ("**A&M SYSTEM**"), its permitted successors and assigns, a non-exclusive right-of-way easement (the "Easement") for utilities including but not limited to underground fiber optic line(s), water line(s) and electrical line(s). The Easement is variable in width across certain property owned by CITY (the "Property"), located in Kleberg, County, Texas, more particularly described in Exhibit A attached hereto and made part of this Easement Agreement (this "Agreement").

2. Purpose and Location of Easement. The Easement is granted for the purpose of maintaining, repairing and rebuilding utilities including but not limited to underground fiber optic line(s), water line(s) and electrical line(s) (collectively the "Line"). A plat of the Property showing the surface area affected by the Easement and the location of the Line and CITY's right-of-way is depicted on Exhibit B attached hereto and made a part of this Agreement.

3. Right of Access. **A&M SYSTEM** has the right of ingress and egress across the Property for the purpose of maintaining, repairing, replacing, and rebuilding the Line. **A&M SYSTEM** agrees to occupy the surface of the Property only to the extent and for the length of time necessary for maintaining, repairing, replacing, and rebuilding the Line.

4. Duties. **A&M SYSTEM** will clearly mark the location of the line in a manner and to the extent required by law. The Line will be buried not less than 52 inches below the surface and, if for electric and telecom purposes, in conduit or encased piping. If **A&M SYSTEM** damages or destroys any fence, road, bridge, culvert, building, or other improvement, or any personal property, other than its own personal property, **A&M SYSTEM** must, within a reasonable period of time, repair, or replace the improvement or personal property to the extent that such improvement or personal property will, as nearly as practicable, be in like condition as before such damage or destruction. In lieu of requiring repair or replacement, CITY may, at its option, require that **A&M SYSTEM** pay money damages. **A&M SYSTEM** agrees to cooperate with CITY's personnel in an onsite inspection to assess any damages resulting from **A&M SYSTEM**'s activities. **A&M SYSTEM** agrees to notify CITY five business days prior to commencement of any repairs or replacements. A City representative shall be present during the repair or replacement work.

5. No Fee Interest Granted. This is a grant of a nonexclusive easement only, and does not grant any fee interest to the surface, subsurface, or any interest in the minerals on or under the Property. The conveyance is made subject to any and all outstanding restrictions, reservations, covenants, conditions, leases, easements and other encumbrances filed of record or apparent on the ground. CITY expressly retains all rights to grant, control and renew all



restrictions, reservations, covenants, conditions, leases, easements and other encumbrances, of every kind and character, on, over or under the Property.

6. Duration of Easement. The term of the Easement is perpetual.

7. Nonexclusive Easement. The Easement is nonexclusive. **CITY** reserves for **CITY** and **CITY's** successors and assigns the right to full use and enjoyment of the Property and the right to convey the Property or other rights or easements to others, so long as such use or conveyance does not unduly interfere with **A&M SYSTEM's** use.

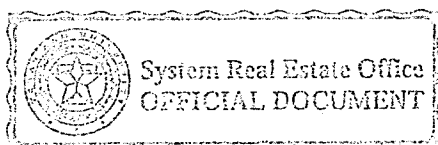
8. Use of Property; Compliance. **A&M SYSTEM** will not commit or suffer to be committed waste upon the Property and will keep the Property, the improvements, and its equipment in good working order and repair and in a clean, safe, and healthful condition.

9. Hazardous Waste. **A&M SYSTEM** will not use the Property or permit the Property to be used so as to cause, suffer, or allow any contamination of soils, ground water, surface water, or natural resources on or adjacent to the Property resulting from, but not limited to, spills or leaks of oil, gasoline, hazardous materials, hazardous wastes, or other chemical compounds. **A&M SYSTEM** is solely responsible for cleanup of any contamination resulting from violation of this provision.

10. Notices. Any notice required or permitted under this Agreement must be in writing, and shall be deemed to be delivered (whether actually received or not) when deposited with the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the intended recipient at the address set out below. Notice may also be given by regular mail, personal delivery, courier delivery, facsimile transmission, email, or other commercially reasonable means and will be effective when actually received. **A&M SYSTEM** and **CITY** may change their respective notice address by sending to the other party a notice of the new address. Notices should be addressed as follows:

A&M SYSTEM: The Texas A&M University System
Office of General Counsel
Attn: System Real Estate Office
301 Tarrow, 6th Floor
College Station, Texas 77840-7896
Phone: (979) 458-6350
Fax: (979) 458-6359
Email: sreo@tamus.edu

CITY: City of Kingsville
Attn: City Attorney
P.O. Box 1458
Kingsville, Texas 78364
Phone: (361) 595-8016



13. Waiver. The failure of **CITY** or **A&M SYSTEM** to insist in any one or more instances on a strict performance of any of the covenants of this Agreement shall not be construed as a waiver or relinquishment of such covenants in future instances, but the same shall continue and remain in full force and effect.

14. Privileges and Immunities. **CITY** acknowledges that **A&M SYSTEM** is an agency of the State of Texas and nothing in this Agreement will be construed as a waiver or relinquishment by **A&M SYSTEM** of its right to claim exemptions, privileges, and immunities as may be provided by law.

15. Governing Law and Venue. The validity of this Agreement and all matters pertaining to this Agreement, including but not limited to, matters of performance, non-performance, breach, remedies, procedures, rights, duties, and interpretation or construction, shall be governed and determined by the Constitution and the laws of the State of Texas. Pursuant to Section 85.18, *Texas Education Code*, venue for any suit filed against **A&M SYSTEM** shall be in the county in which the primary office of the chief executive officer of **A&M SYSTEM** is located.

16. Grammatical Interpretation. When the singular number is used, it also includes the plural, and the masculine gender includes the feminine and neuter gender.

17. Headings. Headings are for reference and will not be construed to limit or alter the meaning of the provisions of this Agreement.

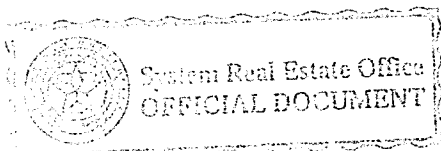
18. Saving Clause. If any term, provision, covenant, or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions will remain in full force and effect and will not be affected, impaired or invalidated.

19. Assignment. **A&M SYSTEM** may assign this Agreement to any member of The Texas A&M University System or any agency of the State of Texas, but agrees it will not assign this Agreement to any private parties (persons or corporations) without the prior written consent of **CITY**, which consent shall not be unreasonably withheld or delayed.

20. Successors and Assigns. This Agreement and each and all of its covenants, obligations, and conditions shall inure to the benefit of and be binding upon the heirs, personal representatives, successors, and permitted assigns of the parties.

21. Entire Agreement. This Agreement constitutes the complete agreement of the parties and supersedes any prior understanding or agreement, written or oral, between them regarding the issues covered by this Agreement. This Agreement may not be modified orally or in any manner other than by agreement in writing signed by the parties hereto or their permitted successors or assigns.

22. Effective Date. This Agreement is deemed to be in force as of the ____ day of _____, 201__, (the "Effective Date"), regardless of the date actually signed.



CITY OF KINGSVILLE, a Texas municipal corporation

By: _____
SAM FUGATE
Mayor

By: _____
COURTNEY ALVAREZ
City Attorney

By: _____
MARY VALENZUELA
City Secretary

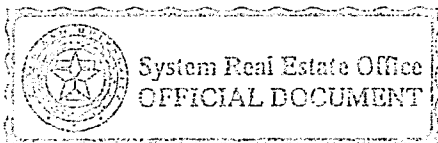
ACKNOWLEDGEMENTS

STATE OF TEXAS §
 §
COUNTY OF KLEBERG §

This instrument was acknowledged before me this ____ day of _____, 201__ by **SAM FUGATE**, Mayor of the City of Kingsville, a Texas municipal corporation on behalf of said municipal corporation.

Notary Public

[SIGNATURES CONTINUE ON NEXT PAGE]



STATE OF TEXAS §
 §
COUNTY OF KLEBERG §

This instrument was acknowledged before me this ____ day of _____, 201__ by
COURTNEY ALVAREZ, City Attorney of the City of Kingsville, a Texas municipal
corporation on behalf of said municipal corporation.

Notary Public

STATE OF TEXAS §
 §
COUNTY OF KLEBERG §

This instrument was acknowledged before me this ____ day of _____, 201__ by
MARY VALENZUELA, City Secretary of the City of Kingsville, a Texas municipal
corporation on behalf of said municipal corporation.

Notary Public

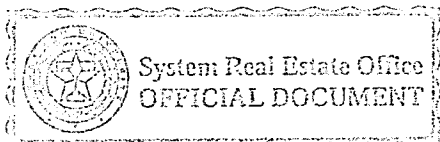
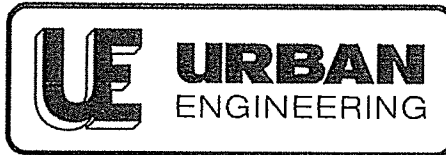


EXHIBIT "A"



Job No. 42303.B7.05
December 18, 2017
Revised: May 15, 2018

Exhibit A
0.042 Acre
Utility Easement

STATE OF TEXAS
COUNTY OF KLEBERG

Fieldnotes, for a 0.042 Acre, Utility Easement, over and across West Santa Gertrudis Street, a public road, which is recorded in Kleberg Town & Improvement Company, Book A, Page 85, Map Records of Kleberg County, Texas; the said 0.042 Acre Tract being more fully described as follows:

Beginning, at a point [*Northing: 17079314.508'*, *Easting: 1185481.300'*], on the South boundary line of Lot 16, Block 8, of the said Kleberg Town & Improvement Company, the North Right-of-Way line of the said West Santa Gertrudis Street, from **Whence** the Southeast corner of the said Lot 16, bears North 88°58'15" East, 385.68 Feet;

Thence, South 01°14'42" East, over and across the said West Santa Gertrudis Street, 80.00 Feet, to the South Right-of-Way line of the said West Santa Gertrudis Street, the North boundary line of Lot 1, Block 9, of the said Kleberg Town & Improvement Company, for the Southeast corner of this Tract [*Northing: 17079234.526'*, *Easting: 1185483.038'*], from **Whence** the Northeast corner of the said Lot 1, bears North 88°58'15" East, 385.38 Feet, also from **Whence** a TxDot Monument "TAMUK 2007" Found [*Northing: 17079225.167'*, *Easting: 1185874.259'*], also referenced as Control Point No.310 on the Texas A&M University Kingsville Campus Ground Control Map, bears South 88°37'46" East, 391.33 Feet;

Thence, South 88°58'15" West, with the said South Right-of-Way line, the North boundary line of the said Lot 1, 22.85 Feet, for the Southwest corner of this Tract [*Northing: 17079234.116'*, *Easting: 1185460.194'*], from **Whence** a PK Nail Found [*Northing: 17079261.269'*, *Easting: 1184314.420'*], also referenced as Control Point No.301 on the said Texas A&M University Kingsville Campus Ground Control Map, bears North 88°38'33" West, 1,146.10 Feet;

Thence, North 01°09'22" West, over and across the said West Santa Gertrudis Street, 80.00 Feet, to the North Right-of-Way line of the said West Santa Gertrudis Street, the South boundary line of the said Lot 16, for the Northwest corner of this Tract [*Northing: 17079314.100'*, *Easting: 1185458.580'*];

S:\Surveying\42303\B705\OFFICE\METES AND BOUNDS\EX42303.B7.05_20171218_CTS.Doc
Page 1 of 2

OFFICE: (361)854-3101

2725 SWANTNER DR. • CORPUS CHRISTI, TEXAS 78404

FAX (361)854-6001

www.urbaneng.com

TBPE Firm # 145 • TBPLS Firm # 10032400

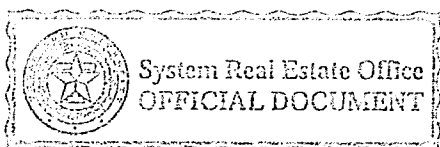


EXHIBIT "A"

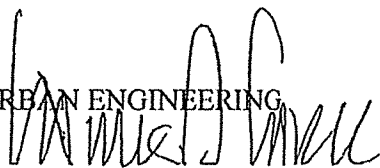
Thence, North 88°58'15" East, with the said North Right-of-Way line, the South boundary line of the said Lot 16, 22.72 Feet, to the **Point of Beginning**, containing 0.042 Acres (1,823 Square Feet) of Land, more or less.

Grid Bearings and Distances shown hereon are referenced to the Texas Coordinate System of 1983, Texas South Zone 4205, and are based on the North American Datum of 1983(2011) Epoch 2010.00.

Unless this fieldnote description, including preamble, seal and signature, appears in its entirety, in its original form, surveyor assumes no responsibility for its accuracy.

Also reference accompanying sketch of Tract described herein.



URBAN ENGINEERING


James D. Carr, R.P.L.S.
License No. 6458

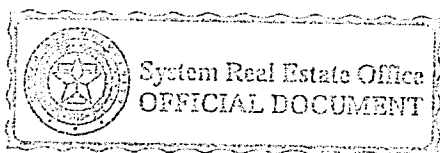


EXHIBIT "B"

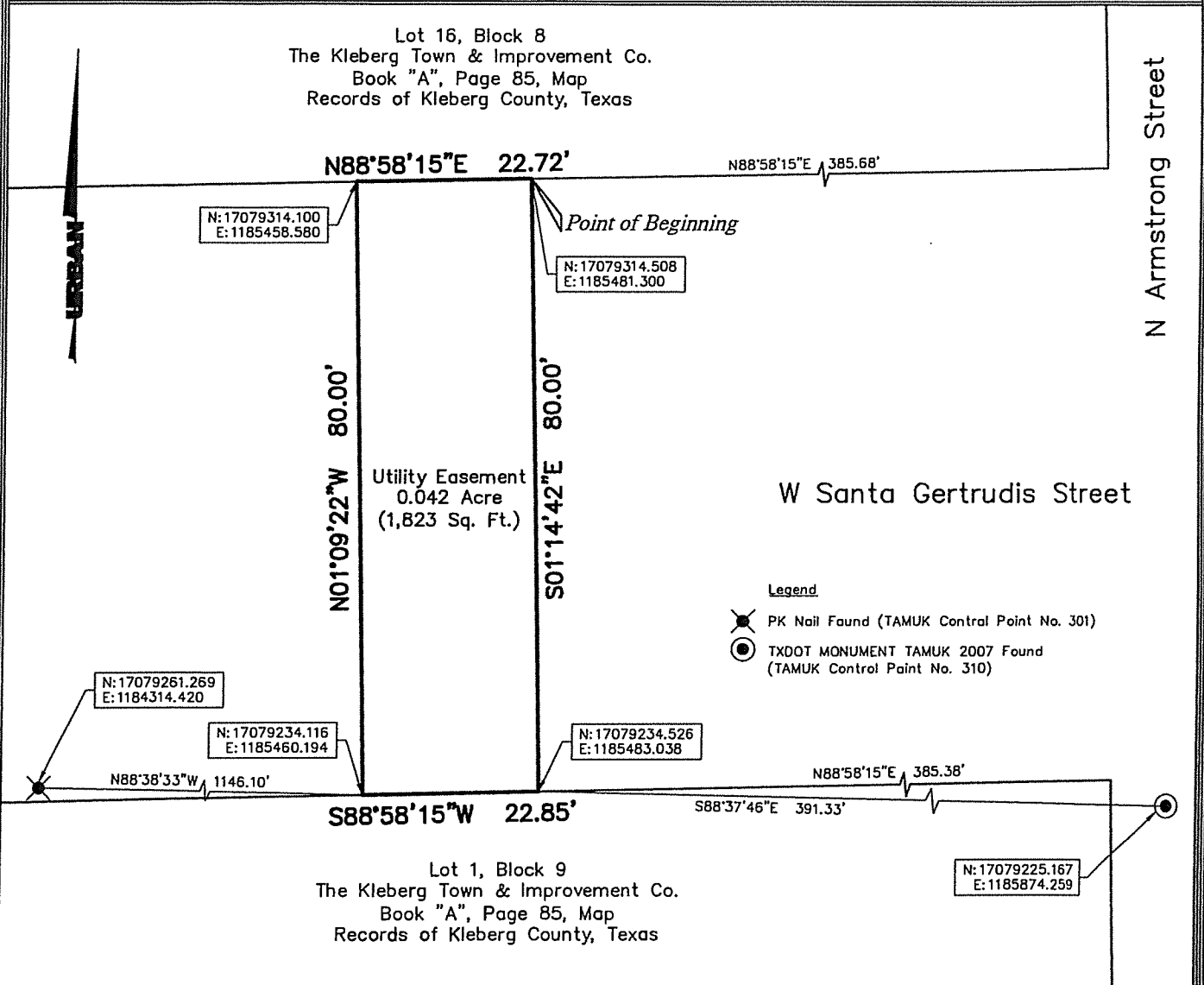
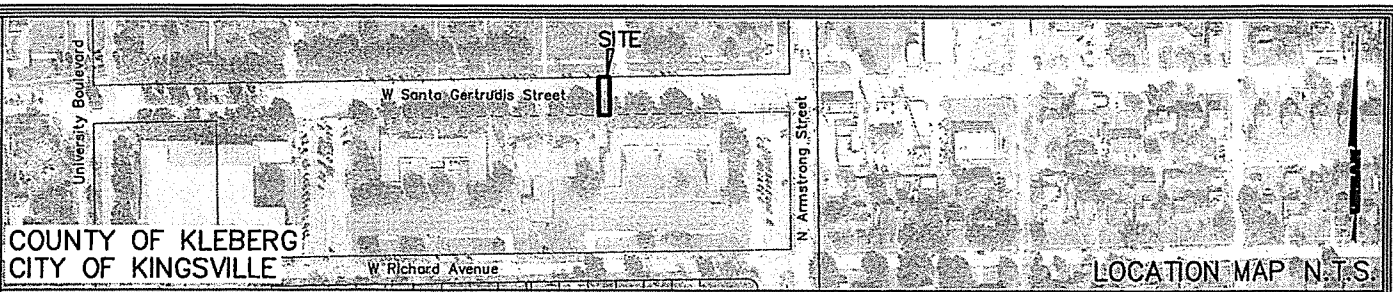
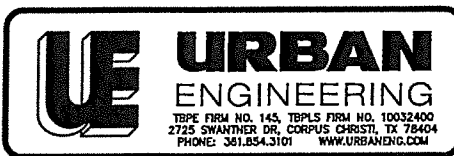
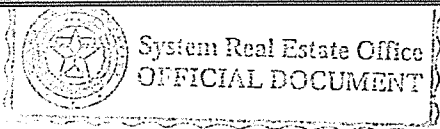


Exhibit B Sketch to Accompany

FIELDNOTES for a 0.042 Acre Tract, Utility Easement, over and across W Santa Gertrudis Street, a public road, which is recorded in Kleberg Town & Improvement Company, Book A, Page 85, Map Records of Kleberg County, Texas.



REV: May 15, 2018
DATE: Dec. 8, 2017
SCALE: 1"=20'
JOB NO.: 42303.B7.05
SHEET: 1 of 1
DRAWN BY: RLG
urbansurvey1@urbaneng.com
©2018 by Urban Engineering






Office of General Counsel
THE TEXAS A&M UNIVERSITY SYSTEM

May 15, 2018

Ms. Courtney Alvarez
City Attorney
City of Kingsville
P.O. Box 1458
Kingsville, Texas 78364

THROUGH: Mrs. Gina Joseph 
Managing Counsel, Property and Construction

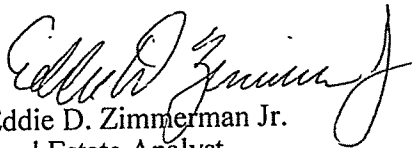
SUBJECT: Execution of an *Easement Agreement* Between The Texas A&M University System and the City of Kingsville For a Utility Easement in Kingsville, Kleberg County, Texas. SRE File No. 2018170007

Dear Ms. Alvarez:

I have enclosed for your review an original copy of the above referenced document. The easement has been prepared on the basis of information within our records. The terms are those which have been negotiated between The Texas A&M University System and yourselves. After you have reviewed and executed the *Easement*, please forward it to Ms. Mary Valenzuela and Mayor Sam Fugate for signature. Please have each of your signatures notarized and record the easement with the Kleberg County Clerk's Office. When the filed easement is returned to you, please send a copy to us for our files.

If you have any questions regarding this matter, please do not hesitate to contact me at (979) 458-6350.

Very truly yours,


Eddie D. Zimmerman Jr.
Real Estate Analyst

EZ:ez

Enclosures

AGENDA ITEM #11

**City of Kingsville
Parks & Recreation Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Susan Ivy, Parks Manager

DATE: May 11, 2018

SUBJECT: Agenda Request – Request for Approval of Receipt of Donation to Parks Department

Summary: Kingsville Parks and Recreation is asking for City Commission approval to accept a \$1,200.00 donation from La Posada de Kingsville.

Background: Each year La Posada de Kingsville commits \$1,200.00 to Kingsville Parks Department to assist with hosting youth and family events during the holiday season in conjunction with the La Posada de Kingsville celebrations.

Financial Impact: These donations will increase the Parks Recreational Programming budget by \$1,200.00 in line item 001-5-4513-31499.

Recommendation: I respectfully request that this donation be formally accepted by City Commission and the associated budget amendment approved.



AGENDA ITEM #12

**City of Kingsville
Parks & Recreation Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Susan Ivy, Parks Manager

DATE: May 11, 2018

SUBJECT: Agenda Request – Request for Approval of Receipt of Donation to Parks Department

Summary: Kingsville Parks and Recreation is asking for City Commission approval to accept a \$1,200.00 donation from La Posada de Kingsville.

Background: Each year La Posada de Kingsville commits \$1,200.00 to Kingsville Parks Department to assist with hosting youth and family events during the holiday season in conjunction with the La Posada de Kingsville celebrations.

Financial Impact: These donations will increase the Parks Recreational Programming budget by \$1,200.00 in line item 001-5-4513-31499.

Recommendation: I respectfully request that this donation be formally accepted by City Commission and the associated budget amendment approved.



ORDINANCE NO. 2018-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2017-2018 BUDGET TO ACCEPT AND EXPEND PARK DONATIONS FROM LA POSADA DE KINGSVILLE.

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
Fund 001 General Fund					
Revenues					
4-4513	Parks-Recreation	Park Donations	58003	\$1,200.00	
Expenses					
5-4513	Parks-Recreation	Recreational Programs	31499	\$1,200.00	

[To amend the City of Kingsville FY 17-18 Budget to accept and expend a donation from the La Posada de Kingsville for assisting in hosting youth and family events during the holiday season in conjunction with the La Posada de Kingsville celebrations 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 11th day of June, 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 #13

**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Deborah Balli, Director of Finance

DATE: May 21, 2018

SUBJECT: Budget Amendment Request – Capital Leases

Summary:

This item authorizes the approval of a budget amendment to include final principal and interest costs on capital leases for the street sweeper and (3) garbage trucks.

Background:

GASB standards require recognition of the full capital lease which includes principal and interest in the year of capital lease purchase. The total purchase price is recognized as other income and expense resulting in a zero-net effect on fund balance.

In FY 17-18, the City of Kingsville budgeted \$262,405 for a street sweeper to be purchased through a capital lease. \$606,256 was budgeted for (2) residential and (1) commercial garbage trucks to be purchased through capital lease. Final principal and interest totals resulted in higher total costs.

	Original Budget	Final Cost	BA Needed
Street Sweeper	\$262,405	\$270,639.15	\$8,234.15
Garbage Trucks	\$606,256	\$667,637.53	\$61,381.53

Financial Impact:

This budget amendment will increase Other Inc-Lease Purchase 001-4-3050-59947 and Machinery/Equipment 001-5-3050-71200 by \$8,234.15.

This budget amendment will also increase Other Inc-Lease Purchase 087-4-1702-59947 and Machinery/Equipment 087-4-1702-71200 by \$61,381.53.

This is a GL book entry only. Both adjustments will result in zero-net effect on fund balance.

Recommendation:

Staff recommends authorization of this budget amendment to complete these capital projects.



ORDINANCE NO. 2018-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2017-2018 BUDGET TO INCLUDE THE FINAL TOTALS FOR TWO CAPITAL LEASES.

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
Fund 001 General Fund					
Revenues					
4-3050	Street	Other Inc-Lease Purchase	59947	\$ 8,235	
Expenses					
5-3050	Street	Machinery/Equipment	71200	\$ 8,235	
Fund 087 Solid Waste Capital Projects					
Revenues					
4-1702	Sanitation Collection	Other Inc-Lease Purchase	59947	\$ 61,382	
Expenses					
5-1702	Sanitation Collection	Machinery/Equipment	71200	\$ 61,382	

[To amend the City of Kingsville FY 17-18 Budget to include the final totals for two capital leases as per the attached memo from the Finance Director.]

II.

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

III.

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

that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

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

INTRODUCED on this the 11th day of June, 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 #14

AGENDA ITEM #15

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

TO: Mayor and City Commissioners

FROM: Jesus A. Garza, City Manager

DATE: June 7, 2018

SUBJECT: Selling of City Owned Property

Summary:

The City of Kingsville owns property that is in areas of interest for retail & restaurant development. Consequently, staff would like to request authorization to pursue the selling of these properties.

Background:

The City of Kingsville owns properties located next to the Kingsville Police Department off of King Street and to the east of I-69 off the frontage between King and Kenedy. Attached you will find maps depicting the general areas and general size of the lots. The attachments are intended to show what staff envisions being the end result after replats and surveys are completed.

Financial Impact:

Financial impact is to be determined per new survey, appraisal, and purchase price.

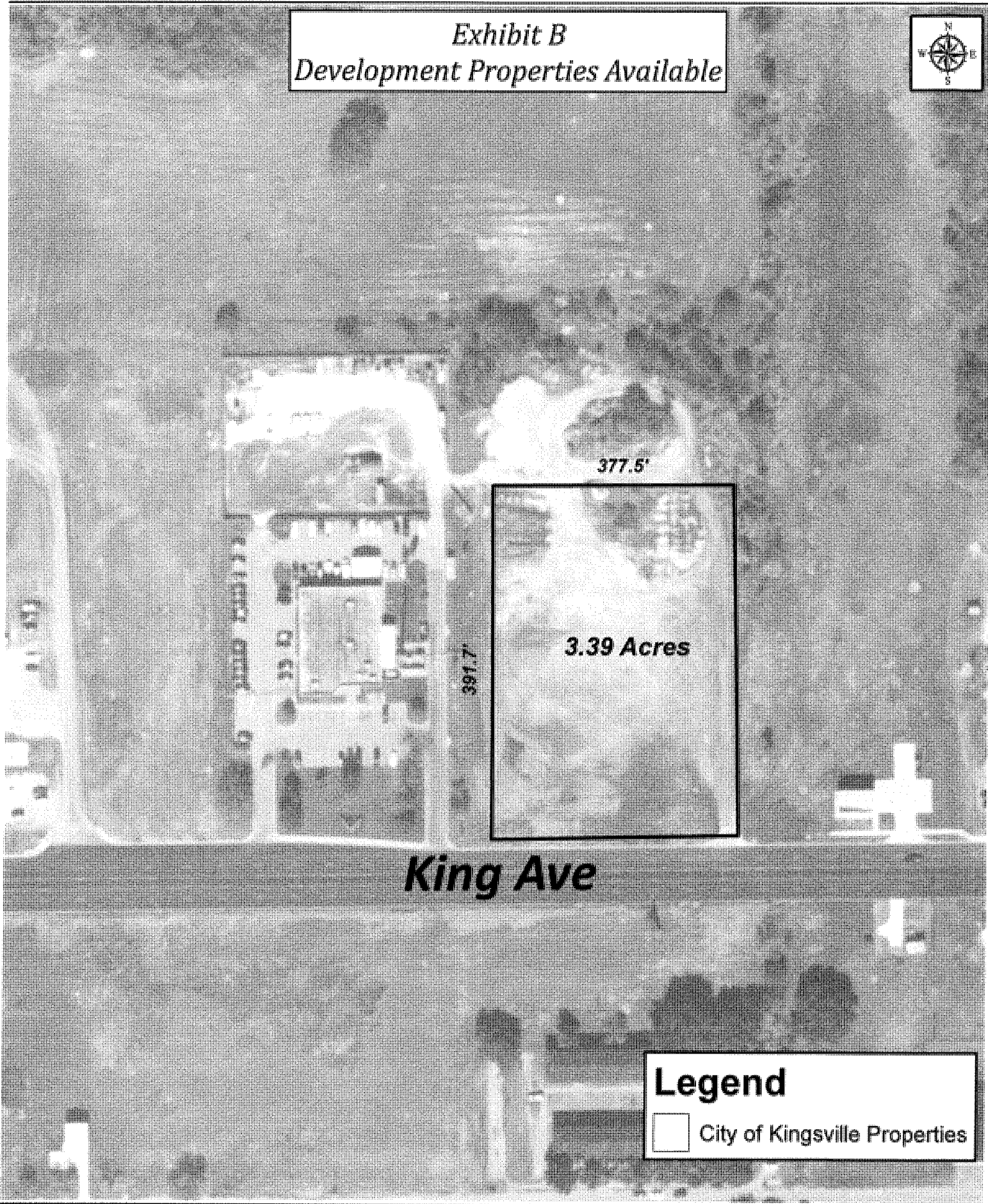
Recommendation:

Staff recommends approval to proceed with the process of selling these properties. If authorization is granted to pursue selling these lots, staff will prepare a resolution to that effect, then move forward with replatting the properties, and identify funding for surveys and/or appraisals. Ultimately, staff would select a broker who would list the properties for sale.



Exhibit B

Development Properties Available



King Ave

Legend

☐ City of Kingsville Properties

Page 1/1	Drawn By: Engineering Department
	Last Update: 6/1/2018
	Note:

DISCLAIMER
THIS MAP IS FOR VISUAL PURPOSES ONLY.
THE INFORMATION ON THIS SHEET MAY
CONTAIN INACCURACIES OR ERRORS.
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HEREIN IS USED FOR ANY DESIGN,
CONSTRUCTION, PLANNING, BUILDING,
OR ANY OTHER PURPOSE.



CITY OF KINGSVILLE
ENGINEERING DEPARTMENT
400 W King Ave
Kingsville, Texas 78363
Office: 361-595-8007
Fax: 361-595-8064

Exhibit C
Development Properties Available



King Ave

US 77

1.4236 Acres

Kenedy Ave

Legend

 City of Kingsville Properties

Page 1/1	Drawn By: Engineering Department
	Last Update: 6/1/2018
	Note:

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CITY OF KINGSVILLE
ENGINEERING DEPARTMENT
400 W King Ave
Kingsville, Texas 78363
Office: 361-595-8007
Fax: 361-595-8064

AGENDA ITEM #16