

# City of Kingsville, Texas

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## AGENDA CITY COMMISSION MONDAY, JUNE 25, 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 – June 11, 2018

APPROVED BY:



Jesús A. Garza  
City Manager

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

None.

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

*“At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, 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.”*

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

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

V.

## Consent Agenda

### Notice to the Public

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage of an ordinance 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).
2. Motion to approve final passage 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).
3. Motion to approve final passage of an ordinance amending the FY17-18 Budget to accept and expend Park donations from La Posada de Kingsville. (Parks Manager).
4. Motion to approve final passage of an ordinance amending the FY17-18 Budget to include the final totals for two capital leases. (Finance Director).
5. Motion to approve a resolution accepting funds for Operation Stonegarden Grant #3194303 with the Homeland Security Grants Division of the Governor's Office for Local Border Security to interdict criminal activity with no anticipated cash match, authorizing the City Manager or his designee to act on the City's behalf with such program, and providing for an effective date. (Police Chief).

## REGULAR AGENDA

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

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

6. Consider final passage of an ordinance by changing the zoning map in reference to 3<sup>rd</sup>, 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).
7. Consider final passage 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).
8. Consider appointment of a resident representative and a hotel representative to the Hotel Occupancy Tax Advisory Board. (Tourism Director).

9. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 15-6-21-Definitions to include a definition for Winery. (Director of Planning & Development Services).
10. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 6, Zoning, amending Appendix A-Land Use Categories to add Winery. (Director of Planning & Development Services).
11. Consider introduction of an ordinance amending the FY17-18 Budget for an increase in insurance premiums (for windstorm insurance). (Finance Director).
12. Consider introduction of an ordinance amending the FY17-18 Budget to include previously awarded and accepted grants. (Finance Director).
13. Consider introduction of an ordinance amending the FY17-18 Budget to accept a 2017 Operation Stonegarden Grant for the City of Kingsville Police Department. (Police Chief).
14. Discussion of Utility Fund Capital Improvement Plan and Maintenance Plan for 2019-2029. (City Manager).
15. Discussion and consideration on Streets Rehabilitation RFP Results & Next Steps. (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).
17. Consider a resolution authorizing the sale of the City's 11.013 acres of land located off of US Hwy 77 Business/Loop 428 at KT&I Co., Block 18, Lot Pt 9, 10 in Kingsville, Texas. (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](mailto: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 22, 2018 at 4:00 P.M. and remained so posted continuously for at least 72 hours preceding the schedule time of said meeting.

Mary Valenzuela  
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)**

JUNE 11, 2018

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JUNE 11, 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  
Dianne Leubert, Commissioner  
Arturo Pecos, Commissioner

**CITY COMMISSION ABSENT:**

Hector Hinojosa, 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  
Diana Gonzales, Human Resources Director  
Susan Ivy, Parks Manager  
Cynthia Martin, Downtown Manager  
Jeanine Reyes, Tourism Director  
Ricardo Torres, Chief of Police  
Adrian Garcia, Fire Chief  
Manuel Buentello, Building Official  
Marco Jimenez, Water Supervisor  
Joe Casillas, Water Production Supervisor  
Frank Garcia, Waste Water Supervisor

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the meeting at 6:00 P.M. with four Commission members present. Commissioner Hinojosa absent.

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

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

**MINUTES OF PREVIOUS MEETING(S)**

**Regular Meeting – May 29, 2018**

**Motion made by Commissioner Lopez to approve the minutes of May 29, 2018 as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Leubert, Pecos, Fugate voting “FOR”.**

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

- 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).**

Mayor Fugate announced and opened this public hearing at 6:01 P.M.

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

Mr. Tom Ginter, Director of Planning & Development Services reported that the applicant would like to build a detached structure behind his home for the use of a game room. There will be a sidewalk from his home to the structure. The structure will have water and sewer. The Planning & Zoning Commission has met on this item on June 6, 2018 to review this request. They approved a recommendation to approve the special use request with the following conditions; that the structure to be built is to be used for a game room/family room and not to be used as a business or rental unit. The requestor agreed to these conditions. The Planning & Zoning voted 4-0 to recommend approval of this special use request.

Mayor Fugate closed this public hearing at 6:04 P.M.

**2. Public hearing regarding an ordinance changing the zoning map in reference to 3<sup>rd</sup>, 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).**

Mayor Fugate announced and opened this public hearing at 6:04 P.M.

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

Mr. Ginter showed a map of where the said location is located. He stated that the surrounding properties to this location are zoned as R-1. Ginter reported that applicant is requesting that he be allowed to build two structures with two units in each structure with a breezeway in the middle, with connection by the roof. He stated that the entrance would be off Ella. Number of parking spaces required is nine; two parking spaces per unit, making it eight parking spaces for the four units, and one additional space for ADA. Ginter stated that there was discussion and received letters today from property owners near the location, both opposing the rezoning. Ginter further stated that during the Planning & Zoning Commission, a motion was made to approve it, but failed by a 4-0 vote.

Mrs. Alvarez commented that for clarification for the record, that there are two different property addresses who filed letters today in opposition.

Mr. Ginter knotted that his was correct.

Mr. Ramiro Utley, 530 E. Ella, commented that he is opposed to this request as the area it is now, all single-family residents, which has been for many years, and as he has lived there for 50 years, he would like for it to remain a single residence. Utley stated that he has no opposition is they would like to build a home on the property. But being a multi-unit, he is concerned about the high traffic that this multi-unit could bring into his neighborhood. At this time, there is already high traffic due to 10<sup>th</sup> Street not having any stop signs; so, for individuals around the area, it is considered a highway. He further commented that he is concerned about the traffic and the rotating of neighbors.

Mayor Fugate closed this public hearing at 6:08 P.M.

**3. Public hearing regarding condemnation proceeding for structures located at 414 W. Kenedy, Kingsville, Texas. (Director of Planning & Development Services).**

Mayor Fugate announced and opened this public hearing at 6:08 P.M.

Mayor Fugate commented that the pictures included in the packet for this item, will show that the property is in bad condition and needs to be condemned.

Mr. Manuel Buentello, Building Official, reported that upon inspection of the structure, the condition is in severe and hazardous state of disrepair. The property is unsecured and allows easy access for animals, vagrants, and criminal activity.

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

Mrs. Courtney Alvarez, City Attorney, reported that this property has had no electricity since 2010. She further reported that the photos of the property also show broken windows, exterior walls that are missing, open doors, and holes in the ceiling.

Mayor Fugate closed this public hearing at 6:09 P.M.

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

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

Mayor Fugate read and presented a proclamation for Women's Veterans Day to take place on June 12, 2018.

Mr. Garza reported that he has distributed out an Executive Summary of an April staff report which emailed to the Commission as well as given a hard copy. He stated that staff will continue to focus on improving the staff reports. He asked that if the Commission has any suggestions to notify him. Garza further stated that what he wants to do with this report is to provide the Commission during commission meetings to ask questions or give comments on topics that included in the report. He is looking at distributing this report within enough advance days from a meeting, so that the Commission can review the report and can ask questions if they so chose to.

Commissioner Lopez asked that under the Street section of the report, she was looking at the list of streets that were noted, and asked if there are any plans for 9<sup>th</sup> Street, between Caesar and King Street?

Mr. Garza commented that this area was talked about today with staff. He stated that he couldn't say where on the plan this area is, but it is a street that has come up on more than one occasion within the last several months. The Street Division has tried to find time in between projects to try and address, just through using the pro-patcher to address some of the areas. Garza further commented that there have been some areas that have been patched. He stated that if it was the Commissions desire, this corridor can be moved up on the list and get some price estimates on how much it would cost to address the entire corridor.

Commissioner Lopez commented that this area is bad, and that area has high traffic.

Commissioner Leubert commented that she keeps being asked about Santa Rosa.

Mr. Garza responded that this is on the corridor list of projects to be done; but there is no funding for this project. Garza stated that this project alone would run from Seale Street to where it meets up with Santa Gertrudis. Staff has costed that out to be around \$1 Million Dollars, so at this point it is an issue of where the money would come from for this project.

Mr. Bill Donnell, Public Works Director, gave an update on Streets. On the construction side, some emergency repairs were done behind Fire Station No. 2, on the part of Alice Street, which required some full-depth reconstruction. Staff is currently working on Lee Street, between Armstrong and Wanda and then they will be doing a sealcoat and overlay. They will then move to 11<sup>th</sup> Street, between Elizabeth and Ailsie for a sealcoat and overlay. A full depth reconstruction will take place on 19<sup>th</sup> Street, between King & Kenedy Street. Staff is currently patching in Zone 8 & 9, to address some of the rough areas. Staff is mowing on Golf Course Road and N. Armstrong. Donnell stated that staff worked on a few major patches on College Place for the Water Department. Weed control, staffed has sprayed all the downtown area and working on Zone 10. On special projects, staff did some traffic control on 6<sup>th</sup> Street for contractor to place the air conditioners on top of the Municipal Building. Staff also assisted with the planting of grass at the Pavilion. Staff assisted the Tourism Department by installing a new string for their flagpole. Staff assisted at the Golf Course on drainage issues. Staff also installed stop signs stating all way stop of four way stop. Donnell stated that on the weekends, staff is working on drainage issues in preparation for hurricane season. Staff worked on Franklin Adams ditch this Saturday and the General Cavazos from Highway 77 to Shelley Street. Water Department worked on filling sandbags, in preparation of an event that may occur.

Mr. Garza commented that at a future meeting, Chief Garcia will provide an update on some of the preliminary preparations that staff is undertaking as part of hurricane season. He stated that one of the lessons learned from the last event in 2017, was the wait time associated with sandbagging. One of the proactive measure that staff is doing this year is pre-bagging the bags so that when they are distributed, the process will go a lot smoother.

Commissioner Lopez commented that having two separate locations would be best as well. Mr. Garza commented that staff has discussed locations as well.

Mrs. Alvarez commented that the next regularly scheduled meeting is for Monday, June 25<sup>th</sup>; with agenda items due on Friday, June 15<sup>th</sup>. She further commented that there is a special commission meeting to do the goals setting workshop with a consultant which is scheduled for Wednesday, June 20<sup>th</sup>, beginning at 9:00 a.m. Alvarez stated that she will be out of the office Wednesday, June 13<sup>th</sup> through June 15<sup>th</sup>, attending the TCAA Annual Conference.

Commissioner Leubert commented that she is on the Texas Agriculture Block Grant Committee, and they just met, which they meet every two years, and commented that she will be giving the City Manager some information as information has changed regarding policies and procedure; to help better fund people that are not getting grant or funded. Mr. Garza commented that this is CDBG funds.

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

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

No public comments made.

#### **V.**

#### **Consent Agenda**

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

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

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

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

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

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.<sup>4</sup>

**6. Consider condemnation of structure(s) located at 414 W. Kenedy, Kingsville, Texas. (Director of Planning & Development Services).**

Motion made by Commissioner Pecos motion finding not able to repair building or structure is unsafe and present condition is a violation of ordinances and cannot be corrected without substantial reconstruction; then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within 30 days; city shall abate in any manner it deems necessary and proper, seconded by Commissioner Lopez.

Mayor Fugate commented that this is something the Commission doesn't take lightly. Pictures show the reason as to why there will be no discussion on this matter. He stated that this is a totally depilated building and needs to be condemned.

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

**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).**

Introduction item.

**8. Consider introduction of an ordinance by changing the zoning map in reference to 3<sup>rd</sup>, 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).**

Mayor Fugate commented that when you see a 4-0 vote from the Planning & Zoning Commission not to approve this zoning change, it is generally upheld by the Commission, but can't say what his other fellow commission members will do, but he would suggest that this item would not be voted favorably but cannot vote on it tonight.

Commissioner Lopez commented that she requested the rough draft minutes for the Planning Zoning Commission meeting, for this item, cause she wanted to know exactly what was discussed during their meeting on this item. She feels that this would assist the Commission in their decision making. In the draft of minutes, she asked that Mr. Ginter, go back and change the minutes as it states that there was a motion made to rezone with a second motion. Then it states that four of the members voted no. The motion was to rezone and there was no motion, which should have just died, so that they can make another motion, so that we don't get into any trouble.

Mr. Garza commented that procedurally there must be a motion and a second to have vote. Commissioner Lopez that this was correct, a motion and a second, and if there isn't a vote, then you would have to have another motion or the item dies.

Mayor Fugate commented that he has never seen this with the City Commission, but when he served on the School Board, he saw this in more than one occasion, make motions then vote against the item, after they made the motion.

Mr. Garza commented that when this Commission votes on a matter, sometimes there is or isn't an explanation by each voting member as to why they voted a certain way. This is also applies to the Planning & Zoning Commission. He stated that there maybe wasn't as robust of a discussion as maybe we think occurred. Garza stated that he doesn't want anyone to think that there was a discussion that somehow is not being communicated or documented, there just wasn't much discussion that took place. He stated that the feedback that he has received from Mr. Ginter in terms of what the feeling was, is that the city recently zoned a large area of the Historic District from R-3

to R-1, with the idea that the city wanted to minimize the number of multi-family developments in the historic neighborhood and focus on single-family homes. He further stated that the feeling that was gathered by that vote, 4-0 and against, was in line with the recent action which was focus on historic neighborhoods on single-family homes and not multi-family.

Commissioner Lopez commented that this was all in there, as she read that part. What she was concerned about, was the way the vote took place, which was very confusing.

Mrs. Alvarez commented that since the Commission cannot vote on this item today, but at the next meeting, staff will have this item on the regular section of the agenda. If the City Commission decided to approve the item, it will require a three-fourths vote or super majority vote of the City Commission to overrule a recommendation from the Planning & Zoning Commission that was not approved.

**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).**

Ms. Jeanine Reyes, Tourism Director, reported that they have had a request by the hoteliers in town to add a second hotelier to the Hotel occupancy Tax Advisory Board. Since doing this, it will bring membership up to eight voting members, therefore having to remove a member, so it was decided to remove the Tourism Director position from a voting member of this advisory board.

Mayor Fugate asked Ms. Reyes what her feel about was being removed from the advisory board.

Ms. Reyes commented that she had not realized, because she has only been to two meetings, that she was a voting member, or her position was a voting member on this board but having another hotelier voice on the board. After all, she is still involved in the meetings as an advisor.

Introduction item.

**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).**

Mrs. Alvarez stated that this project will go from the Southside of Santa Gertrudis to across the street where the new Music Building is being built. They are doing some improvements to both the South and North side of Santa Gertrudis. With their new cooling system on one side they need some extra stuff under the street to make it all flow.

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

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

**Motion made by Commissioner Lopez to accept donation of \$1,200 from La Posada de Kingsville for Parks Department, seconded by Commissioner Pecos.**

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

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

Introduction item.

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

Mrs. Deborah Balli, Finance Director stated that when we adopt the budget we have to guesstimate how much the leases will be for both principal & interest, and so staff did this on the leases on the equipment. Budget just shores up the amount of the total capital leases. This will not have an affect on fund balance due to staff booking revenues and expenditures which offset each other.

Introduction item.

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

Mr. Garza reported that over the past year, conversations have take place regarding the Utility Fund and conversations about some of the infrastructure and maintenance needs of the utility system. Last year, while going through the budget, there was a discussion about the fund balance in the Utility Fund, which information was provided last year that showed that the City had tapped into the fund balance for the Utility Fund for several years, dating back to 2013. Staff also provided some information relating to some of the needs that staff thought we had, but nothing as organized as what has been given to the Commission today. Over the last twelve months, there has been some action by staff and the Commission to sort of help this effort in trying to figure out the work that is needed within the Utility Fund and how it would be funded. He stated that last Fall staff went through an RFQ process to find a company to do a Utility Fund Rate Analysis for the City, to which the contract was awarded to HDR. He further stated that staff also went through the process for a Financial Advisor which resulted in changing the city's Financial Advisor. The City also went through an RFQ process for Engineering Services, which was awarded to LNV Engineering. Garza stated that part of the game plan, was to gather a team made up of all these players, including staff, to look at the Utility Fund. He stated that one of the biggest missing pieces was this plan.

An excel spreadsheet was give to the City Commission regarding Utility Fund Capital Improvement Plan and Maintenance Plan for 2019-2029. The plan is attached to these minutes as Exhibit "A".

Mr. Garza further discussed the spreadsheet with the Commission. He stated that the first page of the spreadsheet focuses on expenditures that are predominately higher than \$400,000 to \$500,000. These are the types of expenditures that staff would more than likely try to fund through some sort of debt obligation that would take the City about 20 years to pay off. Now that the City has its new Financial Advisor, they have been able to confirm for staff that we don't have capacity under the existing utility fund for debt until 2026. He stated that part of the discussion is, how would the city fund these projects. He stated that the conversation of the South Plant has been discussed. LNV is currently doing some analysis on some options for the South Plant; therefore, staff has placed some numbers on the plan as place holders. So, what it shows for fiscal year 2020, for South Plant reroute is \$3.7 Million Dollars at this point is simply just a place holder. Staff expects LNV to complete the more specific study in the September timeframe, so at that time, staff will be able to plugin more accurate numbers. Garza stated that the idea is to provide a big picture to the Commission as to what the capital

needs are of the Utility Fund over the next ten years. He stated that part of the reason that staff chose a ten-year timeframe oppose to a five year, which is what the Commission is used to seeing in the past, is for the same reason that the debt capacity doesn't free up until 2026. Staff felt that simply doing a five-year plan that would end in 2023-2024, wouldn't necessarily suffice to getting us to 2026. Garza continue to state that other things that he would like to point out is that the three columns, 2026, 2027, and 2028 are very light, this is intentional, because once we start getting to 2026, and get a better feel of what the capacity will be in 2026, will better tell staff exactly what will take place in those outer years. He further stated that what was inputted was a place holder for water meters. In 2026, the city's water meters will hit 20 years. He stated that the last time the city went through a massive water meter change out was in 2006. There have been meters that have been replaced since then, so not every single meter is that old, but nonetheless as a whole, in 2026 it would hit the 20 years, which is the same year as the warranty for those meters is up. The current warranty staggered by percentages based on years, so the first several years were at a 100% and tappers down for the life of the 20 years. Garza stated that the plan in its entirety is split up into different categories. On the Water Production side, last year staff had to cap the water well that is located across the street from Walmart. The reason for the \$1.5 Million Dollars, so close in timeframe, is to re-drill that Well. The City recently built out a Well a couple of years ago, which is operational now, which was Well No. 25. Mr. Garza stated that is the plan, which is a substantial amount of money. Staff is working with the Financial Advisor in trying to find solutions for the more pressing needs as related to the South Plant and Water Production. Staff is contemplating some options that would have the city taking on some debt in the future doing an interest only payment until 2026, which is when the capacity frees up, and then pickup the majority of that payment in 2026. This wouldn't be a big amount, but it may assist in addressing some more dire needs. Garza continued with the second and third sheet of the plan. These two sheets are intended in showing the city's operational expenditures. These are cost that are lower in quantity and lower in scope. The idea is to try and differentiate the things that would necessitate doing a twenty-year loan verses the things that should be funded on a recurring basis just through the city's own revenues. These things include replacing vehicles, waterlines, that city staff would do. Many of the items under water and wastewater, this is the cost for material, as city crews will do some of this work. Garza stated that these are just some of the ongoing normal expenditures that the city has in these operations and have always done. Historically, the city has funded the items that are listed on the second and third page, through either CO Funds or by tapping into the city's fund balance. Garza stated that staff is planning on having a conversation with the Commission on water rates, which was last amended in 2013, and so its been five years since it last happened. This is the role that HDR through their utility rate analysis is playing in this whole puzzle. Staff envisions them coming to make a presentation to the Commission at a future meeting. Garza stated that we need to make sure that by the time they come to make the presentation, that the information that is being provided is as accurate as possible. When you talk about utility rates, it is important that the information that is being released to the public is as accurate as possible. Garza further stated that the biggest thing that is holding us up is how much money do we think we will get next year, without impacting rates. He stated that once staff goes through the third quarter, which is at the end of June, staff will feel more comfortable in making the assumption of where we are with the revenues, which will then tell us how much we need to have the conversation about rates. Garza stated that the purpose of today's conversation was to expose the Commission to the information, so that the Commission can have time to review the information as it will depend on how much stuff gets done that has been presented today, will depend on how much additional revenue is created through the utility rates.

Mayor Fugate commented that he has questions, but not right now. He would like this to be brought back at a future meeting. This will give the Commission some time to review the information that has been handed to them and maybe talk to the City Manager as well.

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

Mr. Garza stated that there are a couple of properties that the city owns that staff would like to seek authorization from the Commission to pursue in placing them on the market. Staff has been reviewing city owned property for the last couple of years. Two years ago, the city sold the Care Building for development and putting it back on the tax roll. Currently, the city is going through the process to sale the eleven acres for residential development that the city owns off Loop 428. He stated that there are two pieces of property, one is near the Kingsville Police Department. This property now, is platted as a big square, and what staff is suggesting doing now is carving out a portion of this property, replat and do a survey and look at off selling close to three acres. Garza stated that from his understanding, this is the site that at one point the city thought about building a stand alone Municipal Court. Garza further stated that there is a need for the Police Department to expand at some point, its just a matter of when. He stated that there is a lot of money that has been spent for communication equipment that might be expensive to relocate. If there were to be an expansion of the Police Department, it would probably be a combination of a remodel of their existing building plus adding an annex to the back of the building which would push the parking lot to the northside of the property which is why the space on the right side in the back, so that if the parking lot has to shift back, they have the additional room for parking.

Mayor Fugate asked how big is the property? Mr. Garza responded that it is a little over 7 acres, if the bottom is 3.3 acres.

Mr. Garza stated that in conversations with Manny, and potential buyers of this lot, around the three acres is adequate. The second site is property that the city owns east of I-69 next to the American Legion. This is technically two pieces of property and combined they are about 1.4 acres which is an adequate size for a small development. This property would also require a replat process as well as a survey for staff to pursue potentially selling them. Garza stated that all staff is asking for is the ok from the Commission in order for staff to begin the process. Staff will come back to present a formal resolutions, as in the past we have had the option to go through a broker, but this is to come down at a later time.

Mayor Fugate commented that as for the second property, he doesn't see the city to have a need for that property, but as for the first property, does staff feels that it will leave enough room for an expansion for the Police Department.

Mr. Garza responded that for an expansion, yes. He stated that the Police Chief has an idea for a combined dispatching which would necessitate a new building. He stated that for sure the Police Department needs to expand. He stated that there has been conversations about a remodel of the existing building, since the building was built in 1998, so it's already approaching twenty years.

Comments were made by Chief Torres from where he was sitting in the room, that were not picked up over the microphone.

Mr. Garza stated that there has been some conversation about if there was an expansion to police department, to do it on the west side of town, in order to have police presence on the west side.

Commissioner Pecos asked about the value for the property near the American Legion. Mr. Garza responded that he would not know the value of the property without doing

an appraisal. He further stated that in the County records, he thinks it was valued at about \$50,000 to \$60,000, but if staff does an independent appraisal on the property, it would probably be worth more than that.

Mayor Fugate asked if what staff is asking from the Commission is approval to begin the process for selling the properties but would eventually bring the final sale back to the Commission for their approval.

Mr. Garza stated that now, it is only authorization to pursue doing everything that needs to be done in order to get them ready to sale. Staff would have to come back and individually bring these properties and recommend the broker option.

Mrs. Alvarez stated that there is some expense up front prior to bringing a resolution to the Commission because presently the way they are, staff would need to have a solid survey done and have the legal description for the properties and then you would receive a motion to authorize the sale of and would include the legal description of the properties. The Commission would vote on that which will then allow staff to present the broker those preparties that are approved in the resolution.

**Motion made by Commissioner Leubert to allow staff to pursue the selling of these properties, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Lopez, Leubert, Fugate voting "FOR".**

**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).**

Executive Session was not needed at this time.

## **VII. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:48 P.M.

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Sam R. Fugate, Mayor

## **ATTEST:**

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Mary Valenzuela, TRMC, CMC, City Secretary



Operational Expenditures

Project Description	FY 18-19	FY 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	Comments
Isolation Gates at South Plant	\$ 202,453.00										Replace existing valves
South Plant Effluent Line (Secondary Clarifier)	\$ 159,827.00										TCEQ requirement, will offset cost by reducing testing costs
Mamhoh Rehab 1200 Phase I		\$ 288,000.00									Reduce infiltration
Generator Fuel Tanks Backhoe (4)		\$ 350,000.00									Sandblast, primer and paint
Generator Fuel Tanks Backhoe (4)			\$ 350,000.00								Replace existing unit purchased in 2012
Generator Fuel Tanks Backhoe (4)				\$ 400,000.00							Grit chamber repairs
Generator Fuel Tanks Backhoe (4)					\$ 75,000.00						Currently rusting due to corrosive environment
Generator Fuel Tanks Backhoe (4)					\$ 60,000.00						Replace existing unit purchased in 2012
Generator Fuel Tanks Backhoe (4)					\$ 255,440.00						Add or replace ground/ invert at installations
Generator Fuel Tanks Backhoe (4)					\$ 200,000.00						Reduce infiltration
Generator Fuel Tanks Backhoe (4)						\$ 70,000.00					Upgrade system for efficiency
Generator Fuel Tanks Backhoe (4)						\$ 60,000.00					Replace leaking and rusted roof and eaves
Generator Fuel Tanks Backhoe (4)						\$ 80,000.00					Replace unit purchased in 2012
Generator Fuel Tanks Backhoe (4)						\$ 40,000.00					Replace unit purchased in 1995
Generator Fuel Tanks Backhoe (4)							\$ 80,000.00				Replace unit purchased in 2011
Generator Fuel Tanks Backhoe (4)							\$ 40,000.00				Replace unit purchased in 2010
Generator Fuel Tanks Backhoe (4)								\$ 80,000.00			Replace unit purchased in 2011
Generator Fuel Tanks Backhoe (4)									\$ 120,000.00		Replace unit purchased in 2015
Generator Fuel Tanks Backhoe (4)										\$ 45,000.00	Replace rusting and leaking shed built in 1994
Generator Fuel Tanks Backhoe (4)										\$ 120,000.00	Replace unit purchased in 2011
Generator Fuel Tanks Backhoe (4)										\$ 200,000.00	Replace unit purchased in 2011
Generator Fuel Tanks Backhoe (4)										\$ 310,137,710.00	
WATER											
Replace 6" Line on W. Yorkham from Armstrong to 24th St. C.I. 900'	\$ 32,400.00										All projects replace aging cast iron lines
Replace 6" on Redama Dr. from Cypher to Santa Gertrudis in Utility Easement 6' C.I.	\$ 13,320.00										All projects replace aging cast iron lines
4" on East between 17th & 18th C.I. 400'											Replace aging infrastructure
Replace 6" on 2nd St. from King to Henrietta 4" C.I. 1100'	\$ 35,000.00										All projects replace aging cast iron lines
6" between Fordyce & Johnson C.I. 400'	\$ 30,000.00										Replace aging infrastructure
1/2 ton single cab truck	\$ 30,000.00										Replace unit #406 purchased in 2010
1/2 ton single cab truck	\$ 30,000.00										Replace unit #407 purchased in 2010
6" on the 1200 blk W Santa Gertrudis C.I. 500' alley from Redama to 24th St.	\$ 15,000.00										All projects replace aging cast iron lines
2" 1000' 1200 E Mesquite & Corral C.I. 720'	\$ 10,000.00										Replace aging infrastructure
2" between Lot 6 & Huilache from 16th to Dead End in alley 2' C.I. 400'	\$ 19,000.00										Replace aging infrastructure
2" 1200 Block of Mesquite between Mesquite & Ave D C.I. 720'	\$ 6,000.00										Replace aging infrastructure
3/4 ton 4x4 single cab truck	\$ 9,600.00										Replace aging infrastructure
Dump Truck 7yd											Replace unit #403 purchased in 2013
1/2 ton single cab truck											Replace unit #458 purchased in 2003
Air Compressor 375 cfm											Replace with 6" PVC
2" between Yorkham & Henrietta between 15th & 17th C.I. 1350'	\$ 55,000.00										Replace unit #4005 purchased in 2012
3/4 ton Utility Truck	\$ 45,000.00										Replace unit #4006 purchased in 2012
3/4 ton Utility Truck	\$ 45,000.00										Replace unit #4007 purchased in 2012
3/4 ton Utility Truck	\$ 45,000.00										Replace aging infrastructure
3/4 ton Utility Truck	\$ 65,000.00										Replace unit #4007 purchased in 2012
Weld side alley of 23rd w/4 tie ins 1300 ft. 6"	\$ 6,000.00										Replace aging infrastructure
300 blk of Shiloh South Side 2" Galvanized 400'	\$ 6,000.00										Replace unit #310 purchased in 2010
300 blk of Alexander - Miller 2" Galvanized 400'	\$ 70,000.00										Replace unit #4004 purchased in 2012
Dump Truck 7yd	\$ 50,000.00										Replace unit #4029 purchased in 2011
Hydra excavator w/hvc 250 gal tank & valve exerciser	\$ 120,000.00										Replace unit #4017 purchased in 2013
90 hp Backhoe 1.5 yd bucket	\$ 120,000.00										Replace unit #4015 purchased in 2013
90 hp Backhoe 1.5 yd bucket	\$ 120,000.00										Replace unit #4012 purchased in 2013
4" Pump trailer mounted	\$ 30,000.00										Replace unit #4012 purchased in 2013
1 ton flat bed truck	\$ 50,000.00										Replace unit #4012 purchased in 2013
Between 23rd & 24th 1300 ft. 6"	\$ 50,000.00										Replace unit #4012 purchased in 2013
Ditch Witch	\$ 50,000.00										Replace unit #4012 purchased in 2013
Total \$	\$ 57,710.00	\$ 107,000.00	\$ 25,000.00	\$ 25,000.00	\$ 9,600.00	\$ 185,000.00	\$ 255,000.00	\$ 372,000.00	\$ 60,000.00	\$ 100,000.00	\$ 1,216,320.00
WATER PRODUCTION											
Well 19 Rehab	\$ 80,000.00										Water well maintenance
Replacement GST Tanks Well 19		\$ 130,000.00									Replace 112,000 Gal Galvanized GST
Emergency Power (1) 30KW (Well 25)		\$ 150,000.00									Backup Power @ Well #25
Ground Storage Tank Cathodic Protection				\$ 150,000.00							Add Cathodic protection on GST's
Well 21 Rehab						\$ 80,000.00					Water well maintenance
Replace GST Well 14						\$ 150,000.00					Replace 60,000 Gal Galvanized GST
Well 22 Rehab							\$ 60,000.00				Water well maintenance



# **CONSENT AGENDA**

# **AGENDA ITEM #1**

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

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**TO:** Mayor and City Commissioners  
**CC:** Jesus A. Garza, City Manager  
**FROM:** Tom Ginter, Director  
**DATE:** 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) 563-1091 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 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 PENA  
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 FALTYNSKI  
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 • The organization of in the name of...  
travelers into the city. They 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.

## PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, June 11, 2018 at 6:00 p.m. wherein the City Commission will discuss the introduction on the following item and at which time all interested persons will be heard:

**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 N 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 City Secretary at (361) 595-8002.



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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&I 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.



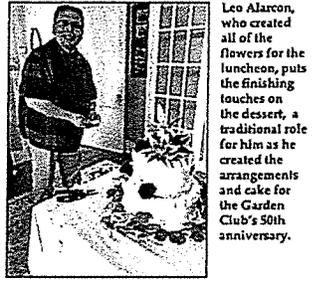
Pictured, from left, are Espie Vaughter, Dr. Maria Velez, Amy Schultz, Angela Ruhinke and Polly Davis.

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-



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



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 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 woman 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."

### 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.

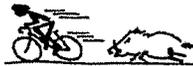
### PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, June 11, 2018 at 6:00 p.m. wherein the City Commission will discuss the introduction on the following item and at which time all interested persons will be heard:

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 N 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 City Secretary at (361) 595-8002.

### 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                         | Bette 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 Sheriff's Office       |
| Domino's Pizza                       | Discount Liquor                       |
| C. Radaneata, OD                     | Santa Gertrudis ISD                   |
| VFW - Women's Veterans               | Turcotte Piper Mortuary               |
| Bicycle World RGV                    | Kingsville Chamber of Commerce        |
| Legends                              | Kingsville Visitor Center             |
| Squirrely's Liquor                   | City of Kingsville                    |
| Kingsville Pointe Apartments         | The Kingsville Record and Bishop News |
| Coastal Bend College                 | City of Bishop                        |
| Kleberg Bank                         | Buddy's Home Furnishings              |
| Apple Creek Apartments               | Adele Cleveland                       |
| Southpoint Rentals                   | Wanda Allday                          |
| Jim's Ice House                      | Security Finance                      |
| Four Seasons A/C & Heating           | Ramirez-Salinas Funeral Home          |
| Texas A&M University-Kingsville ROTC |                                       |

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.

We'd like to get to know you.

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- ✓ 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.

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

	R1	R2	R3	R4	MH	CI	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 <sup>1</sup>	S <sup>1</sup>	S <sup>1</sup>	S <sup>1</sup>	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

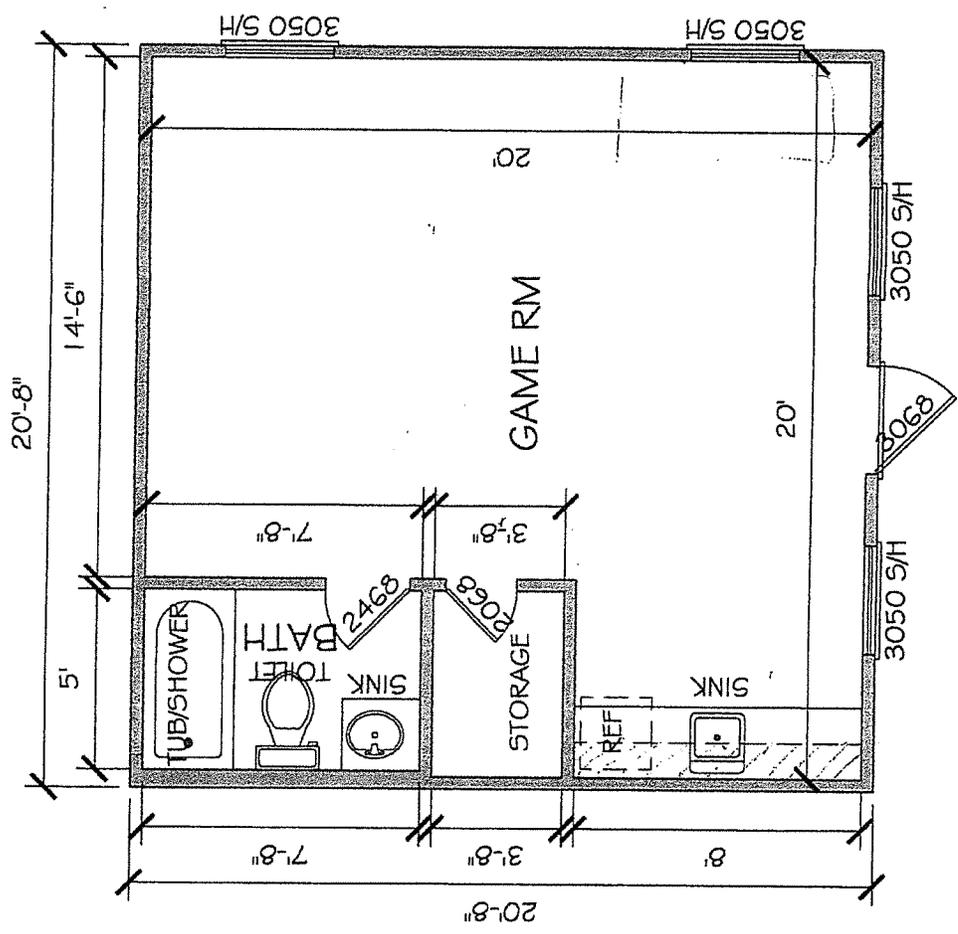
X



Drawn By: Mano A. Gonzalez  
 Project Title: CRUZ RESIDENCE  
 Date Drawn: 5/9/2018  
 Drawing Scale: NTS  
 Builder: S.C. CONSTRUCTION LLC 956-778-7709  
 Plans Designer: GONZALEZ ARCHITECTS, P.C. 956-380-4087

Revised By:  
 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 BEFORE ANY CONSTRUCTION BEGINS. ANY DISCREPANCY, ERROR, AMBIGUITY OR OMISSION IN THESE PLANS IS TO BE BROUGHT IMMEDIATELY TO THE ATTENTION OF THE ARCHITECT PRIOR TO COMMENCING CONSTRUCTION. CONTRACTOR OR SUBCONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND MATERIALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.



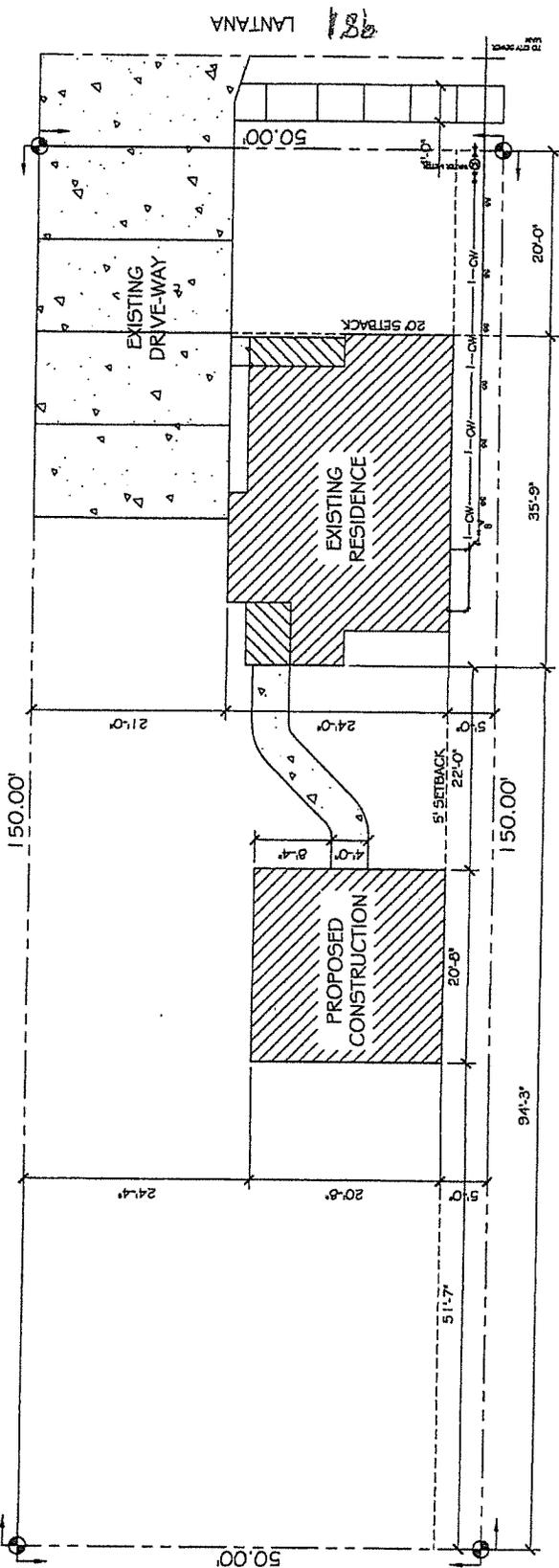
**FLOOR PLAN**  
 1  
 SCALE: NTS

AREAS	SQ. FT.
LIVING:	427.00
TOTAL:	427.00



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

IMPORTANT DESIGNER NOTES:  
 THESE PLANS ARE INTENDED TO PROVIDE THE BASIC CONSTRUCTION INFORMATION NECESSARY TO CONSTRUCT THIS STRUCTURE. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.



1 SITE PLAN  
 SCALE: NTS

LEGAL DESCRIPTION  
 LANTANA  
 KINGSVILLE, TX

881 LANTANA

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

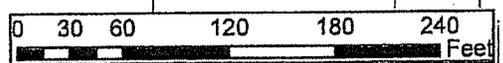
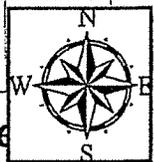
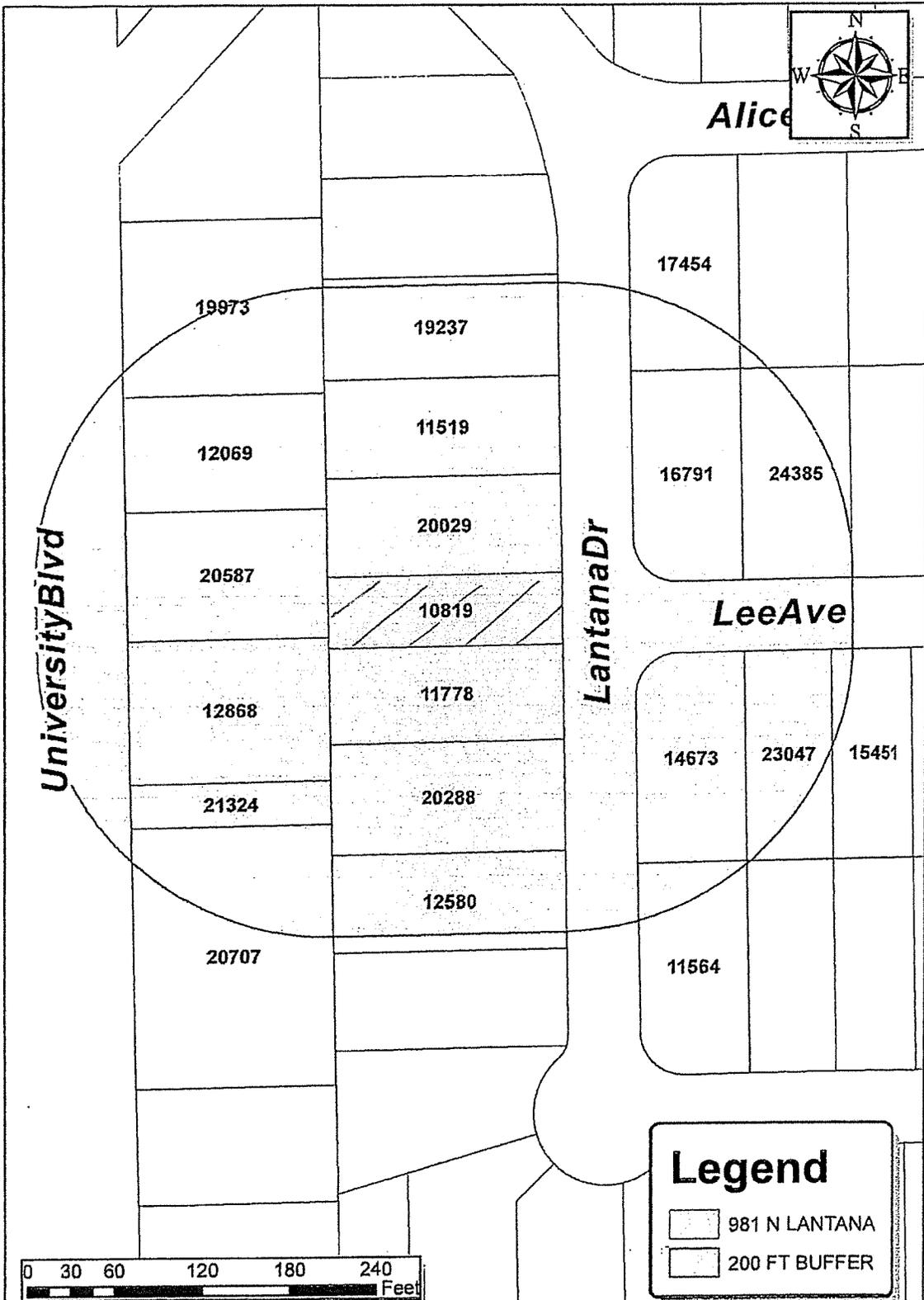
**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# 200 ft Buffer Map of 981 N Lantana



**Legend**

- 981 N LANTANA
- 200 FT BUFFER

# **AGENDA ITEM #2**

# 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.



**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 \_\_\_\_\_<sup>th</sup> 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 #3**

**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 POSADE 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
<b>Fund 001 General Fund</b>					
<b>Revenues</b>					
4-4513	Parks-Recreation	Park Donations	58003	\$1,200.00	
<b>Expenses</b>					
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 11<sup>th</sup> 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 #4**

**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**

<u>Dept No.</u>	<u>Dept Name</u>	<u>Account Name</u>	<u>Account Number</u>	<u>Budget Increase</u>	<u>Budget Decrease</u>
<b>Fund 001 General Fund</b>					
<b>Revenues</b>					
4-3050	Street	Other Inc-Lease Purchase	59947	\$ 8,235	
<b>Expenses</b>					
5-3050	Street	Machinery/Equipment	71200	\$ 8,235	
<b>Fund 087 Solid Waste Capital Projects</b>					
<b>Revenues</b>					
4-1702	Sanitation Collection	Other Inc-Lease Purchase	59947	\$ 61,382	
<b>Expenses</b>					
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 11<sup>th</sup> 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 #5**

**City of Kingsville  
Police Department**

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TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: June 11, 2018

SUBJECT: 2017 Operation Stonegarden Grant #3194303 Acceptance and Budget Amendment

---

**Summary:**

The Kingsville Police Department has been invited to participate in the 2017 OPSG and has been approved for participation during performance period.

**Background:**

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

**Financial Impact:**

The grant for "Operation Stonegarden" is a reimbursement type but does not require any cash match. We have been conditionally approved \$96,365.18 in funds to cover personnel costs, fuel and equipment.

**Recommendation:**

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



RESOLUTION NO. 2018-\_\_\_\_\_

**A RESOLUTION ACCEPTING FUNDS FOR OPERATION STONEGARDEN GRANT# 3194303 WITH THE HOMELAND SECURITY GRANTS DIVISION OF THE GOVERNOR'S OFFICE FOR LOCAL BORDER SECURITY TO INTERDICT CRIMINAL ACTIVITY WITH NO ANTICIPATED CASH MATCH; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACT ON THE CITY'S BEHALF WITH SUCH PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

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

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

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

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

**WHEREAS**, the City Kingsville Police Department was recently notified that it has been conditionally approved \$96,365.18 in funds to cover personnel costs, fuel, and equipment through Operation Stonegarden, which is a reimbursement type grant that does not require any cash match.

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

I.

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

II.

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

**PASSED AND APPROVED** by a majority vote of the City Commission the 25th day of June, 2018.

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

**ATTEST:**

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

**APPROVED AS TO FORM**

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

# **REGULAR AGENDA**

# **AGENDA ITEM #6**

**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 10<sup>th</sup> Street

(Proposed) Subdivision Name 3<sup>rd</sup>, ~~Block 6~~, Lot 14-16 Block 6

Legal Description: 3<sup>rd</sup>, 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:

Precincts 11, 12, 13 and 14 - Wild Horse Mall main entrance, 1601 S. Highway 77 in Kingsville  
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

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).**

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

## PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, June 11, 2018 at 6:00 p.m. wherein the City Commission will discuss the introduction on the following item and at which time all interested persons will be heard:

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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 "lasered," 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 cmaher@king-ranch.com or (361) 221-0242.

Election

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

In the Pet. 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.

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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.

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 (612), 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.

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- ◆ Insurance accepted and filed for you ◆ New patients welcomed

**MAY SPECIALS**  
PRESENT THESE COUPONS FOR THE MONTH OF MAY 2018

Orthodontic (Braces) Exam & Records <b>\$1.00</b>	Limited Dental Exam NEW PATIENTS ONLY <b>NO CHARGE</b>
--	--

**Dr. E.C. McCall III, D.D.S.**  
116 South 4th Street  
Kingsville, Texas 78863  
(361) 595-4121

**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.

**PUBLIC HEARING NOTICE**

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To: Planning and Zoning Commissioners

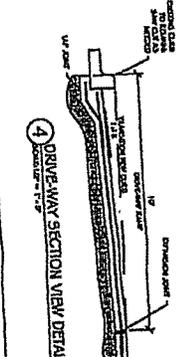
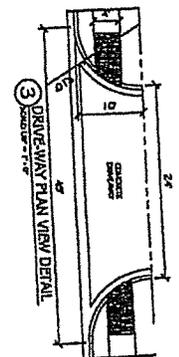
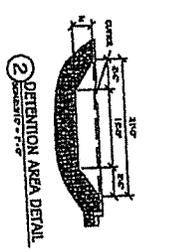
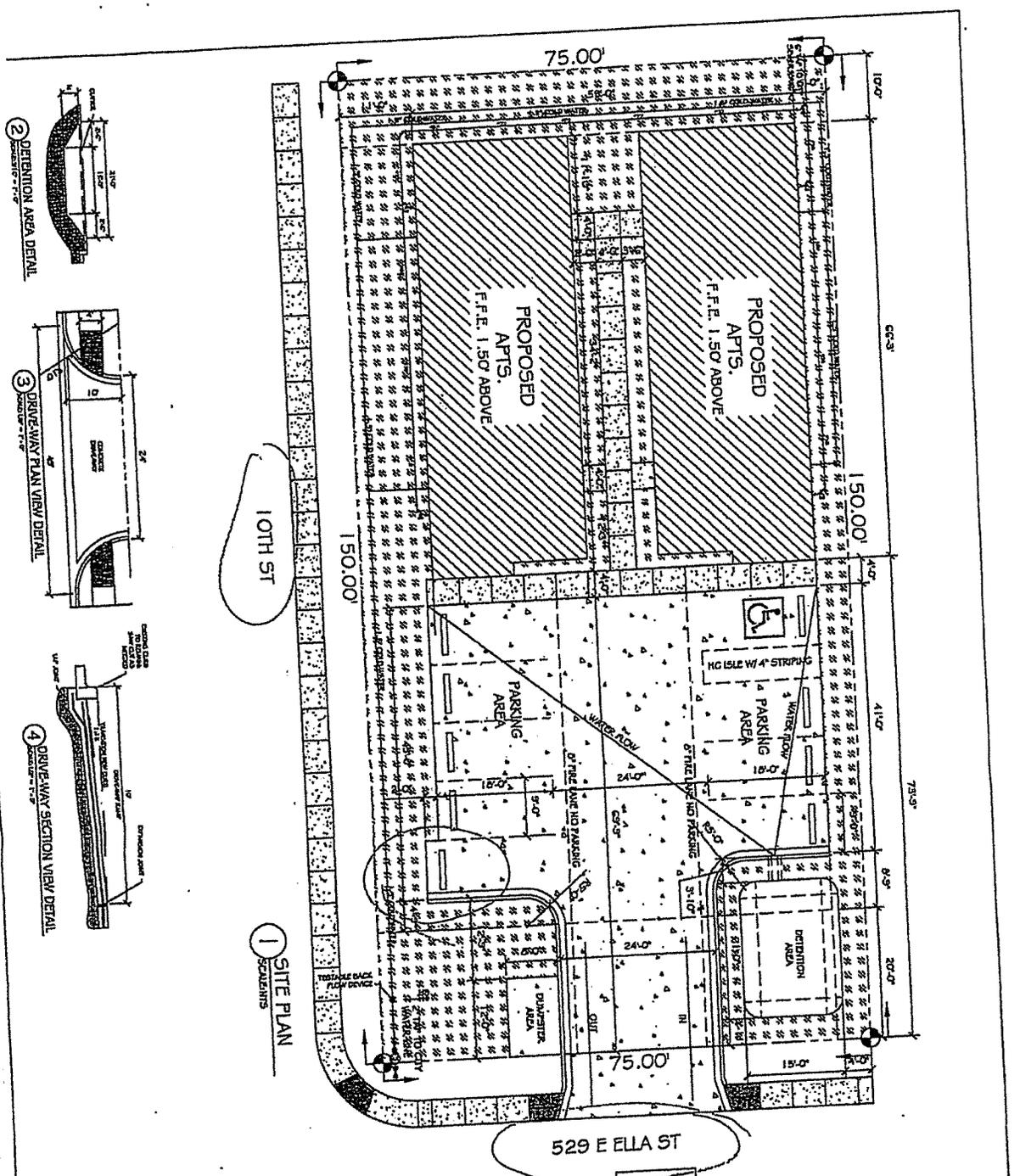
From: Tom Ginter, Director

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?



10TH ST

1 SITE PLAN

529 E ELLA ST

**GROUND COVER LEGEND**

	DRIVE-WAY & PARKING
	SIDE-WALK
	NEW CONSTRUCTION
	GRASS

**LEGAL DESCRIPTION**

529 E ELLA ST.  
KINGSVILLE TX

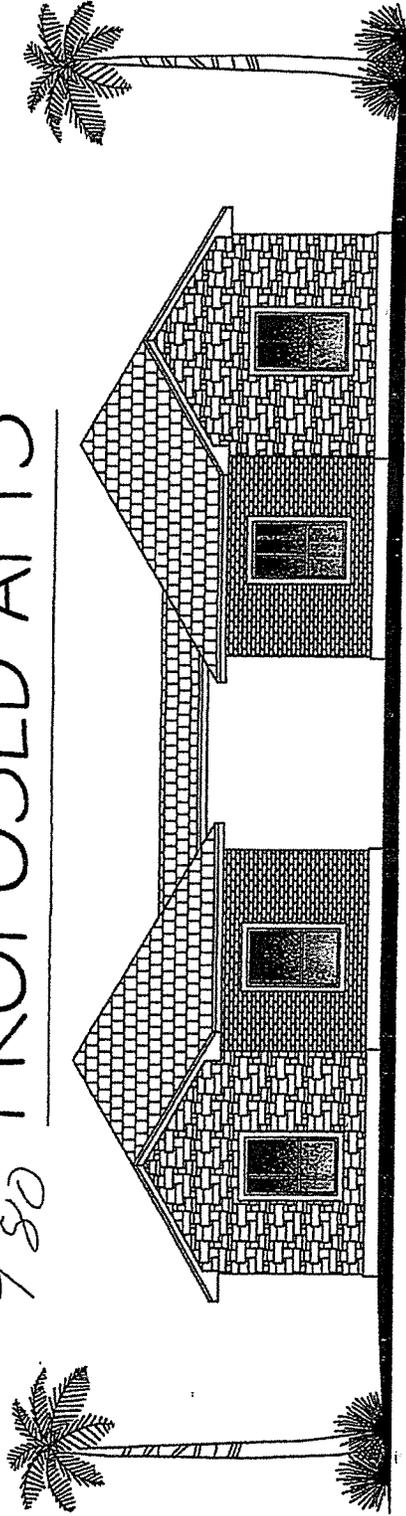
**NUMBER OF PARKING SPACES:**  
HANDICAP PARKING: 1  
TYP. PARKING: 8

**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 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 MFR., SUPPLIER, OR INSTALLATION CONTRACTOR SPECIFICALLY RELATED TO THAT PARTICULAR PHASE OF CONSTRUCTION.

Sheet Number AS1.0	Drawn By: Mano A. Gonzalez	Builder: S.C. CONSTRUCTION LLC 956-778-7709	Drawing Scale: VARIES
	Owner: SANTIAGO CANTU	Project Title: PROPOSED APTS.	
	Date Drawn: 2/21/2018	Revised By:	
	PLANS DESIGNS "ORDONEZ" 956-360-4087		



# 980 PROPOSED APTS



Drawn By: Mano A. Gonzalez	Builder: S.C. CONSTRUCTION LLC 956-778-7709
Project Title: PROPOSED APTS.	Drawing Scale: NTS
Date Drawn: 2/21/2018	Project Title: PROPOSED APTS.
Owner: SANTAGO CANUTU	PLANS DESIGNS ORDONETZ 956-980-4087
Revised By:	
Sheet Number:	CS 1.0

### SYMBOL LEGEND

**DRAWING TITLE:** ROOF PLAN

**ELEVATION MARKER:**

**ROOM TAG:**

**ROOF SLOPE:**

**SLOPE SYMBOL:**

**ELEVATION SYMBOL:**

**SECTION LABEL:**

**DROP SYMBOL:**

**DATUM SYMBOL:**

AREAS	%
LIVING:	27.86
PARKING:	28.92
APTS. SIDE-WALK:	4.57
LANDSCAPING:	38.65

### 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

### AREAS SQ. FT.

LIVING:	3134.00
PARKING:	3253.00
APTS. SIDE-WALKS:	514.00
GREEN AREA:	4849.00
CITY SIDE-WALK:	1006.00

### PROJECT DESCRIPTION

BUILDING PROJECT: 2 BED RM APT. UNITS

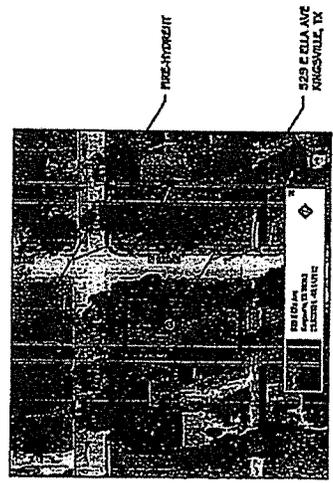
APPLICABLE CODES: IBC 2009

OCCUPANCY: R-2

CONSTRUCTION TYPE: V-B

BLDG. AREA: 3134 SQFT

BUILDING HEIGHT: PROPOSED: 16'-7"



VICINITY MAP

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. DIMENSIONS SHOWN ON THE FLOOR PLANS ARE "NOMINAL" SLIGHT FIELD ADJUSTMENTS MAY BE NECESSARY TO ALLOW FOR ACTUAL MATERIAL SIZES AND PRACTICAL 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.

## 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 3<sup>RD</sup>, 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

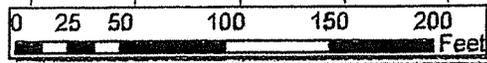
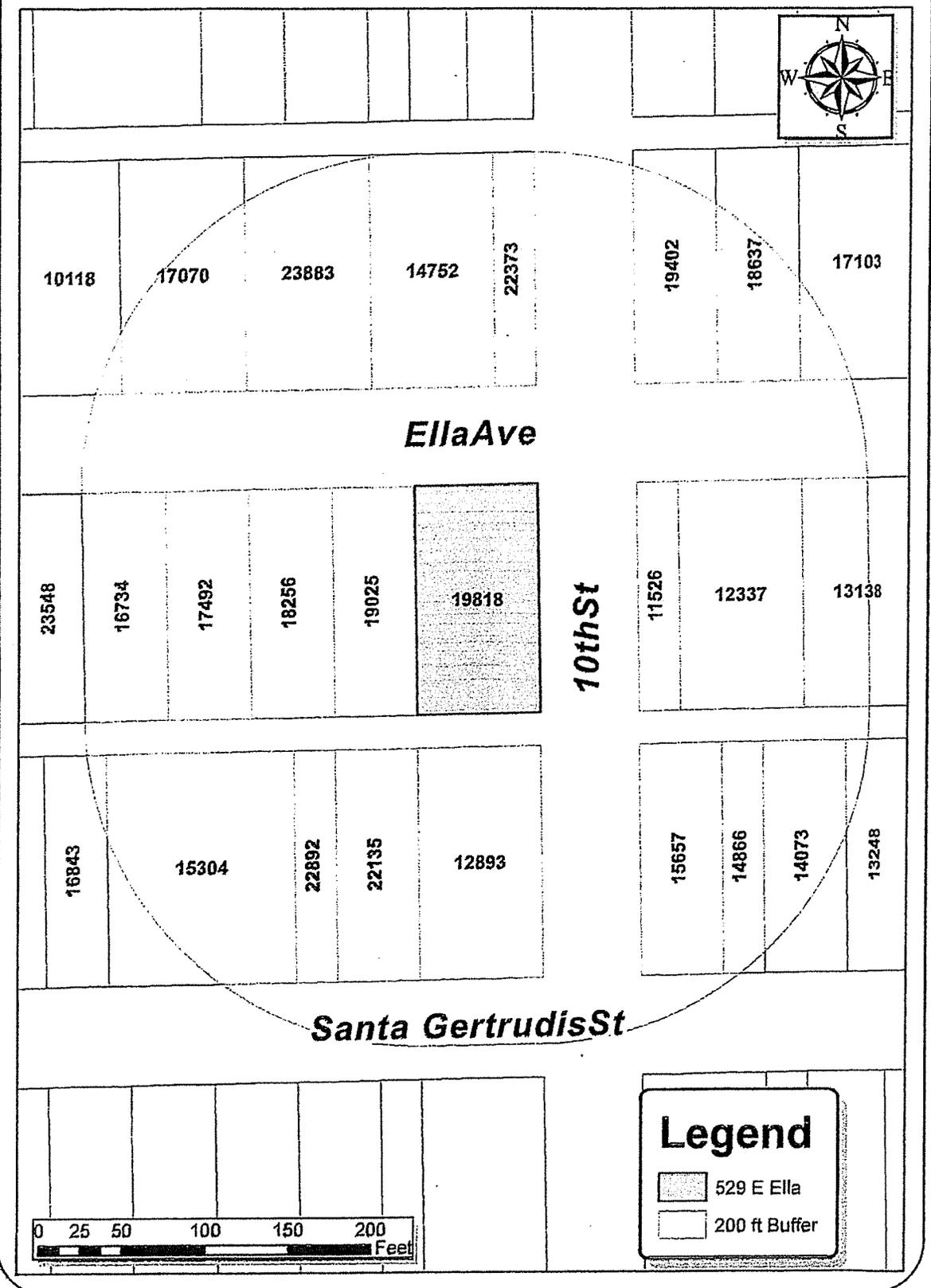
**ATTEST:**

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

**APPROVED:**

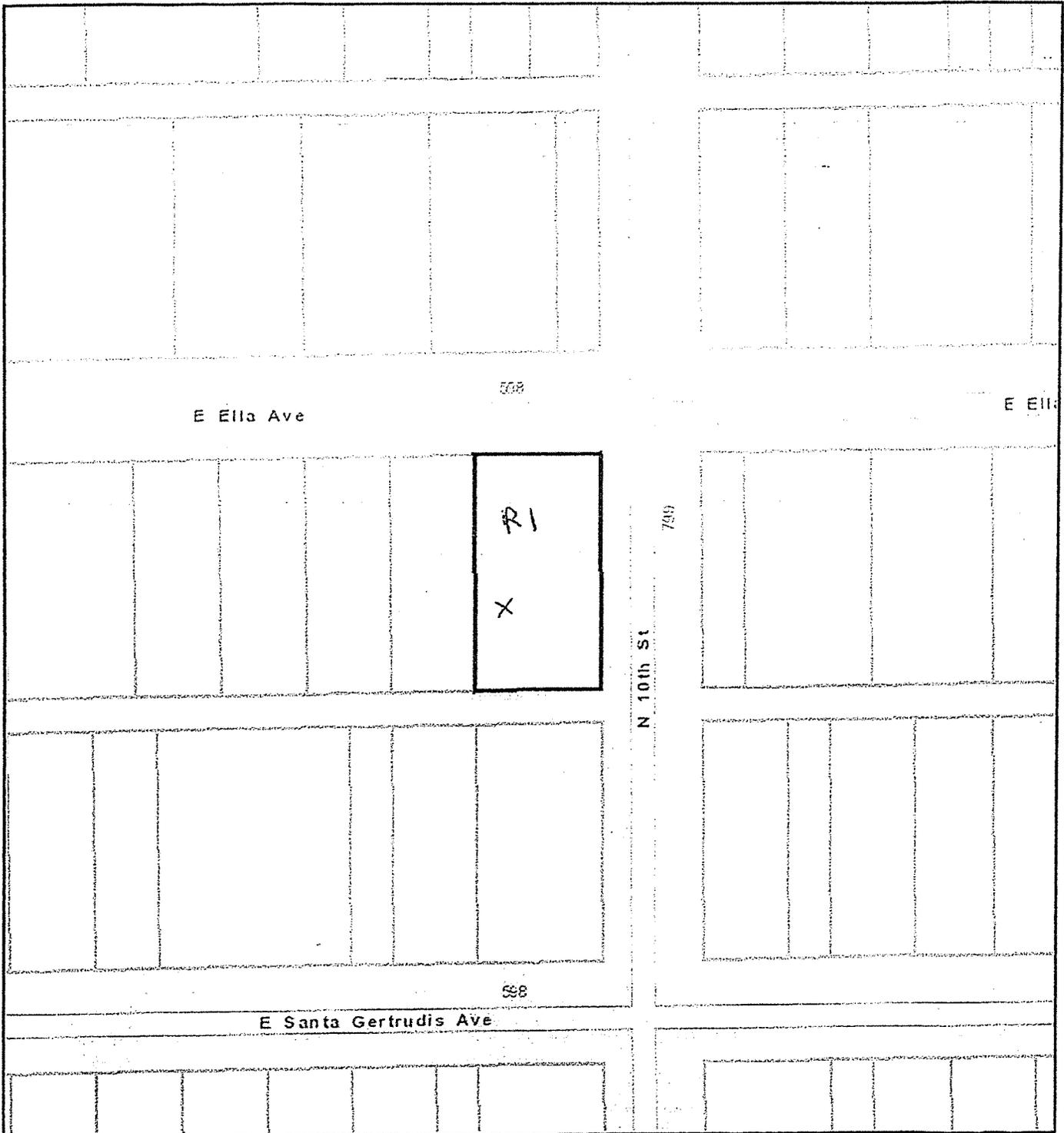
\_\_\_\_\_  
Courtney Alvarez, City Attorney

# 200 ft Buffer Map of 529 E Ella St



**Legend**

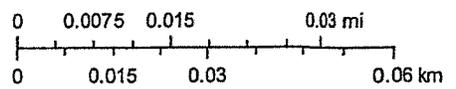
- 529 E Ella
- 200 ft Buffer



May 17, 2018

X - 529 E. Ella

1:1,128



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 #7**

# CITY OF KINGSVILLE

## PARKS AND RECREATION L.E. RAMEY GOLF COURSE

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TO: Mayor and City Commissioners  
C.C. Jesus A. Garza, City Manager  
FROM: Richard Flores, Golf Manager  
DATE: May 18, 2018  
SUBJECT: L.E. Ramey Golf Course Fee Increase

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**Summary:** This item authorizes a fee increase for the services at the L.E. Ramey Golf Course. These services to include green fees, cart fees, and membership fees.

**Background:** The City of Kingsville has been managing the L.E. Ramey Golf Course since October of 2014 and invested over 2,000,000.00. These monies have been spent in operations as well as renovation projects. The increase to fees would allow management to move forward and justify the ongoing improvements needed to grow the game of golf and the future quality of life in the City of Kingsville.

**Financial Impact:** The proposed fees are lower than our competitors. Golf rounds will come from the surrounding areas along with the new golfers we develop within the city. According to historical figures the increase will bring in an additional 75,000 in revenue per a year.

**Recommendation:** It is recommended that the Mayor and City Commissioners approve the proposed fee structure to move forward in improving the conditions of the L.E Ramey Golf Course and Quality of Life for the future of Kingsville, Texas.

GOLF FEE STRUCTURE AND ANALYSIS WITH PROPOSED CHANGES

Row 5/2

	GREEN FEE		GREEN FEE		JUNIOR GR. FEE	Senior GR. FEE	CART FEE			MEMBERSHIP			DRIVING RANGE			LARGE	JUMBO	SNACKBAR	CLOSED
	18 HOLE	WEEKDAY	9 HOLE	WK/END			18 HOLE	9 HOLE	6 MONTH	12 MONTH	WARM UP	SMALL	MEDIUM						
L.E. RAMEY GOLF COURSE	13	15	8	10	7	10	6	300	650	3	5	7	9.5	N	N				
Proposed	15	17	10	12	8	11	7	450	850	ELIMINATE	5	7	10	15	Y				
ALICE MUNICIPAL	16	18	13	n/a	5	13/15WK	7	650	925	n/a	n/a	n/a	n/a	N	Y				
SHARY MUNICIPAL	22	S	16	S	8.00/18 hole	n/a	7	3Mth/500	900	n/a	4	n/a	6.5	N	Y				
PALM VIEW MUNICIPAL	28	S	18.2	S	18.75	n/a	7.21	575	1200	n/a	4	8	10	N	Y				
TERRA DEL SOL MUNICIPAL	24	S	18	S	12	n/a	8	575/3 mth	1100	n/a	4	n/a	7	N	Y				
LOS LAGOS MUNICIPAL	32w/ct	39w/ct	26	26	7.50-9/15-.18	n/a	7.58/aftno	m-f/550.00	1100	n/a	3.5	n/a	6	N	Y				
TONY BUTLER MUNICIPAL	17	S	14	S	20./month	n/a	7	n/a	750	n/a	4	n/a	10	N	Y				
BROWNSVILLE GOLF CENTER	15/20 W/CT	S	10/15 W/CT	S	5	n/a	9	207/3 mth	699	n/a	n/a	n/a	n/a	N	Y				
OSO BEACH G.C.	22.++	27.5++	28.++	30.++	8++	15.86++	8.50++	D.F.	n/a										
GABE LOZANO G.C.	22.++	27.5++	28.++	30.++	8++	15.86++	8.50++	D.F.	n/a	n/a	5.50++	n/a	8.00++	13.63++	Y				
The Max G.C.	46.++	56.++	n/a	n/a	19.++/23.50++	26.++/33.50++	n/a	D.F.	n/a	n/a	5	n/a	7	N	Y				

Additional Changes:

- College Student Discount - 20%
- Military Discount - 20% on daily usage and 25% off annual membership fee
- Individual Locker Room Fees (\$30 for 1 Month; \$75 for 3 Months; \$120 for 6 Months and \$180 for 12 Months)
- Daily Golf Club Rental Fee of \$15
- Monthly Driving Range Membership Fees (\$90 for 3 Months; \$120 for 6 Months and \$200 for 12 Months)

Elimination Of:

- Monthly Memberships & Cart Fees
- Private Cart Trail Fees

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

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENEDING CHAPTER IX-GENERAL REGULATIONS, ARTICLE 8-PARKS AND RECREATION, PROVIDING FOR REVISED FEES FOR THE L.E. RAMEY GOLF COURSE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, in 2014 the City and County approved interlocal agreements to transfer operations and maintenance of all of the parks within the city limits and the L.E. Ramey Golf Course from the County to the City;

**WHEREAS**, the approval of these interlocal agreements necessitated the City to enact regulations and fees for the properties covered under the interlocal agreements; and

**WHEREAS**, the City recently made several hundred thousand dollars of improvements at the L.E. Ramey Golf Course and needs to increase user fees to help offset the cost of the improvements; and

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

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

I.

**THAT** Chapter IX- General Regulations, Article 8-Parks and Recreation, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

**ARTICLE 8 PARKS AND RECREATION**

...

**GOLF COURSE**

**§ 9-8-30 TRAFFIC.**

It shall be unlawful for any person to walk upon or across, or to drive or to ride upon any animal-drawn or motor-driven vehicle upon or across the city golf course, between sunset and sunrise, except that such regulation shall not apply to law enforcement officers engaged in the discharge of their duties, or employees of the city performing their duly assigned duties.

**§ 9-8-31 USE OF GOLF COURSE PROPERTY.**

- (A) It shall be unlawful for any person to enter into, pass through, or congregate with other persons on the municipal golf course property at a time, whether night or day, when such property is closed to the general public.
- (B) It shall be unlawful for any person to enter into, pass through, or congregate with other persons on municipal golf course property for any other purpose than to participate in an authorized use of the municipal golf course during the hours the golf course is open for business.
- (C) The provisions of this section do not apply to agents, representatives, licensees or employees of the City; provided, however, that such persons are engaged in the performance of their duties.
- (D) It shall be unlawful for any person to play golf using driving-range golf balls which are identified as such by a clearly marked colored or black circle circumventing the golf ball.
- (E) It shall be unlawful for any person to disregard any order issued by the Golf Course Manager, or his designee, relating to the means or manner of play at the golf course.
- (F) It shall be unlawful for any person to drive a cart upon any area except designated golf cart areas except as authorized by the Golf Course Manager.
- (G) Any person who violates any provision of this section shall, upon conviction, be subject to a penalty as prescribed in §1-1-99.

**§ 9-8-32 LIVESTOCK.**

It shall be unlawful for any person owning or having under his control any horses, cattle or other livestock to allow the horses, cattle or other livestock to go in, upon or across the city golf course.

**§ 9-8-33 DAMAGE TO PROPERTIES.**

It is unlawful for any person to intentionally cut, mutilate, deface, defoliate, or otherwise destroy or cause injury, in whole or in part, to any part or portion of the municipal golf course premises, facilities or equipment. It is unlawful for any person to willfully or wantonly mark or deface or in any way injure the golf course facilities or any part thereof, or any fixtures therein or appertaining thereto. A violation of this section shall, upon conviction, be punished as provided in §1-1-99.

### **§ 9-8-34 OPERATIONS.**

The following regulations shall be in effect relative to the use of the municipal golf course:

- (1) *Rules of Play.* The "Rules of Play" posted at the municipal golf course will be strictly enforced.
- (2) *Tournament.* Tournament schedules will be coordinated with the Golf Course Manager. All tournament organizers shall make the proper arrangements with the golf manager to ensure that scheduling conflicts will be avoided.
- (3) *Soft Spikes.* Only soft spikes will be allowed on the municipal golf course.
- (4) *Practice Area.* Practice will be allowed only in areas designated by the Golf Course Manager.
- ~~(5) *Trail Fee.* The trail fee prescribed by this article shall be paid in advance by each golfer using a private golf cart on each daily round played.~~
- (6) (5) *Patrol Marshals.* The Golf Course Manager shall select up to five patrol marshals. One patrol marshal per day is allowed to patrol. Compensation for each marshal will be two free green fees per week for each day they patrol. The duties of the patrol marshal shall be as follows:
  - a. Promote congeniality, goodwill and sportsmanship;
  - b. Check for fee receipts, membership cards and illegal players;
  - c. Report to the Golf Course Manager any hazards or conditions that may jeopardize the health and safety of the players; and
  - d. Provide services as directed by the Golf Course Manager or his designee.

### **§ 9-8-35 ALCOHOLIC BEVERAGES PROHIBITED ON GOLF COURSE.**

The bringing of beer or other alcoholic beverages onto the municipal golf course is prohibited. Beer is available for purchase at the club house where a limited number of ice chests and ice are available if desired. This provision may be waived by the golf manager for special events.

### **§ 9-8-36 FIREWORKS PROHIBITED ON GOLF COURSE.**

The bringing of fireworks and the discharge of fireworks onto the municipal golf course is prohibited.

**§ 9-8-37 FIREARMS ON GOLF COURSE PROPERTY PROHIBITED; EXCEPTION.**

(A) Except as hereinafter provided, it shall be unlawful for any person to possess or discharge any firearm in any golf course property.

(B) Exceptions: (1) certified law enforcement officers may possess a firearm, and (2) when at a designated shooting range.

**§ 9-8-38 DEFINITIONS.**

The following definitions shall apply to this article:

- (1) *College Student.* Any person actively enrolled in a minimum of twelve hours of college.
- (2) *Golf Course Manager.* The administrator in charge of the municipal golf course, who shall be employed and discharged by the City Manager.
- (3) *Junior.* Any person 18 years of age or younger, currently enrolled in high school or below. A junior under the age of 12 must be accompanied by an adult.
- (4) *Lessee.* Any person or organization of whatever nature that uses the municipal golf course premises, facilities or equipment.
- (5) *Military.* Any person actively enlisted in the U.S. military.
- (6) *Municipal Golf Course.* The L.E. Ramey Golf Course and the entire premises thereof, including but not limited to the clubhouse, restaurant, pro shop, cart shed and golf course itself, and all other parts or portions thereof.
- (7) *Nine hole fee.* Paid by persons wishing to play nine holes of golf.
- (8) *Senior.* Any person who is 62 years of age or older.

**§ 9-8-39 USE FEES.**

The Golf Course Manager is hereby authorized to collect fees for the use of all golf course facilities and equipment, such fees to be set from time to time by the City Commission. All fees charged for the use of facilities or equipment under this section shall be due and payable to the City. Persons who have paid fees under the old fee schedule are required to pay the difference in accordance with the new fee schedule. The free use of all facilities and equipment of the

municipal golf course is hereby prohibited to any individual or group or to any employee or officer of the city, except as provided for in this article.

**§ 9-8-40 SALE OF MERCHANDISE; CONCESSIONS.**

(A) Only the city and its assigns may sell merchandise at the municipal golf course. The use of any portion of the municipal golf course by any individual, group, firm, or corporation other than the City for the purpose of selling merchandise is hereby prohibited without the written consent of the Golf Course Manager. Sale of merchandise by tax-exempt/nonprofit charitable organizations or civic groups is hereby excepted from such prohibition and shall be permitted upon the approval of the Golf Course Manager.

(B) Only the City and its assigns shall have the right to operate concessions for the sale of food, drinks (including alcoholic beverages), programs, novelties, souvenirs, etc. Sale of concessions by tax-exempt charitable organizations and civic groups are hereby exempted from such prohibition and shall be permitted upon the approval of the Golf Course Manager.

**§ 9-8-41 GOLF COURSE FEES.**

The following schedule of fees shall be paid by the patrons of the municipal golf course. The Golf Course Manager may negotiate rates for golf course special events and promotions.

(A) Daily Green Fees:

Golf course green fees for persons 18 years of age or older (non-refundable).

(1) 18-Holes of Play:

Weekends and holidays: ~~\$14.75~~ 17.00

~~Weekends and holidays with 1/2 cart fee: \$25.25~~

~~Weekend twilight with 1/2 cart fee: \$20.25~~

Weekdays: ~~\$12.75~~ 15.00

~~Weekdays with 1/2 cart fee: \$23.25~~

~~Weekdays twilight with 1/2 cart fee: \$19.25~~

(2) 9-Holes of Play:

Weekends and holidays: ~~\$8.25~~ 12.00

~~Weekends and holidays with 1/2 cart fee: \$15.75~~

Weekdays: ~~\$7.25~~ 10.00

~~Weekday with 1/2 cart fee: \$14.75~~

(B) Junior Fees:

Golf course green fees for persons in the classification of junior (non-refundable).

(1) 18-Holes of Play:

Weekdays: ~~\$7.75~~ 8.00

~~Weekdays with 1/2 cart fee: \$15.25~~

(2) 9-Holes of Play:

Weekdays: ~~\$4.75~~ 6.00

~~Weekdays with 1/2 cart fee: \$12.25~~

(C) College Student Fees:

Golf course green fees for persons in the classification of College Student (non-refundable) can receive a twenty percent (20%) discount off the Daily Green Fees.

~~(1) 18 Holes of Play:~~

~~Weekdays: \$8.75~~

~~Weekdays with 1/2 cart fee: \$16.25~~

~~(2) 9 Holes of Play:~~

~~Weekdays: \$5.75~~

~~Weekdays with 1/2 cart fee: \$13.25~~

(D) Military Fees:

Golf course green fees for persons in the classification of Military (non-refundable) can receive a twenty percent (20%) discount off the Daily Green Fees.

18-Holes of Play:

~~Weekdays: \$10.75~~

~~Weekdays with 1/2 cart fee: \$21.25~~

(E) Senior Fees:

Golf course green fees for persons 62 years of age or older (non-refundable).

18-Holes of Play:

~~Weekdays: \$9.75~~ 11.00

~~Weekdays with 1/2 cart fee: \$20.25~~

(F) Annual membership fees:

Annual membership entitles that person to unlimited green fees for 365 days from date of purchase (non-refundable).

~~Annual individual membership rate: \$700.00~~ 850.00

~~Annual individual and spouse joint member rate: \$1,200.00~~

~~Junior annual membership rate: \$460.00~~

~~College Student annual membership rate: \$520.00~~

~~Military annual membership rate: \$540.00~~ can receive a 25% discount off of an annual individual membership rate.

(G) Semi-Annual Monthly membership fees:

Semi-Annual Monthly membership entitles player to unlimited green fees for six (6) months ~~30 days~~ from date of purchase (non-refundable) for \$450.00.

~~Monthly individual membership rate: \$96.00~~

~~Monthly individual and spouse joint membership rate: \$155.00~~

~~Monthly Junior membership rate: \$65.00~~

(H) Annual cart fee and green fee:

Annual cart fee is per player and entitles player to unlimited carts for 365 days from date of purchase (non-refundable) and unlimited green fees for 365 days from date of purchase (non-refundable).

Annual individual cart fee and green fee: ~~\$2,000.00~~ 2,500.00

Annual individual & spouse joint cart fees and green fee: ~~\$3,190.00~~

~~(I)~~ Monthly cart fee and green fee:

~~Monthly cart fee is per player and entitles player to unlimited carts for 30 days from date of purchase (non-refundable) and unlimited green fees for 30 days from date of purchase (non-refundable).~~

~~Monthly individual cart and green fee: \$185.00~~

~~Monthly individual & spouse joint cart and green fee: \$360.00~~

~~(J)~~ Private cart trail fee:

~~This fee is for use of a private golf cart by the owner of the private cart, the owner's spouse or qualified junior and up to one additional rider (limited to a total of two riders), authorized by owner. Fee is valid for 365 days from date of purchase (non-refundable).~~

~~Daily private cart trail fee: \$7.50~~

~~Private carts are subject to approval for safety purposes and liability issues by the Golf Course Manager or their designee. The owners of powered golf carts shall be fully responsible for the safety and liability of occupants and the safe operation of their powered golf carts and shall be responsible for ensuring that their golf carts are maintained and operated in accordance with their golf cart operation/instruction manual while on municipal golf course property.~~

(K) ~~(I)~~ Monthly Locker Fee:

Monthly locker fee is per player and entitles player to use of a locker for 30 days from date of purchase (non-refundable).

Monthly individual locker fee: ~~\$80.00~~ 30.00 for one month

\$75.00 for three months

\$120.00 for six months

\$180.00 for twelve months

(L) ~~(J)~~ Daily Golf Club Rental Fee:

Daily golf club fee is per player and entitles player to use of a set of golf clubs (non-refundable).

Daily golf club rental fee: ~~\$8.00~~ 15.00

(M) (K) Monthly Driving Range Membership Fee:

Monthly driving range membership entitles player to unlimited driving range fees for 30 days from date of purchase (non-refundable).

Monthly individual membership rate: ~~\$80.00~~ 90.00 for three months

\$120 for six months

\$200.00 for twelve months

(N) (L) Range Ball Bucket Fee:

Range ball bucket fee entitles player to the use of the bucket of balls once (non-refundable).

Jumbo Bucket: \$15.00

Large Bucket (135 balls): ~~\$9.00~~ 10.00

Medium Bucket (75 balls): \$7.00

Small Bucket (35 balls): ~~\$3.00~~ 5.00

(O) (M) Minors less than 16 years of age shall not operate golf carts on municipal golf course property.

(P) (N) Each golf course green fee shall entitle payee to play a maximum of 18 holes of golf on the date paid. Additional payment of green fees shall be required if more than 18 holes of golf are to be played.

(Q) (O) All members of any authorized golf team from a school or institution of higher education located within Kleberg County may play a maximum of two rounds per week Monday-Thursday, excluding holidays, at no charge during their respective schoolyears. The following limit will apply to such golf players:

Teams are limited to 15 players per school at any one time.

(P) Cart Rental Fee:

18-Holes: \$11.00 per player

9-Holes: \$7.00 per player

...

II.

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

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, work or ordinance hereof be given full force and effect for its purpose.

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

**INTRODUCED** on this 29<sup>th</sup> day of May, 2018.

**PASSES AND APPROVED** on this the 25<sup>th</sup> day of June, 2018.

Effective Date: \_\_\_\_\_

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #8**

# CITY OF KINGSVILLE

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P. O. BOX 1458 - KINGSVILLE, TEXAS 78364

**Date:** June 12, 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.

All members will be appointed to the board by the City Commission at the recommendation of the City Manager.

The HOT Advisory Board currently has two vacancies. One hotel industry representative and one resident of the city of Kingsville Representative.

In order to fill those vacancies, city manager Jesus Garza is making the following recommendations:

- Hotel industry representative Vinod Kasan. Kasan owns Holiday Inn Express & Suites and TownePlace by Marriott.
- City of Kingsville resident representative Leo Garcia. Garcia lives in the city and owns the Silver Spur.

Board chair Amanda Cherry and vice chair Dr. Terisa Riley have reviewed and approved both nominations.

Board members serve two-year terms and receive no compensation.



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[www.cityofkingsville.com](http://www.cityofkingsville.com)

# **AGENDA ITEM #9**

**City of Kingsville  
Planning and Development Services**

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TO: Mayor and City Commissioners  
CC: Jesus A. Garza, City Manager  
FROM: Tom Ginter, Director  
DATE: June 1, 2018  
SUBJECT: Review of items concerning definition and zoning districts allowed for a winery.

---

**Summary:** this item pertains to a definition of a winery and determines where they can be permitted, special use permit or not allowed.

**Background:** Since our discussion on brewpubs the question about wineries has come up. The Planning and Zoning Commission has discussed this item. In the Hill Country they are prevalent and provide a tourist destination. While that may or may not happen here there is the desire to review this subject. I have given the Planning and Zoning Commission definitions and a recommendation as to where they could be permitted. Currently they are not listed in the Appendix a of Listed Uses.

**Financial Impact:** It is possible that if not a winery some other kind of business could be started that is related. A business startup would be a positive thing.

**Recommendation:** The Planning and Zoning Commission met on June 6 to review this ordinance change. The Planning and Zoning Commission made a motion to prove the following: definition of a winery is; where grapes and other fruit products, or vegetables can be grown and processed for the commercial purpose to produce wine or similar spirits. Processing includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery and warehousing. Retail sales and tasting facilities of wine and related promotional items may be permitted as part of the winery operations.



**City of Kingsville  
Planning and Development Services**

The Planning and Zoning Commission also determined that the land use of a winery be permitted in Agricultural, Industrial 1, Industrial 2 with a Special Use Permit required in Commercial 4.

The Planning and Zoning Commission voted 4 to 0 in favor of the definition and the zoning district uses allowed.



To: Planning and Zoning Commission Members

From: Tom Ginter, Director

Date: June 1, 2018

Subject: Agenda items #4 and #5

I presented to you at the last meeting information on wineries. I gave you examples of definitions and suggestions as to where they could be located.

Enclosed is a sheet which gives a number of definitions, my recommendation is to use the winery definition at least to start off with.

The other item refers as to where they could be located. This is obviously an agricultural operation so it would be allowed in agricultural. Since our agricultural zoning requires a minimum of 10 acres I believe that it would be appropriate for us to allow it in other zoning districts. I recommend that we also allow it in I1, I 2 and C4.

A machine by which mechanical energy supplied by the wind is changed to electric energy. (*Boulder County, Colo.*)

A wind-driven machine that converts wind energy into electrical power for the primary purpose of resale or off-site use. (*Monterey County, Calif.*)

Any device or assemblage which directly converts wind energy into usable thermal mechanical, or electrical energy, including such devices as windmills and wind turbines, towers and supporting structures and such directly connected facilities as generators, alternators, inverters, batteries and associated control equipment. (*Schaumburg, Ill.*)

Any mechanism or device designed for the purpose of converting wind energy into electrical or mechanical power. (*Sioux Falls, S.Dak.*)

An apparatus for converting the energy available in the wind to mechanical energy that can be used to power machinery (grain mills, water pumps) and to operate an electrical generator. (*United States Department of Energy*)

■ **wind energy conversion system, noncommercial** A wind-driven machine that converts wind energy into electrical power for the primary purpose of on-site use and not for resale. (*Monterey County, Calif.*)

■ **wind turbine** An alternate energy device which converts wind energy by means of a rotor to mechanical or electrical energy. A wind generator may also be deemed a windmill. (*Warsaw, N.Y.*)

A wind energy conversion device that produces electricity; typically three blades rotating about a horizontal axis and positioned up-wind of the supporting tower. (*United States Department of Energy*)

A machine with turbine apparatus (rotor blades, nacelle and tower) capable of producing electricity by converting the kinetic energy of wind into rotational, mechanical and electrical energy; provided, the term does not include electrical distribution or transmission lines, or electrical substations. (*Benton County, Wash.*)

■ **window** Any opening in a wall or roof which functions or appears to function to admit light to a building or structure. (*Hedwig Village, Tex.*)

Any single window pane, or a series of adjacent window panes separated by a mullion(s) of 12 inches or less. Adjacent window panes set at different angles shall constitute separate windows regardless of the width of their mullion separation. (*Sedona, Ariz.*)

■ **window, casement** A window which opens inward or outward from hinges at the side of the frame. (*Carson City, Nev.*)

■ **window, clerestory** Windows located above storefront windows in commercial-type buildings. (*Las Vegas, N.Mex.*)

■ **window, double-hung** A two-part window with an outside sash that slides down and an inside one that goes up. The movement of the sash is usually controlled by chains or cords on pulleys with a sash weight. (*Carson City, Nev.*)

■ **window, palladian** A three-part window with a central, top-arched portion and rectangular windows on both sides. (*Carson City, Nev.*)

✕ ■ **wine-tasting room** A facility in which wine products grown or processed on the owner's property may be tasted and sold. (*Merced, Calif.*)

An area devoted to the sampling and sales thereof of wine or beer produced on or off the premises. Sale of food is prohibited; however, incidental provision of food without compensation is allowed. (*Mendocino County, Calif.*)

✕ ■ **winery** An agricultural processing facility used for: (1) the fermenting and processing of fruit juice into wine; or (2) the refermenting of still wine into sparkling wine. (*Woodside, Calif.*)

An agricultural processing plant used for the commercial purpose of processing grapes, other fruit products, or vegetables to produce wine or similar spirits. Processing includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions

for the winery and warehousing. Retail sales and tasting facilities of wine and related promotional items may be permitted as part of the winery operations. (*Monterey County, Calif.*)

✕ ■ **winery, boutique** [A] business [that] produces 100 to 5,000 cases per year. Maximum site area of two acres co-located with a residential development site, with up to 5,000 square feet of winery building area, including space allocated to bottling/crushing facilities, lab and office space, tasting room, and storage. A boutique winery shall provide at least two of the following four activities on site: crushing, fermentation, bulk aging/storing, and bottling. (*Livermore, Calif.*)

✕ ■ **winery, large** [A] business [that] produces greater than 100,000 cases per year with no minimum site area. (*Livermore, Calif.*)

✕ ■ **winery, medium** [A] business [that] produces 70,000 to 100,000 cases per year. Maximum site area of eight acres, with up to 50,000 square feet of building area, including space allocated to bottling/crushing facilities, lab and office space, tasting room, storage, an indoor events room, and a small outdoor event or picnic area. A winery must accomplish at least two of the following four activities on site: crushing, fermentation, bulk aging/storage, and bottling. (*Livermore, Calif.*)

✕ ■ **winery, small** [A] business [that] produces 5,000 to 10,000 cases per year. Maximum site area of three acres, with up to 10,000 square feet of building area, including space allocated to bottling/crushing activities, lab and office space, tasting room, storage, an indoor events room, and a small outdoor event or picnic area. A winery shall provide at least two of the following four activities on site: crushing, fermentation, bulk aging/storing, and bottling. (*Livermore, Calif.*)

■ **wireless communications facilities** (*See telecommunications definitions*)

■ **woodlands** (*See also riparian woodland*) Generally, an ecosystem characterized by a more or less dense and extensive tree cover. More particularly, a plant community predominantly of healthy trees and other woody vegetation, well-stocked

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

	R1	R2	R3	R4	MH	C1	C2	C3	C4	I1	I2	Ag
Home crop production	P	P	P	P	P	P	P	P	P	P	P	P
Breeding or raising of animals for food or sale (except as noted in health regulations)												P
Dairy												P
Ranch												P
Beekeeping, commercial												P
Crop production for sale												P
Orchard for home use	P	P	P	P	P	P	P	P	P	P	P	P
Orchard, commercial	S	S	S	S								P
Keeping animals or fowl commonly used for food fiber production or as beasts of burden												P
Keeping dogs, cats, fish, or exotic caged birds (kennel excluded)	P	P	P	P	P	P	S	P	P	P	P	P
Farmers market, vegetable (fresh) stand, produce sales							S	P	P			P
Domestic animal racetrack exhibit area, training ground, and the like												P

(f) The permit holder must check a purchaser's identification and keep records of purchases in a manner that enables the permit holder to comply with this section.

(g) A bottle of distilled spirits sold on the permit holder's premises under Subsection (b) must bear a notice affixed to the bottle that:

- (1) does not obscure the label approved by the Alcohol and Tobacco Tax and Trade Bureau;
- (2) states that the bottle is commemorative;
- (3) states the month and year the bottle is sold; and
- (4) is signed by an agent of the permit holder.

**Sec. 14.06. REPORT OF CERTAIN SALES.** A holder of a distiller's and rectifier's permit who sells distilled spirits to a holder of an industrial permit under Section 14.01(a)(8) shall keep records of those sales in a manner prescribed by the commission or administrator.

## CHAPTER 15. DISTILLER'S AGENT'S PERMIT (DK)

**Sec. 15.01. AUTHORIZED ACTIVITIES.** The holder of a distiller's agent's permit may:

- (1) represent the holder of a distiller's and rectifier's permit;
- (2) solicit and take orders from a holder of a wholesaler's permit for the sale of distilled spirits manufactured by the permit holder represented by the agent; and
- (3) conduct free distilled spirits tastings for consumers on the premises of the holder of a package store permit.

**Sec. 15.02. FEE.** The annual state fee for a distiller's agent's permit is \$10.

**Sec. 15.03. EVIDENCE OF AGENCY OR EMPLOYMENT REQUIRED.** A distiller's agent's permit may not be issued to a person until the person shows to the satisfaction of the commission that the person has been employed by or authorized to act as the agent of the permit holder the person proposes to represent.

**Sec. 15.04. SOLICITATION FROM HOLDER OF MIXED BEVERAGE OR PRIVATE CLUB PERMIT.** A holder of a distiller's agent's permit may not solicit business directly or indirectly from a holder of a mixed beverage permit or a private club registration permit unless the distiller's agent is accompanied by the holder of a wholesaler's permit or the wholesaler's agent.

**Sec. 15.05. UNAUTHORIZED REPRESENTATION.** A holder of a distiller's agent's permit in soliciting or taking orders for the sale of liquor may not represent that the permit holder is an agent of any person other than the person designated in the permit holder's application.

**Sec. 15.06. GRACE PERIOD.** A person may engage in the activities specified in Section 15.01 for an initial grace period of five days during which the person shall procure a distiller's agent's permit from the commission.

## \*CHAPTER 16. WINERY PERMIT (G)

**Sec. 16.01. AUTHORIZED ACTIVITIES.** (a) Except as provided by Section 16.011, the holder of a winery permit may:

- (1) manufacture, bottle, label, and package wine containing not more than 24 percent alcohol by volume;
- (2) manufacture fruit brandy and:
  - (A) use that brandy on the winery permit holder's permitted premises for fortifying purposes only; or
  - (B) sell that brandy to other winery permit holders;
- (3) import or buy fruit brandy from a permit holder authorized to manufacture fruit brandy and use that brandy on the winery permit holder's permitted premises for fortifying purposes only;

- (4) sell wine in this state to or buy wine from permit holders authorized to purchase and sell wine, including holders of wholesaler's permits, winery permits, and wine bottler's permits;
  - (5) sell wine to ultimate consumers:
    - (A) for consumption on the winery premises; or
    - (B) in unbroken packages for off-premises consumption in an amount not to exceed 35,000 gallons annually;
  - (6) sell the wine outside this state to qualified persons;
  - (7) blend wines;
  - (8) dispense free wine for consumption on the winery premises; and
  - (9) purchase and import wine from the holder of a nonresident seller's permit.
- (b) The holder of a winery permit may manufacture and label wine for an adult in an amount not to exceed 50 gallons annually for the personal use of the adult. Any amount of wine produced under this subsection is included in the annual total amount that may be sold by the holder under Subsection (a)(5). An adult for whom wine is manufactured and labeled under this subsection is not required to hold a license or permit issued under this code.
- (c) The holder of a winery permit may conduct wine samplings, including wine tastings at a retailer's premises. A winery employee may open, touch, or pour wine, make a presentation, or answer questions at a wine sampling.
- (d) *Without reference to the amendment of subsection (d) in HB 1264 (78th Legislature, Regular Session, 2003), HB 2593 (78th Legislature, Regular Session, 2003) repealed subsection (d).*
- (e) The holder of a winery permit may dispense wine for consumption on the premises of the winery under Section 16.07.

**Sec. 16.011. PREMISES IN DRY AREA.** A winery permit may be issued for premises in an area in which the sale of wine has not been authorized by a local option election. A holder of a permit under this section may engage in any activity authorized under Section 16.01 except that the permit holder may sell or dispense wine under that section only if the wine is:

- (1) bottled in this state; and
- (2) at least 75 percent by volume fermented juice of grapes or other fruit grown in this state or a lesser percentage established by the commissioner of agriculture under Section 12.039, Agriculture Code [*Refer to Appendix for this citation*].

**Sec. 16.02. FEE.** The annual state fee for a winery permit is \$75.

**Sec. 16.03. IMPORTATION FOR BLENDING.** The holder of a winery permit may, for blending purposes, import wines or grape brandy. The wine or grape brandy may be purchased only from the holders of nonresident seller's permits. The state tax on wines imported for blending purposes does not accrue until the wine has been used for blending purposes and the resultant product placed in containers for sale.

**Sec. 16.04. FEDERAL PERMIT REQUIRED.** A winery permit may be granted only on presentation of a winemaker's and blender's basic permit of the federal alcohol tax unit.

**Sec. 16.05. OPERATING AGREEMENTS BETWEEN PERMIT HOLDERS.** (a) The holder of a winery permit may engage in any activity authorized by that permit on the permitted premises of another winery permit holder under an agreement between the permit holders that is approved by the commission and that describes with specificity the nature, duration, and extent of the activities authorized by the agreement.

(b) The commission shall adopt rules regulating the shared use of winery premises under this section to ensure administrative accountability of each permit holder and a strict separation between the businesses and operations of the permit holders.

**Sec. 16.06. PARTICIPATION IN CERTAIN OFF-PREMISES WINE EVALUATION ACTIVITIES.** (a) For the purpose of participating in an organized wine tasting, wine evaluation, wine competition, or literary review, the holder of a winery permit may deliver wine produced and manufactured by the holder to locations that are not licensed under this code for the purpose of submitting

the wine to an evaluation at an organized wine tasting competition attended primarily by unlicensed persons or by a wine reviewer whose reviews are published if:

- (1) no charge of any kind is made for the wine, delivery, or attendance at the event; and
- (2) the commission consents in writing to the delivery.

(b) In connection with events authorized by Subsection (a) of this section, the holder of the winery permit may dispense wine to individuals attending the event and discuss with them the manufacture and characteristics of the wine.

**Sec. 16.07. WINE SAMPLING.** (a) The holder of a winery permit may conduct wine samplings, including wine tastings, on the permitted premises. The holder of the permit may collect a fee for the wine sampling.

(b) A sampling event authorized by this section may not be advertised except by on-site communication or by direct mail.

(c) A person other than the holder of a permit or the holder's agent or employee may not dispense or participate in the dispensing of wine under this section.

(d) A person authorized to dispense wine under this section:

- (1) may serve a person more than one sample; and
- (2) may not serve a sample to a minor or to an obviously intoxicated person.

(e) A person who receives a sample may not remove the sample from the permitted premises.

(f) For the purposes of this code and any other law of this state or a political subdivision of this state, the holder of a permit, during the sampling of wine under this section, is:

- (1) not the holder of a permit authorizing the sale of alcoholic beverages for on-premises consumption; and
- (2) not considered to have received any revenue from the on-premises sale of alcoholic beverages.

**Sec. 16.08. WINE FESTIVALS.** (a) At an event that is approved by the commission, organized to celebrate and promote the wine industry in this state, and held in whole or in part on the premises of the holder of a winery permit, the permit holder may:

- (1) sell wine to consumers for consumption on or off the holder's premises; and
- (2) dispense wine without charge for consumption on or off the holder's premises.

(b) The holder of a winery permit may sell wine to the holder of a temporary permit issued under Chapter 27, 30, or 33 for an event that is approved by the commission and organized to celebrate and promote the wine industry in this state.

**Sec. 16.09. DIRECT SHIPMENT TO CONSUMERS.** (a) The holder of a winery permit may ship wine to the ultimate consumer, including ultimate consumers located in dry areas. Delivery must be by the holder of a carrier permit.

(b) All wine shipped to an ultimate consumer by the holder of a winery permit must be in a package that is clearly and conspicuously labeled showing that:

- (1) the package contains wine; and
- (2) the package may be delivered only to a person described in Subsection (c).

(c) Wine shipped by the holder of a winery permit may not be delivered to any person other than:

- (1) the person who purchased the wine;
- (2) a recipient designated in advance by such purchaser; or
- (3) a person at the delivery address who is age 21 or over.

(d) Wine may be delivered only to a person who is age 21 or over after the person accepting the package:

- (1) presents valid proof of identity and age; and
- (2) personally signs a receipt acknowledging delivery of the package.

(e) The holder of a winery permit may not:

- (1) sell or ship wine to a minor;
- (2) deliver wine to a consumer using a carrier that does not hold a carrier's permit under this code; or
- (3) deliver to the same consumer in this state more than nine gallons of wine within any 30-day period or more than 36 gallons of wine within any 12-month period.

## **CHAPTER 17. WINERY FESTIVAL PERMIT (GF)**

**Sec. 17.01. AUTHORIZED ACTIVITIES.** (a) The holder of a winery festival permit may sell wine at a civic or wine festival, farmers' market, celebration, or similar event.

(b) The holder of a winery festival permit may not offer wine for sale under this chapter on more than four consecutive days at the same location.

**Sec. 17.02. QUALIFICATION FOR PERMIT.** A winery festival permit may be issued only to the holder of a winery permit.

**Sec. 17.03. NOTICE OF SALES; PROCEDURES.** (a) Before the holder of a winery festival permit offers wine for sale under this chapter, the permit holder must, in accordance with any rules adopted or procedures established by the commission, notify the commission of the date on which and location where the permit holder will offer wine for sale under this chapter.

**Sec. 17.04. PERMIT FEE.** The fee for a winery festival permit is \$50.

**Sec. 17.05. APPLICABILITY OF OTHER LAW.** (a) The provisions of this code applicable to the sale of wine on the permitted premises of the holder of a winery permit apply to the sale of wine under this chapter.

(b) The winery permit of the holder of a winery festival permit may be canceled or suspended for a violation occurring in connection with activities conducted under this chapter.

## **CHAPTER 18. WINE BOTTLER'S PERMIT (Z)**

**Sec. 18.01. AUTHORIZED ACTIVITIES.** The holder of a wine bottler's permit may:

- (1) purchase and import wine only from the holders of nonresident seller's permits or their agents who are holders of manufacturer's agent's permits;
- (2) purchase wine in this state from holders of wholesaler's, winery, or wine bottler's permits;
- (3) bottle, rebottle, label, package, and sell wine to permit holders in this state authorized to purchase and sell wine; and
- (4) sell wine to qualified persons outside the state.

**Sec. 18.02. FEE.** The annual state fee for a wine bottler's permit is \$225.

**Sec. 18.03. PERMANENT RECORD.** A holder of a wine bottler's permit shall keep a permanent record of each purchase and sale of wine. The record shall include the name of the person from whom the wine is purchased or to whom it is sold, the number of gallons purchased or sold, and the percentage of alcohol of the wine by volume.

## **CHAPTER 19. WHOLESALER'S PERMIT (W)**

**Sec. 19.01. AUTHORIZED ACTIVITIES.** The holder of a wholesaler's permit may:

- (1) purchase and import liquor from distillers, brewers, wineries, wine bottlers, rectifiers, and manufacturers who are holders of nonresident seller's permits or from their agents who hold manufacturer's agents permits;
- (2) purchase liquor from other wholesalers in the state;

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

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

**WHEREAS**, the City recently received a request from an individual in the community who is interested in establishing a brewpub, but there was no suitable definition for a brewpub or related zoning designations, which prompted the Planning and Zoning Commission and the City Commission to recommend such changes to the Code of Ordinances;

**WHEREAS**, while the City Planning and Zoning Commission considered that request they discussed the possible need for the definition and zoning category for a winery;

**WHEREAS**, the City Planning and Zoning Commission considered the definition and zoning category for a winery at a publicly posted meeting on June 6, 2018 and voted 4-0 for the changes stated herein;

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

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

I.

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

...

**§ 15-6-21 DEFINITIONS.**

...

*Utility shops or storage yards and buildings.* An area or building used by utilities for the repair and/or storage of equipment, vehicles or supplies.

*Winery.* An area where grapes and other fruit products, or vegetables can be grown and processed for the commercial purpose to produce wine or similar spirits. Processing includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery and

warehousing. Retail sales and tasting facilities of wine and related promotional items may be permitted as part of the winery operations.

*Work/live units.* A work/live unit is a structure or a portion of a structure that combines a business use with a residential living use.

...

II.

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

III.

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

IV.

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

V.

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

**INTRODUCED** on this day on the 25<sup>th</sup> day of June, 2018.

**PASSED AND APPROVED** on this the 9th day of July, 2018.

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

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

**ATTEST:**

---

Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

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Courtney Alvarez, City Attorney

# **AGENDA ITEM #10**

**City of Kingsville  
Planning and Development Services**

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TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director

DATE: June 1, 2018

SUBJECT: Review of items concerning definition and zoning districts allowed for a winery.

---

**Summary:** this item pertains to a definition of a winery and determines where they can be permitted, special use permit or not allowed.

**Background:** Since our discussion on brewpubs the question about wineries has come up. The Planning and Zoning Commission has discussed this item. In the Hill Country they are prevalent and provide a tourist destination. While that may or may not happen here there is the desire to review this subject. I have given the Planning and Zoning Commission definitions and a recommendation as to where they could be permitted. Currently they are not listed in the Appendix a of Listed Uses.

**Financial Impact:** It is possible that if not a winery some other kind of business could be started that is related. A business startup would be a positive thing.

**Recommendation:** The Planning and Zoning Commission met on June 6 to review this ordinance change. The Planning and Zoning Commission made a motion to prove the following: **definition of a winery is; where grapes and other fruit products, or vegetables can be grown and processed for the commercial purpose to produce wine or similar spirits. Processing includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery and warehousing. Retail sales and tasting facilities of wine and related promotional items may be permitted as part of the winery operations.**



**City of Kingsville**  
**Planning and Development Services**

The Planning and Zoning Commission also determined that the land use of a winery be permitted in Agricultural, Industrial 1, Industrial 2 with a Special Use Permit required in Commercial 4.

The Planning and Zoning Commission voted 4 to 0 in favor of the definition and the zoning district uses allowed.



To: Planning and Zoning Commission Members

From: Tom Ginter, Director

Date: June 1, 2018

Subject: Agenda items #4 and #5

I presented to you at the last meeting information on wineries. I gave you examples of definitions and suggestions as to where they could be located.

Enclosed is a sheet which gives a number of definitions, my recommendation is to use the winery definition at least to start off with.

The other item refers as to where they could be located. This is obviously an agricultural operation so it would be allowed in agricultural. Since our agricultural zoning requires a minimum of 10 acres I believe that it would be appropriate for us to allow it in other zoning districts. I recommend that we also allow it in I1, I 2 and C4.

A machine by which mechanical energy supplied by the wind is changed to electric energy. (*Boulder County, Colo.*)

A wind-driven machine that converts wind energy into electrical power for the primary purpose of resale or off-site use. (*Monterey County, Calif.*)

Any device or assemblage which directly converts wind energy into usable thermal mechanical, or electrical energy, including such devices as windmills and wind turbines, towers and supporting structures and such directly connected facilities as generators, alternators, inverters, batteries and associated control equipment. (*Schaumburg, Ill.*)

Any mechanism or device designed for the purpose of converting wind energy into electrical or mechanical power. (*Sioux Falls, S.Dak.*)

An apparatus for converting the energy available in the wind to mechanical energy that can be used to power machinery (grain mills, water pumps) and to operate an electrical generator. (*United States Department of Energy*)

■ **wind energy conversion system, noncommercial** A wind-driven machine that converts wind energy into electrical power for the primary purpose of on-site use and not for resale. (*Monterey County, Calif.*)

■ **wind turbine** An alternate energy device which converts wind energy by means of a rotor to mechanical or electrical energy. A wind generator may also be deemed a windmill. (*Warsaw, N.Y.*)

A wind energy conversion device that produces electricity; typically three blades rotating about a horizontal axis and positioned up-wind of the supporting tower. (*United States Department of Energy*)

A machine with turbine apparatus (rotor blades, nacelle and tower) capable of producing electricity by converting the kinetic energy of wind into rotational, mechanical and electrical energy; provided, the term does not include electrical distribution or transmission lines, or electrical substations. (*Benton County, Wash.*)

■ **window** Any opening in a wall or roof which functions or appears to function to admit light to a building or structure. (*Hedwig Village, Tex.*)

Any single window pane, or a series of adjacent window panes separated by a mullion(s) of 12 inches or less. Adjacent window panes set at different angles shall constitute separate windows regardless of the width of their mullion separation. (*Sedona, Ariz.*)

■ **window, casement** A window which opens inward or outward from hinges at the side of the frame. (*Carson City, Nev.*)

■ **window, clerestory** Windows located above storefront windows in commercial-type buildings. (*Las Vegas, N.Mex.*)

■ **window, double-hung** A two-part window with an outside sash that slides down and an inside one that goes up. The movement of the sash is usually controlled by chains or cords on pulleys with a sash weight. (*Carson City, Nev.*)

■ **window, palladian** A three-part window with a central, top-arched portion and rectangular windows on both sides. (*Carson City, Nev.*)

■ **wine-tasting room** A facility in which wine products grown or processed on the owner's property may be tasted and sold. (*Merced, Calif.*)

An area devoted to the sampling and sales thereof of wine or beer produced on or off the premises. Sale of food is prohibited; however, incidental provision of food without compensation is allowed. (*Mendocino County, Calif.*)

■ **winery** An agricultural processing facility used for: (1) the fermenting and processing of fruit juice into wine; or (2) the refermenting of still wine into sparkling wine. (*Woodside, Calif.*)

An agricultural processing plant used for the commercial purpose of processing grapes, other fruit products, or vegetables to produce wine or similar spirits. Processing includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions

for the winery and warehousing. Retail sales and tasting facilities of wine and related promotional items may be permitted as part of the winery operations. (*Monterey County, Calif.*)

■ **winery, boutique** [A] business [that] produces 100 to 5,000 cases per year. Maximum site area of two acres co-located with a residential development site, with up to 5,000 square feet of winery building area, including space allocated to bottling/crushing facilities, lab and office space, tasting room, and storage. A boutique winery shall provide at least two of the following four activities on site: crushing, fermentation, bulk aging/storing, and bottling. (*Livermore, Calif.*)

■ **winery, large** [A] business [that] produces greater than 100,000 cases per year with no minimum site area. (*Livermore, Calif.*)

■ **winery, medium** [A] business [that] produces 70,000 to 100,000 cases per year. Maximum site area of eight acres, with up to 50,000 square feet of building area, including space allocated to bottling/crushing facilities, lab and office space, tasting room, storage, an indoor events room, and a small outdoor event or picnic area. A winery must accomplish at least two of the following four activities on site: crushing, fermentation, bulk aging/storage, and bottling. (*Livermore, Calif.*)

■ **winery, small** [A] business [that] produces 5,000 to 10,000 cases per year. Maximum site area of three acres, with up to 10,000 square feet of building area, including space allocated to bottling/crushing activities, lab and office space, tasting room, storage, an indoor events room, and a small outdoor event or picnic area. A winery shall provide at least two of the following four activities on site: crushing, fermentation, bulk aging/storing, and bottling. (*Livermore, Calif.*)

■ **wireless communications facilities** (*See telecommunications definitions*)

■ **woodlands** (*See also riparian woodland*) Generally, an ecosystem characterized by a more or less dense and extensive tree cover. More particularly, a plant community predominantly of healthy trees and other woody vegetation, well-stocked

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

	R1	R2	R3	R4	MH	C1	C2	C3	C4	I1	I2	Ag
Home crop production	P	P	P	P	P	P	P	P	P	P	P	P
Breeding or raising of animals for food or sale (except as noted in health regulations)												P
Dairy												P
Ranch												P
Beekeeping, commercial												P
Crop production for sale												P
Orchard for home use	P	P	P	P	P	P	P	P	P	P	P	P
Orchard, commercial	S	S	S	S								P
Keeping animals or fowl commonly used for food fiber production or as beasts of burden												P
Keeping dogs, cats, fish, or exotic caged birds (kennel excluded)	P	P	P	P	P	P	S	P	P	P	P	P
Farmers market, vegetable (fresh) stand, produce sales							S	P	P			P
Domestic animal racetrack exhibit area, training ground, and the like												P

(f) The permit holder must check a purchaser's identification and keep records of purchases in a manner that enables the permit holder to comply with this section.

(g) A bottle of distilled spirits sold on the permit holder's premises under Subsection (b) must bear a notice affixed to the bottle that:

(1) does not obscure the label approved by the Alcohol and Tobacco Tax and Trade Bureau;

(2) states that the bottle is commemorative;

(3) states the month and year the bottle is sold; and

(4) is signed by an agent of the permit holder.

**Sec. 14.06. REPORT OF CERTAIN SALES.** A holder of a distiller's and rectifier's permit who sells distilled spirits to a holder of an industrial permit under Section 14.01(a)(8) shall keep records of those sales in a manner prescribed by the commission or administrator.

## CHAPTER 15. DISTILLER'S AGENT'S PERMIT (DK)

**Sec. 15.01. AUTHORIZED ACTIVITIES.** The holder of a distiller's agent's permit may:

(1) represent the holder of a distiller's and rectifier's permit;

(2) solicit and take orders from a holder of a wholesaler's permit for the sale of distilled spirits manufactured by the permit holder represented by the agent; and

(3) conduct free distilled spirits tastings for consumers on the premises of the holder of a package store permit.

**Sec. 15.02. FEE.** The annual state fee for a distiller's agent's permit is \$10.

**Sec. 15.03. EVIDENCE OF AGENCY OR EMPLOYMENT REQUIRED.** A distiller's agent's permit may not be issued to a person until the person shows to the satisfaction of the commission that the person has been employed by or authorized to act as the agent of the permit holder the person proposes to represent.

**Sec. 15.04. SOLICITATION FROM HOLDER OF MIXED BEVERAGE OR PRIVATE CLUB PERMIT.** A holder of a distiller's agent's permit may not solicit business directly or indirectly from a holder of a mixed beverage permit or a private club registration permit unless the distiller's agent is accompanied by the holder of a wholesaler's permit or the wholesaler's agent.

**Sec. 15.05. UNAUTHORIZED REPRESENTATION.** A holder of a distiller's agent's permit in soliciting or taking orders for the sale of liquor may not represent that the permit holder is an agent of any person other than the person designated in the permit holder's application.

**Sec. 15.06. GRACE PERIOD.** A person may engage in the activities specified in Section 15.01 for an initial grace period of five days during which the person shall procure a distiller's agent's permit from the commission.

## \*CHAPTER 16. WINERY PERMIT (G)

**Sec. 16.01. AUTHORIZED ACTIVITIES.** (a) Except as provided by Section 16.011, the holder of a winery permit may:

(1) manufacture, bottle, label, and package wine containing not more than 24 percent alcohol by volume;

(2) manufacture fruit brandy and:

(A) use that brandy on the winery permit holder's permitted premises for fortifying purposes only; or

(B) sell that brandy to other winery permit holders;

(3) import or buy fruit brandy from a permit holder authorized to manufacture fruit brandy and use that brandy on the winery permit holder's permitted premises for fortifying purposes only;

(4) sell wine in this state to or buy wine from permit holders authorized to purchase and sell wine, including holders of wholesaler's permits, winery permits, and wine bottler's permits;

(5) sell wine to ultimate consumers:

(A) for consumption on the winery premises; or

(B) in unbroken packages for off-premises consumption in an amount not to exceed 35,000 gallons annually;

(6) sell the wine outside this state to qualified persons;

(7) blend wines;

(8) dispense free wine for consumption on the winery premises; and

(9) purchase and import wine from the holder of a nonresident seller's permit.

(b) The holder of a winery permit may manufacture and label wine for an adult in an amount not to exceed 50 gallons annually for the personal use of the adult. Any amount of wine produced under this subsection is included in the annual total amount that may be sold by the holder under Subsection (a)(5). An adult for whom wine is manufactured and labeled under this subsection is not required to hold a license or permit issued under this code.

(c) The holder of a winery permit may conduct wine samplings, including wine tastings at a retailer's premises. A winery employee may open, touch, or pour wine, make a presentation, or answer questions at a wine sampling.

(d) *Without reference to the amendment of subsection (d) in HB 1264 (78th Legislature, Regular Session, 2003), HB 2593 (78th Legislature, Regular Session, 2003) repealed subsection (d).*

(e) The holder of a winery permit may dispense wine for consumption on the premises of the winery under Section 16.07.

**Sec. 16.011. PREMISES IN DRY AREA.** A winery permit may be issued for premises in an area in which the sale of wine has not been authorized by a local option election. A holder of a permit under this section may engage in any activity authorized under Section 16.01 except that the permit holder may sell or dispense wine under that section only if the wine is:

(1) bottled in this state; and

(2) at least 75 percent by volume fermented juice of grapes or other fruit grown in this state or a lesser percentage established by the commissioner of agriculture under Section 12.039, Agriculture Code [*Refer to Appendix for this citation*].

**Sec. 16.02. FEE.** The annual state fee for a winery permit is \$75.

**Sec. 16.03. IMPORTATION FOR BLENDING.** The holder of a winery permit may, for blending purposes, import wines or grape brandy. The wine or grape brandy may be purchased only from the holders of nonresident seller's permits. The state tax on wines imported for blending purposes does not accrue until the wine has been used for blending purposes and the resultant product placed in containers for sale.

**Sec. 16.04. FEDERAL PERMIT REQUIRED.** A winery permit may be granted only on presentation of a winemaker's and blender's basic permit of the federal alcohol tax unit.

**Sec. 16.05. OPERATING AGREEMENTS BETWEEN PERMIT HOLDERS.** (a) The holder of a winery permit may engage in any activity authorized by that permit on the permitted premises of another winery permit holder under an agreement between the permit holders that is approved by the commission and that describes with specificity the nature, duration, and extent of the activities authorized by the agreement.

(b) The commission shall adopt rules regulating the shared use of winery premises under this section to ensure administrative accountability of each permit holder and a strict separation between the businesses and operations of the permit holders.

**Sec. 16.06. PARTICIPATION IN CERTAIN OFF-PREMISES WINE EVALUATION ACTIVITIES.** (a) For the purpose of participating in an organized wine tasting, wine evaluation, wine competition, or literary review, the holder of a winery permit may deliver wine produced and manufactured by the holder to locations that are not licensed under this code for the purpose of submitting

the wine to an evaluation at an organized wine tasting competition attended primarily by unlicensed persons or by a wine reviewer whose reviews are published if:

- (1) no charge of any kind is made for the wine, delivery, or attendance at the event;
- and
- (2) the commission consents in writing to the delivery.

(b) In connection with events authorized by Subsection (a) of this section, the holder of the winery permit may dispense wine to individuals attending the event and discuss with them the manufacture and characteristics of the wine.

**Sec. 16.07. WINE SAMPLING.** (a) The holder of a winery permit may conduct wine samplings, including wine tastings, on the permitted premises. The holder of the permit may collect a fee for the wine sampling.

(b) A sampling event authorized by this section may not be advertised except by on-site communication or by direct mail.

(c) A person other than the holder of a permit or the holder's agent or employee may not dispense or participate in the dispensing of wine under this section.

(d) A person authorized to dispense wine under this section:

- (1) may serve a person more than one sample; and
- (2) may not serve a sample to a minor or to an obviously intoxicated person.

(e) A person who receives a sample may not remove the sample from the permitted premises.

(f) For the purposes of this code and any other law of this state or a political subdivision of this state, the holder of a permit, during the sampling of wine under this section, is:

- (1) not the holder of a permit authorizing the sale of alcoholic beverages for on-premises consumption; and
- (2) not considered to have received any revenue from the on-premises sale of alcoholic beverages.

**Sec. 16.08. WINE FESTIVALS.** (a) At an event that is approved by the commission, organized to celebrate and promote the wine industry in this state, and held in whole or in part on the premises of the holder of a winery permit, the permit holder may:

- (1) sell wine to consumers for consumption on or off the holder's premises; and
- (2) dispense wine without charge for consumption on or off the holder's premises.

(b) The holder of a winery permit may sell wine to the holder of a temporary permit issued under Chapter 27, 30, or 33 for an event that is approved by the commission and organized to celebrate and promote the wine industry in this state.

**Sec. 16.09. DIRECT SHIPMENT TO CONSUMERS.** (a) The holder of a winery permit may ship wine to the ultimate consumer, including ultimate consumers located in dry areas. Delivery must be by the holder of a carrier permit.

(b) All wine shipped to an ultimate consumer by the holder of a winery permit must be in a package that is clearly and conspicuously labeled showing that:

- (1) the package contains wine; and
- (2) the package may be delivered only to a person described in Subsection (c).

(c) Wine shipped by the holder of a winery permit may not be delivered to any person other than:

- (1) the person who purchased the wine;
- (2) a recipient designated in advance by such purchaser; or
- (3) a person at the delivery address who is age 21 or over.

(d) Wine may be delivered only to a person who is age 21 or over after the person accepting the package:

- (1) presents valid proof of identity and age; and
- (2) personally signs a receipt acknowledging delivery of the package.

(e) The holder of a winery permit may not:

- (1) sell or ship wine to a minor;
- (2) deliver wine to a consumer using a carrier that does not hold a carrier's permit under this code; or
- (3) deliver to the same consumer in this state more than nine gallons of wine within any 30-day period or more than 36 gallons of wine within any 12-month period.

## CHAPTER 17. WINERY FESTIVAL PERMIT (GF)

**Sec. 17.01. AUTHORIZED ACTIVITIES.** (a) The holder of a winery festival permit may sell wine at a civic or wine festival, farmers' market, celebration, or similar event.

(b) The holder of a winery festival permit may not offer wine for sale under this chapter on more than four consecutive days at the same location.

**Sec. 17.02. QUALIFICATION FOR PERMIT.** A winery festival permit may be issued only to the holder of a winery permit.

**Sec. 17.03. NOTICE OF SALES; PROCEDURES.** (a) Before the holder of a winery festival permit offers wine for sale under this chapter, the permit holder must, in accordance with any rules adopted or procedures established by the commission, notify the commission of the date on which and location where the permit holder will offer wine for sale under this chapter.

**Sec. 17.04. PERMIT FEE.** The fee for a winery festival permit is \$50.

**Sec. 17.05. APPLICABILITY OF OTHER LAW.** (a) The provisions of this code applicable to the sale of wine on the permitted premises of the holder of a winery permit apply to the sale of wine under this chapter.

(b) The winery permit of the holder of a winery festival permit may be canceled or suspended for a violation occurring in connection with activities conducted under this chapter.

## CHAPTER 18. WINE BOTTLER'S PERMIT (Z)

**Sec. 18.01. AUTHORIZED ACTIVITIES.** The holder of a wine bottler's permit may:

- (1) purchase and import wine only from the holders of nonresident seller's permits or their agents who are holders of manufacturer's agent's permits;
- (2) purchase wine in this state from holders of wholesaler's, winery, or wine bottler's permits;
- (3) bottle, rebottle, label, package, and sell wine to permit holders in this state authorized to purchase and sell wine; and
- (4) sell wine to qualified persons outside the state.

**Sec. 18.02. FEE.** The annual state fee for a wine bottler's permit is \$225.

**Sec. 18.03. PERMANENT RECORD.** A holder of a wine bottler's permit shall keep a permanent record of each purchase and sale of wine. The record shall include the name of the person from whom the wine is purchased or to whom it is sold, the number of gallons purchased or sold, and the percentage of alcohol of the wine by volume.

## CHAPTER 19. WHOLESALER'S PERMIT (W)

**Sec. 19.01. AUTHORIZED ACTIVITIES.** The holder of a wholesaler's permit may:

- (1) purchase and import liquor from distillers, brewers, wineries, wine bottlers, rectifiers, and manufacturers who are holders of nonresident seller's permits or from their agents who hold manufacturer's agents permits;
- (2) purchase liquor from other wholesalers in the state;

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

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER XV, ARTICLE 6, ZONING, AMENDING APPENDIX A-LAND USE CATEGORIES TO ADD WINERY; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

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

**WHEREAS**, the item PASSED with a 4-0 vote of the Planning Commission on the requested zoning chart change with no abstentions; and

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

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

I.

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

*Use Regulations and Districts*

...

**APPENDIX A. - LAND USE CATEGORIES**

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

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

P = Permitted

S = Special use permit required

X = Special review required

= Not permitted (absence of any symbol)

[Land Use Chart on the following pages]

Land Use Chart													
<i>Agricultural and Related Uses</i>	R1	R2	R3	R4	MH	C1	C2	C3	C4	I1	I2	Ag	
...													
Domestic animal racetrack exhibit area, training ground, and the like													P
<u>Winery</u>										S	P	P	P

...

II.

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

III.

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

IV.

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

Effective Date: \_\_\_\_\_, 2018

**INTRODUCED** on this the 25th th day of June, 2018.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #11**

**City of Kingsville  
Finance Department**

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TO: Mayor and City Commissioners  
CC: Jesus A. Garza, City Manager  
FROM: Deborah Balli, Director of Finance  
DATE: June 12, 2018  
SUBJECT: Budget Amendment Request – Insurance-Property/Liability

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**Summary:**

This item authorizes the approval of a budget amendment to increase the Insurance-Property Liability line items in General Fund and Utility Fund.

**Background:**

In FY 17-18, the City of Kingsville approved \$462,420 in Insurance-Property/Liability for the General Fund and Utility Fund while the Expected Annual expenditures for FY17-18 are \$480,638.

	Original Budget	FY 18 Expected Annual
General Fund	\$235,000	\$240,319
Utility Fund	\$227,420	\$240,319
<b>Total</b>	<b>\$462,420</b>	<b>\$480,638</b>

Due to the increase in windstorm premiums an additional \$18,218 is being requested.



**City of Kingsville  
Finance Department**

**Financial Impact:**

This budget amendment will reduce General Funds Unassigned Fund Balance by \$5,319 and Utility Fund's Unrestricted Fund Balance will reduce by \$12,899.

The following line items will be increased.

City Special-GF	001-5-1030-33501	Insurance-Property/Liability	\$5,319
Water Construction	051-5-6001-33501	Insurance-Property/Liability	\$1,544
Water Production	051-5-6002-33501	Insurance-Property/Liability	\$3,003
Ground Maintenance	051-5-6101-33501	Insurance-Property/Liability	\$257
Collections	051-5-6201-33501	Insurance-Property/Liability	\$617
Meter Readers	051-5-6202-33501	Insurance-Property/Liability	\$876
WW North Plant	051-5-7001-33501	Insurance-Property/Liability	\$1,835
WW South Plant	051-5-7002-33501	Insurance-Property/Liability	\$570
WW Sewer	051-5-7003-33501	Insurance-Property/Liability	\$3,643
Engineering-PW-UF	051-5-8000-33501	Insurance-Property/Liability	\$554

**Recommendation:**

Staff recommends authorization of this budget amendment.



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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2017-2018 BUDGET FOR AN INCREASE IN INSURANCE PREMIUMS.**

**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**

<b>Dept No.</b>	<b>Dept Name</b>	<b>Account Name</b>	<b>Account Number</b>	<b>Budget Increase</b>	<b>Budget Decrease</b>
<b>Fund 001 General Fund</b>					
<b>Equity</b>					
2		Unassigned Fund Balance	61002		\$ 5,319
<b>Expenses</b>					
5-1030	City Special	Insurance-Property/Liability	33501	\$ 5,319	
<b>Fund 051 Utility Fund</b>					
<b>Equity</b>					
2		Unrestricted Fund Balance	61004		\$ 12,899
<b>Expenses</b>					
6001	Water Construction	Insurance-Property/Liability	33501	\$ 1,544	
6002	Water Production	Insurance-Property/Liability	33501	\$ 3,003	
6101	Ground Maintenance	Insurance-Property/Liability	33501	\$ 257	
6201	Collections	Insurance-Property/Liability	33501	\$ 617	
6202	Meter Readers	Insurance-Property/Liability	33501	\$ 876	
7001	WW North	Insurance-Property/Liability	33501	\$ 1,835	
7002	WW South	Insurance-Property/Liability	33501	\$ 570	
7003	WW Sewer	Insurance-Property/Liability	33501	\$ 3,643	
8000	Engineering-PW-UF	Insurance-Property/Liability	33501	\$ 554	

[To amend the City of Kingsville FY 17-18 Budget to include the increased costs of Insurance Premiums (windstorm) as per the attached memo from the Director of Finance.]

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 25<sup>th</sup> 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 #12**

**City of Kingsville  
Finance Department**

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TO: Mayor and City Commissioners  
CC: Jesus A. Garza, City Manager  
FROM: Deborah Balli, Director of Finance  
DATE: June 15, 2018  
SUBJECT: Budget Amendment Request – Grants

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**Summary:**

This item authorizes the approval of a budget amendment to include 3 previously awarded grants into the FY 17-18 budget.

**Background:**

**Fund 016 – PD – Stonegarden Grant**

The following OPSG grants have been awarded to the City of Kingsville Police Department:

Grant Year	Resolution	Performance Period	Awarded Amount
OPSG 2015	Res. 2016-50	08/31/2017 – 10/31/2017 *extended	\$ 122,533.28
OPSG 2016	Res. 2017-38	01/01/2017 – 08/31/2018	\$ 194,421.56

Due to Hurricane Harvey the OPSG 2015 grant performance period was extended into FY 17-18. This budget amendment will include \$4,239 of the remaining OPSG 2015 personnel, fuel, equipment, and maintenance costs in the FY17-18 budget. In researching the OPSG grants it was found that the OPSG 2016 personnel, fuel, equipment, and maintenance costs were not included in the FY 17-18 budget. This budget amendment will include those costs in the FY 17-18 budget.

**Fund 017 – PD – PD Grant Border Star – LBSP**

Due to Hurricane Harvey the grant period for LBSP 2017 was extended into FY 17-19. This budget amendment will include the remaining \$14,539 LBSP 2017 personnel costs in FY 17-18.

**Fund 085 - Certified Local Government Grant**

The City accepted a Texas Historical Commission FY 2017 Certified Local Government Grant Award in the amount of \$15,000 for a National Register Nomination for Downtown. On Resolution 2017-56 the City Commission authorized the City Manager to enter to an amended contract for professional services with Hardy-Heck-Moore, Inc for a national register of historic places nomination. This Resolution outlined the



## **City of Kingsville Finance Department**

City received a \$15,000 CLG grant for this project and the remaining amount of the contract of \$13,600 was set aside in CO 2016 for downtown revitalization. This budget amendment will transfer the funds from Fund 033 – CO 2016 to Fund 085 – Certified Local Government Grant and recognize the revenue and expenditures for the grant.

### **Financial Impact:**

#### **Fund 016 – PD – Stonegarden Grant**

This budget amendment will increase personnel costs, fuel, equipment and maintenance costs in Fund 016. This budget amendment will also increase Federal Grant revenue resulting in a zero-net effect on fund balance.

#### **Fund 017 – PD – PD Grant Border Star – LBSP**

This budget amendment will increase personnel costs, fuel, equipment and maintenance costs in Fund 017. This budget amendment will also increase State Grant revenue resulting in a zero-net effect on fund balance.

#### **Fund 085 - Certified Local Government Grant**

This budget amendment will increase 033-5-6900-80085 Transfers to Fund 085 and increase 085-4-0000-75033 Transfers from Fund 033 in the amount of \$13,600 each. 085-4-0000-72005 Federal Grants and 085-5-1604-31400 Professional Services will increase in the amount of \$28,600. This will also have a zero net effect on fund balance.

### **Recommendation:**

Staff recommends authorization of this budget amendment.



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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2017-2018 BUDGET TO INCLUDE PREVIOUSLY AWARDED AND ACCEPTED GRANTS.**

**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**

<b>Dept No.</b>	<b>Dept Name</b>	<b>Account Name</b>	<b>Account Number</b>	<b>Budget Increase</b>	<b>Budget Decrease</b>
<b>Fund 016 - PD Stonegarden Grant</b>					
<b>Revenue</b>					
4-2100	Police	Federal Grants	72005	198,662	
<b>Expenses</b>					
5-2100	Police	Overtime 2015-PD-Stonegarden	11218	3,765	
5-2100	Police	TMRS-2015-Stonegarden	11418	343	
5-2100	Police	FICA-2015-Stonegarden	11518	131	
<b>Expenses</b>					
5-2100	Police	Overtime 2016-PD-Stonegarden	11222	116,918	
5-2100	Police	TMRS-2016-Stonegarden	11422	12,299	
5-2100	Police	FICA-2016-Stonegarden	11522	10,704	
5-2100	Police	Motor Oil & Gas	21500	14,962	
5-2100	Police	Minor Equipment	21600	39,540	
<b>Fund 017 - PD Grant Border Star - LBSP</b>					
<b>Revenue</b>					
4-0000		State Grants	72010	14,539	
<b>Expenses</b>					
5-2100	Police	Overtime-PD-Borderstar	11201	12,460	
5-2100	Police	Retirement-TMRS	11400	1,123	
5-2100	Police	FICA	11500	956	
<b>Fund 033 - CO Series 2016 - General</b>					
<b>Expenses</b>					
5-1030	City Special	Downtown Revitalization Improvements	71216		13,600
5-6900	Fund Trsfrs	Transfer to Fund 085	80085	13,600	

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**Fund 085 - Certified Local Government Grant**

**Revenue**

4-0000	Non-Dept	Federal Grants	72005	15,000
4-0000	Non-Dept	Transfer From Fund 033	75033	13,600

**Expenses**

5-1604	Downtown	Professional Services	31400	28,600
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[To amend the City of Kingsville FY 17-18 Budget to include revenues and expenditures for 3 previously awarded and accepted grants 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 25<sup>th</sup> 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:**

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Courtney Alvarez, City Attorney

# **AGENDA ITEM #13**

**City of Kingsville  
Police Department**

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**TO:** Mayor and City Commissioners  
**CC:** Jesus A. Garza, City Manager  
**FROM:** Ricardo Torres, Chief of Police  
**DATE:** June 11, 2018  
**SUBJECT:** 2017 Operation Stonegarden Grant #3194303 Acceptance and Budget Amendment

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**Summary:**

The Kingsville Police Department has been invited to participate in the 2017 OPSG and has been approved for participation during performance period.

**Background:**

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

**Financial Impact:**

The grant for "Operation Stonegarden" is a reimbursement type but does not require any cash match. We have been conditionally approved \$96,365.18 in funds to cover personnel costs, fuel and equipment.

**Recommendation:**

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



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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2017-2018 BUDGET TO ACCEPT A 2017 OPERATION STONEGARDEN GRANT FOR THE CITY OF KINGSVILLE POLICE DEPARTMENT.**

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

I.

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

**CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT**

<b>Dept No.</b>	<b>Dept Name</b>	<b>Account Name</b>	<b>Account Number</b>	<b>Budget Increase</b>	<b>Budget Decrease</b>
<b>Fund 016 - PD Stonegarden Grant</b>					
<b>Revenue</b>					
4-2100	Police	Federal Grants	72005	\$ 96,366	
<b>Expenses</b>					
5-2100	Police	Overtime 2017-PD-Stonegarden	11219	\$ 80,523	
5-2100	Police	TMRS-2017-Stonegarden	11419	\$ 8,471	
5-2100	Police	FICA-2017-Stonegarden	11519	\$ 7,372	

[To amend the City of Kingsville FY 17-18 Budget to include the 2017 Operation Stonegarden grant as per the attached memo from the Chief of Police.]

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 25<sup>th</sup> 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**

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TO: Mayor and City Commissioners  
FROM: Jesus A. Garza, City Manager  
DATE: June 21, 2018  
SUBJECT: Street Rehabilitation RFP Discussion

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**Summary:**

The review committee of the Street Rehabilitation RFP has reviewed the responses and due to high cost of responses is recommended rejecting the bids received. In lieu of out sourcing street jobs staff is working on a plan that will enhance our existing Street Division efforts in order to maximize Street Fund moneys.

**Background:**

The City of Kingsville went out for RFP 18-12 on May 20, 2018 and June 3, 2018. The intent behind this RFP was to have contractors supplement our Street Division efforts. Two proposals were submitted on Tuesday June 19<sup>th</sup> from Hoss Paving, 1716 S. San Marcos San Antonio, Texas and Mo-Con Services Inc. 5151 Flynn Pkwy., Corpus Christi Tx. The review committee comprised of Charlie Sosa, Purchasing Manager and previous Street Supervisor; Rudy Mora, City Engineer and Bill Donnell.

**Financial Impact:**

N/A

**Recommendation:**

Staff recommends rejecting the bids due to the cost analysis that is attached in more detail but summarized below which depicts that the cost for one block for a complete reconstruction would impact on the Street User Fee Fund as follows:



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

**Financial Impact on the Street User Fee for One City Block**

Contractor: Mo-Con Services, Corpus Christi, Tx. ....	\$ 176,639.55
Hoss Paving, San Antonio Tx. ....	\$ 369,599.85
City of Kingsville Construction Crew.....	\$ 32,530.25



**City of Kingsville Street Rehabilitation 2018  
RFP 18-12 BID TABULATION**

**H.O. Salinas**

**Mo- Con**

Bid Item	Quantity	Description	Unit Price	Amount	Unit Price	Amount
1	500 CY	Installation 6" Base Material	\$ 72.56	\$ 36,280.00	\$ 126.93	\$ 63,465.00
2	500 CY	Remove Existing Base and Asphalt Material	\$ 43.32	\$ 21,660.00	\$ 81.90	\$ 40,950.00
3	600 gal	Prime Coat MC-30	\$ 13.76	\$ 8,256.00	\$ 7.72	\$ 4,632.00
4	1000 gal	Single Course AC-5	\$ 16.78	\$ 16,780.00	\$ 5.22	\$ 5,220.00
5	25 Ton	Single Course Seal Pre-Coat #4 Grade Gravel	\$ 308.45	\$ 7,711.25	\$ 470.40	\$ 11,760.00
6	150 CY	2" HMA Pavement Type D	\$ 187.41	\$ 28,111.50	\$ 619.43	\$ 92,914.50
7	4500 SY	Geo Grid Base Reinforcement	\$ 3.29	\$ 14,805.00	\$ 3.40	\$ 15,300.00
8	4500 SY	Asphalt Rejuvenating Agent	\$ 3.28	\$ 14,760.00	\$ 5.25	\$ 23,625.00
9	500 LF	Rubber Asphalt Crack Sealer	\$ 19.92	\$ 9,960.00	\$ 16.98	\$ 8,490.00
10	4500 SY	Mico-Seal	\$ 2.74	\$ 12,330.00	\$ 10.29	\$ 46,305.00
11	1 LS	Striping	\$ 7,595.60	\$ 7,595.60	\$ 8,083.53	\$ 8,083.53
12	3500 Ton	Asphalt Material type D	\$ 180.59	\$ 632,065.00	\$ 134.74	\$ 471,590.00
13	2000 SY	Wedge Mill 1"-2"	\$ 8.28	\$ 16,560.00	\$ 28.11	\$ 56,220.00
14	2000 SY	Wedge Mill 2"-4"	\$ 13.15	\$ 26,300.00	\$ 35.14	\$ 70,280.00
15	2000 SY	Wedge Mill 4"-6"	\$ 18.03	\$ 36,060.00	\$ 42.17	\$ 84,340.00
16	3 ea	Vertical Adjustment of Manholes to grade	\$ 1,711.83	\$ 5,135.49	\$ 3,051.80	\$ 9,155.40
17	5 ea	Vertical Adjustment of water Meters valve stacks, Meter Cans, Sewer Cleanouts or Irrigation Control Boxes to Grade	\$ 1,108.40	\$ 5,542.00	\$ 1,047.26	\$ 5,236.30
18	20 CY	Replacemnt of Topsoil fill Materials	\$ 37.74	\$ 754.80	\$ 136.98	\$ 2,739.60
19	1 LS	Traffic Control	\$ 18,706.80	\$ 18,706.80	\$ 22,990.57	\$ 22,990.57
20	1 LS	Mobilization	\$ 39,134.00	\$ 39,134.00	\$ 127,667.78	\$ 127,667.78
				\$ 958,507.44		\$ 1,170,964.68
<b>BID SUMMARY</b>						

**City of Kingsville Street Rehabilitation 2018  
RFP 18-12 BID TABULATION**

		<b>H.O. Salinas</b>				<b>Mo- Con</b>				<b>H.O. Salinas</b>				<b>Mo- Con</b>				<b>City Crew</b>	
<b>Bid Item</b>	<b>Quantity</b>	<b>Description</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Estimate for One City Block</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Estimate for One City Block</b>	<b>Unit Price</b>	<b>Amount</b>	<b>Unit Price</b>	<b>Amount</b>			
1	500	Installation 6" Base Material	\$ 72.56	\$ 36,280.00	\$ 126.93	\$ 63,465.00	\$ 36,280.00	\$ 63,465.00	\$ 23.00	\$ 11,500.00									
2	500	Remove Existing Base and Asphalt Material	\$ 43.32	\$ 21,660.00	\$ 81.90	\$ 40,950.00	\$ 21,660.00	\$ 40,950.00	\$ 5.00	\$ 2,500.00									
3	600	Prime Coat MC-30	\$ 13.76	\$ 8,256.00	\$ 7.72	\$ 4,632.00	\$ 8,256.00	\$ 4,632.00	\$ 3.38	\$ 2,028.00									
4	1000	Single Course AC-5	\$ 16.78	\$ 16,780.00	\$ 5.22	\$ 5,220.00	\$ 16,780.00	\$ 5,220.00	\$ 3.38	\$ 3,380.00									
5	25	Single Course Seal Pre-Coat #4 Grade Gravel	\$ 308.45	\$ 7,711.25	\$ 470.40	\$ 11,760.00	\$ 7,711.25	\$ 11,760.00	\$ 58.39	\$ 1,459.75									
6	150	2" H/MAC Pavement Type D	\$ 187.41	\$ 28,111.50	\$ 619.43	\$ 92,914.50	\$ 28,111.50	\$ 92,914.50	\$ 77.75	\$ 11,662.50									
7	4500	Geo Grid Base Reinforcement	\$ 3.29	\$ 14,805.00	\$ 3.40	\$ 15,300.00													
8	4500	Asphalt Rejuvenating Agent	\$ 3.28	\$ 14,760.00	\$ 5.25	\$ 23,625.00													
9	500	Rubber Asphalt Crack Sealer	\$ 19.92	\$ 9,960.00	\$ 16.98	\$ 8,490.00													
10	4500	Mico-Seal	\$ 2.74	\$ 12,330.00	\$ 10.29	\$ 46,305.00													
11	1	Striping	\$ 7,595.60	\$ 7,595.60	\$ 8,083.53	\$ 8,083.53													
12	3500	Asphalt Material type D	\$ 180.59	\$ 632,065.00	\$ 134.74	\$ 471,590.00													
13	2000	Wedge Mill 1"-2"	\$ 8.28	\$ 16,560.00	\$ 28.11	\$ 56,220.00													
14	2000	Wedge Mill 2"-4"	\$ 13.15	\$ 26,300.00	\$ 35.14	\$ 70,280.00													
15	2000	Wedge Mill 4"-6"	\$ 18.03	\$ 36,060.00	\$ 42.17	\$ 84,340.00													
16	3	Vertical Adjustment of Manholes to grade	\$ 1,711.83	\$ 5,135.49	\$ 3,051.80	\$ 9,155.40													
17	5	Vertical Adjustment of water Meters valve stacks, Meter Cans, Sewer Cleanouts or Irrigation Control Boxes to Grade	\$ 1,108.40	\$ 5,542.00	\$ 1,047.26	\$ 5,236.30													
18	20	Replacemnt of Topsoil fill Materials	\$ 37.74	\$ 754.80	\$ 136.98	\$ 2,739.60													
19	1	Traffic Control	\$ 18,706.80	\$ 18,706.80	\$ 22,990.57	\$ 22,990.57	\$ 18,706.80	\$ 22,990.57											
20	1	Mobilization	\$ 39,134.00	\$ 39,134.00	\$ 127,667.78	\$ 127,667.78	\$ 39,134.00	\$ 127,667.78											
				\$ 958,507.44		\$ 1,170,964.68					\$ 32,530.25								
<b>Financial Impact on the Street User Fee</b>																			

	<b>Project Cost Estimate</b>	
	Project Location	
	One City Block	
Project Title		
Full Depth Reconstruction		
32'+- wide x 400'+- long		
<b>Material Estimates</b>		<b>Material Cost</b>
	Quantity	Total
<b>Item Description</b>	Amount	Unit Cost
Type D 24R 64-22 HMAC	150	\$ 67.09
MC-30Tack Oil	600	\$ 3.38
Limestone	500	\$ 23.00
No 4 Rock Seal Coat	25	\$ 58.39
AC 5Tack Oil	1000	\$ 3.38
Remove Old Materials	25	\$ 100.00
Bring in Materials	8	\$ 200.00
<b>Material Total:</b>		<b>\$ 32,531.25</b>

<b>Equipment Estimates</b>		<b>Material Cost</b>	
	Quantity	Unit/hr	Total
<b>Item Description</b>	Amount	Unit Cost	Total
Lay Down Machine	12	\$ 75.00	\$ 900.00
Maintainer	36	\$ 90.00	\$ 3,240.00
Pnumatic Roller	16	\$ 62.00	\$ 992.00
Oil Distributor	12	\$ 120.00	\$ 1,440.00
Chip Spreader	12	\$ 75.00	\$ 900.00
Dump Truck	40	\$ 62.00	\$ 2,480.00
Water Truck	24	\$ 102.00	\$ 2,448.00
Flat Roller	16	\$ 62.00	\$ 992.00
Broom	16	\$ 62.00	\$ 992.00
Loader	40	\$ 86.00	\$ 86.00
<b>Equipment Total:</b>			<b>\$ 14,470.00</b>

Estimated By	Project No.	Date Prepared
Charlie L. Sosa		June 21, 2018
Finance Dept.		
<b>Labor Estimates</b>	<b>Quantity</b>	<b>Labor Cost</b>
<b>Job Description</b>	<b>Amount</b>	<b>Unit</b>
		<b>Unit Cost</b>
		<b>Total</b>
Eq. Oper. 11	60	hr
		\$ 14.10
		\$ 846.00
Eq. Oper. 11	60	hr
		\$ 12.17
		\$ 730.20
Eq. Oper. 11	60	hr
		\$ 12.17
		\$ 730.20
Eq. Oper. 1	60	hr
		\$ 10.00
		\$ 600.00
Eq. Oper. 1	60	hr
		\$ 10.00
		\$ 600.00
Eq. Oper. 1	60	hr
		\$ 10.00
		\$ 600.00
Eq. Oper. 1	60	hr
		\$ 10.00
		\$ 600.00
Eq. Oper. 1	60	hr
		\$ 10.00
		\$ 600.00
<b>Labor Total:</b>		<b>\$ 5,906.40</b>

<b>Other Services</b>	<b>Quantity</b>	<b>Material Cost</b>
	<b>Amount</b>	<b>Unit</b>
		<b>Unit Cost</b>
		<b>Total</b>
Description		
Fuel Sur Charge	275	gal
		\$ 3.00
		\$ 825.00
<b>Other Services Total:</b>		<b>\$ 825.00</b>

<b>Grand Totals</b>	<b>Quantity</b>	<b>Material Cost</b>
	<b>Amount</b>	<b>Unit</b>
		<b>Unit Cost</b>
		<b>Total</b>
Material		\$ 32,531.25
Labor		\$ 5,906.40
Equipment		\$ 14,470.00
Total		\$ 52,907.65
SUB-TOTAL		\$ 825.00
Other Services		\$ -
<b>Grand Total:</b>		<b>\$ 53,732.65</b>

# **AGENDA ITEM #16**

# **AGENDA ITEM #17**

**RESOLUTION #2018-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE SALE OF THE CITY'S 11.013 ACRES OF LAND LOCATED OFF US HWY 77 BUSINESS/LOOP 428 AT KT&I CO., BLOCK 18, LOT PT 9, 10 IN KINGSVILLE, TEXAS.**

**WHEREAS**, the City of Kingsville owns 11.013 acres of land off Loop 428 at KT&I Co., Block 18, Lot Pt 9, 10, in Kingsville, Texas;

**WHEREAS**, the land is undeveloped and the City has no future plans for the land;

**WHEREAS**, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville that the 11.013 acres of city-owned land off Loop 428 at KT&I Co., Block 18, Lot Pt 9, 10, in Kingsville, Texas be placed for sale as authorized by the Texas Local Government Code; and

**WHEREAS**, the City believes that placing the land for sale would place the property back on the tax roll and may allow for future development of the property; and

**WHEREAS**, pursuant to the Texas Local Government Code, real property owned by the City can be sold via public auction, sealed bids, or through a broker, unless an exception is met;

**WHEREAS**, on March 13, 2017 the City Commission via Resolution #2017-16 found that the property does not meet any of the exceptions to the bidding requirement as set out in Texas Local Government Code Section 272.001, and authorized staff to proceed with placing the property for sale sold via a broker as allowed by Texas Local Government Code Section 253.014 with the best offer coming back before the Commission for approval of the sale;

**WHEREAS**, the City previously approved Resolution #2017-77 on November 13, 2017 to enter into a Commercial Real Estate Listing Agreement with the exclusive right to sell with a local broker Lynn Yaklin in order to list the property through a multiple-listing service pursuant to state law;

**WHEREAS**, the property was listed by the real estate broker on a multiple-listing service for at least 30 days;

**WHEREAS**, an offer has been received by the broker using the multiple-listing service from a ready, willing, and able buyer who submitted the highest cash offer;

**WHEREAS**, the City Manager now needs authority from the City Commission to execute a contract for the purchase of this real property and to take actions necessary to sell the identified property; and

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

I.

**THAT** the City Commission of the City of Kingsville authorizes and directs the City Manager as an act of the City of Kingsville, Texas to take actions necessary to complete the real property sale in compliance with the Texas Local Government Code for the City's real property located at 11.013 acres of city-owned land off Loop 428 at KT&I Co., Block 18, Lot Pt 9, 10, in Kingsville, Texas.

II.

**THAT** any expense related to the sale and any outstanding liens or encumbrances should be paid for out of the sale proceeds.

III.

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

IV.

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

**PASSED AND APPROVED** by a majority vote of the City Commission the 25th day of June, 2018.

\_\_\_\_\_  
Sam Fugate, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

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