

City of Kingsville, Texas

AGENDA CITY COMMISSION MONDAY, MARCH 25, 2019 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 – February 11, 2019

Regular meeting – February 25, 2019

APPROVED BY:



Jesus A. Garza
City Manager

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

1. NONE.

III. Reports from Commission & Staff.²

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to, the following: **Election Update**, 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, **Condemnation Update**, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; **Streets Update**; Public Works; Landfill Update, Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Health Department, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Employee Recognition, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation, Golf Course Update. No formal action can be taken on these items at this time."*

IV. Public Comment on Agenda Items.³

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

V.

Consent Agenda

Notice to the Public

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget to accept and expend grant funds for OPSG Stonegarden Grant #3194304. (Police Chief).
2. Motion to approve final passage of an ordinance ratifying classifications and prescribing the number of positions in such classifications for the classified service in the Police Department; renaming the classifications for consistency with other departments. (Human Resources Director).
3. Motion to approve appointment of Joy Aynsley to the City-County Health Board for a 3-year term. (Health Director).
4. Motion to approve a resolution appointing Election Judges and the Early Voting Ballot Board Judge for the City of Kingsville Special Election on May 4, 2019. (City Secretary).

(MOCIÓN PARA APROBAR UNA RESOLUCIÓN QUE NOMBRA JUECES ELECTORALES Y EL JUEZ DE LA JUNTA DE VOTACIÓN ANTICIPADA PARA LAS ELECCIONES ESPECIALES DE LA CIUDAD DE KINGSVILLE, QUE SE LLEVARÁN A CABO EL 4 DE MAYO DE 2019.) (SECRETARIA MUNICIPAL).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to Lund Addn., Block 7, Lot 8, 9 also known as 201 S. 16th Street, Kingsville, Texas from C1 (Neighborhood Services District) to C4 (Commercial District). (Director of Planning & Development Services).
6. Consider final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to Sims 3, Block 2, Lot 16-23, W2'24, (El Corral) also known as 1415 N. 14th St., Kingsville, Texas from C4 (Commercial District) to C2 (Retail District). (Director of Planning & Development Services).
7. Consider a resolution authorizing the Mayor to execute an Economic Incentive Agreement between the City of Kingsville, Texas and Neessen CDJR, Inc. d/b/a Neessen Polaris of Kingsville. (City Manager).

8. Consider a resolution authorizing the City Manager to enter into a Pest Control Services Agreement between the City of Kingsville and Kingsville Pest Control for extermination services for City properties. (Purchasing Manager).
9. Presentation and discussion on City Street Striping for North Armstrong Avenue, West Corral Avenue, and West Santa Gertrudis Avenue. (City Engineer).
10. Consider a resolution authorizing staff to proceed with placing for sale the City's 5.072 acres of land located off West General Cavazos Blvd. (KT&I Co., Block 19, Lot Pt 24) in Kingsville, Texas. (City Manager).
11. Consider a resolution accepting funding from the National Trust for Historic Preservation for historic district guidelines authorizing the City Manager or designee to be the authorized official to act on the City's behalf with such grant as the project manager. (Downtown Manager).
12. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to accept and expend grant funds for the National Trust Grant. (Downtown Manager).
13. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending sections 15-6-117, 119, 121, 125, 126, 129, and 132, providing for revisions to signage in the historic district. (Downtown Manager).
14. 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).
15. Executive Session: Pursuant to Section 551.087, Texas Government Code, Deliberations Regarding Economic Development Negotiations Exception, the City Commission shall convene in executive session to deliberate the offer of a financial or other incentive to a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations. (City Manager).

VII. Adjournment.

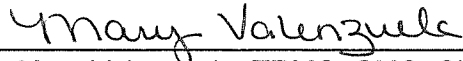
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

NOTICE

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

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

March 21, 2019 at 4:45 P.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.



Mary Valenzuela, TRMC, CMC, City Secretary
City of Kingsville, Texas

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

By: _____
City Secretary's Office
City of Kingsville, Texas

MINUTES OF PREVIOUS MEETING(S)

FEBRUARY 11, 2019

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, FEBRUARY 11, 2019 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 6:00 P.M.

CITY COMMISSION PRESENT:

Sam R. Fugate, Mayor
Edna Lopez, Commissioner
Hector Hinojosa, Commissioner
Arturo Pecos, Commissioner

CITY COMMISSION ABSENT:

Dianne Leubert, Commissioner

CITY STAFF PRESENT:

Jesus Garza, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Kyle Benson, IT Manager
Bill Donnell, Public Works Director
Rudy Mora, City Engineer
Derek Williams, IT
Susan Ivy, Parks Manager
Deborah Balli, Finance Director
Janine Reyes, Tourism Director
Ricardo Torres, Police Chief
Adrian Garcia, Fire Chief
Tom Ginter, Director of Planning & Development Services
Charlie Sosa, Purchasing Manager
Cynthia Martin, Downtown Manager
Diana Gonzales, Human Resources Director

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 6:00 P.M. with four Commission members present. Commissioner Leubert 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 – January 28, 2019

Motion made by Commissioner Pecos to approve the minutes of January 28, 2019 as presented, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Hinojosa, Pecos, Fugate voting “FOR”.

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

1. Public Hearing on consideration of temporary closure of crossover at US 77 and FM 1717. (Mayor Fugate).

Mayor Fugate read and opened this public hearing at 6:02 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. Valento Olivarez, Corpus Christi TXDOT District Engineer stated that US 77 and FM 1717 has some growing concerns when it comes to traffic safety. At this time, TXDOT has placed some temporary barrels and signs closing the crossover, not ingress and egress of FM 1717, just the crossover itself. This has come about from accidents occurring within this intersection for the past few years. In 2015, the Austin Traffic Division was asked to send a Task Force and study this intersection. The Task Force came back with some short-term intermediate and permanent solutions for the intersection. Within that timeframe, the speed limit within this area has been reduced and edge lit lighting was added to their sign as well as adding some rumble strips. They also retouched the stripping in that area and repaved and seal coated the area as well and added some additional lighting. Short-term improvements were made in this location, but since December 31st there were still some accidents occurring at this intersection. There was an accident at this location that occurred on December 31st and two weeks later there was another one accident. Olivarez stated that what TXDOT has done is taken a look at the intermediate solution which was a crossover closure because at this point, since 2015 there has not been enough funding for a permanent overpass at this location, but now TXDOT is not in the same place it was back in 2015. They have a freeway expansion that will take them from that intersection down south to the Y which is about \$35 million dollar project which is in the planning stage at this time. They are doing some utility adjustments and hoping to get it out to the contractor to bid this time next year. He further stated that the crossover closure would have to happen for the construction of the overpass to begin with. This is just accelerating the closure temporarily until they get the overpass in place.

Commissioner Lopez asked that individuals that are traveling South that want to go back onto FM 1717, they are having to travel to the crossover by the next subdivision. She further asked if there would be any problem with it as residents use it a lot.

Mr. Olivarez responded that this was correct, the next crossover South. He further responded that from what they have seen, it has not been a problem. This is a two week snapshot, but if the first crossover is looked at, south of 1717 intersection the storage lane if traveling the northbound direction, is three times longer than the 1717 intersection. The southbound is comparable of being the same, so they are hoping that the driving patterns will change if using that intersection once they see the closure.

Mr. Garza commented that if the Commission is interested in seeing the alternate routes would be, City Engineer is prepared to show some maps that will show the different routes that people will take with this closure.

Mr. Olivarez commented that with Commissioner Lopez bringing up the next crossover, the reason they feel it is safer to get to the next one is because they will be removing some conflicts points. If you look at 1717 you have an intersection that comes in so you would have four legs coming in, if you go to the next crossover, the decision that the driver would have to make, they are not worried about looking at the next roadway on the other side, they just get into the turn around and looking at traffic coming from the right side.

Commissioner Lopez commented that she was concerned about the congestion of traffic on the next crossover.

Commissioner Hinojosa asked about the crossover prior to getting to 1717, going into the hotel.

Mr. Olivarez commented that this crossover, which is on Trant Rd is being used quite a bit, but they don't foresee it increasing at this particular crossover. They feel that General Cavazos will be used the most.

Commissioner Hinojosa asked that if the intersection closer to the jet is being used the most.

Mr. Olivarez responded that he wouldn't be able to say that it is being used more as this has only been a two week snapshot so he couldn't really say. He feels that patterns will change within time and think that General Cavazos will be used the most.

Commissioner Lopez commented that the people going on to 1717 would have to use the other intersection in order to make a U-turn to come back to 1717.

Mr. Wayne Quandt, 5421 Cypress Creek asked if there was any way to make that the 60 to 65 mph be extended further south. With this closure, it will get worse.

Mr. Olivarez responded he just met with a resident out there about two weeks ago and their traffic engineer is planning on meeting with the city and see if they could move it to their city limits.

Lisa Bockholt, 1411 FM 1717 commented that when she first move here there used to be yellow flashing caution lights. As of ten years ago, those flashing lights have been removed which has a drastic change to the area. She further commented that knowing that there will be an overpass coming soon, her options are General Cavazos or the next turn by the hotel. The two problems that she has encountered are, if you go through General Cavazos down to Golf Course Road, down Golf Course Road there is no lighting on the road. She commented that she has received calls from several of her neighbors asking her to speak on their behalf with regards to their concerns about lighting on that particular road. She further stated that she prefers to turn on the overpass near the hotel but then she runs into the bad road that is full of potholes.

Mr. Olivarez commented that he will work with the City Manager regarding the lighting concerns that were just mentioned by Mrs. Bockholt.

Mr. Arturo Mendieta, 2439 E. FM 1717 commented that he also agrees with Mrs. Bockholt with regards to bad lighting. He also has used Golf Course Road and has found that there is not enough lighting on this particular road. With the crossover closure, traffic will not move to General Cavazos and with dump trucks picking up dirt from a location across 1717, with them making a right turn it could be a hazardous situation.

Mr. Chuck Saverline, 374 FM 2619 commented that he is not a resident of the city but appreciates the opportunity to speak on this behalf. Since the crossover has been closed, less than two weeks, his route home from work every evening is southbound 77 all the way to Ricardo. Since the crossover has been closed, he has had one car pullout in front of him going south coming out from 1717 westbound. He was able to avoid an accident from occurring but cars coming out from that intersection, whether they want to go straight or make a righthand turn, it is a difficult intersection to see because cars coming southbound are coming off from the hill going down which makes it difficult to see. With the speed limit at 65mph, you still have cars traveling at 75 plus mph through the area. Saverline also commented that he would like to thank the law enforcement for their strong presence on Hwy 77.

Mr. Lance Hamm, 912 South Creek commented that since 1975, there has been over 50 fatalities on Hwy 77, so this has not been a safe highway, but a convenience to get people through our town in a quick manner. As it is seen now, the County Judge made a quick decision, to make the decision to act and switch from convenience to safety and putting the lives of our residents first and the convenience of a two minute detour on the back burner. Hamm further commented that with regards to the turn lanes, if you go most other places throughout the state, you will see designated turn lanes that are painted that are using the shoulder. He would like to see a painted acceleration lane as it is seen in other parts of the state. Hamm further commented that he approves what the County Judge and County Commissioner did with regards to the closure of the 1717 intersection. He further stated that the two main issues at this intersection have been avoided now, which was the northbound median short turn distance, turn lane

deceleration lane, which has been taken care of, and the short width of the median has also been taken care of because now we don't have the T-bone crashes of people trying to get into the median (inaudible) really quickly and finding themselves stuck in the fast lanes and getting T-boned. He further stated that he would be interested to know when TXDOT is going to get out permanent barriers, not that he is looking for concrete barriers as that has always been one of pet-peeve of his of placing a concrete barrier out there within two or three feet of a highway as it is a fixed object that will create a hazard. He stated that he likes the soft barrels which would give the driver something soft and get back onto the road, rather than a hard concrete. He stated that if concrete barriers are placed, TXDOT can flare the concrete barriers so that if a driver hits the concrete barrier, they are able to bounce off and back to the lane rather than hitting the guardrail head on.

There being no further comments, Mayor Fugate closed this public hearing at 6:25 P.M.

2. Public Hearing on designation of reinvestment zone for the City of Kingsville. (City Attorney).

Mayor Fugate read and opened this public hearing at 6:25 P.M.

Mrs. Alvarez, City Attorney, reported that as with the last public hearing, this hearing was also noticed in the local newspaper. This is one of the procedural requirements in order to setup a reinvestment zone and a reinvestment zone as a prerequisite in order to having tax abatement guidelines and tax abatement agreement being offered to any developers. This is something that the city has done several time in the past and this is a good economic tool to have a available.

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.

There being no further comments, Mayor Fugate closed this public hearing at 6:26 P.M.

III. Reports from Commission & Staff.²

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

Mrs. Susan Ivy presented a plaque to the NAS Kingsville Officers/Soldiers for their hard work on the painting of the A4 Skyhawk Jet located at Dick Kleberg Park. This project was completed on January 28, 2019. The Commission thanked them for their work on this project. Mayor Fugate read a summary of the project.

Mrs. Ivy presented an update on the Parks and Recreation Projects. One of the projects is the Brookshire Pool re-decking and sand filter replacement. This project is contracted at \$49,650 to contractor Advanced Cement Specialties from Fort Worth, TX. The start date was February 5, 2019 with an anticipated completion date of March 1st. The replacement of sand filter at the pool has been contracted to Galloway Pools of Corpus Christi for a cost of \$48,877. This work is to start this week. Funds were budgeted for this project in the CO Fund FY 18-19. Replace pool house fencing, staff is getting bids at this time to replace this old fencing that separates the pool house from the open pool area. They are pricing the same black fencing that has been placed around the entire pool premises and around the splash pad. This project has not yet been funded. Staff is hoping to have some savings in other projects to complete this project. The installation of new playground equipment in neighborhood parks; delivery of all equipment has been completed today. Demo of Thompson Park existing playground is scheduled for March 18th with installation beginning March 20th. Flores Park construction will follow behind. Construction of new Vishal Raju Bhagat Memorial Dog Park, in Dick Kleberg Park, construction drawings completed by city Engineering Staff on February 5, 2019. Public Works Staff will be staking out area which will begin this week to locate utility lines and begin bringing in dirt. Purchasing Manager has begun the process for collecting bids for equipment, fencing, irrigation. City staff will be bringing in dirt to create the proper elevations and drainage for the project. Anticipated completion is late summer. Other projects in progress, refurbishing press boxes/concession stands in Baseball/Softball/Soccer Fields; working on scoreboard repairs; turfgrass maintenance on athletic fields; repair of BBQ Pit in Thompson Park; fill in of surfacing material, engineered wood fiber for Flato Park Playscape; and irrigation repair and improvements on athletic fields.

Mayor Fugate asked for an update on the Wildlife Grant. Mr. Garza responded that due to the federal shutdown, it impacted their ability for them to proceed making awards.

Commissioner Lopez commented that on September 12, 2018, they met with citizens near Thompson Park where they voiced some concerns about security lighting north of the restroom area and they also asked for more lights around the basketball court. One other concern they had was the fact that the basketball court is near Ceaser Street and the court is only being secured by a cable, which would allow a car to come straight into the basketball court if an accident happens. Lopez asked if staff is looking into their concerns. Mrs. Ivy responded staff will look into their concerns.

Mrs. Courtney Alvarez reminded staff that a Special Meeting will take place between the City and County Officials to hear about the Economic Plan on Tuesday, February 12, 2019 at 5:00 p.m., at City Hall. The next regular Commission meeting is scheduled for February 25th with deadline to submit agenda February 15th.

Commissioner Hinojosa congratulated students from H.M. King High School who were in the Texas All-State Band, Alexandra Cortez, Arianna Jimenez, Emilio Soliz, and David Flores.

Commissioner Lopez commented that Lady Lions Basketball Team has a playoff game tomorrow at 7:00 p.m. at the Steinke Center.

IV. Public Comment on Agenda Items.³

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

Mr. Anthony Zamora, 808 E. Doddridge commented that crosswalks are not working and not updated. There is no lighting near Walmart which is something that he would like for TXDOT to look into.

Mr. Lance Hamm, 912 South Creek, commented that at the 1717 intersection, out of the four points of entry or exit, there is only one that has a by the book lane which is the southbound, turn west to go to 1717, which is a designated turn. The other three points which go southbound on 77, northbound on 77 or coming off northbound 77 coming eastbound from 1717, there is no designated lane, which are the three that need to be worked on. He further stated that the second point he would like to speak about is the speed limits, which is still an issue. City ordinance calls for 45 or 55 mph, the city and county both have signs resolutions on the book asking TXDOT for 55 mph speed limit. It is his understanding, after looking at the rules, that if the city and TXDOT don't agree, TXDOT is suppose to submit their plan and the city's plan to the Texas Transportation Commission where they will give a minute order of which one they approve. He further thanked the city on all they are doing for getting traffic safety at this intersection.

Mr. Arturo Mendieta 2439 E. FM 1717 commented that the waste treatment plant has some bad order going on for a while and asked for the city to look into it. He commented on 1717 road needing to be worked on as well as overgrown trees.

Mrs. Lisa Bockholt, 1411 E. FM 1717 commented on 1717 condition and it's closure. She stated that this road has been resurfaced a number of times and it is the worst job she has ever seen. Bockholt further commented that she does volunteer for animal control, and further commented that the Animal Control staff does a great job and are very helpful.

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: Hinojosa, Pecos, Lopez, Fugate voting "FOR".

- 1. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV-Land Use, Article 6-Zoning, Appendix A-Land Use Categories, Section 1-Land Use Chart, providing for the addition of provisional and recreational sporting good sales, including boats and vehicles to be permitted in I1 (Light Industrial) District. (Director of Planning & Development Services).**
- 2. Motion to approve resolution authorizing participation in the 16th Annual Ride on the Wild Side Charity Bike Ride (to be held on April 27, 2019) and authorizing the City Manager to execute an Indemnity Agreement with King Ranch for said event. (City Attorney).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

- 3. Consider a resolution of the City of Kingsville supporting the Texas Department of Transportation's temporary closure of the F.M. 1717 crossover on U.S. Highway 77 and requesting expedited construction of the F.M. 1717 Overpass Project. (Mayor Fugate).**

Motion made by Commissioner Lopez to approve this resolution, seconded by Commissioner Pecos.

Mayor Fugate commented that the first overpass that went around King Street, the second one should have been place on FM 1717 and not the last one as it has been a dangerous intersection since it was built.

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

- 4. Consider introduction of an ordinance calling a Special Election for a Venue Project Election in accordance with Chapter 334, Local Government Code, to be held in the City of Kingsville, Texas and other matters related thereto. (City Manager).**

Mr. Garza commented that as it has been discussed in the past, this item is simply calling for the election to occur in May. He further stated that the Comptroller's office has responded stated that there is no budgetary impact to the State and giving us the approval to proceed with the calling of the election.

Mrs. Alvarez commented that this tax is for a venue tax, which will not impact our general citizens but only those individuals that stay at our local hotels within the city limits.

Introduction item.

- 5. Consider introduction of an ordinance calling a Special Election to be held on May 4, 2019 in the City of Kingsville, Texas, on the question of the sale of City park land and other matters related thereto. (City Manager).**

Introduction item.

- 6. Consider introduction of an ordinance designating a certain area as a reinvestment zone. (City Attorney).**

Introduction item.

- 7. Consider a resolution approving the extension of an application and agreement for the Historic District Façade Grant Program from Adelmo & Yolanda Luera for Al's Hair Design for property located at 321 E. Kleberg Avenue, Kingsville, Texas. (Downtown Manager).**

Mrs. Cynthia Martin commented that this would be their second extension.

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

- 8. Consider award of RFP for Design Guidelines for Kingsville's Local Historic District, as per staff recommendation, and authorize staff to negotiate a contract. (Downtown Manager).**

Mrs. Martin commented that a grant was awarded in February 2018, but because of budgeting, the matching funds were not put in until now. She further stated that the design guidelines go back to the Master Plan of 2008. These guidelines will be a great reference to the Community residents on what they can do and can not do.

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

9. Consider a resolution authorizing application for, participation in, and acceptance of funds from the 2020 Operation Border Star Program with Homeland Security Grants Division of the Governor's Office for Local Border Security to interdict criminal activity with no anticipated cash match, authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).

Chief Torres commented that as it has been asked in years past, they are asking for money to help in their law enforcement operations and enhanced law enforcement patrols to facilitate the directive actions in the amount of \$80,000 with no cash match.

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

10. Consider a resolution authorizing the City Manager to enter into a Corporate MasterCard Program Member Account Agreement between the City of Kingsville and BMO Harris Bank N.A. for P-Cards. (Finance Director).

Mrs. Deborah Balli, Finance Director commented that this is a new agreement for P-Card services provided by a new provider, PFM Payment Solutions. The change in provider is being requested due to additional functionality, increased rebate opportunities, and lower administration costs.

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

11. Consider a resolution authorizing the Mayor to execute an Amended Real Estate Lease Agreement between the City of Kingsville and the Greater Area Kingsville Economic Development Council. (City Manager).

Mr. Garza stated that this amendment is only for the movement of the EDC Office from the Cottage Building into the City Hall building. By doing this move, it will give the EDC the space that they need as well as giving us the space that we need in order to improve the city's one stop shop.

Commissioner Lopez asked if there is an additional cost for this move.

Mrs. Alvarez commented that the only section from the agreement that changed is Section 1, Premises, which only moves the EDC Office from the Cottage Building to an office located inside City Hall.

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

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:09 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

FEBRUARY 25, 2019

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, FEBRUARY 25, 2019 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 6:00 P.M.

CITY COMMISSION PRESENT:

Edna Lopez, Mayor Pro-tem
Hector Hinojosa, Commissioner
Arturo Pecos, Commissioner
Dianne Leubert, Commissioner

CITY COMMISSION ABSENT:

Sam R. Fugate, Mayor

CITY STAFF PRESENT:

Jesus Garza, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Kyle Benson, IT Manager
Bill Donnell, Public Works Director
Derek Williams, IT
Susan Ivy, Parks Manager
Deborah Balli, Finance Director
Janine Reyes, Tourism Director
Ricardo Torres, Police Chief
Tom Ginter, Director of Planning & Development Services
Charlie Sosa, Purchasing Manager
Cynthia Martin, Downtown Manager
Diana Gonzales, Human Resources Director
Jennifer Bernal, Parks Manager
Emilio Garcia, Health Director
Robert Rodriguez, Library Director
David Soliz, Risk Manager
Gary Fuselier, Landfill Supervisor

I. Preliminary Proceedings.

OPEN MEETING

Mayor Pro-tem Lopez opened the meeting at 6:00 P.M. with four Commission members present. Mayor Fugate 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. Commissioner Lopez asked for a moment of silence in memory of Mr. Mario Garcia who recently passed. Mr. Garcia was an employee of the City of Kingsville Wastewater Division.

MINUTES OF PREVIOUS MEETING(S)

None.

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

1. Public Hearing on decommissioning of certain real property of the City of Kingsville designated as park land. (City Manager).

Mayor Pro-tem Lopez read and opened this public hearing at 6:02 P.M.

Mayor Pro-tem Lopez 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. Jesús Garza, City Manager reported that this is part of the legal process in order to continue the decommissioning of Park Land. Garza mentioned the three parks that the city will be taking to the voters for decommissioning approval: Kenedy Park, 900 E. Kenedy Block; Corner of Lantana and Richard Avenue; and Corner of Alice and Richard Avenue.

There being no further comments, Mayor Pro-tem Lopez closed this public hearing at 6:03 P.M.

III. Reports from Commission & Staff.²

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

Mr. Garza introduced and welcomed Mr. Gary Fuselier, city's new Landfill Supervisor. Garza further reported that the 2018-2019 proposed Capital Outlay budget was passed out to the Commission for their review.

Mr. Bill Donnell gave his bi-weekly update on Streets. He stated that crews are working on 2nd Street, but due to the rain/moisture that was accumulated on the ground, the crew mixed in 22 tons of lime stabilization and working on the compaction at this time. Crews had it tested this morning with it being a few points off from being at optimum compaction. He stated that on 6th and Santa Gertrudis, the lights at this intersection are flashing red, of which the cabinet comes in tomorrow and getting installed.

Mr. Garza commented that at the last meeting, there was a resident that commented that there were some issues with the signals regarding the crosswalks. Staff has checked with TXDOT on their signals, which are up to better standards than the signals the city manages, therefore staff is waiting for quotes on how much it would cost the city to upgrade those signals to the quality of TXDOT.

Commissioner Hinojosa asked how many traffic lights the city manages. Mr. Garza responded that there are four traffic lights the city manages.

Mr. Donnell further reported that crews have been patching in Zone 2 and have worked on work orders in Paulson Falls and on Ceasar Street between 18th & 20th Street. Curb and gutter crews are working on Zones 13 & 14 and sweeping in Zone 12. Mowing crew

is working on Trant Rd, Franklin Adams and Escondido. For special projects, crews assisted with a demolition at 503 E. Kenedy. Crews have also started work on the Dog Park parking lot and the Water Department is working on a re-route to remove the water line out of the Dog Park. Crews also assisted with the set-up of bleachers at the JK Northway for the Rodeo.

Mr. Garza commented that staff is expecting RFP's tomorrow for the Ceasar Project and hope to have the evaluation done in the next couple of weeks so that the item can be brought to the Commission for approval on March 11th. He further stated that staff is looking at striping some of the roads as they are needed.

Commissioner Lopez thanked staff for their work on city streets. She also commented that she has received some complaints from citizens regarding the speeding near Flores Park on Santa Gertrudis.

Mr. Garza stated that he has spoken with the City Engineer about getting a traffic study to analyze if it would warrant placing a Stop sign at the intersection near Flores Park.

Ms. Jennifer Bernal, Parks Manager reported on Keep Kingsville Beautiful. Bernal reported on the beautification of 8 selected medians on Santa Gertrudis located between Seale St. and FM Hwy 141. There are approximately 35 cedar elms still standing, with some needing to be removed. The proposal for the landscaping will include the irrigation, grass, and Crepe Myrtle trees. This will create an aesthetically pleasing entrance and exit to and from Texas A&M University-Kingsville and the King Ranch. Water source from median to median, A's Construction will be boring from end to end of 8 medians which will cost around \$4,000. Irrigation and grass will be done by Hebert Irrigation for a cost of \$30,000. There will be 60 Crepe Myrtles from Top Notch Tree Farms for a cost of \$4,500. Sodding for the median will cost approximately \$9,000. The entire project has an estimated cost of \$50,000. Alternatives for the median are partial xeriscape and partial soft hardscape; more hardscape with minimal plants; low water landscape, would still need watering however very minimal and more so at the beginning; or hardscape throughout.

Mr. Garza commented that the purpose for the update is to see what the Commission would like to see on this corridor as it has been discussed in the past. He stated that what staff is looking for is some support in terms of which options the Commission would like for staff to pursue.

Commissioner Hinojosa asked that since the amount is close to \$50,000, is the city going to be asking for proposals. Mr. Garza responded no, as the city would not be using a general contractor. City will be using several contractors for the different things that need to be done.

Commissioner Leubert asked what type of sod is staff looking at? Mr. Sosa responded that it would be carpet grass. Leubert further asked if staff has looked at leaving it natural? Mr. Sosa commented that the reason the trees haven't grown is because there is no water. Leubert further asked if the natural grass that is there, can it be left as is? Mr. Sosa commented that staff has walked the area and the area has more weeds than grass. Leubert commented that if the natural grass still flowers and keeps the soil down as well as its moisture. Leubert further commented that instead of placing irrigation in this area, place a water facet. She further commented that if Crepe Myrtles are placed in this location, they will have to be watered for a few years but then after that you will not have to have an irrigation system unless you put down carpet grass, which is higher maintenance. Mr. Sosa commented that in order to place faucets in the area, we would need to place an irrigation system as there is no water in the medians.

Ms. Bernal commented that when doing this project, they wanted to mirror what the University has already in place.

Commissioner Leubert asked if they had carpet grass. Mr. Sosa commented that the corridor coming from Hwy 141 to Santa Gertrudis is where they have the Oak Trees and carpet grass. Leubert further asked how many crepe myrtles will be placed in each median and will the planted close to the lights?

Ms. Bernal responded that they are different due to the size of median but they range between 6 and 8. She further stated that staff can look into the planting of trees and or around the lighting.

Commissioner Hinojosa asked for staff to make a pros and cons list with the suggestions that Commissioner Leubert has mentioned.

Mr. Garza commented that staff can put together a list with the suggestions and see which option works best.

Mrs. Alvarez reported that the next meeting is scheduled for March 11th with agenda items being due by Friday, March 1st.

IV. Public Comment on Agenda Items.³

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

No 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 Hinojosa to remove agenda item #2 from the consent agenda and place it under the regular agenda section to allow for some discussion, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez voting "FOR".

Motion made by Commissioner Hinojosa to approve agenda item #1 as presented under the consent agenda, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Hinojosa, Lopez voting "FOR".

1. **Motion to approve final passage of an ordinance designating a certain area as a reinvestment zone. (City Attorney).**

2. Motion to approve a resolution authorizing the City Manager to enter into an Amendment to Commercial Real Estate Listing Agreement exclusive right to sell between the City of Kingsville and Lynn Yaklin. (Purchasing Manager).

Mr. Sosa stated that the city entered into a real estate contract on November 6, 2017 with Coldwell Banker to list a 10.98 acre tract of land located on Loop 428, Lot Pt. 9&10, Block 18, KT&I Co. The real estate company has had some interested parties, but none have committed to enter into a sale at this time. It is staffs recommendation to extend the real estate contract.

Commissioner Hinojosa asked if staff had gone out for quotes. Mr. Garza responded that staff got three quotes and this was the most affordable for the City. Because the amount is less than \$50,000, there was no need to go out for RFP's. Garza further stated that when the this item was brought forward last year, in the packet for this item, it included pricing for all three quotes.

Commissioner Lopez commented that it would help the Commission if staff included additional information if the item was brought to the Commission once before. This would assist the new Commission, that was not on the Commission, understand the items that are brought back for any adjustments or revisions.

Commissioner Hinojosa asked that the information for the broker services, he asked if there would be some corrections on the documents, as there is an individual that is listed who is deceased, Mr. Cunningham. He further asked that as for the term, will it be for a year, cause on the agreement it states the date of November 6, 2017. He further asked that under the brokers compensation, has that amount been negotiated or was it something that was....?

Mr. Sosa responded that as for the brokers compensation, all brokers charge the same amount.

Commissioner Hinojosa further asked that whenever there is an MLS participants, there is a certain percentage and is this an additional to the brokers compensation.

Mr. Sosa responded that if it sales, they will split it.

Commissioner Hinojosa also asked about the language that stated that on the brokers authority and financial options, it only list conventional and cash. Did staff not consider VA, FHA, or Texas Veterans Land Program?

Mr. Sosa stated that those are just the most common ones, but if someone wants to come in with a VA or an FHA loan, they are more than welcome to as it is an option.

Mr. Garza asked if the Commission feels comfortable voting on this item tonight or would they like to table the item and bring forth at the next meeting?

Commissioner Hinojosa responded that he would like to table the item.

Commissioner Leubert commented that what if the Commission votes on it tonight with the amendments that Commissioner Hinojosa brought up so long as they are addressed in the contract.

Commissioner Hinojosa responded that he is receptive to that.

Mr. Sosa commented that this is the original contract that was provided by Coldwell Banker. All the city is doing is accept the extension.

Commissioner Leubert commented that Commissioner Hinojosa had a point with regards to the amendments he mentioned.

Commissioner Hinojosa asked if last time there was no earnest money on the previous contract and can it be built in to this agreement?

Mr. Sosa commented that earnest money is included in this contract, but staff does not know why there was no money put up. He further stated that they said they put the money up but was never received. He stated that staff kept calling them and asking them for the earnest money but it was a different broker out of the Valley that Coldwell Banker was working with.

Commissioner Hinojosa motion to approve a resolution authorizing the City Manager to enter into an Amendment to Commercial Real Estate Listing Agreement exclusive right to sell between the City of Kingsville and Lynn Yaklin, with the changes he came up with..

Mr. Garza asked for clarification on the changes he is requesting to be added.

Mrs. Alvarez stated that currently there is an amendment to the commercial real estate listing agreement for the extension of time. So if the city is going to be opening other things on the contract the city is wanting to extend, then we would want that clarified as it is something that would need to be taken back to the broker.

Commissioner Hinojosa commented that in the resolution it is listed as February to the end of the year. Is this the way it would have to go, and if they don't approve, will it have to go back to the broker and have an agreement with her? He further stated that he has no problems with the end of the year. He further mentioned that the other one was the brokers compensation, which was clarified that it was the same on all of them, which is fine and no change is needed. The other one was the MLS Participation, he question was on the brokers listing, whether it stays the same, the 6% that is allocated is the highest the city will pay. The other changes were the financial options, to include VA, FHA , and Texas Veteran's Land.

Mr. Garza commented that the only changes that are being requested is to add VA, FHA, and Texas Veteran's Land and the other items were addressed during the discussion portion of this item.

Commissioner Hinojosa responded that 6 or 7, no, which is owner finance and other, which is number 11 on the agreement. Broker Authority (c), which list all the financial options which list conventional, which has an X, but no X on VA, FHA, or Texas Veteran's Land Commission. Of all that are listed, six or seven have no X on them, and needs to remain that way. Hinojosa asked City Secretary Mrs. Mary Valenzuela if his motion was clear for the record?

Commissioner Leubert asked if this Commissioner Hinojosa's motion?

Commissioner Lopez commented that she believes Commission Hinojosa had already made a motion and that Commissioner Hinojosa was only clarifying what he had motion to.

Mr. Garza commented that he doesn't think that Commissioner Hinojosa had made a motion, that he was only verbalizing what he motion would be.

Motion made by Commissioner Hinojosa to approve the resolution authorizing the City Manager to enter into an Amendment to Commercial Real Estate Listing Agreement exclusive right to sell between the City of Kingsville and Lynn Yaklin, and include VA, FHA, and Texas Veteran's Land Program to the contract, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez voting "FOR".

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consider a resolution decommissioning certain real property owned by the City and designated as park land. (City Manager).

Mr. Garza commented that this is one of the items that is required. Nothing will be done until after the election in May, 2019.

Motion made by Commissioner Leubert to approve the resolution decommissioning certain real property owned by the City and designated as park land, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Hinojosa, Lopez voting "FOR".

4. Consider a resolution approving an application and agreement for the historic district façade grant program from Lonnie Schwirtlich on behalf of Physicians Premier Real Estate Holdings-Kingsville for Access Urgent Care for property located at 401 E. King Avenue, Kingsville, Texas. (Downtown Manager).

Ms. Cynthia Martin, Downtown Manager stated that Physicians Premier Real Estate Holdings-Kingsville has submitted a grant amount of \$20,000 for signage, a new roof, and landscaping. Façade grants are meant to be a 50-50 reimbursement match on a dollar for dollar basis generally not to exceed \$20,000, subject to availability of budgeted funds.

Mr. Garza commented that the façade program is funded through the Hotel Occupancy Tax fund and \$50,000 is allocated to this fund every year. Those that are on the Historical District qualify to apply for this grant, which are reimbursable grants. He stated that the current guidelines allows for the city to go up to \$20,000, unless specifically requested, approved or discussed with the Commission, the specific recommendation today is for the award to be up to the \$20,000 amount, even though the expenditures will be higher than that amount. The memo in the packet talks about what the money will be used for, which is for the roof and signage. Garza stated that from his stand point, is that he feels that nine out of ten times the applicants that come forward are businesses that are already in operation. But the city has had not so good experiences with businesses that have not opened yet as well, such as the award that went to the Texas Theatre, which has not been opened to this day. Garza stated that staff went through a revision of the façade guidelines a few years ago where staff tried to make it easier for people to apply for the program but also help to protect the city in better ways. Garza is recommending that the city support the project but have the city put a stipulation that if the business doesn't open, have the business refund the city on what the city supported them for the project or that they don't get the refund until they open. This is just based on the experiences that the city has had, when they grant monies to businesses that don't open after being awarded the grant.

Commissioner Lopez asked if what the City Manager is asking for, is that if the Commission was to make a motion, to add the stipulation to the motion?

Mr. Garza responded that the Commission has the authority to do so, if they agree with that logic.

Mrs. Alvarez commented that if the City Manager is looking at putting an extra condition on the request, it would be helpful to have some kind of timeframe. She further commented that she is trying to understand if we would not be receiving receipts for the work that is done than reimbursing up to the maximum of \$20,000 until they are open or would we be doing that, but if they don't open by the end of the year they will

have to reimburse the city any funds received. She commented that she is not sure which way the city is wanting to go.

Mr. Garza commented that either way would be an option.

Dr. Martin Grimey of Physician Premiere commented that they are looking at opening between March...

Commissioner Leubert commented that the Commission has this request on the table, under the contract that is previous valid. She asked if maybe staff can look on working on this one as it is presented then go back to the table and modify the guidelines for any future request. It would not be fair to the requestor now to have this stipulation put into place now, when the stipulation was not listed at the time the request was made.

Commissioner Lopez asked if the requestor was aware of the stipulation that staff would like to add to the contract?

Mr. Garza commented that one of the additions that was new in the new guidelines that were adopted two years ago, there was a timeline feature attached to it, which he believes was six months. He stated that there use to be that there was no timeline attached to it which then put the city in a predicament of, 12 months ago, the city awarded the \$5,000 for the project but can that money be used for someone else. The timeline issues were addressed with the revised timelines, but this is different since the business isn't operational yet.

Commissioner Lopez commented that she agrees with Commission Leubert that the requestor was made aware of how the contract is now.

Mr. Garza commented that he interrupted Commissioner Leubert suggesting that to proceed as presented and at a later time, look into amending the guidelines for future request.

Commissioner Lopez stated that it is not fair to the requestor now, to make these types of revisions to the guidelines that were not there at the time he applied.

Mr. Garza commented that he and Mrs. Martin had already had some discussion about the recommended changes.

Commissioner Lopez responded that the requestor was not aware of it and it is not something that is part of the current guidelines.

Dr. Martin Grimey commented that they are looking at an opening date of April 1st. He further commented that they have put a lot of money into this business and they will be opening soon.

Motion made by Commissioner Leubert to approve the resolution approving an application and agreement for the historic district façade grant program from Lonnie Schwirtlich on behalf of Physicians Premier Real Estate Holdings-Kingsville for Access Urgent Care for property located at 401 E. King Avenue, Kingsville, Texas, seconded by Commissioner Pecos. The motion was passed and approve by the following vote: Pecos, Hinojosa, Leubert, Lopez voting "FOR"

5. Consider a resolution authorizing the City Manager to enter into the 2019 Election Services Agreement between the City of Kingsville and the Kleberg County Clerk. (City Secretary).

Motion made by Commissioner Hinojosa to approve a resolution authorizing the City Manager to enter into the 2019 Election Services Agreement between the City of Kingsville and the Kleberg County Clerk, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez voting "FOR".

6. Consider a resolution establishing guidelines and criteria governing tax abatement for all taxing entities located within the City of Kingsville, authorizing the City Manager to accept applications on behalf of the City for presentation to the Commission, stating the City elects to be eligible to participate in tax abatements, and providing for evaluation of each application for conformity with such guidelines and criteria prior to submission to the Commission. (City Attorney).

Mrs. Alvarez stated that over the last couple of meetings, staff has been taking steps to get to this point. Part of the process in being able to do tax abatements in the State of Texas is that you have a reinvestment zone designated to which the city has already done. The reinvestment zone is good for five years. The city also has to prepare a tax abatement guidelines which has been done. These are the same guidelines that have been used in the past. Asides from having the public hearing and designating the reinvestment zone, the city also provided a copy of the tax abatement guidelines to the heads of the local taxing entities to make them aware of what the city was looking to do. Reason for this, is that if the Commission chooses to approve this resolution tonight, to put those guidelines in place, they would be effective for the next two years. Alvarez further commented that while most new economic development is done through Chapter 380 agreements, as there is a lot more flexibility in the statute for that, there are still instances where you might run across a developer who prefers to have a straight up tax abatement. In order to do that through the various statutes, you would have to have these various things done and in place. The city is basically having this ready in the event that the city should ever need it in the next two years. Alvarez also stated that if the city was to receive a request, from the developer for tax abatement for a particular project, they would submit the application with the backup information, then staff would get that and bring the agreement before Commission. At that time, the Commission could choose whether they did or didn't want to enter into an abatement agreement and what percentage and what length of time you would want the abatement to last for. That abatement agreement would only be good for the city's portion of taxes that the developer would pay. If the developer would want an abatement from the other local entities, those entities would need to approve the guidelines and then approve an agreement with that developer to have their own individual taxes abated as well. She stated that this all gets sent to the Tax Appraisal Office. Then the applicant is still required to go and file with the Appraisal District Office the notice that they have an abatement in place, in order to receive the benefit of the agreement that we have with them.

Commissioner Pecos asked if this was the standard operation? Mrs. Alvarez responded, yes.

Motion made by Commissioner Pecos to approve resolution establishing guidelines and criteria governing tax abatement for all taxing entities located within the City of Kingsville, authorizing the City Manager to accept applications on behalf of the City for presentation to the Commission, stating the City elects to be eligible to participate in tax abatements, and providing for evaluation of each application for conformity with such guidelines and criteria prior to submission to the Commission, seconded by Commissioner Hinojosa.

Commissioner Hinojosa commented that he saw the breakdown, so if somebody comes in with a contract or an improvement of \$2 million dollars, but in reality it is \$1 million dollars, what type of follow-up will the city have to make sure that what they submitted is correct.

Mrs. Alvarez commented that with regards to this, the schedule is like a guide. If someone came in, regardless of what the abatement is, it will be up to the Appraisal District to determine what taxes are going to be assessed to that property and

depending on what our agreement says, they will either receive a 2%, 50% or 100% for whatever period of years that the city puts into the agreement.

Mr. Garza commented that through the Planning Department, people get a permit that is based off the investment of the building.

Commissioner Hinojosa asked that if he understood Mrs. Alvarez, the burden of proof would be up to the Appraisal District.

Mrs. Alvarez responded that this was correct, as they would assess the tax.

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

7. Consider award of RFP #19-03 for Extermination Pest Control Services to Kingsville Pest Control, as per staff recommendation, and authorize staff to negotiate a contract. (Purchasing Manager).

Mr. Sosa stated that this item authorizes the City to negotiate into a contract with Kingsville Pest Control for the City. RFP 19-03 Extermination Pest Control Services will provide extermination and pest control services for all city owned buildings. Request for proposals was published in the local newspaper on January 27th and February 3, 2019. Staff accepted until 2:00 p.m. on February 12th. Three responses were received from Kingsville Pest Control of Kingsville, TX, Serenity Pest Control of Kingsville, TX, and Pro-Tex Pest Management of Riviera, TX. Purchasing reviewed the RFP's and found the information received to be responsive. Based on the proposals submitted from the three firms, Kingsville Pest Control of Kingsville, TX is the apparent low bidder, which they currently service some of the city owned buildings. It is staffs recommendations to negotiate into a contract with Kingsville Pest Control for pest control services for the City of Kingsville.

Motion made by Commissioner Hinojosa to award RFP #19-03 for Extermination Pest Control Services to Kingsville Pest Control, as per staff recommendation, and authorize staff to negotiate a contract, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Pecos, Hinojosa, Leubert, Lopez voting "FOR".

8. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to expend funds for professional services related to landfill permit amendment responses to TCEQ. (Public Works Director).

Mr. Bill Donnell, Public Works Director reported that this budget amendment request is due to the permit amendment being submitted after the budget process was completed for this current year and that TCEQ has expedited the review process which they have already made two reviews. In order to continue the process they have taken some of their professional engineering services and created a purchase order to cover the work that is done up to now. Funds have been exhausted, so with this permit amendment for \$75,000 it would put money back into engineering services and continue to the responses to TCEQ so that the process can continue.

Mr. Garza commented that the budget amendment request will be coming from the post-closure fund and not general fund.

Introduction item.

9. Consider a resolution authorizing the Mayor to enter into a Revised Second Amendment to Tower Attachment Lease Agreement with GTP Acquisition Partners II, LLC. (IT Manager).

Mr. Kyle Benson, IT Manager stated that this is the same amendment that came before Commission during a previous meeting, which was approved. GTP is now asking for

some minor modifications to the agreement. Mrs. Alvarez has reviewed the modified language and approved for the item to be brought to the Commission for consideration.

Mrs. Alvarez commented that if they were only correcting spelling errors or adding some punctuation changes, it might had been feasible. But because they are swapping out or adding new words, that is enough of a modification that would require for it to come back to the Commission for approval. She stated that the changes they requested do make the language in the first amended contract and this contract more consistent. Alvarez stated that this does not materially change what the Commission approved in December, it just makes it a little cleaner and consistent with terminology.

Commissioner Lopez asked if Mrs. Alvarez approves of the amendment. Mrs. Alvarez responded yes.

Motion made by Commissioner Pecos to approve resolution authorizing the Mayor to enter into a Revised Second Amendment to Tower Attachment Lease Agreement with GTP Acquisition Partners II, LLC, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez voting "FOR".

VI. Adjournment.

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

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

CONSENT AGENDA

AGENDA ITEM #1

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: March 1, 2019

SUBJECT: 2018 Operation Stonegarden Grant #3194304 Acceptance and Budget Amendment

Summary:

The Kingsville Police Department has been invited to participate in the 2018 OPSG and has been approved for participation during performance period.

Background:

Kleberg County and identified Friendly Forces will participate in Operation Stonegarden (OPSG) for Funding Year 2018. The participating agencies will utilize OPSG funding to enhance enforcement efforts along ingress/egress routes leading from the U.S./Mexico border and into the interior of the United States. OPSG funding will be used for the essential capability enhancement of participating agencies to coordinate operations with the U.S. Border Patrol to support border security efforts within the Rio Grande Valley Border Patrol Sector.

Financial Impact:

The grant for "Operation Stonegarden" is a reimbursement type but does not require any cash match. We have been approved \$109,991.00 in overtime, \$18,522.49 in fringe benefits, \$110,195.00 for vehicles, \$13,000.00 to cover mileage costs and \$4,041.71 for administrative costs.

Our total allotment is \$255,750.21.

Recommendation:

We would request a resolution for acceptance of funds by the grantee's authorized official as designated by the City Manager, Chief Ricardo Torres. 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. 2019-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2018-2019 BUDGET TO ACCEPT AND EXPEND GRANT FUNDS FOR OPSG STONEGARDEN GRANT #3194304.

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 2018-2019 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 016 – PD Stone Garden Grant Fund					
<u>Revenues</u>					
2100	Administration	Federal Grants	72005	\$255,750.21	
<u>Expenditures</u>					
2100	Administration	Overtime-2018PD SG Grant	11221	\$109,991.00	
2100	Administration	TMRS-2018 PD SG Grant	11421	\$9,888.20	
2100	Administration	FICA-2018 PD SG Grant	11521	\$8,634.30	
2100	Administration	Vehicles-2018 PD SG Grant	71115	\$110,195.00	
2100	Administration	Mileage-2018 PD SG Grant	21517	\$13,000.00	
2100	Administration	Professional Services	31400	\$4,041.71	

[To amend the City of Kingsville FY 18-19 Budget to accept and expend funds for OPSG StoneGarden Grant #3194304. Funds will come from grant revenues funded by Grant #3194304.]

II.

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

III.

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

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

IV.

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

INTRODUCED on this the 11th day of March 2019.

PASSED AND APPROVED on this the __ day of _____, 2019.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #2

**City of Kingsville
Human Resource Department**

TO: Mayor and City Commissioners
CC: Jesús A. Garza, City Manager
FROM: Diana Gonzales, Human Resource Director
DATE: February 28, 2019
SUBJECT: Police Department – Renaming of Classified Positions

Summary: Renaming three classifications of authorized civil service positions as follows:

CLASSIFICATION	NUMBER OF AUTHORIZED POSITIONS
Police Chief	1
Lieutenant <u>Commander</u>	2
Sergeant <u>Captain</u>	6
Corporal <u>Lieutenant</u>	5
Police Officers	35

Background: Texas Local Government Code § 143.021 *Classification; Examination Requirement*

- a) The commission shall provide for the classification of all fire fighters and police officers. The municipality's governing body shall establish the classifications by ordinance. The governing body by ordinance shall prescribe the number of positions in each classification.

Police Chief Ricardo Torres reached out to Kingsville Law Enforcement Association (KLEA) on November 9, 2018 with a proposal to rename certain classifications within the Police Department rank structure with classification names more closely resembling other departments in the Coastal Bend. The proposal is detailed in the Summary section above.

On November 26, 2018, KLEA President Johnny Campos responded acknowledging the proposal and indicated the proposal went before the KLEA membership on November 20, 2018. KLEA membership agreed on the proposal and authorized KLEA President Johnny Campos to sign memo on behalf of association supporting the proposed classification name changes.



City of Kingsville
Human Resource Department

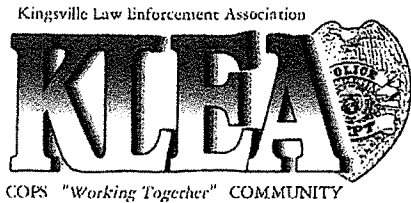
On February 13, 2019, KLEA President Johnny Campos submitted a signed letter to the City of Kingsville supporting the name change. The letter further stated as follows:

“...references to the new classification would follow into all documents including City of Kingsville Policies, Kingsville Police Department Policies and Rules and Regulations along with the current Collective Bargaining Agreement (October 1, 2016 – September 30, 2019).”

Financial Impact: None. The current collective bargaining agreement terms remain unchanged.

Recommendation: Update the ordinance to change Police classification names to more closely resembling other departments in the Coastal Bend.





Kingsville Law Enforcement Association

P. O. Box 1844

Kingsville, Texas 78363-1844

February 13, 2019

Jesus A. Garza, City Manager

P.O. Box 1458

Kingsville, Texas 78363-1458

RE: Change of Classifications

Dear Mr. Garza:

The Kingsville Law Enforcement Association "KLEA" membership supports the proposal made by Chief Ricardo Torres that the department be allowed to make changes to our current police officer classifications so that they more closely resemble the classification and job descriptions associated with the classification and job descriptions of other departments in the Coastal Bend.

City of Kingsville Police Department Division Heads are classified as Lieutenants. In like size and larger department's, personnel with the same job descriptions who are division heads are classified as Commanders.

City of Kingsville Police Department Shift Supervisors are classified as Sergeants. In like size and larger department's, personnel with the same job description who are shift supervisors are classified as Captains.

The job description for an Assistant Shift Supervisors are classified as Corporals. In like size and larger department's, personnel with the same job descriptions who are assistant shift supervisors are classified as Lieutenants.

Below is a chart which list our current classifications on the left and the propose classifications on the right:

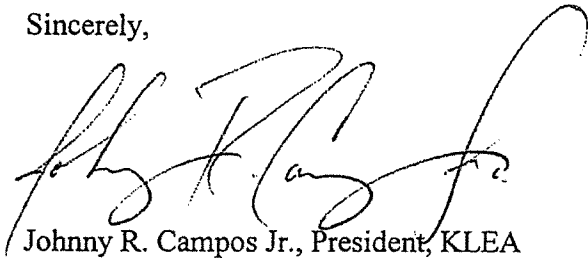
Current Rank Classification	Proposed Rank Classification
(2) Lieutenant	(2) Commander
(6) Sergeant	(6) Captain
(5) Corporal	(5) Lieutenant

The job description for the original classification would then follow to the new classification. For example, the old Kingsville PD Lieutenant job description would now be the job description for the new Commander classification. This would be true for the old Kingsville PD Sergeant job description to the new Captain classification. Finally, the old Kingsville PD Corporal job description would transfer to the new Lieutenant classification.

Furthermore, references to the new classifications would follow into all documents including City of Kingsville policies, Kingsville Police Department Policies and Rules and Regulations along with the current Collective Bargaining Agreement (Oct. 01, 2016 – Sept. 30, 2019).

This letter signifies that we agree to the changes to our current police officer classifications so that they more closely resemble the classification and job descriptions associated with the classification and job descriptions of other departments in the Coastal Bend. KLEA membership also agrees to the reference in other documents including the current Collective Bargaining Agreement without opening the CBA.

Sincerely,

A handwritten signature in black ink, appearing to read "Johnny R. Campos Jr.", with a large, stylized flourish extending from the end of the signature.

Johnny R. Campos Jr., President, KLEA

ORDINANCE NO. 2019-_____

AN ORDINANCE RATIFYING CLASSIFICATIONS AND PRESCRIBING THE NUMBER OF POSITIONS IN SUCH CLASSIFICATIONS FOR THE CLASSIFIED SERVICE IN THE POLICE DEPARTMENT; RENAMING THE CLASSIFICATIONS FOR CONSISTENCY WITH OTHER DEPARTMENTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, CODIFICATION INSTRUCTIONS, AND AN EFFECTIVE DATE.

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

WHEREAS, the City desires to rename three classifications of positions in the Police Department so that they more closely resemble the classification and job descriptions associated the other departments in the Coastal Bend.

WHEREAS, the three positions will be changed so that Lieutenants will now be Commanders, Sergeants will now be Captains, and Corporals will now be Lieutenants, all with the same job duties and job descriptions as they currently have.

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

I.

THAT three positions classified below will be changed as noted, while keeping the same job duties and job descriptions of their existing positions after the positions are re-titled, and all references to Lieutenant will now reflect Commander, to Sergeants will now reflect Captain, and to Corporal will now reflect Lieutenant.

II.

THAT in accordance with section 143.021, Texas Local Government Code, the City Commission ratifies the following previously established classifications and hereby prescribes the number of positions in each classification by Ordinance duly passed, to wit:

<u>CLASSIFICATION</u>	<u>NUMBER OF POSITIONS</u>
Police Chief	1
Lieutenant <u>Commander</u>	2
Sergeant <u>Captain</u>	6
Corperal <u>Lieutenant</u>	5
Police Officers	35

Notes: History – Police Officer positions includes one (1) police officer position created in October 2011 to be designated primarily for warrant duties.

III.

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

IV.

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.

V.

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

INTRODUCED on this the 11th day of March, 2019.

PASSED AND APPROVED on this the 25th day of March, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

Approved As to Form:

Courtney Alvarez, City Attorney

AGENDA ITEM #3

City of Kingsville
City-County Health Department

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Emilio H. Garcia, City-County Health Director

DATE: March 14, 2019

SUBJECT: City-County Health Board Appointment

Summary: The City-County Health Board currently has a vacancy seat for a Health Board of Directors. Staff received a request from Ms. Joy Aynsley seeking to serve and be appointed to the vacant seat. If approved by the City Commission, the appointment shall be for a three-year term.

Background: Joy Aynsley. Completed several hours at TAMUK 2004-2011 and moved to Kingsville 2007. I started working as contract security guard at NASK July 2008 and moved to the same position as a Navy civilian October 2011. Changed to an office position with the security department May 2015. I have been heavily involved in volunteering w ARK since November 2012 and was elected to my current position as president May 2014 and again May 2017. Throughout my time with ARK, I have headed up several shelter improvements, overseen or assisted with clearing/controlling hoarding situations and been a huge advocate for animal welfare across our city.

Financial Impact:

N/A

Recommendation:

The City-County Health Board Members recommend that Joy Aynsley be appointed to the City-County Health Board for a three-year term.



To whom it may concern,

My name is Joy Aynsley I'm a residence of Kingsville, Texas. I have completed several hours at TAMUK 2004-2011 and moved to Kingsville 2007. I started working as contract security guard at NASK July 2008 and moved to the same position as a Navy civilian October 2011. Changed to an office position with the security department May 2015. I have been heavily involved in volunteering w ARK since November 2012 and was elected to my current position as president May 2014 and again May 2017. Throughout my time with ARK, I have headed up several shelter improvements, been in charge of or assisted with clearing/controlling hoarding situations and been a huge advocate for animal welfare across our city.

AGENDA ITEM #4

RESOLUTION #2019-_____

A RESOLUTION APPOINTING ELECTION JUDGES AND THE EARLY VOTING BALLOT BOARD JUDGE FOR THE CITY OF KINGSVILLE SPECIAL ELECTION ON MAY 4, 2019.

BE IT RESOLVED, by the City Commission of the City of Kingsville (City) that the following named persons are hereby appointed as Election Judges for the City Election to be conducted on Saturday, May 4, 2019.

CITY POLLING PLACE

1 - McRoberts Elementary School
2 - Helen Kleberg Groves Comm. Rm., City Hall
3 - Kleberg County Annex Bldg.
4 - Gillett Intermediate School
5 - Harvey Elementary School
6 - H.M. King High School

PRESIDING JUDGE

Velma Reyes
Bonnie Gonzales
Laura Garza-Trebotich
Janie Garza
Frances Garcia
Sylvia Martinez

ALTERNATE JUDGE

Noelia Chapa
Clarissa Gonzales
Fe Oballo
Laura Bernal
Dalilah Caldera
Anna Ramirez

BE IT FURTHER RESOLVED that each Presiding Judge is authorized to appoint one clerk to assist him/her with the election and that each Presiding Judge and each Alternate Judge shall be compensated twelve dollars (\$12.00) per hour for each hour worked and that the judge delivering the election returns and supplies to the central counting station shall be compensated an additional twenty-five dollars (\$25.00) for that service, and that Clerks shall be compensated ten dollars (\$10.00) per hour for each hour worked.

BE IT FURTHER RESOLVED that Connie Cashen be appointed as the Presiding Judge of the Early Voting Ballot Board. That said Presiding Judge is authorized to appoint two clerks to assist him/her and the members shall be paid the same wage as regular election judges. If the Board concludes its work in less than 10 hours, the compensation paid may exceed that regularly payable for the amount of time worked, but cannot exceed the amount payable for ten hours' work.

PASSED AND APPROVED by the majority vote of the City Commission of the City of Kingsville, Texas this the 25th day of March, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

RESOLUCIÓN #2019-_____

UNA RESOLUCIÓN QUE NOMBRA JUECES ELECTORALES Y EL JUEZ DE LA JUNTA DE VOTACIÓN ANTICIPADA PARA LAS ELECCIONES ESPECIALES DE LA CIUDAD DE KINGSVILLE QUE SE LLEVARÁN A CABO EL 4 DE MAYO DE 2019.

SE HA RESUELTO, por parte de la Comisión Municipal de la Ciudad de Kingsville (Ciudad) que las personas mencionadas a continuación sean nombradas como Jueces Electorales para las Elecciones que se realizarán el sábado 4 de mayo de 2019.

SITIO DE VOTACIÓN EN LA CIUDAD

- 1 - Escuela Primaria McRoberts**
- 2 – Ayuntamiento, Salón comunitario Helen Kleberg Groves**
- 3 - Edificio anexo del condado de Kleberg**
- 4 - Escuela Intermedia Gillett**
- 5 - Escuela Primaria Harvey**
- 6 - Escuela H.M. King High School**

JUEZ PRESIDENTE

Velma Reyes
Bonnie Gonzales
Laura Garza-Trebotich
Janie Garza
Frances Caldera
Sylvia Martinez

JUEZ SUPLENTE

Noelia Chapa
Clarissa Gonzales
Fe Oballo
Laura Bernal
Dalilah Caldera
Anna Ramirez

SE RESUELVE ADEMÁS QUE: Cada Juez Presidente está autorizado para nombrar un secretario que le ayudará en las elecciones, y que cada Juez Presidente y cada Juez Suplente deberán recibir un pago de doce dólares (\$12.00) por hora, por cada hora trabajada, y que el juez que entrega los resultados electorales y los materiales de las elecciones a la estación central de conteo debe recibir un pago adicional de veinticinco dólares (\$25.00) por ese servicio, y que los Secretarios deben recibir un pago de diez dólares (\$10.00) por hora, por cada hora trabajada.

SE RESUELVE ADEMÁS QUE: Connie Cashen es nombrado Juez Presidente de la Junta de Votación Anticipada. Que dicho Juez Presidente está autorizado para nombrar dos secretarios que le ayudarán, y que los miembros deberán recibir el mismo pago que los jueces electorales regulares. Si la Junta termina su trabajo en menos de 10 horas, la remuneración pagada puede exceder la remuneración pagada regularmente por la cantidad de tiempo trabajado, pero no puede sobrepasar la suma pagada por diez horas de trabajo.

APROBADA por voto mayoritario de la Comisión Municipal de la Ciudad de Kingsville, Texas, este día 25, de marzo de 2019.

Sam R. Fugate, Alcalde

DA FE:

Mary Valenzuela, Secretaria Municipal

APROBADA RESPECTO A FORMA:

Courtney Álvarez, Abogado Municipal

REGULAR AGENDA

AGENDA ITEM #5

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: March 1, 2019

SUBJECT: Rezoning of 201 S. 16th from C1(Neighborhood Services) to C4 (Commercial District)

Summary: Jonathan Villarreal has applied for the rezoning of 201 S. 16th from C1 to C4. They would like to sell accessory buildings at this site. There is a picture of one included in the packet. To do that it needs to be a C4 zoning.

Background: In C1 uses are generally brick and mortar buildings, such as a drug store, grocery store or a florist shop. This also explains it being a corner lot and access from 16th. The C1 uses are generally housed in buildings that provide a good or a service for the neighborhood. Typical C4 uses are a plumbing shop and trailer and mobile home sales. Enclosed is a land use sheet which is utilized to determine the proper zoning district. Other points to consider that have an impact are the space requirements and the future of King street as a corridor street. In my memo to the Planning and Zoning Commission I have stated several different viewpoints as to the future of King and what we may envision for it in relationship to development, residential and or commercial.

Financial Impact: The positives for the financial impact that it would provide revenue for the city in term of sales tax and property tax. The negatives wouldn't be on the financial side but directly more related to land use and the vision of how we see King Street develop in the future as a corridor for our community.

Recommendation: The Planning and Zoning Commission met on March 7th and voted 4 to 0 to not recommend approval of the rezoning request.



To: Planning and Zoning Commissioners

From: Tom Ginter, Director

Date: March 1, 2019

Subject: Rezoning of 201 S. 16th from C1 (Neighborhood Services) to C4 (Commercial Detail)

Enclosed is the application from Jonathan Villarreal for the rezoning of 201 S. 16th. The current zoning of the property is C1. Other commercial uses allowed in C1 can be a grocery store, drug store or a florist shop. While that isn't all of them, the commercial uses will generally be a typical brick and mortar building providing a retail need for the neighborhood. Which also explains the corner lot and access to from 16th. The typical C4 uses are also allowed in C1, C2 and C3 but also include a plumbing shop and trailer and mobile home sales. Enclosed is the land use sheet to determine the proper zoning district. Other comments on this are the following:

1. While we do a good job on space requirements for residential our requirements for commercial could possibly be reviewed more in the future. With the product like this being sold outside and of a large size wouldn't it be wise to have this product sold on a bigger lot to not be a visual issue? That bigger lot would also allow the product to be further away from traffic to not be a visual problem.
2. The other comment is the future of King itself. There is no doubt that for some time King has been and will be a major corridor for Kingsville. It gets you to downtown, to the university and to our other corridor street 14th. With the sidewalk being built and what seems to be an ever-increasing traffic count, what is the future of the homes on the north side? I can tell you from experience that as these homes try to sell which may be difficult because of access, commercial opportunities will present itself because of the vehicle numbers and now improved pedestrian access.

Nonetheless to the matter at hand, what are the positives for the rezoning:

1. The sale of this product would provide sales tax and provide additional property tax

The negatives are:

1. Some may consider it a visual issue especially on King as a corridor for visitors to Kingsville
2. The other C4 uses such as trailer homes could be sold
3. The long term uses on a corridor street such as King may not coincide with this one

There is a lot to think about for this rezoning. I would also suggest that this may be the time if the commissioners desire to work on a corridor plan for King Street. Corridor streets can have a particular value to a community. Corridors can have a historical or a transportation value to the community.

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

*Per Applicant
Application for rezoning of
201 S. 16th Street*

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1131 E KING AND 1121 E KING Nearest Intersection EAST KING & SOUTH 16TH ST.

(Proposed) Subdivision Name N/A Lot _____ Block _____

Legal Description: LAND ADDN, Block 7, LOT 8+9 AND Block 7, LOT 5-7

Existing Zoning Designation C2 Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Jonathan Villarreal Phone 361-227-4074 FAX _____

Email Address (for project correspondence only): jonvillarreal7@gmail.com

Mailing Address 1463 CR 465 City Alice State TX Zip 78332

Property Owner Guadalupe ALVAREZ & RICARDO ALVAREZ Phone 361 592 8228 FAX 361 592 8856

Email Address (for project correspondence only): _____

Mailing Address 621 N US HWY 77 BYP 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 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:

rezoning from C2 to C4
Selling portable sheds on lot

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 Jonathan Villarreal Date: 1-14-2019
 Property Owner's Signature Guadalupe Alvarez Date: 1-14-2019
 Accepted by: _____ Date: _____

200 ft Buffer Map of 201 S 16th



25102

12744

13565

14369

22754

23509

13301

14431

14937

KingAve

12339

14566

22943

23694

16135

25205

16thSt

21170

21930

22706

25977

18414

19173

12259

20746

10449

19728

KenedyAve

0 20 40 80 120 160 Feet

Legend

- 201 S 16th
- 200 ft Buffer

Drawn By:
Planning Department
Last Update: 1/23/2019
Note:

DISCLAIMER
THIS MAP IS FOR VISUAL PURPOSES ONLY.
THE INFORMATION ON THIS SHEET MAY
CONTAIN INACCURACIES OR ERRORS.
THE CITY OF KINGSVILLE IS NOT
RESPONSIBLE IF THE INFORMATION CONTAINED
HEREIN IS USED FOR ANY DESIGN,
CONSTRUCTION, PLANNING, BUILDING,
OR ANY OTHER PURPOSE.



CITY OF KINGSVILLE
PLANNING DEPARTMENT
410 West King
Kingsville, Texas 78363
Office: 361-595-8055

FILEMON ESQUIVEL JR
1232 E KING AVE
KINGSVILLE, TX 78363-5934
#25102

RAUL GONZALEZ
ABEL GONZALEZ
PO BOX 180
KINGSVILLE, TX 78364-0180
#14369

EVA M SERNA EST
1204 E KING AVE
KINGSVILLE, TX 78363-5934
#13301

ROY E DAVIS
DIANA DELIA MENDOZA (LIFE
EST)
PO BOX 663
KINGSVILLE, TX 78364-0663
#12339

FRANCIS CISNEROS
1119 E KING AVE
KINGSVILLE, TX 78363-5870
#23694

ROGELIO S MARTINEZ
ETUX VIRGINIA G
5703 WISDOM CREEK DR
DALLAS, TX 75249-2314
#21930

LAURO JIMENEZ
MARCELO JIMENEZ JR
899 S COUNTY ROAD 1120
RIVIERA, TX 78379-3524
#18414

DELFINO G DE LEON
1132 E KENEDY AVE
KINGSVILLE, TX 78363-5865
#20746

SARA SALINAS
1116 E KING AVE
UNIT A
KINGSVILLE, TX 78363-5871
#12744

ANITA G PENNA
1316 FM 1717
KINGSVILLE, TX 78363
#22754

SIMON DIAZ
ETAL
1325 E RICHARD AVE
KINGSVILLE, TX 78363-4820
#14131

ROY E DAVIS
DIANA DELIA MENDOZA (LIFE
EST)
PO BOX 663
KINGSVILLE, TX 78364-0663
#14566

RICARDO ALVAREZ
621 N US HIGHWAY 77 BYP
KINGSVILLE, TX 78363-4826
#16135

JESSIE PEREZ
1209 E KING AVE
KINGSVILLE, TX 78363
#22706

BALDEMAR PEREZ
ETUX ADELITA
1126 E KENEDY
KINGSVILLE, TX 78363
#19173

ARGELIO D ALANIS
523 E ANGLE ROAD
KINGSVILLE, TX 78363
#10449

RODOLFO E RAMOS SR
1418 E KING
KINGSVILLE, TX 78363-5938
#13565

GUADALUPE B ALVAREZ
1513 MICHAEL
KINGSVILLE, TX 78363
#23509

GILBERTO M ARGUIJO EST
ETUX AURORA A ARGUIJO EST
801 S 15TH ST
KINGSVILLE, TX 78363-6425
#14937

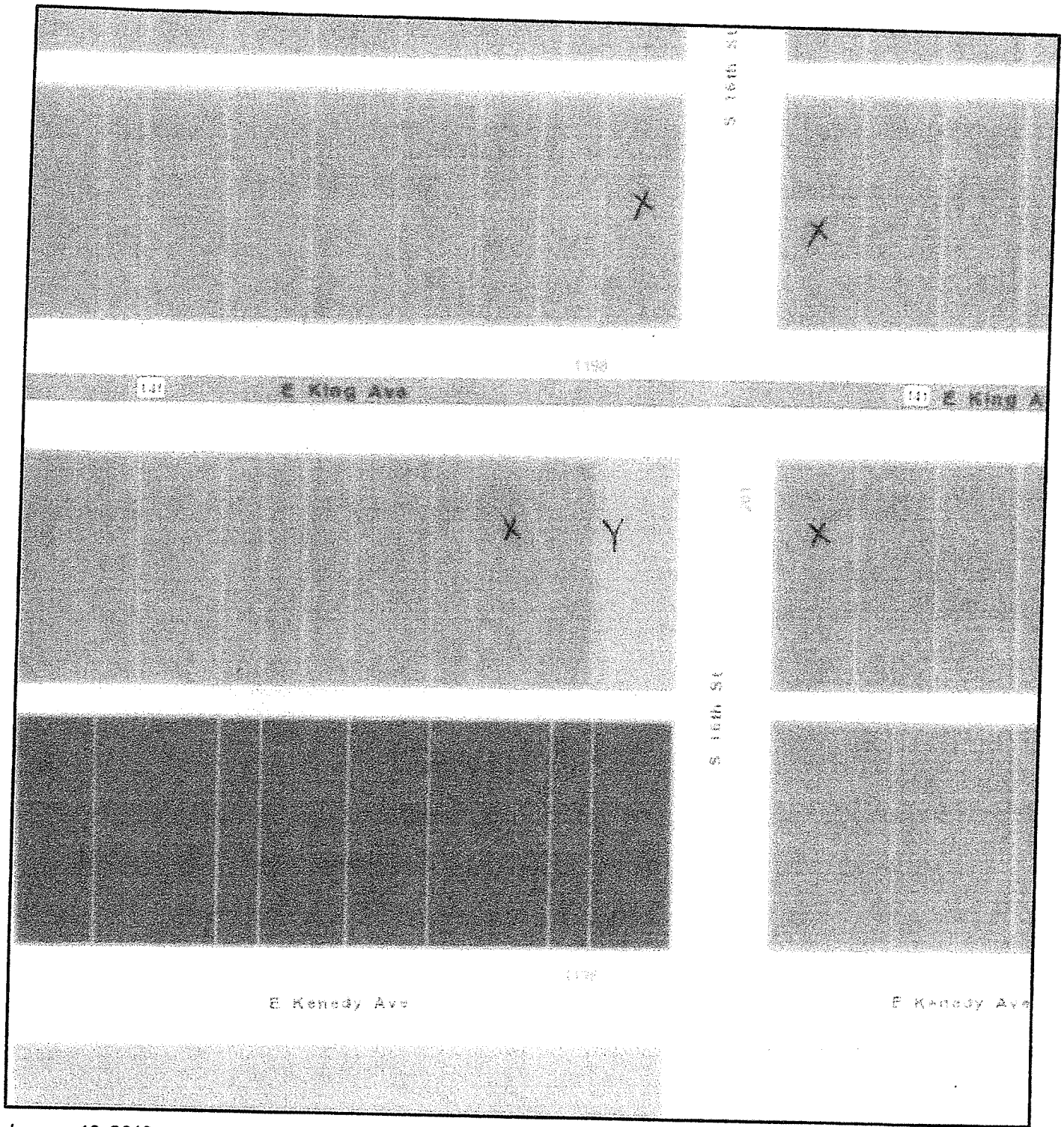
JESUS A PEREZ EST
1117 E KING AVE
KINGSVILLE, TX 78363
#22943

GILBERT C GUERRA
19540 CRYSTAL OAK
SAN ANTONIO, TX 78258-3001
#21170

MARGARITA SALINAS
SAENZ
560 N COUNTY ROAD 1050
KINGSVILLE, TX 78363-8833
#25977

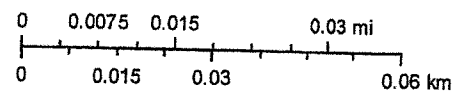
IC MERCY HOMES LLC
2900 OCEANVIEW
EDINBURG, TX 78539
#12259

DENNIS LEE GRIGGS
1208 E KENEDY AVE
KINGSVILLE, TX 78363-5931
#19728



January 16, 2019

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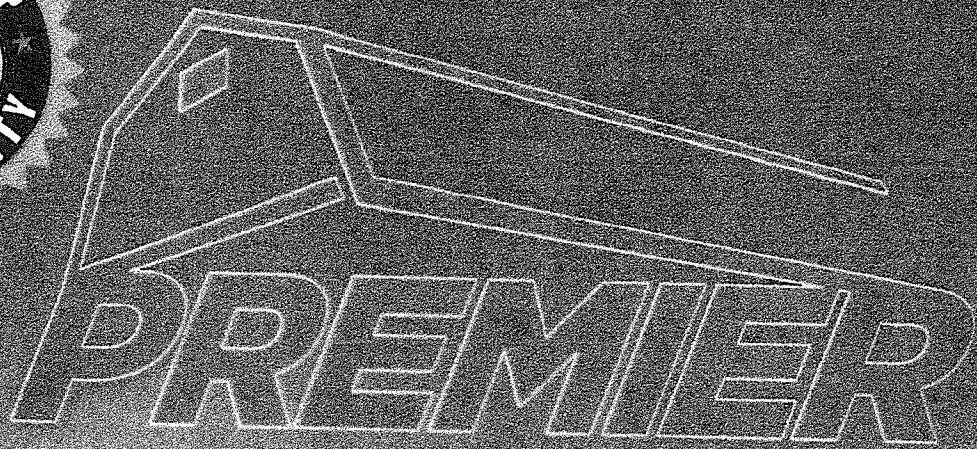


X - 1121 E. King R2

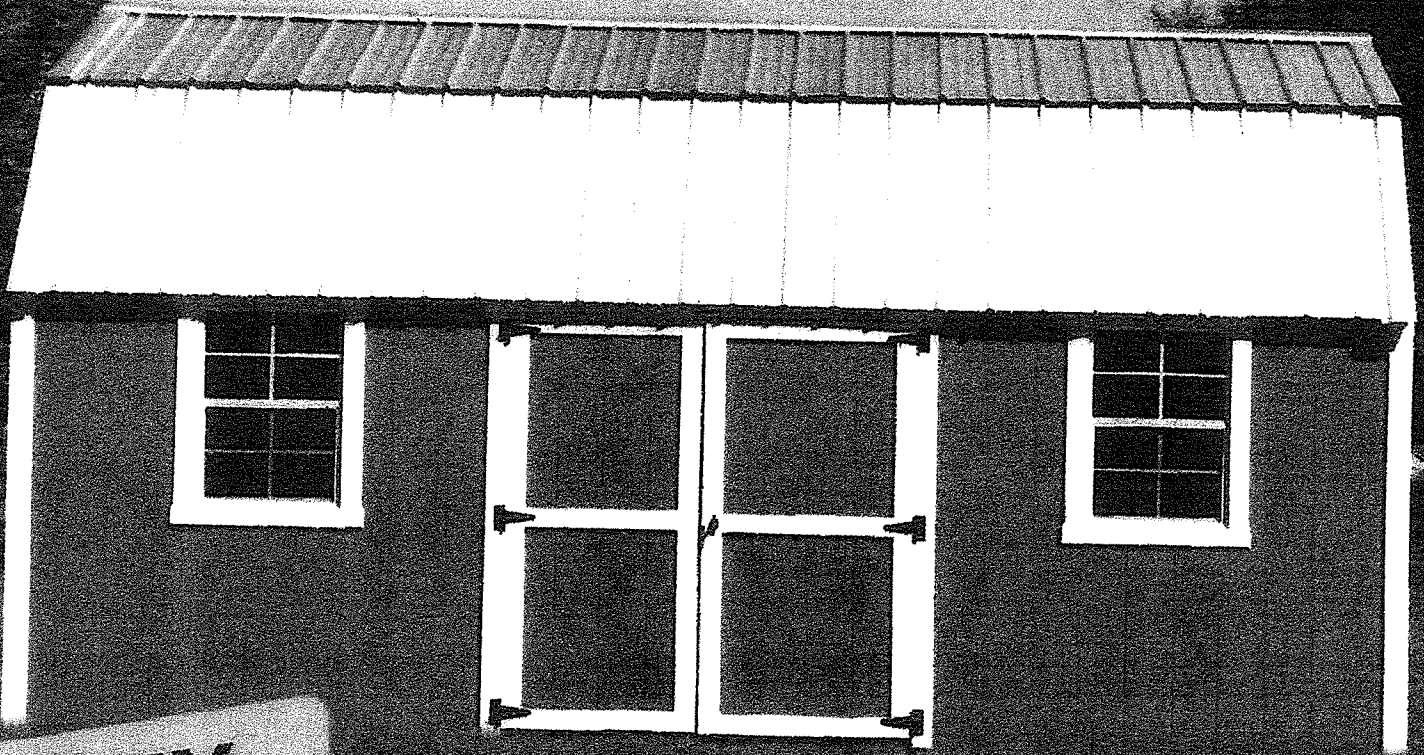
Y - 201 S. 16th C1 - Rezone
only

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

	R1	R2	R3	R4	MH	C1	C2	C3	C4	I1	I2	Ag
Lithographer or print shop							P	P	P	P	P	
Lumber yard							S	P	P	S	P	
Dairy or ice cream plant								7	S	P	P	P
Maintenance or repair service for buildings									P	P	P	
Laboratory, scientific or research							S	S	S	P	P	S
Paint shop							S	P	P	P	P	
Plumbing shop							S	S	P	P	P	
Railroad or bus passenger							S	P	P	P		
Railroad team tracks, freight depot or docks									P	P	P	P
Storage warehouse									S	S	S	
Trade, vocational or commercial schools							S	P	P	S	S	
Trailer and mobile home sales							S		P	P	P	
Transfer storage terminal									P	P	P	
Welding or machine shop									P	P	P	
Wholesale office, storage, sales not elsewhere listed									P	P	P	
Milk depot						S	S	P	P	P		



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OR
RENT
TO OWN**

Own in 36 or 48 Months
No Credit Check

MADE
IN THE **USA**



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PORTABLE BUILDINGS

The map displays the Special Wind Region with wind speed contours labeled 10, 15, 20, 25, 30, 35, 40, 45, 50, 55, 60, 65, 70, 75, 80, 85, 90, 95, 100, 105, 110, 115, 120, 125, 130, 135, 140, 145, 150, 155, 160, 165, 170, 175, 180, 185, 190, 195, 200, 205, 210, 215, 220, 225, 230, 235, 240, 245, 250, 255, 260, 265, 270, 275, 280, 285, 290, 295, 300, 305, 310, 315, 320, 325, 330, 335, 340, 345, 350, 355, 360, 365, 370, 375, 380, 385, 390, 395, 400, 405, 410, 415, 420, 425, 430, 435, 440, 445, 450, 455, 460, 465, 470, 475, 480, 485, 490, 495, 500, 505, 510, 515, 520, 525, 530, 535, 540, 545, 550, 555, 560, 565, 570, 575, 580, 585, 590, 595, 600, 605, 610, 615, 620, 625, 630, 635, 640, 645, 650, 655, 660, 665, 670, 675, 680, 685, 690, 695, 700, 705, 710, 715, 720, 725, 730, 735, 740, 745, 750, 755, 760, 765, 770, 775, 780, 785, 790, 795, 800, 805, 810, 815, 820, 825, 830, 835, 840, 845, 850, 855, 860, 865, 870, 875, 880, 885, 890, 895, 900, 905, 910, 915, 920, 925, 930, 935, 940, 945, 950, 955, 960, 965, 970, 975, 980, 985, 990, 995, 1000. The map also shows the coastline, major roads, and various geographical features. The title 'Special Wind Region' is located at the bottom right of the map.

Notes:

1. Contours are rounded design 3-second gust wind speeds in miles per hour (1 mph = 1.61 km/h) above ground for Exposure C category.
2. Linear interpolation between wind contours is permitted.
3. Islands and coastal areas outside the last contour shall use the last wind speed contour.
4. Mountainous terrain, gorges, ocean promontories, and straits shall be treated as islands.

[illegible]

Year	MC / MC	MC
2017	1.00	1.00
2018	1.00	1.00
2019	1.00	1.00
2020	1.00	1.00
2021	1.00	1.00
2022	1.00	1.00
2023	1.00	1.00
2024	1.00	1.00
2025	1.00	1.00
2026	1.00	1.00
2027	1.00	1.00
2028	1.00	1.00
2029	1.00	1.00
2030	1.00	1.00
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2032	1.00	1.00
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2095	1.00	1.00
2096	1.00	1.00
2097	1.00	1.00
2098	1.00	1.00
2099	1.00	1.00
2100	1.00	1.00

SHEET LIST	
SHEET NUMBER	SHEET TITLE
C-1	COVER SHEET
C-2	FASTENING SCHEDULE / WIND LOADING
A-1	FRAMING PLANS & DETAILS
A-2	DETAILS / SHEARWALL CHART
A-3	TYPICAL DETAILS
A-4	PORCH DETAILS

DATE FOR APPROVAL: 1-4-5	
PROJECT: C-1	
DRAWING NO. 10025 DRAWING BY: JH C.D. / C.R. ENG.	DATE: 1-11-5
ENGINEERING SERVICES PROVIDED FOR: PREMIER PORTABLE BUILDINGS 317 EAST 50th AVE. R42 NEW YORK, N.Y. 10017 NEW YORK, N.Y. 10017	REVISION: 1-11-5
APPROVED: C-1	DATE: 1-11-5
PROJECT: C-1	DATE: 1-11-5
DELUXE LOTTED BARN	DATE: 1-11-5
POWER SHEET & GENERAL NOTE	DATE: 1-11-5
DON VAN GERVE, P.E. SPECIALTY STRUCTURAL ENGINEER 317-315-8069	DATE: 1-11-5
ALTERNATIVE DESIGN CONSULTING 317-315-8069	DATE: 1-11-5
ALTERNATIVE DESIGN CONSULTING 317-315-8069	DATE: 1-11-5

Kleberg CAD

Property Search Map Search

Property Search Results > 25205 ALVAREZ GUADALUPE B for Year 2019

Property

Account

Property ID: 25205 Legal Description: LUND ADDN, BLOCK 7, LOT 8, 9, (AMIGO AUTO SALES)
 Geographic ID: 143300708000192 Agent Code:
 Type: Real
 Property Use Code:
 Property Use Description:

Location

Address: 201 S 16TH ST Mapsco:
 Neighborhood: Map ID: 81
 Neighborhood CD:

Owner

Name: ALVAREZ GUADALUPE B Owner ID: 31291
 Mailing Address: 1513 MICHAEL % Ownership: 100.000000000000%
 KINGSVILLE, TX 78363

Exemptions:

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$27,920	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$7,500	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$35,420	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$35,420	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$35,420	

Taxing Jurisdiction

Improvement / Building

Improvement #1: COMMERCIAL State Code: F1 Living Area: 816.0 sqft Value: \$27,920

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	OF3L	EW1	1975	816.0
CON	CONCRETE SLAB COMMERCIAL *			1975	5184.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	F1	F1	0.1722	7500.00	50.00	150.00	\$7,500	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2019	N/A	N/A	N/A	N/A	N/A	N/A
2018	\$27,920	\$7,500	0	35,420	\$0	\$35,420
2017	\$22,710	\$7,500	0	30,210	\$0	\$30,210
2016	\$20,790	\$7,500	0	28,290	\$0	\$28,290
2015	\$12,890	\$7,500	0	20,390	\$0	\$20,390
2014	\$11,290	\$7,500	0	18,790	\$0	\$18,790
2013	\$11,290	\$7,500	0	18,790	\$0	\$18,790
2012	\$11,290	\$7,500	0	18,790	\$0	\$18,790
2011	\$11,290	\$7,500	0	18,790	\$0	\$18,790
2010	\$9,610	\$7,500	0	17,110	\$0	\$17,110
2009	\$9,610	\$7,500	0	17,110	\$0	\$17,110
2008	\$9,610	\$7,500	0	17,110	\$0	\$17,110
2007	\$7,340	\$4,160	0	11,500	\$0	\$11,500
2006	\$7,340	\$4,160	0	11,500	\$0	\$11,500
2005	\$8,160	\$4,160	0	12,320	\$0	\$12,320

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	2/6/1998	WDVL	WARRANTY DEED W/VENDOR'S LEIN	LONGORIA JOSE	ALVAREZ GUADALUPE B	155	996	
2		OT	Other	UNKNOWN	LONGORIA JOSE			

Questions Please Call (361) 595-5775

Website version: 1.0.0.0

Database last updated on: 2/1/2019 9:21 PM

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PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, March 6, 2019, 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:

Jonathan Villarreal, applicant, Guadalupe Alvarez, owner, requesting the rezone of LUND ADDN, BLOCK 7, LOT 8,9, (AMIGO AUTO SALES) located at 201 S 16th Street, Kingsville, Texas from C1 (Neighborhood Service) to C4 (Commercial District).

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

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DESIGNATED AS PARK LAND

The City of Kingsville will hold a public hearing on Monday, February 25, 2019 at 6:00 p.m. at the Kingsville City Hall (400 W. King Ave.) in the Helen Kleberg Groves Community Room in regard to the consideration of decommissioning certain real property of the City designated as park land (Kenedy Park, the corner of Lantana and Richard Ave., and the corner of Alice and Richard Ave.).

The purpose of the hearing is to allow citizens an opportunity to discuss reasons for or against the decommissioning of certain real property of the City of Kingsville designated as park land. Citizens unable to attend may submit written comments to the Mayor, Sam Fugate, at City Hall-City of Kingsville, 400 W. King Ave., Kingsville, Texas, or by mailing to P.O. Box 1458, Kingsville, TX 78364.

In addition, should any non-English speaking citizen(s) desire to address the City during such hearing and needs the assistance of an interpreter, the City will attempt to provide one if sufficient notice is provided. Also, should any citizen(s) desire technical assistance, handicap accessibility to the hearing site, or need interpreter assistance, please call Mary Valenzuela, City Secretary at (361) 595-8002.

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PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, March 11, 2019 at 6:00 p.m. wherein the City Commission will discuss the introduction on the following item and at which time all

Menu may change without notice.

Monday - Breaded pork chopette with cream gravy, red skin potatoes, collard greens, apricot halves and whole wheat bread.

Tuesday - Chicken fajitas with grilled vegetables, seasoned pinto beans, 8572.

Friday - Ham and cheese s with mayonnaise, Romaine lettuce, tomatoes, apple carrot salad, bar whole wheat bread.

For more information, call (361) 595-8055.

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907 E. Fordyce Ave.
361-221-246

Ernest Castaneda, MD

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Olga Barrera, owner and applicant, requesting the rezoning of **SIN 3, BLOCK 2, LOT 16-23, W2 24, (EL CORRAL)** also known as **1415 N. 14th St., Kingsville, Texas** from **C4 (Commercial)** to **C1 (Retail)**.

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

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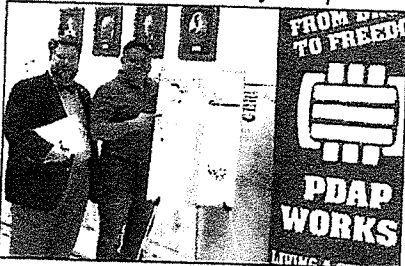
Local News

Sunday, February 10, 2019

Kingsville Record and Bishop News

5A

PDAP art contest winner announced, walk set for April 27



1. Dean Craig and Judge Rudy Madrid at the judging of the art contest for the annual 2019 Palmer Drug Abuse Program Drug Free Walk which is scheduled at 11 a.m. Saturday, April 27 at the Kleberg County Courthouse and ending at the Kingsville Independent School District's administration building. This year's Grand Marshal is KISD superintendent Elda Bera and the Grand Prize Winner of the art contest is Arabella Delson, a fourth grader at Harvey Elementary School. Her drawing will be the art work on this year's T-shirts for the walk. (Submitted item)

Banquet

Officials said. The Outstanding Citizen Award is meant to recognize someone currently pursuing a significant contribution to the community through civic and social activities. The Lifetime Service Award honors a citizen who has rendered the greatest and selfless service to his or her community over many years, either through vocational or non-vocational work. Nominations for the annual awards are due by April 1. Forms are available at the Bishop Chapter of Commerce, located at 213 E. Main St. in Bishop. Office hours are 9 a.m. - noon Monday to Friday. The banquet will take place on April 10 at the Bishop High School Cafeteria, located at 100 Budget Lane, with a social gathering set at 6 p.m. followed by a dinner and program at 6:30 p.m.

Individual tickets are \$25 with sponsor tables available for \$250 and include eight tickets. Attendees are requested to RSVP by April 12. For more information, to purchase tickets or to nominate an individual for an award, call (361) 561-2314 or send an email to banquet@bishopchc.com. Anthony Ruiz can be contacted at anruiz@bishopchc.com or (361) 221-0251.

NOTICE OF PUBLIC HEARING ON DECOMMISSIONING CERTAIN REAL PROPERTY OF THE CITY OF KINGSVILLE DESIGNATED AS PARK LAND

The City of Kingsville will hold a public hearing on Monday, February 25, 2019 at 6:00 p.m. at the Kingsville City Hall (400 West King Ave.) in the Helen Kleberg Groves Community Room regarding the consideration of decommissioning certain real property of the City designated as park land (Kennedy Park, the corner of Lantana and Richard Ave., and the corner of Alice and Richard Ave.).

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Obituaries

Orlando Ruiz

Orlando "Landy" Ruiz, 57, of Mission, died on Feb. 4, 2019 in McAllen. He was born on Aug. 14, 1961 in Kingsville. He was preceded in death by his father, Jesus Sanchez, and brother, Hector Javier Ruiz. Survivors include his wife of 30 years, Selma Perez Fernandez of Mission, one son, Bryan Ruiz of Corpus Christi, one daughter, Yessica Ruiz of Mission, parents, Guillermo and Maria Ruiz of Kingsville, three brothers, Raul Ruiz of Kingsville, Omar (Nita) Ruiz of Kingsville and Ramon Ruiz of Kingsville, two grandsons, and numerous nieces and nephews. Visitation was held on Wednesday, Feb. 6 at Ramirez-Salinas Funeral Home. A religious service was held Wednesday, Feb. 6 at Ramirez-Salinas Funeral Home. A funeral service was held Thursday, Feb. 7 at Ramirez-Salinas Funeral Home, with the Rev. Fernando Torres officiating. A cremation followed and a private graveside service will be held at a later date.



Orlando Ruiz

Angelina Moreno

Angelina Moreno, 73, of Kingsville, died Feb. 5, 2019. She was born on March 21, 1915 in El Paso, Texas, to Francisco and Guadalupe Moreno. She was preceded in death by her daughter, Nora Ann Garcia and son, Victor. Survivors include son, Raul Aguilera (Diana) and daughter, Cyndi Jackson (Phil). Arrangements by Rodriguez (Diana) Ruiz.

Chavez (Phil), was grandchild. Her grand-grandchildren, four brothers and four sons. Visitation was held Friday, Feb. 8 at Ramirez-Salinas Funeral Home. A funeral service was held Saturday, Feb. 9 at St. Martin's Catholic Church. Burial will follow at Santa Gertrudis Cemetery in Kingsville.



Angelina Moreno

Senior Citizen Menu listed

Submitted item. The Kingsville Senior Center menu is served at the Senior Center located at 100 E. Santa Gertrudis in Kingsville. Ricardo Senior Center and Rivera Center from 11:30 a.m. to 1:30 p.m. Monday through Friday. The following is the menu for the week of Feb. 11-15.

Monday - Roasted pork, collard greens, collard greens, spiced haws and whole wheat bread.

Tuesday - Chicken fajitas with guacamole, rice, beans, and whole wheat bread.

Wednesday - Roasted pork, collard greens, collard greens, spiced haws and whole wheat bread. Thursday - Pepper steak over rice, collard greens, collard greens, spiced haws and whole wheat bread. Friday - Ham and cheese sandwich with mustard, Roast beef, collard greens, apple corn salad, banana and whole wheat bread. For more information, call (361) 595-8072.

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Saturday 8 am - 4 pm
Sunday 10 am - 4 pm
NO Appointment Necessary

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207 E. Farley Ave.
361-221-2461
Word Castaneda, MD

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Olga Barrera, owner and applicant, requesting the rezoning of SIMS 3, BLOCK 2, LOT 16-23, W2 24, (EL CORRAL) also known as 1415 N. 14th St., Kingsville, Texas from C4 (Commercial) to C2 (Retail). The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

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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 #2019-_____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO LUND ADDN, BLOCK 7, LOTS 8, 9, ALSO KNOWN AS 201 S. 16TH STREET, FROM C1-NEIGHBORHOOD SERVICE DISTRICT TO C4-COMMERCIAL 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 Jonathan Villarreal, applicant/agent for Guadalupe Alvarez, 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, March 6, 2019 during a meeting of the Planning and Zoning Commission, and on Monday, March 11, 2019 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 WAS NOT APPROVED 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 Lund Addn, Block 7, Lots 8, 9 also known as 201 S. 16th Street from C1-Neighborhood Service District to C4-Commercial 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 March, 2019.

PASSED AND APPROVED on this the 25th day of March, 2019.

Effective Date: _____

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED:

Courtney Alvarez, City Attorney

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: March 4, 2019
SUBJECT: Rezoning of 1415 N. 14th Street C4 to C2

Summary: Olga Barrera who is the owner and applicant of the property would like to rezone the property from C4 to C2. The property is currently the site of the El Corral restaurant.

Background: The owner and applicant have a building next to the restaurant that they want to fix up for a housing unit. Their intention is to rent the house out to employees. The C4 zoning doesn't allow that use but a C2 zoning does. The C2 zoning will also allow the restaurant to operate at the same time.

Financial Impact: While the financial impact for the city will be an increase in property taxes, this will allow the owner to provide housing to employees which could positively impact the stability of the workforce there at the restaurant. This is an issue that we do not delve into very much, but it is important for our community in a long-term sense. Businesses must have employees to succeed and these employees would prefer to live nearby their place of employment.

Recommendation: The Planning and Zoning Commission met on March 7th and recommended approval of the rezoning with a 5 to 0 vote.



To: Planning and Zoning Commission

From: Tom Ginter, Director

Date: March 1, 2019

Subject: Rezoning of 1415 N. 14th Street from C4 to C2

Olga Barrera has submitted an application to rezone this property. As noted in the public notice this is the location of the El Corral restaurant. The zoning is fine for the restaurant but there is a building next to the restaurant that she wants to turn into a (residential) housing unit. Her primary goal for the unit is to rent it to an employee when needed. C 4 zoning doesn't allow for any kind of residential use, but as you can see from the land use category sheet C2 will allow that. The C2 zoning will also allow the continue use of the restaurant. If approved on this property there would be a residential (housing unit) and a restaurant.

Approval of the rezoning would allow the owner to have a housing unit available for an employee which would be to their advantage. I believe that there is sufficient parking for any resident.

CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1815 N 14 St Nearest Intersection Corral and 14 St

(Proposed) Subdivision Name _____ Lot _____ Block _____

Legal Description: SIMS 3, BLOCK 2, LOT 16-23, W2'24 (EL Corral)

Existing Zoning Designation C4 Future Land Use Plan Designation C2

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Olga Barrera Phone 361 2283501 FAX _____

Email Address (for project correspondence only): olgach.b.1129@hotmail.com

Mailing Address 2108 Margaret Ln City Kingsville State TX Zip 78363

Property Owner Olga Phone 361 2283501 FAX _____

Email Address (for project correspondence only): olgach.b.1129@hotmail.com

Mailing Address 2108 Margaret Ln 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 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 Olga Barrera

Date: 12-04-2019

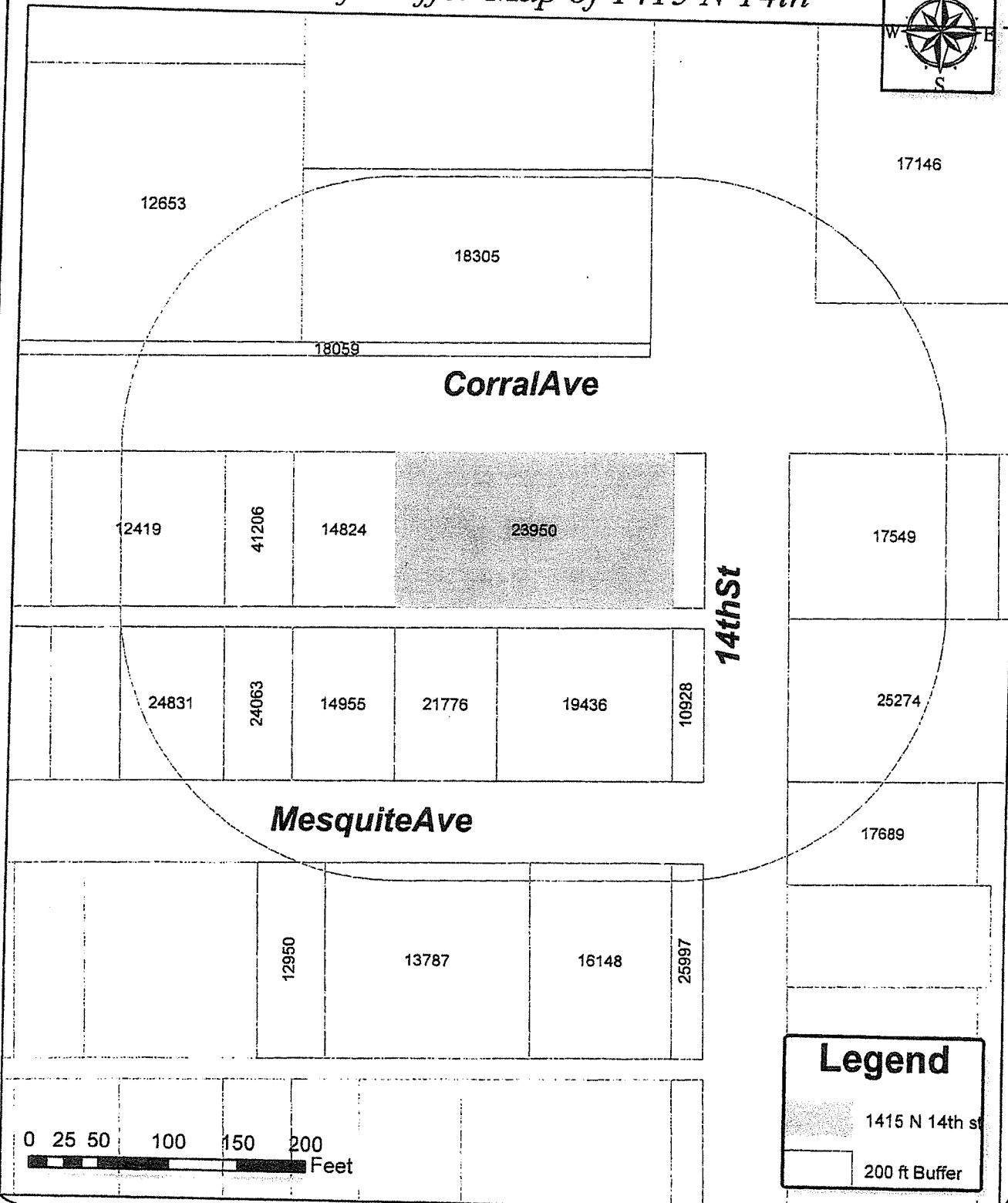
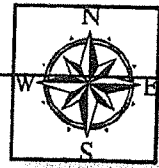
Property Owner's Signature Olga Barrera

Date: 12-04-2019

Accepted by: _____

Date: _____

200 ft Buffer Map of 1415 N 14th



Drawn By: Planning Department Last Update: 2/5/2019 Note:	DISCLAIMER THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.	CITY OF KINGSVILLE PLANNING DEPARTMENT 410 West King Kingsville, Texas 78363 Office: 361-595-8055

FRED GORBET
ETAL JAMES STOUT
922 E CORRAL AVE
KINGSVILLE, TX 78363-3978
#12653

PAUL M WEST
ETAL
489 N COUNTY ROAD 1050
KINGSVILLE, TX 78363-8923
#17146

SABAS PEREZ JR
ETAL
PO BOX 1754
KINGSVILLE, TX 78364-1754
#14824

RAUL GONZALEZ
ABLE GONZALEZ
PO BOX 180
KINGSVILLE, TX 78364-0180
#24063

EMMA CASTILLO-MCNEALEY
1106 N 10TH ST
KINGSVILLE, TX 78363
#19436

JOSE ALVAREZ
616 E MESQUITE AVE
KINGSVILLE, TX 78363-3934
#12950

TEXAS HIGHWAY PATROL
PO BOX 14087
AUSTIN, TX 78773-0001
#25997

PAUL M WEST
ETAL
489 N COUNTY ROAD 1050
KINGSVILLE, TX 78363-8923
#18305

K C SALLEY VAN & STORAGE
CO
12337 CUTTEN RD
HOUSTON, TX 77066-1807
#12419

EXIQUIO E VILLARREAL
PO BOX 1462
KINGSVILLE, TX 78364-1462
#17549

MARCOS GONZALES EST
926 E MESQUITE AVE
KINGSVILLE, TX 78363
#14955

TEXAS HIGHWAY PATROL
PO BOX 14087
AUSTIN, TX 78773-0001
#10928

JOSE ROLANDO OCHOA
ETUX MARIA LUISA
134 W FM 772
KINGSVILLE, TX 78363-2735
#13787

SHARON LYNN PENNINGTON
PO BOX 341
KINGSVILLE, TX 78364-0341
#25274

TEXAS DEPT OF
TRANSPORTATION
125 E 11TH ST
AUSTIN, TX 78701-2409
#18059

SOUTH TEXAS MOVERS LP
1201 S PADRE ISLAND DR
CORPUS CHRISTI, TX 78416-
2116
#41206

K C SALLEY VAN & STORAGE
CO
12337 CUTTEN RD
HOUSTON, TX 77066-1807
#24831

EMMA CASTILLO-MCNEALEY
1106 N 10TH ST
KINGSVILLE, TX 78363
#21776

OLGA C BARRERA
ENRIQUE MALDONADO
2108 MARGARET LN
KINGSVILLE, TX 78363
#23950

DIANA G ZAVALA
PO BOX 1069
KINGSVILLE, TX 78364-1069
#16148

OTTO E SCHROEDER JR
PO BOX 198
CALLIHAM, TX 78007-0198
#17689

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, March 6, 2019, 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:

Olga Barrera, owner and applicant, requesting the rezone of SIMS 3, BLOCK 2, LOT 16-23, W2' 24, (EL CORRAL) also known as 1415 N. 14th St., Kingsville, Texas from C4 (Commercial) to C2 (Retail).

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

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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.

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]

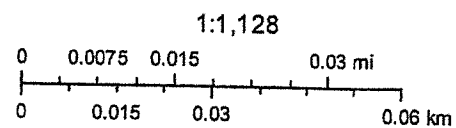
Land Use Chart													
Land Use Description	R1	R2	R2A	R3	R4	MH	C1	C2	C3	C4	I1	I2	Ag
X Dwelling, one-family det.	P	P		P	P	P	P	P	P				P
Dwelling, one-family att.		P	P	P	P		S	P					P
Dwelling, two-family		P		P	P		S	P					
Dwelling, multi-family				P	P		P	P	P				
Tiny Homes		P	P			P							
Dwelling, above business									P				
Work/live units									P				
Boarding or rooming house					P			S	P	P			
Hotel or motel					P			S	P	P			
Dormitory					P								
Fraternity, sorority					P								

	R1	R2	R2A	R3	R4	MH	C1	C2	C3	C4 ^X	I1	I2	AG
Bakery or confectionery shop, retail sales (less than 2,500 square feet)							P	P	P	P			
Bakery, wholesale								S	P	P			
Brewpub								P	S	P	P	P	
Building materials sales								S	P	P	S		
Cafeteria or restaurant X							S	P	P	P	P	P	
Camera shop							S	P	P	P			
Laundry or self-service laundry shop (limited area)							S	P	P	P			
Clinic, medical, dental, chiropractor, optometrist or other office of licensed Health related profession							S	P	P	P	P		
Drug store or pharmacy							P	P	P	P			
Department variety or discount store								P	P	P			
Grocery store							P	P	P	P			
Furniture or appliance store								P	P	P			
Florist shop							P	P	P	P			
Garden shop and plant sales								P	P	P			P



March 1, 2019

X-Structure in question



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Kleberg CAD

Property Search > 23950 BARRERA OLGA C for Year 2019

Tax Year: 2019 - Values not available

Property

Account

Property ID: 23950 Legal Description: SIMS 3, BLOCK 2, LOT 16-23, W2' 24, (EL CORRAL)
 Geographic ID: 166600216000192 Zoning: C4
 Type: Real Agent Code:
 Property Use Code:
 Property Use Description:

Location

Address: 1415 N 14TH ST TX Mapsco:
 Neighborhood: Map ID: A1
 Neighborhood CD:

Owner

Name: BARRERA OLGA C Owner ID: 59605
 Mailing Address: ENRIQUE MALDONADO % Ownership: 100.000000000000%
 2108 MARGARET LN
 KINGSVILLE, TX 78363

Exemptions:

Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A
<hr/>			
(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	
<hr/>			
(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	
<hr/>			
(=) Assessed Value:	=	N/A	

Taxing Jurisdiction

Owner: BARRERA OLGA C
 % Ownership: 100.000000000000%
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	KLEBERG COUNTY APPRAISAL DISTRICT	N/A	N/A	N/A	N/A
CKI	CITY OF KINGSVILLE	N/A	N/A	N/A	N/A
GKL	KLEBERG COUNTY	N/A	N/A	N/A	N/A
SKI	KINGSVILLE I.S.D.	N/A	N/A	N/A	N/A

WST SOUTH TEXAS WATER AUTHORITY	N/A	N/A	N/A	N/A
Total Tax Rate:	N/A			
		Taxes w/Current Exemptions:	N/A	
		Taxes w/o Exemptions:	N/A	

Improvement / Building

Improvement #1: COMMERCIAL State Code: F1 Living Area: 2982.0 sqft Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	RE3L		1970	2800.0
MAAD	ADDN (INC W/MAIN FOR SF PRICING)	RE3L		2016	182.0
ASP	ASPHALT (100%)	*		0	15783.0

Improvement #2: COMMERCIAL State Code: F1 Living Area: 812.0 sqft Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	RS3L	EW1	1999	812.0
OP1	OPEN PORCH BASIC (20%)	*		1999	84.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	F1	F1	0.5217	22725.00	202.00	112.50	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2019	N/A	N/A	N/A	N/A	N/A	N/A
2018	\$58,860	\$39,770	0	98,630	\$0	\$98,630
2017	\$58,860	\$39,770	0	98,630	\$0	\$98,630
2016	\$56,990	\$39,770	0	96,760	\$0	\$96,760
2015	\$56,990	\$39,770	0	96,760	\$0	\$96,760
2014	\$56,990	\$39,770	0	96,760	\$0	\$96,760
2013	\$45,390	\$40,260	0	85,650	\$0	\$85,650
2012	\$45,390	\$40,260	0	85,650	\$0	\$85,650
2011	\$45,390	\$40,260	0	85,650	\$0	\$85,650
2010	\$45,390	\$40,260	0	85,650	\$0	\$85,650
2009	\$45,390	\$40,260	0	85,650	\$0	\$85,650
2008	\$45,390	\$40,260	0	85,650	\$0	\$85,650
2007	\$45,390	\$40,260	0	85,650	\$0	\$85,650
2006	\$45,390	\$40,260	0	85,650	\$0	\$85,650
2005	\$45,390	\$40,260	0	85,650	\$0	\$85,650

Questions Please Call (361) 595-5775

This year is not certified and ALL values will be represented with "N/A".

Website version: 1.2.2.28

Database last updated on: 2/28/2019 8:20 PM

© N. Harris Computer Corporation

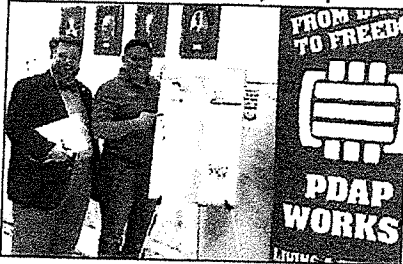
Local News

Sunday, February 10, 2019

Kingsville Record and Bishop News

5A

PDAP art contest winner announced, walk set for April 27



I. Dean Craig and Judge Rudy Madrid at the judging of the art contest for the annual 2019 Palmer Drug Abuse Program Drug Free Walk, which is scheduled at 11 a.m. Saturday, April 27 at the Kleberg County Courthouse and ending at the Kingsville Independent School District's administration building. This year's Grand Marshal is KISD superintendent Elida Bera and the Grand Prize Winner of the art contest is Arabella Delon, a fourth grader at Harvey Elementary School. Her drawing will be the art work on this year's T-shirt for the walk. (Submitted item)

Banquet

officials said.

The Outstanding Citizen Award is meant to recognize someone currently providing a significant contribution to the community through civic and social activities. The Lifetime Service Award honors a citizen who has rendered the greatest and selfless service to the community over many years, either through vocational or non-vocational work. Nominations for the

annual awards are due by April 1. Forms are available at the Bishop Chamber of Commerce, located at 215 E. Main St. in Bishop. Office hours are 9 a.m. - noon Monday to Friday.

The banquet will take place on April 30 at the Bishop High School Cafeteria, located at 1001 Badger Lane, with a social gathering set at 6 p.m. followed by the dinner and program at 6:30 p.m.

Individual tickets are \$25, with spouses tables available for \$250 and include eight tickets.

Attendees are requested to RSVP by April 12. For more information, or purchase tickets or to nominate an individual for an award, call (361) 561-2214 or send an email to banquet@bishopchamber.com. Auction bids can be received at awards@bishopchamber.com or (361) 561-2214.

NOTICE OF PUBLIC HEARING ON DECOMMISSIONING CERTAIN REAL PROPERTY OF THE CITY OF KINGSVILLE DESIGNATED AS PARK LAND

The City of Kingsville will hold a public hearing on Monday, February 25, 2019 at 6:00 p.m. at the Kingsville City Hall (400 W. King Ave.) in the Helen Kleberg Groves Community Room in regard to the consideration of decommissioning certain real property of the City designated as park land (Kennedy Park, the corner of Lanier and Richard Ave., and the corner of Alice and Richard Ave.).

The purpose of the hearing is to allow citizens an opportunity to discuss reasons for or against the decommissioning of certain real property of the City of Kingsville designated as park land. Citizens unable to attend may submit written comments to the Mayor, Sam Fugate, at City Hall, City of Kingsville, 400 W. King Ave., Kingsville, Texas, or by mailing to P.O. Box 1458, Kingsville, TX 78344.

In addition, should any non-English speaking citizens desire to address the City during such hearing and needs the assistance of an interpreter, the City will attempt to provide one if sufficient notice is provided. Also, should any citizens desire technical assistance, handicap accessibility to the hearing site, or need interpreter assistance, please call Mary Valenzuela, City Secretary at (361) 595-8002.

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, March 6, 2019, 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:

Jonathan Villarreal, applicant, Guadalupe Alvarez, owner, requesting the rezoning of LIND ADDN, BLOCK 7, LOT 8.9, (AMIGO AUTO SALES) located at 201 S. 16th Street, Kingsville, Texas from C1 (Neighborhood Service) to C4 (Commercial District). The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

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Obituaries

Orlando Ruiz

Orlando "Londy" Ruiz, 57, of Mission, died on Feb. 4, 2019 in McAllen. He was born on Aug. 14, 1961 in Kingsville. He was preceded in death by his father, Isidro Ruiz Sanchez, and brother, Hector Javier Ruiz. Survivors include his wife of 30 years, Sylvia Torres Fernandez of Mission; one son, Bryan Ruiz of Corpus Christi; one daughter, Yessica Ruiz of Mission; parents, Guillermo and Nilda Ruiz of Kingsville;

three brothers, Billy Ruiz of Kingsville, Omar (Nini) Ruiz of Kingsville and Ramon Ruiz of Kingsville; two grandsons and numerous nieces and nephews. Visitation was held on Wednesday, Feb. 6 at Ramirez-Salinas Funeral Home. A religious service was held Wednesday, Feb. 6 at Ramirez-Salinas Funeral Home. A funeral service was held Thursday, Feb. 7 at Ramirez-Salinas Funeral Home, with the Rev. Servando Torres officiating. A cremation followed and a private graveside service will be held at a later date.



Orlando Ruiz

Angelina Moreno

Angelina Moreno, 75, of Kingsville, died Feb. 5, 2019. She was born on March 21, 1915 in Pádua, Mexico, to Francisco and Guadalupe Moreno. She was preceded in death by her daughter, Nora Ann Garcia and son-in-law, Rudy Rodriguez (Omar), Amy

Chaban (Pili), seven grandchildren, three great-grandchildren, two brothers and four sisters. Visitation was held Friday, Feb. 8 at Kingsville Memorial Funeral Home Chapel with a mass funeral service. A funeral Mass will be celebrated at 10 a.m. on Saturday, Feb. 9 at St. Martin de Cordoba Church. Burial will follow at Santa Gertrudis Cemetery in Kingsville.



Angelina Moreno

Senior Citizen Menu list

Submitted item

The Kingsville Senior Center provides a meal service at the Senior Center located at 1109 E. Santa Gertrudis in Kingsville. Residents Senior Center and Senior Center from 11:30 a.m. to 12:30 p.m. Monday through Friday.

The following is the menu for the week of Feb. 11-15:

Monday - Menu change without notice. Tuesday - Roasted pork chop with cream gravy, red skin potatoes, collard greens, apricot halves and whole wheat bread.

Wednesday - Chicken fajitas with melted vegetables, seasoned potato, beans.

Remaine lettuce and potatoes, hot and cold chicken apples and wheat flour tortillas.

Thursday - Meat loaf with brown gravy, mashed potatoes, cranberry sauce, mixed fruit cup with citrus and whole wheat bread.

Friday - Turkey steak over rice, mixed vegetables, dried carrots, sponge cake with strawberries and whole wheat bread.

Saturday - Ham and cheese sandwich with mayonnaise, Remaine lettuce and tomatoes, apple, cranberry salad, banana and whole wheat bread.

For more information, call (361) 595-8072.

WE CARE FOR YOU EVERY DAY OF THE WEEK.

Monday - Friday 8 a.m. - 6 p.m.
Saturday 8 a.m. - 1 p.m.
Sunday 10 a.m. - 4 p.m.

NO Appointment Necessary

Castaneda Quick Care

"Convenient Medical Care When You Need It"

• General medical services
• X-ray services
• Comprehensive lab tests
• Comprehensive eye exams
• Comprehensive dental services

007 E. Furdue Ave.
361-221-2461
First Castaneda, P.A.C.

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ORDINANCE #2019-_____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO SIMS 3, BLOCK 2, LOTS 16-23, W2'24, ALSO KNOWN AS 1415 N. 14TH STREET, FROM C4-COMMERCIAL DISTRICT TO C2-RETAIL DISTRICT; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.

WHEREAS, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Olga Barrera, owner applicant, 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, March 6, 2019 during a meeting of the Planning and Zoning Commission, and on Monday, March 11, 2019 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 WAS APPROVED with a 5-0 vote of the Planning Commission for 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 Sims 3, Block 2, Lot 16-23, W2'24, also known as 1415 N. 14th St. from C4-Commercial District to C2-Retail District, as more specifically described on the Zone Change Map, attached as Exhibit A.

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

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

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

SECTION 5. That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

SECTION 6. That publication shall be made in the official publication of the City of Kingsville as required by the City Charter of the City of Kingsville.

INTRODUCED on this the 11th day of March, 2019.

PASSED AND APPROVED on this the 25th day of March, 2019.

Effective Date: _____

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED:

Courtney Alvarez, City Attorney

AGENDA ITEM #7

RESOLUTION #2019-_____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ECONOMIC INCENTIVE AGREEMENT BETWEEN THE CITY OF KINGSVILLE, TEXAS AND NEESSEN CDJR, INC. D/B/A NEESSEN POLARIS OF KINGSVILLE; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville, Texas ("City") desires to implement economic development programs authorized by Texas law and approved by the Kingsville City Commission, including those authorized by Chapter 380 of the Texas Local Government Code, to promote State and local economic development and to stimulate business and commercial activity in the City of Kingsville, Texas; and

WHEREAS, the City finds that the sales tax rebates and other financial incentives to assist the developer with recouping some of the development costs for the Neessen Polaris of Kingsville ("Company") as stated in the attached Economic Incentive Agreement in a maximum amount not to exceed the amount stated in the agreement for the construction of a Polaris dealership and service center on real property within the city limits of Kingsville, Texas would promote local economic development and stimulate business and commercial activity within the municipality and would directly establish a public purpose; and

WHEREAS, the City intends to provide the financial incentives as stated in the agreement in exchange for Company constructing and opening for business a Polaris dealership and service center within the city limits of Kingsville, Texas prior to January 1, 2020; and

WHEREAS, if Company does not meet the afore-mentioned requirements, then Company shall pay back to City all of the economic benefits received, if any, no later than January 31, 2020.

WHEREAS, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to enter into the agreement attached hereto.

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

I.

THAT the Mayor is authorized and directed as an act of the City of Kingsville, Texas to enter into an Economic Incentive Agreement between the City of Kingsville, Texas and Neessen CDJR, Inc. D/B/A Neessen Polaris Of Kingsville in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the 25th day of March, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**ECONOMIC INCENTIVE AGREEMENT
BETWEEN THE
CITY OF KINGSVILLE, TEXAS
AND
NEESSEN CDJR, INC. D/B/A NEESSEN POLARIS OF KINGSVILLE**

This Economic Incentive Agreement ("Agreement") is made and entered into by and between Neessen CDJR, Inc. d/b/a Neessen Polaris of Kingsville (the "Company"), a Texas corporation, and the City of Kingsville, Texas (the "City"), a home-rule, municipal corporation in the State of Texas, for the purposes and considerations stated below.

WITNESSETH:

WHEREAS, the City desires to implement economic development programs authorized by Texas law and approved by the City Commission, including those authorized by Chapter 380 of the Texas Local Government Code, to promote State and local economic development and to stimulate business and commercial activity in the City of Kingsville, Texas; and

WHEREAS, the City finds that the refund of certain moneys for the Company in a maximum amount as stated in Section 3-Economic Incentives of this agreement and as shown by way of illustration only in Exhibit A attached hereto and made a part hereof based on improvements to real property within the City limits of Kingsville, Texas would promote local economic development and stimulate business and commercial activity within the municipality and would directly establish a public purpose.

WHEREAS, the City intends to provide economic incentives as stated in Section 3 of this agreement in exchange for Company constructing and opening for business a new commercial business regarding Polaris vehicles with a capital investment of \$1.8 million dollars within the City limits of Kingsville, Texas prior to January 1, 2020.

WHEREAS, if Company does not meet the afore-mentioned requirements, then Company shall pay back to City all of the economic incentives received no later than thirty (30) days after default is declared by City.

NOW, THEREFORE, in consideration of the mutual benefits and promises contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows.

SECTION 1 Authorization: This Agreement is authorized by §380.001 of the Texas Local Government Code. The recitals set forth above are hereby found to be true and correct for all purposes.

SECTION 2 Term: This Agreement shall be effective as of the date of execution by both parties. This Agreement shall remain in full force and effect until the City and Company have completed their respective obligations hereunder or has been earlier terminated by the parties in writing.

SECTION 3 Economic Incentives: City shall provide economic incentives as stated below that are conditioned on the new commercial business regarding Polaris vehicles with a capital investment of \$1.8 million dollars that Company is to construct and open for business in Kingsville, Texas prior to January 1, 2020.

The City of Kingsville and Neessen agree and acknowledge that this Agreement shall provide for economic incentives, under the conditions set forth herein. For the duration of this agreement, the City will provide economic incentives [through a combination of sales tax rebates and reimbursements of money equal to the M&O portion of the ad valorem city tax paid on real property covered by this agreement (said combination of monetary incentives never to exceed \$200,000)].

The reimbursement monetary incentive (based on a portion of ad valorem City taxes paid) will be disbursed once each year on March 1st for the term of the agreement with payments to be equal to an amount no greater than the generated M&O portion of city paid ad valorem taxes provided by the new commercial development known as Neessen Polaris of Kingsville constructed within the development area.

The sales tax refund monetary incentives will be disbursed once each year on March 1st for the term of the agreement with payments to be equal to the amount no greater than half of the city sales tax generated by taxable sales for the new commercial development known as Neessen Polaris of Kingsville constructed within the development area, so long as the total of all monetary incentives does not exceed \$200,000. Company agrees to provide City with a copy of the State Comptroller's sales tax information for the Company, or with written authorization for City to obtain such information, no later than January 31st of each year for the term of term of the agreement.

Reimbursement (based on a portion of ad valorem City taxes paid) monetary incentives may also include up to an additional \$125,000 in economic incentives over time that is to be provided by Kleberg County, to be disbursed in the same manner as per the City's reimbursement (based on a portion of ad valorem City taxes paid) monetary incentives, for economic development assistance pursuant to the City's Agreement with the County for economic development assistance.

SECTION 4 Company Obligations: Company to construct and open for business prior to January 1, 2020 a new commercial business of approximately 48,000 square feet within the City limits of Kingsville, Texas with an anticipated capital investment of ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$1,800,000.00) (the "Development"). Failure of Company to construct and open for business within the City of Kingsville, Texas by January 1, 2020 will result in Company paying all previously received economic incentives and the termination of the agreement.

SECTION 5 Default: If either party should default (the "Defaulting Party") with respect to any of its obligations hereunder and should fail, within fifteen (15) days after delivery of written notice of such default from the other party (the "Complaining Party") to cure such default, the Complaining Party, by action or proceeding at law or in equity, may be awarded its damages and/or specific performance for such default.

SECTION 6 Mutual Assistance: The City and the Company shall do all things reasonably necessary or appropriate to carry out the terms and provisions of this Agreement and to aid and assist each other in carrying out such terms and provisions. The Company hereby consents to and agrees to cooperate in any request by the City to obtain information necessary to carry out this Agreement.

SECTION 7 Representations and Warranties: The City represents and warrants to the Company that the economic incentives and this Agreement are within the scope of its authority and the provisions of the City's Charter and that it is duly authorized and empowered

to establish the Economic Development Program and enter into this Agreement. The Company represents and warrants to the City that it has the requisite authority to enter into this Agreement.

SECTION 8 Hold Harmless and Indemnification: Company agrees to protect, defend, hold harmless and indemnify the City, any member of its government body, its officers, employees and agents, from and against any and all claims, actions, liabilities and damages brought by third parties actually suffered by a person or persons and actually arising out of this Agreement.

SECTION 9 Section or Other Headings: Section or other headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

SECTION 10 Attorneys' Fees: In the event any legal action or proceeding is commenced to enforce or interpret provisions of this Agreement, the prevailing party in any such legal action shall be entitled to recover its reasonable attorneys' fees and expenses incurred by reason of such action.

SECTION 11 Entire Agreement: This Agreement contains the entire agreement between the parties with respect to the transaction contemplated herein.

SECTION 12 Amendment: This Agreement may only be amended or altered by written instrument signed by the Company and the City.

SECTION 13 Successors and Assigns: This Agreement shall be binding on and inure to the benefit of the parties, their respective successors and assigns. The Company may assign all or part of its rights and obligations hereunder only upon prior written approval of the City, which approval shall not be unreasonably withheld or delayed. Notwithstanding the foregoing provisions of this section, in the event the Company desires to transfer or assign its rights or obligations hereunder to any entity which is an affiliate of Company, it shall have the right to do so without the consent or approval by the City, so long as the Company shall remain responsible and obligated to the City for the performance of its obligations under this Agreement.

SECTION 14 Notice: Any notice and/or statement required and permitted to be delivered shall be deemed delivered by depositing same in the United States mail, certified with return receipt requested, postage prepaid, or upon receipt by nationally recognized overnight courier, addressed to the appropriate party at the following addresses, or at such other addresses provided by the parties in writing.

COMPANY:

Neessen CDJR, Inc.
d/b/a Neessen Polaris of Kingsville
Attn: Payne Neessen
2151 North Hwy 77
Kingsville, Texas 78363
Phone: (361) 516-0011
Fax: (361) 221-2912
Email: payne@neessenautomotive.com

CITY: City of Kingsville, Texas
Attention: Jesús A. Garza
City Manager
P.O. Box 1458
Kingsville, TX 78364
Phone: (361) 595-8002
Fax: (361) 595-8024
Email: citymanager@cityofkingsville.com

With copies to: Courtney Alvarez
City Attorney
P.O. Box 1458
Kingsville, TX 78364
Phone: (361) 595-8016
Fax: (361) 592-4696
Email: attny@cityofkingsville.com

SECTION 15 Interpretation: Regardless of the actual drafter of this Agreement, this Agreement shall, in the event of any dispute over its meaning or application, be interpreted fairly and reasonably, and neither more strongly for or against any party.

SECTION 16 Applicable Law: This Agreement is made and shall be construed and interpreted under the laws of the State of Texas, and venue shall lie in state courts located in Kleberg, County, Texas.

SECTION 17 Counterparts: This Agreement may be executed in multiple counterparts, each of which shall be considered an original, but all of which shall constitute one instrument.

EXECUTED this _____ day of _____, 2019.

ATTEST: CITY OF KINGSVILLE, TEXAS

NAME: Mary Valenzuela
TITLE: City Secretary

NAME: Sam R. Fugate
TITLE: Mayor

APPROVED AS TO
FORM:

NAME: Courtney Alvarez
TITLE: City Attorney

EXECUTED this _____ day of _____, 2019.

ATTEST: _____, Inc.

NAME: _____
TITLE: _____

NAME: _____
TITLE: President

STATE OF TEXAS §
COUNTY OF KLEBERG §

Before me, _____, a notary public on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and known to me to be the Mayor of the City of Kingsville, a municipal corporation, and acknowledged to me that he executed said instrument for the purposes and consideration therein expressed, and as the act of said corporation.

Given under my hand and official seal this ____ day of _____, 2019.

My commission expires: _____
Notary Public

STATE OF TEXAS §
COUNTY OF KLEBERG §

Before me, _____, a notary public on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and known to me to be the President of Neessen CDJR, Inc. d/b/a Neessen Polaris of Kingsville, a corporation, and acknowledged to me that he executed said instrument for the purposes and consideration therein expressed, and as the act of said corporation.

Given under my hand and official seal this ____ day of _____, 2019.

My commission expires: _____
Notary Public

EXHIBIT A

**THIS DOCUMENT IS MEANT TO BE AN EXPLANATORY TOOL TO DEMONSTRATE
HOW THE ACTUAL CALCULATIONS WILL BE DONE FOR THE
MAXIMUM ANTICIPATED AMOUNTS OF ECONOMIC DEVELOPMENT INCENTIVES
TO BE PROVIDED BY CITY TO COMPANY**

			<u>Large Facility</u>	<u>Small Facility</u>	<u># Years</u>	
Valuation			1,716,860.00	1,434,550.00		
Tax Rate	0.83000					
Total City Taxes-(valuation/100 x tax rate)			14,249.94	11,906.77		
			<u>M&O Portion that can be abated annually based on current tax rate City Taxes x M&O %</u>			<u>Large Facility</u>
M&O	0.66488	80.1060%	11,415.06	9,538.04	5	57,075.29
I&S	0.16512	19.8940%				
Total Tax Rate	<u>0.83000</u>	<u>1.00000</u>				

		<u>City Sales Tax 1.5%</u>	<u>50% Abatement</u>		
Sales Taxes:					
Automotive Sales	4,800,000	72,000	36,000.00		
Service Sales	1,440,000	21,600	10,800.00		
Year 1			<u>46,800.00</u>	3	140,400.00

		<u>City Sales Tax 1.5%</u>	<u>50% Abatement</u>		
Sales Taxes:					
Automotive Sales	9,600,000	144,000	72,000.00		
Service Sales	2,160,000	32,400	16,200.00		
Year 5			<u>88,200.00</u>	3	264,600.00

AGENDA ITEM #8

**City of Kingsville
Purchasing Department**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Charlie Sosa Purchasing Manager
DATE: February 25, 2019
SUBJECT: RFP 19-03 Extermination Pest Control Services

Summary: This item authorizes the City to enter into a contract with Kingsville Pest Control for the City of Kingsville. RFP 19-03 Extermination Pest Control Services will provide extermination and pest control services for all city owned buildings.

Background: We published a Request for Proposals #19-03 in the newspaper on January 27, 2019 and February 3, 2019. Request for Proposals were accepted until 2:00 PM on February 12, 2019. Three responses were received from Kingsville Pest Control of Kingsville, TX.; Serenity Pest Control of Kingsville, TX.; and Pro-Tex Pest Management of Riviera, TX. Purchasing reviewed RFP #19-03 and found the information received to be responsive. Based on the proposals submitted from the three firms Kingsville Pest Control of Kingsville, Texas is the apparent low bidder, Kingsville Pest Control currently services some of the city owned buildings.

Please see attachment for Bid Tabulation.

Financial Impact:

Pest Control services will be funded through the Facility Maintenance Budget 001-5-1805-51100. Please see attached Budget Report.

Recommendation:

It is recommendation the City enter into a contract with Kingsville Pest Control for RFP 19-03 Extermination Pest Control Services for the City of Kingsville, as per staff recommendation.



City of Kingsville RFP 19-03 BID TABULATION									
Kingsville Pest Control				Serenity Pest Control			Alice Pest Control		
Bid Item	Description	Mo. Cost/Bldg.	After Hr.	Mo. Cost/Bldg.	After Hr.	Mo. Cost/Bldg.	After Hr.	Mo. Cost/Bldg.	After Hr.
1	Police Dept.	\$ 75.00	\$ 75.00	\$ 85.00	\$ 95.00	\$ 100.00	\$ 120.00	\$ 100.00	\$ 120.00
2	Library	\$ 85.00	\$ 85.00	\$ 85.00	\$ 95.00	\$ 112.00	\$ 132.00	\$ 112.00	\$ 132.00
3	City Hall	\$ 95.00	\$ 95.00	\$ 100.00	\$ 120.00	\$ 230.00	\$ 250.00	\$ 230.00	\$ 250.00
4	Public Works	\$ 85.00	\$ 85.00	\$ 85.00	\$ 105.00	\$ 108.00	\$ 128.00	\$ 108.00	\$ 128.00
5	Municipal Building	\$ 85.00	\$ 85.00	\$ 80.00	\$ 100.00	\$ 112.00	\$ 132.00	\$ 112.00	\$ 132.00
6	Community Appearance	\$ 45.00	\$ 45.00	\$ 100.00	\$ 120.00	\$ 85.00	\$ 105.00	\$ 85.00	\$ 105.00
7	Fire Station 1	\$ 75.00	\$ 75.00	\$ 95.00	\$ 115.00	\$ 90.00	\$ 110.00	\$ 90.00	\$ 110.00
8	Fire Station 2	\$ 35.00	\$ 35.00	\$ 85.00	\$ 105.00	\$ 85.00	\$ 105.00	\$ 85.00	\$ 105.00
9	Volunteer Fire	\$ 35.00	\$ 35.00	\$ 80.00	\$ 100.00	\$ 85.00	\$ 105.00	\$ 85.00	\$ 105.00
10	Train Depot	\$ 35.00	\$ 35.00	\$ 80.00	\$ 100.00	\$ 85.00	\$ 105.00	\$ 85.00	\$ 105.00
11	JK Northway	\$ 100.00	\$ 100.00	\$ 155.00	\$ 175.00	\$ 457.00	\$ 477.00	\$ 457.00	\$ 477.00
12	Park Recreation Bldg.	\$ 45.00	\$ 45.00	\$ 105.00	\$ 125.00	\$ 85.00	\$ 105.00	\$ 85.00	\$ 105.00
13	Kleberg Co. Health	\$ 45.00	\$ 45.00	\$ 120.00	\$ 140.00	\$ 85.00	\$ 105.00	\$ 85.00	\$ 105.00
14	Kingsville Visitor Center	\$ 35.00	\$ 35.00	\$ 80.00	\$ 100.00	\$ 85.00	\$ 105.00	\$ 85.00	\$ 105.00
		\$ 875.00	\$ 875.00	\$ 1,335.00	\$ 1,595.00	\$ 1,804.00	\$ 2,084.00	\$ 1,804.00	\$ 2,084.00



City of Kingsville, TX

Budget Report

Account Summary

For Fiscal: 10/2018-09/2019 Period Ending: 03/31/2019

	Fund: 001 - GENERAL FUND	Expense	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Encumbrances	Variance	
								Favorable (Unfavorable)	Percent Remaining
		Salaries & Wages	68,188.00	68,188.00	2,363.99	24,964.53	0.00	43,223.47	63.39 %
		Overtime	0.00	0.00	44.68	503.50	0.00	-503.50	0.00 %
		Retirement – TMRS	3,172.00	3,172.00	129.48	1,376.25	0.00	1,795.75	56.61 %
		FICA	5,217.00	5,217.00	179.53	1,905.88	0.00	3,311.12	63.47 %
		Group Health Insurance	7,603.00	7,603.00	341.15	3,070.34	0.00	4,532.66	59.62 %
		Workers' Compensation	964.00	964.00	0.00	349.60	0.00	614.40	63.73 %
		Unemployment Compensation	900.00	900.00	1.56	212.89	0.00	687.11	76.35 %
		Life Insurance	78.00	78.00	6.57	37.17	0.00	40.83	52.35 %
		Supplies	12,000.00	12,000.00	0.00	2,392.90	0.00	9,607.10	80.06 %
		Janitorial Supplies	20,000.00	20,000.00	154.40	5,122.57	261.87	14,615.56	73.08 %
		Uniforms & Personal Wear	0.00	0.00	0.00	35.00	0.00	-35.00	0.00 %
		Motor Gas & Oil	5,525.00	5,525.00	0.00	306.29	0.00	5,218.71	94.46 %
		Minor Eq/Furniture	1,000.00	1,000.00	0.00	961.08	213.00	-174.08	-17.41 %
		Communications - Municipal Building	35,000.00	35,000.00	1,698.48	15,319.27	9,000.00	10,680.73	30.52 %
		Communications - City Hall Complex	37,944.00	37,944.00	2,907.83	18,018.93	0.00	19,925.07	52.51 %
		Professional Services	7,700.00	7,700.00	0.00	2,986.67	0.00	4,713.33	61.21 %
		Equipment Rent	200.00	200.00	0.00	0.00	0.00	200.00	100.00 %
		Catering	66.00	66.00	0.00	0.00	0.00	66.00	100.00 %
		Utilities - Municipal Building	33,375.00	33,375.00	0.00	10,332.94	0.00	23,042.06	69.04 %
		Utilities - City Hall Complex	42,789.00	42,789.00	0.00	17,136.49	0.00	25,652.51	59.95 %
		Utilities - Cottage Building	1,200.00	1,200.00	0.00	381.52	0.00	818.48	68.21 %
		Laundry	1,185.00	1,185.00	0.00	978.10	0.00	206.90	17.46 %
		Equipment Maintenance	0.00	0.00	0.00	385.50	0.00	-385.50	0.00 %
		Building Maintenance	92,764.00	92,764.00	46.70	21,046.98	4,040.05	67,676.97	72.96 %
		Building Maintenance - Municipal Building	20,000.00	20,000.00	0.00	8,779.21	600.00	10,620.79	53.10 %
		Building Maintenance - City Hall Complex	15,000.00	15,000.00	0.00	4,654.38	4,667.75	5,677.87	37.85 %
Expense Total:			411,870.00	411,870.00	7,874.37	141,257.99	18,782.67	251,829.34	61.14 %
Fund: 001 - GENERAL FUND Total:			411,870.00	411,870.00	7,874.37	141,257.99	18,782.67	251,829.34	61.14 %
Report Total:			411,870.00	411,870.00	7,874.37	141,257.99	18,782.67	251,829.34	61.14 %

RESOLUTION #2019-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PEST CONTROL SERVICES AGREEMENT BETWEEN CITY OF KINGSVILLE AND KINGSVILLE PEST CONTROL FOR EXTERMINATION SERVICES FOR CITY PROPERTIES; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville has a need for pest control and pest extermination services for its properties;

WHEREAS, after advertising RFP#19-03 in the newspaper on January 27, 2019 and February 3, 2019, proposals were received on February 12, 2019 and upon review of the three responses, at a public meeting on February 25, 2019, the City Commission awarded the bid to the apparent low bidder Kingsville Pest Control and authorized staff to negotiate a contract with the Kingsville Pest Control;

WHEREAS, the parties have worked to prepare a Pest Control Services Agreement between the City of Kingsville and Kingsville Pest Control for pest control and pest extermination services for City properties as per the terms of the proposed contract.

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

I.

THAT the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into a Pest Control Services Agreement between the City of Kingsville and Kingsville Pest Control for pest control and pest extermination services for City properties in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the
25th day of March, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

CITY OF KINGSVILLE PEST CONTROL SERVICES AGREEMENT

§ STATE OF TEXAS

§ CITY OF KINGSVILLE

This Agreement is made and entered into by and between **Kingsville Pest Control**, ("Company") and the City of Kingsville, Texas ("City"), a Texas home rule City, acting by and through its duly authorized agent, Jesús A. Garza, City Manager, who agrees as follows:

1. SCOPE OF AGREEMENT

This Agreement incorporates the terms of Company's Proposal (for bid #19-03) dated February 8, 2019, attached hereto and incorporated herein for all purposes as Attachment "A." In the event of a conflict among the terms of this Agreement and the attachment, the term most favorable to the City, in City's sole discretion, shall control.

2. TERM OF AGREEMENT; TERMINATION

2.1. This Agreement shall be effective upon proper execution by the City. It shall be effective from March 25, 2019, through September 30, 2019 and renew for one-year periods annually thereafter, unless terminated by either party as provided in this agreement. The City reserves the right to withdraw from the Agreement immediately if its governing body fails to appropriate funds necessary for the satisfaction of its contractual obligations.

2.2 The City reserves the right to enforce the performance of this Agreement in any manner prescribed by law or deemed to be in the best interest of the City in the event of breach or default of any provision of this Agreement, including immediate termination of this Agreement.

2.3 Either party may terminate this agreement by giving the other thirty (30) days advance written notice.

3. ENTIRE AGREEMENT

This Agreement consists of the contract agreement, the Invitation to Bid, and the Bid submitted by the Company.

4. ASSIGNMENT

Company shall not assign or subcontract its obligations under this Agreement without the prior written consent of the City.

5. INDEMNITY

It is agreed for all purposes hereunder, that Company is and shall be an independent contractor and shall not, with respect to their acts or omissions be deemed an agent or employee of City.

The indemnity obligations herein shall survive the termination of the contract for any reason and shall survive the completion of the work performed.

Company agrees to indemnify and hold harmless and defend City, its officers, elected officials, agents and employees, from and against liability for any and all claims, liens, suits, demands and/or actions for damages, injuries to persons (including death), property damage (including loss of use), and expenses, including court costs, attorneys' fees, expert witnesses' fees, trial consultants' fees, and other reasonable costs arising out of or resulting from Company's work and/or activities conducted in connection with or incidental to this Contract and from any liability arising out of or resulting from the intentional acts or negligence or breach of any obligation under this Agreement, including all such causes of action based upon the negligent or intentional acts or omissions of Company, including but not limited to its officers, agents, employees, subcontractors, licensees, invitees, and other persons. Company shall procure contractual liability insurance covering its obligations in this section.

Company further agrees that it shall at all times exercise reasonable precautions on behalf of, and be solely responsible for, the safety of its officers, agents, employees, subcontractors, licensees, invitees and other persons, as well as their property, while in the vicinity where the work performed under this agreement is being done. It is expressly understood and agreed that City shall not be liable or responsible for the negligence of Company, including but not limited to its officers, agents, employees, subcontractors, licensees, invitees, and other persons.

It is further agreed with respect to the above indemnity, that City and Company will provide the other prompt and timely notice of any event covered which in any way, directly or indirectly, contingently or otherwise, affects or might affect Company or City, and City shall have the right to compromise and defend the same to the extent of its own interests.

6. INSURANCE

6.1 AMOUNTS OF INSURANCE

Company agrees to provide and to maintain the following types and amounts of insurance, for the term of this Contract:

	<u>TYPE</u>	<u>AMOUNT</u>
(a)	Workers Compensation (where required by State law) Employer's Liability	Statutory \$100,000 per occurrence
(b)	Commercial (Public) Liability, including but not limited to: 1. Premises/Operations 2. Independent Contractors 3. Personal Injury 4. Products/Completed Operations 5. Contractual Liability (insuring above indemnity provisions)	Combined Single Limit for Bodily Injury and Property Damage \$1,000,000 per occurrence \$2,000,000 aggregate
(a)	Comprehensive Automobile Liability - to include coverage for: 1. Owned/Leased Automobiles 2. Non-owned Automobiles 3. Hired Cars	Combined Single Limit for Bodily Injury and Property Damage: \$1,000,000 per occurrence

6.2 OTHER INSURANCE REQUIREMENTS

Company understands that it is its sole responsibility to provide the required Certificates and that failure to timely comply with the requirements of this article shall be a cause for termination of this Contract.

Insurance required herein shall be issued by a company or companies of sound and adequate financial responsibility and authorized to do business in the State of Texas. All policies shall be subject to examination and approval by the City Attorney's Office for their adequacy as to form, content, form of protection, and providing company.

Insurance required by this Contract for the City as additional insured shall be primary insurance and not contributing with any other insurance available to City,

under any third-party liability policy.

Company further agrees that with respect to the above required liability insurances, the City shall:

- (a) ***Be named as additional insured.***
- (b) Be provided with a waiver of subrogation, in favor of the City.
- (c) Be provided with **30 days** advance written notice of cancellation, nonrenewal, or reduction in coverage (all "endeavor to" and similar language of reservation stricken from cancellation section of certificate).
- (d) Prior to execution of this Agreement, be provided through the office of the City Risk Management with either their original Certificate of Insurance of their insurance policy evidencing the above requirements.

The insurance requirements set out in this section are independent from all other obligations of Company under this Agreement and apply whether or not required by any other provision of this Agreement.

7. PAYMENT AND PERFORMANCE

Payment for services described in this agreement are to be made as follows: Payment is due timely according to the Texas Prompt Payment Act, Chapter 2251 of the Texas Government Code, or as subsequently amended.

8. VENUE; RECOVERY OF FEES; DISPUTE RESOLUTION; CHOICE OF LAW

Any suit or claim or cause of action regarding this Agreement shall be brought in Kleberg County, Texas, as the choice of venue and jurisdiction and site of performance by the parties. The prevailing party in such an action may recover reasonable costs, including costs of court, attorney's fees, expert witnesses' fees, and trial consultants' fee. The parties are encouraged to enter into mediation should a dispute arise during the term of this Agreement, the costs being shared equally by the parties. The parties further agree that the law of the State of Texas shall govern any interpretation of the terms of this Agreement.

9. ETHICAL CERTIFICATION

Company certifies that neither it nor any of its agents or employees have or will offer or accept gifts or anything of value, or enter into any business arrangement, with any employee, official, or agent of the City.

IN WITNESSETH WHEREOF, the parties have executed this Agreement by causing the same to be signed as follows.

FOR: City of Kingsville

Jesús Garza
City Manager

_____, 2019

FOR: Kingsville Pest Control Owner Operator

Fidencio Vela
Owner, Operator

_____, 2019



**CITY OF KINGSVILLE, TEXAS
EXTERMINATION/PEST CONTROL SERVICES
REQUEST FOR PROPOSAL
RFP #19-03**

RFP's Due: Tuesday February 12, 2019 2:00 PM

ATTN: Charlie Sosa

400 W. King Ave.

Kingsville, TX 78363

OR

P.O. Box 1458

Kingsville, TX. 78364

SPECIFICATIONS

SCOPE:

Pest control services shall include, but is not limited to, elimination of the following pests: ants, spiders, crickets, roaches, silverfish, scorpions, mice, rats, fleas, ticks, bees, wasps, yellowjackets, snakes and similar pests. **Service must include controlling of pests on the outdoor grounds of the buildings (including, but not limited to patios, eaves of building, sidewalks, lawns and building perimeter).**

QUALITY ASSURANCE: The grounds will be inspected after each treatment by the appropriate City representative to insure compliance with the specifications.

SCHEDULE OF SERVICES: Services will include treatment of all facilities listed herein on a once a month basis, at a minimum. Problem areas will be attended as needed during the interim at no additional cost to the City. Special attention is to be given to areas as identified.

CONTRACT AGREEMENT: The successful proposer agrees to maintain and assure the facilities as listed herein are to remain pest free according to the schedule of services. All work performed in fulfilling the requirements of this contract will be accomplished by competent personnel utilizing the highest professional exterminating/pest control methods and following procedures, supervision, material equipment and supplies/chemicals as herein stated in this specification.

SAFETY: The successful proposer/representative's responsibility is the protection of all site facilities, personnel and City customers. Successful proposer must comply with the U.S. Department of Labor Occupational Safety and Health Hazard Communication 1910.1200 for use of chemicals. The successful proposer shall supply the City with copies of Material Safety Data Sheets showing complete chemical breakdown of all chemicals being used within ten (10) days after notification of award. The City reserves the right to require the successful proposer to discontinue the use of chemicals or request a change of chemicals at any time.

NOTE: Proposers shall offer the City two (2) monthly costs per buildings:

- A. Monthly Cost per Building when services are performed between the hours of 8:00 a.m. to 5:00 p.m.; and
- B. Monthly Cost per Building when services are performed before 8:00 a.m. and after 5:00 p.m.

**USE THIS FORM ONLY
PROPOSAL SHEET
EXTERMINATION/PEST CONTROL**

Item No.	Name and Address of Facility	No. of Stories	Square Footage	Mo. Cost Per Bldg. 8:00-5:00	Mo. Cost Per Bldg. After 5:00
1.	Kingsville Police Department** 1300 E King Ave. Kingsville, Texas 78363 Contact: Charlie Sosa (361) 595-8025 Areas Requiring Special Attention: Monthly: Spray all areas; special attention for ants, roaches, crickets, bees, wasps, yellowjackets and mice, perimeter of building mice & rat baits, entry ways	1	11,400	\$ <u>75</u>	\$ <u>75</u>
2.	Robert J. Kleberg Public Library 220 N. 4 th Street Kingsville, Texas 78363 Contact: Charlie Sosa (361) 595-8025 Areas Requiring Special Attention: Monthly: Spray all areas; special attention for ants, roaches, crickets, bees, wasps, yellowjackets and mice.	1	14,000	\$ <u>85</u>	\$ <u>85</u>
3.	Kingsville City Hall 400 W. King Ave. Kingsville, Texas 78363 Contact Charlie Sosa (361) 595-8025 Areas Requiring Special Attention: Monthly: Spray all areas; special attention for ants, roaches, crickets, bees, wasps, yellowjackets and mice, to perimeter of building mice & rat baits, entry ways, Restrooms and break rooms (kitchens) for insects and mice. Building is two story	4	28,800	\$ <u>95</u>	\$ <u>95</u>
4.	Kingsville Public Works Building 660 Johnson Road Kingsville, Texas 78363 Contact: Bill Donnell (361)-595-8041 Areas Requiring Special Attention: Monthly: Spray all areas; special attention for ants, roaches, crickets, bees, wasps, yellowjackets and mice, to perimeter of building (mice & rat baits, entry ways, Restrooms and break rooms for insects and mice ** Building is one story; warehouse has two levels.	2	13,500	\$ <u>85</u>	\$ <u>85</u>

5. Kingsville Municipal Building 2** 14,000 \$ 85 \$ 85
200 E. Kleberg
Kingsville, Texas 78363
Contact: Charlie Sosa (361) 595-8025
Areas Requiring Special Attention:
Monthly: Spray all areas; special attention for ants, roaches, crickets, crickets, bees, wasps, yellowjackets and mice, to perimeter of building mice & rat baits, entry way in alley.
Restrooms and break rooms (kitchens) for insects and mice
**Administration building has two levels.

6. Community Appearance 2 6,600** \$ 45 \$ 45
202 W. Lee
Kingsville, Texas 78363
Contact: Charlie Sosa (361) 595-8025
Areas Requiring Special Attention:
Monthly: Spray all areas; special attention to snakes, mice, birds, spiders, crickets, bees, wasps, yellowjackets and ants.
**This square footage includes 1200 square feet for the recycling center.
and mice, to perimeter of building mice & rat baits, entry way in alley.
Restrooms and break rooms (kitchens) for insects and mice
**Administration building has two levels.

7. Kingsville Fire Station #1 2** 11,250 \$ 75 \$ 75
1231 E. 10th Street
Kingsville, Texas 76248
Contact: Charlie Sosa (361) 595-8025
Requiring Special Attention:
Monthly: Spray all areas; special attention to snakes, mice, birds, spiders, crickets, bees, wasps, yellowjackets and ants.

8. Kingsville Fire Station #2 2 4,488 \$ 35 \$ 35
515 North Armstrong
Kingsville, Texas 78363
Contact: Charlie Sosa (361) 595-8025
Areas Requiring Special Attention:
Monthly: Spray all areas; special attention to mice, birds, spiders crickets, bees, wasps, yellowjackets, and ants.

9. Volunteer Fire Station 1 2,800 \$ 35 \$ 35
 326 North 6th Street
 Kingsville, TX 78363
 Contact: Charlie Sosa (361) 595-8025
 Areas Requiring Special Attention:
 Monthly: Spray all areas; special attention to mice, birds, spiders, crickets, bees, wasps, yellowjackets and ants.
10. Train Depot 1 3,600** \$ 35 \$ 35
 102 E. Kleberg
 Kingsville, Texas 78363
 Contact: Charlie Sosa (361) 595-8025
 Areas Requiring Special Attention:
 Monthly: Spray all areas; special attention to snakes, mice, birds, spiders, crickets, bees, wasps, yellowjackets and ants.
11. Kingsville JK Northway Exposition Cntr. 2 57,170 \$ 100 \$ 100
 501 E. Escondido
 Kingsville, Texas 78636
 Contact: Charlie Sosa (361) 595-8025
 Requiring Special Attention:
 Monthly: Spray all areas; special attention for ants, roaches, crickets and mice, to perimeter of building (mice & rat baits, entry ways).
12. Kingsville Recreation Center 2 6,800 \$ 45 \$ 45
 501 E. Escondido
 Kingsville, Texas 78363
 Contact: Charlie Sosa (361) 595-8025
 Areas Requiring Special Attention:
 Monthly: Spray all areas; special attention to snakes, mice, birds, spiders, crickets, bees, wasps, yellowjackets and ants.

13. Kleberg Co. Health Department 1 6,416 \$ 45 \$ 45

8604 N. Armstrong
Kingsville, TX 78363

Contact: Charlie Sosa (361) 595-8025

Areas Requiring Special Attention:

Monthly: Spray all areas; special attention to mice, birds, spiders and ants

Monthly: Spray all areas; special attention to perimeter of building (mice & rat
baits, entry ways.

Two separate buildings total square footage

15. Kingsville Visitors Center 1 2,100 \$ 35 \$ 35

1501 N. Hwy. 77

Kingsville, Texas 78363

Contact: Charlie Sosa (361) 595-8025

Areas Requiring Special Attention:

Monthly: Spray all areas; special attention to snakes, mice, birds, spiders, crickets,
bees, wasps, yellowjackets and ants.

TOTAL BASE RFP \$ 875 \$ 875

**IT IS THE INTENT OF THE CITY OF KINGSVILLE TO HIRE
EXTERMINATION/PEST CONTROL SERVICES FOR SOME OR ALL OF THE
AREAS LISTED ABOVE.**

The undersigned, in submitting this RFP, represents that he/she is an equal opportunity employer, and will not discriminate with regard to race, religion, color, national origin, age, or sex in the performance of this contract.

The undersigned hereby proposes to furnish the items bid on, F.O.B. Kingsville, Texas, at the unit prices quoted therein after notice of RFP award.

Company Name: Kingsville Pest Control

Telephone Number: 361-522-7575

Fax Number: —

Address: 208 E. Corral Kingsville Texas 78363

Signature: Fidencio Vela

Print: Fidencio Vela

Title: Owner - Operator

Date: 2-8-19

**OFFICIAL SIGNATURE PAGE
(MUST BE SIGNED OR RFP MAY BE REJECTED)**

INSTRUCTION TO PROPOSERS

1. The RFP award shall be based on, but not necessarily limited to, the following:
 - a. Total Price
 - b. Special needs and requirements of the City
 - c. Results of reference checks
 - d. Proposer's past performance record with the City
 - e. City's evaluation of the Proposer's ability to perform
2. The City of Kingsville may make such investigations as it deems necessary to determine the ability of the proposer to provide satisfactory performance in accordance with specifications, and the proposers shall furnish to the City all such information and data for this purpose as the City may request.
3. The City of Kingsville provides for a grievance procedure for proposers relating to specifications, terms, conditions, and instructions. Proposers with questions relating to the above matters are to contact Charlie Sosa, Purchasing Manager (361) 595-8025. If such matters have not been brought to the attention of the City staff prior to five days before the opening date, the City considers the RFP request to be acceptable to all proposers in all respects.
4. **Proposers are to bid on all items as specified. RFP's will be awarded to one proposer based on the total RFP.**
5. **The contract period will begin March 12, 2019 through, September 30, 2019. Prices must not exceed the RFP amount for the entire contract period.** The contract may be extended by mutual agreement of both parties for two (2) additional one (1) year periods with prices remaining firm for the entire contract.

RENEWAL OPTIONS:

The City of Kingsville reserves the right to exercise an option to renew the contract of the vendor for two (2) additional one (1) year periods, provided such option is stipulated in the Special Conditions and agreed upon by both parties. If the City exercises the right in writing, the proposer shall update and submit any legal documents required during the initial solicitation by no later than thirty (30) calendar days prior to the commencement of the option period. These documents, if applicable, will be specified in the Special Conditions and include, but are not limited to, Insurance Certificates and must be in force for the full period of the option. If the updated documents are not submitted by the proposer in complete form within the time specified, the City will rescind its option and seek a new RFP solicitation.

If the primary contractor elects not to exercise the option(s) to renew for the additional two (2) one (1) year periods, the next low proposer for that section will be offered the opportunity to accept the award at the same prices and discounts given in the original RFP submitted by that proposer. If both the primary contractor and the next low proposer for any section elect not to renew or accept award of the contract, the contract will be re-bid. The City of Kingsville reserves the right to re-bid the extension for the entire contract if the pricing of the next low proposer appears to be excessive.

6. The contract may be canceled by either party upon thirty (30) days written notification. The City reserves the right to cancel the contract immediately if the City determines in its sole discretion that the successful proposer is not fulfilling the assigned responsibilities under the agreement. At such time, it may award the bid to the next qualifying proposer.
7. Any exceptions or alternates to the RFP are to be clearly indicated on the page entitled, "EXCEPTIONS/ALTERNATES TO RFP".
8. Proposers are to provide three references where similar services are presently being performed by their firm through contract and have been provided for a minimum of the last twelve (12) months.

1. Name of Company/City Pioneer Winding Services
Address of Company/City 4528 Highway 359
Alice Texas 78332
Contact Person Nacho Vda
E-mail _____
Telephone Number including area code (361) 739-8589

2. Name of Company/City Vda Dental Center
Address of Company/City 1015 Harrietta
Kingsville Texas 78363
Contact Person Bobby Ramirez
E-mail vcdental@kingsville@yahoo.com
Telephone Number including area code (361) 720-2553

3. Name of Company/City City of Kingsville Public Works
Address of Company/City 1300 E. Corral
Kingsville Texas 78363
Contact Person Bill Donnell
E-mail wdonnell@cityofkingsville.com
Telephone Number including area code (361) 595-8040

9. **MATERIAL SAFETY DATA SHEETS (MSDS)**

If required, Proposal shall include a MSDS for each product quoted, if applicable.

10. **CERTIFICATES OF INSURANCE**

At the time of the execution of this contract and each subcontract, but in any event, prior to commencing work at the job site, the contractor and his subcontractors shall furnish the City with certificates of insurance with an Endorsement naming the City of Kingsville as additional insured as evidence that the policies providing the required coverage and limits of insurance are in full force and effect. Contracts less than \$4,999.99 do not require an Insurance Endorsement; however, a **Certificate of Insurance** is required naming the City of Kingsville as additional insured. Contracts exceeding \$5,000.00 shall be required to provide a copy of the Certificate of Insurance and the Insurance Endorsement naming the City of Kingsville as additional insured. The certificates of insurance provide that any company issuing an insurance policy for the work under this contract shall provide not less than 30 days advance notice in writing of cancellation, non-renewable, or material change in the policy of insurance. In addition, the contractor shall provide written notice to the City of Kingsville upon receipt of notice of cancellation of any insurance policy. All certificates of insurance shall clearly state that all applicable requirements have been satisfied including certification that the policies are of the "occurrence" type. Certificates of insurance and Endorsements for contractor and subcontractor, terminations, or alterations of such policies shall be mailed to Charlie Sosa, Purchasing Manager, Finance Department, P O. Box 1458, Kingsville, TX 78364.

11. **COMPREHENSIVE GENERAL LIABILITY**

This insurance shall be an occurrence type policy written in comprehensive form and shall protect the contractor and his subcontractors and the Additional Insured against all claims arising from bodily injury, sickness, disease, or death of any person other than the contractor's employees or damage to property of the City of Kingsville or others arising out of the act or omission of the contractor or his subcontractors or their agents, employees, or subcontractors. This policy shall also include protection against claims insured by usual personal injury liability coverage, a (protective liability) endorsed to insure the contractual liability assumed by the contractor and his subcontractors under the article entitle indemnification and completed operations, products liability, contractual liability, broad form property coverage, premises/operations, and independent contractors.

**Bodily Injury and Property Damage - \$500,000 per person
\$1,000,000 per occurrence**

12. COMPREHENSIVE AUTOMOBILE LIABILITY

This insurance shall be written in the comprehensive form and shall protect the contractor and his subcontractors and the additional insured against all claims for injuries to members of the public and damage to property of others arising from the use of motor vehicles, and shall cover operation on and off the site of all motor vehicles licensed for highway use, whether they were owned, non-owned, or hired, the liability shall not be less than:

**Bodily Injury and Property Damage - \$500,000 per person
\$1,000,000 per occurrence**

13. WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY

The contractor shall provide all workers' compensation insurance for its employees as required by law.

14. INDEMNIFICATION

For consideration included in the RFP price, contractor and his subcontractors shall pay, indemnify, and hold harmless, the City and Kingsville, its agents, guests, consultants, invites, and employees, from all suits, actions, claims, demands, losses, expenses, including attorney's fees, costs and judgments of every kind and description to which the City of Kingsville, its agents, guests, consultants, invites, or employees may be subjected to by reason of injury to persons or death or property damage, resulting from or growing out of any act of commission, omission, negligence, or fault of the contractor and his subcontractors, their agents or employees, committed in connection with this contract, contractor's performance hereof, or of any work performed hereunder.

The Contractor agrees to and shall indemnify and hold harmless the City of Kingsville against any and all liens and encumbrances for all labor, goods and services which may be provided under the City's request, by seller or seller's vendor(s), and if the City requests, a proper release of all liens or satisfactory evidence of freedom from liens shall be delivered to the City.

Contractor and his subcontractors shall indemnify and hold harmless the City of Kingsville, its agents, or employees and consultants from and against all claims, demands, actions, suits, damages, losses, expenses, costs including attorney's fees, and judgments of every kind and description arising from, based upon, or growing out of the violation of any Federal, state, county, or city law, bylaw, ordinance, or regulation by the contractor, its agents, trainees, invites, servants, and employees.

15. CONTRACT DELETIONS/ADDITIONS

The City of Kingsville reserves the right to make changes to the contract. If this occurs, City will negotiate deletions/additions and issue a change order. A thirty (30) day written notice will be issued. **Additionally, the City reserves the right to cancel contract, based upon available funding.**

16. WAIVER OF SUBROGATION

The contractor and his subcontractors shall require their insurance carrier, with respect to all insurance policies, to waive all rights of subrogation against the City of Kingsville, its commissioners, partners, officials, agents, and employees and against all other contractors and subcontractors.

17. DEBARMENT

By submitting a RFP, the proposer certifies that it is not currently debarred from receiving contracts from any political subdivision or agency of the State of Texas and that it is not an agent of a person or entity that is currently debarred from receiving contracts from any political subdivision or agency of the State of Texas.

18. BANKRUPTCY

If seller becomes bankrupt or insolvent, or if a petition in bankruptcy or insolvency is filed by or against Seller, or if a receiver, trustee or assignee for the benefit of creditors is appointed for Seller, the City shall have the right, at its sole discretion, to treat such occurrence as a breach thereof.

19. CONTRACT WITH PERSON INDEBTED TO MUNICIPALITY

A municipality by ordinance may establish regulations permitting the municipality to refuse to enter into a contract or other transaction with a person indebted to the municipality.

20. GOVERNING LAW

This solicitation and any resulting contract(s) shall be construed in accordance with the laws of the State of Texas. Any action regarding a dispute arising from this agreement shall be brought in federal or state courts within the State of Texas and the parties consent to the exclusive personal jurisdiction of such courts in the event of a dispute. Venue for state court actions shall be in Kleberg County, Texas.

21. CONFLICT OF INTEREST QUESTIONNAIRE

Effective January 1, 2006, House Bill 914 requires any proposer that wishes to conduct business or to be considered for business with any political subdivision, to complete a "conflict of interest" questionnaire (attached). Please complete the attached questionnaire and return with the RFP specifications. Additional information regarding this requirement may be obtained at www.ethics.state.tx.us.

H.B. 491 changed Section 176.006 to read as follows: "(a) A person described by Section 176.002(a) shall file a completed conflict of interest questionnaire if the person has a business relationship with a local governmental entity and: (1) has an employment or other business relationship with an officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1)."

22. INDEPENDENT CONTRACT

The successful proposer who is awarded the contract shall be considered an independent contractor for all purposes. The City is interested in the end product of the contract and not details for how work is done.

23. VERIFICATION NO BOYCOTT ISRAEL

As required by Chapter 2270, Texas Government Code, the proposer hereby verifies that is does not boycott Israel and will not boycott Israel through the term of this Agreement. For purposes of the verification, "boycott Israel" means refusing to deal with terminating business activities, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purpose.

24. NO FOREIGN TERRORIST ORGANIZATIONS

Pursuant to Chapter 2252, Texas Government Code, proposer represents and certifies that, at the time of execution of this Agreement neither the proposer, nor any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of the same (i) engages in business with Iran, Sudan, or any foreign terrorist organization as described in Chapter 806 or 807 of the Texas Government Code, or Subchapter F of Chapter 2252 of the Texas Government Code, or (ii) is a company listed by the Texas Comptroller of Public Accounts under Sections 806.051, 807.051 or 2252.153 of the Texas Government Code. The term "foreign terrorist organization" in this paragraph has the meaning assigned to such term in Section 2252.151 of the Texas Government Code.

**USE THIS FORM ONLY
EXCEPTIONS/ ALTERNATES TO PROPOSAL**

All exceptions to proposal must be defined in the space below including item number where applicable:

Addn Additional Rodent Bait Stations 21st Each as
Needed. Rodent source will be included But Bait Stations
(Exterior only) will be additional.

Proposer acknowledges that by submitting the proposal contained herein, proposer makes an offer which, if accepted within a reasonable period of time in whole or in part, by the City of Kingsville, constitutes a valid and binding contract as to any and all items accepted in writing by the City Kingsville.

DATE: 2-8-19

SIGNATURE: Fidencio Vel

PRINT: Fidencio Vel

TITLE: Owner - Operator

COMPANY NAME: Kingsville Pest Control

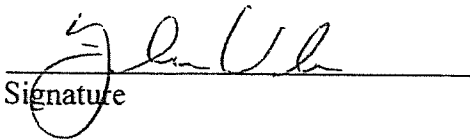
COMPANY ADDRESS: 208 E. Corral Kingsville Tex 78363

COMPANY TELEPHONE NUMBER: 361-522-7575

ANY QUESTIONS concerning this Proposal should be directed to: Charlie Sosa, Purchasing Manager (361) 595-8025.

**CITY OF KINGSVILLE
ACKNOWLEDGEMENT OF INSURANCE REQUIREMENTS**

I acknowledge that by submitting a proposal for this project, I am aware of the insurance requirements outlined in these specifications (Number 10-13). If I am awarded the RFP, I will comply with all insurance requirements within 10 working days of the RFP award, including providing proof that I have insurance which may include, but not be limited to, true and accurate copies of the policies.


Signature

Fidencio Velazquez
Printed name

Name of Company: Kingsville Pest Control

Address of Company: 208 E. Corral

City, State & Zip: Kingsville Texas 78363

Telephone Number: (361) 522-7575 Date: 2-8-19

THIS PAGE MUST BE COMPLETED OR THE RFP MAY BE REJECTED



**CITY OF KINGSVILLE, TEXAS
EXTERMINATION/PEST CONTROL SERVICES
REQUEST FOR PROPOSAL
RFP #19-03**

RFP's Due: Tuesday February 12, 2019 2:00 PM

ATTN: Charlie Sosa

400 W. King Ave.

Kingsville, TX 78363

OR

P.O. Box 1458

Kingsville, TX. 78364

SPECIFICATIONS

SCOPE:

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QUALITY ASSURANCE: The grounds will be inspected after each treatment by the appropriate City representative to insure compliance with the specifications.

SCHEDULE OF SERVICES: Services will include treatment of all facilities listed herein on a once a month basis, at a minimum. Problem areas will be attended as needed during the interim at no additional cost to the City. Special attention is to be given to areas as identified.

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SAFETY: The successful proposer/representative's responsibility is the protection of all site facilities, personnel and City customers. Successful proposer must comply with the U.S. Department of Labor Occupational Safety and Health Hazard Communication 1910.1200 for use of chemicals. The successful proposer shall supply the City with copies of Material Safety Data Sheets showing complete chemical breakdown of all chemicals being used within ten (10) days after notification of award. The City reserves the right to require the successful proposer to discontinue the use of chemicals or request a change of chemicals at any time.

NOTE: Proposers shall offer the City two (2) monthly costs per buildings:

- A. Monthly Cost per Building when services are performed between the hours of 8:00 a.m. to 5:00 p.m.; and
- B. Monthly Cost per Building when services are performed before 8:00 a.m. and after 5:00 p.m.

USE THIS FORM ONLY
PROPOSAL SHEET
EXTERMINATION/PEST CONTROL

Item No.	Name and Address of Facility	No. of Stories	Square Footage	Mo. Cost Per Bldg. 8:00-5:00	Mo. Cost Per Bldg. After 5:00
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2.	<p>Robert J. Kleberg Public Library 220 N. 4th Street Kingsville, Texas 78363 Contact: Charlie Sosa (361) 595-8025 Areas Requiring Special Attention: Monthly: Spray all areas; special attention for ants, roaches, crickets, bees, wasps, yellowjackets and mice.</p>	1	14,000	\$_____	\$_____
3.	<p>Kingsville City Hall 400 W. King Ave. Kingsville, Texas 78363 Contact Charlie Sosa (361) 595-8025 Areas Requiring Special Attention: Monthly: Spray all areas; special attention for ants, roaches, crickets, bees, wasps, yellowjackets and mice, to perimeter of building mice & rat baits, entry ways, Restrooms and break rooms (kitchens) for insects and mice. Building is two story</p>	4	28,800	\$_____	\$_____
4.	<p>Kingsville Public Works Building 660 Johnson Road Kingsville, Texas 78363 Contact: Bill Donnell (361)-595-8041 Areas Requiring Special Attention: Monthly: Spray all areas; special attention for ants, roaches, crickets, bees, wasps, yellowjackets and mice, to perimeter of building (mice & rat baits, entry ways, Restrooms and break rooms for insects and mice ** Building is one story; warehouse has two levels.</p>	2	13,500	\$_____	\$_____

5. Kingsville Municipal Building 2** 14,000 \$_____ \$_____
200 E. Kleberg
Kingsville, Texas 78363
Contact: Charlie Sosa (361) 595-8025
Areas Requiring Special Attention:
Monthly: Spray all areas; special attention for ants, roaches, crickets, crickets, bees,
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way in alley.
Restrooms and break rooms (kitchens) for insects and mice
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Kingsville, Texas 76248
Contact: Charlie Sosa (361) 595-8025
Requiring Special Attention:
Monthly: Spray all areas; special attention to snakes, mice, birds, spiders, crickets,
bees, wasps, yellowjackets and ants.
8. Kingsville Fire Station #2 2 4,488 \$_____ \$_____
515 North Armstrong
Kingsville, Texas 78363
Contact: Charlie Sosa (361) 595-8025
Areas Requiring Special Attention:
Monthly: Spray all areas; special attention to mice, birds, spiders crickets, bees,
wasps, yellowjackets, and ants.

9. Volunteer Fire Station 1 2,800 \$_____ \$_____
326 North 6th Street
Kingsville, TX 78363
Contact: Charlie Sosa (361) 595-8025
Areas Requiring Special Attention:
Monthly: Spray all areas; special attention to mice, birds, spiders, crickets, bees,
wasps, yellowjackets and ants.
10. Train Depot 1 3,600** \$_____ \$_____
102 E. Kleberg
Kingsville, Texas 78363
Contact: Charlie Sosa (361) 595-8025
Areas Requiring Special Attention:
Monthly: Spray all areas; special attention to snakes, mice, birds, spiders, crickets,
bees, wasps, yellowjackets and ants.
11. Kingsville JK Northway Exposition Cntr. 2 57,170 \$_____ \$_____
501 E. Escondido
Kingsville, Texas 78636
Contact: Charlie Sosa (361) 595-8025
Requiring Special Attention:
Monthly: Spray all areas; special attention for ants, roaches, crickets and mice, to
perimeter of building (mice & rat baits, entry ways).
12. Kingsville Recreation Center 2 6,800 \$_____ \$_____
501 E. Escondido
Kingsville, Texas 78363
Contact: Charlie Sosa (361) 595-8025
Areas Requiring Special Attention:
Monthly: Spray all areas; special attention to snakes, mice, birds, spiders, crickets,
bees, wasps, yellowjackets and ants.

13. Kleberg Co. Health Department 1 6,416 \$_____ \$_____

8604 N. Armstrong
Kingsville, TX 78363

Contact: Charlie Sosa (361) 595-8025

Areas Requiring Special Attention:

Monthly: Spray all areas; special attention to mice, birds, spiders and ants

Monthly: Spray all areas; special attention to perimeter of building (mice & rat
baits, entry ways.

Two separate buildings total square footage

15. Kingsville Visitors Center 1 2,100 \$_____ \$_____

1501 N. Hwy. 77

Kingsville, Texas 78363

Contact: Charlie Sosa (361) 595-8025

Areas Requiring Special Attention:

Monthly: Spray all areas; special attention to snakes, mice, birds, spiders, crickets,
bees, wasps, yellowjackets and ants.

TOTAL BASE RFP \$_____ \$_____

**IT IS THE INTENT OF THE CITY OF KINGSVILLE TO HIRE
EXTERMINATION/PEST CONTROL SERVICES FOR SOME OR ALL OF THE
AREAS LISTED ABOVE.**

The undersigned, in submitting this RFP, represents that he/she is an equal opportunity employer, and will not discriminate with regard to race, religion, color, national origin, age, or sex in the performance of this contract.

The undersigned hereby proposes to furnish the items bid on, F.O.B. Kingsville, Texas, at the unit prices quoted therein after notice of RFP award.

Company Name: _____

Telephone Number: _____

Fax Number: _____

Address: _____

Signature: _____

Print: _____

Title: _____

Date: _____

**OFFICIAL SIGNATURE PAGE
(MUST BE SIGNED OR RFP MAY BE REJECTED)**

INSTRUCTION TO PROPOSERS

1. The RFP award shall be based on, but not necessarily limited to, the following:
 - a. Total Price
 - b. Special needs and requirements of the City
 - c. Results of reference checks
 - d. Proposer's past performance record with the City
 - e. City's evaluation of the Proposer's ability to perform
2. The City of Kingsville may make such investigations as it deems necessary to determine the ability of the proposer to provide satisfactory performance in accordance with specifications, and the proposers shall furnish to the City all such information and data for this purpose as the City may request.
3. The City of Kingsville provides for a grievance procedure for proposers relating to specifications, terms, conditions, and instructions. Proposers with questions relating to the above matters are to contact Charlie Sosa, Purchasing Manager (361) 595-8025. If such matters have not been brought to the attention of the City staff prior to five days before the opening date, the City considers the RFP request to be acceptable to all proposers in all respects.
4. **Proposers are to bid on all items as specified. RFP's will be awarded to one proposer based on the total RFP.**
5. **The contract period will begin March 12, 2019 through, September 30, 2019. Prices must not exceed the RFP amount for the entire contract period.** The contract may be extended by mutual agreement of both parties for two (2) additional one (1) year periods with prices remaining firm for the entire contract.

RENEWAL OPTIONS:

The City of Kingsville reserves the right to exercise an option to renew the contract of the vendor for two (2) additional one (1) year periods, provided such option is stipulated in the Special Conditions and agreed upon by both parties. If the City exercises the right in writing, the proposer shall update and submit any legal documents required during the initial solicitation by no later than thirty (30) calendar days prior to the commencement of the option period. These documents, if applicable, will be specified in the Special Conditions and include, but are not limited to, Insurance Certificates and must be in force for the full period of the option. If the updated documents are not submitted by the proposer in complete form within the time specified, the City will rescind its option and seek a new RFP solicitation.

If the primary contractor elects not to exercise the option(s) to renew for the additional two (2) one (1) year periods, the next low proposer for that section will be offered the opportunity to accept the award at the same prices and discounts given in the original RFP submitted by that proposer. If both the primary contractor and the next low proposer for any section elect not to renew or accept award of the contract, the contract will be re-bid. The City of Kingsville reserves the right to re-bid the extension for the entire contract if the pricing of the next low proposer appears to be excessive.

6. The contract may be canceled by either party upon thirty (30) days written notification. The City reserves the right to cancel the contract immediately if the City determines in its sole discretion that the successful proposer is not fulfilling the assigned responsibilities under the agreement. At such time, it may award the bid to the next qualifying proposer.
7. Any exceptions or alternates to the RFP are to be clearly indicated on the page entitled, **"EXCEPTIONS/ALTERNATES TO RFP"**.
8. Proposers are to provide three references where similar services are presently being performed by their firm through contract and have been provided for a minimum of the last twelve (12) months.

1. Name of Company/City _____
Address of Company/City _____

Contact Person _____
E-mail _____
Telephone Number including area code () _____

2. Name of Company/City _____
Address of Company/City _____

Contact Person _____
E-mail _____
Telephone Number including area code() _____

3. Name of Company/City _____
Address of Company/City _____

Contact Person _____
E-mail _____
Telephone Number including area code () _____

9. **MATERIAL SAFETY DATA SHEETS (MSDS)**

If required, Proposal shall include a MSDS for each product quoted, if applicable.

10. **CERTIFICATES OF INSURANCE**

At the time of the execution of this contract and each subcontract, but in any event, prior to commencing work at the job site, the contractor and his subcontractors shall furnish the City with certificates of insurance with an Endorsement naming the City of Kingsville as additional insured as evidence that the policies providing the required coverage and limits of insurance are in full force and effect. Contracts less than \$4,999.99 do not require an Insurance Endorsement; however, a **Certificate of Insurance** is required naming the City of Kingsville as additional insured. Contracts exceeding \$5,000.00 shall be required to provide a copy of the Certificate of Insurance and the Insurance Endorsement naming the City of Kingsville as additional insured. The certificates of insurance provide that any company issuing an insurance policy for the work under this contract shall provide not less than 30 days advance notice in writing of cancellation, non-renewable, or material change in the policy of insurance. In addition, the contractor shall provide written notice to the City of Kingsville upon receipt of notice of cancellation of any insurance policy. All certificates of insurance shall clearly state that all applicable requirements have been satisfied including certification that the policies are of the "occurrence" type. Certificates of insurance and Endorsements for contractor and subcontractor, terminations, or alterations of such policies shall be mailed to Charlie Sosa, Purchasing Manager, Finance Department, P O. Box 1458, Kingsville, TX 78364.

11. **COMPREHENSIVE GENERAL LIABILITY**

This insurance shall be an occurrence type policy written in comprehensive form and shall protect the contractor and his subcontractors and the Additional Insured against all claims arising from bodily injury, sickness, disease, or death of any person other than the contractor's employees or damage to property of the City of Kingsville or others arising out of the act or omission of the contractor or his subcontractors or their agents, employees, or subcontractors. This policy shall also include protection against claims insured by usual personal injury liability coverage, a (protective liability) endorsed to insure the contractual liability assumed by the contractor and his subcontractors under the article entitle indemnification and completed operations, products liability, contractual liability, broad form property coverage, premises/operations, and independent contractors.

**Bodily Injury and Property Damage - \$500,000 per person
\$1,000,000 per occurrence**

12. **COMPREHENSIVE AUTOMOBILE LIABILITY**

This insurance shall be written in the comprehensive form and shall protect the contractor and his subcontractors and the additional insured against all claims for injuries to members of the public and damage to property of others arising from the use of motor vehicles, and shall cover operation on and off the site of all motor vehicles licensed for highway use, whether they were owned, non-owned, or hired, the liability shall not be less than:

**Bodily Injury and Property Damage - \$500,000 per person
\$1,000,000 per occurrence**

13. **WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY**

The contractor shall provide all workers' compensation insurance for its employees as required by law.

14. **INDEMNIFICATION**

For consideration included in the RFP price, contractor and his subcontractors shall pay, indemnify, and hold harmless, the City and Kingsville, its agents, guests, consultants, invites, and employees, from all suits, actions, claims, demands, losses, expenses, including attorney's fees, costs and judgments of every kind and description to which the City of Kingsville, its agents, guests, consultants, invites, or employees may be subjected to by reason of injury to persons or death or property damage, resulting from or growing out of any act of commission, omission, negligence, or fault of the contractor and his subcontractors, their agents or employees, committed in connection with this contract, contractor's performance hereof, or of any work performed hereunder.

The Contractor agrees to and shall indemnify and hold harmless the City of Kingsville against any and all liens and encumbrances for all labor, goods and services which may be provided under the City's request, by seller or seller's vendor(s), and if the City requests, a proper release of all liens or satisfactory evidence of freedom from liens shall be delivered to the City.

Contractor and his subcontractors shall indemnify and hold harmless the City of Kingsville, its agents, or employees and consultants from and against all claims, demands, actions, suits, damages, losses, expenses, costs including attorney's fees, and judgments of every kind and description arising from, based upon, or growing out of the violation of any Federal, state, county, or city law, bylaw, ordinance, or regulation by the contractor, its agents, trainees, invites, servants, and employees.

15. **CONTRACT DELETIONS/ADDITIONS**

The City of Kingsville reserves the right to make changes to the contract. If this occurs, City will negotiate deletions/additions and issue a change order. A thirty (30) day written notice will be issued. **Additionally, the City reserves the right to cancel contract, based upon available funding.**

16. **WAIVER OF SUBROGATION**

The contractor and his subcontractors shall require their insurance carrier, with respect to all insurance policies, to waive all rights of subrogation against the City of Kingsville, its commissioners, partners, officials, agents, and employees and against all other contractors and subcontractors.

17. **DEBARMENT**

By submitting a RFP, the proposer certifies that it is not currently debarred from receiving contracts from any political subdivision or agency of the State of Texas and that it is not an agent of a person or entity that is currently debarred from receiving contracts from any political subdivision or agency of the State of Texas.

18. **BANKRUPTCY**

If seller becomes bankrupt or insolvent, or if a petition in bankruptcy or insolvency is filed by or against Seller, or if a receiver, trustee or assignee for the benefit of creditors is appointed for Seller, the City shall have the right, at its sole discretion, to treat such occurrence as a breach thereof.

19. CONTRACT WITH PERSON INDEBTED TO MUNICIPALITY

A municipality by ordinance may establish regulations permitting the municipality to refuse to enter into a contract or other transaction with a person indebted to the municipality.

20. GOVERNING LAW

This solicitation and any resulting contract(s) shall be construed in accordance with the laws of the State of Texas. Any action regarding a dispute arising from this agreement shall be brought in federal or state courts within the State of Texas and the parties consent to the exclusive personal jurisdiction of such courts in the event of a dispute. Venue for state court actions shall be in Kleberg County, Texas.

21. CONFLICT OF INTEREST QUESTIONNAIRE

Effective January 1, 2006, House Bill 914 requires any proposer that wishes to conduct business or to be considered for business with any political subdivision, to complete a "conflict of interest" questionnaire (attached). Please complete the attached questionnaire and return with the RFP specifications. Additional information regarding this requirement may be obtained at www.ethics.state.tx.us.

H.B. 491 changed Section 176.006 to read as follows: "(a) A person described by Section 176.002(a) shall file a completed conflict of interest questionnaire if the person has a business relationship with a local governmental entity and: (1) has an employment or other business relationship with an officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1)."

22. INDEPENDENT CONTRACT

The successful proposer who is awarded the contract shall be considered an independent contractor for all purposes. The City is interested in the end product of the contract and not details for how work is done.

23. VERIFICATION NO BOYCOTT ISRAEL

As required by Chapter 2270, Texas Government Code, the proposer hereby verifies that is does not boycott Israel and will not boycott Israel though the term of this Agreement. For purposes of the verification, "boycott Israel" means refusing to deal with terminating business activities, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purpose.

24. NO FORIEGN TERRORIST ORGANIZATIONS

Pursuant to Chapter 2252, Texas Government Code, proposer represents and certifies that, at the time of execution of this Agreement neither the proposer, nor any wholly owned subsidiary, majority-owned subsidiary, parent company of affiliate of the same (i) engages in business with Iran, Sudan, or any foreign terrorist organization as described in Chapter 806 or 807 of the Texas Government Code, or Subchapter F of Chapter 2252 of the Texas Government Code, or (ii) is a company listed by the Texas Comptroller of Public Accounts under Sections 806.051, 807.051 or 2252.153 of the Texas Government Code. The term "foreign terrorist organization" in this paragraph has the meaning assigned to such term in Section 2252.151 of the Texas Government Code.

**USE THIS FORM ONLY
EXCEPTIONS/ ALTERNATES TO PROPOSAL**

All exceptions to proposal must be defined in the space below including item number where applicable:

Proposer acknowledges that by submitting the proposal contained herein, proposer makes an offer which, if accepted within a reasonable period of time in whole or in part, by the City of Kingsville, constitutes a valid and binding contract as to any and all items accepted in writing by the City Kingsville.

DATE: _____

SIGNATURE: _____

PRINT: _____

TITLE: _____

COMPANY NAME: _____

COMPANY ADDRESS: _____

COMPANY TELEPHONE NUMBER: _____

ANY QUESTIONS concerning this Proposal should be directed to: Charlie Sosa, Purchasing Manager (361) 595-8025.

**CITY OF KINGSVILLE
ACKNOWLEDGEMENT OF INSURANCE REQUIREMENTS**

I acknowledge that by submitting a proposal for this project, I am aware of the insurance requirements outlined in these specifications (Number 10-13). If I am awarded the RFP, I will comply with all insurance requirements within 10 working days of the RFP award, including providing proof that I have insurance which may include, but not be limited to, true and accurate copies of the policies.

Signature

Printed name

Name of Company: _____

Address of Company: _____

City, State & Zip: _____

Telephone Number: () _____ Date: _____

THIS PAGE MUST BE COMPLETED OR THE RFP MAY BE REJECTED

**CITY OF KINGSVILLE
STATEMENT OF NO PROPOSAL**

Extermination/Pest Control Services

RFP #19-03

If proposer is not bidding on the goods and/or services as stated in these specifications, please complete and return this form to: The City of Kingsville, Attn: Purchasing Manager, P O Box 1458, Kingsville, TX 78364.

Name of Firm: _____

Address: _____

Telephone Number: _____ **Date:** _____

Signature: _____

**The above has declined to submit a PROPOSAL response for the following reason(s):
(Please check one or all that apply)**

_____ **Specification too "restrictive", i.e., goods offered by our company do not meet stated specifications.**

_____ **Specifications unclear (please explain).**

_____ **We do not offer this commodity and/or service or an equivalent.**

_____ **Insufficient time to respond to the PROPOSAL.**

_____ **Our schedule would not permit us to perform.**

Remarks:

FOR DISADVANTAGED BUSINESS ENTERPRISES ONLY

Disadvantaged Business Enterprises (DBE) are encouraged to participate in the City of Kingsville RFP process. The City of Kingsville will provide additional clarification of specifications, assistance with RFP Proposal Forms, and further explanation of proposal procedures to those DBEs who request it.

Representatives from DBE companies should identify themselves as such and submit a copy of the Certification.

The City recognizes the certifications of both the State of Texas Building and Procurement Commission HUB Program. All companies seeking information concerning DBE certification are urged to contact:

State of Texas HUB Program
Texas Building & Procurement Commission
P O Box 13047
Austin, TX 78711-3047
(512) 463-5872

If your company is already certified, attach a copy of your certification to this form and return with RFP.

COMPANY NAME: _____

REPRESENTATIVE: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

TELEPHONE NO. _____ FAX NO. _____

INDICATE ALL THAT APPLY:

_____ Minority-Owned Business Enterprise
_____ Women-Owned Business Enterprise
_____ Disadvantaged Business Enterprise

****THIS PAGE MUST BE COMPLETED OR RFP MAY BE REJECTED****

AGENDA ITEM #9

**City of Kingsville
Engineering Dept.**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Rutilio P. Mora Jr, P.E., City Engineer
DATE: March 25, 2019

SUBJECT: Presentation and Discussion on City Street Striping for N. Armstrong St., W. Corral Ave. and W. Santa Gertrudis St.

Summary:

We have developed two options for Street Striping along W. Santa Gertrudis St. between 6th St. & N. Armstrong St., N. Armstrong St. between W. Santa Gertrudis St. & W. Corral Ave., and W. Corral Ave. between Seale St. & N. Armstrong St. The existing striping in the above-mentioned streets are not distinguishable and may be redesigned to function properly. Striping will aid in managing the flow of traffic. It will help with visitors entering the University during the NCAA Track and Field event in May 2019. Option 1 has incorporated bicycle lanes into the design. Option 2 does not have bicycle lanes.

Background:

The existing striping along Santa Gertrudis St. has two lanes of traffic in each direction. There is no dedicated turning lane or shoulders within the 45 feet pavement section.

- A. Option 1 would include a dedicated turning lane, one lane of vehicular and bike lane traffic in each direction.
- B. Option 2 would include a dedicated turning lane, one lane of vehicular traffic in each direction.

The existing striping along N. Armstrong St. has one lane of traffic in each direction with sections of dedicated turning lanes at the intersections with W. Santa Gertrudis St. and W. King Ave. The pavement width varies from 40 feet to 50 feet.

- A. Option 1 has a dedicated turning lane between Corral and Santa Gertrudis. It also has a vehicular and bicycle travel lane for both north and south bound traffic. A shoulder is included between Corral and Ave B on the west side only.
- B. Option 2 is like option 1 except the bicycle lanes are removed and shoulder lanes are on both the east and west side of Armstrong between Corral and Ave B.



**City of Kingsville
Engineering Dept.**

W. Corral Ave does not have any striping; however, there is one lane of traffic in each direction. The pavement width varies from 23 feet to 32 feet between Seale St. and Armstrong.

- A. Option 1 would include a vehicular and bicycle travel lane in each direction between Armstrong St. and Lantana St. Then one lane of vehicular traffic between Lantana St. and Seale St.
- B. Option 2 would include a dedicated turning land at the intersection of Armstrong St. Then one lane of vehicular traffic in each direction until Seale St.

This striping project would help guide traffic effectively throughout City streets. City staff has met with University Representatives to discuss the implementation of bike lanes around and leading into the University. They agree the bicycle lane would be helpful. The bicycle lanes could alleviate students from parking along City neighborhood streets. The Engineering Department receives complaints from citizens regarding students parking in front of their driveways and not allowing them access on and off their property.

The shoulder lanes as indicated in the attachments if used could be additional parking and City Commission would need to revise the designated no parking ordinance.

Financial Impact:

To be determined.

Recommendation:

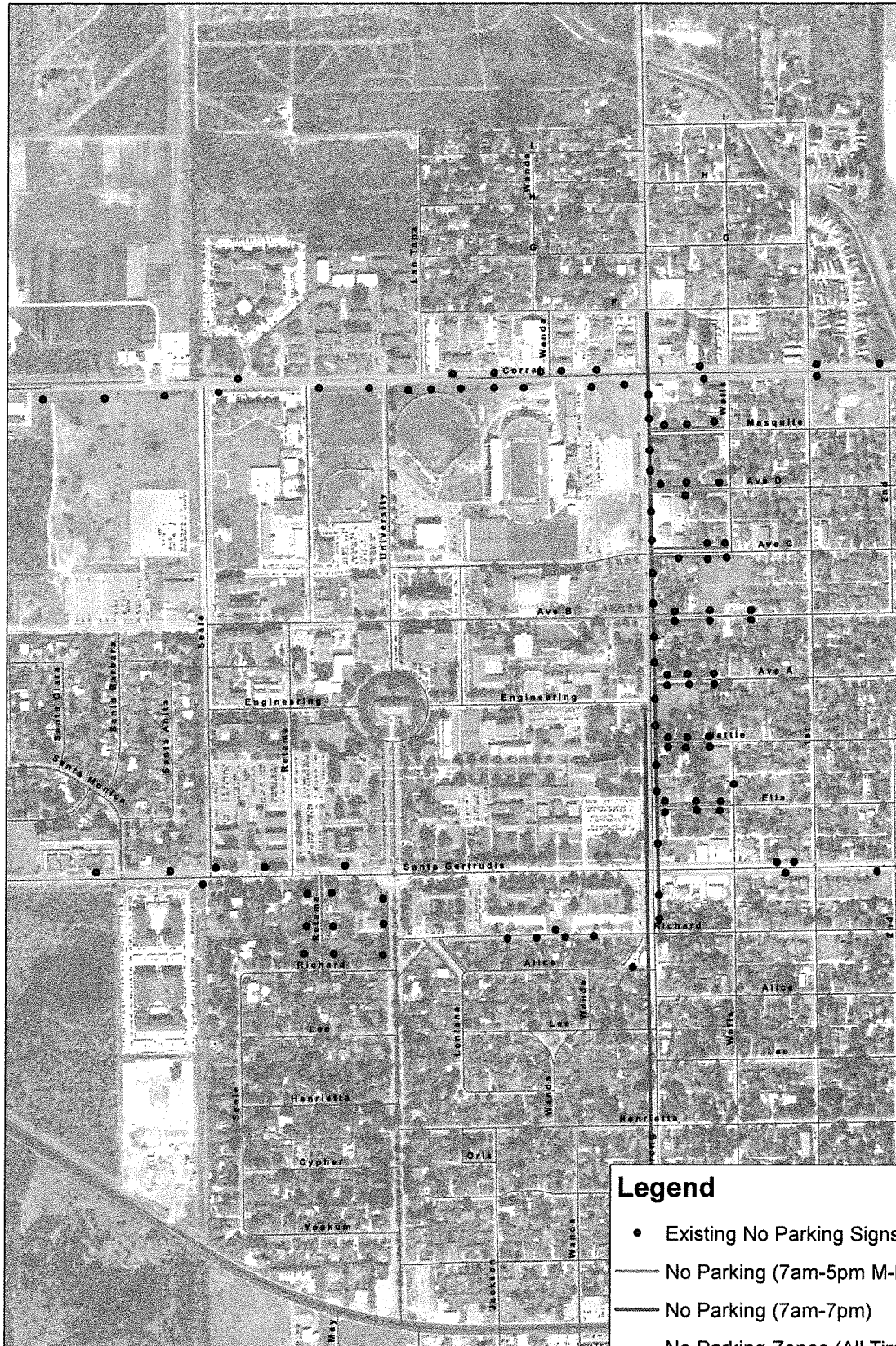
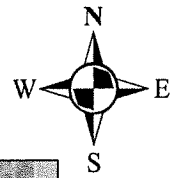
Staff recommends option 1 with the addition of bicycle lanes on the above mentioned streets.

Attachments:

- A. Existing No Parking Area Map
- B. Option 1 With Bike Lanes for Armstrong, Santa Gertrudis and Corral.
- C. Option 2 No Bike Lanes for Armstrong, Santa Gertrudis and Corral.



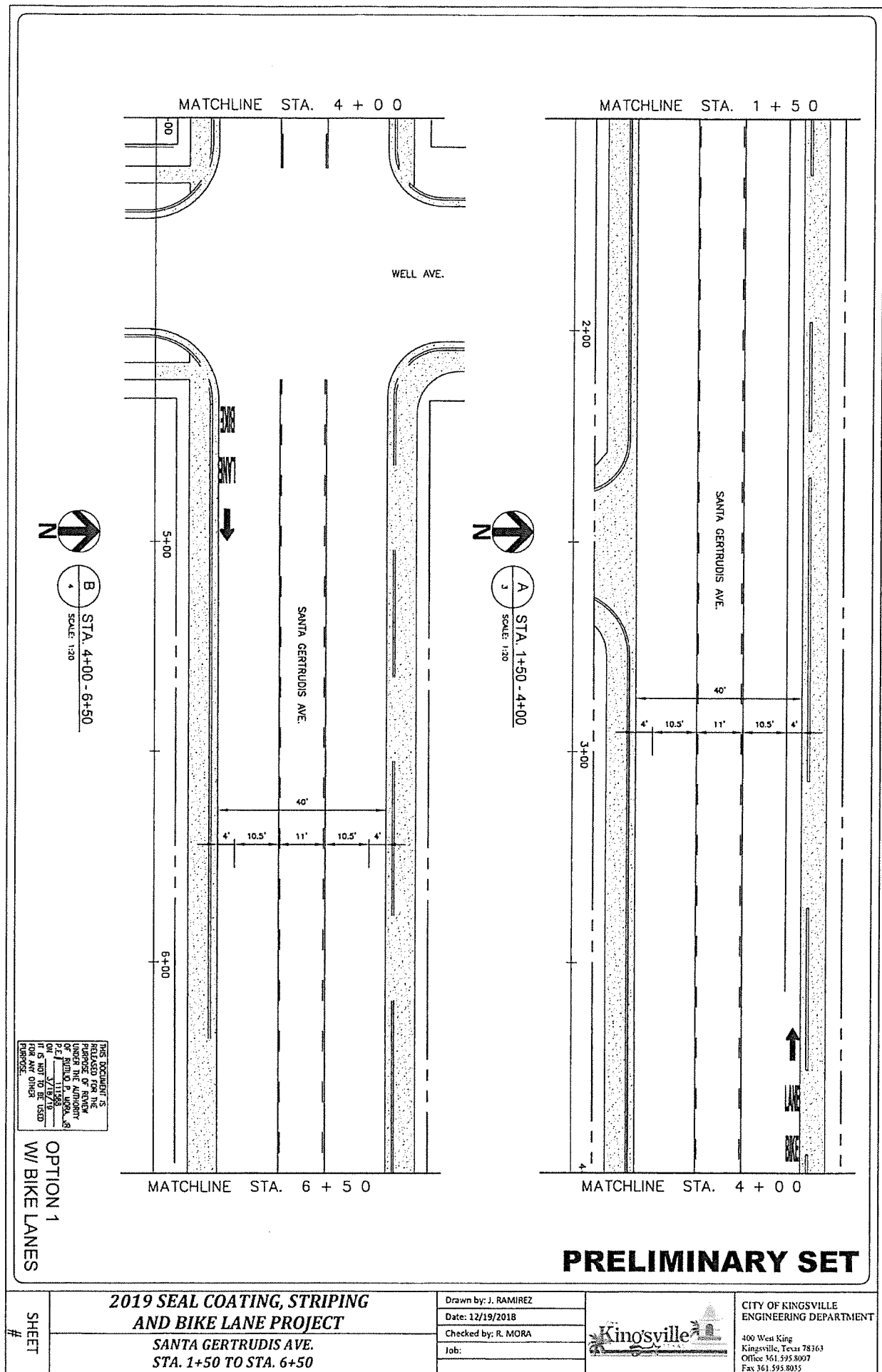
Existing No Parking Areas

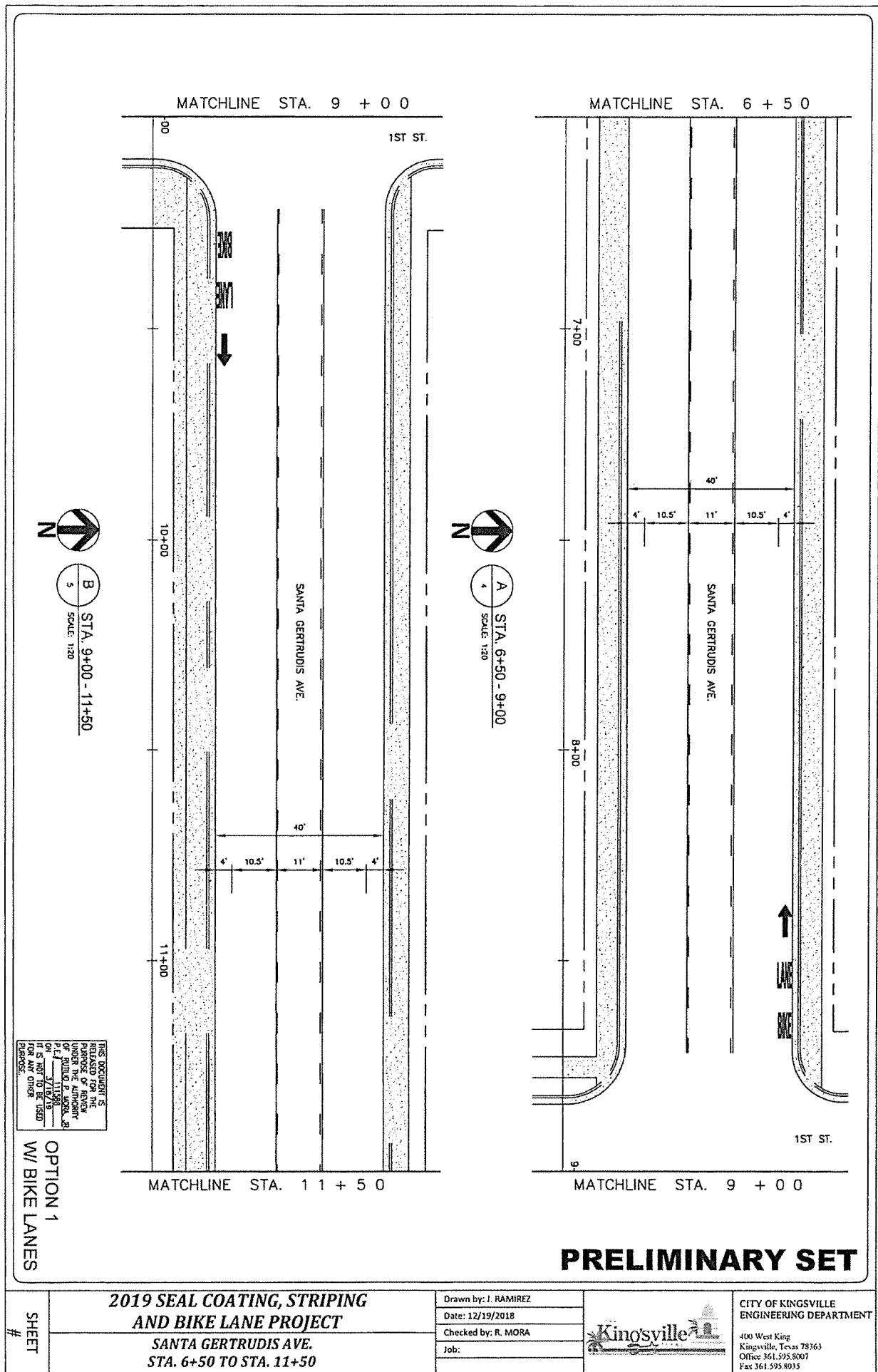


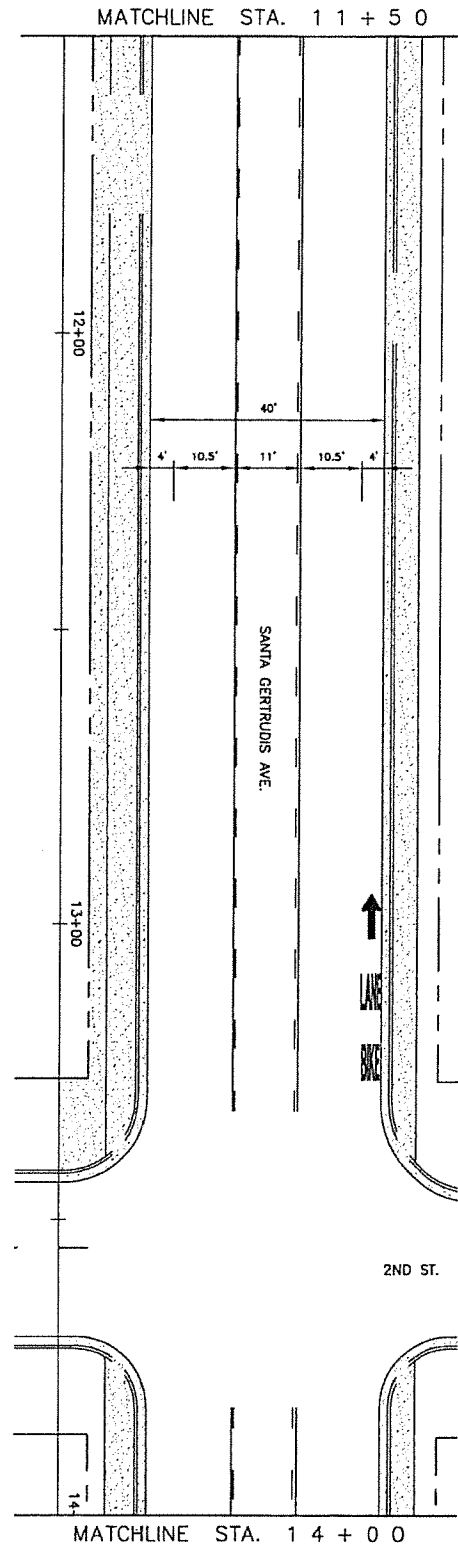
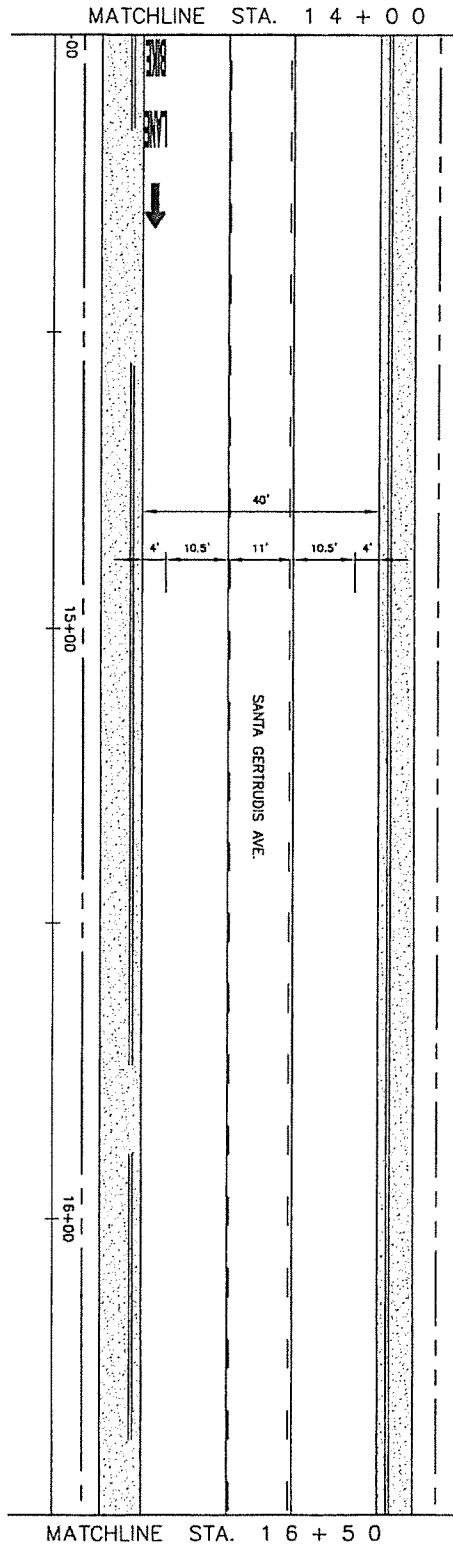
Legend

- Existing No Parking Signs
- No Parking (7am-5pm M-F)
- No Parking (7am-7pm)
- No Parking Zones (All Times)

OPTION #1







B STA. 14+00 - 16+50
SCALE: 1/20



A STA. 11+50 - 14+00
SCALE: 1/20

THIS DOCUMENT IS
FOR INFORMATION
PURPOSES ONLY.
IT IS NOT TO BE USED
FOR ANY OTHER
PURPOSE.

OPTION 1
W/ BIKE LANES

PRELIMINARY SET

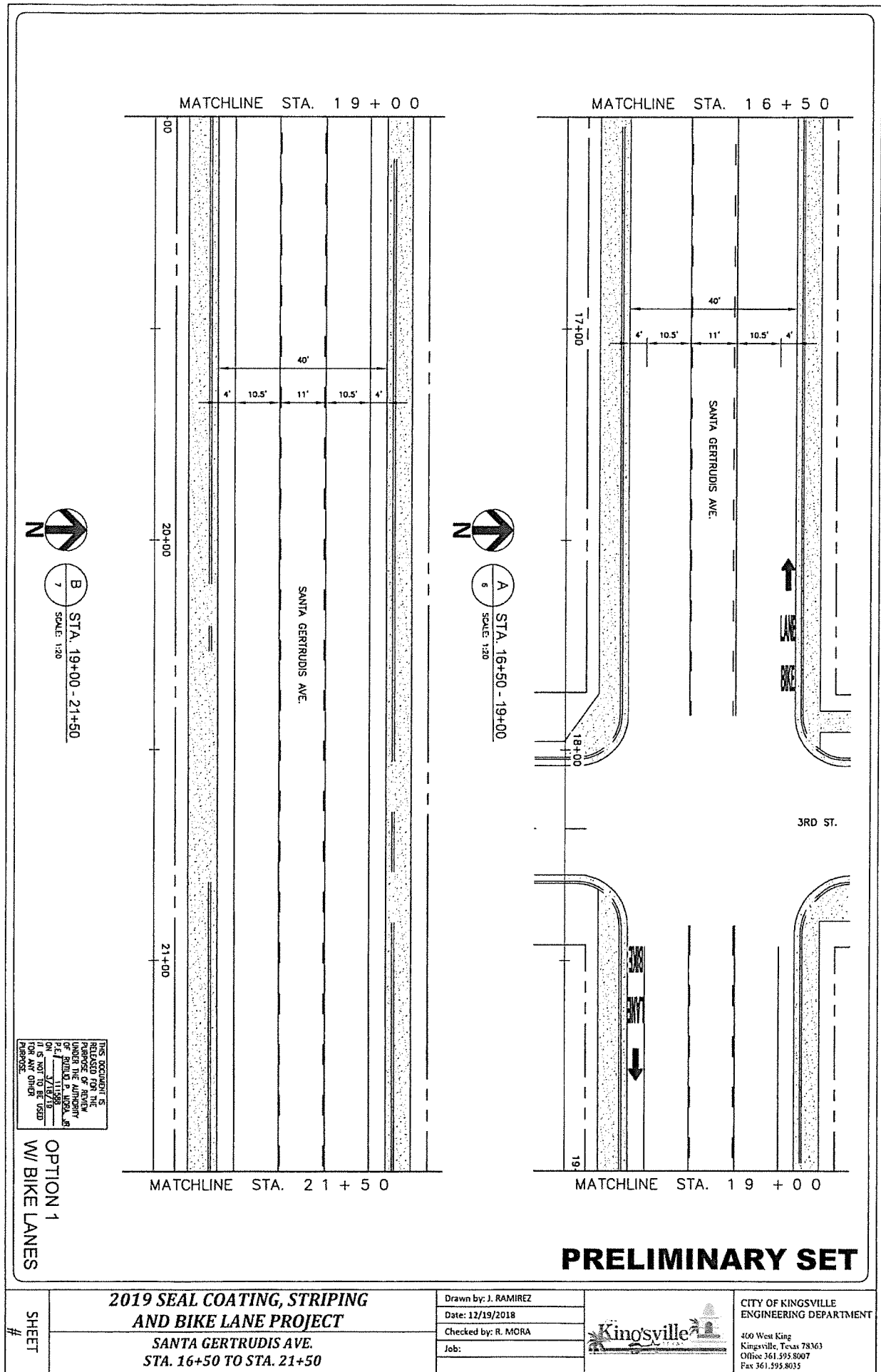
**2019 SEAL COATING, STRIPING
AND BIKE LANE PROJECT**
SANTA GERTRUDIS AVE.
STA. 11+50 TO STA. 16+50

Drawn by: J. RAMIREZ
Date: 12/19/2018
Checked by: R. MORA
Job:




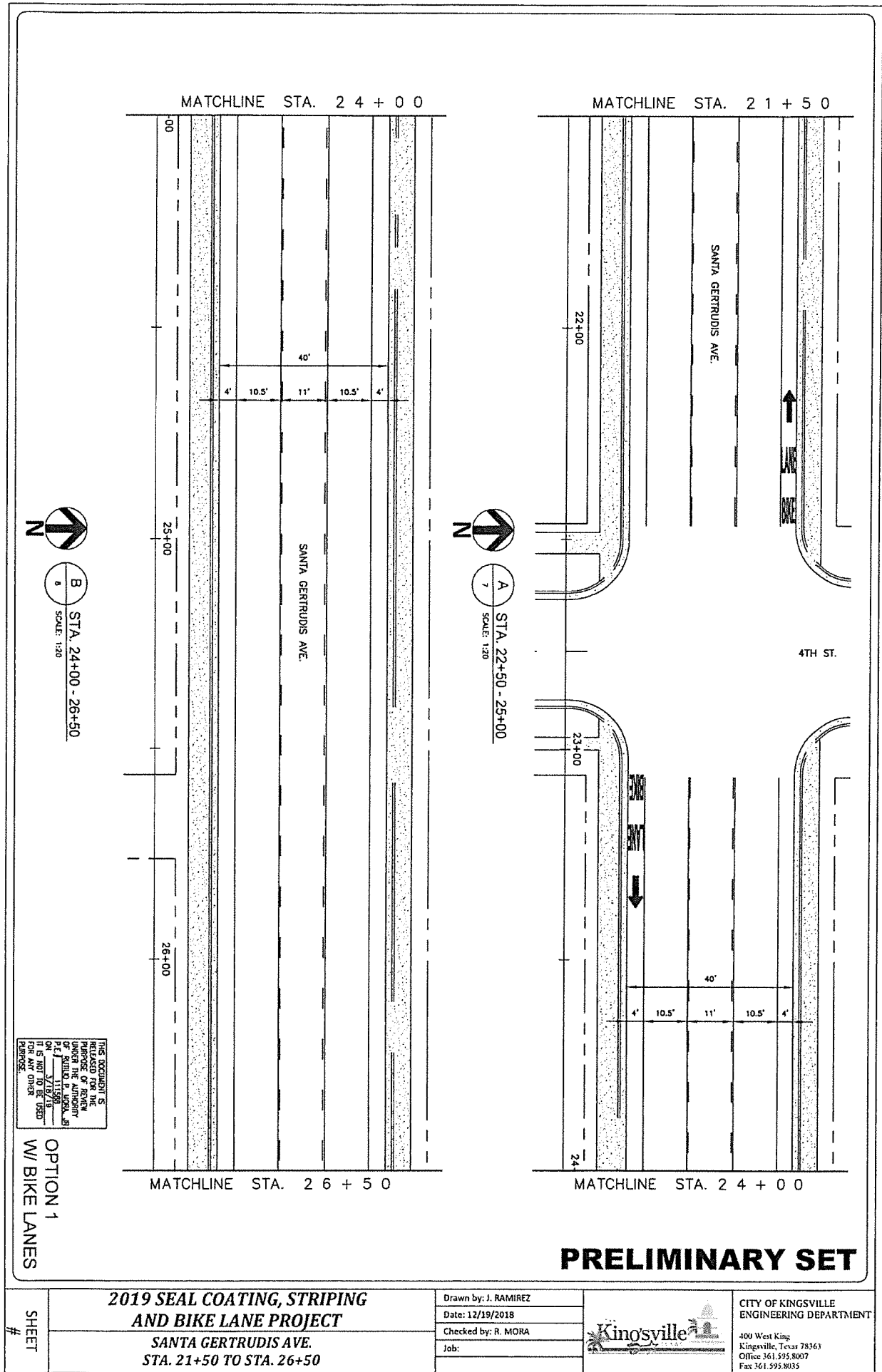
CITY OF KINGSVILLE
ENGINEERING DEPARTMENT
400 West King
Kingsville, Texas 78363
Office 361.595.8007
Fax 361.595.8035

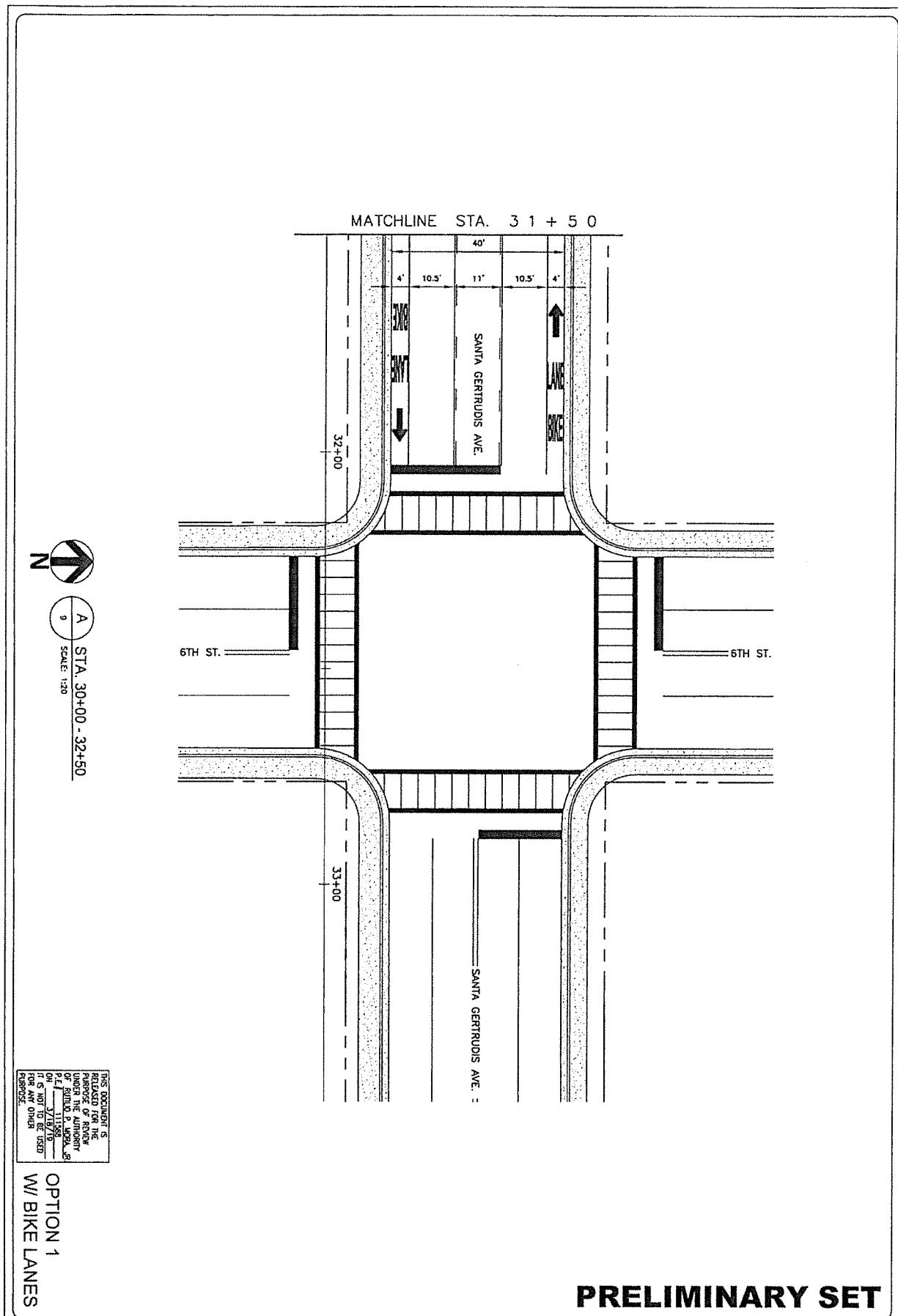
SHEET
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THIS DOCUMENT IS
RELEASED FOR THE
PURPOSE OF REVIEW
UNDER THE AUTHORITY
OF THE TEXAS
P.E. REGISTRATION
BOARD
ON 3/18/19
IT IS NOT TO BE USED
FOR ANY OTHER
PURPOSE.

SHEET #	2019 SEAL COATING, STRIPING AND BIKE LANE PROJECT SANTA GERTRUDIS AVE. STA. 16+50 TO STA. 21+50	Drawn by: J. RAMIREZ Date: 12/19/2018 Checked by: R. MORA Job:		CITY OF KINGSVILLE ENGINEERING DEPARTMENT 400 West King Kingsville, Texas 78363 Office 361.393.8007 Fax 361.393.8035
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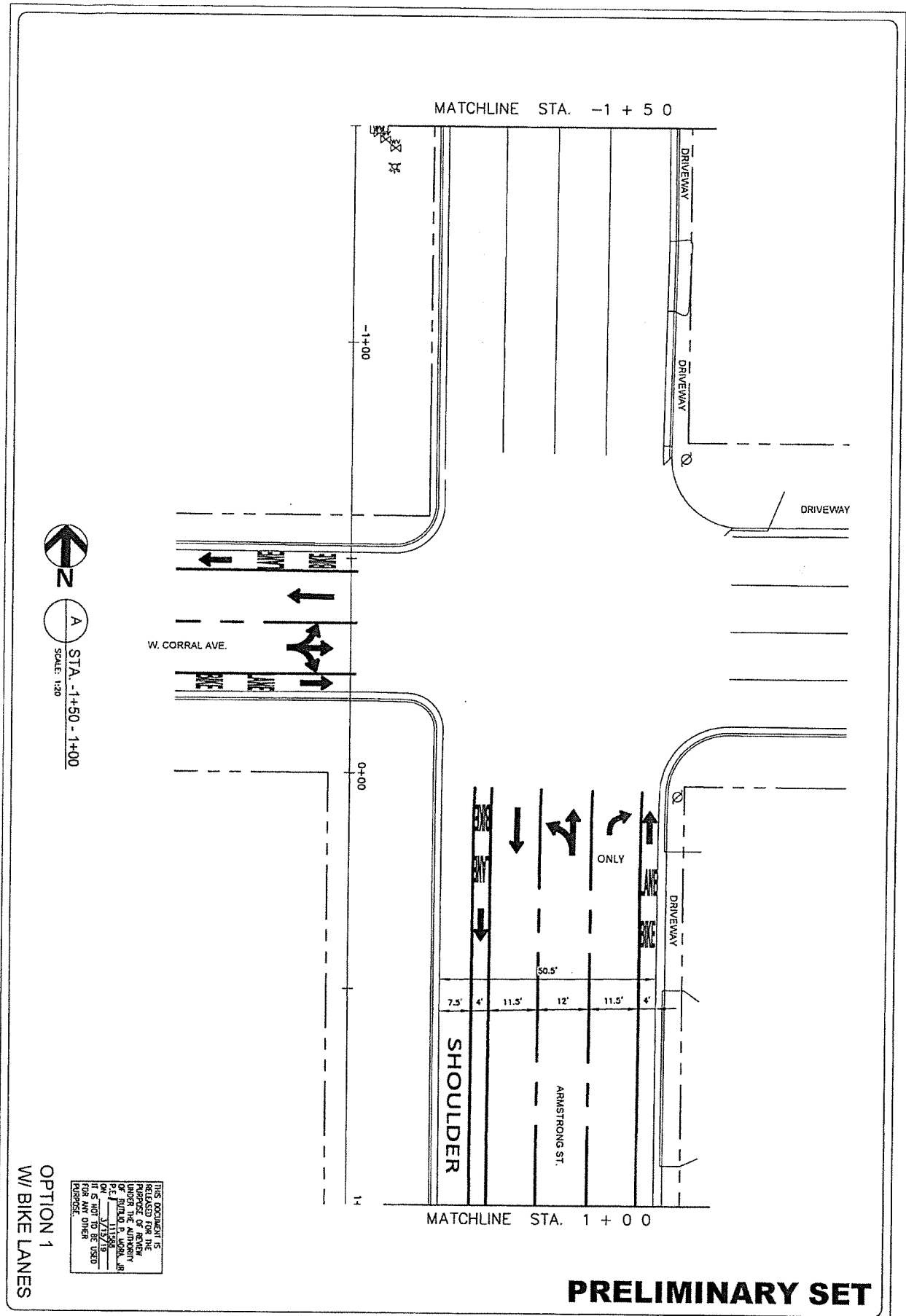
A
 9
 STA. 30+00 - 32+50
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THIS DOCUMENT IS
 RELAYED FOR THE
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 UNDER THE AUTHORITY
 OF THE ENGINEER,
 CIVIL ENGINEER,
 3/15/19
 IT IS NOT TO BE USED
 FOR ANY OTHER
 PURPOSE.

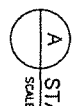
OPTION 1
 W/ BIKE LANES

PRELIMINARY SET

SHEET #	2019 SEAL COATING, STRIPING AND BIKE LANE PROJECT SANTA GERTRUDIS AVE. STA. 30+00 TO STA. 32+50	Drawn by: J. RAMIREZ Date: 12/19/2018 Checked by: R. MORA Job:		CITY OF KINGSVILLE ENGINEERING DEPARTMENT 400 West King Kingsville, Texas 78363 Office 361.593.8007 Fax 361.593.8035





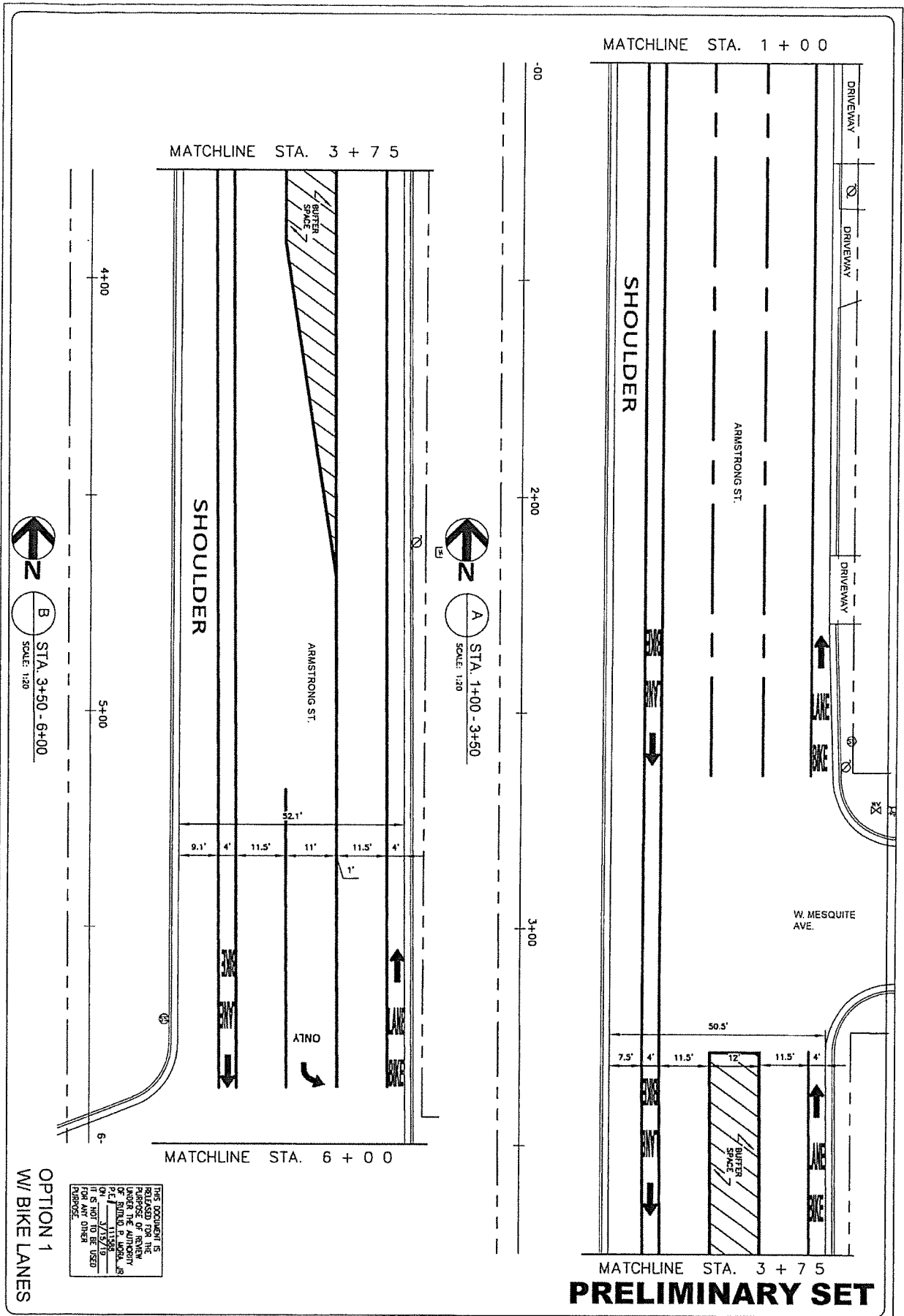



 STA. -1+50 - 1+00


OPTION 1
 W/ BIKE LANES

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 OF THE ENGINEER
 P.E. J. RAMIREZ, JR.
 ON 7/15/19
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 PURPOSE.

PRELIMINARY SET





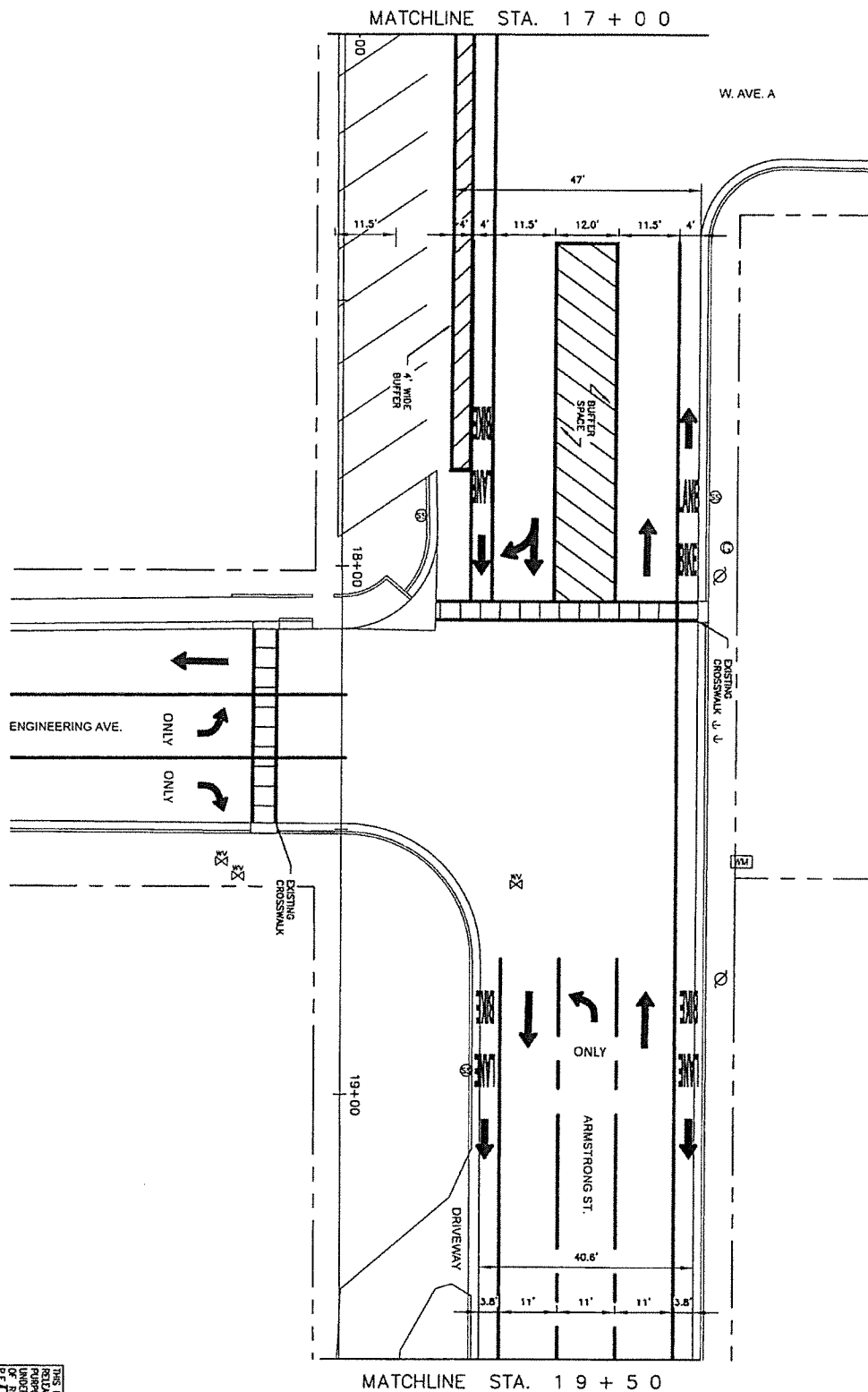


 STA. 17+00 - 19+50


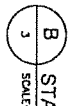
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OPTION 1
 W/ BIKE LANES

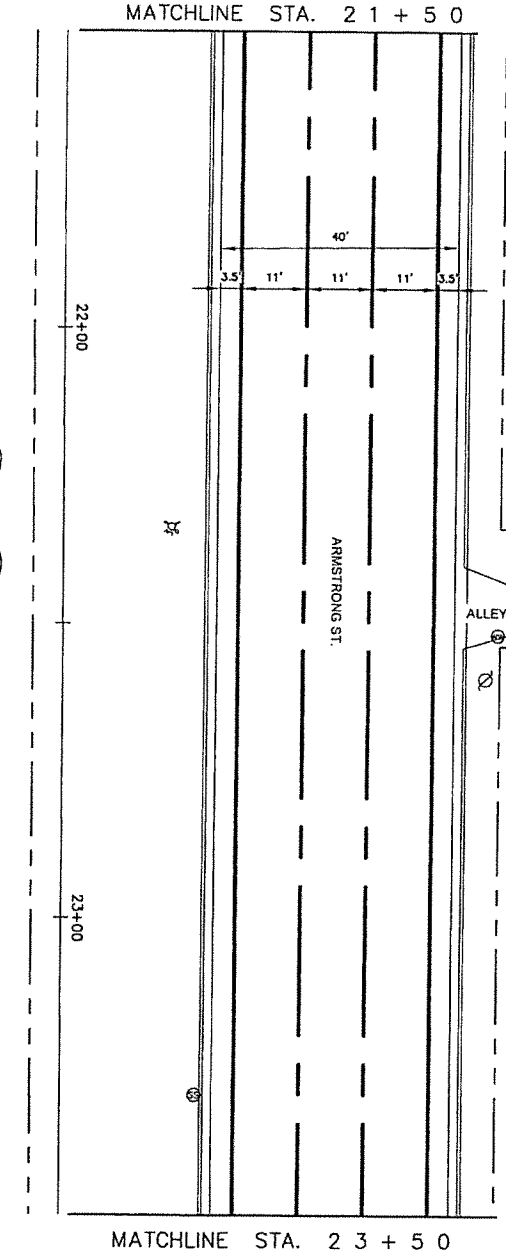
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PRELIMINARY SET

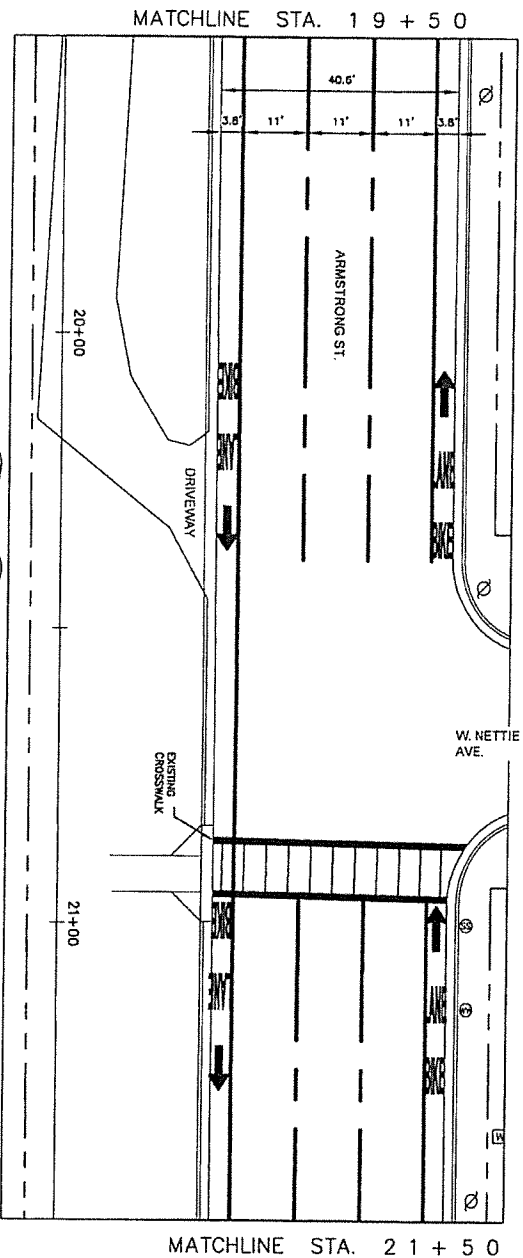



 B STA. 21+50 - 23+50
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 A STA. 19+50 - 21+50
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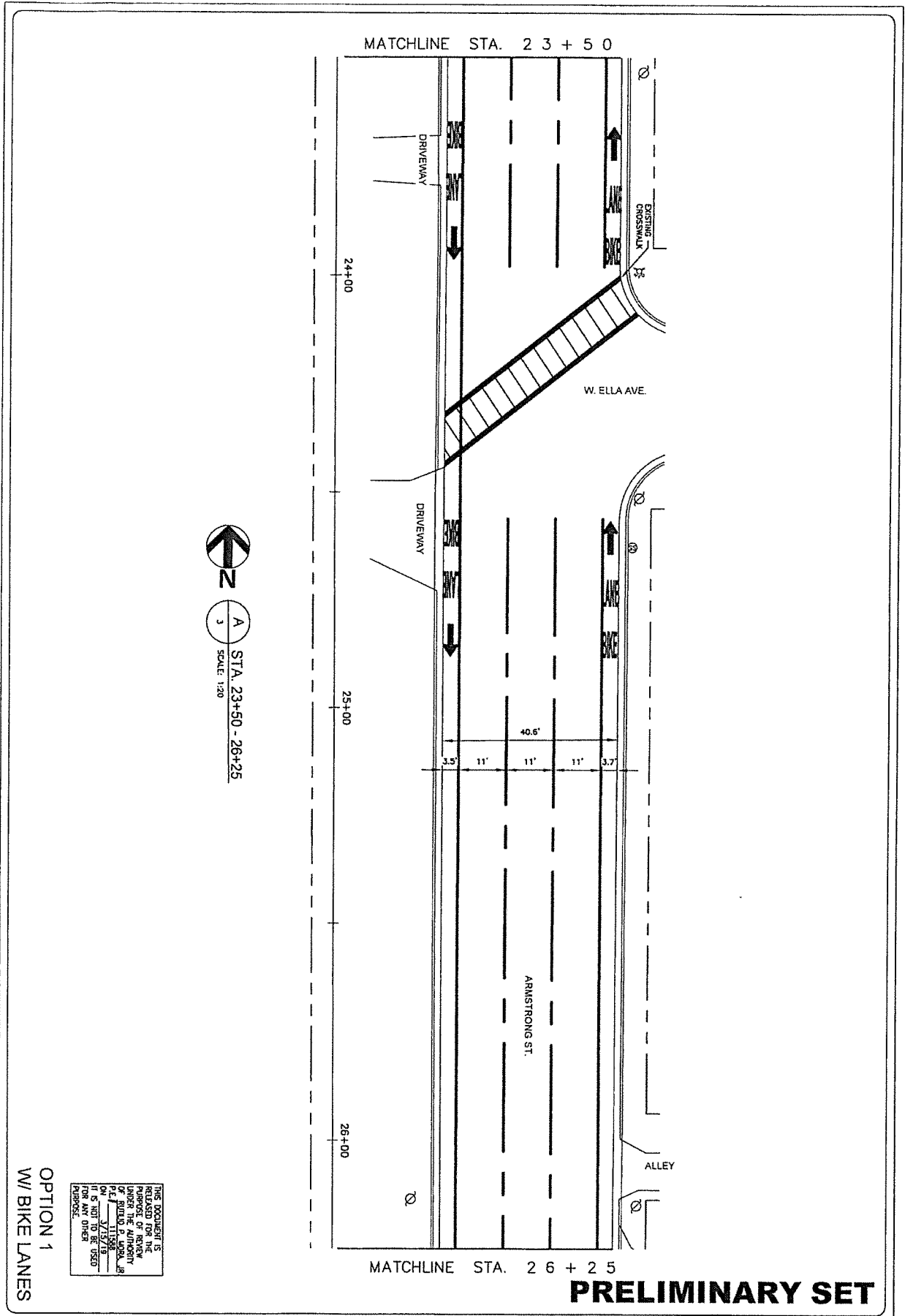


OPTION 1
W/ BIKE LANES

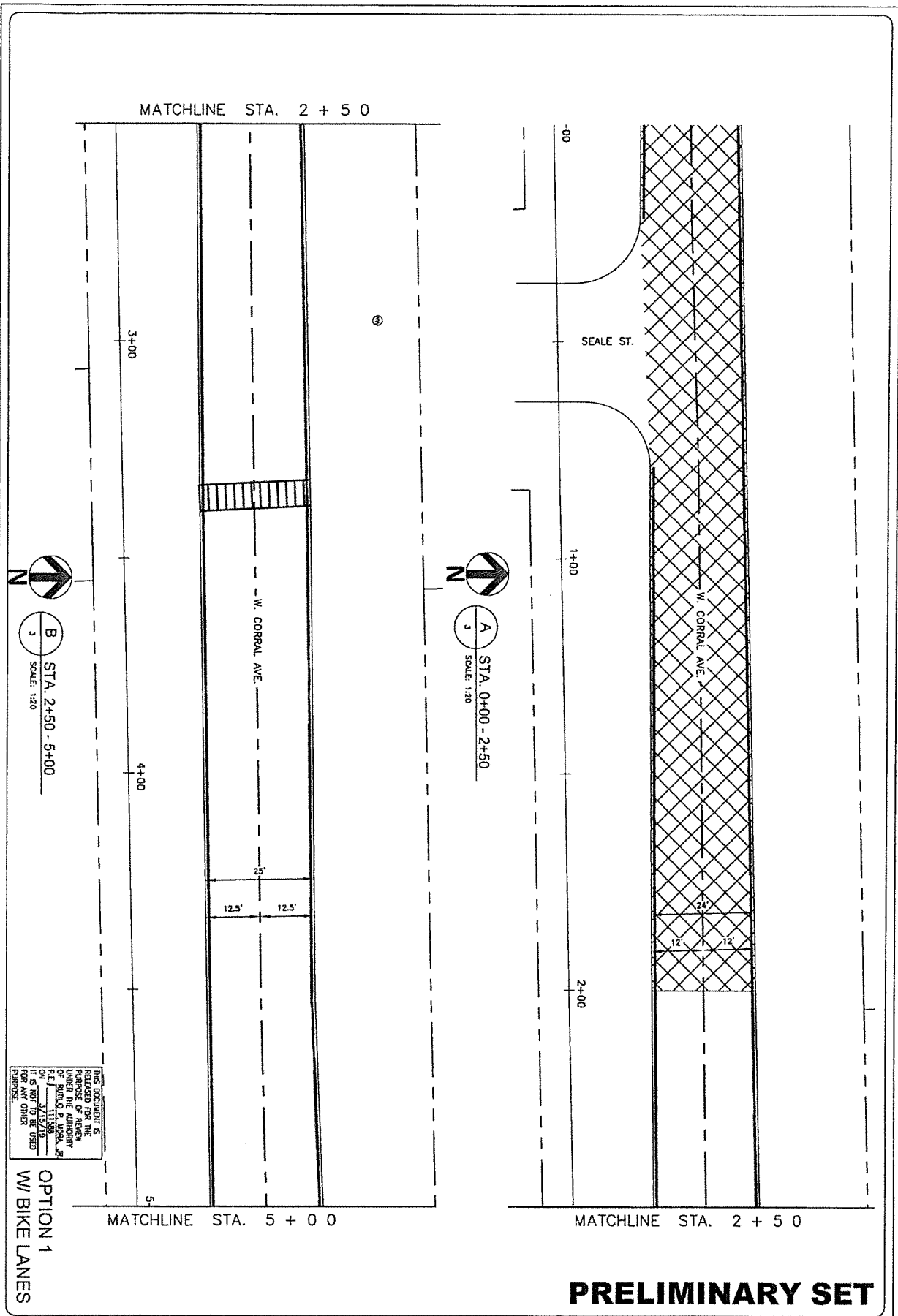
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 DATE: 11/15/19
 BY: J. RAMIREZ


PRELIMINARY SET

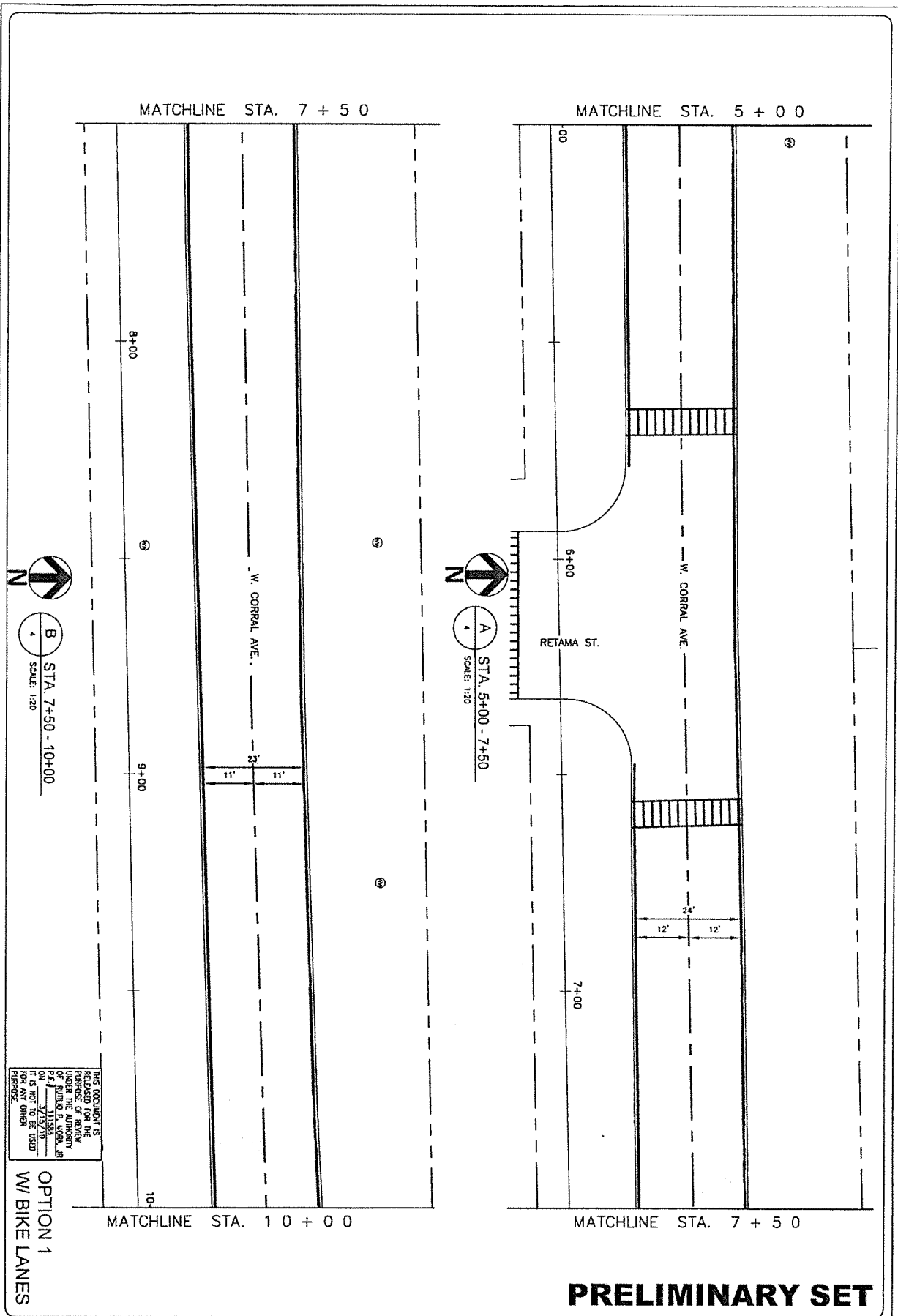
SHEET #	2019 SEAL COATING, STRIPING AND BIKE LANE PROJECT ARMSTRONG ST. STA. 19+50 TO STA. 23+50	Drawn by: J. RAMIREZ Date: 12/19/2018 Checked by: R. MORA Job:	 CITY OF KINGSVILLE ENGINEERING DEPARTMENT 400 West King Kingsville, Texas 78363 Office 361.595.8007 Fax 361.595.8035



PRELIMINARY SET

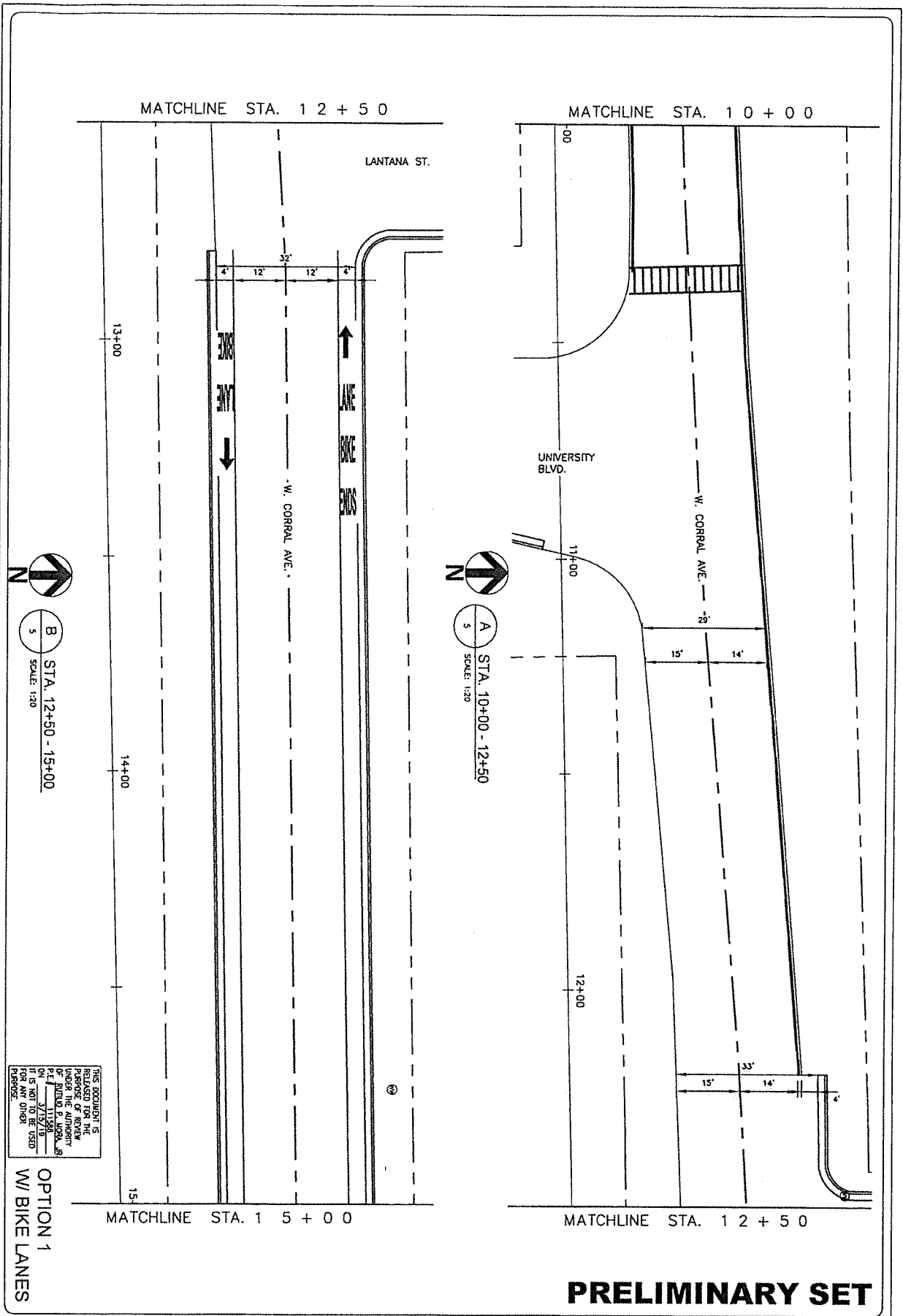


SHEET 3	2019 SEAL COATING, STRIPING AND BIKE LANE PROJECT W. CORRAL AVE. STA. 0+00 TO STA. 5+00		Drawn by: J. RAMIREZ		CITY OF KINGSVILLE ENGINEERING DEPARTMENT 400 West King Kingsville, Texas 78363 Office 361.595.8007 Fax 361.595.8035
			Date: 12/19/2018		
			Checked by: R. MORA		
			Job:		
			Scale: N.T.S.		

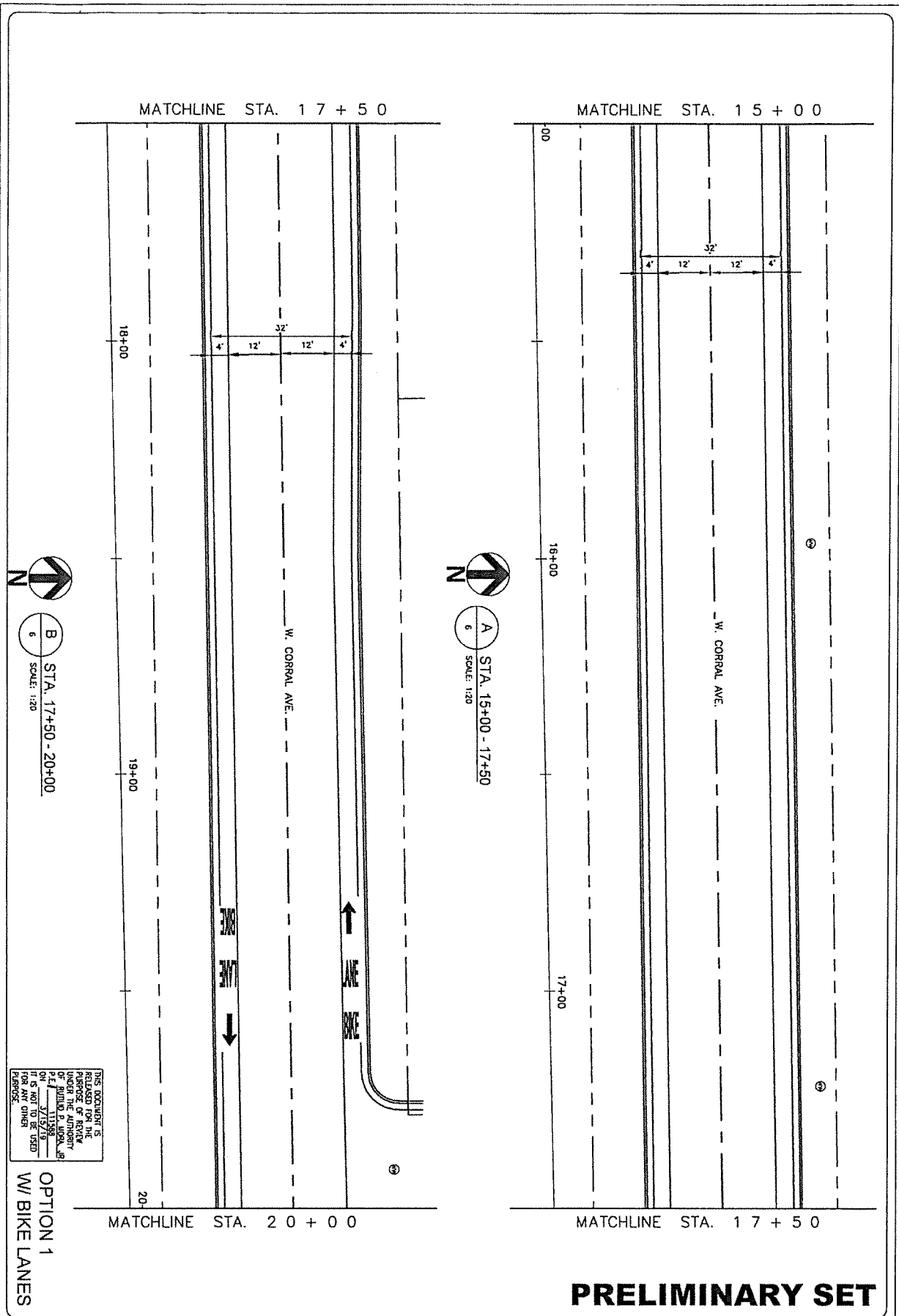


PRELIMINARY SET

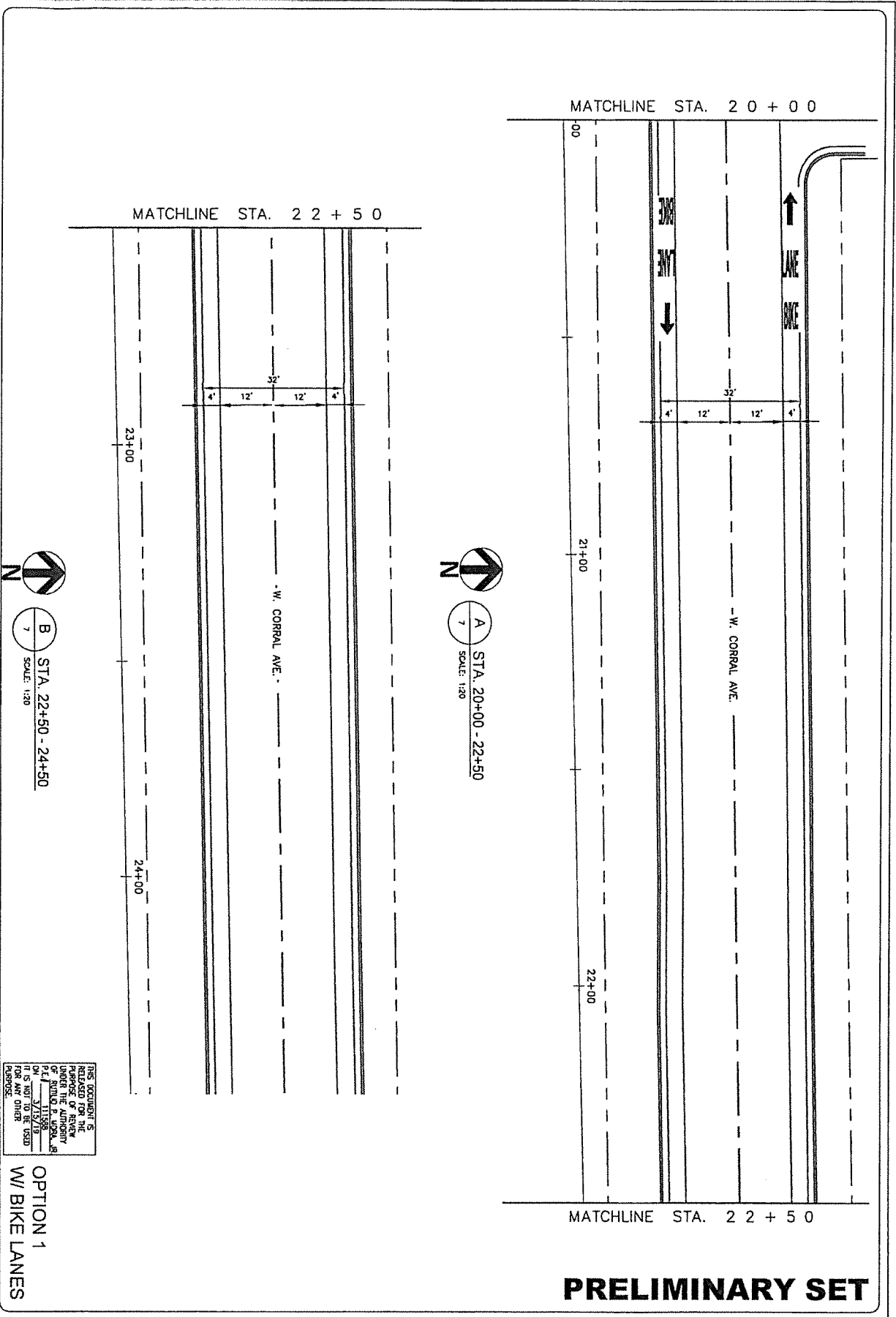
SHEET 4	<p>2019 SEAL COATING, STRIPING AND BIKE LANE PROJECT</p> <p>W. CORRAL AVE.</p> <p>STA. 5+00 TO STA. 10+00</p>	<p>Drawn by: J. RAMIREZ</p> <p>Date: 12/19/2018</p> <p>Checked by: R. MORA</p> <p>Job:</p> <p>Scale: N.T.S.</p>	<p>Kingsville</p> <p>ENGINEERING</p>	<p>CITY OF KINGSVILLE ENGINEERING DEPARTMENT</p> <p>400 West King Kingsville, Texas 78363 Office 361.595.8007 Fax 361.595.8015</p>
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SHEET 5	2019 SEAL COATING, STRIPING AND BIKE LANE PROJECT W. CORRAL AVE. STA. 10+00 TO STA. 15+00	Drawn by: J. RAMIREZ Date: 12/19/2018 Checked by: R. MORA Job: Scale: N.T.S.	CITY OF KINGSVILLE ENGINEERING DEPARTMENT 400 West King Kingsville, Texas 78363 Office 361.595.8307 Fax 361.595.8035

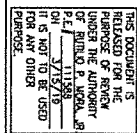


SHEET 6	<p>2019 SEAL COATING, STRIPING AND BIKE LANE PROJECT</p> <p>W. CORRAL AVE. STA. 15+00 TO STA. 20+00</p>	<p>Drawn by: J. RAMIREZ</p> <p>Date: 12/19/2018</p> <p>Checked by: R. MORA</p> <p>Job:</p> <p>Scale: N.T.S.</p>	<p>Kingsville</p> <p>400 West King Kingsville, Texas 78363 Office 361.593.8007 Fax 361.593.8035</p>	<p>CITY OF KINGSVILLE ENGINEERING DEPARTMENT</p>



PRELIMINARY SET

SHEET 7	2019 SEAL COATING, STRIPING AND BIKE LANE PROJECT W. CORRAL AVE. STA. 20+00 TO STA. 24+50	Drawn by: J. RAMIREZ		CITY OF KINGSVILLE ENGINEERING DEPARTMENT 400 West King Kingsville, Texas 78363 Office 361.595.8007 Fax 361.595.8035
		Date: 12/19/2018		
		Checked by: R. MORA		
		Job:		

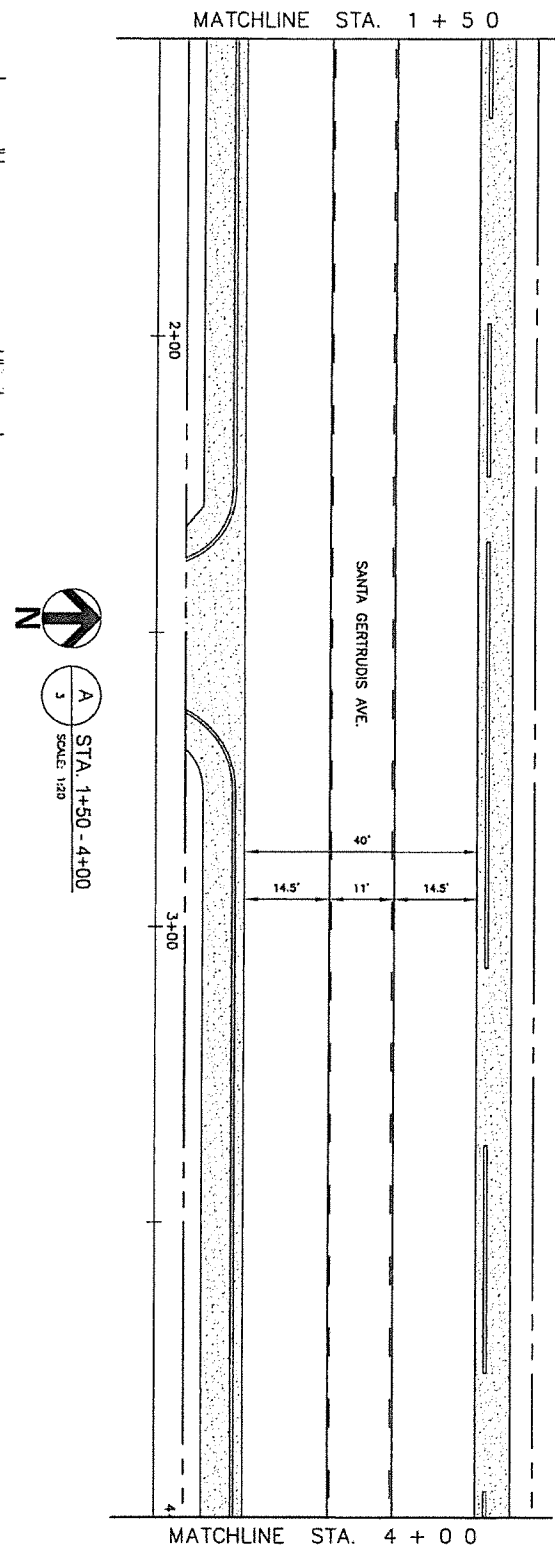



PRELIMINARY SET

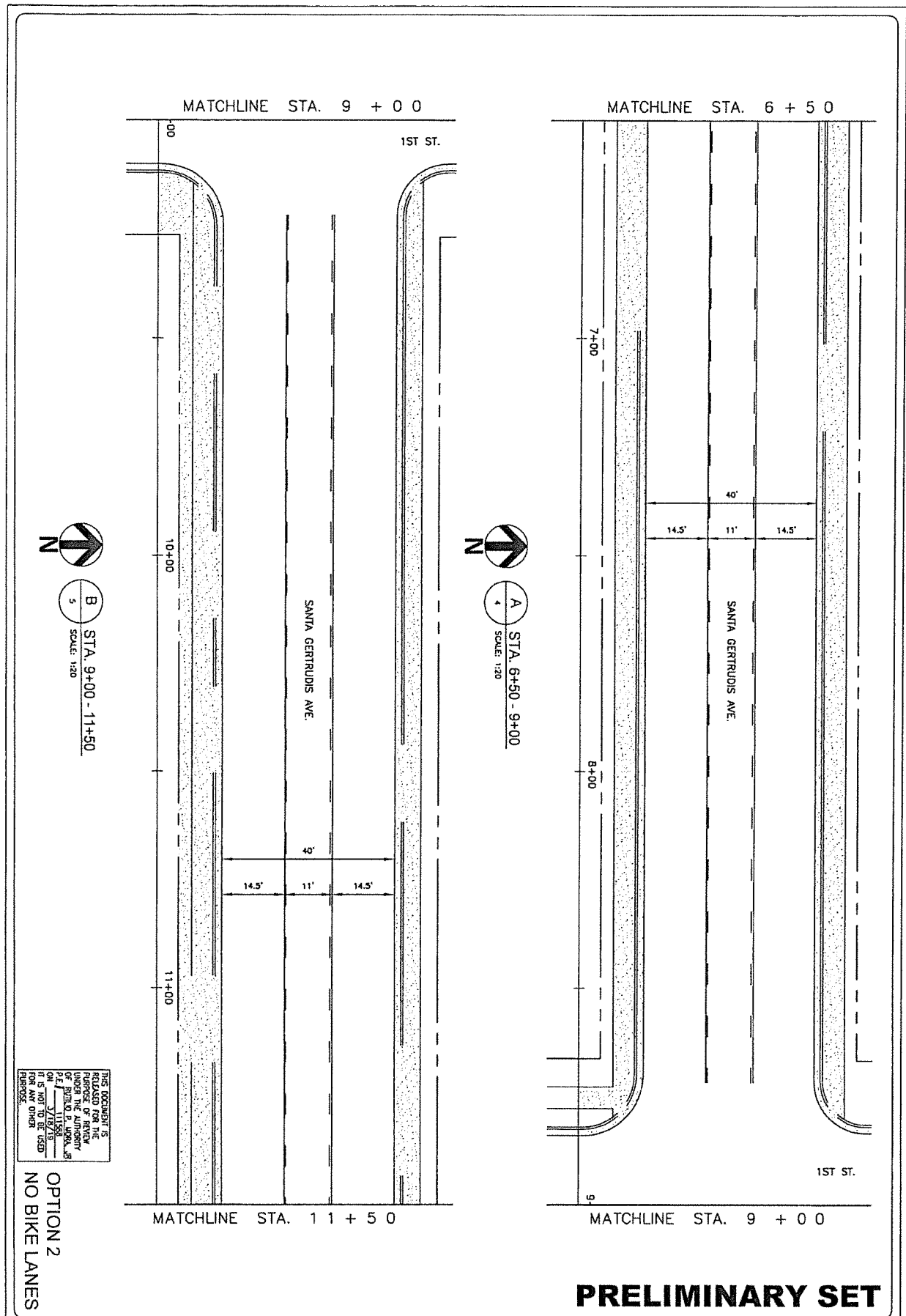
**CITY OF KINGSVILLE
ENGINEERING DEPARTMENT**


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Kingsville, Texas 78363
Office 361.595.8007
Fax 361.595.8035

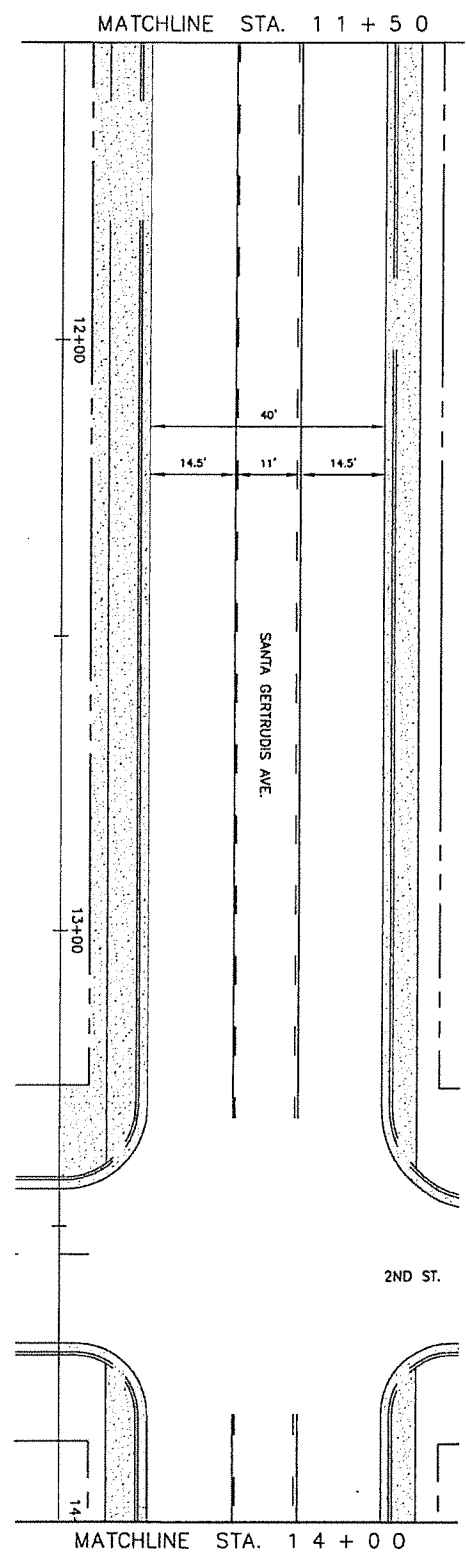
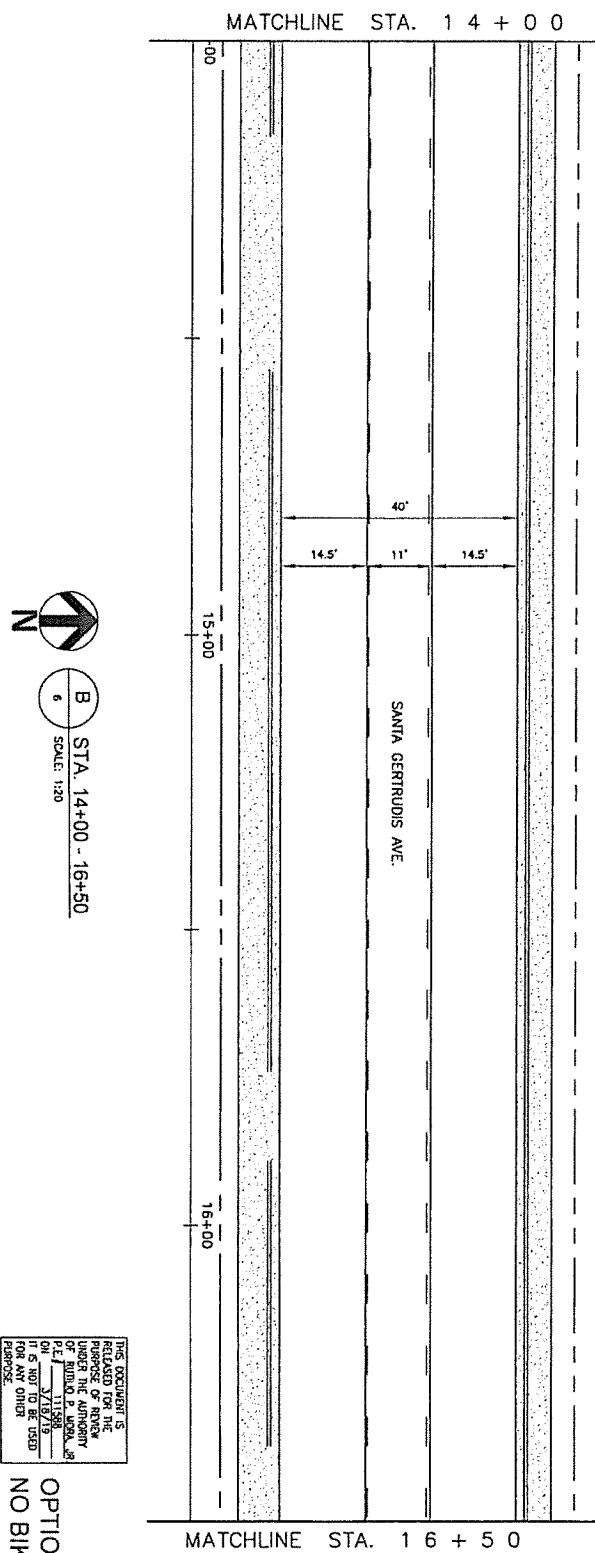
OPTION #2



SHEET #	2019 SEAL COATING, STRIPING AND BIKE LANE PROJECT	Drawn by: J. RAMIREZ Date: 12/19/2018		CITY OF KINGSVILLE ENGINEERING DEPARTMENT 400 West King Kingsville, Texas 78361 Office 361.595.8007 Fax 361.595.8055
	SANTA GERTRUDIS AVE. STA. 1+50 TO STA. 6+50	Checked by: R. MORA Job:		



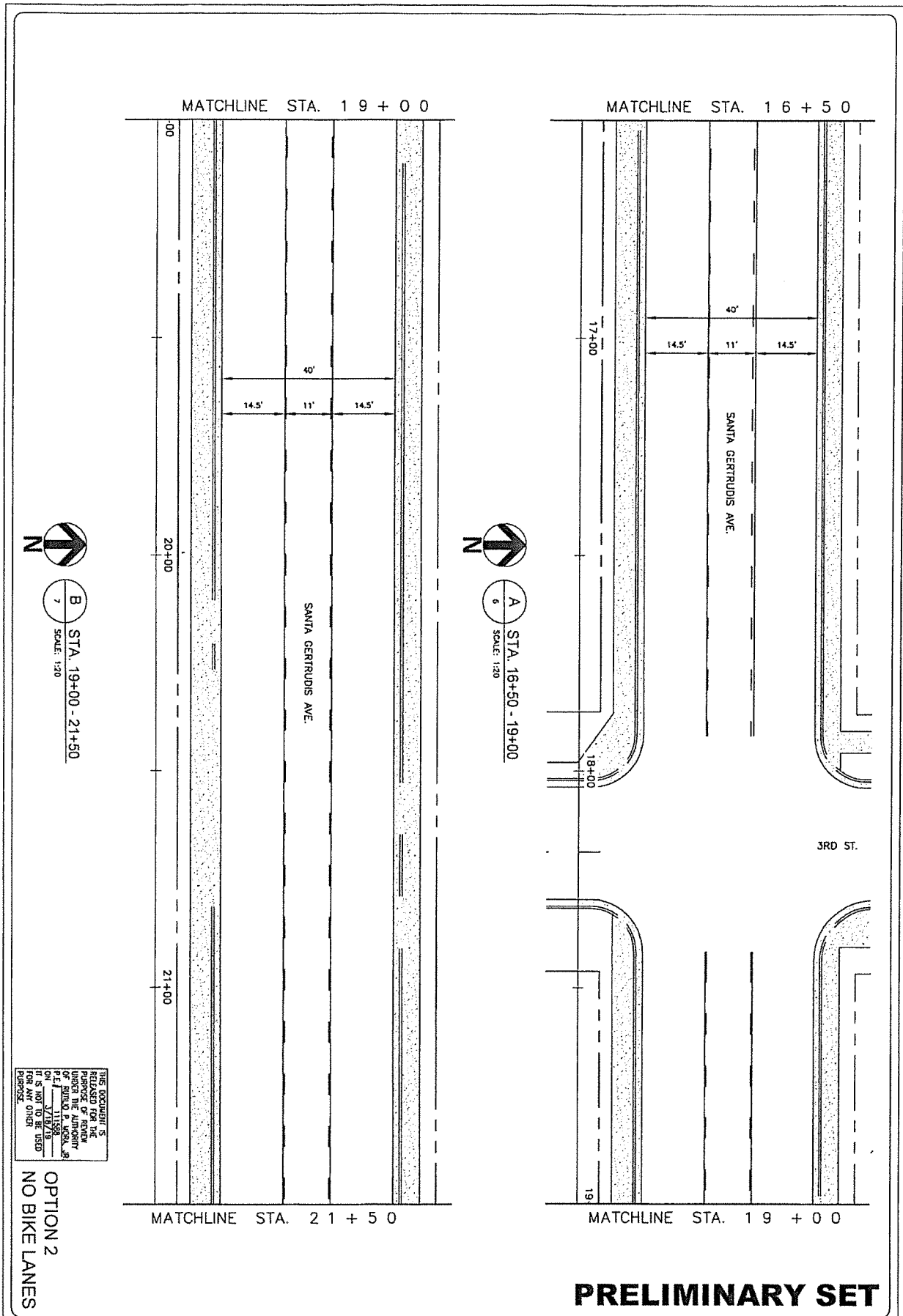
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OPTION 2
NO BIKE LANES

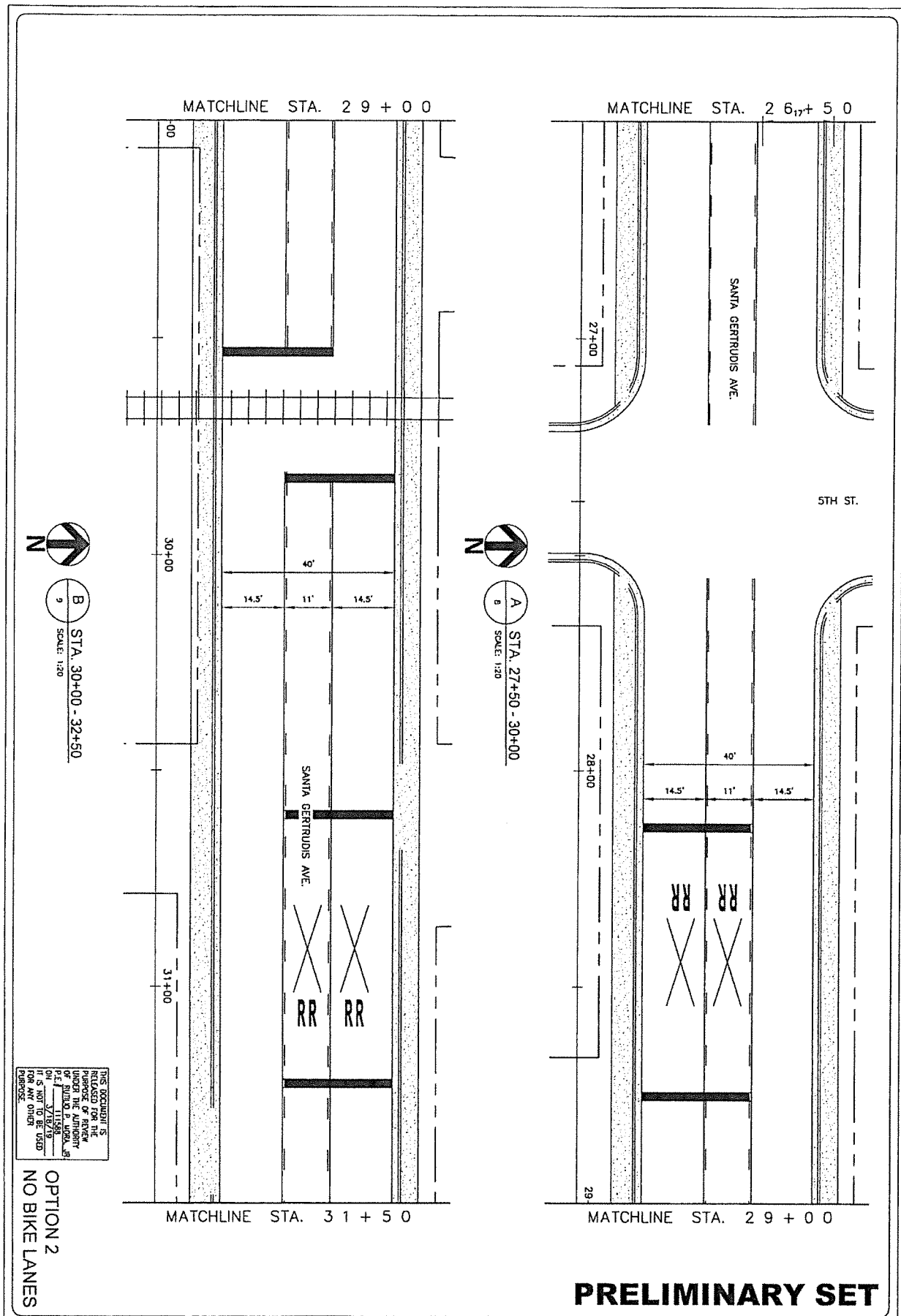
PRELIMINARY SET


SHEET #	2019 SEAL COATING, STRIPING AND BIKE LANE PROJECT SANTA GERTRUDIS AVE. STA. 11+50 TO STA. 16+50	Drawn by: J. RAMIREZ Date: 12/19/2018 Checked by: R. MORA Job:		CITY OF KINGSVILLE ENGINEERING DEPARTMENT 400 West King Kingsville, Texas 78363 Office 361.595.8007 Fax 361.595.8035
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SHEET #	<p>2019 SEAL COATING, STRIPING AND BIKE LANE PROJECT SANTA GERTRUDIS AVE. STA. 16+50 TO STA. 21+50</p>	<p>Drawn by: J. RAMIREZ Date: 12/19/2018 Checked by: R. MORA Job:</p>	<p>Kingsville CITY OF KINGSVILLE ENGINEERING DEPARTMENT 409 West King Kingsville, Texas 78363 Office 361.593.8007 Fax 361.593.8035</p>	<p>CITY OF KINGSVILLE ENGINEERING DEPARTMENT 409 West King Kingsville, Texas 78363 Office 361.593.8007 Fax 361.593.8035</p>
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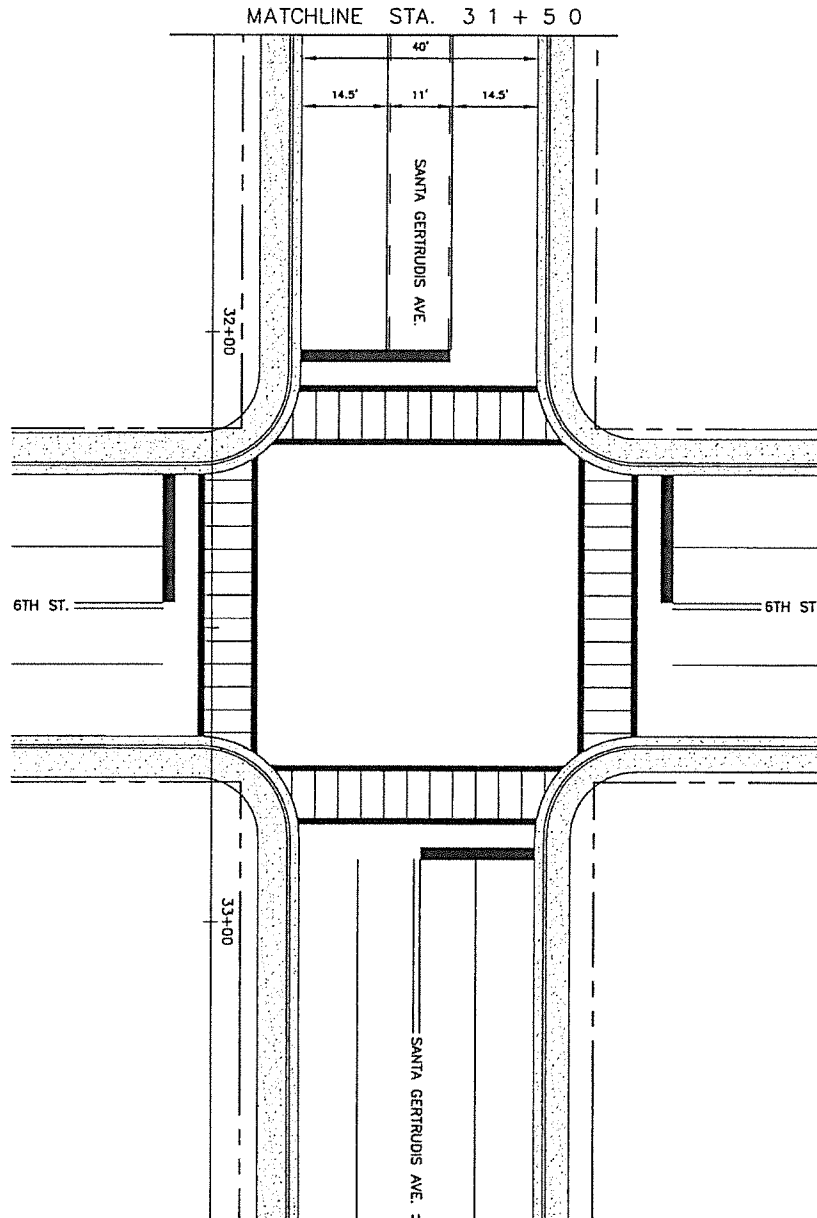
SHEET #	2019 SEAL COATING, STRIPING AND BIKE LANE PROJECT SANTA GERTRUDIS AVE. STA. 26+50 TO STA. 31+50	Drawn by: J. RAMIREZ Date: 12/19/2018 Checked by: R. MORA Job:		CITY OF KINGSVILLE ENGINEERING DEPARTMENT 400 West King Kingsville, Texas 78363 Office 361.595.8007 Fax 361.595.8035



A
9
STA. 30+00 - 32+50
SCALE: 1/2" = 1'-0"

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OPTION 2
NO BIKE LANES



PRELIMINARY SET

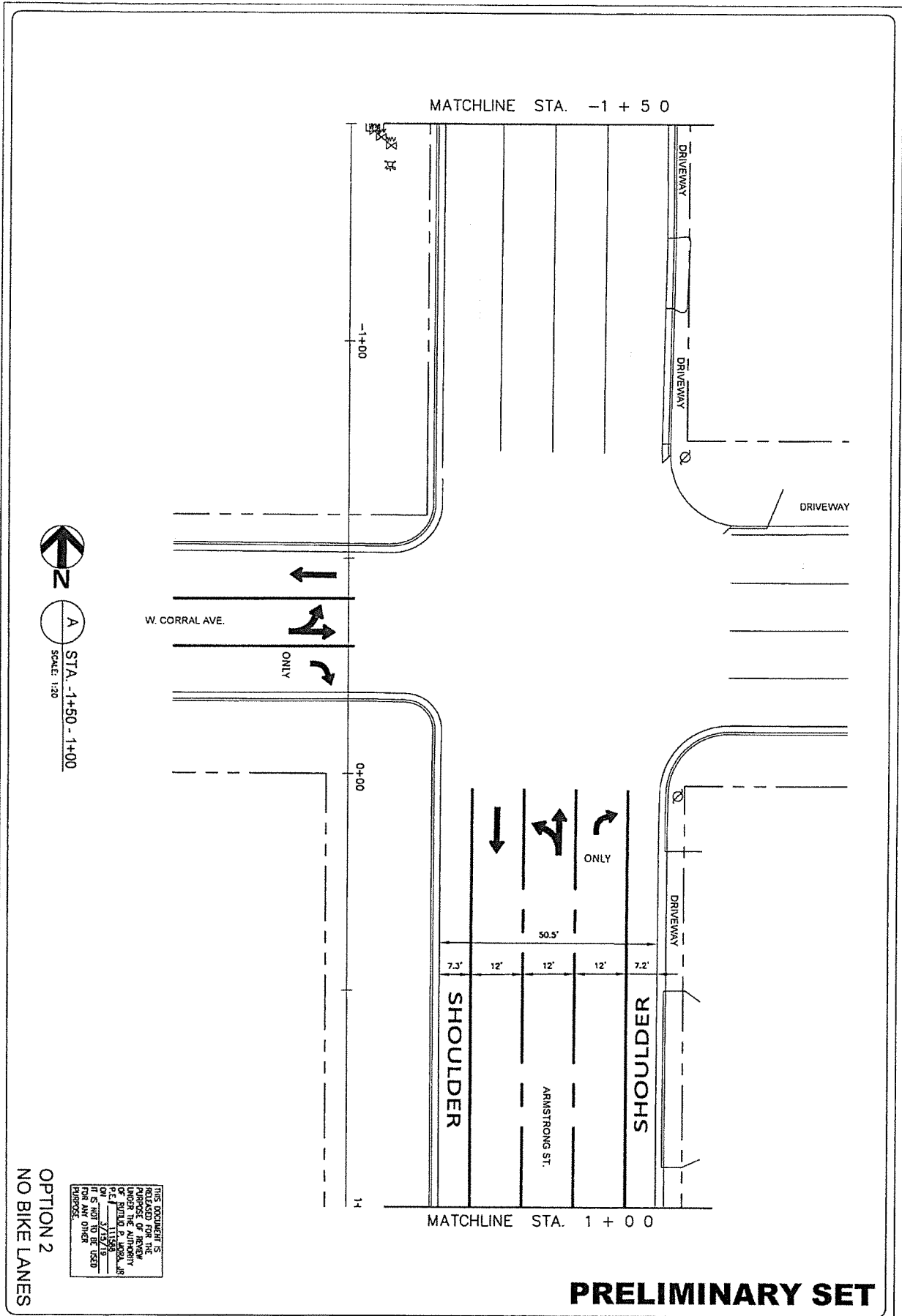
**2019 SEAL COATING, STRIPING
AND BIKE LANE PROJECT**
SANTA GERTRUDIS AVE.
STA. 30+00 TO STA. 32+50


Drawn by: J. RAMIREZ
Date: 12/19/2018
Checked by: R. MORA
Job:

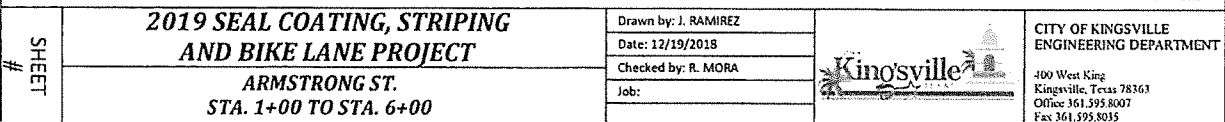


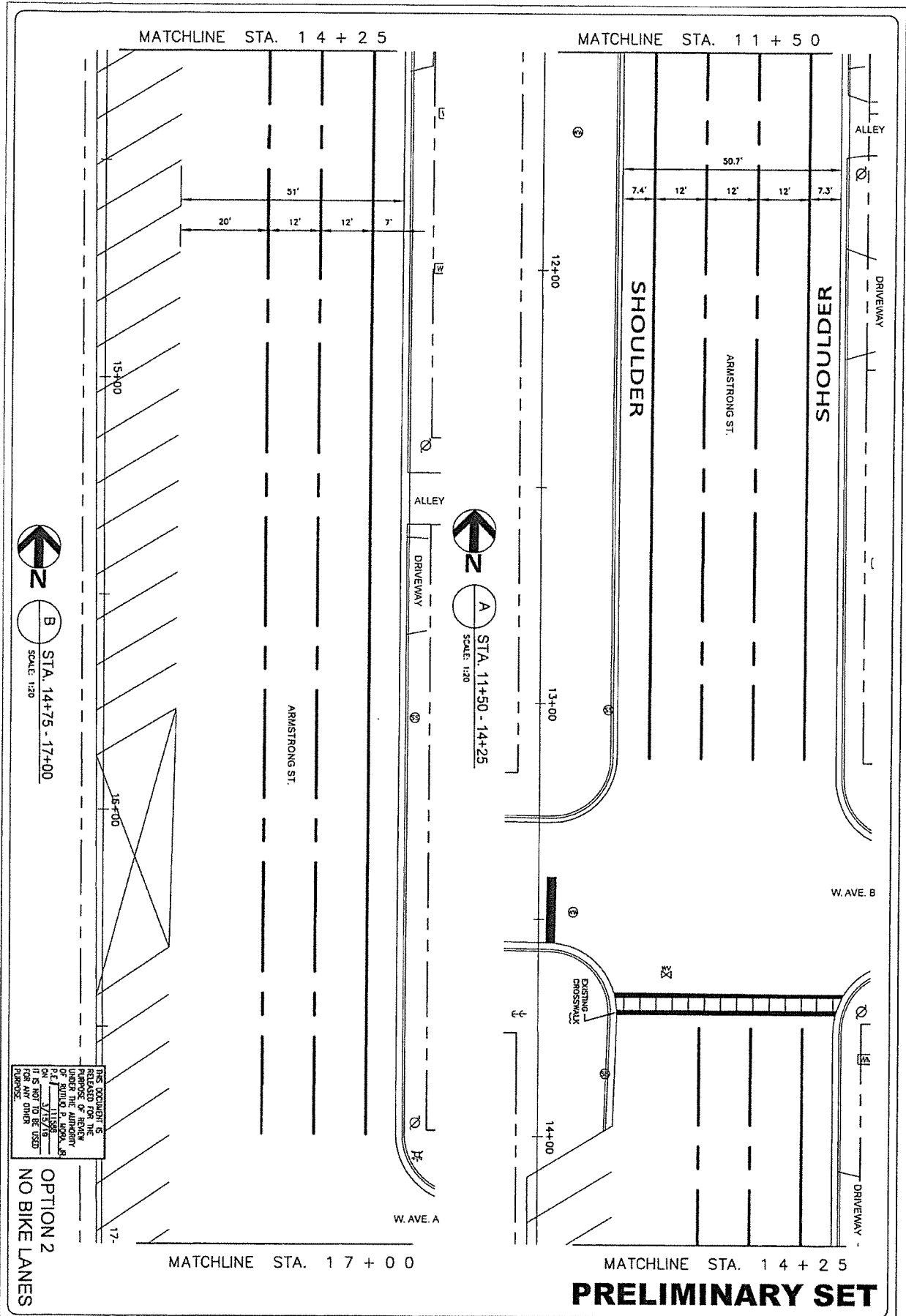
CITY OF KINGSVILLE
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Fax 361.595.8035

SHEET
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SHEET #	2019 SEAL COATING, STRIPING AND BIKE LANE PROJECT ARMSTRONG ST. STA. -1+50 TO STA. 1+00	Drawn by: J. RAMIREZ Date: 12/19/2018 Checked by: R. MORA Job:		CITY OF KINGSVILLE ENGINEERING DEPARTMENT 400 West King Kingsville, Texas 78363 Office 361.595.8007 Fax 361.595.8035



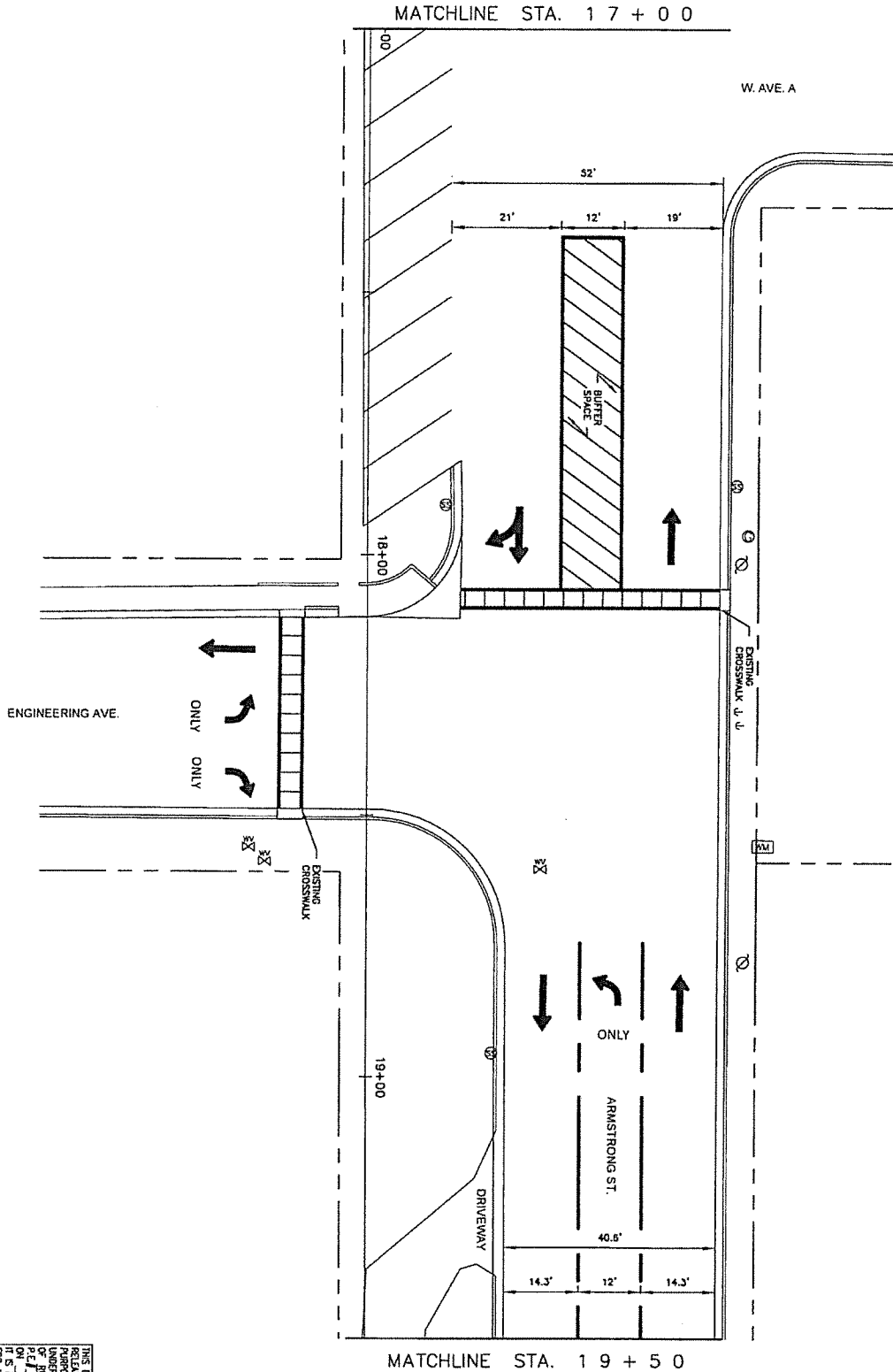




A STA. 17+00 - 19+50
SCALE: 1/20

OPTION 2
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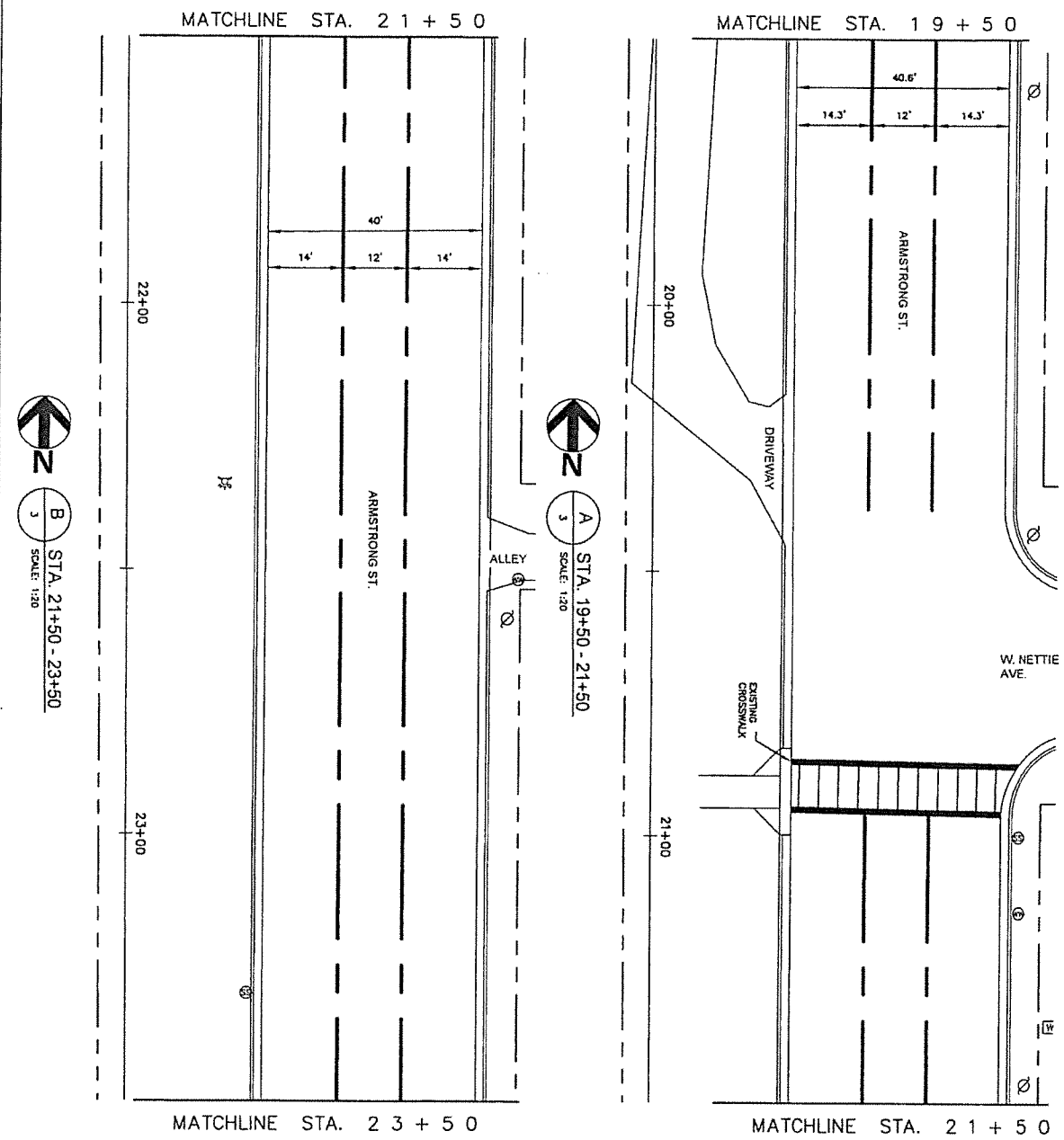
**2019 SEAL COATING, STRIPING
AND BIKE LANE PROJECT**
ARMSTRONG ST.
STA. 17+00 TO STA. 19+50


Drawn by: J. RAMIREZ
Date: 12/19/2018
Checked by: R. MORA
Job:




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Fax 361.595.8035


SHEET
#








 B STA. 21+50 - 23+50



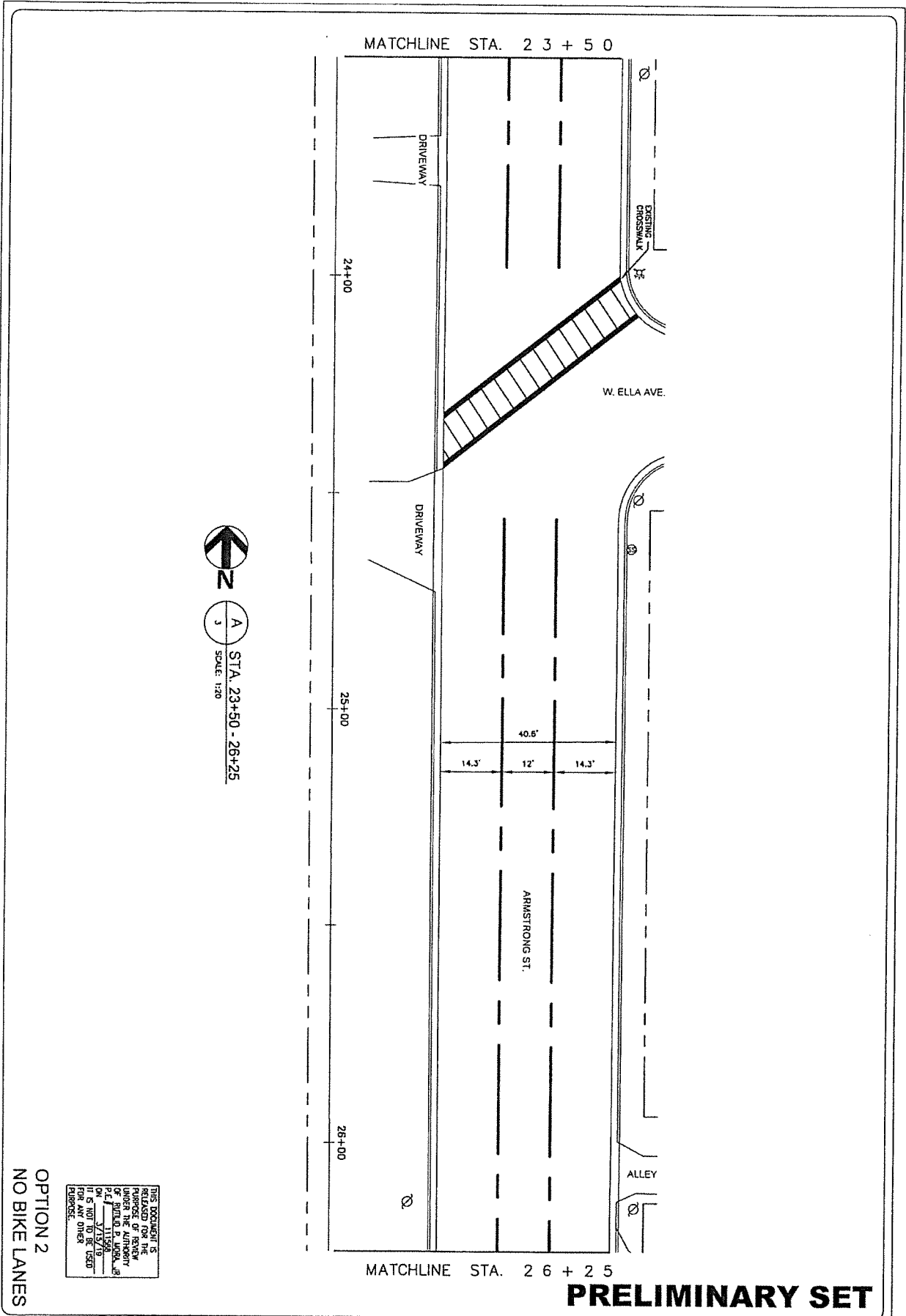


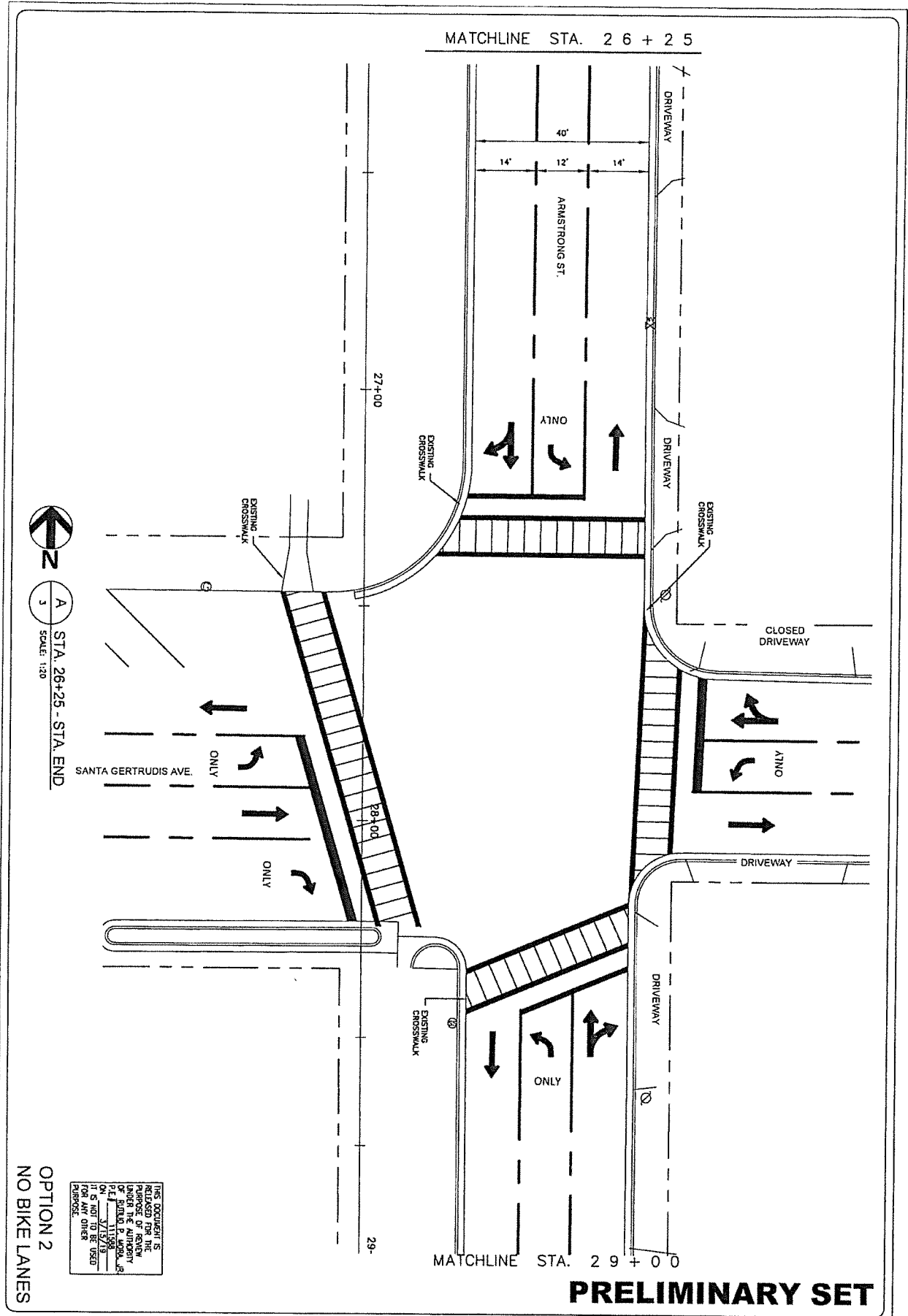
 A STA. 19+50 - 21+50


OPTION 2
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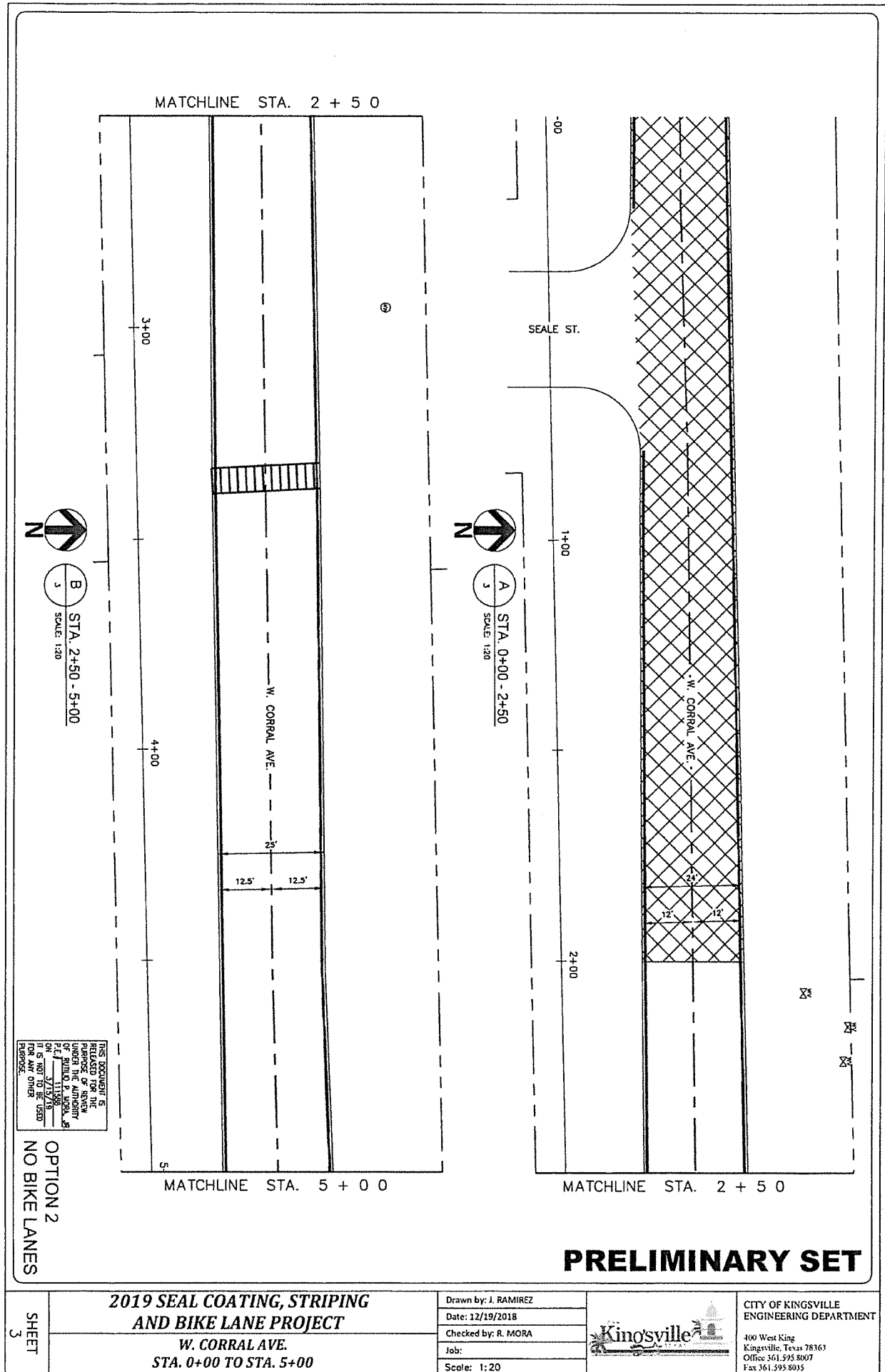


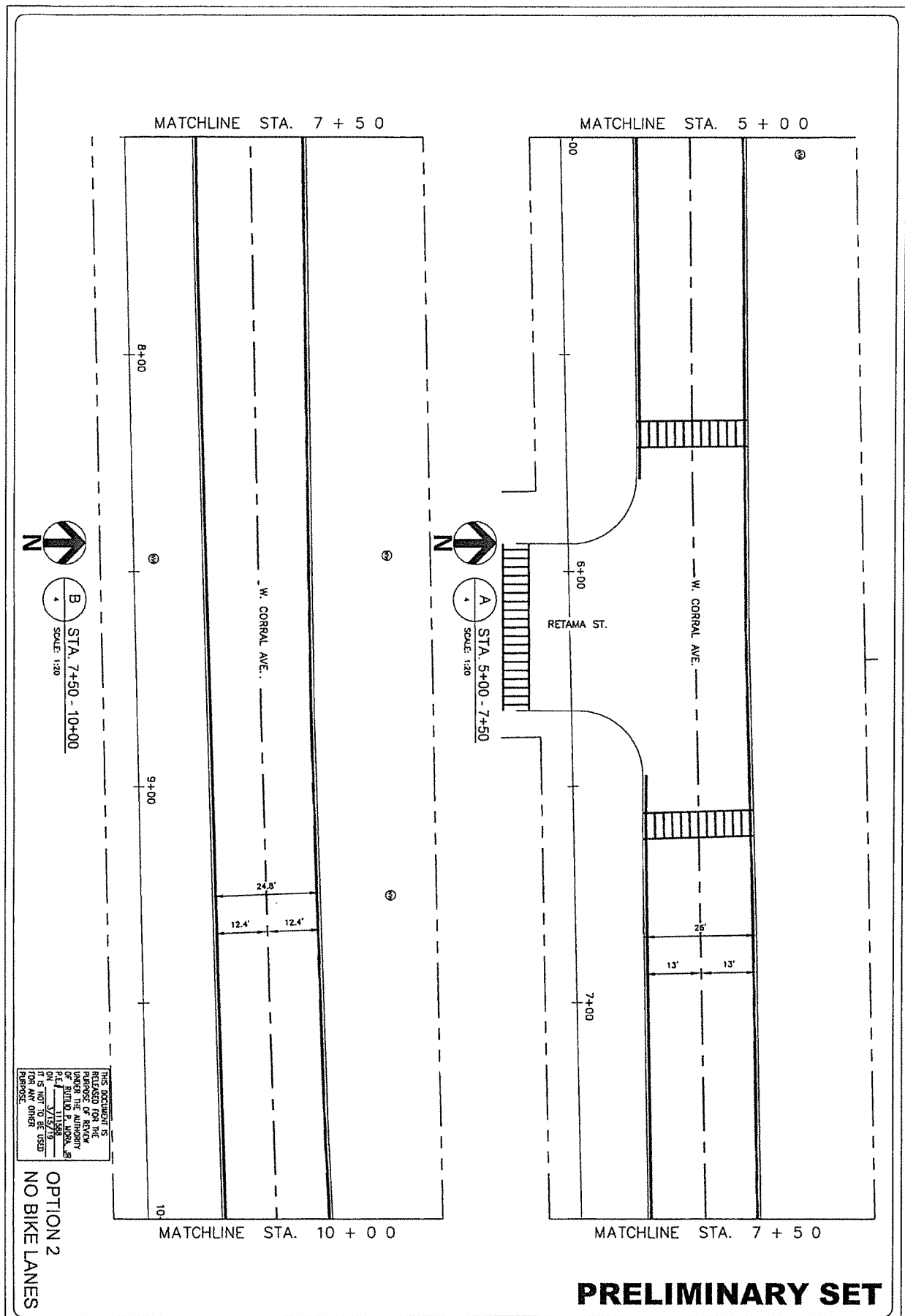



 A STA. 26+25 - STA. END

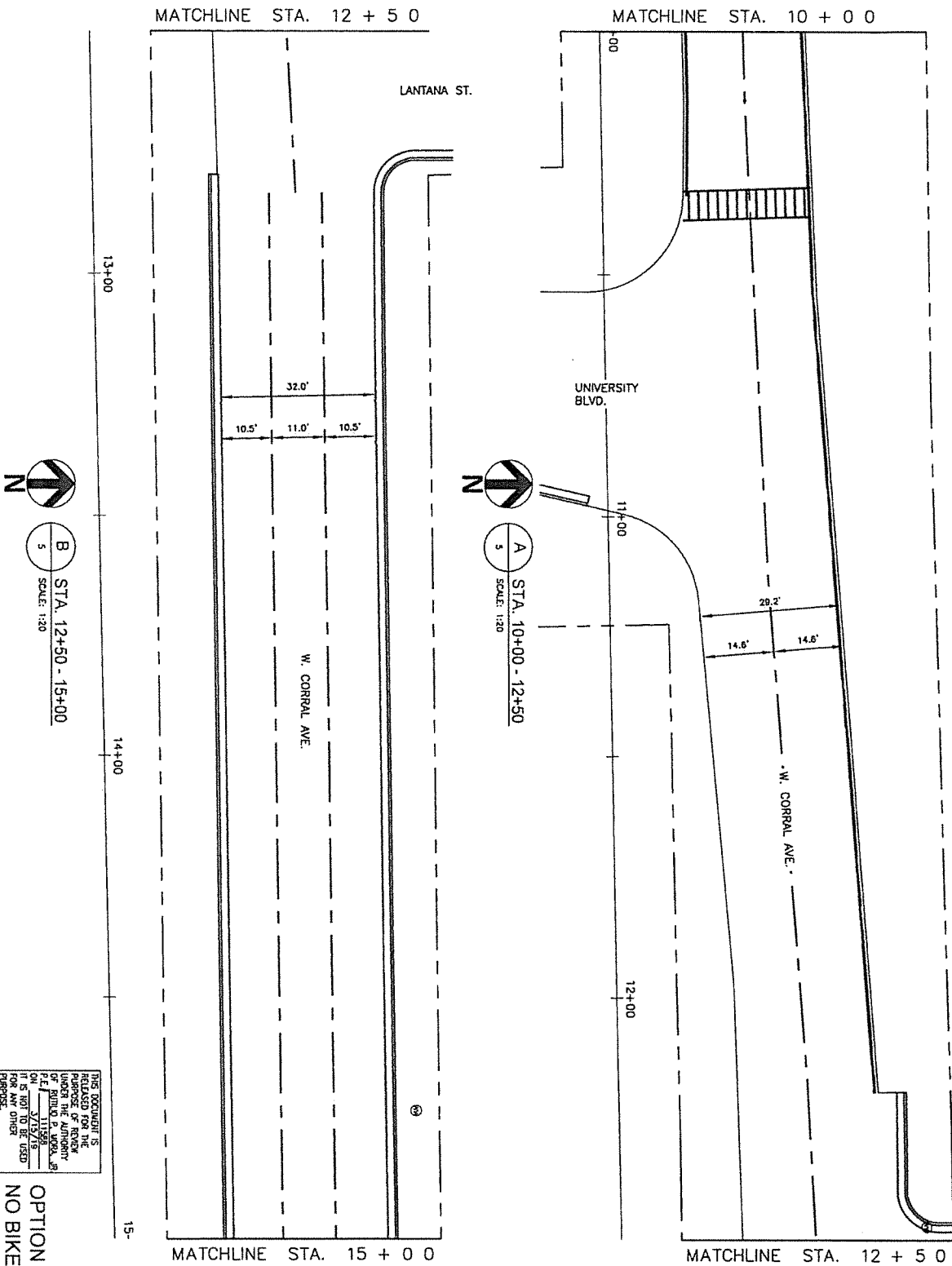
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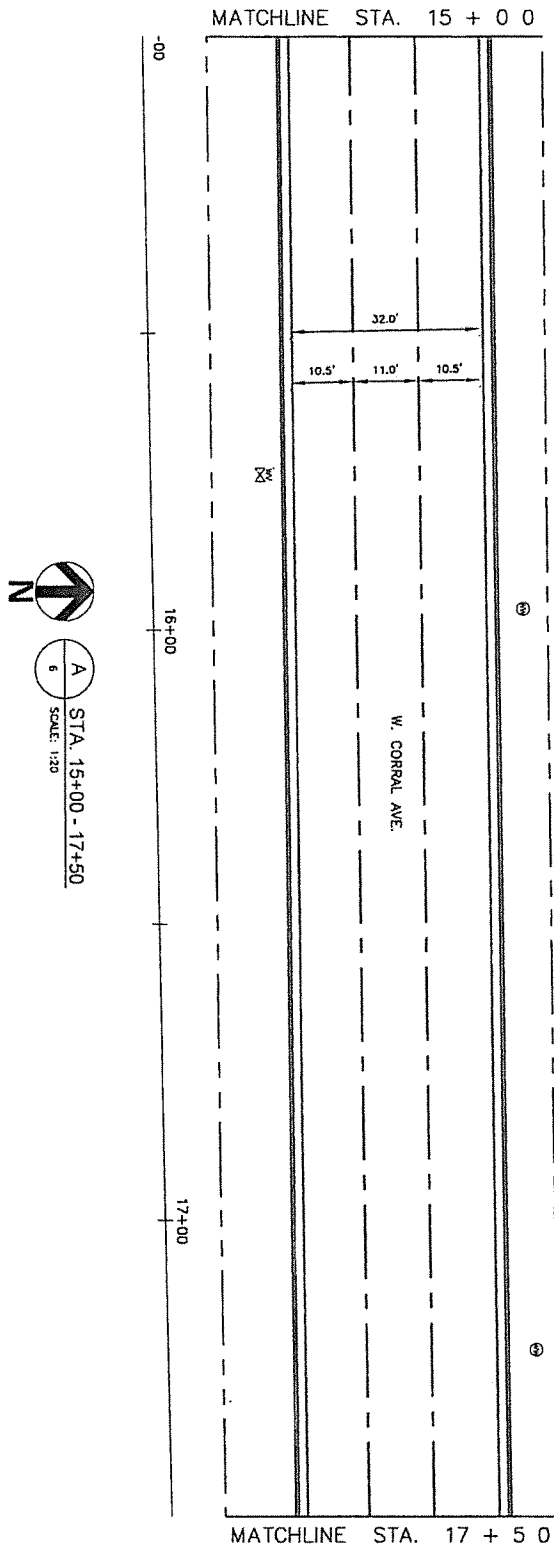
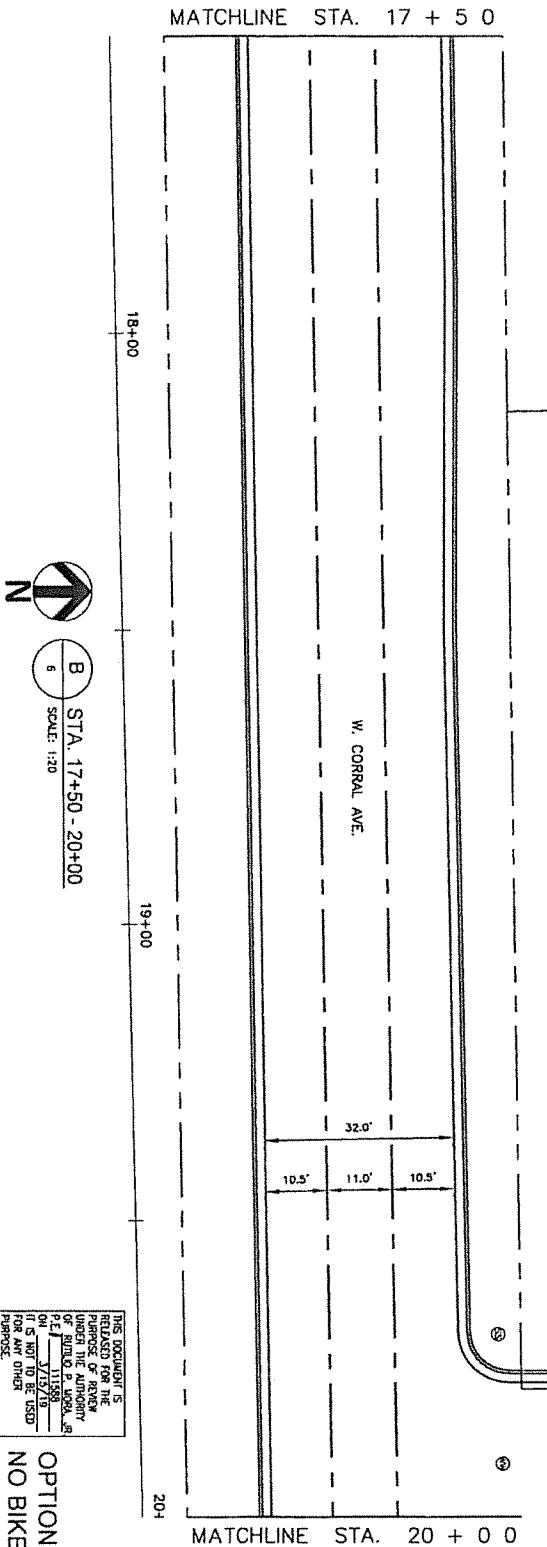
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SHEET 4	2019 SEAL COATING, STRIPING AND BIKE LANE PROJECT W. CORRAL AVE. STA. 5+00 TO STA. 10+00	Drawn by: J. RAMIREZ Date: 12/19/2018 Checked by: R. MORA Job: Scale: 1:20		CITY OF KINGSVILLE ENGINEERING DEPARTMENT 400 West King Kingsville, Texas 78363 Office 361.293.8007 Fax 361.595.8035





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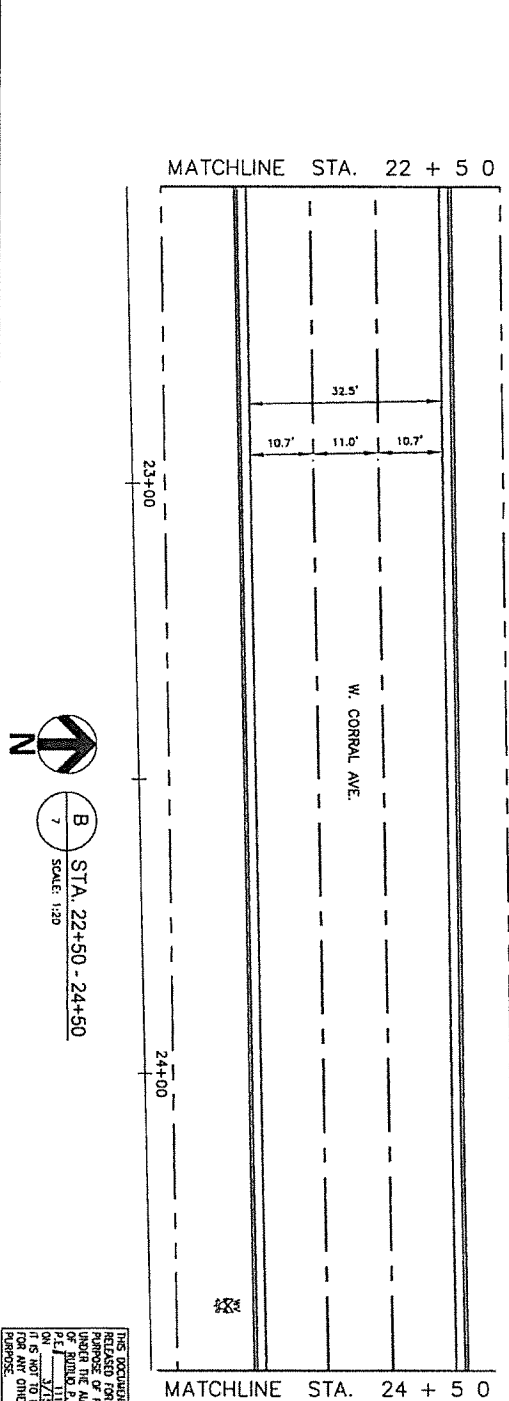
OPTION 2
NO BIKE LANES

**2019 SEAL COATING, STRIPING
AND BIKE LANE PROJECT**
W. CORRAL AVE.
STA. 15+00 TO STA. 20+00

Drawn by: J. RAMIREZ
Date: 12/19/2018
Checked by: R. MORA
Job:
Scale: 1:20



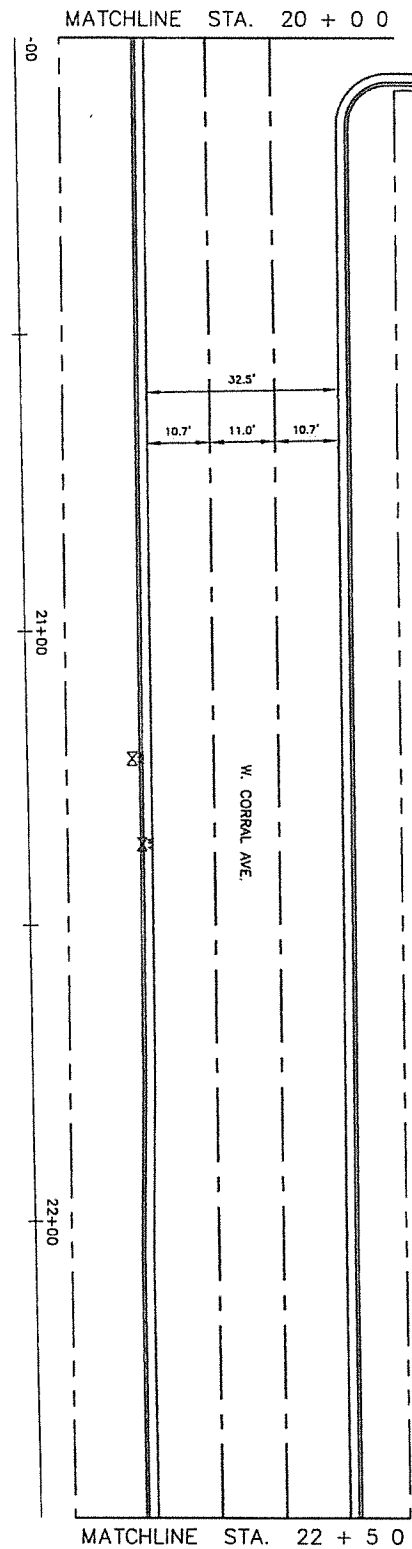
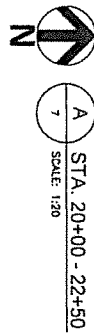
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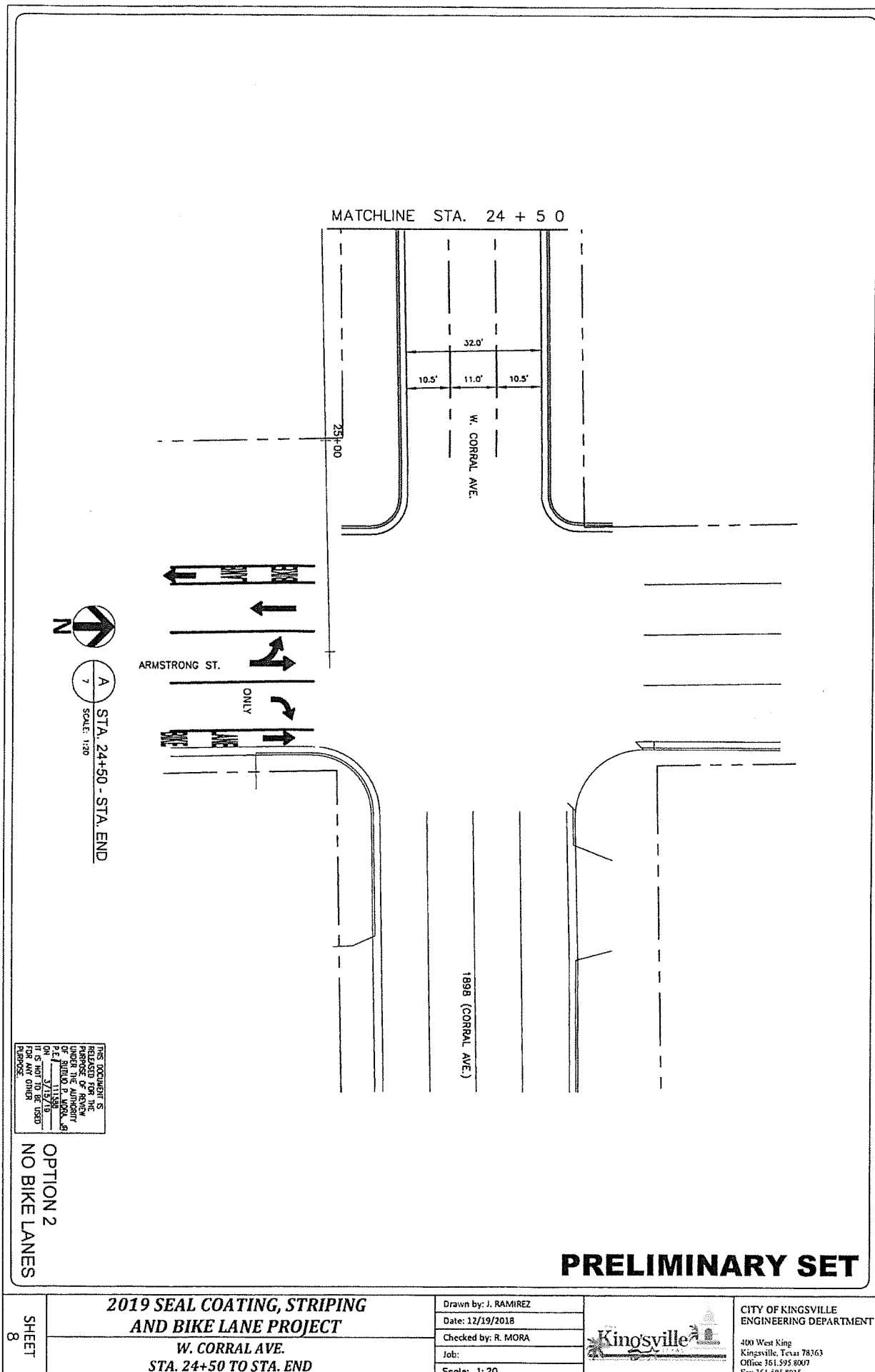
DATE: 11/15/18
BY: J.V./J.V.

OPTION 2
NO BIKE LANES

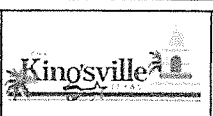


PRELIMINARY SET

SHEET 7	2019 SEAL COATING, STRIPING AND BIKE LANE PROJECT W. CORRAL AVE. STA. 22+50 TO STA. 24+50	Drawn by: J. RAMIREZ		CITY OF KINGSVILLE ENGINEERING DEPARTMENT 400 West King Kingsville, Texas 78363 Office 361.595.8007 Fax 361.595.8035
		Date: 12/19/2018		
		Checked by: R. MORA		
		Job:		
		Scale: 1:20		



PRELIMINARY SET

SHEET 8	<p align="center">2019 SEAL COATING, STRIPING AND BIKE LANE PROJECT</p> <p align="center">W. CORRAL AVE. STA. 24+50 TO STA. END</p>	<p>Drawn by: J. RAMIREZ</p> <p>Date: 12/19/2018</p> <p>Checked by: R. MORA</p> <p>Job:</p> <p>Scale: 1:20</p>		<p>CITY OF KINGSVILLE ENGINEERING DEPARTMENT</p> <p>400 West King Kingsville, Texas 78363 Office 361.595.8007 Fax 361.595.8015</p>

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AGENDA ITEM #10

RESOLUTION #2019-_____

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH PLACING FOR SALE THE CITY'S 5.072 ACRES OF LAND LOCATED OFF WEST GENERAL CAVAZOS BLVD. (KT&I CO., BLOCK 19, LOT PT 24) IN KINGSVILLE, TEXAS.

WHEREAS, the City of Kingsville owns 5.072 acres of land off West General Cavazos Blvd. at KT&I Co., Block 19, Lot Pt 24, 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 5.072 acres of city-owned land off West General Cavazos Blvd. at KT&I Co., Block 19, Lot Pt 24, 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, the City finds the property does not meet any of the exceptions to the bidding requirement as set out in Texas Local Government Code Section 272.001, staff recommends the property be 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;

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 staff to proceed with placing for sale via a broker in compliance with the Texas Local Government Code the City's 5.072 acres of real property located off West General Cavazos Blvd. at KT&I Co., Block 19, Lot Pt 24, in Kingsville, Texas.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission the 25th day of March, 2019.

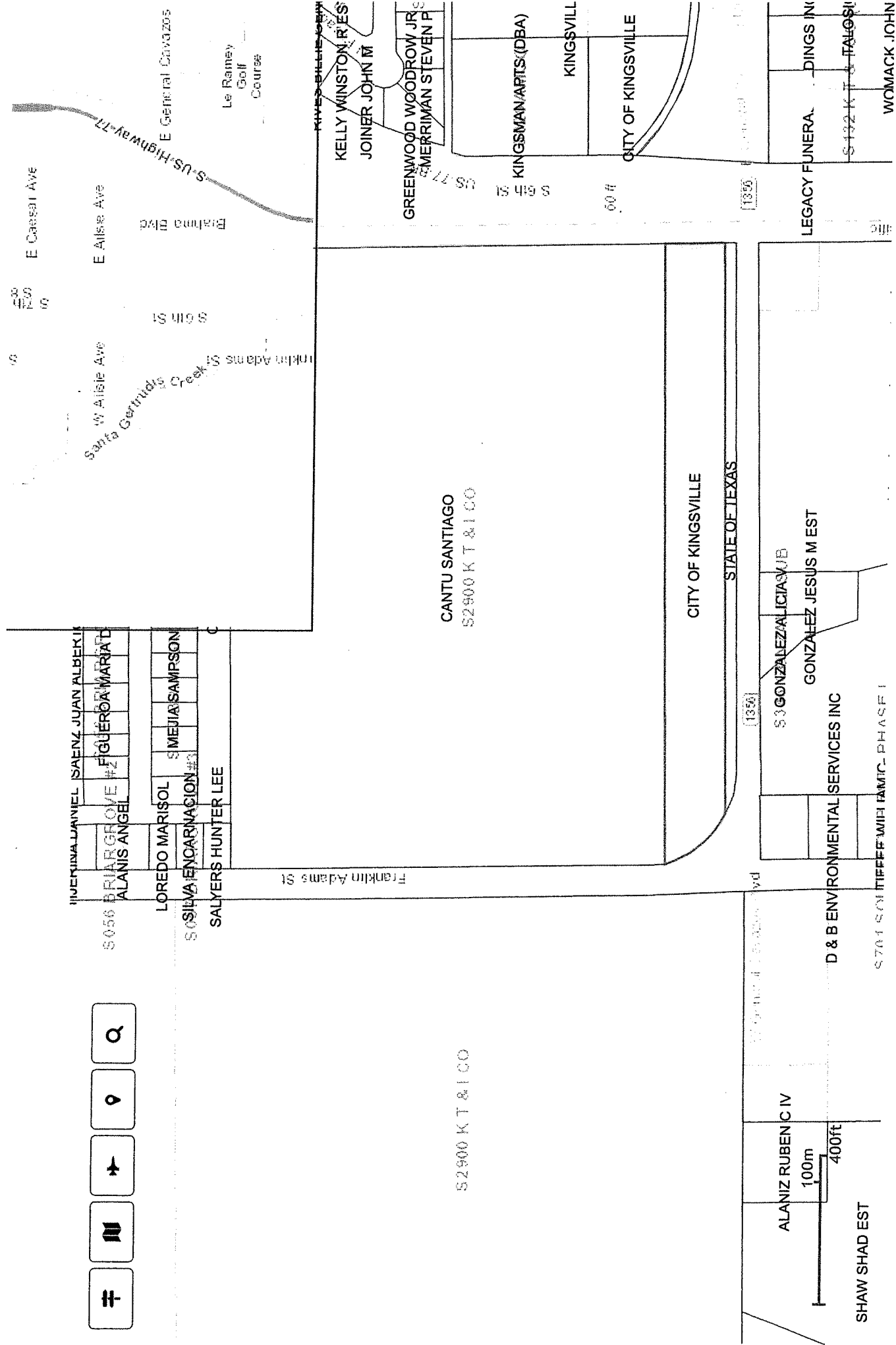
Sam Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



Kleberg CAD

Property Search Results > 31097 CITY OF KINGSVILLE for Year 2018

Property

Account

Property ID: 31097 Legal Description: K T & I CO, BLOCK 19, LOT PT 24, ACRES 5.072, (E X E M P T)
 Geographic ID: 290001924108192 Agent Code:
 Type: Real

Property Use Code:

Property Use Description:

Location

Address: GEN CAVAZOS BLVD Mapsco:
 Neighborhood: Map ID: A4
 Neighborhood CD:

Owner

Name: CITY OF KINGSVILLE Owner ID: 10346
 Mailing Address: PO BOX 1458 % Ownership: 100.000000000000%
 KINGSVILLE, TX 78364-1458
 Exemptions: EX-XV

Values

(+) Improvement Homesite Value: + \$0
 (+) Improvement Non-Homesite Value: + \$0
 (+) Land Homesite Value: + \$0
 (+) Land Non-Homesite Value: + \$10,140 Ag / Timber Use Value
 (+) Agricultural Market Valuation: + \$0

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	E0	E0	5.0720	217800.00	0.00	0.00	\$10,140	\$0

ROI Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2019	N/A	N/A	N/A	N/A	N/A	N/A
2018	\$0	\$10,140	0	10,140	\$0	\$10,140
2017	\$0	\$10,140	0	10,140	\$0	\$10,140
2016	\$0	\$10,140	0	10,140	\$0	\$10,140
2015	\$0	\$10,140	0	10,140	\$0	\$10,140
2014	\$0	\$10,140	0	10,140	\$0	\$10,140
2013	\$0	\$10,140	0	10,140	\$0	\$10,140
2012	\$0	\$10,140	0	10,140	\$0	\$10,140
2011	\$0	\$10,140	0	10,140	\$0	\$10,140
2010	\$0	\$10,140	0	10,140	\$0	\$10,140
2009	\$0	\$10,140	0	10,140	\$0	\$10,140
2008	\$0	\$10,140	0	10,140	\$0	\$10,140
2007	\$0	\$10,140	0	10,140	\$0	\$10,140
2006	\$0	\$10,140	0	10,140	\$0	\$10,140
2005	\$0	\$10,140	0	10,140	\$0	\$10,140

10,000.00/Ac

{ \$ 50,000.00

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	8/28/2000	WD	WARRANTY DEED	KYLE PROPERTIES INC	CITY OF KINGSVILLE	202/202	24/26	

Questions Please Call (361) 595-5775

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	EO	EO	5.0720	217800.00	0.00	0.00	\$10,140	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2019	N/A	N/A	N/A	N/A	N/A	N/A
2018	\$0	\$10,140	0	10,140	\$0	\$10,140
2017	\$0	\$10,140	0	10,140	\$0	\$10,140
2016	\$0	\$10,140	0	10,140	\$0	\$10,140
2015	\$0	\$10,140	0	10,140	\$0	\$10,140
2014	\$0	\$10,140	0	10,140	\$0	\$10,140
2013	\$0	\$10,140	0	10,140	\$0	\$10,140
2012	\$0	\$10,140	0	10,140	\$0	\$10,140
2011	\$0	\$10,140	0	10,140	\$0	\$10,140
2010	\$0	\$10,140	0	10,140	\$0	\$10,140
2009	\$0	\$10,140	0	10,140	\$0	\$10,140
2008	\$0	\$10,140	0	10,140	\$0	\$10,140
2007	\$0	\$10,140	0	10,140	\$0	\$10,140
2006	\$0	\$10,140	0	10,140	\$0	\$10,140
2005	\$0	\$10,140	0	10,140	\$0	\$10,140

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	8/28/2000	WD	WARRANTY DEED	KYLE PROPERTIES INC	CITY OF KINGSVILLE	202/202	24/26	

Questions Please Call (361) 595-5775

COUNTY OF KLEBERG

THAT KYLE PROPERTIES, INC., 1304 S. 14th St., Kingsville, TX 78363
a corporation existing under and by virtue of the laws of the State of Texas, acting
herein by and through its duly authorized officer, Chester W. Kyle, for and in con-
sideration of the sum of Ten and No/100 Dollars,
cash paid by CITY OF KINGSVILLE, the receipt of
which is hereby acknowledge and confessed, have GRANTED, SOLD, and CONVEYED, and by these
presents do GRANT, SELL, and CONVEY unto the said CITY OF KINGSVILLE,
200 E. Kleberg, Kingsville, Texas 78363

of the County of Kleberg, State of Texas, all that certain

Tract of land remaining from a 200 foot wide strip of land belonging
to King Ranch, Inc., and adjacent to Farm Lot 1, Section 20, of the
K. T. & I. Subdivision, Kleberg County, Texas, and more particularly
described as follows:

COMMENCING at the Southeast corner of Farm Lot 24, Section 19,
K. T. & I. Subdivision, Kleberg County, Texas, said corner being
the Northeast corner of this tract and also the POINT OF BEGINNING;

THENCE South 0° 50' East, along the east line of said remainder,
said line being the West line of the M.P.R.R. right of way, a
distance of 100 feet, to a point for the Southeast corner of this
tract;

THENCE South 89° 12' West, along the South line of said remainder,
which is also the North line of the F.M. 1356 right of way, a
distance of 1412.79 feet, to a point for an intermediate corner
of this tract;

THENCE North 45° 48' West, along an existing cutback, a distance
of 141.42 feet, to a point for the Northwest corner of this tract;

THENCE North 89° 12' East, along the North line of said remainder,
which is also the South line, of Farm Lot 24, Section 19, a distance
of 1512.79 feet, to the POINT OF BEGINNING and containing 3.357
acres of land, more or less.

This conveyance is subject to all covenants, restrictions, oil and
gas leases and easements of record in Kleberg County, Texas.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights
and appurtenances thereto in anywise belonging unto the said Grantee above named its
heirs and assigns forever, and Grantor hereby binds itself, its legal successors and legal representatives
to warrant and forever defend, all and singular the said premises unto the said Grantee above
named, its heirs and assigns, against every person whomsoever lawfully
claiming, or to claim the same, or any part thereof.

EXECUTED at Kingsville, TX

this 15th day of

March, 19 99

ATTEST,

Secretary

KYLE PROPERTIES, INC

By

Chester W. Kyle, President

a corporation, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said corporation.

Given under my hand and seal of office this the 15th day of March A. D. 19 99

My Commission Expires

June 15, 2001



Yolanda Zapata
Notary Public in and for the State of Texas
Notary's Printed Name: Yolanda Zapata

STATE OF TEXAS COUNTY OF KLEBERG
I hereby certify that this instrument was filed on the
date and time stamped hereon by me and was duly
recorded in the OFFICIAL RECORDS of Kleberg County,
Texas

VOL. 202 PAGE 24
AUG 28 2000



Recording Date

County Clerk, Kleberg County

PROVISIONS CONTAINED IN ANY DOCUMENT
WHICH RESTRICT THE SALE, RENTAL, OR USE
OF THE REAL PROPERTY DESCRIBED THEREIN
BECAUSE OF RACE OR COLOR ARE INVALID
UNDER FEDERAL LAW AND ARE UNENFORCE-
ABLE.

FORM NO. 153

No. 234595

WARRANTY DEED
CORPORATION

FROM

KYLE PROPERTIES INC

TO

CITY OF KINGSVILLE

This instrument was filed for record on the 24th
day of August, 2000, at
10:10 o'clock A. M., and duly recorded in

Volume _____ Page _____

of the records of this office.

Yolanda Zapata
County Clerk

By *Yolanda Zapata* Chief Deputy

When recorded return to
CITY OF KINGSVILLE
PO BOX 1458

KINGSVILLE TX 78364

PO BOX PRINTING CO., HOUSTON, TEXAS

AGENDA ITEM #11

**City of Kingsville
Planning Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Cynthia Martin, Downtown Manager/Historic Preservation Officer

DATE: March 13, 2019

SUBJECT: 2018 National Trust Grant Acceptance and Budget Amendment

Summary: The City of Kingsville was awarded a \$5,000 grant from the National Trust for Historic Preservation (hereinafter referred to as the National Trust) for the preparation of design guidelines for Kingsville's local historic district.

Background: In 2017, the City successfully applied for a National Trust Preservation Fund grant to support a preservation planning project to include exploration of dividing the current historic district into neighborhoods or sub-districts to better manage it and to support the writing of design guidelines specific to these neighborhoods. Funding of the grant, however, was contingent upon the selection of a consultant for the project that met with approval from the National Trust as laid out in their grant guidelines.

Towards this end, RFP #19-04 for Design Guidelines for Kingsville's local Historic District, issued Dec. 30, 2018, contained requirements to ensure the consultant hired would meet the standards set forth by the National Trust. On Feb. 11, 2019, City Commission voted to award this RFP to Mainstreet Architects, Inc. per staff recommendation followed on March 11, 2019 with a vote to authorize the City Manager to enter into an agreement for professional services with this firm. Qualifications for Mainstreet Architects, Inc. were subsequently forwarded to the National Trust for their approval and, on March 5, 2018, the City received formal notification from the National Trust of a grant award in the amount of \$5,000 for this project.

Financial Impact: The grant is a reimbursement type and requires matching funding on a one-to-one basis. The National Trust has confirmed that either the \$20,000 Certified Local Government (CLG) grant awarded for this same project or the city's cash match of \$20,000 for said CLG grant



**City of Kingsville
Planning Department**

will suffice to meet this requirement. Therefore, the financial impact to the City will not exceed the \$20,000 already set aside for this project.

Recommendation: A resolution is requested for acceptance of funds and a budget amendment is requested to add these funds to the \$40,000 already budgeted for this project in Fund 085-Certified Local Government Grant line item 085-1604-31400 for FY 18-19.



From: Diana Maxwell [mailto:DMaxwell@savingplaces.org]
Sent: Wednesday, March 13, 2019 12:14 PM
To: Cynthia Martin <CMartin@cityofkingsville.com>
Subject: RE: National Trust Grant Agreement

Hi Cynthia,

Yes! That's exactly right- either the city's matching funds or the CLG funds could count as "our" match.

Best,
Diana

From: Cynthia Martin <CMartin@cityofkingsville.com>
Sent: Wednesday, March 13, 2019 12:25 PM
To: Diana Maxwell <DMaxwell@savingplaces.org>
Subject: RE: National Trust Grant Agreement

Diana,

The City received a CLG grant in the amount of \$20,000 for this same project - a preservation planning project resulting in the creation of design guidelines for our local historic district. Regarding the required match for this National Trust grant, it is my understanding that the City's cash match of \$20,000 for the CLG grant or even the CLG grant funds themselves can count as the "other funding on a one-to-one basis" per item #1 of the agreement. Is this correct?

Best,

Cynthia Martin, AICP

Downtown Manager/Historic Preservation Officer
City of Kingsville
410 W King Ave.
Kingsville, TX 78363
361.219.9325 cell

From: Diana Maxwell [mailto:DMaxwell@savingplaces.org]
Sent: Tuesday, March 05, 2019 10:11 AM
To: Cynthia Martin <CMartin@cityofkingsville.com>
Subject: National Trust Grant Agreement

Dear Cynthia,

Attached you will find a grant agreement along with a few other items for your National Trust for Historic Preservation grant. Please return to our office your signed grant agreement and a completed W-9 for your organization. If you would like the funds transferred via an EFT, please also fill out the EFT Vendor Authorization Agreement form and attach a voided check. We can then disburse the grant funding for the project. Please sign and return scans of these completed documents via e-mail to grants@savingplaces.org or you can also mail these documents to the address below if you prefer. Feel free to contact us if you have additional questions, and congratulations again on your grant!

Best,
Diana Maxwell

Grants Office
P 202.588.6277 F 202.588.6223

NATIONAL TRUST FOR HISTORIC PRESERVATION

The Watergate Office Building
2600 Virginia Avenue NW Suite 1000 Washington, DC 20037
www.SavingPlaces.org

PastForward 2018

November 13-16
San Francisco, CA

Be the first to know about sessions, registration, and conference details. Sign up for updates today.

www.PastForwardConference.org



**National Trust *for*
Historic Preservation***
Save the past. Enrich the future.

RESOLUTION #2019-_____

A RESOLUTION ACCEPTING FUNDING FROM THE NATIONAL TRUST FOR HISTORIC PRESERVATION FOR HISTORIC DISTRICT GUIDELINES, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO BE THE AUTHORIZED OFFICIAL TO ACT ON THE CITY'S BEHALF WITH SUCH GRANT AS THE PROJECT MANAGER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission awarded RFP#19-04 for Design Guidelines to Mainstreet Architects, Inc. on February 11, 2019 and approved a professional services agreement via Resolution #2019-22 on March 11, 2019; and

WHEREAS, the City of Kingsville applied to the National Trust for Historic Preservation for funding to assist with the design guidelines for the historic district and was recently notified of a \$5,000 award, which does require a cash match that the City already has funds designated to cover; and

WHEREAS, the National Trust for Historic Preservation has sent a letter agreement to the City that will need to be executed for the project; and

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

I.

THAT the City accepts the National Trust for Historic Preservation Grant Award in an amount of \$5,000 for historic district guidelines.

II.

THAT the City Manager or his designee, the Downtown Manager, is the authorized official for the grant and is authorized and directed to act on the City's behalf in all matters pertaining to this Agreement including any certifications, amendments or representations stipulated therein.

III.

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

IV.

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

PASSED AND APPROVED by a majority vote of the City Commission on the 25th day of March, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



National Trust *for* Historic Preservation

Save the past. Enrich the future.

March 5, 2019

Cynthia Martin
City of Kingsville
PO Box 1458
400 W King Ave.,
Kingsville, TX 78364

Dear Cynthia:

It is a pleasure to inform you that your application for a National Trust Preservation Fund grant has been approved. We have allocated \$5,000 from the Fondren Fund for Texas to match local funds to help support the Managing the Kingsville Historic District project.

The National Trust for Historic Preservation is very supportive of your worthwhile preservation activity. It was selected from a large number of qualified applicants competing for a very limited amount of funds. We hope that this letter of support and financial commitment will assist your organization in raising any additional funds needed for this historic preservation activity.

Acceptance of this grant is indication of your willingness to conduct your project in conformance with the following special conditions:

1. **Required Match.** This grant must be matched with other funding on a one-to-one basis. Evidence of the match must be submitted in the final report required in Paragraph 9.
2. **National Trust Concurrence with Consultant Selection.** We concur with your selection of Sue Ann Pemberton, Mainstreet Architects, or this project. If you wish to change consultants, new approval must be sought from the National Trust.
3. **Competitive Procurement Process.** You agree that all procurement of goods and services shall be conducted in a manner that provides maximum open and free competition. When a procurement exceeds \$50,000, you must seek at least three (3) competitive bids or quotes. (This applies to any procurement greater than \$50,000 that is part of this grant-assisted project, whether financed through National Trust funds or through the matching funds that make up the rest of the project's approved budget.) Although it is not always necessary to select the lowest bid, an explanation for the selection must be documented using the attached Competitive Bid Report Form, which should be retained in your files and made available to the National Trust upon request. You should also maintain procedures to ensure that procurement of goods and services, including consultant services, do not present a conflict of interest.
4. **Equal Opportunity.** You agree not to discriminate against any employee or applicant for employment because of actual or perceived race, color, national origin, creed, age, gender, marital status, sexual orientation, religion, mental and physical disabilities, sex (including pregnancy), personal appearance, gender identity or expression, family responsibilities, genetic information, matriculation, political affiliation or veteran status.

5. **Retention of Records.** You must maintain auditable records of all expenditures under this grant for three (3) years after completion of this grant-assisted project.
6. **Planning for Preservation Work.** Any documents or plans for preservation work that result from the project must conform to the Secretary of the Interior's *Standards for the Treatment of Historic Properties*, as appropriate.
7. **Publicity and Acknowledgement of Grant Assistance.** For your assistance, we enclose a sample press release format for use in publicizing the grant. The National Trust must be listed as a supporter in any printed material and publicity releases. Should material emanating from this preservation activity be published for distribution, appropriate acknowledgement of the Trust's participation should be given using the following statement:

"This project has been funded in part by a grant from the Fondren Fund for Texas of the National Trust for Historic Preservation."

In accepting this grant, the grantee agrees to provide the National Trust for Historic Preservation in the United States with a non-exclusive, royalty-free license to use, and to allow others to use, any reports or other materials funded by the grant.

8. **Project End Date.** The time limit for completing your grant-assisted project will be **one year**, commencing from the date of your grant disbursement from the National Trust. Should any problems arise, a written request for an extension of the project must be submitted to our office for consideration within ten (10) days of the project end date.
9. **Final Report.** Within 30 days of the project end date, you agree to submit a final report and financial accounting on the use of the grant, as well as any materials or reports emanating from the grant to the National Trust. **The final report must be submitted online in the same system used to submit the grant application.** See the "Find Funding" section of our website (www.PreservationNation.org) for the link to that system.
10. **The Requirement of Return of Funds.** The National Trust shall require that you return the grant funds, plus accumulated interest, in the event that you: (1) fail to complete the project as described in your application; (2) fail to complete the project within one year of the disbursement date; (3) fail to obtain written approval from the National Trust prior to making a material change to the project; (4) fail to match the grant funds on a dollar-for-dollar cash basis; or, (5) fail to submit the final report within 30 days of the project end date.

We would like to complete disbursement of funds to your organization as soon as possible. If we do not hear from you by **April 5, 2019** the funds obligated for the project will be returned to our regional fund reserve for the National Trust Preservation Funds program.

Please sign and return the original of this letter to my office as soon as possible as your acceptance of this agreement. By doing this you acknowledge that these grant funds will be used expressly for the purposes described in your grant application and are subject to the conditions contained in this letter of agreement.

Please contact our office for any additional assistance. We are pleased to assist in your preservation project and trust that this grant will prove valuable to your effort.

Sincerely,

A handwritten signature in black ink that reads "N. Vann". The signature is written in a cursive, flowing style.

Nicky Vann
Director, Administration, Grants, and Affinity Programs

CONCUR_____ **DATE**_____

TITLE _____

AGENDA ITEM #12

**City of Kingsville
Planning Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Cynthia Martin, Downtown Manager/Historic Preservation Officer

DATE: March 13, 2019

SUBJECT: 2018 National Trust Grant Acceptance and Budget Amendment

Summary: The City of Kingsville was awarded a \$5,000 grant from the National Trust for Historic Preservation (hereinafter referred to as the National Trust) for the preparation of design guidelines for Kingsville's local historic district.

Background: In 2017, the City successfully applied for a National Trust Preservation Fund grant to support a preservation planning project to include exploration of dividing the current historic district into neighborhoods or sub-districts to better manage it and to support the writing of design guidelines specific to these neighborhoods. Funding of the grant, however, was contingent upon the selection of a consultant for the project that met with approval from the National Trust as laid out in their grant guidelines.

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Financial Impact: The grant is a reimbursement type and requires matching funding on a one-to-one basis. The National Trust has confirmed that either the \$20,000 Certified Local Government (CLG) grant awarded for this same project or the city's cash match of \$20,000 for said CLG grant



**City of Kingsville
Planning Department**

will suffice to meet this requirement. Therefore, the financial impact to the City will not exceed the \$20,000 already set aside for this project.

Recommendation: A resolution is requested for acceptance of funds and a budget amendment is requested to add these funds to the \$40,000 already budgeted for this project in Fund 085-Certified Local Government Grant line item 085-1604-31400 for FY 18-19.



ORDINANCE NO. 2019-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2018-2019 BUDGET TO ACCEPT AND EXPEND GRANT FUNDS FOR THE NATIONAL TRUST GRANT.

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 2018-2019 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 095 – National Trust Grant					
<u>Revenues</u>					
1604	Downtown	Federal Grants	72037	\$5,000	
0000	Non-Dept	Transfers In From GF	75001	\$5,000	
<u>Expenditures</u>					
1604	Downtown	Professional Services	31400	\$10,000	

[To amend the City of Kingsville FY 18-19 Budget to accept and expend funds for the National Trust Grant. Funds of \$5,000 will come from grant revenues funded by the awarded grant and \$5,000 will come from General Fund's fund balance for the cash match.]

II.

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

III.

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

IV.

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

INTRODUCED on this the 11th day of March 2019.

PASSED AND APPROVED on this the __ day of _____, 2019.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #13

**City of Kingsville
Planning Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Cynthia Martin, Downtown Manager

DATE: March 14, 2019

SUBJECT: Changes to Signage Regulations

Summary: The bulk of the City's sign ordinances were last updated in July 2013 and the face of downtown has changed since then as has the demand for different sign types. In light of this, staff has reviewed the sign regulations as they pertain to downtown businesses and is recommending changes that will serve to improve downtown appearance and wayfinding.

Background: The recommended changes to the sign regulations mostly address owner identification signs, prohibited signs and add a new section to the sign regulations defining sign types. Attached is a copy of the current sign regulations with proposed changes highlighted in yellow and verbiage to be deleted struck through.

Specifically, changes to Sec. 15-6-117 include verbiage to ensure sandwich board signs do not obstruct traffic on the sidewalk, encourage the use of hanging signs to identify businesses to pedestrians and to regulate their size and to regulate window signage to ensure a portion of the building's display windows are left available for the placement of window displays.

Changes to Sec.15-6-121 call out specific types of signage to be prohibited in the C3 Central Business District, most notably feather flag signs that, when placed directly on the sidewalk, obstruct views and pedestrian traffic.

Changes to Sec. 15-6-125 specifies that only City banners are allowed to be placed on street lights. This has been a problem in another community.

Changes to Sec. 15-6-126 add city banners and historic building markers to the list of signage exempt from needing permits.



**City of Kingsville
Planning Department**

Lastly, Sec. 15-6-132 added to contain definitions of signage as such a section is missing in the current regulations.

Proposed changes to the sign regulations were discussed with the Main Street Advisory Board and their input incorporated in the version presented here and presented to the Planning & Zoning Commission at their December 19, 2018 regular meeting.

Financial Impact: None

Recommendation: It is recommended that City Commission approve the changes to Sec. 5-6-117, Sec. 5-6-119, Sec. 15-6-121, Sec. 15-6-125, Sec. 15-6-126 and Sec. 15-6-132 as presented. The Planning & Zoning approved a motion for the changes and voted five in favor and none opposed.



SIGN REGULATIONS

Sec. 15-6-115. - Signs restricted.

- (A) The size, number, characteristics, and location of signs are restricted by this article. Signs owned by or required by governmental entities are not regulated by this article. Advertising signs (signs not on the lot occupied by the business identified or signs aimed at products sold on site) are limited to business, industrial, and agricultural districts with property having frontage on numbered U.S. and State Highways.
- (B) Owner identification signs are permitted in all retail, commercial, industrial and agricultural districts (C-1, C-2, C-3, C-4, I-1, I-2, Ag), but in the case of freestanding signs, all signage shall be limited to a monument type signage.
- (C) Monument sign means a sign resting on the ground immediately below it or with the bottom of the sign within 18 inches of the ground immediately below it.

(Ord. 97041, passed 12-8-97; Ord. 2012-03, passed 2-27-2012; Ord. 2013-32, § I, passed 7-22-2013)

Sec. 15-6-116. - Residential signs permitted.

No signs other than one real estate sign per street frontage (for rent or for sale) with a maximum area of ten square feet, political signs (any number) with a maximum area of 9 square feet, per sign, occupant's name signs (two) with no business reference and a maximum area of three square feet shall be permitted in the R-1 Single-Family and R-2 Two-Family Districts. In the R-3 Multi-Family and R-4 General Residential Districts, all signs permitted in the R-1 District and one sign per street frontage (maximum size of 80 square feet per sign) identifying the name of apartments are permitted. No sign shall be placed within 20 feet of the point of intersection of any two right-of-way lines.

(Ord. 97041, passed 12-8-97; Ord. 2013-32, § I, passed 7-22-2013)

Sec. 15-6-117. - Owner identification signs permitted.

- (A) Owner identification signs in permitted districts shall comply with the standards of this section. Freestanding signs are limited to one sign per street frontage. The maximum size of any freestanding owner identification sign shall be 200 square feet. Freestanding signs shall be only of a monument type sign. The square footage of a multitenant sign may be increased by 16 square feet for each additional tenant over the first, with a maximum of 500 square feet overall. No sign shall be placed within the arc formed by a 20 foot radius from the point of intersection of two street right-of-way lines unless it complies with § 15-6-120. Each business may possess one sign intended for temporary use such as banners. Temporary signs and banners shall not be larger than 32 square feet and shall be permitted to comply with §15-6-126(c).
- (B) Flat wall signs shall have a total sign area limited to 10% of the facade on which the sign(s) is/are located computed against the first 20 feet in building height. Roof signs shall not be permitted. Wall signs shall not project more than one foot from the building and it shall be anchored to withstand wind conditions as specified by the adopted Building Code.
- (C) Temporary sandwich board signs may only be located in front of commercial properties within the Historic District where sidewalks area minimum of eight feet wide. These temporary signs shall be located on a sidewalk during business hours. Under no exception shall the signs be placed over any commemorative pavers. The total size of the sign is not to exceed 42 inches by 24 inches (height x width). The signs must be internally weighted to withstand strong winds. The temporary sandwich board signs shall be placed on the sidewalk one foot from the curb. **Sandwich boards should not obstruct pedestrian traffic flow. The minimum clear width of a pedestrian access route shall be 48 inches exclusive of the width of the curb.** Only one sandwich board sign shall be permitted per business, and the sign shall be located in front of that specific business, not at another location. If

the business is a corner property, the sign may only be placed in one location. Historical Development Board design approval is required prior to a permit being issued by the city.

(D) Hanging signs shall be allowed for commercial properties within the Main Street District when such signs have a minimum clearance of 6'8" (80") from the sidewalk and do not extend beyond the awning or canopy. These signs shall be a maximum size of 42" in width and 24" in depth.

(E) Window signs on commercial properties within the Main Street District shall cover no more than 30% of the total glass area of the windows on which they are placed.

(Ord. 97041, passed 12-8-97; Ord. 98003, passed 2-23-98; Ord. 98013, passed 7-13-98; Ord. 2006-57, passed 10-23-06; Ord. 2012-03, passed 2-27-2012; Ord. 2013-32, § I, passed 7-22-2013)

Sec. 15-6-118. - Advertising signs.

Advertising signs shall not exceed 200 square feet.

(Ord. 97041, passed 12-8-97; Ord. 2013-32, § I, passed 7-22-2013)

Sec. 15-6-119. - Projecting signs.

No sign shall be permitted on or to project into the public right of way except in the ~~Central Business District (C-3)~~ **zoning district** upon receipt of a special use permit. In no case shall any sign be less than eight feet above the sidewalk. Special use permits for signs may be revoked upon 30 days' notice by the City Commission and signs must be removed from the public right of way by the end of the 30 day period.

(Ord. 97041, passed 12-8-97; Ord. 2013-32, § I, passed 7-22-2013)

Sec. 15-6-120. - Obstructing signs.

Signs shall be designed and located so as not to significantly obstruct sight lines of driveways or intersections of public streets.

(Ord. 97041, passed 12-8-97; Ord. 98013, passed 7-13-98; Ord. 2013-32, § I, passed 7-22-2013)

Sec. 15-6-121. - Prohibited signs.

The following signs shall be prohibited in all zoning districts:

- (1) Signs that interfere with free use of building entrances and exits, including emergency exits, or which obstruct doors or windows or impede light and ventilation otherwise required by city ordinance, code or regulation;
- (2) Signs in a public right-of-way other than those permitted under § 15-6-119
- (3) Signs within a driveway or street intersection sight visibility triangle which are between three feet and eight feet in height;
- (4) Vehicle signs which are signs on vehicles or trailers that are moving parked or located so that they can be seen from a street right-of-way and for the primary purpose of displaying the sign. It shall be prima facie evidence that the primary purpose of a vehicle or trailer is to display a sign if the vehicle or trailer is parked on the same property for a continuous period exceeding 72 hours. The intent of this subsection is to prohibit the use or display of signs on vehicles and trailers to otherwise circumvent the purpose and intent of the sign code;
- (5) Signs such as beacons or tethered balloons which are otherwise permitted but which by their design or location interfere with aircraft safety;

- (6) Strobe, revolving and rapidly flashing light displays which has light displayed every 60 cycles per minute shall be prohibited. Any display resembling traffic-control devices, emergency signals, or caution signals are prohibited. Any display utilizing sirens, bells, whistles, or otherwise emitting noise detectable beyond the property line shall be prohibited. Revolving signs shall be limited to no more than one revolution every ten seconds.
- (7) Obsolete signs as defined in § 15-6-131;
- (8) Advertising on street furniture, including but not limited to, park benches, trash receptacles, dumpster enclosures, bus shelters, etc.
- (9) Signs on public property. Signs found on public property in violation of this section will be removed by the City and disposed of.

The following signs shall be prohibited in the Main Street District:

- (1) Feather flag signs;**
- (2) Inflatable signs;**
- (3) Handmade or non-professional signs;**
- (4) Signs placed directly on top of an awning;**
- (5) Nuisance signs.**

See Section 15-6-132 for definitions.

(Ord. 97041, passed 12-8-97; Ord. 2013-32, § I, passed 7-22-2013)

Sec. 15-6-122. - Traffic flow signs.

Signs to facilitate or direct traffic flow shall be permitted as needed. Traffic signs containing advertising or owner identification information shall be counted as owner identification or advertising signs. All such signs shall meet the requirements of the manual and specifications for a uniform system of traffic control devices adopted by the Texas Transportation Commission. No sign may be posted on or in view of a highway which attempt to direct the movement of traffic or prohibits viewing of a traffic sign or signal.

(Ord. 97041, passed 12-8-97; Ord. 2013-32, § I, passed 7-22-2013)

Sec. 15-6-123. - Irregular shaped signs.

Signs of irregular shape (other than square, rectangle, triangle, or circle) shall have their area computed by drawing a rectangle around the sign and computing the enclosed area.

(Ord. 84-009, passed 6-18-84; Ord. 97041, passed 12-8-97; Ord. 2013-32, § I, passed 7-22-2013)

Sec. 15-6-124. - Maximum size; US77/I-69 corridor.

- (A) Owner identification and advertising signs located within 300 feet of the U.S Highway 77 Bypass/Interstate 69 right-of-way, may utilize steel poles or monument signs.
 - (1) When utilizing steel poles, the signs shall not have their total display face area exceed 400 square feet, with a sign maximum height of 10 feet, and a maximum sign length of 40 feet; inclusive of border and trim, but excluding the base or apron.
 - (2) When utilizing monument signs, the sign shall not have their total sign area exceed 400 square feet, with a maximum height equal to that which is allowed in the respective zoning district, inclusive of sign frame, cabinet, border and trim as measured from grade.

- (B) The maximum size limitations apply to each side of the sign structure or structures visible to approaching traffic.
- (C) Signs may be placed back-to-back, side by side, or stacked, with not more than two display faces visible to approaching traffic on the Highway 77 Bypass. Such sign structure or structures shall be considered one sign.
- (D) Signs that exceed 200 square feet in area, including cutouts, may not be stacked or placed side by side.

(Ord. 97041, passed 12-8-97; Ord. 2013-32, § I, passed 7-22-2013; Ord. 2014-47, 8-11-2014)

Sec. 15-6-125. - Banners.

Banners are allowed and shall be located as allowed by §15-6-126. **Only City banners are allowed to be placed on street lights.** The term "Portable signs" does not include banners.

(Ord. 97041, passed 12-8-97; Ord. 98003, passed 2-23-98; Ord. 98013, passed 7-13-98; Ord. 2013-32, § I, passed 7-22-2013)

Sec. 15-6-126. - Permits.

- (A) All signs and banners are required to be permitted prior to installation.
- (B) Exempt signs. The following signs are exempt from the permit requirements of these sign regulations. No sign, including exempt signs, may be posted within a street right-of-way without written approval from the Director of Public Works or his designee.
 - (1) Advertising and identifying signs located on currently licensed vehicles such as taxicabs, buses and trucks, as well as on bus benches, except for those vehicle signs prohibited under § 15-6-121;
 - (2) Any legal or public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance;
 - (3) Noncommercial signs in all zoning districts, including but not limited to political, religious and social commentary signs and personal emblems. Such signs shall be no greater than nine square feet in area within a residential zoning district or 32 square feet in a nonresidential district and may be free standing or attached flat against a wall so long as they are not painted directly on a structure. Political signs may be placed no more than 90 days prior to the election and can remain throughout the period of primary elections to the conclusion of the general election for those who are still viable political candidates. Upon the completion of the general election all political signs must be removed within ten days after said election.
 - (4) Holiday and seasonal lights and decorations with no commercial message;
 - (5) Signs advertising temporary activity on the property such as sale, rent or lease of the property; construction; grand openings; garage and yard sales; and special events and which meet the following requirements:
 - a. One sign shall be permitted on the property at any one time and shall be removed within 48-hours following the end of the temporary activity or event.
 - b. May be either installed flat against a structure or affixed in the ground as a freestanding sign.
 - c. In residential zoning districts, the maximum size shall be nine square feet.
 - d. In nonresidential zoning districts, the maximum size shall be 32 square feet.

(6) City banners;

(7) Historic building markers.

(C) Temporary signs generally, except as otherwise permitted in this sign code, are not classified as exempt signs under § 15-6-126 of the sign code; therefore temporary signs shall:

- (1) Obtain a sign permit to be valid for 30 consecutive days, and no more than two temporary sign permits shall be issued for each business per any 180 day period;
- (2) Not be placed in street rights-of-way or otherwise diminish public safety such as placement in an intersection visibility triangle;
- (3) Not be mounted on a roof or above the roofline;
- (4) Not be artificially illuminated; and
- (5) Be a maximum of 20 square feet in area when located in residential zoning districts (R3 & R4 districts only);
- (6) Be a maximum of 100 square feet in area when located in nonresidential zoning districts;
- (7) Be limited to one sign per parcel for each street frontage.
- (8) Signs advertising a temporary event may be placed no more than 60 days prior to the event and shall be removed no later than 10 days after the event has ended.

Permit fees will be as follows: \$0.20 per square foot, with a minimum permit fee of \$15.00.

(Ord. 97041, passed 12-8-97; Ord. 98003, passed 2-23-98; Ord. 98013, passed 7-13-98; Ord. 200022, passed 11-20-00; Ord. 2013-32, § I, passed 7-22-2013)

Sec. 15-6-127. - Historical district.

Any sign or banner to be located within the Historical District shall be reviewed by the Historical Development Board staff to determine if the sign or banner is in compliance with the Historical Ordinance.

(Ord. 91034, passed — ; Ord. 97041, passed 12-8-97; Ord. 2013-32, § I, passed 7-22-2013)

Sec. 15-6-128. - Penalty.

If the owner fails to obtain a permit within three business days of being notified to obtain a permit, a written notice shall be sent by certified mail notifying the owner that he has two days from receipt of the written notice to obtain the required permit. Failure to comply with the written notification will result in a complaint being filed in Municipal Court. For each day the permit is not obtained, it will result in a separate offense. The fine per offense shall not exceed \$500.00.

(Ord. 97041, passed 12-8-97; Ord. 2013-32, § I, passed 7-22-2013)

Sec. 15-6-129. - Grandfather clause.

Signs already in existence are exempted from permitting, but in the event of repair and/or replacement, other than routine maintenance, all existing signs shall comply with §§ 15-6-115 through 15-6-128 at that time. Notwithstanding anything else herein, all signs must comply with § 15-6-120.

(Ord. 98013, passed 7-13-98; Ord. 2013-32, § I, passed 7-22-2013)

Sec. 15-6-130. - Changeable electronic variable message signs.

(A) Purpose and Intent. More businesses desire to utilize advancements in technology which permit signs to change copy electronically (e.g., utilizing a Changeable Electronic Variable Message (CEVMS) or a Light Emitting Diode (LED) type of sign). These newer technologies pose additional risks of impacting adjacent areas and adversely affecting the environment in which they operate unless regulated in a reasonable fashion. The intent of this section is to establish operating standards and regulations for signs which utilize these newer technologies in order to minimize the secondary effects that often accompany the unregulated display of digital signs, preserve the character of adjacent areas (with a principal focus on residential neighborhoods), protect property values, and reduce traffic hazards caused by undue distractions.

(B) Definitions.

Changeable electronic variable message sign (CEVMS) shall mean a sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED or digital sign, and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

Off-premises sign shall mean any sign, commonly known as a billboard, that advertises a business, person, activity, goods, products or services not located on the premises where the sign is installed and maintained, or that directs persons to a location other than the premises where the sign is installed and maintained.

On-premises sign shall mean any sign identifying or advertising the business, person, activity, goods, products or services sold or offered for sale on the premises where the sign is installed and maintained when such premises is used for business purposes.

Sign code application area shall mean the corporate limits of the city and the area of its extraterritorial jurisdiction as defined by Tex. Local Gov't Code § 42.021.

(C) Permitted Uses. Lighted CEVMS shall be permitted within all non-residential zoning districts of the Sign Code Application Area (excluding Ag Districts), provided information can be shown indicating they meet the below criteria prior to permitting and are maintained to perform as such after installation:

- (1) Comply with the size and placement criteria as prescribed within Section 15-6-115 through 15-6-120.
- (2) The luminance/brightness shall be limited to 5,000 NIT's during daylight and 250 NIT's from dusk to dawn.
- (3) The luminance/brightness of the sign shall be controlled by an ambient light monitor which shall automatically adjust the brightness levels based on ambient light levels.
- (4) The sign display shall remain static for a minimum of five seconds, and shall require instantaneous change of the display.
- (5) No animation or video shall be allowed utilizing the CEVMS.
- (6) The CEVMS display shall be programmed to go dark in the instance of a malfunction.

(D) Prohibitions. Prohibition of new off-premises sign. From and after the effective date, no new construction permit shall be issued for the erection of an off-premises sign including, but not limited to, billboards, new off-premises CEVMS or the conversion of an existing non-CEVMS off-premises sign to a CEVMS, within the Sign Code Application Area.

(E) Grandfather clause. CEVMS signs already in existence on the passage of this ordinance are allowed to remain as is; however, in the event of repair and/or replacement, other than routine maintenance, such signs must comply with this section.

(Ord. 2008-19, § I, passed 5-19-08; Ord. 2013-32, § I, passed 7-22-2013; Ord. No. 2015-01, § I, passed 1-12-2015)

Sec. 15-6-131. - Unsafe and obsolete signs.

- (A) Unsafe signs. If, in the opinion of the Director of Development Services, Building Official, or other designated representative, any sign is or has become dangerous or unsafe in any manner whatsoever, the Director, Building Official, or designated representative shall issue an order to the real property owner directing that the sign shall be immediately repaired and made safe, or taken down and removed.
- (B) Obsolete or abandoned signs and sign structures. Any sign or sign support structure, whether existing on or installed after the effective date of this sign code: (1) which, for at least 90 consecutive days, has not identified or advertised a bona fide business, lessor, service, owner, product, or activity, or advertised a time which has passed or an event which has occurred; or (2) which has been dilapidated for 30 days or more; or (3) for which the city cannot determine the identity of a legal owner.
- (C) Dilapidated Sign. A sign which is decayed, deteriorated, or which has fallen into partial ruin that: (1) has any portion of the finished material or surface of the message portion of the sign that is visibly faded, flaked, broken off, missing, cracked, splintered, or defective or that is otherwise visibly deteriorated or in a state of disrepair so as not to substantially appear as it was intended or designed to appear when originally constructed; or (2) has an element, structural support, or frame member that is visibly bent, broken, dented, torn, twisted, leaning, or at angles other than those at which it was originally erected.
- (D) Removal. The owner, agent, or person in control of any premises on which there is displayed or maintained an unsafe, abandoned, obsolete or dilapidated sign or supporting structure or the owner or person in control of an unsafe, abandoned or dilapidated sign or supporting structure shall comply with the following requirements:
 - a. Any sign that is unsafe, abandoned, obsolete or dilapidated shall be removed.
 - b. If a supporting structure used or designed to be used with a sign is unsafe, abandoned, obsolete or dilapidated, the supporting structure shall be removed.
 - c. If an unsafe, abandoned, obsolete or dilapidated supporting structure does not have a can, frame, or similar part of the supporting structure that would hold the sign or to which the sign would be attached, the supporting structure shall be removed.

Failure to remove shall be a violation of this ordinance. It shall be a rebuttable presumption that a sign is abandoned if it meets the definition of a dilapidated, abandoned or obsolete sign.

- (E) Process. Should the director of Development Services, Building Official, or other designated representative, determine that any sign is not properly maintained, is unsafe or insecure or has otherwise been constructed, erected or maintained in violation of the provisions of this code, he shall declare it to be a public nuisance and give written notice of same via hand delivery or certified mail return receipt requested to the real property owner of record.
 - a. Such notice and order shall contain substantially the following: (1) location, type, and business name of the sign that is sufficient for identification of such sign; (2) a statement that the designated city employee has found such sign to be in violation of this code or other laws, together with a general description of such violation; (3) the amount of time required to bring the sign into compliance with this code or any other law, said time not to exceed ten (10) days, which may be extended by the designated city employee when it is shown that such corrections cannot be accomplished within the original ten-day time period.
 - b. Should the owner of the premises where the sign in question is located fail to remove or repair the sign within the time period specified in this section, the city may remove or repair the sign and assess the cost for same against the owner of record of the real property from which it was removed or repaired. If said costs are not paid, then said costs shall constitute as a valid lien. The

City shall assess the costs as a valid lien against such property with the lien accruing interest at eight (8) percent per annum, simple interest until such time as paid in full.

- c. In addition to the above, the Director of Development Services, or other designated representative, may issue citations or pursue any other administrative or legal remedy in order to abate any sign which is in violation of this code or any other law.
- d. Notwithstanding anything to the contrary, the Director of Development Services, or other designated representative, may cause any sign which is dangerous as an immediate hazard to persons or property to be removed summarily and without notice.

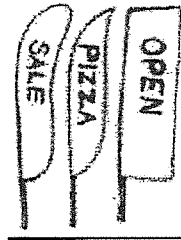
(Ord. 2012-03, passed 2-27-2012; Ord. 2013-32, § I, passed 7-22-2013)

Sec. 15-6-132 Definitions

Banner. A temporary sign, either attached or freestanding, with or without characters, letters, illustrations or ornamentations, applied to cloth, paper, flexible plastic or fabric of any kind, attached to the exterior structure or freestanding on the site with temporary fastening devices such as rope, string, wire, twine or similar materials, which is in addition to the permitted permanent signs, announcing a special event for a business, i.e., business openings, grand openings, sales or promotional events.

Feather flag. A vertical portable sign that contains a harpoon-like style pole or staff driven into the ground for support or supported by means of an individual stand (see Figure 1).

Figure 1



Hanging sign. A sign attached to underneath the canopy or awning.

Inflatable sign. A sign manufactured of plastic, cloth, canvas, or other flexible or light fabric, inflated with air, secured to the ground, does not float, does not move freely in the wind, and does not exceed 30 feet in height.

Nuisance signs. Any sign which annoys and disturbs one in possession of his property, rendering its ordinary use or occupation physically uncomfortable to him, or which is illuminated to an intensity to cause glare or brightness to a degree that could constitute a hazard or nuisance. Nuisance signs shall include, but not be limited to, the following:

- (1) Signs containing statements, words, or pictures of an obscene, indecent, or immoral character, such as will offend public morals or decency.
- (2) Signs which imitate an official traffic sign or signal, or which contain the words 'stop,' 'go slow,' 'caution,' 'danger,' 'warning,' or similar words.
- (3) Signs which are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic-control device,

which hide from view any traffic or street sign or signal, or which obstruct the view in any direction at a street or road intersection.

(4) Signs which are moving, flashing, intermittently lighted, changing color, beacons, revolving, or similarly constructed, except as otherwise permitted in this chapter.

Window sign. A sign painted or applied to a window or door glass intended for permanent use.

Secs. 15-6-132—15-6-139. - Reserved.

ORDINANCE NO. 2019-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING SECTIONS 15-6-117, 119, 121, 125, 126, 129, AND 132, PROVIDING FOR REVISIONS TO SIGNAGE IN THE HISTORIC DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

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

WHEREAS, the City has determined that the sign ordinance is in need of revision for the downtown area to add clarity and for public health and safety;

WHEREAS, the City of Kingsville Main Street Advisory Board forwarded their recommendations to the Kingsville Planning and Zoning Commission which reviewed the proposed ordinance revisions at a meeting on December 19, 2018 and recommends they be approved;

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, Sections 15-6-117, 119, 121, 125, 126, 129, and 132 shall be amended to read as follows:

...
§ 15-6-117. OWNER IDENTIFICATION SIGNS PERMITTED.

- ...
- (C) Temporary sandwich board signs may only be located in front of commercial properties within the Historic District where sidewalks are a minimum of eight feet wide. These temporary signs shall be located on a sidewalk during business hours. Under no exception shall the signs be placed over any commemorative pavers. The total size of the sign is not to exceed 42 inches by 24 inches (height x width). The signs must be internally weighted to withstand strong winds. The temporary sandwich board signs shall be placed on the sidewalk one foot from the curb. Sandwich boards should not obstruct pedestrian traffic flow. The minimum clear width of a pedestrian access route shall be 48 inches exclusive of the width of the curb. Only one sandwich board sign shall be permitted per business, and the sign shall be located in front of that specific business, not at another location. If the business is a corner property, the sign may only be placed in one location. Historical Development Board design approval is required prior to a permit being issued by the city.

(D) Hanging signs shall be allowed for commercial properties within the Main Street District when such signs have a minimum clearance of 6'8" (80") from the sidewalk and do not extend beyond the awning or canopy. These signs shall be a maximum size of 42" in width and 24" in depth.

(E) Window signs on commercial properties within the Main Street District shall cover no more than 30% of the total glass area of the windows on which they are placed.

...

§ 15-6-119. PROJECTING SIGNS.

No sign shall be permitted on or to project into the public right of way except in the Central Business District-(C-3) zoning district upon receipt of a special use permit. In no case shall any sign be less than eight feet above the sidewalk. Special use permits for signs may be revoked upon 30 days notice by the City Commission and signs must be removed from the public right of way by the end of the 30 day period.

...

§15-6-121. PROHIBITED SIGNS.

The following signs shall be prohibited in all zoning districts:

(1) Signs that interfere with free use of building entrances and exits, including emergency exits, or which obstruct doors or windows or impede light and ventilation otherwise required by city ordinance, code or regulation;

(2) Signs in a public right-of-way other than those permitted under § 15-6-119

(3) Signs within a driveway or street intersection sight visibility triangle which are between three feet and eight feet in height;

(4) Vehicle signs which are signs on vehicles or trailers that are moving parked or located so that they can be seen from a street right-of-way and for the primary purpose of displaying the sign. It shall be *prima facie* evidence that the primary purpose of a vehicle or trailer is to display a sign if the vehicle or trailer is parked on the same property for a continuous period exceeding 72 hours. The intent of this subsection is to prohibit the use or display of signs on vehicles and trailers to otherwise circumvent the purpose and intent of the sign code;

(5) Signs such as beacons or tethered balloons which are otherwise permitted but which by their design or location interfere with aircraft safety;

(6) Strobe, revolving and rapidly flashing light displays which has light displayed every 60 cycles per minute shall be prohibited. Any display resembling traffic-control devices, emergency signals, or caution signals are prohibited. Any display utilizing sirens, bells, whistles, or otherwise emitting noise detectable beyond the property line shall be

prohibited. Revolving signs shall be limited to no more than one revolution every ten seconds.

(7) Obsolete signs as defined in § 15-6-131;

(8) Advertising on street furniture, including but not limited to, park benches, trash receptacles, dumpster enclosures, bus shelters, etc.

(9) Signs on public property. Signs found on public property in violation of this section will be removed by the City and disposed of.

The following signs, defined in § 15-6-132, shall be prohibited in the Main Street District:

(1) Feather flag signs;

(2) Inflatable signs;

(3) Handmade or non-professional signs;

(4) Signs placed directly on top of an awning;

(5) Nuisance signs.

...

§ 15-6-125. BANNERS.

Banners are allowed and shall be located as allowed by §15-6-126. Only City banners are allowed to be placed on street lights. The term "Portable signs" does not include banners.

§15-6-126. PERMITS.

(A) All signs and banners are required to be permitted prior to installation.

(B) *Exempt signs.* The following signs are exempt from the permit requirements of these sign regulations. No sign, including exempt signs, may be posted within a street right-of-way without written approval from the Director of Public Works or his designee.

(1) Advertising and identifying signs located on currently licensed vehicles such as taxicabs, buses and trucks, as well as on bus benches, except for those vehicle signs prohibited under § 15-6-121;

(2) Any legal or public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance;

(3) *Noncommercial signs in all zoning districts, including but not limited to political, religious and social commentary signs and personal emblems.* Such signs shall be no greater than nine square feet in area within a residential zoning district or 32 square feet in a nonresidential district and may be free standing or attached flat against a wall so long as they are not painted directly on a structure. Political signs may be

placed no more than 90 days prior to the election and can remain throughout the period of primary elections to the conclusion of the general election for those who are still viable political candidates. Upon the completion of the general election all political signs must be removed within ten days after said election.

(4) Holiday and seasonal lights and decorations with no commercial message;

(5) Signs advertising temporary activity on the property such as sale, rent or lease of the property; construction; grand openings; garage and yard sales; and special events and which meet the following requirements:

a. One sign shall be permitted on the property at any one time and shall be removed within 48-hours following the end of the temporary activity or event.

b. May be either installed flat against a structure or affixed in the ground as a freestanding sign.

c. In residential zoning districts, the maximum size shall be nine square feet.

d. In nonresidential zoning districts, the maximum size shall be 32 square feet.

(6) City banners;

(7) Historic building markers.

(C) Temporary signs generally, except as otherwise permitted in this sign code, are not classified as exempt signs under § 15-6-126 of the sign code; therefore temporary signs shall:

(1) Obtain a sign permit to be valid for 30 consecutive days, and no more than two temporary sign permits shall be issued for each business per any 180 day period;

(2) Not be placed in street rights-of-way or otherwise diminish public safety such as placement in an intersection visibility triangle;

(3) Not be mounted on a roof or above the roofline;

(4) Not be artificially illuminated; and

(5) Be a maximum of 20 square feet in area when located in residential zoning districts (R3 & R4 districts only);

(6) Be a maximum of 100 square feet in area when located in nonresidential zoning districts;

(7) Be limited to one sign per parcel for each street frontage.

(8) Signs advertising a temporary event may be placed no more than 60 days prior to the event and shall be removed no later than 10 days after the event has ended.

Permit fees will be as follows: \$0.20 per square foot, with a minimum permit fee of \$15.00.

...

§15-6-129 GRANDFATHER CLAUSE.

Signs already in existence are exempted from permitting, but in the event of repair and/or replacement, other than routine maintenance, all existing signs shall comply with §§ 15-6-115 through 15-6-128 132 at that time. Notwithstanding anything else herein, all signs must comply with this article § 15-6-120.

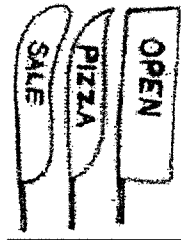
...

§15-6-132 DEFINITIONS.

Banner. A temporary sign, either attached or freestanding, with or without characters, letters, illustrations or ornamentations, applied to cloth, paper, flexible plastic or fabric of any kind, attached to the exterior structure or freestanding on the site with temporary fastening devices such as rope, string, wire, twine or similar materials, which is in addition to the permitted permanent signs, announcing a special event for a business, i.e., business openings, grand openings, sales or promotional events.

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- (1) Signs containing statements, words, or pictures of an obscene, indecent, or immoral character, such as will offend public morals or decency.

(2) Signs which imitate an official traffic sign or signal, or which contain the words 'stop,' 'go slow,' 'caution,' 'danger,' 'warning,' or similar words.

(3) Signs which are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic-control device, which hide from view any traffic or street sign or signal, or which obstruct the view in any direction at a street or road intersection.

(4) Signs which are moving, flashing, intermittently lighted, changing color, beacons, revolving, or similarly constructed, except as otherwise permitted in this chapter.

Window sign. A sign painted or applied to a window or door glass intended for permanent use.

Secs. 15-6-133—15-6-139. – Reserved.

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 25th day of March, 2019.

PASSED AND APPROVED on this the _____ day of April, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #14

AGENDA ITEM #15