

City of Kingsville, Texas

AGENDA CITY COMMISSION MONDAY, MAY 13, 2019 REGULAR MEETING

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

I. Preliminary Proceedings.

OPEN MEETING

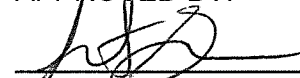
INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

Regular meeting – March 11, 2019

Regular meeting – March 25, 2019

APPROVED BY:



Jesús 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: 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 zoning ordinance by granting a special use permit for 418 E. Kleberg Ave., also known as Orig. Town, Block 41, Lots 17-29, for a light manufacturing use (to build furniture). (Director of Planning & Development Services).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget to set aside funds committed for the EDA Grant Match (for Regional Training Center and Emergency Operating Center). (Interim City Manager).
3. Motion to approve a resolution of the City of Kingsville, Texas, designating the authorized signatories for financial, health trust plan, and other items of city business from City Manager to Interim City Manager. (Interim City Manager).
4. Motion to approve a resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Boy Scouts of America Venado District. (Police Chief).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider the appointment of Billy Tiffie to the Joint Airport Zoning Board for a two-year term. (Director of Planning & Development Services).
6. Consider a resolution and order canvassing the election returns and declaring the results of the City of Kingsville's Special Election conducted on May 4, 2019. (City Secretary).
7. Consider a resolution authorizing the Fire Chief to enter into an Extension of Memorandum of Understanding between the Kingsville Fire Department and U.S. Customs and Border Protection, Office of Border Patrol, Rio Grande Valley Sector. (Fire Chief).
8. Consider accepting donations from La Posada de Kingsville and Christus Spohn for Park Department Healthy Families Initiative. (Parks Director).
9. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to receive and expend donations from La Posada and Christus Spohn Hospital for recreational programs (Park Department Healthy Families Initiative). (Parks Director).

10. Consider a resolution suspending the June 5, 2019 effective date of AEP Texas Inc.'s requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the cities served by AEP Texas and authorizing intervention in AEP Texas Inc.'s requested rate change proceedings before the Commission; hiring Lloyd Gosselink attorneys and consulting services to negotiate with the company and direct any necessary litigation and appeals; requiring reimbursement of cities' rate case expenses; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel. (City Attorney).
11. Consider rescinding condemnation order for 213 W. Santa Gertrudis due to additional information received after April 8, 2019. (Director of Planning & Development Services).
12. Consider a resolution authorizing the Mayor to enter into an Agreement for Executive Recruitment Services with SGR, Inc. for the City Manager position. (Mayor Fugate).

VII. Adjournment.

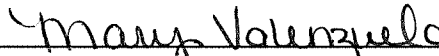
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

May 9, 2019 at 11:00 A.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.



Mary Valenzuela, TRMG, 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)

MARCH 11, 2019

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MARCH 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
Dianne Leubert, Commissioner

CITY STAFF PRESENT:

Jesus Garza, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
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
Diana Gonzales, Human Resources Director
Emilio Garcia, Health Director
Rudy Mora, City Engineer
Adrian Garcia, Fire Chief
Ron Lee, Fire Marshall

I. Preliminary Proceedings.

OPEN MEETING

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

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

Special meeting – February 12, 2019

Motion made by Commissioner Pecos to approve the minutes of February 12, 2019 as presented, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

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

1. Public Hearing on an ordinance to rezone Lund Addn., Block 7, Lot 8, 9, (Amigo Auto Sales) also known as 201 S. 16th Street, Kingsville, Texas from C1 (Neighborhood Services District) to C4 (Commercial District), Jonathan Villarreal, applicant, Guadalupe Alvarez, owner. (Director of Planning & Development Services).

Mayor Fugate announced 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. Jonathan Villarreal, 1463 CR 1465, Alice, TX commented that he would like to open a business at this location. The business would be selling accessory buildings. He stated that currently there is one in Kingsville, 1600 S. 6th Street. The buildings would be hollowed out sheds with no work done inside. By placing this business at this location, it would improve the look of that area. This location is a prime location for his business as it used to be an old car lot which has a cement slab that can be used for the buildings. This makes for easier transport once a building gets sold, as they are not sitting on grass/dirt. Mr. Villarreal further commented that he is currently working at a similar location in Alice, but now he wishes to open his own business.

Mr. Tom Ginter, Director of Planning & Development Service commented that his recommendation to the Planning & Zoning Commission was to not approve the rezone as the location is on a major corridor. He further asked that if the city would want a major corridor which takes you to the downtown area and University with this type of business. He stated that another concern that he had was that when you go to C4, it allows the sale of mobile homes and trailers.

Mayor Fugate asked if staff received any phone calls for or against the rezone.

Mr. Ginter responded that staff received three calls that were against the rezone. Planning & Zoning voted 4-0, to not recommend approval.

Commissioner Hinojosa asked how the buildings will be anchored down? Mr. Ginter responded that the buildings would not be anchored down. Commissioner Hinojosa further asked that with the buildings not be anchored down, could this be a safety issue? Mr. Ginter responded that it could be a safety issue, but there is no ordinance that covers that question.

Commissioner Lopez commented that when she was reviewing the agenda and the backup information, she did not see any information stating that there were individuals that were opposing the rezone. Mr. Ginter responded that staff only received phones calls. Commissioner Lopez further commented that on staff's memo, this information could be mentioned. Mr. Ginter responded that he understood, but there is a second reading for this item as well. Commissioner Lopez commented that she is aware of the second reading but she would still like to ask for the additional information to be listed on staff's memo.

Ms. Elizabeth Ramos, 3400 S. Brahma, commented that as a small business owner she looked on google maps, and she not aware how much cars weigh, considering that there was a car lot at this location, and asked how much does the sheds weigh in comparison to the cars? Ramos further commented that if there is a hurricane, will these sheds blow off in comparison to what was there prior. She further stated that this is the only thing that she can think of, in defense for the applicant. She stated that this is sort of the same large product being sold, in the same type of state it was sold prior to.

There being no further comments, Mayor Fugate closed this public hearing at 6:09 P.M.

2. Public Hearing on an ordinance to rezone 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), Olga Barrera, owner applicant. (Director of Planning & Development Services).

Mr. Ginter stated that this building is located behind the El Corral Restaurant. The owner, Olga Barrera, would like to turn this structure into a housing unit for one of her employees to reside in. The property owner would need to meet all permit that are required. This item was approved by the Planning & Zoning Commission with a 5-0 vote. Staff did not receive any calls for or against.

Commissioner Lopez asked the entire property will be rezoned to C2 and next door would be C4. Mr. Ginter responded that this was correct.

Commissioner Leubert asked if the applicant mentioned to staff how many people will be living on this property and how many units will there be or will it be one big house? Mr. Ginter responded that he has received the impression that it will only be one house and one family living at this location. Commissioner Leubert further commented that she also agrees with Commissioner Lopez regarding adding more information to future items.

Mr. Garza commented that this is only for the rezone of the property only. Once the Commission approves the rezone, the applicant would need to follow certain steps before building anything on the property. Regardless of whether there will be one house or if it will consist of several units; this will come at a later time. This is only for the rezone for the usage of this property.

Commissioner Lopez commented that this would be good information for the Commission to know before coming into a meeting.

Mr. Garza commented that this is the reason there is a public hearings and a second readings so that by the time an ordinance gets fully adopted, the Commission is comfortable as possible with the information that is given to them.

There being no further comments, Mayor Fugate closed this public hearing at 6:15 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. Ricardo Torres, Police Chief presented patches and badges to retiree Mr. David Garza for his 20 years of service to the City of Kingsville Police Department.

Mr. Adrian Garcia, Fire Chief recognized Mr. Roel Cavazos, retired Fire Marshall for his years of service to the City of Kingsville. He further introduced the new Fire Marshall, Mr. Ronald Lee.

Mr. Ginter gave an update on the old county hospital. Phase 1 has been completed for this site, which was a table top review of records associated with this property. A Phase 2 has also been done, which consisted of several monitoring wells being drilled on the property to determine if there was any contamination to the soil or water, of which nothing was found. Ginter commented that it is clear that there is asbestos in the building. He further stated that in order for the City to qualify for the Brownfield Cleanup grant, the City must own the project site. Currently S and S Title company is working with the estate, so they have one person be responsible for signing any legal documents regarding the sale of the building. He further commented that it is his understanding that this could be completed by the end of March. This will allow the individual, Debra Scholmack as the signee, to sell the city the property. The grant application will be due November 1, 2019. Right now the rules and grant application itself will stay the same, but will probably not know for sure until late summer. The estimate for this project is \$200,000 which is good until September 28, 2019.

Mr. Garza commented that worst case scenario, if the city does not get awarded this grant, and the city would want to redevelop the property, it would be roughly about \$400,000 which is to abatement the property than have it demolished.

Commissioner Pecos asked if there was a match required for the grant. Mr. Ginter responded that there may be a 10% match, but wasn't sure.

Mr. Emilio Garcia, Director of the Health Department made a brief presentation on some of the projects going on at the Animal Shelter.

Mrs. Courtney Alvarez, City Attorney reported that the next scheduled Commission meeting is set for March 25th with deadline to staff to turn in their agenda items on March 15th. She further announced events going on in the City.

Commissioner Lopez asked who was monitoring activities at Flore Park. Mrs. Susan Ivy, Parks Director responded that they have one employee that goes out every morning checking chemical levels at the pool and splash pad, but there is no one monitoring throughout the day.

Mr. Garza commented that there are no security cameras at this location at this time.

Commissioner Hinojosa commented that he would for staff to start looking into updating the City Charter. He further commented that one change he would like to see changed in the Charter is Commission terms to be changed from 2 year term to 4 year term as well as have term limits.

Mrs. Alvarez commented that it has been about 13 years since the last Charter Review. There was also an initiative to make some changes with regards to the Charter and those were not approved by the voters.

Mayor Fugate asked where staff is at on the three houses that were supposed to have the families apply for housing as there properties were to be demolished.

Mr. Ginter stated that one has a spot, but they don't want to go.

Mayor Fugate commented that these are safety issues, particularly the one on Santa Gertrudis. There needs to be something done because if any of properties catch on fire, the city would be responsible for those homes.

Mr. Garza commented that staff will provide an update at the next meeting.

IV. Public Comment on Agenda Items.³

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

Paige De Vaudercourt, 2016 S. 3rd Street commented that she is concerned about her neighbor(s). She stated that she has called the Community Appearance about the property that is in bad condition. She has also called the Health Department for dogs at large. She stated that at this property, there is some type of car repair going on. She also stated that she is concerned about the dogs at-large. They call the Animal Control Department and they come out to pick them up but then get released at a later time. She would like harsher penalties to be in place.

V.

Consent Agenda

Notice to the Public

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

1. **Motion to approve final passage 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).**
2. **Motion to approve appointment of Lisa Garza-Munoz to the Hotel Occupancy Tax Advisory Board for a two-year term. (Tourism Director).**
3. **Motion to approve a resolution accepting funds for Operation Stonegarden Grant #3194304 with the Homeland Security Grants Division of the Governor's Office for Border Security to interdict criminal activity with no anticipated cash match; authorizing the Kingsville Chief of Police to act on the City's behalf with such program. (Police Chief).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. **Consider introduction 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).**

Mayor Fugate asked for the Planning & Zoning vote.

Mr. Ginter responded that the Planning & Zoning had a 4-0 vote not to approve.

Introduction item.

5. **Consider introduction 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).**

Introduction item.

6. **Consider awarding RFP#19-05 for East Caesar Avenue Street Improvements (Reconstruction), as per staff recommendation, and approving a resolution authorizing the City Manager to enter into a Standard Form of Agreement between the City of Kingsville and Contractor on the Basis of a Stipulated Price for East Caesar Avenue Street Improvements (RFP#19-05). (Purchasing Manager).**

Mr. Mora stated that the purpose of the project is to provide street improvements along E. Caesar St. The project scope of work for the Base Bid included sections of Full Depth Construction and Mill & Overlay between 6th and 14th St. The Alternate No. 1 Bid, deducts the Mill & Overlay items from the Base Bid so the street improvements would only include sections of Full Depth Construction and one course seal over the existing street between 6th and 14th St. Alternate No. 2 Bid, is a single course seal along E. Caesar Ave. between 14th St. and Bypass 77. Street striping is included the Base Bid and Alternate No. 2. The Commission gave staff direction to move forward with street improvements for E. Caesar Ave. between 6th and 14th St. when prioritizing various street improvement projects at a meeting on March 26, 2018. Staff advertised for bids in the local paper on January 27, 2019 and February 3, 2019. A non-mandatory pre-bid meeting was held on February 12, 2019 with two potential bidders attending. Three bids were received by the deadline of Tuesday, February 26, 2019 at 2:00 p.m. Bids were received from three contractors which included Garrett Construction Company from Ingleside, TX; Clore Equipment from Harlingen, TX; and Donald Hubert Construction from Kingsville, TX. References were verified for each of the contractors. The bid/contract documents stipulated the superintendent shall have at least 5 years of experience in the day to day field management and oversight of projects of a similar size and complexity to the project. Additionally, the documents required the foreman also shall have a least five years of experience in oversight and management of the work of various subcontractors and crafts. The apparent low bidder, Clore Equipment, did not meet these requirements. The second low bidder was Garrett Construction Company. It is staff recommendation to award the project to Garrett Construction company Base and Alternate No. 2 Bid for the amount of \$650,000.00 and authorizing City Manager to execute a contract for the same.

Mayor Fugate asked if the City has done any business with Garrett Construction Company in the past. Mr. Garza responded no.

Commissioner Lopez stated that when she spoke with the City Engineer, she was told that from 6th to 7th Street it would be a full depth construction. Mr. Mora commented that this was correct.

Mr. Mora gave a description of what a full depth construction is.

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

7. Consider a resolution authorizing the City Manager to enter into an Agreement for Professional Services between the City of Kingsville and Mainstreet Architects, Inc. for design guidelines for the local historic district. (Downtown Manager).

Mr. Ginter reported that this item authorizes the City Manager to enter into a contract for professional services with Mainstreet Architects, Inc., for Design Guidelines for the Kingsville local Historic District. The financial impact to the City will not exceed \$20,000. The City received a Certified Local Government Grant for this project that will reimburse the City up to \$20,000 and required a \$20,000 cash match for a total project cost of \$40,000. Currently \$40,000 is budgeted for this project from fund 085.

Commissioner Hinojosa commented that he is not comfortable with funding the project before any work is done and asked if the city could pay the 20% after they do the work. He further questioned that the contract of \$39,000 states that it would need Commission approval which doesn't since the amount is less than \$50,000. He asked for staff to look into that clause and see if that could be modified. He further asked if the amount of the contract changes from \$39,000 to \$45,000, would it need to come back for Commission approval.

Mr. Garza responded that anytime there is an adjustment to an agreement that is approved by the Commission, the amended agreement comes back to the Commission for their approval again.

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

8. Consider a revised resolution of the City Commission of Kingsville, Texas authorizing the submission of an application to the Texas Community Development Block Grant Program, Texas Capital Fund, authorizing the City Manager to act as the City's Executive Officer and Authorized Representative in all matters pertaining to the City's participation in the Texas Community Development Block Grant 2018 Program for improvements to the downtown area. (Downtown Manager).

Mr. Garza stated that in October 2018, the Commission passed a resolution authorizing the submission of an application to the Texas Community Block Grant Program, Texas Capital Fund in the amount of \$250,000 for ADA improvements and sidewalk repairs under a special program only available to Main Street communities. If awarded the grant, the cash match of 20% or \$50,000 will come from the Downtown Certificate of Obligation. Additional match contributions of in-kind services are proposed from engineering and administrative work done by city staff.

Motion made by Commission Leubert and Commissioner Pecos to approve the revised resolution, seconded by Commission Lopez.

Commissioner Hinojosa asked that on the \$50,000 is that listed on the budget? Mr. Garza commented that it should be in the budget as it was part of the remaining funds from CO 2016, downtown redevelopment. Commission Hinojosa further commented that the resolution reads that the it is not in there and will be done through other methods. He further asked that at this point, we will worry about the time and whenever the city receives the approval of it. He further stated that the resolution states that the city does not have the money and the memo from Cynthia Martin states that we do have the money.

Mrs. Alvarez commented that Roman Numeral VI states that the city is committing \$50,000 from CO 2016 downtown funds as a cash match contribution toward the activities of this project. She further asked Commission Hinojosa if there was something else in the resolution that said anything contrary to that.

Commissioner Hinojosa commented that he thinks on the resolution it said that the city did not have the money. He stated on page 1 of the resolution it states "City intends to make an application for \$250,000 of funding and has set aside a twenty percent cash match in the FY 18-19 budget for this item in the CO 2016 downtown funds, should it be awarded, as the city does not have the funding to cover more than that for the project it may be able to contribute some in-kind services as well, which also enhance scoring of the application". Hinojosa further commented that on the memo it states that there is money and the resolution states that there isn't money and is it correct to think that it would be covered through in-kind services.

Mrs. Alvarez responded that the on the resolution it indicates that the 20% cash match will be from CO2016, if however the cash match were to be more than the 20% of the \$250,000, then the city would be using in-kind services to cover any extra amount.

Commission Hinojosa commented that he understands this, but just wants to make sure that the city has \$50,000 cash money in the account as it wasn't clear as to where the money was in the budget. He further asked staff if what they are saying is that the money is in there.

Mr. Garza responded that it's in the CO 2016 funds. Commissioner Hinojosa asked for staff to show him where the money is located within the budget as he could not locate it in the budget himself.

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

9. Consider a resolution authorizing the City Manager to enter into Agency Affiliation Agreements between the City of Kingsville and Texas A&M University-Kingsville for student internships for Social Work Program-MSW and for BSW Social Work Program. (Police Chief).

Chief Torres stated that the Kingsville Police Department is requesting a resolution authorizing the City Manager to execute internship agreements with Texas A&M Kingsville. He stated that he has met with Maria A. Iyescas Interim BSW Program Director and Assistant Professor of Practice and Kristen Gonzalez a master's degree candidate in the field of social work regarding partnering to provide services for domestic violence victims. Ms. Gonzales is currently working as an intern with the Corpus Christi Police Department and would be able to step in and head a program for the Kingsville Police Department. She will provide 205 hours of service for her internship.

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

10. Consider out-of-state travel for two SWAT personnel to travel to Pittsfield, Massachusetts on or about May 6, 2019-May 8, 2019 to inspect and then receive delivery of a Lenco BearCat G3 vehicle for the Police Department. (Police Chief).

Chief Torres stated that the police department is requesting approval of out-of-state travel to Pittsfield, Massachusetts to inspect and then accept delivery of Lenco BearCat G3 for use by the 2007 Texas Tactical Police Officer's Association Unit Citation Award winning SWAT Unit.

Motion made by Commissioner Pecos to approve this out-of-state travel, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

11. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to accept and expend grant funds for OPSG Stonegarden Grant #3194304. (Police Chief).

Introduction item.

12. Consider introduction 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).

Mrs. Gonzales stated that this item is for the renaming of three classifications of authorized civil service positions as follows: 2 positions from Lieutenant to Commander; 6 positions from Sergeant to Captain; and 5 positions from Corporal to Lieutenant.

Commissioner Hinojosa asked if this was just renaming the positions? Chief Torres commented that this would only rename the positions listed.

Introduction item.

13. 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).

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).

Mayor Fugate announced both executive sessions and convened the meeting into closed session at 7:22 p.m.

Executive session #13 ended at 7:45 p.m.

Executives Session #14 began at 7:45 p.m.

Mayor Fugate convened the meeting back into open session at 7:53 p.m.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:54 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

MARCH 25, 2019

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MARCH 25, 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
Dianne Leubert, Commissioner

CITY STAFF PRESENT:

Jesus Garza, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
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
Diana Gonzales, Human Resources Director
Emilio Garcia, Health Director
Rudy Mora, City Engineer
Adrian Garcia, Fire Chief
Ron Lee, Fire Marshall

I. Preliminary Proceedings.

OPEN MEETING

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

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

Regular meeting – February 11, 2019

Motion made by Commissioner Lopez to approve the minutes of February 11, 2019 as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Hinojosa, Pecos, Fugate voting “FOR”. Leubert ‘ABSTAINED’.

Regular meeting – February 25, 2019

Motion made by Commissioner Lopez to approve the minutes of February 25, 2019 as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting “FOR”.

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

1. NONE.

III. Reports from Commission & Staff.²

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to, the following: **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."*

Mayor Fugate presented Proclamation for the Month of the Military Child and a proclamation for Sexual Assault Awareness Month.

Mr. Garza gave the Commission an update on the upcoming City Special Election. He further stated that he is and will be continuing to make presentations to organizations in the City.

Mr. Ginter reported that he will have six condemnations for the April 8th City Commission meeting. He further stated that of those six, three are occupied.

Commissioner Lopez asked if those three people had somewhere to go. Mr. Ginter responded that two of the three don't want to vacate and the other one is taking the Kingsville Housing Authority voucher.

Commission Hinojosa asked if these individuals were given a deadline to vacate? Mr. Ginter responded that two of the three will come in on April 8th to ask the Commission for additional time, as they are waiting for Hurricane Harvey funds.

Mayor Fugate commented that Hurricane Harvey has nothing to do with these homes. These homes have been in bad conditions for quite some time.

Mr. Garza commented that the individuals still have time to do what they want to do, but it won't stop staff from moving forward with the process of condemning the properties.

Mr. Bill Donnell, Public Works Director gave a streets update.

Mr. Rudy Mora, City Engineer gave a brief update on the Caesar Street Project.

Mrs. Courtney Alvarez, City Attorney reported that the next City Commission meeting is scheduled for April 8th with the deadline to staff for submitting agenda items on March 29th. She further announced upcoming events in the city. She further commented that she was made aware before the meeting that the second executive session on economic development will not be needed after all. Alvarez reminded staff that with regards to the upcoming special election, staff needs to remember that they can only provide information regarding both propositions and cannot advocate for or against the propositions. She

further stated that at a prior meeting Commissioner Hinojosa had mentioned about having a Charter Review, the last the Charter Committee was formed was in 2005. She stated that she has looked back on the history of that Charter Committee and stated that they had two meetings where the Commission spoke about how they wanted to form the Committee with regards to how many people would be appointed and who would be making the appointments. A month after the final decision was made on size of the Committee and how it would be formed, then the Commission actually made their appointments at that time. She further commented that this information would give the Commission some time to decide on what size of Committee they may want and decide on who they would want to appoint, depending on how the Commission did it previously. Back in 2005, each Commission member appointed one to two members to the Committee and have one or two appointed as a majority appointee. The Committee would do whatever the Commission would task them to do. They can also review the Charter and do any tweaking they may see that is needed then bring them to the Commission as a recommendation only. The Commission would then approve the recommendations then decide on the ballot language and order the election.

Commissioner Hinojosa commented that he would like to see any appointments made to City Boards be placed in the regular section of the agenda. This would give the appointee an opportunity to be introduced to the Commission. Hinojosa further commented that NAS Kingsville has had two major events where the Commission members were not invited. He also commented that he was invited to the School Board meeting regarding and MOU with KISD.

Mayor Fugate asked that he would like to see a bio on appointees. Fugate further stated that he assumed that everyone was invited to the events at NAS Kingsville.

Mrs. Mary Valenzuela, City Secretary commented that the invited did not come through city mail or via email as it usually does. Sometimes other entities invite the Commission to events without going through the City Manager's Office to where we can remind them of the invite.

Commissioner Leubert commented that the reason she was invited to NAS Kingsville events is because she is part of the Navy League. She asked for staff to look into who is responsible for the cleaning of King Street overpass, as it needs to be cleaned.

Commissioner Lopez commented that during the February 11th City Commission meeting, the lighting on Golf Course Road was brought up and asked what staff has done about it.

Mr. Garza responded that the next day after the February 11th meeting, trees were trimmed. He also commented that TXDOT is working on the lighting, but they are not responsible for all the lighting on that road.

Mayor Fugate read a thank you note from Mr. Mario Garcia's family, thanking the City of Kingsville for their thoughts and prayers on the loss of Mr. Mario Garcia.

IV. Public Comment on Agenda Items.³

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

Ms. Movita Butler, 627 W. Doddridge commented that she has tried calling City Hall offices multiple times and has there is no answer in the City Manager's Office, City Attorney's Office, Human Resources or any other office she has contacted. She further stated that she finally was able to reach someone and spoke to them about a letter she received from Community Appearance. She stated that her property has always been

clean and never has anything on it. She attempted to call their office and no answer is received. She questioned whether or not the items are on her property or next door.

Mr. Garza responded that Ms. Butler could speak with Mr. Tom Ginter as he oversees the Community Appearance Office.

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

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).**

Mr. Ginter stated that he does not have any additional information that wasn't already given to the Commission at a previous meeting.

Mayor Fugate asked for the P&Z vote. Mr. Ginter commented that the P&Z voted 5-0 to NOT approve.

Mayor Fugate asked for a motion to pass this ordinance.

Mayor Fugate asked for a motion to pass this ordinance.

Mayor Fugate asked for a motion to pass this ordinance.

Item dies due to a lack of a motion.

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).

Mr. Enrique Maldonado, restaurant owner stated that he is under staff sometimes and what he would like this for his daughter and the babysitter. He stated that it is not a commercial and has never been a commercial since he purchased it.

Mayor Fugate asked what was the P&Z vote. Mr. Ginter responded that they approved it with a 5-0 vote.

Commissioner Lopez stated that at a previous meeting it was stated that it would be rented out to an employee, and now it is being said that it's a daughter. She further asked who would be living in this structure, an employee or a family member?

Mr. Enrique responded (in Spanish) that so long as he doesn't need it for an employee, he would like it for his daughter. If the employee comes there, then he would rent it out to the employee.

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

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).

Mr. Garza stated that this is an agreement that was discussed prior. It's an agreement where the city commits to reimbursing a combination of sales tax; the M&O amount of taxes not to exceed \$200,000 from the city's front.

Commissioner Hinojosa asked that on the second page of the agreement, it reads, company agrees to provide City with a copy of the State Comptroller's sales tax information for the Company or... Hinojosa further asked if the or can be changed to an "and". He further stated that the other information would be better evidence to proof sales tax.

Mrs. Alvarez responded that the Commission can make a modification to the agreement. The way that it is being presented the developer has already tentatively approved it so that amendment would need to be made to them to see if they still want to move forward with it.

Commissioner Hinojosa responded that he understands that, but this is the first time he is seeing it.

Commissioner Leubert asked if this would make a difference either way? Mrs. Alvarez responded that it doesn't say that the city can't tell them what is preferred. She further

stated that if you get the information directly from the State instead of a third party, it would alleviate any concerns.

Commissioner Leubert asked for a recommendation from the City Attorney.

Mrs. Alvarez commented that the Commission can move forward with the recommendation if they choose too or move forward with the agreement as is or direct staff to try and move forward with getting the written authorization so that they city could get the information.

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

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).

Mr. Charlie Sosa, Purchasing Director stated that this item authorizes the city to enter into a contract with Kingsville Pest Control. This would provide pest control services for all city owned buildings. The RFP was published in the Kingsville Record on January 27th, and February 3rd. Three responses were received from the following: Kingsville Pest Control of Kingsville, Serenity Pest Control of Kingsville, and Kingsville Pest Control. Request for proposals were reviewed and found the information received to be responsive. From the three proposal received, Kingsville Pest Control of Kingsville was the lowest bidder. It is staffs recommendation for the City to enter into this contract with Kingsville Pest Control.

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

9. Presentation and discussion on City Street Striping for North Armstrong Avenue, West Corral Avenue, and West Santa Gertrudis Avenue. (City Engineer).

Mr. Mora stated that they 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. The existing striping along Santa Gertrudis St. has two lanes of traffic in each direction. There is no dedicated turning lane or shoulders with in 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 of traffic in each direction with sections of dedicated turning lanes at the intersections with W. Santa Gertrudis St. 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. West Corral 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 lane at the intersection of Armstrong St. Then one lane of vehicular traffic in each direction until Seale St. This striping project would 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.

Commissioner Leubert stated that she lives within this area and option 1, because the University suggested it and as there is a lot of bikes and walkers, it would be a smart thing to do.

Mayor Fugate commented that to put as many bike lanes as possible would be good.

Commissioner Hinojosa asked if staff was looking at striping other streets especially the one in front of J.K Northway.

Mr. Garza commented that there is a lot of other corridors that need striping but they are prioritizing these first.

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).

Mr. Garza stated that this is a small strip of land that goes along General Cavazos, west of the railroad which is roughly five acres. Staff is asking for authorization to proceed with looking at selling the property.

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

Commissioner Lopez asked if the land is being farmed and has staff made contact with them.

Mr. Garza responded that this was correct. Staff has made contact with them. As it is connected to another piece of property that is being farmed on, it is difficult to the naked eye to determine where exactly the city's five acres stops and ends as there is nothing.

Commissioner Lopez commented that you can clearly see where the five acres are and everything is farmed.

Mr. Garza responded that not everything is property of the city.

Mrs. Alvarez commented that there is no tax liability on the property.

Mr. Garza commented that there is nothing that separates the city property from the other property. He further stated that when the city goes through the surveying process and stakes are placed, it will be easier to see from what point to what point the city's five acres goes from and will state where the farming would need to stop. He further stated that the goal is to sell the property.

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

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).

Mrs. Cynthia Martin, Downtown Manager stated that this is a grant for \$5,000 to be used for the design guidelines which the city has already met the match requirement.

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

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).

Introduction item.

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).

Mrs. Martin stated that this is to improve downtown appearance and wayfinding.

Introduction item.

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).

Mayor Fugate announced and convened the meeting into closed session at 7:05 p.m.

Mayor Fugate reconvened the meeting into open session at 7:17 p.m.

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).

Agenda #15, Executive Session not needed.

Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:18 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

CONSENT AGENDA

AGENDA ITEM #1

City of Kingsville
Department of Planning and Development services

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director

DATE: May 1, 2019

SUBJECT: Special Use Permit request from applicant Herb Lancaster for light manufacturing in a C3 (Central Business District) at 418 E. Kleberg (KA Childs Building)

Summary: As shown in the Land Use Table if someone wants to do a light manufacturing use in a C3 zoning district a special use permit is required prior to operation. Mr. Lancaster wants to build furniture at this location. That use is considered light manufacturing per our ordinance. He has owned a furniture building business in Aransas Pass for some time and now wants to move the business to Kingsville. Enclosed in the packet is information about the company.

Background: The reason for his move is that the building that his business was in, was heavily damaged when the water tower in Aransas Pass fell on it, during Hurricane Harvey. According to Mr. Lancaster, he has settled with the insurance company and with those proceeds wants to purchase the building and move his business to Kingsville. He explained to the Planning and Zoning Commission how furniture is built these days and how technology is used in relationship to the equipment and how it has changed the industry. These changes have brought quieter machines and other positive items that make this a good move for our downtown. He also stated that his goal is to have 20 employees with many from the Kingsville area. Manny Salazar with the Kingsville EDC has been working with Mr. Lancaster on training and other important issues to assist him with the transition.

Financial Impact: This would be a positive impact for several reasons, they are:

1. Small scale manufacturing can draw foot traffic to a downtown. Foot traffic is a key component for a downtown and would be a benefit for other businesses.



City of Kingsville
Department of Planning and Development services

2. This use fills a space that has been vacant for several years. To my knowledge we have had very few bona fide offers concerning this building, so it would be a positive to have it filled and used.
3. This use I believe would be a positive when it comes to the appraisal value of the building and consequently the property tax paid.
4. As I mentioned earlier with 20 employees it would be another employment source for downtown that is always a good thing for Kingsville.

Recommendation: The Planning and Zoning Commission voted 5 to 0 to recommend approval of the special use permit request for Herb Lancaster at 418 E. Kleberg (KA Childs Building). We have had no phone calls that are against this request and one phone call that once the caller was explained the particulars on the request was all for it.



To: Planning and Zoning Commissioners

From: Director, Tom Ginter

Subject: Agenda items #1 and #2

Subject: Special Use Permit request from Herb Lancaster 418 E. Kleberg (KA Childs Building)

This building is in a C3 zoning district. The applicant Herb Lancaster desires to do light manufacturing in this building. Specifically he wants to build furniture. He has in the past built furniture in Aransas Pass but due to unfortunate circumstances, which he can explain, he has decided to move his business if approved into this building and this community. Enclosed is information about the company and the furniture that he builds. The reason for the Special Use Permit is that in C3 if you are to have a use that is considered light manufacturing a special use permit is required for you to operate. Enclosed is information from our Land Use Table which reflects that.

I would like to communicate on the use itself and how it can fit for our downtown. Enclosed are articles that provide information on small scale manufacturing and its potential in downtown and how they can support each other.

1. First small scale manufacturing can draw foot traffic to a downtown. As we know this component is important for any downtown to survive. I believe it is his intention to have an area for his furniture to be viewed by potential customers. This could be a complement to that area of downtown.
2. This use helps fill a space that has been vacant for some time. As most of you know and understand that this type of building is hard to fill and to my knowledge the number of interested parties has been minimal.
3. This use would provide another source of employment for our community.
4. While Mr. Lancaster can go into more detail on the furniture making aspect of the business, it is our thought that it would not be a hindrance to any of the other businesses and or residents that are near the location due to noise and dust.
5. At the writing of this memo we have not received any negative phone calls. I did receive one phone call for further explanation and once that was given the caller was in favor of the use in the downtown.

Overall it is staff's opinion that this use would be a positive one for our downtown and our community.

CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 418 East Kleberg Nearest Intersection 9th & Kleberg

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

Legal Description: Orig town. block 41. Lot 17-29 (KA Childs bldg)

Existing Zoning Designation C-3 Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Herb Lancaster Phone 361-275-4408 FAX N/A

Email Address (for project correspondence only): herb.lancaster@hlancaster.com

Mailing Address 260 E Goodnight Ave. City Aransas Pass State TX Zip 78336

Property Owner Herb Lancaster Phone 361-275-4408 FAX N/A

Email Address (for project correspondence only): herb.lancaster@hlancaster.com

Mailing Address 260 E Goodnight Ave. City Aransas Pass State TX Zip 78336

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

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

Please provide a basic description of the proposed project:
Light manufacturing and assembly

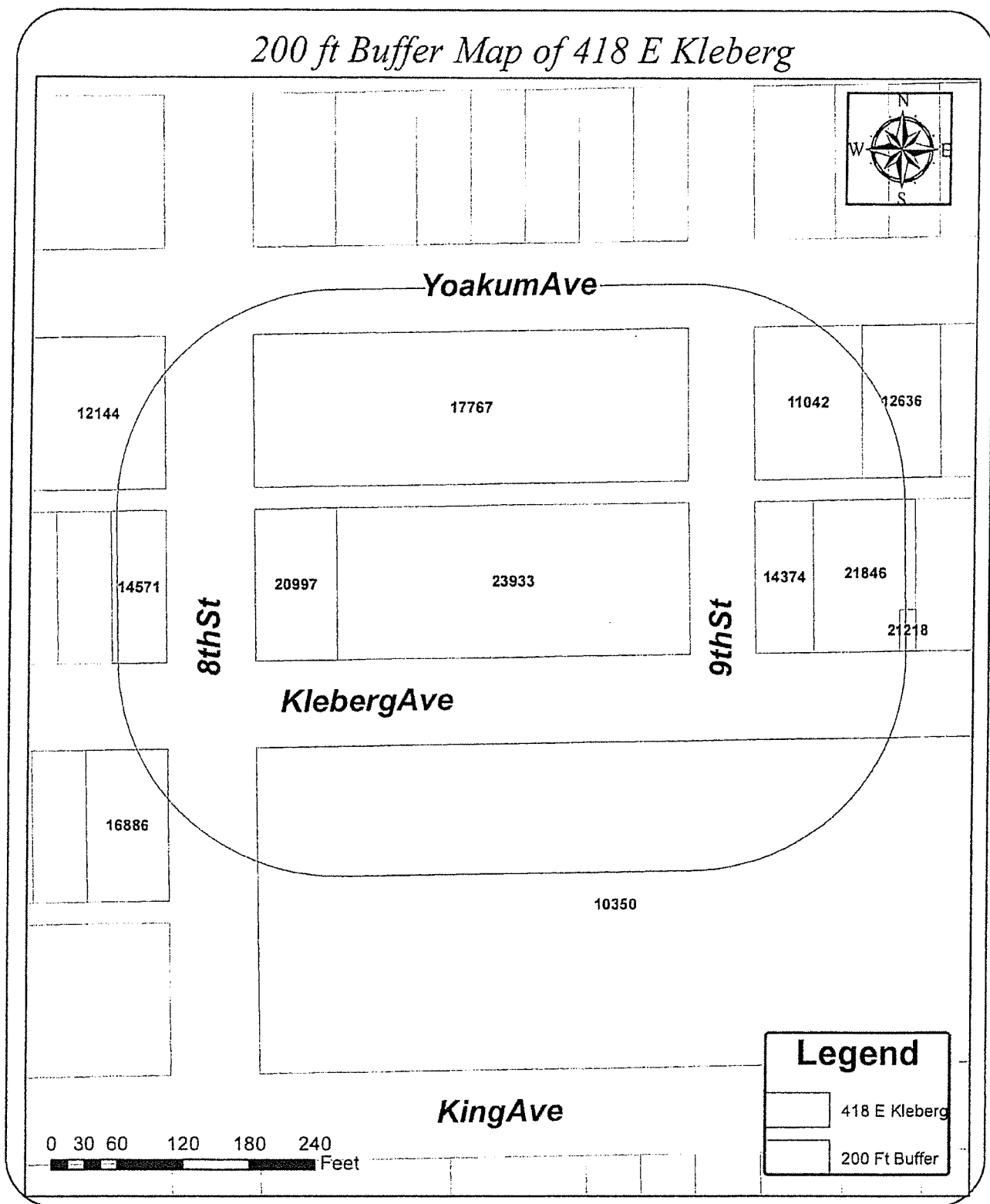
I hereby certify that I am the owner and /or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature [Signature] Date: 4-8-19

Property Owner's Signature _____ Date: _____

Accepted by: _____ Date: _____

200 ft Buffer Map of 418 E Kleberg



VALENTIN FALCON JR
ETUX GUADALUPE
1909 KELLY ST
KINGSVILLE, TX 78363
#12144

HERBERT B GOFF
1259 E FM 1717
KINGSVILLE, TX 78363-9661
#12636

SFDT LAND HOLDING LLC
1908 WEST 38TH STREET
AUSTIN, TX 78731
#20997

KINGSVILLE LAW
ENFORCEMENT ASSOCIATION
PO BOX 1844
KINGSVILLE, TX 78364-1844
#21218

K A CHILDS JR EST
124 ORMESBY PLACE
FRANKLIN, TX 37064
#17767

ARMANDO GONZALEZ
1407 CARMEN ST
ALICE, TX 78332
#15356

KLEBERG COUNTY
APPRAISAL DISTRICT
PO BOX 1027
KINGSVILLE, TX 78364-1027
#14374

CAL COLLINS
PO BOX 3745
MCALLEN, TX 78502-3745
#16886

KLEBERG COUNTY
APPRAISAL DISTRICT
PO BOX 1027
KINGSVILLE, TX 78364-1027
#11042
JOSE OCHOA
227 W C AVE
KINGSVILLE, TX 78363-3724
#14571

ELIZABETH MUNOZ
812 E RICHARD AVE
KINGSVILLE, TX 78363-4612
#21846

HEB GROCERY INC
ATTN PROPERTY TAX DEPT
PO BOX 839999
SAN ANTONIO, TX 78283-3999
#10350

city level.

Greg Zapata competed in *contacted at fcardenas@king-*
The varsity team had boys doubles and placed *ranch.com or (361) 221-0243.*

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HMK tennis players headed to Regionals



Pictured are Meina Determan, Danyel Soliz, Angelina Rios, Tony Cuellar and A.J. Cerda, H.M. King walked away from the District 31-4A tournament with one individual and a doubles gold medal. (Submitted photo)

By Frank Cardenas
Reporter

Athletes from H.M. King advanced to the Class 4A Region IV meet, following the conclusion of the 31-4A District Tennis Tournament last week.

The two-day tournament, which took place in Rockport, had athletes at both the junior varsity and varsity level.

The varsity team had

Tony Cuellar and A.J. Cerda place first in boys doubles, and Angelina Rios placed first in girls singles.

Meina Determan and Danyel Soliz placed second in girls doubles.

All of the athletes advanced to the regional tournament set for April 17 and 18 in Corpus Christi.

In the junior varsity tournament, Dylan Guerra and Greg Zapata competed in boys doubles and placed

first overall. Connor Knip-pers and Mallory Durham placed third in mixed doubles, and Todd Dirickson placed fourth in boys singles to round out the awards.

Samantha Jimenez, Nadia Hernandez, Jacob Gonzalez, Chris Mata and Ramon Cavazos competed for the JV team.

Frank Cardenas can be contacted at fcardenas@king-ranch.com or (361) 221-0243.

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	R1	R2	R2A	R3	R4	MH	C1	C2	C3	C4	I1	I2	AG
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		

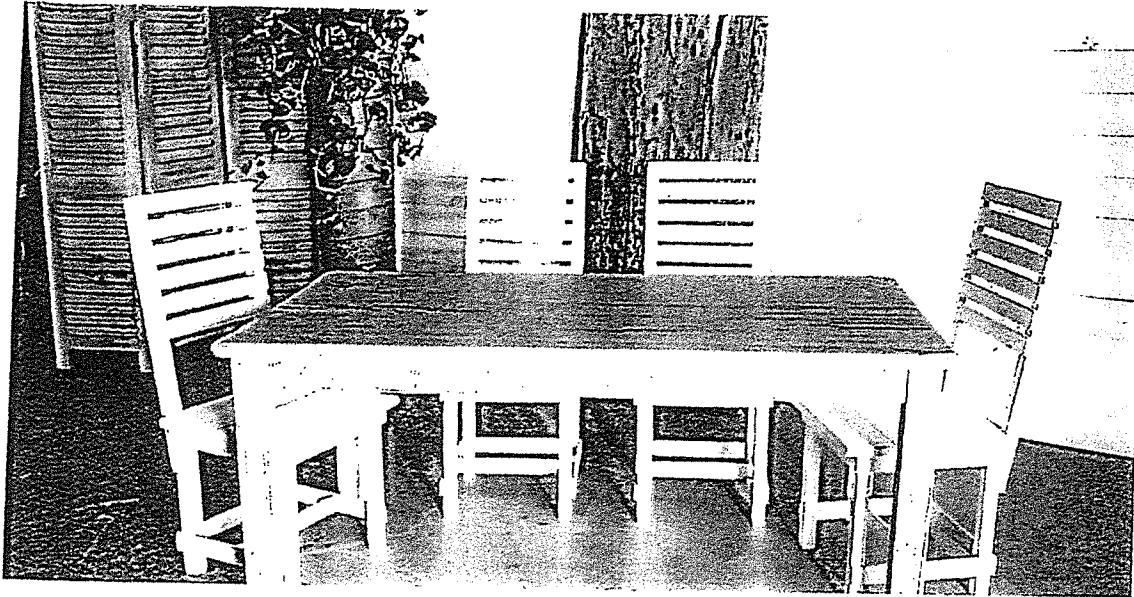
Industrial and Related Uses

Light manufacturing processes which do not emit detectable dust, odor, fumes, or gas beyond the boundary of the property or noises above the ambient level and are not classified as hazardous					S	S	P	P
Storage of sand, gravel, stone, minerals, gas, petroleum or other substances						P	S	P
Extraction of soil, sand, gravel, stone, minerals, gas, petroleum or other substances							S	S S

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H Lancaster Co

(361) 459-2009

Hours

Monday - Saturday: 10am - 5pm

Sunday: Closed

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April 29, 2019

X - 418 E. Kleberg

Zoning C3

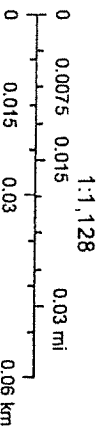
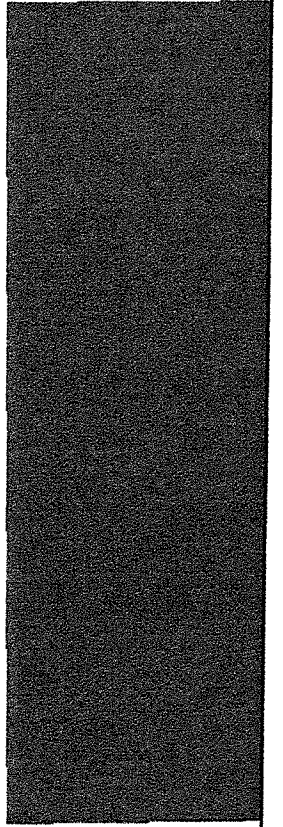
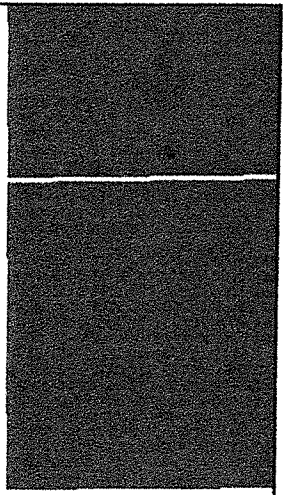
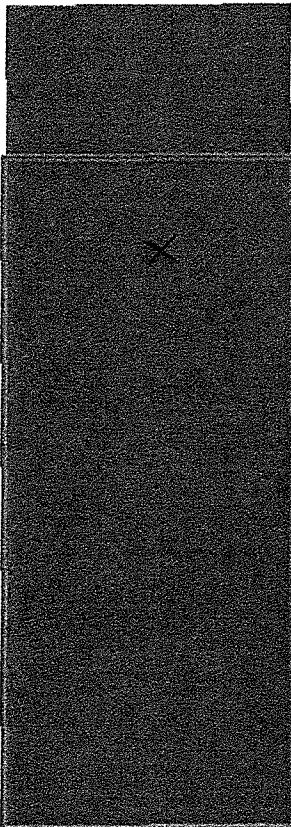
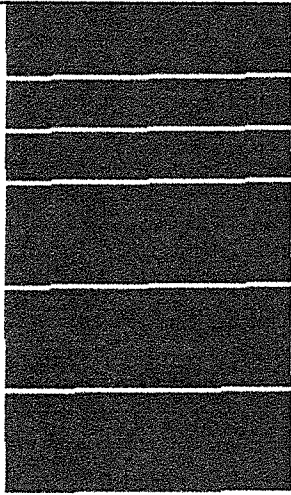
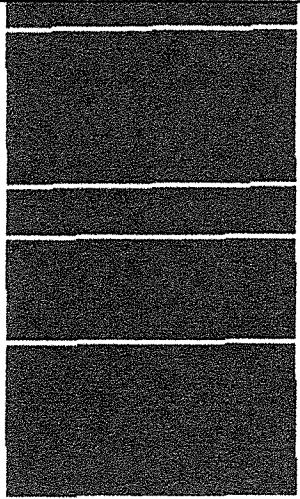
Y - HEB

Zoning C2

Kleberg Ave

E. Kleberg Ave.

Y



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

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Kleberg CAD

Property Search Map Search

Property Search Results > 23933 CHILDS K A JR EST for Year 2018

Property

Account

Property ID: 23933 Legal Description: ORIG TOWN, BLOCK 41, LOT 17-29, (KA CHILDS BLDG)
 Geographic ID: 100104117000192 Agent Code:
 Type: Real
 Property Use Code:
 Property Use Description:

Location

Address: 418 E KLEBERG TX Mapsco:
 Neighborhood: Map ID: C1
 Neighborhood CD:

Owner

Name: CHILDS K A JR EST Owner ID: 63844
 Mailing Address: 124 ORMESBY PLACE % Ownership: 100.000000000000%
 FRANKLIN, TX 37064

Exemptions:

Zoned C3

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$238,270	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$63,700	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$301,970	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$301,970	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$301,970	

Taxing Jurisdiction

Owner: CHILDS K A JR EST
 % 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: 7924.0 sqft Value: \$103,160

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	DS3A	EW3	1945	7248.0
CN1	CANOPY BASIC (20%)	NV		1945	1060.0
CP1	CARPORT BASIC (10%)	"		1945	5480.0
MA3	1/2 STORY (80%)	NV		1945	676.0
CON	CONCRETE SLAB COMMERCIAL	SP		0	12000.0

Improvement #2: COMMERCIAL State Code: F1 Living Area: 25112.0 sqft Value: \$135,110

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	SG2L	EW5	1946	25112.0
ASP	ASPHALT (100%)	SP		0	7500.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	F1	F1	1.0445	45500.00	325.00	140.00	\$63,700	\$0

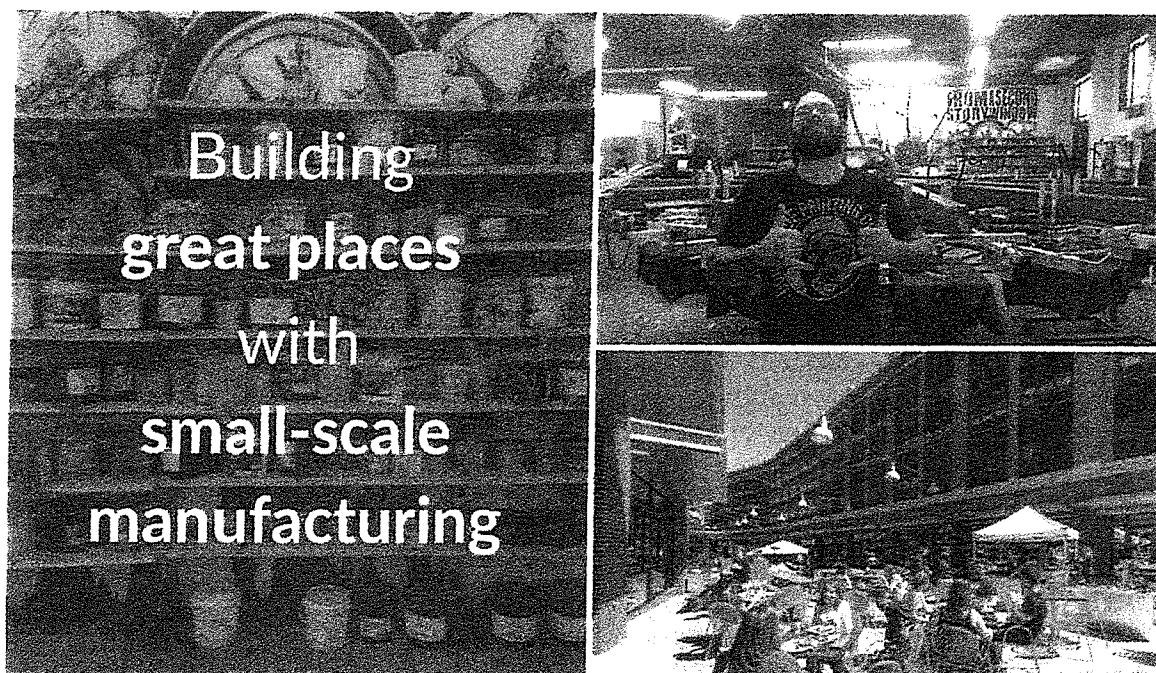
Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2018	N/A	N/A	N/A	N/A	N/A	N/A
2017	\$238,270	\$63,700	0	301,970	\$0	\$301,970
2016	\$96,180	\$65,000	0	161,180	\$0	\$161,180
2015	\$98,900	\$65,000	0	163,900	\$0	\$163,900
2014	\$98,900	\$65,000	0	163,900	\$0	\$163,900
2013	\$98,900	\$65,000	0	163,900	\$0	\$163,900
2012	\$98,900	\$65,000	0	163,900	\$0	\$163,900
2011	\$98,900	\$65,000	0	163,900	\$0	\$163,900
2010	\$98,900	\$65,000	0	163,900	\$0	\$163,900
2009	\$164,830	\$65,000	0	229,830	\$0	\$229,830
2008	\$164,830	\$65,000	0	229,830	\$0	\$229,830
2007	\$164,830	\$65,000	0	229,830	\$0	\$229,830
2006	\$164,830	\$65,000	0	229,830	\$0	\$229,830
2005	\$194,810	\$65,000	0	259,810	\$0	\$259,810
2004	\$194,810	\$65,000	0	259,810	\$0	\$259,810

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	7/28/2017	DEATH	DEATH - ADD EST TO OWNERSHIP	CHILDS K A JR	CHILDS K A JR EST			
2		OT	Other	UNKNOWN	CHILDS K A JR			

Questions Please Call (361) 695-5775



Today, Smart Growth America announced the selection of six communities that will receive technical assistance in using small-scale manufacturing as a strategy to create economic opportunity, boost the prospects of Main Street, and build great places. This assistance is in partnership with Recast City (<http://recastcity.com>) and is made possible through funding from the U.S. Economic Development Administration (EDA).

Technological and economic changes have led to a surge in small-scale manufacturing and the growth of the “maker economy.” This new sector—which includes everything from microbrewers to prosthetics manufacturers to yarn makers—can help residents access high paying jobs and economic opportunity in the neighborhoods they call home.



In 2016, Smart Growth America, with EDA

support, worked with four communities—Knoxville, TN, Lowell, MA, Youngstown, OH, and Twin Falls, ID—as they sought to intentionally build their maker economies. Encouraging more small-scale manufacturing on main street or in other close-in, walkable neighborhoods can foster entrepreneurs and homegrown industries. These businesses bring vitality to main streets and neighborhood centers, creating a foothold for future growth.

“At a time when local economic development has become heavily dependent upon place-making, small-scale manufacturing has emerged as a way to tie opportunity to place. For many communities, especially those with legacy buildings from an earlier manufacturing age, it can fill a key missing piece for local economic revitalization,” said **Christopher Zimmerman**, Vice President for Economic Development at Smart Growth America.

“Every person deserves to live in a place that is loved—its businesses thriving, its real estate valued, and its people proud. These projects are an exciting opportunity for the selected communities to put small-scale manufacturing front and center to achieve these outcomes,” said **Ilana Preuss**, Founder & CEO, Recast City.

Sixty-four organizations and communities in 32 different states with diverse economic and demographic backgrounds applied for this year’s technical assistance. The applicants included municipal governments, local non-profits, and regional- and state-level organizations.



While the communities showed various

levels of existing engagement with their small-scale manufacturing communities, all had a strong understanding of its potential for economic development and downtown revitalization. Many communities have previously relied on attracting large-scale manufacturers to sustain their communities and realize now is the time for change. Communities around the country, including these six, are pivoting to capitalize on the importance of place, reposition and diversify their economies, and recognize their talent base and existing workforce clusters.

After a competitive selection process, Smart Growth America chose the following communities to receive free technical assistance:

Baltimore, MD: Baltimore is experiencing a surge in owner-operated manufacturing businesses with lofty ambitions to resurrect the city's rich manufacturing history. A handful of successful "makers" and the "Made in Baltimore" initiative suggest a promising future for place-based, local manufacturing. In order to provide job opportunities for low-income residents, Baltimore plans to use this opportunity to help three communities build strategies for preserving affordable production space amid rising residential and commercial demand.

High Point, NC: High Point, the "Home Furnishings Capital of the World" has had a high amount of vacant or underutilized commercial and industrial properties in what is known as the "core city"—due to the relocation of many manufacturers over the past 25 years. High Point wants to reverse that trend by focusing on equitable redevelopment in an inner neighborhood. The city has identified the southwest quadrant with underutilized industrial sites and residents that lack economic mobility and job access as a place to

start in the core city area. High Point plans to use this technical assistance to develop an action plan for workforce training and small business development in order to promote equitable outcomes for residents in this community.

Lafayette, LA: The McComb-Veazey neighborhood has endured a flood of fleeing residents and now has a glut of empty, dilapidated buildings. A local non-profit hopes to stimulate more interest and investment in the neighborhood by leveraging this assistance with a recent lean urbanism grant and the city's new Unified Development Code that promotes mixed-use, pedestrian-friendly development. The neighborhood is focused on supporting home-based food businesses and other artisan makers with the resources and space needed for success.

South Bend, IN: South Bend has high potential to succeed in the maker economy with its co-working spaces, new mixed-use zoning, and strong business relationships. The city's Smart Streets initiative and nationally-renowned Complete Streets policy are helping transform prime corridors into small-scale manufacturing hubs through place-based economic development. South Bend plans to use this opportunity to make policy changes, develop financing mechanisms, and build other tools to support small business and improve the quality of life, particularly for South Bend's low-income communities.

Columbia, MO: The Business Loop Community Improvement District in Columbia is looking to revitalize this working class neighborhood with new, locally-owned manufacturers. Although a clear artisan movement with an active start-up culture has emerged in recent years, the city lacks a comprehensive policy to develop and encourage small-scale manufacturing. Columbia plans to use this opportunity to implement workforce training, develop public financing mechanisms, and educate the real estate community about the potential of small-scale manufacturing.

Cusick, WA: The Kalispel Tribe of Indians of northeastern Washington is working with municipal partners in this rural community to reinvigorate a local main street through small-scale manufacturing. The tribe is working to adopt a new regional plan that will allow for certain types of light industrial development by-right, instead of requiring a conditional use permitting process. The tribe plans to use

this opportunity to refine the regional plan to better support light manufacturing and place-based economic development and to work with stakeholders to identify shared goals and develop an action plan to meet those goals.

SGA's final report, *Made in Place: Small-Scale Manufacturing and Neighborhood Revitalization* (<https://smartgrowthamerica.org/resources/made-in-place/>), offers detailed insight on our technical assistance engagements in 2016. SGA also offers technical assistance on a wide variety of issues on a pay-for-service basis (<https://smartgrowthamerica.org/work-with-us/workshop-types/>). You can find additional resources on small-scale manufacturing in Recast City's newsletter (<https://www.recastcity.com/contact-us/>), Urban Manufacturing Alliance's non-profit development toolkit (<https://www.urbanmfg.org/project/non-profit-real-estate-development-toolkit/>), Etsy's Craft Entrepreneurship program (<https://www.etsy.com/craftentrepreneurship>), and the Equitable Innovation Economies (<http://prattcenter.net/equitable-innovation-economies>) report from the Pratt Center for Community Development.

ECONOMIC DEVELOPMENT (/CATEGORY/ECONOMIC-DEVELOPMENT/)

TECHNICAL ASSISTANCE (/CATEGORY/TECHNICAL-ASSISTANCE/)

ECONOMIC DEVELOPMENT (/TAG/ECONOMIC-DEVELOPMENT/)

EDA (/TAG/EDA/) PLACEMAKING (/TAG/PLACEMAKING/)

SGA TECHNICAL ASSISTANCE (/TAG/TECHNICAL-ASSISTANCE/)

SMALL SCALE MANUFACTURING (/TAG/SMALL-SCALE-MANUFACTURING/)

SMART GROWTH AMERICA
1152 15TH ST NW SUITE 450
WASHINGTON, DC 20005 (202) 207-3355

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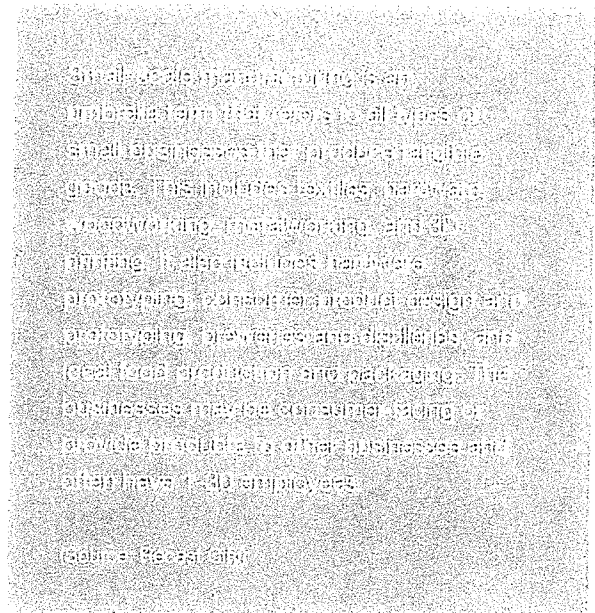
How do small-scale manufacturing, downtowns and neighborhood centers support each other?

Small-scale manufacturing is emerging as an innovative strategy in today's neighborhood revitalization and economic development toolbox. And, these same businesses are finding that these locations can help them thrive. How are small-scale manufacturers and makers fitting into these spaces, and how can these same areas be fertile locations to grow the sector and reap economic benefits?

Communities that locate these manufacturers within existing downtowns or walkable retail areas benefit in many ways.

- *First, small-scale manufacturers can draw foot traffic and help to fill retail spaces that are difficult to lease or are vacant. The entrepreneurs that start these businesses quite often become powerful brand ambassadors for their cities and towns, highlighting the innovation and benefit of local production. The small scale-manufacturing sector is integral in building the small business community. Furthermore the sector provides an inclusive pathway and an opportunity for jobs for individuals that may have difficulty finding them in other sectors.

The benefits of small-scale manufacturing in neighborhood centers



Advancements in industrial technologies make small-scale manufacturing a strong alternative use in mixed-use corridors and centers. Small-scale manufacturers are cleaner and quieter, and more compact compared to traditional heavy manufacturing and thus can physically fit and be good neighbors. The small manufacturers benefit from existing infrastructure investments, access to retail customers, and proximity to transit, retail, housing, and a robust diversity of businesses and workers. For instance, a small manufacturer who fills a vacant storefront both attracts neighborhood residents to walk by and see production, and benefits from any existing foot traffic from other retailers or local transit stops. Additionally, manufacturing businesses benefit from being near each other. Small manufacturing business owners can help build a steadier supply of skilled labor, attract more competing suppliers, and encourage knowledge spillover between firms. This critical mass can only be achieved by allowing firms to locate in close proximity of one another, and near existing housing and commercial centers.

Small-scale manufacturers are also drawn to strong, dynamic places. These businesses often market and brand themselves by using the city, town, neighborhood, or even the building where they produce. Small-scale manufacturers, like many entrepreneurs, increasingly want to be in downtown or comparable areas to attract talent. They value quality of place as a critical factor when choosing their location.¹ The places they locate are not accidental—they identify strongly with the communities in which they work, sometimes developing locally made brand platforms such as Made In Baltimore and Cincinnati Made, becoming strong ambassadors for a place. Conversely a community's own brand can benefit when the city or community is associated with a cool, innovative, or original brand and product.

Creating a foothold for future growth

Communities around the country are changing zoning and city policies to accommodate these businesses downtown and in commercial centers because they are not only employers, they are destinations in themselves. Small-scale manufacturers can be among the first businesses in target areas for redevelopment before it's feasible for traditional retail to survive. Many of these businesses have more diverse revenue sources than traditional retailers—including online sales, business to business, or specialty orders. While most of these businesses are not necessarily dependent on foot traffic to be financially feasible, they can serve to help draw people to an area. Some small-scale manufacturers, like breweries, can also serve as stand-alone destinations, drawing an experience-oriented crowd.

Small-scale manufacturers create a unique amenity that can attract people to a new place. In addition to retail, restaurants, and cultural venues, small-scale manufacturers can give residents and visitors new reasons to come spend time in a neighborhood. As local products such as food, wood products, and textiles are made in core neighborhoods for the first time in decades, these businesses are destinations for customers to see firsthand where their products come from, and add to the connection with customers that is already driving the buy local movement.

Providing another attractive option to fill retail space

Many cities encourage ground-floor retail through zoning to support active street frontages and promote human-scale urban design. Yet there is not always adequate demand from existing retailers or service businesses to support ground floor retail, especially in the initial years of lease up in new development.

National changes in retail trends are exacerbating retail vacancies. Taken as a whole, the U.S. has more square feet of retail than demand. Traditional retailers closed hundreds of stores in the last few years, and analysts believe more will do the same over the next decade.² Meanwhile, online retailers like Amazon and other e-commerce platforms show no signs of slowing down.³

This changing retail landscape represents an opportunity for small-scale manufacturing to fill the gap in mixed-use districts and neighborhood main streets. Small-scale manufacturers are a different tenant type than traditional retailers or service providers, as hybrid businesses that can simultaneously be producers and main street retailers. They can thrive in locations that are not prime retail frontage, shapes, or sizes. A business may sell wholesale online, but can draw attention on a block through a formerly vacant store

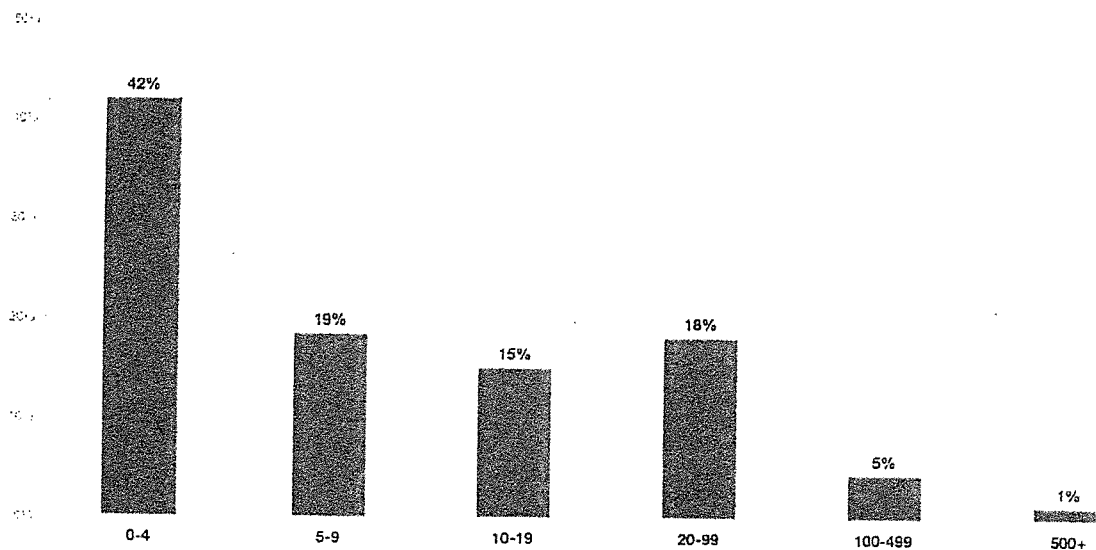
that now shows machinery and people at work. A collection of businesses can help to attract other retail investment in an area that has been neglected. In some cases, these businesses become an experience and destination of their own, anchoring the block or development.

Growing small-scale manufacturing creates a resilient small business environment

Small business is key to not just local economic success, but national prosperity, accounting for two out of three net new jobs created in the U.S.⁴ Supporting a diverse variety of small businesses, across industry sectors, creates jobs for a diverse range of skill sets and wages, and helps buffer local economies from dramatic fluctuations in any one individual industry. Additionally, small businesses tend to keep money within local economies longer: local businesses reinvest nearly 50 percent of their revenue in the local community, versus about 14 percent reinvested from large chains.⁵ Strategies that seek to grow local economies from within by nurturing local businesses, often referred to as economic gardening, support local entrepreneurs to create companies and bring new jobs and business to a region. Nationally, strong regional economies are correlated with having many small businesses rather than a few large ones.⁶

Small-scale manufacturing businesses are a key piece of building the local small business sector. According to data from the Manufacturing Institute, over 75 percent of manufacturing businesses in the U.S. had fewer than 20 employees in 2014, as illustrated in the graphic below. Communities will benefit from strategies that include these small manufacturing businesses in local small business programming and placement efforts.

Percentage of manufacturing firms by number of employees



Building a more inclusive business community

In addition to diversifying a local business ecosystem, small-scale manufacturing firms have the added benefit of expanding economic opportunity to a diverse range of residents. As a sector, small-scale manufacturing represents a diverse demographic population. Data show that small-scale manufacturing entrepreneurs come from a range of ethnic and racial backgrounds, and include men and women. For example, on Etsy, one of the largest platforms for makers and micro-manufacturers, 87 percent of sellers are women.⁷ Additionally, there is a growing trend of entrepreneurialism in immigrant communities: 28.5 percent of new entrepreneurs in 2014 were immigrants, up from 13.3 percent in 1999.⁸

Yet the outreach and assistance offered by local government often miss many of these business people. Additionally, the lack of access to capital sources is a major barrier to minority entrepreneurs. Local governments are recognizing the importance of bringing resources and assistance to underrepresented entrepreneurs from diverse cultural and demographic backgrounds, who may not know about programs, points-of-contact in local government or existing capital programs for small business. With continued public sector support and strong public-private partnerships, small-scale manufacturing can continue to serve as an entry point to capitalize on skills in the community, and empower residents to turn their skills into a business.

ORDINANCE NO. 2019-_____

AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR 418 E. KLEBERG AVE., ALSO KNOWN AS ORIG. TOWN, BLOCK 41, LOTS 17-29, FOR LIGHT MANUFACTURING USE; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION.

WHEREAS, the Planning Commission has forwarded to the City Commission it's reports and recommendations concerning the application of Herb Lancaster, the applicant, for amendment to the zoning map of the City of Kingsville;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, May 1, 2019, during a meeting of the Planning Commission, and on Monday, May 6, 2019, during a meeting of the City Commission, in the Helen Kleberg Groves Community Room/Commission Chambers, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

WHEREAS, a majority of the Planning Commission voted 5-0 to APPROVE, the requested special use permit; and

WHEREAS, the property is currently zoned C3-Central Business District and it is desired for a light manufacturing use (to build furniture) on the property; and

WHEREAS, the City of Kingsville Code of Ordinances Chapter XV-Land Usage, Article 6-Zoning, Appendix A-Land Usage Categories states that for an area zoned C3 a special use permit is required to have a light manufacturing use; and

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

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended and a Special Use Permit is granted for light manufacturing (build furniture) on the premises known as 418 E. Kleberg Ave., Orig. Town, Block 41, Lots 17-29, as more specifically describe on site plan attached as Exhibit A.

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

1. ALLOWED USE: The only use authorized by this Special Permit is for building

furniture (light manufacturing use) at the C3 zoned property.

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

4. SPECIAL CONDITION: (4.1) The applicant shall obtain all required licenses for operating the business and permits for building, fire and health thereby meeting all adopted codes to operate said business, and shall cooperate with all annual fire safety, health, and sanitation inspections, in order to maintain compliance with state and city regulations. (4.2) All activity on site shall be in complete compliance of all City codes, especially the nuisance, fire, building and zoning codes.

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

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

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

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

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

INTRODUCED on this the 6th day of May, 2019.

PASSED AND APPROVED on this the 13th day of May, 2019.

Effective Date: _____

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #2

ORDINANCE NO. 2019-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2018-2019 BUDGET TO SET ASIDE FUNDS COMMITTED FOR THE EDA GRANT MATCH.

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 203 – JK Northway EDA Grant					
Revenues - 4					
0000	Non-Dept	Transfer From Fund 001	75001	\$150,000	
0000	Non-Dept	Transfer From Fund 051	75010	\$150,000	
0000	Non-Dept	Transfer From Fund 033	75033	\$200,000	
Fund 001 – General Fund					
Expenditures - 5					
6900	Transfer	Transfer To Fund 203	80203	\$150,000	
Fund 051 – Utility Fund					
Expenditures - 5					
6900	Transfer	Transfer To Fund 203	80203	\$150,000	
Fund 033 – CO Series 2016 Fund					
Expenditures - 5					
6900	Transfer	Transfer To Fund 203	80203	\$200,000	
1030	City Special	City Hall Landscaping	71310		\$100,000
1030	City Special	Downtown Revitalization	71216		\$100,000

[To amend the City of Kingsville FY 18-19 Budget to set aside funds committed for the EDA Grant match authorized on 4/22/19. Funds from General Fund 001 and Utility Fund 051 will come from unappropriated fund balances. Funds from CO Series 2016 Fund will come from funds set aside for the City Hall Landscape Project and the Downtown Revitalization Project.]

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 6th day of May 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

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

April 23, 2019

Mr. Robert Peche
United States Dept. of Commerce
Economic Development Administration
Austin Regional Office
903 San Jacinto Blvd., Suite 206
Austin, TX 78701-2450

Re: EDA Grant application for Kleberg County

Dear Mr. Peche:

On behalf of the City of Kingsville, I would like to thank you for the opportunity granted to Kleberg County to apply to the Office of Economic Development Administration (EDA) under Disaster Supplemental Funding Economic Adjustment Program, U.S. Department of Commerce. The City of Kingsville is the County seat and only incorporated municipality in Kleberg County. The County is requesting a \$4.8 million grant with a local, nonfederal match of \$1.2 million. The match will be funded with \$600,000 coming from the City of Kingsville and \$600,000 from Kleberg County available, unencumbered and committed. The \$600,000 from the City of Kingsville will come in the form of \$100,000 in in-kind services, \$200,000 from CO 2016 Series Fund and \$300,000 from fund balances. Once fully funded the project will be a total of \$6 million. The EDA investment will provide \$4.8 million worth of public improvements.

This investment will fund construction of a Regional Public Safety Training Facility and Emergency Operations and Command Center ("regional center"). The center will be a 15,000 square foot facility located in Kleberg County and accessible to the regional partners of Kennedy County, Brooks County, Jim Wells County, Duval County, Live Oak County, Bee County, San Patricio County and Willacy County.

The regional center will have two primary missions. The first mission is to provide public safety training to first responders. The center will be a first-class facility for training of fire and law enforcement personnel. The center will offer classrooms equipped with the latest technology for professional instruction. In addition to the 15,000 square feet of space used for classroom space and EOC operations, the project would also provide individual training fields for firefighters and law enforcement. Construction of the facility would also include a helicopter landing pad for emergencies and drills.


The second primary mission would be serving as a regional emergency operations and command center for Kleberg County and regional partners. Kleberg County and its regional partners are considered rural counties and do not have, individually, the resources to set up emergency response centers such as those set up by major cities or more urban counties. This center would provide a central location for local, county and federal first responders to observe the situation and marshal resource appropriately and effectively over an area of 9,311 square miles.

An additional benefit to the local economy from this project would be increased hotel occupancy and sales tax dollars from the attendees of the training facility staying in town. It may also result in the construction of new hotels and restaurants that would increase employment and ad valorem tax revenues. This project could ultimately serve three functions: a needed regional training facility, an essential emergency operations center, and an enhancement to economic development.

The City of Kingsville and Kleberg County would like to thank you in advance for your support and consideration in our efforts to improve public safety, emergency operations, and sustainable economic development. We look forward to working with your administration.

If you have any questions regarding the City's participation in this application, please do not hesitate to contact me at (361) 595-8002 or e-mail me at mfugate@cityofkingsville.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam R. Fugate", with a stylized flourish at the end.

Sam R. Fugate
Mayor

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

April 25, 2019

Mr. Robert Peche
United States Dept. of Commerce
Economic Development Administration
Austin Regional Office
903 San Jacinto Blvd., Suite 206
Austin, TX 78701-2450

Dear Mr. Peche,

I write to express my strong support for the application submitted by the County of Kleberg to the office of Economic Development Administration (EDA) under Disaster Supplemental Funding Economic Adjustment Program, U.S. Department of Commerce.

Kleberg County is requesting a \$4.8 million grant with a match of \$1.2 million making the project \$6 million. We, the City of Kingsville, have committed to participate with this project by providing half of the \$1.2 million match as the local non-federal contribution.

This investment will fund the construction of a 14 county Regional Public Safety Training Facility and Emergency Operations and Command Center. The participating Counties are the following: Kleberg County, Kennedy County, Brooks County, Jim Wells County, Duval County, Live Oak County, Bee County, San Patricio County, Willacy County, Jim Hogg County, Karnes County, Refugio County, Victoria County and Nueces County.

The regional center will have two primary missions. The first mission is to provide public safety training to first responders. The center will be a first-class facility for training of fire and law enforcement personnel. The center will offer classrooms equipped with the latest technology for professional instruction.

I strongly support Kleberg County's efforts to improve Public Safety Training and to create a first-class emergency disaster facility that will enhance the Region's resiliency due to an emergency.

Respectfully,

A handwritten signature in black ink, appearing to read "Sam R. Fugate", is written over a horizontal line.

Sam R. Fugate
Mayor
City of Kingsville

AGENDA ITEM #3

RESOLUTION NO. 2019-_____

A RESOLUTION OF THE CITY OF KINGSVILLE, TEXAS, DESIGNATING THE AUTHORIZED SIGNATORIES FOR FINANCIAL, HEALTH TRUST PLAN, AND OTHER ITEMS OF CITY BUSINESS FROM CITY MANAGER TO INTERIM CITY MANAGER.

WHEREAS, an Interim City Manager was named by the City Commission on May 6, 2019 to occupy the position of City Manager until such time as a new City Manager is hired and starts;

WHEREAS, the financial, health trust plan, and other items of city business require documents to be authorized and signed on the behalf of the position of City Manager;

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

Section 1: That as of May 13, 2019 the following individual is hereby authorized to sign financial, health trust plan, and other items of city business that are required to be authorized and signed on the behalf of the position of City Manager:

Remove: Jesus A. Garza, City Manager

Add: Deborah Balli, Interim City Manager

Section 2: This resolution shall be effective until it is repealed or superseded by another resolution.

Section 3: This Resolution shall be and become effective on and after adoption.

PASSED AND APPROVED by a majority vote of the City Commission on this the 13th day of May, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #4

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: May 2, 2019

SUBJECT: Chapter 59 Donation to Boy Scouts of America for Drug Prevention Programs

Summary:

The police department is requesting to make a monetary donation for "Drug Prevention Programs."

Background:

The Texas Code of Criminal Procedure, Article 59.06 (h) allows for Chapter 59 funds to be used for nonprofit programs for the prevention of drug abuse. The Boy Scouts of America Venado District provides drug abuse prevention programs through the Learning for Life character development program in the public schools of Kleberg and Kenedy Counties.

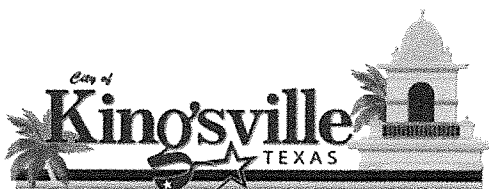
Financial Impact:

This \$5,000.00 donations made to worthy organizations that assist the young people and children in our community by providing drug prevention programs.

Total Expenditures for this donation would be \$5,000.00

Recommendation:

We request approval of the monetary donation from fund 005.





BOY SCOUTS OF AMERICA
SOUTH TEXAS COUNCIL

March 7, 2019

Mr. Jesus Garza
City Manager
City of Kingsville
P. O. Box 1458
Kingsville, Texas 78364

Mr. Ricardo Torres
Chief of Police
Kingsville Police Department
P. O. Box 1458
Kingsville, Texas 78364

Re: Drug Abuse Prevention Programs of Boy Scouts of America/Chap.59

Gentlemen,

Thank you so much for your past contributions to the Friends of Scouting campaign. The continued generosity from the City of Kingsville and the Chapter 59 Forfeiture Grant to the 2018 Friends of Scouting Campaign allowed our district to flourish. The BSA is strong and picking up steam as we enter this New Year and budget cycle. Part of the Boy Scouts of America's mission is to teach youth positive character traits, leadership, responsibility, and the skills necessary to make ethical and moral choices. This mission is accomplished through the countless lessons taught in traditional Scouting programs; such as Cub Scouts and Boy Scouts.

Below are the traditional and Learning for Life program numbers which are encompassed in 7 Cub Scout packs, 4 Boy Scout Troops and 1 Explorer post.

In 2018, the Venado District recorded:

- Over 800 Service Hours logged by Scouts, Leaders, and their families
- 425 registered youth; 182 registered adult leaders
- 111 Cub Scout Rank Advancements
- 5 Eagle Scouts
 - 88 Rank Advancements
 - 307 Merit Badges (this is often a boy's first contact with a career, avocation, or hobby)

The volunteers of the Boy Scouts of America, South Texas Council provide these programs in partnership with local Police and Border Patrol Agency's at weekly Scout Unit and Explorer Post meetings and outdoor activities, including Cub Scout Day Camp, Cub Adventure Weekends, Boy Scout Summer and Winter Camps held throughout the year. Scouts who attend these events fulfill requirements for rank advancement and merit badges such as Crime Prevention and Fingerprinting. As a requirement for advancement in Scouting programs, the drug abuse prevention and awareness message is instilled at each rank/level for Cub and Boy Scouts. For Explorers, that message plays a pivotal role in the Character Education lessons in which each youth is taught to help them make better ethical and moral choices.

700 Everhart Terrace, Building A
Corpus Christi, TX 78411-1939
www.southtexasbsa.org

Prepared. For Life.™



The Venado district and South Texas Council underwrites each one of our Scouts approximately \$200 - \$225 per year to provide services of advancement, registration, camp maintenance, leader training, recruiting, etc. These funds help support all the youth in the scouting program within Kleberg and Kennedy County which is made up of 11 traditional units to grow and become productive members of the community. Along with our traditional units we also have an Explorer Post with the United States Border Patrol which currently services 9 young adults in the area. The age in which youth can be a part of this program is middle school, and they are taught how an officer in the field prepares for and implements their training to give them the best opportunity to succeed. In order to continue providing a Drug Abuse Prevention Program for the youth in our community, we are requesting your consideration of an annual contribution of \$5,000, which would greatly assist our efforts.

Thank you for your consideration.

Yours in Scouting,

A handwritten signature in black ink, appearing to read 'Martin Sepulveda', with a long horizontal flourish extending to the right.

Martin Sepulveda
Scout Executive

RESOLUTION NO. 2019-_____

A RESOLUTION OF THE CITY OF KINGSVILLE AUTHORIZING THE RELEASE OF CHAPTER 59 FUNDS OF THE KINGSVILLE POLICE DEPARTMENT FOR DONATION TO THE BOY SCOUTS OF AMERICA VENADO DISTRICT.

WHEREAS, the Texas Code of Criminal Procedure, Article 59.06(h) allows for the release of Chapter 59 funds for nonprofit programs for the prevention of drug abuse;

WHEREAS, the Boy Scouts of America Venado District is a non-profit organization that provides drug abuse prevention programs through: (1) the Learning for Life character development program in the public schools of Kleberg and Kenedy counties, and (2) the advancement requirements for both Cub Scouts and Boy Scouts, which serves approximately 425 youths locally;

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

I.

THAT the City Commission authorizes the Kingsville Police Department to assist with a \$5,000 donation to the Boy Scouts of America Venado District, to help educate young people about living a drug-free and alcohol-free lifestyle. Boy Scouts of America Venado District will submit quarterly charitable contribution reporting forms to the Kingsville Police Department.

II.

THAT local elected representatives shall be encouraged to promote, endorse, and support the Boy Scouts of America Venado District in their efforts for the benefit of the community through drug abuse prevention programs.

PASSED AND APPROVED by a majority vote of the City Commission on the 13th day of May, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

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: May 3, 2019
SUBJECT: Appointment of Billy Tiffie to JAZB (Joint Airport Zoning Board)

Summary: The City of Kingsville is responsible to appoint two members to the JAZB per the enclosed resolution. One board member is Frank Baughman. The other is Ramon Perez who has since resigned. Billy Tiffie has submitted his resume and is interested in being appointed to the Joint Airport Zoning Board.

Background: Billie Tiffie is a life long resident of Kingsville who graduated from HM King High School and has been in the construction business and other businesses in the Kingsville area. Enclosed is a resume.

Financial Impact: No financial impact

Recommendation: Appoint Billy Tiffie to the Joint Airport Zoning Board.



Tom Ginter

From: Billy Tiffiee <billy.tiffiee@yahoo.com>
Sent: Monday, April 01, 2019 8:28 PM
To: Tom Ginter
Subject: City resume

William Charlie Tiffiee III

Born: Kingsville, Texas 09/20/1954
Parents: William Charlie Tiffiee Jr. (farmer) Ricardo, Texas
Roberta Dene Tiffiee (42 year school teacher) Kingsville, Texas

Education: 1972 Graduate H M King high school (Kingsville, Texas)
Attended Texas A&I University 1 year

Work Career: Hay baling business (age 14 - 17)
1974-1977 Missouri Pacific Railroad
1977-1978 Arthur Brothers Construction (Celenese plant)
1978-1989 Partnership WT Construction (Premont, Texas)
1989-1999 Owner William Tiffiee Construction (Sonora, Texas)
1999-present Owner Myane Insulation & Construction

President-GTO Construction (Three Rivers Texas)
President-On-Site water filtration service (Kingsville, Texas)
Owner D&B Enterprises
Owner Three Bar T Quarter Horses

Sincerely , Billy Tiffiee

RESOLUTION R2010-03

A RESOLUTION AUTHORIZING THE CREATION OF A JOINT AIRPORT ZONING BOARD AND INVESTING SUCH JOINT AIRPORT ZONING BOARD WITH THE POWERS SUCH BOARDS ARE AUTHORIZED TO EXERCISE UNDER THE PROVISION OF THE AIRPORT ZONING ACT, TEXAS LOCAL GOVERNMENT CODE §§ 241.001 ET SEQ.

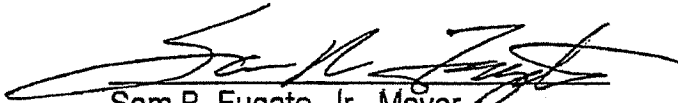
WHEREAS, the City Commission of the City of Kingsville recognizes that the continued operation of Naval Air Station Kingsville (NAS Kingsville) is important to the economy of the City of Kingsville, Kleberg County, and the region and that its future operational capacity should be protected because it fulfills an essential community purpose; and

WHEREAS, a joint airport zoning board is necessary to coordinate future planning efforts of the City of Kingsville and Kleberg County to avoid airport hazards and to maintain the operational capacity of NAS Kingsville;

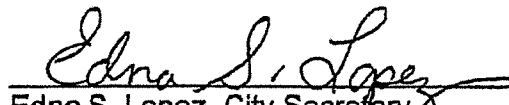
NOW, THEREFORE BE IT RESOLVED by the City Commission of the City of Kingsville, Texas, that:

1. The City Commissioners of the City of Kingsville, Texas, as authorized by the provisions of the Airport Zoning Act, Texas Local Government Code, §§ 241.001 et seq., hereby creates a joint airport zoning board to be known as the Kingsville-Kleberg County Joint Airport Zoning Board, which board shall have the powers and exercise the duties set forth in Texas Local Government Code, §§ 241.014.
- *2. The Kingsville-Kleberg County Joint Airport Zoning Board shall be composed of five (5) members, two (2) members to be appointed by the County Commission of Kleberg County, Texas; two (2) members to be appointed by the City Commission of the City of Kingsville; and, one (1) member elected by a majority of the members so appointed and said fifth member shall serve as chairman of the said Kingsville-Kleberg County Joint Airport Zoning Board.
3. Exercising its rights as an appointing authority, the City Commission of the City of Kingsville, Texas, shall appoint, by a majority vote, two members to a new joint airport zoning board. The initial term for one member shall be three years and a term of two years for the second member. Subsequent terms for both members shall be two years.
4. This resolution shall be in full force and effect from and after its passage by this City Commission.

PASSED AND APPROVED by a majority vote of the Kingsville City Commission
on the 25 day of January, 2010.


Sam R. Fugate, Jr., Mayor

ATTEST:


Edna S. Lopez, City Secretary

APPROVED AS TO FORM:


Courtney Alvarez, City Attorney

AGENDA ITEM #6

RESOLUTION #2019-_____

A RESOLUTION AND ORDER CANVASSING THE ELECTION RETURNS AND DECLARING THE RESULTS OF THE CITY OF KINGSVILLE'S SPECIAL ELECTION CONDUCTED ON MAY 4, 2019.

WHEREAS, the City Commission of the City of Kingsville, Texas (the "City") ordered an election to be held in the City on May 4, 2019, on the PROPOSITIONS hereinafter stated;

WHEREAS, the City Commission of the City (the "Commission") has investigated all matters pertaining to said election, including the ordering, giving notice, officers, holding, and making returns of said election; and

WHEREAS, the election officers who held said election have duly made the returns of the result thereof, and said returns have been duly delivered to the Commission.

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

1. The Commission officially finds and determines that said election was duly ordered; proper notice of said election was duly given; proper election officers were duly appointed prior to said election; said election was duly held; the City has complied with applicable law including the Texas Election Code; due returns of the result of said election have been made and delivered; and the Commission has duly canvassed said returns, all in accordance with law and the Ordinance calling said election.

2. The Commission officially finds and determines that the following votes were cast at said election on the submitted PROPOSITIONS by the resident, qualified electors of the City, who voted at the election:

PROPOSITION A

"Authorizing the City Commission of the City of Kingsville, Texas to provide for the renovation, planning, acquisition, development, construction, equipment, expansion, and financing of new and existing facilities at the J.K. Northway Exposition Center and any related infrastructure, a sports and community venue project of the type described and defined in Chapter 334, Texas Local Government Code (the "Venue Project"), and described generally as a community event center with public restrooms, parking, concessions, receiving areas, dressing room facilities, break out rooms, multi-use event space, and/or other type of area or facility that is planned for use for one or more civic, charitable, or community events, and to impose the following tax to pay the costs of the venue project and to secure the payment of revenue bonds of the City issued to pay the costs of the venue project: a hotel occupancy tax on the use or possession of a room that is in a hotel located within the City, at a maximum rate of 2% of the price paid for such room; and if approved, the maximum hotel occupancy tax rate imposed from all sources in the City would be 15% of the price paid for a room in a hotel, for the purpose of financing the Venue Project."

TOTAL VOTES FOR PROPOSITION A:

FOR	259
AGAINST	22

PROPOSITION B

"Authorizing the City Commission of the City of Kingsville, Texas, to provide for the sale of the following city park land, the proceeds from which may only be used to acquire and improve city park land in accordance with section 253.001, Texas Local Government Code:

-Kenedy Park (1.4141 ac.)
-Corner of Lantana and Richard Ave. (9,176.5 sq. ft.)
-Corner of Alice and Richard Ave. (3,120.92 sq. ft.)."

TOTAL VOTES FOR PROPOSITION B:

FOR	251
AGAINST	29

3. The Commission officially finds, determines, and declares the result of said election to be that the PROPOSITIONS so submitted have received a favorable majority vote in all respects and have carried.

4. The document attached hereto as Exhibit A is the official tabulation stating the total number of votes received for each proposition at said election.

5. The aforesaid bonds described in the PROPOSITION A may be issued, and the aforesaid bond taxes may be levied, assessed, and collected annually as voted and as provided by law.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

CERTIFICATE FOR ORDINANCE

We, the undersigned Mayor and City Secretary of the City of Kingsville, Texas (the "City"), hereby certify as follows:

1. The City Commission of the City of Kingsville (the "City Commission") convened in [regular] session, open to the public, on May 13, 2019, at the meeting place designated in the notice (the "Meeting"), and the roll was called of the members, to wit:

Sam R. Fugate, Mayor
Hector Hinojosa, Commissioner
Dianne Leubert, City Commissioner

Edna Lopez, City Commissioner
Arturo Pecos, City Commissioner

All members of the City Commission were present, except _____, thus constituting a quorum. Whereupon among other business, the following was transacted at the Meeting: a written

ORDINANCE CANVASSING ELECTION RETURNS

(the "Ordinance") was duly introduced for the consideration of the City Commission. It was then duly moved and seconded that the Ordinance be finally passed and adopted; and after due discussion, such motion, carrying with it the adoption of the Ordinance prevailed and carried by the following vote:

YES: _____ NOES: _____ ABSTENTIONS: _____

2. A true, full, and correct copy of the Ordinance adopted at the Meeting is attached to and follows this Certificate; the Ordinance has been duly recorded in the City Commission's minutes of the Meeting; the above and foregoing paragraph is a true, full, and correct excerpt from the City Commission's minutes of the Meeting pertaining to the adoption of the Ordinance; the persons named in the above and foregoing paragraph are duly chosen, qualified, and acting officers and members of the City Commission as indicated therein; each of the officers and members of the City Commission was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the Meeting, and that the Ordinance would be introduced and considered for adoption at the Meeting and each of such officers and members consented, in advance, to the holding of the Meeting for such purpose; and the Meeting was open to the public, and public notice of the time, place, and purpose of the Meeting was given, all as required by Chapter 551, Texas Government Code, as amended.

3. Mary Valenzuela is the duly appointed and acting City Secretary of the City of Kingsville.

SIGNED AND SEALED this May 13, 2019.

City Secretary

Mayor

(SEAL)

AGENDA ITEM #7

RESOLUTION #2013-21

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE KINGSVILLE FIRE DEPARTMENT AND U.S. CUSTOMS AND BORDER PROTECTION, OFFICE OF BORDER PATROL, RIO GRANDE VALLEY SECTOR; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Kingsville Fire Department has been approached by the Border Patrol to conduct a program of clinical education or field work experience at the Fire Department to help train the agency's Emergency Medical Technicians and Emergency Medical Technician students;

WHEREAS, the Department is agreeable to conduct the training under the guidelines stated in the attached agreement;

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 Memorandum of Understanding between the Kingsville Fire Department and U.S. Customs and Border Protection, Office of Border Patrol, Rio Grande Valley Sector 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 22 day of April, 2013.


Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela
Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez
Courtney Alvarez, City Attorney

Memorandum of Understanding
Between:
KINGSVILLE FIRE DEPARTMENT
and
U.S. Customs and Border Protection,
Office of Border Patrol, Rio Grande Valley Sector

I. PARTIES. The parties to Memorandum of Understanding ("Agreement") are the Department of Homeland Security, U.S. Customs and Border Protection, Office of Border Patrol, Rio Grande Valley Sector ("Border Patrol") and KINGSVILLE FIRE DEPARTMENT .

II. PURPOSE. The purpose of this Agreement is to set forth the terms by which the Border Patrol seeks to obtain a program of clinical education or field work experience at KINGSVILLE FIRE DEPARTMENT for its Emergency Medical Technicians and Emergency Medical Technician students and by which the KINGSVILLE FIRE DEPARTMENT is willing to provide such experiences. Both the Border Patrol and KINGSVILLE FIRE DEPARTMENT hereby agree to cooperate and work in good faith with each other to provide program(s), whereby students may obtain certifications as Emergency Medical Technicians, or enhance their skills as Emergency Medical Technicians, as a result of the clinical work or field experience gained at KINGSVILLE FIRE DEPARTMENT ("Program").

III. RESPONSIBILITIES.

A. JOINT RESPONSIBILITIES.

1. The clinical training provided in the Program shall include those services, which are mutually agreed upon between the parties.
2. Consideration for this Agreement shall consist of the mutual promises contained herein, the parties agreeing that monetary compensation shall neither be expected nor received by either party.

B. BORDER PATROL. The Border Patrol agrees to fulfill the following obligations during the term of this Agreement:

1. Comply with the educational standards of the appropriate accreditation bodies.
2. Communicate with KINGSVILLE FIRE DEPARTMENT, through the KINGSVILLE FIRE DEPARTMENT'S Program Supervisor, on all items pertinent to the Program.

3. Notify KINGSVILLE FIRE DEPARTMENT through KINGSVILLE FIRE DEPARTMENT'S Program Supervisor, of the planned schedule of student assignments, including the names of the students, each student's level of academic preparation, and length and dates of each student's assignment in the Program.
4. Refer to KINGSVILLE FIRE DEPARTMENT only students who have satisfactorily completed the prerequisite didactic portion of the curriculum applicable to KINGSVILLE FIRE DEPARTMENT .
5. Ensure that each student has provided proof of vaccination for, or serologic immunity to Measles, Mumps, Rubella, annual negative TB skin test or chest x-ray; and; Tetanus/Diphtheria inoculation within previous ten years.
6. Ensure that each student provide evidence of being immunized for Hepatitis B/Chickenpox or provide a written formal refusal of the vaccine.
7. Ensure that the students and the Border Patrol faculty support and follow KINGSVILLE FIRE DEPARTMENT 'S policies, rules and regulations.
8. Require that the students and Border Patrol faculty dress in a professional manner and wear a visible name tag identifying their level of training and name.
9. Implement a mechanism to notify KINGSVILLE FIRE DEPARTMENT if a student is unable for any reason to report for training.
10. Provide faculty that are approved by the certifying or accrediting agencies to supervise the clinical aspects of the Program. Such faculty member(s) retain(s) the ultimate responsibility of monitoring and supervising the students.
11. Make provisions for the Border Patrol faculty to engage in continuing communication and periodic evaluation and planning meetings with KINGSVILLE FIRE DEPARTMENT personnel involved with student learning, including preceptors, if assigned. Any problems arising from student training and the involvement of preceptors will be handled as they arise by the supervising Border Patrol faculty member and KINGSVILLE FIRE DEPARTMENT staff member(s). In the event of continued difficulty, the problem will be referred to the appropriate KINGSVILLE FIRE DEPARTMENT Administrator and the Border Patrol Administrator or equivalent.

12. Instruct the students and Border Patrol faculty to maintain the confidentiality of all information about KINGSVILLE FIRE DEPARTMENT 's patients/customers, including information about KINGSVILLE FIRE DEPARTMENT 's, diagnosis, evaluation, treatment of such patients, financial condition, or services rendered as required by applicable State and Federal laws and KINGSVILLE FIRE DEPARTMENT 's bylaws, rules and regulations. If, during the course of the Program and in conjunction with the Program requirements, employees and agents of KINGSVILLE FIRE DEPARTMENT are informed of or possess records of any student, KINGSVILLE FIRE DEPARTMENT shall comply with the confidentiality requirements of all federal and State laws and regulations in the handling of such records.

C. KINGSVILLE FIRE DEPARTMENT . KINGSVILLE FIRE DEPARTMENT agrees to fulfill the following obligations during the term of this Agreement:

1. Maintain standards for appropriate health care services that are conducive to sound educational experiences for the students.
2. Assign a designee, with the required credentials, who will be responsible for facilitating the fieldwork/clinical experience of the students.
3. Make available to the students and Border Patrol faculty library facilities, appropriate records and equipment, classroom and conference space.
4. Provide orientation for the students and Border Patrol faculty to the physical facilities, policies and procedures of the KINGSVILLE FIRE DEPARTMENT .
5. Provide emergency medical care for students and Border Patrol faculty in the event of an illness or accident during his/her participation in the Program, the costs of which shall be borne by the individual student or Border Patrol faculty member or such individual's worker's compensation carrier, as applicable.
6. Advise the Border Patrol of any deficits noted in the ability of an assigned student to progress toward achievement of stated Program objectives in writing, and assist the Border Patrol and the student in attempting to correct these deficits. It will be the mutual responsibility of the student, the Border Patrol faculty, the fieldwork/clinical educator, and the academic fieldwork/clinical coordinator to develop a plan by which the student may be assisted to achieve the stated Program objectives.
7. Permit, upon written request from the Border Patrol, the inspection of the facilities, fieldwork, and services by the accrediting agencies.
8. KINGSVILLE FIRE DEPARTMENT shall notify the Border Patrol of the number of students it can accommodate during a given period of time.

9. **KINGSVILLE FIRE DEPARTMENT** has the right to recommend termination of any student's participation in the Program when such student's health or performance is a detriment to a patient's well-being, or to the achievement of the stated objectives of the Program. **KINGSVILLE FIRE DEPARTMENT** shall provide written documentation specifying the facts and circumstances necessitating such request for recommending termination of the student. The Border Patrol shall have the opportunity to review and to evaluate said student's health or conduct necessitating the termination.

IV. **POINTS OF CONTACT.** All notices or other communications provided for in this Agreement shall be directed to the parties at the addresses below. Either party may change this address by providing written notice to the other party at the address listed below.

Border Patrol:

HECTOR R. ELIZONDO
2301 S. MAIN ST.
McALEEN, TEXAS 78503

KINGSVILLE FIRE DEPARTMENT:

City of Kingsville
City Manager's Office
P.O. Box 1438
Kingsville, TX 78364

V. **LIABILITY INSURANCE.** **KINGSVILLE FIRE DEPARTMENT** acknowledges that the Border Patrol is a government agency within the Department of Homeland Security and that, as such, the Border Patrol is self-insured under the Federal Tort Claims Act with respect to liability for property damage, personal injuries, or accidents caused by its employees in the course of official business. This includes medical training, which has been assigned to specific agents as part of their job description and/or collateral duty. In addition, Border Patrol employees are covered by the U.S. Department of Labor's Office of Worker's Compensation Programs with respect to injuries suffered in the course of federal employment or training. Such student will be responsible for providing the required documentation directly to **KINGSVILLE FIRE DEPARTMENT**.

VI. **PARTIES' RELATIONSHIP.** It is understood and agreed that the parties are independent contractors and this Agreement shall not create any relationship of agency, partnership, joint venture or create an employment relationship between **KINGSVILLE FIRE DEPARTMENT**, the students or the Border Patrol faculty. It is understood and agreed that **KINGSVILLE FIRE DEPARTMENT** retains the ultimate responsibility for patient record keeping and for patient care while the Border Patrol and the students retain the obligations and limitations expressly stated in this Agreement.

VII. **OTHER PROVISIONS.** Nothing in this Agreement is intended to conflict with current law or regulation or the directives of the Department of Homeland Security, U.S. Customs and Border Protection, Border Patrol or **KINGSVILLE FIRE DEPARTMENT**. If a term of this Agreement is inconsistent with such authority, then that term shall be

invalid, but the remaining terms and conditions of this Agreement shall remain in full force and effect.

VIII. EFFECTIVE DATE. This Agreement will become effective on the date on which it is mutually entered into by the Border Patrol and KINGSVILLE FIRE DEPARTMENT (the "Effective Date").

IX. TERM. The initial term of this Agreement shall be for one (1) year from the Effective Date. At the end of the initial term, this Agreement shall automatically renew for one (1) additional term of two (2) years, unless terminated as hereinafter provided. Notwithstanding the terms specified herein, this Agreement may be terminated by either party as provided in Section XI of this Agreement. This Agreement is subject to annual review as required by both parties and external licensing entities.

X. MODIFICATION. This Agreement contains the entire understanding of the parties and shall be modified only by an instrument in writing signed on behalf of each party.

XI. TERMINATION. This Agreement may be terminated prior to the expiration of the term hereof by mutual agreement of the parties; or by either party, without cause, upon thirty (30) days written notice to the other party; however, no such termination shall be effective upon any student enrolled in the Program, until the expiration of the then current course for such student.

XII. GOVERNING LAW AND JURISDICTION. This Agreement shall be governed in all respects by, and be construed in accordance with, the laws of the United States.

XIII. CLAIMS OR ACTIONS. That with respect to any claim or action arising out of any activities performed under or pursuant to this Agreement, pursuant to paragraph V, each party shall be liable for payment of that portion of any and all claims, liability, costs, expenses, demands, settlements, or judgments resulting from the negligence, actions, or omissions of itself or its own directors, representatives, and employees. The parties agree to notify each other, in writing, immediately upon receipt of any incident, occurrence, or claim arising out of or in connection with this Agreement, which could result in a liability or claim of liability to the other party.

XIV. COUNTERPART SIGNATURE. This Agreement may be executed in one or more counterparts (facsimile transmission or otherwise), each counterpart shall be deemed an original and all of which shall constitute but one Agreement.

XV. NO WAIVER. No waiver of a breach of any provision of this Agreement shall be construed to be a waiver of any breach of any other provision. No delay in acting with regard to any breach of any provision of this Agreement shall be construed to be a waiver of such breach.

XVI. RIGHTS IN PROPERTY. All title to KINGSVILLE FIRE DEPARTMENT supplies, equipment, furnishings, fiscal records, client charts, and client records shall remain the sole property of the KINGSVILLE FIRE DEPARTMENT.

XVII. AUTHORIZATION OF AGREEMENT. Each party represents and warrants to the other that the execution of this Agreement has been duly authorized and that this Agreement constitutes a valid and enforceable obligation of such party according to its terms.

XVIII. SECTION HEADINGS. The headings of sections contained in this Agreement are for convenience only and they shall not, expressly or by implication, limit, define, extend, or construe the terms or provisions of the sections of this Agreement.

XIX. NO PRIVATE RIGHT CREATED. This document is an internal agreement between KINGSVILLE FIRE DEPARTMENT and the Border Patrol and does not create or confer any right or benefit on any other person or party, private or public. Nothing in this Agreement, addenda, attachments or other associated documents restricts the authority of either party to act as provided by law, statute, or regulation, nor does it restrict either party from enforcing any laws or taking any action within its authority or jurisdiction.

XX. NO PUBLICATION. Neither the Border Patrol nor KINGSVILLE FIRE DEPARTMENT shall submit for publication any material relating to the Program without prior written approval of the non-submitting party.

XXI. NON-EXCLUSIVITY. Each party shall have the right to enter into similar agreements with other parties.

XXII. NON-DISCRIMINATION. The Border Patrol and KINGSVILLE FIRE DEPARTMENT mutually agree to make no distinction among students, on the basis of race, color, sex, creed, age, sexual orientation, marital status, or national origin. For the purpose of this Agreement, in addition to the aforementioned, a student shall not be denied any service or benefit that is different, is provided in a different manner or at a different time from the service provided to other students under this Agreement. A student may not be subjected to segregation or separate treatment in any manner related to receipt of any advantage or privilege enjoyed by others receiving the same service or benefit; or any other requirement or condition that individuals must meet in order to be provided any service or benefit.


XXIII. WAIVER OF CONSTRUCTION AGAINST DRAFTER. Both parties have contributed to the review and drafting of this Agreement, with the assistance of their respective legal counsel. Therefore, both parties waive the rule of construction against the drafter.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

KINGSVILLE FIRE DEPARTMENT and the Border Patrol hereby agree that all oral or written agreements between them that were made prior to the execution of this Agreement have been reduced to writing and are contained herein. By signing below, each party acknowledges they are executing an interagency agreement based on the conditions and definitions contained in this Agreement.

IN WITNESS WHEREOF, KINGSVILLE FIRE DEPARTMENT and the Border Patrol have executed this Agreement, in multiple originals, to be effective as of the date on which this Agreement is fully executed.

UNITED STATES BORDER PATROL,
RIO GRANDE VALLEY SECTOR



Rosendo Ginojosa, Chief Patrol Agent
U.S. Border Patrol, Rio Grande Valley Sector

Date MAY 13 2013

CITY OF KINGSVILLE FIRE DEPARTMENT

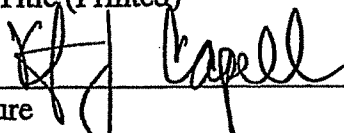


Joey Reed, Fire Chief, City of Kingsville Fire Department

Date 4/22/13

CITY OF KINGSVILLE REPRESENTATIVE

Vincent J. Capell / City Manager
Name/Title (Printed)



Signature

Date 4/23/13

Cesar E. Falcon

Border Patrol Agent

Sector Lead Medic (N. COG)

Chaplain, AEMT

U.S. Department of Homeland Security

1501 E. Expressway 83

Weslaco, Texas 78599

956 647-8800 tel 956 454-7677 cel

956 647-8989 fax

cesar.e.falcon@cbp.dhs.gov

cef21173@yahoo.com



U.S. Customs and
Border Protection

RESOLUTION #2015- 70

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EXTENSION OF MEMORANDUM OF UNDERSTANDING BETWEEN THE KINGSVILLE FIRE DEPARTMENT AND U.S. CUSTOMS AND BORDER PROTECTION, OFFICE OF BORDER PATROL, RIO GRANDE VALLEY SECTOR; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville Fire Department was previously approached in 2013 by the Border Patrol to conduct a program of clinical education or field work experience at the Fire Department to help train the agency's Emergency Medical Technicians and Emergency Medical Technician students;

WHEREAS, the City of Kingsville approved a Memorandum of Understanding (MOU) between the Kingsville Fire Department and U.S. Customs and Border Protection, Office of Border Patrol, Rio Grande Valley Sector (for Emergency Medical Technicians and Emergency Medical Technician students) on April 22, 2013 via Resolution #2013-27 and now desires to extend that MOU;

WHEREAS, the current MOU is set to expire on April 23, 2016 and the attached Extension of MOU would extend the agreement for a period of three years, causing the extension to expire on or about April 23, 2019;

WHEREAS, the City of Kingsville Fire Department is agreeable to conduct the training under the guidelines stated in the attached Extension and the original MOU agreements.

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 an Extension of Memorandum of Understanding between the Kingsville Fire Department and U.S. Customs and Border Protection, Office of Border Patrol, Rio Grande Valley Sector, 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.

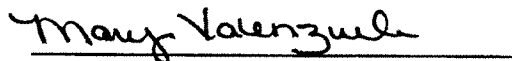
III.

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

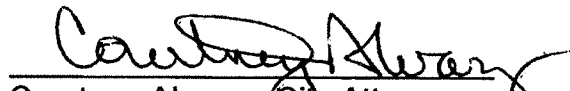
PASSED AND APPROVED by a majority vote of the City Commission on the
14th day of December, 2015.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, City Secretary

APPROVED AS TO FORM:


Courtney Alvarez, City Attorney

**Extension of
Memorandum of Understanding
Between:
KINGSVILLE FIRE DEPARTMENT
and
U.S. Customs and Border Protection,
Office of Border Patrol, Rio Grande Valley Sector**

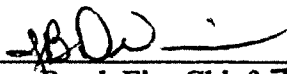
On April 23, 2013, the above-mentioned parties entered into a Memorandum of Understanding ("MOU") concerning participation by Border Patrol in a program of clinical education / field work experience at KINGSVILLE FIRE DEPARTMENT for its Emergency Medical Technicians and Emergency Medical Technician students.

Whereas, the parties agree that, in the light of the positive outcome of cooperation activities carried out to date, they desire to extend the MOU for a further period of three years.

Accordingly, the parties hereby agree that the MOU shall be extended for a period of three years effective from the date of signature below.

Raul Ortiz, Acting Chief Patrol Agent
U.S. Border Patrol, Rio Grande Valley Sector

Date _____



Joey Reed, Fire Chief Jim DeVisser, Interim Fire Chief
City of Kingsville Fire Department

Date December 15, 2015

Jesús A. Garza

Name / Title (Printed)
City of Kingsville Representative



Signature

Date 12/15/15

RESOLUTION #2019-_____

A RESOLUTION AUTHORIZING THE FIRE CHIEF TO ENTER INTO AN EXTENSION OF MEMORANDUM OF UNDERSTANDING BETWEEN THE KINGSVILLE FIRE DEPARTMENT AND U.S. CUSTOMS AND BORDER PROTECTION, OFFICE OF BORDER PATROL, RIO GRANDE VALLEY SECTOR; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville Fire Department was previously approached in 2013 by the Border Patrol to conduct a program of clinical education or field work experience at the Fire Department to help train the agency's Emergency Medical Technicians and Emergency Medical Technician students;

WHEREAS, the City of Kingsville approved a Memorandum of Understanding (MOU) between the Kingsville Fire Department and U.S. Customs and Border Protection, Office of Border Patrol, Rio Grande Valley Sector (for Emergency Medical Technicians and Emergency Medical Technician students) on April 22, 2013 via Resolution #2013-27 and extend that MOU once on December 14, 2015 via Resolution #2015-70;

WHEREAS, the parties desire to extend the MOU again for a period of three years as per the attached Extension of MOU, which would cause the new extension to expire on or about April 23, 2022;

WHEREAS, the City of Kingsville Fire Department is agreeable to conduct the training under the guidelines stated in the attached Extension and the original MOU agreements.

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

I.

THAT the Fire Chief is authorized and directed as an act of the City of Kingsville, Texas to enter into an Extension of Memorandum of Understanding between the Kingsville Fire Department and U.S. Customs and Border Protection, Office of Border Patrol, Rio Grande Valley Sector, 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
_____ 13th day of May, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**Extension of
Memorandum of Understanding
Between:
KINGSVILLE FIRE DEPARTMENT
and
U.S. Customs and Border Protection,
Office of Border Patrol, Rio Grande Valley Sector**

On April 23, 2013, the above-mentioned parties entered into a Memorandum of Understanding ("MOU") concerning participation by Border Patrol in a program of clinical education / field work experience at Kingsville Fire Department for its Emergency Medical Technicians and Emergency Medical Technician students.

Whereas, the parties agree that, in the light of the positive outcome of cooperation activities carried out to date, they desire to extend the MOU for a further period of three years.

Accordingly, the parties hereby agree that the MOU shall be extended for a period of three years effective from the date of signature below.

Roldolfo Karish, Chief Patrol Agent
U.S. Border Patrol, Rio Grande Valley Sector

Date _____

Adrian Garcia, Chief
Kingsville Fire Department

Date _____

AGENDA ITEM #8

Donation

**City of Kingsville
Parks & Recreation Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Susan Ivy, Parks Manager

DATE: May 3, 2019

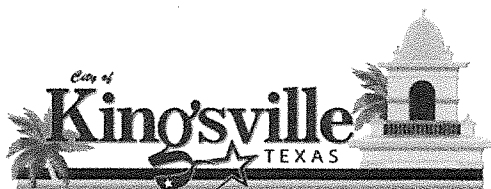
SUBJECT: Agenda Request – Receipt of donations for Healthy Family Events

Summary: We are requesting that Commission authorize the receipt of a \$1200.00 donation from La Posada de Kingsville and 500.00 from Christus Spohn as partners of our Healthy Family Initiative.

Background: In a previous meeting we have provided information regarding our fundraising campaign “Healthy Family Partners Events” to assist with our annual recreational programming. These events have included Snow Day, Holiday Camps, Ranch Hand Festival, Spring Break, Festival de la Loteria, MLK Taste of Soul and will include our upcoming Summer Activities and 4th of July fun.

Financial Impact: These donations will increase our funds available for recreational programming by \$1700.00.

Recommendation: We ask that Commission authorize the receipt of \$1700.00 in donations and approve the associated budget amendment needed to record the funds in the Parks Department line item for recreational programming 001-5-4513-31499.



AGENDA ITEM #9

**City of Kingsville
Parks & Recreation Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Susan Ivy, Parks Manager

DATE: May 3, 2019

SUBJECT: Agenda Request – Receipt of donations for Healthy Family Events

Summary: We are requesting that Commission authorize the receipt of a \$1200.00 donation from La Posada de Kingsville and 500.00 from Christus Spohn as partners of our Healthy Family Initiative.

Background: In a previous meeting we have provided information regarding our fundraising campaign “Healthy Family Partners Events” to assist with our annual recreational programming. These events have included Snow Day, Holiday Camps, Ranch Hand Festival, Spring Break, Festival de la Loteria, MLK Taste of Soul and will include our upcoming Summer Activities and 4th of July fun.

Financial Impact: These donations will increase our funds available for recreational programming by \$1700.00.

Recommendation: We ask that Commission authorize the receipt of \$1700.00 in donations and approve the associated budget amendment needed to record the funds in the Parks Department line item for recreational programming 001-5-4513-31499.



ORDINANCE NO. 2019-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2018-2019 BUDGET TO RECEIVE AND EXPEND DONATIONS FROM LA POSADA AND CHRISTUS SPOHN HOSPITAL FOR RECREATIONAL PROGRAMS.

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 001 – General Fund					
<u>Revenues - 4</u>					
0000	4513	Recreation	58003	\$1,700	
Fund 001 – General Fund					
<u>Expenditures - 5</u>					
4513	31499	Recreation Programs	31499	\$1,700	

[To amend the City of Kingsville FY 18-19 Budget to receive and expend donations from La Posada and Christus Spohn Hospital for recreation programs. Funds will come from the donations received.]

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 13th day of May 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 #10

**City of Kingsville
Legal Department**

TO: Mayor and City Commissioners

CC: Deborah Balli, Interim City Manager

FROM: Courtney Alvarez, City Attorney

DATE: May 3, 2018

SUBJECT: Resolution regarding AEP Texas Inc. Rate Increase

Summary: On May 1, 2019, AEP Texas Inc. filed with the PUC, the City of Kingsville, and other cities that have retained original jurisdiction over AEP Texas a request to increase its charges for the use of its transmission and distribution lines and related services. A resolution has been prepared so that the City can temporarily suspend the rate increase, hire outside counsel and consultants at no expense to the City, and join other cities in challenging the rate case to ensure the requested increases are appropriate.

Background:

AEP Texas Inc ("AEP Texas" or "Company") filed an application on May 1, 2019 with cities retaining original jurisdiction seeking to increase system-wide distribution rates by \$38.3 million per year (an increase of 4.2%) and decrease system-wide transmission rates by \$3.16 million (a decrease of 0.7%).

The Company also asks the City to approve consolidated rates and tariffs for its Central and North Divisions. According to AEP Texas, the impact of this approval on an average residential customer would be an increase of about \$4.75 per month for customers in the Central Division, and a decrease of \$5.01 for customers in the North Division.

The attached resolution suspends the June 5, 2019 effective date of the Company's rate change for the maximum period permitted by law to allow the City, working in conjunction with other Cities served by AEP Texas, to intervene in the Public Utility Commission Docket No. 49494 to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.



City of Kingsville Legal Department

The law provides that a rate request made by an electric utility cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. **If the City fails to take some action regarding the filing before the effective date of June 5, 2019, AEP Texas's rate request is deemed approved.**

Purpose of this Resolution:

The purpose of this Resolution is to suspend the Statement of Intent to Change Rates proposed by AEP Texas and authorize the City to intervene in the Company's rate case proceeding before the Public Utility Commission in Docket No. 49494.

Explanation of "Be It Resolved" Paragraphs:

Section 1. The City is authorized to suspend the rate change for 90 days after the date that the rate change would otherwise be effective for any legitimate purpose. Time to study and investigate the application is always a legitimate purpose. Please note that the resolution refers to the suspension period as "the maximum period allowed by law" rather than ending by a specific date. This is because the Company controls the effective date and can extend the deadline for final city action to increase the time that the City retains jurisdiction if necessary to reach settlement on the case. If the suspension period is not otherwise extended by the Company, the City must take final action on AEP Texas' request to change rates by June 5, 2019.

Section 2. This provision authorizes the City to participate in a coalition of Cities served by AEP Texas ("Cities") in order to more efficiently represent the interests of the City and their citizens and authorizes the hiring of Lloyd Gosselink and consultants to review the filing, negotiate with the Company, and make recommendations to the City regarding reasonable rates. Additionally, it authorizes Cities to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

Section 3. This section authorizes the City to intervene in and participate with Cities Served by AEP Texas as a party in the Company's filing, PUC Docket No. 49494.

Section 4. The Company will reimburse the cities for their reasonable rate case expenses. Legal counsel and consultants approved by Cities will submit monthly invoices that will be forwarded to AEP Texas for reimbursement. No individual city incurs liability for payment of rate case expenses by adopting a suspension resolution.



**City of Kingsville
Legal Department**

Section 4. This section merely recites that the resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.

Section 5. This section provides that both AEP Texas' counsel and counsel for the Cities will be notified of the City's action by sending a copy of the approved and signed resolution to certain designated individuals.

Financial Impact: None. As a ratemaking proceeding, cities are entitled to reimbursement of their legal and consulting expenses. Thus, there will be no direct charge to the City as a participant in the rate case.

Recommendation: Approve the resolution.



RESOLUTION NO. 2019-_____

RESOLUTION OF THE CITY OF KINGSVILLE, TEXAS SUSPENDING THE JUNE 5, 2019 EFFECTIVE DATE OF AEP TEXAS INC.'S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE CITIES SERVED BY AEP TEXAS AND AUTHORIZING INTERVENTION IN AEP TEXAS INC.'S REQUESTED RATE CHANGE PROCEEDINGS BEFORE THE COMMISSION; HIRING LLOYD GOSSELINK ATTORNEYS AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, on or about May 1, 2019, AEP Texas Inc. ("AEP Texas" or "Company"), pursuant to Public Utility Regulatory Act ("PURA") §§ 33.001 and 36.001 filed with the City of Kingsville ("City") a Statement of Intent to change electric delivery rates in all municipalities exercising original jurisdiction within its service area, effective June 5, 2019; and

WHEREAS, the City is an electric utility customer of AEP Texas and a regulatory authority with an interest in the rates and charges of AEP Texas; and

WHEREAS, the City is a member of the Cities Served by AEP Texas ("Cities"), a membership of similarly situated cities served by AEP that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in AEP Texas' service area; and

WHEREAS, PURA § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

WHEREAS, the City retains its rights as a city with original jurisdiction including the right to suspend the application; and

WHEREAS, PURA § 33.023 provides that costs incurred by Cities in ratemaking activities are to be reimbursed by the regulated utility; and

WHEREAS, the City's consultants and attorneys recommend that the City suspend the application for further review.

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

SECTION 1. That the June 5, 2019, effective date of the rate request submitted by AEP Texas on or about May 1, 2019, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

SECTION 2. That the City joins other Cities Served by AEP Texas in this proceeding and, subject to the right to terminate employment at any time, hereby authorizes the hiring of Thomas Brocato of Lloyd Gosselink Rochelle and Townsend, P.C, and consultants to review the Company's filing, negotiate with the Company, make recommendations regarding reasonable rates and to direct any necessary administrative proceedings or court litigation associated with an appeal of city action.

SECTION 3. That the City shall work with Cities Served by AEP Texas in the review and evaluation of whether the proposed rates are appropriate, fair, just, and reasonable; and, intervene as a necessary party in the Public Utility Commission of Texas' consideration of AEP Texas' rate filing in Docket No. 49494 as it affects the customers in the unincorporated areas of AEP Texas' service territory.

SECTION 4. That the City's reasonable rate case expenses shall be reimbursed by AEP Texas.

SECTION 5. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

SECTION 6. A copy of this Resolution shall be sent to AEP Texas, care of Jennifer Frederick, American Electric Power Company, 400 West 15th Street, Suite 1520, Austin, Texas 78701 (jjfrederick@aep.com), and to Thomas Brocato at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 (tbrocato@lglawfirm.com).

PASSED AND APPROVED this the 13th day of May, 2019.

Sam R. Fugate, Mayor, City of Kingsville

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #11

AGENDA ITEM #12

RESOLUTION #2019-_____

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR EXECUTIVE RECRUITMENT SERVICES WITH SGR, INC. FOR THE CITY MANAGER POSITION; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has a vacancy in the City Manager position and desires to have an executive search firm assist with locating a person for the position; and,

WHEREAS, the City solicited informal written proposals from five executive search firms and received responses from three of those firms; and,

WHEREAS, the City Commission awarded the proposal to SGR, Inc. at a Special Meeting on May 6, 2019; and,

WHEREAS, SGR, Inc. shall provide executive search services to the City with respect to its City Manager position pursuant to the agreement and the scope of services set forth in the attached agreement.

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 Agreement for Executive Recruitment Services for the City Manager Position between Strategic Government Resources, Inc. ("SGR") and the City of Kingsville ("Organization") 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
13th day of May, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



Date: April 23, 2019

**Agreement for Executive Recruitment Services
for City Manager Position
between**

Strategic Government Resources, Inc. ("SGR")

and

City of Kingsville, Texas ("Organization")

Scope of Services. SGR shall provide all services for recruitment as described in abbreviated form as follows:

- Develop a position profile and recruitment brochure for the position.
- Place ads in appropriate professional publications, as approved.
- Social media and email marketing of position.
- Identify high-probability prospects and follow up with those prospects.
- Receive, track, and maintain all inquiries and applications.
- Conduct a "triage" level review of all resumes and conduct initial phone/email conversations with candidates.
- Develop written questionnaire customized to the position, distribute questionnaires to semifinalist candidates, and evaluate responses.
- Conduct pre-recorded online interviews with up to 12 semifinalist candidates.
- Conduct Stage 1 Media Searches on up to 12 semifinalist candidates.
- Provide periodic updates regarding the progress of the search, as frequently as desired.
- Assist Organization in developing a short list of up to 6 finalist candidates recommended for interviews, and present a verbal briefing on relevant issues related to each.
- Assist in preparation of recommended interview questions and of the interview process.
- Conduct comprehensive Stage 2 Media Searches on up to 6 finalist candidates.
- Conduct psychometric assessments on up to 6 finalist candidates, if requested.
- Conduct Reference Checks. Our reference checks are the most comprehensive in the industry. We will talk to as many professional contacts as necessary in order to fully understand a given candidate's style, personality, strengths, and weaknesses. We will ask candidates for contacts from their current or most recent organization, including:

- All Department Heads and/or Direct Reports
- Two Professional Peers in other organizations
- All Assistant or Deputy City Managers, if any
- All Elected Officials
- Two Community Leaders
- Any other individuals who would provide meaningful insights

We always seek out the candidate's greatest critics and greatest fans to ensure a complete, yet balanced, perspective and overview of each candidate.

- Conduct comprehensive background investigation on up to 6 finalist candidates consisting of criminal, sex offender, civil, and credit check conducted by an outside investigative entity on a contract basis.

The Organization shall:

- Provide photos/graphics and information necessary to develop position profile brochure.
- Provide reproduction of hard copy brochure production, if desired.
- Provide any direct mailings desired by the Organization.
- Provide legal opinions to SGR regarding when and if any information must be released in accordance with Public Information requests.
- Reimburse finalists for travel-related expenses to interview.

SGR shall be compensated by the Organization as detailed below:

- Pricing
 - Professional Services = \$18,500.
 - Expenses Not-to-Exceed = \$8,000.
 - **Not-to-Exceed Maximum Price = \$26,500*** (*Plus any optional services as described below, if desired.*)
- Expense Items (*included in not-to-exceed price above*) - SGR considers incidentals to be covered by the professional services fee, and we do not bill the Organization for any expenses except for those explicitly detailed herein. The expense items included in the not-to-exceed amount are as follows.
 - Professional production of a high-quality brochure. This brochure (typically four pages) is produced by SGR's graphic designer for a flat fee of \$1,500.
 - Marketing and Ad Placements:
 - Announcement in SGR's 10 in 10 Leadership and Innovation e-newsletter.
 - Email blast to SGR's profession-specific opt-in subscriber list.
 - Featured post on SGR's website.

- Featured ad on SGR's job board.
 - Promotions on SGR's social media pages – Facebook, Twitter, LinkedIn, Instagram.
 - Targeted ad placements on LinkedIn users' pages who have been selected by LinkedIn's algorithm to be a match for your job posting.
 - Ad placements with one national association and one state association. These two ads are billed at actual cost, with no markup for overhead. Additional ad placements, of the organization's choice, will be billed over and above the not-to-exceed maximum price.
- Printing of documents and materials are billed at 26 cents per page per copy, plus binders/binding. Shipping/mailling documents (to one location) is included in the not-to-exceed expenses above. Shipping is billed at actual cost. Flash drives are billed at \$10 each.
 - Online Interviews. There is a cost of \$200 for each recorded online interview (up to 12 semifinalist candidates included in not-to-exceed expenses above).
 - Comprehensive Media Reports – Stage 2. There is a cost of \$500 per candidate (up to 6 finalist candidates included in not-to-exceed expenses above).
 - Comprehensive Background Investigation Reports. There is a cost of \$300 per candidate for our comprehensive background screening reports prepared by our licensed private investigation provider (up to 6 finalist candidates included in not-to-exceed expenses above).
 - Travel and related costs for the Recruiter are incurred for the benefit of the Organization including travel to/from airport. Meals are billed back at a per diem rate of \$10 for breakfast, \$15 for lunch, and \$25 for dinner. Mileage will be reimbursed at the current IRS rate. All other travel-related expenses are billed back at actual cost, with no markup for overhead.
 - Up to four (4) visits/trips by the Recruiter to the Organization. Any additional visits/trips by the Recruiter will be billed over and above the not-to-exceed maximum price.
- Billing
 - Professional fees for the search are billed in three equal installments during the course of the search. The initial installment is billed after the Organizational Inquiry and Analysis is completed. The second installment is billed when semifinalists are selected. The final installment is billed at the conclusion of the search. Expense (reimbursable) items and supplemental services will be billed with each of the three installments, as appropriate.

Organization Contact for Invoicing:

Name: Deborah Balli

Position: Finance Director / Interim City Manager

Email: dballi@cityofkingsville.com

Phone: (361) 595-8009

- **Optional/Supplemental Services (not included in not-to-exceed maximum price above)**
 - Candidate Travel. Candidates are typically reimbursed directly by the Organization for travel expenses. If the Organization prefers a different arrangement for candidate travel, SGR will be glad to accommodate the Organization's wishes.
 - Stakeholder Survey. SGR will conduct a Stakeholder Survey for \$1,000. SGR provides recommended survey questions and sets up an online survey. Stakeholders are directed to a web page or invited to take the survey by email. A written summary of results is provided to the organization.
 - Additional Ad Placements. Additional ad placements, as approved by the organization, that are not included in the not-to-exceed expenses will be billed back at actual cost with no markup for overhead.
 - DiSC or IOPT Assessments. There is a cost of \$150 per candidate for the DiSC or IOPT Management profile.
 - Site Visits to Communities of Finalist Candidates will be charged at a day rate of \$1,000 per day, plus travel expenses.
 - In the unexpected event the Organization shall request that unusual out of pocket expenses be incurred, said expenses will be reimbursed at the actual cost with no mark-up for overhead.
 - If the Organization desires any supplemental services not mentioned in this section, an estimate of the cost and hours to be committed will be provided at that time, and no work shall be done without approval. Supplemental services will be billed out at \$250 per hour.

Terms and Conditions:

- SGR guarantees that the Organization will be satisfied with the results of the recruitment process, or SGR will repeat the entire process at no additional professional fee until the Organization selects a candidate. Additionally, if the Organization selects a candidate (that SGR has fully vetted through our recruitment process) who resigns or is released within 18 months of their hire date, SGR will repeat the process at no additional professional fee to the Organization. If the Organization circumvents SGR's

recruitment process and selects a candidate that did not participate in the full recruitment process, this service guarantee is null and void.

- The Organization reserves the right to terminate this agreement at any time upon giving SGR seven days advanced written notice. In such event SGR will be compensated for all work satisfactorily completed up to and through the date of termination. In addition, SGR shall provide to the Organization all information obtained during the search process through the date of termination.
- The Organization acknowledges that the nature of executive recruitment is such that SGR engages in discussions with prospects throughout the process who may or may not ultimately become a candidate, and that SGR is utilizing its proprietary network of relationships to identify and engage prospective candidates, and that premature release of such proprietary information, including names of prospective candidates who SGR may be having conversations with as part of the recruitment process, may be damaging to the prospects and to SGR. Accordingly, the Organization acknowledges and, to the extent provided by law, agrees that all information related to this search is proprietary, and remains the property of and under the exclusive control of SGR, regardless of whether such information has been shared with the Organization or not, including all decisions regarding release of information, until such time that a finalist is named. At the time finalists are determined, all information related to the finalists shall become the property of the Organization and all decisions regarding public disclosure shall be determined by the Organization, except that psychometric assessments, questionnaires, and any information produced by SGR is proprietary and shall not become the property of the Organization or subject to disclosure.

Approved and Agreed to, this the _____ day of _____, 2019 by and between

Chuck Sparks, Chief Operating Officer
Strategic Government Resources

City of Kingsville, Texas

Printed Name: _____

Title: _____