

City of Kingsville, Texas

AGENDA CITY COMMISSION TUESDAY, MAY 28, 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 – April 8, 2019

APPROVED BY:

Deborah Balli by NO
Deborah Balli
Interim City Manager

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

1. Public Hearing on an ordinance amending the zoning ordinance by granting a special use permit for 526 E. Kleberg Ave., also known as Orig. Town, Block 40, Lots 17-22, for auto paint and body shop use, Domingo Reyna, applicant. (Director of Planning & Development Services).

III. Reports from Commission & Staff.²

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to, the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, 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.

Consent Agenda**Notice to the Public**

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget to receive and expend donations from La Posada and Christus Spohn Hospital for recreational programs (Park Department Healthy Families Initiative). (Parks Director).
2. Motion to approve reappointment of Joni B. Harrel to the City-County Health Board for a three-year term. (Health Director).
3. Motion to approve a resolution of the City Commission of Kingsville, Texas designating authorized signatories for contractual documents and documents for requesting funds pertaining to the Texas Community Development Block Grant Program (TxCDBG) Contract number #7219012, Texas Capital Fund 2018 Program for improvements in the downtown area. (Downtown Manager).

REGULAR AGENDA**CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:****VI. Items for consideration by Commissioners.⁴**

4. Presentation and discussion regarding Hotel Occupancy Tax. (Tourism Director).
5. Consider recommendations from Hotel Occupancy Tax Advisory Board for arts and historical funding. (Tourism Director).
6. Consider appointment of Erin McClure to the Hotel Occupancy Tax Advisory Board for a two-year term to fill the Texas A&M University-Kingsville representative vacancy. (Tourism Director).
7. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to receive and expend additional anticipated hotel/motel tax revenues. (Tourism Director).
8. Consider introduction of an ordinance amending the zoning ordinance by granting a special use permit for 526 E. Kleberg Ave., also known as Orig. Town, Block 40, Lots 17-22, for auto paint and body shop use. (Director of Planning & Development Services).
9. Consider a resolution authorizing the City to submit an application to the Texas Department of Agriculture for a Community Development Block Grant for the Fire, Ambulance, & Services Truck (FAST) Fund to replace a brush truck in the Fire Department; with an anticipated cash match; authorizing the Interim City Manager to submit the grant and act as the grant official on the City's behalf with such grant program. (Fire Chief).

10. Consider a resolution authorizing the City to submit an application to the Fire House Subs Grant requesting grant funding for extrication tools on behalf of the Kingsville Fire Department with no anticipated cash match. (Fire Chief).
11. Consider reallocation of funds within CO2016 for a landscaping project for Santa Gertrudis medians. (Parks Director).
12. Discuss and consider the formation and size of the Charter Review Committee. (City Attorney).
13. Consider authorizing change order #1 for Caesar Street Improvement Project (RFP#19-05) as per staff recommendation. (City Engineer).
14. Consider termination of AR Energy Services contract for Bid#18-01-Curb, Gutter, and Driveway Repair. (City Engineer).
15. Consider rescinding condemnation order for 213 W. Santa Gertrudis. (City Attorney).

VII. Adjournment.

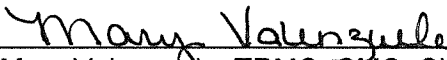
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative 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 24, 2019 at 2:00 P.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.


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

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

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

MINUTES OF PREVIOUS MEETING(S)

APRIL 8, 2019

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, APRIL 8, 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
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
Robert Rodriguez, Library Director

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)

None.

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

1. Public Hearing on an ordinance for a special use permit for a residential accessory and incidental use located at Orig. Town, Block 32, Lots 29-32, also known as 530 W. Henrietta, Kingsville, Texas, Jason Abrams, owner/applicant. (Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 6:02 p.m.

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

Mr. Tom Ginter, Director of Planning & Development Services reported that the requestor would like to place a detached building on his lot behind his home. The Planning & Zoning Commission reviewed this item during a meeting on April 3, 2019, where they voted 4-0 to recommend approval. There were some conditions set by the Planning & Zoning Commission which are, that the requestor cannot install a toilet, have a kitchen and cannot rent it out.

Commissioner Hinojosa asked if this would be used for personal use. Mr. Ginter responded that it would be used for personal use, but with the conditions which were stated earlier.

Commissioner Lopez asked how staff would be enforcing the conditions and make sure that no tenant it taken in. Mr. Ginter commented that staff would need to keep an eye out for this property.

Mr. Jesús Garza, City Manager commented that staff could also do random inspections of the property.

There being no further comments, Mayor Fugate closed this public hearing at 6:03 P.M.

2. Public Hearing on an ordinance to rezone Paulson's Subdivision #1, Lot B, also known as 2029 E. General Cavazos, Kingsville, Texas from AG (Agricultural District) to C4 (Commercial District), Robert de Pol, owner/applicant. (Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 6:04 p.m.

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

Mr. Ginter stated that Mr. Robert De Pol has purchased the property and would like to rezone to C\$. His intentions at this time is to open a food establishment. The Planning & Zoning Commission met on April 3, 2019 to review this item and voted 4-0 to recommend approval of the rezoning.

Mr. Robert De Pol commented that he is looking forward to the possibilities of opening a food truck or juice bar/café.

There being no further comments, Mayor Fugate closed this public hearing at 6:08 P.M.

3. Public Hearing on an ordinance to rezone 3rd, Block 6, Lots 14-16, also known as 529 E. Ella, Kingsville, Texas from R1 (Single Family District) to R3 (Multi-Family District), Santiago Cantu, owner/applicant. (Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 6:08 p.m.

Mayor Fugate asked if this was the same item that has been brought forward to the Commission in a prior meeting and further asked if anything had changed. Mr. Ginter stated that it was but nothing has changed.

Commissioner Hinojosa asked staff why this item was being brought back to the Commission if his item had already been turned down in the past.

Mr. Ginter commented that there is no ordinance that sets a limitation that one can request for a rezone. Mr. Ginter reported that the Planning & Zoning Commission met on this item on April 3, 2019 where they voted 4-0 to not recommend approval of this rezone.

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. Utley, 530 E. Ella, commented that he would like to request for the Commission not to approve the rezone. He has resided in his home for over 50 years and his neighbor has always been nice with single family units with low traffic. If the Commission approves this rezone, it will increase traffic.

Ms. Sonya Reyna, 600 E. Santa Gertrudis, commented that she also is asking the Commission not to approve the rezone. She stated that their neighborhood is a quiet neighborhood and would like to see it remain that way.

There being no further comments made, Mayor Fugate closed this public hearing at 6:11 p.m.

4. Public hearing regarding condemnation proceeding for structures located at 630 W. Fordyce, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 6:11 p.m.

Mr. Ginter displayed a photo of this property. Mr. Ginter reported that his is a burnt structure and is in need of being demolished. Staff has not received any contact from anyone regarding for or against the condemnation. He further reported that the structure is an attractive nuisance to children, a harbor for vagrants, criminal and immoral people. There is evidence of roach, rat, mouse, and other vermin found. The structure has uncovered roofing and graffiti. The building official has found the overall condition to be in a severe and hazardous stated of disrepair. It is unsecured allowing for easy access for animals, vagrants, and criminal activity.

Mrs. Alvarez commented that this property is a burned and unsecured with missing windows and front door missing as well. Side windows are broken and property is vacant. Notices were sent as well as notices published in the local newspaper. According to staffs information, this property has had no water service since 2011 and no electricity services since 2015.

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

There being no further comments made, Mayor Fugate closed this public hearing at 6:13 p.m.

5. Public hearing regarding condemnation proceeding for structures located at 1729 S. 7th St. (228 E. Ailsie #4), Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 6:13 p.m.

Mr. Ginter displayed pictures of the property. This property is unsecured allowing easy access for animals, vagrants, and criminal activity. The structure also has an uncovered roof and has had no water services since 2008. Staff has not received any response from anyone regarding this property.

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. Albert Garcia, 224 W. King Ave., Suite A, stated that he owns the land since 2017 but unfortunately he does not have the legal right to tear down the structure.

There being no further comments made, Mayor Fugate closed this public hearing at 6:16 p.m.

6. Public hearing regarding condemnation proceeding for structures located at 513 W. Johnston, Kingsville, Texas, Kingsville, TX. (Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 6:16 p.m.

Mr. Ginter displayed photos of the property. He reported that this house is considered substandard. Staff has not received a response from the property regarding this

structure. This property is attractive nuisance to children. A harbor for vagrants, criminal and immoral people. An attractive nuisance for roaches, rats, mouse, or other vermin infestation. The structure has an uncovered roof and graffiti. The building official has found the structure overall condition to be in a severe and hazardous state of disrepair. The structure has had no water or electricity services since 2008. Ginter further commented that there is a law suit currently between Kleberg Count and the City regarding back taxes. He further commented that his conversation with Linebarger is to proceed; he further asked for clarification from the City Attorney, who responded that it was what the email had stated.

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. Jason Abrams asked if he could make a comment now. Mayor Fugate responded that it would be fine.

Mrs. Alvarez commented to the Commission that it would more appropriate for Mr. Abrams to speak when staff gets to that item on the agenda.

There being no further comments made, Mayor Fugate closed this public hearing at 6:19 p.m.

7. Public hearing regarding condemnation proceeding for structures located at 510 E. Ave. B, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 6:19 p.m.

Mr. Ginter reported that this property is being lived in at this time. To his knowledge, the property owner has taken the voucher offer from the Kingsville Housing Authority and will be moving into an apartment. He believes that the property owners have already moved into their apartment. Ginter further stated that prior to the beginning of the meeting, the property owners came into City Hall, but did not want to stay for the meeting, although they are glad that they will be moving into an apartment, they are not comfortable with the structure being demolished as this is their home and have lived in it for some time and they would hate to see it demolished.

Mayor Fugate commented that he understands, but what can you do.

Commissioner Lopez commented that the house is leaning a lot more now than in the past.

Commissioner Leubert made a comment that was not picked up on audio.

Mr. Ginter further reported that the property is an attractive nuisance. It is a substandard structure with an uncovered roof. Overall condition to be in a sever and hazardous stated of disrepair. But being that the structure has been occupied, they have been up to date with their utilities.

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

There being no further comments made, Mayor Fugate closed this public hearing at 6:23 p.m.

8. Public hearing regarding condemnation proceeding for structures located at 213 W. Santa Gertrudis, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 6:23 p.m.

Mr. Ginter reported that this property is occupied by its property owner at this time. The property is being considered substandard and staff has had conversations with the

property owners who reside at this address. Ginter stated that the individuals have applied for grant monies for repairs to the home. Ginter stated that Mr. Ruben Vasquez has some ownership in this property who is at this meeting.

Mayor Fugate commented that he has visited with the property owner as well as he was concerned about this property. Fugate stated that he tried to get them some help and checked with various organizations that assist with home repairs, but this structure is beyond their scope of work. Fugate stated that he has also asked a contractor to look at the structure in which the contractor stated that the property was beyond repair.

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.

Ms. Diana Naranjo, 213 W. Santa Gertrudis commented that she has an application for HAP which takes process to help her out with the house. She showed in her hands an application.

Mayor Fugate asked Mr. Ginter if he had copies of the documents that Ms. Naranjo has. Mr. Ginter responded that he did not have copies of the documents.

Ms. Naranjo further commented that she has a copy of her income for the month and that she is on disability. She also stated that she had a letter from FEMA, which denied her twice. She stated that the letter stated ineligible for insufficient damages, which she received a letter for back in 2016. She stated that she has another letter from FEMA that was received in 2019, which denied her again. She stated that she received a letter from Family in Doris, which came to her house to let her know that she was chosen to receive assistance in getting her house fixed which she received back in 2016. Naranjo further stated that it was decided that they would not be able to assist her as Hurricane Harvey had bigger issues than her issues. Ms. Naranjo further stated that the City had given her a letter stating that the most the city could grant her was 90 days to bring the exterior up to code which would need to get started by March 25, 2019 and give her until June 1, 2019. She stated that staff posted the red notice on her property March 14, 2019. She further commented that she loves her home and is very content in her home and it is her safe haven. She also commented that she doesn't bother anybody and nobody bothers her and feels very safe in her home. She stated that on the back of the house, she put siding on the garage structure and has receipts showing that she has been buying the siding for the back structure.

Mr. Garza commented that it would be best if staff had the picture and somehow communicate it to staff and we could share them with the Commission.

Ms. Naranjo asked how she could share those pictures with the Commission. Mr. Garza responded that it would need to be done after the meeting. Ms. Naranjo continued to state that she also has copies of her property taxes as well. She stated that she has back taxes, but she is making payments on them. She stated that she has no rodents or roaches in her home. The only thing she has is wild cats.

Commissioner Leubert asked if she could ask a question to the property. Mayor Fugate responded that it would be best if she could wait until the item came back up later on the agenda, as he will be asking for Ms. Naranjo to come back up to the podium.

There being no further comments made, Mayor Fugate closed this public hearing at 6:28 p.m.

9. Public hearing regarding condemnation proceeding for structures located at 721 E. Johnston, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 6:28 p.m.

Mr. Ginter reported that this is one of the structures that is also being lived in at this time. They have also submitted a grant application to the Texas General Land Office. He further commented that they did come by on Friday and gave him an email, which was included in the agenda packet that states that the Texas General Land Office has received their application and has 30 to 45 days to review which is until April 19th, before they find out whether or not the Texas General Land Office will approve their application. Ginter stated that they are current with their utilities but the house is substandard. He commented that the structure has some areas in the roof that uncovered in some spots.

Mrs. Alvarez commented that there are holes in the roof with the siding rotting. There are some broken windows. The Appraisal District notice that is in the packet for this item, notes that the structure is in poor condition.

Commissioner Hinojosa asked if the structure has utilities? Mr. Ginter responded yes.

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

There being no further comments made, Mayor Fugate closed this public hearing at 6:31 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, 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."*

Mr. Garza updated the Commission on Trash-off that occurred this past Saturday. This is the most trash that has been collected during a Trash-off event. He further announced that the Downtown Festival, La Loteria went very well. The sales of cards made \$4,000. This was a successful event for the City. Garza further commented that mobilization started for the Caesar Project.

Mrs. Alvarez commented that the next Commission meeting is scheduled for April 22nd with the deadline for staff to submit agenda items is Friday, April 11th. She further mentioned that as for agenda item #1 she believes that when staff provided the ordinance, they turned it in early, the actual introduction date is March 25th. Item #23 with regards to the resolution, in support of a house bill, if the Commission does approve it, copies would be sent to J.M. Lozano and Eddie Lucio.

IV. Public Comment on Agenda Items.³

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

Mr. Jason Abrams, 530 W. Henrietta commented that he is the owner of 530 W. Henrietta and they would like to have a Special Use Permit residential accessory. He stated that he will following the guidelines laid out by Mr. Ginter. This is for his own use and nobody else's.

V.

Consent Agenda

Notice to the Public

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

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

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

Motion made by Commissioner Hinojosa to approve the consent agenda as presented, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, 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 the National Trust Grant. (Downtown Manager).**
2. **Motion to approve final passage of an ordinance 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).**
3. **Motion to approve the reappointment of Maggie Salinas to the Historical Development Board for a three year term. (Downtown Manager).**
4. **Motion to approve a resolution authorizing the City of Kingsville to continue participation in the Texas Main Street Program, authorizing the Mayor to execute the Texas Main Street Locally Designated Program 2019 Contract, and designating Downtown Manager Cynthia Martin as the Main Street Program Manager for the City of Kingsville to coordinate program activities. (Downtown Manager).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. **Consider introduction of an ordinance amending the zoning ordinance by granting a special use permit for 530 W. Henrietta, also known as Orig. Town, Block 32, Lots 29-32, for a residential accessory and incidental use. (Director of Planning & Development Services).**

Introduction item.

6. **Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to Paulson's Subdivision #1, Lot B, also**

known as 2029 E. General Cavazos, Kingsville, Texas from AG (Agricultural District) to C4 (Commercial District). (Director of Planning & Development Services).

Introduction item.

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

Mayor Fugate requested that this item not be placed under the consent section of the upcoming agenda on April 22nd.

Introduction item.

8. Consider condemnation of structure(s) located at 630 W. Fordyce, Kingsville, Texas. (Director of Planning & Development Services).

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

9. Consider condemnation of structure(s) located at 1729 S. 7th St. (228 E. Ailsie #4), Kingsville, Texas. (Director of Planning & Development Services).

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

10. Consider condemnation of structure(s) located at 513 W. Johnston, Kingsville, Texas. (Director of Planning & Development Services).

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

11. Consider condemnation of structure(s) located at 510 E. Ave. B, Kingsville, Texas. (Director of Planning & Development Services).

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

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

12. Consider condemnation of structure(s) located at 213 W. Santa Gertrudis, Kingsville, Texas. (Director of Planning & Development Services).

This agenda item was taken before agenda item #11.

Mayor Fugate asked Ms. Naranjo to come forward so that she can discuss this item with the Commission. Mayor Fugate commented that this property can not stay in the condition that it is in. He further stated that he believes in giving people time to help themselves and repair their property but this property is not repairable. He stated that the City has offered to assist in finding her housing for her through the Kingsville Housing Authority.

Ms. Naranjo stated that the Housing Authority will not give her a place as she used to be under housing in the past, which is why she purchased the house. Within the years and weather, the side that is all messed up, which is where the water goes up and everyone that was going to help her has only used her and never helped her. She stated that they only needed a place to stay and needed help with this and that, which was her bad.

Mayor Fugate asked how much time did she think she would need to repair this property and a year will not work.

Ms. Naranjo commented that this is where HAP comes in. She stated that she has already spoken with them before they place the red notice on her property and she told them that they would give her until June 1st to make some repairs. HAP told her that it was plenty of time for them to begin towards June 1st. She further stated that they told her that if the structure had more than \$65,000 in damages, they would tear it down themselves and build her another one.

Mayor Fugate asked who she was referring to, and who was HAP.

Ms. Naranjo responded it was Carlos from HAP,

Mr. Garza commented that he thinks she is talking about the Homeowners Assistant Program by HAP.

Mayor Fugate was handed a business card by Ms. Naranjo and mentioned it was Grant Works, Carlos Saenz. He further asked Ms. Naranjo what Mr. Saenz was telling her as far as the timeline.

Ms. Naranjo commented that it is the process of the application and she has to wait for them to contact her back. Ms. Naranjo further commented that she had contacted him earlier and she was told to let the Commission know that they are in the process of them trying to help her out.

Mr. Garza commented that what Ms. Naranjo is referring to is the Texas Recovery Program Homeowners Assistance Program that contains money that came after Hurricane Harvey.

Mayor Fugate commented that he doesn't see this working. This home did not get its damage from Hurricane Harvey. The condition of this house has nothing to do with the hurricane.

Ms. Naranjo commented that the east side of the house, is all water damage.

Commissioner Leubert asked if they are telling Ms. Naranjo that her application is in and she hasn't received the grant.

Ms. Naranjo responded that she has not received the grant but the application is in.

Commissioner Leubert further asked if she was given a timeline as to when grants would be awarded.

Ms. Naranjo responded that she was not given a timeline but that she could contact him and let them know what the decision of the Commission would be.

Commissioner Leubert asked Ms. Naranjo if she would be able to fix the house and maintain it.

Ms. Naranjo responded yes.

Commissioner Leubert further asked how much it would cost to fix the house and maintain it.

Ms. Naranjo responded that she really needs to start on the east corner...

Commissioner Leubert commented that she is talking about the whole house.

Ms. Naranjo continued and stated that bones of the house are all solid, its just the outside of the house that requires a lot of work on it. She stated that she is working on the garage part, which the garage does not have electricity, as there is no connection for electricity in the garage. But as for her house, she has electricity and water, she has everything she needs in this house.

Commissioner Leubert further asked how much it would cost to fix the house.

Ms. Naranjo responded that it would cost about \$50,000.

Commissioner Leubert commented that with that money, Ms. Naranjo could purchase a nice home.

Ms. Naranjo commented that she has lived in her home for 19 years and she is getting older and she is stuck in there.

Commissioner Leubert commented that she has been driving by this house for 20 years and this house has looked like this for a very long time, way before Hurricane Harvey. She further commented that she knows that Ms. Naranjo's intentions are good and knows that she loves her house, as it shows, but sometimes you have to make the hard decisions for the betterment of yourself, children and grandchildren. Leubert asked Ms. Naranjo to please keep this in mind when the Commission needs to make their choices.

Commissioner Lopez commented that she is concerned for Ms. Naranjo's safety as all the windows to the house are boarded, which is a violation of City Ordinance, it is a safety hazard. If there is a fire in the home, there will be no way out as the windows are boarded. Lopez commented again that she is very concerned about that.

Ms. Naranjo commented that she has tried to keep up with things in her house and her house is very clean. She further stated that she doesn't use many plugs and her utilities are about \$20 per month as it is only herself in that house.

Commissioner Lopez commented that she understands, but accidents can happen and she is very concerned about the boarding of the windows.

Mayor Fugate commented that if he recalls correctly, when he last spoke with Ms. Naranjo...

Ms. Naranjo commented that this was back in August.

Mayor Fugate continued and asked Ms. Naranjo if she goes back and forth to Corpus Christi.

Ms. Naranjo responded that she was going back and forth to Corpus Christi as she was babysitting in the summer time. She was going every other week to babysit her sons baby. But now he is back in Kingsville so does not need to travel to Corpus Christi any longer.

Mayor Fugate asked if Ms. Naranjo goes to her sons house to babysit or is the baby brought to her house.

Ms. Naranjo commented that she was going to Corpus to babysit.

Mayor Fugate commented that he understood this, but her son is living in Kingsville now and asked if the baby lives here in Kingsville.

Ms. Naranjo responded that the baby lives with his mother but is with them on weekends.

Mayor Fugate asked Ms. Naranjo if her sons resided in her house with her.

Ms. Naranjo responded that her son lives with her.

Mayor Fugate further asked if the baby visits her house on the weekends.

Ms. Naranjo responded that the baby comes and stays on the weekends and during the summer time he stays for a week then he goes back home. Mama and daddy share custody of their child.

Commissioner Leubert commented that this is a health and safety issue for Ms. Naranjo and her children and her grandchildren.

Ms. Naranjo commented that she understands.

Mayor Fugate commented that she would be better off taking the \$50,000, if she has it, and allow the city to demolish this one and she can rebuild a new one on the same property.

Ms. Naranjo commented that she can't build it. This is why she is apply with HAP, so they can help her out. She stated that she was told to find resources and this is the resource she found. She also found another resource with Project Combat Texas Responsibility Organization, which she has an application with as well.

Commissioner Lopez commented that she hasn't been approved by anybody, and asked if she only had applications submitted.

Ms. Naranjo responded yes, but she was told that she does qualify.

Commissioner Leubert asked if she meant that she qualifies to send in the application.

Ms. Naranjo responded that her application is already been submitted.

Commissioner Leubert asked if she was told that she could qualify and what does that mean to Ms. Naranjo.

Ms. Naranjo responded that it means that she will have to wait to see how long it will take for them to send her a contractor and see what it will take to fix. Project Combat has already sent her a contract to see the inside of the house but she hasn't heard back from them.

Commissioner Leubert asked Ms. Naranjo when she would find out if her application was accepted.

Ms. Naranjo responded that she would call him tomorrow and let him know what is going on.

Mayor Fugate asked when is the deadline for the grant.

Ms. Naranjo responded that maybe about a month to a month and a half.

Commissioner Hinojosa asked how much is the application for.

Ms. Naranjo asked for clarification of his question.

Commissioner Hinojosa asked how much is the application for.

Mayor Fugate asked how much will she get to fix her house from this grant.

Ms. Naranjo responded that they are not going to do it.

Commissioner Lopez asked if Ms. Naranjo knows of the amount that she would be awarded to fix her house.

Ms. Naranjo responded that on the paper work that she was read it states that if the damages were over \$65,000, they would tear it down and build her another one.

Commissioner Leubert commented that she doesn't see a Harvey grant coming into Kingsville, they may be getting them in Nueces County received a few grants but not Kingsville.

Mayor Fugate commented that this is a tough one but he doesn't see it happening and the Commission can put off the inevitable, then asked the Commission if there was motion on this item.

Commissioner Pecos commented that she has submitted applications in asking for assistance. She hasn't been denied yet and she is saying that by June 1st she will hopefully have either a denial or a granting. Pecos further asked if the Commission is willing to wait until June 1st, and after June 1st, then go out there and take care of business.

Mayor Fugate asked staff when was the first meeting in June. Mrs. Alvarez responded that it would be on June 10th.

Mayor Fugate and Commissioner Lopez commented that if she is granted until June 1st, they both hope that nothing happens between now and then as they are very concern for their grandbaby who comes to visit in that house. Mayor Fugate further commented that he can't believe that the baby's mother allows her baby to come into this house considering the condition it's in. He further commented that he can't believe that CPS isn't involved.

Commissioner Lopez asked if there are windows in this house. Mayor Fugate commented that all the windows are boarded up.

Motion made by Commissioner Pecos to grant Ms. Naranjo additional time until June 1st.

Mayor Fugate stated that due to a lack of a second, the first motion dies.

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

13. Consider condemnation of structure(s) located at 721 E. Johnston, Kingsville, Texas. (Director of Planning & Development Services).

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

Mayor Fugate asked that if someone comes up with money to fix their property, can they fix it and not have the condemnation of the property once it's voted on.

Mrs. Alvarez responded that it was final, once it's voted on.

Mayor Fugate further asked why does the language in the motion stated that the city can abate it as the city feels proper.

Mrs. Alvarez responded that the way that the statute reads that at this time, you are making a determination based on the facts presented at the hearing and what's in the packet as to whether or not the structure is able to be repaired or whether it is so far gone that it can't be repaired without substantial reconstruction cost as is stated in the motion. What this means is that the City Commission, anytime after the 30 days goes back out and our inspector notices that at that point in time that the structure, be it the garage or be it the house, whatever type of structure it is that is being condemned, it is still there and the nuisance hasn't not yet been abated by the owner, then the city could go in at any point after that time and abate as needed. Alvarez further stated that if there was a situation where you were looking at a structure that was not as far gone, where there were maybe just some things that were repairable and the Commission made a motion that it was repairable the property doesn't make the repair that the Commission has ordered, within the 30 day window, when the city inspector goes back out and notices those repairs haven't been made within 30 days, then at that point in time the city could decide to do what is needed to make the repairs that were ordered upon the property owner.

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

- 14. Consider a resolution authorizing staff to proceed with placing for sale of the City's 3.01 acres of land located off East King Avenue (KT&I Co., Block 10, Lot Pt 7) Kingsville, Texas. (City Manager).**

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

- 15. Consider a resolution authorizing the City Manager to enter into a Commercial Real Estate Listing Agreement Exclusive Right to Sell between the City of Kingsville and Albert Garcia d/b/a First Texas Realty (for 3.01 acres off King Ave.). (Purchasing Manager).**

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

- 16. Consider a resolution authorizing the sale of the City's 11.013 acres of land located off US Hwy 77 Business/Loop 428 at KT&I Co., Block 18, Lot Pt 9, 20 in Kingsville, Texas (to Raymond Perez). (City Manager/Purchasing Manager).**

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

Mrs. Alvarez commented that in the resolution and the purchase agreement, there was mentioned of some economic development assistance that the purchaser would be looking to for the city at some point after this is approved and it would be based on the guidelines and criteria stimulating residential and economic development with the city that had been approve back in 2009; for assistance with sewer and water line infrastructure.

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

- 17. Consider renewing the All-Risk Property Insurance Policy coverages (RFP# 18-011, awarded 04/23/18) with Carlisle Insurance and their suggested placements, as per staff recommendation. (HR Director).**

Mrs. Gonzalez stated that Carlisle Insurance is recommending placement of the 2019-2020 Property Insurance with AMRisc, LLC for a price of \$229,967.85. Carlisle

Insurance approached 30 alternative markets on the City's behalf, including the incumbent carriers whose price was \$16,016 more than the recommendation of AmRisc, LLC. Premium increase is purely association to the hardening of the property insurance market globally. In 2018, the global reinsurance market sustain approximately \$79 Billion in losses. While the renewal represents an increase to the City in the amount of \$14,192, it is their recommendation to move coverage to AmRisc, LLC. Policy deductibles and limits did not change. AmRisc, LLC was the carrier on the City's placement during the 2016 tornado and paid out \$2,307,790 in claim damages.

Commissioner Hinojosa asked if this was an introduction item or does it call for a vote. Staff responded that this item calls for a vote as it is an action item. Hinojosa then asked if staff went out for proposals, if the city went out for proposals last year.

Mrs. Gonzales responded that this was correct, in March 2018.

Commissioner Hinojosa then asked if it was going to go up.

Mrs. Gonzales responded that it is going up, the 6.85%, \$14,000.

Commissioner Hinojosa asked if it is staffs recommendation to not go out for proposals and accept this.

Mrs. Gonzales response was yes. She further stated that Carlisle went out to the markets and looked at over thirty different alternative markets and they came up with this as their best proposal for the city.

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

18. Consider accepting donation from the Coastal Bend Civitan Club for park equipment for special needs children. (Parks Director).

Mrs. Ivy stated that this is a donation in the amount of \$3,141.21 to purchase a generational swing, a therapeutic swing and cantilever that will hold a tot swing which the generational wing will take place of in the tot swing set in Thompson Park.

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

19. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to accept and expend the donation from the Coastal Bend Civitan Club for Thompson Park playground equipment. (Parks Manager).

Introduction item.

20. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to expend funds for the fee associated with the Supplemental Revenue Program for the Fire Department. (Fire Chief).

Chief Garcia stated that the Kingsville Fire Department is requesting the reallocation from fund 097, Vehicle Replacement Fund to cover the fee for preparing and processing the FY 2018 Ambulance Supplemental Payment Program application. He further stated that the Fire Department received a lump sum of \$125,866.27 from the program for FY 2017 with Intermedix due a fee of 13% of the total award, which is \$16,362.62.

Commissioner Hinojosa asked if what was said was that the city received the \$125,000. Chief Garcia responded that this was correct. Commissioner Hinojosa further asked if this was going into fund 97. Chief Garcia and Mr. Garza both stated that this would be going into vehicle replacement fund. Chief Garcia commented that fund 97 is the vehicle replacement.

Commissioner Hinojosa asked if the city had received the \$125,000. Mr. Garza responded that this was correct. Hinojosa further asked from what source. Hinojosa further stated that as he wasn't here and there is nothing explaining it in the packet, for him to understanding.

Chief Garcia stated that the Federal Government has a program which is called the Annual Supplemental Payment Program, which has been around for many years. Two years ago, we decided to become part of the program so that we can get some funding. This is basically Medicaid money that is sitting there and is offered to pre-hospital or EMS Ambulances to be able to receive some of the funding so that we could put it back into replacing ambulances, medical equipment and so forth. Two years ago it came to Commission to have this approved so that we could be a part of it. Garcia further stated that now it is very cumbersome and requires a lot of number crunching, and Intermedix which is our EMS billing company said that they would hire PCG which is the Public Consulting Group in order to do this application for us and process it for us, which they did and they crunch the numbers again. Fiscal year 2017 was only 6 months because when we came into the program, out of those 6 months we were able to recover \$125,866.27 of which part of that amount is 13% is fees.

Mr. Garza commented that this money is already allocated as it is the money that was utilized to help purchase the new ambulance that is currently in production. Garza stated that staff made the decision to recommend that because of the aging fleet of the Fire Department, and how expensive some of the apparatuses are that this money go into the vehicle replacement fund so that the Fire Department could have a source of revenue specifically dedicated to replacing their apparatuses.

Commissioner Hinojosa commented that he understands this, but his question is the \$125,000 and asked staff if what they said was that that money came in.

Mr. Garza responded that this would have been last year.

Commissioner Hinojosa stated that there is no documentation in the packet as to when it came in, as some of this happened back in 2017. He further asked when the city received this money and was it an accounts payable and was it in the audit.

Mr. Garza commented that from a calendar standpoint, money comes in September so this money that is being referred to came in physically in September 2018. So this money was included when the budget for fiscal year 2019 was proposed, which began in October 1, 2019 which is why staff proposed purchasing the ambulance this fiscal year which is currently in production. Garza stated that what staff forgot to do was budget for fee that the company charges to get us that money.

Commissioner Hinojosa further commented that if staff looks at the date of the invoice, October 2018, and this happened back in 2017, how come the invoice is not dated on the 17th.

Mrs. Alvarez commented that because they couldn't invoice us until we actually received the money, as they don't know how much to charge us for until we are actually give the monies.

Mr. Garza further explained that the for this year, the application is submitted in January.

Commissioner Hinojosa asked for staff to provide him a schedule of all this that he could follow the trail.

Mayor Fugate suggested for Commissioner Hinojosa to get with staff and allow them to further explain it to him.

Commissioner Lopez commented that she would like to see in the agenda packet, that when something like this comes up maybe the agreements could be attached as this Commission has some new Commissioners, and feels that the Commission is not being

given all the information. This would help the new Commissioners understand what occurred in the past prior to them coming on as a Commissioner.

Introduction item.

21. Consider disposing of obsolete fire department equipment by providing it to a Valle Hermoso, Tamaulipas, Mexico. (Fire Chief/ City Manager).

Commissioner Lopez asked how this all came about.

Mr. Garza stated that the city received a written request from the President Municipal of Valle Hermoso. He further stated that this was also initiated through personal contacts and stated that he has a lot of family in Tamaulipas, Mexico.

Commissioner Lopez commented that it would have been nice if the request letter would have been included in the agenda packet.

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

22. Consider a resolution authorizing the Mayor to enter into the Emergency Medical Services Physician Medical Director Contract between the City of Kingsville and Dr. Ben Moore, M.D. (Fire Chief).

Chief Garcia stated that is to update and continue their medical services contract with Dr. Ben Moore. This also requires for the Medical Director to take annual CE's and choosing an alternate physician to step in when not available.

Commissioner Hinojosa stated that he has noticed on the timeline that his was from October 1, 2019 to September 30, 2020 and asked if this was correct. He stated that on the contract it ends on September 30, 2019.

Mrs. Alvarez commented that on section 2 of the contract it stated from October 1, 2018 to September 30, 2019; and this agreement will automatically renew for additional one-year periods until either party notifies the other of their intent to terminate the agreement.

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

23. Consider a resolution in support of House Bill 24 by State Representative Ramon Romero and Senate Bill 993 related to increasing criminal penalties for certain family violence offenses committed in the presence of a child. (IT Manager).

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

Mr. Kyle Benson, IT Manager stated that the bills sitting in Committee and encourages them to speak to State Reps to see this through.

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

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:24 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

PUBLIC HEARING(S)

PUBLIC HEARING #1

City of Kingsville
Department of Planning and Development services

To: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Tom Ginter, Director
DATE: May 10, 2019
SUBJECT: Special Use Permit request from Domingo Reyna for an auto, paint body shop at 526 E. Kleberg

Summary: This building has been used as an auto, paint and body shop in the past but has been vacant. There is new ownership and the tenant also wants to operate an auto paint and body shop. In the C2 Retail District to do that a Special Use permit is required.

Background: As most of you know this building has been used as an auto paint and body shop in the past. It is my understanding that this property has been utilized in some aspect of the auto industry for some time. The new owner of the property desires to rent the property to Domingo Reyna and allow him to use the site as an auto paint and body shop. Special Use permits are not transferrable so consequently Mr. Reyna as the applicant must have a special use permit before he can operate his business.

Financial Impact: I believe that there will be a positive impact if this request is approved. It will allow an empty building right now to be used which will increase foot and vehicular traffic. If this request is approved, along with the K. Childs building becoming a furniture making site will enhance the employment component of our downtown.

Recommendation: We have not received any negative phone calls regarding this request. I am also not aware of any issues when it was an auto, paint and body shop in the past. The Planning and Zoning Commission met Wednesday, May 15 and voted 4 to 0 to recommend approval of the special use permit request for an auto paint and body shop at 526 E. Kleberg.



To: Planning and Zoning Commission

From: Tom Ginter, Director

Subject: Agenda Item information #1 and #2

The first two items concern the Special Use permit request by owner Rudy Ramos and applicant Domingo Reyna. As you know this building at this location has been used as an auto paint and body shop in the past. It is the intention of the new owner and applicant to provide the same service in this building. Since it is in a C2 zoning district an auto paint and body shop requires a special use permit. A copy of the land use table sheet is enclosed and reflects that. Since the building has been vacant for some time and there is new ownership of the building a special use permit is required before they can start the operation of an auto paint and body shop.

At the time of writing this memo we have not received any phone calls against this request. Since this use has been at this location in the past I would recommend an approval of the special use permit request to the city commission.

CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 528 E. Klberg Nearest Intersection 10th Street

(Proposed) Subdivision Name _____ Lot _____ Block _____

Legal Description: _____

Existing Zoning Designation C2 Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Dominico Rojas Phone 361-765-0292 FAX _____

Email Address (for project correspondence only): _____

Mailing Address 106 Addison Dr City Robstown State TX Zip 78380

Property Owner Ruby Rojas Phone 361-222-2468 FAX _____

Email Address (for project correspondence only): _____

Mailing Address _____ City _____ State _____ Zip _____

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:

Wants the use for beauty shop

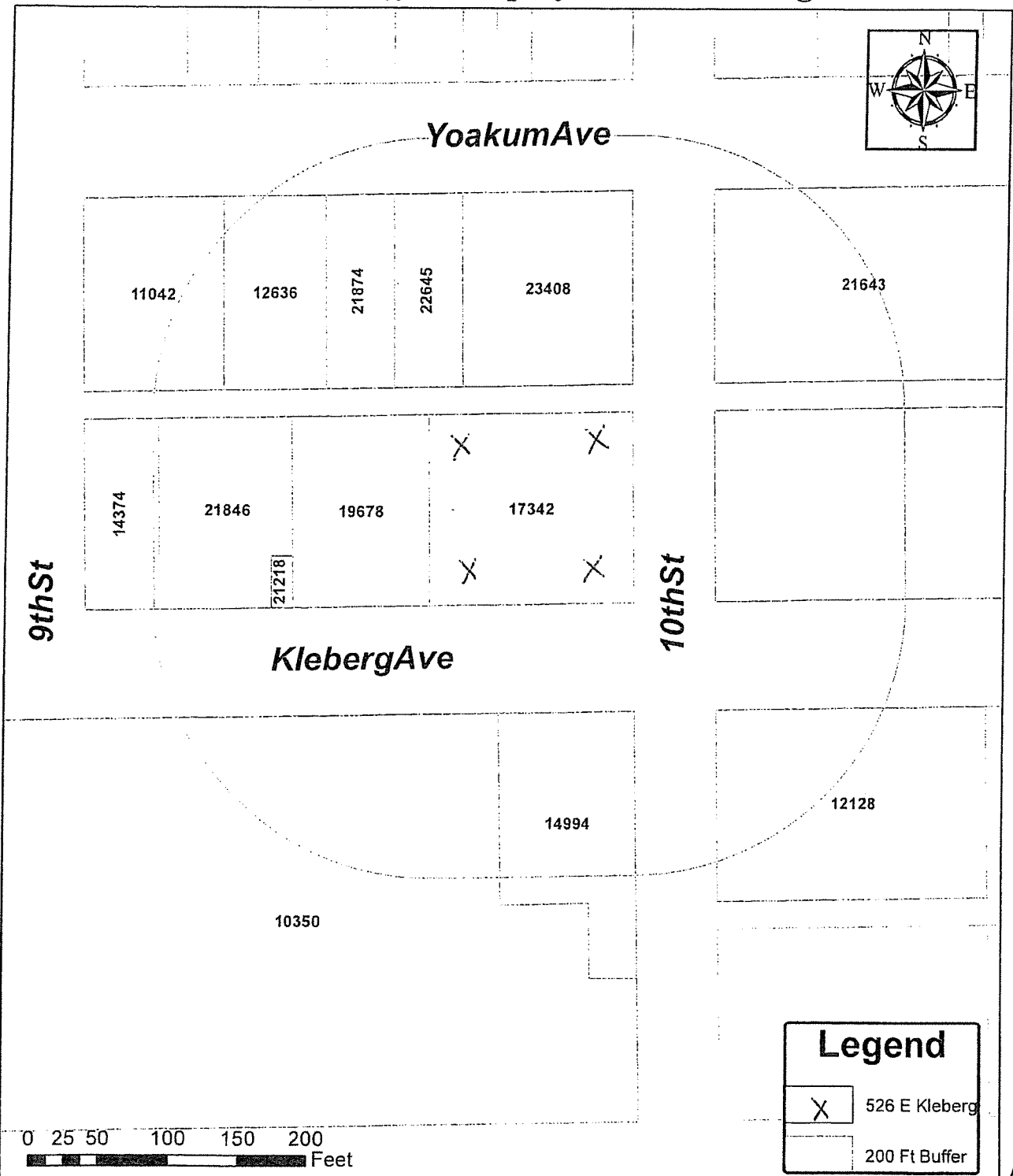
I hereby certify that I am the owner and /or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature [Signature] Date: 4/15/18

Property Owner's Signature _____ Date: _____

Accepted by: _____ Date: _____

200 ft Buffer Map of 526 E Kleberg



KLEBERG COUNTY
APPRAIAL DISTRICT
PO BOX 1027
KINGSVILLE, TX 78364-1027
#11042

CITY OF KINGSVILLE
PO BOX 1458
KINGSVILLE, TX 78364-1458
#22645

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

ANTONIO V GONZALEZ JR
ETUX MARY LOU C
PO BOX 1422
KINGSVILLE, TX 78364-1422
#19678

HALEIGH RENTALS LLC
218 S 14TH ST
KINGSVILLE, TX 78363-5839
#12128

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

CITY OF KINGSVILLE
PO BOX 1458
KINGSVILLE, TX 78364-1458
#23408

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

AMANDA MASHBURN
515 E YOAKUM AVE
KINGSVILLE, TX 78363
#21874

MICHAEL J KRUEGER
PO BOX 1538
KINGSVILLE, TX 78364-1538
#21643

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

HARPERCO INVESTMENT LLC
317 TROJAN
PORT ARANSAS, TX 78373
#14994

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, May 15, 2019 at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard:

Domingo Reyna, applicant, requesting a Special Use Permit for auto paint and body shop use in C2 (Retail District) at ORIG TOWN, BLOCK 40, LOT 17-22 also known as 526 East Kleberg, Kingsville, Texas.

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

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Tuesday, May 28, 2019 at 6:00 p.m. wherein the City Commission will discuss the introduction on the following item and at which time all interested persons will be heard:

Domingo Reyna, applicant, requesting a Special Use Permit for auto paint and body shop use in C2 (Retail District) at ORIG TOWN, BLOCK 40, LOT 17-22 also known as 526 East Kleberg, Kingsville, Texas.

The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the City Secretary at (361) 595-8002.

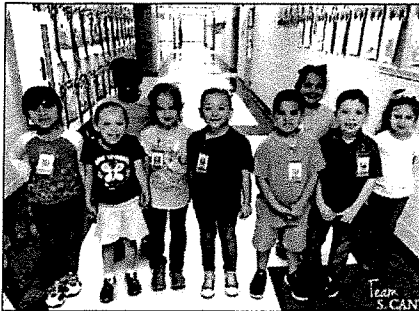
Education

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Kingsville Record and Bishop News

Thursday, April 18, 2019

Harvey students 'Purple Up'



Harvey Elementary School recently celebrated 'Purple Up for Military Children' by wearing purple shirts. Purple Up for Military Children is a day for communities to wear purple to show support and thank military children for their strength and sacrifices. Wearing purple is a visible way to show support and thank military youth for their strength and sacrifices. Students in Sandy Cantu's kindergarten class, pictured from left, are Odessa Alamo, Anyanna Dominguez, Denzadee Sarno, Kelsey Sphion, Vianney Ramos, Gureli Ramos, Melina Ruelas, Ethan Arevalo and Damaris Calderon. (Submitted photo)

Bishop student earns first place

Jasenne Euenfeld of Bishop High School recently competed at the Spring Spectacular Regional 4-H competition in Victoria. She placed first in the solo band instrument competition and will be going to the state competition in June that will be held at Texas A&M College Station. (Submitted photo)



PUBLIC NOTICE

On April 8, 2019, the Kingsville City Commission had a public hearing and action items to consider condemnation of the following properties. The City Commission found the structures on each of the properties to be dangerous, unsafe, in violation of city ordinances, unable to be corrected without substantial expense of reconstruction, and a public nuisance. The Commission ordered the property owner/agent/person in charge of each the properties to demolish the structures within 30 days:

630 W. Fordyce, Kingsville, Texas
1729 S. 7th (228 E. Ailsie), Kingsville, Texas
513 W. Johnston, Kingsville, Texas
510 E. Ave. B, Kingsville, Texas
213 W. Santa Gertrudis, Kingsville, Texas
721 E. Johnston, Kingsville, Texas

A copy of each order can be obtained from the City Secretary at City Hall (400 W. King Avenue, Kingsville, Texas), or by mailing her at P.O. Box 1438, Kingsville, Texas 78364

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, May 15, 2019 at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard:

Domingo Reyna, applicant, requesting a Special Use Permit for auto paint and body shop use in C2 (Retail District) at ORIG TOWN, BLOCK 40, LOT 17-22 also known as 526 East Kleberg, Kingsville, Texas.

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

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Tuesday, May 28, 2019 at 6:00 p.m. wherein the City Commission will discuss the introduction on the following item and at which time all interested persons will be heard:

Domingo Reyna, applicant, requesting a Special Use Permit for auto paint and body shop use in C2 (Retail District) at ORIG TOWN, BLOCK 40, LOT 17-22 also known as 526 East Kleberg, Kingsville, Texas.

The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the City Secretary at (361) 595-8002.

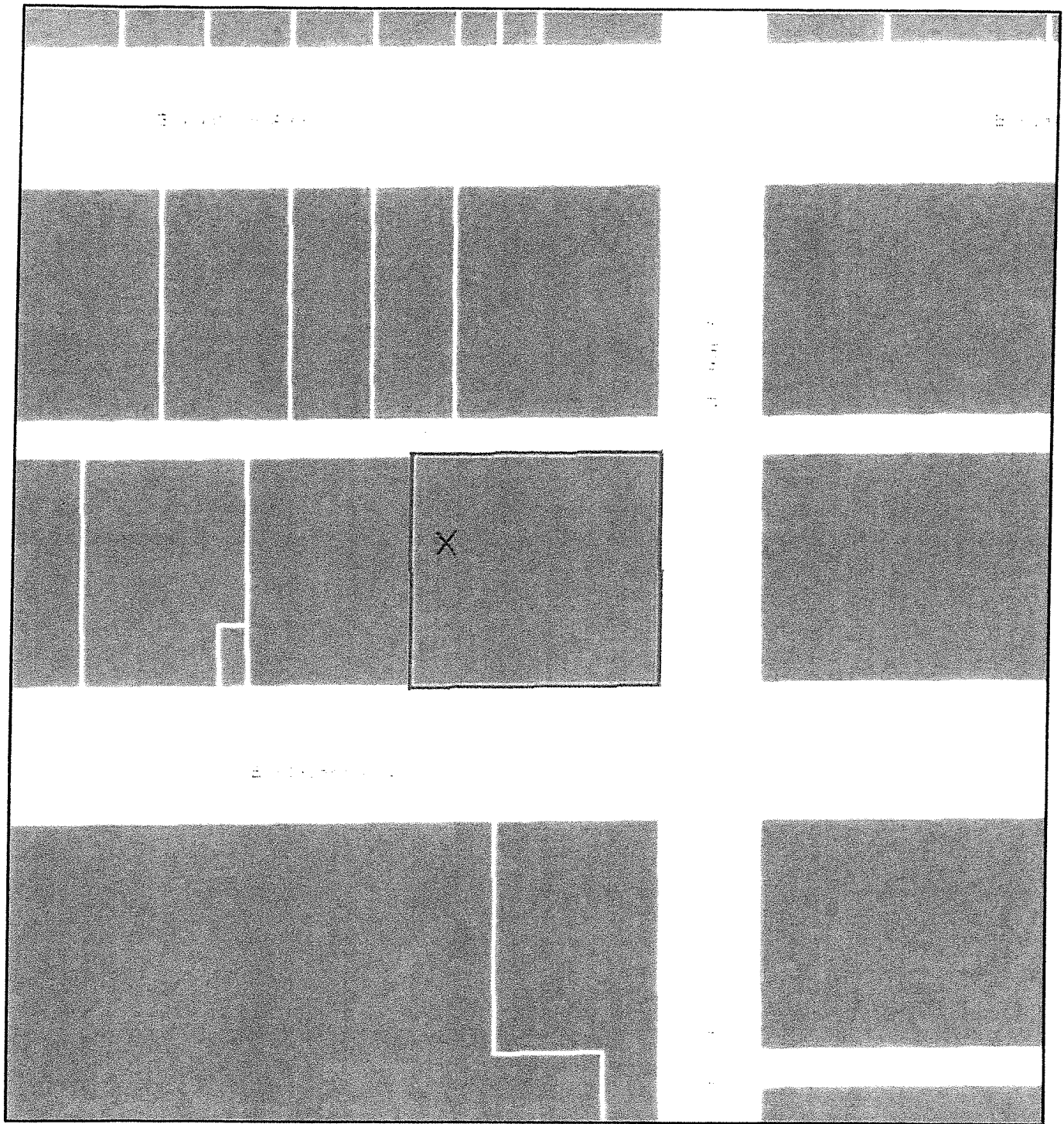


Celebrate
getting
younger.

At CHRISTUS Spohn Health System, we believe the sooner you take care of your heart, the longer it will take care of you. Our free online heart age assessment measures your real heart age, so you'll know where your heart health really stands, not to mention steps you can take to improve it. Try it today.

 **CHRISTUS SPOHN**
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MyRealHeartAge.com

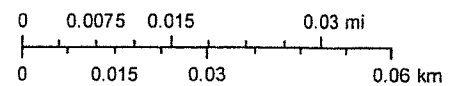


May 10, 2019

X - 526 E. Kleberg

C2 - Zoning

1:1,128



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

	R1	R2	R2A	R3	R4	MH	C1	C2	C3	C4	I1	I2	AG
Carnival										S	P	P	P
Temporary carnival (14 days - 200 ft. setback from residential property)								S	P	P			
Provisioning and recreational sporting goods sales including boats and vehicles								S	P	P			
Shooting galleries and pistol [ranges] (indoor)								S	P	P			
Souvenir, curio								S	P				
<i>Automobile Related Uses</i>													
Car wash							P	S	P	P	P		
Auto sales, repairs including motorcycles								S	P	P	P		
Auto paint and body shop								<u>S</u>	P	P	P		
Drag strip, race track											S	S	
Gasoline service station								P	P	P	P		
Gasoline sales							S	P	P	P	P		
Commercial parking structure auto only								S	P	P	P		
Truck storage								S	S	P	P	P	

Kleberg CAD

Property Search > 17342 RAMOS RODOLFO E for Year 2019

Tax Year: 2019 - Values not available

Property

Account

Property ID: 17342 Legal Description: ORIG TOWN, BLOCK 40, LOT 17-22, (RAMOS REFRIDGERATION)
 Geographic ID: 100104017000192 Zoning: C2
 Type: Real Agent Code:
 Property Use Code:
 Property Use Description:

Location

Address: 526 E KLEBERG Mapsco:
 Neighborhood: Map ID: C1
 Neighborhood CD:

Owner

Name: RAMOS RODOLFO E Owner ID: 12767
 Mailing Address: 1418 E KING AVE % Ownership: 100.000000000000%
 KINGSVILLE, TX 78363-5938

Exemptions:

Values

(+) Improvement Homesite Value: + N/A
 (+) Improvement Non-Homesite Value: + N/A
 (+) Land Homesite Value: + N/A
 (+) Land Non-Homesite Value: + N/A Ag / Timber Use Value
 (+) Agricultural Market Valuation: + N/A N/A
 (+) Timber Market Valuation: + N/A N/A

(=) Market Value: = N/A
 (-) Ag or Timber Use Value Reduction: - N/A

(=) Appraised Value: = N/A
 (-) HS Cap: - N/A

(=) Assessed Value: = N/A

Taxing Jurisdiction

Owner: RAMOS RODOLFO E
 % 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: 11560.0 sqft Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	OF2L	EW3	1990	2000.0
MA	MAIN AREA	SG2L		1990	9560.0
CN3A	CN3A - CANOPY FOR COMMERCIAL	*		1990	1520.0
SG2	STORAGE UNFINISHED (30%)	*		1990	720.0
CON	CONCRETE SLAB COMMERCIAL	*		2010	1177.0
ASP	ASPHALT (100%)	*		2010	6635.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	F1	F1	0.4821	21000.00	150.00	140.00	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2019	N/A	N/A	N/A	N/A	N/A	N/A
2018	\$195,550	\$29,400	0	224,950	\$0	\$224,950
2017	\$195,550	\$29,400	0	224,950	\$0	\$224,950
2016	\$142,410	\$30,000	0	172,410	\$0	\$172,410
2015	\$145,000	\$30,000	0	175,000	\$0	\$175,000
2014	\$145,000	\$30,000	0	175,000	\$0	\$175,000
2013	\$145,000	\$30,000	0	175,000	\$0	\$175,000
2012	\$145,000	\$30,000	0	175,000	\$0	\$175,000
2011	\$145,000	\$30,000	0	175,000	\$0	\$175,000
2010	\$145,000	\$30,000	0	175,000	\$0	\$175,000
2009	\$145,000	\$30,000	0	175,000	\$0	\$175,000
2008	\$145,000	\$30,000	0	175,000	\$0	\$175,000
2007	\$145,000	\$30,000	0	175,000	\$0	\$175,000
2006	\$145,000	\$30,000	0	175,000	\$0	\$175,000
2005	\$145,000	\$30,000	0	175,000	\$0	\$175,000

Questions Please Call (361) 595-5775

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

Website version: 1.2.2.30

Database last updated on: 5/9/2019 3:17 PM

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TEXAS DEPARTMENT OF AGRICULTURE
COMMISSIONER SID MILLER

Texas Community Development Block Grant Program (TxCDBG) **Fire, Ambulance, & Services Truck (FAST) Fund**

The Fire, Ambulance, & Services Truck (FAST) Fund provides funds for eligible vehicles to provide emergency response and special services to rural communities.

Application Submittal FAST Fund Application Deadline: 5:00 p.m. C.T. on June 13, 2019

Eligible Vehicles

Eligible vehicles must serve primarily low- to moderate-income residential areas. Eligible vehicle types include:

- Fire Trucks (most types);
- Ambulances and similar emergency medical vehicles;
- Jaws of Life and similar rescue equipment; and/or
- Rescue boats and similar specialized emergency vehicles.

Ineligible vehicles include:

- Police cars and other vehicles used primarily by law enforcement;
- Vehicles that do not address a specific public safety requirement; or
- Vehicles used primarily for the general conduct of government; or
- Supplies (e.g., restocking equipment or vehicle components are not eligible).

Eligible Applicants

Non-entitlement communities (units of general local government) are eligible for a FAST award.

- Non-entitlement cities are located predominately in rural areas with populations of less than 50,000 persons.
- Non-entitlement counties are predominately rural in nature and generally have fewer than 200,000 persons in the non-entitlement cities and unincorporated areas.
- Eligible applicants may partner with other organizations, including districts or non-profit service providers, to submit applications that will provide benefit within the jurisdiction.

Funding Available

- Funds available: estimated \$8M (all CDBG funds nearing federal expiration date)
- Maximum Request: \$500,000
- Match Funds: minimum \$5,000 match



TEXAS DEPARTMENT OF AGRICULTURE
COMMISSIONER SID MILLER

Texas Community Development Block Grant Program (TxCDBG) Fire, Ambulance, & Services Truck (FAST) Fund (cont.)

Application Process

Step 1: Identify local needs

- Does your community require additional vehicles to provide adequate service?
- Does your existing vehicle need to be replaced?

Step 2: Select application preparer (and grant administrator, if funded)

- Use the Pre-Qualified/Approved Vendor list and streamlined Procurement process
- [http://www.texasagriculture.gov/GrantsServices/RuralEconomicDevelopment/RuralCommunityDevelopmentBlockGrant\(CDBG\)/PrequalifiedProfessionalServices.aspx](http://www.texasagriculture.gov/GrantsServices/RuralEconomicDevelopment/RuralCommunityDevelopmentBlockGrant(CDBG)/PrequalifiedProfessionalServices.aspx)

Step 3: Determine benefit area for the vehicle/equipment and eligibility

- Will the vehicle serve a specific area of the community?
- Will 2019 LMISD data or a survey of the community support the low- to -moderate income requirement?

Note: HUD revised LMISD data is effective April 1, 2019; prior LMISD data will not be accepted

Step 4: Prepare application

- Must include a quote (no more than 90 days prior to submission) or procurement documentation with pre-agreement (see application guide for more details)
- Public hearing (may be held jointly with hearing for other TxCDBG fund categories)

Scoring Criteria

Applications will be scored and ranked based on:

- Poverty Rate of applicant (cities compared to cities and counties compared to counties)
- Previous Funding
- Past Performance see 2019-2020 CD Fund - State scoring factors and timeframe
- Tie-Breaker, Per Capita Income (cities compared to cities and counties compared to counties)

Contact Information

Program Specialist Michelle Phares can be reached at Michelle.Phares@TexasAgriculture.gov or (512) 936-6702.

ORDINANCE NO. 2019-_____

AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR 526 E. KLEBERG AVE., ALSO KNOWN AS ORIG. TOWN, BLOCK 40, LOTS 17-22, FOR AUTO PAINT AND BODY SHOP 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 Domingo Reyna, 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 15, 2019, during a meeting of the Planning Commission, and on Tuesday, May 28, 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 4-0 to APPROVE, the requested special use permit; and

WHEREAS, the property is currently zoned C2-Retail District and it is desired for an auto paint and body shop use 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 an auto paint and body shop on the premises known as 526 E. Kleberg Ave., Orig. Town, Block 40, Lots 17-22, 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 an auto

paint and body shop at the C2 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 28th day of May, 2019.

PASSED AND APPROVED on this the 10th day of June, 2019.

Effective Date: _____

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

CONSENT AGENDA

AGENDA ITEM #1

Budget Amend.

**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 #2

Memorandum

Date: 5/15/2019
To: Deborah Balli, Interim City Manager
CC: Courtney Alvarez, City Attorney
From: Emilio H. Garcia, City-County Health Director
RE: Reappointment of member to the City-County Health Board

Please be advised that the City-County Health Board Member term for Joni B. Harrel expired on May 13, 2019. I have spoken to Joni B. Harrel she agreed to remain on the Board. The re-appointment to the City-County Health Board is for 3 years.

It is my recommendation that Mrs. Joni B. Harrel be re-appointed to the City-County Health Board.

I am requesting that the City Commission consider her re-appointment at the next Regular Commission meeting.

Thank you,
Emilio H. Garcia
City-County Health Director

AGENDA ITEM #3

**City of Kingsville
Planning Department**

TO: Mayor and City Commissioners

CC: Deborah Balli, Interim City Manager

FROM: Cynthia Martin, Downtown Manager

DATE: May 17, 2019

SUBJECT: TxCDBG Grant Contract #7219012 Resolution Authorizing Signatories

Summary: As part of the process to receive the grant funding for a Main Street sidewalk project, a resolution identifying at least two (2) persons responsible for both contractual documents and requests for payment must be approved prior to administering the grant funds. It is proposed this resolution authorize Interim City Manager, Deborah Balli, to be signatories for said documents pertaining to Texas Community Development Grant Program (TxCDBG) Contract #7219012.

Background: On April 3, 2019, the City of Kingsville was awarded a grant of \$250,000 for sidewalk improvements in the Kingsville Main Street district through the Texas Capital Fund Main Street Program on April 3, 2019. On May 17, 2019, the City of Kingsville received the attached agreement between the Texas Department of Agriculture and the City of Kingsville for Contract #7219012 for Texas Capital Fund Main Street Program for execution by Interim City Manager, Deborah Balli. On May 13, 2019, a resolution was passed by City Commission authorizing Ms. Balli to sign financial, health trust plan and other items of City business on behalf of the position of City Manager. When the City was awarded a similar Texas Capital Fund Main Street Program for downtown projects in 2016, the City Manager, at that time Jesús Garza, signed the contract.

Financial Impact: No financial impact.

Recommendation: Approve resolution authorizing signatories.



RESOLUTION NO. 2019-39

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:

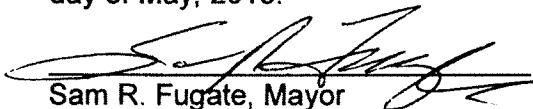
Remove: Jesus A. Garza, City Manager

Add: Deborah Balli, Interim City Manager

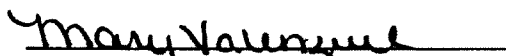
Section 2: This resolution shall be effective until it is repealed or superseded by another resolution.

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

RESOLUTION # 2019-_____

A RESOLUTION OF THE CITY COMMISSION OF KINGSVILLE, TEXAS, DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TXCDBG) CONTRACT NUMBER #7219012, TEXAS CAPITAL FUND 2018 PROGRAM FOR IMPROVEMENTS IN THE DOWNTOWN AREA.

WHEREAS, the City of Kingsville, Texas has received a 2018 Texas Community Development Block Grant award to provide downtown sidewalk improvements; and,

WHEREAS, it is necessary to appoint persons to execute contractual documents and documents for requesting funds from the Texas Department of Agriculture; and,

WHEREAS, an original signed copy of the *TxCDBG Depository/Authorized Signatories Designation Form* (Form A202) is to be submitted with a copy of this Resolution; and,

WHEREAS, the City of Kingsville, Texas acknowledges that in the event that an authorized signatory of the City changes (election, illness, resignations, etc.), the City must provide TxCDBG with the following:

~a resolution stating who the new authorized signatory is (not required if this original resolution names only the title and not the name of the signatory); and

~a revised *TxCDBG Depository/Authorized Signatories Designation Form* (Form A202).

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

I.

THAT the Mayor and the (Interim) City Manager be authorized to execute contractual documents between the Texas Department of Agriculture and the City for the 2018 Texas Community Development Block Grant Program on behalf of the City of Kingsville.

II.

THAT the (Interim) City Manager and the Director of Planning & Development Services be authorized to execute the *State of Texas Purchase Voucher and Request for Payment Form* documents required for requesting funds approved in the 2018 Texas Community Development Block Grant Program on behalf of the City of Kingsville.

III.

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

PASSED AND APPROVED by a majority vote of the City Commission the 28th day of May, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

Depository/Authorized Signatories Designation Form

Grant Recipient CITY OF KINGSVILLE

TxCDBG Contract No. 7219012

The individuals listed below are designated by resolution as authorized signatories for contractual documents.

Sam R Fugate	Deborah Balli
(Name)	(Name)
Mayor	City Manager
(Title)	(Title)
(Signature)	(Signature)

In addition to the individuals listed above, the individuals listed below are designated by resolution as authorized signatories for the *Request for Payment Form* (Form A203)—(At least two (2) signatories required).

Tom Ginter	Deborah Balli
(Name)	(Name)
Director of Planning & Development Services	City Manager
(Title)	(Title)
(Signature)	(Signature)
(Name)	(Name)
(Title)	(Title)
(Signature)	(Signature)

NOTE: A copy of a Resolution passed by the city council or county commissioner's court authorizing the signatories must be submitted along with this form. Grant Recipients are strongly encouraged to use the sample resolution provided.

**AGREEMENT BETWEEN THE TEXAS DEPARTMENT OF AGRICULTURE
AND
THE CITY OF KINGSVILLE
CONTRACT NO. 7219012
FOR
TEXAS CAPITAL FUND MAIN STREET PROGRAM**

SECTION 1. PARTIES TO CONTRACT

This contract and agreement is made and entered into by and between the Texas Department of Agriculture (herein referred to as the "Department"), an agency of the State of Texas, and the City of Kingsville (herein referred to as "Contractor"). The parties to this contract agree to the obligations and performance of the tasks described herein.

SECTION 2. CONTRACT PERIOD

This contract and agreement shall commence on May 6, 2019, and shall terminate on May 5, 2021, unless otherwise specifically provided by the terms of this contract.

SECTION 3. PURPOSE

The Department has been designated as the state agency to administer, and the United States Government has awarded the Department funds for, the Texas Community Development Block Grant ("TxCDBG") Program under Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.), herein referred to as the "HCD Act." Contractor has submitted, and the Department has approved, Contractor's application for a TxCDBG award to undertake eligible community and/or economic development activities in a non-entitlement area (herein referred to as the "Application"). This contract sets forth the obligations of the parties along with the terms and conditions under which the Department will provide funds to Contractor.

SECTION 4. CONTRACTOR PERFORMANCE

A. Contractor shall conduct the activities approved under this award in a manner satisfactory to the Department and consistent with any standards required as a condition of providing these funds. The authorized use of TxCDBG funds is premised upon, and conditioned on, Contractor fulfilling a CDBG national objective as a result of the TxCDBG-assisted activities. Contractor shall perform all activities in accordance with the terms of the Performance Statement (Exhibit A); Budget (Exhibit B); Project Implementation Schedule (Exhibit C); Special Conditions (Exhibit D); Applicable Laws and Regulations (Exhibit E); Certifications (Exhibit F); and with all other terms, provisions, and requirements set forth in this contract. The Application, in addition to any certifications, assurances, information and documentation required to meet award conditions, are hereby incorporated into this contract.

B. Contractor shall ensure that the national program objective identified in the Performance Statement has been met and that the persons expected to benefit from the activities performed under this contract are receiving such benefit before submitting the Project Completion Report to the Department. If Contractor fails to meet a national program objective, Contractor must repay to the Department any associated disallowed costs as specified by the Department.

C. Contractor shall adhere to the Project Implementation Schedule timelines for key project activities. As described in the TxCDBG Project Implementation Manual and policy directives, the Department may require Contractor to submit written justification and take remedial action for any contract activity that is not completed by the date specified on the Project Implementation Schedule.

SECTION 5. DEPARTMENT OBLIGATIONS

A. Payment for Allowable Costs. In consideration of full and satisfactory performance of the activities referred to in Section 4 of this contract, the Department shall be liable for actual and reasonable costs incurred by Contractor during the contract period subject to the limitations set forth in this Section.

1. The parties agree that the Department's obligations under this contract are contingent upon the actual receipt of adequate state or federal funds to meet the Department's liabilities under this contract. If adequate funds are not available to make payments under this contract, the Department shall notify Contractor in writing within a reasonable time after such fact is determined. In such event, the Department shall terminate this contract and will not be liable for failure to make payments to Contractor under this contract.
2. The Department shall not be liable to Contractor for any costs incurred by Contractor which are not allowable costs, as set forth in Section 7 of this contract. Expenses paid by or financed from other funding sources are not allowable costs under this contract.
3. The Department shall not be liable to Contractor for any costs incurred by Contractor or for any performances rendered by Contractor which are not in accordance with the terms of this contract.
4. The Department shall not be liable for costs incurred or performances rendered by Contractor before commencement of this contract or after termination of this contract. The Department may reimburse allowable administrative and engineering costs incurred by Contractor prior to this contract's execution date, if prior to the award Contractor requested and received written approval from the Department, and Contractor complied with all requirements for the release of such funds.
5. The Department shall not be liable to Contractor for any costs incurred by Contractor in the performance of this contract which have not been submitted to the Department by Contractor within 60 days following termination of this contract, with the exception of administrative costs for preparation of a Single Audit. Administration funds reserved on the Certificate of Expenditures for audit costs and eligible for reimbursement shall be billed to the Department within nine (9) months after the end of Contractor's fiscal year that follows the termination date of this contract. The Department shall deobligate all funds not requested under this paragraph.

B. Excess Payments. Contractor shall refund to the Department any sum of money which has been paid to Contractor by the Department which the Department determines has resulted in overpayment to Contractor, or which the Department determines has not been spent by Contractor in accordance with the terms of this contract. Such refund shall be made by Contractor to the Department within 30 calendar days after such refund is requested by the Department.

C. Limit of Liability. Notwithstanding any other provision of this contract, it is expressly agreed and understood that the total amount to be paid by the Department to Contractor for allowable expenses incurred under this contract shall not exceed Two Hundred Fifty Thousand and No/100 Dollars (\$250,000).

SECTION 6. GENERAL CONDITIONS

A. General Compliance. Contractor agrees to comply with the requirements of Title 24 of the Code of Federal Regulations (CFR) Part 570, Subpart I (the U.S. Housing and Urban Development [HUD] regulations concerning the state CDBG program). Contractor also agrees to comply with all other applicable Federal, state and local laws, regulations, and policies as now in effect and as may be amended from time to time, including those specified in the Applicable Laws and Regulations attached to this contract. Contractor further agrees to utilize funds available under this contract to supplement rather than supplant funds otherwise available.

B. Independent Contractor. Nothing contained in this contract is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties to this contract. Contractor shall at all times remain an "independent contractor" with respect to the services to be performed under this contract.

C. Indemnification. Contractor agrees, to the extent allowed by law, to hold harmless, defend and indemnify the Department from any and all claims, actions, suits, charges and judgments whatsoever that arise out of Contractor's performance or nonperformance of the activities, services or subject matter called for in this contract.

D. Department Recognition

1. Public buildings, facilities, and centers, including infrastructure visible to the general public, constructed with funds provided under this contract shall have permanent signage placed in a prominent visible public area with the wording provided below.

2. Other construction projects, e.g., water transmission lines, sewer collection lines, drainage, roadways, housing rehabilitation, etc., utilizing funds provided under this contract shall have temporary signage erected in a prominent location at the construction project site or along a major thoroughfare within the locality as directed by the owner.

3. Wording, Size and Formatting. The signage must be legible from a distance of at least three feet and comply with the wording, size and formatting requirements set forth in the TxCDBG Project Implementation Manual.

E. Changes and Amendments

1. Except as specifically provided otherwise in this contract or the TxCDBG Project Implementation Manual, any alterations, additions, or deletions to the terms of this contract shall be by amendment in writing and executed by both parties to this contract. Such amendments shall not invalidate this contract, nor release the Department or Contractor from its obligations under this contract, except as specifically set out therein.

2. A request for an extension must be supported by documentation of extenuating circumstances beyond Contractor's control which prevented completion of the project within the contract period.

3. A request to extend the contract period should be submitted in writing to the Department as soon as a delay is foreseen. Contract extension requests must be submitted to the Department approximately 60 days but no later than 30 days prior to the expiration of the contract and include a revised implementation schedule showing when major milestones will be completed for each activity. A request for an exception to the requirements specified in this paragraph will be evaluated in accordance with the applicable section of the TxCDBG Project Implementation Manual.

4. It is understood and agreed by the parties that performances under this contract must be rendered in accordance with the HCD Act; the policies, procedures and regulations of the Department; assurances and certifications made to the Department by Contractor; and assurances and certifications made to HUD by the State of Texas with regard to the operation of the TxCDBG Program. Based on these considerations, and in order to ensure the legal and effective performance of this contract by both parties, it is agreed by the parties that performance is subject to and governed by the provisions of the TxCDBG Project Implementation Manual and any amendments thereto. Further, the Department may from time to time during the period of performance of this contract issue policy directives which serve to establish, interpret, or clarify performance requirements under this contract. Such policy directives shall be promulgated by the Department in the form of TxCDBG issuances, shall have the effect of qualifying the terms of this contract and shall be binding upon the Contractor, as if written herein, provided, however, that the policy directives and any amendments to the TxCDBG Project Implementation Manual shall not alter the terms of this contract so as to release the Department from any obligation specified in Section 5 of this contract to reimburse costs incurred by the Contractor prior to the effective date of such amendments or policy directives.

5. Any alterations, additions, or deletions to the terms of this contract which are required by changes in Federal or State laws or regulations are automatically incorporated into this contract without written amendment and shall become effective on the date designated by such law or regulation.

F. Remedies for Noncompliance. The Department may take one or more corrective or remedial actions as specified in this contract and 2 CFR 200.338, "Remedies for Noncompliance."

1. Suspension or Termination

a. The Department may suspend or terminate this contract, in whole or in part, if Contractor materially fails to comply with any term of this contract, including but not limited to:

(1) Failure to comply with any of the rules, regulations or provisions referred to herein, or such statutes, regulations, executive orders, and HUD guidelines, policies or directives as may become applicable at any time;

(2) Failure, for any reason, of Contractor to fulfill its obligations under this contract within the timeframes and manner as specified by the Department;

(3) Failure to complete activities in accordance with the Project Implementation Schedule;

(4) Failure to submit to the Department, within the timeframes and manner as specified by the Department, any report required by this contract;

(5) Submission of reports to the Department that are incorrect or incomplete in any material respect; or

(6) Misuse or improper use of funds provided under this contract.

b. Knowingly making false statements or providing false information on a grant application, certification, or report submitted to the Department is grounds for termination of the contract award.

c. The contract may also be terminated for convenience, in whole or in part, only as follows:

(1) by the Department with the consent of Contractor in which case the two parties shall agree upon the termination conditions, including the effective date and in the case of partial termination, the portion to be terminated; or

(2) by Contractor upon written notification to the Department, setting forth the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated. However, if, in the case of a partial termination, the Department determines that the remaining portion of the award will not accomplish the purposes for which the award was made, the Department may terminate the award in its entirety.

d. Upon termination or receipt of notice to terminate, whichever occurs first, Contractor shall cancel, withdraw, or otherwise terminate any outstanding orders or subcontracts related to the performance of this contract or the portion of this contract to be terminated, as applicable, and shall cease to incur costs thereunder. The Department shall not be liable to Contractor for costs incurred after termination of this contract.

e. Notwithstanding any exercise by the Department of its right of suspension or termination as provided in this Section, Contractor shall not be relieved of any liability to the Department for damages due to the Department by virtue of any breach of this contract by Contractor. The Department may withhold payments to Contractor until such time as the exact amount of damages due to the Department from Contractor is agreed upon or is otherwise determined.

2. If Contractor materially fails to comply with any term of the award, whether stated in a federal or state statute or regulation, an assurance, in a state plan or application, a notice of award, or elsewhere, the Department,

until it is satisfied that there is no longer any such failure to comply, will take one or more of the following actions, or impose other sanctions, as appropriate in the circumstances:

- a. Terminate payments to Contractor under this contract;
- b. Temporarily withhold payments pending correction of the deficiency by Contractor;
- c. Reduce the grant award or disallow all or part of the cost of the activity or action not in compliance;
- d. Wholly or partly suspend or terminate the current award;
- e. Withhold further awards for the program; or
- f. Take other remedies that may be legally available.

3. Reduction of Payments. In addition to, or in lieu of, any other right or remedy specified in this contract, as determined by the Department, in its sole discretion, violations or breaches by the Contractor of certain contractual and TxCDBG program requirements will result in the reduction of Administration funds awarded under this contract in accordance with the Administrative Penalty Matrixes set out in the TxCDBG Project Implementation Manual.

4. Withholding of Payments. In addition to any other remedy specified in this contract, if Contractor fails to submit to the Department in a timely and satisfactory manner any report required by this contract, the Department shall, at its sole option and in its sole discretion, withhold any or all payments otherwise due or requested by Contractor. If the Department withholds such payments, it shall notify Contractor in writing of its decision and the reasons therefore. Payments withheld pursuant to this section may be held by the Department until such time as the delinquent obligations for which funds are withheld are fulfilled by Contractor.

5. Ineligibility Period

a. Delinquent audit. If Contractor fails to comply with the single audit requirements specified in this contract and fails to submit an acceptable audit report within 90 days after the receipt of notice by the Department that the audit is past due, Contractor shall be ineligible to receive other TxCDBG grant funding opportunities for a period of one year after the 90-day period.

b. Delinquent debt. If the Department requests or requires Contractor to repay funds to the Department as a result of Contractor's noncompliance with contractual or TxCDBG program requirements and Contractor fails to repay the funds by such date as specified by the Department, Contractor shall be ineligible to receive any future TxCDBG grant funding until Contractor has repaid the entire obligation to the Department.

6. Opportunity to cure. The Department shall give Contractor an opportunity to cure a breach of contract as follows:

- a. Department shall provide written notice to Contractor, detailing all elements of the breach or noncompliance.
- b. Contractor must commence cure within 30 days of the Department's notice.
- c. Contractor must notify the Department in writing within 30 days that cure has begun and provide detailed explanation of the steps being made to cure the breach or noncompliance.
- d. Contractor must complete the cure within 90 days of the Department's notice.
- e. Failure to commence cure within 30 days, or failure to complete cure within 90 days, will result in the Department's right to immediately terminate this contract or take other remedial action that may be legally available.

SECTION 7. ADMINISTRATIVE REQUIREMENTS

A. Financial Management

1. Uniform Administrative Requirements and Accounting Standards. Except as specifically modified by law or the provisions of this contract, the Contractor shall comply with applicable uniform requirements in 2 CFR Part

200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," as described in 24 CFR 570.502, and, to the extent applicable, the standards promulgated by the Office of the Comptroller under the Uniform Grant and Contract Management Act (Tex. Gov't. Code Chapter 783, referred to as "UGCMS"). Contractor agrees to adhere to the accounting principles and procedures required therein, utilize adequate internal controls, and maintain necessary source documentation for all costs incurred.

2. Cost Principles. The allowability of costs incurred for performances rendered under this contract shall be determined in accordance with 2 CFR Part 200 subpart E, "Cost Principles," UGCMS, and this contract.

B. Documentation and Record Keeping

1. Records to be Maintained. Contractor shall maintain all records required by the Federal regulations specified in 24 CFR 570.490 that are pertinent to the activities to be funded under this contract. Such records shall include but are not limited to:

- a. Records providing a full description of each activity undertaken;
- b. Records demonstrating that each activity undertaken meets one of the National Objectives of the CDBG program;
- c. Records required to determine the eligibility of activities;
- d. Records required to document the acquisition, improvement, use or disposition of real property acquired or improved with TxCDBG assistance;
- e. Records documenting compliance with the fair housing and equal opportunity components of the CDBG program (Such records must include data on the racial, ethnic, and gender characteristics of persons who are applicants for, participants in, or beneficiaries of the funds provided under this contract);
- f. Financial records, including but not limited to source documentation; invoices; records pertaining to obligations, expenditures, and drawdowns;
- g. Records documenting compliance with labor standards and environmental review; and
- h. Other records necessary to document compliance with Subpart K of 24 CFR Part 570.

2. Audits & Inspections/Access to Records

a. Contractor shall give HUD, the Inspector General, the General Accounting Office, the Auditor of the State of Texas, an authorized office or agency of the State of Texas, and the Department, or any of their representatives or successors, access to all books, accounts, records, reports, files, and other papers or property pertaining to the administration, receipt and use of TxCDBG funds as may be necessary to facilitate review and audit of the Contractor's administration and use of TxCDBG funds received under this contract. Such rights to access shall continue as long as the records are retained by Contractor. Contractor agrees to maintain such records in an accessible location and to provide citizens reasonable access to such records consistent with the Texas Public Information Act (Tex. Gov't. Code, Chapter 552). Contractor shall include the substance of this clause concerning the authority to audit funds and the requirement to cooperate in all subcontracts it awards.

b. Any deficiencies noted in audit reports must be fully cleared by Contractor within 30 days after receipt by Contractor. Failure of Contractor to comply with the audit requirements will constitute a violation of this contract and will result in Contractor's ineligibility to receive other TxCDBG funding opportunities for a period of one year as provided in Section 6 of this contract.

c. Contractor understands and agrees that it shall be liable to the Department for any costs disallowed pursuant to financial and compliance audit(s) of funds received under this contract. Contractor further understands and agrees that reimbursement to the Department of such disallowed costs shall be paid by Contractor from funds which were not provided or otherwise made available to Contractor under this contract.

3. Records Retention. Contractor shall retain all financial and programmatic records, supporting documents, statistical records, and all other records required to be maintained in accordance with 24 CFR 570.490, 2 CFR 200.333, and this contract for the greater of: (i) three years after close-out of the grant from HUD to the State of Texas (not the closeout of this contract); (ii) the period required by other applicable laws and regulations described in 24 CFR 570.487 and 570.488; or (iii) other record retention obligations specific to Contractor's contract or project. Contractor may be required to meet record retention requirements greater than those specified in this Section until audit issues are resolved to the Department's satisfaction and all other pending matters are closed. The Department posts a list on its website of contracts that HUD has closed out with the State of Texas. These contracts are listed by closed Program Year, updated once a year or as needed. In the event Contractor has a question regarding the record retention requirements under this contract, it should contact the Department. Contractor shall include the substance of this clause in all subcontracts it awards.

4. Close-outs. Contractor's obligation to the Department shall not end until all close-out requirements are completed. Activities during this close-out period shall include but are not limited to: making final payments, disposing of program assets (including the return of all unspent funds, program income balances, and accounts receivable to the Department), and determining the custodianship of records. Contractor shall submit all required close-out reports to the Department, in a format prescribed by the Department, no later than 60 days after the contract termination date or at the conclusion of all contract activities as determined by the Department. Notwithstanding the foregoing, the terms of this contract shall remain in effect during any period that Contractor has control over TxCDBG funds, including program income.

C. Reporting and Payment Procedures

1. Program Income. In the same manner as required for all other funds under this contract, Contractor shall maintain records of the receipt, accrual, and disposition of all program income (as defined at 24 CFR 570.489(e)) generated by activities carried out with TxCDBG funds made available under this contract. The use of program income by Contractor shall comply with the requirements set forth at 24 CFR 570.489(e). Contractor shall use such income during the contract period for activities permitted under this contract prior to requesting additional funds from the Department. Contractor shall provide reports of program income to the Department with each payment request form submitted by Contractor in accordance with the payment procedures described herein, and at the termination of this contract. All unexpended program income shall be returned to the Department at the end of the contract period, unless otherwise specifically provided within this contract.

2. Payment Procedures

a. The Department shall pay Contractor based upon information submitted by Contractor, consistent with the approved budget and Department policy concerning payments. Payments shall be made for allowable costs actually incurred by Contractor, not to exceed actual, properly documented, cash expenditures. Payments will be adjusted by the Department in accordance with program income balances available in Contractor accounts.

b. The Department shall not be liable to Contractor for any costs incurred by Contractor under this contract until Contractor submits to the Department a properly completed Form A202, Depository/Authorized Signatories Designation Form, found in Chapter 2 of the TxCDBG Project Implementation Manual.

c. Contractor shall submit to the Department at its offices in Austin, Texas, a properly completed Request for Payment form as specified by the Department. Contractor should submit a request for payment under each budget line item, or a written justification for the delay in drawdown of funds, at least annually or as directed by the Department. Drawdowns for the payment of eligible expenses shall be made against the line item budgets specified in the Budget and in accordance with performance. Expenses for general administration shall also be paid against the line item budgets specified in the Budget and in accordance with performance. The Department shall determine the reasonableness of each amount requested and shall not make disbursement of any such payment until the Department has reviewed and approved such Request.

d. Notwithstanding the provisions of clauses C.2.a to C.2.c of this Section, it is expressly understood and agreed by the parties to this contract that payments under this contract are contingent upon Contractor's full and satisfactory performance of its obligations under this contract.

3. Progress Reports. Contractor shall submit regular Progress Reports to the Department in the form, content, and frequency as required by the Department. Contractor shall comply with all reporting and submission requirements of the Federal Funding Accountability and Transparency Act (Public Law 109-282, as amended by section 6202 of Public Law 110-252), as well as the reporting and submission requirements of HUD as prescribed by the Department.

D. Procurement. Unless specified otherwise within this contract, Contractor shall procure all materials, property, and services in accordance with: (1) current Department policy concerning procurements, (2) the procurement standards in 2 CFR Part 200 Subpart D, and (3) Chapter 252 or 262 of the Texas Local Government Code, as applicable. Contractor shall ensure that all purchase orders and contracts include all applicable references to statutes, implementing regulations and executive orders. In addition, Contractor shall maintain records of all materials, property, and services as may be procured with funds provided herein.

E. Use and Reversion of Assets. The use and disposition of real property and equipment acquired or improved in whole or in part using TxCDBG funds shall be in compliance with the requirements of 2 CFR 200.311 and 200.313, and 24 CFR 570.489(j).

SECTION 8. PERFORMANCE MONITORING

A. The Department shall monitor the performance of Contractor against the goals stated in the Performance Statement and the milestones listed in the Project Implementation Schedule. The Department reserves the right to perform periodic on-site monitoring of Contractor's compliance with the terms and conditions of this contract, and of the adequacy and timeliness of Contractor's performances under this contract. After each monitoring visit, the Department shall provide Contractor with a written report of the monitor's findings. If the monitoring reports note deficiencies in Contractor's performances under the terms of this contract, the monitoring report shall include requirements for the timely correction of such deficiencies by Contractor. Failure by Contractor to take action specified in the monitoring report may be cause for suspension or termination of this contract, as provided in Section 6 of this contract, or the Department may withhold other grant awards.

B. As stipulated in Section 4.B. of this contract, if the contract ends without any project beneficiaries resulting from the use of contract funds, Contractor shall reimburse to the Department all contract funds disbursed to Contractor, including but not limited to funds disbursed for administration and engineering services. Contractor shall be required to repay the funds within the timeframe specified by the Department.

SECTION 9. SUBCONTRACTS

A. Except for subcontracts to which the federal labor standards requirements apply, Contractor may subcontract for performances described in this contract without obtaining the Department's prior written approval. Contractor shall only subcontract for work to which the federal labor standards requirements apply after Contractor has verified the subcontractor's eligibility under the federal System for Award Management and has followed the subcontracting requirements in the TxCDBG Project Implementation Manual. Contractor, in subcontracting for any performances described in this contract, expressly understands that in entering into such subcontracts, the Department is in no way liable to the subcontractor(s).

B. Selection Process

1. Contractor shall insure that all subcontracts are awarded as a result of fair and open competition in accordance with applicable procurement requirements.

2. Documentation concerning the selection process, including evidence of competitive procurement as specified in the TxCDBG Project Implementation Manual, must be submitted to the Department prior to drawdown of funds relating to the appropriate subcontract.

3. Executed copies of all subcontracts shall be forwarded to the Department upon request.

C. Contractor shall ensure that the applicable prevailing wage rate is included in the advertising and solicitation of bids in accordance with the TxCDBG Project Implementation Manual.

D. Monitoring. Contractor shall monitor all subcontracted services on a regular basis to assure contract compliance. In no event shall any provision of this Section be construed as relieving Contractor of the responsibility for ensuring that all subcontracts comply with all terms of this contract, as if performed by Contractor. The Department's approval under this Section does not constitute adoption, ratification, or acceptance of Contractor's or subcontractor's performance. The Department maintains the right to insist upon Contractor's full compliance with the terms of this contract, and by the act of approval under this Section, the Department does not waive any right of action which may exist or which may subsequently accrue to the Department under this contract.

E. Content. Contractor shall insert appropriate clauses in all subcontracts to bind subcontractors to the terms and conditions of this contract insofar as they are applicable to the work of subcontractors.

F. Bonding. Contractor shall comply with the bonding requirements of Chapter 2253 of the Texas Government Code and 2 CFR 200.325, as applicable.

G. Contractor shall retain five percent (5%) of each construction or rehabilitation subcontract entered into by Contractor until the Department determines that the Federal labor standards requirements applicable to each such subcontract have been satisfied.

SECTION 10. LEGAL AUTHORITY

A. Contractor assures and guarantees that Contractor possesses the legal authority to enter into this contract, receive funds authorized by this contract, and perform the services it has obligated itself to perform.

B. The person or persons signing and executing this contract on behalf of Contractor hereby warrant and guarantee that he, she or they have been duly authorized by Contractor to execute this contract and have authority to validly and legally bind the Contractor to all terms, performances, and provisions set forth herein.

C. The Department shall have the right to suspend or terminate this contract if there is a dispute as to the legal authority of either Contractor, the person signing this contract, or the party rendering services under the contract. Contractor is liable to the Department for any money it has received from the Department pursuant to this contract, if the Department has suspended or terminated this contract for reasons stated in this Section.

SECTION 11. LITIGATION AND CLAIMS

Contractor shall give the Department immediate notice in writing of (1) any action, including any proceeding before an administrative agency, filed against Contractor arising out of the performance of any subcontract; and (2) any claim against Contractor, the cost and expense of which Contractor may be entitled to be reimbursed by the Department. Except as otherwise directed by the Department, Contractor shall furnish immediately to the Department copies of all pertinent papers received by Contractor with respect to such action or claim. Contractor shall provide a notice to the Department within 30 days upon filing under any bankruptcy or financial insolvency provision of law.

SECTION 12. AUDIT

A. Audits shall be conducted in accordance with applicable federal, state and local laws, policies and regulations, including 2 CFR Part 200 Subpart F, "Audit Requirements," and the audit requirements set forth in the TxCDBG Project Implementation Manual.

B. Audit Certification. Within 60 days after the end of each fiscal year in which Contractor has an open contract with the Department, Contractor shall submit an Audit Certification Form (ACF) in accordance with the requirements of the current TxCDBG Project Implementation Manual. Failure by Contractor to submit a complete ACF by the required due date will adversely affect funding for all existing contracts, eligibility to apply for assistance under the TxCDBG Program, and the issuance of new contracts for funding awards.

C. Single Audit Report. If Contractor expends \$750,000 or more in Federal awards, including TxCDBG funds or other Federal financial assistance received indirectly from pass-through entities, during a fiscal year, Contractor shall be responsible for obtaining an audit in accordance with the Single Audit Act Amendments of 1996 (31 U.S.C. 7501–7507) and other applicable federal regulations. The audit shall be made by an independent auditor in accordance with generally accepted government auditing standards covering financial audits.

1. Contractor shall submit required audit documentation (single audit package), as specified in the TxCDBG Project Implementation Manual, to the Department within 30 days after completion of the audit, but no later than nine (9) months after the end of the audit period (i.e., after Contractor's fiscal year end).
2. Contractor shall ensure that the audit report is made available for public inspection within 30 days after completion of the audit.
3. Failure by Contractor to submit a completed single audit package as described in the audit requirements by the required due date will adversely affect funding for all existing contracts, eligibility to apply for assistance under the TxCDBG Program, and the issuance of new contracts for funding awards.

D. Contractor shall take such action to facilitate the performance of such audit or audits conducted pursuant to this Section and Section 7 as the Department may require of Contractor. Contractor shall establish written standard operating procedures and internal controls to include the timely procurement of a CPA firm to start and complete the year end single audit report if applicable, in order to comply with contractual and regulatory requirements. The Department shall not release any funds for any costs incurred by Contractor under this contract until the Department has received a copy of any audit report required by this Section.

SECTION 13. ENVIRONMENTAL REVIEW REQUIREMENTS

A. Contractor understands and agrees that it is responsible for environmental review, decision-making, and action under 42 U.S.C. 5304(g), the National Environmental Policy Act of 1969 (NEPA) [42 U.S.C. 4321 et seq.], and other provisions of law which further the purposes of NEPA, as specified in 24 CFR 58.5. Contractor shall comply with the environmental review procedures set forth in 24 CFR Part 58, the TxCDBG Project Implementation Manual, and all other applicable federal, state, and local laws insofar as they apply to the performance of this contract. Contractor must certify that it has complied with the requirements that would apply under the laws and authorities cited in 24 CFR 58.5 and must consider the criteria, standards, policies and regulations of these laws and authorities. In addition, Contractor must comply with the requirements specified in 24 CFR 58.6.

Contractor shall be responsible for complying with all applicable requirements; for issuing public notifications; for submitting a request for release of funds and related certifications, when required; and for ensuring the Environmental Review Record is complete.

B. Limitations on Activities Pending Clearance

1. Neither Contractor nor any participant in the development process, or any of their contractors, may commit TxCDBG funds on an activity or project, or execute a legally binding agreement for property acquisition, rehabilitation, conversion, repair or construction pertaining to a specific site, until Contractor has completed the 24 CFR Part 58 environmental review process and the Department has authorized use of grant funds or approved the Contractor's request for release of funds and related certification. In addition, until Contractor's request for release of funds and related certification have been approved, neither the Contractor nor any participant in the development process may commit non-TxCDBG funds on or undertake an activity or project if the activity or project would have an adverse environmental impact or limit the choice of reasonable alternatives.

2. If an activity is exempt under 24 CFR 58.34, or is categorically excluded (except in extraordinary circumstances) under 24 CFR 58.35(b), a request for release of funds is not required but Contractor must document its determination as required in 24 CFR 58.34(b) and 58.35(d). Contractor shall comply with the requirements and procedures in the current TxCDBG Project Implementation Manual, and shall submit to the Department a Determination of Exemption or Determination of Categorical Exclusion, as applicable, and other required environmental compliance documentation as specified in the Implementation Manual. Contractor shall also comply with other applicable requirements, as specified in 24 CFR 58.6, regardless of whether the activity is exempt under 24 CFR 58.34 or categorically excluded under 24 CFR 58.35(b).

C. In accordance with 24 CFR 58.77(b), Contractor shall handle inquiries and complaints from persons and agencies seeking redress in relation to environmental reviews covered by approved certifications.

SECTION 14. CITIZEN PARTICIPATION REQUIREMENTS

A. Contractor shall provide for and encourage citizen participation, particularly by low and moderate income persons who reside in slum or blighted areas and areas in which the funds provided under this contract are used, in accordance with 24 CFR 570.486 and this contract.

B. Contractor shall hold a public hearing concerning any activities proposed to be added, deleted, or substantially changed, as determined by the Department, from the activities specified in the Application or the Performance Statement.

C. Prior to the programmatic closure of this contract, Contractor shall hold a public hearing to review its performance under this contract.

D. For each public hearing scheduled and conducted by Contractor under this Section, Contractor shall comply with the hearing requirements specified in the TxCDBG Project Implementation Manual.

E. Notwithstanding the provisions of Section 7 of this contract, Contractor shall retain documentation of public hearing notices, a list of the attendees at each hearing, and minutes of each hearing held in accordance with this section for a period of three (3) years after the termination of this contract. Contractor shall make such records available to the public in accordance with Texas Government Code, Chapter 552.

F. **Complaint Procedures.** Contractor shall maintain written citizen complaint procedures that provide a timely written response to complaints and grievances. Such procedures shall comply with the Department's requirements. Contractor shall ensure that its citizens are aware of the location and hours at which they may obtain a copy of the written procedures and the address and phone number for submitting complaints.

SECTION 15. DEBARMENT

By signing this contract, Contractor certifies that it is not debarred, suspended or otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549 and 2 CFR Part 2424. Contractor is required to immediately report to the Department if it is debarred, suspended or otherwise excluded

from or ineligible for participation in federal assistance programs. Additionally, Contractor certifies that it will not award any funds provided under this contract to any party which is debarred, suspended or otherwise excluded from or ineligible for participation in federal assistance programs. Contractor shall verify the eligibility status of each proposed subcontractor under this contract and its principals and retain documentation in the local files.

SECTION 16. PERSONNEL AND PARTICIPANT CONDITIONS

A. Civil Rights and Anti-discrimination

1. Contractor agrees to ensure that no person shall on the grounds of race, color, national origin, religion, sex, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity assisted in whole or in part with TxCDBG funds.
2. Contractor agrees to comply with all federal, state and local civil rights laws and ordinances, including but not limited to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), as amended; the Fair Housing Act (42 U.S.C. 3601 *et seq.*), as amended; Section 104(b) and Section 109 of Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(b) and 24 CFR Part 6, respectively), as amended; Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*); the Architectural Barriers Act of 1968 (42 U.S.C. 4151 *et seq.*); the Age Discrimination Act of 1975 (42 U.S.C., 6101 *et seq.*); and Executive Order 11063 (Equal Opportunity in Housing), as amended by Executive Order 12259.
3. Contractor agrees to comply with the non-discrimination laws, regulations, and executive orders referenced in 24 CFR 570.607 in employment and contracting opportunities.
4. Contractor shall include the terms and conditions of this civil rights clause in every subcontract or purchase order so that these terms and conditions will be binding upon each subcontractor or vendor.

B. Employment Restrictions

1. **Prohibited Activity.** Contractor agrees that no funds provided, nor personnel employed, under this contract shall be used for: political activities or to further the election or defeat of any candidate for public office; lobbying; inherently religious activities; political patronage; and nepotism activities.
2. **Labor Standards**
 - a. Contractor agrees to comply with the requirements of the U.S. Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 3141 *et seq.*) as amended, the provisions of Contract Work Hours and Safety Standards Act (40 U.S.C. 3701 *et seq.*), and all other applicable Federal, state and local laws and regulations pertaining to labor standards insofar as those acts apply to the performance of this contract.
 - b. Contractor agrees to comply with the Copeland Anti-Kick Back Act (18 U.S.C. 874 *et seq.*; 40 U.S.C. 3145) and its implementing regulations of the U.S. Department of Labor at 29 CFR Part 3. Contractor shall maintain documentation that demonstrates compliance with hour and wage requirements of this part. Such documentation shall be made available to the Department for review upon request.
 - c. Contractor agrees that, except with respect to the rehabilitation of residential property containing less than eight (8) units, all subcontractors engaged under contracts in excess of \$2,000 for construction, alteration or repair work financed in whole or in part with assistance provided under this contract, shall comply with Federal requirements adopted by the Department pertaining to such contracts and with the applicable requirements of the regulations of the U.S. Department of Labor, under 29 CFR Parts 1, 3, and 5 governing the payment of wages and ratio of apprentices and trainees to journey workers; provided that, if wage rates higher than those required under the regulations are imposed by state or local law, nothing hereunder is intended to relieve Contractor of its obligation, if any, to require payment of the higher wage.

Contractor shall cause or require to be inserted in full, in all such contracts subject to such regulations, provisions meeting the requirements of this paragraph.

3. "Section 3" Clause

- a. The work to be performed under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3). Section 3 requires that, to the greatest extent feasible, opportunities for training, employment, contracting and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by section 3 be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.
- b. The parties to this contract will comply with HUD's regulations in 24 CFR Part 135, which implement section 3. As evidenced by their execution of this contract, the parties certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.
- c. Contractor agrees to send to each labor organization or representative of workers with which Contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of Contractor's commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the section 3 preference, set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each, the name and location of the person(s) taking applications for each of the positions, and the anticipated date the work shall begin.
- d. Contractor agrees to include this section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR Part 135. Contractor will not subcontract with any entity where Contractor has notice or knowledge that the entity has been found in violation of the regulations in 24 CFR Part 135.
- e. Contractor will certify that any vacant employment positions, including training positions, that are filled (1) after Contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR Part 135 require employment opportunities to be directed, were not filled to circumvent Contractor's obligations under 24 CFR Part 135.
- f. Noncompliance with HUD's regulations in 24 CFR Part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

C. Conflict of Interest. Contractor agrees to abide by the provisions of Chapter 171, Texas Local Government Code, 2 CFR 200.318-200.319, and 24 CFR 570.489, which include but are not limited to the following:

1. Contractor shall maintain a written code or standards of conduct that shall govern the performance of its officers, employees or agents engaged in the award and administration of contracts supported by TxCDBG funds.
2. No employee, officer or agent of Contractor shall participate in the selection, or in the award, or administration of, a contract supported by TxCDBG funds if a conflict of interest, real or apparent, would be involved.
3. No covered persons who exercise or have exercised any functions or responsibilities with respect to TxCDBG-assisted activities, or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest in any contract, or have a financial interest in any contract, subcontract, or agreement with respect to the TxCDBG-assisted activity, or with respect to the proceeds from the TxCDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for a period of one (1) year thereafter. For purposes of this

paragraph, a “covered person” includes any person who is an employee, agent, consultant, officer, or elected or appointed official of the Department, the Contractor, or any designated public agency.

4. Contractor shall include in all subcontracts any necessary provisions to eliminate or neutralize conflicts of interest.

D. Lobbying

1. No funds provided under this contract shall be used to pay any person to communicate with (a) a member of the legislative or executive branch of state government, as defined in Chapter 305 of the Texas Government Code, which includes a member-elect, officer-elect, officer or employee of the legislature or a legislative committee, and officer or employee of any state agency, department or office in the executive branch; (b) a Member of Congress; or (c) an officer or employee of Congress or a federal agency, to influence legislation or administrative action.

2. The following activities are excepted from the coverage of paragraph 1: technical and factual presentations on topics directly related to the performance of this contract in response to a documented request made by the Department.

SECTION 17. FRAUD, ABUSE, AND MISMANAGEMENT

Contractor must take steps, as directed by the Department, to avoid or mitigate occurrences of fraud, abuse, and mismanagement especially with respect to the financial management of this contract and procurements made under this contract. Upon the discovery of such alleged or suspected fraud or any incident of misapplication of TxCDBG funds associated with this contract, Contractor shall immediately notify the Department and appropriate law enforcement authorities, if necessary, of the theft of any assets provided for under this contract, malfeasance, abuse of power or authority, kickbacks, or the embezzlement or loss of any funds under this contract.

SECTION 18. EFFECTIVE DATE

This contract is not effective unless signed by the Commissioner of the Department or by his authorized designee.

SECTION 19. WAIVER

Any right or remedy provided for in this contract shall not preclude the exercise of any other right or remedy under this contract or under any provision of law, nor shall any action taken by the Department in the exercise of any right or remedy be deemed a waiver of any other rights or remedies. The Department’s failure to act with respect to a breach by Contractor does not waive its right to act with respect to subsequent or similar breaches. The failure of the Department to exercise or enforce any right or provision shall not constitute a waiver of such right or provision.

SECTION 20. ORAL AND WRITTEN AGREEMENTS

A. All oral and written agreements between the parties to this contract relating to the subject matter of this contract that were made prior to the execution of this contract have been reduced to writing and are contained in this contract.

B. The attachments specified in Section 4.A. above are hereby made a part of this contract and constitute promised performances by Contractor in accordance with Section 4 of this contract.

SECTION 21. VENUE

For purposes of litigation pursuant to this contract, venue shall lie in Travis County, Texas.

Signed:

Deborah Balli, City Manager
City of Kingsville

Date

Approved and accepted on behalf of the Texas Department of Agriculture.

Jason Fearneyhough, Deputy Commissioner
Texas Department of Agriculture

Date

EXHIBIT A
PERFORMANCE STATEMENT
CITY OF KINGSVILLE

All activities funded with TxCDBG funds must meet one of the CDBG program's National Objectives: benefit low- and moderate-income persons, aid in the prevention or elimination of slums or blight, or meet community development needs having a particular urgency.

Contractor shall carry out the following activities in the target area identified in the Application. The Contractor shall ensure that the amount of funds expended for each activity described does not exceed the amount specified for such activity in the Budget.

CURRENT NEED

The purpose of this Economic Development project is to provide infrastructure in the form of sidewalk activities in the Main Street area designated by the Contractor. The Contractor certifies that the activities carried out under this contract will meet the national objective of aiding in the prevention or elimination of slums or blight.

ACTIVITIES

Sidewalk Improvements The "minimum necessary" activities shall consist of installing approximately six hundred linear feet (600 l.f.) of concrete sidewalk, six hundred linear feet (600 l.f.) of concrete curb, twelve (12) ADA accessible curb ramps, eight (8) concrete sidewalk bulb-outs. These improvements shall be in the following location(s):

STREET	FROM	TO
Kleberg Avenue	7 th Street	8 th Street

Lighting Improvements The "minimum necessary" activities shall consist of installing eight (8) street lights and necessary appurtenances.

Engineering

Contractor shall ensure that the amount of Department funds expended for all eligible project-related engineering services, including preliminary and final design plans and specifications, all interim and final inspections, and all special services does not exceed the amount specified for engineering in the Budget.

General Administration

Contractor shall ensure that the amount of Department funds expended for all eligible project-related administration activities, including the required annual program compliance and fiscal audit does not exceed the amount specified for administration in the Budget.

EXHIBIT B**BUDGET****CITY OF KINGSVILLE**

<u>Project Activities</u>	<u>Contract Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
03L Sidewalk Improvements - Total	\$250,000	\$73,714	\$323,714
Sidewalk Improvements-Construction	\$250,000	\$0	\$250,000
Lighting Improvements - Construction	\$0	\$50,000	\$50,000
Sidewalk Improvements –Engineering	\$0	\$23,714	\$23,714
21A General Program Administration - Total	\$0	\$8,835	\$8,835
TOTALS	\$250,000	\$82,549	\$332,549

Source of Other Funds:

- 1 – City of Kingsville, General Funds (50,000)
- 2 – City of Kingsville, In-Kind Administration (\$8,835)
- 3 – City of Kingsville, In-Kind Engineering (\$23,714)

EXHIBIT C

PROJECT IMPLEMENTATION SCHEDULE

CITY OF KINGSVILLE

CONTRACT START DATE
May 6, 2019

CONTRACT END DATE
May 5, 2021

If Contractor fails to meet milestones in accordance with this schedule, the Department will withhold payments to Contractor until such milestone has been completed.

Activity To Be Completed by Date Specified:		Milestone Date
Procurement of Professional Services Completed	Month 2	7/6/2019
4-Month Conference Call / Meeting Completed ⁽¹⁾	Month 4	9/6/2019
Plans and Specifications Completed	Month 6	11/6/2019
Plans and Specifications Submitted for Approval (as required ¹)	Month 6	11/6/2019
Environmental Review Completed	Month 6	11/6/2019
Clearance of Pre-Construction Special Conditions	Month 8	1/6/2020
Wage Rate 10-Day Confirmation	Month 8	1/6/2020
Construction Contract Awarded & Executed	Month 9	2/6/2020
Construction - 50% TxCDBG project complete	Month 14	7/6/2020
Construction - 75% TxCDBG project complete	Month 17	10/6/2020
Construction - 90% TxCDBG project complete	Month 19	12/6/2020
Construction & Final Inspections Completed	Month 20	1/6/2021
End Date of Contract	Month 24	5/5/2021
Close-out documents submitted to Department (60 days after End Date)	Month 26	7/4/2021

⁽¹⁾ See TxCDBG Project Implementation Manual

EXHIBIT D
SPECIAL CONDITIONS
CITY OF KINGSVILLE

A. Special Conditions for Release of Construction Funds

Funds for construction activities under this contract will not be released to Contractor by the Department until the following special conditions for release of funds are met. These special conditions must be satisfactorily completed no later than twelve (12) months after the contract start date. In accordance with Section 6 of the contract, the Department may terminate this contract twelve (12) months after the commencement date specified in Section 2 if these special conditions are not met by such date. Contractor shall submit to the Department:

1. Documentation evidencing Contractor's completion of its responsibilities for environmental review and decision-making pertaining to the project as required by Section 13 (Environmental Review) of this contract, and its compliance with NEPA and other provisions of law as specified in 24 CFR 58.5.
2. Certification that Contractor has received all required pre-construction permits or approvals from the appropriate federal, state, or local entity or regulatory agency prior to beginning construction activities under this contract.
3. Other documentation required by the Department for release of construction funds as specified in Chapter 2 of the TxCDBG Project Implementation Manual.

B. Other Special Conditions

1. Project Mapping/Design Information and Copyright

a. Contractor shall receive and maintain a copy of the final project record drawing(s) engineering schematic(s), as constructed using funds under this contract. These maps shall be provided in digital format containing the source map data (original vector data) and the graphic data in files on machine readable media, such as compact disc (CD), which are compatible with computer systems owned or readily available to Contractor. The digital copy provided shall not include a digital representation of the engineer's seal but the accompanying documentation from the engineer shall include a signed statement of when the map was authorized, that the digital map is a true representation of the original sealed document, and that a printed version with the seal has been provided to Contractor. In addition, complete documentation as to the content and layout of the data files and the name of the software package(s) used to generate the data and maps shall be received and maintained by Contractor in written form. Contractor shall provide the Department upon request a copy of all the electronic files and other data received, including the original vector data, and all documentation in electronic format, on a CD or other media in a file format determined by the Department. If requested by the Department, Contractor shall ensure that the CD copy of all the electronic files and other data provided to the Department are properly identified. Specifically, the CD label shall show Contractor's name, the Department's assigned contract number, the contents of CD, the preparer's name, and the name of the software package(s) used to generate the maps on the CD.

b. Where activities supported by this contract produce copyrightable material, Contractor shall not assert any rights at common law or in equity or establish any claim to statutory copyright in such material without the Department's prior written approval. The Department reserves a royalty-free, nonexclusive, and irrevocable license to copy, produce, publish, and use such material, and to authorize others to do so.

- c. Provisions appropriate to effectuate the purposes of this subsection must be in all employment contracts, consultant contracts, including engineering consultant contracts, and other contracts or agreements in which funds received by Contractor under this contract are involved.
2. Contractor shall provide to the Department a copy of the final Inspection Approval letter from the Texas Department of Licensing and Regulation for the plans and specifications specified in the Performance Statement.

EXHIBIT E

APPLICABLE LAWS AND REGULATIONS

Contractor shall comply with the HCD Act; laws and regulations specified in this contract; and with all other federal, state, and local laws and regulations insofar as they apply to the performance of this contract, including but not limited to the laws and regulations specified in this Exhibit.

I. LEAD-BASED PAINT

Any construction or rehabilitation of residential structures with assistance provided under this contract shall be subject to the Lead-Based Paint laws cited in 24 CFR 570.608, and implementing regulations at 24 CFR Part 35.

II. ENVIRONMENTAL LAW AND AUTHORITIES

- A. Council on Environmental Quality regulations contained in 40 CFR parts 1500 through 1508
- B. Historic Properties
 - National Historic Preservation Act of 1966, as amended (54 U.S.C. 300101 *et seq.*)
 - Executive Order 11593, Protection and Enhancement of the Cultural Environment
 - Federal historic preservation regulations at 36 CFR part 800
 - Reservoir Salvage Act of 1960 as amended by the Archeological and Historic Preservation Act of 1974 (54 U.S.C. 312501-312508), as amended
- C. Floodplain management and wetland protection - Executive Order 11988, Floodplain Management; Executive Order 11990, Protection of Wetlands; and HUD regulations at 24 CFR part 55
- D. Coastal Zone Management Act of 1972 (16 U.S.C. 1451 *et seq.*), as amended
- E. Water systems
 - Safe Drinking Water Act of 1974 (42 U.S.C. 300f *et seq.*) as amended
 - Sole Source Aquifers (Environmental Protection Agency - 40 CFR part 149)
- F. Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) as amended
- G. Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 *et seq.*) as amended
- H. Air quality
 - Clean Air Act (42 U.S.C. 7401 *et seq.*) as amended
 - Determining Conformity of General Federal Actions to State or Federal Implementation Plans (Environmental Protection Agency - 40 CFR parts 6, 51, and 93)
- I. Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 *et seq.*), and implementing regulations at 7 CFR part 658
- J. HUD environmental criteria and standards at 24 CFR part 51
- K. Executive Order 12898, Environmental Justice in Minority Populations and Low-Income Populations

III. ACQUISITION/RELOCATION

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601 *et seq.*, and HUD regulations at 24 CFR Part 42 and 24 CFR 570.606

IV. FAITH-BASED ACTIVITIES

Executive Order 13279, Equal Protection of the Laws for Faith-Based and Community Organizations, as amended by Executive Order 13559, Fundamental Principles and Policymaking Criteria for Partnerships with Faith-Based and Other Neighborhood Organizations, and HUD regulations at 24 CFR 570.200(j)

V. OTHER UNIFORM ADMINISTRATIVE REQUIREMENTS

- A. English Language - 2 CFR 200.111
- B. Mandatory Disclosures - 2 CFR 200.113

EXHIBIT F

CERTIFICATIONS

NOTE: Certain of these certifications and assurances may not be applicable to Contractor's project or program.

As the duly authorized representative of the City of Kingsville, I certify that:

Affirmatively Further Fair Housing -- It will comply with the Fair Housing Act (42 U.S.C. 3601 *et seq.*), as amended, and HUD's implementing regulations at 24 CFR Part 100; and it will affirmatively further fair housing, as specified by the Department.

Anti-discrimination Laws -- It will administer the grant in compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*) and HUD's implementing regulations at 24 CFR Part 1; Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended, and HUD's implementing regulations at 24 CFR Part 8; and the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107), as amended, and HUD's implementing regulations at 24 CFR Part 146.

Anti-displacement and Relocation Plan -- It will minimize displacement of persons as a result of activities assisted with TxCDBG funds; it will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601), and implementing regulations at 49 CFR Part 24 and 24 CFR 42 Subpart A; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with TxCDBG funding.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraphs 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105 and the Department.

Environmental Review -- It will comply with environmental requirements of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and related Federal authorities prior to the commitment or expenditure of funds for property acquisition and physical development activities subject to implementing regulations at 24 CFR Parts 50 or 58.

Excessive Force -- It has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations, and a

policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

Use of Funds (Special Assessments) -- It will not attempt to recover any capital costs of public improvements assisted in whole or part with CDBG funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless (A) such funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from other revenue sources; or (B) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, the jurisdiction certifies that it lacks sufficient CDBG funds to comply with the requirements of subclause (A).

Compliance with Laws -- It will comply with applicable laws.

Signature/Authorized Official

Date

Deborah Balli

Printed Name

Finance Director

Title

These certifications are material representations of fact upon which the Department can rely when entering into and executing this contract. If it is later determined that the City of Kingsville knowingly made an erroneous certification, it may be subject to criminal prosecution. The Department may also terminate the award and take other available remedies.

REGULAR AGENDA

AGENDA ITEM #4

AGENDA ITEM #5

CITY OF KINGSVILLE

P. O. BOX 1458 - KINGSVILLE, TEXAS 78364



Date: May 17, 2019

To: City Commission via Interim City Manager Deborah Balli

CC: Courtney Alvarez, City Attorney and Mary Valenzuela, City Secretary

From: Janine Reyes, Director of Tourism Services

Summary: The Hotel Occupancy Tax Advisory Board met May 16th and made the following recommendations regarding Art and Historical funding to diversify arts spending and reduce Tourism's dependence on the fund balance.

- 1) Lower the John E. Conner Museum contribution to a flat rate of \$30,000 per fiscal year contingent upon HOT revenues reaching \$600,000. (This represents approximately 5% of anticipated HOT revenues.) If the HOT revenues do not meet the projected amount of \$600,000, then all of the Tourism Department's (non-personnel) expenditures would be reduced on a percentage basis. [This recommendation was unanimous with one abstention by Dr. Riley.]
- 2) Reserve 5% of HOT funds collected for Arts funding so that the funds could be requested by groups and organizations that could put heads in beds throughout the year. [This recommendation was unanimous.]

The recommendations by the board members present require Commission approval and the drafting of a new Memorandum of Understanding with the John E. Conner Museum that would also need to be approved by Commission.

The board also discussed but did not vote to recommend revisions to the MOU with the John E. Conner Museum to add a contract term limit with the option to terminate and to add performance measures.

Minutes from the meeting are attached.



REGULAR MEETING OF THE HOTEL OCCUPANCY TAX FUND ADVISORY BOARD FOR THE CITY OF KINGSVILLE WAS HELD ON THURSDAY, MAY 16, 2019 IN THE COMMUNITY ROOM AT CITY HALL, 406 W. KING AT 4:06 P.M. THE MEETING WAS CALLED TO ORDER BY CHAIR TERISA RILEY.

HOT FUND ADVISORY BOARD MEMBERS PRESENT:

Dr. Terisa Riley, Texas A&M University-Kingsville representative
Lisa Garza-Munoz, Downtown Merchant
Lance Hancock, King Ranch representative
Leo Garcia, Resident Board Member
Deborah Balli, Kingsville Interim City Manager and ex-officio
Commissioner Chuck Schultz representing Rudy Madrid, Kleberg County Judge and ex-officio member

HOT FUND ADVISORY BOARD MEMBERS NOT PRESENT:

Jonathan Plant, Conner Museum representative
Vic Kasan, Hotel Industry representative & owner of Holiday Inn and Town Place Suites
Rajendra Bhakta, Hotel Industry representative & owner of Super 8 Kingsville

CITY STAFF PRESENT:

Janine Reyes, Director of Tourism Services for the City of Kingsville
Alicia Tijerina, Tourism Department Special Events Coordinator, City of Kingsville
Belinda De La Garza, Tourism Department Part-Time Administrative Assistant, City of Kingsville

1. Riley asked if there were any corrections to the minutes of the meeting held May 14, 2019. Leo Garcia motioned to accept the minutes of the previous meeting as presented. Second by Munoz. The board voted unanimously to accept the minutes.
2. Public Comments
There were none.
3. Reyes reported on the Venue Tax passing by 259 for to 22 against. The votes were canvassed at the City Commission meeting. Now we wait as there is a grant that Kleberg County has applied for which could potentially bring \$6,000,000 to the JK Northway Exposition Center project. This would be a great contribution; however, it does complicate things just a bit as we cannot co-mingle monies. The county should have an answer by the end of the month. Once we have an answer, Finance Department send letters to the hoteliers as the next step. Reyes asked Commissioner Schultz if he would like to add anything on the topic. Schultz addressed the board by saying the county had applied for the grant. There is \$48,000,000 available and there were over \$100,000,000 in request. We've made the short list. He (Madrid) went to Austin last week and we now have 3 candidates. He asked those present to say a little prayer & we should hear from Austin by the beginning of June on their decision. He did say this was a joint effort by 14 surrounding counties and that is a big selling point for this grant.
4. Riley turned the meeting over to the Tourism Director. Reyes briefed over her report. She reported tourism is above \$29,000 plus above this time last year in HOT Fund revenues. First & Second quarter of Hotel Occupancy Tax revenues totaling at \$303,000. Given that fact and what we've seen historically in the past, going back to as far as FY 15 (referenced

handout) we always pick up during the third & fourth quarters. Anticipating what we'll collect this year from previous history is \$600,000 plus. This prompts a need to do a Budget Amendment for both advertising of \$10,000 and our MOU to the Conner which goes up automatically with a \$10,000 increase in budget here as well. We've had a history of budgeting too low in advertising. So we have to look at the two percentages of 15% requirement in marketing & maximum of 15% in the arts. We have traditionally hit below the 14.285% in marketing that we give to the Conner Museum.

She reviewed some advertising that the department as partnered with King Ranch for the year. Cost is \$800 for each entity for a total of three full page ads in Southern Travel Magazine. Other marketing opportunities she is looking into right now is a billboard on IH 37. Cost of billboard is \$800 per month with vinyl change of \$750 per change. The first vinyl would be covered. Riley asked what the business was located next to the billboard she is referencing. Hancock said the business could be an RV center. He also mentioned that a billboard read on the same side the traffic is flowing works best. We are looking at diversifying our marketing efforts. She said talks with Chris Maher have taken place and she would like to include Hancock in the billboard advertising opportunities. Hancock mentioned about one in Bishop and a couple in the Odem area. She did say she is looking at changing the boards for Fiesta de Paloma, Ranch Hand Weekend, Air Show, etc.

Reyes continued onto explain a pie chart as an exercise the department went through with the Texas Hotel Lodging Association (THLA). She asked Alicia to make call to next speaker. THLA was asked to review our budget. We wanted to see how we are spending our budget. Train Depot is classified under the art funds under the Tourism Department. The department spends the money in the following categories: Historical portion 15.85%, Operations is 37.7% and Conner Museum 14.285%.

Merchandise sales this year are \$3,031 compared to last year total sales of \$240. The USS Kingsville caps have done well for the department.

5. Riley moved onto the Texas Hotel Lodging Association budget assessment. Scott with the THLA joined the meeting via telephone. There is a 15% cap depending on your community that can be spent on the arts and 15-50% on historic preservation. Most cities don't reach the 15% cap on the arts per year. He would advise not to give an individual entity a percentage amount because then it arguably artificially grows each year whether their needs grow by that amount. The more prudent practice is to allocate 15% to the arts or historical category and allow different entities to apply for these funds. But you don't give them a certain percentage because you don't know if their needs may exceed that percentage or it could be less. However, you don't give them a certain percentage because then you'll just be throwing money away. Riley asked if you set a flat amount and then we fail to bring in the revenues from the HOT fund taxes due to a hurricane, tornadoes or people just aren't coming to town for that reason. Obviously in our discussions we've been saying to a certain amount of money at a flat rate would be preferably. Scott said you could have in your contract that the flat rate would be based on the presumption that the Hotel Occupancy Taxes come in at budget level and if they don't come in at budget level; the city reserves the right to lower the amount of funding at a proportioned amount based on the receipts of Hotel Occupancy Tax proceeds. Riley gave an example, if we say we're going to bring in \$600,000 in a year and we said the museum was historic, so we're not limited to a percentage and we go away from a percentage completely. And we say the museum gets

\$50,000 a year; however, if the HOT receipts bring in less we could put into the contract that then the historic areas would get 10% less or something equivalent to the amount that we brought in. Scott agreed. Scott also suggested having a reporting mechanism in place for the entity to justify as to how the funds are spent. Reporting criteria could be outlined in agreement or application at time of funding request. Hancock asked who does the audit responsibility fall onto if we're going to be requiring the reporting of expended funds by entity receiving the funds. Scott said there was a couple of issues – the city has an annual audit. You can do Performance Audit and set guidelines for example of things they are to complete or do and have them justify the expenditures. The other if a Financial Audit where you can ask for receipts and clarification of expenditures; show us the backup (receipts, etc.) He believes either type or both audits are a good idea especially when you have a large amount. The person who gives the money has the duty to get the audit. Reyes asked if there were any other questions from Scott.

Riley asked for discussion on what THLA representative had just commented on. She said the Financial Audit would be something that Balli department would handle that. But for a performance contracting concept, that seems like something this board would articulate and hold accountable as a board. The entity receiving the money should be able to show that they are putting heads in beds. That they are having activities to encourage visitors to want to stay in Kingsville. This would help us justify as to why we would invest into something. If it at the end of the year, they don't abide by terms then we would not fund the specific entity.

Ballis said that the contract should have requirements spelled out as to what is expected of them for the payment of HOT Funds. So, whatever is decided to be put into the contract we would be responsible that they abided by those terms. For example, if you want to make sure they are putting heads in beds, we would provide them with some sort of mechanism like some type of survey. Where they would have to have something that would prove they fulfilled their obligation of putting a certain number of heads in beds. Riley said moving forward this type of audits are needed to make sure to keep going forward and did they meet their responsibilities and did we. We probably have not had enough traction or discussion on this. This is where we need to head next. After a lengthy discussion, Riley said what this gives us we could invest the arts money into other arts that have a greater opportunity of bringing in even more money which increases the budget. We can't continue to just do what we've always done because when we are giving about \$90,000 to the Conner Museum it gives us no room to be able to fund other events, festivals, etc. Riley did remind folks that she is not taking this lightly. Being with the university and knowing what the Conner Museum financial status is does not make things easy for her.

6. Discussion on recommendation from the board to the commission on how to spend the funding for the arts was held. Riley made a recommendation of funding the Conner Museum at a flat rate of \$50,000 contingent upon the HOT revenues coming in at \$600,000 for the year and if the revenues come in below the anticipated amount adjustment to the \$50,000 would need to be made accordingly. A new MOU to be drafted with an annual review based on Performance Measures and whether they are bringing Heads in Beds. If we

do not bring in anticipated budgeted amount in HOT funds, we would need a reduction to be made at that time to the Conner as well. Stipulations of Performance in and Heads in Beds. Doesn't know if we have a methodology to handle this at this time. Garcia questioned the \$50,000 recommendation is based on \$600,000 in revenue this year, going forward if budget revenues drop how often is reviewed for changes. Riley said annually. Riley did say we could do an MOU for five (5) years reviewable yearly. Alvarez, said MOU can be written up as agreed on. Riley just wanted to be clear on whether the City had limitation on number of years for MOU. Hancock asked if you could have an opt out clause in a 5-year agreement. Hancock wants to make sure we have an opt out clause where the City can opt out just in case we have some unforeseen reason that we need to. Courtney Alvarez said the City has various contract agreements with different lengths of years. With the University, sometimes we have a 3 year or 5 year with an annual review. The contracts generally have a provision in there that either party can terminate the agreement. As long as they provide the other party a certain number of days notice in advance of termination. Riley did want to allow the Conner Museum if it is classified as historical to be able to apply for arts funding for a specific activity as other entities would be allowed to apply for a grant. Reyes, says she believes there needs to be a cap in the arts funding because keeping the Conner at \$50,000 will still not allow us to get extra funds available for others. Hancock asked if we move the Conner out of the arts funding, what is left? Reyes answered .71 is what is left. This year left us with \$3,800 based on \$525,000 revenue. Balli said if we have \$600,000 and we gave \$50,000 to the Conner. This would roughly be 9% this would leave tourism with 6% left for arts funding. Reyes said this would be if she wanted to expend the full 15% as she mentioned earlier, most cities spend up to 5% towards the arts only. Riley said 5% would give you \$30,000.

After a lengthy discussion, Reyes said whatever amount you give to Conner Museum you have to remove from the Arts Fund whether you list it as historical or art because it is the same money. If we classify it as historical, this does not mean we are getting any new money and we would be dipping into the Fund Balance. Garcia agreed and said the Fund Balance would not last if we keep spending as we are currently. Riley asked if not funding the Conner Museum at all and having them compete for the arts funding like everyone else would be the way to go. Balli said that would be one way to do it. By having them compete for it they would have to provide justifications, receipts, etc. instead of just giving them money flat out. It would make them more responsible for what they're receiving. Garcia said we don't know what the Conner can you do as far as fundraising since they have been given this money for so long. Riley did say they have been challenged because of cuts annually from the state legislature. She did say they have the capacity with the help of the Friends of the Conner Museum. Riley said in good conscience it is nearly impossible for her in her position with the university to support a recommendation to cut the funding completely from the museum and make them compete only for the arts funding. She would abstain have to abstain from voting if this was the recommendation. Hancock asked what if the museum received 5% of the arts funding and allowed them to compete for other monies available on a as needed basis with the requirements as discussed above. The goal of this board is that we put programs in place through tourism and us that \$600,000 is the low benchmark. And we hope that number continues to grow in years to come. Therefore, if

the revenues increase the funding to the Conner increases at the 5% level. Riley understands the board needs to make some tough decisions. Garcia made a recommendation of funding the Conner Museum at a flat rate of \$30,000 to the Conner Museum with the condition if the City does not bring in the revenue of \$600,000 anticipated for the year the contribution to the museum will be adjusted accordingly. This would also allow the museum to apply for additional arts money for special projects. And that 5% be available for grant applications for a total of 10% cap on arts funding. Hancock seconded the motion. Motion passed unanimously with one abstaining (Riley) This would be effective at the beginning of Fiscal Year 2019-2020 in October.

7. Riley moved onto the next item on the agenda. She asked Dr. Ybanez if he would like to address the board. Dr. Ibanez with the Blazing Sun Film Festival to be held in October 2019. As of today they had received six international film submissions. This is good for the film festival. After a brief presentation. Riley asked Dr. Ybanez if the festival will be having a direct impact on students at the university or prospective students. Ybanez said yes. Riley said she would like to help support the festival with \$3,000 from the university. She would also possibly be able to tap into Enrollment Management and offer some scholarships to the high school winning entries.

Riley also mentioned that the board currently does not have a application process in place and other parties have not been notified that they could apply for this money. Reyes said the reason she has asked the film festival group to present to the board because their event is in October. Brief discussion on process required with commission on recommendation to lower contribution to Conner Museum and then possibly have the funding available for the Blazing Sun Film Festival. Hancock asked a few questions on the budget and how many people would be staying in the hotels due to film festival. Ybanez couldn't answer due to this being the first year.

Riley made a recommendation to fund the Blazing Sun Film Festival with \$2,000 contingent upon the Commission accepting the reduction of the contribution to the Conner Museum as passed above. Garcia seconded the motion. Motion passed unanimously.

8. Reyes briefly spoke of the upcoming Festival de la Loteria scheduled for April 6th. She had mentioned the festival within her report. Loteria games will be played for some very nice prizes and all the proceeds will be going to Keep Kingsville Beautiful. Downtown merchants had an increase in their sales for the day of the festival.
9. Riley would like to nominate Erin McClure, Student Activities Director, take to her place on the board as the TAMUK Representative. Riley has spoken to Dr. Hussey about her recommendation and McClure and she is excited. Hancock made a motion to appoint McClure as Riley's replacement. Garcia seconded the motion. Board voted unanimously to accept.

Riley asked for nominations or a volunteer to serve as Chair of the board. Hancock said he would be willing to serve as Chair. Garcia seconded the motion. Motion passed unanimously.

Riley then asked for someone to fill the Vice- Chair position. Garcia said he would fill the position. The board voted unanimously to accept him as the new Vice-Chair.

10. Meeting adjourned at 5:36 p.m.

AGENDA ITEM #6

CITY OF KINGSVILLE



P. O. BOX 1458 - KINGSVILLE, TEXAS 78364

Date: May 17, 2019

To: City Commission via Interim City Manager Deborah Balli

CC: Courtney Alvarez, City Attorney and Mary Valenzuela, City Secretary

From: Janine Reyes, Director of Tourism Services

Summary: The Hotel Occupancy Tax Advisory Board was created in 2016 by City of Kingsville City Commissioners. The board meets quarterly and makes recommendations for activities, programs and expenditures authorized by state tax code guiding appropriate use of occupancy tax funds.

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

The HOT Advisory Board currently has one vacancy with the departure of board chair Dr. Terisa Riley. The vacancy must be filled by a Texas A&M University Kingsville representative.

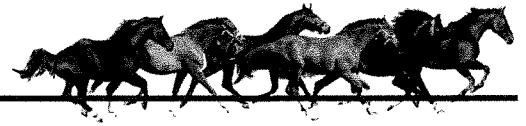
In order to fill the vacancy, interim city manager Deborah Balli is making the following recommendation:

- Erin McClure, M. Ed., Director of Student Activities
- Board members Dr. Terisa Riley, Lance Hancock, Leo Garcia and Lisa Garza-Munoz have reviewed and approved the nomination.

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



AGENDA ITEM #7



Date: May 8, 2019

To: City Commission via Interim City Manager Deborah Balli

CC: Courtney Alvarez, City Attorney and Mary Valenzuela, City Secretary

From: Janine Reyes, Director of Tourism Services

Summary: Hotel Occupancy Tax Revenues for the first 6 months of Fiscal Year 2018-2019 are higher than anticipated in the budget. A review of HOT receipts dating back to 2014-2015 demonstrate a higher revenue in the 3rd and 4th quarter than in the 1st and 2nd quarter every year. Given this data and our current revenue of \$302,773.37 compared to a budget created for \$525,000 in revenues for the year, I suggest a budget amendment placing revenues at \$600,000. I still believe this number is conservative.

State tax guidelines **require** expenditures reach a minimum of 15% of HOT tax revenues. The adjusted revenue will require marketing expenditures of at least \$90,000. Therefore, I'm requesting an increase of \$10,000 for marketing.

Our current MOU with the John E Conner Museum requires monthly payments of 14.285% of our HOT tax revenues. To date we've paid \$43,286.34. As our revenue increases, so will the contribution to the museum. Because we budgeted for a \$75,000 contribution and that amount will increase to a minimum of \$85,710, I'm requesting an increase of an additional \$10,000 to cover the additional contribution to the museum.



City of Kingsville HOT Revenues

	October	November	December	January	February	March	April	May	June	July	August	September	Total	1st & 2nd Quarter	3rd & 4th Quarter
FY 18-19	\$ 51,924.19	\$ 49,042.40	\$ 47,164.93	\$ 46,788.38	\$ 45,273.76	\$ 62,810.48							\$ 303,004.14		
FY 17-18	\$ 56,278.91	\$ 40,389.47	\$ 36,631.89	\$ 41,644.36	\$ 42,878.61	\$ 55,795.45	\$ 47,614.23	\$ 48,169.50	\$ 45,274.49	\$ 50,792.10	\$ 55,223.04	\$ 45,582.20	\$ 566,274.25	\$ 273,618.69	\$ 292,655.56
FY 16-17	\$ 40,986.73	\$ 36,475.27	\$ 31,404.14	\$ 36,804.04	\$ 34,483.56	\$ 50,158.08	\$ 48,904.40	\$ 48,974.82	\$ 50,100.81	\$ 49,407.90	\$ 51,409.43	\$ 69,666.61	\$ 548,775.79	\$ 230,311.82	\$ 318,463.97
FY 15-16	\$ 36,353.76	\$ 39,721.42	\$ 34,320.50	\$ 40,171.54	\$ 42,569.15	\$ 43,736.14	\$ 44,187.06	\$ 42,518.19	\$ 44,078.37	\$ 47,685.06	\$ 52,699.41	\$ 42,716.17	\$ 510,756.77	\$ 236,872.51	\$ 273,884.26
FY 14-15	\$ 56,750.45	\$ 45,771.09	\$ 36,420.01	\$ 49,483.45	\$ 40,275.02	\$ 35,053.58	\$ 52,133.67	\$ 44,985.32	\$ 44,072.99	\$ 54,441.83	\$ 53,457.44	\$ 51,210.61	\$ 564,055.46	\$ 263,753.60	\$ 300,301.86

ORDINANCE NO. 2019-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2018-2019 BUDGET TO RECEIVE AND EXPEND ADDITIONAL ANTICIPATED HOTEL/MOTEL TAX REVENUES.

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 002 – Tourism Fund					
<u>Revenues - 4</u>					
1070	Tourism	Hotel/Motel Tax	22500	\$20,000	
Fund 002 – Tourism Fund					
<u>Expenditures - 5</u>					
1071	Tourism-Adm	Advertising Services	34001	\$10,000	
1071	Tourism-Adm	Museum Obligation	35000	\$10,000	

[To amend the City of Kingsville FY 18-19 Budget to add additional tax revenues and associated mandatory expenditures for the increased tax revenues. Funds will come from the additional tax revenues 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 28th 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 #8

City of Kingsville
Department of Planning and Development services

To: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director

DATE: May 10, 2019

SUBJECT: Special Use Permit request from Domingo Reyna for an auto, paint body shop at 526 E. Kleberg

Summary: This building has been used as an auto, paint and body shop in the past but has been vacant. There is new ownership and the tenant also wants to operate an auto paint and body shop. In the C2 Retail District to do that a Special Use permit is required.

Background: As most of you know this building has been used as an auto paint and body shop in the past. It is my understanding that this property has been utilized in some aspect of the auto industry for some time. The new owner of the property desires to rent the property to Domingo Reyna and allow him to use the site as an auto paint and body shop. Special Use permits are not transferrable so consequently Mr. Reyna as the applicant must have a special use permit before he can operate his business.

Financial Impact: I believe that there will be a positive impact if this request is approved. It will allow an empty building right now to be used which will increase foot and vehicular traffic. If this request is approved, along with the K. Childs building becoming a furniture making site will enhance the employment component of our downtown.

Recommendation: We have not received any negative phone calls regarding this request. I am also not aware of any issues when it was an auto, paint and body shop in the past. The Planning and Zoning Commission met Wednesday, May 15 and voted 4 to 0 to recommend approval of the special use permit request for an auto paint and body shop at 526 E. Kleberg.



To: Planning and Zoning Commission

From: Tom Ginter, Director

Subject: Agenda Item information #1 and #2

The first two items concern the Special Use permit request by owner Rudy Ramos and applicant Domingo Reyna. As you know this building at this location has been used as an auto paint and body shop in the past. It is the intention of the new owner and applicant to provide the same service in this building. Since it is in a C2 zoning district an auto paint and body shop requires a special use permit. A copy of the land use table sheet is enclosed and reflects that. Since the building has been vacant for some time and there is new ownership of the building a special use permit is required before they can start the operation of an auto paint and body shop.

At the time of writing this memo we have not received any phone calls against this request. Since this use has been at this location in the past I would recommend an approval of the special use permit request to the city commission.

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

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 528 E. Kleberg Nearest Intersection 10th Street

(Proposed) Subdivision Name _____ Lot _____ Block _____

Legal Description: _____

Existing Zoning Designation CZ Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Domingo Ramos Phone 361-765-4293 FAX _____

Email Address (for project correspondence only): _____

Mailing Address 106 Avalon Dr City Robstown State TX Zip 78380

Property Owner Ruby Ramos Phone 361-222-2468 FAX _____

Email Address (for project correspondence only): _____

Mailing Address _____ City _____ State _____ Zip _____

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:

Wants the use for body shop

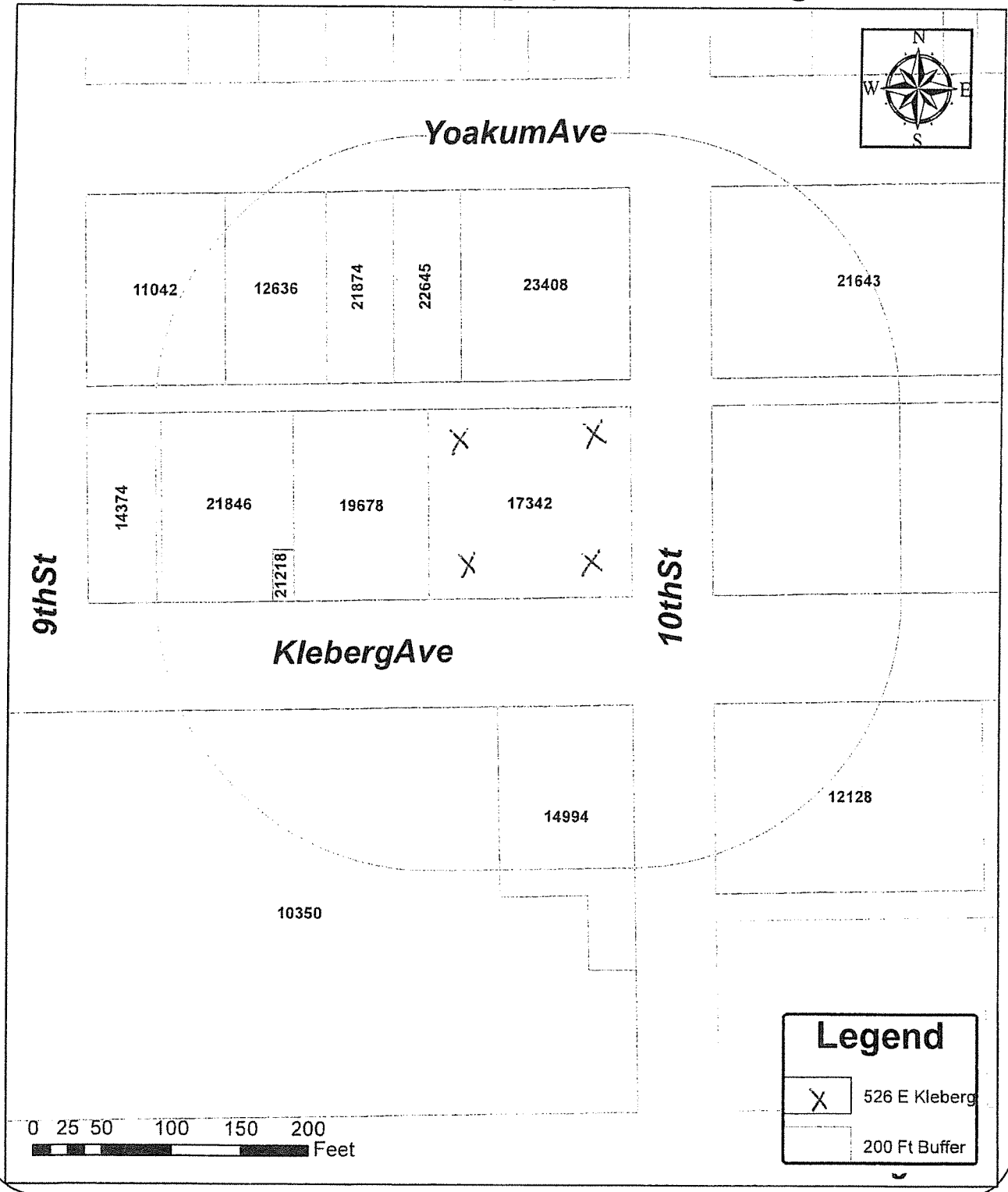
I hereby certify that I am the owner and /or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature [Signature] Date: 4/15/18

Property Owner's Signature _____ Date: _____

Accepted by: _____ Date: _____

200 ft Buffer Map of 526 E Kleberg



Drawn By:
Planning Department
Page 1/1
Last Update: 4/22/2019
Note:

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



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

KLEBERG COUNTY
APPRAIAL DISTRICT
PO BOX 1027
KINGSVILLE, TX 78364-1027
#11042

CITY OF KINGSVILLE
PO BOX 1458
KINGSVILLE, TX 78364-1458
#22645

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

ANTONIO V GONZALEZ JR
ETUX MARY LOU C
PO BOX 1422
KINGSVILLE, TX 78364-1422
#19678

HALEIGH RENTALS LLC
218 S 14TH ST
KINGSVILLE, TX 78363-5839
#12128

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

CITY OF KINGSVILLE
PO BOX 1458
KINGSVILLE, TX 78364-1458
#23408

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

AMANDA MASHBURN
515 E YOAKUM AVE
KINGSVILLE, TX 78363
#21874

MICHAEL J KRUEGER
PO BOX 1538
KINGSVILLE, TX 78364-1538
#21643

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

HARPERCO INVESTMENT LLC
317 TROJAN
PORT ARANSAS, TX 78373
#14994

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, May 15, 2019 at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard:

Domingo Reyna, applicant, requesting a Special Use Permit for auto paint and body shop use in C2 (Retail District) at ORIG TOWN, BLOCK 40, LOT 17-22 also known as 526 East Kleberg, Kingsville, Texas.

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

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Tuesday, May 28, 2019 at 6:00 p.m. wherein the City Commission will discuss the introduction on the following item and at which time all interested persons will be heard:

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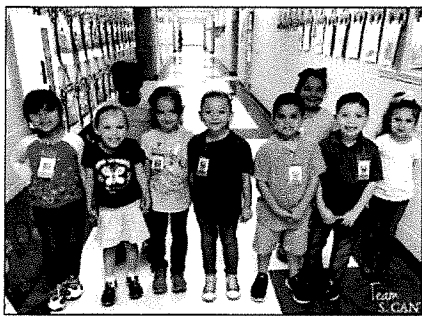
Education

28

Kingsville Record and Bishop News

Thursday, April 18, 2019

Harvey students 'Purple Up'



Harvey Elementary School recently celebrated Purple Up for Military Children by wearing purple shirts. Purple Up for Military Children is a day for communities to wear purple to show support and thank military children for their strength and sacrifices. Wearing purple is a visible way to show support and thank military youth for their strength and sacrifices. Students in Sandy Cantu's kindergarten class, pictured from left, are Debari Alana, Aiyanna Darnay, Demetri Samo, Kelsey Sphen, Vianey Ramos, Ganiel Ramos, Melina Rosales, Ethan Arevato and Danielle Calderon. (Submitted photo)

Bishop student earns first place

Jasmine Eulenfeld of Bishop High School recently competed at the Spring Spectacular Regional 4-H competition in Victoria. She placed first in the solo band instrument competition and will be going to the state competition in June that will be held at Texas A&M College Station. (Submitted photo)



PUBLIC NOTICE

On April 8, 2019, the Kingsville City Commission had a public hearings and action items to consider condemnation of the following properties. The City Commission found the structures on each of the properties to be dangerous, unsafe, in violation of city ordinances, unable to be corrected without substantial expense of reconstruction, and a public nuisance. The Commission ordered the property owner agent/person in charge of each the properties to demolish the structures within 30 days:

630 W. Fordyce, Kingsville, Texas
1729 S. 7th (228 E. Ailise, #4), Kingsville, Texas
513 W. Johnson, Kingsville, Texas
510 E. Ave. B, Kingsville, Texas
213 W. Santa Gertrudis, Kingsville, Texas
721 E. Johnson, Kingsville, Texas

A copy of each order can be obtained from the City Secretary at City Hall (400 W. King Avenue, Kingsville, Texas), or by mailing her at P.O. Box 1458, Kingsville, Texas 78364

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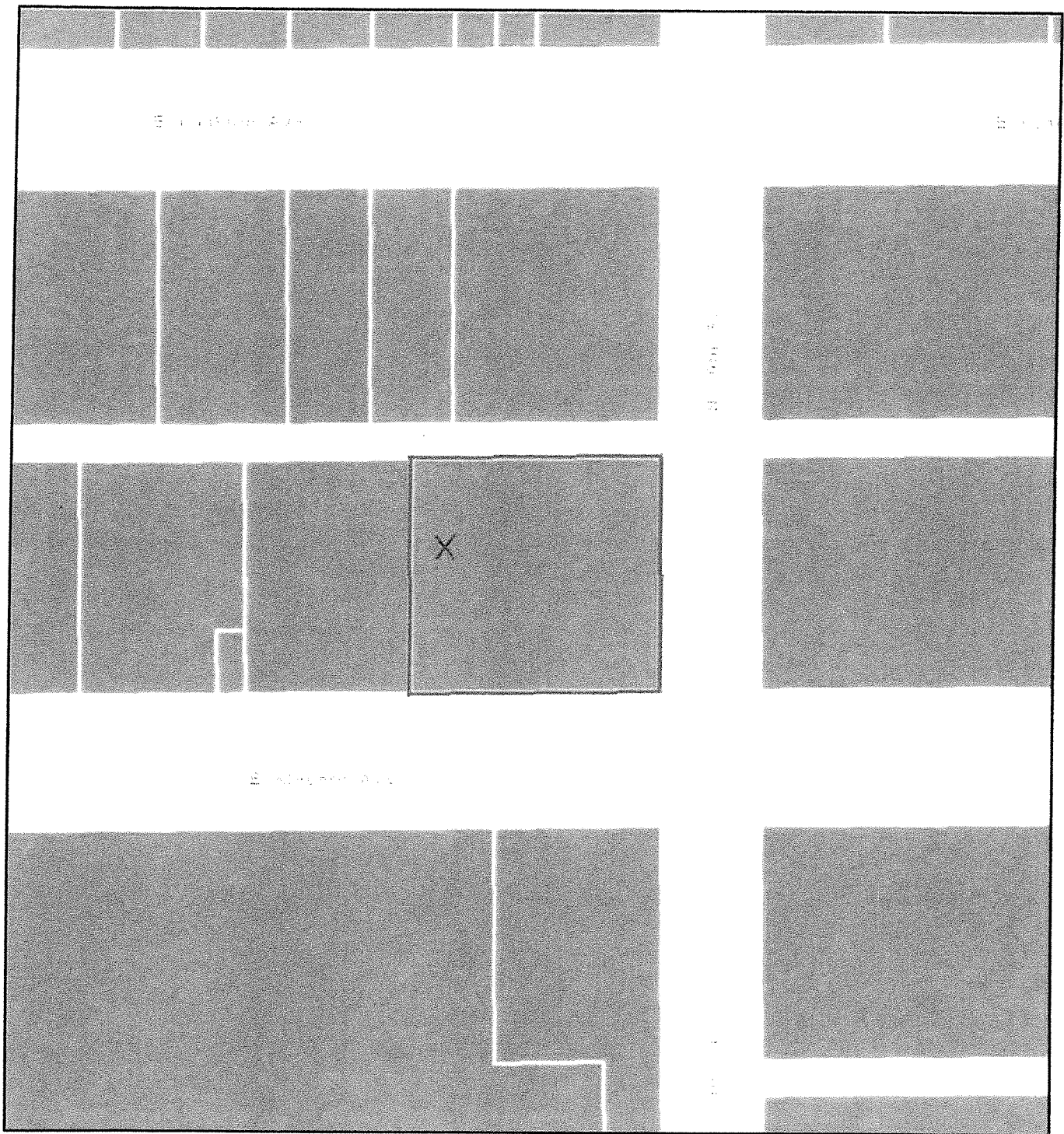


Celebrate
getting
younger.

At CHRISTUS Spohn Health System, we believe the sooner you take care of your heart, the longer it will take care of you. Our free online heart age assessment measures your real heart age, so you'll know where your heart health really stands, not to mention steps you can take to improve it. Try it today.

 **CHRISTUS. SPOHN**
Health System

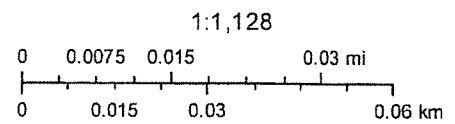
MyRealHeartAge.com



May 10, 2019

X - 526 E. Kleberg

C2 - Zoning



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

	R1	R2	R2A	R3	R4	MH	C1	C2	C3	C4	I1	I2	AG
Carnival										S	P	P	P
Temporary carnival (14 days - 200 ft. setback from residential property)								S	P	P			
Provisioning and recreational sporting goods sales including boats and vehicles								S	P	P			
Shooting galleries and pistol [ranges] (indoor)								S	P	P			
Souvenir, curio								S	P				
<i>Automobile Related Uses</i>													
Car wash							P	S	P	P	P		
Auto sales, repairs including motorcycles								S	P	P	P		
Auto paint and body shop								<u>S</u>	P	P	P		
Drag strip, race track											S	S	
Gasoline service station								P	P	P	P		
Gasoline sales							S	P	P	P	P		
Commercial parking structure auto only								S	P	P	P		
Truck storage								S	S	P	P	P	

Kleberg CAD

Property Search > 17342 RAMOS RODOLFO E for Year 2019 Tax Year: 2019 - Values not available

Property

Account

Property ID: 17342 Legal Description: ORIG TOWN, BLOCK 40, LOT 17-22, (RAMOS REFRIDGERATION)
 Geographic ID: 100104017000192 Zoning: C2
 Type: Real Agent Code:
 Property Use Code:
 Property Use Description:

Location

Address: 526 E KLEBERG Mapsco:
 Neighborhood: Map ID: C1
 Neighborhood CD:

Owner

Name: RAMOS RODOLFO E Owner ID: 12767
 Mailing Address: 1418 E KING AVE % Ownership: 100.0000000000%
 KINGSVILLE, TX 78363-5938

Exemptions:

Values

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

Taxing Jurisdiction

Owner: RAMOS RODOLFO E
 % Ownership: 100.0000000000%
 Total Value: N/A

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

Total Tax Rate: N/A

Taxes w/Current Exemptions: N/A

Taxes w/o Exemptions: N/A

Improvement / Building

Improvement #1: COMMERCIAL State Code: F1 Living Area: 11560.0 sqft Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	OF2L	EW3	1990	2000.0
MA	MAIN AREA	SG2L		1990	9560.0
CN3A	CN3A - CANOPY FOR COMMERCIAL	*		1990	1520.0
SG2	STORAGE UNFINISHED (30%)	*		1990	720.0
CON	CONCRETE SLAB COMMERCIAL	*		2010	1177.0
ASP	ASPHALT (100%)	*		2010	6635.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	F1	F1	0.4821	21000.00	150.00	140.00	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2019	N/A	N/A	N/A	N/A	N/A	N/A
2018	\$195,550	\$29,400	0	224,950	\$0	\$224,950
2017	\$195,550	\$29,400	0	224,950	\$0	\$224,950
2016	\$142,410	\$30,000	0	172,410	\$0	\$172,410
2015	\$145,000	\$30,000	0	175,000	\$0	\$175,000
2014	\$145,000	\$30,000	0	175,000	\$0	\$175,000
2013	\$145,000	\$30,000	0	175,000	\$0	\$175,000
2012	\$145,000	\$30,000	0	175,000	\$0	\$175,000
2011	\$145,000	\$30,000	0	175,000	\$0	\$175,000
2010	\$145,000	\$30,000	0	175,000	\$0	\$175,000
2009	\$145,000	\$30,000	0	175,000	\$0	\$175,000
2008	\$145,000	\$30,000	0	175,000	\$0	\$175,000
2007	\$145,000	\$30,000	0	175,000	\$0	\$175,000
2006	\$145,000	\$30,000	0	175,000	\$0	\$175,000
2005	\$145,000	\$30,000	0	175,000	\$0	\$175,000

Questions Please Call (361) 595-5775

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

Website version: 1.2.2.30

Database last updated on: 5/9/2019 8:17 PM

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TEXAS DEPARTMENT OF AGRICULTURE
COMMISSIONER SID MILLER

Texas Community Development Block Grant Program (TxCDBG) **Fire, Ambulance, & Services Truck (FAST) Fund**

The Fire, Ambulance, & Services Truck (FAST) Fund provides funds for eligible vehicles to provide emergency response and special services to rural communities.

Application Submittal FAST Fund Application Deadline: 5:00 p.m. C.T. on June 13, 2019

Eligible Vehicles

Eligible vehicles must serve primarily low- to moderate-income residential areas. Eligible vehicle types include:

- Fire Trucks (most types);
- Ambulances and similar emergency medical vehicles;
- Jaws of Life and similar rescue equipment; and/or
- Rescue boats and similar specialized emergency vehicles.

Ineligible vehicles include:

- Police cars and other vehicles used primarily by law enforcement;
- Vehicles that do not address a specific public safety requirement; or
- Vehicles used primarily for the general conduct of government; or
- Supplies (e.g., restocking equipment or vehicle components are not eligible).

Eligible Applicants

Non-entitlement communities (units of general local government) are eligible for a FAST award.

- Non-entitlement cities are located predominately in rural areas with populations of less than 50,000 persons.
- Non-entitlement counties are predominately rural in nature and generally have fewer than 200,000 persons in the non-entitlement cities and unincorporated areas.
- Eligible applicants may partner with other organizations, including districts or non-profit service providers, to submit applications that will provide benefit within the jurisdiction.

Funding Available

- Funds available: estimated \$8M (all CDBG funds nearing federal expiration date)
- Maximum Request: \$500,000
- Match Funds: minimum \$5,000 match



Texas Community Development Block Grant Program (TxCDBG) Fire, Ambulance, & Services Truck (FAST) Fund (cont.)

Application Process

Step 1: Identify local needs

- Does your community require additional vehicles to provide adequate service?
- Does your existing vehicle need to be replaced?

Step 2: Select application preparer (and grant administrator, if funded)

- Use the Pre-Qualified/Approved Vendor list and streamlined Procurement process
- [http://www.texasagriculture.gov/GrantsServices/RuralEconomicDevelopment/RuralCommunityDevelopmentBlockGrant\(CDBG\)/PrequalifiedProfessionalServices.aspx](http://www.texasagriculture.gov/GrantsServices/RuralEconomicDevelopment/RuralCommunityDevelopmentBlockGrant(CDBG)/PrequalifiedProfessionalServices.aspx)

Step 3: Determine benefit area for the vehicle/equipment and eligibility

- Will the vehicle serve a specific area of the community?
- Will 2019 LMISD data or a survey of the community support the low- to –moderate income requirement?

Note: HUD revised LMISD data is effective April 1, 2019; prior LMISD data will not be accepted

Step 4: Prepare application

- Must include a quote (no more than 90 days prior to submission) or procurement documentation with pre-agreement (see application guide for more details)
- Public hearing (may be held jointly with hearing for other TxCDBG fund categories)

Scoring Criteria

Applications will be scored and ranked based on:

- Poverty Rate of applicant (cities compared to cities and counties compared to counties)
- Previous Funding
- Past Performance see 2019-2020 CD Fund - State scoring factors and timeframe
- Tie-Breaker, Per Capita Income (cities compared to cities and counties compared to counties)

Contact Information

Program Specialist Michelle Phares can be reached at Michelle.Phares@TexasAgriculture.gov or (512) 936-6702.

ORDINANCE NO. 2019-_____

AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR 526 E. KLEBERG AVE., ALSO KNOWN AS ORIG. TOWN, BLOCK 40, LOTS 17-22, FOR AUTO PAINT AND BODY SHOP 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 Domingo Reyna, 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 15, 2019, during a meeting of the Planning Commission, and on Tuesday, May 28, 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 4-0 to APPROVE, the requested special use permit; and

WHEREAS, the property is currently zoned C2-Retail District and it is desired for an auto paint and body shop use 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 an auto paint and body shop on the premises known as 526 E. Kleberg Ave., Orig. Town, Block 40, Lots 17-22, 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 an auto

paint and body shop at the C2 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 28th day of May, 2019.

PASSED AND APPROVED on this the 10th day of June, 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 #9

City of Kingsville Fire Department

TO: Mayor and City Commissioners

CC: Deborah Balli, Interim City Manager

FROM: Adrian Garcia, Fire Chief / EMC

DATE: May 17, 2019

SUBJECT: TxCDBG Fire, Ambulance, & Services (FAST) to Replace Existing Brush Truck

Summary:

The Kingsville Fire Department is requesting approval to apply for a Texas Community Development Block Grant Program (TxCDBG) Fire, Ambulance, & Services Truck (FAST) Fund, which if awarded will replace the department's brush truck of (15) years requiring replacement. The grant request is for \$175,000.00 with the City responsible for a Cost Share of \$5,000.00 when the grant is awarded and fulfilled.

Background:

A fleet apparatus risk assessment identified the vehicle in question to be a safety risk to fire fighters operating the apparatus. The brush truck has several issues that include, but are not limited to: excessive exhaust, inadequate air conditioning for the area, major deterioration & damage to the cab & body, numerous pump issues, electrical issues, and is unsuitable to operate within the area's brushy terrain repeatedly bottoming out getting stuck while engaged in firefighting activity.

Lastly, the brush truck has served the community of Kingsville well, but must be replaced with a suitable truck to continue to ensure the safety of our firefighters.

Financial Impact:

If awarded the FAST Grant will cover \$170,000.00 with a cost share portion of \$5,000.00 covered by the City. Current funds are not available, and the cost sharing portion will have to be programmed into the FY2020 budget.

Recommendation:

The following grant request and potential purchase of a brush truck supports the goals set by the Kingsville Fire Department to ensure the safety and continued operational effectiveness of our department. Our recommendation is that the Commission approve the request to apply for the FAST Grant.





TEXAS DEPARTMENT OF AGRICULTURE
COMMISSIONER SID MILLER

Texas Community Development Block Grant Program (TxCDBG) **Fire, Ambulance, & Services Truck (FAST) Fund**

The Fire, Ambulance, & Services Truck (FAST) Fund provides funds for eligible vehicles to provide emergency response and special services to rural communities.

Application Submittal FAST Fund Application Deadline: 5:00 p.m. C.T. on June 13, 2019

Eligible Vehicles

Eligible vehicles must serve primarily low- to moderate-income residential areas. Eligible vehicle types include:

- Fire Trucks (most types);
- Ambulances and similar emergency medical vehicles;
- Jaws of Life and similar rescue equipment; and/or
- Rescue boats and similar specialized emergency vehicles.

Ineligible vehicles include:

- Police cars and other vehicles used primarily by law enforcement;
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Eligible Applicants

Non-entitlement communities (units of general local government) are eligible for a FAST award.

- Non-entitlement cities are located predominately in rural areas with populations of less than 50,000 persons.
- Non-entitlement counties are predominately rural in nature and generally have fewer than 200,000 persons in the non-entitlement cities and unincorporated areas.
- Eligible applicants may partner with other organizations, including districts or non-profit service providers, to submit applications that will provide benefit within the jurisdiction.

Funding Available

- Funds available: estimated \$8M (all CDBG funds nearing federal expiration date)
- Maximum Request: \$500,000
- Match Funds: minimum \$5,000 match



TEXAS DEPARTMENT OF AGRICULTURE
COMMISSIONER SID MILLER

Texas Community Development Block Grant Program (TxCDBG)
Fire, Ambulance, & Services Truck (FAST) Fund (cont.)

Application Process

Step 1: Identify local needs

- Does your community require additional vehicles to provide adequate service?
- Does your existing vehicle need to be replaced?

Step 2: Select application preparer (and grant administrator, if funded)

- Use the Pre-Qualified/Approved Vendor list and streamlined Procurement process
- [http://www.texasagriculture.gov/GrantsServices/RuralEconomicDevelopment/RuralCommunityDevelopmentBlockGrant\(CDBG\)/PrequalifiedProfessionalServices.aspx](http://www.texasagriculture.gov/GrantsServices/RuralEconomicDevelopment/RuralCommunityDevelopmentBlockGrant(CDBG)/PrequalifiedProfessionalServices.aspx)

Step 3: Determine benefit area for the vehicle/equipment and eligibility

- Will the vehicle serve a specific area of the community?
- Will 2019 LMISD data or a survey of the community support the low- to –moderate income requirement?

Note: HUD revised LMISD data is effective April 1, 2019; prior LMISD data will not be accepted

Step 4: Prepare application

- Must include a quote (no more than 90 days prior to submission) or procurement documentation with pre-agreement (see application guide for more details)
- Public hearing (may be held jointly with hearing for other TxCDBG fund categories)

Scoring Criteria

Applications will be scored and ranked based on:

- Poverty Rate of applicant (cities compared to cities and counties compared to counties)
- Previous Funding
- Past Performance see 2019-2020 CD Fund - State scoring factors and timeframe
- Tie-Breaker, Per Capita Income (cities compared to cities and counties compared to counties)

Contact Information

Program Specialist Michelle Phares can be reached at Michelle.Phares@TexasAgriculture.gov or (512) 936-6702.



Texas Community Development Block Grant Program

2019 Fire, Ambulance, Service Truck (*FAST*) Fund

Application Guide

March 2019

(Pages 1-7 of 47pg. guide)

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TxCDBG Goals and Requirements

The goal of the Texas Community Development Block Grant (TxCDBG) Program is to develop viable communities by providing decent housing and a suitable living environment, as well as by expanding economic opportunities, principally for persons of low-to-moderate income. In awarding funding pursuant to Government Code Section 487.351(c), the Texas Department of Agriculture (TDA) shall give priority to eligible activities in the areas of economic development, community development, rural health and rural housing to support workforce development.

The objectives of the TxCDBG Program are:

1. To improve public facilities to meet basic human needs, principally for low-to-moderate income persons;
2. To improve housing conditions, principally for persons of low-to-moderate income;
3. To expand economic opportunities by creating or retaining jobs, principally for low-to-moderate income persons; and
4. To provide assistance and public facilities to eliminate conditions hazardous to the public health and of an emergency nature.

Choosing a Prequalified Grantwriter/Administrator

Applicants for the Program Year 2019 grants are responsible for identifying the person or firm that will provide administrative services for the project, if funded. Federal guidance has become increasingly restrictive, and prevents vendors from providing "statements of work" prior to being procured. Communities that require outside contractors for administrative services must procure these services without the assistance of any vendor that intends to submit a proposal.

Note: For applicants awarded a Fire, Ambulance, Service Truck (FAST) Fund grant, TxCDBG funds budgeted for Administration under the grant contract cannot exceed either \$35,000 or 16% of TxCDBG Construction and Acquisition funds. The locality is responsible for any cost incurred for General Administration (Program Administration, Compliance, Audit, etc.) that exceeds the TxCDBG-funded amount.

In an effort to simplify and streamline the procurement process for communities, TDA has solicited Applications to Prequalify Grant Administrators from vendors interested in grant writing and administering TxCDBG projects for the 2019 contract year. Service providers submitted their qualifications directly to TDA. TDA reviewed the proposals based on satisfaction of the minimum qualifications and developed a pre-approved list of vendors posted on the TDA website. Also refer to the Addendum with Frequently Asked Questions for more information.

- Communities submitting an application to TDA for *FAST* funding that intend to use a third-party Grant Administrator **must** solicit administrators (grant writers and/or grant administrators) from the pre-approved list of vendors.
- Communities will be required to select an administrative service provider through formal action of the local governing body (e.g., city council approves selection of a vendor at a city council meeting) **prior to the Grant Administrator preparing the TxCDBG application**. Information about the steps the community must complete and forms necessary to complete the solicitation of an administrator/grant writer can be found on the TDA website.
- Communities that prepare grant applications and administer grant projects using local government employees, or through a subrecipient agreement with a Council of Government, are not required to complete this procurement process; however, TDA may request information regarding grant administrator qualifications to ensure administrative capacity.
- Any contracts for grant administrative services between a local government and a grant administrator awarded as a result of this process may not exceed a total of \$50,000. If a community anticipates that a contract will exceed \$50,000, then the community may not use this streamlined process of selecting a preapproved grant administrator and will be required to conduct the full procurement process and complete all required steps in accordance with Chapter 5 (Procurement Procedures) of the TxCDBG Implementation Manual.

The applicant and a prospective Grant Administrator may have limited, general discussions about TxCDBG program requirements prior to procurement but it is limited to *FAST* Fund technical assistance such as application deadline and funding requests minimum and maximum award amounts. Federal Procurement Standards at 2 CFR §200.319(a) prohibit a firm intending to compete for a contract from developing specification requirements, statements of work (including the grant application), or requests for proposals on behalf of the Grant Recipient.

NOTES:

- If an applicant intends to self-administer, the applicant must ensure that the responsible staff or staff member has successfully achieved the most recent TxCDBG certification.
- Contractors, service providers, including Councils of Government (COGs) and subcontractors must have their eligibility status verified (not suspended or debarred) with the System for Award Management (www.SAM.gov) prior to any formal action authorizing the award of a contract to the contractor/service provider, etc. (examples of formal action include but are not limited to, authorizing resolution, authorizing ordinance, Council/Commissioners Court approval of award, contract execution, etc.).

Supporting Project Costs

For the *FAST* fund (only), applicants can support the requested funding in one of two (2) ways:

- 1) **Quotes** – The applicant may provide a price quote (dated within 90 days of application submission) from a potential vendor for proposed vehicles/crafts/equipment. Quotes are due at the time of application submission. Depending on the age of the quote, the applicant may be asked to update this information once the project is recommended for funding. If funded, the project must comply with competitive procurement procedures prior to the actual purchase(s).

OR

- 2) **Competitive Procurement with Pre-Agreement** – The applicant may begin the process of purchasing the vehicles/crafts and/or equipment identified in the application, contingent upon the award of grant funds. Sealed bids or third party procurement services (i.e., “buy boards”) may produce firm prices that can be used to support the application.

The application may request no more than the amount supported through quotes or procurement, less \$5,000 to be provided through local funds.

Pre-agreement Option

For applicants electing to pursue the pre-agreement option, TxCDBG may reimburse funded applicants for certain administrative costs incurred prior to the TxCDBG Contract Start Date based on the Pre-Agreement Stratagem. For the *FAST* Fund, pre-agreement costs are limited to those necessary to complete the environmental review and competitive procurement of the project vehicles/crafts and/or equipment. Note: costs to prepare quotes to support the application that do not comply with competitive procurement procedures are considered costs for preparation of the application and are not eligible for grant reimbursement under the Pre-Agreement Stratagem. If an applicant wishes to proceed under the Pre-Agreement Stratagem, the applicant must complete the Certification form in the application.

Applicants electing to pursue pre-agreement will be required to submit the full procurement packet upon award. All vehicles, crafts or pieces of equipment for each specific service area are considered one project for the purposes of competitive procurement.

Application Submittal and Deadline Requirements

The application procedures for the 2019 TxCDBG Fire, Ambulance, Service Truck (*FAST*) Fund are included in this Application Guide. The application for the 2019 *FAST* Fund is available at www.TexasAgriculture.gov. The procedures in this application guide supersede those published in all previous TxCDBG application guides.

The deadline for all 2019 TxCDBG *FAST* Fund applications is 5:00 p.m. C.T. on June 13, 2019.

Applications will not be accepted after 5:00 p.m. on the final day of submission, unless the applicant can demonstrate that the untimely submission was due to extenuating circumstances beyond the applicant's control.

The application packet must contain two (2) completed copies of the application: one with original signatures and one copy of the original; an electronic copy may be submitted (e.g., flash drive, CD, etc.) in lieu of a paper copy if the entire application, including attachments, is scanned. *FAST* Contact Information:

Mailing Address (for U.S. Postal Service): Texas Department of Agriculture Texas Community Development Block Grant Program Post Office Box 12847, Capitol Station Austin, Texas 78711	Physical Address (for Overnight Carriers): 1700 N. Congress Avenue, 11 th Floor Mailroom Austin, Texas 78701 Physical Address (for Hand Delivery): 1700 N. Congress Avenue, 2nd Floor Austin, Texas 78701
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Minimum award amount: \$50,000

Maximum award amount \$500,000

Limit one application per applicant, per *FAST* application cycle. Any application that is incomplete, noncompliant with program requirements, or received late will be disqualified. Applications lacking information necessary to make a determination concerning the eligibility of the activity (e.g., data on low-to-moderate income beneficiaries) or compliance with TxCDBG and Federal program requirements (e.g., citizen participation requirements) will be disqualified. A substantially complete TxCDBG application must include all of the following information:

- A completed 424 Form with original signature;
- All application forms, fully completed;
- A passed/adopted Local Government Resolution authorizing submission of the application;
- Evidence of compliance with the TxCDBG Citizen Participation Plan including the Public Hearing Notice;
- Legible, quality maps documenting the service area, census geographies (as applicable) and vehicle/craft/equipment location(s);
- Scoring Criteria Response Sheets;
- Annual Audit (See Attachments Section);
- Active SAM.gov registration;
- Match commitment of \$5,000;
- Vehicle/Craft/Equipment Quote(s) or Procurement documentation (only with pre-agreement); and
- Evidence of Environmental Review.

Applications lacking any of the items listed above will be disqualified. An Application Review Checklist is located at the end of the Application Guide. Applicants must verify that the application is complete using the checklist.

Completed applications received by the deadline may be subject to disqualification including but not limited to any of the following reasons:

- The applicant is not a unit of general local government;
- The project is located in or serves an entitlement area;
- The application contains ineligible activities;
- The applicant does not comply with the TxCDBG Citizen Participation Plan requirements;
- The applicant does not meet the Applicant Threshold Requirements;
- The application contains false information;
- The applicant did not comply with the TxCDBG survey requirements;

- The same or substantially the same application has been submitted under two or more TxCDBG fund categories;
- The application does not contain adequate or acceptable information to show that each proposed application activity meets a National Program Objective;
- The application does not comply with the requirement concerning the preparation of an assessment of the applicant's housing and community development needs prior to submission of a TxCDBG application;
- The applicant does not provide the information required in the TxCDBG Applicant/Recipient Disclosure/Update section of the Application; or
- The applicant does not respond, refuses to respond, or does not provide an adequate response to requests for revisions or additional information within the prescribed timeline.

TDA will not award TxCDBG funds to the same (or substantially the same) project under two different funds. However, if a *FAST* fund application is unsuccessful, project funding may be available through another fund (e.g., Disaster Relief/Urgent Need) if the appropriate application criteria are satisfied.

Applicant Threshold Requirements

Applicant thresholds will apply to *FAST* Fund applications. The applicant must demonstrate progress in all current open TxCDBG contracts to be eligible to submit an application. See the following threshold requirements for all TxCDBG fund categories:

Fund Category	Contract Period	Progress Threshold #1	Progress Threshold #2
Disaster Relief	12 months	Obligate 50% of TxCDBG contract funds at 9 months	Construction complete, PCR and final draw submitted at 12 months
<i>FAST</i> Fund	12 months	Obligate 50% of TxCDBG contract funds at 9 months	Construction complete, PCR and final draw submitted at 12 months
Community Development	24 months	Obligate 50% of TxCDBG contract funds at 12 months	Construction complete, PCR and final draw submitted at 24 months
Downtown Revitalization/Main Street	24 months	Obligate 50% of TxCDBG contract funds at 12 months	Construction complete, PCR and final draw submitted at 24 months
Colonia Fund (Except Self-Help)	24 months	Obligate 50% of TxCDBG contract funds at 12 months	Construction complete, PCR and final draw submitted at 24 months
Planning Capacity Building	24 months	Obligate 50% of TxCDBG contract funds at 12 months	Construction complete, PCR and final draw submitted at 24 months
Community Enhancement	24 months	Obligate 50% of TxCDBG contract funds at 12 months	Construction complete, PCR and final draw submitted at 24 months
TCF Infrastructure/Real Estate	36 months	Obligate 50% of TxCDBG contract funds at 18 months	Construction complete, PCR and final draw submitted at 36 months

Action Plan

The requirements and procedures specified in the 2019 TxCDBG Program Action Plan will govern the 2019 *FAST* Fund application process. The Action Plan is available on the TDA website at www.TexasAgriculture.gov.

Eligible Applicants

Eligible applicants are non-entitlement units of general local government, incorporated cities and counties not participating or designated as eligible to participate in the entitlement portion of the federal Community Development Block Grant Program. Non-entitlement cities that are not participating in urban county programs through existing participation agreements are eligible applicants unless the city's population counts toward the urban county CDBG allocation.

Non-entitlement cities are located predominately in rural areas and are generally:

- cities with populations of less than 50,000 persons;
- cities that are not designated as a central city of a metropolitan statistical area; or
- cities that are not participating in urban county programs.

Non-entitlement counties are also predominately rural in nature and generally have fewer than 200,000 persons in the non-entitlement cities and unincorporated areas located in the county.

While non-entitlement units of general local government are the only eligible applicants for TxCDBG funding, these applicants may submit applications that will provide benefits through other sub-recipient groups serving the jurisdiction. For example, a county could submit an application for a fire truck that will be owned and operated by an emergency services district. The vehicles and/or equipment themselves would become the property of the emergency services district, but the programmatic and fiscal compliance responsibilities would remain with the applicant (the county).

National Program Objectives (NPO)

Each proposed activity included in an application for TxCDBG funds must meet one of the U. S. Housing and Urban Development's (HUD) three CDBG National Program Objectives, or NPOs. They are:

1. Activities Benefiting Low-to-Moderate Income Persons
 - b. *Low-to-Moderate Income Area Benefit* – an activity that benefits all residents of an area that is primarily residential. Low-to-moderate income is frequently abbreviated as “LMI.”
 - c. *Low-to-Moderate Income Limited Clientele* – an activity that provides benefits to a specific group of persons generally presumed to be principally LMI.
 - d. *Low-to-Moderate Income Housing* – an activity assisting in the acquisition, construction, or improvement of permanent residential structures may qualify as benefiting LMI persons only to the extent that the housing is occupied by LMI persons.
 - e. *Low-to-Moderate Income Jobs* – activity that creates or retains permanent jobs, at least 51 percent of which, on a full time equivalent (FTE) basis, are either held by or available to LMI persons.
2. Prevention / Elimination of Slums or Blight
 - a. Addressing Slums or Blight on an Area Basis
 - b. Addressing Slums or Blight on a Spot Basis
3. Urgent Need - Meet other community development needs of particular urgency that represent an immediate threat to the health and safety of residents of the community.

Applicants are required to document and report the beneficiaries of each proposed application activity regardless of the NPO met by the activity. Once an applicant has identified the persons that will benefit from the proposed eligible activity, there are three (3) acceptable ways to document the total beneficiaries and number of LMI beneficiaries for each proposed application activity: HUD Census and American Community Survey based data, the completion of a TxCDBG approved survey, or a combination of the two.

Eligible and Ineligible Activities

FAST eligible activities include:

- Fire Trucks (most types);
- Ambulances and similar emergency medical vehicles;
- Jaws of Life and similar rescue equipment; and/or
- Rescue boats and similar specialized emergency vehicles.

Ineligible vehicles/activities include:

- Police cars and other vehicles used primarily by law enforcement;

RESOLUTION # 2019-_____

A RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR A COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE FIRE, AMBULANCE, & SERVICES TRUCK (FAST) FUND TO REPLACE A BRUSH TRUCK IN THE FIRE DEPARTMENT; WITH AN ANTICIPATED CASH MATCH; AUTHORIZING THE INTERIM CITY MANAGER TO SUBMIT THE GRANT AND ACT AS THE GRANT OFFICIAL ON THE CITY'S BEHALF WITH SUCH GRANT PROGRAM.

WHEREAS, the Texas Department of Agriculture (hereinafter "Department") has a Community Development Block Grant Program that has a Fire, Ambulance, & Services Fund (hereinafter "FAST") that can provide monetary assistance for fire trucks; and

WHEREAS, the City of Kingsville, Texas (hereinafter "City") has an older existing firefighting brush truck that is in need of replacement and would qualify under FAST; and

WHEREAS, the City has many brushy areas that may need a vehicle of this type to fight fires and the vehicle could be funded by this grant program; and

WHEREAS, the FAST program requires a minimum cash match of \$5,000 and the City anticipates the grant request to be roughly \$170,000, for a total amount of \$175,000 for the new brush truck; and

WHEREAS, the City will encumber the funds needed to meet any required cash match for this grant should it be awarded; and

WHEREAS, the City is desirous of authorizing an official to represent and act for the City in dealing with the Department concerning the FAST grant program; and

WHEREAS, the City Commission of the City of Kingsville through this resolution has authorized the Interim City Manager, to submit an application to the aforementioned Program and to act as the authorized grant official to administer the grant and represent the City in this matter.

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

I.

THAT the City certifies it is eligible to receive assistance under the FAST grant program and that this matter was considered at a duly posted public meeting of the Kingsville City Commission.

II.

THAT the City certifies that the matching share for this application is readily available at this time.

III.

THAT the City hereby authorizes and directs the Interim City Manager to act for the City in dealing with the Department for the purposes of the Program, and that the Interim City Manager is hereby officially designated as the representative in this regard.

IV.

THAT the City specifically authorizes the official to make application to the Department for the City of Kingsville, Texas.

V.

THAT the City Commission approves the submission of a grant application for a fire brush truck to the Texas Department of Agriculture for the Community Development Block Grant for Fire, Ambulance, & Services Fund on the City's behalf with a cash match that is *anticipated* to be approximately \$5,000.00.

VI.

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

VII.

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

PASSED AND APPROVED by a majority vote of the City Commission the 28th day of May, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

AGENDA ITEM #10

**City of Kingsville
Fire Department**

TO: Mayor and City Commissioners

CC: Deborah Balli, Interim City Manager

FROM: Adrian Garcia, Fire Chief

DATE: May 28th, 2019

SUBJECT: Fire House Sub Grant – Replacement of Rescue Extrication Tools

Summary:

The Kingsville Fire Department is requesting approval to apply for a Fire House Subs Grant, which if awarded will assist in replacing the department's outdated rescue extrication tools. The total grant request is for \$31,373.37 with no cost share.

Background:

An assessment of our current rescue extrication tools revealed a need to update our extrication equipment. Updated extrication tools are better suited to utilize on the advancements of new vehicle construction and modern technology such as boron and martensite. Also, newer tools are lighter and not tethered to a hydraulic plant, which can create the potential for fire fighter injury due the weight. By updating this equipment, we will continue insure the safety of our firefighters working around motor vehicle accidents.

Lastly, if awarded this grant it would allow us to provide the most effective response to our Kingsville residents and insure the safety of our fire fighters that serve our Kingsville community.

Financial Impact:

If awarded the Fire House Grant will cover cost of equipment in its entirety (\$31,373.37) with no cost share required. No additional financial impact.

Recommendation:

The following grant request supports the goals set by the Kingsville Fire Department to insure the safety and continued operational effectiveness of our department. Our recommendation is that the Commission approve the request to apply for the Fire House Sub Grant.



Please do not submit this PDF, it is for reference only. Our grant application process is entirely digital.

APPLICANT AND DEPARTMENT INFORMATION

First Name Kevin	Last Name Speaker	Email Address kspeaker@cityofkingsville.com	Department Tax ID# 74-6001513
Organization/Department Kingsville Fire Department	Alternate Name ADRIAN GARCIA	Alternate Email Agarcia@cityofkingsville.com	
Address Line 1 PO BOX 1458		City KINGSVILLE	
Address Line 2		State TX	Zip 78364
Shipping Address Line 1 119 N 10TH ST		Shipping KINGSVILLE	
Shipping Address Line 2		Shipping TX State	Shipping 78363 Zip
Organization Phone Number 361-592-6445	Alternate Contact Number 361-219-8300	Communities Served Kingsville, TX	Population 27000 Number of Runs Per Year 3609
Local Approval Pre-qualifications As required by our community, this request has been presented and approved by our local government as part of our process when applying for external funding.			

APPLICATION REQUEST INFORMATION

The type of grant you are requesting: Equipment	What is the EXACT cost of the equipment? 31373.37
Variances in the amounts requested will be the responsibility of the grant recipient to pay directly? Yes	
What Equipment are you requesting for your department? Electric spreader, ram and cutter, with chargers and mounting brackets	Briefly explain how the equipment will benefit your community and your department. Current hydraulic rescue tools are not able to enter a fire scene due to the limitation of their hydraulic lines. E-tools would allow firefighters to not only be able to cut and rescue people from vehicles that use new alloys but also
Vendor Company Name MES Fire	Sales Representative Name Patrick Guzman Sales Representative Email pguzman@mesfire.com
This would have a direct impact on more than <u>3000</u> children in our community.	This would have a direct impact on more than <u>3000</u> senior citizens in our community.
What materials are you requesting for your department? Field not required for this category of request	
What is the amount of funding you are requesting? Field not required for this category of request	Please provide a detailed description of how the funding will assist your department: Field not required for this category of request

COMMUNITY IMPACT

Have you successfully reached out to the city for funds to purchase the equipment? Yes	Was there a particular instance where a life would have been positively impacted if you would have had the equipment available? Yes, our current rescue cutters/spreaders do not have the power necessary to cut through the newer car materials such as boron steel. Often times, the power plant that runs the cutters/spreaders will not turn on. This has caused delay of care for patients rescue as back-up tools from another station had to be requested.
What positive effects will the equipment specifically have? Please use statistics when possible. Our outdated and often non-functional rescue tools would be replaced so that both citizens of Kingsville as well as those traveling US77 who may be	

FIREHOUSE SUBS RELATIONSHIP

Address of Firehouse Subs location nearest you. 6418 S Staples St #140, Corpus Christi, TX 78413	How far is this location from your department? <u>38</u> Miles
How did you hear about our organization? Advertisement at local restaurant	Has your department received funding from Firehouse Subs Public Safety Foundation in the past? No

If approved for funding, we will host a press event at the Firehouse Subs restaurant nearest you. We ask that all PR be coordinated by our Foundation, but of course we will work in conjunction with your PR team as well as the PIO of your department.

Initial Acceptance Kevin Spea	PIO Email: Agarcia@cityofkingsville.com
PIO (Public Information Officer) Name: Adrian Garcia	PIO Phone Number: 361-219-8300

Please note, there are different categories of funding within the grant application, therefore the printed PDF document may contain some open blank fields. Please **do not** contact the Foundation if fields appear blank.

RESOLUTION # 2019-_____

A RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPLICATION TO THE FIRE HOUSE SUBS GRANT REQUESTING GRANT FUNDING FOR EXTRICATION TOOLS ON BEHALF OF THE KINGSVILLE FIRE DEPARTMENT WITH NO ANTICIPATED CASH MATCH.

WHEREAS, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville, that the Kingsville Fire Department participate in an application for grant monies from the Fire House Subs Grant for extrication tools; and

WHEREAS, the new extrication tools would replace the existing tools as the new tools are better suited to utilize on new vehicle advancements in construction and materials as well as being lighter which provides safer working conditions for firefighters; and

WHEREAS, the anticipated cost of the equipment is \$31,373.37 and the Fire House Subs Grant has no cash match; and

WHEREAS, the City Commission of the City of Kingsville through this resolution has authorized the Fire Chief to submit the grant and administer the grant and necessary paperwork if the grant is awarded to the City;

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

I.

THAT the City Commission approves the submission of a grant application to the Fire House Subs Grant for extrication tools on behalf of the City of Kingsville Fire Department, with no anticipated cash match.

II.

THAT the City Commission authorizes the Fire Chief to submit the grant and administer the grant and necessary paperwork.

III.

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

PASSED AND APPROVED by a majority vote of the City Commission the 28th
day of May, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

AGENDA ITEM #11

**City of Kingsville
Parks & Recreation Department**

TO: Mayor and City Commissioners
FROM: Susan Ivy, Director of Parks & Recreation
DATE: May 17, 2019
SUBJECT: Agenda Request – Proposed Landscaping Project for Santa Gertrudis Medians

Summary: We are requesting that Commission consider the funding for landscaping project located at 5 medians along Santa Gertrudis from Seale to Santa Rosa Dr. This landscaping will include the installation of Crepe Myrtles trees and irrigation. This will create an aesthetically pleasing entrance and exit to and from Texas A&M University Kingsville and the King Ranch area also provide the necessary irrigation needed for the proposed trees and grass.

Financial Impact: An estimated cost for this project is \$14,625

Irrigation = Approximately \$2,375
(simple hose & faucet, faucet protector, backflow preventers)

Boring = Approximately \$4,000

Trees = Approximately \$6,250

Taps/Meters = Approximately \$2,000

Total = \$14,625

Less \$4,500 (KKB contribution)

Total amount requested = \$10,125

Recommendation: We ask that Commission consider the approval of \$10,125 from the Park-City Green Phase 1 CO 2016 033-5-4503-5910 fund for a complete landscape for five medians along Santa Gertrudis to continue the aesthetically pleasing visual for citizens traveling to and from Texas A&M University Kingsville and the King Ranch

AGENDA ITEM #12



CITY OF KINGSVILLE LEGAL DEPARTMENT

P.O. Box 1458, Kingsville Texas 78364 Phone: 361-595-8016 Fax: 361-592-4696

Date: May 22, 2019

To: City Commission Members

From: Courtney Alvarez, City Attorney

Re: Charter Review Committee-Update

Background: The formation of a charter review committee was discussed at a recent City Commission meeting. No official action has been taken on the topic thus far.

The last charter review committee was formed in 2005. It consisted of seven citizens. Each City Commissioner appointed one citizen to serve on the committee. Then the Commission as a whole appointed two people. Like other City boards and committees, the charter review committee received no compensation for their service. The committee presented potential charter revisions to the City Commission in early 2006. While not obligated to accept the recommendations, the Commission presented the approved recommendations to the voters during the regular City election in May of 2006.

If the City Commission desires to form a new charter review committee, then the Commission would need to decide on the size of the committee and how appointments are to be made to the committee. The committee members once appointed would work on reviewing the City's charter and making recommendations for changes with the assistance of the City Attorney. If the intent is that any recommendations for changes to the charter be determined by the committee, then the City Commission would place them on the ballot for the next city election scheduled for May of 2020.

Analysis: The charter was last amended in 2006 and could benefit from a review.

Staff Recommendation: Establish a Charter Review Committee of five to seven persons. Instruct staff to work with the committee. Ask the committee to provide recommendations to the City Commission by January 13, 2020 so that the Commission can make a decision on or about February 10, 2020 as to what should be on the May 2020 City General Election ballot.

Commission Action: Consider the formation and size of the Charter Review Committee. (Once that is established, a separate agenda item to appoint people to the committee can be brought back to the City Commission at a future meeting.)

AGENDA ITEM #13

**City of Kingsville
Engineering Dept.**

TO: Mayor and City Commissioners

CC: Deborah Balli, Interim City Manager

FROM: Rutilio P. Mora Jr, P.E., City Engineer

DATE: May 28, 2019

SUBJECT: Consider and act upon approving a Change Order to 2018 E. Caesar Ave. Street Improvement Project (RFP#19-05).

Summary:

The purpose of the Change Order is to modify the improvements along Caesar St. between 14th and 15th St. The project was awarded to Garrett Construction in the approximate amount of \$650,000. It included; **Alternate No. 2 Bid** a single course seal along E. Caesar Ave. between 14th St. and Bypass 77. Street striping is included in the Base Bid and Alternate No. 2. It will be beneficial include full depth construction on the west bound lane. We would also suggest full depth on the east bound lane; however, the 48" diameter drainage system under the east bound lane is in poor condition. The City will need to consider replacing this drainage soon.

Background:

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.

Financial Impact:

Funds for Change Order No. 1 are approximately \$110,000.00 would be allocated from the Street Fund 092. As of May the Street fund has approximately \$353,000.00 and with the relocation of fund the remaining street fund would leave approximately \$191,000.00.

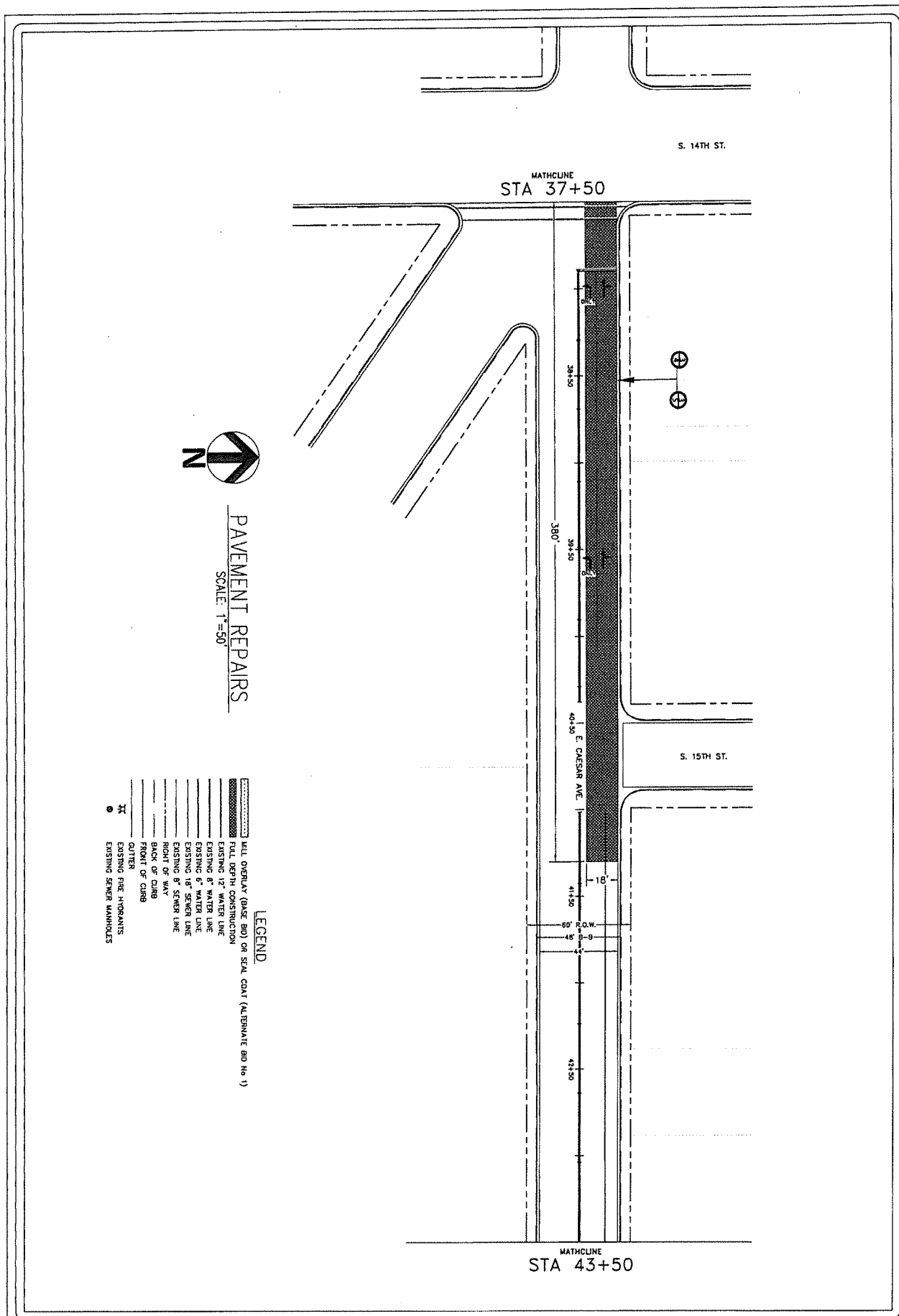
Recommendation:

Staff recommends approving a change order as presented.

Attachments:

Pavement Repair Sheet 11A
Change Order No. 1
Photos of west bound lane













AGENDA ITEM #14

**City of Kingsville
Engineering Dept.**

TO: Mayor and City Commissioners

CC: Deborah Balli, Interim City Manager

FROM: Rutilio P. Mora Jr, P.E., City Engineer

DATE: May 28, 2019

SUBJECT: Consider and act up Contract termination between the City and AR Energy Services LLC.

Summary:

This item recommends the termination of contract between the City and AR Energy Services LLC for project delays and abandoning the project.

Background:

On December 4, 2017, the City of Kingsville entered into an agreement with AR Energy Services LLC for BID No. 18-01 Curb, Gutter, and Driveway Repair. The last project with the Contractor was E. Miller St. between 11th and 13th St. the project began on May 2018 and was substantially completed on February 2019. On February 11, 2019, the City and Contractor preformed a final inspection of the project and several deficiencies were noted on the punch list attached. As of today, the contractor has not reached out to us to correct the deficiencies. I contacted his bonding company on May 1, 2019 and explained the City's dissatisfaction with the workmanship and lack of effort. I have several other letters that support my decision to terminate his contract which are attached. The city holds a 10% retainage on the contract in the amount of \$5,415.47. On May 15, 2019 the contractor forfeited the retainage.

Financial Impact:

The estimated cost to repair the deficiencies is approximately \$30,000

Recommendation:

Staff recommends approval of terminate the contract with AR Energy Services LLC. Effective immediately and rebid contract for curb, gutter and driveway repairs.



**City of Kingsville
Engineering Dept.**

Attachments:

March 21, 2019 Project Close-out and Final Payment Letter

September 27, 2019 – Material Price Increase

December 14, 2019 – Notice to Proceed – Second Notice

April 15, 2019 – Certified Letter – CMC Commercial Metals – Non-payment



CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78864

March 21, 2019

Gabriel Rodriguez
AR Energy Services LLC
P.O. Box 609
Sinton, TX 78387

RE: Project Close-out and Final Payment

Mr. Rodriguez,

On February 15, 2019, we submitted an email of the punch list items for the Miller St. Drainage – Curb and Gutter Project to AR Energy Services. As of today, there has not been any progress to correct the deficiencies noted. The total retainage is \$5,415.27, as referred in the contract” before issuance of the final payment on a project, the contractor shall submit evidence, satisfactory to the City of Kingsville that all payrolls, material bills, subcontractors and other indebtedness connected with the work have been paid in full. Failure to provide this documentation within ninety (90) calendar days of final acceptance of each project will result in the contractor forfeiting the entire 10% retainage payment of the contract for that project”.

At this point we have not accepted the project and I have included the deficiencies that will need to be corrected. If I do not receive a reply in writing by April 5, 2019, I will contact your bonding company of the outstanding deficiencies.

After this project is complete, I will terminate your contract with the City, due to lack of performance, abandoning the project and lack of correspondence. We have worked with you by not imposing liquidated damages and your lack of effort is unacceptable.

If you have any questions let me know.

Sincerely,

A handwritten signature in cursive script that reads "Rutilio P. Mora Jr.".

Rutilio P. Mora Jr., P.E.
City Engineer

Enclosure:

Punchlist – 2-11-19

Contract Agreement – 12-4-19

Project	Miller St. Drainage - Curb and Gutter Improvements	Project No.	E-182 and E-163
Owner	City of Kingsville	Inspection Date	2/11/2019
Inspector Name & Title	Rudy Mora, City Engineer	Contractor	AR Energy Services,
Attendees	Rutilio "Rudy" Mora, City Engineer, Roel Tovar, Enginner's Assitant, Wally Villareal, Contractor		

Miller St. Drainage - Curb and Gutter Improvements			
ITEM NO.	DESCRIPTION	LOCATION	STATUS
1	Remove and replace curb and gutter that flows to the street. Refer to curb an gutter on plans page C6. Quantity 107 LF	623 E. Miller St.	Pending
2	Remove and replace curb and gutter that flows to the street. Refer to curb an gutter on plans page C6. Quantity 63 LF	627 E. Miller St.	Pending
3	Remove and replace curb and gutter that flows to the street. Refer to curb an gutter on plans page C6. Quantity 56 LF	631 E. Miller St.	Pending
4	Remove and replace curb and gutter that flows to the street. Refer to curb an gutter on plans page C6. Quantity 49 LF	703 E. Miller St	Pending
5	Remove and replace curb and gutter that flows to the street. Refer to curb an gutter on plans page C6. Quantity 60LF	709 E. Miller St.	Pending
6	Remove and replace curb and gutter that flows to the street. Refer to curb an gutter on plans page C6. Quantity 60 LF	715 E. Miller St.	Pending
7	Remove and replace curb and gutter that flows to the street. Refer to curb an gutter on plans page C6. Quantity 57 LF	714 E. Miller St.	Pending
8	Remove and replace curb and gutter that flows to the street. Refer to curb an gutter on plans page C6. Quantity 57 LF	708 E. Miller St.	Pending
9	Remove and replace curb and gutter that flows to the street. Refer to curb an gutter on plans page C6. Quantity 49 LF	630 E. Miller St.	Pending
10	Remove and replace curb and gutter that flows to the street. Refer to curb an gutter on plans page C6. Quantity 167 LF	626 E. Miller St.	Pending
11	Remove traffic cone base	631 E. Miller St.	Pending
12	Cut wood expansion joint flush with concrete	715 E Miller St.	Pending
13	Address hump or low spot in gutter.If it is a low spot remove and replace curb and gutter. Quatity 20 LF	715 E Miller St.	Pending
14	Remove concrete debris in right of way	Entire project	Pending
15	Remove Gas cap as part of Demo section	729 E Miller	Pending
16	Cut wood to flush with concrete	801 E Miller St.	Pending
17	Remove and replace east transition curb and gutter. Quantity 10 LF	801 E Miller St.	Pending
18	Backfill driveway	807 E Miller St.	Pending
19	Remove and replace concrete curb and gutter (lowspot). Quantity 10 LF	827 E Miller St.	Pending
20	Remove and replace concrete curb and gutter (lowspot). Quantity 17 LF	901 E MillerSt.	Pending
21	Remove and replace concrete curb and gutter (lowspot). Quantity 34 LF	702 E Miller St.	Pending
22	Remove debris (Limestone, Dirt and Concrete) from curb and gutter to eliminate any other low spots on project site	Entire project	Pending
23	Remove and replace concrete valley gutter (lowspot). Quantity 15 LF	714 E Miller St.	Pending
24	Repair chip Concrete curb and gutter transition. Quatity 10 LF	630 E Miller	Pending
25	Remove any and all excess debris from construction site	Entire project	Pending
26	Remove and replace concrete valley gutter (lowspot). Quantity 25 LF	630 E Miller	Pending
27	Remove and replace concrete valley gutter (lowspot). Quantity 50 LF	626 E Miller	Pending
28			
29			
30			
31			

CONTRACT

THIS AGREEMENT made this 4th day of DECEMBER, 2017 by and between AR ENERGY SERVICES LLC hereinafter called the CONTRACTOR, and the City of Kingsville, hereinafter called the OWNER or CITY.

WITNESSETH, that the Contractor and Owner for the consideration hereinafter named agree as follows:

Article 1 - Scope of Work: The Contractor shall furnish all the materials and perform all the work called for in the Contract Documents for the next two years on a multi-project basis via work-orders using the unit prices provided by bidder as requested and described in the Specifications entitled:

BID NO 18-01 Curb, Gutter, and Driveway Repair

Article 2 - Time of Completion: The Contractor shall begin work at the job site within fourteen (14) days after the date of the Notice to Proceed issued by the Owner's Representative for each project. The work to be performed under this contract shall be completed in sixty (60) consecutive calendar days plus any extended days approved by the Owner's Representative in accordance with the Specifications. For each calendar day that any work is not completed after the expiration of the time, as calculated fourteen (14) days from the date of the Notice to Proceed plus consecutive calendar days stated above plus approved extended days, the sum of Two Hundred Dollars (\$200.00), per calendar day, will be deducted from the money due or to become due the Contractor for that project, not as a penalty, but as liquidated damages and added for administration.

Article 3 - The Contract Sum: The Owner shall pay for the performance of the Contract, subject to additions and deductions provided therein, based on the unit prices provided in the bid response and the work performed for each project authorized by the Owner.

Article 4 - Partial Payment: Owner shall make progress payments as approved by the Owner's Representative.

Article 5 - Acceptance and Final Payment: Final payment shall be due on acceptance of the work for each project, provided the Contract has been completed as provided in the General Conditions.

Before issuance of the final payment on a project, the Contractor shall submit evidence, satisfactory to the City of Kingsville that all payrolls, material bills, subcontractors and other indebtedness connected with the work have been paid in full. **Failure to provide this documentation within ninety (90) calendar days of final acceptance of each project will result in the contractor forfeiting the entire 10% retainage payment of the contract for that project.**

Article 6 - The Contract Documents: The Specifications, Proposal, and Instructions to Bidders, together with this Agreement, form the Contract Documents and they are as fully a part of the Contract Documents as if hereto attached or herein repeated.

IN WITNESS WHEREOF, the parties to these present have executed this Contract in the year and day first above mentioned.

CITY OF KINGSVILLE
OWNER

By: _____

Title: _____

City Manager

AIR ENERGY SERVICES LLC
CONTRACTOR

(Signature)

GABRIEL RODRIGUEZ
Printed or Typed Name

PRESIDENT / OWNER
Title

P.O. Box 609
Mailing Address

SINTON, TX 78387
City, State & Zip

September 27, 2018

Gabriel Rodriguez
AR Energy Services LLC
P.O. Box 609
Sinton, TX 78387

RE: Material Price Increase.

Mr. Rodriguez,

I received your email on September 11, 2018, concerning material price increases. I am aware of and acknowledge your supporting documentation.

The City expects AR Energy Services LLC to honor the contract and complete the current project that is underway on Miller St, which was issued prior to receipt of your correspondence. The contract you signed under Article 1 Scope of Work states "The Contractor shall furnish all the materials and perform all the work called for in the Contract Document for the next two years on a multi-project basis".

Unfortunately, I cannot amend the prices based on the Bid Form. If you are unable to complete the contract under the existing terms, then you may terminate the contract by providing us written notice, at which point the City would re-bid the items and you could submit a new bid. We still expect you to timely complete the pending project under the existing contract terms.

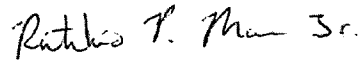
The first invoice you submitted for Miller St. Drainage Improvements Project is dated June 4, 2018. Indicates you started work on the project on or before May 28, 2018. I will use this date as the starting time. The project has experienced rain delays and a delay in relocating a mailbox. The mailbox has now been relocated and you may continue construction the project. July 23, 2018 was the last invoice submitted with services through July 30th, shortly after you demobilized from the jobsite because of the mailbox issue. The City recorded data on rain events between May 28th and July 30rd and currently have accounted for 8 rain days. Under Article 2 it states, "The work to be performed under this contract shall be completed in sixty (60) consecutive calendar days plus any extended days approved by the Owner's Representative". The time used on the project equals 64 days. You are 4 (over) + 8 (rain) for a total of 4 days left to complete the project based on the contract time. You cannot complete the project within the time remaining submit a request for additional time stating the anticipated completion date. Please consider this letter your Notice to Proceed on this project.

Once you continue the project we will withhold the 10 percent retainage on all future invoices; the retainage will be paid once the project is accepted and approved. Retainage is included in Article 5 of the contract.

I would also like to make you aware that some of the curb & gutter and driveways installed retain water and it should have positive drainage; hence, these sections will have to be addressed. If you wish to further discuss the locations; I will gladly visit with you or your representative.

If you have any questions let me know.

Sincerely,

A handwritten signature in black ink that reads "Rutilio P. Mora Jr." in a cursive script.

Rutilio P. Mora Jr., P.E.

City Engineer

Enc: Contract – BID No. 18-01 Curb, Gutter, and Driveways

Invoice 2018-36 and 2018-51

Photos of Miller St. (3)

CONTRACT

THIS AGREEMENT made this 4th day of DECEMBER, 2017 by and between AR ENERGY SERVICES LLC hereinafter called the CONTRACTOR, and the City of Kingsville, hereinafter called the OWNER or CITY.

WITNESSETH, that the Contractor and Owner for the consideration hereinafter named agree as follows:

Article 1 - Scope of Work: The Contractor shall furnish all the materials and perform all the work called for in the Contract Documents for the next two years on a multi-project basis via work-orders using the unit prices provided by bidder as requested and described in the Specifications entitled:

BID NO 18-01 Curb, Gutter, and Driveway Repair

Article 2 - Time of Completion: The Contractor shall begin work at the job site within fourteen (14) days after the date of the Notice to Proceed issued by the Owner's Representative for each project. The work to be performed under this contract shall be completed in sixty (60) consecutive calendar days plus any extended days approved by the Owner's Representative in accordance with the Specifications. For each calendar day that any work is not completed after the expiration of the time, as calculated fourteen (14) days from the date of the Notice to Proceed plus consecutive calendar days stated above plus approved extended days, the sum of Two Hundred Dollars (\$200.00), per calendar day, will be deducted from the money due or to become due the Contractor for that project, not as a penalty, but as liquidated damages and added for administration.

Article 3 - The Contract Sum: The Owner shall pay for the performance of the Contract, subject to additions and deductions provided therein, based on the unit prices provided in the bid response and the work performed for each project authorized by the Owner.

Article 4 - Partial Payment: Owner shall make progress payments as approved by the Owner's Representative.

Article 5 - Acceptance and Final Payment: Final payment shall be due on acceptance of the work for each project, provided the Contract has been completed as provided in the General Conditions.

Before issuance of the final payment on a project, the Contractor shall submit evidence, satisfactory to the City of Kingsville that all payrolls, material bills, subcontractors and other indebtedness connected with the work have been paid in full. Failure to provide this documentation within ninety (90) calendar days of final acceptance of each project will result in the contractor forfeiting the entire 10% retainage payment of the contract for that project.

Article 6 - The Contract Documents: The Specifications, Proposal, and Instructions to Bidders, together with this Agreement, form the Contract Documents and they are as fully a part of the Contract Documents as if hereto attached or herein repeated.

IN WITNESS WHEREOF, the parties to these present have executed this Contract in the year and day first above mentioned.

CITY OF KINGSVILLE

OWNER

By: _____

Title: _____

City Manager

AR ENERGY SERVICES LLC

CONTRACTOR

(Signature) _____

GABRIEL RODRIGUEZ

Printed or Typed Name

PRESIDENT / OWNER

Title

P.O. Box 609

Mailing Address

SINTON, TX 78387

City, State & Zip

**Always A Pleasure Doing Business
With You!**



AR ENERGY SERVICES LLC
P O BOX 609
SINTON, TX 78387

361-364-5519 Ph.
361-504-4229 Fax

Invoice

Date

8/6/2018

Invoice #

2018-51

Bill To

City of Kingsville
400 W. King
Kingsville, TX 78363

Project Name:

Kingsville 18-01
Miller Ave

Serviced	Item	Description	Qty	Rate	Amount
7/30/2018	A-12	Concrete Valley Gutter	134	13.75	1,842.50
	A-18	Concrete Driveway	250.83	13.00	3,260.79
	A-6	Type II Curb and Gutter 5" - 5 3/4"	48	13.75	660.00
	A-13	Concrete Sidewalk (4" with wire fabric)	14.1	10.00	141.00

Please Make all Checks payable to AR ENERGY SERVICES LLC.
Total due on or before 30 days from invoice date.
Overdue accounts are subject to a service charge of 1.5%.

Total Due **\$5,904.29**

Payments/Credits **\$0.00**

Balance Due **\$5,904.29**

**Always A Pleasure Doing Business
With You!**







CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

December 14, 2018

Gabriel Rodriguez
AR Energy Services LLC
13908 State Highway 188
Sinton, TX 78387

RE: Notice to Proceed – Second Notice

Mr. Rodriguez,

This is a second letter giving you Notice to Proceed and complete the curb, gutter, and driveway repair project on E. Miller St. in Kingsville Texas that was started several months ago. We provided you a prior Notice to Proceed last month, but no work has been done at the site or contact made with the City to explain why. This project needs to be completed a.s.a.p. I need a response before or no December 28, 2018 and a schedule of when you will complete the work. If you do not reply by that date, I shall be forced to proceed with other alternatives.

If you have any questions let me know.

Sincerely,

A handwritten signature in cursive script that reads "Rutilio P. Mora Jr.".

Rutilio P. Mora Jr., P.E.
City Engineer



April 15, 2019

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ACCREDITED SURETY & CASUALTY CO INC
4798 NEW BOARD ST SUITE 200
ORLANDO, FL 32814
9314 8699 0430 0058 0798 61

A R ENERGY SERVICES LLC
13908 W HWY 188
SINTON TX. 78387
9314 8699 0430 0058 0798 47

CITY OF KINGSVILLE
400 W KING AVE
KINGSVILLE TX. 78363
9314 8699 0430 0058 0798 54

Re: KINGSVILLE PH 2
Bond#:
Acct#: 100359

To Whom It May Concern:

We understand that ACCREDITED SURETY & CASUALTY CO INC. is/are surety on a public work payment bond, pursuant to the Government Code 2253, and that A R ENERGY SERVICES LLC is principal of said bond relating to the construction project located at 500 YOUNG ST, KINGSVILLE, TX 78363 and known as KINGSVILLE PH 2. If we are incorrect in these understandings, please advise immediately.

Our company furnished materials to for use on the subject construction project. owes our company \$87.14 for the materials our company furnished.

This notice is to perfect a bond claim under the public work payment bond pursuant to the Government Code Chapter 2253 on behalf of our company in the amount of \$87.14.

Enclosed you will find the following:

1. Sworn Statement of Account.
2. Invoice(s) identifying materials furnished.

The nature of the materials furnished is generally described as concrete accessories and form rental. The approximate dates of delivery of materials were JANUARY 2019. The destination of delivery of the materials was 500 YOUNG ST, KINGSVILLE, TX 78363.

If you have any questions concerning the above, please advise.

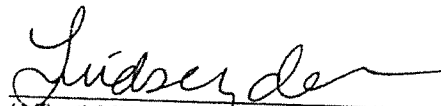
Sincerely,

LINDSEY DE ARMAS
CREDIT REPRESENTATIVE
CMC CONSTRUCTION SERVICES
713-936-6679 Phone
LINDSEY.DEARMAS@CMC.COM Email

SWORN STATEMENT OF ACCOUNT

THE STATE OF TEXAS §
COUNTY OF HARRIS §


BEFORE ME, the undersigned Notary Public in and for the County and State aforesaid, personally appeared **LINDSEY DE ARMAS**, who, being by me first duly sworn, on oath states that he/she is agent of CMC Construction Services, a corporation duly incorporated under the laws of the State of Texas, that he/she has knowledge of the facts herein set forth and is duly authorized to make this affidavit; that the annexed account (consisting of invoice(s) **SEE ATTACHED STATEMENT**) against , is true and correct; that there is now due from the sum of **\$87.14 - EIGHTY-SEVEN DOLLARS AND 14 CENTS**, and that the amount claimed is just and correct and all just and lawful offsets, payments and credits known to the affiant have been allowed.



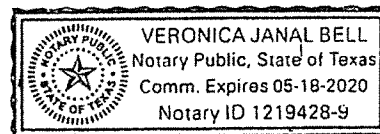
(Affiant) **LINDSEY DE ARMAS**
Credit Representative
713-936-6679: **Phone**
LINDSEY.DEARMAS@CMC.COM:
Email

Subscribed and sworn to before me this 15th day of April, 2019.

(Notary Seal)



Notary Public, State of Texas



STATEMENT

CMC CONSTRUCTION SERVICES
9103 E ALMEDA ST

PAGE: 1

HOUSTON TX 77054-4502

DATE: 04/06/2019

TO: 100359
A R ENERGY SERVICES LLC
PO BOX 609
SINTON TX 78387-0609

DATE	INVOICE	DUE DATE	AMOUNT	PYMT DTE	PYMT AMOUNT	TP	BALANCE
Ship-to KING 18-01 KINGSVILLE PH 2							
01/24/19	451290	02/23/19	1082.94	04/05/19	1000.40	PY	82.54
01/28/19	454106	02/27/19	60.22	04/05/19	55.62	PY	4.60
SHIP-TO TOTAL							87.14

AGENDA ITEM #15

**City of Kingsville
Legal Department**

TO: Mayor and City Commissioners
CC: Deborah Balli, Interim City Manager
FROM: Courtney Alvarez, City Attorney
DATE: May 23, 2019
SUBJECT: Recision of Condemnation Order for 213 W. Santa Gertrudis

Due to extenuating circumstances, it is recommended that the condemnation order for 213 W. Santa Gertrudis that was approved on April 8, 2019 be rescinded.

