

City of Kingsville, Texas

AGENDA CITY COMMISSION MONDAY, JUNE 10, 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)

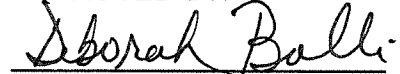
MINUTES OF PREVIOUS MEETING(S)

April 22, 2019-Regular Meeting

May 6, 2019-Special Meeting

May 13, 2019-Regular Meeting

APPROVED BY:



Deborah Balli
Interim City Manager

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

1. None.

III. Reports from Commission & Staff.²

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

IV. Public Comment on Agenda Items.³

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

V.

Consent Agenda

Notice to the Public

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

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

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

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget to receive and expend additional anticipated hotel/motel tax revenues. (Tourism Director).
2. Motion to approve final passage 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).
3. Motion to approve a resolution authorizing participation in Bulletproof Vest Partnership Program FY2019 with the Office of the Governor, Justice Assistance Grant (JAG) for bulletproof vests for the Kingsville Police Department, authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. Consider the appointment of Clarice Caraway Williams to the Parks & Recreation Advisory Board for a three-year term. (Director of Parks & Recreation).
5. Consider accepting donations for Healthy Family Partners Events for Parks Department recreational programming. (Parks Director).
6. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to receive and expend Park donations for recreational programs. (Parks Director).
7. Consider awarding bid for RFP#19-06 for Water Well #23 Ground Storage Tank replacement, as per staff recommendation. (Purchasing Director).
8. Consider a resolution authorizing the Interim City Manager to enter into a Standard Form of Agreement between the City of Kingsville and Contractor on the basis of a stipulated price for Water Well No. 23 Ground Storage Tank replacement Project (RFP#19-06). (City Engineer).
9. Consider a resolution authorizing the Police Chief to enter into a Memorandum of Understanding for Mutual Assistance between the Kingsville Police Department and

the VA Texas Valley Coastal Bend Health Care System for police service to the VA property in the City. (Police Chief).

10. Consider a resolution authorizing the Interim City Manager and the Fire Chief to enter into a Clinical Affiliation Agreement between the Kingsville Fire Department and the School of EMS. (Fire Chief).
11. Consider an interim option on calculating fees for residential remodeling building permits in City Code of Ordinances Section 15-1-16 based on recently adopted H.B. 852. (Director of Planning & Development Services).
12. Consider recommendations from Hotel Occupancy Tax Advisory Board for arts and historical funding. (Tourism Director).

VII. Adjournment.

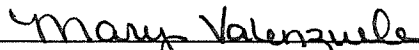
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

June 6, 2019 at 4:00 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 22, 2019

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, APRIL 22, 2019 IN THE RECREATION HALL INSIDE DICK KLEBERG PARK, 501 EAST ESCONDIDO, KINGSVILLE, TEXAS AT 6:00 P.M.

CITY COMMISSION PRESENT:

Sam R. Fugate, Mayor
Edna Lopez, Commissioner
Dianne Leubert, Commissioner
Arturo Pecos, Commissioner
Hector Hinojosa, Commissioner (arrived at 6:23 p.m.)

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
Cynthia Martin, Downtown Manager
Manny Salazar, EDC
Jennifer Bernal, Parks Manager
Nora Martinez, Parks Admin Assistant
Ricardo Torres, Chief of Police

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 6:00 P.M. with all four 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. None.

III. Reports from Commission & Staff.²

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

*Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; **Streets Update**; Public Works; Landfill Update, Building Maintenance, Construction Updates; **Park Services** - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Health Department, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Employee Recognition, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation, Golf Course Update. No formal action can be taken on these items at this time."*

Mayor Fugate presented the following proclamation: Arbor Day; Small Business Week; and Public Service Recognition Week.

Mr. Garza passed out the Investment Report and Quarterly Budget Reports were distributed to the Commission for their review. Also given to the Commission was the Street Department Weekly Report.

Mrs. Susan Ivy, Parks Director gave a brief update on the Park Services.

The Civitan Club presented a donation check to the Commission for Park Equipment for Thompson Park.

Commissioner Lopez announced that she would like an update on the Fire Truck at a future meeting.

Mrs. Courtney Alvarez, City Attorney reported on the dates for early voting. She further reported that the next City Commission meeting is scheduled for Monday, May 13, 2019, with a deadline to staff to submit their agenda items by May 3rd. At this time, Mrs. Alvarez announced some upcoming events.

IV. Public Comment on Agenda Items.³

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

No public comments made.

V.

Consent Agenda

Notice to the Public

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

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

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

Motion made by Commissioner Pecos to approve the consent agenda as presented, seconded by Commissioner Hinojosa. 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 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).
2. Motion to approve final passage 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).
3. Motion to approve final passage 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).
4. Motion to approve amending the resolution appointing Election Judges and Early Voting Ballot Board Judge for the City of Kingsville Special Election on May 4, 2019. (City Secretary).

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

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

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

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

6. Consider final passage 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).

Mrs. Alvarez commented that the Planning & Zoning Commission unanimously voted to not approve this rezone. If the City Commission was to elect to go a different direction, under Code of Ordinance, 15-6-4(a)(b)(2), a $\frac{3}{4}$ vote of the members of the Commission would be necessary to overrule their denial. Alvarez further commented that this is the second time this item has been brought forward to the Commission. There were community members that were present at the public hearing who are here tonight that were in opposition to the matter.

Mayor Fugate asked if there was a motion to approve the final passage of this ordinance.

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Mayor Fugate asked if there was a motion to approve the final passage of this ordinance.

This item failed due to a lack of motion.

7. Presentation and discussion on recommendations from the Economic Development Strategic Plan developed by consultants for the Greater Area Kingsville Economic Development Council. (City Manager).

A presentation on the Economic Development Strategic Plan was made to the City Commission. Handouts were given to them regarding this item. Some of the items discussed were to create a source of sustainable and growing funding source for Economic Development activities. Reevaluate CVB funding and its allocations to activities, events and venues. Combine the EDC and the Chamber boards into one Advisory Board to oversee the partnership. Combine the EDC and Chamber into one entity sharing the duties of both organizations. Monument signage was discussed for the entrances of the City.

8. Discussion and consideration of a request from Kleberg County to provide a letter of commitment for grant matching funds for an EDA Grant for a Regional Training Center and Emergency Operating Center. (Mayor/City Manager).

Mr. Garza stated that the county has been pursuing this idea to have a regional training facility located by the Golf Course. Staff has also brought forward an amendment to the agreement, where if they were able to show that the Department of Interior would allow the use of that land they would regain control of the acreage out there for this training facility. He further stated that during a meeting with County Judge regarding the JK Northway and the plans for the improvements of the JK Northway which include some multipurpose rooms to the facility. From this meeting stemmed the new idea from the County Judge, which was conveyed to the Mayor and City Manager, to try and join forces with these projects. He stated that what the proposition is that this grant that the county has been working on through the EDA and is intended to be the recovery funds after Hurricane Harvey, that we merge the idea of renovating the JK Northway with the idea of a regional training facility as well as an EOC. The idea with some of the multipurpose rooms that were already contemplating into the JK Northway, could be used as a classroom space for the training they were already planning on doing somewhere else. The overall idea was to merge the grant and there idea of a training facility with the JK Northway. He stated that the grant that the county is pursuing is a \$6,000,000.00 grant of which \$4.8 million dollars would come through the grant and \$1.2 million dollars would come from the community. He further stated that what the County Judge had suggested to the City is for the City to take some of the money that is received from the venue tax and apply it towards the match. Staff then realized that this couldn't be done, as the funds can not be mixed. Garza stated that they continued to have these conversations, as they don't know when the County would get another opportunity to get \$6 million dollars to go towards the JK Northway, on top of the potential money that would come from the venue tax. Garza stated that what the city's bond counsel suggest was that the projects and the funds be kept separate. He stated that for an example, if the County is successful in getting the grant, the \$6 million dollars would be focused in the existing building, which is the JK Northway, and the city's tax venue money could be spent for the outdoor arena, which is part of the same site improvements but is technically a different project but overall they are all together with the same overall goal. Garza stated that this is a conceptual idea but there is still a lot of intricacies that still need to be figured out ranging from management and who would select the architect. He further stated that the County is on a deadline to submit this application and one of the requirements is to get letters of commitment from the entity that is applying, so they have asked us as a City to commit to half of the \$1.2 million dollars as a worst case scenario, in terms of budget impact. He stated that he states

worst case scenario because the idea is that this match comes from private donors. But the City can't commit or have funds unencumbered that we don't have yet. So the idea is that each entity, it being the County and the City, will commit to having \$600,000 unencumbered funds set aside to serve as a match, as worst case scenario, if there are not funds that are fund raised, and split the difference. Garza stated that on the City's end, the city does not have \$600,000 that was budgeted for this effort, but with this being a once in a while opportunity, staff has scrambled to try and come out with a break down as to how the city can set aside \$600,000, which would require budget amendments. This would come from the following: \$100,000 that can be contributed in in-kind services; put a stop to projects that were budgeted out of CO 2016 funds, landscaping project around city hall, which has \$100,000 from the CO funds; \$200,000 allocated to downtown which the city can take \$100,000 from that, which brings us to \$300,000. The other \$300,000 could be split between the General Fund and Utility Fund, just from fund balance. Garza stated that staff has run the numbers, and even if they do that, the city would still be above the 25% requirement for both General Fund and Utility Fund. All this would have to come back and be formalized and approved through budget amendments. Garza stated that this is staff's solution to having unencumbered funds for purposes of the request, which is to have a commitment letter that the Mayor would sign for the County to submit with their application. The County's deadline to submit is May 1st.

Mayor Fugate asked how long ago the study was done for the JK Northway. Mr. Garza responded that it was done in 2017, so about two years ago. Mayor Fugate further commented that when this was done and looking at the renderings at that time and seeing how it could look and how it does look as well as what it was going to cost, he wasn't sure if he would see this project completed in the next 10 to 15 years. Fugate also stated that opportunity is sometimes not convenient and this is an opportunity to make this happen. With the \$6 million dollars and the venue tax, if passed, the additional \$2 million dollars, there are private citizens in this community that are interested in making this project happen. He further stated that he can see the opportunity for the County to get this grant. He also stated that \$6 million dollars is a real possibility and he doesn't believe that it is a risk to the city to make this commitment as he believes that the private money is going to be there. Fugate commented that it is a chance for the city to complete phase 1 and possibly phase 2 of the JK Northway. This is a great project and has a chance of happen, but only if the city helps. He further stated that this Commission throughout the years, since he himself has been here, has always thought outside the box because we are who we are and have been very successful in the past and feels that they will be successful in this one as well.

Commissioner Leubert asked is this is an action item or is item #9 the action item for it? Mrs. Alvarez responded that item #8 is an action item because of the level of commitment that is required, therefore staff wanted the Commission as a whole to vote on whether or not you wanted to authorize the Mayor to sign the letter of commitment on the city's behalf, knowing as the City Manager stated that it will require the encumbrance of certain funds with a budget amendment coming before the Commission at the next meeting. She further stated that as the City Manager and Mayor stated, this is kind of a safety net because the commitment letter does say that the city does have the funds encumbered for that purpose. So if between now and when those cash match, should the county be successful in obtaining the grant and actually comes through, there might be the donations received that would cover all or a part such that all of the funds that the City Manager had identified that the Commission would be earmarking in a budget amendment may not be needed. She further stated that for the basis of the letter of commitment, you have to have that guaranteed which requires commission approval.

Commissioner Leubert asked if this was a yes? Mrs. Alvarez responded that she started out with a yes, but also gave an explanation.

Motion made by Commissioner Leubert to approve the request from Kleberg County to provide a letter of commitment for grant matching funds for an EDA Grant for a Regional Training Center and Emergency Operating Center, seconded by Commissioner Pecos.

Commissioner Hinojosa asked that it was mentioned that there were private funds that would assist on the match. Was this on the \$1.2 million dollars or some other match?

Mayor Fugate responded that he believes that there are more than \$1.2 million dollars in private monies that are interested in renovating the JK Northway.

Commissioner Hinojosa asked if it would go to the \$1.2 million dollars? Mayor Fugate responded that the first \$1.2 million dollars would go to alleviate from the city's commitment.

Mr. Garza commented that the idea is that once the private dollars are fund raised and contributed to the project, both County and City could free up the funds that were set aside for it. There is the opportunity to change where that money comes from when we get to it.

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

9. **Consider a resolution supporting Kleberg County's application to the U.S. Department of Commerce, Office of Economic Development Administration under the Disaster Supplemental Funding Economic Adjustment Program for a Regional Public Safety Training Facility and Emergency Operations and Command Center; certifying that the City of Kingsville is in support of the application and willing to provide up to \$600,000 in cash match for the grant. (Mayor/City Manager).**

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

10. **Executive Session: Pursuant to Section 551.074, Texas Government Code, the Personnel Exception, the City Commission shall convene in Executive Session to deliberate the appointment, employment, and duties of the City Manager. (Mayor Fugate).**

Mayor Fugate announced the executive session and convened the meeting into closed session at 7:02 p.m.

Mayor Fugate reconvened the meeting into open session at 7:35 p.m.

11. **Consider process for filling the position of City Manager, the provision of Interim City Manager services, and matters related thereto. (Mayor Fugate).**

No action or discussion taken on this item.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:36 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

MAY 6, 2019

A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MAY 6, 2019 IN THE RECREATION HALL INSIDE DICK KLEBERG PARK, 501 EAST ESCONDIDO, KINGSVILLE, TEXAS AT 6:00 P.M.

CITY COMMISSION PRESENT:

Sam R. Fugate, Mayor
Edna Lopez, Commissioner
Dianne Leubert, Commissioner
Arturo Pecos, Commissioner
Hector Hinojosa, 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
Cynthia Martin, Downtown Manager
Manny Salazar, EDC
Ricardo Torres, Chief of Police
Adrian Garcia, Fire Chief
Ron Lee, Fire Marshall

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 6:00 P.M. with all four 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 amending the zoning ordinance by granting a special use permit for 418 E. Kleberg Ave. (old K.A. Childs building), also known as Orig. Town, Block 41, Lots 17-29, for a light manufacturing use (to build furniture), Herb Lancaster, applicant. (Director of Planning & Development Services).

Mayor Fugate announce and opened this public hearing at 6:01 p.m.

Mr. Ginter reported that this item is to request a Special Use Permit for 418 E. Kleberg Ave. If someone wants to do a light manufacturing use in a C3 zoning district a special use permit is required. The requestor would like to build furniture at this location. He has owned a furniture building business in Aransas Pass for some time and now wants

to move the business to Kingsville. Reason for the move is that the building that his business was in, was heavily damaged when the water tower in Aransas Pass fell on it during Hurricane Harvey. The Planning and Zoning Commission voted 5 to 0 to recommend approval of the special use permit. Staff did not receive any phone calls that are against this request. One caller did call asking for particulars on the request. This business is looking at hiring 20 employees.

Commissioner Lopez asked if he would be manufacturing or selling furniture. Mr. Ginter responded that the requestor does wholesales and on-line sales. He further commented that the requestor has been making furniture for at least 20 years.

Mayor Fugate asked if staff has spoken to the neighbors of this location.

Mr. Manny Salazar, EDC Director responded that they are all in favor of the rezone. He further stated that this business will have a showroom of the custom work on furniture. He further commented that there will be no varnish smells coming from the business, as they only use high-end products.

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

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

III. Reports from Commission & Staff.²

"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to, the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, 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. Jesús Garza, City Manager commented that this would be his last City Commission meeting with the City of Kingsville. He further thanked the Commission for giving him the opportunity to work for the City of Kingsville as its City Manager.

The City Commission thanked Mr. Garza for his service to the City of Kingsville and wished him well with the City of Victoria.

Mrs. Courtney Alvarez, City Attorney announced that the next Commission meeting is scheduled for May 13th. She also mentioned that the second regular meeting for the month of May would be May 28th with the deadline to submit agenda items on May 17th. Mrs. Alvarez further announced some upcoming events for the week.

IV. Public Comment on Agenda Items.³

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

No comments made.

V.

Consent Agenda

Notice to the Public

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

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

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

None.

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

1. Consider accepting the Comprehensive Annual Financial Report of the City of Kingsville for Fiscal Year 2017-2018. (Finance Director).

Mr. Luke Womack, John Womack & CO., P.C. gave the presentation on the City of Kingsville's Comprehensive Annual Financial Report. Mr. Womack reported that it is their opinion that everything is presented materially correct and it is consistent with prior years, which is called an unqualified report. General Fund has \$19,410.00 in total revenue. Last year there was \$18,708,000, which is up about \$700,000.00 from the year before. Expenditures were \$20,623,000, which is down \$1,060,000 from prior year. The big drop was Capitol Outlay in Public Works. The city had a total of \$20,623,000 in total expenditures. Transfers in was \$2,077,000 and last year it was \$1,649,000. Total fund balance \$865,000, last year the city spent \$1.3 million, which gave it a deficit. Womack further reported that there was substantial return on Capital, so the total capital is up \$865,000. The Police Department's revenue is at \$1,008,000, being up about \$66,000 to prior year. They had expenditures of \$377,000 and last year it was \$671,000. There is a net increase of \$630,000 with last year being a deficit of \$269,000. At this point, this brings the city's fund balance to \$2,091,000. Womack stated that there has been some very good performance issues. Debt service had \$1.287 million dollars with last being at \$1.458 million dollars. For the principal payment and debt service it was at \$1.485 million dollars. Remaining fund balance in debt service \$559,000. Womack commented that the City is well above the 25% minimum equity. Utility Fund, water sales and wastewater there is \$8,945,000, with last year being at \$8,189,000. Cost of operating went from \$738,000 current year, \$745,000 last year with a reduction of \$421,000 overall. There was a net operating income of \$1.9 million dollars and last year it was at \$1.3 million dollars. Womack stated that the Utility Fund is doing very well. Major medical fund, we had \$3.78 million dollars with last being at \$3.269 million dollars. There was also an increase in expenditures of \$3.638 million dollars versus \$2.99 million dollars last year. There was an increase in the fund balance

of \$142,000. The fund balance in major medical at the end of the year was \$1,317 million dollars. Cash flow is at \$2,941,870, this is pure cash and not receivables, accruable that was generated by the utility fund during the year. Last year it was \$2,085,000. Mr. Womack commented that there were no findings and the City of Kingsville is in good shape.

Motion made by Commissioner Leubert to accept the Comprehensive Annual Financial Report of the City of Kingsville for Fiscal Year 2017-2018, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

2. **Consider introduction of an ordinance amending the zoning ordinance by granting a special use permit for 418 E. Kleberg Ave., also known as Orig. Town, Block 41, Lots 17-29, for a light manufacturing use (to build furniture). (Director of Planning & Development Services).**

Introduction item.

3. **Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to set aside funds committed for the EDA Grant Match (for Regional Training Center and Emergency Operating Center). (City Manager).**

Commissioner Hinojosa stated that Commissioner Lopez pointed out to him that when you add the transfers, it comes out to \$500,000.

Mr. Garza responded that staff has included \$100,000 of in-kind, which is why it only adds up to \$500,000.

Introduction item.

4. **Consider a resolution amending the City of Kingsville Administrative Policies and Procedures Manual, Policy No. 890.01 "No Smoking" for additional clarification to be "Smoke and Vape-Free Workplace." (Human Resources Director).**

Mrs. Diana Gonzales, Human Resources Director stated that this is basically adding that Vaping is not allowed on City facilities.

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

5. **Presentation and discussion on implementation of Tax Increment Reinvestment Zone. (City Manager).**

Mr. Garza stated that staff is working with Kleberg County as to who will be the Board. This is still pending as the County will still need to take action. STWA is also waiting for the Count to take action and wants a Memorandum of Understanding on how the process will flow. The goals is for this to happen sometime this year.

Mayor Fugate commented that the school district cannot participate in this, as it would be a huge hit on them and the State can take their money for TIRZ.

Mr. Garza commented that this is a big initiative for the City.

6. **Presentation and discussion on next steps for propositions following City Special Election on May 4, 2019. (City Manager).**

Mr. Garza stated that both propositions were approved by the voters. He further thanked staff for spreading the word on the two propositions. He further stated that staff will wait to see if Kleberg County receives grants monies which they have applied for.

Commissioner Hinojosa asked what happens if the county does not receive the grant.

Mr. Garza commented that if the County does not get the grant, bond counsel will be ready to proceed with going out for a revenue bond by the end of Summer or early Fall.

7. **Executive Session: Pursuant to Section 551.074, Texas Government Code, the Personnel Exception, the City Commission shall convene in Executive Session to deliberate the appointment, employment, and duties of the City Manager. (Mayor Fugate).**

Mayor Fugate read the executive session and convened the meeting into closed session at 6:36 p.m.

Mr. Garza was called into closed session at 6:36 p.m. and came out at 6:47 p.m.

Mayor Fugate reconvened the meeting into open session at 6:49 p.m.

8. **Consider awarding proposal to an executive search firm to assist with filling the position of City Manager. (Mayor Fugate).**

Motion made by Commissioner Hinojosa to hire SGR as the search firm for the position of City Manager, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

9. **Consider the provision of Interim City Manager services, compensation, and matters related thereto. (Mayor Fugate).**

Motion made by Commissioner Leubert to appoint Mrs. Deborah Balli as Interim City Manager, seconded by Commissioner Pecos.

Mayor Fugate asked staff if the Commission would need to mention the stipend pay for Mrs. Balli.

Mr. Garza responded yes. The stipend pay is an additional \$5,000 per month with \$6,000 car allowance divided into bi-weekly.

Commissioner Leubert amended her motion to add the stipend pay of \$5,000 additional per month with \$6,000 car allowance dividend into bi-weekly. The amended motion was seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:53 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

MAY 13, 2019

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MAY 13, 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
Dianne Leubert, Commissioner

CITY COMMISSION ABSENT:

Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Kyle Benson, IT Manager
Derek Williams, IT
Susan Ivy, Parks Manager
Deborah Balli, Finance 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
Ricardo Torres, Police Chief
Ron Lee, Fire Marshall

I. Preliminary Proceedings.

OPEN MEETING

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

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

Regular meeting – March 11, 2019

Regular meeting – March 25, 2019

Motion made by Commissioner Lopez to approve the minutes of March 11, 2019 and March 25, 2019 as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Fugate voting “FOR”.

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

1. None.

III. Reports from Commission & Staff.²

“At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to, the following: Planning & Zoning

*Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Condemnation Update, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; **Streets Update**; Public Works; Landfill Update, Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Health Department, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Employee Recognition, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation, Golf Course Update. No formal action can be taken on these items at this time.”*

Mayor Fugate presented the following Proclamations: National Police Week, Peace Officer Memorial Day, Motorcycle Safety Awareness Month, Navy Gold Star Awareness Month, and National Public Works Week.

Mr. Ramiro Utey presented the Commission with the Flag of Heros. This flag displays the names of all Policemen and Fire Fighters who lost their lives during the September 11th devastation.

Mrs. Deborah Balli, Interim City Manager reported that a Street Departments update has been provided to the City Commission for their review.

Mrs. Courtney Alvarez, City Attorney reported that the next regular meeting is scheduled for May 28th with the deadline to staff for submittal of agenda items set for May 17th. She further announced that City offices will be closed on May 27th for the Memorial Day Holiday.

Commissioner Lopez announced that the City of Kingsville will be hosting the next TML Region 11 Quarterly meeting. She further stated that she is very concern about Caesar's Ditch. With the developer of Wild Wood Trails placing the fence so close to the ditch, it does not allow staff to go an clean the ditch properly.

IV. Public Comment on Agenda Items.³

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

Elizabeth Ramos, 3400 S. Brahma Blvd., commented that it is difficult to find information on Kingsville and information given is not full detailed. She further commented that she has a blog on a Facebook page that she is in charge of where she post things about the community. She also commented that on the first day of school, traffic was chaos and continues to be chaos. She stated that parents and children don't have a sense of system. She is concerned about what is going on at Perez Elementary School with regards to drop off and pickup traffic. She asked for the City to communicate with the School District about safety and possibly put a system in place to make it safer for the community.

Mr. Lance Hamm, 912 South Creek commented that since the latest two traffic fatalities within the City, the City needs to be more preventative and less reactive. He further stated that he request the City Commission to consider the following: city budget funding for a professional survey of a city risk assessment on road safety. This risk

assessment will tell the Commissioner where is the highest probability for the next crash, injury or fatality. He further stated that he requested for the Commissioners to fund money for sidewalks in the annual city budget. At this time, Mr. Hamm mentioned pictures of locations where sidewalks are needed. City Secretary did not receive these copies of pictures. He stated that the new hotels near the highway also need crosswalks to allow visitors to cross over to McDonalds or the near gas station. He also stated that he requested the Commission to adopt an ordinance to reduce speed limits on General Cavazos from 6th Street to NAS Kingsville. This location has major traffic on a 45 mph zone and feels that it should be reduced to 35mph. He also stated that he has asked for a speed limit resolution or ordinance to reduce speed near South Creek Subdivision on Hwy 77. He stated that the City requested for TXDOT to reduce speed to 65 mph then there were several crashes and then he requested for the speed to be reduced to 55 mph, which TXDOT has never done, but it's part of the city's ordinance. He then spoke about handouts that were provided to the Commission and stated that on one of the handouts, from back in 2012, states that TXDOT and the City had a conflict on speed limits which technically should have gone to the Texas Transportation Commission in Austin for resolution, which has never happened, therefore never been resolved. Hamm further stated that the speed limits is 65 mph by his subdivision South Creek, which he doesn't understand why they would want to increase the speed when there are 32 families trying to get into the subdivision. The increase could be used in the southern part of the city. He further spoke about the closure of FM 1717 crossing on Highway 77, and asked for the City to assist County Judge Madrid in his efforts in closing down that crossover. He stated that there are still decyl lanes that are not marked by paint which it makes it very dangerous. Hamm stated that he will be emailing the Commission to follow-up on his comments.

V.

Consent Agenda

Notice to the Public

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

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

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

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

- 1. Motion to approve final passage of an ordinance amending the zoning ordinance by granting a special use permit for 418 E. Kleberg Ave., also known as Orig. Town, Block 41, Lots 17-29, for a light manufacturing use (to build furniture). (Director of Planning & Development Services).**
- 2. Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget to set aside funds committed for the EDA Grant Match (for Regional Training Center and Emergency Operating Center). (Interim City Manager).**

3. Motion to approve a resolution of the City of Kingsville, Texas, designating the authorized signatories for financial, health trust plan, and other items of city business from City Manager to Interim City Manager. (Interim City Manager).
4. Motion to approve a resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Boy Scouts of America Venado District. (Police Chief).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider the appointment of Billy Tiffie to the Joint Airport Zoning Board for a two-year term. (Director of Planning & Development Services).

Motion made by Commissioner Lopez to approve the appointment of Billy Tiffie to the Joint Airport Zoning board for a two-year term, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Lopez, Hinojosa, Leubert, Fugate voting "FOR".

6. Consider a resolution and order canvassing the election returns and declaring the results of the City of Kingsville's Special Election conducted on May 4, 2019. (City Secretary).

Motion made by Commissioner Lopez to approve the resolution and order canvassing the election returns and declaring the results of the City of Kingsville's Special Election conducted on May 4, 2019, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Fugate voting "FOR".

7. Consider a resolution authorizing the Fire Chief to enter into an Extension of Memorandum of Understanding between the Kingsville Fire Department and U.S. Customs and Border Protection, Office of Border Patrol, Rio Grande Valley Sector. (Fire Chief).

Mr. Adrian Garcia, Fire Chief stated that this is an extension for an EMS Program that they have. This agreement was initiated back in 2013 and has been a successful program. This agreement had been extended in 2015 and now they are asking for it to be extended again.

Motion made by Commissioner Lopez to approve the resolution authorizing the Fire Chief to enter into an Extension of Memorandum of Understanding between the Kingsville Fire Department and U.S. Customs and Border Protection, Office of Border Patrol, Rio Grande Valley Sector, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Hinojosa, Leubert, Lopez, Fugate voting "FOR".

8. Consider accepting donations from La Posada de Kingsville and Christus Spohn for Park Department Healthy Families Initiative. (Parks Director).

Motion made by Commissioner Hinojosa to accept the donations from La Posada de Kingsville and Christus Spohn for Park Department Healthy Families Initiative, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Leubert, Lopez, Hinojosa, Fugate voting "FOR".

9. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to receive and expend donations from La Posada and Christus Spohn

Hospital for recreational programs (Park Department Healthy Families Initiative). (Parks Director).

Introduction item.

10. **Consider a resolution suspending the June 5, 2019 effective date of AEP Texas Inc.'s requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the cities served by AEP Texas and authorizing intervention in AEP Texas Inc.'s requested rate change proceedings before the Commission; hiring Lloyd Gosselink attorneys and consulting services to negotiate with the company and direct any necessary litigation and appeals; requiring reimbursement of cities' rate case expenses; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel. (City Attorney).**

Mr. Patrick Moore, AEP Representative commented that this was a request made by the Public Utility Commission to do a rate review as the last rate review done was 12 years ago. This will also give them an opportunity to update their tariff manual.

Mrs. Alvarez commented that important to engage the services of the firm and the consultants to review the matter as many other cities that have original jurisdiction do.

Motion made by Commissioner Leubert to approve this resolution suspending the June 5, 2019 effective date of AEP Texas Inc.'s requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the cities served by AEP Texas and authorizing intervention in AEP Texas Inc.'s requested rate change proceedings before the Commission; hiring Lloyd Gosselink attorneys and consulting services to negotiate with the company and direct any necessary litigation and appeals; requiring reimbursement of cities' rate case expenses; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel, seconded by Commissioner Lopez and Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Fugate voting "FOR".

11. **Consider rescinding condemnation order for 213 W. Santa Gertrudis due to additional information received after April 8, 2019. (Director of Planning & Development Services).**

Mr. Tom Ginter, Director of Planning & Development Services commented that on April 8th, the City Commission approved the condemnation order of 213 W. Santa Gertrudis. On April 16th, Diana Naranjo and Ruben Vasquez submitted a building permit application, list of supplies, and plans showing how they would be improving their property. This property is located in the Historical District so the façade improvements would need to be approved by the Historical Commission, which an item for this has been place on the Historical Commission's Agenda for Wednesday, May 15, 2019. Ginter stated that the property owner's have also trimmed the trees this past weekend. He further stated that to clarify the process, they have also...

Mayor Fugate commented that what upsets him about this is that it takes this to get it done. It takes the city to demo this house to get people to clean up their property. It takes staff hours to go through the process when all the property had do 2 years ago was clean up their property. Fugate further stated that 10 years ago, this property has been out of compliance for at least 20 years, and it takes this to get people to take action, which is the problem he has with any of this. He further stated that he doesn't

understand why this property has been brought back to the Commission. It should send a message to people of this community that the city will not tolerate it. If you live in Kingsville and own property you will take care of it. By setting this aside, it sends the wrong message to the community. Fugate commented that we will clean this town up as it is one of the bad wraps that the City gets as being a not clean city and has no curb appeal. This property is on one of the major routes to the University. He stated that everyone that is here for the National Championship games has to drive by this property. Fugate further asked Mr. Ginter to let him know how this façade could be fixed and make it to where it is up to code.

Mr. Ginter responded that the property owner will remove the plywood, install new windows, and doors. They have trimmed the trees and do any other facial work on the façade that needs to be done.

Mayor Fugate asked what the timeline for the project.

Mr. Ginter responded that if it gets approved Wednesday by the Historical Commission, it has to be immediate. The property owners need to know that it needs to be done immediately.

Mayor Fugate asked Mrs. Alvarez, City Attorney what the vote would have to be from the Commission in order to overturn it. Mrs. Alvarez responded that it would be just the regular vote of which is the majority three votes.

Commissioner Leubert asked what they meant by immediate and further asked how long it will take to get this property up to code.

Mr. Ginter responded about a week or two. He further stated that Ruben would be doing the work himself. He also stated that the property owners have been instructed that they would have to show progress.

Commissioner Lopez commented that she agrees with Mayor Fugate and further commented that it takes this to force a property owner to take care of their property after staff has done all the work. This property will take a while to bring up to code, as it is in very bad shape.

Mayor Fugate commented that people in Kingsville, TX need to know that we are different. We will not live with this. If you own property, you better take care of it. He further asked how many times has the city had where we condemn property and the property owner comes in at the last minute...it's too late. He further commented that Mr. Ginter could say what he wants but he doesn't see it happening where the Commission would rescind their decision.

Commissioner Leubert commented that if the City Commission rescinds their decision, and it is being said that the work will be done immediately, which doesn't give her an answer on how long it is going to take. She further commented that she has driven by the property where she sees that the roof is bowed. She asked if structurally if the property was sound. Mr. Ginter response was yes. Leubert further asked what was the timeframe in getting this property completely presentable. Mr. Ginter responded two weeks.

The Commissioners commented that there was no way that this property could be brought up to being presentable in two weeks. Mr. Ginter commented that they would start working on it immediately.

Commissioner Hinojosa commented that the city has given enough time.

Mayor Fugate asked for a motion to rescind this condemnation.

Mayor Fugate asked for a motion to rescind this condemnation.

Mayor Fugate asked for a motion to rescind this condemnation.

The items dies for a lack of a motion.

- 12. Consider a resolution authorizing the Mayor to enter into an Agreement for Executive Recruitment Services with SGR, Inc. for the City Manager position. (Mayor Fugate).**

Motion made by Commissioner Hinojosa to approve the resolution authorizing the Mayor to enter into an Agreement for Executive Recruitment Services with SGR, Inc. for the City Manager position, seconded by Commissioner Lopez.

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:47 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

CONSENT AGENDA

AGENDA ITEM #1

CITY OF KINGSVILLE



P. O. BOX 1458 - KINGSVILLE, TEXAS 78364

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					
Revenues - 4					
1070	Tourism	Hotel/Motel Tax	22500	\$20,000	
Fund 002 – Tourism Fund					
Expenditures - 5					
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 #2

City of Kingsville
Department of Planning and Development services

To: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director

DATE: 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 Domingo Rangel Phone 361-765-0393 FAX _____

Email Address (for project correspondence only): _____

Mailing Address 106 Avalon Dr City Robstown State Tx Zip 78380

Property Owner Ruby Rangel 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

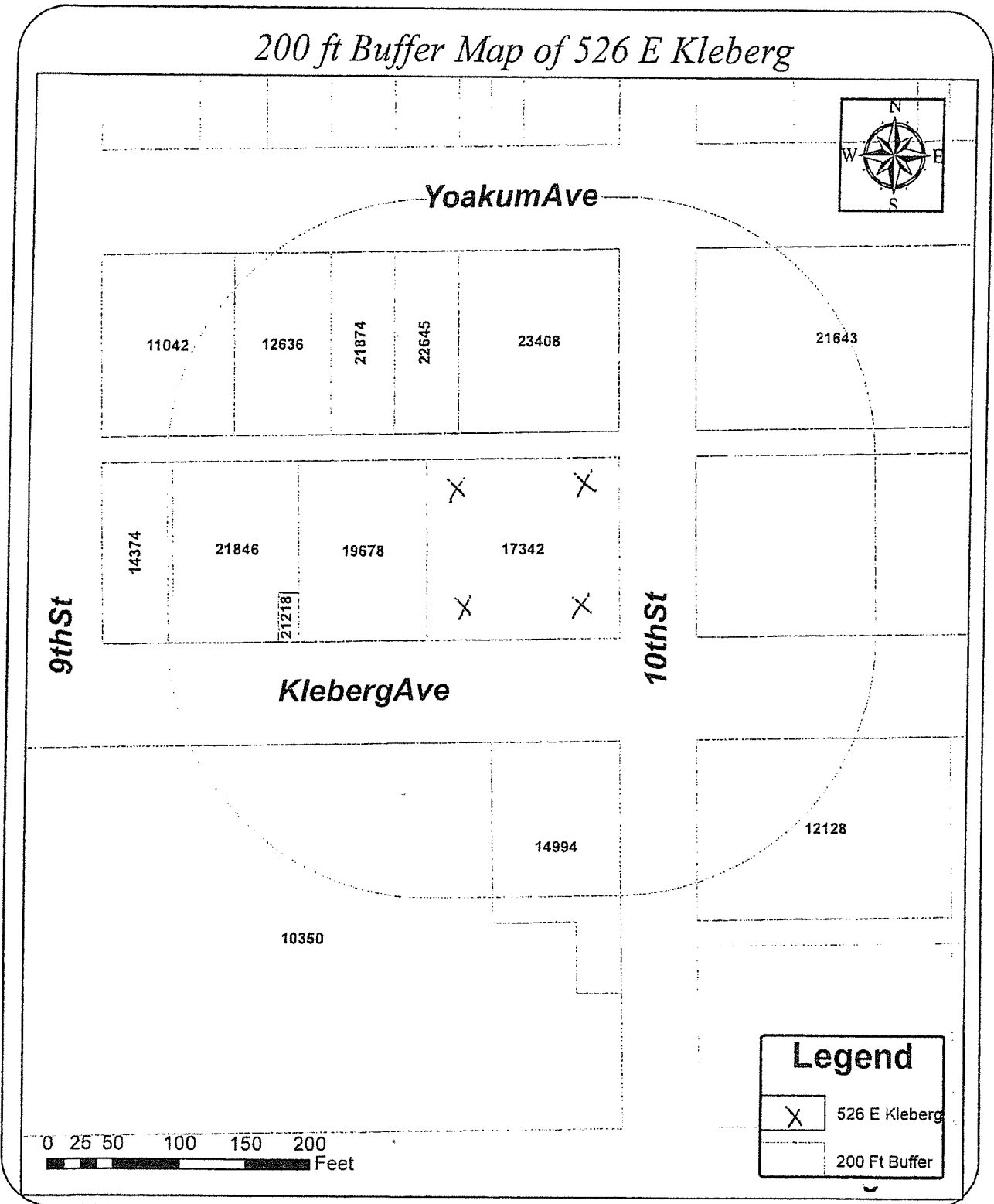
I hereby certify that I am the owner and /or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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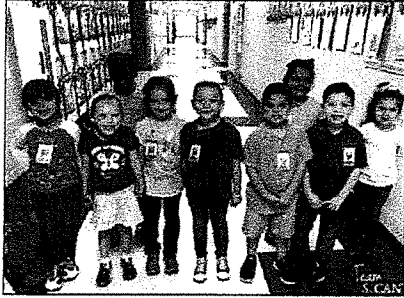
Education

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 at Saint Gertrude's kindergarten class, pictured from left, are: Debby Mann, Anyona Dinning, Demetria Laine, Kelsey Spohn, Marjorie Ramos, Gianni Ramos, Melina Rosales, Ethon Arevalo and Danielle Calderon. (Submitted photo)

Bishop student earns first place

Jathene Eusebio 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 of the properties to demolish the structures within 30 days:

680 W. Lindsey, Kingsville, Texas
1729 S. 7th (228 E. Alois), Kingsville, Texas
511 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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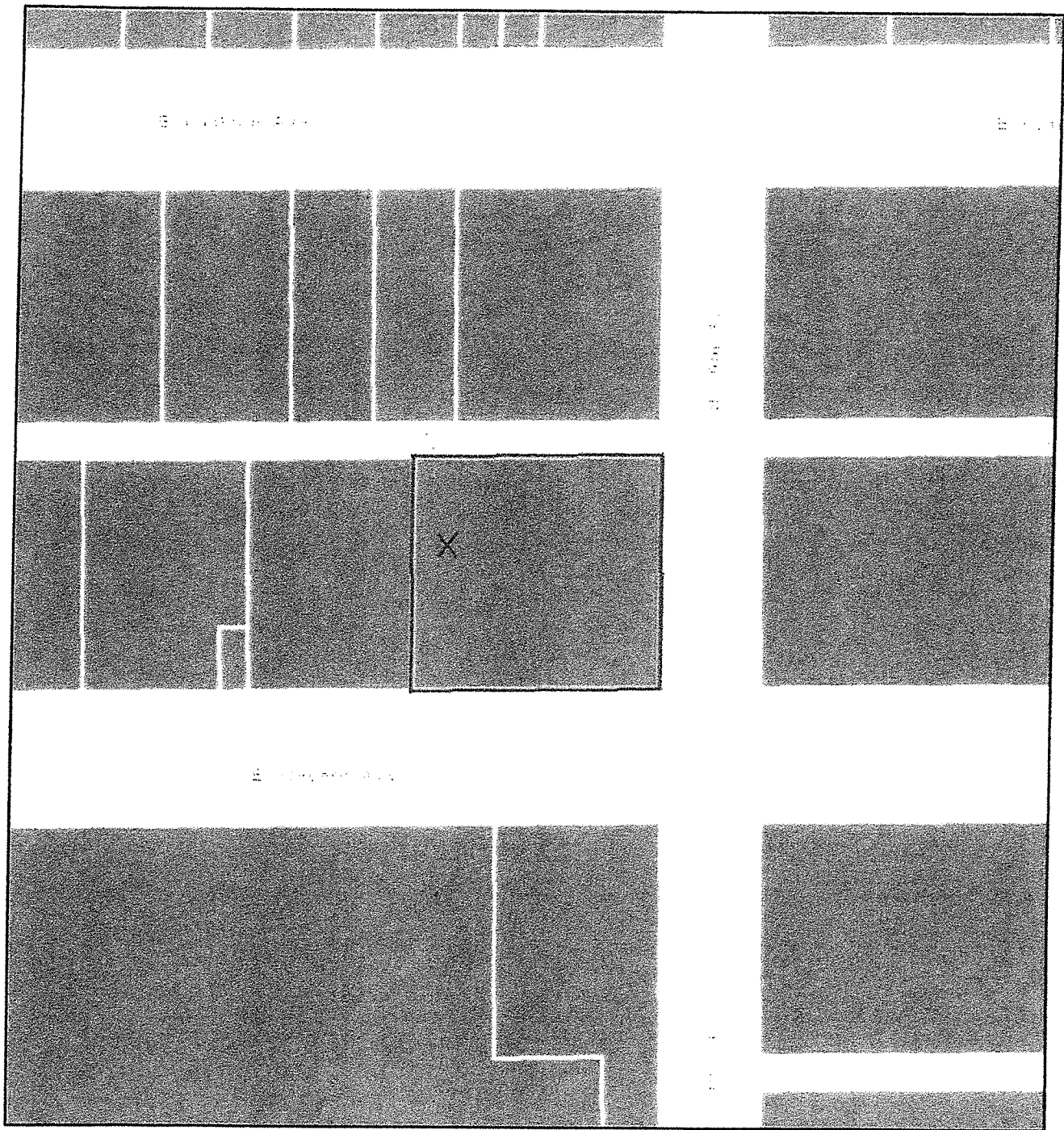
Celebrate getting younger.

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 the number steps you can take to improve it. Try it today.



CHRISTUS. SPOHN
Health System

MyRealHeartAge.com

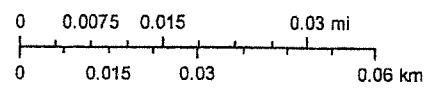


May 10, 2019

X - 526 E. Kleberg

C2 - Zoning

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
<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: 100.000000000000%
 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: 1.1.2.30

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

AGENDA ITEM #3

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners

CC: Deborah Balli, I/City Manager

FROM: Ricardo Torres, Chief of Police

DATE: July 31, 2019

SUBJECT: FY2019 Bulletproof Vest Partnership Grant

Summary:

The Kingsville Police Department applied for the FY2019 Bulletproof Vest Partnership Grant due to applications only being accepted until June 7th, 2019 at 6:00 pm (Eastern Time)

Background:

Justice Assistance Grant (JAG) funds or other federal funding sources may not be used to pay for that portion of the bullet proof vest (50%) that is not covered by BVP funds. JAG or other federal funds may be used to purchase vests for an agency, but they may not be used as the 50% match for BVP purposes.

Uniquely Fitted Armor Vest Requirement- Jurisdictions receiving funding for reimbursement of body armor purchases must have in place a uniquely fitted vest requirement when the FY 2019 BVP applications are submitted.

In the BVP Program, "uniquely fitted vests" means protective (ballistic or stab-resistant) armor vests that conform to the individual wearer to provide the best possible fit and coverage, through a combination of: 1) correctly-sized panels and carrier, determined through appropriate measurement, and 2) properly adjusted straps, harnesses, fasteners, flaps, or other adjustable features. The requirement that body armor be "uniquely fitted" does not necessarily require body armor that is individually manufactured based on the measurements of an individual wearer. In support of the Office of Justice Programs' efforts to improve officer safety, the American Society for Testing and Materials (ASTM) International has made available the *Standard Practice for Body Armor Wearer Measurement and Fitting of Armor* (Active Standard ASTM E3003) available at no cost. The Personal Armor Fit Assessment checklist, is excerpted from ASTM E3003.



**City of Kingsville
Police Department**

In addition, a certification section has been added to the 2019 application (in the BVP system) stating the jurisdictions and law enforcement agency are aware of and will comply with this requirement.

Financial Impact:

The Kingsville Police Department currently outfits our officers with SUMMIT Level IIIA body armor, with a 5X8 Soft Trauma Plate, and interior carrier and an exterior uniform carrier at a total cost of \$1010.00 per unit.

We have applied to replace 12 units in FY19 due to address turnover in staffing as well as perhaps some older vests that need to be replaced. The maximum allowable funding from BVP is 50% of the cost or \$6,060.00.

Recommendation:

We request a resolution to allow for the acceptance, administration and expenditure of this grant by the Chief of Police.



SUBMIT APPLICATION



Application Profile



Application



NIJ Approved Vests



Submit Application

You have successfully submitted your application for funding for BVP approval.

The approval process may take several weeks from the application closing date. A confirmation email has been sent to chiefofpolice@kingsvillepd.us. An email approval advisory will also be sent to chiefofpolice@kingsvillepd.us when the program approvals are completed. Additionally, you may check the status of your application by selecting option , 'Application History', in the Jurisdiction's Handbook. Thank you for your continued patience.

For your reference, the summary data for your Application for Funding is listed below.

SUCCESSFUL SUBMISSION

Jurisdiction:	KINGSVILLE CITY
Application Id:	19011470
Status/Submission Date:	Sent for BVP Approval : 05/31/19

APPLICATION FOR FUNDING

Quantity	Extended Cost	Tax, S&H	Total Cost
12	\$12,120.00	\$0.00	\$12,120.00
Maximum Allowable Funding from BVP:			\$6,060.00

* Important: You can click on the 'Print Screen' button below to keep a copy for your records.

PRINT SCREEN

RESOLUTION #2019-_____

A RESOLUTION AUTHORIZING PARTICIPATION IN BULLETPROOF VEST PARTNERSHIP PROGRAM FY2019 WITH THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, JUSTICE ASSISTANCE GRANT (JAG) FOR BULLETPROOF VESTS FOR THE KINGSVILLE POLICE DEPARTMENT; AUTHORIZING THE CHIEF OF POLICE TO ACT ON THE CITY'S BEHALF WITH SUCH PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville, that the Kingsville Police Department participate in an application to the Office of the Governor, Criminal Justice Division, Justice Assistance Grant (JAG) for the Bulletproof Vest Partnership (BVP) Grant Program for grant monies for equipment for law enforcement personnel; and

WHEREAS, the BVP Program FY2019 has funding to provide for 50% of the cost of bulletproof vests for law enforcement personnel via a grant to local law enforcement agencies; and

WHEREAS, the JAG is providing grants through funding from BVP Program FY2019; and

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

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

WHEREAS, the City of Kingsville has previously applied for similar grants that assist with improved officer safety; and

WHEREAS, the City of Kingsville and the Kingsville Police Department are aware of and will comply with uniquely fitted armor vest requirement; and

WHEREAS, the City Commission of the City of Kingsville designates the City Manager as the grantee's authorized official and the Kingsville Police Chief as his/her designee, who has the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

I.

THAT the City authorize the Kingsville Police Department through the Chief of Police to participate in Bulletproof Vest Partnership Program FY2019 and to seek funding for law

enforcement personnel bulletproof vests to assist with improved security for our law enforcement personnel in conformance with this program.

II.

THAT the Chief of Police is hereby authorized and directed to act on the City's behalf in all matters pertaining to Bulletproof Vest Partnership Program FY2019 including any certifications, amendments or representations stipulated therein and that the Chief of Police will administer the program and execute and submit all certifications, reports, or contracts necessary for the administration and expenditure of such program.

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the 10th day of June, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

REGULAR AGENDA

AGENDA ITEM #4

City of Kingsville
Parks & Recreation Department

TO: Mayor and City Commissioners

CC: Deborah Balli, Interim City Manager

FROM: Susan Ivy, Parks & Recreation Director

DATE: May 31, 2019

SUBJECT: Agenda Request for Assignment by City Commission of Replacement Park Advisory Board Member for position that has been vacated

Summary:

The Parks & Recreation Department would like Kingsville City Commission to assign replacement of Park Advisory Board Members for one position that has been vacated.

Background:

Included in the City Ordinance governing the Park Advisory Board is language that instructs that if a Board Member has three (3) consecutive absences from Park Board Meetings their position as Board Member shall be vacated. It further instructs that after the position has been vacated that the Kingsville City Commission shall appoint a new Board Member to fill that position.

Board Member Jose Canales has missed more than three consecutive meetings and Board Member Anice Ortiz has submitted her resignation due to conflicting schedules.

We have posted an announcement in the local paper and on social media requesting citizens in the community and county to apply for consideration if interested and have received 8 applications. I have asked a couple of other co workers to review them with me and make a recommendation on placement on the Board. The Selection Committee has recommended Clarice Caraway Williams for a _3_ year position. The other position will be presented to you once we have a confirmation of commitment from the candidate selected by the committee.

Financial Impact:

This would create no financial benefit to City of Kingsville.



AGENDA ITEM #5

**City of Kingsville
Parks & Recreation Department**

TO: Mayor and City Commissioners
CC: Deborah Balli, Interim City Manager
FROM: Susan Ivy, Parks Director
DATE: May 31, 2019
SUBJECT: Agenda Request – Receipt of donations for Healthy Family Events

Summary: We are requesting that Commission authorize the receipt of a \$1000.00 donation from King Ranch, a \$1000.00 from Celanese, \$200.00 from Youngs Pizza and \$350.00 from Domino's Pizza for contributions to our Recreational Programming expenses.

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 \$2550.00.

Recommendation: We ask that Commission authorize the receipt of \$2550.00 in donations and approve the associated budget amendment needed to record the funds in the Parks Department line item for recreational programming 001-5-4513-31499.



AGENDA ITEM #6

**City of Kingsville
Parks & Recreation Department**

TO: Mayor and City Commissioners
CC: Deborah Balli, Interim City Manager
FROM: Susan Ivy, Parks Director
DATE: May 31, 2019
SUBJECT: Agenda Request – Receipt of donations for Healthy Family Events

Summary: We are requesting that Commission authorize the receipt of a \$1000.00 donation from King Ranch, a \$1000.00 from Celanese, \$200.00 from Youngs Pizza and \$350.00 from Domino's Pizza for contributions to our Recreational Programming expenses.

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 \$2550.00.

Recommendation: We ask that Commission authorize the receipt of \$2550.00 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 PARK DONATIONS 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>					
4513	Recreation	Park Donations	58003	\$2,550	
Fund 001 – General Fund					
<u>Expenditures - 5</u>					
4513	Recreation	Recreational Programs	31499	\$2,550	

[To amend the City of Kingsville FY 18-19 Budget to accept and expend Park donations for recreational 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 10th day of June 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 #7

**City of Kingsville
Engineering Dept.**

TO: Mayor and City Commissioners

CC: Deborah Balli, City Manager

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

DATE: June 10, 2019

SUBJECT: Consider and act upon awarding the 2019 Water Well No. 23 Ground Storage Tank Replacement Project (RFP#19-06).

Summary:

The purpose of the project is to replace the existing Ground Storage Tank (GST) at Water Well No. 23. The GST has been out of service since Sept. 2018 because leaks and doesn't not comply with state requirements. The Engineering Dept. provided the engineering services for this project. The project was advertised in the local paper and online on May 2nd and May 9th. A pre-bid was held on May 15th and the bid opening was on May 22nd. The base bid was to remove and installed new galvanized bolted tank. Alternate No. 1 was to include a concrete ring foundation. Alternate No. 2 included a powder coated finish in lieu of a galvanized finish.

Bids were received from four contractors which included Black Castle General Contractor from New Braunfels Tx., TTE, LLC from Spicewood Tx., J. S. Haren Company from Athens Tn. and Donald Hubert Construction from Kingsville Tx. References verified for each of the contractor.

Four options are being presented. The Base Bid ranged from \$120,000.00 to 251,000.00. Base Bid plus Alternate No. 1 Bid ranged from \$125,000.00 to \$293,800.00. Base Bid plus Alternate No. 2 Bid ranged from \$125,000.00 to \$257,100.00. Finally, Base Bid plus Alternate 1 & 2 ranged from \$130,000.00 to \$299,900.00.

Background:

The ground storage tank has been scheduled for repair since Sept. 2018.

Financial Impact:

The City would fund the project from Account 054-5-6002-54300 which has \$150,717.50 allocated for ground storage tank replacement.



**City of Kingsville
Engineering Dept.**

Recommendation:

Staff recommends awarding the project to Donald Hubert Construction Company for the Base Bid and Alternate No.2 in the amount of \$125,000.00 and authorizing the City Manager to execute a contract for the same.

Attachments:

Bid Tabulation





Bid Opening Tabulation
2019 Water Well #23 Ground Storage Tank Replacement (GST)
May 22, 2019 2:00PM
Engineering Department Conference Room

Contractor	Base Bid	Base Bid + Alternative #1	Base Bid + Alternative #2	Base Bid + Alternative #1 & #2
Black Castle	251,000	293,800	257,100	299,900
TTE	149,500	149,500	127,500	153,500
JS Haren	196,000	196,000	189,000	201,000
Hubert	125,000	125,000	125,000	130,000

AGENDA ITEM #8

**City of Kingsville
Engineering Dept.**

TO: Mayor and City Commissioners

CC: Deborah Balli, City Manager

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

DATE: June 10, 2019

SUBJECT: Consider and act upon awarding the 2019 Water Well No. 23 Ground Storage Tank Replacement Project (RFP#19-06).

Summary:

The purpose of the project is to replace the existing Ground Storage Tank (GST) at Water Well No. 23. The GST has been out of service since Sept. 2018 because leaks and doesn't not comply with state requirements. The Engineering Dept. provided the engineering services for this project. The project was advertised in the local paper and online on May 2nd and May 9th. A pre-bid was held on May 15th and the bid opening was on May 22nd. The base bid was to remove and installed new galvanized bolted tank. Alternate No. 1 was to include a concrete ring foundation. Alternate No. 2 included a powder coated finish in lieu of a galvanized finish.

Bids were received from four contractors which included Black Castle General Contractor from New Braunfels Tx., TTE, LLC from Spicewood Tx., J. S. Haren Company from Athens Tn. and Donald Hubert Construction from Kingsville Tx. References verified for each of the contractor.

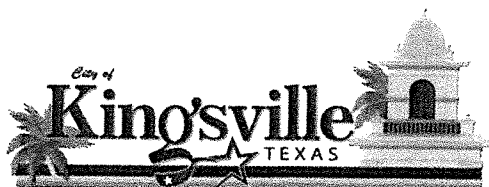
Four options are being presented. The Base Bid ranged from \$120,000.00 to 251,000.00. Base Bid plus Alternate No. 1 Bid ranged from \$125,000.00 to \$293,800.00. Base Bid plus Alternate No. 2 Bid ranged from \$125,000.00 to \$257,100.00. Finally, Base Bid plus Alternate 1 & 2 ranged from \$130,000.00 to \$299,900.00.

Background:

The ground storage tank has been scheduled for repair since Sept. 2018.

Financial Impact:

The City would fund the project from Account 054-5-6002-54300 which has \$150,717.50 allocated for ground storage tank replacement.



**City of Kingsville
Engineering Dept.**

Recommendation:

Staff recommends awarding the project to Donald Hubert Construction Company for the Base Bid and Alternate No.2 in the amount of \$125,000.00 and authorizing the City Manager to execute a contract for the same.

Attachments:

Bid Tabulation





Bid Opening Tabulation
2019 Water Well #23 Ground Storage Tank Replacement (GST)
May 22, 2019 2:00PM
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Contractor	Base Bid	Base Bid + Alternative #1	Base Bid + Alternative #2	Base Bid + Alternative #1 & #2
Black Castle	251,000	293,800	257,100	299,900
TTE	149,500	149,500	127,500	153,500
JS Haren	196,000	196,000	189,000	201,000
Hubert	125,000	125,000	125,000	130,000

RESOLUTION #2019-_____

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO A STANDARD FORM OF AGREEMENT BETWEEN THE CITY OF KINGSVILLE AND CONTRACTOR ON THE BASIS OF A STIPULATED PRICE FOR WATER WELL NO. 23 GROUND STORAGE TANK REPLACEMENT PROJECT (RFP #19-06); REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville went out for RFP's for Water Well #23 Ground Storage Tank Replacement Project via RFP#19-06, which was advertised on May 2, 2019 and May 9, 2019, and held a pre-bid meeting on May 15, 2019;

WHEREAS, bids were received from four contractors by the bid opening on May 15, 2019 and at a City Commission on June 10, 2019, the City Commission made an award to Donald Hubert Construction (hereafter "Contractor") for the Base Bid and Alternate No. 2 in the amount of \$125,000.00;

WHEREAS, the City included the Contract and a list of all the inclusive contract documents with the bid packet for all bidders to have and know what they would be entering into an agreement for if they were awarded the bid;

WHEREAS, the City Commission has awarded the bid for RFP#19-06, it now hereby authorizes the Interim City Manager to execute the agreement on the City's behalf.

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

I.

THAT the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into a Standard Form of Agreement Between the City of Kingsville and Contractor on the Basis of a Stipulated Price for Water Well #23 Ground Storage Tank Replacement Project (RFP#19-06) in accordance with the bid documents from the City and proposal received from the successful Contractor.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the
10th day of June, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**STANDARD FORM OF AGREEMENT
BETWEEN CITY AND CONTRACTOR
ON THE BASIS OF A STIPULATED PRICE**

THIS AGREEMENT is dated as of the 10th day of June in the year 2019 by and between the City of Kingsville, 400 W. King Avenue, Kingsville, Texas 78363 (hereinafter called CITY) and Donald Hubert Construction Company (hereinafter called CONTRACTOR).

CITY and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

Article 1. WORK:

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

“City of Kingsville – BID 19-06 2019 WATER WELL #23 GROUND STORAGE TANK REPLACEMENT”

Article 2. ENGINEER:

The Project has been designed by:



City of Kingsville - Engineering Department
400 W. King Avenue
Kingsville, Texas 78363
(361) 595-8007

Who is hereinafter called ENGINEER and who is to act as CITY'S representative, assume all duties and responsibilities and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

Article 3. CONTRACT TIME

- 3.1 The Work will be completed and ready for final payment in accordance with the General Conditions within **210** calendar days from the date when the Contract Time commences to run.
- 3.2 Liquidated Damages. CITY and CONTRACTOR recognize that time is of the essence of this Agreement and that CITY will suffer financial loss if the Work is not completed within the time specified in paragraph 3.1 above, plus any extensions thereof allowed in accordance with the General Conditions.

They also recognize the delays, expense and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by CITY if the Work is not completed on time. Accordingly, instead of requiring any such proof, CITY and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay CITY two hundred & 00/100 dollars (\$200.00) for each calendar day that expires after the time specified in Article 3.1 of this Agreement for Substantial Completion until the Work is substantially complete. After Substantial Completion if CONTRACTOR shall neglect, refuse or fail to complete the remaining Work within the Contract Time or any proper extension thereof granted by CITY, CONTRACTOR shall pay CITY two hundred dollars (\$200.00) for each calendar day that expires after the time specified in Article 3.1 of this Agreement for completion and readiness for final payment.

Article 4. CONTRACT PRICE:

- 4.1 CITY shall pay CONTRACTOR for completion of Work in accordance with the Contract Documents in current funds as follows: Per Contractors Proposal dated _____ in the total base bid + total alternative No. 2 in the amount of \$125,000.00, as attached and a part of this contract document.

Article 5. PAYMENT PROCEDURES:

CONTRACTOR shall submit Applications for Payment in accordance with the General Conditions. Applications for Payment will be processed by ENGINEER as provided in the General Conditions.

Article 6. INTEREST:

All moneys not paid when due as provided in the General Conditions shall bear interest at the maximum rate allowed by law at the place of the Project.

Article 7. CONTRACTORS REPRESENTATIONS:

In order to induce CITY to enter into this Agreement CONTRACTOR makes the following representations:

- 7.1 CONTRACTOR has familiarized itself with the nature and extent of the Contract Documents, Work, site, locality, and all local conditions and Laws and Regulations that in any manner may affect cost, progress, performance or furnishing of the Work.
- 7.2 CONTRACTOR has obtained and carefully studied (or assumes responsibility for obtaining and carefully studying) all such examinations, investigations, explorations, tests, reports and studies which pertain to the subsurface or physical conditions at or contiguous to the site or otherwise may affect the cost, progress, performance or furnishing of the Work as CONTRACTOR considers necessary for the performance of furnishing of the Work at the Contract Price, within the Contract Time and in accordance with other terms and conditions of the Contract Documents, including specifically the provisions of the General Conditions; and no additional examinations, investigation, explorations, tests reports, studies or similar information or data are or will be required by CONTRACTOR for such purposes.
- 7.3 CONTRACTOR has reviewed and checked all information and data shown or indicated on the Contract Documents with respect to existing Underground Facilities at or contiguous to the site and assumes responsibility for the accurate location of said Underground Facilities. No additional examinations, investigations, explorations, tests, reports, studies or similar information or data in respect of said Underground Facilities are or will be required by CONTRACTOR in order to perform and furnish the Work at the Contract Price, within the Contract Time, and in accordance with the other terms and conditions of the Contract Documents, including specifically the provisions of the General and Special Conditions.
- 7.4 CONTRACTOR has correlated the results of all such observations, examinations, investigations, explorations, tests, reports and studies with the terms and conditions of the Contract Documents.
- 7.5 CONTRACTOR has given ENGINEER written notice of all conflicts, errors or discrepancies that he has discovered in the Contract Documents and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR.

Article 8. CONTRACT DOCUMENTS:

The Contract Documents which comprise the entire agreement between CITY and CONTRACTOR concerning the Work consists of the following:

- 8.1 A bound set of executed documents and specifications titled:

**CONTRACT DOCUMENTS
&
TECHNICAL SPECIFICATIONS
FOR**

BID 19-06

2019 WATER WELL #23 GROUND STORAGE TANK

FOR

CITY OF KINGSVILLE, TEXAS

City Manager

Jesús A Garza

Mayor

Sam Fugate

Commissioner(s)

Hector Hinojosa

Dianne Luebert

Arturo Pecos

Edna Lopez

MARCH 2019

Prepared by:



Engineering Department
400 W. King Avenue
Kingsville, Texas 78363
(361) 595-8007

together with all of the items or sections listed in the Table of Contents thereof.

- 8.2 A Notice of Award consisting of one page.
- 8.3 A Notice to Proceed with Construction consisting of one page which shall be executed at a later date.

- 8.4 A set of drawings consisting of FIVE (5) sheets titled:

Description

1. COVER SHEET
2. OVERALL SITE PLAN
3. EXISTING SITE AND DEMOLITION PLAN
4. STORAGE TANK DETAILS I
5. STORAGE TANK DETAILS II

There are no Contract Documents other than those listed above in this Article 8. The Contract Documents may only be amended, modified or supplemented as provided in the General Conditions.

Article 9. MISCELLANEOUS

- 9.1 Terms used in this Agreement which are defined in the General Conditions will have the meanings indicated in the General Conditions.
- 9.2 No assignment by a party hereto of any rights or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.
- 9.3 CITY and CONTRACTOR each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect of all covenants, agreements and obligations contained in the Contract Documents.

Article 10. OTHER PROVISIONS

- 10.1 The successful bidder who is awarded this bid will be required to complete and return a Conflict of Interest Disclosure Form and a Form 1295 – Certificate of Interested Parties
- 10.2 This contract gives no rights or benefits to anyone other than the CITY and CONTRACTOR.
- 10.3 CONTRACTOR agrees to abide by all local, state, and federal nondiscrimination and fair wages, and all other laws applicable to this contract.

IN WITNESS WHEREOF, CITY and CONTRACTOR have signed this Agreement in five counterparts. Two counterparts each have been delivered to CITY and CONTRACTOR and one counterpart to ENGINEER. All portions of the Contract Documents have been signed or identified by CITY and CONTRACTOR or by ENGINEER on their behalf.

This Agreement will be effective on _____, 20____

CITY:
City of Kingsville, Texas

CONTRACTOR:

By: _____
Deborah Balli, Interim City Manager

By: _____

Attest: _____
Mary Valenzuela, City Secretary

Attest: _____

Address for giving notices:

**City of Kingsville
400 W. King Avenue
Kingsville, Texas, 78363**

Address for giving notices:

AGENDA ITEM #9

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners

CC: Deborah Balli, I/City Manager

FROM: Ricardo Torres, Chief of Police

DATE: June 6, 2019

SUBJECT: MOU for Mutual Assistance between Department of Veterans Affairs and the Kingsville Police Department

Summary:

Terry Jay Wallace Sr., Chief, Police Service for the Department of Veterans Affairs VA Texas Valley Coastal Bend Health Care System, Harlingen, Texas is requesting an MOU with the Kingsville Police Department to provide law enforcement assistance at the "Judge Pete De La Garza Building," 100 West King Avenue, Kingsville Texas.

Background:

VATVCBHCS has Private Property/Mobile Moving Unit (MMU) within the boundaries of Private Property/MMU located in the County of Kleberg. That VA property includes

- Address: Judge Pete De La Garza Building
100 West King Avenue, Kingsville Texas

This agreement allows the mutual support for law enforcement by VATVCBHCS and the Kingsville Police Department.

Financial Impact:

Only the same impact as handling any other call for service in the City of Kingsville.

Recommendation:

We request that the Chief of Police, as the designee of the City Commission and City Manager be allowed to enter into the MOU between the City of Kingsville and Department of Veterans Affairs VA Texas Valley Coastal Bend Health Care System.



RESOLUTION #2019-_____

A RESOLUTION AUTHORIZING THE POLICE CHIEF TO ENTER INTO A MEMORANDUM OF UNDERSTANDING FOR MUTUAL ASSISTANCE BETWEEN THE KINGSVILLE POLICE DEPARTMENT AND THE VA TEXAS VALLEY COASTAL BEND HEALTH CARE SYSTEM FOR POLICE SERVICE TO VA PROPERTY IN THE CITY; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the U.S. Code (Section 901-902 of Title 38) has vested the Secretary of the Department of Veteran Affairs with authority to appoint police officers to enforce acts occurring on Department property and for the area this authority has been delegated to the Director of the VA Texas Valley Coastal Bend Health Care System (VA) in Harlingen, Texas;

WHEREAS, the Kingsville Police Department has been approached by the Director of the VA Texas Valley Coastal Bend Health Care System to provide law enforcement services to the VA property located in the Judge Pete De La Garza Building located at 100 West King Avenue, Kingsville, Texas;

WHEREAS, the parties are agreeable to provide the requested services under the terms stated in the attached agreement;

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

I.

THAT the Police Chief is authorized and directed as an act of the City of Kingsville, Texas to enter into a Memorandum of Understanding for Mutual Assistance between the Kingsville Police Department and the VA Texas Valley Coastal Bend Health Care System in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the
10th day of June, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



DEPARTMENT OF VETERANS AFFAIRS
VA TEXAS VALLEY COASTAL BEND HEALTH CARE SYSTEM
HARLINGEN, TEXAS 78550

In Reply Refer To: 001/07B

March 13, 2019

Chief Ricardo Torres
Kingsville Police Department
1700 E King Ave
Kingsville, TX 78363

SUBJ: Memorandum of Understanding (MOU) for Mutual Assistance

I have attached a Memorandum of Understanding between the Department of Veterans Affairs and the Kingsville Police Department for your review.

If you have any changes or need to discuss the attached MOU, feel free to contact me at (956) 430-9310, M-F 0800-1630, by cell at (210) 365-8309, or by e-mail at terry.wallace@va.gov.

Thank you for your support.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Jay Wallace SR", is written over a horizontal line.

TERRY JAY WALLACE SR
Chief, Police Service

MEMORANDUM OF UNDERSTANDING FOR MUTUAL ASSISTANCE

Section 901-902 of Title 38 United States Code (USC) has vested the Secretary, Department of Veterans affairs (VA) with the authority to appoint Police Officers to enforce acts occurring on Department property that include: (A) Federal laws; (B) the rules prescribed under section 901 of Title 38 USC. This authority to appoint Police Officers has been delegated to the Director of the VA Texas Valley Coastal Bend Health Care System (VATVCBHCS), 2701 S. 77 Sunshine strip, Harlingen, Texas 78550, and in view of the fact that the VATVCBHCS is located within the city of Harlingen, Texas, the undersigned acknowledges that it is mutually advantageous to the VATVCBHCS and the Kingsville Police Department to enter into an agreement, pertaining to Private Property/Mobile Moving Unit (MMU), within the boundaries of Private Property/ MMU, which is located within the County of Kleberg. The VA Property includes:

Address: Judge Pete De La Garza Building
100 West King Avenue, Kingsville, Texas 78363

With respect to the Private Property/MMU in the City of Kingsville, in Proprietary Jurisdiction, City of Kingsville Police Officers are authorized to make under their current Law Enforcement Authority. The term "Proprietary" is applied in those instances where in the Federal Government has acquired some right or title to an area in a state but has not obtained any measure of the state's authority over the area.

Therefore, the State of Texas, County of Kleberg has sole criminal jurisdiction for violations of laws, ordinances, and statutes.

1. **VA Texas Valley Coastal Bend Health Care System (VATVCBHCS).** It is acknowledged that VATVCBHCS shall:
 - A. Give Support to the City of Kingsville in the performance of their law enforcement, security, and crime prevention duties in an effort to prevent the occurrence of crime and to provide a safe environment at Private Property/MMU facilities.
 2. **City of Kingsville Police.** It is acknowledged that Kingsville Police will provide support to Private Property/MMU facilities as follows:
 - A. Respond when a criminal offense has taken place on property under the control of the Private Property/MMU.
 - B. Kingsville Police Officers are hereby authorized to come onto the premises of the Private Property/MMU facilities at any time in the performance of their lawful duties.
 3. Future periodic meeting between the undersigned parties, their successors or designees, may be conducted for the purpose of reviewing and discussing mutual law enforcement problems or modification to this agreement.
-

4. This agreement may be changed or amended upon agreement of the parties to this agreement or terminated upon written notice of either party.

5. In witness thereof, the undersigned have executed this Memorandum of Understanding for Mutual Assistance this _____ day of _____ 2019.

For the VATVCBHCS

For the Kingsville Police Department

Signed: _____

Name:

Terry Jay Wallace, Sr.

Title:

Chief of Police

Ricardo Torres

Chief of Police

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: June 10th, 2019

SUBJECT: School of EMS Clinical Affiliation Agreement with Kingsville FD

Summary:

The Kingsville Fire Department is requesting to enter into a Clinical Affiliation Agreement between School of EMS and the City of Kingsville Fire Department (KFD) for the purposes of allowing Emergency Medical Services (EMS) Students to ride out with KFD personnel during their clinical ride-outs.

Background:

The agreement will allow School of EMS Students to conduct their required clinical ride-outs during their EMS training. The KFD will provide and accept EMS Students for experience, training, and instruction in emergency medical practice and treatment aboard a Mobile Intensive Care Unit (MICU) and/or Advance Life Support (ALS) while responding to actual emergencies.

Financial Impact:

No financial impact, School of EMS shall provide and maintain Student Blanket Liability Insurance with liability limits of \$1,000,000.00 per occurrence and \$3,000,000.00 in aggregate and will keep such coverage during the life of this agreement.

Recommendation:

Our recommendation is that the Commission enter into a Clinical Affiliation Agreement with School of EMS.





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/27/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 2345 Grand Blvd., Suite 400 Kansas City MO 64108	CONTACT NAME: Patrick McNamara	
	PHONE (A/C, No, Ext): 816-395-8507	FAX (A/C, No): 816-467-5507
	E-MAIL ADDRESS: Patrick_McNamara@ajg.com	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A : Arch Specialty Insurance Company	21199
	INSURER B : Markel Insurance Company	38970
	INSURER C : XL Insurance America, Inc.	24554
	INSURER D :	
	INSURER E :	
	INSURER F :	

INSURED
Paramedics Logistics Operating Company, LLC
115 Jordan Plaza Blvd., Suite 200
Tyler, TX 75704

PARALOG-01

COVERAGES

CERTIFICATE NUMBER: 1950564625

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			FLP006069400	3/29/2018	7/1/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000 \$
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input checked="" type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			MTA70002932-01	11/1/2018	7/1/2019	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input checked="" type="checkbox"/> DED <input type="checkbox"/> RETENTION \$ 25,000			FLP006069400	3/29/2018	7/1/2019	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 Professional Liab. \$ Included
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input checked="" type="checkbox"/> N	N/A	RWD300139601	3/29/2019	7/1/2019	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Professional Liability			FLP006069400	3/29/2018	7/1/2019	Per Incident Aggregate 1,000,000 12,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Claims Made coverage applicable to Professional Liability and Umbrella Policies. Retroactive Date see below
Named Insureds:

- Paramedics Logistics Operating Company, LLC - 3/29/2018
 - Paramedics Logistics South Dakota, LLC - 3/29/2018
 - Paramedics Logistics California, LLC - 3/29/2018
 - Paramedics Logistics Florida, LLC - 3/29/2018
 - Paramedics Logistics Indiana, LLC - 3/29/2018
- See Attached...

CERTIFICATE HOLDER

CANCELLATION

American Heart Association 1100 East Campbell Road, Suite 100 Richardson TX 75081 USA	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

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ADDITIONAL REMARKS SCHEDULE

AGENCY Arthur J. Gallagher Risk Management Services, Inc.		NAMED INSURED Paramedics Logistics Operating Company, LLC 115 Jordan Plaza Blvd., Suite 200 Tyler, TX 75704
POLICY NUMBER		
CARRIER	NAIC CODE	EFFECTIVE DATE:

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: 25 FORM TITLE: CERTIFICATE OF LIABILITY INSURANCE

- Paramedics Logistics Texas, LLC - 3/29/2018
 - EMS Training School, LLC - 3/29/2018
 - ETX Fleet Plus, LLC - 3/29/2018
 - PatientCare Logistics Solutions Mississippi, LLC - 9/14/2018
- Re: Paramedic Plus - Florida; 12490 Ulmerton Road, Largo, FL 33774.

RESOLUTION #2019-_____

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER AND FIRE CHIEF TO ENTER INTO A CLINICAL AFFILIATION AGREEMENT BETWEEN THE KINGSVILLE FIRE DEPARTMENT AND THE SCHOOL OF EMS; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Kingsville Fire Department has been approached by the School of EMS to conduct a program of clinical education or field work experience at the Fire Department to help train the school's Emergency Medical Service students;

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

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

I.

THAT the Interim City Manager and Fire Chief are authorized and directed as an act of the City of Kingsville, Texas to enter into a Clinical Affiliation Agreement between the Kingsville Fire Department and the School of EMS in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the 10th day of June, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



CLINICAL AFFILIATION AGREEMENT

City of Kingsville Fire Department And School of EMS

This agreement made and entered into this (Date) 06/10/2019 by and between (Clinical Site) City of Kingsville Fire Department (hereinafter referred to as the "clinical site") and the School of EMS (hereinafter referred to as "School of EMS") and will continue until the agreement is terminated by either party.

I. PURPOSE

The clinical site shall provide the School of EMS students with practical experience in EMS-based patient care activities through the clinical site's owned entities and the School of EMS shall provide the student with academic experience.

II. RESPONSIBILITIES OF THE CLINICAL SITE

The clinical site shall:

- A. Provide cooperation to ensure students of the School of EMS receive an effective clinical experience.
- B. Provide a suitable clinical experience situation as prescribed by the curriculum provided by the School of EMS and outlined by the National Highway Traffic Safety Administration.
- C. Assist with clinical teaching and supervision of agreed upon number of students of the School of EMS.
- D. Ensure the standards of patient care established by the clinical site remain in control of the employees.
- E. Reserve the right to determine the manner in which the clinical site's owned equipment and supplies shall be used and operated.
- F. Provide a contact person for the School of EMS at the clinical site so as to facilitate interaction between the training program and our system.

III. RESPONSIBILITIES OF THE SCHOOL OF EMS

The School of EMS shall:

- A. Ensure that students who use the clinical site's facilities will abide by the clinical site's policies.
- B. Ensure students of the School of EMS will have professional liability insurance in the appropriate amount prior to beginning clinical experience with the clinical site.
- C. Ensure each student has been provided infection control training as outlined by the Department of Transportation knowledge objectives for EMS courses.
- D. Ensure each student has been provided HIPAA training in accordance with the Federal and State guidelines.
- E. Ensure each student has been cleared through a background check to include the federal inclusion/exclusion list.
- F. Ensure each student has passed a 10-panel drug screen.
- G. Ensure that documentation has been established by the School of EMS on how students are determined to be proficient in both basic and advanced skills which are expected to be utilized in the clinical internship setting.
- H. Provides each student a Competency Check List so that the student may present this to the clinical site's facility they are assigned to during all internship assignments.
- I. Consider promptly any complaint made by the clinical site against a student in accordance with the School of EMS standards and procedures of disciplinary action.
- J. Shall provide preceptor training to relevant clinical site staff at the clinical location(s) or via online services.

IV. HOLD HARMLESS

The School of EMS agrees and is bound to hold the clinical site whole and harmless against any and all claims for damages, costs and expenses to persons or property that may arise out of or be occasioned by this contract or any activities or from any act or omission of any teacher or student involved in the School of EMS.



V. RESPONSIBILITIES OF THE CLINICAL SITE AND THE SCHOOL OF EMS

The clinical site and the School of EMS shall:

- A. Agree upon the number of students to be placed at the clinical site for clinical rotations.
- B. Revise and modify this contract in writing if both parties agree to the revision or modification.

VI. TERMINATION

This contract may be terminated by either party upon one hundred eighty (180) days written notice to the other party by registered mail, return receipt requested. The termination shall not take effect until students who are enrolled at the time such notice is given have completed the courses in which they are enrolled.

VII. DISCRIMINATION

The clinical site and the School of EMS shall not lawfully discriminate in their respective performance of this contract.

VIII. CONTACT PERSONS

The contact person and authorized designee of the School of EMS for the purposes of this agreement is:

School of EMS
Patrick McGhee
115 Jordan Plaza Blvd.
Tyler, Texas 75704
(903) 871-1325

The contact person and authorized designee of the clinical site for the purposes of this agreement is:

City of Kingsville, Fire Chief
Attn: Adrian Garcia
P.O. Box 1458
Kingsville, TX 78364

EXECUTED the Tenth (day) of June (month) 2019 (year). The clinical site and the School of EMS have executed this agreement by and through one of its duly authorized officers, thereby binding themselves, their successors and assignees and representatives for the faithful and full performance of the terms and provisions of this contract.

Clinical Site

School of EMS

By: _____

By: _____

Printed: Adrian Garcia

Printed: Patrick McGhee

Title: Kingsville Fire Chief

Title: Clinical Coordinator

By: _____

By: _____

Printed: Deborah Balli

Printed: TC Howard

Title: Interim City Manager

Title: Chief Operating Officer

AGENDA ITEM #11

City of Kingsville
Department of Planning and Development services

TO: Mayor and City Commissioners

CC: Deborah Balli, Interim City Manager

FROM: Tom Ginter, Director

DATE: May 31, 2019

SUBJECT: Discuss and Consider Action on adopting an interim option for the payment of a residential remodeling building permit fee pertaining to Ordinance Section 15-1-6

Summary: On May 21, 2019 the Texas State Legislature passed H.B. 852, which is enclosed. This bill becomes effectively immediately. This bill prohibits the practice of using the cost of a proposed structure or improvement to calculate the building permit fee.

Background: Currently we use a valuation method of calculating the fee for a residential remodel building permit fee. Our current ordinance which is enclosed 15-1-6 uses the valuation of the project into five (5) categories then uses another formula for the final permit fee. So, you know we use a square foot method for new construction whether it is commercial or residential which is not impacted by the law. On the document that says **MORE on RESEIDENTAIL BUILDING PERMIT FEES**, in the First Step paragraph are the interim options they are recommending. This is what this agenda item is covering. I believe that an interim option is viable so that will give staff more time to review the historical data pertaining to permit fees and give us solid footing on the adoption of a revised fee schedule.

Financial Impact: While the intent is to not reduce our revenues, we will not be sure of that until a revised fee schedule is adopted.

Recommendation: The Planning and Zoning Commission met on June 5th to discuss and consider this action. In addition we were able to provide data on the residential permits that we have approved since October 1, 2018, the beginning of the fiscal year to date. Enclosed is a memo which communicates this information. After a good discussion on the options that were listed on the email from TML, they are recommending the following: Have the permit applicant



City of Kingsville
Department of Planning and Development services

agree to pay the current fee and offer to refund any fee difference when a new fee schedule is adopted. The vote to recommend this option was 4 to 0.



To: Planning and Zoning Commission Members

From: Tom Ginter, Director

Date: June 5, 2019

Subject: Residential Remodeling permits – Change in State Law

While this subject isn't normally under your review, I do have a lot of faith in your knowledge and understanding of the subject matter. Essentially as I have mentioned the state legislature has determined in HB 852 that using valuation is not legal. Consequently it is important for us to come up with a short term solution while we work on a long term solution. Here is some basic information on our data regarding residential remodeling permits:

October 1, 2019 to June 1 2019

1. We have had 83 remodeling permits, with total revenue to this point is \$4,247.00
2. Average 10 a month
3. Average revenue is \$606.00 a month
4. Average permit fee is \$51.00 dollars a month
5. Type of permits are 35 windows, 20 siding exterior work on structure, 20 interior work on structure, 8 miscellaneous such as solar, leveling
6. Since the change in the law we have had one residential remodel permit application and we charged the minimum of \$20.00. It would have been \$35.00 dollars a month.
7. It is also typical that the applicant who submits a residential remodel permit doesn't fill in the box for square footage. They are use to putting in a valuation number. Also if you are doing a window replacement what kind of square footage do you submit?
8. The total value of the permits were approximately \$628,000.00 dollars. The average valuation per application was \$7, 565.00.
9. This change in the law does not impact commercial remodeling permit applications nor does it cover new construction.

The options that they have suggested are in the first step. Of those options my recommendation is to go with the one that the applicant will agree to pay the current fee and we will then offer a refund any difference when a new fee schedule is adopted. I have talked with staff and at most we could have to make 20 refunds to applicants which I think is manageable on our part. Frankly if we do not make them pay anything to us, to collect our money on the back end will be very hard. This way we will be able to cover our costs for inspections and other administrative expenses.



Legislative UPDATE

May 24, 2019
Number 21

Action Required: **Building Permit Fees**

City officials should immediately review the process by which residential building permit fees are calculated. Many cities currently base their building permit fees on the cost of a proposed structure or improvement. H.B. 852 now prohibits that practice.

Specifically, the bill provides that: (1) in determining the amount of a building permit or inspection fee required in connection with the construction or improvement of a residential dwelling, a city may not consider: (a) the value of the dwelling; or (b) the cost of constructing or improving the dwelling; and (2) a city may not require the disclosure of information related to the value of or cost of constructing or improving a residential dwelling as a condition of obtaining a building permit except as required by the Federal Emergency Management Agency for participation in the National Flood Insurance Program.

The bill was signed by the governor on May 21, and it is effective immediately. No grace period applies, so affected cities should change their system as soon as possible. Options include square footage-based fees, a flat fee schedule, or any other non-cost-based and reasonable calculation.

League staff is working with the Building Officials Association of Texas to come up with possible fee structure options, but that process will take some time. It will be shared as soon as available.

Please contact Scott Houston, TML general counsel, at shouston@tml.org with questions.

TML member cities may use the material herein for any

MAY 24, 2019, NUMBER 21

Download the full .pdf here: [TML Legislative Update 21](#)

ACTION REQUIRED:

BUILDING PERMIT FEES

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Tom Ginter

From: Scott Houston <SHouston@tml.org>
Sent: Thursday, May 30, 2019 3:24 PM
To: Tom Ginter
Subject: RE: HB 852

Hey Tom:

This will run in tomorrow's newsletter. If you do a flat fee of \$20, you are fine.

More on Residential Building Permit Fees

Last week, the League reported on H.B. 852, which prohibits cities from calculating their residential building permit fees on the cost of a proposed residential structure or improvement. The bill was signed by the governor on May 21, and it is effective immediately. No grace period applies, so affected cities should change their system as soon as possible.

Specifically, the bill provides that: (1) in determining the amount of a building permit or inspection fee required in connection with the construction or improvement of a residential dwelling, a city may not consider: (a) the value of the dwelling; or (b) the cost of constructing or improving the dwelling; and (2) a city may not require the disclosure of information related to the value of or cost of constructing or improving a residential dwelling as a condition of obtaining a building permit except as required by the Federal Emergency Management Agency for participation in the National Flood Insurance Program.

League staff and the Building Officials Association of Texas (BOAT) have been fielding questions from many Texas cities regarding how to implement H.B. 852. BOAT has prepared the following to assist affected cities.

✱ **First Step.** If your city has a residential building permit fee schedule based on construction valuation, consider interim fee options prior to the adoption of a revised fee schedule. Several interim options are available:

- Stop charging for permits until a new fee schedule is adopted.
- Ask the permit applicant to hold their permit application for up to 45 days (permitted by Texas Local Government Code Section 214.904), which should allow time to adopt a new fee schedule.
- Have the permit applicant agree to pay the current fee and offer to refund any fee difference when a new fee schedule is adopted.
- Issue the permit and invoice the permit applicant at a later date when a new fee schedule is adopted.
- At least one city's attorney is preparing a waiver form explaining H.B. 852 and stating that the city will process permits but not issue them until a new fee schedule is adopted. In the alternative, if the permit applicant agrees to sign the waiver, the city will charge existing permit fee costs and issue the permit immediately.

Second Step. Adopt a new fee schedule. Several options are available for a new permit fee schedule. Consider the following:

- Per square foot charge for the different types of residential permits.
- Per square foot charge multiplied by percentage add-on (such as administrative costs, GIS, plan review, etc.).
- Per square foot charge with a set multiplier determined by cost recovery.
- Flat fees for the different types of residential permits.

- Tiered flat fees for residential construction over a certain square foot sizes (perhaps up to four tiers).
- Additional flat fee for plan review.
- Flat fee for inspections.
- Tiered per square foot charge for inspections.

How are cities calculating a new fee schedule based on square footage? One method is to review all residential inspections going back some period of time, noting the square footage of each home and the residential permit fee charged for each home. Add up all of the residential permit fee charges and then divide that by the total square feet of the homes inspected. (e.g., \$2,269,472.02 dollars divided by 3,439,076 square feet = \$0.66 per square foot)

The City of Irving has provided permission to distribute its ordinance as an example of square footage based fees. It was recently completed and is an excellent example of fee methodology.

Every city official should consider that fees should reflect the reasonable costs of administration and enforcement and should consult with their city attorney regarding the implementation of the bill. Please contact Scott Houston, TML general counsel, at shouston@tml.org with questions.

Scott Houston
Deputy Executive Director and General Counsel
Texas Municipal League
General Counsel
Texas City Attorneys Association
1821 Rutherford Lane, Suite 400
Austin, Texas 78754
512-231-7400
www.tml.org
shouston@tml.org

Empowering Texas cities to serve their citizens

Please be advised that the information in this e-mail is provided for informational purposes only. Neither this communication, nor any other communication with the Texas Municipal League (TML), creates an attorney-client relationship between the TML legal department or its attorneys and you or your city or any third party. Once received by a city official, this communication may be subject to public release. Every city official and employee should consult with local legal counsel to ensure that any information or documents comply with current law and the particular facts of each situation.

From: Tom Ginter [mailto:tginter@cityofkingsville.com]
Sent: Thursday, May 30, 2019 3:13 PM
To: Scott Houston
Subject: HB 852

Scott Houston:

I realize that you have most likely received these questions but some guidance is needed. Until the City Commission changes our remodeling permit formula, if someone comes in with the intent to obtain a remodel permit fee would we be okay with charging the minimum of \$20.00?

Also of the other options out there have you seen one that looks like a good fit?

Thanks

Tom Ginter
Director of Planning and Development Services

AN ACT

1
2 relating to information a municipality may consider in determining
3 the amount of certain building permit and inspection fees.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter Z, Chapter 214, Local Government
6 Code, is amended by adding Section 214.907 to read as follows:

7 Sec. 214.907. PROHIBITION ON CERTAIN VALUE-BASED BUILDING
8 PERMIT AND INSPECTION FEES. (a) In determining the amount of a
9 building permit or inspection fee required in connection with the
10 construction or improvement of a residential dwelling, a
11 municipality may not consider:

12 (1) the value of the dwelling; or
13 (2) the cost of constructing or improving the
14 dwelling.

15 (b) A municipality may not require the disclosure of
16 information related to the value of or cost of constructing or
17 improving a residential dwelling as a condition of obtaining a
18 building permit except as required by the Federal Emergency
19 Management Agency for participation in the National Flood Insurance
20 Program.

21 SECTION 2. Section 214.907(a), Local Government Code, as
22 added by this Act, applies only to a building permit or inspection
23 fee assessed by a municipality on or after the effective date of
24 this Act in connection with the construction or improvement of a

1 residential dwelling.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2019.

H.B. No. 852

President of the Senate

Speaker of the House

I certify that H.B. No. 852 was passed by the House on April 16, 2019, by the following vote: Yeas 126, Nays 9, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 852 was passed by the Senate on May 8, 2019, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor

AGENDA ITEM #12

CITY OF KINGSVILLE

P. O. BOX 1458 - KINGSVILLE, TEXAS 78364



Date: May 31, 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 (the board recommended the John E. Conner Museum be able to apply for additional funds from this portion of HOT revenues as well). [This recommendation was unanimous.]

The recommendation by the board members present requires 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 Commissioners.

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.

Attempts have been made to discuss board recommendation with Hotel Occupancy Tax Advisory Board Member Jonathan Plant. In the absence of a response, a meeting is tentatively scheduled with his supervisor, Dr. Dolores Guerrero, Dean of Texas A&M University-Kingsville Arts and Sciences.

Emails 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 need 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 historical 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 Festival de la Loteria held on April 6th. She had mentioned the festival within her report. Loteria games were played for some very nice prizes and all the proceeds went 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.

Janine Reyes

From: Janine Reyes
Sent: Wednesday, May 29, 2019 4:37 PM
To: Jonathan A Plant
Cc: Deborah Balli
Subject: HOT Fund Agenda Item
Attachments: 2019 May 16 (Agenda).pdf; Tourism Advisory Board Mins, May 16, 2019.pdf

Tracking:	Recipient	Read
	Jonathan A Plant	
	Deborah Balli	Read: 5/29/2019 5:14 PM

Jonathan,

Good afternoon. I wanted to reach out to open up dialogue about the item on yesterday's agenda. My apologies if you did not know that we would be presenting a HOT Advisory board recommendation or that the board made a recommendation. I genuinely thought you knew and opted not to attend since you had confirmed attendance to the May 16th meeting. We made sure to send a reminder about that meeting as well on that Thursday morning, since we had much to cover and we wanted to make sure every board member that could attend was present.

As you likely recall, during our February meeting we discussed in some detail the current status of the fund balance and shared concerns that the fund could only sustain our current expenditures for one more fiscal year. I had presented research at that time that showcases most city's contribute far less to the arts, most in the neighborhood of 5% or below. Mr. Garza discussed the need to review all of our expenditures at that meeting to include the façade grant, the split funding of certain city positions and the Conner Museum. Our intent has never been to make you feel singled out, but, the contribution has been a focus since it is percentage based – and as more money comes in, more money goes out. As you know, this is also the case with marketing and is required by statute.

The board's recommendation was for next fiscal year, which begins October 1. While that is still several months away, we are in the budget process right now, and that is the reason for the timing of the item on the agenda. We also wanted to make sure to give you as much notice as possible in order to make any needed adjustments. The recommendation was to set a flat contribution of \$30,000 to the Conner Museum. Furthermore, the board recommended reserving another \$30,000 for art funding recommendations, which the Conner could apply for on a case by case (or exhibit by exhibit) basis. The additional \$30,000 would help offset the strain on the fund balance. The recommendation is based on \$600,000 in HOT Revenues and the board recommended decreasing *if* revenues came in below that amount. This will not resolve the issue with our fund balance on it's own. I can assure you we are reviewing other areas to cut in order to reserve as much as the fund balance as we can. I have attached the minutes and agenda for your review, and I'm happy to answer any questions you may have.

I look forward to continuing to work together in a mutually beneficial way.

Janine Reyes

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Janine Reyes

From: Jonathan A Plant <Jonathan.Plant@tamuk.edu>
To: Janine Reyes
Sent: Wednesday, May 29, 2019 4:44 PM
Subject: Read: HOT Fund Agenda Item

Your message

To:
Subject: HOT Fund Agenda Item
Sent: Wednesday, May 29, 2019 9:46:30 PM (UTC+00:00) Monrovia, Reykjavik

was read on Wednesday, May 29, 2019 9:43:43 PM (UTC+00:00) Monrovia, Reykjavik.

Janine Reyes

From: Manny Salazar <edcdirector@kingsville.org>
Sent: Friday, May 31, 2019 8:16 AM
To: 'Dolores Guerrero'
Cc: Janine Reyes
Subject: Re: Conner Museum Meeting

Great, thank you so much!

I hope that you are having a great time

Manny

Manny Salazar, EcDMP

Executive Director
Greater Kingsville EDC
Mobile: 361-522-5518
EDCDirector@Kingsville.org

www.Kingsville.org

From: Dolores Guerrero [mailto:Dolores.Guerrero@tamuk.edu]
Sent: Friday, May 31, 2019 2:18 AM
To: Manny Salazar <edcdirector@kingsville.org>
Subject: [SPAM-LOW] Re: Conner Museum Meeting

Manny,

I will be back in the office on Wednesday, June 5th. I've ccd Elisa so she can facilitate scheduling a time when she returns on Monday. Thank you for your assistance and support.

Dolores

Sent from my iPhone

On May 30, 2019, at 9:51 PM, Manny Salazar <edcdirector@kingsville.org> wrote:

Good Afternoon Dr. G,

I hope that you are enjoying your time in Italy, the pictures are amazing!

I wanted to see if I could help facilitate a meeting on the funding for the Conner Museum. Janine Reyes has been working to ensure that our funds are used in the most efficient way possible and is going through the process of reevaluating each and every expenditure.

There have been several meeting of the Hotel Advisory Board going back to February that discussed the need to reevaluate the funds to the Conner. Johnathon is a member of that board and Dr. Riley was the chair. He was present at that meeting but did not provide any input on the need to adjust funding

There was an attempt to start a dialogue the day following the meeting while Johnathon was in the Tourism office but he instead took pictures of some of the mounted animals on loan to that facility and did not engage in a conversation on funding.

Fast forward to May 16, the Hotel Advisory Board met to discuss the funding issues and had the President and CEO of the Texas Hotel Lodging Association call in to discuss the need to diversify funding for the arts. Johnathon is a member, confirmed attendance and then did not show up. The agenda for the meeting did include an action item on recommendations for the HOT fund.

I know that Johnathon said that he was "completely blindsided" by the recommendation to reduce funding but the discussion was not exactly spur of the moment.

Either way, there seems to be a breakdown in communication that I would like to try to remedy. Janine reached out again on Wednesday but he has not responded to her as of yet.

I do not believe that any of us want to put the Conner in a tough spot but we need to have real conversations on the funding issue and he has not been willing to engage in them.

Do you have some time to sit down to discuss sometime soon?

Thanks you so much and I hope that you and your daughter are having the best time,

Manny

Manny Salazar, EcDMP

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