

City of Kingsville, Texas

AGENDA CITY COMMISSION

**MONDAY, JULY 8, 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)

June 24, 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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 zoning ordinance by changing the zoning map in reference to Westside AC, Lot 10 (.9989 Acres), also known as 209 W. Corral, Kingsville, Texas, from R1 (Single Family District) to R3 (Multi-Family District); amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning & Development Services).
2. Motion to approve final passage of an ordinance abandoning part of an alley and retaining an easement for utility purposes in Orig Town, Block 49, Lots 17-18; Orig Town, Block 49, Lots 19-22; and, Orig Town, Block 49, Lot 23 (alley behind 105 South 5th St. and 119 South 5th St. and 200 West King, between 5th St. and 4th St. off of King Ave.) for Dollar General. (Director of Planning & Development Services).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget to accept and expend the proceeds from the sale of 11 acres (off Loop 428). (Interim City Manager).
4. Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 Budget to expend funds for South Plant Waste Water Clarifier. (City Engineer).
5. Motion to approve reappointment of Steve Zamora, Debbie Tiffie, Brian Coufal, Bill Aldridge and Lupe Alvarez to the Planning & Zoning Commission each for two-year terms. (Director of Planning & Development Services).
6. Motion to approve reappointment of Dora Martinez to the Civil Service Commission for a three-year term. (Director of Human Resources).
7. Motion to approve reappointment of Tamara Brennan to the Historic Development Board for a three-year term. (Downtown Manager).
8. Motion to approve reappointment of Chris Maher, D'yan Lopez Garza, and Gloria Bigger Cantu to the Main Street Advisory Board each for a two-year term. (Downtown Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. **Items for consideration by Commissioners.⁴**

9. Consider appointment of Sandra Seymour to the Parks Advisory Board for a two-year term. (Parks Director).

10. Consider final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to Cooper 2, Block 3, Lots 19-21, also known as 800 W. Kleberg, Kingsville, Texas, from R1 (Single Family District) to R3 (Multi-Family District); amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning & Development Services).
11. Consider introduction of an ordinance abandoning part of an alley and retaining an easement for utility purposes in Vista Alegra Addition, Block 2 between Lots 5-12 and Lots 13-20 (alley between Henrietta and Yoakum to the west of 19th Street) for Jubilee Academies. (Director of Planning & Development Services).
12. Consider a resolution authorizing the Mayor to sign the Standard Form of Agreement for TxCDBG No.7218269 between Owner and Contractor on the Basis of a Stipulated Price (for Manhole Rehab Project). (City Engineer).
13. Consider introduction of an ordinance amending Code of Ordinances Chapter VII, Article 8, Traffic Control Devices, providing for the installation of stop signs on Santa Gertrudis Ave. at its intersection with 12th Street. (City Engineer).
14. Consider accepting donation from the Brookshire Foundation for Parks Department equipment and recreational programming. (Parks Director).
15. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to accept and expend Park Donations from the Brookshire Foundation for recreational programs and equipment. (Parks Director).
16. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 Budget to expend funds for professional services related to the Landfill Permit Amendment responses and Landfill heavy equipment repairs. (Public Works Director).
17. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV providing for adoption of Article 12, Cross Connection Control and Backflow Prevention Program and regulation pertaining thereto to establish minimum standards within the corporate limits of the City and the extraterritorial jurisdiction. (Public Works Director).
18. Consider a resolution adopting the City of Kingsville Cross Connection Control Policy Manual. (Public Works Director).
19. Consider appointments to the Charter Review Committee. (City Attorney).
20. Consider a resolution authorizing the Interim City Manager to enter into an Interlocal Agreement between the City of Kingsville and Texas A&M University-Kingsville relating to TAMUK Women's Golf Team and the L.E. Ramey Golf Course. (Interim City Manager).
21. Executive Session: Pursuant to Section 551.087, Texas Government Code, Deliberations Regarding Economic Development Negotiations Exception, the City Commission shall convene in executive session to deliberate the offer of a financial or other incentive to a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations. (Interim City Manager).
22. Consider a resolution authorizing the Mayor to execute an Economic Incentive Agreement between the City of Kingsville, Texas and Dueces D'Ville, LLC (Chapter 380 Agreement). (City Attorney).

VII. Adjournment.

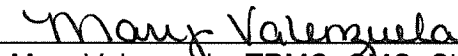
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

NOTICE

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

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

July 3, 2019 at 11:00 A.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.


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

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

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

MINUTES OF PREVIOUS MEETING(S)

JUNE 24, 2019

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JUNE 24, 2019 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 6:00 P.M.

CITY COMMISSION PRESENT:

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

CITY COMMISSION ABSENT:

Sam R. Fugate, Mayor

CITY STAFF PRESENT:

Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Kyle Benson, IT Manager
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
Adrian Garcia, Fire Chief
Ricardo Torres, Police Chief
Joseph Ramirez, Engineers Assistant
Bill Donnell, Public Works Director
Robert Rodriguez, Library Director
Cynthia Martin, Downtown Manager
David Soliz, Risk Manager

I. Preliminary Proceedings.

OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

May 28, 2019-Regular Meeting

June 10, 2019-Regular Meeting

Motion made by Commissioner Pecos to approve the minutes of May 28th and June 10, 2019 as presented, seconded b Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez voting “FOR”.

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

1. Public hearing on ordinance amending the zoning ordinance by changing the zoning map in reference to Cooper 2, Block 3, Lots 19-21, also known as 800 W. Kleberg, Kingsville, Texas, from R1 (Single Family District) to R3 (Multi-Family District), Santiago Cantu owner/applicant. (Director of Planning & Development Services).

Mayor Pro-tem Lopez read and opened this public hearing at 6:01 p.m.

Mr. Tom Ginter, Director of Planning & Development Services reported that Mr. Santiago Cantu has submitted a request for rezoning's in the past and has built multi-

family units in Kingsville. The location that is being asked to be rezoned is a good location for the project that Mr. Santiago would like to do as it is a short distance to the University. Mr. Santiago's plan at this time is to build four units. Staff has not received any complaints to the request. Mr. Ginter stated that he did have a citizen who received a letter arrived late to the Planning & Zoning Meeting and after the Planning & Zoning Commissioner had acted on the agenda item. After the meeting was over, the citizen mentioned that he wanted to speak on the item and stated that he was against the rezone. Staff responded back to the citizen and stated that the Planning & Zoning Commission had already acted on the item and voted to recommend approval. He was told that he would have another opportunity to speak on the rezone at a Commission meeting scheduled for Monday, June 24, 2019. Mr. Ginter further stated that the Planning & Zoning Commission voted on June 19, 2019, 4-0 to recommend approval of the rezoning request.

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

Mr. Ricardo Vega, 805 W. Kleberg Ave. commented that he is against this rezone and is asking the Commission not to approve the Planning & Zoning's recommendation. He stated that with the added units, it would cause heavier traffic in a neighborhood that is dealing with some heavy traffic already. Vega further stated that he did try to make his comments at the Planning & Zoning Commission meeting, but was told that the Planning & Zoning Commission had already taken action on the item. He stated that he asked the Planning Department Secretary to send out letters to those that reside near the area that is being considered, but only two letters were mailed out. Vega further commented that he is asking the City Commission to not approve.

Helen Rodriguez, 806 W. Kleberg commented that she also objects the rezone as it would cause for heavier traffic in the area. She further stated that with an additional four families in the area would also cause more noise for their neighborhood.

At this time, Mr. Ginter passed out copies of letters that Mr. Vega was referring to for Commission review. No copies were given to the City Secretary for the record.

Commissioner Hinojosa asked if the two other residence were in the meeting. Mr. Ginter responded no.

There being no further comments, Mayor Pro-tem Lopez closed this public hearing at 6:12 P.M.

2. Public hearing on, ordinance amending the zoning ordinance by changing the zoning map in reference to Westside AC, Lot 10 (.9989 Acres), also known as 209 W. Corral, Kingsville, Texas, from R1 (Single Family District) to R3 (Multi-Family District), Santiago Cantu owner/applicant. (Director of Planning & Development Services).

Mayor Pro-tem Lopez read and opened this public hearing at 6:12 p.m.

Mr. Ginter reported that on the west side of this property the City Commission approved a rezone for the applicants brother. He further stated that the Planning & Zoning Commission has approved this item with a 4-0 vote for recommendation. Staff did not receive any phone calls or letters from citizens within this area. The Planning & Zoning Commission did bring up the fact that there is a sewer line that runs through the property. The requestor is aware of this, and requestor is ok with it. He further stated that the requestor will also be asking for some alley access and if the Fire Department agrees, it would give them another way out. The requestor is planning on building sixteen units on this property.

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

Mr. Ricardo Vega, 805 W. Kleberg commented that he owns the property east of this location and is close to 200 feet from the property. He stated that there is a sewer line that runs through that property. He also commented that this property is divided into quarter lots and stated that the City may have the opportunity to improve the alley to make it an accessible road to others.

Commissioner Hinojosa asked if the sewer line runs west on the property? Mr. Ginter responded that it runs in the middle, East to West. Hinojosa further stated that a comment was made on the information that was provided in the packet, and asked how far east does staff want to go? He then commented that this may be a case by case issue, based on owners wanting to expand.

Commissioner Leubert asked if the sewer line will be in the way of the construction? Mr. Ginter commented no, as they know it's there. Commissioner Leubert asked if it was going to be in the way of the construction and will construction be where we will have access to it after constructing? Mr. Ginter responded yes. Leubert further asked who would be responsible for the sewer line if something goes wrong during the construction or after construction? Mr. Ginter stated that the City will be responsible and further stated that there will be no permanent construction that will be on top of the line. Commissioner Leubert asked what would be on top of it? Mr. Ginter responded parking. Leubert asked if the city would have to repair the concrete if the city had to tear it up? She also commented that the city would be responsible for it and normally the city does not allow anyone to build on top of sewer lines.

Commissioner Hinojosa commented that all these issues will be addressed when staffs receives the plans.

Mr. Bill Donnell, Public Works Director commented that plans have been reviewed and the building is separated over the easements so there no building on there. The parking lot is cement which there would be an expansion joint requested where the sewer line is located. In preparation for this project, staff went in and surveyed the line and replaced the portion of the line that is shown on the map.

Commissioner Leubert commented that as to the alley, what is it that is being requested for the city to do with that alley? Mr. Ginter commented that we would make it drivable for Fire Trucks. Leubert asked how accessible is the alley now, and what is being requested is for it to make it as a regular road.

Mrs. Courtney Alvarez, City Attorney commented that the rezones were done for different property owners and since we already have a site plan that has been developed and based on what the Planning Director has said, permits approved for it, then it would have to build out as planned were submitted.

There being no further comments, Mayor Pro-tem Lopez closed this public hearing at 6:25 P.M.

3. Public hearing on the replat of Orig Town, Block 49, Lots 11-18; Orig Town, Block 49, Lots 19-22; and Orig Town, Block 49, Lots 23-26, also known as 105 S. 5th St., 119 S. 5th St., and 200 W. King, Kingsville, Texas, John Cowan and Associates, applicant for Dollar General Inc. (Director of Planning & Development Services).

Mayor Pro-tem Lopez read and opened this public hearing at 6:25 p.m.

Mr. Ginter displayed a map as to where the location of this property will be located. Map was not provided for the record.

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

Mr. Phillip Cornett, representative for Dollar General commented that there request is to take the existing lots as they are platted now and consolidate them into one lot, abandon the alley and convert it into a utility easement. He state that there has been some discussion with the Engineering Department and the Historical Board concerning the façade of the building and the utilities that are in the alley being redesigned. Once they approve those utilities there will be a cement parking across, which he is sure that the same thing will apply as to what the concerns were previously.

Commissioner Hinojosa asked if Dollar General would be taking care of the relocation of utilities. Mr. Cornett commented that he believe this is correct. Hinojosa further commented that he is sure that this is in writing as well. Hinojosa asked staff if staff had something in writing from CenterPoint that they would cover the cost from the relocation. Mr. Ginter responded that they don't have to do this if they don't want to, but they were doing because of the condition and age of our water line and material. He stated that CenterPoint may leave it as it is. It is not necessary for it to be relocated.

There being no further comments, Mayor Pro-tem Lopez closed this public hearing at 6:29 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, **Library Summer Programs**, **Grants Update**. No formal action can be taken on these items at this time."*

Mayor Pro-tem Edna Lopez presented a proclamation to the Noon's Lion Club proclaiming June 28, 2019 as "Noon's Lion Club Day".

The following updates were made to the City Commission: Streets update was given by Mr. Bill Donnell, Public Works Director. Ms. Emily, Children's Librarian gave an update on the Library Summer Programs. These programs have brought in about 100 individuals to the Library. Mrs. Cynthia Martin gave a Grants Update. Mrs. Martin stated that there are five grants that have been submitted: Texas Community Development Block Grant, Main Street Program for \$250,000 for infrastructure; Certified Local Government Grant for \$20,000 for design guidelines; National Trust for Historic Preservation Grant for \$5,000 for windows for the Municipal Building; and Texas Historic Commercial District Revolving Fund for \$20,000 for façade improvements in Main Street District.

Commissioner Hinojosa requested that a letter of thanks be sent to the city's that came out to assist our city crews after the storm.

Mrs. Balli stated that staff is working on a letter of thanks to be sent out.

Mrs. Martin reported that the first one is the Texas Community Development Block Grant. Awarded \$250,000 with the opportunity of a \$50,000 cash match plus and \$32,549 in-kind engineering and grant administration. Project area is the 300 block of E. Kleberg which runs from 7th Street to 8th Street. Project is to construct 600 lineal feet of concrete sidewalk and curb and gutter; construct twelve ADA compliant ramps and associated appurtenances; construct eight bulb outs; install new street lamps for better lightning; retain sections of existing sidewalk in good condition; and retain two mid-block ADA compliant ramps paid for by a 2016 Main Street Program grant. The timeline is, grant contract end date is May 5, 2021; close out documents to be submitted by July 4, 2021; meet fourteen contract milestones set along the way to insure timely project completion. The status is contract signed May 31, 2018; Engineering is working on draft plans for construction; and work on the Environmental Review will begin in two weeks and be done in-house. The second grant is the Certified Local Government Grant. The budget is \$20,000 awarded; \$20,000 cash match; \$5,000 in-kind services for grant administration; \$5,000 grant from the National Trust for Historic Preservation. The project area is the Kingsville Local Historic District. The timeline is project completion date of September, 2019. The third grant is the Anice Reed Foundation Grant for the Texas Downtown Association. Budget is \$5,000 awarded with a project cost of \$26,000. This project is for the replacement of current second story windows on the south and north facades of the Municipal Building with historically accurate windows. The timeline, works needs to be completed by November 12, 2019. Martin stated that windows for the Municipal Building should arrive sometime this week. The fourth grant is the Texas Historic Commercial District Revolving Fund. The budget is \$20,000 in 0% loans to lend. The program area is the Kingsville Main Street District. The program is revolving fund is administered by the National Main Street Center; the fund will issue \$20,000 in 0% loans to business owners and/or tenants of existing buildings located in Kingsville's Main Street District to support highly visible improvements to buildings and storefronts; loan recipients will receive a loan of 50% of the total project amount to \$10,000 on a \$20,000 project; applicants are required to seek design assistance from Texas Main Street design staff prior to loan submission to ensure quality work will be done. Timeline, applications for the fund will open June 15, 2019.

Commissioner Hinojosa asked that on the Block Grant, it was mentioned that the lighting was not going to be covered by the grant. Mrs. Martin responded that this was correct but we can use the city's cash match to purchase that. Commissioner Hinojosa further asked if this was in addition to the \$50,000. Mrs. Martin responded no, it is in lieu of the \$50,000. She further stated that whatever the lights cost, we can take the money out of the \$50,000 that the city pledged to purchase them. Commissioner Hinojosa further asked if staff had budgeted for the \$60,000? Mrs. Martin responded that it was for \$50,000. Hinojosa commented that only \$50,000 was budgeted therefore needing an additional \$10,000? He also asked how the city would pay for the \$60,000? Mrs. Martin responded no. She further explained that the city does not have to pay, it was an opportunity to instead of taking the \$50,000 cash match and sending it to TDA and using it to fund the project, the city can use it to purchase lighting. Hinojosa further commented that the city would need to pay for the \$60,000 and use the cash match...

Commissioner Lopez commented that it is her understanding that the \$50,000 cash match, some of this money can be used for lighting. Therefore the city would not need to send the full \$50,000, some of this money will be used for lighting.

Commissioner Hinojosa further asked if we would be doing the lighting? Commissioner Lopez responded yes.

Mrs. Alvarez reported that the next City Commission meeting is scheduled for Monday, July 8th. Due to the upcoming holiday on July 4th, the agenda deadline has been moved to an earlier date of June 26, 2019. She further announced that city offices will be closed on Thursday, July 4th.

IV. Public Comment on Agenda Items.³

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

No public comments were 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 Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Hinojosa, Lopez voting "FOR".

1. **Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget to receive and expend Park donations for recreational programs. (Parks Director).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

2. **Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to Cooper 2, Block 3, Lots 19-21, also known as 800 W. Kleberg, Kingsville, Texas, from R1 (Single Family District) to R3 (Multi-Family District); amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning & Development Services).**

Introduction item.

3. **Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to Westside AC, Lot 10 (.9989 Acres), also known as 209 W. Corral, Kingsville, Texas, from R1 (Single Family District) to R3 (Multi-Family District); amending the comprehensive plan to account for any**

deviations from the existing comprehensive plan. (Director of Planning & Development Services).

Introduction item.

4. Consider introduction of an ordinance abandoning part of an alley and retaining an easement for utility purposes in Orig Town, Block 49, Lots 17-18; Orig Town, Block 49, Lots 19-22; and, Orig Town, Block 49, Lot 23 (alley behind 105 South 5th St. and 119 South 5th St. and 200 West King, between 5th St. and 4th St. off of King Ave.) for Dollar General. (Director of Planning & Development Services).

Introduction item.

5. Consider replat of Orig Town, Block 49, Lots 11-18; Orig Town, Block 49, Lots 19-22; and Orig Town, Block 49, Lots 23-26, also known as 105 S. 5th St., 119 S. 5th St., and 200 W. King, Kingsville, Texas (for a new Dollar General store). (Director of Planning & Development Services).

Motion made by Commissioner Leubert to approve the replat replat of Orig Town, Block 49, Lots 11-18; Orig Town, Block 49, Lots 19-22; and Orig Town, Block 49, Lots 23-26, also known as 105 S. 5th St., 119 S. 5th St., and 200 W. King, Kingsville, Texas (for a new Dollar General store), seconded by Commissioner Pecos.

Mrs. Courtney Alvarez announced that due to a lack of quorum, the Historical Board was not able to meet therefore not able to hear or vote on this item.

Commissioner Leubert then amended her motion.

Motion made by Commissioner Leubert to approve the replat replat of Orig Town, Block 49, Lots 11-18; Orig Town, Block 49, Lots 19-22; and Orig Town, Block 49, Lots 23-26, also known as 105 S. 5th St., 119 S. 5th St., and 200 W. King, Kingsville, Texas (for a new Dollar General store) with the contingent that it passes with the Historical Board, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Hinojosa, Leubert, Lopez voting "FOR".

6. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to accept and expend the proceeds from the sale of 11 acres (off Loop 428). (Interim City Manager).

Mrs. Balli stated that the sale of the 11 acres became final and so the proceeds that the city is scheduled to receive will be \$45,600. These proceeds will be split between the Park Maintenance Fund and the EDC Fund. The split will be \$20,000 to Parks Maintenance Fund and \$25,600 to the EDC Fund. This will be put into grounds and permanent fixtures in Parks Maintenance Fund and in the professional services in the EDC Fund which will be used for surveys, title searches or other things that are EDC related.

Introduction item.

7. Consider a resolution authorizing participation in Southwest Border Rural Law Enforcement Information Sharing and Interdiction Assistance Grants FY2019 with the US Department of Justice (DOJ) , Bureau of Justice Assistance (BJA) for software and equipment for the Kingsville Police Department, authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).

Mr. Ricardo Torres, Chief of Police stated that the Police Department is requesting a resolution for application and acceptance of BJA FY19 Southwest Border Rural Law Enforcement Sharing and Interdiction Assistance Grant. This is for two LPR Trailers and three LPR Systems for the interdiction officers. This project will address violent crime, once implemented, will provide statistical documentation on the project's impact on crime in our jurisdiction and adjacent areas. These systems are also used by the

Officers to track locations of known offenders, warrant services including municipal warrants as well. Torres stated that the total of the grant is \$172,969.65. He stated that there is an issue with the recurring cost which is less than the \$18,352, it is \$12,110.34.

Commissioner Hinojosa asked if the recurring cost could be paid through the forfeiture fund?

Chief Torres responded that it can but what is happening right now is that forfeiture has not been as robust as it has been and sometimes the city needs to take some responsibility for some of these cost. The city will be making out really well in terms in of the warrants that will be able to be picked up. There is roughly \$2 million dollars in warrants that are out there. He further stated that Chapter 59 is used for the benefit of this municipality, which is the only way it can be used. He further commented that they have save \$11 million dollars over the last eight years for the city as they buy vehicles, equipment, and technology.

Commissioner Hinojosa commented that the city does take responsibility through salaries and everything else.

Commissioner Leubert commented that this is a pretty good deal for the community.

Motion made by Commissioner Leubert to approve resolution authorizing participation in Southwest Border Rural Law Enforcement Information Sharing and Interdiction Assistance Grants FY2019 with the US Department of Justice (DOJ) , Bureau of Justice Assistance (BJA) for software and equipment for the Kingsville Police Department, authorizing the Chief of Police to act on the City's behalf with such program, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez voting "FOR".

8. Discuss and consider awarding bid for construction contract for Wastewater Manhole Rehabilitation Project (for Texas Department of Agriculture TxCDBG Contract #7218269), as per recommendation. (City Engineer).

Mr. Rudy Mora, City Engineer stated that the project shall rehabilitate 18 manholes throughout the city. These manholes have deteriorated and the proposed scope of work would reduce inflow and infiltration. It is estimated to benefit approximately 24,000 residents. The grant is to assist low to moderate income communities using state funds. The city as awarded a grant in the amount of \$360,000 including the City's cash match of \$60,000. Bids were received from four contractors which included Etech Construction; RCM Constructors, Inc.; Southern Trenchless Solutions; and Bridges Specialties Inc. LNV is our Engineering Consultant that checked references and verified the bids. The base bid ranged from \$168,988.00 to \$301,642.00 The Engineer's estimate on the project was \$277,000. The City can change order additional work not to exceed 25% of the awarded bid amount. The City would provide a cash match of \$60,000 as indicated in resolution #2017-04. The funds are allocated in Utility Fund Account. Staff recommends awarding the project to Etech Construction in the amount of \$168,988 and authorizing the Interim City Manager to execute a contract for the same.

Motion made by Commissioner Leubert to approve awarding bid for construction contract for Wastewater Manhole Rehabilitation Project (for Texas Department of Agriculture TxCDBG Contract #7218269), as per recommendation, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Hinojosa, Lopez voting "FOR".

9. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 Budget to expend funds for South Plant Waste Water Clarifier. (City Engineer).

Mr. Charlie Sosa, Purchasing Manager stated that the purpose of the project is to replace the existing primary clarifier which is located at SWWTP along FM 1717. The existing clarifier equipment has been in service since 2000. It was a replacement of the original equipment in 1977. It has been repaired several times. Two equipment manufacturers were approved: Amwell of North Aurora, Illinois and Envirodyne Systems Inc. from Camp Hill, Pennsylvania. The equipment being replaced is Enviroquip from Austin, TX and is approximately 19 years old. Enviroquip Inc. is not associated with Envirodyne Systems, Inc. The vendors for both manufacturers are located in Texas. The Engineering Department 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 at 3:00 p.m. Base bid is to remove and install a new galvanized clarifier equipment. Alternate No. 1 was to install 316 stainless steel clarifier equipment in lieu of a galvanized finish. Bids were received from three contractors which included DMB Construction from Corpus Christi, TX; J.S. Haren Company from Athens, TN; and Donald Hubert Construction from Kingsville, TX. References were verified. Three options were presented. The base bid ranged from \$406,000 to \$524,237. Base bid plus Alternate No. 1 bid ranged from \$536,000 to \$723,921. The primary clarifier has needed replacement since 2017. Funds for the project expected to be \$536,000 will come from fund 054, Utility Capital Projects Fund. Staff recommends awarding the bid to J.S. Haren Company for base bid plus Alternate No. 1 in the amount of \$536,000, as stainless steel used in Alternate No. 1 will have a longer expected useful life than a galvanized finished product used in the base bid; and authorize the Interim City Manager to execute a contract for the same.

Mrs. Balli commented that item #9 was skipped and this information is for item #10.

Mayor Pro-tem Lopez responded that she had read item #9.

Introduction item.

10. Consider awarding bid for RFP#19-07 for South Wastewater Treatment Plant clarifier improvements. (Purchasing Manager).

Motion made by Commissioner Pecos and Commissioner Leubert to approve the award of bid RFP#19-07 for South Wastewater Treatment Plant clarifier improvements, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Pecos, Hinojosa, Leubert, Lopez voting "FOR".

11. 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 South Side Wastewater Treatment Plant Primary Clarifier Equipment Replacement Project (RFP #19-07). (City Engineer).

Motion made by Commissioner Leubert to approve 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 South Side Wastewater Treatment Plant Primary Clarifier Equipment Replacement Project (RFP #19-07), seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez voting "FOR".

12. Consider a resolution authorizing the Interim City Manager to enter into a Proposed Settlement Agreement between the City of Kingsville and the Kingsville Law Enforcement Association. (City Attorney).

Mrs. Alvarez stated that in October 2018 the City received a grievance from the Police Union with regards to the Columbus Day Holiday. This process was ongoing through the grievance process that is outlined in the Collective Bargaining Contract. She further stated that the former City Manager had been working, once it got to the point that the City Managers response was sent and not accepted the next step would have been mediation. The former City Manager had been negotiating the settlement agreement with the Police Union President which they had a fairly good draft going but wasn't finalized prior to his departure, but recently the Interim City Manager, staff, and herself have been working with the Police Union and try to finish it out, which is the document the Commission has before them today. She further stated that they would get the half-time as they were already paid if they worked that holiday. They would only get the half-time as though the holidays had been recognized under their contract as the day they had worked it. She further stated that it is a compromise that they don't get the full benefits if the holidays would have been recognized under the existing contract. This is a little give and take on both parties side. This will also allow for the holidays to no longer be specifically listed on the contract but just say whatever holidays that the non-civil service employees of the city have, those are the same days the Officers would get so that there is some consistency with their contract.

Commissioner Leubert asked if everyone is satisfied? Mrs. Alvarez responded that they are satisfied enough that they already signed it and staff is recommending that the Commission authorize the City Manager to sign it.

Motion made by Commissioner Leubert to approve resolution authorizing the Interim City Manager to enter into a Proposed Settlement Agreement between the City of Kingsville and the Kingsville Law Enforcement Association, seconded by Commissioner Pecos.

Commissioner Hinojosa asked if there are any ex police officers that are affected by this as it only covers those that are employed right now.

Mrs. Alvarez stated that the Union has agreed to this. She further stated that those that are not with the City at the time of this settlement, therefore they will not be receiving the benefits that would derive from that contract dispute since they are no longer subject to that contract.

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

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:23 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

AGENDA ITEM #1

CONSENT AGENDA

**City of Kingsville
Planning and Development Services**

TO: Mayor and City Commissioners

CC: Deborah Balli, Interim City Manager

FROM: Tom Ginter, Director

DATE: June 12, 2019

SUBJECT: Rezoning request from Santiago Cantu for 209 W. Corral from R1 to R3

Summary: Santiago Cantu is submitting a request to rezone 209 W. Corral from R1 to R3.

Background: As mentioned in an earlier memo Santiago Cantu has submitted previous rezoning requests that pertain to changing the use from R1 to R3. The other item that is important to mention is that in January of 2016, a rezoning that was submitted by Nehemias Cantu to change the use from R1 to R3 at 211 W. Corral, which is next to this property was approved. Plans have been submitted by Nehemias Cantu for the building of a multi family project at 211 W. Corral. You might recall that the approval of the request for 211 West Corral could set the stage for further submittals, which it has. The question may be how far east do you want to go?

Financial Impact: This would be an increase in the tax base since there are no improvements on the property.

Recommendation: The Planning and Zoning Commission will be meeting on June 19th to review this rezoning request. The Planning and Zoning Commission met and voted 4 to 0 to recommend approval of the rezoning request.



**City of Kingsville
Planning and Development Services**

TO: Mayor and City Commissioners

CC: Deborah Balli, Interim City Manager

FROM: Tom Ginter, Director

DATE: June 12, 2019

SUBJECT: Rezoning request from Santiago Cantu for 209 W. Corral from R1 to R3

Summary: Santiago Cantu is submitting a request to rezone 209 W. Corral from R1 to R3.

Background: As mentioned in an earlier memo Santiago Cantu has submitted previous rezoning requests that pertain to changing the use from R1 to R3. The other item that is important to mention is that in January of 2016, a rezoning that was submitted by Nehemias Cantu to change the use from R1 to R3 at 211 W. Corral, which is next to this property was approved. Plans have been submitted by Nehemias Cantu for the building of a multi family project at 211 W. Corral. You might recall that the approval of the request for 211 West Corral could set the stage for further submittals, which it has. The question may be how far east do you want to go?

Financial Impact: This would be an increase in the tax base since there are no improvements on the property.

Recommendation: The Planning and Zoning Commission will be meeting on June 19th to review this rezoning request. I will provide a memo on the 20th which will give to you the vote on the rezoning request.



CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 209 W Cornal Nearest Intersection _____

(Proposed) Subdivision Name _____ Lot _____ Block _____

Legal Description: Westside AC, Lot 10, ACRES .9989

Existing Zoning Designation R-1 Future Land Use Plan Designation R-3

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent SC Construction LLC Phone 956 778 7709 FAX _____

Email Address (for project correspondence only): sancon4@aol.com

Mailing Address PO Box 197 City La Biance State TX Zip 78558

Property Owner SC Construction LLC Phone 956 778 7709 FAX _____

Email Address (for project correspondence only): sancon4@aol.com

Mailing Address PO Box 197 City La Biance State TX Zip 78558

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

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

Please provide a basic description of the proposed project:

Apts

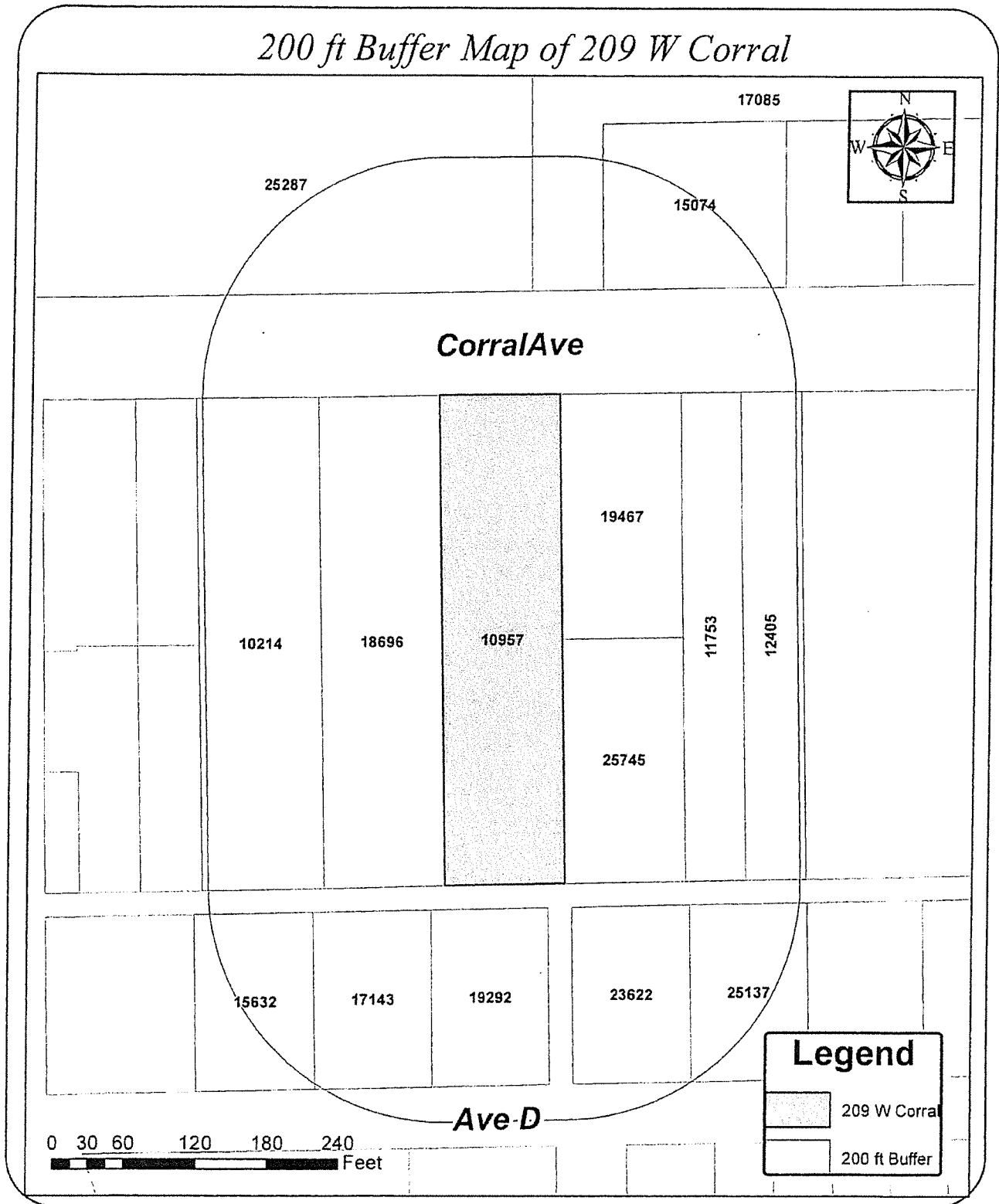
I hereby certify that I am the owner and /or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature SC Construction LLC Date: 5-14-19

Property Owner's Signature _____ Date: _____

Accepted by: _____ Date: _____

200 ft Buffer Map of 209 W Corral



K I S D
PO BOX 871
KINGSVILLE, TX 78364-0871
#25287

NEHEMIAS CANTU
2304 LIVERPOOL DR
EDINBURG, TX 78539-0135
#18696

RICARDO G VEGA
ETUX GLORIA B
805 W KLEBERG
KINGSVILLE, TX 78363-4218
#11753

PEDRO RODRIGUEZ JR
210 W D AVE
KINGSVILLE, TX 78363-3731
#17143

ELVIRA RODRIGUEZ (LIFE EST)
J ISRAEL LOPEZ
621 S WANDA
KINGSVILLE, TX 78363
#25137

JUAN M OLIVARES JR
ETUX MARIA I
1126 E AVENUE A
KINGSVILLE, TX 78363-4039
#15074

RAMIRO JR BARRERA
201 W CORRAL AVE
KINGSVILLE, TX 78363-3214
#19467

WILEY REVOC LIVING TRUST
ARTHUR S & JUDITH C WILEY (TR)
3901 MONTECITO DR
APT 809
DENTON, TX 76210
#12405

JOSEFA H CASTILLO (LIFE EST)
ALICIA C GARZA ETAL
PO BOX 566
KINGSVILLE, TX 78364-0566
#19292

TEXAS VALLEY PROPERTIES LTD
1654 THE ALAMEDA
STE 100
SAN JOSE, CA 95126-2205
#17085

ROBERTO R RODRIGUEZ SR
ETUX NELDA
PO BOX 348
KINGSVILLE, TX 78364-0348
#10214
#25745

ROBERTO RAMOS
220 W D AVE
KINGSVILLE, TX 78363-3731
#15632

GAHANGIR HOSSAIN
ETUX HABIBA KHAN
726 ARROYO DR
KINGSVILLE, TX 78363
#23622

Kleberg CAD

Property Search > 10957 RAMIREZ LUIS for Year 2019

Tax Year: 2019 - Values not available

Property

Account

Property ID: 10957 Legal Description: WESTSIDE AC, LOT 10, ACRES .9989
 Geographic ID: 183200010000192 Zoning:
 Type: Real Agent Code:
 Property Use Code:
 Property Use Description:

Location

Address: 209 W CORRAL Mapsco:
 Neighborhood: Map ID: A1
 Neighborhood CD:

Owner

Name: RAMIREZ LUIS Owner ID: 65304
 Mailing Address: ETUX SUSANA P % Ownership: 100.0000000000%
 PO BOX 657
 KINGSVILLE, TX 78364-0657

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	

Billing Information

Owner: RAMIREZ LUIS
 % Ownership: 100.0000000000%
 Total Value: N/A

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

Total Tax Rate:

N/A

Taxes w/Current Exemptions:

N/A

Taxes w/o Exemptions:

N/A

Improvements / Additions

No improvements exist for this property.

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	CI	C1	0.9989	43511.25	102.50	424.50	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2019	N/A	N/A	N/A	N/A	N/A	N/A
2018	\$0	\$10,250	0	10,250	\$0	\$10,250
2017	\$0	\$10,250	0	10,250	\$0	\$10,250
2016	\$0	\$10,250	0	10,250	\$0	\$10,250
2015	\$0	\$10,250	0	10,250	\$0	\$10,250
2014	\$19,910	\$10,250	0	30,160	\$0	\$30,160
2013	\$15,920	\$10,250	0	26,170	\$0	\$26,170
2012	\$15,920	\$10,410	0	26,330	\$0	\$26,330
2011	\$15,920	\$10,410	0	26,330	\$0	\$26,330
2010	\$15,920	\$9,350	0	25,270	\$0	\$25,270
2009	\$15,920	\$9,350	0	25,270	\$0	\$25,270
2008	\$15,920	\$9,350	0	25,270	\$0	\$25,270
2007	\$17,910	\$9,350	0	27,260	\$0	\$27,260
2006	\$17,910	\$9,350	0	27,260	\$0	\$27,260
2005	\$15,570	\$9,350	0	24,920	\$0	\$24,920

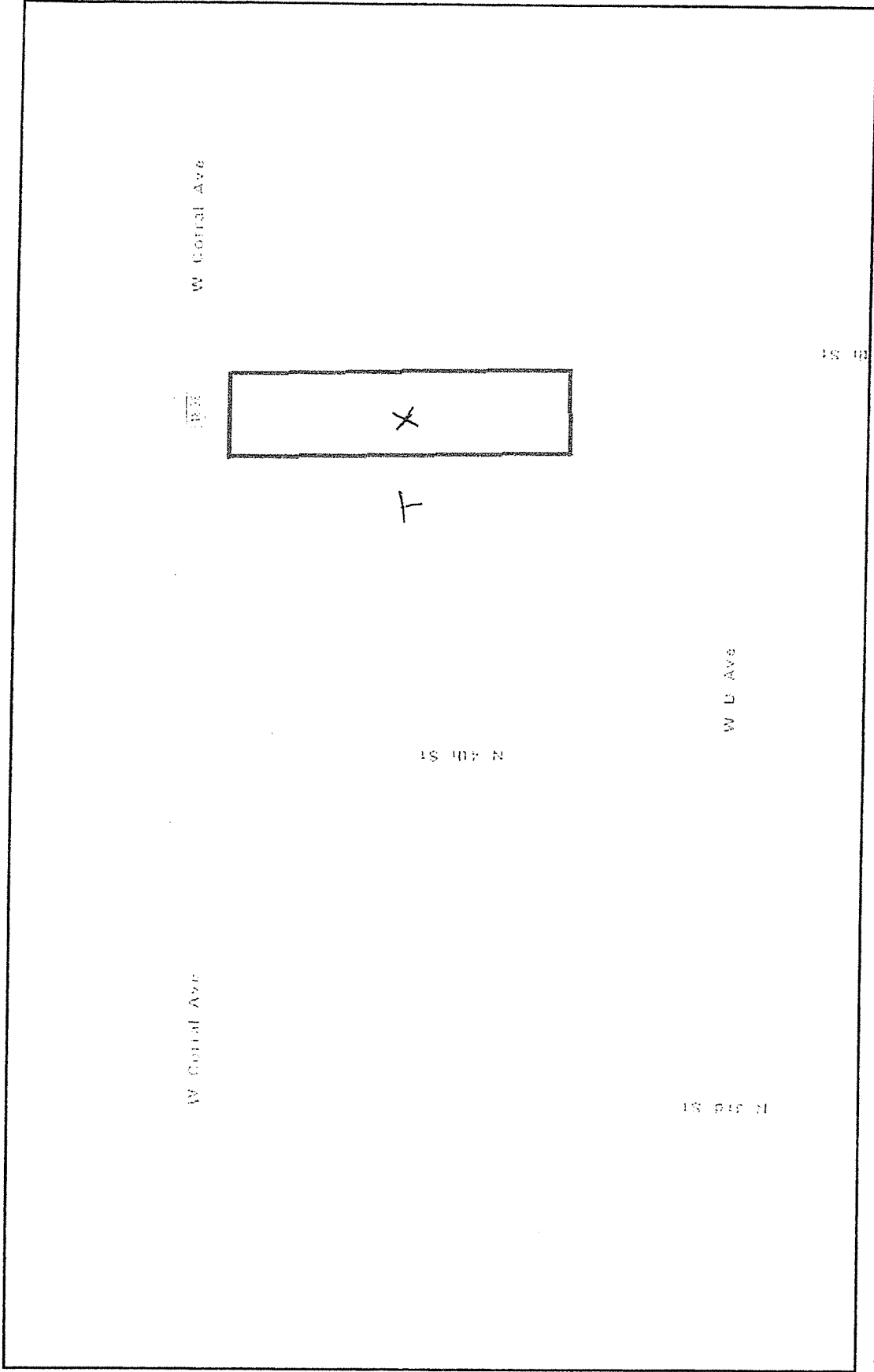
Directions: Please Call (361) 333-5175

This website is not part of a real estate listing and is for informational purposes only.

Webpage: 6/12/2019

Database: 6/12/2019 12:14:10 PM

All rights reserved. Copyright 2019



June 12, 2019

X- 209 W. Corral - Rezoned from R1 to R3

T- 211 W. Corral - Was rezoned to

R3 ~~as enough~~ ~~at~~ ~~from~~ in January 2016

I went through, but I am pleased at where I am today."

After speaking about her own support system and thanking family and friends, Ruiz closed by telling her fellow seniors that each of them was "destined for greatness."

"Congratulations, Class of 2019," she said. "The future is truly in your hands. Good luck!" Villalobos then returned to the

our future holds and how every one of you is capable of success."

"Your future is truly what you make of it," Villalobos said. "We began high school four years ago, thinking it would never end. But now that it's ending, it feels like we barely started."

Villalobos said high school taught them the basic education they will now use for their futures,

how they can use it to overcome challenges that will determine their successes.

"Many of us will give up of hope, take any chances," she said. "My advice to you is to take those chances. Every single one of them. What do we have to lose?"

"Do what you want to do," she added. "It's your life, so live it the way you want to."

She said Bishop High School graduates are to be a better person, she said. "I wish all of you good luck in your future endeavors, and remember, you are all part of the same family."

That this is only the end of a small chapter in your book of life. I hope you all fill it with no regrets and endless memories to last a lifetime."

Following the valedictory and salutatory addresses, the BHS Class of 2019 honor students were recognized.

Anthony Ruiz can be contacted at aruiz@king-ranch.com or (361) 221-0251.

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, June 19, 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:

Santiago Cantu, owner and applicant, requesting the rezone of COOPER 2, BLOCK 3, LOT 19-21 also known as 800 W. Kleberg, Kingsville, Texas from R1 (Single Family) to R3 (Multi-Family District)

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

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, June 24, 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:

Santiago Cantu, owner and applicant, requesting the rezone of COOPER 2, BLOCK 3, LOT 19-21 also known as 800 W. Kleberg, Kingsville, Texas from R1 (Single Family) to R3 (Multi-Family District)

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

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, June 19, 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:

Santiago Cantu, applicant, requesting the rezone of WESTSIDE AC, LOT 10, ACRES .9989 also known as 209 W. Corral, Kingsville, Texas from R1 (Single Family) to R3 (Multi-Family District)

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

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, June 24, 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:

Santiago Cantu, applicant, requesting the rezone of WESTSIDE AC, LOT 10, ACRES .9989 also known as 209 W. Corral, Kingsville, Texas from R1 (Single Family) to R3 (Multi-Family District)

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

Graduation for BP agent's son gets special guests

By Anthony Ruiz
Reporter

Among the 93 Bishop High School seniors crossing the stage at the Steinke Physical Education Center last Friday was senior William Herrera, who was joined by several U.S. Border Patrol agents who had served with his father, Saul Herrera, before his death from pneumonia in 2005.

"The agents have always kept up with our family, and they wanted to be here for William," mother Lily Herrera said.

Saul Herrera served with the U.S. Border Patrol for 12 years before his death, Lily Herrera said.

"We had been living in Arizona, and his dream was always to come back to Texas," she said. "So we had been living in Bishop for about two years when he passed away very suddenly."

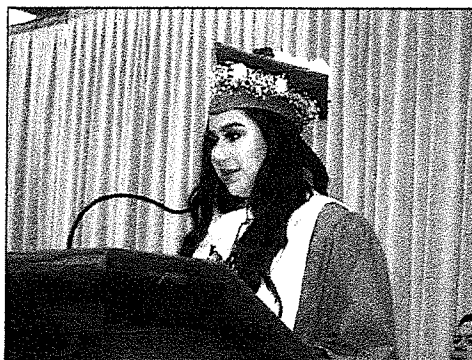
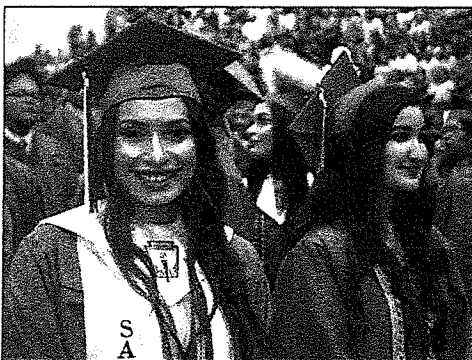
Lily Herrera said seeing her son graduate on Friday was "a proud moment," and she was thankful to the U.S. Border Patrol for their support through the years.

"It really means a lot," she said. "They've been our family, and they've been the ones to always call and check up on us."

Bishop High School graduate William Herrera and his mother, Lily, were joined by several U.S. Border Patrol agents during last Friday's commencement ceremony. (Photo by Anthony Ruiz)



Bishop



Above left, a total of 93 Bishop High School graduates received their diplomas during last Friday's commencement ceremony. Above right, Class of 2019 Bishop High School valedictorian Leila Villalobos delivers her address. (Photos by Anthony Ruiz)

every one of you that I faced, and how I was capable of achieving what I had always dreamed of," she said. "It is hard talking about what I went through, but I am pleased at where I am today."

After speaking about her own support system and thanking family and friends, Ruiz closed by telling her fellow seniors that each of them was "destined for greatness."

"Congratulations, Class of 2019," she said. "The future is truly in your hands. Good luck!"

Villalobos then returned to the

stage for her valedictory address, and also began with a prayer. She then talked to her fellow soon-to-be graduates about "your futures, what our future holds and how every one of you is capable of success."

"Your future is truly what you make of it," Villalobos said. "We began high school four years ago, thinking it would never end. But now that it's ending, it feels like we barely started."

Villalobos said high school taught them the basic education they will now use for their futures,

whether they are going to college or diving straight into the workforce. She said they would all face challenges in their lives, but it is how they choose to deal with those challenges that will determine their successes.

"Many of us will give up or not take any chances," she said. "My advice to you is to take those chances. Every single one of them. What do we have to lose?"

"Do what you want to do," she added. "It's your life, so live it the way you want to."

Villalobos finished her valedictory address by thanking friends, family and her graduating class.

"Thank you for making my last four years amazing and influencing me to be a better person," she said.

"I wish all of you good luck in your future endeavors, and remember that this is only the end of a small chapter in your book of life. I hope you all fill it with no regrets and endless memories to last a lifetime."

Following the valedictory and salutatory addresses, the BHS Class of 2019 honor students were recognized, as well as the seniors who earned college credits and received scholarships.

Superintendent Christina Gutierrez then certified the class.

Bishop High School graduated 93 seniors this year. After the presentation of diplomas, student council president Devin Houston gave the closing comments, and graduates performed their alma mater one final time.

Anthony Ruiz can be contacted at aruz@king-ranch.com or (361) 221-0251.

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, June 19, 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:

Santiago Cantu, owner and applicant, requesting the rezone of COOPER 2, BLOCK 3, LOT 19-21 also known as 800 W. Kleberg, Kingsville, Texas from R1 (Single Family) to R3 (Multi-Family District)

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

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, June 24, 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:

Santiago Cantu, owner and applicant, requesting the rezone of COOPER 2, BLOCK 3, LOT 19-21 also known as 800 W. Kleberg, Kingsville, Texas from R1 (Single Family) to R3 (Multi-Family District)

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

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, June 19, 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:

Santiago Cantu, applicant, requesting the rezone of WESTSIDE AC, LOT 10, ACRES .9989 also known as 209 W. Corral, Kingsville, Texas from R1 (Single Family) to R3 (Multi-Family District)

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

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, June 24, 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:

Santiago Cantu, applicant, requesting the rezone of WESTSIDE AC, LOT 10, ACRES .9989 also known as 209 W. Corral, Kingsville, Texas from R1 (Single Family) to R3 (Multi-Family District)

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

ORDINANCE #2019-_____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO WESTSIDE AC, LOT 10 (.9989 ACRES), ALSO KNOWN AS 209 W. CORRAL, KINGSVILLE, TEXAS, FROM R1 (SINGLE FAMILY DISTRICT) TO R3 (MULTI-FAMILY DISTRICT); AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.

WHEREAS, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Santiago Cantu, owner applicant, for amendment to the zoning ordinance and zoning map of the City of Kingsville;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, June 19, 2019 during a meeting of the Planning and Zoning Commission, and on Monday, June 24, 2019 during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

WHEREAS, the item was APPROVED with a 4-0 vote of the Planning Commission regarding the requested rezone with 0 abstentions; and

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of Westside AC, Lot 10 (.9989 Acres), also known as 209 W. Corral from R1-Single Family District to R3-Multi-Family District, as more specifically described on the Zone Change Map, attached as Exhibit A.

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

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

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

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

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

INTRODUCED on this the 24th day of June, 2019.

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

Effective Date: _____

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED:

Courtney Alvarez, City Attorney

AGENDA ITEM #2

City of Kingsville
Department of Planning and Development services

TO: Mayor and City Commissioners

CC: Interim City Manager, Deborah Balli

FROM: Tom Ginter, Director

DATE: June 14, 2019

SUBJECT: Ordinance for the abandonment of alley and the retention of an easement located Orig. Town, Block 49 Lots 17-18, Block 40 Lots 19-22 and Block 49 Lot 23

Summary: The representatives for The Dollar General have requested that the city abandon the alley so they can utilize the property for a parking lot once the Dollar General is built. They understand that we will have to retain an easement for access purposes as well as for Center Point.

Background: When we were approached on this project we discussed with the engineers about the water line that runs through the alley, its size and condition. It is an old line, cast iron 10 inch in size. We have said that this line needs to be replaced at certain point due to its age and type of material. They have agreed to the improvement and at this time we are working on a specification sheet as to what we want. At this time the land transaction hasn't happened yet but once these items are completed the replat and the abandonment generally then the purchase of the property will occur soon after.

Financial Impact: Actually, this project should have a significant positive impact for Kingsville's downtown. Currently as you know the Kingsville Publishing Building has been sitting there vacant for several years. So, the demolition of the building and the construction of a new one (Dollar General) will clearly improve the property tax base for the City. It will also provide jobs and another retail opportunity for those who live and work in the central part of the community.

Recommendation: The other items that must be reviewed are the replat of the three properties which the planning and zoning commission is doing Wednesday, June 19th which the



City of Kingsville
Department of Planning and Development services

City Commission will be doing on the June 24th agenda. The Historical Development Board will be reviewing the demolition of the structure and the façade design of the new building at their June 19th meeting. This is an important project for the community especially for the revival of our downtown area. When retail such as this is added to the mix, it is a positive event. I recommend that the abandonment of the alley be approved with a retention of an easement for access purposes. The Planning and Zoning Commission reviewed the request and voted 4 to 0 to recommend approval of the replat.



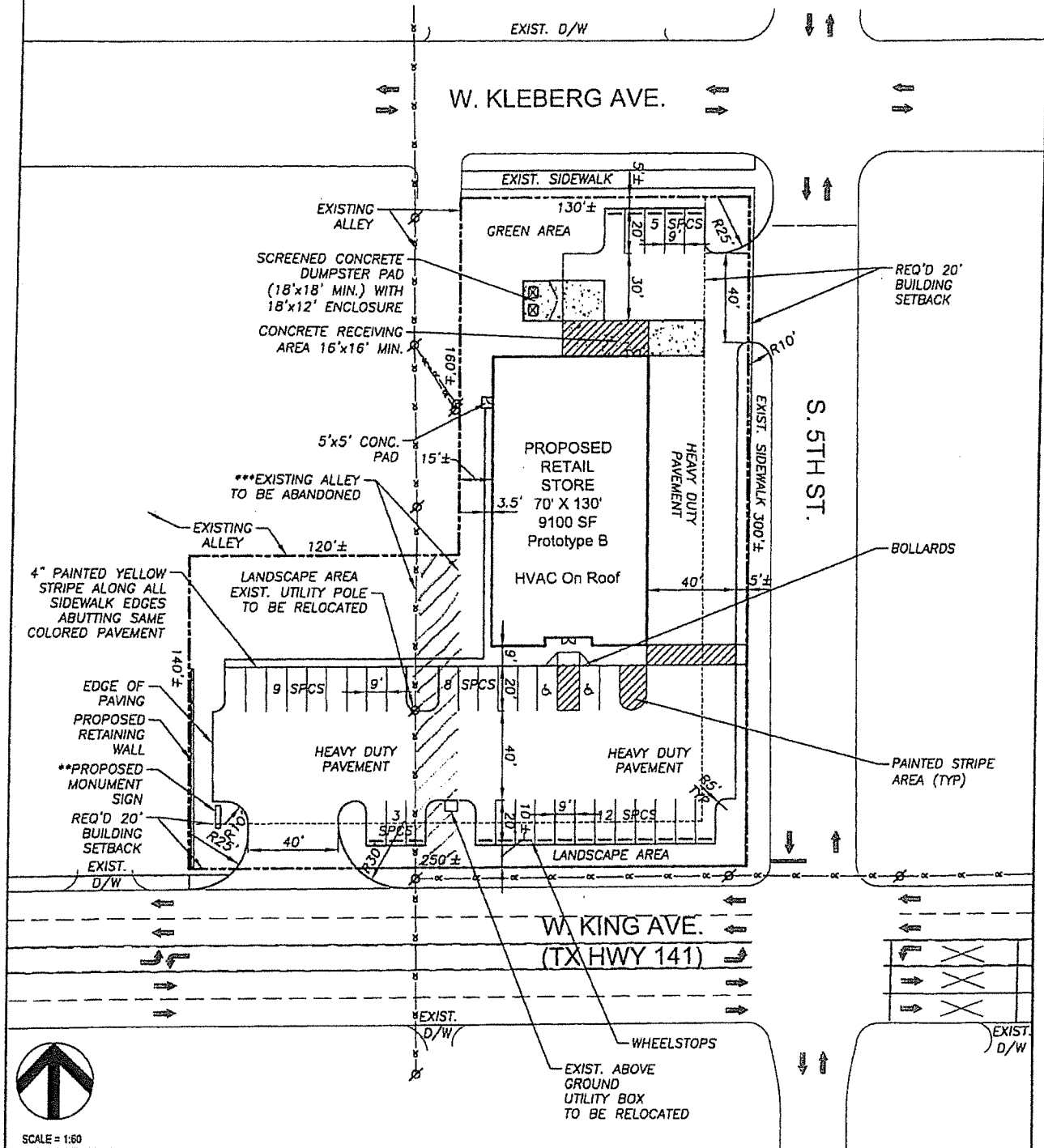
PRELIMINARY SITE PLAN

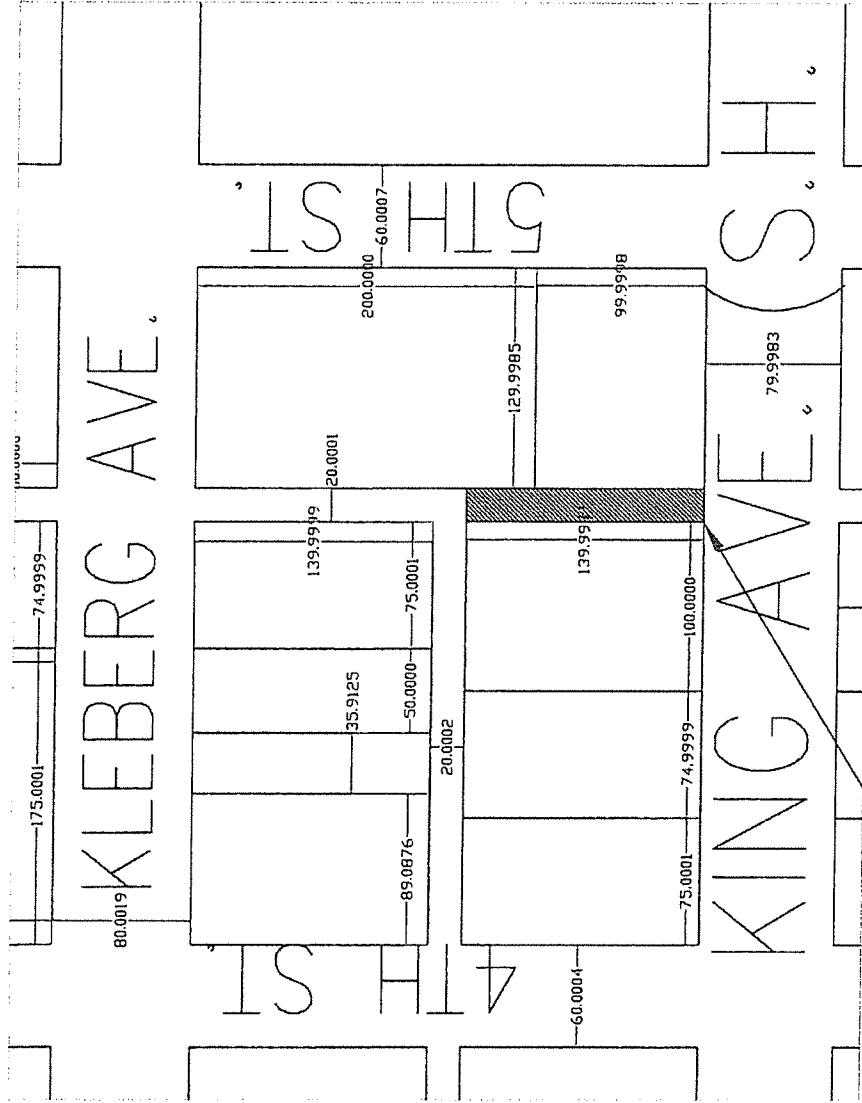
CITY, STATE - STREET: KINGSVILLE, TX -
NWC W. KING AVE. (TX 141) & S. 5TH ST.

PROTOTYPE:	B	DEVELOPER		DESIGNER	DATE:
BLDG/SALES SF:	9,026 / 7,220	COMPANY:	THE OVERLAND GROUP	COMPANY:	LINFIELD, HUNTER & JUNIUS
ACREAGE:	±1.28	NAME:	ROD HAMBY	NAME:	CASEY M. GENOVESE
PARKING SPACES:	37	PHONE #:	417-258-4780	PHONE #:	504-833-5300

PARKING SPACES REQUIRED BY CODE: ONE (1) SPACE FOR EACH 250 SF OF FLOOR AREA = 37 TOTAL

*SITE EXISTS WITHIN THE C-2 (RETAIL DISTRICT).
**ONLY MONUMENT SIGNS ARE ALLOWED PER CITY OF KINGSVILLE CODE.
***PORTION OF EXISTING ALLEY TO BE ABANDONED. REVIEW & APPROVAL REQUIRED BY CITY OF KINGSVILLE.





0.0642 ACRES

**THE NEW CD FROM
LIVING WITH THE**

1. $\frac{1}{2} \log 2$
 2. $\frac{1}{2} \log 2$
 3. $\frac{1}{2} \log 2$
 4. $\frac{1}{2} \log 2$
 5. $\frac{1}{2} \log 2$
 6. $\frac{1}{2} \log 2$
 7. $\frac{1}{2} \log 2$
 8. $\frac{1}{2} \log 2$
 9. $\frac{1}{2} \log 2$
 10. $\frac{1}{2} \log 2$
 11. $\frac{1}{2} \log 2$
 12. $\frac{1}{2} \log 2$
 13. $\frac{1}{2} \log 2$
 14. $\frac{1}{2} \log 2$
 15. $\frac{1}{2} \log 2$
 16. $\frac{1}{2} \log 2$
 17. $\frac{1}{2} \log 2$
 18. $\frac{1}{2} \log 2$
 19. $\frac{1}{2} \log 2$
 20. $\frac{1}{2} \log 2$
 21. $\frac{1}{2} \log 2$
 22. $\frac{1}{2} \log 2$
 23. $\frac{1}{2} \log 2$
 24. $\frac{1}{2} \log 2$
 25. $\frac{1}{2} \log 2$
 26. $\frac{1}{2} \log 2$
 27. $\frac{1}{2} \log 2$
 28. $\frac{1}{2} \log 2$
 29. $\frac{1}{2} \log 2$
 30. $\frac{1}{2} \log 2$
 31. $\frac{1}{2} \log 2$
 32. $\frac{1}{2} \log 2$
 33. $\frac{1}{2} \log 2$
 34. $\frac{1}{2} \log 2$
 35. $\frac{1}{2} \log 2$
 36. $\frac{1}{2} \log 2$
 37. $\frac{1}{2} \log 2$
 38. $\frac{1}{2} \log 2$
 39. $\frac{1}{2} \log 2$
 40. $\frac{1}{2} \log 2$
 41. $\frac{1}{2} \log 2$
 42. $\frac{1}{2} \log 2$
 43. $\frac{1}{2} \log 2$
 44. $\frac{1}{2} \log 2$
 45. $\frac{1}{2} \log 2$
 46. $\frac{1}{2} \log 2$
 47. $\frac{1}{2} \log 2$
 48. $\frac{1}{2} \log 2$
 49. $\frac{1}{2} \log 2$
 50. $\frac{1}{2} \log 2$
 51. $\frac{1}{2} \log 2$
 52. $\frac{1}{2} \log 2$
 53. $\frac{1}{2} \log 2$
 54. $\frac{1}{2} \log 2$
 55. $\frac{1}{2} \log 2$
 56. $\frac{1}{2} \log 2$
 57. $\frac{1}{2} \log 2$
 58. $\frac{1}{2} \log 2$
 59. $\frac{1}{2} \log 2$
 60. $\frac{1}{2} \log 2$
 61. $\frac{1}{2} \log 2$
 62. $\frac{1}{2} \log 2$
 63. $\frac{1}{2} \log 2$
 64. $\frac{1}{2} \log 2$
 65. $\frac{1}{2} \log 2$
 66. $\frac{1}{2} \log 2$
 67. $\frac{1}{2} \log 2$
 68. $\frac{1}{2} \log 2$
 69. $\frac{1}{2} \log 2$
 70. $\frac{1}{2} \log 2$
 71. $\frac{1}{2} \log 2$
 72. $\frac{1}{2} \log 2$
 73. $\frac{1}{2} \log 2$
 74. $\frac{1}{2} \log 2$
 75. $\frac{1}{2} \log 2$
 76. $\frac{1}{2} \log 2$
 77. $\frac{1}{2} \log 2$
 78. $\frac{1}{2} \log 2$
 79. $\frac{1}{2} \log 2$
 80. $\frac{1}{2} \log 2$
 81. $\frac{1}{2} \log 2$
 82. $\frac{1}{2} \log 2$
 83. $\frac{1}{2} \log 2$
 84. $\frac{1}{2} \log 2$
 85. $\frac{1}{2} \log 2$
 86. $\frac{1}{2} \log 2$
 87. $\frac{1}{2} \log 2$
 88. $\frac{1}{2} \log 2$
 89. $\frac{1}{2} \log 2$
 90. $\frac{1}{2} \log 2$
 91. $\frac{1}{2} \log 2$
 92. $\frac{1}{2} \log 2$
 93. $\frac{1}{2} \log 2$
 94. $\frac{1}{2} \log 2$
 95. $\frac{1}{2} \log 2$
 96. $\frac{1}{2} \log 2$
 97. $\frac{1}{2} \log 2$
 98. $\frac{1}{2} \log 2$
 99. $\frac{1}{2} \log 2$
 100. $\frac{1}{2} \log 2$

1. The subject of this report is a male, white, 30 years old, 5' 10" tall, 175 lbs., with blue eyes, brown hair, and a mustache. He is a native-born American, born in New York City, and is currently residing in New York City. He is a graduate of the University of New York, where he received a Bachelor's degree in Business Administration. He is currently employed as a Sales Representative for a large, multi-national corporation. He is a member of the American Marketing Association and the National Sales Management Association. He is a single man with no children. He is a very hardworking and ambitious individual who is always looking for new challenges and opportunities. He is a very good team player and is always willing to help his colleagues. He is a very good communicator and is always able to get his point across. He is a very good leader and is always able to motivate his team. He is a very good problem solver and is always able to find a solution to any problem. He is a very good time manager and is always able to get his work done on time. He is a very good listener and is always able to understand the needs of his customers. He is a very good negotiator and is always able to get the best deal for his company. He is a very good salesperson and is always able to sell his products. He is a very good customer service representative and is always able to make his customers happy. He is a very good team player and is always willing to help his colleagues. He is a very good communicator and is always able to get his point across. He is a very good leader and is always able to motivate his team. He is a very good problem solver and is always able to find a solution to any problem. He is a very good time manager and is always able to get his work done on time. He is a very good listener and is always able to understand the needs of his customers. He is a very good negotiator and is always able to get the best deal for his company. He is a very good salesperson and is always able to sell his products. He is a very good customer service representative and is always able to make his customers happy.

1,200,000) that are 10 and 20 years old.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 07-26-2008 BY 60322 UCBAW/BJS

CALIFORNIA

[illegible]

1. The first step is to identify the problem. This involves understanding the situation and the goals that need to be achieved.

1. The first step in the process is to identify the problem. This involves gathering information about the situation and understanding the needs of the people involved. It is important to listen to all perspectives and to be open to new ideas.

2. The second step is to develop a plan. This involves setting goals and determining the steps that need to be taken to achieve them. It is important to be realistic and to consider the resources available.

3. The third step is to implement the plan. This involves putting the plan into action and monitoring progress. It is important to be flexible and to be willing to make adjustments as needed.

4. The fourth step is to evaluate the results. This involves assessing the impact of the plan and determining whether the goals have been achieved. It is important to be honest and to be willing to learn from mistakes.

5. The fifth step is to share the results. This involves communicating the findings of the evaluation to the people involved and to the wider community. It is important to be clear and to be concise.

6. The sixth step is to reflect on the process. This involves thinking about what has been learned and how it can be applied to future projects. It is important to be thoughtful and to be open to feedback.

7. The seventh step is to celebrate success. This involves acknowledging the achievements of the team and the community. It is important to be proud and to be grateful.

8. The eighth step is to continue the work. This involves identifying areas for further improvement and continuing to work towards them. It is important to be persistent and to be committed.

9. The ninth step is to build a sustainable future. This involves creating a system that can continue to work without the need for constant intervention. It is important to be innovative and to be resilient.

10. The tenth step is to inspire others. This involves sharing the story of the project and encouraging others to get involved. It is important to be inspiring and to be motivating.

JOHN CORWAN & ASSOCIATES, INC.



100-443887-1
 100-443887-2
 100-443887-3
 100-443887-4
 100-443887-5
 100-443887-6
 100-443887-7
 100-443887-8
 100-443887-9
 100-443887-10
 100-443887-11
 100-443887-12
 100-443887-13
 100-443887-14
 100-443887-15
 100-443887-16
 100-443887-17
 100-443887-18
 100-443887-19
 100-443887-20
 100-443887-21
 100-443887-22
 100-443887-23
 100-443887-24
 100-443887-25
 100-443887-26
 100-443887-27
 100-443887-28
 100-443887-29
 100-443887-30
 100-443887-31
 100-443887-32
 100-443887-33
 100-443887-34
 100-443887-35
 100-443887-36
 100-443887-37
 100-443887-38
 100-443887-39
 100-443887-40
 100-443887-41
 100-443887-42
 100-443887-43
 100-443887-44
 100-443887-45
 100-443887-46
 100-443887-47
 100-443887-48
 100-443887-49
 100-443887-50
 100-443887-51
 100-443887-52
 100-443887-53
 100-443887-54
 100-443887-55
 100-443887-56
 100-443887-57
 100-443887-58
 100-443887-59
 100-443887-60
 100-443887-61
 100-443887-62
 100-443887-63
 100-443887-64
 100-443887-65
 100-443887-66
 100-443887-67
 100-443887-68
 100-443887-69
 100-443887-70
 100-443887-71
 100-443887-72
 100-443887-73
 100-443887-74
 100-443887-75
 100-443887-76
 100-443887-77
 100-443887-78
 100-443887-79
 100-443887-80
 100-443887-81
 100-443887-82
 100-443887-83
 100-443887-84
 100-443887-85
 100-443887-86
 100-443887-87
 100-443887-88
 100-443887-89
 100-443887-90
 100-443887-91
 100-443887-92
 100-443887-93
 100-443887-94
 100-443887-95
 100-443887-96
 100-443887-97
 100-443887-98
 100-443887-99
 100-443887-100

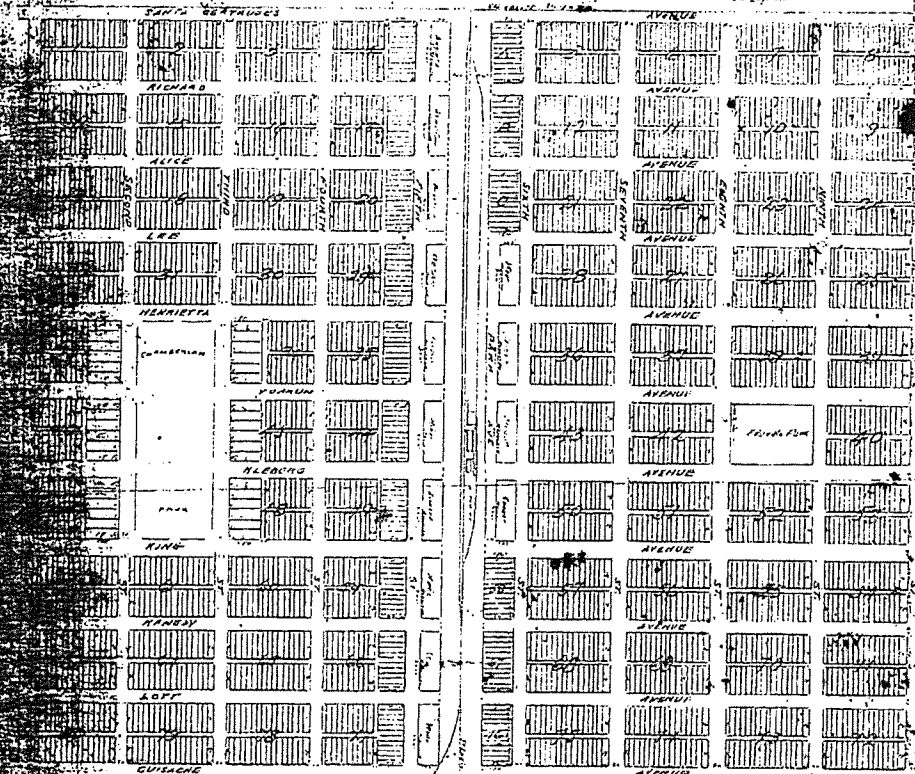
1501 13745

TEXAS.

[illegible]

References

Red Herring



State of Texas
County of Dallas

[illegible]

Andersen

Ex. of Nov 1900
J. H. C. United
County Court of
Marion, Ariz. Trans.



11/11/1911

State of Texas
County of Tarrant } H.B. 100
Do hereby certify that the man is either the owner of the County of Tarrant, Texas
No. 100, filed in the office of the Clerk of the County of Tarrant, Texas
Given under my hand and seal of office this 10th day of April, 1900.

Recorded in plot 4... 71 page 10
13-1 24 6* dep 45000 0.1
H.S.P.L.
then Quaternary series in the

ORDINANCE NO. 2019-_____

AN ORDINANCE ABANDONING PART OF AN ALLEY AND RETAINING AN EASEMENT FOR UTILITY PURPOSES IN ORIG TOWN, BLOCK 49, LOTS 17-18; ORIG TOWN, BLOCK 49, LOTS 19-22; AND, ORIG TOWN, BLOCK 49, LOT 23 (ALLEY BEHIND 105 SOUTH 5TH ST. AND 119 SOUTH 5TH ST. AND 200 WEST KING, BETWEEN 5TH ST. AND 4TH ST. OFF KING AVE.) FOR DOLLAR GENERAL; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, a twenty (20) foot alley right of way lies between Orig. Town, Block 49, Lots 17-18; Orig. Town, Block 49, Lots 19-22; and Orig Town, Block 49, Lot 23 in the City of Kingsville as more fully stated on the legal description and map attached hereto;

WHEREAS, Kingsville Publishing Company and King Ranch Inc. own the lots contiguous to the alley and they intend to sell the lots to Dollar General, all the parties now desire the alley right of way be closed for public use for the redevelopment of the area;

WHEREAS, AEP, AT&T, CMA/NewWave, Center Point and the City water and sewer departments have verified there are existing utilities running through the alley right of way (City and Center Point), for which they would need continued access;

WHEREAS, staff recommends the alley right of way be vacated **but a utility easement be retained**, with the alley being equally split among the adjoining property owners;

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

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

I.

THAT the City of Kingsville abandons and relinquishes any and all interest in the following described property as an alley to the adjoining property owners, but retains an easement for utility purposes. All documentation of the vacating of the land and retention of the utility easement will be appropriately recorded by the new property owner at the Kleberg County Clerk's Office pursuant to state law with the property owner being responsible for any and all filing fees.

Said property to be abandoned being a tract of land containing 0.064 of one acre situated in Kleberg County, Texas, being a part or portion of a 20.0-foot Alley located in Block 49, Original Townsite of Kingsville, according to the plat thereof recorded in Cabinet 1, Envelope 96 of the Plat Records of Kleberg County, Texas, said 0.064 of one acre is more particularly described as follows:

1. BEGINNING at a set ½" iron rod at the Southeast corner of said Lot 23, Block 49, and North of right of way on State Highway NO. 141 (West King Avenue), in the City of Kingsville, Kleberg County, Texas;
2. THENCE N 01°01'37" W along the East right-of-way of Lot 23, of said Block 49, Original Townsite of Kingsville, a distance of 140 feet to a set ½" iron rod the Northeast corner of Lot 23, Block 49;
3. THENCE, East a distance of 20 feet, parallel to the North right-of-way of Lot 17, Block 1, Kingsville Publishing Company to a set ½" iron bar on the Westernmost right-of-way of Lot 17, Block 1;
4. THENCE, S 01°01'10" E a distance of 140 feet South to a set ½" iron rod at the Southwest corner of Lot 22, Block 1, Kingsville Publishing Company on the North right-of-way of State Highway NO. 141 (West King Avenue);
5. THENCE, West a distance of 20 feet, parallel to the Southernmost right-of-way of Lot 22, Block 1, Kingsville Publishing Company, to a set ½" iron rod for the Southeast corner of Lot 23, Block 49, Kingsville Publishing Company, at a distance of 320 feet to the POINT OF BEGINNING, and containing 0.064 of one acre of land, more or less.

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 24th day of June, 2019.

PASSED AND APPROVED on this the ____th day of July, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

Said property to be abandoned being a tract of land containing 0.054 of one acre situated in Kleberg County, Texas, being a part or portion of a 20 C-boat Alley located in Block 49, Original Townsite of Kingsville, according to the plat thereof recorded in Cabinet 1, Envelope 55 of the Plat Records of Kleberg County, Texas, said 0.054 of one acre is more particularly described as follows:

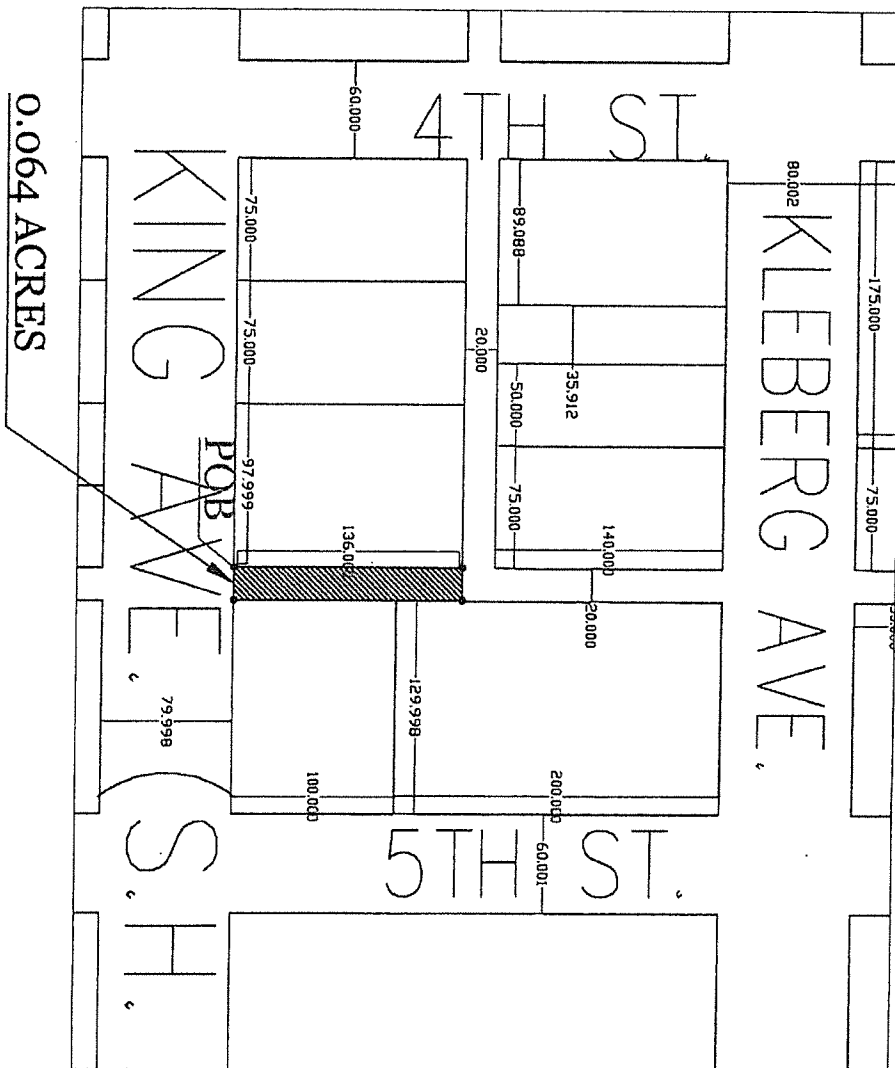
BEGINNING at a set $\frac{1}{2}$ " iron rod at the Southeast corner of said Lot 23, Block 49 and North of right of way on State Highway NO. 141 (West King Avenue),

THENCE, N 01°01'37" W along the East right-of-way of Lot 23, of said Block 49, Original Townsite of Kingsville, a distance of 140 feet to a set $\frac{1}{2}$ " iron rod in the Northeast corner of Lot 23, Block 49;

THENCE: East a distance of 20 feet, parallel to the North right-of-way of Lot 17, Block 1, Kingsville Publishing Company to a set $\frac{1}{4}$ " iron bar on the Westernmost right-of-way of Lot 17, Block 1,

THEICE, S 01°01'10" E a distance of 140 feet South to a set 3" iron rod at the Southwest corner of Lot 22, Block 1, Kingsville Publishing Company on the North right-of-way of State Highway NO. 141 (West King Avenue).

THEENCE, West a distance of 20 feet, parallel to the Southernmost right-of-way of Lot 22, Block 1, Kingsville Publishing Company, to a set 2nd iron rod for the Southeast corner of Lot 23, Block 49, Kingsville Publishing Company, at a distance of 320 feet to the POINT OF BEGINNING, and containing 0.064 of one acre of land, more or less.



AGENDA ITEM #3

ORDINANCE NO. 2019-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2018-2019 BUDGET TO ACCEPT AND EXPEND THE PROCEEDS FROM THE SALE OF 11 ACRES.

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

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2018-2019 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 – General Fund					
<u>Revenues - 4</u>					
0000	Non-Dept	Sale of City Property	91000	\$45,600	
<u>Expenditures - 5</u>					
6900	Transfer	Transfer To Fund 093	80093	\$20,000	
6900	Transfer	Transfer To Fund 098	80098	\$25,600	
Fund 093 – Park Maintenance Fund					
<u>Revenues - 4</u>					
0000	Transfer	Transfer From Fund 001	75001	\$20,000	
<u>Expenditures - 5</u>					
4503	Park Maint	Grounds & Perm Fixtures	59100	\$20,000	
Fund 098 – Economic Development Fund					
<u>Revenues - 4</u>					
0000	Transfer	Transfer From Fund 001	75001	\$25,600	
<u>Expenditures - 5</u>					
10660	EDC	Professional Services	31400	\$25,600	

[To amend the City of Kingsville FY 18-19 Budget to accept and expend the proceeds from the sale of 11 acres. Funds will come from the sale of property.]

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 24th 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 #4

ORDINANCE NO. 2019-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2018-2019 BUDGET TO EXPEND FUNDS FOR SOUTH PLANT WASTE WATER CLARIFIER.

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 054 – UF Capital Projects					
<u>Expenditures - 5</u>					
7002	South Plant	Utility Plant	72100	\$536,000	

[To amend the City of Kingsville FY 18-19 Budget to expend funds for the South Plant Waste Water Clarifier. Funds will come from the Fund 054 Fund Balance.]

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 24th 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 #5

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: June 26, 2019

SUBJECT: Reappointment of Planning and Zoning Commission Members

Summary: It is time for five of the Planning and Zoning Commission members to be reappointed. They are : Steve Zamora, Debbie Tiffie, Brian Coufal, Bill Aldridge and Lupe Alvarez

Background: It is up to the City Commission to appoint and or reappoint the Planning and Zoning Commission members to this board. They have done a good job as a planning and zoning commissioner and have agreed to be reappointed.

Financial Impact: None

Recommendation: Approve the reappointment of the five planning and zoning commission members as stated : Steve Zamora, Debbie Tiffie, Brian Coufal, Bill Aldridge and Lupe Alvarez. Each term for each member will be for a two year term which will expire July of 2021.



AGENDA ITEM #6

City of Kingsville
Department Name

TO: Mayor and City Commissioners

CC: Deborah Balli, Interim City Manager

FROM: Diana Gonzales, Human Resource Director/Civil Service Director

DATE: June 25, 2019

SUBJECT: Civil Service Commission Reappointment

Summary: Ms. Dora Martinez currently services as one of the City's Civil Service Commissioner and the appointment term expires on July 23, 2019. Request consideration to re-appointment Ms. Dora Martinez for a fourth term as Civil Service Commissioner. Re-appointment is for a 3-year term from July 23, 2019 – July 23, 2022.

Background: The City's Civil Service Commission consists of three (3) individuals who are appointed by the municipality's chief executive and confirmed by the governing body of the municipality. Members serve staggered three-year terms with the term of one member expiring each year. A person appointed to this position must meet guidelines established by Texas Local Government Code Chapter 143.006 (c) as follows:

1. be of good moral character;
2. be a United States citizen;
3. be a resident of the municipality who has resided in the municipality for more than three years;
4. be over 25 years of age; and
5. not have held a public office within the preceding three years.

Additional exceptions to (c)5 above,
"the municipality's chief executive may reappoint a commission member to consecutive terms. A commission member may not be reappointed to more than a third consecutive term unless the member's reappointment to a fourth or subsequent consecutive term is confirmed by a two-thirds majority of all the members of the municipality's governing body."

Financial Impact: None

Recommendation: Appointment of Ms. Dora Martinez to the Civil Service Commission for a 3-year term effective July 23, 2019 to July 23, 2022.



AGENDA ITEM #7

**City of Kingsville
Planning Department**

TO: Mayor and City Commissioners

CC: Deborah Balli, Interim City Manager

FROM: Cynthia Martin, Downtown Manager

DATE: June 26, 2019

SUBJECT: Historical Development Board Reappointment of Tamara Brennan

Summary: Tamara Brennan is seeking reappointment to the Historical Development Board.

Background: Mrs. Tamara Brennan, 709 W Henrietta, has lived in Kingsville for thirteen years. She is a licensed real estate broker with Quail Country Realty LLC. As a resident of the historic district, Mrs. Brennan has a special interest in educating others on the importance of protecting the city's historic resources for the city's cultural, social and economic benefit.

Financial Impact: None.

Recommendation: It is recommended that Tamara Brennan be reappointed to this Board for a three year term.



AGENDA ITEM #8

**City of Kingsville
Planning Department**

TO: Mayor and City Commissioners

CC: Deborah Balli, City Manager

FROM: Cynthia Martin, Downtown Manager

DATE: June 26, 2019

SUBJECT: Main Street Advisory Board Reappointment of Chris Maher

Summary: Chris Maher is seeking reappointment to the Kingsville Main Street Advisory Board.

Background: Mr. Maher is the Publisher/Editor and General Manager of the Kingsville Record and Bishop News and has been involved with Main Street Advisory Board since its formation. The Main Street Advisory Board is made up of seven members – four representing downtown businesses, one member to represent the University and two members who must be residents of the City of Kingsville. Mr. Maher is a resident of the City and represents that category. He is very supportive of our Main Street program and is invaluable in communicating program activities to the general public.

Financial Impact: None

Recommendation: It is recommended that Chris Maher be reappointed to the Main Street Advisory Board for a two (2) year term.



**City of Kingsville
Planning Department**

TO: Mayor and City Commissioners

CC: Deborah Balli, City Manager

FROM: Cynthia Martin, Downtown Manager

DATE: June 26, 2019

SUBJECT: Main Street Advisory Board Reappointment of D'yan Lopez Garza

Summary: D'yan Lopez Garza is seeking reappointment to the Kingsville Main Street Advisory Board.

Background: Mrs. Lopez Garza has owned D'yan Lopez Insurance Agency, a business located within the Kingsville Main Street district, for thirteen years. She represents downtown business owners on the Board. She is very community minded having served on numerous Boards and committees of local non-profit over the years. She has been a member of the Main Street Advisory Board since its inception and volunteered with the Main Street program for several years previous to that. Mrs. Lopez Garza's community connections are a plus for the Board as is her enthusiasm.

Financial Impact: None

Recommendation: It is recommended that D'yan Lopez Garza be reappointed to the Main Street Advisory Board for a two (2) year term.



**City of Kingsville
Planning Department**

TO: Mayor and City Commissioners

CC: Deborah Balli, City Manager

FROM: Cynthia Martin, Downtown Manager

DATE: June 26, 2019

SUBJECT: Main Street Advisory Board Reappointment of Gloria Bigger Cantu

Summary: Gloria Bigger Cantu is seeking reappointment to the Kingsville Main Street Advisory Board.

Background: Mrs. Bigger Cantu is a long time resident of the City of Kingsville and, as such, she represents general community on the Board. She is a member of the Kingsville Farmers Market Board, the Diva Association Board, a Kleberg County Human Services Volunteer Advocate/Liaison and a member of the Kleberg County Human Services Oversight Committee by appointment of the County Commissioners. She describes herself as “committed to everything I am involved in.” By profession Mrs. Bigger Cantu is a writer and researcher.

Financial Impact: None

Recommendation: It is recommended that Gloria Bigger Cantu be reappointed to the Main Street Advisory Board for a two (2) year term.



REGULAR AGENDA

AGENDA ITEM #9

**City of Kingsville
Parks & Recreation Department**

TO: Mayor and City Commissioners

CC: Deborah Balli, Interim City Manager

FROM: Susan Ivy, Parks & Recreation Director 

DATE: June 19, 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. We are requesting that you appoint Sandra Seymour to the vacant position on the Park Advisory Board.

Background:

Board Member Anice Ortiz has submitted her resignation from the Board.

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. One of our positions, per ordinance, is required to be a resident from outside of the Kingsville City Limits within Kleberg County. The selection committee is recommending the appointment of Sandra Seymour to the position. She lives in Riviera.

Financial Impact:

This would create no financial benefit to City of Kingsville.



Susan Ivy

From: Seymour, Sandra <SSeymour@mhmm.org>
Sent: Thursday, May 16, 2019 1:12 PM
To: Susan Ivy
Subject: Park Advisory Board



Good Afternoon,

Please accept this email as a letter of interest to participate in Kingsville Parks & Recreation Park Advisory Board. I am a Wesley Nurse with Methodist Health Ministries here in Kingsville. My interest in participating in the development and improvement of the parks system is foundational to the mission of Methodist Health Ministries. A Wesley Nurse is a faith-based community nurse that uses a holistic approach to help the community in many ways that encourage a healthy lifestyle; health education for individuals and groups, health screens, exercise classes, and referral assistance to name a few.

An essential part of the changes encouraged is adopting healthy activity into ones daily routine. Statistics show when children do not have access to safe clean parks to play in they spend more time indoors leading to early childhood obesity and placing them at risk for developing early onset diabetes and other chronic illnesses. Our adult population is also encouraged to maintain active lifestyles to decrease risk of complications related to aging and improve management of chronic conditions. Access to safe clean parks for all members of this community can become the catalyst needed to promote healthier lifestyles for all ages.

I believe becoming a member of the Kingsville Parks & Recreation Advisory Board, would provide me with a great opportunity to be grass roots with the community I am currently serving.

Thank you for your consideration.

Sandra Seymour | Wesley Nurse
(361) 221-9573 | SSeymour@mhmm.org | www.mhmm.org
Methodist Healthcare Ministries
FUMC Kingsville
120 N 4th Street | Kingsville, TX 78363



What's your Methodist Healthcare Ministries? Show us by using the hashtag #MyMHM

Join our mailing list 

Susan Ivy

From: Seymour, Sandra <SSeymour@mhmm.org>
Sent: Wednesday, June 19, 2019 12:50 PM
To: Susan Ivy
Subject: RE: please call me asap

Great!

My home address:

1037 CR 2350 Lot #3
Riviera, Texas 78379

Thanks
Sandra

Sandra Seymour | Wesley Nurse
(361) 221-9573 | SSeymour@mhmm.org | www.mhmm.org
Methodist Healthcare Ministries
FUMC Kingsville
120 N 4th Street | Kingsville, TX 78363



What's your Methodist Healthcare Ministries? Show us by using the hashtag #MyMHM

Join our mailing list 

From: Susan Ivy <Slvy@cityofkingsville.com>
Sent: Wednesday, June 19, 2019 12:49 PM
To: Seymour, Sandra <SSeymour@mhmm.org>
Subject: Re: please call me asap

Perfect. I'll put your name in. Please send an email with home address

Sent from my iPhone

On Jun 19, 2019, at 12:47 PM, Seymour, Sandra <SSeymour@mhmm.org> wrote:

I live in Riviera

Sandra Seymour | Wesley Nurse

AGENDA ITEM #10

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: June 12, 2019

SUBJECT: Rezoning request of 800 West Kleberg R1 to R3

Summary: Santiago Cantu has submitted a request to rezone 800 W. Kleberg from R1 to R3.

Background: Santiago Cantu has submitted rezonings in the past and has built multi family units in Kingsville. His latest project was the multi family project on the east side of Armstrong just north of King. Frankly besides the Legends apartments this type of design has mostly occurred on the east side of Armstrong. This is a good location for this project concerning the short distance to the university. The lot being due west of a building used for ministry and close to Armstrong the construction of apartments seems much more viable than the building of a single family structure. At the meeting Santiago Cantu stated that his plan right now is to build four units. I would think that for future reference for multi family projects in this area, that going north toward the university may meet some opposition but at the writing of this memo and prior to the planning and zoning commission meeting no complaints have been made. I should add that a citizen who received a letter arrived after the planning and zoning commission acted on this agenda item. After the meeting was over he mentioned that he wanted to speak on it and said that he was against it but he was told that the planning and zoning commission acted already and had voted to recommend approval. He was also told that he still had an opportunity to speak on the rezoning request, Monday, June 24th when it is on the City Commission agenda.

Financial Impact: This would add to the tax base since no improvements exist on the property.

Recommendation: The Planning and Zoning Commission will be meeting on Wednesday, June 19th to review this rezoning request. The Planning and Zoning Commission reviewed the request and voted 4 to 0 to recommend approval of the rezoning request.



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: June 12, 2019
SUBJECT: Rezoning request of 800 West Kleberg R1 to R3

Summary: Santiago Cantu has submitted a request to rezone 800 W. Kleberg from R1 to R3.

Background: Santiago Cantu has submitted rezonings in the past and has built multi family units in Kingsville. His latest project was the multi family project on Armstrong just north of King, on the east side of Armstrong. Frankly besides the Legends apartments this type of design has mostly occurred on the east side of Armstrong. This is a good location for this project concerning the short distance to the university. I would think that for future reference for multi family projects in this area, that going north toward the university may meet some opposition but at the writing of this memo and prior to the planning and zoning commission meeting no complaints have been made.

Financial Impact: This would add to the tax base since no improvements exist on the property.

Recommendation: The Planning and Zoning Commission will be meeting on Wednesday, June 19th to review this rezoning request. I will provide a memo on Thursday the 20th as to the vote on the rezoning request.



CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 800 W Kleberg Nearest Intersection Armstrong

(Proposed) Subdivision Name _____ Lot _____ Block _____

Legal Description: Cooper 2, Block 3, Lot 19-21

Existing Zoning Designation R-1 Future Land Use Plan Designation R-3

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent SC Construction LLC Phone 956 778-7709 FAX _____

Email Address (for project correspondence only): sancan4@aol.com

Mailing Address PO Box 197 City Llano State TX Zip 78558

Property Owner SC Construction LLC Phone 956 778-7709 FAX _____

Email Address (for project correspondence only): sancan4@aol.com

Mailing Address PO Box 197 City Llano State TX Zip 78558

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

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

Please provide a basic description of the proposed project:

Apts

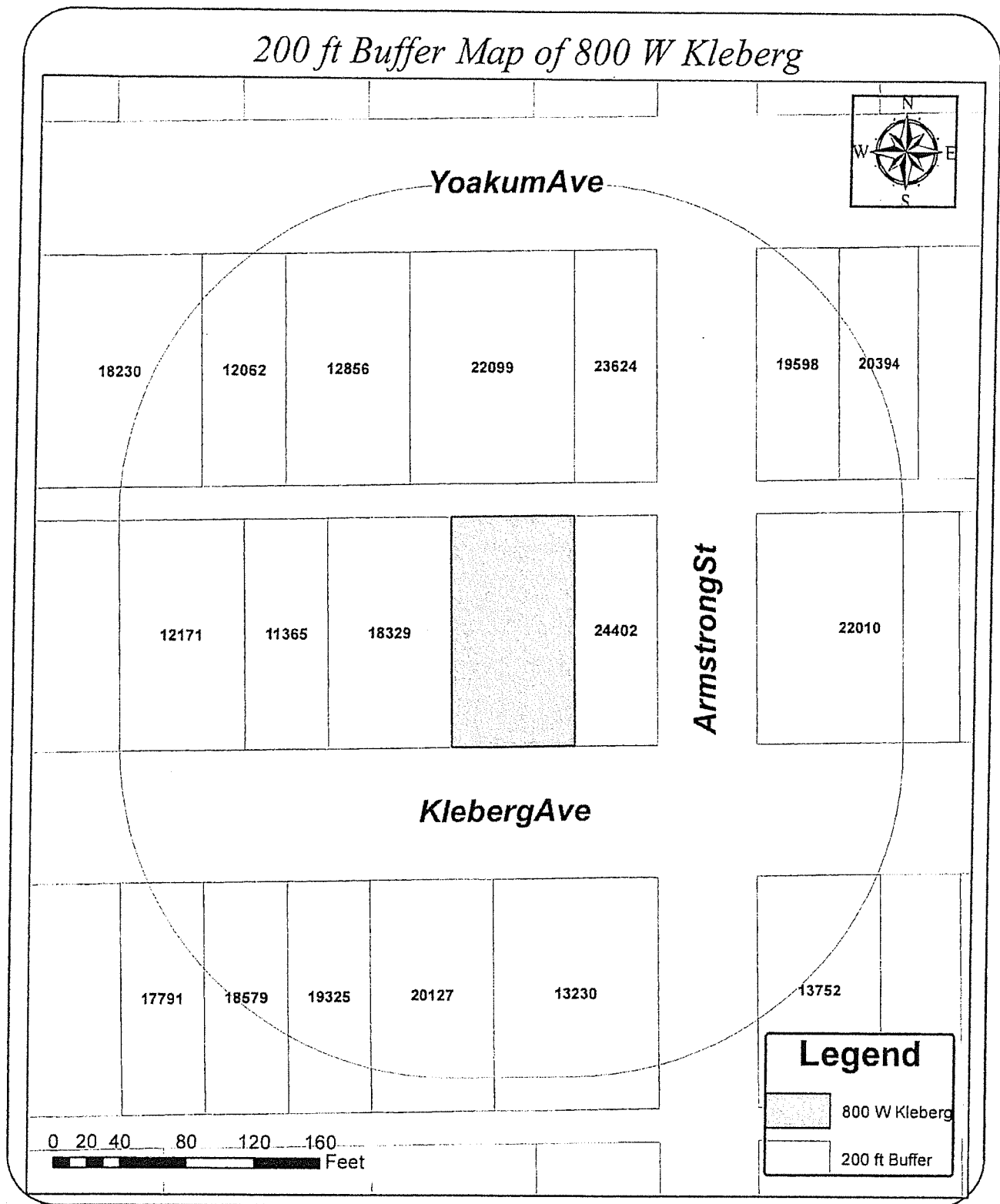
I hereby certify that I am the owner and /or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature SC Construction LLC Date: 5-14-19

Property Owner's Signature _____ Date: _____

Accepted by: _____ Date: _____

200 ft Buffer Map of 800 W Kleberg



MARK E LEACH
ETUX CHRISTINA
829 W YOAKUM AVE
KINGSVILLE, TX 78363
#18230

GLENN E WALLACE
ETUX PATRICIA R EST
809 W YOAKUM AVE
KINGSVILLE, TX 78363-4254
#22099

FABRIZIO MARTORELLO
DOMENCIO H MARTORELLO
614 W RICHARD AVE
KINGSVILLE, TX 78363-4363
#20394

HELEN RODRIGUEZ
806 W KLEBERG ABE
KINGSVILLE, TX 78363-4219
#18329

MARY VILLARREAL
823 W KLEBERG AVE
KINGSVILLE, TX 78363
#17791

RICARDO G VEGA
805 W KLEBERG ABE
KINGSVILLE, TX 78363-4218
#20127

DAVID L HARRIS EST
5661 SANTA CLARA DR
ROBSTOWN, TX 78380-9420
#12062

FRANK P DE LEON
ETUX DAELIA M
PO BOX 430
ORANGE GROVE, TX 78372-0430
#23624

JOSE Z FIGARELLI
ETAL JOSEPH A FIGARELLI
736 SANTA CLARA DR
KINGSVILLE, TX 78363-3430
#12171

LIGHT RODNEY
RIVIERA PRAISE & WORSHIP
CHURCH
PO BOX 126
RIVIERA, TX 78379
#24402

PATRICIA DELEON
MCELHANEY
821 W KLEBERG
KINGSVILLE, TX 78363
#18579

GENE M JONES
PO DRAWER A
KINGSVILLE, TX 78364-1603
#13230

MICHAEL LEROY WATSON
ETUX AMY MARTINEZ WATSON
4209 PETRONILA CREEK CT
CORPUS CHRISTI, TX 78410-5618
#12856

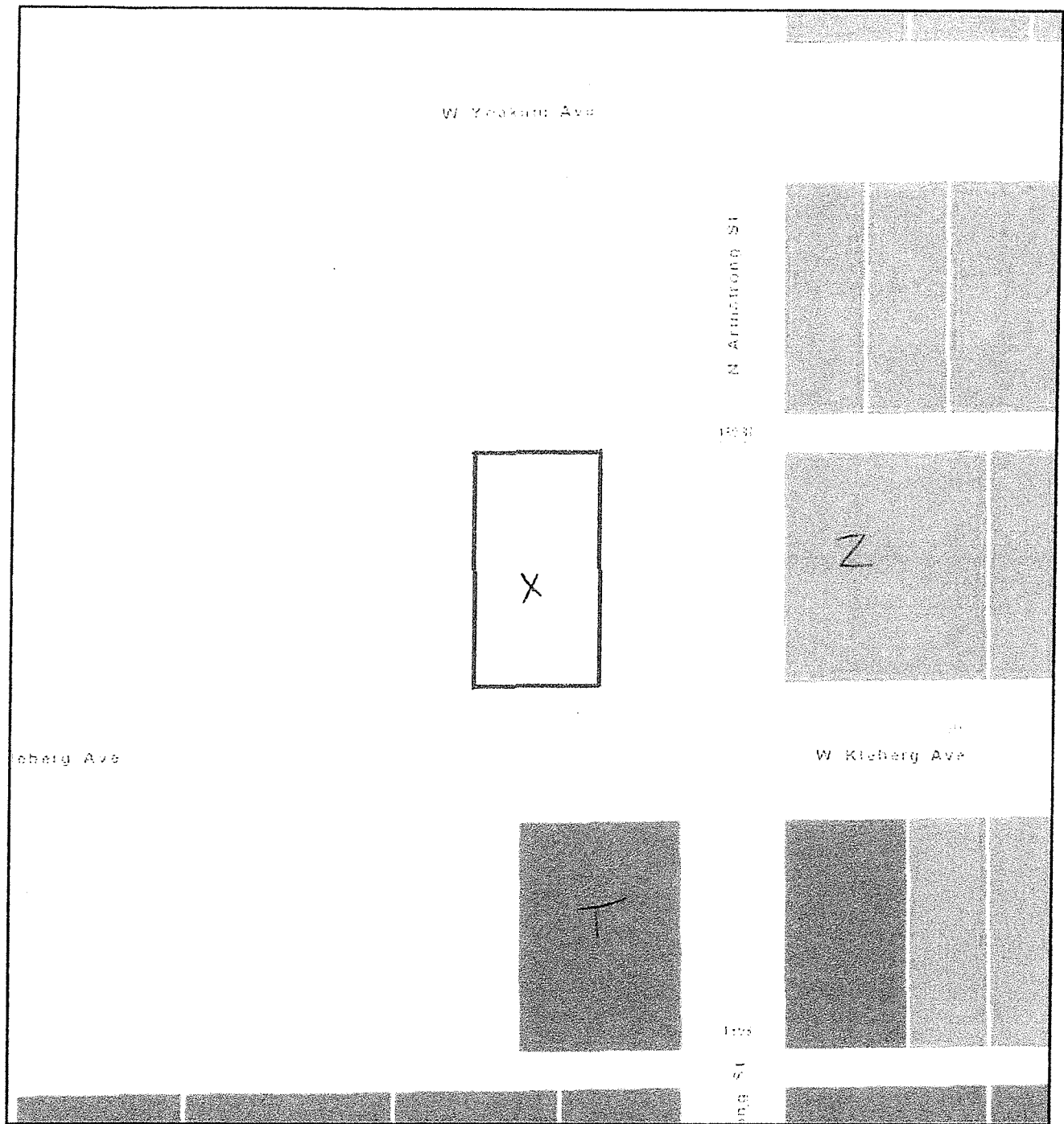
ROCHEKKE GUERRA LIGUEZ
116 N ARMSTRONG
KINGSVILLE, TX 78363
#19598

RICARDO G VEGA
ETUX GLORIA B
805 W KLEBERG AVE
KINGSVILLE, TX 78363-4218
#11365

SANTIAGO CANTU
PO BOX 197
LA BLANCA, TX 78558-0197
#22010

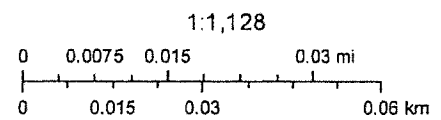
JUAN LINO ESCAMILLA
1201 N SMITH
HEBBRONVILLE, TX 78361
#19325

RANDAL E NIELSEN
403 S 6TH ST
KINGSVILLE, TX 78363
#13752



June 12, 2019

X - 800 W. Kleberg
 Current zoning is R1
 Z - R3 Multi Family
 T - C2 Commercial



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

Kleberg CAD

Property Search > 25903 SC CONSTRUCTION LLC for Year 2019 Tax Year: 2019 - Values not available

Property

Account

Property ID: 25903 Legal Description: COOPER 2, BLOCK 3, LOT 19-21
 Geographic ID: 120200319005192 Zoning:
 Type: Real Agent Code:
 Property Use Code:
 Property Use Description:

Location

Address: 800 W KLEBERG TX Mapsco:
 Neighborhood: Map ID: A2
 Neighborhood CD:

Owner

Name: SC CONSTRUCTION LLC Owner ID: 64468
 Mailing Address: PO BOX 197 % Ownership: 100.0000000000%
 LA BLANCA, TX 78558-0197
 Exemptions: EX-XV

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	

Billing Information

Owner: SC CONSTRUCTION LLC
 % Ownership: 100.0000000000%
 Total Value: N/A

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

Total Tax Rate: N/A

Taxes w/Current Exemptions: N/A

Taxes w/o Exemptions: N/A

Improvement / Building

No improvements exist for this property.

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	C1	C1	0.0803	3500.00	25.00	140.00	N/A	N/A
2	C1	C1	0.1607	7000.00	50.00	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	\$0	\$6,750	0	6,750	\$0	\$6,750
2017	\$0	\$6,750	0	6,750	\$0	\$6,750
2016	\$0	\$6,750	0	6,750	\$0	\$6,750
2015	\$0	\$6,750	0	6,750	\$0	\$6,750
2014	\$0	\$6,750	0	6,750	\$0	\$6,750
2013	\$0	\$6,750	0	6,750	\$0	\$6,750
2012	\$0	\$6,750	0	6,750	\$0	\$6,750
2011	\$0	\$6,750	0	6,750	\$0	\$6,750
2010	\$10,540	\$6,750	0	17,290	\$0	\$17,290
2009	\$10,540	\$6,750	0	17,290	\$0	\$17,290
2008	\$10,540	\$6,750	0	17,290	\$0	\$17,290
2007	\$13,580	\$6,750	0	20,330	\$0	\$20,330
2006	\$5,570	\$2,250	0	7,820	\$0	\$7,820
2005	\$6,130	\$2,250	0	8,380	\$0	\$8,380

Questions Please Call (361) 595-5775

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

Website version: 0.2.1.30

Database last updated on 5/22/2019 9:17 PM

© 2019 Kleberg CAD Corporation

SAUL. It is great to hear that I went through, but I am pleased at where I am today."

After speaking about her own support system and thanking family and friends, Ruiz closed by telling her fellow seniors that each of them was "destined for greatness."

"Congratulations, Class of 2019," she said. "The future is truly in your hands. Good luck!" Villalobos then returned to the

our future holds and how every one of you is capable of success."

"Your future is truly what you make of it," Villalobos said. "We began high school four years ago, thinking it would never end. But now that it's ending, it feels like we barely started."

Villalobos said high school taught them the basic education they will now use for their futures,

how they choose to deal with those challenges that will determine their successes.

"Many of us will give up or give in to any challenges," she said. "My advice to you is to take those chances. Every single one of them. What do we have to lose?"

"Do what you want to do," she added. "It's your life, so live it the way you want to."

"I wish all of you good luck in your future endeavors, and remember, that this is only the end of a small chapter in your book of life. I hope you all fill it with no regrets and endless memories to last a lifetime."

Following the valedictory and salutatory addresses, the BHS Class of 2019 honor students were rec-

Bishop High School graduate, seniors then presented the presentation of the BHS Class of 2019 honor students.

President Devin Houston gave the closing comments, and graduates performed their alma mater one final time. Anthony Ruiz can be contacted at arui@king-ranch.com or (361) 221-0251.

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, June 19, 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:

Santiago Cantu, owner and applicant, requesting the rezoning of COOPER 2, BLOCK 3, LOT 19-21 also known as 800 W. Kleberg, Kingsville, Texas from R1 (Single Family) to R3 (Multi-Family District)

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

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, June 24, 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:

Santiago Cantu, owner and applicant, requesting the rezoning of COOPER 2, BLOCK 3, LOT 19-21 also known as 800 W. Kleberg, Kingsville, Texas from R1 (Single Family) to R3 (Multi-Family District)

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

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, June 19, 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:

Santiago Cantu, applicant, requesting the rezoning of WESTSIDE AC, LOT 10, ACRES .9989 also known as 209 W. Corral, Kingsville, Texas from R1 (Single Family) to R3 (Multi-Family District)

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

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, June 24, 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:

Santiago Cantu, applicant, requesting the rezoning of WESTSIDE AC, LOT 10, ACRES .9989 also known as 209 W. Corral, Kingsville, Texas from R1 (Single Family) to R3 (Multi-Family District)

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

Graduation for BP agent's son gets special guests

By Anthony Ruiz
Reporter

Among the 93 Bishop High School seniors crossing the stage at the Steinke Physical Education Center last Friday was senior William Herrera, who was joined by several U.S. Border Patrol agents who had served with his father, Saul Herrera, before his death from pneumonia in 2005.

"The agents have always kept up with our family, and they wanted to be here for William," mother Lilly Herrera said.

Saul Herrera served with the U.S. Border Patrol for 12 years before his death, Lilly Herrera said.

"We had been living in Arizona, and his dream was always to come back to Texas," she said. "So we had been living in Bishop for about two years when he passed away very suddenly."

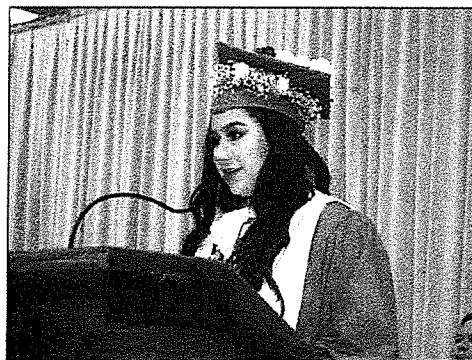
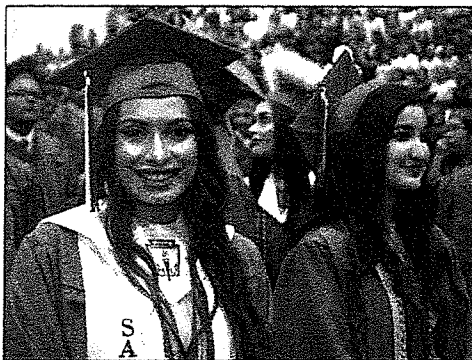
Lilly Herrera said seeing her son graduate on Friday was "a proud moment," and she was thankful to the U.S. Border Patrol for their support through the years.

"It really means a lot," she said. "They've been our family, and they've been the ones to always call and check up on us."

Bishop High School graduate William Herrera and his mother, Lilly, were joined by several U.S. Border Patrol agents during last Friday's commencement ceremony. (Photo by Anthony Ruiz)



Bishop



Above left, a total of 93 Bishop High School graduates received their diplomas during last Friday's commencement ceremony. Above right, Class of 2019 Bishop High School valedictorian Leila Villalobos delivers her address. (Photos by Anthony Ruiz)

every one of you what I faced, and how I was capable of achieving what I had always dreamed of," she said. "It is hard talking about what I went through, but I am pleased at where I am today."

After speaking about her own support system and thanking family and friends, Ruiz closed by telling her fellow seniors that each of them was "destined for greatness."

"Congratulations, Class of 2019," she said. "The future is truly in your hands. Good luck."

Villalobos then returned to the

stage for her valedictory address, and also began with a prayer. She then talked to her fellow soon-to-be graduates about "our futures, what our future holds and how every one of you is capable of success."

"Your future is truly what you make of it," Villalobos said. "We began high school four years ago, thinking it would never end. But now that it's ending, it feels like we barely started."

Villalobos said high school taught them the basic education they will now use for their futures,

whether they are going to college or diving straight into the workforce. She said they would all face challenges in their lives, but it is how they choose to deal with those challenges that will determine their successes.

"Many of us will give up or not take any chances," she said. "My advice to you is to take those chances. Every single one of them. What do we have to lose?"

"Do what you want to do," she added. "It's your life, so live it the way you want to."

Villalobos finished her valedictory address by thanking friends, family and her graduating class.

"Thank you for making my last four years amazing and influencing me to be a better person," she said. "I wish all of you good luck in your future endeavors, and remember that this is only the end of a small chapter in your book of life. I hope you all fill it with no regrets and endless memories to last a lifetime."

Following the valedictory and salutatory addresses, the BHHS Class of 2019 honor students were recognized, as well as the seniors who earned college credits and received scholarships.

Superintendent Christina Guller then certified the class.

Bishop High School graduated 93 seniors this year. After the presentation of diplomas, student council president Devin Houston gave the closing comments, and graduates performed their alma mater one final time.

Anthony Ruiz can be contacted at aruiz@king-ranch.com or (361) 221-0251.

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, June 19, 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:

Santiago Cantu, owner and applicant, requesting the rezone of COOPER 2, BLOCK 3, LOT 19-21 also known as 800 W. Kleberg, Kingsville, Texas from R1 (Single Family) to R3 (Multi-Family District)

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

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, June 24, 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:

Santiago Cantu, owner and applicant, requesting the rezone of COOPER 2, BLOCK 3, LOT 19-21 also known as 800 W. Kleberg, Kingsville, Texas from R1 (Single Family) to R3 (Multi-Family District)

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

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, June 19, 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:

Santiago Cantu, applicant, requesting the rezone of WESTSIDE AC, LOT 10, ACRES .9989 also known as 209 W. Corral, Kingsville, Texas from R1 (Single Family) to R3 (Multi-Family District)

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

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, June 24, 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:

Santiago Cantu, applicant, requesting the rezone of WESTSIDE AC, LOT 10, ACRES .9989 also known as 209 W. Corral, Kingsville, Texas from R1 (Single Family) to R3 (Multi-Family District)

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

Sec. 15-6-4. - Changes and amendments; application fee.

- (A) This zoning article, including boundaries of districts and regulations, may be amended, supplemented or changed by ordinance of the City Commission. The City Commission shall receive the report of the Planning and Zoning Commission prior to adopting any change or amendment to the zoning ordinance.
- a. The Planning and Zoning Commission shall conduct a public hearing, announcement of which shall be published once in a newspaper of local circulation fifteen (15) days prior to such hearing before acting upon any zoning matter.
 - i. All property owners within 200 feet of the property on which the change is proposed shall be sent written notice not less than ten (10) days before the hearing date. The list of property owners shall be prepared from the last city tax roll listing all property owners who have rendered their property for city taxes. Notice is adequately served by depositing properly addressed and postage paid notice with the city post office. Property owners whose names do not appear on the city tax roll are adequately notified by the publication in a newspaper of local circulation.
 - b. Following the Planning and Zoning Commission public hearing and report, the City Commission shall conduct a public hearing, announcement of which shall be published once in a newspaper of local circulation fifteen (15) days prior to such hearing before acting upon any zoning matter.
 - i. Three-fourths ($\frac{3}{4}$) vote of the members of the City Commission shall be necessary to make any change should a petition opposed to such change be presented by the owners of 20% of either the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same and extending 200 feet therefrom.
 - ii. Three-fourths ($\frac{3}{4}$) vote of the members of the City Commission shall be necessary to overrule a recommendation of the Planning and Zoning Commission that a proposed amendment, supplement, or change be denied.
 - c. Applications for Special Use permits, changes of districts (rezones), or other applications which require notification or publication shall be accompanied by a fee of \$250.00.
- (B) The fee for processing appeals to the Board of Adjustment shall be based on the actual costs of materials used, mailing, and publication costs as determined by the Planning Division of the Management Services Department, the fee to be payable prior to the scheduling of any hearing or appeal.

(1962 Code, § 11-1-4; Ord. 84009, passed 6-18-84; Ord. 90027, passed 6-25-90; Ord. 2014-44, passed 8-11-2014)

ORDINANCE #2019-_____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO COOPER 2, BLOCK 3, LOTS 19-21, ALSO KNOWN AS 800 W. KLEBERG, KINGSVILLE, TEXAS, FROM R1 (SINGLE FAMILY DISTRICT) TO R3 (MULTI-FAMILY DISTRICT); AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.

WHEREAS, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Santiago Cantu, owner applicant, for amendment to the zoning ordinance and zoning map of the City of Kingsville;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, June 19, 2019 during a meeting of the Planning and Zoning Commission, and on Monday, June 24, 2019 during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

WHEREAS, the item was APPROVED with a 4-0 vote of the Planning Commission regarding the requested rezone with 0 abstentions; and

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of Cooper 2, Block 3, Lots 19-21, also known as 800 W. Kleberg from R1-Single Family District to R3-Multi-Family District, as more specifically described on the Zone Change Map, attached as Exhibit A.

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

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

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

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

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

INTRODUCED on this the 24th day of June, 2019.

PASSED AND APPROVED on this the 8th day of July, 2019.

Effective Date: _____

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED:

Courtney Alvarez, City Attorney

AGENDA ITEM #11

City of Kingsville
Planning and Development Services

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director of Planning and Development Services

DATE: June, 26, 2019

SUBJECT: Abandonment of alley with retention of a utility easement for south right of way of Lot 1 to Lot 12, Block 2. Vista Alegre-Jubilee Academies

Summary:

Mr. Steven Solis Associate Director for Jubilee Academies has requested that the city of Kingsville abandon lots 5-12 between East Henrietta and East Yoakum. Since the Jubilee Academies has grown in enrollment and with future plans they would like the city to abandon the alley for the safety of the school children. The City of Kingsville and CenterPoint have lines in the alley so while we can abandon it the alley we will have to maintain a utility easement for access.

Background:

The Jubilee Academies has grown in enrollment. This past year they have added a gymnasium to the campus and I believe it should be ready for the fall of 2019. To enhance the safety for the school children is the reason for this request. Again with a utility line in the alley along with a Centerpoint line we will still have to access for maintenance of those lines.

Financial Impact:

None



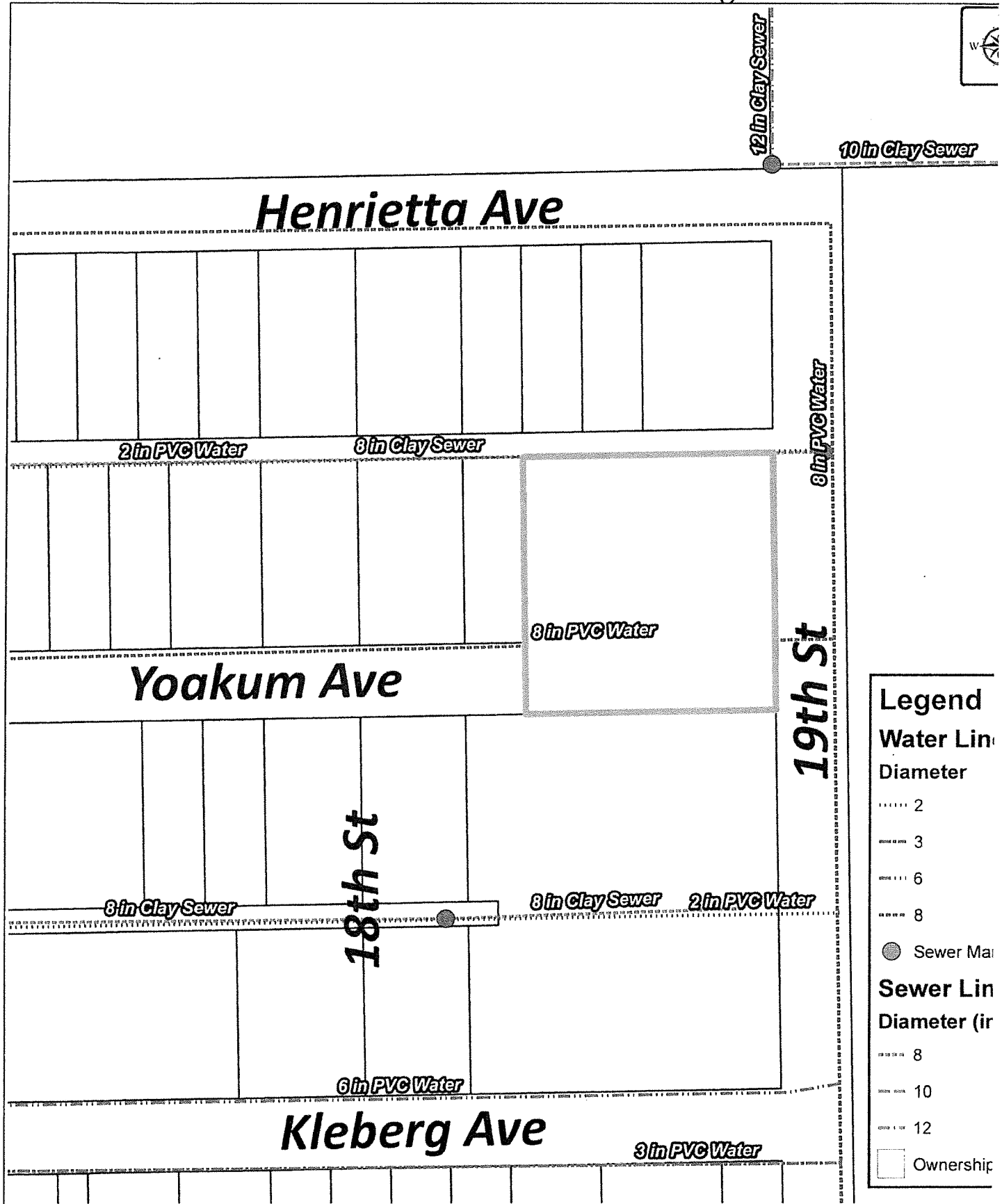
City of Kingsville
Planning and Development Services

Recommendation:

Jubilee Academies request is a valid concern for the children there. I recommend that the City of Kingsville abandon the utility easement and retain access for the utility lines that are located there.



Sewer Lines - 225 E Kleberg



Document Path: N:\Engineering\GIS Techs\MAPS\MAP_01\11\225 E Kleberg_APR_12_Sewer.dwg

Page
1/1

Drawn By:
Engineering Department

Last Update: 3/28/2019

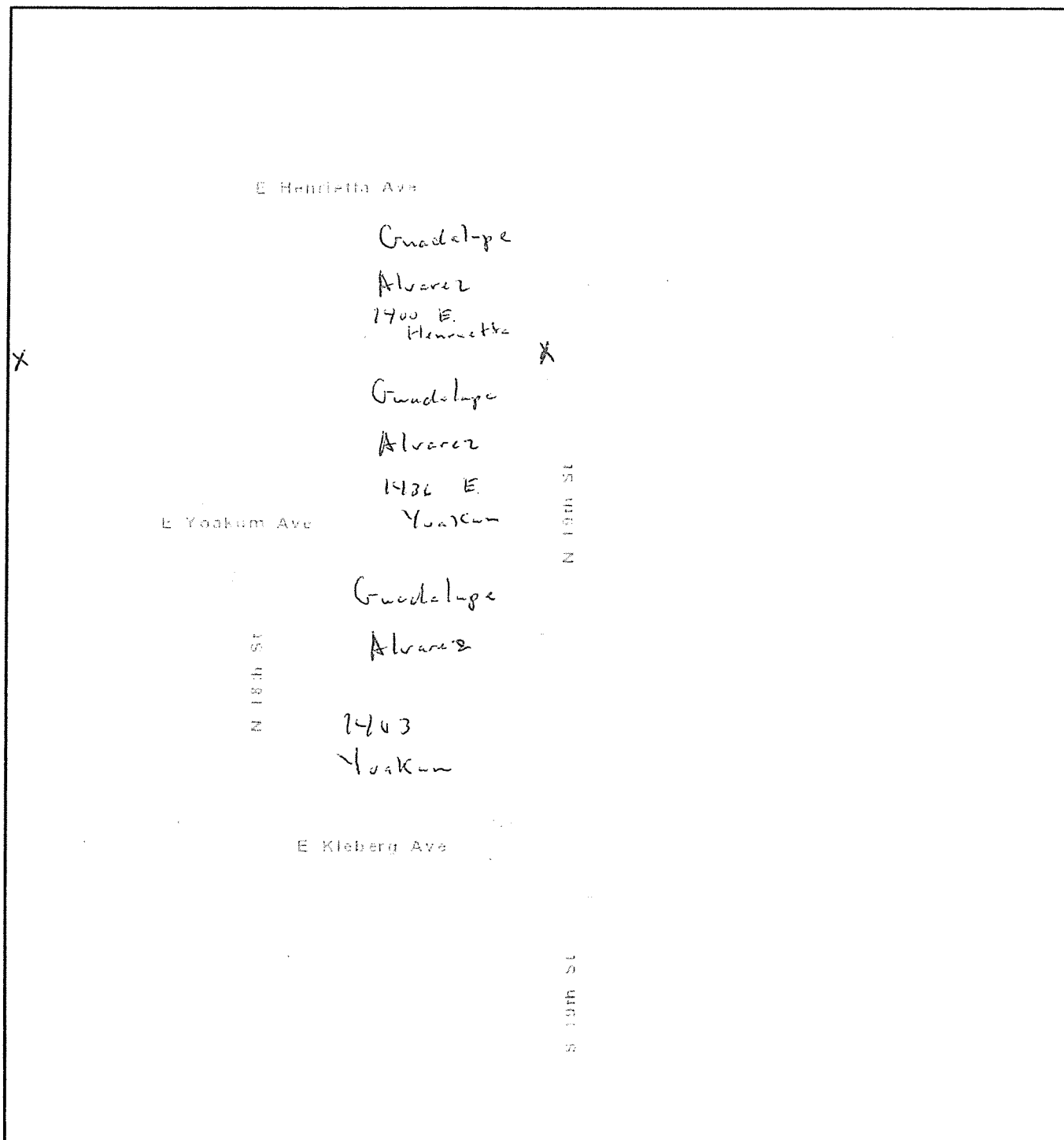
Note:

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.

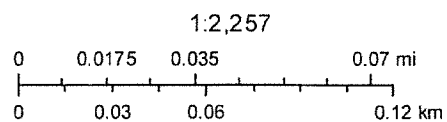


CITY OF KINGSVILLE
ENGINEERING DEPARTMENT

400 W King Ave
Kingsville, Texas 78363
Office: 361-595-8007



April 3, 2019



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

ORDINANCE NO. 2019-_____

AN ORDINANCE ABANDONING PART OF AN ALLEY AND RETAINING AN EASEMENT FOR UTILITY PURPOSES IN VISTA ALLEGRA ADDITION, BLOCK 2, BETWEEN LOTS 5-12 AND LOTS 13-20 (ALLEY BETWEEN HENRIETTA AND YOAKUM TO THE WEST OF 19TH STREET) FOR JUBILEE ACADEMIES; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, a twenty (20) foot alley right of way lies between Vista Alegria Addition, Block 2, Lots 5-12 and Vista Alegria Addition, Block 2, Lots 13-20 in the City of Kingsville as more fully stated on the legal description and map attached hereto;

WHEREAS, Guadalupe Alvarez owns the lots contiguous to the alley and he leases property to Jubilee Academies for a school and desires to close part of the alley for the safety of the school children, all the parties now desire that part of the alley right of way be closed for public use for the redevelopment of the area;

WHEREAS, AEP, AT&T, CMA/NewWave, Center Point and the City water and sewer departments have verified there are existing utilities running through the alley right of way (City and Center Point), for which they would need continued access;

WHEREAS, staff recommends the alley right of way be vacated **but a utility easement be retained**, with the alley being equally split among the adjoining property owners;

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

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

I.

THAT the City of Kingsville abandons and relinquishes any and all interest in the following described property as an alley to the adjoining property owners, but retains an easement for utility purposes. All documentation of the vacating of the land and retention of the utility easement will be appropriately recorded by the new property owner at the Kleberg County Clerk's Office pursuant to state law with the property owner being responsible for any and all filing fees.

Said property to be abandoned being a tract of land containing 0.095 of one acre situated in Kleberg County, Texas, being a part or portion of a 20.0-foot Alley located in Block 2, Vista Alegria Addition, according to the plat thereof recorded in Volume 1, Page 34 of the map records of Kleberg County, Texas, said 0.095 of one acre is more particularly described as follows:

1. BEGINNING at the Southwest corner of Lot 5, Block 2, Vista Alegria Addition as it exists in February, 1946, Kingsville, Kleberg County, Texas;

2. THENCE, East a distance of 208 feet to the Southeast corner of Lot 12, Block 2, Vista Alegra Addition at its intersection with the western right-of-way on 19th Street;
3. THENCE, South along the western right-of-way of 19th Street a distance of 20 feet to the Northeast corner of Lot 13, Block 2, Vista Alegra Addition;
4. THENCE, West along the North right-of-way of Lot 13, Block 2, Vista Alegra Addition a distance of 208 feet to the Northwest corner of Lot 20, Block 2, Vista Alegra Addition;
5. THENCE, North a distance of 20 feet to the Southwest corner of Lot 5, Block 2, Vista Alegra Addition, said point also being the POINT OF BEGINNING, and containing 0.095 of one acre of land, more or less.

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 8th day of July, 2019.

PASSED AND APPROVED on this the 22nd day of July, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

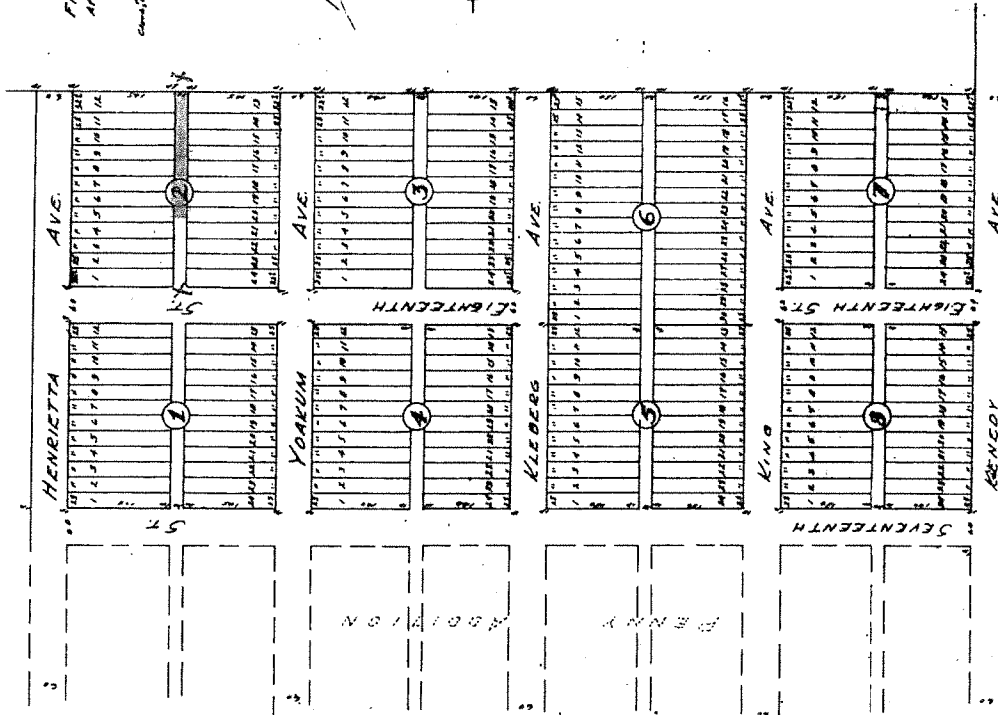
APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

51243

FILED FOR RECORD
AT EL PASO, TEXAS

[Signature]
County Clerk, El Paso County, Texas



VISTA ALEGRA ADDITION

An Addition to the City of Kingsville
Being the West 24.57 Acres of Kingsville, County, Texas, as Shown on Section No. 10
Containing 12 Lots and 1.5 Acres of Land, as Shown on Section No. 10
Scale 1 in. = 100 ft.
January 1946

DEDICATION

That I, Paul R. Williams, Trustee, owner of the west half of Block 1, Williams, Trustee, owner of Subdivided Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, on Page No. 56, Volume 11, 1/2, Adams County, Texas, have set, the above described, certain surveyed and plotted, into Lots and Blocks, as shown hereby, to the public use therein.

Executed this 11th day of January, A.D. 1946.
Paul R. Williams, Trustee

THE STATE OF TEXAS
COUNTY OF KLEBERG

Before me, the undersigned authority, on this day personally appeared Paul R. Williams, Trustee, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office the 11th day of January, A.D. 1946.

(Notarial)
W. H. C. H. White
Notary Public, Kleberg County, Texas

My Commission expires March 21, 1947
Attest: C. H. White

I, Chas. S. Patterson, Engineer, of Kingsville, Texas, hereby certify that the map made by me, and filed for record, is a true and correct copy of the original map made by me, and filed for record, on December 11, 1945.

Chas. S. Patterson
Chas. S. Patterson
(Professional Eng.)

This map is approved by order of the El Paso County Commissioners, given, this 11th day of January, A.D. 1946.

(Commissioners')
[Signature]
County Clerk, El Paso County, Texas

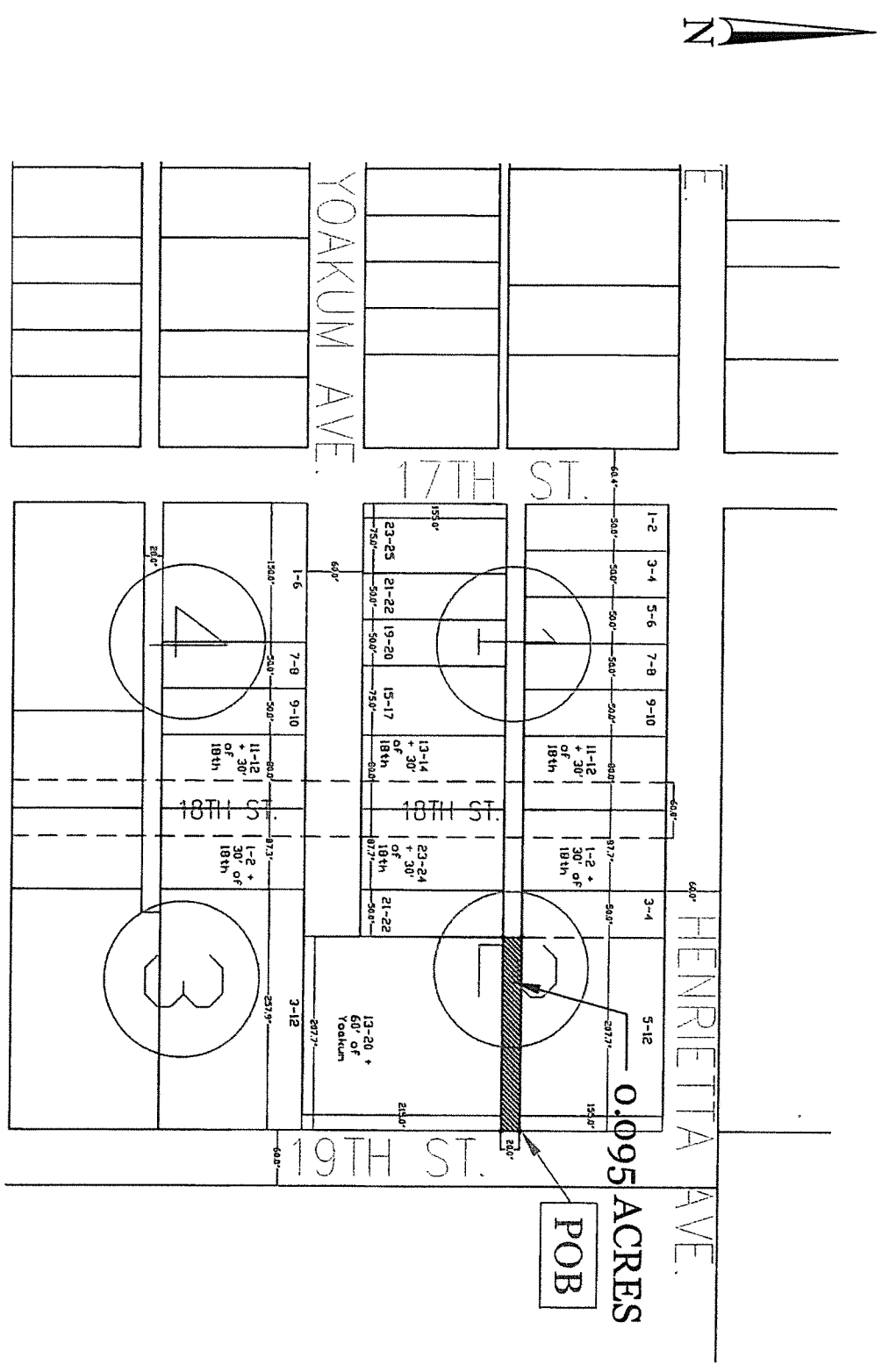
THE STATE OF TEXAS
COUNTY OF KLEBERG

I, A. A. Ginn, Clerk of the County Court, of the County of Kleberg, Texas, do hereby certify that the foregoing map and plat, as shown on the map and plat, were filed for record in my office on the 11th day of January, A.D. 1946, and that the same are duly recorded in Volume 11, 1/2, Adams County, Texas, map records at Kingsville, Texas.

Given under my hand and seal of office, this 11th day of January, A.D. 1946.
[Signature]
County Clerk, Kleberg County, Texas

(County Clerk Seal)

VISTA ALEGRA ADDITION



ALLEY BETWEEN HENRIETTA AND
YOAKUM FROM 17TH TO 19TH

Drawn by: JOSEPH COUFAL
Date: 06/25/2019
Revised by:
Job:
SCALE: NTS



CITY OF KINGSVILLE
ENGINEERING DEPARTMENT
400 W. King Avenue
Kingsville, Texas 78643
Office 361.595.8807
Fax 361.595.8835

AGENDA ITEM #12

**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 24, 2019
SUBJECT: Consider and act upon Awarding Contract the TxCDBG Contract #7218269 for the Wastewater Improvements Manhole Rehabilitation Project.

Summary:

The project shall rehabilitate 18 manholes throughout the City as indicated in the attached exhibit. These manholes have deteriorated, and the proposed scope of work would reduce inflow and infiltration. It is estimated to benefit approximately 24,000 residents.

The grant is to assist low-to-moderate income communities using state funds. The resolutions included are a requirement by the state.

Background:

The City was award a grant in the amount of \$360,000 including the City's cash match of \$60,000. Bids were received from four contractors with included Etech Construction, RCM Constructors, Inc, Southern Trenchless Solutions, and Bridges Specialties Inc. LNV is our Engineering Consultant that checked references and verified the bids.

The base bid ranged from 168,988.00 to \$391,624.00. The Engineer's estimate on the project was \$277,000.00. The City can change order additional work into the but not to exceed 20% or approximately \$33,800.00.

Financial Impact:

The City would provide a cash match of \$60,000 as indicated in resolution #2017-04. The funds are allocated in Utility Fund Account# 086-5-7003-54111.



**City of Kingsville
Engineering Dept.**

Recommendation:

Staff recommends awarding the project to Etech Construction in the amount of \$168,988.00 and authorizing the City Manager to execute a contract for the same.

Attachments:

Recommendation of Award Letter from LNV
Bid Tabulation





engineers | architects | contractors

Solutions Today with a
Vision for Tomorrow

June 11, 2019

Ms. Deborah Balli, Interim City Manager
City of Kingsville
400 West King Avenue
Kingsville, Texas 78363

**Re: City of Kingsville, Texas
Wastewater Manhole Rehabilitation Project
TxCDBG Contract No. 7218269
Recommendation of Award**

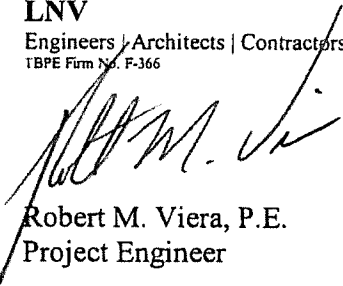
Dear Ms. Balli:

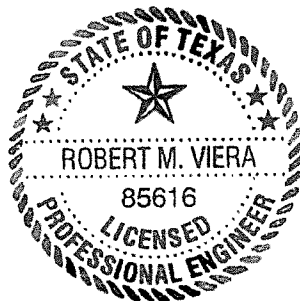
Bids were opened and read aloud on Monday, June 10, 2019 for the above referenced project. Four (4) bids were received and the results are shown on the attached bid tabulation sheet. The low/best bidder on the project is ETech Construction, P.O. Box 690504, San Antonio, Texas 78269 with a Total Base Bid in the amount of \$168,988.00.

I have reviewed the Contractor's qualifications and bid documents, and it is my recommendation that the City award the project to ETech Construction in the total amount of \$168,988.00.

Sincerely,

LNV
Engineers | Architects | Contractors
TBPE Firm No. F-366


Robert M. Viera, P.E.
Project Engineer



Attachment(s)

U:\Kingsville\160674 CDBG Manhole Rehabilitation Project\000\Bidding\Recomm Letter.doc

BID TABULATION

Client Name: City of Kingsville
 Project Name: Wastewater Manhole Rehabilitation Project
 Date: June 10, 2019 @ 2:00pm

LNK, INC
 801 NAVIGATION, SUITE 300
 CORPUS CHRISTI, TX 78408
 PHONE: 361.883.1984
 FAX: 361.883.1986

ITEM QTY UNIT				DESCRIPTION		Etech Construction Po Box 690504 San Antonio, TX 78269		RCM Constructors, Inc. PO Box 9338 Corpus Christi, TX 78469		Southern Trenchless Solutions, LLC. 1200 W. Exp 83 La Feria, TX 78559		Bridges Specialties, Inc. 4233 FM 624 Robstown, TX 78380	
				UNIT	TOTAL PRICE	UNIT	TOTAL PRICE	UNIT	TOTAL PRICE	UNIT	TOTAL PRICE	UNIT	TOTAL PRICE
BASE BID - WASTEWATER MANHOLE REHABILITATION													
A-1	1	LS			MOBILIZATION, BONDS, & INSURANCE	\$14,000.00	\$14,000.00	\$20,000.00	\$20,000.00	\$12,500.00	\$12,500.00	\$6,125.00	\$6,125.00
A-2	1	LS			BYPASS PUMPING TO CONTROL WW FLOW	\$12,000.00	\$12,000.00	\$12,500.00	\$12,500.00	\$20,000.00	\$20,000.00	\$30,000.00	\$30,000.00
A-3	1	LS			TRAFFIC CONTROL	\$3,000.00	\$3,000.00	\$9,500.00	\$9,500.00	\$7,500.00	\$7,500.00	\$10,000.00	\$10,000.00
A-4	18	EA			TRENCH SAFETY	\$220.00	\$3,960.00	\$300.00	\$5,400.00	\$1,000.00	\$18,000.00	\$1,667.00	\$30,006.00
A-5	5	EA			42" MANHOLE INSERT REHABILITATION (8-10 FOOT DEPTH) MH #1, 12, 13, 14 & 15	\$4,990.00	\$24,950.00	\$7,467.00	\$37,335.00	\$10,000.00	\$50,000.00	\$13,825.00	\$69,125.00
A-6	2	EA			42" MANHOLE INSERT REHABILITATION (10-12 FOOT DEPTH) MH #2 & 11	\$5,990.00	\$11,980.00	\$8,794.00	\$17,588.00	\$12,000.00	\$24,000.00	\$14,500.00	\$29,000.00
A-7	5	EA			42" MANHOLE INSERT REHABILITATION (12-15 FOOT DEPTH) MH #5, 6, 8, 9, & 10	\$6,990.00	\$34,950.00	\$9,750.00	\$48,750.00	\$15,000.00	\$75,000.00	\$16,400.00	\$82,000.00
A-8	6	EA			42" MANHOLE INSERT REHABILITATION (15-20 FOOT DEPTH) MH #3, 4, 7, 16, 17, & 18	\$7,658.00	\$45,948.00	\$10,875.00	\$65,250.00	\$20,000.00	\$120,000.00	\$16,600.00	\$99,600.00
A-9	18	EA			MANHOLE BENCH RESTORATION	\$400.00	\$7,200.00	\$2,300.00	\$41,400.00	\$1,000.00	\$18,000.00	\$556.00	\$10,008.00
A-10	18	EA			REMOVE & REPLACE MANHOLE RING & COVER TO INCLUDE CONCRETE COLLAR AND PAVEMENT REPAIR	\$500.00	\$9,000.00	\$2,200.00	\$39,600.00	\$2,000.00	\$36,000.00	\$1,220.00	\$21,960.00
A-11	10	GAL			CHEMICAL GROUT (STOP LEAK)	\$200.00	\$2,000.00	\$900.00	\$9,000.00	\$1,000.00	\$10,000.00	\$380.00	\$3,800.00
TOTAL BASE BID							\$168,988.00		\$306,323.00		\$391,000.00		\$391,624.00

* DENOTES ERROR IN BID

Prepared by
 LNK, INC

RESOLUTION # 2019-_____

A RESOLUTION OF THE CITY COMMISSION OF KINGSVILLE, TEXAS, AUTHORIZING THE MAYOR TO SIGN THE STANDARD FORM OF AGREEMENT FOR TXCDBG CONTRACT NO.7218269 BETWEEN OWNER AND CONTRACTOR ON THE BASIS OF A STIPULATED PRICE.

WHEREAS, the City of Kingsville applied for and received a 2018 Texas Community Development Block Grant award to provide Sewer Improvements; and

WHEREAS, the City of Kingsville desires to have a Manhole Rehabilitation Project done for this Sewer Improvement CDGB Grant since it has secured money in the budget and grant funding to cover the expense of this project;

WHEREAS, the City's contract engineer LNV advertised for bids and opened the four bids received on June 10, 2019, and recommended the low bidder ETech Construction, Inc. be awarded the project with a base bid of \$168,988.00;

WHEREAS, on June 24, 2019 at a duly posted public meeting, the City Commission awarded the bid to ETech Construction, Inc. as recommended, and staff was to negotiate a contract with them;

WHEREAS, the City and ETech Construction, Inc. have worked to prepare a Standard Form of Agreement Contract on the basis of a stipulated price for the above-referenced project, they now want Commission approval to execute the contract.

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

I.

THAT the Mayor is authorized and directed as an act of the City of Kingsville, Texas to enter into a Standard Form of Agreement TxCDBG Contract No. 7218269 between Owner (City of Kingsville) and Contractor (ETech Construction, Inc.) on the Basis of a Stipulated Price for the manhole rehabilitation project 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 8th
day of July, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**STANDARD FORM OF AGREEMENT
TxCDBG CONTRACT NO. 7218269
BETWEEN OWNER AND CONTRACTOR
ON THE BASIS OF A STIPULATED PRICE**

THIS AGREEMENT is dated as of the _____ day of _____ in the year _____ by and between City of Kingsville (hereinafter called OWNER) ETech Construction, Inc. (hereinafter called CONTRACTOR).

OWNER 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:

"Wastewater Manhole Rehabilitation Project"

Article 2. ENGINEER:

The Project has been designed by:

**LNV
Engineers/Architects/Surveyors
801 Navigation, Suite 300
Corpus Christi, Texas 78408**

Who is hereinafter called ENGINEER and who is to act as OWNER'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 **180** calendar days from the date when the Contract Time commences to run.
- 3.2 Liquidated Damages. OWNER and CONTRACTOR recognize that time is of the essence of this Agreement and that OWNER 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 OWNER if the Work is not completed on time. Accordingly, instead of requiring any such proof, OWNER and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay OWNER 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 OWNER, CONTRACTOR shall pay OWNER 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 OWNER shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents in current funds as follows: Per Contractors Proposal dated June 10, 2019 in the Total Base Bid in the amount of \$168,988.00, 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 OWNER 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 the other terms and conditions of the Contract Documents, including specifically the provisions of the General Conditions; and no additional examinations, investigations, 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 OWNER and CONTRACTOR concerning the Work consists of the following:

**CONTRACT DOCUMENTS
&
TECHNICAL SPECIFICATIONS
FOR**

**WASTEWATER MANHOLE REHABILITATION PROJECT
FOR
CITY OF KINGSVILLE, TEXAS**

TxCDBG CONTRACT NO. 7218269
*Financed through provisions of a
Texas Community Development Block Grant Program
From the Texas Department of Agriculture*

Mavor
Sam Fugate

Mavor Pro-Tem
Edna Lopez

Council Members
Hector Hinojosa
Dianne Leubert
Arturo Pecos

Interim City Manager
Deborah Balli

City Secretary
Mary Valenzuela

MAY 2019

Prepared by:



engineers | architects | surveyors

801 Navigation, Suite 300
Corpus Christi, Texas 78408
(361) 883-1984
TBPE Firm No. F-366

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.

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. OWNER 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:

None.

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

This Agreement will be effective on _____, 20__.

OWNER:
City of Kingsville, Texas

CONTRACTOR:
ETech Construction, Inc.

By: _____
Sam Fugate, Mayor

By: _____
Jonathan Green, C.O.O.

Attest _____

Attest _____

Address for giving notices:

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

Address for giving notices:

**ETech Construction, Inc.
PO Box 690504
San Antonio, TX 78269**

AGENDA ITEM #13

**City of Kingsville
Engineering/Public Works**

TO: Mayor and City Commissioners

CC: Deborah Balli, Interim-City Manager

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

DATE: Monday, July 8, 2019

SUBJECT: Ordinance authorizing the placement of stop signs, crosswalks and stop bars on E. Santa Gertrudis at the N. 12th St. intersection.

Summary:

This item is for an ordinance authorizing the placement of stop signs, crosswalks and stop bars at the intersection of E. Santa Gertrudis and N. 12th St.

Background:

Currently the intersection of E. Santa Gertrudis and N. 12th Street have only a two-way STOP sign condition on 12th Street. Flores Park has had various improvements, for example, splash pad, playground equipment and picnic tables. The Engineering Department recommends placing a two-way STOP sign in E. Santa Gertrudis to convert to a four-way STOP intersection.

The recent and future improvements in this area have generated an increase in pedestrian traffic and two-way STOP signs are no longer the safest intersection condition applications. Section 2B.07 "Multiway Stop Applications" of the MUTCD (Manual for Uniform Traffic Control Devices) supports the need for STOP signs at these intersections by meeting the criteria in which there is *"the need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes"*.

A pedestrian was struck by a vehicle on May 2019.

Financial Impact:

The improvements are estimated to cost \$1,300.00 and monies are available in the General Fund. Account No. 092-5-3050-52100.



City of Kingsville
Engineering/Public Works

Recommendation:

Staff recommends the authorization of this item as presented to ensure the safety of our citizens.

Attachments:

Manual on Uniform Traffic Control Device – Section 2B.07 Multi-Way Stop Applications

Proposed Stop Sign, Stop Bars and Crosswalks on E. Santa Gertrudis – Location Map

Proposed Cost Estimate for Stop Signs, Crosswalks and Stop Bars at the Intersection of 12th and Santa Gertrudis



Proposed Cost Estimate for Stop Signs on the Intersection of 12th and Santa Gertrudis

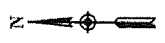
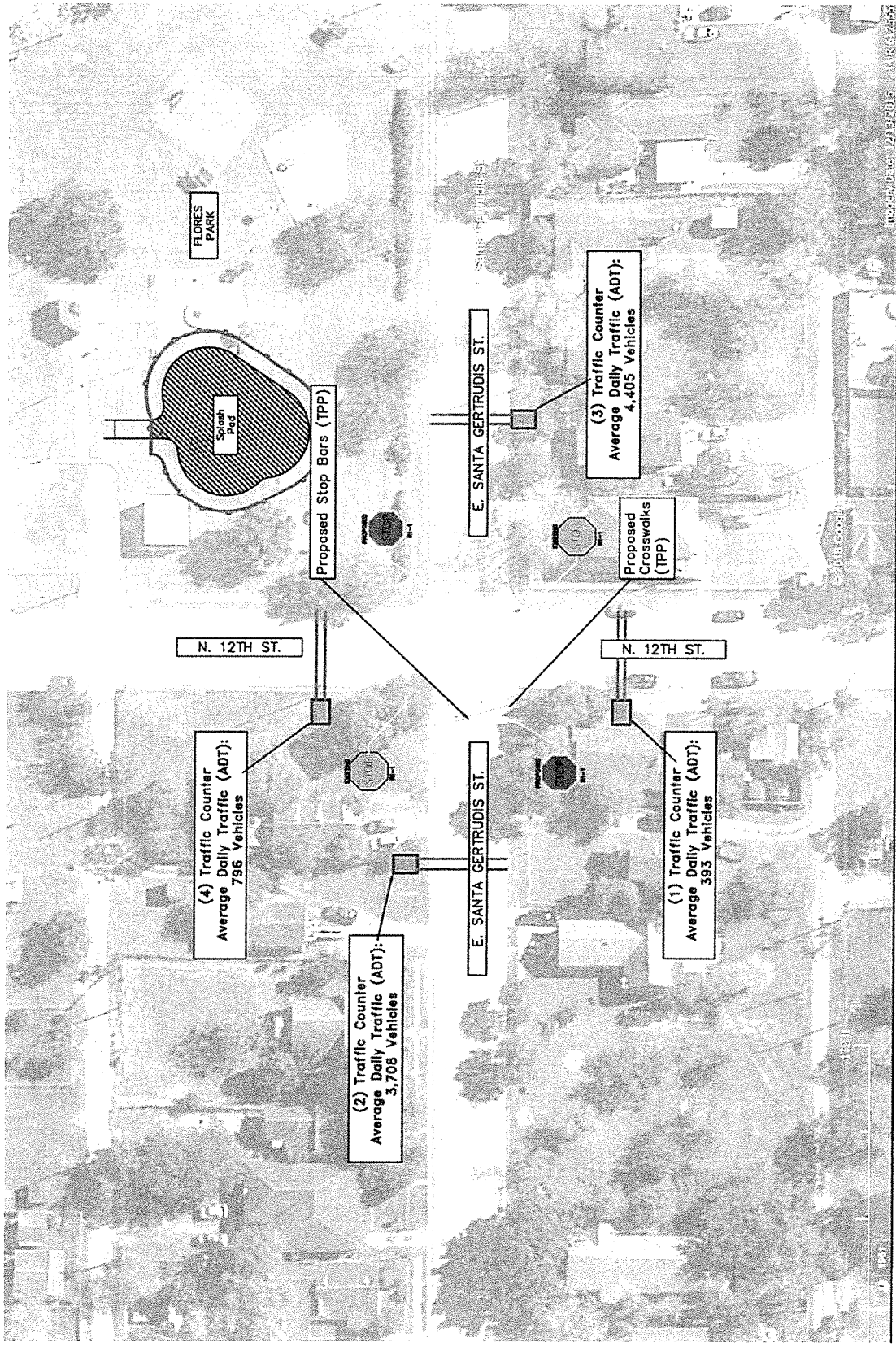
Description	Quantity	Units	Unit Price	Amount
Stop Signs				
Sign	2	EA	\$38.50	\$77.00
Post	2	EA	\$20.70	\$41.40
Hardware	2	EA	\$43.70	\$87.40
	Stop Sign Installation Subtotal:			\$205.80
Crosswalks				
8" Wide Thermo Plastic White Lines	1	EA	\$215.00	\$215.00
	Crosswalk Installation Subtotal:			\$215.00
Stop Bars				
8" Wide Thermo Plastic White Lines	4	EA	\$215	\$860.00
	Stop Bar Installation Subtotal:			\$860.00
			Total Cost:	\$1,280.80

PROPOSED STOP SIGNS, STOP BARS, AND CROSSWALKS ON E. SANTA GERTRUDIS ST

Drawn by: R. TOVAR
Date: 6/18/2018
Reviewed by: R. MOVA
Project #: N/A
Scale: NTS



CITY OF KINGSVILLE
ENGINEERING DEPARTMENT
400 West King Avenue
Kingsville, Texas 78643
Office 361.595.8407
Fax 361.595.8035



Manual on Uniform Traffic Control Devices (MUTCD)

2009 Edition Chapter 2B. Regulatory Signs, Barricades, and Gates

Section 2B.07 Multi-Way Stop Applications

Support:

01 Multi-way stop control can be useful as a safety measure at intersections if certain traffic conditions exist. Safety concerns associated with multi-way stops include pedestrians, bicyclists, and all road users expecting other road users to stop. Multi-way stop control is used where the volume of traffic on the intersecting roads is approximately equal.

02 The restrictions on the use of STOP signs described in [Section 2B.04](#) also apply to multi-way stop applications.

Guidance:

03 *The decision to install multi-way stop control should be based on an engineering study.*

04 *The following criteria should be considered in the engineering study for a multi-way STOP sign installation:*

- A. *Where traffic control signals are justified, the multi-way stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the installation of the traffic control signal.*
- B. *Five or more reported crashes in a 12-month period that are susceptible to correction by a multi-way stop installation. Such crashes include right-turn and left-turn collisions as well as right-angle collisions.*
- C. *Minimum volumes:*
 - 1. *The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour for any 8 hours of an average day; and*
 - 2. *The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour; but*
 - 3. *If the 85th-percentile approach speed of the major-street traffic exceeds 40 mph, the minimum vehicular volume warrants are 70 percent of the values provided in Items 1 and 2.*
- D. *Where no single criterion is satisfied, but where Criteria B, C.1, and C.2 are all satisfied to 80 percent of the minimum values. Criterion C.3 is excluded from this condition.*

Option:

05 Other criteria that may be considered in an engineering study include:

- A. The need to control left-turn conflicts;
- B. The need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes;
- C. Locations where a road user, after stopping, cannot see conflicting traffic and is not able to negotiate the intersection unless conflicting cross traffic is also required to stop; and
- D. An intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where multi-way stop control would improve traffic operational characteristics of the intersection.

ORDINANCE NO. 2019-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER VII, ARTICLE 8, TRAFFIC CONTROL DEVICES; PROVIDING FOR THE INSTALLATION OF STOP SIGNS ON SANTA GERTRUDIS AVE. AT ITS INTERSECTION WITH 12TH STREET; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

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

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

I.

THAT Section 7-8-3 of Article 8: Traffic Control Devices of Chapter VII, Traffic Code, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§ 7-8-3 TRAFFIC CONTROL AREAS.

...

(B)

...

AREA C		
Intersection	Direction	Device
...		
22. Ninth St. at Santa Gertrudis Ave.	Northbound - Southbound	Install stop sign
23. Nettie Ave. at Second St.	Eastbound - Westbound Northbound - Southbound	Install traffic signal

<u>24. Santa Gertrudis Ave. at Twelfth St.</u>	<u>Eastbound - Westbound</u>	<u>Install stop signs</u>
--	------------------------------	---------------------------

...

II.

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

III.

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

IV.

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

INTRODUCED on this the 8th day of July, 2019.

PASSED AND APPROVED on this the 22nd day of July, 2019.

Effective Date: _____

Sam Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

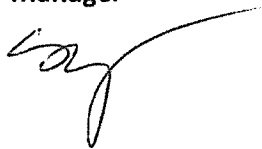
Courtney Alvarez, City Attorney

AGENDA ITEM #14

**City of Kingsville
Parks & Recreation Department**

TO: Mayor and City Commissioners

CC: Deborah Balli, Interim City Manager

FROM: Susan Ivy, Parks Director 

DATE: June 19, 2019

SUBJECT: Agenda Request – Receipt of donation from Brookshire Foundation

Summary: We are requesting that Commission authorize the receipt of up to \$13600.00 from the B.C. & Addie Brookshire Foundation for assistance with recreational programming and equipment for the Kingsville Parks & Recreation Department.

Background: The Brookshire Foundation has a long history of supporting youth programming in Kleberg County. The Parks Department has received tens of thousands of dollars over the years that have benefitted our programs and facilities. They have been a faithful supporter of needs of the Brookshire Pool and our summer programming. Attached you will find a listing of the items we requested and were approved.

Financial Impact: These donations will increase our funding for recreational needs as follows:

Minor Equipment	-4513-21700	- \$6923.00
Swim Team	4513-31497	1500.00
Track Team	4513-31496	1500.00
Rec Program	4513-31499	3600.00

Recommendation: We ask that Commission authorize the receipt of up to \$13600.00 in donations and approve the associated budget amendment needed to record the funds in the Parks Department line items as shown above.





Parks & Recreation

P. O. Box 1458
Kingsville, Texas 78364
361-221-8705
sivy@cityofkingsville.com

May 18, 2019

Brookshire Foundation

Via email to Sylvia Woelfel

Dear Board Members,

Thank you for the opportunity to present a proposal to you for funding. As always, Kingsville Parks and Recreation appreciates the years of support you have provided.

We would like to ask your assistance with providing transportation for our summer program in the amount of \$3000.00 and tshirts for 50 kids and 10 counselors in the amount of \$500. We will provide an additional 50 shirts and an additional shirt for our counselors. Information about our daily activities in our summer camp is attached. We are again partnering with Kingsville Independent School District for this service and the Kleberg Kenedy County Agri-Life Extension for programming assistance. We are reducing our camp to three days and combining ages at the request of parents. With the additional movie nights on Fridays that we host having camp and those events makes a long day for our staff. We hope to work toward extending camp to all day next year but that will be addressed in the City's Budget process and grant and foundation applications.

We are asking for \$1000 for 2 new speakers for our sound system that we use for movie nights and festival/special events. And another \$1000.00 for two new laptops with dvd players, one for our recreation program and one for the Brookshire pool to assist with weekly inservice trainings.

We are again asking for \$1500.00 for each of the Swim Team and Track Team to assist with their sanctioning fees and uniforms.

Last year you were able to fund 4 starting blocks for our swim team as well. We need one more to complete that need. They are priced at \$1850 each and we need 1.

We are asking for some new lifesaving equipment needed for the guards at Brookshire Pool, 4 new umbrellas for the lifeguard chairs and Dri Deck Flooring for the restroom area. These items total \$3073.20.

We would like to invite you to come see all the new improvements at the pool once we get it up and running for the summer. New decking, new sand filter, new fencing, the kiddie pool and shade structures. We think you will be proud.

To summarize our request:

Summer Youth Challenge Yourself Camp

Transportation 6 trips @ \$500.00 each	\$3000.00
Tshirts for 50 campers & 10 counselors	600.00
2 new computers for Rec and Pool	\$1000.00
Speakers for Sound System	\$1000.00
Summer Track Team Support	\$1500.00
Swim Team Support	\$1500.00
1 new starting Block	\$1850.00
Lifeguarding equipment and dri decking	\$3073.20

Total Request **\$ 13,523.20**

If you would like for me to come talk to you all about our projects at the Park I would gladly do that or if you need any additional information please contact me and I will furnish it promptly.

Again, thank you for your continued support.

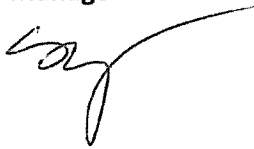
Sincerely,


Susan Ivy

Susan Ivy,
Parks Director
City of Kingsville
Parks & Recreation

AGENDA ITEM #15

**City of Kingsville
Parks & Recreation Department**

TO: Mayor and City Commissioners
CC: Deborah Balli, Interim City Manager
FROM: Susan Ivy, Parks Director 
DATE: June 19, 2019
SUBJECT: Agenda Request – Receipt of donation from Brookshire Foundation

Summary: We are requesting that Commission authorize the receipt of up to \$13600.00 from the B.C. & Addie Brookshire Foundation for assistance with recreational programming and equipment for the Kingsville Parks & Recreation Department.

Background: The Brookshire Foundation has a long history of supporting youth programming in Kleberg County. The Parks Department has received tens of thousands of dollars over the years that have benefitted our programs and facilities. They have been a faithful supporter of needs of the Brookshire Pool and our summer programming. Attached you will find a listing of the items we requested and were approved.

Financial Impact: These donations will increase our funding for recreational needs as follows:

Minor Equipment	-4513-21700	- \$6923.00
Swim Team	4513-31497	1500.00
Track Team	4513-31496	1500.00
Rec Program	4513-31499	3600.00

Recommendation: We ask that Commission authorize the receipt of up to \$13600.00 in donations and approve the associated budget amendment needed to record the funds in the Parks Department line items as shown above.





Parks & Recreation

P. O. Box 1458
Kingsville, Texas 78364
361-221-8705
sivy@cityofkingsville.com

May 18, 2019

Brookshire Foundation

Via email to Sylvia Woelfel

Dear Board Members,

Thank you for the opportunity to present a proposal to you for funding. As always, Kingsville Parks and Recreation appreciates the years of support you have provided.

We would like to ask your assistance with providing transportation for our summer program in the amount of \$3000.00 and tshirts for 50 kids and 10 counselors in the amount of \$500. We will provide an additional 50 shirts and an additional shirt for our counselors. Information about our daily activities in our summer camp is attached. We are again partnering with Kingsville Independent School District for this service and the Kleberg Kenedy County Agri-Life Extension for programming assistance. We are reducing our camp to three days and combining ages at the request of parents. With the additional movie nights on Fridays that we host having camp and those events makes a long day for our staff. We hope to work toward extending camp to all day next year but that will be addressed in the City's Budget process and grant and foundation applications.

We are asking for \$1000 for 2 new speakers for our sound system that we use for movie nights and festival/special events. And another \$1000.00 for two new laptops with dvd players, one for our recreation program and one for the Brookshire pool to assist with weekly inservice trainings.

We are again asking for \$1500.00 for each of the Swim Team and Track Team to assist with their sanctioning fees and uniforms.

Last year you were able to fund 4 starting blocks for our swim team as well. We need one more to complete that need. They are priced at \$1850 each and we need 1.

We are asking for some new lifesaving equipment needed for the guards at Brookshire Pool, 4 new umbrellas for the lifeguard chairs and Dri Deck Flooring for the restroom area. These items total \$3073.20.

We would like to invite you to come see all the new improvements at the pool once we get it up and running for the summer. New decking, new sand filter, new fencing, the kiddie pool and shade structures. We think you will be proud.

To summarize our request:

Summer Youth Challenge Yourself Camp

Transportation 6 trips @ \$500.00 each	\$3000.00
Tshirts for 50 campers & 10 counselors	600.00
2 new computers for Rec and Pool	\$1000.00
Speakers for Sound System	\$1000.00
Summer Track Team Support	\$1500.00
Swim Team Support	\$1500.00
1 new starting Block	\$1850.00
Lifeguarding equipment and dri decking	\$3073.20

Total Request **\$ 13,523.20**

If you would like for me to come talk to you all about our projects at the Park I would gladly do that or if you need any additional information please contact me and I will furnish it promptly.

Again, thank you for your continued support.

Sincerely,



Susan Ivy

Susan Ivy,
Parks Director
City of Kingsville
Parks & Recreation

ORDINANCE NO. 2019-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2018-2019 BUDGET TO ACCEPT AND EXPEND PARK DONATIONS FROM THE BROOKSHIRE FOUNDATION FOR RECREATIONAL PROGRAMS & EQUIPMENT.

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</u>					
4513	Recreation	Park Donations	58003	\$13,523	
<u>Expenditures</u>					
4513	Recreation	Minor Equipment	21700	\$6,923	
4513	Recreation	Swim Team	31497	\$1,500	
4513	Recreation	Track Team	31496	\$1,500	
4513	Recreation	Recreation Programs	31499	\$3,600	

[To amend the City of Kingsville FY 18-19 Budget to accept and expend park donations for recreational programs and equipment. Funds will come from donations received for the stated purpose.]

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 8th day of July 2019.

PASSED AND APPROVED on this the 22nd day of July, 2019.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #16

City of Kingsville
Public Works, Wastewater Division

TO: Mayor and City Commissioners

CC: Deborah Balli, Interim City Manager

FROM: William Donnell, Director of Public Works

DATE: June 27, 2019

SUBJECT: Landfill Closure Post Closure Fund Budget Amendment

Summary:

This item authorizes funding for professional services related to Landfill Permit Amendment responses to TCEQ and repairs to landfill heavy equipment.

Background:

Hanson Engineering has completed the final phase of the NOD responses for the Landfill Permit Amendment. The TCEQ Executive Director has completed the technical review which the amendment is determined to meet the all statutory and regulatory requirements of the TCEQ and the goals and policies of the Texas Coastal Management Program and has prepared a preliminary decision and draft permit. Final permit amendment process is advertising and accepting public comment which may require a public meeting.

To remain in compliance with TCEQ equipment regulations, major unpredicted maintenance repairs to the Bomag compactor planetary drive (\$39,406.10) and the John Deere 550k dozer final drive (\$10,243.61) are in process of repair.

Financial Impact:

This will reduce Unrestricted Landfill Closure Post Closure Fund 090 balance by \$163,600.17. Increase Professional Services account 090-5-170.3-314.00 by \$113,950.46 and increase Vehicle Maintenance account 090-5-170.3-411.00 by \$49,649.71.

Recommendation:

Staff is recommending approval of funds for completion of the permit amendment response process and to complete unexpected equipment repairs.



ORDINANCE NO. 2019-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2018-2019 BUDGET TO EXPEND FUNDS FOR PROFESSIONAL SERVICES RELATED TO THE LANDFILL PERMIT AMENDMENT RESPONSES AND LANDFILL HEAVY EQUIPMENT REPAIRS.

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 090 – Landfill Closure Fund					
<u>Expenditures - 5</u>					
1703	Landfill	Professional Services	31400	\$113,950.46	
1703	Landfill	Vehicle Maintenance	41100	\$49,649.71	
		Total Budget Amendment		\$163,300.17	

[To amend the City of Kingsville FY 18-19 Budget to expend funds for professional services related to the landfill permit amendment responses and landfill heavy equipment repairs. Funds will come from the Fund 090 Fund Balance.]

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 8th day of July 2019.

PASSED AND APPROVED on this the 22nd day of July, 2019.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #17

**City of Kingsville
Public Works Department**

TO: Mayor and City Commissioners

CC: Deborah Balli, Interim City Manager

FROM: William Donnell, Director of Public Works

DATE: June 26, 2019

SUBJECT: Cross Connection Control and Backflow Prevention Program

Summary:

This item proposes an ordinance to protect the City of Kingsville water supply with a Cross Connection Control and Backflow Prevention Program. A Cross Connection Control Policy Manual is also required and will be adopted by resolution.

Background:

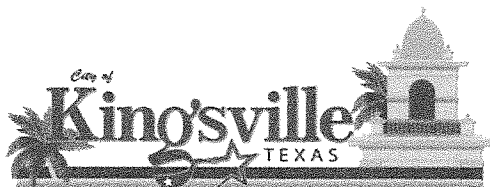
The State of Texas is granted primacy over the water program and the Texas Commission on Environmental Quality (TCEQ) is designated the implementing agency for all purposes of the Safe Drinking Water Act by the Texas Administrative Code, [30 TAC Chapter 290]. Pursuant to the Texas Commission on Environmental Quality and the Safe Drinking Water Act (42 U.S.C. 300f et seq.), owners and official custodians of a public water supply in the State of Texas shall provide continuous operation and maintenance of public water supply facilities so that the water shall be assuredly safe in quality, clean, adequate in quantity, and of satisfactory mineral characteristics for ordinary domestic consumption. The public water system purveyor is required to adopt and enforce an active cross-connection control program that contains the minimum components specified in Texas Administrative Code, [30 TAC Chapter 290].

Financial Impact:

There is no financial impact to the City.

Recommendation:

Staff is recommending approval of the proposed ordinance to protect the City of Kingsville water supply with a Cross Connection Control and Backflow Prevention Program and approval of the resolution to adopt the Cross Connection Control Policy Manual.



ORDINANCE # 2019 _____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XV; PROVIDING FOR ADOPTION OF ARTICLE 12, CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION PROGRAM AND REGULATIONS PERTAINING THERETO TO ESTABLISH MINIMUM STANDARDS WITHIN THE CORPORATE LIMITS OF THE CITY AND THE EXTRATERRITORIAL JURISDICTION; AND PROVIDING FOR A CRIMINAL PENALTY, CLASS C MISDEMEANOR NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR VIOLATION OF THE CODE ; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City Commission of the City of Kingsville has determined that water conservation and environmental protection are important issues and concerns affecting the city; and

WHEREAS, TCEQ requires the owners of a public water supply system to provide continuous operation and maintenance of public water supply facilities so that the water shall be assuredly safe in quality, clean, adequate in quantity and of satisfactory minor characteristics for ordinary domestic consumption;

WHEREAS, accordingly, TCEQ requires the owners of a public water supply system to adopt and enforce an active cross-connection control program that contains the minimum components specified in Texas Administrative Code, 30 TAC Chapter 290;

WHEREAS, the City of Kingsville owns a public water supply system and must adopt and enforce an active cross-connection control program that contains the minimum components specified in Texas Administrative Code, 30 TAC Chapter 290 to try and ensure the public water supply system can provide safe drinking water;

WHEREAS, the City has developed a Cross Connection Control Policy Manual and an ordinance to codify the regulates required by TCEQ to regulate the safety of the public water supply system within the corporate limits of the city as well as the city's customers in the extraterritorial jurisdiction; and

WHEREAS, the provisions herein are necessary to promote and protect the health, safety, and welfare of the public by creating an urban environment that is protective of the city's water supply and provides an enhanced quality of life for the citizens of the City of Kingsville.

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

I.

THAT Article 12: Cross Connection Control and Backflow Prevention Program of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas shall be adopted to read as follows:

Article 12 - CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION PROGRAM

§15-12-1 PURPOSE.

The purpose of this Chapter is:

- A) Compliance of all cross connection and backflow prevention related regulations as established by Texas Commission on Environmental Quality (TCEQ), Title 30 of the Texas Administrative Code (30 TAC) and with the current Plumbing Code as adopted by the city.
- B) Protect the City of Kingsville Public Water Supply from contamination or pollution due to cross connections
- C) Provide for a continuing cross connection control program as required by this ordinance, plumbing code and state regulations as detailed in the City of Kingsville Cross Connection Control Manual.

§15-12-2 – APPLICABILITY.

This Chapter applies to all customers with service connections to the City's potable water supply.

§15-12-3 – DEFINITIONS.

Backflow - The undesirable flow in the direction opposite to the normal flow; or the introduction of any foreign liquids, gases, or substances into the public water system.

Certified backflow prevention assembly tester or certified tester - A person who: (1) holds a current professional certification as a backflow prevention assembly tester as required by 30 Texas Administrative Code § 290.44(h)(4)(A), as amended; and (2) is currently registered as a certified tester with the City of Kingsville.

City - The City of Kingsville.

Cross connection - A physical connection between a public water system and either another supply of unknown or questionable quality, any source which may contain contaminating or polluting substances, or any source of water treated to a lesser degree in the treatment process.

Customer - A person or public water supply that receives potable water from the City.

Director - The Director of Public Works or appointed designee to administer and enforce this Chapter.

Distribution system - A system of pipes that conveys potable water from a treatment plant to the consumers. The term includes pump stations, ground and elevated storage tanks, potable water mains, and potable water service lines and all associated valves, fittings, and meters, but excludes potable water customer service lines.

Health Hazard - A cross-connection, potential contamination hazard, or other situation involving any substance that can cause death, illness, spread of disease, or has a high probability of causing such effects if introduced into the potable drinking water supply.

Non-Health Hazard - A cross-connection, potential contamination hazard, or other situation involving any substance that generally will not be a health hazard, but will constitute a nuisance, or be aesthetically objectionable, if introduced into the public water supply.

Plumbing inspector - Any person employed by a political subdivision for the purpose of inspecting plumbing work and installations in connection with health and safety laws and ordinances, who has no financial or advisory interest in any plumbing company, and who has successfully fulfilled the examinations and requirements of the Texas State Board of Plumbing Examiners.

Potable water customer service line - The sections of potable water pipe between the customer's meter and the customer's point of use.

Potable water service line - The section of pipe between the potable water main to the customer's side of the water meter. In cases where no customer water meter exists, it is the section of pipe that is under the ownership and control of the public water system.

Potable water main - A pipe or enclosed constructed conveyance operated by a public water system which is used for the transmission or distribution of drinking water to a potable water service line.

Texas Commission on Environmental Quality (TCEQ) - The environmental agency for the State of Texas.

§15-12-4 CITY OF KINGSVILLE CROSS CONNECTION CONTROL MANUAL.

The City of Kingsville Cross Connection Control Manual is a document established by the City to supplement this Chapter. It outlines established safe working practices of an effective cross connection program and is enforced by this Chapter.

§15-12-5 CROSS CONNECTIONS PROHIBITED.

Title 30 of the Texas Administrative Code (30 TAC), Chapter 290, prohibits Public Water Supplies from connecting to an actual or potential contamination hazard without first protecting the potable-water supply.

(A) A person may not:

- (1) install or maintain a potable water supply, plumbing fixture, equipment, or construction device that creates a cross-connection, or allows reclaimed, contaminated, or polluted water, mixtures or other substances, or gases, to enter potable water by back siphoning, backpressure, or other means;
- (2) connect an auxiliary water supply to the City's public water system or a private plumbing system unless a backflow prevention assembly or air gap is installed as required by this chapter;
- (3) use a chemical or substance that may cause pollution or contamination of the public water system without installing a backflow prevention assembly or device as required by this chapter;
- (4) connect to the public water system a mechanism or system designed to return reclaimed or used water to the public water system;
- (5) connect a reclaimed water system to the City's public water system or to the potable water system of a customer who receives potable water service from the City's public water system; or
- (6) connect a vehicle or equipment capable of producing backsiphonage or backpressure without installing a backflow prevention assembly or device as required by this chapter.

(B) A person may not install a backflow prevention assembly in a private plumbing system, fire protection system, process water system, irrigation system, or other water distribution system connected to the City's public water system unless:

- (1) The assembly has been designed, manufactured, and tested in accordance with the standards adopted by the American Water Works Association;
- (2) The assembly has been tested and listed as an approved backflow prevention assembly by the University of Southern California Foundation for Cross Connection Control and Hydraulic Research; and
- (3) The installation complies with the City of Kingsville Cross Connection Manual.

§15-12-6 CITY OF KINGSVILLE RESPONSIBILITIES.

- (A) The City shall have the authority and responsibility, in accordance with this Chapter and Title 30, Chapter 290 of the Texas Administrative Code, both as amended, for enforcing the requirements of this Chapter and may establish policies to implement the purposes of this Chapter.
- (B) The City, to ensure adequate protection in individual cases, may assess and determine the degree of hazard to the City's potable water system posed in the case of individual connections, customers or users. When the City determines that a backflow prevention assembly is required for the protection of the City water system, the City will require the customer, at the customer's expense, to properly install an approved assembly at each service connection or hazard point.
- (C) The City shall require a certified testing report for all required and testable assemblies where an actual or potential hazard has been determined to exist in accordance with this Chapter:
 - (1) Prior to providing continuous water service to new construction;
 - (2) After any installation, repair, relocation, alteration, or addition to a customer's system that may affect the system's compliance with this Chapter;
 - (3) Establish a testing schedule for all existing backflow prevention assemblies on an annual basis.
- (D) The City may require from any person the submission of any records relating to the installation, maintenance, repair or testing of backflow prevention assemblies performed in accordance with this Chapter.
- (E) The City may refuse to initiate service or discontinue present service to any customer where the City determines that:
 - (1) An actual or potential hazard in the customer's system exists; and/or
 - (2) Adequate protection against backflow has not been provided or reported in accordance with this Chapter. Notice of terminating service is not required where the actual or potential threat of contamination endangers the health, safety and welfare of the City water system and the customers the system serves.
- (F) The City may revoke a certified tester's registration if the City determines the certified tester has:
 - (1) Failed to follow the requirements of this Chapter creating a threat to public health or environment;
 - (2) Used a test gauge that is inaccurate or does not meet the manufacturer's standards;
 - (3) Submitted false, incomplete or inaccurate test reports;
 - (4) Used Improper certification methods;
 - (5) Failed to maintain licensure with TCEQ;
 - (6) Failed to maintain registration with the City of Kingsville; or
 - (7) Failed to submit completed test reports within ten (10) days of test.
- (G) Revocation of a registered certified tester with the City is effective five (5) calendar days after the City has given written notice from the City sent via certified mail, return receipt requested. Non-receipt of the notice does not affect the validity of a

revocation notice. Written notice shall provide specific written findings justifying revocation.

- (H) A request for appeal and reconsideration of registration revocation by a certified tester shall be delivered to the City within fifteen (15) calendar days of receipt of the revocation notice and shall specifically contest or justify the City's findings as outlined in the revocation notice. The City shall have fifteen (15) calendar days to reconsider revocation and shall then issue a written final determination via certified mail, return receipt requested.

§15-12-7 CUSTOMER RESPONSIBILITIES.

- (A) Each customer, beginning at the point of delivery and including the customer's entire internal water system, has a duty to prevent contaminants from entering into the customer's and City's water system.
- (B) Each customer, as a condition of receiving water service, consents to allow City personnel access to the customer's property during normal business hours to inspect and survey the customer's system for potential contamination, backflow hazards and cross-connections. If a customer refuses to allow access to City personnel for an inspection, the City may immediately discontinue or refuse the customer's water service, and/or assume that a high contamination health hazard exists and, therefore, require the highest degree of protection to be used in the customer's system prior to providing water service. The termination of service may continue until proper backflow protection is installed.
- (C) Each customer, at the customer's expense, shall cause to have the installation, operation, maintenance and testing of approved backflow prevention assemblies as required by this Chapter.
- (D) Each customer, when contracting for the installation, repair or maintenance of backflow prevention assemblies shall employ a person, entity or contractor lawfully permitted to perform such services under state law. Each customer must ensure all required permits are acquired before installing, replacing, re-piping or relocating a backflow prevention assembly is performed.
- (E) With the installation of backflow prevention assemblies, the potential for creating a "closed-system" occurs. This closed system could result in injury to the water system customer if adequate safety measures, including thermal expansion valves, are not functioning properly. Thermal expansion of heated water may occur wherever potable water is heated in a closed system. This expansion may cause damage ranging from leaking faucets to a ruptured water heater if the condition is not addressed. The City shall not accept any liability resulting from the implementation of this Chapter.

§15-12-8 CERTIFIED BACKFLOW PREVENTION ASSEMBLY TESTER RESPONSIBILITIES.

- (A) Each certified tester must be registered with the City. In order to register, the certified tester must provide a valid copy of their TCEQ Backflow Prevention Assembly Tester license and current copy of their Certificate of Calibration for each

test gauge used to perform testing. Upon submission and approval, the tester will be added to the approved list which can be furnished to all customers requiring testing of their backflow prevention assemblies. Test and maintenance reports shall not be accepted if the tester is not currently registered with the City.

- (B) A certified tester's register shall remain in effect unless:
 - (1) The certified tester fails to recertify and maintain their BPAT license;
 - (2) The certified tester fails to obtain an annual Certificate of Calibration for each test gauge;
 - (3) The certified tester's registration is revoked by the Public Works Director for reasons outlined previously in this Chapter.
- (C) Each certified tester is responsible for the competency and accuracy of all tests and reports certifying assemblies to be operating within specifications performed or submitted by the certified tester. Certified testers shall certify that all backflow prevention assemblies comply with the specifications provided in the University of Southern California's Manual of Cross Connection Control (latest edition) and that such assemblies are otherwise in compliance with this Chapter.
- (D) Each certified tester must submit to the City within ten (10) days the completed test results for record keeping purposes.
- (E) If a backflow prevention assembly test fails or an assembly malfunctions and the actual or potential hazard of contamination is not immediately curable through repair or replacement, the certified tester shall notify the City and the customer immediately in person or by telephone. This notification shall also be submitted in writing within five (5) calendar days. If the failure or malfunction of a backflow prevention assembly is not immediately curable through repair or replacement, the City upon notification, shall take all necessary steps, including the immediate cessation of water service through the assembly, to prevent the possible contamination of the City's water system.
- (F) It is a violation of this article for a certified tester to alter the design, material, or operational characteristics of a backflow prevention assembly during testing, repairing or maintaining the assembly.
- (G) Certified backflow prevention assembly testers are qualified to test and repair assemblies on any domestic, commercial, industrial, or irrigation service. However, certified testers shall only test and repair assemblies on fire lines if they are permanently employed by an approved fire line contractor as required by the State of Texas Fire Marshal's office.

§15-12-9 TESTING AND INSPECTION OF BACKFLOW PREVENTION ASSEMBLIES.

- (A) The City shall require all backflow prevention devices and assemblies to be both field inspected and tested in each of the following circumstances:
 - (1) Immediately after installation;
 - (2) Immediately after repairs;
 - (3) Whenever the assembly is moved;
 - (4) A minimum of once a year for all commercial applications other than residential lawn irrigation systems;
 - (5) Once every three (3) years for resident lawn irrigation systems;

- (6) If chemical additives are induced into the irrigation system, the backflow assembly shall be a reduced pressure principle assembly and shall be tested annually;
- (7) For premises that have been vacated and unoccupied for one year, prior to re-occupancy.

§15-12-10 CUSTOMER SERVICE INSPECTIONS.

- (A) The City shall complete or cause to be completed a customer service inspection prior to providing continuous water service under the following conditions:
 - (1) All new construction;
 - (2) On any existing service when the City has reason to believe that cross-connections or other contaminant hazards exist; or
 - (3) After any material improvement, correction, or addition to the private water-distribution facilities.
- (B) Only individuals with the following credentials shall be recognized as capable of conducting a customer service inspection:
 - (1) Plumbing inspectors and water-supply-protection specialists that have been licensed by the Texas State Board of Plumbing Examiners.
 - (2) Customer service inspectors that have been licensed by the TCEQ.
- (C) The customer service inspection must certify that:
 - (1) No direct connection between the public drinking water supply and a potential source of contamination exists. Potential sources of contamination must be isolated from the public water system by a properly installed air gap or an appropriate backflow prevention assembly.
 - (2) No cross connection between the public water supply and a private water source exists. Where an actual, properly installed air gap is not maintained between the public water supply and a private water supply, an approved reduced-pressure-zone backflow prevention assembly is properly installed, and a service agreement exists for annual inspection and testing by a recognized backflow prevention assembly tester.
 - (3) No connection exists that allows water to be returned to the public drinking water supply.
 - (4) No pipe or pipe fitting that contains more than 0.25 percent lead is used for the installation or repair of plumbing at any connection that supplies water for human use.
 - (5) No solder or flux that contains more than 0.2 percent lead is used for the installation or repair of plumbing at any connection that provides water for human use.

§ 15-12-11 ENFORCEMENT.

- (A) The City shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person, firm, corporation or agent who shall violate a provision of this code, or fails to comply therewith, or with any of the

requirements thereof, is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of the ordinance codified in this article is declared to be a nuisance.

(B) Any person violating any provision of this article shall, upon conviction, be fined a sum not exceeding \$2,000.00. Each day that a provision of this article is violated shall constitute a separate offense. An offense under this chapter is a Class C misdemeanor, punishable by a fine of up to \$2,000.00.

(C) Nothing in this article shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including, but not limited to the following:

- (1) Injunctive relief to prevent specific conduct that violates the ordinance or to require specific conduct that is necessary for compliance with the ordinance; and
- (2) Other available relief.

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, as required by the Open Meetings Act, it is officially found and determined that the meeting at which this Ordinance is passed was open to the public and that the public notice of the time, place and purpose was given.

V.

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

INTRODUCED on this the 8th day of July, 2019.

PASSED AND APPROVED on this the 22nd day of July, 2019.

Effective Date: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #18

**City of Kingsville
Public Works Department**

TO: Mayor and City Commissioners

CC: Deborah Balli, Interim City Manager

FROM: William Donnell, Director of Public Works

DATE: June 26, 2019

SUBJECT: Cross Connection Control and Backflow Prevention Program

Summary:

This item proposes an ordinance to protect the City of Kingsville water supply with a Cross Connection Control and Backflow Prevention Program. A Cross Connection Control Policy Manual is also required and will be adopted by resolution.

Background:

The State of Texas is granted primacy over the water program and the Texas Commission on Environmental Quality (TCEQ) is designated the implementing agency for all purposes of the Safe Drinking Water Act by the Texas Administrative Code, [30 TAC Chapter 290]. Pursuant to the Texas Commission on Environmental Quality and the Safe Drinking Water Act (42 U.S.C. 300f et seq.), owners and official custodians of a public water supply in the State of Texas shall provide continuous operation and maintenance of public water supply facilities so that the water shall be assuredly safe in quality, clean, adequate in quantity, and of satisfactory mineral characteristics for ordinary domestic consumption. The public water system purveyor is required to adopt and enforce an active cross-connection control program that contains the minimum components specified in Texas Administrative Code, [30 TAC Chapter 290].

Financial Impact:

There is no financial impact to the City.

Recommendation:

Staff is recommending approval of the proposed ordinance to protect the City of Kingsville water supply with a Cross Connection Control and Backflow Prevention Program and approval of the resolution to adopt the Cross Connection Control Policy Manual.



RESOLUTION #2019-_____

A RESOLUTION ADOPTING THE CITY OF KINGSVILLE CROSS CONNECTION CONTROL POLICY MANUAL; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the TCEQ requires the owners of a public water supply system to adopt and enforce an active cross-connection control program that contains the minimum components specified in Texas Administrative Code, 30 TAC Chapter 290;

WHEREAS, the City of Kingsville owns a public water supply system and must adopt and enforce an active cross-connection control program that contains the minimum components specified in Texas Administrative Code, 30 TAC Chapter 290 to try and ensure the public water supply system can provide safe drinking water;

WHEREAS, the City has developed a Cross Connection Control Policy Manual and an ordinance to codify the regulates required by TCEQ to regulate the safety of the public water supply system within the corporate limits of the city as well as the city's customers in the extraterritorial jurisdiction; and

WHEREAS, the provisions herein are necessary to promote and protect the health, safety, and welfare of the public by creating an urban environment that is protective of the city's water supply and provides an enhanced quality of life for the citizens of the City of Kingsville.

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

I.

THAT the City of Kingsville Cross Connection Control Policy Manual is hereby adopted 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
_____ 8th day of _____ July _____, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



Cross – Connection Control Policy Manual

Prepared With::

***Backflow Solutions, Inc .
12609 S Laramie Ave
Alsip, IL 60803
Tel: 800-414-4990***

PREFACE

This is a manual of policies and specifications for the Cross-Connection Control Program as approved and adopted by the City of Kingsville. This manual of policies and specifications serves to ensure that the safety of the potable water system is maintained.

The City of Kingsville:

Urges the review of this manual of policies and specifications before designing, installing or modifying any plumbing system and before specifying, installing, repairing, or testing any backflow prevention assembly;

Believes the material in this manual will provide the consumer with the understanding of cross-connections and backflow prevention assemblies;

Will ensure that the policies, standards and specifications as set forth in this manual will be uniformly enforced;

Reserves the right to update this manual as necessary due to changes in Texas Commission on Environmental Quality policies and regulations.

If there are any questions regarding this manual or policies please call Backflow Solutions, Inc. at 1-800-414-4990, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. CDT.

This page intentionally left blank.

TABLE OF CONTENTS

PREFACE.....	1
TABLE OF CONTENTS	3
Section 1 - Purpose and Intent.....	7
1.1 Protection	7
1.2 Elimination of Cross-Connections.....	7
1.3 Continuing Program of Cross-Connection Control	7
Section 2 - Definitions	9
Section 3 - Authority and Objectives	13
3.1 Federal Safe Drinking Water Act	13
3.2 Texas Law and Regulations	13
3.3 Local Authority	14
3.4 Objectives	14
Section 4 - Responsibilities	15
4.1 Water Purveyor	15
4.1.1 Cross-Connection Control Program	15
4.1.2 Cross-Connection Inspections	15
4.1.3 Right to Entry.....	15
4.1.4 Classification of Hazard	15
4.1.5 Selection of Appropriate Backflow Preventer	15
4.1.6 Approved Backflow Prevention Assemblies	15
4.1.7 Existing Backflow Preventers	16
4.1.8 Review of Meter Applications	16
4.1.9 Record Keeping	16
4.1.10 Notification	16

4.2	Consumer	16
4.2.1	Right to Entry	16
4.2.2	Elimination and Protection of Cross-Connections.....	17
4.2.3	Connections to Sewer	17
4.2.4	Home or Private Wells	17
4.2.5	Installation of Appropriate Backflow Preventer	17
4.2.6	Testing and Certification of Backflow Preventers	17
4.3	Texas Backflow Assembly Testers (TxBPAT).....	17
4.3.1	TXBPAT	17
4.3.2	Test Reports	18
4.3.3	Fraudulent Information	18
Section 5 - Degree of Hazard and Type of Protection		19
5.1	Degree of Hazard	19
5.1.1	Non-Potable Water Supply	19
5.1.2	Objectionable, but Not Hazardous.....	19
5.1.3	Actual or Potential Hazard.....	19
5.2	Actual or Potential Cross-Connection	19
5.3	Restricted Premises	19
Section 6 - Approval, Testing and Repairs of Backflow Prevention Assemblies		21
6.1	Approved Backflow Prevention Assemblies and Devices.....	21
6.2	Testing of Backflow Prevention Assemblies.....	21
6.2.1	Test/Certification Requirements for Reduced Pressure Principle Assemblies	22
6.2.2	Test/Certification Requirements for Double Check Valve Assemblies	22
6.2.3	Test/Certification Requirements for Pressure Vacuum Breaker Assemblies	23
6.3	Repairs to Backflow Prevention Assemblies.....	23
6.4.	Existing Backflow Prevention Assemblies.....	23

6.5.	Records - Test/Maintenance Reports	24
6.5.1	Minimum Information for Test/Maintenance Reports.....	24
6.5.2	Tagging of Backflow Prevention Assemblies or Devices	24
6.5.3	Retention of Test/Maintenance Reports.....	25
Section 7 -	Installation of Backflow Prevention Assemblies and Devices	27
7.1	Location	27
7.2	Support.....	27
7.3	Flushing.....	27
7.4	Reduced Pressure Principle Backflow Prevention Assembly	27
7.5	Double Check Valve Backflow Prevention Assembly	28
7.6	Pressure Vacuum Breaker Backflow Prevention Assembly	28
7.7	Atmospheric Vacuum Breaker Device	28
7.8	Standards.....	28
7.8	Pads	29
7.9	Protection from Freezing	29
Section 8 -	Compliance and Enforcement.....	31
8.1	Compliance of Customer	31
8.1.1	Failure to allow inspection.....	31
8.1.2	Failure to eliminate a discovered cross-connection or failure to install the appropriate backflow prevention assembly	31
8.1.3	Failure to maintain and have tested a required backflow prevention assembly	31
8.1.4	By-passing, removing or otherwise rendering a required backflow prevention assembly ineffective	31
8.2	Compliance of Texas Backflow Prevention Assembly Tester	32

8.2.1 Failure to complete and submit required test report forms to the
City of Kingsville.....32

8.2.2 Submitting false or fraudulent information or reports32

8.2.3 Failure to provide copy of current TxBPAT License and current
Certificate of Calibration32

8.3. Liability32

8.4. Enforcement & Fines32

Section 9 - Certification of Adoption.....34

Section 1

Purpose and Intent

This policy applies to all buildings, structures, plumbing systems and premises to which the City of Kingsville supplies potable water. The purpose and intent of the cross-connection control program is:

1.1 Protection

To protect the public potable water supply from the possibility of contamination or pollution by containing or isolating actual or potential cross-connections in the water distribution system that could allow backflow by backpressure or back-siphonage into the public potable water supply.

1.2 Elimination of Cross-Connections

To eliminate and control cross-connections (actual or potential) between the potable water system and any other system or plumbing fixture in existing and future buildings and facilities.

1.3 Continuing Program of Cross-Connection Control

To provide for the maintenance and operation of a continuing program of cross-connection control, which will systematically and effectively prevent the contamination or pollution of the public water supply distribution system, as required by the Texas Commission on Environmental Quality.

This page intentionally left blank.

Section 2

Definitions

Air-gap: The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water to a tank, fixture, receptor, sink, or other assembly and the flood level rim of the receptacle. The vertical, physical separation must be at least twice the diameter of the water supply outlet, but never less than 1.0 inch.

Atmospheric Vacuum Breaker (AVB): A backflow prevention device that is operated by atmospheric pressure in combination with the force of gravity to introduce air and seal off the water supply line in the event of pressure loss. An AVB must be ASSE approved and used for isolation only. An AVB must be installed at least six (6) inches above the highest point of use, upstream of any shut off valves, and not subjected to backpressure. An AVB cannot be used in continuous use applications (more than 12 hours at a time) or where the container receiving water contains high toxicity or lethal substances.

Auxiliary Water Supply: Any water supply on or available to the premises other than the water purveyor's approved public potable water supply. These may include other potable water supplies, wells, ponds, pools, retention areas, creeks, or any other natural or manmade water source.

Backflow: The undesirable reversal of the normal flow direction where water or mixtures of water and other liquids, gases, or other substances flows from the intended point of delivery towards the public potable water supply.

Backflow Prevention Assembly (BPA): An assembly that has been manufactured in full conformance with the latest adopted standards of the American Water Works Association (AWWA), American Society of Sanitary Engineers (ASSE), American National Standards Institute (ANSI), and/or approved by the National Sanitation Foundation (NSF) or University of Southern California Foundation for Cross Connection Control and Hydraulic Research (USC FCCC&HR).

Backpressure: Any elevation of pressure in the downstream piping system (by pump, elevation of piping, steam, or air pressure) above the supply pressure at the point of consideration that would cause, or tend to cause, a reversal of the normal direction of flow.

Backsiphonage: Backflow caused by a reduction in pressure in the water supply distribution system that causes a negative or sub-atmospheric pressure to exist at the point of consideration.

Certified Test Gauges: Test gauge equipment designed for use in testing and reporting accurate results of tests on backflow prevention assemblies that will be certified annually to University of Southern California Foundation for Cross-Connection Control and Hydraulic Research (FCCC&HR) standards by an approved calibration facility.

Consumer (Customer): The owner or operator of a premise, facility, and /or water system who receives water from the City of Kingsville potable water supply.

Contamination: The presence of any foreign substance (organic, inorganic, radiological or biological) in water that tends to degrade its quality so as to constitute a health hazard or impair the usefulness of the water.

Cross-Connection: A connection or potential connection between any part of a public water system and either another supply of unknown or questionable quality, any source which may contain contaminating or polluting substances, or any source of water treated to a lesser degree in the treatment process. By-pass arrangements, jumper connections, swivel or changeover assemblies, or other temporary or permanent assemblies through which, or because of which, backflow may occur are considered cross-connections.

Controlled Cross-Connection: A connection between the potable water system and a non-potable system with an approved backflow preventer properly installed and maintained so as to continuously afford protection commensurate with the degree of hazard.

Cross-Connection Control by Containment: The installation of an approved backflow prevention assembly appropriate for the hazard type at the water service connection to any customer's premises. This method provides the most protection for the public water supply.

Cross-Connection Control by Isolation: The installation of approved backflow prevention assemblies appropriate for the hazard type at the point of use where each actual or potential cross-connection exists, thereby isolating each cross-connection separately. This method provides the most protection for the facility occupants.

Direction of Flow Test: The method of testing a backflow prevention device or assembly, using an approved, calibrated differential pressure test kit, to demonstrate (certify) that each valve within the assembly or device properly operates when tested in the same direction as the intended flow of water in a piping system.

Fire Protection System: Any system, public or private, used exclusively for the purpose of having water ready for the extinguishing of fire, (usually sprinkler systems, hose rack systems, or hydrant systems) metered or unmetered, connected to, or independent of the public potable water system.

Hazard (degree): Derived from the evaluation of conditions within a system that can be classified as either a “Health” (High) or “Non-health” (Low) hazard.

Health Hazard (High Hazard): A cross-connection, potential contamination hazard, or other situation involving any substance that can cause death, illness, spread of disease, or has a high probability of causing such effects if introduced into the potable drinking water supply.

Non-health Hazard (Low Hazard): A cross-connection, potential contamination hazard, or other situation involving any substance that generally will not be a health hazard, but will constitute a nuisance, or be aesthetically objectionable, if introduced into the potable drinking water supply.

Non-potable water: Water that is of questionable quality or is not safe for human consumption.

Plumbing system: The water service, water supply and distribution pipes; plumbing fixtures and traps; soil, waste and vent pipes; building drains; including their respective connections, devices and appurtenances. Plumbing system does not include building sewers.

Potable water: Any water that meets Texas and federal drinking water standards and is safe for human consumption.

Service line: A pipe connecting the utility service provider’s main and the water meter.

Texas Backflow Prevention Assembly Tester (TxBPAT): A person who can prove competency in testing backflow prevention assemblies. The TxBPAT must hold a current license issued by the Texas Commission on Environmental Quality and be in good standing with same as well as meet the qualifications for testing backflow prevention assemblies within the jurisdiction of the City of Kingsville.

Water system (public): The City of Kingsville water system operates as a public water supply as defined and approved by the Texas Commission on Environmental Quality and the United States Environmental Protection Agency to supply potable water for domestic purposes. This system includes all sources, facilities, and to the point of delivery to the consumer including valves, pumps, pipes, conduits, tanks, receptacles, fixtures, equipment used to produce, convey, treat, and store potable water for public consumption or use.

This page intentionally left blank.

Section 3

Authority and Objectives

3.1 Federal Safe Drinking Water Act

The Safe Drinking Water Act (PL 93-532) was signed into law by Congress on December 16, 1974. The purpose of the law is to assure that the nation's potable water supply systems meet minimum National Health Standards for the protection of public health.

In accordance with the Safe Drinking Water Act (SDWA), the National Interim Primary Drinking Water Regulations were promulgated on December 24, 1975 and became effective on June 24, 1977. These regulations replaced the Public Health Service Drinking Water Standard of 1962. It is stated in Appendix A of the rule that "minimum protection should include programs that result in prevention of health hazards, such as cross-connections."

Public water supplies are required to comply with regulations promulgated under the SDWA as amended in 1996.

The SDWA and its regulations cover all potable water systems with 15 or more service connections or serving 25 or more individuals. Under Section 1413 of the SDWA, states may obtain primary enforcement authority and responsibility for their water quality program. In Texas, the Texas Commission on Environmental Quality has this responsibility and authority.

3.2 Texas Law and Regulations

The State of Texas is granted primacy over the water program and the Texas Commission on Environmental Quality (TCEQ) is designated the implementing agency for all purposes of the Safe Drinking Water Act by the Texas Administrative Code, [30 TAC Chapter 290].

Pursuant to the Texas Commission on Environmental Quality and the Safe Drinking Water Act (42 U.S.C. 300f et seq.), owners and official custodians of a public water supply in the State of Texas shall provide continuous operation and maintenance of public water supply facilities so that the water shall be assuredly safe in quality, clean, adequate in quantity, and of satisfactory mineral characteristics for ordinary domestic consumption.

The public water system purveyor is required to adopt and enforce an active cross-connection control program that contains the minimum components specified in Texas Administrative Code, [30 TAC Chapter 290].

3.3 Local Authority

Therefore, in accordance with the Federal and State laws, and consistent with the Texas Commission on Environmental regulations previously described, the City of Kingsville has adopted and approved the cross-connection control policy described herein on the 8th day of July, 2019 and will implement the cross-connection control program accordingly.

3.4 Objectives

Backflow may result in the potable water system becoming a transmitter of diseases, toxic materials, or other hazardous liquids, objectionable tastes and odors. Therefore, it is necessary to establish and maintain a cross-connection control program to protect the customers and users of the public potable water system by controlling actual or potential cross-connections through methods of containment and/or isolation.

It is the objective of the City of Kingsville to provide the safest and highest quality water to its customers at all times. By establishing this program, the City of Kingsville continues toward that objective and toward the protection of the public health.

Section 4

Responsibilities

4.1 Water Purveyor

4.1.1 Cross-Connection Control Program - The City of Kingsville is primarily responsible for the prevention of contamination and pollution of the public water mains. Such responsibility begins at the point of origin of the public water supply and ends at the point of entrance to the consumer's water system. This includes protecting the public potable water system from contamination or pollution due to backflow. Therefore, the City of Kingsville has adopted and will enforce the cross-connection control program described herein in accordance with state law, regulation, and guidelines.

4.1.2 Cross-Connection Inspections - The City of Kingsville or its authorized agent will conduct on-site inspections as necessary to locate cross-connections and make determinations as to the level of protection required. All non-residential facilities to which City of Kingsville supplies potable water for which a backflow device is required will be included in the inspections. All other connections served by the City of Kingsville will be included if there is reason to believe a cross-connection exists.

4.1.3 Right to Entry - The City of Kingsville or its authorized agent has the right to enter any non-residential building, facility, or premise, during reasonable hours, to inspect the plumbing system for cross-connections. Entry into any single-family dwelling requires consent of the owner.

4.1.4 Classification of Hazard – The City of Kingsville or its authorized agent in accordance with Texas Commission on Environmental Quality regulations will classify each cross-connection found as a High Hazard or Low Hazard.

4.1.5 Selection of Appropriate Backflow Preventer - The City of Kingsville or its authorized agent will determine the type of backflow preventer required at each cross-connection and the location where the backflow preventer is to be installed. All determinations of the appropriate backflow preventer to be installed on an unprotected connection must be made in accordance with the adopted plumbing code and any amendments thereto.

4.1.6 Approved Backflow Prevention Assemblies – All backflow prevention devices or assemblies must meet all provisions of the adopted plumbing code and any amendments thereto.

4.1.7 Existing Backflow Preventers - Any backflow prevention device or assembly installed to protect the public potable water system against the possibility of backflow from the consumer's water system prior to the adoption of this policy and discovered during any survey by the City of Kingsville or its authorized agent, shall be governed by this policy. Existing backflow preventers discovered will be inspected and tested by an approved TxBPAT within 90 days of discovery unless a valid test report is available documenting the valve passed a test by a TxBPAT within the previous 12 months.

4.1.8 Review of Meter Applications - All applications for new water service (meters) will be reviewed by City of Kingsville to determine if a cross-connection will be created. The appropriate backflow preventer is required at all new connections where a cross-connection will be created. The appropriate backflow preventer will be properly installed, tested and certified in accordance with this policy prior to initiation of water service. All construction plans for any proposed new facility are to be made available to City of Kingsville to determine compliance with this policy.

4.1.9 Record Keeping - The City of Kingsville or its authorized agent will maintain records of the type, size, manufacturer, model, serial number and location of each backflow preventer installed in the system, when each backflow preventer is due to be tested and certified, and the results of each test. These records will be maintained for five (5) years from the date of test or inspection.

4.1.10 Notification - The City of Kingsville or its authorized agent will send written notification to the owner of each backflow preventer approximately 30 days prior to the annual test/certification due date for each backflow preventer.

4.2 Consumer (Customer)

The consumer has the prime responsibility of preventing contaminants and pollutants from entering the consumer's water supply system, and from entering the public potable water supply from the consumer's water system. The consumer will protect the water supply system against actual or potential cross-connection, backpressure or back-siphonage, as required by this policy and the currently adopted plumbing code. The consumer will assure that new water supply system installations are reviewed and approved by the City of Kingsville and that any alterations or repairs to existing systems comply with the requirements of the City of Kingsville cross-connection control program and the plumbing code.

4.2.1 Right to Entry - The consumer must allow the City of Kingsville or its authorized agent access to inspect for cross-connections. Refusal to allow inspection of any water using equipment, plumbing, or other cross-connections may result in termination of water service until such time as the consumer complies. In any case, if a consumer refuses to allow an inspection of any portion of the consumer's water system, a reduced pressure principle backflow prevention assembly will be required at the water service connection to ensure containment.

4.2.2 Elimination and Protection of Cross-Connections - Cross-connections identified within the jurisdiction of the City of Kingsville will be eliminated or protected with the appropriate backflow preventer. Establishing an acceptable air-gap separation between the potable water and non-potable source eliminates cross-connections. Installing the appropriate backflow preventer protects cross-connections. It is the responsibility of the owner of the cross-connection to eliminate or protect the cross-connection.

4.2.3 Connections to Sewer - Direct connections, permanent or temporary, between the City of Kingsville public potable water supply and a sanitary or storm sewer are expressly prohibited.

4.2.4 Home or Private Wells - Connection to any alternate source of water while also connected to the City of Kingsville public potable water supply system, is prohibited unless the appropriate approved reduced pressure principle backflow prevention assembly is installed and maintained in accordance with this policy.

4.2.5 Installation of Appropriate Backflow Preventer - If the City of Kingsville or its authorized agent determines that a backflow prevention device or assembly is required, the consumer will install the type of approved backflow preventer specified at the location designated, within the required time frame. The consumer will ensure that the backflow preventer is properly installed and tested as required by this policy. The owner of the premise where the backflow preventer is required is responsible for all costs associated with the installation, testing, and maintenance of the backflow preventer.

4.2.6 Testing and Certification of Backflow Preventers - All backflow prevention assemblies will be tested immediately after installation, after repairs of any kind, and annually. Any backflow preventer found to be non-functional shall be repaired and retested immediately. Only TxBPAT approved by the Texas Commission on Environmental Quality and registered with the City of Kingsville will test backflow preventers protecting the City of Kingsville water system. The owner of the premise where the backflow preventer is required is responsible for all costs associated with testing, certification, and maintenance of the backflow preventer.

4.3 Texas Backflow Prevention Assembly Testers (TxBPAT)

4.3.1 TxBPAT - Only those backflow testers certified by, and in good standing with, the TCEQ will test backflow preventers located within the jurisdiction of City of Kingsville. Each backflow tester that performs testing of backflow prevention assemblies within the jurisdiction of the City of Kingsville must submit a copy of their current TxBPAT license and a copy of their current Certificate of Calibration for all test equipment prior to testing or certifying any backflow prevention assembly. This information must be kept current in order to remain on the list of approved TxBPAT.

4.3.2 Test Reports - All tests conducted on backflow prevention assemblies will be recorded on forms approved by the State of Texas and issued by the City of Kingsville (refer to Section 6.5.1 for minimum requirements). The TxBPAT performing the test will submit the test results to Backflow Solutions, Inc (BSI) either as a hard copy for new installations / new tests or through the BSI Online portal for existing assemblies. All required information will be included on the test form or the test will be considered invalid. The TxBPAT will affix a maintenance tag listing the date of the most recent test, test results, pass or fail, TxBPAT name and license number, type and date of any repairs. Test results must be submitted to the City of Kingsville or its agent not later than seven (7) days after completion of the test. The TxBPAT will include his/her daytime telephone number on all copies of the test form (or tag).

4.3.3 Fraudulent Information - If it is determined that a TxBPAT has misrepresented the test results of any backflow prevention assembly, has purposefully submitted fraudulent information, is not testing backflow prevention assemblies in accordance with established methods approved by the TCEQ, or in any other way misrepresents or fraudulently submits information to the City of Kingsville, that TxBPAT will be removed from the list of acceptable certified testers and all test reports submitted to City of Kingsville will be considered invalid. Additionally, the City of Kingsville will submit any and all information regarding that tester to the Texas Commission on Environmental Quality for appropriate enforcement action.

Section 5

Degree of Hazard and Type of Protection

5.1 Degree of Hazard

5.1.1 Non-Potable Water Supply - When an auxiliary water supply is present, the City of Kingsville public potable water system will be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention assembly.

5.1.2 Objectionable, but Not Hazardous - When water or a substance(s) is present that would be objectionable but not hazardous to public health if introduced into the public potable water system, the public potable water system will be protected by an approved double check valve assembly.

5.1.3 Actual or Potential Hazard - When any material dangerous to health is handled in such a fashion as to create an actual or potential hazard to the public potable water system, the public potable water system will be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention assembly.

5.2 Actual or Potential Cross-Connection

An approved air-gap separation or an approved backflow prevention assembly will protect any uncontrolled cross-connections, either actual or potential, to the public potable water supply.

5.3 Restricted Premises

Where security requirements or other prohibitions or restrictions exist and it is impossible or impractical to make a complete on-site inspection or survey to determine compliance with the cross-connection control program, the public potable water system will be protected against backflow by an approved air-gap separation or an approved reduced pressure principle backflow prevention assembly on the service line to the premises. The air-gap or backflow prevention assembly will be installed in accordance with this policy and immediately downstream of each water service meter to the premises.

This page intentionally left blank.

Section 6

Approval, Testing and Repairs of Backflow Prevention Assemblies

6.1 Approved Backflow Prevention Assemblies and Devices

Any backflow prevention assembly or device required herein will be of a manufacture meeting the approval requirements of the Texas Commission on Environmental Quality and the City of Kingsville.

Backflow prevention assemblies or devices used to protect the City of Kingsville public potable water supply must comply with the latest adopted standards of the American Water Works Association (AWWA), American Society of Sanitary Engineers (ASSE), American National Standards Institute (ANSI), and/or approved by the National Sanitation Foundation (NSF) or University of Southern California Foundation for Cross Connection Control and Hydraulic Research (USC FCCC&HR) for the application, configuration, and installation.

6.2 Testing of Backflow Prevention Assemblies

It is the responsibility of the consumer at any premise where backflow prevention assemblies are installed to have certified inspections and operational tests made at the time of installation, after any repairs, and at least once every 12 months. Consumers will be notified in writing approximately 30 days in advance of the anniversary date of the annual certification test. In those instances where the City of Kingsville responsible officials believe the hazard to be exceptional, additional certified inspections and tests may be required at more frequent intervals. These inspections and tests will be at the expense of the consumer and will be performed by a Texas Backflow Prevention Assembly Tester (TxBPAT) currently in good standing with the City of Kingsville. The tester will use appropriate test equipment that has a current certificate of calibration. A list of approved TxBPAT will be provided by the City of Kingsville upon request.

All tests of backflow prevention assemblies or devices for the purpose of certifying that the device or assembly is properly functioning must be made using the Direction of Flow test.

Before each test of a backflow prevention assembly the TxBPAT will complete the following steps:

- 1) Notify the owner and/or user of the backflow preventer that the water service will be shut-off during the test. If a fire prevention system will be

affected, the fire department and alarm monitoring company will also be notified.

2) Identify that checking the type, model, size, and serial number is testing the proper assembly.

3) Inspect the assembly for minimum clearances and properly located shut-off valves and test cocks.

4) Observe the assembly and surrounding area for signs of leakage, vandalism, alterations, safety hazards, or installation deficiencies.

5) The TxBPAT will document any noted deficiencies on the test report form, to include: safety hazards, installation abnormalities, and accessibility problems.

6.2.1 Test/Certification Requirements for Reduced Pressure Principle Assemblies

Test 1 To check that a minimum five (5.0) psi differential is maintained across check valve # 1

Test 2 The operation of the pressure differential relief valve will maintain a zone between the two check valves at least two (2.0) psi less than the supply pressure.

Test 3 The number 2 shut-off valve will close fully and be leak tight against backpressure and backsiphonage.

Test 4 The number 2 check valve will maintain a static pressure drop across the check valve of at least one (1.0) psi in the direction of flow. The check valve will permit no leakage in a direction reverse to the normal flow.

6.2.2 Test/Certification Requirements for Double Check Valve Assemblies

Test 1 The number 1 and number 2 shut-off valves will close fully and be leak tight.

Test 2 The number 1 check valve will maintain a static pressure drop across the check valve of at least one (1.0) psi in the direction of flow. The check valve will permit no leakage in a direction reverse to the normal flow.

Test 3 The number 2 check valve will maintain a static pressure drop across the check valve of at least one (1.0) psi in the direction of flow. The check valve will permit no leakage in a direction reverse to the normal flow.

6.2.3 Test/Certification Requirements for Pressure Vacuum Breaker Assemblies or Spill-Resistant Vacuum Breaker

Test 1 To determine the opening point of the air inlet valve is a minimum of one (1.0) psi

Test 2 To determine if the single check will hold tight against one (1.0) psid in the direction of flow.

The TxBPAT will supply the City of Kingsville or its authorized agent with a legible copy of the report within seven (7) days after completion of each test. The TxBPAT will affix to the backflow preventer, either a copy of the test report form or a tag listing the date of most recent test, test results, name and license number of the TxBPAT, and type and date of any repairs.

6.3 Repairs to Backflow Prevention Assemblies

It is the responsibility of the consumer to conform to scheduled and required testing/certification of the backflow preventer. If deficiencies are noted during the test, the assembly will be repaired, overhauled, or replaced and retested immediately. Only original manufacturer parts will be used. All repairs are at the expense of the consumer. If an existing assembly needs to be repaired or replaced, the assembly and associated piping, valves and fittings will be brought up to current code standards. The consumer or the consumer's registered contractor will furnish records of such test/certifications, repairs and overhauls to City of Kingsville or its authorized agent. Upon completion of any repairs, overhauls, or replacement of an assembly an operational test will be conducted to ensure the valve is functioning properly before the system is put back into service. The TxBPAT will document all repairs on the test report form.

6.4 Existing Backflow Prevention Assemblies

All existing backflow prevention assemblies which do not meet the requirements of this policy but were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained, will, except for the testing and maintenance requirements under sections 6.2 and 6.3, be excluded from the requirements of this policy so long as the City of Kingsville is assured the backflow preventer will satisfactorily protect the public potable water supply. Whenever the existing assembly is moved from the present location or requires more than minimum maintenance, or when the maintenance of the assembly

constitutes a hazard to health, the assembly will be replaced by an approved backflow prevention assembly meeting the requirements of this policy.

6.5 Records - Test/Maintenance Reports

6.5.1 Minimum Information for Test/Maintenance Reports - All Test/Maintenance reports must include the following information:

ADMINISTRATIVE INFORMATION

Water Customer or Facility Name
Contact Name and Telephone Number
Complete Service Address (Physical Address)
Complete Mailing Address
Physical Location of Backflow Prevention Assembly/Device within facility or on the property (room number, room name, landmarks)
Type of Assembly/Device (RP, RPDA, DCVA, DCDA, etc...)
Assembly Make, Model, Size and Serial Number
Test Gauge Make, Model and Serial Number
TxBPAT Printed Name, Signature and TxBPAT License Number
Date and Time of Test

TEST INFORMATION

Whether the valve Passed or Failed the test
Gauge readings for each component tested (check valves, relief valve opening point, air inlet opening point, etc...)
Repair Information (any new parts used, components cleaned and replaced, etc..)

OTHER INFORMATION

Notations of any unsafe conditions or safety issues
Notations of any installation abnormalities or deficiencies

6.5.2 Tagging of Backflow Prevention Assemblies or Devices – A tag noting the most recent test or repair and a maintenance log be maintained for each backflow device or assembly. The tag must be affixed to the device. Service and repair data should be included in the maintenance log. The log must be available as close as possible to the backflow device until that device is retired from service and discarded.

6.5.3 Retention of Test/Maintenance Reports - Copies of all test reports, repair summaries, or other communications relating to this cross-connection control program will be kept by the customer and the City of Kingsville or its authorized agent for a period of not less than five (5) years.

This page intentionally left blank.

Section 7

Installation of Backflow Prevention Assemblies and Devices

Only licensed registered contractors will install backflow prevention assemblies or devices protecting the City of Kingsville public water supply. Licensed plumbers shall install assemblies or devices for all applications. A permit for work will be obtained from the City of Kingsville Building and Zoning Department before work commences. All backflow prevention assemblies or devices will be installed in strict accordance with the manufacturer's installation instructions, the local and state plumbing code, and the following minimum guidelines unless otherwise approved by the City of Kingsville.

7.1 Location

The assembly will always be installed in an accessible location to facilitate testing and servicing. This location will be within a minimum of 12 inches and a maximum of 60 inches above the ground, floor, or permanent working platform on the customer's side of the water service meter unless otherwise specified or approved by the City of Kingsville.

7.2 Support

The assembly will be adequately supported to prevent the assembly from sagging.

7.3 Flushing

Pipe lines will be thoroughly flushed to remove any and all foreign materials and debris before installing the assembly.

7.4 Reduced Pressure Principle Backflow Prevention Assembly

Reduced Pressure Principle Backflow Prevention Assemblies (RP) will be installed in a horizontal position unless otherwise recommended by the manufacturer and approved by the City of Kingsville. The RP will not be installed in a pit or enclosure below ground level. If the RP is installed inside a building, an adequate drain will be provided and there will be an approved air-gap separation between the relief port of the RP and the drain or maximum flood level in the building, whichever is highest. The RP will be installed in a location that provides adequate access for testing and servicing of the assembly. The bottom of the RP will be located a minimum of 12 inches and a maximum of 60 inches above the ground, floor, or permanent working platform. In any case, the RP will be installed so sufficient space exists between the bottom of the assembly and the

ground, floor, or permanent working platform to allow for disassembly and servicing of the relief valve if required.

7.5 Double Check Valve Backflow Prevention Assembly

Double Check Valve Backflow Prevention Assemblies (DC) will be installed in a horizontal position unless otherwise recommended by the manufacturer and approved by the City of Kingsville. The DC will not be installed in a pit or enclosure below ground level. If the DC is installed inside a building, an adequate drain will be provided so as to maintain a dry location. The DC will be installed in a location that provides adequate access for testing and servicing of the assembly. The bottom of the DC will be located a minimum of 12 inches and a maximum of 60 inches above the ground, floor, or permanent working platform.

7.6 Pressure Vacuum Breaker Backflow Prevention Assembly / Spill-Resistant Vacuum Breaker

Pressure Vacuum Breaker Backflow Prevention Assemblies (PVB) / Spill-Resistant Vacuum Breaker (SVB) will be installed in a vertical position unless otherwise recommended by the manufacturer and approved by City of Kingsville and/or USC. The Critical Level (CL) or bottom of the PVB/SVB will be installed at least twelve (12) inches above all downstream piping and water outlets. The PVB/SVB can be installed with downstream valves or shut-offs and the PVB/SVB can be installed where it will be in continuous operation. If the PVB/SVB is installed in a building or enclosure, adequate drainage will be provided. The PVB/SVB will be installed in a location that provides adequate access for testing and servicing of the assembly.

7.7 Atmospheric Vacuum Breaker Device

Atmospheric Vacuum Breakers (AVB) will be installed in a vertical position unless otherwise recommended by the manufacturer and approved by City of Kingsville and/or USC. The Critical Level (CL) or bottom of the AVB will be installed at least six (6) inches above all downstream piping and water outlets. There will be no downstream valves or shut-offs and the AVB will not be installed where it will be in continuous operation for more than 12 hours. If the AVB is installed in a building or enclosure, adequate drainage will be provided. The AVB will be installed in a location that provides adequate access for servicing of the device.

7.8 Standards

The assembly or device will meet the latest adopted standards of the American Water Works Association (AWWA), American Society of Sanitary Engineers

(ASSE), American National Standards Institute (ANSI), and/or approved by the National Sanitation Foundation (NSF) or University of Southern California Foundation for Cross Connection Control and Hydraulic Research (USC FCCC&HR).

7.9 Pads

A pad will be placed under all RPs and DCs installed outside. The width of the pad will be a minimum of 24 inches, or four times (4 x) the diameter of the piping, whichever is greater. The length of the pad will be a minimum of 12 inches or two times (2 x) the diameter of the piping; whichever is greater, longer than the length of the entire assembly. Pad material will be such that it provides a substantial platform for the support of any enclosure and made such that it provides a reasonably substantial platform for working. The pad will be designed and made of material that prevents erosion. If poured concrete, adequate reinforcing will be used and all piping passing through the pad will be sleeved.

7.10 Protection from Freezing

It is the customer's responsibility to ensure that any backflow prevention assembly or device installed is protected from freezing. The type or method of protection may vary, so long as it does not interfere with the normal and intended operation of the assembly or device, or the testing and/or maintenance of the assembly or device.

This page intentionally left blank.

Section 8

Compliance and Enforcement

8.1 Compliance of Customer

All customers of the City of Kingsville will comply with the requirements established in this policy. Specific violations and subsequent enforcement actions include:

- 8.1.1 Failure to allow inspection** - Any customer of the City of Kingsville who refuses to allow the inspection or survey of any portion of any premise served by the City of Kingsville for the purpose of determining the presence of cross-connections and/or the degree of hazard associated with a suspected cross-connection will be required to install an approved reduced pressure principle backflow prevention assembly (RP) in accordance with the requirements set forth in this policy manual. The RP will be installed, tested, and certified within 90 days of effective receipt of written notification from the City of Kingsville.
- 8.1.2 Failure to eliminate a discovered cross-connection or failure to install the appropriate backflow prevention assembly** - Any customer of the City of Kingsville who fails to eliminate a discovered cross-connection or who fails to install the required backflow prevention assembly in accordance with this policy will be subject to the termination of all water service from the City of Kingsville until such time as the customer complies with these requirements and has paid the currently established reconnection fee to the City of Kingsville.
- 8.1.3 Failure to maintain and have tested a required backflow prevention assembly** - Any customer who fails to properly maintain and/or have a required backflow prevention assembly tested by a certified and approved TxBPAT in accordance with the requirements of this policy will be subject to the termination of all water service from the City of Kingsville until such time as the customer complies with these requirements and has paid the currently established reconnection fee to the City of Kingsville.
- 8.1.4 By-passing, removing, or otherwise rendering a required backflow prevention assembly ineffective** - Any customer who has, or has allowed, the by-passing of a required backflow prevention assembly, has removed a required backflow prevention assembly, or has deliberately rendered a required backflow prevention assembly ineffective will be subject to the termination of all water service from the City of Kingsville until such time as the by-pass has been eliminated or the required backflow prevention

assembly has been restored to a full working condition and the consumer has paid the currently established reconnection fee to the City of Kingsville.

8.2 Compliance of Texas Backflow Prevention Assembly Testers

8.2.1 Failure to complete and submit required test report forms to the City of Kingsville - Any backflow prevention assembly test report form that is not properly completed or is not submitted to the City of Kingsville or their authorized agent in accordance with this policy (Section 4, Paragraph 4.3.2) will be considered invalid. Should a certified TxBPAT continue to violate this policy, that tester will be removed from the list of approved TxBPAT maintained by the City of Kingsville.

8.2.2 Submitting false or fraudulent information or reports - Any TxBPAT found to be misrepresenting backflow prevention assembly test results or otherwise purposefully submitting false or fraudulent information to the City of Kingsville will be removed from the list of approved TXBPAT. Furthermore, the City of Kingsville will submit any and all information regarding that tester to the Texas Commission on Environmental Quality for appropriate enforcement action and the City of Kingsville will pursue and invoke any remedy provided to it in law or in equity.

8.2.3 Failure to provide a copy of current TxBPAT License and current Certificate of Calibration - Any TxBPAT who fails to provide either a copy of their current TxBPAT license and their Certificate of Calibration when requested by the City of Kingsville will be removed from the list of approved TxBPAT.

8.3 Liability

Any person found responsible for the contamination of the potable public water system through an illegal cross-connection, an improperly installed, maintained, or repaired backflow preventer, or a backflow preventer that has been by-passed, will bear the cost of any remediation associated with such incident and will be liable to the City of Kingsville for any associated expense, loss, or damage.

8.4 Enforcement and Fines

(A) The City shall have the power to administer and enforce the provisions of this manual as may be required by governing law. Any person, firm, corporation or agent who shall violate a provision of this code, or fails to comply therewith, or with any of the requirements thereof, is subject to suit for injunctive relief as well as prosecution

for criminal violations. Any violation of this manual and the ordinance codified in Chapter XV, Article 12 of the City of Kingsville Code of Ordinances is declared to be a nuisance.

- (B) Any person violating any provision of this article shall, upon conviction, be fined a sum not exceeding \$2,000.00. Each day that a provision of this manual and the ordinance codified in Chapter XV, Article 12 of the City of Kingsville Code of Ordinances is violated shall constitute a separate offense. An offense under this chapter is a Class C misdemeanor, punishable by a fine of up to \$2,000.00.
- (C) Nothing in this manual and the ordinance codified in Chapter XV, Article 12 of the City of Kingsville Code of Ordinances shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including, but not limited to the following:
 - (1) Injunctive relief to prevent specific conduct that violates the ordinance or to require specific conduct that is necessary for compliance with the ordinance; and
 - (2) Other available relief.

Section 9

Certification of Adoption

This is to certify that this cross-connection control policy was approved and adopted via resolution by the City of Kingsville on July 8, 2019 and is effective as of the date of adoption.

Responsible Official

AGENDA ITEM #19



CITY OF KINGSVILLE LEGAL DEPARTMENT

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

Date: June 27, 2019

To: City Commission Members

From: Courtney Alvarez, City Attorney

Re: Charter Review Committee-Update

Background: At the City Commission meeting on May 28, 2019, the City Commission voted to create a new charter review committee. The Commission determined the Charter Review Committee would be comprised of seven (7) positions with each City Commission Member appointing one person to the Committee with the entire Commission appointing the remaining two (2) positions to the Committee.

The committee members once appointed would work on reviewing the City's charter and making recommendations for changes with the assistance of the City Attorney. If the intent is that any recommendations for changes to the charter be determined by the committee, then the City Commission would place them on the ballot for the next city election scheduled for May of 2020.

The Committee will provide recommendations to the City Commission by January 13, 2020 so that the Commission can make a decision on or about February 10, 2020 as to what should be on the May 2020 City General Election ballot.

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

Staff Recommendation: Appoint citizens of the City to the Charter Review Committee.

Commission Action: Appoint citizens of the City to the Charter Review Committee.

AGENDA ITEM #20

RESOLUTION #2019-_____

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF KINGSVILLE AND TEXAS A&M UNIVERSITY-KINGSVILLE RELATING TO TAMUK WOMEN'S GOLF TEAM AND THE L.E. RAMEY GOLF COURSE; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville ("City") and Texas A&M University-Kingsville ("TAMUK") try to work together for the benefit of our community when able to do so; and

WHEREAS, the City operates the L. E. Ramey Golf Course ("Golf Course"), which is the only public golf course in Kleberg County; and

WHEREAS, TAMUK has a women's golf team that could benefit from practice on a golf course in Kleberg County for practices and team meetings; and

WHEREAS, having the TAMUK women's golf team practice at the L.E. Ramey Golf Course could serve to promote additional rounds of play at the facility and would allow for additional practice rounds due to the close proximity of the course to the university; and

WHEREAS, the City Commission has previously approved several other Interlocal Agreement with TAMUK on various matters relating to students performing intern work, engineering design, and vet tech services for shelter animals to name a few; and

WHEREAS, the City of Kingsville and TAMUK would both benefit from the agreement and as the existing agreement has expired a new term has been updated along with updates to staff information with no other changes to the document; and

WHEREAS, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to this agreement to render assistance to one another whenever practical in accordance with the terms of the agreement attached hereto.

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

I.

THAT the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into an Interlocal Agreement between the City of Kingsville and Texas A&M University-Kingsville relating to TAMUK's Women's

Golf Team and the L.E. Ramey Golf Course 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
_____ 8th day of July, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**INTERLOCAL AGREEMENT
BETWEEN THE CITY OF KINGSVILLE
AND TEXAS A&M UNIVERSITY KINGSVILLE
RELATING TO
TAMUK WOMEN'S GOLF TEAM AND THE L.E. RAMEY GOLF COURSE**

WITNESSETH:

WHEREAS, City of Kingsville (City) operates the L. E. Ramey Golf Course (Golf Course), which is the only public golf course in Kleberg County; and

WHEREAS, Texas A&M University-Kingsville (TAMUK) has a women's golf team that could benefit from practice on a golf course in Kleberg County for practices and team meetings; and

WHEREAS, having the TAMUK women's golf team practice at the L.E. Ramey Golf Course could serve to promote additional rounds of play at the facility and would allow for additional practice rounds due to the close proximity of the course to the university; and

WHEREAS, the City Commission has previously approved several other Interlocal Agreement with TAMUK relating to students performing intern work, engineering design, and vet tech services for shelter animals; and

WHEREAS, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to this agreement to render assistance to one another whenever practical in accordance with these terms; and

NOW, THEREFORE, the City of Kingsville and Texas A&M University Kingsville, in consideration of these mutual covenants and agreements, agree as follows:

1. **PARTIES**. The parties to this Interlocal Agreement ("Agreement") are the City of Kingsville ("City"), a Texas home rule municipality, and Texas A&M University Kingsville ("TAMUK"), a member of the Texas A&M University System, a state agency, and Texas institution of higher education.

2. **PURPOSE**.

- A. TAMUK will have their Women's Golf Team practice and hold meetings at the L.E. Ramey Golf Course at mutually agreeable times.
- B. The City will provide the TAMUK Women's Golf Team the opportunity to have practices and team meetings at the L.E. Ramey Golf Course at mutually agreeable times under the University staff's supervision.

- C. Enhance the community partnership between TAMUK and the City and provide the students with a local practice and meeting area that is mutually beneficial to both parties.

3. TERM.

- A. This Agreement shall be for a term of two years from July 8, 2019 through July 7, 2021.
- B. This Agreement may be terminated at any time by any party with or without cause upon thirty (30) days advance written notice.
- C. Any notice of termination shall be sent to the other party to this interlocal agreement at the address listed in paragraph 4 of this agreement.

4. MISCELLANEOUS PROVISIONS.

A. Notice. Notice required by this Interlocal Agreement may be given or served by depositing the notice in the United States Mail, in certified or registered form, postage prepaid, addressed to the other party, or by delivering the notice in person to the other party. Notice deposited in the United States Mail in the manner prescribed in this subsection is effective upon deposit. The addresses of the parties are:

City of Kingsville, Texas
Attention: City Manager
P.O. Box 1458
Kingsville, Texas 78364
Telephone: (361) 595-8002
Facsimile: (361) 595-8035
Email: citymanager@cityofkingsville.com

Texas A&M University Kingsville
Attention: Richard L. Anderson
Interim Vice President for Finance & Chief Financial Officer
700 University Blvd. MSC 144
Kingsville, Texas 78363-8202
Telephone: (361) 593-2410
Email: Richard.anderson@tamuk.edu

B. Effect of Waivers. No waiver by either party of any default, violation, or breach of the terms, provisions, and covenants contained in this Interlocal Agreement may be deemed or construed to constitute a waiver of any other violation or breach of any of the terms, provisions, and covenants of this Agreement.

C. Amendment of Interlocal Agreement. This Agreement may be amended at any time. Any amendment to this Agreement must be in writing and agreed to by the governing bodies of the parties. No officer or employee of any of the parties has

authority to waive or otherwise modify the limitations in this Agreement, without the express action of the governing body of the party.

D. Not for Benefit of Third Parties. This Agreement and all activities under this Agreement are solely for the benefit of the parties and not the benefit of any third parties.

E. Exercise of Police Powers. This Agreement and all activities under this Agreement are undertaken solely as an exercise of the police power of the parties, exercised for the health, safety, and welfare of the public generally, and not for the benefit of any particular person or persons. The parties do not have and may not be deemed to have any duty to any particular person or persons.

F. Immunities Not Waived. Nothing in this Agreement waives any governmental, official, or other immunity or defense of any of the parties or their officers, employees, representatives, and agents as a result of the execution of this Agreement and the performance of the covenants contained in this Agreement.

G. Mutual Indemnification: To the extent allowed by the Constitution and Laws of the State of Texas, TAMUK, and City agree that each party assumes any and all risks of liability, loss, damages, claims, or causes of action and related expenses, including attorney fees, caused or asserted to have been caused directly or indirectly by or as the result of the negligent acts or omissions of that party and the officers, employees, and agents thereof.

H. Captions. Captions to provisions of this Interlocal Agreement are for convenience and shall not be considered in the interpretation of the provisions.

I. Fiscal Obligations. Each party which performs services or furnishes aid under this Agreement must do so with funds available from current revenues of the party.

J. Interlocal Cooperation Act Applies. The parties enter into this Interlocal Agreement under the Texas Government Code Chapter 791 (Interlocal Cooperation Act). The parties agree that activities under this Agreement are "governmental functions and services" and that the parties are a "local government" and a "state agency" as those terms are defined in this Agreement and in the Interlocal Cooperation Act.

K. Approval by Governing Bodies. Each party represents that this Agreement has been duly passed and approved by the governing body of the party as required by the Texas Interlocal Cooperation Act, Chapter 791, Texas Government Code or that proper power and authority has been delegated by the governing body.

L. Entirety of Agreement. No other oral or written commitments of the parties with respect to the veterinary technologist services may have any force or effect if not contained in this Interlocal Agreement or any amendments thereto.

M. Severability. If any provision contained in this Agreement is held invalid for any reason, the invalidity does not affect other provisions of the Agreement that can be given effect without the invalid provision, and to this end the provisions of this Agreement are severable.

N. Validity and Enforceability. If any current or future legal limitations affect the validity or enforceability of a provision of this Agreement, then the legal limitations are made a part of this Agreement and operate to amend this Agreement to the minimum extent necessary to bring this Agreement into conformity with the requirements of the limitations, and so modified, this Agreement continues in full force and effect.

O. Warranty. The individuals executing this agreement on behalf of each party represent and warrant that they are each the duly authorized representatives of such party on whose behalf the individuals are signing, each with full power and authority to bind said party to each term and condition set forth in this agreement.

P. Governing Laws. This Agreement shall be governed by the laws of the State of Texas.

Q. Venue. Venue for an action arising under this Agreement is in Kleberg County, Texas.

R. Effective Date. This Agreement is effective on the date when the last party executes this agreement.

S. Multiple Originals. Two (2) copies of this Agreement are executed; each shall be deemed an original.

T. Dispute Resolution: The dispute resolution process provided in Chapter 2260, *Texas Government Code*, and the related rules adopted by the Texas Attorney General pursuant to Chapter 2260, shall be used by TAMUK and the City of Kingsville to attempt to resolve any claim for breach of this agreement by either party that cannot be resolved in the ordinary course of business. City shall submit written notice of a claim of breach of contract under this Chapter to Director of Procurement and General Services of TAMUK, who shall examine City's claim and any counterclaim and negotiate with City in an effort to resolve the claim.

EXECUTED by Texas A&M University – Kingsville on the _____ day of _____, 2019.

Raajkumar Kurapati
Vice President for Finance & Chief Financial Officer

ATTEST:

Name: _____
Title: _____

EXECUTED by the City of Kingsville on the _____ day of _____, 2019.

Deborah Balli
Interim City Manager

ATTEST:

Mary Valenzuela
City Secretary

APPROVED AS TO FORM:

Courtney Alvarez
City Attorney

AGENDA ITEM #21

AGENDA ITEM #22

RESOLUTION #2019-_____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ECONOMIC INCENTIVE AGREEMENT BETWEEN THE CITY OF KINGSVILLE, TEXAS AND DUECES D'VILLE, LLC; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City finds that the financial incentives to assist the developer with recouping some of the development costs for the Dueces D'Ville, LLC ("Company") as stated in the attached Economic Incentive Agreement in a maximum amount not to exceed the amount stated in the agreement for the construction of a building for Starbucks on real property within the city limits of Kingsville, Texas would promote local economic development and stimulate business and commercial activity within the municipality and would directly establish a public purpose; and

WHEREAS, the City intends to provide the financial incentives as stated in the agreement in exchange for Company developing and constructing prior to February 1, 2020 a commercial property for Starbucks Inc. within the city limits of Kingsville, Texas; and

WHEREAS, if Company does not meet the requirements set out in the agreement, then Company shall pay back to City all of the economic benefits received, if any, no later than 120 days following receiving such notice from the City; and

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

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

I.

THAT the Mayor is authorized and directed as an act of the City of Kingsville, Texas to enter into an Economic Incentive Agreement between the City of

Kingsville, Texas and Dueces D'Ville, LLC 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 8th day of July, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**ECONOMIC INCENTIVE AGREEMENT
BETWEEN THE
CITY OF KINGSVILLE, TEXAS
AND
DUECE D'VILLE, LLC**

This Economic Incentive Agreement ("Agreement") is made and entered into by and between Dueces D'Ville, LLC (the "Company"), a Texas limited liability corporation, and the City of Kingsville, Texas (the "City"), a home-rule, municipal corporation in the State of Texas, for the purposes and considerations stated below.

WITNESSETH:

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

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

WHEREAS, the City intends to provide economic incentives as stated in Section 3 of this agreement in exchange for Company developing and constructing for business a new commercial enterprise, Starbucks Corporation, a publicly traded company ("Starbucks"), within the City limits of Kingsville, Texas ("the Starbucks Development") prior to February 1, 2020.

WHEREAS, if Company does not meet the afore-mentioned requirements, then Company shall pay back to City all of the economic incentives received after default is declared by City.

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

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

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

SECTION 3 Economic Incentives: City shall provide economic incentives as stated below that are conditioned on the new commercial business, Starbucks, that Company is to construct for Starbucks to operate for business in Kingsville, Texas, opening in calendar year 2020.

The City of Kingsville and Company agree and acknowledge that this Agreement shall provide for economic incentives, under the conditions set forth herein. The City will provide economic incentives through two methods: 1) a one-time monetary grant of funds in the amount of thirty-thousand dollars (\$30,000.00) to assist with costs incurred in the initial development of the Project that is conditioned on two milestones being met, and 2) for the duration of this agreement the City will provide a monetary incentive equal to the Maintenance and Operation (the "M&O") portion of the ad valorem city tax paid on real property covered by this agreement conditioned on meeting certain criteria as stated below. In no event shall the combination of City's monetary incentives ever exceed \$60,000.00.

The provision of a one-time grant of thirty-thousand dollars (\$30,000.00), which will be split into two payments and is conditioned on the successful achievement of two milestones. The milestones are as follows: 1) upon the issuance of all building construction permit fees, the Company will receive \$15,000; and 2) upon the receipt of a certificate of completion for the Starbucks Project that is to be constructed by Company, the Company will receive \$15,000.

The monetary incentive based on a portion of ad valorem City taxes paid on the real property and improvements where the project is to be built will be disbursed once each year on March 1st for the term of the agreement with payments to be equal to an amount no greater than the M&O portion of city ad valorem taxes attributable to the preceding calendar year for the new commercial development known as Starbucks and constructed within the development area owned by Duece D'Ville, LLC within the city limits of Kingsville, Texas.

SECTION 4 Company Obligations: Company to develop and construct the Starbucks Project prior to February 1, 2020 a new commercial building occupying approximately 1,950 square feet of building floor area within the City limits of Kingsville, Texas for the Starbucks Development. Failure of Company to construct and open such new commercial business within the City of Kingsville, Texas in calendar year 2020 will result in Company paying all previously received economic incentives back to the City and the termination of this Agreement.

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

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

SECTION 7 Representations and Warranties: The City represents and warrants to the Company that the economic incentives and this Agreement are within the scope of its authority and the provisions of the City's Charter and that it is duly authorized and empowered to establish the Economic Development Program and enter into this Agreement. The Company represents and warrants to the City that it has the requisite authority to enter into this Agreement.

SECTION 8 Hold Harmless and Indemnification: Each party to this Agreement will be responsible for their own liabilities or damages brought by a third party actually suffering based on this Agreement, unless such liabilities or damages are due to the willful or gross

negligence of the other party, in which case the party that is willfully or grossly negligent agrees to protect, defend, hold harmless and indemnify the other party, any member of its government body, its officers, employees and agents.

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

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

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

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

SECTION 13 Successors and Assigns: This Agreement shall be binding on and inure to the benefit of the parties, their respective successors and assigns. The Company may assign all or part of its rights and obligations hereunder only upon prior written approval of the City, which approval shall not be unreasonably withheld or delayed and should be provided within 30 days or less. Notwithstanding the foregoing provisions of this section, in the event the Company desires to transfer or assign its rights or obligations hereunder to any entity which is an affiliate of Company, it shall have the right to do so without the consent or approval by the City, so long as the Company shall remain responsible and obligated to the City for the performance of its obligations under this Agreement.

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

COMPANY: Duece D'Ville , LLC
Attn: Mark P. Carroll, Manager
7700 San Felipe
Suite 502
Houston, TX 77063
Phone: (713) 213-0334
Email: mcarroll@shiloh-re.com

With copies to: Schlanger, Silver, Barg & Paine, LLP
Attn: Louis J. Silver
109 North Post Oak Blvd.
Suite 300
Houston, TX 77024
Phone: (713) 735-8515
Fax: (713) 785-2091
Email: lsilver@ssbplaw.com

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

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

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

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

SECTION 17 Terms of Repayment: If repayment is required, the economic incentives will be repaid in full, including interest at an annual rate of 2%. The Parties agree that the economic incentives received up to the date of default will be repaid in full with interest, not later than 120 days after receiving notice from City of any of the following:

- a) Company fails to develop the Project;
- b) The agreement is terminated due to default by Company; or
- c) Company or its officers or employees are convicted of a federal immigration violation under 8 U.S. Code Section 1324a(f).

SECTION 18 Counterparts: This Agreement may be executed in multiple counterparts, each of which shall be considered an original, but all of which shall constitute one instrument.

EXECUTED this _____ day of _____, 2019.

ATTEST:

CITY OF KINGSVILLE, TEXAS

NAME: Mary Valenzuela
TITLE: City Secretary

NAME: Sam R. Fugate
TITLE: Mayor

APPROVED AS TO

FORM:

NAME: Courtney Alvarez
TITLE: City Attorney

EXECUTED this _____ day of _____, 2019.

ATTEST:

Duece D'Ville LLC,
a Texas Limited Liability Corporation

NAME: Mark P. Carroll
TITLE: Manager

STATE OF TEXAS §
COUNTY OF KLEBERG §

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

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

My commission expires: _____
Notary Public

STATE OF TEXAS §
COUNTY OF HARRIS §

Before me, _____, a notary public on this day personally appeared Mark P. Carroll, known to me to be the person whose name is subscribed to the foregoing instrument, and known to me to be the Manager of Duece D'Ville, LLC, and acknowledged to me that he executed said instrument for the purposes and consideration therein expressed, and as the act of said corporation.

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

My commission expires: _____
Notary Public

EXHIBIT A

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

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