

# *City of Kingsville, Texas*

---

**AMENDED  
AGENDA  
CITY COMMISSION  
MONDAY, AUGUST 12, 2019  
REGULAR MEETING**

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

**I. Preliminary Proceedings.**

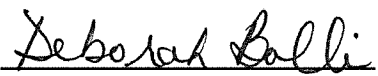
**OPEN MEETING**

**INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)**

**MINUTES OF PREVIOUS MEETING(S)**

July 22, 2019 - Regular Meeting

APPROVED BY:



Deborah Balli  
Interim City Manager

**II. Public Hearing - (Required by Law).<sup>1</sup>**

1. Public Hearing on ordinance to change the zoning of Colonia Mexicana, Block 5, Lot 30-32 also known as 510 E. Avenue D, Kingsville, Texas from C2 (Retail District) to MU (Mixed Use District), Robert Saldana, owner/applicant. (Director of Planning & Development Services). (Director of Planning & Development Services).
2. Public Hearing on ordinance to change the zoning of McBryde AC, Block 5, Lot W/2 5, also known as 1100 East Avenue B, Kingsville, Texas from R1 (Single Family District) to RP2 (Planned Two-Family Residential District), Ivan Luna, applicant for owner Gustavo Gonzalez. (Director of Planning & Development Services).

**III. Reports from Commission & Staff.<sup>2</sup>**

*"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.<sup>3</sup>**

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

#### **V.**

##### **Consent Agenda**

##### **Notice to the Public**

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget to expend funds for permanent pens for the annual National Professional Bull Riding Event to be held at the JK Northway. (Tourism Director).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget to expend funds for water well #19 repairs. (Public Works Director).
3. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter IX-General Regulations, Article 8-Parks and Recreation, providing for revised fees for the L.E. Ramey Golf Course. (Parks Director).
4. Motion to approve final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to 10<sup>th</sup>, Block 6, Lot N/2 1-2 also known as 429 West Doddridge, Kingsville, Texas from R1 (Single Family District) to R2 (Two-Family District). (Director of Planning & Development Services).
5. Motion to approve a resolution authorizing the City Manager to enter into an Engagement Letter Agreement between the City of Kingsville, Texas and John Womack & Co., P.C. for the 2018-2019 Fiscal Year Audit. (Finance Director).

##### **REGULAR AGENDA**

##### **CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:**

#### **VI. Items for consideration by Commissioners.<sup>4</sup>**

6. Consider appointment of Tom Di Francesca to the Main Street Advisory Board for a two-year term. (Downtown Manager).

7. Consider introduction of an ordinance to rezone Colonia Mexicana, Block 5, Lot 30-32 also known as 510 E. Avenue D, Kingsville, Texas from C2 (Retail District) to MU (Mixed Use District). (Director of Planning & Development Services).
8. Consider introduction of an ordinance to rezone McBryde AC, Block 5, Lot W/2 5, also known as 1100 East Avenue B, Kingsville, Texas from R1 (Single Family District) to RP2 (Planned Two-Family Residential District). (Director of Planning & Development Services).
9. 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).
10. Consider a resolution approving an application and agreement for the Historic District Façade Grant Program from Albert Garcia for property located at 224 W. King Avenue, Kingsville, Texas. (Downtown Manager).
11. Consider accepting donations for the Park's Department Healthy Family Partners' Events. (Parks Director).
12. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to receive and expend Park donations for Healthy Family recreational programs. (Parks Director).
13. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to expend funds for storm debris remediation. (Public Works Director).
14. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to expend funds for repairs to the South Treatment Plant Turblex blower and North Plant lift station pumps. (Public Works Director).
15. Consider accepting 2019 certified total appraised assessed and taxable values of all and new property in the City of Kingsville as certified by the Kleberg County Appraisal District. (Finance Director).
16. Consider proposed tax rate, take record vote, and schedule public hearings for August 26 & September 3, 2019. (Finance Director).
17. Consider a resolution of the City of Kingsville, Texas finding that AEP Texas Inc.'s requested increase to its electric transmission and distribution rates and charges within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meet at which this resolution is passed is open to the public as required by law; requiring reimbursement of cities' rate case expenses; requiring notice of this resolution to the company and legal counsel. (City Attorney).
18. Consider introduction of an ordinance amending Chapter XV, Article 1, Building Regulations, revising the schedule of permit fees. (Director of Planning & Development Services).
19. Consider a resolution of the City of Kingsville to continue receiving a share of bingo prize fees pursuant to Texas House Bill No. 914. (Interim City Manager).
20. Discussion on state legislative changes to planning and development laws caused by Texas House Bill No. 3167. (Director of Planning & Development Services).
21. Consider request to transfer of money from City Commission Training & Travel for Commissioner Lopez from Fund 001 to Grounds and Permanent Fixture in fund 054 for potential water tower painting project. (Commissioner Lopez).

22. Consider a resolution authorizing the Interim City Manager to execute an interlocal agreement for E9-1-1 Public Safety Answering Point Services between the City of Kingsville and the Coastal Bend Council of Governments. (Interim City Manager).

## VII. Adjournment.

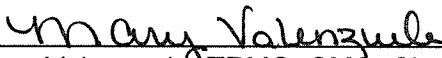
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

### NOTICE

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

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

August 8, 2019 at 4:45 P.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.

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

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

By: \_\_\_\_\_  
City Secretary's Office  
City of Kingsville, Texas

# **MINUTES OF PREVIOUS MEETING(S)**

JULY 22, 2019

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JULY 22, 2019 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.

**CITY COMMISSION PRESENT:**

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

**CITY COMMISSION ABSENT:**

Dianne Leubert, Commissioner

**CITY STAFF PRESENT:**

Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Kyle Benson, IT Manager  
Susan Ivy, Parks Manager  
Deborah Balli, Interim City Manager  
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  
Janine Reyes, Tourism Director

**I. Preliminary Proceedings.**

**OPEN MEETING**

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

**INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)**

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

**MINUTES OF PREVIOUS MEETING(S)**

**July 8, 2019 - Regular Meeting**

Motion made by Commissioner Lopez to approve the minutes of July 8, 2019 as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Hinojosa, Pecos, Fugate voting "FOR".

**II. Public Hearing - (Required by Law).<sup>1</sup> \*\* This item will be held at 6pm as per the public hearing notice.\*\***

**1. Public Hearing on ordinance to change the zoning of 10<sup>th</sup>, Block 6, Lot N/2 1-2 also known as 429 West Doddridge, Kingsville, Texas from R1 (Single Family District) to R2 (Two-Family District). (Director of Planning & Development Services).**

Mayor Fugate read and opened this public hearing at 6:00 p.m.

Mr. Ginter stated that the purpose of the rezoning is that the lot size at 429 West Doddridge is too small to build in R1 which the minimum lot size to build in R1 is 5,500 square feet. The lot size is 50x70 which is 3,500 square feet, which is the reason for him to rezone to R2 which the minimum lot size is 2,200 square feet. The applicant would like to build a single family residence.

Mr. Robert Gutierrez, 429 W. Doddridge, commented that this request is due to lot size restrictions. He stated that it seems odd to rezone to an R2, but without the rezone he is unable to build a single family home.

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

There being no further comments, Mayor Fugate closed this public hearing at 6:04 P.M.

Mr. Ginter stated that the Planning and Zoning Commission vote 4-0 to recommend approval for the rezone. He stated that two people came in to speak with staff and after the conversation, they were in approval of the rezone.

### **III. Reports from Commission & Staff.<sup>2</sup>**

*"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."*

Mrs. Courtney Alvarez, City Attorney announced that the next City Commission meeting is scheduled for Monday, August 12<sup>th</sup> with the deadline for staff to submit agenda items by August 2<sup>nd</sup>.

Mayor Fugate requested for an update on demolitions at the next meeting of August 12<sup>th</sup>.

### **IV. Public Comment on Agenda Items.<sup>3</sup>**

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

No public comments.

### **V.**

### **Consent Agenda**

## **Notice to the Public**

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

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

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

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

- 1. Motion to approve final passage of an ordinance abandoning part of an alley and retaining an easement for utility purposes in Vista Alegre Addition, Block 2 between Lots 5-12 and Lots 13-20 (alley between Henrietta and Yoakum to the west of 19<sup>th</sup> Street) for Jubilee Academies. (Director of Planning & Development Services).**
- 2. Motion to approve final passage 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 12<sup>th</sup> Street. (City Engineer).**
- 3. Motion to approve final passage 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).**
- 4. Motion to approve final passage 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).**
- 5. Motion to approve final passage 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).**
- 6. Motion to approve the reappointment of Lance Hancock and Jonathan Plant to the Hotel Occupancy Tax Advisory Board each for a two-year term. (Tourism Director).**
- 7. Motion to approve a resolution authorizing release of Chapter 59 Funds of the Kingsville Police Department for donation to the Boys and Girls Club of Kingsville for drug and alcohol prevention programs. (Police Chief).**

## **REGULAR AGENDA**

### **CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:**

#### **VI. Items for consideration by Commissioners.<sup>4</sup>**

**8. Consider appointment of Kamlesh Bhikha to the Hotel Occupancy Tax Advisory Board for a two-year term. (Tourism Director).**

Motion made by Commissioner Pecos to approve the appointment of Kamlesh Bhikha to the Hotel Occupancy Tax Advisory Board for a two-year term, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Pecos, Fugate, Hinojosa, Lopez voting "FOR".

**9. Consider approval of certification of 2018 excess debt collection and certification of 2019 anticipate collection rate. (Finance Director).**

Mrs. Deborah Balli, Interim City Manager commented that this is something that is done every year. The city has received a letter from the Tax Assessor of Kleberg County stating the submittal of the certification of 2018 excess debt collection and certification of 2019 anticipate collection rate.

Motion made by Commissioner Pecos to approve the certification of 2018 excess debt collection and certification of 2019 anticipate collection rate, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Pecos, Lopez, Fugate voting "FOR".

**10. Consider appointments to the Charter Review Committee. (City Attorney).**

Commissioner Pecos stated that he would like to appoint is Al Garcia.

Mayor Fugate stated that he would like to appoint Brad Womack with an alternate being Lupita Mendoza.

Commissioner Lopez's stated that she would like to appoint Dan Morales; with no alternate.

Commissioner Hinojosa stated that he would like to appoint Ben Figueroa.

Mayor Fugate commented that he believes that Commissioner Leubert was going to appoint Clarice Williams, but not sure if she had an alternate.

Mrs. Alvarez commented that each Commissioner would name one individual and as a whole, they would need to name two other individuals.

Commissioner Hinojosa mentioned Albert Garcia, Realtor.

Mayor Fugate commented that they had talked about it earlier and he is very busy, but it is up to the Commission.

Commissioner Lopez commented that Mr. Garcia would probably be able to serve on this committee.

Mayor Fugate asked if the Commission would need to vote on this. Mrs. Alvarez responded that on the two appointees yes, but not on the individual appointees.

Motion made by Commissioner Lopez to appoint Lupita Mendoza and Albert Garcia as the two additional members for the Charter Review Committee, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Fugate voting "FOR".

**11. Consider a resolution nominating certain person(s) as candidate(s) for election to the Board of Directors for the Kleberg County Appraisal District (for 2020-2021 term). (City Attorney).**

Motion made by Commissioner Hinojosa to nominate Al Garcia as candidate for election to the Board of Director for the Kleberg County Appraisal District for 2020-2021 term, seconded by Commissioner Lopez. The motion was and approved by the following vote: Pecos, Hinojosa, Lopez, Fugate voting "FOR".

**12. Consider a resolution nominating a certain person as a candidate for election to the Board of Directors for the Kleberg County Appraisal District to fill an unexpired vacancy (expiring December 31, 2019). (City Attorney).**

Mrs. Alvarez commented that staff had previously notified the Commission that the County had appointed Al Higginbotham. The Commission is not required to appoint, but they can if they choose too. If that appointment is fine, you can wait until later when the ballot is received and cast the city's votes for him or the city could elect to place someone else on the ballot.

Mayor Fugate and Commissioner Lopez recommended to not take action on this item.

No action taken.

**13. Consider a resolution authorizing the Interim City Manager to enter into a Fifth Revised Water Utility Supply Contract (Gov. Contract #N69450-12-C-0011) between the City of Kingsville, Texas and the Federal Government for Naval Air Station-Kingsville for TCEQ requested language and to add sewer service. (City Attorney).**

Mrs. Alvarez commented that recently the Public Works Director was contacted that there would be some revisions to the agreement with the Base to provide the water services. She stated that staff received this modified contract which was reviewed by herself and Public Works staff. It is staffs recommendation for the Commission to move forward with it.

Mayor Fugate asked a questions, but was not picked up on audio.

**Motion made by Commissioner Pecos to approve the resolution authorizing the Interim City Manager to enter into a Fifth Revised Water Utility Supply Contract (Gov. Contract #N69450-12-C-0011) between the City of Kingsville, Texas and the Federal Government for Naval Air Station-Kingsville for TCEQ requested language and to add sewer service, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Pecos, Lopez, Fugate voting "FOR".**

**14. Consider a resolution authorizing the City to purchase 38.09 acres of land near NAS-Kingsville for encroachment prevention near the base pursuant to the State Defense Economic Adjustment Assistance Grant Program award and authorizing the Interim City Manager to execute any necessary documents on the City's behalf. (Director of Planning & Development Services).**

Mr. Ginter stated that about two years ago the city applied and received grant money to purchase properties to prevent encroachment. The city has purchase one piece of property from Jody VanFleet. The Kingsville Area Industrial Development Foundation is one of the owners that we have come to an agreement with for the 38.09 acres for \$80,000.

Mayor Fugate asked if there were any other pieces of property that the city was looking into.

Mr. Ginter stated that there was one other property belonging to David Schubert which was more about getting an easement about the water area. Ginter stated that staff has tried to make contact with him, but has not returned the call back.

Mr. Ginter displayed a map showing the properties that were purchased. A map was not submitted for the record.

**Motion made by Commissioner Lopez to approve the a resolution authorizing the City to purchase 38.09 acres of land near NAS-Kingsville for encroachment prevention near the base pursuant to the State Defense Economic Adjustment**

**Assistance Grant Program award and authorizing the Interim City Manager to execute any necessary documents on the City's behalf, seconded by Commissioner Pecos and Commissioner Hinojosa.**

Mayor Fugate asked what the plan was to do with this property after it being purchased.

Mr. Ginter commented that he thinks that the Navy will then turn around and purchase it from the City.

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

**15. Consider a resolution authorizing participation in Federal 2019 Safe Routes to Schools-Infrastructure Program through the Texas Department of Transportation for installation and design of sidewalks, authorizing the Mayor to act on the City's behalf with such program. (City Engineer).**

Mr. Mora stated that this is an application for a grant for federal funds. It is a two step process in being selected. A preliminary application was submitted in April, 2019 and if wanting to move forward, the next deadline would be August 15, 2019. He stated that this resolution is part of the detailed application and is for Safe Routes to School which will include bike lanes, sidewalks, and ADA ramps. The improvement would be around the Harvey Elementary, Jubilee Leadership Academy, and Harrel Elementary. The project cost would be around \$850,000. The Engineering Services will be complete in-house. There is support letters for this project from State Representative J.M. Lozano, Harvey Elementary and Jubilee Leadership Academy.

Commissioner Lopez asked if Memorial School would not be included? Mr. Mora stated that this was correct. Commissioner Lopez commented that this is the school with the most traffic and further asked what would be done at Harvey.

Mr. Mora stated that it would include sidewalks on Kenedy Ave, Lott ST., 17<sup>th</sup>, Henrietta and 19<sup>th</sup> Street. He stated that on the preliminary application he had Memorial, Harvey and Jubilee, but after meeting with TXDOT they mentioned that the city's best advantage would be Harvey and Jubilee. Reason was because of all the work that was done on State roads. Earlier this year they completed the sidewalk and ADA Ramps on 14<sup>th</sup> Street and King Ave., so tying those back in to the school was the advantage which would give the city a better score rating.

Mayor Fugate commented that it was unfortunate that there was a fatality this year in front of Harvey School. He asked if this was factored in and have they been aware of what had occurred. Mr. Mora responded that this would become part of the application.

Commissioner Lopez commented that this is a great thing, although she would have hoped to include Memorial Middle School, but maybe next time it can be the focus as she has received a lot of concerns about kids walking on Armstrong.

Commissioner Hinojosa asked if the City of Kingsville was submitting the grant or is there a third party involved. Mr. Mora responded that he will be submitting the application on behalf of the City. He further stated that they are also performing the engineering services in-house with the State reimbursing the City, after the grant funding is executed.

**Motion made by Commissioner Pecos to approve resolution authorizing participation in Federal 2019 Safe Routes to Schools-Infrastructure Program through the Texas Department of Transportation for installation and design of sidewalks, authorizing the Mayor to act on the City's behalf with such program, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Pecos, Lopez, Fugate voting "FOR".**

**16. Consider a resolution authorizing participation in the Federal 2019 Transportation Alternatives Set-Aside Program through the Texas Department of Transportation for installation and design of sidewalks, authorizing the Mayor to act on the City's behalf with such program. (City Engineer).**

Mr. Mora stated that this is similar project as previously discussed, but with a different name. The difference is, is a 20% match on this project that the city would need to meet. Funds for this project would be coming from fund 100, which is created by the Finance Department.

Mayor Fugate asked where this project would be located. Mr. Mora responded in the same location as discussed in the previous item. He further stated that there is one grant with no match and this grant with a 20% match. Reason for applying for both is that after speaking with TXDOT Coordinator, it was mentioned that if the city does not received the award for the first one, they may be considered for the grant with the 20% match, as there are a lot of competitive applications that will be submitted.

**Motion made by Commissioner Lopez to approve resolution authorizing participation in the Federal 2019 Transportation Alternatives Set-Aside Program through the Texas Department of Transportation for installation and design of sidewalks, authorizing the Mayor 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, Pecos, Lopez, Fugate voting "FOR".**

**17. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to expend funds for permanent pens for the annual National Professional Bull Riding Event to be held at the JK Northway. (Tourism Director).**

Mayor Fugate asked staff that with the County receiving the grant for the JK Northway, is the City only spending about \$10,000.

Mrs. Balli responded that the \$10,000 will be coming from the Tourism budget and with the left over money from the insurance fund of about \$3,800 to offset the \$10,000 in cost.

Mayor Fugate asked if the pens would be able to used in this particular project with the County.

Mr. Sosa replied that what they plan on doing is using the existing pens that were removed. He further stated that they have gone with Edward Bardowski from the Rodeo Association and others they are working with to lay out the pens that will work for them. He stated that all they are doing is drilling holes on the ground placing the poles and weld everything together to get things going. The work will be done in-house and most of the money that will be used will be materials. He further commented that if the city decides to flip-flop the arena, as stated on the plans, everything would need to be taken out.

Introduction item.

**18. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to expend funds for water well #19 repairs. (Public Works Director).**

Mr. Donnell stated that this water well is 52 years old which was drilled in 1967. It does pump 900 gallons per minute which one of the city's best producing wells the city has. This well was last services in 2013 where the column pipe was replaced as well as the anodes and the checked valve. He further stated that in early June 2019, the pump locked up which caused the motor to short-out which the city then got a company in to pull it. When the motor was pulled it was noticed that the cable was busted and the column pipe where the water flow through was pitted very bad and deteriorated. The

recommendation is to replace the pipe as well as the pump and the motor. The quote for this is \$119,544.00.

Introduction item.

**19. Consider a resolution authorizing the use of excess cash match funds for pre-award expenses for Kleberg County's application to the U.S. Department of Commerce, Office of Economic Development Administration under the Disaster Supplemental Funding Economic Adjustment Program for a Regional Public Safety Training Facility and Emergency Operations and Command Center. (Mayor Fugate).**

Mayor Fugate stated that the city has agreed to pay \$600,000 for the match which was for the full amount of the grant. But due to the grant award being \$4.3 million dollars, it will drop the match down to \$...

Mrs. Alvarez mentioned the dollar amount being \$537,500.00.

Mayor Fugate further stated that with the added expenses that the County had with the people that assisted the County in putting this grant together and the archeological study came up to \$47,250.00, which is the City's half. He stated that the County Judge has asked the city to pay this amount, since both the City and County are going halves on this.

**Motion made by Commissioner Pecos and Commissioner Lopez to approve the resolution authorizing the use of excess cash match funds for pre-award expenses for Kleberg County's application to the U.S. Department of Commerce, Office of Economic Development Administration under the Disaster Supplemental Funding Economic Adjustment Program for a Regional Public Safety Training Facility and Emergency Operations and Command Center, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Pecos Lopez, Hinojosa, Fugate voting "FOR".**

**20. Consider appointments to the JK Northway Renovation Professional Oversight Committee. (Mayor Fugate).**

Mayor Fugate asked staff if the County would be naming individuals to this Committee as well.

Mrs. Alvarez commented that she hasn't heard from the County Judge's office since it was met on a few weeks ago. With regards to a number on the committee, but she recalls that there would be a committee to oversee the project to make sure it meets everybody's needs and community members as well as staff from both the city and county on this committee.

Mayor Fugate asked what was the Committee that was put together for the Master Plan for the JK Northway.

Mrs. Alvarez responded that she doesn't recall.

Mayor Fugate commented that as this is not time sensitive and ask the Commission not to take any action on this item, in order to give more time on the creation of the committee members.

Commissioner Hinojosa commented that he hopes that the City has more people in the Committee or is it going to be divided equally?

Mayor Fugate commented that he doesn't foresee any problems with the creation of this committee.

No action taken.

**21. Consider out-of-state travel for Commissioner Leubert to attend the Logistics Development Forum on August 5-7, 2019 in Vail, Colorado. (Commissioner Leubert).**

**Motion made by Commissioner Pecos to approve the out-of-state travel for Commissioner Leubert to attend the Logistics Development Forum on August 5-7, 2019 in Vail, Colorado, seconded by Commissioner Lopez.**

Commissioner Lopez commented that when ever there is something that one of the Commissioners can attend, she would like for the other Commission members to receive the same information as well.

Mrs. Alvarez commented that the Interim City Manager received an email from that Commissioner and she got an email from the EDC Director, so it wasn't anything that city staff received, otherwise it would had been disbursed to everyone on the Commission

Commissioner Lopez commented that at the time the Interim City Manager received the email, the information should have been forwarded to the other Commission members.

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

**22. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter IX-General Regulations, Article 8-Parks and Recreation, providing for revised fees for the L.E. Ramey Golf Course. (Parks Director).**

Mrs. Susan Ivy stated that this is a new slate of fees of which most of them are the same fees that were approved previously. There were some inconsistency in what has transpired at the Golf Course and over the last several years with the fees being charged. What staff is wanting to do is correct all of these things now. Some of the things on the schedule of fees were not being followed, so now staff would like to correct this and place this fees back in, which is what Commission will be approving tonight. She stated that one big change is the membership fees. As there is a six month and annual membership fee, it wasn't design correctly therefore staff has realigned it. She stated that the fees that were approved had somehow bumped down to the monthly fee of \$50 per month.

Mayor Fugate commented that this is not what the ordinance states. As a practical matter this is what was being charged.

Mrs. Ivy further stated that this is what the ordinance said but staff finds it difficult to go from \$50 to \$96 in one big swoop. What staff has asked is that Commission allows staff to charge \$65 per month and graduate that in an appropriate step scale for the six month and the annual membership. As the golf course improves, staff would like to then step it up again.

Commissioner Lopez stated that she has received several calls on the fees and asked if there is anyway that the fee schedule could be posted so that members will know what the cost is. Mrs. Ivy responded yes.

Introduction item.

The Commission took a recess at 5:41 p.m. until 6:00 p.m. in order to hear the Public Hearing which was published in the Kingsville Record to be heard at 6:00 p.m.

**23. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 10<sup>th</sup>, Block 6, Lot N/2 1-2 also known as**

**429 West Doddridge, Kingsville, Texas from R1 (Single Family District) to R2 (Two-Family District). (Director of Planning & Development Services).**

This item was announced at 6:05 p.m., after the public hearing was heard.

Introduction item.

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:05 P.M.

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, TRMC, CMC, City Secretary

# **PUBLIC HEARING(S)**

# **PUBLIC HEARING #1**

**City of Kingsville  
Planning and Development Services**

---

**TO:** Mayor and City Commissioners  
**CC:** Interim City Manager, Deborah Balli  
**FROM:** Tom Ginter, Director  
**DATE:** August 2, 2019  
**SUBJECT:** Rezoning Request from Robert Saldana at 510 E. Avenue D from C2 Retail District to MU Mixed Use District

---

**Summary:** Robert Saldana who operates Big Bob's Barber Shop would like to operate a barber shop on his property at 510 E. Avenue D which is his residence. To do that he needs to rezone to a Mixed Use Zoning District which would allow that to occur.

**Background:** The Saldana's approached me as to how they can live and operate a barber shop on their property. They have a building that they would turn into the barber shop. After reviewing the current zoning which is C2 and because the house is right there for them to legally operate a barber shop and live there, this rezoning is necessary. In essence they are halfway there it's just that C2 zoning doesn't allow the living on the property part. They will have to abide by the other rules in the Mixed Use ordinance. We received one phone call for the rezoning.

**Financial Impact:** It is hard to say if this will cause any increase in the valuation of the property.

**Recommendation:** It would seem that the ordinance fits this example as intended. The property is already zoned C2, this provides for a neighborhood barber shop which I believe would be a benefit and have minimal negative factors such as traffic. The Planning and Zoning Commission met and voted 5 to 0 to recommend approval of the rezoning.



To: Planning and Zoning Commission Members

From: Tom Ginter, Director

Date: August 2, 2019

Subject: Rezoning request from Robert Saldana at 510 E. Avenue D from C2 Retail District to MU Mixed Use District   Agenda Items 1 and 2

Robert Saldana who operates Big Bob's Barber Shop would like to operate a barber shop on his property at 510 E. Avenue D which is his residence. To live and operate a business in two separate buildings on the same lot requires a Mixed Use zoning. I refer to the attached mixed use ordinance in the first sentence "The purpose of the Mixed Use District is to provide a zoning district where mixed retail/residential use developments may be allowed on the same property". Since the property is currently zoned C2 he is in essence half way there. The key here is that he desires to do both on his property. If approved he would have to then abide by the rules and regulations that are in the mixed use ordinance. I do believe that one of the goals of this ordinance is to allow this kind of development especially in neighborhoods where a service is being provided.

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

**PROPERTY INFORMATION: (Please PRINT or TYPE)**

Project Address 5102 D Ave Nearest Intersection corner of Ave D. + 4<sup>th</sup> St.  
 (Proposed) Subdivision Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_  
 Legal Description: COL MEX. BLOCK 5, Lot 50-32  
 Existing Zoning Designation CZ Future Land Use Plan Designation MU

**OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)**

Applicant/Authorized Agent Robert & Rebecca Saldana Phone 361-455-1243 FAX N/A  
 Email Address (for project correspondence only): SaldanaR@att.net  
 Mailing Address 5102 D Ave City Kingsville State TX Zip 78343  
 Property Owner Robert & Rebecca Saldana Phone 361-455-1243 FAX N/A  
 Email Address (for project correspondence only): SaldanaR@att.net  
 Mailing Address 5102 D Ave City Kingsville State TX Zip 78343

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:

a neighborhood barber shop

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

Applicant's Signature [Signature] Date: 7-8-19  
 Property Owner's Signature \_\_\_\_\_ Date: \_\_\_\_\_  
 Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

Map ID: 10727      Tax Year: 2019

### Property

#### Account

Property ID: 10727      Legal Description: COL MEX, BLOCK 5, LOT 30-32  
 Geographic ID: 119100530000192      Zoning:  
 Type: Real      Agent Code:  
 Property Use Code:  
 Property Use Description:

#### Location

Address: 510 E AVE D      Mapsco:  
 Neighborhood:      Map ID: A1  
 Neighborhood CD:

#### Owner

Name: SALDANA ROBERTO V JR      Owner ID: 63155  
 Mailing Address: ETUX REBECCA      % Ownership: 100.000000000000%  
 510 E AVE D  
 KINGSVILLE, TX 78363

Exemptions:

### Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$27,810	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$4,500	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$32,310	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$32,310	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$32,310	

### Property Information

Owner: SALDANA ROBERTO V JR  
 % Ownership: 100.000000000000%  
 Total Value: \$32,310

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	KLEBERG COUNTY APPRAISAL DISTRICT	0.000000	\$32,310	\$32,310	\$0.00
CKI	CITY OF KINGSVILLE	0.830000	\$32,310	\$32,310	\$268.17

7/8/2019

## Kleberg CAD - Property Details

GKL	KLEBERG COUNTY	0.781450	\$32,310	\$32,310	\$252.48
SKI	KINGSVILLE I.S.D.	1.518900	\$32,310	\$32,310	\$490.76
WST	SOUTH TEXAS WATER AUTHORITY	0.086664	\$32,310	\$32,310	\$28.00
Total Tax Rate:		3.217014			

Taxes w/Current Exemptions: \$1,039.41

Taxes w/o Exemptions: \$1,039.42

Large view of info

Improvement #1: RESIDENTIAL State Code: A1 Living Area: 696.0 sqft Value: \$27,810

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	FF3	EW1	1945	696.0
OPFA	OPEN PORCH FRAME AVERAGE	*		1945	24.0
PC1F	COVERED PATIO (FAIR)	*		1945	216.0
STGA	STORAGE FRAME (AVERAGE)	*		1945	196.0
OPFA	OPEN PORCH FRAME AVERAGE	*		2012	240.0
HWH	HOT WATER HEATER SHED	NV		0	6.0
CPF4	CARPORT GABLE (FAIR) (W/FLOOR)	*		0	320.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	A1	A1	0.2410	10500.00	75.00	140.00	\$4,500	\$0

Adj. Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2019	\$27,810	\$4,500	0	32,310	\$0	\$32,310
2018	\$26,470	\$4,500	0	30,970	\$0	\$30,970
2017	\$26,470	\$4,500	0	30,970	\$0	\$30,970
2016	\$26,810	\$4,500	0	31,310	\$0	\$31,310
2015	\$26,810	\$4,500	0	31,310	\$0	\$31,310
2014	\$26,810	\$4,500	0	31,310	\$0	\$31,310
2013	\$25,130	\$4,500	0	29,630	\$0	\$29,630
2012	\$25,130	\$4,500	0	29,630	\$0	\$29,630
2011	\$25,130	\$4,500	0	29,630	\$0	\$29,630
2010	\$24,580	\$4,500	0	29,080	\$0	\$29,080
2009	\$0	\$4,500	0	4,500	\$0	\$4,500
2008	\$0	\$4,500	0	4,500	\$0	\$4,500
2007	\$0	\$4,500	0	4,500	\$0	\$4,500
2006	\$0	\$4,500	0	4,500	\$0	\$4,500
2005	\$0	\$4,500	0	4,500	\$0	\$4,500

View Full View - Full History

View Full View - Full History

View Full View - Full History

View Full View - Full History

EDUARDO CASTRO  
ETUX LUCERO  
427 E MESQUITE AVE  
KINGSVILLE, TX 78363-3817  
#17344

EDDY FERNANDEZ  
GONZALEZ  
PO BOX 1689  
KINGSVILLE, TX 78364-1689  
#18349

ROBERT SALDANA  
ETUX REBECCA  
510 E AVE D  
KINGSVILLE, TX 78363  
#18460

JUAN JOSE TREVINO  
ETUX NORA R  
520 E D AVE  
KINGSVILLE, TX 78363-3816  
#16174

ELEAZAR CANTU  
ETUX NORMA ALICIA  
427 E D AVE  
KINGSVILLE, TX 78363-3813  
#22714

JOSE SILGUERO  
MARIA SILGUERO  
PO BOX 5348  
KINGSVILLE, TX 78364-5348  
#10138

ALONZO CHARLES  
720 W H AVE  
KINGSVILLE, TX 78363-3049  
#18880

CONSTANTINO DE LEON JR  
ETUX DEBORAH A  
521 E MESQUITE  
KINGSVILLE, TX 78363  
#19103

ALEJANDRO B VIDAL EST  
516 E D AVE  
KINGSVILLE, TX 78363-3816  
#26040

ROGELIO DE LA GARZA  
ETUX LUISA  
524 E D AVE  
KINGSVILLE, TX 78363-3816  
#22994

CARLOS E TUDON  
429 E AVE D  
KINGSVILLE, TX 78363  
#23472

#10881

JOSE ROLANDO OCHOA  
ETUX MARIA LUISA  
134 W FM 772  
KINGSVILLE, TX 78363-2735  
#23641

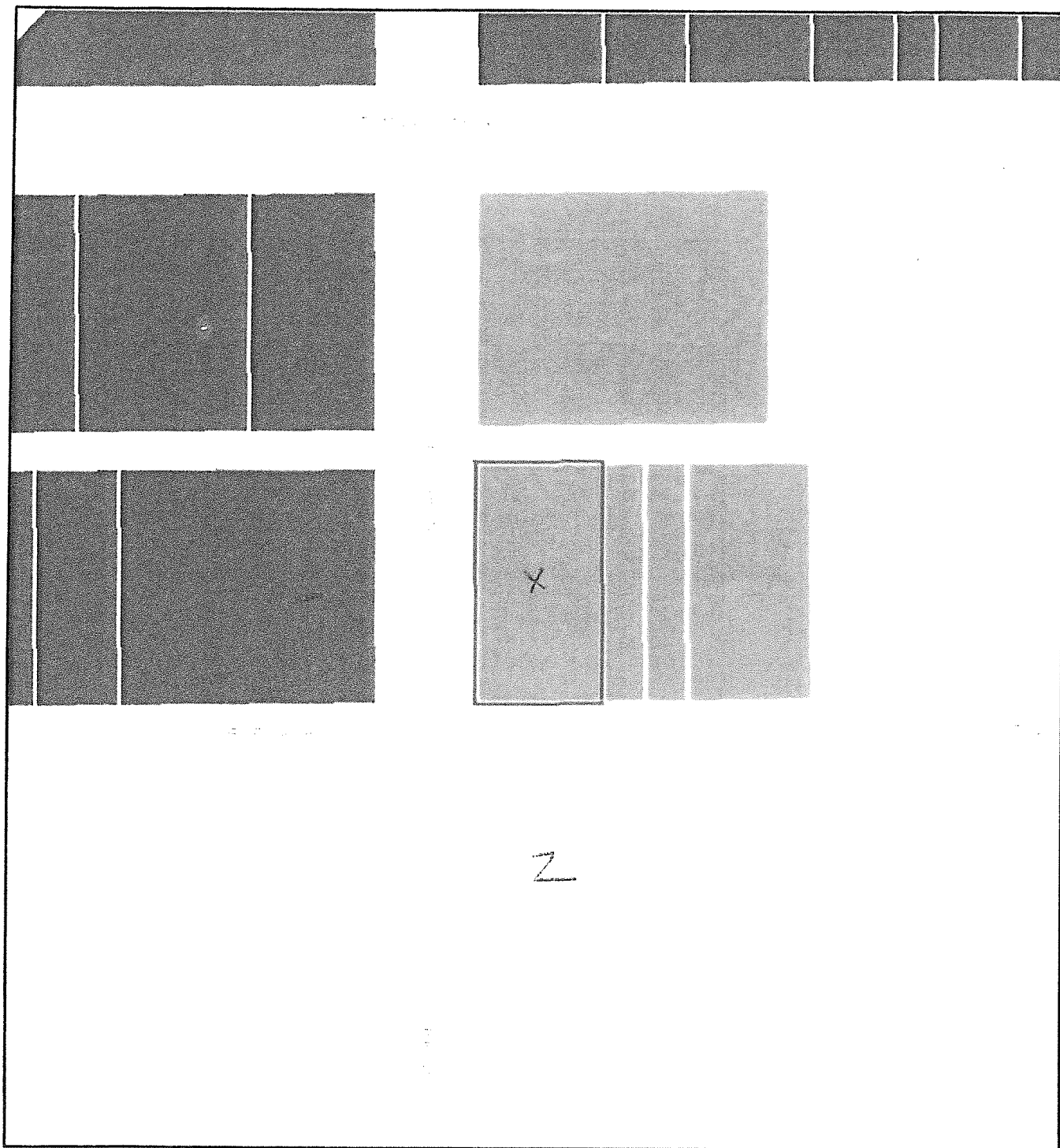
JOSE ROLANDO OCHOA  
ETUX MARIA LUISA  
134 W FM 772  
KINGSVILLE, TX 78363-2735  
#11939

ALEJANDRO B VIDAL EST  
ETUX FELISMER M  
516 E D AVE  
KINGSVILLE, TX 78363-3816  
#16936

ELEAZAR CANTU  
ETUX NORMA ALICIA  
427 E D AVE  
KINGSVILLE, TX 78363-3813  
#21940

JOSE SILGUERO JR  
AND MARIA SILGUERO  
320 E KLEBERG AVE  
KINGSVILLE, TX 78363-4576  
#24667

JOE S RIOS  
ETUX MARIA C  
519 E D AVE  
KINGSVILLE, TX 78363-3815  
#20182

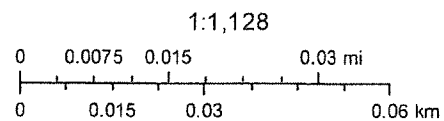


July 3, 2019

X-510 E Avenue D - C2

T - C4

Z - R1



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

## MIXED USE DEVELOPMENT REGULATIONS

## Sec. 15-6-165. - Purpose.

The purpose of the Mixed Use District is to provide a zoning district where mixed retail/residential use developments may be allowed on the same property or in the same building, with the intent of increasing housing opportunities and providing retail services intended to primarily serve the immediate neighborhood.

It is the intention of the Mixed Use District to allow for significant functional and physical integration of project components of housing and mixed/retail uses.

Consideration will be given to joint use of parking, common areas, open space, retail types of uses and associated intensities, housing types and sizes of units, and overall architectural design when considering approving Mixed Use developments in the Mixed Use Zoning District. Mixed Use projects must be reviewed and approved by the Planning and Zoning Commission.

(Ord. 2010-18, passed 7-12-2010, eff. 7-28-2010)

## Sec. 15-6-166. - Uses.

- (A) Multi-residential housing on the upper floors of buildings consisting of studio, one bedroom, two bedroom and three bedroom living units.
- (B) Retail stores, retail services, personal services and banks, savings and loans only on the first floor levels of buildings in the Mixed-Use Zoning District. Outdoor seating not located in the public right of way is permitted subject to Planning and Zoning Commission review and approval. No drive-thru windows are permitted for businesses unless approved by the Planning and Zoning Commission.

(Ord. 2010-18, passed 7-12-2010, eff. 7-28-2010)

## Sec. 15-6-167. - Mixed use development regulations.

- (A) Setbacks ten feet front, five feet side, none rear unless abutting a residential district where ten is required.
- (B) Maximum height 35 feet.
- (C) Maximum gross floor area shall not exceed 60% of the total lot area.
- (D) Not less than 10% of the site shall be occupied by appropriate landscaping.

- (E) Land covered by all structures shall not exceed 35% of building site.
- (F) A minimum of one off-street parking space per housing unit shall be provided on-site. Off-street parking for the retail/commercial portion of a mixed use project shall be determined by the Planning and Zoning Commission based on the use proposed and the amount of square footage proposed for the use. Employee parking shall be designated and located away from the entrances to the first floor businesses.
- (G) Fully enclosed trash enclosures shared jointly by the housing units and businesses are required in accordance with city requirements.
- (H) Signs are required to be approved by the Planning Department. A building permit is required for all signs. No pole signs are allowed in the Mixed-Use District. Only monument (height of monument or free standing monument sign determined by the Planning Department based on location) and wall mounted signs are allowed in the Mixed Use District. The maximum total amount of square footage of signage allowed for a building site is equal to 50% of the lineal street frontage of the building site. Wall mounted signs cannot project more than three feet above the building to which it is attached. Address signs consisting of letters and numerals shall not exceed 12 inches in height and do not count as part of the sign square footage allowed. Awnings or canopies are allowed on the first floor, but the sign copy, including logos shall not exceed 12 square feet or 50% of the awning face area, whichever is less. Flashing or intermittent illuminating signs are not allowed in the Mixed Use Zone. Banner signs displayed on cloth or other flexible materials are not permitted. United States of America and State of Texas flags are permitted subject to building department review and approval. All businesses are permitted to display grand opening signs on a one-time basis for a maximum of 21 consecutive days. Holiday decorations may be displayed on a temporary basis for traditionally accepted civic, patriotic or religious holidays. Window signage placed in windows of a business shall be limited to 25% of the total window area in which the signage is placed. No sign permit is required.
- (I) Building elevations shall illustrate the style of façade for all sides of the structure. Details will illustrate the type of materials used for the exterior finish of the walls, roof and trim as viewed from all four directions, and the type of building materials

used for exterior finish of walls, roof and trim. The exterior elevation plan shall be sufficiently detailed to illustrate roof slopes, roofline treatment, overhangs and building height.

(Ord. 2010-18, passed 7-12-2010, eff. 7-28-2010)

Secs. 15-6-168—15-6-173. - Reserved.

2B (361) 595-1875

traveling from San Antonio. Frank Cardenas can be  
"He has such a busy schedule and for him contacted at fcardenas@king-ranch.com or (361) 221-0243.

## PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, August 7, 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:

**Robert Saldaña, owner and applicant, requesting the rezone of COL MEX, BLOCK 5, LOT 30-32 also known as 510 E Ave D, Kingsville, Texas from C2 (Retail District) to MU (Mixed Use 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, August 12, 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:

**Robert Saldaña, owner and applicant, requesting the rezone of COL MEX, BLOCK 5, LOT 30-32 also known as 510 E Ave D, Kingsville, Texas from C2 (Retail District) to MU (Mixed Use 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.

00 pm

## KPD seizes guns, drugs during raid on Alice St. home

### Staff Report

A Kingsville man was arrested on multiple charges after the Kingsville Police Department discovered guns, money and illegal drugs in his home on July 12.

The KPD's Street Level Operations Team, SWAT and an Detective Division conducted a search warrant at a home in the 800 block of West Alice and arrested 41-year-old Nicholas "Nick" Sergio Thomas.

According to a press release from the KPD, investigators searched Thomas' home after an investigation that lasted several months.

The KPD search team discovered two ounces of cocaine, one and a half ounces of crack cocaine, 108 grams of Marijuana, 3.8 grams of marijuana, 1.9 grams of Hydrocodone and two bottles of Promethazine cough syrup with a weight of 1.08 grams.

Thomas told investigators that he did not have a prescription for the Promethazine cough syrup and he purchased the two bottles on the Internet.

Investigators also seized \$2,000 in suspected drug proceeds, a digital scale with cocaine residue, two handguns with multiple magazines loaded



Nicholas Thomas

with ammunition, and a floor safe.

The search warrant was signed by Texas 16th District Court Judge Jack Pichler.

Thomas has been charged with a first-degree felony for the manufacture and delivery of a controlled substance, an aggravated first-degree felony and second-degree felony for the possession of a controlled substance. He also faces a misdemeanor for possession of a controlled substance and a Class B misdemeanor for possession of Marijuana.

The location of the search warrant and seizure of the illegal narcotics also falls within a Drug Free Zone (Kingsville).

ARM University-Kingsville Property as defined by the Texas Health and Safety Code.

Because the location is in a drug free zone, all of the charges against Thomas can be enhanced if he is found guilty in a court of law, which could affect the sentencing phase of trial.

Officials with the KPD warned residents that the possession of Promethazine with Codeine cough syrup without a prescription carries serious penalties.

Under the Texas Controlled Substance Act, a person who possesses an amount of this particular drug without a prescription and who is found guilty in a court of law could face a life sentence or a maximum sentence of five years in prison and a \$50,000 fine.

"We ask the citizens to take an active role in providing information to the Street Level Operations team by contacting the Team Supervisor, Lt. Daniel Gonzalez at (361) 595-8842, with any suspicious activity taking place in their neighborhood," KPD Capt. Mark Fritz said. "The calls can be anonymous. Please provide the activity being witnessed and the correct address of the suspicious activity."

## Sarita man killed in boating accident on Lake LBJ

### By Christopher Maher Editor

A Sarita man who was awaiting sentencing on a federal wire fraud charge, was killed Friday in a boating accident on Lake Lyndon B. Johnson near Marble Falls.

The body of Jesus Marcus "Marc" Estes, 41, of Sarita was found by a search team led by the Texas Parks and Wildlife.

Steve Lightfoot, Press Office Manager for the TWPD, said in a statement that the search was conducted by more than a dozen Texas game wardens, three state police officers, a Texas state trooper and a Texas game warden liaison.

The body of Jesus Marcus "Marc" Estes, 41, of Sarita was found by a search team led by the Texas Parks and Wildlife. Steve Lightfoot, Press Office Manager for the TWPD, said in a statement that the search was conducted by more than a dozen Texas game wardens, three state police officers, a Texas state trooper and a Texas game warden liaison.

The search and recovery effort was complicated by several factors, including high boat traffic in the area of the lake where the accident occurred, as well as numerous underwater obstacles that limited some effectiveness and diver

visibility. Estes was pronounced deceased by the Barnett County Justice of the Peace Pct. 1.

No autopsy was ordered. According to a press release from the U.S. Attorney's Office in the Eastern District of Louisiana, Estes was awaiting sentencing on one count of conspiracy to commit wire fraud. Estes pleaded guilty to the charge on July 26.

According to prosecutors, Estes stole approximately \$17,626 from the company he worked for, Texas Meats and Instrumentation, a corporation related to the Louisiana State Equipment Company. Prosecutors said from 2007 to 2011, Estes generated false invoices for other companies he owned and operated and paid them through Texas Meats.

Estes faced up to 20 years in prison and a \$250,000 fine. Sentencing was scheduled for Sept. 18.

The website of the Kennedy County-Wide Communion School District Inc. Main Page was a member of the district's board of trustees, with a term set to expire in May 2021. Attempts to reach the superintendent of the district were unsuccessful Wednesday.

Christopher Maher can be contacted at cmaher@kingsrecord.com or (361) 221-0242.

## Arrest

Isma (Class B misdemeanor), Possession of Marijuana 2-4 ounces (Class A misdemeanor), and Possession of a Controlled Substance (Penalty Group 2 - more than 100 grams, first degree felony). He also received a citation for causing the accident.

There were no injuries in the traffic accident.

His vehicle was impounded, and he was transported to the Kleberg County Jail. Officials with the Kingsville PD said they wanted to remind the public that cannabis, or CBD, oil may have therapeutic and health benefits, but it is still illegal in Texas.

## VA MISSION

There's said they want to reach out to area veterans "so they are aware of how these changes are going to affect them."

"There are positive changes, but they are huge changes," she said. "And that's why the VA wants to reach out and make sure they understand these changes to our veterans, especially our veterans in rural communities."

"We want to let our veterans know that they are not alone, and there is no reason they should be going without any type of care," she said.

Torres said town hall meetings had already been taking place in larger cities, but she had been working with the U.S.

Department of Veterans Affairs to bring a meeting to Kingsville.

Dependents, spouses and other community stakeholders are also invited to the town hall, Torres said.

"If you have a veteran that would benefit from this information, I highly suggest and recommend that you come out," she said.

Torres said the town hall meeting will cover the changes and explain how the legislation will benefit veterans moving forward. She said the meeting would also not be the last one for the Kingsville area.

"We're also hoping to do town hall handouts regarding the MANSION Act," she said. "So if there's a veteran that

missed it or has more questions, they have another opportunity."

The VA MANSION Act town hall will be held Thursday, July 25, from 6:30 p.m. at the American Legion Post 99 located at 2302 E. Kennedy Ave. in Kingsville.

For more information on the town hall, contact Ann Marie Torres at (361) 877-2959 or Hugo Martinez at (361) 291-9243.

More information on the VA MANSION Act of 2018 can be found at [mansionact.gov](http://mansionact.gov).

Jefferson Jones can be contacted at [jeff@kingsrecord.com](mailto:jeff@kingsrecord.com) or (361) 221-0251.

## St. Paul

toward seeing many familiar and new faces at the anniversary event.

"I am looking forward to seeing some of the people that have moved away and some of the people that were little and have grown up, and their children coming together like a family reunion. I'm looking forward to some of the people that were here before I got here, and I heard about them and so I'm looking forward to hearing from them and to seeing all the new (people) together."

Williams said putting the event together hasn't been easy, but she has involved a lot of the congregation.

She also said she is excited to have their "Blessing Elder," Rev. W. Raymond Bryant as the guest preacher for the day, who will be traveling from San Antonio.

"He has such a busy schedule and for him

to agree to be the guest preacher, you know, is a blessing within itself," Williams said.

The public is invited to be a part of the event, and Williams said all are welcome to attend to feel the "family and community" the church has had over the past 100 years.

"It's not about this church or that church, it's all about us coming together as one and being unified," Williams said. "Because so much is happening in this world today and we don't have time for a lot of things. We just need to keep positive. Praise the Lord, put food first and just move forward."

The event will take place on the church grounds at 531 W. Warren Ave. on Sunday July 21 at 3 p.m.

Frank Cardenas can be contacted at [frank@kingsrecord.com](mailto:frank@kingsrecord.com) or (361) 221-0243.

### women's & men's health services

of the coastal bend, inc.

[www.wamhs.org](http://www.wamhs.org)

Hours: Monday/Tuesday/Thursday/Friday 8:30 am - 5:00 pm  
Wednesday 8:30 am - 7:00 pm

1000 S. 14th Street, Ste. #1022B Kingsville, TX 78363 (361) 595-1875

### Combined Expertise to Put You at Ease

Now offering even more experience to ensure the best dental care possible. We offer comprehensive, quality dental care to patients of all ages in our local community.

Choose us for quality comprehensive dental care with a gentle touch!

**JULY SPECIAL**  
Orthodontic (Braces) Exam & Records  
**\$100**

**Dr. Tanya P. Lawton, D.D.S.**  
**Dr. EC McCall III, D.D.S.**  
116 South 4th Street, Kingsville  
Hours: Monday - Thursday 8 am - 5 pm • Friday 8 am - 4:30 pm  
**(361) 595-4121**

### PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, August 7, 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:

**Robert Saldaña, owner and applicant, requesting the rezone of COL MEX, BLOCK 5, LOT 30-32 also known as 510 E Ave D, Kingsville, Texas from C2 (Retail District) to MU (Mixed Use 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, August 12, 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:

**Robert Saldaña, owner and applicant, requesting the rezone of COL MEX, BLOCK 5, LOT 30-32 also known as 510 E Ave D, Kingsville, Texas from C2 (Retail District) to MU (Mixed Use 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 COLONIA MEXICANA, BLOCK 5, LOTS 30-32, ALSO KNOWN AS 510 E. AVENUE D, KINGSVILLE, TEXAS, FROM C2 (RETAIL DISTRICT) TO MU (MIXED USE 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 Robert Saldana, 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, August 7, 2019 during a meeting of the Planning and Zoning Commission, and on Monday, August 12, 2019 during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

**WHEREAS**, the item was APPROVED with a 5-0 vote of the Planning Commission regarding the requested rezone with no abstentions; and

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

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

**SECTION 1.** That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of Colonia Mexicana, Block 5, Lots 30-32, also known as 510 E. Avenue D from C2-Retail District to MU-Mixed Use 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 12th day of August, 2019.

**PASSED AND APPROVED** on this the \_\_\_\_\_ day of August, 2019.

Effective Date: \_\_\_\_\_

**THE CITY OF KINGSVILLE**

\_\_\_\_\_  
Sam R. Fugate, Mayor

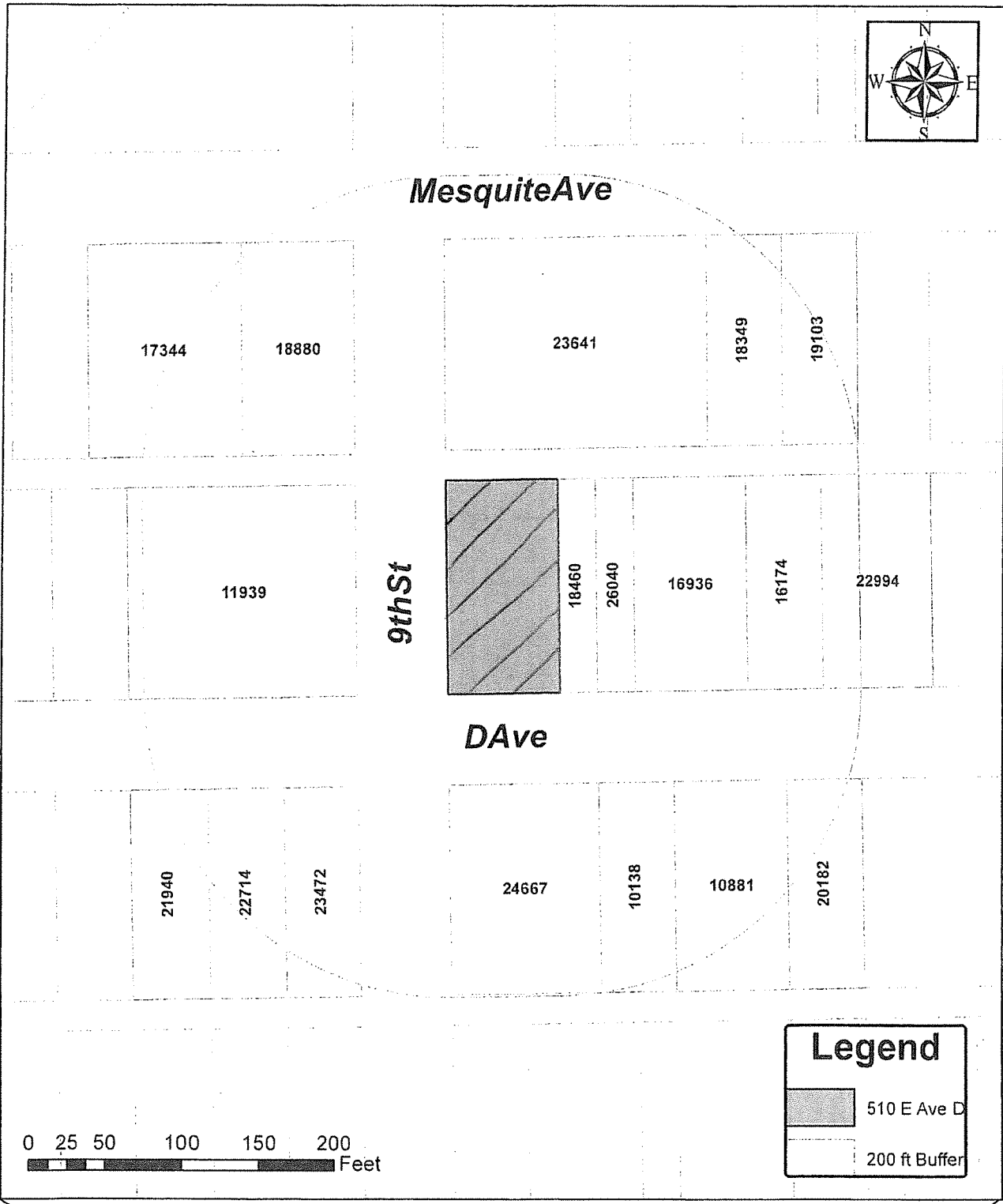
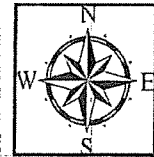
**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# 200 ft Buffer Map of 510 E Ave D



# **PUBLIC HEARING #2**

**City of Kingsville  
Planning and Development Services**

TO: Mayor and City Commissioners

CC: Interim City Manager, Deborah Balli

FROM: Tom Ginter, Director of Planning and Development Services

DATE: August 2, 2019

SUBJECT: Rezoning Request for 1100 E. Avenue B from R1 to RP2

**Summary:** The applicant who is now the owner of the property, which the enclosed warranty deed reflects wants to develop for a duplex/apartment living. To accomplish the density he desires is the reason for the rezoning to RP2. This allows him to negotiate the space requirements and other items if necessary. Enclosed is an example of a conceptual plan for the property.

**Background:** Mr. Gonzalez who is the current owner of the property has been considering some kind of housing development project. We have had a number of conversation as to what would work best for this size of lot. Clearly from the beginning it has always been a duplex type of project. He settled on the RP2 zoning because of the leeway it gives him regarding space requirements. Enclosed is a copy of the planned unit development ordinance. We received one phone call for the rezoning and one phone call against the rezoning.

**Financial Impact:** Since this is currently a vacant lot and if this project is developed as submitted this would be a positive increase for the city.

**Recommendation:** The Planning and Zoning Commission met and voted 5 to 0 to recommend approval of the rezoning.



To: Planning and Zoning commission Members

From: Tom Ginter, Director

Date: August 2, 2019

Subject: Rezoning of 1100 E. Avenue B from R1 to RP2 – Agenda items 5 and 6

Mr. Gonzalez is now the owner of the property at this address as the warranty deed reflects. He desires to develop the property into a duplex/apartment type project. To accomplish what he wants with the density of units on the property, he has decided to rezone to a RP2. This is a plan unit development with R2 type requirements. The PUD allows him to negotiate setback and other requirements that will enable him to develop the project that he wants. Enclosed is a copy of the Planned Unit Development ordinance. Also enclosed is a conceptual development that he has in mind for the development.

CITY OF KINGSVILLE  
PLANNING AND ZONING DIVISION  
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1100 E B St Nearest Intersection 15<sup>th</sup> Street

(Proposed) Subdivision Name ING Subdivision Lot \_\_\_\_\_ Block 5

Legal Description: McBryde Block 5 w 1/2

Existing Zoning Designation R1- Single Family Future Land Use Plan Designation R2- PUD

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Ivan Luna Phone 361.720.8499 FAX \_\_\_\_\_

Email Address (for project correspondence only): ivanluna2008@outlook.com

Mailing Address 113 Ranger St, Apt A City Kingsville State Tx Zip 78363

Property Owner Gustavo Gonzalez Phone 210 440 3765 FAX 210 440 9812

Email Address (for project correspondence only): gustavogo10@yahoo.com

Mailing Address 5250 Callaghan Rd City San Antonio State Tx Zip 78229

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:

Re subdivide the lot into four lots approximately  
6600 sq. each.

Develop duplex units.

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 \_\_\_\_\_ Date: 7.15.19

Property Owner's Signature \_\_\_\_\_ Date: 7.3.19

Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

## Kleberg CAD

Property Search &gt; 23711 YDROGO JUANITA L for Year 2019 Tax Year: 2019

## Property

## Account

Property ID: 23711 Legal Description: MCBRYDE AC, BLOCK 5, LOT W/2 5  
 Geographic ID: 150050501000192 Zoning:  
 Type: Real Agent Code:  
 Property Use Code:  
 Property Use Description:

## Location

Address: 1100 E AVE B Mapsco:  
 Neighborhood: Map ID: 81  
 Neighborhood CD:

## Owner

Name: YDROGO JUANITA L Owner ID: 13704  
 Mailing Address: 725 E ELLA AVE % Ownership: 100.000000000000%  
 KINGSVILLE, TX 78363-3953

## Exemptions:

## Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$11,520	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$11,520	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$11,520	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$11,520	

## Taxing Jurisdiction

Owner: YDROGO JUANITA L  
 % Ownership: 100.000000000000%  
 Total Value: \$11,520

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	KLEBERG COUNTY APPRAISAL DISTRICT	0.000000	\$11,520	\$11,520	\$0.00
CKI	CITY OF KINGSVILLE	0.830000	\$11,520	\$11,520	\$95.61
GKL	KLEBERG COUNTY	0.781450	\$11,520	\$11,520	\$90.02
SKI	KINGSVILLE I.S.D.	1.518900	\$11,520	\$11,520	\$174.97
WST	SOUTH TEXAS WATER AUTHORITY	0.086664	\$11,520	\$11,520	\$9.98
Total Tax Rate:		3.217014			

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	0.6067	26428.00	200.00	132.14	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	\$11,520	0	11,520	\$0	\$11,520
2017	\$0	\$11,520	0	11,520	\$0	\$11,520
2016	\$0	\$11,520	0	11,520	\$0	\$11,520
2015	\$0	\$11,520	0	11,520	\$0	\$11,520
2014	\$0	\$11,520	0	11,520	\$0	\$11,520
2013	\$0	\$11,520	0	11,520	\$0	\$11,520
2012	\$0	\$7,930	0	7,930	\$0	\$7,930
2011	\$0	\$7,930	0	7,930	\$0	\$7,930
2010	\$0	\$8,720	0	8,720	\$0	\$8,720
2009	\$0	\$8,720	0	8,720	\$0	\$8,720
2008	\$0	\$8,720	0	8,720	\$0	\$8,720
2007	\$0	\$8,720	0	8,720	\$0	\$8,720
2006	\$0	\$8,720	0	8,720	\$0	\$8,720
2005	\$0	\$8,720	0	8,720	\$0	\$8,720

Questions Please Call (361) 595-5775

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

Website version: 1.2.2.28

Database last updated on: 3/7/2019 3:21 PM

© N. Harris Computer Corporation

Deed # 309341

LA PALOMA DAY CARE SERV CORP  
1212 N 14<sup>TH</sup> ST  
STE 1  
KINGSVILLE, TX 78363-4020  
#18069

NICOLAS TORRES  
ETUX DIANA C  
1030 E AVE B  
KINGSVILLE, TX 78363-4006  
#15991

MARGARITO OLIVAREZ (LIFE EST)  
MERCEDES MONTOYA  
1029 E AVE B  
KINGSVILLE, TX 78363  
#25253

ALFREDO CORTEZ EST  
% DAVID G CORTEZ  
1110 N 15<sup>TH</sup> ST  
KINGSVILLE, TX 78363-4082  
#22309

ESTELLA PEREZ  
1233 E NETTIE AVE  
KINGSVILLE, TX 78363-4052  
#20765

RAMIRO G MARTINEZ  
1105 E AVE B  
KINGSVILLE, TX 78363-4007  
#4000547

ALFRED PEREZ VELA  
ETUX FILOMENA C  
407 ½ W 2<sup>ND</sup> ST  
BISHOP, TX 78343

MARKY HOLDINGS LTD  
ETAL  
3009 POST OAK STE 1200  
HOUSTON, TX 77056  
#10357

HERMAN R CRUZ  
ETUX EVA H EST (LIFE EST)  
RENE CRUZ ETAL  
725 LANSDOWN DR  
CORPUS CHRISTI, TX 78412  
#23740

CENTRO DE MILAGROS  
210 W FAIRVIEW DR  
KINGSVILLE, TX 78363-4116  
#20770

JUANITA L YDROGO  
725 E ELLA AVE  
KINGSVILLE, TX 78363-3953  
#14696

JANIE MUNOZ  
1130 E AVE B  
KINGSVILLE, TX 78363-4008  
#21536

RODOLFO G GUERRERO EST  
ARIANNA N AREVALO ETAL  
PO BOX 1677  
KINGSVILLE, TX 78364-1677  
#11925

TOMAS GONZALEZ  
4807 COUNTY ROAD 172  
ALVIN, TX 77511-0470  
#14364

ZHANGUSA INVESTMENTS LLC  
DBA ZIDG KINGSVILLE LLC  
PO BOX 23642  
WACO, TX 76702  
#12705

FRANCES CHAPA  
1025 E AVE B  
KINGSVILLE, TX 78363-4005  
#24511

AURELIO DE LA ROSA EST  
ETUX EVA  
1112 N 15<sup>TH</sup> ST  
KINGSVILLE, TX 78363-4082  
#13908

ELOISA YUMA  
623 W H AVE  
KINGSVILLE, TX 78363-3178  
#16258

KEVIN M MARTINEZ  
708 E 4<sup>TH</sup> ST  
BISHOP, TX 78343  
#10383

JESUS MERCADO (LIFE EST)  
GLORIA LUNA ETAL  
1115 E AVE B  
KINGSVILLE, TX 78363-4007  
#12740

MARIA INEZ LOPEZ  
AKA MARIA INES ZAVALA  
1123 E AVE B  
KINGSVILLE, TX 78363  
#15170

FILE#

818312

*Clarissa Moreno*

CLARISSA M. MORENO

STATE OF TEXAS, COUNTY OF KLEBERG, I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED ON THE DATE AND TIME STAMPED HEREON BY ME AND WAS DULY RECORDED IN THE OFFICIAL RECORDS OF KLEBERG COUNTY, TEXAS.



MAY 20 2019

DELIVERY DATE

*Stephanie G. Garza*

STEPHANIE G. GARZA  
COUNTY CLERK, KLEBERG COUNTY

ANY PROVISIONS HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE INVALID AND ENFORCEABLE UNDER FEDERAL LAW.

RETURN TO:

S & S ABSTRACT & TITLE COMPANY

801 EAST KLEBERG

KINGSVILLE, TEXAS 78363

RECORDER'S MEMORANDUM:

ALL OR PART OF A SOCIAL SECURITY NUMBER, IF CONTAINED IN THIS DOCUMENT, MAY HAVE BEEN REDACTED. TEX. GOV'T CODE SEC. 552.147(B) THE COUNTY CLERK MAY REACT A LIVING PERSON'S SOCIAL SECURITY NUMBER FROM ANY OR ALL DOCUMENTS CONTAINED FOR DISCLOSURE IN KLEBERG COUNTY.

**GENERAL WARRANTY DEED**

**Notice of confidential rights:** If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

DATE: MAY 16, 2019

GRANTOR: JUANITA L. YDROGO, a single person

GRANTOR'S ADDRESS: 725 E. Ella Ave., Kingsville, TX 78363-3953

GRANTEE: GUSTAVO GONZALEZ

GRANTEE'S ADDRESS: 19110 Brannan Bluff, San Antonio, TX 78258

CONSIDERATION: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration (cash).

**PROPERTY:**

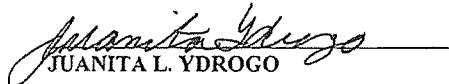
**The West One-Half of Lot Five (W/2 of 5), Block Five (5), McBryde Acres, an addition to the City of Kingsville, Kleberg County, Texas, as shown on map or plat of record in Envelope 47, Map Records of Kleberg County, Texas. Aka 1100 E. Ave. B, Kingsville, Texas 78363**

**RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:**

Easements, rights-of-way, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, other than liens and conveyances, that affect the property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; and encroachments or overlapping of improvements; taxes for the current year, the payment of which Grantee assumes, zoning laws, regulations and ordinances of municipal and other governmental authority, if any, affecting the property.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

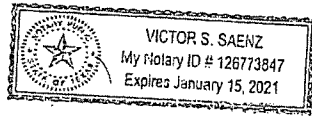
When the context requires, singular nouns and pronouns include the plural.

  
JUANITA L. YDROGO

(Acknowledgment)

THE STATE OF TEXAS  
COUNTY OF KLEBERG

This instrument was acknowledged before me on the 16 day of May, 2019 by JUANITA L. YDROGO.



*Victor S. Saenz*  
NOTARY PUBLIC, STATE OF TEXAS

PREPARED IN THE LAW OFFICE OF:  
Michael J. Shelly, P.C.  
Attorney at Law  
5102 Holly Rd., Suite A  
Corpus Christi, Texas 78411

AFTER RECORDING RETURN TO:  
S&S ABSTRACT AND TITLE CO  
801 East Kleberg  
Kingsville, TX 78363

## PLANNED UNIT DEVELOPMENTS (PUD)

### FOOTNOTE(S):

--- (5) ---

**Editor's note—** Ord. 2014-23, § I, passed April 23, 2014, amended the Planned Unit Developments (PUD) division in its entirety to read as herein set out. The former Planned Unit Development (PUD) division, §§ 15-6-55—15-6-61, pertained to similar subject matter. See Code Comparative Table for complete derivation.

Sec. 15-6-55. - Planned unit development districts.

- (A) *Statement of intent*—Each of the zoning districts set forth and permitted in the Land Use Chart shall have a separate and distinct counterpart known and herein referred to as a "planned district". A "planned district" shall be for the purpose of permitting and regulating the uses permitted in the "equivalent district" and further provide for and encourage latitude and flexibility in the location of buildings, structures, roads, drives, variations in yards, open spaces, etc., which are subsequent to approval by local officials. The result is to allow development of tracts of land to their fullest extent and at the same time observe the general intent and spirit of these regulations. The purpose of this district is to also provide for and encourage the appropriate grouping of buildings to reduce vehicle trips, maximize open space, and for the beautification of the district. In general, (1) the height and bulk of buildings, (2) the amount of open space, (3) the concentration of people and traffic, and (4) the parking and loading requirements shall be equal to those in the corresponding district. The uses permitted shall be the same as in the "equivalent district".

Variations and departures from normal requirements may, however, be permitted. Each building face need not face a public street and more than one main building may be located on a lot. Buildings may be constructed on platted tracts which are smaller than the minimum lot size requirements where other adjacent permanent open space is provided. Buildings may be grouped in clusters or around courts and may be served by private drives in lieu of public streets. Buildings may be located closer to lot lines than otherwise permitted provided such buildings are architecturally suitable for such a relationship to adjoining buildings or property. The Planned Unit Development Districts shall be as follows:

Planned District	Equivalent District
RP-1	R-1
RP-2	R-2
RP-3	R-3
RP-4	R-4
CP-1	C-1
CP-2	C-2

CP-3	C-3
CP-4	C-4
IP-1	I-1
IP-2	I-2

(Ord. 2014-23, § I, passed 4-23-2014)

Sec. 15-6-56. - Procedure for rezoning property to a planned unit development.

- (A) A tract of land may be zoned to a Planned Unit Development by the City as provided in Section 15-6-4, or upon application by the owner or his/her agent with approval of a Conceptual Development Plan for the tract. A City-initiated Planned Unit Development zone need not be accompanied by a Conceptual Development Plan. The applicants, other than the City, for a Planned Unit Development zone change, or a developer intending to build on a tract of land zoned as a Planned Unit Development shall prepare and submit to the Planning and Zoning Commission a Conceptual Development Plan containing the following elements:
- (1) The boundaries of the tract to be zoned and the area adjacent for a distance of not less than 500 feet.
  - (2) The existing and proposed topography. Contours shall not exceed ten foot intervals and shall be on a plan at a scale of one inch equals 100 feet or larger. The proposed topography shall be clearly delineated on the plan.
  - (3) The proposed location and arrangements of buildings, structures, lots, parking areas, open space, recreational space, existing and proposed streets, drives and other public ways, public property, drainage, landscaping and other features of the proposed development.
  - (4) Sufficient approximate dimensions to indicate the relationship between buildings, streets, drives and property lines.
  - (5) A draft of conditions, covenants and restrictions (CC&R's), easements, associations, and maintenance agreements as well as specifications for ingress/egress to the property and any other legal requirements which will run with the property.
  - (6) Preliminary elevation and plan drawings of proposed buildings which sufficiently depict the architectural theme of the development.
  - (7) Preliminary sign program for nonresidential developments identifying common materials, sizes, heights and locations to be used on signs within the development. The materials used shall be consistent with the architectural theme of the buildings.
  - (8) Other design elements and/or development standards consistent with current trends and regulations as determined by the Director of Planning and Development Services.

(Ord. 2014-23, § I, passed 4-23-2014)

Sec. 15-6-57. - Site plan approval required prior to permitting.

- (A) No permit shall be issued for construction in a Planned Unit Development area unless there has been a site plan approved by the City Commission and a subdivision plat thereof recorded in the

county plat records. Three (3) 24 × 36 and fifteen (15) 11 × 17 prints of the site plan shall be submitted for review by the Director of Planning and Development Services.

(B) The requirement for a new site plan may be waived when:

- (1) The site has been platted for record after receiving the zoning classification which will be utilized for Planned Unit Development; and
- (2) The proposed development is in full compliance with all other Planned Unit Development requirements.

(Ord. 2014-23, § I, passed 4-23-2014)

Sec. 15-6-58. - Submission, hearing and approval.

(A) The City Planning and Zoning Commission shall hold a public hearing on the Conceptual Development Plan and after such public hearing, the Commission shall either approve, approve with conditions, or disapprove the Conceptual Development Plan. At such time as the Conceptual Development Plan is approved, approved with conditions or disapproved by the City Planning and Zoning Commission, the same plan shall be duly endorsed and forwarded to the City Commission for final action. The procedures for noticing and holding a public hearing for a Conceptual Development Plan shall be the same as specified in Section 15-6-4 of this code. The Conceptual Development Plan is in addition to, not in substitution of, the required statutory rezoning process.

(B) In reviewing Conceptual Development Plans for a Planned Unit Development district, the City Planning and Zoning Commission shall consider the following:

- (1) Topography; to ensure the site is suitable for development, and buildings are located and arranged in appropriate areas.
- (2) Parking; to ensure the proposed development contains an adequate amount of parking and is located in an appropriate area. Generally, the parking should conform to the required number of parking appropriate to the development type as contained in Section 15-6-106 and 15-6-107. The City Planning and Zoning Commission may allow a deviation from these parking requirements should the applicant show an adequate amount of parking exists.
- (3) Setbacks; to ensure buildings provide for adequate light, air, and privacy protection by providing appropriate proportion between buildings, and adequate separation between buildings and adjoining properties.
- (4) Architecture; to ensure the architectural theme is compatible and consistent throughout the project and is reasonably compatible with surrounding developments.
- (5) Landscaping; to ensure the development provides adequate landscaping to provide a pleasant environment, to enhance the building's appearance and to ensure existing significant trees are adequately protected.
- (6) Site plan; to ensure the location and arrangement of buildings, signs and other structures are appropriate for the site, existing and proposed streets, drives and public ways are arranged appropriately and to ensure site drainage has been adequately addressed.
- (7) Any other feature or issue associated with the state zoning and planning enabling legislation or the comprehensive/master plan for the City of Kingsville for which the City Planning and Zoning Commission feels is appropriate and relevant to the development of the site to ensure appropriate and attractive development of the proposed site.

(C) Prior to approving a Conceptual Development Plan for the purposes of this section, the City Commission shall make the following findings:

- (1) that the Planning and Zoning Commission and the City Commission have reviewed the Conceptual Development Plan with consideration of the issues contained in Subsection (B) of this section; and

- (2) that the Conceptual Development Plan is in conformance with the Master Plan and other plans adopted by the city and/or appropriate sections of the Code of Ordinances; and
  - (3) that the Conceptual Development Plan provides for an organized and unified system of land use intensities which are compatible with the surrounding areas; and
  - (4) that the proposed development adequately protects the health, safety and general welfare of future and existing residents and property owners in and around the development.
- (D) Upon final approval of the Conceptual Development Plan and the zoning (or rezoning) of the tract by the City Commission, as required by law, building permits may be issued. Conformance with the approved Conceptual Development Plan and all supporting documentation is mandatory. Substantial deviation from the Plan shall require resubmittal to the City Planning and Zoning Commission and City Commission in the same manner as the original zoning procedure.
- (Ord. 2014-23, § I, passed 4-23-2014)

**Cross reference—** Penalty, see § 15-6-999.

Sec. 15-6-59. - Coordination of planned unit development application with subdivision approval.

- (A) In order to fully implement flexible zoning techniques such as Planned Unit Development and cluster zoning, applicants shall be required to submit applications for subdivision review simultaneously with applications for zoning approval. Depending upon the size and location of the proposed development, such applications shall conform to either the administrative or major subdivision application requirements of the subdivision regulations (Section 15-3-1 through 15-3-109).
- (B) Where the zoning ordinance authorizes Planned Unit Developments, which:
  - (1) permits the use of land and density of structures to differ from that allowed as of right, and;
  - (2) involves the subdivision of land, whether residential or non-residential;

such development shall obtain subdivision approval by the City Planning and Zoning Commission and City Commission in addition to all other procedures and approvals required by the zoning ordinance. Regardless of whether applicable zoning procedures also require City Planning and Zoning Commission and City Commission approval, review or recommendation.

(C) *Procedure.*

- (1) When a Planned Unit Development application is submitted that also involves the subdivision of land, the application shall first be submitted to the Director of Planning and Development Services or his/her designee.
- (2) The application for subdivision approval shall be made in the form of a sketch plat, containing, in addition to all of the requirements of the zoning ordinance, the following information:
  - a. Legal description of the property proposed to be subdivided;
  - b. Name of the proposed subdivision and shall be clearly labeled "Planned Unit Development Site Plan.";
  - c. Date, scale, North arrow;
  - d. Property owner's name and address;
  - e. Description of all existing covenants, liens and encumbrances;
  - f. Name, address and seal or registration number of licensed engineer, architect or surveyor who has prepared the sketch plat;
  - g. Location of property lines;
  - h. Existing or platted easements, rights-of-way, streets or other public ways;

- i. Masses of trees or individual trees of eight inches or more in diameter, measured four feet above ground level;
  - j. Names of adjoining landowners within 200 feet of any perimeter boundary of the proposed subdivision;
  - k. Location, sizes, elevations and slopes of existing sewers, water mains, culverts and other underground structures within the boundaries of the proposed subdivision and immediately adjacent thereto;
  - l. Existing permanent buildings;
  - m. Utility poles and utility rights-of-way on or immediately adjacent to the property proposed to be subdivided;
  - n. Approximate topography, at the same scale as required for a preliminary plat;
  - o. Approximate location and width of all proposed streets within and abutting the proposed subdivision;
  - p. Preliminary proposals for connections with existing water supply and sanitary sewerage systems and preliminary proposals for collecting and discharging surface water drainage;
  - q. Approximate location, dimensions and area of all proposed or existing lots;
  - r. Approximate location, dimensions and area of all parcels of land proposed to be set aside for park or playground use or other public use;
  - s. Vicinity map showing all streets and the general development pattern and land uses of the surrounding area at a scale of 1" = 100';
  - t. Zoning district boundaries of all property 200 feet of the proposed subdivision;
  - u. If the sketch plat covers only a part of the applicant's contiguous holdings, the applicant shall submit, at a scale of no more than 1" = 200', a sketch in pen or pencil of the proposed subdivision area, together with its proposed street systems and an indication of the probable future street, drainage and utility system for the remaining portion of the tract.
- (3) The Planning and Development Services Director shall refer the application and sketch plat to the City Planning and Zoning Commission for preliminary review and approval. The City Planning and Zoning Commission shall review all aspects of the application as are required by these regulations and the zoning ordinance.
- (4) The City Planning and Zoning Commission shall forward its recommendation on the application to the City Commission. Action shall first be taken on the zoning application. If the zoning request is granted, the applicant shall prepare a preliminary plat as described in Section 15-3-16 of the subdivision regulations and shall then follow the remaining subdivision procedures described therein, including review by the City Planning and Zoning Commission and the City Commission.

(Ord. 2014-23, § I, passed 4-23-2014)

**Cross reference**— Penalty, see § 15-6-999.

Sec. 15-6-60. - Emergency provisions within planned unit development districts.

(A) Emergency provisions and access shall be provided to each principal building by:

- (1) A street or public alley; or
- (2) A private way, alley or paved place, delineated on an approved subdivision plat conforming to the requirements of Tex. Loc. Gov't Code, §§ 212.001 et seq. Access may also be provided by an emergency access easement approved by the City Planning and Zoning Commission and

recorded in the Kleberg County Deed Records, provided that where access is not available by a street, alley, place or recorded easement; and recorded easement access is planned, construction permits may be issued and construction may proceed but certificate of occupancy shall not be issued until the required emergency access easements are approved by the City Planning and Zoning Commission and filed for record in the Kleberg County Deed Records. Emergency access easements shall be not less than 50 feet in width, the boundaries shall be distinctly and permanently marked on the ground and the entrances shall be permanently marked by signs not less than two square feet nor more than four square feet in face area.

- (B) The paved width of any emergency access easement may be reduced to, but not below, 30 feet provided that curbs shall not exceed five inches in height and further provided that there shall be no obstructions which will interfere with the use of the full 50 foot width of the easement by emergency vehicles and their appurtenances. Turnarounds with a radius of 50 feet and paved diameter of at least 60 feet shall be provided on all dead-ends.
- (C) Fire hydrants shall be provided and placed to city specifications.

(Ord. 2014-23, § I, passed 4-23-2014)

**Cross reference—**Penalty, see § 15-6-999.

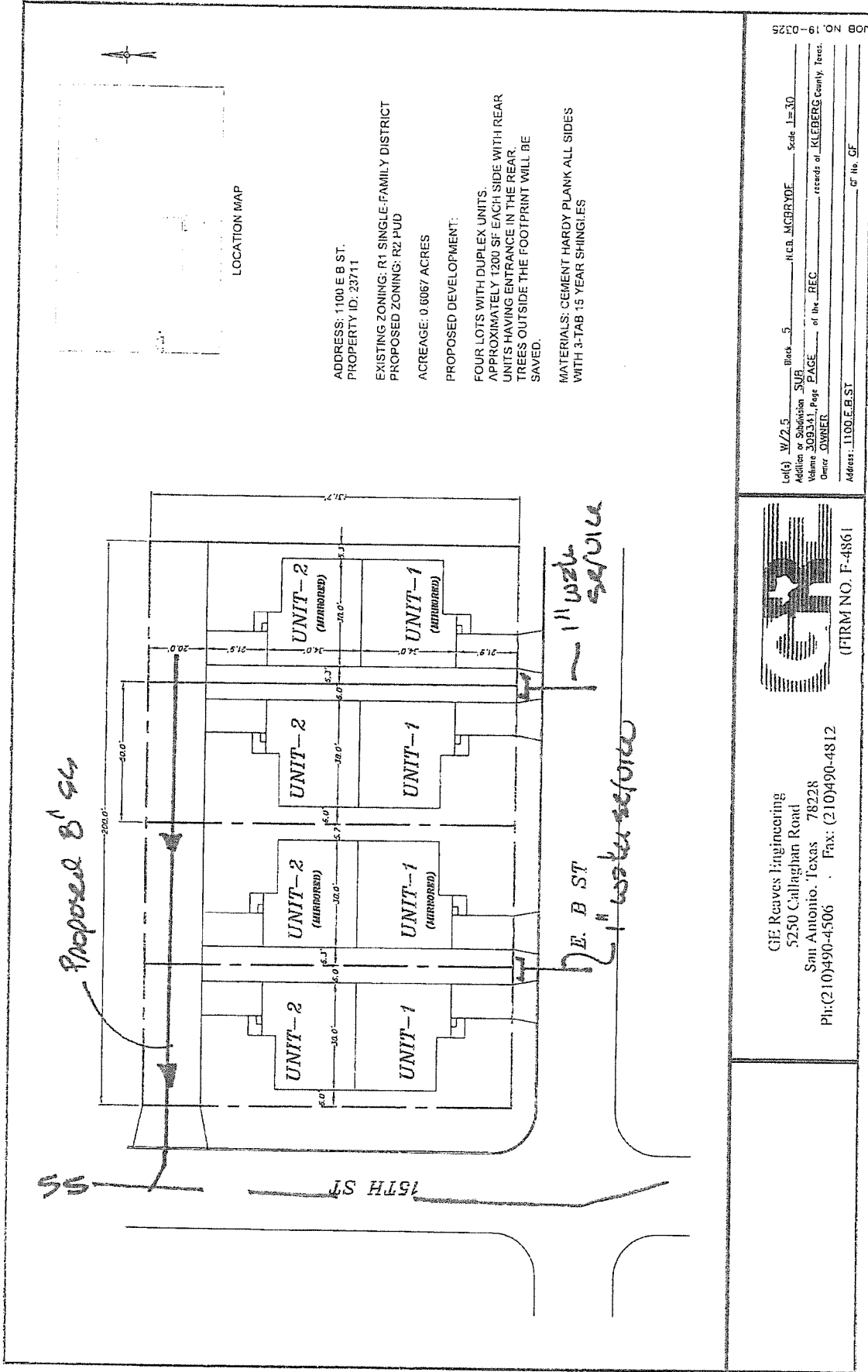
Sec. 15-6-61. - Requests not scheduled for hearing.

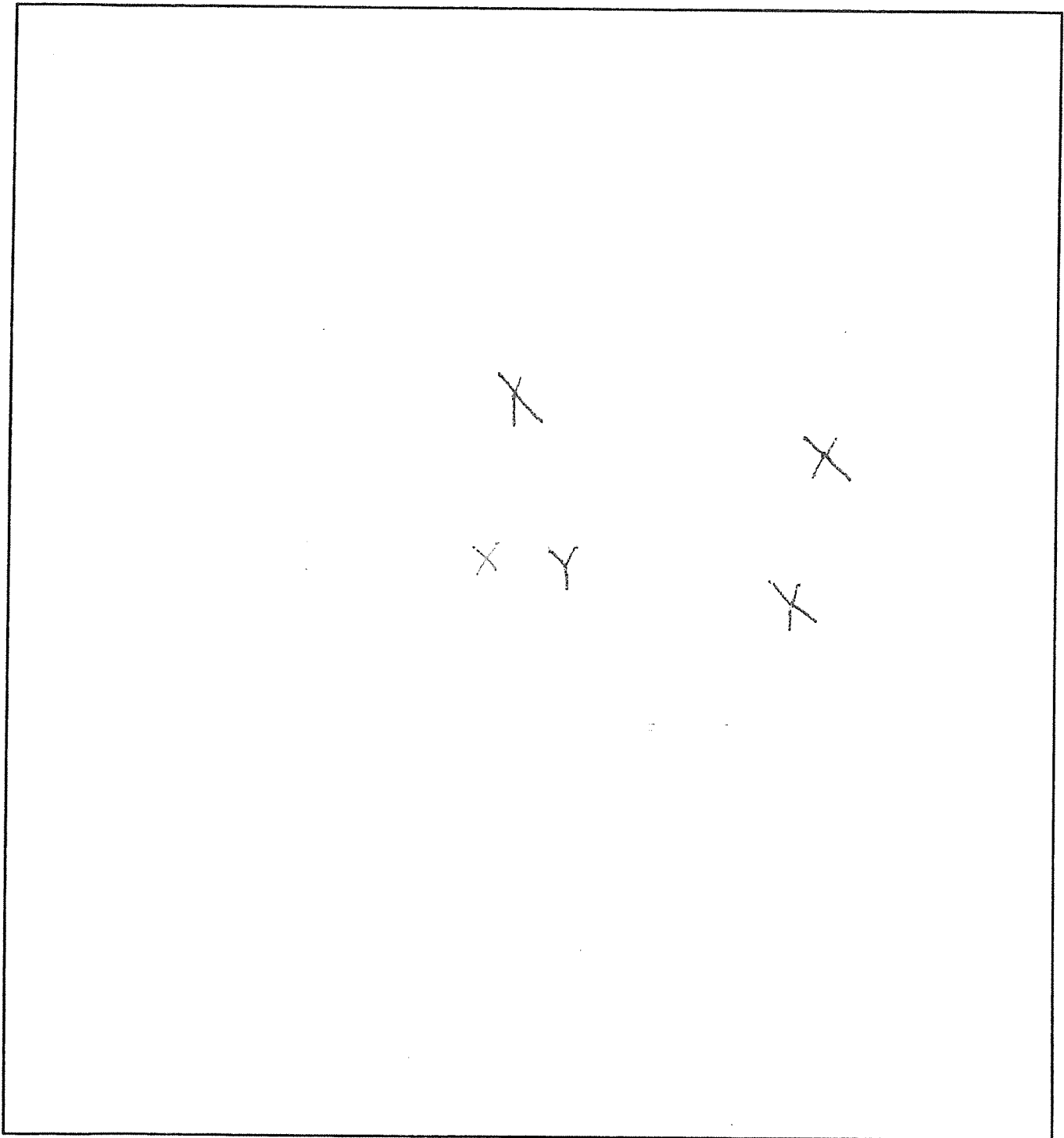
Requests for Planned Unit Development status that fail to supply the site plan information required (§ 15-6-56(A)) shall not be scheduled for a hearing.

(Ord. 2014-23, § I, passed 4-23-2014)

Secs. 15-6-62—15-6-69. - Reserved.

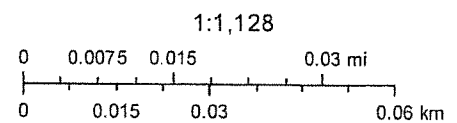
# Conceptual Development Plan





July 15, 2019

X - RI zoning  
Y - 1100 E Ave B  
Property ID 23711



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

Center, from 11:30 a.m. to 12:30 p.m., Monday through Friday.

The following is the menu for the week of July 22-26. Menu may change without notice.

Monday: Chicken tetrazzini, sliced carrots, zucchini and tomatoes, peach and pineapple cups and wheat bread.

cabbage polonaise, fruit cocktail with mandarin oranges and hamburger buns.

Thursday: Pork stew, creole green beans, whole kernel corn, ambrosia fruit and biscuit.

Friday: Deviled chicken salad, marinated garden salad with penne pasta, spinach cheese salad, fruit salads and wheat crackers.

For more information, call (361) 595-8572.

## Sentencing

ment after a crime spree that lasted from Jan. 11 to Jan. 15.

According to the statement from Hubert, on Jan. 1, Collins used a firearm to threaten a taxi cab driver.

"The victim stated that the defendant threatened to 'blow off' her head, and (she) said that she saw the firearm, which was partially hidden in the defendant's

hoodie, and described the firearm," Hubert said.

On Jan. 15, Collins robbed a Kingsville resident in his home, during which the man was injured. Hubert said the resident later identified the defendant when he saw Collins' face on a newscast.

Collins also stole a lawnmower from the City of Kingsville on Jan. 14.

Collins had previously been released on Jan. 4, 2019 on parole from state prison relating to three burglary charges from Nueces County in 2016.

"This defendant continued to be a threat to the community. Sending him to prison for 20 years made our community safer," Hubert said.

## PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, August 7, 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:

**Ivan Luna, authorized agent, Gustavo Gonzalez, owner, requesting the rezone of MCBRYDE AC, BLOCK 5, LOT W/2 5 also known as 1100 E Ave B, Kingsville, Texas from R1 (Single Family) to RP2 (Planned Two-Family Residential 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, August 12, 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:

**Ivan Luna, authorized agent, Gustavo Gonzalez, owner, requesting the rezone of MCBRYDE AC, BLOCK 5, LOT W/2 5 also known as 1100 E Ave B, Kingsville, Texas from R1 (Single Family) to RP2 (Planned Two-Family Residential 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.

The City Commission of the City of Kingsville will hold a Public Hearing Monday, August 12, 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:

**Ivan L. unauthorized, agent, Gustavo Gonzalez, owner, requesting the rezoning of MC BRY DE AC, BLOCK 5, LOT W/2 5 also known as 1100 E. Ave H, Kingsville, Texas from R1 (Single Family) to RP2 (Planned Two-Family Residential District).**

The meeting will be held at City Hall, 100 West King, in the Helen Kleberg Conference Room. If you have any questions about the items on the agenda, please contact the City Secretary at 361.595.8810.

**ORDINANCE #2019-\_\_\_\_\_**

**AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO MCBRYDE AC, BLOCK 5, LOTS W/2 5, ALSO KNOWN AS 1100 EAST AVENUE B, KINGSVILLE, TEXAS, FROM R1 (SINGLE FAMILY DISTRICT) TO RP2 (PLANNED TWO-FAMILY RESIDENTIAL 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 Ivan Luna, authorized agent, for Gustavo Gonzalez, owner, for amendment to the zoning ordinance and zoning map of the City of Kingsville;

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, August 7, 2019 during a meeting of the Planning and Zoning Commission, and on Monday, August 12, 2019 during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

**WHEREAS**, the item was APPROVED with a 5-0 vote of the Planning Commission regarding the requested rezone with no abstentions; and

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

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

**SECTION 1.** That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of McBryde Ac., Block 5, Lot W/2 5, also known as 1100 East Avenue B from R1-Single Family District to RP2-Planned Two-Family Residential 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 12th day of August, 2019.

**PASSED AND APPROVED** on this the \_\_\_\_\_ day of August, 2019.

Effective Date: \_\_\_\_\_

**THE CITY OF KINGSVILLE**

\_\_\_\_\_  
Sam R. Fugate, Mayor

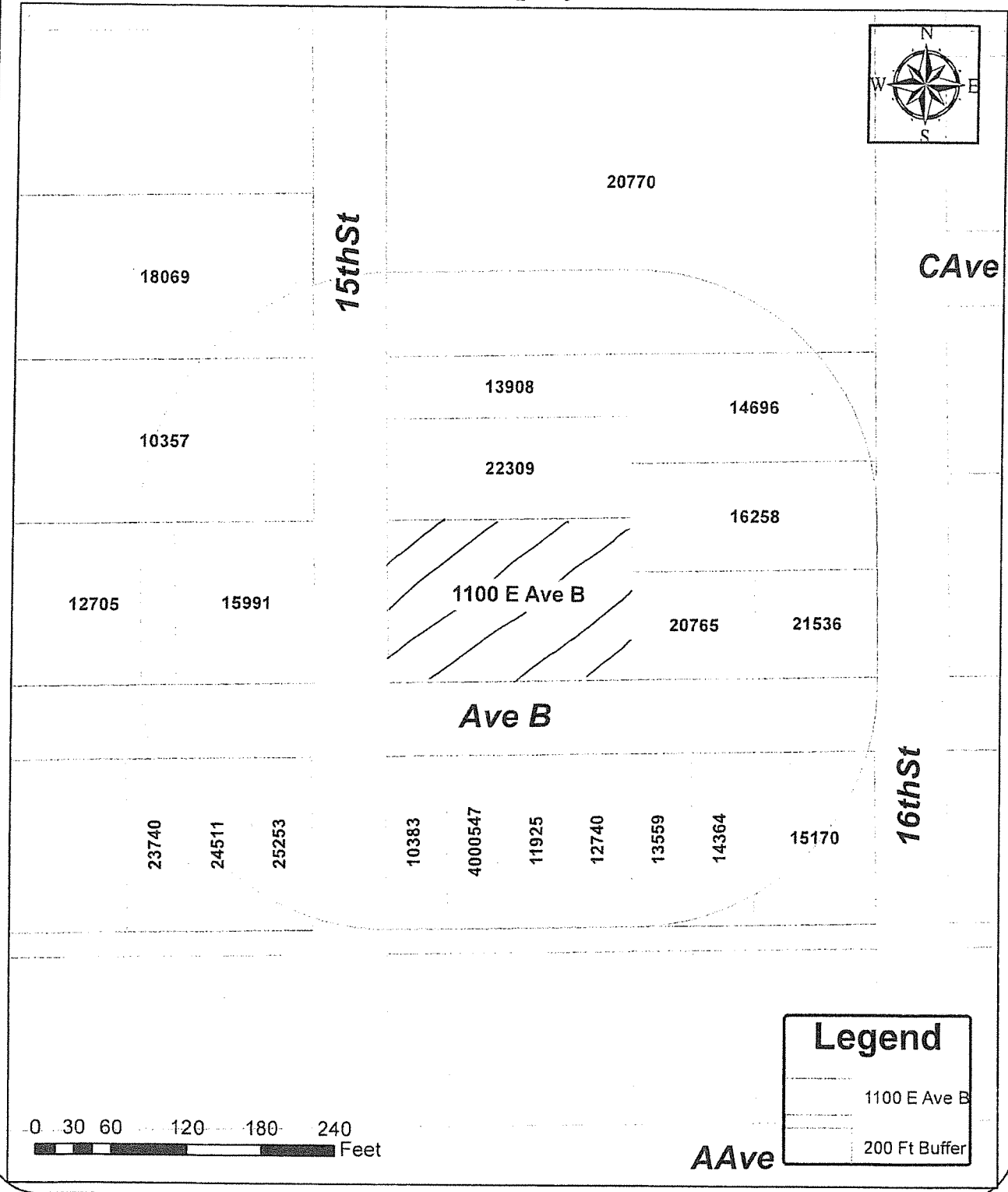
**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# 200 ft Buffer Map of 1100 E Ave B



# **CONSENT AGENDA**

# **AGENDA ITEM #1**

# CITY OF KINGSVILLE



P. O. BOX 1458 - KINGSVILLE, TEXAS 78361

**Date:** July 12, 2019

**To:** City Commission via Interim City Manager Deborah Balli

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

**From:** Janine Reyes, Director of Tourism Services

**Summary:** The JK Northway has been the site for an annual National Professional Bull Riding Event for 20 years. The NPBR brings visitors from around the region and worldwide participants. Their event requires sturdy bull pens at the JK Northway, which were installed the facility. After a tornado impacted the facility in May 2016, the pens were removed. Since that date, Tourism has funded temporary pens in order to keep the event housed in Kingsville. Funds for the pens have come from Fund 096.

This year's event was held February 22<sup>nd</sup> and 23<sup>rd</sup> and Tourism once again incurred the cost for temporary pens. This year's cost was \$4,420. Tourism is requesting a partial reimbursement to offset the cost of the pens from the remainder of Fund 096. There is \$3,873.38 remaining in Fund 096.

Tourism is currently in the process of working with Facilities to replace the pens permanently in time for next year's bull riding event and the Kleberg-Kenedy County Junior Livestock Show so that this expense for temporary facilities is no longer incurred.



**ORDINANCE NO. 2019-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2018-2019 BUDGET TO EXPEND FUNDS FOR PERMANENT PENS FOR THE ANNUAL NATIONAL PROFESSIONAL BULL RIDING EVENT TO BE HELD AT THE JK NORTHWAY.**

**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 096 – Insurance Recovery Fund					
<u>Expenditures - 5</u>					
1076	JK Northway	JK Cattle Staging	93004	\$3,873.38	
		Total Budget Amendment		\$3,873.38	

[To amend the City of Kingsville FY 18-19 Budget to expend funds for permanent pens for the annual National Professional Bull Riding Event to be held at the JK Northway. Funds will come from the Fund 096 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 22<sup>nd</sup> day of July 2019.

**PASSED AND APPROVED** on this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**EFFECTIVE DATE:** \_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

## **AGENDA ITEM #2**

**City of Kingsville**  
**Public Works, Wastewater Division**

---

TO: Mayor and City Commissioners

CC: Deborah Balli, Interim City Manager

FROM: William Donnell, Director of Public Works

DATE: July 15, 2019

SUBJECT: CO Series 2011 Fund 066 Budget Amendment

---

**Summary:**

This item authorizes funding for water well services related to the repairs required at Well #19.

**Background:**

Water well #19 is one of the best producing wells for the City of Kingsville. Early June the pump locked up which directly affected the motor causing it to short out. During removal and inspection of the column pipe it is recommended to be replaced due to severe pitting and corrosion. The submersible motor cable and airline was also damaged when the pump locked up. Anodes are also to be installed to minimize electrolysis in the well. This well was last serviced 2012 replacing the column pipe, anodes and check valve.

**Financial Impact:**

This will reduce CO Series 2011 Fund 066 balance by \$119,544.00. Increase Professional Services account 066-5-600.2-314.00 by \$119,544.00.

**Recommendation:**

Staff is recommending approval of funds to continue unexpected repairs for Water Well #19.



**ORDINANCE NO. 2019-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2018-2019 BUDGET TO EXPEND FUNDS FOR WATER WELL #19 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 066 – CO Series 2011					
<u>Expenditures - 5</u>					
6002	Water Prod	Professional Services	31400	\$119,544	
		Total Budget Amendment		\$119,544	

[To amend the City of Kingsville FY 18-19 Budget to expend funds for water well #19 repairs. Funds will come from the Fund 066 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 22<sup>nd</sup> day of July 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 #3**

**City of Kingsville  
Parks & Recreation Department**

**TO:** Mayor and City Commissioners  
**CC:** Deborah Balli, Interim City Manager  
**FROM:** Susan Ivy, Parks Director  
**DATE:** July 12, 2019  
**SUBJECT:** Agenda Request – Alignment of Golf Course Fees

---

**Summary:** We are asking that City Commission approve a new fee schedule for the L.E. Ramey Golf Course.

**Background:** The fees at the Golf Course were amended through revision to ordinance back in June, 2018 by City Commission. We have found that some of the fees approved by Commission last June were never implemented and are still being charged incorrectly. In reviewing the fees to implement the changes we have found that fees for memberships were not set at the level to provide proper discount for paying annually or semi- annually. We have made a few small changes to the fees to indicate the proper level of discount on memberships and have added a few fees that needed to be added to the list. Some fees are not as high as originally intended and we feel that with further improvements to the course we will be able to increase them closer to market rates when we have accomplished more of our goals.

**Financial Impact:** Fees reflected in the updated rate schedule should result in a small increase in revenue.

**Recommendation:** We ask that Commission authorize the revision of the ordinance for L.E. Ramey Golf Course Fees per schedule attached.



# MASTER FEE SCHEDULE



FEES	ORDINANCE APPROVAL DATE	APPROVED FEE	PROPOSED FEE
<b>GENERAL FUND</b>	4/18/15	6/25/18	7/22/19
<b><u>L.E. RAMEY GOLF COURSE</u></b>			
(Ord. No. 2014-64, § I, passed 9-22-14; Ord. No. 2015-10, § I, passed 3-23-15, eff. 4-8-15) (Ord. No 2018-35, passed 06-25-18)			
<b>College Student Fees:</b> Golf course green fees for persons in the classification of a college student.			
18 Holes of Play:			
Weekdays	8.75	12	12t
Weekdays with 1/2 cart fee	16.25	18.60	18.60t
9 Holes of Play:			
Weekdays	5.75	8	8t
Weekdays with 1/2 cart fee	13.25	12	12t
<b>Daily Green Fees:</b> Golf course green fees for persons 18 year of age or older.			
18 Holes of Play:			
Weekends and holidays	\$14.75	\$17.00	17.00t
Weekends and holidays with 1/2 cart fee	25.25	-	-
Weekend twilight with 1/2 cart fee	20.25	-	-
Weekdays	\$12.75	15.00	15.00t
Weekdays with 1/2 cart fee	23.25	-	-
Weekdays twilight with 1/2 cart fee	\$19.25	-	-
9 Holes of Play:			
Weekends and holidays	\$8.25	12.00	12.00t
Weekends and holidays with 1/2 cart fee	15.75	-	-
Weekdays	\$7.25	\$10.00	13.00t
Weekdays with 1/2 cart fee	14.75	-	-
<b>Junior Fees:</b> Golf course green fees for persons in classification Jr.			
18 Holes of Play:			
Weekdays	\$7.75	\$8.00	8.00t
Weekdays: with 1/2 cart fee	\$15.25	-	-
9 Holes of Play:			
Weekdays	\$4.75	\$6.00	6.00t
Weekdays with 1/2 cart fee	\$12.25	-	-

## MASTER FEE SCHEDULE

FEES	ORDINANCE APPROVAL DATE	APPROVED FEE	PROPOSED FEE
	9/14	6/18	7/19
<b>Military Fees:</b> Golf course green fees for persons in the classification of Military receive 20% discount of daily rates*		*	
<b>College Student Fees:</b> Golf course green fees for persons in the classification of College Student receive 20% discount of daily rates*		*	
<b>Senior Fees:</b> Golf course green fees for persons 62 years of age or older.			
<b>18 Holes of Play:</b>			
Weekdays	\$9.75	\$10.00	\$10.00t
Weekdays with ½ cart fee	20.25	-	-
<b>Annual membership fees:</b> Annual membership entitles customer to unlimited green fees for 365 days from date of purchase.			
Annual individual membership rate @55 X 12	\$700	\$850.00	660
Family Membership Fee (2 adults & 2 children (17 and under))	\$1,200	-	-
Junior annual membership rate	\$460	-	-
Military annual membership rate 25% disc. *	\$540	-	-
College Student	\$520	-	-
<b>6 month membership fees:</b> 6 month membership entitles customer to unlimited green fees for 180 days from date of purchase.			
6 month individual membership rate @60 X 6	-	\$450	360
<b>Monthly Membership fees – Green fees only for 30 days from purch</b>			
Individual	96.00	-	65
Individual & Spouse	155.00	-	-
Junior	65.00	-	-
School Team Member (fee per member)			35
<b>Locker Fees (Proposed) monthly</b>	80	30	30
Individual Locker Fee - 3 Months		\$75	75
Individual Locker Fee - 6 months		\$120	120
Individual Locker Fee - 1 year		\$180	180
<b>Daily golf club rental fee:</b> Daily golf club fee is per player and entitles player to use of a set of golf clubs.			
Daily golf club rental fee	\$8	\$15	15t

## MASTER FEE SCHEDULE

[illegible]

ORDINANCE NO. 2019-\_\_\_\_\_

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENEDING CHAPTER IX-GENERAL REGULATIONS, ARTICLE 8-PARKS AND RECREATION, PROVIDING FOR REVISED FEES FOR THE L.E. RAMEY GOLF COURSE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, in 2014 the City and County approved interlocal agreements to transfer operations and maintenance of all of the parks within the city limits and the L.E. Ramey Golf Course from the County to the City;

**WHEREAS**, the approval of these interlocal agreements necessitated the City to enact regulations and fees for the properties covered under the interlocal agreements; and

**WHEREAS**, in the first half of 2018, the City made several hundred thousand dollars of improvements at the L.E. Ramey Golf Course and determined that it needed to increase user fees to help offset the cost of the improvements and those revisions were approved on June 25, 2018, via Ordinance #2018-35; and

**WHEREAS**, it has been discovered that some of the fees for membership were not set at the level to provide the proper discount for paying annually or semi-annually and other minor changes are needed, staff has prepared suggested revisions as noted herein; and

**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** Chapter IX- General Regulations, Article 8-Parks and Recreation, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

**ARTICLE 8 PARKS AND RECREATION**

...

**GOLF COURSE**

...

**§ 9-8-38 DEFINITIONS.**

The following definitions shall apply to this article:

- (1) *College Student.* Any person actively enrolled in a minimum of twelve hours of college.
- (2) *Golf Course Manager.* The administrator in charge of the municipal golf course, who shall be employed and discharged by the City Manager.
- (3) *Junior.* Any person 18 years of age or younger, currently enrolled in high school or below. A junior under the age of 12 must be accompanied by an adult.
- (4) *Lessee.* Any person or organization of whatever nature that uses the municipal golf course premises, facilities or equipment.
- (5) *Military.* Any person actively enlisted in the U.S. military.
- (6) *Municipal Golf Course.* The L.E. Ramey Golf Course and the entire premises thereof, including but not limited to the clubhouse, restaurant, pro shop, cart shed and golf course itself, and all other parts or portions thereof.
- (7) *Nine hole fee.* Paid by persons wishing to play nine holes of golf.
- (8) *Senior.* Any person who is 62 years of age or older.

#### **§ 9-8-39 USE FEES.**

The Golf Course Manager is hereby authorized to collect fees for the use of all golf course facilities and equipment, such fees to be set from time to time by the City Commission. All fees charged for the use of facilities or equipment under this section shall be due and payable to the City. Persons who have paid fees under the old fee schedule are required to pay the difference in accordance with the new fee schedule. The free use of all facilities and equipment of the municipal golf course is hereby prohibited to any individual or group or to any employee or officer of the city, except as provided for in this article. Taxes will be assessed and collected on fees as required and are not included in the fees listed in this Article.

#### **§ 9-8-40 SALE OF MERCHANDISE; CONCESSIONS.**

- (A) Only the city and its assigns may sell merchandise at the municipal golf course. The use of any portion of the municipal golf course by any individual, group, firm, or corporation other than the City for the purpose of selling merchandise is hereby prohibited without the written consent of the Golf Course Manager. Sale of merchandise by tax-exempt/nonprofit charitable organizations or civic groups is hereby excepted from such

prohibition and shall be permitted upon the approval of the Golf Course Manager.

- (B) Only the City and its assigns shall have the right to operate concessions for the sale of food, drinks (including alcoholic beverages), programs, novelties, souvenirs, etc. Sale of concessions by tax-exempt charitable organizations and civic groups are hereby exempted from such prohibition and shall be permitted upon the approval of the Golf Course Manager.

#### **§ 9-8-41 GOLF COURSE FEES.**

The following schedule of fees shall be paid by the patrons of the municipal golf course. The Golf Course Manager may negotiate rates for golf course special events and promotions.

(A) Daily Green Fees:

Golf course green fees for persons 18 years of age or older (non-refundable).

(1) 18-Holes of Play:

Weekends and holidays: \$17.00

Weekdays: \$15.00

(2) 9-Holes of Play:

Weekends and holidays: \$12.00

Weekdays: ~~\$10.00~~ \$13.00

(B) Junior Fees:

Golf course green fees for persons in the classification of junior (non-refundable).

(1) 18-Holes of Play:

Weekdays: \$8.00

(2) 9-Holes of Play:

Weekdays: \$6.00

(C) College Student Fees:

Golf course green fees for persons in the classification of College Student (non-refundable) can receive a twenty percent (20%) discount off the Daily Green Fees.

(D) Military Fees:

Golf course green fees for persons in the classification of Military (non-refundable) can receive a twenty percent (20%) discount off the Daily Green Fees.

(E) Senior Fees:

Golf course green fees for persons 62 years of age or older (non-refundable).

18-Holes of Play:

Weekdays: \$11.00

(F) Annual membership fees:

Annual membership entitles that person to unlimited green fees for 365 days from date of purchase (non-refundable).

Annual individual membership rate: ~~\$850.00~~ \$660.00

Military annual membership rate: can receive a 25% discount off of an annual individual membership rate.

(G) Semi-Annual membership fees:

Semi-Annual membership entitles player to unlimited green fees for six (6) months from date of purchase (non-refundable) for ~~\$450.00~~ \$360.00.

(H) Monthly membership fees:

Monthly membership entitles an individual player to unlimited green fees for 30 days from date of purchase (non-refundable).

Monthly individual rate: \$65.00

Monthly individual rate per school team member: \$35.00

(I) ~~(H)~~ Annual cart fee and green fee:

Annual cart fee is per player and entitles player to unlimited carts for 365 days from date of purchase (non-refundable) and unlimited green fees for 365 days from date of purchase (non-refundable).

Annual individual cart fee and green fee: \$2,500.00

(J) ~~(I)~~ Monthly Locker Fee:

Monthly locker fee is per player and entitles player to use of a locker for 30 days from date of purchase (non-refundable).

Monthly individual locker fee: \$30.00 for one month

\$75.00 for three months

\$120.00 for six months

\$180.00 for twelve months

(K) ~~(J)~~ Daily Golf Club Rental Fee:

Daily golf club fee is per player and entitles player to use of a set of golf clubs (non-refundable).

Daily golf club rental fee: \$15.00

(L) ~~(K)~~ Monthly Driving Range Membership Fee:

Monthly driving range membership entitles player to unlimited driving range fees for 30 days from date of purchase (non-refundable).

Monthly individual membership rate: \$90.00 for three months

\$120 for six months

\$200.00 for twelve months

(M) ~~(L)~~ Range Ball Bucket Fee:

Range ball bucket fee entitles player to the use of the bucket of balls once (non-refundable).

Jumbo Bucket: \$15.00

Large Bucket (135 balls): \$10.00

Medium Bucket (75 balls): \$7.00

Small Bucket (35 balls): \$5.00

(N) ~~(M)~~ Minors less than 16 years of age shall not operate golf carts on municipal golf course property.

(O) ~~(N)~~ Each golf course green fee shall entitle payee to play a maximum of 18 holes of golf on the date paid. Additional payment of green fees shall be required if more than 18 holes of golf are to be played.

(P) ~~(O)~~ All members of any authorized golf team from a school or institution of higher education located within Kleberg County may play a maximum of two rounds per week Monday-Thursday, excluding holidays, at no charge during their respective schoolyears. The following limit will apply to such golf players:

Teams are limited to 15 players per school at any one time.

(Q) ~~(P)~~ Cart Rental Fee:

18-Holes: \$11.00 per player

9-Holes: \$7.00 per player

(R) Miscellaneous Fees:

<u>Clubhouse Rental Deposit</u>	<u>\$50.00</u>
<u>Clubhouse Rental Fee</u>	<u>\$150.00</u>
<u>Tournament Deposit</u>	<u>\$100.00</u>
<u>Snag Golf Clinic Fee</u>	<u>\$60.00</u>

City Employees Wellness Program Discount: Golf course green fees for persons who are current City Employees can receive a twenty percent (20%) discount off the Daily Green Fees.

...

## 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 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, work or ordinance hereof be given full force and effect for its purpose.

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

**INTRODUCED** on this 22<sup>nd</sup> day of July, 2019.

**PASSES AND APPROVED** on this the 12<sup>th</sup> day of August, 2019.

Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #4**

**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: July 12, 2019

SUBJECT: Rezoning Request from Robert Gutierrez owner and applicant for 10<sup>th</sup>, Block 6, Lot N/2 1-2 also known as 429 West Doddridge from R1 to R2

**Summary:** Robert Gutierrez who owns this property would like to build a house. Because the lot size is too small for R1 he needs to rezone to R2 to build a residence.

**Background:** This property is only 3,500 square feet in total size. To build in R1 the minimum lot size allowed to build on is 5,500 square feet. Since he has 3,500 square feet he needs to rezone to R2 which has a minimum lot size of 2,500 square feet. The rezone will allow him to build a house on the property. There are no improvements on the property currently.

**Financial Impact:** This will be a positive financial impact for the city, in terms of building a home on a vacant piece of ground.

**Recommendation:** The Planning and Zoning Commission met on Wednesday, July 17<sup>th</sup> and voted 4 to 0 to recommend approval of the rezoning request from the applicant.



To: Planning and Zoning Commissioners

From: Tom Ginter, Director

Subject: Agenda Item information #1 and #2

Agenda Items #1 and #2:

Mr. Robert Gutierrez who is the owner of the lot at 429 W. Doddridge would like to build a residence on his lot. The lot is currently zoned R1. The minimum lot size to build in R1 is 5,500 square feet. As you can see from the Appraisal District records his lot is 50 x 70 for 3,500 square feet. Consequently for him to build, he needs to rezone to an R2 zoning district which has a 2,500 square foot minimum.

This has occurred in the past and normally it has been approved to allow the land to be developed. Currently there are no improvements on the property.

CITY OF KINGSVILLE  
PLANNING AND ZONING DIVISION  
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 129 W Doddridge Nearest Intersection \_\_\_\_\_

(Proposed) Subdivision Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

Legal Description: 10<sup>th</sup>, Block 6, Lot N/2 1-2

Existing Zoning Designation R1 Future Land Use Plan Designation R2

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Roberto Gutierrez Phone 956-650-6220 FAX \_\_\_\_\_

Email Address (for project correspondence only): Lblacktrain@hotmail.com

Mailing Address 406 E 3rd St City Bishop State TX Zip 78343

Property Owner \_\_\_\_\_ Phone \_\_\_\_\_ FAX \_\_\_\_\_

Email Address (for project correspondence only): \_\_\_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

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

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

Please provide a basic description of the proposed project:

I only have 3500 sqft and I am prohibited from building without 5500 sqft.

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

Applicant's Signature [Signature] Date: 6-25-14

Property Owner's Signature \_\_\_\_\_ Date: \_\_\_\_\_

Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

VIOLA E WATSON  
% LEE ORA MOORE  
713 W DODDRIDGE AVE  
KINGSVILLE, TX 78363-5205  
#21900

WALTER HUNTER  
ETUX RITA C  
716 W RICHARD AVE  
KINGSVILLE, TX 78363-4270  
#23968

WILLIE WILSON SR EST  
AND WILLIE WILSON JR (IND ADMIN)  
10429 BEAR CREEK TRL  
FORT WORTH, TX 76244-6516  
#12628

ABEL GARZA  
416 W FORDYCE  
KINGSVILLE, TX 78363  
#16252

SCOTTS CHAPEL M E CHURCH  
816 S 2<sup>ND</sup> ST  
KINGSVILLE, TX 78363-5313  
#17862

MARGIE MELTON  
PO BOX 1636  
KINGSVILLE, TX 78364-1636  
#21138

TOWNSEND FONDRAE  
1535 HANCOCK DR  
MESQUITE, TX 75149-1669  
#20133

MYRTLE DIXON  
826 PINOAK DR  
GRAND PRAIRIE, TX 75052  
#23673

CLARENCE E LOFTON EST  
ETAL  
615 ½ W KLEBERG  
KINGSVILLE, TX 78363-4325  
#10047

BEN C GARZA  
1122 E YOAKUM AVE  
KINGSVILLE, TX 78363-4759  
#17111

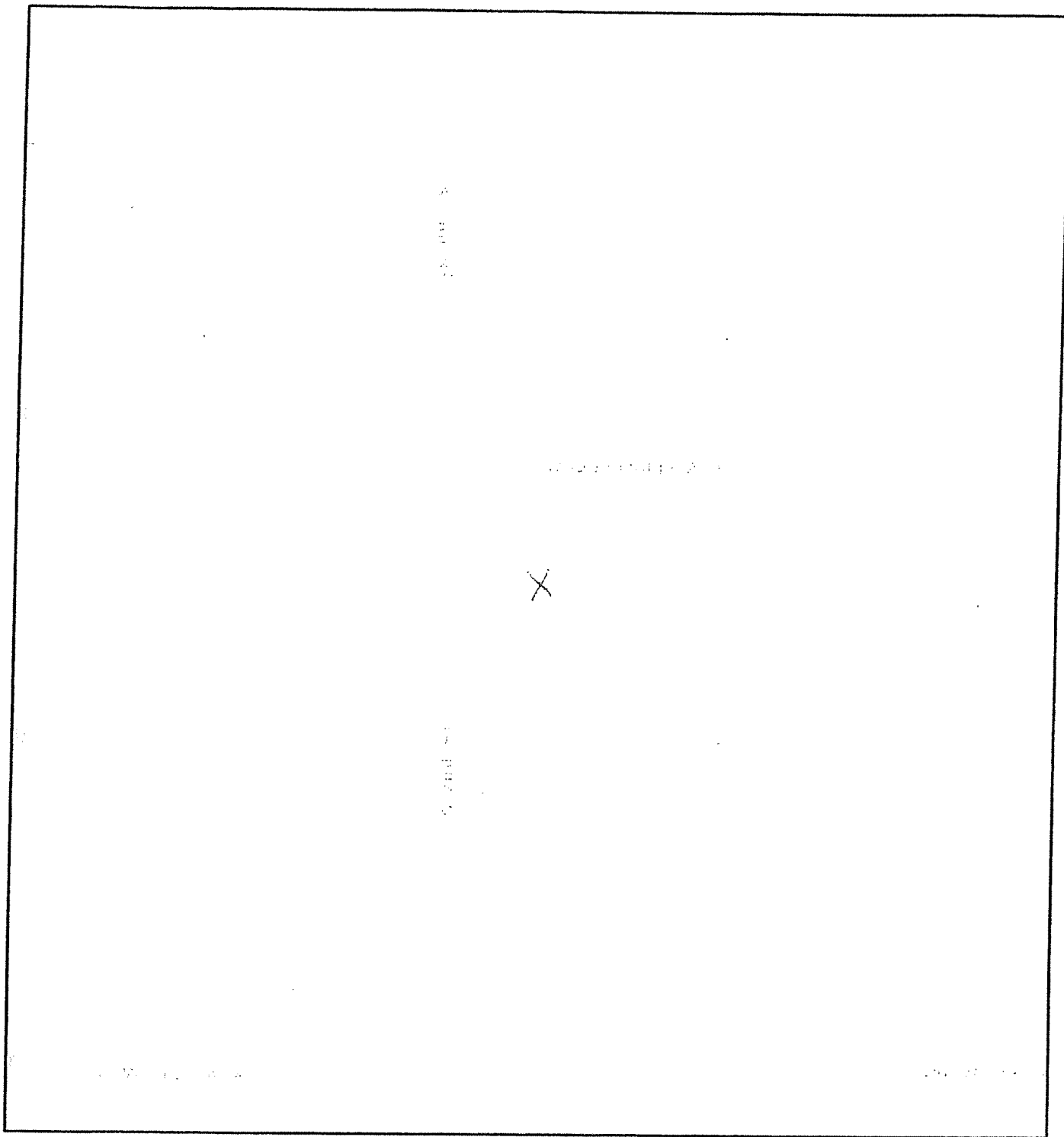
JOHN CHRISTOPHER  
% JEANNETTE PRICE  
806 ELIZABETH AVE  
KINGSVILLE, TX 78363  
#20381

RAY YOUNG  
& DENISE SCOTT W WILLIAMS  
7534 LEGEND ROCK  
SAN ANTONIO, TX 78244-2414  
#11828

ST PAUL A M E CHURCH  
529 W WARREN AVE  
KINGSVILLE, TX 78363  
#23812

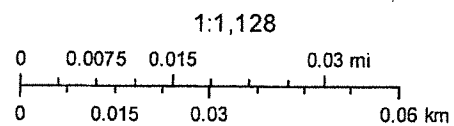
TERRY T ROBERTSON  
815 S 2<sup>ND</sup> ST  
KINGSVILLE, TX 78363-5312  
#22637

IRENE EVELYN HORN EST  
304 BERYL CT  
ARLINGTON, TX 76002-5470  
#15587



July 12, 2019

X - R1, 429 W. Oxbowidge



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

PART 2 - CODE OF ORDINANCES

Chapter XV - LAND USAGE

ARTICLE 6. - ZONING

APPENDIX B. SPACE REQUIREMENTS

**APPENDIX B. SPACE REQUIREMENTS**

Sec. 1. Space requirements for residential use.

Sec. 2. Space requirements for non-residential use.

**Sec. 1. Space requirements for residential use.**

The following chart sets out the space requirements for residential uses within the city:

RESIDENTIAL USE						
Lot Size	R1	R2	R3	R4	MH	Ag
Minimum lot area, sq. ft.	5,500 X	2,500 X	6,000	6,000	5 acres	10 acres
Minimum lot area per unit, sq. ft.	5,500	2,500	1,000	1,000 <sup>2</sup>	3,000	10 acres
Minimum open space per unit, sq. ft.	0	0	4001	4001	0	0
Minimum lot width, ft. (measured at the setback line)	50	25	50	50	25	300
Setbacks; Lots						
Principal uses:						
Front yard, ft.	20	20	20	20	20	
Side yard (interior) ft.	5	5	5	5	5	
Side yard (on street) ft.	10	10	10	10	10	10
Rear yard ft.	10	10	10	10	10	
Accessory uses:						

2019 - Values not available

#### Account

Property ID: 23062 Legal Description: 10TH, BLOCK 6, LOT N/2 1-2  
 Geographic ID: 101100601000192 Zoning:  
 Type: Real Agent Code:  
 Property Use Code:  
 Property Use Description:

#### Location

Address: 429 W DODDRIDGE TX Mapsco:  
 Neighborhood: Map ID: A2  
 Neighborhood CD:

#### Owner

Name: GUTIERREZ ROBERTO III Owner ID: 65471  
 Mailing Address: 406 E 3RD ST % Ownership: 100.000000000000%  
 BISHOP, TX 78343  
 Exemptions:

(+) 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	

Owner: GUTIERREZ ROBERTO III

% Ownership: 100.000000000000%

Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	KLEBERG COUNTY APPRAISAL DISTRICT	N/A	N/A	N/A	N/A
CKI	CITY OF KINGSVILLE	N/A	N/A	N/A	N/A

GKL	KLEBERG COUNTY	N/A	N/A	N/A	N/A
SKI	KINGSVILLE I.S.D.	N/A	N/A	N/A	N/A
WST	SOUTH TEXAS WATER AUTHORITY	N/A	N/A	N/A	N/A
Total Tax Rate:		N/A			

Taxes w/Current Exemptions: N/A  
Taxes w/o Exemptions: N/A

No improvements exist for this property.

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	C1	C1	0.0803	3500.00	50.00	70.00	N/A	N/A

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	\$660	0	660	\$0	\$660
2017	\$0	\$660	0	660	\$0	\$660
2016	\$0	\$660	0	660	\$0	\$660
2015	\$0	\$660	0	660	\$0	\$660
2014	\$0	\$660	0	660	\$0	\$660
2013	\$0	\$660	0	660	\$0	\$660
2012	\$0	\$690	0	690	\$0	\$690
2011	\$0	\$690	0	690	\$0	\$690
2010	\$0	\$690	0	690	\$0	\$690
2009	\$0	\$690	0	690	\$0	\$690
2008	\$0	\$690	0	690	\$0	\$690
2007	\$0	\$690	0	690	\$0	\$690
2006	\$0	\$690	0	690	\$0	\$690
2005	\$0	\$690	0	690	\$0	\$690

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	12/20/2018	TXRS	TAX RESALE DEED	KLEBERG COUNTY TRUSTEE	GUTIERREZ ROBERTO III			316854
2	11/6/2013	SHF	SHERIFF'S TAX DEED	VALLEY STAR LODGE 552	KLEBERG COUNTY TRUSTEE	502	823	
3		OT	Other	UNKNOWN	VALLEY STAR LODGE 552			

Property Tax Information as of 06/24/2019

Amount Due if Paid on:

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due
------	---------------------	---------------	----------	-----------------	--------------	-------------------------------	---------------	------------

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

#### **PUBLIC HEARING NOTICE**

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, July 17, 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:

**Roberto Gutierrez, owner and applicant, requesting the rezone of 10<sup>th</sup>, BLOCK 6, LOT N/2 1-2 also known as 429 West Doddridge, Kingsville, Texas from R1 (Single Family) to R2 (Two-Family).**

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, July 22, 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:

**Roberto Gutierrez, owner and applicant, requesting the rezone of 10<sup>th</sup>, BLOCK 6, LOT N/2 1-2 also known as 429 West Doddridge, Kingsville, Texas from R1 (Single Family) to R2 (Two-Family).**

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.

## Fourth of July events set for next week

By Anthony Ruiz  
Reporter

For those looking for ways to celebrate the Fourth of July holiday next week, Kingsville will be host to a handful of patriotic celebrations.

Festivities will kick off on Wednesday, July 3, at Naval Air Station-Kingsville with its "Big Bang Boom" event at the Captain's Club from 6:30-11 p.m. The event is presented by the Bishop Celanese Plant, and is open to anyone who has normal base access or an MWR Guest Card.

Available to the civilian public, the MWR Guest Card allows access to NAS's Captain's Club for one year and costs \$30 for adults and \$20 for children ages 6-17, while children 5 years and under are allowed access at no cost when accompanied by a card holder.

Members of the community who wish to apply for the card may pick up an application at the Kingsville Chamber of Commerce or visit <https://www.nasymwv.com/GuestCard/>. Once approved, applicants will be contacted for an appointment time to come to NAS Kingsville Base Security and obtain their MWR Guest Card.

The event will feature bounce houses for children and live music from country music artist Robert Ray.

Food and beverages will be available for purchase during "Big Bang Boom" from a variety of NASK fundraising groups. However, no outside food or beverages will be allowed during the event.

The event will conclude with a fireworks show lighting up the night sky. Because seating is limited, attendees are encouraged to

bring their own chairs.

For more information on the event or the MWR Guest Card program, call the MWR Administration Office at (361) 516-6232.

On Thursday, July 4, the City of Kingsville and Kingsville Chamber of Commerce will hold their annual general, pet and bike parades in Downtown Kingsville.

Registration will be on site starting at 9:30 a.m., or participants can pick up forms at the Kingsville Visitors Center, located at 1501 N. Highway 77, the Kingsville Chamber of Commerce, located at 635 E. King Avenue, or the Kingsville Parks and Recreation Department at Dick Kleberg Park. There is no entry fee for participating in any of the parades.

The general parade will begin at 10:30 a.m. starting at the Kleberg County Courthouse and travel along Kleberg Street to the Down-

town Pavilion on Sixth Street. The pet and bike parades will follow the general parade.

After the conclusion of the parades, the public is invited to the presentation of awards at the Downtown Pavilion on Sixth Street. Hot dogs, lemonade, water and watermelon will be available for free during the event.

Pet parade awards will include Most Patriotic, Most Family Oriented, Best Pet/Owner Lookalike, Most Original and Judges' Choice.

For the bike parade, awards include Most Patriotic for both children and adults, Most Original Decor, Best Family Participation, Best Group Participation and Best Wagon.

The general parade will have awards pending on the number of entries.

Also during and after the parades, the 1904 Train Depot Mu-

seum, located at 102 E. Kleberg Ave., will be open until 1 p.m. for attendees to visit and learn about the city's history as July 4 is not only the United States of America's 234th birthday, but also Kingsville's 115th.

For more information, call the Kingsville Visitors Center at (361) 592-8516 or visit its Facebook page.

Also on July 4, from noon-3 p.m. the Kingsville Elks Lodge located at 1404 S. Sixth St. will host a Fourth of July Celebration featuring free hamburgers, hot dogs, snow cones, a water slide and music performed by DJ Louie.

For more information, contact the Elks Lodge at (361) 592-4444 or visit the organization's Facebook page.

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

## Guitar



Above, left, Boys and Girls Club Kingsville CEO John Perez helps 11-year-old Ozni Cantu review some of the chords she learned during the club's summer guitar class. Above right, Blain Garcia, 11, practices a chord during the BGCK's summer guitar class. (Photos by Anthony Ruiz)



of us are having fun playing the guitar."

Perez said the club had considered offering a guitar class several years ago, but at that time he said there was not much interest from the children.

"We've had music classes, and we've always had instruments around (the clubhouse), but there was never the interest to where we would take it to another level," he said.

A guitarist himself, Perez said he has had a passion for the instrument since he was six years old.

"Music has always been a part of my life, and it's something that I've wanted to have be a part of the club," he said.

The initial guitar summer class is comprised of 10

students who were all new to the instrument when they started. They meet for hour-long sessions with Perez twice a week.

"We started with the basics, learning finger placement before they even began learning the chords," he said. "But in just this short time, they now know the seven major chords of the scale, how to play them at a regular tempo and how to switch between chords," he said.

Madison said in the past few weeks, she has learned "a lot of cool stuff" in the class, although she admitted that she has had to put in a lot of work to keep up with her fellow club members.

"I go kind of slow with the strings (transitioning

between chords)," she said. "I still need a lot of (time) to move my grip."

Madison said she also practices at home, often showing her parents what she's learned in the guitar class.

"I also try to sing while (practicing) what we learned, and try to make my own kind of music," she said. "But then I start working on what we are actually supposed to be practicing."

Perez said the first class has been so successful, he is considering a future intermediate-level class where students will learn about minor chords and different strumming patterns.

"It would definitely be a 'part two,'" he said. "And maybe it could then lead into an advanced class if the

kids want to take it to another level. Of course, time will tell with that."

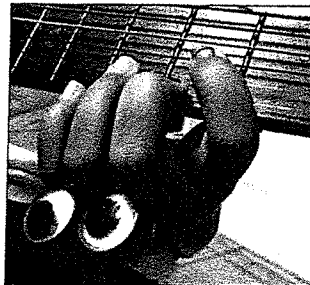
Madison said while the plans to continue practicing the guitar, she would like to take more classes.

"I want to learn the electric guitar and stuff like that," she said. "I really like all of the switches and it sounds real good if you know how to play it."

Perez said he has also heard further interest from the community for another beginner class.

"So we might first start over and offer (the beginner class) to more kids," he said. "We already have people calling and asking if we're going to be doing it again."

For the summer class, the price was \$75 per student. Participants were also re-



quired to bring their own guitar.

"We're going to be looking at what we'll be doing (in the future) as far as pricing these classes, but we are seeing that it's been very effective and the kids are loving it," he said.

The Boys and Girls Club of Kingsville is located at 1238 E. Kennedy Street.

For more information on club membership and summer programs, call (361) 592-2100 or visit [bgckingsville.org](http://bgckingsville.org).

Anthony Ruiz can be contacted at [aruiz@king-ranch.com](mailto: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, July 17, 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:

Roberto Gutierrez, owner and applicant, requesting the rezoning of 10th, BLOCK 6, LOT N/2 1-2 also known as 429 West Doddridge, Kingsville, Texas from R1 (Single Family) to R2 (Two-Family). 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, July 22, 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:

Roberto Gutierrez, owner and applicant, requesting the rezoning of 10th, BLOCK 6, LOT N/2 1-2 also known as 429 West Doddridge, Kingsville, Texas from R1 (Single Family) to R2 (Two-Family).

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.

When was the last time you had a dental check up?

Your dental health and well-being are our first concern.

Kind, Caring and Complete Family Dentistry

[www.LawhonDental.com](http://www.LawhonDental.com)

Family Dentist  
Routine Cleanings  
Teeth Whitening  
Braces (Orthodontics)

MAY SPECIAL

Orthodontic (Braces) Exam & Records \$100

Dr. Tanya P. Lawhon, D.D.S.

General Dentistry

Facebook



312 South Ave. B,  
Bishop, Tx. 78343

(361) 584-2217

**ORDINANCE #2019-\_\_\_\_\_**

**AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO 10TH, BLOCK 6, LOT N/2 1-2, ALSO KNOWN AS 429 W. DODDRIDGE, KINGSVILLE, TEXAS, FROM R1 (SINGLE FAMILY DISTRICT) TO R2 (TWO-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 Roberto Gutierrez, 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, July 17, 2019 during a meeting of the Planning and Zoning Commission, and on Monday, July 22, 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 no abstentions; and

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

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

**SECTION 1.** That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of 10th, Block 6, Lot N/2 1-2, also known as 429 W. Doddridge from R1-Single Family District to R2-Two-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 22nd day of July, 2019.

**PASSED AND APPROVED** on this the 12th day of August, 2019.

Effective Date: \_\_\_\_\_

**THE CITY OF KINGSVILLE**

\_\_\_\_\_  
Sam R. Fugate, Mayor

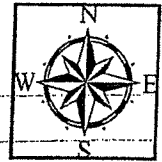
**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# 200 ft Buffer Map of 429 W Doddridge



21900

21138

20381

23968

20133

**DoddrigeAve**

11828

12628

**2ndSt**

23062

23812

16252

10047

23673

22637

17862

17111

15587

**WarrenAve**

0 20 40 80 120 160  
Feet

## Legend



429 W Doddridge

200 ft Buffer

Page  
1 / 1

Drawn By:  
Planning Department

Last Update: 6/27/2019

Note:

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



**CITY OF KINGSVILLE  
PLANNING DEPARTMENT**

410 West King  
Kingsville, Texas 78363  
Office: 361-595-8055

## **AGENDA ITEM #5**

RESOLUTION NO. 2019-\_\_\_\_\_

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ENGAGEMENT LETTER AGREEMENT BETWEEN THE CITY OF KINGSVILLE, TEXAS AND JOHN WOMACK & CO., P.C. FOR THE 2018-2019 FISCAL YEAR AUDIT; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**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 Engagement Letter Agreement Between John Womack & Co., P.C. and the City of Kingsville, Texas for the 2018-2019 Fiscal Year audit 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 12th day of August, 2019.

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

JOHN WOMACK & CO., P.C.  
CERTIFIED PUBLIC ACCOUNTANTS

JOHN L. WOMACK, CPA  
MARGARET KELLY, CPA

P. O. BOX 1147  
KINGSVILLE, TEXAS 78364  
(361) 592-2671  
FAX (361) 592-1411

June 19, 2019

Mayor Sam Fugate, City Commissioners and City Manager  
City of Kingsville  
P.O. Box 1458  
Kingsville, Texas 78364

We are pleased to confirm our understanding of the services we are to provide the City of Kingsville for the year ended September 30, 2019. We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements, of the City of Kingsville as of and for the year ended September 30, 2019. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement City of Kingsville's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to City of Kingsville's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by U.S. generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis.
2. Budgetary comparison schedules.
3. GASB required supplementary pension information and



#### 4. OPEB.

We have also been engaged to report on supplementary information other than RSI that accompanies the City of Kingsville's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole, in a report combined with our auditor's report on the financial statements:

1. Schedule of expenditures of federal awards.
2. Combining Statements for the CAFR and
3. Individual Fund Statements and Supporting Schedules.

#### **Audit Objectives**

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. The objective also includes reporting on—

- Internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the terms and conditions of federal awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance).

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in

considering the entity's internal control and compliance. The Uniform Guidance report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major program(s) in accordance with the Uniform Guidance, and other procedures we consider necessary to enable us to express such opinions. We will issue written reports upon completion of our single audit. Our reports will be addressed to management and the governing Board of the City of Kingsville. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or we may withdraw from this engagement.

#### **Audit Procedures—General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material

effect on the financial statements or on major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a single audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; schedule of expenditures of federal awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

#### **Audit Procedures—Internal Control**

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion.

However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and the Uniform Guidance.

### **Audit Procedures—Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City of Kingsville's compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal statutes, regulations, and the terms and conditions of federal awards applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the OMB *Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of City of Kingsville's major programs. The purpose of these procedures will be to express an opinion on City of Kingsville's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

### **Other Services**

We will also assist in preparing the financial statements, depreciation schedules (if needed) using your assigned life and depreciation method, schedule of expenditures of federal awards, and related notes of the City of Kingsville in conformity with U.S. generally accepted accounting principles and the Uniform Guidance based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statements, schedule of expenditures of federal awards, and related notes services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

### **Management Responsibilities**

Management is responsible for (1) designing, implementing, establishing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or

error, including internal controls over federal awards, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal awards, and all accompanying information in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations (including federal statutes) and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance, (3) additional information that we may request for the purpose of the audit, and (4) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants. Management is also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements, or abuse that we report. Additionally, as required by the Uniform Guidance, it is management's

responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings; and prepare a summary schedule of prior audit findings and a separate corrective action plan. The summary schedule of prior audit findings should be available for our review on October 14, 2019.

You are responsible for identifying all federal awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance; (2) you believe the schedule of expenditures of federal awards, including its form and content, is stated fairly in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation

engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on your website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

You agree to assume all management responsibilities relating to the financial statements, depreciation schedules (if needed), schedule of expenditures of federal awards, related notes, and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, depreciation schedules (if needed), schedule of expenditures of federal awards, and related notes and that you have reviewed and approved the financial statements, depreciation schedules (if needed), schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

### **Engagement Administration, Fees, and Other**

You may request that we perform additional services not addressed in this engagement letter. If this occurs, we will communicate with you regarding the scope of the additional services and the estimated fees. We also may issue a separate engagement letter covering the additional services. In the absence of any other written communication from us documenting such additional services, our services will continue to be governed by the terms of this engagement letter.

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing. We will schedule the engagement based in part on deadlines, working conditions, and the availability of your key personnel. We will plan the engagement based on the assumption that your personnel will cooperate and provide assistance by performing tasks such as preparing requested schedules, retrieving supporting documents, and preparing confirmations. If for whatever reason your personnel are unavailable to provide the necessary assistance in a timely manner, it may substantially increase the work we have to do to complete the engagement within the established deadlines, resulting in an

increase in fees over our original fee estimate. We will not undertake any accounting services (including but not limited to reconciliation of accounts and preparation of requested schedules) without obtaining approval through a written change order or additional engagement letter for such additional work.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to electronically submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditor's reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. The Data Collection Form and the reporting package must be submitted within the earlier of 30 calendar days after receipt of the auditor's reports or nine months after the end of the audit period.

We will provide copies of our reports to the City; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of John Womack & Co., P.C. and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to a cognizant agency or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of John Womack & Co., P.C. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the cognizant agency. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit on approximately October 14, 2019 and to issue our reports no later than March 31, 2020. John L Womack is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. To ensure that John Womack & Co., P.C.'s independence is not impaired under the AICPA *Code of Professional Conduct*, you agree to inform the

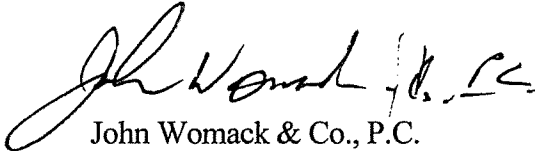
engagement partner before entering into any substantive employment discussions with any of our personnel.

Our fee for these services will be \$69,500 for the audit, \$17,500 for the GASB 34 and the GFOA report presentation, \$9,000 for the Fixed Assets, \$8,000 for the state and federal grants and \$5,500 for the Retirement System OPEB disclosure reporting requirements for GASB 68 and 75, plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to the City of Kingsville and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Our audit engagement ends on delivery of our audit report. Any follow-up services that might be required will be a separate, new engagement. The terms and conditions of that new engagement will be governed by a new, specific engagement letter for that service.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Womack", followed by a stylized flourish or initials.

John Womack & Co., P.C.

RESPONSE:

This letter correctly sets forth the understanding of the City of Kingsville.

Management Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Governance signature: \_\_\_\_\_

Title: \_\_\_\_\_

# **REGULAR AGENDA**

## **AGENDA ITEM #6**

**City of Kingsville  
Planning Department**

---

TO: Mayor and City Commissioners

CC: Deborah Balli, Interim City Manager

FROM: Cynthia Martin, Downtown Manager

DATE: August 2, 2019

SUBJECT: Kingsville Main Street Advisory Board Appointment

---

**Summary:** The Kingsville Main Street Advisory Board currently has an opening. Tom Di Francesca has applied to fill that position.

**Background:** Mr. Di Francesca is a resident of Kingsville and co-owner of The Novel Blend Bookstore & More located at 311 E Kleberg in the Main Street District. He is a veteran (18 years) of the US Coast Guard and has a background in media having done freelance writing for newspapers and magazines after retiring from the military. Mr. Di Francesca is being proposed for membership in the Main Street Advisory Board by Nick Harell, Harell's Kingsville Pharmacy, 204 E Kleberg.

If approved, Mr. Di Francesca would fill the spot vacated by Frank Benvenuto who, after many years of service and at the end of his current term on the Board, has decided not to continue. Mr. Benvenuto occupied a space on the Board reserved for Main Street business owners. By ordinance the Main Street Advisory Board consists of two residents, four business owners and one representative from the University. Of our current Board members who represent businesses, two are owners of service businesses (one insurance office and one legal office) and one represents the downtown HEB.

**Financial Impact:** NA

**Recommendation:** It is recommended that Mr. Di Francesca be considered for appointment to the Kingsville Main Street Advisory Board for a two year term.



## MAIN STREET PROGRAM ADVISORY BOARD NOMINATION FORM

**TO THE NOMINATING COMMITTEE:**

I hereby propose that Tom DiFrancesca, who has my full and unqualified endorsement, be nominated to the Main Street Advisory Board.

Nick M Harrel 7-26-19  
Signature of nominator Nick M Harrel Date

**Preliminary information:**

Type or print nominee's name Tom DiFrancesca  
Residence [REDACTED] Phone [REDACTED]  
Business 311 E Kleberg Ave Phone 361-355-9330  
Nature of Business The Novel Blend bookstore & more

**Membership in community and other organizations:**

<u>Organization</u>	<u>Dates</u>	<u>Activities</u>
Former member & ambassador for Clovis, NM Chamber of Commerce	Early 2000's	Social media promotions Grand opening ceremonies
Former Technology Committee leader for Faith Christian Family Church, Clovis New Mexico	Late 90's - Early 2000's	Lead weekly meetings oversaw several projects

**Brief biography:**

Age 60, born in Miami, Florida, Military brat 20 years.  
Veteran (8 years) U.S. Coast Guard then worked in the telecommunications industry for several years. Attended college late in life & became a freelance newspaper & magazine columnist (now retired).  
Resident of Kingsville 7 years. ~~Business~~ Business owner of the Novel Blend.

**Specific qualifications for Main Street Advisory Board:**

Great people skills, extensive writing ~~off~~ experience,  
creative & innovative, I've lead hundreds of workshops & presentations. I know how to ask the right questions to conduct research.

# **AGENDA ITEM #7**

**City of Kingsville  
Planning and Development Services**

TO: Mayor and City Commissioners

CC: Interim City Manager, Deborah Balli

FROM: Tom Ginter, Director

DATE: August 2, 2019

SUBJECT: Rezoning Request from Robert Saldana at 510 E. Avenue D from C2 Retail District to MU Mixed Use District

**Summary:** Robert Saldana who operates Big Bob's Barber Shop would like to operate a barber shop on his property at 510 E. Avenue D which is his residence. To do that he needs to rezone to a Mixed Use Zoning District which would allow that to occur.

**Background:** The Saldana's approached me as to how they can live and operate a barber shop on their property. They have a building that they would turn into the barber shop. After reviewing the current zoning which is C2 and because the house is right there for them to legally operate a barber shop and live there, this rezoning is necessary. In essence they are halfway there it's just that C2 zoning doesn't allow the living on the property part. They will have to abide by the other rules in the Mixed Use ordinance. We received one phone call for the rezoning.

**Financial Impact:** It is hard to say if this will cause any increase in the valuation of the property.

**Recommendation:** It would seem that the ordinance fits this example as intended. The property is already zoned C2, this provides for a neighborhood barber shop which I believe would be a benefit and have minimal negative factors such as traffic. The Planning and Zoning Commission met and voted 5 to 0 to recommend approval of the rezoning.



To: Planning and Zoning Commission Members

From: Tom Ginter, Director

Date: August 2, 2019

Subject: Rezoning request from Robert Saldana at 510 E. Avenue D from C2 Retail District to MU Mixed Use District   Agenda Items 1 and 2

Robert Saldana who operates Big Bob's Barber Shop would like to operate a barber shop on his property at 510 E. Avenue D which is his residence. To live and operate a business in two separate buildings on the same lot requires a Mixed Use zoning. I refer to the attached mixed use ordinance in the first sentence "The purpose of the Mixed Use District is to provide a zoning district where mixed retail/residential use developments may be allowed on the same property". Since the property is currently zoned C2 he is in essence half way there. The key here is that he desires to do both on his property. If approved he would have to then abide by the rules and regulations that are in the mixed use ordinance. I do believe that one of the goals of this ordinance is to allow this kind of development especially in neighborhoods where a service is being provided.

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

**PROPERTY INFORMATION: (Please PRINT or TYPE)**

Project Address 5102 D Ave Nearest Intersection corner of Ave D + 9th St

(Proposed) Subdivision Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

Legal Description: COL MEX, BLOCK 5, Lot 50-32

Existing Zoning Designation CZ Future Land Use Plan Designation MU

**OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)**

Applicant/Authorized Agent Robert & Rebecca Saldivar Phone 361-455-7443 FAX N/A

Email Address (for project correspondence only): Saldivar@att.net

Mailing Address 5102 D Ave City Kingsville State TX Zip 78643

Property Owner Robert & Rebecca Saldivar Phone 361-455-7443 FAX N/A

Email Address (for project correspondence only): Saldivar@att.net

Mailing Address 5102 D Ave City Kingsville State TX Zip 78643

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:

1. Asphalted parking lot  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Applicant's Signature [Signature] Date: 7-8-19  
Property Owner's Signature \_\_\_\_\_ Date: \_\_\_\_\_  
Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

Property ID: 10727      Legal Description: COL MEX, BLOCK 5, LOT 30-32      2019

**Account**

Property ID: 10727      Legal Description: COL MEX, BLOCK 5, LOT 30-32  
 Geographic ID: 119100530000192      Zoning:  
 Type: Real      Agent Code:  
 Property Use Code:  
 Property Use Description:

**Location**

Address: 510 E AVE D      Mapsco:  
 Neighborhood:      Map ID: A1  
 Neighborhood CD:

**Owner**

Name: SALDANA ROBERTO V JR      Owner ID: 63155  
 Mailing Address: ETUX REBECCA      % Ownership: 100.000000000000%  
 510 E AVE D  
 KINGSVILLE, TX 78363

Exemptions:

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$27,810	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$4,500	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$32,310	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$32,310	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$32,310	

Owner: SALDANA ROBERTO V JR  
 % Ownership: 100.000000000000%  
 Total Value: \$32,310

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	KLEBERG COUNTY APPRAISAL DISTRICT	0.000000	\$32,310	\$32,310	\$0.00
CKI	CITY OF KINGSVILLE	0.830000	\$32,310	\$32,310	\$268.17

7/8/2019

## Kleberg CAD - Property Details

GKL	KLEBERG COUNTY	0.781450	\$32,310	\$32,310	\$252.48
SKI	KINGSVILLE I.S.D.	1.518900	\$32,310	\$32,310	\$490.76
WST	SOUTH TEXAS WATER AUTHORITY	0.086664	\$32,310	\$32,310	\$28.00
Total Tax Rate:		3.217014			

Taxes w/Current Exemptions: \$1,039.41

Taxes w/o Exemptions: \$1,039.42

Improvement Details

Improvement #1: RESIDENTIAL State Code: A1 Living Area: 696.0 sqft Value: \$27,810

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	FF3	EW1	1945	696.0
OPFA	OPEN PORCH FRAME AVERAGE	*		1945	24.0
PC1F	COVERED PATIO (FAIR)	*		1945	216.0
STGA	STORAGE FRAME (AVERAGE)	*		1945	196.0
OPFA	OPEN PORCH FRAME AVERAGE	*		2012	240.0
HWH	HOT WATER HEATER SHED	NV		0	6.0
CPF4	CARPORT GABLE (FAIR) (W/FLOOR)	*		0	320.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	A1	A1	0.2410	10500.00	75.00	140.00	\$4,500	\$0

Valuation History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2019	\$27,810	\$4,500	0	32,310	\$0	\$32,310
2018	\$26,470	\$4,500	0	30,970	\$0	\$30,970
2017	\$26,470	\$4,500	0	30,970	\$0	\$30,970
2016	\$26,810	\$4,500	0	31,310	\$0	\$31,310
2015	\$26,810	\$4,500	0	31,310	\$0	\$31,310
2014	\$26,810	\$4,500	0	31,310	\$0	\$31,310
2013	\$25,130	\$4,500	0	29,630	\$0	\$29,630
2012	\$25,130	\$4,500	0	29,630	\$0	\$29,630
2011	\$25,130	\$4,500	0	29,630	\$0	\$29,630
2010	\$24,580	\$4,500	0	29,080	\$0	\$29,080
2009	\$0	\$4,500	0	4,500	\$0	\$4,500
2008	\$0	\$4,500	0	4,500	\$0	\$4,500
2007	\$0	\$4,500	0	4,500	\$0	\$4,500
2006	\$0	\$4,500	0	4,500	\$0	\$4,500
2005	\$0	\$4,500	0	4,500	\$0	\$4,500

Total Valuation: \$36,810

Database: 07/08/2019

Database: 07/08/2019

Database: 07/08/2019

EDUARDO CASTRO  
ETUX LUCERO  
427 E MESQUITE AVE  
KINGSVILLE, TX 78363-3817  
#17344

EDDY FERNANDEZ  
GONZALEZ  
PO BOX 1689  
KINGSVILLE, TX 78364-1689  
#18349

ROBERT SALDANA  
ETUX REBECCA  
510 E AVE D  
KINGSVILLE, TX 78363  
#18460

JUAN JOSE TREVINO  
ETUX NORA R  
520 E D AVE  
KINGSVILLE, TX 78363-3816  
#16174

ELEAZAR CANTU  
ETUX NORMA ALICIA  
427 E D AVE  
KINGSVILLE, TX 78363-3813  
#22714

JOSE SILGUERO  
MARIA SILGUERO  
PO BOX 5348  
KINGSVILLE, TX 78364-5348  
#10138

ALONZO CHARLES  
720 W H AVE  
KINGSVILLE, TX 78363-3049  
#18880

CONSTANTINO DE LEON JR  
ETUX DEBORAH A  
521 E MESQUITE  
KINGSVILLE, TX 78363  
#19103

ALEJANDRO B VIDAL EST  
516 E D AVE  
KINGSVILLE, TX 78363-3816  
#26040

ROGELIO DE LA GARZA  
ETUX LUISA  
524 E D AVE  
KINGSVILLE, TX 78363-3816  
#22994

CARLOS E TUDON  
429 E AVE D  
KINGSVILLE, TX 78363  
#23472

#10881

JOSE ROLANDO OCHOA  
ETUX MARIA LUISA  
134 W FM 772  
KINGSVILLE, TX 78363-2735  
#23641

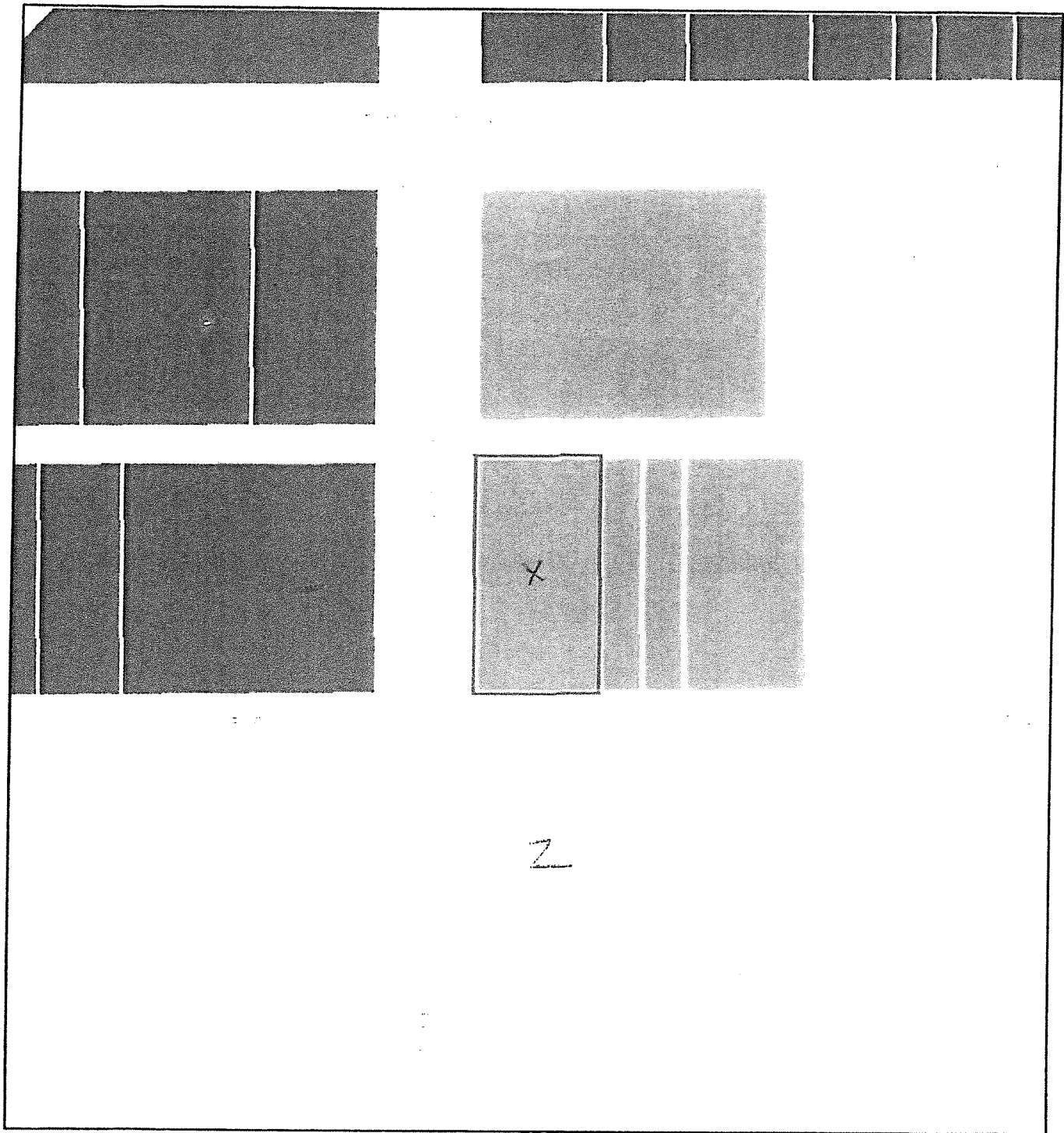
JOSE ROLANDO OCHOA  
ETUX MARIA LUISA  
134 W FM 772  
KINGSVILLE, TX 78363-2735  
#11939

ALEJANDRO B VIDAL EST  
ETUX FELISMER M  
516 E D AVE  
KINGSVILLE, TX 78363-3816  
#16936

ELEAZAR CANTU  
ETUX NORMA ALICIA  
427 E D AVE  
KINGSVILLE, TX 78363-3813  
#21940

JOSE SILGUERO JR  
AND MARIA SILGUERO  
320 E KLEBERG AVE  
KINGSVILLE, TX 78363-4576  
#24667

JOE S RIOS  
ETUX MARIA C  
519 E D AVE  
KINGSVILLE, TX 78363-3815  
#20182

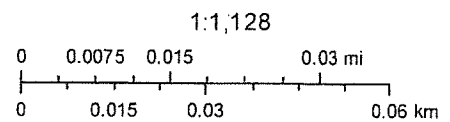


July 3, 2019

X-510 E. Avenue D - C2

T - C4

Z - R1



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

## MIXED USE DEVELOPMENT REGULATIONS

## Sec. 15-6-165. - Purpose.

The purpose of the Mixed Use District is to provide a zoning district where mixed retail/residential use developments may be allowed on the same property or in the same building, with the intent of increasing housing opportunities and providing retail services intended to primarily serve the immediate neighborhood.

It is the intention of the Mixed Use District to allow for significant functional and physical integration of project components of housing and mixed/retail uses.

Consideration will be given to joint use of parking, common areas, open space, retail types of uses and associated intensities, housing types and sizes of units, and overall architectural design when considering approving Mixed Use developments in the Mixed Use Zoning District. Mixed Use projects must be reviewed and approved by the Planning and Zoning Commission.

(Ord. 2010-18, passed 7-12-2010, eff. 7-28-2010)

## Sec. 15-6-166. - Uses.

- (A) Multi-residential housing on the upper floors of buildings consisting of studio, one bedroom, two bedroom and three bedroom living units.
- (B) Retail stores, retail services, personal services and banks, savings and loans only on the first floor levels of buildings in the Mixed-Use Zoning District. Outdoor seating not located in the public right of way is permitted subject to Planning and Zoning Commission review and approval. No drive-thru windows are permitted for businesses unless approved by the Planning and Zoning Commission.

(Ord. 2010-18, passed 7-12-2010, eff. 7-28-2010)

## Sec. 15-6-167. - Mixed use development regulations.

- (A) Setbacks ten feet front, five feet side, none rear unless abutting a residential district where ten is required.
- (B) Maximum height 35 feet.
- (C) Maximum gross floor area shall not exceed 60% of the total lot area.
- (D) Not less than 10% of the site shall be occupied by appropriate landscaping.

- (E) Land covered by all structures shall not exceed 35% of building site.
- (F) A minimum of one off-street parking space per housing unit shall be provided on-site. Off-street parking for the retail/commercial portion of a mixed use project shall be determined by the Planning and Zoning Commission based on the use proposed and the amount of square footage proposed for the use. Employee parking shall be designated and located away from the entrances to the first floor businesses.
- (G) Fully enclosed trash enclosures shared jointly by the housing units and businesses are required in accordance with city requirements.
- (H) Signs are required to be approved by the Planning Department. A building permit is required for all signs. No pole signs are allowed in the Mixed-Use District. Only monument (height of monument or free standing monument sign determined by the Planning Department based on location) and wall mounted signs are allowed in the Mixed Use District. The maximum total amount of square footage of signage allowed for a building site is equal to 50% of the lineal street frontage of the building site. Wall mounted signs cannot project more than three feet above the building to which it is attached. Address signs consisting of letters and numerals shall not exceed 12 inches in height and do not count as part of the sign square footage allowed. Awnings or canopies are allowed on the first floor, but the sign copy, including logos shall not exceed 12 square feet or 50% of the awning face area, whichever is less. Flashing or intermittent illuminating signs are not allowed in the Mixed Use Zone. Banner signs displayed on cloth or other flexible materials are not permitted. United States of America and State of Texas flags are permitted subject to building department review and approval. All businesses are permitted to display grand opening signs on a one-time basis for a maximum of 21 consecutive days. Holiday decorations may be displayed on a temporary basis for traditionally accepted civic, patriotic or religious holidays. Window signage placed in windows of a business shall be limited to 25% of the total window area in which the signage is placed. No sign permit is required.
- (I) Building elevations shall illustrate the style of façade for all sides of the structure. Details will illustrate the type of materials used for the exterior finish of the walls, roof and trim as viewed from all four directions, and the type of building materials

used for exterior finish of walls, roof and trim. The exterior elevation plan shall be sufficiently detailed to illustrate roof slopes, roofline treatment, overhangs and building height.

(Ord. 2010-18, passed 7-12-2010, eff. 7-28-2010)

Secs. 15-6-168—15-6-173. - Reserved.

traveling from San Antonio.

"He has such a busy schedule and for him

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

## PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, August 7, 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:

**Robert Saldaña, owner and applicant, requesting the rezone of COL MEX, BLOCK 5, LOT 30-32 also known as 510 E Ave D, Kingsville, Texas from C2 (Retail District) to MU (Mixed Use 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, August 12, 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:

**Robert Saldaña, owner and applicant, requesting the rezone of COL MEX, BLOCK 5, LOT 30-32 also known as 510 E Ave D, Kingsville, Texas from C2 (Retail District) to MU (Mixed Use 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.

## KPD seizes guns, drugs during raid on Alice St. home

### Staff Report

A Kingsville man was arrested on multiple charges after the Kingsville Police Department discovered guns, money and illegal drugs in his home on July 12.

The KPD's Street Level Operations team SWAT and and Detective Division conducted a search warrant at a home in the 200 block of West Alice and arrested 44-year-old Nicholas "Nick" Sergio Thomas.

According to a press release from the KPD, investigators searched Thomas' home after an investigation that lasted several months.

The KPD search team discovered two ounces of cocaine, one and a half ounces of crack cocaine, 108 grams of Methadone, 3.8 grams of marijuana, 1.9 grams of Hydrocodone and two bottles of Promethazine cough syrup with a weight of 1,001 grams.

Thomas told investigators that he did not have a prescription for the Promethazine cough syrup and he purchased the two bottles on the Internet.

Investigators also seized \$2,000 in suspected drug proceeds, a digital scale with cocaine residue, two hand guns with multiple magazines loaded



Nicholas Thomas

with ammunition, and a floor safe. The search warrant was signed by Texas 105th District Court Judge Jack Padgett.

Thomas has been charged with a first-degree felony for the manufacture and delivery of a controlled substance, an aggravated first-degree felony and second-degree felony for the possession of a controlled substance, a Class A misdemeanor for possession of a controlled substance and a Class B misdemeanor for possession of marijuana.

The locations of the search warrant and seizure of the illegal materials also falls within a Drug Free Zone (Texas

ARM University-Kingsville Property) as defined by the Texas Health and Safety Code.

Because the location is in a drug free zone, all of the charges against Thomas can be enhanced if he is found guilty in a court of law, which could affect the sentencing phase of trial.

Officials with the KPD warned residents that the possession of Promethazine with Codeine cough syrup without a prescription carries serious penalties.

Under the Texas Controlled Substances Act, a person who possesses an amount of this particular drug with out a prescription and who is found guilty in a court of law could face a life sentence or a minimum sentence of five years in prison and a \$50,000 fine.

"We ask the citizens to take an active role in providing information to the Street Level Operations team by contacting the Team Supervisor, Lt. Daniel Gonzalez at (361) 595-5412 with any suspicious activity taking place in their neighborhood," KPD Capt. Mark Frost said. "The calls can be anonymous. Please provide the activity being witnessed and the correct address of the suspicious activity."

## Sarita man killed in boating accident on Lake LBJ

### By Christopher Maher Editor

A Santa man who was visiting with his family was killed while boating on Lake LBJ on Sunday.

The body of Jose, Miguel "Miguel" Lopez, 44, of Santa, was found by a search team led by the Texas Parks and Wildlife.

State Trooper Press Office Manager for the TPAWD, said in a statement that the search was conducted by more than a dozen Texas game wardens, three state game wardens, a Texas game warden hunter team, K9, Texas game warden was also assisted by Burnett County Sheriff's Office, UCR, Lake Rangers with side scan sonar boat and Hershaw Bay Police Department's side scan sonar boat. The department personnel and divers from Galveston, VED, Lake Buchanan VED, Kungahad VED, Sanibel beach VED and Hoover Valley VED also assisted with the search for the victim.

The search and recovery effort was complicated by weather factors, including high boat traffic in the area of the lake where the incident occurred, as well as numerous underwater obstacles that limited search effectiveness and diver

visibility.

Lopez was pronounced deceased by the Burnett County Sheriff's Office (PCL).

No autopsy was ordered. According to a press release from the U.S. Attorney's Office in the Eastern District of Louisiana, Lopez was among swimming in the canal of "unimproved" to continue with trial. Lopez pleaded guilty to the charge on Feb. 20.

According to prosecutors, Lopez stole approximately \$57,162 from the company he worked for, Texas Steam and Instrumentation, a corporation related to the Louisiana State Equipment Company. Prosecutors said from 2007 to 2011, Lopez generated sales to clients for other companies he owned and operated and paid them through Texas Steam.

Lopez faced up to 29 years in prison and a \$250,000 fine. Sentencing was scheduled for Sept. 18.

The website of the Kungahad County-Wide Cemetery School District lists Lopez as a member of the district's board of trustees, with a term set to expire in May 2021.

Attempts to reach the superintendent of the district were unsuccessful Wednesday.

Christopher Maher can be contacted at cmaher@kingrecord.com or (361) 221-0212.

## Arrest

trafficking (Class B misdemeanor); Possession of Marijuana 2-1 ounces (Class A misdemeanor); Possession of a Controlled Substance, Penalty Group 2, more than 100 grams (first degree felony). He also received a citation for causing the accident.

There were no injuries in the traffic accident.

DeCard's vehicle was impounded, and he was transported to the Kleberg County Jail.

Officials with the Kingsville PD said they wanted to remind the public that cannabis, or CBD, oil may have therapeutic and health benefits, but CBD oil is still illegal in Texas.

## VA MISSION

said.

Forbes said they want to reach out to area veterans "so they are aware of how these changes are going to affect them."

"There are positive changes, but they are huge changes," she said. "And that's why the VA wants to connect and make sure they understand these changes to our veterans, especially our veterans in the rural communities."

"We want to let our veterans know that they are not alone, and there is no reason they should be going without any type of care," she said.

Forbes said town hall meetings had already been taking place in major cities, but she had been speaking with the U.S.

Department of Veterans Affairs to bring a meeting to Kingsville.

Devidents, agencies and other community stakeholders are also invited to the town hall, Forbes said.

"If you know a veteran that would benefit from this information, I highly suggest and recommend that you come out," she said.

Forbes said the town hall meeting will cover the changes and explain how the legislation will benefit veterans moving forward. She said the meeting would also not be the last one for the Kingsville area.

"We're also hoping to do brown bag lunches regarding the MINSUN Act," she said. "So if there's a veteran that

missed it or has more questions, they have another opportunity."

The VA MINSUN Act town hall will be held Thursday, July 25, from 6:30 p.m. at the American Legion Post 99 located at 2802 E. Kennedy Ave. in Kingsville.

For more information on the town hall, contact Ann Marie Torres at (361) 877-7959 or Hugo Martinez at (361) 221-0253.

More information on the VA MINSUN Act of 2018 can be found at [mnsun.vet.gov](http://mnsun.vet.gov).

Anthony Ruiz can be contacted at [arui@kingrecord.com](mailto:arui@kingrecord.com) or (361) 221-0253.

## St. Paul

toward seeing more familiar and new faces at this anniversary event.

"I am looking forward to seeing some of the people that have moved away and some of the people that were little and have grown up, and their children growing together like a family reunion. I'm looking forward to some of the people that were here before I got here, and I heard about them and so I'm looking forward to hearing from them and to seeing all the new people together."

Williams said putting the event together hasn't been easy, but she has involved a lot of the congregation. She also said she is excited to have their Presiding Elder, Rev. W. Raymond Bryant as the guest preacher for the day, who will be traveling from San Antonio. "He has such a brave schedule and for him

to agree to be the guest preacher, you know, it's a burden within itself," Williams said.

The public is invited to be a part of the event, and Williams said all are welcome to attend to feel the "family and community" the church has had over the past 100 years.

"It's not about this church or that church, it's all about us coming together as one and being united," Williams said. "Because so much is happening in this world today and we don't have time for a lot of things. We just need to keep positive. Praise the Lord, put God first and rest more for the world."

The event will take place on the church grounds at 555 W. Warren Ave. on Sunday, July 21 at 2 p.m.

Frank Cardenas can be contacted at [frank@kingrecord.com](mailto:frank@kingrecord.com) or (361) 221-0214.

**women's & men's health services**

At The University of Texas at San Antonio

[www.wamhs.org](http://www.wamhs.org)

Hours: Monday/Thursday/Friday: 8:30 am - 5:00 pm  
Wednesday: 8:30 am - 7:00 pm

1000 S. 14th Street, Ste. #1022B Kingsville, TX 79363 (361) 595-1875

**Combined Expertise to Put You at Ease**

Now offering even more experience to ensure the best dental care possible. Greater comprehensive, quality dental care to patients of all ages in our local community.

**Now Welcoming New Smiles**

Choose us for quality comprehensive dental care with a gentle touch!

**JULY SPECIAL**  
FREE CONSULTATION  
WITH X-RAY

Orthodontic (Braces) Exam & Records  
**\$100**

**Dr. Tanya P. Lawhon, D.D.S.**  
**Dr. E.C. McCall III, D.D.S.**  
116 South 4th Street, Kingsville  
(Mon-Fri: 8am-5pm, Sat: 9am-1pm, Sun: 10am-4pm)  
**(361) 595-4121**

**PUBLIC HEARING NOTICE**

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, August 7, 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:

**Robert Saldaña, owner and applicant, requesting the rezoning of COL MEN, BLOCK 5, LOT 30-32 also known as 510 E. Ave D, Kingsville, Texas from C2 (Retail District) to MU (Mixed Use 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, August 12, 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:

**Robert Saldaña, owner and applicant, requesting the rezoning of COL MEN, BLOCK 5, LOT 30-32 also known as 510 E. Ave D, Kingsville, Texas from C2 (Retail District) to MU (Mixed Use 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 COLONIA MEXICANA, BLOCK 5, LOTS 30-32, ALSO KNOWN AS 510 E. AVENUE D, KINGSVILLE, TEXAS, FROM C2 (RETAIL DISTRICT) TO MU (MIXED USE 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 Robert Saldana, 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, August 7, 2019 during a meeting of the Planning and Zoning Commission, and on Monday, August 12, 2019 during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

**WHEREAS**, the item was APPROVED with a 5-0 vote of the Planning Commission regarding the requested rezone with no abstentions; and

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

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

**SECTION 1.** That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of Colonia Mexicana, Block 5, Lots 30-32, also known as 510 E. Avenue D from C2-Retail District to MU-Mixed Use 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 12th day of August, 2019.

**PASSED AND APPROVED** on this the \_\_\_\_\_ day of August, 2019.

Effective Date: \_\_\_\_\_

**THE CITY OF KINGSVILLE**

\_\_\_\_\_  
Sam R. Fugate, Mayor

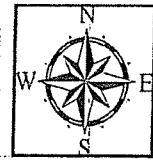
**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# 200 ft Buffer Map of 510 E Ave D



**Mesquite Ave**

17344

18880

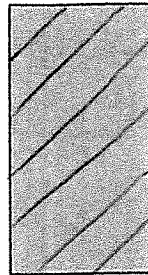
23641

18349

19103

11939

**9th St**



18460

26040

16936

16174

22994

**DAve**

21940

22714

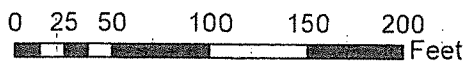
23472

24667

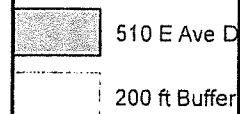
10138

10881

20182



## Legend



Drawn By:  
Planning Department  
Last Update: 7/8/2019  
Note:

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



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

# **AGENDA ITEM #8**

**City of Kingsville  
Planning and Development Services**

TO: Mayor and City Commissioners

CC: Interim City Manager, Deborah Balli

FROM: Tom Ginter, Director of Planning and Development Services

DATE: August 2, 2019

SUBJECT: Rezoning Request for 1100 E. Avenue B from R1 to RP2

**Summary:** The applicant who is now the owner of the property, which the enclosed warranty deed reflects wants to develop for a duplex/apartment living. To accomplish the density he desires is the reason for the rezoning to RP2. This allows him to negotiate the space requirements and other items if necessary. Enclosed is an example of a conceptual plan for the property.

**Background:** Mr. Gonzalez who is the current owner of the property has been considering some kind of housing development project. We have had a number of conversation as to what would work best for this size of lot. Cleary from the beginning it has always been a duplex type of project . He settled on the RP2 zoning because of the leeway it gives him regarding space requirements. Enclosed is a copy of the planned unit development ordinance. We received one phone call for the rezoning and one phone call against the rezoning.

**Financial Impact:** Since this is currently a vacant lot and if this project is developed as submitted this would be a positive increase for the city.

**Recommendation:** The Planning and Zoning Commission met and voted 5 to 0 to recommend approval of the rezoning.



To: Planning and Zoning commission Members

From: Tom Ginter, Director

Date: August 2, 2019

Subject: Rezoning of 1100 E. Avenue B from R1 to RP2 – Agenda items 5 and 6

Mr. Gonzalez is now the owner of the property at this address as the warranty deed reflects. He desires to develop the property into a duplex/apartment type project. To accomplish what he wants with the density of units on the property, he has decided to rezone to a RP2. This is a plan unit development with R2 type requirements. The PUD allows him to negotiate setback and other requirements that will enable him to develop the project that he wants. Enclosed is a copy of the Planned Unit Development ordinance. Also enclosed is a conceptual development that he has in mind for the development.

CITY OF KINGSVILLE  
PLANNING AND ZONING DIVISION  
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1100 E B St Nearest Intersection 15<sup>th</sup> Street

(Proposed) Subdivision Name ING Subdivision Lot \_\_\_\_\_ Block 5

Legal Description: McBryde Block 5 w 1/2

Existing Zoning Designation R1- Single Family Future Land Use Plan Designation R2- PUD

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Ivan Luna Phone 361.720.8499 FAX \_\_\_\_\_

Email Address (for project correspondence only): ivanluna2008@outlook.com

Mailing Address 113 Ranger St, Apt A City Kingsville State TX Zip 78363

Property Owner Gustavo Gonzalez Phone 210 440 3765 FAX 210 490 9812

Email Address (for project correspondence only): gustavogo10@yahoo.com

Mailing Address 5250 Callaghan Rd City San Antonio State TX Zip 78229

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:

Re subdivide the lot into four lots approximately  
6600 sq. ft. each.

Develop duplex units.

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

Applicant's Signature [Signature] Date: 7.15.19

Property Owner's Signature [Signature] Date: 7.2.19

Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

## Kleberg CAD

Property Search &gt; 23711 YDROGO JUANITA L for Year: 2019

Tax Year: 2019

## Property

## Account

Property ID: 23711  
 Geographic ID: 150050501000192  
 Type: Real  
 Property Use Code:  
 Property Use Description:

Legal Description: MCBRYDE AC, BLOCK 5, LOT W/2 5  
 Zoning:  
 Agent Code:

## Location

Address: 1100 E AVE B  
 Neighborhood:  
 Neighborhood CD:

Map ID: 81

## Owner

Name: YDROGO JUANITA L  
 Mailing Address: 725 E ELLA AVE  
 KINGSVILLE, TX 78363-3953

Owner ID: 13704  
 % Ownership: 100.0000000000%

## Exemptions:

## Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$11,520	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$11,520	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$11,520	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$11,520	

## Pending Dispositions:

Owner: YDROGO JUANITA L  
 % Ownership: 100.0000000000%  
 Total Value: \$11,520

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	KLEBERG COUNTY APPRAISAL DISTRICT	0.000000	\$11,520	\$11,520	\$0.00
CKI	CITY OF KINGSVILLE	0.830000	\$11,520	\$11,520	\$95.61
GKL	KLEBERG COUNTY	0.781450	\$11,520	\$11,520	\$90.02
SKI	KINGSVILLE I.S.D.	1.518900	\$11,520	\$11,520	\$174.97
WST	SOUTH TEXAS WATER AUTHORITY	0.086664	\$11,520	\$11,520	\$9.98
Total Tax Rate:		3.217014			

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	0.6067	26428.00	200.00	132.14	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	\$11,520	0	11,520	\$0	\$11,520
2017	\$0	\$11,520	0	11,520	\$0	\$11,520
2016	\$0	\$11,520	0	11,520	\$0	\$11,520
2015	\$0	\$11,520	0	11,520	\$0	\$11,520
2014	\$0	\$11,520	0	11,520	\$0	\$11,520
2013	\$0	\$11,520	0	11,520	\$0	\$11,520
2012	\$0	\$7,930	0	7,930	\$0	\$7,930
2011	\$0	\$7,930	0	7,930	\$0	\$7,930
2010	\$0	\$8,720	0	8,720	\$0	\$8,720
2009	\$0	\$8,720	0	8,720	\$0	\$8,720
2008	\$0	\$8,720	0	8,720	\$0	\$8,720
2007	\$0	\$8,720	0	8,720	\$0	\$8,720
2006	\$0	\$8,720	0	8,720	\$0	\$8,720
2005	\$0	\$8,720	0	8,720	\$0	\$8,720

Questions Please Call (361) 595-5775

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

Website version: 1.2.2.28

Database last updated on: 3/7/2019 3:21 PM

© M. Harris Computer Corporation

Deed # 309371

LA PALOMA DAY CARE SERV CORP  
1212 N 14<sup>TH</sup> ST  
STE 1  
KINGSVILLE, TX 78363-4020  
#18069

NICOLAS TORRES  
ETUX DIANA C  
1030 E AVE B  
KINGSVILLE, TX 78363-4006  
#15991

MARGARITO OLIVAREZ (LIFE EST)  
MERCEDES MONTOYA  
1029 E AVE B  
KINGSVILLE, TX 78363  
#25253

ALFREDO CORTEZ EST  
% DAVID G CORTEZ  
1110 N 15<sup>TH</sup> ST  
KINGSVILLE, TX 78363-4082  
#22309

ESTELLA PEREZ  
1233 E NETTIE AVE  
KINGSVILLE, TX 78363-4052  
#20765

RAMIRO G MARTINEZ  
1105 E AVE B  
KINGSVILLE, TX 78363-4007  
#4000547

ALFRED PEREZ VELA  
ETUX FILOMENA C  
407 ½ W 2<sup>ND</sup> ST  
BISHOP, TX 78343

MARKY HOLDINGS LTD  
ETAL  
3009 POST OAK STE 1200  
HOUSTON, TX 77056  
#10357

HERMAN R CRUZ  
ETUX EVA H EST (LIFE EST)  
RENE CRUZ ETAL  
725 LANSDOWN DR  
CORPUS CHRISTI, TX 78412  
#23740

CENTRO DE MILAGROS  
210 W FAIRVIEW DR  
KINGSVILLE, TX 78363-4116  
#20770

JUANITA L YDROGO  
725 E ELLA AVE  
KINGSVILLE, TX 78363-3953  
#14696

JANIE MUNOZ  
1130 E AVE B  
KINGSVILLE, TX 78363-4008  
#21536

RODOLFO G GUERRERO EST  
ARIANNA N AREVALO ETAL  
PO BOX 1677  
KINGSVILLE, TX 78364-1677  
#11925

TOMAS GONZALEZ  
4807 COUNTY ROAD 172  
ALVIN, TX 77511-0470  
#14364

ZHANGUSA INVESTMENTS LLC  
DBA ZIDG KINGSVILLE LLC  
PO BOX 23642  
WACO, TX 76702  
#12705

FRANCES CHAPA  
1025 E AVE B  
KINGSVILLE, TX 78363-4005  
#24511

AURELIO DE LA ROSA EST  
ETUX EVA  
1112 N 15<sup>TH</sup> ST  
KINGSVILLE, TX 78363-4082  
#13908

ELOISA YUMA  
623 W H AVE  
KINGSVILLE, TX 78363-3178  
#16258

KEVIN M MARTINEZ  
708 E 4<sup>TH</sup> ST  
BISHOP, TX 78343  
#10383

JESUS MERCADO (LIFE EST)  
GLORIA LUNA ETAL  
1115 E AVE B  
KINGSVILLE, TX 78363-4007  
#12740

MARIA INEZ LOPEZ  
AKA MARIA INES ZAVALA  
1123 E AVE B  
KINGSVILLE, TX 78363  
#15170

FILE# 318814

*Clarissa M. Moreno*  
CLARISSA M. MORENO

STATE OF TEXAS, COUNTY OF KLEBERG, I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED ON THE DATE AND TIME STAMPED HEREON BY ME AND WAS DULY RECORDED IN THE OFFICIAL RECORDS OF KLEBERG COUNTY, TEXAS.



MAY 20 2019

DELIVERY DATE

*Stephanie G. Garza*

STEPHANIE G. GARZA  
COUNTY CLERK, KLEBERG COUNTY

ANY PROVISIONS HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE INVALID AND ENFORCEABLE UNDER FEDERAL LAW.

RETURN TO:

S & S ABSTRACT & TITLE COMPANY

801 EAST KLEBERG

KINGSVILLE, TEXAS 78363

RECORDER'S MEMORANDUM:

ALL OR PART OF A SOCIAL SECURITY NUMBER, IF CONTAINED IN THIS DOCUMENT, MAY HAVE BEEN REDACTED. TEX. GOV'T CODE SEC. 552.147(B)  
THE COUNTY CLERK MAY REACT A LIVING PERSON'S SOCIAL SECURITY NUMBER FROM ANY OR ALL DOCUMENTS CONTAINED FOR DISCLOSURE IN KLEBERG COUNTY.

GENERAL WARRANTY DEED

Notice of confidential rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

DATE: MAY 16, 2019

GRANTOR: JUANITA L. YDROGO, a single person

GRANTOR'S ADDRESS: 725 E. Ella Ave., Kingsville, TX 78363-3953

GRANTEE: GUSTAVO GONZALEZ

GRANTEE'S ADDRESS: 19110 Brannan Bluff, San Antonio, TX 78258

CONSIDERATION: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration (cash).

PROPERTY:

The West One-Half of Lot Five (W/2 of 5), Block Five (5), McBryde Acres, an addition to the City of Kingsville, Kleberg County, Texas, as shown on map or plat of record in Envelope 47, Map Records of Kleberg County, Texas. Aka 1100 E. Ave. B, Kingsville, Texas 78363

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

Easements, rights-of-way, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, other than liens and conveyances, that affect the property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; and encroachments or overlapping of improvements; taxes for the current year, the payment of which Grantee assumes, zoning laws, regulations and ordinances of municipal and other governmental authority, if any, affecting the property.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

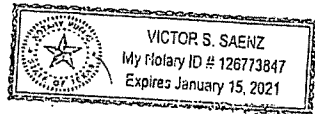
When the context requires, singular nouns and pronouns include the plural.

  
JUANITA L. YDROGO

(Acknowledgment)

THE STATE OF TEXAS  
COUNTY OF KLEBERG

This instrument was acknowledged before me on the 16 day of May, 2019 by JUANITA L. YDROGO.



*Victor S. Saenz*  
NOTARY PUBLIC, STATE OF TEXAS

PREPARED IN THE LAW OFFICE OF:  
Michael J. Shelly, P.C.  
Attorney at Law  
5102 Holly Rd., Suite A  
Corpus Christi, Texas 78411

AFTER RECORDING RETURN TO:  
S&S ABSTRACT AND TITLE CO  
801 East Kleberg  
Kingsville, TX 78363

## PLANNED UNIT DEVELOPMENTS (PUD)

### FOOTNOTE(S):

--- (5) ---

**Editor's note—** Ord. 2014-23, § 1, passed April 23, 2014, amended the Planned Unit Developments (PUD) division in its entirety to read as herein set out. The former Planned Unit Development (PUD) division, §§ 15-6-55—15-6-61, pertained to similar subject matter. See Code Comparative Table for complete derivation.

Sec. 15-6-55. - Planned unit development districts.

- (A) *Statement of intent*—Each of the zoning districts set forth and permitted in the Land Use Chart shall have a separate and distinct counterpart known and herein referred to as a "planned district". A "planned district" shall be for the purpose of permitting and regulating the uses permitted in the "equivalent district" and further provide for and encourage latitude and flexibility in the location of buildings, structures, roads, drives, variations in yards, open spaces, etc., which are subsequent to approval by local officials. The result is to allow development of tracts of land to their fullest extent and at the same time observe the general intent and spirit of these regulations. The purpose of this district is to also provide for and encourage the appropriate grouping of buildings to reduce vehicle trips, maximize open space, and for the beautification of the district. In general, (1) the height and bulk of buildings, (2) the amount of open space, (3) the concentration of people and traffic, and (4) the parking and loading requirements shall be equal to those in the corresponding district. The uses permitted shall be the same as in the "equivalent district".

Variations and departures from normal requirements may, however, be permitted. Each building face need not face a public street and more than one main building may be located on a lot. Buildings may be constructed on platted tracts which are smaller than the minimum lot size requirements where other adjacent permanent open space is provided. Buildings may be grouped in clusters or around courts and may be served by private drives in lieu of public streets. Buildings may be located closer to lot lines than otherwise permitted provided such buildings are architecturally suitable for such a relationship to adjoining buildings or property. The Planned Unit Development Districts shall be as follows:

Planned District	Equivalent District
RP-1	R-1
RP-2	R-2
RP-3	R-3
RP-4	R-4
CP-1	C-1
CP-2	C-2

CP-3	C-3
CP-4	C-4
IP-1	I-1
IP-2	I-2

(Ord. 2014-23, § I, passed 4-23-2014)

Sec. 15-6-56. - Procedure for rezoning property to a planned unit development.

- (A) A tract of land may be zoned to a Planned Unit Development by the City as provided in Section 15-6-4, or upon application by the owner or his/her agent with approval of a Conceptual Development Plan for the tract. A City-initiated Planned Unit Development zone need not be accompanied by a Conceptual Development Plan. The applicants, other than the City, for a Planned Unit Development zone change, or a developer intending to build on a tract of land zoned as a Planned Unit Development shall prepare and submit to the Planning and Zoning Commission a Conceptual Development Plan containing the following elements:
- (1) The boundaries of the tract to be zoned and the area adjacent for a distance of not less than 500 feet.
  - (2) The existing and proposed topography. Contours shall not exceed ten foot intervals and shall be on a plan at a scale of one inch equals 100 feet or larger. The proposed topography shall be clearly delineated on the plan.
  - (3) The proposed location and arrangements of buildings, structures, lots, parking areas, open space, recreational space, existing and proposed streets, drives and other public ways, public property, drainage, landscaping and other features of the proposed development.
  - (4) Sufficient approximate dimensions to indicate the relationship between buildings, streets, drives and property lines.
  - (5) A draft of conditions, covenants and restrictions (CC&R's), easements, associations, and maintenance agreements as well as specifications for ingress/egress to the property and any other legal requirements which will run with the property.
  - (6) Preliminary elevation and plan drawings of proposed buildings which sufficiently depict the architectural theme of the development.
  - (7) Preliminary sign program for nonresidential developments identifying common materials, sizes, heights and locations to be used on signs within the development. The materials used shall be consistent with the architectural theme of the buildings.
  - (8) Other design elements and/or development standards consistent with current trends and regulations as determined by the Director of Planning and Development Services.

(Ord. 2014-23, § I, passed 4-23-2014)

Sec. 15-6-57. - Site plan approval required prior to permitting.

- (A) No permit shall be issued for construction in a Planned Unit Development area unless there has been a site plan approved by the City Commission and a subdivision plat thereof recorded in the

county plat records. Three (3) 24 × 36 and fifteen (15) 11 × 17 prints of the site plan shall be submitted for review by the Director of Planning and Development Services.

(B) The requirement for a new site plan may be waived when:

- (1) The site has been platted for record after receiving the zoning classification which will be utilized for Planned Unit Development; and
- (2) The proposed development is in full compliance with all other Planned Unit Development requirements.

(Ord. 2014-23, § I, passed 4-23-2014)

Sec. 15-6-58. - Submission, hearing and approval.

- (A) The City Planning and Zoning Commission shall hold a public hearing on the Conceptual Development Plan and after such public hearing, the Commission shall either approve, approve with conditions, or disapprove the Conceptual Development Plan. At such time as the Conceptual Development Plan is approved, approved with conditions or disapproved by the City Planning and Zoning Commission, the same plan shall be duly endorsed and forwarded to the City Commission for final action. The procedures for noticing and holding a public hearing for a Conceptual Development Plan shall be the same as specified in Section 15-6-4 of this code. The Conceptual Development Plan is in addition to, not in substitution of, the required statutory rezoning process.
- (B) In reviewing Conceptual Development Plans for a Planned Unit Development district, the City Planning and Zoning Commission shall consider the following:
  - (1) Topography; to ensure the site is suitable for development, and buildings are located and arranged in appropriate areas.
  - (2) Parking; to ensure the proposed development contains an adequate amount of parking and is located in an appropriate area. Generally, the parking should conform to the required number of parking appropriate to the development type as contained in Section 15-6-106 and 15-6-107. The City Planning and Zoning Commission may allow a deviation from these parking requirements should the applicant show an adequate amount of parking exists.
  - (3) Setbacks; to ensure buildings provide for adequate light, air, and privacy protection by providing appropriate proportion between buildings, and adequate separation between buildings and adjoining properties.
  - (4) Architecture; to ensure the architectural theme is compatible and consistent throughout the project and is reasonably compatible with surrounding developments.
  - (5) Landscaping; to ensure the development provides adequate landscaping to provide a pleasant environment, to enhance the building's appearance and to ensure existing significant trees are adequately protected.
  - (6) Site plan; to ensure the location and arrangement of buildings, signs and other structures are appropriate for the site, existing and proposed streets, drives and public ways are arranged appropriately and to ensure site drainage has been adequately addressed.
  - (7) Any other feature or issue associated with the state zoning and planning enabling legislation or the comprehensive/master plan for the City of Kingsville for which the City Planning and Zoning Commission feels is appropriate and relevant to the development of the site to ensure appropriate and attractive development of the proposed site.
- (C) Prior to approving a Conceptual Development Plan for the purposes of this section, the City Commission shall make the following findings:
  - (1) that the Planning and Zoning Commission and the City Commission have reviewed the Conceptual Development Plan with consideration of the issues contained in Subsection (B) of this section; and

- (2) that the Conceptual Development Plan is in conformance with the Master Plan and other plans adopted by the city and/or appropriate sections of the Code of Ordinances; and
  - (3) that the Conceptual Development Plan provides for an organized and unified system of land use intensities which are compatible with the surrounding areas; and
  - (4) that the proposed development adequately protects the health, safety and general welfare of future and existing residents and property owners in and around the development.
- (D) Upon final approval of the Conceptual Development Plan and the zoning (or rezoning) of the tract by the City Commission, as required by law, building permits may be issued. Conformance with the approved Conceptual Development Plan and all supporting documentation is mandatory. Substantial deviation from the Plan shall require resubmittal to the City Planning and Zoning Commission and City Commission in the same manner as the original zoning procedure.
- (Ord. 2014-23, § 1, passed 4-23-2014)

**Cross reference—** Penalty, see § 15-6-999.

Sec. 15-6-59. - Coordination of planned unit development application with subdivision approval.

- (A) In order to fully implement flexible zoning techniques such as Planned Unit Development and cluster zoning, applicants shall be required to submit applications for subdivision review simultaneously with applications for zoning approval. Depending upon the size and location of the proposed development, such applications shall conform to either the administrative or major subdivision application requirements of the subdivision regulations (Section 15-3-1 through 15-3-109).
- (B) Where the zoning ordinance authorizes Planned Unit Developments, which:
  - (1) permits the use of land and density of structures to differ from that allowed as of right, and;
  - (2) involves the subdivision of land, whether residential or non-residential;

such development shall obtain subdivision approval by the City Planning and Zoning Commission and City Commission in addition to all other procedures and approvals required by the zoning ordinance. Regardless of whether applicable zoning procedures also require City Planning and Zoning Commission and City Commission approval, review or recommendation.

(C) *Procedure.*

- (1) When a Planned Unit Development application is submitted that also involves the subdivision of land, the application shall first be submitted to the Director of Planning and Development Services or his/her designee.
- (2) The application for subdivision approval shall be made in the form of a sketch plat, containing, in addition to all of the requirements of the zoning ordinance, the following information:
  - a. Legal description of the property proposed to be subdivided;
  - b. Name of the proposed subdivision and shall be clearly labeled "Planned Unit Development Site Plan.";
  - c. Date, scale, North arrow;
  - d. Property owner's name and address;
  - e. Description of all existing covenants, liens and encumbrances;
  - f. Name, address and seal or registration number of licensed engineer, architect or surveyor who has prepared the sketch plat;
  - g. Location of property lines;
  - h. Existing or platted easements, rights-of-way, streets or other public ways;

- i. Masses of trees or individual trees of eight inches or more in diameter, measured four feet above ground level;
  - j. Names of adjoining landowners within 200 feet of any perimeter boundary of the proposed subdivision;
  - k. Location, sizes, elevations and slopes of existing sewers, water mains, culverts and other underground structures within the boundaries of the proposed subdivision and immediately adjacent thereto;
  - l. Existing permanent buildings;
  - m. Utility poles and utility rights-of-way on or immediately adjacent to the property proposed to be subdivided;
  - n. Approximate topography, at the same scale as required for a preliminary plat;
  - o. Approximate location and width of all proposed streets within and abutting the proposed subdivision;
  - p. Preliminary proposals for connections with existing water supply and sanitary sewerage systems and preliminary proposals for collecting and discharging surface water drainage;
  - q. Approximate location, dimensions and area of all proposed or existing lots;
  - r. Approximate location, dimensions and area of all parcels of land proposed to be set aside for park or playground use or other public use;
  - s. Vicinity map showing all streets and the general development pattern and land uses of the surrounding area at a scale of 1" = 100';
  - t. Zoning district boundaries of all property 200 feet of the proposed subdivision;
  - u. If the sketch plat covers only a part of the applicant's contiguous holdings, the applicant shall submit, at a scale of no more than 1" = 200', a sketch in pen or pencil of the proposed subdivision area, together with its proposed street systems and an indication of the probable future street, drainage and utility system for the remaining portion of the tract.
- (3) The Planning and Development Services Director shall refer the application and sketch plat to the City Planning and Zoning Commission for preliminary review and approval. The City Planning and Zoning Commission shall review all aspects of the application as are required by these regulations and the zoning ordinance.
- (4) The City Planning and Zoning Commission shall forward its recommendation on the application to the City Commission. Action shall first be taken on the zoning application. If the zoning request is granted, the applicant shall prepare a preliminary plat as described in Section 15-3-16 of the subdivision regulations and shall then follow the remaining subdivision procedures described therein, including review by the City Planning and Zoning Commission and the City Commission.

(Ord. 2014-23, § I, passed 4-23-2014)

**Cross reference—** Penalty, see § 15-6-999.

Sec. 15-6-60. - Emergency provisions within planned unit development districts.

(A) Emergency provisions and access shall be provided to each principal building by:

- (1) A street or public alley; or
- (2) A private way, alley or paved place, delineated on an approved subdivision plat conforming to the requirements of Tex. Loc. Gov't Code, §§ 212.001 et seq. Access may also be provided by an emergency access easement approved by the City Planning and Zoning Commission and

recorded in the Kleberg County Deed Records, provided that where access is not available by a street, alley, place or recorded easement; and recorded easement access is planned, construction permits may be issued and construction may proceed but certificate of occupancy shall not be issued until the required emergency access easements are approved by the City Planning and Zoning Commission and filed for record in the Kleberg County Deed Records. Emergency access easements shall be not less than 50 feet in width, the boundaries shall be distinctly and permanently marked on the ground and the entrances shall be permanently marked by signs not less than two square feet nor more than four square feet in face area.

(B) The paved width of any emergency access easement may be reduced to, but not below, 30 feet provided that curbs shall not exceed five inches in height and further provided that there shall be no obstructions which will interfere with the use of the full 50 foot width of the easement by emergency vehicles and their appurtenances. Turnarounds with a radius of 50 feet and paved diameter of at least 60 feet shall be provided on all dead-ends.

(C) Fire hydrants shall be provided and placed to city specifications.

(Ord. 2014-23, § I, passed 4-23-2014)

**Cross reference—**Penalty, see § 15-6-999.

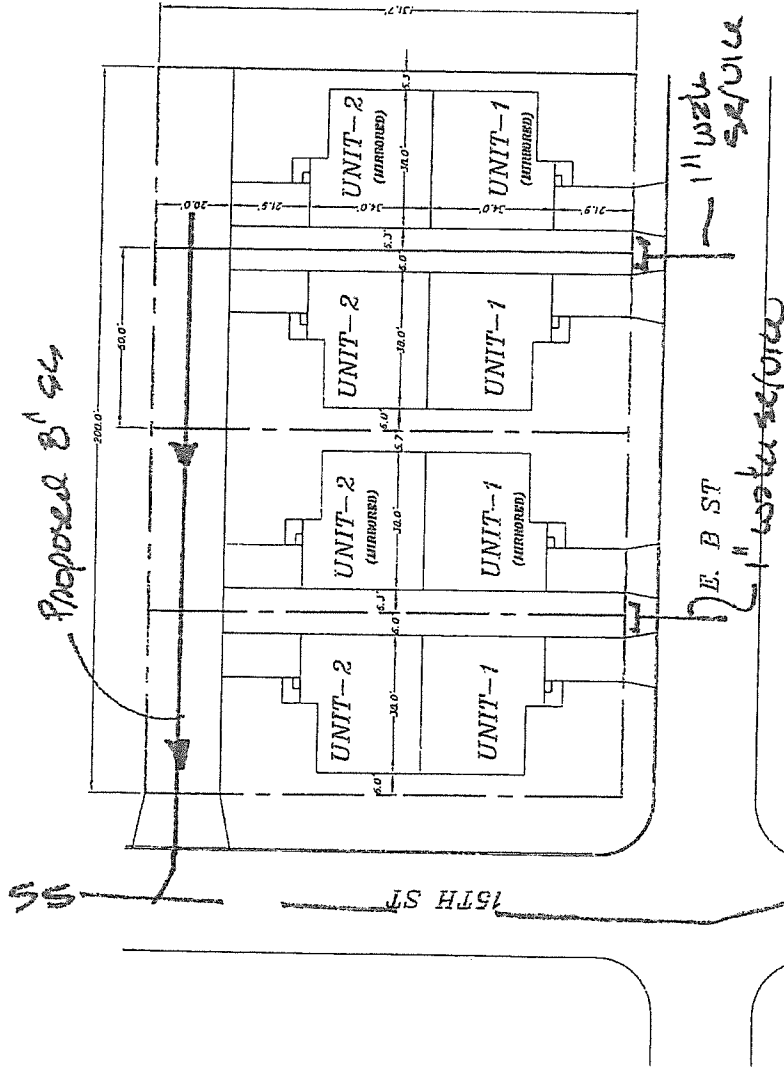
Sec. 15-6-61. - Requests not scheduled for hearing.

Requests for Planned Unit Development status that fail to supply the site plan information required (§ 15-6-56(A)) shall not be scheduled for a hearing.

(Ord. 2014-23, § I, passed 4-23-2014)

Secs. 15-6-62—15-6-69. - Reserved.

# Conceptual Development Plan



LOCATION MAP

ADDRESS: 1100 E.B. ST.  
PROPERTY ID: 23711

EXISTING ZONING: R1 SINGLE-FAMILY DISTRICT  
PROPOSED ZONING: R2 PUD

ACREAGE: 0.6067 ACRES

PROPOSED DEVELOPMENT:

FOUR LOTS WITH DUPLEX UNITS.  
APPROXIMATELY 1200 SF EACH SIDE WITH REAR  
UNITS HAVING ENTRANCE IN THE REAR  
TREES OUTSIDE THE FOOTPRINT WILL BE  
SAVED.

MATERIALS: CEMENT HARDY PLANK ALL SIDES  
WITH 3-TAB 15 YEAR SHINGLES

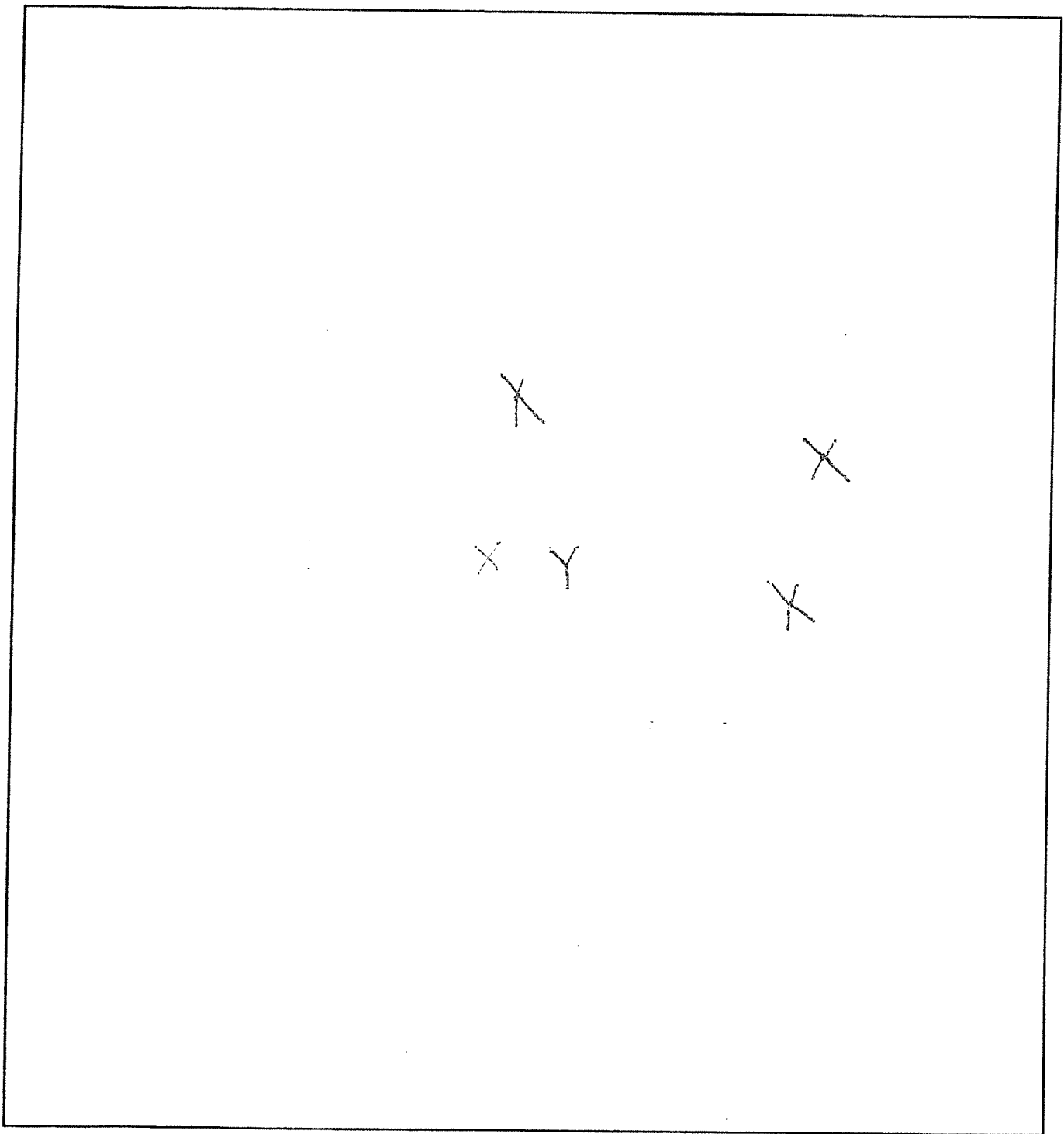
G/E Reeves Engineering  
5250 Callaghan Road  
San Antonio, Texas 78228  
Ph: (210) 490-4506 Fax: (210) 490-4812



(FIRM NO. F-4861)

Let's W/2.5 \_\_\_\_\_ Block 5 \_\_\_\_\_ H.C. MCBRYDE Scale 1"=30'  
Addition or Substitution SUB \_\_\_\_\_  
Volume 309.341, Page PAGE \_\_\_\_\_ of the REC \_\_\_\_\_ records of KLEBERG County, Texas.  
Owner OWNER \_\_\_\_\_  
Address 1100 E.B. ST \_\_\_\_\_ of the CF \_\_\_\_\_

JOB NO. 19-0325

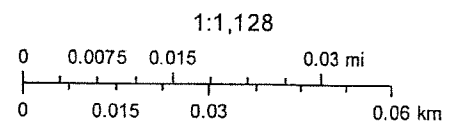


July 15, 2019

X-RI 2000g

Y-100 E 100 B

Property ID 27711



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

Center, from 11:30 a.m. to 12:30 p.m., Monday through Friday.

The following is the menu for the week of July 22-26. Menu may change without notice.

Monday: Chicken tetrazzini, sliced carrots, zucchini and tomatoes, peach and pineapple cups and wheat bread.

cabbage polonaise, fruit cocktail with mandarin oranges and hamburger buns.

Thursday: Pork stew, creole green beans, whole kernel corn, ambrosia fruit and biscuit.

Friday: Deviled chicken salad, marinated garden salad with penne pasta, spinach cheese salad, fruit salads and wheat crackers.

For more information, call (361) 595-8572.

## Sentencing

ment after a crime spree that lasted from Jan. 11 to Jan. 15.

According to the statement from Hubert, on Jan. 1, Collins used a firearm to threaten a taxi cab driver.

"The victim stated that the defendant threatened to 'blow off' her head, and she said that she saw the firearm, which was partially hidden in the defendant's

hoodie, and described the firearm," Hubert said.

On Jan. 15, Collins robbed a Kingsville resident in his home, during which the man was injured. Hubert said the resident later identified the defendant when he saw Collins' face on a newscast.

Collins also stole a lawnmower from the City of Kingsville on Jan. 14.

Collins had previously been released on Jan. 4, 2019 on parole from state prison relating to three burglary charges from Nueces County in 2016.

"This defendant continued to be a threat to the community. Sending him to prison for 20 years made our community safer," Hubert said.

## PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, August 7, 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:

**Ivan Luna, authorized agent, Gustavo Gonzalez, owner, requesting the rezone of MCBRYDE AC, BLOCK 5, LOT W/2 5 also known as 1100 E Ave B, Kingsville, Texas from R1 (Single Family) to RP2 (Planned Two-Family Residential 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, August 12, 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:

**Ivan Luna, authorized agent, Gustavo Gonzalez, owner, requesting the rezone of MCBRYDE AC, BLOCK 5, LOT W/2 5 also known as 1100 E Ave B, Kingsville, Texas from R1 (Single Family) to RP2 (Planned Two-Family Residential 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.

g  
n  
ll  
  
JL  
le,  
  
elen  
t the  
002.

# Obituaries

## Jesse Marcus Estes

Jesse Marcus "Mac" Estes, 71, of Santa, died Friday, July 12, 2019.

He is survived by his wife of 23 years, Lesley Estes, along with four children: Eric, Jr., David, Jesse, Verney, and Emily; his parents, Ed and Mary; his brother, David; and his sister, Lesley. He was preceded in death by his father, Lesley Estes, and his mother, Mary Estes.

Mr. Estes was a member of the Kingsville Baptist Church. He was a member of the Kingsville Baptist Church. He was a member of the Kingsville Baptist Church.

Mr. Estes was a member of the Kingsville Baptist Church. He was a member of the Kingsville Baptist Church.

Mr. Estes was a member of the Kingsville Baptist Church. He was a member of the Kingsville Baptist Church.



Jesse Marcus Estes

## Julia Smith Evans

Julia Smith Evans died at her home on July 12, 2019, at the age of 83, surrounded by her family. She was born in Alameda, N.C., on Sept. 29, 1935, to James and Amanda Green Smith.

Julia was a military spouse for over 25 years, living in Europe, Asia and several states. She was also a pre-K teacher at Japan and Texas for many years. She retired from Bishop on Aug. 25, 2014.

She was preceded in death by her father, James Smith; her mother, Amanda Green Smith; her brother, David Green Smith; and her sister, Lesley Green Smith.

Julia is survived by her husband of 63 years, Lesley Evans; two sons, Jeffrey Evans, III of Bishop and Phillip Evans of Bryan;



Julia Smith Evans

Phonix, Ariz.; one brother, Ernest Smith, Washington of Longfellow, N.Y.; five grandchildren, and one great-grandchild. Visitation will be held on Friday, July 19, 2019, from 8 p.m. to 9 p.m. at the Kingsville Baptist Church. Burial services will be held on Saturday, July 20, 2019, at 11 a.m. at King Star Baptist Church. Services will conclude at the church.

## Maria Garcia Loera

Maria Trinidad Garcia Loera, 74, of Kingsville died on July 12, 2019, in Beeville.

She was born on Aug. 3, 1945, in Kingsville to La and Esperanza Garcia.

She was a retired from...

She was preceded in death by her brothers, Rodolfo A. Garcia, Francisco A. Garcia, Eduardo Garcia, Pedro Garcia, and Trinidad Garcia; and her sister, Rosa A. Garcia.

Survivors include two daughters, Julia Garcia, San Antonio, and Guadalupe Garcia, Corpus Christi; one son, David Garcia, Corpus Christi; one brother, Jose Garcia, Corpus Christi; one sister, Patricia Garcia, Corpus Christi; and numerous nieces and nephews.

A graveside service was held on Tuesday, July 16, 2019, at Santa Gertrudis Memorial Cemetery, with Deacon Raul Rojas officiating.



Maria Garcia Loera

Visitation was held on Tuesday, July 16, 2019, at Ramirez-Salinas Funeral Home. A graveside service was held on Tuesday, July 16, 2019, at Santa Gertrudis Memorial Cemetery, with Deacon Raul Rojas officiating.

## Santos Maria Rangel

Santos Maria Rangel, 74, a resident of Killeen, Texas, died July 13, 2019, in San Antonio. She was born on Aug. 20, 1949, in Kingsville to Leopoldo and Maria Rangel.

She was a former teacher. Survivors include one daughter, Nilda Colon of Killeen; one son, Omar Rangel of Killeen; one sister, Patricia Rangel of Killeen; one brother, David Rangel of Killeen; and numerous nieces and nephews.

A cremation and a private graveside service were held at Collins Cemetery in Allen.



Santos Maria Rangel

Arrangements were under the direction of Ramirez-Salinas Funeral Home.

## Rolando Salinas

Rolando A. Salinas, 67, a resident of Kingsville, died July 11, 2019, in Kingsville.

He was born on Aug. 21, 1951, in Kingsville to Rogelio and Rosa Salinas.

He was a retired laborer. He was preceded in death by two brothers and four sisters.

Survivors include one son, Rolando Salinas Jr., of Corpus Christi; one daughter, Christy Salinas of Corpus Christi; four brothers, Carlos Salinas, Rogelio Salinas, and Arnold (Oscar) Salinas, all of Kingsville; and one sister, Maria Salinas, of Kingsville.

Visitation and Rosary were held on Wednesday, July 17, 2019, at Ramirez-Salinas Funeral Home. A graveside service will be held on Thursday, July 18, 2019, at 10:30 a.m. at Santa Gertrudis Memorial Cemetery, with Deacon Raul Rojas officiating.

several grandchildren and numerous nieces and nephews.

Visitation and Rosary were held on Wednesday, July 17, 2019, at Ramirez-Salinas Funeral Home.

A graveside service will be held on Thursday, July 18, 2019, at 10:30 a.m. at Santa Gertrudis Memorial Cemetery, with Deacon Raul Rojas officiating.



Rolando Salinas

## TOOTH TIPS by Charles A. Clements, D.D.S. MASTER IN THE ACADEMY OF GENERAL DENTISTRY

### Lasers Versus Drills

Dental lasers, that is "hard-tissue" dental lasers, can be used to prepare teeth for the filling of cavities just like a drill. The standard air turbine drill, developed in the 1950's, is still the major tool in use because it is so versatile. We still need it when removing old fillings and larger cavities, and in preparing teeth for crowns and bridges.

Anesthetic is nearly always needed for these procedures, but dental lasers can often reduce or eliminate the need for "shots." That means less or no numbness after your dental visit. The laser light energy also helps kill bacteria in the cavity preparation. The laser is especially useful for cavities located at the gumline or on the tooth root because, as it cuts, it seals up tiny blood vessels in the gums, unlike the drill. So what's the bottom line? Lasers can mean less or no "shots", less bleeding and no drill noise... If your treatment can be performed using a laser, if you have questions, don't hesitate to call us.



(361) 592-5248

www.KingsvilleDentist.com  
325 General Garza Blvd. Kingsville, Texas 78603

## PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, August 7, 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:

Fernando Moreno, owner and applicant, requesting the rezoning of MCBRYDE AC, BLOCK 2, LOT W/2 2, W 50' E/2 2, ACRES .6887 also known as 1200 N 15th St, Kingsville, Texas from C4 (Commercial District) to R1 (Single-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, August 12, 2019, at 6:00 p.m. wherein the City Commission will discuss the introduction of the following item and at which time all interested persons will be heard:

Fernando Moreno, owner and applicant, requesting the rezoning of MCBRYDE AC, BLOCK 2, LOT W/2 2, W 50' E/2 2, ACRES .6887 also known as 1200 N 15th St, Kingsville, Texas from C4 (Commercial District) to R1 (Single-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.

## Senior Citizen menu

### Submitted Item

The Kleberg County Senior Citizen cooperative dining menu is served at the Senior Center located at 1109 E. Santa Gertrudis in Kingsville, Texas, on Wednesdays and Fridays, from 11:30 a.m. to 12:30 p.m., Monday through Friday.

The following is the menu for the week of July 22-26. Menus may change without notice.

Monday: Chicken tetrazzini, sliced carrots, ranchitos and tomatoes, peach and pineapple cups and wheat bread.

Tuesday: Chicken fajitas with grilled vegetables, refried beans, shredded lettuce and tomato, fruit salad and wheat bread.

Wednesday: Stuffed peppers, ranchitos, beans, vegetable primavera, fruit cocktail with mandarin oranges and hand-squeezed lemon.

Thursday: Pork chops, crock pot green beans, whole kernel corn, shredded fruit and instant.

Friday: Deviled chicken salad, marinated garden salad with prime pasta, spinach, cheese salad, fruit salad and wheat crackers.

For more information, call (361) 595-8372.

## Sentencing

Just after a crime spree that lasted from Jan. 11 to Jan. 15, according to the state, an inmate from Houston, on Jan. 11, Collins used a firearm to threaten a man at a drive-in.

The victim stated that the defendant threatened to "blow off" his head, and (S) said that she saw the firearm, which was partially hidden in the defendant's hoodie, and described the firearm," Hubert said.

On Jan. 15, Collins robbed a Kingsville resident in his home, during which the man was injured. Hubert said the resident later identified the defendant, which is why Collins faces a new charge.

Collins also stole a lawnmower from the City of Kingsville on Jan. 11.

Collins had previously been released on Jan. 1, 2019, on parole from state prison relating to three burglary charges from Success County in 2016.

"This defendant continued to be a threat to the community. Sending him to prison for 20 years made our community safer," Hubert said.

## PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, August 7, 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:

Ivan Luna, authorized agent, Gustavo Gonzalez, owner, requesting the rezoning of MCBRYDE AC, BLOCK 5, LOT W/2 5 also known as 1100 E Ave B, Kingsville, Texas from R1 (Single Family) to RP2 (Planned Two-Family Residential 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, August 12, 2019, at 6:00 p.m. wherein the City Commission will discuss the introduction of the following item and at which time all interested persons will be heard:

Ivan Luna, authorized agent, Gustavo Gonzalez, owner, requesting the rezoning of MCBRYDE AC, BLOCK 5, LOT W/2 5 also known as 1100 E Ave B, Kingsville, Texas from R1 (Single Family) to RP2 (Planned Two-Family Residential 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 MCBRYDE AC, BLOCK 5, LOTS W/2 5, ALSO KNOWN AS 1100 EAST AVENUE B, KINGSVILLE, TEXAS, FROM R1 (SINGLE FAMILY DISTRICT) TO RP2 (PLANNED TWO-FAMILY RESIDENTIAL 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 Ivan Luna, authorized agent, for Gustavo Gonzalez, owner, for amendment to the zoning ordinance and zoning map of the City of Kingsville;

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, August 7, 2019 during a meeting of the Planning and Zoning Commission, and on Monday, August 12, 2019 during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

**WHEREAS**, the item was APPROVED with a 5-0 vote of the Planning Commission regarding the requested rezone with no abstentions; and

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

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

**SECTION 1.** That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of McBryde Ac., Block 5, Lot W/2 5, also known as 1100 East Avenue B from R1-Single Family District to RP2-Planned Two-Family Residential 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 12th day of August, 2019.

**PASSED AND APPROVED** on this the \_\_\_\_\_ day of August, 2019.

Effective Date: \_\_\_\_\_

**THE CITY OF KINGSVILLE**

\_\_\_\_\_  
Sam R. Fugate, Mayor

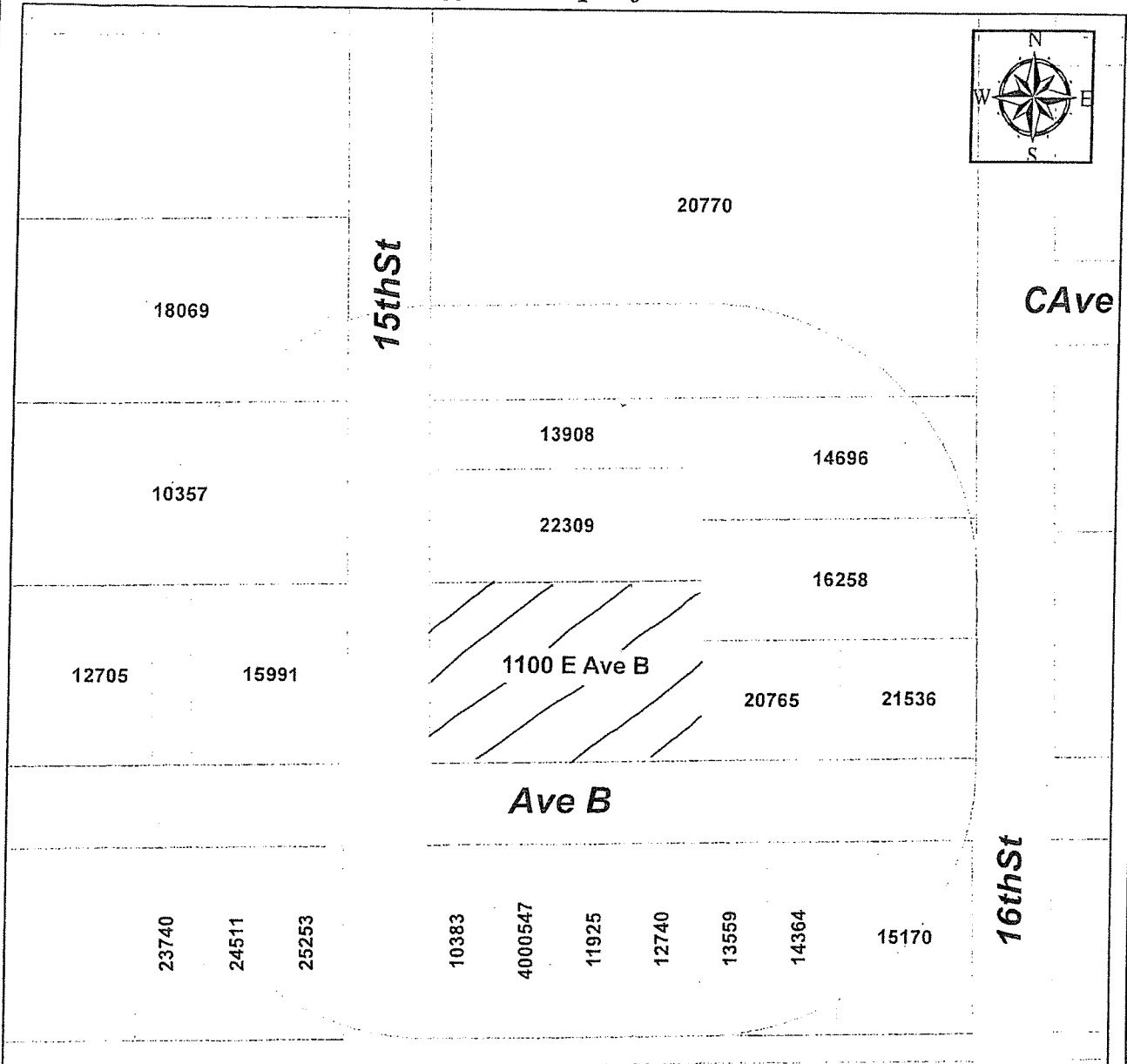
**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# 200 ft Buffer Map of 1100 E Ave B



0 30 60 120 180 240 Feet

## Legend

1100 E Ave B

200 Ft Buffer

AAve

Drawn By:  
Planning Department  
Last Update: 7/17/2019  
Note:

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

CITY OF KINGSVILLE  
PLANNING DEPARTMENT  
410 West King  
Kingsville, Texas 78363  
Office: 361-595-8053

## **AGENDA ITEM #9**

**City of Kingsville  
Parks & Recreation Department**

**TO:** Mayor and City Commissioners

**CC:** Deborah Balli, Interim City Manager

**FROM:** Susan Ivy, Parks Director

**DATE:** July 12, 2019

**SUBJECT:** Agenda Request – Approve Revised Interlocal Agreement between City of Kingsville and Texas A&M Kingsville for use of L.E. Ramey Golf Course facilities by the Women’s Golf Team

---

**Summary:** We are asking that City Commission approve a revised Interlocal Agreement between City of Kingsville and Texas A&M Kingsville for the use of L.E. Ramey Golf Course facilities by the Women’s Golf Team.

**Background:** In January 2017 the City of Kingsville entered into an Interlocal Agreement with Texas A&M Kingsville for the use of the L.E. Ramey Golf Course facilities by the Women’s Golf Team. In this contract it was authorization was given to use the facilities but no clear communication in the document as to any fees associated with their use was made. We are proposing a revised document stating that fees would be set for Team players at \$35.00 per player per month and an annual locker fee of \$180.00 each. They are required to leave 2-3 lockers available for public patrons and the locker room must be accessible by female patrons as well.

**Financial Impact:** No increase or decrease in financial impact is created by the revision of this agreement.

**Recommendation:** We ask that Commission authorize the revision of the Interlocal Agreement between City of Kingsville and Texas A&M Kingsville for the use of L.E. Ramey Golf Course facilities by the Women’s Golf Team



**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 along with the addition of paragraphs U, V, and W; 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  
\_\_\_\_ 12<sup>th</sup> \_\_\_\_ day of \_\_\_\_ August, 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.
- D. To cover the expense of use of lockers and use of the course properties, TAMUK will pay City the rate for such usage according to the fee scheduled adopted via ordinance by the Kingsville City Commission as amended from time to time.

### 3. TERM.

- A. This Agreement shall be for a term of two years from August 12, 2019 through August 11, 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: Jacob W. Flournoy  
Vice President for Finance & Chief Financial Officer  
700 University Blvd. MSC 144  
Kingsville, Texas 78363-8202  
Telephone: (361) 593-2410  
Email: Jacob.Flournoy@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.

U. Conflict of Interest: By executing and/or accepting this agreement, City and each person signing on behalf of City certifies, and in the case of a sole proprietorship, partnership or corporation, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of their knowledge and belief, no member of The Texas A&M University System ("TAMUS") or

TAMUS Board of Regents, nor any employee, or person, whose salary is payable in whole or in part by Texas A&M or TAMUS, has direct or indirect financial interest in the award of this Agreement, or in the services to which this Agreement relates, or in any of the profits, real or potential, thereof.

V. Prohibition on Agreements with Companies Boycotting Israel: Pursuant to Chapter 2270, *Texas Government Code*, City certifies City (1) does not currently boycott Israel; and (2) will not boycott Israel during the Term of this Agreement. City acknowledges this Agreement may be terminated and payment withheld if this certification is inaccurate.

W. Certification Regarding Business with Certain Countries and Organizations: Pursuant to Subchapter F, Chapter 2252, *Texas Government Code*, City certifies City is not engaged in business with Iran, Sudan, or a foreign terrorist organization. City acknowledges this Agreement may be terminated and payment withheld if this certification is inaccurate.

**EXECUTED** by Texas A&M University – Kingsville on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jacob W. Flournoy  
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 #10**

**City of Kingsville  
Planning Department**

---

**TO:** Mayor and City Commissioners  
**CC:** Deborah Balli, Interim City Manager  
**FROM:** Cynthia Martin, Downtown Manager  
**DATE:** August 2, 2019  
**SUBJECT:** Façade grant for 224 W King Ave. *cm*

---

**Summary:** Mr. Albert Garcia has applied for a façade grant for a new canopy on his building at 224 W King Ave.

**Background:** Mr. Garcia recently restored the façade on his building at 224 W King Ave. and now wishes to install a fabric canopy over the front entrance and the windows that face onto King. The Historical Development Board approved the canopy as well as the earlier work on the façade and recommend that Mr. Garcia be given a façade grant for the canopy.

**Financial Impact:** The project cost is estimated to cost \$2,966. Mr. Garcia is requesting a grant in the amount of \$2,669 with a 10% match on his part. While façade grants are intended to be a 50-50 reimbursement grant, guidelines allow for "business owners applying for a facade grant for signage and/or certain other façade improvements in the amount of \$5,000 or less, may have their match requirement reduced to as little as 10% at the discretion of the City Commission."

**Recommendation:** It is recommended that City Commission approve a façade grant for the canopy project at 224 W King Ave.



APPLICATION

Project Title: \_\_\_\_\_ Date Prepared: 5/23/2019

Owner: Albert Garcia Phone #: (361) 228-1342

Email Address: firsttx@sbcglobal.net Individual Corporation Nonprofit Other  
(Circle)

Address: 224 W King Ave., Ste A.

Contact (if different): \_\_\_\_\_ Phone #: \_\_\_\_\_

Email Address: \_\_\_\_\_ Individual Corporation Nonprofit Other  
(Circle)

Address: \_\_\_\_\_

Project Location / Address: 224 W King Ave.  
Kingsville, TX 78363

Legal Description: Original Townsite, BIK 49 Lots 27-29

Parcel Number: 16688 Zoning C2

National Register; Texas Landmark; Kingsville Historic Landmark; Contributing Property; Other  
(Circle)

Comment \_\_\_\_\_

Proposed Use: Awnings

Scope of Work: install awnings on building. One over each window and one above two entry doors.

Schedule: \_\_\_\_\_

Contractor(s) South Texas Canvas

Violation history: None

Attach documents that support:

- Legal Description of property, proof of ownership, and other proof of eligibility for grant
- Plans for the façade grant eligible project
- Photographs
- Statements of costs, budget, pro forma and other descriptions of expenses
- Construction schedule
- Authorization for access by City staff and other officials
- Statement of proposed use and timetable for occupancy of property
- Proof of absence of delinquent taxes, fines, fees, liens, claims, etc.
- Additional information when requested

Project Amount \$2996.05

Requested grant amount \$2996.05

Applicant signature [Signature]

**Office Use:**

Date Received \_\_\_\_\_ Acknowledged by \_\_\_\_\_

Meeting Date(s) \_\_\_\_\_

Staff and/or Board and/or Commission actions \_\_\_\_\_

Notice Date(s) \_\_\_\_\_

Comment \_\_\_\_\_

**AGREEMENT**

I have read the guidelines and the application for the City of Kingsville Historic District Façade Improvement Grant Program and have met with City staff and I fully understand the terms and conditions that affect the eligibility and possible awards under that program.

I intend to use any grant awarded to me under that program for the project(s) described in the attached application which I believe meet the intended purposes and limitations of the subject program.

I understand that I, as owner of the property, must meet the standards enumerated, that the project must meet guidelines, that the grant must be approved at the sole discretion of the City of Kingsville, that awards are subject to availability of funds and are further subject to inspections by the Historic Preservation Officer and the City Building Official or their designees.

I understand that disbursements are generally made as reimbursements and are made subject to the rules contained in the program guidelines.

I further understand that certain projects may require deed restrictions and/or a grant of easement, as negotiated in advance.

Address/ Description of Property 224 W. King St

Building Owner Name \_\_\_\_\_

Business Owner Address \_\_\_\_\_

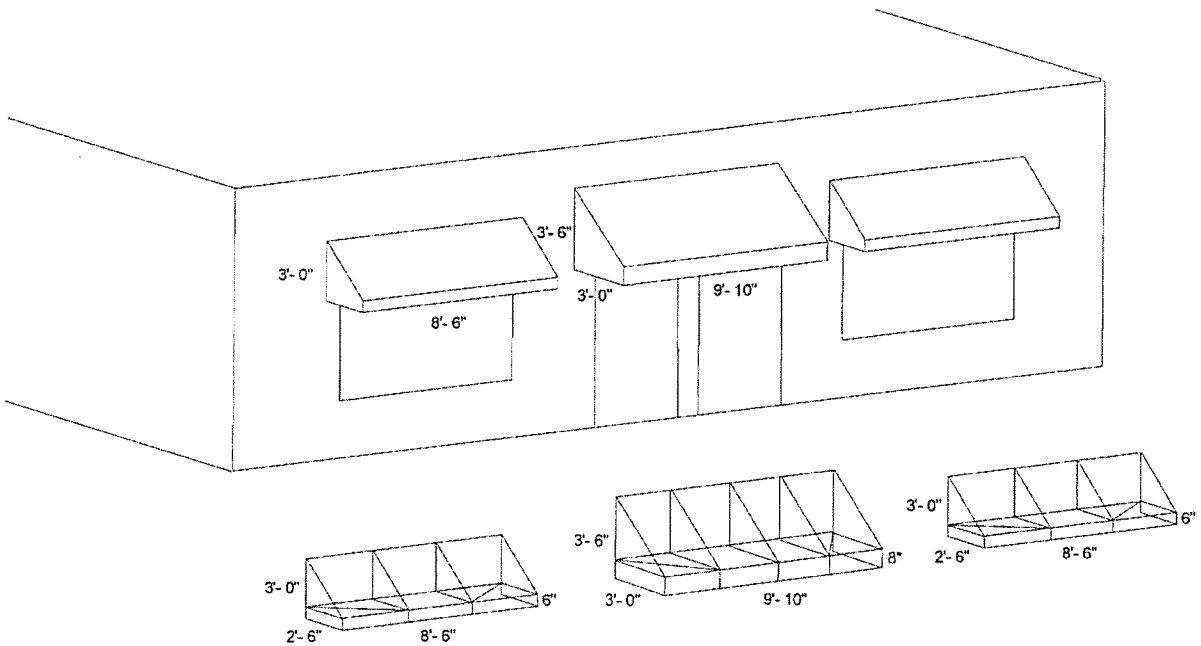
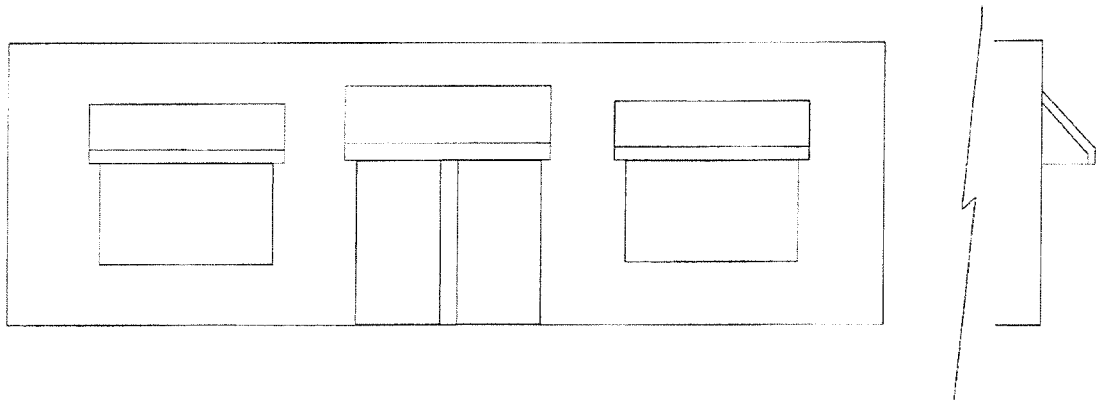
Signature(s) [Signature]

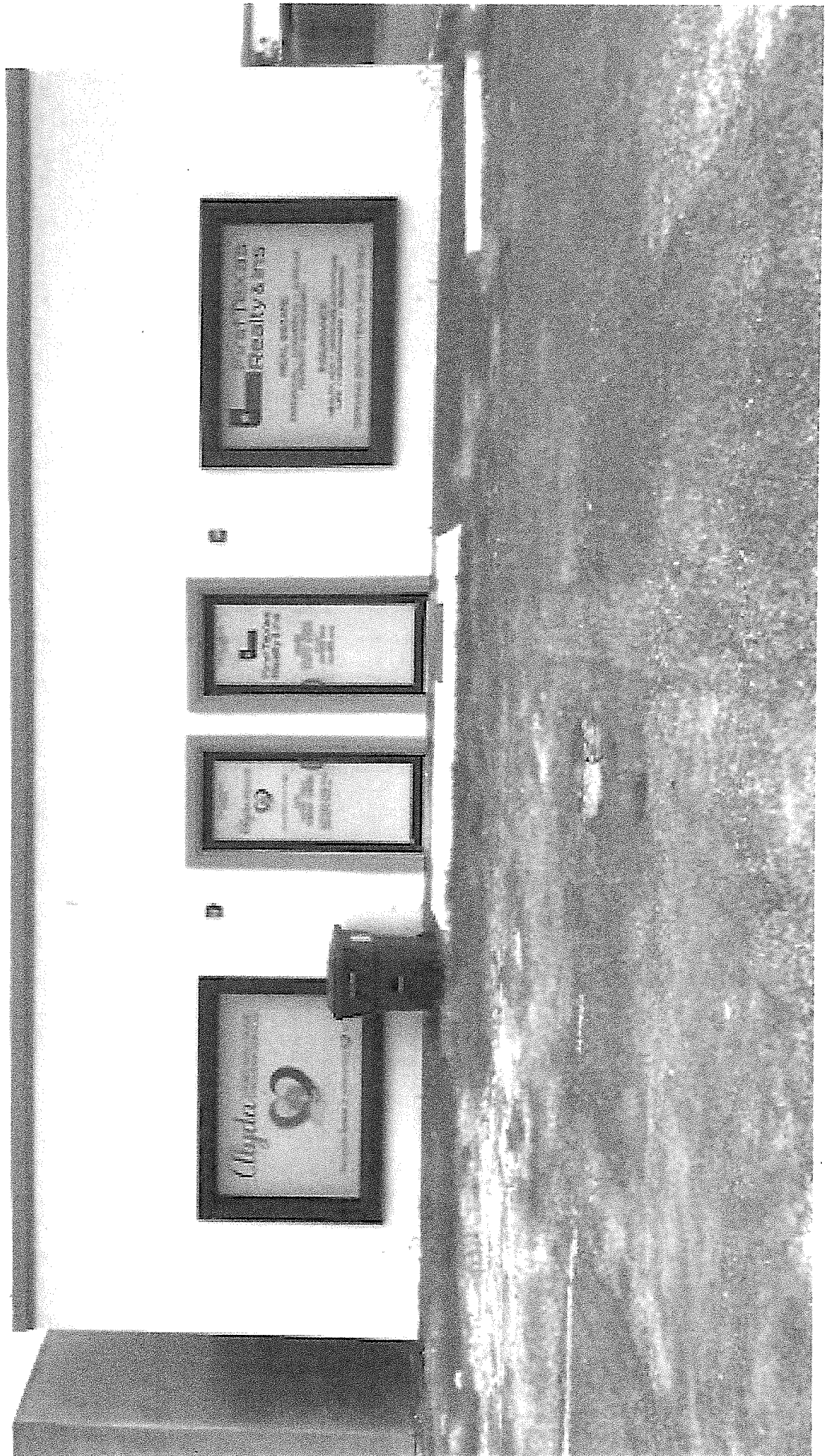
Date \_\_\_\_\_

For the City Cynthia Martin, HPO

Signature Cynthia Martin Date \_\_\_\_\_

Albert Garcia  
224 W. King Ave - Kingsville Tx









## South Texas Canvas

3317 Leopard  
Corpus Christi, Texas 78408

**Customer: Albert Garcia**

**Date: 04-30-19**

**Job Description: Fabricate and install new awnings as per drawing.  
Frame will be welded aluminum tube with Sunbrella fabric  
cover. Permits included.**

<b>Cost:</b>	<b>\$2,740.00</b>
<b>Tax:</b>	<b>226.05</b>
	<hr/>
<b>Total:</b>	<b>\$2,966.05</b>

**Kleberg CAD**

Property Search &gt; 16688 GARCIA ALBERT for Year 2019

Tax Year: 2019

**Property****Account**

Property ID: 16688 Legal Description: ORIG TOWN, BLOCK 49, LOT 27-29, (ALYDA HOME HEALTH/FIRST TEXAS REALTY)

Geographic ID: 100104927000192 Zoning: C2

Type: Real Agent Code:

Property Use Code:

Property Use Description:

**Location**

Address: 224 W KING Mapsco:

TX

Neighborhood: Map ID: C1

Neighborhood CD:

**Owner**

Name: GARCIA ALBERT Owner ID: 41660

Mailing Address: 1243 E YOAKUM AVE % Ownership: 100.0000000000%

KINGSVILLE, TX 78363-4760

Exemptions:

**Values**

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$88,230	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$31,500	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$119,730	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$119,730	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$119,730	

**Taxing Jurisdiction**

Owner: GARCIA ALBERT

% Ownership: 100.0000000000%

Total Value: \$119,730

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
--------	-------------	----------	-----------------	---------------	---------------

# Kleberg CAD - Property Details

Page 2 of 2

CAD	KLEBERG COUNTY APPRAISAL DISTRICT	0.000000	\$119,730	\$119,730	\$0.00
CKI	CITY OF KINGSVILLE	0.830000	\$119,730	\$119,730	\$993.76
GKL	KLEBERG COUNTY	0.781450	\$119,730	\$119,730	\$935.63
SKI	KINGSVILLE I.S.D.	1.518900	\$119,730	\$119,730	\$1,818.58
WST	SOUTH TEXAS WATER AUTHORITY	0.086664	\$119,730	\$119,730	\$103.76
Total Tax Rate:		3.217014			

Taxes w/Current Exemptions: \$3,851.73

Taxes w/o Exemptions: \$3,851.73

## Improvement / Building

Improvement #1: COMMERCIAL State Code: F1 Living Area: 2000.0 sqft Value: \$88,230

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	OF3A	EW1]EW4	1980	2000.0
OP1	OPEN PORCH BASIC (20%)	*		0	30.0
ASP	ASPHALT (100%)	*		1980	7047.0

## Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	F1	F1	0.2410	10500.00	75.00	140.00	\$31,500	\$0

## Roll Value History


Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2019	\$88,230	\$31,500	0	119,730	\$0	\$119,730
2018	\$62,950	\$31,500	0	94,450	\$0	\$94,450
2017	\$62,950	\$31,500	0	94,450	\$0	\$94,450
2016	\$56,980	\$31,500	0	88,480	\$0	\$88,480
2015	\$56,980	\$31,500	0	88,480	\$0	\$88,480
2014	\$56,980	\$31,500	0	88,480	\$0	\$88,480
2013	\$56,980	\$31,500	0	88,480	\$0	\$88,480
2012	\$56,980	\$31,500	0	88,480	\$0	\$88,480
2011	\$56,980	\$31,500	0	88,480	\$0	\$88,480
2010	\$56,980	\$31,500	0	88,480	\$0	\$88,480
2009	\$59,830	\$31,500	0	91,330	\$0	\$91,330
2008	\$59,830	\$31,500	0	91,330	\$0	\$91,330
2007	\$59,830	\$31,500	0	91,330	\$0	\$91,330
2006	\$59,830	\$31,500	0	91,330	\$0	\$91,330
2005	\$59,830	\$31,500	0	91,330	\$0	\$91,330

Questions Please Call (361) 595-5775

3	OT	Other	SHELLEY'S TRAVEL SERVICES INC UNKNOWN	VILLAGE TRAVEL SERVICES INC SHELLEY'S TRAVEL SERVICES INC
---	----	-------	--	--

## Tax Due

Property Tax Information as of 07/22/2019

Amount Due if Paid on: 

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due
------	------------------------	------------------	-------------	-----------------------	-----------------	----------------------------------	------------------	---------------

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

Questions Please Call (361) 595-5775

Website version: 1.2.2.31

Database last updated on: 7/21/2019 8:17 PM

© N. Harris Computer Corporation

## **FAÇADE GRANT PROGRAM GUIDELINES**

### **HISTORIC PRESERVATION AS A TOURISM AND ECONOMIC DEVELOPMENT TOOL FOR KINGSVILLE'S HISTORIC DOWNTOWN**

#### **FAÇADE GRANT PROGRAM CREATED**

Thirty years ago, the City of Kingsville created a Historic District and a Historical Development Board to protect historic resources within the district. In an effort to assist the Historic Development Board with this task consistent with the City Commission goals for historic preservation, tourism and economic development, the City Commission hereby designates and approves a Façade Grant Program, funded, in part or in whole, from Hotel/Motel Tax revenues.

#### **PUBLIC PURPOSE**

The Façade Grant Program Guidelines provide guidance to property owners, City policymakers and City staff concerning the use of Façade Grant awards that will achieve a certain public purpose, namely, the protection and preservation of the City's historic structures in a manner that promotes tourism and encourages economic development. Accordingly, City staff may propose, Historic Development Board may recommend and the City Commission may approve the award of Façade Program grants for certain commercial and/or mixed use properties in furtherance of these public purposes.

#### **ELIGIBLE PARTICIPANTS/APPLICANTS**

Grant awards will be considered for property owners who repair, improve, replace and/or rehabilitate certain building facades or other exterior features. Façade grants will also be considered for property owners who mitigate certain deleterious building conditions, internal or external, structural or non-structural, functional or aesthetic, that threaten the structure's existence, prevent its highest and best use, or otherwise limits its full economic utility.

To be considered eligible, a participant/applicant must be in good legal and financial standing with Federal, State, and Local governments and taxing jurisdictions. The participant/applicant must either have appropriate ownership and control of the property or be leasing the property for business purposes in which case the participant/applicant must be acting with the full knowledge and consent of the property owner. If leasing, the participant/applicant must 1) have written approval for participation in the program from the property owner, 2) have at least two years remaining on the lease and 3) be in good legal and financial standing with the property owner. The participant/applicant must not have any major actual or pending criminal claims or bankruptcy filings. The City shall seek approval from the applicant and the applicant shall provide any and all information that the City deems necessary to assist it in consideration of the Façade Grant Project including, but no limited to, obtaining releases from the applicant for criminal, background, credit and other histories.

Property owners shall not assume they will qualify for Façade Grant Program award until such time as the City Commission has given its final approval of the grant and then only when the applicant meets all Façade Grant criteria including passing all City inspections.

### **ELIGIBLE PROPERTIES**

Eligible properties include properties in the Historic Downtown District that are on the National Register of Historic Places, recorded as a Texas Historic Landmark, or designated as a Kingsville Historic Landmark, a historically significant contributing Property within the Historic District or as otherwise recommended by the Historic Preservation Officer, and/or Historical Development Board or at the City Commission's sole discretion.

### **ELIGIBLE PROJECTS**

Project eligibility considerations can include, but are not necessarily limited to: The historical significance of the building, its potential contribution to the achievement of Commission goals for historic preservation, tourism, development, downtown revitalization and economic development perceived risk vs. reward of the project, property owner resources, funding availability, impact on the immediately surrounding properties and on the Historic District generally.

Façade program grants offered to one property owner shall not obligate the City to make awards to other property owners having similar or dissimilar projects and/or properties. Each façade grant application is reviewed, considered and funded on a case-by-case basis based on merit subject to available funding.

Buildings that are officially designated as historically significant by local, state or federal entities may or may not be given preference. Restoration of storefronts to their historic appearance may or may not be given preference. Restoration work that is not in conformity with local restoration guidelines will be denied access to the façade grant program, unless an exception is made by the City Commission prior to the start of façade improvements.

### **ELIGIBLE EXPENDITURES (mostly or exclusively exterior)**

Eligible project expenditures include, but are not necessarily limited to the following:

- Architectural and engineering fees related to eligible expenses
- Awnings or canopies in character with the building and streetscape
- Cleaning (major)
- Compatible new construction
- Door/window replacement
- Electrical and/or plumbing (major)
- Exterior murals
- Fire escapes
- Foundations
- Gutters
- Landscape and hardscape features
- Lighting that is visually appealing and appropriately illuminates signage, storefront
- Paint
- Preserving or restoring of historical architectural elements
- Recessing or reconfiguring entrances
- Rehabilitation of contributing structures
- Removal/replacement of incompatible exterior finishes or materials
- Removal of false facades and other inappropriate additions
- Restoration of historic signs or ghost signs
- Roofing
- Signs (new, repairs, replacements, removal)
- Other (as determined on a case-by-case basis)

**INELIGIBLE EXPENDITURES (mostly or exclusively interior)**

- Appliances
- Capital equipment purchases
- Cleaning (minor)
- Decorative treatments
- Electrical and or plumbing (minor or incidental)
- Escalators and/or elevators
- Furniture
- Government fees
- HVAC systems
- Incompatible new construction
- Legal, financing, leasing, rental and other administrative and financing expenses
- Maintenance activities
- Owner and/or tenant labor
- Paint, floor, wall, window or ceiling treatments
- Repair tools and equipment
- Security systems
- Sprinkler or fire suppression systems
- Taxes
- Wall construction and partitions
- Other (as determined on a case-by-case basis)

**RULES AND PROCEDURES****The Façade Grant Project**

The Façade Grant Project must be described accurately and explained fully so as to provide a reasonably informed person with the obvious limits and scope of the Project. Items excluded from mention will be considered ineligible for reimbursement under the façade grant program unless otherwise approved by City Commission. The burden for justifying the façade grant shall be borne by the applicant.

Façade Grants will be awarded on a first-come-first-serve basis until funds are depleted annually.

Façade Grant Projects must be completed within six months from date of grant approval. Any grant reimbursement funds not released on the project during this six-month period will be forfeited.

Applicants must agree to maintain the subject building in good repair for five years from the completion of the Façade Grant Project. Applicants must agree not to change or alter property improvements funded through the Façade Grant for a minimum period of three years from the date of the final reimbursement check.

At least three years must have elapsed before the property owner who was the recipient of a Façade Grant can apply for participation in the Façade Grant Program for the same property.

No Façade Grant will be awarded for work done prior to grant application approval by the City Commission.

#### Façade Grant Amount

Façade grants are intended to be a 50-50 reimbursement match with the City matching the participants/applicants invested dollars in the Façade Grant Program on a dollar-for-dollar basis up to an amount generally not to exceed \$20,000 per property subject to the availability of budgeted funds, unless otherwise approved by City Commission.

In-kind contributions on the part of the participant/applicant to the Façade Grant Project cannot be used as matching funds.

Business owners applying for a Façade Grant for signage and/or certain façade improvements in the amount of \$5,000 or less, may have their match requirement reduced to as little as 10% at the discretion of the City Commission. To qualify, the signage and/or façade improvements must be designed to increase foot traffic to the store. All other Façade Grant Program requirements apply.

Certain façade grants may be considered for amounts up to \$50,000 subject to the availability of budgeted funds. For façade grants of this amount to be considered, the related expenditures would need to serve as a revitalization anchor project that significantly accelerates private investment in the Downtown Historic District or is so significant and meaningful from an historic perspective that it would justify on its own merits this level of public expenditure. Such façade grants may require a deed restriction or grant of easement be placed on the property.

#### Façade Grant Disbursements

Façade grant disbursement are intended to occur in a single payment on a reimbursement basis in amounts not to exceed the total of the Façade Grant Award following the performance of the work by the City's Historic Preservation Officer and Building Official or their respective designees. The project must be completed and approved by city staff and all other grant requirements and paperwork properly submitted before any grant reimbursement funding will be disbursed.

#### Project Building Plans and Inspections

After application and approval by the Commission, award payments are contingent upon the property owner providing required plans, obtaining all necessary permits, passing all required inspections and compliance with all other customary administrative rules and procedures. Projects must pass building inspection, along with all other requirements, before the City can disburse funds for the project.

#### **PROJECT RECOMMENDATIONS FROM THE CITY'S HISTORIC PRESERVATION OFFICER AND HISTORICAL DEVELOPMENT BOARD**

The City's Historic Preservation Officer and Historical Development Board have the right to review, question and make recommendations with respect to Façade Grant Program Guidelines and Façade Grant Program Application.

#### **DEED RESTRICTIONS AND/OR GRANT OF EASEMENT**

For certain Façade Grant Program projects it may be deemed necessary for the City to obtain a deed restriction or grant of easement to protect the City's investment in the project. The terms and duration of any deed restrictions or easements are to be negotiated prior to approval of a Façade Grant by the Commission.

**RESOLUTION #2019-\_\_\_\_\_**

**A RESOLUTION APPROVING AN APPLICATION AND AGREEMENT FOR THE HISTORIC DISTRICT FAÇADE GRANT PROGRAM FROM ALBERT GARCIA FOR PROPERTY LOCATED AT 224 W. KING AVENUE, KINGSVILLE, TEXAS.**

**WHEREAS**, the City Commission recognized a need exists for economic development, historic restoration & preservation, and tourism promotion in the historic district of the city, especially in the downtown area, and approved Historic District Façade Grant Program Guidelines in an effort to enhance meeting these objectives;

**WHEREAS**, the City received an Application and an Agreement for a Historic District Façade Improvement Grant from Albert Garcia for some fabric canopies over the front entrance and windows that face King Avenue at his building located at 224 West King Avenue, near the downtown area and in the historic district;

**WHEREAS**, the application has a projected amount for the fabric canopies (with frame and installation) of about \$2,669;

**WHEREAS**, the applicant is requesting a special provision from the grant guidelines apply so that he would only need to provide a 10% match (\$266.90) and not a 50% match (as generally the guidelines allow the City to reimburse up to 50% of allowed expenses paid in an amount not to exceed \$20,000);

**WHEREAS**, the Façade Grant Guidelines provide on page 4 that: “[b]usiness owners applying for a Façade Grant for signage and/or certain façade improvements in the amount of \$5,000 or less, may have their match required reduced to as little as 10% at the discretion of the City Commission. To qualify, the signage and/or façade improvements must be designed to increase foot traffic to the store. All other Façade Grant Program requirements apply.”;

**WHEREAS**, if the Commission determines the criteria for a reduced match on the part of the applicant is met, the City would reimburse up to 90% (ie, an amount up to \$2,402.10) of the out-of-pocket expenses for work performed and paid for by the applicant for renovation of the building’s canopies on its façade;

**WHEREAS**, staff reviewed the application and recommends the City Commission approve the façade grant for the canopy project at 224 W. King Avenue;

**WHEREAS**, the City believes external improvements to property in the city increase assessed values thereby expanding the tax base and stimulate historic preservation & renovation, which enhance tourism and increases economic activity; and

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

**I.**

**THAT** the Historic District Façade Grant Application and Agreement for Albert Garcia for his building located at 224 West King Avenue, Kingsville, Texas in the downtown area and in the historic district for canopies over windows and doors facing King Avenue be approved with only a 10% applicant match as per the attached; and, the City shall provide as a grant reimbursement up to 90% (up to \$2,402.10) of the out-of-pocket expenses for work performed and paid for by the applicant for renovation of the building's canopies on its façade so long as all of the terms and conditions of the Historic District Façade Improvement Grant guidelines are met as stated above.

**II.**

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the 12<sup>th</sup> day of August, 2019.

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #11**

- for Donation

**City of Kingsville  
Parks & Recreation Department**

**TO:** Mayor and City Commissioners  
**CC:** Deborah Balli, Interim City Manager  
**FROM:** Susan Ivy, Director of Parks & Recreation  
**DATE:** August 2, 2019  
**SUBJECT:** Agenda Request – Receipt of donations for Healthy Family Events

---

**Summary:** We are requesting that Commission authorize the receipt of a \$500.00 donation from Coldwell Banker Real Estate, \$100.00 from Kingsville Elks Lodge, \$350.00 from NewWave Communications and \$350.00 from Texas Farm Bureau Insurance for our Healthy Family Partners' Events.

**Background:** In a previous meeting we have provided information regarding our fundraising campaign "Healthy Family Partners Events" to assist with our annual recreational programming.

**Financial Impact:** These donations will increase our funds available for recreational programming by \$1300.00.

**Recommendation:** We ask that Commission authorize the receipt of \$1300.00 in donations and approve the associated budget amendment needed to record the funds in the Parks Department line item for recreational programming 001-5-4513-31499.



# **AGENDA ITEM #12**

— Or Budget Amend.

**City of Kingsville  
Parks & Recreation Department**

**TO:** Mayor and City Commissioners

**CC:** Deborah Balli, Interim City Manager

**FROM:** Susan Ivy, Director of Parks & Recreation

**DATE:** August 2, 2019

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

---

**Summary:** We are requesting that Commission authorize the receipt of a \$500.00 donation from Coldwell Banker Real Estate, \$100.00 from Kingsville Elks Lodge, \$350.00 from NewWave Communications and \$350.00 from Texas Farm Bureau Insurance for our Healthy Family Partners' Events.

**Background:** In a previous meeting we have provided information regarding our fundraising campaign "Healthy Family Partners Events" to assist with our annual recreational programming.

**Financial Impact:** These donations will increase our funds available for recreational programming by \$1300.00.

**Recommendation:** We ask that Commission authorize the receipt of \$1300.00 in donations and approve the associated budget amendment needed to record the funds in the Parks Department line item for recreational programming 001-5-4513-31499.



**ORDINANCE NO. 2019-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2018-2019 BUDGET TO RECEIVE AND EXPEND PARK DONATIONS FOR HEALTHY FAMILY RECREATIONAL PROGRAMS.**

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

I.

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

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 – General Fund					
Revenues - 4					
4513	Recreation	Park Donations	58003	\$1,300	
Fund 001 – General Fund					
Expenditures - 5					
4513	Recreation	Recreational Programs	31499	\$1,300	

[To amend the City of Kingsville FY 18-19 Budget to accept and expend Park donations for Healthy Family recreational programs. Funds will come from the donations received.]

II.

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

III.

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

IV.

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

**INTRODUCED** on this the 12th day of August 2019.

**PASSED AND APPROVED** on this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**EFFECTIVE DATE:** \_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #13**

**City of Kingsville**  
**Public Works, Solid Waste Division**

---

TO: Mayor and City Commissioners

CC: Deborah Balli, Interim City Manager

FROM: William Donnell, Director of Public Works

DATE: August 2, 2019

SUBJECT: General Fund Budget Amendment for Storm Debris Remediation

---

**Summary:**

This item authorizes funding for professional services to remediate the storm debris generated by the June 6<sup>th</sup> storm event.

**Background:**

Staff is working diligently to acquire a Temporary Burn Authorization to begin remediation of the estimated 22,000 cubic yards of storm debris located at the golf course property. During this process Gary Fuselier, Solid Waste Supervisor, became aware of a contractor with needs to acquire mulch for a remediation project at an Alcoa property in the Bayside area. Dawson Recycling has quoted \$1.10/cy to mulch and haul off this debris within 30 days of starting. This cost is estimated to be approximately \$25,000. This mulching proposal will eliminate more than six months of unplanned burning and equipment use which would keep staff and equipment from their regular duties.

**Financial Impact:**

This will reduce Unreserved General Fund 001 balance by \$25,000.00. Increase Professional Services account 001-5-170.3-314.00 by \$25,000.00.

**Recommendation:**

Staff is recommending approval of funds to cover unexpected storm debris remediation.



**ORDINANCE NO. 2019-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2018-2019 BUDGET TO EXPEND FUNDS FOR STORM DEBRIS REMEDIATION.**

**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>Expenditures - 5</u>					
1703	Landfill	Professional Services	31400	\$25,000	
		Total Budget Amendment		\$25,000	

[To amend the City of Kingsville FY 18-19 Budget to expend funds for storm debris remediation caused by the June 6, 2019 storm event. Funds will come from the Fund 001 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 12th day of August 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 #14**

**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: August 2, 2019

SUBJECT: Utility Fund Budget Amendment

---

**Summary:**

This item authorizes funding for professional services related to wastewater repairs to the South Treatment Plant Turblex blower and the North Plant lift station pumps.

**Background:**

The South Plant Turblex Blower was taken out of service due to low oil pressure. It was determined by Lone Star Blowers that the oil pump was not working properly. A Class II maintenance repair consisting of replacing oil pump and bearings was the recommended action. A Class II was not planned until next budget year but since it was going to be disassembled to replace the oil pump the Class II maintenance was done.

Two pumps at the North treatment plant lift station have failed due to holes in the volute housing. The first pump failed in June and the second was in July. Staff installed a volute from an old pump to maintain operations with one pump. These pumps are assumed to have failed due to small debris in the wastewater.

An additional \$7,000 is needed to cover increased lab supplies needed for Ecoli and Enterococci processing.

To remain in compliance with TCEQ equipment regulations, funds were transferred within the divisions to cover expenses for unpredicted maintenance repairs to the South Plant Turblex blower (\$25,634.00) and replacement of two lift station pumps at the North Plant (\$12,598.00).

**Financial Impact:**

This will reduce Unrestricted Utility Fund 051 balance by \$45,232.00. Increase Utility Plant account 051-5-700.2-543.00 by \$25,634.00, increase Utility Plant account 051-5-700.1-543.00 by \$12,598.00 and increase Lab supplies account 051-5-700.1-221.00 by \$7,000.00.

**Recommendation:**

Staff is recommending approval of funds to cover unexpected equipment repairs and increased lab supplies.



**ORDINANCE NO. 2019-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2018-2019 BUDGET TO EXPEND FUNDS FOR REPAIRS TO THE SOUTH TREATMENT PLANT TURBLEX BLOWER AND NORTH PLANT LIFT STATION PUMPS.**

**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 051 – Utility Fund					
Expenditures - 5					
7002	WW South Plant	Utility Plant	54300	\$25,634	
7001	WW North Plant	Utility Plant	54300	\$12,598	
7001	WW North Plant	Lab Supplies	22100	\$7,000	
		Total Amendment		\$45,232	

[To amend the City of Kingsville FY 18-19 Budget to expend funds for repairs to the South Treatment Plant Turblex blower and North Plant lift station pumps, as well as lab supplies. Funds will come from the Fund 051 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 12th day of August 2019.

**PASSED AND APPROVED** on this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**EFFECTIVE DATE:** \_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

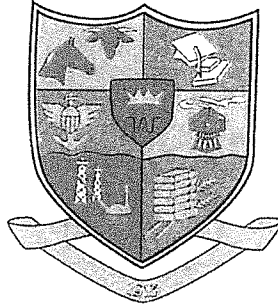
\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #15**

MELISSA T. DE LA GARZA, PCC  
Kleberg County Tax Assessor-Collector



P. O. Box 1457

Phone: 361-595-8541

Phone: 361-595-8542

Fax: 361-595-8546

COUNTY of KLEBERG  
KINGSVILLE, TEXAS  
78364-1457

August 6, 2019

City of Kingsville  
Attn: Ms. Deborah Balli, Interim City Manager  
P O Box 1458  
Kingsville, TX 78364-1458

RE: 2019 CERTIFIED VALUES

Dear Ms. Balli:

Pursuant to the Texas Property Tax Code Sec. 26.04(b) & (e), I, Melissa T. De La Garza, do hereby submit the total appraised, assessed and taxable values of all property and the total taxable value of new property in the City of Kingsville as certified by the Kleberg County Appraisal District. The 2019 certified appraisal roll on a CD may be viewed in the Tax Office.

The 2019 Governing Body Summary #1A with the effective and rollback tax rates, the notice that will be published in the Kingsville Record on August 15, 2019, and the planning calendar are also provided for your review.

I hereby request the foregoing submission be accepted and incorporated in the minutes of the next regularly scheduled City of Kingsville Commissioner's meeting.

If you have any questions, please feel free to come by my office.

Respectfully,

Melissa T. De La Garza, PCC  
Kleberg County Tax Assessor-Collector

Enc.

2019 FINAL VALUE INFORMATION  
AS OF 7-19-19

TAXING UNIT  
CITY OF KINGSVILLE

GROSS VALUES	2019 FINAL VALUES
REAL:	853,209,764
PERSONAL:	81,392,530
MINERAL:	49,135,896
TOTAL GROSS VALUE:	983,738,190
TOTAL EXEMPTIONS:	122,109,508
HOMESTEAD CAP ADJ:	9,261,918
LOSS TO AGRICULTURAL: VALUATION	11,149,311
NET TAXABLE VALUE:	841,217,453
FOR INFOR ONLY	
STILL UNDER ARB REVIEW (1) NET TAXABLE VALUE	40,986,569
ESTIMATED ADJUSTED (F) NET TAXABLE VALUE	882,204,022

# 2019 FINAL VALUE INFORMATION

AS OF 7-19-19

## TAXING UNIT CITY OF KINGSVILLE

GROSS VALUES	2019 FINAL VALUES	2018 FINAL VALUES	DIFFERENCE
REAL:	853,209,764	848,688,558	4,521,206
PERSONAL:	81,392,530	87,986,520	(6,593,990)
MINERAL:	49,135,896	45,403,810	3,732,086
TOTAL GROSS VALUE:	983,738,190	982,078,888	1,659,302
TOTAL EXEMPTIONS:	122,109,508	122,509,116	(399,608)
HOMESTEAD CAP ADJ:	9,261,918	1,756,885	7,505,033
LOSS TO AGRICULTURAL: VALUATION	11,149,311	10,962,652	186,659
NET TAXABLE VALUE:	841,217,453	846,850,235 (DEC)	(5,632,782)
	FOR INFO ONLY		
STILL UNDER ARB REVIEW (+) NET TAXABLE VALUE	40,986,868		
ESTIMATED ADJUSTED (=) NET TAXABLE VALUE	882,204,022 (-)	846,850,235 (=) (INC)	35,353,787

# NOTICE OF 2019 TAX YEAR PROPOSED PROPERTY TAX RATE FOR CITY OF KINGSVILLE

A tax rate of \$0.83000 per \$100 valuation has been proposed for adoption by the governing body of CITY OF KINGSVILLE. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate.

The governing body of CITY OF KINGSVILLE proposes to use revenue attributable to the tax rate increase for the purpose of quality of life improvements, which includes increased maintenance of our City Facilities, Parks and Golf Course along with IT infrastructure.

PROPOSED TAX RATE	\$0.83000 per \$100
PRECEDING YEAR'S TAX RATE	\$0.83000 per \$100
EFFECTIVE TAX RATE	\$0.81247 per \$100
ROLLBACK TAX RATE	\$0.89361 per \$100

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for CITY OF KINGSVILLE from the same properties in both the 2018 tax year and the 2019 tax year.

The rollback tax rate is the highest tax rate that CITY OF KINGSVILLE may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS  
FOLLOWS:

$$\text{property tax amount} = (\text{rate}) \times (\text{taxable value of your property}) / 100$$

For assistance or detailed information about tax calculations, please contact:

MELISSA T. DE LA GARZA, PCC  
KLEBERG COUNTY TAX ASSESSOR-COLLECTOR  
700 E. Kleberg, Kingsville TX 78363  
361-595-8542  
[mtdelagarza@co.kleberg.tx.us](mailto:mtdelagarza@co.kleberg.tx.us)  
[www.co.kleberg.tx.us](http://www.co.kleberg.tx.us)

You are urged to attend and express your views at the following public hearings on the proposed tax rate:

First Hearing: August 26, 2019 at 6:00 PM at the Helen Kleberg Groves Community Room, City Hall, 400 W. King, Kingsville, TX.

Second Hearing: September 3, 2019 at 6:00 PM at the Helen Kleberg Groves Community Room, City Hall, 400 W. King, Kingsville, TX.

# 2019 Governing Body Summary #1A\*

## Benchmark 2019 Tax Rates

### CITY OF KINGSVILLE

Date: 08/05/2019 02:54 PM

DESCRIPTION OF TAX RATE	TAX RATE PER \$100	THIS YEAR'S TAX LEVY**	ADDITIONAL TAX LEVY
Effective Tax Rate	\$0.81247	\$7,140,817	
One Percent \$100 Tax Increase***	\$0.82059	\$7,212,183	\$71,366
One Cent per \$100 Tax Increase***	\$0.822470	\$7,228,707	\$87,890
Notice & Hearing Limit****	\$0.81247	\$7,140,817	\$0
Rollback Tax Rate	\$0.89361	\$7,853,958	\$713,141
Last Year's Tax Rate	\$0.830000	\$7,294,888	\$154,071
Proposed Tax Rate	\$0.83000	\$7,294,888	\$154,071

\*These figures are provided as estimates of possible outcomes resulting from varying the tax rate. Please be aware that these are only estimates and should not be used alone in making budgetary decisions.

\*\*Tax levies are calculated using line 19 of the Effective Tax Rate Worksheet and this year's frozen tax levy on homesteads of the elderly or disabled.

\*\*\*Tax increase compared to effective tax rate.

\*\*\*\*The Notice and Hearing Limit is the highest tax rate that may be adopted without publishing Texas Comptroller's Notice 50-819 and holding two public hearings (Notice 50-818 must still be published). It is the lower of the rollback tax rate or the effective tax rate.

# 2019 Planning Calendar

## CITY OF KINGSVILLE

Date: 08/05/2019 02:53 PM

Date	Activity
April-May	Mailing of notices of appraised value by chief appraiser.
April 30	The chief appraiser prepares and certifies to the tax assessor for each county, municipality, and school district participating in the appraisal district an estimate of the taxable value.
May 15	Deadline for submitting appraisal records to ARB.
July 20* (Aug. 30)	Deadline for ARB to approve appraisal records.
July 25	Deadline for chief appraiser to certify rolls to taxing units.
July 11, 2019	Certification of anticipated collection rate by collector.
July 26, 2019	Calculation of effective and rollback tax rates.
August 6, 2019	Submission of effective and rollback tax rates to governing body.
August 9, 2019	72-hour notice for meeting ( <i>Open Meetings Notice</i> ).
August 12, 2019	Meeting of governing body to discuss tax rate; if proposed rate tax rate will exceed the rollback rate or the effective tax rate (whichever is lower), take record vote and schedule public hearing.
August 15, 2019	Publish the Notice of Property Tax Rates by September 1 or the 30th day after the first date that the taxing unit has received each applicable certified appraisal roll. Notice must also be posted on the municipality's website.
August 23, 2019	72-hour notice for public hearing ( <i>Open Meetings Notice</i> )
August 26, 2019	Public hearing.
August 30, 2019	72-hour notice for second public hearing ( <i>Open Meetings Notice</i> )
September 3, 2019	Second public hearing (may not be earlier than 3 days after first public hearing); schedule and announce meeting to adopt tax rate 3-14 days from this date.
September 6, 2019	72-hour notice for meeting at which governing body will adopt tax rate ( <i>Open Meetings Notice</i> )
September 9, 2019	Meeting to adopt tax rate. Meeting is 3 to 14 days after second public hearing. Taxing unit must adopt tax rate by Sept. 30* or 60 days after receiving certified appraisal roll, whichever is later.

\*Tax Code Section 81.06 directs that if a date falls on a weekend, the deadline is extended to the following regular business day

# **AGENDA ITEM #16**

# 2019 Governing Body Summary #1A\*

## Benchmark 2019 Tax Rates

### CITY OF KINGSVILLE

Date: 08/05/2019 02:54 PM

DESCRIPTION OF TAX RATE	TAX RATE PER \$100	THIS YEAR'S TAX LEVY**	ADDITIONAL TAX LEVY
Effective Tax Rate	\$0.81247	\$7,140,817	
One Percent \$100 Tax Increase***	\$0.82059	\$7,212,183	\$71,366
One Cent per \$100 Tax Increase***	\$0.822470	\$7,228,707	\$87,890
Notice & Hearing Limit****	\$0.81247	\$7,140,817	\$0
Rollback Tax Rate	\$0.89361	\$7,853,958	\$713,141
Last Year's Tax Rate	\$0.830000	\$7,294,888	\$154,071
Proposed Tax Rate	\$0.83000	\$7,294,888	\$154,071

\*These figures are provided as estimates of possible outcomes resulting from varying the tax rate. Please be aware that these are only estimates and should not be used alone in making budgetary decisions.

\*\*Tax levies are calculated using line 19 of the Effective Tax Rate Worksheet and this year's frozen tax levy on homesteads of the elderly or disabled.

\*\*\*Tax increase compared to effective tax rate.

\*\*\*\*The Notice and Hearing Limit is the highest tax rate that may be adopted without publishing Texas Comptroller's Notice 50-819 and holding two public hearings (Notice 50-818 must still be published). It is the lower of the rollback tax rate or the effective tax rate.

# 2019 Planning Calendar

## CITY OF KINGSVILLE

Date: 08/05/2019 02:53 PM

Date	Activity
April-May	Mailing of notices of appraised value by chief appraiser.
April 30	The chief appraiser prepares and certifies to the tax assessor for each county, municipality, and school district participating in the appraisal district an estimate of the taxable value.
May 15	Deadline for submitting appraisal records to ARB.
July 20* (Aug. 30)	Deadline for ARB to approve appraisal records.
July 25	Deadline for chief appraiser to certify rolls to taxing units.
July 11, 2019	Certification of anticipated collection rate by collector.
July 26, 2019	Calculation of effective and rollback tax rates.
August 6, 2019	Submission of effective and rollback tax rates to governing body.
August 9, 2019	72-hour notice for meeting ( <i>Open Meetings Notice</i> ).
August 12, 2019	Meeting of governing body to discuss tax rate; if proposed rate tax rate will exceed the rollback rate or the effective tax rate (whichever is lower), take record vote and schedule public hearing.
August 15, 2019	Publish the Notice of Property Tax Rates by September 1 or the 30th day after the first date that the taxing unit has received each applicable certified appraisal roll. Notice must also be posted on the municipality's website.
August 23, 2019	72-hour notice for public hearing ( <i>Open Meetings Notice</i> )
August 26, 2019	Public hearing.
August 30, 2019	72-hour notice for second public hearing ( <i>Open Meetings Notice</i> )
September 3, 2019	Second public hearing (may not be earlier than 3 days after first public hearing); schedule and announce meeting to adopt tax rate 3-14 days from this date.
September 6, 2019	72-hour notice for meeting at which governing body will adopt tax rate ( <i>Open Meetings Notice</i> )
September 9, 2019	Meeting to adopt tax rate. Meeting is 3 to 14 days after second public hearing. Taxing unit must adopt tax rate by Sept. 30* or 60 days after receiving certified appraisal roll, whichever is later.

\*Tax Code Section 81.06 directs that if a date falls on a weekend, the deadline is extended to the following regular business day

# NOTICE OF 2019 TAX YEAR PROPOSED PROPERTY TAX RATE FOR CITY OF KINGSVILLE

A tax rate of \$0.83000 per \$100 valuation has been proposed for adoption by the governing body of CITY OF KINGSVILLE. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate.

The governing body of CITY OF KINGSVILLE proposes to use revenue attributable to the tax rate increase for the purpose of quality of life improvements, which includes increased maintenance of our City Facilities, Parks and Golf Course along with IT infrastructure.

PROPOSED TAX RATE	\$0.83000 per \$100
PRECEDING YEAR'S TAX RATE	\$0.83000 per \$100
EFFECTIVE TAX RATE	\$0.81247 per \$100
ROLLBACK TAX RATE	\$0.89361 per \$100

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for CITY OF KINGSVILLE from the same properties in both the 2018 tax year and the 2019 tax year.

The rollback tax rate is the highest tax rate that CITY OF KINGSVILLE may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS  
FOLLOWS:

$$\text{property tax amount} = (\text{rate}) \times (\text{taxable value of your property}) / 100$$

For assistance or detailed information about tax calculations, please contact:

MELISSA T. DE LA GARZA, PCC  
KLEBERG COUNTY TAX ASSESSOR-COLLECTOR  
700 E. Kleberg, Kingsville TX 78363  
361-595-8542  
[mtdelagarza@co.kleberg.tx.us](mailto:mtdelagarza@co.kleberg.tx.us)  
[www.co.kleberg.tx.us](http://www.co.kleberg.tx.us)

You are urged to attend and express your views at the following public hearings on the proposed tax rate:

First Hearing: August 26, 2019 at 6:00 PM at the Helen Kleberg Groves Community Room, City Hall, 400 W. King, Kingsville, TX.

Second Hearing: September 3, 2019 at 6:00 PM at the Helen Kleberg Groves Community Room, City Hall, 400 W. King, Kingsville, TX.

## **MOTION ON PROPOSED TAX RATE**

For whoever will be making tonight's motion on the proposed tax rate, the specific wording that should be used for the motion. It is as follows:

**“I move that the *proposed* property tax rate be \$0.89000 and that two public hearings be set for Monday, August 26, 2019 and Tuesday, September 3, 2019 at 6:00 p.m. in the Helen Kleberg Groves Community Room, City Hall, 400 W. King Ave., Kingsville, TX.”**

- NOTE: The Interim City Manager's budget is currently built on a tax rate of \$0.83000. However, in order to have maximum flexibility through the budget process, it is recommended to have the proposed rate set at a higher rate but below the rollback rate.

For meeting to set proposed tax rate: August 12, 2019

# **AGENDA ITEM #17**

**City of Kingsville  
Legal Department**

---

TO: Mayor and City Commissioners

CC: Deborah Balli, Interim City Manager

FROM: Courtney Alvarez, City Attorney

DATE: July 29, 2019

SUBJECT: Resolution regarding AEP Texas Inc. Rate Increase

---

**Summary:** On May 1, 2019, AEP Texas Inc. filed with the PUC, the City of Kingsville, and other cities that have retained original jurisdiction over AEP Texas a request to increase its charges for the use of its transmission and distribution lines and related services. On May 13, 2019, the City approved a resolution to temporarily suspend the rate increase, hire outside counsel and consultants at no expense to the City, and join other cities in challenging the rate case to ensure the requested increases are appropriate. It is time for final action on the rate increase request.

**Background:**

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

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

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



## **City of Kingsville Legal Department**

The law provides that a rate request made by an electric utility cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. That time period is coming to an end and the City now needs to take final action on the Company's rate request which experts have deemed as unreasonable and excessive.

### **Purpose of this Resolution:**

On May 1, 2019, AEP Texas Inc. ("AEP Texas" or "Company") filed an application with cities retaining original jurisdiction seeking to increase system-wide distribution rates by \$38.3 million per year (an increase of 4.2%), and decrease system-wide transmission rates by \$3.16 million (a decrease of 0.7%). According to AEP Texas, the impact of this approval on an average residential customers would be an increase of about \$4.75 per month for customers in the Central Division, and a decrease of \$5.01 for customers in the North Division.

In a prior City action, AEP Texas' rate request was suspended from taking effect for 90 days, the fullest extent permissible under the law. This time period has permitted the City, through its participation with Cities Served by AEP Texas ("Cities"), to determine that the proposed rate increase is unreasonable. Consistent with the recommendations of experts engaged by Cities, AEP Texas' request for a rate increase should be denied.

Accordingly, the purpose of the Resolution is to deny the rate change application proposed by AEP Texas.

### **Explanation of "Be It Resolved" Paragraphs:**

1. This paragraph finds that the Company's application is unreasonable and should be denied.
2. This section requires AEP Texas to maintain its existing rates within the City.
3. This section states that Cities' reasonable rate case expenses shall be reimbursed by AEP Texas within 30 days of presentation of an invoice to AEP Texas.
4. This section recites that the Resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.



**City of Kingsville  
Legal Department**

5. This section provides that the City will notify counsel for AEP Texas and counsel for Cities of the City's action by sending a copy of the approved and signed Resolution to each counsel.

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

**Recommendation:** Approve the resolution.



**RESOLUTION NO. 2019-\_\_\_\_\_**

**A RESOLUTION OF THE CITY OF KINGSVILLE, TEXAS  
FINDING THAT AEP TEXAS INC.'S REQUESTED  
INCREASE TO ITS ELECTRIC TRANSMISSION AND  
DISTRIBUTION RATES AND CHARGES WITHIN THE  
CITY SHOULD BE DENIED; FINDING THAT THE CITY'S  
REASONABLE RATE CASE EXPENSES SHALL BE  
REIMBURSED BY THE COMPANY; FINDING THAT THE  
MEETING AT WHICH THIS RESOLUTION IS PASSED IS  
OPEN TO THE PUBLIC AS REQUIRED BY LAW;  
REQUIRING REIMBURSEMENT OF CITIES' RATE CASE  
EXPENSES; REQUIRING NOTICE OF THIS RESOLUTION  
TO THE COMPANY AND LEGAL COUNSEL**

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

**WHEREAS**, the City is an electric utility customer of AEP Texas and a regulatory authority (with exclusive original jurisdiction) over the rates and charges of AEP Texas within the City; and

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

**WHEREAS**, Cities is an intervenor in the parallel proceeding at the Public Utility Commission of Texas to review AEP Texas' filing; and

**WHEREAS**, pursuant to its exclusive original jurisdiction over AEP Texas' rates and operations within city limits, the City previously suspended the effective date of the Company's requested rate increase; and

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

**WHEREAS**, the City's attorneys and consultants recommend that the City deny the application.

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

**SECTION 1.** That the rates proposed by AEP Texas in an application submitted to the City by the Company on or about May 1, 2019, are hereby found to be unreasonable, and are denied.

**SECTION 2.** That the Company shall continue to charge its existing rates for transmission and distribution service to customers with the City.

**SECTION 3.** That Cities' reasonable rate case expenses shall be reimbursed by AEP Texas within 30 days of presentation of an invoice to AEP Texas.

**SECTION 4.** That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law, and that the public notice was given of the time, place, and purpose of said meeting, as required.

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

**PASSED AND APPROVED** this 12th day of August, 2019.

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #18**

**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: August 2, 2019

SUBJECT: Changes to ordinance Section 15-1-6

---

**Summary:** As we have discussed state law has dictated to us that we cannot use valuation for our permit fees when it comes to residential remodels. The Planning and Zoning Commission has reviewed the options and I believe will be recommending a flat fee.

**Background:** After a fair amount of time in discussing the options for permit fees for residential remodels, the attached ordinance reflects going to the use of a flat fee. What is in yellow is the new language.

**Financial Impact:** It is hard to determine that this change will make any difference in the total amount but I do believe that it will cover our cost and make it internally easier for us when it comes to the administrative function of charging and recording residential remodel permit fees.

**Recommendation:** The Planning and Zoning Commission met and voted 5 to 0 to recommend approval of the changes to the ordinance Section 15-1-6.



To: Planning and Zoning Commission Members

From: Tom Ginter, Director

Date: August 2, 2019

Subject: Change to ordinance Section 15-1-6 , Agenda Item 7

As you know we have discussed the recommended changes to this ordinance due to the change in state law. Enclosed is an ordinance which reflects in yellow the changes that we have discussed. In addition the City Attorney has recommended the flat fee of \$25.00 an hour for a re-inspection fee and an after hours inspection fee of \$25.00 per hour with a minimum of two hours. Currently we charge that for new construction but did not have that language in the remodel permit fee section. I would recommend that we add this to the changes that we are making as a part of the ordinance. Suggested addition is after \$0.06 per square foot. When the work performed does not meet the code requirement and a reinspection is required, a fee of \$25.00 will be charged for each reinspection. The cost of performing an inspection after regular hours is equal to \$25.00 per hour with a 2 hour minimum charge.

**ORDINANCE NO.2019-\_\_\_\_\_**

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER XV, ARTICLE 1, BUILDING REGULATIONS, REVISING THE SCHEDULE OF PERMIT FEES; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, the 86<sup>th</sup> Texas Legislature recently passed House Bill 852, which prohibits cities from calculating their residential building permit fees on the cost of a proposed residential structure or improvement;

**WHEREAS**, this new statute became effective on May 21, 2019 when the Governor signed it, which caused the City Commission to decide on June 10, 2019 to adopt an interim option for remodeling permit fees (where the existing fee was assessed and a refund would be issued if needed after a final option was adopted) until such time as the Planning & Zoning Commission could study the item and make a recommendation to the City Commission for amendment of the existing City ordinance;

**WHEREAS**, the Planning & Zoning Commission has met several times to discuss and consider a recommended change and met on August 7, 2019 where they recommended adoption of the revisions contained herein;

**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 15-1-6 of Article 1: Building Regulations of Chapter XV, Building Code, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:9

...

**§ 15-1-6 SCHEDULE OF PERMIT FEES.**

(A) On all repairs or alterations to existing buildings or on construction of other than buildings, fees will be based on a flat fee ~~based upon valuation as set forth in Chapter 1 (108) of the International Building Code, 2009 Edition, and as restated in subdivision (B)(1) hereof shall apply.~~

(B) The permit fee for all new buildings or additions to existing buildings where the floor area is increased, shall be as follows:

(1) (a) Permit fees for remodeling, repair, or alterations to existing buildings will be charged on a flat fee basis. A project with one inspection or more, if necessary, (that is not a re-inspection) will be charged a flat fee of \$100.00 dollars. costing in excess of \$100 shall be charged a permit fee as noted below. Duplexes, apartments, hotels, and motels shall be charged an additional fee of \$10.00 per unit. Permit fees for roof repairs ~~costing in excess of \$100~~ shall be charged a permit fee of ~~\$0.06~~ \$0.03 per square foot. When the work performed does not meet the code requirements and a reinspection is required, a reinspection fee of \$25.00 will be charged for each reinspection.

<b><i>Total Valuation</i></b>	<b><i>Fee</i></b>
\$1,000 and less	No fee unless inspection required, in which case a <del>\$20</del> fee for each inspection shall be charged.
\$1,001 to \$50,000	<del>\$20 for the first \$1,000 plus \$5 for each additional thousand or fraction thereof, to and including \$50,000.</del>
\$50,001 to \$100,000	<del>\$265 for the first \$50,000 plus \$4 for each additional thousand or fraction thereof, to and including \$100,000</del>
\$100,001 to \$500,000	<del>\$465 for the first \$100,000 plus \$3 for each additional thousand or fraction thereof, to and including \$500,000.</del>
\$500,001 and up	<del>\$1,665 for the first \$500,000 plus \$2 for each additional thousand or fraction thereof.</del>

(b) Permit fees; new buildings and additions.

1. All buildings shall be charged a permit fee of \$0.16 per square foot. The minimum fee shall be \$10. Duplexes, apartments, hotels, and motels shall be charged an additional fee of \$10.00 per unit. A Construction Site Office shall be charged a permit fee of \$30.00

2. In applying paragraph 1. of this subdivision (b), square footage shall be determined by including each floor level including basements and cellars, mechanical rooms, storage areas, lofts, balconies, porches, sun decks, covered patios, breezeways, carports, garages, sheds and other similar areas.

3. *Moved buildings or structures.* A fee of \$0.10 per square foot shall be charged for the issuance of any permit for a moved building or structure.

(2) *Moving buildings or structures.* A fee of \$110.00 shall be charged for the issuance of any permit for the moving of a building or structure.

(3) *Demolition of building or structure.* A fee of \$75.00 shall be charged for issuing a permit for the demolition of any building or structure.

(4) *Plan-checking fee.* A plan-checking fee shall be paid at the time of submitting plans and specifications for review of commercial projects. The plan-checking fee shall be equal to one-half of the building permit fee as set forth in §107.3 of the *International Building Code*. Such plan-checking fee is in addition to the building permit fee. A Plan Update or Revision fee shall be charged equal to 50% of the original Plan Review fee and shall be payable upon submission of update or revision.

(5) *Starting work without permit.* Where work for which a permit is required by this code is started or proceeded with prior to obtaining the permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

(6) *Investigation fee.* The fee for any investigation required for building construction is equal to the cost of the building.

(7) *After hours inspection fee.* The cost of performing and inspection after regular business hours is equal to \$25.00 per hour with a 2 hour minimum charge.

(8) *Reinspection fee.* When the work performed does not meet the code requirements and a reinspection is required, a fee of \$25.00 will be charged for each reinspection.

(9) *Refunds on permits.* No refund will be granted on individual permit fees assessed at the minimum fee amount for a specific type of permit. Refunds of permit fees greater than minimum fee amounts may be made at a rate not to exceed 75% of that portion of the fee in excess of the minimum fee amount provided: (a) no work has commenced, (b) no inspections have been made, and the refund claim is submitted within 180 days after the issuance of the permit. Refund claims must be submitted in writing with a copy of the permit receipt.

...

## 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 12<sup>th</sup> day of August, 2019.

**PASSED AND APPROVED** on this the \_\_\_\_ day of August, 2019.

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #19**



# Texas Lottery Commission

Commissioners:

J. Winston Krause, Chairman

Mark A. Franz • Robert Rivera



Michael P. Farrell  
Director

July 17, 2019

The Honorable Courtney Alvarez  
City of Kingsville  
PO Box 1458  
Kingsville, TX 78364-1458

Dear Mr./Ms. Alvarez:

The Texas Lottery Commission (TLC), Charitable Bingo Operations Division, is providing this notification because your county and/or municipality currently receives a share of the prize fees collected on charitable bingo activity that occurs in its jurisdiction.

Pursuant to House Bill (HB) 914, enacted by the 86<sup>th</sup> Texas Legislature, in order to continue to receive a share of bingo prize fees after Jan. 1, 2020, your county and/or municipal governing board must affirmatively vote to do so and submit proof of that vote to the TLC by Nov. 1, 2019. If no eligible local governments vote to continue receiving their share of the prize fee, the bingo organizations will keep that share for themselves to fund their charitable purposes.<sup>1</sup>

Currently, non-profit charitable organizations conducting bingo collect a 5% fee on prizes awarded. These funds are submitted each quarter to the TLC, which in turn remits a *pro rata* share of the funds to local governments at the end of each fiscal year. Your county and/or municipality receives a share of the bingo prize fees because it elected to do so prior to Sept. 1, 1993.

Effective Jan. 1, 2020, H.B. 914 includes another change regarding the collection and remittance of prize fees. Local governments will no longer receive their bingo prize fee payments from the TLC at the end of the fiscal year; instead, the licensed organizations conducting bingo in the local jurisdiction will be responsible for sending eligible local governments 50% of the prize fees they collect on a quarterly basis.

The most immediate matter for your attention is that your local government will only continue to receive a share of the bingo prize fees collected after Jan. 1, 2020 if it meets the requirements set forth in HB 914 that require your governing body to:

- (1) approve the continued receipt of the share of bingo prize fee funds by a majority vote; and
- (2) notify the TLC of that decision no later than Nov. 1, 2019; and
- (3) notify each licensed authorized organization within the county's or municipality's jurisdiction, as applicable, of the continued imposition of the fee.

<sup>1</sup> For the full text of H.B. 914, see <https://legiscan.com/TX/text/HB914/id/2027641>

This notification is being provided to inform you of the new statutory requirements. We will provide a further communication in the coming months that will include more information and a prescribed form that will need to be submitted to the agency's Charitable Bingo Operations Division to verify that a vote took place.

Please let us know as soon as possible if there is a specific contact person or office to direct our future correspondence, and that will serve as your county and/or municipality's official address of record for notification purposes. Without a dedicated address for this purpose, it is possible that future communications may be misdirected. This could result in your county and/or municipality *permanently* losing its share of bingo prize fees.

If you have any questions, email us at [bingo.services@lottery.state.tx.us](mailto:bingo.services@lottery.state.tx.us) or call 800-246-4677.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael P. Farrell". The signature is fluid and cursive, with the first name "Michael" and last name "Farrell" clearly distinguishable.

Michael P. Farrell  
Director  
Charitable Bingo Operations Division

**RESOLUTION #2019-\_\_\_\_\_**

**A RESOLUTION OF THE CITY OF KINGSVILLE TO CONTINUE RECEIVING A SHARE OF BINGO PRIZE FEES PURSUANT TO TEXAS HOUSE BILL NO. 914.**

**WHEREAS**, non-profit charitable organizations conducting bingo collect a 5% fee on prizes awarded and submit the funds each quarter to the Texas Lottery Commission (TLC), Charitable Bingo Operations Division; and

**WHEREAS**, the TLC currently submits to the City of Kingsville a pro rata share of bingo prize funds at the end of each fiscal year; and

**WHEREAS**, the 86<sup>th</sup> Texas Legislature recently passed House Bill 914, which becomes effective January 1, 2020, and includes a change that local governments will no longer receive their bingo prize fee payments from the TLC at the end of the fiscal year, but instead, the licensed organizations conducting bingo in the local jurisdiction will be responsible for sending eligible local governments 50% of the prize fees they collect on a quarterly basis;

**WHEREAS**, in order to continue receiving a percentage of bingo prize fees collected after January 1, 2020, the City must: 1) approve to do so by majority vote through this resolution, 2) notify the TLC of the decision to continue receiving bingo prize fees before November 1, 2019; and 3) notify each licensed authorized organization within the City's jurisdiction of the continued imposition of the fee; and

**WHEREAS**, the City Commission of the City of Kingsville has determined it desires to continue receiving a percentage of bingo prize fees collected within its jurisdictional limits and directs staff to make the necessary notifications.

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

I.

**THAT** the City Commission has decided to continue receiving a percentage of bingo prize fees collected within its jurisdictional limits and directs staff to make the necessary notifications pursuant to HB914;

II.

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the 12<sup>th</sup> day of August, 2019.

---

Sam R. Fugate, Mayor

**ATTEST:**

---

Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

---

Courtney Alvarez, City Attorney

## **AGENDA ITEM #20**

**City of Kingsville  
Planning and Development Services**

---

TO: Mayor and City Commissioners  
CC: Interim City Manager, Deborah Balli  
FROM: Tom Ginter, Director  
DATE: August 2, 2019  
SUBJECT: Discussion of House Bill 3167

---

**Summary:** House Bill 3167 that was passed during the last legislative session could impact our subdivision ordinance and our zoning ordinances. The City Attorney and I will start reviewing the law as to what impact it will be.

**Background:** As you know there were a number of bills that impact local government. I was informed this week of this one. Attached is a TML document that highlights the intentions of the legislation. Frankly by the time we have the meeting we may have more information as to the impact on our ordinances. I wanted to make sure that at minimum we have a discussion so you are aware that in the near future we will most likely bring back to you changes to our ordinances due to this state law.

**Financial Impact:** Not sure of any impact financially.

**Recommendation:** This will be on the agenda for the Planning and Zoning Commission for their review , Wednesday, August 7<sup>th</sup>.



To: Planning and Zoning Commission Members

From: Tom Ginter, Director

Date: August 2, 2019

Subject: Discussion of House Bill 3167

In the past week I have been notified of the passage of HB 3167. This bill could cause us to make changes to our subdivision ordinance and zoning ordinance. Attached is a document from TML which explains the highlights of 3167. To determine the impact on our ordinances along with the city Attorney we will have to compare and see what differences there are. I hope by our meeting on Wednesday, August 7 I will have more to tell you.

## **H.B. 3167 (2019)**

### **Legal Q&A**

**Scott Houston**

#### **1. What is H.B. 3167?**

House Bill 3167 by Rep. Tom Oliverson (R – Houston) is legislation that becomes effective on September 1, 2019. The bill makes numerous changes to the site plan and subdivision platting approval process, and it will require most cities to make changes to their subdivision ordinance, zoning ordinance, and/or unified development code approval processes. A chart of the process required by the bill is included at the end of this Q&A.

#### **2. Why was the bill needed?**

The Texas House Land and Resource Management Committee Report states that:

Concerns have been raised regarding the process for plat and land development application approval by political subdivisions. It has been suggested that some political subdivisions circumvent statutory timelines for approving an application by simply denying the application with generic comments that do not fully address specific deficiencies with the application. C.S.H.B. 3167 seeks to provide greater certainty and clarity for the process by setting out provisions relating to county and municipal approval procedures for land development applications.

In other words, the bill is meant to force cities to speed up the site plan/subdivision plat approval process, and to provide more information when a plan or plat isn't approved. In reality, it may create red tape that slows the process down and/or results in substandard planning. A list of witnesses for and against the bill is available at:

<https://capitol.texas.gov/tlodocs/86R/witlistbill/pdf/HB03167H.pdf#navpanes=0>.

#### **3. What types of development applications are subject to H.B. 3167?**

The bill applies to plans and plats. It defines a “plan” to mean a subdivision development plan, including a subdivision plan, subdivision construction plan, site plan, land development application, and site development plan. TEX. LOC. GOV'T CODE § 212.001(2). It defines “plat” to include a preliminary plat, general plan, final plat, and replat. *Id.* § 212.001(3).

Many have questioned the meaning of these terms. Does the reference to “site plan” only refer to that term as used in Chapter 212, Subchapter B? And what does the term “general plan” refer to? That term is mentioned in current law in a handful of places. *Id.* §§ 212.010; 212.044; 212.047. As mentioned in those sections, the term may be referring to the city's comprehensive plan. In the context of H.B. 3167, the term is included in the definition of “plat.” The City of Houston's ordinance, which was praised by some developers, defines the term “general plan” as “a site plan submitted for the purpose of establishing a street system for a large tract to be developed in sections. The General Plan is submitted with the subdivision plat for the first section being platted. The General Plan is valid for 4 years and can be extended by planning commission

action. Upon planning commission approval, the General Plan establishes the street system for future development.” Thus, it appears that the term “general plan” in H.B. 3167 means something different than where it appears in other places in Chapter 212.

The bill also provides that the approval procedures as amended by the bill apply to a city regardless of whether it has entered into an interlocal agreement, including an interlocal agreement between the city and county relating to extraterritorial jurisdiction subdivision platting agreement as required by state law. *Id.* § 212.0085.

#### **4. What application materials are included in the definition of “plan?”**

Looking at the definitions in the question above, some say that essentially any type of plan that shows the layout of a project is subject to the bill. The bill uses some terms that aren’t common in planning, such as including “general plan” in the definition of “plan.” No one is certain what a “general plan” means, so each city should decide and define that term in its ordinance(s).

The bill amends Local Government Code Chapter 212, which relates to subdivision platting. It seems to insert a “site plan” and “site development plan” into the subdivision plat approval process, but those are traditionally based on the zoning authority in Chapter 211. As such, most attorneys argue that a zoning site plan isn’t subject to the bill’s requirements.

Because of the ambiguity, each city may wish to define certain term(s) in its ordinance for clarity.

#### **5. How does H.B. 3167 change the plan/plat approval timeline?**

The bill requires the municipal authority responsible for approving plats to take the following action with regard to the “initial approval” of a plan or plat within 30 days after the date the plan or plat is filed: (1) approve, (2) approve with conditions, or (3) disapprove with explanation. *Id.* § 212.009(a).

Current law defines “the municipal authority responsible for approving plats” as the municipal planning commission or, if the city has no planning commission, the governing body of the city. Also under current law, the governing body by ordinance may require the approval of the governing body in addition to that of the municipal planning commission. *Id.* § 212.006(a).

If an ordinance requires that a plan or plat be approved by the governing body of the city in addition to the planning commission, the governing body shall approve, approve with conditions, or disapprove the plan or plat within 30 days after the date the plan or plat is approved by the planning commission or is approved by the inaction of the commission, and a plan or plat is approved by the governing body unless it is approved with conditions or disapproved within that period.

#### **6. May the city and applicant agree to extend the deadline in the question above?**

Yes, but only if the applicant (not the city) requests the extension. The parties may extend the 30-day period described above for a period not to exceed 30 days if: (1) the applicant requests the extension in writing to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable; and (2) the municipal authority or governing body, as applicable, approves the extension request. *Id.* § 212.009(b-2).

**7. What does a city do when it approves a plan or plat?**

If a plan or plat is approved, the municipal authority giving the approval shall endorse the plan or plat with a certificate indicating the approval. *Id.* § 212.009(c).

**8. What if the municipal authority responsible for approving plats fails to approve, approve with conditions, or disapprove with explanation a plan or plat within the prescribed period?**

A plan or plat is approved by the municipal authority unless it is disapproved within the periods described above and in accordance with the bill's procedures. *Id.* § 212.009(b).

If that happens, the authority on the applicant's request shall issue a certificate stating the date the plan or plat was filed and that the authority failed to act on the plan or plat within the period. *Id.* § 212.009(d).

**9. What must a city do with regard to approval, approval with conditions, or disapproval with explanation?**

A municipal authority or governing body that conditionally approves or disapproves a plan or plat shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. *Id.* § 212.0091(a).

Each condition or reason specified in the written statement: (1) must be directly related to the requirements under the subdivision platting law and include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval, if applicable; and (2) may not be arbitrary. *Id.* § 212.0091(b).

**10. If the municipal authority approves with conditions or disapproves with explanation, what is the applicant entitled to do?**

After the conditional approval or disapproval with explanation of a plan or plat, the applicant may submit to the municipal authority or governing body a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided, and the municipal authority or governing body may not establish a deadline for an applicant to submit the response. *Id.* § 212.0093.

**11. What must the city do with regard to the applicant's written response?**

A municipal authority or governing body that receives a written response shall determine whether to “approve” or “disapprove [with explanation]” the applicant’s previously conditionally-approved or disapproved plan or plat not later than the 15th day after the date the response was submitted. *Id.* § 212.0095(a). Again, a city may not establish a deadline before which the applicant must submit the response. *Id.* § 212.0093

A municipal authority or governing body that receives a response shall approve a previously conditionally approved or disapproved plan or plat if the response adequately addresses each condition of the conditional approval or each reason for the disapproval. *Id.* § 212.0095(c).

A previously conditionally-approved or disapproved plan or plat is approved if: (1) the applicant files a response that adequately addresses each condition of the conditional approval or each reason for disapproval, and (2) the municipal authority or governing body that receives the response does not disapprove the plan or plat on or before the 15th day the response was submitted. *Id.* § 212.0095(d).

The two paragraphs above mean the plan or plat must be approved if: (1) the applicant’s written response addresses all the issues raised in the city’s prior approval with conditions or disapproval with explanation; and (2) no new issues are raised by the applicant’s written response. *Id.* § 212.0095(d)(2). What to do when new issues are raised by the applicant’s written response is the subject of some debate and is addressed in question 12, below.

**12. What if the applicant’s written response changes the plan or plat in a way that creates new issues?**

At least two schools of thought exist in relation to what happens once the city receives the applicant’s written response: (1) the written response and 15-day decision period of the city continues repeatedly in relation to new issues raised by corrections; or (2) the city must disapprove with explanation a submission that creates new issues, which starts the process from the beginning.

Under the first process, it appears that – if the applicant’s written response raises new issues – a city may, once again, “approve” or “disapprove with explanation” the plan or plat on or before the 15<sup>th</sup> day the response was submitted. Section 212.0095(d) supports that conclusion:

(d) A previously conditionally approved or disapproved plan or plat is approved if: (1) the applicant filed a response that meets the requirements of Subsection (c); and (2) the municipal authority or governing body that received the response *does not disapprove the plan or plat* on or before the date required by Subsection (a) and in accordance with Section 212.0091.

Disapproval must follow the process spelled out previously:

- A municipal authority or governing body that conditionally approves or disapproves a plan or plat shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific

condition for the conditional approval or reason for disapproval. *Id.* §§ 212.0095(b); 212.0091(a) (Note that (a) includes the “conditional approval” option, but a city can’t use that. It can only disapprove with explanation because it is limited to doing so by Section 212.0095(d)(2)).

- Each condition or reason specified in the written statement: (1) must be directly related to the requirements under the subdivision platting law and include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval, if applicable; and (2) may not be arbitrary. *Id.* §§ 212.0095(b); 212.0091(b) (Again, only disapproval with conditions is allowed at this stage).

Presumably, the approval or disapproval with explanation for new issues within 15 days allows the applicant to once again submit a written response, which once again triggers the 15 day deadline. That process could conceivably continue until all issues have been addressed.

The second process presumes that the applicant’s written submission and the city’s response to it within 15 days is a “one-and-done” proposition. That process interprets Sections 212.0095(b)(2) and (c)-(d) to allow approval if all of the items are corrected or disapproved with explanation if not. The disapproval with explanation would mean that the applicant starts again at the beginning by resubmitting the plan or plat.

### **13. Does the bill provide for an alternative plan or plat approval procedure?**

Yes, but only if they applicant agrees. An applicant may elect at any time to seek approval for a plan or plat under an alternative approval process adopted by a city if the process allows for a shorter approval period than the approval process described in the questions above. *Id.* § 212.0096.

An applicant that elects to seek approval under the alternative approval process described above is not: (1) required to satisfy the requirements of the statutory approval process in the bill above before bringing an action challenging a disapproval of a plan or plat; or (2) prejudiced in any manner in bringing the action described by (1), including satisfying a requirement to exhaust any and all remedies. *Id.* § 212.0096(b).

This alternative approval procedure may be a way to grant more authority to staff and speed up internal processes. An applicant would usually have nothing to lose by trying a city’s alternative process because the applicant could always opt back in to the procedures in the bill.

### **14. May a city require an applicant to waive any deadlines or procedures in the bill?**

Maybe, but only with regard to a plan, not a plat. A municipal authority responsible for approving plats or the governing body of a city may not request or require an applicant to waive a deadline or other approval procedure. *Id.* § 212.0097. The waiver prohibition applies only to “plats” and not to “plans,” which could allow a city to require a waiver for anything other than an actual plat, which is defined in the bill as a preliminary plat, general plan, final plat, and

replat. Of course, the prohibition against establishing a deadline by which the applicant must submit a written response remains in place. *Id.* § 212.0093.

**15. What is the burden of proof in a legal action challenging the disapproval of a plan or plat?**

In a legal action challenging a disapproval of a plan or plat, the city has the burden of proving by clear and convincing evidence that the disapproval meets the requirements of the subdivision platting law or any applicable case law, and the court may not use a “deferential standard.” *Id.* § 212.0099.

**16. May a city require a plan or plat to meet administrative completeness requirements before being considered “filed?” May a city have a submittal calendar that corresponds to the city’s internal meetings process?**

The bill doesn’t appear to modify the authority of a city to require an administrative completeness review (i.e., meet a checklist of requirements) prior to being accepted for filing. A city could also continue to have a submittal calendar that corresponds, for example, to planning and zoning commission meetings. In other words, the bill doesn’t make any additions related to acceptance for filing requirements. Thus, if a city believes it had the authority to do so prior to the bill, it should be able to continue those practices.

One exception is that, if a groundwater availability certification is required, the 30-day period begins on the date the applicant submits the groundwater availability certification to the municipal authority responsible for approving plats or the governing body, as applicable. *Id.* § 212.009(b-1).

**17. How does the bill interact with Chapter 245 (the “permit vesting statute”)?**

Chapter 245, in sections 245.001(a) and (b), provides in relevant part that:

Each regulatory agency shall consider the approval, disapproval, or conditional approval of an application for a permit solely on the basis of any orders, regulations, ordinances, rules, expiration dates, or other properly adopted requirements in effect at the time: (1) the original application for the permit is filed for review for any purpose, including review for administrative completeness; or (2) a plan for development of real property or plat application is filed with a regulatory agency.

Rights to which a permit applicant is entitled under this chapter accrue on the filing of an original application or plan for development or plat application that gives the regulatory agency fair notice of the project and the nature of the permit sought. An application or plan is considered filed on the date the applicant delivers the application or plan to the regulatory agency or deposits the application or plan with the United States Postal Service by certified mail addressed to the regulatory agency. A certified mail receipt obtained by the applicant at the time of deposit is prima facie evidence of the date the application or plan was deposited with the United States Postal Service.

The above means that an applicant could submit something for approval that would trigger vesting, but that doesn't necessarily mean that the application is "filed" for purposes of H.B. 3167. However, Section 245.001(e) provides that:

(e) A regulatory agency may provide that a permit application expires on or after the 45th day after the date the application is filed if:

(1) the applicant fails to provide documents or other information necessary to comply with the agency's technical requirements relating to the form and content of the permit application;

(2) the agency provides to the applicant not later than the 10th business day after the date the application is filed written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and

(3) the applicant fails to provide the specified documents or other information within the time provided in the notice.

The subsection above provides additional authority for a city to require "administrative completeness" prior to an application being considered as "filed" for purposes of H.B. 3167.

#### **18. What are best practices and practical tips for compliance with the bill?**

The following suggestions were provided by planners and land use attorneys:

- Review ordinances to make sure they: (1) include all grounds for approval with conditions or denial with explanation; and (2) specifically reference/cross-reference the development code, municipal code, charter, criterial manuals, and other rules that may be cited as a result of H.B. 3167.
- Conduct a study of the cost to provide service for the required staffing levels necessary to meet H.B. 3167 timelines. For instance, a city may need additional engineering services. Adopt new fees that require development to cover the associated costs.
- Establish a detailed internal review process with internal deadlines.
- If a city doesn't have both the planning commission and governing body approval process (as allowed in Local Government Code Section 212.006), it should consider adopting such a process so that if one misses something (e.g., an item that needs to be conditionally approved), the other one can address it.
- Define "filed" in the city's ordinance to mean the day the administrative review process is finished and the plan or plat is placed on the planning and zoning commission agenda.
- Create a waiver form and make it available to applicants. The city can't request a waiver for plats, but it arguably can for plans (see question 14, above), and staff could point out that the process may actually be longer without one.
- Develop standard forms with fill-in-the-blanks and have a comment bank that includes citations to point out frequent errors.

- Establish a detailed quality control checklist (with code citations) and require it to be submitted, and stamped by the submitting engineer, as part of the completeness review.
- Host meeting/informational sessions for the development community to roll out process changes.
- Require pre-application conferences before applicants can submit.
- Limit filing to a schedule or certain day(s) of week.
- Consider whether you need to add dates to the planning and zoning commission meeting schedule, and consider what happens to the application if the commission is unable to meet within the 30-day timeframe (e.g., because of a lack of quorum).
- Delegate any applications to staff rather than the “authority responsible for approving plats” to avoid the 30-day provisions.
- Require supporting “studies” (i.e. traffic impact analysis, drainage study, etc.) be submitted prior to the first application for development.
- Consider requiring submission and approval of preliminary utility plans, potentially as part of a service availability determination, separate and prior to any submission of the actual preliminary plan or plat. Consider the same regarding: utility evaluations (city and third party); TxDOT or county road approvals (curb cuts/driveways); traffic impact analysis; variance approvals; and any other submissions that need to be made to the county and ESD (or any other governmental entity that needs to review) prior to filing.
- Do not accept a final plat for review until subdivision construction plans are approved and either a fiscal surety is filed or the infrastructure improvements are constructed.
- Call responses “notices of code deficiency” that state “your submission fails to comply with section \_\_\_\_\_ regarding \_\_\_\_\_” or “does not adequately address section \_\_\_\_\_ regarding \_\_\_\_\_.”

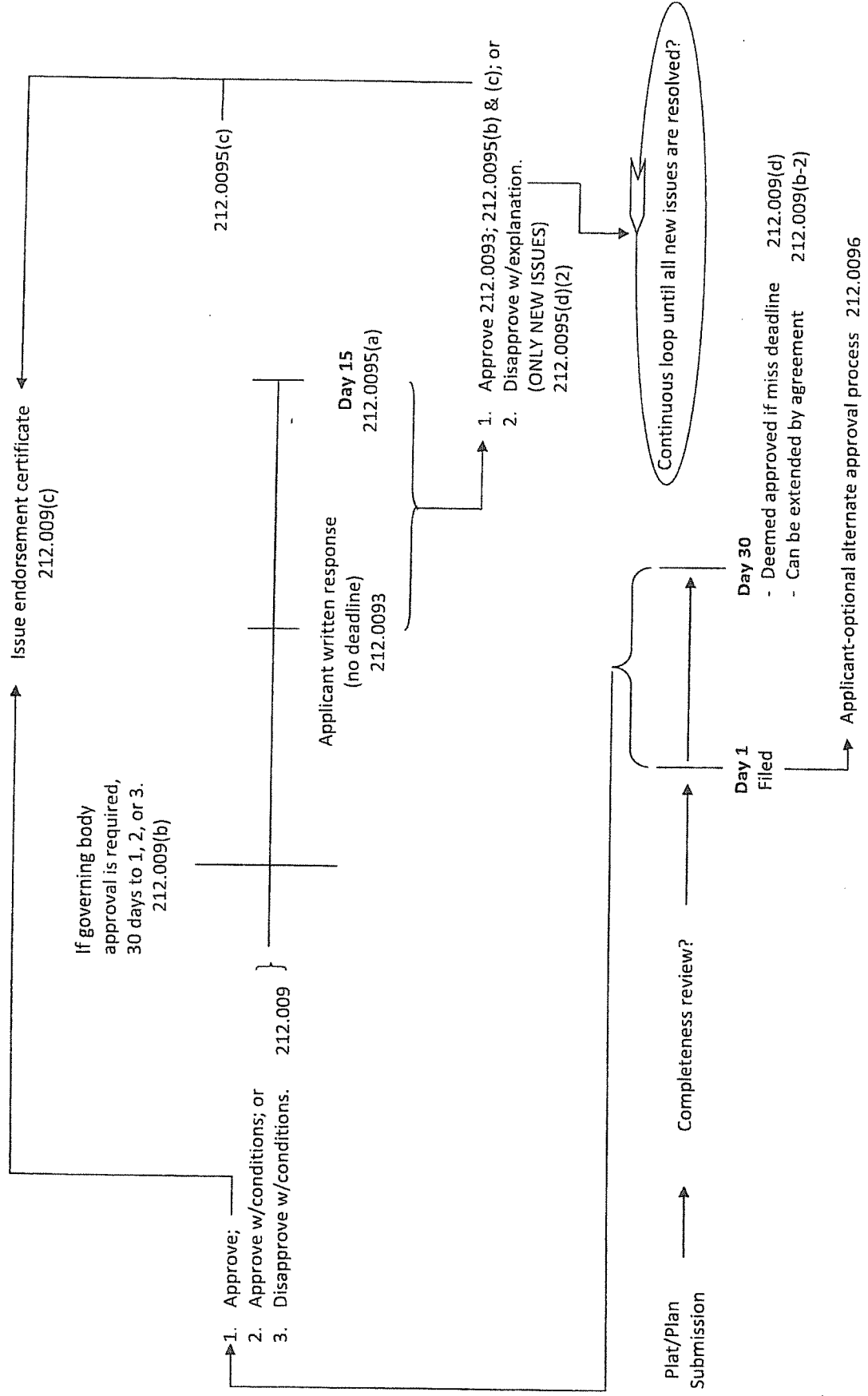
**19. Does the bill contain any beneficial provisions?**

Yes. With regard to the approval of replats, the bill provides that:

1. a replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat: (a) is signed and acknowledged by only the owners of the property being replatted; (b) is approved by the municipal authority responsible for approving plats; and (c) does not attempt to amend or remove any covenants or restrictions (*Id.* § 212.014); and
2. for a replat that, during the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot or any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot: (a) if the proposed replat requires a variance or exception, a public hearing must be held by the municipal planning commission or the governing body of the city and; (b) if a proposed replat does not require a variance or exception, the city shall, not later than the 15th day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent municipality or county tax roll; (c) sections (a) and (b) do not apply to a proposed replat if the municipal planning commission or the governing body of the city holds a public hearing and gives notice of the hearing in the

manner provided by section (b); (d) the notice of a replat approval required by section (b) must include: (i) the zoning designation of the property after the replat; and (ii) a telephone number and e-mail address an owner of a lot may use to contact the city about the replat (*Id.* § 212.015).

# H.B. 3167 Development Approval Process



# **AGENDA ITEM #21**

CITY OF KINGSVILLE



---

MEMORANDUM

---

TO: City Commissioners  
FROM: Deborah Balli, Interim City Manager *DB*  
DATE: August 12, 2019  
SUBJECT: Budget Transfer

---

**Summary:** The City of King'sville's Financial Policy requires Commission approval on fund to fund budget transfers.

**Background:** Commissioner Lopez has unspent training and travel funds and is requesting these funds to be transferred to assist with a water tower paint project.

**Financial Impact:** There is no financial impact as these funds are already appropriated. Funds would be transferred and spent on a different purpose. The funding would be transferred from General Fund 001 to Utility Capital Projects Fund 054 where the project would be recorded in. Should the project not be completed in FY 18-19, the funds will be rolled over into FY 19-20 through an end of year budget amendment.

**Recommendation:** Staff recommends the approval of the fund to fund transfer.

**CITY OF KINGSVILLE  
TRANSFER OF FUNDS REQUEST**

Transfer From						
Account Description	Fund	Dept	Account	Beginning Balance (+/-)	Adjustment Key as (-)	Ending Balance
Training & Travel-Lopez	001	1000	31603	\$2,541.81	(\$2,541.81)	\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
Totals (Must Match)					(\$2,541.81)	

\$ -

Transfer To						
Account Description	Fund	Dept	Account	Beginning Balance (+/-)	Adjustment Key as (+)	Ending Balance
Grounds & Perm Fixtures	054	6001	59100	\$0.00	\$2,541.81	\$2,541.81
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
Totals (Must Match)					\$2,541.81	

REASONS FOR TRANSFER(S): \_\_\_\_\_

To transfer remaining training and travel account to cover invoice on water tower logo.

Fund to fund transfer requires Commission approval per Financial policy.

SIGNATURES:

Deborah R Balli 8/8/2019

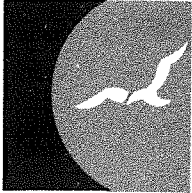
DEPARTMENT HEAD DATE

Deborah R Balli 8/8/2019

FINANCE DIRECTOR DATE

Accounting Use Only	
Posted By:	_____
Date:	_____

## **AGENDA ITEM #22**



## Coastal Bend Council of Governments

July 19, 2019

Ms. Deborah Balli  
Interim City Manager  
City of Kingsville  
P.O. Box 1458  
Kingsville, TX 78364

RE: **Interlocal Agreement for E9-1-1 Public Safety Answering Point Services**

Dear Ms. Balli:

Councils of government (COGs)/regional planning commissions(RPCs) are required to execute a "Contract for 9-1-1 Services" with the Commission on State Emergency Communications (CSEC) every 2 years in order to continue providing emergency communications services (9-1-1) in this region of Texas. This happens every two years, at the start of a new biennium. At this time, the CBCOG has to execute such an agreement before the end of August, that is, on or before August 31, 2019, I have to certify that the CBCOG has interlocal agreements executed with 18 local governments in order to receive continuation funding for the 9-1-1 program in this region.

In the Contracts for 9-1-1 Service between the CSEC and the COGs or RPCs, there is an Article 4 that requires an interlocal agreement between the COG and a local government entity operating a Public Safety Answering Point (PSAP). This requirement began in the summer of 2009 and has been in place every two years since. This is the same agreement that was executed 2 years ago with different dates inserted. The CBCOG has been supporting 9-1-1 services in this region since the early 1990's.

I have signed and enclosed two copies of an "Interlocal Agreement for E9-1-1 Public Safety Answering Point Services between your local government and the CBCOG. The agreement has not changed other than the period of time during which it is in effect. This agreement includes the minimum requirements to remain compliant with existing laws governing 9-1-1 services in the region. Please sign both documents, keep one for your records and return one to me by **08/15/2019** if possible.

Thank you for continuing to provide E9-1-1 services within your jurisdiction and for assisting the CBCOG in this matter.

Sincerely,

John P. Buckner  
Executive Director

Enclosures (2)

**RESOLUTION NO. 2019-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT FOR E9-1-1 PUBLIC SAFETY ANSWERING POINT SERVICES BETWEEN THE CITY OF KINGSVILLE AND THE COASTAL BEND COUNCIL OF GOVERNMENTS.**

**WHEREAS**, the City Commission previously approved Resolution #2017-45 on August 14, 2017, Resolution #2015-40 on July 27, 2015, Resolution #2013-43 on July 22, 2013, Resolution #2011-49 on August 22, 2011, and #2009-59 on October 26, 2009 for E9-1-1 Public Safety Answering Point Services with the COG, which must be renewed every two years; and

**WHEREAS**, the Commission on State Emergency Communications has a requirement that began in 2009 that a new interlocal agreement must be executed between the CBCOG and a participating local government (ie, city or county) every two years and it is time for said renewal; and

**WHEREAS**, but for the period of time during which it is in effect, the proposed agreement has not changed from the one the City Commission approved in 2015 and it includes the minimum requirements to remain compliant with existing laws governing 9-1-1 services in the region.

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

I.

**THAT** the Interim City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into an Interlocal Agreement for E9-1-1 Public Safety Answering Point Services between the City of Kingsville and the Coastal Bend Council of Governments 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 12<sup>th</sup> day of August, 2019.

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **INTERLOCAL AGREEMENT FOR E9-1-1 PUBLIC SAFETY ANSWERING POINT SERVICES**

## **Article 1: Parties & Purpose**

1.1 The **Coastal Bend Council of Governments** (RPC) is a regional planning commission and political subdivision of the State of Texas organized and operating under the Texas Regional Planning Act of 1965, as amended, Chapter 391 of the Local Government Code. The RPC has developed a Strategic Plan to establish and operate 9-1-1 service (Strategic Plan) in State Planning Region 20 (Region), and the Commission on State Emergency Communications (Commission) has approved its current Strategic Plan.

1.2 **The City of Kingsville** (Local Government) is a local government that operates Public Safety Answering Points (PSAP) that assist in implementing the Strategic Plan as approved by the Commission.

1.3 The Commission, as authorized by Health & Safety Code, Chapter 771, is the oversight and funding authority for regional planning commissions implementing 9-1-1 service.

1.4 The Contract for 9-1-1 Services between the Commission and the RPC requires the RPC to execute interlocal agreements with local governments relating to the planning, development, operation, and provision of 9-1-1 service, the use of wireline and wireless 9-1-1 fees and equalization surcharge appropriated to the Commission and granted to the RPC (9-1-1 Funds) and adherence to Applicable Law.

## **Article 2: Applicable Law**

2.1 Applicable law, as defined in the prior section, includes, but is not limited to, Health and Safety Code Chapter 771; Commission Rules (Title 1, Part 12, Texas Administrative Code) and Program Policy Statements; the biennial state General Appropriations Act; Texas Government Code Chapter 783 (Uniform Grant and Contract Management, including Uniform Grant Management Standards [UGMS] Title 34, Part 1, Chapter 20, Subchapter I), Chapter 441, Subchapter J (Preservation and Management of Local Government Records Act), and Chapter 2260 (Resolution of Certain Contract Claims Against the State); and Texas Local Government Code Chapter 391 (Regional Planning Commissions).

2.2 Any new or amended policy or procedure, other than an adopted rule, shall be enforceable against the Local Government 30 days following the date of its adoption unless the RPC finds and declares that an emergency exists which requires that such policy or procedure be enforceable immediately. The RPC shall provide the Local Government written notice of all new or amended policies, procedures or interpretations of Commission rules within a reasonable time after adoption, and in any event at least 10 days prior to the time such policies or procedures are enforceable against the Local Government.

### **Article 3: Deliverables**

#### **3.1 The Local Government agrees to:**

3.1.1 Operate and maintain the **Kingsville PD PSAP** located at **1700 East King Street, Kingsville, Texas 78363**.

3.1.2 Provide 9-1-1 public safety answering service 24 hours per day, seven days per week; and

3.1.3 Cooperate with the RPC in providing and maintaining suitable PSAP space meeting all technical requirements.

#### **3.2 Ownership, Transference & Disposition of Equipment**

3.2.1. The RPC and the Local Government shall comply with Applicable Law, in regards to the ownership, transfer of ownership, and/or control of equipment acquired with 9-1-1 Funds in connection with the provision of 9-1-1 service (9-1-1 equipment).

3.2.2 The RPC shall establish ownership of all 9-1-1 equipment located within the Local Government's jurisdiction. The RPC may maintain ownership, or it may agree to transfer ownership to the Local Government according to established policy.

3.2.3 The Local Government shall ensure that sufficient controls and security exist by which to protect and safeguard the 9-1-1 equipment against loss, damage or theft.

3.2.4 Ownership and transfer-of-ownership documents shall be prepared by the RPC and signed by both parties upon establishing ownership or transference of ownership of any such 9-1-1 equipment in accordance with UGMS and the State Comptroller of Public Accounts. Sample forms are provided as Attachments A and B to this Agreement.

3.2.5 Replacement insurance on 9-1-1 equipment shall be purchased and maintained by **Coastal Bend Council of Governments** and proof of insurance shall be provided upon request.

3.2.6 The RPC and/or the Commission shall be reimbursed by the Local Government for any damage to 9-1-1 equipment other than ordinary wear and tear.

#### **3.3 Inventory**

3.3.1 The RPC shall maintain a current inventory of all 9-1-1 equipment consistent with Applicable Law;

3.3.2 All 9-1-1 equipment shall be tagged with identification labels.

3.3.3 Any lost or stolen 9-1-1 equipment shall be reported to the RPC as soon as possible.

#### 3.4 Security

3.4.1 The Local Government shall limit access to all 9-1-1 equipment and related data only to authorized personnel.

#### 3.5 Training

3.5.1 The Local Government shall notify the RPC of any new 9-1-1 call takers and schedule for applicable training as soon as possible.

#### 3.6 Operations

The Local Government shall:

3.6.1 Designate a PSAP supervisor and provide related contact information to the RPC;

3.6.2 Monitor and test the 9-1-1 equipment and report any failures or maintenance issues immediately to the appropriate maintenance vendor and/or the RPC;

3.6.3 Coordinate with the RPC and local elected officials in the planning for and implementation and operation of all 9-1-1 equipment;

3.6.4 Allow 24-hour access to the 9-1-1 equipment for repair and maintenance service, as required;

3.6.5 Assist the RPC in conducting inspections of all 9-1-1 equipment at the PSAP as identified by the RPC for quality assurance;

3.6.6 Test all Telecommunications Devices for the Deaf (TDD) for proper operation;

3.6.7 Log all TDD 9-1-1 calls and equipment testing as required by the Americans with Disabilities Act of 1990;

3.6.8 Log all trouble reports and make copies available to the RPC as required by the RPC;

3.6.9 Make no changes to 9-1-1 equipment, software or programs without prior written consent from the RPC.

#### **Article 4: Performance Monitoring**

4.1 The RPC and the Commission reserve the right to perform on-site monitoring of the PSAP(s) for compliance with Applicable Law and performance of the deliverables specified in this Agreement. The Local Government agrees to fully cooperate with all monitoring requests from the RPC and/or the Commission for such purposes.

#### **Article 5: Procurement**

5.1 The RPC and the Local Government agree to use competitive procurement practices and procedures required by Applicable Law and RPC procurement policies in connection with any procurement to be funded with 9-1-1 Funds.

5.2 The RPC shall **not** purchase or reimburse Local Government for supplies necessary for performance of the deliverables per this Agreement.

#### **Article 6: Financial**

6.1 As authorized by Applicable Law, the provisioning of 9-1-1 service throughout the Region is funded by Commission grants of appropriated 9-1-1 Funds.

#### **Article 7: Records**

7.1 The Local Government will maintain adequate fiscal records and supporting documentation of all 9-1-1 Funds reimbursed to the Local Government for 9-1-1 service consistent with Applicable Law and generally accepted accounting principles and as approved in the RPC's current approved Strategic Plan;

7.2 The RPC or its duly authorized representative shall have access to and the right to examine and audit all books, accounts, records, files, and/or other papers or property pertaining to the 9-1-1 service belonging to or in use by the Local Government, the PSAP, or by any other entity that has performed or will perform services related to this Agreement.

7.3 The Commission and State Auditor's Office shall have the same access and examination rights as the RPC.

## **Article 8: Assignment**

8.1 The Local Government may not assign its rights or subcontract its duties under this Agreement. An attempted assignment or subcontract in violation of this paragraph is void.

## **Article 9: Nondiscrimination and Equal Opportunity**

9.1 The RPC and the Local Government shall not exclude anyone from participating under this Agreement, deny anyone benefits under this Agreement, or otherwise unlawfully discriminate against anyone in carrying out this Agreement because of race, color, religion, sex, age, disability, handicap, or national origin.

## **Article 10: Dispute Resolution**

10.1 Disputes include, but are not limited to, disagreement between the parties about the meaning or application of the Strategic Plan, the Applicable Law or policy, or this Agreement.

10.2 The parties desire to resolve disputes without litigation. Accordingly, if a dispute arises, the parties agree to attempt in good faith to resolve the dispute between them. To this end, the parties agree not to sue one another, except to enforce compliance with this Article 10, until they have exhausted the procedures set out in this Article 10.

10.3 At the written request of either party, each party shall appoint one non-lawyer representative to negotiate informally and in good faith to resolve any dispute arising between the parties. The representatives appointed shall determine the location, format, frequency, and duration of the negotiations.

10.4 If the representatives cannot resolve the dispute within 30 calendar days after the first negotiation meeting, the parties agree to submit the dispute to a mutually designated legal mediator. Each party shall pay one-half the total fee and expenses for conducting the mediation.

10.5 The parties agree to continue performing their duties under this Agreement, which are unaffected by the dispute, during the negotiation and mediation process.

10.6 If mediation does not resolve the parties' dispute, the parties may pursue their legal and equitable remedies.

## **Article 11: Suspension for Unavailability of Funds**

11.1 In the event that (i) the RPC's approved budget and/or appropriations to the Commission from the Texas Legislature do not permit or otherwise appropriate funds for reimbursement to Local Government provided for in this Agreement, and (ii) such lack of permission or non-appropriation shall not have resulted from any act or failure to act on

the part of the RPC, and (iii) the RPC has exhausted all funds legally available for reimbursement to Local Government, and no other legal procedure shall exist whereby payment hereunder can be made to Local Government; and (iv) RPC has negotiated in good faith with Local Government to develop an alternative payment schedule or new agreement that will accommodate RPC's approved budget and/or appropriations for the applicable period, then RPC will not be obligated to reimburse the Local Government for the applicable budget year(s).

## **Article 12: Notice to Parties**

12.1 Notice under this Agreement must be in writing and received by the party against whom it is to operate. Notice is received by a party (1) when it is delivered to the party personally; or (2) on the date shown on the return receipt if mailed by registered or certified mail, return receipt requested, to the party's address specified in this Article and signed on behalf of the party.

12.2 The RPC's address is:

**Coastal Bend Council of Governments  
P.O. Box 9909  
Corpus Christi, TX 78469**

The Local Government's address is:

**Office of the City Manager  
City of Kingsville  
P.O. Box 1458  
Kingsville, Texas 78364**

12.3 A party may change its address by providing notice of the change in accordance with paragraph 12.1.

## **Article 13: Effective Date and Term**

13.1 This Agreement is effective as of **September 1, 2019 and shall terminate on August 31, 2021.**

13.2 In the event of default in the performance of this Agreement, the non-defaulting party may terminate this Agreement after providing written notice of the default to the defaulting party, and the failure of the defaulting party to cure said default within 30 calendar days of said notice.

13.3 If this Agreement is terminated for any reason, the RPC shall not be liable to the Local Government for any damages, claims, losses, or any other amounts arising from or related to any such termination.

#### **Article 14: Force Majeure**

14.1 The RPC may grant relief from performance of the Agreement if the Local Government is prevented from performance by act of war, order of legal authority, act of God, or other unavoidable cause not attributable to the fault or negligence of the Local Government. The burden of proof for the need of such relief shall rest upon the Local Government. To obtain release based on force majeure, the Local Government shall file a written request with the RPC.

#### **Article 15: Confidentiality**

15.1 The parties will comply with the Texas Public Information Act, Government Code, Chapter 552 as interpreted by judicial opinions and opinions of the Attorney General of the State of Texas. This Agreement and all data and other information generated or otherwise obtained in its performance may be subject to the Texas Public Information Act. The parties agree to maintain the confidentiality of information received during the performance of this Agreement.

15.2 The Local Government or its duly authorized representative will notify the RPC upon receipt of any requests for information.

#### **Article 16: Indemnification**

16.1 To the extent authorized by law, each party agrees to indemnify the other and agrees to defend its governing body members, officers and employees, against any claim, suit or administrative proceeding, and to indemnify them against any liability including all costs, expenses, and reasonable attorney's fees incurred arising out of an act or omission of the governing body, any officer, employee or agent in carrying out this Agreement.

#### **Article 17. Historically Underutilized Business Requirements**

17.1 The Local Government shall comply with requirements of Chapter 2161 of the Government Code regarding Historically Underutilized Businesses.

#### **Article 18: Miscellaneous**

18.1 For purposes of this Agreement, terms not specifically defined herein are defined in the Applicable Laws.

18.2 Each individual signing this Agreement on behalf of a party warrants that he or she is legally authorized to do so, and that the party is legally authorized to perform the obligations undertaken.

18.3 This Agreement constitutes the entire agreement between the parties and supersedes any and all oral or written agreements between the parties relating to matters

herein. An amendment to this Agreement is not effective unless in writing and signed by both parties.

18.4 All parties agree that should any provision of this Agreement be determined to be invalid or unenforceable, such determination shall not affect the term of this Agreement, which shall continue in full force and effect.

18.5 The following Attachments are part of this Agreement:

Attachment A	Ownership Agreement
Attachment B	Transfer of Ownership Form
Attachment C	Scope of Work
Attachment D	PSAP Operations Performance Measures and Monitoring
Attachment E	Commission Documents – Legislation, Rules and Program Policy Statements

18.6 This Agreement is binding on, and to the benefit of, the parties' successors in interest.

18.7 This Agreement is executed in duplicate originals.

**Coastal Bend Council of Governments**

**City of Kingsville**

By: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: John P. Buckner

Printed Name: Deborah Balli

Title: Executive Director

Title: City Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## **Attachment A Ownership Agreement**

As stipulated in Article 3 of the Agreement, the RPC shall establish ownership of all 9-1-1 equipment located within the Local Government's jurisdiction.

The RPC hereby establishes all 9-1-1 equipment located at the Mathis Police Department (PSAP Name), in San Patricio County, to be the property of the Coastal Bend Council of Governments, hereinafter referred to as "Owner".

Following is an itemized listing of 9-1-1 equipment hereby defined as the property of Owner.

**Positron VIPER Central Premises Equipment, front and backroom  
Positron ePrinter  
Eventide Voice Recorder  
(any other equipment with a CBCOG numbered name tag displayed on it)**

**Coastal Bend Council of Governments**

**City of Kingsville**

By: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: John P. Buckner

Printed Name: \_\_\_\_\_

Title: Executive Director

Title: City Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## Attachment B

### Transfer of Ownership Form

As stipulated is Article 3 of the Agreement between \_\_\_\_\_ (RPC) and \_\_\_\_\_ (Local Government) dated \_\_\_\_\_, 20\_\_\_\_, the RPC shall document all transfers of ownership of 9-1-1 equipment between the RPC and the Local Government.

Indicate the appropriate classification:

Transfer \_\_\_\_\_ Disposition \_\_\_\_\_ Lost \_\_\_\_\_

Please provide the following information in as much detail as possible.

Inventory Number	Current Assignee:
Description	Location:
Serial Number	Signature:
Acquisition Date	Date:
Acquisition Cost	New Assignee:
Vendor	Location:
Invoice Number	Signature:
Purchase Order Number	Date:
Condition	

Continued.....

**Attachment B**  
**Transfer of Ownership Form (continued)**

Action Recommended by: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Comments: \_\_\_\_\_

Approved:    \_\_\_\_\_ Yes    \_\_\_\_\_ No

Proceeds, if any: \_\_\_\_\_

Approved by: \_\_\_\_\_

Title: \_\_\_\_\_  
          Comptroller

Date: \_\_\_\_\_

Disposed or Lost Property shall require approval by the agency head.

Reviewed by: \_\_\_\_\_  
                  Executive Director (or other appropriate title of agency head)

Date: \_\_\_\_\_

## **Attachment C Scope of Work**

***[Include specific activities to be performed, including but not limited to, standards for the use of answering points and the creation of new answering points, inventory/equipment categories, coordination, insurance, technical activities, operating procedures, frequency of testing, event reporting, etc. to insure compliance with this Agreement, the CSEC/RPC contract, Regional Strategic Plan and individual local requirements.]***

**The following pages are taken, in part, from the Coastal Bend Council of Governments FY2020/FY2021 Stage 2, Section A, 9-1-1 Strategic Plan and these sections of the report address the Scope of Work:**

Network Testing Plan/Schedule and PSAP Monitoring Plan

9-1-1 Network Monitoring Checklist

Contingency Routing Plan

Equipment Maintenance Plan

[Not included in this agreement but each PSAP Manager and Dispatch room is provided ring binder that explains Best Practices for 9-1-1 System Training, Standard Operating Procedures for Contingency Plans, Network Diagrams, PSAP Monitoring Procedures, etc.]

## **Network Testing Plan/Schedule and PSAP Monitoring Plan**

In accordance with the Regional Strategic Plan for 9-1-1 Services, the CBCOG has established procedures for testing all 9-1-1 Customer Premise Equipment (CPE) including TDD/TTY, 9-1-1 network and 9-1-1 Database services. Testing occurs on a routine basis during quarterly monitoring visits, any time the service is modified or a new a new service is implemented or after outages or other problems have occurred. A sample PSAP monitoring checklist follows this page.

CBCOG Public Safety Answering Point (PSAP) operation is a part of the Interlocal Agreement between the CBCOG and the PSAP governing entity. This agreement contains duties that the PSAP has agreed to perform. The duties include making test calls at least once per month to test specifically for wireline and wireless services as well as for database service and TDD/TTY problems. Such test calls should be documented in a log book by the PSAP personnel. Any problems should be reported immediately to either the equipment vendor or the CBCOG operations staff. CBCOG monitoring staff will inspect all PSAP 9-1-1 related equipment at least on a monthly basis.

Since PSAP monitoring was instituted, the CBCOG has monitored all PSAPs in the Coastal Bend network on a quarterly basis. There are 18 PSAPs that are monitored each quarter. The Corpus Christi/Nueces County MetroCom is only required to be monitored once per year. However, it is monitored every quarter until the so called “random performance report validation” comes up. If that performance report validation does not come up until the fourth quarter, MetroCom is monitored 4 times. PSAPs in close proximity to each other are monitored on the same day to conserve on travel costs.

Any findings or problems that are found during the monitoring visit are reported to the CBCOG Executive Director/9-1-1 Coordinator and these findings are also reported at quarterly Emergency Communications Advisory Committee meetings. These findings are also reported to the Commission on Emergency Communications at least quarterly within the CBCOG performance reporting requirements.

# Coastal Bend Council of Governments

## 9-1-1 Network Monitoring Checklist

Monitoring By: \_\_\_\_\_

Dispatcher on Duty: \_\_\_\_\_

PSAP San Patricio SO

Quarter \_\_\_\_\_

Date \_\_\_\_\_

Category	Check Box if in Compliance	Findings/Comments
<b>Posted Info</b>		
Language Line	<input type="checkbox"/>	
COG Standard Operations Manual	<input type="checkbox"/>	
<b>Network Testing/Calls Done</b>		
Make Busy	<input type="checkbox"/>	
Call Rollover	<input type="checkbox"/>	
Trunks (911 & POTS lines)	<input type="checkbox"/>	
Transfers (PSAP's)	<input type="checkbox"/>	
Poison C & Language Line	<input type="checkbox"/>	
<b>Positions</b>	<input type="checkbox"/>	
<b>Wireless ANI</b>	<input type="checkbox"/>	
<b>Wireline ANI/ALI</b>	<input type="checkbox"/>	
<b>Total Network Calls Done</b>	<input type="checkbox"/>	
<b>Map Display &amp; GIS Update</b>	<input type="checkbox"/>	
<b>Printers</b>		
Eprinter	<input type="checkbox"/>	
911 Printer	<input type="checkbox"/>	
Eprinter to 911 Printer	<input type="checkbox"/>	
Positions to 911 Printer	<input type="checkbox"/>	
<b>TDD Equipment</b>		
Stand alone	<input type="checkbox"/>	
Current test call logs	<input type="checkbox"/>	
<b>UPS Backup Batteries</b>	<input type="checkbox"/>	
<b>Voice recorders</b>		
Audio Quality/Function	<input type="checkbox"/>	
<b>Miscellaneous</b>		
PSAP Radio	<input type="checkbox"/>	
Text to 911 & Transfers	<input type="checkbox"/>	<div style="display: flex; justify-content: space-between;"> <span>T-Mobile</span> <span>Verizon</span> <span>AT&amp;T</span> <span>Sprint</span> </div>

### Quality Assurance Inspections

At least quarterly, the CBCOG and the PSAP shall conduct inspections for all CPE and network equipment located at each answering point. Inspections shall include phone position buttons/labels, trunks, printers, TDDs, UPS battery levels, voice recorders, ANI/ALI displays on each answering position, accessibility and condition of 9-1-1 equipment, non-CSEC- approved third party software integration, and other items as identified by CBCOG.

# COASTAL BEND COUNCIL OF GOVERNMENTS FY 2020-2021

List each PSAP in your Region.

## Contingency Routing Plan

PSAP	Overflow Plan	Designated Alternate PSAP
	Each PSAP has at least two 10-digit admin lines that are answered in the call taker room to accommodate 911 call overflow	
1) Aransas Public Safety Center	"	San Patricio County SO
2) Bee County SO	"	Bee PD
3) Beeville PD	"	Bee County SO
4) Brooks County SO	"	Jim Wells County SO
5) Duval County SO	"	Jim Wells County SO
6) Freer PD	"	Duval County SO
7) Jim Wells County SO	"	Alice PD
8) Alice PD	"	Jim Wells County SO
9) Kleberg County SO	"	Kingsville PD
10) Kingsville PD	"	Kleberg County SO
11) Live Oak County SO	"	Bee County SO
12) Por Aransas PD	"	MetroCom (CCPD/Nueces Co. SO)
13) Robstown PD	"	MetroCom (CCPD/Nueces Co. SO)
14) Refugio County SO	"	Bee County SO
15) San Patricio County SO	"	Aransas Public SafetyCenter
16) Ingleside PD	"	San Patricio County SO
17) Mathis PD	"	San Patricio County SO
18) If all 17 PSAPs fail		MetroCom (CCPD/Nueces Co. SO)
19)		
20)		
21)		
22)		
23)		
24)		
25)		

**Equipment Maintenance Plan**  
**COASTAL BEND COUNCIL OF GOVERNMENTS**  
**FY 2020-2021**

**Attach separate sheets, if necessary.**

1. Maintenance Provider:	West Safety Services
Equipment Maintained:	CPE equipment at 17 PSAPs, front & backroom
Contact Name and Phone Number:	Gene Kilgore, 361-484-5480
PSAPs Served:	Aransas Public Safety Center, Alice PD, Bee County SO, Beeville PD, Brooks County SO, Duval County SO, Freer PD, Jim Wells County SO, Kingsville PD, Kleberg County SO, Ingleside PD, Live Oak County SO, Mathiis PD, Port Aransas PD, Refugio County SO, Robstown PD, and San Patricio County SO.
Preventive Maintenance Schedule:	Monthly, all PSAPs
2. Maintenance Provider:	VistaCom Eventide Voice Recorders
Equipment Maintained:	17 Eventide Voice Recorders
Contact Name and Phone Number:	VistaCom Recorder Maintenance, 281-516-9800
PSAPs Served:	Aransas Public Safety Center, Alice PD, Bee County SO, Beeville PD, Brooks County SO, Duval County SO, Freer PD, Jim Wells County SO, Kingsville PD, Kleberg County SO, Ingleside PD, Live Oak County SO, Mathiis PD, Port Aransas PD, Refugio County SO, Robstown PD, and San Patricio County SO.
Preventive Maintenance Schedule:	As needed
3. Maintenance Provider:	

## **Attachment D**

### **PSAP Operations Performance Measures and Monitoring**

#### Logs

The Local Government shall provide copies of logs and reports to assist with the RPC's collection of efficiency data on the operation of PSAPs including, but not limited to:

1. Trouble report logs at least once per \_\_\_\_\_;
2. List of service affecting issues once per \_\_\_\_\_;
3. Certification of TTY/TDD testing once per \_\_\_\_\_; and
4. TTY/TDD call logs.

## **Attachment E**

### **Commission Documents**

The following documents govern the funding and provisioning of 9-1-1 services by the RPC:

1. Commission Legislation: <http://www.csec.texas.gov> and <http://www.csec.texas.gov/statutes>
2. Commission Rules: <http://www.csec.texas.gov>
3. Commission Program Policy Statements:  
<http://www.csec.texas.gov/program-policy-statements/9-1-1-program>