

City of Kingsville, Texas

AGENDA CITY COMMISSION MONDAY, AUGUST 26, 2019 REGULAR MEETING

**CITY HALL
HELEN KLEBERG GROVES COMMUNITY ROOM
400 WEST KING AVENUE
4:00 P.M.- Workshop
6:00 P.M.-Regular Meeting**

I. Preliminary Proceedings.

OPEN MEETING

CONVENE INTO BUDGET WORKSHOP At 4:00 P.M.:

Review and discuss proposed fiscal year 2019-2020 budget for departments of the City of Kingsville. (Interim City Manager).

APPROVED BY:



Deborah Balli
Interim City Manager

REGULAR MEETING RESUMES AT 6:00 P.M.:

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

August 12, 2019 - Regular Meeting

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

1. Public Hearing on a *proposed* tax rate increase from \$.83000 to \$.89000 for Fiscal Year 2019-2020. (Finance Director).

III. Reports from Commission & Staff.²

"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to, the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Condemnation Update, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; Public Works; Landfill Update, Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Health Department, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Employee Recognition, Health Plan

*Update, Tax Increment Zone Presentation, **Main Street Downtown**, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation, Golf Course, Library Summer Programs, Grants Update. No formal action can be taken on these items at this time."*

IV. Public Comment on Agenda Items.³

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

V.

Consent Agenda

Notice to the Public

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

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

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

1. Motion to approve final passage of an ordinance to rezone 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). (Director of Planning & Development Services).
2. Motion to approve final passage of an ordinance to rezone 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). (Director of Planning & Development Services).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget to receive and expend Park donations for Healthy Family recreational programs. (Parks Director).
4. Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget to expend funds for storm debris remediation. (Public Works Director).
5. Motion to approve final passage 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).
6. Motion to approve final passage of an ordinance amending Chapter XV, Article 1, Building Regulations, revising the schedule of permit fees. (Director of Planning & Development Services).
7. Motion to consider reappointment of Dr. Judith Cox and Mrs. Janice Becker to the Library Board each for three-year terms. (Library Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

8. Consider appointing Ryder Takesuye to the Main Street Advisory Board for a two-year term. (Downtown Manager).
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 the John E. Conner Museum. (Tourism Director).
10. Consider introduction of an ordinance amending Chapter XV-Land Use, Article 3-Subdivisions, section 15-3-1 through 15-3-19, revising platting procedures. (Director of Planning & Development Services).

VII. Adjournment.

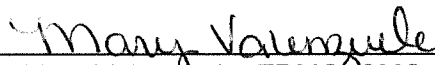
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative 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 20, 2019 at 1:00 P.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.



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

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

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

MINUTES OF PREVIOUS MEETING(S)

AUGUST 12, 2019

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, AUGUST 12, 2019 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 6:00 P.M.

CITY COMMISSION PRESENT:

Edna Lopez, Commissioner
Hector Hinojosa, Commissioner
Dianne Leubert, Commissioner
Arturo Pecos, Commissioner

CITY COMMISSION ABSENT:

Sam R. Fugate, Mayor

CITY STAFF PRESENT:

Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Kyle Benson, IT Manager
Susan Ivy, Parks Manager
Deborah Balli, 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
Gary Fusilier, Landfill Supervisor
Rudy Mora, City Engineer

I. Preliminary Proceedings.

OPEN MEETING

Mayor Pro-tem Lopez opened the meeting at 6:00 P.M. with four Commission members present. Fugate 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 22, 2019 - Regular Meeting

Motion made by Commissioner Hinojosa to approve the minutes of July 22, 2019 as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Hinojosa, Pecos, Lopez "FOR". Leubert "ABSTAINED".

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

- 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).

Mayor Pro-tem Lopez read and opened this public hearing at 6:02 P.M.

Mr. Tom Ginter, Director of Planning & Development Services reported that Mr. 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 at his residency. In order for Mr. Saldana to do this he would need to request a rezone to a Mixed Use Zoning District which allows that to occur.

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

Mr. Robert Saldana, 510 E. Avenue D stated that he would like to request this rezone so that he can be closer to home. He wants to do this the right way by asking for the rezone verses just doing it without the proper permissions. Mrs. Saldana stated that with the neighborhood having an older crowd, she feels that the Barber Shop will be utilized.

Mr. Ginter further stated that staff has received one phone call which was for the rezone. The Planning & Zoning Commission has heard this item during their meeting to which they have voted 5-0 to recommend approval.

There being no further comments, Mayor Pro-tem Lopez closed this public hearing at 6:07 P.M.

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).

Mayor Pro-tem Lopez read and opened this public hearing at 6:07 P.M.

Mr. Ginter stated that the applicant, Mr. Gonzalez who is the current owner of the property has been considering some kind of housing development project, which is clearly a duplex type of project. He would like to set up four duplexes for a total of eight units within this property.

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

Mr. Ivan Luna, Kingsville resident spoke on behalf of the applicant, Mr. Gonzalez. Mr. Luna mentioned Mr. Gonzalez's background. He further stated that this would be for four duplexes for a total of eight units at about 1200 sq. ft. for each unit. The structures would be built with hardy plank materials. If the first four duplexes work out for Mr. Gonzalez, then Mr. Gonzalez would more than likely build more units in Kingsville.

Commissioner Leubert asked staff if there were any phone calls received from citizens regarding this project.

Mr. Ginter stated that staff did receive 2 phone calls, one for the project and one against the project.

There being no further comments, Mayor Pro-tem Lopez closed this public hearing at 6:14 P.M.

III. Reports from Commission & Staff.²

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

Mr. Ginter gave a quick update on condemnations. He stated that crews started on demoing today properties on 630 W. Fordyce and 1729 S. 7th Street. Tomorrow crews will start on 1503 E. Santa Gertrudis and on Wednesday they will demo 513 W. Johnston and on Thursday they will demo 510 E. Avenue B. Owners of 721 E. Johnston were able to obtain a grant from the Texas General Land Office, and in that grant they are able to use monies to demo the structure that is currently there, then rebuild on the same property. Property located at 213 W. Santa Gertrudis, property owners obtained a building permit on June 11th and have 90 days to complete the project which is by September 11th. Ginter further stated that the property located at 213 W. Santa Gertrudis has been listed to be sold at the courthouse steps. The property owners of the sale and the County's deadline as well as the City's deadline.

Mayor Pro-tem Lopez asked if the city's deadline was after the county's deadline? Mr. Ginter responded yes.

Mr. Ginter further stated that staff has been keeping up with inspections of this property located at 213 W. Santa Gertrudis. Improvements are being made in sections, as there is only two individuals working on it. He further stated that the next demos to happen are 428 E. Santa Gertrudis, 406 E. Santa Gertrudis, 425 E. Santa Gertrudis, 719 E. Nettie and 918 E. Alice. He stated that as the ordinance states, the Condemnation Officer must be the Building Official. He stated that at this time staff is working with a company named Bureau Veritas to see if they may be able to provide staff with condemnation procedures/process as the Building Official. He further stated that a contract from this company should be received sometime this week.

Commissioner Leubert asked if individuals are paying their condemnation fees. Mrs. Deborah Balli responded that she would need to check with the Collections Manager with regards to this and would get back to the Commission.

Mrs. Courtney Alvarez, City Attorney reminded the Commission and Staff that budget workshops are scheduled for Monday August 19th, Tuesday, August 20th and Monday,

August 26th and Tuesday, August 27th. If an additional meeting is necessary for a budget workshop, it will be for Wednesday, August 28th. She further reminded staff that agenda items are due for the August 26th meeting by Friday, August 16th. The City will be hosting a TML Region 11 Quarterly on Friday, September 13th. She also stated that staff had published notice for a rezone for 1200 N. 15th Street. This rezone will not be needed, as the applicant has withdrawn his request.

Commissioner Hinojosa asked how many meetings will it take to do the entire budget. Mrs. Alvarez stated that historically it has taken four meetings.

IV. Public Comment on Agenda Items.³

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

Mr. Sam Gonzales, 711 W. Ella commented regarding an ordinance that was approved back in 2011 restricting parking on streets that surrounded the University. He stated that he has received numerous citations for parking in front of his house. This ordinance makes it hard for him to park anywhere near his residency. He stated that each citation was for an amount of \$175 each. He would like to know how the Police Department can charge you \$175 for a citation when the ordinance states that the cost of the citation is \$30. He would like to see the Commission look into this ordinance and maybe create a system that will give residents a parking permit allowing them to park in front of their property. As he just recently had surgery, this ordinance makes it very difficult for him to park to far from his home.

Mr. Larry Lee, 342 Anthony Lane commented on agenda item #3, Golf Course Fees that is scheduled to be adopted tonight. He stated that when fees are increased 100%, 120%, 30%, and 25% it is concerning. He stated that you raise your fees a little at a time and not increase 100% to 120% at once. Due to these increases, some of the individuals that play in his group are unable to play. He stated that they had a \$50 fee per month and \$7 to \$10 for a golf cart. Now the fees are from \$50 to \$98 per month, plus pay the golf cart fee. Yearly fee was raised from \$1,920 to \$2,500. This is a large increase in one swoop. Due to the condition of the golf course, fees should not be raised so high. He request for the Commission to look into these fees. He further stated that he tried to pay his annual dues of \$1,920 in June and was told that he could not pay the fee. He tried again at the end of June and was told again that he couldn't pay the fee. He attempted to pay again in July and he was told that the annual fee would be \$2,500. He stated that he doesn't have a problem with management for the golf course, the Golf Course Manager is doing his best with what is being provided to him, but the golf course is not getting better. He stated that he would like to request for the Commission to come out to the golf course and see its condition.

Mr. Lance Hamm, 912 South Creek commented on highway safety and its speeds. He stated that he doesn't have time to talk about sidewalks, 45mph speed limit in front of Walmart. He stated that what he is here to speak about is the speed limit in front of his subdivision is set at 65mph. This is the only intersection within the City of Kingsville that is 65mph. He further stated that South Creek has 32 residents and a school bus from Ricardo that use this intersection. He met with TXDOT on Monday and it is his understanding that they will not be reducing the speed limit in that area. He stated that the danger in this area is that the speed limit goes from 60mph to 65pmh just as people approaching that intersection. Residents of this subdivision are slowing down to enter into the subdivision as others are speeding right by the subdivision, which presents danger. He stated that he is here today to ask the City Commission to review the ordinance, of which a copy was given by him to the Commission as well as a copy of the TXDOT rule that says that if the City Ordinance does not agree with what TXDOT is doing, there is a mechanism within the TXDOT organization where they present two

strip maps to the Texas Transportation Commission in Austin. One strip map will show their speed limit and the other map would show the city ordinance speed limit, at that time the Texas Transportation Commission votes on which one should rule. Since the bypass went into place back in the late 70's there has been 30 fatalities on this highway. He stated that he request for the City Commission to take a look at the issue, as he has been here multiple times to speak about this and nothing has been done. He would like for the Commission to look into it and resolve the issue.

V.

Consent Agenda

Notice to the Public

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

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

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

Motion made by Commissioner Hinojosa to remove agenda item #3 from the consent agenda and be placed on the regular agenda for discussion, seconded by Mayor Pro-tem Lopez. The motion was passed and approved by the following vote: Leubert, Pecos, Hinojosa, Lopez voting "FOR".

Motion made by Commissioner Pecos to approve consent agenda items 1, 2, 4, and 5 as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert voting "FOR".

- 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).**

Mrs. Balli stated that the fees would be going from \$50 a month to \$65 per month and going to the \$96 per month as previously commented.

Commissioner Hinojosa asked if the Commission had already adopted an ordinance raising to \$96 per month and now this ordinance today brings it down to \$65.

Mrs. Balli stated that one of the original ordinances, when the city first took over the golf course, the fee that was out there was \$96 per month as it hadn't been addressed. She stated that back then the ordinance didn't not have a month fee which is why now, staff is bringing it forward so that the fees can be set and customers could be charged as per what the ordinance states.

Mrs. Susan Ivy, Parks & Recreation Director stated that when the City took over the Golf Course, there was an ordinance set. In June 2018, the Commission approved a change to those fees. All this was entirely differently as to what was going on at the Golf Course. When staff started looking at what fees were being charged, as people were complaining about fees going up so high, but in reality those fees had already been approved at that rate by ordinance back in 2018. Ivy further stated that what staff is doing today is trying to set the fees so that there a little higher and they step according to a monthly fee of \$65, six month membership up to \$360 and annual membership to \$660.

Commissioner Hinojosa commented that he is a bit confused as he has the master fee schedule that has different dates. He commented that what would be best, is to go with what is on the ordinance and ask the gentlemen to come back during the budget hearing for the Golf Course and voice their opinion on the fees for the Golf Course.

Mrs. Ivy commented that in September 2014 the commission approved the monthly fee of \$96. In June 1028, the ordinance approved the same amount. What she found while at the golf course, she found out that they were not charging the correct amount therefore now, staff is trying to correct this.

Mayor Pro-tem Lopez suggested for staff to meet with the golfers and discuss the fees with them.

Commissioner Leubert commented that if we want a golf course, fees will have to go up in small increments. This is a work in progress.

Motion made by Commissioner Hinojosa to approve the fees that were presented today, \$65 monthly fee, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Hinojosa, Leubert, Lopez voting "FOR".

4. **Motion to approve final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to 10th, 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.⁴

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

Motion made by Commissioner Leubert to approve the appointment of Tom Di Francesco to the Main Street Advisory Board for a two-year term, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Hinojosa, Leubert Lopez voting "FOR".

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).**

Introduction item.

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).

Introduction item.

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).

Mrs. Balli stated that this resolution sets the fees for the TAMUK Women's Golf Team for the use of the L.E. Ramey Golf Course. This agreement does not change the monetary terms other than there being a requirement for them to leave two to three lockers available for the other customers and locker room must be accessible by other female customers.

Commissioner Hinojosa asked how many locker rooms are there at the Golf Course. Mrs. Ivy responded that there are 13 lockers.

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

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).

Mrs. Cynthia Martin, Downtown Manager read an email received from Mr. Albert Garcia. The email stated that approximately one year ago I purchased the building at 224 W King Ave. In the last year we have completely remodeled both the interior and exterior of the building. We have spent in excess of 50K doing so. I still need to install awnings on the outside and redo the entire parking lot. This is estimated to cost \$28K. We love our building and happy to be located in the Historic district of Kingsville. I hope you will consider and approve my application for the facade grant so that we can install the awnings on our building.

Motion made by Commissioner Leubert to 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 at the 10% for Mr. Garcia, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Hinojosa, Lopez voting "FOR".

11. Consider accepting donations for the Park's Department Healthy Family Partners' Events. (Parks Director).

Motion made by Commissioner Pecos to accept the donations for the Park's Department Healthy Family Partners' Events, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Pecos, Hinojosa, Leubert, Lopez, voting "FOR".

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).

Introduction item.

13. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to expend funds for storm debris remediation. (Public Works Director).

Mr. Bill Donnell, Public Works Director stated that this request is to allow staff to mulch the debris from the June 6th storm. There is 22,000 cubic yards of debris that has been accumulated since the storm. It will take more than six months to burn this debris, once staff obtains permission from TCEQ, which is still being worked on. A contractor was located that will mulch the debris for \$1.10 per cubic yard and haul off this debris within 30 days from starting. The 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.

Introduction item

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).

Mr. Donnell stated that this items authorizes funding for professional services related for unplanned repairs to wastewater repairs to the South Treatment Plant Turblex Blower. It was determined by the service technician that the oil pump was not working properly. Due to pressure being low, the system had to be shut down. 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 failed due to holes in the volume 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. To remain in compliance with TCEQ equipment regulations, funds were transferred within the divisions to cover expenses for repairs.

Introduction item.

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).

Mrs. Melissa T. De La Garza, Kleberg County Tax Assessor-Collector reported on the 2019 Certified Values. She stated that pursuant to the Texas Property Tax Code Sec. 26.04(b) & (e), I, Melissa 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 CD may be viewed in the Tax Office. She further stated that the 2019 values certified by the Kleberg County Appraisal District, the estimated adjusted net taxable value is \$882,204,022.

Commissioner Hinojosa asked Mrs. De La Garza about the \$40 million that is under review.

Mrs. De La Garza responded that the \$40 million dollars that is under review are properties that are still under protest. She stated that her office has already started receiving supplemental values to correct those protest that have been outstanding which she was discussed with Mrs. Balli already. She further stated that she has received some 2019 protest that have now been settled.

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

16. Consider proposed tax rate, take record vote, and schedule public hearings for August 26 & September 3, 2019. (Finance Director).

Mrs. De La Garza stated that the 2019 Governing Body Summary #1A, which is a benchmark of the City's tax rate. Effective tax rate for 2019 is \$.81247. The effective tax rate would be the rate that would bring in the same amount of money from last year to this year. The rollback tax rate is at \$.89361 and last year's tax rate at \$.83000 and looking at a proposed tax rate of \$.83000 for 2019. She stated that the proposed rate is the rate that we have to work with right now while staff is preparing budget, and at that time you can go down but cannot go up, but you can come down at any time at that point if the Commission decides that this is what they want to do.

Mrs. Balli commented that normally while staff is working through the budget, staff goes right underneath the rollback rate so that it gives staff room to work with on the budget process. She further stated that it is staffs recommendation to do a post rate of \$.89000 which is underneath the rollback rate. The budget is built on the prior year rate but it gives staff some flexibility and room to work with if it is needed during the budget process.

Mrs. De La Garza stated that with this being said, the information that was provided to the Commission will need to change the proposed rate to the \$.89000. The notice that will go to the Kingsville Record on Thursday will be changed to \$.89000. De La Garza stated that the Commission would need to take a record vote to accept the proposed rate and schedule two public hearings. She stated that something that needs to be mentioned is that the governing body of the City of Kingsville proposes to use the revenue attributed to the tax increase for the purpose of quality of life improvements which includes increase of maintenance of city facilities, parks, golf course, and IT infrastructure.

Motion made by Commissioner Hinojosa that the proposed property tax rate be \$.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, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Hinojosa, Lopez voting "FOR".

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).

Mrs. Alvarez reported that back in May city staff received notice about AEP's proposed rate increase. At that time, Commission approved a resolution to temporarily suspend the rate increase for a period of 90 days, which is the maximum allowed by law, in order to hire some experts and counsel, which none will be paid by the city, in order to evaluate the proposed rate increase to see if it is fully necessary or if there are some items which may be unnecessary. She stated that it is her understanding that this is what the experts have determined, however we are coming up on the expiration of the

90 day time period for the temporary denial of the fee increase, so at this time, staff has brought a resolution for the Commission to permanently deny the rate increase. She stated that what this would do is that if the Commission should approve the permanent denial of their rate increase, then that along with the resolution of several other cities that permanently deny the rate increase would then go before the PUC, Public Utility Commission for the State of Texas; at which time they would determine what rates, after hearing evidence and testimony would then actually be imposed.

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

18. Consider introduction of an ordinance amending Chapter XV, Article 1, Building Regulations, revising the schedule of permit fees. (Director of Planning & Development Services).

Mr. Ginter stated that as it has been 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 recommend going to a flat fee. He further stated that the flat fee will be \$100 which will include one or more inspections, depending upon the project, and also recommending that a permit for roof repairs go \$0.06 per square foot up from \$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 will be charged for each reinspection. The Planning & Zoning Commission has approved this recommendation by a vote of 5-0.

Commissioner Hinojosa asked the if the flat fee will be \$25. Mr. Ginter responded that the flat fee will be \$100.

Introduction item.

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).

Mrs. Balli stated that staff received notice from the Texas Lottery Commission stating that a municipality currently receiving prize fees the municipal governing body must affirmatively vote to do so and submit proof of that vote the Texas Lottery Commission by November 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.

Commissioner Hinojosa asked if the city receives much fees from the bingo tax? Mrs. Balli stated no, as the City does not have that many organizations that do the bingo. Commissioner Hinojosa further asked that if the city approves taking the 50% they may be out of business. Mrs. Balli commented that this is just to continue to collect what the city collects already. If the Commission does not vote, than they get to keep it all. Commissioner Hinojosa asked if the city would collect 50% of the proceeds that they bring in?

Commissioner Lopez asked what is the percentage that the city collects? Mrs. Balli responded that the letter states that local governments would collect 50% of the prize

fees they collect on a quarterly basis. Balli further stated that this is what is being collect now and if the city wants to continue collecting it, then the vote must be taken.

Commissioner Lopez asked how much does the city collect?

Commissioner Hinojosa stated that by looking at the budget, it seemed that it was about \$2,700 that was collected.

Mrs. Balli commented that it's not that much that is collected as there isn't many organizations doing bingos.

Commissioner Lopez asked how many organizations have bingos now. Mrs. Balli responded that she didn't have that information but would be able to provide it at a later time. Commissioner Lopez further asked if the Planning Department would be keeping up with this matter. Mrs. Balli responded that more than likely she would probably get the Collections Department could do the billing.

Motion made by Commissioner Pecos to approve the resolution of the City of Kingsville to continue receiving a share of bingo prize fees pursuant to Texas House Bill No. 914, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez voting "FOR". Hinojosa "AGAINST".

20. Discussion on state legislative changes to planning and development laws caused by Texas House Bill No. 3167. (Director of Planning & Development Services).

Mr. Ginter stated that House Bill No. 3167 that was passed during the last legislative session could impact the city's subdivision ordinance and zoning ordinances. This could affect the deadlines and timetables on approving preliminary and final plats as well as a subdivision plan. Ginter further stated that an ordinance should be coming forward to the Commission in the next few weeks regarding this change.

Discussion item only.

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).

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

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).

Mrs. Balli stated that staff has received a letter from the Council of Governments informing us that the city is required to execute a contract for 911 service with the Commission on State and Communication every two years in order to continue providing emergency services 911 in the region of Texas. She further stated that 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).

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

VI. Adjournment.

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

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

PUBLIC HEARING(S)

PUBLIC HEARING #1

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
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

CONSENT AGENDA

AGENDA ITEM #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 5100 D Ave Nearest Intersection corner of W.D. + 4th
 (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 F. Rehman, Sr. Phone 361-304-5413 FAX N/A
 Email Address (for project correspondence only): Salbar@att.net
 Mailing Address 5100 D Ave City Kingsville State TX Zip 78643
 Property Owner Robert F. Rehman, Sr. Phone 361-304-5413 FAX N/A
 Email Address (for project correspondence only): Salbar@att.net
 Mailing Address 5100 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:

Re-zoning of 5100 D Ave - CZ

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 Robert F. Rehman, Sr. Date: 7-8-19
 Property Owner's Signature _____ Date: _____
 Accepted by: _____ Date: _____

Property ID: 10727 Geographic ID: 119100530000192 Legal Description: COL MEX, BLOCK 5, LOT 30-32 Zoning: Agent Code: Property Use Code: Property Use Description: 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: 100.0000000000%
 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	

Owner Information

Owner: SALDANA ROBERTO V JR
 % Ownership: 100.0000000000%
 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

Lot Data

#	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

Historical Value Data

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

Property Information

Map of Property

Map of Property with Surrounding Properties

Map of Property with Surrounding Properties

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

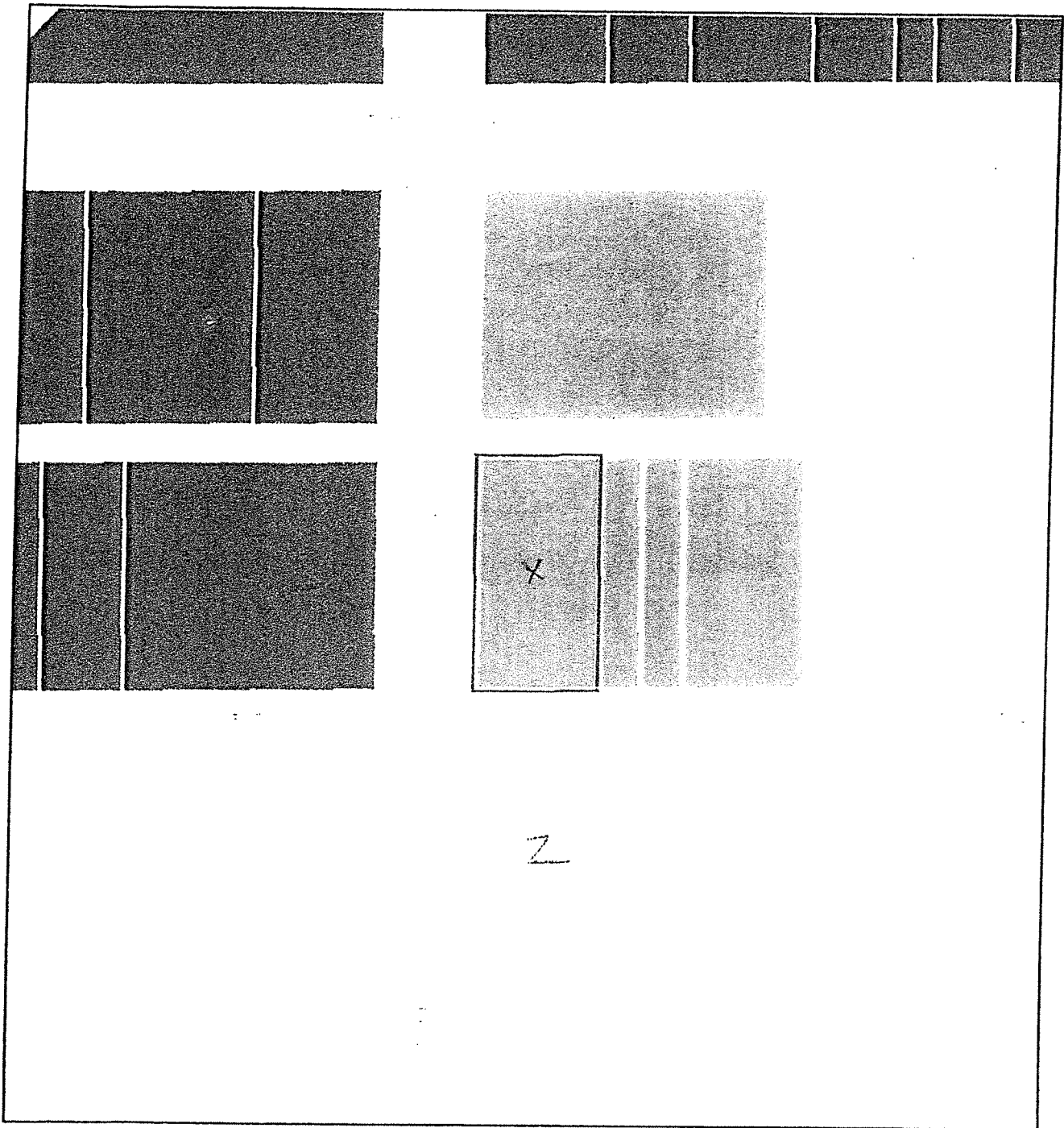
JOSE ROLANDO OCHOA
ETUX MARIA LUISA
134 W FM 772
KINGSVILLE, TX 78363-2735
#11939

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

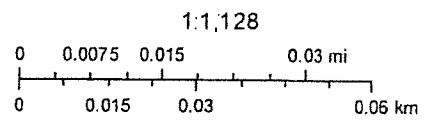


July 3, 2019

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.

Thursday, July 18, 2019

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, August 7, 2013 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:

which time: **ROBERT SALDAÑA**, owner and applicant, requesting the rezoning of C01, **MEX. BLOCK 5, LOT 30-32** also known as 510 E. Ave. D, Kingsville, Texas from C2 (Retail District) to M1 (Mixed the District).

The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Gray 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, 2013 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 C01, **MEX. BLOCK 5, LOT 30-32** also known as 510 E. Ave. D, Kingsville, Texas from C2 (Retail District) to M1 (Mixed the District).

The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Gray 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

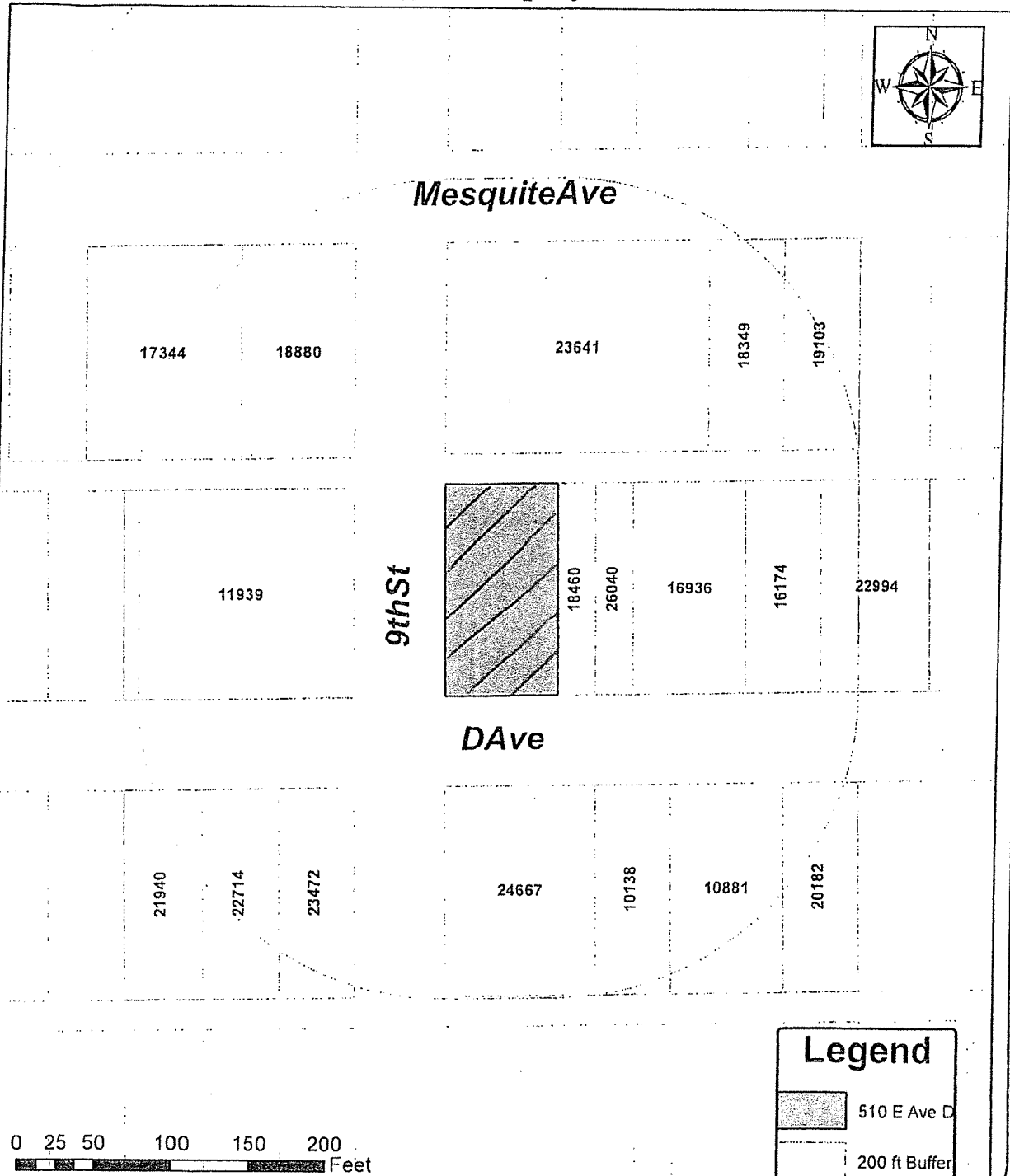
ATTEST:

Mary Valenzuela, City Secretary

APPROVED:

Courtney Alvarez, City Attorney

200 ft Buffer Map of 510 E Ave D



AGENDA ITEM #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 15th 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 8012
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 _____ Date: 7.15.19
Property Owner's Signature _____ Date: 7.3.19
Accepted by: _____ Date: _____

Kleberg CAD

Property Search > 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: 100.0000000000%
 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: 100.0000000000%
 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			

Kleberg CAD - Property Details

Page 2 of 2

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: 1.2.1.28

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

© M. Harris Computer Corporation

Deed # 309341

LA PALOMA DAY CARE SERV CORP
1212 N 14TH 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 15TH 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 2ND 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 15TH ST
KINGSVILLE, TX 78363-4082
#13908

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

KEVIN M MARTINEZ
708 E 4TH 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# 818512

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 2010

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.

#19-03-23SS

318312

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.

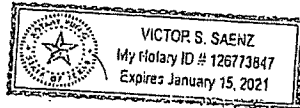
When the context requires, singular nouns and pronouns include the plural.


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.

Proposed 8' SW

15TH ST

200.0'

150.0'

UNIT-2 (duplex)

UNIT-1 (duplex)

UNIT-2 (duplex)

UNIT-1 (duplex)

UNIT-2 (duplex)

UNIT-1 (duplex)

UNIT-2 (duplex)

UNIT-1 (duplex)

E. B ST

11' water service

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
UNIT'S 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. Reaves Engineering
5250 Callaghan Road
San Antonio, Texas 78228
Ph: (210)490-4506 Fax: (210)490-4812

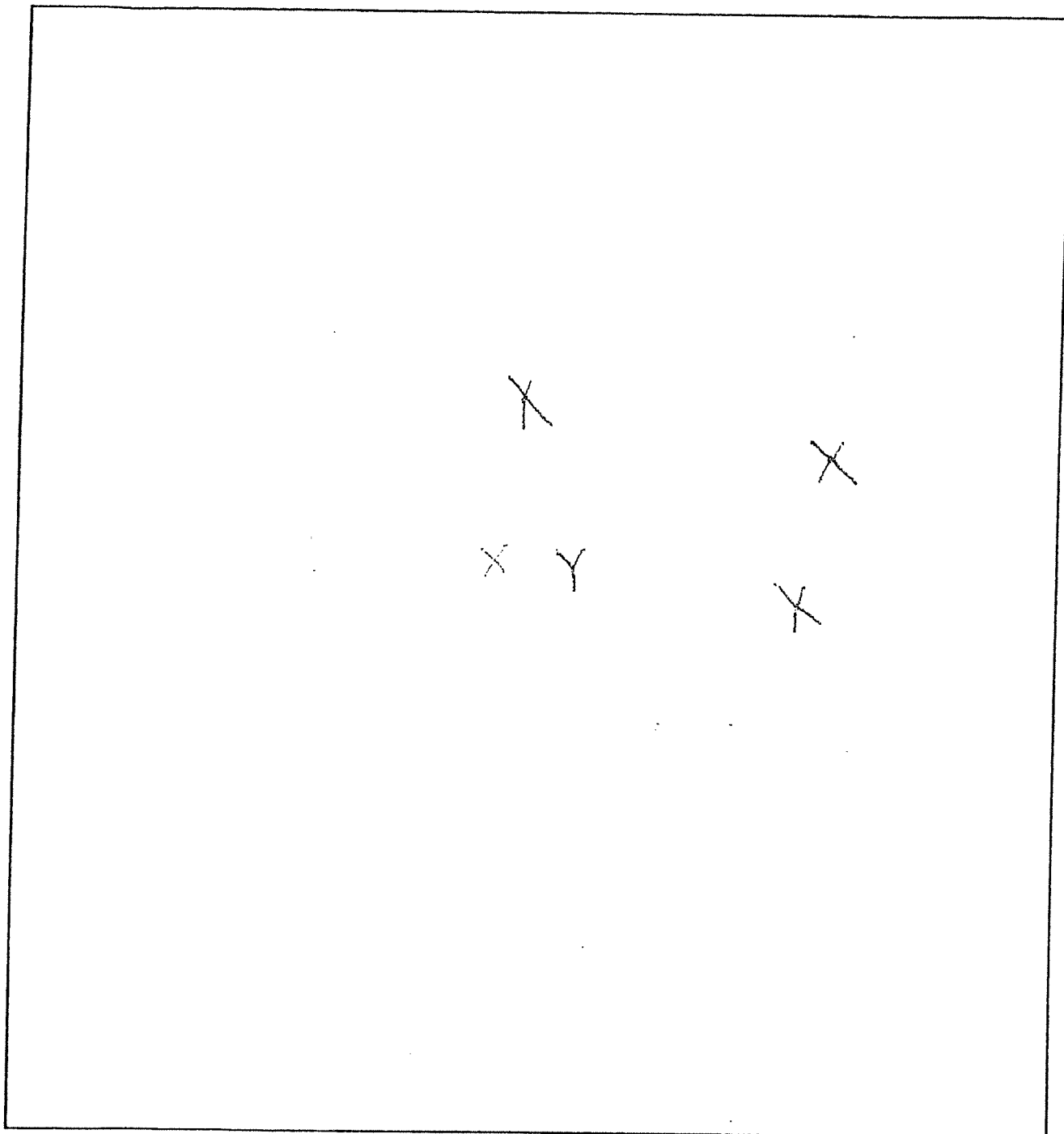
(FIRM NO. F-4861)

Let's W/2.5
Address of Subdivision SUR
Volume 309341, Page PAGE
Owner OWNER records at HILBERG, County, Texas.
Block 5 HILBERG
Sheet 1-30
Address: 1100 E.B ST
of this SF

GFE Reaves 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 _____ Week: 5 _____ Sec: 1=30 _____
 Addition or Subtraction SUB _____
 Volume 209341 Page PAGE _____
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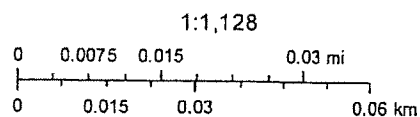


July 15, 2019

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Project ID 13711



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.

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Obituaries

Jesse Marcus Estes

Jesse Marcus "Mac" Estes, 11, of Santa, died Friday, July 12, 2019.

He is survived by his wife of 23 years, Judy Estes; three sons: Mike, Kyle, and Andy; two grandsons: Kyle and Kay; and his mother, Dorothy Estes. He was preceded in death by his father, Jesse Estes.

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Julia Smith Evans

Julia Smith Evans died at the age of 81 on Sunday, July 14, 2019.

She was born in Santa, Texas, on July 12, 1938, to James and Amanda (Forester) Smith. She was a retired teacher and lived in Santa, Texas, for many years. She retired from Bishop on Aug. 25, 2018.

She was preceded in death by her father, James Smith; her mother, Amanda (Forester) Smith; her brother, David Smith; and her sister, Linda Smith.

She was preceded in death by her father, James Smith.

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Maria Garcia Loera

Maria (Tudela) Garcia Loera, 71, of Kingsville, died on July 12, 2019, in Mexico.

She was born on Aug. 2, 1948, in Mexico, to Luis and Remedios Garcia. She was a retired housewife.

She was preceded in death by her father, Luis Garcia; her mother, Remedios Garcia; and her brother, Luis Garcia.

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Santos Maria Rangel

Santos Maria Rangel, 72, of Santa, Texas, died on July 14, 2019, in Santa, Texas.

He was born on Aug. 20, 1947, in Santa, Texas, to Jose and Dolores Rangel. He was a retired teacher.

He was preceded in death by his father, Jose Rangel; his mother, Dolores Rangel; and his brother, Jose Rangel.

He was preceded in death by his father, Jose Rangel.

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Rolando Salinas

Rolando A. Salinas, 77, a resident of Kingsville, died July 14, 2019, in Kingsville.

He was born on Aug. 21, 1941, in Kingsville, to Rogelio and Rosa Salinas. He was a retired laborer.

He was preceded in death by his father, Rogelio Salinas; his mother, Rosa Salinas; and his brother, Rogelio Salinas.

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TOOTH TIPS with 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 1950s, 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.



(301) 592-5248 www.kingsvilleDDS.com
325 General Center Bldg. Kingsville, Texas 78102

Senior Citizen menu

Submitted Item

The Kingsville Senior Citizen center dining menu is served at the Senior Center located at 1109 E. Santa Gertrudis in Kingsville, located between Center and River 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, salad, carrots, ranch and tomatoes, peach and pine apple, and wheat bread.

Tuesday: Chicken tetrazzini with grilled vegetables, refried beans, shredded lettuce and tomato, fresh fruit and wheat bread.

Wednesday: Steeped corn chowder, beans, cabbage, potatoes, fruit cocktail with mandarin oranges and hard-boiled eggs.

Thursday: Pork chops, cream, green beans, whole kernel corn, collard greens and baked potatoes. Baked chicken salad, mixed of garden salad with pecan, cheese, tomato, bread, salad and wheat crackers.

For more information, call (361) 595-8722.

Sentencing

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

According to the state, most from Hobart, in Jan. 11, Collins said a victim to threaten a last robbery.

"The main issue that the defendant threatened to 'blow off' his head, and told said that she was the victim, which was primarily to hold in the defendant's

bond, and described the threat," Hobart said.

On Jan. 15, Collins robbed a Kingsville resident in his home, during which the man was injured. Hobart said the victim was identified as the defendant when he was called to a news conference.

Collins also told a prosecutor from the City of Kingsville on Jan. 11.

Collins had previously been charged with Jan. 4, 2019, on parole from state prison relating to three burglary charges from Nueces County in 2018.

"The defendant continued to be a threat to the community, leading just to prison for 20 years made our community safer," Hobart 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.

Fernando Moreno, owner and applicant, requesting the rezoning of MC

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

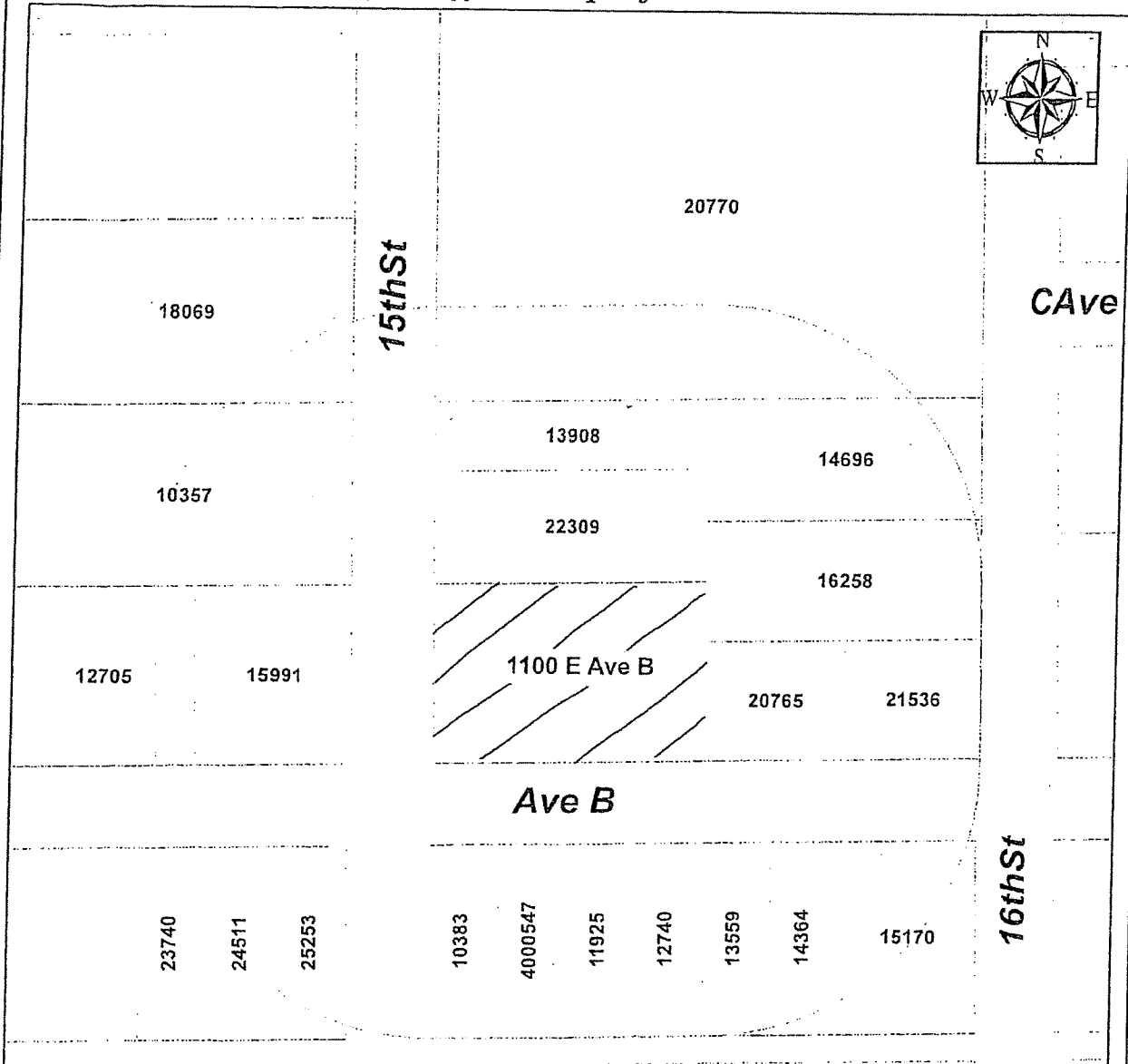
ATTEST:

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

AAve

Legend

1100 E Ave B

200 Ft Buffer

Drawn By:
Planning Department
Page
1 / 1
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: 361-595-8055

AGENDA ITEM #3

— Gr 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 #4

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 6th 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 #5

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 #6

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 86th 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:

...

§ 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.

<i>Total Valuation</i>	<i>Fee</i>
\$1,000 and less	No fee unless inspection required, in which case a \$20 fee for each inspection shall be charged.
\$1,001 to \$50,000	\$20 for the first \$1,000 plus \$5 for each additional thousand or fraction thereof, to and including \$50,000.
\$50,001 to \$100,000	\$265 for the first \$50,000 plus \$4 for each additional thousand or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$465 for the first \$100,000 plus \$3 for each additional thousand or fraction thereof, to and including \$500,000.
\$500,001 and up	\$1,665 for the first \$500,000 plus \$2 for each additional thousand or fraction thereof.

(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 12th 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 #7

Mary Valenzuela

From: Robert Rodriguez <rrodriguez@kleberglibrary.com>
Sent: Wednesday, August 14, 2019 4:46 PM
To: Mary Valenzuela
Subject: Library Board - Reappointments

Good Afternoon Mary:

Please be advised that Library board terms for Mrs. Janice Becker and Dr. Judith Cox expired March 28, 2019. Both have agreed to remain on the Board for the next three years. Please have the City Commission consider their reappointment to the Library Board at the next regular City Commission meeting.

Thank you so much for all your assistance.

Robert Rodriguez
Library Director
361.592.6381

REGULAR AGENDA

AGENDA ITEM #8

**City of Kingsville
Planning Department**

TO: Mayor and City Commissioners

CC: Deborah Balli, Interim City Manager

FROM: Cynthia Martin, Downtown Manager

DATE: August 16, 2019

SUBJECT: Kingsville Main Street Advisory Board Appointment

Summary: The Kingsville Main Street Advisory Board currently has an opening. Ryder Takesuye has been recommended to fill that position.

Background: Mr. Takesuye is a resident of Bishop and works for Kleberg Bank. He is being proposed for membership on the Main Street Advisory Board by Frank Benvenuto, Assistant Vice President of Kleberg Bank. Mr. Takesuye is also a Board member of the Kingsville Chamber of Commerce. He has a background in finance particularly commercial real estate and lending.

If approved, Mr. Takesuye would fill the spot vacated by Antwan Johnson, HEB. By ordinance the Main Street Advisory Board consists of two residents, four business owners and one representative from the University. Mr. Takesuye, as representative of Kleberg Bank would fill a slot for a downtown business left open when the HEB representative stepped aside.

Financial Impact: NA

Recommendation: It is recommended that Mr. Takesuye 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 Ryder P Takesue, who has my full and unqualified endorsement, be nominated to the Main Street Advisory Board.

[Signature]
Signature of nominator

8-5-19
Date

Preliminary information:

Type or print nominee's name RYDER TAKESUE
Residence BISHOP, TX Phone 522-7904
Business KINGSVILLE, TX Phone 595-2936
Nature of Business FINANCIAL SERVICES

Membership in community and other organizations:

<u>Organization</u>	<u>Dates</u>	<u>Activities</u>
<u>KINGSVILLE CHAMBER OF COMMERCE</u>	<u>11/2018 - PRESENT</u>	<u>BOARD MEMBER</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

Brief biography:

NATIVE OF WASHINGTON, DC, AND A GRADUATE OF LYNCHBURG COLLEGE (LYNCHBURG, VA). LIFELONG VISITOR IN SOUTH TEXAS, RELOCATED PERMANENTLY IN 2013. PROFESSIONAL BACKGROUND IN COMMERCIAL REAL ESTATE, CURRENTLY AN ANALYST AT KLEBERG BANK IN THE COMMERCIAL LENDING DEPARTMENT (SINCE 3/2018).

Specific qualifications for Main Street Advisory Board:

VESTED INTEREST IN THE DEVELOPMENT & SUSTAINABLE GROWTH OF KINGSVILLE AND ITS CENTRAL BUSINESS DISTRICT. IN-DEPTH UNDERSTANDING OF FINANCE.

AGENDA ITEM #9



Date: August 16, 2019

To: City Commission via Interim City Manager Deborah Balli

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

From: Janine Reyes, Director of Tourism Services

Summary: The Hotel Occupancy Tax Advisory Board met May 16th and recommended updating the MOU between the City of Kingsville and Texas A&M University-Kingsville relating to HOT Funds Art and Historical distribution in support of the John E. Conner Museum.

The agreement has been in place since 1979 and it was a desire of the board to diversify arts spending and reduce Tourism's dependence on the fund balance.

The city commission met June 10th and by unanimous vote, commissioners directed city staff to renegotiate the contract with Texas A&M University-Kingsville for the John E. Conner Museum.

The HOT Advisory Board recommendation was a flat rate of \$30,000 per fiscal year contingent upon HOT revenues reaching \$600,000. This represents approximately 5% of anticipated HOT revenues.

After two meetings with Texas A&M University-Kingsville and city staff, both parties agreed to the following funding for the John E. Conner Museum:

- \$40,000 for Fiscal Year 2019-2020 with the option to apply for additional discretionary HOT art funds.
- \$30,000 for Fiscal Year 2020-2021 with the option to apply for additional discretionary HOT art funds.

In reciprocation for part of the receipt of funds, the John E. Conner Museum will participate in at least two City-sponsored festivals each year.



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 THE JOHN E. CONNER MUSEUM; 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, City of Kingsville (City) has levied a hotel occupancy tax pursuant to state law since 1979 and can use those funds as allowed by state law; and

WHEREAS, Texas A&M University-Kingsville (TAMUK) operates the John E. Conner Museum (Conner Museum), which is a museum open to the public located on the TAMUK campus within Kingsville, Kleberg County, Texas; and

WHEREAS, having the Conner Museum in the city of Kingsville could serve to promote tourism to the city and educate people regarding the history of the area; and

WHEREAS, the City Commission previously approved an agreement with the University for the Conner Museum on October 15, 1979 via Resolution #79-28 and has approved several other Interlocal Agreement with TAMUK relating to various matters such as students performing intern work, engineering design, and vet tech services for shelter animals; and

WHEREAS, the City Commission at a meeting on June 10, 2019 authorized staff to notify TAMUK regarding revisions to the agreement for the Conner Museum, and staff so notified them via letter emailed on June 13, 2019; and

WHEREAS, the agreement regarding the museum is in need of updating; 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 Interim 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 the Texas A&M University-Kingsville relating to John E. Conner Museum 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
26th 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
JOHN E. CONNER MUSEUM**

WITNESSETH:

WHEREAS, City of Kingsville (City) levies a hotel occupancy tax pursuant to state law and can use those funds as allowed by state law; and

WHEREAS, Texas A&M University-Kingsville (TAMUK) operates the John E. Conner Museum (Conner Museum), which is a public museum located on the TAMUK campus within Kingsville, Kleberg County, Texas; and

WHEREAS, having the Conner Museum in the city of Kingsville could serve to promote tourism to the city and educate people regarding the history of the area; and

WHEREAS, the City Commission previously approved an agreement with the University for the Conner Museum on October 15, 1979 via Resolution #79-28 and has approved several other Interlocal Agreement with TAMUK relating to various matters such as students performing intern work, engineering design, and vet tech services for shelter animals; and

WHEREAS, the agreement regarding the museum is in need of updating; 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 & RESPONSIBILITIES.

- A. TAMUK hosts the Conner Museum and shall encourage, promote, improve, and apply the arts and provide for historical preservation and restoration in the City and its vicinity.
- B. TAMUK shall submit to the City by July 1st of each year an annual operating budget for the John E. Conner Museum for the next fiscal year (October 1-

September 30). This budget shall reflect the proposed expenditures to be made by TAMUK on behalf of the Conner Museum and the purpose for which said expenditures are to be made. The submitted budget should show all sources of income/revenue for the Conner Museum.

- C. The City shall appropriate, subject to annual budgetary appropriations, \$40,000 for the Conner Museum for Fiscal Year 2019-2020 (starting 10/01/19-09/30/20) from hotel occupancy tax revenues of the City, while providing the Conner Museum the option to apply for additional arts funds through a process to be developed by the City's Hotel Occupancy Tax Advisory Board. The City shall appropriate, subject to annual budgetary appropriations, \$30,000 for the Conner Museum for Fiscal Year 2020-2021 (starting 10/01/20-09/30/21) from hotel occupancy tax revenues of the City, while providing the Conner Museum the option to apply for additional arts funds through a process to be developed by the City's Hotel Occupancy Tax Advisory Board.
- D. The City shall pay TAMUK the fixed monetary amount each year, which will be divided in equal quarterly payments, by the 10th day of each quarter.
- E. The City and TAMUK each understand and agree that all funds received from the Hotel Occupancy Tax and paid to TAMUK for and on behalf of the Conner Museum shall be used solely in accordance with Texas Tax Code Chapter 351-Municipal Hotel Occupancy Taxes.
- F. TAMUK shall furnish to the City Manager a statement of expenditures made in furtherance of the activities associated with this Agreement during the preceding calendar quarterly period, which shall separately account for the expenditures made from the Hotel Occupancy Tax proceeds received under this Agreement and the expenditures made from such proceeds.
- G. The City Manager, or their designee, during normal business hours shall have the right to inspect all books and records of TAMUK with respect to the Hotel Occupancy Tax funds used by TAMUK on behalf of the Conner Museum.
- H. As reciprocation for part of the receipt of funds, the Conner Museum will participate in at least two City-sponsored festivals, such as the Ranch Hand Festival and the Festival de la Loteria.

3. TERM.

- A. This Agreement shall be for a term of two years from August 26, 2019 through August 25, 2021.
- B. This Agreement may be terminated at any time by any party with or without cause upon sixty (60) 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.
- D. This Agreement in no way affects, restricts, or limits the governmental authority of the City to enact, amend, or repeal the Hotel Occupancy Tax; and, in the event that the City repeals such tax, this Agreement shall be automatically terminated.
- E. Upon termination of this Agreement, unless it be renewed, TAMUK shall deliver to the City all funds derived from the Hotel Occupancy Tax that it may have.

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 and Development Services

TO: Mayor and City Commissioners

CC: Interim City Manager, Deborah Balli

FROM: Tom Ginter, Director

DATE: August 2, 2019

SUBJECT: Recommended changes to Platting ordinance per House Bill 3167

Summary: As I stated to the City Commission at the August 12th meeting that House Bill 3167 will be effective September 1, 2019. Since the last meeting the City Attorney and I have met and are recommending the appropriate changes to our Platting Procedure ordinance Section 15-3.

Background: As you know House Bill 3167 was passed during the last legislative session. This bill is called the “shot clock bill”. It forces cities to speed up the approval process for plans/plats and also to be more definitive if a plan/plat is not approved. Attached is a document from TML explaining the legislation and its impact on cities. Also enclosed is a draft of the ordinance changes that are being recommended so our ordinance is in compliance with the law. The changes are in yellow.

Financial Impact: At this time I do not think it will cause any direct financial impact but it will cause staff to develop other documents or to alter review times so the approval process is done within the time specified in the law. While frankly we are not overloaded with this process, we want to be in compliance with the law. The law also allows us to request other information such as a traffic impact analysis plan. Again while this may not be needed for every submittal, it could be appropriate for a project near a school or any other high traffic area in Kingsville. It should also be noted that in the future as we become more accustomed with the process and the changes in the ordinance we may be back to the City Commission to tweak the ordinance again.



City of Kingsville
Planning and Development Services

Recommendation: This will be on the Planning and Zoning Commission Wednesday, August 21st agenda for their review and recommendation.



To: Planning and Zoning Commission

From: Tom Ginter, Director

Date: August 16, 2019

Subject: Agenda Item – House Bill 3167

As you recall I brought up that due to state legislation, specifically HB 3167 we anticipated to make changes to our platting procedure ordinance. The City Attorney and I have been working on the amendments which would bring us into compliance. I expect that as we move forward we may have to do some additional tweaking to the ordinance. Enclosed is a question/answer document that explains HB 3167. The changes in the ordinance are highlighted in yellow.

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.

ORDINANCE NO.2015-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER XV, LAND USE, ARTICLE 3, SUBDIVISIONS, SECTIONS 15-3-1 THROUGH 15-3-19; REVISING PLATTING PROCEDURES; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the Texas Legislature passed H.B.3167 in May of 2019 which has caused the need for the City of Kingsville to update its Code of Ordinances in Sections 15-3-1 through 15-3-19, dealing with platting procedures;

WHEREAS, the City of Kingsville Planning & Zoning Commission met on Wednesday, August 21, 2019 to consider these recommended changes and voted [REDACTED] to [REDACTED] to [REDACTED];

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 Sections 15-3-15 through 15-3-25 of Article 3: Subdivisions of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

...

Sec. 15-3-1. - Subdivision of land in city's jurisdiction; approval and plat requirements.

(A) Before any plan, plat or replat of a lot, subdivision or addition of land inside the city or within its extra-territorial jurisdiction thereof shall be recorded with the County Clerk, it shall first be approved by the Planning and Zoning Commission of the city, as well as the City Commission, in conformity with Tex. Loc. Gov't Code, §§ 212.001 et seq., and the provisions of this article. Hereafter, every owner of any tract of land situated within the corporate limits or within the extra-territorial jurisdiction of the corporate limits of the city who may hereafter divide the same into two or more parts for the purpose of laying out any subdivision of any tract of land, or for laying out suburban lots or building lots, or any lots and streets, alleys or parks or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall cause a plat to be made thereof which shall accurately describe all of the subdivision or addition by metes and bounds and locate the same with respect to an original corner of the original survey of which it is a part, giving the dimensions thereof of the subdivision or addition, and dimensions of all streets, alleys, squares, parks or other portions of same intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting thereon or adjacent thereto.

(B) *Exceptions by reference.* See definition of "subdivision" in § 15-3-2 and "platted lots" in § 15-3-19(A).

(1962 Code, § 12-1-1; Ord. 95018, passed 8-28-95)

Sec. 15-3-2. - Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Any office referred to in this article by title means the person employed or appointed by the city in that position, or his duly authorized representative. Definitions not expressly described herein are to be construed in accordance with customary usage in municipal planning and engineering practices.

Air installation compatible use zone (AICUZ). The area of the Naval Air Station, Kingsville, and adjacent areas subject to the impacts of noise or accident hazards created by current aircraft operations as depicted in the "Air Installation Compatible Use Zone Study," dated 1994 that establishes recommended compatible uses of land as adopted by Ordinance No. 94024 by the City Commission on October 12, 1994.

Alley. A minor public right-of-way not intended to provide the primary means of access to abutting lots, but which is used primarily for location of utilities and vehicular service access for solid waste collection to the back or sides of properties (otherwise abutting on a street).

Building setback line. The line within a property defining the minimum horizontal distance between a building and the adjacent street line.

City. The City of Kingsville, Texas.

City commission. The City Commission of the city.

City's authorized agent. City Manager or his designated representative.

Crosswalk way. A public right-of-way, three feet or more in width between property lines, which provides pedestrian circulation.

Cul-de-sac. A street having but one outlet to another street and terminated on the opposite end by a vehicular turn-around.

Dead-end street. A street, other than a cul-de-sac, with only one outlet.

Engineer. A person duly authorized under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering.

Extraterritorial jurisdiction (ETJ). Two miles beyond the existing city limits.

Filed. The day the administrative review process is finished and the plan or plat is placed on the Planning and Zoning Commission agenda.

Flood. A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

Floodway. The channel of a watercourse and portions of the adjoining floodplain which are reasonably required to carry and discharge the regulatory flood.

Lot. An undivided tract or parcel of land having frontage on a public street and which is or in the future may be offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract, and is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.

Pavement width. The portion of a street available for vehicular traffic where curbs are laid. *Pavement width* is the portion between the outside of curbs.

Person. Any individual, association, firm, corporation, governmental agency or political subdivision.

Planning commission. The Planning and Zoning Commission of the city.

Regulatory flood. A flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur on a particular stream. The *regulatory flood* generally has a flood frequency of approximately 100 years as determined from an analysis of floods on a particular stream and other streams in the same general region.

Regulatory flood protection elevation. The elevation of a habitable area at or above the regulatory flood level.

Should. This word is recommended.

Street. A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

(1) *Major thoroughfares or arterial streets.* Principal traffic arteries more or less continuous across the city which are intended to connect various neighborhoods of the city and which are used primarily for fast or heavy volume traffic and shall include, but not be limited to, each street designated as a major street on the major street plan.

(2) *Collector streets.* Those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of residential development and streets for circulation within such a development.

(3) *Minor streets.* Those which are used primarily for access to the abutting properties and which are intended to serve traffic within a limited residential district.

(4) *Marginal access streets.* Minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic.

(5) *Alleys.* Minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

Subdivider. Any person or any agent thereof dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term *subdivider* shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner of land sought to be subdivided.

Subdivision. A division of any tract of land situated within the corporate limits or within its extra-territorial jurisdiction, in two or more parts for the purpose of laying out any subdivision of any tract of land or any addition of any town or city, or for laying out suburban lots or building lots or any lots and streets, alleys or parts or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. *Subdivision* includes resubdivision and single lot development, but it does not include the division of land for agricultural purposes in parcels or tracts of five acres or more and not involving any new street, alley or easement of access.

Surveyor. A licensed surveyor or a registered public surveyor as authorized by state statute to practice the profession of surveying.

Utility easement. An interest in land granted to the city, to the public generally, and/or to a private utility corporation, for installing or maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of the utilities.

U.S.G.S. United States Geological Survey.

(1962 Code, § 12-1-2; Ord. 95018, passed 8-28-95)

Sec. 15-3-3 GAS UTILITIES.

The installation and dedication of gas distribution mains within the subdivision may be required.

(1962 Code, § 12-6-2; Ord. 95018, passed 8-28-95)

Secs. 15-3-4--15-3-14. - Reserved.

SEC. 15-3-15 PURPOSES OF REGULATIONS.

- (A) The purposes of these provisions are to regulate the subdivision and improvement of land for urban use, to provide adequate light, air, open space, drainage, transportation, public utilities and other needs; to assure the maintenance of health, safety and an attractive and efficient community; and to encourage the economical use of human and natural resources.
- (B) The subdivision of land is the first step in the process of urban development. The arrangement of land parcels in the community for residential, commercial and industrial uses and for streets, alleys, schools, parks and other public purposes provides the basic framework for the uses of land and for the arrangement of the community.
- (C) These regulations are designed, intended and should be administered in a manner to:
- (1) Implement the city's adopted master plan for development.
 - (2) Provide for neighborhood conservation and prevent the development of slums and blight.
 - (3) Harmoniously relate the development of the various tracts of land in the city to the existing community development and facilitate and coordinate the future development of adjoining tracts.
 - (4) Provide the best possible design for the tract being subdivided and developed.
 - (5) Reconcile the diverse interests of the subdivider, adjacent property owners and the city.
 - (6) Coordinate the provision of streets within subdivisions with existing and planned streets and with other features of the master plan and official future land use map.
 - (7) Ensure that all necessary public utilities and facilities are provided and are or will be available, accessible and adequate, pursuant to adopted city standards and requirements, at the time of subdivision or development.
 - (8) Establish adequate and accurate records of land subdivision.
- (D) *Authority.* This chapter is enacted pursuant to the authority of Local Government Code Sections 212.001 through 212.904, with all other statutory and legal authority which now, or which may in the future, provide authority for subdivision regulations.
- (E) *Applicability.* Hereafter, every owner or subdivider of any lot, tract or parcel of land situated within the corporate limits of the city or the extraterritorial jurisdiction of the city who may seek to subdivide the same into two or more parts for the purpose of laying out any subdivision or any additions thereto shall comply with the provisions of these regulations, as well as other city codes, state statutes, city

charter applicable to the plat or plan, unless otherwise exempted pursuant to this section.

- (F) *Conformity with zoning ordinance.* All plats reviewed under the provisions of these regulations shall conform to all zoning ordinance provisions for the district in which the plat is to be located. All required zoning changes shall be made prior to approval of the final plat by the council.
- (G) *Preliminary conference.* Prior to the official filing of a preliminary plat, the subdivider shall consult with and present a proposed plan of subdivision to the Department of Planning and Development Services for comments and advice on the procedures, specifications and standards required by the city for the subdivision of land.
- (H) *Filing period.* The filing of a plat or plan may only be done after all prerequisite steps are met and on the first Thursday of the month.

SEC. 15-3-16 GENERAL SUBDIVISION & PLATTING PROCEDURES; DEFINITIONS.

- (A) *Types of Plats Required.* A Final Plat or a Minor Plat shall be approved prior to any land division that is subject to these regulations and prior to commencement of any new development or construction project.
- (B) *Replat.* A replat in accordance with State Law and the provisions of Sections 15-3-21(A) and 15-3-21(B) shall be required any time a platted, recorded lot is further divided or expanded, thereby changing the boundary and dimensions of the property.
- (C) *Amending Plat.* In the case of minor revisions to recorded plats or lots, a Minor Plat or Amending Plat may also be utilized if allowed by State Law and if in accordance with Section 15-3-21(A) and 15-3-21(C).
- (D) *Conceptual Development Plat.* A conceptual development plat shall be required when application is made for a planned unit development where flexible zoning techniques will be utilized. The conceptual development plat is to accompany the planned unit development zoning application showing the information as required within Section 15-3-20.
- (E) *Definitions:*
 - (1) *Amending Plat.* A plat intended to perform a minor change in a previously approved plat that meets one or more of the criteria listed in section 15-3-21(A) and 15-3-21(C).

- (2) *Conceptual development plat.* A plat prepared in accordance with the provisions of these and any other applicable regulations for the purpose of providing a conceptual design of planned unit developments and other flexible zoning techniques to support and reflect a pending final subdivision plat.
- (3) *Final Plat.* A plat prepared in accordance with the provisions of these and any other applicable regulations and is prepared in the proper format to be recorded in the office of public records of Kleberg County.
- (4) *Lot line adjustment.* A boundary relocation between two or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where no additional lots are created.
- (5) *Minor Plat.* A subdivision of an entire lot of record resulting in not more than a total of four lots, tracts, blocks or parcels whether the lots are created at one time or over an extended period of time, provided that such subdivision does not involve:
 - (a) a planned unit development;
 - (b) the creation of new public streets;
 - (c) the extension of a utility or other public facility; or
 - (d) the installation of drainage improvements through one or more lots to serve one or more other lots.
- (6) *Preliminary plat.* A plat prepared in accordance with the provisions of these and any other applicable regulations, which plat is made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it.
- (7) *Replat.* A plat indicating the replacement of all or a portion of an existing, recorded subdivision plat with a new and different subdivision plat.
- (8) *Subdivision.* Improved or unimproved land or lands divided or proposed to be divided for the purpose of sale or lease, whether immediate or future, into five or more lots, parcels or fractional interests.
- (9) *Vacating Plat.* An instrument declaring that a recorded plat and its dedication(s) be vacated or cancelled.

SEC. 15-3-17 MINOR PLAT; PROCESSING AND APPROVAL.

- (A) *Application Requirements.* The requirements for the submittal of a Minor Plat shall be the same as the requirements for a Final Plat, as outlined in Section 15-3-19.

The Director of Planning & Development Services shall administratively approve a Minor Plat if:

- (1) the plat consists of four or fewer lots fronting on an existing street and not creating a new street;
- (2) the plat is an amending plat as described in Section 212.016 of the Texas Local Government Code unless otherwise required by law.
- (3) water and sewer service for development on the proposed lots is immediately available without a service extension, and no extension of municipal facilities is required to serve the proposed lots;
- (4) no variance is required for the plat to meet the requirements of section 15-3-19; and
- (5) the plat complies with the subdivision ordinance applicable at the time the application for final plat approval was filed.

The final plat and accompanying data shall conform to the preliminary plat as conditionally approved by the Planning & Zoning Commission, incorporating any and all changes, modifications, alterations, corrections and conditions required by the Planning & Zoning Commission.

SEC. 15-3-18 PRELIMINARY PLAT AND ACCOMPANYING DATA; PROCESSING PROCEDURES.

- (A) *General.* Preliminary plat shall be required when substantial water, wastewater, earthwork, roadway improvements or if unusual property circumstance require further review by city staff. When minor improvements are required a letter of explanation and detailed sketch will suffice. Waiving the preliminary plat requirement will be left to the discretion of the city's authorized agent. Before an application for development can be filed, any necessary studies (i.e., traffic impact analysis, drainage study, etc.) must be submitted to the Director of Planning & Development Services. Before a preliminary plat or plan can be submitted, the preliminary utility plans must be submitted to and approved by the Director of Planning & Development Services. If utility elevations, TxDOT or County road approvals, traffic impact analysis,

variance approvals, and any other submission that needs to be made to the County or another public entity, then said items must be submitted and approved before submitting the actual preliminary plat or plan to the Director of Planning & Development Services.

(B) *Time for filing and copies required.* The subdivider shall present 5 blue or black line copies of the plat to the Director of Planning and Development Services no less than ten working days prior to the date at which formal application for the preliminary plat approval is made to the Planning and Zoning Commission.

(C) *Form and content.* The preliminary plat shall be drawn at a scale of one inch to 100 feet on sheets 24 inches wide and 36 inches long, with a binding margin of not less than one and one-half inches on the left side of the sheet and margins on the other three sides of not less than one-half inch. When more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat. The plat shall show the following:

(1) Names and addresses of the subdivider, record owner, engineer and/or surveyor.

(2) Proposed name of the subdivision, which shall not have the same spelling as or be pronounced similarly to the name of any other subdivision located within the city limits or the extra-territorial jurisdiction of the city. Proposed names of streets, which shall not be the same or similar to those already assigned to other streets in other parts of the city unless there is a street continuation.

(3) Names of contiguous subdivisions.

(4) Subdivision boundary lines, indicated by heavy lines, and the computed acreage of the subdivision.

(5) Existing sites as follows:

(a) The general location, dimensions, names and description of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries.

(b) The general location, dimensions, description and name of all existing or recorded residential lots, parks, public areas and other sites within or contiguous with the subdivision.

(c) The general location, dimensions, description and flow line of the existing watercourses, associated floodplains and drainage structures within the subdivision or on contiguous tracts.

(6) The general location, dimensions, description and names of all proposed streets, alleys, parks, other public areas, reservations,

easements or other rights-of-way, blocks, lots and other sites within the subdivision. Exception: Specific lot dimensions do not have to be shown.

(7) The location of sanitary sewer lines.

(8) The location of water lines.

(9) The location of watercourses, drainage and flood prevention structures.

(10) Date of preparation, scale of plat and north arrow.

(11) A copy of the U.S.G.S. topographical map.

(12) Vicinity sketch or map at a scale of not more than 1,000 feet to an inch which shall show existing subdivisions, streets, easements, rights-of-way, parks and public facilities in the vicinity.

(13) AICUZ boundaries where applicable and identified by the Department of Planning and Development Services.

(14) Staff reserves the right to request additional information to adequately enforce the intent of the preliminary plat requirements.

(15) A final plan for the proposed fills or other structure-elevating techniques, levees, channel modifications, retaining walls and other methods to overcome flood or erosion-related hazards (see § 15-3-65(B)(3) of this article).

(16) Notice: This property is located within an area that is one-quarter mile outside of the Naval Air Station (NAS) Kingsville 65 dB DNL noise contours and may be impacted by noise, odors, flight safety hazards, and other potential compatibility issues relating to installation operations. This property may also be subject to additional development regulations relative to the property's proximity to the installation.

(D) Processing the preliminary plat.

(1) On receipt of the preliminary plat and other required information, the Planning and Zoning Commission shall render a decision thereon within 30 days. Such decision may consist of approval, disapproval or conditional approval. Conditional approval shall be considered to be the approval of a plat or replat subject to conformity with prescribed conditions, but shall be deemed to be a disapproval of such plat or replat until such conditions are complied with. All objections made to the preliminary plat, or conditions imposed, shall be furnished to the subdivider in writing.

(2) When a preliminary plat and other required information has been approved, the subdivider may thereafter file a final plat or plats of sections of the subdivision upon which approval of the preliminary plat has been obtained, and upon the filing of the final plat or plats, preliminary plat shall be considered approved or conditionally approved as in subdivision (1) above; provided, however, that such

approval or conditional approval of the remainder of the preliminary plat shall be limited to a one year period; provided further, however, that the Planning and Zoning Commission may, at its discretion, extend such period of validity. When a preliminary plat has been approved and thereafter the subdivider fails to file with the Planning and Zoning Commission a final plat of the subdivision or a section thereof within a period of six months, the approval of the preliminary plat shall be void except, however, the Planning and Zoning Commission may, in its discretion, extend such period of validity.

SEC. 15-3-19 FINAL PLAT; DECISION OF COMMISSION.

The final plat, for both major and minor plats, and accompanying data shall conform to the preliminary plat as approved or conditionally approved by the Planning and Zoning Commission or the Director of Planning and Development Services in the case of a minor plat. The plat must incorporate any and all changes, modifications, alterations, corrections and conditions required by the Planning Commission or the Director. A final plat for review will not be accepted until subdivision construction plans are approved and either a fiscal surety is filed or the infrastructure improvements are constructed.

(A) *The original and ten copies of the final plat.* This plat shall be drawn on mylar, a minimum scale of one inch to 100 feet or larger in ink with all figures and letters legible, and the whole proper for filing for record in the office of the Kleberg County Clerk with the following information given:

- (1) The title or name by which the subdivision is to be identified, north point, the scale of the map and the name of the state-registered professional engineer and/or state-licensed or registered land surveyor responsible.
- (2) A definite legal description and identification of the tract being subdivided. This description shall be sufficient for the requirements of title examination. The plat shall be a descriptive diagram drawn to scale. The plat shall show by reference that the subdivision is a particular portion or part of the previously filed plat; recognized grant or partition.
- (3) The boundaries of the subdivided property, the location or designation of all streets, alleys, parks and other areas intended to be dedicated or deeded to the public use, with proper dimensions. The boundaries of the subdivisions shall be indicated by a heavy line and shall be tied by dimensions to the parent subdivision.

(4) The location of all adjacent streets and alleys, with their names, and the names of adjoining subdivisions with exact location and designation by number of lots and blocks.

(5) All lot, block and street boundary lines, with blocks and lots numbered or lettered consecutively. Building lines and easements shall be shown and shall be defined by dimension. The actual width of all streets shall be shown, measured at right angles or radially, where curved. All principal lines shall have the bearing and any deviations from the norm shall be indicated.

(6) Accurate dimensions, both linear and angular, of all items on the plat; the boundary survey on the site shall close within one in 10,000. Linear dimensions shall be expressed in feet and decimals of a foot; angular dimensions may be shown by bearings. Curved boundaries shall be fully described and all essential information given (radius, delta, arc), circular curves shall be defined by actual length of radius and not by degree of curve. Complete dimensional data shall be given on fractional lots.

(7) The location and description of all lot, block and subdivision corners.

(a) Lot corners shall be three-fourths inch iron pipe or five-eighths inch iron rod 24 inches to 30 inches long with the top set flush with the ground.

(b) Block corners shall be three-fourths inch iron pipe or five-eighths inch iron rod 24 inches to 30 inches long. They shall be double pinned with the top rod being set flush with ground and shall include the beginning and end of all curves within each block.

(c) Subdivision corners will be marked by a concrete monument that meets or exceeds the following standard. A five-eighths inch iron rod shall be set in a concrete block measuring six inches in diameter and 24 inches long.

(8) The flood hazard areas shall be delineated on the final plat, and reserved by deed restrictions as areas not suitable for development.

(9) A certificate of ownership in fee of all land embraced in the subdivision, and of the authenticity of the plat and dedication, shall be signed and acknowledged by all owners of any interest in the land. The acknowledgment shall be in the form required in the conveyance of real estate. Approval and acceptance of all lien holders shall be included.

(10) A certificate by the responsible surveyor in charge, duly authenticated, that the plat is true and correct and in

accordance with the determination of surveys as staked on the ground.

(11) A disclosure statement that all or a portion of the subdivision falls within the AICUZ; the disclosure statement to be displayed prominently with other required certificates.

(12) In addition to other required certificates, the forms set out in the appendix shall be entered on the plat following the certificates of owner, engineer, and the like, and preceding the certificate of the County Clerk.

(13) The final plat submitted to the Planning and Zoning Commission, as well as the City Commission, and to be filed for record with the County Clerk, shall not show construction features such as curb lines or public utility lines or other structures not involved in the title covenant.

(14) The area of each lot shall be clearly indicated by writing the number of square feet in each lot on the final plat.

(B) *Final restrictive covenants.* A copy of the final restrictive covenants to govern the nature of the use of the property in the subdivision shall be submitted if the subdivision is planned for the use of individual septic tanks in lieu of a sanitary sewer system. The Planning and Zoning Commission may, in the public interest, require that these be filed simultaneously with the plat.

(C) *Planning and Zoning Commission to render decision within 30 days.* Upon filing of the final plat along with other required information, the Planning and Zoning Commission, as well as the City Commission, shall both render a decision thereon within 30 days after their respective regular meetings. The decision may consist of approval, disapproval or conditional approval. Reasons for disapproval or conditional approval shall be stated in writing. When a plat is conditionally approved, the subdivider may subsequently refile the final plat meeting the objections or required conditions, and the Planning and Zoning Commission shall, at the next regular meeting thereafter, sign the final plat, provided it meets the objections or imposed conditions.

(D) *When final plat approved.* Upon approval of the final plat, the plat being otherwise fully endorsed and all provisions of the Subdivision Ordinance complied with shall be filed by the city with the County Clerk of Kleberg County, Texas.

(E) *Assurance for completion and warranty of improvements.*

(1) *Completion of improvements.*

(a) Except for a single or two-family residential subdivision which may exercise the option provided in

section 15-3-19(F) as provided below, all applicants shall be required to complete, to the satisfaction of the Director of Public Works all street, sanitary and other public improvements, as well as lot improvements on the individual residential lots of the subdivision or addition as required in Article III of these regulations prior to approval of the final plat for the subdivision.

The required improvements shall be those specified in the approved infrastructure improvement plan(s) and said improvements shall be initiated within two years.

(b) As a condition of preliminary plat approval, the City Commission may require the applicant to deposit in escrow a deed describing by metes and bounds and conveying to the city all street rights-of-way, easements and public land required by these regulations, pending acceptance of improvements by the city and recordation of the final plat. In the event the applicant is unable to complete the required improvements, and such improvements are deemed necessary for the preservation of the public health and safety, the city may compel the delivery of the deed in order to complete the improvements as required.

(F) Improvement agreement and guarantee of completion of public improvements.

(1) *Subdivision improvement agreement.* The City Commission may waive the requirement of Section 15-3-19(E) for the completion of required improvements prior to issuance of building permits and, in lieu thereof, may permit the applicant to enter into a subdivision improvement agreement by which the applicant covenants and agrees to complete all required public improvements no later than five years following the date upon which the final plat is signed. Such five-year period may be extended for up to an additional five years upon its expiration at the discretion of the Director of Public Works. The City Commission may also require the applicant to complete and dedicate some required public improvements prior to approval of the final plat and to enter into a subdivision improvement agreement for completion of the remainder of the required improvements during such five-year period. The applicant shall covenant to warranty the required public improvements for a period of two years following acceptance by the city of all required public improvements and shall provide a warranty that all required public improvements shall be free from defect for a period of two years following such

acceptance by the city. The subdivision improvement agreement shall contain such other terms and conditions as are agreed to by the applicant and the city.

(2) *Covenants to run with the land.* The subdivision improvement agreement shall provide that the covenants contained therein shall run with the land and bind all successors, heirs and assignees of the applicant. The subdivision improvement agreement shall be recorded with the county recorder of deeds. All existing lienholders shall be required to subordinate their liens to the covenants contained in the subdivision improvement agreement.

(3) *Completion security.*

(a) Whenever the City Commission permits an applicant to enter into a subdivision improvement agreement, the applicant shall be required to provide sufficient security to ensure completion of the required public improvements. Such security shall be in the form of a surety bond, cash escrow or letter of credit.

(b) The surety bond, cash escrow or letter of credit shall be in an amount estimated by the Director of Public Works as reflecting the cost of the improvements in the approved construction plan and shall be sufficient to cover all promises and conditions contained in the subdivision improvement agreement.

(c) In addition to all other security, when the city participates in the cost of an improvement, the applicant shall provide a performance surety bond from the contractor, with the city as a co-obligee.

(d) The issuer of any surety bond shall be subject to the approval of the City Attorney.

(4) *Escrow agent.* If security is provided in the form of a cash escrow, the applicant shall deposit same with the Director of Finance and with an escrow agent mutually agreed upon by the Director and the applicant subject to City Commission approval and audit, a cash amount or certified check endorsed to the escrow agent for a face value in an amount not less than the amount specified by the Director of Public Works pursuant to Section 15-3-19(F)(3)(c).

(5) *Accrual.* The surety bond or cash escrow account shall accrue to the city for administering the construction, operation and maintenance of the improvements.

(6) *Warranty Bond/Maintenance Security.*

(a) The applicant shall guarantee the improvements, excluding sidewalks and streetlights, against defects in workman-ship and materials for a period of two years from the date of city acceptance of such

improvements. The maintenance security shall be secured by a surety bond, cash escrow or letter of credit in an amount reflecting 50% of the cost of the completed improvements pursuant to Subsection 15-3-19(F)(3)(c).

(b) If the applicant has entered into a subdivision improvement agreement for the completion of required improvements, the surety bond, cash escrow or letter of credit may be retained by the city in lieu of the warranty bond/maintenance security, provided the total amount of the surety bond, cash escrow or letter of credit reflects 50% of the cost of the completed improvements pursuant to Subsection 15-3-19(F)(3)(c).

(c) The applicant shall enter into a maintenance agreement with the city providing the applicant's guarantee of the improvements as required by Section 15-3-19(F)(6)(a). The maintenance agreement shall be accompanied by maintenance security in the form of a surety bond, cash escrow or letter of credit totaling 50% of the costs of all completed improvements pursuant to Subsection 15-3-19(F)(3)(c). The maintenance security shall run with the land and bind all successors, heirs and assignees of the applicant and shall be filed with the City Secretary's office.

(d) The city shall have the right, by ordinance, to waive the warranty bond/maintenance security on those sanitary sewers and street improvements constructed that were inspected and approved by the Director of Public Works and have been in use for two or more years.

(G) *Approval to be valid for 12 months.* Approval of a final plat shall be valid for a period of 12 months; provided, however, that this period may be extended by the Planning and Zoning Commission upon written request by the subdivider.

...

Secs. 15-3-26—15-3-29. Reserved.

...

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 26nd day of August, 2019.

PASSED AND APPROVED on this the 27th day of August, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

EFFECTIVE DATE: _____, 2019

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 15th 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, critical 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).

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