

# *City of Kingsville, Texas*

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**AGENDA  
CITY COMMISSION  
MONDAY, JANUARY 27, 2020  
REGULAR MEETING**

**CITY HALL  
HELEN KLEBERG GROVES COMMUNITY ROOM  
400 WEST KING AVENUE  
5:00 P.M.**

**I. Preliminary Proceedings.**

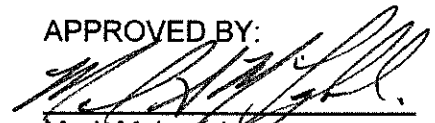
**OPEN MEETING**

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

**MINUTES OF PREVIOUS MEETING(S)**

Regular Meeting- January 13, 2020

APPROVED BY:

  
Mark McLaughlin  
City Manager

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

1. Public Hearing on an ordinance amending the zoning ordinance by granting a special use permit for daycare use in R1 (Single Family District) at 324 E. Corral, Kingsville Texas, also known as Young Terrace, Block 2, Lot 9 & 10, Yaneli Alanis, applicant. (Interim Director of Planning & Development Services).
2. Public Hearing on an ordinance amending the zoning ordinance by granting a special use permit for climate-controlled self-storage in C2 (Retail District) at 200 E. Kenedy Block, Kingsville Texas, also known as Orig. Town, Block 68, Lot 1-13, Chad Davis, applicant. (Interim Director of Planning & Development Services).

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

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to, the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Condemnation Update, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; Public Works; Landfill Update, Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Health Department, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Employee Recognition, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water And Wastewater Rate Study*

*Presentation, Golf Course, Library Summer Programs, Grants Update. No formal action can be taken on these items at this time."*

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

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

#### **V.**

##### **Consent Agenda**

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

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

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

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

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2019-2020 budget to setup the budget for the new Parks division for Youth Baseball and Softball League to be run by the City of Kingsville. (Parks Director).
2. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Section 15-6-21-Definitions to include a definition for "climate-controlled self-storage". (Interim Director of Planning & Development Services).
3. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 6- Zoning, Appendix A-Land Use Categories to add "climate-controlled self-storage". (Interim Director of Planning & Development Services).
4. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, Sections 75, 76, 302, & 303, adopting the 2018 versions of the International Residential Code for One-and-Two Family Dwellings, the Mechanical Code, the Fuel Gas Code, and the Plumbing Code. (Interim Director of Planning & Development Services).
5. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, Sections 36, 37, 40, & 43, adopting the 2018 version of the International Fuel Gas Code. (Interim Director of Planning & Development Services).
6. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, Sections 135 & 136, adopting the 2018 version of the International Mechanical Code. (Interim Director of Planning & Development Services).
7. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, Sections 21 & 22, adopting the 2018 version of the International Plumbing Code. (Interim Director of Planning & Development Services).

8. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, Sections 402 & 403, adopting the 2018 version of the International Energy Conservation Code. (Interim Director of Planning & Development Services).
9. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, Sections 151 & 152, adopting the 2018 version of the International Swimming Pool and Spa Code. (Interim Director of Planning & Development Services).
10. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, Section 15-1-156, adopting the 2017 Edition of the National Electric Code. (Interim Director of Planning & Development Services).
11. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, Sections 1 through 99, adopting the 2018 version of the International Property Maintenance Code. (Interim Director of Planning & Development Services).

## **REGULAR AGENDA**

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

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

12. Consider introduction of an ordinance amending the zoning ordinance by granting a special use permit for daycare use in R1 (Single Family District) at 324 E. Corral, Kingsville Texas, also known as Young Terrace, Block 2, Lot 9 & 10. (Interim Director of Planning & Development Services).
13. Consider a resolution approving an application and agreement for the Historic District Façade Grant Program from Mary and Warren Allen for property located at 311-313 E. Kleberg Avenue, Kingsville, Texas. (Interim Director of Planning & Development Services).
14. Consider a resolution of the City of Kingsville, Texas regarding Several Policies and Resolutions such as Designation of Signatories, Civil Rights, Citizen Participation Plan, Section 3, Excessive Force, Section 504, Fair Housing, and Code of Conduct Policies for TXCDBG Compliance (Main Street Grant #7219192). (City Engineer).
15. Consider introduction of an ordinance amending the Fiscal Year 2019-2020 budget to set up the budget for the newly awarded Main Street Grant #7219192 from CDBG through the Texas Department of Agriculture for sidewalks. (Interim Director of Planning & Development Services).
16. Consider a resolution authorizing the Mayor to enter into an Amended Interlocal Cooperation Agreement between the City of Kingsville and Texas A&M University-Kingsville relating to Veterinary Technology Training Program. (Com. Leubert/City Manager).
17. Consider a resolution authorizing the City Manager to enter into a new Lease Agreement between the City of Kingsville and Yamaha for L.E. Ramey Golf Carts and a Utility Cart, via BuyBoard as per staff recommendation. (Purchasing Manager).
18. Consider out-of-state travel for Commission and staff to attend the ICSC Retail Conference from May 17-19, 2020 in Las Vegas, Nevada. (City Manager).

19. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 6, Traffic Control Devices, providing for a University Residential Parking District. (City Attorney).
20. Discuss and consider authorizing preparation of charter amendment proposals from the Charter Review Committee. (City Attorney).
21. Discuss County's EPA grant and JK Northway status. (City Manager).

## VII. Adjournment.

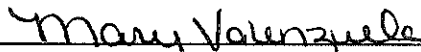
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended only with 5 affirmative Commission votes. The speaker must identify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

### 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:

January 24, 2020 at 10:00 A.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.

  
\_\_\_\_\_  
Mary Valenzuela, TRMC, EMC, 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)**

JANUARY 13, 2020

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JANUARY 13, 2020 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.**

**CITY COMMISSION PRESENT:**

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

**CITY STAFF PRESENT:**

Mark McLaughlin, City Manager  
Mary Valenzuela, City Secretary  
Kyle Benson, IT Manager  
Deborah Balli, Finance Director  
Emilio Garcia, Health Director  
Bill Donnell, Public Works Director  
Cynthia Martin, Downtown Manager  
Rudy Mora, City Engineer  
Charlie Sosa, Purchasing Director  
Courtney Alvarez, City Attorney  
Adrian Garcia, Fire Chief  
Ron Lee, Fire Marshall  
Joe Casillas, Water Production Supervisor  
Diana Gonzales, HR Director  
David Solis, Risk Manager  
Janine Reyes, Tourism Director  
Jennifer Bernal, Parks Manager

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the meeting at 5:00 p.m. with all five Commission members present.

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

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

**MINUTES OF PREVIOUS MEETING(S)**

**Regular Meeting- December 17, 2019**

**Motion made by Commissioner Lopez and Commissioner Pecos to approve the minutes of December 17, 2019 as presented, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting “FOR”.**

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

1. None.

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

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

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

Mr. Mark McLaughlin, City Manager reported that the budget is in good standing at this time. Staff is tracking versus what was budgeted, the city is doing well. He further stated that the Investment Report and Quarterly Budget Report will be coming forward to the Commission within the next couple of weeks. McLaughlin further reported that he has received emails on grant awards that the City will be receiving. He further gave the Commission an update on his attendance of the ICSC Conference that occurred in Dallas last week.

Mr. Adrian Garcia, Fire Chief announced that his last day with the City of Kingsville is January 17<sup>th</sup>. He further thanked Commission and staff for all their assistance that have given him while with the City.

Mrs. Courtney Alvarez, City Attorney reported that the next scheduled Commission meeting is on Monday, January 27<sup>th</sup>, with agenda items being due on Thursday, January 16<sup>th</sup>. Alvarez further state that City offices will be closed on Monday, January 20<sup>th</sup>, in observance of Martin Luther King Day. She further announced that she has been elected as President for the next two year for the Texas Coalition of Affordable Power (TCAP).

Commissioner Leubert commented that she had contacted the City Manager on scheduling a joint meeting with County Officials. She further commented that she is the President of the organization she will be commenting about. She stated that the organization is Kingsville Animal Advocates (KAA). She stated that KAA had 299 days to work with this year and were able to save 483 dogs. KAA is averaging almost 2 dogs per day, on a working day. She commented that for the size of this community, this is a high number. She stated that this is only KAA and not any other organization that have saved this many dog. She further stated that they have spent thousands of dollars helping rescues and animals in this community. Rescues from out-of-state have spent thousands of dollars in our community. She also commented that the organization has saved the city about \$9,660, at an average of \$20 per animal that it would cost to euthanize them. In January they have 27 dogs plus 3 more tomorrow that they have pulled in 13 days. She stated that they pull 5 dogs and 6 will come in. She further stated that we have people in this city and in the county that care enough to spend a lot of time and a lot of money to save the animals in this community.

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

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

Mr. Tim Acosta, Kingsville Record and Bishop News Publisher commented that the local newspaper will continue in Kingsville. There are still some things that are being worked on for the paper. The paper has freed up a lot of unnecessary items from being published in the paper, such as comics section of the paper. Mr. Acosta continued by introducing his staff that will be working with the paper.

Mr. Lance Hamm, 912 S. Creek commented that he would like to discuss some of the Charter amendments that will be proposed at tonight's meeting. He stated that a couple of years ago they were against the RV Park that went in next to his subdivision. He stated that the Planning & Zoning Board voted against the rezoning of the RV Park. He further stated that in the City Charter it states that votes not to rezone and to overrule that the city commission needs a  $\frac{3}{4}$  vote. With there being five Commissioners and for a  $\frac{3}{4}$  vote, four of the Commissioners would have to vote to overrule the Planning & Zoning Commission. He further state that for the City to do business in general it takes three votes from the City Commission. He stated that you can see the difference, to overrule the Planning & Zoning vote, four votes are required; regular city business requires three votes. Hamm further commented that during this episode, there was a special meeting on a Thursday in order to take the vote where one of the Commissioners was on vacation, so instead of five commissioners present there were only four. For a  $\frac{3}{4}$  vote with four commissioners present it would only require three votes again. Normal business is three votes but on that special meeting it only required three votes to overrule the Planning & Zoning Commission. He stated that it is his proposal to put in language that will get rid of this loophole. He stated that it should state that all Commissioners must be present and vote as it requires a  $\frac{3}{4}$  vote. He stated that this is what the Charter is designed to do. He stated that there may be an exception such as if a Commissioner may have financial interest in the zoning and might recuse themselves, which language should be added to the Charter as well. Mr. Hamm further commented on the language to be proposed for removal requiring for a candidate to not be in arrears in local taxes.

At this time, the City Commission approved additional time for Mr. Hamm to finish his comments.

Mr. Hamm continued by commented that by taking out a stipulation that requires Commissioners to be in compliance with local taxes rules and laws doesn't make any sense. He further asked is language being removed that we as the people of this community expect the Commissioners to uphold the laws. He commented that he is advocating against removing this language from the Charter and recommends for the Commission to keep the language as is it currently stated in the Charter.

V.

### **Consent Agenda**

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

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

1. Motion to reappoint Norma Sue Adrian to the City-County Health Board for a three-year term. (Health Director).
2. Motion to approve a resolution authorizing the City of Kingsville to continue participation in the Texas Main Street Program, authorizing the Mayor to execute the Texas Main Street Locally Designated Program 2020 contract, and designating Downtown Manager Cynthia Martin as the Main Street Program Manager for the City of Kingsville to coordinate program activities. (Downtown Manager).

## REGULAR AGENDA

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

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

3. Consider a resolution of the City of Kingsville authorizing the Parks Department to sponsor the Youth Baseball/Softball League. (Parks Director).

Mrs. Susan Ivy, Parks & Recreation Director stated that the Parks Advisory Board has recommended that the Parks Department take over the sponsorship of the youth baseball and softball league. If approved, this will be a division of the Parks & Recreation Department which will add another division in the Parks & Recreation Budget. Revenues and expenditures will be done through the Finance Department just the way all other expenditures are handled with city funds. Any extra funds accumulated or raised will be carried over to the following year which could be used for field improvements, equipment or other things that will benefit the baseball and softball facilities and league as voted and approved by the league board and as approved as following the priorities of the league, Parks Department and the Parks Master Plan. Ivy further stated that the entry fee will be \$70.00 per child with additional sibling registered at \$60 each. There will be an online registration service with a small fee for this service. Based on 16 teams for boy and 18 teams for girls at \$70.00 per child times 12 per team the expected revenue is \$28,560.00 Each team will be asked to obtain a \$300.00 sponsor which would total \$10,200. These funds will be used for uniforms, equipment, umpires, insurance, sanctioning fees, end of season awards and all-star expenses. The league will be overseen by a Board of Directors, Parks Staff and Parks Advisory Board members. President and Treasurer will be appointed by Parks and Advisory Board members. Parks Advisory Board Members Ruben Cantu and DJ Flores both have experience with the leagues and will serve as advisory board members. Jennifer Bernal will serve as league treasurer. City employee and board member of the past league, Aaron Vela, will be appointed President of the League and other officers will be voted on formally by the Board members. Umpires will be paid weekly to an Umpire organization that will distribute funds to umpires. It is being budgeted \$35.00 for each umpire per game. She also stated that we will contract concessions with a percentage benefitting the league. A percentage of fees will also be received from league pictures taken and sold. The league will be sanctioned through Pony League.

Commissioner Pecos asked for clarification when it was said that the Parks Department to sponsor the youth, does this mean that sponsor will not be taken to sponsor the team.

Mrs. Ivy responded that the Parks Department will only be the organizing organization.

Commissioner Hinojosa asked that as for the insurance, will that be covered on its own and covered by City insurance.

Mrs. Ivy stated that the requirement for Pony League baseball is a general liability insurance policy plus a policy that covers the Board members and a medical policy that covers the kids. She also stated that she is in the middle of a question with Risk Management about the possibility of them using the City's insurance for the general liability part, but if this is not possible it will be purchased. She further stated that there is a sports insurance that is used by everyone in the sports industry uses.

Commissioner Hinojosa asked that in the sponsorship there is \$15,000 projected in coming in, what happens if that money doesn't come in?

Mrs. Ivy responded that she feels that it will come in. She stated that \$12,000 of the money will be coming from the \$300 per team.

Commissioner Lopez asked what if a child is not able to pay the entry fee?

Mrs. Ivy responded that this is being discussed at this time.

**Motion made by Commissioner Pecos to approve the resolution of the City of Kingsville authorizing the Parks Department to sponsor the Youth Baseball/Softball League, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".**

4. **Consider introduction of an ordinance amending the Fiscal Year 2019-2020 budget to setup the budget for the new Parks division for Youth Baseball and Softball League to be run by the City of Kingsville. (Parks Director).**

Introduction item.

5. **Consider authorizing the purchase of an articulated dump truck for the Landfill from John Deere Inc., via BuyBoard as per staff recommendation, and a resolution authorizing the City Manager to enter into a Governmental Finance Contract (No. 8949) between Government Capital Corporation and the City of Kingsville for an articulated dump truck. (Purchasing Manager).**

Mr. Charlie Sosa, Purchasing Manager stated that this item authorizes the entering into a public property finance contract with Government Capital Corporation to purchase a John Deere Articulating Dump Truck from Doggett Equipment through Purchasing Buyboard Purchasing Cooperative Contract 15-16 for the Sanitation Department. The existing earth moving equipment is a 2008 Caterpillar 615C that has gone through extensive repairs which have been very costly to the department. The amount of the trucks will be \$359,118.06 over seven years at an annual amount of \$51,302.58 for the first year. It is recommended that the City enter into a public property finance contract with Government Capital Corporation to cover the purchase of a John Deere Articulating Dump Truck.

**Motion made by Commissioner Pecos to authorize the purchase of an articulated dump truck for the Landfill from John Deere Inc., via BuyBoard as per staff recommendation, and a resolution authorizing the City Manager to enter into a Governmental Finance Contract (No. 8949) between Government Capital Corporation and the City of Kingsville for an articulated dump truck, seconded by Commissioner Lopez and Commissioner Leubert. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".**

6. **Consider authorizing the purchase of five outfitted vehicles for the Police Department from Lake Country Chevrolet, via Goodbuy Purchasing Cooperative as per staff recommendation, and a resolution authorizing the City Manager to enter into a Governmental Finance Contract (No. 8950) between Government**

**Capital Corporation and the City of Kingsville for police vehicles. (Purchasing Manager).**

Mr. Sosa stated that This item authorizes the entering into a public property finance contract with Government Capital Corporation to purchase Five (5) New outfitted Police Vehicles for Police Department from Lake Country Chevrolet thorough Goodbuy Purchasing Cooperative Contract 19-8F000 Vehicles for the City of Kingsville Police Department. Five (5) New Outfitted Police Vehicles are needed for the Police Department's deteriorating fleet, which has met and exceeded the life the of vehicles. The police department vehicle maintenance account has gone over budget over the past few years due to the outdated police vehicles. The five (5) new outfitted vehicles will replace the old police cruisers, which have lately spent more time in city garage than on streets for public safety. The Police Department has gone over 10 years without asking for funds to replace police fleet due to the Chapter 59 Forfeiture Funds. Experiencing the decline of Chapter 59 Forfeiture Funds, the Police Department is requesting the allocation of 5 new outfitted Tahoe's for the City of Kingsville Police Department for fiscal year 2019-2020, which can be made possible through a 7-year capital lease agreement. Please see attached Government Capital Corporation contract. Funds are available through 001-5-2102-71100 Capital Lease, Year One of which \$70,655.00 are available this fiscal year. The amount of the five (5) vehicles will be \$344,956.32 over seven years at an annual amount of \$49,280.76 for the first year, please refer to contract attached and Exhibit B Schedule of payments. It is recommended the City enter into a public property finance contract with Government Capital Corporation to cover the purchase Five (5) New Police Vehicles for Police Department from Lake Country Chevrolet thorough Goodbuy Purchasing Cooperative Contract 19-8F000 Vehicles for the City of Kingsville Police Department. Goodbuy is a member of the Purchasing Cooperative which meets Local government code 271 Subchapter F allows for the use of a cooperative purchasing program, specifically 271.102 (c), states, "A local government that purchases good and service under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of goods and service." Therefore, competitive bidding statutes have been met.

Commissioner Leubert asked if this was for purchase. Mr. Sosa stated that this is for a purchase but will be a seven years lease that will be paid in seven years.

**Motion made by Commissioner Pecos to authorize the purchase of five outfitted vehicles for the Police Department from Lake Country Chevrolet, via Goodbuy Purchasing Cooperative as per staff recommendation, and a resolution authorizing the City Manager to enter into a Governmental Finance Contract (No. 8950) between Government Capital Corporation and the City of Kingsville for police vehicles, seconded by Commissioner Leubert and Commissioner Lopez.**

Commissioner Hinojosa asked for the interest rate. Mr. McLaughlin responded that the interest rate is 3.47%.

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

**7. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Section 15-6-21-Definitions to include a definition for "climate-controlled self-storage". (Interim Director of Planning & Development Services).**

Mrs. Cynthia Martin, Interim Director of Planning & Development Services stated that this is a request to amend the City of Kingsville Code of Ordinances by amending Chapter XV, Zoning, Appendix A, Land Use Chart to allow the use of climate-control,

self-storage by special use permit only in the C2 Retail Zoning District and as a permitted in C4 Commercial, I1 Light Industrial and 12 Heavy Industrial Zoning Districts. The Planning & Zoning Commission has met on this item on January 8<sup>th</sup> where they accepted staff's recommendations with minor changes and voted 4-0 to recommend approval of the change to Appendix A.

Commissioner Hinojosa asked if all other agenda items to follow have the same information as it seems as the information is repetitive.

Mrs. Alvarez stated that with regards to item 7, it is a new definition that is being added to the zoning section of the Code of Ordinances. Item 8 is a new category of use for this newly defined use. She further stated that items 9 through 15 it's the same memo for those items.

Introduction item.

8. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 6- Zoning, Appendix A-Land Use Categories to add "climate-controlled self-storage". (Interim Director of Planning & Development Services).**

Introduction item.

9. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, Sections 75, 76, 302, & 303, adopting the 2018 versions of the International Residential Code for One-and-Two Family Dwellings, the Mechanical Code, the Fuel Gas Code, and the Plumbing Code. (Interim Director of Planning & Development Services).**

Commissioner Leubert asked if this was just updating the current codes. Mrs. Martin responded yes, but each would need to be done separately.

Introduction item.

10. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, Sections 36, 37, 40, & 43, adopting the 2018 version of the International Fuel Gas Code. (Interim Director of Planning & Development Services).**

Introduction item.

11. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, Sections 135 & 136, adopting the 2018 version of the International Mechanical Code. (Interim Director of Planning & Development Services).**

Introduction item.

12. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, Sections 21 & 22, adopting the 2018 version of the International Plumbing Code. (Interim Director of Planning & Development Services).**

Introduction item.

13. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, Sections 402 & 403, adopting the 2018 version of the International Energy Conservation Code. (Interim Director of Planning & Development Services).**

Introduction item.

- 14. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, Sections 151 & 152, adopting the 2018 version of the International Swimming Pool and Spa Code. (Interim Director of Planning & Development Services).**

Introduction item.

- 15. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, Section 15-1-156, adopting the 2017 Edition of the National Electric Code. (Interim Director of Planning & Development Services).**

Introduction item.

- 16. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, Sections 1 through 99, adopting the 2018 version of the International Property Maintenance Code. (Interim Director of Planning & Development Services).**

Introduction item.

- 17. Discuss and consider authorizing preparation of charter amendment proposals from the Charter Review Committee. (City Attorney).**

Mrs. Alvarez reported that in May 2019, the Commission voted to create a Charter Review Committee. At a later meeting the Commission appointed members to the Charter Review Committee. After the appointment of members, there were some meetings held for the Committee to review and amend the City's Charter. The last time the City Charter was reviewed was back in 2006. The Committee makes recommendations to the City Commission on the proposed changes to the Charter. It is the intent that any recommendations for changes to the Charter be determined by the Committee and then the City Commission would consider them in January 2020 for possible placement on the ballot for the next city election scheduled for May of 2020. Alvarez further stated that the Commission may accept, modify, or make their own recommendations. She further stated that the Committee has voted on the proposal that are being brought forward to the Commission. There was one proposal for term limits that was not brought forward, as it was not approved by a majority vote of the Committee. She stated that the item on the agenda reads to consider the item, but the Commission is not obligated to make a final vote tonight. This would give the Commission time to review and make any recommendations for a future meeting. Mrs. Alvarez stated that as for scheduled time, staff is looking at the Commission to make their final determination as to what they would like to see on the ballot by the end of this month. It is being scheduled that on the first meeting in February, the Commission will be calling for the regular general election and at that same time be calling for a special election, if needed for Charter proposals.

Commissioner Leubert commented that she agrees with a comment that Mr. Lance Hamm made with regards to owing any arrear taxes to a local taxing entity.

Mrs. Alvarez commented that with regards to Section 3, Qualifications, immediately proceeding election day, this is something that complies with the State Election Code. The second part which is being determined whether it should or shouldn't be considered for removal, there are differing opinions across the State as to whether somebody should be prohibited from running because of being in arrears. She further stated that depending on what Court of Appeal you are in, it may or may not be valid, but the State Supreme Court has not ruled on this.

Commissioner Leubert commented that it could be left in as she is not comfortable personally with taxes being in arrears. She stated that she feels that this language should be left in the Charter. She further stated that the other item she is hesitant about is the six months verses twelve months for a recall.

Mrs. Alvarez stated that if the Commission were to stay with two-year terms then the preference would be to stay with six months for the recall. However, if the Commission is going to be moving forward with potential four-year terms, it was thought that if someone is in for a four term you may want to give them about a year for people to see if that individual will be meeting their expectations.

Commissioner Leubert commented that a lot of damage can be done in twelve months. She also stated that she is on the mend with regards to this recommendation.

Commissioner Hinojosa stated that with regards to the term of office, he would like for it to be a four-year term across the board, instead of the way it is worded in the proposal. This way it could go hand in hand with the recall which could be one year.

Commissioner Leubert commented that what the Committee is considering is staggered terms which is not stated in the item being heard today.

Commissioner Hinojosa commented that this is his proposal to go four-year terms across the board which will also be saving money by not having an election every two years.

Mrs. Alvarez commented that currently proposal 1, terms of office does include staggering, which you would have to start the staggering somewhere which is why some of the position for the first election would be up for two and when they come up again they would be up for four; this would start the staggering every four years. But if there isn't a desire for staggering then it would be essentially having what we have now which is everybody runs for their term, you would just be expanding the term.

The Commission responded that this was correct.

Commissioner Leubert further stated that she is also on the mend about a full Commission to vote on a  $\frac{3}{4}$  vote for something that the tax payers have said that they want something but then making sure the whole Commission would override them and not just the  $\frac{3}{4}$  of a smaller Commission. It would also require for all Commissioners to be present.

Mayor Fugate commented that he has a problem with that. If the Commission loses a Commissioner and don't have a full Commission and there is only four left, is what Commissioner Leubert is stating that it needs to have all five Commission members vote on that item.

Commissioner Leubert stated that she is looking at the  $\frac{3}{4}$  vote to overwrite the Planning Zoning Commission decision.

Mayor Fugate commented that if you only have four members you would still have to have three members to vote, which would be a super majority. He further stated that he doesn't see the problem in the way it is now. He further state that if he recalls the vote was 4-0 for the RV Park.

Mrs. Alvarez stated that Commissioner Leubert is discussing, section 15-6-4 is in the City Code of Ordinances and not in the Charter. This is not appropriate discussion for this agenda item as this item deals with items that are listed on the City's Charter.

Commissioner Hinojosa commented that with regards to owing back taxes, this does not look good for the Commission to be in the arrears, when it is being asked for the tax payers to be current. He further stated that the Commission should wait until there is a ruling from the Supreme Court before trying to make the change.

Mrs. Alvarez commented that at the next Commission meeting, staff will bring back proposal 1 with it just being four-year terms, not staggered. With regards to proposal two, hearing from one Commissioner, to keep the six months verses the twelve months for a recall.

Commissioner Hinojosa commented that he would like to leave it for one year for a recall to be called. Hinojosa further commented that Commissioner Leubert asked that it not be changed.

Mrs. Alvarez stated that it could be brought to the Commission at the next Commission meeting where they can take a vote on it. If it stays with the one year, then there will be a proposal on the ballot. If not, then it stays as is at six months. She further stated that it seemed to have been the consensus of the Commission to keep the wording immediately preceding election day but retaining the language about the arrearages. She further asked the Commission if there were any other items they would like to see modified for the next meeting.

Commissioner Leubert commented that she would prefer the 5:00 p.m. verses 7:30 p.m. for the swearing-in of the newly elected officials.

Commissioner Lopez stated that she has been asked if there is a way of changing the word from Commission to Counsel, as the word Commission is not used anymore.

Mrs. Alvarez stated that staff can look into this and bring back something at the next meeting.

No action taken on this item.

**18. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 6, Traffic Control Devices, providing for a University Residential Parking District. (City Attorney).**

Mrs. Alvarez stated that there had been some discussion around the time frame of August, September with regards to certain residences in the University area where there are currently restricted parking timeframes. This restriction may work for some people but not necessarily everyone because in the older part of town, not everyone has a driveway where they can park their own vehicles. She further stated that there may be individuals who have disabilities or elderly that need to be able to have a place to park their own vehicles in front of their house as they may not have an alternate area to park within their property. She stated that there are cities that have residential parking districts so that individuals that live in those locations could come and fill out an application to get a parking permit to park in front of their house during the restriction time. This would also allow for them to obtain a visitors parking pass for their visitors. This would be limited in time and limited as to how many you can get per day.

Mayor Fugate asked if we have received a lot of complaints on this. Mrs. Alvarez responded no.

Commissioner Leubert commented that they have given up.

Mrs. Alvarez commented that one individual maybe two that she knows of that have complained.

Commissioner Lopez commented that while she was City Secretary, she received a lot of complaints.

Mayor Fugate asked if the current City Secretary has received any complaints. City Secretary, Mary Valenzuela responded no.

Commissioner Hinojosa asked where is the current ordinance that allows the city to issue citations on these streets. He further asked if there was an ordinance in place.

Mrs. Alvarez responded that there is an ordinance already in place.

Commissioner Leubert commented that she resides within this area, so this affects her a lot. She asked why residents would only be allowed to get one parking permit for their residence because when you have two or three people living in a house, it is very seldom that you have one car. She stated that if this was being done throughout the city she would understand, but we are restricting residents from parking in front of their own house and can only have one car. She stated that her other concern is only allowing people to have company and being restricted to two cars and must retrieve a parking pass each time you have a visitor. If someone has a visitor on a Sunday night, city is closed this could cause a problem. She stated that the residents will not like this, and this is being very restricted to those that live in this area.

Mayor Fugate stated that those that live in the area want parking restrictions as they don't want those from the college parking in front of their homes. But then they want 5 to 6 parking passes and everyone who resides on that street have 5 parking passes, it will fill the street up with vehicles. Fugate further commented that he doesn't know where the dilemma is and doesn't know how to satisfy those that live within the area.

Commissioner Hinojosa commented that maybe the City needs to do away with the ordinance.

Commissioner Lopez commented that she can't recall how all this came about. Commissioner Leubert stated that this started when Mrs. Henderson who lived in Irma Rangel's house complained because the students were parking and blocking her driveway which is what started the parking restriction.

Mayor Fugate asked for staff to place this ordinance in the next agenda and allow for the Commission to vote on it. The Commission might just do away with the ordinance dealing with all the parking within this area.

Commissioner Leubert commented that with the Music Department coming in it will be a problem.

Mayor Fugate asked for Commissioner Leubert to come up with the right number of parking passes and bring it forward at the next Commission meeting.

Commission Hinojosa asked if staff had sent out letters to the residents that will be affected that this would be on the agenda.



Commissioner Leubert responded no, the city just showed up and started placing signs on people's yards.

Commissioner Hinojosa asked for this item. Mrs. Alvarez responded that letters were not sent out as this is an introduction item and staff will need to get the Commission's feedback to what if anything you will want to do with it and get it in a final form before considering having a public hearing on that.

Commissioner Hinojosa commented that a letter should have been sent out before to give them the opportunity to comment tonight.

Mrs. Alvarez stated that this is pretty much the same with every item that is being brought forward to the Commission and at some point, the public would need to become engaged.

Mayor Fugate commented that as this is an introduction item, he would like to wait and see what Commissioner Leubert comes up with at the next meeting.

Introduction item.

19. **Executive Session: Pursuant to Section 551.072, Texas Government Code, Deliberations regarding Real Property Exception, the City Commission shall convene in Executive Session to discuss the purchase, exchange, lease, or value of real property as deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. (City Engineer).**

Mayor Fugate announced and convened the meeting into executive session at 6:07 p.m.

Mayor Fugate reconvened the meeting into open session at 6:30 p.m.

20. **Consider a resolution authorizing the Mayor to execute a Quit Claim Deed with the Texas Department of Transportation for three utility easements needed for improvements to US77 From General Cavazos to the southern city limits. (City Engineer).**

No discussion or action taken on this item.

21. **Consider a resolution authorizing the Mayor to enter into a Standard Utility Agreement with the Texas Department of Transportation for reimbursement of part of the City's cost to relocate and adjust utilities due to improvements along US77. (City Engineer).**

VI. No discussion or action taken on this item.

## **VII. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:30 P.M.

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Sam R. Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, TRMC, CMC, City Secretary

# **PUBLIC HEARING(S)**

# **PUBLIC HEARING #1**

**City of Kingsville  
Planning and Dev. Services Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Interim Director of Planning & Dev. Services

DATE: January 14, 2020

SUBJECT: Request for a special use permit for daycare use in R1 (Single Family) at 324 E Corral also known as YOUNG TERRACE, BLOCK 2, LOT 9,10

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**Summary:** Yaneli Alanis, property owner/applicant is requesting a special use permit for daycare use in a R1 Single Family district at 324 E Corral.

**Background:** This property at has been most recently been occupied by a daycare, Head Start Center, operating under a special use permit. The applicant, Yaneli Alanis, wishes to occupy that same building on the property as a learning academy for children ages six weeks to five years. Head Start programs serve children from birth to five years old from low-income families by supporting the development of the whole child. The hours for the new learning center will be from 6:30 am – 5:30 pm and the program will serve 45-65 children depending on their licensing. This will be roughly equivalent to the hours and numbers of children served of the Head Start program according to the applicant. The applicant currently runs a daycare center, The Tot Spot at 1724 S Brahma in Kingsville. Continuation of the daycare use at this property under a special use permit makes sense.

**Financial Impact:** None.

**Recommendation:** It is recommended to approve the issuance of a special use permit to Yaneli Alanis for daycare use at 324 W Corral. The Planning and Zoning Commission voted 4 to 0 with no abstentions to recommend approval of this special use permit at their regular January 15, 2020 meeting.



Daycare

## PLANNING & ZONING COMMISSION AGENDA

Wednesday, January 15, 2020 6:00 p.m.

Regular Meeting

Helen Kleberg Groves Community Room,  
1st Floor – City Hall, 400 W. King Ave., Kingsville, Texas

### PLANNING & ZONING COMMISSION SEATING ARRANGEMENT

#### COMMISSION MEMBERS

Mike Klepac

Brian Coufal

Rev. Idotha Battle

Steve Zamora,

Chairman

#### COMMISSION MEMBERS

Lupe Alvarez

Debbie Tiffie

Bill Aldrich

#### CITY STAFF

Stephannie Resendez,  
Administrative Assistant II

Cynthia Martin,  
Interim Director of Planning  
& Development Services

#### *The following rules of conduct have been adopted by this Commission:*

1. Give your name and complete address.
2. No one may speak more than twice on the same item.
3. No one may speak more than 5 minutes at a time without permission from the Chairman.
4. No one may speak a second time on a question until every person who wants to speak has done so.
5. All submissions of evidence, i.e., photos, drawings, will be retained by the Planning & Zoning Commission and will become a part of the permanent file.

***A COPY OF CHAPTER 15 "LAND USAGE", FROM THE CITY OF KINGSVILLE CODE OF ORDINANCES, IS AVAILABLE.***

### AGENDA

- CALL TO ORDER
- ROLL CALL
- APPROVAL OF MINUTES OF PREVIOUS MEETING – December 18, 2019
- PUBLIC COMMENTS FOR ALL AGENDA & NON-AGENDA ITEMS
- POSTPONEMENTS/ADJUSTMENTS TO THE AGENDA
- OLD BUSINESS – None.

• **NEW BUSINESS –**

**ITEM #1- Public Hearing on the request from Chad Davis, applicant, requesting a Special Use Permit for climate-controlled self-storage use in C2 (Retail District) at ORIG TOWN, BLOCK 68, LOT 1-13 also known as 200 E Kenedy Blk, Kingsville, Texas.**

**ITEM #2- Discuss and Consider Action on the request from Chad Davis, applicant, requesting a Special Use Permit for climate-controlled self-storage use in C2 (Retail District) at ORIG TOWN, BLOCK 68, LOT 1-13 also known as 200 E Kenedy Blk, Kingsville, Texas.**

**ITEM #3 - Public Hearing on the request from Yaneli Alanis, applicant, requesting a Special Use Permit for daycare use in R1 (Single Family) at YOUNG TERRACE, BLOCK 2, LOT 9, 10 also known as 324 E Corral, Kingsville, Texas.**

**ITEM #4 - Discuss and Consider Action on the request from Yaneli Alanis, applicant, requesting a Special Use Permit for daycare use in R1 (Single Family) at YOUNG TERRACE, BLOCK 2, LOT 9, 10 also known as 324 E Corral, Kingsville, Texas.**

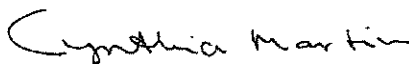
**MISCELLANEOUS:** Any topic may be discussed but no action may be taken at this time.

• **ADJOURNMENT**

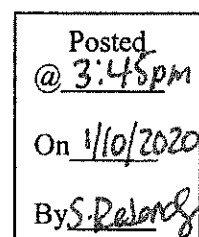
**Please call the CITY SECRETARY at 595-8002 to obtain definitive and final City Commission Hearing Date.**

It is the intention of the City of Kingsville to comply in all aspects with the Americans with Disabilities Act (ADA). If you plan on attending a meeting to participate or to observe and need special assistance beyond what is routinely provided, the city will attempt to accommodate you in every reasonable manner. Please contact the Planning Secretary, 361-595-8055, at least two business days prior to the meeting to inform the City of your specific needs and to determine if accommodation is feasible.

I certify that this agenda was posted at least seventy-two (72) hours before the commencement of the Planning and Zoning Commission Meeting scheduled for Wednesday, January 15, 2020.



Cynthia Martin, Interim Director of Planning & Development Services



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

By: \_\_\_\_\_  
Kingsville Planning and Development Services

ITEM #2

To: Planning and Zoning Commission Members

From: Cynthia Martin, Interim Director Planning & Dev. Services

Date: January 10, 2020

Subject: Request from Yaneli Alanis for a special use permit for daycare use in R1 (Single Family) from YOUNG TERRACE, BLOCK 2, LOT 9,10 also known as 324 E Corral

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This property has been most recently been occupied by a daycare, Head Start Center, operating under a special use permit. The applicant, Yaneli Alanis, wishes to occupy that same building on the property as a learning academy for children ages six weeks to five years. Head Start programs serve children from birth to five years old from low-income families by supporting the development of the whole child. The hours for the new learning center will be from 6:30 am – 5:30 pm and the program will serve 45-65 children depending on their licensing. This will be roughly equivalent to the hours and numbers of children served of the Head Start program according to the applicant. The applicant currently runs a daycare center, The Tot Spot at 1724 S Brahma in Kingsville. Rodrigo Monsevias, 320 E Corral, called in support of the property continuing as a daycare. We have received no calls in opposition.

It is recommended to approve this use barring as there will be little, if any changes to the properties current use and no objections from neighboring property owners have been raised.



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

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

Project Address 324 E Corral Ave Nearest Intersection Corral & Yang Dr.

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

Legal Description: Yang terrace, Block 2, Lot 9, 10

Existing Zoning Designation \_\_\_\_\_ Future Land Use Plan Designation \_\_\_\_\_

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

Applicant/Authorized Agent Yaneli Alanis Phone 361 720 5495 FAX \_\_\_\_\_

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

Mailing Address 368 NFM 2619 City Kingsville State TX Zip 78363

Property Owner Yaneli Alanis Phone 361 720 5495 FAX \_\_\_\_\_

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

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

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

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

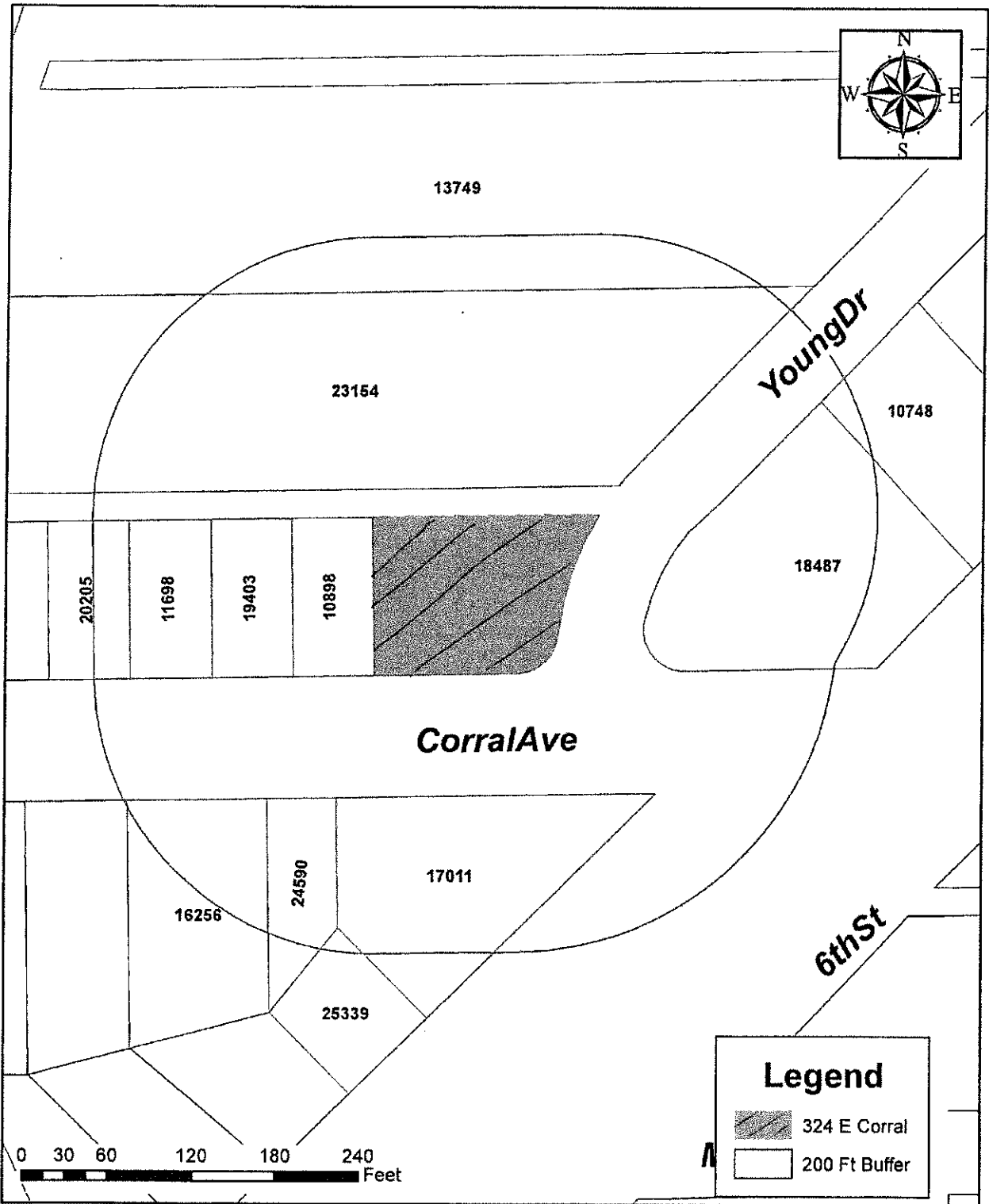
Please provide a basic description of the proposed project:

wanting to open a learning academy.  
ages 4 weeks to 5 years old.


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: \_\_\_\_\_  
Property Owner's Signature Yaneli Alanis Date: \_\_\_\_\_  
Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

# 200 ft Buffer Map of 324 E Corral



Document Path: C:\Users\resendez\Desktop\GIS\Maps\Buffer Map.mxd

Page 1 / 1	Drawn By: Planning Department	<small>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.</small>	 <b>CITY OF KINGSVILLE</b> <b>PLANNING DEPARTMENT</b> <b>410 West King</b> <b>Kingsville, Texas 78363</b> <b>Office: 361-595-8055</b>
	Last Update: 12/30/2019		
	Note:		

ZARKSY LUMBER CO  
PO BOX 2527  
VICTORIA, TX 77902-2527  
#11873, 22822

JUAN SALDANA SR EST  
ETUX MANUELA  
222 E KENEDY AVE  
KINGSVILLE, TX 78363-5571  
#20091

DAVID MACARENO  
1512 FM 1717  
KINGSVILLE, TX 78363  
#15104

GEORGE HERNANDEZ  
ETUX GUADALUPE  
716 S 16<sup>TH</sup> ST  
KINGSVILLE, TX 78363-6432  
#19600

RIGOBERTO OLIVO  
ANGELICA M OLIVO  
303 E KENEDY AVE  
KINGSVILLE, TX 78363  
#20034

KINGSVILLE C & A  
CORPORATION  
230 S 6<sup>TH</sup> ST  
KINGSVILLE, TX 78363-5515  
#14007

HECTOR ISLAS CORTEZ EST  
ETUZ ALEIDA  
PO BOX 1726  
KINGSVILLE, TX 78364-1726  
#10800

HARREL D NIX  
1222 CYPHER ST  
KINGSVILLE, TX 78363-3404  
#13482

EDUARDO RAMON TURLEY  
1906 MORNINGSIDE DR  
ALICE, TX 78332  
#23839

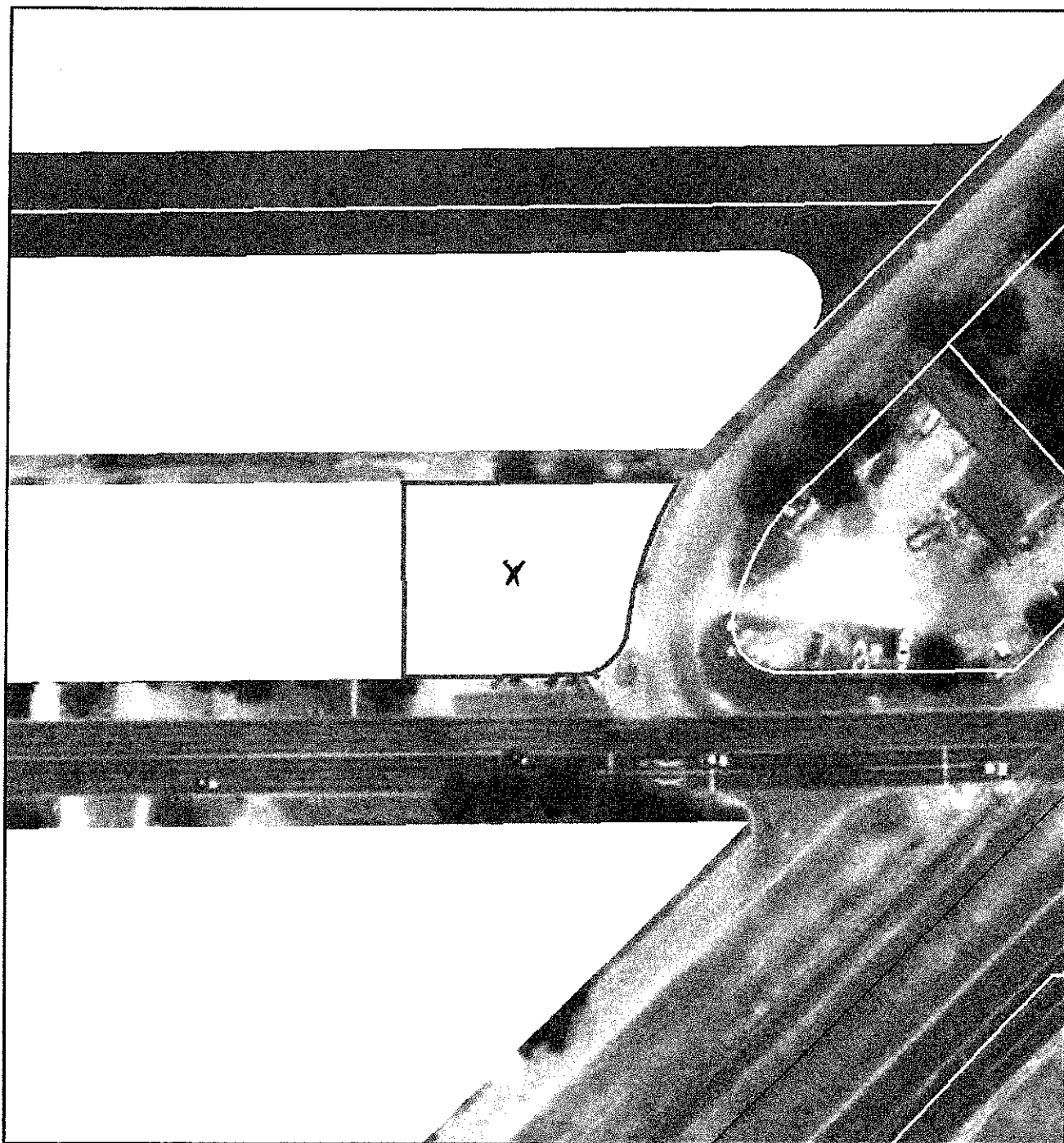
DIANNE RASKA  
1014 WILSHIRE PL  
CORPUS CHRISTI, TX 78411-  
2327  
#10258

MARIO ALBERTO  
MALDONADO  
218 E KENEDY AVE  
KINGSVILLE, TX 78363-5571  
#13187

GILBERT DWAYNE POLLARD EST  
ETUX GWENDOLYN  
229 E KENEDY AVE  
KINGSVILLE, TX 78363-5570  
#10330

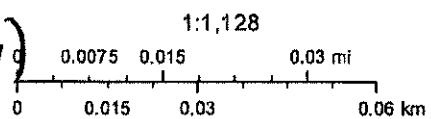
MICHELLE DORITE GARCIA  
327 S 7<sup>TH</sup> ST  
KINGSVILLE, TX 78363  
#20256

ANDREW ROMO JR  
218 E HENRIETTA AVE  
KINGSVILLE, TX 78363-4559  
#23219



December 19, 2019

X - R1 (single family)



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

[illegible]

# Education

Thursday, December 26, 2019

Kingsville Record and Bishop News

7A

## Santa takes to the skies at Harrel Elementary



Before the holiday break, Harrel Elementary School students met a couple of special visitors from the North Pole as Santa and Mrs. Claus flew in via helicopter last Thursday. Children from grade pre-kindergarten 4 through fourth grade lined up outside to greet St. Nick as he landed the helicopter. Santa then met with each student individually to listen to their Christmas lists and give them candy canes. (Photos by Anthony Ruiz)



**UGLY  
CHRISTMAS  
SWEATER 5K  
RUN/WALK IN DKP**  
DECEMBER 28, 2019  
SIGN IN 8AM • RUN BEGINS @ 9AM



**KINGSVILLE PARKS & RECREATION  
KID'S NIGHT OUT! LOCK-IN**

A Holiday Party For Kids  
Monday, December 30th  
DKP REC HALL  
6pm - 10pm • Ages 8-13  
No Admission Fee



Zero Tolerance for bad behavior

01 Movie & Contests & Mock New Year at 9:30 & Pizza & Popcorn Bar  
Soft Drink will be sold

THOMAS HENRY  
KING RANCH  
Walmart  
Olive Assoc. of Kingsville  
For info: 361.221.8705  
sivy@cityofkingsville.com

### PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, January 13, 2020 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: Yaneli Alaris, applicant, requesting a Special Use Permit for daycare use in R1 (Single Family) at YOUNG TERRACE, BLOCK 2, LOT 9, 10 also known as 324 E Corral, Kingsville, Texas. The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

### PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, January 27, 2020 at 5:00 p.m. wherein the City Commission will discuss the introduction on the following items and at which time all interested persons will be heard: Yaneli Alaris, applicant, requesting a Special Use Permit for daycare use in R1 (Single Family) at YOUNG TERRACE, BLOCK 2, LOT 9, 10 also known as 324 E Corral, Kingsville, Texas. The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the City Secretary at (361) 595-8002.

**ORDINANCE NO. 2020-\_\_\_\_\_**

**AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR DAYCARE USE IN R1 (SINGLE FAMILY DISTRICT) AT 324 E. CORRAL, KINGSVILLE, TEXAS, ALSO KNOWN AS YOUNG TERRACE, BLOCK 2, LOTS 9 & 10; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION.**

**WHEREAS**, the Planning & Zoning Commission has forwarded to the City Commission it's reports and recommendations concerning the application of Yaneli Alanis, property owner/ applicant, for amendment to the zoning map of the City of Kingsville;

**WHEREAS**, the property is currently zoned R1-Single Family Residential District and it is desired for the area to be used exclusively as a daycare facility, which was its prior use;

**WHEREAS**, the City Code of Ordinances, Chapter XV-Land Usage, Appendix A- Land Use Categories states that in R1 a special use permit is required to have a day nursery or kinder (day care facility); and

**WHEREAS**, the City of Kingsville Code of Ordinances section 15-6-142 regulates special use permits; and

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, January 15, 2020, during a meeting of the Planning & Zoning Commission, and on Monday, January 27, 2020, during a meeting of the City Commission, in the Helen Kleberg Groves Community Room/Commission Chambers, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

**WHEREAS**, a majority of the Planning & Zoning Commission voted 4-0 to APPROVE, with no abstentions, the requested special use permit; and

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

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

**SECTION 1.** That the Zoning Ordinance of the City of Kingsville, Texas, is amended and a Special Use Permit is granted for a Daycare Facility on the premises known as 324 E. Corral, Kingsville, Texas, (Young Terrace, Block 2, Lots 9 & 10), as more specifically describe on site plan attached as Exhibit A.

**SECTION 2.** That the Special Use Permit granted in Section 1 of this Ordinance is subject the following conditions:

1. **ALLOWED USE:** The only uses authorized by this Special Permit other than the permitted "R1" Single Family District uses is as a Daycare Facility.

2. **STATE LICENSE:** The premises or operator be licensed or registered by the State of Texas to have a Daycare Facility.

3. **TIME LIMIT:** This Special Permit is good for the duration of the business from the date of this ordinance unless the property is not being used for the purpose outlined in Condition 1 or any other conditions have not been complied with.

4. **SPECIAL CONDITION:** The applicant shall obtain all required background checks, business licenses and cooperation with all annual fire safety, health, and sanitation inspections, as required by the Department of Family and Protective Services and the City of Kingsville, in order to maintain compliance with state and city regulations for the day care facility.

**SECTION 3.** That the official Zoning Map of the City of Kingsville, Texas, is amended to reflect the amendment to the Zoning Ordinance made by Section 1 of this ordinance.

**SECTION 4.** That the Zoning Ordinance and Zoning Map of the City of Kingsville, Texas, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

**SECTION 5.** That to the extent that this amendment to the Zoning Ordinance represents a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the Zoning Ordinance, as amended by this ordinance.

**SECTION 6.** That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

**SECTION 7.** That publication shall be made in the official publication of the City of Kingsville as required by the City Charter of the City of Kingsville.

**INTRODUCED** on this the 27th day of January, 2020.

**PASSED AND APPROVED** on this the 10th day of February, 2020.

Effective Date: \_\_\_\_\_, 2020

**THE CITY OF KINGSVILLE**



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

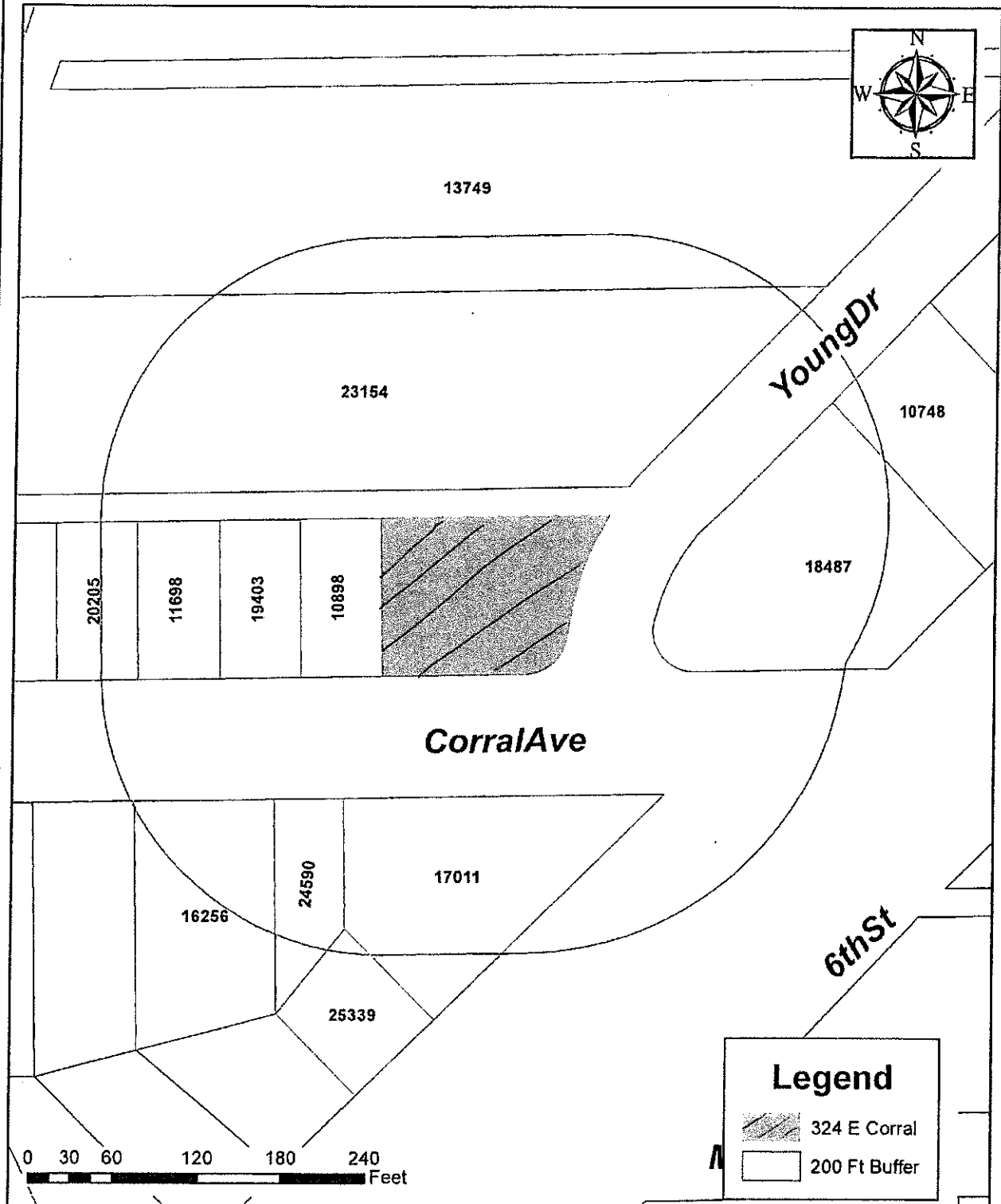
**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# 200 ft Buffer Map of 324 E Corral



Document Path: C:\Users\sresendez\Desktop\GIS\Maps\Buffer Map.mxd

<div>Page</div> <div>1 / 1</div>	Drawn By: Planning Department	<p><b>DISCLAIMER</b> 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.</p>	<p><b>CITY OF KINGSVILLE</b> <b>PLANNING DEPARTMENT</b>  410 West King Kingsville, Texas 78363 Office: 361-595-8055</p>
	Last Update: 12/30/2019		
	Note:		

# **PUBLIC HEARING #2**

## PLANNING & ZONING COMMISSION AGENDA

Wednesday, January 15, 2020 6:00 p.m.

Regular Meeting

Helen Kleberg Groves Community Room,  
1st Floor – City Hall, 400 W. King Ave., Kingsville, Texas

### PLANNING & ZONING COMMISSION SEATING ARRANGEMENT

#### COMMISSION MEMBERS

Steve Zamora,

#### COMMISSION MEMBERS

Mike Klepac

Chairman

Lupe Alvarez

Brian Coufal

Debbie Tiffie

Rev. Idotha Battle

Bill Aldrich

#### CITY STAFF

Stephannie Resendez,  
Administrative Assistant II

Cynthia Martin,  
Interim Director of Planning  
& Development Services

#### *The following rules of conduct have been adopted by this Commission:*

1. Give your name and complete address.
2. No one may speak more than twice on the same item.
3. No one may speak more than 5 minutes at a time without permission from the Chairman.
4. No one may speak a second time on a question until every person who wants to speak has done so.
5. All submissions of evidence, i.e., photos, drawings, will be retained by the Planning & Zoning Commission and will become a part of the permanent file.

***A COPY OF CHAPTER 15 "LAND USAGE", FROM THE CITY OF KINGSVILLE CODE OF ORDINANCES, IS AVAILABLE.***

#### AGENDA

- CALL TO ORDER
- ROLL CALL
- APPROVAL OF MINUTES OF PREVIOUS MEETING – December 18, 2019
- PUBLIC COMMENTS FOR ALL AGENDA & NON-AGENDA ITEMS
- POSTPONEMENTS/ADJUSTMENTS TO THE AGENDA
- OLD BUSINESS – None.

• **NEW BUSINESS –**

**ITEM #1- Public Hearing on the request from Chad Davis, applicant, requesting a Special Use Permit for climate-controlled self-storage use in C2 (Retail District) at ORIG TOWN, BLOCK 68, LOT 1-13 also known as 200 E Kenedy Blk, Kingsville, Texas.**

**ITEM #2- Discuss and Consider Action on the request from Chad Davis, applicant, requesting a Special Use Permit for climate-controlled self-storage use in C2 (Retail District) at ORIG TOWN, BLOCK 68, LOT 1-13 also known as 200 E Kenedy Blk, Kingsville, Texas.**

**ITEM #3 - Public Hearing on the request from Yaneli Alanis, applicant, requesting a Special Use Permit for daycare use in R1 (Single Family) at YOUNG TERRACE, BLOCK 2, LOT 9, 10 also known as 324 E Corral, Kingsville, Texas.**

**ITEM #4 - Discuss and Consider Action on the request from Yaneli Alanis, applicant, requesting a Special Use Permit for daycare use in R1 (Single Family) at YOUNG TERRACE, BLOCK 2, LOT 9, 10 also known as 324 E Corral, Kingsville, Texas.**

**MISCELLANEOUS:** Any topic may be discussed but no action may be taken at this time.

• **ADJOURNMENT**

**Please call the CITY SECRETARY at 595-8002 to obtain definitive and final City Commission Hearing Date.**

It is the intention of the City of Kingsville to comply in all aspects with the Americans with Disabilities Act (ADA). If you plan on attending a meeting to participate or to observe and need special assistance beyond what is routinely provided, the city will attempt to accommodate you in every reasonable manner. Please contact the Planning Secretary, 361-595-8055, at least two business days prior to the meeting to inform the City of your specific needs and to determine if accommodation is feasible.

I certify that this agenda was posted at least seventy-two (72) hours before the commencement of the Planning and Zoning Commission Meeting scheduled for Wednesday, January 15, 2020.



Cynthia Martin, Interim Director of Planning & Development Services

Posted @ 3:48pm
On 1/10/2020
By S. Reland

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

By: \_\_\_\_\_  
Kingsville Planning and Development Services

ITEM #1

To: Planning and Zoning Commission Members

From: Cynthia Martin, Interim Director Planning & Dev. Services

Date: January 10, 2020

Subject: Request from Chad Davis for a special use permit for climate controlled self-storage use in C2 (Retail) at ORIG TOWN, BLOCK 68, LOT 1-13 also known as 200 E Kenedy blk.

---

Chad Davis, applicant, is requesting a special use permit in a C2 Retail District in order to use the property at 200 E Kenedy for climate-controlled storage. He is planning to retain the existing building with only minor changes to the exterior and to renovate the interior to create individual storage units. Properties abutting this parcel are zoned C2 Retail to the north, south and west and R3 Multi-family to the east. Two blocks south along the 6<sup>th</sup> Street corridor, the zoning changes to C4 Commercial. Two blocks north to C3 Central Business District and C2 Retail. The building formerly housed a furniture store, something permitted in the C2 Retail District. There is a fair-sized parking lot in site. The majority of storage units will be interior units. Customers will enter the building from the front entrance facing 6<sup>th</sup> Street. The freight elevator left from the furniture store days will assist customers in transporting storage items in and out of their units.

The building, formerly a furniture store and warehouse, has sat vacant for many years and has proven a challenge to reuse due to its sheer size, over 43,000 sq. ft. and specialized design with no windows except around the front entrance and the unit on top, a line of garage doors on the south side. The development of this building would be to the public benefit – it would no longer be vacant, a concern for those living in the residential area abutting the building to the east; the property would be generating more property tax; it would likely not be such an eyesore if it were occupied and maintained and possibly encourage the development of another large building directly to the south, also vacant.

It is recommended to approve a special use permit as climate controlled self-storage for this property.

CITY OF KINGSVILLE  
PLANNING AND ZONING DIVISION  
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 200 E Kennedy Nearest Intersection 6th  
(Proposed) Subdivision Name Orig Town Lot 68 Block 1-13  
Legal Description: Orig Town, Block 68 lot 1-13  
Existing Zoning Designation C2 Future Land Use Plan Designation Special Use Permit

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Chad Davis Phone 361-815-1282  
Email Address (for project correspondence only): Chad@texwash.us  
Mailing Address P.O. Box 1777 City Ingleside State TX Zip 78362  
Property Owner Johnnie Lopez Phone 361-522-4885  
Email Address (for project correspondence only): \_\_\_\_\_  
Mailing Address 904 E Henderson City Bishop State TX Zip 78343

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

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

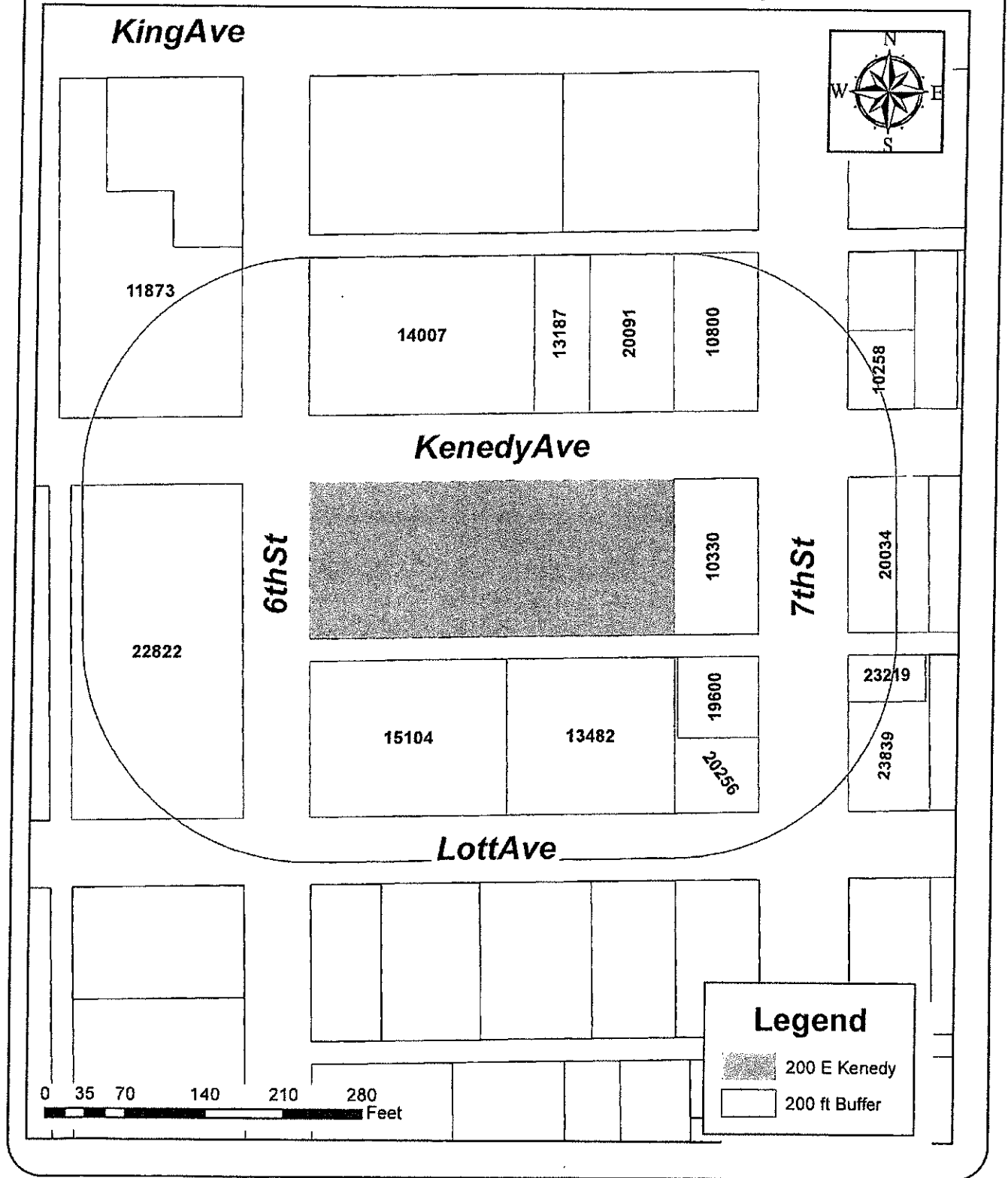
Please provide a basic description of the proposed project: Special Use Permit  
Climate Controlled Storage

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


Applicant's Signature [Signature] Date: 12/16/2019  
Property Owner's Signature \_\_\_\_\_ Date: \_\_\_\_\_  
Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_



# 200 ft Buffer Map of 200 E Kenedy Blk



Document Path: C:\Users\rsesendez\Desktop\GIS\Maps\Buffer Map.mxd

Page 1 / 1	Drawn By: Planning Department	<small>DISCLAIMER</small> 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.	 <b>CITY OF KINGSVILLE</b> <b>PLANNING DEPARTMENT</b> 410 West King Kingsville, Texas 78363 Office: 361-595-8055
	Last Update: 12/3/2019		
	Note:		

FRANKLIN WELDING DALLAS LLC  
PO BOX 511  
1710 YOUNG DR  
KINGSVILLE, TX 78364-0511  
#13749, 23154

REYMUNDO G LOPEZ  
ETUX PAULA V EST  
308 E CORRAL AVE  
KINGSVILLE, TX 78363-3209  
#20205

RODRIGO MONSEVIAS  
ETUX ROSALINDA MONSEVIAS  
320 E CORRAL AVE  
KINGSVILLE, TX 78363-3209  
#10898

ALBERTO GRIJALVA  
ETUX ANNA LUISA  
1409 RAILROAD ST  
KINGSVILLE, TX 78363-3776  
#17011

ALMA L PEREZ  
9830 CAMINO VILLA  
APT 112  
SAN ANTONIO, 78254-5697  
#10748

RAMON ORONA JR EST  
ETUX DIANA  
312 E CORRAL AVE  
KINGSVILLE, TX 78363-3209  
#11698

JUAN R GONZALES  
ETUX YVONNE G  
315 E CORRAL AVE  
KINGSVILLE, TX 78363-3208  
#16256

ISRAEL C VELA  
EST  
ETUX MARIA LUISA  
1403 RAILROAD ST  
KINGSVILLE, TX 78363-3776  
#25339

MARIO ALBERTO PEREZ  
ETUX ALMA  
2947 ANDORRA ST  
BROWNSVILLE, TX 78520-8574  
#18487

RANDY POWELL  
ETUX TRISHA HORAN  
316 E CORRAL AVE  
KINGSVILLE, TX 78363-3209  
#19403

JAVIER GONZALEZ  
323 E CORRAL  
KINGSVILLE, TX 78363  
#24590

# Local News

Thursday, December 26, 2019

Kingsville Record and Bishop News

3A

## Kingsville parks hosting a number of family-friendly events

By Frank Cardenas  
Reporter

The Kingsville Parks and Recreation department will be hosting a number of events over the holidays including an event for those who wish to keep the Christmas spirit alive before ringing in the New Year.

Kingsville Parks and Recreation Director Susan Fry said the department has organized a few family friendly events, including some activities in the area and available during the holidays.

"Usually after Christmas kids are getting restless wanting to get outside and parents are probably all on vacation activities as well," Fry said. "So we're just trying to provide a few things for people to do during the holidays."

The first of the events is the second annual High Christmas Winter 2K20 Arts and Outdoors camp for kids.

The event takes place on Dec. 29, and is made up of multiple age groups, each with a chance of winning an award for first, second and third place in the race.

There will also be an award for the highest sweater for kids," Fry said. "For the kids division and in the adult division as well."

There will also be awards for street art and wheelchairs, Fry said.

For the adults, the race will be the first 5K for males and female competitors with the age groups from 18-24, 25-34, 35-44, 45-54, 55-64, 65-74, and 75+.

There will be a kids 1K for boys and girls with age

groups from 1-2, 3-7, 8-9 and 10-12.

The entry fee is \$20. Adults over the event is \$10 and is free for kids ages 12 and under.

Fry said there is time to register up until the day of the event.

To register, go to the website information of the event: [www.kingsvilleparks.com](http://www.kingsvilleparks.com). Kingsville's activity search.

The following Monday will be the annual "Kids Night Out" event, which Fry said is a "New Year's Eve party for kids."

"We've been doing this for years," Fry said. "It's a lot of fun and a safe environment for kids to have fun and prepare for the New Year."

The event will be free admission, but will include a popcorn bar, pizza and soft drinks which can be purchased during the event.

There will also be a photo booth with props for attendees and a live DJ who will play music for the entire event.

The night will conclude with a truck stereo decibel competition at 9:30 p.m. The event will take place on Dec. 31 at the Dick Kleberg Park recreation hall from 5 p.m. to 10 p.m. and is for children ages 8-13.

After the turn of the New Year, the parks and recreation department will host the Arts and Outdoors camp for kids.

"It's a nature-based event and we try to get a lot of them done throughout the year," Fry said. "Usually we target a lot of an animal and the kids get to learn more about those animals. We do a PowerPoint presentation and give them



Kids pose for pictures at the photo booth during last year's Kids' Night Out. (File Photo)

some information about whatever the topic is. We try to choose something the kids have a chance of seeing, so we do things like toys and turtles from the park in the past."

This year, Fry said, the focus will be on Cardinals and Cardinals.

During the camp, the kids will be able to take a nature walk and collect tree toads, sticks and other items from the park to create an art project that depicts the animals.

The kids will also be able to create a bird feeder, putting on playground games and make their own nature displays.

The event will be from 1 p.m. to 4 p.m. on Jan. 2 for ages 10-13. There is a \$5 admission fee and the event will take place at the Dick Kleberg Park recreation hall.

For more information on all of these events, contact the Kingsville Parks and Recreation Department at (361) 221-8705.



Pictured are participants in the Arts and Outdoors camp held last year at the Dick Kleberg Park recreation hall. (File photo)

## A kinder New Year's weight loss resolution to reach goals

It is OK, everyone benefits from going the beginning of a New Year and countless resolutions to lose weight.

Remember that our weight loss journey is not just personal, but a commitment to care for our health and ourselves.

How much do I need to lose?

We know that even a 5% to 10% weight loss can make a difference. It reduces risks of chronic diseases like Type 2 Diabetes and heart disease. For someone that is 200 pounds, this amount is realistic. It is attainable and very likely to improve your health.

Most importantly, you show yourself that you are capable of

weight loss, that there is change you made to your life style, like adding high calorie, low fat, and healthy fats.

Reduce the portion size of your meals. Swap out sugary drinks for water. Swap out high calorie snacks for healthy fats.

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Reduce the portion size of your meals. Swap out sugary drinks for water. Swap out high calorie snacks for healthy fats.



Zelina Zavala

Health Coach  
Kingsville, Texas

reduce your calorie intake should be specific to your habits and taste preferences.

Replacing high calorie drinks with water, cutting portion sizes, and swapping out high calorie snacks for healthy fats are specific and can help you reach your goal.

Remember that our weight loss journey is not just personal, but a commitment to care for our health and ourselves.

Remember that our weight loss journey is not just personal, but a commitment to care for our health and ourselves.

Remember that our weight loss journey is not just personal, but a commitment to care for our health and ourselves.

especially appropriate for those that are small in stature or older. That a pound a week might not seem like a lot, but that means 48 pounds a year.

In five months, that will turn into 24 pounds of body weight loss. That's a lot! It's not about losing weight, it's about becoming a healthier person.

Remember that our weight loss journey is not just personal, but a commitment to care for our health and ourselves.

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Remember that our weight loss journey is not just personal, but a commitment to care for our health and ourselves.

**PUBLIC HEARING NOTICE**

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, January 15, 2020 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: Chad Davis, applicant, requesting a Special Use Permit for climate-controlled self storage use in C2 (Retail District) at ORIG TOWN, BLOCK 68, LOT 1-13 also known as 200 E Kennedy Blk, Kingsville, Texas. The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Graves 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, January 27, 2020 at 5:00 p.m. wherein the City Commission will discuss the introduction on the following item and at which time all interested persons will be heard: Chad Davis, applicant, requesting a Special Use Permit for climate-controlled self storage use in C2 (Retail District) at ORIG TOWN, BLOCK 68, LOT 1-13 also known as 200 E Kennedy Blk, Kingsville, Texas. The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Graves Community Room. If you have any questions about the items on the agenda, please contact the City Secretary at (361) 595-8002.

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

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**Dr. Tanya P. Lawhon, D.D.S.**  
General Dentistry

312 South Ave. B, Bishop, Tx. 78343 (361) 584-2217

# **CONSENT AGENDA**

# **AGENDA ITEM #1**

**City of Kingsville  
Parks & Recreation**

**TO:** Mayor and City Commissioners

**CC:** Mark McLaughlin, City Manager

**FROM:** Susan Ivy, Parks Director

**SUBJECT:** Request Approval for Kingsville Parks to sponsor Youth Baseball/Softball League

**Summary:** Kingsville Parks is requesting approval to sponsor the Kingsville Parks Youth Baseball and Softball League.

**Background:** The youth baseball and softball league in Kingsville needs a new sponsoring entity. With several private organizations struggling over the last several years to provide clean accounting, standardized rules and communication with parents, coaches and umpires, Kingsville Parks Advisory Board has recommended that the Parks Department oversee the registration, pay bills and implement a Board of Directors to oversee the League. A statement is attached providing additional details of the operation of the league.

**Financial Impact:** While we do not know at this time what registrations will be or what exact expenses will be, we are certain that we can pay for league expenses and some field operational expenses with some additional fundraising and sponsorships and hope to accrue some funds for field improvements.

**Recommendation:** I respectfully request that City Commission approve the for Parks Department to sponsor the Kingsville Parks Youth Baseball & Softball League and the associated budget amendment to set up anticipated revenues and expenditures.



**ORDINANCE NO. 2020-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2019-2020 BUDGET TO SETUP THE BUDGET FOR THE NEW PARKS DIVISION FOR THE YOUTH BASEBALL/SOFTBALL LEAGUE TO BE RUN BY THE CITY OF KINGSVILLE.**

**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 2019-2020 budget be amended as follows:

**CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT**

<b>Dept No.</b>	<b>Dept Name</b>	<b>Account Name</b>	<b>Account Number</b>	<b>Budget Increase</b>	<b>Budget Decrease</b>
<b>Fund 001 – General Fund</b>					
<b>Revenues - 4</b>					
4514	Softball League	League Fees	58058	\$14,060	
4514	Softball League	Donations/Sponsorships	58003	\$15,000	
4514	Softball League	Concession Revenue	58056	\$3,500	
<i>Note: There is currently \$14,500 budgeted in Division 4513 that will be transferred for a total of \$47,060</i>					
<b>Expenditures - 5</b>					
4514	Softball League	Minor Equipment	21700	\$6,900	
4514	Softball League	Uniforms	21200	\$20,160	
4514	Softball League	Professional Svcs-Umpires	31400	\$5,000	
4514	Softball League	Memberships	31700	\$3,000	
4514	Softball League	Insurance	33500	\$2,000	
<i>Note: There is currently \$10,000 budgeted in Division 4513 that will be transferred for a total of \$47,060</i>					

[To amend the City of Kingsville FY 19-20 Budget to setup the budget for the new Parks division for the youth baseball/softball league to be run by the City of Kingsville. Funding will come from the current budget transferred in from division 4513 and revenues expected from league operations.]

II.

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

III.

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

IV.

**THAT** this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 13th day of January 2020.

**PASSED AND APPROVED** on this the 27<sup>th</sup> day of January, 2020.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



## **AGENDA ITEM #2**

**City of Kingsville  
Planning and Dev. Services Department**

---

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Cynthia Martin, Interim Director of Planning and Dev. Services

DATE: January 9, 2020

SUBJECT: Request to amend City of Kingsville Code of Ordinances by amending Sec 15-6-21 Definitions to include a definition of climate controlled self-storage.

---

**Summary:** It is requested to amend Section 15-6-21 to include a definition of climate-controlled self-storage as *"a self-storage facility consisting mostly of interior units wherein the air temperature and humidity are regulated. These can be found in multi-story buildings."*

**Background:** Climate controlled self-storage is not a listed use currently as a use in Chapter XV, Zoning, Appendix A, Section 1 - Land Use Chart but is being proposed to be added. As a use distinct from storage units that are typically window-less, walled with corrugated metal, accessed by opening a roll-up metal door and lockable by the renter this use may be under certain circumstances i.e. C2 Retail zoning district appropriate in zoning districts wherein the latter is typically found i.e. C4 Commercial zoning district.

**Financial Impact:** None

**Recommendation:** The Planning and Zoning Commission met in a special meeting Wednesday, January 8, 2020 and voted 4 to 0 to recommend approval of the addition of the definition of climate controlled self-storage as *a self-storage facility consisting mostly of interior units wherein the air temperature and humidity are regulated. These can be found in multi-story buildings* be included in Sec. 15-6-21.



ORDINANCE NO.2020-\_\_\_\_\_

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES SECTION 15-6-21-DEFINITIONS TO INCLUDE A DEFINITION FOR CLIMATE-CONTROLLED SELF-STORAGE; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, there is currently no zoning definition (or zoning category) for climate-controlled self-storage in the City Code of Ordinances and the Planning & Zoning Commission has forwarded to the City Commission its reports and recommendations concerning the proposed zoning ordinance changes; and;

**WHEREAS**, the City Planning and Zoning Commission considered the definition and zoning category for climate-controlled self-storage a publicly posted meeting on January 8, 2020;

**WHEREAS**, the item PASSED with a 4-0 vote of the Planning & Zoning Commission on the requested definition with no abstentions; and

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

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

I.

**THAT** Sections 15-6-21 of Article 6: Zoning of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

**§ 15-6-21 DEFINITIONS.**

...

*Cleaning shop or laundry, limited area.* A custom cleaning shop not exceeding 5,000 square feet of floor area.

*Climate-controlled self-storage.* A self-storage facility consisting mostly of interior units wherein the air temperature and humidity are regulated. These can be found in multi-story buildings.

*Club (private).* An organization, group or association supported by the members thereof, the sole purpose of which is to render a service customarily rendered for members and the guests, the chief activity of which is customarily

carried on as a business and does not include labor union organizations or similar labor or business organizations.

...

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.

V.

**THAT** nothing in this ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**INTRODUCED** on this day on the 13th day of January, 2020.

**PASSED AND APPROVED** on this the 27th day of January, 2020.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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Courtney Alvarez, City Attorney

# **AGENDA ITEM #3**

**City of Kingsville**  
**Planning and Dev. Services Department**

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**TO:** Mayor and City Commissioners

**CC:** Mark McLaughlin, City Manager

**FROM:** Cynthia Martin, Interim Director of Planning and Dev. Services

**DATE:** January 9, 2020

**SUBJECT:** Request to amend the City of Kingsville Code of Ordinances by amending Chapter XV, Zoning, Appendix A, Land Use Chart to allow the use of climate-controlled, self-storage by special use permit only in the C2 Retail zoning district and as a permitted use in C4 Commercial, I1 Light Industrial and I2 Heavy Industrial zoning districts

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**Summary:** Climate-controlled self-storage is not a listed use currently in Appendix A, Land Use Chart but a use that could work in the C2 Retail District under certain circumstances and be an appropriate use wherever general storage uses are currently permitted i.e. in the C4 Commercial, I1 Light Industrial and I2 Heavy Industrial zoning districts.

**Background:** The need for a new use category sprang from Mr. Chad Davis wanting to repurpose the existing large, multi-story building at 200 E Kenedy for use as climate-controlled self-storage. The current zoning for this property is C2 Retail wherein storage facilities are not allowed. Climate-controlled self-storage use, as defined above, would not be disruptive to the adjacent retail businesses as those renting interior units would enter and exit the building from the main entrance, park to the front of the building and there would be little difference in the exterior of the building and in its use from when it served as a furniture store – a retail use. By requiring a special use permit for such a use in C2 Retail zoning district, should the use of this building for climate-controlled self-storage cease, the property could only be used for permitted uses in the C2 Retail District zoning as currently laid out in the land use chart.

**Financial Impact:** None.

**Recommendation:** It is recommended to approve of amendment of Appendix A, Land Use Chart to allow the use of climate-controlled self-storage in the C4 Commercial, I1 Light Industrial, I2 Heavy Industrial zoning districts and by special use permit only in the C2 Retail District.  
The Planning and Zoning Commission met in a special meeting Wednesday, January 8, 2020 and voted 4 to 0 to recommend approval of the change to Appendix A.



**ORDINANCE NO. 2020-\_\_\_\_\_**

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XV, ARTICLE 6- ZONING, APPENDIX A-LAND USE CATEGORIES TO ADD CLIMATE-CONTROLLED SELF STORAGE; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, there is currently no zoning classification for climate-controlled self-storage in the Zoning Land Use Appendix, A and the Planning & Zoning Commission has forwarded to the City Commission its reports and recommendations concerning the proposed zoning ordinance changes; and

**WHEREAS**, the City Planning and Zoning Commission considered the definition and zoning category for climate-controlled self-storage a publicly posted meeting on January 8, 2020;

**WHEREAS**, the item PASSED with a 4-0 vote of the Planning Commission on the requested zoning chart change with no abstentions; and

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

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

**I.**

**THAT** Article 6: Zoning of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, Appendix A-Land Use Categories, Section 1-Land Use Chart shall be amended to read as follows:

*Use Regulations and Districts*

...

**APPENDIX A. - LAND USE CATEGORIES**

**Sec. 1. - Land use chart.**

The following chart shall set out the land uses within the city:

P = Permitted

S = Special use permit required

X = Special review required



= Not permitted (absence of any symbol)

[Land Use Chart on the following pages]

Land Use Chart												
<i>Agricultural and Related Uses</i>	R1	R2	R3	R4	MH	C1	C2	C3	C4	I1	I2	Ag
...												
Welding or machine shop									P	P	P	
Wholesale office, storage, sales not elsewhere listed									P	P	P	
<u>Climate-controlled self-storage</u>							S		P	P	P	
Milk depot						S	S	P	P	P		
...												

...

## 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.

Effective Date: \_\_\_\_\_, 2020

**INTRODUCED** on this the 13th th day of January, 2020.

**PASSED AND APPROVED** on this the 27th day of January, 2020.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #4**

**City of Kingsville  
Planning and Dev. Services Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Cynthia Martin, Interim Director of Planning and Dev. Services

DATE: January 2, 2020

SUBJECT: Adoption of 2018 Editions of Additional International Building Codes and 2017 Edition of the National Electrical Code

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**Summary:** This item authorizes the amendment of the Kingsville Code of Ordinances, Chapter XV, Article 1 Building Regulations to adopt the 2018 editions of the International Residential, Fuel Gas, Mechanical, Plumbing, Energy Conservation, Swimming Pool and Spa Codes and the 2017 edition of the National Electrical Code.

**Background:** On Dec. 17, 2019, City Commission approved the adoption of the 2018 edition of the International Building Code and the 2018 edition of the Existing Building Code. These two codes are part of a family of International Codes developed by the International Code Council (ICC). This family consists of fifteen separate codes all of which are adopted for use by the State of Texas. The City's Building Official is recommending the adoption of the 2018 editions of the International Residential, Fuel Gas, Mechanical, Plumbing, Energy Conservation, Swimming Pool and Spa Codes as those most relevant to Kingsville. Note that the ICC family of codes does not address electrical. Therefore, it is recommended to adopt the 2017 National Electrical Code as that is the most recent edition.

**Financial Impact:** It is expected that the adoption of the 2018 edition of the International Building Codes listed above will likely increase construction costs. There should be long term energy savings to offset.

**Recommendation:** It is being recommended to adopt the 2018 editions of the International Residential, Fuel Gas, Mechanical, Plumbing, Energy Conservation, Swimming Pool and Spa Codes and the 2017 edition of the National Electrical Code.



**ORDINANCE NO. 2020-\_\_\_\_\_**

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XV, ARTICLE 1, BUILDING REGULATIONS, SECTIONS 75, 76, 302, and 303, ADOPTING THE 2018 VERSIONS OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE-AND-TWO FAMILY DWELLINGS, THE MECHANICAL CODE, THE FUEL GAS CODE, AND THE PLUMBING CODE; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, in December 2019 the City adopted the 2018 version of the International Building Code and Existing Building Code, as published by the International Code Council, and desires to adopt the 2018 version of four different international codes (one-and-two family dwellings, mechanical, fuel gas, and plumbing);

**WHEREAS**, staff will have copies of the 2018 versions of these codes by the effective date of this ordinance;

**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 15-1-75 and 15-1-76 and Sections 15-1-302 and 15-1-303 of Article 1: Building Regulations of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

**§ 15-1-75 ADOPTION BY REFERENCE.**

The International Residential Code for One-and-Two Family Dwellings, 2018 ~~2009~~ Edition, as published by the International Code Council, save and except such portions as hereinafter amended, is hereby adopted by reference.

**§ 15-1-76 AMENDMENTS.**

Chapter 1, §R112.1 of the International Residential Code for One-and-Two Family Dwellings, entitled "Board of Appeals", is hereby amended to read "Board of Adjustment" and shall read the same in all other references to such Board in the International Residential Code for One-and-Two Family Dwellings, 2018 ~~2009~~ Edition. The Board shall be the Board of Adjustment as set forth by § 15-6-157 of this chapter. The Board of Adjustment shall have the number of members and

be appointed for the terms specified by § 15-6-157 of this chapter. All subsections of § 106 of the International Residential Code for One-and-Two Family Dwellings which conflict with § 15-6-157 of this chapter shall be governed by § 15-6-157.

Penalty, see 1-1-99

...

#### **Sec. 15-1-302. - ADOPTION BY REFERENCE.**

The purpose of this subarticle is to provide minimum standards, provisions and requirements for safe construction, alteration and modification of one and two-family dwellings within the city. All such construction, alteration and modification of one and two-family dwellings within the corporate limits of the city shall conform to the requirements of this subarticle and to the specifications, rules and regulations entitled International Residential Code for One and Two-Family Dwellings, 2018 ~~2009~~ Edition, approved and adopted by the International Code Council with all appendices thereto. Such edition is incorporated herein by reference and made a part of this subarticle as if fully set forth herein. When such edition conflicts with local regulations and ordinances, all locally adopted regulations and ordinances shall prevail. The International Residential Code for One and Two-Family Dwellings, 2018 ~~2009~~ Edition, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every one and two-family dwellings or structure or any appurtenances connected or attached to such one and two-family dwellings or structures.

#### **Sec. 15-1-303. - ADDITIONS AND AMENDMENTS TO INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO-FAMILY DWELLINGS.**

The International Residential Code for One and Two-Family Dwellings, 2018 ~~2009~~ Edition; is hereby modified and changed in the following particulars:

(A) The International Residential Code for One and Two-Family Dwellings, 2018 ~~2009~~ Edition, is hereby amended to add a section entitled "Contractors License Required" which reads:

It shall be the duty of every contractor or builder, who shall make contracts for the erection, repair or modification of buildings and structures and every builder or contractor subletting the same or any part thereof, with the exception of electrical and plumbing contractors, to pay a license fee of one hundred twenty-five dollars (\$125.00) annually and have a copy of the same on file with the Building Department, giving full name, residence and place of business, and in case of removal from one place to another to have made corresponding change

in the file accordingly. Any person convicted in Municipal Court of a violation of this code may have his or her license revoked for a period not to exceed two years. Such person shall be notified by certified mail addressed to his or her place of business, as filed, of the proposed revocation and be given an opportunity at a hearing before the governing body to present such facts and circumstances that are relevant to the case.

(B) Chapter 1, § R105.2 (Work exempt from permit) shall be amended by the following:

**Building**

1. Permits for one-story detached accessory structures are required.

5. Sidewalks and driveways located in the city street right-of-way shall not be constructed without a permit. The permit for this work shall be considered a curb cut permit and the fee paid in according to § 9-10-35 of the City of Kingsville Code of Ordinances.

(C) Chapter 1, § R 112 108, entitled "Board of Appeals" is hereby amended to read "Board of Adjustment" and shall read the same in all other references to such Board in the International Building Code, 2018 ~~2009~~ Edition.

(D) Chapter 4, § R 401.1, entitled "Application," shall hereby be amended to read: Wood foundations are not permitted. Foundation designs must be provided to the City Planning Department by a Texas Registered Professional Engineer.

(E) Part V - Mechanical shall be amended to read:

Mechanical systems shall be permitted in accordance with the International Mechanical Code, 2018 ~~2009~~ Edition.

(F) Part VI - Fuel gas shall be amended to read:

Fuel Gas Systems shall be permitted in accordance with the International Gas Code, 2018 ~~2009~~ Edition.

(G) Part VII - Plumbing shall be amended to read:

Plumbing systems shall be permitted in accordance with the International Plumbing Code, 2018 ~~2009~~ Edition.

(H) Part VIII - Electrical shall be amended to read:

Electrical Systems shall be permitted in accordance with the 2017 ~~2005~~ National Electric Code.

...

**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.

V.

**THAT** nothing in this ordinance or in the International Residential Codes hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**INTRODUCED** on this the 13<sup>th</sup> day of January, 2020.

**PASSED AND APPROVED** on this the 27<sup>th</sup> day of January, 2020.

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  
Planning and Dev. Services Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Cynthia Martin, Interim Director of Planning and Dev. Services

DATE: January 2, 2020

SUBJECT: Adoption of 2018 Editions of Additional International Building Codes and 2017 Edition of the National Electrical Code

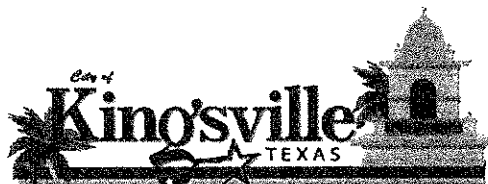
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**Summary:** This item authorizes the amendment of the Kingsville Code of Ordinances, Chapter XV, Article 1 Building Regulations to adopt the 2018 editions of the International Residential, Fuel Gas, Mechanical, Plumbing, Energy Conservation, Swimming Pool and Spa Codes and the 2017 edition of the National Electrical Code.

**Background:** On Dec. 17, 2019, City Commission approved the adoption of the 2018 edition of the International Building Code and the 2018 edition of the Existing Building Code. These two codes are part of a family of International Codes developed by the International Code Council (ICC). This family consists of fifteen separate codes all of which are adopted for use by the State of Texas. The City's Building Official is recommending the adoption of the 2018 editions of the International Residential, Fuel Gas, Mechanical, Plumbing, Energy Conservation, Swimming Pool and Spa Codes as those most relevant to Kingsville. Note that the ICC family of codes does not address electrical. Therefore, it is recommended to adopt the 2017 National Electrical Code as that is the most recent edition.

**Financial Impact:** It is expected that the adoption of the 2018 edition of the International Building Codes listed above will likely increase construction costs. There should be long term energy savings to offset.

**Recommendation:** It is being recommended to adopt the 2018 editions of the International Residential, Fuel Gas, Mechanical, Plumbing, Energy Conservation, Swimming Pool and Spa Codes and the 2017 edition of the National Electrical Code.



ORDINANCE NO. 2020-\_\_\_\_\_

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XV, ARTICLE 1, BUILDING REGULATIONS, SECTIONS 36, 37, 40, & 43, ADOPTING THE 2018 VERSION OF THE INTERNATIONAL FUEL GAS CODE; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, in December 2019 the City Commission approved the adoption of the 2018 editions of the International Building Code and the Existing Building Code, and staff now desires to adopt the 2018 version of the International Fuel Gas Code, as published by the International Code Council;

**WHEREAS**, staff will have a copy of the 2018 version of the code by the effective date of this ordinance;

**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 15-1-36 and 15-1-37 and Sections 15-1-40 and 15-1-43 of Article 1: Building Regulations of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

...

**§ 15-1-36 ADOPTION.**

The purpose of this subarticle is to provide minimum standards, specifications and requirements for safe construction, installation, alteration and modification of gas piping and appliances within the city. All such construction, installation, alteration and modification of buildings within the corporate limits of the city shall conform to the requirements of this subarticle and to the specifications, rules and regulations entitled *International Fuel Gas Code, 2018* ~~2009~~ Edition, approved and adopted by the International Code Council with all appendices thereto. When such edition conflicts with local regulations and ordinances, all locally adopted regulations and ordinances shall prevail. The *International Fuel Gas Code, 2018* ~~2009~~ Edition, shall apply to the construction, alteration, repair, equipment, use, maintenance, or installation of gas piping, appliances, or equipment within the city limits.

**§ 15-1-37 ADDITIONS AND AMENDMENTS TO STANDARD  
INTERNATIONAL FUEL GAS CODE.**

(A) Section ~~404.3~~ 404.4 of the *International Fuel Gas Code*, 2018 ~~2009~~ Edition, is amended to read as follows:

§ ~~404.3~~ 404.4: General: Gas piping may be installed in concealed locations in accordance with this section provided that no pipe smaller than one-half inch ( $\frac{1}{2}$ " ) shall be used in any concealed location, except as permitted by local authorities.

(B) Section ~~404.10~~ 404.12 of the *International Fuel Gas Code*, 2018 ~~2009~~ Edition, is amended to read as follows:

§ ~~404.10~~ 404.12: Underground piping must be buried underground a minimum of eighteen inches (18") for its entire length below grade, and may not be used within or under any building or slab. Plastic piping may not be used within or under any building or slab.

§ ~~404.10.1~~ 404.12.1: Individual lines to outside lights, grills or other appliances shall be installed a minimum of eighteen inches (18") below grade , provided that such installation is approved and is installed in locations not susceptible to physical damage.

...

**§ 15-1-40 SCHEDULE OF PERMIT FEES.**

(A) The fees for gas permits as set forth in Section 106.6.2 of the *International Fuel Gas Code*, 2018 ~~2009~~ Edition, are hereby established. A separate permit is required for each address.

<i>Schedule of Permit Fees</i>	
For issuing each permit	\$5
One to four outlets (inclusive)	\$5
Each additional outlet	\$1
Conversion burners, floor furnaces, incinerators, boilers, central heating, or air conditioning	\$5
Each additional	\$1

Vented wall furnaces and water heaters (first unit)	\$2.50
Each additional	\$1
Reinspection fee	\$5

...

#### **§ 15-1-43 VIOLATION; REVOCATION OR SUSPENSION OF LICENSE.**

If any person commences any work upon gas piping or appliances without securing required permits or licenses, or otherwise fails to comply with the provisions of the *International Fuel Gas Code*, 2018 ~~2009~~ Edition, such person shall be deemed to be in violation of this subarticle. Any person convicted a violation under this subarticle may have his city license revoked or suspended by the Municipal Judge or City Commissioners for a period not to exceed two years. Penalty, see § 15-1-999

#### **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.

#### **V.**

**THAT** nothing in this ordinance or in the Fuel Gas Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**INTRODUCED** on this the 13<sup>th</sup> day of January, 2020.

**PASSED AND APPROVED** on this the 27<sup>th</sup> day of January, 2020.

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  
Planning and Dev. Services Department**

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**TO:** Mayor and City Commissioners

**CC:** Mark McLaughlin, City Manager

**FROM:** Cynthia Martin, Interim Director of Planning and Dev. Services

**DATE:** January 2, 2020

**SUBJECT:** Adoption of 2018 Editions of Additional International Building Codes and 2017 Edition of the National Electrical Code

---

**Summary:** This item authorizes the amendment of the Kingsville Code of Ordinances, Chapter XV, Article 1 Building Regulations to adopt the 2018 editions of the International Residential, Fuel Gas, Mechanical, Plumbing, Energy Conservation, Swimming Pool and Spa Codes and the 2017 edition of the National Electrical Code.

**Background:** On Dec. 17, 2019, City Commission approved the adoption of the 2018 edition of the International Building Code and the 2018 edition of the Existing Building Code. These two codes are part of a family of International Codes developed by the International Code Council (ICC). This family consists of fifteen separate codes all of which are adopted for use by the State of Texas. The City's Building Official is recommending the adoption of the 2018 editions of the International Residential, Fuel Gas, Mechanical, Plumbing, Energy Conservation, Swimming Pool and Spa Codes as those most relevant to Kingsville. Note that the ICC family of codes does not address electrical. Therefore, it is recommended to adopt the 2017 National Electrical Code as that is the most recent edition.

**Financial Impact:** It is expected that the adoption of the 2018 edition of the International Building Codes listed above will likely increase construction costs. There should be long term energy savings to offset.

**Recommendation:** It is being recommended to adopt the 2018 editions of the International Residential, Fuel Gas, Mechanical, Plumbing, Energy Conservation, Swimming Pool and Spa Codes and the 2017 edition of the National Electrical Code.





ORDINANCE NO. 2020-\_\_\_\_\_

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XV, ARTICLE 1, BUILDING REGULATIONS, SECTIONS 135 & 136, ADOPTING THE 2018 VERSION OF THE INTERNATIONAL MECHANICAL CODE; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

**WHEREAS**, in December 2019 the City Commission adopted the 2018 version of the International Building Code and Existing Building Code and now desires to update other building codes;

**WHEREAS**, staff recommends and the Commission desires to adopt the 2018 version of the International Mechanical Code, as published by the International Code Council;

**WHEREAS**, staff will have a copy of the 2018 version of this code by the effective date of this ordinance;

**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 15-1-135 and 15-1-136 of Article 1: Building Regulations of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

**§ 15-1-135 ADOPTION.**

The *International Mechanical Code*, 2018 ~~2009~~ Edition, as approved by the International Code Council, is hereby adopted in its entirety except as herein amended and all conflicting ordinances are hereby repealed.

**§ 15-1-136 LICENSES AND PERMITS REQUIRED.**

(A) All persons performing installation, alterations, or repairs must secure a permit prior to starting work when such permit is required by the *International Mechanical Code*. All persons performing mechanical work must file a copy of the appropriate state license with the city unless exempted licensing requirements by state law. Before permits will be issued licensees must pay a

registration fee of \$55 which shall be valid for a calendar year. The fee for renewal of a current registration shall be \$45 if paid before the end of December of each year. Homeowners are specifically exempted from license requirements when performing work on their own homestead.

(B) Nothing contained in this subarticle shall be construed as prohibiting a homeowner from performing work covered by this subarticle on his own homestead; provided, however, all such work must be done in conformance with all other provisions of this subarticle, including those related to permits, inspections, and fees.

(C) Fees listed in Appendix B of the *International Mechanical Code, 2018 2009* Edition, are hereby adopted. If any person starts work on without a permit, the permit fee shall be equal to the cost of the permit times the number of incidents the person has not obtained a permit prior to commencing work.

(1) Permit fees for remodeling, repair (as noted in Section 106.1 of the International Mechanical Code), or alterations to existing buildings costing in excess of \$500 shall be charged a permit fee as listed in Appendix B of the International Mechanical Code, 2018 2009 Edition. Permit fees will be charged on a flat fee basis. A project with one inspection or more, if necessary, will be charged a flat fee of \$100.00. Duplexes, apartments, hotels, and motels shall be charged an additional fee of \$10.00 per unit. When the work performed does not meet code requirements and a reinspection is required, a reinspection fee of \$25.00 will be charged for each reinspection. Fees listed in Appendix B of the International Mechanical Code, 2018 2009 Edition, are hereby adopted and incorporated herein.

(2) Permit fees; new buildings and additions.

All buildings shall be charged a permit fee ~~\$0.04~~ 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. Fees shall be based upon the conditioned area of the building.

(3) Moved buildings or structures.

A fee of ~~\$0.04~~ 0.10 per square foot shall be charged for the issuance of any permit for a moved building or structure. Fees shall be based upon the conditioned area of the building.

(4) 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.

V.

**THAT** nothing in this ordinance or in the Mechanical Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**INTRODUCED** on this the 13<sup>th</sup> day of January, 2020.

**PASSED AND APPROVED** on this the 27<sup>th</sup> day of January, 2020.

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

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

**ATTEST:**

\_\_\_\_\_  
Mary Valezuela, City Secretary

**APPROVED AS TO FORM:**

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

## **AGENDA ITEM #7**

**City of Kingsville  
Planning and Dev. Services Department**

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**TO:** Mayor and City Commissioners

**CC:** Mark McLaughlin, City Manager

**FROM:** Cynthia Martin, Interim Director of Planning and Dev. Services

**DATE:** January 2, 2020

**SUBJECT:** Adoption of 2018 Editions of Additional International Building Codes and 2017 Edition of the National Electrical Code

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**Summary:** This item authorizes the amendment of the Kingsville Code of Ordinances, Chapter XV, Article 1 Building Regulations to adopt the 2018 editions of the International Residential, Fuel Gas, Mechanical, Plumbing, Energy Conservation, Swimming Pool and Spa Codes and the 2017 edition of the National Electrical Code.

**Background:** On Dec. 17, 2019, City Commission approved the adoption of the 2018 edition of the International Building Code and the 2018 edition of the Existing Building Code. These two codes are part of a family of International Codes developed by the International Code Council (ICC). This family consists of fifteen separate codes all of which are adopted for use by the State of Texas. The City's Building Official is recommending the adoption of the 2018 editions of the International Residential, Fuel Gas, Mechanical, Plumbing, Energy Conservation, Swimming Pool and Spa Codes as those most relevant to Kingsville. Note that the ICC family of codes does not address electrical. Therefore, it is recommended to adopt the 2017 National Electrical Code as that is the most recent edition.

**Financial Impact:** It is expected that the adoption of the 2018 edition of the International Building Codes listed above will likely increase construction costs. There should be long term energy savings to offset.

**Recommendation:** It is being recommended to adopt the 2018 editions of the International Residential, Fuel Gas, Mechanical, Plumbing, Energy Conservation, Swimming Pool and Spa Codes and the 2017 edition of the National Electrical Code.



**ORDINANCE NO.2020-\_\_\_\_\_**

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER XV, ARTICLE 1, BUILDING REGULATIONS, SECTIONS 21 & 22, ADOPTING THE 2018 VERSION OF THE INTERNATIONAL PLUMBING CODE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, in December 2019 the City Commission adopted the 2018 version of the International Building Code and Existing Building Code and now desires to update other building codes;

**WHEREAS**, staff recommends and the Commission desires to adopt the 2018 version of the International Plumbing Code, as published by the International Code Council;

**WHEREAS**, staff will have a copy of the 2018 version of this code by the effective date of this ordinance;

**WHEREAS**, the Texas State Plumbing Board Examiners adopted Section 1301.551 of the state "Plumbing License Law," thereby not permitting the municipality to require a registration fee or administrative fee.

**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 15-1-21 and 15-1-22 of Article 1: Building Regulations of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

**§ 15-1-21 ADOPTION BY REFERENCE.**

The purpose of this subarticle is to provide minimum standards, provisions and requirements for safe construction, alteration and modification of plumbing within the city. All piping and fixtures for the delivery of water or disposal of wastewater shall be installed, replaced, maintained and repaired in conformance with the requirements of this subarticle and to the specifications, rules and regulations entitled *International Plumbing Code*, 2018 ~~2009~~ Edition, in its entirety with all appendices thereto. Such edition is hereby incorporated herein by reference and made a part of this subarticle as if fully set forth herein. When

such edition conflicts with local regulations and ordinances, all locally adopted regulations and ordinances shall prevail. The *International Plumbing Code, 2018 2009 Edition*, shall apply to installation, replacement, maintenance, and repair of all nonutility piping and fixtures for the delivery of water or the disposal of wastewater within the city or that is connected to the city water or wastewater systems.

## **§ 15-1-22 ADDITIONS AND AMENDMENTS TO INTERNATIONAL PLUMBING CODE.**

The *International Plumbing Code* is hereby modified and changed in the following particulars:

(A) Section 106.1 of the *International Plumbing Code* shall be amended to read as follows:

§ 106.1 Contractor License: It shall be the duty of every contractor who shall make contracts for the installation or repair of gas, water and wastewater systems which are not owned by a public franchised utility for which a permit is required, and every contractor making such contracts and subletting same, or any part thereof, to register with the City Building Department and have a copy of the same on file with the Building Department, giving full name, residence and place of business, phone number, and appropriate state registration. Upon submission of the ~~license fee~~ and required information, the Building Department shall issue a license to perform plumbing work. In case of removal from one place to another the license holder shall cause to have made corresponding change in the file accordingly. Nothing contained herein shall be construed as prohibiting any individual from installing or repairing his own fixtures or installing, extending, replacing, altering, or repairing plumbing fixtures and piping in their own residence; provided, however, that all such work must be in conformity with all other provisions of this Chapter, including those relating to permits, inspections, and fees.

(B) Section 109.1 of the *International Plumbing Code* shall be amended to read as follows:

§ 109.1 Supervising Board of Plumbers:

(a) Supervising Board of Plumbers Created. There is hereby created the Supervising Board of Plumbers consisting of seven (7) persons. The Board shall include three (3) appointive members and four (4) ex officio members. The appointive members of the Board shall be appointed by the City Commission. The ex officio members shall be the City Manager, the City Engineer, the Health Officer or his agent, and the Plumbing Inspector. The



Supervising Board of Plumbers shall function in lieu of the Board of Appeals described by Section 109 of the International Plumbing Code, 2018 2009 Edition.

(b) Qualifications of Appointive Members. Persons who serve on the Supervising Board of Plumbers shall be qualified as follows: One (1) appointive member shall be a journeyman plumber, one (1) appointive member of the Board shall be a master plumber or plumbing contractor, and one (1) appointive member shall be a person knowledgeable of plumbing such as an engineer, retired contractor, vocational instructor, appliance or hardware dealer, or a journeyman or master plumber.

(c) Tenure of Office. The appointive members of the Supervising Board of Plumbers shall hold office from the date of their appointment and qualification until their successors have been appointed and qualified. The appointment or reappointment of members of the Board shall be such that the first member shall be appointed on or about January 1 of odd numbered years for a term of two (2) years, and the other two (2) members shall be appointed on or about January 1, of even numbered years for a term of two (2) years. Any member of the Board may be removed by the City Commission at any time for cause. Vacancies shall be filled by appointment for the unexpired term.

(d) Compensation. The members of the Supervising Board of Plumbers shall receive no compensation for their services.

(e) Organization of the Supervisory Board. The Board shall select their own chairman and adopt such rules and procedures as they may deem appropriate and necessary.

(f) Powers and Duties. The Board shall hear any appeals for variance or relief from grievances as may be filed which are governed by the International Plumbing Code or this Chapter. The Board shall also act as agent to assure compliance with the State Statutes involving plumbing and the regulations of the Texas State Board of Plumbing Examiners. The Board may also act in matters involving plumbing which may affect the public health.

(g) Quorum. Four (4) members of the Board present at any properly posted meeting shall constitute a quorum for the transaction of business. No vote shall be deemed official without the concurring vote of at least three (3) Board members.

(h) Records. The Board shall keep a minute book in which shall be recorded all transactions and business of the Board.

(C) Section 106.6.1 of the *International Plumbing Code* shall be amended to read as follows:

It shall be unlawful for any persons to commence any plumbing work before obtaining the necessary permit, or otherwise fail to comply with any provision of the *International Plumbing Code*, 2018 2009 Edition, or any provision of this subarticle.

~~(D) Section 109 of the *International Plumbing Code* shall be amended to read as follows:~~

~~Supervising Board of Plumbers Appointment:~~

~~— (a) Supervising Board of Plumbers Created. There is hereby created the Supervising Board of Plumbers consisting of seven (7) persons. The Board shall include three (3) appointive members and four (4) ex-officio members. The appointive members of the Board shall be appointed by the City Commission. The ex-officio members shall be the City Manager, the City Engineer, the Health Officer or his agent, and the Plumbing Inspector. The Supervising Board of Plumbers shall function instead of the Board of Appeals described by Section 109 of the *International Plumbing Code*, 2009 Edition.~~

~~— (f) Powers and Duties. The Board shall hear any appeals for variance or relief from grievances as may be filed which are governed by the *International Plumbing Code* or this Chapter. The Board shall also act as an agent to assure compliance with the State Statutes involving plumbing and the regulations of the Texas State Board of Plumbing Examiners. The Board may also act in matters involving plumbing which may affect public health.~~

## 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.

V.

**THAT** nothing in this ordinance or in the Existing Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**INTRODUCED** on this the 13<sup>th</sup> day of January, 2020.

**PASSED AND APPROVED** on this the 27<sup>th</sup> day of January, 2020.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

## **AGENDA ITEM #8**

**City of Kingsville  
Planning and Dev. Services Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Cynthia Martin, Interim Director of Planning and Dev. Services

DATE: January 2, 2020

SUBJECT: Adoption of 2018 Editions of Additional International Building Codes and 2017 Edition of the National Electrical Code

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**Summary:** This item authorizes the amendment of the Kingsville Code of Ordinances, Chapter XV, Article 1 Building Regulations to adopt the 2018 editions of the International Residential, Fuel Gas, Mechanical, Plumbing, Energy Conservation, Swimming Pool and Spa Codes and the 2017 edition of the National Electrical Code.

**Background:** On Dec. 17, 2019, City Commission approved the adoption of the 2018 edition of the International Building Code and the 2018 edition of the Existing Building Code. These two codes are part of a family of International Codes developed by the International Code Council (ICC). This family consists of fifteen separate codes all of which are adopted for use by the State of Texas. The City's Building Official is recommending the adoption of the 2018 editions of the International Residential, Fuel Gas, Mechanical, Plumbing, Energy Conservation, Swimming Pool and Spa Codes as those most relevant to Kingsville. Note that the ICC family of codes does not address electrical. Therefore, it is recommended to adopt the 2017 National Electrical Code as that is the most recent edition.

**Financial Impact:** It is expected that the adoption of the 2018 edition of the International Building Codes listed above will likely increase construction costs. There should be long term energy savings to offset.

**Recommendation:** It is being recommended to adopt the 2018 editions of the International Residential, Fuel Gas, Mechanical, Plumbing, Energy Conservation, Swimming Pool and Spa Codes and the 2017 edition of the National Electrical Code.



**ORDINANCE NO. 2020-\_\_\_\_\_**

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XV, ARTICLE 1, BUILDING REGULATIONS, SECTIONS 402 & 403, ADOPTING THE 2018 VERSION OF THE INTERNATIONAL ENERGY CONSERVATION CODE; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, in December 2019 the City Commission adopted the 2018 version of the International Building Code and Existing Building Code and now desires to update other building codes;

**WHEREAS**, staff recommends and the Commission desires to adopt the 2018 version of the International Energy Conservation Code, as published by the International Code Council;

**WHEREAS**, staff will have a copy of the 2018 version of this code by the effective date of this ordinance;

**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 15-1-402 and 15-1-403 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:

**§ 15-1-402 ADOPTION BY REFERENCE.**

The purpose of this subarticle is to provide minimum standards, provisions and requirements for safe construction, alteration and modification of Residential and Commercial Buildings within the city. All such construction, alteration and modification of Residential and Commercial Buildings within the corporate limits of the city shall conform to the requirements of this subarticle and to the specifications, rules and regulations entitled *International Energy Conservation Code, 2018 ~~2009~~ Edition*, approved and adopted by the International Code Council with all appendices thereto. Such edition is incorporated herein by reference and made a part of this subarticle as if fully set forth herein. When such edition conflicts with local regulations and ordinances, all locally adopted regulations and ordinances shall prevail. The *International Energy Conservation*

Code, 2018 ~~2009~~ Edition, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every Residential and Commercial Buildings or structure or any appurtenances connected or attached to such Residential and Commercial Buildings or structures.

**§ 15-1-403 ADDITIONS AND AMENDMENTS TO INTERNATIONAL ENERGY CONSERVATION CODE.**

The *International Energy Conservation Code*, 2018 ~~2009~~ Edition; is hereby modified and changed in the following particulars:

(A) The *International Energy Conservation Code*, 2018 ~~2009~~ Edition, is hereby amended to add a section entitled "Contractors License Required" which reads:

It shall be the duty of every contractor or builder, who shall make contracts for the erection, repair or modification of buildings and structures and every builder or contractor subletting the same or any part thereof, to pay a license fee of ninety dollars (\$90.00) annually with the exception of plumbing and electrical contractors and have a copy of the same on file with the Building Department, giving full name, residence and place of business, and in case of removal from one place to another to have made corresponding change in the file accordingly. Any person convicted in Municipal Court of a violation of this code may have his license revoked for a period not to exceed two years. Such person shall be notified by certified mail addressed to his place of business, as filed, of the proposed revocation and be given an opportunity at a hearing before the governing body to present such facts and circumstances that are relevant to the case.

(B) Chapter 1, § 101.3 (Compliance) shall be amended by the following:

Energy Conservation Systems shall be permitted in accordance with the *International Building Code*, 2018 ~~2009~~ Edition and shall be based upon the valuation of the improvements.

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.

V.

**THAT** nothing in this ordinance or in the Energy Conservation Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**INTRODUCED** on this the 13<sup>th</sup> day of January, 2020.

**PASSED AND APPROVED** on this the 27<sup>th</sup> day of January, 2020.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



## **AGENDA ITEM #9**

**City of Kingsville  
Planning and Dev. Services Department**

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**TO:** Mayor and City Commissioners  
**CC:** Mark McLaughlin, City Manager  
**FROM:** Cynthia Martin, Interim Director of Planning and Dev. Services  
**DATE:** January 2, 2020  
**SUBJECT:** Adoption of 2018 Editions of Additional International Building Codes and 2017 Edition of the National Electrical Code

---

**Summary:** This item authorizes the amendment of the Kingsville Code of Ordinances, Chapter XV, Article 1 Building Regulations to adopt the 2018 editions of the International Residential, Fuel Gas, Mechanical, Plumbing, Energy Conservation, Swimming Pool and Spa Codes and the 2017 edition of the National Electrical Code.

**Background:** On Dec. 17, 2019, City Commission approved the adoption of the 2018 edition of the International Building Code and the 2018 edition of the Existing Building Code. These two codes are part of a family of International Codes developed by the International Code Council (ICC). This family consists of fifteen separate codes all of which are adopted for use by the State of Texas. The City's Building Official is recommending the adoption of the 2018 editions of the International Residential, Fuel Gas, Mechanical, Plumbing, Energy Conservation, Swimming Pool and Spa Codes as those most relevant to Kingsville. Note that the ICC family of codes does not address electrical. Therefore, it is recommended to adopt the 2017 National Electrical Code as that is the most recent edition.

**Financial Impact:** It is expected that the adoption of the 2018 edition of the International Building Codes listed above will likely increase construction costs. There should be long term energy savings to offset.

**Recommendation:** It is being recommended to adopt the 2018 editions of the International Residential, Fuel Gas, Mechanical, Plumbing, Energy Conservation, Swimming Pool and Spa Codes and the 2017 edition of the National Electrical Code.



**ORDINANCE NO. 2020-\_\_\_\_\_**

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XV, ARTICLE 1, BUILDING REGULATIONS, SECTIONS 151 & 152, ADOPTING THE 2018 VERSION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, in December 2019 the City Commission adopted the 2018 version of the International Building Code and Existing Building Code and now desires to update other building codes;

**WHEREAS**, staff recommends and the Commission desires to adopt the 2018 version of the International Swimming Pool and Spa Code, as published by the International Code Council;

**WHEREAS**, staff will have a copy of the 2018 version of this code by the effective date of this ordinance;

**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 15-1-151 through 15-1-152 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:

**§ 15-1-151 ADOPTION.**

The purpose of this subarticle is to provide minimum standards for the design, construction or installation, repair or alterations of swimming pools, public or private, and equipment related thereto within the city. All swimming pool work done within the corporate limits of the city shall conform to the requirements of this subarticle and to the specifications, rules and regulations entitled Swimming Pool and Spa Code ~~Standard Swimming Pool Code~~, 2018 ~~1997~~ Edition, as approved by the Southern Building Code Congress which is hereby adopted in its entirety, except as herein amended.

(1962 Code, § 4-12-2; Ord. 99015, passed 3-15-99)

**§ 15-1-152 LICENSES AND PERMITS REQUIRED; FEES.**

- (A) It shall be the duty of every contractor who shall make contracts for the construction or installation, repair or alteration of swimming pools to pay a license fee of \$125.00 annually and have a copy of the same on file with the Building Department, giving full name, residence and place of business, phone number, and, in case of removal from one place to another, to have made corresponding changes in the file accordingly.
- (B) All persons performing swimming pool work for which a permit is required by this subarticle must secure a permit prior to starting work. Fees listed in § 105 of the Swimming Pool and Spa Code ~~Standard Swimming Pool Code~~, 2018 ~~1997~~ Edition, are hereby adopted with the following amendment: For issuing each permit it shall cost \$10.00.
- (C) If any person starts work without a permit, the permit fee shall be equal to the cost of the permit times the number of incidents the person has not obtained a permit prior to commencing work.
- (D) If the inspector determines that public safety has been endangered, a complaint shall be filed in Municipal Court. Upon receiving a conviction, the person shall have their license revoked as follows:
  - (1) 1st conviction three months revocation;
  - (2) 2nd conviction six months revocation;
  - (3) 3rd conviction 12 months revocation;
  - (4) 4th conviction two year revocation;
  - (5) 5th conviction permanently revoked.

(1962 Code, § 4-12-3; Ord. 99015, passed 3-15-99; Ord. 200022, passed 11-20-00)

**Cross reference—**Penalty, see § 1-1-999.

...

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.

V.

**THAT** nothing in this ordinance or in the Swimming Pool and Spa Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**INTRODUCED** on this the 13<sup>th</sup> day of January, 2020.

**PASSED AND APPROVED** on this the 27<sup>th</sup> day of January, 2020.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

## **AGENDA ITEM #10**

**City of Kingsville  
Planning and Dev. Services Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Cynthia Martin, Interim Director of Planning and Dev. Services

DATE: January 2, 2020

SUBJECT: Adoption of 2018 Editions of Additional International Building Codes and 2017 Edition of the National Electrical Code

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**Summary:** This item authorizes the amendment of the Kingsville Code of Ordinances, Chapter XV, Article 1 Building Regulations to adopt the 2018 editions of the International Residential, Fuel Gas, Mechanical, Plumbing, Energy Conservation, Swimming Pool and Spa Codes and the 2017 edition of the National Electrical Code.

**Background:** On Dec. 17, 2019, City Commission approved the adoption of the 2018 edition of the International Building Code and the 2018 edition of the Existing Building Code. These two codes are part of a family of International Codes developed by the International Code Council (ICC). This family consists of fifteen separate codes all of which are adopted for use by the State of Texas. The City's Building Official is recommending the adoption of the 2018 editions of the International Residential, Fuel Gas, Mechanical, Plumbing, Energy Conservation, Swimming Pool and Spa Codes as those most relevant to Kingsville. Note that the ICC family of codes does not address electrical. Therefore, it is recommended to adopt the 2017 National Electrical Code as that is the most recent edition.

**Financial Impact:** It is expected that the adoption of the 2018 edition of the International Building Codes listed above will likely increase construction costs. There should be long term energy savings to offset.

**Recommendation:** It is being recommended to adopt the 2018 editions of the International Residential, Fuel Gas, Mechanical, Plumbing, Energy Conservation, Swimming Pool and Spa Codes and the 2017 edition of the National Electrical Code.



ORDINANCE NO.2020-\_\_\_\_\_

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XV-LAND USAGE, ARTICLE 1-BUILDING REGULATIONS, SECTION 15-1-56, ADOPTING THE 2017 EDITION OF THE NATIONAL ELECTRIC CODE; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, the City is updating its building codes and desires to adopt the 2017 version of the National Electric Code to enhance public safety;

**WHEREAS**, staff will have a copy of the 2017 version of the National Electric Code by the effective date of this ordinance;

**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 OF KINGSVILLE BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS:**

I.

**THAT** Section 15-1-56 of Article I: Building Regulations of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

...

**§ 15-1-56 DEFINITIONS.**

For the purpose of this subarticle, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words not defined in this section shall have the meaning given to them in the 2017 2014 Edition of NFPA 70, National Electric Code.

**APPROVED** or **APPROVAL**. Approved by the Planning Department. Nationally recognized standards shall be the basis of such approval.

**AUTHORIZED PERSON**. An individual or authorized representative of a firm or corporation who is licensed under the provisions of this subarticle to do the work provided by this subarticle.

~~**BOARD**. The Electrical Examining Board as created in this subarticle.~~

**CITY**. The territory within the corporate limits of the City of Kingsville, Texas.



**CONDUCTOR.** A wire or cable or other form of metal suitable for carrying electrical current or potential.

**ELECTRICAL CONSTRUCTION.** All work and material used in installing, maintaining and extending a system of electrical wiring and all appurtenances, apparatus and equipment used in connection therewith, inside of or attached to any building or structure.

**ELECTRICAL CONTRACTOR.** Any person engaged in the business of installing, maintaining or altering, by contract, electrical conductors or equipment, and who is qualified under terms and provisions of this subarticle.

**ELECTRICIAN.** A person engaged in the business of electrical construction, maintenance and repair, and who is qualified under the provisions of this subarticle.

**EQUIPMENT.** Materials, fittings, motors and the like, used as a part of or in connection with electrical installations.

**INSPECTOR.** An individual who has been designated by the city as an Electrical Inspector.

**MAINTENANCE WORK.** The act of keeping in safe operating condition any conductor or piece of equipment in any and all existing electrical installations, but does not include the installation of additional electrical work, electrical equipment or apparatus.

**OWNER.** Any person holding legal title to any real property within the city.

~~**REGISTERING.** That person who has satisfied the Examining Board of Electricians and has satisfied the Board that he is qualified to do the work stated in the application, that he has paid the necessary registration fees to date, and that his name is carried in the records of the Electrical Inspector as qualified under the provisions of this code.~~

**SPECIAL RULING.** A written ruling or decision passed by the Board and filed in the office of the Electrical Inspector.

...

## 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.

V.

**THAT** nothing in this ordinance or in the National Electric Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**INTRODUCED** on this day on the 13<sup>th</sup> day of January, 2020.

**PASSED AND APPROVED** on this the 27th day of January, 2020.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #11**

**City of Kingsville**  
**Planning and Dev. Services Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Cynthia Martin, Interim Director of Planning and Dev. Services

DATE: January 2, 2020

SUBJECT: Adoption of 2018 Edition of the Property Maintenance Code

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**Summary:** This item authorizes the amendment of the Kingsville Code of Ordinances, Chapter IX, Article 7 Nuisances to adopt the 2018 edition of the International Property Maintenance Code.

**Background:** In 2014, the City of Kingsville adopted the 2009 edition of the International Property Maintenance Code (IPMC). On Dec. 17, 2019, City Commission approved the adoption of the 2018 version of the International Building Code, the 2018 version of the Existing Building Code and the 2018 Edition of the International Fire Code. These codes, including the International Property Maintenance Code, are part of a family of International Codes developed by the International Code Council (ICC). This family consists of fifteen separate codes all of which are adopted for use by the State of Texas.

**Financial Impact:** No financial impact. Fees for services are being charged based on current FEMA rates and raise as they do.

**Recommendation:** It is being recommended to adopt the 2018 edition of the Property Maintenance Code.



## ARTICLE 7. - NUISANCES<sup>(8)</sup>

### Footnotes:

--- (8) ---

Editor's note— Ord. No. 2014-08, § I, adopted March 10, 2014, amended article 7 in its entirety to read as herein set out. Former article 7, §§ 9-7-1—9-7-4, pertained to similar subject matter. See Code Comparative Table for complete derivation.

### Sec. 9-7-1. - Adoption by reference: international property maintenance code.

- (A) A certain document being marked and designated as the International Property Maintenance Code (IPMC), 2009 [REDACTED] Edition, including all future amendments of or revisions to such code, as published by the International Code Council (ICC), be and is hereby adopted as the Property Maintenance Code of the City of Kingsville in the State of Texas for regulating and governing the conditions and maintenance of all property, buildings and structures:
- By providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and
  - The condemnation of buildings and structures unfit for human occupancy and use and the demolition of such existing structures as herein provided; and
  - Providing for the issuance of permits and collection of fees; and
  - Each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the offices of the Community Appearance Division and the Building Services Division of the City of Kingsville are hereby referred to, adopted, and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions and changes, if any, which shall be documented in this article.
- (B) Two (2) copies of the IPMC adopted in this shall be available for viewing. One of which will be located in the office of the Community Appearance Division and one within the office of the Building Services Division.
- (C) This Section shall not be interpreted to relieve from responsibility or to lessen the responsibility of any person owning, controlling, or occupying any structure. Nor shall the City be held as assuming liability or duty of any nature by reason of inspection authority issued by the City to City Code Enforcement Officers or Building Officials or Inspectors for maintenance of the property.
- (D) *Enforcement.* The Code hereby adopted shall be enforced by the ~~Community Appearance Supervisor~~ [REDACTED] or the Building Official, who may delegate such enforcement authority to such assistants and subordinates as the needs of the City may require.

(Ord. 2014-08, § I., 3-10-14)

### Sec. 9-7-2. - Additions and amendments to international property maintenance code.

The International Property Maintenance Code is hereby modified and changed in the following particulars:

- (A) Section 101.1 of the International Property Maintenance Code shall be amended to read as follows:

§101.1 Title. These regulations shall be known as the International Property Maintenance Code of the City of Kingsville, hereinafter referred to as "this code."

- (B) Section 103.5 entitled "Fees" of the International Property Maintenance Code shall be amended to read as follows:

§103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as directed in Sections 9-7-5 and 9-7-6 of this Article.

- (C) Section 106 entitled "Violations." This section of the International Property Maintenance Code is hereby substituted to read the same as §9-7-5 of this Article and shall read the same in all other references to Section 106 Violations in the International Property Maintenance Code, 2009 [REDACTED] Edition.

- (D) Section 107 entitled "Notices and Orders." This section of the International Property Maintenance Code is hereby substituted to read the same as §9-7-5 of this Article and shall read the same in all other references to Section 107 "Notices and Orders" in the International Property Maintenance Code, 2009 [REDACTED] Edition, unless otherwise noted in this subsection.

- (E) Section 108.3 entitled "Notice" of the International Property Maintenance Code shall be amended to read as follows:

§108.3 Notice. Whenever the code official has condemned a structure or equipment under the provision of this section and/or §15-1-165 through §15-1-167, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or person or persons responsible for the structure on equipment in accordance with §15-1-167(B) and §15-1-168. If the notice pertains to equipment it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in §15-1-167(B).

- (F) Section 110 entitled "Demolition." This section of the International Property Maintenance Code is hereby substituted to read the same as §15-1-167 through §15-1-176 of Chapter 15 "Land Usage", Article 1 "Building Regulations" and shall read the same in all other references to Section 110 "Demolition" in the International Property Maintenance Code, 2009 [REDACTED] Edition.

- (G) Section 111 entitled "Means of Appeal." This section of the International Property Maintenance Code, is hereby amended to read "Board of Adjustment" [REDACTED] (?) and shall read the same in all other references to such Board in the International Property Maintenance Code, 2009 [REDACTED] Edition. ~~The Board shall be the Board of Adjustment as set forth by §15-1-157. The Board of Adjustment shall have the number of members to be appointed for the terms specified by §15-1-157. All subsections of §111 of the International Property Maintenance Code which conflict with §15-1-157 shall be governed by §15-1-157.~~

- (H) Section 302.4 entitled "Weeds" of the International Property Maintenance Code shall be amended to read as follows:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to corrective action in accordance with §9-7-5 and/or the prosecution in accordance with §9-7-99 of this Article.

- (I) Section 304.14 entitled "Insect Screens" of the International Property Maintenance Code shall be amended to read as follows:

304.14 Insect Screens. During the period from January 1 to December 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas where products to be included or utilized in food for human consumption are

processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellant fans, are employed.

- (J) Section 602.3 entitled "Heat Supply" of the International Property Maintenance Code shall be amended to read as follows:

602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on term, either expressed or implied, to furnish heat to the occupants thereof shall supply heat through the form of a functional heating system during the period from November 1 to March 1 to maintain a temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30 degrees Fahrenheit (-1 degree Celsius) a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) shall be maintained.

- (K) Section 602.4 entitled "Occupiable Work Spaces" of the International Property Maintenance Code shall be amended to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from November 1 to March 1 to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

(Ord. 2014-08, § I., 3-10-14)

#### Sec. 9-7-3. - Acts prohibited.

- (A) It shall be unlawful for any person to contract, cause to be constructed, or permit to remain construct any building which violates any provision of such Code.
- (B) It shall be unlawful for any person to intentionally, knowingly, recklessly, or acting with criminal negligence deposit noxious matter on the premises of another.
- (C) It shall be unlawful for any person after receiving notice in accordance herewith to intentionally, knowingly, recklessly, or acting with criminal negligence to permit noxious matter to remain on premises under his care, control or custody.
- (D) It shall be an affirmative defense to the unlawful acts described herein that the person was permitted or required by law to deposit or permit to remain such noxious matter. The affirmative defense is valid only if the afore-mentioned permission or requirement is in strict accordance with law, including, without limitation, the manner of depositing or allowing to remain.

(E) It is a defense to prosecution under this section that the vegetation is:

- (1) Located on heavily wooded real property or portion thereof that reasonably prevents the operation of mowing machines;
- (2) An agricultural crop, cultivated shrub, flowers or other decorative ornamental plant under cultivation; or
- (3) Wildflowers, but only until the time as seeds have matured followed the final blooming of the majority of the plants.

A person who meets the requirements of an affirmative defense as set out in this subsection is still required to maintain a 50 foot mowed buffer between his and another property.

(Ord. 2014-08, § I., 3-10-14)

#### Sec. 9-7-4. - Definitions.

As used in this Article the following terms shall have the following meanings, to wit:

*ABATE*. To eliminate by removal, repair, rehabilitation, or demolition.

*DEPOSIT*. Any divestiture of possession whether such divestiture of possession is actual or constructive.

*NOTICE* shall mean:

- (1) Personal notice to the owner in writing, or
- (2) By letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located, or
- (3) If personal service cannot be obtained or the owner's address is unknown, then, notice shall be:
  - (a) by publication at least once; or
  - (b) by posting the notice on or near the front door of each building on the property to which the violation relates; or
  - (c) by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.
- (4) If a notice to a property owner is returned by the United States Postal Service as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.

*NOXIOUS MATTER*. Any matter which is or is not subject to the process of oxidation and shall include, without limitation, filth; carrion; impure or unwholesome substances; weeds, grass, or similar vegetation in excess of 12 inches; refuse; rubbish; brush; and any other substance which would be objectionable, unsightly, or unsanitary to a reasonable person.

*PERMIT TO REMAIN*. Failure to remove on a permanent basis within the time required by law as specified by any notice to abate noxious matter that is provided for herein.

*PREMISES*. All privately owned property, including vacant land or a building designed or used for residential, commercial, business, industrial, or religious purposes. The term includes a yard, ground, walk, driveway, fence, porch, steps, other structure appurtenant to the property, or easily accessible easements, alleys, and rights of way.

*PREMISES OF ANOTHER*. Property over which a person has no right of care, control, or custody. Property under the care, control, or custody of the State of Texas or any of its political subdivisions shall always constitute "premises of another."



*REFUSE.* Garbage, rubbish, paper, and other decayable and non-decayable waste, including vegetable matter and animal and fish carcasses.

*RUBBISH.* Non-decayable waste from a public or private establishment or residence.

*WEEDS.* All rank and uncultivated vegetable growth or matter that:

- (A) has grown to more than 12 inches in height; or
- (B) may create an unsanitary condition or become a harborage for rodents, vermin, or other disease-carrying pests, regardless of the height of the weeds.

(Ord. 2014-08, § I., 3-10-14; Ord. 2014-46, 8-11-2014)

Sec. 9-7-5. - Correction by city; lien.

- (A) That the provisions of this section shall be cumulative of any criminal penalties or civil remedies provided for herein.
- (B) Upon a determination that noxious matter exists upon a premises, the owner of the premises shall be given notice to abate such noxious matter within seven days after the receipt of such notice. Should the owner of the premises fail to comply with such notice of abatement within seven days, the city may:
  - (1) Do the work or make the improvements required; and
  - (2) Pay for the work done or improvements made and charge the expenses to the owner of the property.
- (C) The city in the notice of violation may inform the owner:
  - (1) By mail and a posting on the property; or
  - (2) By personally delivering the notice that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owners' expense and assess the expense against the premises.
- (D) After the work has been completed and paid for by the city, a statement of expenses incurred by the city to abate such conditions and administrative fees as prescribed by separate ordinance shall be mailed to the owner of the property. The owner of the property shall pay for work and administrative fees within 30 days of the date of mailing thereof.
- (E) In the event that the amount shown on the said statement for the work and administrative fees has not been paid within 30 days of mailing, the city shall assess expenses incurred under this section as follows:
  - (1) The Mayor or City Manager shall file a statement of such expenses and administrative fees incurred, giving the amount of such expenses, date on which the work was done or improvements made, state the name of the owner (if known) and the legal description of the property. The statement shall be filed with the County Clerk, and the city shall have a privileged lien on such lot or real estate upon which the work was done or improvements made to secure the expenditures so made, in accordance with the provisions of Tex. Health & Safety Code § 342.006 et seq. This lien shall be second only to tax liens and liens for street improvements; and the amount shall bear 10% interest per annum on the amount due from the date of payment by the city.
  - (2) It is further provided that for any such expenditures and interest, suit may be instituted and recovery and foreclosure of the lien may be had in the name of the city, and the statement of expenses and administrative fees so made, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements. Should the City file suit to foreclose on any liens to recover unpaid expenditures, fees, interest, and expenses, it shall also

be entitled to collect the maximum interest rate allowed, reasonable attorney's fees and other court costs and fees allowable under the law.

- (F) The remedy provided by the assessment and foreclosure of lien is in addition to any criminal penalties or other civil remedies provided for herein.
- (G) The city may foreclose a lien on property established herein in a proceeding relating to the property brought under Subchapter E, Chapter 33, Tax Code, as amended or hereinafter amended.

(Ord. 2014-08, § I., 3-10-14; Ord. No. 2014-74, § I, passed 12-15-2014, eff. 12-31-2014)

Sec. 9-7-6. - Abatement of nuisance lots; administrative fees.

For each abatement of nuisance lots that are in violation of § 9-7-1 through § 9-7-3 of this code, the fee for abatement of administration is \$150.00. This fee is to cover the labor, fuel, vehicle expenses, photographic expenses, notice and postage expenses from the initial inspection through the time of abatement and submittal for invoicing.

(Ord. 2014-08, § I., 3-10-14)

Sec. 9-7-7. - Conflicting ordinances; more restrictive to prevail.

Should this Article conflict with any other ordinance of the city relating to nuisances and/or property maintenance, the more restrictive shall prevail.

(Ord. 2014-08, § I., 3-10-14)

Secs. 9-7-8—9-7-98. - Reserved.

Sec. 9-7-99. - Criminal penalties; civil remedies.

- (A) Unless otherwise provided for herein, punishment for any violation of this article shall be as follows, to wit: a fine of not less than \$150.00 nor more than \$2,000.00.
- (B) If noxious matter is deposited on the property of another, upon conviction, punishment shall be assessed at a fine of not less than \$500.00 nor more than \$2,000.00.
- (C) If noxious matter is deposited on the property of the State of Texas, or any political subdivision thereof, upon conviction, punishment shall be assessed at a fine of not less than \$500.00 nor more than \$2,000.00.
- (D) If noxious material is deposited in any storm sewer system or sanitary sewer system of the city, upon conviction, punishment shall be assessed at a fine of not less than \$1,800.00 nor more than \$2,000.00.
- (E) Each day or each occurrence, whichever more often occurs, shall constitute a separate offense.
- (F) The recidivist provisions of the laws of the State of Texas shall be fully applicable and, if no such provisions are applicable, on the second and all subsequent offenses the minimum and maximum fine shall be twice that hereinbefore set out, provided that, in those cases herein where specific punishments for subsequent convictions are provided these specific punishments shall prevail over this division.
- (G) In those instances in which noxious matter is deposited into the storm sewer system or sanitary sewer system of the city, the City Attorney may apply to a court of competent jurisdiction to request the court to order any corporeal personal property used in such deposit to escheat to the City of Kingsville or, in the alternative, that it be destroyed as contraband or a criminal instrument.

- (H) Any signs or similar non-transitory structures deposited on any public street, highway, or right-of-way are declared nuisances. They shall be summarily abated and all costs for such abatement shall be collected from the owner or special owner thereof. This remedy shall be cumulative of any criminal provisions provided for herein.

(Ord. 2014-08, § I., 3-10-14)

**ORDINANCE NO. 2020-\_\_\_\_\_**

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XV, ARTICLE 1, BUILDING REGULATIONS, SECTIONS 1 THROUGH 99, ADOPTING THE 2018 VERSION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, in December 2019 the City Commission approved the adoption of the 2018 editions of the International Building Code and the Existing Building Code, and staff now believes the adoption of the International Property Maintenance Code is needed;

**WHEREAS**, staff recommends adopting the 2018 edition of the International Property Maintenance Code, as published by the International Code Council, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City of Kingsville; providing for the issuance of permits and collection of fees therefor;

**WHEREAS**, the code is founded on principles intended to establish provision consistent with the scope of a property maintenance code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provision that do not restrict the use of new materials, products or methods of construction; and provision that do not give preferential treatment to particular types or classes of materials, products or methods of construction;

**WHEREAS**, staff will have a copy of the 2018 edition of the International Property Maintenance Code by the effective date of this ordinance;

**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:**

1.

**THAT** Section 9-7-1 through 9-7-99 of Article 1: Building Regulations of Chapter XV, Building Code, of the Code of Ordinances of the City of Kingsville, Texas, shall be adopted and shall read as follows:

ARTICLE 7. - NUISANCES<sup>(8)</sup>

Footnotes:

--- (8) ---

Editor's note— Ord. No. 2014-08, § 1, adopted March 10, 2014, amended article 7 in its entirety to read as herein set out. Former article 7, §§ 9-7-1—9-7-4, pertained to similar subject matter. See Code Comparative Table for complete derivation.

#### **§ 9-7-1 ADOPTION BY REFERENCE: INTERNATIONAL PROPERTY MAINTENANCE CODE.**

- (A) A certain document being marked and designated as the International Property Maintenance Code (IPMC), ~~2018~~ ~~2009~~ Edition, including all future amendments of or revisions to such code, as published by the International Code Council (ICC), be and is hereby adopted as the Property Maintenance Code of the City of Kingsville in the State of Texas for regulating and governing the conditions and maintenance of all property, buildings and structures:
- a. By providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and
  - b. The condemnation of buildings and structures unfit for human occupancy and use and the demolition of such existing structures as herein provided; and
  - c. Providing for the issuance of permits and collection of fees; and
  - d. Each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the offices of the Code Compliance ~~Community Appearance~~ Division and the Building Services Division of the City of Kingsville are hereby referred to, adopted, and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions and changes, if any, which shall be documented in this article.
- (B) Two (2) copies of the IPMC adopted in this shall be available for viewing. One of which will be located in the office of the Code Compliance ~~Community Appearance~~ Division and one within the office of the Building Services Division.
- (C) This Section shall not be interpreted to relieve from responsibility or to lessen the responsibility of any person owning, controlling, or occupying any structure. Nor shall the City be held as assuming liability or duty of any nature by reason of inspection authority issued by the City to City Code Enforcement Officers or Building Officials or Inspectors for maintenance of the property.
- (D) *Enforcement.* The Code hereby adopted shall be enforced by the Code Enforcement Officer ~~Community Appearance Supervisor~~ or the Building Official, who may delegate such enforcement authority to such assistants and subordinates as the needs of the City may require.

(Ord. 2014-08, § 1., 3-10-14)

#### **§ 9-7-2 ADDITIONS AND AMENDMENTS TO INTERNATIONAL PROPERTY MAINTENANCE CODE.**

The International Property Maintenance Code is hereby modified and changed in the following particulars:

- (A) Section 101.1 of the International Property Maintenance Code shall be amended to read as follows:

§101.1 Title. These regulations shall be known as the International Property Maintenance Code of the City of Kingsville, hereinafter referred to as "this code."

- (B) Section 103.5 entitled "Fees" of the International Property Maintenance Code shall be amended to read as follows:

§103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as directed in Sections 9-7-5 and 9-7-6 of this Article.

- (C) Section 106 entitled "Violations." This section of the International Property Maintenance Code is hereby substituted to read the same as §9-7-5 of this Article and shall read the same in all other references to Section 106 Violations in the International Property Maintenance Code, 2018 ~~2009~~ Edition.

- (D) Section 107 entitled "Notices and Orders." This section of the International Property Maintenance Code is hereby substituted to read the same as §9-7-5 of this Article and shall read the same in all other references to Section 107 "Notices and Orders" in the International Property Maintenance Code, 2018 ~~2009~~ Edition, unless otherwise noted in this subsection.

- (E) Section 108.3 entitled "Notice" of the International Property Maintenance Code shall be amended to read as follows:

§108.3 Notice. Whenever the code official has condemned a structure or equipment under the provision of this section and/or §15-1-165 through §15-1-167, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or person or persons responsible for the structure on equipment in accordance with §15-1-167(B) and §15-1-168. If the notice pertains to equipment it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in §15-1-167(B).

- (F) Section 110 entitled "Demolition." This section of the International Property Maintenance Code is hereby substituted to read the same as §15-1-167 through §15-1-176 of Chapter 15 "Land Usage", Article 1 "Building Regulations" and shall read the same in all other references to Section 110 "Demolition" in the International Property Maintenance Code, 2018 ~~2009~~ Edition.

- (G) Section 111 entitled "Means of Appeal." This section of the International Property Maintenance Code, is hereby amended to read "City Commission" ~~"Board of Adjustment"~~ and shall read the same in all other references to such Board in the International Property Maintenance Code, 2018 ~~2009~~ Edition. ~~The Board shall be the Board of Adjustment as set forth by §15-1-157. The Board of~~

~~Adjustment shall have the number of members to be appointed for the terms specified by §15-1-157. All subsections of §111 of the International Property Maintenance Code which conflict with §15-1-157 shall be governed by §15-1-157.~~

- (H) Section 302.4 entitled "Weeds" of the International Property Maintenance Code shall be amended to read as follows:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to corrective action in accordance with §9-7-5 and/or the prosecution in accordance with §9-7-99 of this Article.

- (I) Section 304.14 entitled "Insect Screens" of the International Property Maintenance Code shall be amended to read as follows:

304.14 Insect Screens. During the period from January 1 to December 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellant fans, are employed.

- (J) Section 602.3 entitled "Heat Supply" of the International Property Maintenance Code shall be amended to read as follows:

602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on term, either expressed or implied, to furnish heat to the occupants thereof shall supply heat through the form of a functional heating system during the period from November 1 to March 1 to maintain a temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full

capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

2. In areas where the average monthly temperature is above 30 degrees Fahrenheit (-1 degree Celsius) a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) shall be maintained.

- (K) Section 602.4 entitled "Occupiable Work Spaces" of the International Property Maintenance Code shall be amended to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from November 1 to March 1 to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

(Ord. 2014-08, § I., 3-10-14)

### **§ 9-7-3 ACTS PROHIBITED.**

- (A) It shall be unlawful for any person to contract, cause to be constructed, or permit to remain construct any building which violates any provision of such Code.
- (B) It shall be unlawful for any person to intentionally, knowingly, recklessly, or acting with criminal negligence deposit noxious matter on the premises of another.
- (C) It shall be unlawful for any person after receiving notice in accordance herewith to intentionally, knowingly, recklessly, or acting with criminal negligence to permit noxious matter to remain on premises under his care, control or custody.
- (D) It shall be an affirmative defense to the unlawful acts described herein that the person was permitted or required by law to deposit or permit to remain such noxious matter. The affirmative defense is valid only if the afore-mentioned permission or requirement is in strict accordance with law, including, without limitation, the manner of depositing or allowing to remain.
- (E) It is a defense to prosecution under this section that the vegetation is:
- (1) Located on heavily wooded real property or portion thereof that reasonably prevents the operation of mowing machines;
  - (2) An agricultural crop, cultivated shrub, flowers or other decorative ornamental plant under cultivation; or
  - (3) Wildflowers, but only until the time as seeds have matured followed the final blooming of the majority of the plants.



A person who meets the requirements of an affirmative defense as set out in this subsection is still required to maintain a 50 foot mowed buffer between his and another property.

(Ord. 2014-08, § 1., 3-10-14)

#### **§ 9-7-4 DEFINITIONS.**

As used in this Article the following terms shall have the following meanings, to wit:

*ABATE.* To eliminate by removal, repair, rehabilitation, or demolition.

*DEPOSIT.* Any divestiture of possession whether such divestiture of possession is actual or constructive.

*NOTICE* shall mean:

- (1) Personal notice to the owner in writing, or
- (2) By letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located, or
- (3) If personal service cannot be obtained or the owner's address is unknown, then, notice shall be:
  - (a) by publication at least once; or
  - (b) by posting the notice on or near the front door of each building on the property to which the violation relates; or
  - (c) by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.
- (4) If a notice to a property owner is returned by the United States Postal Service as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.

*NOXIOUS MATTER.* Any matter which is or is not subject to the process of oxidation and shall include, without limitation, filth; carrion; impure or unwholesome substances; weeds, grass, or similar vegetation in excess of 12 inches; refuse; rubbish; brush; and any other substance which would be objectionable, unsightly, or unsanitary to a reasonable person.

*PERMIT TO REMAIN.* Failure to remove on a permanent basis within the time required by law as specified by any notice to abate noxious matter that is provided for herein.

*PREMISES.* All privately owned property, including vacant land or a building designed or used for residential, commercial, business, industrial, or religious purposes. The term includes a yard, ground, walk, driveway, fence, porch, steps, other structure appurtenant to the property, or easily accessible easements, alleys, and rights of way.

*PREMISES OF ANOTHER.* Property over which a person has no right of care, control, or custody. Property under the care, control, or custody of the State of Texas or any of its political subdivisions shall always constitute "premises of another."

*REFUSE.* Garbage, rubbish, paper, and other decayable and non-decayable waste, including vegetable matter and animal and fish carcasses.

*RUBBISH.* Non-decayable waste from a public or private establishment or residence.

*WEEDS.* All rank and uncultivated vegetable growth or matter that:

- (A) has grown to more than 12 inches in height; or
- (B) may create an unsanitary condition or become a harborage for rodents, vermin, or other disease-carrying pests, regardless of the height of the weeds.

(Ord. 2014-08, § 1., 3-10-14; Ord. 2014-46, 8-11-2014)

#### **§ 9-7-5 CORRECTION BY CITY; LIEN.**

- (A) That the provisions of this section shall be cumulative of any criminal penalties or civil remedies provided for herein.
- (B) Upon a determination that noxious matter exists upon a premises, the owner of the premises shall be given notice to abate such noxious matter within seven days after the receipt of such notice. Should the owner of the premises fail to comply with such notice of abatement within seven days, the city may:
  - (1) Do the work or make the improvements required; and
  - (2) Pay for the work done or improvements made and charge the expenses to the owner of the property.
- (C) The city in the notice of violation may inform the owner:
  - (1) By mail and a posting on the property; or
  - (2) By personally delivering the notice that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the premises.
- (D) After the work has been completed and paid for by the city, a statement of expenses incurred by the city to abate such conditions and administrative fees as prescribed by separate ordinance shall be mailed to the owner of the property. The owner of the property shall pay for work and administrative fees within 30 days of the date of mailing thereof.
- (E) In the event that the amount shown on the said statement for the work and administrative fees has not been paid within 30 days of mailing, the city shall assess expenses incurred under this section as follows:

- (1) The Mayor or City Manager shall file a statement of such expenses and administrative fees incurred, giving the amount of such expenses, date on which the work was done or improvements made, state the name of the owner (if known) and the legal description of the property. The statement shall be filed with the County Clerk, and the city shall have a privileged lien on such lot or real estate upon which the work was done or improvements made to secure the expenditures so made, in accordance with the provisions of Tex. Health & Safety Code § 342.006 et seq. This lien shall be second only to tax liens and liens for street improvements; and the amount shall bear 10% interest per annum on the amount due from the date of payment by the city.
  - (2) It is further provided that for any such expenditures and interest, suit may be instituted and recovery and foreclosure of the lien may be had in the name of the city, and the statement of expenses and administrative fees so made, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements. Should the City file suit to foreclose on any liens to recover unpaid expenditures, fees, interest, and expenses, it shall also be entitled to collect the maximum interest rate allowed, reasonable attorney's fees and other court costs and fees allowable under the law.
- (F) The remedy provided by the assessment and foreclosure of lien is in addition to any criminal penalties or other civil remedies provided for herein.
- (G) The city may foreclose a lien on property established herein in a proceeding relating to the property brought under Subchapter E, Chapter 33, Tax Code, as amended or hereinafter amended.

(Ord. 2014-08, § I., 3-10-14; Ord. No. 2014-74, § I, passed 12-15-2014, eff. 12-31-2014)

#### **§ 9-7-6 ABATEMENT OF NUISANCE LOTS; ADMINISTRATIVE FEES.**

For each abatement of nuisance lots that are in violation of § 9-7-1 through § 9-7-3 of this code, the fee for abatement of administration is \$150.00. This fee is to cover the labor, fuel, vehicle expenses, photographic expenses, notice and postage expenses from the initial inspection through the time of abatement and submittal for invoicing.

(Ord. 2014-08, § I., 3-10-14)

## **§ 9-7-7 CONFLICTING ORDINANCES; MORE RESTRICTIVE TO PREVAIL.**

Should this Article conflict with any other ordinance of the city relating to nuisances and/or property maintenance, the more restrictive shall prevail.

(Ord. 2014-08, § 1., 3-10-14)

Secs. 9-7-8—9-7-98. - Reserved.

## **§ 9-7-99 CRIMINAL PENALTIES; CIVIL REMEDIES.**

- (A) Unless otherwise provided for herein, punishment for any violation of this article shall be as follows, to wit: a fine of not less than \$150.00 nor more than \$2,000.00.
- (B) If noxious matter is deposited on the property of another, upon conviction, punishment shall be assessed at a fine of not less than \$500.00 nor more than \$2,000.00.
- (C) If noxious matter is deposited on the property of the State of Texas, or any political subdivision thereof, upon conviction, punishment shall be assessed at a fine of not less than \$500.00 nor more than \$2,000.00.
- (D) If noxious material is deposited in any storm sewer system or sanitary sewer system of the city, upon conviction, punishment shall be assessed at a fine of not less than \$1,800.00 nor more than \$2,000.00.
- (E) Each day or each occurrence, whichever more often occurs, shall constitute a separate offense.
- (F) The recidivist provisions of the laws of the State of Texas shall be fully applicable and, if no such provisions are applicable, on the second and all subsequent offenses the minimum and maximum fine shall be twice that hereinbefore set out, provided that, in those cases herein where specific punishments for subsequent convictions are provided these specific punishments shall prevail over this division.
- (G) In those instances in which noxious matter is deposited into the storm sewer system or sanitary sewer system of the city, the City Attorney may apply to a court of competent jurisdiction to request the court to order any corporeal personal property used in such deposit to escheat to the City of Kingsville or, in the alternative, that it be destroyed as contraband or a criminal instrument.
- (H) Any signs or similar non-transitory structures deposited on any public street, highway, or right-of-way are declared purprestures. They shall be summarily abated and all costs for such abatement shall be collected from the owner or special owner thereof. This remedy shall be cumulative of any criminal provisions provided for herein.

(Ord. 2014-08, § I., 3-10-14)

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 is, for any reason, held to be 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.

V.

**THAT** nothing in this ordinance or in the International Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**INTRODUCED** on this the 13<sup>th</sup> day of January, 2020.

**PASSED AND APPROVED** on this the 27<sup>th</sup> day of January, 2020.

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

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

**ATTEST:**

---

Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

---

Courtney Alvarez, City Attorney

# **REGULAR AGENDA**

## **AGENDA ITEM #12**



**City of Kingsville  
Planning and Dev. Services Department**

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**TO:** Mayor and City Commissioners  
**CC:** Mark McLaughlin, City Manager  
**FROM:** Interim Director of Planning & Dev. Services  
**DATE:** January 14, 2020  
**SUBJECT:** Request for a special use permit for daycare use in R1 (Single Family) at 324 E Corral also known as YOUNG TERRACE, BLOCK 2, LOT 9,10

---

**Summary:** Yaneli Alanis, property owner/applicant is requesting a special use permit for daycare use in a R1 Single Family district at 324 E Corral.

**Background:** This property at has been most recently been occupied by a daycare, Head Start Center, operating under a special use permit. The applicant, Yaneli Alanis, wishes to occupy that same building on the property as a learning academy for children ages six weeks to five years. Head Start programs serve children from birth to five years old from low-income families by supporting the development of the whole child. The hours for the new learning center will be from 6:30 am – 5:30 pm and the program will serve 45-65 children depending on their licensing. This will be roughly equivalent to the hours and numbers of children served of the Head Start program according to the applicant. The applicant currently runs a daycare center, The Tot Spot at 1724 S Brahma in Kingsville. Continuation of the daycare use at this property under a special use permit makes sense.

**Financial Impact:** None.

**Recommendation:** It is recommended to approve the issuance of a special use permit to Yaneli Alanis for daycare use at 324 W Corral. The Planning and Zoning Commission voted 4 to 0 with no abstentions to recommend approval of this special use permit at their regular January 15, 2020 meeting.



## PLANNING & ZONING COMMISSION AGENDA

Wednesday, January 15, 2020 6:00 p.m.

Regular Meeting

Helen Kleberg Groves Community Room,  
1st Floor – City Hall, 400 W. King Ave., Kingsville, Texas

### PLANNING & ZONING COMMISSION SEATING ARRANGEMENT

#### COMMISSION MEMBERS

Mike Klepac

Brian Coufal

Rev. Idotha Battle

Steve Zamora,

Chairman

#### COMMISSION MEMBERS

Lupe Alvarez

Debbie Tiffie

Bill Aldrich

#### CITY STAFF

Stephannie Resendez,  
Administrative Assistant II

Cynthia Martin,  
Interim Director of Planning  
& Development Services

*The following rules of conduct have been adopted by this Commission:*

1. Give your name and complete address.
2. No one may speak more than twice on the same item.
3. No one may speak more than 5 minutes at a time without permission from the Chairman.
4. No one may speak a second time on a question until every person who wants to speak has done so.
5. All submissions of evidence, i.e., photos, drawings, will be retained by the Planning & Zoning Commission and will become a part of the permanent file.

***A COPY OF CHAPTER 15 "LAND USAGE", FROM THE CITY OF KINGSVILLE CODE OF ORDINANCES, IS AVAILABLE.***

### AGENDA

- CALL TO ORDER
- ROLL CALL
- APPROVAL OF MINUTES OF PREVIOUS MEETING – December 18, 2019
- PUBLIC COMMENTS FOR ALL AGENDA & NON-AGENDA ITEMS
- POSTPONEMENTS/ADJUSTMENTS TO THE AGENDA
- OLD BUSINESS – None.

• **NEW BUSINESS –**

**ITEM #1-** Public Hearing on the request from Chad Davis, applicant, requesting a Special Use Permit for climate-controlled self-storage use in C2 (Retail District) at ORIG TOWN, BLOCK 68, LOT 1-13 also known as 200 E Kenedy Blk, Kingsville, Texas.

**ITEM #2-** Discuss and Consider Action on the request from Chad Davis, applicant, requesting a Special Use Permit for climate-controlled self-storage use in C2 (Retail District) at ORIG TOWN, BLOCK 68, LOT 1-13 also known as 200 E Kenedy Blk, Kingsville, Texas.

**ITEM #3 -** Public Hearing on the request from Yaneli Alanis, applicant, requesting a Special Use Permit for daycare use in R1 (Single Family) at YOUNG TERRACE, BLOCK 2, LOT 9, 10 also known as 324 E Corral, Kingsville, Texas.

**ITEM #4 -** Discuss and Consider Action on the request from Yaneli Alanis, applicant, requesting a Special Use Permit for daycare use in R1 (Single Family) at YOUNG TERRACE, BLOCK 2, LOT 9, 10 also known as 324 E Corral, Kingsville, Texas.

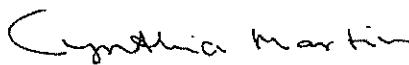
**MISCELLANEOUS:** Any topic may be discussed but no action may be taken at this time.

• **ADJOURNMENT**

**Please call the CITY SECRETARY at 595-8002 to obtain definitive and final City Commission Hearing Date.**

It is the intention of the City of Kingsville to comply in all aspects with the Americans with Disabilities Act (ADA). If you plan on attending a meeting to participate or to observe and need special assistance beyond what is routinely provided, the city will attempt to accommodate you in every reasonable manner. Please contact the Planning Secretary, 361-595-8055, at least two business days prior to the meeting to inform the City of your specific needs and to determine if accommodation is feasible.

I certify that this agenda was posted at least seventy-two (72) hours before the commencement of the Planning and Zoning Commission Meeting scheduled for Wednesday, January 15, 2020.



Cynthia Martin, Interim Director of Planning & Development Services

Posted @ 3:45pm
On 1/10/2020
By S. Delaney

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

By: \_\_\_\_\_  
Kingsville Planning and Development Services

ITEM #2

To: Planning and Zoning Commission Members

From: Cynthia Martin, Interim Director Planning & Dev. Services

Date: January 10, 2020

Subject: Request from Yaneli Alanis for a special use permit for daycare use in R1 (Single Family) from YOUNG TERRACE, BLOCK 2, LOT 9,10 also known as 324 E Corral

---

This property has been most recently been occupied by a daycare, Head Start Center, operating under a special use permit. The applicant, Yaneli Alanis, wishes to occupy that same building on the property as a learning academy for children ages six weeks to five years. Head Start programs serve children from birth to five years old from low-income families by supporting the development of the whole child. The hours for the new learning center will be from 6:30 am – 5:30 pm and the program will serve 45-65 children depending on their licensing. This will be roughly equivalent to the hours and numbers of children served of the Head Start program according to the applicant. The applicant currently runs a daycare center, The Tot Spot at 1724 S Brahma in Kingsville. Rodrigo Monsevias, 320 E Corral, called in support of the property continuing as a daycare. We have received no calls in opposition.

It is recommended to approve this use barring as there will be little, if any changes to the properties current use and no objections from neighboring property owners have been raised.

CITY OF KINGSVILLE  
PLANNING AND ZONING DIVISION  
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 324 E Corral Ave Nearest Intersection Corral & Yang Dr.

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

Legal Description: Yang terrace, Block 2, Lot 9, 10

Existing Zoning Designation \_\_\_\_\_ Future Land Use Plan Designation \_\_\_\_\_

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Yaneli Alanis Phone 361 720 5495 FAX \_\_\_\_\_

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

Mailing Address 348 NFM 2619 City Kingsville State TX Zip 78363

Property Owner Yaneli Alanis Phone 361 720 5495 FAX \_\_\_\_\_

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

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

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

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

Please provide a basic description of the proposed project:

wanting to open a learning academy.  
ages 6 weeks to 5 years old.

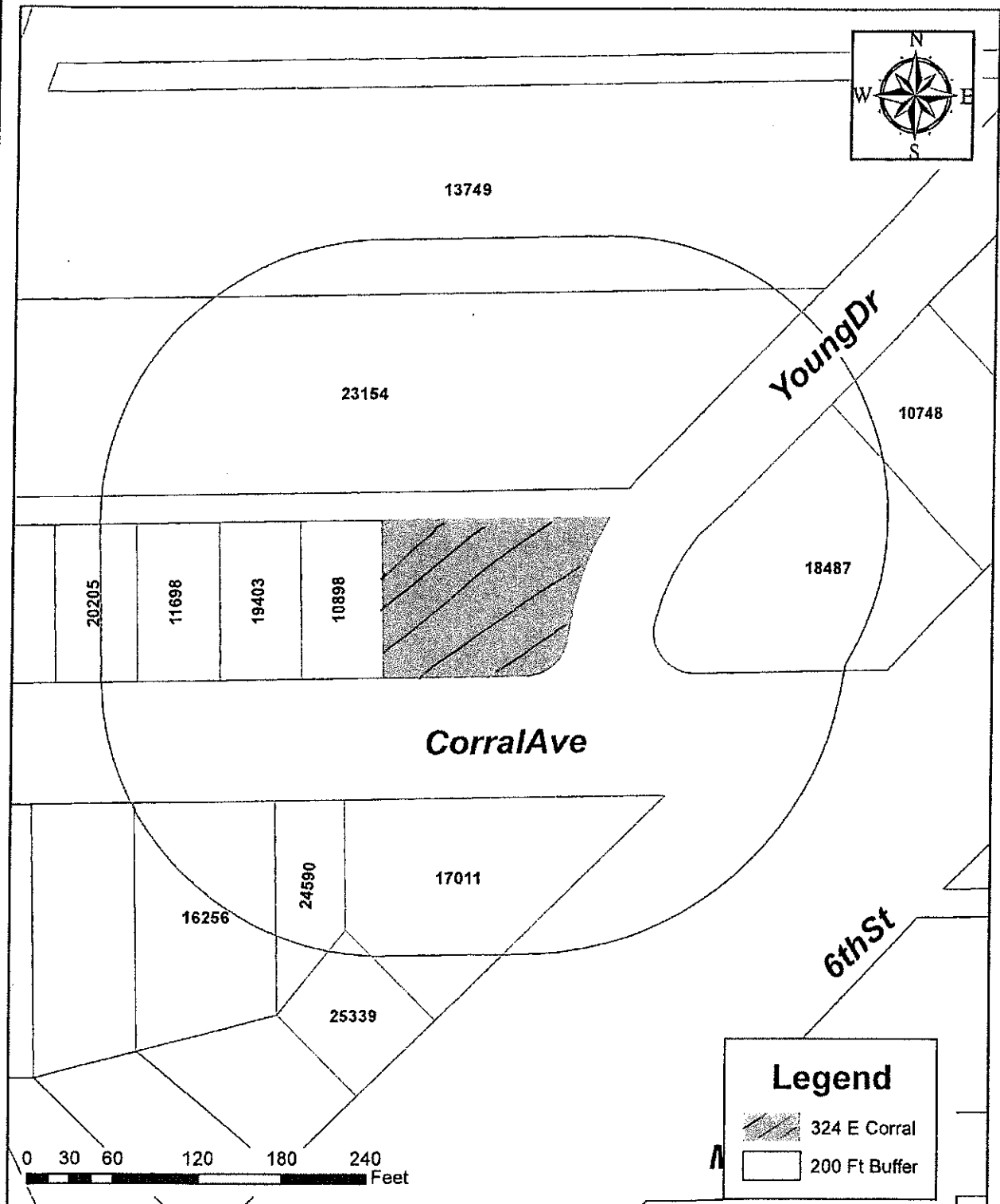
I hereby certify that I am the owner and /or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature \_\_\_\_\_ Date: \_\_\_\_\_

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

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

# 200 ft Buffer Map of 324 E Corral



Document Path: C:\Users\sresendez\Desktop\GISMaps\Buffer Map.mxd

Page 1 / 1	Drawn By: Planning Department	<b>DISCLAIMER</b> 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.	<b>CITY OF KINGSVILLE</b> <b>PLANNING DEPARTMENT</b> 410 West King Kingsville, Texas 78363 Office: 361-595-8055
	Last Update: 12/30/2019		
	Note:		

ZARKSY LUMBER CO  
PO BOX 2527  
VICTORIA, TX 77902-2527  
#11873, 22822

JUAN SALDANA SR EST  
ETUX MANUELA  
222 E KENEDY AVE  
KINGSVILLE, TX 78363-5571  
#20091

DAVID MACARENO  
1512 FM 1717  
KINGSVILLE, TX 78363  
#15104

GEORGE HERNANDEZ  
ETUX GUADALUPE  
716 S 16<sup>TH</sup> ST  
KINGSVILLE, TX 78363-6432  
#19600

RIGOBERTO OLIVO  
ANGELICA M OLIVO  
303 E KENEDY AVE  
KINGSVILLE, TX 78363  
#20034

KINGSVILLE C & A  
CORPORATION  
230 S 6<sup>TH</sup> ST  
KINGSVILLE, TX 78363-5515  
#14007

HECTOR ISLAS CORTEZ EST  
ETUZ ALEIDA  
PO BOX 1726  
KINGSVILLE, TX 78364-1726  
#10800

HARREL D NIX  
1222 CYPHER ST  
KINGSVILLE, TX 78363-3404  
#13482

EDUARDO RAMON TURLEY  
1906 MORNINGSIDE DR  
ALICE, TX 78332  
#23839

DIANNE RASKA  
1014 WILSHIRE PL  
CORPUS CHRISTI, TX 78411-  
2327  
#10258

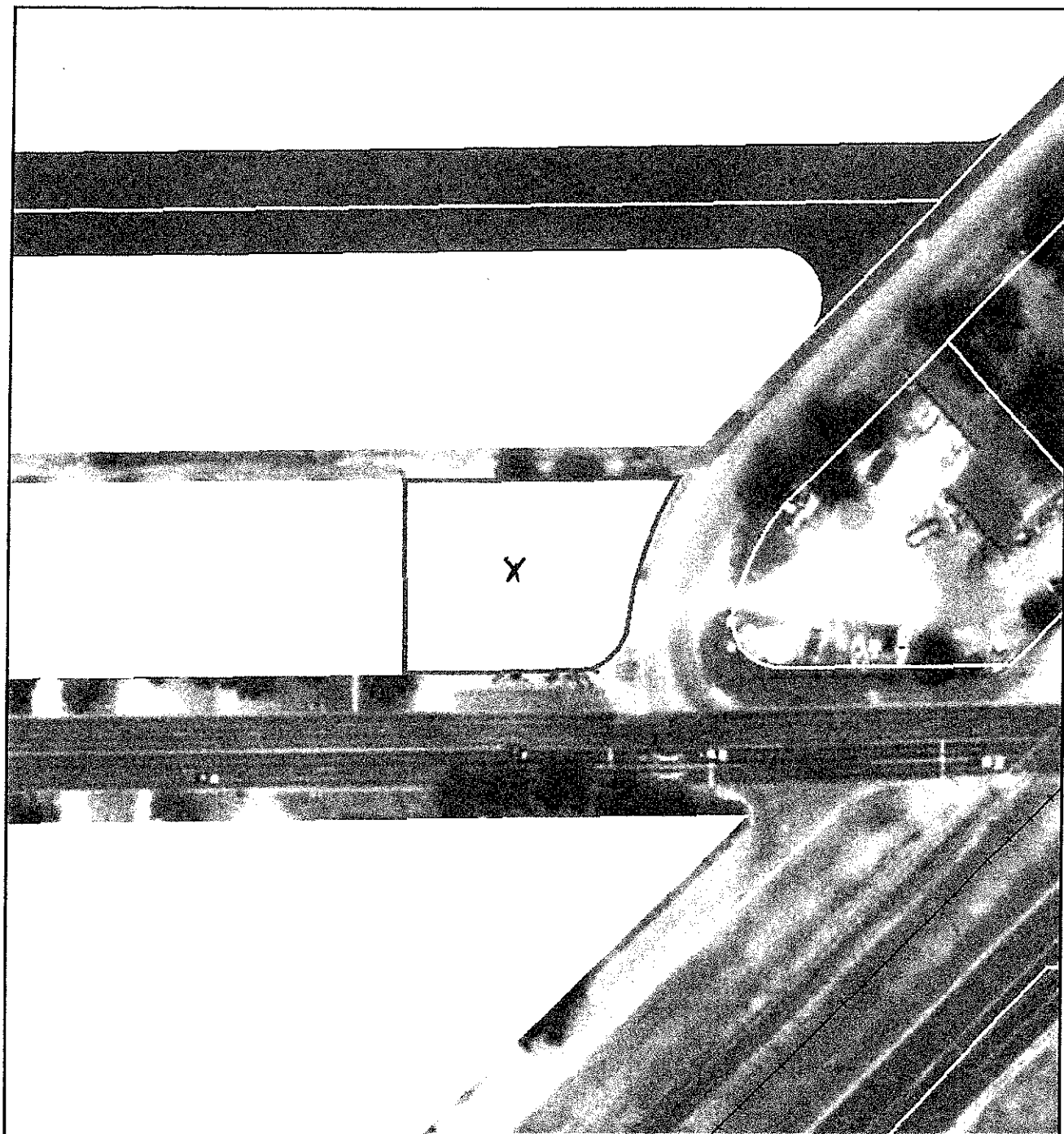
MARIO ALBERTO  
MALDONADO  
218 E KENEDY AVE  
KINGSVILLE, TX 78363-5571  
#13187

GILBERT DWAYNE POLLARD EST  
ETUX GWENDOLYN  
229 E KENEDY AVE  
KINGSVILLE, TX 78363-5570  
#10330

MICHELLE DORITE GARCIA  
327 S 7<sup>TH</sup> ST  
KINGSVILLE, TX 78363  
#20256

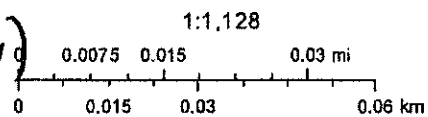
ANDREW ROMO JR  
218 E HENRIETTA AVE  
KINGSVILLE, TX 78363-4559  
#23219





December 19, 2019

X - RI (single family)



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

[illegible]

# Education

Thursday, December 26, 2019

Kingsville Record and Bishop News

7A

## Santa takes to the skies at Harrel Elementary



Before the holiday break, Harrel Elementary School students met a couple of special visitors from the North Pole as Santa and Mrs. Claus flew in via helicopter last Thursday. Children from grade prekindergarten 4 through fourth grade lined up outside to greet St. Nick as he landed the helicopter. Santa then met with each student individually to listen to their Christmas lists and give them candy canes. (Photos by Anthony Ruiz)



**UGLY  
CHRISTMAS  
SWEATER 5K  
RUN/WALK IN DKP**  
DECEMBER 28, 2019  
SIGN IN 8AM • RUN BEGINS @ 9AM



**KINGSVILLE PARKS & RECREATION  
KID'S NIGHT OUT! LOCK-IN**

A Holiday Party For Kids  
Monday, December 30th  
DKP REC HALL  
6pm - 10pm • Ages 8-13  
No Admission Fee  
Zero Tolerance for bad behavior



DJ Music & Contests • Mock New Year at 9:30 • Pizza & Popcorn Bar  
Soft Drink will be sold

THOMAS HENRY KING RANCH  
Walmart  
Divas Assoc. of Kingsville  
For info: 361.221.9705  
siv@cityofkingsville.com

### PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, January 13, 2020 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: Yaneli Alams, applicant, requesting a Special Use Permit for daycare use in R1 (Single Family) at YOUNG TERRACE, BLOCK 1, LOT 9, 10 also known as 324 E Corral, Kingsville, Texas. The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Graves 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, January 27, 2020 at 5:00 p.m. wherein the City Commission will discuss the introduction on the following item and at which time all interested persons will be heard: Yaneli Alams, applicant, requesting a Special Use Permit for daycare use in R1 (Single Family) at YOUNG TERRACE, BLOCK 1, LOT 9, 10 also known as 324 E Corral, Kingsville, Texas. The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Graves Community Room. If you have any questions about the items on the agenda, please contact the City Secretary at (361) 595-8002.

**ORDINANCE NO. 2020-\_\_\_\_\_**

**AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR DAYCARE USE IN R1 (SINGLE FAMILY DISTRICT) AT 324 E. CORRAL, KINGSVILLE, TEXAS, ALSO KNOWN AS YOUNG TERRACE, BLOCK 2, LOTS 9 & 10; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION.**

**WHEREAS**, the Planning & Zoning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Yaneli Alanis, property owner/applicant, for amendment to the zoning map of the City of Kingsville;

**WHEREAS**, the property is currently zoned R1-Single Family Residential District and it is desired for the area to be used exclusively as a daycare facility, which was its prior use;

**WHEREAS**, the City Code of Ordinances, Chapter XV-Land Usage, Appendix A- Land Use Categories states that in R1 a special use permit is required to have a day nursery or kinder (day care facility); and

**WHEREAS**, the City of Kingsville Code of Ordinances section 15-6-142 regulates special use permits; and

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, January 15, 2020, during a meeting of the Planning & Zoning Commission, and on Monday, January 27, 2020, during a meeting of the City Commission, in the Helen Kleberg Groves Community Room/Commission Chambers, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

**WHEREAS**, a majority of the Planning & Zoning Commission voted 4-0 to APPROVE, with no abstentions, the requested special use permit; and

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

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

**SECTION 1.** That the Zoning Ordinance of the City of Kingsville, Texas, is amended and a Special Use Permit is granted for a Daycare Facility on the premises known as 324 E. Corral, Kingsville, Texas, (Young Terrace, Block 2, Lots 9 & 10), as more specifically describe on site plan attached as Exhibit A.

**SECTION 2.** That the Special Use Permit granted in Section 1 of this Ordinance is subject the following conditions:

1. **ALLOWED USE:** The only uses authorized by this Special Permit other than the permitted "R1" Single Family District uses is as a Daycare Facility.

2. **STATE LICENSE:** The premises or operator be licensed or registered by the State of Texas to have a Daycare Facility.

3. **TIME LIMIT:** This Special Permit is good for the duration of the business from the date of this ordinance unless the property is not being used for the purpose outlined in Condition 1 or any other conditions have not been complied with.

4. **SPECIAL CONDITION:** The applicant shall obtain all required background checks, business licenses and cooperation with all annual fire safety, health, and sanitation inspections, as required by the Department of Family and Protective Services and the City of Kingsville, in order to maintain compliance with state and city regulations for the day care facility.

**SECTION 3.** That the official Zoning Map of the City of Kingsville, Texas, is amended to reflect the amendment to the Zoning Ordinance made by Section 1 of this ordinance.

**SECTION 4.** That the Zoning Ordinance and Zoning Map of the City of Kingsville, Texas, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

**SECTION 5.** That to the extent that this amendment to the Zoning Ordinance represents a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the Zoning Ordinance, as amended by this ordinance.

**SECTION 6.** That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

**SECTION 7.** That publication shall be made in the official publication of the City of Kingsville as required by the City Charter of the City of Kingsville.

**INTRODUCED** on this the 27th day of January, 2020.

**PASSED AND APPROVED** on this the 10th day of February, 2020.

Effective Date: \_\_\_\_\_, 2020

**THE CITY OF KINGSVILLE**

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

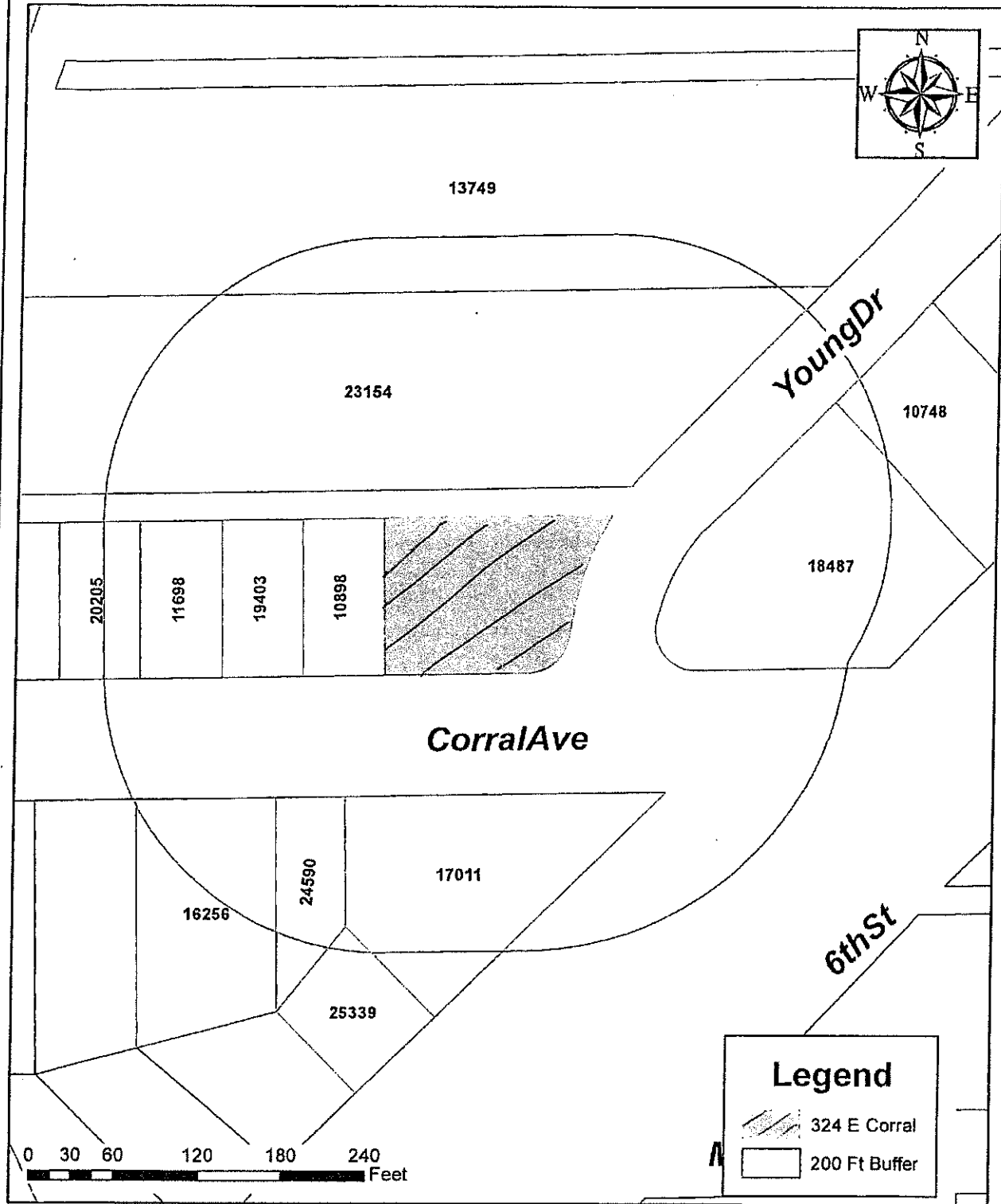
**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# 200 ft Buffer Map of 324 E Corral



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Page 1 / 1	Drawn By: Planning Department	<p><b>DISCLAIMER</b></p> <p>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.</p>	<p><b>CITY OF KINGSVILLE</b> <b>PLANNING DEPARTMENT</b></p> <p>410 West King Kingsville, Texas 78363 Office: 361-595-8055</p>
	Last Update: 12/30/2019		
	Note:		

# **AGENDA ITEM #13**



**City of Kingsville  
Planning Department**

---

TO: Mayor and City Commissioners  
CC: Mark McLaughlin, City Manager  
FROM: Cynthia Martin, Downtown Manager  
DATE: January 15, 2020  
SUBJECT: Façade grant application for 311- 313 E Kleberg

---

**Summary:**

Mary and Warren Allen have submitted a façade grant application for the building at 311- 313 E Kleberg requesting a grant amount of \$20,000 to replace the roof. Façade grants are meant to be a 50-50 reimbursement match on a dollar for dollar basis generally not to exceed \$20,000 subject to availability of budgeted funds, unless otherwise approved by City Commission.

**Background:**

In 2013, City Commission created a façade grant program to achieve a certain public purpose, namely, the protection and preservation of the City's historic structures in a manner that promotes economic development.

- The c 1935 building located in the Kingsville Downtown National Register District is considered a contributing building to the district. Mary and Warren Allen have owned this building for many years, at one time occupying the building with their own business. Currently the building is divided into two rental units only one of which is rented. A leaky roof on the building has prevented the unit to the east from being able to be leased out and threatens the owners with the potential loss of the tenant renting unit to the west. During the last big rain, their tenant counted eleven leaks and has stated he may have to move out if the roof is not fixed. The owners have spent a fair amount of money hiring contractors to patch the roof as they could not afford a full replacement, but the leaks persist.

The cost for replacing the existing roof is estimated at \$41,611.30.



**City of Kingsville  
Planning Department**

**Financial Impact:**

The City's match for this grant award would be \$20,000 funded by Hotel Occupancy Tax funds.

**Recommendation:**

It is recommended that City Commission consider approval of a grant award up to \$20,000 for this project.



**RESOLUTION #2020-\_\_\_\_\_**

**A RESOLUTION APPROVING AN APPLICATION AND AGREEMENT FOR THE HISTORIC DISTRICT FAÇADE GRANT PROGRAM FROM MARY AND WARREN ALLEN FOR PROPERTY LOCATED AT 311-313 E. KLEBERG AVENUE, KINGSVILLE, TEXAS.**

**WHEREAS**, the City Commission recognized a need exists for economic development, historic restoration & preservation, and tourism promotion in the historic district of the city, especially in the downtown area, and approved Historic District Façade Grant Program Guidelines in an effort to enhance meeting these objectives;

**WHEREAS**, the City received an Application and an Agreement for a Historic District Façade Improvement Grant from Mary & Warren Allen for roof repairs/replacement at their building located at 311-313 East Kleberg Avenue, in the downtown area and in the historic district;

**WHEREAS**, the application has a projected amount for the roof repairs/replacement of about \$41,611.30;

**WHEREAS**, the Façade Grant Guidelines provide for the applicant to pay for all the repairs and seek up to a 50% reimbursement of dollars expended in an amount not to exceed \$20,000 subject to availability of budgeted funds;

**WHEREAS**, there is currently \$20,000 available in budgeted funds for façade grants in the FY19-20 budget, and generally the guidelines allow the City to reimburse up to 50% of allowed expenses paid in an amount not to exceed \$20,000;

**WHEREAS**, half of the estimated project cost exceeds \$20,000 so the maximum amount allowed for reimbursement would be half of actual allowed expenses not to exceed \$20,000;

**WHEREAS**, accordingly, the City would reimburse up to 50% (ie, an amount up to \$20,000) of the out-of-pocket expenses for work performed and paid for by the applicant for repair/replacement of the building's roof;

**WHEREAS**, staff reviewed the application and recommends the City Commission approve the façade grant for the roof project at 311-313 E. Kleberg Avenue;

**WHEREAS**, the City believes external improvements to property in the city increase assessed values thereby expanding the tax base and stimulate historic preservation & renovation, which enhance tourism and increases economic activity; and

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

I.

**THAT** the Historic District Façade Grant Application and Agreement for Mary and Warren Allen for their building located at 311-313 East Kleberg Avenue, Kingsville, Texas in the downtown area and in the historic district for roof repairs/replacement be approved with a maximum of 50% reimbursement of eligible out-of-pocket expenses as per the attached; and, the City shall provide as a grant reimbursement up to 50% (up to \$20,000) of the out-of-pocket expenses for work performed and paid for by the applicant for repairs/replacement of the building's roof so long as all of the terms and conditions of the Historic District Façade Improvement Grant guidelines are met as stated above.

II.

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the 27<sup>th</sup> day of January, 2020.

---

Sam R. Fugate, Mayor

**ATTEST:**

---

Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

---

Courtney Alvarez, City Attorney

APPLICATION

Project Title: Roof Replacement Date Prepared: Jan. 8. 2020  
Owner: Mary & Warren Allen Phone #: 361-522-4632 cell  
Email Address: MaryAllen22442@yahoo.com Individual Corporation Nonprofit Other  
(Circle)  
Address: 313 & 311 E. Kleberg County Kingsville, Tx. 78363  
Contact (if different): 621 E. General Cavazos Blvd Phone #: 361-522-4632 cell  
Email Address: Same Individual Corporation Nonprofit Other  
(Circle)

Address: \_\_\_\_\_

Project Location / Address: 313 & 311 E. Kleberg Kingsville, Tx. 78363

Legal Description: Original Town Block 51 Lot 6 & 7

Parcel Number: \_\_\_\_\_ Zoning C-3

National Register; Texas Landmark; Kingsville Historic Landmark; Contributing Property; Other  
(Circle)

Comment \_\_\_\_\_

Proposed Use: Retail

Scope of Work: Roof replacement

Schedule: to be completed as soon as possible / weather permitting

Contractor(s) Gillespie Roofing & Sheet Metal Kingsville, TX

Violation history: None

Attach documents that support:

- Legal Description of property, proof of ownership, and other proof of eligibility for grant
- Plans for the façade grant eligible project
- Photographs
- Statements of costs, budget, pro forma and other descriptions of expenses
- Construction schedule
- Authorization for access by City staff and other officials
- Statement of proposed use and timetable for occupancy of property
- Proof of absence of delinquent taxes, fines, fees, liens, claims, etc.
- Additional information when requested

Project Amount \$41,611.30

Requested grant amount \$20,000

Applicant signature Mary J. Allen Warren Allen

Office Use:

Date Received \_\_\_\_\_ Acknowledged by \_\_\_\_\_

Meeting Date(s) \_\_\_\_\_

Staff and/or Board and/or Commission actions \_\_\_\_\_

Notice Date(s) \_\_\_\_\_

Comment \_\_\_\_\_



# GILLESPIE ROOFING & SHEET METAL

FULLY INSURED AND BONDED

1407 6th St. P.O. Box 1822

Kingsville, TX 78363

Telephone: 361-592-5702 / Fax 361-516-1035

## PROPOSAL AND ACCEPTANCE

PROPOSAL SUBMITTED TO <b>MRS MARY ALLEN</b>		PHONE <b>522 4632</b>	DATE <b>11-25-19</b>
STREET <b>621 GENERAL CAVAZOS</b>		JOB NAME	
CITY, STATE AND ZIP CODE <b>KINGSVILLE TX 78363</b>		JOB LOCATION <b>313 E KLEBERG AND 311 E KLEBERG, KINGSVILLE</b>	
ARCHITECT	DATE OF PLANS		JOB PHONE

We hereby submit specifications and estimates for:

### I. 313 E KLEBERG, KINGSVILLE TX:

1. REMOVE EXISTING ROOFING MATERIAL
2. INSTALL NEW FRAMING IN DEAD VALLEY TO DRAIN WATER
3. INSTALL 1 PLY BASESHEET FOR UNDERLAYMENT
4. MOP WITH HOT ASPHALT 2 PLYS FIBERGLASS FELT AND OVERLAY WITH MODIFIED CAPSHEET
5. WINDSTORM CERTIFICATE INCLUDED
6. ROTTEN LUMBER, IF ANY, WILL BE REMOVED AND REPLACED AT AN ADDED COST TO OWNER
7. REMOVE DEBRIS AND CLEAN PREMISES OF ROOFING MATERIAL

\$ 21,166.00  
1,746.20 SALES TAX  
 \$ 22,912.20

OR

### II. 311 E. KLEBERG, KINGSVILLE TX:

1. SAME PROCESS AS ABOVE
- \$ 18,700.00  
1,542.75 SALES TAX  
 \$ 20,242.75

OR

### III. RE-ROOF BOTH AT THE SAME TIME...

\$ 38,440.00  
3,171.30 SALES TAX  
 \$ 41,611.30

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

**AS ABOVE** \_\_\_\_\_ dollars (\$ \_\_\_\_\_).

Payment to be made as follows:

**MATERIAL DRAW AT COMMENCEMENT WITH REMAINDER DUE IN FULL UPON COMPLETION**

All material is guaranteed to be as specified. All work to be completed in a workman-like manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized  
Signature \_\_\_\_\_

Note: This proposal may be withdrawn by us if not accepted within **30** days.

**Acceptance of Proposal** - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature \_\_\_\_\_

Date of Acceptance \_\_\_\_\_

Signature \_\_\_\_\_

Entities	Values
CAD	47,870
100%	
CKI	+
100%	7,000
GKL	=
100%	54,870
SKI	
100%	
WST	
100%	

ACRES:  
EFF. ACRES:

APPR VAL METHOD: Cost

# SKETCH for Improvement #1 (COMMERCIAL)

## GENERAL

UTILITIES	LAST APPR.	CT
TOPOGRAPHY	LAST APPR. YR	2019
ROAD ACCESS	LAST INSP. DATE	04/15/2019
ZONING	NEXT INSP. DATE	
BUILDER		
NEXT REASON		
REMARKS		
C3		
FOR '19 UPDATE APPR CHGS PER SCHEDULE OR SITE INSP PER CT 4/15/19 4/25/19 JO -- FOR '16 CHG CNP TO CN1 - CN1 VALUE IS INCLUDED IN RS2L RATEVAL (FV @ 0) -		

BUILDING PERMITS				
ISSUE DT	PERMIT TYPE	PERMIT AREA	ST	PERMIT VAL
SALE DT	PRICE	GRANTOR	DEED INFO	
01/31/2007	*****	ALLEN WARREN S	CTRBD / 354 / 684	
02/01/1988	*****	UNKNOWN	QT / 7 / 63	

SUBD:	S001	100.00%	NBHD:
#	TYPE	DESCRIPTION	MTHO CLAS
MA		MAIN AREA	RSL
CN1		CANOPY BASIC	FVJ
OP1		OPEN PORCH B	7
MA		MAIN AREA	WH
MA		MAIN AREA	WH
1.	COMMERCIAL		STCD: F1
-		CNT VALUE IS INCLUDED IN RSL2 RATE	

IMPROVEMENT INFORMATION			
BUILT	EFF.YR	COND.	VALUE
1935	1976	*	98,520
1935	1976	*	10
1935	1976	*	640
1999	1976	*	5,860
	1976	*	11,840
	1976	*	179,660

<u>FUNC.</u>	<u>COMP.</u>	<u>ADJ.</u>	<u>ADJ. VALUE</u>
100%	100%	0.40	39,410
100%	100%	1.00	0
100%	100%	0.40	260
100%	100%	0.40	2,340
100%	100%	0.40	5,860
			<u>47,870</u>

IMPROVEMENT FEATURES	
Foundation	1 FD1
Exterior Wall	1 EW5
Interior Finish	1 IN1IN2
Roof Style	RT3 RM2
Flooring	#FL1FL3
Heating/Cooling	1 HA1
Plumbing	1 2

SUBD: S001  
L# DESCRIPTION  
1. F1  
Comment: F: 50.00 R: 50.00 D: 140 SFT  
100.00% NBHD: CLS TABL SQ1

<u>METH</u>	<b>LAND INFORMATION</b>				IRR Wells: 0	Capacity: 0
<u>SQ</u>	<u>DIMENSIONS</u>	<u>UNIT PRICE</u>	<u>GROSS VALUE</u>	<u>ADJ MASS ADJ</u>	<u>VAL SRC</u>	
	7,000,0000 SQ	1.00	7,000	1.00	1.00	A

IRR Acres: 0	Oil Wells: 0
<u>MARKT VAL</u>	<u>AG CLASS</u>
7,000	NO
	<u>AG UNIT PRC</u>
	0.00
	<u>AG VALUE</u>
	0
<u>7,000</u>	<u>0</u>

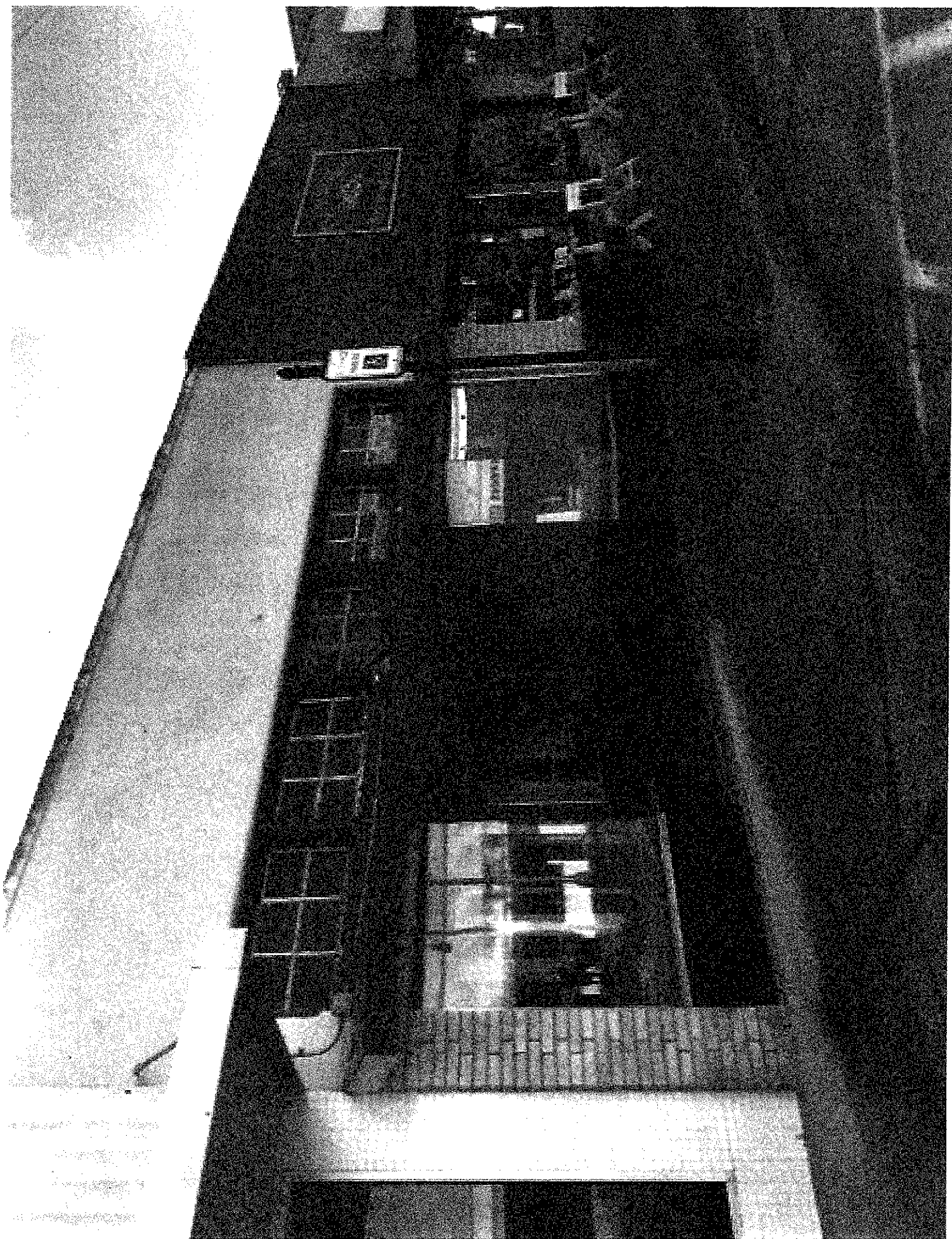
Page 1 of 1

Effective Date of Appraisal: January 1

Date Printed: 01/08/2020 10:28:05AM

by Vicki





## **FACADE GRANT PROGRAM GUIDELINES**

### **HISTORIC PRESERVATION AS A TOURISM AND ECONOMIC DEVELOPMENT TOOL FOR KINGSVILLE'S HISTORIC DOWNTOWN**

#### **FACADE GRANT PROGRAM CREATED**

Thirty years ago, the City of Kingsville created a Historic District and a Historical Development Board to protect historic resources within the district. In an effort to assist the Historic Development Board with this task consistent with the City Commission goals for historic preservation, tourism and economic development, the City Commission hereby designates and approves a Façade Grant Program, funded, in part or in whole, from Hotel/Motel Tax revenues.

#### **PUBLIC PURPOSE**

The Façade Grant Program Guidelines provide guidance to property owners, City policymakers and City staff concerning the use of Façade Grant awards that will achieve a certain public purpose, namely, the protection and preservation of the City's historic structures in a manner that promotes tourism and encourages economic development. Accordingly, City staff may propose, Historic Development Board may recommend and the City Commission may approve the award of Façade Program grants for certain commercial and/or mixed use properties in furtherance of these public purposes.

#### **ELIGIBLE PARTICIPANTS/APPLICANTS**

Grant awards will be considered for property owners who repair, improve, replace and/or rehabilitate certain building facades or other exterior features. Façade grants will also be considered for property owners who mitigate certain deleterious building conditions, internal or external, structural or non-structural, functional or aesthetic, that threaten the structure's existence, prevent its highest and best use, or otherwise limits its full economic utility.

To be considered eligible, a participant/applicant must be in good legal and financial standing with Federal, State, and Local governments and taxing jurisdictions. The participant/applicant must either have appropriate ownership and control of the property or be leasing the property for business purposes in which case the participant/applicant must be acting with the full knowledge and consent of the property owner. If leasing, the participant/applicant must 1) have written approval for participation in the program from the property owner, 2) have at least two years remaining on the lease and 3) be in good legal and financial standing with the property owner. The participant/applicant must not have any major actual or pending criminal claims or bankruptcy filings. The City shall seek approval from the applicant and the applicant shall provide any and all information that the City deems necessary to assist it in consideration of the Façade Grant Project including, but no limited to, obtaining releases from the applicant for criminal, background, credit and other histories.

Property owners shall not assume they will qualify for Façade Grant Program award until such time as the City Commission has given its final approval of the grant and then only when the applicant meets all Façade Grant criteria including passing all City inspections.

### **ELIGIBLE PROPERTIES**

Eligible properties include properties in the Historic Downtown District that are on the National Register of Historic Places, recorded as a Texas Historic Landmark, or designated as a Kingsville Historic Landmark, a historically significant contributing Property within the Historic District or as otherwise recommended by the Historic Preservation Officer, and/or Historical Development Board or at the City Commission's sole discretion.

### **ELIGIBLE PROJECTS**

Project eligibility considerations can include, but are not necessarily limited to: The historical significance of the building, its potential contribution to the achievement of Commission goals for historic preservation, tourism, development, downtown revitalization and economic development perceived risk vs. reward of the project, property owner resources, funding availability, impact on the immediately surrounding properties and on the Historic District generally.

Façade program grants offered to one property owner shall not obligate the City to make awards to other property owners having similar or dissimilar projects and/or properties. Each façade grant application is reviewed, considered and funded on a case-by-case basis based on merit subject to available funding.

Buildings that are officially designated as historically significant by local, state or federal entities may or may not be given preference. Restoration of storefronts to their historic appearance may or may not be given preference. Restoration work that is not in conformity with local restoration guidelines will be denied access to the façade grant program, unless an exception is made by the City Commission prior to the start of façade improvements.

### **ELIGIBLE EXPENDITURES (mostly or exclusively exterior)**

Eligible project expenditures include, but are not necessarily limited to the following:

- Architectural and engineering fees related to eligible expenses
- Awnings or canopies in character with the building and streetscape
- Cleaning (major)
- Compatible new construction
- Door/window replacement
- Electrical and/or plumbing (major)
- Exterior murals
- Fire escapes
- Foundations
- Gutters
- Landscape and hardscape features
- Lighting that is visually appealing and appropriately illuminates signage, storefront
- Paint
- Preserving or restoring of historical architectural elements
- Recessing or reconfiguring entrances
- Rehabilitation of contributing structures
- Removal/replacement of incompatible exterior finishes or materials
- Removal of false facades and other inappropriate additions
- Restoration of historic signs or ghost signs
- • Roofing
- Signs (new, repairs, replacements, removal)
- Other (as determined on a case-by-case basis)

**INELIGIBLE EXPENDITURES (mostly or exclusively interior)**

- Appliances
- Capital equipment purchases
- Cleaning (minor)
- Decorative treatments
- Electrical and or plumbing (minor or incidental)
- Escalators and/or elevators
- Furniture
- Government fees
- HVAC systems
- Incompatible new construction
- Legal, financing, leasing, rental and other administrative and financing expenses
- Maintenance activities
- Owner and/or tenant labor
- Paint, floor, wall, window or ceiling treatments
- Repair tools and equipment
- Security systems
- Sprinkler or fire suppression systems
- Taxes
- Wall construction and partitions
- Other (as determined on a case-by-case basis)

**RULES AND PROCEDURES****The Façade Grant Project**

The Façade Grant Project must be described accurately and explained fully so as to provide a reasonably informed person with the obvious limits and scope of the Project. Items excluded from mention will be considered ineligible for reimbursement under the façade grant program unless otherwise approved by City Commission. The burden for justifying the façade grant shall be borne by the applicant.

Façade Grants will be awarded on a first-come-first-serve basis until funds are depleted annually.

Façade Grant Projects must be completed within six months from date of grant approval. Any grant reimbursement funds not released on the project during this six-month period will be forfeited.

Applicants must agree to maintain the subject building in good repair for five years from the completion of the Façade Grant Project. Applicants must agree not to change or alter property improvements funded through the Façade Grant for a minimum period of three years from the date of the final reimbursement check.

At least three years must have elapsed before the property owner who was the recipient of a Façade Grant can apply for participation in the Façade Grant Program for the same property.

No Façade Grant will be awarded for work done prior to grant application approval by the City Commission.

# AGREEMENT

I have read the guidelines and the application for the City of Kingsville Historic District Façade Improvement Grant Program and have met with City staff and I fully understand the terms and conditions that affect the eligibility and possible awards under that program.

I intend to use any grant awarded to me under that program for the project(s) described in the attached application which I believe meet the intended purposes and limitations of the subject program.

I understand that I, as owner of the property, must meet the standards enumerated, that the project must meet guidelines, that the grant must be approved at the sole discretion of the City of Kingsville, that awards are subject to availability of funds and are further subject to inspections by the Historic Preservation Officer and the City Building Official or their designees.

I understand that disbursements are generally made as reimbursements and are made subject to the rules contained in the program guidelines.

I further understand that certain projects may require deed restrictions and/or a grant of easement, as negotiated in advance.

Address/ Description of Property 313 & 311 E. Kleberg

Building Owner Name Mary & Warren Allen

Business Owner Address 621 E. General Cavazos Blvd. Kingsville, Tx

Signature(s) Mary Jane Allen Warren Allen

Date January 8, 2020

For the City Kingsville, Tx. Kleberg County

Signature [Signature] Date January 8, 2020

## **AGENDA ITEM #14**

**City of Kingsville  
Engineering Dept.**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

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

DATE: January 27, 2020

SUBJECT: Consider approving a resolution of the City Commission of Kingsville, Texas pertaining to the Texas Community Development Block Grant Program (TXCDBG) Contract Number 7219192.

---

**Summary:**

As part of the grant requirements the City will need to approve a resolution for the following contractual documents:

1. A201 Resolution Authorizing Signatories
2. A202 Depository/Authorized Signatories Designation Form
3. A1014 Resolution Regarding Civil Right
4. A1013 Citizen Participation Plan
5. A1002 Section 3 Policy
6. A1003 Excessive Force Policy
7. A1004 Section 504 Policy against Discrimination based on Handicap and Grievance Procedures
8. A1010 Over 5% Limited English Proficiency Plan
9. A1015 Fair Housing Policy
10. Code of Conduct Policy of the City of Kingsville
11. Proclamation of April as Fair Housing Month.

**Background:**

The City applied for a downtown grant for improvement along 7<sup>th</sup> St. between Kleberg Ave. and Yoakum Ave. The improvements include new sidewalks, steps, ADA accessibility, lighting and drainage improvements. The Engineering Dept.'s construction cost estimate is approximately \$350,000.00.



**City of Kingsville  
Engineering Dept.**

**Financial Impact:**

The grant will total \$350,000.00 and the City will provide a cash match of 34,000.00 and 36,000.00 of in-kind services by the Engineering Department. The cash match will be Fund 101 – TX CDBG Main Street Grant 7219192.

**Recommendation:**

Staff recommends approving item as presented.

**Attachments:**

Project Area Map

Table 2 - Budget Justification of Retail Costs

Resolution # 2020-\_\_\_\_\_

A201 Resolution Authorizing Signatories

A202 Depository/Authorized Signatories Designation Form

A1014 Resolution Regarding Civil Right

A1013 Citizen Participation Plan

A1002 Section 3 Policy

A1003 Excessive Force Policy

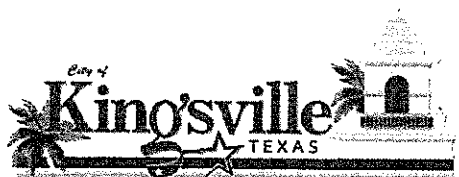
A1004 Section 504 Policy against Discrimination based on Handicap and Grievance Procedures

A1010 Over 5% Limited English Proficiency Plan

A1015 Fair Housing Policy

Code of Conduct Policy of the City of Kingsville

Proclamation of April as Fair Housing Month.





SHEET

2020 MAIN STREET IMPROVEMENT  
7TH STREET  
PROJECT AREA MAP

Drawn by: V. MARQUEZ

Date: 08/29/2019

Checked by: R. MORA

Job:

Scale: AS NOTED

CITY OF KINGSVILLE  
ENGINEERING DEPARTMENT

400 West King  
Kingsville, Texas 78363  
Office 361.595.8007  
Fax 361.595.8035

LEGEND

PROPOSED CONCRETE STEPS

PROP. SIDEWALK

PROP. CROSSWALK

PROP. BULBOUT

PROP. LIGHT POST

PROP. DRIVEWAY

PROP. HANDICAP PARKING W/ SIGN

PROP. ADA RAMP

PROP. ADA SYMBOL

PROP. CURBS

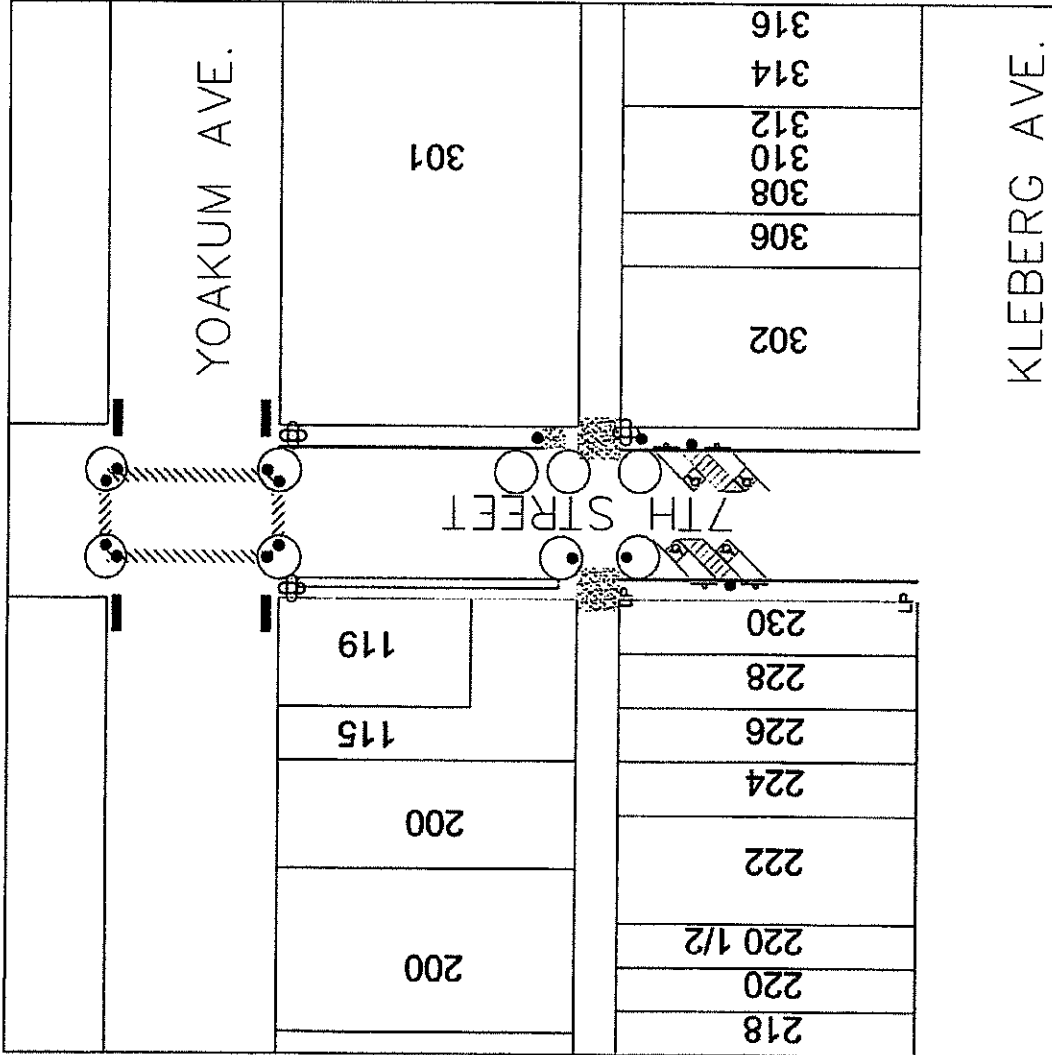
PROP. CURB INLET

EXISTING LIGHT POST



LP

THIS DOCUMENT IS  
RELEASED FOR THE  
PURPOSE OF REVIEW  
UNDER THE AUTHORITY  
OF RUILO P. MORA, JR.  
P.E.# 111508  
ON 9/18/19  
IT IS NOT TO BE USED  
FOR ANY OTHER  
PURPOSE.



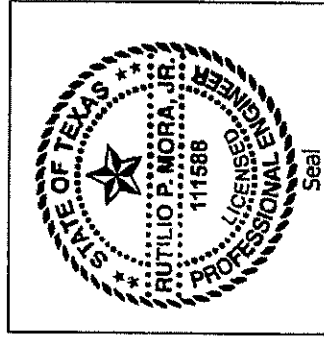
PROJECT AREA MAP

SCALE: 1:1000



**TABLE 2 - BUDGET JUSTIFICATION OF RETAIL COSTS**

Activity Description	HUD Act #	Materials/Facilities/Services	\$/Unit	Unit	Quantity	Construction	Acquisition	Total
Sidewalks	03L	Remove / replace concrete sidewalk	\$125.00	SY	580	\$72,500	\$0	\$72,500
Sidewalks	03L	Remove and install concrete curb	\$75.00	LF	300	\$22,500	\$0	\$22,500
Sidewalks	03L	Remove grate inlet and piping	\$400.00	EA	4	\$1,600	\$0	\$1,600
Sidewalks	03L	Concrete curb inlet and drainage pipe	\$20,000.00	EA	4	\$80,000	\$0	\$80,000
Sidewalks	03L	Concrete steps	\$130.00	LF	100	\$13,000	\$0	\$13,000
Sidewalks	03L	ADA curb ramp	\$5,000.00	EA	12	\$60,000	\$0	\$60,000
Sidewalks	03L	Bulb-out brick pavers and curb	\$110.00	SY	290	\$31,900	\$0	\$31,900
Sidewalks	03L	Crosswalk striping	\$500.00	EA	4	\$2,000	\$0	\$2,000
Sidewalks	03L	ADA parking and signs	\$1,500.00	EA	4	\$6,000	\$0	\$6,000
Sidewalks	03L	Ornamental light assembly and electrical	\$8,000.00	EA	3	\$24,000	\$0	\$24,000
Sidewalks	03L	Driveway / alley entrance	\$200.00	SY	160	\$32,000	\$0	\$32,000
						<b>\$345,500</b>	<b>\$0</b>	<b>\$345,500</b>



*Rutilio P. Mora, Jr. P.E.*

Signature of Registered Engineer/Architect and Date

City of Kingsville 361-595-8004 rmora@cityofkingsville.com

Firm Name

Phone Number

Email

Justification for the identified project service area.

The existing sidewalks in the downtown area are deteriorated and present a hazard to individuals in the area. Sections of curb and gutter are missing. Additionally, sidewalks lack ADA compliant access including wheelchair accessible ramps. Drainage is poor, there are two small grate inlets that clog with debris and require constant maintenance. There are no bulb outs at the corners to accommodate installation of ramps and reduce vehicular speed in the area. Lighting is limited for pedestrians and requires additional lighting. ADA parking is limited and the area requires additional ADA-compliant parking.

## RESOLUTION # 2020-\_\_\_\_\_

### **A RESOLUTION OF THE CITY OF KINGSVILLE, TEXAS, REGARDING SEVERAL POLICIES AND RESOLUTIONS SUCH AS DESIGNATION OF SIGNATORIES, CIVIL RIGHTS, CITIZEN PARTICIPATION PLAN, SECTION 3, EXCESSIVE FORCE, SECTION 504, FAIR HOUSING, AND CODE OF CONDUCT POLICIES FOR TXCDBG COMPLIANCE.**

**WHEREAS**, the City of Kingsville, Texas, (hereinafter referred to as "City of Kingsville") has been awarded Texas Community Development Block Grant (hereinafter referred to as "TxCDBG") funding through a 2019 TxCDBG grant Contract #7219192 from the Texas Department of Agriculture (hereinafter referred to as "TDA") for Main Street sidewalk improvements;

**WHEREAS**, the City of Kingsville, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability;

**WHEREAS**, the City of Kingsville, in consideration for the receipt and acceptance of federal funding for the Contract, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections;

**WHEREAS**, the City of Kingsville, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135, is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the TxCDBG project area;

**WHEREAS**, the City of Kingsville, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State's certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;

**WHEREAS**, the City of Kingsville, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each TxCDBG project;

**WHEREAS**, the City of Kingsville, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and

**WHEREAS**, the City of Kingsville, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be

administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period, to affirmatively further fair housing;

**WHEREAS**, the City of Kingsville, agrees to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS THAT THE CITY OF KINGSVILLE ADOPTS THE FOLLOWING, which are attached hereto:**

1. Resolution Authorizing Signatories (Form A201); Depository/authorized Signatories Designation Form (Form A202);
2. Resolution Regarding Civil Rights (Form A1014);
3. Citizen Participation Plan and Grievance Procedures (Form A1013)/ Plan de Participacion Ciudadana;
4. Section 3 Policy (Form A1002);
5. Excessive Force Policy (Form A1003)
6. Section 504 Policy Against Discrimination Based on Handicap and Grievance Procedures (Form A1004);
7. Over 5% Limited English Proficiency (LEP) Plan (Form A1010);
8. Fair Housing Policy (Form A1015);
9. Fair Housing Month Proclamation, Proclamation of April as Fair Housing Month (Form A1007); and
10. Code of Conduct Policy.

I.

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

II.

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

**PASSED AND APPROVED** by a majority vote of the City Commission the 27th day of January, 2020.

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Sam R. Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, City Secretary

**APPROVED AS TO FORM**

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Courtney Alvarez, City Attorney

**RESOLUTION AUTHORIZING SIGNATORIES**

**A RESOLUTION BY THE CITY COUNCIL OF CITY OF KINGSVILLE DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT MAIN STREET GRANT PROGRAM (TXCDBG) CONTRACT NUMBER 7219192.**

**WHEREAS**, the City of Kingsville has received a 2019 Texas Community Development Block Grant award to provide Main Street Sidewalk Improvements; and

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

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

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

- a resolution stating who the new authorized signatory is (not required if this original resolution names only the title and not the name of the signatory); and
- a revised TxCDBG *Depository/ Authorized Signatories Designation Form (Form A202)*.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF KINGSVILLE, TEXAS, AS FOLLOWS:**

The Mayor and City Manager are authorized to execute contractual and environmental review documents between the Texas Department of Agriculture and the City for the 2019 Texas Community Development Main Street Grant Program.

The Mayor, City Manager, and Finance Director are authorized to execute the *State of Texas Purchase Voucher* and *Request for Payment Form* documents required for requesting funds approved in the 2019 Texas Community Development Main Street Grant Program.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KINGSVILLE, TEXAS,**  
on \_\_\_\_\_, 2020.

**APPROVED:**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Secretary

**Depository/Authorized Signatories Designation Form**Grant Recipient City of KingsvilleTxCDBG Contract No. 7219192

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

<b>Sam R. Fugate</b>	<b>Mark McLaughlin</b>
_____ (Name)	_____ (Name)
<b>Mayor</b>	<b>City Manager</b>
_____ (Title)	_____ (Title)
_____ (Signature)	_____ (Signature)

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

<b>Sam R. Fugate</b>	<b>Mark McLaughlin</b>
_____ (Name)	_____ (Name)
<b>Mayor</b>	<b>City Manager</b>
_____ (Title)	_____ (Title)
_____ (Signature)	_____ (Signature)

<b>Deborah Balli</b>	
_____ (Name)	_____ (Name)
<b>Finance Director</b>	
_____ (Title)	_____ (Title)
_____ (Signature)	_____ (Signature)

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

\_\_\_\_\_

\_\_\_\_\_

## **Resolution Regarding Civil Rights**

### **The City of Kingsville, Texas**

Whereas, the City of Kingsville, Texas, (hereinafter referred to as "City of Kingsville") has been awarded TxCDBG funding through a TxCDBG grant from the Texas Department of Agriculture (hereinafter referred to as "TDA");

Whereas, the City of Kingsville, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability;

Whereas, the City of Kingsville, in consideration for the receipt and acceptance of federal funding for the Contract, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections;

Whereas, the City of Kingsville, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135, is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the TxCDBG project area;

Whereas, the City of Kingsville, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State's certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;

Whereas, the City of Kingsville, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each TxCDBG project;

Whereas, the City of Kingsville, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds;

Whereas, the City of Kingsville, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period to affirmatively further fair housing; and

Whereas, the City of Kingsville, agrees to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KINGSVILLE, TEXAS, THAT THE CITY OF KINGSVILLE ADOPTS THE FOLLOWING:

1. Citizen Participation Plan and Grievance Procedures (Form A1013);
2. Section 3 Policy (Form A1002);
3. Excessive Force Policy (Form A1003);
4. Section 504 Policy and Grievance Procedures (Form A1004);
5. Limited English Proficiency (LEP) Standards (Form A1010);
6. Fair Housing Policy (Form 1015); and
7. Code of Conduct Policy.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Signature of Elected Official  
City of Kingsville

\_\_\_\_\_  
Printed Name of Elected Official



**CITY OF KINGSVILLE  
CITIZEN PARTICIPATION PLAN  
TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

*Note to Grant Recipients regarding Limited English Proficiency (LEP) requirements:*

In accordance with federal law, if there is a significant number of the population who are non-English speaking residents and are affected by the TxCDBG project, such citizens should have "meaningful access" to all aspects of the TxCDBG project. To provide 'meaningful access', Grant Recipients may need to provide interpreter services at public hearings or provide non-English written materials that are routinely provided in English. Examples of such vital documents include Citizen Participation notices (e.g. complaint procedures, hearing notices) civil rights notices, and any other published notice that may allow an eligible person with limited English proficiency to participate in discussing proposed CDBG activities.

For more information, see LEP.gov.

**COMPLAINT PROCEDURES**

These complaint procedures comply with the requirements of the Texas Department of Agriculture's Texas Community Development Block Grant (TxCDBG) Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at the City of Kingsville offices, 400 W. King, Kingsville, TX 78363, PO Box 1458, Kingsville, TX 78364-1458, (361) 595-8001 during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the TxCDBG project.

1. A person who has a complaint or grievance about any services or activities with respect to the TxCDBG project, whether it is a proposed, ongoing, or completed TxCDBG project, may during regular business hours submit such complaint or grievance, in writing to the Mayor, at City of Kingsville at 400 W. King, Kingsville, TX 78363, PO Box 1458, or may call (361) 595-8001.
2. A copy of the complaint or grievance shall be transmitted by the Mayor to the entity that is the subject of the complaint or grievance and to the City Attorney within five (5) working days after the date of the complaint or grievance was received.
3. The Mayor shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days per 3. above, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the TxCDBG for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

## TECHNICAL ASSISTANCE

When requested, the City shall provide technical assistance to groups that are representative of persons of low- and moderate-income in developing proposals for the use of TxCDBG funds. The City, based upon the specific needs of the community's residents at the time of the request, shall determine the level and type of assistance.

## PUBLIC HEARING PROVISIONS

For each public hearing scheduled and conducted by the City, the following public hearing provisions shall be observed:

1. Public notice of all hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice must include the date, time, location, and topics to be considered at the public hearing. A published newspaper article can also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.
2. When a significant number of non-English speaking residents are a part of the potential service area of the TxCDBG project, vital documents such as notices should be published in the predominant language of these non-English speaking citizens.
3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and the City must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to the hearing.
4. A public hearing held prior to the submission of a TxCDBG application must be held after 5:00 PM on a weekday or at a convenient time on a Saturday or Sunday.
5. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City shall comply with the following citizen participation requirements for the preparation and submission of an application for a TxCDBG project:

1. At a minimum, the City shall hold at least one (1) public hearing to prior to submitting the application to the Texas Department of Agriculture.
2. The City shall retain documentation of the hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the proposed use of funds for three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.
3. The public hearing shall include a discussion with citizens as outlined in the applicable TxCDBG application manual to include, but is not limited to, the development of housing and community development needs, the amount of funding available, all eligible activities under the TxCDBG program, and the use of past TxCDBG contract funds, if applicable. Citizens, with particular emphasis on persons of low- and moderate-income who are residents of slum and blight areas, shall be encouraged to submit their views and proposals regarding community development and housing needs. Citizens shall be made aware of the location where they may submit their views and proposals should they be unable to attend the public hearing.

4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City must comply with the following citizen participation requirements in the event that the City receives funds from the TxCDBG program:

1. The City shall also hold a public hearing concerning any substantial change, as determined by TxCDBG, proposed to be made in the use of TxCDBG funds from one eligible activity to another again using the preceding notice requirements.
2. Upon completion of the TxCDBG project, the City shall hold a public hearing and review its program performance including the actual use of the TxCDBG funds.
3. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, for either a public hearing concerning substantial change to the TxCDBG project or for the closeout of the TxCDBG project, publish notice in both English and Spanish, or other appropriate language and provide an interpreter at the hearing to accommodate the needs of the non-English speaking residents.
4. The City shall retain documentation of the TxCDBG project, including hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three (3) years three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.

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**Sam R. Fugate, Mayor**

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**Date**

**LA CIUDAD DE KINGSVILLE**  
**PLAN DE PARTICIPACIÓN CIUDADANA**  
**PROGRAMA DE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

*Nota a los receptores de subvención en relación a requisitos de Dominio Limitado del inglés:*

De acuerdo con la ley federal hay un número significativo de población que son residentes y que no hablan inglés y son afectados por el proyecto TxCDBG, estos ciudadanos deben tener "acceso significativo" a todos los aspectos del proyecto TxCDBG. Para proporcionar "acceso significativo", receptores de la subvención pueden ser utilizados para proporcionar servicios de interpretación en las audiencias públicas o proporcionar materiales no escritos en inglés que se proporcionan de manera rutinaria en inglés.

Para obtener más información, consulte LEP.gov.

**PROCEDIMIENTOS DE QUEJA**

Estos procedimientos de queja cumplen con los requisitos del Departamento de Programa de Agricultura de Texas Community Development Block Grant (TxCDBG) y los requisitos del gobierno local de Texas se encuentran en 24 CFR §570.486 (Código de Regulaciones Federales). Los ciudadanos pueden obtener una copia de estos procedimientos en la Ciudad de (Dirección postal City of Kingsville, 400 W. King, Kingsville, TX 78363, PO Box 1458, Kingsville, TX 78364-1458, (361) 595-8001, ( teléfono ) en horario de oficina.

A continuación se presentan los procedimientos formales de quejas y quejas relativas a los servicios prestados en el marco del proyecto TxCDBG.

1. Una persona que tiene una queja o reclamación sobre cualquiera de los servicios o actividades en relación con el proyecto TxCDBG, o si se trata de una propuesta, en curso o determinado proyecto TxCDBG, pueden durante las horas regulares presentar dicha queja o reclamo, por escrito a la Mayor, a City of Kingsville, 400 W. King, Kingsville, TX 78363, PO Box 1458, Kingsville, TX 78364-1458, (361) 595-8001.
2. Una copia de la queja o reclamación se transmitirá por el alcalde a la entidad que es encargada de la queja o reclamación y al Abogado de la Ciudad dentro de los cinco (5) días hábiles siguientes a la fecha de la queja o día que la reclamación fue recibida.
3. El alcalde deberá cumplir una investigación de la queja o reclamación, si es posible, y dará una respuesta oportuna por escrito a la persona que hizo la denuncia o queja dentro de los diez (10) días.
4. Si la investigación no puede ser completada dentro de los diez (10) días hábiles anteriormente, la persona que hizo la queja o denuncia será notificada, por escrito, dentro de los quince (15) días cuando sea posible después de la entrega de la queja original o quejas y detallará cuando se deberá completar la investigación.
5. Si es necesario, la queja y una copia escrita de la investigación posterior se remitirán a la TxCDBG para su posterior revisión y comentarios.
6. Se proporcionará copias de los procedimientos de queja y las respuestas a las quejas, tanto en inglés y español, u otro lenguaje apropiado.

## ASISTENCIA TÉCNICA

Cuando lo solicite, la Ciudad proporcionará asistencia técnica a los grupos que son representantes de las personas de bajos y moderados ingresos en el desarrollo de propuestas para el uso de los fondos TxCDBG. La Ciudad, en base a las necesidades específicas de los residentes de la comunidad en el momento de la solicitud, deberá determinar el nivel y tipo de asistencia.

## DISPOSICIONES AUDIENCIA PÚBLICA

Para cada audiencia pública programada y llevada a cabo por la Ciudad, se observarán las disposiciones siguientes de audiencias públicas:

1. Aviso público de todas las audiencias deberá publicarse al menos setenta y dos (72) horas antes de la audiencia programada. El aviso público deberá publicarse en un periódico local. Cada aviso público debe incluir la fecha, hora, lugar y temas a considerar en la audiencia pública. Un artículo periodístico publicado también puede utilizarse para cumplir con este requisito, siempre y cuando cumpla con todos los requisitos de contenido y temporización. Los avisos también deben ser un lugar prominente en los edificios públicos y se distribuyen a las autoridades locales de vivienda pública y otros grupos interesados de la comunidad.
2. Cuando se tenga un número significativo de residentes que no hablan inglés serán una parte de la zona de servicio potencial del proyecto TxCDBG, documentos vitales como las comunicaciones deben ser publicados en el idioma predominante de estos ciudadanos que no hablan inglés.
3. Cada audiencia pública se llevará a cabo en un momento y lugar conveniente para los beneficiarios potenciales o reales e incluirá alojamiento para personas con discapacidad. Las personas con discapacidad deben poder asistir a las audiencias y la Ciudad debe hacer los arreglos para las personas que requieren ayudas o servicios auxiliares en caso de necesitarlo por lo menos dos días antes de la audiencia pública.
4. Una audiencia pública celebrada antes de la presentación de una solicitud TxCDBG debe hacerse después de las 5:00 pm en un día de semana o en un momento conveniente en sábado o domingo.
5. Cuando un número significativo de residentes que no hablan inglés se registra para participar en una audiencia pública, un intérprete debe estar presente para dar cabida a las necesidades de los residentes que no hablan inglés.

La Ciudad deberá cumplir con los siguientes requisitos de participación ciudadana para la elaboración y presentación de una solicitud para un proyecto TxCDBG:

1. Como mínimo, la Ciudad deberá tener por lo menos un (1) audiencia pública antes de presentar la solicitud al Departamento de Agricultura de Texas.
2. La Ciudad conservará la documentación de la convocatoria(s) audiencia, un listado de las personas que asistieron a la audiencia(s), acta de la vista(s), y cualquier otra documentación relativa a la propuesta de utilizar los fondos para tres (3) años a partir de la liquidación de la subvención para el Estado. Dichos registros se pondrán a disposición del público, de conformidad con el Capítulo 552, Código de Gobierno de Texas.
3. La audiencia pública deberá incluir una discusión con los ciudadanos como se indica en el manual correspondiente de aplicación TxCDBG, pero no se limita a, el desarrollo de las necesidades de vivienda y desarrollo comunitario, la cantidad de fondos disponibles, todas las actividades elegibles bajo el programa TxCDBG y el uso de fondos últimos contratos TxCDBG, en su caso.

Los ciudadanos, con especial énfasis en las personas de bajos y moderados ingresos que son residentes de las zonas de tugurios y tizón, se fomentará a presentar sus opiniones y propuestas sobre el desarrollo de la comunidad y las necesidades de vivienda. Los ciudadanos deben ser conscientes de la ubicación en la que podrán presentar sus puntos de vista y propuestas en caso de que no pueda asistir a la audiencia pública.

4. Cuando un número significativo de residentes que no hablan inglés se registra para participar en una audiencia pública, un intérprete debe estar presente para dar cabida a las necesidades de los residentes que no hablan inglés.

La Ciudad debe cumplir con los siguientes requisitos de participación ciudadana en el caso de que la Ciudad recibe fondos del programa TxCDBG:

1. La Ciudad celebrará una audiencia pública sobre cualquier cambio sustancial, según lo determinado por TxCDBG, se propuso que se hará con el uso de fondos TxCDBG de una actividad elegible a otro utilizando de nuevo los requisitos de notificación
2. Una vez finalizado el proyecto TxCDBG, la Ciudad celebrará una audiencia pública y revisará el desempeño del programa incluyendo el uso real de los fondos TxCDBG.
3. Cuando un número significativo de residentes que no hablan inglés se puede registra para participar en una audiencia pública, ya sea para una audiencia pública sobre el cambio sustancial del proyecto TxCDBG o para la liquidación del proyecto TxCDBG, publicará un aviso en inglés y español u otro idioma apropiado y se proporcionara un intérprete en la audiencia para dar cabida a las necesidades de los residentes.
4. La Ciudad conservará la documentación del proyecto TxCDBG, incluyendo aviso de audiencia(s), un listado de las personas que asistieron a la audiencia(s), acta de la vista(s), y cualquier otro registro concerniente al uso real de los fondos por un período de a tres (3) años a partir de la liquidación del proyecto al estado.

Dichos registros se pondrán a disposición del público, de conformidad con el Capítulo 552, Código de Gobierno de

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Sam R. Fugate, Alcalde de la ciudad

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Fecha

### **SECTION 3 POLICY**

In accordance with 12 U.S.C. 1701u, (Section 3), the City of Kingsville agrees to implement the following steps, which, to the *greatest extent feasible*, will provide job training, employment and contracting opportunities for Section 3 residents and Section 3 businesses of the areas in which the program/project is being carried out.

- A. Introduce and pass a resolution adopting this plan as a policy to strive to attain goals for compliance to Section 3 regulations by increasing opportunities for employment and contracting for Section 3 residents and businesses.
- B. Assign duties related to implementation of this plan to the designated Civil Rights Officer.
- C. Notify Section 3 residents and business concerns of potential new employment and contracting opportunities as they are triggered by TxCDBG grant awards through the use of: Public Hearings and related advertisements; public notices; bidding advertisements and bid documents; notification to local business organizations such as the Chamber(s) of Commerce or the Urban League; local advertising media including public signage; project area committees and citizen advisory boards; local HUD offices; regional planning agencies; and all other appropriate referral sources. Include Section 3 clauses in all covered solicitations and contracts.
- D. Maintain a list of those businesses that have identified themselves as Section 3 businesses for utilization in TxCDBG funded procurements, notify those businesses of pending contractual opportunities, and make this list available for general Grant Recipient procurement needs.
- E. Maintain a list of those persons who have identified themselves as Section 3 residents and contact those persons when hiring/training opportunities are available through either the Grant Recipient or contractors.
- F. Require that all Prime contractors and subcontractors with contracts over \$100,000 commit to this plan as part of their contract work. Monitor the contractors' performance with respect to meeting Section 3 requirements and require that they submit reports as may be required by HUD or TDA to the Grant Recipient.
- G. Submit reports as required by HUD or TDA regarding contracting with Section 3 businesses and/or employment as they occur; and submit reports within 20 days of federal fiscal year end (by October 20) which identify and quantify Section 3 businesses and employees.
- H. Maintain records, including copies of correspondence, memoranda, etc., which document all actions taken to comply with Section 3 regulations.

As officers and representatives of the City of Kingsville, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

---

Sam R. Fugate, Mayor

---

Date

**Excessive Force Policy**

In accordance with 24 CFR 91.325(b)(6), the City of Kingsville hereby adopts and will enforce the following policy with respect to the use of excessive force:

1. It is the policy of the City of Kingsville to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations;
2. It is also the policy of the City of Kingsville to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction; and
3. The City of Kingsville will introduce and pass a resolution adopting this policy.

As officers and representatives of City of Kingsville, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

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Signature

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Mayor

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Date



## **Section 504 Policy Against Discrimination Based on Handicap and Grievance Procedures**

In accordance with 24 CFR Section 8, Nondiscrimination based on Handicap in federally assisted programs and activities of the Department of Housing and Urban Development, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), City of Kingsville hereby adopts the following policy and grievance procedures:

1. Discrimination prohibited. No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD).
2. City of Kingsville does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its federally assisted programs and activities.
3. City of Kingsville's recruitment materials or publications shall include a statement of this policy in 1. above.
4. City of Kingsville shall take continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of handicap in violation of 24 CFR Part 8.
5. For hearing and visually impaired individuals eligible to be served or likely to be affected by the TxCDBG program, City of Kingsville shall ensure that they are provided with the information necessary to understand and participate in the TxCDBG program.
6. Grievances and Complaints
  - a. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for City of Kingsville) to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
  - b. Complaints should be addressed to the Mayor, PO Box 1458, Kingsville, TX, 78364-1458 or call (361) 595-8001, who has been designated to coordinate Section 504 compliance efforts.
  - c. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
  - d. A complaint should be filed within thirty (30) working days after the complainant becomes aware of the alleged violation.
  - e. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the Mayor. Informal but thorough investigations will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
  - f. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by Mayor, and a copy forwarded to the complainant with fifteen (15) working days after the filing of the complaint where practicable.
  - g. The Section 504 coordinator shall maintain the files and records of the City of Kingsville relating to the complaint files.

- h. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be made to the City of Kingsville within ten working days after the receipt of the written determination/resolution.
- i. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- j. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the City of Kingsville complies with Section 504 and HUD regulations.

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Sam R. Fugate, Mayor

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Date

## Over 5% Limited English Proficiency Plan - 7219192

Name of Grantee:	City of Kingsville
Community Population:	25,875
LEP Population:	1,905 individuals 7.9%
Languages spoken: 1) By more than 5% of the eligible population or beneficiaries and has more than 50 in number; or 2) By more than 5% of the eligible population or beneficiaries but has less than 50 or less in number; or 3) By more than 1,000 individuals in the eligible population in the market area or among current beneficiaries	Spanish

Program activities to be accessible to LEP persons:	
<input checked="" type="checkbox"/>	Public Notices and hearings regarding applications for grant funding, amendments to project activities, and completion of grant-funded project
<input checked="" type="checkbox"/>	Publications regarding TxCDBG application, grievance procedures, <i>complaint procedures</i> , <i>complaint procedures</i> , <i>answers to complaints</i> , <i>notices</i> , <i>notices of rights and disciplinary action</i> , and other vital hearings, documents, and program requirements
<input checked="" type="checkbox"/>	Other program documents: Documents available in Spanish for directly assisted beneficiaries, if applicable.

Resources available to Grant Recipient:	
<input checked="" type="checkbox"/>	Translation services: available upon request
<input checked="" type="checkbox"/>	Interpreter services: available upon request with prior notice
	Other resources: _____

Language Assistance to be provided:	
<input checked="" type="checkbox"/>	Translation (oral and/or written) of advertised notices and vital documents for: <u>Public hearing, Complaint and Grievance, Equal Opportunity, Policy of Non-discrimination Based on Disability Status and Fair Housing notices are available in Spanish. Other CDBG required program notices are available in Spanish upon request.</u>
<input checked="" type="checkbox"/>	Referrals to community liaisons proficient in the language of LEP persons: <u>Spanish-speaking liaisons are available upon request.</u>
<input checked="" type="checkbox"/>	Public meetings conducted in multiple languages: <u>Available upon request with two days advance notice.</u>
<input checked="" type="checkbox"/>	Notices to recipients of the availability of LEP services: <u>Included in translated notices.</u>
	Other services: _____

Signature - Chief Elected Official or Civil Rights Officer

Date

### **Fair Housing Policy**

In accordance with Fair Housing Act, the City of Kingsville hereby adopts the following policy with respect to the Affirmatively Furthering Fair Housing:

1. City of Kingsville agrees to affirmatively further fair housing choice for all seven protected classes (race, color, religion, sex, disability, familial status, and national origin).
2. City of Kingsville agrees to plan at least one activity during the contract term to affirmatively further fair housing.
3. City of Kingsville will introduce and pass a resolution adopting this policy.

As officers and representatives of City of Kingsville, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

**PROCLAMATION OF APRIL AS FAIR HOUSING MONTH**

WHEREAS Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and

WHEREAS The principle of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and

WHEREAS The National Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

NOW, THEREFORE, WE, the City Council of the City of Kingsville, do proclaim April as Fair Housing Month in City of Kingsville and do hereby urge all the citizens of this locality to become aware of and support the Fair Housing law.

Passed and adopted by the City Council of the City of Kingsville, Kleberg County, State of Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**APPROVED:**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Secretary

## **Code of Conduct Policy of the City of Kingsville**

As a Grant Recipient of a TxCDBG contract, City of Kingsville shall avoid, neutralize or mitigate actual or potential conflicts of interest so as to prevent an unfair competitive advantage or the existence of conflicting roles that might impair the performance of the TxCDBG contract or impact the integrity of the procurement process.

For procurement of goods and services, no employee, officer, or agent of the City of Kingsville shall participate in the selection, award, or administration of a contract supported by TxCDBG funds if he or she has a real or apparent conflict of interest. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

No officer, employee, or agent of the City of Kingsville shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

For all other cases, no employee, agent, consultant, officer, or elected or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or subrecipients which are receiving TxCDBG funds, that has any CDBG function/responsibility, or is in a position to participate in a decision-making process or gain inside information, may obtain a financial interest or benefit from the TxCDBG activity.

The conflict of interest restrictions and procurement requirements identified herein shall apply to a benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a TxCDBG contract or award, or that is required to complete some or all work under the TxCDBG contract in order to meet the National Program Objective.

Any person or entity including any benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a TxCDBG contract or award, or that is required to complete some or all work under the TxCDBG contract in order to meet a National Program Objective, that might potentially receive benefits from TxCDBG awards may not participate in the selection, award, or administration of a contract supported by CDBG funding.

Any alleged violations of these standards of conduct shall be referred to the City of Kingsville Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer; where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

**Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.**

\_\_\_\_\_  
Mayor, City of Kingsville

*These procedures are intended to serve as guidelines for the procurement of supplies, equipment, construction services and professional services for the Texas Community Development Block Grant (TxCDBG) Program. The regulations related to conflict of interest and nepotism may be found at the Texas Government Code Chapter 573, Texas Local Government Code Chapter 171, Uniform Grant Management Standards by Texas Comptroller, 24 CFR 570.489(g) &(h), and 2 CFR 200.318*

# **AGENDA ITEM #15**

**City of Kingsville  
Planning Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Cynthia Martin, Downtown Manager

DATE: January 15, 2020

SUBJECT: Ordinance Amending the Fiscal Year 2019-2020 Budget to Setup the Budget for Texas Capital Fund Main Street Grant #7219192 for Sidewalks

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**Summary:** As the need for funding for expenditures for sidewalk improvements for this grant project when the budget for this fiscal year was adopted, a budget amendment is required to set up a budget for this project.

**Background:** The City of Kingsville was recently awarded a Texas Capital Fund Main Street grant in the amount of \$350,000 for the purpose of infrastructure improvements in Kingsville's designated Main Street area. The grant will be used to replace deteriorated sidewalks, curb & gutter, construct new ADA compliant ramps, add handicapped parking spaces and for drainage improvements along 7<sup>th</sup> Street between Kleberg Avenue and Yoakum Avenue. The maximum grant award is \$350,000.

**Financial Impact:** There will be a cash match of \$34,000 and an in-kind match of \$36,000 to total a 20% match. The cash match of \$34,000 will be transferred from the Downtown Revitalization allocation from Fund 033. In-kind services of \$36,000 for engineering services when added to the \$34,000 cash match will make a total match of \$70,000.

**Recommendation:** We respectfully request City Commission to approve an ordinance to amend the Fiscal Year 2019-2020 budget to set up the budget for Texas Capital Fund Main Street Grant #7219192.





**ORDINANCE NO. 2020-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2019-2020 BUDGET TO SETUP THE BUDGET FOR THE NEWLY AWARDED MAIN STREET GRANT #7219192 FROM CDBG THROUGH THE TEXAS DEPARTMENT OF AGRICULTURE FOR SIDEWALKS.**

**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 2019-2020 budget be amended as follows:

**CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT**

<b>Dept No.</b>	<b>Dept Name</b>	<b>Account Name</b>	<b>Account Number</b>	<b>Budget Increase</b>	<b>Budget Decrease</b>
<b>Fund 033 – CO 2016</b>					
<u>Expenditures - 5</u>					
1030	City Special	Downtown Revitalization	71216		\$34,000
6900	Transfers	Transfer to Fund 101	80101	\$34,000	
<b>Fund 101 – TX CDBG Main Street Grant 7219192</b>					
<u>Revenues</u>					
0000	Non Dept	State Grants	72010	\$350,000	
0000	Non Dept	Transfer from Fund 033	75033	\$34,000	
<u>Expenditures – 5</u>					
1604	Downtown	Grounds & Perm Fixtures	59100	\$384,000	

[To amend the City of Kingsville FY 19-20 Budget to setup the budget for the newly awarded Main Street Grant #7219192 from CDBG through the Texas Department of Agriculture for sidewalks. Funding of \$350,000 will come from the grant award that includes a cash match of \$34,000 transferred from Downtown Revitalization allocation from Fund 033. In-kind services of \$36,000 for engineering services will offset the other portion of the total match of \$70,000.]

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 27th day of January 2020.

**PASSED AND APPROVED** on this the 10<sup>th</sup> day of February, 2020.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #16**

**RESOLUTION #2020-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF KINGSVILLE AND TEXAS A&M UNIVERSITY-KINGSVILLE RELATING TO VETERINARY TECHNOLOGY TRAINING PROGRAM; 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) operates the City-County Health Department (Health Department), which has an Animal Control Division; and

**WHEREAS**, Texas A&M University-Kingsville (TAMUK) has started a Veterinary Technology Training Program (Vet Tech Program) that teaches animal care techniques such as immunization, hygiene, and health evaluations; and

**WHEREAS**, TAMUK has a need for cats and dogs to use in the Vet Tech Program as the students will benefit from, and are required by the American Veterinary Medical Association to have real world experience with animals to enhance their hands-on studies, much like aspiring doctors and dentists practice with patients under the watchful care of a trained professional during their schooling curriculum; and

**WHEREAS**, TAMUK would not be performing experiments on the animals it would be loaned from the Health Department for the Vet Tech Program; and

**WHEREAS**, the City and TAMUK would both benefit from the local university students performing basic care skills on animals from the Health Department, as the students gain experience and the animals would be in a better condition for future adoption; and

**WHEREAS**, the City is not required to pay for these veterinary technologist services or supplies, but only needs to supply the animals and TAMUK has agreed to provide students and staff supervisors, space and supplies for this project via their Vet Tech Program; and

**WHEREAS**, the City Commission previously approved an Interlocal Agreement with TAMUK relating to the Veterinary Technology Training Program on February 23, 2015 via Resolution #2015-20, on September 11, 2017 via Resolution #2017-57, on October 28, 2019 via Resolution #2019-98 and that agreement is in need of slight modification for pet adoption on Page 2 in Section 2C(8); 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 THEREFOR, BE IT RESOLVED** by the City Commission of the City of Kingsville, Texas:

I.

**THAT** the Mayor is authorized and directed as an act of the City of Kingsville, Texas to enter into an Interlocal Cooperation Agreement Between the City of Kingsville and the Texas A&M University-Kingsville relating to Veterinary Technology Training Program 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 \_\_\_\_\_ 27th day of January \_\_\_\_\_, 2020.

\_\_\_\_\_  
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  
VETERINARY TECHNOLOGY TRAINING PROGRAM**

**WITNESSETH:**

**WHEREAS**, City of Kingsville (City) operates the City-County Health Department (Health Department), which has an Animal Control Division; and

**WHEREAS**, Texas A&M University-Kingsville (TAMUK) has started a Veterinary Technology Training Program (Vet Tech Program) that teaches animal care techniques such as immunization, hygiene, and health evaluations; and

**WHEREAS**, TAMUK has a need for cats and dogs to use in the Vet Tech Program as the students will benefit from, and are required by the American Veterinary Medical Association to have real world experience with animals to enhance their hands-on studies, much like aspiring doctors and dentists practice with patients under the watchful care of a trained professional during their schooling curriculum; and

**WHEREAS**, TAMUK would not be performing experiments on the animals it would be loaned from the Health Department for the Vet Tech Program; and

**WHEREAS**, the City and TAMUK would both benefit from the local university students performing basic care skills on animals from the Health Department, as the students gain experience and the animals would be in a better condition for future adoption; and

**WHEREAS**, the City is not required to pay for these veterinary technologist services or supplies, but only needs to supply the animals and TAMUK has agreed to provide students and staff supervisors, space and supplies for this project via their Vet Tech Program; and

**WHEREAS**, the City Commission has previously approved several similar Interlocal Agreement with TAMUK relating to students performing engineering design work under staff supervision; and

**WHEREAS**, the City Commission approved a renewal of this agreement at a regular meeting on October 28, 2019 via Resolution #2019-98 but now desires to amend that agreement to include language to facilitate the transfer of animals from TAMUK's Vet Tech Program with City approval to charitable animal rescue groups; and

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

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

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

2. **PURPOSE.**

- A. TAMUK will perform veterinary technologist procedures on animals loaned from the City-County Health Department's Animal Control Center under certain conditions stated below.
- B. The City will provide TAMUK animals from the City-County Health Department's Animal Control Center for students to perform veterinary technologist procedures under the University staff's supervision
- C. The parties agree that the following conditions will apply:
  - 1. Animals are provided by City's Health Department for educational use by the students enrolled in the Veterinary Technology program at TAMUK. All educational and medical procedures must be approved by the University's Animal Care and Use Committee before they are implemented.
  - 2. Animals that are found to be aggressive, severely ill or are otherwise not fit for adoption may be returned to the Health Department or euthanized.
  - 3. The students are not provided with liability or medical coverage on or off campus by TAMUK. Injuries that may occur to a student are not covered by TAMUK or by the City-County Health Department, the City or the County. However, reasonable care will be taken by TAMUK to provide a safe environment and to educate the students on safety.
  - 4. City's Health Department is not responsible for any adverse effects that may occur to the animals as a result of educational or medical use of the animals.
  - 5. City's Health Department is not liable for costs or fees associated with the educational use of the animals.
  - 6. TAMUK is not held liable by City's Health Department for treatments, surgeries, and medications provided to the animals.
  - 7. It is further agreed that City's Health Department staff have only a limited time to evaluate the sociability and personality of each animal. Therefore, each student and faculty/staff member involved in the Veterinary Technology Program at TAMUK assumes the risk in working with the animal provided.
  - 8. Animals being held under the Vet Tech Program can be transferred to 501(c)(3) animal rescue groups after processing of appropriate paperwork by the City-County Health Department.

3. **TERM.**

- A. This Agreement shall be for an initial term of two years from October 28, 2019 through October 27, 2021. This Agreement will automatically renew at the end of

the initial term for one (1) year renewal periods, until either party elects to terminate the agreement.

B. This Agreement may be terminated at any time by any party with or without cause upon thirty (30) days advance written notice.

C. Any notice of termination shall be sent to the other party to this interlocal agreement at the address listed in paragraph 4 of this agreement.

#### 4. MISCELLANEOUS PROVISIONS.

A. Notice. Notice required by this Interlocal Agreement may be given or served by depositing the notice in the United States Mail, in certified or registered form, postage prepaid, addressed to the other party, or by delivering the notice in person to the other party. Notice deposited in the United States Mail in the manner prescribed in this subsection is effective upon deposit. The addresses of the parties are:

City of Kingsville, Texas  
Attention: City Manager  
P.O. Box 1458  
Kingsville, Texas 78364  
Telephone: (361) 595-8002  
Facsimile: (361) 595-8035

Texas A&M University Kingsville  
Attention: Provost and Vice President for Academic Affairs  
955 University Blvd. MSC 102  
Kingsville, Texas 78363-8202  
Telephone: (361) 593-3106  
Facsimile: (361) 593-3107

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. 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.

M. 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.

N. 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.

O. Governing Laws. This Agreement shall be governed by the laws of the State of Texas.

P. Venue. Venue for an action arising under this Agreement is in Kleberg County, Texas.

Q. Effective Date. This Agreement is effective on the date when the last party executes this agreement.

R. Multiple Originals. Two (2) copies of this Agreement are executed; each shall be deemed an original.

S. Dispute Resolution: The dispute resolution process provided in Chapter 2260, *Texas Government Code*, and the related rules adopted by the Texas Attorney General pursuant to Chapter 2260, shall be used by TAMUK and the City of Kingsville to attempt to resolve any claim for breach of this agreement by either party that cannot be resolved in the ordinary course of business. City shall submit written notice of a claim of breach of contract under this Chapter to Director of Procurement and General Services of TAMUK, who shall examine City's claim and any counterclaim and negotiate with City in an effort to resolve the claim.

**EXECUTED** by Texas A&M University -- Kingsville on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Allen Rasmussen, Ph.D.  
Provost and Vice President for Academic Affairs

**ATTEST:**

\_\_\_\_\_  
Martin Brittain  
Assistant Provost

**EXECUTED** by the City of Kingsville on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #17**

**City of Kingsville  
Finance Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Charlie Sosa Purchasing Manager

DATE: January 21, 2020

SUBJECT: Lease of 45 New Yamaha Golf Carts and One (1) Service Cart

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**Summary:**

This item authorizes the lease of 45 New Yamaha Golf Carts and one (1) service cart for driving range from Yamaha Golf Cart Company, through Buy Board Purchasing Cooperative for the L.E. Ramey Golf Course.

**Background:**

The existing golf carts are at the last year of end of lease and need of repair/replacement. The new 45 Yamaha Golf Carts come with a 5-year warranty on the chassis and mechanical components will replace the existing golf carts which just this year alone have anticipated over \$4,000.00 in repairs on chassis which was not included in warranty. The existing golf carts have met the lifespan of the equipment for the golf course.

**Financial Impact:**

Funds are available through 001-5-4502-64100 Capital Lease, Year One of which \$33,660.00 are budgeted this fiscal year. The total amount of the lease will be \$120,861.90 for 48 months, first 9 months from Feb.-Oct. 2020=2397.30/mo., and 39 months from Nov. 2020- Jan. 2024=2545.80/mo., an increase of \$148.50 per month for 39 months. Refer to Lease Schedule on Contract.

**Recommendation:**

It is recommended the City Lease the 45 Yamaha Golf Carts and one (1) service cart through Yamaha Golf Cart Company through Buy Board Contract # 529-17. Buy Board is a member of the Purchasing Cooperative which meets Local government code 271 Subchapter F allows for the use of a cooperative purchasing program, specifically 271.102 (c), states, "A local government that purchases good and service under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of goods and service." Therefore, competitive bidding statutes have been met.





City of Kingsville, TX

**Budget Report**  
**Account Summary**  
For Fiscal: 10/2019-09/2020 Period Ending: 01/31/2020

Fund: 001 - GENERAL FUND		Original	Current	Period	Fiscal	Encumbrances	Variance	Percent
Expense		Total Budget	Total Budget	Activity	Activity		Favorable (Unfavorable)	Remaining
001-5-4502-11100	Salaries & Wages	125,630.00	125,630.00	3,903.50	29,508.39	0.00	96,121.61	76.51 %
001-5-4502-11200	Overtime	8,000.00	8,000.00	279.65	1,461.54	0.00	6,538.46	81.73 %
001-5-4502-11301	Longevity - Non Civil Service	528.00	528.00	10.16	65.60	0.00	462.40	87.58 %
001-5-4502-11400	Retirement - TMRS	8,167.00	8,167.00	296.00	2,063.70	0.00	6,103.30	74.73 %
001-5-4502-11500	FICA	10,264.00	10,264.00	300.76	2,226.17	0.00	8,037.83	78.31 %
001-5-4502-11600	Group Health Insurance	23,275.00	23,275.00	1,677.06	11,739.42	0.00	11,535.58	49.56 %
001-5-4502-11700	Workers' Compensation	1,622.00	1,622.00	0.00	290.58	0.00	1,331.42	82.09 %
001-5-4502-12300	Unemployment Compensation	1,575.00	1,575.00	4.19	10.26	0.00	1,564.74	99.35 %
001-5-4502-21100	Life Insurance	184.00	184.00	15.30	61.02	0.00	122.98	66.84 %
001-5-4502-21176	Supplies	3,000.00	3,000.00	0.00	133.70	0.00	2,866.30	95.54 %
001-5-4502-21177	Irrigation Supplies	5,000.00	5,000.00	0.00	333.44	0.00	4,666.56	93.33 %
001-5-4502-21178	Pro Shop Supplies	6,000.00	6,000.00	0.00	399.35	0.00	5,600.65	93.34 %
001-5-4502-21179	Maintenance Supplies	9,500.00	9,500.00	0.00	2,385.83	235.08	6,879.09	72.41 %
001-5-4502-21181	Golf Course Accessories	3,500.00	3,500.00	0.00	210.11	0.00	3,289.89	94.00 %
001-5-4502-21200	Aggregates	2,800.00	2,800.00	0.00	0.00	0.00	2,800.00	100.00 %
001-5-4502-21400	Uniforms & Personal Wear	673.00	673.00	0.00	0.00	0.00	673.00	100.00 %
001-5-4502-21402	Chemicals	7,500.00	7,500.00	0.00	3,097.67	0.00	4,402.33	58.70 %
001-5-4502-21403	Weed Control Chemicals	3,000.00	3,000.00	0.00	0.00	0.00	3,000.00	100.00 %
001-5-4502-21404	Pesticide Chemicals	2,000.00	2,000.00	0.00	0.00	0.00	2,000.00	100.00 %
001-5-4502-21500	Fertilizer	7,500.00	7,500.00	0.00	0.00	0.00	7,500.00	100.00 %
001-5-4502-21700	Motor Gas & Oil	10,000.00	10,000.00	0.00	1,961.94	1,200.00	6,838.06	68.38 %
001-5-4502-23201	Minor Eq/Furniture	4,550.00	4,550.00	0.00	0.00	0.00	4,550.00	100.00 %
001-5-4502-23500	Promotional Expense-Golf Course	1,000.00	1,000.00	0.00	0.00	0.00	1,000.00	100.00 %
001-5-4502-23501	Merchandise-Cost of Goods Sold	7,900.00	7,900.00	0.00	0.00	0.00	7,900.00	100.00 %
001-5-4502-31100	Alcohol - Cost of Goods Sold	9,000.00	9,000.00	0.00	4,224.69	0.00	4,775.31	53.06 %
001-5-4502-31300	Communications	4,608.00	4,608.00	76.09	1,897.65	2,035.64	674.71	14.64 %
001-5-4502-31400	Postage	100.00	100.00	0.00	0.00	0.00	100.00	100.00 %
001-5-4502-31425	Professional Services	9,000.00	9,000.00	354.70	4,526.13	1,640.00	2,833.87	31.49 %
001-5-4502-31500	Prof. Services-GPS	316.00	316.00	0.00	64.00	128.00	124.00	39.24 %
001-5-4502-31600	Printing & Publishing	600.00	600.00	50.90	220.44	0.00	379.56	63.26 %
001-5-4502-31800	Training & Travel	2,000.00	2,000.00	0.00	189.00	0.00	1,811.00	90.55 %
001-5-4502-31900	Equipment Rent	1,800.00	1,800.00	0.00	0.00	0.00	1,800.00	100.00 %
001-5-4502-32100	Catering	121.00	121.00	0.00	0.00	0.00	121.00	100.00 %
	State Fees	1,000.00	1,000.00	0.00	481.00	0.00	519.00	51.90 %

Budget Report

For Fiscal: 10/2019-09/2020 Period Ending: 01/31/2020

	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Encumbrances	Variance Favorable (Unfavorable)	Percent Remaining
001-5-4502-32300	Utilities	52,000.00	0.00	6,897.24	0.00	45,102.76	86.74 %
001-5-4502-32400	Laundry	1,400.00	0.00	170.82	0.00	1,229.18	87.80 %
001-5-4502-34200	CC Discount Fees	7,500.00	0.00	1,185.43	0.00	6,314.57	84.19 %
001-5-4502-41100	Vehicle Maintenance	1,500.00	0.00	87.61	0.00	1,412.39	94.16 %
001-5-4502-41400	Equipment Maintenance	6,000.00	0.00	52.44	0.00	5,947.56	99.13 %
001-5-4502-51100	Building Maintenance	1,000.00	0.00	2.58	0.00	997.42	99.74 %
001-5-4502-59100	Grounds & Perm Fixtures	25,000.00	160.00	20,256.20	0.00	4,743.80	18.98 %
001-5-4502-64100	Operating Lease	33,660.00	0.00	13,790.37	21,866.00	-1,996.37	-5.93 %
001-5-4502-64200	Capital Lease - Principle	21,374.00	0.00	5,225.66	15,958.77	189.57	0.89 %
001-5-4502-64201	Capital Lease - Interest	2,513.00	0.00	745.81	1,955.64	-188.45	-7.50 %
001-5-4502-71200	Machinery/Equipment	0.00	0.00	9,150.00	0.00	0.00	0.00 %
	Expense Total:	433,660.00	7,128.31	125,115.79	45,019.13	272,675.08	61.58 %
	Fund: 001 - GENERAL FUND Total:	433,660.00	7,128.31	125,115.79	45,019.13	272,675.08	61.58 %
	Report Total:	433,660.00	7,128.31	125,115.79	45,019.13	272,675.08	61.58 %

Budget Report

For Fiscal: 10/2019-09/2020 Period Ending: 01/31/2020

Group Summary

Account Type  
Fund: 001 - GENERAL FUND  
Expense

	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Encumbrances	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 001 - GENERAL FUND Total:	433,660.00	442,810.00	7,128.31	125,115.79	45,019.13	272,675.08	61.58 %
Report Total:	433,660.00	442,810.00	7,128.31	125,115.79	45,019.13	272,675.08	61.58 %



For Fiscal: 10/2019-09/2020 Period Ending: 01/31/2020

## Fund Summary

Fund	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Encumbrances	Variance	
						Favorable (Unfavorable)	Percent Remaining
001 - GENERAL FUND	433,660.00	442,810.00	7,128.31	125,115.79	45,019.13	272,675.08	61.58 %
Report Total:	433,660.00	442,810.00	7,128.31	125,115.79	45,019.13	272,675.08	61.58 %



P.O. Box 400  
Austin, TX 78767-0400  
800.695.2919 | 512.467.0222 | Fax: 800.211.5454  
buyboard.com

April 26, 2017

**Sent Via E-mail: dstewart@ymmc.yamaha-motor.com**

David Stewart  
Yamaha Golf-Car Company  
1000 GA Hwy 34 E.  
Newnan, GA 30265

**Re: Notice of The Local Government Purchasing Cooperative Award**

**Proposal Name and Number:** Grounds Maintenance Equipment, Irrigation Parts, Supplies and Installation, Proposal No. 529-17

Congratulations, The Local Government Purchasing Cooperative (Cooperative) has awarded your company a BuyBoard® contract based on the above-referenced Proposal. The contract is effective 6/1/2017 through 5/31/2018, with two possible one-year renewals. The contract documents are those identified in Section 3 of the General Terms and Conditions of the specifications.

To view the items your company has been awarded, please review the proposal tabulation No. 529-17 on the following website: [www.buyboard.com/vendor](http://www.buyboard.com/vendor). Only items marked as awarded to your company can be sold through the BuyBoard contract. In addition, on this website you will find the membership list which will provide you with the names of all entities with membership in our purchasing cooperative.

Enclosed with this letter you will find the following documents:

- Vendor Quick Reference Sheet
- Electronic Catalog Format Instructions
- Vendor Billing Procedures

**You are advised that receipt of a purchase order directly from a Cooperative member is not within the guidelines of the Cooperative.** Accepting purchase orders directly from Cooperative members may result in a violation of the State of Texas competitive bid statute and termination of this Cooperative BuyBoard contract. **Therefore, all purchase orders must be processed through the BuyBoard in order to comply.** Please forward by fax (1-800-211-5454) any order received directly from a Cooperative member. If you inadvertently process a purchase order sent directly to you by a Cooperative member, please fax the order to the above number and note it as **RECORD ONLY** to prevent duplication.

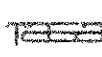
**Per proposal specifications, awarded vendors will have 30 days or sooner to submit their electronic catalog including pricing. If the electronic data is not provided within 30 days or sooner of notice of award, we reserve the right to inactivate any company's award information from the BuyBoard until such time the electronic data is received.**

Finally, your proposal was awarded based on a number of factors, one was the marketing strategy you outlined in your response. The BuyBoard does provide some co-branding resources to assist in your marketing efforts if interested.

On behalf of the Texas Association of School Boards, we appreciate your interest in the Cooperative and we are looking forward to your participation in the program. If you have any questions, please contact **BuyBoard Procurement Staff** at 800-695-2919.

Sincerely,

Arturo Salinas  
Director of Cooperative Procurement  
v.3.17



The Local Government Purchasing Cooperative is endorsed by the Texas Association of School Boards, Texas Municipal League, Texas Association of Counties, and the Texas Association of School Administrators.



April 26, 2017

**Sent Via E-mail: dstewart@ymmc.yamaha-motor.com**

David Stewart  
Yamaha Golf-Car Company  
1000 GA Hwy 34 E.  
Newnan, GA 30265

**Re:** Notice of National Purchasing Cooperative Piggy-Back Award

**Proposal Name and Number:** Grounds Maintenance Equipment, Irrigation Parts, Supplies, and Installation, Proposal No. 529-17

Congratulations, The National Purchasing Cooperative (National Cooperative) has awarded your company a BuyBoard® contract based on the above-referenced Proposal. As provided for in the Proposal and your National Purchasing Cooperative Vendor Award Agreement, you are authorized to sell the goods and services awarded under the Proposal to National Cooperative members in states other than Texas through the BuyBoard. The contract is effective 6/1/2017 through 5/31/2018, with two possible one-year renewals.

The National Cooperative membership list is available at our website [www.buyboard.com/vendor](http://www.buyboard.com/vendor). The list identifies the current members that may purchase awarded goods and services under your National Cooperative BuyBoard contract.

**You are advised that receipt of a purchase order directly from a National Cooperative member is not within BuyBoard guidelines.** Accepting purchase orders directly from Cooperative members may result in a violation of applicable competitive procurement law and termination of this National Cooperative BuyBoard contract. **Therefore, all purchase orders from National Cooperative members must be processed through the BuyBoard.** Please forward by fax (1-800-211-5454) any order received directly from a National Cooperative member. If you inadvertently process a purchase order sent directly to you by a National Cooperative member, please fax the order to the above number and note it as **RECORD ONLY** to prevent duplication.

**Per proposal specifications, awarded vendors will have 30 days or sooner to submit their electronic catalog including pricing. If the electronic data is not provided within 30 days or sooner of notice of award, we reserve the right to inactivate any company's award information from the BuyBoard until such time the electronic data is received.**

Finally, your proposal was awarded based on a number of factors, one was the marketing strategy you outlined in your response. The BuyBoard does provide some co-branding resources to assist in your marketing efforts if interested.

On behalf of the National Cooperative, we are looking forward to your participation in the program. If you have any questions, please contact BuyBoard Procurement Staff at 800-695-2919.

Sincerely,

Arturo Salinas  
Director of Cooperative Procurement



8658

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PH: 800-695-2919 • FAX: 800-211-5454 • www.buyboard.com

## PROPOSER'S AGREEMENT AND SIGNATURE

**Proposal Name:** Grounds Maintenance  
Equipment, Irrigation Parts, Supplies and  
Installation

**Proposal Opening Date and Time:**  
October 20, 2016 at 2:00 PM

**Proposal Number:** 529-17

**Location of Proposal Opening:**  
Texas Association of School Boards, Inc.  
BuyBoard Department  
12007 Research Blvd.  
Austin, TX 78759

**Contract Time Period:** June 1, 2017 through May  
31, 2018 with two (2) possible one-year renewals.

**Anticipated Cooperative Board Meeting Date:**  
April 2017

Yamaha Golf-Car Company

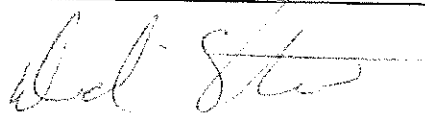
Name of Proposing Company

10/20/16

Date

1000 GA HWY 34 E

Street Address



Signature of Authorized Company Official

Newnan, GA 30265

City, State, Zip

David Stewart

Printed Name of Authorized Company Official

(512) 585-3891

Telephone Number of Authorized Company Official

District Sales Manager

Position or Title of Authorized Company Official

(210) 579-7316

Fax Number of Authorized Company Official

58 - 2227420

Federal ID Number

The proposing company ("you" or "your") hereby acknowledges and agrees as follows:

1. You have carefully examined and understand all Cooperative information and documentation associated with this Proposal Invitation, including the Instructions, General Terms and Conditions, Attachments/Forms, Item Specifications, and Line Items (collectively "Requirements");
2. By your response ("Proposal") to this Proposal Invitation, you propose to supply the products or services submitted at the prices quoted in your Proposal and in strict compliance with the Requirements, unless specific deviations or exceptions are noted in the Proposal;
3. Any and all deviations and exceptions to the Requirements have been noted in your Proposal and no others will be claimed;

*Forced*

*H-U  
N-Y  
Z-Y*



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4. If the Cooperative accepts any part of your Proposal and awards you a contract, you will furnish all awarded products or services at the prices quoted and in strict compliance with the Requirements (unless specific exceptions are noted in the Proposal), including without limitation the Requirements related to:
  - a. conducting business with Cooperative members, including offering pricing to members that is the best you offer compared to similar customers;
  - b. payment of a service fee in the amount specified and as provided for in this Proposal Invitation;
  - c. the **possible** award of a piggy-back contract by another governmental entity, in which event you will offer the awarded goods and services in accordance with the Requirements; and
  - d. submitting price sheets or catalogs in the proper format for posting on the BuyBoard as a prerequisite to activation of your contract;
5. You have clearly identified any information in your Proposal that you believe to be confidential or proprietary or that you do not consider to be public information subject to public disclosure under a Texas Public Information Act request or similar public information law;
6. The individual signing this Agreement is duly authorized to enter into the contractual relationship represented by this Proposal Invitation on your behalf and bind you to the Requirements, and such individual (and any individual signing a Form) is authorized and has the requisite knowledge to provide the information and make the representations and certifications required in the Requirements;
7. You have carefully reviewed your Proposal, and certify that all information provided is true, complete and accurate, and you authorize the Cooperative to take such action as it deems appropriate to verify such information; and
8. Any misstatement, falsification, or omission in your Proposal, whenever or however discovered, may disqualify you from consideration for a contract award under this Proposal Invitation or result in termination of an award or any other remedy or action provided for in the General Terms and Conditions or by law.



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## **VENDOR PURCHASE ORDER, REQUEST FOR QUOTES, AND INVOICE RECEIPT OPTIONS**

Company: Yamaha Golf-Car Company General Contact Name: David Stewart

**Purchase Orders:** Purchase orders from Cooperative members will be available through the Internet or by facsimile.

**Option 1: Internet.** Vendors need Internet access and at least one e-mail address so that notification of new orders can be sent to the Internet contact when a new purchase order arrives. An information guide will be provided to vendors that choose this option to assist them with retrieving their orders.

**Option 2: Fax.** Vendors need a designated fax line available at all times to receive purchase orders.

Please choose **only one (1)** of the following options for receipt of purchase orders and provide the requested information:

☒ I will use the **INTERNET** to receive purchase orders.

E-mail Address: dstewart@ymmc.yamaha-motor.com

Internet Contact: David Stewart Phone: (512) 585-3891

Alternate E-mail Address: mellis@ymmc.yamaha-motor.com

Alternate Internet Contact: Mike Ellis Phone: (817) 313-1212

☐ I will receive purchase orders via **FAX**.

Fax Number: \_\_\_\_\_

Fax Contact: \_\_\_\_\_ Phone: \_\_\_\_\_

**Request for Quotes ("RFQ"):** Cooperative members will send RFQs to you by e-mail. Please provide e-mail addresses for the receipt of RFQs:

E-mail Address: dstewart@ymmc.yamaha-motor.com

Alternate E-mail Address: mellis@ymmc.yamaha-motor.com

**Invoices:** Your company will be billed monthly for the service fee due under a contract awarded under this Proposal Invitation. **All invoices are available on the BuyBoard website and e-mail notifications will be sent when they are ready to be retrieved.** Please provide the following address, contact and e-mail information for receipt of service fee invoices and related communications:

Mailing address: 522 Carriage House Department: \_\_\_\_\_

City: Spring Branch State: TX Zip Code: 78070

Contact Name: David Stewart Phone: (512) 585-3891

Fax: (210) 579-7316 E-mail Address: dstewart@ymmc.yamaha-motor.com

Alternative E-mail Address: mellis@ymmc.yamaha-motor.com



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## **FELONY CONVICTION DISCLOSURE AND DEBARMENT CERTIFICATION**

### **FELONY CONVICTION DISCLOSURE**

Subsection (a) of Section 44.034 of the Texas Education Code (Notification of Criminal History of Contractor) states: "A person or business entity that enters into a contract with a school district must give advance notice to the district if the person or an owner or operator has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony."

Section 44.034 further states in Subsection (b): "A school district may terminate a contract with a person or business entity if the district determines that the person or business entity failed to give notice as required by Subsection (a) or misrepresented the conduct resulting in the conviction. The district must compensate the person or business entity for services performed before the termination of the contract."

Please check (✓) one of the following:

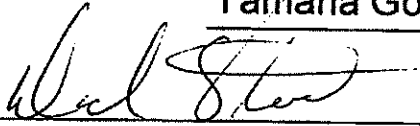
- ☒ My company is a publicly-held corporation. (Advance notice requirement does not apply to publicly-held corporation.)  
☐ My company is not owned or operated by anyone who has been convicted of a felony.  
☐ My company is owned/operated by the following individual(s) who has/have been convicted of a felony:

Name of Felon(s): \_\_\_\_\_

Details of Conviction(s): \_\_\_\_\_

By signature below, I certify that the above information is true, complete and accurate and that I am authorized by my company to make this certification.

**Yamaha Golf-Car Company**

  
Signature of Authorized Company Official

Company Name

**David Stewart**

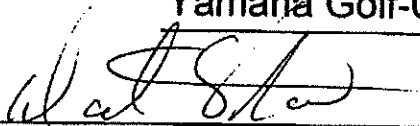
Printed Name

### **DEBARMENT CERTIFICATION**

Neither my company nor an owner or principal of my company has been debarred, suspended or otherwise made ineligible for participation in Federal Assistance programs under Executive Order 12549, "Debarment and Suspension," as described in the Federal Register and Rules and Regulations.

By signature below, I certify that the above is true, complete and accurate and that I am authorized by my company to make this certification.

**Yamaha Golf-Car Company**

  
Signature of Authorized Company Official

Company Name

**David Stewart**

Printed Name



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### **RESIDENT/NONRESIDENT CERTIFICATION**

Chapter 2252, Subchapter A, of the Texas Government Code establishes certain requirements applicable to proposers who are not Texas residents. Under the statute, a "resident" proposer is a person whose principal place of business is in Texas, including a person whose ultimate parent company or majority owner has its principal place of business in Texas. A "nonresident" proposer is a person who is not a Texas resident. Please indicate the status of your company as a "resident" proposer or a "nonresident" proposer under these definitions. Please check (✓) one of the following.

- ☐ I certify that my company is a **Resident Proposer.**
- ☒ I certify that my company is a **Nonresident Proposer.**

If your company is a Nonresident Proposer, you must provide the following information for your resident state (the state in which your company's principal place of business is located):

<u>Yamaha Golf-Car Company</u>	<u>1000 GA HWY 34 E</u>	
Company Name	Address	
<u>Newnan</u>	<u>GA</u>	<u>30265</u>
City	State	Zip Code

- A. Does your resident state require a proposer whose principal place of business is in Texas to under-price proposers whose resident state is the same as yours by a prescribed amount or percentage to receive a comparable contract?
- ☐ Yes ☒ No
- B. What is the prescribed amount or percentage? \$ \_\_\_\_\_ or \_\_\_\_\_ %

### **VENDOR EMPLOYMENT CERTIFICATION**

Section 44.031(b) of the Texas Education Code establishes certain criteria that a school district must consider when determining to whom to award a contract. Among the criteria for certain contracts is whether the vendor or the vendor's ultimate parent or majority owner (i) has its principal place of business in Texas; or (ii) employs at least 500 people in Texas.

If neither your company nor the ultimate parent company or majority owner has its principal place of business in Texas, does your company, ultimate parent company, or majority owner employ at least 500 people in Texas? Please check (✓) one of the following.

- ☐ Yes ☒ No

By signature below, I certify that the information in Sections 1 (*Resident/Nonresident Certification*) and 2 (*Vendor Employment Certification*) above is true, complete and accurate and that I am authorized by my company to make this certification.

Yamaha Golf-Car Company

Company Name

  
Signature of Authorized Company Official

David Stewart

Printed Name





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## **HISTORICALLY UNDERUTILIZED BUSINESS CERTIFICATION**

A proposer that has been certified as a Historically Underutilized Business (also known as a Minority/Women Business Enterprise or "MWBE" and all referred to in this form as a "HUB") is encouraged to indicate its HUB certification status when responding to this Proposal Invitation. The electronic catalogs will indicate HUB certifications for vendors that properly indicate and document their HUB certification on this form.

Please check (✓) all that apply

- ☐ I certify that my company has been certified as a HUB in the following categories:
- ☐ **Minority Owned Business**
  - ☐ **Women Owned Business**
  - ☐ **Service-Disabled Veteran Owned Business (veteran defined by 38 U.S.C. §101(2), who has a service-connected disability as defined by U.S.C. § 101(16), and who has a disability rating of 20% or more as determined by the U. S. Department of Veterans Affairs or Department of Defense)**

**Certification Number:**

\_\_\_\_\_

**Name of Certifying Agency:**

\_\_\_\_\_

- ☒ My company has **NOT** been certified as a HUB.

By signature below, I certify that the above is true, complete and accurate and that I am authorized by my company to make this certification.

**Yamaha Golf-Car Company**

Company Name

Signature of Authorized Company Official

DAVID STEWART  
Printed Name



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### **AFFIRMATION REGARDING CONSTRUCTION-RELATED GOODS AND SERVICES**

A contract awarded under this Proposal Invitation covers only the specific goods and services awarded by the BuyBoard. As explained in the BuyBoard Construction Related Goods and Services Advisory for Texas Members ("Advisory"), **Texas law prohibits the procurement of architecture or engineering services through a purchasing cooperative. This BuyBoard contract does not include such services. Architecture or engineering services must be procured by a Cooperative member separately, in accordance with the Professional Services Procurement Act (Chapter 2254 of the Texas Government Code) and other applicable law and local policy.**

The Advisory, attached to this Form F, provides an overview of certain legal requirements that are potentially relevant to a Cooperative member's procurement of construction or construction-related goods and services, including those for projects that may involve or require architecture, engineering or independent testing services.

By signature below, the undersigned affirms that Proposer has read and understands the Advisory attached to this Form F and is authorized by Proposer to make this affirmation. If Proposer sells construction-related goods or services to a Cooperative member under a BuyBoard contract awarded under this Proposal Invitation, Proposer will comply with the Advisory and applicable legal requirements, make a good faith effort to make its Cooperative member customers or potential Cooperative member customers aware of such requirements, and provide a Cooperative member with a copy of the Advisory before executing a Member Construction Contract with the member or accepting the member's purchase order for construction-related goods or services, whichever comes first.

Yamaha Golf-Car Company

Company Name

  
Signature of Authorized Company Official

David Stewart

Printed Name

10/20/16

Date



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## **BUYBOARD PROCUREMENT AND CONSTRUCTION-RELATED GOODS AND SERVICES ADVISORY FOR TEXAS MEMBERS**

**Why make purchases using BuyBoard?** Purchasing through a cooperative or "interlocal contract" satisfies the requirement of local governments to seek competitive procurement for the purchase of goods or services.<sup>1</sup> Therefore, you may purchase goods and services from a vendor through BuyBoard without having to conduct your own competitive procurement. If, however, you are procuring construction-related services through a BuyBoard Job Order Contract (JOC) or contract for the installation of equipment or materials (e.g., athletic fields and surfaces, kitchen equipment, HVAC, playground equipment, or modular buildings), you may, as explained in this Advisory, need to procure certain aspects of these services using a separate procurement process outside of the BuyBoard and should consult your procurement officer and/or legal advisor for specific advice.

**What is BuyBoard's Procurement Process?** The BuyBoard uses a competitive procurement process to award contracts to vendors for goods and services that the BuyBoard determines, based on an evaluation of multiple criteria, represents the best value for its members.

**How does BuyBoard award a contract to a vendor?** As a condition of being awarded a BuyBoard contract, a vendor is bound by and must agree to comply with all the terms of the BuyBoard's proposal invitation (or specifications), the vendor's proposal response, and any additional contract terms negotiated with the BuyBoard member. Among other things, the vendor must honor the pricing submitted in the vendor's proposal. **THE PRICE YOU PAY FOR THE GOODS AND SERVICES COVERED BY THE BUYBOARD CONTRACT MAY BE LESS THAN THE AWARDED PRICING, BUT CANNOT BE MORE.** Additionally, the vendor must comply with the BuyBoard contract's general terms and conditions, and any additional terms and conditions that apply to the specific BuyBoard contract, as set out in the proposal invitation.

**How does a BuyBoard member make purchases through the BuyBoard contract?** You utilize the awarded BuyBoard contract by issuing a signed purchase order through the BuyBoard online application to procure the selected goods or services. Although BuyBoard must receive a copy of the signed purchase order, BuyBoard does not review or approve the purchase order or other supplemental agreement that you obtain – this is a matter between you and the vendor. If construction-related services are procured through the BuyBoard, additional contracts with professionals and the contractor may be required, depending on the nature and scope of the services. As stated above, you should consult your procurement officer and/or legal advisor for specific advice.

### **How do I know that my entity has made a purchase through the BuyBoard?**

BuyBoard must have a copy of the purchase order in order for the purchase to be considered a BuyBoard procurement. To ensure that your entity has satisfied state law requirements for competitive procurement, make sure that the BuyBoard has your purchase order. Do not rely on the vendor to submit the purchase order on your behalf; it is your responsibility to make sure that the BuyBoard has the signed purchase order. You may log in to [www.buyboard.com](http://www.buyboard.com) using your member I.D. and password to view the Purchase Order Status Report to confirm that the purchase order is in the BuyBoard system.

**What should BuyBoard members consider when using BuyBoard for construction-related purchases?** While purchasing goods and services through BuyBoard satisfies your legal requirement to competitively procure a good or service, as a general matter you must keep in mind other legal requirements that may relate to the purchase, especially when using BuyBoard for construction-related procurement.



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When making construction-related purchases through a BuyBoard contract, BuyBoard members must consider the following:

- **Best value determination.** In compliance with Texas law and any local policy, your entity must first determine that purchasing through an interlocal contract or purchasing cooperative is the procurement method that will provide best value.<sup>ii</sup> This is done by the governing body (e.g., board of trustees, council, commissioners' court, etc.) or may be delegated by the governing body to an individual or committee, with written notice.
- **Products or services not covered by the BuyBoard contract.** The BuyBoard contract covers only the specific goods and services awarded by the BuyBoard. If you want to purchase from a BuyBoard vendor goods or services from a BuyBoard vendor that are not covered by the vendor's BuyBoard contract, such as architectural, design, or engineering services, you must procure them separately in accordance with state law and local policy.
- **Architectural or Engineering and Independent Testing services.** If your procurement includes a construction component that requires architectural or engineering services, you must procure those services separately. YOU MAY NOT PROCURE ARCHITECTURAL OR ENGINEERING SERVICES THROUGH A BUYBOARD CONTRACT. Texas law requires architectural and engineering services to be obtained in accordance with the Professional Services Procurement Act (Chapter 2254 of the Texas Government Code) and prohibits them from being procured through a purchasing cooperative.<sup>iii</sup>
  - **Architecture.** A new building owned by a political subdivision having construction costs exceeding \$100,000 or an alteration or addition to an existing building having construction costs exceeding \$50,000 must have architectural plans and specifications prepared by an architect.<sup>iv</sup> (An "alteration" or "addition" for purposes of this requirement requires the removal, relocation, or addition of a wall or partition or the alteration or addition of an exit.)
  - **Engineering.** If the goods or services procured through the BuyBoard will involve engineering in which the public health, welfare, or safety is involved, the plans for structural, mechanical, electrical, electronic, fire suppression, geotechnical systems, foundation design, surface water drainage, plumbing and certain roof modifications and associated estimates must be prepared by an engineer, and the engineering construction must be performed under the direct supervision of an engineer.<sup>v</sup> The Engineering Practice Act provides two exceptions to this rule – no engineer is required if (1) the project involves mechanical or electrical engineering and will cost \$8,000 or less, or (2) the project does not require mechanical or electrical engineering and will cost \$20,000 or less.<sup>vi</sup>
  - **Independent Testing.** If acceptance of a facility by a public entity involves independent testing of construction materials engineering and/or verification testing services, the testing services should be procured under the Professional Services Procurement Act, and may not be procured under a BuyBoard contract.
  - **Written Certification.** Effective 09/01/2013, a local governmental entity purchasing construction-related goods and services through a cooperative in an amount that exceeds \$50,000 must designate a person to certify in writing that the project does not require the preparation of plans or specifications by an architect or engineer OR that an architect or engineer has prepared the plans or specifications.<sup>vii</sup>



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- **Bonds.** You must also consider whether the vendor is required to provide a payment or performance bond. A payment bond is required for contracts that exceed \$25,000 to protect subcontractors who supply labor or materials for the project. A performance bond is required for a contract that exceeds \$100,000, to protect the local government if a contractor fails to complete the project.<sup>viii</sup> Without payment and performance bonds, if the contractor fails to pay its subcontractors or to complete the project, the public entity that entered the contract can be held responsible for payment claims or costs to complete.
- **Construction Contract.** Even though the procurement of construction or construction-related services may be through the BuyBoard, your construction contract is between your entity and the contractor. The BuyBoard contract's general terms and conditions, standing alone, are not sufficient to document your entity's specific transaction. THEREFORE, YOU SHOULD USE AN APPROPRIATE FORM OF CONSTRUCTION CONTRACT JUST AS YOU WOULD DO IF YOU PROCURED CONSTRUCTION SERVICES INDEPENDENTLY, USING COMPETITIVE SEALED PROPOSALS. The contract must contain provisions required by state law including: performance and payment bonds, requirements for payment of prevailing wages to all construction workers, workers' compensation coverage for all workers and, on projects where contractor employees may have direct contact with students, criminal history record checks. Other provisions which should be considered in the construction contract are retainage, contingency, liquidated damages and dispute resolution, among others. By supplementing the BuyBoard contract with an appropriate form of construction contract, you ensure that your entity's unique interests are addressed and that your entity can enforce the contract directly.
- **Legal advice.** Because of the variety of laws that relate to construction-related purchasing and the potential risk of high exposure, you are well-advised to consult with your entity's legal counsel before procuring construction-related goods and services under any procurement method, including a purchasing cooperative.

**This Advisory is provided for educational purposes only to facilitate a general understanding of the law. This Advisory is neither an exhaustive treatment on the subject nor is it intended to substitute for the advice of an attorney.**

For more information about BuyBoard, contact us at 800-695-2919.

- 
- i. Tex. Gov't Code §791.025 and Tex. Local Gov't Code §271.102.
  - ii. Tex. Ed. Code §44.031(a) (school districts); Tex. Local Gov't Code §252.043(a)(municipalities) and §262.022(5-a) and §262.027(counties)
  - iii. Tex. Gov't Code §2254.004 and §791.011(h)
  - iv. Tex. Occ. Code §1051.703
  - v. Tex. Occ. Code §1001.0031(c)
  - vi. Tex. Occ. Code §1001.053
  - vii. Tex. Gov't Code §791.011(j), effective September 1, 2013
  - viii. Tex. Gov't Code §2253.021(a)

*Issued March 31, 2014*

## Ava Benford-Clay

---

**From:** Stewart David <[dstewart@ymmc.yamaha-motor.com](mailto:dstewart@ymmc.yamaha-motor.com)>  
**Sent:** Friday, February 10, 2017 10:07 AM  
**To:** Ava Benford-Clay  
**Subject:** RE: Deviations - 529-17 Grounds Maintenance Equipment

Good Morning Ava

I have no problem with you removing the F.O.B. shipping point

Please make this change and proceed

Thank you so much and look forward to working with you and the Buy-Board for many more years

Sincerely,



David Stewart, PGA  
SW Texas / New Mexico District Sales Manager  
522 Carriage House  
Spring Branch, TX 78070  
512.585.3891 (m)  
210.579.7316 (f)  
[dstewart@ymmc.yamaha-motor.com](mailto:dstewart@ymmc.yamaha-motor.com)



**From:** Ava Benford-Clay [<mailto:Ava.Benford-Clay@tasb.org>]  
**Sent:** Friday, February 10, 2017 10:02 AM  
**To:** Stewart David <[dstewart@ymmc.yamaha-motor.com](mailto:dstewart@ymmc.yamaha-motor.com)>  
**Subject:** RE: Deviations - 529-17 Grounds Maintenance Equipment

Good morning Stewart,

I left you a voice message yesterday responding to your question about the freight. We are asking for you to only remove the FOB shipping point. You can leave "freight is included".

Thanks

**From:** Stewart David [<mailto:dstewart@ymmc.yamaha-motor.com>]  
**Sent:** Wednesday, February 8, 2017 11:35 PM

To: Ava Benford-Clay <[Ava.Benford-Clay@tasb.org](mailto:Ava.Benford-Clay@tasb.org)>  
Subject: RE: Deviations - 529-17 Grounds Maintenance Equipment

Hello Ava

I was reading your email and opened the attachment you sent  
If I am correct the only deviation listed is regarding Freight.  
Can you please give me a call tomorrow on my cell (512-585-3891) so we can discuss as I am a little confused  
Yamaha wants to do everything possible to stay a vendor with the Buy-Board

Thank You



David Stewart, PGA  
SW Texas / New Mexico District Sales Manager  
522 Carriage House  
Spring Branch, TX 78070  
512.585.3891 (m)  
210.579.7316 (f)  
[dstewart@ymmc.yamaha-motor.com](mailto:dstewart@ymmc.yamaha-motor.com)



From: Ava Benford-Clay [<mailto:Ava.Benford-Clay@tasb.org>]  
Sent: Friday, February 03, 2017 1:34 PM  
To: Stewart David <[dstewart@ymmc.yamaha-motor.com](mailto:dstewart@ymmc.yamaha-motor.com)>  
Subject: Deviations - 529-17 Grounds Maintenance Equipment

Good Afternoon Mr. Stewart,

**Yamaha Golf-Car Company** response to BuyBoard Proposal No. 529-17 for Ground Maintenance Equipment, Irrigation Parts, Supplies and Installation included multiple deviation(s) to the terms and conditions of the proposal. Unfortunately, some of these deviation(s) are not acceptable or beneficial to the Cooperative.

Please see enclosed the redline version with the unacceptable deviation(s).

As noted on **Form G-Deviation and Compliance Signature Form** of this proposal, the Cooperative reserves the right to accept or reject a proposal based upon any submitted deviation. Therefore, unless your company considers the removal of these deviations the Cooperative may recommend to not award your company the proposal.

Please respond no later than **Friday, February 10, 2017**, and feel free to contact me at the BuyBoard should you need any further information regarding this matter.

Thanks

AVA BENFORD-CLAY

**BUYBOARD BID ANALYST**

Texas Association of School Boards

Phone: 512.467.0222, ext. 7188 • 800.695.2919

Fax: 800-211-5454

[ava.benford@tasb.org](mailto:ava.benford@tasb.org)







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## **DEVIATION AND COMPLIANCE SIGNATURE FORM**

If your company intends to deviate from the General Terms and Conditions, Item Specifications or other requirements associated with this Proposal Invitation, you must list all such deviations on this form, and provide complete and detailed information regarding the deviations on this form, an attachment to this form, or elsewhere in your Proposal. (If you do not provide the information on or as an attachment to this form, the information must be clearly identified in your Proposal.) The Cooperative will consider any deviations in its contract award decision, and reserves the right to accept or reject a proposal based upon any submitted deviation.

In the absence of any deviation identified and described in accordance with the above, your company must fully comply with the General Terms and Conditions, Item Specifications and all other requirements associated with this Proposal Invitation if awarded a contract under this Proposal Invitation.

☐ **No;** Deviations

☒ **Yes;** Deviations

List and fully explain any deviations you are submitting:

F.O.B. Shipping Point ~ Freight is included

### **PLEASE PROVIDE THE FOLLOWING INFORMATION:**

1. Shipping Via: ☐ Common Carrier ☒ Company Truck ☐ Prepaid and Add to Invoice ☐ Other:

2. Payment Terms: ☐ Net 30 days ☐ 1% In 10/Net 30 days ☒ Other:

C.O.D. or Lease Terms

3. Number of Days for Delivery: 30-45 ARO

4. Vendor Reference/Quote Number: Business Name

5. State your return policy:

N / A

6. Are electronic payments acceptable? ☒ Yes ☐ No

7. Are credit card payments acceptable? ☒ Yes ☐ No

Yamaha Golf-Car Company

Company Name

Signature of Authorized Company Official

FORM G

David Stewart

Printed Name

COMM.V.11.18.15



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## **DEALERSHIP LISTINGS**

If you have more than one location that will service a contract awarded under this Proposal Invitation, please list each location below. If additional sheets are required, please duplicate this form as necessary.

### **Ennis Golf Car**

Company Name

10610 W. HWY 29

Address

Liberty Hill

TX

78642

City

State

Zip

(512) 778-9056

(512) 778-9057

Phone Number

Fax Number

Scott Goodwin

Contact Person

### **Golf Cars Etc**

Company Name

5560 N. Loop 1604E

Address

San Antonio

TX

78247

City

State

Zip

(210) 451-0352

(210) 451-7482

Phone Number

Fax Number

Paul Pollard

Contact Person



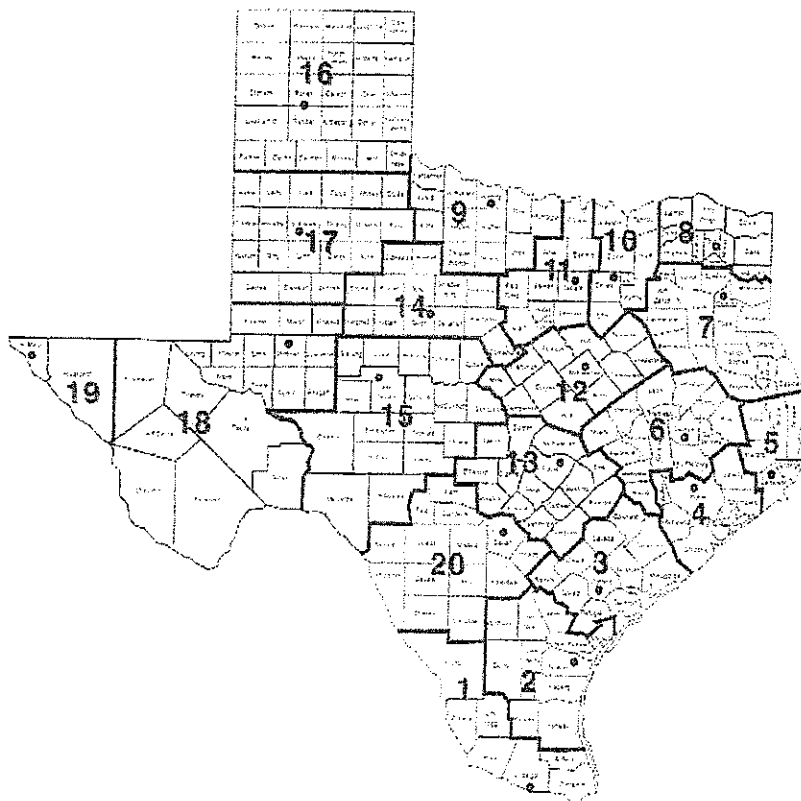
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## TEXAS REGIONAL SERVICE DESIGNATION

**Unless you designate otherwise on this form, you agree to service members of The Local Government Purchasing Cooperative statewide!**

The Cooperative (referred to as "Texas Cooperative" in this form and in the State Service Designation form) offers vendors the opportunity to service its members throughout the entire State of Texas. If you do not plan to service all Texas Cooperative members statewide, you **must** indicate the specific regions you will service on this form. Additionally, if you do not plan to service Texas Cooperative members (i.e., if you will service only states other than Texas), you must so indicate on this form.

### Regional Education Service Centers



- ☒ I will service Texas Cooperative members statewide.
- ☐ I will not service Texas Cooperative members statewide. I will only service members in the regions checked below:

Region	Headquarters
<input type="checkbox"/> 1	Edinburg
<input type="checkbox"/> 2	Corpus Christi
<input type="checkbox"/> 3	Victoria
<input type="checkbox"/> 4	Houston
<input type="checkbox"/> 5	Beaumont
<input type="checkbox"/> 6	Huntsville
<input type="checkbox"/> 7	Kilgore
<input type="checkbox"/> 8	Mount Pleasant
<input type="checkbox"/> 9	Wichita Falls
<input type="checkbox"/> 10	Richardson
<input type="checkbox"/> 11	Fort Worth
<input type="checkbox"/> 12	Waco
<input type="checkbox"/> 13	Austin
<input type="checkbox"/> 14	Abilene
<input type="checkbox"/> 15	San Angelo
<input type="checkbox"/> 16	Amarillo
<input type="checkbox"/> 17	Lubbock
<input type="checkbox"/> 18	Midland
<input type="checkbox"/> 19	El Paso
<input type="checkbox"/> 20	San Antonio

Yamaha Golf-Car Company

Company Name

Signature of Authorized Company Official

David Stewart

Printed Name

- ☐ I will not service members of the Texas Cooperative.



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## **STATE SERVICE DESIGNATION**

The Cooperative offers vendors the opportunity to service other governmental entities in the United States, including intergovernmental purchasing cooperatives such as the National Purchasing Cooperative BuyBoard. You must complete this form if you plan to service the entire United States, or will service only the specific states indicated. *(Note: If you plan to service Texas Cooperative members, be sure that you complete the Texas Regional Service Designation form.)*

☐ I will service all states in the United States.

☒ I will not service all states in the United States. I will service only the states checked below:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Alabama   | <input checked="" type="checkbox"/> Nebraska       |
| <input type="checkbox"/> Alaska   | <input checked="" type="checkbox"/> Nevada         |
| <input checked="" type="checkbox"/> Arizona   | <input checked="" type="checkbox"/> New Hampshire  |
| <input checked="" type="checkbox"/> Arkansas  | <input checked="" type="checkbox"/> New Jersey     |
| <input checked="" type="checkbox"/> California (Public Contract Code 20118 & 20652) | <input checked="" type="checkbox"/> New Mexico     |
| <input checked="" type="checkbox"/> Colorado  | <input checked="" type="checkbox"/> New York       |
| <input checked="" type="checkbox"/> Connecticut                                     | <input checked="" type="checkbox"/> North Carolina |
| <input checked="" type="checkbox"/> Delaware  | <input checked="" type="checkbox"/> North Dakota   |
| <input checked="" type="checkbox"/> District of Columbia                            | <input checked="" type="checkbox"/> Ohio           |
| <input checked="" type="checkbox"/> Florida   | <input checked="" type="checkbox"/> Oklahoma       |
| <input checked="" type="checkbox"/> Georgia   | <input checked="" type="checkbox"/> Oregon         |
| <input type="checkbox"/> Hawaii   | <input checked="" type="checkbox"/> Pennsylvania   |
| <input checked="" type="checkbox"/> Idaho   | <input checked="" type="checkbox"/> Rhode Island   |
| <input checked="" type="checkbox"/> Illinois  | <input checked="" type="checkbox"/> South Carolina |
| <input checked="" type="checkbox"/> Indiana   | <input checked="" type="checkbox"/> South Dakota   |
| <input checked="" type="checkbox"/> Iowa  | <input checked="" type="checkbox"/> Tennessee      |
| <input checked="" type="checkbox"/> Kansas  | <input checked="" type="checkbox"/> Texas          |
| <input checked="" type="checkbox"/> Kentucky  | <input checked="" type="checkbox"/> Utah           |
| <input checked="" type="checkbox"/> Louisiana                                       | <input checked="" type="checkbox"/> Vermont        |
| <input checked="" type="checkbox"/> Maine   | <input checked="" type="checkbox"/> Virginia       |
| <input checked="" type="checkbox"/> Maryland  | <input checked="" type="checkbox"/> Washington     |
| <input checked="" type="checkbox"/> Massachusetts                                   | <input checked="" type="checkbox"/> West Virginia  |
| <input checked="" type="checkbox"/> Michigan  | <input checked="" type="checkbox"/> Wisconsin      |
| <input checked="" type="checkbox"/> Minnesota                                       | <input checked="" type="checkbox"/> Wyoming        |
| <input checked="" type="checkbox"/> Mississippi                                     |  |
| <input checked="" type="checkbox"/> Missouri  |  |
| <input checked="" type="checkbox"/> Montana   |  |

This form will be used to ensure that you can service other governmental entities throughout the United States as indicated. Your signature below confirms that you understand your service commitments during the term of a contract awarded under this proposal.

Yamaha Golf-Car Comany

Company Name

  
Signature of Authorized Company Official

David Stewart

Printed Name



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## **NATIONAL PURCHASING COOPERATIVE VENDOR AWARD AGREEMENT**

In accordance with the Terms and Conditions associated with this Proposal Invitation, a contract awarded under this Proposal Invitation may be "piggy-backed" by another governmental entity. The National Purchasing Cooperative is an intergovernmental purchasing cooperative formed by certain school districts outside of Texas to serve its members throughout the United States. If you agree to be considered for a piggy-back award by the National Purchasing Cooperative, you agree to the following terms and agree to serve National Purchasing Cooperative members in the states you have indicated on the State Service Designation form, in your Proposal.

**By signing this form, Proposer (referred to in this Agreement as "Vendor") agrees as follows:**

1. Vendor acknowledges that if The Local Government Purchasing Cooperative ("Texas Cooperative") awards Vendor a contract under this Proposal Invitation ("Underlying Award"), the National Purchasing Cooperative ("National Cooperative") may - but is not required to - "piggy-back" on or re-award all or a portion of that Underlying Award ("Piggy-Back Award"). By signing this National Cooperative Vendor Award Agreement ("Agreement"), Vendor accepts and agrees to be bound by any such Piggy-Back Award as provided for herein.
2. In the event National Cooperative awards Vendor a Piggy-Back Award, the National Cooperative Administrator ("BuyBoard Administrator") will notify Vendor in writing of such Piggy-Back Award, which award shall commence on the effective date stated in the Notice and end on the expiration date of the Underlying Award, subject to annual renewals as authorized in writing by the BuyBoard Administrator. Vendor agrees that no further signature or other action is required of Vendor in order for the Piggy-Back Award and this Agreement to be binding upon Vendor. Vendor further agrees that no interlineations or changes to this Agreement by Vendor will be binding on National Cooperative, unless such changes are agreed to by its BuyBoard Administrator in writing.
3. Vendor agrees that it shall offer its goods and services to National Cooperative members at the same unit pricing and same general terms and conditions, subject to applicable state laws in the state of purchase, as required by the Underlying Award. However, nothing in this Agreement prevents Vendor from offering National Cooperative members better (i.e., lower) competitive pricing and more favorable terms and conditions than those in the Underlying Award.
4. Vendor hereby agrees and confirms that it will serve those states it has designated on the State Service Designation Form of this Proposal Invitation. Any changes to the states designated on the State Service Designation Form must be approved in writing by the BuyBoard Administrator.
5. Vendor agrees to pay National Cooperative the service fee provided for in the Underlying Award based on the amount of purchases generated from National Cooperative members through the Piggy-Back Award. Vendor shall remit payment to National Cooperative on such schedule as it specifies (which shall not be more often than monthly). Further, upon request, Vendor shall provide National Cooperative with copies of all purchase orders generated from National Cooperative members for purposes of reviewing and verifying purchase activity. Vendor further agrees that National Cooperative shall have the right, upon reasonable written notice, to review Vendor's records pertaining to purchases made by National Cooperative members in order to verify the accuracy of service fees.



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6. Vendor agrees that the Underlying Award, including its General Terms and Conditions, are adopted by reference to the fullest extent such provisions can reasonably apply to the post-proposal/contract award phase. The rights and responsibilities that would ordinarily inure to the Texas Cooperative pursuant to the Underlying Award shall inure to National Cooperative; and, conversely, the rights and responsibilities that would ordinarily inure to Vendor in the Underlying Award shall inure to Vendor in this Agreement. Vendor recognizes and agrees that Vendor and National Cooperative are the only parties to this Agreement, and that nothing in this Agreement has application to other third parties, including the Texas Cooperative. In the event of conflict between this Agreement and the terms of the Underlying Award, the terms of this Agreement shall control, and then only to the extent necessary to reconcile the conflict.

7. This Agreement shall be governed and construed in accordance with the laws of the State of Rhode Island and venue for any dispute shall lie in the federal district court of Alexandria, Virginia.

8. Vendor acknowledges and agrees that the award of a Piggy-Back Award is within the sole discretion of National Cooperative, and that this Agreement does not take effect unless and until National Cooperative awards Vendor a Piggy-Back Award and the BuyBoard Administrator notifies Vendor in writing of such Piggy-Back Award as provided for herein.

WHEREFORE, by signing below Vendor agrees to the foregoing and warrants that it has the authority to enter into this Agreement.

**Yamaha Golf-Car Company**

Name of Vendor

  
Signature of Authorized Company Official

**10/20/16**

Date

**529 - 17**

Proposal Invitation Number

**David Stewart**

Printed Name of Authorized Company Official



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## **FEDERAL AND STATE/PURCHASING COOPERATIVE DISCOUNT COMPARISON FORM**

The Cooperative strives to provide its members with the best services and products at the best prices available. The Cooperative determines whether prices/discounts are fair and reasonable by comparing prices/discounts stated in your Proposal with prices/discounts you offer federal and state entities and other interlocal purchasing cooperatives (collectively referred to as "purchasing cooperative" in this form). Please respond to the following questions.

1. Provide the dollar value of sales to or through purchasing cooperatives at or based on an established catalog or market price during the previous 12-month period or the last fiscal year: \$ 18 million + (est) (The period of the 12 month period is 1-1-15 / 12-11-15). In the event that a dollar value is not an appropriate measure of the sales, provide and describe your own measure of the sales of the item(s).

2. Based on your written discounting policies are the discounts you offer the Cooperative equal to or better than the best price you offer other purchasing cooperatives acquiring the same items regardless of quantity or terms and conditions?

YES ☐ NO ☒

3. Based on your written discounting policies, provide the information requested below for other purchasing cooperatives, either in the chart below or in an equivalent format. Rows should be added to accommodate as many purchasing cooperatives as required.

PURCHASING GROUP	DISCOUNT (%)	QUANTITY/VOLUME	FOB TERM
1. Federal General Services Adm.	10%	\$1 Million + (est)	30 ~ 45 days
2. T-PASS	N / A		
3. U.S. Communities Purchasing Alliance	N / A		
4. The Cooperative Purchasing Network	N / A		
5. Houston-Galveston Area Council	N / A		
6. Other	10% (AFNAF ~ GSA ~ Municipal)	\$17 Million + (est)	30 ~ 45 days

☐ MY COMPANY DOES NOT CURRENTLY HAVE ANY OF THE ABOVE OR SIMILAR TYPE CONTRACTS.

### **CURRENT BUYBOARD VENDORS**

If you are a current BuyBoard vendor, indicate the discount for your current BuyBoard contract and the proposed discount in this Proposal. Explain any difference between your current and proposed discounts.

Current Discount (%): 10% Proposed Discount (%): 10%

Explanation: Yamaha Golf-Car Company has had a very successful four (4) years as a Buy-Board Vendor. Signs continue to show that our popularity continue to grow. We currently offer a 10% discount on products and parts listed on the Buy-Board. Buy-Board Members still have the opportunity to negotiate pricing on all products.

By signature below, I certify that the above is true, complete and accurate and that I am authorized by my company to make this certification.

Yamaha Golf-Car Company

Company Name

David Stewart

Printed Name

Signature of Authorized Company Official  
FORM L

COMM.V.11.18.15



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## GOVERNMENTAL REFERENCES AND PRICE/DISCOUNT INFORMATION

For your Proposal to be considered, you must supply a minimum of five (5) individual governmental entity references. Provide the information requested below, including the existing price/discounts you offer each customer. The Cooperative determines whether prices/discounts are fair and reasonable by comparing prices/discounts stated in your Proposal with the prices/discounts you offer other governmental customers. Attach additional pages if necessary.

Entity Name	Contact	Phone#	Discount	Quantity/ Volume	FOB Term
1. City of Leander	~ GRANT COLLYNS	~ 512-259-5855	~ 35%	~ 80 CARS	
2. City of Temple	~ JEFF WARD	~ 254-771-2030	~ 35%	~ 72 CARS	
3. City of Uvalde	~ CLINTON BAACK	~ 830-278-6155	~ 35%	~ 35 CARS	
4. City of Ft. Worth	~ NANCY BUNTIN	~ 817-392-5717	~ 35%	~ 253 CARS	
5. City of GRAPEVINE	~ ROBERT SINGLETARY	~ 817-410-3377	~ 35%	~ 124 CARS	

Do you ever modify your written policies or standard governmental sales practices as identified in the above chart to give better discounts (lower prices) than indicated? YES ☒ NO ☐ If YES, please explain:

Yamaha Golf-Car Company will offer customers negotiated pricing

By signature below, I certify that the above is true and correct and that I am authorized by my company to make this certification.

Yamaha Golf-Car Company

Company Name

Signature of Authorized Company Official

David Stewart

Printed Name





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## **MARKETING STRATEGY**

For your Proposal to be considered, you must submit the Marketing Strategy you will use if the Cooperative accepts all or part of your Proposal. *(Example: How your company will initially inform Cooperative members of your BuyBoard contract, and how you will continue to support the BuyBoard for the duration of the contract period.)*

Attach additional pages if necessary.

Yamaha Golf-Car Company has been a vendor on Buy-Board for the past four (4) years. We have been very successful during this time with members of Buy-Board purchasing numerous products from us. Currently Yamaha Golf-Car Company has released a brand new golf car that is taking the market by storm. Yamaha Golf-Car Company has spent over a million dollars on television, print advertising and trade shows to advertise and promote our new products. We have already seen a huge increase in the interest of the new products and we feel that Yamaha Golf Car will be the #1 golf car in the market by the year 2020. We look forward to the Buy-Board joining forces with us to reach our goal!

Yamaha Golf-Car Company

Company Name

A handwritten signature in dark ink, appearing to read "David Stewart", written over a horizontal line.

Signature of Authorized Company Official

David Stewart

Printed Name



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## **CONFIDENTIAL/PROPRIETARY INFORMATION FORM**

### **A. Public Disclosure Laws**

All Proposals, forms, documentation, or other materials submitted by Vendor to the Cooperative in response to this Proposal Invitation may be subject to the disclosure requirements of the Texas Public Information Act (Texas Government Code chapter 552.001, *et. seq.*) or similar disclosure law. Proposer must clearly identify on this form any information in its Proposal (including forms, documentation, or other materials submitted with the Proposal) that Proposer considers proprietary or confidential. If Proposer fails to properly identify the information, the Cooperative shall have no obligation to seek protection of such information from public disclosure should a member of the public or other third party request access to the information under the Texas Public Information Act or similar disclosure law. Proposer will be notified of any third party request for information in a Proposal that Proposer has identified in this form as proprietary or confidential.

Does your Proposal (including forms, documentation, or other materials submitted with the Proposal) contain information which Vendor considers proprietary or confidential?

Please check (✓) one of the following:

☒ **NO**, I certify that none of the information included with this Proposal is considered confidential or proprietary.

☐ **YES**, I certify that this Proposal contains information considered confidential or proprietary and all such information is specifically identified on this form.

If you responded "YES", you must identify below the specific information you consider confidential or proprietary. List each page number, form number, or other information sufficient to make the information readily identifiable. The Cooperative and its Administrator will not be responsible for a Proposer's failure to clearly identify information considered confidential or proprietary. Further, by submitting a Proposal, Proposer acknowledges that the Cooperative and its Administrator will disclose information when required by law, even if such information has been identified herein as information the vendor considers confidential or proprietary.

Confidential / Proprietary Information:

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(Attach additional sheets if needed.)



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**B. Copyright Information**

Does your Proposal (including forms, documentation, or other materials submitted with the Proposal) contain copyright information?

Please check (✓) one of the following:



**NO**, Proposal (including forms, documentation, or other materials submitted with the Proposal) does not contain copyright information.



**YES**, Proposal (including forms, documentation, or other materials submitted with the Proposal) does contain copyright information.

If you responded "YES", identify below the specific documents or pages containing copyright information.

Copyright Information: \_\_\_\_\_  
\_\_\_\_\_

*(Attach additional sheets if needed.)*

**C. Consent to Release Confidential/Proprietary/Copyright Information to BuyBoard Members**

BuyBoard members (Cooperative and nonprofit members) seeking to make purchases through the BuyBoard may wish to view information included in the Proposals of awarded Vendors. If you identified information on this form as confidential, proprietary, or subject to copyright, and you are awarded a BuyBoard contract, your acceptance of the BuyBoard contract award constitutes your consent to the disclosure of such information to BuyBoard members, including posting of such information on the secure BuyBoard website for members. Note: Neither the Cooperative nor its Administrator will be responsible for the use or distribution of information by BuyBoard members or any other party.

By signature below, I certify that the information in this form is true, complete, and accurate and that I am authorized by my company to make this certification and all consents and agreements contained herein.

**Yamaha Golf-Car Company**

Company Name

Signature of Authorized Company Official

**David Stewart**

Printed Name

**10/20/16**

Date



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## **VENDOR BUSINESS NAME FORM**

By submitting a Proposal, Proposer is seeking to enter into a legal contract with the Cooperative. As such, a Proposer must be an individual or legal business entity capable of entering into a binding contract. Proposers, must completely and accurately provide the information requested below or your Proposal may be deemed non-responsive.

**Name of Proposing Company:** Yamaha Golf-Car Company

*(List the **legal** name of the company seeking to contract with the Cooperative. Do **NOT** list an assumed name, dba, aka, etc. here. Such information may be provided below. If you are submitting a joint proposal with another entity to provide the same proposed goods or services, each submitting entity should complete a separate vendor information form. Separately operating legal business entities, even if affiliated entities, which propose to provide goods or services separately must submit their own Proposals.)*

Please check (✓) one of the following:

**Type of Business:**

Individual/Sole Proprietor \_\_\_\_\_  
Corporation   X    
Limited Liability Company \_\_\_\_\_  
Partnership \_\_\_\_\_  
Other \_\_\_\_\_

If other, identify \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**State of Incorporation** (if applicable): \_\_\_\_\_

**Federal Employer Identification Number:** 58 - 2227420  
*(Vendor must include a completed IRS W-9 form with their proposal)*

List the Name(s) by which Vendor, if awarded, wishes to be identified on the BuyBoard: *(Note: If different than the Name of Proposing Company listed above, only valid trade names (dba, aka, etc.) of the Proposing Company may be used and a copy of your Assumed Name Certificate(s), if applicable, must be attached.)*

\_\_\_\_\_  
Yamaha Golf-Car Company  
\_\_\_\_\_  
\_\_\_\_\_



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## **EDGAR VENDOR CERTIFICATION FORM** **(2 CFR Part 200 and Appendix II)**

When a Cooperative member seeks to procure goods and services using funds under a federal grant or contract, specific federal laws, regulations, and requirements may apply in addition to those under state law. This includes, but is not limited to, the procurement standards of the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, 2 CFR 200 (sometimes referred to as the "Uniform Guidance" or new "EDGAR"). All Vendors submitting proposals must complete this EDGAR Certification Form regarding Vendor's willingness and ability to comply with certain requirements which *may* be applicable to specific Cooperative member purchases using federal grant funds. This completed form will be made available to Cooperative members for their use while considering their purchasing options when using federal grant funds. Cooperative members may also require Vendors to enter into ancillary agreements, in addition to the BuyBoard contract's general terms and conditions, to address the member's specific contractual needs, including contract requirements for a procurement using federal grants or contracts.

*For each of the items below, Vendor should certify Vendor's agreement and ability to comply, where applicable, by having Vendor's authorized representative check and initial the applicable boxes and sign the acknowledgment at the end of this form. If you fail to complete any item in this form, the Cooperative will consider and may list the Vendor's response on the BuyBoard as "NO," the Vendor is unable or unwilling to comply. A "NO" response to any of the items may, if applicable, impact the ability of a Cooperative member to purchase from the Vendor using federal funds.*

---

### **1. Vendor Violation or Breach of Contract Terms:**

Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 USC 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

Provisions regarding Vendor default are included in the BuyBoard General Terms and Conditions, including Section E.18, Remedies for Default and Termination of Contract. Any Contract award will be subject to such BuyBoard General Terms and Conditions, as well as any additional terms and conditions in any Purchase Order, Cooperative member ancillary contract, or Member Construction Contract agreed upon by Vendor and the Cooperative member which must be consistent with and protect the Cooperative member at least to the same extent as the BuyBoard Terms and Conditions.

The remedies under the Contract are in addition to any other remedies that may be available under law or in equity.

By submitting a Proposal, you agree to these Vendor violation and breach of contract terms.

### **Vendor Certification, Item 1 (Vendor Violation or Breach of Contract Terms)**

☒ **YES, I agree to the above.** (Initial: D.S.)

☐ **NO, I do NOT agree to the above.** (Initial:       )



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## 2. Termination for Cause or Convenience:

For any Cooperative member purchase or contract in excess of \$10,000 made using federal funds, you agree that the following term and condition shall apply:

*The Cooperative member may terminate or cancel any purchase order under this Contract at any time, with or without cause, by providing seven (7) business days advance written notice to the Vendor. If this Agreement is terminated in accordance with this Paragraph, the Cooperative member shall only be required to pay Vendor for goods or services delivered to the Cooperative member prior to the termination and not otherwise returned in accordance with Vendor's return policy. If the Cooperative member has paid Vendor for goods or services not yet provided as of the date of termination, Vendor shall immediately refund such payment(s).*

If an alternate provision for termination of a Cooperative member purchase for cause and convenience, including the manner by which it will be effected and the basis for settlement, is included in the Cooperative member's purchase order, ancillary agreement, or Member Construction Contract agreed to by the Vendor, the Cooperative member's provision shall control.

### Vendor Certification, Item 2 (Termination for Cause or Convenience):

- ☒ **YES, I agree to the above.** (Initial: D.S.)  
☐ **NO, I do NOT agree to the above.** (Initial: \_\_\_\_\_)
- 

## 3. Equal Employment Opportunity:

Except as otherwise provided under 41 CFR Part 60, all Cooperative member purchases or contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 shall be deemed to include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR Part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

The equal opportunity clause provided under 41 CFR 60-1.4(b) is hereby incorporated by reference. Vendor agrees that such provision applies to any Cooperative member purchase or contract that meets the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 and Vendor agrees that it shall comply with such provision.

### Vendor Certification, Item 3 (Equal Employment Opportunity):

- ☒ **YES, I agree to the above.** (Initial: D.S.)  
☐ **NO, I do NOT agree to the above.** (Initial: \_\_\_\_\_)
-



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#### 4. Davis-Bacon Act:

When required by Federal program legislation, Vendor agrees that, for all Cooperative member prime construction contracts/purchases in excess of \$2,000, Vendor shall comply with the Davis-Bacon Act (40 USC 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, Vendor is required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, Vendor shall pay wages not less than once a week.

Current prevailing wage determinations issued by the Department of Labor are available at [www.wdol.gov](http://www.wdol.gov). Vendor agrees that, for any purchase to which this requirement applies, the award of the purchase to the Vendor is conditioned upon Vendor's acceptance of the wage determination.

Vendor further agrees that it shall also comply with the Copeland "Anti-Kickback" Act (40 USC 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled.

#### Vendor Certification, Item 4 (Davis-Bacon Act):

- ☒ **YES, I agree to the above.** (Initial: D.S.)  
☐ **NO, I do NOT agree to the above.** (Initial: \_\_\_\_\_)
- 

#### 5. Contract Work Hours and Safety Standards Act:

Where applicable, for all Cooperative member contracts or purchases in excess of \$100,000 that involve the employment of mechanics or laborers, Vendor agrees to comply with 40 USC 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 USC 3702 of the Act, Vendor is required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 USC 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

#### Vendor Certification, Item 5 (Contract Work Hours and Safety Standards Act):

- ☒ **YES, I agree to the above.** (Initial: D.S.)  
☐ **NO, I do NOT agree to the above.** (Initial: \_\_\_\_\_)
-



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**6. Right to Inventions Made Under a Contract or Agreement:**

If the Cooperative member's Federal award meets the definition of "funding agreement" under 37 CFR 401.2(a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance or experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

Vendor agrees to comply with the above requirements when applicable.

**Vendor Certification, Item 6 (Right to Inventions Made Under a Contract or Agreement):**

- ☒ **YES, I agree to the above.** (Initial: D.S.)  
☐ **NO, I do NOT agree to the above.** (Initial: \_\_\_\_\_)
- 

**7. Clean Air Act and Federal Water Pollution Control Act:**

Clean Air Act (42 USC 7401-7671q.) and the Federal Water Pollution Control Act (33 USC 1251-1387), as amended – Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act (42 USC 7401-7671q.) and the Federal Water Pollution Control Act, as amended (33 USC 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

When required, Vendor agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act and the Federal Water Pollution Control Act.

**Vendor Certification, Item 7 (Clean Air Act and Federal Water Pollution Control Act):**

- ☒ **YES, I agree to the above.** (Initial: D.S.)  
☐ **NO, I do NOT agree to the above.** (Initial: \_\_\_\_\_)
- 

**8. Debarment and Suspension:**

Debarment and Suspension (Executive Orders 12549 and 12689) – A contract award (see 2 CFR 180.220) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1966 Comp. p. 189) and 12689 (3 CFR Part 1989 Comp. p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.





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Vendor certifies that Vendor is not currently listed on the government-wide exclusions in SAM, is not debarred, suspended, or otherwise excluded by agencies or declared ineligible under statutory or regulatory authority other than Executive Order 12549. Vendor further agrees to immediately notify the Cooperative and all Cooperative members with pending purchases or seeking to purchase from Vendor if Vendor is later listed on the government-wide exclusions in SAM, or is debarred, suspended, or otherwise excluded by agencies or declared ineligible under statutory or regulatory authority other than Executive Order 12549.

**Vendor Certification, Item 8 (Debarment and Suspension):**

- ☒ **YES, I agree / certify to the above.** (Initial: D.S.)  
☐ **NO, I do NOT agree / certify to the above.** (Initial: \_\_\_\_\_)
- 

**9. Byrd Anti-Lobbying Amendment:**

Byrd Anti-Lobbying Amendment (31 USC 1352) -- Vendors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 USC 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

As applicable, Vendor agrees to file all certifications and disclosures required by, and otherwise comply with, the Byrd Anti-Lobbying Amendment (31 USC 1352).

**Vendor Certification, Item 9 (Byrd Anti-Lobbying Amendment):**

- ☒ **YES, I agree to the above.** (Initial: D.S.)  
☐ **NO, I do NOT agree to the above.** (Initial: \_\_\_\_\_)
- 

**10. Procurement of Recovered Materials:**

For Cooperative member purchases utilizing Federal funds, Vendor agrees to comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act where applicable and provide such information and certifications as a Cooperative member may require to confirm estimates and otherwise comply. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery, and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.



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**Vendor Certification, Item 10 (Procurement of Recovered Materials):**

- ☒ **YES, I agree to the above.** (Initial: D.S.)
- ☐ **NO, I do NOT agree to the above.** (Initial:       )
- 

**11. Profit as a Separate Element of Price**

For purchases using federal funds in excess of \$150,000, a Cooperative member may be required to negotiate profit as a separate element of the price. See, 2 CFR 200.323(b). When required by a Cooperative member, Vendor agrees to provide information and negotiate with the Cooperative member regarding profit as a separate element of the price for a particular purchase. However, Vendor agrees that the total price, including profit, charged by Vendor to the Cooperative member shall not exceed the awarded pricing, including any applicable discount, under Vendor's Cooperative Contract.

**Vendor Certification, Item 11 (Profit as Separate Element of Price):**

- ☒ **YES, I agree to the above.** (Initial: D.S.)
- ☐ **NO, I do NOT agree to the above.** (Initial:       )
- 

**12. General Compliance and Cooperation with Cooperative Members**

In addition to the foregoing specific requirements, Vendor agrees, in accepting any Purchase Order from a Cooperative member, it shall make a good faith effort to work with Cooperative members to provide such information and to satisfy such requirements as may apply to a particular Cooperative member purchase or purchases including, but not limited to, applicable recordkeeping and record retention requirements.

**Vendor Certification, Item 12 (General Compliance and Cooperation with Cooperative Members):**

- ☒ **YES, I agree to the above.** (Initial: D.S.)
- ☐ **NO, I do NOT agree to the above.** (Initial:       )
- 

By signature below, I certify that the information in this form is true, complete, and accurate and that I am authorized by my company to make this certification and all consents and agreements contained herein.

Yamaha Golf-Car Company

Company Name

David Stewart  
Signature of Authorized Company Official

DAVID STEWART  
Printed Name



# Proposal Invitation No. 529-17-Grounds Maintenance Equipment, Irrigation Supplies and Installation

(Catalogs/Pricelists must be submitted with Proposal or Proposal will not be considered<sup>1</sup>.)

**NOTE:** Vendors proposing various manufacturer product lines per line item on the Proposal Specification Form (Form S) must submit the information as follows or proposal may not be considered:

- Manufacturers shall be listed in alphabetical order

- Vendor's must list one specific percentage discount for each Manufacturer listed.

If a vendor's response to Proposal Specification Form (Form S) states "please see attachment sheet," all manufacturers listed on the attachment sheet must indicate per manufacturer the line item that correlates to Proposal Specification Form (Form S) or Vendor's proposal may not be considered.

**NOTE 2:** An awarded Vendor must be approved by the manufacturer to sell, install, and service the brand of equipment submitted. Proposer's responding to this Proposal Invitation should submit an approval letter from each manufacturer. Manufacturer authorization letters must include the regions in which equipment may be sold.

Item No.	Short Description	Full Description	State Percent (%) of Discount off Catalog/Pricelist <sup>1</sup>	State Name of Catalog/Pricelist <sup>1</sup>	Exceptions to Discount
<b>Section I: Grounds Maintenance Equipment, Supplies, Parts and Accessories - PURCHASE ONLY</b>					
1	Discount (%) Off Catalog/Pricelist for Golf and Turf Equipment, Supplies, and Accessories	Please state the discount (%) off catalog/pricelist for <b>Golf and Turf Equipment, Supplies, and Accessories</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	10 %	Yamaha Golf-Car Company	Customer Negotiated Pricing
2	Discount (%) Off Catalog/Pricelist for Tractors, Equipment, Supplies, and Accessories, 20 to 200 Engine HP	Please state the discount (%) off catalog/pricelist for <b>Tractors, Equipment, Supplies, and Accessories, (20 to 200 Engine HP.)</b> Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		
3	Discount (%) Off Catalog/Pricelist for Lawn and Garden Tractors, Equipment, Supplies, and Accessories	Please state the discount (%) off catalog/pricelist for <b>Lawn and Garden Tractors, Equipment, Supplies, and Accessories</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		

## PROPOSAL NOTE

1. Catalogs/Pricelists are required to be submitted with Proposal



**Proposal Invitation No. 529-17-Grounds Maintenance Equipment, Irrigation Supplies and Installation**  
(Catalogs/Pricelists must be submitted with Proposal or Proposal will not be considered<sup>1</sup>.)

Item No.	Short Description	Full Description	State Percent (%) of Discount off Catalog/Pricelist <sup>1</sup>	State Name of Catalog/Pricelist <sup>1</sup>	Exceptions to Discount
4	Discount (%) Off Catalog/Pricelist for Front Mowers, Equipment, Supplies, and Accessories	Please state the discount (%) off catalog/pricelist for <b>Front Mowers, Equipment, Supplies, and Accessories</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		
5	Discount (%) Off Catalog/Pricelist for Wide Area Mowers, Equipment, Supplies, and Accessories	Please state the discount (%) off catalog/pricelist for <b>Wide Area Mowers, Equipment, Supplies, and Accessories</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		
6	Discount (%) Off Catalog/Pricelist for Zero Turn Mowers, Equipment, Supplies, and Accessories	Please state the discount (%) off catalog/pricelist for <b>Zero Turn Mowers, Equipment, Supplies, and Accessories</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		
7	Discount (%) Off Catalog/Pricelist for Walk Behind Mowers, Equipment, Supplies, and Accessories	Please state the discount (%) off catalog/pricelist for <b>Walk Behind Mowers, Equipment, Supplies, and Accessories</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		
8	Discount (%) Off Catalog/Pricelist for Utility Vehicles, Equipment, Supplies, and Accessories	Please state the discount (%) off catalog/pricelist for <b>Utility Vehicles, Equipment, Supplies, and Accessories</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	10 %	Yamaha Golf-Car Company	Customer Negotiated Pricing
9	Discount (%) Off Catalog/Pricelist for All Terrain Vehicles, Equipment, Supplies, and Accessories	Please state the discount (%) off catalog/pricelist for <b>All Terrain Vehicles, Equipment, Supplies, and Accessories</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	10 %	Yamaha Golf-Car Company	Customer Negotiated Pricing

**PROPOSAL NOTE**

1. Catalogs/Pricelists are required to be submitted with Proposal



# **Proposal Invitation No. 529-17-Grounds Maintenance Equipment, Irrigation Supplies and Installation** (Catalogs/Pricelists must be submitted with Proposal or Proposal will not be considered<sup>1</sup>.)

Item No.	Short Description	Full Description	State Percent (%) of Discount off Catalog/Pricelist <sup>1</sup>	State Name of Catalog/Pricelist <sup>1</sup>	Exceptions to Discount
10	Discount (%) Off Catalog/Pricelist for Cutters and Shredders, Equipment, Supplies, and Accessories	Please state the discount (%) off catalog/pricelist for <b>Cutters and Shredders, Equipment, Supplies, and Accessories</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		
11	Discount (%) Off Catalog/Pricelist for Sprayers, Supplies, and Accessories	Please state the discount (%) off catalog/pricelist for <b>Sprayers, Supplies, and Accessories</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		
12	Discount (%) Off Catalog/Pricelist for Scraper, Supplies, and Accessories	Please state the discount (%) off catalog/pricelist for <b>Scraper, Supplies, and Accessories</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		
13	Discount (%) Off Catalog/Pricelist for Hand Held Equipment, Supplies, and Accessories	Please state the discount (%) off catalog/pricelist for <b>Hand Held Equipment, Supplies, and Accessories</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		
14	Discount (%) Off Catalog/Pricelist for Landscape and Turf Care Attachments	Please state the discount (%) off catalog/pricelist for <b>Landscape and Turf Care Attachments</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		

## **PROPOSAL NOTE**

1. Catalogs/Pricelists are required to be submitted with Proposal



**Proposal Invitation No. 529-17-Grounds Maintenance Equipment, Irrigation Supplies and Installation**  
(Catalogs/Pricelists must be submitted with Proposal or Proposal will not be considered<sup>1</sup>.)

Item No.	Short Description	Full Description	State Percent (%) of Discount off Catalog/Pricelist <sup>1</sup>	State Name of Catalog/Pricelist <sup>1</sup>	Exceptions to Discount
15	Discount (%) Off Catalog/Pricelist for Parking Lot/Sidewalk Sweepers, Supplies, and Accessories	Please state the discount (%) off catalog/pricelist for <b>Parking Lot/Sidewalk Sweepers, Supplies, and Accessories</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		
16	Discount (%) Off Catalog/Pricelist for Turf Maintenance Sweepers and Equipment, Supplies, and Accessories	Please state the discount (%) off catalog/pricelist for <b>Turf Maintenance Sweepers and Equipment, Supplies, and Accessories</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		
17	Discount (%) Off Catalog/Pricelist for Outdoor Scrubbers, Supplies, and Accessories	Please state the discount (%) off catalog/pricelist for <b>Outdoor Scrubbers, Supplies, and Accessories</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		
18	Discount (%) Off Catalog/Pricelist for Hydroseeding Equipment, Supplies, and Accessories	Please state the discount (%) off catalog/pricelist for <b>Hydroseeding Equipment, Supplies, and Accessories</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		

**PROPOSAL NOTE**

1. Catalogs/Pricelists are required to be submitted with Proposal



# Proposal Invitation No. 529-17-Grounds Maintenance Equipment, Irrigation Supplies and Installation

(Catalogs/Pricelists must be submitted with Proposal or Proposal will not be considered<sup>1</sup>.)

Item No.	Short Description	Full Description	State Percent (%) of Discount off Catalog/Pricelist <sup>1</sup>	State Name of Catalog/Pricelist <sup>1</sup>	Exceptions to Discount
19	Discount (%) Off Catalog/Pricelist for Bark and Straw Blowers and Crimper Equipment, Supplies, and Accessories	Please state the discount (%) off catalog/pricelist for <b>Bark and Straw Blowers and Crimper Equipment, Supplies, and Accessories</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		
20	Discount (%) Off Catalog/Pricelist for All Other Types of Grounds Maintenance Equipment, Supplies and Accessories	Please state the discount (%) off catalog/pricelist for <b>All Other Types of Grounds Maintenance Equipment, Supplies and Accessories</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		
21	Discount (%) Off Catalog/Pricelist for Ground Maintenance Equipment Repair Parts	Please state the discount (%) off catalog/pricelist for <b>Ground Maintenance Equipment Repair Parts</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	10 %	Yamaha Golf-Car Company	Customer Negotiated Pricing

## PROPOSAL NOTE

1. Catalogs/Pricelists are required to be submitted with Proposal

Page 5 of 12



## Proposal Invitation No. 529-17-Grounds Maintenance Equipment, Irrigation Supplies and Installation

(Catalogs/Pricelists must be submitted with Proposal or Proposal will not be considered<sup>1</sup>.)

Item No.	Short Description	Full Description	State Percent (%) of Discount off Catalog/Pricelist <sup>1</sup>	State Name of Catalog/Pricelist <sup>1</sup>	Exceptions to Discount
22	Discount (%) Off Catalog/Pricelist for Ground Maintenance Equipment Service Agreements	Please state the discount (%) off catalog/pricelist for <b>Ground Maintenance Equipment Service Agreements</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	10 %	Yamaha Golf-Car Company	Customer Negotiated Pricing
23	Discount (%) Off Catalog/Pricelist for Field and Turf Fertilizer, Conditioners, Dressings and Chemicals	Please state the discount (%) off catalog/pricelist for <b>Field and Turf Fertilizer, Conditioners, Dressings and Chemicals</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		
24	Discount (%) Off Catalog/Pricelist for Nursery Products	Please state the discount (%) off catalog/pricelist for <b>Nursery Products (shade trees, shrubs, and other related items)</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		
25	Discount (%) Off Catalog/Pricelist for Specialty Soils for Athletic Fields, Play Surfaces, or Park Surfaces	Please state the discount (%) off catalog/pricelist for <b>Specialty Soils for Athletic Fields, Play Surfaces, or Park Surfaces</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		

### PROPOSAL NOTE

1. Catalogs/Pricelists are required to be submitted with Proposal

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PROPOSAL SPECIFICATION FORM  
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**Proposal Invitation No. 529-17-Grounds Maintenance Equipment, Irrigation Supplies and Installation**  
(Catalogs/Pricelists must be submitted with Proposal or Proposal will not be considered<sup>1</sup>.)

Item No.	Short Description	Full Description	State Percent (%) of Discount off Catalog/Pricelist <sup>1</sup>	State Name of Catalog/Pricelist <sup>1</sup>	Exceptions to Discount
26	Discount (%) Off Catalog/Pricelist for All Types of Fertilizer and Grounds Chemicals	Please state the discount (%) off catalog/pricelist for <b>All Other Types of Fertilizer and Grounds Chemicals</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		
<b>Section II: Grounds Maintenance Equipment - RENTAL ONLY (Vendor must include Rental Rate Sheet)</b>					
27	Discount (%) Off Catalog/Pricelist for Rental of All Types of Grounds Maintenance Equipment, Accessories and Attachments	Please state the discount (%) off catalog/pricelist for <b>Rental of All Types of Grounds Maintenance Equipment, Accessories and Attachments</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		

**PROPOSAL NOTE**

1. Catalogs/Pricelists are required to be submitted with Proposal



# Proposal Invitation No. 529-17-Grounds Maintenance Equipment, Irrigation Supplies and Installation

(Catalogs/Pricelists must be submitted with Proposal or Proposal will not be considered<sup>1</sup>.)

**NOTE:** Proposers responding to this Proposal Invitation for "Pre-Owned/Reconditioned/Retired Rental" equipment must also be approved by the manufacturer to sell pre-owned/reconditioned/retired rental equipment for the brand submitted and must submit an approval letter from each manufacturer with the Proposal. Manufacturer authorization letters must include the regions in which equipment can be sold. "Pre-Owned/Reconditioned/Retired Rental" shall be defined as equipment having been checked and inspected by a manufacturer authorized dealer prior to sale. Equipment listed as "Pre-Owned/Reconditioned/Retired Rental" shall be in good and working condition and shall include a minimum warranty of one-hundred eighty (180) days against any defect from workmanship and parts and shall cover equipment repairs and/or component replacement.

Item No.	Short Description	Full Description	State Percent (%) of Discount off Catalog/Pricelist <sup>1</sup>	State Name of Catalog/Pricelist <sup>1</sup>	Exceptions to Discount
<b>Section III: Grounds Maintenance Equipment (Pre-Owned/Reconditioned/Retired Rental)</b>					
28	Discount (%) Off Catalog/Pricelist for Pre-Owned/Reconditioned/Retired Rental of All Ground Maintenance Equipment	Discount (%) Off Catalog/Pricelist for all Pre-Owned/Reconditioned/Retired Rental of All Construction/Ground Maintenance Equipment. Catalog/Pricelist MUST be included or proposal will not be considered.	N/A %		
<b>Section IV: Irrigation Supplies, Parts and Accessories</b>					
29	Discount (%) Off Catalog/Pricelist for Residential/Commercial Irrigation Controllers	Please state the discount (%) off catalog/pricelist for <b>Residential/Commercial Irrigation Controllers</b> (solid state, light commercial application, 12 to 48 station capability.) Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		

## PROPOSAL NOTE

1. Catalogs/Pricelists are required to be submitted with Proposal

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FORM S



# **Proposal Invitation No. 529-17-Grounds Maintenance Equipment, Irrigation Supplies and Installation** (Catalogs/Pricelists must be submitted with Proposal or Proposal will not be considered<sup>1</sup>.)

Item No.	Short Description	Full Description	State Percent (%) of Discount off Catalog/Pricelist <sup>1</sup>	State Name of Catalog/Pricelist <sup>1</sup>	Exceptions to Discount
30	Discount (%) Off Catalog/Pricelist for Residential/Commercial Irrigation Control Valves	Please state the discount (%) off catalog/pricelist for <b>Residential/Commercial Irrigation Control Valves</b> (1" to 3" pipe size, glass filled nylon or brass construction, electrically controlled, flow control capability.) Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		
31	Discount (%) Off Catalog/Pricelist for Residential/Commercial Irrigation Sprinkler Heads	Please state the discount (%) off catalog/pricelist for <b>Residential/Commercial Irrigation Sprinkler Heads</b> (fixed spray pattern, gear drive rotor 3/4" to 1" inlet, various fixed arcs, plastic construction.) Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		
32	Discount (%) Off Catalog/Pricelist for Large Commercial/Central Controllers	Please state the discount (%) off catalog/pricelist for <b>Large Commercial/Central Controllers</b> (solid state/digital, computer driven, software to manage water distribution, central location to command field satellites, hard wired or wireless signal commands to field satellites.) Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		
33	Discount (%) Off Catalog/Pricelist for Field Satellites	Please state the discount (%) off catalog/pricelist for <b>Field Satellites</b> (controls water distribution (sprinkler heads), stand alone or controlled by a central computer/controller, solid state, receives command signals either hard wire or radio link.) Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		

## **PROPOSAL NOTE**

1. Catalogs/Pricelists are required to be submitted with Proposal



**Proposal Invitation No. 529-17-Grounds Maintenance Equipment, Irrigation Supplies and Installation**  
(Catalogs/Pricelists must be submitted with Proposal or Proposal will not be considered<sup>1</sup>.)

Item No.	Short Description	Full Description	State Percent (%) of Discount off Catalog/Pricelist <sup>1</sup>	State Name of Catalog/Pricelist <sup>1</sup>	Exceptions to Discount
34	Discount (%) Off Catalog/Pricelist for Large Turf Sprinkler Heads	Please state the discount (%) off catalog/pricelist for <b>Large Turf Sprinkler Heads</b> (water distribution (sprinklers) for large turf areas, 31" minimum radius, minimum 13.6 GPM, minimum 1" inlet, plastic construction.) Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		
35	Discount (%) Off Catalog/Pricelist for Drip Irrigation Products	Please state the discount (%) off catalog/pricelist for <b>Drip Irrigation Products</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		
36	Discount (%) Off Catalog/Pricelist for Aerating Fountain Products, Equipment and Lighting	Please state the discount (%) off catalog/pricelist for <b>Aerating Fountain Products, Equipment and Lighting</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		
37	Discount (%) Off Catalog/Pricelist for Industrial Aerating Products, Equipment and Lighting	Please state the discount (%) off catalog/pricelist for <b>Industrial Aerating Products, Equipment and Lighting</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		
38	Discount (%) Off Catalog/Pricelist for Bunker Pumps, Equipment and Supplies	Please state the discount (%) off catalog/pricelist for <b>Bunker Pumps, Equipment and Supplies</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		

**PROPOSAL NOTE**

1. Catalogs/Pricelists are required to be submitted with Proposal



**Proposal Invitation No. 529-17-Grounds Maintenance Equipment, Irrigation Supplies and Installation**  
(Catalogs/Pricelists must be submitted with Proposal or Proposal will not be considered!.)

Item No.	Short Description	Full Description	State Percent (%) of Discount off Catalog/Pricelist <sup>1</sup>	State Name of Catalog/Pricelist <sup>1</sup>	Exceptions to Discount
39	Discount (%) Off Catalog/Pricelist for Water Chemicals and Dyes, Supplies and Accessories	Please state the discount (%) off catalog/pricelist for <b>Water Chemicals and Dyes, Supplies and Accessories</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		
40	Discount (%) Off Catalog/Pricelist for Irrigation Equipment Repair Parts	Please state the discount (%) off catalog/pricelist for <b>Irrigation Equipment Repair Parts</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		
41	Discount (%) Off Catalog/Pricelist for Irrigation Equipment Service Agreements	Please state the discount (%) off catalog/pricelist for <b>Irrigation Equipment Service Agreements</b> . Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		
42	Discount (%) Off Catalog/Pricelist for Commercial and Central Controllers Service Agreements	Please state the discount (%) off catalog/pricelist for <b>Commercial and Central Controllers Service Agreements (Automatic Software Updates and Technical Support 24/7.)</b> Catalog/Pricelist <b>MUST</b> be included or proposal will not be considered.	N/A %		

**PROPOSAL NOTE**

1. Catalogs/Pricelists are required to be submitted with Proposal

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FORM S



# **Proposal Invitation No. 529-17-Grounds Maintenance Equipment, Irrigation Supplies and Installation** (Catalogs/Pricelists must be submitted with Proposal or Proposal will not be considered<sup>1</sup>.)

<b>Section V: Installation and Repair Service</b>		<b>Not to Exceed Hourly Labor Rate</b>	<b>Detailed Information on Hourly Labor Rate</b>	<b>Exceptions to Hourly Labor Rate</b>
43	Not to Exceed Hourly Labor Rate for Installation/Repair Service and of Grounds Equipment and Products	Hourly Labor Rate for Installation/Repair of Grounds Maintenance Equipment and Related Products -- State the <b>Not to Exceed</b> hourly labor rate for Installation/Repair Service of Grounds Maintenance Equipment and Products.	\$ <u>75.00</u> /Hour	Customer Negotiated Pricing
44	Not to Exceed Hourly Labor Rate for Installation/Repair Service and of Irrigation Equipment and Products	Hourly Labor Rate for Installation/Repair of Irrigation Equipment and Related Products -- State the <b>Not to Exceed</b> hourly labor rate for Installation/Repair Service of Irrigation Equipment and Products.	\$ <u>N/A</u> /Hour	
45	Not to Exceed Hourly Labor Rate for Field and Turf Preparation Work	Hourly Labor Rate for Field and Turf Preparation Work -- State the <b>Not to Exceed</b> hourly labor rate for Installation/Repair Service of Field and Turf Preparation Work.	\$ <u>N/A</u> /Hour	
46	Not to Exceed Hourly Labor Rate for Fertilizers, Chemicals, Specialty Soils, Play Surfaces, and Other Related Items	Hourly Labor Rate for Application of Fertilizers, Chemicals, Specialty Soils, Play Surfaces, and Other Related Items..	\$ <u>N/A</u> /Hour	
47	Not to Exceed Hourly Labor Rate for Tree Service and Stump Grinding	Hourly Labor Rate for Tree Service and Stump Grinding - State the <b>Not to Exceed</b> hourly labor rate for Tree Service and Stump Grinding.	\$ <u>N/A</u> /Hour	
48	Not to Exceed Hourly Labor Rate for Installation/Transplanting of Trees	Hourly Labor Rate for Installation/Transplanting of Trees -- State the <b>Not to Exceed</b> hourly labor rate for Installation/Transplanting of Trees.	\$ <u>N/A</u> /Hour	

## **PROPOSAL NOTE**

1. Catalogs/Pricelists are required to be submitted with Proposal



12007 Research Boulevard · Austin, Texas 78759-2439  
PH: 800-695-2919 · FAX: 800-211-5454 · www.vendor.buyboard.com

**THE LOCAL GOVERNMENT PURCHASING COOPERATIVE  
ADDENDUM NO. 1**

**Proposal Invitation No. 529-17-Grounds Maintenance Equipment, Irrigation Parts,  
Supplies and Installation**

The following information becomes a permanent part of the Proposal Invitation document:

**PROPOSER'S AGREEMENT AND SIGNATURE FORM:**

**Contract Time Period:** June 1, 2017 through May 31, 2018 with two (2) possible one-year renewals.


**Proposal Opening Date and Time:** October 27, 2016 at 2:00 P.M.

**Anticipated Cooperative Board Meeting Date:** April 2017

Please sign and return one copy of the addendum with proposal as verification of receipt and compliance with addendum information.

Company Name: Yamaha Golf-Car Company

Address: 1000 GA HWY 34 E, Newnan, GA 30265

Signature of Authorized Company Official:  Title: District Sales Manager

Telephone Number: (512) 585-3891 Date: 10/20/16



P.O. Box 400  
Austin, TX 78767-0400  
800.695.2919 | 512.467.0222 | Fax: 800.211.5454  
[buyboard.com](http://buyboard.com)

April 23, 2019

Sent via Email to: [dstewart@ymmc.yamaha-motor.com](mailto:dstewart@ymmc.yamaha-motor.com)

David Stewart  
Yamaha Golf-Car Company  
1000 GA Hwy 34 E.  
Newnan GA 30265

Re: Grounds Maintenance Equipment, Irrigation Parts, Supplies, & Installation  
BuyBoard Contract 529-17

The Local Government Purchasing Cooperative d/b/a BuyBoard® (Cooperative) awarded your company a contract under Grounds Maintenance Equipment, Irrigation Parts, Supplies, & Installation, Contract 529-17, for which the current term is set to expire May 31, 2019. At this time, we are renewing your contract through May 31, 2020. This will be the final renewal of this contract.

All discounts, terms, and conditions of your contract will remain the same. If you agree with the renewal, there is nothing you need to do. However, if you do not agree to this renewal, you must notify me immediately via email at [connie.burkett@tasb.org](mailto:connie.burkett@tasb.org).

**Reminder: All purchase orders must be processed through the BuyBoard. Except as expressly authorized in writing by the Cooperative's administrator, you are not authorized to process a purchase order received directly from a Cooperative member.** Accepting orders directly from a member entity without Cooperative authorization is a violation of the terms of your contract. We request your assistance in immediately forwarding any orders received directly from member entities. Purchase orders may be sent to us either by fax (800-211-5454) or by email ([info@buyboard.com](mailto:info@buyboard.com)). If by chance an order sent directly to you has been unintentionally processed, please forward it to the Cooperative and note it as **RECORD ONLY** to prevent duplication.

If you have questions or comments concerning this renewal, please contact me as soon as possible at [connie.burkett@tasb.org](mailto:connie.burkett@tasb.org). We appreciate your interest and participation in The Local Government Purchasing Cooperative.

Sincerely,

Connie W Burkett, CTSBS  
Contract Administrator



The Local Government Purchasing Cooperative is endorsed by the Texas Association of School Boards, Texas Municipal League, Texas Association of Counties, and the Texas Association of School Administrators.



**RESOLUTION #2020-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A NEW LEASE AGREEMENT BETWEEN THE CITY OF KINGSVILLE AND YAMAHA FOR L.E. RAMEY GOLF COURSE FOR GOLF CARTS AND A UTILITY CART; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville desires to have the 45 new golf carts and 1 utility cart for the L.E. Ramey Golf Course to improve the quality of the course and enhance user enjoyment; and

**WHEREAS**, staff has located such vehicles with Yamaha via BuyBoard Vendor #3095, Contract #529-17 via the Buyboard Cooperative Purchasing Program and staff has negotiated a contract proposal for same;

**WHEREAS**, the vehicles should be delivered in January and the monthly payment of \$2,397.30 would apply from February 2020-October 2020 and then a monthly payment of \$2,545.80 would apply from November 2020-January 2024;

**WHEREAS**, the City and Yamaha have worked to prepare a Proposal Agreement for (45) 2020 Yamaha Drive<sup>2</sup> EFI Fleet Golf Cars and (1) 2020 Yamaha UMax One Range Unit under a 48-month lease term, with undercoating to protect against rust damage, between the City of Kingsville and Yamaha for said vehicles at the L.E. Ramey Golf Course.

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

I.

**THAT** the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into a Proposal Agreement between the City of Kingsville and Yamaha for L.E. Ramey Golf Course golf cars and a utility car 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  
27th day of January, 2020.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# Proposal Expressly Prepared For: **L.E. Ramey Golf Course**

---

Attn: Charlie Sosa



Prepared By:  
JT Carney  
District Sales Manager  
Yamaha Golf-Car Company  
1/9/2020



### Equipment Details

#### Equipment Quoted:

- (45) 2020 Yamaha Drive<sup>2</sup> EFI Fleet Golf Cars
- (1) 2020 Yamaha UMax One Range Unit

#### Color Options Included:

- **Fleet:** Sunstone (Beige)
- **Range:** Evergreen

<u>Optional Equipment Included (Fleet)</u>	<u>Optional Equipment Included (Range)</u>
<ul style="list-style-type: none"><li>- Information Holder</li><li>- Fleet Numbers</li><li>- (2) Sand Bottles</li><li>- On-Board Tow System</li></ul>	<ul style="list-style-type: none"><li>- Range Cage</li><li>- Picker Adaptor</li></ul>

#### Yamaha's Factory Direct Service

Yamaha Golf Car Company's Fleet Service Technician, Ramondo Wilkins will complete all warranty service on your fleet of Golf Cars. I'm sure you will enjoy the benefits of having Ramondo to service your current fleet of cars along with his professionalism during course visits. For any service needs please call Ramondo at (404) 558-6530.

**DRIVE<sup>2</sup>**



## Limited 4-Year Warranty for Drive<sup>2</sup> Golf Car

Yamaha Golf-Car Company hereby warrants that any new Yamaha DRIVE<sup>2</sup> Gas or DRIVE<sup>2</sup> Electric golf car purchased from Yamaha, or an Authorized Dealer or Distributor in the United States will be free from defects in material and workmanship for FOUR years from date of purchase, subject to the stated limitations. DURING THE PERIOD OF WARRANTY, any authorized Yamaha golf car service technician, dealer, or distributor will, free of charge, repair or replace, at Yamaha's option, any part adjudged defective by Yamaha due to faulty workmanship or material from the factory. Parts used in warranty repairs will be warranted for the balance of the vehicle's warranty period. All parts replaced under warranty become property of Yamaha Golf-Car Company.

Common Parts		Electric Car (DC or AC motor) Specific	
Frame	Limited Lifetime to Original Owner	Battery - Trojan ' T875 ' with HydroLink Watering System	4 Years or 25,000 amp-hours whichever comes first <small>*Detailed condition on the next page</small>
Transaxle	4 Years	Electric Motor	4 Years
Pedals	3 Years	Motor Controller / Charger	4 Years
Brakes (excluding shoes / pads)	4 Years	Charger Cord	4 Years
Electrical wires, switches, and relays	3 Years	Charger Receptacle	4 Years
Suspension / Steering components	4 Years	Throttle Position Sensor	2 Years
Seats	2 Years	GAS Car (Quietech and Carb) specific	
Sun Top	4 Years	Exhaust / Intake / Generator	4 Years
Bumpers / Body Parts	3 Years	Gas Engine	4 Years
Floor Mats	2 Years	Throttle Cables / Controls	3 Years
Scorecard Holders	2 Years	Battery	1 Years
Bag Carrier	3 Years	Clutch (excluding drive belt)	4 Years
Common Accessories		All Remaining Parts	1 Years
Windshield	3 Years		
Sand Bottle / Sand Bottle / Cooler	3 Years		
Information Holder / Bag Cover	3 Years		

**EXCLUSIONS** from this Warranty shall include any failures caused by:

- Abnormal strain, neglect, or abuse, including lack of proper maintenance, and use contrary to the Owner's Manual instructions.
- Accident or collision damage.
- Installation of parts or accessories that are not original equipment.
- Fading, rust, or deterioration due to exposure or ordinary wear and tear.
- Modifications or alterations that affect the car's condition, operation, performance, or durability, or which makes the car serve a purpose other than use as a two-person, golf course vehicle.
- Damage due to improper transportation.
- Acts of God, i.e. lightning, hail damage, flooding, fire, etc.

This Limited Warranty does not cover any parts replaced due to normal wear or routine maintenance, including oil and air filter elements, brake shoes, tire wear, spark plugs, starter and clutch drive belts. Any charges incurred in transporting a golf car or charger to and from an authorized Yamaha golf car dealer for service or in performing field service are also excluded from this warranty. Gasoline powered golf car starting batteries on vehicles equipped with a golf course GPS device, or any other device with a parasitic current draw, unless the vehicle is equipped from the factory with an optional deep cycle starting battery, are also excluded from this warranty.

**THE CUSTOMER'S RESPONSIBILITY** under this warranty shall be to operate and maintain the golf car and charger as specified in the appropriate Owner's/Operator's Manual, and give notice to an authorized Yamaha golf car dealer of any and all apparent defects within ten (10) days after discovery, and make the vehicle or charger available at that time for inspection and repairs by the dealer's authorized representative.

**WARRANTY TRANSFER:** Any transfer of warranty must take place within the first three years of the original in-service date of the vehicle. The vehicle must be re-registered by an authorized Yamaha Golf-Car Dealer within 30 days of transfer. A fee may be charged for the transfer of the warranty.

Yamaha Golf-Car Company makes no other warranty of any kind, expressed or implied. All implied warranties of merchantability and fitness of merchantability and fitness for a particular purpose which exceed the obligations and time limits stated in this warranty are hereby disclaimed by Yamaha Golf-Car Company and excluded from this Warranty. Some states do not allow limitations on how long implied warranty lasts, so the above limitation may not only apply to you. Also excluded from this Warranty is any incidental or consequential damages including loss of use. Some states do not allow the exclusion or limitation of incidental or consequential damages, so the above exclusion may not apply to you. This Warranty give you specific legal rights, and you may also have other rights, which vary, from state to state.

I have read and agree to the above conditions set forth in the Golf-Car Warranty \_\_\_\_\_ (Initial)

# DRIVE<sup>2</sup>



## Limited 2-Year Warranty for Transportation and Utility Vehicles

Yamaha Golf-Car Company hereby warrants that any new Yamaha utility vehicle or any multi passenger cars or specialty vehicles purchased from Yamaha, or an Authorized Dealer or Distributor in the United States will be free from defects in material and workmanship for TWO years from date of purchase, subject to the stated limitations. DURING THE PERIOD OF WARRANTY, any authorized Yamaha golf car service technician, dealer, or distributor will, free of charge, repair or replace, at Yamaha's option, any part adjudged defective by Yamaha due to faulty workmanship or material from the factory. Parts used in warranty repairs will be warranted for the balance of the vehicle's warranty period. All parts replaced under warranty become property of Yamaha Golf-Car Company.

Common Parts		Electric Car Specific	
Frame	2 Years	Battery - Trojan ' T875 ' without HydroLink Watering System	4 Years or 23,500 amp-hours whichever comes first <small>*Detailed condition on the next page</small>
Transaxle	2 Years	Electric Motor	2 Years
Pedals	2 Years	Motor Controller / Charger	2 Years
Brakes (excluding shoes / pads)	2 Years	Charger Cord	2 Years
Electrical wires, switches, and relays	2 Years	Charger Receptacle	2 Years
Suspension / Steering components	2 Years	Throttle Position Sensor	2 Years
Seats	2 Years	GAS Car specific	
Sun Top	2 Years	Exhaust / Intake / Generator	2 Years
Bumpers / Body Parts	2 Years	Gas Engine	2 Years
Floor Mats	2 Years	Throttle Cables / Controls	2 Years
Scorecard Holders	2 Years	Battery	1 Years
Bag Carrier	2 Years	Clutch (excluding drive belt)	2 Years
Common Accessories		All Remaining Parts	1 years
Windshield	3 Years		
Head Light	2 Years		
Tail Light	2 Years		

EXCLUSIONS from this Warranty shall include any failures caused by:

- Abnormal strain, neglect, or abuse, including lack of proper maintenance, and use contrary to the Owner's Manual instructions.
- Accident or collision damage.
- Installation of parts or accessories that are not original equipment.
- Fading, rust, or deterioration due to exposure or ordinary wear and tear.
- Modifications or alterations that affect the car's condition, operation, performance, or durability, or which makes the car serve a purpose other than use as a two-person, golf course vehicle.
- Damage due to improper transportation.
- Acts of God, i.e. lightning, hail damage, flooding, fire, etc.

This Limited Warranty does not cover any parts replaced due to normal wear or routine maintenance, including oil and air filter elements, brake shoes, tire wear, spark plugs, starter and clutch drive belts. Any charges incurred in transporting a golf car or charger to and from an authorized Yamaha golf car dealer for service or in performing field service are also excluded from this warranty. Gasoline powered golf car starting batteries on vehicles equipped with a golf course GPS device, or any other device with a parasitic current draw, unless the vehicle is equipped from the factory with an optional deep cycle starting battery, are also excluded from this warranty.

**THE CUSTOMER'S RESPONSIBILITY** under this warranty shall be to operate and maintain the golf car and charger as specified in the appropriate Owner's/Operator's Manual, and give notice to an authorized Yamaha golf car dealer of any and all apparent defects within ten (10) days after discovery, and make the vehicle or charger available at that time for inspection and repairs by the dealer's authorized representative.

**WARRANTY TRANSFER:** Any transfer of warranty must take place within the first three years of the original in-service date of the vehicle. The vehicle must be re-registered by an authorized Yamaha Golf-Car Dealer within 30 days of transfer. A fee may be charged for the transfer of the warranty.

Yamaha Golf-Car Company makes no other warranty of any kind, expressed or implied. All implied warranties of merchantability and fitness of merchantability and fitness for a particular purpose which exceed the obligations and time limits stated in this warranty are hereby disclaimed by Yamaha Golf-Car Company and excluded from this Warranty. Some states do not allow limitations on how long implied warranty lasts, so the above limitation may not only apply to you. Also excluded from this Warranty is any incidental or consequential damages including loss of use. Some states do not allow the exclusion or limitation of incidental or consequential damages, so the above exclusion may not apply to you. This Warranty give you specific legal rights, and you may also have other rights, which vary, from state to state.

I have read and agree to the above conditions set forth in the Golf-Car Warranty \_\_\_\_\_ (Initial)

**DRIVE<sup>2</sup>**



## Equipment Maintenance Schedule

While Yamaha Golf-Car Company maintains a network of reliable service providers that are willing and able to assist you at any time, the following are best practices that will ensure that your golf car fleet stays in optimum working condition, cutting down on the need of service assistance:

### Daily Safety Checklist:

- Visually inspect all equipment for damage. Be sure all nuts, bolts, and screws are tight.
- Insure that all warning and instruction labels are on equipment and in good condition.
- Check equipment for proper and safe operation.
- Maintain a proper tire pressure of 18 psi for gas cars, and 22 psi for electric cars.
- Check drive unit, transmission, engine, and fuel system (gasoline equipment) for leaks.

### Daily Performance Inspection:

- *Forward/Reverse Switch:* Check for proper operation.
- *Brakes:* Be sure brakes function properly.
- *Parking Brake:* When latched, the parking brake should lock the wheels and hold the vehicle stationary.
- *Reverse Buzzer:* The reverse buzzer will sound as a warning when the forward/reverse handle or switch is in the reverse position.

### Daily Maintenance:

- Remove trash from bag well, floorboard, dash compartment, and drink holders.
- Wash exterior of equipment, including seats and bag well. Do not pressure wash.
- Wash engine compartment. Avoid all electrical components and connections. Do not pressure wash.
- Keep equipment clean with damp cloth.
- Change or repair flat tires.
- *Fuel:* Check fuel level.
- *Engine:* Check for proper engine oil level.
- *Battery:* Check battery post; wires should be tight and free of corrosion, and battery should be fully charged.

### Monthly Maintenance:

- *Engine:* Check engine cooling air intake; clean if necessary. Visually inspect the unshrouded area around the engine exhaust for grass and debris; clean if necessary.
- *Tires:* Check air pressure and adjust as necessary.

I have read and understand the above Equipment Maintenance Schedule \_\_\_\_\_ (Initial)

**DRIVE<sup>®</sup>**



## Terms and Conditions for Returning Vehicles or Trades

Sole Responsibility, if applicable:

City of Kingsville agrees to accept sole responsibility for any loss or damage to its returned cars beyond ordinary wear due to normal use. The returned cars must meet the following conditions:

- 1.) All cars must be free of all liens and encumbrances.
- 2.) All cars must be capable of running at least nine (9) holes of golf.
- 3.) All cars must be the same quantity and year model as originally evaluated.
- 4.) All cars must be clean, and free of trash, scorecards, pencils, tees, etc.
- 5.) All cars must have a working charger.
- 6.) All cars must have four (4) serviceable tires that retain proper air pressure.
- 7.) All cars must steer properly in all directions.
- 8.) All batteries must be free of corrosion, and properly filled with water.

Furthermore, City of Kingsville understands and agrees to further charges being assessed if the below conditions are found upon Yamaha Golf-Car Company's inspection of the returned cars:

- 1.) Severely damaged or missing chargers
- 2.) Inoperable cars
- 3.) Minor damage (damage to bodies, bumpers, or seats)
- 4.) Major damage (frame damage, wrecked cars, etc.)

*I have read and agree to the above terms and conditions for returning vehicles and/or trades \_\_\_\_\_ (Initial)*

**DRIVE<sup>2</sup>**





### Pricing Details

#### New Car Lease Pricing:

- (45) 2020 Yamaha Drive<sup>2</sup> EFI Fleet Golf Cars
- (1) 2020 Yamaha UMax One Range Unit
- 48 Month Lease Term
- New Fleet will be undercoated to protect against rust damage
- BuyBoard Vendor # 3095, Contract # 529-17

Month	2020	2021	2022	2023	2024
January	<i>Delivery</i>	\$2,545.80	\$2,545.80	\$2,545.80	\$2,545.80
February	\$2,397.30	\$2,545.80	\$2,545.80	\$2,545.80	<i>New Fleet</i>
March	\$2,397.30	\$2,545.80	\$2,545.80	\$2,545.80	
April	\$2,397.30	\$2,545.80	\$2,545.80	\$2,545.80	
May	\$2,397.30	\$2,545.80	\$2,545.80	\$2,545.80	
June	\$2,397.30	\$2,545.80	\$2,545.80	\$2,545.80	
July	\$2,397.30	\$2,545.80	\$2,545.80	\$2,545.80	
August	\$2,397.30	\$2,545.80	\$2,545.80	\$2,545.80	
September	\$2,397.30	\$2,545.80	\$2,545.80	\$2,545.80	
October	\$2,397.30	\$2,545.80	\$2,545.80	\$2,545.80	
November	\$2,545.80	\$2,545.80	\$2,545.80	\$2,545.80	
December	\$2,545.80	\$2,545.80	\$2,545.80	\$2,545.80	

*\*Pricing above does not include any applicable Tax*

*If the proposal is acceptable under the above terms please sign and date*

Accepted by: \_\_\_\_\_  
L.E. Ramey/City of Kingsville

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

Accepted by: *John T Carney*  
Yamaha District Sales Manager

Date: 1/9/2020

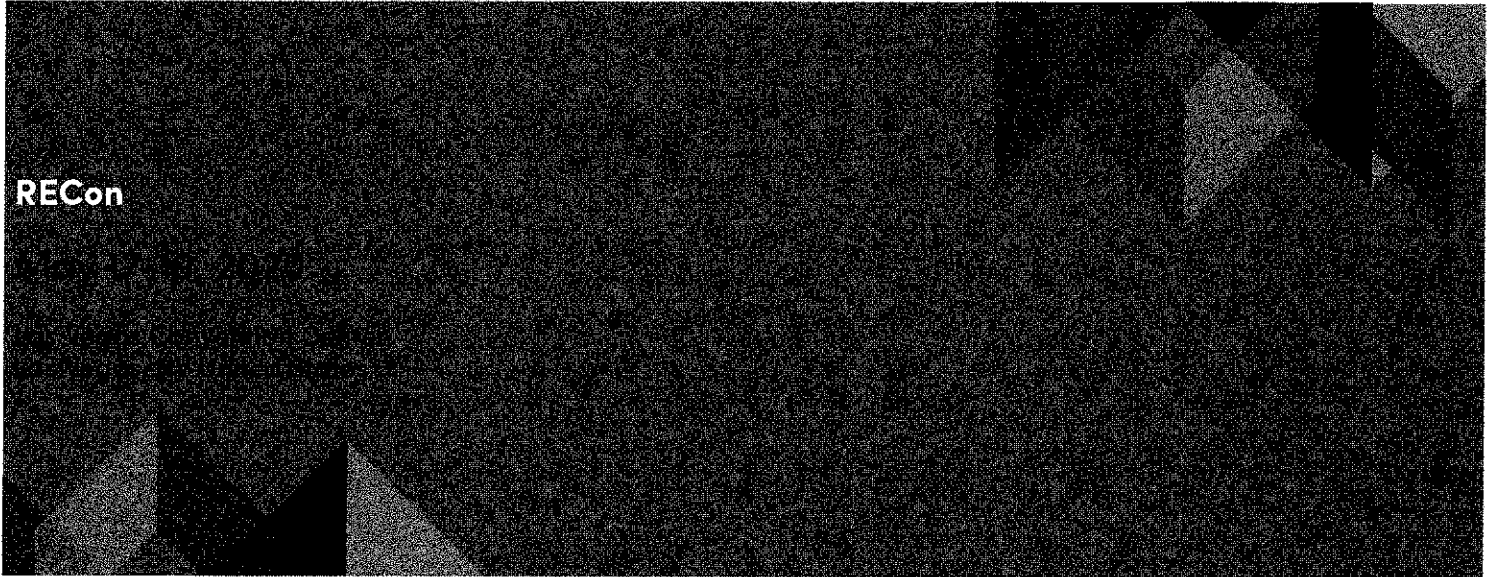
Accepted by: \_\_\_\_\_  
Regional Sales Manager

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

*\*\* All proposals must be signed and approved by YGC Management*

**DRIVE<sup>2</sup>**

## **AGENDA ITEM #18**



## DISCOVER MORE.

**Deal making begins Sunday, May 17, at 12:30 pm, and ends Tuesday, May 19, at 5 pm.**

Maximize your time in Las Vegas by hitting the deal making floor early. At RECon 2020, you will get:

- Three days of deal making
- Perspectives from industry experts and visionary key notes
- Live programming and interviews on the show floor
- Professional development and career-building opportunities
- Curated destinations showcasing emerging brands, food-and-beverage companies, health-and-wellness providers, outlet centers and more

Register early to get discounts and start planning your time in Las Vegas.

In partnership with onPeak, we are offering discounted rates at select Las Vegas hotels for RECon 2020. Click [here](#) to conveniently book your stay, plus find the most affordable hotel options. Note, onPeak is the only official hotel provider endorsed by ICSC, and we encourage you to book through them early for the best selection and price.

## Registration Fees

	Early Bird (Dec. 13, 2019)	Advance (Apr. 24, 2020)	On-Site
Member	\$630	\$680	\$850
Non-Member	-	\$1,370	\$1,650

## Deal Making Hours:

- Sun., May 17: 12:30 pm – 5:00 pm
- Mon., May 18: 8:00 am – 5:00 pm
- Tue., May 19: 8:00 am – 5:00 pm

Download the new ICSC mobile app [here](#) to explore our upcoming event offerings where you can connect, learn and road test ideas with other professionals.

Follow us on Facebook (@MyICSC), Twitter (@ICSC) and Instagram (@ICSC) for the latest event news and updates.

## About this event series

RECon is the world's largest global gathering of retail real estate professionals. Join leading developers, owners, brokers and retailers to conduct a year's worth of business under one roof, in record time.

## Details

### Questions?

If you have questions regarding this event, please contact the Event Contact listed below, or call +1 844 728 ICSC.

### Event Contact

RECon Team  
recon@icsc.org

Event FAQs  
Add to calendar  
Cancel/Refund

# **AGENDA ITEM #19**

ORDINANCE NO.2020-\_\_\_\_\_

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER VII, ARTICLE 6, TRAFFIC CONTROL DEVICES; PROVIDING FOR A UNIVERSITY RESIDENTIAL PARKING DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

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

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

I.

THAT Schedule II of Article 6: Parking Schedules of Chapter VII, Traffic Code, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

...

**Sec. 7-6-2. Schedule II, Parking Restricted on Certain Streets.**

SCHEDULE II. PARKING RESTRICTED ON CERTAIN STREETS.

It shall hereafter be unlawful for any person to park or leave standing any vehicle on the following streets:

...

**Sec. 7-6-3 University Residential Parking District.**

(A) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- a. Director of Planning & Development Services means the Director of Planning & Development Services for the City of Kingsville, Texas, or his/her designee.
- b. University Residential Parking District means the area comprised of the following public streets and all residential lots abutting or immediately adjacent to said streets: Richard Ave. from Armstrong to Wells; Ella Ave. from Armstrong to Wells; Ella from Armstrong to Wells; Nettie Ave. from Armstrong to Wells; Avenue C from Armstrong to Wells; Avenue D from Armstrong to Wells; Mesquite from Armstrong to Wells; Avenue A from Armstrong to 300 feet east of Armstrong; and Avenue B from Armstrong to 300 feet east of Armstrong.
- c. Motor vehicle means every vehicle which is self-propelled.

(B) Offenses.

- a. No person shall park any motor vehicle on any public street in the University Residential Parking District during the hours restricted for that street, without displaying a valid residential parking district permit or a valid temporary visitor's permit.
- b. An individual commits an offense if he displays a permit issued pursuant to this section on a motor vehicle other than the motor vehicle for which the permit was issued.
- c. A person commits an offense if he falsely represents himself as being eligible for a residential parking district permit or a temporary visitor's permit, submits false documents, or otherwise makes a false statement of material fact on an application for a permit.

(C) Penalties.

- a. Any vehicle parked in a residential parking district, during times when parking is restricted and without displaying a valid permit issued under this section, may be issued a citation or be subject to immediate towing and impoundment.
- b. A person who commits any other violation against the provisions of this section is subject to the penalties provided for in Section 1-1-99.

(D) Exceptions.

- a. Motor vehicles that are parked in a driveway, parking lot, or other authorized and appropriate area designed for parking motor vehicles;
- b. Motor vehicles that are stopped temporarily while the operator or a passenger is making deliveries to a location within the residential parking district;
- c. Motor vehicles that are used in transporting individuals, equipment, and goods necessary for making improvements and repairs, providing labor, and performing other services at a location within the residential parking district;
- d. Motor vehicles that are stopped temporarily for loading or unloading passengers or goods; or
- e. Motor vehicles that are stopped temporarily for necessary emergency repairs.

(E) Residential Parking District Permits.

- a. All residents of a designated residential parking district who register with the director of the department of Planning & Development Services, or his/her designee, shall be issued, free of charge, ~~three~~ one permit(s) ~~for each vehicle~~ (for a vehicle owned and kept by the resident at the premises located within the residential parking district). The residential parking permits must be placed in the front windshield of the motor vehicle.
- b. Each permit issued to a resident will be assigned to a specific vehicle, and will only be valid for the particular vehicle to which it is assigned. No permit may be transferred to any other individual or

used for a different vehicle other than the one to which the permit is assigned.

- c. All residents applying for a permit or permits must use the application developed by the Director of Planning & Development Services.
- d. The director, shall upon receiving a completed application, issue a residential parking district permit to any individual that is eligible for the permit. An individual is eligible to obtain a permit if the individual:
  - i. Owns a motor vehicle
  - ii. Resides within the residential parking district; and
  - iii. Has no outstanding parking citations issued by the City.
- e. The individual's application for a permit must contain the following information:
  - i. The name, address, and Texas Driver's License Number of the owner of the motor vehicle to be parked in the residential parking district;
  - ii. The make, model, registration, and license plate number of the motor vehicle to be parked in the residential parking district; and
  - iii. Any other information the Director of Development Services determines to be necessary to the enforcement and administration of the terms of this section.
- f. The applicant for a permit must submit the following information at the time application is made for a residential parking district permit:
  - i. A valid Texas Motor Vehicle Registration for the motor vehicle which is the subject of the permit application; and
  - ii. A valid Texas Driver's License of the applicant showing the applicant's current home address, or a residential utility bill acceptable to the Director of Planning & Development Services showing the applicant's home address.

(F) Temporary Visitor Parking District Permits.

- a. Temporary visitor permits shall be issued, free of charge, for persons visiting in the area, at the written request of any person living within the University Residential Parking District.
- b. No more than three (3) temporary visitor permits shall be issued per residence.

(G) Miscellaneous.

- a. When a motor vehicle is parked in a residential parking district during times when parking is restricted, the permit must be conspicuously displayed in the front windshield of the motor vehicle.
- b. A permit issued pursuant to this section, and properly displayed, authorizes the permittee's vehicle to be parked in a residential parking district when otherwise prohibited by this section. A permit does not authorize the permittee's motor vehicle to be parked in a



manner or location that is prohibited or otherwise governed by regulations, ordinances, statutes, or laws other than provided for in this section.

- c. A permit is not transferable from one motor vehicle to another.
- d. A lost or stolen permit may be replaced. The permittee must submit a signed affidavit stating that the permit was lost or stolen and not transferred to another vehicle, nor given or conveyed to another individual.

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 13th day of January, 2020.

**PASSED AND APPROVED** on this the 27th day of January, 2020.

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

\_\_\_\_\_  
Sam Fugate, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

## **AGENDA ITEM #20**

## CHARTER AMENDMENT PROPOSALS

1. Change Article V, Section 2-Terms of Office from 2 years to 4 years, to read:

### **Section 2. - Terms of office.**

The Mayor and each Commissioner shall serve, after the first election for Commissioners as hereinafter provided, for a term of ~~two (2)~~ four (4) years and until his successor is elected and qualified, unless sooner removed from office as herein provided.

2. If do #1 above, then may want to consider proposing change to Article II, Section 24-Recall, (2) Restrictions on Recall to change the time limit from 6 months to 1 year, to read:

### **Section 24. - Recall.**

(2) *Restrictions on recall.* No recall petition shall be filed against any officer of the City within ~~six (6)~~ twelve (12) months after such officer's election or appointment, nor within six (6) months after an election for such officer's recall, nor within ~~six (6)~~ twelve (12) months of the expiration of such officer's term.

3. Change Section 4-Qualifications in Article V to read:

### **Section 4. - Qualifications.**

The Mayor and each Commissioner shall be citizens of the United States, and have resided in the City of Kingsville for a continuous period of 12 months immediately preceding election day, and have attained the age of 21 years at the time of filing as a candidate for such position; and have the other qualifications of an Elector in the City and as provided for candidates in the State Election Code. The Mayor and each Commissioner shall not be in arrears in the payment of any taxes or other liabilities to local taxing entities. ("In arrears" is defined herein to mean that payment has not been received within ninety (90) days from due date.) The Mayor, Commissioners, and other officers and employees shall not hold any other public office of emolument, except the Office of Notary Public, and shall not be interested in the profits or emoluments or any contract, job, work or service for the municipality, or interested in the sale to or by the City of any property, real or personal. All such qualifications and requirements shall be fully complied with by any prospective candidate for the position of Mayor or Commission at the time of filing for election. Any Mayor or Commissioner of the City who shall cease to possess any of the qualifications herein required shall forthwith forfeit his office and any such contracts in which any officer or employee is or may become interested may be declared void by the Commission. No elected official shall otherwise accept any service, or anything of value, directly or indirectly, from any entity, upon terms more favorable than are granted to the public. All members present at Commission meetings shall vote "Yes" or "No" on all matters requiring a vote before such Commission; provided, however, any Commissioner having a conflict of interest regarding the matter or matters upon which a vote is to be taken shall abstain from voting and abstain from any discussion on such matter.

4. Change Section 12-Meeting of the Commission in Article V from 7:30 to 5:30 to read:

**Section 12. - Meeting of the Commission.**

On the first Thursday at 5 7:30 o'clock P.M., after the election of the Commission has been declared, the Commission shall meet in the City Hall, at which time the Commissioners shall qualify and assume the duties of their offices. Thereafter, the Commissioners shall meet at such times as may be prescribed by ordinance, resolution or motion, but they shall meet at least once every month. Any two of the five members of the Commission may call special meetings of the Commission at any time deemed advisable. All meetings of the Commission shall be public, except such executive sessions as may be provided for by ordinance or resolution, and any citizen shall have access to the minutes of and records thereof, at all reasonable times. The Commission shall determine its own rules of order of business, and shall keep journal of its proceedings.

5. Change Section 17-Ordinances, Publication of, in Article V to read:

**Section 17. - Ordinances; publication of.**

All ordinances, other than emergency measures, shall be published once a week for two (2) consecutive weeks, in some newspaper publicly circulated ~~published~~ in Kingsville, and no ordinances shall become effective, until ten (10) days after the date of its last publication. Such ordinances may be published by descriptive caption, with such adoption briefly describing the purpose and penalties of said ordinance

# **AGENDA ITEM #21**