

# *City of Kingsville, Texas*

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## **AGENDA CITY COMMISSION MONDAY, FEBRUARY 10, 2020 REGULAR MEETING**

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

### **I. Preliminary Proceedings.**

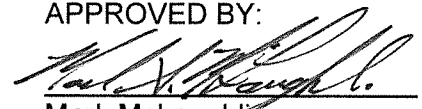
#### **OPEN MEETING**

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

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

Regular Meeting- January 27, 2020

APPROVED BY:

  
Mark McLaughlin  
City Manager

### **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."*

### **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 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).
2. Motion to approve final passage 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).
3. Motion to approve resolution authorizing the Mayor to execute the Permission and Indemnity Agreement with the Kings Ranch, Inc. for the 17<sup>th</sup> Annual Ride on the Wild Side Charity Bike Event (to be held on April 25, 2020). (City Attorney).

**REGULAR AGENDA**

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

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

4. Consider appointment of Rose Morales to the Main Street Advisory Board for a two-year term. (Interim Director of Planning & Development Services).
5. Consider appointment of Larry Garcia to the Zoning Board of Adjustment for a two-year term. (Interim Director of Planning & Development Services).
6. Consider appointment of Orlando Moya as an alternate member to the Zoning Board of Adjustment for a two-year term. (Interim Director of Planning & Development Services).
7. Consider a resolution revising the Designation of Signatories Form for TxCDBG #7219012. (Interim Director of Planning & Development Services).
8. Consider resolution ordering the City of Kingsville General and Special Election, designating voting precincts, polling places establishing election procedures and appointing Early Voting Clerk. (City Secretary). (*CONSIDERE UNA RESOLUCIÓN QUE ORDENA LAS ELECCIONES GENERALES Y ESPECIALES DE LA CIUDAD DE KINGSVILLE, DESIGNA LOS DISTRITOS ELECTORALES Y LOS SITIOS DE VOTACIÓN, ESTABLECE LOS PROCEDIMIENTOS DE LAS ELECCIONES Y NOMBRA A LA SECRETARIA ENCARGADA DE LA VOTACIÓN ANTICIPADA*). (SECRETARIA MUNICIPAL).

9. Consider a resolution for the ballot propositions for the Special Election to consider amending the Charter of the City of Kingsville, Texas and other matters related thereto. (City Attorney).
10. Consider a resolution authorizing the City Manager to enter into the Coastal Bend Regional Public Safety Radio Coalition Memorandum of Understanding. (Police Chief).
11. Consider a resolution authorizing the City Manager to enter into a Governmental Finance Contract (No.8980) between Government Capital Corporation and the City of Kingsville for a clarifier. (Purchasing Manager).
12. Consider introduction of 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. (Interim Director of Planning & Development Services).

## VII. Adjournment.

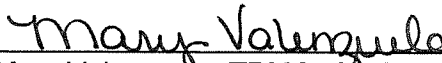
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended only with 5 affirmative Commission votes. The speaker must identify 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](mailto: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:

February 7, 2020 at 1:30 P.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.

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

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

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

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

JANUARY 27, 2020

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JANUARY 27, 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  
Ron Lee, Interim Fire Chief  
Diana Gonzales, HR Director  
Janine Reyes, Tourism Director

**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- January 13, 2020**

Motion made by Commissioner Lopez and Commissioner Pecos to approve the minutes of January 13, 2020 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. **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).**

Mayor Fugate read and opened this public hearing at 5:03 p.m.

Mrs. Cynthia Martin, Interim Director of Planning & Development Services stated that the property has been recently occupied by a daycare, Head Start Center, and operating under a special use permit. The applicant wishes to occupy that same building on the property as a learning academy for children ages six weeks to five years. The hours for the new learning center will be from 6:30 a.m. to 5:30 p.m. and the

The hours for the new learning center will be from 6:30 a.m. to 5:30 p.m. 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 Star Program. The applicant currently runs a daycare center, The Tot Spot located at 1724 S. Brahma Blvd. The Planning & Zoning Commission met on January 15, 2020 where they voted 4 to 0 with no abstentions to recommend approval of this special use permit.

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

There being no further discussion or comments, Mayor Fugate closed this public hearing at 5:04 p.m.

**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).**

Mayor Fugate read and opened this public hearing at 5:04 p.m.

Mrs. Martin stated that with regards to this item, it does not have an action item to follow on. This will be brought back in a future meeting once the definitions for this have been approved. The 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 plans on retaining the existing building with only minor changes to the exterior and to renovate the interior to create individual storage units. The building formerly housed a furniture store which it's something permitted in the C2 Retail District. This location has a fair-sized parking lot on site. The building formerly sits as a furniture store and warehouse.

Commissioner Lopez asked if they will use the entire building? Mrs. Martin responded yes.

Mayor Fugate asked if notices were sent to those within the area. Mrs. Martin responded that notices were sent, and no complaints were received. Fugate further asked about parking. Mrs. Martin commented that she wasn't too sure about parking as this will be a park and go type of business as it will be a storage facility.

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

There being no further discussion or comments, Mayor Fugate closed this public hearing at 5:05 p.m.

**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 Commission has received copies of the Budget and Investment Reports. Both reports were reviewed by their respective committees. Overall the City of Kingsville's budget is in good standing as of December 31<sup>st</sup>, 2019. He further stated that there will be some big purchases occurring in the month of February 2020.

Commissioner Hinojosa thanked the City Manager for his response on questions he had about the budget.

Commissioner Pecos commented that it is great that the city is doing well.

Mr. McLaughlin continued his report to the Commission. He spoke about some Engineering projects, one being the South and North Wastewater Plant and how to go about connecting the two together. He further talked about the sidewalk condition in front of El Pastel Bakery and not being ADA Compliant. Staff has figured out that this sidewalk is a city sidewalk therefore, staff will be looking into bringing it up to compliance. This bakery is a bakery that is frequently visited by the citizens. McLaughlin further reported that the Human Resources Department is working on making an offer for the Solid Waste Supervisor to Mr. Derald Mills. It is believed that Mr. Mills will be accepting the position. Mr. McLaughlin continued with his report stating that the pens at the J.K. Northway Exposition Center have been placed and after being moved several times, it was his determination to have them set and not be moved any further. He further stated that TCEQ did a Landfill inspection and has received a passing grade.

Mrs. Courtney Alvarez, City Attorney reported that the next City Commission meeting is scheduled for February 10, 2020. The deadline for staff to submit agenda items for consideration on February 10<sup>th</sup> will be due on Friday, January 31<sup>st</sup>. Mrs. Alvarez further mentioned that with regards to the public hearings scheduled for this meeting, there has been a switch in the property owner list that received letters. The property owner list for public hearing #1 belongs to public hearing #2 and vice-versa.

Commissioner Leubert commented that she would like an update on property located at 213 W. Santa Gertrudis. This was a property that was condemned but then granted time to make repairs. She would also like an update on the old hospital and where does staff stand on that grant.

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

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

No public comments made.

#### **V.**

##### **Consent Agenda**

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

*The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being*

*discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.*

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

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

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

- 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).

Introduction item.

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).

Mrs. Martin reported that 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 and generally not exceed \$20,000 subject to availability of budgeted funds, unless otherwise approved by City Commission. The cost for replacing the existing roof is estimated at \$41,611.30, which is a quote from Gillespie Roofing Company.

Commissioner Hinojosa asked if staff was using the same procurements, which is having the requestor get more than one bid.

Mrs. Martin responded that it is not a requirement to receive more than one bid, although the requestor will be getting another bid from a company based out of San Antonio.

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

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).

Mr. Rudy Mora, City Engineer stated that this is part of the grant requirements the City will need to approve a resolution for the following contractual documents: A201, Resolution Authorizing Signatories; A202, Depository/Authorized Signatories

Designation Form; A1014, Resolution Regarding Civil Rights; 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; and Proclamation of April as Fair Housing Month. The City applied for a downtown grant for improvement along 7<sup>th</sup> Street between Kleberg Ave. and Yoakum Ave. These improvements include new sidewalks, steps, ADA accessibility lighting and drainage improvements. The construction cost is estimated at approximately \$350,000. The grant will total \$350,000 and the City will provide a cash match of \$34,000 and \$36,000 of in-kind services by the Engineering Department. It is staff recommendation for this item to be approved.

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

- 15. Consider introduction of an ordinance amending the Fiscal Yearj 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).**

Introduction item.

- 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).**

Commissioner Leubert commented that the interlocal agreement will allow animals being held under the Vet Tech Program to be transferred to an animal rescue groups after processing the appropriate paperwork by the City-County Health Department. This would take place onsite of the Vet Tech Program.

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

- 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).**

Mr. Charlie Sosa, Purchasing Manager stated that this item authorizes the lease of 45 Yamaha Golf Carts and one service cart for driving range from Yamaha Golf Cart Company for the L.E. Ramey Golf Course. The existing golf carts are at the last year of end of lease and need repairs or replacements. The new Golf Carts come with a 5-year warranty on the chassis and mechanical components will replace the existing golf cards which just this year alone have anticipated over \$4,000 in repairs.

Commissioner Hinojosa commented that this may be a good time to go back and review the Golf Course fees and possible implement an increase on the fees. He also

commented that he has spoken with the City Manager who will be doing a study of the surrounding areas to see if we are compatible with them.

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

**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).**

Mayor Fugate commented that he is not sure that he would be attending the conference this year. Although City Manager and EDC Director would be attending.

Mr. McLaughlin stated that they have reached out to Arron Farmer with Retail Coach who has gotten back to him with a list of business owners of businesses that he would like to recruit to Kingsville.

Commissioner Hinojosa commented that if the Mayor does not attend, then the opportunity should be passed on to the Mayor Pro-tem, providing that there is enough money in the budget.

Commissioner Leubert commented that generally anyone from the Commission would be able to attend this conference. Although it is generally attended by the Mayor, City Manager, and EDC Director.

**Motion made by Commissioner Pecos to approve the out-of-state travel for Commission and staff to attend the ICSC Retail Conference from May 17-19, 2020 in Las Vegas, Nevada, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".**

**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).**

**Motion made by Commissioner Hinojosa to eliminate all the signs and place a parking sign that states "Residents Parking Only" and "No Student Parking Allowed" and notify the University about what the City is doing and the student will be fined if they park within this area.**

Mayor Fugate made a comment to Mrs. Alvarez stating that the motion made by Commissioner Hinojosa is changing the ordinance and would require two readings.

Mrs. Alvarez responded that we would need to introduce a different ordinance as it is a drastic change from what it is, and staff would need to think about the enforcement aspect.

Commissioner Leubert commented that there is no way to tell from a resident parking to a student that is parking within the area. She further stated that it is a good idea in theory...

Commissioner Hinojosa commented to the Mayor that there was a motion made.

Commissioner Leubert further commented that this would be very difficult to follow-up on that.

Commissioner Hinojosa responded no, but it would be costly to get some....

Mayor Fugate stated that he understands that Commissioner Hinojosa has a motion on the table, but technically it would need to be an introduction item as the ordinance is being changed. To change an ordinance, it would require the introduction of the ordinance then the final passage. Mayor Fugate commented that it would be cleaner if the Commission pass this for the night then revisit it later.

**Commissioner made a motion to accept the ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 6, Traffic Control Devices, providing for a University Residential Parking District, seconded by Commissioner Pecos.**

Mayor Fugate asked Commissioner Hinojosa if he was going to be withdrawing his motion?

Commissioner Hinojosa responded yes.

Mayor Fugate continued by stating that there was motion made by Commissioner Leubert to approve this ordinance and seconded by Commissioner Pecos. He further asked for any other discussion.

Commissioner Lopez asked if this was where the residents a sticker and how much would that cost us.

Mr. McLaughlin responded that he is not aware of what the cost would be.

Commissioner Lopez further asked how they will proof that live in that area. Will they use a water bill, and has staff thought all this out already?

Mr. McLaughlin commented that they don't have those details yet. Further comments were made by Mr. McLaughlin that were not picked up on the audio.

Commissioner Leubert commented that if we can get started on this, then we can figure it out as no one has been able to park there yet. She further stated that some discussion has taken place with the City Attorney and the City Manager about having simple placards that people would be able to put on their car as needed. She further stated that she doesn't think the cost is going to be great. She further stated that this happens in areas such as New Braunfels near Schlitterbahn Water Park and around some Universities located in different cities. She also stated that this is not as we would be reinventing the wheel.

Mayor Fugate commented that he understands that there is a situation in this area that needs to be addressed. He further stated that he would like to ask Commissioner Leubert and Commissioner Pecos if they would reconsider as he doesn't feel as if we are ready for this. He further stated that he doesn't want to vote against it, but he is not ready.

Commissioner Leubert commented that if maybe the Commission should table the item until staff gets the rest of the information figured out.

Commissioner Lopez commented that she does not have enough information as the type of questions that have been asked.

Commissioner Hinojosa commented that maybe a workshop would be in order.

Mayor Fugate asked for guidance from Mrs. Alvarez.

Mrs. Alvarez asked if we were withdrawing the motion and the second.

Commissioner Leubert responded yes. She further stated that maybe what can be done is get a consensus from the Commission what they feel like would answer their questions and get with Mrs. Alvarez and the City Manager.

Mayor Fugate commented that once this item is voted and its voted against the approval, it would not be back for six months.

Commissioner Pecos commented that he will withdraw his second to Commissioner Leubert motion.

Commissioner Hinojosa asked if staff could get the residents involved as he is not aware if staff sent them a letter as they need to know what they are up against. They need to know what side of the street they will be able to use for parking. He stated that these individuals need to be sent a letter so that they can get involved so that they can come to the meetings. If they don't come, that would be up to them.

No action taken on this item.

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

Mrs. Alvarez stated that at the last meeting the Commission received the proposals that had been voted on by the Charter Review Committee. The Commission had some suggested changes with regards to two of the proposed items. With regards to the change listed as Proposal 1, the staggering that was in the last agenda packet has been removed, so it would just be 4 years the way that it currently is with everybody running at-large with regards to Commission positions. Every 4 years the Commission as well as the Mayor would run for 4 years without it being staggered. This would make it in having an election every 4 years verses every 2 years. She further stated that there wasn't a consensus with regards to a change on number 2, so it remains the same. With regards to Proposal 3, there was a consensus, based on the discussion to keep the language about not being in arrears in the Charter. She further stated that everyone was in agreement with the other change for continue compliance with State Statue and no recommendations with regards to items 4 and 5. She further commented that hopefully this is a representative of what a consensus of what the Commission had desired to have done at the last meeting.

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

**21. Discuss County's EPA grant and JK Northway status. (City Manager).**

Mr. McLaughlin stated that Kleberg County Judge Rudy Madrid invited himself and Mr. Manny Salazar, EDC Director over to his office to meet with George who is an Engineer and Architect that the County has hired from the Valley. McLaughlin stated that Judge Madrid has commented that the JK Northway was a two-phase project. Phase 1 being an Emergency Operation Center but with an EDC part that requires it to be in there.

Phase 2 would be the entertainment side such as rodeos, stock shows, concerts etc.... This is where he needs help with our Tourism Department to manage it, so he was thinking of a two-phase approach. McLaughlin further stated that what Judge Madrid wanted to mainly speak about was Phase 1, getting the EOC funded. He further stated that Judge Madrid had asked the City Manager what his feel was of all this, City Manager stated that he responded that the City of Kingsville has an Interlocal Agreement which states that the JK Northway is under the stewardship of the City of Kingsville and as everyone wants to see the JK Northway succeed, we would still need to comply with the regulations spelled out in the interlocal agreement. Mr. McLaughlin stated that he further mentioned that it would be good if these ideas that are going on at the County would be presented to the City Commission so that the City Commission is aware of what they are approving or disapproving.

Mayor Fugate asked if the City has received a copy of the grant? Mr. McLaughlin responded that he did receive a copy of the grant. Mayor Fugate asked how long ago this was.

Mr. McLaughlin responded that it was about two weeks ago. He further stated that if it required to have an EDC out there would this mean that the city would have to man it. He stated that he thinks the consensus was that it would just have to be that if people walked in there, they would see information about economic development. He stated that after the meeting with the Judge was over, he emailed Judge Madrid stating that we would need to comply with the interlocal agreement and let the Commission know what is going on. Currently, we are trying to schedule a joint workshop between both City and County.

Mayor Fugate asked if Judge Madrid had already hired an architect. Mr. McLaughlin responded yes. Mayor Fugate commented that he has a problem with that. Mr. McLaughlin commented that the Judge can do whatever he wants, but he would not be allowed to turn one spade of dirt without the approval from the City. McLaughlin further stated that from his understanding, the Judge has reached out to an attorney to look at all interlocal agreements and the Judge is now asking for us to have a joint meeting. A date was proposed, but the date that was proposed had to be rescheduled as the County Commissioners will be leaving for training in College Station. Staff is currently working with the Judges office on setting a date for the joint workshop.

Commissioner Hinojosa commented that it seems to him that the County is trying to take over the JK Northway and he is not ready to turn over the JK Northway to the County.

Mayor Fugate commented that he doesn't think that this is the County's intention, but rather partner with the City which would not be a bad idea. He further commented that he has commented this during a County Commissioner's meeting that this is not only going to be a partnership that deals with renovating the JK Northway, it is going to be partnership that operates the JK Northway. They will be spending money on the day to day operations of that facility. Fugate further stated that he has mentioned to the County that the City will not relinquish control of the JK Northway until we are satisfied that this is a good project and it will be well funded. He further stated that the city will not have people that the Commission has not approved in being the architect or contractor. Fugate commented that the County must get the City involved in this, but they have left us out of it.

Mr. McLaughlin commented that the Phase 2 needs to be in the discussion now as well because the in the Phase 2 for the entertainment, they have a belief that the City's Tourism Department is going to be relocated or run it for the County.

Mayor Fugate commented that the Tourism Department is a department of the City of Kingsville and will always be part of the City of Kingsville and this will not change, which has also been told to the County as well.

Commissioner Hinojosa commented that what the County is looking at is the Hotel Occupancy Tax (HOT Tax). He further stated that when it came down to the budget, we gave them \$600,000 without ever asking for any documentation. This would have been a good time to ask for a copy of the grant.

Commissioner Leubert asked the Commission to firm down a date for the Joint Workshop and present it to the County.

It was the Commissions consensus to propose February 18<sup>th</sup> at 5:00 p.m. for a Joint City/County Workshop.

Mayor Fugate stated that the City has a capacity of \$2 million dollars, and if for some reason the City gets passed over again, the City needs to figure out what is the next step for our money and see what project we would like to do out there.

Mr. McLaughlin commented that he will review the grant in the upcoming days.

#### **VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 5:55 P.M.

---

Sam R. Fugate, Mayor

#### **ATTEST:**

---

Mary Valenzuela, TRMC, CMC, City Secretary

# **CONSENT AGENDA**



# **AGENDA ITEM #1**

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

---

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.**

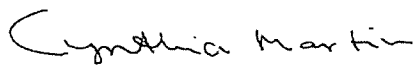
**MISCELLANEOUS:** Any topic may be discussed but no action may be taken at this time.

- **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 Cerral Ave Nearest Intersection Cerral & 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): essicaaleos@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

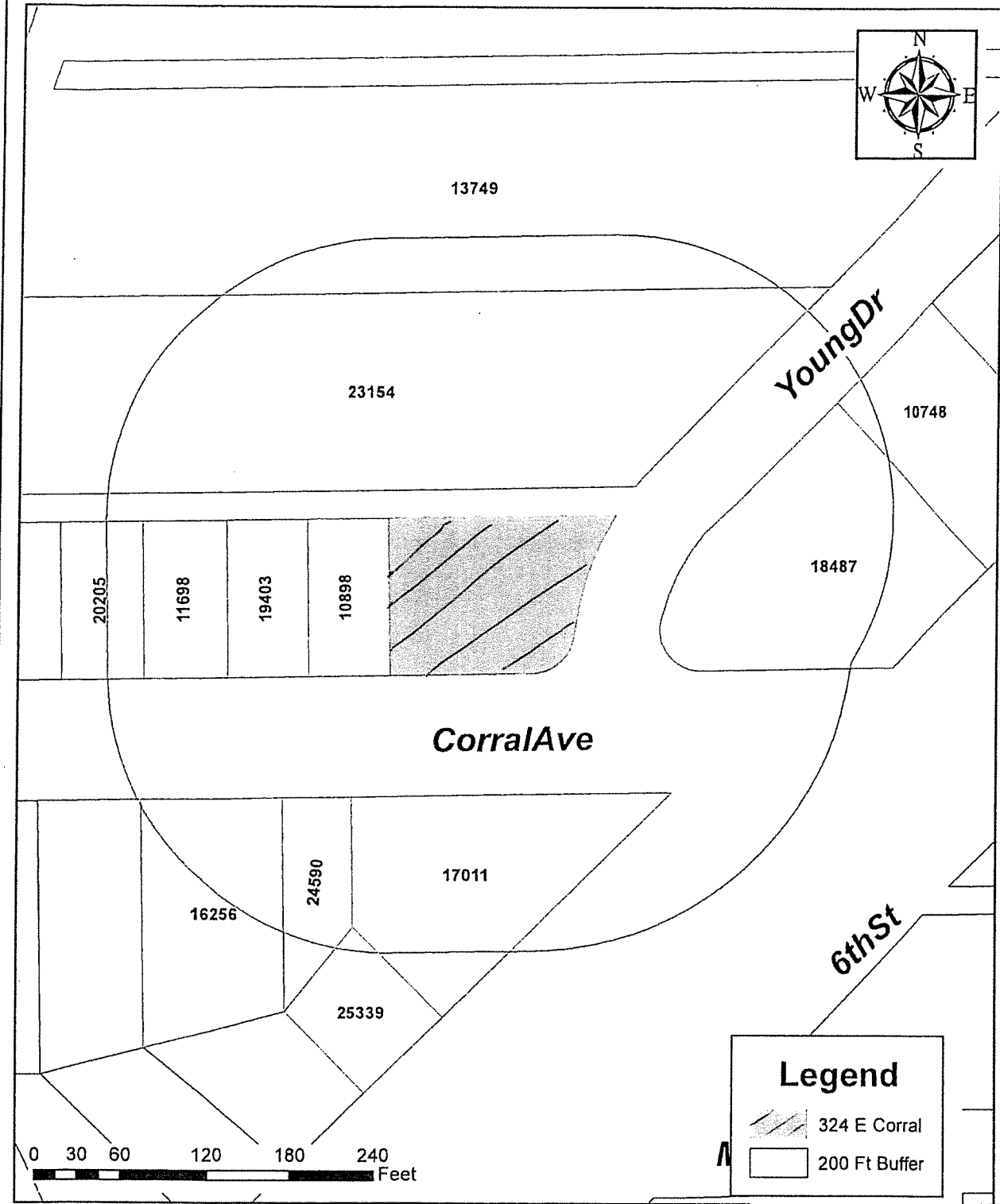
Please provide a basic description of the proposed project:

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\sresendez\Desktop\GIS\Maps\Buffer Map.mxd

Page 1 / 1	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:		



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

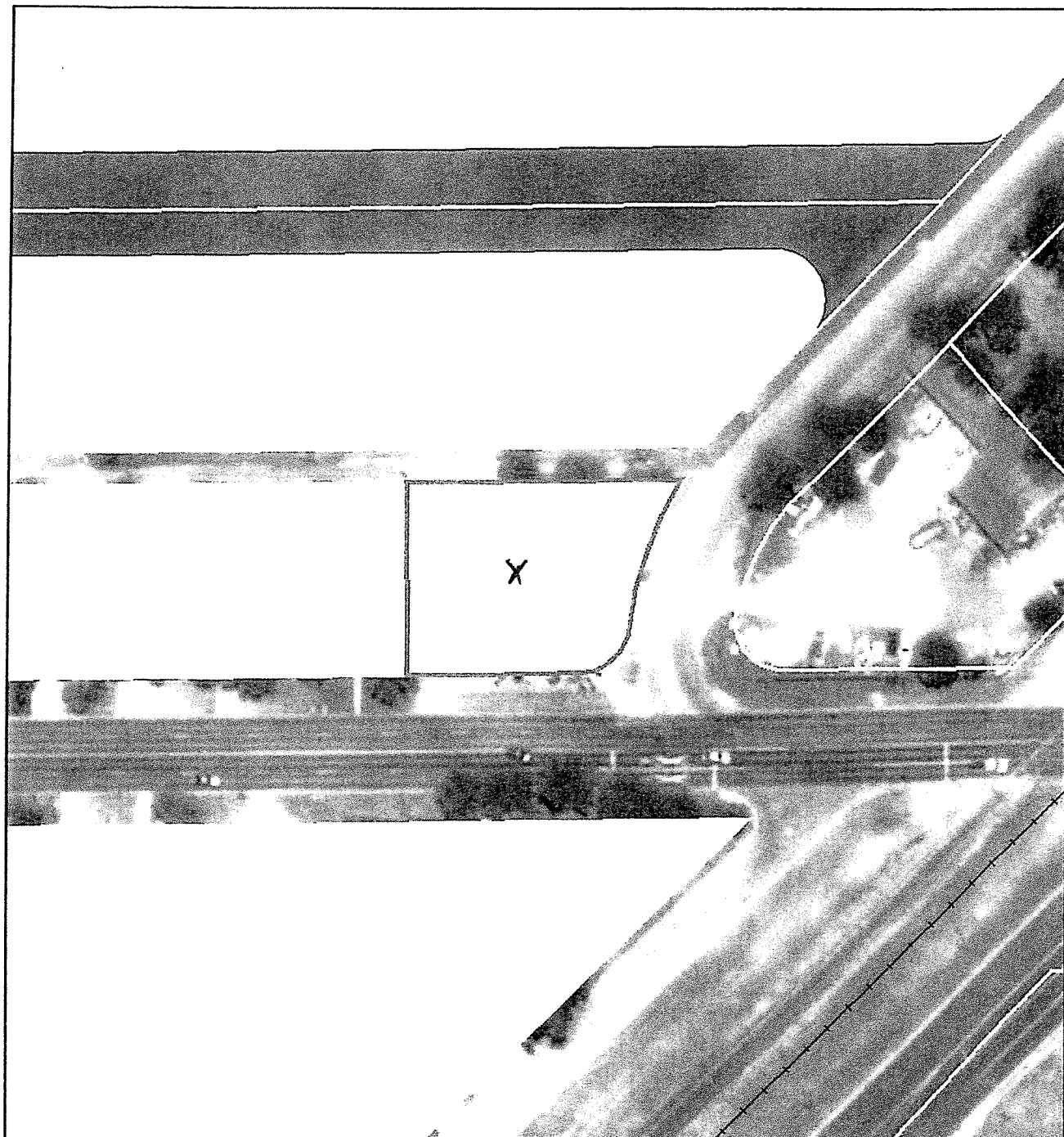
DIANNE RASKA  
1014 WILSHIRE PL  
CORPUS CHRISTI, TX 78411-  
2327  
#10258

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

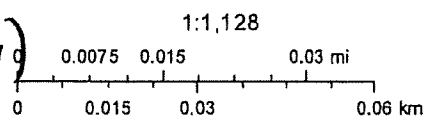
MICHELLE DORITE GARCIA  
327 S 7<sup>TH</sup> ST  
KINGSVILLE, TX 78363  
#20256

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 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  
CHRISTUS SUMMIT  
Kingsville Partners  
For info: 361.221.9705  
city@cityofkingsville.com

### 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: 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. 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 item and at which time all interested persons will be heard: 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. 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

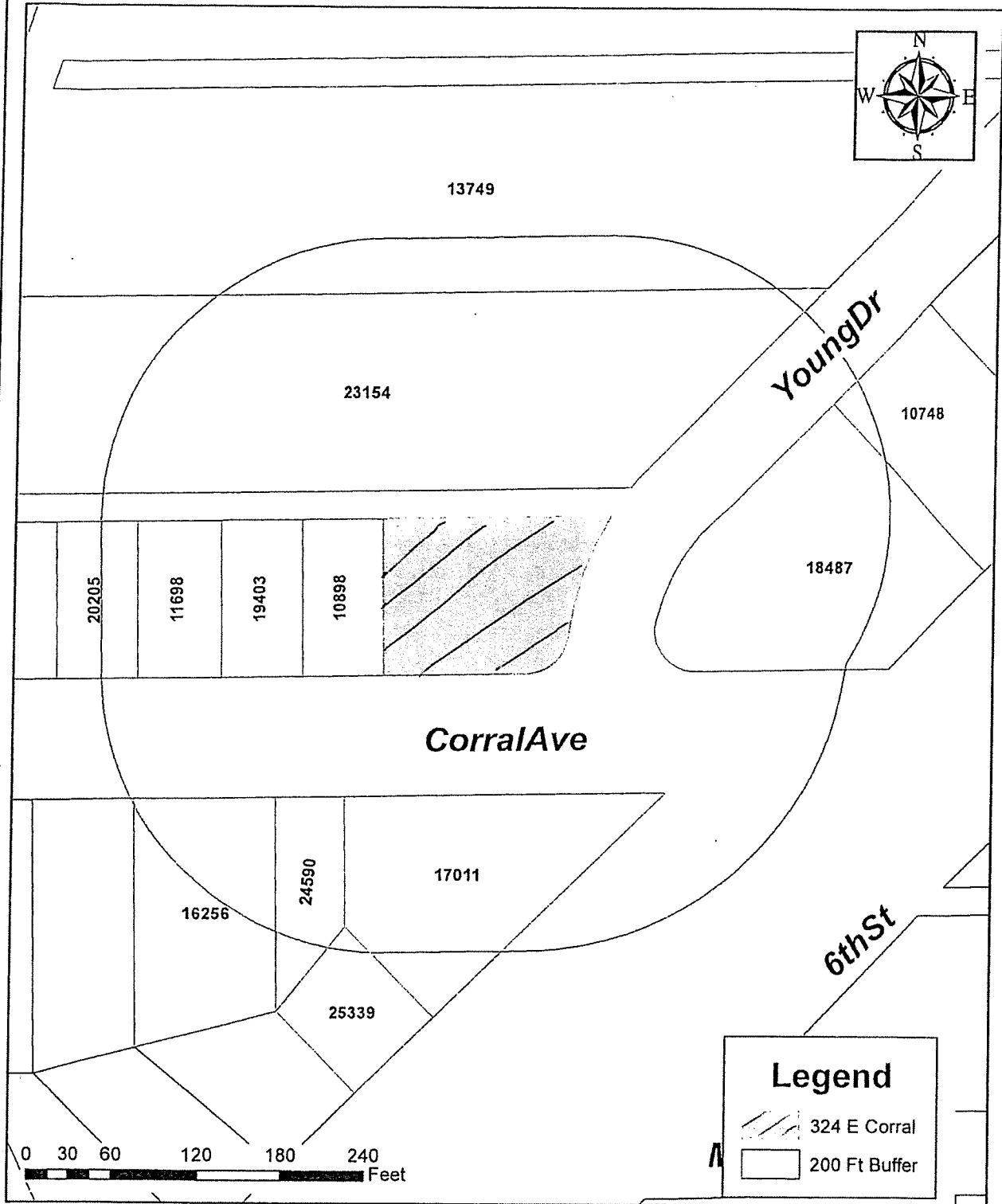
**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# 200 ft Buffer Map of 324 E Corral



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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:		



# **AGENDA ITEM #2**

**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: Ordinance Amending the Fiscal Year 2019-2020 Budget to Setup the Budget for Texas Capital Fund Main Street Grant #7219192 for Sidewalks

---

**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

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<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 #3**

**City of Kingsville  
Legal Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Courtney Alvarez, City Attorney

DATE: January 28, 2020

SUBJECT: 17<sup>th</sup> Annual Ride on the Wild Side Charity Bike Event

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**Summary:**

The Noon Lion's Club is seeking the City's sponsorship in the Annual Ride on the Wild Side charity bike tour that occurs partly through the City and the King Ranch on April 25, 2020. This will be the 17<sup>th</sup> year the City has participated in this event.

**Background:**

The Noon Lion's Club requests the City participate by allowing the use of city streets for the tour, providing cones and one police officer to escort the riders as they go through town (if needed), and having an ambulance on stand-by for the event. The City's participation will allow the KCVB to obtain an insurance rider, which is required by the Ranch. The bike route will be well staffed with Noon Lion's Club volunteers and other volunteers as well. Proceeds from this charity bike ride benefit the Lion's Disabled Children's Camp in Kerrville, of which Kingsville disabled children directly benefit.

The Noon Lion's Club requests the City participate by allowing the use of city streets for the tour, providing cones and one police officer to escort the riders as they go through town (if needed), and having an ambulance on stand-by for the event. The City's participation will allow the KCVB to obtain an insurance rider, which is required by the Ranch. The bike route will be well staffed with Noon Lion's Club volunteers and other volunteers as well. Proceeds from this charity bike ride benefit the Lion's Disabled Children's Camp in Kerrville, of which Kingsville children directly benefit.

P.1



**City of Kingsville  
Legal Department**

Also, as was done previously, the King Ranch is requesting the City execute the attached Permission and Indemnity Agreement for this year's bike ride as well.

**Financial Impact:** None.

**Recommendation:** Authorize participation in the event and approve execution of the Indemnity Agreement with the King Ranch.



**RESOLUTION # 2020-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE PERMISSION AND INDEMNITY AGREEMENT WITH THE KING RANCH, INC. FOR THE 17<sup>TH</sup> ANNUAL RIDE ON THE WILD SIDE CHARITY BIKE EVENT; REPEALING ALL CONFLICTING RESOLUTIONS.**

**WHEREAS**, the City of Kingsville ("City") has previously participated in the Noon Lion's Club charity bike ride called the Ride on the Wild Side whose proceeds assist with sending local disabled children to the Lion's Disabled Children's Camp in Kerrville, Texas in the summer;

**WHEREAS**, the Noon Lion's Club is seeking the City's sponsorship in the 17<sup>th</sup> Annual Ride on the Wild Side charity bike tour through the King Ranch on April 25, 2020 by allowing the use of city streets for the ride, providing cones and one police officer to escort the riders as they go through town (if needed), and having an ambulance on stand-by for the event;

**WHEREAS**, part of the bike ride goes through the King Ranch, the Ranch requires a Permission and Indemnity Agreement be executed between the City and the Ranch each year;

**WHEREAS**, the King Ranch is requesting the City execute the attached Permission and Indemnity Agreement for this year's bike ride as well;

**WHEREAS**, the bike ride is also a popular tourist attraction bringing visitors to the City;

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

I.

**THAT** the City Commission of the City of Kingsville authorizes the Mayor to execute on behalf of the City the Permission and Indemnity Agreement between the City of Kingsville and the King Ranch, Inc., a copy of which is attached hereto, for the 17<sup>th</sup> Annual Ride on the Wild Side Charity Bike event.

II.

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



III.

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the  
\_\_\_\_\_ 10th day of \_\_\_\_\_ February \_\_\_\_\_, 2020.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

### PERMISSION AND INDEMNITY AGREEMENT

In consideration for King Ranch, Inc.'s permission (evidenced by its execution below) for a portion of the Ride On The Wild Side Charity Bike Ride (or similarly named event) ["Bike Ride"] (with participation/sponsorship by the Kingsville Noon Lions Club & the City of Kingsville) to be held on the premises of King Ranch, Inc. in or about April 25<sup>th</sup> of 2020, the sufficiency and adequacy of which consideration is hereby acknowledged, the City of Kingsville, Texas, hereby unconditionally and irrevocably agrees to defend, indemnify and hold harmless King Ranch, Inc., its directors, employees, shareholders and agents from and against any and all claims based on, or arising out of, personal injury (including death) to, and/or property damage of, any of the participants, support personnel or other individuals participating in, observing as by-stander of, or providing organizational or other support or safety services for, the above Bike Ride, including the arrival to or departure from the above Bike Ride and all other ancillary and related activities related to the Bike Ride. **The foregoing defense, indemnity and holding harmless shall apply in full force and effect despite any sole, joint or concurrent negligence, strict liability or other fault of any of the above indemnified persons.**

At least 30 days prior to the Bike Ride, the City of Kingsville shall provide a certificate of insurance to King Ranch, Inc. in a form and from an insurer acceptable to King Ranch, Inc. showing contractual indemnity insurance coverage in the amount of at least \$5,000,000 per claim or occurrence for general liability, automobile liability and law enforcement liability, to cover this contractual indemnity agreement. Such certificate shall require the insurer to provide King Ranch, Inc. at least 30 days prior written notice of any change, deletion or expiration to such coverage and terms and such insurance and certificate shall indicate that such coverage for the contractual indemnitees is primary and shall respond without contribution from any other insurance of such indemnitees.

The Bike Ride's sponsors shall obtain and provide King Ranch, Inc. waivers of liability, on forms approved by King Ranch, Inc., executed by all Bike Ride participants in the Bike Ride.

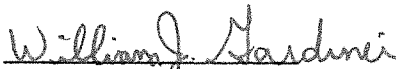
Executed this \_\_\_\_ day of \_\_\_\_\_, 202\_\_.

City of Kingsville, Texas, by:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

King Ranch, Inc.

  
Name William J. Gardiner

Senior Vice President/CFO  
Title

## WAIVER & RELEASE

In consideration for my participation in the bicycle tour event known as "A Ride on the Wild Side" which will be held Saturday, April 25, 2020, on King Ranch and areas in and around Kingsville, Texas, I hereby agree to this Waiver and Release. I fully realize the dangers of participating in a bicycle ride and fully assume the risk associated with such participation, including by way of example and not limitation, the following: the danger of collision with pedestrians, vehicles, other riders and fixed and moving objects; the danger rising from surface hazards, equipment failure, inadequate safety equipment, and weather conditions; and the possibility of serious physical and/or mental trauma or injury associated athletic cycling participation. I hereby waive, release and discharge for myself, my heirs, executors, administrators, legal representatives, signers, successors in interest any rights and claims which I have or which may hereafter accrue to me against the sponsors of this event, the organizers, and any promoting organizations, property owners (including King Ranch Inc. and its directors, employees, shareholders, and agents), law enforcement agencies, all public entities, special districts, and the Kingsville Noon Lions Club, through or by which the event will be held for any and all claims (**including those caused by the Negligence and Gross Negligence of such released persons**) for all damages arising out of personal injury (including death) or property damage which may be sustained by me directly or indirectly in connection with the event, or travel to or return from the event. I agree it is my sole responsibility to be familiar with the ride and operation of my bicycle so as to neither endanger others or myself. I accept responsibility for the condition and adequacy of the equipment I use to participate in the charity bicycle ride and I will wear an ANSI approved helmet at all times while riding my bicycle during such ride. I have no physical or mental condition which, to my knowledge, would endanger others or myself if I participate in this event. I understand and agree that I will be financially responsible for any loss or damage caused by my actions during the event. I further understand and agree with all the terms and conditions of this Waiver and Release.

I have read and I agree to the stated terms and conditions above.

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

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

### **Parent or Guardian if under 18:**

I have read and agree to the stated terms and conditions above and hereby acknowledge the authorization for my: \_\_\_\_\_,

Relationship

Name: \_\_\_\_\_ to participate in this event. I also authorize the medical treatment for any injuries sustained during this bicycle tour on King Ranch and areas in and around Kingsville, Texas.

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

Date: \_\_\_\_\_ Phone: \_\_\_\_\_

**Make check payable to "Kingsville Noon Lions Club" and mail with completed form to:**

Kingsville Noon Lions Club  
P.O. Box 471  
Kingsville, TX 78364

## INDEMNIFICATION UNDER CONTRACT

This endorsement forms a part of the **Declarations** to which attached, effective on the inception date of the coverage unless otherwise stated herein, and modifies such coverage as is afforded by the provisions of the coverage shown below:

### GENERAL LIABILITY

Member Name : Kingsville  
Member ID : 8955  
Effective Date : 10/01/2019

It is agreed that coverage is provided for the liability assumed by the **Fund Member** to indemnify the person or organization named below under a contract between such person or organization and the **Fund Member**, but such coverage shall not exceed the limits of coverage set forth in the **Declarations**.

Person or Organization: King Ranch, Inc.

Address : 3 River Way, Suite 1600

City, State & Zip Code : Houston, Texas 77056

### Description

Evidence of coverage for use of King Ranch, Inc. for the Annual Ride on the Wild Side Charity Bike Event.

# **REGULAR AGENDA**

## **AGENDA ITEM #4**

**City of Kingsville  
Planning Department**

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TO: Mayor and City Commissioners  
CC: Mark McLaughlin, City Manager  
FROM: Cynthia Martin, Downtown Manager/Historic Preservation Officer  
DATE: January 30, 2020  
SUBJECT: Appointment of Rose Morales to the Main Street Advisory Board

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**Summary:** Rose Morales is seeking appointment to the Main Street Advisory Board.

**Background:** Rose Morales is currently the General Manager of the King Ranch Saddle Shop – a position she has held for many years. The Saddle Shop, under her guidance has organized and participated in many a downtown event and promotion. She has served on the Board of the Kingsville Historic Downtown District Association, a merchant group with much the same mission as Kingsville Main Street, that is, the revitalization of our historic downtown district. She would serve as one of four Board members who represent the historical downtown district/merchants.

**Financial Impact:** NA

**Recommendation:** It is recommended that Rose Morales be appointed to the Main Street Advisory Board for a two-year term.



**From:** Rose Morales <rmorales@king-ranch.com>  
**Sent:** Saturday, February 01, 2020 10:07 AM  
**To:** Cynthia Martin <CMartin@cityofkingsville.com>  
**Subject:** Downtown

Hello Cynthia, I would like to tell you that I am very interested in joining the Kingsville Mainstreet Program for several reasons.... 1. I was born and raised in Kingsville and have always had a passion for my community. 2. I graduated from now Texas A&M Kingsville, then Texas A&I University. 3. We are raising my son in this community and I want it to be a better place for him to live.

When in college I worked for Beall's Department Store, I worked as a part-timer in the Work Study program at the University and I had my own band. I worked hard to keep people in Kingsville by having gigs in the surrounding area and concentrating in Kingsville and the local venues. I went on to work for King Ranch full time and found myself working on the growth of downtown with several others that had my same love for the community. We worked hard and created events that brought people to King Ranch and Kingsville. We promoted family events like the Art Walk and evening events like Fashion Shows and more. We developed a Leather Fiesta event that was fun and close to our hearts.

If there is a need for a Board member position, please know I would like to be your next member.

Let me know if you need anything else. Thank you for your time. Rose

--

**Rose M. Morales**  
General Manager  
**King Ranch Saddle Shop**  
PO Box 1594  
Kingsville, TX 78364  
Phone: (361) 221-0822  
Fax: (361) 595-1011  
Cell: (361) 522-2524  
Email: [rmorales@king-ranch.com](mailto:rmorales@king-ranch.com)  
Website: <http://krsaddleshop.com>





# **AGENDA ITEM #5**

**City of Kingsville  
Planning 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 30, 2020

SUBJECT: Appointment of Larry Garcia as a Regular Member of the Board of Adjustment

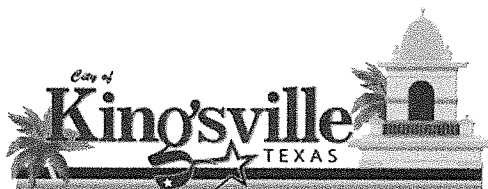
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**Summary:** Mr. Larry Garcia is seeking appointment as a regular member of the Board of Adjustment.

**Background:** Mr. Garcia has served as an alternate for the Board of Adjustment since July 30, 2018 attending meetings as needed serving in the absence of a regular member. The resignation of Rey Suarez from the Board created an opening. Mr. Garcia was invited to apply for the open position and accepted.

**Financial Impact:** NA

**Recommendation:** It is recommended that Larry Garcia be appointed to the Board of Adjustment for a two-year term.



## **AGENDA ITEM #6**

**City of Kingsville  
Planning 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 30, 2020

SUBJECT: Appointment of Orlando Moya as an Alternate Member of the Board of Adjustment

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**Summary:** Mr. Orlando Moya is seeking appointment as an alternate member of the Board of Adjustment.

**Background:** Mr. Moya resides in Kingsville has been a resident here for all but his high school years. Mr. Moya works as a Project Manager for Jim Crane under Davaco, Inc. and is also Director of Operations for Premises developing systems tailored for correctional facilities and jails. Mr. Moya has held administrative positions for the last ten years. He feels his background and experience will make him a well-qualified candidate for this position.

**Financial Impact:** NA

**Recommendation:** It is recommended that Orlando Moya be appointed as an alternate member of the Board of Adjustment for a two-year term.





**Orlando Moya**

**[REDACTED] Kingsville, TX 78363**

**Direct - [REDACTED]**

**Email - [Orlando@unitinnovations.com](mailto:Orlando@unitinnovations.com)**

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Wednesday, January 8, 2020

To Mayor Fugate, Cynthia Martin and Council,

This letter is to express interest in serving as a member of the Zoning Board of Adjustment.

My experience and commitments amidst my unfinished tenure in the management role has always secured career acceleration and provide opportunities for my family and I, I value those milestones in my course because it allowed me to educate myself with the growth and understanding that life has to offer. I have been a resident of Kingsville my entire life with the exception of my high school years. My family's roots descend from the King Ranch and I can honestly say that I am proud to be from a community in which past generations and ancestry has made an imprint. My fiancé is from Kingsville. Our daughters are going on 7 years old this year and I couldn't be happier with the teachers and schools they have been blessed with in our community. I work as a Project Manager for Jim Crane under Davaco Inc. and I typically oversee projects and programs valued anywhere from \$500,000 - \$10mil. I also occupy a Director of Operations position for Premises and we develop a system tailored specifically for correctional facilities and jails. I have held an administrative role for roughly 10 years now and I am excited to experience the upcoming chapters in my career. I would welcome the honor and privilege of working with you all and serving the city I reside. I feel that my background and experience would make for a well-qualified candidate.

Sincerely, Orlando Moya

# Orlando Moya

██████████ Kingsville, Tx 78363 | C ██████████ | orlando@unitinnovations.com

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## **Project Manager / Project Analyst / Operations Director**

*Plan – Design – Finance – Construction – Operation*

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### **Objective**

*In todays socially driven and materialistic society, community goals are often seen as a low priority. However, the reality is that the community we live in has a monumental influence on us personally – it fosters safety, responsibility, and sustainability – so it is important that we take our community seriously for the greater good of humanity and for the benefit for our families. My objective is to secure a sesat on the Zoning Board to provide service to my community and to gain learning experience in many dimensions, including "perspectives of the people".*

### **Competitive Advantages**

*Execution- driven project management professional with extensive experience in commercial base building, structure, and interior construction of all types. Expertise in management of multimillion-dollar projects. Highly successful construction plan development and operations management. Handle client coordination and contract administration, oversee projects and schedules, coordinate design, and administer construction process. Manage contractors to ensure quality, ongoing production, and safety compliance. Effectively support high-priority projects to maximize the bottom line.*

---

### **Technical Proficiencies**

- |              |                                |                       |
|--------------|--------------------------------|-----------------------|
| - Excel      | - Plan Grid Project Management | - Outlook             |
| - Word       | - Job walk by Holobuilder      | - Smartsheet          |
| - Powerpoint | - AutoCad                      | - DoForms             |
| - Project    | - Adobe/Visio                  | - GearThread          |
| - OneDrive   | - IBM Trirega                  | - Remote Conferencing |
| - Oracle     |                                |                       |

## ***Professional Experience***

***Director of Operations and Sales, Premises – Unit Innovations \ Kingsville, TX***

**2018 - Present**

*Oversee all sales and operations and continuously working to optimize the sales process, recognize data trends, refine operational models, and put out fires as they arise. My team and I collaborate to redefine our sales territories as our customers become widely ranged geographically. Develop policies to ensure data quality. I am responsible for the growth and profitability of the company along with expense control, staff management, and regional supervision.*

***Field Project Manager/Project Analyst, Davaco Inc. – A Crane Company \ Kingsville, TX***

**2016- Present**

My primary role after the merger of Davaco Inc and Crane World Wide Logistics is to Responsibilities include preparing project budget and schedule. Plan and schedule team meetings to discuss project progress and issues. Create and develop standard processes and documentations required for project executions. Manage field staffs effectively to execute assigned projects. Recruit and train field employees. Administratively manage all customer enquiries and issues in a timely manner. Review and revise quality control processes to meet customer expectations. Perform project management tasks including project timeline estimation and task management.

***Senior Project Manager, Trinity General Contracting & Transportation, \ Flour Bluff, TX***

**2014- 2016**

*Provided oversight to the entire Construction Division. Responsibilities included client communications, client negotiations, contract agreements, managing staff for time and performance and submitting closeout documents for all projects completed. Subtrade resourcing, scheduling and managed accounts payable and accounts receivable for the division. Along with other administrative duties.*

***Project Manager, Running M Contracting \ Kingsville, TX***

**2010- 2014**

*My role as PM for Running M Contracting absorbed several duties and responsibilities including client communications, client reporting, procurement management, staff management, and financial closeouts. During my time here I assisted in growing business relations and company revenue increase of 30%+ every year. I truly feel that this was the years that launched my career in a successful direction. We offered commercial construction services to a number of businesses in the community and maintained a solid reputation that left a long lasting reference list.*

### ***Education & Certifications***

- ***Georgetown High School***  
*Diploma (2006)*
- ***Google Analytics Certification***  
*2019*
- ***Texas A&M University Kingsville***  
*PMP Certification 2019 – present*
- ***Acting Decisively Certification***  
*2018*
- ***Osha 30-hour card***  
*2016*
- ***Project Management Foundations : Budgets***  
*2019*
- ***Project Management : Solving Common Project Problems***  
*2019*

### ***References***

- **Michael Goll/Maria Goll**  
Owners  
**Trinity General Contracting & Transportation**  
802 S. Laurent St. Victoria, Tx 77901  
(512) 665-4925  
Mgoll@trinitycontractorservices.com
- **Ethan Aldrich**  
Owner  
**Premises – Unit Innovations**  
San Antonio, Tx  
(210) 284-1799  
Ethan@unitinnovations.com
- **Curtis Lynn**  
Senior Project Manager  
**Davaco Inc.**  
4050 Valley View Lane Irving, Tx 75038  
(813)456-6558  
Curtis.lynn@davacoinc.com
- **Matt Gonzalez**  
Owner  
**Running M Contracting**  
918 E. Garcia St. Kingsville, Tx 78363  
(737) 240-6900  
Matthew@Runningm.com



# **AGENDA ITEM #7**

**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 30, 2020

SUBJECT: Resolution to Update Authorizing Signatories for TxCDBG Contract #7219012

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**Summary:** This is to designate by resolution the City Manager as an authorized signatory for contractual and environmental review documents and payment request forms for Texas Community Development Block Grant (TxCDBG) contract #7219012. The Mayor will remain as an authorized signatory for contractual and environmental review documents. This resolution is also to designate, in addition to the individuals listed above, the Finance Director as authorized signatories for the *Request for Payment Form* (A203).

**Background:** On April 3, 2019, the City of Kingsville was awarded a grant of \$250,000 for sidewalk improvements in the Kingsville Main Street district through the Texas Capital Fund Main Street Program. On September 9, 2019, City Commission passed a resolution designating the Interim City Manager Deborah Balli and Mayor Sam Fugate as authorized signatories for contractual and environmental review documents pertaining to the Texas Community Development Block Grant contract for this project. The resolution also designated Interim City Manager Balli and Interim Director of Planning & Development Services Martin as authorized signatories for payment request forms. As Ms. Balli is no longer in the position of Interim City Manager, this resolution would effectively designate the current City Manager, Mark McLaughlin, as an authorized signatory for contractual and environmental review documents and payment forms in her stead. Ms. Balli, as Finance Director, would replace the Interim Director of Planning & Development Services as an authorized signatory for the Request for Payment Form (A203). The attached Depository/Authorized Signatories Designation Form A202 reflects these designations.

**Financial Impact:** No financial impact.

**Recommendation:** Approve resolution authorizing signatories.



## RESOLUTION AUTHORIZING SIGNATORIES

A RESOLUTION BY (THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_, TEXAS/ COMMISSIONER'S COURT OF THE COUNTY OF \_\_\_\_\_ TEXAS), DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TxCDBG) CONTRACT NUMBER \_\_\_\_\_.

WHEREAS, the City/County of \_\_\_\_\_, Texas has received a 20\_\_ Texas Community Development Block Grant award to provide (water/wastewater/road/other) improvements, and;

WHEREAS, it is necessary to appoint persons to execute contractual documents and documents for 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/County of \_\_\_\_\_, Texas acknowledges that in the event that an authorized signatory of the City/County changes (elections, illness, resignations, etc.), the City/County 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 COUNCIL/COMMISSIONER'S COURT) OF THE COUNTY/CITY OF \_\_\_\_\_, TEXAS, AS FOLLOWS:

The (Mayor, Mayor Pro-Tem, City Manager, County Judge, County Clerk, County Treasurer) be authorized to execute contractual and environmental review documents between the Texas Department of Agriculture and the City/County for the 20\_\_ Texas Community Development Block Grant Program.

The (Mayor, Mayor Pro-Tem, City Manager, City Secretary, City Council Member, County Judge, County Clerk, County Auditor, County Treasurer) be authorized to execute the *State of Texas Purchase Voucher* and *Request for Payment Form* documents required for requesting funds approved in the 20\_\_ Texas Community Development Block Grant Program.

PASSED AND APPROVED BY (THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_, TEXAS/COMMISSIONER'S COURT OF THE COUNTY OF \_\_\_\_\_, TEXAS) on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Name, (MAYOR/COUNTY JUDGE)

Attest:

\_\_\_\_\_  
Name, (CITY SECRETARY, COUNTY CLERK)

**RESOLUTION # 2020-\_\_\_\_\_**

**A RESOLUTION OF THE CITY OF KINGSVILLE, TEXAS REVISING THE DESIGNATION OF SIGNATORIES FORM FOR TXCDBG #7219012.**

**WHEREAS**, the City of Kingsville, Texas, (hereinafter referred to as "City of Kingsville") has received a Texas Community Development Block Grant (hereinafter referred to as "TxCDBG") Contract #7219012 from the Texas Department of Agriculture (hereinafter referred to as "TDA") to provide downtown sidewalk improvements;

**WHEREAS**, the City previously approved a resolution designating signatories at a City Commission meeting on September 9, 2019 via Resolution #2019-72;

**WHEREAS**, due to staffing changes it is necessary to appoint new persons to execute contractual documents and documents for 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, Texas acknowledges that in the event that an authorized signatory of the City changes (election, 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 Commission of the City of Kingsville, Texas, as follows:

I.

**THAT** the Mayor and the City Manager be authorized to execute contractual documents between the Texas Department of Agriculture and the City for the Texas Community Development Block Grant Program Contract #7219012 on behalf of the City of Kingsville.

II.

**THAT** the City Manager and the Finance Director be authorized to execute the *State of Texas Purchase Voucher and Request for Payment Form* documents required for requesting funds approved in the Texas Community Development Block Grant Program Contract #7219012 on behalf of the City of Kingsville.

III.

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

**PASSED AND APPROVED** by a majority vote of the City Commission the 10th day of February, 2020.

---

Sam R. Fugate, Mayor

**ATTEST:**

---

Mary Valenzuela, City Secretary

**APPROVED AS TO FORM**

---

Courtney Alvarez, City Attorney

## Depository/Authorized Signatories Designation Form

Grant Recipient CITY OF KINGSVILLE      TxCDBG Contract No. 7219012

The individuals listed below are designated by resolution as authorized signatories for contractual and environmental review documents.

Sam R Fugate	Mark McLaughlin
(Name)	(Name)
Mayor	City Manager
(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).

Mark McLaughlin	Deborah Balli
(Name)	(Name)
City Manager	Finance Director
(Title)	(Title)
(Signature)	(Signature)
(Name)	(Name)
(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.

# **AGENDA ITEM #8**

**RESOLUTION \_\_\_\_\_**

**A RESOLUTION ORDERING THE CITY OF KINGSVILLE GENERAL AND SPECIAL ELECTION, DESIGNATING VOTING PRECINCTS, POLLING PLACES ESTABLISHING ELECTION PROCEDURES AND APPOINTING EARLY VOTING CLERK.**

**WHEREAS**, the City Commission of the City of Kingsville pursuant to Article V, Section 9 of the Charter of the City of Kingsville, shall conduct, and the results canvassed and announced by the election authorities prescribed by the General Election Laws of the State of Texas, and said General Election Laws shall control in all municipal elections, except as otherwise herein provided; and

**WHEREAS**, the General Election is to be held on Saturday, May 2, 2020, as prescribed by the General Election Laws of the State of Texas; and

**WHEREAS**, the terms of all five commission members expire in May 2020.

**BE IT ORDANINED**, by the City Commission of the City of Kingsville, Texas that an election be held in said City on the 2<sup>nd</sup> day of May 2020 for the purpose of electing a Mayor, four City Commissioners and for Charter Amendments.

**BE IT FURTHER ORDAINED** that this City have six election polling places comprised of the following voting precincts.

<u>CITY POLLING PLACE</u>	<u>COUNTY VOTING PRECINCT</u>
1	23 & 24
2	22, 32, & 44
3	21, 43, & 45
4	14, 41, & 42
5	13
6	11, 12, & 31

**THAT** this City shall hold the election between 7:00 A.M. and 7:00 P.M. at the following places in said City.

Polling Place #1	McRoberts Elementary School, 400 West Corral
Polling Place #2	KISD Administration Bldg. 207 North 3 <sup>rd</sup> Street
Polling Place #3	Kleberg County Annex Bldg., 720 E. King & 12 <sup>th</sup> Street
Polling Place #4	Gillett Intermediate School, 1007 North 17 <sup>th</sup> Street
Polling Place #5	Harvey Elementary School, 1301 East Kenedy
Polling Place #6	H.M. King High School, 2210 S. Brahma Blvd

**BE FURTHER RESOLVED THAT:** the method of voting for Early Voting by personal appearance and by mail and voting on Election day will be by use of paper ballot and Direct Recording Electronic (DRE) Voting System and be processed through the M100 Paper Ballot Tabulator for the results.

**THAT:** The City Secretary Mary Valenzuela or designated person is hereby appointed Clerk for Early Voting. Early voting for the election shall be held at City Hall, 400 W. King Avenue in the Helen Kleberg Groves Community Room and said place of early voting shall remain open on weekdays between the hours of 8:00 A.M. and 5:00 P.M. Monday, April 20, 2020 through April



24, 2020; and continuing from 7:00 A.M. to 7:00 P.M. on Monday, April 27, 2020 and terminating on Tuesday, April 28, 2020 after voting occurs between the hours of 7:00 A.M. and 7:00 P.M.

**THAT:** the City Secretary Mary Valenzuela or designated person shall give notice of said election by publishing the notice at least one time in at least one newspaper of general circulation in the City; that the City Secretary Mary Valenzuela or designated person is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election; and that the Presiding Officer of the Commission shall issue all necessary orders, writs and notices for said election and returns of said election shall be made to the City Commission.

**BE IT FINALLY RESOLVED** that in accordance with the order of this governing body, the City Secretary Mary Valenzuela posted written notice of the date, place and subject of this meeting, and said notice having been so posted and remaining posted and continuously for at least 72 hours preceding the scheduled time of said meeting.

**PASSED AND APPROVED** by majority vote of the City Commission of the City of Kingsville, Texas this the 10<sup>th</sup> day of February 2020.

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

\_\_\_\_\_  
Edna Lopez, Commissioner

\_\_\_\_\_  
Hector Hinojosa, Commissioner

\_\_\_\_\_  
Dianne Leubert, Commissioner

\_\_\_\_\_  
Arturo Pecos, Commissioner

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

## RESOLUCIÓN \_\_\_\_\_

**UNA RESOLUCIÓN QUE ORDENA LAS ELECCIONES GENERALES Y ESPECIALES DE LA CIUDAD DE KINGSVILLE, DESIGNA LOS DISTRITOS ELECTORALES Y LOS SITIOS DE VOTACIÓN, ESTABLECE LOS PROCEDIMIENTOS DE LAS ELECCIONES Y NOMBRA A LA SECRETARIA ENCARGADA DE LA VOTACIÓN ANTICIPADA.**

**CONSIDERANDO QUE:** La Comisión Municipal de la Ciudad de Kingsville, de conformidad con el Artículo V, Sección 9 del Fuero Municipal de la Ciudad de Kingsville, realizará las elecciones, y las autoridades electorales recomendadas por las Leyes de Elecciones Generales del Estado de Texas escrutarán los votos y anunciarán los resultados, y dichas Leyes de Elecciones Generales controlarán todas las elecciones municipales, salvo que se especifique lo contrario en el presente documento; y

**CONSIDERANDO QUE:** Las Elecciones Generales se llevarán a cabo el sábado 2 de mayo de 2020, como lo estipulan las Leyes de Elecciones Generales del Estado de Texas; y

**CONSIDERANDO QUE:** Los períodos de servicio de todos los cinco miembros de la comisión finalizarán en mayo de 2020.

**ES DECRETADO,** por la Comisión Municipal de la Ciudad de Kingsville, Texas, que se realicen unas elecciones en dicha Ciudad el día 2 de mayo de 2020, con el propósito de elegir un Alcalde y cuatro Comisionados Municipales y para Enmiendas de la Carta.

**SE DECRETA ADEMÁS** que esta Ciudad tendrá seis sitios de votación, compuestos de los siguientes distritos electorales.

<u>SITIO DE VOTACIÓN EN LA CIUDAD</u>	<u>DISTRITO ELECTORAL DEL CONDADO</u>
1	23 & 24
2	22, 32, & 44
3	21, 43, & 45
4	14, 41, & 42
5	13
6	11, 12, & 31

**QUE** esta Ciudad deberá realizar las elecciones entre las 7:00 a.m. y las 7:00 p.m. en los siguientes sitios de dicha Ciudad:

Sitio de votación #1	Escuela Primaria McRoberts, 400 West Corral
Sitio de votación #2	Edificio de Administración del KISD 207 North 3 <sup>rd</sup> Street
Sitio de votación #3	Edificio anexo del condado de Kleberg, 720 E. King & 12 <sup>th</sup> St.
Sitio de votación #4	Escuela Intermedia Gillett, 1007 North 17 <sup>th</sup> Street
Sitio de votación #5	Escuela Primaria Harvey, 1301 East Kenedy
Sitio de votación #6	Escuela H.M. King High School, 2210 S. Brahma Blvd

**SE RESUELVE ADEMÁS QUE:** El método de votación para la votación anticipada en persona y por correo, y para la votación el día de elecciones, será con papeletas y el sistema de votación de registro electrónico directo (DRE, por sus siglas en inglés). Los votos se procesarán a través del tabulador de papeletas M100 para obtener los resultados.

**QUE:** La Secretaria Municipal, Mary Valenzuela, o la persona designada, se nombra aquí Secretaria de Votación Anticipada. La votación anticipada para las elecciones se llevará a cabo en el primer piso del Ayuntamiento, 400 W. King Ave., en el Helen Kleberg Groves Community Room y dicho sitio de votación anticipada permanecerá abierto entre semana, de las 8:00 a.m. a las 5:00 p.m., desde el lunes 20 de abril de 2020 hasta el 24 de abril de 2020; seguirá abierto de las 7:00 a.m. a las 7:00 p.m. el lunes 27 de abril de 2020; y se cerrará el martes 28 de abril de 2020, después de que la votación haya ocurrido entre las 7:00 a.m. y las 7:00 p.m.

**QUE:** La Secretaria Municipal, Mary Valenzuela, o la persona designada, notificará sobre dichas elecciones, publicando un aviso, por lo menos una vez, en al menos un periódico de circulación general en la Ciudad; la Secretaria Municipal, Mary Valenzuela, u otra persona designada, está autorizada y tiene instrucciones de proporcionar todos los materiales necesarios para realizar dichas elecciones; y que el Funcionario que Preside la Comisión expedirá todas las órdenes necesarias, los mandatos judiciales y las notificaciones para dichas elecciones, y los resultados de dichas elecciones se informarán a la Comisión Municipal.

**SE RESUELVE FINALMENTE QUE:** De acuerdo con la orden de este organismo regulador, la Secretaria Municipal, Mary Valenzuela, fijó un aviso escrito anunciando la fecha, lugar y tema de esta reunión, y que dicho aviso ha permanecido fijo sin interrupción por lo menos durante las 72 horas precedentes a la hora programada para dicha reunión.

**APROBADA** por voto mayoritario de la Comisión Municipal de la Ciudad de Kingsville, Texas, este día 10 de febrero de 2020.

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Sam R. Fugate, Alcalde

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Edna Lopez, Comisionado

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Hector Hinojosa, Comisionado

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Dianne Leubert, Comisionado

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Arturo Pecos, Comisionado

**DA FE:**

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Mary Valenzuela, Secretaria Municipal

**APROBADA RESPECTO A FORMA:**

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Courtney Álvarez, Abogado Municipal

# **AGENDA ITEM #9**

**RESOLUTION #2020-\_\_\_\_\_**

**A RESOLUTION FOR THE BALLOT PROPOSITIONS FOR THE SPECIAL ELECTION TO CONSIDER AMENDING THE CHARTER OF THE CITY OF KINGSVILLE, TEXAS AND OTHER MATTERS RELATED THERETO.**

**WHEREAS**, the City Commission of the City of Kingsville pursuant to Article V, Section 9 of the Charter of the City of Kingsville, shall conduct, and the results canvassed and announced by the election authorities prescribed by the General Election Laws of the State of Texas, and said General Election Laws shall control in all municipal elections, except as otherwise herein provided; and

**WHEREAS**, the General and Special Election is to be held on Saturday, May 2, 2020, as prescribed by the General Election Laws of the State of Texas for the purpose of electing a Mayor, four City Commissioners, and for Charter Amendments; and

**WHEREAS**, the terms of all five commission members expire in May 2020.

**WHEREAS**, the Charter Review Committee presented its recommendations to the City Commission at the meeting on January 13, 2020 and the City Commission determined to move forward with some revised charter amendment proposals at a meeting on January 27, 2020;

**WHEREAS**, the Commission hereby finds and determines that this action is in the best interests of the citizens of the City;

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

**Section 1. Ballot Propositions.** A special election has been ordered to be held on the 2nd day of May, 2020 (the "Election Day"), a uniform election date, in the CITY OF KINGSVILLE, TEXAS, via a separate resolution on February 10, 2020, for the purpose of submitting the following propositions to the qualified voters of the City in accordance with law. The official ballots shall be prepared in accordance with the Election Code so as to permit qualified voters to vote "FOR" or "AGAINST" the aforesaid propositions which shall appear on the ballot substantially as follows:

**PROPOSITION A:** Shall the Charter be amended to adopt four (4) year terms of office for the Mayor and City Commissioners?

**PROPOSITION B:** Shall the Charter be amended to limit the recall of the Mayor or City Commissioner to no sooner than twelve (12) months after election to office and not later than twelve (12) months before expiration of office?

**PROPOSITION C:** Shall the Charter be amended to require a person be a resident of the city for at least twelve (12) months immediately preceding their election to the City Commission?

**PROPOSITION D:** Shall the Charter be amended to provide for a 5:30p.m. meeting on the first Thursday after the election of the Commission has been declared to be sworn into office?

PROPOSITION E: Shall the Charter be amended to provide that all ordinances, other than emergency measures, be published once a week for two (2) consecutive weeks, in some newspaper publicly circulated in Kingsville?

**Section 2. Text Amendment.** If one or more of the measures listed above as Propositions A-E are approved by the voters, the Kingsville City Charter would be amended as follows [proposed deleted text is shown with ~~strike throughs~~ and proposed added text is shown with underline]:

PROPOSITION A: Article V, Section 2-Terms of Office:

**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.

PROPOSITION B: Article II, Section 24-Recall, (2) Restrictions on Recall:

**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.

PROPOSITION C: Article V, Section 4-Qualifications:

**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 Commissioner 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.

PROPOSITION D: Article V, Section 12-Meeting of the Commission:

**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.

PROPOSITION E: Article V, Section 17-Ordinances, Publication of:

**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.

**Section 3. Corrections.** The Mayor and City Secretary are hereby authorized and directed to approve any technical changes or corrections to this Resolution or to any of the instruments authorized by this Resolution necessary in order to (i) correct any ambiguity, mistake, or omission, or (ii) to comply with the requirements of the Texas Election Code or any other applicable law.

**Section 4. Incorporation of Recitals.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Commission.

**Section 5. Resolution Controls.** All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters ordered herein.

**Section 6. Law.** This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**Section 7. Severability.** If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and this

Commission hereby declares that this Resolution would have been enacted without such invalid provision.

**Section 8. Open Meetings.** It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code.

**Section 9. Effective Date.** This Resolution shall be in force and effect from and after the date of its adoption, and it is so ordained.

**BE IT FINALLY RESOLVED** that in accordance with the order of this governing body, the City Secretary Mary Valenzuela posted written notice of the date, place and subject of this meeting, and said notice having been so posted and remaining posted and continuously for at least 72 hours preceding the scheduled time of said meeting.

**PASSED AND APPROVED** by a majority vote of the City Commission on the 10<sup>th</sup> day of February, 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



# **AGENDA ITEM #10**

**City of Kingsville  
Police Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: February 3, 2020

SUBJECT: MOU for Radio Coalition

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**Summary:**

The police department is requesting a resolution authorizing the City Manager for the City of Kingsville to participate in the Coastal Bend Regional Public Safety Radio Coalition which will allow the Coalition to roam the entire Coalition radio system.

**Background:**

We are developing a master plan which will cover but not be limited to the following:  
Radio Frequencies, coverage, infrastructure, connectivity, redundancy, prioritization, roaming, integration, security and grant funding.

**Financial Impact:**

Costs shall be incurred with each member of the Coalition responsible for their pro rata share of expenses. The Parties agree that the performance of each is subject to the ability of the parties to provide or pay for the services required under this Agreement. Each party is responsible for paying all costs of services to be provided by their law enforcement officers or employees pursuant to this Agreement. This Agreement does not require the payment of funds from any party to another party for the services to be provided under this MOU. The parties do acknowledge that all of their own obligations pursuant to the terms of this Agreement shall be met from current revenues available to the parties, and that any future obligations are subject to appropriations.

**Recommendation:**

We request that a resolution be approved to allow for the City of Kingsville to participate in the Coastal Bend Regional Public Safety Radio Coalition.



**RESOLUTION #2020-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO THE COASTAL BEND REGIONAL PUBLIC SAFETY RADIO COALITION MEMORANDUM OF UNDERSTANDING.**

**WHEREAS**, the City Commission of the City of Kingsville (City) finds it in the best interest of the citizens of Kingsville, that the City enter into the Coastal Bend Regional Public Safety Radio Coalition Memorandum of Understanding (MOU); and

**WHEREAS**, the City has authorized the City Manager to execute the MOU.

**WHEREAS**, there is no cost for participating in the MOU, but if the parties to the MOU later determine a project then a pro rata share of expense for each member would be established and subject to appropriations by each party; and

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

I.

**THAT** the City Commission of the City of Kingsville authorizes the City Manager to execute the Coastal Bend Regional Public Safety Radio Coalition Memorandum of Understanding.

II.

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

**PASSED AND APPROVED** by a majority vote of the City Commission the 10<sup>th</sup> day of February, 2020.

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

**ATTEST:**

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

**APPROVED AS TO FORM**

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

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is made by and between the City of Corpus Christi ("Corpus Christi"), a Texas municipal corporation and home rule city, the City of Kingsville, ("Kingsville") a Texas municipal corporation and home rule city, the City of Port Aransas, ("Port Aransas"), the City of Portland, ("Portland"), the City of Rockport, ("Rockport"), San Patricio County, Texas ("San Patricio"), Nueces County, Texas ("Nueces"), the Regional Transportation Authority ("RTA"), a metropolitan transit authority under Article 1118x, V.A.T.S. and the Corpus Christi Port Authority of Nueces County ("Port"). The collective parties shall be known as the Coastal Bend Regional Public Safety Radio Coalition, ("The Coalition").

- A. This MOU is for planning purposes only and is not intended to constitute a legally binding or enforceable agreement or commitment on the parties.
- B. **Purpose.** The purpose of this MOU is to memorialize the willingness and intent of the respective members of the Coalition to collaborate to develop a master plan to address coverage, infrastructure, connectivity, redundancy, prioritization, governance, and security for a radio system that will be utilized across multiple member jurisdictions. Any resulting master plan will be presented to each governing body for review and further action as appropriate.
- C. **Designees.** Each member of the Coalition will designate a representative ("Designee") to attend Coalition meetings, which will meet as frequently as needed.
- D. **Good Faith Negotiations.** The members of the Coalition shall collaborate in good faith and use their best efforts to develop a master plan as described above.
- E. **Costs.** No costs are anticipated under this MOU, save and except for any cost associated with each Designee's participation in the Coalition and attendance to related meetings. The governing entity for such Designee shall each be responsible for their individual designee's costs. Each party is responsible for paying all costs of services to be provided by their Designee pursuant to this MOU. This MOU does not require the payment of funds from any party to another party for the services to be provided under this MOU. The parties do acknowledge that all of their own obligations pursuant to the terms of this Agreement shall be met from current revenues available to the parties, and that any future obligations are subject to appropriations.
- F. **Term.** This MOU shall become effective upon the last date of the last signature below and shall remain in full force and effect until a master plan as described above in Paragraph B is developed and presented for approval to the respective governing bodies. Any party may withdraw from participating in this MOU by providing thirty (30) days written notice. Withdrawal by any one Coalition member does not affect the continued operation of this MOU between and among the remaining Coalition members.
- G. **Amendments.** This MOU may be amended/modified in writing, and only by mutual agreement of all parties.
- H. **Notice.** Notice must be given by certified mail and is deemed received on the third day after deposit in the U.S. mail. Notice shall be addressed as follows:

**City of Corpus Christi**

Attn: Peter Zanon, City Manager  
P.O. Box 9277  
Corpus Christi, Texas 78469

**City of Portland**

Attn: Randy L. Wright, City Manager  
1900 Billy G. Webb Dr.  
Portland, Texas 78374

**City of Kingsville**

Attn: Mark McLaughlin, City Manager  
PO Box 1458  
Kingsville, Texas 78364

**City of Rockport**

Attn: Kevin Carruth, City Manager  
2751 SH 35 N Bypass  
Rockport, Texas 78382

**City of Port Aransas**

Attn: David Parsons, City Manager  
710 West Avenue A  
Port Aransas, Texas 78373

**San Patricio County**

Attn: David Krebs, County Judge  
400 W. Sinton St., Room 109  
Sinton, Texas 78387

**Nueces County**

Attn: Barbara Canales, County Judge  
901 Leopard St., 3<sup>rd</sup> Floor, Room 303  
Corpus Christi, Texas 78401

**Corpus Christi Regional Transportation  
Authority**

Attn: David Chapa, Director of IT  
602 N. Staples St.  
Corpus Christi, Texas 78401

**Port of Corpus Christi Authority**

Attn: Sean Strawbridge, Chief Executive Office  
222 Power Street  
Corpus Christi, Texas 78401

- I. **Assignment.** No party shall assign, sublet or transfer its interests in this Agreement without the prior written consent of the other parties.
- J. **No Waiver.** Nothing in this MOU is intended, nor may it be deemed, to waive 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 MOU and the performance of the terms contained in this MOU.
- K. **Entire Agreement.** This MOU represents the entire agreement between the parties. Any oral representations or modifications concerning this Agreement shall be of no force or effect unless contained in a subsequent writing signed by both parties. By their signatures below, the parties accept the terms of this Agreement in full.

**City of Corpus Christi**

By: \_\_\_\_\_

\_\_\_\_\_  
City Manager

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

**City of Portland**

By: \_\_\_\_\_

\_\_\_\_\_  
City Manager

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

**City of Kingsville**

By: \_\_\_\_\_

\_\_\_\_\_  
City Manger

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

**City of Port Aransas**

By: \_\_\_\_\_

\_\_\_\_\_  
City Manager

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

**Nueces County**

By: \_\_\_\_\_

\_\_\_\_\_  
County Judge

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

**Port of Corpus Christi Authority**

By: \_\_\_\_\_

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

**City of Rockport**

By: \_\_\_\_\_

\_\_\_\_\_  
City Manager

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

**San Patricio County**

By: \_\_\_\_\_

\_\_\_\_\_  
County Judge

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

**Corpus Christi Regional Transportation Authority**

By: \_\_\_\_\_

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

# **AGENDA ITEM #11**

**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 23, 2020

SUBJECT: Lease of Equipment for the South Treatment Plant Clarifier Rehab

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**Summary:** This item authorizes the entering into a public property finance contract with Government Capital Corporation to finance RFP # 19-07 rehabilitation of the South Treatment Plant Clarifier Equipment and Labor.

**Background:**

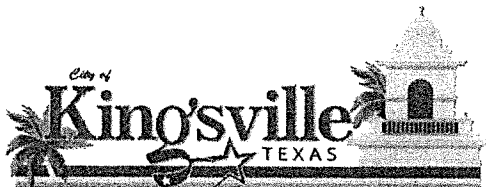
The Commission approved request for proposal (RFP # 19-07) back in June 24, 2019, during the 2020 Adopted budget, the funds allocated for the clarifier project were reallocated for the I-69 TXDOT Utility Lines Relocation Project.

**Financial Impact:**

Funds are available through 054-5-7002-64200 Capital Lease Principal, Year One of which \$95,430.00 are available this fiscal year. The amount of the equipment will be \$612,932.11 over seven years at an annual amount of \$87,561.73 for the first year, at an interest rate of 3.47% please refer to contract attached and Exhibit B Schedule of payments.

**Recommendation:**

It is recommended the City enter into a public property finance contract with Government Capital Corporation to cover the purchase of equipment for the South Treatment Plant Clarifier. RFP # 19-07 was bid, therefore, competitive bidding statutes have been met.







City of Kingsville, TX

# Utility Funds Account Summary

For Fiscal: 10/2018-09/2019 Period Ending: 09/30/2019

Fund: 054 - UF CAPITAL PROJECTS		2017	2018	2019	2019	2019	2020	2020
Department : 000 - Non-Departmental		Total Activity	Total Activity	Original Budget	Total Budget (Amended)	YTD Activity	Expected Annual	City Manager Proposed
AcctType: 4 - Revenue								City Commission Adopted
Division: 0000 - Non-Departmental								
054-4-0000-75001								
Transfer From Fund 001		0.00	50,000.00	0.00	0.00	0.00		
054-4-0000-75010								
Transfer From Fund 051		134,295.24	255,580.00	1,396,000.00	1,396,000.00	1,047,000.00	1,396,000.00	95,430.00
Budget Detail								
Budget Code								
City Manager								
Description		Units	Amount					
Lease Payment Contribution-Clarifier		0.00	-95,430.00					
Transfer From Fund 025		0.00	90,000.00	0.00	0.00	0.00		
054-4-0000-75096								
Transfer From Fund 096		0.00	120,000.00	0.00	0.00	0.00		
Interest Income		11,236.49	7,690.15	2,000.00	2,000.00	3,338.46	3,000.00	3,000.00
Division: 0000 - Non-Departmental Total:		145,531.73	523,270.15	1,398,000.00	1,398,000.00	1,050,338.46	1,399,000.00	98,430.00
AcctType: 4 - Revenue Total:		145,531.73	523,270.15	1,398,000.00	1,398,000.00	1,050,338.46	1,399,000.00	98,430.00
Department : 000 - Non-Departmental Total:		145,531.73	523,270.15	1,398,000.00	1,398,000.00	1,050,338.46	1,399,000.00	98,430.00
Department : 600 - Water								
AcctType: 5 - Expense								
Division: 6001 - Water Construction								
Water Lines & Fixtures		0.00	0.00	57,720.00	57,720.00	52,534.13	57,720.00	600,000.00
Budget Detail								
Budget Code								
City Manager								
Description		Units	Amount					
I-69 TXDOT Utility Line Relocation Project		0.00	600,000.00					
Division: 6001 - Water Construction Total:		0.00	0.00	57,720.00	57,720.00	52,534.13	57,720.00	600,000.00
Division: 6002 - Water Production								
Utility Plant								
054-5-6002-54300								
Budget Detail								
Budget Code								
City Manager								
Description		Units	Amount					
FY19-20-Carry Over-Ground Storage Tank Repl		0.00	125,000.00					
Utility Plant								
054-5-6002-72100								
FY19-20-Carry Over-Ground Storage Tank Repl		0.00	152,300.00	225,500.00	225,500.00	36,000.00	177,300.00	177,300.00

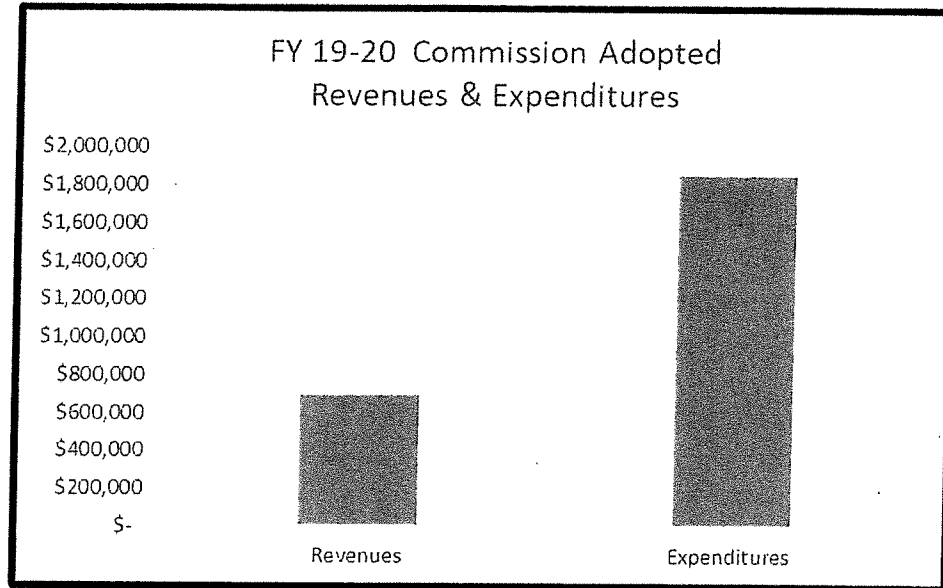
## Utility Funds

For Fiscal: 10/2018-09/2019 Period Ending: 09/30/2019

Budget Detail Budget Code City Manager	Description	Units	Price	Amount	2017 Total Activity	2018 Total Activity	2019 Original Budget	2019 Total Budget (Amended)	2019 YTD Activity	2019 Expected Annual	2020 City Manager Proposed	2020 City Commission Adopted
054-5-6201-71300 Division: 6201 - Collections	Carry Over-Ground Storage Tank Repl #19	0.00	0.00	177,300.00								
	Division: 6002 - Water Production Total:											
	AcctType: 5 - Expense Total:											
	Department : 600 - Water Total:											
054-5-6202-22800 Division: 6202 - Meter Readers	Building		0.00	0.00	0.00	0.00	95,475.74	95,475.74	95,475.74	95,476.00	0.00	0.00
	Division: 6201 - Collections Total:											
	Water Meters		18,000.00	97,858.16	60,000.00	104,356.26	104,285.20	103,567.00	60,000.00	60,000.00		
	Division: 6202 - Meter Readers Total:											
	AcctType: 5 - Expense Total:											
054-5-6900-80051 Division: 6900 - Fund Expense/Transfer	Department : 620 - Utility Billing Total:											
	AcctType: 5 - Expense											
	Transfer To Fund 051		0.00	588,895.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Division: 6900 - Fund Expense/Transfer Total:											
	AcctType: 5 - Expense Total:											
054-4-7002-99602 Division: 7002 - South Plant	Department : 690 - Fund Expense/Transfer Total:											
	AcctType: 4 - Revenue											
	Lease Proceeds		0.00	0.00	0.00	0.00	0.00	0.00	0.00		600,000.00	600,000.00
	Division: 700 - Waste Water											
	AcctType: 4 - Revenue											
054-4-7002-99602 Division: 7002 - South Plant	Lease Purchase-Clarifier Project		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	600,000.00	600,000.00
	Division: 7002 - South Plant Total:											
	AcctType: 4 - Revenue Total:											



# FUND 054 – UF CAPITAL PROJECTS FUND SUMMARY



Revenues  
Expenditures  
Net Revenues over (under) Expenditures

FY 19-20 Adopted Budget	
Revenues	\$ 698,430
Expenditures	1,854,476
Net Revenues over (under) Expenditures	<u>(\$1,156,046)</u>

## Fund Balance

Beginning Fund Balance - (Unaudited)  
Budgeted Revenues  
Budgeted Expenditures  
Estimated Ending Fund Balance 09/30/20

Beginning Fund Balance - (Unaudited)	\$1,247,023
Budgeted Revenues	698,430
Budgeted Expenditures	1,854,476
Estimated Ending Fund Balance 09/30/20	<u>\$90,977</u>

June 24, 2019  
mts.

## **AGENDA ITEM #9**

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

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

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

I.

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

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 054 – UF Capital Projects					
<u>Expenditures - 5</u>					
7002	South Plant	Utility Plant	72100	\$536,000	

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

II.

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

III.

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

IV.

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

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

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

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

June 24, 2019  
mtg.

## **AGENDA ITEM #10**



**City of Kingsville  
Engineering Dept.**

TO: Mayor and City Commissioners  
CC: Deborah Balli, City Manager  
FROM: Rutilio P. Mora Jr, P.E., City Engineer  
DATE: June 24, 2019  
SUBJECT: Consider and act upon awarding the 2019 Southside WWTP Primary Clarifier Equipment Replacement Project (RFP#19-07).

**Summary:**

The purpose of the project is to replace the existing primary clarifier which is located at SWWTP along FM 1717. The existing clarifier equipment has been in service since 2000. It was a replacement of the original equipment in 1977. It has been repaired several times. Two equipment manufacturers were approved Amwell from North Aurora, Illinois and Envirodyne Systems Inc. from Camp Hill, Pennsylvania. The equipment being replaced is Enviroquip from Austin, Texas. and is approximately 19 years old. Please note Enviroquip Inc. is not associated with Envirodyne Systems Inc. The vendors for both manufacturers are located in Texas.

The Engineering Dept. provided the engineering services for this project. The project was advertised in the local paper and online on May 2<sup>nd</sup> and May 9<sup>th</sup>. A pre-bid was held on May 15<sup>th</sup> and the bid opening was on May 22<sup>nd</sup> at 3:00 pm.

- Base bid is to remove and install a new galvanized clarifier equipment.
- Alternate No. 1 was to install 316 stainless steel clarifier equipment in lieu of a galvanized finish.

Bids were received from three contractors which included DMB Construction from Corpus Christi, Tx.; J. S. Haren Company from Athens, Tn.; and, Donald Hubert Construction from Kingsville, Tx. References were verified.

Three options were presented. The Base Bid ranged from \$406,000 to \$524,237. Base Bid plus Alternate No. 1 Bid ranged from \$536,000 to \$723,921.



**City of Kingsville  
Engineering Dept.**

**Background:**

The primary clarifier has needed replacement since 2017.

**Financial Impact:**

Funds for the project, expected to be \$536,000.00 will come from fund 054 Utility Capital Projects Fund.

**Recommendation:**

Staff recommends: (1) awarding the project to J. S. Haren Company for the Base Bid plus Alternate No. 1 in the amount of \$536,000.00, as stainless steel used in Alt. 1 will have a longer expected useful life than a galvanized finished product used in the base bid; and, (2) authorizing the City Manager to execute a contract for the same.

**Attachments:**

Bid Tabulation



**Bid Opening Tabulation**  
**2019 South Side Waste Water Treatment Plant Primary Clarifier Equipment Replacement**

**May 22, 2019 3:00PM**

**Engineering Department Conference Room**



Contractor	Base Bid	Base Bid + Alternative #1
JS Haren	406,000	536,000
DMB Construction	524,237	723,921
Hubert Construction	425,000	620,500

**City of Kingsville  
Engineering Dept.**

TO: Mayor and City Commissioners  
CC: Deborah Balli, City Manager  
FROM: Rutilio P. Mora Jr, P.E., City Engineer  
DATE: June 24, 2019  
SUBJECT: Consider and act upon awarding the 2019 Southside WWTP Primary Clarifier Equipment Replacement Project (RFP#19-07).

---

**Summary:**

The purpose of the project is to replace the existing primary clarifier which is located at SWWTP along FM 1717. The existing clarifier equipment has been in service since 2000. It was a replacement of the original equipment in 1977. It has been repaired several times. Two equipment manufacturers were approved Amwell from North Aurora, Illinois and Envirodyne Systems Inc. from Camp Hill, Pennsylvania. The equipment being replaced is Enviroquip from Austin, Texas. and is approximately 19 years old. Please note Enviroquip Inc. is not associated with Envirodyne Systems Inc. The vendors for both manufacturers are located in Texas.

The Engineering Dept. provided the engineering services for this project. The project was advertised in the local paper and online on May 2<sup>nd</sup> and May 9<sup>th</sup>. A pre-bid was held on May 15<sup>th</sup> and the bid opening was on May 22<sup>nd</sup> at 3:00 pm.

- Base bid is to remove and install a new galvanized clarifier equipment.
- Alternate No. 1 was to install 316 stainless steel clarifier equipment in lieu of a galvanized finish.

Bids were received from three contractors which included DMB Construction from Corpus Christi, Tx.; J. S. Haren Company from Athens, Tn.; and, Donald Hubert Construction from Kingsville, Tx. References were verified.

Three options were presented. The Base Bid ranged from \$406,000 to \$524,237. Base Bid plus Alternate No. 1 Bid ranged from \$536,000 to \$723,921.



**City of Kingsville  
Engineering Dept.**

**Background:**

The primary clarifier has needed replacement since 2017.

**Financial Impact:**

Funds for the project, expected to be \$536,000.00 will come from fund 054 Utility Capital Projects Fund.

**Recommendation:**

Staff recommends: (1) awarding the project to J. S. Haren Company for the Base Bid plus Alternate No. 1 in the amount of \$536,000.00, as stainless steel used in Alt. 1 will have a longer expected useful life than a galvanized finished product used in the base bid; and, (2) authorizing the City Manager to execute a contract for the same.

**Attachments:**

Bid Tabulation





**RESOLUTION #2019-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO A STANDARD FORM OF AGREEMENT BETWEEN THE CITY OF KINGSVILLE AND CONTRACTOR ON THE BASIS OF A STIPULATED PRICE FOR SOUTH SIDE WASTEWATER TREATMENT PLANT PRIMARY CLARIFIER EQUIPMENT REPLACEMENT PROJECT (RFP #19-07); REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville went out for RFP's for South Side Wastewater Treatment Plant Primary Clarifier Equipment Replacement Project via RFP#19-07, which was advertised on May 2, 2019 and May 9, 2019, and held a pre-bid meeting on May 15, 2019;

**WHEREAS**, bids were received from three contractors by the bid opening on May 22, 2019 and at a City Commission on June 24, 2019, the City Commission made an award to J.S. Haren Company (hereafter "Contractor") for the Base Bid and Alternate No. 1 in the amount of \$536,000.00;

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

**WHEREAS**, the City Commission has awarded the bid for RFP#19-07, it now hereby authorizes the Interim City Manager to execute the agreement on the City's behalf.

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

I.

**THAT** the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into a Standard Form of Agreement Between the City of Kingsville and Contractor on the Basis of a Stipulated Price for South Side Wastewater Treatment Plant Primary Clarifier Equipment Replacement Project (RFP#19-07) in accordance with the bid documents from the City and proposal received from the successful Contractor.

II.

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

III.

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the  
24th day of June, 2019.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



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

---

THIS AGREEMENT is dated as of the 24<sup>th</sup> day of June in the year 2019 by and between the City of Kingsville, 400 W. King Avenue, Kingsville, Texas 78363 (hereinafter called CITY) and J.S. Haren Company (hereinafter called CONTRACTOR).

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

**Article 1. WORK:**

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

**“City of Kingsville – BID 19-07 “2019 South Side Wastewater Treatment Plant Primary Clarifier Equipment Replacement”**

**Article 2. ENGINEER:**

The Project has been designed by:



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

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

**Article 3. CONTRACT TIME**

- 3.1 The Work will be completed and ready for final payment in accordance with the General Conditions within 270 calendar days from the date when the Contract Time commences to run.
- 3.2 Liquidated Damages. CITY and CONTRACTOR recognize that time is of the essence of this Agreement and that CITY will suffer financial loss if the Work is not completed within the time specified in paragraph 3.1 above, plus any extensions thereof allowed in accordance with the General Conditions.

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

**Article 4. CONTRACT PRICE:**

- 4.1 CITY shall pay CONTRACTOR for completion of Work in accordance with the Contract Documents in current funds as follows: Per Contractors Proposal dated June 24<sup>th</sup>, 2019 in the total base bid and total alternative No. 1 A-1 in the amount of \$536,000.00, as attached and a part of this contract document.

**Article 5. PAYMENT PROCEDURES:**

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

**Article 6. INTEREST:**

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

**Article 7. CONTRACTORS REPRESENTATIONS:**

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

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

**Article 8. CONTRACT DOCUMENTS:**

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

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

**CONTRACT DOCUMENTS  
&  
TECHNICAL SPECIFICATIONS  
FOR**

---

**BID -19-07**

**"2019 South Side Wastewater Treatment Plant Primary Clarifier Equipment Replacement"  
FOR  
CITY OF KINGSVILLE, TEXAS**

---

**City Manager**

Jesus A Garza

**Mayor**

Sam Fugate

**Commissioner(s)**

Alfonso R Garcia

Noel Pena

Arturo Pecos

Edna Lopez

**APRIL 2019**

Prepared by:



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

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

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

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

Description

1. COVER SHEET
2. OVERALL LAYOUT PLAN AND NOTES
3. CLARIFIER PLANVIEW
4. CLARIFIER ELEVATION
5. CLARIFIER DETAILS

- 8.5 Addenda, if any, and Invitation to Bid, Instructions to Bidders, Signed Bid, General Conditions, Special Conditions and Technical Specifications.

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

## **Article 9. MISCELLANEOUS**

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

## **Article 10. OTHER PROVISIONS**

- 10.1 The successful bidder who is awarded this bid will be required to complete and return a Conflict of Interest Disclosure Form and a Form 1295 – Certificate of Interested Parties
- 10.2 This contract gives no rights or benefits to anyone other than the CITY and CONTRACTOR.
- 10.3 CONTRACTOR agrees to abide by all local, state, and federal nondiscrimination and fair wages, and all other laws applicable to this contract.
- 10.4 CONFLICT OF INTEREST – Effective January 1, 2006, Chapter 176 of the Texas Local Government Code requires that any vendor or person considering doing business with a local government entity must disclose in the Questionnaire Form CIQ, the vendor or person's affiliation or business relationship that might cause a conflict with a local governmental entity. This questionnaire must be filed, by law, with the City Secretary of the City of Kingsville not later than the 7<sup>th</sup> business day after the date the person becomes aware of the facts that require the statement be filed. See section 176.006, Local Government Code. A person commits an offense if the person violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor. For more information or

to obtain the Questionnaire CIQ go to Texas Ethics Commission web page at [www.ethics.state.tx.us/forms/CIQ.pdf](http://www.ethics.state.tx.us/forms/CIQ.pdf).

Additionally, Pursuant to House Bill 1295 passed by the 84<sup>th</sup> Texas Legislature (Section 2252.908, Texas Government Code, as amended) and formal rules released by the Texas Ethics Commission (TEC), all contracts with private business entities requiring approval by the Kingsville City Commission must be accompanied by a completed, executed, and notarized Certificate of Interested Parties, Form 1295, Form 1295 must be completed in accordance with TEC Rules ([https://www.ethics.state.tx.us/rules/adopted\\_Nov\\_2015.html#Ch46](https://www.ethics.state.tx.us/rules/adopted_Nov_2015.html#Ch46)) and Section 2252.908 of the Texas Government Code, as amended (<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2252.htm#2252.908>).

**Vendor must complete HB 1295 Form before the award is official and a Notice to Proceed is given.**

IF YOU HAVE ANY QUESTIONS ABOUT COMPLIANCE, PLEASE CONSULT YOUR LEGAL COUNSEL. COMPLIANCE IS THE INDIVIDUAL RESPONSIBILITY OF EACH PERSON OR AGENT OF A PERSON WHO IS SUBJECT TO THE FILING REQUIREMENT. AN OFFENSE UNDER CHAPTER 176 IS A CLASS C MISDEMEANOR.

- 10.5 **NOT BOYCOT ISRAEL** - The successful respondent must agree that it does not boycott Israel at the time the contract is executed and that it will not boycott Israel during the term of the contract.
- 10.6 **JURISDICTION** - Contract(s) executed as part of this solicitation shall be subject to and governed under the laws of the State of Texas. Any and all obligations and payment are due and performable and payable in Kleberg County, Texas.
- 10.7 **VENUE** – the parties agree that venue for purposes of any and all lawsuits, cause of action, arbitration, and/or any other dispute(s) shall be in Kleberg county, Texas.

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

This Agreement will be effective on \_\_\_\_\_, 20\_\_\_\_

CITY:  
**City of Kingsville, Texas**

CONTRACTOR:  
\_\_\_\_\_

By: \_\_\_\_\_  
**Deborah Balli, Interim City Manager**

By: \_\_\_\_\_

Attest: \_\_\_\_\_  
**Mary Valenzuela, City Secretary**

Attest: \_\_\_\_\_

Address for giving notices:

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

Address for giving notices:

**RESOLUTION #2020-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A GOVERNMENTAL FINANCE CONTRACT (No.8980) BETWEEN GOVERNMENT CAPITAL CORPORATION AND THE CITY OF KINGSVILLE FOR A CLARIFIER; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville, Texas has need for a clarifier for the South Waste Water Treatment Plant and staff has located one through the competitive bidding process (RFP#19-07) in compliance with Texas procurement law;

**WHEREAS**, on June 24, 2019 the City Commission of the City of Kingsville, Texas ("Lessee") approved the award of RFP #19-07 and due to a change in budgetary needs staff has worked with Government Capital Corporation ("GCC" or "Lessor") on possible financing for the clarifier;

**WHEREAS**, on February 10, 2020 the City Commission authorized the purchase of one clarifier to be paid for through a governmental finance contract, or capital lease, which staff has negotiated with GCC;

**WHEREAS**, the City of Kingsville, Texas ("Issuer") desires to enter into a certain Finance Contract No.8980, by and between the Issuer and GCC dated January 27, 2020 for the purpose of financing a "Clarifier" (also known as "the Property");

**WHEREAS**, the City desires to designate this Finance Contract as a "qualified tax exempt obligation" of the City for the purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended;

**WHEREAS**, the City has carefully reviewed its financing requirements for the current calendar year and reasonably expects that it will not issue more than TEN MILLION DOLLARS (\$10,000,000) of tax-exempt obligations during the calendar year;

**WHEREAS**, the City expects and anticipates adequate funds to be available for all future lease/purchase payments after the current fiscal year for the following reasons: the City is fiscally stable, has not defaulted on any prior debt obligations, and desires to keep the road equipment to be acquired through this Finance Contract for its capital improvement projects and sanitation collection services.

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

**THAT**, the City Manager is hereby authorized to enter in the Finance Contract No. 8980 with Government Capital Corporation for a period of 7 years, with annual payments not to exceed \$87,561.73.

**THAT**, an official of the City be, and hereby is, authorized, empowered and directed to sign on its behalf the Finance Contract No. 8980 and any addenda, schedules, notes, UCC financing statements or other instruments issued under the provision of the Finance Contract and any other instrument or document which may be necessary or expedient in connection with agreement upon or fulfillment of the provisions of the Lease.

**THAT**, pursuant to Section 265(b) (3) of the Internal Revenue Code of 1986, as amended, this Finance Contract be and hereby is designated as a "qualified tax-exempt obligation" includable within the TEN MILLION DOLLARS (\$10,000,000) of the aggregate issues designated as "qualified tax-exempt obligations" for the calendar year within which this Finance Contract is entered into.

**THAT**, the City shall not designate more than TEN MILLION DOLLARS (\$10,000,000) of tax-exempt obligations during the current calendar year as qualified tax-exempt obligations and the City, together with its subordinate entities, does not reasonably expect to issue more than TEN MILLION DOLLARS (\$10,000,000) of tax-exempt obligations during the current calendar year.

**THAT**, the equipment as described in Exhibit "A" of such agreement is essential to the function of the undersigned or to the service we provide to our citizens. Further, we have an immediate need for, and expect to make immediate use of, substantially all of the equipment, which need is not temporary or expected to diminish in the foreseeable future. The equipment will be used by us only for the purpose of performing one or more of our governmental or proprietary functions consistent with the permissible scope of our authority. Specifically, the equipment was selected by us to be used as follows:  
Clarifier.

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

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

**THAT** this resolution was considered, passed, and approved at a regular meeting of the City Commission of the City of Kingsville, Texas at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

**PASSED AND APPROVED** by a majority vote of the City Commission on the 10th day of February, 2020.



---

Sam R. Fugate, Mayor

**ATTEST:**

---

Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

---

Courtney Alvarez, City Attorney

# PUBLIC PROPERTY FINANCE ACT CONTRACT

THIS Public Property Finance Act Contract **No.8980** (hereafter referred to as the "Finance Contract") is dated as of **January 27, 2020**, by and between **Government Capital Corporation**, a Texas corporation (herein referred to as "GCC"), and the **City of Kingsville**, a political sub-division or agency of the State of Texas (hereinafter referred to as the "Issuer").

WITNESSETH: In furtherance of the providing by GCC of financing to the Issuer in connection with the Issuer's acquisition from JS Haren that is more fully described on EXHIBIT A attached hereto (the "Property"), and in consideration of the mutual covenants and conditions hereinafter set forth, pursuant to the provisions of the Public Property Finance Act, Chapter 271, Subchapter A, Texas Local Government Code, as amended (the "Act"), the parties agree as follows:

**1. Term and Payments.** The Issuer hereby covenants and agrees to pay to the order of GCC and GCC's successors and assigns those principal and interest installment amounts in those sums set forth on EXHIBIT B attached hereto (the "Payments") on or before those dates per installment that are more fully set forth on EXHIBIT B (the "Payment Dates"). It is acknowledged and understood that GCC may assign its rights hereunder to a third party and that notice of said assignment shall be provided to the Issuer and that the Issuer, thereafter, shall look to and consider said assignee as the party to whom all of the Issuer's duties hereunder are owed. The obligation of the Issuer to make the Payments shall not be subject to set-off, counterclaim, or recoupment to the extent permitted by law. The interest is calculated on the basis of a 30/360-day year on the unpaid principal amounts from the Schedule Date of the EXHIBIT B.

**2. Security, Levy of Taxes, Budgeting.**

(a) During the term of this Finance Contract, the Issuer covenants that prior to adopting a budget for any ensuing fiscal year it shall place in its proposed budget for such ensuing fiscal year an amount necessary to pay the Finance Contract Payments for such ensuing fiscal year, and that the final budget for each fiscal year shall set aside and appropriate out of Ad Valorem Taxes and other revenues and funds lawfully available therefore an amount sufficient to pay the Finance Contract Payments. The Issuer hereby agrees to assess and collect, a continuing direct annual Ad Valorem Tax on all taxable property within the boundaries of the Issuer, within the limitations prescribed by law, at a rate from year to year sufficient, together with such other revenues and funds lawfully available to the Issuer for the payment of the Payments, to provide funds each year to pay the Payments, full allowance being made for delinquencies and costs of collection. Such taxes and such revenues and funds in an amount sufficient to make the Payments are pledged to GCC and GCC's successors and assigns for such purpose as the same shall become due and payable under this Finance Contract.

(b) The Issuer waives all rights of set-off, recoupment, counterclaim and abatement against GCC and GCC's successors and assigns with respect to the amounts due under this Finance Contract, and the Issuer's obligation to pay amounts due under this Finance Contract is absolute and unconditional and not subject to set-off, recoupment, counterclaim or abatement for any reason whatsoever.

**3. Deposit into the Payment Fund.**

(a) Upon this Finance Contract taking effect the Issuer shall establish a Payment Fund, which shall be maintained by the Issuer as long as any Payments are unpaid. The Issuer hereby pledges the Payment Fund for the exclusive purpose of securing the Payments and shall apply the funds therein to the payment of Payments as such payments come due.

(b) Each year in which Payments come due, the Issuer shall, not later than the day preceding any such due date, deposit into the Payment Fund, from the Issuer's Ad Valorem taxes or other lawfully available funds (within the limits prescribed by law) an amount sufficient to make such payment. To the extent permitted by law, the Issuer hereby pledges its Ad Valorem tax as security for this obligation. To the extent required by the Texas Constitution, the Issuer agrees during each year of the term of this Finance Contract to assess and collect annually a sufficient sum to pay the greater of (1) interest on the debt created by this Finance Contract and a sinking fund of at least two percent of the principal amount of such debt, or (2) the payments required by Exhibit B attached hereto.

(c) The Payment Fund shall be depleted at least once a year except for a carryover amount not to exceed one twelfth (1/12) of the amount of the Payments expected to come due in the following year.

**4. Taxes.** The Issuer agrees to directly pay all taxes, insurance and other costs of every nature associated with its ownership of the Property.

**5. The Issuer's Covenants and Representations.** The Issuer covenants and represents as follows:

(a) The Issuer will provide an opinion of its counsel to the effect that, it has full power and authority to enter into this Finance Contract which has been duly authorized, executed, and delivered by the Issuer and is a valid and binding obligation enforceable in accordance with its terms, and all requirements for execution, delivery and performance of this Finance Contract have been, or will be, complied with in a timely manner;

(b) All Payments hereunder for the current fiscal period have been duly authorized and will be paid when due;

(c) There are no pending or threatened lawsuits or administrative or other proceedings contesting the authority for, authorization of performance of, or expenditure of funds pursuant to this Finance Contract;

(d) The information supplied and statements made by the Issuer in any financial statement or current budget prior to or contemporaneously with this Finance Contract are true and correct;

(e) The Issuer has complied or will comply with all bidding/proposal laws applicable to this transaction and the purchase of the Property.

(f) No contract, rental agreement, lease-purchase agreement, payment agreement or contract for purchase under the Act to which the Issuer has been a party at any time during the past ten (10) years has been terminated by the Issuer as a result of insufficient funds being appropriated in any Fiscal Year. No event has occurred which would constitute an event of default under any debt, revenue bond or obligation which the Issuer has issued during the past ten (10) years.

(g) The Issuer will pay the Payments due by check, wire transfer, or ACH only.



**6. Use and Licenses.** The Issuer shall pay and discharge all operating and other expenses of every nature associated with its use of the Property. The Issuer shall obtain, at its expense, all registrations, permits and licenses, if any, required by law for the installation and operation of the Property.

**7. Maintenance.** The Issuer agrees to be solely responsible for all maintenance and operating costs of every nature associated with its ownership of the Property and the Issuer acknowledges that GCC or GCC's successors or assigns shall have no responsibility for the payment of any such costs.

**8. Damage to or Destruction of Property.** The Issuer shall bear the entire risk of loss, damage, theft, or destruction of the Property from any and every cause whatsoever, and no loss, damage, destruction, or other event shall release the Issuer from the obligation to pay the full amount of the payments or from any other obligation under this Finance Contract.

**9. No Warranty.** EXCEPT FOR REPRESENTATIONS, WARRANTIES, AND SERVICE AGREEMENTS RELATING TO THE PROPERTY MADE OR ENTERED INTO BY THE MANUFACTURERS OR SUPPLIERS OF THE PROPERTY, IF ANY, ALL OF WHICH ARE HEREBY ASSIGNED TO THE ISSUER, GCC HAS MADE AND MAKES NO REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, AND ASSUMES NO OBLIGATION WITH RESPECT TO THE TITLE, MERCHANTABILITY, CONDITION, QUALITY OR FITNESS OF THE PROPERTY DESCRIBED IN EXHIBIT A FOR ANY PARTICULAR PURPOSE OR THE CONFORMITY OF THE PROPERTY TO SPECIFICATION OR PURCHASE ORDER. All such risks shall be borne by the Issuer without in any way excusing it from its obligations under this Finance Contract, and GCC shall not be liable for any damages on account of such risks. All claims or actions on any warranty so assigned shall be made or prosecuted by the Issuer, at its sole expense, upon prior written notice to GCC. GCC or its assigns may, but shall have no obligation whatsoever to, participate in a claim on any warranty. Any recovery under such a warranty shall be made payable jointly to both parties.

**10. Evidence of Indebtedness and Security Agreement.**

(a) An executed copy of this Finance Contract shall evidence the indebtedness of the Issuer as provided herein and shall constitute a security agreement pursuant to applicable law, with GCC, its successors or assigns as the secured party. The grants, lien, pledge and security interest of GCC, its successors or assigns created herein shall become effective immediately upon and from the Schedule Date of the EXHIBIT B, and the same shall be continuously effective for so long as any Finance Contract Payments are outstanding.

(b) A fully executed copy of this Finance Contract and the proceedings authorizing same shall be kept at all times and shall be filed and recorded as a security agreement among the permanent records of the Issuer. Such records shall be open for inspection to any member of the general public and to any individual, firm, corporation, governmental entity or other person proposing to do or doing business with, or having or asserting claims against the Issuer, at all times during regular business hours.

(c) If, in the opinion of counsel to the Issuer or to GCC, its successors or assigns, applicable law ever requires filings additional to the filing pursuant to subsection (b) of this section in order to preserve and protect the priority of the grants, assignments, lien, pledge and security interest of GCC, its successors or assigns created herein as to all Payments, then the Issuer shall diligently and regularly make such filings to the extent required by law to accomplish such result.

**11. Default and Remedies.**

(a) Each of the following occurrences or events for the purpose of this Finance Contract is hereby declared to be an Event of Default:

(1) the failure to make payment of the Payment when the same becomes due and payable; or

(2) default in the performance or observance of any other covenant agreement or obligation of the Issuer, which default materially, adversely affects the rights of GCC or its successors or assigns, including, but not limited to, its prospect or ability to be repaid in accordance with this Finance Contract, and the continuation thereof for a period of 20 days after notice of such default is given by GCC or any successors or assigns of GCC to the Issuer.

(b) Remedies for Default.

(1) Upon the happening of any Event of Default, then and in every case GCC or its successors or assigns, or an authorized representative thereof, including, but not limited to, an attorney or trustee therefore, may proceed against the Issuer for the purpose of protecting and enforcing the rights of GCC or its successors or assigns under this Finance Contract, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of GCC or its successors or assigns or any combination of such remedies; provided that none of such parties shall have any right to declare the balance of the Finance Contract Payments to be immediately due and payable as a remedy because of the occurrence of an Event of Default.

(2) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy, and no delay or omission to exercise any right or power occurring upon any Event of Default shall impair any such right or power or be construed to be a waiver thereof and all such rights and powers may be exercised as often as may be deemed expedient.

(c) Remedies Not Exclusive.

(1) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under this Finance Contract or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Finance Contract, the right to accelerate the debt evidenced by this Finance Contract shall not be available as a remedy because of the occurrence of an Event of Default.

**12. Assignment.** Without GCC's prior written consent, the Issuer will not either (a) assign, transfer, pledge, hypothecate, grant any security interest in or otherwise dispose of this Finance Contract or the Property or any interest in this Finance Contract or the Property; or (b) sublet or lend the Property or permit it to be used by anyone other than the Issuer or the Issuer's employees and other authorized users. GCC may assign its rights, title and interest in and to this Finance Contract, and any other documents executed with respect to this Finance Contract and/or grant or assign a security interest in this Finance Contract, in whole or in part. Such successors and assigns of GCC shall have the right to further grant or assign a security interest in this Finance Contract, as well as the rights to Payments hereunder, in whole or in part, to any third party. No assignment or reassignment of GCC's rights, title or interest in this Finance Contract shall be effective with regard to the Issuer unless and until the Issuer shall have received a copy of the document by which the assignment or reassignment is made, disclosing the name and address of such assignee. The Issuer shall maintain written records of any assignments of the Finance Contract.

**13. Personal Property.** The Property is and shall at all times be and remain personal property, and will not be considered a fixture to any real property.

**14. GCC's Right to Perform for The Issuer.** If the Issuer fails to make any payment or perform or comply with any of its covenants or obligations hereunder, GCC or GCC's successors or assigns may, but shall not be required to, make such payment or perform or comply with such covenants and obligations on behalf of the Issuer, and the amount of any such payment and the expenses (including but not limited to reasonable attorneys' fees) incurred by GCC or GCC's successors or assigns in performing or complying with such covenants and obligations, as the case may be, together with interest thereon at the highest lawful rate under the State of Texas law, shall be payable by the Issuer upon demand.

**15. Interest on Default.** If the Issuer fails to pay any Payment specified herein within twenty (20) days after the due date thereof, the Issuer shall pay to GCC or any successor or assigns of GCC, interest on such delinquent payment at the highest rate allowed by Texas law.

**16. Notices.** Any notices to be given or to be served upon any party hereto in connection with this Finance Contract must be in writing and may be given by certified or registered mail, and shall be deemed to have been given and received forty-eight (48) hours after mailing. Such notice shall be given to the parties at their respective addresses designated on the signature page of this Finance Contract or at such other address as either party may hereafter designate.

**17. Prepayment.**

(a) The Issuer shall have the right, at its option, to prepay the Finance Act Contract in whole, on any payment date which has an amount shown in the "Early Redemption Value" column of Exhibit B attached hereto. "N/A" shall mean not prepayable. The Issuer shall not have the right to prepay the Finance Contract in part at any time.

(b) As condition precedent to the Issuer's right to make, and GCC's obligation to accept, any such prepayment, GCC shall have actually received notice at least thirty (30) days in advance of the Issuer's intent to exercise its option to prepay.

**18. Continuing Disclosure.** Specifically and without limitation, the Issuer agrees to provide audited financial statements, prepared by a certified public accountant not later than six (6) months after and as of the end of each fiscal year. Periodic financial statements shall include a combined balance sheet as of the end of each such period, and a combined statement of revenues, expenditures and changes in fund balances, from the beginning of the then fiscal year to the end of such period. These reports must be certified as correct by one of the Issuer's authorized agents. If the Issuer has subsidiaries, the financial statements required will be provided on a consolidated and consolidation basis.

**19. Tax Exemption.**

(a) The Issuer certifies that it does not reasonably anticipate more than \$10,000,000 of "tax-exempt obligations", including this Finance Contract will be issued by it and any subordinate entities during the 2020 calendar year. Further, the Issuer designates this Finance Contract as "qualified tax exempt obligations" under Section 265 (b) 3 of the Internal Revenue Code of 1986, as amended (the "Code") eligible for the exception contained in Section 265 (b) 3 (D) of the Code allowing for an exception to the general rule of the Code which provides for a total disallowance of a deduction for interest expense allocable to the carrying of tax exempt obligations.

(b) The Issuer hereby represents and covenants that the proceeds of this Finance Contract are needed at this time to provide funds for the Issuer's purchase of the property for which this Finance Contract was executed and delivered, as specified in this Finance Contract; that (i) final disbursement of the proceeds of this Finance Contract will occur within three years from the Schedule Date of the EXHIBIT B, (ii) substantial binding obligations to expend at least five (5) percent of the net proceeds will be incurred within six months after the Schedule Date of the EXHIBIT B and (iii) the acquisition of such property will proceed with due diligence to completion; and that, except for the Escrow Agreement, if applicable, and the Payment Fund, no other funds or accounts have been or will be established or pledged to the payment of this Finance Contract.

(c) The Issuer will not directly or indirectly take any action or omit to take any action, which action or omission would cause the Finance Contract to constitute a "private activity bond" within the meaning of Section 141(a) of the Code.

(d) The Issuer will not take any action or fail to take any action with respect to the investment of the proceeds of this Finance Contract or any other funds of the Issuer, including amounts received from the investment of any of the foregoing, that would cause this Finance Contract to be an "arbitrage bond" within the meaning of such section 148 of the Code.

(e) There are no other obligations of the Issuer which are sold at substantially the same time as the Finance Contract, sold pursuant to the same plan of financing with the Finance Contract and are reasonably expected to be paid from substantially the same source of funds as the Finance Contract.

(f) The Issuer will not take any action, or as the case may be, knowingly omit to take any action within its control that, if taken or omitted, as the case may be, would cause the Finance Contract to be treated as "federally guaranteed" obligations for purposes of Section 149(b) of the Code.

(g) The Issuer will take all necessary steps to comply with the requirement that certain amounts earned by the Issuer on the investment of the "gross proceeds" of the Finance Contract (within the meaning of Section 148(f)(6)(B) of the Code), if any, be rebated to the federal government. Specifically, the Issuer will (i) maintain records regarding the investment of the gross proceeds of the Finance Contract as may be required to calculate and substantiate the amount earned on the investment of the gross proceeds of the Finance Contract and retain such records for at least six years after the day on which the last outstanding Finance Contract is discharged, (ii) account for all gross proceeds under a reasonable, consistently applied method of accounting, including any specified method of accounting required by applicable regulations to be used for all or a portion of the gross proceeds, (iii) calculate, at such times as are required by applicable regulations, the amount earned from the investment of the gross proceeds of the Finance Contract and (iv) timely pay all amounts required to be rebated to the federal government. In addition, the Issuer will correct any errors within a reasonable amount of time thereafter, including payment to the federal government of any delinquent amounts owed to it, including interest thereon and penalty, if any, as may be necessary or appropriate to assure that interest on the Finance Contract is not includable in the gross income for federal income tax purposes.

(h) The Issuer will timely file with the Secretary of the Treasury of the United States the information required by Section 149(e) of the Code with respect to the Finance Contract on such form and in such place as the Secretary may prescribe. Notwithstanding any other provision of this Finance Contract, the Issuer's obligation under the covenants and provisions of this Section 19 shall survive the defeasance and discharge of this Finance Contract.

**20. Miscellaneous.**

(a) Time is of the essence. No covenant or obligations hereunder to be performed by the Issuer are waived, except by the written consent of GCC or its successors or assigns. GCC's or its successors or assigns' rights hereunder are cumulative and not alternative.

(b) This Finance Contract shall be construed in accordance with, and governed by the state of Texas laws.

(c) This Finance Contract constitutes the entire agreement between the parties and shall not be modified, waived, discharged, terminated, amended, altered or changed in any respect except by a written document signed by both GCC and the Issuer.

(d) Any term or provision of this Finance Contract found to be prohibited by law or unenforceable shall not affect the legality the remainder of this Finance Contract.

(e) Use of the neuter gender herein is for purposes of convenience only and shall be deemed to mean and include the masculine or feminine gender whenever appropriate.

(f) The captions set forth herein are for convenience of reference only, and shall not define or limit any of the terms or provisions hereof.

(g) Issuer agrees to equitably adjust the payments payable under this Finance Contract if there is a determination by the IRS that the interest payable pursuant to this Finance Contract (as incorporated within the schedule of payments) is not excludable from income in accordance with the Internal Revenue Code of 1986, as amended, such as to make GCC and its assigns whole.

(h) Except as otherwise provided, this Finance Contract shall be binding upon and inure to the benefit of the Parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns, where permitted by this Finance Contract.

(i) In accordance with Texas Government Code sections 2270.001-2270.002, GCC verifies that it does not boycott Israel and will not boycott Israel during the term of this contract.

(j) THIS CONTRACT IS EVIDENCE OF A PRIVATELY PLACED BANK LOAN, IS NOT IN REGISTERED FORM, AND MAY NOT BE TRANSFERRED TO BEARER. TRANSFERS OF THIS CONTRACT ARE NOT REGISTERED ON BOOKS MAINTAINED FOR THAT PURPOSE BY THE ISSUER.

IN WITNESS WHEREOF, the parties have executed this Finance Contract as of the \_\_\_\_ day of \_\_\_\_\_ in the year 2020.

Government Capital Corporation

\_\_\_\_\_  
Authorized Signature  
345 Miron Dr.  
Southlake, TX 76092

Witness Signature\_\_\_\_\_

Print Name \_\_\_\_\_

Print Title \_\_\_\_\_

**The Issuer:** City of Kingsville

\_\_\_\_\_  
Mark McLaughlin, City Manager  
400 W King Ave  
Kingsville, TX 78363

Witness Signature\_\_\_\_\_

Print Name \_\_\_\_\_

Print Title \_\_\_\_\_

## EXHIBIT A

Public Property Finance Act Contract **No.8980** (THE "FINANCE CONTRACT")  
By And Between  
Government Capital Corporation and ***the Issuer***, City of Kingsville  
Dated as of January 27, 2020

### DESCRIPTION

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Personal Property

Property Cost: \$536,000.00

Payback Period: Seven (7) Annual Payments

#### Clarifier

1.0 MGD Clarifier equipment with Stainless Steel finish

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PROPERTY LOCATION:  
4000 W King Ave  
Kingsville, TX 78363

## EXHIBIT B

### >> SCHEDULE OF PAYMENTS & EARLY REDEMPTION VALUE <<

PUBLIC PROPERTY FINANCE ACT CONTRACT **NO.8980** (THE "FINANCE CONTRACT")

BY AND BETWEEN

Government Capital Corporation and the **Issuer**, City of Kingsville

Schedule Dated as of February 7, 2020

PMT NO.	PMT DATE MO. DAY YR	TOTAL PAYMENT	INTEREST PAID	PRINCIPAL PAID	EARLY REDEMPTION VALUE after pmt on this line
1	2/7/2021	\$87,561.73	\$18,599.20	\$68,962.53	N/A
2	2/7/2022	\$87,561.73	\$16,206.20	\$71,355.53	N/A
3	2/7/2023	\$87,561.73	\$13,730.16	\$73,831.57	N/A
4	2/7/2024	\$87,561.73	\$11,168.21	\$76,393.52	\$250,563.09
5	2/7/2025	\$87,561.73	\$8,517.35	\$79,044.38	\$169,014.87
6	2/7/2026	\$87,561.73	\$5,774.51	\$81,787.22	\$85,509.50
7	2/7/2027	\$87,561.73	\$2,936.48	\$84,625.25	\$0.00
Grand Totals		\$612,932.11	\$76,932.11	\$536,000.00	

Interest Rate: 3.47%

## INCUMBENCY CERTIFICATE

Public Property Finance Act Contract **No.8980** (THE "FINANCE CONTRACT")

By And Between

Government Capital Corporation and **the Issuer**, City of Kingsville

Dated as of January 27, 2020

---

I, Mary Valenzuela, do hereby certify that I am the duly elected or appointed and acting City Secretary, of City of Kingsville, Issuer, a political subdivision or agency of the State of Texas, duly organized and existing under the laws of the State of Texas, that I or my designee have custody of the records of such entity, and that, as of the date hereof, the individual(s) named below are the duly elected or appointed officer(s) of such entity holding the office(s) set forth opposite their respective name(s). I further certify that (i) the signature(s) set opposite their respective name(s) and title(s) are their true and authentic signature(s), and (ii) such officers have the authority on behalf of such entity to enter into that certain Public Property Finance Act Contract No.8980, between City of Kingsville (the "Issuer") and Government Capital Corporation ("GCC").

Name

Title

Signature

Mark McLaughlin

City Manager

\_\_\_\_\_

IN WITNESS WHEREOF, I have duly executed this certificate hereto this \_\_\_\_ day of \_\_\_\_\_, 2020.

By: \_\_\_\_\_  
Mary Valenzuela, City Secretary



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

Government Capital Corporation  
345 Miron Dr  
Southlake, TX 76092

RE: Public Property Finance Act Contract No.8980

I have examined the Public Property Finance Act Contract No.8980 (the "Finance Contract") between the City of Kingsville (the "Issuer") and Government Capital Corporation ("GCC"). The Finance Contract provides financing for the purchase by the City of Kingsville of certain Property as identified in the Finance Contract and provides that the Issuer shall finance the Property by making Payments as specified in the Public Property Finance Act Contract No.8980.

I have also examined other certificates and documents as I have deemed necessary and appropriate under the circumstances.

Based upon the foregoing examination, I am of the opinion that:

1. The Issuer is a political subdivision or agency of the State of Texas with the requisite power and authority to incur obligations, the interest on which is exempt from taxation by virtue of Section 103(a) of the Internal Revenue Code of 1986, as amended;
2. The execution, delivery and performance by the Issuer of the Finance Contract have been duly authorized by all necessary action on the part of the Issuer; and
3. The Finance Contract constitutes a legal, valid and binding obligation of the Issuer enforceable in accordance with its terms.

The opinion expressed above is solely for the benefit of the Issuer, GCC and/or its subsequent successors or assigns.

Sincerely,

Attorney at Law

## RESOLUTION

### A RESOLUTION REGARDING A CONTRACT FOR THE PURPOSE OF FINANCING A "**CLARIFIER**".

WHEREAS, City of Kingsville (the "Issuer") desires to enter into that certain Finance Contract No.8980, by and between the Issuer and Government Capital Corporation ("GCC") for the purpose of financing a "Clarifier". The Issuer desires to designate this Finance Contract as a "qualified tax exempt obligation" of the Issuer for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

NOW THEREFORE, BE IT RESOLVED BY CITY OF KINGSVILLE:

Section 1. That the Issuer will enter into a Finance Contract with GCC for the purpose of financing a "Clarifier".

Section 2. That the Finance Contract dated as of January 27, 2020, by and between the City of Kingsville and GCC is designated by the Issuer as a "qualified tax exempt obligation" for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

Section 3. That the Issuer appoints the City Manager or their designee, as the authorized signer of the Finance Contract Number 8980 dated as of January 27, 2020, by and between the City of Kingsville and GCC as well as any other ancillary exhibit, certificate, or documentation needed for the Contract.

Section 4. That should the need arise, if applicable, the City will use loan proceeds for reimbursement of expenditures related to the Property, within the meaning of Treasury Regulation § 1.150-2, as promulgated under the Internal Revenue Code of 1986, as amended.

This Resolution has been PASSED upon Motion made by Board Member \_\_\_\_\_, seconded by Board Member \_\_\_\_\_ by a vote of \_\_\_\_\_ to \_\_\_\_\_ and is effective this \_\_\_\_\_, 2020.

**Issuer:** City of Kingsville

Witness Signature

\_\_\_\_\_  
Sam Fugate, Mayor

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

## **WIRE TRANSFER FORM**

\*\*\* FINANCIAL INSTITUTION INFORMATION \*\*\*

Bank's Name: \_\_\_\_\_

Bank's Address: \_\_\_\_\_

Bank's Phone#: \_\_\_\_\_

Bank's Fed Routing#: \_\_\_\_\_

(Please confirm with bank since it may be different from routing number on deposit slip)

Bank Account Name: \_\_\_\_\_

Bank Account #: \_\_\_\_\_

Ref (if needed): \_\_\_\_\_

\_\_\_\_\_

**Please note that while there will not be a charge for our outgoing wire, your Bank may charge a fee for the incoming wire**

I hereby authorize Government Capital Corporation to transfer any monies due via wire transfer directly to our bank.

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

Name: \_\_\_\_\_

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

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

Form

**W-9**(Rev. October 2018)  
Department of the Treasury  
Internal Revenue Service**Request for Taxpayer  
Identification Number and Certification**► Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.**Give Form to the  
requester. Do not  
send to the IRS.**

Print or type. See Specific instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
	2 Business name/disregarded entity name, if different from above	
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only <b>one</b> of the following seven boxes.  <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate  <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ <b>Note:</b> Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is <b>not</b> disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.  <input type="checkbox"/> Other (see instructions) ► _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):  Exempt payee code (if any) _____  Exemption from FATCA reporting code (if any) _____  <i>(Applies to accounts maintained outside the U.S.)</i>
	5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)
6 City, state, and ZIP code		
7 List account number(s) here (optional)		

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number											
				-				-			
or											
Employer identification number											
				-							

**Part II Certification**

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

**Sign  
Here**Signature of  
U.S. person ►

Date ►

**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

**Purpose of Form**

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding*, later.

Form **8038-G****Information Return for Tax-Exempt Governmental Bonds**

(Rev. September 2018)

► Under Internal Revenue Code section 149(e)

► See separate instructions.

OMB No. 1545-0720

Department of the Treasury  
Internal Revenue Service**Caution:** If the issue price is under \$100,000, use Form 8038-GC.  
► Go to [www.irs.gov/F8038G](http://www.irs.gov/F8038G) for instructions and the latest information.**Part I Reporting Authority**If Amended Return, check here ☐

1 Issuer's name <b>City of Kingsville</b>		2 Issuer's employer identification number (EIN) <b>74-6001513</b>
3a Name of person (other than issuer) with whom the IRS may communicate about this return (see instructions) <b>Charlie Sosa, Purchasing Manager</b>		3b Telephone number of other person shown on 3a <b>361-595-8025</b>
4 Number and street (or P.O. box if mail is not delivered to street address) <b>400 W King Ave</b>	Room/suite	5 Report number (For IRS Use Only) <b>3</b>
6 City, town, or post office, state, and ZIP code <b>Kingsville, TX 78363</b>		7 Date of issue <b>February 7, 2020</b>
8 Name of issue <b>Public Property Finance Act Contract No.8980</b>		9 CUSIP number <b>None</b>
10a Name and title of officer or other employee of the issuer whom the IRS may call for more information (see instructions) <b>Mark McLaughlin, City Manager</b>		10b Telephone number of officer or other employee shown on 10a <b>361-595-8025</b>

**Part II Type of Issue (enter the issue price). See the instructions and attach schedule.**

11 Education	11		
12 Health and hospital	12		
13 Transportation	13		
14 Public safety	14		
15 Environment (including sewage bonds)	15		
16 Housing	16		
17 Utilities	17		
18 Other. Describe ► Clarifier	18	\$536,000	00
19a If bonds are TANs or RANs, check only box 19a <input type="checkbox"/>			
b If bonds are BANs, check only box 19b <input type="checkbox"/>			
20 If bonds are in the form of a lease or installment sale, check box <input type="checkbox"/>			

**Part III Description of Bonds. Complete for the entire issue for which this form is being filed.**

	(a) Final maturity date	(b) Issue price	(c) Stated redemption price at maturity	(d) Weighted average maturity	(e) Yield
21	2/7/2027	\$ 536,000.00	\$ 536,000.00	4.136 years	3.47 %

**Part IV Uses of Proceeds of Bond Issue (including underwriters' discount)**

22 Proceeds used for accrued interest	22	N/A	
23 Issue price of entire issue (enter amount from line 21, column (b))	23	\$536,000	00
24 Proceeds used for bond issuance costs (including underwriters' discount)	24	N/A	
25 Proceeds used for credit enhancement	25	N/A	
26 Proceeds allocated to reasonably required reserve or replacement fund	26	N/A	
27 Proceeds used to refund prior tax-exempt bonds. Complete Part V	27	N/A	
28 Proceeds used to refund prior taxable bonds. Complete Part V	28	N/A	
29 Total (add lines 24 through 28)	29	N/A	
30 Nonrefunding proceeds of the issue (subtract line 29 from line 23 and enter amount here)	30	\$536,000	00

**Part V Description of Refunded Bonds. Complete this part only for refunding bonds.**

31 Enter the remaining weighted average maturity of the tax-exempt bonds to be refunded	►	N/A	years
32 Enter the remaining weighted average maturity of the taxable bonds to be refunded	►	N/A	years
33 Enter the last date on which the refunded tax-exempt bonds will be called (MM/DD/YYYY)	►	N/A	
34 Enter the date(s) the refunded bonds were issued (MM/DD/YYYY)	►		

For Paperwork Reduction Act Notice, see separate instructions.

Cat. No. 63773S

Form **8038-G** (Rev. 9-2018)

**Part VI Miscellaneous**

<b>35</b>	Enter the amount of the state volume cap allocated to the issue under section 141(b)(5) . . . . .	<b>35</b>	
<b>36a</b>	Enter the amount of gross proceeds invested or to be invested in a guaranteed investment contract (GIC). See instructions . . . . .	<b>36a</b>	
<b>b</b>	Enter the final maturity date of the GIC ► (MM/DD/YYYY) _____		
<b>c</b>	Enter the name of the GIC provider ► _____		
<b>37</b>	Pooled financings: Enter the amount of the proceeds of this issue that are to be used to make loans to other governmental units . . . . .	<b>37</b>	
<b>38a</b>	If this issue is a loan made from the proceeds of another tax-exempt issue, check box ► <input type="checkbox"/> and enter the following information:		
<b>b</b>	Enter the date of the master pool bond ► (MM/DD/YYYY) _____		
<b>c</b>	Enter the EIN of the issuer of the master pool bond ► _____		
<b>d</b>	Enter the name of the issuer of the master pool bond ► _____		
<b>39</b>	If the issuer has designated the issue under section 265(b)(3)(B)(i)(III) (small issuer exception), check box . . . . .		<input checked="" type="checkbox"/>
<b>40</b>	If the issuer has elected to pay a penalty in lieu of arbitrage rebate, check box . . . . .		<input type="checkbox"/>
<b>41a</b>	If the issuer has identified a hedge, check here ► <input type="checkbox"/> and enter the following information:		
<b>b</b>	Name of hedge provider ► _____		
<b>c</b>	Type of hedge ► _____		
<b>d</b>	Term of hedge ► _____		
<b>42</b>	If the issuer has superintegrated the hedge, check box . . . . .		<input type="checkbox"/>
<b>43</b>	If the issuer has established written procedures to ensure that all nonqualified bonds of this issue are remediated according to the requirements under the Code and Regulations (see instructions), check box . . . . .		<input type="checkbox"/>
<b>44</b>	If the issuer has established written procedures to monitor the requirements of section 148, check box . . . . .		<input type="checkbox"/>
<b>45a</b>	If some portion of the proceeds was used to reimburse expenditures, check here ► <input type="checkbox"/> and enter the amount of reimbursement . . . . .		
<b>b</b>	Enter the date the official intent was adopted ► (MM/DD/YYYY) _____		

**Signature and Consent**

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. I further declare that I consent to the IRS's disclosure of the issuer's return information, as necessary to process this return, to the person that I have authorized above.

► _____ Signature of issuer's authorized representative	_____ Date	► <b>Mark McLaughlin, City Manager</b> Type or print name and title
--	---------------	--

**Paid Preparer Use Only**

Print/Type preparer's name	Preparer's signature	Date	Check <input type="checkbox"/> if self-employed	PTIN
Firm's name ►	Firm's EIN ►			
Firm's address ►	Phone no. _____			

# **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: Cynthia Martin, Interim Director of Planning & Dev. Services

DATE: January 30, 2020

SUBJECT: Request for 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.

---

**Summary:** Chad Davis, applicant is requesting a special use permit for climate controlled self-storage use in a C2 Retail District at 200 E Kenedy.

**Background:** Mr. Davis 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, the zoning changes to C4 Commercial. Two blocks north is the C3 Central Business District.

The building formerly housed a furniture store, something permitted in the C2 Retail District. There is a good-sized parking lot on site. Customers will enter the building from the front through double doors that face onto 6<sup>th</sup> Street. The freight elevator left from the furniture store days is still operable and will assist customers in transporting storage items in and out of their units. Nearly all the storage units will be interior units.

This building 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. There is 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.





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

**Financial Impact:** The property would generate greater property tax due to increased valuation.

**Recommendation:** It is recommended to approve the issuance of a special use permit to Chad Davis for climate controlled self-storage use at 200 E Kenedy. The Planning and Zoning Commission voted 4 to 0 with 0 abstentions to recommend approval of this special use permit at their February 5, 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.

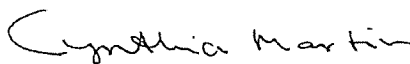
**MISCELLANEOUS:** Any topic may be discussed but no action may be taken at this time.

• **ADJOURNMENT**

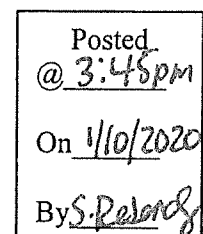
Please call the **CITY SECRETARY** at 595-8002 to obtain definitive and final City Commission Hearing Date.

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



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.

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

Existing Zoning Designation C2 Future Land Use Plan Designation Special Use Permit

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

Property Owner Johnnie Lopez Phone 361-522-485 FAX \_\_\_\_\_

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.

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

Please provide a basic description of the proposed project:

Please provide a basic description of the proposed project: Special use Per mit  
Climate controlled storage

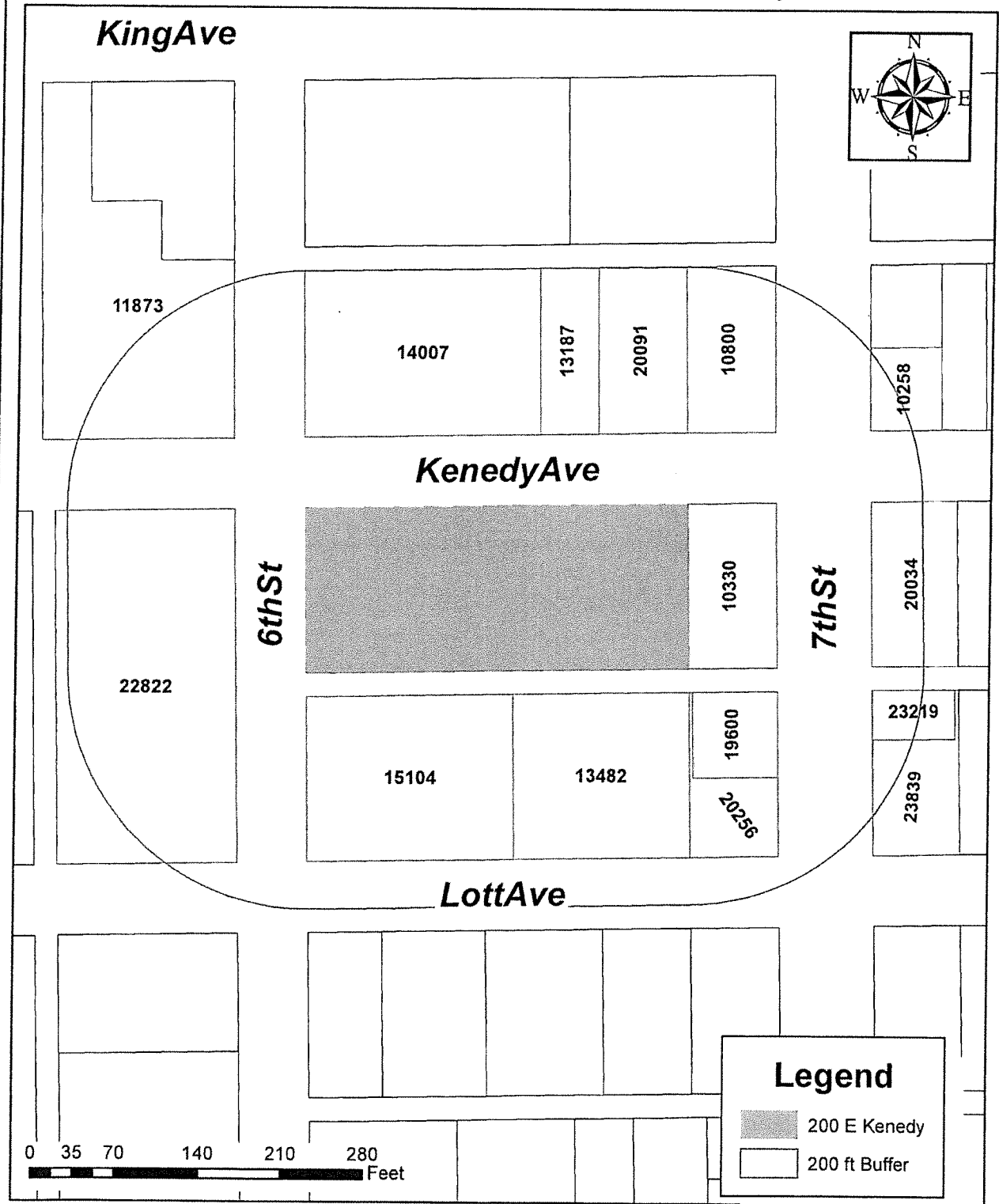
I hereby certify that I am the owner and /or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature [Signature] Date: 12/24/2019

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

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

# 200 ft Buffer Map of 200 E Kenedy Blk



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

Page 1 / 1	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: 12/3/2019		
	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

groups from 11, 8-11, 8-11  
and 10-12.

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

Kingsville Parks and Recreation Director Susan Ivy said the department has organized a few family-friendly events because some families in the area are not available during the holidays.

Usually after Christmas (Dec. 25), we get restless wanting to get outside and parks are probably all for outdoor activities as well," Ivy 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 Light Christmas Sweater Run/Walk, which takes place in Dick Kleberg Park.

The event takes place on Dec. 28 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 "ugliest sweater for kids," Ivy said. "For the kids division and in the adult division, as well."

There will also be awards for strollers and wheelchairs, Ivy said.

For the adults, the race will be the 10K for male and female, competitors with the age groups from 13-15, 16-19, 20-29, 30-39, 40-49, 50-59, 60-69 and 70-79.

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

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

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

To register or for more information of the event, visit [kingsvilleparksandrec.com](http://kingsvilleparksandrec.com) or call Kingsville Parks and Recreation at (361) 595-8002.

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

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

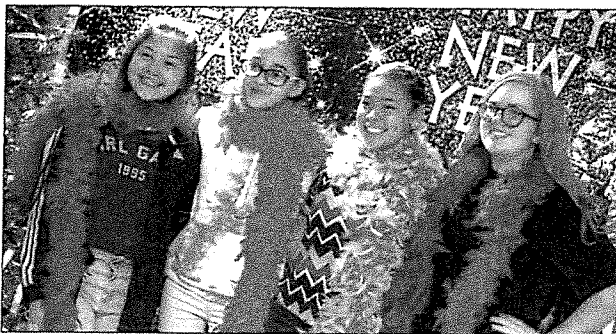
The event will be free admission, but will include a popcorn bar, pizza and soft drinks which can be purchased during the event.

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 mock New Year's countdown at 9:30 p.m. The event will take place on Dec. 30 at the Dick Kleberg Park recreation hall from 6 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," Ivy said. "Usually, we target a bird or 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've done Green boys and turtles from the park in the past."

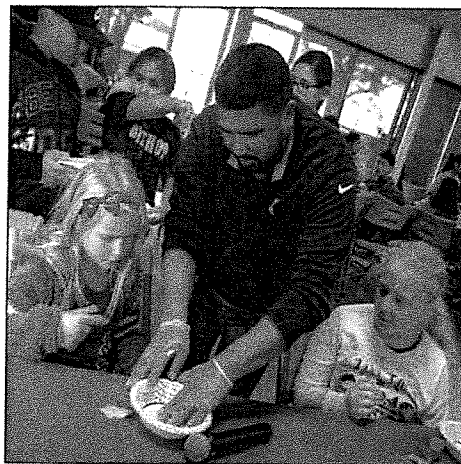
This year, Ivy said, the focus will be on Cardinals and Cardinals.

During the camp, the kids will be able to take a nature walk and collect recyclables, 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, participate in playground games and make their own nature sketches.

The event will be from 1 p.m. to 5 p.m. on Jan. 2 for ages 6-13. 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) 595-8002.



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 to say you're healthy. It is here again, the beginning of a New Year, and countless resolutions to lose weight.

Remember that our weight loss journey are not just physical and a tremendous way to care for our health and ourselves.

How much do I need to lose? We know that even as little as 1 percent of body weight loss is enough to reduce risks of chronic diseases like Type 2 Diabetes and Heart Disease, but someone that is 200 pounds, that's 20 pounds of weight loss. That 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 lifestyle like avoiding high-calorie foods, eating more fruits and vegetables, and getting more exercise and sleep.

Resolve to be specific.

Everyone is in fact different, but we know that extra calories will cause anyone to gain weight. Therefore, finding a way to



Zelina Zavala

Health & Wellness  
Agility Coach  
Aerobics

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

Replacing high-calorie drinks with water, cutting out sugary snacks, and avoiding alcohol like fries or chips are specific and can help if those are part of your everyday routine, but they might apply to everyone.

In this case, like a good and healthy look at your food habits and make sure substitutions or solutions. If skipping lunch is a must, then you can reduce the portion size or plan to balance them out throughout the day.

Be patient. This is a long game. Losing a pound of weight loss a week is realistic progress, but

especially appropriate for those that are small in stature or older. Half a pound a week might not seem like a lot, but that amounts to two pounds of weight loss each month.

In five months, that's 10 pounds of body weight loss. Think about that. If someone had told me at the beginning of August that I could lose 10 pounds by the beginning of the year, I would have been thrilled.

That's how it should be and a consistent change is the reason that Step Up Scale Down lasts 12 weeks. Step Up Scale Down is a New Year Weight Loss Program provided by Health & Wellness. It covers the basics of a balanced and portioned plan of

eating that encourages fruits and vegetables and personal physical activity goals.

The program also provides encouragement and accountability in the supporting for the community or workouts. Also available is an online version starting at the beginning of the year to suit your own pace.

For more information on Step Up Scale Down, contact the Kingsville County Extension office at (361) 595-8002 or visit <https://stepupscaledown.org>.

Zelina Zavala is the Health & Wellness Agilitarian. Reach out and contact her at [zelina@stepupscaledown.org](mailto:zelina@stepupscaledown.org).

**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 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 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 Groves Community Room. If you have any questions about the items on the agenda, please contact the City Secretary at (361) 595-8002.

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

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

**AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR CLIMATE-CONTROLLED SELF-STORAGE USE IN C2 (RETAIL DISTRICT) AT 200 E. KENEDY BLOCK, KINGSVILLE, TEXAS, ALSO KNOWN AS ORIGINAL TOWN, BLOCK 68, LOTS 1-13; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION.**

**WHEREAS**, the Planning Commission has forwarded to the City Commission it's reports and recommendations concerning the application of Chad Davis, applicant, for amendment to the zoning map of the City of Kingsville;

**WHEREAS**, the property is currently zoned C2-Retail District and it is desired for the area to be used for a climate-controlled self-storage, while its prior use was a furniture store;

**WHEREAS**, the City Code of Ordinances, Chapter XV-Land Usage, Appendix A- Land Use Categories states that in C2 a special use permit is required to have a climate-controlled self-storage 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 Commission, and on Monday, January 27, 2020, a public hearing was held 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 and Zoning Commission voted 4-0 to APPROVE, with 0 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 Climate-Controlled Self-Storage Facility on the premises known as 200 E. Kenedy Block, Kingsville, Texas, (Original Town, Block 68, Lots 1-13), 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 "C2" Retail District use is as a Climate-Controlled Self-Storage Facility.

2. **STATE LICENSE:** The premises or operator will be licensed or registered by the State of Texas, if needed, to have such a storage 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 have and cooperate with all annual fire safety, health, and sanitation inspections, or other inspections required for this type of use by the City of Kingsville or any State or Federal requirement, in order to maintain compliance with federal, state and city regulations for the 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 10th day of February, 2020.

**PASSED AND APPROVED** on this the 24th day of February, 2020.

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

**THE CITY OF KINGSVILLE**

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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