

City of Kingsville, Texas

**AGENDA
CITY COMMISSION
MONDAY, FEBRUARY 24, 2020
REGULAR MEETING**

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

I. Preliminary Proceedings.

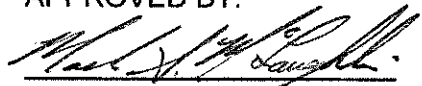
OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting- February 10, 2020

APPROVED BY:


Mark McLaughlin
City Manager

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

1. Public Hearing on request for an alcohol variance for a Beer Retail Dealer's Off-Premise Permit (BF) and Package Store Permit (P) and Local Cartage Permit (E) and Package Store Tasting Permit (PS) for the establishment known as Malibooze Liquor, Wine, Spirits, Cigars, Beer & Kegs at 1701 Brahma Blvd. Suite D, Kingsville, Texas. (Director of Planning and Development Services).

III. Reports from Commission & Staff.²

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

IV. Public Comment on Agenda Items.³

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

V.

Consent Agenda

Notice to the Public

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

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

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

1. Motion to approve a resolution of the City of Kingsville, Texas revising the Designation of Signatories form for TXCDBG#7219012 (stating signatories for environmental review documents too). (Director of Planning & Development Services).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

2. Consider an alcohol variance for a Beer Retail Dealer's Off-Premise Permit (BF) and Package Store Permit (P) and Local Cartage Permit (E) and Package Store Tasting Permit (PS) for the establishment known as Malibooze Liquor, Wine, Spirits, Cigars, Beer & Kegs at 1701 Brahma Blvd. Suite D, Kingsville, Texas. (Director of Planning and Development Services).
3. Consider a resolution approving an application and agreement for the Historic District Façade Grant Program from Mary Lou and Tony Gonzalez for property located at 323 E. Kleberg Avenue, Kingsville, Texas. (Downtown Manager).
4. Consider a resolution authorizing the City to submit an application to the State Defenses Economic Adjustment Assistance Grant program for the purpose of requesting grant funding for a new HVAC in the Captain's Club Building at NAS-Kingsville. (Director of Planning and Development Services).
5. Consider a resolution authorizing the City to submit an application to the FEMA Assistance to Firefighters Grant requesting grant funding for SCBA respirator units, masks, and air cylinders on behalf of the Kingsville Fire Department with an anticipated \$32,357 cash match. (Interim Fire Chief).
6. Consider a resolution appointing Election Judges and the Early Voting Ballot Board Judge for the City of Kingsville General and Special Election on May 2, 2020. (City Secretary). *CONSIDERE UNA RESOLUCIÓN QU NOMBRA JUECES ELECTORALES Y EL JUEZ DE LAS JUNTA DE VOTACIÓN ANTICIPADA PARA LAS ELECCIONES GENERALES Y ESPECIALES DE LAS CIUDAD DE KINGSVILLE QUE SE LLEVARAN A CABO EL 2 DE MAYO DE 2020. (SECRETARIA MUNICIPAL).*

7. Consider a resolution authorizing the City Manager to enter into the 2020 Election Services Agreement between the City of Kingsville and the Kleberg County Clerk. (City Secretary).
8. Consider out of state travel for the Finance Director to attend the GFOA Annual Conference in New Orleans, Louisiana from May 17-20, 2020. (Finance Director).
9. Discussion of projects and interlocal agreements with Kleberg County. (City Manager).

VII. Adjournment.

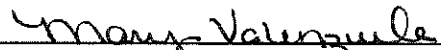
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended only with 5 affirmative Commission votes. The speaker must identify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

NOTICE

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

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

February 20, 2020 at 3:30 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)

FEBRUARY 10, 2020

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, FEBRUARY 10, 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
Derek William, IT Department
Susan Ivy, Parks & Recreation Director
Emilio Garcia, Health Director
Bill Donnell, Public Works Director
Cynthia Martin, Downtown Manager
Rudy Mora, City Engineer
Charlie Sosa, Purchasing Manager
Courtney Alvarez, City Attorney
Ron Lee, Interim Fire Chief
Diana Gonzales, HR Director
Janine Reyes, Tourism Director
Robert Rodriguez, Library Director
Ricardo Torres, Police Chief

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 27, 2020

Motion made by Commissioner Lopez and Commissioner Pecos to approve the minutes of January 27, 2020, 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).¹

1. None.

III. Reports from Commission & Staff.²

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

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

Mrs. Courtney Alvarez, City Attorney stated that the next City Commission meeting is scheduled for Monday, February 24, 2020. Staff's deadline to submit items for this agenda is Friday, February 14, 2020.

IV. Public Comment on Agenda Items.³

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 Lopez. 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 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 17th 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.⁴

4. Consider appointment of Rose Morales to the Main Street Advisory Board for a two-year term. (Interim Director of Planning & Development Services).

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

5. Consider appointment of Larry Garcia to the Zoning Board of Adjustment for a two-year term. (Interim Director of Planning & Development Services).

Motion made by Commissioner Lopez to approve the appointment of Orlando Moya as an alternate member to the Zoning Board of Adjustment for a two-year term, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".

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).

Motion made by Commissioner Lopez to approve the appointment of Orlando Moya as an alternate member to the Zoning Board of Adjustment for a two-year term, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

7. Consider a resolution revising the Designation of Signatories Form for TxCDBG #7219012. (Interim Director of Planning & Development Services).

Motion made by Commissioner Pecos to approve the resolution revising the Designation of Signatories Form for TxCDBG #7219012, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

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).

Motion made by Commissioner Pecos to approve the resolution ordering the City of Kingsville General and Special Election, designating voting precincts, polling places establishing election procedures and appointing Early Voting Clerk, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

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).

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

10. Consider a resolution authorizing the City Manager to enter into the Coastal Bend Regional Public Safety Radio Coalition Memorandum of Understanding. (Police Chief).

Mr. Ricardo Torres, Chief of Police stated that this would allow 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. Costs shall be incurred with each member of the Coalition responsible for their pro rata share of expenses. Each party is responsible for paying all costs of services to be provided by their law enforcement officers or employees. By creating this Coalition, it would allow them to apply for Federal and State funding and be more apt in receiving it as they are trying to this regionally. The goal for this is to be able to communicate from the Rio Grande Valley up to San Antonio through their 800 Mghz system.

Commissioner Hinojosa asked if counties are involved in this? Chief Torres responded that they are involved.

Motion made by Commissioner Pecos to approve the resolution authorizing the City Manager to enter into the Coastal Bend Regional Public Safety Radio Coalition Memorandum of Understanding, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

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).

Mr. Charlie Sosa, Purchasing Manager stated that this item authorizes the entering into a public property finance contract with Government Capital Corporation to finance rehabilitation of the South Treatment Plant Clarifier. He further stated that back on 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.

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

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).

Introduction item.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:13 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

PUBLIC HEARING(S)

PUBLIC HEARING #1

**City of Kingsville
Planning Department**

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Cynthia Martin, Interim Director
DATE: February 14, 2020

SUBJECT: Request for alcohol variance for a Beer Retail Dealer's Off-Premise License (BF) and Package Store Permit (P) and Local Cartage Permit (E) and Package Store Tasting Permit (PS) for the establishment known as Malibooze Liquor, Wine, Spirits, Cigars, Beer & Kegs at 1701 S Brahma Blvd., Suite D

Summary: The applicant, Kingsville Retail Group, LP, is requesting this variance a new store, Malibooze Liquor, Wine, Spirits, Cigars, Beer & Kegs at 1701 S Brahma Blvd., Suite D

Background: The property in questions falls within the 300-foot boundary of one school, Coastal Bend Community College, therefore it will require a variance according to City Ordinance sections 11-3-4. Notices have been sent to property owners within the 300-foot boundary and a notice published in the local newspaper regarding the public hearing to be held Monday, February 24, 2020 in City Hall. The Planning Department received no citizen feedback.

Financial Impact: This new store will be going into the spot where Squirrely's Liquor was so there will be little if no financial impact as they will be carrying much the same merchandise.

Recommendation: Approve the alcohol variance as requested.



received
1-22-20



CITY OF
KINGSVILLE

MEMORANDUM

Date	Tuesday, December 10, 2019
To	Mary Valenzuela, City Secretary
From	Engineering Department
Subject	Alcohol License for 1701 Brahma Blvd Suite D

Mrs. Valenzuela,

After performing the research and physical inspection you requested for the property at **1701 Brahma Blvd Suite D**, we have concluded that the property in question does fall within the 300ft boundary of **1 School**; therefore, it will require a variance according to City Ordinance sections 11-3-4. Notices must be sent to the property owners within the 300-foot boundary and a public hearing and publication in the local newspaper is required.

Thank You,

Engineering Department

Attachment 1 shows the property and the relative location of 3 churches; suspected to be close to the property. **Coastal Bend College** is within the 300-foot boundary. All properties within the 300-foot boundary are shown with their short Property ID by the Kleberg Appraisal District.

received
1-17-20



TEXAS ALCOHOLIC
BEVERAGE COMMISSION

Texas Helping Businesses & Protecting Communities

OFF-PREMISE
PREQUALIFICATION PACKET

L-OFF (12/2019)

Submit this packet to the proper governmental entities to obtain certification for the type of license/permit for which you are applying as required by Sections 11.37, 11.39, 11.46(b), 61.37, 61.38, 61.42 and Rule §33.13
All statutory and rule references mentioned in this application refer to and can be found in the Texas Alcoholic Beverage Code or Rules located on our website. www.tabc.texas.gov/laws/code_and_rules.asp

LOCATION INFORMATION

1. Application for: <input checked="" type="checkbox"/> Original			
<input type="checkbox"/> Reinstatement		<input type="checkbox"/> Reinstatement and Change of Trade Name License/Permit Number _____	
<input type="checkbox"/> Change of Location		<input type="checkbox"/> Change of Location and Trade Name License/Permit Number _____	
2. Type of Off-Premise License/Permit			
<input type="checkbox"/> BQ Wine and Beer Retailer's Off-Premise Permit		<input type="checkbox"/> LP Local Distributor's Permit	
<input checked="" type="checkbox"/> BF Beer Retail Dealer's Off-Premise License		<input checked="" type="checkbox"/> E Local Cartage Permit	
<input checked="" type="checkbox"/> P Package Store Permit		<input type="checkbox"/> ET Local Cartage Transfer Permit	
<input type="checkbox"/> Q Wine Only Package Store Permit		<input checked="" type="checkbox"/> PS Package Store Tasting Permit	
3. Indicate Primary Business at this Location			
<input type="checkbox"/> Grocery/Market		<input type="checkbox"/> Convenience Store without Gas	
<input checked="" type="checkbox"/> Liquor Store		<input type="checkbox"/> Miscellaneous _____	
<input type="checkbox"/> Convenience Store with Gas			
4. Trade Name of Location (Name of store, business, etc.) MALIBOOZE LIQUOR WINE, SPIRITS, CIGARS, BEER & KEGS			
5. Location Address 1701 BRAHMA BLVD Suite D			
City KINGSVILLE		County KLEBERG	State TX
6. Mailing Address 626 N 14TH STREET		City KINGSVILLE	State TX
7. Business Phone No. 361-592-6333		Alternate Phone No. 361-455-1835	E-mail Address jnhinc@sbcglobal.net

OWNER INFORMATION

8. Type of Owner		
<input type="checkbox"/> Individual	<input checked="" type="checkbox"/> Corporation	<input type="checkbox"/> City/County/University
<input type="checkbox"/> Partnership	<input type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Other _____
<input type="checkbox"/> Limited Partnership	<input type="checkbox"/> Joint Venture	
<input type="checkbox"/> Limited Liability Partnership	<input type="checkbox"/> Trust	
9. Owner of Business /Applicant (Name of Corporation, LLC, etc.) JNH Enterprises, INC.		

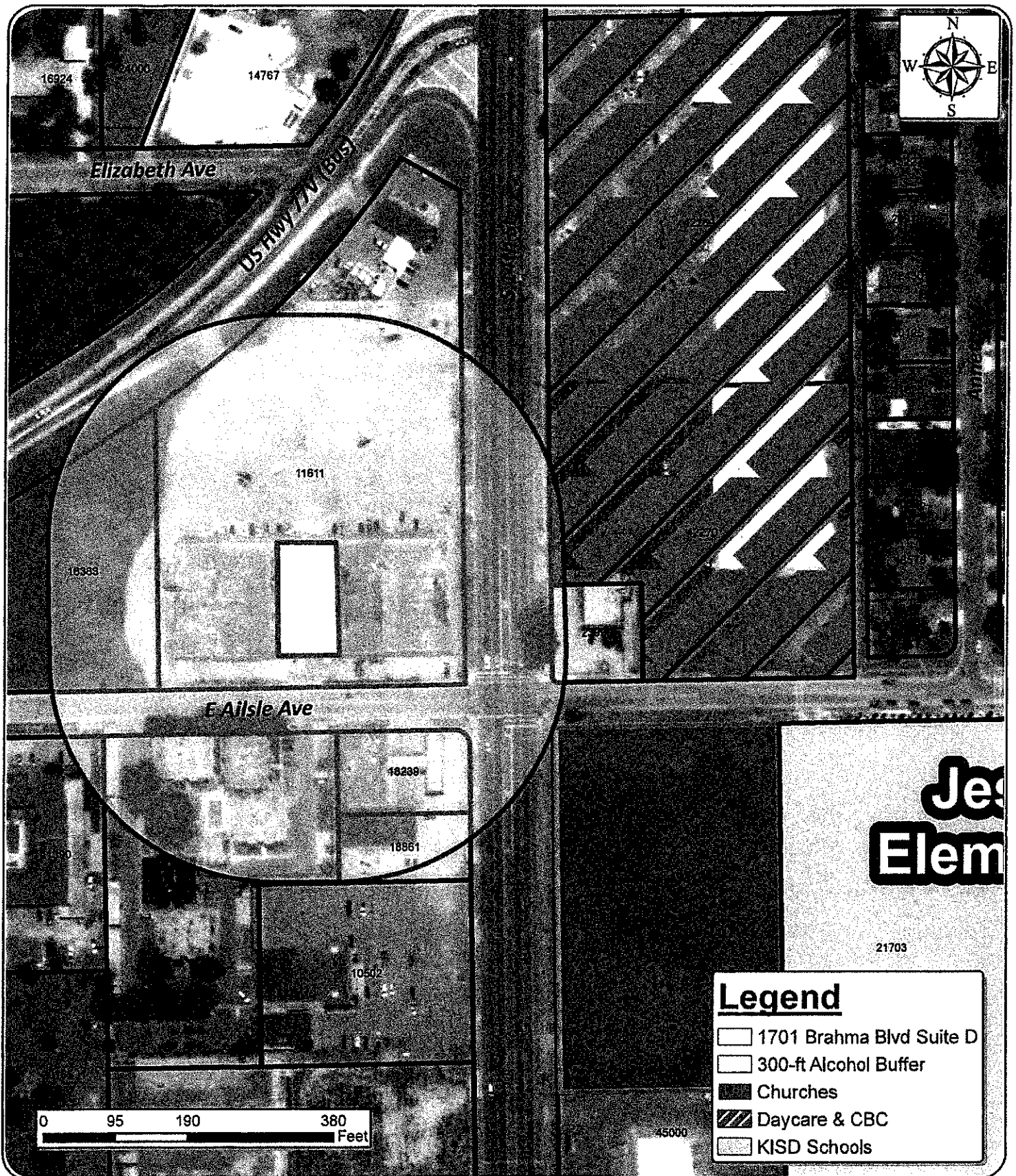
PRIMARY CONTACT PERSON

The primary contact person should be a person who can answer questions TABC may have about the application. The contact phone and email are mandatory and must be active and updated regularly. If additional information is needed, it will be requested from this contact person. Delays in responding to requests may delay the processing and approval of your permit/license.

10. Contact Person: Paul West	Relation to Business: Vice President
Phone (mandatory): 361-455-1835	Email (mandatory): jnhinc@sbcglobal.net

TABC DATESTAMP

Alcohol Permit - 1701 Brahma Blvd Suite D



Document Path: L:\Joseph Coufal\Alcohol Permits\Alcohol Permit Maps\MALIBOOZE LIQUOR WINE, SPIRITS, CIGARS, BEER & KEG\Malibooze Alcohol_Permit.mxd

Page 1 / 1	Drawn By: Engineering Dept.	<p>DISCLAIMER</p> <p>THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</p>	<p>CITY OF KINGSVILLE</p> <p>ENGINEERING DEPARTMENT</p> <p>400 W King Ave</p> <p>Kingsville, Texas 78363</p> <p>Office: (361) 595-8007</p> <p>Fax: (361) 595-8064</p>
	Last Update: 1/22/2020		
	Note: Please see attached documents.		

CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1701 S. Brahma Blvd., Kingsville, TX 78363 Nearest Intersection Ailsie

(Proposed) Subdivision Name _____ Lot _____ Block _____

Legal Description: 4.9888 A out of Lots 173-185, Southmore Acres Subd, City of Kingsville, Kleberg Co. TX

Existing Zoning Designation _____ Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent John O'Shaughnessy Phone 512-296-7807 FAX _____

Email Address (for project correspondence only): john@commercialretailgroup.com

Mailing Address 11701 Bee Caves Road, #262 City Austin State TX Zip 78730

Property Owner Kingsville Retail Group, LP Phone 512-452-8633 FAX _____

Email Address (for project correspondence only): john@commercialretailgroup.com

Mailing Address 11701 Bee Caves Road, #262 City Austin State TX Zip 78730

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 type="checkbox"/> SUP Request/Renewal _____	\$250.00	<input type="checkbox"/> Vacating Plat _____	\$50.00
<input checked="" type="checkbox"/> Zoning Variance Request (ZBA) _____	\$250.00	<input type="checkbox"/> Development Plat _____	\$100.00
<input type="checkbox"/> PLUD Request _____	\$250.00	<input type="checkbox"/> Subdivision Variance Request _____	\$25.00 ea

Please provide a basic description of the proposed project:

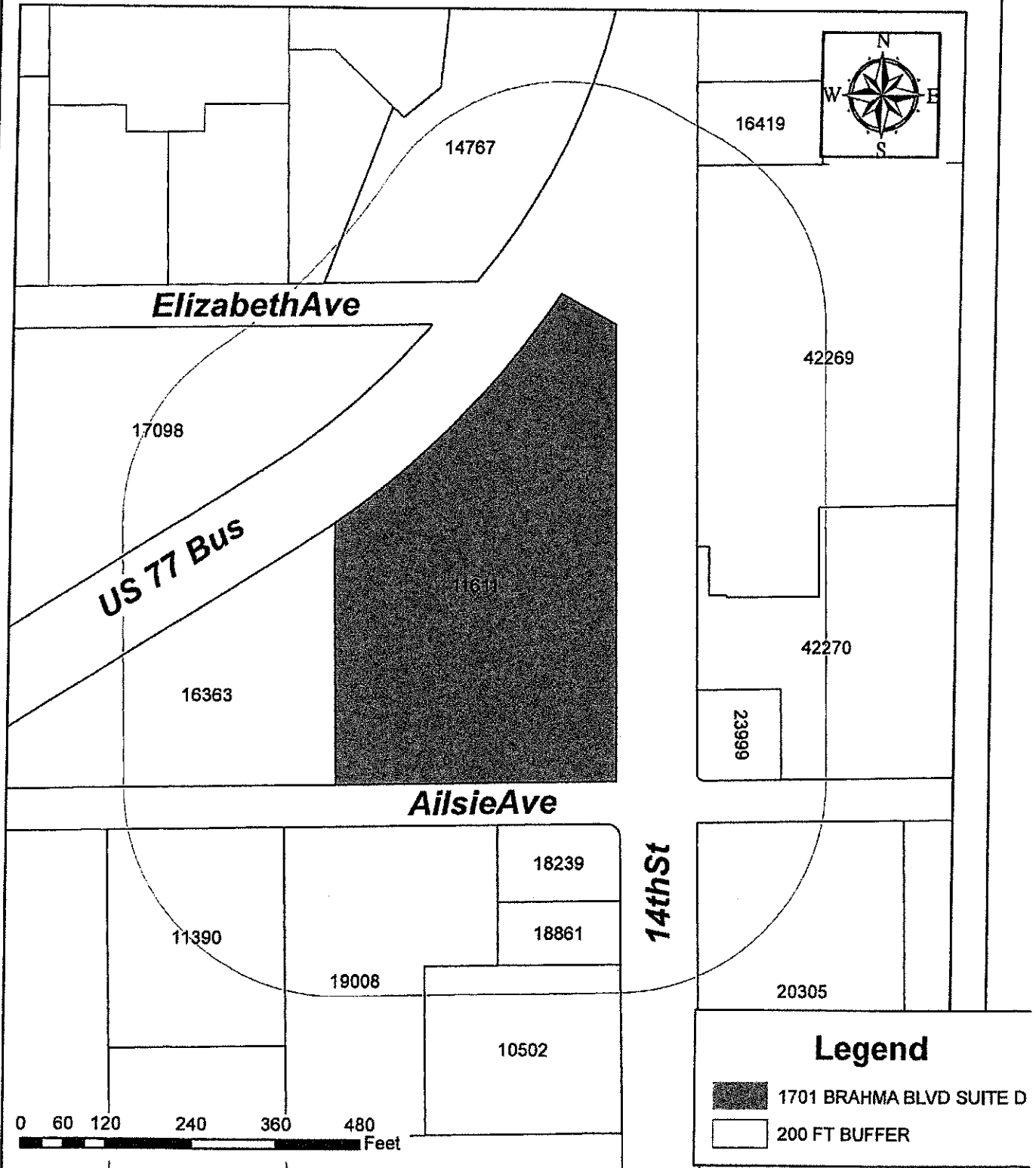
I hereby certify that I am the owner and /or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature [Signature] Date: 1-30-20

Property Owner's Signature [Signature] Date: 1/30/2020

Accepted by: _____ Date: _____

300 ft Buffer Map of 1701 BRAHMA BLVD SUITE D



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

Page 1 / 1	Drawn By: Planning Department	DISCLAIMER THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.	CITY OF KINGSVILLE PLANNING DEPARTMENT 410 West King Kingsville, Texas 78363 Office: 361-595-8055
	Last Update: 2/7/2020		
	Note:		

ROEL NUNEZ EST
MARY G DE LEON (IND EXECUTOR)
237 CANDLEWOOD
KINGSVILLE, TX 78363
#14767

ALPHA LAKE LTD
A TEXAS LIMITED PARTNERSHIP
1700 GEORGE BUSH DR E
STE 240
COLLEGE STATION, TX 77840-3351
#42269

COLONIAL ARMS KINGSVILLE
LLC
25047 TOUTANT BEAUREGARD RD
SAN ANTONIO, TX 78255
#11390

HERMAN H OHLENBUSCH
926 S 14TH ST, STE 103
KINGSVILLE, TX 78363
#18861

TERESA A MAYORGA
ETVIR MACARIO R
729 ELIZABETH AVE
KINGSVILLE, TX 78363-6745
#17098

COASTAL BEND COLLEGE
3800 CHARCO RD
BEEVILLE, TX 78102
#42270

CANOPY APARTMENTS LLC
255 WILDLIFE TRL
BANDERA, TX 78003
#19008

MICHAEL J KRUEGER
PO BOX 1538
KINGSVILLE, TX 78364-1538
#10502

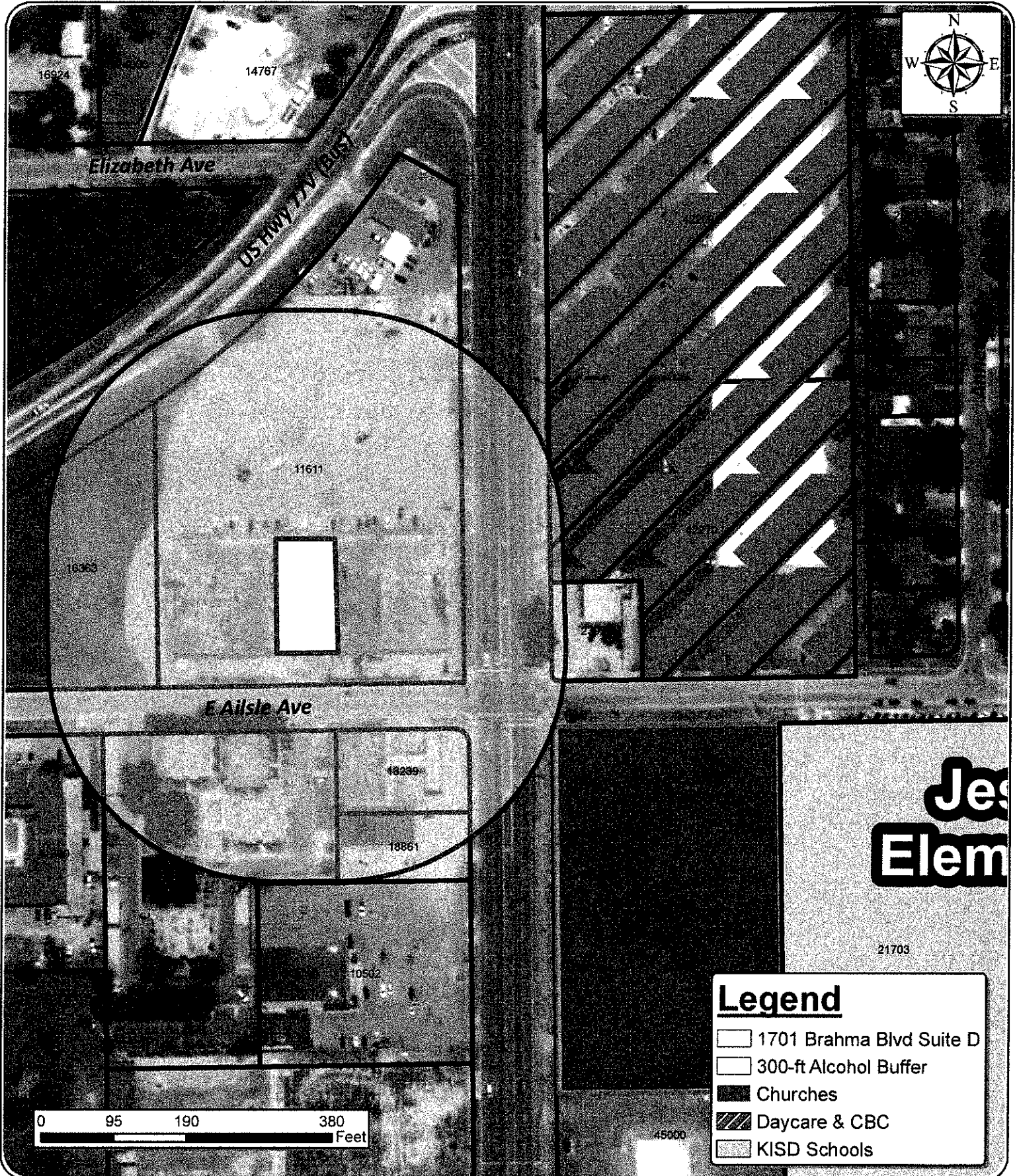
JESUS J JAIME
ETUX GRACIELA M
PO BOX 769
KINGSVILLE, TX 78364-0769
#16363

FIRST CAPITAL BANK
% PROSP BANK ATTN ACCTNG DEPT
PO BOX G
EL CAMPO, TX 77437-1470
#23999


HARBUR & HARBUR LP
% ROBERT W HARMAN
3279 FM 1540
SANDIA, TX 78383
#18239

FIRST CHRISTIAN CHURCH
PO BOX 848
KINGSVILLE, TX 78364-0848
#20305

Alcohol Permit - 1701 Brahma Blvd Suite D



Document Path: L:\Joseph Coufal\Alcohol Permits\Alcohol Permit Maps\MALIBOOZE LIQUOR WINE, SPIRITS, CIGARS, BEER & KEG\Malibooze Alcohol_Permit.mxd

Page 1/1	Drawn By: Engineering Dept.	DISCLAIMER THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.		CITY OF KINGSVILLE ENGINEERING DEPARTMENT 400 W King Ave Kingsville, Texas 78363 Office: (361) 595-8007 Fax: (361) 595-8064
	Last Update: 1/22/2020			
	Note: Please see attached documents.			



LEGEND



EXISTING LOT 10
EXISTING LOT 11
EXISTING LOT 12
EXISTING LOT 13

DETAILS OF MALIBOOZE ALCOHOL PERMIT

Drawn by: J. COUFAL

Date: 1/22/2019

Revised by:

Project #:

Scale: NTS



CITY OF KINGSVILLE
ENGINEERING DEPARTMENT

400 West King
Kingsville, Texas 78363
Office 361.595.8007
Fax 361.595.8035

Submitted item

PUBLIC NOTICE

The City Commission of the City of Kingsville will hold a public hearing on Monday, February 24, 2020 at 5:00 P.M. to discuss and/or take action on the following item:

Request for an alcohol variance for a Beer Retail Dealer's Off-Premise Permit (BF) and Package Store Permit (P) and Local Carriage Permit (E) and Package Store Tasting Permit (PS) for the establishment known as Malibooze Liquor Wine, Spirits, Cigars, Beer & Kegs at 1701 Brahma Blvd Suite D, Kingsville, Texas.

The meeting will be held at City Hall, 400 West King, Kingsville, Texas 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.

CONSENT AGENDA

AGENDA ITEM #1

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 was necessary to appoint new persons to execute contractual documents and documents for requesting funds from the Texas Department of Agriculture on February 10, 2020 via Resolution #2020-10; however, even though the A202 Form states the parties to sign properly now the *resolution* has been requested to be updated to state that Mayor and City Manager are also able to sign environmental review documents as noted below and as on Form A202; 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 AND environmental review 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 24th day of February, 2020.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary


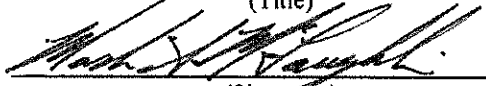
APPROVED AS TO FORM

Courtney Alvarez, City Attorney

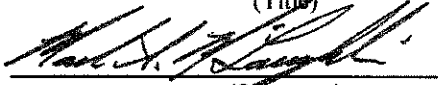
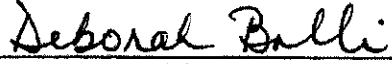
Depository/Authorized Signatories Designation Form

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.

REGULAR AGENDA

AGENDA ITEM #2

**City of Kingsville
Planning Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Cynthia Martin, Interim Director

DATE: February 14, 2020

SUBJECT: Request for alcohol variance for a Beer Retail Dealer's Off-Premise License (BF) and Package Store Permit (P) and Local Cartage Permit (E) and Package Store Tasting Permit (PS) for the establishment known as Malibooze Liquor, Wine, Spirits, Cigars, Beer & Kegs at 1701 S Brahma Blvd., Suite D

Summary: The applicant, Kingsville Retail Group, LP, is requesting this variance a new store, Malibooze Liquor, Wine, Spirits, Cigars, Beer & Kegs at 1701 S Brahma Blvd., Suite D

Background: The property in questions falls within the 300-foot boundary of one school, Coastal Bend Community College, therefore it will require a variance according to City Ordinance sections 11-3-4. Notices have been sent to property owners within the 300-foot boundary and a notice published in the local newspaper regarding the public hearing to be held Monday, February 24, 2020 in City Hall. The Planning Department received no citizen feedback.

Financial Impact: This new store will be going into the spot where Squirrely's Liquor was so there will be little if no financial impact as they will be carrying much the same merchandise.

Recommendation: Approve the alcohol variance as requested.



received
1-22-20



CITY OF
KINGSVILLE

MEMORANDUM

Date	Tuesday, December 10, 2019
To	Mary Valenzuela, City Secretary
From	Engineering Department
Subject	Alcohol License for 1701 Brahma Blvd Suite D

Mrs. Valenzuela,

After performing the research and physical inspection you requested for the property at **1701 Brahma Blvd Suite D**, we have concluded that the property in question does fall within the 300ft boundary of **1 School**; therefore, it will require a variance according to City Ordinance sections 11-3-4. Notices must be sent to the property owners within the 300-foot boundary and a public hearing and publication in the local newspaper is required.

Thank You,

Engineering Department

Attachment 1 shows the property and the relative location of 3 churches; suspected to be close to the property. **Coastal Bend College** is within the 300-foot boundary. All properties within the 300-foot boundary are shown with their short Property ID by the Kleberg Appraisal District.



TEXAS ALCOHOLIC BEVERAGE COMMISSION

Texans Helping Businesses & Protecting Communities

received
1-17-20

OFF-PREMISE PREQUALIFICATION PACKET

L-OFF (12/2019)

Submit this packet to the proper governmental entities to obtain certification for the type of license/permit for which you are applying as required by Sections 11.37, 11.39, 11.46(b), 61.37, 61.38, 61.42 and Rule §33.13. All statutory and rule references mentioned in this application refer to and can be found in the Texas Alcoholic Beverage Code or Rules located on our website. www.tabc.texas.gov/laws/code_and_rules.asp

LOCATION INFORMATION

1. Application for: ☒ Original

☐ Reinstatement

☐ Reinstatement and Change of Trade Name

License/Permit Number _____

☐ Change of Location

☐ Change of Location and Trade Name

License/Permit Number _____

2. Type of Off-Premise License/Permit

☐ BQ Wine and Beer Retailer's Off-Premise Permit

☐ LP Local Distributor's Permit

☒ BF Beer Retail Dealer's Off-Premise License

☒ E Local Cartage Permit

☒ P Package Store Permit

☐ ET Local Cartage Transfer Permit

☐ Q Wine Only Package Store Permit

☒ PS Package Store Tasting Permit

3. Indicate Primary Business at this Location

☐ Grocery/Market

☐ Convenience Store without Gas

☒ Liquor Store

☐ Miscellaneous _____

☐ Convenience Store with Gas

4. Trade Name of Location (Name of store, business, etc.)

MALIBOOZE LIQUOR WINE, SPIRITS, CIGARS, BEER & KEGS

5. Location Address

1701 BRAHMA BLVD Suite D

City

KINGSVILLE

County

KLEBERG

State

TX

Zip Code

78363

6. Mailing Address

626 N 14TH STREET

City

KINGSVILLE

State

TX

Zip Code

78363

7. Business Phone No.

361-592-6333

Alternate Phone No.

361-455-1835

E-mail Address

jnhinc@sbcglobal.net

OWNER INFORMATION

8. Type of Owner

☐ Individual

☒ Corporation

☐ City/County/University

☐ Partnership

☐ Limited Liability Company

☐ Other _____

☐ Limited Partnership

☐ Joint Venture

☐ Limited Liability Partnership

☐ Trust

9. Owner of Business /Applicant (Name of Corporation, LLC, etc.)

JNH Enterprises, INC.

PRIMARY CONTACT PERSON

The primary contact person should be a person who can answer questions TABC may have about the application. The contact phone and email are mandatory and must be active and updated regularly. If additional information is needed, it will be requested from this contact person. Delays in responding to requests may delay the processing and approval of your permit/license.

10. Contact Person: Paul West

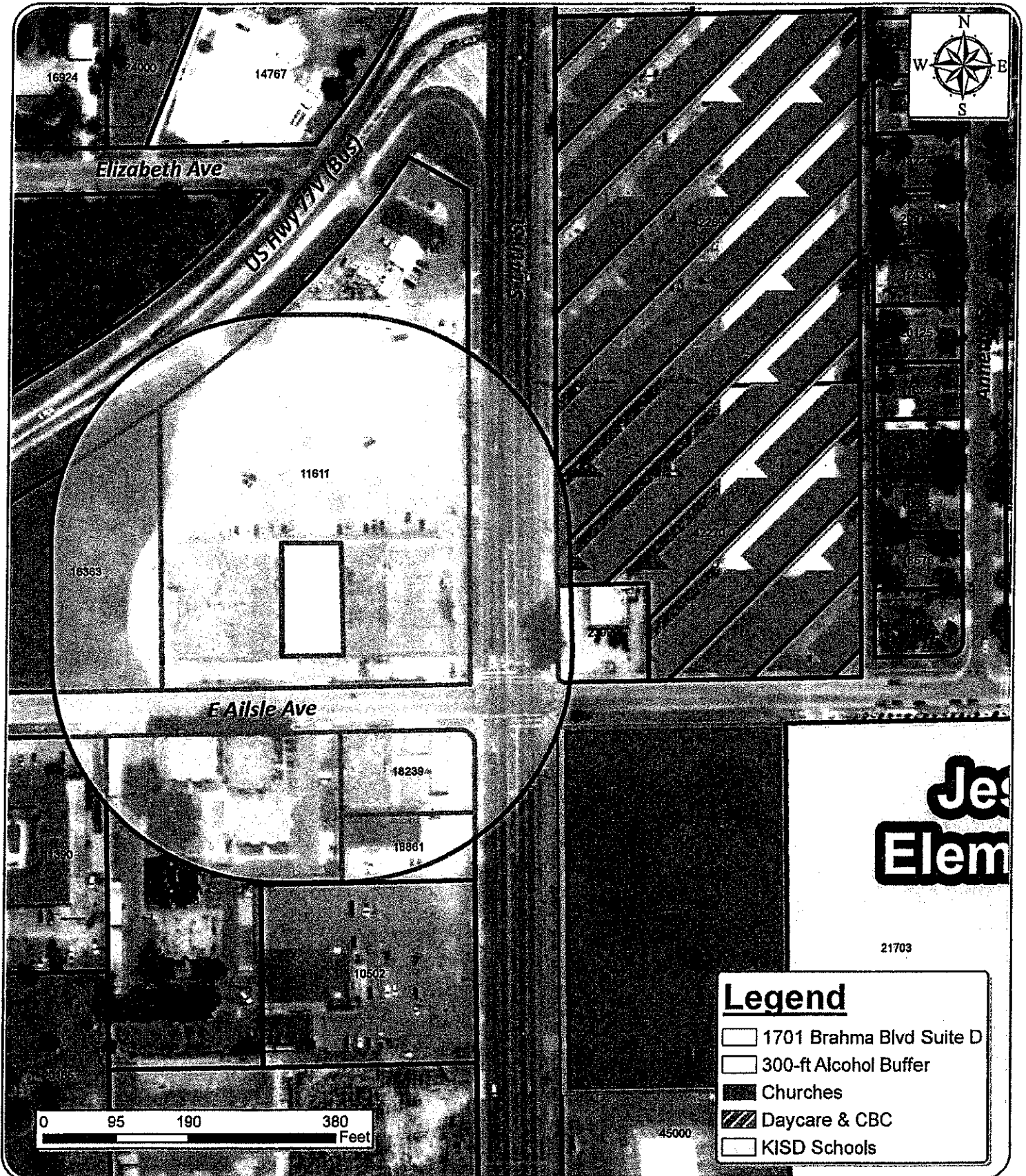
Relation to Business: Vice President

Phone (mandatory): 361-455-1835

Email (mandatory): jnhinc@sbcglobal.net

TABC DATESTAMP

Alcohol Permit - 1701 Brahma Blvd Suite D



Document Path: L:\Joseph Coufal\Alcohol Permits\Alcohol Permit Maps\MALIBOOZE LIQUOR WINE, SPIRITS, CIGARS, BEER & KEG\Malibooze Alcohol_PermiLmxd

Page 1 / 1	Drawn By: Engineering Dept.	<p>DISCLAIMER</p> <p>THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</p>	<p>CITY OF KINGSVILLE ENGINEERING DEPARTMENT 400 W King Ave Kingsville, Texas 78363 Office: (361) 595-8007 Fax: (361) 595-8064</p>
	Last Update: 1/22/2020		
	Note: Please see attached documents.		



LEGEND

CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1701 S. Brahma Blvd., Kingsville, TX 78363 Nearest Intersection Allsie

(Proposed) Subdivision Name _____ Lot _____ Block _____

Legal Description: 4.9888 A out of Lots 173-185, Southmore Acres Subd, City of Kingsville, Kleberg Co. TX

Existing Zoning Designation _____ Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent John O'Shaughnessy Phone 512-296-7807 FAX _____

Email Address (for project correspondence only): john@commercialretailgroup.com

Mailing Address 11701 Bee Caves Road, #262 City Austin State TX Zip 78730

Property Owner Kingsville Retail Group, LP Phone 512-452-8633 FAX _____

Email Address (for project correspondence only): john@commercialretailgroup.com

Mailing Address 11701 Bee Caves Road, #262 City Austin State TX Zip 78730

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 type="checkbox"/> SUP Request/Renewal _____	\$250.00	<input type="checkbox"/> Vacating Plat _____	\$50.00
<input checked="" type="checkbox"/> Zoning Variance Request (ZBA) _____	\$250.00	<input type="checkbox"/> Development Plat _____	\$100.00
<input type="checkbox"/> PUD Request _____	\$250.00	<input type="checkbox"/> Subdivision Variance Request _____	\$25.00 ea

Please provide a basic description of the proposed project:

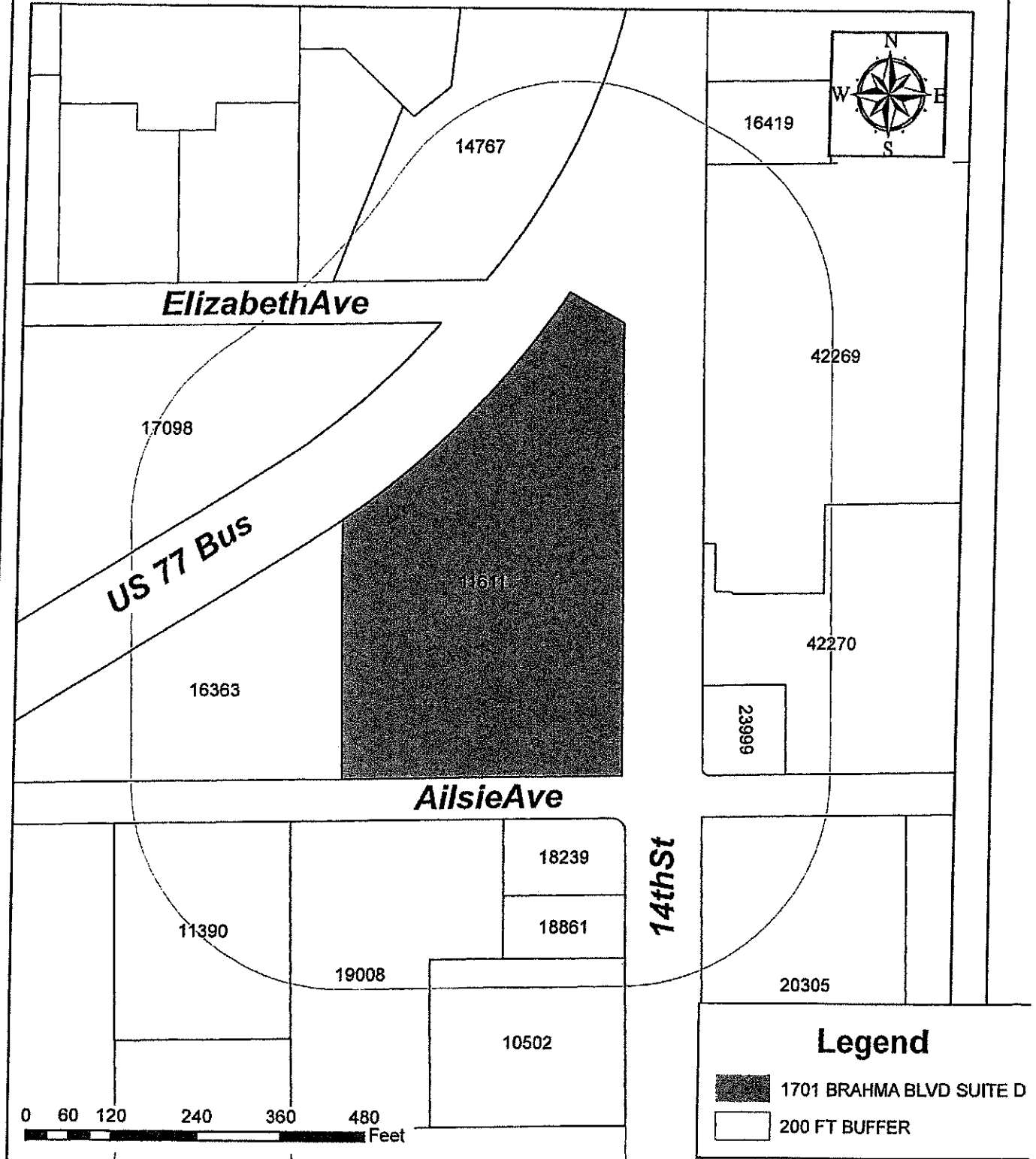
I hereby certify that I am the owner and /or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature [Signature] Date: 1-30-20

Property Owner's Signature [Signature] Date: 1/30/2020

Accepted by: _____ Date: _____

300 ft Buffer Map of 1701 BRAHMA BLVD SUITE D



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Page 1 / 1	Drawn By: Planning Department	DISCLAIMER THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.	CITY OF KINGSVILLE PLANNING DEPARTMENT 410 West King Kingsville, Texas 78363 Office: 361-695-8055
	Last Update: 2/7/2020		
	Note:		

ROEL NUNEZ EST
MARY G DE LEON (IND EXECUTOR)
237 CANDLEWOOD
KINGSVILLE, TX 78363
#14767

ALPHA LAKE LTD
A TEXAS LIMITED PARTNERSHIP
1700 GEORGE BUSH DR E
STE 240
COLLEGE STATION, TX 77840-3351
#42269

COLONIAL ARMS KINGSVILLE
LLC
25047 TOUTANT BEAUREGARD RD
SAN ANTONIO, TX 78255
#11390

HERMAN H OHLENBUSCH
926 S 14TH ST, STE 103
KINGSVILLE, TX 78363
#18861

TERESA A MAYORGA
ETVIR MACARIO R
729 ELIZABETH AVE
KINGSVILLE, TX 78363-6745
#17098

COASTAL BEND COLLEGE
3800 CHARCO RD
BEEVILLE, TX 78102
#42270

CANOPY APARTMENTS LLC
255 WILDLIFE TRL
BANDERA, TX 78003
#19008

MICHAEL J KRUEGER
PO BOX 1538
KINGSVILLE, TX 78364-1538
#10502

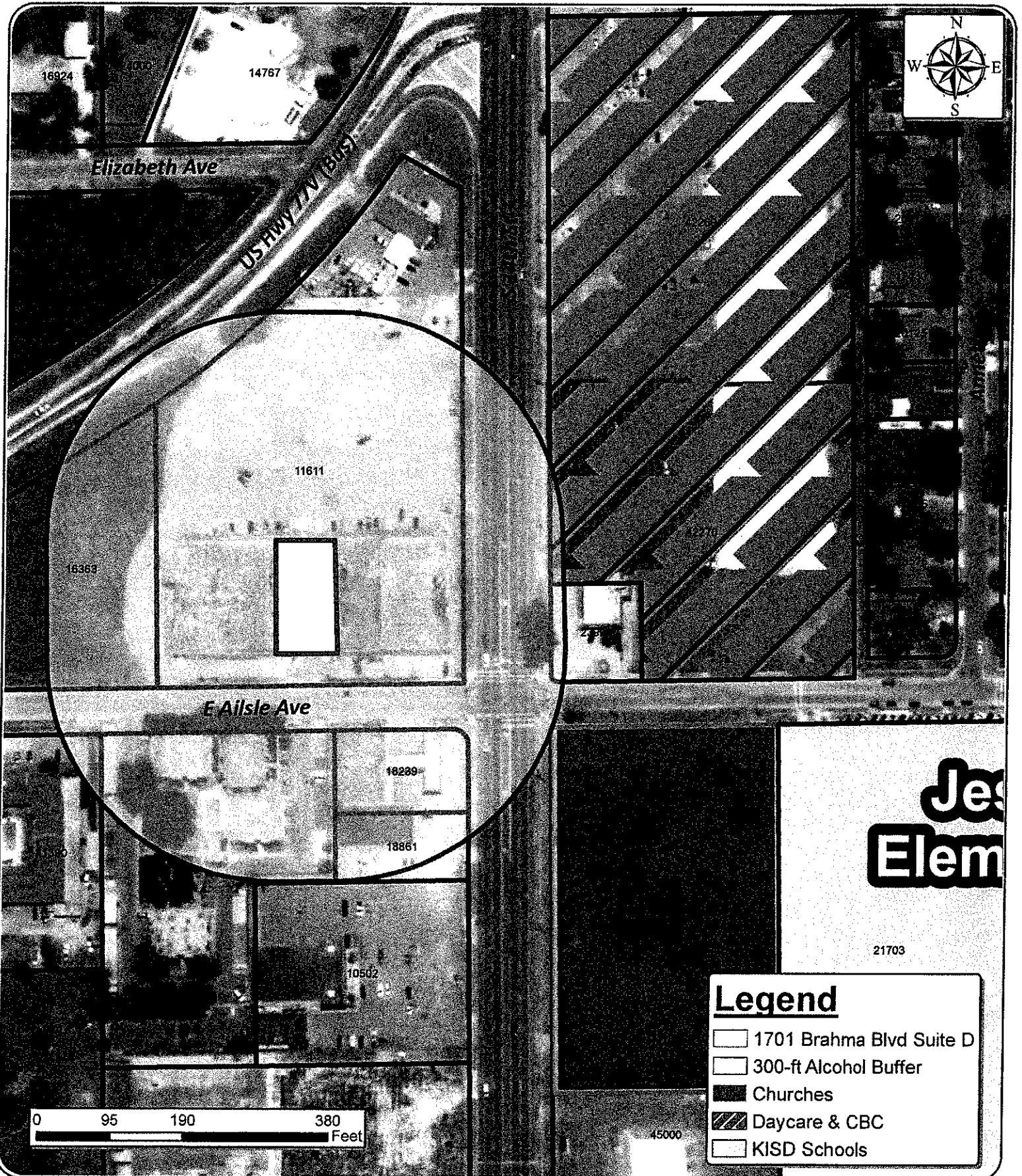
JESUS J JAIME
ETUX GRACIELA M
PO BOX 769
KINGSVILLE, TX 78364-0769
#16363

FIRST CAPITAL BANK
% PROSP BANK ATTN ACCTNG DEPT
PO BOX G
EL CAMPO, TX 77437-1470
#23999

HARBUR & HARBUR LP
% ROBERT W HARMAN
3279 FM 1540
SANDIA, TX 78383
#18239

FIRST CHRISTIAN CHURCH
PO BOX 848
KINGSVILLE, TX 78364-0848
#20305

Alcohol Permit - 1701 Brahma Blvd Suite D



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	Last Update: 1/22/2020		
	Note: Please see attached documents.		



LEGEND



DETAILS OF MALIBOOZE ALCOHOL PERMIT

Drawn by: J. COUFAL

Date: 1/22/2019

Revised by:

Project #:

Scale: NTS



CITY OF KINGSVILLE
ENGINEERING DEPARTMENT

400 West King
Kingsville, Texas 78363
Office 361.595.8007
Fax 361.595.8035

AGENDA ITEM #3

**City of Kingsville
Planning Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Cynthia Martin, Downtown Manager

DATE: January 14, 2020

SUBJECT: Façade grant application for 323 E Kleberg Ave.

Summary: Mary Lou and Tony Gonzalez have submitted a façade grant application requesting \$14,700 to restore the façade of their building at 323 E Kleberg Ave. Façade grants are meant to be a 50-50 reimbursement match on a dollar for dollar basis generally not to exceed \$20,000 subject to availability of budgeted funds, unless otherwise approved by City Commission.

Background:

In 2013, City Commission created a façade grant program to achieve a certain public purpose, namely, the protection and preservation of the City's historic structures in a manner that promotes economic development.

The c 1950 Streamline Moderne building, located in the Kingsville Downtown National Register District, is considered a contributing building to the district. It was built at the same time and in the same style as the historic Texas Theater at 327 E Kleberg. Mary Lou and Tony Gonzalez recently purchased the building and wish to restore its' appearance, both inside and out, to the days when it housed the C.R. Anthony Company, a local clothing store with a loyal clientele. The building is currently vacant. The new proposed building is a "building for the arts" i.e. a studio/gallery. The project includes replacing the front and rear entrances, repairing exterior walls, making roof repairs and bringing electrical power to the building at a cost of \$29,400.

Financial Impact:

The City's match for this grant award would be \$14,700 funded by Hotel Occupancy Tax funds.

Recommendation:

It is recommended that City Commission approve of a grant award up to \$14,700 for this project.



RESOLUTION #2020-_____

A RESOLUTION APPROVING AN APPLICATION AND AGREEMENT FOR THE HISTORIC DISTRICT FAÇADE GRANT PROGRAM FROM MARY LOU AND TONY GONZALEZ FOR PROPERTY LOCATED AT 323 E. KLEBERG AVENUE, KINGSVILLE, TEXAS.

WHEREAS, the City Commission recognized a need exists for economic development, historic restoration & preservation, and tourism promotion in the historic district of the city, especially in the downtown area, and approved Historic District Façade Grant Program Guidelines in an effort to enhance meeting these objectives;

WHEREAS, the City received an Application and an Agreement for a Historic District Façade Improvement Grant from Mary Lou & Tony Gonzalez for front and rear entrance repairs, exterior wall repairs, roof and electrical repairs/replacement at their building located at 323 East Kleberg Avenue, in the downtown area and in the historic district;

WHEREAS, the application has a projected amount for the above stated repairs/replacement of about \$29,400;

WHEREAS, the Façade Grant Guidelines provide for the applicant to pay for all the repairs and seek up to a 50% reimbursement of dollars expended in an amount not to exceed \$20,000 subject to availability of budgeted funds;

WHEREAS, there is currently \$23,000 available in budgeted funds for façade grants in the FY19-20 budget (\$43,000 budgeted less \$20,000 encumbered for façade grant approved on 1/27/2020), and generally the guidelines allow the City to reimburse up to 50% of allowed expenses paid in an amount not to exceed \$20,000;

WHEREAS, half of the estimated project cost equals \$14,700 so the maximum amount allowed for reimbursement would be half of actual allowed expenses not to exceed \$14,700;

WHEREAS, accordingly, the City would reimburse up to 50% of the out-of-pocket expenses for work performed and paid for by the applicant for repair/replacement of the building's roof, not to exceed \$14,700;

WHEREAS, staff reviewed the application and recommends the City Commission approve the façade grant for the roof project at 323 E. Kleberg Avenue;

WHEREAS, the City believes improvements to property in the city increase assessed values thereby expanding the tax base and stimulate historic preservation & renovation, which enhance tourism and increases economic activity; and

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

I.

THAT the Historic District Façade Grant Application and Agreement for Mary Lou & Tony Gonzalez for their building located at 323 East Kleberg Avenue, Kingsville, Texas in the downtown area and in the historic district for front and rear entrance repairs, exterior wall repairs, roof and electrical repairs/replacement be approved with a maximum of 50% reimbursement of eligible out-of-pocket expenses as per the attached said half estimated to be \$14,700; and, the City shall provide as a grant reimbursement up to 50% (up to \$14,700) of the out-of-pocket expenses for work performed and paid for by the applicant for repairs/replacement of the building so long as all of the terms and conditions of the Historic District Façade Improvement Grant guidelines are met as stated above.

II.

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

PASSED AND APPROVED by a majority vote of the City Commission on the 24th day of February, 2020.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

APPLICATION

Project Title: Anthony's Restoration Date Prepared: 2/5/2020

Owner: Mary Lou and Tony Gonzalez Phone #: (361)522-5678

Email Address: cangoinsurance@mail.com Individual Corporation Nonprofit Other
(Circle)

Address: P.O. Box 1422 / Kingsville, TX 78364

Contact (if different): _____ Phone #: _____

Email Address: _____ Individual Corporation Nonprofit Other
(Circle)

Address: _____

* Project Location / Address: 323 E. Kleberg Ave.

Kingsville, TX 78363

Legal Description: orig. Town Block 51, Lot 13 and 14

Parcel Number: _____ Zoning c3

National Register; Texas Landmark; Kingsville Historic Landmark; Contributing Property; Other
(Circle)

Comment _____

Proposed Use: Building for the arts

Scope of Work: To restore structure to original 1950's era. Replace front entrance and rear metal door to it's original form. Repair exterior brick walls. Roof repairs. Major exterior clean-up and exterior repairs, electrical power to outside rear of building.

Schedule: Begin March 1, 2020 .. Completion by August 31, 2020

Contractor(s) Raymond Perez, general contractor and Tony Gonzalez, general contractor

Violation history: none

Attach documents that support:

- Legal Description of property, proof of ownership, and other proof of eligibility for grant ☐
Plans for the façade grant eligible project
- Photographs
- Statements of costs, budget, pro forma and other descriptions of expenses
- Construction schedule
- Authorization for access by City staff and other officials
- Statement of proposed use and timetable for occupancy of property ☐ Proof of absence of delinquent taxes, fines, fees, liens, claims, etc.
- Additional information when requested

Project Amount \$29,349.23

Requested grant amount \$14,674.61

Applicant signature Mary Lou C. Gonzalez Tony Gonzalez

Office Use:

Date Received _____ Acknowledged by _____

Meeting Date(s) _____

Staff and/or Board and/or Commission actions _____

Notice Date(s) _____

Comment _____

AGREEMENT

I have read the guidelines and the application for the City of Kingsville Historic District Façade Improvement Grant Program and have met with City staff and I fully understand the terms and conditions that affect the eligibility and possible awards under that program.

I intend to use any grant awarded to me under that program for the project(s) described in the attached application which I believe meet the intended purposes and limitations of the subject program.

I understand that I, as owner of the property, must meet the standards enumerated, that the project must meet guidelines, that the grant must be approved at the sole discretion of the City of Kingsville, that awards are subject to availability of funds and are further subject to inspections by the Historic Preservation Officer and the City Building Official or their designees.

I understand that disbursements are generally made as reimbursements and are made subject to the rules contained in the program guidelines.

I further understand that certain projects may require deed restrictions and/or a grant of easement, as negotiated in advance.

Address/ Description of Property 323 E. Kleberg, Kingsville, TX 78363

Building Owner Name Mary Lou and Tony Gonzalez

Business Owner Address P.O. Box 1422, Kingsville, TX 78364

Signature(s) Mary Lou C. Gonzalez Tony Gonzalez

Date 2/6/2020

For the City Cynthia Martin

Signature Cynthia Martin Date 2/7/2020

C. R. Anthony Building

**323 E. Kleberg Avenue: This red – brick building was the home
To C. R. Anthony Company, a large clothing store that had
a loyal clientele.**

Built in 1950

6,944 square feet

Zoning C3

Last date of sale: February 24, 2014 by Cal Collins from

Mr. Ruben Alaniz

Mary Lou C. Gonzalez acquired the property on November 2019

from Cal Collins

Legal: Orig, Town Block 51, Lot 13 & 14

Cynthia Martin / Downtown Manager / 361-219-9325

COPY : 323 E. Kleberg, Kingsville, TX

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

WARRANTY DEED

DATE: November 18th, 2019

GRANTOR: Cal Collins

GRANTOR'S MAILING ADDRESS (INCLUDING COUNTY): 5321 North 10th Street, #504, McAllen, Hidalgo County, Texas 78504

GRANTEE: Antonio V. Gonzalez, Jr. and Mary Lou C. Gonzalez

GRANTEE'S MAILING ADDRESS (INCLUDING COUNTY): Post Office Box 1422, Kingsville, Kleberg County, Texas 78364

CONSIDERATION: Ten and 00/100th Dollars (\$10.00) and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged.

PROPERTY (INCLUDING ANY IMPROVEMENTS):

Lots Twelve (12) and Thirteen (13), Block Fifty One (51), of the Original Townsite of the City of Kingsville, Kleberg County, Texas, together with all of the improvements situated thereon.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY: All easements, rights of way, prescriptive rights, and reservations of record, all presently recorded restrictions, covenants, reservations, conditions, oil and gas leases, mineral severances, and other instruments that affect the property; and any discrepancies, conflicts, or shortages in area or boundary lines.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, subject to the provisions stated above, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's

ANTHONY'S BUILDING PRESERVATION

#1	Juan's Construction / Juan Vega	\$ 15,900.00
	Roof Work	
#2	Henry's Glass	4,114.23
#3	Villarreal Welding and Fabrication	3,500.00
#4	Hickman Electrical Service	5,385.00
	Electrical Power to Outside, rear of building	
#5	Isidro Mendoza	450.00
	Major cleaning and repairs on front and rear of building	
Total		<hr/> \$ 29,349.23

Juan Construction. January 24, 2020

To: Tony and Mary Lou Gonzalez

P.O.Box 1422

Kingsville, Texas 78364

Reference: Proposed for Roofing at:

323 E. Kleberg

A: Application of membrane with plastic on the entire walls.

B: Patch certain damaged sections on the roof.

C: Raise a section of the front west side with plywood and

Peel stick area to raise up to proper height for drainage.

D: To clean the entire roof and walls, and seal and spray with entire roof and walls with
White ceiling coating.

E: The proper city permit will be acquired for this project.

The proposal amount will be \$15,900.00

The contractor to receive of \$7,500.00 for purchase of material

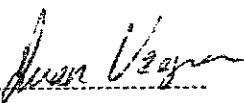
And equipment rentals.

The difference when job is completed

• And seen and inspected by the owner.

X-----

Tony and Mary Lou Gonzalez

-x- 

Juan Vega

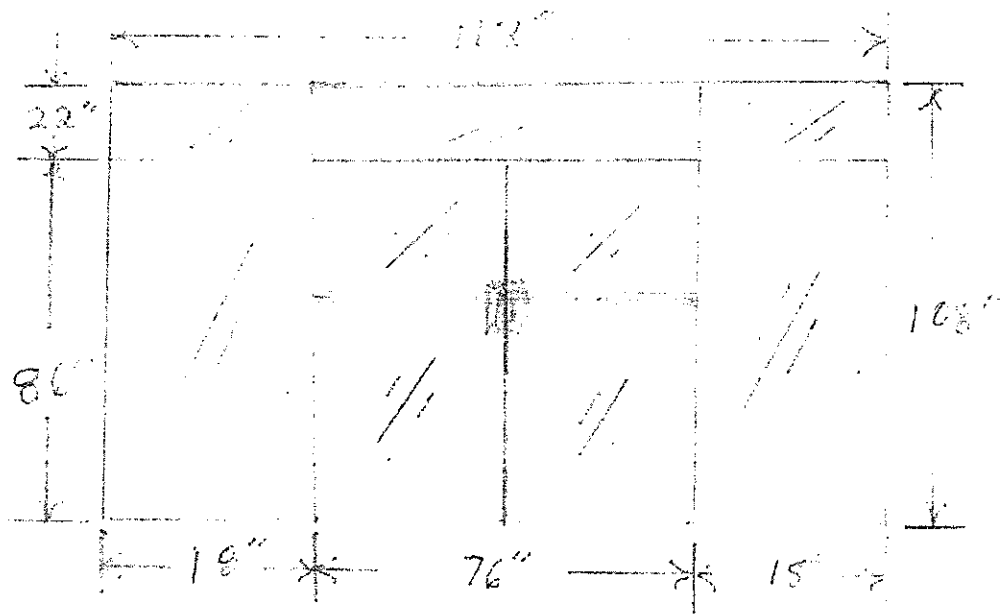
Contractor

HENRY'S GLASS SHOP # 3

723 E. CORRAL AVE.
KINGSVILLE, TX 78363
(361) 592-9764
FAX (361) 595-7708
EMERGENCY (361) 522-41

№ 008680

CUSTOMER ORDER NO.		Estimate		DATE		1-31-20	
NAME		Tony		CELL			
ADDRESS				EMAIL			
				PHONE			
SOLD BY		CASH		C.O.D.		CHARGE	
ON ACCT		MOSE RETD		PAID OUT			
QUAN.	DESCRIPTION			PRICE		AMOUNT	
1	Opening 112" x 108"						
	Store Front Framing,						
	Pair of Doors &						
	clear Glass					3150.67	
	Labor					650.00	
						3800.67	
	TAX					213.56	
						4114.23	
All claims and returned goods MUST be accompanied by this bill.				TAX			
RECEIVED BY				TOTAL			
X							



Exiquio Villarreal

1-29-2020

Exiquio Villarreal



Welding, Inc.

GENERAL WELDING AND FABRICATION

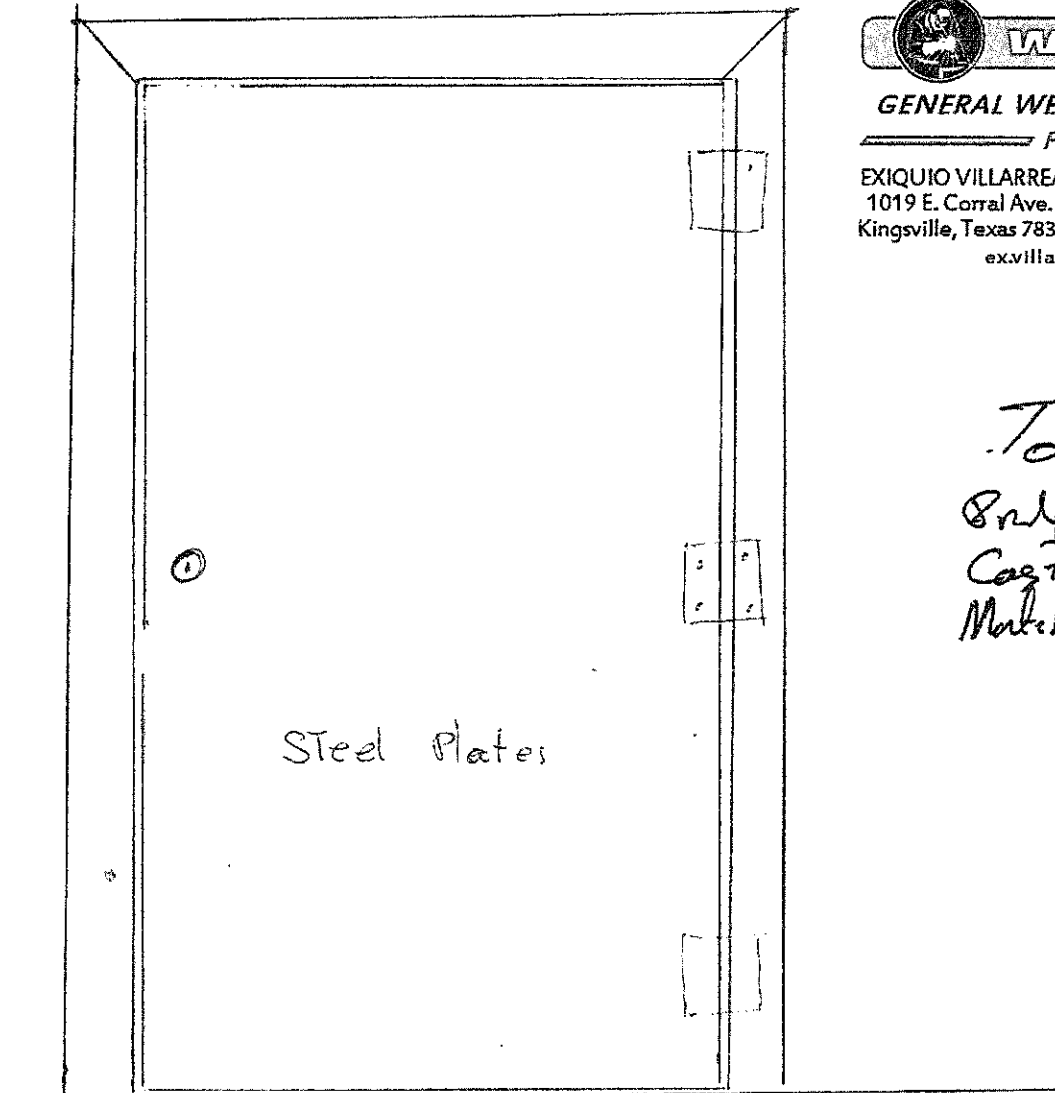
FULLY INSURED

EXIQUIO VILLARREAL
1019 E. Corral Ave.
Kingsville, Texas 78363

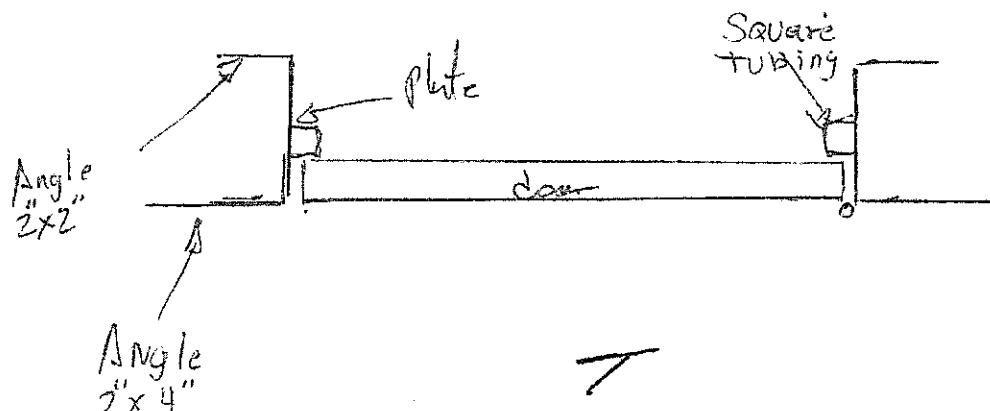


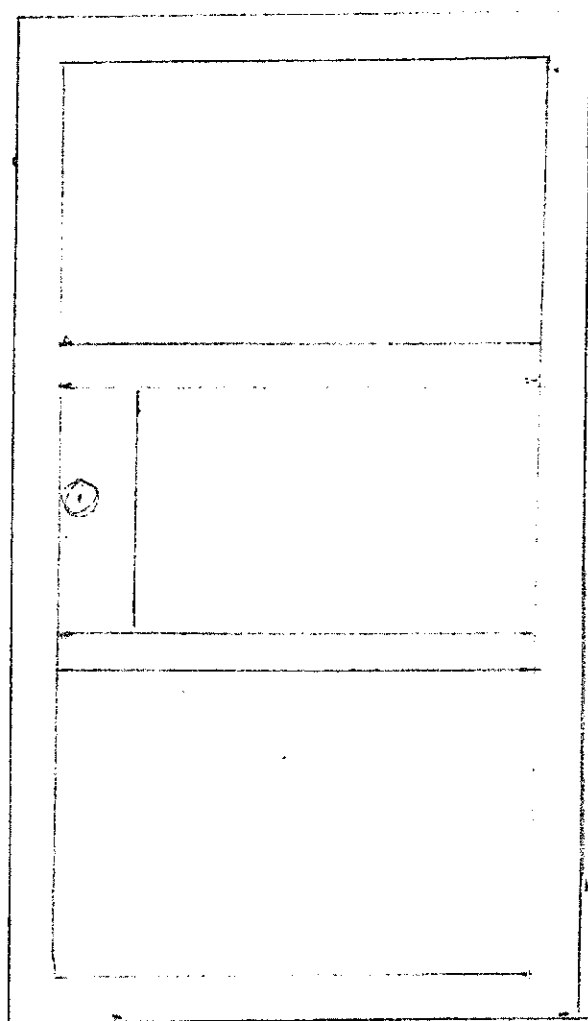
(361) 442-8482
(361) 455-7232
Fax: (361) 221-9664

ex.villarrealwelding@yahoo.com



Total
Budget
Cost
Material + labor
\$ 3500.00





← Rectangular
Tubing

Hickman Electrical Service

312 East Fordyce
Kingsville, TX 78363

Estimate

Date	Estimate #
2/11/2020	851

Name / Address
Tony Gonzales 323 East Kleberg Kingsville, Texas 78363

			Project
Description	Qty	Cost	Total
For Anthony's Building Install new 400 amp service including, 499 amp meter can, service riser, 1-200 amp single 200 amp disconnect switch, 200 amp 30 circuit breaker and grounding system		5,385.00	5,385.00
Thank you for your business.		Subtotal	\$5,385.00
		Sales Tax (8.25%)	\$0.00
		Total	\$5,385.00

January 20,2020

Isidro Mendoza

318 E. CR 2300

Riviera, Texas 78379

Tony and Mary Lou Gonzalez

P. O. Box 1422

Kingsville, Texas 78364

Project: Old C. R. Anthony's Building

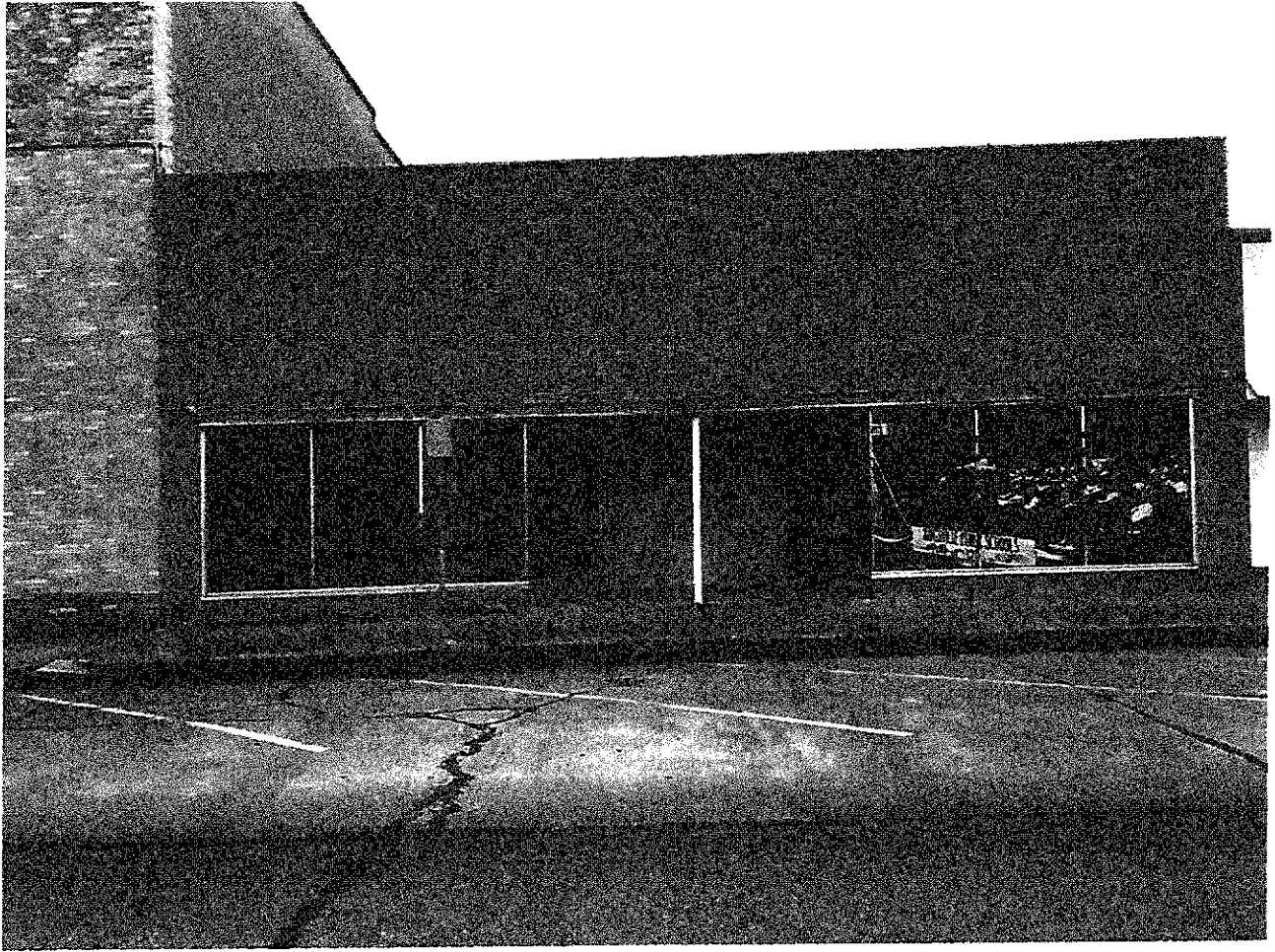
323 E. Kleberg Avenue

Contractor shall preserve historic character of building by assisting the owner

To clean the front and rear of building. Contractor will seal all broken bricks and crack

On walls with the proper materials

Doing a major cleaning, sealing all areas that may need to be addressed, providing materials and labor the total cost amount will be \$ 450.00.



C. R. Anthony Building / Front View

323 E. Kleberg Ave. Built in 1950



C. R. Anthony Building / Front Door
Wooden Door to be Replaced along
With outside door frame



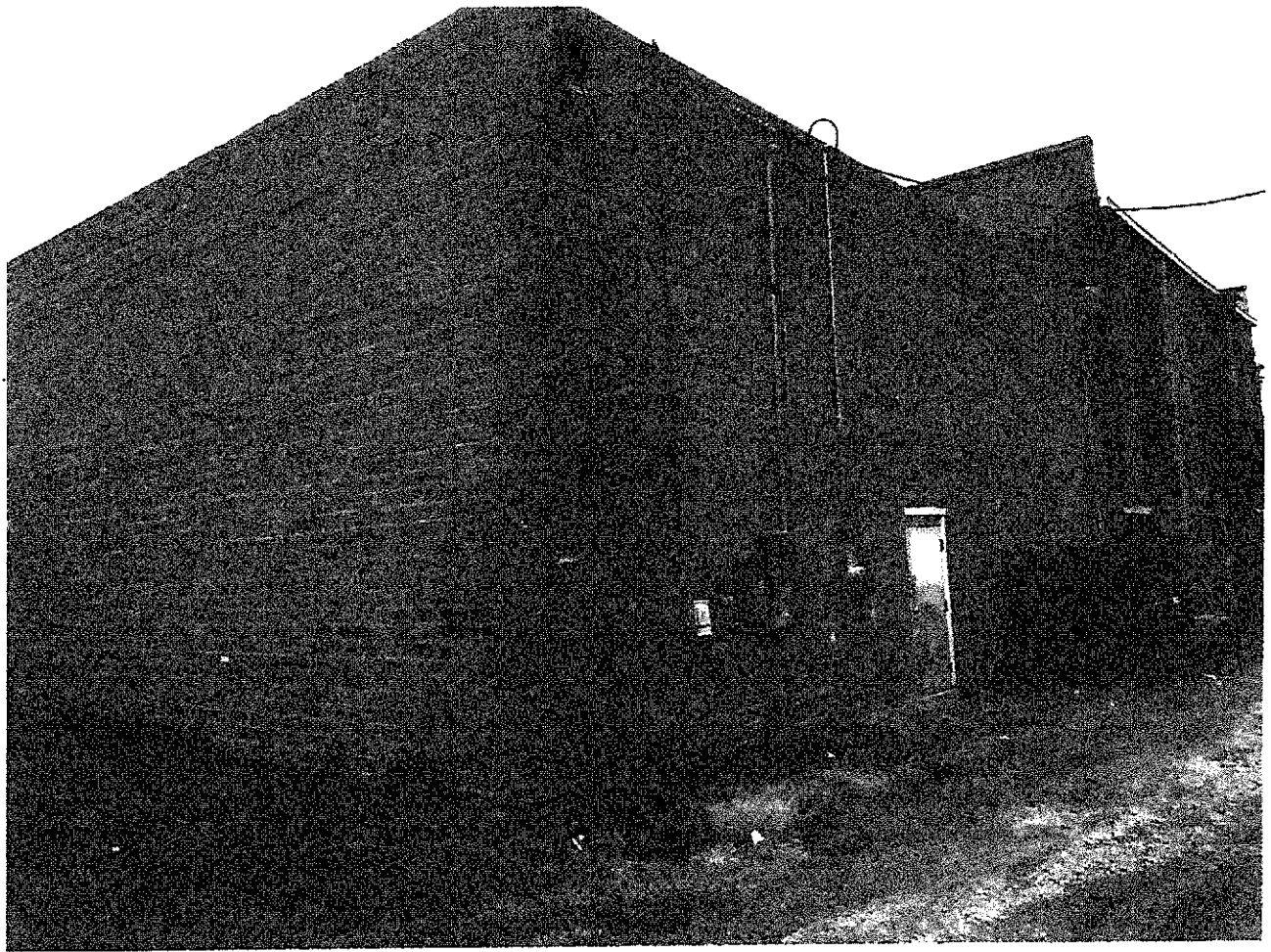
C. R. Anthony Building / Front Door

Wooden Door and frame on the inside view

To be replaced



**Bringing in Power to Outside at rear of Building
And replace outdated meters meeting
Current codes**



C. R. Anthony Building / Rear View
Southwest corner of building



C. R. Anthony Building / Rear View
South side of building with view of
Regular 3 foot wide door to be
Replaced with metal door

C. R. Anthony Building

Several views of damages to roof

Damages are mostly next to the walls



AGENDA ITEM #4

**City of Kingsville
Planning Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Cynthia Martin, Interim Director

DATE: February 14, 2020

SUBJECT: Resolution of support for Defense Economic Adjustment Assistance Grant application

Summary:

This resolution authorizes the City to submit an application to the State Defense Economic Adjustment Assistance Grant (DEAAG) program for the purpose of requesting grant funding for improvements to public spaces within Building 3766/Captain's Club.

Background:

The state of Texas awards grants to military communities with infrastructure projects and other initiatives that increase the military value of their installation(s) thereby mitigating the potential negative effects of a United States Department of Defense (DoD) decision to close, reduce, increase, or otherwise realign defense worker jobs or facilities. This grant application is requesting funds to purchase and replace the HVAC in the Captain's Club main ballroom. The Captain's Club supports Winged Ceremonies, Retirement and Promotion Ceremonies, the Navy Ball, Navy Training, command briefings (Quarters), community events, and other events that support military tradition and training requirements. The Captain's Club also affords those singular yet important opportunities for the community to be a part of NAS Kingsville which furthers the bond between the installation and the City of Kingsville.

Financial Impact:

The estimated project cost is \$300,000. The grant guidelines call for a 50% match but applicants may apply to have that lowered. We believe that we will be able to accomplish this lowering the City's match to 20% or \$60,000.

Recommendation:

Approve a resolution authorizing the City to submit an application for a DEAAG program grant.



NAS Kingsville

Bldg 3766

11-FEB-2019

HVAC and Interior Renovation Preliminary Scope and Pricing

Most of the public spaces within Building 3766 have been maintained well. However, humidity has not been directly controlled while the load in the building has expanded and its usage has changed through the years. The following short and long-term solutions are offered as recommendations to improve HVAC system performance and the occupant's working environment. Short-term solutions are intended to be addressed on a local level, without engaging a contractor. Long term items will require engineering design work and a contractor to remove and replace system elements. A Rough Order of Magnitude (ROM) is attached to provide an idea for the cost associated with the long-term recommendations.

Short-term:

1. Check each AHU condensate pan for three elements:
 - a. Verify water-tightness.
 - b. Positive drainage to remove any collected condensate.
 - c. Functional float-switch or similar control to disengage the AHU in the event that the drainage pipe becomes plugged and the pan floods.
2. Apply a layer of adhesive insulation at the bottom of the condensate pan.
3. Seal any cold air leaks at or near each AHU.
4. Disengage hood exhaust in the commercial kitchen.

Long-term:

Base Plan (~\$1.1M)

1. Contract with an A/E to assess the building for present day use. Provide plans and specifications for demo and new work. Recalculate the ventilation, heating and cooling load requirements, including decommissioning fans associated with the abandoned commercial kitchen. Remove unnecessary fans and louvers. Seal off any unused penetrations in the building envelope.
2. Remove the existing AHU's. Replace with new primary AHU's.
3. Remove existing Reheat Coils and VAV Dampers. Replace with new terminal units that can respond to combination thermostat/humidistat in each zone.
4. Test and Balanced (TAB) and Commission all newly installed equipment.
5. Remove all Acoustical Tile Ceiling. Replace the ceiling once HVAC work is complete.

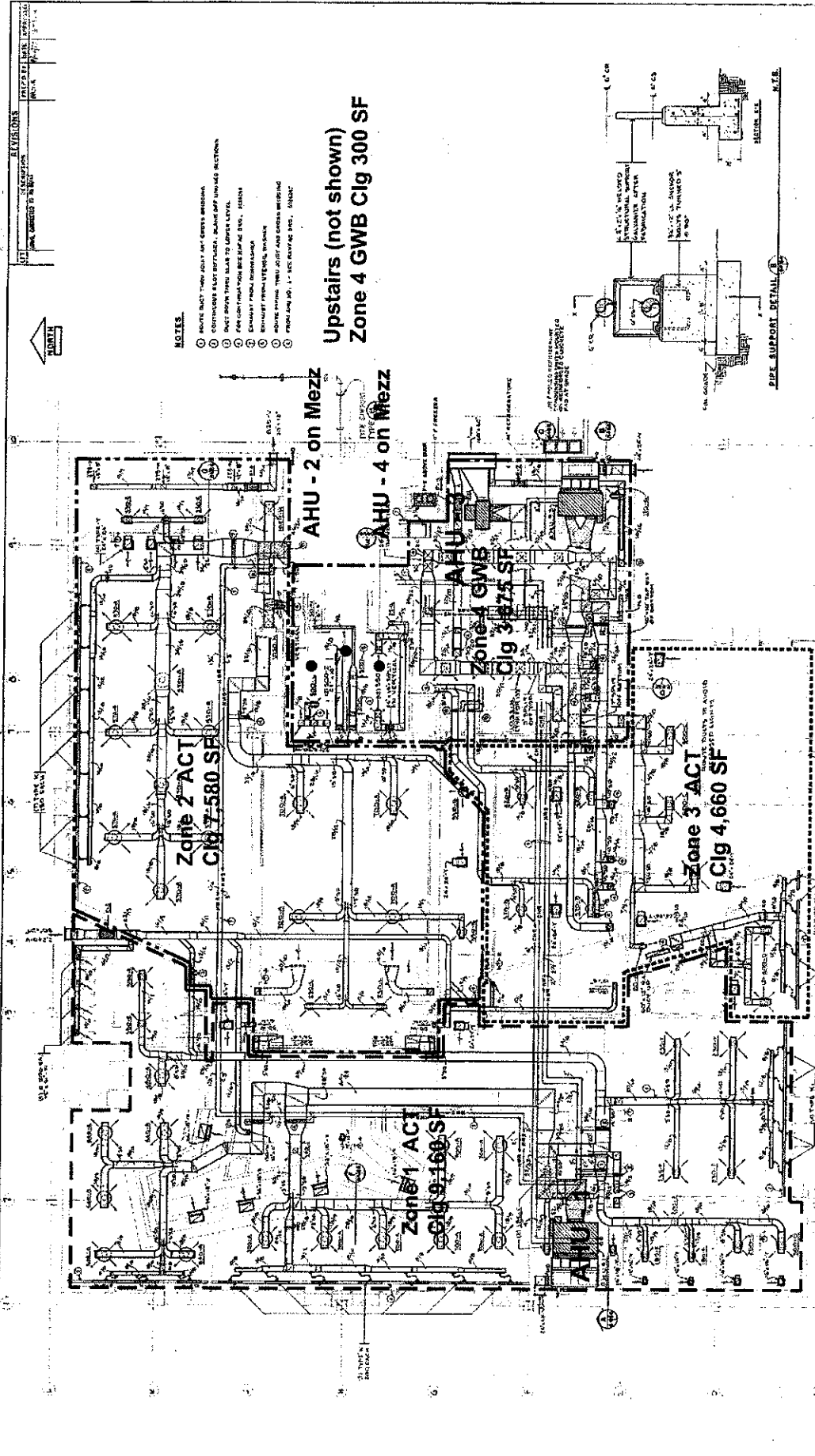
CLIN item (~\$113k)

1. Provide Return Air ductwork to all AHU's.

ATTACHMENTS

See the attached drawings for reference.

- Ceiling Replacement by HVAC Zone
- Costworks Report

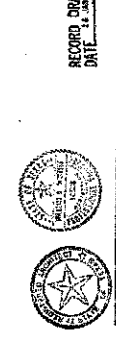


NOTES

- 1. ALL DUCT SHALL BE 18" DIA. UNLESS OTHERWISE NOTED.
- 2. CONTINUOUS FLEX DUCT SHALL BE USED ON ALL ROOFS.
- 3. FLEX DUCT SHALL BE USED TO JUMP LEVELS.
- 4. FLEX DUCT SHALL BE USED TO JUMP LEVELS.
- 5. EXHAUST FLEX DUCT SHALL BE USED.
- 6. EXHAUST FLEX DUCT SHALL BE USED.
- 7. EXHAUST FLEX DUCT SHALL BE USED.
- 8. EXHAUST FLEX DUCT SHALL BE USED.
- 9. EXHAUST FLEX DUCT SHALL BE USED.
- 10. EXHAUST FLEX DUCT SHALL BE USED.

Upstairs (not shown)
Zone 4 GWB Cig 300 SF

B-3677 Kingsville, TX
Ceiling Replacement by HVAC
Zone



RECORD DRAWING
 DATE 12/1/12

SOUTHERN DIVISION	
NAVAL AIR STATION - KINGSVILLE, TEXAS	ENLISTED MEN'S CLUB, EIVES
FIRST FLOOR H.V. & A.C. PLAN	12/1/12
12/1/12	12/1/12

FIRST FLOOR H.V. & A.C. PLAN

12/1/12

GRAPHIC SCALE
 1" = 10'-0"

B-3766 Kingsville, TX - Order of Magnitude Cost Estimate for HVAC Upgrade Options

Costworks 2017 / Union Labor

11-Feb-19

Base Scope: Replace 4 Air Handling Units and Install VAV boxes (50 boxes assumed)

Qty	CSI Number	Description	Crew	Daily Output	Labor Hours	Unit	Bare Mat.	Bare Labor	Bare Equip.	Total	Total Incl. O&P
4.000	23050 510 0410	Central station air handler, 17.5 thru 30 ton, selective demolition	Q5	0.8	20	Ea.	0.00	2,560.00	0.00	2,560.00	3,860.00
1.000	23731 310 0950	Air-handling unit, built-up, horizontal/vertical, constant volume, single zone, 16,500 CFM, with cooling/heating coil section, filters, mixing box	Q6	0.8	30	Ea.	38,100.00	830.00	0.00	38,930.00	43,200.00
2.000	23731 310 0946	Air-handling unit, built-up, horizontal/vertical, constant volume, single zone, 13,200 CFM, with cooling/heating coil section, filters, mixing box	Q6	0.9	26.667	Ea.	61,800.00	1,470.00	0.00	63,270.00	70,200.00
1.000	23731 320 2370	Central station air handling unit, packaged indoor, variable air volume, 20,000 CFM, cooling coils may be chilled water or DX, heating coils may be hot water, steam or electric	Q6	0.29	82.759	Ea.	77,500.00	2,275.00	0.00	79,775.00	88,500.00
0.000	23311 313 0054	Metal ductwork, fabricated rectangular, 20' to 25' high, incl fittings, joints, supports & allow for a flexible connections field sketches, excl as-built drawings & insulation, add to labor for elevated installation of fabricated ductwork						15.0%			
3,000.000	23311 313 0540	Metal ductwork, fabricated rectangular, galvanized steel, 500 to 1000 lb., incl fittings, joints, supports & allow for a flexible connections field sketches, excludes as-built drawings and insulation	Q10	255	0.094	Lb.	1,650.00	8,349.00	0.00	8,910.00	14,869.50
5.000	23361 610 5680	Duct accessories, mixing box, variable air volume, hot water coils, damper, actuator and thermostat, 2000 CFM	Q9	4	4	Ea.	5,000.00	497.50	0.00	5,497.50	6,250.00
10.000	23361 610 5620	Duct accessories, mixing box, variable air volume, hot water coils, damper, actuator and thermostat, 400 CFM	Q9	10	1.6	Ea.	8,200.00	395.00	0.00	8,595.00	9,650.00
35.000	23361 610 5660	Duct accessories, mixing box, variable air volume, hot water coils, damper, actuator and thermostat, 1250 CFM	Q9	6	2.667	Ea.	32,375.00	2,310.00	0.00	34,685.00	39,375.00
50.000	23095 310 0680	Control component, controller for VAV box, includes actuator	1 Sipi	7.3	1.096	Ea.	13,900.00	1,925.00	0.00	15,825.00	18,250.00
50.000	23095 310 3362	Control component, humidistat, pneumatic operation, room humidistat, reverse acting	1 Sipi	12	0.667	Ea.	20,000.00	1,175.00	0.00	21,175.00	23,750.00
50.000	23095 310 0890	Control component, controller, receiver, electric, temperature controller	1 Elec	8	1	Ea.	30,250.00	1,600.00	0.00	31,850.00	35,750.00
1,000.000	23071 310 3777	Duct thermal insulation, sheet insulation, polyolefin foam, closed cell, UV stabilized, standard temperature, (-90 Deg.F to +212 Deg.F), 2" thick	Q14	340	0.047	S.F.	12,100.00	1,330.00	0.00	13,430.00	15,400.00
50.000	23059 310 2500	Balancing, air conditioning equipment, multi-zone A.C. and heating unit, (Subcontractor's quote including material & labor)				Ea.	0.00	0.00	0.00	25,500.00	25,500.00
50.000	23059 320 0600	Balancing, water, fan coil unit, unit ventilator, (Subcontractor's quote including material & labor)				Ea.	0.00	0.00	0.00	5,350.00	5,350.00

Costworks 2017 / Union Labor

11-Feb-19

Total Cost Base Scope

15.0%

Total Cost CLIN 1

RESOLUTION NO. 2020-_____

A RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPLICATION TO THE STATE DEFENSE ECONOMIC ADJUSTMENT ASSISTANCE GRANT PROGRAM FOR THE PURPOSE OF REQUESTING GRANT FUNDING FOR A NEW HVAC IN THE MULT-PURPOSE CAPTAIN'S CLUB BUILDING AT NAS-KINGSVILLE.

WHEREAS, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville, that the City apply for a Defense Economic Adjustment Assistance Grant Program with the State of Texas to apply for grant monies for the purchase and replacement of the HVAC system in the multi-purpose Captain's Club building at NAS Kingsville to promote the sustainability of the local military base as the facility is used for naval and community events as it houses the ballroom/event center, bowling alley, history hall, bar, and restaurant;; and

WHEREAS, the State budgeted money for this grant program to assist military communities in Texas with infrastructure projects and other initiatives to increase military value and mitigate any potential negative effects to the military institutions in future BRAC rounds; and

WHEREAS, making improvements to the a/c and heating system at the multi-purpose building on base that is used for naval and community events would help the military institution increase military value and mitigate any potential negative effects to the military institution in future BRAC rounds and could help to ensure the long-term viability of the base; and

WHEREAS, the Navy guidance policy for FY20 is to increase partnerships between bases and their neighboring communities and that could be achieved through this project; and

WHEREAS, the base is a large employer of local civilian personnel and the base has a significant economic impact on the City, County, and State, such that the proposed improvements to the base facility could be deemed for a public purpose; and

WHEREAS, the City has worked with the local base to identify projects that would be viable for this grant program and anticipates total project expenses of \$300,000 with an anticipated grant cash match of 20%, or about \$60,000, which would be funded in the FY2019-2020 budget through a reallocation of funds; and

WHEREAS, the City Commission of the City of Kingsville through this resolution has authorized the City Manager to submit the grant on behalf of the City.

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

I.

THAT the City Commission approves the submission of the grant application on the City's behalf for the Defense Economic Adjustment Assistance Grant Program with the State of Texas for funding for repairs to the multi-purpose building at the local military base with an *anticipated* cash match of approximately \$60,000.00.

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 24th day of February, 2020.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

AGENDA ITEM #5

City of Kingsville Fire Department

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Ronald Lee, Interim Fire Chief

DATE: February 13, 2020

SUBJECT: Assistance to Firefighters Grant for Self-Contained Breathing Apparatus

Summary:

The Kingsville Fire Department is requesting approval to apply for the 2019 Assistance to Firefighters Grants (AFG), which if awarded, would allow us to replace our aging Self-Contained Breathing Apparatus (SCBA's) that will become non-compliant this year. We would be replacing 31 units, 31 masks, and 62 air cylinders. The grant request is for \$ 355,929. The City would be responsible for a cost share match of \$32,357 when the grant is awarded and fulfilled.

Background:

An assessment was performed in FY 2018 that identified that the useful life of this equipment would be coming to an end in the latter part of 2020. We applied for and were denied this grant last year. This was due to the equipment not yet meeting a "High Priority" status. In order to meet this qualification, the equipment needed to be 10 years old or older from the date of manufacture, and at least two NFPA 1981 cycles out of date. We were at 9 years and 2 cycles when we applied last year.

This year, we will meet the requirements of being 10 years old and now 3 NFPA cycles outdated, thus placing us into the High Priority status.

Financial Impact:

This grant request serves as a final effort to receive grant funding before we will have to look for alternative methods of funding for this required equipment. Current funds are not available for the cost sharing portion of \$32,357, and they will have to be programmed to meet the cost share requirement. Since the SCBA's will soon be non-compliant, no trade-in value will be available. The anticipated awarding dates will begin April 30, 2020. Awarding will continue until the funding is exhausted.

Recommendation:

The purchase of these SCBA units would help us to maintain our goals for continued safety of personnel and operational effectiveness. Furthermore, this equipment is required to meet current compliance standards. Our recommendation is that the Commission approve the request to apply for the AFG Grant.



**The Department of Homeland Security (DHS)
Notice of Funding Opportunity (NOFO)
Fiscal Year 2019 Assistance to Firefighters Grant Program (AFG)**

NOTE: If you are going to apply for this funding opportunity and have not obtained a Data Universal Numbering System (DUNS) number and/or are not currently registered in the System for Award Management (SAM), please take immediate action to obtain a DUNS Number, if applicable, and then to register immediately in SAM. It may take four weeks or more after you submit your SAM registration before your registration is active in SAM, then an additional 24 hours for Grants.gov to recognize your information. Information on obtaining a DUNS number and registering in SAM is available from Grants.gov at: <http://www.grants.gov/web/grants/register.html>. Detailed information regarding DUNS and SAM is also provided in Section D – Application and Submission Information of this NOFO, subsection, Content and Form of Application Submission. An active registration is required in order to apply for funding.

A. Program Description

Issued By

Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), Grant Programs Directorate (GPD)

Assistance Listings Number (formerly Catalog of Federal Domestic Assistance Number)
97.044

Assistance Listings Title (formerly CFDA Title)
Assistance to Firefighters Grants (AFG)

Notice of Funding Opportunity Title
FY 2019 Assistance to Firefighters Grants

Notice of Funding Opportunity Number
DHS-19-GPD-044-00-99

Authorizing Authority for Program

Section 33 of the *Federal Fire Prevention and Control Act of 1974*, Pub. L. No. 93-498, as amended (15 U.S.C § 2229)
<https://www.govinfo.gov/content/pkg/USCODE-2018-title15/pdf/USCODE-2018-title15-chap49-sec2229.pdf>

Appropriation Authority for Program

Department of Homeland Security Appropriations Act, 2019 (Pub. L. No. 116-6)
<https://www.govinfo.gov/content/pkg/PLAW-116publ6/pdf/PLAW-116publ6.pdf>

Program Type
New

Program Overview, Objectives, and Priorities

Overview

The Fiscal Year (FY) 2019 Assistance to Firefighters Grant (AFG) Program is one of three grant programs that constitute the Department of Homeland Security (DHS), Federal Emergency Management Agency's (FEMA) focus on enhancing the safety of the public and firefighters with respect to fire and fire-related hazards. The AFG Program accomplishes this by providing financial assistance directly to eligible fire departments, nonaffiliated emergency medical service (EMS) organizations, and State Fire Training Academies (SFTA) for critical training and equipment. The AFG Program represents one part of a comprehensive set of measures authorized by Congress and implemented by DHS. Among the five basic homeland security missions noted in the DHS Quadrennial Homeland Security Review, the AFG Program supports the goal to Strengthen National Preparedness and Resilience. In awarding grants, the Administrator of FEMA is required to consider the following:

- The findings and recommendations of the Technical Evaluation Panel (TEP);
- The degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire related and other hazards;
- The extent of an applicant's need for an AFG grant and the need to protect the United States as a whole; and
- The number of calls requesting or requiring a firefighting or emergency medical response received by an applicant.

The 2018-2022 FEMA Strategic Plan creates a shared vision for the field of emergency management and sets an ambitious, yet achievable, path forward to unify and further professionalize emergency management across the country. The AFG Program supports the goal of Readying the Nation for Catastrophic Disasters. We invite all of our stakeholders and partners to also adopt these priorities and join us in building a stronger Agency and a more prepared and resilient Nation.

Objectives

The objectives of the AFG program are to provide critically needed resources that equip and train emergency personnel to recognized standards, enhance operational efficiencies, foster interoperability, and support community resilience.

Priorities

Information on program priorities and objectives for the FY 2019 AFG can be found in Appendix B, FY 2019 AFG Programmatic Information and Priorities.

Performance Metrics

Performance metrics for this program are as follows:

- Percentage of AFG PPE recipients who equipped 100 percent of on-duty active members with PPE in compliance with applicable NFPA and OSHA standards
- Percentage of AFG equipment recipients who reported that the AFG grant brought them into compliance with either state, local, NFPA, or OSHA standards
- Percentage of AFG award recipients who reported having successfully replaced their fire vehicles 25 years old or older in accordance with industry standards

B. Federal Award Information

Award Amounts, Important Dates, and Extensions

Available Funding for the NOFO: \$315,000,000¹

Projected number of Awards: 2,500

Period of Performance: Twelve months from the date of award. For additional information on period of performance extensions, refer to Section H.

Projected Period of Performance Start Date(s): May 1, 2020

Projected Period of Performance End Date(s): April 30, 2021

Funding Instrument: Grant

C. Eligibility Information

Eligible Applicants

Fire Departments: Fire departments operating in any of the 50 states, as well as fire departments in the District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico,² or any federally recognized Indian tribe or tribal organization. A fire department is an agency or organization having a formally recognized arrangement with a state, local, tribal or territorial authority (city, county, parish, fire district, township, town or other governing body) to provide fire suppression to a population within a

¹ Note that this figure differs from the total amount appropriated under the *Department of Homeland Security Appropriations Act, 2019*, Pub. L. No. 116-6. In this FY 2019 AFG NOFO, percentages of “available grant funds” refers to the total amount appropriated—\$350,000,000—by Pub. L. No. 116-6 to meet the statutory requirements of § 33 of the *Federal Fire Prevention and Control Act of 1974*, as amended (codified at 15 U.S.C. § 2229). A portion of these “available grant funds” will be allocated to the Fire Prevention & Safety (FP&S) program, which will have a separate NOFO and application period. \$35,000,000 will be allocated to FP&S for FY 2019.

² The District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico are all defined as “States” in the *Federal Fire Prevention and Control Act of 1974*. See 15 U.S.C. § 2203(10).

geographically fixed primary first due response area.

Nonaffiliated EMS organizations: Nonaffiliated EMS organizations operating in any of the 50 states, as well as, the District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico,² or any federally recognized Indian tribe or tribal organization. A nonaffiliated EMS organization is an agency or organization that is a public or private nonprofit emergency medical service entity providing medical transport that is not affiliated with a hospital and does not serve a geographic area in which emergency medical services are adequately provided by a fire department. FEMA considers the following as hospitals under the AFG Program:

- Clinics
- Medical centers
- Medical college or university
- Infirmary
- Surgery centers
- Any other institution, association, or foundation providing medical, surgical, or psychiatric care and/or treatment for the sick or injured.

State Fire Training Academies: A State Fire Training Academy (SFTA) operates in any of the 50 states, as well as the District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa and the Commonwealth of Puerto Rico.² Applicants must be designated either by legislation or by a Governor's declaration as the sole fire service training agency within a state, territory, or the District of Columbia. The designated SFTA shall be the only agency/bureau/division, or entity within that state, territory or the District of Columbia, to be an eligible AFG SFTA applicant.

Eligible Activities

AFG has three activities:

- Operations and Safety
- Vehicle Acquisition
- Regional Projects

Each activity has its own eligibility requirements. These requirements are outlined in Appendix B: Programmatic Information and Priorities.

Other Eligibility Criteria

National Fire Incident Reporting System (NFIRS)

NFIRS reporting is not a requirement to apply for any AFG Program; however, fire departments that receive funding under this program must agree to provide information to the NFIRS for the period covered by the assistance. If a recipient does not currently

participate in the incident reporting system and does not have the capacity to report at the time of the award, that recipient must agree to provide information to the system for a twelve-month period commencing as soon as possible after they develop the capacity to report. Capacity to report to the NFIRS must be established prior to the termination of the one-year performance period. The recipient may be asked by FEMA to provide proof of compliance in reporting to NFIRS. Any recipient that stops reporting to NFIRS during their grant's period of performance may be subject to the remedies for noncompliance at 2 C.F.R. § 200.338, unless it has yet to develop the capacity to report to NFIRS, as described above. There is no NFIRS reporting requirement for nonaffiliated EMS organizations or SFTAs.

Note: Although data collection is an important tool for understanding and justifying assistance, participation in other data sources, (e.g., National Fire Operations Reporting System [NFORS]) does not satisfy the requirement for reporting to NFIRS).

National Incident Management System (NIMS) Implementation

AFG applicants are not required to be in compliance with NIMS to apply for AFG funding or to receive an AFG award. Any applicant who receives an FY 2019 AFG award must achieve the level of NIMS compliance required by the Authority Having Jurisdiction (AHJ) over the applicant's emergency service operations (e.g., a local government), prior to the end of the grant's period of performance.

Maintenance of Effort

Pursuant to 15 U.S.C. § 2229(k)(3), an applicant seeking an AFG grant shall agree to maintain, during the term of the grant, the applicant's aggregate expenditures relating to activities allowable under this NOFO, at not less than 80 percent of the average amount of such expenditures in the two fiscal years prior to the fiscal year an AFG grant is awarded.

In other words, an applicant agrees that, if it receives a grant award, the applicant agrees to keep its overall expenditures during the award's period of performance (including those funded with non-Federal funding) for activities that could be allowable costs under this AFG NOFO at a level that is at least 80 percent or more of the average of what the applicant spent on such costs for those activities in fiscal years 17 and 18.

Cost Share or Match

Recipient cost sharing is generally required as described below and pursuant to 15 U.S.C. § 2229(k)(1). In general, eligible applicants shall agree to make available non-federal funds to carry out an AFG award in an amount equal to and not less than 15 percent of the grant awarded. Exceptions to this general requirement apply to entities serving smaller communities as follows:

- When serving a jurisdiction of 20,000 residents or fewer, the applicant shall agree to make available non-federal funds in an amount equal to not less than 5 percent

- of the grant awarded;
- When serving a jurisdiction of more than 20,000 residents, but not more than 1 million residents, the applicant shall agree to make available non-federal funds in an amount equal to not less than 10 percent of the grant awarded;
- When serving a jurisdiction of more than 1 million residents, the applicant shall agree to make available non-federal funds in an amount equal to not less than 15 percent of the grant awarded.

The cost share for SFTAs will apply the requirements above based on the total population of the state. The cost share for a Regional application will apply the requirements above based on the aggregate population of the primary first due response areas of the Host and participating partner organizations that execute a Memorandum of Understanding (MOU) as described in Appendix B, Section J, Regional projects.

FEMA has developed a cost share calculator tool in order to assist applicants with determining their cost share. The cost share tool is available at:
<https://www.fema.gov/media-library/assets/documents/153366>

Types of Cost Share

- Cash (Hard Match):** Cost share of non-federal cash is the only allowable recipient contribution for AFG activity (Vehicle Acquisition, Operations and Safety, and Regional).
- Trade-In Allowance/Credit:** On a case-by-case basis, FEMA may allow recipients already owning assets acquired with non-federal cash, to use the trade-in allowance/credit value of those assets as cash for the purpose of meeting their cost share obligation. For FEMA to consider a trade-in allowance/credit value as cash, the allowance amount must be reasonable, and the allowance amount must be a separate entry clearly identified in the acquisition documents.
- In-kind (Soft Match):** In-kind cost share is not allowable for AFG.

The award budget will not account for any voluntary committed cost sharing or overmatch. The use of an overmatch is not given additional consideration when scoring applications.

Economic Hardship Waivers

The Administrator of FEMA may waive or reduce recipient cost share or maintenance of effort requirements in cases of demonstrated economic hardship. Please see Appendix C: Award Administration Information for additional information.

D. Application and Submission Information

Key Dates and Times

Date Posted to Grants.gov:	January 27, 2020
Application Start Date:	February 3, 2020 at 8:00 AM ET

Application Submission Deadline:	March 13, 2020 at 5:00 PM ET
Anticipated Funding Selection Date:	April 30, 2020
Anticipated Award Date:	April 30, 2020

In general, DHS/FEMA will not review applications received after the deadline or consider them for funding. DHS/FEMA may, however, extend the application deadline on request for any applicant who can demonstrate that good cause exists to justify extending the deadline. Good cause for an extension may include technical problems outside of the applicant's control that prevent submission of the application by the deadline, or other exigent or emergency circumstances. If applicants experience technical issues, they must notify the AFG Help Desk as soon as possible. The AFG Help Desk can be reached at 1-866-274-0960 or by e-mail: firegrants@fema.dhs.gov. The AFG Help Desk is open Monday – Friday, 8:00am – 4:00pm Eastern Time.

Other Key Dates

Event	Suggested Deadline for Completion
Obtaining DUNS Number	Four weeks before actual submission deadline
Obtaining a valid EIN	Eight weeks before actual submission deadline
Updating SAM registration	Four weeks before actual submission deadline
Register Organization in FEMA GO	Prior to beginning application
Submitting complete application in FEMA GO	One week before actual submission deadline

Agreeing to Terms and Conditions of the Award

By submitting an application, the applicant agrees to comply with the requirements of this NOFO and the terms and conditions of its award, should the applicant receive an award.

Address to Request Application Package

The online FY 2019 AFG application is only available via the Assistance to Firefighters Grant Program's FEMA GO (FEMA Grants Outcomes) application portal, at <https://go.fema.gov>.

Note: Hard copies of the application are not available. However, the Telephone Device for the Deaf (TDD) and/or Federal Information Relay Service (FIRS) number available for this Notice is: (800) 462-7585.

FEMA will process applications through FEMA GO. Application tutorials and Frequently Asked Questions (FAQs) explain the current AFG grant program, assist with the online grant application, and highlight lessons learned and changes for FY 2019. For more details, please visit the AFGP website at <http://www.fema.gov/firegrants>.

Content and Form of Application Submission

DHS makes all funding opportunities available on the internet, accessible at <http://www.grants.gov>. If applicants experience difficulties accessing information or have any questions, please call the Grants.gov Contact Center at (800) 518-4726.

The Grants.gov website will direct applicants to FEMA GO, at <https://go.fema.gov>, which contains the online AFG application. The online AFG application incorporates all required forms.

FEMA GO will allow the applicant's authorized representative(s) to log in and create their own account. This account is specific to the authorized user and must not be shared with other personnel. The FEMA GO account is separate from any previous accounts created in the eGrants system. Applicants can save, retrieve, update and revise their work through the end of the application period. The automated system does not allow applicants to submit incomplete applications. The system alerts applicants when required information has not been entered. Prior to final submission, an online application may be saved, retrieved, or edited up to the application deadline.

Technological Note: FEMA GO is compatible with Internet Explorer (version 11 or higher), Firefox (version 63 or higher), or Chrome (version 70 or higher). Users who attempt to use tablet type devices or other browsers may encounter issues with using FEMA GO.

NO APPLICATIONS WILL BE RELEASED BACK TO THE APPLICANT AFTER FINAL SUBMISSION

After an application has been completed and submitted, no changes can be made. There is no appeal process for inaccurate or incomplete information retained by the system due to improper or multiple browser usage by applicants.

Unique Entity Identifier and System for Award Management (SAM)

All applicants for this award must:

- 1. Be registered and active in SAM in order to apply;*
- 2. Provide a valid DUNS number in its application; and*
- 3. Continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a DHS FAO.*

DHS/FEMA may not make a federal award to an applicant until the applicant has complied with all applicable DUNS and SAM requirements and, if an applicant has not fully complied with the requirements by the time DHS/FEMA is ready to make a federal award, DHS/FEMA may determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making the federal award to another

RESOLUTION # 2020-_____

A RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPLICATION TO THE FEMA ASSISTANCE TO FIREFIGHTERS GRANT REQUESTING GRANT FUNDING FOR SCBA RESPIRATOR UNITS, MASKS, AND AIR CYLINDERS ON BEHALF OF THE KINGSVILLE FIRE DEPARTMENT WITH AN ANTICIPATED \$32,357 CASH MATCH.

WHEREAS, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville that the Kingsville Fire Department participate in an application for grant monies from the FEMA Assistance to Firefighters Grant for 31 new SBCA respirator units, 31 masks, and 62 air cylinders (that are estimated to cost approximately \$355,929); and

WHEREAS, the SCBA respirator units, masks, and air cylinders would replace the outdated existing units that are nearing their end of life cycle and enhance the Fire Department personnel safety; and

WHEREAS, the FEMA Assistance to Firefighters Grant has a cash match and the City's anticipated portion of the cash match for all items is estimated to be \$32, 357, which is proposed to come from the City's FY19-20 General Fund budget (likely fire department salary savings) if approved; and

WHEREAS, the City Commission of the City of Kingsville through this resolution has authorized the Interim/Fire Chief to submit the grant and administer the grant and necessary paperwork if the grant is awarded to the City;

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

I.

THAT the City Commission approves the submission of a grant application to the FEMA Assistance to Firefighters Grant for SCBA respirator units, masks, and air cylinders on behalf of the City of Kingsville Fire Department, with a total anticipated cash match of \$32,357 from the City if all items are awarded.

II.

THAT the City Commission authorizes the Interim Fire Chief to submit the grant and the Interim Fire Chief or permanent Fire Chief to administer the grant and necessary paperwork.

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 24th day of February, 2020.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

AGENDA ITEM #6

RESOLUTION #2020-_____

A RESOLUTION APPOINTING ELECTION JUDGES AND THE EARLY VOTING BALLOT BOARD JUDGE FOR THE CITY OF KINGSVILLE GENERAL AND SPECIAL ELECTION ON MAY 2, 2020.

BE IT RESOLVED, by the City Commission of the City of Kingsville (City) that the following named persons are hereby appointed as Election Judges for the City Election to be conducted on Saturday, May 2, 2020.

<u>CITY POLLING PLACE</u>	<u>PRESIDING JUDGE</u>	<u>ALTERNATE JUDGE</u>
1 - McRoberts Elementary School	Velma Reyes	Noelia Chapa
2 - KISD Administration Bldg.	Bonnie Gonzales	Clarissa Gonzales
3 - Kleberg County Annex Bldg.	Rosa Goode	Fe Oballo
4 - Gillett Intermediate School	Alicia Tijerina	Niki Tijerina
5 - Harvey Elementary School	Frances Garcia	Dalilah Caldera
6 - H.M. King High School	Sylvia Martinez	Dora Martinez

BE IT FURTHER RESOLVED that each Presiding Judge is authorized to appoint one clerk to assist him/her with the election and that each Presiding Judge and each Alternate Judge shall be compensated twelve dollars (\$12.00) per hour for each hour worked and that the judge delivering the election returns and supplies to the central counting station shall be compensated an additional twenty-five dollars (\$25.00) for that service, and that Clerks shall be compensated ten dollars (\$10.00) per hour for each hour worked.

BE IT FURTHER RESOLVED that Connie Cashen be appointed as the Presiding Judge of the Early Voting Ballot Board. That said Presiding Judge is authorized to appoint two clerks to assist him/her and the members shall be paid the same wage as regular election judges. If the Board concludes its work in less than 10 hours, the compensation paid may exceed that regularly payable for the amount of time worked but cannot exceed the amount payable for ten hours' work.

PASSED AND APPROVED by the majority vote of the City Commission of the City of Kingsville, Texas this the 24th day of February 2020.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

RESOLUCIÓN #2020-_____

UNA RESOLUCIÓN QUE NOMBRA JUECES ELECTORALES Y EL JUEZ DE LA JUNTA DE VOTACIÓN ANTICIPADA PARA LAS ELECCIONES GENERALES Y ESPECIALES DE LA CIUDAD DE KINGSVILLE QUE SE LLEVARÁN A CABO EL 2 DE MAYO DE 2020.

SE HA RESUELTO, por parte de la Comisión Municipal de la Ciudad de Kingsville (Ciudad) que las personas mencionadas a continuación sean nombradas como Jueces Electorales para las Elecciones que se realizarán el sábado 2 de mayo de 2020.

SITIO DE VOTACIÓN EN LA CIUDAD

JUEZ PRESIDENTE

JUEZ SUPLENTE

1 - Escuela Primaria McRoberts
2 - Edificio de Administración del KISD
3 - Edificio anexo del condado de Kleberg
4 - Escuela Intermedia Gillett
5 - Escuela Primaria Harvey
6 - Escuela H.M. King High School

Velma Reyes
Bonnie Gonzales
Rosa Goode
Alicia Tijerina
Frances Caldera
Sylvia Martinez

Noelia Chapa
Clarissa Gonzales
Fe Oballo
Niki Tijerina
Dalilah Caldera
Dora Martinez

SE RESUELVE ADEMÁS QUE: Cada Juez Presidente está autorizado para nombrar un secretario que le ayudará en las elecciones, y que cada Juez Presidente y cada Juez Suplente deberán recibir un pago de doce dólares (\$12.00) por hora, por cada hora trabajada, y que el juez que entrega los resultados electorales y los materiales de las elecciones a la estación central de conteo debe recibir un pago adicional de veinticinco dólares (\$25.00) por ese servicio, y que los Secretarios deben recibir un pago de diez dólares (\$10.00) por hora, por cada hora trabajada.

SE RESUELVE ADEMÁS QUE: Connie Cashen es nombrado Juez Presidente de la Junta de Votación Anticipada. Que dicho Juez Presidente está autorizado para nombrar dos secretarios que le ayudarán, y que los miembros deberán recibir el mismo pago que los jueces electorales regulares. Si la Junta termina su trabajo en menos de 10 horas, la remuneración pagada puede exceder la remuneración pagada regularmente por la cantidad de tiempo trabajado, pero no puede sobrepasar la suma pagada por diez horas de trabajo.

APROBADA por voto mayoritario de la Comisión Municipal de la Ciudad de Kingsville, Texas, este día 24 de febrero de 2020.

Sam R. Fugate, Alcalde

DA FE:

Mary Valenzuela, Secretaria Municipal

APROBADA RESPECTO A FORMA:

Courtney Álvarez, Abogado Municipal

AGENDA ITEM #7

RESOLUTION NO. 2020-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO THE 2020 ELECTION SERVICES AGREEMENT BETWEEN THE CITY OF KINGSVILLE AND THE KLEBERG COUNTY CLERK; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville ("City") has previously entered into an Election Services Agreement with the Kleberg County Clerk for the 2019 City Special Election and the 2018 City General Election and found it to be useful but those agreements have expired; and

WHEREAS, the City will be holding a City General and Special Election in May of 2020 and would like to engage the election services of the Kleberg County Clerk and use of the voting equipment and poll pads; and

WHEREAS, state laws (Texas Government Code Chapter 791 and Local Government Code Chapter 271) allow governing bodies, like the City and County, to enter into agreements like this one to take advantage of contracts for services for the benefit of the entities; and

WHEREAS, the City has previously entered into a services agreement like this and found it to be useful; and

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

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

I.

THAT the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into the 2020 Election Services Agreement between the City of Kingsville and Kleberg County Clerk in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the 24th day of February, 2020.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

2020 Election Services Agreement
Between
City of Kingsville
And
Kleberg County Clerk

This AGREEMENT is made and entered into by and between the City of Kingsville and the Kleberg County Clerk for the leasing and supervision of the Election System & Software Corp. (ES&S) Precinct Count Optical Scan Tabulators (M100) and providing services associated with the Election Reporting Manager/Central Counting Station and the tabulation of ballots for the General and Special Election of the City of Kingsville on Saturday, May 2, 2020.

This AGREEMENT is entered into in consideration of the mutual covenants and agreements hereinafter set out. IT IS AGREED AS FOLLOWS:

I. ADMINISTRATION

Under the legislative Help America Vote Act (HAVA) compliancy requirement for Texas School and City elections, ES&S has set standard requirements implementing new procedures. Kleberg County having ownership of the HAVA required voting machines, ES&S has requested that when under contract with other county jurisdictions that Kleberg County coordinate all of the City of Kingsville and Kleberg County school districts elections through the entire election information process cycle, including ballot and programming needs with ES&S. The Kleberg County Clerk and/or the Staff designee are assigned to be the point of contact for Kleberg County with ES&S during all election cycles. Kleberg County Clerk agrees to lease equipment for the election and tabulating the election with the Central Counting Station aka Election Reporting Manager located in the Kleberg County Clerk's office and in accordance with the provisions of the Texas Election Code and as outlined in this agreement. City of Kingsville agrees to pay ES&S for all costs associated with this election including supplies, programming and ballot production costs and to pay the Kleberg County Clerk for the lease of equipment, services, administrative fees and other costs. Kleberg County Clerk and staff will only serve as administrators for the Central Counting Station and the supervision of the M100 Precinct Count Optical Scan Tabulators, Automark Voting Machines and Poll Pads; however, the City of Kingsville remains responsible for the lawful conduct of their election.

II. LEGAL DOCUMENTS

City of Kingsville will provide copies of pertinent orders and/or resolutions to Kleberg County Clerk. City of Kingsville will be responsible for preparation and adoption and publication of all required election orders, resolutions, notices and any other pertinent documents required by their respective governing body.

III. PRECINCT COUNT OPTICAL SCAN TABULATORS

Paper ballots are used as the primary way of voting in Kleberg County. Votes from hand-marked paper ballots are entered into precinct electronic voting devices. City of Kingsville agrees that voting will be by use of paper ballots and a precinct count optical scan tabulator will be used for tabulation. The system was previously approved by the Secretary of State in accordance with the Texas Election Code.

Kleberg County Clerk will be responsible for the preparation of the programming and City of Kingsville will be responsible for testing of the precinct count optical scan tabulators for tabulating the ballots with the assistance of the Kleberg County Clerk.

City of Kingsville will be responsible for the delivery of the voting equipment to each polling place before the Election Day and the pickup of the voting equipment on the day after the Election Day.

IV. VOTING LOCATIONS

City of Kingsville will solely select and arrange for the use of and payment for all voting locations.

V. ELECTION JUDGES, CLERKS AND OTHER ELECTION PERSONNEL

City of Kingsville will solely be responsible for the appointment of the presiding judge and alternate judge for each polling location. City of Kingsville shall arrange for the training and compensation of all presiding judges and clerks. City of Kingsville will compensate the Kleberg County Clerk staff individually for time worked on the General and Special Election after normal business hours.

The election judges are responsible for picking up election supplies at the time and place determined by the City of Kingsville.

VI. RETURNS OF ELECTIONS

Kleberg County Clerk will be responsible for establishing and operating the Central Counting Station to receive and tabulate the voted ballots in accordance with the provisions of the Texas Election Code and of this agreement.

The participating authorities hereby, in accordance with Section 127.002, 127.003 and 127.005 of the Texas Election Code, appoint the following central counting station officials:

Manager: Stephanie G. Garza or designee
Kleberg County Clerk/Staff Deputy

Tabulating Supervisor: Stephanie G. Garza or designee
Kleberg County Clerk/Staff Deputy

Presiding Judge: Mary Valenzuela or designee
City Secretary or designee

The manager or his/hers representative will deliver timely cumulative reports of the election results as polling locations are tabulated. The manager will be responsible for releasing cumulative totals and polling locations returns from the election to the Presiding Judge appointed by the City of Kingsville.

Kleberg County Clerk will prepare the unofficial canvass report after all polling locations have been counted and will provide a copy of the unofficial canvass to the City of Kingsville as soon as possible after all returns have been tabulated, but not later than 10:00 a.m. the 3rd day following the election. City of Kingsville will be responsible for the official canvass of their respective election.

VII. ELECTION EXPENSES

Costs incurred for paper ballots and programming will be paid to ES&S by the City of Kingsville. The Kleberg County Commissioners Court set the leasing of the M100 Optical Scan Tabulators and Automark voting equipment cost at \$250 per machine for leasing to any and other county jurisdictions. City of Kingsville shall pay to Kleberg County Clerk the rental fee set forth for voting equipment. And in the event that staff is needed to complete the job during early voting, election-day, and any required recount of votes for this election, together with an additional administrative fee not to exceed ten percent (10%) of the total amount of the contract, as allowed by Texas Election Code, Section 31.100(d).

- a. KnowInk Poll Pad Non-Maintenance Cost: Any non-maintenance repairs are to be paid by the other jurisdiction(s) that damaged the Poll Pad.
- b. Pad Locks: Pad Locks and Keys will be provided to secure the ballot box in which the M100 sits on. Pad Locks and/or keys lost are to be replaced by the jurisdiction(s) that misplaced them.

A final bill will be provided to the City of Kingsville as soon as all invoices are collected from ES&S and copies given to the Kleberg County Clerk or within thirty (30) days following election-day.

VIII. PAYMENT OF FUNDS

City of Kingsville agrees to pay the Kleberg County Clerk within thirty (30) days of receipt of the final bill from the Kleberg County Clerk.

Final payment should be delivered within the mandatory time frames to:

Stephanie G. Garza
County Clerk
Kleberg County
P.O. Box 1327
Kingsville, Texas 78364

IX. CONTRACT WITHDRAWAL

If City of Kingsville certifies their election in accordance with Section 2.051, 2.052 and 2.053 of the Texas Election Code, they may withdraw from this contract. Any share of their expenditures incurred prior to withdrawal shall be billed to City of Kingsville.

X. NOTICE

Whenever this agreement requires any consent, approval notice, request or demand, it must be in writing to be effective and shall be delivered to the party intended to receive it. Any notice required to be given by the terms of this Agreement shall be deemed to have been given when the same is received by the receiving party via certified mail - return receipt requested, facsimile, or hand-delivery with signature confirmation of receipt by an authorized employee of the receiving party. The parties to this contract are as follows:

If to the County:
Stephanie G. Garza
County Clerk
Kleberg County
P. O. Box 1327
Kingsville, Texas 78364
361.595.8548

If to the City of Kingsville:
Mary Valenzuela
City Secretary
City of Kingsville
400 W. King Ave. /P.O. Box 1458
Kingsville, TX 78363/78364
361.595.8002

Recommended for Approval by:
Stephanie G. Garza
Kleberg County Clerk

ACCEPTED AND AGREED TO BY CITY OF KINGSVILLE:
APPROVED:

Mark McLaughlin, City Manager
City of Kingsville

ATTEST:

Mary Valenzuela, City Secretary
City of Kingsville

ACCEPTED AND AGREED TO BY THE KLEBERG COUNTY CLERK:
APPROVED:

Stephanie G. Garza, Kleberg County Clerk

ATTEST:

Connie Martinez, Chief Deputy

AGENDA ITEM #8

CITY OF KINGSVILLE



MEMORANDUM

TO: Mark McLaughlin, City Manager
FROM: Deborah Balli, Finance Director
DATE: February 12, 2020
SUBJECT: Out of State Travel Request

Background:

GFOA is holding their annual conference in New Orleans, Louisiana, May 17–20, 2020. Finance is requesting approval for out of state travel for the Finance Director to attend. The annual conference provides valuable information to governmental finance professionals and provides required CPE credits for the Finance Director's CPA license. Each year, Texas CPA's must receive 40 hours CPE credits and this conference provides approximately 50% of those required hours.

Financial Impact:

The approved FY 19-20 training and travel budget will cover the cost of this travel.

Recommendation:

Staff recommends the approval of out of state travel to the GFOA annual conference in New Orleans, Louisiana.

AGENDA ITEM #9