

City of Kingsville, Texas

AGENDA CITY COMMISSION

**MONDAY, JANUARY 26, 2015
REGULAR MEETING**

**HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS
CITY HALL/200 EAST KLEBERG AVENUE
6:00 P.M**

I. Preliminary Proceedings.

OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S) – Required by Law
Regular Meeting - January 12, 2015.

APPROVED BY:



Vincent J. Capell
City Manager

Public Hearing - (Required by Law).¹

1. Public hearing for an ordinance amending the zoning ordinance by changing the zoning map in reference to 1.44 acres, Lots 1-9, Block 1, Eva Subdivision, known as 1100 East Kenedy and Lots 1-3, Block 2, Clyde Subdivision, known as 1116 East Lott from C1-Neighborhood Service District to R2- Two Family Residential District, amending the Comprehensive plan to account for any deviations from the existing comprehensive plan, Isaac & Norma Torres owners. (Director of Planning and Development Services).

II. Reports from Commission & Staff.² (City Manager's Staff Report Attached).

"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, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works- Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor. No formal action can be taken on these items at this time."

III. Public Comment on Agenda Items.³

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

IV.

Consent Agenda

Notice to the Public

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2014-2015 budget for the Tourism Fund to provide funding to the Façade Grant Program. (Director of Finance).
2. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Article 1, General Business Regulations, adopting Sections 2 & 3- Miscellaneous Health Department inspection fees and foster home/group home inspections. (Director of Health).
3. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Article 7, Food Sales and Food Service Establishments, Sections 17 & 18, providing for changes for user fees, permit fees, and length of licenses and adding a re-inspection fee. (Director of Health).
4. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 6, Zoning, providing for three alternate Board of Adjustment members. (Director of Planning and Development Services).
5. Motion to approve a resolution authorizing the release of Chapter 59 funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to Communities in Schools for a drug and alcohol prevention program. (Task Force Commander).
6. Motion to approve the re-appointment of Karen Tallant to the Health Board for a three-year term. (Director of Health).
7. Motion to approve a resolution authorizing the City of Kingsville to continue participation in the Texas Main Street Program, authorizing the Mayor to execute the Texas Main Street Locally Designated Program 2015 Contract, and designating Downtown Manager Cynthia Martin as the Main Street Program Manager for the City of Kingsville to coordinate program activities. (Downtown Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

8. Consider approval of preliminary plat of 1.44 acres Eva Addition, Block 1, Lot 1-9 and Clyde Addition, Block 2, Lot 1-3 on south side of Kennedy Ave. between 15th and 16th Streets for residential housing. (Director of Planning and Development Services).
9. Consider approval of final plat of 1.44 acres Eva Addition, Block 1, Lot 1-9 and Clyde Addition, Block 2, Lot 1-3 on south side of Kennedy Ave. between 15th and 16th Streets for residential housing, subject to conditions. (Director of Planning and Development Services).
10. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 1.44 acres, Lots 1-9, Block 1, Eva Subdivision, known as 1100 East Kenedy and Lots 1-3, Block 2, Clyde Subdivision, known as 1116 East Lott from C1- Neighborhood Service District to R2- Two Family Residential District, amending the Comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning and Development Services).
11. Consider a resolution supporting the proposed Cayetano Villas of Kingsville Apartments located at 500 Block of General Cavazos Blvd., Kingsville, TX. (Director of Planning and Development Services).
12. Consider a resolution authorizing the City Manager to enter into a Master Service Agreement by and between Foremost Telecommunications and the City of Kingsville. (Director of Purchasing and Technology).
13. Consider awarding bid #15-02 for concrete paving improvements Phase 5 to sole bidder E-Tech Construction, as per staff recommendation. (Director of Purchasing and Technology).
14. Consider awarding the contract for the pump house and ground storage tank for Water Well #25 to sole bidder, as per contract engineer and staff recommendation. (Director of Purchasing and Technology).
15. Consider accepting a donation of \$4,385.75 from Kleberg-Kenedy County 4-H Council for improvements to the Parks Department Recreation Building. (Parks and Recreations Manager).
16. Consider a resolution authorizing the City to submit an application to the FEMA Assistance to Firefighters Grant requesting grant funding for a fire engine on behalf of the Kingsville Fire Department with an anticipated \$36,272 cash match. (Fire Chief).
17. Consider matching a previously accepted \$4,000 donation for Keep Kingsville Beautiful for purchase of benches and trash/recycling receptacles in the downtown area. (Downtown Manager).
18. Consider introduction of an ordinance amending the Fiscal Year 2014-2015 General Fund Budget for the Community Appearance Division of the Planning and Development Services Department for the purpose of providing matching funds for street furnishings. (Director of Finance).
19. Consider introduction of an ordinance amending Chapter III, Article 7, Personnel Policies, Section 1 Classification and Compensation Plan to add, change and reclassify positions and correct clerical error to the City of Kingsville classification and compensation plan for fiscal year 2014-2015. (Director of Human Resources).
20. Consider a resolution authorizing the City Manager to enter into a consultant contract with CK Consulting Firm, LLC for planning, zoning, and development related issues. (Director of Planning and Development Services).

21. Consider a resolution authorizing the Chief of Police to enter into an Interlocal Cooperation Agreement between the Harris County District Attorney's Office and the City of Kingsville Police Department. (Chief of Police).

VII. Adjournment.

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

NOTICE

This City of Kingsville and Commission Chambers 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 in the City Hall, 200 East Kleberg, of the City of Kingsville, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time:

January 22, 2015 at 4:00 P.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.

Mary Valenzuela by J.S.
Mary Valenzuela, City Secretary
City of Kingsville, Texas

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

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

MINUTES OF PREVIOUS MEETING(S)

JANUARY 12, 2015

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JANUARY 12, 2015 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Sam Fugate, Mayor
Dianne Leubert, Commissioner
Noel Pena, Commissioner
Al Garcia, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Vince Capell, City Manager
Courtney Alvarez, City Attorney
Deborah Balli, Finance Director
Tom Ginter, Director of Planning & Development Services
Leo Alarcon, Tourism Director
Emilio Garcia, Health Director
Diana Gonzales, Human Resources Director
Joey Reed, Fire Chief
Willie Vera, Task Force Commander
Cynthia Martin, Downtown Manager
Joey Reed, Fire Chief
Melissa Perez, Risk Manager
Charlie Sosa, Street Supervisor
Bill Donnell, Assistant Public Works Director
Jennifer Bernal, Community Appearance Supervisor
Robert Rodriguez, Library Director
Susan Ivy, Parks & Recreation Manager
Kyle Benson, Help Desk
Charlie Cardenas, Public Works Director/Engineer

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 6:00 p.m. and announced quorum with all five Commission members present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Regular Meeting – December 8, 2014
Special Meeting – December 15, 2014

Motion made by Commissioner Pena to approve the minutes for December 8th and December 15, 2014 as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting “FOR”.

Public Hearing - (Required by Law).¹

1. NONE.

II. Reports from Commission & Staff.² (City Manager's Staff Report Attached).

"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, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works- Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor. No formal action can be taken on these items at this time."

Mr. Vince Capell, City Manager announced that after a long holiday city staff is back and ready for the New Year.

Mrs. Courtney Alvarez, City Attorney, reported that there is one proclamation to present during tonight's meeting for Catholic School Week. Alvarez further reported that due to the absence of Mr. David Mason, Purchasing Director and Tony Verdin, Information Technician Specialist, staff is recommending that the City Commission take no action on agenda item #15. This item will be brought back to Commission at a later time. Mrs. Alvarez also reported that the next regular City Commission meeting is scheduled for Monday, January 26, 2015, with agenda items due Friday, January 16, 2015. Alvarez further stated that City Hall offices will be closed on January 19, 2015 in observance of Martin Luther King Holiday.

Mayor Fugate presented the Catholic School Week Proclamation to representatives of Saint Gertrudis Catholic Church.

Mr. Charlie Cardenas, Public Works Director/Engineer, reported that tree recycling is opened over at the Public Works Department on 1300 E. Corral Street. This recycling location is for citizens to drop off their live Christmas trees where they can be mulched and given back to the citizens to be used for gardening.

Commissioner Leubert stated that on the second day of January, we lost our internet, had a gas leak and had sewer backed up. Public works employees came out and did a fantastic job in repairing these issues. Leubert stated that she would like to thank staff for their hard work.

III. Public Comment on Agenda Items.³

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

No comments made from the public.

IV. 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)

Commissioner Pena requested that agenda item #3 be pulled from the consent agenda and moved to the regular agenda for discussion.

Commissioner Garcia requested for agenda item #1 be pulled from the consent agenda and moved to the regular agenda for discussion.

Mayor Fugate asked for a motion to approve the consent agenda for agenda item #2 only.

Motion made by Commissioner Leubert to approve the consent agenda as amended which is to approve agenda item #2 only, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Pecos, Leubert, Garcia, Fugate voting "FOR".

1. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 15-6-130, providing for revisions to the electronic variable messaging sign ordinance. (Director of Planning and Development Services).

Mr. Tom Ginter, Director of Planning and Development Services, reported that pertaining to the last meeting and the questions that the City Commission asked about, to which Mr. Ginter has made contact with Mr. Glen Jones, who is present at tonight's meeting, the three things that this amendment will not impact Naval Air Station-Kingsville is that the billboards along Hwy. 77 are not eligible for electronic signs only in front of businesses. There are high restrictions that come into play and also there are amendments in the ordinance which have a brightness level. After having some discussions, we don't believe it would interfere with any pilot activity at Naval Air Station-Kingsville.

Mr. Glen Jones, Community Plans Liasion Officer Naval Air Station-Kingsville, reported that the FAA does not have a lot of information on this as he had researched it. Mr. Jones stated that he made a call to Mr. Mike Kellam who worked on this quite a bit. Jones stated that he spoke with the Aircraft Facility officer to receive his input. Jones stated that it is the intensity and the frequency that they are concerned about which it seems that this ordinance addresses that already. Mr. Jones stated that their only concern are signs along Hwy. 77, the billboards out with height restrictions. A sing like Gem's, if it was really bright would probably cause a problem for the naval base. Mr. Jones stated that they have a sign similar to this on base but they don't turn it up obnoxiously bright. Mr. Jones stated that driving along Senator Carlos Truan Blvd. where there is a church off the left hand side that has an electronic sign that is quite bright but doesn't bother the base cause of its location being so low to the ground. He further commented that with Walgreen's, CVS, and Sonic having these types of signs even though the city has an ordinance that prohibits them, they are still located in town. Mr. Jones stated that by passing this ordinance it gives the city more authority and ability to regulate these types of signs so that there not a hazard to drivers or aircrafts. He further stated that what is happening now is that citizens are going around this code by going to the Board of Adjustments for approval. Jones stated that it's best for the city to approve this ordinance and if it turns out that there is a problem

because there is an ordinance in place, the City can go back and amend the ordinance to make sure that the lexes or luminaire that the brightness can be regulated. Mr. Jones stated that his only comment would be not to grandfather anybody and any sign that exist would have to comply with this ordinance.

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

2. Motion to approve re-appointment of Raymond Perez to the Joint Airport Zoning Board for a two-year term. (Director of Planning and Development Services).

3. Motion to approve out-of-state travel for City Commission and staff to attend the National League of Cities Conference in Washington, DC on March 7-12, 2015. (Commissioner Garcia).

Commissioner Pena commented that the reason he has requested for this item to be pulled from the consent agenda is for the benefit of the public. He stated that he doesn't attend out-of-state conferences and since we have quite a few agenda items coming up here pretty soon on how to deal with financial issues dealing with streets and a whole series of events that will take an initiative on the Commission's part as to how some of these things will be funded. Pena stated that since the legislature is also meeting in January, 2015, it is to the Commission's benefit that any travels should be, that the Commission use to some fiscal constraint and use this travel here in state, would better benefit the City of Kingsville. Pena further stated that he just wants to put this out there that he is working on this with the members of the City Commission so that they think more about travel before going out-of-state.

Commissioner Pecos commented that he is one of the members that will be traveling to Washington, DC. He stated that he did not attend the National League of Cities in Austin to which some of the other Commission members did attend. He further stated that he has money within the budget that was appropriated by this Commission for traveling. This is the only opportunity that he has that will able him to speak with Senators and Congressman of our state with regards to issues that we have in our city, county, and veterans. Pecos further stated that he will be attending this particular conference because there is money within his budget that will allow him to attend.

Motion made by Commissioner Garcia to approve out-of-state travel, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Leubert, Garcia, Fugate voting "FOR". Pena voting "AGAINST".

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. Discussion on potential Tax Credit Housing Project by Cayetano Housing. (Director of Planning and Development Services).

Mr. Ginter reported that he has visited with Mr. Matt Long of Cayetano Housing regarding a project using tax credit housing. Cayetano Housing has asked to make a presentation only to the City Commission regarding this project.

Mr. Matt Long reported that Cayetano Housing is a developer based out of Austin, TX. Cayetano Housing has been doing residential development for about 20 years, and moved into multi-family about three years ago and focusing on tax credit projects. A tax credit program is a Federal Program that encourages private industry to invest in affordable

housing. The program enables developer to charge low rents for high quality accommodations. This does not equate to lower quality of tenant. All tenants must go through a thorough screening process. The program has zero tolerance for criminal violations. This does not equate to lower quality construction. Mr. Long further stated that Kingsville has six existing TCCs in Kingsville some being the Courts of Palomas, Kings Crossing, and The Heights of Corral. Mr. Long stated that what they have in mind is a 48 unit two story complex. This would be a gated community with private parking. The construction materials would be Austin Stone with concrete siding, hardy plank and include a clubhouse, playground and be a mix of one, two, or three bedroom unit. The location would be on General Cavazos Blvd. Long stated that this location was chosen because it is a competitive program so they will be competing with other persons that would like to do similar housing within the Corpus Christi area. The cycle that has been chosen scores well, so it's believed to have a good chance of winning. Long stated that another reason they like it is that it's directly next to three existing multi-family communities. Long explained what his company does that is different to section-eight housing. He stated that this is not a section-eight housing. Section-eight housing is a HUD Program to where Tax Credit Communities are sponsored and regulated by the IRS. HUD targets persons who earn between 0% of adjusted gross median earned income and 30% of adjusted gross median earned income as to where they meet persons that make 30% of meeting the income all the way to 100%. Tax Credit Communities will have persons that are making 30%, 50%, 60% of median income as well people that are making 100% such as oilfield workers. Long further stated that the Community will be managed by professional management company named Alpha Barnes Real Estate Services based in San Antonio, TX. Alpha Barnes manages approximately 85 properties or 15,000 units that are primarily located in Texas. They have on-site management and staff as well as professional landscaping and maintenance and ongoing preventive maintenance for both the buildings and units. Residents are screened thoroughly via various checks that include credit, criminal, rental history, and income. Residents must comply with community rules and regulations or may be evicted. The benefits to Kingsville economically are a \$7 million dollar construction investment to the City with a creation of 60 plus jobs during construction and the creation of three permanent jobs after construction. It will create new property taxes paid annually to the city of approximately \$35,000 and the generation of permitting and fees for the city. It will create new utility revenues and new sales tax generated for the city. Mr. Long further commented that what is needed from Kingsville in order to win the allocation is two resolutions from the City Commission. One resolution showing the support for the project and a second resolution of support of local finding. For this project it is needed \$160,000 of local support which is typically done through a loan such as deferment of fees or taxes. Long further stated that the \$160,000 may be sourced by their own lender and run through the Kingsville Housing Finance Corporation.

Commissioner Leubert stated that during a conference she attended in Austin, she attended a mobile session regarding tax credit communities. She stated that this was a very successful program with lots of amenities to the residents.

Mayor Fugate asked what the timeline is for this project.

Mr. Long responded that they will submit a pre-application and based on the feedback received from the City Commission a full application will be submitted by February 27, 2015. Cayetano Housing will then be notified if they have won the allocation sometime in July. After notification, construction will begin about this time next year.

Mayor Fugate suggested that Mr. Long get with the City Manager and Mr. Ginter where they work on a formula to see if it is worthwhile for Kingsville financially.

Commissioner Garcia asked how many projects like this does this company have throughout the state of Texas and why choose Kingsville.

Mr. Long responded that there are three with a new one beginning construction in George West. He further stated that they like this area and Kingsville has the population, schools, and demands that qualify for this type of program.

5. Consider a resolution of the City Commission of Kingsville, Texas authorizing the submission of a Texas Community Development Block Grant Program application to the Texas Department of Agriculture for the Community Development Fund; and authorizing the Mayor to act as the City's executive officer and authorized representative in all matters pertaining to the City's participation in the Texas Community Development Block Grant Program. (City Engineer/Public Works Director).

Mr. Cardenas stated that this resolution to enter into an agreement to proceed with applying for a Block Grant Program. He further stated that Ms. Mary Mora is the individual who is writing and submitting this grant. This grant requires a 20% match from the City of Kingsville which is around \$60,000. This grant is for utility improvements in the locations near Memorial School area.

Ms. Mary Mora stated that she already has some of the research for this particular grant application. She further stated that advertisement in the newspaper as well as a public hearing have already been done. The grant application must be submitted by February 27, 2015. Mora stated that she should be notified on the status of the grant within a few months. She further stated that this grant is for \$300,000 and all surveys have been completed.

Commissioner Pecos asked that if the grant gets approved, when the city will need to meet its 20% match.

Ms. Mora's response was three to four months after submission. Once the approval is received, the process will begin for receiving bids for engineers and administrators.

Commissioner Pecos further asked staff that if this grant is approved and the match would need to come from this budget, does the city have the funds already budgeted.

Mr. Capell stated that money is there within the bonds.

Motion made by Commissioner Pena to approve this resolution, seconded by Commissioner Pecos.

Commissioner Pecos further commented that while going to conferences in Washington, DC the last four years, the federal government has been trying to remove the development block grant from the community. He stated that he has had the opportunity to speak with congressman regarding the removal. Pecos further stated that this is why it is important to attend this particular conferences.

The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".

6. Consider a resolution of the City of Kingsville City Commission requesting the members of the 84th Legislative Session of the State of Texas to support legislation that increases funding for the Texas Recreation & Parks Account and Large County and Municipality Recreation and Parks Account Local Park Grant Programs, and the Texas State Park System. (Parks and Recreation Manager).

Ms. Susan Ivy, Parks and Recreation Manager, reported that she is requesting for the City Commission to approve this resolution to the Texas State Legislative members asking them to increase funding to Texas Parks & Wildlife to continue their efforts to improve and maintain State Parks and increase grant funding to the many community park systems in need of assistance. Ivy further stated that they will develop a Master Plan for the Parks

System in the next year that will allow them to apply for funding from Texas Parks & Wildlife. Increased funding will better our chances to benefit from their grant program.

Commissioner Leubert asked when is the "walk the halls" of the capitol.

Ms. Ivy stated that this takes place in the latter part of this month. She further stated that due to the Livestock show occurring during that time, she is unable to attend the Walk the Halls this year.

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

7. Consider a resolution authorizing the City Manager as the authorized representative to enter into project agreements for utilization of inmate worker program from the Glossbrenner Unit Community Squad. (Risk Manager).

Mrs. Melissa Perez, Risk Manager, reported that the Texas Department of Criminal Justice provides offender labor for the purposes of developing, improving, and restoring public land and buildings as well as providing vocational programs for offenders to enhance rehabilitation and aid in reducing recidivism. Offender labor also can be utilized in order for certain offenders to fulfill community service court requirements while saving taxpayer dollars with no displacement of jobs currently held in the community. Some of the facts and information about the Community Service Squad working in Kingsville is that two correctional officers from the San Diego Facility will be with the offenders at all times. The officers provide water for the offenders and offenders will be escorted by an officer to utilize the bathroom facilities in the park area. A 12 passenger van will be provided to transport the offenders to and from San Diego and Kingsville during the duration of time the offenders will be working. Gas for the van will be supplied by the City of Kingsville as well as equipment such as lawnmowers, riding mowers, saws, and personal protective equipment will be provided by the City. Safety training will be provided by the Risk Manager and Public Works staff if needed. This is free labor there is no charge to the City of their services and assistance they will be providing. There will be 6 to 8 offenders with 2 correctional officers. Offenders will come half days, 3 to 4 hours for 3 to 4 days of the week. One day possibly being a full day which will require a box lunch that will be provided by the City of Kingsville. Perez further stated that the only time the offenders would not come to work in the City would be if there was inclement weather, Unit shutdown or lockdown, or short on staff with officers to which the city will be notified early in the morning. Notification to the local Police Departments and Sheriff office will be made notifying them of the offender's location.

Commissioner Garcia asked about the liability and responsibility of the offenders.

Mrs. Perez stated that if for any reason and offender was to get hurt, it will be reported to the Risk Manager of the facility. She further stated that the offenders are minimal risk offenders that are in for DWI and DUI offenses.

Chief Torres reported that these individuals are very low risk individuals that go through a strenuous screening process. Most of these individuals are about ready to be released to halfway housing or they will be out in the next 6 months or so. Torres stated that this project will be very useful for the community. Chief Torres further stated that he has used this type of program to build the fencing around the Kingsville Police Department.

Mayor Fugate stated that this is a good idea and asked Mrs. Alvarez, City Attorney for her legal opinion on this project.

Mrs. Alvarez stated that there is a directive in the Texas Administrative Code that sets out certain parameters for the project. She further stated that it seems to be very sound and solid throughout the State.

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

8. Consider accepting \$500 grant for Keep Kingsville Beautiful from Keep Texas Beautiful and Lowes for maintenance of a Native Garden Project. (Director of Planning and Development Services).

Mr. Ginter reported that the organization has been awarded \$500 grant which will require the City Commission to accept the award.

Commissioner Pecos asked where this work will be done.

Ms. Jennifer Bernal, Community Appearance Supervisor, reported that the project is 75 – 80% completed. The project is located behind the Recycling Center and will be used as an educational tool for citizens to get an idea of what type of xeriscape plants to use in their gardens at home. This is a big push towards water conservation education.

Motion made by Commissioner Garcia to accept the \$500 grant, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Leubert, Pecos, Garcia, Fugate voting "FOR".

9. Consider a resolution approving an application and agreement for Historic District Façade Grant Program from David Thibodeaux for the V. Salazar Building. (Downtown Manager).

Mrs. Cynthia Martin, Downtown Manager, reported that there are three façade grant application on this agenda tonight. She further stated that there are updated memos for these façade grants. The memos and resolution included in the agenda packet reflect maximum loan amounts. Mrs. Martin is recommending for grant and amount awards that would help meet the budget of \$50,000 which was budgeted for this fiscal year.

Commissioner Pena asked what the recommended award is.

Mrs. Martin responded that a grant award of \$20,000 is being recommended. Martin stated that the Salazar building is a great project that residents are excited about. She further stated that the restoring of this building honors its history and restores its character back.

Commissioner Pena asked that if \$50,000 will be allocated for this fiscal year. Mrs. Martin's response was yes. Commissioner Pena asked if the \$50,000 will be expended within these three façade projects. Mrs. Martin responded yes and maybe a little more.

Mr. Capell responded that it may be up to \$56,000 which will require a budget amendment that is for introduction during tonight's agenda.

Commissioner Pena stated that the reason he is asking is that he has been approached by citizens regarding façade grants, and at least this way he can respond that they would have to probably wait until next budget year.

Mayor Fugate stated that this grant was created by the Commission three to four years ago. When it was first started, the city never came close to spending the money. He further asked if this money rolled over.

Mr. Capell stated that the unused money went into fund balance.

Mayor Fugate further asked if the unused money would accumulate into the next year. Mr. Capell's response was no.

Mrs. Martin stated that with the two big projects of the Salazar Building and the Texas Theatre, it is a great thing for the city.

Commissioner Leubert commented that this is a great project. Being that the façade grant states that it is for façade improvements and the grant of money is for \$10,000, maybe staff needs to revisit the guidelines first before increasing the money amount.

Mayor Fugate commented that this is not coming out of general fund, this is coming out of Tourism Funds. These monies were set aside and not spent in years gone by. It is his opinion that this money should be available for these grants because it was set aside in that fund to be used for these façade grants. He further stated that it is his opinion that there should be money available for this year.

Mrs. Martin stated that one of the scoring categories is if it will promote tourism.

Commissioner Leubert stated that she agrees with Mayor Fugate and recommends staff to revisit the guidelines and maybe stated that money unused is to accumulate to the next year.

Commissioner Garcia asked how many applications have been received just in this fiscal year. Mrs. Martin responded that they have only received three applications. Commissioner Garcia further asked who does the scoring of the application. Mrs. Martin stated that she does the scoring of each application. She further stated that it may be a good idea to have a committee in place to do the scoring process.

Motion made by Commissioner Pena to approve this resolution for the façade grant to the Salazar Building for \$20,000, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Pecos, Leubert, Garcia, Fugate voting "FOR".

10. Consider a resolution approving an application and agreement for the Historic District Façade Grant Program from Dr. Steven Nix for the Javelina Innovation Lab. (Downtown Manager).

Mrs. Martin stated that it is being recommended to approve \$15,000 for this application. She further stated that it is being requested to approve \$18,000 to which \$2,500 will be used for asbestos removal that was arbitral placed but doesn't think they will need it.

Mayor Fugate that it is his understanding that David at the Salazar Building never asked for a particular dollar amount.

Mrs. Martin stated that she personally spoke with him and he was happy with the \$20,000.

Mayor Fugate further asked if Dr. Nix specifically asked for \$18,000. Mrs. Martin stated that after speaking with Dr. Nix about the dollar amount requested, Dr. Nix stated that the \$2,500 for the asbestos fee was not needed.

Motion made by Commissioner Pena to approve this façade grant in the amount of \$15,000, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".

11. Consider a resolution approving an application and agreement for Historic District Façade Grant Program from Cal Collins for the Texas Theater. (Downtown Manager).

Mrs. Martin reported that Mr. Collins is close to finishing his façade restoration. She further stated that she would like to see this restoration completed because having the outside done will spur a lot more investment and confidence by the merchants nearby the area.

Commissioner Pena asked what is the dollar amount being requested. Mrs. Martin stated that the dollar amount requested is \$21,000.

Motion made by Commissioner Leubert to approve this façade grant, seconded by Commissioner Pena.

Commissioner Garcia asked when work will begin in the interior of the building. Mrs. Martin responded that by next spring.

The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".

12. Consider introduction of an ordinance amending the Fiscal Year 2014-2015 budget for the Tourism Fund to provide funding to the Façade Grant Program. (Director of Finance).

Mrs. Deborah Balli, Finance Director, reported that the net amount needed to cover the three grant applications proposed for January 12th is Texas Theatre for \$21,000, Innovation Lab \$15,000, Salazar Building \$20,000, and \$10,000 for AI's Hair Designs that was approved last year but funds did not get expended. This gives us a total of \$66,000 minus the \$50,000 which was budgeted makes this amendment for the amount of \$16,000.

Introduction item.

13. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Article 1, General Business Regulations, adopting Sections 2 & 3- Miscellaneous Health Department inspection fees and foster home/group home inspections. (Director of Health).

Mr. Emilio Garcia Health Director, that after a request made by the City Manager to review user fees and permit fees. After reviewing these it was discovered that when foster homes are inspected yearly there is no fee. Garcia further stated that after doing research on other cities and their fees, it was determined and approved by the Health Board that a \$50.00 fee be charged.

Commissioner Garcia asked what the hourly rate is for inspector that go out inspect.

Mr. Garcia stated that one is at about \$21.00 and the other at about \$20.00 an hour.

Mayor Fugate asked how many foster homes are within the city.

Mr. Garcia responded that in 2011 there were six foster homes, 2012 there were eight, 2013 there were seven, and for 2014 there were nine.

Introduction item.

14. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Article 7, Food Sales and Food Service Establishments, Sections 17 & 18, providing for changes for user fees, permit fees, and length of licenses and adding a re-inspection fee. (Director of Health).

Mr. Garcia stated that after a request was made to review their permit fees for food service and other services provided by the Health Department, some research was done on other cities surrounding Kingsville regarding their charges. It was determined that Kingsville was at a lower fee than others. After extensive research, several user fees and permit fees for food service were introduced to the Board of Health for their review and consideration for approval. Garcia further stated that the user fees and permit fees for food service have not be evaluated and increased since November, 2000. It is being recommended that the fee be increased to \$150 beginning in 2016.

Mayor Fugate asked why wait until 2016. Mr. Garcia responded that renewals for this year have already been mailed out to business owners.

Introduction item.

15. Consider a resolution authorizing the City Manager to enter into a Master Service Agreement by and between Foremost Telecommunications and the City of Kingsville. (Director of Purchasing and Technology).

No discussion or action taken on this item.

16. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 6, Zoning, providing for three alternate Board of Adjustment members. (Director of Planning and Development Services).

Mr. Ginter stated that it has been brought up to his attention that this board has had some trouble getting a majority of members to attend the meetings. In order for this board to conduct business, a quorum of four out of the five members need be present at the meeting. State law allows the governing body to appoint alternates to the Board of Adjustments and it is staff's recommendation that the City Commission approve this ordinance.

Mayor Fugate commented that this is an ongoing issue. He further stated that we have members that have conflicted themselves to the degree that we couldn't get a vote. Fugate further commented that this makes perfect sense.

Introduction item.

17. Executive Session: Pursuant to Section 551.074, of the Texas Open Meetings Act, the City Commission shall convene in executive session to deliberate the evaluation & duties of the City Manager. (Commissioner Garcia).

Mayor Fugate announced and convened the City commission into Executive Session at 7:15 p.m.

Mayor Fugate reconvened the meeting into open session at 8:15 p.m.

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 8:15 P.M.

Sam R. Fugate, Mayor


ATTEST:

Mary Valenzuela, City Secretary

PUBLIC HEARING(S)

PUBLIC HEARING #1

TO: VINCE CAPELL, CITY MANAGER

FROM: TOM GINTER, DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES 

DATE: JANUARY 16, 2015

SUBJECT: PUBLIC HEARING – REZONING OF LOT 1-9, BLOCK 1, EVA SUBDIVISION ALSO KNOWN AS 1100 EAST KENEDY AND LOTS 1-3, BLOCK 2 CLYDE SUBDIVISION ALSO KNOWN AS 1116 EAST LOTT FROM (C1) NEIGHBORHOOD SERVICE TO (R2) TWO FAMILY RESIDENTIAL DISTRICT, 1.44 ACRES, ISAAS AND NORMA TORRES

Attached are the following documents:

- A. Memo to Planning and Zoning Commission.
- B. Rezoning Application – Due to the transition in this department it was determined that a rezoning would be required for this property to be developed as Mr. Dizdar's original plans. To be fair, and because of all the confusion, the City initiated the rezoning process.
- C. List of property owners contacted. We received one phone call from a property owner and that was Mr. Torres who was in favor of the rezoning. No calls were received that were against the rezoning.
- D. Minutes of the Planning and Zoning Commission meeting.

While R-2 is an appropriate zoning for the property, I felt that we should take this in fill project opportunity to achieve a development that would be sustainable. Consequently I recommended to the Planning and Zoning Commission that it be rezoned to RP2. The code allows in any district the opportunity to do a planned unit development. The designation allows flexibility for both sides to negotiate items without having to be contained by the particular district rules. As an example the owner has the option to put the driveway in the rear of the home which would enhance curb appeal but it would mean impacting the lot lines. Under RP2 it can be done. As you read in the minutes the Commission was not in favor due to the lateness of the idea and Mr. Dizdar was not in favor also. The Commission approved the rezoning by a unanimous vote 4-0.

To: Planning & Zoning Commission

From: Tom Ginter, Director of Planning & Development Services

Date: January 8, 2014

Subject: Agenda Item #1 Request the Re-zone of 1.25 acres EVA, BLOCK 1, Lot 1-9 and CLYDE BLOCK 2, Lot 1-3

At our meeting in December it was determined that for Torres Estates to be developed correctly it needed to be rezoned.

Petitioner and Agent: Mark Dizdar

Owner: Isaac and Norma Torres

Comprehensive Plan Land Use: Residential

Existing Zoning Classification: C-1 Commercial

Area around it is: East: R-1 Residential

South: C-1 Commercial

West: C-2 Commercial

Existing Infrastructure

Transportation: Kenedy Avenue

Community Facilities: Service Provider

Fire Station Proximity: Within 2 miles

100 Year Flood Plain: Property within Flood Zone C

Background and History

The petitioner has requested approval for the ability to build single family homes on the lot as described in other documents. As was pointed out the size of the lots did not meet the R-1 requirements. It was determined that for him to develop the lots as to how he wants, a rezoning needs to take place. Since he wants to go with the development that has been submitted it fits the R-2 requirements. It is our belief since commercial properties surround it and it would be considered a positive in fill project. R-2 is the requested zoning for the property. As of the writing of this memo, we have received only one comment from the property owners within 200 ft. and that was from Mr. Torres he was in favor of the rezoning.

Staff Review and Recommendation

In general, Planning and Zoning Commission considers the following factors when making a recommendation on zoning district changes:

1. Whether the proposal is in conformance with the goals and policies contained in all elements of the 2008 Master Plan.
2. Whether the proposal is in keeping with the purpose of the zoning districts.
3. Whether the proposal is detrimental to the public health, safety and welfare.
4. Whether the proposal is detrimental to existing or potential adjacent land uses.
5. Whether the proposal will generate traffic levels inappropriate, hazardous or detrimental to the existing or potential nearby land uses.

Staff recommends APPROVAL of this request with the following findings:

1. The proposal is in conformance with the goals and policies contained in all elements of the 2008 Master Plan.
2. The proposal is in keeping with the purpose of the zoning districts.
3. The proposal is not detrimental to the public health, safety and welfare.
4. The proposal is not detrimental to existing or potential adjacent land uses.
5. The proposal will not generate traffic levels inappropriate, hazardous or detrimental to the existing or potential nearby land uses.

Prepared by: Tom Ginter
Tom Ginter
Director of Planning & Development Services

CITY OF KINGSVILLE

200 E. Kleberg Avenue
Planning & Development Services Dept.
Planning & Zoning Division

Kingsville, Texas 78363
Phone: (361) 595-8055
Fax: (361) 595-8065

Master Land Use Application

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1.25 acres EVA, BLOCK 1, LOT 1-9 4 QYDE, BLOCK ² LOT 1-3 Located in the City ✓ ETJ ✓

(Proposed) Subdivision Name _____ Total number of Lots _____

Legal Description: _____

Existing Zoning Designation _____ Future Land Use Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Mark Dizdar Phone _____ FAX _____

Email Address (for project correspondence only): _____

Mailing Address _____ City _____ State _____ Zip _____

Property Owner Isaac + Norma Torres Phone _____ FAX _____

Email Address (for project correspondence only): _____

Mailing Address 1114 East LOH City Kingsville State TX Zip 78363

Select appropriate request(s) for which approval is sought. Attach appropriate checklist(s) with this application.

<input type="checkbox"/> Annexation Request.....No Fee	<input type="checkbox"/> Preliminary Plat.....Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA).....\$250.00	<input type="checkbox"/> Final Plat.....Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request.....\$250.00	<input type="checkbox"/> Minor Plat.....\$100.00
<input checked="" type="checkbox"/> Re-zoning Request.....\$250.00	<input type="checkbox"/> Re-plat.....\$200.00
<input type="checkbox"/> SUP Request/Renewal.....\$250.00	<input type="checkbox"/> Vacating Plat.....\$50.00
<input type="checkbox"/> Zoning Variance Request (ZBA).....\$250.00	<input type="checkbox"/> Conceptual Development Plat.....\$100.00
<input type="checkbox"/> PUD Request.....\$250.00	<input type="checkbox"/> Subdivision Variance Request.....\$25.00 ea
<input type="checkbox"/> Lot Line Adjustment Plat.....\$100.00	<input type="checkbox"/> Amending Plat.....\$100.00

Please provide a basic description of the proposed project:

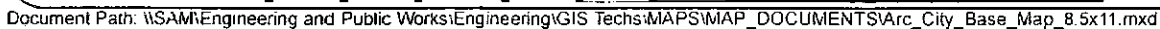
I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature: _____ Date: _____

Property Owner's Signature: _____ Date: _____

Application and Fee Accepted by: Adela Barrient Date: 12/26/14

31 total



TORRES ISAAC
ETUX NORMA
1116 E LOTT AVE
KINGSVILLE, TX 78363
#21219

TORRES ISAAC
ETUX NORMA
1116 E LOTT AVE
KINGSVILLE, TX 78363
#11037

ALDOPE ISMAEL
ETUX MARTA ELENA
1205 E KENEDY AVE
KINGSVILLE, TX 78363
#10802

PENDLETON HOLDINGS LLC
312 N PASADENA
KINGSVILLE, TX 78363
1014 E KENEDY
#22588

AMBRIZ MARGARITA C
AND OCTAVIO C AMBRIZ JR
1247 1/2 E KING AVE
KINGSVILLE, TX 78363
#24107

CRUZ JOSE L
1247 E KING AVE
KINGSVILLE, TX 78363
1026 E KENEDY
#24876

ORTEGON OLGA
1102 E KENEDY AVE
KINGSVILLE, TX 78363
#20824

SALDANA LARRY
ETUX MARY SALDANA
1245 E NETTIE AVE
KINGSVILLE, TX 78363
#13139

HERNANDEZ GREGORIA V
FLORINDA HERNANDEZ MARLER
9548 VICTORIA DR
UPPR MARLBORO, MD 20772
1108 E KENEDY
#22363

SAENZ MARGARITA SALINAS
560 N COUNTY ROAD 1050
KINGSVILLE, TX 78363
1114 E KENEDY
#25977

JIMENEZ LAURO
MARCELO JIMENEZ JR
899 S COUNTY ROAD 1120
RIVIERA, TX 78379
1120 E KENEDY
#18414

CANALES MARIA ELENA
1126 E KENEDY AVE
KINGSVILLE, TX 78363
#19173

LEDESMA ADELITA
1128 E KENEDY
KINGSVILLE, TX 78363
#12259

DE LEON DELFINO G
1132 E KENEDY AVE
KINGSVILLE, TX 78363
#20746

DEHNER WILLIAM
SNAP AUTO PARTS
PO BOX 4006
BEEVILLE, TX 78104
1018 E LOTT
#18458

PEREZ ERNEST
310 E 23RD ST
KINGSVILLE, TX 78363
1026 E LOTT
(THE PIT STOP)
#26035

FIRST COMMUNITY BANK
5406 EVERHART RD
CORPUS CHRISTI, TX 78411
1030 E LOTT
#18946

TORRES ISAAC
ETUX NORMA
1116 E LOTT AVE
KINGSVILLE, TX 78363
1116 E LOTT #22-41
#21219

TORRES ISAAC
PO BOX 1813
KINGSVILLE, TX 78364
1116 E LOTT
#28386

TORRES ISAAC
PO BOX 1813
KINGSVILLE, TX 78364
Location E LOTT
#34355

AMBRIZ FRANCISCO R
ETUX CECILIA G
2501 BOLIVAR
CORPUS CHRISTI, TX 78415
1120 E LOTT AVE
#28385

FERNANDEZ IRENE
ALLÈN MARTINEZ
1116 E LOTT
KINGSVILLE, TX 78363
1126 E LOTT
#41025

GARCIA JOSE
PO BOX 1431
LA JOYA, TX 78560
1204 N 16TH
#4000268

GARCIA JOSE
PO BOX 1431
LA JOYA, TX 78560
1208 E LOTT
#4000271

GARCIA JOSE
PO BOX 1431
LA JOYA, TX 78560
1212 E LOTT
#4000276

RIOS ESTEVAN
1015 E KENEDY AVE
KINGSVILLE, TX 78363
1015 E KENEDY
#16172

GARZA PEDRO
1029 E KENEDY
KINGSVILLE, TX 78363
#16932

MARTINEZ GRACE C
1031 E KENEDY AVE
KINGSVILLE, TX 78363
#25267

ALANIS ARGELIO D
523 E ANGLE ROAD
KINGSVILLE, TX 78363
216 S 16TH ST
#10449

CALZADA JULIAN
2401 GREEN OAK DRIVE
ROOM #207
KINGWOOD, TX 77339
1208 E KENEDY
#19728

GUTIERREZ EMMA
1201 1/2 E KENEDY AVE
KINGSVILLE, TX 78363
#17761

PLANNING AND ZONING COMMISSION
MEETING MINUTES
January 14, 2015

Planning and Zoning Members Present

Steve Zamora, Chairman
Albert Garcia
Robert McCreight
Lupe Alvarez

Citizens Present

Mark Dizdar

Staff Present

Tom Ginter, Director of Planning & Development Services
Adela Barrientes, Administrative Assistant II

Base Representative

1. **The meeting was called to order at 6:04 p.m.**
2. **Discuss and take action on the meeting minutes of December 10, 2014.**
Mr. Lupe Alvarez made a motion to approve the minutes. Mr. Robert McCreight seconds. All in favor none opposed.
3. **Miscellaneous/Public Comments on or off the agenda.**
N/A
4. **Old Business/Postponements.**
N/A
5. **Discuss and take action on — Isaac & Norma Torres, owner – requesting the rezone of 1.44 acres EVA, BLOCK 1, LOT 1-9 and CLYDE, BLOCK 2, LOT 1-3 rezoned from (C1) Neighborhood Service District to (R2) Two Family District 2.**

Mr. Dizdar presented the committee with some pictures of present homes that are in the neighbor where he plans to build. The first picture was of 1014 1/2 Kenedy this home is the closet in comparison to what Mr. Dizdar plans to build, the permit for this home was done on January 9, 2013 it has one and half car parking, no sidewalk, no sprinkle system, one carport and no fence. A picture of house on 325 East 16th according to the city there

was no permit on file it has no driveway, no sidewalks, no fence and no sprinkler system. Picture of home on 1114 Kenedy was shown according to city records there is no permit on file, one car driveway, two car parking, no sidewalk, and part of a metal fence.

Picture of home on 1126 Kenedy according to city records there is no permit on file, one car driveway, two car parking, no sidewalk, no sprinkler system. Mr. Dizdar stated to the committee that he plans to build frame homes about 1,000 to 1,200 square foot that will include 18 foot driveway, 6 foot sidewalks, sprinkler systems, two oak trees and a side wood fence and will be affordable in this area. Mr. Dizdar advised the committee that history has proven that none of these homes have requested the building of carports and/or garages. Mr. Dizdar advised the committee that Mr. Torres still owns the corner on Lott and 15th where currently about 10 or 11 trailers are housed at, his future plans are to purchase that property and continue to build.

Mr. Garcia asked if the fence would be built around the property and if not, would the home owner have the option to include the completion of the fence into their home loans. Mr. Dizdar advised that he plans to build the fences in back of the homes and the builder can have that option.

Mr. Ginter made a recommendation to the Planning and Zoning Committee to consider rezoning to equivalent district from R-2 to RP-2, RP-2 opens possible negotiations for future possibilities. Mr. Ginter advised that R2 has strict lot guidelines and RP2 is negotiable and the city can assist with that. The Committee agreed the zoning of RP2 is a great idea for later projects but with this project currently in process, the Committee decided to move forward with the request of C1 to R2.

Mr. Alvarez mad a motion to approve the rezoning of 1.44 acres EVA, BLOCK 1, LOT 1-9 and CLYDE, BLOCK 2, LOT 1-3 from (C1) Neighborhood Service District to (R2) Two Family District 2. Mr. McCreight second. All approved none opposed.

6. Discuss and take action on — Isaac & Norma Torres, owner – Requesting approval for the preliminary plat of 1.44 acres EVA, BLOCK 1, LOT 1-9 and CLYDE, BLOCK 2, LOT 1-3.

Mr. Ginter recommended that the preliminary plat be approved with the understanding two trees will be planting, a springer system, 18 foot driveway, 6 foot sidewalk and a fence that would enclose the perimeter be included.

Mr. Garcia made a motion to approve the preliminary plat of 1.44 acres EVA, BLOCK 1, LOT 1-9 and CLYDE BLOCK 2, LOT 1-3 with the amendment of the two trees, springler system, 6 foot sidewalks, 18 foot drive wood a front winged fence per lot. Mr. McCreight seconded. All in favor none opposed.

7. Discuss and take action on — Isaac & Norma Torres, owner – Requesting approval for the final plat of 1.44 acres EVA, BLOCK 1, LOT 1-9 and CLYDE, BLOCK 2, LOT 1-3.

This item on the agenda is the same as item number six.

Mr. McCreight made a motion to approve the final plat of 1.44 acres EVA, BLOCK 1, LOT 1-9 and CLYDE BLOCK 2, LOT 1-3 with the amendment of the two trees,

sprinkler system, 6 foot sidewalks, 18 foot drive wood a front winged fence per lot Mr. Alvarez seconded. All in favor none opposed.

8. **Report From Director of Planning and Development Services**

There is no report presented from Mr. Ginter at this time.

9. **Adjourn**

Meeting adjourned at 6:50 p.m.

CONSENT AGENDA

AGENDA ITEM #1

ORDINANCE NO. 2015-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2014-2015 BUDGET FOR THE TOURISM FUND TO PROVIDE FUNDING TO THE FAÇADE GRANT PROGRAM.

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

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2014-2015 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
<hr/>					
Fund 002 Tourism Fund					
<u>Capital</u>					
2		Unreserved Fund Balance	61002		<u>\$16,000</u>
					<u>\$16,000</u>
<u>Expenses</u>					
5-1072	Visitor Services	Façade Grants	34600	<u>\$16,000</u>	
				<u>\$16,000</u>	

[To amend the FY15 Tourism Fund budget to increase the Façade Grant Program as per the attached memo from the Finance Director. This amendment will allow the Tourism Department to fund (3) new grant applications and (1) application approved in FY 13-14 but not expended until FY 14-15.]

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

III.

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

IV.

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

INTRODUCED on this the 12th day of January, 2015.

PASSED AND APPROVED on this the ___ day of _____, 2015.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

CITY OF KINGSVILLE

TO: VINCENT CAPELL, CITY MANAGER
FROM: DEBORAH BALLI, FINANCE DIRECTOR
DATE: 01/07/2015
SUBJECT: Façade Grant Program

The Tourism Department is requesting a budget amendment to the FY 14-15 budget in the amount of \$16,000. This amount is the net amount needed to cover (3) grant applications proposed on the January 12th agenda and (1) grant application approved in FY 13-14 but not expended until FY 14-15.

Texas Theatre	327 E. Kleberg	\$21,000
Innovation Lab	231 E. Kleberg	\$15,000
Salazar Building	200 E. Richard	\$20,000
Al's Hair Design *FY 13-14 carry-over	321 E. Kleberg	\$10,000*
	Total	\$66,000
	FY 14-15 Façade Grant Budget	\$50,000
	Requested Budget Amendment Amount	\$16,0000

*Approved in FY 13-14 but not expended and rolled into Fund Balance. Expenditures will occur in FY 14-15.

This budget amendment, given your approval, would be on the Commission Meeting agenda January 12, 2015 for first reading.

Sincerely,
Deborah Balli

AGENDA ITEM #2

ORDINANCE # 2015-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XI, ARTICLE 1, GENERAL BUSINESS REGULATIONS, ADOPTING SECTIONS 2 & 3- MISCELLANEOUS HEALTH DEPARTMENT INSPECTION FEES AND FOSTER HOME/GROUP HOME INSPECTIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City-County Health Board held a duly posted public meeting on October 30, 2014 and voted 6-0 to recommend adoption of inspection fees for foster home/group home inspections, in order to cover the cost to provide the service and to add a re-inspection fee in the event someone fails an inspection;

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

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

I.

THAT Sections 11-1-2 & 11-1-3 of Article 1: General Business Regulations of Chapter XI, Business Regulations, of the Code of Ordinances of the City of Kingsville, Texas, shall be adopted to read as follows:

ARTICLE 1: GENERAL BUSINESS REGULATIONS

§ 11-1-2 MISCELLANEOUS HEALTH DEPARTMENT INSPECTION FEES.

All individuals, organizations, and/or businesses, including foster homes or group homes, requesting Health Department inspections for any type of facility or establishment not current or licensed elsewhere in this Code shall pay a fifty dollar (\$50.00) fee for the inspection. An inspection, if passed, is valid for twelve months from its date of approval. Should an inspection fail, then after correction of the violation(s), the permit requestor/holder shall submit written notification to the Health Department that the violations have been eliminated and request another inspection. The re-inspection fee is \$50.00. All fees shall be paid before any inspections are performed. Fees collected under this section shall be deposited into the City's general fund.

§ 11-1-3 FOSTER HOME/GROUP HOME.

A permit and inspection shall be required to operate a foster home or a group home.

...

II.

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

III.

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

IV.

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

INTRODUCED on this the 12th day of January, 2015.

PASSED AND APPROVED on this the ____th day of January, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

CITY-COUNTY HEALTH UNIT

INTEROFFICE MEMORANDUM

TO: Vincent J. Capell, City Manager

FROM: Emilio H. Garcia, City-County Health Director

CC: Deborah Balli, Finance Director

SUBJECT: Food Establishments Annual Permits, Re-inspections, Food Handler Cards, Foster Homes, Temporary Food Event and Food Mobile Unit Fees

DATE: 6/02/2014

Attached you will find a spreadsheet of several cities around the region that have different fees for their Food Establishment Annual Permits, Re-inspections, Food Handler Classes and years of usage, Foster Home inspections, Temporary Food Event and Food Mobile Units Permit. The fees for the City of Kingsville have not been evaluated and increased in several years. The last time these fees were amended was November 11, 2000 (Ord. 200022) 14 years ago. I will also be requesting new fees for other areas that do not have any fees implemented. I strongly suggest that we increase our fees to a more applicable level.

Some cities Annual Food Establishment Permits are based on how many employees are employed by a Food Establishment, therefore using an employee scale to determine the cost of the annual permit fee per Food Establishment. Please see attached spreadsheet. Other cities just charge a flat annual fee. The employee scale type is a good way to increase our revenues for food establishment annual permit fees, but we would have to track the exact number of employees per food establishment and those numbers can fluctuate yearly. As of March 10, 2014 the City of Kingsville has 127 Food Establishment Annual Permits at \$100.00 yearly totaling \$12,700.00

These permit revenues are collected by the City of Kingsville permit department and are deposited to a city account. It is my recommendation that we keep on with a flat yearly fee permit and that we also increase our annual Food Establishment Permit to \$125.00 or \$150.00 yearly. If in 2015 all the Food Establishments are retained and renew their permits @ \$125.00 X 127=\$15,875 and at \$150.00 X 127=\$19,050. Sec. 11-7-3 of the city ordinance will have to be amended once a fee increase is selected. Whichever amount is decide upon, it will bring in some much needed revenue to the City of Kingsville.

Most cities charge a \$50.00 re-inspection fee for those food establishments that earn a failing score below 70 or that have several physical concerns and violations and require a re-inspection. The City of Kingsville does not charge for re-inspections but should consider implementing this as a city ordinance under section 11-7-3. It is estimated that the City-County Health Department does 25 to 45 re-inspections yearly. With a re-inspection fee the city would generate an extra \$1250.00 to \$2250.00. These re-inspection fees can be collected by the Health Department and be transferred over to the collections department of the City of Kingsville.

The cities that offer a 2 hour food handler class usually charge \$10.00 for 3 years of usage. Some other cities charge the same amount but the permit is only good for 2 years. Most on-line companies that offer on-line training issue permits that are good for two years only. The City-County Health Department charges \$10.00 per individual and their food handler permit is good for 3 years. For non-profit groups, they are charged \$20.00 and the food handler card is good for 3 years. I would recommend that we keep the same fee (\$10.00) for the food handler card permit but reduce it to 2 years instead of 3 years and raise the fee for non-profit groups from \$20.00 to \$25.00 and reduce it to 2 years also. This would first of all keep all food handler individuals informed of food service changes every two years; second, revenues will be circulating every two years instead of three years. In 2012-2013 Fiscal Year 952 individuals attended our Food Handler Course generating \$9,520.00 in revenues. These revenues can be re-occurring every 2 years. Also that same year 79 non-profits fundraiser food handler courses were given generating \$1580.00 in revenues. If the fee for the non-profit fundraiser food handler course is raised to \$25.00 per non-profit organization it would generate \$1975.00 every two years. Also non-profit organizations such as church groups, civil organizations, school groups and other non-profits are charged only \$20.00 per fundraiser food handler class. It is my recommendation that the fee be raised to \$25.00 per group and also reduced it from 3 years to 2 years. These revenues are collected by the Health Department and are transferred to the Kleberg County Treasures Office for deposit.

Those cities that inspect Foster Homes charge anywhere from \$30.00 to \$100.00 for an annual inspection permit. The City of Kingsville does not charge any Foster Homes for an annual permit inspection. As of today we have 2 Foster Homes that are inspected yearly but that number fluctuates yearly. In Fiscal Year 2012-2013, 7 foster homes were inspected without any permit/inspection fees. If such a permit and inspection fee is implemented by the City of Kingsville it could generate \$50.00 to \$350.00 yearly. It is my recommendation that the City of Kingsville implement a \$50.00 annual inspection & permit fee through a city ordinance. This fee would be something new that the City of Kingsville has never implemented before thus creating some new revenue for the city and offsetting the hourly rate of the Inspector conducting the inspection. These permit fees can be collected by the Health Department and be transferred over to the collections department of the City of Kingsville.

City-County Health Department also charges for Temporary Food Event Permits. These are one day events that are held by churches, civil organizations, individuals that are fundraising, festival, carnivals, and parades within the city limits. The fees as of now are \$25.00 for profit and \$10.00 for non-profit (must show proof 501(C) (3) status). These fees are very low and should be raised to a more reasonable level. In Fiscal Year

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The City-County Health Department also inspects and permits Mobile Units yearly. The yearly permit fee is \$100.00. In Fiscal Year 2012-2013, 8 Mobile Units were inspected and permitted to sell foods within the city limits, which generated \$800.00 in revenues for that year. It is my recommendation that this permit is raised to \$125.00 per year. The numbers of Mobile Units we inspect vary from year to year. These permit revenues are collected by the City of Kingsville Collection Department.

Our Health Inspectors can take 30 minutes to an hour to do an inspection and that depends on the size of an establishment. The Health Inspector I hourly rate is \$18.03 and the hourly rate of the Health Inspector II is \$20.34. If the City of Kingsville approves the fee increases, these new revenues would offset the hourly rates of our Health Inspectors and allow us to purchase other equipment such as a new food handler course video, new thermometers, laptop computers, new software for electronic food inspection forms and so forth.

If all new fees are approved by City Manager, Vincent J. Capell, the Mayor and the City Commission the new fees will go into effect in January 1, 2015 with the exception of the Food Establishments Annual Permits that will go into effect for the year 2016.

New City Ordinance

Foster Homes

Foster home/group homes. A permit shall be required to operate a foster home or a group home. All individuals, organizations, and and/or businesses, including **foster homes**, requesting health department inspections for any type of facility or establishment not current or licensed elsewhere in this code shall pay a fifty dollar (\$50.00) fee for the initial inspection. Correction of violation(s) is to be verified by the health department after receiving written notification from the permit holder that the violations have been eliminated or at the end of the specified period of time and be noted on the inspection report and in the health department's record. All fees shall be paid before the inspections are performed. Fees collected under this section shall be deposited into the city general fund.

Memorandum



TO: Vince Capell, City Manager
Cc: Mayor and City Commissioners
FROM: Emilio H. Garcia, City-County Health Director *EAG*
SUBJECT: Section 11-7-17 thru 11-17-18 Permit provisions & Food handling
Certification required & fees
Date: November 13, 2014

The City-County Board of Health held their bi-monthly meeting on Thursday, October 30, 2015 at the City-County Health Department. Several user fees and permit fees for Food Service were introduced to the Board of Health for their review and consideration for approval. The user fees and permit fees for food service have not be evaluated and increased since November 11, 2000 (Ord. 200022) 14 years ago. With increasing costs for fuel (gasoline), employee salaries, vehicle insurances and employee health insurances; it is time to increase the City of Kingsville food service fees to a more reasonable level. Therefore we are requesting that this item be placed on the agenda for the next City Commissioners meeting. Also attached you will find the Board of Health minutes and approval (The motion Passed: 6-0) for all food service user and permit fees. The City-County Board of Health requests that the City Commission also approves their recommendation for the food service fee increases.

Thank you,

CITY COUNTY HEALTH BOARD

REGULAR MEETING MINUTES

OCTOBER 30, 2014

Health Board Members Present

Otis Myers, Chairman
Joni Harrel
Ben Salinas
Judy Anthony
Karen Tallant
Norma Sue Adrian

Health Board Members Absent

Dr. Justin Harkey

Citizens Present

Staff Present

Emilio H. Garcia, Health Director
Monica Longoria, Administrative Assistant II

1. Call meeting to order.

The meeting was called to order at 5:31 pm.
Chairman Otis Myers conducted the meeting.

2. Public comments on items on or off the agenda*:

N/A

3. Discuss and approve minutes of August 21, 2014:

Motion to approve minutes was made by Judy Anthony and seconded by Karen Tallant.
The motion Passed: 6/0

4. Discuss and approve August 2014 and September 2014 Monthly Reports:

The board asked questions and discussed the monthly reports. Judy Anthony asked Mr. Garcia to start showing the compliance percentage for sterilization agreements.
Motion to approve reports was made by Joni Harrel and seconded by Ben Salinas.
The motion Passed: 6/0

5. Reports from Board & Staff:

The board had a short discussion regarding the Food Service Reports.
Motion to accept reports was made by Norma Sue Adrian and seconded by Ben Salinas.
The motion Passed: 6/0

6. Discuss old business:

a. Discuss final approval of all Animal Control Fees

There was a discussion on the Pet Licensing Fees for cats and why it was set the same for sterilized and

unsterilized cats. Karen Tallant suggested the licensing fee set for sterilized and unsterilized dogs should also apply to cat licensing. The board also discussed the need to do sterilization before the adoption of the animal out of the shelter.

7. Discuss new business;

a. Discuss Adoption practices and adoption form

New Adoption form was reviewed and begin date for use will be January 1st.

A motion to accept the new Adoption form was made by Karen Tallant and seconded by Ben Salinas.

Motion passed 6/0

b. Discuss Euthanasia (PTS) practices

Euthanasia practices were discussed, including whether or not animal control euthanizes pregnant animals and what becomes of litters that are born in the shelter.

c. Discuss Sterilization Agreement Contract and take any action as deemed

This item was tabled for next board meeting due to lack of information. A veterinarian's recommendation about what the appropriate age to get animal sterilized is will be presented to the board at the next meeting.

d. Discuss and approve all Food Establishment Permit Fees

The board reviewed the proposed Food Service schedule of fees for 2015.

The Board suggested the following fees:

Temporary Event Permits: \$30.00 for Profit and \$20.00 for Non-Profit organizations.

Annual Food Permits: \$150.00 for both City and County.

Food Establishment Re-inspection fee (for failing score): \$50.00

Mobile Unit Food Permit: \$125.00 for both City and County.

Food Handler Permits: Employment \$15.00 per person-valid for 2 years

Fundraiser: \$25.00 per Organization-valid for 2 years

Foster Inspection: \$50.00

Foster Re-inspection: \$50.00

e. Discuss and approve the fee(s) and application form for implementing a city pet license for the City of Kingsville.

This item was tabled for next board. The board would like to discuss in further detail.

Set date for next Health Board meeting-December 18, 2014.

8. Adjourn.

Motion to adjourn was made by Judy Anthony and seconded by Karen Tallant.

The motion Passed 6/0.

Meeting adjourned at 7:20 pm.

AGENDA ITEM #3

ORDINANCE # 2015-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XI, ARTICLE 7, FOOD SALES AND FOOD ESTABLISHMENTS, SECTIONS 17 & 18, PROVIDING FOR CHANGES FOR USER FEES, PERMIT FEES, AND LENGTH OF LICENSES AND ADDING A RE-INSPECTION FEE; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City-County Health Board held a duly posted public meeting on October 30, 2014 and voted 6-0 to recommend increases to certain health ordinance fees that had not been updated since 2000 and 2007, in order to cover the cost to provide the service and to add a re-inspection fee for food establishments that fail an inspection;

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

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

I.

THAT Section 11-7-17 and Section 11-7-18 of Article 7: Food Sales and Food Establishments of Chapter XI, Business Regulations, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

ARTICLE 7: FOOD SALES AND FOOD ESTABLISHMENTS

§ 11-7-17 PERMIT PROVISIONS.

(A) It shall be unlawful for any person to operate a food service establishment, temporary food service, food processing establishment, mobile food unit, seafood peddler, and retail food store in the city who does not possess a current, valid permit from the city. Such permit shall be posted in a conspicuous place, and only persons who comply with the requirements of this subarticle shall be entitled to receive and retain such a permit.

(B) Such permit may be temporarily suspended or revoked by the Health Director or Inspector upon the violation by the holder of any of the terms of this subarticle.

(1) *Fees.* Each person required to secure a permit under this subarticle shall, before issuance of any permit, pay to the city the sum herein provided as an inspection

and permit fee according to the following schedule:

	Permits expiring prior to 12/31/15	Permits expiring on or after 12/31/15
Food service establishments	\$100	\$150
Mobile units	\$100	\$125
Retail food stores	\$100	\$150
Temporary food establishments	\$25	\$30
Temporary food event (non- profit)		\$20
Late fee	\$25	\$50
Seafood peddler	\$100	\$125
Produce peddler		\$125

(2) *Expiration and renewal.*

(a) Permits issued for food establishments, mobile units, retail food stores, shall automatically expire on the 31st day of December next following its issuance, except as otherwise stated herein. Such permit shall also automatically expire if the holder thereof changes the location of his place of business, sells, transfer equity, or otherwise disposed of such business or materially changes the character of such business.

(b) Upon the expiration of a permit, and within 30 days thereafter, the person conducting the business shall obtain a renewal thereof in the same manner as an original permit, if he wishes to continue operating the business. Failure by an establishment to pay this fee within 30 days will require such establishment to pay an additional \$25 late fee.

(c) Temporary food establishment permits shall be issued only for 14 days or less in conjunction with a single event or celebration.

(3) *Re-inspection Fee.* If a food establishment, mobile unit, or retail food store fails an inspection by the Health Department, then a \$50 re-inspection fee shall be paid for each re-inspection by Health Department personnel.

(Ord. 94001, passed 1-10-94; Am. Ord. 200022, passed 11-20-00) Penalty, see § 11-7-99

§ 11-7-18 FOOD HANDLING CERTIFICATION REQUIRED; REVOCATION; DISPLAY.

(A) Certification.

(1) All employees and/or individuals who work or assist in food service, temporary food service, food processing establishments, retail food stores, or mobile food units must obtain food handling certification before beginning to work. A minimum of two hours of food sanitation training for each employee is required every ~~two~~ three years to ensure employee performance of their duties in accordance with food service sanitation ordinances rules and regulations.

(2) This training shall be an approved Health Department course.

(a) A fee of ~~\$15~~ \$10.00 will be charged for each food handler permit issued by the Health Department.

(b) A non-profit organization will be charged a fee of ~~\$25~~ \$20.00 for members of the organization who will assist in food preparation as long as the organization is able to show Form 990 and/or documents from the State of Texas showing non-profit exempt status.

(3) A food handler's permit shall be valid for a period of ~~two~~ three years from the date of issuance, unless valid permit is sooner revoked by the City Health Director or Inspector.

(B) Revocation. If inadequate hygienic performance is demonstrated by the employee and such unsatisfactory performance is a result of material violations of food service sanitation ordinances, rules or regulations, the Health Director or Inspector may revoke the food handler's permit.

(C) Posting. Each food handler permit shall be at all times kept posted, filed or otherwise readily available for viewing by a Health Director or Inspector.
(Ord. 94001, passed 1-10-94; Ord. 2007-02, passed 1-8-07) Penalty, see § 11-7-99

...

II.

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

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a

court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

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

INTRODUCED on this the 12th day of January, 2015.

PASSED AND APPROVED on this the ____th day of January, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

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If all new fees are approved by City Manager, Vincent J. Capell, the Mayor and the City Commission the new fees will go into effect in January 1, 2015.

↓
With the exception of the Food Establishments
Annual Permits that will go into effect for
the year 2016.

Food Establishment Fees and Permits from Surrounding Cities

City	Food Permit Fee	Who Collects	Annually	Re-inspections for a failing score fee	Food Handler Card fee	Years	Day Care & Foster Home Annual Fees
Kingsville, Texas	\$100.00	City	Yes	No	\$0.00	3	No Inspections Fee
Portland, Texas							
Ingleside, Texas							
Ingleside by the Bay, Texas							
Sinton, Texas							
Gregory, Texas							
Taft, Texas							
Mathis, Texas							
Odem, Texas							
Mathis on the Lake, Texas							
McAllen, Texas	Employee Scale 0-3 = \$50.00 4-6 = \$75.00 7-9 = \$150.00 10-15 = \$200.00 16-Over = \$300.00	San Patricio County	Yes	Yes	\$50.00	3	\$30.00
Alice, Texas	1-10 = \$100.00 11-Over = \$150.00	City	Yes	No	\$0.00	3	No Inspections Fee
South Padre Island, Texas	\$100.00	City	Yes	No	\$0.00	0	\$60.00
Corpus Christi, Texas	\$100.00	City	Yes	Yes	\$50.00	0	No Inspections
Port Aransas, Texas	1-9 = \$205.00 10-25 = \$330.00 26-50 = \$480.00 51-100 = \$630.00 101-Over = \$780.00	Nueces					
Agua Dulce, Texas		City	Yes	Yes	\$50.00	2	\$50.00
Banquette, Texas							
Bishop, Texas							
Harlingen, Texas	1-2 = \$40.00 3-5 = \$60.00 6-9 = \$80.00 10-Over = \$100.00	City	Yes	Yes	\$50.00	0	\$40.00
Edingburg, Texas	1-10 = \$100.00 11-Over = \$150.00	City	Yes	No	\$0.00	2	Day Care Inspection \$100.00
Mission, Texas	1-10 = \$50.00 11-Over = \$100.00	City	Yes	No	\$0.00	2	No Inspection Fee

City rankings of Food Service revenue (Fees) from the highest to the lowest in the surrounding region.

- 1. Corpus Christi, Texas
- Port Aransas
- Agua Dulce
- Banquette
- Bishop

- 2. San Patricio County
- Potland
- Ingleside
- Sinton
- Gregory
- Taft
- Mathis
- Odem
- Mathis on the Lake
- Ingleside by the Bay

- 3. Edingburg, Texas

- 4. McAllen, Texas

- 5. Harlingen, Texas

- 6. Alice, Texas

- 7. South Padre Island, Texas

- 8. Kingsville, Texas

- 9. Mission, Texas

Current

• **Sec. 11-7-18. - Food handling certification required; revocation; display.**

(A)

Certification.

(1)

All employees and/or individuals who work or assist in food service, temporary food service, food processing establishments, retail food stores, or mobile food units must obtain food handling certification before beginning to work. A minimum of two hours of food sanitation training for each employee is required every three years to ensure employee performance of their duties in accordance with food service sanitation ordinances rules and regulations.

(2)

This training shall be an approved Health Department course.

(a)

A fee of \$10.00 will be charged for each food handler permit issued by the Health Department.

(b)

A non-profit organization will be charged a fee of \$20.00 for members of the organization who will assist in food preparation as long as the organization is able to show Form 990 and/or documents from the State of Texas showing non-profit exempt status.

(3)

A food handler's permit shall be valid for a period of three years from the date of issuance, unless valid permit is sooner revoked by the City Health Director or Inspector.

(B)

Revocation. If inadequate hygienic performance is demonstrated by the employee and such unsatisfactory performance is a result of material violations of food service sanitation ordinances, rules or regulations, the Health Director or Inspector may revoke the food handler's permit.

(C)

Posting. Each food handler permit shall be at all times kept posted, filed or otherwise readily available for viewing by a Health Director or Inspector.

(Ord. 94001, passed 1-10-94; Ord. 2007-02, § I, passed 1-8-07)

Cross reference—Penalty, see § 11-7-99.

Proposed Increases

- **Sec. 11-7-18. - Food handling certification required; revocation; display.**

(A)

Certification.

(1)

All employees and/or individuals who work or assist in food service, temporary food service, food processing establishments, retail food stores, or mobile food units must obtain food handling certification before beginning to work. A minimum of two hours of food sanitation training for each employee is required every two years to ensure employee performance of their duties in accordance with food service sanitation ordinances rules and regulations.

(2)

This training shall be an approved Health Department course.

(a)

A fee of \$15.00 will be charged for each food handler permit issued by the Health Department.

(b)

A non-profit organization will be charged a fee of \$25.00 for members of the organization who will assist in food preparation as long as the organization is able to show Form 990 and/or documents from the State of Texas showing non-profit exempt status.

(3)

A food handler's permit shall be valid for a period of two years from the date of issuance, unless valid permit is sooner revoked by the City Health Director or Inspector.

(B)

Revocation. If inadequate hygienic performance is demonstrated by the employee and such unsatisfactory performance is a result of material violations of food service sanitation ordinances, rules or regulations, the Health Director or Inspector may revoke the food handler's permit.

(C)

Posting. Each food handler permit shall be at all times kept posted, filed or otherwise readily available for viewing by a Health Director or Inspector.

(Ord. 94001, passed 1-10-94; Ord. 2007-02, § 1, passed 1-8-07)

Cross reference—Penalty, see § 11-7-99.

Current

• Sec. 11-7-17. - Permit provisions.

(A)

It shall be unlawful for any person to operate a ~~food service~~ establishment, temporary ~~food service~~, ~~food~~ processing establishment, mobile ~~food~~ unit, seafood peddler, and retail ~~food~~ store in the city who does not possess a current, valid permit from the city. Such permit shall be posted in a conspicuous place, and only persons who comply with the requirements of this subarticle shall be entitled to receive and retain such a permit.

(B)

Such permit may be temporarily suspended or revoked by the Health Director or Inspector upon the violation by the holder of any of the terms of this subarticle.

(1)

Fees. Each person required to secure a permit under this subarticle shall, before issuance of any permit, pay to the city the sum herein provided as an inspection and permit fee according to the following schedule:

Food service establishments	\$100.00
Mobile units	100.00
Retail food stores	100.00
Temporary food establishments	25.00
Late fee	50.00
Seafood peddler	100.00

(2)

Expiration and renewal.

(a)

Permits issued for ~~food~~ establishments, mobile units, retail ~~food~~ stores, shall automatically expire on the 31st day of December next following its issuance, except as otherwise stated herein. Such permit shall also automatically expire if the holder thereof changes the location of his place of business, sells, transfer equity, or otherwise disposed of such business or materially changes the character of such business.

(b)

Upon the expiration of a permit, and within 30 days thereafter, the person conducting the business shall obtain a renewal thereof in the same manner as an original permit, if he wishes to continue operating the business. Failure by an establishment to pay this fee within 30 days will require such establishment to pay an additional \$25.00 late fee.

(3)

Temporary ~~food~~ establishment permits shall be issued only for 14 days or less in conjunction with a single event or celebration.

(Ord. 94001, passed 1-10-94; Ord. 200022, passed 11-20-00)

Cross reference—Penalty, see § 11-7-99.

Proposed Increases

- **Sec. 11-7-17. - Permit provisions.**

(A)

It shall be unlawful for any person to operate a food service establishment, temporary food service, food processing establishment, mobile food unit, seafood peddler, and retail food store in the city who does not possess a current, valid permit from the city. Such permit shall be posted in a conspicuous place, and only persons who comply with the requirements of this subarticle shall be entitled to receive and retain such a permit.

(B)

Such permit may be temporarily suspended or revoked by the Health Director or Inspector upon the violation by the holder of any of the terms of this subarticle.

(1)

Fees. Each person required to secure a permit under this subarticle shall, before issuance of any permit, pay to the city the sum herein provided as an inspection and permit fee according to the following schedule:

Food service establishments	\$ 150.00
Mobile units	\$ 125.00
Retail food stores	\$ 150.00
Temporary food establishments	\$ 30.00
Temporary food event (non-profit)	\$ 20.00
Late fee	\$ 50.00
Seafood & Produce peddler	\$ 125.00

(2)

Expiration and renewal.

(a)

Permits issued for food establishments, mobile units, retail food stores, shall automatically expire on the 31st day of December next following its issuance, except as otherwise stated herein. Such permit shall also automatically expire if the holder thereof changes the location of his place of business, sells, transfer equity, or otherwise disposed of such business or materially changes the character of such business.

(b)

Upon the expiration of a permit, and within 30 days thereafter, the person conducting the business shall obtain a renewal thereof in the same manner as an original permit, if he wishes to continue operating the business. Failure by an establishment to pay this fee within 30 days will require such establishment to pay an additional \$25.00 late fee.

(3)

Temporary food establishment permits shall be issued only for 14 days or less in conjunction with a single event or celebration.

**CITY OF KINGSVILLE, TEXAS
FOOD SERVICE DIVISION
SCHEDULE FEES**

ANNUAL FOOD PERMIT		FEE	
Food service establishments		\$150.00	
Retail food stores		\$150.00	
Mobile units		\$125.00	
Late fee		\$50.00	
Temporary food establishment		\$30.00	
Temporary food establishment (non-profit)		\$20.00	
Seafood & Produce peddler		\$125.00	
FOOD HANDLING CERTIFICATION		FEE	YEARS
Regular food handler card (individuals)		\$15.00	2
Fundraiser food handler card (non-profit organizations only)		\$25.00 per group	2

AGENDA ITEM #4

ORDINANCE NO. 2015- _____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER XV, ARTICLE 6, ZONING, PROVIDING FOR THREE ALTERNATE BOARD OF ADJUSTMENT MEMBERS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

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

WHEREAS, this ordinance is necessary for the efficient and timely administration of city business as Zoning Board of Adjustment (ZBA) meetings must be noticed through advertisement in the newspaper and mailing out letters to property owners within 200 feet of the site or parcel in question, and when a meeting must be cancelled due to a lack of quorum it is costly and slows this process;

WHEREAS, the Texas Local Government code section 211.008(c) allows for the appointment of alternate board members to serve in the absence of one or more regular members when requested to do so by the mayor or city manager;

WHEREAS, the statute provides that an alternate member serves for the same period as a regular ZBA board member (two years) and is subject to removal in the same manner as a regular board member, as are the alternates vacancies are filled the same as regular board members;

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

I.

THAT Section 15-6-157 of Article 6: Zoning of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§15-6-157 BOARD OF ADJUSTMENT.

- (A) *Organization.* The Board of Adjustment shall consist of five members each to be appointed by the City Commission for a term of two years. ~~The Board of Adjustment shall also consist of three alternate members, each to be appointed by the City Commission for a term of two years, who will serve in the absence of one or more regular members when requested to do so by the mayor or city manager.~~ Any member may be removed by the City Commission upon written charges after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. **A**

maximum of five members may attend and vote at a Board of Adjustment meeting.

II.

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

III.

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

IV.

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

INTRODUCED on this the 12th day of January, 2015.

PASSED AND APPROVED on this the 26th day of January, 2015.

EFFECTIVE DATE: _____

Sam R. Fugate, Jr., Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

To: Vince Capell, City Manager

From: Tom Ginter, Director of Planning and Development Services

TJ

Date: January 16, 2015

Subject: Agenda Item: Ordinance amending the City of Kingsville Code of Ordinances, Chapter XV, Article 6, Zoning, providing for three alternate Board of Adjustment members

As I stated at the last meeting this amendment would allow us to conduct business if a member was out of town or had a conflict of interest. Once the three members are appointed we would just make a list and when we needed one to come to the meeting then we would call them to let them know that we were in need of another member or two if that is the case. We will try to inform the alternates as soon as possible, once we were aware of not having enough of the other members to show up. We can have agenda packets sent to them even if they are not needed for that particular meeting. Clearly if they want to attend the meetings they are more than welcome to do that. Please have your alternates ready to be appointed because we do have a meeting scheduled for February 12th.

To: Vince Capell, City Manager

From: Tom Ginter, Director of Planning and Development Services *TG*

Date: January 2, 2015

Subject: Agenda Item Jan. 12, 2015 Amendment to Ordinance Section 15-6-157

The issue of getting a quorum for the Zoning Board of Adjustment has come to the forefront as of late. This is my recommendation as attempt to prevent that from happening in the future. State law allows the governing body to appoint alternates to the Board of Adjustment. This is done by communities so business can be conducted despite the fact that one or two if its members may not be able to attend the meeting. For the Board of Adjustment to conduct business four of the five members must show up to conduct business. Because of that I am also recommending that three alternates be appointed.

I have conferred with the City Attorney and she has drafted an amendment to the ordinance which is attached.

It is hoped that at the January 26, 2015 City Commission meeting three alternates could be appointed to the Board of Adjustment.

Tom Ginter

From: Courtney Alvarez
Sent: Monday, December 22, 2014 2:22 PM
To: Tom Ginter
Subject: Draft ZBA Ordinance
Attachments: ZBA Member Size Am-dr1-011215.doc

Tom,

Based on our conversation today of the results of the research on this issue, attached please find a draft ordinance amending the Code of Ordinances to allow for three alternate Board of Adjustment members. The language tracks the state statute, which is cited in the Whereas section of the document. Code of Ordinance section 15-5-157(l) already states that the vote of four members is required for an item to be approved. The last sentence to section 15-6-157(A) was added to clarify that there should not be more than five members (regular and alternates combined) present and voting at a meeting.

Please contact me with any questions or comments. Any revisions, along with a staff memo, would need to be received by January 2, 2015 in order to make the January 12th City Commission meeting agenda.

Thanks,
Courtney

ORDINANCE NO. 2015- _____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER XV, ARTICLE 6, ZONING, PROVIDING FOR THREE ALTERNATE BOARD MEMBERS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

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

WHEREAS, this ordinance is necessary for the efficient and timely administration of city business as Zoning Board of Adjustment (ZBA) meetings must be noticed through advertisement in the newspaper and mailing out letters to property owners within 200 feet of the site or parcel in question, and when a meeting must be cancelled due to a lack of quorum it is costly and slows this process;

WHEREAS, the Texas Local Government code section 211.008(c) allows for the appointment of alternate board members to serve in the absence of one or more regular members when requested to do so by the mayor or city manager;


WHEREAS, the statute provides that an alternate member serves for the same period as a regular ZBA board member (two years) and is subject to removal in the same manner as a regular board member, as are the alternates vacancies are filled the same as regular board members;

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

I.

THAT Section 15-6-157 of Article 6: Zoning of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§15-6-157 BOARD OF ADJUSTMENT.

- (A) *Organization.* The Board of Adjustment shall consist of five members each to be appointed by the City Commission for a term of two years. ~~The Board of Adjustment shall also consist of three alternate members, each to be appointed by the City Commission for a term of two years, who will serve in the absence of one or more regular members when requested to do so by the mayor or city manager.~~ Any member may be removed by the City Commission upon written charges after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. 

maximum of five members may attend and vote at a Board of Adjustment meeting.

...

II.

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

III.

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

IV.

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

INTRODUCED on this the 12th day of January, 2015.

PASSED AND APPROVED on this the 26th day of January, 2015.

EFFECTIVE DATE: _____

Sam R. Fugate, Jr., Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #5

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE CITY OF KINGSVILLE AUTHORIZING THE RELEASE OF CHAPTER 59 FUNDS OF THE KINGSVILLE SPECIALIZED CRIMES AND NARCOTICS TASK FORCE FOR DONATION TO COMMUNITIES IN SCHOOLS FOR A DRUG AND ALCOHOL PREVENTION PROGRAM.

WHEREAS, the Texas Code of Criminal Procedure, Article 59.06(h) allows for the release of Chapter 59 funds for nonprofit programs for the prevention of drug abuse;

WHEREAS, Communities in Schools is a non-profit organization working to (1) turn the tide against drug and alcohol abuse in the Kingsville community and (2) make a positive statement to our young people about living a drug-free and alcohol-free lifestyle by implementing a drug and alcohol prevention program for students attending schools in the Kingsville Independent School District, the community and their families; and

WHEREAS, Communities in Schools has developed a program called FOCUS (Focusing On Children Uniting against Substances) to educate students ages 5-17 and their families on short and long term effects of alcohol, tobacco and other drugs;

WHEREAS, the FOCUS program will also disseminate information at health fairs, PTA meetings, Red Ribbon Kick-off, etc.

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

I.

THAT the City Commission authorizes the Kingsville Specialized Crimes and Narcotics Task Force to assist with a \$5,000 donation to the Communities in Schools to help educate young people about living a drug-free and alcohol-free lifestyle and comply with any reporting requirement the Task Force may designate.

II.

THAT local elected representatives shall be encouraged to promote, endorse, and support Communities in Schools for the benefit of the community.

PASSED AND APPROVED by a majority vote of the City Commission on the 26th day of _____ January _____, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



**KINGSVILLE SPECIALIZED CRIMES
AND NARCOTICS TASK FORCE**

P. O. BOX 213

KINGSVILLE, TEXAS 78364

tfadmin@kingsvilletaskforce.com

(361) 595-5778

Fax (361) 595-5781



January 9, 2015

Mr. Vincent J. Capell
City Manager
City of Kingsville, Texas

Mr. Capell,

The Kingsville Specialized Crimes & Narcotics Task Force has received a Chapter 59 donation request from the Communities In Schools of the Coastal Bend. This organization has submitted an application to the Kingsville Task Force and their request has been approved by me.

The Kingsville Task Force's 2014/2015 Annual Budget was approved with a total of \$30,000.00 allocated in the Donation's line item (008-5-2330-31444). This donation request of \$5,000.00, if approved, will be distributed by the Kingsville Task Force. Two previous donations of \$5,000.00 were distributed last November 2014. The above organization will receive a \$5,000.00 donation resulting in an account balance of \$15,000.00 remaining for donations to other groups.

If you approve this request, can it be placed on the Regular City's Commissioners Court Agenda for Monday January 26, 2015? Your kind consideration to this request is greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Guillermo Vera".

Guillermo "Willie" Vera, Commander
Kingsville Specialized Crimes & Narcotics Task Force

Attachments

**KINGSVILLE SPECIALIZED CRIMES
AND NARCOTICS TASK FORCE
APPLICATION FOR CHAPTER 59 DONATION**

1. **APPLICANT'S**
NAME Gloria Taylor ADDRESS CIS of the PHONE 361-696-4030
Executive Director Coastal Bend
2. **ORGANIZATION'S**
NAME Communities In Schools ADDRESS P.O. Box 331203 PHONE 361-438-5971
3. **NARRATIVE: explain what will be done with the contribution to insure compliance with the disposition of forfeited property under Chapter 59 of the Texas Code of Criminal Procedure and the number of citizens it will affect in our community.**

Communities In Schools proposes to implement a drug and alcohol prevention program through the support of the City of Kingsville Specialized Crimes and Narcotics TASK Force Chapter 59 Donation to students attending schools in Kingsville Independent School District. The goal of the FOCUS (Focusing On Children Uniting against Substances) program is to educate participants ages 5-17 and their families on short and long term effects of alcohol, tobacco and other drugs. The activities proposed offers various methods such as but not limited to small groups, wide school events and curriculums. The CIS program will also disseminate information at health fairs, PTA meetings, Red Ribbon week, week without violence, Child Abuse Month etc. Below is an outline of **additional main events that have been very popular**; therefore we would like continue to implement in 2015.

H.M. King High School

End of the Year DRUG FREE Bash (whole school)

Date: last day of school: June 4, 2015

Time: 10:30 - 1:30, during lunches and for an hour after school was let out

Place: track at H.M. King High School

Description: Students will be invited to attend the drug free bash during their lunch period on the last day of school and for an hour after the final bell students were able stay and take part in different activities. Activities included: obstacle course, bungee run, rock wall, tricycle races with intoxication goggles on. Drug Free items were raffled off throughout the afternoon to the students.

J.S. Gillett Intermediate & Memorial Middle

Drug (whole school)/Motivational Speaker/ End of the Year Drug Free Event

Date: May 29, 2015

Time: 7:00 p.m. – 10:00 p.m.

Place: J.S. Gillett Intermediate School Gym

Description: Students will be invited to attend the lock-in and participate in numerous activities, which included karaoke, a game room with the Wii Nintendo System and other board games, movies, a 3 on 3 basketball tournaments, and luau activities. Students will also be provided a sit down dinner with presentations. A drug free motivational talk will be held and a presentation with the DUI goggles.

APPROVED: Guillermo Vera, Cmdr.
Commander

DATE: 01/07/15 TIME: 4 PM

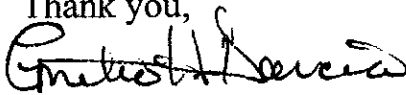
AGENDA ITEM #6

Memorandum

Date: 1/16/2015
To: Vincent Capell, City Manager
CC: Courtney Alvarez, City Attorney
From: Emilio H. Garcia, City-County Health Director
RE: Health Board Reappointment

Please be advised that the Health Board terms for Karen Tallant expired on October 10, 2014. I have spoken to Karen Tallant and she agreed to remain on the Board. The re-appointment to the Health Board is for 3 years. It is my recommendation that Mrs. Tallant be re-appointed to the Health Board.

I am requesting that the City Commission consider her re-appointment at the next Regular Commission meeting.

Thank you,

Emilio H. Garcia
City-County Health Director

City-County Board of Health						
Appointed and Confirmed by City & County Commissioner's						
Meeting: 3rd Week of Every Other Month (Thursday) @ 5:30 p.m.						
City-County Appointee: 3 year term						
MEMBER	Address	Phone #	Date Appointed	Term Expires	Date Re-appointed	Term Expires
Norma Sue Adrian	[REDACTED]	[REDACTED] (HM)	9/23/2013-City	9/23/2016		
	Kingsville, Texas 78363		10/15/2013-Cnty	10/15/2016		
	[REDACTED]					
City Appointees: 3 year term						
Joni B. Harrel	305 N. 1ST ST.	[REDACTED] (HM)	10/23/2009	10/23/2009	2/22/2012	2/22/2013
	Kingsville, Texas 78363				5/13/2013	5/13/2016
	[REDACTED]					
Otis Myers	[REDACTED]	[REDACTED] (HM)	10/23/2009	10/23/2009	2/22/2010	2/22/2013
	Kingsville, Texas 78363	[REDACTED] (MB)			5/13/2013	5/13/2016
	[REDACTED]					
Karen Tallant	[REDACTED]	[REDACTED] (HM)	10/10/2011	10/10/2014		
	Kingsville, Texas 78363					
	[REDACTED]					
County Appointees: 3 year term						
Judy Anthony	[REDACTED]	[REDACTED] (HM)	6/14/2001	6/14/2004	2/22/2010	2/22/2013
	Kingsville, Texas 78363	[REDACTED] (MB)			9/9/2013	9/9/2016
	[REDACTED]					
Ben Salinas	[REDACTED]	[REDACTED] (HM)	8/15/2011	8/15/2014		
	Kingsville, Texas 78363	[REDACTED] (MB)				
	[REDACTED]					
Dr. Justin Harkey	[REDACTED]	[REDACTED] (WK)	2/24/2014	2/24/2017		
	Kingsville, Texas 78363	[REDACTED] (MB)				
	[REDACTED]					

AGENDA ITEM #7

RESOLUTION NO. 2015- _____

A RESOLUTION AUTHORIZING THE CITY OF KINGSVILLE TO CONTINUE PARTICIPATION IN THE TEXAS MAIN STREET PROGRAM, AUTHORIZING THE MAYOR TO EXECUTE THE TEXAS MAIN STREET LOCALLY DESIGNATED PROGRAM 2015 CONTRACT, AND DESIGNATING DOWNTOWN MANAGER CYNTHIA MARTIN AS THE MAIN STREET PROGRAM MANAGER FOR THE CITY OF KINGSVILLE TO COORDINATE PROGRAM ACTIVITIES.

WHEREAS: The Texas Main Street Program of the Texas Historical Commission has been created to assist small cities to develop a public/private effort to revitalize their "Main Street" area, and Kingsville was recently selected in 2011 to participate in the Texas Main Street Program and would like to continue to participate in 2015; and,

WHEREAS: The City of Kingsville desires to maintain its designation as a Texas Main Street to assist with the improvement and revitalization of our downtown area; and,

WHEREAS: The Mayor needs to execute the Texas Main Street Locally Designated Program 2015 Contract on behalf of the City to continue participation in this program; and,

WHEREAS: The City of Kingsville has hired Cynthia Martin as the Downtown Manager to assist the City with overseeing the "Main Street" area and the Texas Main Street Program.

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

SECTION 1. That the City of Kingsville will continue participation in the 2015 Main Street Program with the specific goal of revitalizing the central business district within the context of the preservation and rehabilitation of its historic buildings.

SECTION 2. That the City of Kingsville will provide an adequate budget to employ a full-time Main Street Program Manager for a minimum of three years from its original designation date in 2011, and provide funds for the training of the Main Street Program Manager and the operating expenses of the program.

SECTION 3. That the Mayor be authorized to execute the Texas Main Street Locally Designated Program 2015 Contract on behalf of the City of Kingsville.

SECTION 5. That this Resolution shall be and become effective on or after adoption.

PASSED, APPROVED, AND ADOPTED by a majority vote of the City Commission this 26th day of January, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

Date: January 15, 2015

To: Courtney Alvarez, City Attorney and Vince Capell, City Manager

Cc: Mary Valenzuela, City Secretary

From: Cynthia Martin, Downtown Manager

Re: Continued participation in the Texas Main Street Program

The City of Kingsville is currently participating in the Texas Main Street Program. Participation in the program requires the City to sign a new agreement each year, to have a Main Street Manager and to provide an adequate budget to cover the operating expenses of the program.

The Texas Main Street Program is one of the oldest, largest and most respected Main Street Programs having been one of the first state coordinating programs created in 1981. The Texas Main Street Program was created to assist cities to develop a public/private effort to revitalize their "Main Street" area. In 1982, Kingsville was one of the first cities to be designated a Main Street community. Kingsville rejoined the program in 2011 and our continued participation in the program would be of benefit to the City.

TEXAS HISTORICAL COMMISSION

**Texas Main Street Locally Designated Program
2015 Contract**

I. PARTIES TO THE CONTRACT

This contract and agreement concerning **Kingsville Main Street Program** is entered into this first day of January 2015 between the **Kingsville Main Street Program** and the Texas Historical Commission Texas Main Street Program (hereinafter referred to as TMSP).

II. SERVICES TO BE PERFORMED BY TMSP

A. **Professional development.** The Main Street manager/assistant will attend two Main Street/preservation-specific professional development opportunities in their entirety per year from the list below. Professional development is a scored category in the annual report (see section III.D.8, 9.).

1. TMSP Basic Training (Feb.10–11, 2015, Nacogdoches). Required for new managers.
2. TMSP Winter Professional Development for all managers (Feb. 11–13, 2015, Nacogdoches).
3. TMSP Basic Training (Date/Location TDB). Required for new managers who did not attend Basic Training in January.
4. TMSP Summer Professional Development. (Date/Location TDB).
5. Texas Downtown Association/Texas Main Street Annual Conference (Nov. 3–6, 2015, Waxahachie).
6. National Main Street Conference (March 30–April 2, 2015, Atlanta, GA).
7. National Preservation Conference of the National Trust for Historic Preservation (Nov. 3–6, 2015, Washington, DC).

If necessary, experienced managers may substitute non-Main Street specific, relevant professional development for one of the above events with prior approval of the TMSP office.

If a replacement manager is hired who has not previously attended Main Street basic training, the manager is required to attend one series of Basic Training/Professional Development (#1-2 and/or #3-4). A \$500 stipend is charged to the sustaining city for this training series.

To help ensure an effectively-functioning local program, local program boards/volunteers are encouraged to attend any TMSP educational opportunity. No stipend is charged for their participation.

B. **Brand and Network.** This Contract for Services constitutes recognition of your city as an official Texas Main Street program and allows use of the National Main Street Center brand (see “Name Use Policy” at www.mainstreet.org). If participation ceases, the local program may no longer use the term ‘Main Street’ to describe the program. Designation allows full participation in the TMSP network including the Texas Main Street manager electronic listserv and the professional development opportunities noted above.

- C. **On-site visits/technical expertise.** All professional services of the TMSP office are available to designated programs in good standing, including those provided through site visits to address design, economic development and organizational/program capacity issues. Services may include, but are not limited to: façade renderings/technical reports, preservation and historic building expertise by licensed architects and other design professionals; business development and funding advice, board training/program capacity-building and strategic planning.
- D. **Securing a Main Street Manager.** Should a replacement manager be needed, the TMSP can assist with all elements of the hiring process, including creating job descriptions, job posting and interviewing.

III. **RESPONSIBILITIES OF THE Kingsville Main Street Program**

- A. **Staffing. Kingsville Main Street Program** shall employ a full-time paid program manager who will attend at least two professional development segments as outlined in section II.A. The full-time Main Street position is required for the first three years in the program. If necessary, a small-city program may split the position after the first three years so that the manager may also have specific economic development, tourism or other relevant duties. The position must still remain full time. The local program should move forward in an efficient manner to fill a manager vacancy and the state coordinator should be kept apprised of progress in filling vacancies. An urban program shall additionally employ a full-time assistant program manager who should also participate in the aforementioned professional development.
- B. **Funding.** Regardless of whether the program functions as a non-profit or within local government, **Kingsville Main Street Program** shall continually demonstrate financial commitment and an ability to fund the program to the satisfaction of the TMSP.
- C. **Commitment. Kingsville Main Street Program** agrees to adopt and commit to the national Main Street strategy consisting of the following ten criteria:
 - 1. **Broad-based support for the downtown revitalization process.** The goal is for public and private sectors to understand, be philosophically committed to and commit the maximum resources possible to achieve commercial district revitalization.
 - 2. **Be vision and mission driven.** The vision crystallizes the organization's long-term hopes and the mission provides purpose and direction.
 - 3. **Strategic Plan of Work/Plan of Action.** The program shall operate under a comprehensive work or action plan that provides a blueprint for activities, reinforces accountability and measures success.
 - 4. **Historic preservation ethic.** Historic preservation includes processes for rehabilitating, renovating and restoring older commercial buildings in addition to land use and planning policies that encourage full use of the existing commercial centers and which removes barriers to revitalizing the historic Main Street district. Effective local programs keep abreast of potential and existing activity impacting the physical character of the district involving historic buildings, new construction, public spaces

and infrastructure. Local programs should seek the advice of the TMSP design staff for projects in the Main Street district.

5. **Active volunteers.** Active involvement of and leadership by a board and committee or task volunteers is critical. Board and volunteers should also understand and abide by the Main Street organizational model that differentiates between the roles of volunteers and the program manager.
6. **Adequate operating budget.** To be successful and achieve sustainability, a Main Street Program must have the financial resources necessary to carry out its work plan.
7. **Program Manager.** As outlined in III.A above.
8. **Ongoing education for staff and volunteers.** Outlined in section I.A.
9. **Reporting.** To measure progress, the local program will track statistics such as reinvestment and job/business creation and report them to the state office the 10th of the month following the end of each calendar quarter. Monthly activity reports to track specific goal-based activities are submitted to the TMSP office by the 10th of each month for the previous month. Even if there has not been activity in a month or quarter, the local program will still submit a report noting such. Submission of a Ten Criteria annual report is also required. A local program can be placed on probation, which can result in the suspension of TMSP services, for any of the following reasons:
 - a. Failure to submit an annual Ten Criteria report;
 - b. Failure to achieve Ten Criteria objectives more than two years in a row;
 - c. Failure to submit monthly reports for more than four consecutive months;
 - d. Failure to submit reinvestment reports for more than two consecutive quarters;
 - e. Failure to abide by this Letter of Agreement.

The local program will work with the state coordinator or delegate to overcome these deficiencies. Program termination via decision of a committee comprised of at least two TMSP staff and the division director of the Texas Historical Commission's Community Heritage Development Division is possible if a local program does not exhibit a reasonable attempt toward overcoming deficiencies.

10. **National Main Street membership.** A local program will budget for and membership in the National Main Street Center.

IV. **CONTRACT AMOUNT**

Kingsville Main Street Program shall pay the Texas Historical Commission (THC) a stipend in the amount of **\$535** to defray cost of staff time and expenses for services provided to **Kingsville Main Street Program**.

V. **BASIS FOR CALCULATING PAYMENTS**

Payment shall be made to the THC upon execution of this contract in one lump sum of **\$535**.

VI. **TERMINATION**

Either party shall have a right to terminate and bring to an end all performances to be rendered under this contract by notifying the other party in writing at least ten (10) days in advance of the termination date (also see Section III.C.9. of this contract).

VII. CHANGES AND AMENDMENTS

Any alterations, additions, or deletions to the terms of this contract shall be in writing and signed by both parties.

The term for this Contract for Services for the **Kingsville Main Street Program** is Jan. 1, 2015 to Dec. 31, 2015. The appropriate stipend (attached invoice) is due Jan. 31, 2015.

THE UNDERSIGNED PARTIES BIND THEMSELVES TO THE FAITHFUL PERFORMANCE OF THIS CONTRACT.

Authorized Signature
(City Manager, Mayor, or Board Chair)

Date: _____

Signer title: _____

Signer printed name: _____

Debra Drescher, State Coordinator
Texas Main Street Program

Date: _____

Mark Wolfe, Executive Director
Texas Historical Commission

Date: _____

Joe Thrash, Assistant Attorney General
State of Texas
Approved as to legal form only

TEXAS HISTORICAL COMMISSION
real places telling real stories

INVOICE

December 22, 2014

Ms. Cynthia Martin
Kingsville Main Street Program
1501 N. Highway 77
Kingsville, TX 78363

Texas Main Street City participation for 2015

2015 Contract for Services \$ 535

Total due by 1/31/2015: \$ 535

Please make check payable to: Texas Historical Commission

Remit to: Texas Main Street Program
 P. O. Box 12276
 Austin, TX 78711-2276

Please call Kimberly Klein at 512.463.6092 with any questions.



TEXAS HISTORICAL COMMISSION

The Texas Main Street Program staff

By becoming officially designated as a Main Street community and by maintaining your program status, you are able to access the full and continual services of the Texas Main Street Program staff at no charge to your program outside of the small administrative fee you pay annually. The state staff has a wide variety of technical expertise and assistance they can offer. Even if you have expertise within your community such as a city planner or economic development director, the TMSP can assist that staff with advice or analysis specifically for the Main Street district. Our front desk number is 512-463-6092.

Program Development and Maintenance

Debra Drescher, Texas Main Street State Coordinator
512-463-5758

Debra has been with the Texas Main Street Program since 2006. She was previously employed in leadership positions in community-based organizations such as a chamber of commerce, an economic development entity and the Texas Downtown Association. She has also has ten years' experience as an elected school board member. Debra currently is on the executive council of state coordinators under the National Main Street Center, representing the Southern United States. She has a Bachelor of Arts in Journalism and a Master of Public Administration.

Please contact Debra for local program administration; building or maintaining effective local program capacity/organizational strategic planning; program transition; training; the *Main Street Matters* newsletter; and Reinvestment information/assistance.

Design Team

Please view the design assistance form for all the services our design team can provide you with.

Howard Langner, Main Street Architect
512-305-9045

Howard has been with the Texas Main Street Program since 1999. He was previously a project architect with Centerbrook Architects and Planners of Essex, Connecticut, which received the 1998 National AIA Firm Award, the highest honor that the American Institute of Architects confers on a firm. Howard is a graduate of the Cornell University College of Architecture, Art, and Planning in Ithaca, New York.

Sarah Blankenship, Project Design Assistant
512-463-9129

Sarah has been with the Texas Main Street Program since 2003, except for a hiatus in 2006-2007 when she had the professional opportunity to explore her passion for painting and faux finishing with a private firm. She has served on the Georgetown Main Street Program board and Georgetown's Historic and Architectural Review Commission. Sarah graduated from the Savannah College of Art and Design with a bachelor in Historic Preservation and a minor in Computer Art.

Marie Oehlerking, Project Design Assistant
512-463-3345

Marie joined the Texas Main Street Program in August of 2014. Previously worked with Discover Downtown Middlesboro, a certified Main Street non-profit organization in southeastern Kentucky, where she drafted the city's first preservation plan, established Middlesboro's first digital historic resource survey and assisted several properties in completing façade rehabilitations. Master's degree in Historic Preservation from the University of Texas at Austin, Bachelor of Science in Architecture from the University of Texas at Arlington with a minor in Architectural History.

continued

Community Planning Team

Planning

Emily Koller, Planner

512-463-7466

Emily joined the Texas Main Street Program in April 2014. She worked as a Main Street director for an urban program on Route 66 in Tulsa, OK, as a small area planner for the City of Tulsa, OK, and most recently as a planner for the City of San Marcos, TX, a Main Street community, where she worked on all aspects of downtown planning including form-based code administration, parking management, streetscape improvements, one-way to two-way conversion and economic incentives. She has a Master's degree in Art History from the University of St. Thomas in St. Paul, MN, and a Master's in Community and Regional Planning and a specialization in Historic Preservation from the University of Texas.

Please contact Emily for downtown planning and development assistance; downtown visioning; urban design planning; and mapping & inventories.

Economic Development/Restructuring

Brian O'Connor, Community & Economic Development Specialist

512-463-5760

Brian joined the Texas Main Street Program in April 2014. He is certified in economic development through the National Development Council. He has a business and commercial banking background in Ohio, Michigan and Florida where he has specialized in the creation of strategies to eliminate obsolescence and blight to preserve local culture and revitalize downtowns. Projects include the Cleveland Clinic Cole Eye Center, Collinwood Yards Industrial Park in Cleveland and the \$113 million Consumers Energy Corporate Headquarters in Jackson, Michigan. Awards include the 2005 Phoenix Award for Brownfield redevelopment and for the New Neighbor Program, a property tax reversion program, from the Michigan State Housing Development Authority. Brian has a Master's Degree in City Planning from the Maxine Goodwin Levin College of Urban Affairs, Cleveland State University.

Please contact Brian for SWOT Analysis as pertaining to developing the downtown market; Document Analysis; Public Incentives; Investment Tax Credits; Low-interest Loan Products; and Economic Impact Studies.

Administrative

Virginia "Ginny" Owens, office manager

512-463-6006

Ginny has been with the Texas Main Street Program since 2008. She is the office manager for the Community Heritage Development Division and oversees the front desk staff along with providing assistance to the Texas Main Street Program. She has worked as a planner at the local, state and county level. Ginny has a Master's Degree in Regional and City Planning from the University of Oklahoma and a Master's Degree in Library Science from Texas Woman's University.

Kimberly Klein, administrative technician

512-463-6092

Kimberly has been with the Texas Main Street Program since 2008. She completed two college internships through Tocquigny Advertising + Design, Inc. and Panache Interiors, both located in Austin, TX. Kimberly earned a Bachelor of Fine Arts in Communication Design and a Bachelor of Science in Interior Design from Texas State University – San Marcos.

Please contact Kimberly for submissions of all Main Street reports, which can be emailed electronically [here](#); and List Serv inquiries and questions. She often assists the Design Staff with Renderings, involving signage and logo/graphic design.

REGULAR AGENDA

AGENDA ITEM #8

TO: VINCE CAPELL, CITY MANAGER

FROM: TOM GINTER, DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES TJ

DATE: JANUARY 16, 2015

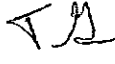
SUBJECT: CONSIDER APPROVAL OF PRELIMINARY PLAT OF 1.44 ACRES EVA ADDITION, BLOCK 1, LOT 1-9 AND CLYDE ADDITION, BLOCK 2, LOT 1-3 ON SOUTH SIDE OF KENEDY AVENUE, BETWEEN 15TH AND 16TH STREETS FOR RESIDENTAL HOUSING.

Attached are the following documents:

- A. Memo to Planning and Zoning Commission.
- B. Plat.
- C. Examples of house layout.
- D. Lot with improvements.

As noted, Mr. Dizdar is putting in two oak trees, water sprinkler system, 18 ft. driveway, 6 ft. sidewalk and a fence for the front of the property, but not the side yards. The memo to the Planning and Zoning Commission expresses my concern for the development. These concerns are what prompted me to ask for the RP2 zoning. I believe that zoning could have lessened these concerns. None the less, the preliminary plat was approved with the conditions that were noted earlier in the memo. The motion was by a unanimous vote 4-0.

To: Planning & Zoning Commission

From: Tom Ginter, Director of Planning & Development Services 

Date: January 8, 2014

Subject: Agenda Item #2 Requesting approval for the preliminary plat of 1.25 acres EVA, BLOCK 1, Lot 1-9 and CLYDE, BLOCK 2, Lot 1-3

Under the rezoning report that gives the current information for the Commission, so I do not need repeat it again.

From the conversation that occurred at the last meeting, I met with Mark Dizdar concerning those issues. This is what he is willing to do:

1. Plant 2 trees in the front yard, for each home.
2. A 6 ft. sidewalk all the way around.
3. A 2 car driveway, 18 ft. wide.
4. A sprinkler system for the front yard.

When I talked about what we perceived to be at the building of carports and everything else to do with vehicles he felt that what was being done was a positive thing. The general statement is that they will look better that what was there before. I responded by shouldn't we take this opportunity to go the next level. Again not much of an answer. Let review the overall project positives and negatives.

Positives they are:

1. While small single family homes, good place for them with the possiblility of redeveloping the neighborhood.
2. The homes are the right price for the market in Kingsville.
3. The additional items being put in the development are a plus, to prevent parking in front yards, shade for the homes and encouraging pedestrian travel.

Negatives:

1. No garages so the belief is that a number of the residences will be putting carports up which will make a negative appearance.
2. Cause parking of vehicles to be parked in the street.
3. Where will they put other item, garbage
4. The number of homes, makes it tight allowable under the code but tight none the less.

Other:

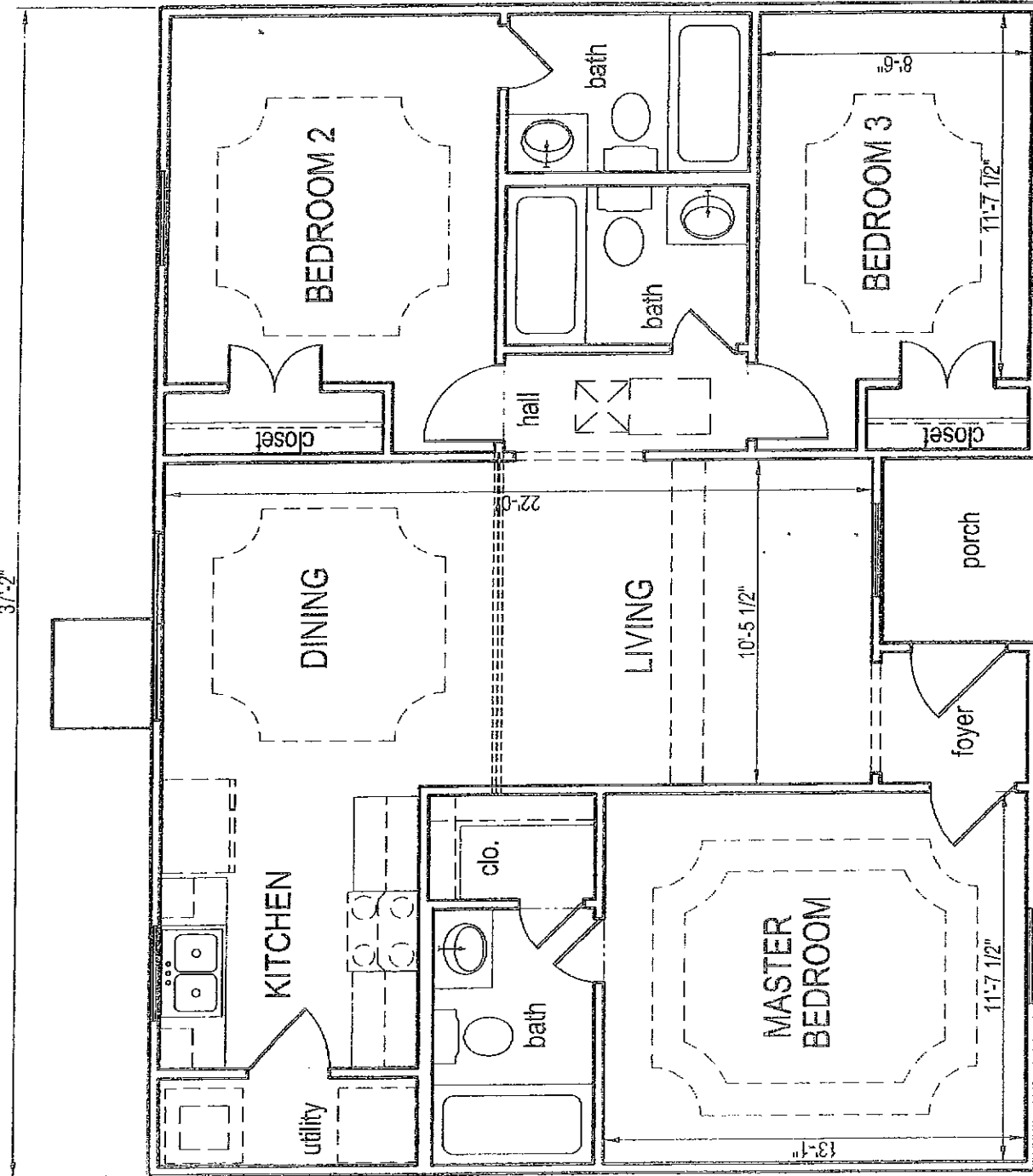
1. In the meeting that I had with Mr. Dizdar, I suggested that the City could assist him with the purchase of additional ground to have a parking area for the homeowners. He didn't acknowledge this much one way or the other. I have had discussions with City Manager and will likely have one next week prior to the meeting on the issue. The city is willing to assist Mr. Dizdar to better the appearance of the development which we feel will be happening due to no garage and the tightness of the project itself.

Summary:

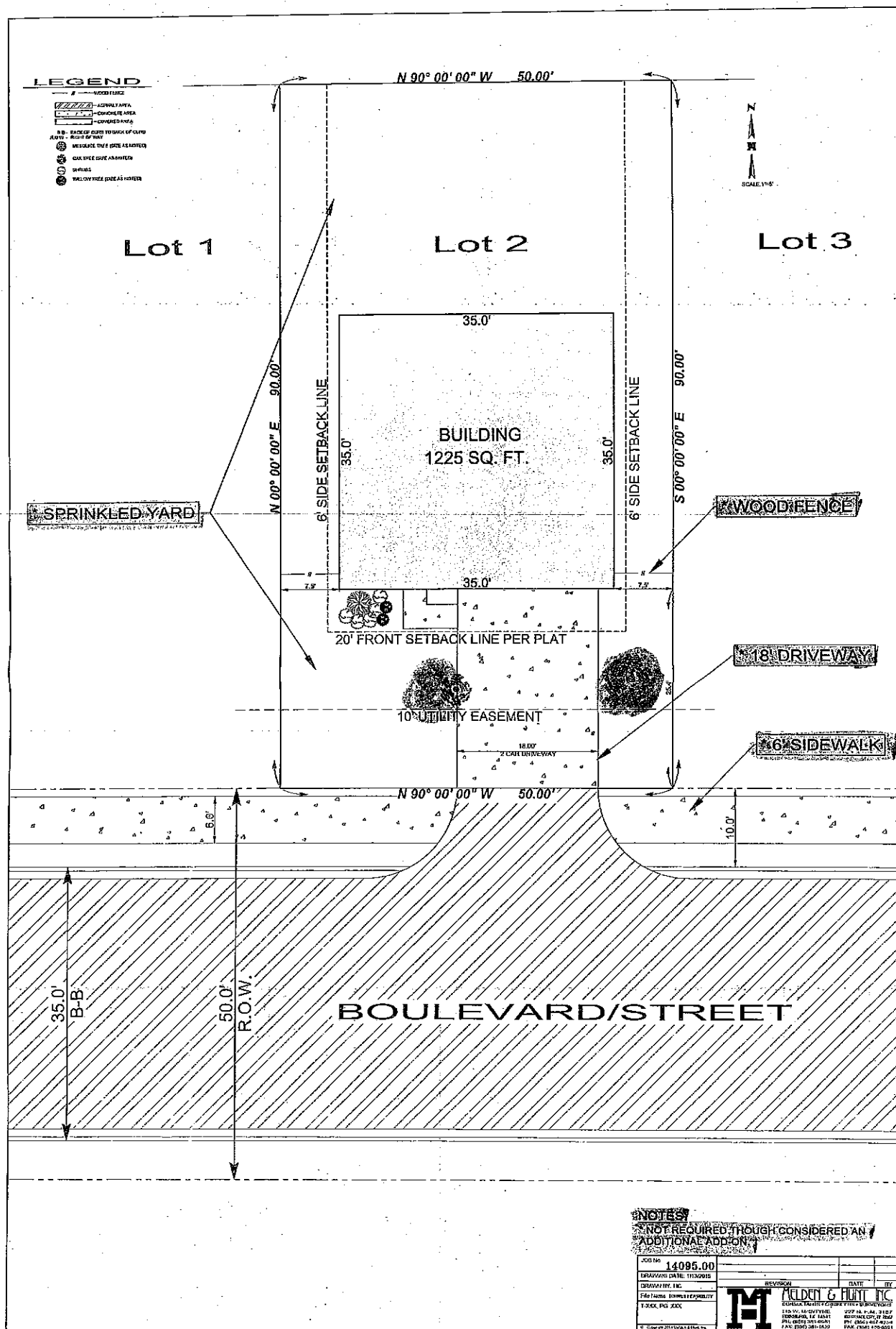
As the discussion goes, no doubt you will have to be making internal decisions on this development. At this time I would strongly recommend that whatever you come up with the items, that he is going to do, trees, sidewalks, sprinkler system be put in a motion and instructions for them to be included in the construction plans at this time.

As far as a recommendation I do not have one. Could be by Wednesday, the information that may be gained will provide me with one, but frankly not sure at the time.

37'-2"




AREAS	A
LIVING	990
PORCH	29
TOTAL	1019



AGENDA ITEM #9

TO: VINCE CAPELL, CITY MANAGER

FROM: TOM GINTER, DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES 

DATE: JANUARY 20, 2015

SUBJECT: CONSIDER APPROVAL OF FINAL PLAT OF 1.44 ACRES EVA ADDITION, BLOCK 1, LOT 1-9 AND CLYDE ADDITION, BLOCK 2, LOT 1-3 ON SOUTH SIDE OF KENEDY AVENUE BETWEEN 15TH AND 16TH.

Mark Dizdar will be doing the following concerning this development:

1. Plant two trees in the front yard for each home
2. Construct a 6 ft. sidewalk all the way around the project
3. Construct a driveway, 18 feet wide
4. A sprinkler system for the front yard
5. A fence for the front of the property, not for the side yards.

The Planning and Zoning Commission approved the final plat with the above conditions in the motion. The motion was approved unanimously 4-0.

AGENDA ITEM #10

ORDINANCE #2015-_____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO 1.44 ACRES LOTS 1-9, BLOCK 1, EVA SUBDIVISION, KNOWN AS 1100 EAST KENEDY AND LOTS 1-3, BLOCK 2, CLYDE SUBDIVISION, KNOWN AS 1116 EAST LOTT FROM C1- NEIGHBORHOOD SERVICE DISTRICT TO R2-TWO FAMILY RESIDENTIAL DISTRICT; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.

WHEREAS, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Isaac & Norma Torres, for amendment to the zoning ordinance and zoning map of the City of Kingsville;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, January 14, 2015 during a meeting of the Planning and Zoning Commission, and on Monday, January 26, 2015 during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

WHEREAS, a majority of the Planning Commission by a 4-0 vote APPROVED the requested rezone; and

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of Lots 1-9, Block 1, Eva Subdivision, known as 1100 East Kenedy and Lots 1-3, Block 2, Clyde Subdivision, known as 1116 East Lott from C1- Neighborhood Service District to R2 Two Family Residential District, as more specifically described on the Zone Change Map, attached as Exhibit A.

SECTION 2. That the official Zoning Map of the City of Kingsville, Texas, is amended to reflect the amendments to the Zoning Ordinance made by Section 1 of this ordinance.

SECTION 3. That the Zoning Ordinance and Zoning Map of the City of Kingsville, Texas, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

SECTION 4. That to the extent that these amendments to the Zoning Ordinance represent a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the Zoning Ordinance, as amended by this ordinance.

SECTION 5. That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

SECTION 6. That publication shall be made in the official publication of the City of Kingsville as required by the City Charter of the City of Kingsville.

INTRODUCED on this the 26th day of January, 2015.

PASSED AND APPROVED on this the 9th day of February, 2015.

EFFECTIVE DATE: _____

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor


ATTEST:

Mary Valenzuela, City Secretary

APPROVED:

Courtney Alvarez, City Attorney

TO: VINCE CAPELL, CITY MANAGER

FROM: TOM GINTER, DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES 

DATE: JANUARY 16, 2015

SUBJECT: PUBLIC HEARING – REZONING OF LOT 1-9, BLOCK 1, EVA SUBDIVISION ALSO KNOWN AS 1100 EAST KENEDY AND LOTS 1-3, BLOCK 2 CLYDE SUBDIVISION ALSO KNOWN AS 1116 EAST LOTT FROM (C1) NEIGHBORHOOD SERVICE TO (R2) TWO FAMILY RESIDENTIAL DISTRICT, 1.44 ACRES, ISAAS AND NORMA TORRES

Attached are the following documents:

- A. Memo to Planning and Zoning Commission.
- B. Rezoning Application – Due to the transition in this department it was determined that a rezoning would be required for this property to be developed as Mr. Dizdar's original plans. To be fair, and because of all the confusion, the City initiated the rezoning process.
- C. List of property owners contacted. We received one phone call from a property owner and that was Mr. Torres who was in favor of the rezoning. No calls were received that were against the rezoning.
- D. Minutes of the Planning and Zoning Commission meeting.

While R-2 is an appropriate zoning for the property, I felt that we should take this in fill project opportunity to achieve a development that would be sustainable. Consequently I recommended to the Planning and Zoning Commission that it be rezoned to RP2. The code allows in any district the opportunity to do a planned unit development. The designation allows flexibility for both sides to negotiate items without having to be contained by the particular district rules. As an example the owner has the option to put the driveway in the rear of the home which would enhance curb appeal but it would mean impacting the lot lines. Under RP2 it can be done. As you read in the minutes the Commission was not in favor due to the lateness of the idea and Mr. Dizdar was not in favor also. The Commission approved the rezoning by a unanimous vote 4-0.

PLANNING & ZONING COMMISSION AGENDA

Wednesday, January 14, 2015, 2014, 6:00 p.m.

Special Meeting

Honorable Robert H. Alcorn Commission Chambers,
1st Floor – City Hall, 200 E. Kleberg Ave., Kingsville, Texas

PLANNING & ZONING COMMISSION SEATING ARRANGEMENT

COMMISSION MEMBERS

Robert McCreight
Albert Garcia
Raymond Perez

Steve Zamora,
Chairman

COMMISSION MEMBERS

Lupe Alvarez
Debbie Tiffie
Bill Aldrich

CITY STAFF

Adela Barrientes,
Administrative Assistant II

Tom Ginter,
Director of Planning
& Development Services

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

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

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

AGENDA

- **CALL TO ORDER**
- **ROLL CALL**
- **APPROVAL OF MINUTES OF REGULAR MEETING** – December 10, 2014
- **PUBLIC COMMENTS FOR ALL AGENDA & NON-AGENDA ITEMS**
- **POSTPONEMENTS/ADJUSTMENTS TO THE AGENDA**
- **OLD BUSINESS** – *None*
- **NEW BUSINESS**

ITEM #1 Isaac & Norma Torres, owner – Requesting the rezone of 1.25 acres EVA, BLOCK 1, LOT 1-9 and CLYDE, BLOCK 2, LOT.

ITEM #2 Isaac & Norma Torres, owner – Requesting approval for the preliminary plat of 1.25 acres EVA, BLOCK 1, LOT 1-9 and CLYDE, BLOCK 2, LOT 1-3.

ITEM #3 Isaac & Norma Torres, owner – Requesting approval for the final plat of 1.25 acres EVA, BLOCK 1, LOT 1-9 and CLYDE, BLOCK 2, LOT 1-3.

ITEM #4 Report from Director of Planning and Development Services.

- **MISCELLANEOUS:** Any topic may be discussed but no action may be taken at this time;
- **ADJOURNMENT**

Please call the CITY SECRETARY at 595-8003 to obtain definitive and final City Commission Hearing Date.

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

I certify that this agenda was posted at least seventy-two (72) hours before the commencement of the Planning and Zoning Commission Meeting scheduled for Wednesday, January 14, 2015.



Tom Ginter
Director of Planning & Development Services

Posted
@_____
On_____
By_____

**PLANNING AND ZONING COMMISSION
MEETING MINUTES
December 10, 2014**

Planning and Zoning Members Present

Steve Zamora, Chairman
Raymond Perez
Albert Garcia
Robert McCreight
Lupe Alvarez
Bill Aldrich

Citizens Present

Staff Present

Tom Ginter, Director of Planning & Development Services
Adela Barrientes, Administrative Assistant II

Base Representative

Glenn Jones

1. **The meeting was called to order at 6:00 p.m.**
2. **Discuss and take action on the meeting minutes of December 10, 2014.**
Mr. Lupe Alvarez made a motion to approve the minutes with corrections. Mr. Robert McCreight seconds. All in favor none opposed.
3. **Miscellaneous/Public Comments on or off the agenda.**
N/A
4. **Old Business/Postponements.**
N/A
5. **Discuss and take action on — City of Kingsville -- Consider approval of an ordinance amendment to Sec. 15-6-130, Changeable electronic variable message signs. Repealing all ordinances in conflict herewith and providing for an effective date and publication.**
Mr. Ginter presented the committee with examples of sign ordinances from the City of Amarillo and the City of Rockport. Mr. Ginter stated he came up with this information after doing some research and in talking with Mark Kellum who had initially started the research. Mr. Ginter also stated that the decision to amend the sign ordinance started when sign variances were being presented to the Board of Adjustments. Mr. Ginter stated to the committee the City of Amarillo has the closest language to our sign

ordinance and he recommended that the committee approve Amarillo's draft ordinance amendment to Sec. 15-6-130. Mr. Ginter further stated the Planning and Zoning Commission members would determine how they want to regulate the amendment if approved. The committee discussed different regulations and asked who would be in charge of making sure the regulations were being done. Mr. Ginter advised the committee that the Planning and Development Department would make sure these regulations were in compliance.

Mr. Albrich motioned to approve Amarillo's sign ordinance amendment to Sec. 15-6-130. Mr. Alvarez second. All approved none opposed.

6. Discuss and take action on — Isaac & Norma Torres, owner – Requesting approval for the preliminary plat of 1.25 acres EVA, BLOCK 1, LOT 1-9 and CLYDE, BLOCK 2, LOT 1-3.

Mr. Ginter explained to the committee that C-1 is the current zoning in this area and only R-1's are permitted to be built. Mark Dizdar is planning to build R-2's and wants to continue with the R-2 plat. Since Mr. Dizdar would like to stay with the same R-2 plat, Mr. Ginter recommended to Mr. Dizdar to rezone the area and that the City would take the initiative to rezone it. Mr. Dizdar agreed. Mr. Ginter advised the committee to table these items and act on them once the rezoning is completed. The committee expressed concerns and had questions that they plan to address once the plat is presented to the Planning and Zoning Commission members for approval.

Mr. McCreight made a motion to table this item. Mr. Alvarez seconded. All in favor none opposed.

7. Discuss and take action on — Isaac & Norma Torres, owner – Requesting approval for the final plat of 1.25 acres EVA, BLOCK 1, LOT 1-9 and CLYDE, BLOCK 2, LOT 1-3.

This item on the agenda is the same as item number six.

Mr. Aldrich motioned to table this item, Mr. Alvarez seconded. All in favor none opposed.

8. Report From Director of Planning and Development Services

Mr. Ginter presented a timeframe for the rezoning process and the committee decided to have a special meeting on January 14, 2015. Mr. Ginter passed out some information to the committee members that are specifically written for commissioners.

9. Adjourn

Meeting adjourned at 6:44 p.m.

To: Planning & Zoning Commission
From: Tom Ginter, Director of Planning & Development Services
Date: January 8, 2014
Subject: Agenda Item #1 Request the Re-zone of 1.25 acres EVA, BLOCK 1, Lot 1-9 and CLYDE BLOCK 2, Lot 1-3

At our meeting in December it was determined that for Torres Estates to be developed correctly it needed to be rezoned.

Petitioner and Agent: Mark Dizdar

Owner: Isaac and Norma Torres

Comprehensive Plan Land Use:	Residential
Existing Zoning Classification:	C-1 Commercial
Area around it is:	East: R-1 Residential
	South: C-1 Commercial
	West: C-2 Commercial

Existing Infrastructure

Transportation:	Kenedy Avenue
Community Facilities:	Service Provider
Fire Station Proximity:	Within 2 miles
100 Year Flood Plain:	Property within Flood Zone C

Background and History

The petitioner has requested approval for the ability to build single family homes on the lot as described in other documents. As was pointed out the size of the lots did not meet the R-1 requirements. It was determined that for him to develop the lots as to how he wants, a rezoning needs to take place. Since he wants to go with the development that has been submitted it fits the R-2 requirements. It is our belief since commercial properties surround it and it would be considered a positive in fill project. R-2 is the requested zoning for the property. As of the writing of this memo, we have received only one comment from the property owners within 200 ft. and that was from Mr. Torres he was in favor of the rezoning.

Staff Review and Recommendation

In general, Planning and Zoning Commission considers the following factors when making a recommendation on zoning district changes:

1. Whether the proposal is in conformance with the goals and policies contained in all elements of the 2008 Master Plan.
2. Whether the proposal is in keeping with the purpose of the zoning districts.
3. Whether the proposal is detrimental to the public health, safety and welfare.
4. Whether the proposal is detrimental to existing or potential adjacent land uses.
5. Whether the proposal will generate traffic levels inappropriate, hazardous or detrimental to the existing or potential nearby land uses.

Staff recommends APPROVAL of this request with the following findings:

1. The proposal is in conformance with the goals and policies contained in all elements of the 2008 Master Plan.
2. The proposal is in keeping with the purpose of the zoning districts.
3. The proposal is not detrimental to the public health, safety and welfare.
4. The proposal is not detrimental to existing or potential adjacent land uses.
5. The proposal will not generate traffic levels inappropriate, hazardous or detrimental to the existing or potential nearby land uses.

Prepared by: Tom Ginter
Tom Ginter
Director of Planning & Development Services

SPECIAL PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Special Public Hearing Wednesday, January 14, 2015 at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard:

ITEM #1- Isaac & Norma Torres, owner – Requesting the rezone of 1.25 acres EVA, BLOCK 1, LOT 1-9 also known as 1100 East Kenedy and CLYDE, BLOCK 2, LOT 1-3 also known as 1116 East Lott.

The meeting will be held at City Hall, 200 East Kleberg, in the City Commission Chambers. If you have any questions about the item on the agenda, please contact the Planning Department at (361) 595-8055.

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, January 26, 2015 at 6:00 p.m. wherein the City Commission will discuss the following item and at which time all interested persons will be heard:

ITEM #1- Isaac & Norma Torres, owner – Requesting the rezone of 1.25 acres EVA, BLOCK 1, LOT 1-9 also known as 1100 East Kenedy and CLYDE, BLOCK 2, LOT 1-3 also known as 1116 East Lott.

The meeting will be held at City Hall, 200 East Kleberg, in the City Commission Chambers. If you have any questions about the items on the agenda, please contact the City Secretary at (361) 595-8003.

CITY OF KINGSVILLE

200 E. Kleberg Avenue
Planning & Development Services Dept.
Planning & Zoning Division

Kingsville, Texas 78363
Phone: (361) 595-8055
Fax: (361) 595-8065

Master Land Use Application

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1.25 acres EVA, BLOCK 1, LOT 1-9 & QYDE, BLOCK 2 LOT 1-3 Located in the City ✓ ETJ ✓

(Proposed) Subdivision Name _____ Total number of Lots _____

Legal Description: _____

Existing Zoning Designation _____ Future Land Use Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Mark Dizdar Phone _____ FAX _____

Email Address (for project correspondence only): _____

Mailing Address _____ City _____ State _____ Zip _____

Property Owner Isaac + Norma Torres Phone _____ FAX _____

Email Address (for project correspondence only): _____

Mailing Address 1114 East LOH City Kingsville State TX Zip 78363

Select appropriate request(s) for which approval is sought. Attach appropriate checklist(s) with this application.

<input type="checkbox"/> Annexation Request.....	No Fee	<input type="checkbox"/> Preliminary Plat.....	Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA).....	\$250.00	<input type="checkbox"/> Final Plat.....	Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request.....	\$250.00	<input type="checkbox"/> Minor Plat.....	\$100.00
<input checked="" type="checkbox"/> Re-zoning Request.....	\$250.00	<input type="checkbox"/> Re-plat.....	\$200.00
<input type="checkbox"/> SUP Request/Renewal.....	\$250.00	<input type="checkbox"/> Vacating Plat.....	\$50.00
<input type="checkbox"/> Zoning Variance Request (ZBA).....	\$250.00	<input type="checkbox"/> Conceptual Development Plat.....	\$100.00
<input type="checkbox"/> PUD Request.....	\$250.00	<input type="checkbox"/> Subdivision Variance Request.....	\$25.00 ea
<input type="checkbox"/> Lot Line Adjustment Plat.....	\$100.00	<input type="checkbox"/> Amending Plat.....	\$100.00

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: _____ Date: _____

Property Owner's Signature: _____ Date: _____

Application and Fee Accepted by: Adela Barrient Date: 12/26/14

TORRES ISAAC
ETUX NORMA
1116 E LOTT AVE
KINGSVILLE, TX 78363
#21219

TORRES ISAAC
ETUX NORMA
1116 E LOTT AVE
KINGSVILLE, TX 78363
#11037

ALDOPE ISMAEL
ETUX MARTA ELENA
1205 E KENEDY AVE
KINGSVILLE, TX 78363
#10802

PENDLETON HOLDINGS LLC
312 N PASADENA
KINGSVILLE, TX 78363
1014 E KENEDY
#22588

AMBRIZ MARGARITA C
AND OCTAVIO C AMBRIZ JR
1247 1/2 E KING AVE
KINGSVILLE, TX 78363
#24107

CRUZ JOSE L
1247 E KING AVE
KINGSVILLE, TX 78363
1026 E KENEDY
#24876

ORTEGON OLGA
1102 E KENEDY AVE
KINGSVILLE, TX 78363
#20824

SALDANA LARRY
ETUX MARY SALDANA
1245 E NETTIE AVE
KINGSVILLE, TX 78363
#13139

HERNANDEZ GREGORIA V
FLORINDA HERNANDEZ MARLER
9548 VICTORIA DR
UPPR MARLBORO, MD 20772
1108 E KENEDY
#22363

SAENZ MARGARITA SALINAS
560 N COUNTY ROAD 1050
KINGSVILLE, TX 78363
1114 E KENEDY
#25977

JIMENEZ LAURO
MARCELO JIMENEZ JR
899 S COUNTY ROAD 1120
RIVIERA, TX 78379
1120 E KENEDY
#18414

CANALES MARIA ELENA
1126 E KENEDY AVE
KINGSVILLE, TX 78363
#19173

LEDESMA ADELITA
1128 E KENEDY
KINGSVILLE, TX 78363
#12259

DE LEON DELFINO G
1132 E KENEDY AVE
KINGSVILLE, TX 78363
#20746

DEHNER WILLIAM
SNAP AUTO PARTS
PO BOX 4006
BEEVILLE, TX 78104
1018 E LOTT
#18458

PEREZ ERNEST
310 E 23RD ST
KINGSVILLE, TX 78363
1026 E LOTT
(THE PIT STOP)
#26035

FIRST COMMUNITY BANK
5406 EVERHART RD
CORPUS CHRISTI, TX 78411
1030 E LOTT
#18946

TORRES ISAAC
ETUX NORMA
1116 E LOTT AVE
KINGSVILLE, TX 78363
1116 E LOTT #22-41
#21219

TORRES ISAAC
PO BOX 1813
KINGSVILLE, TX 78364
1116 E LOTT
#28386

TORRES ISAAC
PO BOX 1813
KINGSVILLE, TX 78364
Location E LOTT
#34355

AMBRIZ FRANCISCO R
ETUX CECILIA G
2501 BOLIVAR
CORPUS CHRISTI, TX 78415
1120 E LOTT AVE
#28385

FERNANDEZ IRENE
ALLÉN MARTINEZ
1116 E LOTT
KINGSVILLE, TX 78363
1126 E LOTT
#41025

GARCIA JOSE
PO BOX 1431
LA JOYA, TX 78560
1204 N 16TH
#4000268

GARCIA JOSE
PO BOX 1431
LA JOYA, TX 78560
1208 E LOTT
#4000271

GARCIA JOSE
PO BOX 1431
LA JOYA, TX 78560
1212 E LOTT
#4000276

RIOS ESTEVAN
1015 E KENEDY AVE
KINGSVILLE, TX 78363
1015 E KENEDY
#16172

GARZA PEDRO
1029 E KENEDY
KINGSVILLE, TX 78363
#16932

MARTINEZ GRACE C
1031 E KENEDY AVE
KINGSVILLE, TX 78363
#25267

ALANIS ARGÉLIO D
523 E ANGLE ROAD
KINGSVILLE, TX 78363
216 S 16TH ST
#10449

CALZADA JULIAN
2401 GREEN OAK DRIVE
ROOM #207
KINGWOOD, TX 77339
1208 E KENEDY
#19728

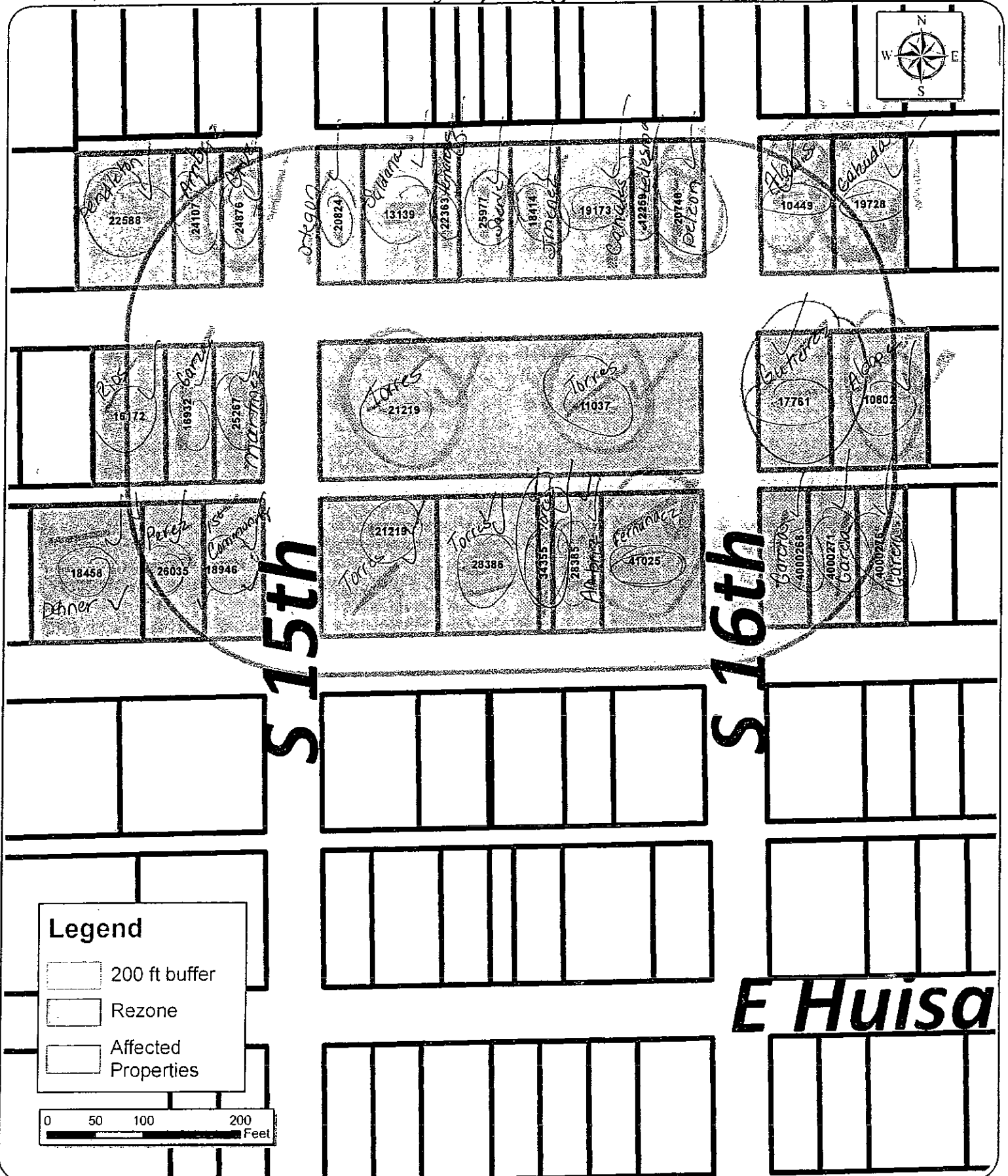
GUTIERREZ EMMA
1201 1/2 E KENEDY AVE
KINGSVILLE, TX 78363
#17761

0 = delayed in class
made copies for p+2
making


= label
= letter

letters mailed 12/18/14
City of Kingsville

31 total



To: Planning & Zoning Commission

From: Tom Ginter, Director of Planning & Development Services 

Date: January 8, 2014

Subject: Agenda Item #2 Requesting approval for the preliminary plat of 1.25 acres EVA,
BLOCK 1, Lot 1-9 and CLYDE, BLOCK 2, Lot 1-3

Under the rezoning report that gives the current information for the Commission, so I do not need repeat it again.

From the conversation that occurred at the last meeting, I met with Mark Dizdar concerning those issues. This is what he is willing to do:

1. Plant 2 trees in the front yard, for each home.
2. A 6 ft. sidewalk all the way around.
3. A 2 car driveway, 18 ft. wide.
4. A sprinkler system for the front yard.

When I talked about what we perceived to be at the building of carports and everything else to do with vehicles he felt that what was being done was a positive thing. The general statement is that they will look better that what was there before. I responded by shouldn't we take this opportunity to go the next level. Again not much of an answer. Let review the overall project positives and negatives.

Positives they are:

1. While small single family homes, good place for them with the possibility of redeveloping the neighborhood.
2. The homes are the right price for the market in Kingsville.
3. The additional items being put in the development are a plus, to prevent parking in front yards, shade for the homes and encouraging pedestrian travel.

Negatives:

1. No garages so the belief is that a number of the residences will be putting carports up which will make a negative appearance.
2. Cause parking of vehicles to be parked in the street.
3. Where will they put other item, garbage trees, etc.
4. The number of homes, makes it tight allowable under the code but tight none the less.

Other:

1. In the meeting that I had with Mr. Dizdar, I suggested that the City could assist him with the purchase of additional ground to have a parking area for the homeowners. He didn't acknowledge this much one way or the other. I have had discussions with City Manager and will likely have one next week prior to the meeting on the issue. The city is willing to assist Mr. Dizdar to better the appearance of the development which we feel will be happening due to no garage and the tightness of the project itself.

Summary:

As the discussion goes, no doubt you will have to be making internal decisions on this development. At this time I would strongly recommend that whatever you come up with the items, that he is going to do, trees, sidewalks, sprinkler system be put in a motion and instructions for them to be included in the construction plans at this time.

As far as a recommendation I do not have one. Could be by Wednesday, the information that may be gained will provide me with one, but frankly not sure at the time.

CITY OF KINGSVILLE PLANNING
AND ZONING DIVISION MASTER
APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE) South side of Kenedy Ave. between
Project Address _____ Nearest Intersection Fifteenth St. & Sixteenth St.
(Proposed) Subdivision Name Torres Estates Lot _____ Block _____
Legal Description: 1.25 acres being all of Lots 1, 2, & 3 Block 2 Clyde Addn (Vol. 1, Pg. 35, ENW. 18)
& all of Lots 1 thru 9, Block 1; Eva Addn (Vol. 1, Pg. 33, ENW. 17, KCMR)
Existing Zoning Designation C-1 Future Land Use Plan Designation Residential

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Isaac & Norma
Applicant/Authorized Agent Torres Phone _____ FAX _____
Email Address (for project correspondence only): md12daro@firstcompasshome.com
Mailing Address 1116 E. Lott Ave. City Kingsville State TX Zip 78363
Isaac & Norma
Property Owner Torres Phone _____ FAX _____
Email Address (for project correspondence only): _____
Mailing Address 1116 E. Lott Ave. City Kingsville State TX Zip 78363

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

<input type="checkbox"/> Annexation Request	No Fee	<input checked="" type="checkbox"/> Preliminary Plat	Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA)	\$250.00	<input checked="" 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 Vacating	\$250.00
<input type="checkbox"/> SUP Request/Renewal	\$250.00	<input type="checkbox"/> Plat Development	\$50.00
<input type="checkbox"/> Zoning Variance Request (ZBA)	\$250.00	<input type="checkbox"/> 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: _____
Property Owner's Signature _____ Date: _____
Accepted by: Jessica Garcia Date: 9/18/14

[illegible]

1116 E. 10TH ST., ROOM 13
 ANCHORAGE, ALASKA 99501
 907-561-1011

STATE OF TEXAS
COUNTY OF
MAY 1968

WEST VIRGINIA PUBLIC _____ COUNTY, _____

SECURITY OF RECORDS

9-100 L. March P.E. 0 564651, 00 P.L. 3-0 47182
Data not used (3) 14.12

STATE OF TEXAS
COUNTY OF HALE

DEPUTY

THIS BEING PART OF TOWN'S ESTATES, APPROVED BY THE MAYOR AND CITY COMMISSIONER OF THE CITY OF SECONVILLE, IOWA.

DATE _____ CITY/STATE/ZIP _____

THIS THE FIRST PLAT OF RECORD ESTABLISHED, APPROVED BY THE DIRECTOR OF SURVEYING OF THE CITY OF CHICAGO, ILLINOIS

DIRECTOR OF PLANNING

IF TOTAL PLANTED AREA CONTAINED 80 ACRES OR MORE:

IF PLANTING CONTINUATION OF PREVIOUS LAND:

FACILITY: 30 FEET OR GREATER FOR EARLY PLANT

REAR: 10 FEET OR GREATER FOR LATER PLANT

FACE NUMBER: 8 FEET OR GREATER FOR EARLY PLANT

U.S. GOVERNMENT PRINTING OFFICE: 1964 O - 354-000

1) **APPROVAL** IS NOT VALID FOR THE "ART AND CRAFTS" CATEGORY. IT IS NOT VALID FOR THE "ART AND CRAFTS" CATEGORY. IT IS NOT VALID FOR THE "ART AND CRAFTS" CATEGORY.

THEY ARE THE ONLY TWO COMPANIES IN THE WORLD THAT HAVE BEEN GRANTED A PATENT FOR THEIR METHOD OF PRODUCING A PERFECT COPY OF ANY DOCUMENT OR RECORD.

191 A. ADOPTING THE DECISION FOR 1919, 1919 19

23. *Herpes* 12, 6, 5, 4, 3, 2, 1, 0, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833,

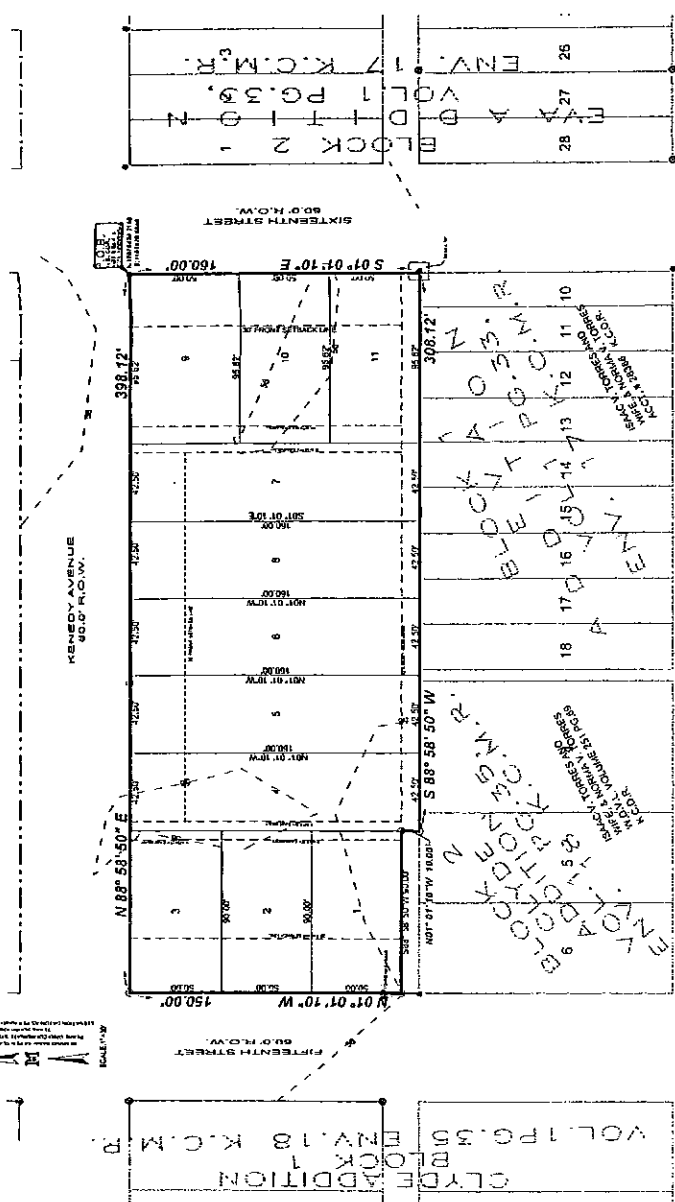
1. **PROJECT**, 33° 32' 32" N, along the East Ave. of road Block 6, Lot 16, distance of 662.00 m is a 34 meter tall tree (see handwritten notes) of 100 cm girth.

2. **PROJECT**, 33° 34' 52" N, along the same line of road 18 m into lot 16.

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Author's address: Department of Psychology, University of California, San Diego, 3541 La Jolla Village Drive, San Diego, CA 92093, USA.
E-mail: jgibson@ucl.ac.uk

FLOOD TONE
ZONE 17 UNFLOODED
1983
UNITS OF TOWN OF BE GARDEN 744 870
COMMUNITY-CHURCH 10 JUNE 1983 0114
UNITS OF TOWN OF BE GARDEN 744 870



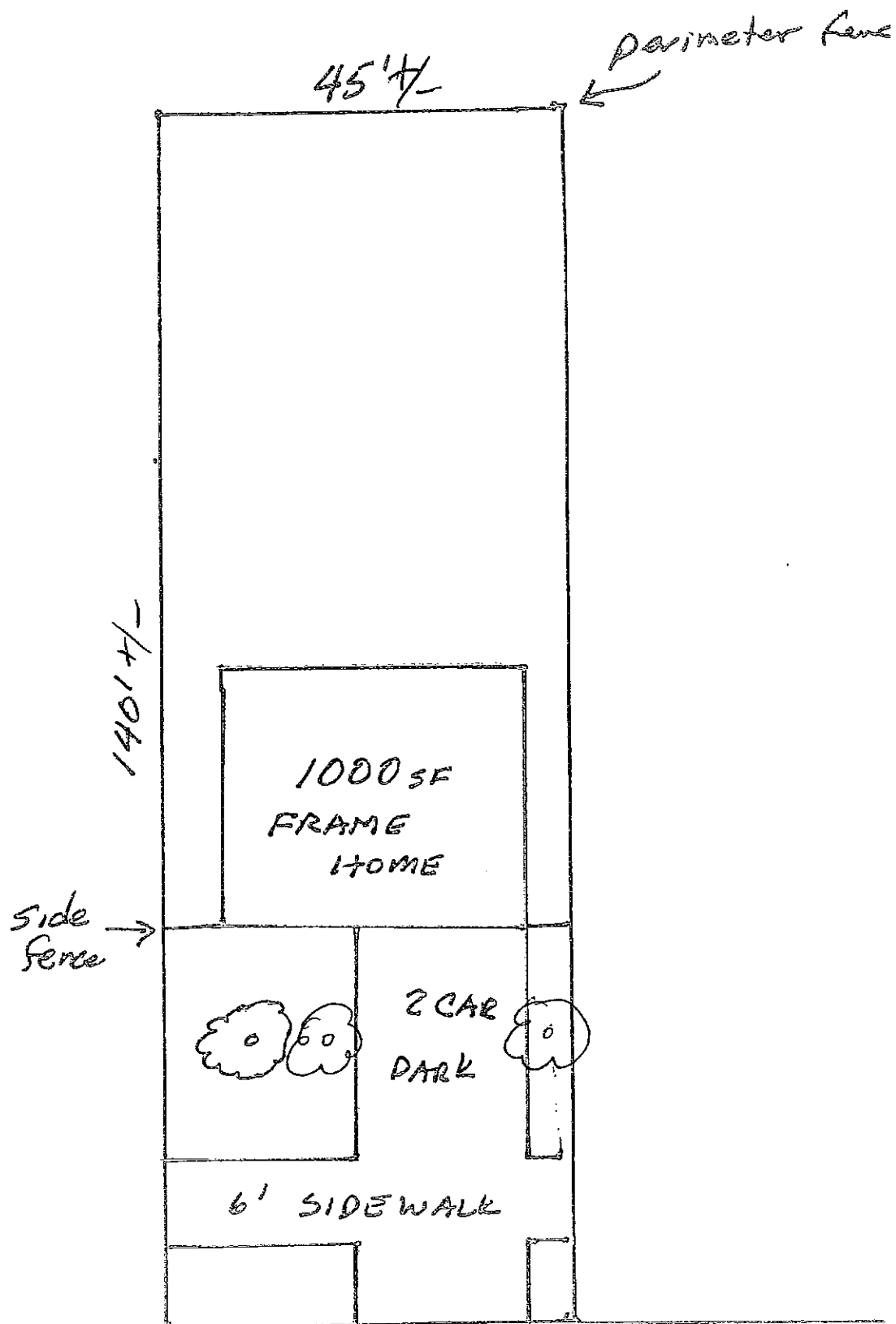
FINAL PLAT OF
TORRESESTATES
BEING A SUBDIVISION OF 1.44 ACRES SITUATED IN THE CITY OF KINGSVILLE,
KLEBERG COUNTY, TEXAS. OUT OF LOTS 1, 2, AND 3, BLOCK 2 CLYDE ADDITION TO THE
CITY OF KINGSVILLE VOLUME 1, PAGE 35, ENVELOPE 18, K.C.M.R.
ALL OF LOTS 1,2,3,4,5,6,7,8, AND 9, BLOCK 3, DW ADDITION TO THE CITY OF KINGSVILLE
VOLUME 1, PAGE 33, ENVELOPE 17, K.C.M.R.
KLEBERG COUNTY, TEXAS

LOOD ZONE
ONE "X" (UNSHADED)

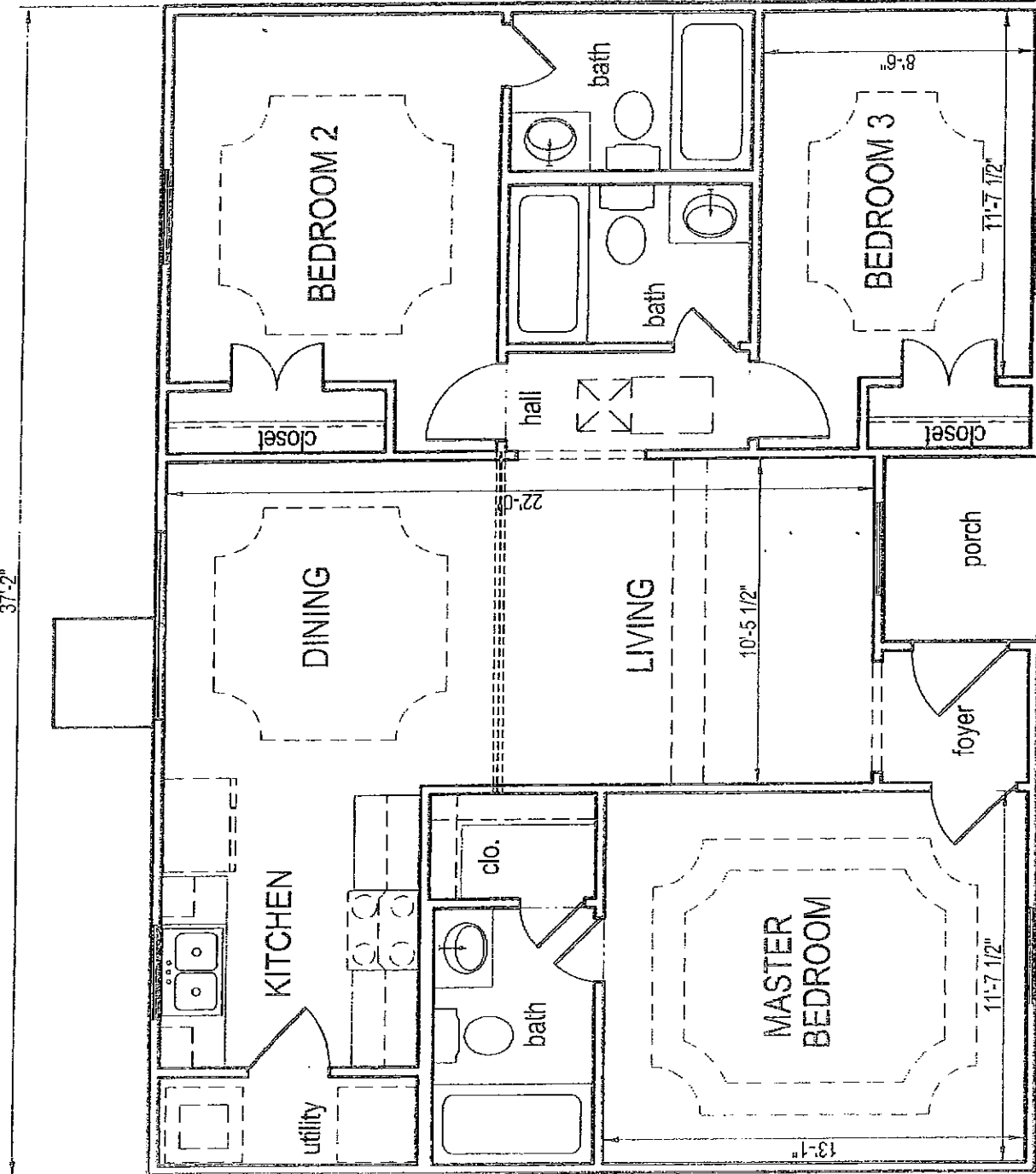
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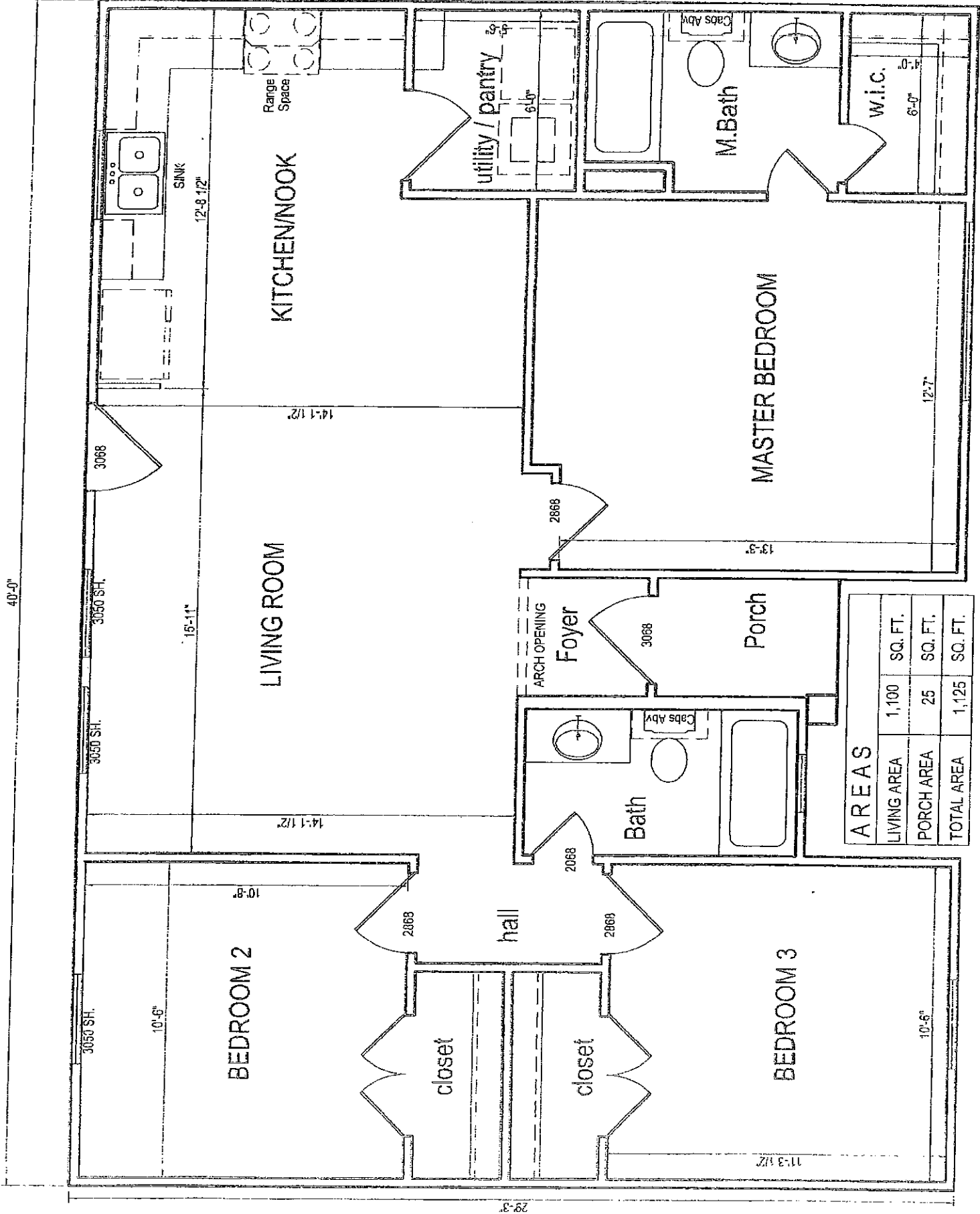
MELDEN & HUNT INC.
CORRUPT TACTICS RUMOR-BAG-SURVEYORS
111 W. WASHINGTON
CHICAGO, IL 60601
Tel: (312) 467-1334
Fax: (312) 466-1334
E-Mail: info@meltandhunt.com



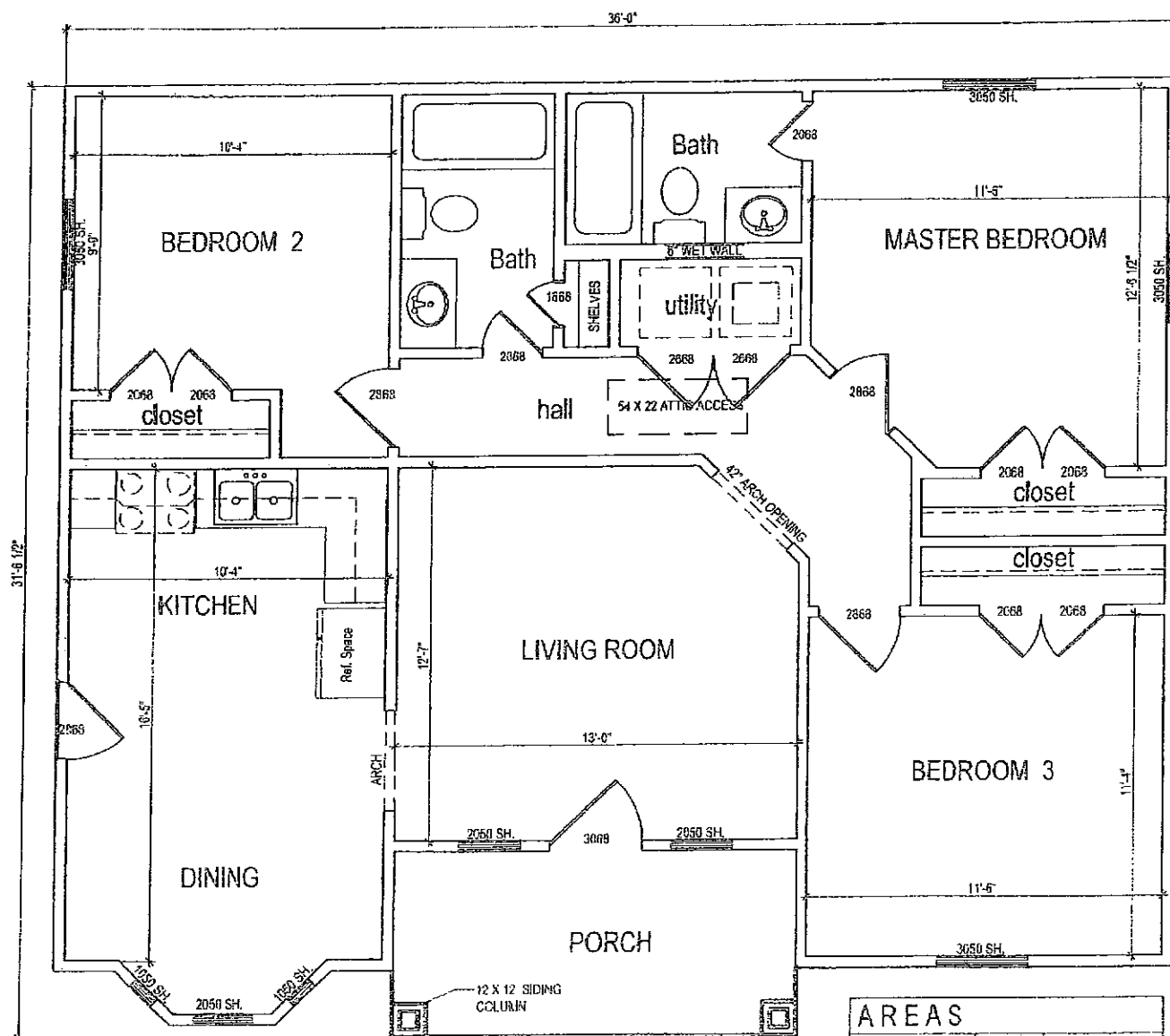
37'-2"



AREAS	A
LIVING	990
PORCH	29
TOTAL	1019

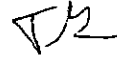


AREAS		
LIVING AREA	1,100	SQ. FT.
PORCH AREA	25	SQ. FT.
TOTAL AREA	1,125	SQ. FT.



To: Planning & Zoning Commission

From: Tom Ginter, Director of Planning & Development Services



Date: January 8, 2014

Subject: Agenda Item #3 Requesting approval for the preliminary final plat of 1.25 acres
EVA, BLOCK 1, Lot 1-9 and CLYDE, BLOCK 2, Lot 1-3

It is my belief that the discussion concerning the development will occur during the preliminary plat agenda item. Consequently what happens then, will most likely dictate the outcome of his agenda item. I do not see the need to repeat the information for this item.

If you have any questions about any of the agenda items, please let me know.

AGENDA ITEM #11

RESOLUTION NO. 2015- _____

A RESOLUTION OF THE CITY OF KINGSVILLE CITY COMMISSION SUPPORTING THE PROPOSED CAYETANO VILLAS OF KINGSVILLE APARTMENTS LOCATED AT 500 BLOCK OF GENERAL CAVAZOS BLVD., KINGSVILLE, TX.

WHEREAS, Cayetano Villas of Kingsville, LLC has proposed a development for affordable rental housing at 500 Block of General Cavazos Blvd., named Cayetano Villas of Kingsville Apartments in the City of Kingsville, TX; and,

WHEREAS, Cayetano Villas of Kingsville, LLC has communicated to the Kingsville City Commission that it intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2015 Housing Tax Credits for Cayetano Villas of Kingsville Apartments; and,

WHEREAS, if Cayetano Villas of Kingsville, LLC moves forward with this project, they will comply with all city and state laws, including but not limited to rezoning, platting, and construction.

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

1. **THAT** the City of Kingsville, acting through its governing body, hereby confirms that it supports the proposed Cayetano Villas of Kingsville Apartments located at 500 Block of General Cavazos Blvd., Kingsville, TX and that this formal action has been taken to put on record the opinion expressed by the City of Kingsville at a duly posted public meeting on Monday, January 26, 2015; and,

2. **THAT** as provided for in 10 Texas Administrative Code §11.3(b), it is expressly acknowledged and confirmed that that the City of Kingsville has more than twice the state average of units per capita supported by Housing Tax Credits or Private Activity Bonds; and,

3. **THAT** the City of Kingsville hereby supports the proposed Cayetano Villas of Kingsville Apartments located at 500 block of General Cavazos Blvd., Kingsville, TX, and confirms that its governing body has voted specifically (1) to approve the construction of the Development, subject to compliance with zoning and land use laws, and (2) to authorize an allocation of Housing Tax Credits for the Development pursuant to Texas Government Code §2306.6703(A)(4); and,

4. **THAT** for and on behalf of the Governing Body, I, Sam R. Fugate, Mayor, am hereby authorized, empowered, and directed to certify this resolution to the Texas Department of Housing and Community Affairs; and,

5. **THAT** this Resolution shall become effective upon adoption.

PASSED AND APPROVED by the City of Kingsville City Commission on this the

26th day of January 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

To: Vince Capell, City Manager

From: Tom Ginter, Director of Planning and Development Services

TJ

Date: January 16, 2015

Subject: Agenda Item: Consider a Resolution supporting Cayetano Villas of Kingsville Apartments

Attached is a copy of the resolution of support for the Cayetano Villas which would be located at 500 General Cavazos. This resolution does not involve any financial involvement from the City of Kingsville. That would come in the form of another resolution which is under discussion at this time. It is my understanding that one is not dependent upon the other. The applications are point based so this resolution if approved would add so many points to the application. If you are wondering a rezoning would have to occur, since this property is zoned R1. This property is located west of the Courts of Las Palmas property and the storage unit business on General Cavazos.

AGENDA ITEM #12

RESOLUTION #2015-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MASTER SERVICE AGREEMENT BY AND BETWEEN FOREMOST TELECOMMUNICATIONS AND THE CITY OF KINGSVILLE; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City and the King High Historical Foundation approved a long-term lease agreement on November 10, 2014 for the H. M. King High School building, built in 1909 and located at Kleberg Avenue and North 3rd Street here within the city limits of the City of Kingsville, to be the new City Hall; and,

WHEREAS, the King High Historical Foundation has begun improvements to the building so that it could be used as a new City Hall, while preserving its historical features and history for years to come; and,

WHEREAS, the City is responsible for the telecommunication, internet and security services for the building, and some of the wiring for those services needs to be installed early in the Foundation's construction process; and,

WHEREAS, after receiving information from several providers, the City has located a provider that provides the best value to the City for the fiber services at the new City Hall, and that could provide fiber services to other city departments in the future as needed; and,

WHEREAS, the City and Foremost Telecommunications have negotiated a Master Services Agreement for fiber services and installation, which would include the new City Hall building.

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

I.

THAT the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into a Master Services Agreement by and between the Foremost Telecommunications and the City of Kingsville in accordance with Exhibit A hereto attached and made a part hereof, as well as a service order for the new City Hall building.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the 26th day of January, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



Purchasing/Technology Department

DATE: January 13, 2015

TO: Vincent Capell City Manager

FROM: David Mason, Purchasing/Technology Director

SUBJECT: Foremost Contract

In regards to the agenda concerning the Foremost Master Services Agreement, I would like to provide you with some additional information. The reason the complete agreement is not included is because of a confidentiality agreement within the contract. The confidentiality agreement is there to protect the terms of the contract. Basically the Master Services Agreement is an umbrella contract for any and all recurring telecommunications (telephone, internet, network) services to be provided by Foremost Telecommunications. We are seeking approval for entering specific service agreements for Foremost to provide fiber connectivity for the New City Hall. In addition, they will be providing 2 POTS lines as backup to the VOIP phone system (being provided by another vendor) to be used in case of fiber based internet failure.

AGENDA ITEM #13



Purchasing/Technology Department

DATE: January 13, 2015

TO: City Commission through City Manager

FROM: David Mason, Purchasing/Technology Director

SUBJECT: Bid 15-02 Concrete Paving Improvement Phase 5

SUMMARY

This authorizes the award of repairs to concrete streets, curbs and drainage gutters within the City of Kingsville.

BACKGROUND

We advertised for sealed bids on December 14, 2014 and December 21, 2014 and proposals were accepted until 1:30 pm on January 7, 2015. One bid was submitted, that of E-Tech Construction. The bid was for \$152,105.00

It is recommended the contract be awarded to E-Tech Construction, 11115 Cedar Park, San Antonio, TX 78249 in the amount of \$152,105.00. E-Tech construction has successfully completed several projects for the City of Kingsville

FINANCIAL IMPACT

This action will expend \$152,105.00 from 068-5-305.0-531.00 CO 2013 Street Projects fund of which \$165,000 was budgeted.

Concrete Pavement Location & Cost

1.  Lee Between 6th and RR ROW \$ 89,500.00

2.  8th and Warren Intersection \$ 32,880.00

3.  North Side of E. Huisache
Between 9th and 10th \$ 29,725.00

Total =

\$ 152,105.00

STECH CONSTRUCTION INC.

AGENDA ITEM #14



Purchasing/Technology Department

361-595-8025
361-595-8035 Fax

DATE: 1/14/2015
TO: City Commission through City Manager
FROM: David Mason, Purchasing/Technology Director
SUBJECT: Water Well #25 Tank and Pump House

SUMMARY

This item authorizes the award of the contract for the Pump House and Ground Storage Tank for Water Well # 25.

BACKGROUND

LNV Engineering, 801 Navigation, Corpus Christi, TX is the engineer of record for this project and created the bid documents. Bids were advertised in the Kingsville Record on July 27, 2014 and August 3, 2014. A prebid meeting was held August 6, 2014 at 10:30 am in the City of Kingsville Commission Chambers with site visitation. Bid opening was August 23, 2014 at 1:30 pm with one (1) responsive bid for tank construction, that of Hubert Construction of \$572,730.00.

RECOMMENDATION

It is recommended the contract for the construction of the Pump House and Ground Storage Tank be awarded to Hubert Construction of Kingsville TX.. Juan Pimentel, P.E. of LNV is in concurrence with this recommendation.

FINANCIAL IMPACT

This will expend \$572,730.00 from 066-5-6002-72025. Ord. No. 2014-70 was passed and approved on December 1st, 2014 for these funds.



engineers | architects | contractors

Solutions Today with a
Vision for Tomorrow

September 10, 2014

Mr. Vincent J. Capell, City Manager
City of Kingsville
200 East Kleberg Street
Kingsville, Texas 78364

**Re: City of Kingsville, Texas
Water Well No. 25 Pump Tank Improvements
Recommendation of Award**

Dear Mr. Capell:

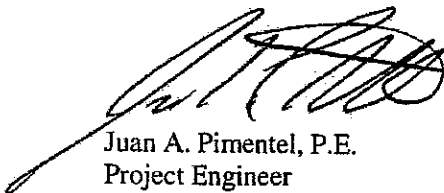
Bids were opened and read aloud on Wednesday, August 20, 2014 for the above referenced project. One (1) bids were received and the results are shown on the attached bid summary and bid tabulation sheets. The low/best bidder on the project is Donald Hubert Construction Co. Inc., P.O. Box 84, Kingsville, Texas 78363 with a Total Base Bid in the amount of \$572,730.00.

I have reviewed the Contractor's qualifications and bid documents, and it is my recommendation that the City award the project to Donald Hubert Construction Co. Inc. in the total amount of \$572,730.00.

Sincerely,

LNV

Engineers | Architects | Contractors
TBPE Firm No. F-366



Juan A. Pimentel, P.E.
Project Engineer



Attachments (2)

U:\Kingsville\110133 - Engineering Services\020 - Water Well\Bidding\Recomm Letter Water 25 Bid B.doc

Bid Summary Sheet

Project:	Water Well No. 25		
Owner:	City of Kingsville, Texas		
Bid Date & Time:	Wednesday, August 20, 2014	@ 1:30 PM	

<u>CONTRACTOR</u>		<u>BID DOCUMENTS</u>	<u>ADD #1</u>	A) Well B) GST/ Pump Bldg.
Layne TX	<input checked="" type="checkbox"/>	Bid Security		A) \$943,600.00
	<input checked="" type="checkbox"/>	Proposal Form		B) N/A
	<input checked="" type="checkbox"/>	Disclosure Forms		
Alsay	<input checked="" type="checkbox"/>	Bid Security		A) \$723,000.00
	<input checked="" type="checkbox"/>	Proposal Form		B) N/A
	<input checked="" type="checkbox"/>	Disclosure Forms		
McKinley	<input checked="" type="checkbox"/>	Bid Security		A) \$928,300.00
	<input checked="" type="checkbox"/>	Proposal Form		B) N/A
	<input checked="" type="checkbox"/>	Disclosure Forms		
Hubert Construction	<input checked="" type="checkbox"/>	Bid Security		A) N/A
	<input checked="" type="checkbox"/>	Proposal Form		B) \$572,730.00
	<input checked="" type="checkbox"/>	Disclosure Forms		
	<input type="checkbox"/>	Bid Security		A)
	<input type="checkbox"/>	Proposal Form		B)
	<input type="checkbox"/>	Disclosure Forms		
	<input type="checkbox"/>	Bid Security		A)
	<input type="checkbox"/>	Proposal Form		B)
	<input type="checkbox"/>	Disclosure Forms		
	<input type="checkbox"/>	Bid Security		A)
	<input type="checkbox"/>	Proposal Form		B)
	<input type="checkbox"/>	Disclosure Forms		
	<input type="checkbox"/>	Bid Security		A)
	<input type="checkbox"/>	Proposal Form		B)
	<input type="checkbox"/>	Disclosure Forms		
	<input type="checkbox"/>	Bid Security		A)
	<input type="checkbox"/>	Proposal Form		B)
	<input type="checkbox"/>	Disclosure Forms		
	<input type="checkbox"/>	Bid Security		A)
	<input type="checkbox"/>	Proposal Form		B)
	<input type="checkbox"/>	Disclosure Forms		

BID TABULATION PROPOSAL (B)

CITY OF KINGSVILLE
KINGSVILLE WATER WELL NO. 25 - PUMP TANK (B)
DATE: AUGUST 20, 2014

LVN ENGINEERING
801 NAVIGATION, SUITE 300
CORPUS CHRISTI, TX 78408
PHONE: 361/883-1984
FAX: 361/883-1986

				Donald Hubert Construction Co., Inc. P.O. Box 24 Kingsville, TX 78363	
ITEM	QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL PRICE
WATER WELL IMPROVEMENTS					
B-1	1	LS	84,000 GALLON GALVANIZED BOLTED STEEL GROUND STORAGE TANK PIPING, FITTINGS, ACCESSORIES, LEVEL CONTROLS, AND ALL ITEMS NOT TO MENTION BUT NECESSARY TO COMPLETE IN PLACE per plans and specifications, complete in place per lump sum.	\$105,000.00	105,000.00
B-1	1	LS	84,000 GALLON GALVANIZED BOLTED STEEL GROUND STORAGE TANK PIPING, FITTINGS, ACCESSORIES, LEVEL CONTROLS, AND ALL ITEMS NOT TO MENTION BUT NECESSARY TO COMPLETE IN PLACE per plans and specifications, complete in place per lump sum.	\$88,900.00	88,900.00
B-3	1	LS	PUMP HOUSE PUMPS, MOTORS, ELECTRICAL, CONTROLS, FITTINGS, BASE, PIPE SUPPORTS, AND ALL ITEMS NOT MENTION NUT NECESSARY TO COMPLETE IN PLACE per plans and specifications, complete in place per lump sum.	\$378,830.00	378,830.00
TOTAL - BID SCHEDULE B - BASE BID					\$572,730.00
WATER WELL NO. 24 - ADDITIVE/DEDUCTIVE ALTERNATIVE NO. 1 ITEMS - (DEDUCT)					
B-1	1	LS	PUMP HOUSE STRUCTURE (METAL BUILDING) IN LIEU OF CMU BUILDING (BID ITEM A-3) per plans and specifications, complete in place per lump sum.	(20,000.00)	(20,000.00)
TOTAL - BID SCHEDULE B - DEDUCT NO. 1					(\$20,000.00)
WATER WELL NO. 24 - ADDITIVE ALTERNATIVE NO. 2 ITEMS - (DEDUCT)					
C-1	1	LS	PUMP HOUSE STRUCTURE (WOOD BUILDING) IN LIEU OF CMU BUILDING (BID ITEM A-3) per plans and specifications, complete in place per lump sum.	(10,000.00)	(10,000.00)
TOTAL - BID SCHEDULE B - DEDUCT NO. 2					(\$10,000.00)
TOTAL - BID SCHEDULE B - BASE BID					\$572,730.00
TOTAL BASE BID + ADDITIVE/DEDUCTIVE NO. 1 (BID SCHEDULE B)					\$552,730.00
TOTAL BASE BID + ADDITIVE/DEDUCTIVE NO. 2 (BID SCHEDULE B)					\$562,730.00

AGENDA ITEM #15

City of Kingsville
Parks & Recreation
P. O. Box 1458
Kingsville, Texas 78364
361-595-8591
361-595-8596 (fax)
sivy@cityofkingsville.com

To: Vince Capell, City Manager, Kingsville City Commission
Cc: Courtney Alvarez, City Attorney

Date: January 16, 2015

Re: City Commission Meeting Agenda Item

The Parks & Recreation Department, for many years, has partnered with the Kleberg Kenedy County Agri Life Extension Service on most all youth and community events and projects we do. It provides us training, educational services, manpower and funding that we need to properly provide quality events and services to our community. This partnership is very valuable to the Parks & Recreation Department. This partnership involves working with the many 4H clubs that the Extension office coordinates and them working with us as well. They do volunteer projects County wide and are required to maintain high standards of education and community involvement. They have spent countless hours in the parks volunteering at our events and working on improvement projects.

This last fall Kleberg Kenedy County 4H hosted their Annual 4K Philanthropic Walk in Dick Kleberg Park to raise funds for community organizations. This year they chose Parks & Recreation as the recipient of these funds. Earlier this month we received a check in the amount of \$4,385.75 from that benefit. After discussions with 4H, we have earmarked these funds for improvements at the Dick Kleberg Park Recreation Center. Painting, new restroom partitions, tables and possibly a screen for presentations are planned to give new life to the aging Rec Center. Work is scheduled to be included in the TAMUK Bigger Event Feb. 28th with the majority of the work done by Parks Staff.

We ask that you receive these funds as a donation to the Parks & Recreation Department from Kleberg Kenedy County 4H and authorize it to be used for the purpose requested by the donating organization.

Susan Ivy,
Parks & Recreation Manager

KLEBERG-KENEDY COUNTY 4-H COUNCIL
P.O. BOX 1119 PH 595-8566
KINGSVILLE, TX 78364-1119

88-1268/1149

796

DATE 1/9/2015

PAY TO THE ORDER OF
City of Kingsville Parks Department \$4385.75
Four thousand three hundred eighty five & 75/100 DOLLARS

Kleberg
Bank

Kleberg First National Bank
ACH # 114912333
www.klebergbank.com

MEMO Recreation Building

Dallas Gannon

Lynn Nollkamp

WARNING: THIS DOCUMENT CONTAINS MULTIPLE SECURITY FEATURES. READ REVERSE SIDE FOR

AGENDA ITEM #16

RESOLUTION # 2015-_____

A RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPLICATION TO THE FEMA ASSISTANCE TO FIREFIGHTERS GRANT REQUESTING GRANT FUNDING FOR A FIRE ENGINE ON BEHALF OF THE KINGSVILLE FIRE DEPARTMENT WITH AN ANTICIPATED \$36,272 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 a new Fire Engine; and

WHEREAS, the new Fire Engine is needed to replace Engine 2 that is 23 years old and will need to be replaced in order to ensure response to emergency calls, provide safer working conditions for firefighters by reducing loud noise inside the cab, provide air conditioning to keep firefighters core body temperatures down prior to arrival at fire calls, reduce emissions, and accommodate added equipment that needs to be carried; and

WHEREAS, the FEMA Assistance to Firefighters Grant has a cash match and the City's anticipated portion of the cash match is estimated to be \$36,272, which will come from the City's FY15 General Fund balance surplus; and

WHEREAS, the City Commission of the City of Kingsville through this resolution has authorized the 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 a Fire Engine on behalf of the City of Kingsville Fire Department, with an anticipated cash match of \$36,272 from the City.

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 26th
day of January, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

January 15, 2015

TO: VINCENT J. CAPELL, CITY MANAGER

FROM: JOEY REED, FIRE CHIEF

SUBJECT: FEMA ASSISTANCE TO FIREFIGHTER GRANT REQUEST-
NEW FIRE ENGINE

This is a request to submit an application to FEMA to receive funds for a new fire engine through the Assistance to Firefighters Grant (AFG) program. Engine 2 is 23 years old and will need increasing maintenance and become less reliable as time goes on. Air conditioning was added to the engine in September to improve conditions for firefighters, but there are several problems with the vehicle including seats, restraints, steering, and other issues. The process of having a grant awarded, writing specifications, ordering, building, and outfitting a new fire engine could take nearly a year to complete. During this time, the fire engine will continue to degrade further and the cost for a new fire apparatus will rise.

Since Engine 2 was purchased 23 years ago, the services that fire departments provide have increased dramatically. Firefighters now respond to a wide variety of emergencies that require a greater number of specialized tools and equipment. A new fire engine will provide additional space to carry the needed equipment. National Fire Protection Association guidelines recommend that all new fire engines are built with safety features such as improved roll over protection, improved insulation and noise reduction, and other safety features not found on Engine 2.

The grant application is for a new fire engine at a cost of \$390,000. FEMA requires that local governments share the cost of the grants by paying approximately 10% of the total cost of the equipment. I propose that if approved, the City provide matching funds of \$36,272 to be allocated for the new fire apparatus from the City's FY15 excess general fund balance surplus account.

Thank you for your consideration.

AGENDA ITEM #17

DATE: January 14, 2015

TO: City Commission

VIA: Vince Capell, City Manager

FROM: Cynthia Martin, Downtown Manager

SUBJECT: Matching Funds for Purchase of Street Furnishings

On November 16, 2014, the La Posada de Kingsville donated \$4,000 to the City of Kingsville to, in the words of an accompanying letter, "assist the City of Kingsville's downtown initiative of installing new recycling trash bins and benches." This project fits the theme of the 2014 La Posada de Kingsville celebration - Go Green Christmas - Reduce, Reuse, Rejoice. This donation was accepted by City Commission at their November 24, 2014 regular meeting. We ask that the City of Kingsville provide matching funds for this same purpose.

Last year Keep Kingsville Beautiful donated five benches to the City and the City purchased fifteen (15) recycling/trash receptacles. All of these have since been installed in the 200 and 300 blocks of E. Kleberg Avenue and are in use. There is a problem with litter on downtown streets partly due to an insufficient number of trash receptacles. No city recycling/trash receptacles other than these are available for public use along Kleberg Avenue from the Courthouse to what will be the New City Hall - that is from 12th Street to 3rd Street.

A City match of \$4,000 (total of \$8,000) would allow for the purchase, for example, of two (2) benches and six (6) recycling/trash receptacles.

A City match of \$8,000 (total of \$12,000) would allow for the purchase of, for example, three (3) benches and nine (9) recycling/trash receptacles.

A City match of \$12,000 (total of \$16,000) would allow for the purchase of, for example, four (4) benches and twelve (12) recycling/trash receptacles.

AGENDA ITEM #18

ORDINANCE NO. 2015- _____

AN ORDINANCE AMENDING THE FISCAL YEAR 2014-2015 GENERAL FUND BUDGET FOR THE COMMUNITY APPEARANCE DIVISION OF THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT FOR THE PURPOSE OF PROVIDING MATCHING FUNDS FOR STREET FURNISHINGS.

WHEREAS, it was unforeseen when the budget was adopted that City would receive a donation from the La Posada de Kingsville Foundation with a request for matching funds.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2014-2015 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
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Fund 001 – General Fund

Expenses

5-1603	Comm Appear	Grounds & Perm Fixtures	59100	<u>\$4,000</u>	
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Capital

2		Unreserved Fund Balance	61002		\$4,000
---	--	-------------------------	-------	--	---------

[To amend the FY 14-15 General Fund Budget for the purpose of providing matching funds for the purchase of street furnishings (ie, benches and trash/recycling receptacles). The City received a \$4,000 donation from the La Posada de Kingsville Foundation along with a request for matching funds to increase the number of trash receptacles and benches for the downtown area along Kleberg Avenue from the courthouse to the old H.M. King High School Building.]

II.

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

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of

phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

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

INTRODUCED on this the 26th day of January, 2015.

PASSED AND APPROVED on this the 9th day of February, 2015.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

DATE: January 14, 2015

TO: City Commission

VIA: Vince Capell, City Manager

FROM: Cynthia Martin, Downtown Manager

SUBJECT: Matching Funds for Purchase of Street Furnishings

On November 16, 2014, the La Posada de Kingsville donated \$4,000 to the City of Kingsville to, in the words of an accompanying letter, "assist the City of Kingsville's downtown initiative of installing new recycling trash bins and benches." This project fits the theme of the 2014 La Posada de Kingsville celebration - Go Green Christmas - Reduce, Reuse, Rejoice. This donation was accepted by City Commission at their November 24, 2014 regular meeting. We ask that the City of Kingsville provide matching funds for this same purpose.

Last year Keep Kingsville Beautiful donated five benches to the City and the City purchased fifteen (15) recycling/trash receptacles. All of these have since been installed in the 200 and 300 blocks of E. Kleberg Avenue and are in use. There is a problem with litter on downtown streets partly due to an insufficient number of trash receptacles. No city recycling/trash receptacles other than these are available for public use along Kleberg Avenue from the Courthouse to what will be the New City Hall - that is from 12th Street to 3rd Street.

A City match of \$4,000 (total of \$8,000) would allow for the purchase, for example, of two (2) benches and six (6) recycling/trash receptacles.

A City match of \$8,000 (total of \$12,000) would allow for the purchase of, for example, three (3) benches and nine (9) recycling/trash receptacles.

A City match of \$12,000 (total of \$16,000) would allow for the purchase of, for example, four (4) benches and twelve (12) recycling/trash receptacles.

AGENDA ITEM #19

ORDINANCE NO. 2015-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER III, ARTICLE 7, PERSONNEL POLICIES, SECTION 1 CLASSIFICATION AND COMPENSATION PLAN TO ADD, CHANGE AND RECLASSIFY POSITIONS AND CORRECT CLERICAL ERROR TO THE CITY OF KINGSVILLE CLASSIFICATION AND COMPENSATION PLAN FOR FISCAL YEAR 2014-2015; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the certain changes are proposed to the City of Kingsville Classification and Compensation Plan for FY 2014-2015 are desired so that the plan more accurately reflects the type of position necessary for the effective operation of departments;

WHEREAS, the requested changes to the City of Kingsville Classification and Compensation Plan for Fiscal Year 2014-2015 are as follows:

Add – Position	Classification	Minimum-Maximum
Economic Development Director	Management Level 1	\$70,000-\$100,000
Parks and Recreation Director	Management Level 2	\$50,000-\$ 78,155

Change – Title Only

Help Desk (Class 17) to Help Desk Coordinator (Class 17)

Reclassification

Fire Telecommunications Operator (Class 14) to Fire Telecommunications Operator (Class 11)

Clerical Corrections

Correct clerical error to incorporate the FY 2014-2015 COLA (1.5%) to Class TF and Class TFS of the Fiscal Year Non-Exempt Rate Chart 2014-2015 (note: this was budgeted and is being paid correctly)

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

I.

THAT Section 3-7-1 Adoption of the Job Classification and Compensation Plan of Article 7: Personnel Policies of Chapter III: Administration of the Code of Ordinances of the City of Kingsville, Texas, which adopts by reference the City of Kingsville Classification and Compensation Plan dated effective as of October 1, 2014 shall be amended to adopt by reference the revised Classification and Compensation Plan for FY 2014-2015 to incorporate the changes stated above as per the document attached hereto.

II.

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

III.

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

IV.

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

INTRODUCED on this the 26th day of January, A. D., 2015.

PASSED AND APPROVED on this the 9th day of February, A. D., 2015.

Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

MEMORANDUM

From
The Human Resources Department

Date: January 15, 2015
To: Mr. Vincent J. Capell
City Manager
From: Diana Gonzales, SPHR 
Human Resources Director
Subject: Fiscal Year 2014-2015
Proposed Classification and Compensation Plan Amendment

Below are the proposed additions/changes to the City of Kingsville Classification and Compensation Plan for FY 2014-2015

Exempt Level Salary Plan

- Addition

Economic Development Director	Management Level 1	\$70,000 - \$100,000
Parks and Recreation Director	Management Level 2	\$50,000 - \$ 78,155

Adding the positions to the compensation plan shall create the positions. Funding methods: To be determined and presented to commission separately.

Non-Exempt/Non-Civil Service Classification Plan

- Title Change Only

Help Desk (Class 17) to Help Desk Coordinator (Class 17)

Position created for FY 2014-2015. Title change is to clarify position responsibilities. There is no monetary impact.

- Reclassification

Fire Telecommunications Operator Class 14 (\$11.90 hour) to Class 11 (\$10.69 hour)

Two (2) positions created FY 2014-2015. Upon further review the positions do not require the extensive training as the Police Telecommunications Operators. The setting of starting pay at Class 11 has been discussed with the Fire Chief who is in agreement with the lower

classification of the positions. Based on the job functions of the position there is a clear distinction between the Police and Fire Telecommunications Operators.

This change has a monetary impact. The two Fire Telecommunications Operators were funded for the entire fiscal year at the higher rate. The positions are currently vacant. Based on the vacancy period and the reduction of starting wages, the department would show base wage savings of approximately \$20,427 plus applicable benefits. The savings is subject to change based on new hire's selection of health plan coverage.

- Clerical Correction to Task Force Positions - Classes TF and TFS

New classification was established for Task Force positions during the Fiscal Year 2014-2015 budget process. The Task Force positions were moved from Class 21 (City Marshal) and Class 22 (Senior City Marshal) of the plan and placed in new classes: Class TF (City Marshal) and Class TFS (Senior City Marshal). When this change occurred the formula dealing with the 1.5% COLA failed to be incorporated correctly in the TF and TFS classes.

This is a clerical correction only. There is no monetary impact. The Finance Department utilized the correct numbers for budget preparation as well as for payroll processing. The correct dollars were budgeted and the employees affected are receiving the correct pay which includes the 1.5% COLA.

Below are the affected rates with the corresponding changes including the 1.5% COLA.

	STEP	B	C	D	E	F	G
CLASS		NEW HIRE	1	3	6	10	15
		\$ 18.48	\$ 18.85	\$ 19.23	\$ 19.61	\$ 20.40	\$ 20.81
TF		<u>\$ 18.76</u>	<u>\$ 19.13</u>	<u>\$ 19.52</u>	<u>\$ 19.90</u>	<u>\$ 20.71</u>	<u>\$ 21.12</u>
		\$ 21.23	\$ 21.65	\$ 22.09	\$ 22.53	\$ 23.44	\$ 23.91
TFS		<u>\$ 21.55</u>	<u>\$ 21.97</u>	<u>\$ 22.42</u>	<u>\$ 22.87</u>	<u>\$ 23.79</u>	<u>\$ 24.27</u>

CITY OF KINGSVILLE
CLASSIFICATION AND COMPENSATION PLAN
FISCAL YEAR 2014-2015

Ordinance Introduced: 09/08/2014
Ordinance Amendment Introduced: 01/26/2015

Ordinance Approved: September 15, 2014

<u>NON-EXEMPT / NON-CIVIL SERVICE</u>		<u>MIN</u>	<u>MAX</u>
CLASS 7	Custodian Equipment Service Worker Golf Pro-Shop Attendant Library Assistant FT/PT Maintenance Worker Plant Helper Utility Worker	\$ 9.36	\$11.39
CLASS 8	Animal Control Specialist Animal Care Attendant Children's Services Librarian Equipment Operator I Recycling Technician	\$ 9.73	\$11.69
CLASS 9	Customer Service Representative Municipal Court Deputy Clerk Reference/Information Librarian	\$ 9.90	\$12.24
CLASS 10	Circulation Librarian Technician Services Assistant	\$ 10.17	\$12.33
CLASS 11	Pump Operator <u>Fire Telecommunications Operator</u>	\$10.69	\$13.06
CLASS 12	Information and Technology Librarian Inventory Clerk	\$10.92	\$13.72
CLASS 13	Tourism Services Technician	\$11.39	\$14.19
CLASS 14	Customer Billing Specialist Engineering Technician Equipment Operator II GIS Technician Meter Reader Technician Police Telecommunications Operator Municipal Court Specialist Fire Telecommunications Operator	\$11.90	\$14.71
CLASS 15	Administrative Assistant I	\$12.42	\$15.23
CLASS 16	Lead Telecommunications Operator	\$13.05	\$16.36
CLASS 17	A/P Specialist Accounting Assistant Administrative Assistant II Assistant Library Administrator Equipment Operator III Help Desk <u>Coordinator</u> Maintenance Technician Payroll Specialist Water/Wastewater Operator	\$13.59	\$16.38

	Welder/Fabricator		
CLASS 18	Lab Technician Legal Assistant/Paralegal	\$14.16	\$16.96
CLASS 19	Community Appearance Inspector Lead Maintenance Technician	\$14.82	\$17.22
CLASS 20	Foreman	\$15.88	\$18.29
CLASS 21	Crime Scene Specialist Health Inspector I	\$17.96	\$20.61
CLASS 22	Building Inspector Engineer's Assistant Health Inspector II	\$19.10	\$21.76
CLASS TF	City Marshal	\$ 18.48 <u>\$ 18.76</u>	\$ 20.81 <u>\$ 21.12</u>
CLASS TFS	Senior City Marshal	\$ 21.23 <u>\$ 21.55</u>	\$ 23.91 <u>\$ 24.27</u>
OTHER POSITIONS			
	Seasonal/Temporary Employees Example of positions include: Brookshire Pool Attendants/Instructors/Lifeguards, Park Recreational Program Assistants, etc.	\$ 8.00	\$12.00
	Probationary Firefighters (0-12 months)	\$ 13.87	\$14.08
	Probationary Police Officers (0-12 months)	\$ 17.00	\$18.85

**CLASSIFICATION PLAN
EXEMPT LEVEL SALARY PLAN
FY 2014-2015**

	<u>MIN</u>	<u>MAX</u>
EXECUTIVE OFFICER – 1	\$ 95,000	\$140,000
City Manager		
EXECUTIVE OFFICER - 2	\$ 80,000	\$120,000
City Attorney		
MANAGEMENT LEVEL - 1	\$ 70,000	\$100,000
<u>Economic Development Director</u>		
Fire Chief		
Finance Director		
Police Chief		
City Engineer/Public Works Director		
Planning & Development Services Director		
MANAGEMENT LEVEL - 2	\$ 50,000	\$ 78,155
Assistant City Attorney		
Human Resources Director		
<u>Parks and Recreation Director</u>		
Purchasing and Technology Director		
Task Force Commander		
Tourism Services Director		
MANAGEMENT LEVEL - 3	\$ 41,209	\$ 68,005
Accounting Manager		
Assistant Task Force Commander		
Assistant Public Works Director		
Golf Course Manager		
Health Director		
Library Director		
Parks & Recreation Manager		
Risk Manager		
MANAGEMENT LEVEL - 4	\$ 36,058	\$ 55,825
Accounting Supervisor		
Building Official		
City Secretary		
Collection's Supervisor		
Police Communication's Supervisor		
Community Appearance Supervisor		
Downtown and Volunteer Supervisor		
Garage Supervisor		
Landfill Supervisor		
Municipal Court Supervisor		
Sanitation Supervisor		
Street Supervisor		
Systems Specialist		
Wastewater Supervisor		
Water Production Supervisor		
Water Supervisor		

NON-EXEMPT RATE CHART

FISCAL YEAR
2014-2015

Class 7 - 11 adjustments

Starting at Class 12
COLA positions

1.015

→→

CLASS	STEP	B NEW HIRE	C 1	D 3	E 6	F 10	G 15	H 20	I 25
7		\$ 9.36	\$ 9.72	\$ 10.08	\$ 10.43	\$ 10.88	\$ 11.15	\$ 11.39	
8		\$ 9.73	\$ 10.09	\$ 10.44	\$ 10.81	\$ 11.15	\$ 11.52	\$ 11.69	
9		\$ 9.90	\$ 10.33	\$ 10.76	\$ 11.19	\$ 11.61	\$ 12.06	\$ 12.24	
10		\$ 10.17	\$ 10.53	\$ 10.89	\$ 11.24	\$ 11.63	\$ 12.09	\$ 12.33	
11		\$ 10.69	\$ 11.07	\$ 11.48	\$ 11.88	\$ 12.27	\$ 12.66	\$ 13.06	
12		\$ 10.92	\$ 11.32	\$ 11.72	\$ 12.13	\$ 12.53	\$ 12.92	\$ 13.32	\$ 13.72
13		\$ 11.39	\$ 11.78	\$ 12.20	\$ 12.59	\$ 12.99	\$ 13.39	\$ 13.79	\$ 14.19
14		\$ 11.90	\$ 12.30	\$ 12.71	\$ 13.10	\$ 13.50	\$ 13.91	\$ 14.33	\$ 14.71
15		\$ 12.42	\$ 12.82	\$ 13.23	\$ 13.63	\$ 14.02	\$ 14.42	\$ 14.83	\$ 15.23
16		\$ 13.05	\$ 13.52	\$ 13.99	\$ 14.46	\$ 14.93	\$ 15.41	\$ 15.88	\$ 16.36
17		\$ 13.59	\$ 13.97	\$ 14.38	\$ 14.78	\$ 15.18	\$ 15.57	\$ 15.97	\$ 16.38
18		\$ 14.16	\$ 14.56	\$ 14.96	\$ 15.37	\$ 15.77	\$ 16.17	\$ 16.56	\$ 16.96
19		\$ 14.82	\$ 15.23	\$ 15.61	\$ 16.02	\$ 16.42	\$ 16.84	\$ 17.22	
20		\$ 15.88	\$ 16.29	\$ 16.68	\$ 17.09	\$ 17.49	\$ 17.88	\$ 18.29	
21		\$ 17.96	\$ 18.57	\$ 19.19	\$ 19.80	\$ 20.21	\$ 20.61		
22		\$ 19.10	\$ 19.71	\$ 20.34	\$ 20.96	\$ 21.37	\$ 21.76		
		\$ 18.48	\$ 18.85	\$ 19.23	\$ 19.61	\$ 20.40	\$ 20.81		
TF		<u>\$ 18.76</u>	<u>\$ 19.13</u>	<u>\$ 19.52</u>	<u>\$ 19.90</u>	<u>\$ 20.71</u>	<u>\$ 21.12</u>		
		\$ 21.23	\$ 21.65	\$ 22.09	\$ 22.53	\$ 23.44	\$ 23.91		
TFS		<u>\$ 21.55</u>	<u>\$ 21.97</u>	<u>\$ 22.42</u>	<u>\$ 22.87</u>	<u>\$ 23.79</u>	<u>\$ 24.27</u>		

*Note: +/- 1 cent(s) due to rounding

HOURLY CHART

- STEP B -** New Hire
STEP C - Step following completion of one (1) year of employment.
STEP D - Step for eligible employees with three (3) years of current uninterrupted City service.
STEP E - Step for eligible employees with six (6) years of current uninterrupted City service.
STEP F - Step for eligible employees with ten (10) years of current uninterrupted City service.
STEP G - Step for eligible employees with fifteen (15) years of current uninterrupted City service.
STEP H - Step for eligible employees with twenty (20) years of current uninterrupted City service.
STEP I - Step for eligible employees with twenty-five (25) years of current uninterrupted City service.

The hourly chart shall be relevant to all non-exempt, non-civil service employees maintaining a position in the same CLASS, unless otherwise approved by the City Manager.

CERTIFICATION PAY - HOURLY NON-EXEMPT EMPLOYEES (EXCLUDES CIVIL SERVICE PERSONNEL)

Class/Grade/Unit	Monthly	Per Pay Period Basis *
TCEQ I or D	\$ 30.00	\$ 13.85
TCEQ C	\$ 40.00	\$ 18.47
TCEQ II or B	\$ 55.00	\$ 25.39
TCEQ III or A	\$ 85.00	\$ 39.24
Intermediate Peace Officer	\$ 30.00	\$ 13.85
Advanced Peace Officer	\$ 52.00	\$ 24.00
Master Peace Officer	\$ 100.00	\$ 46.15

*** Rounding may be required for payroll purposes.**

MANAGEMENT LEVEL STEP PROGRAM INCREASE DUE ON ANNIVERSARY DATE OF MANAGEMENT LEVEL POSITION.

1 ST YEAR	3%
3 RD YEAR	3%
6 TH YEAR	3%
10 TH YEAR	2%
15 TH YEAR	2%
20 TH YEAR	2%
25 TH YEAR	2%

AGENDA ITEM #20

RESOLUTION #2015-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSULTANT CONTRACT WITH CK CONSULTING FIRM, LLC FOR PLANNING, ZONING, AND DEVELOPMENT RELATED ISSUES; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has experienced development growth recently and has benefited from having a planning, zoning, and development consultant assist with special projects; and

WHEREAS, staff has requested and received a six month contract to have a planning, zoning, and development consultant on retainer for various urban planning, policy planning, development review and other planning issues from CK Consulting, who has performed such services for the City previously and is familiar with City goals and objectives; and

WHEREAS, the City currently has financing in place to proceed with this contract; and

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 a Consultant Contract with CK Consulting Firm, LLC for planning, zoning, and development issues in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the _____ 26th day of January _____, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

To: Vince Capell, City Manager

From: Tom Ginter, Director of Planning and Development Services

Date: January 16, 2015

Subject: Agenda Item: Consider a resolution authorizing the City Manager to enter into a consulting contract with CK Consulting Firm, LLC for planning, zoning and development related issues

Attached is an agreement with CK Consulting Firm, LLC for planning services. The service/financial highlights of the agreement are the following:

- A. CK Consulting will provide 12 hours of basic services per month. Basic services include phone calls, research, review of plans and other assistance that helps us with day to day assistance. Mike and I along with a review of the Master Plan have come up with additional projects that can be worked on to ensure that the City utilizes the 12 hours of service that we will be paying for. These projects/work are:
 - 1. Analyzing and Updating the Comprehensive Housing Plan that was written in 2011
 - 2. Review of driveway codes and other code review that impacts the quality of a development
 - 3. Infill Area Study and Policy
 - 4. Review of Downtown Mixed Use Codes

The agreement does allow for the fact that if we find that if one of the above projects or another one that could come along require more than the hours that we are responsible for then a separate agreement could be written up.

- B. For the 12 hours of basic service, the City will be billed \$1,000.00 dollars a month. The contract is good for 6 months.

Summary:

Since I have started I have called Mike a number of times for assistance. In addition to his planning expertise he has valuable past history experience pertaining to Kingsville. Both of those qualities have been very helpful for me when I have talked to him about certain planning issues. I do think the 12 hours is sufficient for the day to day assistance and the work that we have suggested above. This would mean a \$6,000.00 dollar expenditure that would expire approximately August 1 if made effective February 1. While I do have some professional services fund available to pay for the first month or two, I would need a budget amendment at some point in time for this agreement.



AUTHORIZATION FOR PROFESSIONAL SERVICES

Project Name Professional Planning & Land Use Services on a retained basis

Client City of Kingsville, TX

Contact: Tom Ginter

Address 200 E. Kleberg Ave.
P.O. Box 1458
Kingsville, TX 78364

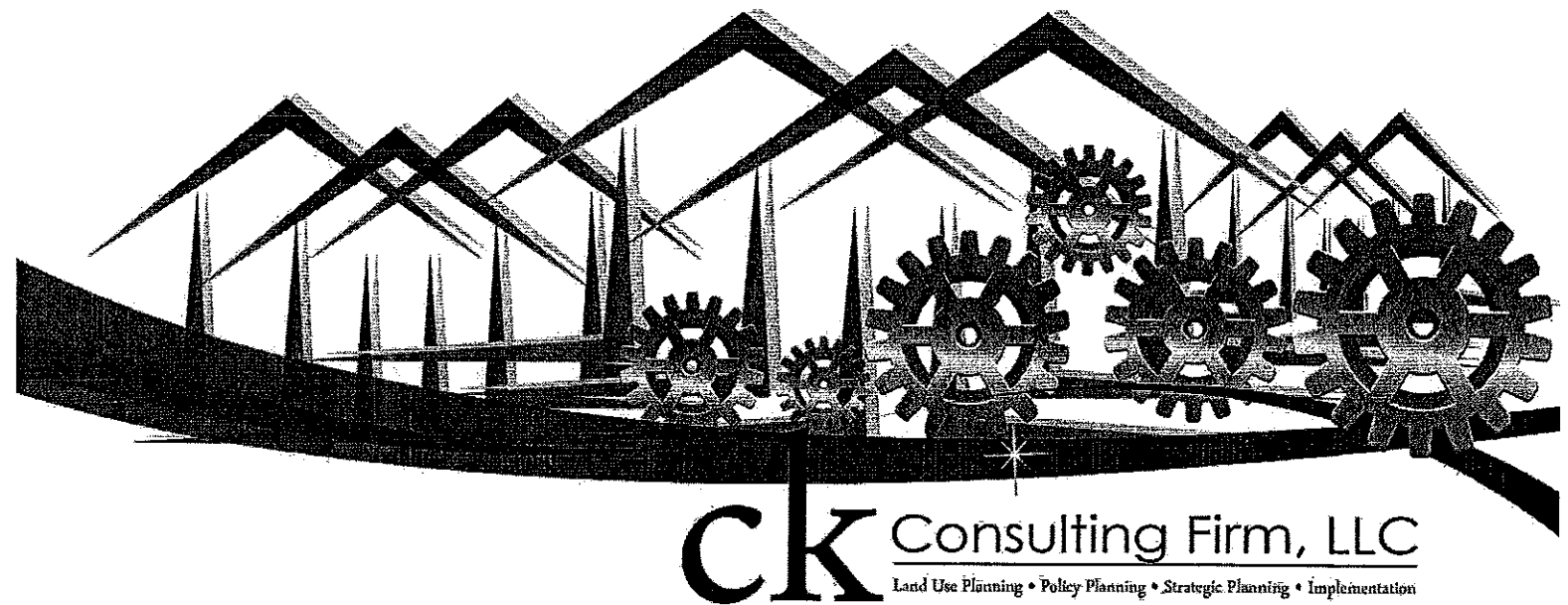
Phone: (361)595-8053

Hereby request and authorize CK Consulting Firm, LLC to perform the following services:

Scope The basic scope of work are those services described in the enclosed letter/proposal dated November 12, 2014. This agreement will allow the City to substitute and/or add work as agreed by both parties under the same terms and conditions unless also modified by agreement of both parties.*

Compensation To be invoiced monthly in the amount of One Thousand Dollars (\$1,000.00), for 12 hours of Basic Services. Billable hours in excess of the base 12 hours per month covered in the monthly retainer will be \$100.00 per hour. For Special Matters the hourly rate will be \$110.00

Additional Services Beyond the basic scope of work included in the Authorization and only as authorized in writing by the client, City of Kingsville c/o Tom Ginter, additional services outside of this agreement shall be negotiated on an as needed basis and shall be agreed upon by both parties. The terms of the agreement include the attached proposal letter from CK Consulting Firm, LLC to Mr. Tom Ginter, dated November 12, 2014, the Authorization for Professional Services and the document entitled "Provisions" attached hereto.



November 12, 2014

City of Kingsville
Attn: Mr. Tom Ginter
200 E. Kleberg Ave.
P.O. Box 1458
Kingsville, TX 78364

RE: Response to Request for Proposal: Planning Consulting via Retained Services

Dear Mr. Ginter,

Thank you for the opportunity to submit this formal quote for professional consulting services on a retained basis over the agreed upon timeframe. This proposal is in response to your request for a proposal on November 10, 2014, and based on subsequent discussions pertaining to some of your identified needs. I look forward to serving you and the City in this role over the next several months.

As you know, CK Consulting offers a wide range of experience including urban planning, policy planning (i.e. code reviews and amendments), development review and numerous other planning practices. Due to my intimate knowledge of the goals and objectives of the City of Kingsville, TX, I'm confident you will be provided with unmatched service.

CK Consulting proposes the following based on your specific request:

Scope of Work to Be Performed:

Planning, zoning & development related consulting services will be performed as needed and as requested by Mr. Tom Ginter. The monthly retainer for CK Consulting services will be \$1000.00 per month, which includes up to 12 hours per month in services. This amount will be billed monthly. This retainer fee includes a discounted hourly rate for Basic Planning, Zoning and Development related consulting services. The hourly rate for Basic Planning, Zoning and Development services (work done with regard to Basic Services as further described below) in excess of the base 12 hours per month covered in the monthly retainer will be \$100.00 per hour. For Special Matters my hourly rate will be \$110.00.

As requested, the term of this agreement will be for six months, unless terminated as set forth herein and in the provisions, or as extended by agreement with the City Commission or Authorized City Executives.

Basic Services include items such as participating in conference calls with city staff or officials to discuss emerging matters, assistance in research and analysis of land use applications, reviewing site/development plans as needed, assistance in staff report/ordinance submittal preparation, etc.; i.e., basically providing the City with Planning and Land Use representation regarding day-to-day operations.

Special Matters only include creation and/or re-writing of code sections, economic development incentive review/analysis/negotiation, plan writing, site design; and any matter deemed a Special Matter by agreement of the City and CK Consulting. Please note that a matter that is not classified as a Special Matter is automatically considered a Basic Service. I take seriously the responsibility to provide high level planning and land use services within the City's budgetary resources, just as you would expect of other City staff/departments.

The enclosed are the Provisions of the agreement for services which shall govern the relationship unless otherwise agreed upon in this agreement or the Authorization for Services, but please note the following:

- I will not charge the City for facsimiles or long distance telephone charges;
- I will not charge the City for in-house photocopies which do not exceed 100 copies per month, and copies over that amount will be charged at \$0.12 per page. Outside professional printing (e.g. Kinko's) will be billed based on the actual cost incurred;
- I do not charge for regular mail. Bulk mailings, packages and/or special postal services will be charged at the actual costs;
- I will charge the City for mileage expense at the applicable rate established by the IRS for travel required for City business.
- Periodic billing for services will be submitted on a monthly basis as described within this proposal and within the Authorization for Services. Invoices will be due upon presentation, and are due no later than 30 days following the invoice date. If any statement remains unpaid 60 days after the invoice date, CK reserves the right to terminate its services, consistent with applicable Rules of Professional Conduct.

Reimbursables

In the event overnight travel is required, an additional fee of \$750.00 per day, plus all incurred travel costs will be billed as an addendum to the original agreed upon amount for services. No travel will be scheduled without prior written approval from the City of Kingsville.

If you have any questions regarding the terms of this agreement, or if you ever have a question about my charges, or other matter related to this proposal, please contact me at your convenience to discuss the matter. CK Consulting's role as planning and land use consultants for the City will begin upon receipt of the signed Authorization for Services (by email or mail). Thank you for choosing CK Consulting Firm, LLC, to provide these important services to your City. I look forward to our continued partnership.

Sincerely,



Mike Kellam, AICP

ck Consulting Firm, LLC

Enclosure(s)

Approved by Client:
City of Kingsville

Accepted by: **ck** Consulting Firm, LLC

**Tom Ginter, Director of Planning &
Development Services**

Signature: _____

Signature: Michael Kellam

Printed
Name: _____

Printed
Name: Michael Kellam

Title: _____ Date: _____

Title: Owner/CEO Date: 11/12/14

**This agreement is for the provision of professional planning and zoning services, and not for legal, business, personal, or other advice not constituting planning and zoning services. It is agreed that the client is not relying upon CK Consulting Firm, LLC in this engagement for advice in areas other than professional planning and zoning services, even if such matters should be discussed in connection with the engagement.*

PROVISIONS

1. **AUTHORIZATION TO PROCEED**
Signing the attached Authorization for Professional Services shall be constructed as authorization by CLIENT for CK Consulting Firm, LLC. to proceed with the work, unless otherwise provided for in the Authorization.
2. **LABOR COSTS**
In the event CK Consulting Firm, LLC.'s compensation is calculated by reference CK Consulting Firm, LLC.'s Labor Costs, Labor Cost shall be the amount calculated by the number of hours actually worked by each of CK Consulting Firm, LLC.'s employees in CLIENT'S Project, multiplied by an amount charged for employees on the CLIENT'S project, multiplied by an amount charged for each such employee's work, which is calculated by dividing each such employees' annualized, non-overtime compensation (whether salary or paid to such employee at an hourly rate, as the case may be) divided by 2,080 hours per year.
3. **DIRECT EXPENSES**
CK Consulting Firm, LLC.'s direct expenses shall be those costs incurred on or directly for the CLIENT's project, including but not limited to necessary transportation costs including mileage at CK Consulting Firm, LLC.'s current rate when it or its employees' automobiles are used, meals and lodging, computer services, word processing services, telephone, printing and binding charges. Reimbursement for these EXPENSES shall be on the basis of actual charges when furnished by commercial sources and on the basis of usual commercial charges when furnished by CK Consulting Firm, LLC. plus an additional amount added to the cost of these services for CK Consulting's administrative costs.
4. **OUTSIDE SERVICES**
When technical or professional services are furnished by an outside source, when approved by CLIENT, an additional amount shall be added to the cost of these services for CK Consulting Firm, LLC.'s administrative costs, as provided in this Authorization.
5. **COST ESTIMATES**
Any cost estimates provided by CK Consulting Firm, LLC. will be on a basis of experience and judgment, but since it has no control market conditions or bidding procedures CK Consulting Firm, LLC. cannot warrant that bids or ultimate construction cost will not vary from the cost estimates.
6. **PROFESSIONAL STANDARDS**
CK Consulting Firm, LLC. shall be responsible, to the level of competency presently maintained by other practicing professional services firms in the same type of work in CLIENT's community, for the professional and technical soundness, accuracy, and adequacy of all project management, planning, consulting, and other work and materials furnished under this Authorization.
7. **TERMINATION**
CLIENT or CK Consulting Firm, LLC. may terminate this authorization by giving 30 day's written notice to the other party. In such event CLIENT shall forthwith pay CK Consulting Firm, LLC. in full, for all work previously authorized and performed prior to effective date of termination. If no notice of termination is given, relationship and obligations created by this Authorization shall be terminated upon completion of all applicable requirements of the Authorization.
8. **LEGAL EXPENSES**
In the event legal action is brought by CLIENT or CK Consulting Firm, LLC. against the other to enforce any of the obligations hereunder or arising out of any dispute concerning the terms and conditions hereby created, the losing party shall pay the prevailing party such reasonable amounts for fees, cost and expense as may be set by the court.
9. **PAYMENTS TO CK Consulting Firm, LLC./INTEREST ON PAST DUE AMOUNTS**
Monthly invoices will be issued by CK Consulting Firm, LLC. for all work performed under the terms of this Authorization. Invoices are due and payable on receipt. Interest at the rate of 1 ½ % per month will be charged on all past-due amounts, unless precluded by law. Any interest charged or collected, in excess of the highest legal rate, will be applied to the principal amount owed to CK Consulting Firm, LLC., and if such interest exceeds the principal balance of CLIENT's indebtedness to CK Consulting Firm, LLC. will be returned to CLIENT. It is the intent of CK Consulting Firm, LLC. and CLIENT to abide by all applicable laws regulating the maximum amount of interest that may be charged.
10. **TIMES FOR RENDERING SERVICES**
CK Consulting Firm, LLC.'s services and compensation under this Agreement are agreed to in anticipation of the orderly and reasonably continuous progress of the work through completion. If, in this Agreement, specific periods of time for rendering services are set forth or specific dates by which services are substantially to be completed or provided, and if such periods of time or dates are changed through no fault of CK Consulting Firm, LLC. the rates and amounts of compensation provided for herein shall be subject to equitable adjustment. If the work is temporarily suspended beyond a continuous period of more than sixty days through no fault of CK Consulting Firm, LLC. and subsequently restarted, a remobilization fee of 3% of the total anticipated compensation will be added to cover administrative and staffing adjustment s. If the CLIENT authorizes or requests changes in scope, extent, or character of the work (in writing), the time of performance of CK Consulting Firm, LLC. services shall be adjusted equitably.
11. **LIMITATION OF LIABILITY**
CK Consulting Firm, LLC.'s liability to the CLIENT for any cause or combination of causes is in the aggregate, limited to an amount no greater than the fee earned under this agreement.
12. **ADDITIONAL SERVICES**
Services in addition to those specified in Scope will be provided by CK Consulting Firm, LLC.'s if authorized in writing by CLIENT. Additional services will be paid for by CLIENT as indicated in the Letter of Proposal, Task Authorization, or such other documents as deemed appropriate by CLIENT/ CK Consulting Firm, LLC., and which is referenced under Compensation/Additional Services.
13. **SALES TAX**
If in accordance with the State Sales Tax Codes, certain services are taxable, then applicable sales tax is not included in the fee described herein. Sales tax at an applicable rate will be indicated on invoice statements, as required.

In case one or more of the provisions contained in this authorization contract shall be held illegal, the enforceability of the remaining provisions contained herein shall not be impaired thereby.

AGENDA ITEM #21

RESOLUTION # 2015-__

A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO ENTER INTO AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE HARRIS COUNTY DISTRICT ATTORNEY'S OFFICE AND THE CITY OF KINGSVILLE POLICE DEPARTMENT; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to the provisions of the Texas Local Government Code Chapter 362 (Law Enforcement Services Provided Through Cooperation of Municipalities, Counties, and Certain Other Local Governments), a county and a municipality may, pursuant to order or resolution of its governing body, form a mutual interlocal agency agreement to assist in criminal and narcotic investigations and law enforcement; and

WHEREAS, pursuant to the provisions of the Texas Local Government Code Chapter 791 (Interlocal Cooperation Act), a local governmental body may contract or agree with one or more local government bodies for the performance of governmental functions in which the contracting parties are mutually interested; and

WHEREAS, the parties to this agreement can better utilize the law enforcement resources of the City and the County by the coordination of crime interdiction efforts between the Kingsville Police Department and the Harris County District Attorney's Office; and

WHEREAS, the County District Attorney and the City desire to use the capital expenditures to improve the health, safety, and quality of life of the residents of their jurisdictions.

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

I.

THAT the Chief of Police is authorized and directed as an act of the City of Kingsville, Texas to enter into an Interlocal Cooperation Agreement Between the Harris County District Attorney's Office and the Kingsville Police Department in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the
____ 26th day of January _____, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**LOCAL AGREEMENT WITH RESPECT
TO THE FORFEITURE OF CONTRABAND**

This writing is a local agreement and memorandum of understanding between the attorney representing the state, hereinafter referred to as the District Attorney, and the Kingsville Police Department, hereinafter referred to as KGS, pursuant to the terms and provisions The Texas Code of Criminal Procedure, Chapter 59.

I. DEFINITIONS

In this agreement the following definitions shall apply:

- A. "Attorney representing the State" means the elected Harris County District Attorney or any of her authorized Assistant District Attorneys.
- B. "KGS" - Means the agency head of the Kingsville Police Department.
- C. "Contraband", "interest holder", "owner", and "seizure" shall have the same meaning as defined in Article 59.01, Texas Code of Criminal Procedure.
- D. "Forfeitures pending" means any forfeiture matter that the District Attorney has received notice of seizure in accordance with this agreement.
- E. "Use Letter" means a document which sets out the agency's request as to the disposition of property and/or the sharing of proceeds with another agency.

II. SEIZURE OF CONTRABAND

- A. Notification of Seizure - When contraband is seized pursuant to Chapter 59 of the Texas Code of Criminal Procedure by KGS, the seizing officers shall immediately notify the District Attorney of the seizure as follows:
 - 1. The seizing officer shall notify the District Attorney in writing within seven days following the seizure, either in person or by facsimile addressed to Harris County District Attorney, 1201 Franklin, Suite 600, Houston, Texas 77002, Attention: Asset Forfeiture, facsimile # (713) 755-6863. This document shall be referred to as the "Notice of Seizure." The "Notice of Seizure" shall contain:
 - A. A statement under oath and notarized that contains a schedule and inventory of the property seized pursuant to Article 59.03(c) of the Code of Criminal Procedure and this agreement.
 - B. An acknowledgment by KGS that the listed items were seized and the reasons those items were seized pursuant to Chapter 59 of the Code of Criminal Procedure.
 - 2. The "Notice of Seizure" shall be accompanied by a packet of information which will contain the following:

- A. A representation by KGS as to whether or not the listed items are being held as evidence pursuant to a pending criminal investigation or criminal prosecution.
 - B. A representation by KGS that the listed items are to be kept and maintained so as to protect the seized property pending final disposition of the suit for forfeiture at KGS's expense.
 - C. Notice as to the place and location where the property is presently stored and kept, and under whose custody and control those items are maintained.
 - D. The name and address, if known, of the person found in possession of the property, or if no person was found in possession of said property, the seizing officer shall so state.
 - E. The name and address, if known, of the owner of the property seized, or if the name and address of the owner is unknown to the seizing officers and by the use of due diligence may not be reasonably ascertained, the seizing officer shall so state.
 - F. The name and address, if known, of any person who claims a security interest in the property and the amount of such interest.
 - G. The marital status of any person found in possession of said seized property, or who may be claiming any interest in said property as the owner or lien holder, and whether or not KGS has any investigative report or records indicating that such person has been investigated for any act of family violence as defined by Section 71.01 Family Code.
 - H. If any of the seized property is money, the seizing officer shall provide evidence of the deposit of the funds in the Wells Fargo Bank, 1500 Waugh Drive, Houston, Texas, 77019, in a certificate of deposit styled "Harris County District Attorney, Custodian for KGS, Incident Report Number [number applicable to seizure]".
 - I. If the seized property contains securities, negotiable instruments, or stocks, the said property shall be delivered to the Office of the District Attorney, Attn: Asset Forfeiture, 1201 Franklin, Suite 600, Houston, Texas 77002.
- B. Disposition of Seized Property Prior to Forfeiture. All property, except money, securities, negotiable instruments, or stocks, seized by KGS pursuant to this agreement and Chapter 59, Texas Code of Criminal Procedure, both tangible, real and mixed, shall be safely kept by KGS, under seal, and in a manner that properly protects the seized property from damage or abuse pending final disposition of the forfeiture action, unless otherwise ordered by the court, or subject to replevy in accordance with Article 59.02 Texas Code of Criminal Procedure. The safekeeping shall be at the sole cost and expense of KGS.

Money seized pursuant to this agreement and Chapter 59, Texas Code of Criminal Procedure, shall be deposited by KGS after the seizure, in the Wells Fargo Bank, 1500 Waugh Drive, Houston, Texas 77019, in a certificate of deposit styled "Harris County District Attorney, Custodian for KGS, Incident Report Number [number applicable to seizure]". Evidence of the certificate of deposit shall be furnished to the District Attorney.

Securities, negotiable instruments, or stocks seized by KGS shall be delivered to the Office of the District Attorney, Attn: Asset Forfeiture, 1201 Franklin, Suite 600, Houston, Texas 77002.

III. DISPOSITION OF FORFEITED PROPERTY

- A. Real and Personal Property - Upon a final adjudication determining that real or personal property, other than money securities, negotiable instruments, and stocks, shall be forfeited to the State, the District Attorney shall dispose of such property as follows:
1. The District Attorney shall transfer the forfeited property to KGS for the official use by the agency, if:
 - A. Within sixty days (60) of the date of the seizure, KGS has given written notice in the form of a "Use Letter" addressed and delivered to the District Attorney that KGS wants to use such property for official purposes; and
 - B. KGS agrees to satisfy any and all storage and maintenance costs; and
 - C. The property is free of any interest of an interest holder, or KGS agrees to purchase the non-forfeitable interest of an interest holder; and
 - D. The District Attorney waives its 30% interest in the property pursuant to Chapter 59 of the Texas Code of Criminal Procedure and this agreement.
 2. The District Attorney may transfer said property to any agency or political subdivision employing peace officers if:
 - A. KGS has notified the District Attorney in writing that KGS does not want to use or operate the property and will waive KGS's seventy percent (70%) interest in the property pursuant to Chapter 59 of the Texas Code of Criminal Procedure and this agreement, or
 - B. KGS notifies the District Attorney within sixty (60) days of the date of seizure of the percentage of interest that any other agency may have in the property. The specific percentage of interest that each agency has in the property should be included in the form of a "Use Letter" addressed and delivered to the District Attorney, or
 - C. KGS has not notified the District Attorney within sixty days (60) of the date of seizure of KGS's desire to use such property for official purposes in the form of a "Use Letter" addressed and delivered to the District Attorney.

3. Three out of every ten motor vehicles shall be forfeited to the District Attorney for official use and operation, unless expressly waived by the District Attorney's Office.
4. The District Attorney shall cause the property designated by Court order to be sold following the date of the final judgment of forfeiture as soon thereafter as reasonably practicable. The method of sale will be determined by the District Attorney and may be done by auction or other means determined by the District Attorney to be a fiscally responsible manner and in accordance with law as provided in such cases.
5. The proceeds of any sale conducted hereunder shall be distributed as follows:
 - A. First, to any interest holder to the extent of the interest holder's non-forfeitable interest;
 - B. The balance after deducting all costs, including but not limited to, maintenance, storage and disposal costs, incurred by KGS or by the District Attorney, both before and after the final judgment of forfeiture, shall be distributed as follows:
 - (1) Seventy percent (70%) of the balance remaining after deducting all costs shall be paid by the District Attorney to KGS for deposit by KGS into a special fund in the treasury of the political subdivision established for KGS and committed to law enforcement purposes as provided by Chapter 59 of the Texas Code of Criminal Procedure or it will be paid to any law enforcement agency or political subdivision employing peace officers (for their deposit in a special fund which comports with the requirements of Chapter 59 of the Texas Code of Criminal Procedure) that is designated by KGS in their "Use Letter" in the percentage designated.
 - (2) Thirty percent (30%) of the balance remaining after deducting all costs shall be deposited by the District Attorney in a special fund in the county treasury for the benefit of the District Attorney to be used solely by said representative of the State for the official purposes of the office as provided by Chapter 59 of the Texas Code of Criminal Procedure.
- B. Money, Securities, Negotiable Instruments, and Stocks - Upon a final adjudication determining that property consisting of money, securities, negotiable instruments, and stocks, shall be forfeited to the State, the said property shall be converted to U.S. funds in accordance with law. The District Attorney shall then dispose of said property as follows:
 - A. First, to any interest holder to the extent of the interest holder's non-forfeitable interest;
 - B. The balance after deducting all costs, including but not limited to, maintenance, storage, brokerage fees and disposal costs, incurred by KGS or by the District Attorney, both before and after the final judgment of forfeiture, shall be distributed as follows:
 - (1) Seventy percent (70%) of the balance remaining after deducting all costs shall be paid by the District Attorney to KGS for deposit by KGS into a special fund in

the treasury of the political subdivision established for KGS and committed to law enforcement purposes as provided by Chapter 59 of the Texas Code of Criminal Procedure or it will be paid to any law enforcement agency or political subdivision employing peace officers (for their deposit in a special fund which comports with the requirements of Chapter 59 of the Texas Code of Criminal Procedure) that is designated by KGS in their "Use Letter" in the percentage designated.

- (2) Thirty percent (30%) of the balance remaining after deducting all costs shall be deposited by the District Attorney in a special fund in the county treasury for the benefit of the District Attorney to be used solely by said representative of the State for the official purposes of the office as provided by Chapter 59 of the Texas Code of Criminal Procedure.

IV. DURATION OF THE AGREEMENT

This agreement shall be in force and effect from the date of execution by both agencies, unless terminated by either the District Attorney or KGS. Termination may occur by notification of either party, in writing, stating their intentions to terminate the agreement. Such notice shall be communicated by personal delivery to the District Attorney or to the agency head of KGS and shall be effective thirty days following notification. Any forfeitures pending at the effective date of termination shall be distributed in accordance with this agreement.

V. NOTICES

All notices shall be delivered as follows:

- A. Notice of Seizure - Notice of seizure shall be served in person by KGS by hand delivery to: The Assistant District Attorney in Charge of the Asset Forfeiture Division, Office of the District Attorney, Fifth Floor, 1201 Franklin, Houston, Texas 77002.
- B. Notice of Waiver of Interest - Notice of waiver of any interest in any forfeited property specifically detailing the forfeited property in which he is waiving interest hereunder shall be in writing, signed by agency head of KGS or by his designated representative, and by the District Attorney or by her designated representative, and delivered in person, by certified mail, or by facsimile to both of the following addresses:
 1. Kingsville Police Department
1700 East King Avenue
Kingsville, Texas 78363
Fax # (361) 593-1714
 2. Harris County District Attorney
Attn: Asset Forfeiture
1201 Franklin, Suite 600
Houston, Texas 77002
Fax # (713) 755-6863

- C. Other Notices - Any other notices, including but not limited to, termination, agency use of property, and willingness to discharge interest of non-forfeitable interest holder shall occur in accordance with V. B. above.

VI. MODIFICATION OF AGREEMENT

This writing represents the entire agreement of the parties with respect to the forfeiture of property and controlled substances under Chapter 59 of the Texas Code of Criminal Procedure; however, either party may modify, repeal or amend said agreement provided all parties consent to such modification, repeal, or amendment in writing. Such modifications or amendments may include, but are not limited to, agreements related to specific multi-agency task force investigations or other circumstances where more than one agency employing peace officers may be involved in a seizure. In such cases, a separate forfeiture agreement may be devised, with the consent of all parties, and such agreement shall supercede this agreement in the specific applicable forfeiture proceeding.

EXECUTED this _____ day of

_____, 2014 by

Devon Anderson
District Attorney
Harris County, Texas

EXECUTED this _____ day of

_____, 2014 by

Ricardo "Rick" Torres
Chief of Police
Kingsville Police Department