

City of Kingsville, Texas

AGENDA CITY COMMISSION

**MONDAY, OCTOBER 12, 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)

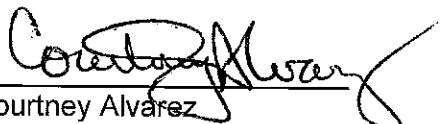
MINUTES OF PREVIOUS MEETING(S) – Required by Law

Special Meeting – August 26, 2015

Regular Meeting – September 28, 2015

Special Meeting – October 5, 2015

APPROVED BY:


Courtney Alvarez
Interim City Manager

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

1. Public Hearing regarding request for an alcohol variance for a Wine and Beer Retailer's Permit and Retailer's Off-Premise Permit for the establishment known as EZ Stop, LLC located at 201 S. Highway 77 Bypass, Kingsville, Texas. (Director of Planning & Development Services).

III. 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, **INVESTMENT REPORT**, 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, Water And Wastewater Rate Study Presentation. No formal action can be taken on these items at this time."*

IV. Public Comment on Agenda Items³

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

V.

Consent Agenda

Notice to the Public

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to 2 acres at Lot 3, Burris Acres, known as 700 General Cavazos from C2-Retail District to C4-Commercial District. (Director of Planning & Development Services).
2. Motion to approve final passage of an ordinance amending the zoning ordinance by granting a Special Use Permit for 700 General Cavazos (2 acres at Lot 3, Burris Acres) for self-storage facility. (Director of Planning & Development Services).
3. Motion to approve final passage of an ordinance amending the zoning ordinance by granting a Special Use Permit for 1220 N. 14th Street (1.1534 acres at Lot 2, Block 6, McBryde acres) for storage warehouse. (Director of Planning & Development Services).
4. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinance by amending Chapter IX-General Regulations, Article 8-Parks and Recreation, providing for regulations and fees for the Pavilion and Bandstand areas. (Downtown Manager).
5. Motion to re-appoint Dr. Tadeo Reyna, Jr. to the Library Board for a three-year term. (Library Director).
6. Motion to approve membership renewal with Electric Reliability Council of Texas ("ERCOT") for 2016 membership year. (City Attorney).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

7. Consider request for an alcohol variance for a Wine and Beer Retailer's Off-Premise Permit for the establishment known as EZ Stop, LLC located at 201 S. Highway 77 Bypass, Kingsville, Texas. (Director of Planning & Development Services).
8. Consider authorizing the purchase of one backhoe for the Waste Water Construction Department via Buyboard as per staff recommendation. (Purchasing/Technology Director).

9. Consider City approval of and participation in certain events and parades for Fiscal Year 15-16 as stated in the memo and attachments. (Tourism Director).

10. Discussion of the wayfinding project and signs. (Tourism Director).

11. Executive Session: Pursuant to Section 551.074, Texas Open Meetings Act, the City Commission shall convene in Executive Session to deliberate the appointment, employment, and duties of the City Manager. (Mayor Fugate).

12. Consider a resolution authorizing the Mayor to execute an Employment Agreement for the position of City Manager with Jesus A. Garza. (Mayor Fugate).

VII. Adjournment.

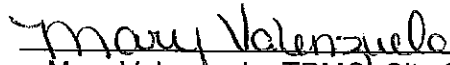
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative 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:

October 7, 2015 at 10:00 A.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.


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

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

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

MINUTES OF PREVIOUS MEETING(S)

AUGUST 26, 2015

A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON WEDNESDAY, AUGUST 26, 2015 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 4:00 P.M.

CITY COMMISSION PRESENT:

Sam Fugate, Mayor (arrived at 4:03 p.m.)
Dianne Leubert, Commissioner
Noel Pena, Commissioner
Al Garcia, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Courtney Alvarez, Interim City Manager/City Attorney
David Mason, Purchasing/IT Director
Tom Ginter, Director of Planning & Development Services
Emilio Garcia, Health Director
Deborah Balli, Finance Director
Diana Gonzales, Human Resources Director
Charlie Cardenas, Public Works Director/Engineer
Willie Vera, Task Force Commander
Ricardo Torres, Police Chief
Tony Verdin, IT Specialist
Susan Ivy, Parks Manager
Rose Morrow, Municipal Court Manager
Leo Alarcon, Tourism Director
David Bodiford, Accounting Supervisor
Stacie Pena, Accounting Manager
Joey Reed, Fire Chief
Rick Salinas, Volunteer Fire Department
Ron Gerd, Volunteer Fire Department
Linda Gerd, Volunteer Fire Department
Agent Guajardo, Task Force
Agent Villalobos, Task Force
Agent McGee, Task Force
Agent Tamez, Task Force

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 4:00 p.m. and announced quorum with all five Commission members present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S) – Required by Law
None.

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

NONE

III. Reports from Commission & Staff²

"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, Convention and Visitor's Bureau, 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, Chapter 59 project. No formal action can be taken on these items at this time."

Mrs. Alvarez reported that she has been advised by the Kleberg County Attorney that they received yesterday notice from the Department of Interior that the Concession Agreement has been approved. Alvarez further stated that the next City Commission will be a special meeting on Wednesday, at 6:00 p.m. where the Commission will be having public hearings on the budget and tax rate at this time. September 7th is a holiday; City Hall will be closed in observance of the holiday.

Jerry Bravonec, Carlisle Insurance and Mr. David Jacobson of Entrust made a brief presentation to the City Commission regarding the City's plan and projected plan for next year.

Jerry Bravonec reported that the last few months Entrust representatives have been coordinating with city staff regarding a detailed analysis of the plan. There are no material changes within the program for the upcoming year. Mr. Bravonec stated that a letter has been provided to the Human Resources Director stating that it is their recommendation for the City to continue with the current carrier for the 2015-2016 year.

Mr. David Jacobson reported that last year the City of Kingsville made some tweaks to the plan that was thought up by staff. No changes to the plan had been made in the last fifteen years. Mr. Jacobson further stated that he is projecting total expenses at \$2,944,067.00. The city should expect \$2,600 in refunds and should have a projected plan cost of \$2,900,037.00. Looking at previous year, the city's cost last year came in \$3,188,000.00. Jacobson further reported that as of yesterday, the city's expenditures were \$2,450,000.00. He further stated that he projects that the city's cost for this year will come in at \$3,170,000.00 with a cost to the City of Kingsville of \$2,900,000.00, due to the difference in large claims. In comparison from 2013-2014 and what is projected for 2015-2016, small dollar claims projected is \$1,668,000.00, up from \$1,363,000.00. This is due to having large dollar claims from the previous years; these individuals are in a different category of claims expense. The large dollar claims last year was \$1,025,000.00 and this year its \$209,000.00. Prescription cost is lower on a per head basis from previous year. Mr. Jacobson stated that it is recommended that the City fund \$3,600,000.00, and he is projecting the number at \$3,170,000.00. In large claims he is projecting \$600,000.00. Now looking at \$3.2 million versus \$3.6 million, if all goes well the City should generate \$400,000 additional in reserves for this year.

Commissioner Leubert asked what the index number that is being used for a small claim versus a large claim.

Mr. Jacobson responded that the City takes \$75,000 risk per person, the small dollar claims are individuals that have had less than \$37,500 claims in a year. The large dollar claims is the total amount of claims for those individuals that have over \$37,500 per year. For one who has a \$36,000 claim is considered a small dollar claim and one that has \$38,000 claim is considered a large dollar claim.

IV. Public Comment on Agenda Items⁻³

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

No public comments were made.

V.

Consent Agenda

Notice to the Public

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

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

1. None.

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

2. Review and discuss proposed fiscal year 2015-2016 budget for departments of the City of Kingsville. (City Manager).

Warrant Enforcement – 001-180

Ricardo Torres, Chief of Police reported that on some of the new things that the Kingsville Police Department is implementing through social media. Staff will be working with the Risk Management Department on training staff on active shooter situations. He further spoke about the effects of synthetic marijuana and how the City is handling the situation.

Chief Torres reported that the Warrant Officers overtime was reduced \$700 for this year.

Police Administration – 001-210

Catering line item was reduced by \$596; medical treatment was increased by \$1,200. Torres stated that they are fully staffed at this time, but may have 2 to 3 officers that are in the process for Corpus Christi Police Department. Equipment maintenance was down \$830.

Patrol – 001-210

Supplies was reduced by \$1,950, uniforms and personal wear was reduced by \$4,000, motor gas & oil was reduced \$1,500, this is due to the price of gas going down. Computers and Associated equipment was reduced by \$1,000; laundry reduced by \$3,000.

Communications – 001-210

Supplies reduced by \$1,350; uniforms and personal wear were increased by \$175; communications increased \$26,591 which was due to phone systems. AT&T overcharged about \$6,000 per month for the last fourteen months. Some of this will be reimbursed back to the city. Training and travel was increased as well.

Crime Investigations – 001-210

Division changed hours to try to reduce overtime. Supplies was increase by \$949; uniforms and personal wear reduced by \$3,927; motor gas & oil increased by \$2,123; vehicle maintenance reduced \$2,990, this is due to the purchase of four new vehicle this past year which will reduce maintenance.

Commissioner Pecos asked who found the discrepancy where the city was being overcharged on phone charges.

Mrs. Alvarez responded that the discrepancy was found by TeleSource of San Antonio.

Chief Torres continued to report on his budget. He stated that under line item for guns and ammunition was reduced by \$3,570; utilities increased by \$8,809; building maintenance decreased \$3,000.

Community Services – 001-210

Ductless mini split is being requested and has been included in the upcoming budget.

Chief Torres reported that Chapter 59 funds have not had a decent forfeiture seizure in over a year. Nothing was funded from these funds as they are not aware of how much money was available. In the past some donations were made to non-profit organizations, this year unfortunately, there are no funds available for donations. In the last nine years, over \$1 million dollars went to overtime, but this year there are no funds available. There is no money for vehicles; there is money for KPD network in the amount of \$12,000.

Mayor Fugate asked how much the maintenance contracts are.

Chief Torres responded that he is not sure. He stated that they use equipment that they have and are proactive in the gang issue and other things in the community so interdiction money comes second.

Mayor Fugate asked for the cost of maintenance contracts.

Chief Torres further stated that the communication trailer and cameras around KPD building are being worked on. He further reported on Operation Stonegarden and stated that the Sheriff has seen it fitting not fund them for 2014-2015. Torres commented that he will apply for Operation Border Star which has a 30% match and covers 70% of overtime cost.

Commissioner Pecos asked that when applying for Operation Stonegarden, is it filled out solely by the Sheriff Department or does the City have any input on it.

Chief Torres responded that the County Judge accepts the grant.

Fire Department – 001-220

Joey Reed, Fire Chief reported on the Fire Departments budget. Chief Reed stated that there have been more structured fires in the last year than the last couple of years put

together. Reed stated that there isn't any capital items within this budget and have one supplemental increase. Some changes have gone up and down within the personnel services and expenses. Certification pay was increased due to staff receiving their state certifications. There were some increases within group health insurance but some decreases in retirement and FICA expenses. Salary and wages compare to last year's budget had a difference of \$11,000 which is related to pay increases as per union contract. Chief Reed further reported that his department will be requesting an ambulance in the CO 2016, since the current ambulances are aging.

Mayor Fugate asked how much money is needed to complete the renovations at Station # 1.

Chief Reed responded there was \$49,000 in the capital budget this year which was simply for floors repairs. Repairs to the upstairs of Station #1 is also needed as there are some broken windows that are boarded, also place cubicles in the bedrooms. There are other repairs that need to be made at the station, but can be addressed at another time.

Commissioner Garcia asked with regards to overtime, in 2014 it was budgeted \$239,000 and in 2015 it was budgeted \$372,000 and this new year it is being proposed in the amount of \$230,000, which is roughly \$100,000 less.

Chief Reed stated that if you take the original budgets which last year, salaries were originally \$1,541,632.00 and the original overtime budget was at \$230,000. Reason for overtime budget being so large is that the department had four vacancies throughout most of the year and those positions needed to be filled by staff which caused overtime increases. It is necessary to have seven staff members per shift.

Mayor Fugate asked if the Fire Department is fully staffed now.

Chief Reed stated that he has one vacancy and one employee leaving within a month. There is also one vacancy within the dispatcher division.

Task Force 008-233

Willie Vera, Task Force Commander, reported on his department's budget. He first gave some highlights on the success of the Task Force. The Task Force has a total program income, state and federal assets interest total to \$1.6 million for the year. Total pending and awarded the Task Force has over \$5 million. The two bank accounts indicate that the federal account has over \$196,000.00, program income has \$1,517,000.00, and pending account has \$2.7 million. Vera further stated that the Task Force average budget is \$1.1 million yearly and the last four years, the Task Force has not exceeded their core budget or even come close to the projected budget. Commander Vera continued on his budget presentation. He reported that the Task Force has a scheduled auction for September 26, 2015 that will project some funds off the sale of vehicles. As for donations to the non-profit organizations, the Task Force will continue to issue them and in addition to this, the Task Force has received some additional request, \$2,500 for the Parks & Recreation Department, \$500 for TAMUK Continued Education Camp, and \$5,000 for Family Counseling Service. The \$5,000 for Family Counseling Service was not budgeted within the upcoming budget as the donation request came in late. But he further asked for the City Commission to approve the additional \$5,000.

Mayor Fugate asked where the Family Counseling Service is located.

Commander Vera responded that they are located in the Corpus Christi area but they have a satellite office in Kingsville.

Commissioner Leubert asked if the money being requested will stay within Kingsville. Commander Vera response was yes.

Commissioner Garcia commented that they do service our community.

Mayor Fugate commented that he would like to make it a condition that if money is donated, it must stay in Kingsville. Commander Vera responded that he can make it a condition of that donation. Mayor Fugate commented that because some of these programs are not fully staffed in Kingsville, it brings up the question as to whether the money stays within the community. Fugate further asked who runs the office in Kingsville.

Commissioner Garcia commented that he knows the individual, but not the name.

Mayor Fugate further commented that he is sure it's a good program, but is not familiar with it.

Commissioner Leubert asked when the last time the field officers received a raise was.

Mayor Fugate commented last year.

Commander Vera responded that depending on the longevity and position.

Commissioner Leubert further asked Commander Vera if he didn't want to propose a raise for them in this budget.

Commander Vera responded that he proposed a \$.50 raise for all agents, to be consistent with the contract of the Kingsville Police Department.

Commissioner Leubert asked if it was accepted. Mrs. Alvarez responded no.

Mayor Fugate commented that it's not a \$.50 raise across the board for Kingsville Police Department.

Commander Vera stated that Mrs. Gonzales stated that it was \$.15 to \$.50 on the contract, and it was his proposal to ask for a \$.50 raise for his employees.

Mrs. Alvarez commented that staff has to look, not just at this particular department, but how it impacts other departments and when you look at years of service for various positions in the different departments, there already equally compensated.

Commissioner Leubert further asked questions, on capital outlay. She stated that the budget shows a request for \$51,000 for a police vehicle and equipment, which was approved, but also requested for two pickup trucks for \$44,000, which was not approved. She asked if the department did not have funding for these vehicles.

Commander Vera responded that the funding is there, but it was not approved.

Mrs. Alvarez responded that staff called Commander Vera after realizing that the two vehicles requested were going to cost about \$100,000, which would be a big hit to his overall budget. Staff can't look at funds that are pending but rather looked at what's in the bank and try to make sure that the department had enough funds to get them through the entire year and hopefully the year after. Staff is looking at the long term rather than the short term. Alvarez further stated that when staff contacted the Commander about the vehicles, he advised that he had a nice seized truck that they were going to be receiving, so this is why he was ok with only purchasing one of the two vehicles.

Commissioner Garcia asked if the Task Force will be staying at their current location.

Commander Vera stated that the FCC Commissioner wants them to stay at this location for the reason that they prefer a live tenant. This will allow for the property to be maintained and take care of their equipment. Vera further reported that \$50,000 is given to the City for support services.

Commissioner Garcia asked if the Task Force receives IT support in his area. Commander Vera responded yes.

Commander Vera continued to say that they have Stonegarden Grant from the Sheriff's Office. They have been allotted for year 2014 to be utilized for this year and the next year. The 2014 grant allotment to the Task Force was over \$175,000. This includes \$85,000 for overtime, \$16,000 for fringe benefits, \$45,000 for equipment, and \$24,500 for fuel. The 2015 year was not funded for the Task Force but was for the Sheriff's Office which uses Task Force statistics to get grant.

Mayor Fugate asked if they Sheriff's Office uses the Task Force and Kingsville Police Department statistics, why wasn't the Task Force funded.

Commander Vera responded that they still have 2014 funds available that they are currently using and will rollover.

Mayor Fugate asked if there was any reason the Task Force wasn't funded. Commander Vera stated that Captain Longoria stated that they were going to utilize their 2015 grant for communications and infrastructure. Mayor Fugate commented that some of this money went to Jim Wells. Commissioner Pecos asked if Jim Wells was using their statistics. Mayor Fugate suggested that staff speak to Congressman Vela about this issue. Commander Vera stated that due to his agent's statistics, other entities get their money. Vera further stated that because the money situations the Task Forces had in recent years, they are only able to purchase one patrol vehicle every year. Since now the Task Force has the grant, they have one unit fully equipped that's already on the road and fixing to order a second unit because of the 2014 allotment.

Volunteer Fire Department – 001-225

Rick Salinas, Volunteer Fire Department Chief, thanked the Kingsville Fire Department staff for allowing the Volunteer's to support them with their operations. The Volunteer Department consists of 33 members and with the assistance of social media; the department is able to acquire new members such as individuals from the NAS Kingsville and TAMUK. Other individuals from around the United States are also inquiring on the Volunteer Fire Department. The department has ten EMS personnel which consist of one LVN, one paramedic, and eight EMTs.

Commissioner Leubert asked how long the Volunteer Fire Department has been in existence. Chief Salinas responded that it has been in place since 1909.

Mayor Fugate asked if City renovates pump house #19 for old fire truck for display and possibly make it a museum. Would the Volunteers be willing to maintain the museum?

Chief Salinas responded that it can be maintained by the Volunteer's. They have acquired the train center and little by little they are making any type of necessary repairs and maintaining the grounds. The Volunteers are willing to assist the community in any way possible. Salinas further stated that what concerned him the most is Personal Protective Equipment (PPE) and training. He stated that the PPE and training is vital for this department. Chief Salinas further discussed the item regarding wildland gear.

Mrs. Alvarez stated that she had spoken with Mrs. Gerd and the communications line item went up \$4,000 so a net budget effect would be to move \$4,000 up to the uniform and personal wear bringing up to \$41,600 and communications back at the current budgeted amount of \$11,000. Alvarez further stated that the current year and the prior two years, communications has never exceeded \$11,000 so that seems to be a fair amount. If we move \$4,000 from communications to uniforms and personal wear, that will bring them to \$41,600 which is more in line with what they had budgeted for 15, what they actually expended in 14 and in 13. With regards to travel and training the request was for \$10,000, the department was awarded \$6,000, and if you look at what was

actually expended this year, last year, and prior year it never exceeded \$6,000, which is the reason for the reduction.

Chief Salinas stated that regarding training and travel, they were fortunate to have Refugio who has a training field and they were able to network with their staff. The Volunteers were able to take advantage of training at no cost to the department. The department did have scheduled training to go out to, but since Refugio volunteered their training for free, the department took advantage of the offer.

Commissioner Garcia stated that he would like more information on wildland gear and how many units is the department planning to purchase.

Chief Salinas responded that the department would like to purchase 30 at \$550 each.

Mrs. Alvarez commented that there was capital request for additional Nomax uniforms from the career Fire Department that was in capital outlay that was also not funded. Mrs. Alvarez further commented that we may need to caution about capital outlay for Volunteer Fire Department and not for the Kingsville Fire Department.

Chief Salinas commented that every five years, gear should be upgraded or changed out.

Commissioner Garcia asked how many units the department will be able to purchase with the dollar amount that has been allocated.

Chief Salinas commented that they may be able to purchase have the quantity.

Mayor Fugate commented that fighting grass fires, there won't be too many to fight within the city limits. This would be something that can occur out in the County.

Chief Salinas commented that the reason they brought this as a capital outlay item, is that gear that they have now is about to expire. This gear that they are trying to purchase last longer and are lighter in weight which allows them perform better.

CO Series 2000 – 036

Mrs. Deborah Balli, Finance Director stated that this fund has been closed. Due to no fund balance, nothing was budgeted.

CO Series 2002-2002A - 039

Mrs. Balli reported that the beginning fund balance for 2015-2016 is \$4,487.00 and staff budgeted \$4,033.00 which is for the North fence labor at the landfill. Once this expenditure is done, there will be a balance of \$900.00 at the end of 2015-2016. Eventually this fund will be closed as well.

CO Series 2007-General – 063

Mrs. Balli reported that this is a closed CO Series.

CO Series 2009 – 064

This Series has \$157.00 left in fund balance, so this will be a CO Series that will be closed as well.

Debt Service GO – 011-510

Mrs. Balli stated that the way this funds works is portion of our ad valorem taxes goes for our debt service portion that is paid with tax revenue. So basically this fund is to capture those revenues from tax valorem taxes and in turn we pay out our debt service for our tax supported debt. Balli further mentioned that at the beginning of the year, our fund balance was about \$517,000.00, after the revenues come in the debt service goes out and were using a small amount of fund balance to keep our INS tax rate the same. At the end of

fiscal year 2015-2016, we will still have about \$459,000.00 in fund balance for this debt service fund.

Debt Service UF – 012-510

Mrs. Balli stated that this fund works similar to the general fund debt service with the exception that there is two funds that are transferring in to pay for the utility revenue supported debt service which is fund 55, Stormwater fund and fund 51 which is the utility fund. These two funds pay into the debt service fund and then we pay out our debt service payment with that fund. The beginning of the fund balance for 2015-2016, there is about \$428,000.00 in fund balance and at the end of 2015-2016 we will have about \$429,000.00, because we are transferring in exactly what we need to pay in debt service. The \$1,000.00 difference is just interest, what we earn on that checking account.

CO Series 2005 – 062

The fund balance in this CO Series was \$107,783.00, we have actually rolled a project over from fiscal year 2014-2015 which was to support some slip lining and manholes. This project was originally budgeted in the prior year and there were some issues in finding someone to come in and do the work.

Mr. Cardenas commented that this was the slip lining job that was to be done on Corral and 14th Street, but due to staff not receiving the appropriate bid for this job since it was a small amount for the appropriate bidders to bid on. Cardenas further commented that this will be spent this upcoming year.

Mrs. Balli commented that once this project is complete we will have about \$700.00 left in this fund balance and will eventually close this CO.

CO Series 2011 – 065

Mrs. Balli reported that in this fund, there is \$61,000.00 at the end of 2015-2016. This may be enough to do a project, at some point in time, but there isn't anything that staff has anticipated doing, so staff will leave this money in there and hopefully do a project or a partial project this upcoming year. Once a project is identified, staff will bring it to the City Commission and ask for approval to do the project and expend these funds.

CO Series 2011 – 066

Mrs. Balli reported that the beginning fund balance for this CO Series is \$1,327,000.00. We have expenditure booked for the Well #25 project of \$668,000.00. The overall project was budgeted at \$1.3 million and we are supposed to be doing about \$771,000.00 of that project this year, which is the drilling of the Well itself. At the end of 2015-2016, there will be approximately \$662,000.00 left over in this CO Series.

CO Series 2013 – 055

Mrs. Balli reported that this fund is the stormwater that we take in and it's based on Equivalent Residential Unit (ERU) and based on calculations received by HDR. These revenues that come in pay the debt service for this fund. What staff is seeing now is we are estimating that our revenues for this year were about \$224,000.00 and our debt service is running about \$290,000.00. We are running about a \$65,000.00 deficit on the amount of revenues being raised for paying out in our debt service. The fund balance at the end of 2015-2016 has an estimate of \$130,000.00. It will be able to cover the deficit for maybe two more years. In doing the calculations in the number of ERU's that we're billing out, we are basically need to have that fee at about \$1.65 instead of \$1.25, which is about \$.40 per month increase per ERU. The debt service payment payment will continue until September, 2033. We can either increase the fee a little bit to cover our

debt service with those funds, if that doesn't happen then the utility will have to make up that difference. We have enough to cover about two more years of the deficit.

Commissioner Garcia asked when staff will be making this proposal, this budget year or next year.

Mrs. Balli responded probably next year. This year there is enough to cover this deficit but after 2015-2016 we would only have an additional two years of that deficit.

CO Series 2013 – 067

Mrs. Balli reported that in the beginning of 2015-2016, this fund we are estimating that the fund balance is \$331,900.00. This is the reason why staff is only able to budget for the amount of project that Mr. Cardenas is requesting. At the completion of these projects at the cost estimate, in this fund we will end 2015-2016 with a balance of \$2,300.00.

Commissioner Garcia asked that those streets not listed with overlay, will be done completely.

Mr. Cardenas responded yes, it will be a full depth construction.

CO Series 2013 – 068

Mrs. Balli reported that his CO Series is for the drainage pieces of the streets. The fund balance at the end of 2014-2015 is \$3,281,000.00. Staff has budgeted proposed \$2.5 million in drainage projects. If staff is able to accomplish these projects, we will still have \$793,000.00 in fund balance for the following year.

Mr. Cardenas commented that the list of street shown is for curb and gutters, if the need is there to do the curb and gutters.

Commissioner Garcia asked that on Caesar ditch, since the new development is going up, is there any consideration in covering the ditch.

Mr. Cardenas responded that staff may do a special presentation at a later time. There are some safety issues that need to be addressed, such as placing a guard rail.

Summary of Transfers

Mrs. Balli reported that the only things that are still budgeted in fund 091, is the New City Hall construction project and engineering service for about \$24,500.00. This is the only two projects that are in fund 091.

Mayor Fugate encouraged the City Commission to visit the new city hall site and see the progress being made.

Mrs. Balli stated that fund 065 CO Series 2011, is where the \$975,136.00 was earmarked for the New City Hall project. Fund 091, which is the landfill closure fund, staff had transferred out \$2,224,864.00 which broke down to \$1,724,000.00 for the new city hall and \$500,000.00 for the IT furniture. In fund 051 there was a budget amendment done for \$67,519.00, which is where all the funding is coming from for the new city hall. From Utility Fund, \$700,000.00 is for the Collections Building.

Commissioner Leubert asked for clarification on the landfill closure post-closure. She asked if that was scheduled to be paid back.

Mrs. Balli responded that a draft was prepared which was presented to the attorney today which will have a schedule of payback but it hasn't been presented. The amount that needs to be paid back is about \$2.224 and so on a 25 year payback the principal payment will be about \$89,000.00 plus interest. What needs to be decided is an

allocation how much utility fund will pay and how much general fund will pay based on the usage of that building.

Commissioner Leubert commented that if citizens are being charged for it, it should be used for that solely. Leubert further asked what the Commission decided on the car allowances.

Mrs. Alvarez responded that the four that were proposed have been removed. This is something that she eluded too on the staff update that she would address when they got to the budget portion.

Commissioner Leubert further asked if staff is taxing the car allowances. Mrs. Balli responded yes. Leubert asked if staff received the information about the employee adjustment proposal that was spoken about earlier.

Mrs. Balli responded that Mrs. Gonzales is making those changes as they speak.

Commissioner Leubert asked if this is something that can be addressed at the next City Commission meeting as the Commission is not going to accept this budget during tonight's meeting.

Mrs. Alvarez commented that the information that was requested yesterday afternoon before the budget workshop to which staff stayed and worked on for an additional four hours last night on which was emailed to Commissioner Leubert. But before this meeting Leubert requested additional information which is what staff is working on at this time.

Commissioner Leubert commented that she hasn't had the opportunity to see the email that was sent prior to her attending this meeting.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:15 p.m.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, City Secretary

SEPTEMBER 28, 2015

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 28, 2015 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Dianne Leubert, Mayor Pro-tem
Noel Pena, Commissioner
Al Garcia, Commissioner
Arturo Pecos, Commissioner

CITY COMMISSION ABSENT:

Sam Fugate, Mayor

CITY STAFF PRESENT:

Courtney Alvarez, Interim City Manager/City Attorney
Mary Valenzuela, City Secretary
Tom Ginter, Director of Planning & Development Services
Emilio Garcia, Health Director
David Mason, Purchasing/IT Director
Diana Gonzales, Human Resources Director
Charlie Cardenas, Public Works Director/Engineer
Ricardo Torres, Police Chief
Bill Donnell, Asst. Public Works Director
Tony Verdin, IT Specialist
Susan Ivy, Parks Manager
Willie Vera, Task Force Commander
Leo Alarcon, Tourism Director
Joey Reed, Fire Chief

I. Preliminary Proceedings.

OPEN MEETING

Mayor Pro-tem Leubert called the meeting to order in the Robert H. Alcorn Commission Chamber at 6:00 p.m. and announced quorum with four Commission members present. Mayor Fugate absent.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Regular Meeting – August 24, 2015

Special Meeting – August 25, 2015

Regular Meeting – September 14, 2015

Special Meeting – September 15, 2015

Special Meeting – September 16, 2015

Special Meeting – September 21, 2015

Mayor Pro-tem Leubert asked for a motion to approve the minutes as presented.

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

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

1. Public Hearing regarding request for an alcohol variance for a Wine and Beer Retailer's Permit and Retailer's Off-Premise Permit for the establishment known as Javelina Mart located at 1202 N. Armstrong, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Pro-tem Leubert announced and opened this public hearing at 6:02 p.m.

Mr. Tom Ginter, Director of Planning & Development Services, stated that this is an alcohol variance for the Javelina Mart located at 1202 N. Armstrong. This location comes within 1,000ft of two churches, therefore requiring an alcohol variance. All required notices have been sent to the property owners within 300ft of this location. A public hearing notice was published in the Kingsville Record on September 13, 2015. As of this point, staff has not received any negative feedback from the property owners or citizens that have been noticed.

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

There being no further comments made by staff or the public, Mayor Pro-tem Leubert closed this public hearing at 6:04 p.m.

2. Public Hearing regarding request for an alcohol variance for a Wine and Beer Retailer's Permit for the establishment known as Double Seven Drive-Thru located at 1414 N. 14th Street, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Pro-tem Leubert announced and opened this public hearing at 6:04 p.m.

Mr. Ginter reported that this is an alcohol variance for the Double Seven Drive-thru located at 1414 N. 14th Street. This location comes within 1,000ft of two daycares and one church, therefore requiring an alcohol variance. All required notices have been sent to the property owners within 300ft of this location. A public hearing notice was published in the Kingsville Record on September 13, 2015. As of this point, staff has not received any negative feedback from the property owners or citizens that have been noticed.

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

There being no further comments made by staff or the public, Mayor Pro-tem Leubert closed this public hearing at 6:05 p.m.

3. Public Hearing regarding request for an alcohol variance for a Wine and Beer Retailer's Permit for the establishment known as Wingstop located at 1310 E. General Cavazos, Suite G, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Pro-tem Leubert announced and opened this public hearing at 6:05 p.m.

Mr. Ginter reported that this is an alcohol variance for the Wingstop located at 1310 E. General Cavazos, Suite G. This location comes within 1,000ft of a school, therefore requiring an alcohol variance. All required notices have been sent to the property owners within 300ft of this location. A public hearing notice was published in the Kingsville

Record on September 13, 2015. As of this point, staff has not received any negative feedback from the property owners or citizens that have been noticed.

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

There being no further comments made by staff or the public, Mayor Pro-tem Leubert closed this public hearing at 6:06 p.m.

4. Public Hearing regarding ordinance amending the zoning ordinance by changing the zoning map in reference to 2 acres at Lot 3, Burris Acres, known as 700 General Cavazos from C2-Retail District to C4-Commercial District. (Director of Planning & Development Services).

Mayor Pro-tem Leubert announced and opened this public hearing at 6:06 p.m.

Mr. Ginter stated that is a request to change the zoning of this property from C2 to C4. This property will be used for a storage warehouse. During the Planning & Zoning Commission meeting fence requirements was discussed to which the property is aware of. The Planning & Zoning Commission approved with a vote of 5-0 with one abstaining, contingent upon Mr. Meadows purchasing the property.

Commissioner Garcia asked if the zoning contingent upon Mr. Meadows purchase.

Mr. Ginter responded that he believes that's how his contract is written.

Mr. Derral Meadows commented that if this is approved, he can make the purchase tomorrow.

Mr. Ginter further commented that this is a good location for this type of establishment.

Commissioner Garcia asked for the location of the new proposed storage in relation to the storage already in existence at this time.

Mr. Derral Meadows responded that it will be located on the West side of General Cavazos.

There being no further comments made by staff or the public, Mayor Pro-tem Leubert closed this public hearing at 6:11 p.m.

III. 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, **INVESTMENT REPORT**, 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, Water And Wastewater Rate Study Presentation. No formal action can be taken on these items at this time."*

Mayor Pro-tem Leubert presented a proclamation to Jennifer Radcliffe and Ms. Gutierrez for National Domestic Violence Awareness Month.

Mrs. Alvarez reported that the next City Commission meeting is scheduled for Monday, October 12, 2015. Agenda items for this meeting and staff reports are due Thursday, October 1st. Alvarez further reported that since the Finance Director is out for the day, the Investment Report that was to be presented during tonight's meeting will be done on Monday, October 12th.

Commissioner Pecos stated that during the TML Annual Conference, he had the opportunity to visit the Surplus Property which houses machinery that is for sale. He would like for staff to look into this for any possible purchases. Pecos further stated that he is very concerned with businesses in Kingsville placing cardboard into their dumpsters. He would like for staff to look into purchasing containers for recycling or look into a recycling company that will place recycling bins and pickup recyclables, with any profit made, the company keeps.

Mrs. Alvarez asked that what Commissioner Pecos is requesting is for staff to look into exploring a commercial program that has a drop off site or residential collection program.

Commissioner Pecos commented that he would like for staff to encourage residents and businesses to recycle their recyclables versus them being sent out to the landfill. He wants staff to look into placing recycle bins or possibly contracting with a recyclable company that can place recycle bins and pick up the recyclables.

Commissioner Garcia stated that he agrees with Commissioner Pecos, but he would like for staff to look into the sources that are able to recycle that and see if it's feasible for the City to contract with a company that is willing to do this type of work.

IV. Public Comment on Agenda Items⁻³

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

No public comments made.

V.

Consent Agenda

Notice to the Public

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

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

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

Motion made by Commissioner Pena to approve the consent agenda as presented, seconded by Commissioner Garcia. The motion was approved by the following vote: Garcia, Pecos, Pena, Leubert voting "FOR".

1. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies. (Human Resource Director).

2. Motion to approve final passage of an ordinance amending the Fiscal Year 2014-2015 Utility Fund budget to cover increased utility costs. (Director of Finance).

3. Motion to approve final passage of an ordinance amending the Fiscal Year 2014-2015 budget for deficit accounts at year end. (Director of Finance).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. Consider request for an alcohol variance for a Wine and Beer Retailer's Off-Premise Permit for the establishment known as Javelina Mart located at 1202 N. Armstrong, Kingsville, Texas. (Director of Planning & Development Services).

Motion made by Commissioner Pecos to approve this alcohol variance for Javelina Mart, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Pecos, Garcia, Pena, Leubert voting "FOR".

5. Consider request for an alcohol variance for a Wine and Beer Retailer's Permit for the establishment known as Double Seven Drive-Thru located at 1414 N. 14th Street, Kingsville, Texas. (Director of Planning & Development Services).

Motion made by Commissioner Pena to approve this alcohol variance for Double Seven Drive-thru, seconded by Commissioner Pecos and Commissioner Garcia. The motion was passed and approved by the following vote: Pena, Garcia, Pecos, Leubert.

6. Consider request for an alcohol variance for a Wine and Beer Retailer's Permit for the establishment known as Wingstop located at 1310 E. General Cavazos, Suite G, Kingsville, Texas. (Director of Planning & Development Services).

Motion made by Commissioner Garcia to approve alcohol variance for Wingstop, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Pecos, Pena, Leubert voting "FOR".

7. Consider a resolution authorizing the Mayor to enter into a one-year Water Supply Contract with the South Texas Water Authority. (City Attorney).

Mrs. Alvarez reported that last year, the City Commission approved a one year water supply contract with South Texas Water Authority. This resolution will approve a new one year contract under the exact same terms and conditions. The only difference is the start and end date. Staff is working with the Authority on a longer term water supply contract, but those items haven't been resolved yet and since the existing contract expires at the end of this month, it is important for both parties to have new one year contract in place. The only other item that has changed from last year's contract to this one is the amount of water the city would take under. The amount that the City purchases is still the same but they are looking at different volumes of water during different periods of time to help

maintain a consistent flow of water throughout the line to make sure that the chloramine levels is good.

Commissioner Pecos asked if it will be the same volume and same price, but we purchase the water whenever they want to sale it to the City.

Mrs. Alvarez commented that it will be when the City needs it and also when they also prefer for us to take it.

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

8. Consider a resolution approving the City of Kingsville's 2015 Tax Roll as submitted by the Kleberg County Tax Assessor-Collector pursuant to the Texas Property Tax Code, Chapter 26, Section 26.09(e). (Finance Director).

Mrs. Alvarez reported that the Tax Assessor-Collector submitted the 2015 Tax Roll for statements that will be going out in October. To the best of her knowledge and ability, the information is attached hereto and in the packet. Each year those numbers do change the City, according to the Tax Code is required to re-approve the roll before those statements go out.

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

9. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 2 acres at Lot 3, Burris Acres, known as 700 General Cavazos from C2-Retail District to C4-Commercial District. (Director of Planning & Development Services).

Introduction item.

10. Consider introduction of an ordinance amending the zoning ordinance by granting a Special Use Permit for 700 General Cavazos (2 acres at Lot 3, Burris Acres) for self-storage facility. (Director of Planning & Development Services).

Introduction item.

11. Consider introduction of an ordinance amending the zoning ordinance by granting a Special Use Permit for 1220 N. 14th Street (1.1534 acres at Lot 2, Block 6, McBryde acres) for storage warehouse. (Director of Planning & Development Services).

Mr. Ginter stated that in this particular case, the zoning was correct but it has to have a Special Use permit to operate. This has commercial businesses on both sides so the fence regulation that was stated by staff does not apply. Landscaping will be required and was approved by the Planning & Zoning Commission with a vote of 5-0 with one abstaining.

Commissioner Garcia asked if item #11 is connected with items # 9 and 10. Mr. Ginter responded that items 9 & 10 are not connected with this item.

Introduction item.

12. Consider a resolution authorizing the submission of a Texas Community Development Block Grant program application to the Texas Department of Agriculture for the Texas Capital Fund, and authorizing the City Manager 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 for improvements in the downtown area. (Downtown Manager).

Mrs. Cynthia Martin reported that this is a resolution authorizing the submission of an application for funding under the Texas Community Block Grant Program, Texas Capital Fund. This grant is for the purpose of requesting grant funding for ADA improvements and sidewalk repairs in Kingsville's designated Main Street area in the amount of \$150,000. There is a minimum cash match of 10% or \$15,000.00 that is required. Additional match contributions of in-kind services may earn additional points in the scoring process. The application deadline for this grant is October 1, 2105. The grant application requires a passed/adopted local government resolution authorizing the submission of this application.

Commissioner Pecos asked if staff is applying for the \$150,000.00. Mrs. Martin responded that staff will be applying for the total amount.

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

13. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinance by amending Chapter IX-General Regulations, Article 8-Parks and Recreation, providing for regulations and fees for the Pavilion and Bandstand areas. (Downtown Manager).

Mrs. Martin stated that this item is to establish fees for the use of the Pavilion and Bandstand areas. These fees are intended to cover the cost of electricity, trash services, any city staff time or other miscellaneous costs associated with providing the use of these facilities to parties for private or public events.

Commissioner Garcia asked if individuals who are congregating in any one of the locations, without it being an official event. Will they be required to cleanup and who will supervise this type of gathering?

Mrs. Alvarez commented that as responsible citizens we would hope that they cleanup after themselves.

Introduction item.

14. Consider a resolution revising the City of Kingsville Travel Policy. (Finance Director).

Mrs. Alvarez reported that there is no change to the amounts for per diem or mileage as it is based on the State and Federal Standards. The main change is when individuals are entitled for reimbursements for certain things; they are required to do a more full evaluation with regards to method of travel.

Commissioner's Leubert, Garcia, and Pena agree with the amended travel policy.

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

15. Discuss presentation on Street Improvement and Maintenance Program and street user fee. (City Engineer/Public Works Director).

Mr. Cardenas reported that the non-residential fee was given a 75% discount. The cost will be based on \$5.00 of the IT Trip generation for this type of business. This time staff went into an eight tier tapping system which is based on ERU and trip generator.

Commissioner Garcia asked for the definition of a lodge. Mr. Cardenas stated that a lodge would be considered a non-profit organization.

Commissioner Pecos asked how many are in each tier.

Mr. Cardenas stated that Tier 1 has 34; Tier 2 – 141; Tier 3 – 34; Tier 4 – 39; Tier 5 – 44; Tier 6 – 96; Tier 7 – 17; and Tier 8 – 65. Cardenas further stated that the bottom tiers such as 6, 7, and 8 will help pay in a reasonable way for this fee. In the end we will get \$1,047,759.00 yearly cost by doing this tier system. Cardenas further stated that the residential amount is \$620,979.00.

Commissioner Pecos asked if staff will receive the \$1.6 million they are looking to collect.

Mr. Cardenas responded no. With the yearly cost, the \$1.6 million is not only collected from residential. Collected from residential and non-residential we collect \$1,047,759.00. Allocated in the budget next year there is \$300,000.00 that has been budgeted.

Commissioner Leubert asked if staff has spoken to citizens. Mr. Cardenas stated that he has spoken to citizens, and they are very supportive with this idea. He further stated that he hasn't had any contact with businesses regarding the fee being proposed.

Mr. Cardenas stated that there will be a non-residential fee appeal process. Administrative review and approval is allowed for items excluded from the appeal process. A business owner changes type of establishment, which change the trip factor. A business owner changes the foot print of the establishment which changes the square footage of the business. The process to go through the appeal process is that a non-residential applicant fills out appeals application form either online or delivers to utility billing office. The appeals application is then processed by the Engineer's Assistant and present to the Appeals Board. The Appeal Board will meet once a month and is comprised of the Director of Public Works, Director of Finance, Director of Development Services and two Kingsville residents, which will be appointed by the City Manager. The Appeals Board can decide on action or non-action. Action on the appeals includes contacting the utility billing office for rate correction or fee dismissal. Non-action decision from the Appeals Board will result on no changes to the fee.

Mr. Cardenas further stated that ideally the date to enact the street improvement fee is scheduled for November 1, 2015. This will allow collection of revenue and allow a buildup of funds to continue work. Web links will be added to the city's website linking to the GIS System where customers can review their Trip generation and classification.

Commissioner Garcia asked that if a business has a renegotiation concern, what is the lowest we can expect from their renegotiation. Mr. Cardenas responded that it's up to the Appeal Board to make that decision. Garcia asked if the fee could be lower than \$10.00 per month. Cardenas stated that the fee could not be lower than \$10.00 per month; the eight tier is the lowest you can go. The Appeal Board will make its decision on a case by case basis. Cardenas stated that staff is looking at implementing this fee on January 1, 2016.

Commissioner Garcia asked if this could be presented to the public as it stands now as a working copy, or will it be complicated if the City Commission decides not to approve this program.

Mrs. Alvarez responded that it could be confusing as it's only a proposal at this point.

Commissioner Pecos asked for staff to educate the public prior to implementing this fee.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:05 p.m.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, City Secretary

OCTOBER 5, 2015

A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, OCTOBER 5, 2015 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 5:00 P.M.

CITY COMMISSION PRESENT:

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

CITY STAFF PRESENT:

Courtney Alvarez, Interim City Manager/City Attorney
Mary Valenzuela, City Secretary
David Mason, Purchasing/IT Director
Tom Ginter, Director of Planning & Development Services
Emilio Garcia, Health Director
Deborah Balli, Finance Director
Diana Gonzales, Human Resources Director
Charlie Cardenas, Public Works Director/Engineer
Leo Alarcon, Tourism Director
Melissa Perez, Risk Manager
Rose Morrow, Municipal Court Supervisor

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 5:00 p.m. and announced quorum with all five Commission members present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

Mayor Fugate announced that unless there were any objections, he would like to waive these proceedings and go straight into agenda items. No objections were made.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

NONE

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

1. NONE

III. 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, Water and Wastewater Rate Study presentation. No formal action can be taken on these items at this time."

No comments made.

IV. Public Comment on Agenda Items³

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

No public comments made.

V.

Consent Agenda **Notice to the Public**

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

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

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

NONE

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

1. **Executive Session: Pursuant to Section 551.074, Texas Open Meetings Act, the City Commission shall convene in Executive Session to deliberate the appointment, employment, and duties of the City Manager. (Mayor Fugate).**

Mayor Fugate announced and convened the meeting into Executive Session at 5:01 p.m.

Mayor Fugate reconvened the meeting into open session at 5:26 p.m.

2. **Consider naming two commission members to work with staff on an employment agreement for the city manager position. (Mayor Fugate).**

Mayor Fugate commented to Mrs. Courtney Alvarez, Interim City Manager/City Attorney that he felt that this item would not be necessary.

No action taken.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:27 p.m.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, City Secretary

PUBLIC HEARING(S)

PUBLIC HEARING #1

Planning & Development Services Department

TO: Mayor & City Commission

THROUGH: Courtney Alvarez, Interim City Manager

FROM: Tom Ginter, Planning & Development Services Director *TJ2*

SUBJECT: **Request for Alcohol Variance at 201 S. Hwy 77**

DATE: October 5, 2015

Aman and Zubair Ullah, operators of the EZ Stop, LLC are requesting an alcohol variance for a Wine and Beer Retailer's Off-Premise Permit. This address is located at 201 S. Highway 77 and is within 1,000 ft. boundary of 1 daycare. The property in question therefore requires a variance according to City ordinance ORD-2004-20.

The Ullah's were renting out their property on 201 S. Highway 77 their renters did not renew their rental agreement, consequently the Ullah's decided to operate the store themselves. Therefore, a change in operation requires all appropriate paperwork under the legal owner or renter. In this case this is the reason for the alcohol variance request to change all information to the Ullah's who will be operating the store.

Also, all required notices have been sent to the property owners within 300ft. Additionally, a public hearing notice was placed in the newspaper on September 27, 2015. As of this point, we have not received any negative feedback from the property owners or citizens that have been noticed.

RAKESO LLC
105 S US HIGHWAY 77
KINGSVILLE, TX 78363
#42591

VIKASA INC
105 S US BY-PASS 77 #303
KINGSVILLE, TX 78363
#25135

COASTAL BEND ENTERPRISES
2209 S BRAHMA BLVD
KINGSVILLE, TX 78363
#24400

RAKESO LLC
105 S US HIGHWAY 77
KINGSVILLE, TX 78363
#42593

CHANDAN HOSPITALITY
2203 E KING AVE
KINGSVILLE, TX 78363
#4005289

RESTWELL CORP
221 S US HIGHWAY 77
KINGSVILLE, TX 78363
#15367

GANDHI NAINESH
2203 E KING
KINGSVILLE, TX 78363
#14791

CHAPA ATILANO E
313 W SAGE RD
KINGSVILLE, TX 78363
#13741

VELASQUEZ MELQUIADES JR
303 S 26TH ST
KINGSVILLE, TX 78363
#25964

FAVELA RAFAEL JR
302 S 26TH ST
KINGSVILLE, TX 78363
#20397

VELASQUEZ ROMEO R
307 S 26TH ST
KINGSVILLE, TX 78363
#17626

ABUNDEZ FIDENCIO V
306 S 26TH ST
KINGSVILLE, TX 78363
#12674

PUBLIC NOTICE

The City Commission of the City of Kingsville will hold a public hearing on Monday, October 12, 2015, at 6:00 P.M. to discuss and/or take action on the following items:

Request for an alcohol variance for a Wine and Beer Retailer's Off-Premise Permit, for the establishment known as EZ Stop, LLC located at 201 S. Hwy 77.

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

Sunday's paper 9-27-15



CITY OF
KINGSVILLE

MEMORANDUM

DATE

Friday, September 17, 2015

TO

Mary Valenzuela, City Secretary

FROM

Engineering Department

SUBJECT

Alcohol License for 201 S. US Highway 77

Mrs. Valenzuela,

After performing the research and physical inspection you requested for the property at 201 S. US Highway 77, we have concluded that the property in question does fall within the 1,000 ft boundary of one daycare; therefore, it will require a variance according to City Ordinance sections 11-3-4&5.

Notices must be sent to the property owners within the 300 foot boundary and a public hearing and publication in the local newspaper is required.

Thank you,

Engineering Department

Attachment 1 shows the property and the relative location of the one daycare suspected to be close to the property. Little Tykes Daycare is within the 1,000 foot boundary.

Attachment 2 shows all properties within the 300 foot boundary in correlation with their Short ID provided by the Kleberg County Appraisal District.

received
9-17-15



Off-Premise Prequalification Packet

L-OFF (09/2013)

Please complete this Prequalification Packet with information concerning your proposed business location for which you are applying to sell alcoholic beverages. This information will be used to obtain your prequalification to hold a license/permit. You will submit this information to the proper governmental entities for certification that your proposed location is legal for the type of license/permit for which you are applying. Please contact your local TABC office for more information.

LOCATION INFORMATION

1. Type of Off-Premise License/Permit

- ☒ BQ Wine and Beer Retailer's Off-Premise Permit
☐ BF Beer Retail Dealer's Off-Premise License
☐ P Package Store Permit
☐ Q Wine Only Package Store Permit
☐ LP Local Distributor's Permit
☐ E Local Cartage Permit
☐ ET Local Cartage Transfer Permit
☐ PS Package Store Tasting Permit

2. Indicate Primary Business at this Location

- ☐ Grocery/Market
☐ Liquor Store
☒ Convenience Store with Gas
☐ Convenience Store without Gas
☐ Miscellaneous

3. Trade Name of Location

EZ Stop, LLC

4. Location Address

201 S Highway 77 Bypass

City

Kingsville

County

Kleberg

State

TX

Zip Code

78363-4827

5. Mailing Address

5014 Crosstown Expressway

City

Corpus Christi

State

Tx

Zip Code

78415-1433

6. Business Phone No.

(361) 821-9507

Alternate Phone No.

() N/A-

E-mail Address

aman.wlahenterprises@yahoo.com

OWNER INFORMATION

7. Type of Owner

- ☐ Individual
☐ Partnership
☐ Limited Partnership
☐ Limited Liability Partnership
☐ Corporation
☒ Limited Liability Company
☐ Joint Venture
☐ Trust
☐ City/County/University
☐ Other

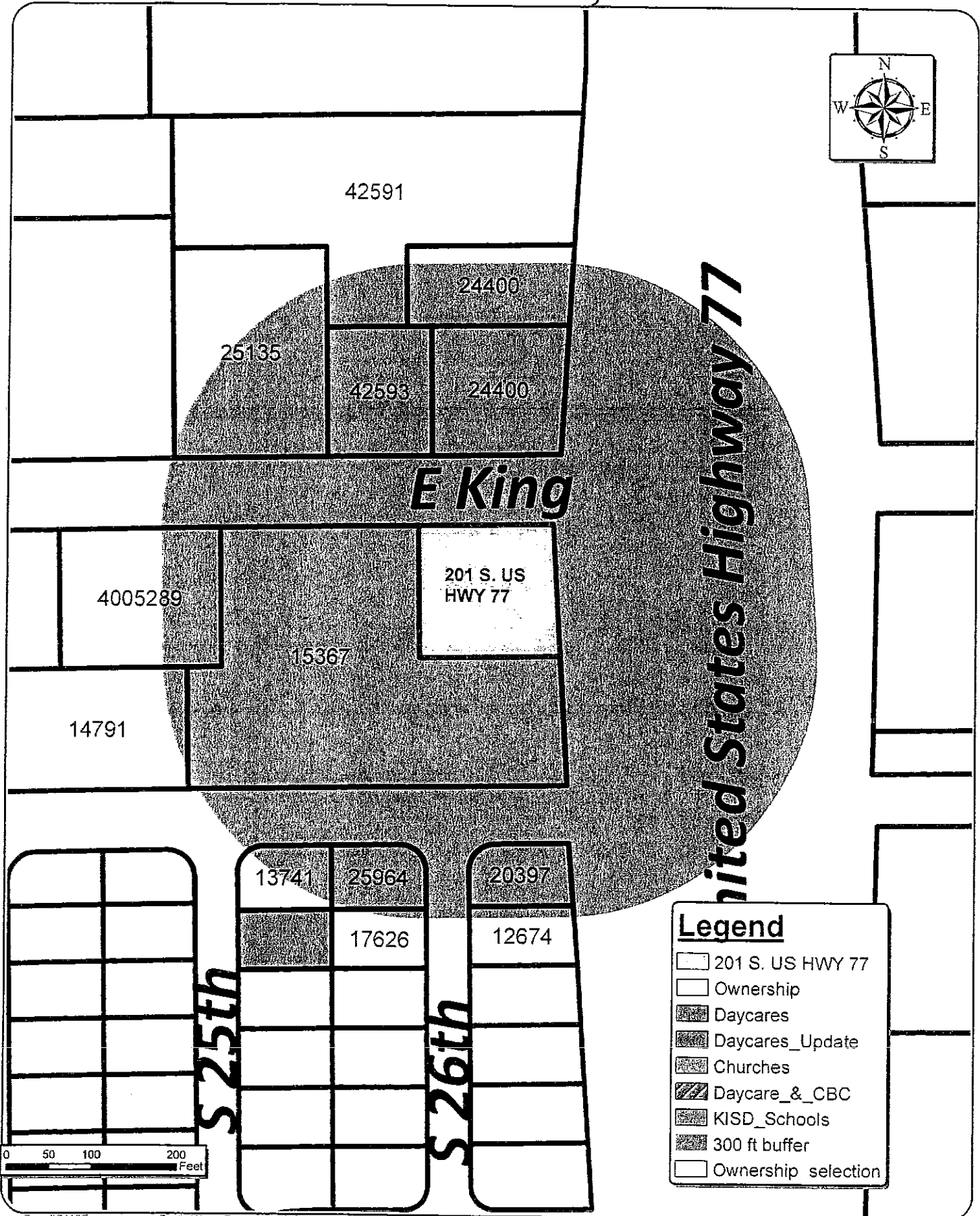
8. Entity/Applicant

739-4346

9. If Applicant Is/Must Be Listed Below (attach L-OIC if additional space is needed).

Individual/Individual Owner		Limited Liability Company/All Officers or Managers	
Partnership/All Partners		Joint Venture/Venturers	
Limited Partnership/All General Partners		Trust/Trustee(s)	
Corporation/All Officers		City/County/University/Official	
Last Name Wlah	First Name Aman	MI	Title owner
Last Name Wlah	First Name Zubair	MI	Title owner
Last Name	First Name	MI	Title

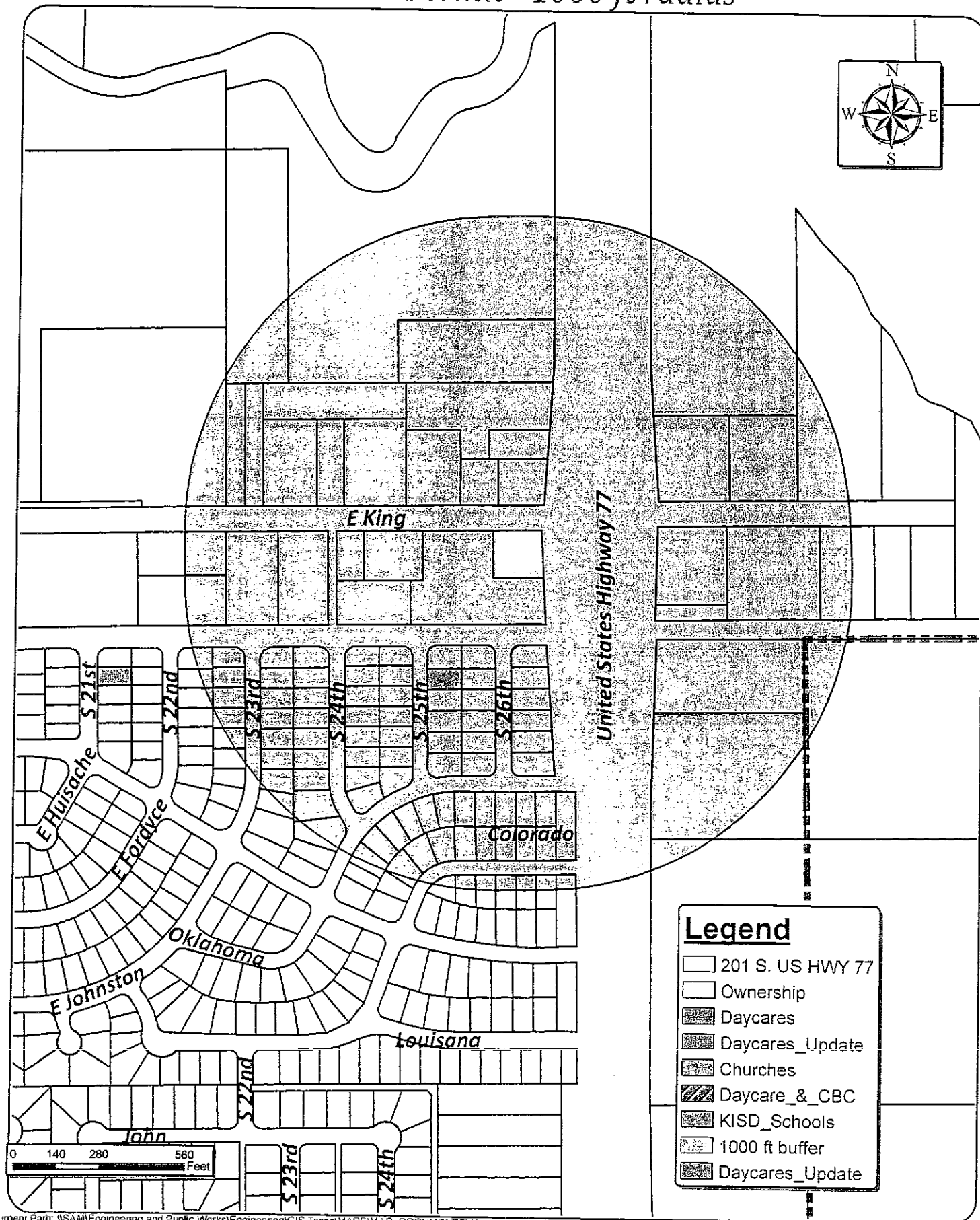
Alcohol Permit - 300 ft radius



Document Path: \\SAMI\\Engineering and Public Works\\Engineering\\GIS Techs\\MAPS\\MAP_DOCUMENTS\\Alcohol_Permit.mxd

Page 1 / 1	Drawn By: Engineering Dept.	<p>DISCLAIMER THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE</p>	<p>CITY OF KINGSVILLE ENGINEERING DEPARTMENT 200 East Kleberg Kingsville, Texas 78363 Office: 361-595-8005 Fax: 361-595-8035</p>
	Last Update: 9/17/2015		
	Note: Please see attached documents.		

Alcohol Permit - 1000 ft radius



Document Path: \\SAMI\\Engineering and Public Works\\Engineering\\GIS Techs\\MAPS\\MAP_DOCUMENTS\\Alcohol_Permit.mxd

Drawn By: Engineering Dept.
 Last Update: 9/17/2015
 Note: Please see attached documents.

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 CONSTRUCTION, PLANNING, BUILDING,
 OR ANY OTHER PURPOSE



CITY OF KINGSVILLE
ENGINEERING DEPARTMENT
 200 East Kleberg
 Kingsville, Texas 78363
 Office: 361-595-8005
 Fax: 361-595-8035

CONSENT AGENDA

AGENDA ITEM #1

ORDINANCE #2015-_____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO 2 ACRES AT LOT 3, BURRIS ACRES, KNOWN AS 700 GENERAL CAVAZOS FROM C2-RETAIL DISTRICT TO C4-COMMERCIAL 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 Deral Meadows, 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, September 16, 2015 during a meeting of the Planning and Zoning Commission, and on Monday, September 28, 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 5-0 vote APPROVED the requested rezone with one abstention; 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 2 acres at Lot 3, Burris Acres, known as 700 General Cavazos from C2 Retail District to C4 Commercial 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 28th day of September, 2015.

PASSED AND APPROVED on this the 12th day of October, 2015.

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

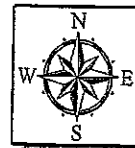
ATTEST:

Mary Valenzuela, City Secretary

APPROVED:

Courtney Alvarez, City Attorney

City of Kingsville



29361

11932

31128

31126

General Cavazos





22153

13734

22919

20148

Legend

-  Ownership
-  700 General Cavazos
-  200 ft. Radius
-  City Limits

0 50 100 200 Feet

Document Path: N:\Engineering\GIS Techs\MAPS\MAP_DOCUMENTS\Arc_City_Base_Map_8.5x11.mxd

Drawn By: Engineering
Department

Last Update: 8/18/2015

Note:

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CONSTRUCTION, PLANNING, BUILDING.



**CITY OF KINGSVILLE
ENGINEERING DEPARTMENT**

200 East Kleberg
Kingsville, Texas 78363
Office: 361-595-8005

P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

To: Mayor and City Commission

From: Tom Ginter, Director of Planning and Development Services

Date: September 14, 2015

Subject: Rezone – Planning and Zoning Commission Meeting Agenda

The Planning Zoning met on Wednesday September 16, 2015 to consider a rezone application from Deral Meadows, agent from C2 (Retail) to C4 (Commercial). The address of the rezone request is 700 General Cavazos. This piece of property is currently zoned C2. The property is on the south side of General Cavazos. I believe that the property has a for sale sign on it. The Master Plan calls for a Suburban single family living but as you know that part of General Cavazos has more commercial and multifamily on it. There is a storage unit across the street and a multifamily development. My belief is that because of the traffic on General Cavazos this area will be a commercial corridor in the future. At most possible multifamily development which has been attempted across the street on the vacant property. I do not see single family housing on General Cavazos. It should be noted that to operate a storage unit the zoning has to be correct and then a special use permit to be recommended. It is a two-step process for the applicant to operate this business.

Staff Recommendation: Even though there are other zonings near this property because of this particular use I recommend that the rezoning be approved. This will provide another source of storage units for the area to the south which will develop into R1 in the future.

This item was recommended for Approval by a vote of 5 to 0 and 1 abstained, contingent upon Mr. Meadows buying the property first.

SECOND STEP of the approval process:

This is the second step of the approval process for the applicant to operate a storage unit. If the Planning and Zoning Commission denies the rezoning then it wouldn't make much sense to approve the special use permit. If the Planning and Zoning Commission recommends approval of the rezoning then it would seem likely to recommend approval of the special use permit. This could be the time to make a point about the fence requirement for this applicant. Since the property is adjacent to a residential property the applicant must comply with Section 15-6-28 Fence Regulations (g) Commercial or industrial buildings adjacent to residential properties shall install, at a minimum, an eight (8) foot high sight-obscuring fence constructed of a consistent solid material such as wood, brick or block. The fence shall be so constructed so that the finished side is facing the residential properties. Landscaping will be required.

This item was recommended for Approval by a vote of 5 to 0 and 1 abstained, with an amendment to fence the east side of the property according to the fence regulations for a C2 zoned area.

CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address *** General Cavazos Blvd. Nearest Intersection Brahma Blvd.

(Proposed) Subdivision Name _____ Lot _____ Block _____

Legal Description: Burris Acres Lot 3 2 Acres

Existing Zoning Designation C2 - Retail Future Land Use Plan Designation C4 - Commercial

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Deral Meadows Phone 361-595-5255 FAX _____

Email Address (for project correspondence only): DeralM@SDKingsville.com

Mailing Address 1500 E. General Cavazos Bl City Kingsville State TX Zip 78363

Property Owner Beverly Nielsen Revocable Trust Phone _____ FAX _____

Email Address (for project correspondence only): _____

Mailing Address 403 S. 6th 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 type="checkbox"/> Preliminary Plat _____ Fee Varies |
| <input type="checkbox"/> Administrative Appeal (ZBA) _____ \$250.00 | <input type="checkbox"/> Final Plat _____ Fee Varies |
| <input type="checkbox"/> Comp. Plan Amendment Request _____ \$250.00 | <input type="checkbox"/> Minor Plat _____ \$100.00 |
| <input checked="" type="checkbox"/> Re-zoning Request _____ \$250.00 | <input type="checkbox"/> Re-plat _____ \$250.00 |
| <input type="checkbox"/> SUP Request/Renewal _____ \$250.00 | <input type="checkbox"/> Vacating Plat _____ \$50.00 |
| <input type="checkbox"/> Zoning Variance Request (ZBA) _____ \$250.00 | <input type="checkbox"/> Development Plat _____ \$100.00 |
| <input type="checkbox"/> PUD Request _____ \$250.00 | <input type="checkbox"/> Subdivision Variance Request _____ \$25.00 ea |

Please provide a basic description of the proposed project:

Develop 2 acres of vacant land into a self storage facility as attached drawings show.

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 D. Meadows Date: 8/7/2015

Property Owner's Signature Candice E. Nielsen Date: 8/11/15

Accepted by: Adela Barrera Date: 8/11/15

TEXAS DEPT OF TRANSPORTATION
125 E 11TH ST
AUSTIN, TX 78701
#31126

JEAN SHEILA B
529 GENERAL CAVAZOS
KINGSVILLE, TX 78363
#22919

GOETSCH WESLEY L
523 E GENERAL CAVAZOS
KINGSVILLE, TX 78363
#22153

YAKLIN EDDIE L
PO BOX 112
KINGSVILLE, TX 78364
#20148

MAY EUGENE Q TRUST
1222 CYPHER ST
KINGSVILLE, TX 78363
#13734

NOTES:

1) BURRIS ACRES

AN ADDITION TO THE CITY OF KINGSVILLE
KLEBERG COUNTY, TEXAS

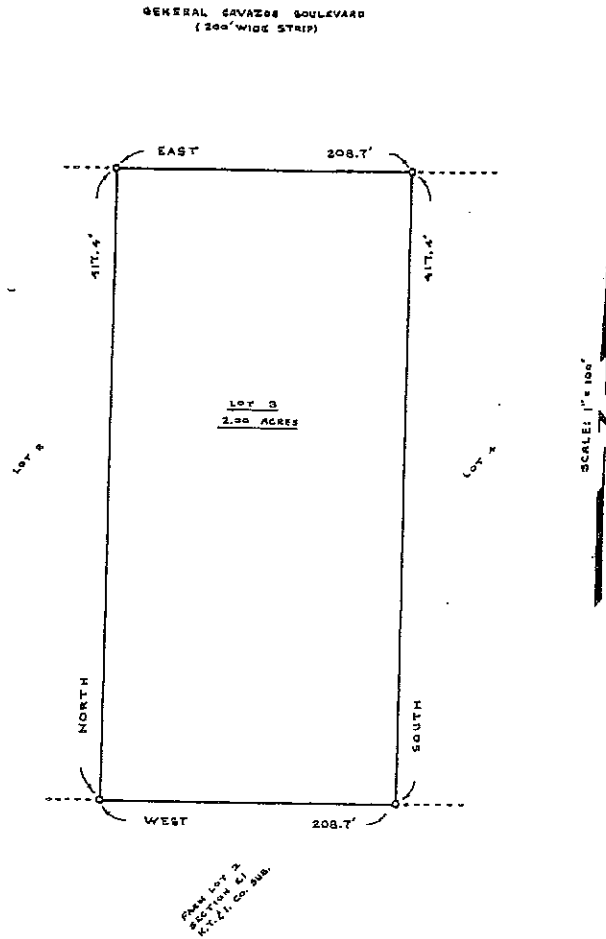
RECORDED: VOLUME 2A, PAGE 45, ENVELOPE 49
MAP AND PLAT RECORDS
KLEBERG COUNTY, TEXAS

2) KLEBERG TOWN AND IMPROVEMENT COMPANY
SUBDIVISION

RECORDED: VOLUME 3, PAGE 26, ENVELOPE 87
MAP AND PLAT RECORDS
KLEBERG COUNTY, TEXAS

3) THIS PROPERTY LIES WITHIN ZONE C, AN
AREA OF MINIMAL FLOODING OUTSIDE THE
500-YEAR FLOOD PLAIN AS SHOWN ON THE
FLOOD INSURANCE RATE MAP, COMMUNITY
PANEL NUMBER 480424-0005 C, FEDERAL
INSURANCE ADMINISTRATION, AS REVISED
AUGUST 17, 1981 FOR THE CITY OF
KINGSVILLE.

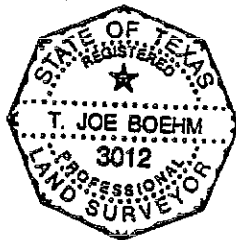
4) FENCE LOCATED ALONG SOUTH PORTION OF
EAST LOT LINE EXTENDS 0.6 FEET TO
THE WEST OVER SAID LOT LINE AT
SOUTHEAST LOT CORNER.



PLAT

SHOWING A 2.00 ACRE TRACT OF LAND, MORE OR LESS, SAME
BEING ALL OF LOT 3, BURRIS ACRES, KLEBERG COUNTY, TEXAS,
SURVEYED ON THE GROUND UNDER MY SUPERVISION IN THE
MONTH OF JANUARY 1993 FOR THE STATE BANK OF KINGSVILLE.

BY: T. Joe Boehm
T. Joe Boehm, P.E., R.P.L.S.

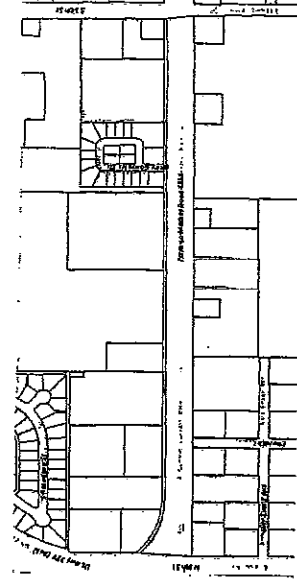
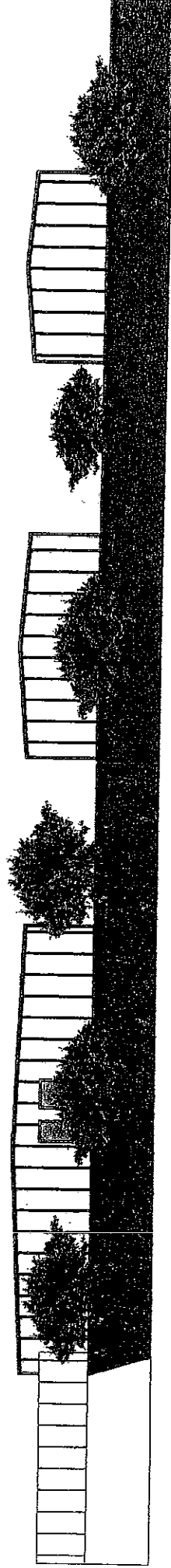


BBE

BOEHM BROTHERS
ENGINEERING
SHINER, TEXAS

Safety Deposit Self Storage

Kingsville, TX

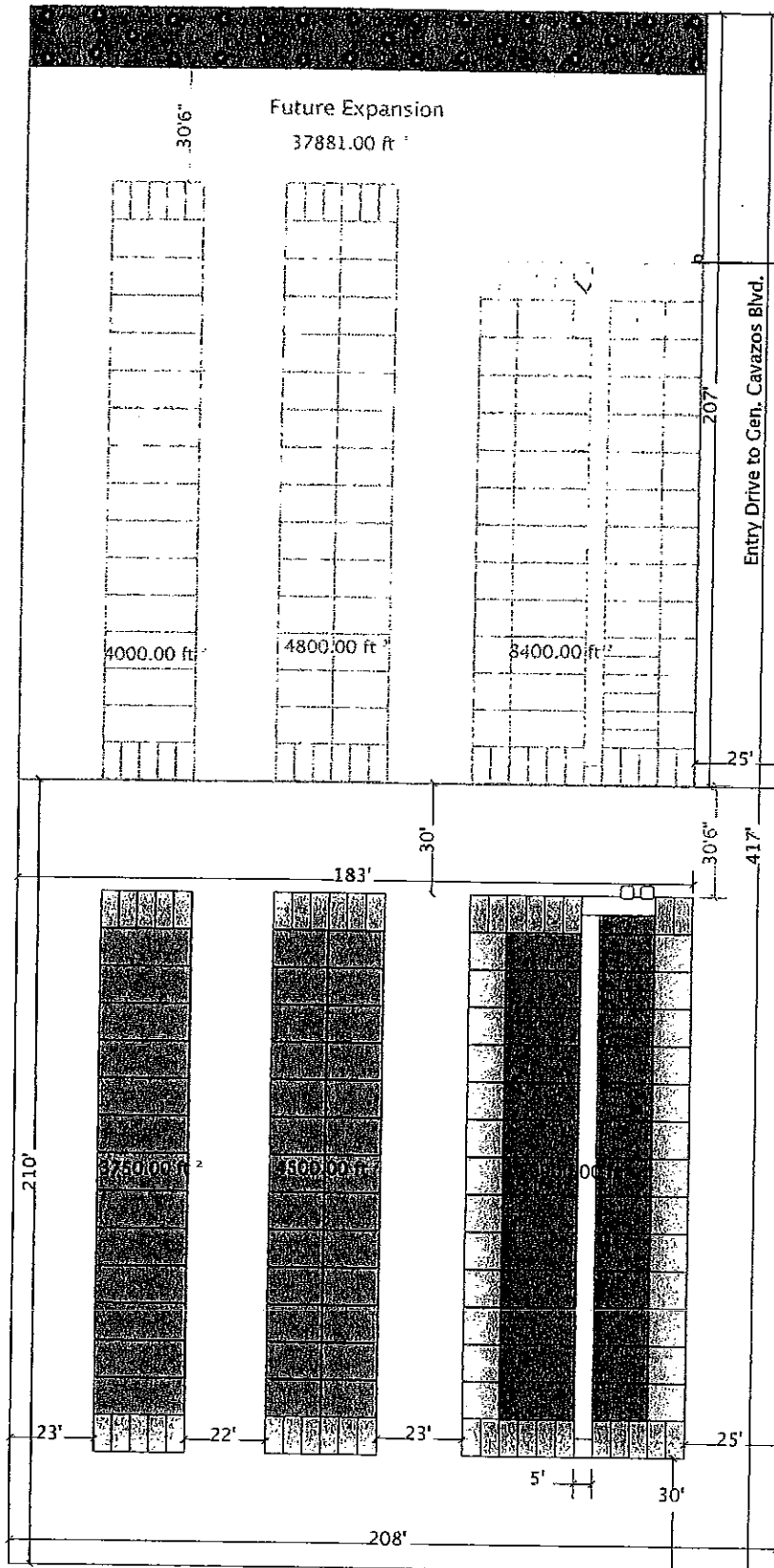


Safety Deposit Self Storage

525 General Cavazos Blvd. Kingsville, TX



General Cavazos Blvd.



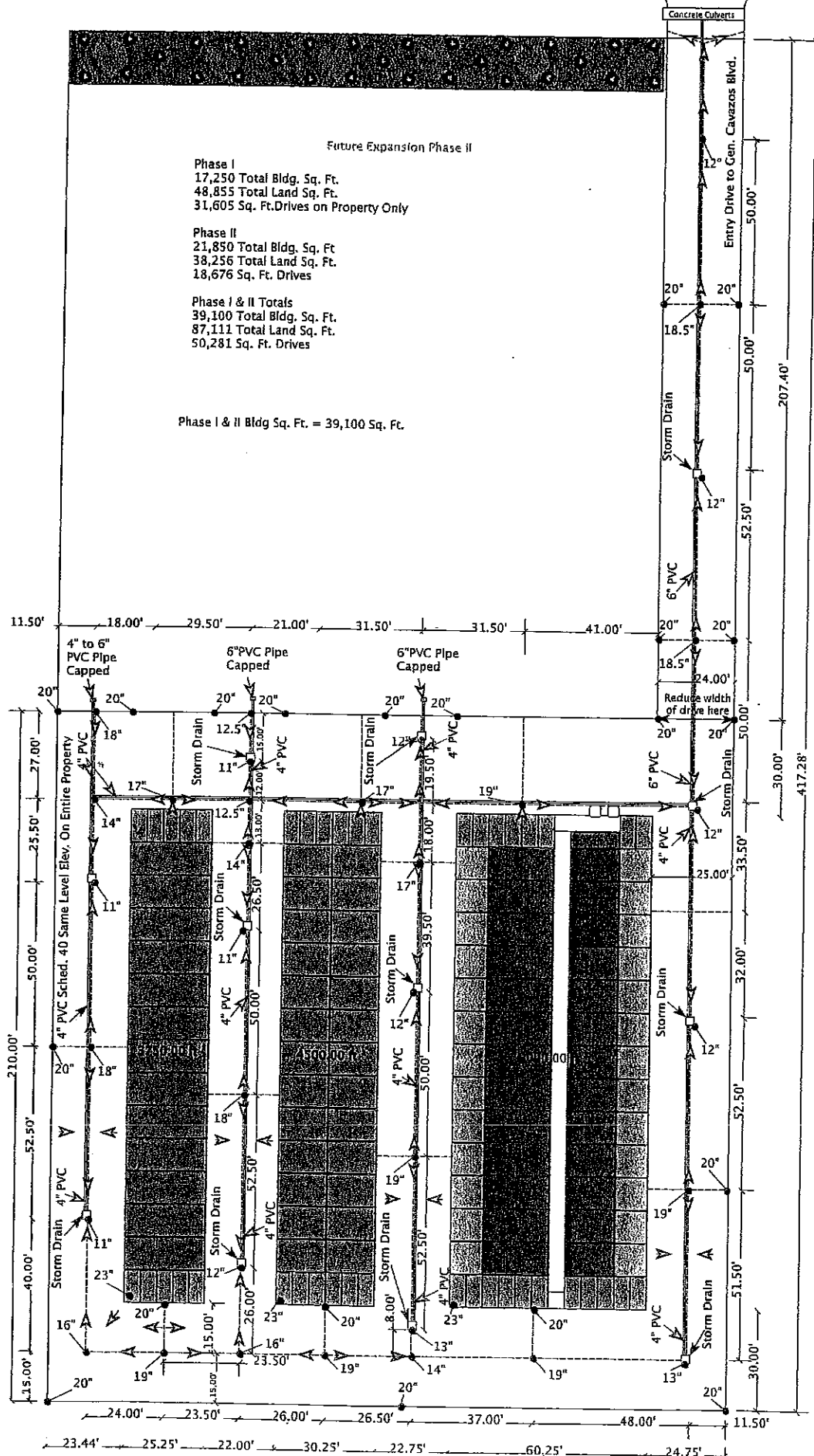
Phase I
17,250 Total Bldg. Sq. Ft.
48,855 Total Land Sq. Ft.
31,605 Sq. Ft. Drives on Property Only

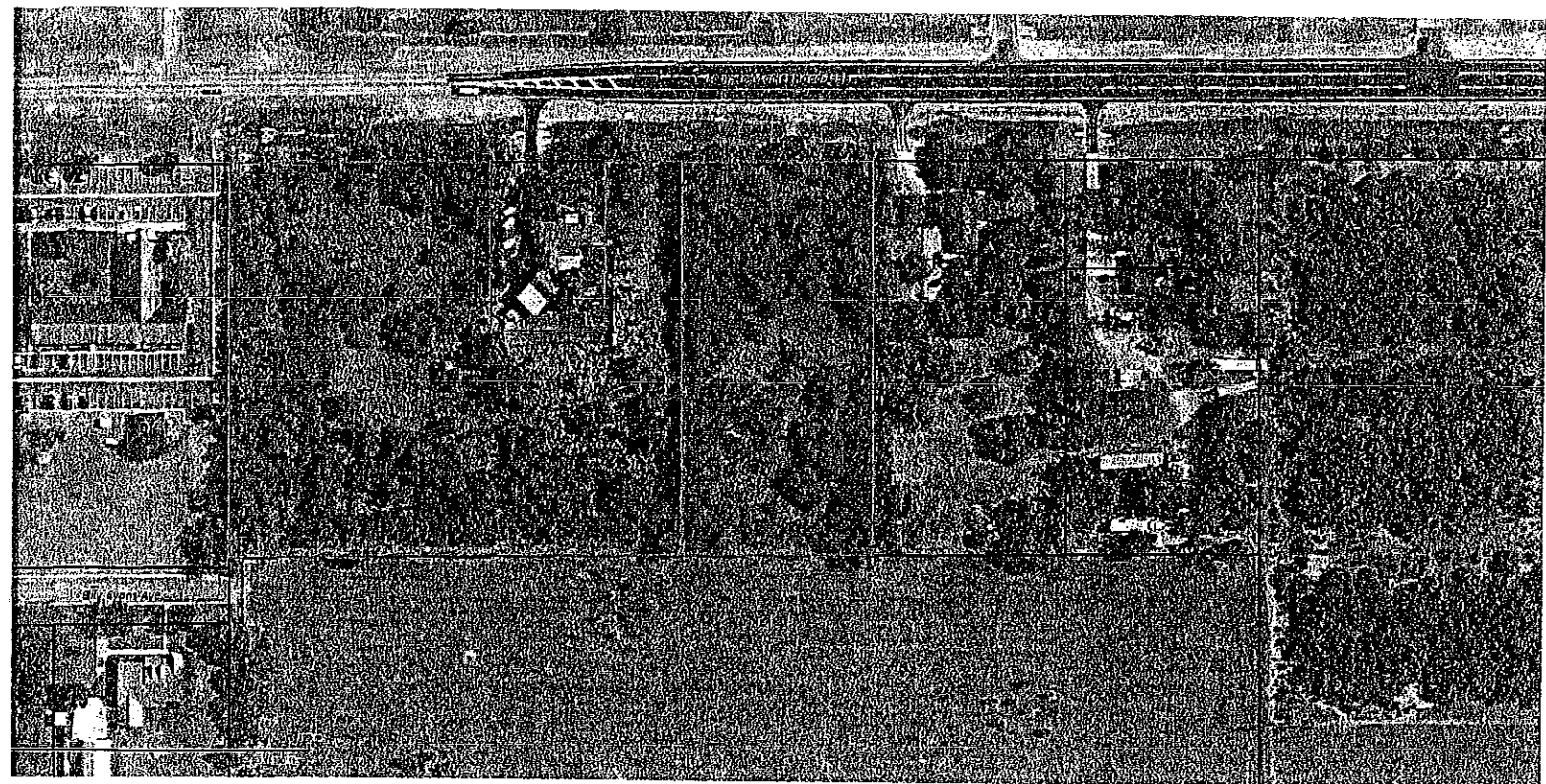
Phase II
21,850 Total Bldg. Sq. Ft.
38,256 Total Land Sq. Ft.
18,676 Sq. Ft. Drives

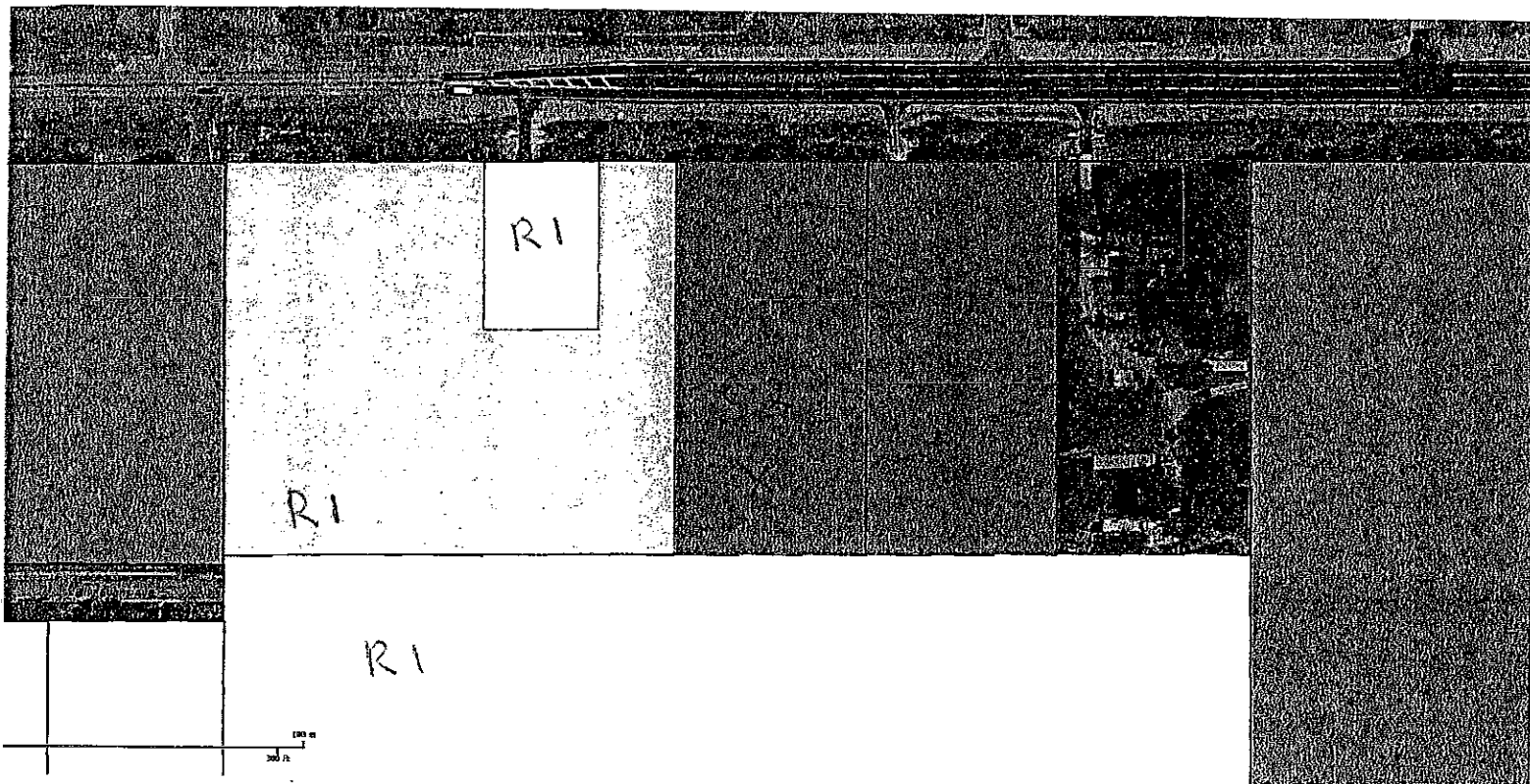
Phase I & II Totals
39,100 Total Bldg. Sq. Ft.
87,111 Total Land Sq. Ft.
50,281 Sq. Ft. Drives

Phase I & II Bldg Sq. Ft. = 39,100 Sq. Ft.

General Cavazos Blvd.







X- Property in question

Red- C2 zoning

Yellow- R1 zoning

Sec. 15-6-28. - Fence regulations.

- (a) *Purpose.* The purpose of these regulations is to establish criteria for the location, maintenance and appearance of privacy fences and other visual barriers including landscaped hedges. The intent is to limit the amount of privacy fencing/barriers in order to promote the open, unencumbered characteristics of Kingsville and ensure the safe visibility of pedestrian and vehicular traffic.
- (b) *Permit required.* Except as provided for single strand electrical wires herein, a fence permit shall be obtained and the required fee paid as set out in Section 15-1-6(B)(4) before installation of any fence. A site plan indicating the location of the proposed fence, property lines, setbacks and buildings, and a typical detail of the fence showing the material and general appearance of the fence shall be submitted with the permit request. A boundary survey of the property is not required but may be deemed necessary by the property owner, applicant or City in the case of a boundary line dispute or other reason as deemed necessary by the property owner or applicant. All swimming pool permits are to be accompanied by a fence permit when an existing compliant fence is not present to prevent unwanted entry.
- (c) For all property within the City, no person or business shall erect or maintain a sight obscuring fence forward from the front building line, excluding any and all porches, decks, patios or similar appurtenances, except where otherwise authorized by this code.
- (d) Fences over three (3) feet in height and with more than 50% sight obscured shall be deemed to be a Sight-Obscuring Fence.
- (e) In no case shall a sight-obscuring fence, hedge, tree or other visual barrier be placed or maintained in excess of three feet high within a Street or Driveway Intersection Sight Visibility Triangle as defined in Section 15-6-21 of this code of ordinances. Trees within a Street or Driveway Intersection Sight Visibility Triangle shall be kept trimmed so the tree canopy is no less than ten (10) feet high.
- (f) Fences in residential areas shall not exceed four (4) feet in height in any front yard area and six and a half (6.5) feet in height in any side or rear yard area. Nonresidential areas are restricted to a maximum of four (4) feet in the front yard area and a minimum of eight (8) feet in height in any side or rear yard area but shall not exceed ten (10) feet in height.
- * (g) Commercial or industrial buildings adjacent to residential properties shall install, at a minimum, an eight (8) foot high sight-obscuring fence constructed of a consistent solid material such as wood, brick or block. The fence shall be so constructed so that the finished side is facing the residential properties.
- (h) Fences or hedges/landscape materials shall be required to screen storage areas allowed in all commercial and industrial districts and shall be of sufficient height to screen the storage from adjacent public right-of-way and adjacent properties. If screening is required to exceed eight (8) feet in height, then landscaping material shall be utilized to soften the impact and add to the screening. Trees that will grow to a sufficient height to screen storage from adjacent properties shall be utilized where the terrain is such that a screen exceeding ten (10) feet in height is needed.
- (i) The height of a fence shall be measured from the highest adjoining finished grade.
- (j)

	R1	R2	R3	R4	MH	C1	C2	C3	C4	I1	I2	Ag
Lithographer or print shop						P	P	P	P	P		
Lumber yard						S	P	P	S	P		
Dairy or ice cream plant								S	P	P	P	
Maintenance or repair service for buildings								P	P	P		
Laboratory, scientific or research						S	S	S	P	P	S	
Paint shop						S	P	P	P	P		
Plumbing shop						S	S	P	P	P		
Railroad or bus passenger						S	P	P	P			
Railroad team tracks, freight depot or docks								P	P	P	P	
* Storage warehouse								S	S	S		
Trade, vocational or commercial schools						S	P	P	S	S		
Trailer and mobile home sales						S		P	P	P		
Transfer storage terminal								P	P	P		
Welding or machine shop								P	P	P		
Wholesale office, storage, sales not elsewhere listed								P	P	P		
Milk depot					S	S	P	P	P			

Poster, essay contest materials available

The Kleberg-Kenedy Soil and Water Conservation District directors have just received information for the 2016 poster and essay contest for students in the local schools. Children 12 years and under are eligible for the poster contest and 18 years and under for the essay contest. It is an open contest to boys and girls and does not jeopardize Texas University Interscholastic League eligibility.

Robert Schmidt

NRCS District Conservationist

The essay contest theme for the 2016 is "How Soil and Water Conservation Helps Feed the World." The students should write their essay about soil and water conservation practices, making it interesting to the reader so that the reader can understand the essay. Make sure the ideas are clear and easy to read and write the ideas in detail so that the reader really

understands what he or she is saying. Of course, correct spelling, capitalization, punctuation, grammar and sentences are a must. More information on the poster and essay contests can be obtained at <http://www.nrcsnet.org/stewardship&education.com>.

Maximum of 300 words is allowed in preparation of the essays for children 13 and under and maximum of 500 for children 14 to 18.

"This is the 10th year that the essay contest has been split up between the age groups," David Schubert, director on the board said. "Splitting the age groups helps in fairness for those participating."

The posters for the 2016 contest will be based on the theme of "Local Heroes - Your Hardworking Pollinators." Pollinators are a very important part of the web of life upon which we all depend. Pollinators provide a majority of the food we consume and help

maintain our environment. Agriculture production depends on pollinators to produce human food production worldwide. We can't live without pollinators.

"Our district makes conservation education of our youth in the local schools a top priority each year," Ernest Bippert Jr., secretary on the Kleberg-Kenedy SWCD board said. "This year's poster theme is especially important in providing the abundant, safe and affordable food supply that we enjoy each and every day of lives."

"As always, our board of directors look forward to working with the schools with the assistance of our local Natural Resources Conservation Service staff," John Prukop, chairman of the board said. "Our district office has the information concerning the contest and Linda Muguerra, district administrator, will be getting the information out to the schools that are interested. Any schools in Kleberg and

Kenedy Counties that are interested should contact the District office at 401 E. King Ste.100 or call at (361) 592-0309, ext. 3 in Kingsville."

"The top five students in the poster and essay contests in the junior and senior divisions will be recognized at the annual awards banquet, usually held in February of each year," Vern Crocker, director of the local SWCD board said. "By participating in the contest, students learn the importance of soil and water conservation."

The rainfall simulator is available for presentations, which educates students on the importance of protecting the soil.

The local NRCS staff can schedule times to go out to the schools if they are interested. Students have done very well in the area awards contest and a student from Sarita was awarded the first place in the state contest.

For more information, contact the district office in Kingsville at (361) 592-0309, ext. 3 or come by the office at 401 E. King Ave., Ste. 100.

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, September 16, 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:

Adame J. Alvaro, owner - Requesting a special use permit for a storage warehouse currently zoned as C4 (Commercial) located at MCBRYDE AC, BLOCK 6, LOT 2, ACRES 1.1524 also known as 1220 N. 14th Street.

Nielsen Beverly Anne, owner, Deral Meadows, agent - Requesting to rezone from C2 (Retail) to C4 (Commercial) located at BURRIS AC, LOT 3, ACRES 2 also known as 700 General Cavazos.

Nielsen Beverly Anne, owner, Deral Meadows, agent - Requesting a special use permit to operate a storage warehouse located at BURRIS AC, LOT 3, ACRES 2 also known as 700 General Cavazos.

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 Planning Department at (361) 595-8055.

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, September 28, 2015 at 6:00 p.m. wherein the City Commission will discuss the introduction on the following item and at which time all interested persons will be heard:

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NOTICE OF PUBLIC HEARING ON KLEBERG COUNTY APPRAISAL DISTRICT BUDGET

The Kleberg County Appraisal District will hold a public hearing on a proposed budget for the 2016 fiscal year.

The public hearing will be held on September 10, 2015, at 10:30 a.m. in the board room of the Appraisal District office located at 502 E. Kleberg, Kingsville, Texas.

A summary of the appraisal district budget follows:

The total amount of the proposed budget.	\$818,289.99
The total amount of increase from the current year's budget.	\$.00
The number of employees compensated under the proposed budget.	10 (full time equivalent)
The number of employees compensated under the current budget.	10 (full time equivalent)

The appraisal district is supported solely by payments from the local taxing units served by the appraisal district.

If approved by the appraisal district board of directors at the public hearing, this proposed budget will take effect automatically unless disapproved by the governing bodies of the county, school district, cities and towns served by the appraisal district.

A copy of the proposed budget is available for public inspection in the office of each of those governing bodies. A copy is also available for public inspection at the appraisal district office.

KLEBERG COUNTY APPRAISAL DISTRICT
502 E. KLEBERG - P.O. BOX 1027
KINGSVILLE, TEXAS 78363
(361) 595-5775

Garza promoted to Assistant Vice-President

Submitted Item

The board of directors of Kingsville Community Federal Credit Union promoted Imelda H. Garza to assistant vice-president in charge of retail lending Aug. 19.

Garza has served as a retail loan officer since her promotion in January 2011. She began her employment with the credit union as a loan processor in June 2003 and has assumed additional administrative and lending duties during her tenure.

A longtime resident of Ricardo, Garza is a graduate of H.M. King High School, Leadership Kingsville and recently received her diploma from Credit Union National Association Management School at University of Wisconsin as a certified credit union executive.

Garza is a member of St. Martin's Catholic Church and serves as a volunteer in income tax preparation for the credit union Volunteer Income Tax Assistance Program, a free tax



Imelda H. Garza

preparation service to tax payers. She is married to Albert Garza. They have two children, Kimberly Garza and Albert Garza Jr. (AJ).

Unemployment rate increases for several counties

By Tim Acosta
twacosta@king-ranch.com

Kleberg County's unemployment rate increased slightly last month, keeping the figure above 6 percent, according to figures recently released by Workforce Solutions of the Coastal Bend.

During the month of July, Kleberg County's unemployment rate increased 0.2 percent to 6.2 percent. The county's total labor force dropped 0.5 percent to 14,918, with 13,987 of those individuals employed. The number of unemployed workers increased 3.6 percent to 931.

Compared to July 2014, last month's unemployment rate was unchanged.

The unemployment rate for Nueces County last month was 4.9 percent, which was only a 0.1 percent increase from the month prior. The total labor force for Nueces County dropped 0.56 percent to 168,928, with 160,605 of those workers employed.

The number of unemployed workers increased 2.6 percent to 8,322 from the month prior. Compared to July 2014, last month's unemployment rate was 0.5 percent lower.

Kenedy County's unemployment rate decreased 0.5 percent from June to 2.5 percent last month. That number is 0.2 percent higher than the rate in place in July 2014.

The Coastal Bend region's not seasonally adjusted unemployment rate for July went up slightly to 5.5 percent, 0.2 percent higher than the month of June and 0.2 percent lower than July 2014, Workforce Solutions officials said.

The Corpus Christi Metropolitan Statistical Area's unemployment rate increased 0.1 percent in the month and is 0.5 percent lower than July of last year, Workforce Solutions representatives said.

Aransas and Nueces counties experienced the greatest yearly decrease with a change of 0.9 percent and 0.5 percent respectively. McMullen County continues to post the lowest unemployment rate in the state at 1.4 percent.

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Adame J. Alvaro, owner - Requesting a special use permit for a storage warehouse currently zoned as C4 (Commercial) located at MCBRYDE AC, BLOCK 6, LOT 2, ACRES 1.1524 also known as 1220 N. 14th Street.

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PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, September 28, 2015 at 6:00 p.m. wherein the City Commission will discuss the introduction on the following item and at which time all interested persons will be heard:

Adame J. Alvaro, owner - Requesting a special use permit for a storage warehouse currently zoned as C4 (Commercial) located at MCBRYDE AC, BLOCK 6, LOT 2, ACRES 1.1524 also known as 1220 N. 14th Street.

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Nielsen Beverly Anne, owner, Deral Meadows, agent - Requesting a special use permit to operate a storage warehouse located at BURRIS AC, LOT 3, ACRES 2 also known as 700 General Cavazos.

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) 595-8002.

AGENDA ITEM #2

ORDINANCE NO. 2015-_____

AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR 700 GENERAL CAVAZOS (2 ACRES AT LOT 3, BURRIS ACRES) FOR SELF STORAGE FACILITY; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION.

WHEREAS, the Planning Commission has forwarded to the City Commission it's reports and recommendations concerning the application of owner Deral Meadows, for amendment to the zoning map of the City of Kingsville;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, September 16, 2015, during a meeting of the Planning Commission, and on Monday, September 28, 2015, during a meeting of the City Commission, in the Commission Chambers, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

WHEREAS, a majority of the Planning Commission voted 5-0 to APPROVE, with one abstention, the requested special use permit; and

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended and a Special Use Permit is granted for a self storage facility on the premises known as 700 General Cavazos (2 acres at Lot 3, Burris Acres), as more specifically describe on site plan attached as Exhibit A.

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

1. **ALLOWED USE:** The only uses authorized by this Special Permit other than the permitted "C4" Commercial District uses is as a self storage facility..

2. **TIME LIMIT:** This Special Permit is good for the duration of the business from the date of this ordinance **unless** (a) the property is not being used for the purpose outlined in Condition 1, or (b) any other conditions have not been complied with, or (c) there is a change in ownership of the business.

4. **SPECIAL CONDITION:** (4.1) The applicant shall obtain all required licenses for operating the business and permits for building, fire and health thereby meeting all adopted

codes to operate said business, and shall cooperate with all annual fire safety, health, and sanitation inspections, in order to maintain compliance with state and city regulations for the self storage facility. (4.2) All activity on site shall be in complete compliance of all City codes, especially the nuisance, fire, building and zoning codes.

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

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

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

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

SECTION 7. That publication shall be made in the official publication of the City of Kingsville as required by the City Charter of the City of Kingsville. Codification is not required.

INTRODUCED on this the 28th day of September, 2015.

PASSED AND APPROVED on this the 12th day of October, 2015.

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

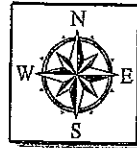
ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

City of Kingsville



29361

11932

31128

31126

General Cavazos





22153

13734

22919

20148

Legend

-  Ownership
-  700 General Cavazos
-  200 ft. Radius
-  City Limits

0 50 100 200 Feet

Document Path: N:\Engineering\GIS Techs\MAPSWAP_DOCUMENTS\Arc_City_Base_Map_8.5x11.mxd

Drawn By: Engineering Department

Last Update: 8/18/2015

Note:

DISCLAIMER
THIS MAP IS FOR VISUAL PURPOSES ONLY.
THE INFORMATION ON THIS SHEET MAY
CONTAIN INACCURACIES OR ERRORS.
THE CITY OF KINGSVILLE IS NOT
RESPONSIBLE IF THE INFORMATION CONTAINED
HEREIN IS USED FOR ANY DESIGN,
CONSTRUCTION, PLANNING, BUILDING,



**CITY OF KINGSVILLE
ENGINEERING DEPARTMENT**

200 East Kleberg
Kingsville, Texas 78363
Office: 361-595-8005

P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

To: Mayor and City Commission

From: Tom Ginter, Director of Planning and Development Services

Date: September 14, 2015

Subject: Rezone – Planning and Zoning Commission Meeting Agenda

The Planning Zoning met on Wednesday September 16, 2015 to consider a rezone application from Deral Meadows, agent from C2 (Retail) to C4 (Commercial). The address of the rezone request is 700 General Cavazos. This piece of property is currently zoned C2. The property is on the south side of General Cavazos. I believe that the property has a for sale sign on it. The Master Plan calls for a Suburban single family living but as you know that part of General Cavazos has more commercial and multifamily on it. There is a storage unit across the street and a multifamily development. My belief is that because of the traffic on General Cavazos this area will be a commercial corridor in the future. At most possible multifamily development which has been attempted across the street on the vacant property. I do not see single family housing on General Cavazos. It should be noted that to operate a storage unit the zoning has to be correct and then a special use permit to be recommended. It is a two-step process for the applicant to operate this business.

Staff Recommendation: Even though there are other zonings near this property because of this particular use I recommend that the rezoning be approved. This will provide another source of storage units for the area to the south which will develop into R1 in the future.

This item was recommended for Approval by a vote of 5 to 0 and 1 abstained, contingent upon Mr. Meadows buying the property first.

SECOND STEP of the approval process:

This is the second step of the approval process for the applicant to operate a storage unit. If the Planning and Zoning Commission denies the rezoning then it wouldn't make much sense to approve the special use permit. If the Planning and Zoning Commission recommends approval of the rezoning then it would seem likely to recommend approval of the special use permit. This could be the time to make a point about the fence requirement for this applicant. Since the property is adjacent to a residential property the applicant must comply with Section 15-6-28 Fence Regulations (g) Commercial or industrial buildings adjacent to residential properties shall install, at a minimum, an eight (8) foot high sight-obscuring fence constructed of a consistent solid material such as wood, brick or block. The fence shall be so constructed so that the finished side is facing the residential properties. Landscaping will be required.

This item was recommended for Approval by a vote of 5 to 0 and 1 abstained, with an amendment to fence the east side of the property according to the fence regulations for a C2 zoned area.

CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address *** General Cavazos Blvd. Nearest Intersection Brahma Blvd.

(Proposed) Subdivision Name _____ Lot _____ Block _____

Legal Description: Burris Acres Lot 3 2 Acres

Existing Zoning Designation C2 - Retail Future Land Use Plan Designation C4 - Commercial

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Deral Meadows Phone 361-595-5255 FAX _____

Email Address (for project correspondence only): DeralM@SDKingsville.com

Mailing Address 1500 E. General Cavazos Bl City Kingsville State TX Zip 78363

Property Owner Beverly Nielsen Revocable Trust Phone _____ FAX _____

Email Address (for project correspondence only): _____

Mailing Address 403 S. 6th 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 type="checkbox"/> Preliminary Plat _____ Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA) _____ \$250.00	<input type="checkbox"/> Final Plat _____ Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request _____ \$250.00	<input type="checkbox"/> Minor Plat _____ \$100.00
<input checked="" type="checkbox"/> Re-zoning Request _____ \$250.00	<input type="checkbox"/> Re-plat _____ \$250.00
<input type="checkbox"/> SUP Request/Renewal _____ \$250.00	<input type="checkbox"/> Vacating Plat _____ \$50.00
<input type="checkbox"/> Zoning Variance Request (ZBA) _____ \$250.00	<input type="checkbox"/> Development Plat _____ \$100.00
<input type="checkbox"/> PUD Request _____ \$250.00	<input type="checkbox"/> Subdivision Variance Request _____ \$25.00 ea

Please provide a basic description of the proposed project:

Develop 2 acres of vacant land into a self storage facility as attached drawings show.

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: 8/7/2015

Property Owner's Signature [Signature] Date: 8/11/15

Accepted by: [Signature] Date: 8/11/15

TEXAS DEPT OF TRANSPORTATION
125 E 11TH ST
AUSTIN, TX 78701
#31126

JEAN SHEILA B
529 GENERAL CAVAZOS
KINGSVILLE, TX 78363
#22919

GOETSCH WESLEY L
523 E GENERAL CAVAZOS
KINGSVILLE, TX 78363
#22153

YAKLIN EDDIE L
PO BOX 112
KINGSVILLE, TX 78364
#20148

MAY EUGENE Q TRUST
1222 CYPHER ST
KINGSVILLE, TX 78363
#13734

NOTES:

1) BURRIS ACRES

AN ADDITION TO THE CITY OF KINGSVILLE
KLEBERG COUNTY, TEXAS

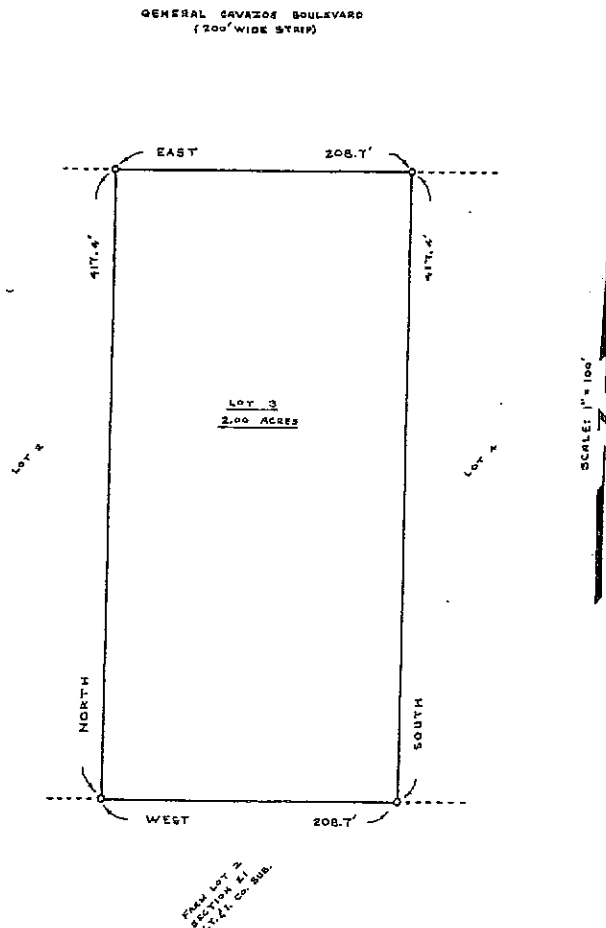
RECORDED: VOLUME 2A, PAGE 45, ENVELOPE 49
MAP AND PLAT RECORDS
KLEBERG COUNTY, TEXAS

2) KLEBERG TOWN AND IMPROVEMENT COMPANY
SUBDIVISION

RECORDED: VOLUME 3, PAGE 26, ENVELOPE 87
MAP AND PLAT RECORDS
KLEBERG COUNTY, TEXAS

3) THIS PROPERTY LIES WITHIN ZONE C, AN
AREA OF MINIMAL FLOODING OUTSIDE THE
500-YEAR FLOOD PLAIN AS SHOWN ON THE
FLOOD INSURANCE RATE MAP, COMMUNITY
PANEL NUMBER 480424 - 0005 C, FEDERAL
INSURANCE ADMINISTRATION, AS REVISED
AUGUST 17, 1981 FOR THE CITY OF
KINGSVILLE.

4) FENCE LOCATED ALONG SOUTH PORTION OF
EAST LOT LINE EXTENDS 0.6 FEET TO
THE WEST OVER SAID LOT LINE AT
SOUTHEAST LOT CORNER.



PLAT

SHOWING A 2.00 ACRE TRACT OF LAND, MORE OR LESS, SAME
BEING ALL OF LOT 3, BURRIS ACRES, KLEBERG COUNTY, TEXAS,
SURVEYED ON THE GROUND UNDER MY SUPERVISION IN THE
MONTH OF JANUARY 1993 FOR THE STATE BANK OF KINGSVILLE.

BY T. Joe Boehm
T. Joe Boehm, P.E., R.P.L.S.

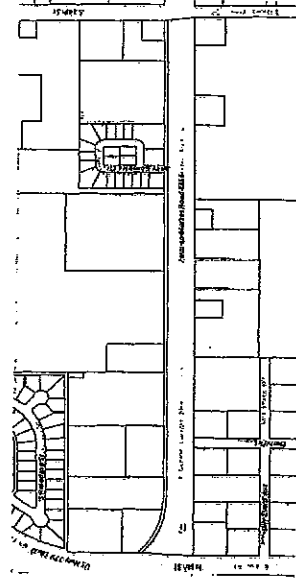
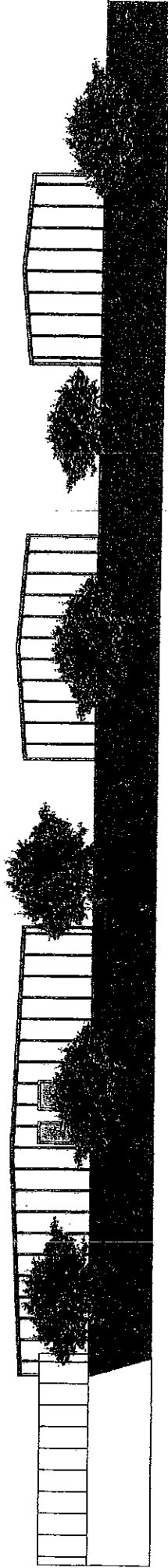


BBE

BOEHM BROTHERS
ENGINEERING
SHINER, TEXAS

Safety Deposit Self Storage

Kingsville, TX

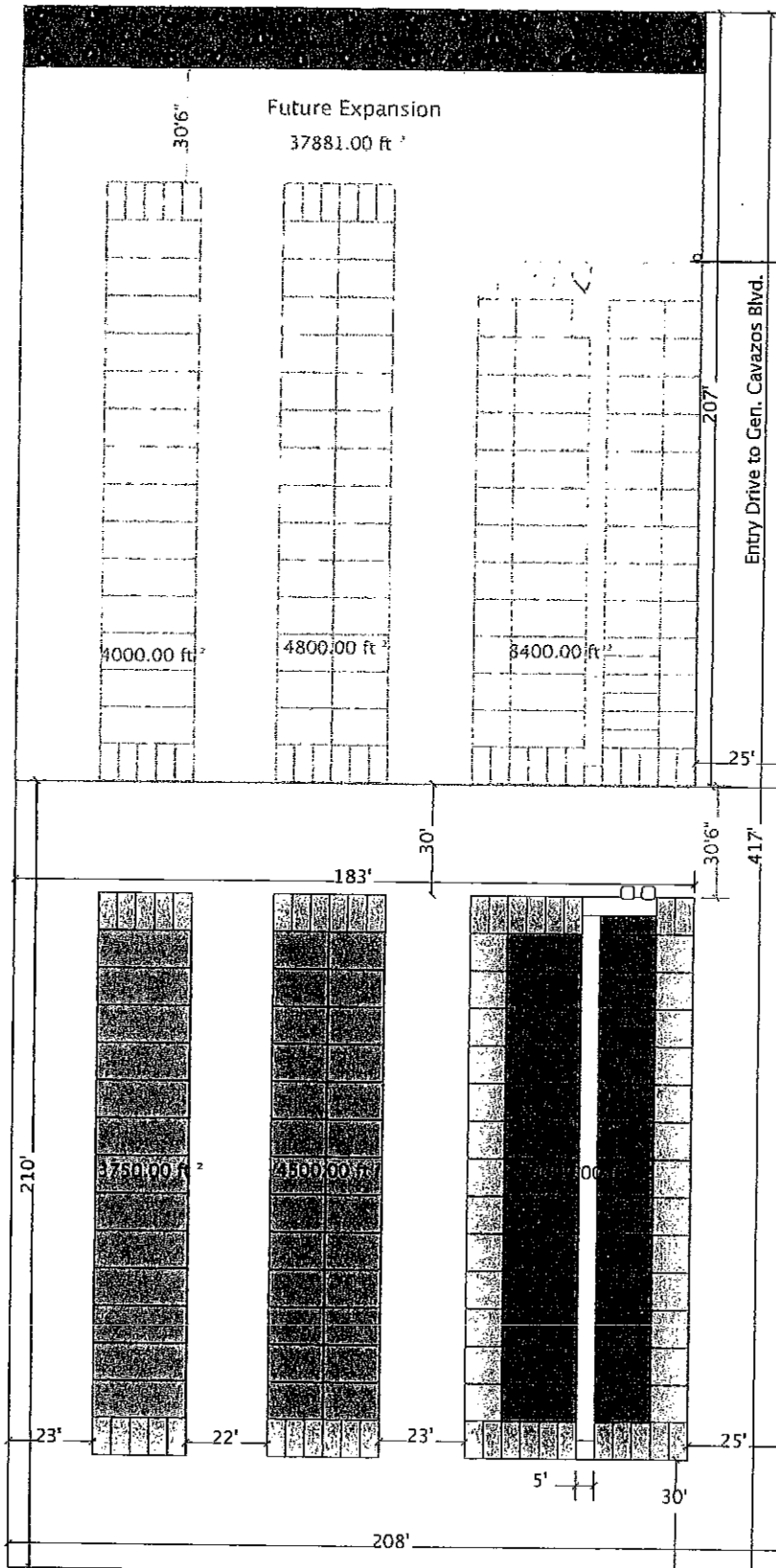


Safety Deposit Self Storage

525 General Cavazos Blvd. Kingsville, TX



General Cavazos Blvd.



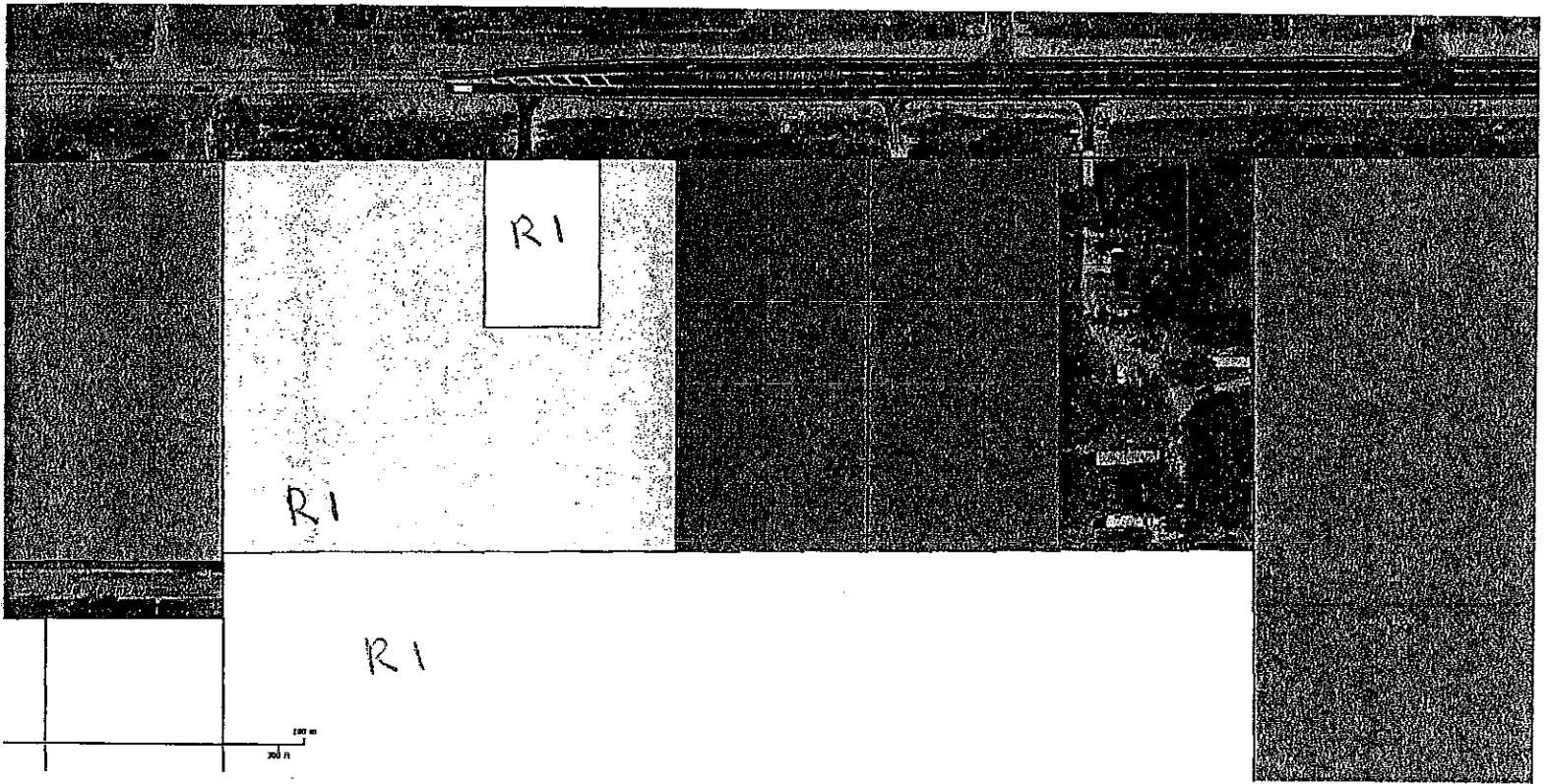
Phase I
17,250 Total Bldg. Sq. Ft.
48,855 Total Land Sq. Ft.
31,605 Sq. Ft. Drives on Property Only

Phase II
21,850 Total Bldg. Sq. Ft.
38,256 Total Land Sq. Ft.
18,676 Sq. Ft. Drives

Phase I & II Totals
39,100 Total Bldg. Sq. Ft.
87,111 Total Land Sq. Ft.
50,281 Sq. Ft. Drives

Phase I & II Bldg Sq. Ft. = 39,100 Sq. Ft.





X - Property in question

Red - C2 zoning

Yellow - R1 zoning

Sec. 15-6-28. - Fence regulations.

- (a) *Purpose.* The purpose of these regulations is to establish criteria for the location, maintenance and appearance of privacy fences and other visual barriers including landscaped hedges. The intent is to limit the amount of privacy fencing/barriers in order to promote the open, unencumbered characteristics of Kingsville and ensure the safe visibility of pedestrian and vehicular traffic.
- (b) *Permit required.* Except as provided for single strand electrical wires herein, a fence permit shall be obtained and the required fee paid as set out in Section 15-1-6(B)(4) before installation of any fence. A site plan indicating the location of the proposed fence, property lines, setbacks and buildings, and a typical detail of the fence showing the material and general appearance of the fence shall be submitted with the permit request. A boundary survey of the property is not required but may be deemed necessary by the property owner, applicant or City in the case of a boundary line dispute or other reason as deemed necessary by the property owner or applicant. All swimming pool permits are to be accompanied by a fence permit when an existing compliant fence is not present to prevent unwanted entry.
- (c) For all property within the City, no person or business shall erect or maintain a sight obscuring fence forward from the front building line, excluding any and all porches, decks, patios or similar appurtenances, except where otherwise authorized by this code.
- (d) Fences over three (3) feet in height and with more than 50% sight obscured shall be deemed to be a Sight-Obscuring Fence.
- (e) In no case shall a sight-obscuring fence, hedge, tree or other visual barrier be placed or maintained in excess of three feet high within a Street or Driveway Intersection Sight Visibility Triangle as defined in Section 15-6-21 of this code of ordinances. Trees within a Street or Driveway Intersection Sight Visibility Triangle shall be kept trimmed so the tree canopy is no less than ten (10) feet high.
- (f) Fences in residential areas shall not exceed four (4) feet in height in any front yard area and six and a half (6.5) feet in height in any side or rear yard area. Nonresidential areas are restricted to a maximum of four (4) feet in the front yard area and a minimum of eight (8) feet in height in any side or rear yard area but shall not exceed ten (10) feet in height.
- * (g) Commercial or industrial buildings adjacent to residential properties shall install, at a minimum, an eight (8) foot high sight-obscuring fence constructed of a consistent solid material such as wood, brick or block. The fence shall be so constructed so that the finished side is facing the residential properties.
- (h) Fences or hedges/landscape materials shall be required to screen storage areas allowed in all commercial and industrial districts and shall be of sufficient height to screen the storage from adjacent public right-of-way and adjacent properties. If screening is required to exceed eight (8) feet in height, then landscaping material shall be utilized to soften the impact and add to the screening. Trees that will grow to a sufficient height to screen storage from adjacent properties shall be utilized where the terrain is such that a screen exceeding ten (10) feet in height is needed.
- (i) The height of a fence shall be measured from the highest adjoining finished grade.
- (j)

R1 R2 R3 R4 MH C1 C2 C3 C4 I1 I2 Ag

Lithographer or print shop							P	P	P	P	P	
Lumber yard							S	P	P	S	P	
Dairy or ice cream plant									S	P	P	P
Maintenance or repair service for buildings									P	P	P	
Laboratory, scientific or research							S	S	S	P	P	S
Paint shop							S	P	P	P	P	
Plumbing shop							S	S	P	P	P	
Railroad or bus passenger							S	P	P	P		
Railroad team tracks, freight depot or docks									P	P	P	P
* Storage warehouse									S	S	S	
Trade, vocational or commercial schools							S	P	P	S	S	
Trailer and mobile home sales							S		P	P	P	
Transfer storage terminal									P	P	P	
Welding or machine shop									P	P	P	
Wholesale office, storage, sales not elsewhere listed									P	P	P	
Milk depot						S	S	P	P	P		

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Adame J. Alvaro, owner - Requesting a special use permit for a storage warehouse currently zoned as C4 (Commercial) located at MCBRYDE AC, BLOCK 6, LOT 2, ACRES 1.1524 also known as 1220 N. 14th Street.

Nielsen Beverly Anne, owner, Deral Meadows, agent - Requesting to rezone from C2 (Retail) to C4 (Commercial) located at BURRIS AC, LOT 3, ACRES 2 also known as 700 General Cavazos.

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AGENDA ITEM #3

ORDINANCE NO. 2015-_____

AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR 1220 N. 14th STREET (1.1534 ACRES AT LOT 2, BLOCK 6, MCBRYDE ACRES) FOR STORAGE WAREHOUSE; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION.

WHEREAS, the Planning Commission has forwarded to the City Commission it's reports and recommendations concerning the application of owner Adame J. Alvaro, for amendment to the zoning map of the City of Kingsville;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, September 16, 2015, during a meeting of the Planning Commission, and on Monday, September 28, 2015, during a meeting of the City Commission, in the Commission Chambers, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

WHEREAS, a majority of the Planning Commission voted 5-0 to APPROVE, with one abstention, the requested special use permit; and

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended and a Special Use Permit is granted for a storage warehouse on the premises known as 1220 N. 14th Street (1.1524 acres at Lot 2, Block 6, McBryde Acres), as more specifically describe on site plan attached as Exhibit A.

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

1. ALLOWED USE: The only uses authorized by this Special Permit other than the permitted "C4" Commercial District uses is as a storage warehouse.

2. TIME LIMIT: This Special Permit is good for the duration of the business from the date of this ordinance **unless** (a) the property is not being used for the purpose outlined in Condition 1, or (b) any other conditions have not been complied with, or (c) there is a change in ownership of the business.

4. SPECIAL CONDITION: (4.1) The applicant shall obtain all required licenses for operating the business and permits for building, fire and health thereby meeting all adopted

codes to operate said business, and shall cooperate with all annual fire safety, health, and sanitation inspections, in order to maintain compliance with state and city regulations for the storage warehouse. (4.2) All activity on site shall be in complete compliance of all City codes, especially the nuisance, fire, building and zoning codes.

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

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

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

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

SECTION 7. That publication shall be made in the official publication of the City of Kingsville as required by the City Charter of the City of Kingsville. Codification is not required.

INTRODUCED on this the 28th day of September, 2015.

PASSED AND APPROVED on this the 12th day of October, 2015.

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

To: Mayor and City Commission

From: Tom Ginter, Director of Planning and Development Services

Date: September 14, 2015

Subject: Special Use Permit – Planning and Zoning Commission Meeting Agenda

The Planning Zoning met on Wednesday September 16, 2015 to consider a special use application from Adame J. Alvaro for a storage warehouse. The address of the proposed location for the business is 1220 N. 14th Street. Attached is information pertaining to this request. The land that surrounds the site is zoned C4. Currently the property is located on the east side of 14th, between the La Paloma Daycare and the Decorative Art Studio. The Master Plan has a zoning of Suburban Commercial which is an allowed use. Landscaping will be required. As you read in the documents provided, the owner is trying to save as many trees as possible.

Staff Recommendation: With the positives of C4 zoning around it and on a main road for the community, the recommendation is to approve the request for the special use permit.

This item was recommended for Approval by a 5 to 0 vote and 1 abstained.

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 1220 N. 14th St. Located in the City ETJ

(Proposed) Subdivision Name _____ Total number of Lots _____

Legal Description: McBryde AC, Block 6, Lot 2, Acres 1.1524
C4-Commercial

Existing Zoning Designation Retail Future Land Use Designation Retail/Storage

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Alvaro J. Adame Phone 210-416-7658 FAX _____

Email Address (for project correspondence only): ajain5a@yahoo.com

Mailing Address P.O. Box 5299 City Kingsville State TX Zip 78364

Property Owner Alvaro Adame Phone 210-416-7658 FAX _____

Email Address (for project correspondence only): ajain5a@yahoo.com

Mailing Address P.O. Box 5299 City Kingsville State TX Zip 78364

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 type="checkbox"/> Re-zoning Request.....	\$250.00	<input type="checkbox"/> Re-plat.....	\$200.00
<input checked="" type="checkbox"/> SUP Request/Renewal.....	\$250.00	<input type="checkbox"/> Vacating Plat.....	\$50.00
<input type="checkbox"/> Zoning Variance Request (ZBA).....	\$250.00	<input type="checkbox"/> 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:

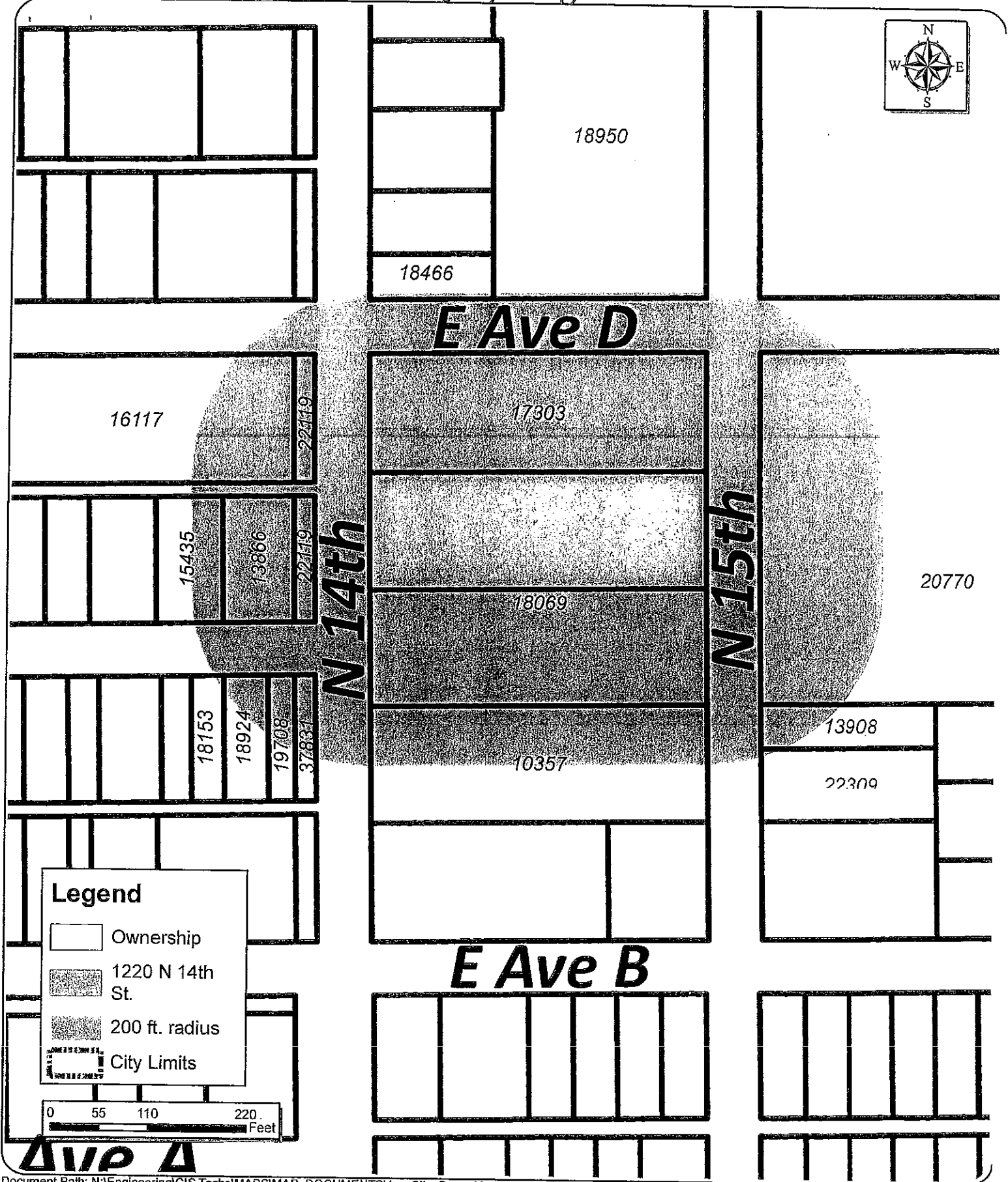
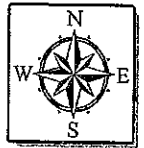
Self Storage

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

Applicant's Signature: Alvaro Adame Date: July 24, 2015

Property Owner's Signature: Alvaro Adame Date: July 24, 2015

Application and Fee Accepted by: Adela Barrientes Date: July 24, 2015



Document Path: N:\Engineering\GIS Techs\WAPSWAP_DOCUMENTS\Arc_City_Base_Map_8.5x11.mxd

MILLER JAIME
924 S 24TH ST
KINGSVILLE, TX 78363
#18153

TREVINO GUADALUPE EST
618 W AVE F
KINGSVILLE, TX 78363
#18924

REYES ALICIA B
828 E LEE AVE
KINGSVILLE, TX 78363
#19708

FORGASON CAROLINE A 1977
700 N ST MARYS ST STE 1200
SAN ANTONIO, TX 78205
#37831

BARRAZA JOAQUIN
556 E COUNTY ROAD 2100
KINGSVILLE, TX 78363
#15435

BARRAZA JOAQUIN
556 E COUNTY ROAD 2100
KINGSVILLE, TX 78363
#13866

TEXAS HIGHWAY PATROL
PO BOX 14087
AUSTIN, TX 78773
#22119

SOLIZ RUBEN G
1624 N ARMSTRONG AVE
KINGSVILLE, TX 78363
#16117

OHLENBUSCH HERMAN H
926 S 14TH ST, STE 103
KINGSVILLE, TX 78363
#17303

LA PALOMA DAY
1212 N 14TH ST STE 1
KINGSVILLE, TX 78363
#18069

MARKY HOLDINGS LTD
3009 POST OAK STE 1200
HOUSTON, TX 77056
#10357

CENTRO DE MILAGROS
210 W FAIRVIEW DR
KINGSVILLE, TX 78363
#20770

DE LA ROSA AURELIO EST
1112 N 15TH ST
KINGSVILLE, TX 78363
#13908

FUTURE DATA SERVICES INC
PO BOX 5083
KINGSVILLE, TX 78364
#18466

FUTURE DATA SERVICES INC
PO BOX 5083
KINGSVILLE, TX 78364
#18950

CORTEZ ALFREDO EST
1110 N 15TH ST
KINGSVILLE, TX 78363
#22309

**Four Palms Storage LLC
Business Plan
Prepared By
Alvaro J Adame
P.O. Box 5299
Kingsville, Texas 78364
210-416-7658**

Executive Summary

Four Palms Storage LLC (referred to from hereon in as the "Company") is intended to be established as a Limited Liability Company at 1220 N. 14th street Kingsville Texas 78364 with the expectation of rapid expansion in the retail mini warehouse storage industry

Business Description

The company shall be formed as a Limited Liability Company under Texas State Laws and headed by Alvaro J. Adame

Situation Analysis

Based on the all information gathered for this site, I feel the proposed site has most of the characteristics that are desirable for a successful self-storage development. With first rate service intended to be the focus of the company and the cornerstone of the company's success. All clients will receive conscientious, one to one timely service in all capacities, be they transactions, conflicts or complaints. This is expected to create a loyal company following and return business.

East side view



Rear view

15th st looking towards 14th st





Current condition of property

Rear view



Front View





In consideration of preserving all trees everything possible will be done to save them



The old fence will be replaced with a new chain link fence

Back of property borders 15th street

Front view



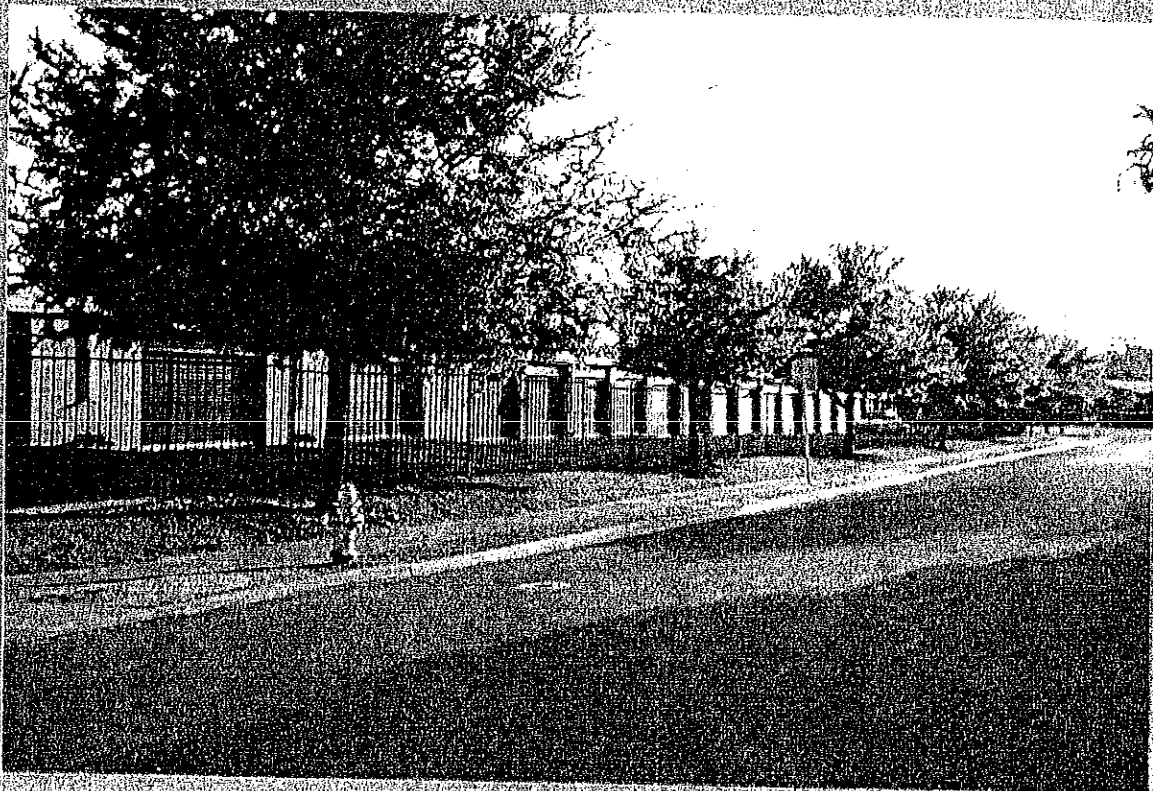
Side View

of existing facility





Wrought Iron fence similar to the one pictured below will be erected in front of property facing 14th street



Front view

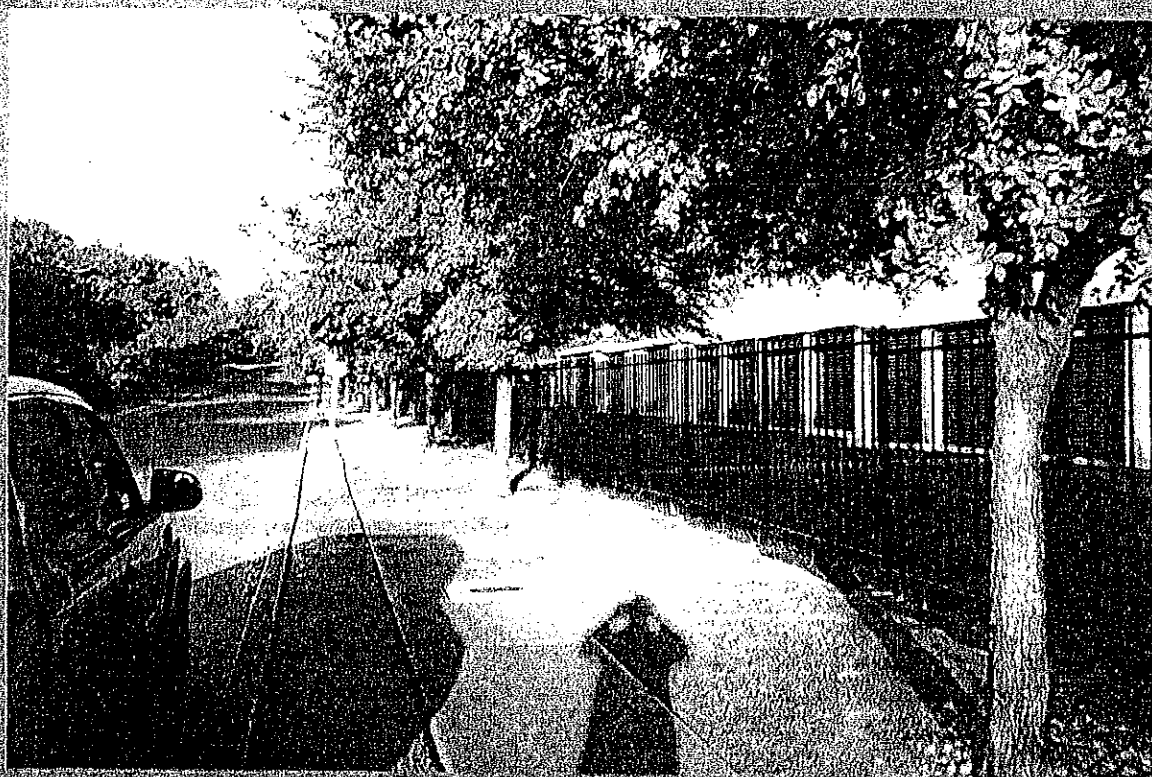
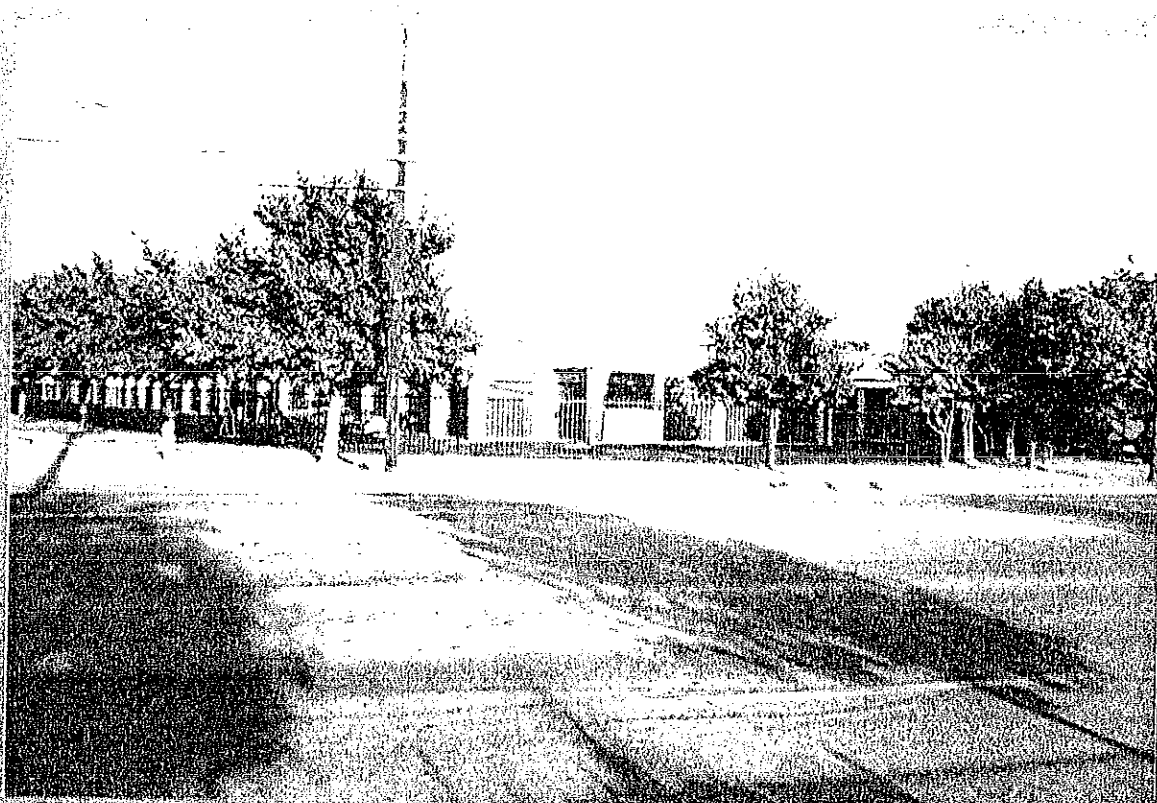
Of existing facility



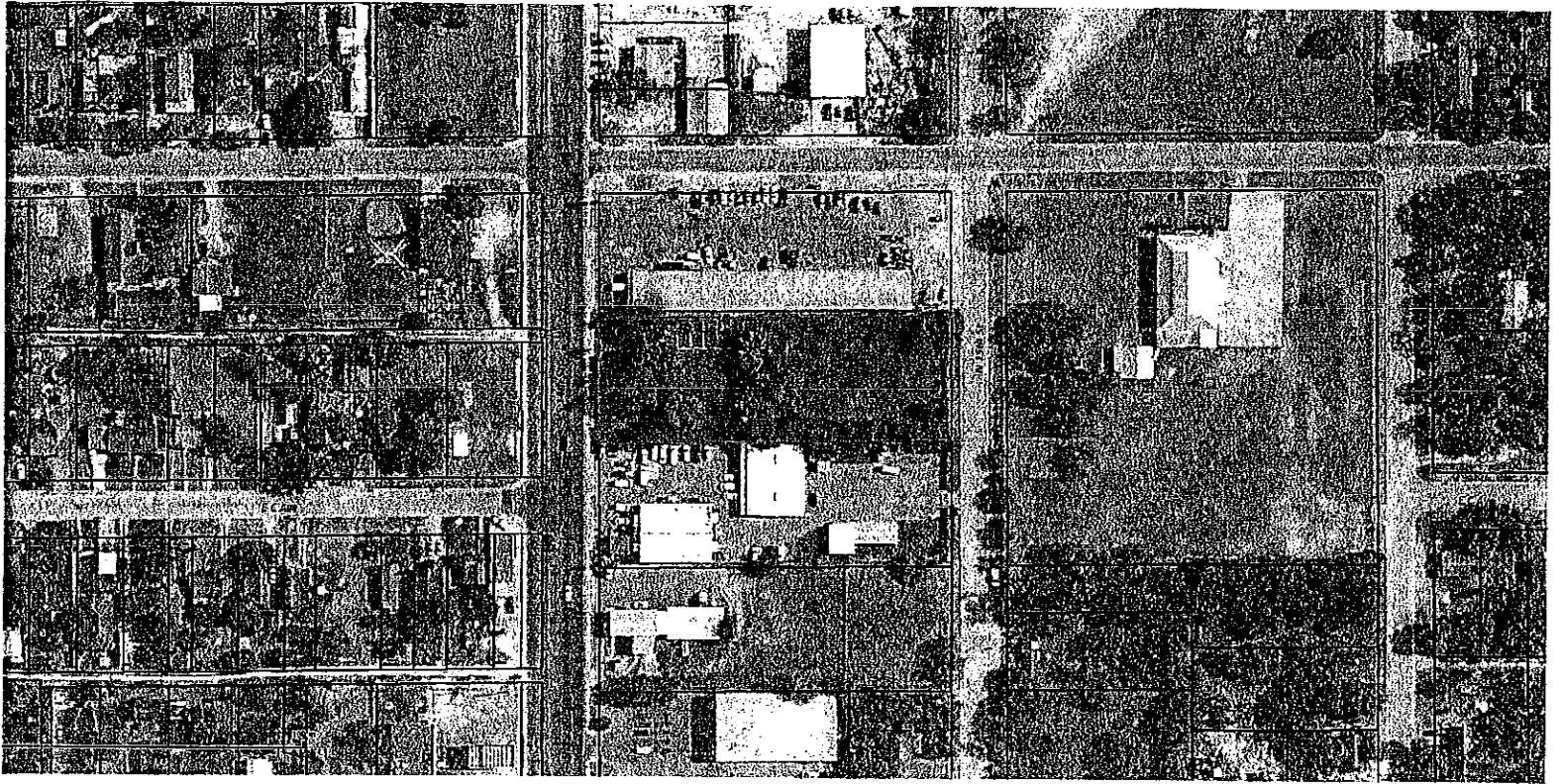
Side View

Of existing facility

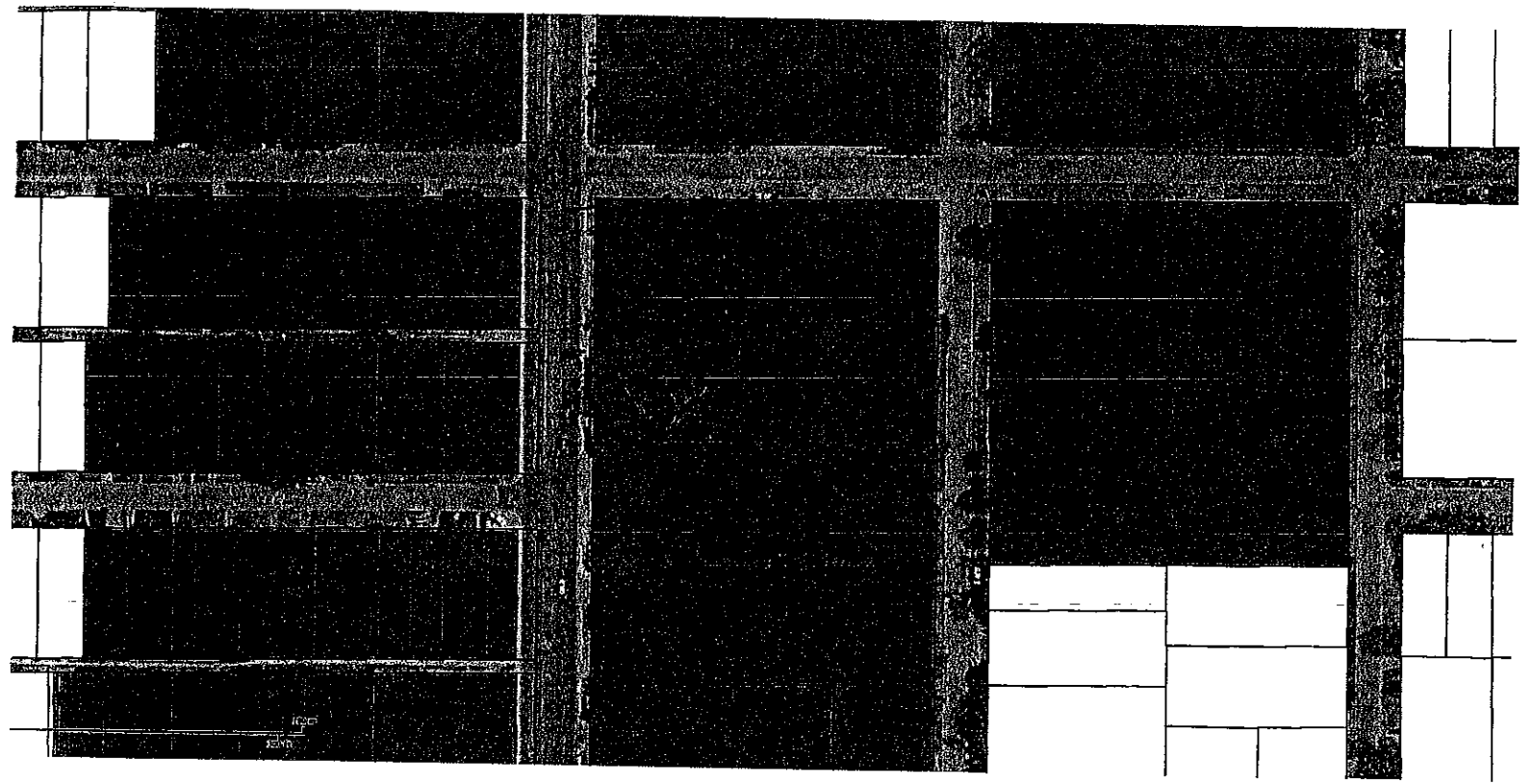




Aesthetics will be paramount similar to above photos



1220 N. 14th



The red is C4 zoning
X - Property in question

	R1	R2	R3	R4	MH	C1	C2	C3	C4	I1	I2	Ag
Lithographer or print shop							P	P	P	P	P	
Lumber yard							S	P	P	S	P	
Dairy or ice cream plant									S	P	P	P
Maintenance or repair service for buildings									P	P	P	
Laboratory, scientific or research							S	S	S	P	P	S
Paint shop							S	P	P	P	P	
Plumbing shop							S	S	P	P	P	
Railroad or bus passenger							S	P	P	P		
Railroad team tracks, freight depot or docks									P	P	P	P
* Storage warehouse									S	S	S	
Trade, vocational or commercial schools							S	P	P	S	S	
Trailer and mobile home sales							S		P	P	P	
Transfer storage terminal									P	P	P	
Welding or machine shop									P	P	P	
Wholesale office, storage, sales not elsewhere listed									P	P	P	
Milk depot						S	S	P	P	P		

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, September 16, 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:

Adame J. Alvaro, owner – Requesting a special use permit for a storage warehouse currently zoned as C4 (Commercial) located at MCBRYDE AC, BLOCK 6, LOT 2, ACRES 1.1524 also known as 1220 N. 14th Street.

Nielsen Beverly Anne, owner, Deral Meadows, agent – Requesting to rezone from C2 (Retail) to C4 (Commercial) located at BURRIS AC, LOT 3, ACRES 2 also known as 700 General Cavazos.

Nielsen Beverly Anne, owner, Deral Meadows, agent – Requesting a special use permit to operate a storage warehouse located at BURRIS AC, LOT 3, ACRES 2 also known as 700 General Cavazos.

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 Planning Department at (361) 595-8055.

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, September 28, 2015 at 6:00 p.m. wherein the City Commission will discuss the introduction on the following item and at which time all interested persons will be heard:

Adame J. Alvaro, owner – Requesting a special use permit for a storage warehouse currently zoned as C4 (Commercial) located at MCBRYDE AC, BLOCK 6, LOT 2, ACRES 1.1524 also known as 1220 N. 14th Street.

Nielsen Beverly Anne, owner, Deral Meadows, agent – Requesting to rezone from C2 (Retail) to C4 (Commercial) located at BURRIS AC, LOT 3, ACRES 2 also known as 700 General Cavazos.

Nielsen Beverly Anne, owner, Deral Meadows, agent – Requesting a special use permit to operate a storage warehouse located at BURRIS AC, LOT 3, ACRES 2 also known as 700 General Cavazos.

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) 595-8002.

AGENDA ITEM #4

ORDINANCE NO. 2015-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENEDING CHAPTER IX-GENERAL REGULATIONS, ARTICLE 8-PARKS AND RECREATION, PROVIDING FOR REGULATIONS AND FEES FOR THE PAVILION AND BANDSTAND AREAS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City of Kingsville owns the Bandstand and the Pavilion area both of which are located in the historic downtown area;

WHEREAS, there is a growing desire by the public to use these areas for events, while there is a cost to the City for maintaining the areas and covering expenses for event usage, it is necessary for the City to enact regulations and fees for the use of these City properties; and

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

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

I.

THAT Chapter IX- General Regulations, Article 8-Parks and Recreation, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

ARTICLE 8 PARKS AND RECREATION

PAVILION AND BANDSTAND

...

§ 9-8-60 ADMINISTRATION.

The administration and supervision of the Pavilion and Bandstand shall be the responsibility of the Downtown Manager or such other person as may be delegated or assigned such duties by the City Manager. The Downtown Manager may adopt, revise or rescind rules, regulations, departmental policies and procedures, and take action regarding the day-to-day management and operations of the Pavilion and Bandstand located in the downtown historic district so long as they do not conflict with this article, city commission-adopted policies, or federal or state laws. The Downtown Manager may make the

following rules or take the following actions relating to the operation of the Pavilion, Bandstand, and Railroad Depot buildings and facilities:

- (A) The closing of all or part of a Pavilion, Bandstand, and Railroad Depot facilities because of weather or unsafe considerations that could endanger users or result in damage to the ground, buildings or persons;
- (B) The reservation, scheduling, and use of Pavilion, Bandstand, and Railroad Depot for specific uses;
- (C) Processing applications for special use permit agreements and rental and use agreements;
- (D) Regulating the use of Pavilion, Bandstand, and Railroad Depot facilities for public, private, and commercial purposes;
- (E) Any other rule or action reasonably necessary to manage and operate the Pavilion, Bandstand, and Railroad Depot facilities.

§ 9-8-61 USER FEES.

The Downtown Manager is hereby authorized to collect fees for the use of all Pavilion, Bandstand, and Railroad Depot facilities and equipment. All fees charged for the use of facilities or equipment under this section shall be due and payable to the city.

§ 9-8-62 RENTAL AND USER AGREEMENTS.

- (A) The Downtown Manager is empowered to prepare and sign user or rental agreements for the rental of facilities and/or equipment of the Pavilion, Bandstand, and Railroad Depot. All user and rental agreements shall be signed by the Downtown Manager or the City Manager's designees under the following conditions:
 - a. The form of every instrument used for a particular purpose shall be approved by the City Attorney, provided, however, that this not require the signatory approval of the City Attorney on each document executed pursuant to this section; and
 - b. All blanks are filled and information is provided as required by the form instrument.

Verbal arrangements to rent are not recognized under any circumstances, and this article and the contracts and agreements shall constitute the whole

agreement between the parties and may not be altered unless done so in writing, signed by authorized representatives of both parties.

- (B) All agreements shall provide that parties contracting for the use of city facilities or other property shall hold the city harmless from any and all liability for any claim or claims as a result of use of the premises, equipment, or other property and shall indemnify the city in case of any claims resulting from their operations, use, or occurring as a result of their occupancy of the premises or use of property and all agreements shall specifically include such provisions.
- (C) The Downtown Manager shall apply any deposit against any amounts owed to the City for use of the property/facilities, and the Manager may refuse to enter into any agreement until any and all amounts due the City by any applicant or organization, or by any organization which the applicant has represented, have been paid in full.
- (D) The Manager, or their representatives or designee, may enter rented facilities for the purpose of ensuring that parties comply with the provisions of this article or the applicable agreement.
- (E) *Clean up responsibility; failure to clean.* Each applicant shall be responsible for the cleaning of the property/facility after use. Each applicant shall deposit with the City, at the time of the filing of the rental agreement or special use agreement, a cleaning deposit in the amount provided for the rental or use. In the event that the applicant shall fail to clean the property/facility as specified in their agreement after use, the City may charge the applicant for the actual cost of cleaning the property/facility and apply the cleaning deposit to the total cost of cleaning.
- (F) *Damages from use.* Each applicant shall deposit with the City, at the time of the filing of the rental agreement or special use agreement, a deposit in the amount as provided in their agreement. In the event that the City determines any damages upon inspection, the City may charge the applicant for the actual cost of the damages and apply the deposit to the total cost of the damages.

§ 9-8-63 RENTAL RATES.

The Downtown Manager shall prepare a schedule of rental rates for the use of facilities to include the Pavilion, Bandstand, and Railroad Depot. This schedule shall be submitted to the City Manager for approval, and shall be reviewed on an annual basis. Such rates shall bear a reasonable relation to current rental rates charged for use of similar commercial facilities so as to neither be excessive or grossly deficient by comparison, nor shall new fees be created, without the City Commission's approval by motion or resolution. The approved schedule shall be filed with the City Secretary and copies shall be provided to the City Commission. Specific rates, however, may be adjusted at any time, and the Downtown Manager shall have the authority to negotiate special rates for special situations.

§ 9-8-64 CITY-OWNED EQUIPMENT.

Unless specifically stated in the agreement, the use of city-owned equipment is not included in the rental of a facility. Should any city-owned equipment be available and rented. The fee for their use shall bear a reasonable relation to cost and depreciation of such equipment to allow the City to recover the acquisition, maintenance, or replacement costs of such equipment as necessary. The fee schedule shall be filed with the City Secretary and copies shall be provided to the City Commission.

§ 9-8-65 SPECIAL SERVICES.

As needed, the Downtown Manager shall prepare a list of special services that are available to the public. This list, including the recommended fees to be charged, shall be submitted to the City Manager for approval. The approved schedule shall be filed with the City Secretary and copies shall be provided to the City Commission.

§ 9-8-66 SPECIAL USE PERMIT AGREEMENT FOR PARKS.

(A) *Definition.* Special use means any temporary gathering, rally, parade, festival, exhibit, display, entertainment, performance, or presentation held in the Pavilion, Bandstand, and Railroad Depot area:

- a. In which more than 250 persons are expected to attend or participate; or
- b. That requires the placement or erection of one or more stages, booths, kiosks, tables, tents, barricades, or similar temporary structures or facilities to support or serve the special use; or
- c. That provides an alcoholic beverage for sale or consumption to the attendees.

(B) *Permit required.* It is unlawful for any person to sponsor, hold, or conduct a special use without first receiving a permit from the City.

(C) *Application process.* A person seeking a permit for a special use in the the Pavilion, Bandstand, and Railroad Depot area must file an application with the City on the form provided for that purpose. A complete application must be filed not less than 30 days before the proposed date of the special use. The application must be signed by the person or persons responsible for the special use and must include the following information:

- a. A description of the use and the number and type of activities planned;
- b. The date and time of the special use;
- c. The number and types of vendors that will be present;
- d. The number of people expected to attend the special use;

- e. The arrangements that will be made for traffic control, security, additional restroom facilities, medical care, traffic control, and other services or facilities to support the special use;
- f. Whether there will be a charge for the special use and the basis upon which persons may or may not be admitted to the event if other than a charge;
- g. A description of any structures that will be used or erected to support the event;
- h. The circumstances under which any alcoholic beverages will be served or possessed;
- i. Any other information the City determines is necessary to evaluate the application and determine whether it meets the requirements of this article.

(D) Fees and deposits. The City may establish and collect fees, deposits, and bonds to pay for or ensure the payment of costs incurred by the City relating to the use of the Pavilion, Bandstand, and Railroad Depot area for special use, including costs incurred for trash cleanup and removal, providing security, protection or medical care, for the administration of this article and for any other necessary or related services that arise directly from the use of the the Pavilion, Bandstand, and Railroad Depot area. However, the City may not impose an additional fee on any applicant because of any constitutionally protected speech to be expressed during the special use that may create the need for additional security for persons opposing the speech expressed.

(E) Permit decision. The City will make a decision on the permit application as promptly as possible after the applicant has provided all the information required by the application, including in the form and manner required, but in no other case later than ten business days after the date a complete application is submitted. The city will grant a permit unless the city finds one or more of the following exist:

- a. The application submitted is not sufficient or complete, provides false information, does not comply with this article or a regulation approved hereunder, or was not submitted with any required documents, fees or deposits;
- b. The time or location for the proposed special use conflicts with the time or place of either a city sponsored event or a special use for which a permit has been issued or an application was already pending and there is insufficient space in the the Pavilion, Bandstand, and Railroad Depot area to accomodate both events;
- c. The applicant has failed to arrange or provide for adequate parking, trash cleanup, security, or other arrangements to ensure that the special use will be safe, secure and healthful for the participants thereof;
- d. The special use does not comply with this article, state or federal laws or regulations, or a reasonable condition imposed by the Downtown Manager for issuance of the permit;

- e. The applicant has held a prior special use for which the applicant failed to comply with a requirement of this article, failed to pay any required fees, charges, or deposits, failed to comply with all of the conditions of the permit, failed to pay or remedy damage incurred to public property, created a dangerous condition or situation, failed to comply with reasonable requests of the Downtown Manager, or otherwise violated the purpose or intent of this article;
 - f. The special event is being held primarily for commercial purposes;
 - g. The proposed use would present an unreasonable danger to the health or safety of the applicant, special use attendees, or other users of the the Pavilion, Bandstand, and Railroad Depot area.
- (F) Conditions. The Downtown Manger may impose reasonable conditions on a special use permit issued to ensure compliance with city rules, regulations, and this article. The permit issued will contain in writing all the conditions and requirements that apply to the special use.
- (G) Denial of permits. If the Downtown Manager refuses to issue a permit as authorized by this article, the Manager will specify in writing the provisions of this article upon which the refusal was based as well as any factual information in support of the determination.
- (H) Permit revocation. The Downtown Manager may revoke a permit for a special use after it is issued because of the failure to comply with any condition or requirement of the permit or this article. The Manager will give written notice of the revocation of the permit at the address of the applicant as listed on the application.
- (I) Appeals from denial or revocation. An applicant may appeal a permit denial, revocation, or imposition of conditions by filing a written appeal to the office of the City Manager within three days of the mailing of the appealable event.

§ 9-8-67 PROHIBITION OF CAMPING AND OTHER ACTIVITIES.

It is unlawful for any person to camp or to build, operate, or use a campfire in any of the Pavilion, Bandstand or Railroad Depot areas.

Any person who violates any provision of this section shall, upon conviction, be subject to a penalty as prescribed in §1-1-99.

§ 9-8-68 CURFEW.

Between the hours of 10:00 p.m. and 6:00 a.m., no person shall enter or be present in any Pavilion, Bandstand or Railroad Depot areas or parking lots connected therewith or adjacent thereto, excluding a city employee in performance of the employee's duties, unless the person has rented the facility and is setting up for or cleaning up after a duly authorized event in those areas.

§ 9-8-69 LIQUOR REGULATIONS.

(A) In the event a person, persons, or corporation shall lease or rent the the Pavilion, Bandstand, and Railroad Depot for public or private use and shall desire to serve or permit alcoholic beverages to be consumed on the premises, in addition to the requirements for Special Use Permit Agreements in §9-8-66, the following rules shall apply:

(1) (a) An application shall be made to the Downtown Manager which shall contain the following:

1. The person or persons responsible for the use of the rented area.
2. The purpose for which the area is to be used.
3. The number of persons expected to attend the function for which the area is rented.
4. The type of beverages to be sold or consumed on the premises.
5. The type of security that will be provided by the applicant.
6. The hours such beverages will be sold or consumed on the premises.
7. The person whose license will be used for the sale of any alcoholic beverage.
8. The applicant shall sign a statement that all applicable state laws will be complied with before any alcoholic beverages are sold or consumed on the premises.

(b) If the Downtown Manager deems that the public interest shall be served by the issuance of a permit for such purposes, such Manager may issue a permit and such permit shall contain the rules applicable to same.

(2) In addition to the items enumerated above, the Downtown Manager may make such additional requirements as they deem necessary for the safety and well-being of the persons attending such function.

(1962 Code, § 6-1-53)

Cross reference— Penalty, see § 1-1-99

§ 9-8-70 INJURING PROPERTY; LITTERING PROHIBITED.

(A) It shall be unlawful for any person to injure, deface, mutilate, remove, pull down, break, or in any manner interfere with or molest, secrete or destroy any real or personal property belonging to or under the control of the Downtown Manager, ie Pavilion, Bandstand, and Railroad Depot.

(B) It shall be unlawful for any person to deposit dirt, trash, cans, papers or other litter onto the ground in the Pavilion, Bandstand, and Railroad Depot area.

Any person who violates any provision of this section shall, upon conviction, be subject to a penalty as prescribed in §1-1-99.

Cross reference— Penalty, see § 1-1-99.

...

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 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, work or ordinance hereof be given full force and effect for its purpose.

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

INTRODUCED on this 28th day of September, 2015.

PASSES AND APPROVED on this the 12th day of October, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

DATE: September 10, 2015

TO: City Commission

VIA: Leo Alarcon, Director of Tourism

FROM: Cynthia Martin, Downtown Manager

SUBJECT: Fees for Events Held in the Downtown Pavilion & Bandstand

The City of Kingsville has a policy of charging fees to cover expenses for events requiring City support. The Tourism Department is bringing before Commission a proposal to institute fees of \$75 per event with a deposit of \$35 for the use of each of the pavilion at 251 N. 6th Street and the Centennial Bandstand in the 100 W block of Kleberg Avenue. These fees are intended to cover the cost of electricity, trash services, any City staff time or other miscellaneous costs associated with providing the use of these facilities to parties for private or public events.

Parties using these facilities for public events may be subject to other fees related to street closings fees, vendor fees and/or food vendor fees as already established per City ordinances. These fees would be in addition to the proposed fees for the use of the facility. It is further proposed that, in line with current policy on street closings, the City Commission may waive these fees for events open to the public by an affirmative vote.

Anticipating future requests, the Tourism Department would like to reserve the right to rent out a portion of the Visitor Center and/or the Depot Museum for private and public events depending on staff availability. Pricing for the use of these facilities would be per event and in an amount equal to the actual costs and expenses incurred by the city cleaning the site after the event and any other actual expenses of the city associated with the event.

With inquiries about the use of these facilities on the rise, this is a good time to consider assessing fees for their use.

**Downtown Pavilion or Centennial Bandstand
Rental Contract**

Date of Contract:

This lease is made by and between City of Kingsville Tourism Services Department as agent for the City of Kingsville, Texas (Lessor) and

_____ Lessee upon these terms:

1. FACILITY TO BE USED:

Downtown Pavilion _____

Centennial Bandstand _____

2. PURPOSE: Lessee shall use the Facility for the stated purpose and no other without the written consent of Lessor. Lessee's stated purpose for use of the facility is:

3. RENTAL PERIOD: Lessee shall move in, use and occupy the Facility on these dates and times: Starting: _____ at ____:____.m.
Ending: _____ at ____:____.m.

Rental Period: The facility is available for rent for recreational use from 7am-11pm

4. RENTAL FEE: For the rental of the Facility, Lessee will pay Lessor the sum of \$75.00 per event.

If the rental application is approved, the rental fee is due fourteen (14) days prior to the requested reservation date.

If the rental application is submitted within fourteen (14) days prior to the requested reservation date, then the rental fee and deposit are due at the same time the completed rental application is submitted.

If the rental date is for a Sunday or Monday, then the contract, deposits, and rental fee are all due NO LATER THAN 5:00p.m. on the Friday prior to the rental date.

The rental fee is due in the form of cash, cashier's check or money order made payable to the City of Kingsville, or credit cards.

Neither the rental fee nor the deposit will be refunded if the reservation is cancelled less than 7 days prior to the reservation date.

5. REQUIRED DEPOSIT: Lessee will post a \$35.00 Refundable Cleaning Deposit in cash, check or money order only at the time the rental contract is submitted in order to hold the requested reservation date.

The \$35.00 cleaning deposit will be forfeited if all garbage and trash are not placed in the containers furnished by the Tourism Services Department and the Facility and equipment is not left in a clean and neat condition and without damage to property or missing property. The \$35.00 cleaning deposit will also be forfeited if any property is damaged during the event or if any are missing. If the above conditions are satisfied, the \$35.00 cleaning deposit will be processed for payment through the City of Kingsville's Finance Department. A check made payable to Lessee should be received in the mail at the address stated on the rental contract within 30 days following the event. If the cleanup costs and/or damages exceed the amount of the deposit, then Lessee is responsible for the excess costs.

6. RIGHT TO CANCEL: If Lessee misrepresents in any way the kind of Event to be held at the Facility and thereby induced Lessor into entering into this lease, then Lessor shall have the right to cancel this lease without refunding and monies paid hereunder and without liability for any loss or damage to Lessee. Lessor's Agent shall be the sole judge of whether Lessee has made such misrepresentation and, if so, whether Lessee induced Lessor into executing this Lease. Should such cancellation occur, Lessee hereby waives any claim for damages against Lessor and any rights granted under this Lease.

7. RESERVATION REQUEST: If Lessee notifies the person responsible for facility rental at the Tourism Services Department that they would like to reserve the Facility, and the notification is by mail or telephone, then the Facility will be temporarily reserved for three days from the date the request is received. A rental application agreement will need to be obtained, completed, and submitted along with the necessary deposits within the three day temporary reservation period, otherwise the reservation will be cancelled. The rental fee is due fourteen (14) days prior to the requested reservation date. If the request to reserve is received less than fourteen (14) days prior to the requested rental date, then the completed contract, deposit, and fees must all be submitted at the same time.

8. INDEMNITY: Lessee must indemnify and hold harmless Lessor and their officers, agents, elected officials, and employees from and against all claims, demands, causes of action, costs and liabilities, in law or in equity, of every kind and nature whatsoever, directly or indirectly resulting from or caused by the Lessee's use and occupation of the Facilities for the Event(s) whether such use is authorized or not, or from any act or omission of Lessee, or of their officers, agents, elected officials, employees, guests, patrons, or invitees. Lessee shall, at its sole risk and expense, defend any and all suits, actions, or other legal proceedings which may be brought or instituted against Lessor, their officers, agents, elected officials, and employees, or any such claim, demand or cause of action, and Lessee shall pay and satisfy any judgment or decree which may

be rendered against Lessor, their officers, agents, elected officials, and employees, in any such suit or legal proceedings.

9. CANCELLATION BY LESSEE: If Lessee cancels the Event or fails to occupy the Premises at the time specified, all deposits required by this Lease are forfeited to Lessor.

10. DEFAULT: If Lessee defaults in the payment of the rent at the time specified or if Lessee defaults in any other Lease covenant, this Lease, at the option of the Lessor, will terminate and the relation of the parties will be the same in all respects as if said term had fully expired; and Lessor may reenter the Facility and hold the same, remove all persons therefrom, and resort to any legal proceeding to obtain such possession, and Lessee shall pay the full amount of said rental as herein agreed to be paid.

11. COMPLIANCE WITH LAWS AND REGULATIONS: Lessee must comply with all applicable laws, ordinances, and regulations adopted or established by federal, state, or local governmental agencies, as well as all Facility rules and regulations provided by Lessor, and Lessee will require its agents and employees to do so. Lessee also is responsible for seeing that no activities in violation of federal, state or local laws are permitted in or on the Facilities. Lessee will obtain and pay for all necessary permits and/or licenses. Nothing may be presented, used, or sold that is contrary to law or prohibited by ordinances of the City of Kingsville.

12. PUBLIC SAFETY: Lessee must conduct its activities with regard to public safety, and will heed applicable regulations and requests by governmental agencies responsible for public safety. Lessee must keep unobstructed all portions of the sidewalks, passageways, and all ways of access to public utilities at the Facility. Lessee will not bring onto the Premises anything likely to endanger any person on the Premises, or to constitute a hazard to property thereon without prior approval of Lessor.

13. DEFACEMENT OF FACILITY: Lessee will, upon termination of this lease, surrender the Facility in as good an order and condition as existed at the start, acts of God and ordinary wear and tear, excepted. Lessee shall not injure, mar, or in any manner deface said Facility, and shall not cause or permit anything to be done whereby said Facility or equipment therein is in any manner injured, marred or defaced. Lessee will not drive or permit to be driven, nails, hooks, tacks, or alternations of any kind therein. No bills or signs shall be taped, pasted, nailed or otherwise attached to said Facility without the prior written approval of Lessor's Agent.

14. PAYMENT FOR DAMAGES: Lessee will pay costs of repair or replacement for any and all damages of whatever origin occurring during the term of the Lease in order to restore the Facility to a condition equal to that which existed when the Lease began. Lessor's Agent will give a detailed accounting to Lessee at the end of such restoration.

15. STAFFING: If required for an event, security services must be coordinated through Licensed Peace Officers.

Special Services and Charges

1. All security expenses are the responsibility of the Lessee.

Licensed Peace officers required by Lessor are strictly hired for crowd control and facility security.

A complete plan for security, if required, must be provided to the Tourism Services Director at the time of payment.

16. RIGHT OF INSPECTION/CONTROL OF FACILITY: In leasing space to the Lessee, Lessor does not give up control or the right to enforce all necessary laws, rules and regulations. Duly authorized agents of Lessor may enter the Facility at any time and on any occasion without any restrictions whatsoever.

17. PERSONS VIOLATING THE LAW: If Lessor has good cause to believe that any person at the Facility is in violation of Federal, State or local law, ordinance or City regulation or rental term, then Lessor's Agent may object, or cause to be ejected any such person or persons.

18. COPYRIGHTS: Lessee must assume all costs arising from the use of patented, trademarked, franchised or copyrighted music, materials, devices, processes or dramatic rights used on or incorporated in the Event. Lessee must indemnify, defend and hold harmless Lessor from any claims or costs, including legal fees, which might arise from question of use of any such material described above.

19. LOST ARTICLES: Lessor will not be responsible for any lost articles.

20. CIVIL RIGHTS: Lessee must not discriminate against any employee or any applicant for employment because of race, religion or national origin, and will not discriminate for those same reasons against any persons relative to admission, services or privileges offered to or enjoyed by the general public.

21. NON-ASSIGNMENT: Lessee shall not assign this lease or allow any use of the Facility other than that herein specified, or let or sublet the same, or allow any article to be brought into or act done at the Facility that increases the premiums on the policy or policies of insurance held by Lessor on its Facility or violates the terms on any such policy.

22. UNAVOIDABLE HAPPENINGS: Should the Facility or any part thereof be destroyed or damaged by fire or any other cause, or if any other casualty or unforeseen occurrence by or the United States Government or the State of Texas, or any arm or instrumentality thereof, renders the fulfillment of this Lease impossible, then this Lease

terminates. Lessee shall pay rental for the Facility only up to the time of such termination at the rate herein specified, and Lessee hereby waives any claims for damages or compensation should this Lease be so terminated.

23. EVACUATION OF FACILITY: If it becomes necessary, in the Lessor's Agent's judgment, to evacuate the Premises for reasons of public safety, Lessee will retain possession of the Facility for sufficient time to complete presentation of the Event without additional rental charge providing such time does not interfere with another lease. If it is not possible to complete the presentation of the Event, the rental shall be forfeited, prorated or adjusted at the discretion of the Lessor's Agent, based on the situation, and the Lessee hereby waives any claim for damages or compensation from the Lessor.

24. INTERRUPTION OR TERMINATION OF EVENT: Lessor retains the right to interrupt or terminate any Event when, in the sole judgment of Lessor's Agent, such act is necessary in the interest of public safety.

25. SCHEDULING: Unless otherwise specified in writing, Lessor may schedule other similar events both before and after the dates of this lease without notice to Lessee.

26. OTHER CONDITIONS: Any matters not expressly provided for in this Lease will be at the sole discretion of Lessor. Lessee and Lessor stipulate that in entering this Lease they are not in any way partners or joint ventures but are to each other Lessor and Lessee, respectively, and occupy that status only.

All Lessees Must:

1. **Meet with Tourism Services Department Staff to coordinate the schedule and needs of the event in advance.**
2. **Make sure that minors are supervised at all times of the event by a parent, guardian, or other responsible adult.**

All Lessees MUST NOT:

1. **Permit any illegal substances, weapons or illegal activities on the premises.**

All food and/or beverage vendors are required to have proper licenses and permits from City of Kingsville Health Department.

All vendors are required to collect and pay the proper Sales taxes to the State, City and County.

No open flames are allowed inside the Facility or the surrounding grounds.

Lessees are responsible for insuring safe loading and unloading of equipment and vendors equipment into and out of the Facility. Lessees are responsible for insuring that all persons or groups associated with this event use proper equipment needed for any task or set up they undertake. For instance – chairs are NOT to be used as ladders.

Lessees are responsible for making sure that electrical cords are used in a safe manner free from overloading power outlets and causing trip hazards.

By signature below Lessee understand and agrees to all requirements and rules detailed herein.

This Lease shall bind the parties and their respective heirs, executors, successors, administrators and assigns.

This lease must be signed in duplicate and returned to Lessor within the time periods stated herein above, along with all rental fees and deposits, or it may be considered null and void.

SIGNED IN DUPLICATE ORIGINALS on the date shown on page one of this Lease.

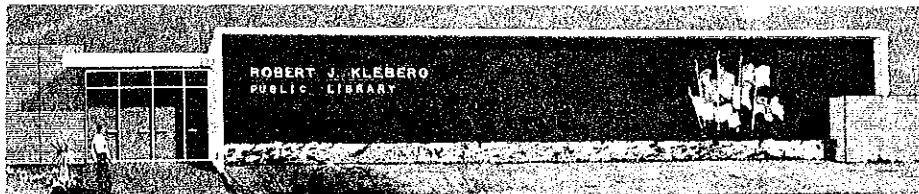
City of Kingsville, Texas,

BY _____
Tourism Services Staff, as agent for City of Kingsville
LESSOR

BY _____
Printed Name and Title _____
On behalf of _____
LESSEE

Address: _____
Phone: _____
Fax: _____
Email: _____

AGENDA ITEM #5



220 N. 4TH STREET • KINGSVILLE, TEXAS 78363 • (361) 592-6381

Memorandum

Date: September 25, 2015
To: Courtney Alvarez, Interim City Manager
From: Robert Rodriguez, Library Director
RE: Library Board Member Reappointment

Please be advised that the library board membership term for Dr. Tadeo Reyna, Jr. will expire on October 8, 2015. I have spoken to Dr. Reyna and he has agreed to remain on the board. It is my recommendation that he be reappointed for an additional three-year term.

I am requesting that the City Commission consider his reappointment at the next Regular Commission meeting.

Thank you,

A handwritten signature in black ink, appearing to read "Robert Rodriguez". The signature is stylized with large, flowing loops and is positioned above the printed name.

Robert Rodriguez,
Library Director

AGENDA ITEM #6



**ELECTRIC RELIABILITY COUNCIL OF TEXAS, INC.
MEMBERSHIP APPLICATION AND AGREEMENT FOR MEMBERSHIP YEAR 2016**

This Membership Application and Agreement (Agreement) is by and between Electric Reliability Council of Texas Inc. (ERCOT) and the City of Kingsville, Texas (Applicant). In consideration of the mutual covenants contained herein, the parties hereby agree that the Applicant shall become an ERCOT Member and receive the ERCOT Member Services and benefits described herein, subject to the terms and conditions of this Agreement. This Agreement shall be effective as of the date signed by the Applicant provided that the Applicant meets all of the qualifications for ERCOT Membership.

Capitalized terms that are not defined in this Agreement shall have the meaning as defined in the ERCOT Bylaws or the ERCOT Protocols.

A. Membership Application Information

1. Name of Entity applying for Membership: City of Kingsville, Texas
2. Type of Membership: Check **ONE** type of Membership. *Affiliated Entities as defined in the ERCOT Bylaws may hold only one Corporate Membership.*

Entities applying for additional Memberships, such as an Associate Membership, must use a separate Agreement for each Membership. The applicable fees are listed below and entitle Members to services ERCOT provides such as hosting ERCOT meetings, providing Members with necessary information and such other Member Services as may from time to time be offered. Please note that any Member may request that the Member's Annual Member Service Fees be waived for good cause shown.

☒ **Corporate.** Voting. \$2,000 per Membership Year (except Residential and Commercial Consumer Members fees are \$100 per year). Corporate Membership includes the right to vote on matters submitted to the general membership such as election of Board Directors, election of Technical Advisory Committee (TAC) Representatives and TAC subcommittees thereof and amendments to the Articles of Incorporation and the ERCOT Bylaws. Residential Consumer Members do not elect a Director to represent the Residential Consumer interests as the Public Counsel is mandated to represent these interests.

☐ **Associate.** Non-voting. \$500 per Membership Year (except Residential and Commercial Consumer Members fees are \$50 per year). Associate Membership includes no voting rights. However, an Associate Member may be elected by Corporate Members to serve as a voting member of the Board, TAC or a TAC subcommittee thereof.

☐ **Adjunct.** Non-voting. \$500 per Membership Year. Entities not meeting the Segment requirements for Membership may join as Adjunct Members upon Board approval. Adjunct Membership does not include voting rights or the right to be elected to the Board, TAC or a TAC subcommittee thereof.

3. The Applicable Annual Member Services Fee must accompany this Agreement and be delivered to ERCOT by the Record Date in order for the Member to participate in the elections for the Membership Year. Please make checks payable to ERCOT and mail to ERCOT, Attention: Treasury Department, 7620 Metro Center Drive, Austin, Texas 78744. Please send an email to membership@ercot.com for wire instructions.

4. Segment Participation: (Check ONE Segment designation.)

☒ **Consumer.** Any Entity representing the interests of end-users of electricity in the ERCOT Region.

Check **ONE** Subsegment designation:

☐ **Residential Consumer**

☐ **Small Commercial Consumer** (Peak demand of 1000 KW or less)

☒ **Large Commercial Consumer** (Peak demand greater than 1000 KW)

☐ **Industrial Consumer** (Average monthly demand greater than 1 megawatt and engaged in an industrial process)

☐ **Cooperative.** An Entity operating in the ERCOT Region that is: (i) a corporation organized under Chapter 161 of the Texas Utilities Code or a predecessor statute to Chapter 161 and operating under that chapter; (ii) a corporation organized as an electric cooperative in a state other than Texas that has obtained a certificate of authority to conduct affairs in the State of Texas; (iii) a cooperative association organized under Tex.Rev.Civ.Stat. 1396-50.01 or a predecessor to that statute and operating under that statute; or (iv) a River Authority as defined in Tex. Water Code §30.003.

☐ **Independent Generator.** Any Entity that is not a Transmission and Distribution Entity (T&D Entity) or an Affiliate of a T&D Entity and (i) owns or controls generation of at least 10 MW in the ERCOT Region; or (ii) is preparing to operate and control generation of at least 10 MW in the ERCOT Region, and has approval of the appropriate governmental authority, has any necessary real property rights, has given the connecting transmission provider written authorization to proceed with construction and has provided security to the connecting transmission provider.

☐ **Independent Power Marketer.** Any Entity that is not a T&D Entity or an Affiliate of a T&D Entity and is registered at the Public Utility Commission of Texas (PUCT) as a Power Marketer to serve in the ERCOT Region.

☐ **Independent REP.** Any Entity that is certified by the PUCT to serve in the ERCOT Region as a Retail Electric Provider (REP) under PURA §39.352 and that is not an Affiliate of a T&D Entity operating in the ERCOT Region.

☐ **Aggregators** may register to participate in this Segment if unable to qualify in any other Segment.

☐ **Investor-Owned Utility.** (i) An investor-held, for-profit "electric utility" as defined in PURA §31.002(6) that (a) operates within the ERCOT Region, (b) owns 345 kV interconnected transmission facilities in the ERCOT Region, (c) owns more than 500 pole miles of transmission facilities in the ERCOT Region, or (d) is an Affiliate of an Entity described in (a), (b) or (c); or (ii) a public utility holding company of any such electric utility.

☐ **Municipal.** An Entity operating in the ERCOT Region that owns or controls transmission or distribution facilities, owns or controls dispatchable generating facilities, or provides retail electric service and is either: (i) a municipally owned utility as defined in PURA §11.003 or (ii) a River Authority as defined in Tex. Water Code §30.003.

5. Identify your designated representative for required notices to ERCOT Members, participation in meetings of the Corporate Members and voting issues:

Name: Courtney Alvarez
Title: City Attorney
Address: P.O. Box 1458
City, State, Zip: Kingsville, TX 78363
Phone: (361) 595-8016
Fax: (361) 592-4696
Email: attny@cityofkingsville.com

6. List any other ERCOT Memberships held by the Applicant or any Affiliates (attach extra pages if necessary):

(a) Entity name: _____
Segment: _____

(b) Entity name: _____
Segment: _____

(c) Entity name: _____
Segment: _____

B. Membership Agreement

1. **Membership.** Membership in ERCOT is open to any Entity that meets any of the Segment definitions set forth in the Bylaws. Members must be an organization that either operates in the ERCOT Region or represents consumers within the ERCOT Region. Members may join as a Corporate, Associate or Adjunct Member subject to the criteria set forth in the ERCOT Bylaws. Members must apply for Membership through an authorized officer or agent.

2. **Fees.** Annual Member Services Fees are described in the ERCOT Bylaws and may be changed through the procedure set forth therein. Any change in fees shall automatically become effective as to all ERCOT Members without the necessity of amending this Agreement. All Memberships are year to year and must be renewed annually. Annual Member Services Fee renewals shall be due by the record date for the annual membership meeting. Membership fees may not be prorated. This Agreement shall renew in yearly increments upon ERCOT's receipt of the following (1) Member's Renewal Application and (2) Member's applicable Annual Member Services Fee. Any Member may request that the Member's Annual Member Service Fees be waived for good cause shown.

3. **Application for Membership.** Members will submit the following items in order to apply for Membership: (i) payment of the Annual Member Services Fee and (ii) a signed copy of this Agreement. Upon approval, ERCOT will promptly notify Member Applicant of the same.

4. **Change of Designated Representative.** An ERCOT Member may change its representative at any time by written request (signed by a duly authorized representative of the ERCOT Member) submitted to the ERCOT Legal Department at membership@ercot.com.

5. **Suspension and Expulsion.** All ERCOT Members shall abide by the ERCOT Bylaws, as they may be amended from time to time, and any other rule or regulation duly adopted by the Board of

Directors. Any ERCOT Member, who willfully violates any provision of this Agreement, the ERCOT Bylaws, or any other rule or regulation duly adopted by the Board of Directors, may be reprimanded, suspended, and/or expelled in accordance with procedures adopted by the Board of Directors or set forth in the ERCOT Bylaws. Such action will affect all persons deriving Membership privileges through such ERCOT Member.

6. **Amendment.** This Agreement may be amended, modified, superseded, canceled, renewed, or extended and the terms and conditions hereof may be waived only by a written instrument executed by both parties hereto or, in the case of a waiver, by the party waiving compliance.

7. **Governing Law.** This Agreement shall be governed by and construed and interpreted in accordance with the laws of the State of Texas that apply to contracts executed in and performed entirely within the State of Texas, without reference to any rules of conflict of laws. Parties consent to the exclusive jurisdiction of Texas.

IN WITNESS WHEREOF, the Member certifies that (i) the Member meets the requirements for ERCOT Membership in the Segment designated herein; (ii) all information provided herein is true and correct to the best of the Member's knowledge; and (iii) through its authorized representative the Member agrees to be bound by the terms of this Agreement, the ERCOT Bylaws and any other requirements duly adopted by the Board of Directors.

By: _____
Printed Name: Courtney Alvarez
Title: City Attorney
Date: October 12, 2015

Courtney Alvarez

From: Membership <membership@ercot.com>
Sent: Thursday, October 01, 2015 10:41 AM
To: Membership
Subject: 2016 ERCOT Membership
Attachments: ERCOT Membership Application and Agreement.doc

Importance: High

To All 2015 ERCOT Members:

The 2016 ERCOT Board of Directors (Board) and Technical Advisory Committee (TAC) will be final as of December 8, 2015. In accordance with the ERCOT Bylaws, the Record Date for elections to the Board or TAC is November 6, 2015. As a result of the recent ERCOT Bylaws amendment, elections also will be held for two new Segment Alternate positions on the 2016 Board for the Industrial and Commercial Consumer Subsegments. Stakeholder Services will provide additional details to the affected Subsegments.

All ERCOT Members and/or Market Participants desiring to be Members of ERCOT in 2016 must complete the ERCOT Membership Application and Agreement (Application) and pay the corresponding Annual Membership Fee in order to participate in the upcoming elections. The Application may be filled out electronically and printed.

Annual Membership Fee for a Corporate (voting) Membership is \$2,000 (except for Residential and Commercial Consumer Members whose fee is \$100 per year). Annual Membership Fee for an Associate (non-voting) Membership is \$500 (except for Residential and Commercial Consumer Members whose fee is \$50 per year). Office of Public Utility Counsel (OPUC) and the appointed Residential Consumer TAC Representative(s) shall be eligible to be Corporate Members without the payment of Annual Member Service Fee. Any Member may request that the Member's Annual Member Service Fee be waived for good cause shown. Please note that an Associate Membership does not allow your organization to vote in the election, but allows an employee of your organization to be nominated for the Board and/or an employee or representative of your organization to be nominated for TAC and TAC subcommittees.

City's rate ↗

Your organization is eligible for Membership if it operates or represents end-use customers in the ERCOT Region and meets the requirements found in the ERCOT Bylaws (Section 3.1). Both the Application and ERCOT Bylaws describe the requirements for each Segment. An Entity may join only one Segment as a Corporate (voting) Member. Affiliated Entities as defined in the ERCOT Bylaws may hold only one Corporate Membership.

For more information or to obtain a copy of the ERCOT Bylaws and Articles of Incorporation, please visit ERCOT's website at <http://www.ercot.com/about/governance/>. Other related information will also be posted for your review. If you have any questions, please contact Tisa Wilkins at (512) 225-7080 or membership@ercot.com.

Please consider this notice an invoice for your organization's Annual Membership Fees.

Regards,

Tisa Wilkins

Regulatory Legal Specialist
ERCOT
7620 Metro Center Drive
Austin, Texas 78744
512-225-7080
512-225-7079 Facsimile
LinkedIn
tisa.wilkins@ercot.com

Confidentiality Notice: The information contained in this email message and any attached documents may be privileged and confidential and is intended for the addressee only. If you received this message in error, please notify the sender immediately.


REGULAR AGENDA

AGENDA ITEM #7

Planning & Development Services Department

TO: Mayor & City Commission

THROUGH: Courtney Alvarez, Interim City Manager

FROM: Tom Ginter, Planning & Development Services Director 

SUBJECT: **Request for Alcohol Variance at 201 S. Hwy 77**

DATE: October 5, 2015

Aman and Zubair Ullah, operators of the EZ Stop, LLC are requesting an alcohol variance for a Wine and Beer Retailer's Off-Premise Permit. This address is located at 201 S. Highway 77 and is within 1,000 ft. boundary of 1 daycare. The property in question therefore requires a variance according to City ordinance ORD-2004-20.

The Ullah's were renting out their property on 201 S. Highway 77 their renters did not renew their rental agreement, consequently the Ullah's decided to operate the store themselves. Therefore, a change in operation requires all appropriate paperwork under the legal owner or renter. In this case this is the reason for the alcohol variance request to change all information to the Ullah's who will be operating the store.

Also, all required notices have been sent to the property owners within 300ft. Additionally, a public hearing notice was placed in the newspaper on September 27, 2015. As of this point, we have not received any negative feedback from the property owners or citizens that have been noticed.

RAKESO LLC
105 S US HIGHWAY 77
KINGSVILLE, TX 78363
#42591

VIKASA INC
105 S US BY-PASS 77 #303
KINGSVILLE, TX 78363
#25135

COASTAL BEND ENTERPRISES
2209 S BRAHMA BLVD
KINGSVILLE, TX 78363
#24400

RAKESO LLC
105 S US HIGHWAY 77
KINGSVILLE, TX 78363
#42593

CHANDAN HOSPITALITY
2203 E KING AVE
KINGSVILLE, TX 78363
#4005289

RESTWELL CORP
221 S US HIGHWAY 77
KINGSVILLE, TX 78363
#15367

GANDHI NAINESH
2203 E KING
KINGSVILLE, TX 78363
#14791

CHAPA ATILANO E
313 W SAGE RD
KINGSVILLE, TX 78363
#13741

VELASQUEZ MELQUIADES JR
303 S 26TH ST
KINGSVILLE, TX 78363
#25964

FAVELA RAFAEL JR
302 S 26TH ST
KINGSVILLE, TX 78363
#20397

VELASQUEZ ROMEO R
307 S 26TH ST
KINGSVILLE, TX 78363
#17626

ABUNDEZ FIDENCIO V
306 S 26TH ST
KINGSVILLE, TX 78363
#12674

PUBLIC NOTICE

The City Commission of the City of Kingsville will hold a public hearing on Monday, October 12, 2015, at 6:00 P.M. to discuss and/or take action on the following items:

Request for an alcohol variance for a Wine and Beer Retailer's Off-Premise Permit, for the establishment known as EZ Stop, LLC located at 201 S. Hwy 77.

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

Sunday's paper 9-27-15



CITY OF
KINGSVILLE

MEMORANDUM

DATE

Friday, September 17, 2015

TO

Mary Valenzuela, City Secretary

FROM

Engineering Department

SUBJECT

Alcohol License for 201 S. US Highway 77

Mrs. Valenzuela,

After performing the research and physical inspection you requested for the property at 201 S. US Highway 77, we have concluded that the property in question does fall within the 1,000 ft boundary of one daycare; therefore, it will require a variance according to City Ordinance sections 11-3-4&5.

Notices must be sent to the property owners within the 300 foot boundary and a public hearing and publication in the local newspaper is required.

Thank you,

Engineering Department

Attachment 1 shows the property and the relative location of the one daycare suspected to be close to the property. Little Tykes Daycare is within the 1,000 foot boundary.

Attachment 2 shows all properties within the 300 foot boundary in correlation with their Short ID provided by the Kleberg County Appraisal District.

received
9-17-15



Off-Premise Prequalification Packet

L-OFF (09/2013)

Please complete this Prequalification Packet with information concerning your proposed business location for which you are applying to sell alcoholic beverages. This information will be used to obtain your prequalification to hold a license/permit. You will submit this information to the proper governmental entities for certification that your proposed location is legal for the type of license/permit for which you are applying. Please contact your local TABC office for more information.

LOCATION INFORMATION

1. Type of Off-Premise License/Permit

- | | |
|--|---|
| <input checked="" type="checkbox"/> BQ Wine and Beer Retailer's Off-Premise Permit | <input type="checkbox"/> LP Local Distributor's Permit |
| <input type="checkbox"/> BF Beer Retail Dealer's Off-Premise License | <input type="checkbox"/> E Local Cartage Permit |
| <input type="checkbox"/> P Package Store Permit | <input type="checkbox"/> ET Local Cartage Transfer Permit |
| <input type="checkbox"/> Q Wine Only Package Store Permit | <input type="checkbox"/> PS Package Store Tasting Permit |

2. Indicate Primary Business at this Location

- | | |
|--|--|
| <input type="checkbox"/> Grocery/Market | <input type="checkbox"/> Convenience Store without Gas |
| <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Miscellaneous _____ |
| <input checked="" type="checkbox"/> Convenience Store with Gas | |

3. Trade Name of Location

EZ Stop, LLC

4. Location Address

201 S Highway 77 Bypass

City

Kingsville

County

Kleberg

State

TX

Zip Code

78363-4827

5. Mailing Address

5014 Crosstown Expressway

City

Corpus Christi

State

Tx

Zip Code

78415-1433

6. Business Phone No.

(361) 221-9507

Alternate Phone No.

() N/A-

E-mail Address

amanullahenterprises@yahoo.com

OWNER INFORMATION

7. Type of Owner

- | | | |
|--|---|---|
| <input type="checkbox"/> Individual | <input type="checkbox"/> Corporation | <input type="checkbox"/> City/County/University |
| <input type="checkbox"/> Partnership | <input checked="" type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Limited Partnership | <input type="checkbox"/> Joint Venture | |
| <input type="checkbox"/> Limited Liability Partnership | <input type="checkbox"/> Trust | |

8. Entity/Applicant

739-4346

9. If Applicant Is/ Must Be Listed Below (attach L-OIC if additional space is needed)

Individual/Individual Owner

Limited Liability Company/All Officers or Managers

Partnership/All Partners

Joint Venture/Venturers

Limited Partnership/All General Partners

Trust/Trustee(s)

Corporation/All Officers

City/County/University/Official

Last Name

Ullah

First Name

Aman

MI

Title

owner

Last Name

Ullah

First Name

Zubair

MI

Title

owner

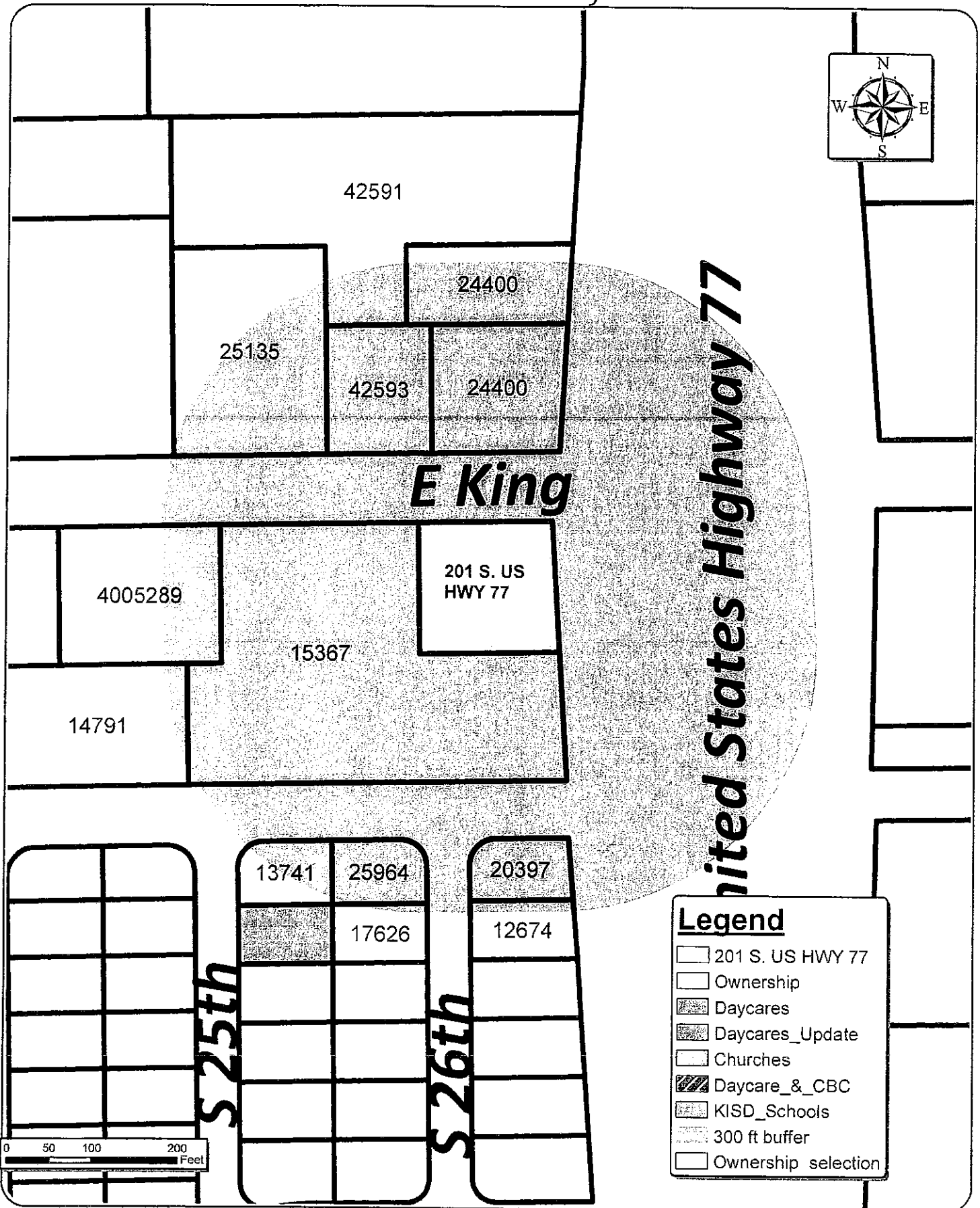
Last Name

First Name

MI

Title

Alcohol Permit - 300 ft radius



Legend

- 201 S. US HWY 77
- Ownership
- Daycares
- Daycares_Update
- Churches
- Daycare_&_CBC
- KISD_Schools
- 300 ft buffer
- Ownership selection

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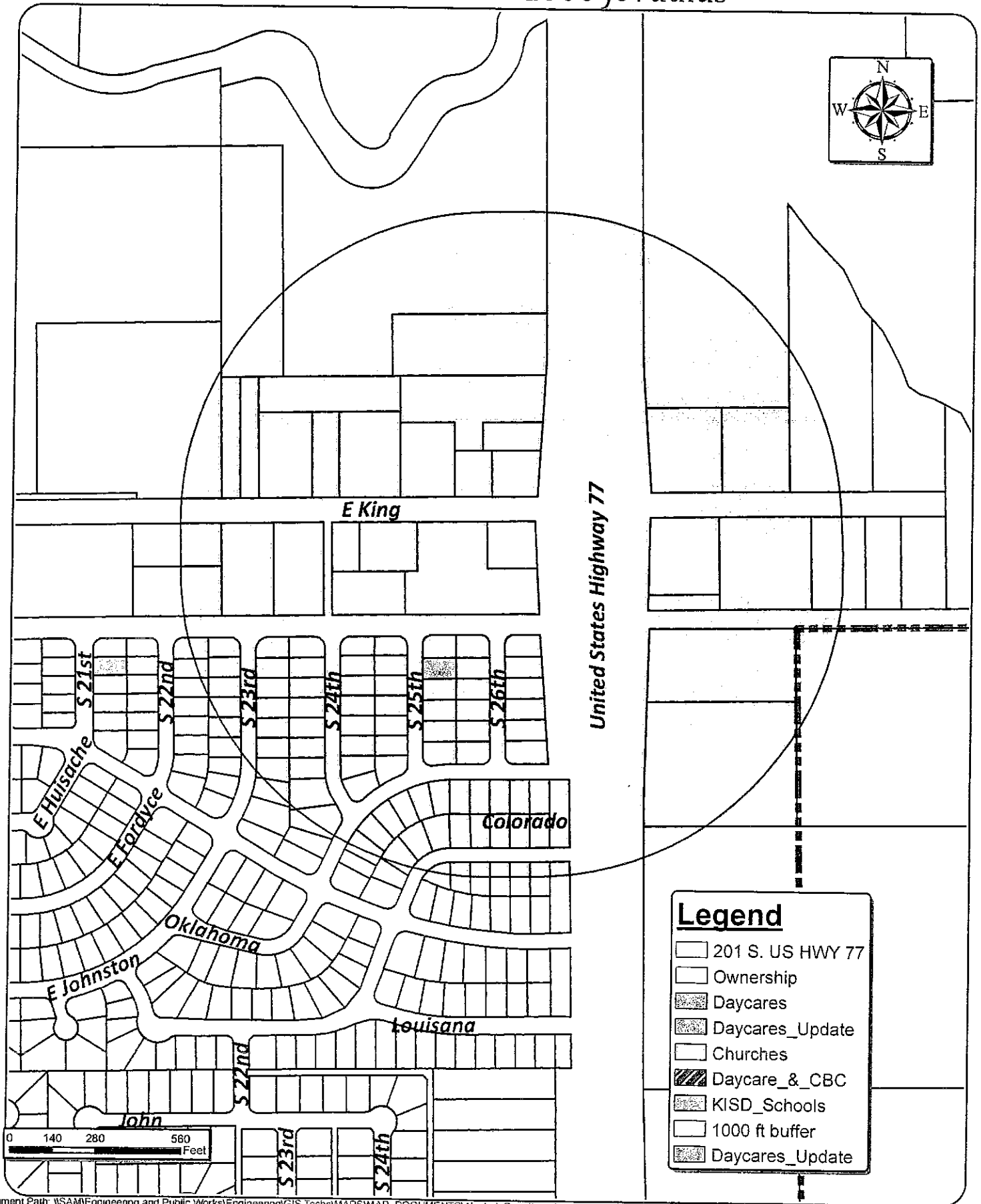
Drawn By: Engineering Dept.
Last Update: 9/17/2015
Note: Please see attached documents.

DISCLAIMER
THIS MAP IS FOR VISUAL PURPOSES ONLY.
THE INFORMATION ON THIS SHEET MAY
CONTAIN INACCURACIES OR ERRORS.
THE CITY OF KINGSVILLE IS NOT
RESPONSIBLE IF THE INFORMATION CONTAINED
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CONSTRUCTION, PLANNING, BUILDING,
OR ANY OTHER PURPOSE.



CITY OF KINGSVILLE
ENGINEERING DEPARTMENT
200 East Kleberg
Kingsville, Texas 78363
Office: 361-595-8005
Fax: 361-595-8035

Alcohol Permit - 1000 ft radius



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Page 1/1	Drawn By: Engineering Dept.	DISCLAIMER THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.	
	Last Update: 9/17/2015		
	Note: Please see attached documents.		

CITY OF KINGSVILLE
ENGINEERING DEPARTMENT
 200 East Kleberg
 Kingsville, Texas 78363
 Office: 361-595-8005
 Fax: 361-595-8035

AGENDA ITEM #8



Purchasing/IT Department

361-595-8025
361-595-8035 Fax

DATE: October 1, 2015
TO: City Commission through City Manager
FROM: David Mason, Purchasing/Technology Director
SUBJECT: Backhoe for Waste Water Department

SUMMARY

This item authorizes the purchase of one backhoe for the Waste Water Construction Department.

BACKGROUND

This is a budgeted capital improvement item for Waste Water Construction. This will replace the last of the Komatsu backhoes.

RECOMMENDATION

We believe the best value for the City is a John Deere 310K from Doggett Heavy Machinery Services (Doggett) in Corpus Christi. The Backhoe is a 2015 310L Final Tier 4, Extendahoe, 2 Lever Controls, Cab with Heat/AC, 24" Backhoe Bucket, 4WD, Quick Coupler, 1.0CuYd Bkt, 1000 Lb Counter Weight, Sun Visor/Tilt Steering Wheel/Tinted Glass, Radio, Quick Coupler Forks 48" Tines and Work Light Package. The City of Kingsville has several of the John Deere 310 series backhoes and they are providing reliable service. This item can be purchased through BuyBoard, thereby satisfying state purchasing law regarding competitive bidding regulations.

FINANCIAL IMPACT

The price less discounts and with the heavy equipment tax is \$92,505.66, which with a \$15,000 trade-in, produces a net price of \$77,505.66 that will come from account 051-5-700.3-712.00 Waste Water Construction Capital Equipment. There is sufficient funding in this line to cover the cost of purchase.

DOGGETT HEAVY MACHINERY SERVICES, LTD.

#1
PHARR TX
705 E. Nolana, 78589
(956) 787-0001
Fax(956) 787-0055

#2
CORPUS CHRISTI, TX
433 Flato Rd. 78405
Box 4918, 78469
(361) 289-0727
Fax (361) 289-7229

#3
BROWNSVILLE, TX
5994 E. 14TH St. 78520
(956) 831-9377
Fax (956) 831-7421

#4
VICTORIA, TX
6812 N. US 59, 77905
(361) 570-6666
(361) 570-6688

Store #: 2

Date: 5/26/15

Proposal for:

Acct #: _____ Tax / SS #: _____

Business: City of Kingsville Waste Water

Individual: Frank

Address: _____

City/St/Zip: Kingsville, Tx

Phone #: _____ Fax #: _____

Cell #: _____ ☐ Corp. ☐ LLC ☐ Pard. ☐ Ind.

PO #: _____ Job #: _____

☐ RENTAL ☐ Month/s ☐ Week/s ☐ Days

Start Date: _____ Rate \$: _____

Delivery \$: _____ Pick-up \$: _____

Payment: ☐ P. P. ☐ Cash ☐ Other *

Taxable: ☐ Yes ☐ No

☒ SALE ☐ Finance ☐ Lease ☐ Cash

Term: ☐ Months ☐ % Rate ☐ Other*

Proposal good for: _____ Days

QUOTATION BELOW SUBJECT TO APPLICABLE TAXES

Qty	Make	Model	Serial No.	Description of Equipment / Include HOURS & YEAR Model	Sale Price of Unit/s
	Deere	310L	new	2015 310L Final Tier 4, Extendahoe, 2 Lever Controls Cab with Heat/AC, 24" Backhoe Bucket, 4WD Quick Coupler, 1.0CuYd Bkt, Radio, 1000 Lb Counter Weight Sun Visor/Tilt Steering Wheel/Tinted Glass Quick Coupler Forks 48" Tines, Work Light Package Radio	\$156,701
				Buy Board Discount 27%	\$ (42,309.00)
				Small Muni Discount	\$ (22,100.00)
				Total Selling Price Units (All) :	\$ 92,292.00
			Stock Number :	Extended Warranty :	

WARRANTY

☐ Extended ☐ New ☐ Other*
☒ Full Machine ☐ EPT + Hyd ☐ EPT

Term: Months: 12 Hours: Unlimited

Notes / *Other

Less Applicable Rent : \$ -

Less Trade-in Value : \$ 15,000.00

Taxable Amount : \$ 77,292.00

Ad valorem Tax: 0.23150% \$ 213.66

Sales / Fuel Tax: 0.00% \$ -

Less Down Payment : \$ -

Total Amount To Finance Or
Pay Cash : \$ 77,505.66

Monthly Payments: _____

Salesman : Drew Schuelke

Customer : _____

Physical Address: _____

AGENDA ITEM #9

DATE: October 1, 2015

TO: City Commission

FROM: Leo Alarcon, Director of Tourism

SUBJECT: City Sponsorship for Events & Parades

Historically, a number of committees within Kingsville annually ask for City support for the different events that take place mostly within the downtown area and the parks. A listing of the parades and events that the City of Kingsville annually grant support to is attached. Also included on the list is Naval Air Station-Kingsville's biennial Wings Over South Texas (WOST) airshow featuring the Blue Angels, which is scheduled for April 2016.

These committees will apply for sponsorship during the year from the City of Kingsville in terms of waivers of fees and support costs from City departments for their event. They are still required to comply with all city ordinances and state laws, especially with regard to health and safety issues. The tentative dates are listed and most of these events are free and all are open to the public. Listed as well is the average cost for City participation in each event and we request that these waivers and services be considered as in-kind sponsorship. Thank you.

2015 -16 Events & Parades - Downtown Kingsville

October 2015

Thursday, Oct. 22, TAMUK Homecoming Parade

Thursday, Oct. 29, City's 7th Annual Downtown Trick or Treat Fall Festival

4th Saturday-Year round - Kingsville Farmer's Market

November 2015

Wednesday, Nov. 11, Veteran's Day Parade

Saturday & Sunday Nov. 21 & 22, Ranch Hand Weekend Festival

December 2015

Saturday, Dec. 5, La Posada de Kingsville Parade

Friday, Dec. 11, La Virgen de Guadalupe Procession

January 2016

Monday, Jan. 18, MLK Day Parade & Celebration

February 2016

Friday & Saturday, February, Prof. Bull Riders Rodeo Event

April 2016

Friday, April 22, PDAP Drug Free Walk

May 2016

Saturday, May 7, Cinco de Mayo "A Cultural Event"

July 2016

Monday, July 4, "July 4th Parade & Celebration"

August 2016

Friday, Aug. 26 KISD Annual Community Fair

September 2016

Thursday, September, HM King High School Homecoming Parade

(Dates are subject to change)

2015 -16 Events & Parades - Outside of Downtown Kingsville

Friday & Saturday, Nov. 20 & 21, 2015 Kingsville Heritage Rodeo & Cook-off - Ranch Hand Weekend

J. K. Northway & Dick Kleberg Park

January 2016 Kleberg Kenedy County Junior Livestock Show & Parade

J. K. Northway & Dick Kleberg Park

Saturday & Sunday, April 9&10, 2016 Wings Over South Texas

NAS Kingsville

Friday & Saturday, June 2016 South Texas Pitmasters Shoot Out

J. K. Northway & Dick Kleberg Park

Saturday & Sunday, September 3 & 4, Pinto Bean Cook-off Festival
(Dates are subject to change)

Average Costs for each Event/Parade

Public Works

Barricades: Build-up and Tear-down \$18/hour (5 men/4 hours) = \$360

Trash and Recycling: Delivery/Pickup/Dumping \$6 each x average 6 = \$36

Permit for large event = \$150

Security – Law Enforcement departments – subject to approval by departments

Tourism Department Advertising/Marketing costs and staff support

Ranch Hand Weekend – 3 Days event

Breakfast/Rodeo/Concert/Festival/Cowboy Church

Advertising estimated cost total = \$5000

(Advertisement/marketing began in the summer months; expenses cover two fiscal years)

Tourism Personnel = \$500

Wings Over South Texas – 2 Days event

NAS Kingsville

Advertising cost total = \$5000

Tourism Personnel = \$500

Other City Departments costs and staff support for WOST

KPD/FD overtime budget for WOST total = \$10,000

Task Force overtime budget for WOST total = \$4,347

City Special for “Meet the Blues” event budget = \$500

AGENDA ITEM #10

DATE: October 1, 2015

TO: City Commission

FROM: Leo Alarcon, Director of Tourism

SUBJECT: Presentation of Wayfinding Signs

Tourism is an important industry to our community and having a directional roadway signage system in place is essential. Cities have found that such a signage system provides long lasting infrastructure that helps visitors find and enjoy local destinations. The Tourism department has budgeted a total of \$50,000 for the local Wayfinding Guide Sign System. Staff has discussed that the \$50,000 budget may not cover the entire production of the signs and City personnel will handle the entire project from the beginning to end. The project was delayed first until the adoption of the new City logo. Also the production of signs should possibly coincide with Kingsville's signature fall event in historic downtown Kingsville and the breakfast at the King Ranch and also with the future opening of the new city hall.

The signs will be 4 feet by 4 feet in size and the top of the design reflects Spanish influences of the Alamo taken from the top middle section of the 1909 Henrietta M. King building. The colors coincide with those of the adopted logo of beige and brown.

DOWNTOWN

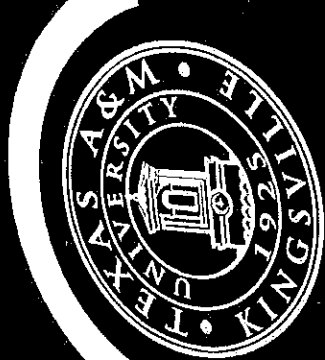


CITY HALL



KING RANCH





↑ TEXAS A&M
UNIVERSITY
KINGSVILLE



AGENDA ITEM #11

AGENDA ITEM #12

RESOLUTION #2015-_____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT FOR THE POSITION OF CITY MANAGER WITH JESUS A. GARZA; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the chief administrator for the City of Kingsville ("City") is the City Manager and that position has been vacated due to the expiration of the prior City Manager's employment agreement; and

WHEREAS, the City Commission is charged with filling the position of City Manager and has completed a search and selection process with Waters Consulting Group to fill such vacancy; and

WHEREAS, the City Commission has selected a finalist and two authorized representatives of the Commission have negotiated a contract with the finalist; and

WHEREAS, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to enter into the agreement attached hereto.

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

I.

THAT the Mayor is authorized and directed as an act of the City of Kingsville, Texas to enter into an Employment Agreement for the position of City Manager with Jesus A. Garza 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
12th day of October, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT is made and entered into this the 12th day of October, 2015, by and between the **CITY OF KINGSVILLE, TEXAS** (hereinafter referred to as the "City"), a Texas home-rule municipality, and **JESUS ANTONIO GARZA** (hereinafter referred to as "Manager"), both of which parties hereto understand and agree as follows:

WITNESSETH:

WHEREAS, City Commission desires to employ **JESUS ANTONIO GARZA** as City Manager for the City of Kingsville, Texas; and

WHEREAS, it is the desire of Kingsville City Commission to provide certain benefits, establish certain conditions of employment, and to set certain working conditions of said Manager; and

WHEREAS, **JESUS ANTONIO GARZA** desires to accept employment as Manager, and an officer, of said City on the terms outlined herein.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements herein contained, and hereinbefore stated, the parties hereto agree as follows:

A. Duties and Responsibilities

As City Manager, Manager agrees to perform all duties and responsibilities as described in the City Charter, the Municipal Code, the ordinances of the City, and as reasonably directed by the City Commission.

B. Salary

The Manager will receive a base salary of \$2,211.60 per week (\$115,003.20 annualized) payable in installments at the same time as other employees of the City are paid. The Manager shall at a minimum receive the same COLA increase in his base salary as other city executive level management employees. In addition, City agrees to consider increasing said base salary and/or other benefits of Manager in such amounts and to such an extent as the City Commission may determine that is desirable to do so, on the basis of an annual performance evaluation and/or salary review of the Manager.

C. Automobile Allowance

The City agrees to pay Manager a bi-weekly automobile allowance of \$153.85 (\$4,000.10 per annum). The automobile allowance shall be subject to review from time to time by the City Commission and accordingly modified, if deemed necessary. This automobile allowance shall cover all automobile-related expenses incurred by Manager, including expenses for automobile

repair, maintenance, insurance, operation and replacement. Manager shall receive additional reimbursement for excess mileage outside the area as defined in the City of Kingsville "Travel Policy".

D. Vacation Leave & Sick Leave

Vacation and Sick leave shall be calculated in accordance with the City of Kingsville "Administrative Policies and Procedures Manual". The Manager shall have a bank of forty (40) hours Vacation Leave on the commencement of employment. The Manager shall accrue 120 hours of vacation leave annually earned at a rate of 4.62 hours bi-weekly. The Manager shall accrue 80 hours of sick leave annually earned at a rate of 3.07 hours bi-weekly.

E. Health Insurance

The Manager shall be eligible for coverage by the City's group medical insurance plan. The Manager may elect to have his/her eligible dependents covered under the health plan with the City contributing a percentage of the premiums as established by the City Commission. The fixed rate for the monthly premium for the Manager and his eligible dependents (spouse or family coverage), should he elect to pay for such coverage, shall be the same as that paid by other city employees for the same type of coverage. (While health insurance premiums are established by the City Commission annually, by way of example only, the FY15-16 premiums are \$30/month for employee only and \$118/month for employee-family.)

F. Life Insurance

The City agrees to provide the Manager a basic life insurance plan equal to \$50,000.00 for the term of this contract. The City of Kingsville pays all premiums associated with this policy. The Manager may, at his option and at his cost, increase the basic life insurance plan amount, if such higher insurance is available under the City's life insurance plan.

G. Moving and Relocation Allowance

The City shall provide Manager with a \$3,000 stipend to be paid within 30 days of commencement of the Manager's start date.

The City requires Manager to establish residency within the City limits no later than six (6) months from the date of this Agreement.

H. Severance Pay

In the event the City Commission decides to terminate Manager's employment during such time Manager is willing and able to continue performing the duties of the City Manager, then the City agrees to pay a lump sum cash payment (less any TMRS & taxes) equal to three (3) months full salary (base salary & car allowance only), plus the value of all vacation leave accrued by, or credited to, the Manager prior to the termination up to a maximum of 120 hours; provided, however, in the event that severance is paid to Manager, Manager agrees that he shall

contemporaneously execute and deliver to the City a full release of any and all claims that he may have against the City. The failure to execute and deliver such release shall nullify any obligation by the City to pay severance.

In the event the City Commission terminates the Manager's employment because of the commission of an illegal act, including but not limited to, acts involving personal gain, corruption, misconduct or malfeasance in office, any felony, violation of the City Charter or the Administrative Policies and Procedures Manual or the City of Kingsville "Code of Ethics", then the City shall have no obligation whatsoever to pay any severance pay designated in this section.

I. Texas Municipal Retirement System

Contributions to Texas Municipal Retirement System (TMRS) are mandatory for all full time employees. Contribution rates and other policies of the City's TMRS Plan are determined by the City Commission and are subject to change.

J. Performance Evaluation

It will be the responsibility of the Manager to work with the Mayor and develop performance criteria within six months of his commencement date. The Commission must approve the performance criteria developed by the Manager. The Commission shall review and evaluate the performance of the Manager approximately six months after the commencement date and then at least once annually utilizing the performance criteria approved by the Commission. The review of the Manager's performance shall be in writing and in accordance with criteria and format approved by the Commission. The Commission shall provide the Manager a reasonable and adequate opportunity to discuss with the Commission and/or respond to the Manager's evaluation. The annual performance reviews and evaluations shall be reasonably related to the Manager's written job description and shall be based, in whole or in part, on the performance criteria jointly developed and adopted by the Commission and Manager. Adjustment of base salary, if any, is at the sole discretion of the City Commission.

K. Business Expenses

The City agrees to provide written guidelines on which business and related expenses will be reimbursed by the City.

L. Starting Date

Manager agrees to commence employment with the City no later than November 2, 2015.

M. Professional Dues and Education

The City agrees to reimburse membership dues in ICMA and TCMA, and for reasonable expenses incurred in the attendance at annual conferences and/or regional conferences. Such reasonable expenses shall be defined as including conference registration fees, coach/economy air fares, hotel accommodations and meals in accordance with the City's travel policy. In

addition, the City agrees to reimburse reasonable expenses incurred in attendance at one other professional development conference or training opportunity as approved by the Mayor or his designee. Developing and maintaining professional association contacts and standing provide the City access to valuable resources, and the reasonable participation and related travel by the Manager. All dues, continuing education and travel expenses are subject to annual appropriation by the City Commission.

N. Indemnification

The City will defend, hold harmless, and indemnify Manager against any tort, professional liability claim or demand, or other civil legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of the duties as City Manager, except for intentional acts or acts of gross negligence or other acts not covered by the City's insurance carrier policy. The City will compromise and settle any such covered claim or suit, at its sole option, and settle any such covered claim or suit and pay the amount of any settlement or judgment rendered thereon.

O. Term of Agreement

This agreement shall be for a term not to exceed two (2) years from the start date of November 2, 2015. This agreement may be terminated in accordance with the provisions of Paragraph H and may be extended or renewed at any time during the term upon mutual agreement of the parties. If the City Commission takes no action regarding renewal of the Agreement prior to October 15, 2017, this Agreement automatically renews for an additional one year term.

P. General Provisions

1. **Severability.** In the event any one or more of the sections, provisions or clauses contained herein shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Agreement, but this Agreement shall be construed as if such invalid, illegal or unenforceable provision had not been contained herein.
2. **Entire Agreement.** This Agreement incorporates all the agreements, covenants and understandings between the City and the Manager concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged onto this written Agreement. No other prior agreements or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.
3. **Amendment.** This Agreement shall not be modified or amended except by a written instrument executed by the Manager and the duly authorized representative of the Commission.

IN WITNESS WHEREOF, the City of Kingsville, Texas, has caused this Employment Agreement to be signed and executed on its behalf by its Mayor after being authorized to do so at a regular and duly posted meeting of the Kingsville City Commission, and the Manager has signed and executed this Agreement,

Signed this the _____ day of _____, 2015.

CITY OF KINGSVILLE, TEXAS

Sam R. Fugate, Mayor

ACCEPTED:

Jesus Antonio Garza

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney