

City of Kingsville, Texas

AGENDA CITY COMMISSION

**MONDAY, NOVEMBER 23, 2015
REGULAR MEETING**

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

I. Preliminary Proceedings.

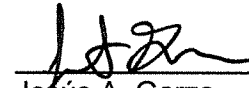
OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S) –

Regular Meeting – November 9, 2015

APPROVED BY:



Jesús A. Garza
City Manager

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

1. Public hearing for an ordinance changing the zoning map in reference to Lots 22-24, Block 8, Vista Alegre, known as 1304 E. Kenedy from R2-Two Family District to C2-Retail District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Planning & Economic Development Director).

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 granting a special use permit for 1055 South US HWY 77 (.088 acres, Lot 8, Jesse 2) for car storage for Enterprise Rent A Car. (Planning & Economic Development Director).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2015-2016 General Fund Budget to accept and expend 5K and other donations for the Parks Department. (Finance Director).
3. Consider a resolution authorizing the release of Chapter 59 funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to Communities in School of the Coastal Bend for drug abuse prevention programs. (Task Force Commander).
4. Consider a resolution authorizing the release of Chapter 59 funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to Kingsville Amateur Boxing Club, Inc. for drug abuse prevention programs. (Task Force Commander).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider introduction of an ordinance changing the zoning map in reference to Lots 22-24, Block 8, Vista Alegre, known as 1304 E. Kenedy from R2-Two Family District to C2-Retail District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Planning & Economic Development Director).
6. Consider final passage of an ordinance amending the Code of Ordinances of the City of Kingsville, Texas, Chapter IX-General Regulations, Article 10-Streets and Sidewalks, to add Street Maintenance Fee Sections to establish monthly street maintenance fees for the purpose of funding the city streets system, establishing a street maintenance fund and an appeals process. (Public Works Director/City Engineer).
7. Consider a resolution authorizing the City to submit an application to the Office of the Governor Criminal Justice Division for the purpose of requesting grant funding on behalf of the City for the 2015 Body-Worn Camera Program for law enforcement personnel for the Kingsville Police Department with an anticipated cash match. (Chief of Police).
8. Consider a resolution of the City of Kingsville acknowledging the City's participation in a deferred compensation plan administered by ICMA Retirement Corporation. (Human Resources Director).

9. Executive Session: Pursuant to Section 551.071, Texas Government Code, Consultation with Attorney Exception, the City Commission shall convene in executive session to seek legal advice from the City Attorney regarding a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. (City Attorney).

10. 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 Fire Chief. (City Manager).

VII. Adjournment.

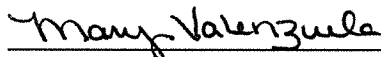
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

November 20, 2015 at 3:00 P.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)

NOVEMBER 9, 2015

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 9, 2015 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

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

CITY STAFF PRESENT:

Jesús Garza, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Tom Ginter, Director of Planning & Development Services
Deborah Balli, Finance Director
Diana Gonzales, Human Resources Director
Charlie Cardenas, Public Works Director/Engineer
Susan Ivy, Parks Manager
Leo Alarcon, Tourism Director
Emilio Garcia, Health Director
Robert Rodriguez, Library Director
David Mason, Purchasing Director
Cynthia Martin, Downtown & Volunteer Supervisor
Ricardo Torres, Police Chief
Willie Vera, Task Force Commander
Bill Donnell, Assistant Public Works Director
Joey Reed, Fire Chief
Joe Casillas, Water Production Supervisor
Pete Piña, Landfill Supervisor
Kyle Benson, Help Desk Coordinator
Frank Garcia, Waste Water Supervisor
Charlie Sosa, Street Supervisor
Sharam Santanilla, Engineer's Assistant

I. Preliminary Proceedings.

OPEN MEETING

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

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – October 26, 2015

Mayor Fugate called for a motion to approve the minutes of October 26, 2015.

Motion made by Commissioner Pena to approve the minutes of October 26, 2015 as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote Garcia, Leubert, Pecos, Pena, Fugate voting “FOR”.

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

1. Public hearing to consider an ordinance granting a special use permit for 1055 South US HWY 77 (.088 acres, Lot 8, Jesse 2) for car storage for Enterprise Rent A Car. (Planning & Economic Development Director).

Mayor Fugate announced and opened this public hearing at 6:02 P.M.

Mr. Tom Ginter, Planning & Economic Development Director reported that currently Enterprise Rent A Car is located at Phil Neesen Chevrolet Dealership. Enterprise is looking to build a standalone office building as their customer volume has increased. The Planning & Zoning Commission has heard the item and recommends approval of this request. No complaints were received from the citizens.

Commissioner Leubert asked if this location will have some landscaping once the business opens. Mr. Ginter responded that the location will be landscaped as per policy

Mr. Steven Overguard, Enterprise representative stated that there will be a fence installed and any other necessities that are prescribed in the City ordinance.

Mayor Fugate 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 Fugate closed this public hearing at 6:07 p.m.

2. Public hearing to consider approval of the preliminary plat for the Estates at Wildwood Trail Phase II (25 lots) 6.751 acres located at KT&I Co., Block 17, Lot 2, 3, PT 7, also known as Wildwood Trails Subdivision. (Planning & Economic Development Director).

Mayor Fugate announced and opened this public hearing at 6:07 p.m.

Mr. Ginter announced that this item is for approval of Phase II. The Development Review Team has reviewed the preliminary plat and had no questions. The Planning and Zoning Commission has also reviewed this item and had no issues and approved the item unanimously for the estate.

Mayor Fugate asked about concerns from Mr. Steve Zamora.

Mr. Ginter responded that the Planning & Zoning Commission approved the preliminary plat for the subdivision and the final plat for the Park was tabled due to them not having a plat titled final plat in front of the plan.

Mayor Fugate 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 Fugate closed this public hearing at 6:10 p.m.

3. Public hearing to consider approval of the final plat for the Estates at Wildwood Trail Phase II (25 lots) 6.751 acres located at KT&I Co., Block 17, Lot 2, 3, PT 7, also known as Wildwood Trails Subdivision. (Planning & Economic Development Director).

Mayor Fugate announced and opened this public hearing at 6:10 p.m.

Mr. Ginter stated that this is the same issue that was just spoken about in the previous public hearing.

Mayor Fugate asked why staff could not just mark through preliminary and write in final.

Mrs. Alvarez stated that it states in the ordinance that specifies that they must be labeled in a certain way.

Mr. Garza commented that in this particular case, nothing changed between preliminary and final plat as to in other scenarios there would have potentially had some change.

Commissioner Leubert commented that she has an issue with the preliminary plat and the final plat being brought to the City Commission at the same time.

Mayor Fugate 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 Fugate closed this public hearing at 6:13 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 Fugate welcomed Mr. Jesús Garza, City Manager to the City of Kingsville.

Mrs. Alvarez commented that as for agenda item #1, this is the same resolution that the City Commission approved on October 26th. Because TXDOT provided city staff the revised agreement, on the night of the meeting, the original resolution included that the city will have six equal payments of one amount, they have requested that it be identical to what is in the agreement so that there are five equal payments of one amount and the sixth payment is two cents less. Agenda item #22, with regards to the donation to the Parks Department, when staff worked on this item staff did not have a specific number that was going to be attached, and today at the County Commissioners' meeting, the County did approve the donation from the Kleberg District Attorney's office in the amount of \$2,500 for their drug campaign that they will doing with some of their fitness and other youth activities. The correct amount of donations is \$5,950.00, if the Commission approves all the donations. Alvarez further stated that the next scheduled meeting is November 23rd with agenda items and staff reports due to the City Manager's Office on

Friday, November 13th. City Offices will be closed Wednesday, November 11th in observance of the Veteran's Day.

Commissioner Leubert commented that she has received compliments on the installation of the fence on the Pavilion. She further stated that the trees on Santa Gertrudis, there are some dead trees that need to be looked at. Leubert further commented that as for the old hospital building, the City Commission has approved its condemnation and would like to know what the status is on knocking down this structure. She further asked where city staff stands regarding the Landfill.

Mr. Cardenas commented that staff has received the survey and would need to submit updated maps of the landfill and a list of adjacent property owners.

Commissioner Garcia asked for staff to look into leasing out the restaurant facility located at the Golf Course.

IV. Public Comment on Agenda Items³

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

Susan Ivy, 410 E. Johnston, commented that the Recycling Center, Community Appearance Department, and Parks Department will be hosting Kingsville Recycle Day on Saturday, November 14th from 9:00 a.m. to 12:00 p.m.

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)

Mayor Fugate stated that if there weren't any objections, Commissioner Garcia would like to remove agenda item #13 from the Consent Agenda for discussion. There being no objections, Mayor Fugate asked for a motion to approve items #1-12 from the consent agenda.

Motion made by Commissioner Leubert to approve the consent agenda items #1-12 as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".

- 1. Motion to approve resolution authorizing the Mayor to enter into an agreement with the Texas Department of Transportation to contribute right of way funds (fixed price) for improvements to US 77 for right of way acquisition and the relocation**

and adjustment of utilities from General Cavazos Blvd. to the southern city limits along US 77. (Mayor Fugate).

2. Motion to approve the Historical Development Board decision on an application for a new garage at 402 E. Huisache Ave., which was unanimously approved by the board. (Downtown Manager).

3. Motion to approve the Historical Development Board decision on an application for windows replacement at 418 E. Fordyce Ave., which was unanimously approved by the board. (Downtown Manager).

4. Motion to approve the Historical Development Board decision on an application for a new front porch at 324 E. Lott Ave., which was unanimously approved by the board. (Downtown Manager).

5. Motion to approve the Historical Development Board decision on an application for a roof repair and siding replacement at 429 E. Fordyce Ave., which was approved by a 3-2 vote of the board. (Downtown Manager).

6. Motion to consider approval of out-of-state travel for Task Force agent Mike Tamez to the Operation Pipeline training in Phoenix, Arizona on November 18-20, 2015 with the DEA paying all travel expenses and per diem. (Task Force Commander).

7. Motion to approve final passage of an ordinance amending the fiscal year 2015-2016 budget to include Texas Department of Transportation agreement to contribute right-of-way funds for US-77 Hwy/I-69. (Finance Director).

8. Motion to approve final passage of an ordinance amending the Fiscal Year 2015-2016 General Fund Budget to accept and expend a donation for the Kingsville Fire Department. (Finance Director).

9. Motion to approve final passage of an ordinance amending the Fiscal Year 2015-2016 Utility Fund and CO Series-2011 Utility Budget for Water Well #23 repairs, completion of the 18" waterline transmission project, and completion of Water Well #25. (Finance Director).

10. Motion to approve final passage of an ordinance amending the Code of Ordinances of the City of Kingsville, Texas, Chapter XI, Article 7, Food Sales and Food Establishments, Sections 15 & 17, providing for adoption of new Texas Food Establishment Rules and clarification of permit provisions. (Health Director).

11. Motion to approve final passage of an ordinance amending the Code of Ordinances of the City of Kingsville, Texas, Chapter XV, Article 5, Historical Districts and Landmarks, Section 15-5-4, providing for an application and fee for Local Historic Landmark Designation. (Downtown Manager).

12. Motion to approve final passage of an ordinance amending the Code of Ordinances of Kingsville, Texas, Chapter XV-Land Usage, Article 1-Building Regulations, Section 15-1-56, providing for adoption of the 2014 edition of the National Electric Code. (Planning & Economic Development Director).

13. Motion to approve final passage of an ordinance amending the Code of Ordinances of the City of Kingsville, Texas, Chapter IX-General Regulations, Article 10-Streets and Sidewalks, to add Street Maintenance Fee Sections to establish monthly street maintenance fees for the purpose of funding the city streets system, establishing a street maintenance fund and an appeals process. (Public Works Director/City Engineer).

Mrs. Alvarez commented that it is her understanding that there were some questions regarding the exemptions listed on this ordinance. Alvarez stated that the Commission

has a couple of options, they may choose to adopt the ordinance as presented and go back and amend that section later or they may consider tabling the item and allow staff to work out the items between now and the next City Commission meeting.

Mayor Fugate commented that his concern is that staff is on a short schedule and with staff wanting to make this ordinance effective January 1st, it would be hard to get the information to the citizens of Kingsville.

Commissioner Garcia stated that his concern is with regards to the exemptions. If it remains as it is written, 501(c)(3), and with the ordinance developing a Board for reviewing the fee process, there are some other tax exempt organizations that fall under other categories of the 501(c). Garcia further stated that there are 29 different types of exemptions under the 501(c) and have staff look into these exemptions and see which will affect our community.

Mr. Garza commented that because of the timeline of January 1st, he would like to make sure that staff has enough time to make the community aware of the new fee. Garza further commented that staff has had conversations internally on how to assist in educating the community of this fee.

Mayor Fugate stated that the City Commission does not have any concerns with regards to the fee; staff just needs to look into cleaning up the language. Mayor Fugate suggested not taking any action on this item until staff has an opportunity to look into the exemptions.

No action taken.

Mayor Fugate further stated that if there weren't any objections from the City Commission, he would like to take agenda item #17 before item #14. No objections were made.

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

14. Consider introduction of an ordinance granting a special use permit for 1055 South US HWY 77 (.088 acres, Lot 8, Jesse 2) for car storage for Enterprise Rent A Car. (Planning & Economic Development Director).

Introduction item.

15. Consider approval of the preliminary plat for the Estates at Wildwood Trail Phase II (25 lots) 6.751 acres located at KT&I Co., Block 17, Lot 2, 3, PT 7, also known as Wildwood Trails Subdivision. (Planning & Economic Development Director).

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

16. Consider approval of the final plat for the Estates at Wildwood Trail Phase II (25 lots) 6.751 acres located at KT&I Co., Block 17, Lot 2, 3, PT 7, also known as Wildwood Trails Subdivision. (Planning & Economic Development Director).

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

17. Consider request from County Judge for waiver of rental fee for J.K. Northway building for courthouse restoration concert. (Commissioner Pecos).

Commissioner Pecos stated that the County is requesting a waiver of fees for the use of the J.K. Northway for a fundraiser to restore the courthouse.

Rudy Madrid, County Judge stated that this fundraiser is to collect monies to restore the courthouse. Madrid further stated that the County will also be applying for grant monies that will require a match. This is the County's first event for this fundraiser and will have more coming up in the future. He further stated that all proceeds collected from this concert will go to the restoration of the courthouse.

Mayor Fugate stated that the City can't waive fees for the J.K. Northway. Fugate further stated that he hopes that the Commission helps in keeping this money in the Parks System as it is desperately needed. Fugate also stated that by waiving the fees for this event would have to reconsider what the Commission is doing with the Stock Show.

Commissioner Leubert commented that as much as they would like to waive the fees for the County, it is important to be fair to all other organizations. Leubert further stated that she understands the need for money to restore the Courthouse, but the Parks also need some repairs as well.

Mr. Madrid stated that if the Commission does not approve the waiver of fees, maybe at a later meeting, the County can request a donation of \$1,500.00 from the City of Kingsville. Madrid further stated that he believes that the Courthouse does belong to the City of Kingsville and its residents and if the common post can donate a little money so can the City.

Commissioner Garcia asked if the current cost for this event is \$1,500.00.

Mr. Madrid responded that this is the amount that was received by Mrs. Susan Ivy, Parks Manager.

Commissioner Pena stated that for the record, the City has partnered with the County in many different things such as the Kleberg County Airport, which was recently approved by this City Commission.

Commissioner Garcia asked that if the County is going to be charged \$1,500 for their event, and \$1,500 for the rodeo that is going on the same day, is the charge being done by the hour.

Mrs. Ivy responded that the contracts are made for a performance per day. The language for the rodeo contract is for one performance. This is a different organization hosting it as well as different liabilities. The contract specifically reads that the fee is for each performance per day.

Mayor Fugate asked for a motion to approve this item.

Motion made by Commissioner Pena, seconded by Commissioner Pecos.

Commissioner Pena rescinded his motion for this item.

Mayor Fugate asked for a motion to approve this item.

No motion made, therefore items dies.

18. Consider a resolution casting the City of Kingsville's votes for candidate Al Garcia to the Board of Directors of the Kleberg County Appraisal District. (City Attorney).

Motion made by Commissioner Pena to approve all the City of Kingsville's votes for candidate Al Garcia, seconded by Commissioner Leubert. The motion was passed by the following vote: Leubert, Pecos, Pena, Fugate voting "FOR". Garcia "ABSTAINED".

19. Consider a resolution authorizing the release of Chapter 59 funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to the Boys & Girls Club of Kingsville for drug abuse prevention programs. (Task Force Commander).

Commander Vera reported that this is the same donation that has been given for the last four years. This is a donation of \$5,000.00 for the Boys & Girls Club of Kingsville.

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

20. Consider a resolution authorizing the release of Chapter 59 funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to Family Counseling Services for drug abuse prevention programs. (Task Force Commander).

Commander Vera reported that this is the first time for the Family Counseling Services. There is verification that the Family Counseling Services does serve the Kingsville area and qualify under the guidelines to receive a donation.

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

21. Consider a resolution authorizing the release of Chapter 59 funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to the Parks Department for drug abuse prevention programs. (Task Force Commander).

Commander Vera reported that this also is a first time for this request. Since the Parks Department is under the City of Kingsville, the Task Force is able to donate money to them for various drug prevention programs.

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

22. Consider acceptance of approximately \$3,450.00 in donations for the Parks Department. (Finance Director).

Mrs. Deborah Balli, Finance Director reported that the new amount being donated to the Parks Department is \$5,950.00.

Motion made by Commissioner Garcia to approve the acceptance of approximately \$5,950.00 in donations for the Parks Department, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".

23. Consider introduction of an ordinance amending the Fiscal Year 2015-2016 General Fund Budget to accept and expend 5K and other donations for the Parks Department. (Finance Director).

Introduction item.

24. Consider authorizing purchase of storage array, as per staff recommendation. (Purchasing & Technology Director).

Mr. David Mason, Purchasing & Technology Director, reported that in order to meet the current and future expansion needs of document storage from Laserfiche and backup of important data, it is necessary to expand the storage capabilities. Staff is recommending a Nimble CS 300 for \$77,966.63 from CDWG under the National Joint Powers Alliance Coop pricing. This will satisfy competitive bidding regulations for the initial acquisition of the product. A four year lease will be executed with Capital City Leasing of Austin, TX in order to lessen the single year budgetary impact of the purchase to \$20,940.03 each year for four years. This item is budgeted in the Technology budget where there is sufficient funds to cover the initial annual payment.

Motion made by Commissioner Pena to authorize the purchase of a storage array, seconded by Commissioner Pecos.

Commissioner Garcia asked if this storage unit will be received before the move to the new city hall. Mr. Mason responded that it will come before the move.

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

25. Consider resolution authorizing the Mayor to enter into a Governmental Lease/Purchase Agreement by and between Capital City Leasing, Inc., and the City of Kingsville for a storage array, as per staff recommendation. (Purchasing & Technology Director).

Mr. Mason reported that Capital City Leasing is the leasing company the City uses for the pavement lay down machine and the last oil truck. This leasing company uses smaller Texas local bank to acquire their funds. Mason further stated that Mrs. Alvarez, City Attorney has reviewed the lease and made some adjustments to the lease. The leasing company is ok with the changes. Mason further stated that the payments for this lease will be \$20,940.03 each year for four years, which will be paid in arrears.

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

26. Consider authorizing emergency replacement of the ground storage tank at water well #22. (Purchasing & Technology Director).

Mr. Mason stated that this item authorizes the replacement of the ground storage tank at Well #22. The current tank at Well #22 is leaking in several locations and is in desperate need of replacement. If allowed to continue leaking, the amount of water lost will only increase and could result in catastrophic failure of the tank. Under Section 252.022 of the Texas Local Government Code, there are several exemptions but the primary interest is the procurement necessary to preserve the public health or safety of the municipality residents. It is staff recommendation to allow Hubert Construction Company who is already building the tank at Well #25 which is a similar operation and can have it done in a timely manner.

Mayor Fugate asked what that timely manner is.

Mr. Joe Casillas, Water Production Supervisor responded that once the approval is made, the project can be completed within 90 days.

Commissioner Pecos asked if the water well was shut down. Mr. Casillas responded that is currently operating at this time but still leaking water which is going into the creek.

Commissioner Leubert asked how much water is leaking from this tank.

Mr. Casillas responded that the tank is leaking about 120 gallons per hour. He stated that there are different pinholes throughout the tank.

Commissioner Leubert commented that this is too much water leaking.

Motion made by Commissioner Pena to authorize the replacement of the ground storage tank at Well #22, seconded by Commissioner Leubert and Commissioner Pecos.

Mayor Fugate commented that staff needs to be more proactive in inspecting these tanks so that these types of issue do not occur again.

Mr. Casillas commented that the tanks get inspected annually as required.

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

27. Consider authorizing the Mayor to execute a proposed settlement agreement with the TCEQ for wastewater case #51346. (City Engineer/Public Works Director).

Mr. Charlie Cardenas stated that this is related to a notice of enforcement and violation letter that was received in September in exceeding the copper levels of the effluent water coming out of the 3MGD North Wastewater Plant. Last year, TCEQ made some changes to the regulations whereas they are stricter in the copper levels of the effluent water. Cardenas continued to state that the violation occurred during the spring months. These excursions can come from several different sources within the collection system. It can come from the inflow and infiltration during the peak spring rain months, commercial user from oil industries depositing into our system, and/or the newly connected Naval Air Station Kingsville waste received into our system. Cardenas further stated that on October 21, 2015, the City of Kingsville received a proposed settlement agreement from the TCEQ. In the proposed agreed order, the city will pay \$31,500.00 in fines or that

amount towards a Supplemental Environmental Project (SEP), or a combination of the two. Engineering has been in contact with the TCEQ Enforcement division on the City's willingness to perform SEP projects. The city has 30 days to submit a proposed SEP plan or combination of a SEP and monetary fine, those combined total would equal the amount of \$31,500.00. Funds to pay for this item will come from the Utility Fund and Public Works will ask for a budget amendment for this matter. Mr. Cardenas stated for the record that this is not operator error or a reporting error. Reports on effluent water are done on a daily basis.

Mayor Fugate commented that after looking at a TCEQ report that stated that this violation went on for sixty days.

Mr. Cardenas responded that staff tests the water every day and whatever the result is, it is reported to TCEQ.

Mayor Fugate commented that TCEQ's report stated that no reports were received.

Mr. Cardenas responded that this is stated on the DMR which is the discharge monitoring report. Staff reports it themselves to TCEQ on a weekly basis.

Mr. Frank Garcia, Wastewater Supervisor responded that the report gets sent out every month. The sampling done for the copper is performed once a week.

Commissioner Pecos asked what the actual figure is as far as copper is concerned.

Mr. Garcia responded that there are still some issues with it. Staff has looked into several options but at this time staff is looking into doing a cubicle injection during the treatment and see if that will lower the levels.

Commissioner Pecos further asked if this was only the effluent water and not the drinking water.

Mr. Cardenas responded that it's only the effluent water which goes into the creek.

Mayor Fugate further stated that the TCEQ report talks about what measures the City took to remediate this, but states that the City didn't take any measures to remediate the problem.

Mr. Cardenas stated that the report received from TCEQ was already a report of violation. It didn't give the City a report of notification cause the violation had already passed.

Mr. Garcia commented that on the report, it shows past history as well.

Mayor Fugate stated that the report he recalls didn't show past history.

Commissioner Leubert asked what staff has done to find out where the copper levels are coming from.

Mr. Cardenas responded that staff is taking the effluent water to an independent lab to see what the copper levels are. One in particular is the water being received from the base. Cardenas further stated that staff is halting some of the other waste that is received

from contractors and oil industries. The city has never had high copper levels before, until this incident.

Commissioner Leubert further asked if there is still a Lab located at the plant where staff can do a preliminary test.

Mr. Garcia responded that there is still a Lab located at the plant, but copper samples are sent to a lab in Corpus Christi as the City's plant does not have the equipment to do these types of samples.

Commissioner Leubert asked if the City will do an SEP for this violation.

Mr. Cardenas responded that staff is looking into doing an SEP.

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

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:21 p.m.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, City Secretary

PUBLIC HEARING(S)

PUBLIC HEARING #1

To: Jesus Garza, City Manager, Courtney Alvarez, City Attorney

From: Tom Ginter, Director of Planning and Development Services

Date: November 19, 2015

Subject: Planning and Zoning Commission - Agenda Item

The Planning and Zoning commission met November 18, 2015 and recommended approval of the rezoning request at 1304 E. Kenedy from R2 to C2.

The vote was 5 to 0 recommending approval of the rezoning request.

If you have any questions, please feel free to ask.

ORDINANCE #2015-_____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO LOTS 22-24, BLOCK 8, VISTA ALEGRE, KNOWN AS 1304 E. KENEDY FROM R2- TWO FAMILY DISTRICT TO C2-RETAIL 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 Rosa Mireles & Ricardo Bazan, 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, November 18, 2015 during a meeting of the Planning and Zoning Commission, and on Monday, November 23, 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 Lot 22-24, Block 8, Vista Alegre, known as 1304 E. Kenedy from R2- Two Family District to C2- Retail 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 23rd day of November, 2015.

PASSED AND APPROVED on this the 14th day of December, 2015.

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED:

Courtney Alvarez, City Attorney

To: Planning & Zoning Commission Members

From: Tom Ginter, Director of Planning and Development Services *TJ2*

Date: November 13, 2015

Subject: Agenda Items

- 1&2 This is the vacant lot at the corner of Kenedy and 17th Street. It is across the street from the KISD Harvey Elementary. Much of the zoning that surrounds this lot is either C2 (Retail) or R2 (Two Family). Contrary to the C2 use that you reviewed at your last meeting, this request can fit a neighborhood environment. I would think most of the traffic would be on the weekends, or during the day. Traffic wise while Kenedy is a busy street, I believe this location could handle the vehicle load. I think the biggest concern is not necessary the rezoning but how the property is developed for this business. Frankly that is a bit out of the scope of the board's decision but for me an important part of the end result, I hope to be meeting with the applicant to provide her with information and guidance on how the process works and what is expected when one redevelops property for a business.
- 3 At the last meeting when you considered these changes you requested to see the rest of the ordinance that was in that section. Enclosed is the current and suggested language, and Sec. 15-6-27 C 1-5.

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 1304 E Kennedy Located in the City _____ ETJ _____

(Proposed) Subdivision Name _____ Total number of Lots 3

Legal Description: VISTA ALEGRE, BLOCK 8, LOT 22-24

Existing Zoning Designation R2 Two Family Future Land Use Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Rosa Mireles & Ricardo Barrios Phone 361/228-5193 FAX _____

Email Address (for project correspondence only): _____

Mailing Address 1301 E King City Kingsville State TX Zip 78363

Property Owner Luciano Barrios Phone _____ FAX _____

Email Address (for project correspondence only): _____

Mailing Address _____ City _____ State _____ Zip _____

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 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:

Rezone from R2 - Two-Family to
C2 - Retail For garden shop & plants sale

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: Rosa Mireles Date: 10/08/2015

Property Owner's Signature: _____ Date: _____

Application and Fee Accepted by: Adela Barrios Date: 10/8/15

City of Kingsville



E King

S 17th

S 18th

E Kenedy

18846

19629

20425

16887

17638

18411

19167

19961

22712

21177

16235




23045

22279

21516

15213

Legend

-  1304 E. Kenedy
-  200 ft. Radius
-  City Limits

0 45 90 180 Feet

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

Page
1 / 1

Drawn By: Engineering
Department

Last Update: 10/13/2015

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

WRIGHT JUAQUIN A
1251 E KING AVE
KINGSVILLE, TX 78363
#18846

CARRION JOSE RENE
1423 E SANTA GERTRUDIS
KINGSVILLE, TX 78363
#19629

PEREZ ESMERALDA
1269 E KING AVE
KINGSVILLE, TX 78363
#20425

BAZAN RICARDO
1301 E KING AVE
KINGSVILLE, TX 78363
#16887

CASAS PABLO JR
1305 E KING AVE
KINGSVILLE, TX 78363
#17638

MARTINEZ JOSE MARIA
627 E MILLER AVE
KINGSVILLE, TX 78363
#18411

MEDINA ELEAZAR R
1309 E KING AVE
KINGSVILLE, TX 78363
#19167

ESPINOZA ADOLFO
1313 E KING AVE
KINGSVILLE, TX 78363
#19961

CENTRAL LATIN AMER CHURCH
1266 E KENEDY AVE
KINGSVILLE, TX 78363
#22712

CITIFINANCIAL SERVICING
1111 NORTH POINT
BLDG 4 SUITE #100
COPPELL, TX 75019

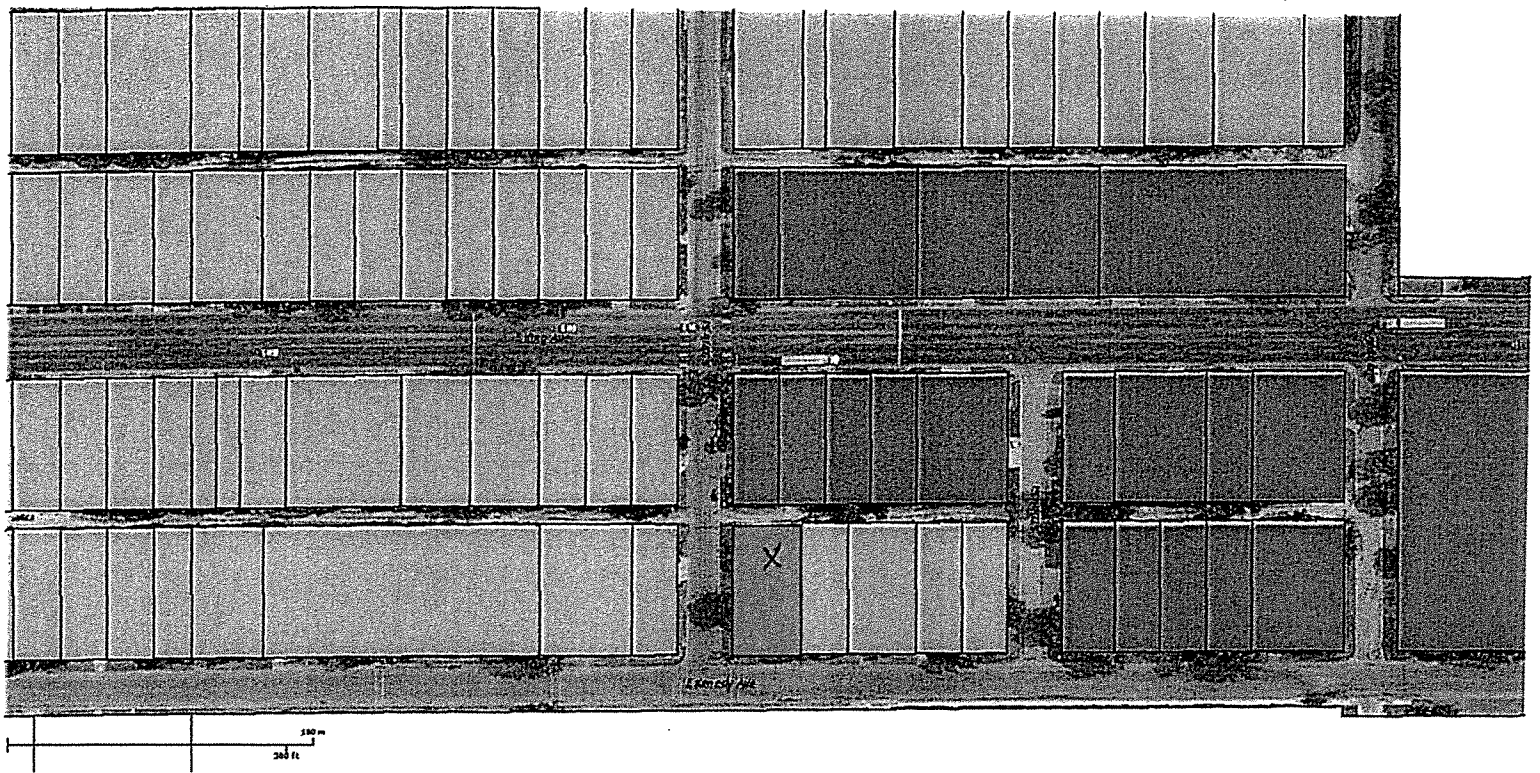
VAZQUEZ-CRUZ JUAN DIEGO
228 1/2 E LEE AVE
KINGSVILLE, TX 78363
#16235

SALAZAR DALIA
PO BOX 561
KINGSVILLE, TX 78364
#23045

CHAVEZ NATALIO
1318 E KENEDY
KINGSVILLE, TX 78363
#22279

DEUTSCHE BANK NATIONAL
7105 CORPORATE PTX-C-32
PLANO, TX 75024
#21516

K I S D
PO BOX 871
KINGSVILLE, TX 78364
#15213



X 1304 E. Kenedy
orange colored area is zoned R2 (Two Family)
pink colored area is zoned C2 (Retail)

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

Bank or savings and loan						S	P	P	P			
Book or stationary store						S	P	P				
Barber or beauty shop						S	P	P	P			
Bakery or confectionery shop, retail sales (less than 2,500 square feet)						P	P	P	P			
Cafeteria or restaurant						S	P	P	P	P	P	
Camera shop						S	P	P	P			
Laundry or self-service laundry shop (limited area)						S	P	P	P			
Clinic, medical, dental, chiropractor, optometrist or other office of licensed Health related profession						S	P	P	P	P		
Drug store or pharmacy						P	P	P	P			
Department variety or discount store							P	P	P			
Grocery store						P	P	P	P			
Furniture or appliance store							P	P	P			
Florist shop						P	P	P	P			
Garden shop and plant sales							P	P	P			P
Kennel									S	P	P	P
Handicraft and art object sale						S	P	P	P	S		
Hardware store							P	P	P	S		
Hobby shop						S	P	P	P			
Laboratory medical or dental						S	P	P	P			

*

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, November 18, 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:

Luciano Bazan Est owner, Rosa Mireles agent – Requesting the rezone of VISTA ALEGRE, BLOCK 8, LOT 22-24 also known as 1304 E. Kenedy from R2 (Two-Family) to C2 (Retail) for a garden shop and plant sales.

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, November 23, 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:

Luciano Bazan Est owner, Rosa Mireles agent – Requesting the rezone of VISTA ALEGRE, BLOCK 8, LOT 22-24 also known as 1304 E. Kenedy from R2 (Two-Family) to C2 (Retail) for a garden shop and plant sales.

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.

CONSENT AGENDA

AGENDA ITEM #1

ORDINANCE NO. 2015-_____

AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR 1055 SOUTH US HWY 77 (0.88 ACRES, LOT 8, JESSE 2) FOR CAR STORAGE FOR ENTERPRISE RENT A CAR; 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 Steven Overgaard agent for owner, Jesse Irene M. Est., for amendment to the zoning map of the City of Kingsville;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, October 26, 2015, during a meeting of the Planning Commission, and on Monday, November 9, 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 6-0 to APPROVE 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 car rental facility on the premises known as 1055 South US HWY 77 (0.88 acres at Lot 8, Jesse 2), 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 "C2" Retail Commercial District uses is as a car storage facility for Enterprise Rent A Car.

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 a car storage (rental) 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 9th day of November, 2015.

PASSED AND APPROVED on this the 23rd day of November, 2015.

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

FIRST ANNUAL RUN FOR YOUR LIFE



5K RUN/WALK

A DRUG FREE, FAMILY EVENT

AGES:

12+ ELIGIBLE FOR 5K

-12 CAN RUN THE KIDS RUN

REGISTRATION:

\$25 FOR 5K RUN

\$5 FOR KIDS RUN

FREE T-SHIRT TO FIRST 50 PAID ENTRIES

PRIZES:

1ST, 2ND, 3RD PLACE
IN ALL AGE CATEGORIES

BEST COSTUME (ADULT &
TEEN CHILD)

BIG HOUSE
BURGERS



WHEN:
SATURDAY, OCTOBER 24

WHERE:
DICK KLEBERG PARK

TIME:
KIDS RUN AT 5:00PM
5K STARTS AT 5:15PM
COSTUME CONTEST: @ 4:45PM

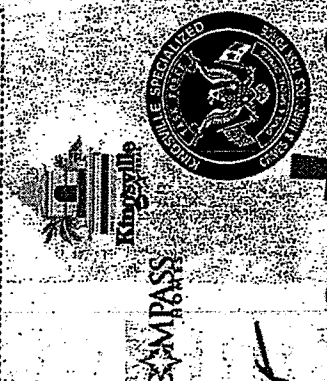
★ IN CASE OF RAIN OUT ★

Date: October 31
7:30am sign in
Kids Race 8:00am, 5k 8:30am
Rain Out will be announced
October 24 on Parks FB Page

PLEASE JOIN US AFTER
FOR A MOVIE AT THE PARK!

**HOTEL
PENNSYLVANIA**

POPCORN BAR &
CONCESSIONS STAND WILL BE
AVAILABLE



PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, October 21, 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:

Zarsky Development Company, owner Melden & Hunt, Inc., agent - Requesting the approval of preliminary and final plats of The Estates at Wildwood Trail Phase II (25 lots) 6.751 acres and The Park at Wildwood Trail Phase II (63 lots) 13.423 acres located at KT & I CO, BLOCK 17, LOT PT 2, 3, PT 7, ACRES 19.786 also known as Wildwood Trail Subdivision. Santos Benavidez, owner, Matthew Martinez, agent - Requesting a special use permit to operate a tattoo shop located at ORIG TOWN, BLOCK 23, LOT 14-16, (ECON-O-WASH) (ECON-O-WASH) also known as 429 N. 9th Street currently zoned as C1 (Neighborhood Services).

Jesse Irene M Est, owner, Steve Overgaard, agent - Requesting a special use permit to start construction for an Enterprise Rent A Car located at JESSE 2, LOT 8, ACRES 0.88 also known as HWY 77 currently zoned as C2 (Retail). 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, November 9, 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:

Zarsky Development Company, owner Melden & Hunt, Inc., agent - Requesting the approval of preliminary and final plats of The Estates at Wildwood Trail Phase II (25 lots) 6.751 acres and The Park at Wildwood Trail Phase II (63 lots) 13.423 acres located at KT & I CO, BLOCK 17, LOT PT 2, 3, PT 7, ACRES 19.786 also known as Wildwood Trail Subdivision. Santos Benavidez, owner, Matthew Martinez, agent - Requesting a special use permit to operate a tattoo shop located at ORIG TOWN, BLOCK 23, LOT 14-16, (ECON-O-WASH) (ECON-O-WASH) also known as 429 N. 9th Street currently zoned as C1 (Neighborhood Services).

Jesse Irene M Est, owner, Steve Overgaard, agent - Requesting a special use permit to start construction for an Enterprise Rent A Car located at JESSE 2, LOT 8, ACRES 0.88 also known as HWY 77 currently zoned as C2 (Retail). 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.

To: Courtney Alvarez, Interim City Manager

From: Tom Ginter, Director of Planning and Development Services



Date: October 30, 2015

Subject: Special Use Permit Request – Enterprise Rent A Car

The Planning and Zoning Commission reviewed this request at their October 21st meeting. The area is zoned for C2 but due to being storage of vehicles request a special use permit is required. The lot is north of Cesar and on the west side of Highway 77. As you know they are operating out of the Phil Neeseen dealership. This is a positive step since business is good and they desire to build a stand – alone office to rent vehicles to the public. We have not received any negative phone calls concerning this request. It is hoped that this project spurs future development along that side of 77.

The Planning and Zoning Commission recommendation was to approve the request. All in favor, none opposed.

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 1055 Santa US Hwy 77 Located in the City Kingsville ETJ

(Proposed) Subdivision Name Jesse Total number of Lots 1

Legal Description: Jesse 2, Lot 8

Existing Zoning Designation C-2 Future Land Use Designation SUP

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Steven Overgaard Phone 904 238 7123 FAX _____

Email Address (for project correspondence only): Steven.a.Overgaard@ehi.com

Mailing Address 1505 Harry Wurzbach City San Antonio State Tx Zip 78209

Property Owner Enterprise Holdings Phone _____ FAX _____

Email Address (for project correspondence only): _____

Mailing Address: _____ City _____ State _____ Zip _____

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 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:

construct 1100 sq ft building on current vacant land.

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: 9/16/15

Property Owner's Signature: _____ Date: _____

Application and Fee Accepted by: Adela Bannett Date: 9/16/15

To: Planning and Zoning Commission Members

From: Tom Ginter, Director of Planning and Development Services



Date: October 16, 2015

Subject: Agenda Item #4 and #5 – Special Use Permit Request Enterprise Rent A Car

The area is zoned for C2 but due to it being storage of vehicles a special use permit is required. The lot is north of Cesar and on the west side of Highway 77. Currently they are operating out of the Phil Neeseen dealership. This is a positive step since business is good they desire to build a stand-alone office to rent vehicles to the public. Enclosed are maps of the proposed layout of the developed site. There are vacant lots to the north and south with residential to the west of them. At this time we have not received any phone calls that are against this request.

Staff recommends approval of the Special Use Permit.

	R1	R2	R3	R4	MH	C1	C2	C3	C4	I1	I2	Ag
Drag strip, race track										S	S	
Gasoline service station							P	P	P	P		
Gasoline sales						S	P	P	P	P		
Commercial parking structure auto only							S	P	P	P		
Truck storage							S	S	P	P	P	
Used auto parts, sales, indoors							S	P	P	P	P	
New or reconditioned auto parts, indoors							S	P	P	P		
Seat cover or muffler installation shop							S	P	P	P		
Tire recapping and retreading shop									S	P	P	
Wrecking or salvage yards for auto or parts									S	S		
Storage of autos							<u>S</u>	S	P	S	P	
<i>Retail or Related Uses</i>												
Antique or collectable shop						S	S	P	P			
Art supply store						S	P	P	P			
Animal clinic or pet hospital, no outdoor pens							P	S	P	P		
Animal clinic or pet hospital with outdoor pens							S		S	P	P	P

Written Description of Use

Enterprise Rent a Car is proposing the construction of a new +/- 1,100 sq ft building on the current vacant land located at 1055 S US HWY 77. The hours of operation for this business will be 7:30am until 6:00pm Monday through Friday and open from 9am-12pm on Saturday closed Sundays. Enterprise Rent a Car is in the business of renting and leasing motor vehicles which includes the preparation of vehicles such as washing and detailing. The wash area will be in compliance with all local and federal guidelines by using an oil water separator below grade and the wash process is by hand not a drive through car wash tunnel. Enterprise will employ 4 people in this new facility.

JESSE 2, LOT 8,



23269
15702
24026
12828
21303
13657
16440
24795
17203
25550
17961

16973

25303

JESSE 2, LOT 8

10013

15112

23647

Legend



City Limits



JESSE 2, LOT 8



200ft Buffer

Caesar

United States Highway

24th

0 115 230 460 Feet

Document Path: \\SAM\Engineering and Public Works\Engineering\GIS Techs\MAPS\MAP_DOCUMENTS\Arc_City_Address_Assign_Map_8.5x11.mxd

Drawn By:
Engineering Department

Last Update: 9/28/2015

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,
OR ANY OTHER PURPOSE.



**CITY OF KINGSVILLE
ENGINEERING DEPARTMENT**

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

ROBERTO ISMAEL G
810 S 24TH ST
KINGSVILLE, TX 78363
#23269

LEY CHRISTOPHER F
816 S 24TH ST
KINGSVILLE, TX 78363
#15702

ALVAREZ ARTURO JR
201 BILLY EVANS
KINGSVILLE, TX 78363
#24026

ALVAREZ ARTURO JR
201 BILLY EVANS
KINGSVILLE, TX 78363
#24026

MOCTEZUMA VICTOR M JR
830 S 24TH ST
KINGSVILLE, TX 78363
#16440

WILEY REVOC LIVING TRUST
3901 MONTECITO DR #801
DENTON, TX 76210
#24795

JOSLIN JOHN N
910 S 24TH ST
KINGSVILLE, TX 78363
#17203

YOUNGBLUT THOMAS A
916 S 24TH ST
KINGSVILLE, TX 78363
#25550

REYNA TADEO
1325 MICHAEL ST
KINGSVILLE, TX 78363
#17961

JESSE IRENE M EST
1919 OKLAHOMA ST
KINGSVILLE, TX 78363
#16973

JESSE IRENE M EST
1919 OKLAHOMA ST
KINGSVILLE, TX 78363
#25303

RUTKOSKI ULYSIA
4899 OCEAN DR
CORPUS CHRISTI, TX 78412
#10013

GARCIA LEOPOLDO III
1102 E CAESAR AVE
KINGSVILLE, TX 78363
#15112

WHITE LARRY L
2305 CAPITAN DR APT A
CORPUS CHRISTI, TX 78414
#23647

Written Description of Use

Enterprise Rent a Car is proposing the construction of a new +/- 1,100 sq ft building on the current vacant land located at 1055 S US HWY 77. The hours of operation for this business will be 7:30am until 6:00pm Monday through Friday and open from 9am-12pm on Saturday closed Sundays. Enterprise Rent a Car is in the business of renting and leasing motor vehicles which includes the preparation of vehicles such as washing and detailing. The wash area will be in compliance with all local and federal guidelines by using an oil water separator below grade and the wash process is by hand not a drive through car wash tunnel. Enterprise will employ 4 people in this new facility.

IDEAL HOUSE PLANS

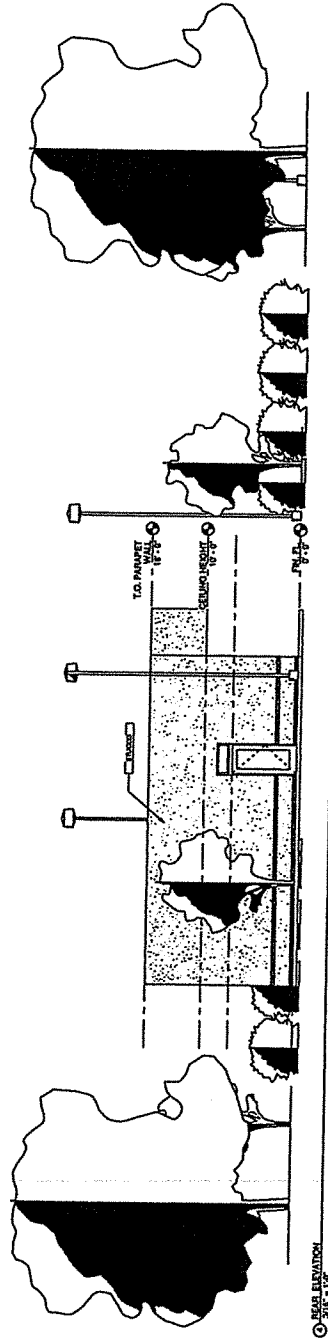
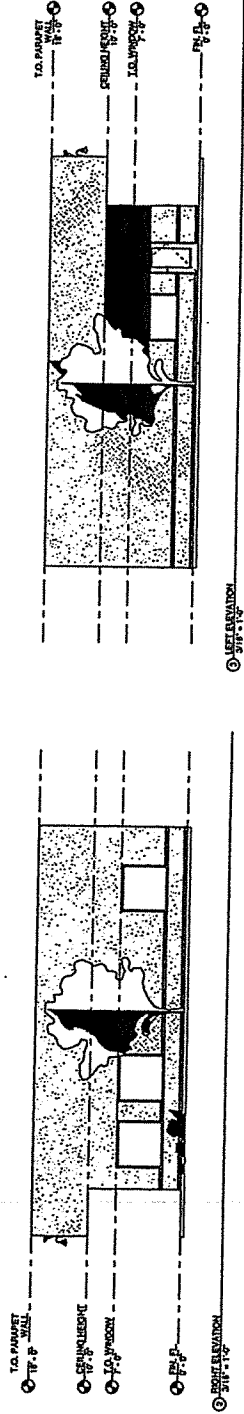
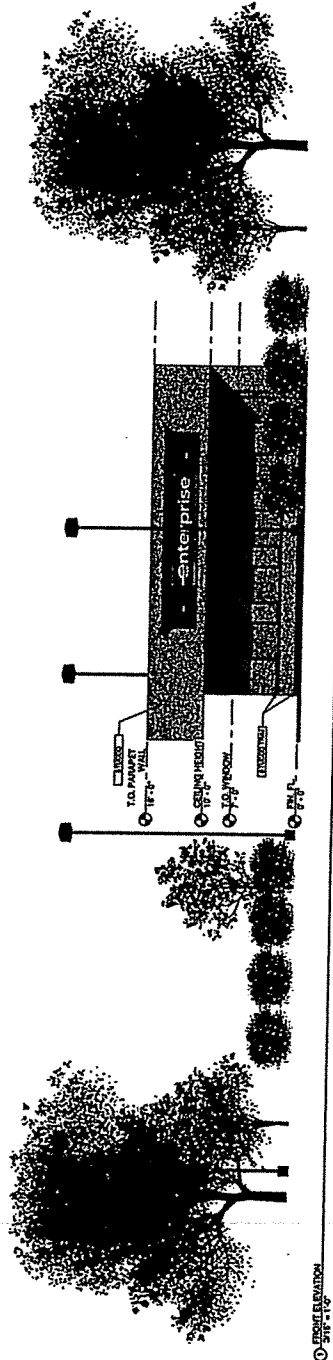
DESIGNER
JUAN J. AVALOS
WEST CO TEX 7936
RT 2 BOX 918
OFFICE (956) 455-0615

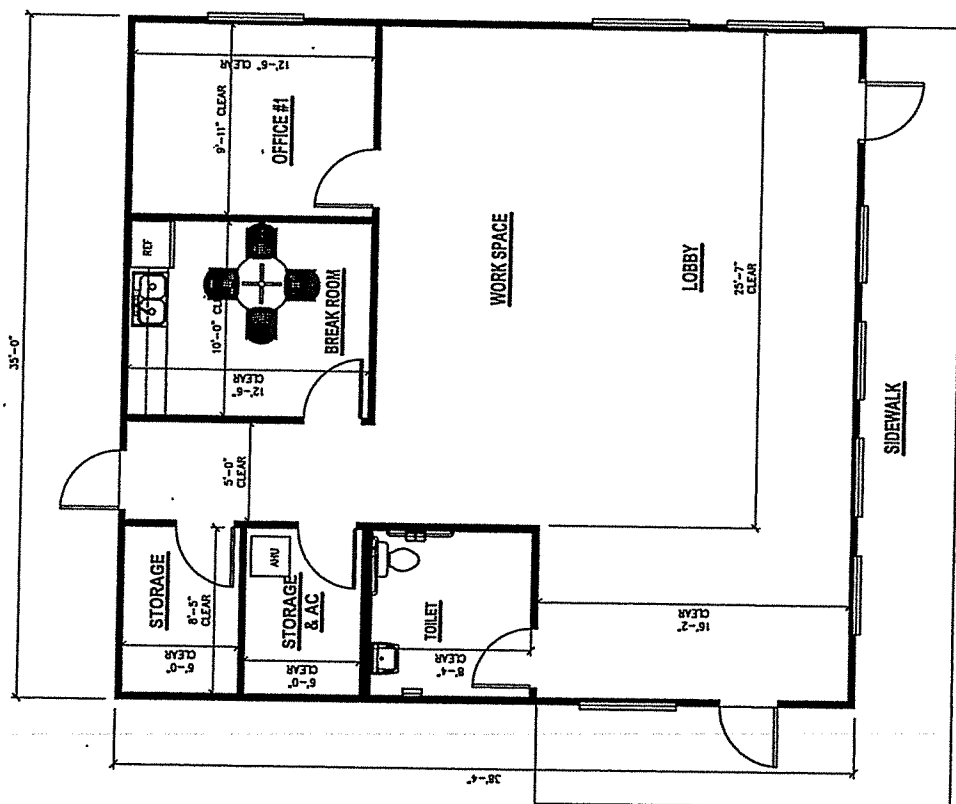
LOT
JESSE ADDITION II
KINSEVILLE, TEXAS

ELEVATIONS

SHEET

E-1





LIVING AREA:

TOTAL AREA: — 1,341'

FLOOR PLAN
3/8" = 1' SCALE

AGENDA ITEM #2

ORDINANCE NO. 2015-_____

AN ORDINANCE AMENDING THE CITY OF KINGSVILLE FISCAL YEAR 2015-2016 GENERAL FUND BUDGET TO ACCEPT AND EXPEND 5K AND OTHER DONATIONS FOR THE PARKS DEPARTMENT.

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

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2015-2016 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

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

Revenues

4-4503 Parks	Park Donations	58003	<u>\$5,950</u>	
			<u>\$5,950</u>	

Expenses

5-4503 Parks	Recreation Programs	31499	<u>\$5,950</u>	
			<u>\$5,950</u>	

[To amend the City of Kingsville FY 15-16 General Fund Budget to accept and expend donations to the Parks and Recreation fitness campaign and donations from the Kingsville Task Force and the Kleberg County District Attorney's Office as per the attached memo from the Parks Manager.]

II.

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

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause,

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

IV.

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

INTRODUCED on this the 9th day of November, 2015.

PASSED AND APPROVED on this the 23rd day of November, 2015.

EFFECTIVE DATE:_____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



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

**To: Jesus Garza, City Manager,
Mayor and City Commissioners**

From: Susan Ivy, Parks Manager

Re: Item for Consideration – Acceptance of Donations

Date: November 9, 2015

The City of Kingsville Parks Department began the planning for a “Run for Your Life” Halloween themed 5k run and outdoor movie event in September. This event was pre-approved by City Commission and we began soliciting sponsorships and participation. We have received some donations and a few registrations for participation. The event was scheduled for October 24th and had to be cancelled due to bad weather. We looked around at dates to reschedule and found many other fundraising races, runs and events with Halloween themes already scheduled so we cut our losses and cancelled the event. Our sponsors and the few participants we have talked to have agreed to allow us to use their funds and apply them to another race we are planning to kick off our Fitness campaign in January for the new year. We ask that you authorize the receipt of the following donations to the Parks Budget to be used for that cause.

Coldwell Banker \$100.00
D’yan Lopez Insurance \$50.00
Safety Storage \$100.00
El Tapatio \$100.00
El Dorado \$50.00
Clydesman Fitness \$50.00
Big House Burgers \$250.00
New York Life Ins \$100.00
First Compass Homes \$200.00
Total \$950.00

We have also applied for a donation in the amount of \$2,500.00 from the Kingsville Task Force and Commander Vera has advised us that it will be approved for presentation to the City Commission. **Today (11/09/15), the Kleberg County Commissioner’s Court approved the DA’s Chapter 59 donation to the Parks Dept.** We will be using these funds to assist with Drug Free, Children and Family Events throughout the 2016 fiscal year. Some include the Children’s Zone at the Ranch Hand Festival, Spring Break in the Park, and Summer Programming. **I ask your support for this new partnership we have formed and authorize the receipt of the \$5000.00 in donations to the Parks Budget from the Kingsville Task Force and DA’s Office, as well as the donations of \$950.00 for the fitness campaign mentioned above, for a total of \$5,950.00.**

Walking Jogging Biking Baseball Softball Soccer Picnicking Birding Rodeo Festivals

AGENDA ITEM #3

RESOLUTION NO. 2015-_____

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

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

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

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

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

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

I.

THAT the City Commission authorizes the Kingsville Specialized Crimes and Narcotics Task Force to assist with a \$5,000 donation to the Communities in Schools from FY15-16 budget to help educate young people about living a drug-free and alcohol-free lifestyle and comply with any reporting requirement the Task Force may designate.

II.

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

PASSED AND APPROVED by a majority vote of the City Commission on the 23rd day of _____ November _____, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



**KINGSVILLE SPECIALIZED CRIMES
AND NARCOTICS TASK FORCE**
P. O. BOX 213
KINGSVILLE, TEXAS 78364
tfadmin@kingsvilletaskforce.com
(361) 595-5778
Fax (361) 595-5781



November 12, 2015

Mr. Jesus A. Garza
City Manager
City of Kingsville, Texas

Mr. Garza,

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

The Kingsville Task Force's 2015/2016 Annual Budget was approved with a total of \$38,000.00 allocated in the Donation's line item (008-5-2330-31444). This donation request of \$5,000.00 if approved, will be distributed by the Kingsville Task Force. The above organization will receive a \$5,000.00 donation resulting in an account balance of \$20,500.00 remaining in the Kingsville Task Force's Donations line item.

If you approve this request, can it be placed on the Regular City's Commissioners Court Agenda for Monday November 23, 2015? Your kind consideration to this request will be greatly appreciated.

Sincerely,

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

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

Attachments

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

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

Communities In Schools proposes to implement a drug and alcohol prevention program through the support of the City of Kingsville Specialized Crimes and Narcotics TASK Force Chapter 59 Donation to students attending schools in Kingsville Independent School District. The goal of the FOCUS (Focusing On Children Uniting against Substances) program is to educate participants ages 5-17 and their families on short and long term effects of alcohol, tobacco and other drugs. The activities proposed offers various methods such as but not limited to small groups, wide school events and curriculums. The CIS program will also disseminate information at health fairs, PTA meetings, Red Ribbon week, week without violence, Child Abuse Month etc. Below is an outline of additional main events that have been very popular; therefore we would like continue to implement in 2015-2016.

H.M. King High School

End of the Year DRUG FREE Bash (whole school)

Date: last day of school: June 2, 2016

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

Place: track at H.M. King High School

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

J.S. Gillett Intermediate & Memorial Middle

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

Date: May 27, 2016

Time: 9:00 – 11:00

Place: J.S. Gillett Intermediate School Gym & Memorial Middle School

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

APPROVED: _____

Guillermo Vera
Commander

DATE: 11/09/15 TIME: 4:30 PM

Drug Free Report

Campus Name: John S. Gillett

KISD Red Ribbon Kick Off/Red Red Week Activities

Date: October 27, 2014

Time: 9:00 a.m.

Place: John S. Gillett Gym

Description of Activity: KISD's Red Ribbon Kick was held at John S. Gillett. CIS played a major role in planning and purchasing items for the Red Ribbon Kick Off with Assistant Principal, Mrs. Ode Moreno, and Mrs. Cynthia Garcia, At-Risk Counselor, as well as for the week long activities for the students to participate in daily. The Red Ribbon Kick was held on Monday, October 27, 2014 at 9:00 a.m. in John S. Gillett Gym for approximately 600 students in Kingsville Independent School District. The Kingsville Independent School District's theme for Red Ribbon Week was "Love Yourself, Be Drug Free". The Kick Off began with a Ribbon Cutting Ceremony by the Chamber of Commerce Executive Director Alice Byers, KISD Administrators, and Assistant Principal, Mrs. Ode Moreno. It was followed by a presentation of colors, the pledge of allegiance, the reading of the Red Ribbon Week Proclamation by Mayor Pro Tem Diane Lubert and Junior Miss Kingsville Malaney Macareno, who was a CIS student at John S. Gillett Intermediate School. Guest Speakers included State Representative J. M. Lozano, Mayor Sam Fugate, Kingsville Task Force Commander Wille Vera, and Police Chief Rick Torres. A reception was held immediately for the kick off for the guest speakers, other community leaders, parents, and volunteers. Weekly activities are attached for John S. Gillett student.

Total Number of:

Students: Kick off – 600/ John S. Gillett Weekly Activities - 400

CIS: 1

KISD: 4

Volunteers: 0

Motivational Speaker Melvin Adams- former Harlem Globe Trotter

Date: January 9, 2015

Time: 2:30 p.m. – 3:45 p.m.

Place: John S. Gillett Gym

Melvin Adams was the motivational speaker for a school-wide assembly for anti-bullying, drug and alcohol, self-esteem, peer pressure, attendance, grades, and behavior. He spoke to both 5th and 6th graders on the above mentioned topics. He also spoke to some students individually after the assembly. He spoke and met with teachers to motivate them about teaching the students, especially reaching the at-risk students. Mr. Adams motivated the students and an impressed the student so much he was invited to speak to the students again at the date below to motivate the students before taking the STAR test.

Total Number of:

Students: 404

CIS: 2

KISD: 0

Volunteers: 0

Motivational Speaker Melvin Adams – former Globe Trotter**Date:** April 9, 2015**Time:** 2:30 p.m. – 3:45 p.m.**Place:** John S. Gillett Gym

Melvin Adams was the motivational speaker for a school-wide assembly. Mr. Adams came to motivate the students for the upcoming STAAR test. He spoke to 5th and 6th grade students about never giving up and being successful.

Total Number of:

Students: 411

CIS: 2

KISD: 0

Volunteers: 0

School Backpacks Ordered**Date:** 1-6-15

Description: Backpacks with drug slogan “Success is My Addiction”. Backpacks will be given to students in need of backpack during the school year.

End of School Year Field Day

Date: May 28, 2015

Time: 10:00 a.m. – 3:45 p.m.

Place: J. S. Gillett Classroom, Art Room, Library, Gym, Parking Lot, Cafeteria, Band Hall

Students participated in all day Field Day activities were karonake, Tech Deck Tournament, Bill Nye Science Video, electronic games, inflatable's, karaoke, and Law Enforcement officers from City of Kingsville Task Force, Police Department, Sherriff's Dept played a volleyball against the students, Border Patrol Car Show. PTO provided popcorn for snacks. CIS provided hot dogs, chips, and drinks for the students. Law enforcement officers were provided with refreshments of sandwiches, chips, cookies, and drinks for volunteering for the Field Day events.

Total Number of:

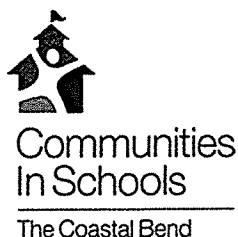
Students: 375

CIS: 2

KISD: 45

Volunteers: 4

Total Allocation of Funds for Drug Activities – \$1,500.00 for Fall and Spring.



The mission of Communities In Schools is to surround students with a community of support, empowering them to stay in school and achieve in life.

Memorial Middle School
Ashley Olivarez, Case Manager
Drug Free Events 2014-2015

Red Ribbon Week:

10/28-15/2015

Items Purchased:

Ribbons- 43 CIS, 395 NON-CIS Students
Bracelets- 44 CIS, 405 NON-CIS Students
Stickers – 44 CIS, 399 NON-CIS Students
Pencils- 40 CIS, 395 NON-CIS Students

Speakers:

Kingsville Police Department 10/29/2015
44 CIS, 399 NON CIS Students
Kingsville Border Patrol 10/31/2015
40 CIS, 395 NON CIS Students

Attendance:

Students: 405
CIS Students: 44
KISD: 50

Total Funds:

\$880.63

Activities:

Each day of the week students were provided with information pamphlets and stories during morning announcements for drug awareness along with an item listed at the top. Speakers were invited to speak with our students on drug prevention and the importance of being drug free.

January Backpacks:

01/06/2015

Items Purchased:

20 Success is my addiction backpacks

Attendance:

Students: 2

CIS Students: 3

KISD: 0

Activity:

Students are provided with a backpack when in need and I provide them with drug free pamphlets with information for a drug free future.

Melvin Adams:

04/08/2015

Attendance:

Students: 293

CIS Students: 67

KISD: 60

Activity:

Mr. Adams was invited to our campus to speak to our students about positive behavior and the importance of being drug free.

May Awards Ceremony:

5/27/2015

Items Purchased:

Lanyards- 44 CIS, 126 NON CIS Students

Drug Free Kit – 78 CIS Students

Speakers:

MMS Principals, Mr. Maldonado, Dr. Mendieta, Mr. Calderon.

Attendance:

Students: 126

CIS Students: 78

KISD: 60

Activity:

During our awards ceremony MMS Principals gave a brief speech on the importance of their future and to be a drug free individual. All 8th grade students received drug free lanyard and all CIS students received a Drug Free Kit.

HM King High School
Felicia Valdez
Drug Free Events 2014-2015

Jessica Gomez:

10/08/2014

Shattered Dreams event that involved the whole school! Thank you for your support.
Over 920 students attended the two day event.

01/06/2015

Items Purchased from Custom Inks:
Backpacks (50)

Felicia Valdez:

Project Graduation Senior Lock-in:

05/30/2015

Items Purchased:
Cotton T-Shirts (100)

Speakers:
HM King High School Staff (Sagario Jamies)

Attendance:
HMK Students: 100

Activities:
Mrs. Jaimes briefly discussed with students the importance of being drug free. All students who attended the lock-in received a drug free shirt.

End on the Year Goodie Bag Incentives:

05/26-29/2015

Items Purchased:

Lanyards (100)

Attendance:

Students: 50

CIS: 35

Non CIS: 15

Activity:

I provided my CIS students with end of the year goodie bags which included the lanyards and an informative pamphlet on drug prevention and awareness.

CT Department Incoming Freshman Door prizes "Fish Camp":

Projected Date: 08/01/2015

Items Purchased:

Drug Free Kit (100)

Projected Speakers:

HMK Staff Ms. Martha Ramirez and Mr. Raul Ramos

Projected Attendance:

Students: 250

Activity:

All incoming Freshman will be invited to come to "Fish Camp" to help with making their transition to high school easier. Students will briefly be informed on drug awareness and prevention.

KINGSVILLE SPECIALIZED CRIMES AND NARCOTICS TASK FORCE

Chapter 59 Donation Policy

1. A person/entity seeking a donation (financial assistance) through the Kingsville Specialized Crimes and Narcotics Task Force and with particularity Chapter 59 Forfeiture Funds shall file an application with the Commander on forms provided through his office.
2. The filing procedures shall be as follows:
 - a. Filing period. An application for financial assistance shall be filed with the Commander not less than 30 days or more than 60 days prior to the proposed donation.
 - b. The name, address and telephone number of the entity seeking a donation.
 - c. No more than one donation will be made per calendar year.
 - d. Applicant shall provide documentation relating to any other financial assistance that they receive for review by the Commander.
3. Applicant must meet one of the following criteria:
 - a. Nonprofit program for the prevention of drug abuse, applicant must provide a copy of the organization's charter.
 - b. Nonprofit chemical dependency treatment facilities licensed under Chapter 464, Health and Safety Code;
 - c. Nonprofit drug and alcohol rehabilitation or prevention programs administered or staffed by professionals designated as qualified and credentialed by the Texas Commission on Alcohol and Drug Abuse; or
 - d. Must be an organization that has the same beliefs and value system as the Kingsville Specialized Crimes and Narcotics Task Force and the law enforcement code of ethics.
 - e. Short written statement explaining what will be done with the contribution to insure compliance with the disposition of forfeited property under Chapter 59 of

the Texas Code of Criminal Procedure and the number of citizens it will affect in our community.

4. The Commander shall grant or deny a permit solely on the basis of the requirements stated in the aforementioned sections above. The Commander shall advise the organization's point of contact of the decision to grant or deny the request for contribution no later than the sixtieth day after date of receiving the completed application and all required attachments.

AGENDA ITEM #4

RESOLUTION NO. 2015- _____

A RESOLUTION OF THE CITY OF KINGSVILLE AUTHORIZING THE RELEASE OF CHAPTER 59 FUNDS OF THE SOUTH TEXAS SPECIALIZED CRIMES AND NARCOTICS TASK FORCE FOR DONATION TO THE KINGSVILLE AMATEUR BOXING CLUB, INC. FOR DRUG ABUSE PREVENTION PROGRAMS.

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

WHEREAS, the Kingsville Amateur Boxing Club, Inc. is a non-profit organization that provides anti-drug programs to the youths of the city and the area by providing athletic programs and other activities with a drug-free message that have a positive impact on the children of Kingsville;

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

I.

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

II.

THAT local elected representatives shall be encouraged to promote, endorse, and support the Kingsville Amateur Boxing Club, Inc. in their efforts for the benefit of the community through drug abuse prevention programs.

PASSED AND APPROVED by a majority vote of the City Commission on the 23rd day of November, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



**KINGSVILLE SPECIALIZED CRIMES
AND NARCOTICS TASK FORCE**

P. O. BOX 213

KINGSVILLE, TEXAS 78364

tfadmin@kingsvilletaskforce.com

(361) 595-5778

Fax (361) 595-5781



November 12, 2015

Mr. Jesus A. Garza
City Manager
City of Kingsville, Texas

Mr. Garza,

The Kingsville Specialized Crimes & Narcotics Task Force has received a Chapter 59 donation request from the Kingsville Amateur Boxing Club Inc. This organization has submitted an application to the Kingsville Task Force and their request has been approved by me.

The Kingsville Task Force's 2015/2016 Annual Budget was approved with a total of \$38,000.00 allocated in the Donation's line item (008-5-2330-31444). This donation request of \$5,000.00 if approved, will be distributed by the Kingsville Task Force. The above organization will receive a \$5,000.00 donation resulting in an account balance of \$15,500.00 remaining in the Kingsville Task Force's Donations line item.

If you approve this request, can it be placed on the Regular City's Commissioners Court Agenda for Monday November 23, 2015? Your kind consideration to this request will be greatly appreciated.

Sincerely,

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

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

Attachments

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

1. APPLICANT'S
NAME Jaime Cantu ADDRESS Kingsville Boxing Club PHONE 361-728-3955
2. ORGANIZATION'S
NAME Kingsville Amateur Boxing Club Inc. ADDRESS Kingsville, Tx. PHONE
3. NARRATIVE: Explain what will be done with the contribution to insure compliance with the disposition of forfeited property under Chapter 59 of the Texas Code of Criminal Procedure and the number of citizens it will affect in our community.

See Attachments

APPROVED: _____

Guillermo Vera

_____, Commander

DATE: 11/12/15 TIME: 9:30 AM

To: Cdr. Willie Vera
Specialized Crime and Narcotics Task Force

The Kingsville Boxing Club is hereby submitting this request for a grant approval in the amount of ~~\$10,000.00~~ Below is a history of our program and an explanation as to where this grant money will be used.

The Kingsville Amateur Boxing Club Inc.

Purpose and History

The Kingsville Amateur Boxing Club Inc. aka, The Kingsville Boxing Club is a non-profit physical fitness program dedicated to the youth of the Coastal Bend Counties primarily Kleberg County as its training facilities are located in Kingsville, Texas. The club's purpose is to offer our youth an alternative to the streets and an opportunity to build their self-esteem, develop discipline, and become educated of the effects of drug and alcohol abuse and to become a constructive part of our society. This is accomplished through daily training and classroom education. This club is currently funded by a variety of sources, including its own fundraising efforts.

In 1997, in response to a deeply felt community need, the club founder along with several local community leaders (to include former Chief of Police Felipe Garza, current Chief of Police Rick Torres and current Kleberg County Sheriff Edward Mata) supported the idea to establish and form a local boxing program that would be open to all members of this community with the intent on offering our youth a positive place to exhaust their energy's, build their self esteem and excel in the sport of amateur boxing. The clubs motto is *"Producing Champions in and out of the Ring"*.

Since then, the club has continued to grow and has developed into a program where families come together to exercise, military and law enforcement personnel utilize the facility to improve their fitness status, university students attend because of the low cost and the opportunity to release some stress in a positive way. In addition, our young amateur boxers are becoming elite athletes that have represented not only our city and state but also our country in competing in international competitions. Also, several of our participants have gone on to become professionals in society to include; Military Personnel (Pilots), Law Enforcement Personnel, US Border Patrol Agents, High School and College Graduates, and Professional Boxers.

Through this initial program the club has developed several others to include:

- **Drug, Alcohol and Substance abuse education** – Twice a month, a certified Drug and Alcohol Abuse Counselor conducts classes for all individuals.

- **Drug Awareness Information Give Away** – The Kingsville Boxing Club gives away for free, Educational Activity books and other items that focus on Drug Awareness and City Leadership.
- **Anti-Bullying Campaign** – This past year, the boxing club initiated our Anti Bullying Campaign by handing out activity books, book markers and other items that talk about bullying. **In addition, pamphlets about Sexting are also given out.**
- **Knock Out Home Work/Tutoring Program** – Once a week (Wednesdays) the Kingsville Boxing Club opens its doors and allows students from throughout the community to come and receive assistance with their homework or for tutoring. Additional days are made available at the students' request. (Most volunteers and tutors are from our local University)
- **Camp of Champs** – This program was established in 2008 and is a cost free camp that is geared towards children ages 8-14 and focuses on the importance of health, fitness, discipline and faith. (The same type of training is given on a daily basis and if there aren't enough participants, the program is run during normal training hours).
- **Training Facility** – Our facility has opened its doors to Law Enforcement Personnel as well as Military Personnel to use as a fitness center or an instructional facility.
- **Community Service** – Members of the Kingsville Boxing Club volunteer once a month to assist Senior Citizens whose alley ways are in violation of our city codes and they must be cleaned up. The club contacts the local enforcement office for a list of addresses. In addition, members of our club participated in two City and County Volunteer Clean-up activities.
- **Community Involvement** – The Kingsville Boxing club members volunteered for several different community events to include: National Night Out, Lil Oscar Day, Motivational Speaking for different organizations and supported a "Back to School" School Supply Drive.

**More information on the above subjects can be found in our website:
www.12thstreetgym.org**

Request for Funding

The purpose of this request is to request that a \$5,000.00 grant be awarded to our program to be used in the following manner:

- 1. Money will be used to help our program continue to spread our Drug Free Message to members of our community (primarily our youth).**
- 2. A portion of this grant will be used to purchase additional equipment needed to ensure that all participants are properly equipped to conduct their physical training.**
- 3. All money will be used to directly impact our program. Our program has no paid staff and all money will be used to help operate our program.**

The Kingsville Boxing club currently has no major sponsor and relies solely on the support of our community and organizations such as yours to continue our existence. The average cost per year to operate our club is \$15,000.00 (last 5 years).

Approval of this grant is very important to our program. Without your organizations support, this program could not function in the manner that it has. Our program has received high praise from community leaders and members of our community. In addition, leaders from different communities have stated that they are very impressed with our program and believe that our community is fortunate to have a program like ours. It is directly because of your organization that we are as successful as we have been.

If additional information is needed in this matter, the undersigned can be contacted @ 361-728-3955

Sincerely,

Jaime Cantu
Kingsville Boxing Club

From: 'Jaime Cantu' via TF ADMIN
Date: 11/10/2015 3:56:20 PM
To: tfadmin@kingsvilletaskforce.com
Subject: Request for Donation Chap 59 Funds.

Commander Vera, we are hereby submitting our request for a donation to our organization. Our past expense reports have shown that our annual expenses are nearly 20,000.00 per year. We have no paid staff, all money donated goes directly to the program. This year we are asking that your organization consider donating \$10,000.00 to our program. This amount will ensure that we can provide the best training and educational opportunities for all who attend.

KINGSVILLE SPECIALIZED CRIMES AND NARCOTICS TASK FORCE Chapter 59 Donation Policy

1. A person/entity seeking a donation (financial assistance) through the Kingsville Specialized Crimes and Narcotics Task Force and with particularity Chapter 59 Forfeiture Funds shall file an application with the Commander on forms provided through his office.
2. The filing procedures shall be as follows:
 - a. Filing period. An application for financial assistance shall be filed with the Commander not less than 30 days or more than 60 days prior to the proposed donation.
 - b. The name, address and telephone number of the entity seeking a donation.
 - c. No more than one donation will be made per calendar year.
 - d. Applicant shall provide documentation relating to any other financial assistance that they receive for review by the Commander.
3. Applicant must meet one of the following criteria:
 - a. Nonprofit program for the prevention of drug abuse, applicant must provide a copy of the organization's charter.
 - b. Nonprofit chemical dependency treatment facilities licensed under Chapter 464, Health and Safety Code;
 - c. Nonprofit drug and alcohol rehabilitation or prevention programs administered or staffed by professionals designated as qualified and credentialed by the Texas Commission on Alcohol and Drug Abuse; or
 - d. Must be an organization that has the same beliefs and value system as the Kingsville Specialized Crimes and Narcotics Task Force and the law enforcement code of ethics.
 - e. Short written statement explaining what will be done with the contribution to insure compliance with the disposition of forfeited property under Chapter 59 of

the Texas Code of Criminal Procedure and the number of citizens it will affect in our community.

4. The Commander shall grant or deny a permit solely on the basis of the requirements stated in the aforementioned sections above. The Commander shall advise the organization's point of contact of the decision to grant or deny the request for contribution no later than the sixtieth day after date of receiving the completed application and all required attachments.

REGULAR AGENDA

AGENDA ITEM #5

To: Jesus Garza, City Manager, Courtney Alvarez, City Attorney

From: Tom Ginter, Director of Planning and Development Services

Date: November 19, 2015

Subject: Planning and Zoning Commission - Agenda Item

The Planning and Zoning commission met November 18, 2015 and recommended approval of the rezoning request at 1304 E. Kenedy from R2 to C2.

The vote was 5 to 0 recommending approval of the rezoning request.

If you have any questions, please feel free to ask.

ORDINANCE #2015-_____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO LOTS 22-24, BLOCK 8, VISTA ALEGRE, KNOWN AS 1304 E. KENEDY FROM R2- TWO FAMILY DISTRICT TO C2-RETAIL 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 Rosa Mireles & Ricardo Bazan, 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, November 18, 2015 during a meeting of the Planning and Zoning Commission, and on Monday, November 23, 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 Lot 22-24, Block 8, Vista Alegre, known as 1304 E. Kenedy from R2- Two Family District to C2- Retail 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 23rd day of November, 2015.

PASSED AND APPROVED on this the 14th day of December, 2015.

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor


ATTEST:

Mary Valenzuela, City Secretary

APPROVED:

Courtney Alvarez, City Attorney

To: Planning & Zoning Commission Members

From: Tom Ginter, Director of Planning and Development Services 

Date: November 13, 2015

Subject: Agenda Items

- 1&2 This is the vacant lot at the corner of Kenedy and 17th Street. It is across the street from the KISD Harvey Elementary. Much of the zoning that surrounds this lot is either C2 (Retail) or R2 (Two Family). Contrary to the C2 use that you reviewed at your last meeting, this request can fit a neighborhood environment. I would think most of the traffic would be on the weekends, or during the day. Traffic wise while Kenedy is a busy street, I believe this location could handle the vehicle load. I think the biggest concern is not necessary the rezoning but how the property is developed for this business. Frankly that is a bit out of the scope of the board's decision but for me an important part of the end result, I hope to be meeting with the applicant to provide her with information and guidance on how the process works and what is expected when one redevelops property for a business.
- 3 At the last meeting when you considered these changes you requested to see the rest of the ordinance that was in that section. Enclosed is the current and suggested language, and Sec. 15-6-27 C 1-5.

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 1304 E Kennedy Located in the City ETJ

(Proposed) Subdivision Name _____ Total number of Lots 3

Legal Description: VISTA ALEGRE, BLOCK 8, LOT 22-24

Existing Zoning Designation R2 Two Family Future Land Use Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Rosa Mireles & Ricardo Bazar Phone 361/228-5173 FAX _____

Email Address (for project correspondence only): _____

Mailing Address 1301 E King City Kingsville State TX Zip 78363

Property Owner Luciano Estrella Bazar Phone - FAX -

Email Address (for project correspondence only): _____

Mailing Address _____ City _____ State _____ Zip _____

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 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:

Rezone from R2 - Two-Family to
C2 - Retail For garden shop + plants sale

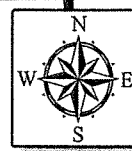
I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature: Rosa Mireles Date: 10/08/2015

Property Owner's Signature: _____ Date: _____

Application and Fee Accepted by: Adela Barrero Date: 10/8/15

City of Kingsville



E King

S 17th

S 18th

E Kenedy

18846

19629

20425

16887

17638

18411

19167

19961

22712

21177

16235




23045

22279

21516

15213

Legend

-  1304 E. Kenedy
-  200 ft. Radius
-  City Limits

0 45 90 180 Feet

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

Page
1 / 1

Drawn By: Engineering
Department

Last Update: 10/13/2015

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

WRIGHT JUAQUIN A
1251 E KING AVE
KINGSVILLE, TX 78363
#18846

CARRION JOSE RENE
1423 E SANTA GERTRUDIS
KINGSVILLE, TX 78363
#19629

PEREZ ESMERALDA
1269 E KING AVE
KINGSVILLE, TX 78363
#20425

BAZAN RICARDO
1301 E KING AVE
KINGSVILLE, TX 78363
#16887

CASAS PABLO JR
1305 E KING AVE
KINGSVILLE, TX 78363
#17638

MARTINEZ JOSE MARIA
627 E MILLER AVE
KINGSVILLE, TX 78363
#18411

MEDINA ELEAZAR R
1309 E KING AVE
KINGSVILLE, TX 78363
#19167

ESPINOZA ADOLFO
1313 E KING AVE
KINGSVILLE, TX 78363
#19961

CENTRAL LATIN AMER CHURCH
1266 E KENEDY AVE
KINGSVILLE, TX 78363
#22712

CITIFINANCIAL SERVICING
1111 NORTH POINT
BLDG 4 SUITE #100
COPPELL, TX 75019

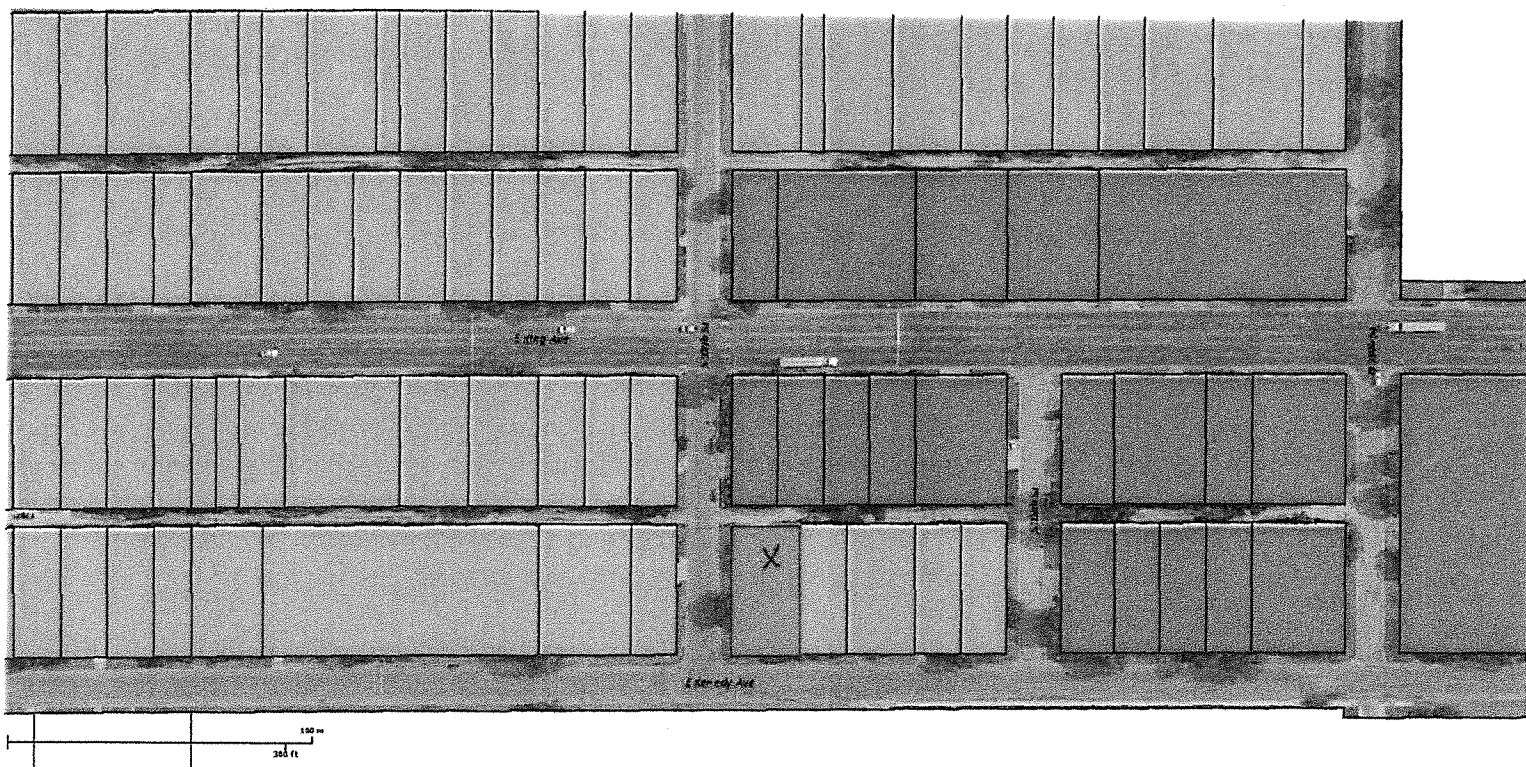
VAZQUEZ-CRUZ JUAN DIEGO
228 1/2 E LEE AVE
KINGSVILLE, TX 78363
#16235

SALAZAR DALIA
PO BOX 561
KINGSVILLE, TX 78364
#23045

CHAVEZ NATALIO
1318 E KENEDY
KINGSVILLE, TX 78363
#22279

DEUTSCHE BANK NATIONAL
7105 CORPORATE PTX-C-32
PLANO, TX 75024
#21516

K I S D
PO BOX 871
KINGSVILLE, TX 78364
#15213



X 1304 E. Kenedy
Orange colored area is zoned R2 (Two Family)
pink colored area is zoned C2 (Retail)

	R1	R2	R3	R4	NH	C1	C2	C3	C4	I1	I2	Ag
Bank or savings and loan						S	P	P	P			
Book or stationary store						S	P	P				
Barber or beauty shop						S	P	P	P			
Bakery or confectionery shop, retail sales (less than 2,500 square feet)						P	P	P	P			
Cafeteria or restaurant						S	P	P	P	P	P	
Camera shop						S	P	P	P			
Laundry or self-service laundry shop (limited area)						S	P	P	P			
Clinic, medical, dental, chiropractor, optometrist or other office of licensed Health related profession						S	P	P	P	P		
Drug store or pharmacy						P	P	P	P			
Department variety or discount store							P	P	P			
Grocery store						P	P	P	P			
Furniture or appliance store							P	P	P			
Florist shop						P	P	P	P			
* Garden shop and plant sales							P	P	P			P
Kennel									S	P	P	P
Handicraft and art object sale						S	P	P	P	S		
Hardware store							P	P	P	S		
Hobby shop						S	P	P	P			
Laboratory medical or dental						S	P	P	P			

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, November 18, 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:

Luciano Bazan Est owner, Rosa Mireles agent – Requesting the rezone of VISTA ALEGRE, BLOCK 8, LOT 22-24 also known as 1304 E. Kenedy from R2 (Two-Family) to C2 (Retail) for a garden shop and plant sales.

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, November 23, 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:

Luciano Bazan Est owner, Rosa Mireles agent – Requesting the rezone of VISTA ALEGRE, BLOCK 8, LOT 22-24 also known as 1304 E. Kenedy from R2 (Two-Family) to C2 (Retail) for a garden shop and plant sales.

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 #6

ORDINANCE NO. 2015-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS, AMENDING CHAPTER IX-GENERAL REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KINGSVILLE, TEXAS BY AMENDING ARTICLE 10-STREETS AND SIDEWALKS, TO ADD STREET MAINTENANCE FEES SECTIONS, TO ESTABLISH MONTHLY STREET MAINTENANCE FEES FOR THE PURPOSE OF FUNDING THE CITY STREETS SYSTEM, ESTABLISHING A STREET MAINTENANCE FUND AND AN APPEALS PROCESS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Kingsville, Texas ("City Commission") has determined that in order to protect the citizenry from the deterioration of the quality and safety of the street system that they rely upon and use on a regular basis, it is necessary and in the best interest of the public health and safety to establish a street maintenance fee in order to provide a properly maintained road system; and

WHEREAS, the City staff has prepared a comprehensive twenty year street maintenance and improvement plan and held several informational sessions before the City Commission regarding the plan and street maintenance fees necessary to support the plan, which were all open to the public, and the Commission finds the proposed fees are non-discriminatory, reasonable, and equitable; and

WHEREAS, in setting the schedule of Street Maintenance Fees, the fees are based on an inventory of parcels within the city limits.

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

SECTION 1: The City Commission hereby establishes Street Maintenance Fees as set forth herein. Street Maintenance Fees shall be levied against all benefited properties within the city limits unless exempt under Chapter IX, Article 10, Section 64. These fees shall be imposed and issued with utility billing statements issued on and after January 1, 2016.

SECTION 2: The Code of Ordinances of the City of Kingsville, Texas is hereby amended by adding 9-10-50 through 9-10-66 Chapter IX, Article 10 "Street Maintenance Fee" to read as follows:

STREET MAINTENANCE FEES

Sec. 9-10-50 FEE ESTABLISHED.

A street maintenance fee is established. It is to be implemented by policies, rates, and methodologies established by separate ordinance.

The City Commission finds, determines and declares that in order to protect the citizenry from the deterioration of the quality and safety of the street system that they rely upon and use on a regular basis, it is necessary and in the best interest of the public health and safety to establish a street maintenance fee in order to provide a properly maintained road system.

For this purpose, the City Commission will establish a schedule of street maintenance fees subject to the limitations of the state law to cover the costs to the city to provide maintenance of the street system. The city will offer this maintenance service in a nondiscriminatory, reasonable and equitable manner.

The City Commission hereby establishes a street maintenance fee, imposed against, and to be paid by, each utility customer and owner of benefitted property within the city limits, set in amounts that will provide sufficient funds to properly maintain the street system.

Collection of the fee against each benefitted property shall be made by a monthly charge to be added to the utility bill for such property.

The City Commission by separate ordinance will establish the rate based upon the cost to the city for maintaining the street system.

Sec. 9-10-51 DEFINITIONS.

“Benefitted property” means a residence; a business; or lot, parcel or property within the city limits that generates motor vehicle trips.

“Director” means the city manager or designee.

“Equivalent residential unit” (“ERU”) means a unit of measurement for the median size of a residence equal to two thousand four hundred and twenty-five (2,425) square feet. For residential benefitted property, an ERU equals one (1). For nonresidential benefitted property, an ERU equals SF/ two thousand four hundred and twenty-five (2,425) SF.

“Land use” means one (1) of the land use categories recognized in the Trip Factor Index.

“Motor vehicle trip” means each departure from and each arrival to a property by a motor vehicle.

“Nonresidential benefitted property” means benefitted property not defined as residential benefitted property under this article.

“Residential benefitted property” means a detached single-family residence, attached multifamily housing, or a detached dwelling unit of a mobile home park, recreation vehicle (RV) park, or manufactured home community.

“Square footage” (“SF”) means the square footage of improvements designated as “living area” as identified in the records of the Kleberg County Appraisal District (“KCAD”).

“Street maintenance fee” (“fee”) means the fee established by this article imposed against, and collected from, owners or occupants of benefitted property of the purpose of maintaining the street system of the city.

“Street preventative maintenance program” (“SPMP”) means the street preventative maintenance program, as amended from time to time, funded by the street maintenance fee.

“Street system” means the structures, streets, rights-of-way, bridges, alleys, and other facilities within the city limits that are dedicated to the use of vehicular traffic; the maintenance and repair of those facilities; and the operation and administration of such maintenance and repair under the street preventative maintenance program.

“Trip factor” means a principle basis of service measurement, principally derived from the trip generation rates published by the Institute of Transportation Engineers.

“Trip Factor Index” means the table of applied land uses recognized by the City of Kingsville for purposes of implementing the street maintenance fee.

“Utility customer” (“customer”) means the holder of a city utility account or the person who is responsible for the payment of charges for a benefitted property.

Sec. 9-10-52 FINDINGS.

The City Commission finds and determines the following:

- (1) It is appropriate that a benefitted property pay the prorated annual cost of the street system that can reasonably be attributed to the benefitted property.
- (2) The number of motor vehicle trips generated by a benefitted property may reasonably be used to estimate the prorated cost of the street system attributable to a benefitted property.
- (3) The size and use of a property may reasonably be used to estimate the number of motor vehicle trips generated by the property.
- (4) Based on the best available data, the method of imposing the street maintenance fee reasonably prorates the cost of the street system among benefitted properties.
- (5) It is reasonable and equitable to impose a set monthly fee for each residential and nonresidential benefitted property in order to avoid a disproportionate burden on any residential or nonresidential benefitted property.
- (6) It is reasonable and equitable to cap the square footage for a nonresidential benefitted property in order to avoid a disproportionate burden on a nonresidential benefitted property.
- (7) It is reasonable and equitable to cap the trip factor for nonresidential benefitted property in order to avoid a disproportionate burden on a nonresidential benefitted property.

- (8) If available, appraisal district property tax records may be relied on to determine the size of nonresidential benefitted property.
- (9) It is reasonable and equitable to derive trip generation rates for residential and nonresidential benefitted property as determined and published by the Institute of Transportation Engineers.
- (10) It is reasonable and equitable to assume that each utility meter in the service area serves a benefitted property.

Sec. 9-10-53 TRIP FACTORS.

The director shall assign to each benefitted property a trip factor according to the property's use. The director shall assume for each nonresidential benefitted property the number of trips per day as set by the Institute of Transportation Engineers.

The director conducted a survey of nonresidential benefitted property to more specifically identify land use, in order to assign a more appropriate trip factor to the land use categories shown in the Trip Factor Index (Exhibit "A"), kept on file with the city.

The Trip Factor Index will be maintained by the director or his designee and may be revised from time to time in accordance with this article.

For purposes of this article, a property's use does not depend on the property's zoning. If a property fits more than one (1) category of use, the director shall assign a land use.

Sec. 9-10-54 STREET FEE-ONLY ACCOUNT.

The director shall create an account in the city's utility account billing system for any benefitted property for which no utility account exists.

Sec. 9-10-55 FEE CALCULATION.

(a) The street maintenance fee shall be calculated based on the following factors:

ERU = Equivalent Residential Unit = 2,425 SF.

For each dwelling unit of a residential benefitted property, ERU=1.

For each nonresidential benefitted property, ERU = SF/2,425 SF on a per meter basis.

TF= Trip Factor adjusted for 90% discount.

(b) Collection of the fee for residential property shall be charged on the basis of a set fee per lot, unit, tract or parcel that is a Kingsville water and/or wastewater utilities customer within the city limits of the City of Kingsville.

(c) Collection of the fee for nonresidential property that is a Kingsville water and/or wastewater utilities customer within the city limits of the City of Kingsville shall be charged on the basis of using the trip generation rate published by the Institute of Transportation Engineers and based on land uses allowed. The trip generation is the number of trips anticipated to and from property per 1,000 square foot of building. For each nonresidential customer, the ERU for the building area on the property will be

multiplied by the appropriate discounted trip factor to arrive at a point value. This value will be compared to a tier of point ranges which will determine what the nonresidential benefitted property customer will pay each month.

Sec. 9-10-56 RESIDENTIAL BENEFITTED PROPERTY.

The director shall determine the fee for residential benefitted property on the basis of factors that include the trip generation rate published by the Institute of Transportation Engineers for residential use of the property.

The fee for residential benefitted property shall be on the basis of a set fee per dwelling unit.

For a residential benefitted property, each month a customer shall pay an amount equal to the following:

(Single-family) Monthly Bill = \$5.00

(Multi-family of 2-4 living units) Monthly Bill = (\$5.00 for the first living unit) + (.85 x \$5 x number of each living units after 1st)

(Multi-family of more than 4 living units or mobile home lots) Monthly Bill = \$5.00 x (total number of living units or mobile home lots) x (0.85 which is estimated occupancy)

Sec. 9-10-57 NONRESIDENTIAL BENEFITTED PROPERTY.

The director shall determine the fee for nonresidential benefitted property on the basis of factors that include the trip generation rate published by the Institute of Transportation Engineers for the land uses allowed.

For each nonresidential customer, the ERU for the building area on the property will be multiplied by the appropriate discounted trip factor to arrive at a point value. This value will be compared to a tier of point ranges which will determine what the nonresidential benefitted property customer will pay each month.

For a nonresidential benefitted property, a point value shall be determined as follows:

$$\$5.00 \times (\text{SF}/2,425 \text{ SF}) \times (\text{TF}) = \text{Point Value}$$

The director shall determine the square footage for a nonresidential benefitted property based upon building square footage of property as recorded by the Kleberg County Appraisal District. If appraisal district records are unavailable, the director may determine the size of a nonresidential benefitted property from the best available information.

The point tier system is as follows:

Total Point Value	=	Price Per Month
40 and over		\$150
20 to 39.99		\$125

14 to 19.99		\$100
12 to 13.99		\$ 70
10 to 11.99		\$ 50
6 to 9.99		\$ 40
5 to 5.99		\$ 30
4 to 4.99		\$ 25
3 to 3.99		\$ 20
2 to 2.99		\$ 15
Under 2		\$ 10

Sec. 9-10-58 BILLING AND COLLECTION OF FEE.

The street maintenance fee shall take effect and be applied against all benefitted property for services provided on or after January 1, 2016. Fees will be billed and collected each month on the utility bill for each benefitted property. Payment is due upon receipt of the bill. The utility customer is responsible for apportionment of fees to any person or persons leasing units of the benefitted property.

Sec. 9-10-59 RECOVERY OF UNPAID FEE.

The city may recover a street maintenance fee that is not paid when due in an action at law.

Sec. 9-10-60 STREET MAINTENANCE FUND.

The city has created a special revenue fund known as the street fund. All fees collected for the purpose of maintenance of the street system shall be deposited in the street fund. It will not be necessary for the expenditures from the fund to specifically relate to any particular property from which the fees were collected.

The director shall provide to the City Commission an annual report of the street fund.

Every year the director shall provide the City Commission a report on the progress of the street preventative maintenance program (SPMP) and publish an updated yearly map of street candidates to be considered for the maintenance program.

Sec. 9-10-61 RULES.

The director may adopt rules necessary for the administration of this article and the street maintenance fee. The director shall be responsible for administration of this article; developing all rules and procedures necessary to administer all provisions of this article; developing maintenance programs; and establishing street system criteria and standards for operation and maintenance of the street system.

Sec. 9-10-62 APPEALS.

- (a) The street maintenance fee board of appeals ("board") is established for the purpose of hearing and deciding appeals and matter related to the street

- maintenance fee under article 10 of chapter IX of the Code ("Street Maintenance Fee") consistent with the appeals process for the street maintenance fee adopted by the City Commission ("appeals process").
- (b) The board shall be composed of five (5) members:
 - a. The Finance Director;
 - b. The Public Works Director/City Engineer;
 - c. The Planning Director;
 - d. A citizen appointed by the city manager; and
 - e. A citizen appointed by the city manager.
 - (c) Each citizen board member shall be appointed to serve a two-year term.
 - (d) A citizen board member may be removed by the city manager with or without cause.
 - (e) The board shall:
 - a. Review any appeal filed in accordance with Article 10 of Chapter IX-Street Maintenance Fees Section of the Code and the adopted appeals process for the street maintenance fee;
 - b. Hear and decide appeals of orders, decisions, or determinations made by the Collections Manager for the utility business office relating to the application and interpretations of the street maintenance fee;
 - c. Hear and decide any matter referred to the board by the city manager related to the street maintenance fee;
 - d. Perform other duties prescribed by ordinance.
 - (f) The board may not waive a code requirement.
 - (g) The board shall hold meetings at the call of the chairperson and at other times as requested by the board.
 - (h) The chairperson, or the acting chairperson in the absence of the chairperson, may administer oaths and compel the attendance of witnesses.
 - (i) Each case before the board must be heard by at least seventy-five (75) percent of the board members.
 - (j) The concurring vote of seventy-five (75) percent of the board members is necessary to:
 - a. Reverse an order, requirement, decision, or determination of an administrative officer or other staff member; or
 - b. Decide in favor of an applicant on a matter on which the board may hear under this section.
 - (k) The board shall render all decisions and findings in writing, file them with the utility business office, and send copies to the appellant.
 - (l) The board shall prepare minutes of its proceedings. The minutes shall include the vote of each member on each item before the board and shall state if a member is absent or fails to vote on an item.
 - (m) The board may establish rules and procedures consistent with this Code of Ordinances.

Sec. 9-10-63 DISPOSITION OF FEES AND CHARGES.

The fee paid and collected by virtue of this article shall not be used for the general or governmental proprietary purposes of the city, except to pay for the equitable share of the cost of accounting, management and government thereof of the SPMP.

Other than as described above, the fees and charges shall be used solely to pay for the cost of operation, administration, planning, engineering, development of guidelines and controls, inspection, maintenance, repair, improvement, and renewal of the street system under the SPMP and the costs incidental thereto.

Sec. 9-10-64 EXEMPTIONS.

This article does not apply to a city, county, state, federal agency or department, hospital district, publicly funded independent school district or charter school, public institution of higher education, church, registered 501(c)3 organizations, or regional transit authority.

This article does not apply to vacant property that generates no motor vehicle trips. The director may adopt any reasonable method to determine whether a property is vacant and generates no motor vehicle trips.

In order for an exemption under this section to apply, a person entitled to an exemption under this section must notify the director of the utility business office of the applicable exemption.

Sec. 9-10-65 LIABILITY.

This article does not create additional duties on the part of the city. This article does not waive the city's immunity under any law.

Sec. 9-10-66 PERIODIC REVIEW OF RATES.

The City Commission will periodically review the street maintenance fees and rates.

SECTION 3: It is found and determined by the City Commission that the fees established by this Ordinance are non-discriminatory, reasonable, and equitable, and that the fees are based upon an inventory of improved parcels within the city limits.

SECTION 4: It is further provided that in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage and approval.

INTROUCED on this the 26th day of October, 2015.

PASSED AND APPROVED by the City Commission on this the 23rd day of November, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #7

RESOLUTION NO. 2015-_____

A RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPLICATION TO THE OFFICE OF THE GOVERNOR CRIMINAL JUSTICE DIVISION FOR THE PURPOSE OF REQUESTING GRANT FUNDING ON BEHALF OF THE CITY FOR THE 2015 BODY-WORN CAMERA PROGRAM FOR LAW ENFORCEMENT PERSONNEL FOR THE KINGSVILLE POLICE DEPARTMENT WITH AN ANTICIPATED CASH MATCH.

WHEREAS, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville, that the Kingsville Police Department participate in an application to apply for grant monies for the 2015 Body-Worn Camera Program for law enforcement personnel; and

WHEREAS, the Body-Worn Camera Program will provide 75% of the funding for these items and requires the City provide a 25% cash match; and

WHEREAS, the Kingsville Police Department would like to apply for approximately \$45,482.00 in funding through the program and has identified a funding source within its budget for the approximately \$11,371.00 cash match; and

WHEREAS, the City Commission of the City of Kingsville through this resolution has authorized the Police Chief to submit the grant.

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

I.

THAT the City Commission approves the submission of the grant application for the 2015 Body-Worn Camera Program for body-worn cameras for law enforcement personnel to the Office of the Governor Criminal Justice Division on the City's behalf with a de facto *anticipated* cash match of approximately \$11,371.00.

II.

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

PASSED AND APPROVED by a majority vote of the City Commission the 23rd day of November, 2015.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

**KINGSVILLE POLICE DEPARTMENT
INTER-OFFICE MEMORANDUM**

TO : Jesus Garza, City Manager

FROM : Ricardo Torres, Chief of Police

DATE : November 13, 2015

SUBJECT : Body-Worn Camera Program

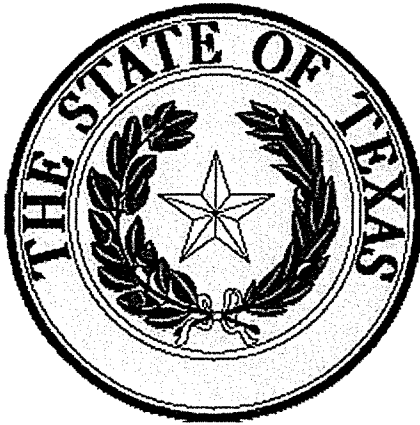
I am in receipt of a Funding Announcement from the Office of the Governor Criminal Justice Division, Body-Worn Camera Program. Applications may be submitted by municipal police departments and county sheriff's departments that employ officers who are engaged in traffic or highway patrol, otherwise regularly detain or stop motor vehicles; or are primary responders who respond directly to calls for assistance from the public.

It is anticipated that up to \$10 million may be funded under this announcement. This amount represents the full level of funding available. No additional funding will be made available in state fiscal years 2016 or 2017. (Funds are authorized under SB 158 and appropriated in Sec. 18.73 of the General Appropriations Act of the 84th Legislature.) The number of awards will depend upon the quantity and reasonableness of costs of the applications received.

Grantees must provide matching funds equal to 25% of any CJD award amount. The match requirement can be met through cash or in-kind contributions. Match funds may not be in the form of discounts or contributions from camera or storage vendors.

Grant funds are restricted to the cost of body-worn cameras, digital video storage, and retrieval systems or services. CJD will not pay for any service or subscription-based support that exceeds the cost prorated to the one-year project period.

Grant funds must be used to equip officers employed directly by a municipal police department or a county sheriff's office. Funds may not be used to equip officers employed by other agencies that are not eligible for this funding.



Office of the Governor
Criminal Justice Division

Funding Announcement:
Body-Worn Camera Program

October 26, 2015

Opportunity Snapshot

Below is a high-level overview of many of the elements of this opportunity. Full information is provided in the funding announcement that follows.

Purpose

The purpose of this announcement is to aid municipal police departments and county sheriffs' offices in establishing or enhancing body-worn camera (BWC) programs.

Funds Available

It is anticipated that up to \$10 million may be funded under this announcement.

Process

Applicants will first complete a preliminary application. CJD will then make preliminary funding decisions – including any limitations on costs or award amount – and notify each applicant. Selected applicants may then complete a final grant application to receive those funds, as long as they meet all required conditions.

Budget

There is no minimum or maximum request under this program, however, applicants should consider the overall spending cap and CJD's desire to provide resources to as many departments as possible. CJD reserves the right to establish funding limits following receipt of all preliminary applications to provide for broad implementation of the program. Funds may only be used for the one-time purchase of cameras and to procure digital video storage resources (not to exceed one year).

Match

Grantees must provide matching funds equal to 25% of the CJD award amount. The match requirement can be met through cash or in-kind contributions. Match funds may not be in the form of discounts or contributions from camera or storage vendors.

Project Periods

A project funded may not exceed a 12-month period.

Organizational Eligibility

Applications may be submitted by municipal police departments and county sheriff's departments that employ officers who are engaged in traffic or highway patrol, otherwise regularly detain or stop motor vehicles, or are primary responders to calls for assistance from the public.

Contact Information

If additional information is needed, contact the eGrants help desk at eGrants@governor.state.tx.us or (512) 463-1919.

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Body-Worn Camera Program

The goal of the Criminal Justice Division is to provide needed funding to improve public safety and support victims of crime by addressing system gaps and promoting innovative solutions to common problems. CJD is accepting applications for the purchase of body cameras and digital storage systems to serve as a tool in a law enforcement comprehensive problem-solving approach to enhance officer interactions with the public, build community trust, and gather important evidence for use in the prosecution of crimes.

If you are interested in applying for a grant under this program, follow the five-step process outlined below.

- **Step One - Review the Process:** Become familiar with this funding announcement and the process used for this particular program.
- **Step Two - Consider the Requirements:** Consider the eligibility requirements as well as what will be required of successful applicants.
- **Step Three - Submit a Preliminary Application:** Understand and collect the required information and submit a preliminary application.
- **Step Four - Review your Preliminary Funding Decision.** Receive a preliminary funding decision from CJD regarding whether you will be funded, how much funding you are eligible to receive, and any limitations.
- **Step Five - Apply in eGrants.** Compile and submit your final application. For information on how to apply online, or to register for the system, go to <https://eGrants.governor.state.tx.us>.
- **Step Six – Accept the Award.** Upon notification of the final award, review the award notification and agreement and accept it along with its conditions.

Step 1: Review the Process

Overview

This funding announcement includes both a preliminary application phase and a final application phase. Applicants will first complete a short preliminary application that will be posted at <http://gov.texas.gov/cjd/bodycams> when the application period opens. CJD will then consider the full breadth of applications and determine which applicants will be funded and any limitations on that funding. Once applicants are notified of the preliminary funding decisions, applicants may submit a final application through CJD's eGrants system at <https://egrants.gov.texas.gov/> a time within approximately the following six months that works best with the plans for each department. Applicants must submit a preliminary application to be considered for funding.

Timeline

Action	Date
Funding announcement release	October 26, 2015
Preliminary application system opens	October 26, 2015
Preliminary application due from applicants	December 7, 2015 by 5PM CST
Notice of preliminary funding decisions	January 19, 2016
Earliest final applications accepted	January 20, 2016
Final date to submit an final application	July 15, 2016 by 5PM CST
Earliest grantee start date	March 1, 2016
Latest grantee start date	August 15, 2016

Submission Methods

Potential applicants must submit preliminary applications via a simple webform posted <http://gov.texas.gov/cjd/bodycams>. Applicants chosen to move forward must submit final applications via the eGrants system. As CJD receives final applications, CJD will review them on a rolling basis so earlier submissions will be reviewed and awarded first.

Step 2: Consider the Requirements

Organizational Eligibility

Applications may be submitted by municipal police departments and county sheriff's departments that employ officers who are engaged in traffic or highway patrol, otherwise regularly detain or stop motor vehicles; or are primary responders who respond directly to calls for assistance from the public. (See Chapter 1701, Occupations Code, Subchapter N as amended by SB 158, 84th Legislature.)

Funding and Project Period Limits

It is anticipated that up to \$10 million may be funded under this announcement. This amount represents the full level of funding available. No additional funding will be made available in state fiscal years 2016 or 2017. (Funds are authorized under SB 158 and appropriated in Sec. 18.73 of the General Appropriations Act of the 84th Legislature.) The number of awards will depend upon the quantity and reasonableness of costs of the applications received.

A project funded may not exceed a one-year grant period.

Match Requirement

Grantees must provide matching funds equal to 25% of any CJD award amount. The match requirement can be met through cash or in-kind contributions. Match funds may not be in the form of discounts or contributions from camera or storage vendors.

Eligible Expenses

Grant funds are restricted to the cost of body-worn cameras, digital video storage, and retrieval systems or services. CJD will not pay for any service or subscription-based support that exceeds the cost prorated to the one-year project period.

CJD Funding Announcement: Body-Worn Camera Program

Grant funds must be used to equip officers employed directly by a municipal police department or a county sheriff's office. Funds may not be used to equip officers employed by other agencies that are not eligible for this funding.

The Texas Department of Information Resources (DIR) is establishing a cooperative purchasing program for body-worn cameras. Grantees may wish to check with DIR to determine if they can receive better pricing through the department, or to compare vendor offers against the department's pricing. DIR is also actively seeking agencies wishing to test a cloud-based video storage system and may offer incentives to participate.

Ineligible Costs and Activities

Grant funds may not be used to support the following services, activities, and costs:

- 1) Costs ancillary to the purchase of cameras, storage, or the program operation, such as policy development, training costs, staff, or any other item determined ineligible or unreasonable by CJD.
- 2) Any other prohibition imposed by federal, state, or local law.

Reporting Requirements

Financial and Progress Reports. At the end of each state fiscal quarter during the one-year grant period, grantees will be required to submit a financial status report via eGrants in the format required by CJD.

Performance Reports. Each grantee must agree to submit an online report to the Texas Commission on Law Enforcement (TCOLE) at <https://www.tcole.texas.gov/> within 30 days of the date the grantee submits its final request for reimbursement to CJD, indicating that all purchases are complete. As a condition of funding, each grantee must file follow-up reports via the TCOLE website 12, 24, and 36 months later, for a total of three annual reports. Each of these reports will include information covering the previous 12 months:

- 1) Any expenditures on cameras during the previous year, including the make, model and cost of cameras;
- 2) Any expenditures on video storage during the previous year, including the method and cost of video storage and the amount of storage required;
- 3) Impact evaluation information including the following incidents during the previous year:
 - number of public complaints filed against officers or the agency;
 - number of public complaints sustained (i.e. those that were not dismissed);
 - number of use of force incidents (as defined by the applicant);
 - number of arrests for resisting arrest, search, or transportation (Texas Penal Code Sec. 38.03);
 - number of arrests for evading arrest or detention (Texas Penal Code Sec. 38.04);
 - number of arrests for hindering apprehension or prosecution (Texas Penal Code Sec. 38.05); and
 - number of arrests for interference with public duties (Texas Penal Code Sec. 38.15).

Program-Specific Requirements

Statutory Requirements. Chapter 1701, Occupations Code, Subchapter N governs this grant program as well as the use of body-worn cameras by law enforcement in general. CJD strongly encourages all applicants to read this statute prior to applying for funds as it contains other legal requirements as well as criminal penalties for certain unapproved releases of digital information. It is critical that all law enforcement agencies using body-worn cameras have a clear understanding of this statute and all rules governing these programs as they are both state law and conditions of funding.

Department Policies. A grantee, before CJD can reimburse for any costs, must have developed and have in place all policies required under Subchapter N, Chapter 1701, Occupations Code, including the policy required under Sec. 1701.655. Departments that actively operated a program as of September 1, 2015 have until September 1, 2016 to implement compliant policies. Such a policy must ensure that cameras are activated only for law enforcement purposes and must include:

- guidelines for when a peace officer should activate a camera or discontinue a recording in progress, including the need for privacy in certain situations or locations;
- provisions relating to data retention, including a minimum retention period of 90 days;
- provisions relating to storage of video and audio, including backup copies and data security;
- guidelines for public access, through open records requests, where the recordings are public information;
- provisions entitling an officer to access any recording of an incident involving that officer prior to being required to make a statement;
- procedures for supervisory or internal review;
- the methods for handling and documenting equipment and malfunctions of equipment;
- a provision that law enforcement officers may not be required to keep a body-worn camera activated for the full period of their duty shift; and
- all policies adopted must be consistent with the Federal Rules of Evidence and the Texas Rules of Evidence.

TCOLE is developing model policies for publication in January 2016, which may be helpful in establishing agency policies. All policies adopted by grantees must abide by any minimum standards established by TCOLE.

For agencies that operated a body-worn camera program on September 1, 2015, these policies are not required to be implemented until September 1, 2016.

Training. All officers who will be equipped with cameras purchased under the program must be trained before doing so in official duty and CJD cannot reimburse any costs until this training has occurred. Such training must comply with the requirements of Sec. 1701.656, Occupations Code, which requires that, prior to operating a body-worn camera program, the grantee must train the officers who will wear the cameras as well as any other personnel who will come into contact with the video and audio data obtained through the program.

To assist law enforcement agencies in this task, TCOLE is charged with developing or identifying and approving a training program for the use of body-worn cameras. TCOLE expects to publish its training

CJD Funding Announcement: Body-Worn Camera Program

curriculum in January 2016. Law enforcement agencies, however, may use their own training, that of another agency or department, an existing training curriculum, or that of TCOLE to satisfy the requirements of this program. However, all such training must meet any minimum standards established by TCOLE.

For agencies that operated a body-worn camera program on September 1, 2015, this training is not required until September 1, 2016.

Sustainment. Grantees must agree to maintain the equipment, replace broken or nonworking equipment, and maintain adequate digital video storage for a period of not less than three years from the date of final grant award.

Standard CJD Requirements

CJD Regulations. Grantees must comply with the standards applicable to this funding source cited in the Texas Administrative Code (1 TAC Chapter 3), and all statutes, requirements, and guidelines applicable to this funding.

Uniform Crime Reports. Eligible applicants operating a law enforcement agency must be current on reporting Part I violent crime data to the Texas Department of Public Safety for inclusion in the annual Uniform Crime Report (UCR) and must have been current for the three previous years.

Criminal History Reporting. The county (or counties) in which the applicant is located must have a 90% average on both adult and juvenile criminal history dispositions reported to the Texas Department of Public Safety for calendar years 2010 through 2014.

Step 3: Submit your preliminary application

Online Submission

CJD will only accept preliminary applications via a webform published at <http://gov.texas.gov/cjd/bodycams> upon the opening of the preliminary application period.

Content

As part of the preliminary application, agencies will be asked to submit the following information via online form:

- 1) DUNS number of the agency
- 2) Agency information
- 3) Contact information
- 4) The number of licensed officers directly employed by the agency
- 5) The number of licensed, front-line officers who are engaged in traffic or highway patrol or otherwise regularly detain or stop motor vehicles, or are primary responders who respond directly to calls for assistance from the public
- 6) The current number of officers equipped with BWCs
- 7) If the agency already uses BWCs, the method of video storage currently used
- 8) A budget estimate that includes:

CJD Funding Announcement: Body-Worn Camera Program

- a) the proposed number of officers to be equipped
 - b) the total proposed budget, including the match
 - c) the budget for cameras, including the number to be purchased and their make and model
 - d) the budget for storage, including the capacity and method of storage
 - e) the source of the match
 - f) The amount and source of any government funding, grants, or philanthropic funds received by the agency in the last three years for the purchase BWCs or related video storage systems, including funds formally budgeted by the agency's governing board.
- 9) Information to establish the baseline for impact evaluation of the program. This information includes, for the twelve full calendar months prior to submitting the application:
- a) number of public complaints filed against officers or the agency;
 - b) number of public complaints sustained (i.e. those that were not dismissed);
 - c) number of use of force incidents (as defined by the applicant);
 - d) number of arrests for resisting arrest, search, or transportation (Texas Penal Code Sec. 38.03);
 - e) number of arrests for evading arrest or detention (Texas Penal Code Sec. 38.04);
 - f) number of arrests for hindering apprehension or prosecution (Texas Penal Code Sec. 38.05); and
 - g) number of arrests for interference with public duties (Texas Penal Code Sec. 38.15).

Step 4: Review your Funding Decision

Selection and Fund Allocation Criteria

CJD will review the preliminary applications to understand the overall demand for the program and for significant variations in costs per unit (both for cameras and the cost for storage on a per camera basis). After this review, CJD will determine if all eligible applications can be funded based on funds available, if there are cost-effectiveness benefits to normalizing or setting limits on the range of costs, and if other fair-share cuts may allow for broader distribution and a higher number of new body-worn camera programs while still remaining effective. Additionally, CJD may consider other factors in determining which programs to fund, such as geographic distribution, fairness among different sizes of population areas, need based on crime rate or other similar factors, including economic factors. If the interest in grant funds exceeds available funding, CJD may not fund all applications or may only award part of the amount requested.

Announcements

After CJD makes initial funding decisions, each department will receive a notice that the applicant may proceed to final application, including any funding limits or other parameters that the applicant may need to consider whether to complete the final application process. While the decision to fund a program represents a good-faith offer, if CJD later determines that there are issues with a particular agency or application, finds that costs are not reasonable, that the agency represents an undue risk, or if funds

CJD Funding Announcement: Body-Worn Camera Program

become unavailable, CJD reserves the right to not fund the application. Applicants should expect to hear from CJD on or around January 18, 2016.

Step 5: Apply via eGrants

Basics

To apply to CJD for these grants, you must complete or make sure you have already completed some standard requirements. All of the following are needed to apply within eGrants:

- Applicants must have a DUNS (Data Universal Numbering System) number assigned to its agency (to request a DUNS number, go to <http://fedgov.dnb.com/webform/displayHomePage.do>).
- Applicants must be registered in the federal System for Award Management (SAM) database located at <https://www.sam.gov/> and maintain an active registration throughout the grant period.
- Applicants must have or register for an account in eGrants at <https://egrants.gov.texas.gov/>.

Rolling Application and Award Process

CJD understands that some departments may choose to delay their body-worn camera programs to take the time needed to carefully consider their policies and training programs or to identify matching funds. As a result, CJD will process grant applications that are submitted through eGrants as they arrive. While CJD will work to process applications as quickly as possible, applicants should plan to expect a four to six week review and approval period following submission of the application. The open period for applications is January 20 through July 15, 2016.

District Attorney Coordination Letter

Before an applicant can receive reimbursement funds, they must upload a letter from the local district attorney expressing that they actively use the evidence created through the use of body cameras and will participate in the law enforcement agency's BWC policy development. More information and a sample resolution are available at <http://gov.texas.gov/cjd/bodycams>.

Governing Board Letter

Before an applicant can receive reimbursement funds, they must upload a copy of a resolution from their governing body designating an individual as the responsible official for the grant, committing to work with the District Attorney in the development of BWC policies and trainings and granting access to video evidence. The resolution must also contain a commitment to maintain the cameras and equipment purchased under the grant for at least three years, and an estimated budget needed to accomplish that. More information and a sample resolution are available at <http://gov.texas.gov/cjd/bodycams>.

Step 6: Accept the Award

Applicants that receive funding through the final award process will need to follow the instructions found within the award to accept the grant officially. CJD cannot reimburse grantees for funds until all training is provided and policies are in place (see Step 3). As a result, awards may include conditions requiring those activities to be completed and certified to CJD prior to release of funds.

Appendix: Research and Reference Material on Body-Worn Camera Programs

The Bureau of Justice Assistance has developed a Body-Worn Camera Toolkit that serves as a clearinghouse for information and available research on these programs. The toolkit includes a large set of reports and information including guidance, research, and project evaluations.

The toolkit can be found at: <https://www.bja.gov/bwc/>

Much of the information below about resources is excerpted from BJA's toolkit.

Resource Highlights

There are several useful resources on body-worn cameras (BWC). The Police Executive Research Forum (PERF) and the Office of Community Oriented Policing Services (COPS) Office published a report in 2014 that examined key issues and offered policy recommendations. The report was based on survey responses from 254 agencies, interviews with 40 law enforcement executives who have implemented BWCs, and outcomes from a one-day conference held on September 11, 2013, that included more than 200 law enforcement executives, scholars, and experts. In April 2014, the Office of Justice Programs Diagnostic Center published a report that described the core issues surrounding the technology and examined the state of research on those issues (White, 2014). In March 2014, the National Institute of Justice (NIJ) published a market survey that compared BWC vendors across a range of categories. There is also a growing number of published evaluations that examine the implementation, impact, and consequences of body-worn cameras. The BJA web site and toolkit is intended to be a clearinghouse of the latest available research, reports, and knowledge on the technology.

For additional information, see:

- BJA offers a variety of technology resources including a Market Survey on Body-Worn Cameras compares the different commonly available cameras against a variety of technology capabilities. <https://www.bja.gov/bwc/Topics-Technology.html>
- Police Executive Research Forum (PERF) for the Office of Community Oriented Policing Services, Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned: <http://www.justice.gov/iso/opa/resources/472014912134715246869.pdf>
- Office of Justice Programs Diagnostic Center, Police Officer Body-Worn Cameras: Assessing the Evidence: <https://ojpdiagnosticcenter.org/sites/default/files/spotlight/download/Police%20Officer%20Body-Worn%20Cameras.pdf>
- National Law Enforcement and Corrections Technology Center (NLECTC) for the National Institute of Justice, Primer on Body-Worn Cameras for Law Enforcement: <https://www.justnet.org/pdf/00-Body-Worn-Cameras-508.pdf>

About CJD

Our mission at the Criminal Justice Division is to direct much needed resources to those who are committed to making Texas a safer place and those who help victims of crime to recover and feel safe again. In carrying out this mission, we are committed to helping our grantees by actively finding ways for them to accomplish their goals and by making sure that we always have our eye to identifying the approaches that work best. We envision positive and beneficial working relationships with our grantees where we provide as much assistance as is needed and where we are always ready with answers, not burdensome restrictions or requirements.

CJD is providing over \$250 million in funding to hundreds of organizations during state fiscal year 2016 for juvenile justice, delinquency prevention, victims services, law enforcement, prosecution, courts, specialty courts, prevention of child sex trafficking, and other types of projects to benefit Texans.

AGENDA ITEM #8

RESOLUTION 2015- _____

A RESOLUTION OF THE CITY OF KINGSVILLE ACKNOWLEDGING THE CITY'S PARTICIPATION IN A DEFERRED COMPENSATION PLAN ADMINISTERED BY ICMA RETIREMENT CORPORATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville has employees rendering valuable services; and

WHEREAS, the establishment of deferred compensation plan options for such employee serves the interest of the City of Kingsville by enabling it to provide options for a reasonable retirement security for its employees, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

WHEREAS, the City of Kingsville has determined that the establishment of an additional deferred compensation plan to be administered by the ICMA Retirement Corporation serves the above objectives; and

WHEREAS, the City of Kingsville desires that this deferred compensation plan be administered by the ICMA Retirement Corporation, and that some or all of the funds held under such plan be invested in VantageTrust, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plan;

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

I.

THAT the City Commission approves the addition of a deferred compensation plan to its benefits offered to City of Kingsville employees in the form of:

The ICMA Retirement Corporation Deferred Compensation Plan and Trust, referred to as Appendix A

II.

THAT the City of Kingsville hereby approves the Declaration of Trust of VantageTrust, attached hereto as Appendix B, intending this approval to be operative with respect to any retirement or deferred compensation plan subsequently established by the City of Kingsville, if the assets of the plan are to be invested in Vantage Trust.

III.

THAT the assets of the Plan shall be held in trust, with the City of Kingsville serving as trustee, for the exclusive benefit of the Plan participants and their beneficiaries, and the assets shall not be diverted to any other purpose.

IV.

THAT the City of Kingsville hereby agrees to serve as trustee under the Plan.

VII.

THAT the City Manager shall be the coordinator for this program; shall receive necessary reports, notices, etc. from ICMA Retirement Corporation or VantageTrust; shall cast, on behalf of the Employer, any required votes under VantageTrust; may assign administrative duties to carry out the plan to the appropriate department, and is authorized to execute all necessary amendments and agreements with ICMA Retirement Corporation incidental to the administration of the Plan.

VIII.

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

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

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

Approved As to Form:

Courtney Alvarez, City Attorney

APPENDIX A

457 Governmental Deferred Compensation Plan & Trust



DEFERRED COMPENSATION PLAN AND TRUST

As Amended and Restated Effective January 1, 2006

Article I. Purpose

The Employer hereby establishes and maintains the Employer's Deferred Compensation Plan and Trust, hereafter referred to as the "Plan." The Plan consists of the provisions set forth in this document.

The primary purpose of this Plan is to provide retirement income and other deferred benefits to the Employees of the Employer and the Employees' Beneficiaries in accordance with the provisions of Section 457 of the Internal Revenue Code of 1986, as amended (the "Code").

This Plan shall be an agreement solely between the Employer and participating Employees. The Plan and Trust forming a part hereof are established and shall be maintained for the exclusive benefit of Participants and their Beneficiaries. No part of the corpus or income of the Trust shall revert to the Employer or be used for or diverted to purposes other than the exclusive benefit of Participants and their Beneficiaries.

Article II. Definitions

- 2.01 Account.** The bookkeeping account maintained for each Participant reflecting the cumulative amount of the Participant's Deferred Compensation, including any income, gains, losses, or increases or decreases in market value attributable to the Employer's investment of the Participant's Deferred Compensation, and further reflecting any distributions to the Participant or the Participant's Beneficiary and any fees or expenses charged against such Participant's Deferred Compensation.
- 2.02 Accounting Date.** Each business day that the New York Stock Exchange is open for trading, as provided in Section 6.06 for valuing the Trust's assets.
- 2.03 Administrator.** The person or persons named in writing to carry out certain nondiscretionary administrative functions under the Plan, as hereinafter described. The Employer may remove any person as Administrator upon 75 days' advance notice in writing to such person, in which case the Employer shall name another person or persons to act as Administrator. The Administrator may resign upon 75 days' advance notice in writing to the Employer, in which case the Employer shall name another person or persons to act as Administrator.
- 2.04 Automatic Distribution Date.** April 1 of the calendar year after the Plan Year the Participant attains age 70½ or, if later, has a Severance Event.
- 2.05 Beneficiary.** The person or persons designated by the Participant in his or her Joinder Agreement who shall receive any benefits payable hereunder in the event of the Participant's death. In the event that the Participant names two or more Beneficiaries, each Beneficiary shall be entitled to equal shares of the benefits payable at the Participant's death, unless otherwise provided in the Participant's Joinder Agreement. If no beneficiary is designated in the Joinder Agreement, if the Designated Beneficiary predeceases the Participant, or if the designated Beneficiary does not survive the Participant for a period of fifteen (15) days, then the estate of the Participant shall be the Beneficiary. If a married Participant resides in a community or marital property state, the Participant shall be responsible for obtaining appropriate consent of his or her spouse in the event the Participant designates someone other than his or her spouse as Beneficiary. The preceding sentence shall not apply with respect to a Deemed IRA under Article IX.
- 2.06 Deemed IRA.** A separate account or annuity established under the Plan that complies with the requirements of Section 408(q) of the Code, the Income Tax Regulations thereunder, and any other IRS guidance.

- 2.07 Deferred Compensation.** The amount of Includible Compensation otherwise payable to the Participant which the Participant and the Employer mutually agree to defer hereunder, any amount credited to a Participant's Account by reason of a transfer under Section 6.09 or 6.10, a rollover under Section 6.11, or any other amount which the Employer agrees to credit to a Participant's Account.
- 2.08 Dollar Limitation.** The applicable dollar amount within the meaning of Section 457(b)(2)(A) of the Code, as adjusted for the cost-of-living in accordance with Section 457(e)(15) of the Code.
- 2.09 Employee.** Any individual who provides services for the Employer, whether as an employee of the Employer or as an independent contractor, and who has been designated by the Employer as eligible to participate in the Plan.
- 2.10 Employer.** _____, which is a political subdivision, agency or instrumentality of the [State/Commonwealth] of _____, described in Section 457(e)(1)(A) of the Code.
- 2.11 457 Catch-Up Dollar Limitation.** Twice the Dollar Limitation.
- 2.12 Includible Compensation.** Includible Compensation of a Participant means "compensation," as defined in Section 415(c)(3) of the Code, for services performed for the Employer. Includible Compensation shall be determined without regard to any community property laws. For purposes of a Participant's Joinder Agreement only and not for purposes of the limitations in Article V, Includible Compensation shall include pre-tax contributions (excluding direct employer contributions) to an integral part trust of the employer providing retiree health care benefits.
- 2.13 Joinder Agreement.** An agreement entered into between an Employee and the Employer, including any amendments or modifications thereof. Such agreement shall fix the amount of Deferred Compensation, specify a preference among the investment alternatives designated by the Employer, designate the Employee's Beneficiary or Beneficiaries, and incorporate the terms, conditions, and provisions of the Plan by reference.
- 2.14 Normal Limitation.** The maximum amount of Deferred Compensation for any Participant for any taxable year (other than amounts referred to in Sections 6.09, 6.10, and 6.11).
- 2.15 Normal Retirement Age.** Age 70½, unless the Participant has elected an alternate Normal Retirement Age by written instrument delivered to the Administrator prior to a Severance Event. A Participant's Normal Retirement Age determines the period during which a Participant may utilize the 457 Catch-Up Dollar Limitation of Section 5.02(b) hereunder. Once a Participant has to any extent utilized the catch-up limitation of Section 5.02(b), his Normal Retirement Age may not be changed.

A Participant's alternate Normal Retirement Age may not be earlier than the earliest date that the Participant will become eligible to retire and receive immediate, unreduced retirement benefits under the Employer's basic defined benefit retirement plan covering the Participant (or a money purchase pension plan in which the Participant also participates if the Participant is not eligible to participate in a defined benefit plan), and may not be later than the date the Participant will attain age 70½. If the Participant will not become eligible to receive benefits under a basic defined benefit retirement plan (or money purchase pension plan, if applicable) maintained by the Employer, the Participant's alternate Normal Retirement Age may not be earlier than 65 and may not be later than age 70½. In no event may a Participant's normal retirement age be different than the normal retirement age under the Employer's other 457(b) plans, if any.

In the event the Plan has Participants that include qualified police or firefighters (as defined under Section 415(b)(2)(H)(ii)(I) of the Code), a normal retirement age may be designated for such qualified police or firefighters that is not earlier than age 40 or later than age 70½. Alternatively, qualified police or firefighters may be permitted to designate a normal retirement age that is between age 40 and age 70½.

- 2.16 Participant.** Any Employee who has joined the Plan pursuant to the requirements of Article IV. For purposes of section 6.11 of the Plan, the term Participant includes an employee or former Employee of the Employer who has not yet received all of the payments of benefits to which he/she is entitled under the Plan.
- 2.17 Percentage Limitation.** 100 percent of the participant's Includible Compensation available to be contributed as Deferred Compensation for the taxable year.
- 2.18 Plan Year.** The calendar year.
- 2.19 Retirement.** The first date upon which both of the following shall have occurred with respect to a participant: Severance Event and attainment of age 65.
- 2.20 Severance Event.** A severance of the Participant's employment with the Employer within the meaning of Section 457(d)(1)(A)(ii) of the Code.
- In general, a Participant shall be deemed to have experienced a Severance Event for purposes of this Plan when, in accordance with the established practices of the Employer, the employment relationship is considered to have actually terminated. In the case of a Participant who is an independent contractor of the Employer, a Severance Event shall be deemed to have occurred when the Participant's contract under which services are performed has completely expired and terminated, there is no foreseeable possibility that the Employer will renew the contract or enter into a new contract for the Participant's services, and it is not anticipated that the Participant will become an Employee of the Employer, or such other events as may be permitted under the Code.
- 2.21 Trust.** The Trust created under Article VI of the Plan which shall consist of all compensation deferred under the Plan, plus any income and gains thereon, less any losses, expenses and distributions to Participants and Beneficiaries.

Article III. Administration

- 3.01 Duties of the Employer.** The Employer shall have the authority to make all discretionary decisions affecting the rights or benefits of Participants which may be required in the administration of this Plan. The Employer's decisions shall be afforded the maximum deference permitted by applicable law.
- 3.02 Duties of Administrator.** The Administrator, as agent for the Employer, shall perform nondiscretionary administrative functions in connection with the Plan, including the maintenance of Participants' Accounts, the provision of periodic reports of the status of each Account, and the disbursement of benefits on behalf of the Employer in accordance with the provisions of this Plan.

Article IV. Participation in the Plan

- 4.01 Initial Participation.** An Employee may become a Participant by entering into a Joinder Agreement prior to the beginning of the calendar month in which the Joinder Agreement is to become effective to defer compensation not yet earned, or such other date as may be permitted under the Code. A new employee may defer compensation in the calendar month during which he or she first becomes an employee if a Joinder Agreement is entered into on or before the first day on which the employee performs services for the Employer.
- 4.02 Amendment of Joinder Agreement.** A Participant may amend an executed Joinder Agreement to change the amount of Includible Compensation not yet earned which is to be deferred (including the reduction of such future deferrals to zero). Such amendment shall become effective as of the beginning of the calendar month commencing after the date the amendment is executed, or such other date as may be permitted under the Code. A Participant may at any time amend his or her Joinder Agreement to change the designated Beneficiary, and such amendment shall become effective immediately.

Article V. Limitations on Deferrals

5.01 Normal Limitation. Except as provided in Section 5.02, the maximum amount of Deferred Compensation for any Participant for any taxable year, shall not exceed the lesser of the Dollar Limitation or the Percentage Limitation.

5.02 Catch-Up Limitations.

- (a) *Catch-up Contributions for Participants Age 50 and Over.* A Participant who has attained the age of 50 before the close of the Plan Year, and with respect to whom no other elective deferrals may be made to the Plan for the Plan Year by reason of the Normal Limitation of Section 5.01, may enter into a Joinder Agreement to make elective deferrals in addition to those permitted by the Normal Limitation in an amount not to exceed the lesser of:
- (1) The applicable dollar amount as defined in Section 414(v)(2)(B) of the Code, as adjusted for the cost-of-living in accordance with Section 414(v)(2)(C) of the Code; or
 - (2) The excess (if any) of
 - (i) The Participant's Includible Compensation for the year, or
 - (ii) Any other elective deferrals of the Participant for such year which are made without regard to this Section 5.02(a).

An additional contribution made pursuant to this Section 5.02(a) shall not, with respect to the year in which the contribution is made, be subject to any otherwise applicable limitation contained in Section 5.01 above, or be taken into account in applying such limitation to other contributions or benefits under the Plan or any other plan. This Section 5.02(a) shall not apply in any year to which a higher limit under Section 5.02(b) applies.

- (b) *Last Three Years Catch-up Contribution:* For each of the last three (3) taxable years for a Participant ending before his or her attainment of Normal Retirement Age, the maximum amount of Deferred Compensation shall be the lesser of:
- (1) The 457 Catch-Up Dollar Limitation, or
 - (2) The sum of
 - (i) The Normal Limitation for the taxable year, and
 - (ii) The Normal Limitation for each prior taxable year of the Participant commencing after 1978 less the amount of the Participant's Deferred Compensation for such prior taxable years. A prior taxable year shall be taken into account under the preceding sentence only if (x) the Participant was eligible to participate in the Plan for such year, and (y) compensation (if any) deferred under the Plan (or such other plan) was subject to the Normal Limitation.

5.03 Sick, Vacation and Back Pay. If the Employer so elects, a Participant may defer all or a portion of the value of the Participant's accumulated sick pay, accumulated vacation pay and/or back pay, provided that such deferral does not cause total deferrals on behalf of the Participant to exceed the Dollar Limitation or Percentage Limitation (including any Catch-up Dollar Limitation) for the year of deferral. The election to defer such sick, vacation and/or back pay must be made in a manner and at a time permitted under Section 1.457-4(d) of the Income Tax Regulations.

For Plan Years beginning before January 1, 2009, pursuant to proposed IRS regulations issued under Section 415 of the Code, the Plan may permit deferrals from compensation, including sick, vacation and back pay, so long as the amounts are paid within 2½ months following severance from employment and the other requirements of Sections

457(b) and 415 of the Code are met. For Plan Years beginning on or after January 1, 2009, pursuant to final IRS regulations issued under Section 415 of the Code, the Plan may permit deferrals from compensation, including sick, vacation and back pay, so long as the amounts are paid by the later of: (i) 2½ months following severance from employment, and (ii) the end of the calendar year that includes the date of such severance from employment, and the other requirements of Sections 457(b) and 415 of the Code are met. Additionally, the agreement to defer such amounts must be entered into prior to the first day of the month in which the amounts otherwise would be paid or made available.

- 5.04 Other Plans.** Notwithstanding any provision of the Plan to the contrary, the amount excludible from a Participant's gross income under this Plan or any other eligible deferred compensation plan under Section 457(b) of the Code shall not exceed the limits set forth in Sections 457(b) and 414(v) of the Code.
- 5.05 Excess Deferrals.** Any amount that exceeds the maximum Dollar Limitation or Percentage Limitation (including any applicable Catch-Up Dollar Limitation) for a taxable year, shall constitute an excess deferral for that taxable year. Any excess deferral shall be distributed in accordance with the requirements for excess deferrals under the Code and Section 1.457-4(e) of the Income Tax Regulations or other applicable Internal Revenue Service guidance.
- 5.06 Protection of Person Who Serves in a Uniformed Service.** An Employee whose employment is interrupted by qualified military service under Section 414(u) of the Code or who is on leave of absence for qualified military service under Section 414(u) of the Code may elect to contribute additional Deferred Compensation upon resumption of employment with the Employer equal to the maximum Deferred Compensation that the Employee could have elected during that period if the Employee's employment with the Employer had continued (at the same level of Includible Compensation) without the interruption or leave, reduced by Deferred Compensation, if any, actually made for the Employee during the period of the interruption or leave. This right applies for five years following the resumption of employment (or, if sooner, for a period equal to three times the period of the interruption or leave).

Article VI. Trust and Investment of Accounts

- 6.01 Investment of Deferred Compensation.** A Trust is hereby created to hold all the assets of the Plan (except Deemed IRA contributions and earnings thereon held pursuant to Article IX) for the exclusive benefit of Participants and Beneficiaries, except that expenses and taxes may be paid from the Trust as provided in Section 6.03. The trustee shall be the Employer or such other person that agrees to act in that capacity hereunder.
- 6.02 Investment Powers.** The trustee or the Administrator, acting as agent for the trustee, shall have the powers listed in this Section with respect to investment of Trust assets, except to the extent that the investment of Trust assets is directed by Participants, pursuant to Section 6.05 or to the extent that such powers are restricted by applicable law.
- (a) To invest and reinvest the Trust without distinction between principal and income in common or preferred stocks, shares of regulated investment companies and other mutual funds, bonds, loans, notes, debentures, certificates of deposit, contracts with insurance companies including but not limited to insurance, individual or group annuity, deposit administration, guaranteed interest contracts, and deposits at reasonable rates of interest at banking institutions including but not limited to savings accounts and certificates of deposit. Assets of the Trust may be invested in securities that involve a higher degree of risk than investments that have demonstrated their investment performance over an extended period of time.
 - (b) To invest and reinvest all or any part of the assets of the Trust in any common, collective or commingled trust fund that is maintained by a bank or other institution and that is available to Employee plans described under Sections 457 or 401 of the Code, or any successor provisions thereto, and during the period of time that an investment through any such medium shall exist, to the extent of participation of the Plans the declaration of trust of such commonly collective, or commingled trust fund shall constitute a part of this Plan.
 - (c) To invest and reinvest all or any part of the assets of the Trust in any group annuity, deposit administration or guaranteed interest contract issued by an insurance company or other financial institution on a commingled

or collective basis with the assets of any other 457 plan or trust qualified under Section 401(a) of the Code or any other plan described in Section 401(a)(24) of the Code, and such contract may be held or issued in the name of the Administrator, or such custodian as the Administrator may appoint, as agent and nominee for the Employer. During the period that an investment through any such contract shall exist, to the extent of participation of the Plan, the terms and conditions of such contract shall constitute a part of the Plan.

- (d) To hold cash awaiting investment and to keep such portion of the Trust in cash or cash balances, without liability for interest, in such amounts as may from time to time be deemed to be reasonable and necessary to meet obligations under the Plan or otherwise to be in the best interests of the Plan.
- (e) To hold, to authorize the holding of, and to register any investment to the Trust in the name of the Plan, the Employer, or any nominee or agent of any of the foregoing, including the Administrator, or in bearer form, to deposit or arrange for the deposit of securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository with other securities deposited therein by any other person, and to organize corporations or trusts under the laws of any jurisdiction for the purpose of acquiring or holding title to any property for the Trust, all with or without the addition of words or other action to indicate that property is held in a fiduciary or representative capacity but the books and records of the Plan shall at all times show that all such investments are part of the Trust.
- (f) Upon such terms as may be deemed advisable by the Employer or the Administrator, as the case may be, for the protection of the interests of the Plan or for the preservation of the value of an investment, to exercise and enforce by suit for legal or equitable remedies or by other action, or to waive any right or claim on behalf of the Plan or any default in any obligation owing to the Plan, to renew, extend the time for payment of, agree to a reduction in the rate of interest on, or agree to any other modification or change in the terms of any obligation owing to the Plan, to settle, compromise, adjust, or submit to arbitration any claim or right in favor of or against the Plans to exercise and enforce any and all rights of foreclosure, bid for property in foreclosure, and take a deed in lieu of foreclosure with or without paying consideration therefor, to commence or defend suits or other legal proceedings whenever any interest of the Plan requires it, and to represent the Plan in all suits or legal proceedings in any court of law or equity or before any body or tribunal.
- (g) To employ suitable consultants, depositories, agents, and legal counsel on behalf of the Plan.
- (h) To open and maintain any bank account or accounts in the name of the Plan, the Employer, or any nominee or agent of the foregoing, including the Administrator, in any bank or banks.
- (i) To do any and all other acts that may be deemed necessary to carry out any of the powers set forth herein.

6.03 Taxes and Expenses. All taxes of any and all kinds whatsoever that may be levied or assessed under existing or future laws upon the Plan, or in respect to the Trust, or the income thereof, and all commissions or acquisitions or dispositions of securities and similar expenses of investment and reinvestment of the Trust, shall be paid from the Trust. Such reasonable compensation of the Administrator, as may be agreed upon from time to time by the Employer and the Administrator, and reimbursement for reasonable expenses incurred by the Administrator in performance of its duties hereunder (including but not limited to fees for legal, accounting, investment and custodial services) shall also be paid from the Trust.

6.04 Payment of Benefits. The payment of benefits from the Trust in accordance with the terms of the Plan may be made by the Administrator, or by any custodian or other person so authorized by the Employer to make such disbursement. The Administrator, custodian or other person shall not be liable with respect to any distribution of Trust assets made at the direction of the Employer.

6.05 Investment Funds. In accordance with uniform and nondiscriminatory rules established by the Employer and the Administrator, the Participant may direct his or her Accounts to be invested in one (1) or more investment

funds available under the Plan; provided, however, that the Participant's investment directions shall not violate any investment restrictions established by the Employer. Neither the Employer, the Administrator, nor any other person shall be liable for any losses incurred by virtue of following such directions or with any reasonable administrative delay in implementing such directions.

- 6.06 Valuation of Accounts.** As of each Accounting Date, the Plan assets held in each investment fund offered shall be valued at fair market value and the investment income and gains or losses for each fund shall be determined. Such investment income and gains or losses shall be allocated proportionately among all Account balances on a fund-by-fund basis. The allocation shall be in the proportion that each such Account balance as of the immediately preceding Accounting Date bears to the total of all such Account balances as of that Accounting Date. For purposes of this Article, all Account balances include the Account balances of all Participants and Beneficiaries.
- 6.07 Participant Loan Accounts.** Participant loan accounts shall be invested in accordance with Section 8.03 of the Plan. Such Accounts shall not share in any investment income and gains or losses of the investment funds described in Sections 6.05 and 6.06.
- 6.08 Crediting of Accounts.** The Participant's Account shall reflect the amount and value of the investments or other property obtained by the Employer through the investment of the Participant's Deferred Compensation pursuant to Sections 6.05 and 6.06. It is anticipated that the Employer's investments with respect to a Participant will conform to the investment preference specified in the Participant's Joinder Agreement, but nothing herein shall be construed to require the Employer to make any particular investment of a Participant's Deferred Compensation. Each Participant shall receive periodic reports, not less frequently than annually, showing the then current value of his or her Account.
- 6.09 Post-Severance Transfers Among Eligible Deferred Compensation Plans.**

- (a) *Incoming Transfers:* A transfer may be accepted from an eligible deferred compensation plan maintained by another employer and credited to a Participant's or Beneficiary's Account under the Plan if:
- (1) In the case of a transfer for a Participant, the Participant has had a Severance Event with that employer and become an Employee of the Employer;
 - (2) The other employer's plan provides that such transfer will be made; and
 - (3) The Participant or Beneficiary whose deferred amounts are being transferred will have an amount immediately after the transfer at least equal to the deferred amount immediately before the transfer.

The Employer may require such documentation from the predecessor plan as it deems necessary to effectuate the transfer in accordance with Section 457(e)(10) of the Code, to confirm that such plan is an eligible deferred compensation plan within the meaning of Section 457(b) of the Code, and to assure that transfers are provided for under such plan. The Employer may refuse to accept a transfer in the form of assets other than cash, unless the Employer and the Administrator agree to hold such other assets under the Plan.

- (b) *Outgoing Transfers:* An amount may be transferred to an eligible deferred compensation plan maintained by another employer, and charged to a Participant's or Beneficiary's Account under this Plan, if:
- (1) In the case of a transfer for a Participant, the Participant has a Severance Event with the Employer and becomes an employee of the other employer;
 - (2) The other employer's plan provides that such transfer will be accepted;
 - (3) The Participant or Beneficiary and the employers have signed such agreements as are necessary to assure that the Employer's liability to pay benefits to the Participant has been discharged and assumed by the other employer; and

- (4) The Participant or Beneficiary whose deferred amounts are being transferred will have an amount immediately after the transfer at least equal to the deferred amount immediately before the transfer.

The Employer may require such documentation from the other plan as it deems necessary to effectuate the transfer, to confirm that such plan is an eligible deferred compensation plan within the meaning of Section 457(b) of the Code, and to assure that transfers are provided for under such plan. Such transfers shall be made only under such circumstances as are permitted under Section 457 of the Code and the regulations thereunder.

6.10 Transfers Among Eligible Deferred Compensation Plans of the Employer.

- (a) *Incoming Transfers.* A transfer may be accepted from another eligible deferred compensation plan maintained by the Employer and credited to a Participant's or Beneficiary's Account under the Plan if:
 - (1) The Employer's other plan provides that such transfer will be made;
 - (2) The Participant or Beneficiary whose deferred amounts are being transferred will have an amount immediately after the transfer at least equal to the deferred amount immediately before the transfer; and
 - (3) The Participant or Beneficiary whose deferred amounts are being transferred is not eligible for additional annual deferrals in the Plan unless the Participant or Beneficiary is performing services for the Employer.
- (b) *Outgoing Transfers.* A transfer may be accepted from another eligible deferred compensation plan maintained by the Employer and credited to a Participant's or Beneficiary's Account under the Plan if:
 - (1) The Employer's other plan provides that such transfer will be accepted;
 - (2) The Participant or Beneficiary whose deferred amounts are being transferred will have an amount immediately after the transfer at least equal to the deferred amount immediately before the transfer; and
 - (3) The Participant or Beneficiary whose deferred amounts are being transferred is not eligible for additional annual deferrals in the Employer's other eligible deferred compensation plan unless the Participant or Beneficiary is performing services for the Employer.

6.11 Eligible Rollover Distributions.

- (a) *Incoming Rollovers:* An eligible rollover distribution may be accepted from an eligible retirement plan and credited to a Participant's Account under the Plan. The Employer may require such documentation from the distributing plan as it deems necessary to effectuate the rollover in accordance with Section 402 of the Code and to confirm that such plan is an eligible retirement plan within the meaning of Section 402(c)(8)(B) of the Code. The Plan shall separately account (in one or more separate accounts) for eligible rollover distributions from any eligible retirement plan.
- (b) *Outgoing Rollovers:* Notwithstanding any provision of the Plan to the contrary that would otherwise limit a distributee's election under this Section, a distributee may elect, at the time and in the manner prescribed by the Administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.
- (c) *Definitions:*
 - (1) *Eligible Rollover Distribution:* An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not

include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under Sections 401(a)(9) and 457(d)(2) of the Code; and any distribution made as a result of an unforeseeable emergency of the employee. For purposes of distributions from other eligible retirement plans rolled over into this Plan, the term eligible rollover distribution shall not include the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities), such as after-tax contributions.

- (2) *Eligible Retirement Plan:* An eligible retirement plan is an individual retirement account described in Section 408(a) of the Code, an individual retirement annuity described in Section 408(b) of the Code, an annuity plan described in Sections 403(a) or 403(b) of the Code, a qualified trust described in Section 401(a) of the Code, or an eligible deferred compensation plan described in Section 457(b) of the Code which is maintained by an eligible governmental employer described in Section 457(e)(1)(A) of the Code, that accepts the distributee's eligible rollover distribution.
- (3) *Distributee:* A distributee includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Code, are distributees with regard to the interest of the spouse or former spouse.
- (4) *Direct Rollover:* A direct rollover is a payment by the plan to the eligible retirement plan specified by the distributee.

6.12 Trustee-to-Trustee Transfers to Purchase Permissive Service Credit. All or a portion of a Participant's Account may be transferred directly to the trustee of a defined benefit governmental plan (as defined in Section 414(d) of the Code) if such transfer is (a) for the purchase of permissive service credit (as defined in Section 415(n)(3)(A) of the Code) under such plan, or (b) a repayment to which Section 415 of the Code does not apply by reason of subsection (k)(3) thereof, within the meaning of Section 457(e)(17) of the Code.

6.13 Treatment of Distributions of Amounts Previously Rolled Over From 401(a) and 403(b) Plans and IRAs. For purposes of Section 72(e) of the Code, a distribution from this Plan shall be treated as a distribution from a qualified retirement plan described in Section 4974(c)(1) of the Code to the extent that such distribution is attributable to an amount transferred to an eligible deferred compensation plan from a qualified retirement plan (as defined in Section 4974(c) of the Code).

6.14 Employer Liability. In no event shall the Employer's liability to pay benefits to a Participant under this Plan exceed the value of the amounts credited to the Participant's Account; neither the Employer nor the Administrator shall be liable for losses arising from depreciation or shrinkage in the value of any investments acquired under this Plan.

Article VII. Benefits

7.01 Retirement Benefits and Election on Severance Event.

- (a) *General Rule:* Except as otherwise provided in this Article VII, the distribution of a Participant's Account shall commence as of a Participant's Automatic Distribution Date, and the distribution of such benefits shall be made in accordance with one of the payment options described in Section 7.02. Notwithstanding the foregoing, but subject to the following paragraphs of this Section 7.01, the Participant may elect following a Severance Event to have the distribution of benefits commence on a fixed determinable date other than that described in the preceding sentence, but not later than April 1 of the year following the year of the Participant's Retirement or attainment of age 70½, whichever is later. The Participant's right to change his or her election with respect to commencement of the distribution of benefits shall not be restrained by this Section 7.01.

Notwithstanding the foregoing, the Administrator, in order to ensure the orderly administration of this provision, may establish a deadline after which such election to defer the commencement of distribution of benefits shall not be allowed.

- (b) *Loans:* Notwithstanding the foregoing provisions of this Section 7.01, no election to defer the commencement of benefits after a Severance Event shall operate to defer the distribution of any amount in the Participant's loan account in the event of a default of the Participant's loan.

7.02 Payment Options. As provided in Sections 7.01, 7.04 and 7.05, a Participant may elect to have value of the Participant's Account distributed in accordance with one of the following payment options, provided that such option is consistent with the limitations set forth in Section 7.03:

- (a) Equal monthly, quarterly, semi-annual or annual payments in an amount chosen by the Participant, continuing until his or her Account is exhausted;
- (b) One lump-sum payment;
- (c) Approximately equal monthly, quarterly, semi-annual or annual payments, calculated to continue for a period certain chosen by the Participant;
- (d) Annual Payments equal to the minimum distributions required under Section 401(a)(9) of the Code, including the incidental death benefit requirements of Section 401(a)(9)(G), over the life expectancy of the Participant or over the life expectancies of the Participant and his or her Beneficiary;
- (e) Payments equal to payments made by the issuer of a retirement annuity policy acquired by the Employer;
- (f) A split distribution under which payments under options (a), (b), (c) or (e) commence or are made at the same time, as elected by the Participant under Section 7.01, provided that all payments commence (or are made) by the latest benefit commencement date permitted under Section 7.01;
- (g) Any other payment option elected by the Participant and agreed to by the Employer and Administrator.

A Participant's selection of a payment option under Subsections (a), (c), or (g) above may include the selection of an automatic annual cost-of living increase. Such increase will be based on the rise in the Consumer Price Index for All Urban Consumers (CPI-U) from the third quarter of the last year in which a cost-of-living increase was provided to the third quarter of the current year. Any increase will be made in periodic payment checks beginning the following January.

7.03 Limitation on Options. No payment option may be selected by a Participant under subsections 7.02(a) or (c) unless the amount of any installment is not less than \$100. No payment option may be selected by a Participant under Sections 7.02, 7.04, or 7.05 unless it satisfies the requirements of Sections 401(a)(9) and 457(d)(2) of the Code, including that payments commencing before the death of the Participant shall satisfy the incidental death benefit requirements under Section 401(a)(9)(G) of the Code.

7.04 Minimum Required Distributions. Notwithstanding any provision of the Plan to the contrary, the Plan shall comply with the minimum required distribution rules set forth in Sections 457(d)(2) and 401(a)(9) of the Code, including the incidental death benefit requirements of Section 401(a)(9)(G) of the Code.

7.05 Post-Retirement Death Benefits.

- (a) Should the Participant die after he or she has begun to receive benefits under a payment option, the remaining payments, if any, under the payment option shall continue until the Administrator receives notice of the Participant's death. Upon notification of the Participant's death, benefits shall be payable to the Participant's Beneficiary commencing not later than December 31 of the year following the year of the Participant's death, provided that the Beneficiary may elect to begin benefits earlier than that date.

- (b) In the event that the Beneficiary dies before the payment of death benefits has commenced or been completed, the remaining benefits payable under the payment option applicable to the Beneficiary shall, subject to the requirements set forth in Section 7.04, be paid to an additional beneficiary designated by the Beneficiary. If no additional beneficiary is named, payment shall be made to the Beneficiary's estate in a lump sum.
- (c) In the event that the Participant's estate is the Beneficiary, payment shall be made to the estate in a lump sum.

7.06 Pre-Retirement Death Benefits.

- (a) Should the Participant die before he or she has begun to receive the benefits provided by Section 7.01, the value of the Participant's Account shall be payable to the Beneficiary commencing not later than December 31 of the year following the year of the Participant's death, provided that the Beneficiary may elect to begin benefits earlier than that date.
- (b) In the event that the Beneficiary dies before the payment of death benefits has commenced or been completed, the remaining value of the Participant's Account shall be paid to the estate of the Beneficiary in a lump sum. In the event that the Participant's estate is the Beneficiary, payment shall be made to the estate in a lump sum.

7.07 Unforeseeable Emergencies.

- (a) In the event an unforeseeable emergency occurs, a Participant or Beneficiary may apply to the Employer to receive that part of the value of his or her Account that is reasonably needed to satisfy the emergency need. If such an application is approved by the Employer, the Participant or Beneficiary shall be paid only such amount as the Employer deems necessary to meet the emergency need, but payment shall not be made to the extent that the financial hardship may be relieved through cessation of deferral under the Plan, insurance or other reimbursement, or liquidation of other assets to the extent such liquidation would not itself cause severe financial hardship.
- (b) An unforeseeable emergency shall be deemed to involve only circumstances of severe financial hardship of a Participant or Beneficiary resulting from an illness or accident of the participant or beneficiary, the Participant's or Beneficiary's spouse, or the Participant's or Beneficiary's dependent (as defined in Section 152 of the Code, and, for taxable years beginning on or after January 1, 2005, without regard to Sections 152(b)(1), (b)(2), and (d)(1)(B) of the Code); loss of the Participant's or Beneficiary's property due to casualty (including the need to rebuild a home following damage to a home not otherwise covered by homeowner's insurance, e.g., as a result of a natural disaster); or other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the Participant or the Beneficiary. For example, the imminent foreclosure of or eviction from the Participant's or Beneficiary's primary residence may constitute an unforeseeable emergency. In addition, the need to pay for medical expenses, including non-refundable deductibles, as well as for the cost of prescription drug medication, may constitute an unforeseeable emergency. Finally, the need to pay for the funeral expenses of a spouse or a dependent (as defined in section 152 of the Code, and, for taxable years beginning on or after January 1, 2005, without regard to Sections 152(b)(1), (b)(2), and (d)(1)(B) of the Code) may also constitute an unforeseeable emergency. Except as otherwise specifically provided in this Section 7.07(b), the purchase of a home and the payment of college tuition are not unforeseeable emergencies.

7.08 In-Service Distribution of Rollover Contributions. Effective January 1, 2006, the Employer may elect to allow Participants to receive an in-service distribution of amounts attributable to rollover contributions to the Plan. If the Employer has elected to make such distributions available, a Participant that has a separate account attributable to rollover contributions to the Plan may at any time elect to receive a distribution of all or any portion of the amount held in the rollover account.

7.09 In-Service Distribution to Participants Age 70½ or Older. A Participant who has reached age 70½ and has not yet had a Severance Event, may, at any time, request a distribution of all or a part of his or her Account. A Participant may only receive two (2) such distributions pursuant to this Section 7.09 in any calendar year.

7.10 Distribution De Minimis Accounts. Notwithstanding the foregoing provisions of this Article VII:

- (a) *Mandatory Distribution.* If the value of a Participant's Account is less than \$1,000, the Participant's Account shall be paid to the Participant in a single lump sum distribution, provided that:
 - (1) No amount has been deferred under the Plan with respect to the Participant during the 2-year period ending on the date of the distribution; and
 - (2) There has been no prior distribution under the Plan to the Participant pursuant to this Section 7.10.
- (b) *Voluntary Distribution.* If the value of the Participant's Account is at least \$1,000 but not more than the dollar limit under Section 411(a)(11)(A) of the Code, the Participant may elect to receive his or her entire Account in a lump sum payment if:
 - (1) No amount has been deferred under the Plan with respect to the Participant during the 2-year period ending on the date of the distribution; and
 - (2) There has been no prior distribution under the Plan to the Participant pursuant to this Section 7.10.

Article VIII. Loans to Participants

8.01 Availability of Loans to Participants.

- (a) The Employer may elect to make loans available to Participants in this Plan. If the Employer has elected to make loans available to Participants, a Participant may apply for a loan from the Plan subject to the limitations and other provisions of this Article. However, no loans are available from Deemed IRAs.
- (b) The Employer shall establish written guidelines governing the granting of loans, provided that such guidelines are approved by the Administrator and are not inconsistent with the provisions of this Article, and that loans are made available to all Participants on a reasonably equivalent basis.

8.02 Terms and Conditions of Loans to Participants. Any loan by the Plan to a Participant under Section 8.01 of the Plan shall satisfy the following requirements:

- (a) *Availability.* Loans shall be made available to all Participants on a reasonably equivalent basis.
- (b) *Interest Rate.* Loans must be adequately secured and bear a reasonable interest rate.
- (c) *Loan Limit.* No Participant loan shall exceed the present value of the Participant's Account.
- (d) *Foreclosure.* In the event of default on any installment payment, the outstanding balance of the loan shall be a deemed distribution. In such event, an actual distribution of a plan loan offset amount will not occur until a distributable event occurs in the Plan.
- (e) *Reduction of Account.* Notwithstanding any other provision of this Plan, the portion of the Participant's Account balance used as a security interest held by the Plan by reason of a loan outstanding to the Participant shall be taken into account for purposes of determining the amount of the Account balance payable at the time of death or distribution, but only if the reduction is used as repayment of the loan.
- (f) *Amount of Loan.* At the time the loan is made, the principal amount of the loan plus the outstanding balance (principal plus accrued interest) due on any other outstanding loans to the Participant from the Plan and from all other plans of the Employer that are either eligible deferred compensation plans described in section 457(b) of the Code or qualified employer plans under Section 72(p)(4) of the Code shall not exceed the lesser of:

- (1) \$50,000, reduced by the excess (if any) of
 - (i) The highest outstanding balance of loans from the Plan during the one (1) year period ending on the day before the date on which the loan is made; or
 - (ii) The outstanding balance of loans from the Plan on the date on which such loan is made; or
- (2) One-half of the value of the Participant's interest in all of his or her Accounts under this Plan.
- (g) *Application for Loan.* The Participant must give the Employer adequate written notice, as determined by the Employer, of the amount and desired time for receiving a loan. No more than one (1) loan may be made by the Plan to a Participant's in any calendar year. No loan shall be approved if an existing loan from the Plan to the Participant is in default to any extent.
- (h) *Length of Loan.* Any loan issued shall require the Participant to repay the loan in substantially equal installments of principal and interest, at least monthly, over a period that does not exceed five (5) years from the date of the loan; provided, however, that if the proceeds of the loan are applied by the Participant to acquire any dwelling unit that is to be used within a reasonable time (determined at the time of the loan is made) after the loan is made as the principal residence of the Participant, the five (5) year limit shall not apply. In this event, the period of repayment shall not exceed a reasonable period determined by the Employer. Principal installments and interest payments otherwise due may be suspended for up to one (1) year during an authorized leave of absence, if the promissory note so provides, but not beyond the original term permitted under this subsection (h), with a revised payment schedule (within such term) instituted at the end of such period of suspension.
- (i) *Prepayment.* The Participant shall be permitted to repay the loan in whole or in part at any time prior to maturity, without penalty.
- (j) *Promissory Note.* The loan shall be evidenced by a promissory note executed by the Participant and delivered to the Employer, and shall bear interest at a reasonable rate determined by the Employer.
- (k) *Security.* The loan shall be secured by an assignment of the participant's right, title and interest in and to his or her Account.
- (l) *Assignment or Pledge.* For the purposes of paragraphs (f) and (g), assignment or pledge of any portion of the Participant's interest in the Plan and a loan, pledge, or assignment with respect to any insurance contract purchased under the Plan, will be treated as a loan.
- (m) *Other Terms and Conditions.* The Employer shall fix such other terms and conditions of the loan as it deems necessary to comply with legal requirements, to maintain the qualification of the Plan and Trust under Section 457 of the Code, or to prevent the treatment of the loan for tax purposes as a distribution to the Participant. The Employer, in its discretion for any reason, may also fix other terms and conditions of the loan, including, but not limited to, the provision of grace periods following an event of default, not inconsistent with the provisions of this Article and Section 72(p) of the Code, and any applicable regulations thereunder.

8.03 Participant Loan Accounts.

- (a) Upon approval of a loan to a Participant by the Employer, an amount not in excess of the loan shall be transferred from the Participant's other investment fund(s), described in Section 6.05 of the Plan, to the Participant's loan account as of the Accounting Date immediately preceding the agreed upon date on which the loan is to be made.

- (b) The assets of a Participant's loan account may be invested and reinvested only in promissory notes received by the Plan from the Participant as consideration for a loan permitted by Section 8.01 of the Plan or in cash. Uninvested cash balances in a Participant's loan account shall not bear interest. Neither the Employer, the Administrator, nor any other person shall be liable for any loss, or by reason of any breach, that results from the Participant's exercise of such control.
- (c) Repayment of principal and payment of interest shall be made by payroll deduction or, where repayment cannot be made by payroll deduction, by check, and shall be invested in one (1) or more other investment funds, in accordance with Section 6.05 of the Plan, as of the next Accounting Date after payment thereof to the Trust. The amount so invested shall be deducted from the Participant's loan account.
- (d) The Employer shall have the authority to establish other reasonable rules, not inconsistent with the provisions of the Plan, governing the establishment and maintenance of Participant loan accounts.

Article IX. Deemed IRAs

9.01 General. This Article IX of the Plan reflects section 602 of the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA"), as amended by the Job Creation and Worker Assistance Act of 2002. This Article is intended as good faith compliance with the requirements of EGTRRA and is to be construed in accordance with EGTRRA and guidance issued thereunder. This Article IX shall supersede the provisions of the Plan to the extent that those provisions are inconsistent with the provisions of this Article IX.

Effective for Plan Years beginning after December 31, 2002, the Employer may elect to allow Employees to make voluntary employee contributions to a separate account or annuity established under the Plan that complies with the requirements of Section 408(q) of the Code and any regulations promulgated thereunder (a "Deemed IRA"). The Plan shall establish a separate account for the designated Deemed IRA contributions of each Employee and any earnings properly allocable to the contributions, and maintain separate recordkeeping with respect to each such Deemed IRA.

9.02 Voluntary Employee Contributions. For purposes of this Article, a voluntary employee contribution means any contribution (other than a mandatory contribution within the meaning of Section 411(c)(2) of the Code) that is made by the Employee and which the Employee has designated, at or prior to the time of making the contribution, as a contribution to which this Article applies.

9.03 Deemed IRA Trust Requirements. This Article shall satisfy the trust requirement under Section 408(q) of the Code and the regulations thereto. IRAs established pursuant to this Article shall be held in one or more trusts or custodial accounts (the "Deemed IRA Trusts"), which shall be separate from the Trust established under the Plan to hold contributions other than Deemed IRA contributions. The Deemed IRA Trusts shall satisfy the applicable requirements of Sections 408 and 408A of the Code, which requirements are set forth in section 9.05 and 9.06, respectively, and shall be established with a trustee or custodian meeting the requirements of Section 408(a)(2) of the Code ("Deemed IRA Trustee"). To the extent that the assets of any Deemed IRAs established pursuant to this Article are held in a Deemed IRA Trust satisfying the requirements of this Section 9.03, such Deemed IRA Trust, and any amendments thereto, is hereby adopted as a trust maintained under this Plan with respect to the assets held therein, and the provisions of such Deemed IRA Trust shall control so long as any assets of any Deemed IRA are held thereunder.

9.04 Reporting Duties. The Deemed IRA Trustee shall be subject to the reporting requirements of Section 408(i) of the Code with respect to all Deemed IRAs that are established and maintained under the Plan.

9.05 Deemed Traditional IRA Requirements. Deemed IRAs established in the form of traditional IRAs shall satisfy the following requirements:

- (a) *Exclusive Benefit.* The Deemed IRA account shall be established for the exclusive benefit of an Employee or his or her Beneficiaries.

(b) *Maximum Annual Contributions.*

- (1) Except in the case of a rollover contribution (as permitted by Sections 402(c), 402(e)(6), 403(a)(4), 403(b)(8), 403(b)(10), 408(d)(3) and 457(e)(16) of the Code), no contributions will be accepted unless they are in cash, and the total of such contributions shall not exceed:

\$3,000 for any taxable year beginning in 2002 through 2004;
\$4,000 for any taxable year beginning in 2005 through 2007; and
\$5,000 for any taxable year beginning in 2008 and years thereafter.

After 2008, the limit will be adjusted by the Secretary of the Treasury for cost-of-living-increases under Section 219(b)(5)(C) of the Code. Such adjustments will be in multiples of \$500.

- (2) In the case of an Employee who is 50 or older, the annual cash contribution limit is increased by:

\$500 for any taxable year beginning in 2002 through 2005; and
\$1,000 for any taxable year beginning in 2006 and thereafter.

- (3) No contributions will be accepted under a SIMPLE IRA plan established by any employer pursuant to Section 408(p) of the Code. Also, no transfer or rollover of funds attributable to contributions made by a particular employer under its SIMPLE IRA plan will be accepted from a SIMPLE IRA, that is an IRA used in conjunction with a SIMPLE IRA plan, prior to the expiration of the 2-year period beginning on the date the Employee first participated in that employer's SIMPLE IRA plan.

- (c) *Collectibles.* If the Deemed IRA Trust acquires collectibles within the meaning of Section 408(m) of the Code after December 31, 1981, Deemed IRA Trust assets will be treated as a distribution in an amount equal to the cost of such collectibles.

- (d) *Life Insurance Contracts.* No part of the Deemed IRA Trust funds will be invested in life insurance contracts.

(e) *Minimum Required Distributions.*

- (1) Notwithstanding any provision of this Deemed IRA to the contrary, the distribution of the Employee's interest in the account shall be made in accordance with the requirements of Section 408(a)(6) of the Code and the Income Tax Regulations thereunder, the provisions of which are herein incorporated by reference. If distributions are made from an annuity contract purchased from an insurance company, distributions thereunder must satisfy the requirements of Q&A-4 of Section 1.401(a)(9)-6T of the Income Tax Regulations (or Section 1.401(a)(9)-6 of the Income Tax Regulations, as applicable), rather than paragraphs (2), (3) and (4) below and Section 9.05(f). The minimum required distributions calculated for this IRA may be withdrawn from another IRA of the Employee in accordance with Q&A-9 of Section 1.408-8 of the Income Tax Regulations.
- (2) The entire value of the account of the Employee for whose benefit the account is maintained will commence to be distributed no later than the first day of April following the calendar year in which such Employee attains age 70½ (the "required beginning date") over the life of such Employee or the lives of such Employee and his or her Beneficiary.
- (3) The amount to be distributed each year, beginning with the calendar year in which the Employee attains age 70½ and continuing through the year of death shall not be less than the quotient obtained by dividing the value of the IRA (as determined under section 9.05(f)(3)) as of the end of the preceding year by the distribution period in the Uniform Lifetime Table in Q&A-2 of Section 401(a)(9)-9 of the Income Tax Regulations, using the Employee's age of his or her birthday in the year. However, if the Employee's sole Beneficiary is his or her surviving spouse and such spouse is more than 10 years younger than the Employee, then the distribution period is determined under the Joint

and Last Survivor Table in Q&A-3 of Section 1.401(a)(9)-9 of the Income Tax Regulations, using the ages as of the Employee's and spouse's birthdays in the year.

- (4) The required minimum distribution for the year the Employee attains age 70½ can be made as late as April 1 of the following year. The required minimum distribution for any other year must be made by the end of such year.

(F) *Distribution Upon Death.*

- (1) *Death On or After Required Beginning Date.* If the Employee dies on or after the required beginning date, the remaining portion of his or her interest will be distributed at least as rapidly as follows:
- (i) If the Beneficiary is someone other than the Employee's surviving spouse, the remaining interest will be distributed over the remaining life expectancy of the Beneficiary, with such life expectancy determined using the Beneficiary's age as of his or her birthday in the year following the year of the Employee's death, or over the period described in paragraph (1)(iii) below if longer.
 - (ii) If the Employee's sole Beneficiary is the Employee's surviving spouse, the remaining interest will be distributed over such spouse's life or over the period described in paragraph (1)(iii) below if longer. Any interest remaining after such spouse's death will be distributed over such spouse's remaining life expectancy determined using the spouse's age as of his or her birthday in the year of the spouse's death, or, if the distributions are being made over the period described in paragraph (1)(iii) below, over such period.
 - (iii) If there is no Beneficiary, or if applicable by operation of paragraph (1)(i) or (1)(ii) above, the remaining interest will be distributed over the Employee's remaining life expectancy determined in the year of the Employee's death.
 - (iv) The amount to be distributed each year under paragraph (1)(i), (ii), or (iii), beginning with the calendar year following the calendar year of the Employee's death, is the quotient obtained by dividing the value of the IRA as of the end of the preceding year by the remaining life expectancy specified in such paragraph. Life expectancy is determined using the Single Life Table in Q&A-1 of Section 1.401(a)(9)-9 of the Income Tax Regulations. If distributions are being made to a surviving spouse as the sole Beneficiary, such spouse's remaining life expectancy for a year is the number in the Single Life Table corresponding to such spouse's age in the year. In all other cases, remaining life expectancy for a year is the number in the Single Life Table corresponding to the Beneficiary's or Employee's age in the year specified in paragraph 1(i), (ii), or (iii) and reduced by 1 for each subsequent year.
- (2) *Death Before Required Beginning Date.* If the Employee dies before the required beginning date, his or her entire interest will be distributed at least as rapidly as follows:
- (i) If the Beneficiary is someone other than the Employee's surviving spouse, the entire interest will be distributed, starting by the end of the calendar year following the calendar year of the Employee's death, over the remaining life expectancy of the Beneficiary, with such life expectancy determined using the age of the Beneficiary as of his or her birthday in the year following the year of the Employee's death, or, if elected, in accordance with paragraph (2)(iii) below.
 - (ii) If the Employee's sole Beneficiary is the Employee's surviving spouse, the entire interest will be distributed, starting by the end of the calendar year following the calendar year of the Employee's death (or by the end of the calendar year in which the Employee would have attained age 70½, if later), over such spouse's life, or, if elected, in accordance with paragraph (2)(iii) below. If the surviving spouse dies before distributions are required to begin, the

remaining interest will be distributed, starting by the end of the calendar year following the calendar year of the spouse's death, over the spouse's Beneficiary's remaining life expectancy determined using such Beneficiary's age as of his or her birthday in the year following the death of the spouse, or, if elected, will be distributed in accordance with paragraph (2)(iii) below. If the surviving spouse dies after distributions are required to begin, any remaining interest will be distributed over the spouse's remaining life expectancy determined using the spouse's age as of his or her birthday in the year of the spouse's death.

- (iii) If there is no Beneficiary, or if applicable by operation of paragraph (2)(i) or (2)(ii) above, the entire interest will be distributed by the end of the calendar year containing the fifth anniversary of the Beneficiary's death (or of the spouse's death in the case of the surviving spouse's death before distributions are required to begin under paragraph (2)(ii) above).
 - (iv) The amount to be distributed each year under paragraph (2)(i) or (ii) is the quotient to be obtained by dividing the value of the IRA as of the end of the preceding year by the remaining life expectancy specified in such paragraph. Life expectancy is determined using the Single Life Table in Q&A-1 of Section 1.401(a)(9)-9 of the Income Tax Regulations. If distributions are being made to a surviving spouse as the sole Beneficiary, such spouse's remaining life expectancy for a year is the number in the Single Life Table corresponding to the Beneficiary's age in the year specified in paragraph (2)(i) or (ii) and reduced by 1 for each subsequent year.
 - (v) The "value" of the IRA includes the amount of any outstanding rollover, transfer and recharacterization under Q&As-7 and -8 of Section 1.408-8 of the Income Tax Regulations.
 - (vi) If the sole Beneficiary is the Employee's surviving spouse, the spouse may elect to treat the IRA as his or her own IRA. This election will be deemed to have been made if such surviving spouse makes a contribution to the IRA or fails to take required distributions as a Beneficiary.
- (g) *Nonforfeitable.* The interest of an Employee in the balance in his or her Deemed IRA account is nonforfeitable at all times.
- (h) *Reporting.* The Deemed IRA Trustee of a Deemed Traditional IRA shall furnish annual calendar-year reports concerning the status of the Deemed IRA account and such information concerning required minimum distributions as is prescribed by the Commissioner of Internal Revenue.
- (i) *Substitution of Deemed IRA Trustee.* If the Deemed IRA Trustee is a non-bank trustee or custodian, the non-bank trustee or custodian shall substitute another trustee or custodian if the non-bank trustee or custodian receives notice from the Commissioner of Internal Revenue that such substitution is required because it has failed to comply with the requirements of Section 1.408-2(e) of the Income Tax Regulations and Section 1.408-2T of the Income Tax Regulations.

9.06 Deemed Roth IRA Requirements. Deemed IRAs established in the form of Roth IRAs shall satisfy the following requirements:

- (a) *Exclusive Benefit.* The Deemed Roth IRA shall be established for the exclusive benefit of an Employee or his or her Beneficiaries.
- (b) *Maximum Annual Contributions.*
 - (1) *Maximum Permissible Amount.* Except in the case of a qualified rollover contribution or recharacterization (as defined in (6) below), no contribution will be accepted unless it is in cash and the total of such contributions to all the Employee's Roth IRAs for a taxable year does not exceed

the applicable amount (as defined in (2) below), or the Employee's compensation (as defined in (8) below) if less, for that taxable year. The contribution described in the previous sentence that may not exceed the lesser of the applicable amount or the Employee's compensation is referred to as a "regular contribution." A "qualified rollover contribution" is a rollover contribution that meets the requirements of Section 408(d)(3) of the Code, except the one-rollover-per-year rule of Section 408(d)(3)(B) does not apply if the rollover contribution is from another IRA other than a Roth IRA (a "nonRoth IRA"). Contributions may be limited under (3) through (5) below.

(2) *Applicable Amount.* The applicable amount is determined under (i) or (ii) below:

(i) If the Employee is under age 50, the applicable amount is:

\$3,000 for any taxable year beginning in 2002 through 2004;
\$4,000 for any taxable year beginning in 2005 through 2007; and
\$5,000 for any taxable year beginning in 2008 and years thereafter.

(ii) If the Employee is 50 or older, the applicable amount is:

\$3,500 for any taxable year beginning in 2002 through 2004;
\$4,500 for any taxable year beginning in 2005;
\$5,000 for any taxable year beginning in 2006 through 2007; and
\$6,000 for any taxable year beginning in 2008 and years thereafter.

After 2008, the limits in paragraph (2)(i) and (ii) above will be adjusted by the Secretary of the Treasury for cost-of-living increases under Section 219(b)(5)(C) of the Code. Such adjustments will be in multiples of \$500.

(3) If (i) and/or (ii) below apply, the maximum regular contribution that can be made to all the Employee's Roth IRAs for the taxable year is the smaller amount determined under (i) or (ii).

(i) The maximum regular contribution is phased out ratably between certain levels of modified adjusted gross income ("modified AGI," defined in (7) below) in accordance with the following table:

Filing Status	Modified AGI		
	Full Contribution	Phase-out Range	No Contribution
Single or Head of Household	\$95,000 or less	Between \$95,000 and \$110,000	\$110,000 or more
Joint Return or Qualifying Widower	\$150,000 or less	Between \$150,000 and \$160,000	\$160,000 or more
Married-Separate Return	\$0	Between \$0 and \$10,000	\$10,000 or more

If the Employee's modified AGI for a taxable year is in the phase-out range, the maximum regular contribution determined under this table for that taxable year is rounded up to the next multiple of \$10 and not reduced below \$200.

- (ii) If the Employee makes regular contributions to both Roth and nonRoth IRAs for a taxable year, the maximum regular contribution that can be made to all the Employee's Roth IRAs for that taxable year is reduced by the regular contributions made to the Employee's nonRoth IRAs for the taxable year.
- (4) *Qualified Rollover Contribution Limit.* A rollover from a nonRoth IRA cannot be made to this IRA if, for the year the amount is distributed from the nonRoth IRA, (i) the Employee is married and files a separate return, (ii) the Employee is not married and has modified AGI in excess of \$100,000 or (iii) the Employee is married and together the Employee and the Employee's spouse have modified AGI in excess of \$100,000. For purposes of the preceding sentence, a husband and wife are not treated as married for a taxable year if they have lived apart at all times during that taxable year and file separate returns for the taxable year.
- (5) *SIMPLE IRA Limits.* No contributions will be accepted under a SIMPLE IRA plan established by any employer pursuant to Section 408(p) of the Code. Also, no transfer or rollover of funds attributable to contributions made by a particular employer under its SIMPLE IRA plan will be accepted from a SIMPLE IRA, that is, an IRA used in conjunction with a SIMPLE IRA plan, prior to the expiration of the 2-year period beginning on the date the Employee first participated in that employer's SIMPLE IRA plan.
- (6) *Recharacterization.* A regular contribution to a nonRoth IRA may be recharacterized pursuant to the rules in Section 1.408A-5 of the Income Tax Regulations as a regular contribution to this IRA, subject to the limits in (3) above.
- (7) *Modified AGI.* For purposes of (3) and (4) above, an Employee's modified AGI for a taxable year is defined in Section 408A(c)(3)(C)(i) of the Code and does not include any amount included in adjusted gross income as a result of a rollover from a nonRoth IRA (a "conversion").
- (8) *Compensation.* For purposes of (1) above, compensation is defined as wages, salaries, professional fees, or other amounts derived from or received for personal services actually rendered (including, but not limited to, commissions paid salesmen, compensation for services on the basis of a percentage of profits, commissions on insurance premiums, tips and bonuses) and includes earned income, as defined in Section 401(c)(2) of the Code (reduced by the deduction the self-employed individual takes for contributions made to a self-employed retirement plan). For purposes of this definition, Section 401(c)(2) of the Code shall be applied as if the term trade or business for purposes of Section 1402 of the Code included service described in subsection (c)(6). Compensation does not include amounts derived from or received as earnings or profits from property (including but not limited to interest and dividends) or amounts not includible in gross income. Compensation also does not include any amount received as a pension or annuity or as deferred compensation. The term "compensation" shall include any amount includible in the Employee's gross income under Section 71 of the Code with respect to a divorce or separation instrument described in subparagraph (A) of Section 71(b)(2) of the Code. In the case of a married Employee filing a joint return, the greater compensation of his or her spouse is treated as his or her own compensation but only to the extent that such spouse's compensation is not being used for purposes of the spouse making a contribution to a Roth IRA or a deductible contribution to a nonRoth IRA.
- (c) *Collectibles.* If the Deemed IRA Trust acquires collectibles within the meaning of Section 408(m) of the Code after December 31, 1981, Deemed IRA Trust assets will be treated as a distribution in an amount equal to the cost of such collectibles.

- (d) *Life Insurance Contracts.* No part of the Deemed IRA Trust funds will be invested in life insurance contracts.
- (e) *Distributions Before Death.* No amount is required to be distributed prior to the death of the Employee for whose benefit the account was originally established.
- (f) *Minimum Required Distributions.*
 - (1) Notwithstanding any provision of this IRA to the contrary, the distribution of the Employee's interest in the account shall be made in accordance with the requirements of Section 408(a)(6) of the Code, as modified by section 408A(c)(5), and the regulations thereunder, the provisions of which are herein incorporated by reference. If distributions are made from an annuity contract purchased from an insurance company, distributions thereunder must satisfy the requirements of section 1.401(a)(9)-6T of the Temporary Income Tax Regulations (taking into account Section 408A(c)(5) of the Code) (or Section 1.401(a)(9)-6 of the Income Tax Regulations, as applicable), rather than the distribution rules in paragraphs (2), (3) and (4) below.
 - (2) Upon the death of the Employee, his or her entire interest will be distributed at least as rapidly as follows:
 - (i) If the Beneficiary is someone other than the Employee's surviving spouse, the entire interest will be distributed, starting by the end of the calendar year following the year of the Employee's death, over the remaining life expectancy of the Beneficiary, with such life expectancy determined using the age of the beneficiary as of his or her birthday in the year following the year of the Employee's death, or, if elected, in accordance with paragraph (2)(iii) below.
 - (ii) If the Employee's sole Beneficiary is the Employee's surviving spouse, the entire interest will be distributed starting by the end of the calendar year following the calendar year of the Employee's death (or by the end of the calendar year in which the Employee would have attained age 70½, if later), over such spouse's life, or, if elected, in accordance with paragraph (2)(iii) below. If the surviving spouse dies before distributions are required to begin, the remaining interest will be distributed, starting by the end of the calendar year following the calendar year of the spouse's death, over the spouse's Beneficiary's remaining life expectancy determined using such Beneficiary's age as of his or her birthday in the year following the death of the spouse, or, if elected, will be distributed in accordance with paragraph (2)(iii) below. If the surviving spouse dies after distributions are required to begin, any remaining interest will be distributed over the spouse's remaining life expectancy determined using the spouse's age as of his or her birthday in the year of the spouse's death.
 - (iii) If there is no Beneficiary, or if applicable by operation of paragraph (2)(i) or (2)(ii) above, the entire interest will be distributed the end of the calendar year containing the fifth anniversary of the Employee's death (or of the spouse's death in the case of the surviving spouse's death before distributions are required to begin under paragraph 2(ii) above).
 - (iv) The amount to be distributed each year under paragraph (2)(i) or (ii) is the quotient obtained by dividing the value of the IRA as of the end of the preceding year by the remaining life expectancy specified in such paragraph. Life expectancy is determined using the Single Life Table in Q&A-1 of Section 1.401(a)(9)-9 of the Income Tax Regulations. If distributions are being made to a surviving spouse as the sole Beneficiary, such spouse's remaining life expectancy for a year is the number in the Single Life Table corresponding to such spouse's age in the year. In all other cases, remaining life expectancy for a year is the number in the Single Life Table corresponding to the Beneficiary's age in the year specified in paragraph (2)(i) or (ii) and reduced by 1 for each subsequent year.

- (3) The "value" of the IRA includes the amount of any outstanding rollover, transfer and recharacterization under Q&As-7 and -8 of Section 1.408-8 of the Income Tax Regulations.
- (4) If the sole Beneficiary is the Employee's surviving spouse, the spouse may elect to treat the IRA as his or her own IRA. This election will be deemed to have been made if such surviving spouse makes a contribution to the IRA or fails to take required distributions as a Beneficiary.
- (g) *Nonforfeitable.* The interest of an Employee in the balance in his or her account is nonforfeitable at all times.
- (h) *Reporting.* The Deemed IRA Trustee of a Deemed Roth IRA shall furnish annual calendar-year reports concerning the status of the Deemed IRA account and such information concerning required minimum distributions as is prescribed by the Commissioner of Internal Revenue.
- (i) *Substitution of Deemed IRA Trustee.* If the Deemed IRA Trustee is a non-bank trustee or custodian, the non-bank trustee or custodian shall substitute another trustee or custodian if the non-bank trustee or custodian receives notice from the Commissioner of Internal Revenue that such substitution is required because it has failed to comply with the requirements of Section 1.408-2(e) of the Income Tax Regulations and Section 1.408-2T of the Income Tax Regulations.

Article X. Non-Assignability

10.01 General. Except as provided in Article VIII and Section 10.02, no Participant or Beneficiary shall have any right to commute, sell, assign, pledge, transfer or otherwise convey or encumber the right to receive any payments hereunder, which payments and rights are expressly declared to be non-assignable and non-transferable.

10.02 Domestic Relations Orders.

- (a) *Allowance of Transfers.* To the extent required under a final judgment, decree, or order (including approval of a property settlement agreement) that (1) relates to the provision of child support, alimony payments, or marital property rights and (2) is made pursuant to a state domestic relations law, and (3) is permitted under Sections 414(p)(11) and (12) of the Code, any portion of a Participant's Account may be paid or set aside for payment to a spouse, former spouse, child, or other dependent of the Participant (an "Alternate Payee"). Where necessary to carry out the terms of such an order, a separate Account shall be established with respect to the Alternate Payee who shall be entitled to make investment selections with respect thereto in the same manner as the Participant. Any amount so set aside for an Alternate Payee shall be paid in accordance with the form and timing of payment specified in the order. Nothing in this Section shall be construed to authorize any amount to be distributed under the Plan at a time or in a form that is not permitted under Section 457(b) of the Code and is explicitly permitted under the uniform procedures described in Section 10.2(d) below. Notwithstanding the foregoing sentence, if a judgment, decree or order (including approval of a property settlement agreement) that relates to the provision of child support, alimony payments, or the marital property rights of a spouse or former spouse, child, or other dependent of a Participant is made pursuant to the domestic relations law of any State, then the amount of the Participant's Account shall be paid in the manner and to the person or persons so directed in the domestic relations order. Such payment shall be made without regard to whether the Participant is eligible for a distribution of benefits under the Plan. The Administrator shall establish reasonable procedures for determining the status of any such decree or order and for effectuating distribution pursuant to the domestic relations order. Any payment made to a person pursuant to this Section shall be reduced by any required income tax withholding.
- (b) *Release from Liability to Participant.* The Employer's liability to pay benefits to a Participant shall be reduced to the extent that amounts have been paid or set aside for payment to an Alternate Payee to paragraph (a) of this Section and the Participant and his or her Beneficiaries shall be deemed to have released the Employer and the Plan Administrator from any claim with respect to such amounts.

- (c) *Participation in Legal Proceedings.* The Employer and Administrator shall not be obligated to defend against or set aside any judgment, decree, or order described in paragraph (a) or any legal order relating to the garnishment of a Participant's benefits, unless the full expense of such legal action is borne by the Participant. In the event that the Participant's action (or inaction) nonetheless causes the Employer or Administrator to incur such expense, the amount of the expense may be charged against the Participant's Account and thereby reduce the Employer's obligation to pay benefits to the Participant. In the course of any proceeding relating to divorce, separation, or child support, the Employer and Administrator shall be authorized to disclose information relating to the Participant's Account to the Alternate Payee (including the legal representatives of the Alternate Payee), or to a court.
- (d) *Determination of Validity of Domestic Relations Orders.* The Administrator shall establish uniform procedures for determining the validity of any domestic relations order. The Administrator's determinations under such procedures shall be conclusive and binding on all parties and shall be afforded the maximum amount of deference permitted by law.

10.03 IRS Levy. Notwithstanding Section 10.01, the Administrator may pay from a Participant's or Beneficiary's Account balance the amount that the Administrator finds is lawfully demanded under a levy issued by the Internal Revenue Service with respect to that Participant or Beneficiary or is sought to be collected by the United States Government under a judgment resulting from an unpaid tax assessment against the Participant or Beneficiary.

10.04 Mistaken Contribution. To the extent permitted by applicable law, if any contribution (or any portion of a contribution) is made to the Plan by a good faith mistake of fact, then after the payment of the contribution, and upon receipt in good order of a proper request approved by the Administrator, the amount of the mistaken contribution (adjusted for any income or loss in value, if any, allocable thereto) shall be returned directly to the Participant or, to the extent required or permitted by the Administrator, to the Employer.

10.05 Payments to Minors and Incompetents. If a Participant or Beneficiary entitled to receive any benefits hereunder is a minor or is adjudged to be legally incapable of giving valid receipt and discharge for such benefits, or is deemed so by the Administrator, benefits will be paid to such persons as the Administrator may designate for the benefit of such Participant or Beneficiary. Such payments shall be considered a payment to such Participant or Beneficiary and shall, to the extent made, be deemed a complete discharge of any liability for such payments under the Plan.

10.06 Procedure When Distributee Cannot Be Located. The Administrator shall make all reasonable attempts to determine the identity and address of a Participant or a Participant's Beneficiary entitled to benefits under the Plan. For this purpose, a reasonable attempt means (a) the mailing by certified mail of a notice to the last known address shown on the Employer or Administrator's records, (b) notification sent to the Social Security Administration or the Pension Benefit Guarantee Corporation (under their program to identify payees under retirement plans), and (c) the payee has not responded within 6 months. If the Administrator is unable to locate such a person entitled to benefits hereunder, or if there has been no claim made for such benefits, the Trust shall continue to hold the benefits due such person.

Article XI. Relationship to Other Plans and Employment Agreements

This Plan serves in addition to any other retirement, pension, or benefit plan or system presently in existence or hereinafter established for the benefit of the Employer's employees, and participation hereunder shall not affect benefits receivable under any such plan or system. Nothing contained in this Plan shall be deemed to constitute an employment contract or agreement between any Participant and the Employer or to give any Participant the right to be retained in the employ of the Employer. Nor shall anything herein be construed to modify the terms of any employment contract or agreement between a Participant and the Employer.

Article XII. Amendment or Termination of Plan

The Employer may at any time amend this Plan provided that it transmits such amendment in writing to the Administrator at least 30 days prior to the effective date of the amendment. The consent of the Administrator shall not be required in order for

such amendment to become effective, but the Administrator shall be under no obligation to continue acting as Administrator hereunder if it disapproves of such amendment.

The Administrator may at any time propose an amendment to the Plan by an instrument in writing transmitted to the Employer at least 30 days before the effective date of the amendment. Such amendment shall become effective unless, within such 30-day period, the Employer notifies the Administrator in writing that it disapproves such amendment, in which case such amendment shall not become effective. In the event of such disapproval, the Administrator shall be under no obligation to continue acting as Administrator hereunder.

The Employer may at any time terminate this Plan. In the event of termination, assets of the Plan shall be distributed to Participants and Beneficiaries as soon as administratively practicable following termination of the Plan. Alternatively, assets of the Plan may be transferred to an eligible deferred compensation plan maintained by another eligible governmental employer within the same State if (a) all assets held by the Plan (other than Deemed IRAs) are transferred; (b) the receiving plan provides for the receipt of transfers; (c) the Participants and Beneficiaries whose deferred amounts are being transferred will have an amount immediately after the transfer at least equal to the deferred amount immediately before the transfer; and (d) the Participants or Beneficiaries whose deferred amounts are being transferred is not eligible for additional annual deferrals in the receiving plan unless the Participants or Beneficiaries are performing services for the employer maintaining the receiving plan.

Except as may be required to maintain the status of the Plan as an eligible deferred compensation plan under Section 457(b) of the Code or to comply with other applicable laws, no amendment or termination of the Plan shall divest any Participant of any rights with respect to compensation deferred before the date of the amendment or termination.

Article XIII. Applicable Law

This Plan and Trust shall be construed under the laws of the state where the Employer is located and is established with the intent that it meet the requirements of an "eligible deferred compensation plan" under Section 457(b) of the Code, as amended. The provisions of this Plan and Trust shall be interpreted wherever possible in conformity with the requirements of that Section of the Code.

In addition, notwithstanding any provision of the Plan to the contrary, the Plan shall be administered in compliance with the requirements of Section 414(u) of the Code.

Article XIV. Gender and Number

The masculine pronoun, whenever used herein, shall include the feminine pronoun, and the singular shall include the plural, except where the context requires otherwise.

ICMA-RC Services LLC, a wholly owned broker-dealer subsidiary of ICMA-RC, member FINRA/SIPC.



**ATTN.: RECORDS MANAGEMENT UNIT
P.O. BOX 96220
WASHINGTON, DC 20090-6220
1-800-669-7400
WWW.ICMARC.ORG
EN ESPAÑOL LLAME AL 1-800-669-8216**

BKT000-014-200902-454

APPENDIX B

DECLARATION OF TRUST

This Declaration of Trust (the "Group Trust Agreement") is made as of the 19th day of May, 2001, by VantageTrust Company, which declares itself to be the sole Trustee of the trust hereby created.

WHEREAS, the ICMA Retirement Trust was created as a vehicle for the commingling of the assets of governmental plans and governmental units described in Section 818(a)(6) of the Internal Revenue Code of 1986, as amended, pursuant to a Declaration of Trust dated October 4, 1982, as subsequently amended, a copy of which is attached hereto and incorporated by reference as set out below (the "ICMA Declaration"); and

WHEREAS, the trust created hereunder (the "Group Trust") is intended to meet the requirements of Revenue Ruling 81-100, 1981-1 C.B. 326, and is established as a common trust fund within the meaning of Section 391:1 of Title 35 of the New Hampshire Revised Statutes Annotated, to accept and hold for investment purposes the assets of the Deferred Compensation and Qualified Plans held by and through the ICMA Retirement Trust.

NOW, THEREFORE, the Group Trust is created by the execution of this Declaration of Trust by the Trustee and is established with respect to each Deferred Compensation and Qualified Plan by the transfer to the Trustee of such Plan's assets in the ICMA Retirement Trust, by the Trustees thereof, in accord with the following provisions:

- (a) *Incorporation of ICMA Declaration by Reference; ICMA By-Laws.* Except as otherwise provided in this Group Trust Agreement, and to the extent not inconsistent herewith, all provisions of the ICMA Declaration are incorporated herein by reference and made a part hereof, to be read by substituting the Group Trust for the Retirement Trust and the Trustee for the Board of Trustees referenced therein. In this respect, unless the context clearly indicates otherwise, all capitalized terms used herein and defined in the ICMA Declaration have the meanings assigned to them in the ICMA Declaration. In addition, the By-Laws of the ICMA Retirement Trust, as the same may be amended from time-to-time, are adopted as the By-Laws of the Group Trust to the extent not inconsistent with the terms of this Group Trust Agreement.

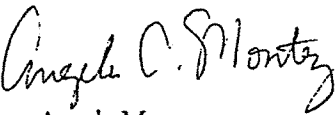
Notwithstanding the foregoing, the terms of the ICMA Declaration and By-Laws are further modified with respect to the Group Trust created hereunder, as follows:

- 1. any reporting, distribution, or other obligation of the Group Trust vis-à-vis any Deferred Compensation Plan, Qualified Plan, Public Employer, Public Employer Trustee, or Employer Trust shall be deemed satisfied to the extent that such obligation is undertaken by the ICMA Retirement Trust (in which case the obligation of the Group Trust shall run to the ICMA Retirement Trust); and
 - 2. all provisions dealing with the number, qualification, election, term and nomination of Trustees shall not apply, and all other provisions relating to trustees (including, but not limited to, resignation and removal) shall be interpreted in a manner consistent with the appointment of a single corporate trustee.
- (b) *Compliance with Revenue Procedure 81-100.* The requirements of Revenue Procedure 81-100 are applicable to the Group Trust as follows:
 - 1. Pursuant to the terms of this Group Trust Agreement and Article X of the By-Laws, investment in the Group Trust is limited to assets of Deferred Compensation and Qualified Plans, investing through the ICMA Retirement Trust.
 - 2. Pursuant to the By-Laws, the Group Trust is adopted as a part of each Qualified Plan that invests herein through the ICMA Retirement Trust.
 - 3. In accord with the By-Laws, that part of the Group Trust's corpus or income which equitably belongs to any Deferred Compensation and Qualified Plan may not be used for or diverted to any purposes other than for the exclusive benefit of the Plan's employees or their beneficiaries who are entitled to benefits under such Plan.

4. In accord with the By-Laws, no Deferred Compensation Plan or Qualified Plan may assign any or part of its equity or interest in the Group Trust, and any purported assignment of such equity or interest shall be void.
- (c) *Governing Law.* Except as otherwise required by federal, state or local law, this Declaration of Trust (including the ICMA Declaration to the extent incorporated herein) and the Group Trust created hereunder shall be construed and determined in accordance with applicable laws of the State of New Hampshire.
- (d) *Judicial Proceedings.* The Trustee may at any time initiate an action or proceeding in the appropriate state or federal courts within or outside the state of New Hampshire for the settlement of its accounts or for the determination of any question of construction which may arise or for instructions.

IN WITNESS WHEREOF, the Trustee has executed this Declaration of Trust as of the day and year first above written.

VANTAGETRUST COMPANY

By: 

Name: Angela Montez

Title: Assistant Secretary

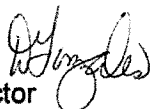
MEMORANDUM

From
The Human Resources Department

Date: November 18, 2015

To: Mr. Jesús A. Garza
City Manager

From: Diana Gonzales, SPHR
Human Resources Director



Subject: Addition of ICMA-RC to Employee Benefit Options

SUMMARY

International City/County Management Association Retirement Corporation (ICMA-RC) was founded in 1972 to help public sector employees build for retirement. ICMA-RC provides portable retirement benefit for city and county employees to enable them the opportunity to continue this type of benefit even if employees change employers within the public sector. According to ICMA-RC the company "serves more than a million participant accounts and about 9,000 plans across the country."

ICMA-RC offers retirement plan specialists to work with employees including opportunities to attend seminars, workshops, have mobile app access and individual consultations.

BACKGROUND INFORMATION

The City of Kingsville has offered deferred retirement plans since approved by City Commission on February 27, 1995 (Resolution # 95008). The plan became available to employees on March 9, 1995 with Public Employees Benefit Services Corporation (PEBSCO). The company subsequently became Nationwide Retirement Solutions which has continuously been serving City employees.

The addition of ICMA-RC to employee benefits does not negate or remove the existing plan with Nationwide. There are no restrictions in allowing more than one company to offer retirement savings plans to City of Kingsville employees.

This new plan will give employees a choice, an additional option, when selecting a secondary retirement savings plan aside from the City's retirement plan with Texas Municipal Retirement System (TMRS).

FINANCIAL IMPACT

No financial impact to City budgets. Contributions to secondary retirement plans are 100% employee contributions.

RECOMMENDATION

Add additional deferred compensation benefit offered by ICMA-RC to benefits offered to City of Kingsville employees.

AGENDA ITEM #9

AGENDA ITEM #10