

City of Kingsville, Texas

AGENDA CITY COMMISSION MONDAY, MAY 16, 2016 SPECIAL 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)

None.

APPROVED BY:



Jesús A. Garza
City Manager

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

1. None.

III. Reports from Commission & Staff.²

"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development , Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget 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 Items.³

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

V.

Consent Agenda

Notice to the Public

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to K.T. & I. Co, Block 17, Lot out of 11, 12 (Exempt), 5.85 acres (Exempt), also known as the southeast corner of 14th and Ailsie from R1-Single Family to C2-Retail District. (Planning & Development Services Director).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2015-2016 budget to accept and expend donations for the Parks Department for the pool. (Finance Director).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2015-2016 budget for Landfill expansion that includes Phase II of the landfill permit amendment and the construction and engineering of Sector 4. (Finance Director).
4. Motion to approve final passage of an ordinance amending the Fiscal Year 2015-2016 budget for the Texas Parks & Wildlife Community Outdoor Outreach Grant and to accept and expend donations for the Parks Department. (Finance Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider a resolution and order canvassing the election returns and declare the results of the City of Kingsville's General Election conducted on May 7, 2016. (City Secretary).

(CONSIDERE UNA RESOLUCIÓN Y ORDEN DE ESCRUTINIO DE LOS VOTOS DE LAS ELECCIONES, EN QUE SE DECLARAN LOS RESULTADOS DE LAS ELECCIONES GENERALES DE LA CIUDAD DE KINGSVILLE, LLEVADAS A CABO EL 7 DE MAYO DE 2016.) (SECRETARIA MUNICIPAL).

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.

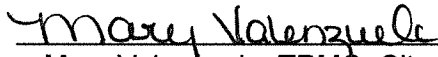
4. Items being considered by the Commission for action except citizens comments to the Mayor and Commission, no comment at this point without 5 affirmative votes of the Commission.

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:

May 12, 2016 at 4:00 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

CONSENT AGENDA

AGENDA ITEM #1

City of Kingsville
Department Planning and Development Services

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director

DATE: April 29, 2016

SUBJECT: Rezoning request from First Christian Church at 14th and Ailsle Avenue

Summary: The First Christian Church is requesting a rezone of their entire property for two reasons: A. There is a local veterinarian interested in building a vet clinic on the vacant ground to the south and B. The church officials feel that for the long term whether they stay there or not they believe that having the property zoned as C2 would be better for them if they wanted to sell.

Background: A local veterinarian is interested in building a vet clinic on the property and feels that the location would be good for business. The zoning map reflects C2 zoning across the street, to the north and northwest at the other corner of the intersection. In our zoning codes a church and a school can be built in R1 which I presume is the reason why the zoning wasn't changed in the beginning. While it may seem unusual to have a vet clinic near the high school, I believe that with the other possible C2 uses that this would be compatible that most other options. While not a rezoning issue I believe that appearance compatibility to the high school is important which would be addressed in the site plan review.

Financial Impact: The building of a commercial building on what is now vacant ground would have a positive impact on property taxes. At this point we see no issues concerning public works. What will be monitored and discussed at site plan review is vehicular traffic and pedestrian traffic as it relates to the commercial development.



City of Kingsville
Department Planning and Development Services

Recommendation: The Planning and Zoning Commission recommended approval with a 5 in favor, 1 abstention vote. Staff recommends approval of the rezoning request.



ORDINANCE #2016-_____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO K.T.&I. CO, BLOCK 17, LOT OUT OF 11, 12 (EXEMPT), 5.85 ACRES (EXEMPT), ALSO KNOWN AS SOUTHEAST CORNER OF 14TH AND AILSIE FROM R1-SINGLE FAMILY 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 agent Terry Neal on behalf of the First Christian Church, 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, April 20, 2016 during a meeting of the Planning and Zoning Commission, and on Monday, May 9, 2016 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 K.T.&I. CO, Block 17, Lot out of 11, 12 (Exempt), 5.85 Acres (Exempt), also known as southeast corner of 14th and Ailsie from R1-Single Family 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 9th day of May, 2016.

PASSED AND APPROVED on this the _____ day of May, 2016.

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

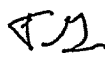
ATTEST:

Mary Valenzuela, City Secretary

APPROVED:

Courtney Alvarez, City Attorney

To: Planning and Zoning Commission

From: Tom Ginter, Director of Planning and Development Services 

Date: April 15, 2016

Subject: Agenda Item

The First Christian Church is requesting this rezoning because of their interest to sell a part of their property. It is my understanding that a veterinarian is interested in building a vet clinic on the property.

The zoning shows the zoning of R1, where the church is located and the ground just to the south of the church. The rest of the zoning is:

North C2
West C2
East R1 – KISD
South R1 – KISD

As you can see C2 is all around the corner which is usual especially with the vehicle traffic at that intersection. While it may seem unusual to have a vet clinic near the high school, I believe that with the other possible commercial uses, it would be compatible more than most options. While not a rezoning issue appearance compatibility to the high school, I think would be preferable. If you are curious, a church can be built in R1 which may be the reason why the zoning was never changed.

Staff Recommendation: Approve rezoning request.

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 14th & AILSIE Located in the City _____ ETJ _____

(Proposed) Subdivision Name _____ Total number of Lots _____

Legal Description: KT+100, BLOCK 17, LOT OUT OF 11, 12, (EXEMPT) AREAS 5.55 (EXEMPT)

Existing Zoning Designation R1-Single Family Future Land Use Designation C2-Retail

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent TERRY L WHEEL Phone 592-4911 FAX _____

Email Address (for project correspondence only): tlw001@yahoo.com

Mailing Address 1900 S BRAHMA BLVD City KINGSVILLE State TX Zip 78363

Property Owner FIRST CHRISTIAN CHURCH Phone 592-4911 FAX _____

Email Address (for project correspondence only): KINGSVILLEFCCH@shcglobal.net

Mailing Address 1900 S BRAHMA BLVD City KINGSVILLE State TX Zip 78363

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

<input type="checkbox"/> Annexation Request.....No Fee	<input type="checkbox"/> Preliminary Plat.....Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA).....\$250.00	<input type="checkbox"/> Final Plat.....Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request.....\$250.00	<input type="checkbox"/> Minor Plat.....\$100.00
<input 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 checked="" 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:

The church is selling our vacant land between the church facility and the high school. It was discovered that our property for some reason is zoned residential. It needs to be commercial.

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: 23 Mar 2011

Property Owner's Signature: [Signature] Date: 23 Mar 2011

City of Kingsville

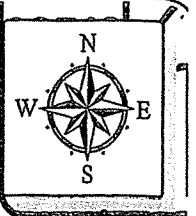
11611

23999

42270

18576

10081



Ailsle Ave

18239

18861

19008

10502

14th St

20305

25719

21703




29804

29805

21332

12865

Legend

-  First Christian Church
-  200 ft. Radius
-  City Limits

0 100 200 400 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: 4/5/2016

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: 361-595-8035

KISD
PO BOX 871
KINGSVILLE, TX 78363-0871
#21703

FIRST CAPITAL BANK
PO BOX G
EL CAMPO, TX 77437-1470
#23999

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

KINGSVILLE RETAIL
1601 PALOMINO RIDGE
AUSTIN, TX 78733-6047
#11611

HARBUR & HARBUR
3279 FM 1540
SANDIA, TX 78383
#18239

OHLENBUSCH HERMAN
926 S. 14TH
KINGSVILLE, TX 78363
#18861

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

WILCOX FAMILY
353 WILLIAMSON
CORPUS CHRISTI, TX 78411-15
#25719

STARS RESTAURANT
2941 NW 156TH STREET
EDMOND, OK 73013
#29804

PAYLESS
PO BOX 3560
TOPEKA, KS 66601-3560
#29805

MARIN WILLIAM
4542 BARNARD
CORPUS CHRISTI, TX 78413
#12865

April 8, 2016 2:22 PM

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Regular Meeting Wednesday, April 20, 2016 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:

First Christian Church owner, Terry Neel agent is requesting the rezone of KT & I CO, BLOCK 17 LOT OUT OF 11, 12, (E X E M P T) ACRES 5.85 (E X E M P T) also known as 14th and Ailsie from (R1) Single Family to (C2) Retail.

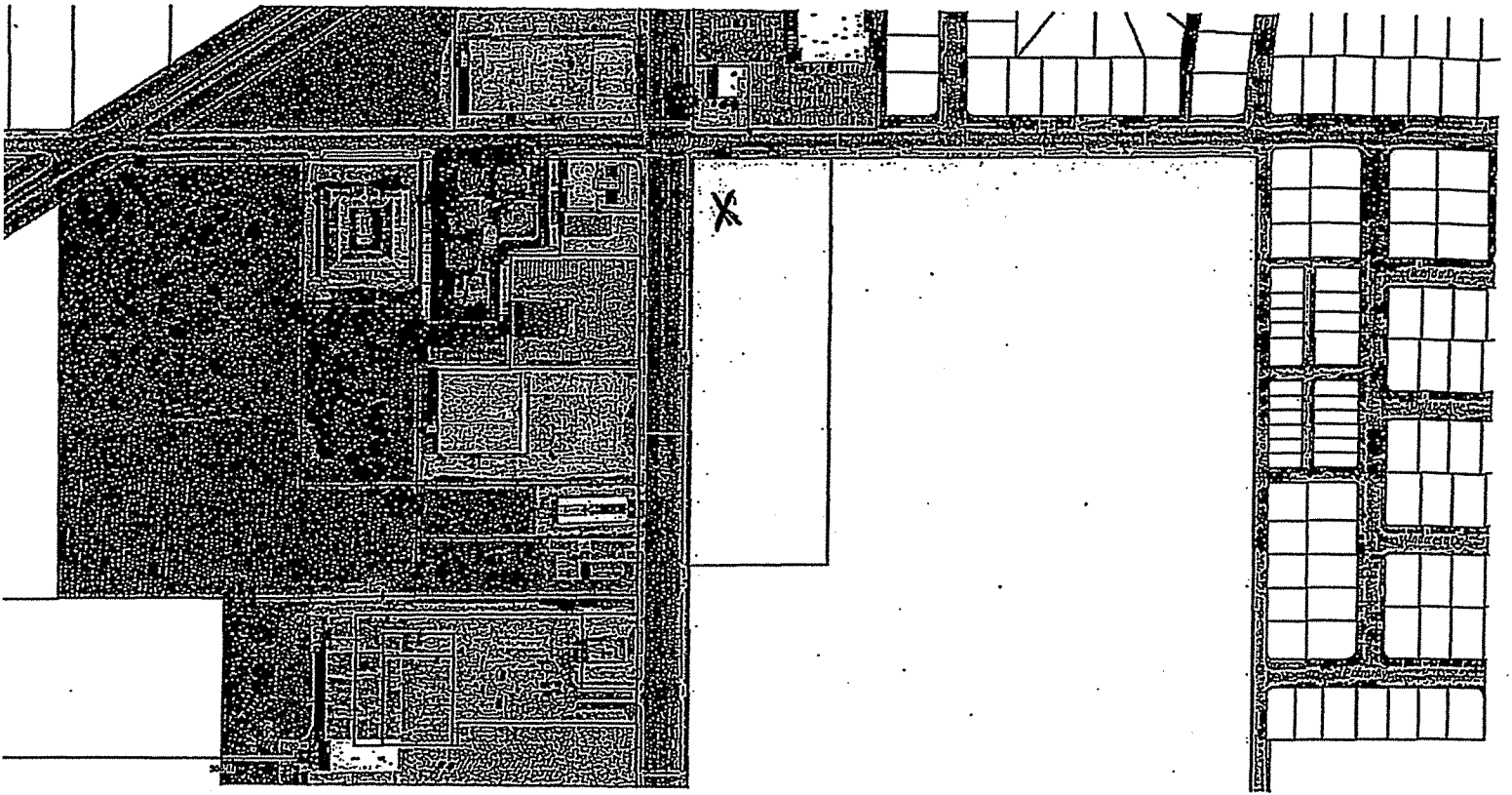
The meeting will be held at City Hall, 200 East Kleberg, in the City Commission Chambers. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

PUBLIC HEARING NOTICE

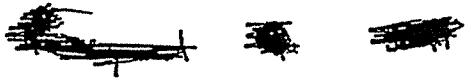
The City Commission of the City of Kingsville will hold a Public Hearing Monday, May 9, 2016 at 6:00 p.m. wherein the City Commission will discuss the introduction on the following item and at which time all interested persons will be heard:

First Christian Church owner, Terry Neel agent is requesting the rezone of KT & I CO, BLOCK 17 LOT OUT OF 11, 12, (E X E M P T) ACRES 5.85 (E X E M P T) also known as 14th and Ailsie from (R1) Single Family to (C2) Retail.

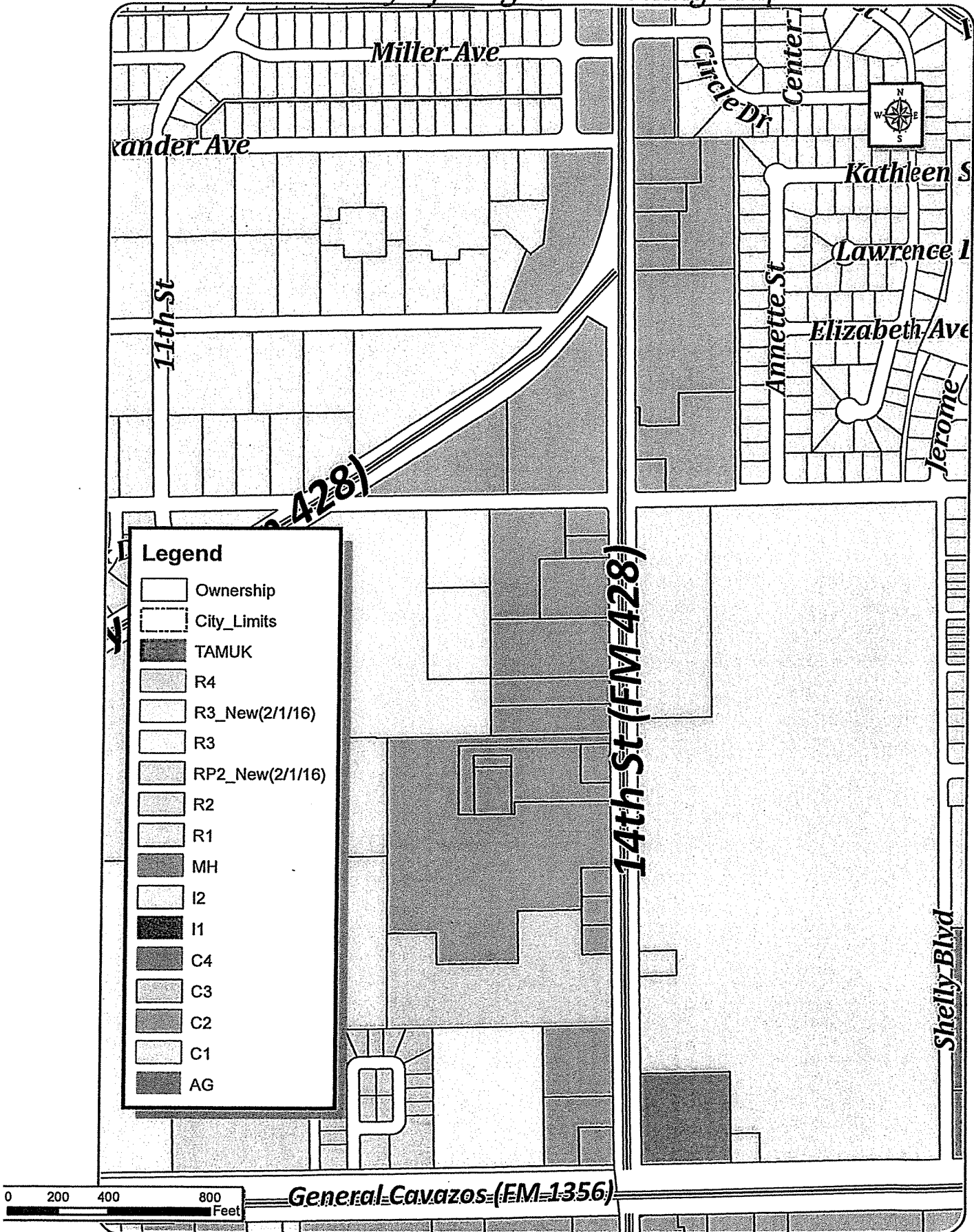
The meeting will be held at City Hall, 200 East Kleberg, in the City Commission Chambers. If you have any questions about the items on the agenda, please contact the City Secretary at (361) 595-8002.



X - First Christian Church, current zoning
is R1 5.85 acres, corner of Ailster
14th



City of Kingsville Zoning Map



Kleberg County Appraisal District

502 E. Kleberg St. Kingsville, TX 78363-9998

TaxNetUSA: Kleberg County Property Information Account Number: 20305 GEO Number: 290001711201192

Owner's Name	FIRST CHRISTIAN CHURCH	Entity Code	Entity Name	Tax Rate
Mailing Address	PO BOX 848 KINGSVILLE, TX 78364	GKL	Kleberg County	0.74481000
Location	AILSIE & 14TH	CKI	Kingsville	0.84220000
Legal	K T & I CO, BLOCK 17, LOT OUT OF 11, 12, (E X E M P T), ACRES 5.85 (E X E M P T)	SKI	Kingsville ISD	1.51890000
		WST	South Texas Water Authority	0.08540900
		CAD	KLEBERG COUNTY APPRAISAL DISTRICT	
Total				3.191319
*Total Estimated Taxes				24,329.66

Data up to date as of 2015-06-10

The estimated taxes are provided as a courtesy and should not be relied upon in making financial or other decisions.* Tax amount does not include any exemptions.

☐ AGRICULTURAL (1-D-1)

☐ HOMESTEAD EXEMPTION FORM

☐ PRINTER FRIENDLY REPORT

Property Details

Deed Date	N/A
Deed Volume	
Deed Page	
Exemptions	
Freeze Ceiling	0.00
Block	17
Tract or Lot	OUT OF 11, 12
Abstract Code	S2900

Value Information

Land Value	81,900.00
Improvement Value	680,470.00
AG Value	0.00
AG Productivity Value	0.00
Timber Value	0.00
Timber Productivity Value	0.00
Value Per MASQFT	N/A
Market Value	762,370.00
Appraised Value	762,370.00
Assessed Value	762,370.00

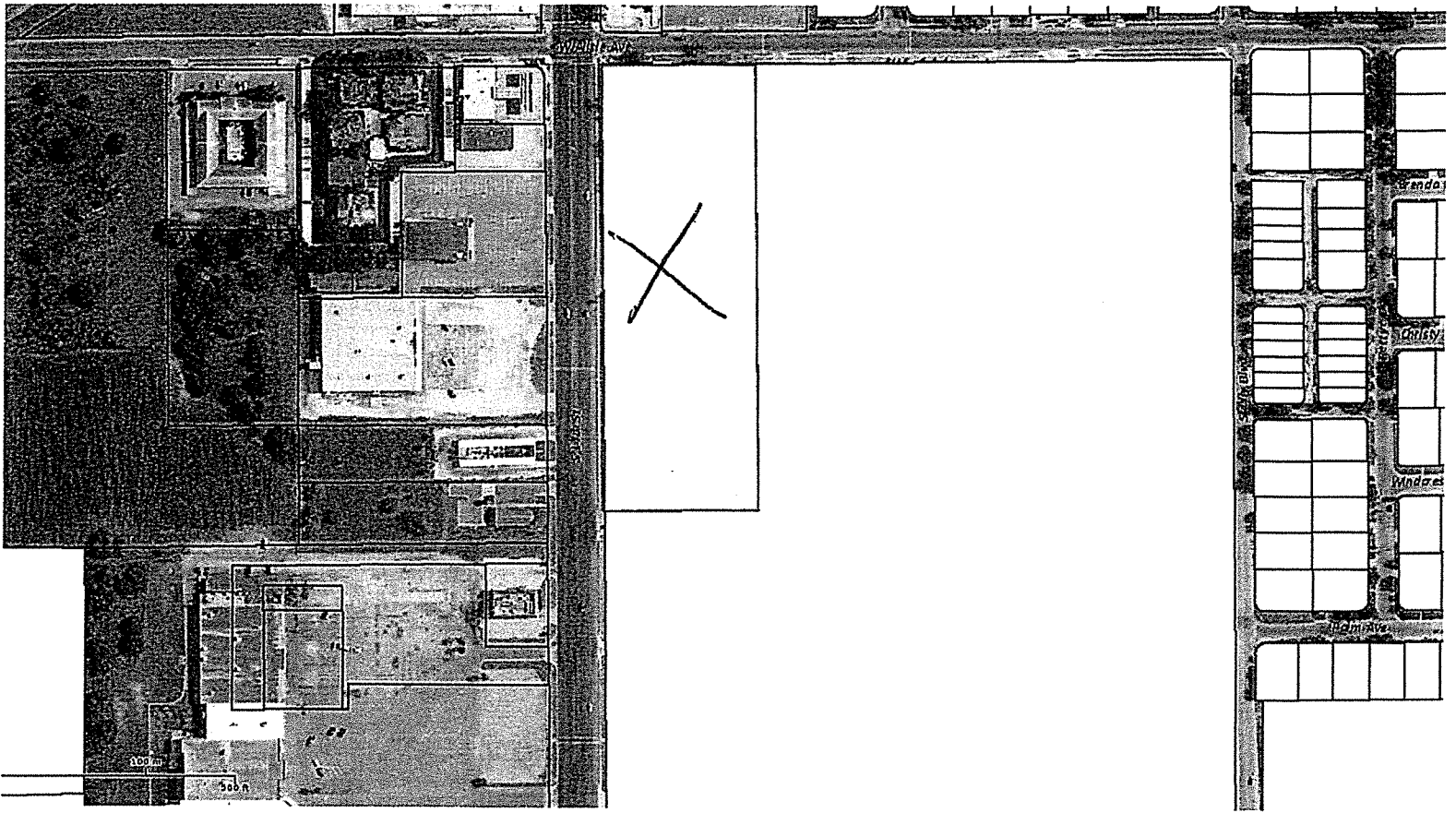
Improvement Information

Improvement ID	State Category	Homesite	Description	Value
7534	F1	N	COMMERCIAL	288960.000000
7535	F1	N	COMMERCIAL	391510.000000

Segment Information

Imp ID	Seg ID	Type Code	Description	Class	Year Built	Effective Year Built	Area	Value
7534	25715	MA	MAIN AREA	CH2G	1970	0	4,818	252,110
7534	25716	OP1	OPEN PORCH BASIC (20%)	*	0	0	60	630
7534	25717	OP1	OPEN PORCH BASIC (20%)	*	0	0	60	630
7534	25718	MA3	1/2 STORY (80%)	CH2G	0	0	440	18,420
7534	25719	ASP	ASPHALT (100%)	SP	0	0	31,070	17,170
7535	25720	MA	MAIN AREA	SC2G	0	0	6,631	272,400
7535	25721	MA	MAIN AREA	SC2G	0	0	2,394	98,350
7535	25722	OP1	OPEN PORCH BASIC (20%)	*	0	0	2,491	20,470
7535	25723	STGL	STORAGE FRAME (LOW)	*	0	0	325	290

Total Living Area 14,283



AGENDA ITEM #2

City of Kingsville
Parks & Recreation Department

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Susan Ivy, Parks Manager

DATE: April 29, 2016

SUBJECT: Agenda Request – Receipt of Donation from Brookshire Foundation Pool Vacuum

Summary: Kingsville Parks & Recreation is requesting approval of receipt of \$5,499.00 donation from Brookshire Foundation for the purchase of a new Commercial Vacuum for cleaning the Brookshire Pool.

Background: The old Pool Vacuum used at the Brookshire Pool went out a couple of years ago and with limited funds we purchased a smaller vacuum than we really needed to clean the pool. It did not reach far enough to clean properly and was not strong enough to do the job well. It did not last very long. We recently proposed assistance from the Brookshire Foundation for several Pool projects including shade structures and a new Commercial grade Pool Vacuum. They have agreed to fund the Pool Vacuum and we have already received a check from them in the amount of \$5,499.00.

Financial Impact: The City of Kingsville Parks Department will receive donated funds from the B.C. & Addie Brookshire Foundation in the amount of \$5,499.00. In researching the best buy for the City Parks Pool, Purchasing Director David Mason has found the same machine we quoted with an additional 1year (total 3Year) warranty and a loaner option while any repairs are necessary during warranty. With added shipping the total will be \$5,900.00. The additional funding for the equipment will come from the Park Budget.

Recommendation:

Kingsville Parks & Recreation requests the approval of the receipt of a \$5,499.00 donation from the Brookshire Foundation to be used to purchase a Dolphin 2X2 Commercial Pool Vacuum.



ORDINANCE NO. 2016-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2015-2016 BUDGET TO ACCEPT AND EXPEND DONATIONS FOR THE PARKS DEPARTMENT FOR THE POOL.

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	\$5,499	
			<u>\$5,499</u>	

Expenses

5-4503 Parks	Machinery/Equipment	71200	\$5,499	
			<u>\$5,499</u>	

[To amend the City of Kingsville FY 15-16 General Fund Budget to accept and expend donations from the Brookshire Foundation for the purchase of a new commercial vacuum 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 May, 2016.

PASSED AND APPROVED on this the ___ day of _____, 2016.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #3

City of Kingsville
Public Works, Landfill Division

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Charlie Cardenas, Director of Public Works/ City Engineer

DATE: April 28, 2016

SUBJECT: General Fund Budget Amendment

Summary:

This item authorizes funding for the continuation of Phase II Landfill permit amendment through TCEQ submittal and the construction and engineering of 7.3 acres for a portion of Sector 4.

Background:

Naismith Engineering has been working with City staff on preparing the Landfill Permit Amendment that will extend the useful life of the Landfill to over 100 years. Included for the completion of the amendment process is implementing the soil boring plan as part of the settlement analysis, also during the process staff has incorporated changes to expand services to include solidification of nonhazardous liquid waste, addition of air space on the Old 235 landfill site and the inclusion of the detention pond area into the permitted landfill boundaries. This permit amendment is on schedule for final submittal to TCEQ in September/October of this year.

The City Landfill currently has three active sectors 1, 2 and 3 totaling 35 acres. The City has reduced condemned home demolitions and denied some commercial haulers to reserve airspace for Kingsville operations. The capacity remaining in Sectors 1 through 3 is approximately 152,000 CY. This volume should last through approximately April 2017 based on the usage rate for the last four years. The TCEQ permit approval process may take up to one year, thus the construction of 7.3 acres of Sector 4 will ensure the City's ability to resume acceptance of all nonhazardous waste. The expected useful airspace of Sector 4 including the permit amendment additional airspace on Sectors 1-3 should extend the current sectors life 10-15 years before the remaining portion of Sector 4 and Sector 5 would need to be developed.



City of Kingsville
Public Works, Landfill Division

Financial Impact:

This requested budget amendment reduces the Landfill Closure/Post Closure Fund Balance in the amount of \$2,106,900.00 to (Fund 090-5-1703-71400 Landfill Expansion).

- \$295,000.00 for Phase II Landfill Permit Amendment through TCEQ submittal
- \$1,811,900.00 for Engineering and Construction of 7.3 acres of Sector 4

Recommendation:

With the Final Permit Amendment proposed to be submitted by October 2016, the anticipated TCEQ permit approval date is around October 2017 based on a 12 month review process. Staff recommends approval to proceed with a portion of Sector 4 development and the additional funding for the completion of the permit amendment up to TCEQ submittal.



ORDINANCE NO. 2016-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2015-2016 BUDGET FOR LANDFILL EXPANSION THAT INCLUDES PHASE II OF THE LANDFILL PERMIT AMENDMENT AND THE CONSTRUCTION AND ENGINEERING OF SECTOR 4.

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.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 090-Landfill Closure Fund					
<u>Equity</u>					
4		Committed for Landfill	68100		<u>\$2,106,900</u>
					<u>\$2,106,900</u>
<u>Expenses</u>					
5-1703	Landfill	Landfill Expansion	71400	<u>\$ 2,106,900</u>	
				<u>\$ 2,106,900</u>	

[To amend the City of Kingsville FY 15-16 Budget to include funding for the continuation of Phase II of the landfill permit amendment through TCEQ submittal and the construction and engineering of 7.3 acres for a portion of Sector 4 as per the attached memo from the Director of Public Works/City Engineer.]

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 May, 2016.

PASSED AND APPROVED on this the ____ day of _____, 2016.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #4

**City of Kingsville
Parks & Recreation Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Susan Ivy, Parks Manager

DATE: April 29, 2016

SUBJECT: Agenda Request – Budget Amendment for Texas Parks & Wildlife COOP Grant

Summary:

City of Kingsville recently received news that the application to Texas Parks & Wildlife Community Outdoor Outreach Grant has been approved for funding.

Background: This grant was submitted on February 1, 2016 requesting funding to purchase equipment, supplies, assist with staffing and transportation for Kingsville Parks & Recreation Department's youth, senior and women's Wet 'n Wild Outdoor Adventure program. Activities will include kayaking, fishing, skeet and archer, recycling art, wildlife and plant identification and photography, travel to two State Parks (Goose Island in Rockport and World Birding Center in Brownsville), Corpus Christi Museum of Science and History, and some of the same programming for seniors and women. After completing training for the Nature Based Curriculum, "Growing up Wild" it will also be incorporated into our programming with staff training manuals included in this grant as well. Most of the youth activities will be incorporated into our summer programs and senior and women's activities held during cooler fall and spring dates.

Financial Impact: Funding approved from Texas Parks & Wildlife totals \$44,410.00. The grant also includes matching funds from the Parks Budget, Kleberg County, Keep Kingsville Beautiful, and in-kind funding from King Ranch and Kleberg Kenedy County Agri Life Extension Service. This is a reimbursement grant so the actual funding will come after expenditures are submitted to TPWD for reimbursement.

Recommendation:

Staff recommends the approval of the Budget Amendment.



ORDINANCE NO. 2016-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2015-2016 BUDGET FOR THE TEXAS PARKS & WILDLIFE COMMUNITY OUTDOOR OUTREACH GRANT AND TO ACCEPT AND EXPEND 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>\$ 3,249</u>		
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Expenses

5-4503	Recreational Programs	31499			<u>\$10,000</u>
5-6900	Transfer Out to Fund 078	80078	<u>\$13,249</u>		

Fund 078-Texas Parks & Wildlife Community Outdoor Outreach Grant

Revenues

4-0000	State Grants	72010	\$44,410		
4-0000	Transfer From Fund 001	75001	<u>\$13,249</u>		
			<u>\$57,659</u>		

Expenses

5-4503	Recreational Programs	31499	<u>\$57,659</u>		
			<u>\$57,659</u>		

[To amend the City of Kingsville FY 15-16 General Fund Budget for the Texas Parks & Wildlife Community Outdoor Outreach Grant and to accept and expend donations from Kleberg County and Keep Kingsville Beautiful 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 May, 2016.

PASSED AND APPROVED on this the ____ day of _____, 2016.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

REGULAR AGENDA

AGENDA ITEM #5

RESOLUTION #2016-_____

A RESOLUTION AND ORDER CANVASSING THE ELECTION RETURNS AND DECLARING THE RESULTS OF THE CITY OF KINGSVILLE'S GENERAL ELECTION CONDUCTED ON MAY 7, 2016.

WHEREAS, in accordance with the order of this governing body that the City Secretary posted notice of the date and place of this meeting seventy-two hours preceding the date of this meeting.

WHEREAS, the returns of an election held on the 7th day of May, 2016 for the purpose of electing a Mayor and four City Commissioners and it appearing from said returns, duly and legally made, that there were cast at said election 1,302 valid and legal votes.

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

I.

That said election was duly called; that notice of said election was given in accordance with law, and that said election was conducted in accordance with laws of the State of Texas;

II.

That each of the candidates in said election received the following votes.

MAYOR:

TOTAL VOTES:

Sam Fugate	988
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CITY COMMISSIONER:

Dianne Leubert	531
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Marty Ontiveros	338
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Edna Lopez	729
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Noel N. Pena, Jr.	693
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Arturo Pecos	588
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Al Garcia	582
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III.

Attached hereto as Exhibit A is the official tabulation stating for each candidate the total number of votes received in each precinct and the sum of the precinct totals.

IV.

THAT Sam Fugate, was elected as **MAYOR** of the City of Kingsville; and Edna Lopez, Noel N. Pena, Jr., Arturo Pecos, and Al Garcia were elected as **CITY COMMISSIONERS**; and,

THAT the above named officials are hereby declared duly elected to said respective offices, subject to the taking of their oaths of office as provided by the laws of the State of Texas and the City Charter of the City of Kingsville, Texas; and

APPROVED this the 16th day of May, 2016 by majority vote of the City Commission of the City of Kingsville.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

RESOLUCIÓN #2016-_____

UNA RESOLUCIÓN Y ORDEN DE ESCRUTINIO DE LOS VOTOS DE LAS ELECCIONES, EN QUE SE DECLARAN LOS RESULTADOS DE LAS ELECCIONES GENERALES DE LA CIUDAD DE KINGSVILLE, LLEVADAS A CABO EL 7 DE MAYO DE 2016.

CONSIDERANDO QUE: De acuerdo con la orden de este órgano directivo, la Secretaria Municipal publicó un aviso de la fecha y lugar de esta reunión, setenta y dos horas antes del día en que se realizó dicha reunión.

CONSIDERANDO QUE: Basándose en los resultados de unas elecciones llevadas a cabo el 7 de mayo de 2016 para efectos de elegir un Alcalde y cuatro Comisionados Municipales, se concluye que en dichas elecciones se emitieron, debida y legalmente, 1,302 votos válidos y legales.

POR LO TANTO, SE HA RESUELTO, por parte de la Comisión Municipal de la Ciudad de Kingsville, Texas:

I.

Que dichas elecciones fueron debidamente convocadas; que se dio aviso de dichas elecciones conforme a la ley, y que dichas elecciones se llevaron a cabo de acuerdo con las leyes del Estado de Texas;

II.

Que cada uno de los candidatos en dichas elecciones recibió los siguientes votos:

ALCALDE:	TOTAL DE VOTOS:
Sam Fugate	988
COMISIONADO MUNICIPAL:	
Dianne Leubert	531
Marty Ontiveros	338
Edna Lopez	729
Noel N. Pena, Jr.	693
Arturo Pecos	588
Al Garcia	582

III.

Adjunto a este documento se encuentra el Anexo A, que es la tabulación oficial que indica el número total de votos que cada candidato recibió en cada distrito electoral y la suma de los totales de cada distrito.

IV.

QUE Sam Fugate, fue elegido **ALCALDE** de la Ciudad de Kingsville; y Edna Lopez, y Noel N. Pena, Jr., y Arturo Pecos, y Al Garcia, fueron elegidos **COMISIONADOS MUNICIPALES**; y

QUE se declara que los funcionarios nombrados anteriormente han sido debidamente elegidos para ocupar dichos cargos, sujetos a prestar juramento de su respectivo cargo, como lo disponen las leyes del Estado de Texas y el Fuero Municipal de la Ciudad de Kingsville, Texas.

APROBADA por voto mayoritario de la Comisión Municipal de la Ciudad de Kingsville, Texas, este día 16 de mayo de 2016.

Sam R. Fugate, Alcalde

ATESTIGUA:

Mary Valenzuela, Secretaria Municipal

APROBADA RESPECTO A FORMA:

Courtney Álvarez, Abogado Municipal

SUMMARY REPT-GROUP DETAIL

General Election
City of Kingsville, Texas
May 7, 2016

UNOFFICIAL

Run Date:05/12/16 09:33 AM

Report EL45A Page 001

	TOTAL VOTES	%	ELECTION DAY	EARLY VOTING	MAIL	PROVISIONAL
PRECINCTS COUNTED (OF 6)	6	100.00				
REGISTERED VOTERS - TOTAL	13,440					
BALLOTS CAST - TOTAL	1,302		648	462	191	1
VOTER TURNOUT - TOTAL		9.69				
Mayor CITY OF KINGSVILLE						
Vote for 1						
(WITH 6 OF 6 PRECINCTS COUNTED)						
Sam Fugate	988	100.00	489	352	146	1
Total	988		489	352	146	1
Over Votes	0		0	0	0	0
Under Votes	314		159	110	45	0
City Commissioner CITY OF KINGSVILLE						
Vote for 4						
(WITH 6 OF 6 PRECINCTS COUNTED)						
Dianne Leubert.	531	15.34	241	225	65	0
Marty Ontiveros	338	9.77	145	140	53	0
Edna Lopez	729	21.06	379	241	108	1
Noel N. Pena, Jr..	693	20.02	312	276	104	1
Arturo Pecos	588	16.99	265	215	108	0
Al Garcia	582	16.82	295	206	81	0
Total	3,461		1,637	1,303	519	2
Over Votes	8		4	4	0	0
Under Votes	1,737		951	541	245	0