

City of Kingsville, Texas

AGENDA CITY COMMISSION

MONDAY, JUNE 13, 2016

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 – May 31, 2016

Special Meeting – June 6, 2016

APPROVED BY:


Jesus A. Garza
City Manager

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

1. Public Hearing on an ordinance granting a special use permit to place a mobile home at Corral, Block 2, Lot 18 on a .2525 acre tract known as 1100 E. Corral, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Planning & Development Services Director).
2. Public Hearing on an ordinance granting a special use permit to place a mobile home at Corral, Block 23, Lot 1, 2 (Corral Storage) known as 1220 E. Corral, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Planning & Development Services Director).
3. Public Hearing for Preliminary and Final Plats for North 62 acres of Lot 25, Block 20, Kleberg Town and Improvement Company Subdivision (in ETJ) known as Escondido Ranch. (Planning & Development Services Director).

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 Fiscal Year 2015-2016 budget to include transfers for the creation of a disaster response recovery fund for city expenses. (Finance Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

2. Consider acceptance of a donation from the Kingsville Chamber of Commerce for landscaping at the New City Hall Complex. (Finance Director).
3. Consider introduction of an ordinance amending the Fiscal Year 2015-2016 budget to accept and expend donations from the Kingsville Chamber of Commerce. (Finance Director).
4. Consider accepting the Comprehensive Annual Financial Report of the City of Kingsville for Fiscal Year 2014-2015. (Finance Director).
5. Consider introduction of an ordinance granting a special use permit to place a mobile home at Corral, Block 2, Lot 18 on a .2525 acre tract known as 1100 E. Corral, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Planning & Development Services Director).
6. Consider introduction of an ordinance granting a special use permit to place a mobile home at Corral, Block 23, Lot 1,2 (Corral Storage) known as 1220 E. Corral, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Planning & Development Services Director).

7. Consider Preliminary Plat for North 62 acres of Lot 25, Block 20, Kleberg Town and Improvement Company Subdivision (in ETJ) known as Escondido Ranch. (Planning & Development Services Director).
8. Consider Final Plat for North 62 acres of Lot 25, Block 20, Kleberg Town and Improvement Company Subdivision (in ETJ) known as Escondido Ranch. (Planning & Development Services Director).
9. Consider authorizing purchase of an H.D. Industries Pro Patcher Asphalt Pothole Patcher on a 2017 Cab and Chassis from Freightliner for \$147,283.70 via BuyBoard as per staff recommendation. (Purchasing & Technology Director).
10. Consider authorizing repairs to roof at Parks Department Equipment Barn to Parsons Commercial Roofing, Inc. via TIPS Purchasing Cooperative, as per staff recommendation. (Purchasing Director).
11. Consider final passage of an ordinance amending Chapter XV, Article 5, Historical Districts and Landmarks, Sections 15-5-17 through 15-5-33, providing for a revised application and permit approval process. (Planning & Development Services Director).

VII. Adjournment.

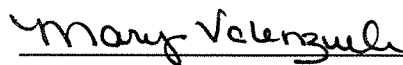
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

June 9, 2016 at 4:30 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)

MAY 31, 2016

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MAY 31, 2016 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 5:30 P.M.

CITY COMMISSION PRESENT:

Sam Fugate, Mayor
Edna Lopez, Commissioner
Arturo Pecos, Commissioner
Al Garcia, 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
Susan Ivy, Parks Manager
Emilio Garcia, Health Director
Carol Rogers, Risk Managers
Diana Gonzales, Human Resources Director
David Mason, Purchasing/IT Director
Robert Rodriguez, Library Director
Stacie Pena, Accounting Manager
David Solis, Risk Manager
Leo Alarcon, Tourism Director
Tony Verdin, IT Specialist
Kyle Benson, Help Desk
James Creek, Firefighter
Charlie Cardenas, Public Works Director/Engineer

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 5:30 P.M. with a workshop. All five members of the City Commission were present.

WORKSHOP: Fiscal Year 2016-2017 Preliminary Budget Workshop. (City Manager).

Mr. Jesús Garza, City Manager discussed the preliminary budget for fiscal year 2016-2017. The pre-budget input process consisted of City Commission Survey, City Staff Survey, and Community Input. The objectives are to determine services that need improvements or enhancements; establish a benchmark to be able to track improvements in future years; and develop priorities for upcoming Fiscal Year 2016-2017 budget. The City Commission survey overview consisted of rating city services such as Public Safety, Infrastructure, Parks & Recreation, Library, Animal Control, Code Enforcement, Economic Development, Tourism/Events, Utility Billing, Municipal Court, Planning & Development, City Staff Compensation & Benefits, and Revenue Enhancements. Mr. Garza went on to comment on the results of the survey of which half came back unsatisfactory which included Public Safety Staffing; Street & Drainage Infrastructure Improvements; Economic Development (Downtown Initiatives & City Wide Incentive Funds); Code Enforcement (Community Appearance); Animal

Shelter; Park & Recreation; JK Northway Events; Planning (Permitting Process, Inspections, & Historic District); Utility (Water Meter Replacement, Customer Service and Set up & Payment Options); Municipal Court (Layout & Improvements). Staff will review and assess fees and fines to compare with industry standards and with recovery of expenditures. The following fees & fines will be assessed: Building Permits & License Fees, Park Fees (Recreational), Golf Course Fees, Rental Fees (Facilities), Landfill Fees, EMS Fees, Code Enforcement Fines, Animal Control Fines & Fees, Sanitation Fees, Storm Water & Utility Fees. This does not mean that these fees will be increased but rather looked at as per the Commission's consensus from the survey. The following fees will not be assessed at this time: Street User Fee and Water & Sewer Fees. Regarding compensation & benefits, staff will be reviewing competitive salary structure, in terms of market and area; equitable salary structure within organization; equitable leave benefits within organization; additional leave benefits, competitive medical benefits; training & staff development; and safety incentive program. City staff also had the opportunity to submit a survey, different from what the City Commission received. Rating of internal services that assist in staff production: Human Resources; IT& Purchasing; Finance; Facility Maintenance; Benefits & Compensation. The dissatisfied and neutral results of the survey are as followed: Information Technology IT (Help Desk and Software Assistance); Finance/Purchasing (P-Card & Purchase Order Assistance); Human Resources (Benefits Assistance and New Employee Orientation Program). The new initiatives to consider are tuition reimbursement program and Wellness Program (Gym membership, etc.).

Commissioner Garcia complimented Mr. Garza on his presentation to the City Commission. He further stated that a presentation like this has never been done in the past.

Mayor Fugate recessed the meeting at 5:50 P.M.

REGULAR MEETING RESUMES

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

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – April 18, 2016

Regular Meeting – May 9, 2016

Special Meeting – May 16, 2016

Mayor Fugate called for a motion to approve the minutes listed below.

Motion made by Commissioner Pena to approve the minutes of April 18, 2016, May 9, 2016, and May 16, 2016 as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Pecos, Garcia, Fugate voting "FOR". Lopez 'ABSTAINED'.

Special Meeting – May 19, 2016

Motion made by Commissioner Pena to approve the minutes of May 19, 2016 as presented, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Pena, Pecos, Garcia, Lopez, Fugate voting "FOR".

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

1. None.

III. Reports from Commission & Staff.²

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

Mr. Jesús Garza, City Manager introduced the new Risk Manager, Mr. David Solis. Garza further passed out a project schedule for the Parks Master Plan. A Parks Master Plan Advisory Committee will be established.

Mrs. Susan Ivy, Parks Manager spoke about the 2016 Summer Youth Activities. Brochures of these events were given to all KISD Campus's to be passed out to their students.

Mrs. Alvarez reported that the next scheduled City Commission meeting is scheduled for June 13th with agenda item deadline on June 3rd.

Commissioner Lopez thanked staff for their assistance in getting police escort for the Lady Lions Softball Team. The Lady Lions have advanced to the State Tournament that will be taking place in Austin. Lopez further announced that the last day of school for KISD is June 2nd with High School graduations on June 3rd.

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)

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

1. Motion to approve out of state travel for Downtown Manager/Historic Preservation Officer and Historical Board member Sandra Rexroat to attend the National Alliance of Preservation Commissions conference in Mobile, Alabama July 27 – 31, 2016. (Downtown Manager).

2. Motion to approve a resolution appointing Edna S. Lopez as Mayor Pro Tempore. (City Attorney).

3. Consider out-of-state travel for City Manager to attend the International City Managers Association (ICMA) Annual Conference in Kansas City, Missouri from September 24-28, 2016. (City Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. Consider appointments to the Hotel Occupancy Tax Fund Advisory Board. (Tourism Director).

Mr. Leo Alarcon commented that this item is for the appointment of seven individuals to the Hotel Occupancy Tax Fund Advisory Board. The individuals include, Rajendra Bhakta, represent the Hotel Industry; Toni Nagel-Mason, King Ranch Museum/King Ranch Visitor Center; Jonathan Plant, Conner Museum; Amanda Cherry, historical downtown district/merchants; Dr. Terisa Riley, Texas A&M University-Kingsville; Diana Lozano, resident of the City of Kingsville; and Leo Alarcon, Director of Tourism Services for the City of Kingsville. All board members will hold office for two years without term limits. In addition to the regular voting members of the Board, the City Manager and the Kleberg County Judge shall serve as ex-officio members of the board with no voting privileges.

Motion made by Commissioner Pena to approve the appointments to the Hotel Occupancy Tax Fund Advisory Board, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Pecos, Garcia, Lopez, Fugate voting "FOR".

5. Consider selection of a commission member to be a representative on the Kingsville Parks Master Plan Steering Committee. (City Manager).

Mayor Fugate stated that the one individual on this Commission that holds the Parks near to his heart should be the appointed member to the Kingsville Parks Master Plan Steering Committee, Commissioner Al Garcia.

Motion made by Mayor Fugate to appoint Commissioner Al Garcia to be a representative on the Kingsville Parks Master Plan Steering Committee, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Pecos, Garcia, Lopez, Pena, Fugate voting "FOR".

6. Consider introduction of an ordinance amending the fiscal year 2015-2016 budget to transfer funds from the Task Force Criminal Justice Division to CO Series 2016 for backbone infrastructure costs of upgrading the current radio communications system. (Finance Director).

Mrs. Deborah Balli, Finance Director reported that this item authorizes the transfer of \$250,000 from the Task Force-Criminal Justice Division Fund to the CO Series 2016 Fund to cover half of the backbone infrastructure costs needed for the new radio communications equipment. The City issued CO Series 2016 that included the purchase of emergency radio communications equipment. When the 2016 CO Project Recommendations were presented to the Commission in January, \$500,000 was recommended for radio communications equipment for the Kingsville Police Department and the Kingsville Specialized Crimes and Narcotics Task Force with half of the backbone infrastructure costs to be contributed from the Task Force-Criminal Justice Division Fund.

Introduction item.

7. Consider a resolution authorizing the City Manager to enter into a contract for professional services between the City of Kingsville and Killis Almond Architects, PC for the old Pump House Renovation Project. (Planning & Development Services Director).

Mr. Tom Ginter, Planning & Development Services Director reported that the City has determined that the renovation of the Pump House would be a positive thing for the downtown and the history of the City. The contract with Killis Almond Architects calls for architectural services for the renovation of the Pump House for a fee of \$35,700. This fee includes design work putting together construction documents and construction administration. The fee also includes two trips that the firm will make to Kingsville. If additional trips are needed, each trip if approved by the City will cost \$350.00.

Commissioner Pecos asked if this was the lowest bidder.

Mrs. Courtney Alvarez, City Attorney responded that with professional services, the city cannot go with the lowest bid.

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

8. Consider introduction of an ordinance amending Chapter XV, Article 5, Historical Districts and Landmarks, Sections 15-5-17 through 15-5-33, providing for a revised application and permit approval process. (Planning & Development Services Director).

Mr. Ginter reported that the current Historic Development Board has contradictory language and doesn't clarify the review process between staff and the Historical Development Board. Because of the contradictory language staff was putting permits for approval on the City Commission agenda after review by the Historical Development Board. It was felt that this was an extra step that wasn't needed but to make it clear, the ordinance language should be clearer for the applicant and staff. The recommended revisions are intended to do the following: Clarify what permits are reviewed and

approved by staff and what permits go to the Historical Development Board for their review and approval; that only a permit denied by the Historical Development Board and the applicant wanting to appeal that decision will it then go to the City Commission; that an application for a historic landmark, district, site will be reviewed by the Historical Development Board with a recommendation going to the City Commission.

Commissioner Lopez asked if the appointment of a Historical Preservation Officer has been done.

Mr. Ginter responded that Cynthia Martin has been appointed the Historical Preservation Officer.

Commissioner Lopez further asked how the process was done for this appointment.

Mr. Ginter responded that the Board shall appoint a qualified city official, staff person, or appropriate resident of the municipal entity to serve as Historic Preservation Officer.

Introduction item.

9. Consider authorizing repairs to roofs at Fire Station One and Parks Equipment Barn to Parsons Commercial Roofing, Inc. via TIPS Purchasing Cooperative, as per staff recommendation. (Purchasing Director).

Mr. David Mason, Purchasing Director reported that this item authorizes the installation of a new roof for Fire Station 1 and the Equipment Barn at Dick Kleberg Park. The roofs at these buildings are in dire need of repair/replacement. The Fire Department flat roof will use a thermoplastic polyolefin system manufactured by Duro-Last while the roof at the Park will be a conventional roof with new decking, felt and 30 year shingles. Funds are available through CO 2016 with no more than \$46,903 expended from 033-5-22000-71300, Station 1 improvements of which \$175,000 is available and \$19,518 from 033-5-4503-71300, Equipment Barn improvements of which \$25,000 is available as well.

Commissioner Lopez commented that the roof at this Fire Station had already been replaced about 7 to 8 years ago. She further asked staff if they had looked into the warranty of the roof and if the company had been contacted. Lopez also asked if this would include yearly inspections.

Mr. Mason commented that the original company that had worked on the roof was sold to new vendor; therefore the warranty would have probably expired.

Motion made by Commissioner Garcia to authorized these repairs, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Garcia, Pena, Fugate voting "FOR". Lopez "AGAINST".

10. Consider a building permit for renovations to 612 E. Henrietta that was approved by the Historical Development Board. (Downtown Manager).

Mrs. Cynthia Martin, Downtown Manager reported that the Historical Board met on May 18, 2016, to evaluate an application for a permit for replacement of front and back doors, replacement of four windows, new flooring on front porch and repair of roof in utility room and walkway. The Historical Board unanimously recommended approval of the permit application as submitted.

Motion made by Commissioner Pena to approve a building permit for renovations to 612 E. Henrietta, seconded by Commissioner Pecos and Commissioner Garcia. The motion was passed and approved by the following vote: Garcia, Lopez, Pena, Pecos, Fugate voting "FOR".

11. Executive Session: Pursuant to Section 551.087, Texas Government Code, Deliberations Regarding Economic Development Negotiations Exception, the City Commission shall convene in executive session to deliberate the offer of a financial or other incentive to a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations. (City Manager).

12. 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).

Mayor Fugate announced the Executive Sessions for both agenda item #11 and #12 and convened the meeting into Executive Session at 6:47 P.M.

Mayor Fugate reconvened the meeting into open session at 7:25 P.M.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:25 p.m.

ATTEST:

Sam R. Fugate, Mayor

Mary Valenzuela, TRMC, City Secretary

JUNE 6, 2016

A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JUNE 6, 2016 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Sam Fugate, Mayor
Edna Lopez, Commissioner
Arturo Pecos, Commissioner
Al Garcia, 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
Emilio Garcia, Health Director
Ricardo Torres, Police Chief
Bill Donnell, Assistant Public Works Director
Carol Rogers, Risk Managers
Diana Gonzales, Human Resources Director
David Mason, Purchasing/IT Director
Jim DeVisser, Interim Fire Chief
Pete Pina, Landfill Supervisor
Jennifer Bernal, Community Appearance Supervisor
Johnny Campos, Police Officer
Leo Alarcon, Tourism Director
Cynthia Martin, Downtown Manager

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 five Commission members present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

None.

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.”

Mrs. Courtney Alvarez, City Attorney, reported that the next City Commission is scheduled for Monday, June 13th.

IV. Public Comment on Agenda Items.³

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

Ms. Yolanda Espinoza, 325 W. Ave. D, commented that property located at 321 W. Ave. D is in need of repairs. She has reported this property in the past and has seen nothing done. She further stated that there are rodents that come from the property onto hers and she would like something done by the City.

Mr. James Hoysradt 2106 Kelly Lane, reported that due to the storm last week, this subdivision suffered with flooding and water coming into their homes. He further stated that when the subdivision was built one drainage was built on his street. It is important that any future developers comply with city ordinance regarding drainage systems.

Ms. Sherry Castle, 1902 Brooke Lane, commented that during the storm last week the sirens were sounded but were not heard in the Paulson Falls Subdivision. She would like to see a siren installed closer to this area.

V.

Consent Agenda

Notice to the Public

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

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

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

Motion made by Commissioner Pena to approve the consent agenda as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Pena, Pecos, Garcia, Fugate voting “FOR”.

1. Motion to approve final passage of an ordinance amending the fiscal year 2015-2016 budget to transfer funds from the Task Force Criminal Justice Division to CO Series 2016 for backbone infrastructure costs of upgrading the current radio communications system. (Finance Director).

- 2. Motion to approve the reappointment of Ms. Dora Martinez to the Civil Service Commission for another three (3) year term. (Human Resources Director).**
- 3. Motion to approve the appointment of Tamara Brennan to the Historical Development Board for a three (3) year term. (Downtown Manager).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. Discuss response and recovery efforts related to Kingsville's severe weather events (16-008) and the FEMA Public Assistance Program. (City Manager).

Mr. Jesús Garza, City Manager, updated the City Commission on response and recovery efforts related to the severe weather events on May 31st. Garza introduced Brandy Fischer, District Coordinator for Texas Division of Emergency Management Division and Leeann Fox, Disaster Program Manager for the American Red Cross. Mr. Garza gave the City Commission a timeline of the events that took place during and after the storm on May 31st. It had been determined that three tornadoes hit the County out of the three; two were inside the City limits and one in the County area. One initiated around the Dick Kleberg Park area and moved eastward on FM 1717. The second one that hit the City was around the area of Ailsie. On the evening of the storm, a City Commission was held and throughout that time staff was receiving updates on what was going on with the storm. Sirens were activated to make the citizens aware of the storm.

Mayor Fugate commented that sirens are not meant to be heard indoors rather they are meant to be heard for those that are outdoors. Fugate further commented that the local news didn't not send out any warnings that the storm was heading this way. The storm just came in unexpectedly.

Mr. Garza commented that the National Weather Service determined that the tornadoes made landfall around 7:00 P.M. Staffs immediate response was to activate the City's EEOC which occurred around 7:00 P.M. Some efforts from city crews had begun clearing the road ways of debris to allow any emergency personnel and citizens to travel the roadways. The cleanup continued throughout the week as well as damage assessment throughout the city. There were 100 homes with damage to some degree which range from shingles being flown off to an entire roof that had been displaced. There was also an apartment complex that was hit strong with this storm which caused the displacement of some citizens from their homes. Staff was able to assist these citizens by locating family members that can house them for the time being. An emergency shelter was activated for six individuals that couldn't find a place to stay during that evening. Citizens have begun the cleanup of brush within their properties. City crews have begun to haul brush to the landfill. So far the amount hauled is around 165 tons of brush which equates to 653 cubic yards. After doing a thorough assessment of brush, it has been determined that there is approximately 16,000 to 18,000 cubic yards of brush still remaining to be cleaned up. It will take city crews a month to be able to collect all the brush around the city. There have been questions by city commission regarding the Ashbritt Contract for cleanup efforts. If the Ashbritt Contract was to be activated for cleanup efforts the cost would be around \$220,000. The contract with Ashbritt is a bit more extensive as it is intended for disaster relief, so the services that Ashbritt provide range from assistance with clearing the roadways of brush and biohazard removal. Staff made the decision not to engage their services after the assessment that occurred today, staff is still in the position in terms of financially, the city does not have the money to pay Ashbritt for their services. Other options are being looked into such as renting equipment which would be a less cost to

the City as staff would be used to operate the equipment and do the cleanup. Garza further spoke about establishing a Disaster Response Recovery Fund for expenses. This could be used for any overtime that is required for staff to be able to continue the cleanup efforts. With four months left in this budget year, it is important that department do not use their normal budget for this type of work. Garza further stated that aside from the brush cleanup, we are thankful there weren't any lives lost or any severe injuries.

Commissioner Garcia asked if staff is aware on how many homes were flooded on the first level. Interim Fire Chief DeVisser responded that they weren't of any homes with inches of water but as far as apartment complexes, some units did have water within the bottom units. DeVisser further stated that 99% of the water in these dwellings was from coming in through the roof or the windows. There were some homes that water came up to the foundation of the home and these were in the Paulson Falls Division. DeVisser further stated that even if water came into the home, as per FEMA if it was less than eighteen inches it does not qualify as major damage, it would be considered minor damage.

Commissioner Lopez asked if staff has assessed damage within the Lawndale area as they do get water within their homes when there is flooding. Lopez stated that she has family residing within this area that has made her aware that they have water within their home. Lopez further stated that she received reports from a resident near Harvey Elementary School that their home did receive some water in their home. She further stated that in the Lawndale area, residents are beginning to pull carpets from their homes which show that they did receive some water in their homes.

Mr. Garza commented that staff is aware of some of the other areas that received some water, which prompted the Engineering staff to draw up a map identifying these areas so that staff can track it and evaluate drainage issues.

Commissioner Lopez commented that this is a constant problem within the Lawndale area as water drains from 14th Street on to Lawndale. She further commented that Mr. Bill Donnell, Assistant Public Works Director with a crew working on the drains within the areas.

Brandy Fischer, District Coordinator for Texas Division of Emergency Management, liaison for the City of Kingsville. Fischer spoke about the assistance that the government can provide once the area is declared a disaster. She further stated that she responded to the City of Kingsville EEOC on June 1st. A Disaster of Declaration and a letter to the Governor were drafted and signed by Mayor Fugate and submitted to the State. Fischer further stated that there are certain thresholds that the City and County must meet. For Individual assistance Kleberg County must meet a threshold of \$114,458. What this means is that in Kleberg County the public assistance such as debris, building and city vehicle damage has to exceed \$114,458. This threshold amount is a combination of both city and county numbers. Now the State also has to meet a \$35 million dollar threshold in order for FEMA to be able to assist the State of Texas. There are different categories of assistance such as debris; FEMA is very particular on their debris removal. Some of the issues they have had are when the vegetated debris and construction debris and any white goods get mixed together; it is frowned upon by FEMA. It is important that the community is aware that these items must be separated in order for them to be considered by FEMA.

Commissioner Garcia what criteria is used to come up with the threshold of \$114,458. Ms. Fischer responded that it is based upon population and the consumer price index which fluctuates from year to year.

Commissioner Pecos asked what happens if the State does not meet their threshold of \$35 million, what happens. Ms. Fischer responded that the process will end at that point.

Mr. Garza commented that this is a lengthy process and therefore the City would need to be cautious with their money as it is not guaranteed that the City will get any reimbursement from the State.

Leeann Fox, Disaster Program Manager for the American Red Cross, briefed the City Commission on the role and responsibilities of the American Red Cross and how they can assist the citizens of Kingsville during a disaster. The American Red Cross also offers mental health support for those citizens who are in need of it after a disaster.

Mr. Garza thanked staff for their assistance during and after the storm.

Commissioner Pecos asked about the type of equipment rental and the cost for this equipment.

Mr. Bill Donnell, Assistant Public Works Director, stated that staff is looking at a Knuckle boom to rent which is a one man operation machine. The rental fee will be \$5,000 per month.

Commissioner Lopez asked how long it will take for staff to pick up all brush around the City.

Mr. Garza responded that without outside assistance it could take up to a month.

Commissioner Lopez stated that her concern was that brush be left in neighborhoods and risks that another storm coming in and blowing brush around the area.

Mr. Garza stated that a representative from Ashbritt will be coming into Kingsville to assess the amount of brush that would need to be collected and provide an estimate to the City.

Commissioner Garcia asked about the Landfill accessibility with all the rain received.

Mr. Garza commented that the Landfill is open as usual.

5. Consider introduction of an ordinance amending the Fiscal Year 2015-2016 budget to include transfers for the creation of a Disaster Response Recovery Fund for city expenses. (City Manager).

Commissioner Pecos asked why \$100,000 budget.

Mr. Garza responded that staff does not want to impact the City's reserves.

Introduction item.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:00 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, City Secretary

PUBLIC HEARING(S)

PUBLIC HEARING #1

City of Kingsville
Department of Planning and Development Services

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Tom Ginter, Director
DATE: June 3, 2016
SUBJECT: Special Use Permit Request for 1100 E. Corral

Summary: Jose Luis Perez would like to locate a mobile home at 1100 E. Corral to live in and in the future possible conduct a business there.

Background: The current zoning of the property is I1. Our ordinance allows the placement of a mobile home in an I1 or I2 zone for an office or dwelling use, through the special use permit process. We have received one phone call from a property owner on the mailing list who is against the request. There was discussion on the fact that the appearance of Corral Street in the future has been discussed in the past and the planning and zoning commission was cognizant of that. The motion was made to approve the request at the Planning and Zoning commission which failed by a vote of 0 to 7. The minutes of the planning and zoning commission meeting are included in the packet.

Financial Impact: I believe that there would be minimal impact on the city.

Recommendation: While I understand the concern for the future appearance of Corral in my belief the ordinance allows his request and I have no valid reason as to not recommend its approval. Consequently I recommend that the special use permit application from Jose Luis Perez Jr. be approved.



To: Planning and Zoning Commission Members

From: Tom Ginter, Director

Date: May 18, 2016

Subject: Agenda Item for Special Use Permit Request 1100 E. Corral

Per the ordinance which is enclosed allows a manufactured home to be located in an Industrial (I1 or I2) which is stated in Section 15-6-23 (10) and Section 15-2-3 (E). As you can see from the zoning map the property to the East and to the West is zoned Industrial, to the North C-2 Retail and across the street C-4 Commercial.

We have received one phone call from a property owner who is not in favor of this request.

ORDINANCE #2016-_____

AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT TO PLACE A MOBILE HOME AT CORRAL, BLOCK 2, LOT 18, ON A .2525 ACRE TRACT KNOWN AS 1100 E. CORRAL; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION;

WHEREAS, the Planning and Zoning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Jose Luis Perez, Jr., for amendment to the zoning map of the City of Kingsville with the request based on City Code sections 15-6-23(C)(10) and 15-2-3(E) as this property is zoned I1 (light industrial);

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, May 18, 2016, during a meeting of the Planning and Zoning Commission, and on Monday, June 13, 2016, 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 by an 0-7 vote did NOT APPROVE the requested rezone; and

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended and a Special Use Permit is granted for a Mobile Home on the premises known as 1100 E. Corral as more specifically describe on site plan attached as Exhibit A.

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

1. **ALLOWED USE:** The only use authorized by this Special Use Permit is as a Mobile Home for onsite joint commercial & residential purposes or for strictly commercial purposes.

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

3. **SPECIAL CONDITION:** (3.1) 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 business at the location. (3.2) 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 amendments 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 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 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.

INTRODUCED on this the 13th day of June, 2016.

PASSED AND APPROVED on this the 27th day of June, 2016.

EFFECTIVE DATE: _____

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

By: _____
Courtney Alvarez, City Attorney



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PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Regular Meeting Wednesday, May 18, 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:

Fabrizio Martorello, owner, requesting a special use permit to place a mobile home at CORRAL, BLOCK-3, LOT 1, 2, (CORRAL STORAGE) (CORRAL STORAGE) also known as 1220 E. Corral.

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 23, 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:

Fabrizio Martorello, owner, requesting a special use permit to place a mobile home at CORRAL, BLOCK 3, LOT 1, 2, (CORRAL STORAGE) (CORRAL STORAGE) also known as 1220 E. Corral.

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.

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Regular Meeting Wednesday, May 18, 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:

Jose Luis Perez, Jr., requesting a special use permit to place a mobile home at CORRAL, BLOCK 2, LOT 18, ACRES .2525 also known as 1100 E. Corral.

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 23, 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:

Jose Luis Perez, Jr., requesting a special use permit to place a mobile home at CORRAL, BLOCK 2, LOT 18, ACRES .2525 also known as 1100 E. Corral.

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.

Published April 17, 2016
Kingsville Record

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 1100 E. Corral Located in the City ETJ

(Proposed) Subdivision Name _____ Total number of Lots _____

Legal Description: Corral, Block 2, Lot 18, Acres .2525

Existing Zoning Designation I1 Light Industrial Future Land Use Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Jose Luis Perez Jr. Phone (340) 522-8580 FAX N/A

Email Address (for project correspondence only): NA

Mailing Address 2601 E. Kennedy City Kingsville State TX. Zip 78363

Property Owner Jose Luis Perez Jr Phone 361, 522-8580 FAX _____

Email Address (for project correspondence only): _____

Mailing Address 2601 E. Kennedy City Kingsville State TX Zip 78343

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

Annexation Request.....	No Fee
Administrative Appeal (ZBA).....	\$250.00
Comp. Plan Amendment Request.....	\$250.00
Re-zoning Request.....	\$250.00
✓ SUP Request/Renewal.....	\$250.00
Zoning Variance Request (ZBA).....	\$250.00
PUD Request.....	\$250.00
Lot Line Adjustment Plat.....	\$100.00

<u> </u> Preliminary Plat.....	Fee Varies
<u> </u> Final Plat.....	Fee Varies
<u> </u> Minor Plat.....	\$100.00
<u> </u> Re-plat.....	\$200.00
<u> </u> Vacating Plat.....	\$50.00
<u> </u> Conceptual Development Plat.....	\$100.00
<u> </u> Subdivision Variance Request.....	\$25.00 ea
<u> </u> Amending Plat.....	\$100.00

Please provide a basic description of the proposed project:

relocate a mobile home - temporarily to up grade property as far as utilities - water - sewer - light etc. current possible - fencing for future business purposes

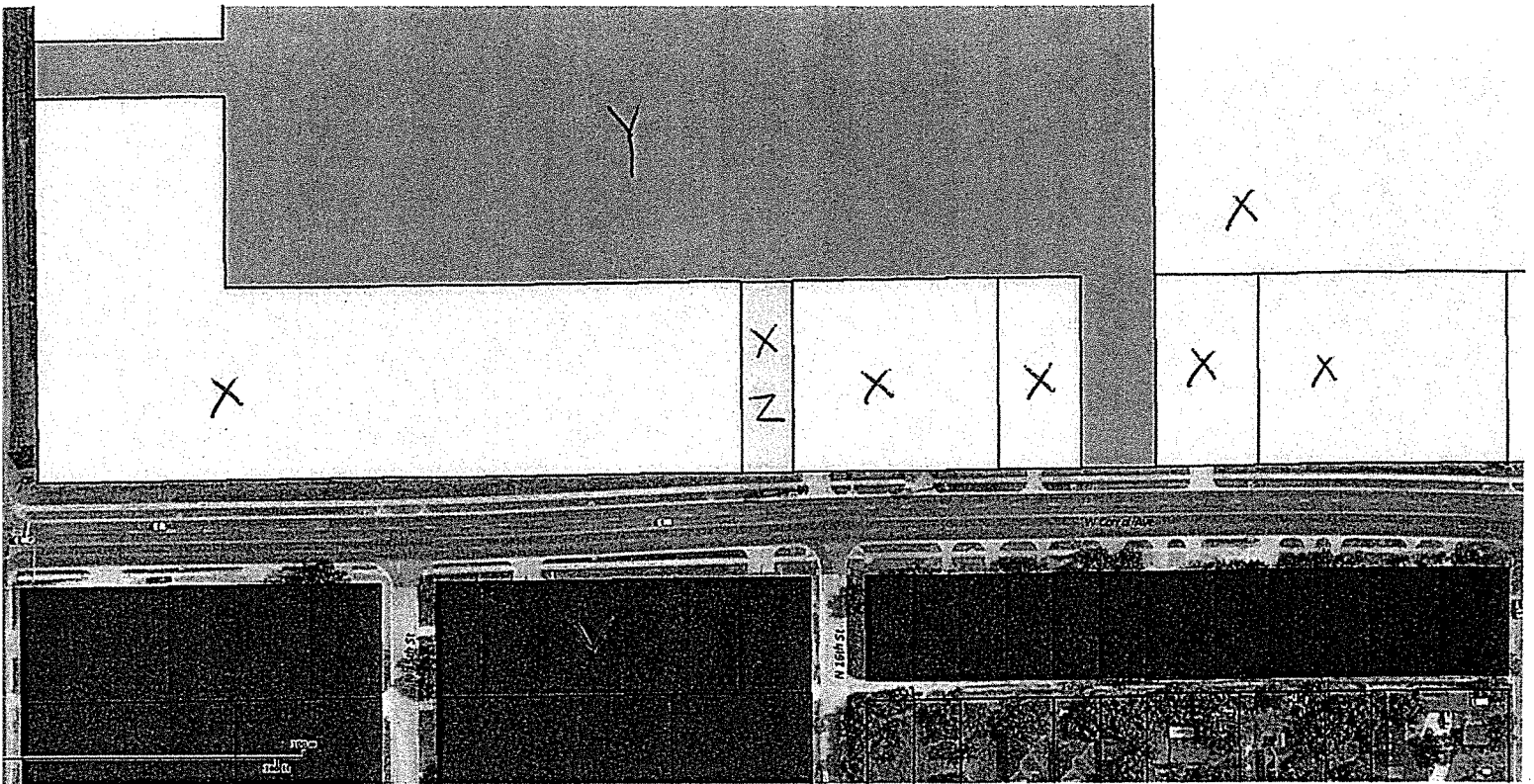
I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature: [Signature] Date: 4-7-16

Property Owner's Signature: _____ Date: _____

Application and Fee Accepted by: Adela Barrientes Date: 4-7-16

1100 E. Corral



X - property zoned I1 - Light Industrial

XZ - property in question

Y - property zoned C2 - Retail

V - all of that property in that color
zoned C4 - Commercial

1100 E Corral

N
A

13883

17146

15755

24074

W Corral Ave

24778

24132

23843

16279

N St

N 16th St

Legend



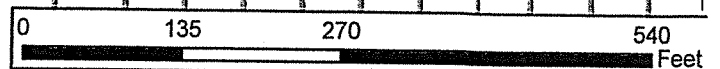
City Limits



1100 E Corral



200 Ft Buffer



Document Path: N:\Engineering\GIS Techs\MAPS\MAP_DOCUMENTS\Arc_City_Address_Assign_Map_8.5x11.mxd

Page
1 / 1

Drawn By:
Engineering Department

Last Update: 4/13/2016

Note:

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



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

1100 E. Corral - Jose Luis Perez, Jr.

PAUL WEST
489 N COUNTY ROAD 1050
KINGSVILLE, TX 78363-8923
#13883 & #17146

PAUL WEST
489 N COUNTY ROAD 1050
KINGSVILLE, TX 78363-8923
#17146

JOSE VILLARREAL
2105 E LOTT
KINGSVILLE, TX 78363
#24074

JUAN GONZALEZ
720 E MESQUITE
KINGSVILLE, TX 78363
#24778

BENNIE JEAN GONZALES
808 W 2ND
BISHOP, TX 78343-2010
#24132

KARLA TERESA CHAPA
2003 CARLA
ZAPATA, TX 78076-2928
#23843

FRANCISCO LONGORIA
1205 E CORRAL
KINGSVILLE, TX 78363-4058
#16279

1220 E. Corral - Fabrizio Martorella

DANIEL ROSAS
PO BOX 306
KINGSVILLE, TX 78364-0306
#25595

PAUL WEST
489 N COUNTY ROAD 1050
KINGSVILLE, TX 77363-8923
#13883, #14203, #24509

JOSE VILLARREAL
2105 E LOTT
KINGSVILLE, TX 78363
#24074

SOFIA LORRETTA SALDANA
1211 E CORRAL
KINGSVILLE, TX 78363
#24612 & #17035

FRANK SALDANA
1219 E CORRAL
KINGSVILLE, TX 778363
#25361 & #17785

JUAN RAMIREZ
220 W RICHARD
KINGSVILLE, TX 78363
#20523

BALDEMAR ESCAMILLA
1233 E CORRAL
KINGSVILLE, TX 78363
#21126

ARTURO HINOJOSA
5206 CREEKLINE
AUSTIN, TX 78745-2227
#21766

ARMIN HINOJOSA
1241 E CORRAL
KINGSVILLE, TX 78363
#14772

RAMON ALVAREZ
919 W AVE I
KINGSVILLE, TX 78363
#13446

Sunday's Paper - May 15, 2016

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday June 13, 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:

Jose Luis Perez, Jr., requesting a special use permit to place a mobile home at CORRAL, BLOCK 2, LOT 18, ACRES .2525 also known as 1100 E. Corral.

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.

Sec. 15-6-23. - Mobile home district (MH) and mobile home on individual lots.

(A) *Area regulations.* The minimum lot area for a mobile home/manufactured home district shall be five acres.

(B) *Yard and width regulations.* Yard, width and layout for mobile home/manufactured home parks as indicated on the Space Requirement Chart (Appendix B) shall be complied with.

(C) *Mobile homes/manufactured homes and mobile home/manufactured home park regulations.* Mobile home/manufactured home parks and mobile homes/manufactured homes shall meet the following requirements:

(1) Minimum individual mobile home/manufactured home space or lot of 25 feet in width and a minimum area of 3,000 square feet.

(2) A minimum separation of 15 feet shall be maintained between all mobile homes/manufactured homes. End to end clearance shall not be less than ten feet. No mobile home/manufactured home may be nearer than ten feet to any building.

(3) A strip 15 feet in width around the outside boundary of the mobile home/manufactured home park which is planted to screening shrubs and trees or fencing or both, as recommended by the City Planner and approved by the Planning and Zoning Commission in site plan approval.

(4) A playground or open space of not less than 10% of the total area of the development set aside for recreational purposes and equipped adequately.

(5) The mobile home/manufactured home park shall be approved with sewer and water facilities for mobile home space as approved by the City Engineer.

(6) Street shall conform to municipal design and engineering standards.

(7) Site plan shall be approved of the mobile home/manufactured home park by the Planning and Zoning Commission and City Commission.

(8) Mobile homes/manufactured homes shall comply with the tie down requirements of the Building Code. Mobile home/manufactured home parks shall provide anchors and tie downs.

(9) Mobile homes/manufactured homes placed on individual lots shall have wheels removed, be skirted, and have concrete driveways and adequate space to meet off-street parking regulations.

* (10) Mobile homes/manufactured homes may be placed in Industrial Districts (I1 and I2) for offices or dwellings by special use permit. No more than one mobile home/manufactured home per business may be so placed.

(11) All parking lots shall be paved to suppress dust.

(1962 Code, § 11-4-5; Ord. 84009, passed 6-18-84; Ord. 2003-11, passed 5-12-03)

Cross reference— Penalty, see § 15-6-999; trailers and trailer parks, see §§ 15-2-1 et seq.

Sec. 15-2-3. - Temporary permit; special use permit.

- (A) The Planning and Zoning Commission, in cases of an emergency or undue hardship, may grant a temporary permit for the location of a manufactured home to be used for one family dwelling within the corporate limits of the city.
- (B) Such permit shall be a personal permit to the applicant and shall be considered as an amendment to the zoning ordinances insofar as the special use is concerned. In granting a special use permit, special conditions may be required precedent to the issuance of a certificate of occupancy for the use of the property, and not as conditions precedent to the issuance of the special use permit. Such permit shall not be transferable and shall expire immediately upon cessation of use by the grantee and is subject to the following restrictions:
 - (1) Hardships must be demonstrated due to age, infirmity, or death of a family member.
 - (2) Permit is limited to one year.
 - (3) Permit may be renewed by demonstrating continued hardship.
 - (4) The manufactured home must be removed within 90 days of the expiration of the permit.
- (C) A public hearing shall be held to determine that the granting of the special use permit will not adversely affect the character, use or monetary value of surrounding property; does not modify the intent of the land use plan or zoning plan; and will not adversely affect traffic, safety, health, public utilities and general welfare.
- (D) All special use permit applications shall be accompanied by a fee of \$250.00 as stated in § 15-6-4 (A) of the Zoning ordinance. A special use permit may not be issued for a manufactured home to be located in any residential zone for any commercial purpose; ex. a model home in R-1. A special use permit may be issued for a manufactured office in residential zonings.
- * (E) Manufactured homes may also be placed in Industrial Districts (I-1 and I-2) for offices or dwellings by special use permit. No more than one mobile home or manufactured home per business may be so placed. Manufactured homes may not be placed in residential zones for temporary commercial purposes.

(1962 Code, § 5-9-23; Ord. 2003-09, § 15-2-3, passed 4-28-03; Ord. 2006-32, passed 7-10-06)

Secs. 15-2-4—15-2-14. - Reserved.

PLANNING AND ZONING COMMISSION
MEETING MINUTES
May 18, 2016

Planning and Zoning Members Present

Steve Zamora
Lupe Alvarez
Robert McCreight
Debbie Tiffie
Mike Klepac
Brian Coufal
Ramon Perez

Citizens Present

Jose Luis Perez, Jr.
Selina Perez
Joe Villarreal

Staff Present

Tom Ginter, Director of Planning & Development Services
Adela Barrientes, Administrative Assistant II
Jesus Garza, City Manager

Base Representative

1. **The meeting was called to order at 6:00 p.m.**
2. **Discuss and take action on the meeting minutes of April 20, 2016.**
Debbie Tiffie made a motion to approve the minutes as presented. Lupe Alvarez second.
Six in favor none opposed.
3. **Miscellaneous/Public Comments on or off the agenda.** - none
4. **Old Business/Postponements.** - none

- * 5. **Public Hearing for a special use permit from Jose Luis Perez, Jr., to place a mobile home at CORRAL, BLOCK 2, LOT 18, ACRES .2525 also known as 1100 E. Corral.**

Jose Luis Perez, Jr., currently living at 1526 E. Corral stated to the board that he applied for a special use permit to be able to place a mobile home at 1100 E. Corral he plans on remodeling it for a future business. Mr. Perez also plans to upgrade the property by adding plumbing, electrical services, and water. Joe Villarreal, owner of a welding shop on Corral Street stated that he does not agree with placing a model home next to his business, adding that there is no guarantee what he is going to do with this model home ten years from now. Mr. Perez stated that he does not plan on having the mobile home on Corral Street forever, adding that he is going through a divorce and he needs a place to stay, his plan is to remodel it while staying there.

***6. Discuss and Consider Action for a special use permit for Jose Luis Perez, Jr., to place a mobile home at CORRAL, BLOCK 2, LOT 18, ACRES .2525 also known as 1100 E. Corral.**

Tom Ginter explained to the board that mobile homes are allowed in properties zoned Industrial (I1 and I2), referring to ordinance Section 15-6-23 (10) "mobile homes/manufactured homes may be placed in Industrial (I1 and I2) for offices or dwellings by special use permit. Mr. Ginter wanted to make sure the board understood if the special use permit is approved it will apply only for this request and once the mobile home is removed from this property the special use permit will no longer apply. Debbie Tiffie asked if a special use permit is requested it is only good for one year. Mike Klepac also asked if we approve this special use permit today, then 365 days later he will have to vacant or come before the Planning and Zoning Commission again. Mr. Ginter replied correct. Mrs. Tiffie also asked that her understanding was that mobile homes were only allowed in mobile home parks. Mr. Ginter replied that they are allowed in Industrial Districts (I1 and I2). Lupe Alvarez stated that the Planning and Zoning Committee have issued too many special use permits. Mrs. Tiffie stated that according to his application he is requesting this mobile home for further business purposes. Mr. Ginter replied that Mr. Perez can have a business depending on the type of business and if the Land Use Chart allows it. Brian Coufal asked Mr. Perez what type of business he plans on having. Mr. Perez replied he has not decided yet maybe some type of custom wood working shop but is waiting to see what this commission decides. Mr. Coufal stated that he would be more incline if it was for a specific business purpose. Mrs. Tiffie stated that it sounds like Mr. Perez wants to make this his permanent residency because he wants to plant trees and remodel. Steve Zamora replied that according to the ordinance it's allowed. Mr. Ginter replied that according to the ordinance mobile home can be used for dwellings in an area zoned as I1 (Industrial). Discussion was held on the interpretation of Section 15-6-23. Jesus Garza, the City Manager stated to the board that this land is not developed and the economic benefit of having someone run water, sewer, electrical services to the property that currently does not have infrastructure regardless of the owners plans with the property the benefit to the community would be one more developable property. Mr. Perez stated that he has the money to run the water, sewer, and electrical services. Selina Perez co-owner of the property addressed the board stating that this property would be a starting point for her brother where he can remodel it for some type of business and eventually have a home somewhere else. Mr. Zamora asked Mr. Perez if the property size is .2525. Mr. Perez replied yes. Mr. Zamora added that he is limited on space with a quarter of an acre. Robert McCreight made a motion to approve the special use permit for Jose Luis Perez, Jr., to place a mobile home at CORRAL, BLOCK 2, LOT 18, ACRES .2525 also known as 1100 E. Corral. Lupe Alvarez second. 0 in favor, 7 opposed.

7. Public Hearing for a special use permit for Fabrizio Martorello, to place a mobile home at CORRAL, BLOCK 3, LOT 1, 2, (CORRAL STORAGE) (CORRAL STORAGE) also known as 1220 E. Corral.

Fabrizio Martorello currently living at 614 W. Richard stated to the board he currently has 38 storage units called Safe Trust Storage and has been in business for about 15 years at 1220 E. Corral. Mr. Martorello further stated that the mobile home has always been at

PUBLIC HEARING #2

City of Kingsville
Department of Planning and Development Services

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director

DATE: June 3, 2016

SUBJECT: Special Use Permit Request for 1220 E. Corral

Summary: Fabrizio Martello is requesting a special use permit for 1220 E. Corral.

Background: There has been a storage business at this property for some time. In fact there was a mobile home on the property prior to the ordinance concerning mobile homes so it was grandfathered in at that time. Mr. Martello has stated that for a period of time though the mobile home was not being lived in for some time so consequently the use is no longer grandfathered. He wants to have somebody live in the mobile home because when someone wasn't vandalism increased and since someone has been living in it the vandalism has stopped. There was discussion on the condition of the mobile home since it is an older one. A motion was made to approve the special use permit request from Fabrizio Martello and it was approved 5 to 2.

Financial Impact: I believe there will be minimal financial impact to the city.

Recommendation: Again taking into account the appearance of Corral Street with the ordinance as written and the desire for security on site to help with the business I recommend approval of the special use permit request from Fabrizio Martello.



ORDINANCE #2016-_____

AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT TO PLACE A MOBILE HOME AT CORRAL, BLOCK 23, LOT 1, 2 (CORRAL STORAGE) KNOWN AS 1220 E. CORRAL; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION;

WHEREAS, the Planning and Zoning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Fabrizio Martorello, for amendment to the zoning map of the City of Kingsville with the request based on City Code sections 15-6-23(C)(10) and 15-2-3(E) as this property is zoned I1 (light industrial);

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, May 18, 2016, during a meeting of the Planning and Zoning Commission, and on Monday, June 13, 2016, 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 by a 5-2 vote APPROVED the requested rezone; and

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended and a Special Use Permit is granted for a Mobile Home on the premises known as 1220 E. Corral as more specifically describe on site plan attached as Exhibit A.

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

1. **ALLOWED USE:** The only use authorized by this Special Use Permit is as a Mobile Home for onsite joint commercial & residential purposes or for strictly commercial purposes.

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

3. **SPECIAL CONDITION:** (3.1) 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 storage (rental) facility. (3.2) 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 amendments 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 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 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.

INTRODUCED on this the 13th day of June, 2016.

PASSED AND APPROVED on this the 27th day of June, 2016.

EFFECTIVE DATE: _____

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

By: _____
Courtney Alvarez, City Attorney



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PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Regular Meeting Wednesday, May 18, 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:

Fabrizio Martorello, owner, requesting a special use permit to place a mobile home at CORRAL, BLOCK 3, LOT 1, 2, (CORRAL STORAGE) (CORRAL STORAGE) also known as 1220 E. Corral.

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 23, 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:

Fabrizio Martorello, owner, requesting a special use permit to place a mobile home at CORRAL, BLOCK 3, LOT 1, 2, (CORRAL STORAGE) (CORRAL STORAGE) also known as 1220 E. Corral. 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.

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Regular Meeting Wednesday, May 18, 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:

Jose Luis Perez, Jr., requesting a special use permit to place a mobile home at CORRAL, BLOCK 2, LOT 18, ACRES .2525 also known as 1100 E. Corral.

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Published April 17, 2016
Kingsville Record

CITY OF KINGSVILLE

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

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

Master Land Use Application

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1220 E. Corral Located in the City _____ ETJ _____

(Proposed) Subdivision Name _____ Total number of Lots _____

Legal Description: CORRAL, BLOCK 3, LOT 1,2, (CORRAL STORAGE) (CORRAL STORAGE)

Existing Zoning Designation _____ Future Land Use Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Fabrizio Martorello Phone 914-470-6910 FAX _____

Email Address (for project correspondence only): 3fab17@gmail.com

Mailing Address 614 W. Richard Ave City Kingsville State TX Zip 78363

Property Owner Fabrizio Martorello 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 checked="" type="checkbox"/> SUP Request/Renewal.....\$250.00	<input type="checkbox"/> Vacating Plat.....\$50.00
<input type="checkbox"/> Zoning Variance Request (ZBA).....\$250.00	<input type="checkbox"/> Conceptual Development Plat.....\$100.00
<input type="checkbox"/> PUD Request.....\$250.00	<input type="checkbox"/> Subdivision Variance Request.....\$25.00 ea
<input type="checkbox"/> Lot Line Adjustment Plat.....\$100.00	<input type="checkbox"/> Amending Plat.....\$100.00

Please provide a basic description of the proposed project:

Requesting special use permit for mobile home for
office use / security / caretaker

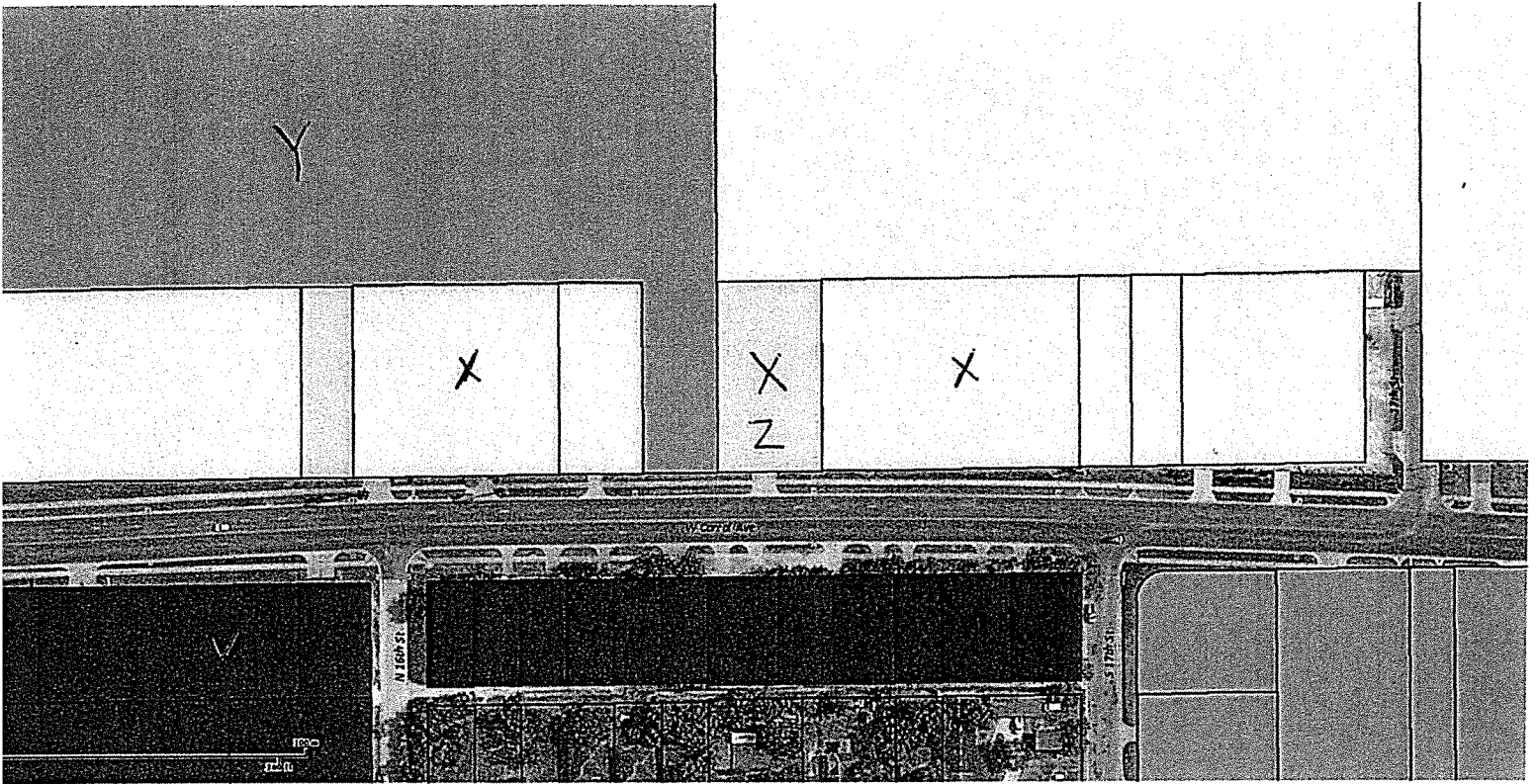
I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature: Fabrizio Martorello Date: 4/14/2016

Property Owner's Signature: Fabrizio Martorello Date: 4/14/2016

Application and Fee Accepted by: _____ Date: _____

1220 E. Corral



X - property zoned I1 - Light Industrial

XZ - property in question

Y - property zoned C2 - Retail

V - all of that property in that color
zoned C4 - Commercial

1220 E Corral

Legend

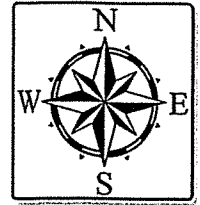


City Limits



1220 E Corral

200 Ft Buffer



13883

14203

24074

25595

24509

W Corral Ave

N 16th St

E Mesquite Ave

S 17th St

24612

17035

25361

17785

20523

21126

21766

14772

13446

0 140 280 560 Feet

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

Page
1/1

Drawn By:
Engineering Department

Last Update: 4/15/2016

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,



**CITY OF KINGSVILLE
ENGINEERING DEPARTMENT**

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

1100 E. Corral - Jose Luis Perez, Jr.

PAUL WEST
489 N COUNTY ROAD 1050
KINGSVILLE, TX 78363-8923
#13883 & #17146

PAUL WEST
489 N COUNTY ROAD 1050
KINGSVILLE, TX 78363-8923
#17146

JOSE VILLARREAL
2105 E LOTT
KINGSVILLE, TX 78363
#24074

JUAN GONZALEZ
720 E MESQUITE
KINGSVILLE, TX 78363
#24778

BENNIE JEAN GONZALES
808 W 2ND
BISHOP, TX 78343-2010
#24132

KARLA TERESA CHAPA
2003 CARLA
ZAPATA, TX 78076-2928
#23843

FRANCISCO LONGORIA
1205 E CORRAL
KINGSVILLE, TX 78363-4058
#16279

1220 E. Corral - Fabrizio Martorella

DANIEL ROSAS
PO BOX 306
KINGSVILLE, TX 78364-0306
#25595

PAUL WEST
489 N COUNTY ROAD 1050
KINGSVILLE, TX 77363-8923
#13883, #14203, #24509

JOSE VILLARREAL
2105 E LOTT
KINGSVILLE, TX 78363
#24074

SOFIA LORRETTA SALDANA
1211 E CORRAL
KINGSVILLE, TX 78363
#24612 & #17035

FRANK SALDANA
1219 E CORRAL
KINGSVILLE, TX 778363
#25361 & #17785

JUAN RAMIREZ
220 W RICHARD
KINGSVILLE, TX 78363
#20523

BALDEMAR ESCAMILLA
1233 E CORRAL
KINGSVILLE, TX 78363
#21126

ARTURO HINOJOSA
5206 CREEKLINE
AUSTIN, TX 78745-2227
#21766

ARMIN HINOJOSA
1241 E CORRAL
KINGSVILLE, TX 78363
#14772

RAMON ALVAREZ
919 W AVE I
KINGSVILLE, TX 78363
#13446

Sunday's Paper- May 15, 2016

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday June 13, 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:

Fabrizio Martorello, owner, requesting a special use permit to place a mobile home at CORRAL, BLOCK 3, LOT 1, 2, (CORRAL STORAGE) (CORRAL STORAGE) also known as 1220 E. Corral.

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.

Sec. 15-6-23. - Mobile home district (MH) and mobile home on individual lots.

- (A) *Area regulations.* The minimum lot area for a mobile home/manufactured home district shall be five acres.
- (B) *Yard and width regulations.* Yard, width and layout for mobile home/manufactured home parks as indicated on the Space Requirement Chart (Appendix B) shall be complied with.
- (C) *Mobile homes/manufactured homes and mobile home/manufactured home park regulations.* Mobile home/manufactured home parks and mobile homes/manufactured homes shall meet the following requirements:
- (1) Minimum individual mobile home/manufactured home space or lot of 25 feet in width and a minimum area of 3,000 square feet.
 - (2) A minimum separation of 15 feet shall be maintained between all mobile homes/manufactured homes. End to end clearance shall not be less than ten feet. No mobile home/manufactured home may be nearer than ten feet to any building.
 - (3) A strip 15 feet in width around the outside boundary of the mobile home/manufactured home park which is planted to screening shrubs and trees or fencing or both, as recommended by the City Planner and approved by the Planning and Zoning Commission in site plan approval.
 - (4) A playground or open space of not less than 10% of the total area of the development set aside for recreational purposes and equipped adequately.
 - (5) The mobile home/manufactured home park shall be approved with sewer and water facilities for mobile home space as approved by the City Engineer.
 - (6) Street shall conform to municipal design and engineering standards.
 - (7) Site plan shall be approved of the mobile home/manufactured home park by the Planning and Zoning Commission and City Commission.
 - (8) Mobile homes/manufactured homes shall comply with the tie down requirements of the Building Code. Mobile home/manufactured home parks shall provide anchors and tie downs.
 - (9) Mobile homes/manufactured homes placed on individual lots shall have wheels removed, be skirted, and have concrete driveways and adequate space to meet off-street parking regulations.
 - X (10) Mobile homes/manufactured homes may be placed in Industrial Districts (I1 and I2) for offices or dwellings by special use permit. No more than one mobile home/manufactured home per business may be so placed.
 - (11) All parking lots shall be paved to suppress dust.

(1962 Code, § 11-4-5; Ord. 84009, passed 6-18-84; Ord. 2003-11, passed 5-12-03)

Cross reference— Penalty, see § 15-6-999; trailers and trailer parks, see §§ 15-2-1 et seq.

Sec. 15-2-3. - Temporary permit; special use permit.

- (A) The Planning and Zoning Commission, in cases of an emergency or undue hardship, may grant a temporary permit for the location of a manufactured home to be used for one family dwelling within the corporate limits of the city.
- (B) Such permit shall be a personal permit to the applicant and shall be considered as an amendment to the zoning ordinances insofar as the special use is concerned. In granting a special use permit, special conditions may be required precedent to the issuance of a certificate of occupancy for the use of the property, and not as conditions precedent to the issuance of the special use permit. Such permit shall not be transferable and shall expire immediately upon cessation of use by the grantee and is subject to the following restrictions:
 - (1) Hardships must be demonstrated due to age, infirmity, or death of a family member.
 - (2) Permit is limited to one year.
 - (3) Permit may be renewed by demonstrating continued hardship.
 - (4) The manufactured home must be removed within 90 days of the expiration of the permit.
- (C) A public hearing shall be held to determine that the granting of the special use permit will not adversely affect the character, use or monetary value of surrounding property; does not modify the intent of the land use plan or zoning plan; and will not adversely affect traffic, safety, health, public utilities and general welfare.
- (D) All special use permit applications shall be accompanied by a fee of \$250.00 as stated in § 15-6-4 (A) of the Zoning ordinance. A special use permit may not be issued for a manufactured home to be located in any residential zone for any commercial purpose; ex. a model home in R-1. A special use permit may be issued for a manufactured office in residential zonings.
- ✕ (E) Manufactured homes may also be placed in Industrial Districts (I-1 and I-2) for offices or dwellings by special use permit. No more than one mobile home or manufactured home per business may be so placed. Manufactured homes may not be placed in residential zones for temporary commercial purposes.

(1962 Code, § 5-9-23; Ord. 2003-09, § 15-2-3, passed 4-28-03; Ord. 2006-32, passed 7-10-06)

Secs. 15-2-4—15-2-14. - Reserved.

6. Discuss and Consider Action for a special use permit for Jose Luis Perez, Jr., to place a mobile home at CORRAL, BLOCK 2, LOT 18, ACRES .2525 also known as 1100 E. Corral.

Tom Ginter explained to the board that mobile homes are allowed in properties zoned Industrial (I1 and I2), referring to ordinance Section 15-6-23 (10) "mobile homes/manufactured homes may be placed in Industrial (I1 and I2) for offices or dwellings by special use permit. Mr. Ginter wanted to make sure the board understood if the special use permit is approved it will apply only for this request and once the mobile home is removed from this property the special use permit will no longer apply. Debbie Tiffie asked if a special use permit is requested it is only good for one year. Mike Klepac also asked if we approve this special use permit today, then 365 days later he will have to vacate or come before the Planning and Zoning Commission again. Mr. Ginter replied correct. Mrs. Tiffie also asked that her understanding was that mobile homes were only allowed in mobile home parks. Mr. Ginter replied that they are allowed in Industrial Districts (I1 and I2). Lupe Alvarez stated that the Planning and Zoning Committee have issued too many special use permits. Mrs. Tiffie stated that according to his application he is requesting this mobile home for further business purposes. Mr. Ginter replied that Mr. Perez can have a business depending on the type of business and if the Land Use Chart allows it. Brian Coufal asked Mr. Perez what type of business he plans on having. Mr. Perez replied he has not decided yet maybe some type of custom wood working shop but is waiting to see what this commission decides. Mr. Coufal stated that he would be more incline if it was for a specific business purpose. Mrs. Tiffie stated that it sounds like Mr. Perez wants to make this his permanent residency because he wants to plant trees and remodel. Steve Zamora replied that according to the ordinance it's allowed. Mr. Ginter replied that according to the ordinance mobile home can be used for dwellings in an area zoned as I1 (Industrial). Discussion was held on the interpretation of Section 15-6-23. Jesus Garza, the City Manager stated to the board that this land is not developed and the economic benefit of having someone run water, sewer, electrical services to the property that currently does not have infrastructure regardless of the owners plans with the property the benefit to the community would be one more developable property. Mr. Perez stated that he has the money to run the water, sewer, and electrical services. Selina Perez co-owner of the property addressed the board stating that this property would be a starting point for her brother where he can remodel it for some type of business and eventually have a home somewhere else. Mr. Zamora asked Mr. Perez if the property size is .2525. Mr. Perez replied yes. Mr. Zamora added that he is limited on space with a quarter of an acre. Robert McCreight made a motion to approve the special use permit for Jose Luis Perez, Jr., to place a mobile home at CORRAL, BLOCK 2, LOT 18, ACRES .2525 also known as 1100 E. Corral. Lupe Alvarez second. 0 in favor, 7 opposed.

7. Public Hearing for a special use permit for Fabrizio Martorello, to place a mobile home at CORRAL, BLOCK 3, LOT 1, 2, (CORRAL STORAGE) (CORRAL STORAGE) also known as 1220 E. Corral.

Fabrizio Martorello currently living at 614 W. Richard stated to the board he currently has 38 storage units called Safe Trust Storage and has been in business for about 15 years at 1220 E. Corral. Mr. Martorello further stated that the mobile home has always been at

this location but is requesting a special use permit to have someone live in it that will provide security and help with running the business, at the same time he is helping a couple who are down on their luck. Mr. Martorello added that he has had several break-ins when no one was living on site. Lupe Alvarez asked Mr. Martorello if his intention was to remove the mobile home that is currently there and replace it with a new one. Mr. Martorello replied no. Mrs. Tiffie asked if the mobile home was already there why is Mr. Martorello applying for a special use permit because he would fall under the grandfather clause. Mr. Ginter replied because the mobile home was not used that cuts off the grandfather clause. Discussion was held on Mr. Martorello putting a more permanent building there. Mr. Martorello will get with Mr. Ginter to discuss what options are available to him.

X 8. **Discuss and Consider Action for a special use permit for Fabrizio Martorello to place a mobile home at (CORRAL STORAGE) (CORRAL STORAGE) also known as 1220 E. Corral.**

Debbie Tiffie made a motion to approve the special use permit for a one year time period in order to give him time to discuss his options for the future. Lupe Alvarez second. 5 in favor, 2 opposed.

9. **Discuss and Consider Action concerning the number of monthly meetings, expectations, terms of members and attendance.**

Mr. Garza informed the board that one of the things that has been a priority in coordination with the commission is trying to reassess the development review process. And one of the perceptions is that the city is not business friendly. Mr. Garza further informed the board that the way the meetings are scheduled does not help the process, because the city has to have 15 days prior to consider any special use permits or variance requests. And what happens sometimes is that these requests come in 14 days prior to the regularly scheduled meeting, so they have to wait another month before it is presented before a committee. This will total about 40 to 45 days before it is presented to a committee then it has to be presented to the City Commission. If it's a zoning request it has to be an ordinance and in our charter ordinances have to be introduced and then adopted, so they will take two City Commission meetings. Because of this Mr. Garza recommended that this board permanently schedule two Planning and Zoning meetings per month, the first and third Wednesday of each month. Mr. Garza also informed the board that they are revisiting some of the language related to the responsibilities and expectations for board/commission/committee members. For example, on Section 3-3-1 where it states "the absence of a member from three consecutive regularly scheduled meetings without a valid excuse shall be grounds for dismissal from such board, commission or committee. Everyone has a different interpretation of valid excuse. This will remove some of the ambiguity behind it so that the commission has more flexibility on holding commission members accountable. Mr. Garza stated that he is aware of several committee members term expiring sometime in June, and because of the change in language this would be a great opportunity of each member to determine if they are committed and willing to serve within the new parameters of the expectations. Mr. Garza added this will assist with the goal of a business friendly environment. Mr. Garza informed the board that the Planning and Permit Departments will be housed at the

PUBLIC HEARING #3

City of Kingsville
Department of Planning and Development

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director

DATE: June 3, 2016

SUBJECT: Preliminary and Final Plat review for ETJ development known as Escondido Ranch

Summary: S & S Kingsville Construction have submitted a housing development in our Extra Territorial Jurisdiction. Due to an agreement with Kleberg County in 2005 the city commission has the authority to approve the plats as presented.

Background: Some time back the plats were presented to Kleberg County for approval which they did. Consequently S & S Kingsville Construction started work on the development. At some point it came to his attention that while outside of our city limits it is in our ETJ which does provide for a process of review by the city. Consequently work was stopped and the review process was started. Commissioner Roy Cantu, Charlie Cardenas and I reviewed the plats and had two comments which since then S & S Kingsville Construction have submitted revised plats. City staff looked at the revisions and approved the resubmitted plans. The Planning and Zoning Commission reviewed the preliminary and final plats on Wednesday, June 1, 2016 and approved them by a vote of 6 to 0. This development is east of CR 1030 and on the south side of Escondido Road. These lots will septic tanks for sewer service and City of Kingsville water. The street will be up to city standard and with two fire hydrants in the development. There are a total 18 lots that can be built on in this development.

Financial Impact: This development will have a positive impact in terms of water sales since they will be on city water. We will not collect property taxes but if the development has



City of Kingsville
Department of Planning and Development

residents who move there from some other place than Kingsville we would see an increase in sales taxes. The developer will be responsible for laying the water line and building the street,

Recommendation: I believe this to be a quality development and recommend approval of the preliminary and final plat from S & S Kingsville Ranch , Escondido Ranch.



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 CR 1030 & Escudido Located in the City ETJ ☒

(Proposed) Subdivision Name Escudido Ranch Total number of Lots 9

Legal Description: North 62 Acres of Lot 25 Block 20 Kleburg Town + Improvement
Company Subdivision

Existing Zoning Designation _____ Future Land Use Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent S&S Kingsville Const. Phone 361-522-366 FAX _____

Email Address (for project correspondence only): _____

Mailing Address P.O. Box 1333 City Kingsville State TX Zip 78363

Property Owner S&S Kingsville Const. Phone 361-455-7746 FAX _____

Email Address (for project correspondence only): _____

Mailing Address P.O. Box 1333 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 checked="" 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:

Preliminary Plat & Final Plat

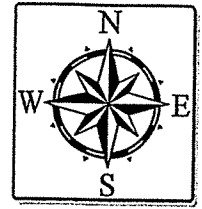
I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature: [Signature] Date: 4-5-16

Property Owner's Signature: [Signature] Date: 4-5-16

Application and Fee Accepted by: Aula Bannert Date: 4-5-16

City of Kingsville



19558

Escondido Rd

No matches were found.

42793

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



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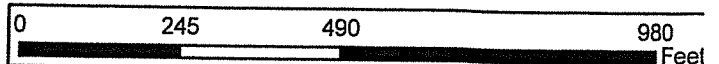
14226

CR 1030

13407

Legend

-  Ownership
-  Proposed Subdivision
-  200 ft. Radius
-  City Limits



Document Path: N:\Engineering\GIS Techs\MAPSMAP_DOCUMENTS\Arc_City_Address_Assign_Map_8.5x11.mxd

Drawn By:
Engineering Department

Last Update: 4/14/2016

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



CITY OF KINGSVILLE
ENGINEERING DEPARTMENT
200 East Kleberg
Kingsville, Texas 78363

**INTERLOCAL AGREEMENT
BETWEEN THE CITY OF KINGSVILLE
AND KLEBERG COUNTY
RELATING TO THE APPROVAL OF PLATS AND
THE REGULATION OF AICUZ RESTRICTIONS
WITHIN THE EXTRATERRITORIAL JURISDICTION OF
THE CITY OF KINGSVILLE**

STATE OF TEXAS §
 §
COUNTY OF KLEBERG §

I. PARTIES. The parties to this Interlocal Agreement are Kleberg County, Texas ("County"), a political subdivision of the State of Texas, and the City of Kingsville ("City"), a Texas home rule municipality.

II. PURPOSE.

A. In a continuing effort to consolidate activities within the appropriate jurisdiction in order to promote efficiency in local government, the City and the County mutually agree that the City of Kingsville shall administer the platting of all property and regulation of AICUZ restrictions for all property located within those portions of the City's extraterritorial jurisdiction that are within Kleberg County.

B. The parties enter into this Interlocal Agreement under the Texas Government Code Chapter 791 (Interlocal Cooperation Act) and under the terms of Texas Local Government Code §242.001(c). By this Interlocal Agreement, the County delegates to the City the administration of Chapter 232 of the Texas Local Government Code within those portions of the City's extraterritorial jurisdiction that are within Kleberg County, subject, to the terms and exceptions of this Interlocal Agreement.

III. TERM. The term of this Interlocal Agreement commences on the date when last party to this Interlocal Agreement affixes the authorized signatures and extends for five (5) years from the date of that signature. Unless terminated under Section VII, this Interlocal Agreement shall automatically renew annually for a one (1) year term on the anniversary date of the commencement of this Interlocal Agreement.

IV. AUTHORITY TO THE CITY. The City is delegated the authority to administer the provisions of Chapter 232 of the Texas Local Government Code within those portions of the City's extraterritorial jurisdiction that are within Kleberg County.

A. The City's Planning Director is authorized to:

1. Accept all plat applications for tracts of land located in the City's extraterritorial jurisdiction.

2. Collect both the City's and County's plat application fees in a lump-sum amount.
3. Provide applicants one response indicating approval or denial of their plat application.
4. Ensure that plat applications for tracts of land located in the City's ETJ comply with the local AICUZ regulations pending at the time of submission for consideration.

B. The City shall pay on a quarterly basis to the County all County plat application fees collected.

V. RULES GOVERNING PLATTING AND AICUZ REGULATION UNDER THIS INTERLOCAL AGREEMENT.

A. The City shall comply with the applicable provisions of the following regulations when platting property within those portions of its extraterritorial jurisdiction that are within Kleberg County:

1. Texas Local Government Code Chapter 212, as amended.
2. Texas Local Government Code Chapter 232, as amended.
3. The City's Subdivision and Zoning Ordinance, as amended.
4. Kleberg County Commissioners Subdivision Orders.
5. Any other statutes applicable to municipalities and counties that may be enforced in the City's extraterritorial jurisdiction.

B. If the existing municipal regulation or county regulation relating to plats and the subdivision of land conflict, the more stringent regulation applies.

C. If the City requires a plat to be filed for the subdivision of a particular tract of land in the City's extraterritorial jurisdiction, but the County does not, the property may not be subdivided until a plat is approved by the City.

D. If the County requires a plat to be filed for the subdivision of a particular tract of land in the City's extraterritorial jurisdiction, but the City does not, the property may not be subdivided until a plat is approved by the City.

E. The City shall prepare a consolidated set of regulations that identifies the most stringent requirements currently required by either jurisdiction. The consolidated regulations must be appended to this Interlocal Agreement as Appendix A.

F. The administrative procedures in the City's Subdivision Ordinance will be used in the processing of plat applications and requests for variances.

VI. CITY PLANNING & ZONING COMMISSION. The parties agree that the Planning & Zoning Commission of the City of Kingsville will act for the City of Kingsville in administering Chapter 232 of the Texas Local Government Code. Appeals from recommendations of the City Planning & Zoning Commission may be made to the City Commission under the City Ordinance. The City of Kingsville Zoning Board of Adjustment will act for the City of Kingsville in determining variance requests.

VII. DEDICATION OF PUBLIC IMPROVEMENTS. The approval of a plat of land located within those portions of the City's extraterritorial jurisdiction that are within Kleberg County under this Interlocal Agreement does not constitute acceptance of the dedication of any public improvements by the Kleberg County Commissioners' Court. After the public improvements have been installed and inspected by both the City and County designated representatives, an application for acceptance of the dedication must be made to the County Commissioners' Court.

VII. TERMINATION.

A. The parties agree that either party may terminate this Interlocal Agreement without cause on the annual anniversary date by providing sixty (60) days prior written notice of their intent to terminate this Interlocal Agreement.

B. Upon termination, all authority to administer Chapter 232 of the Texas Local Government Code within those areas of the City's extraterritorial jurisdiction that are within Kleberg County revert to the County.

VIII. MISCELLANEOUS PROVISIONS.

A. Notice. Notice required by this Interlocal Agreement may be given or served by depositing the notice in the United States Mail, in certified or registered form, postage prepaid, addressed to the other party, or by delivering the notice in person to the other party. Notice deposited in the United States Mail in the manner prescribed in this subsection is effective upon deposit. The addresses of the parties are:

City of Kingsville, Texas
Attention: City Manager
P.O. Box 1458
Kingsville, Texas 78364

Kleberg County
Attention: Kleberg County Judge
P.O. Box 752
Kingsville, Texas 78364

B. Effect of Waivers. No waiver by either party of any default, violation, or breach of the terms, provisions, and covenants contained in this Interlocal Agreement may be deemed or construed to constitute a waiver of any other

violation or breach of any of the terms, provisions, and covenants of this Interlocal Agreement.

C. Only Agreement between Parties. This Interlocal Agreement constitutes the only agreement of the parties relating to the administration of and enforcement authority under Chapter 212, 232, and 242 of the Texas Local Government Code and supersedes any understandings or written or oral agreements between the parties respecting the subject matter of this Interlocal Agreement. Any changes or modifications to this Interlocal Agreement must be made in writing and approved by the governing bodies of both parties.

D. Amendment of Interlocal Agreement. This Interlocal Agreement may be amended at any time. Any amendment to this Interlocal Agreement must be in writing and agreed to by the governing bodies of the parties. No officer or employee of any of the parties has authority to waive or otherwise modify the limitations in this Interlocal Agreement, without the express action of the governing body of the party.

E. Not For Benefit of Third Parties. This Interlocal Agreement and all activities under this Interlocal Agreement are solely for the benefit of the parties and not the benefit of any third parties.

F. Exercise of Police Powers. This Interlocal Agreement and all activities under this Interlocal Agreement are undertaken solely as an exercise of the police power of the parties, exercised for the health, safety, and welfare of the public generally, and not for the benefit of any particular person or persons. The parties do not have and may not be deemed to have any duty to any particular person or persons.

G. Immunities Not Waived. Nothing in this Interlocal Agreement waives any governmental, official, or other immunity or defense of any of the parties or their officers, employees, representatives, and agents as a result of the execution of this Interlocal Agreement and the performance of the covenants contained in this Interlocal Agreement.

H. No Civil Liability to Other Party. One party may not be responsible to and may not be civilly liable to another party for any act or omission under this Interlocal Agreement. Each party waives all claims against the other party for compensation for any loss, damage, personal injury, or death occurring as a consequence of the performance of this Interlocal Agreement.

I. Captions. Captions to provisions of this Interlocal Agreement are for convenience and shall not be considered in the interpretation of the provisions.

J. Fiscal Obligations. Each party which performs services or furnishes aid under this Interlocal Agreement must do so with funds available from current revenues of the party. No party has any liability for the failure to expend funds to provide aid under this Interlocal Agreement.

K. Interlocal Cooperation Act Applies. The parties agree that activities under this Interlocal Agreement are "governmental functions and services" and that the parties are "local governments" as that term is defined in this Interlocal Agreement and in the Interlocal Cooperation Act.

L. Entirety of Agreement. This Interlocal Agreement contains all commitments and agreements of the parties with respect to the platting of property within the City of Kingsville's extraterritorial jurisdiction. No other oral or written commitments of the parties with respect to the platting of property within the City of Kingsville's extraterritorial jurisdiction may have any force or effect if not contained in this Interlocal Agreement.

M. Severability. If any provision contained in this Interlocal Agreement is held invalid for any reason, the invalidity does not affect other provisions of the Interlocal Agreement that can be given effect without the invalid provision, and to this end the provisions of this Interlocal Agreement are severable.

N. Validity and Enforceability. If any current or future legal limitations affect the validity or enforceability of a provision of this Interlocal Agreement, then the legal limitations are made a part of this Interlocal Agreement and operate to amend this Interlocal Agreement to the minimum extent necessary to bring this Interlocal Agreement into conformity with the requirements of the limitations, and so modified, this Interlocal Agreement continues in full force and effect.

O. Warranty. The Interlocal Agreement has been officially authorized by the governing body of each party, and each signatory guarantees and warrants that the signatory has full authority to execute this Interlocal Agreement and to legally bind the respective party to this Interlocal Agreement.

P. Governing Laws. This Interlocal Agreement shall be governed by the laws of the State of Texas.

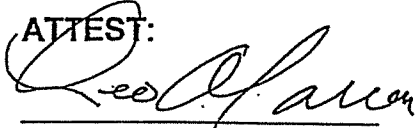
Q. Venue. Venue for an action arising under this Interlocal Agreement is in Kleberg County, Texas.

EXECUTED in duplicate originals this 13th day of June, 2005.

EXECUTED by the County of Kleberg on the 13th day of June, 2005.

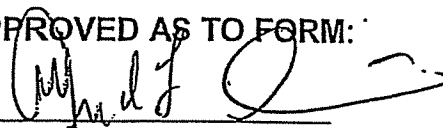

Pete De La Garza
County Judge

ATTEST:


Leo Alarcon

County Clerk

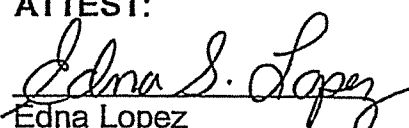
APPROVED AS TO FORM:


Alfred Isassi
County Attorney

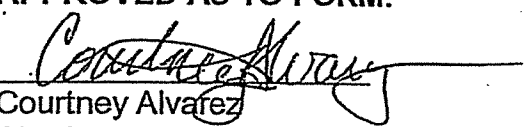
EXECUTED by the City of Kingsville on the 23rd day of May, 2005.


Carlos Yerena
City Manager

ATTEST:


Edna Lopez
City Secretary

APPROVED AS TO FORM:


Courtney Alvarez
City Attorney

APPENDIX A

1. PLAT REQUIRED

A. The owner must plat the portions of a tract that are subdivided into parts that are 5 acres or less in size. The plat does not need to include any part greater than five acres that has access to a public road, if no public improvement are being dedicated.

B. The owner must plat if the owner subdivides a tract into two or more parts that are greater than 10 acres and includes streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

C. The owner must plat if owner subdivides a tract into two or more parts that are greater than 5 acres, but not greater than 10 acres, unless:

1. The land is used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use;
2. The tract is divided into four or fewer parts and the parts are sold, given, or otherwise transferred to an individual who is related to the owner within the third degree of consanguinity or affinity;
3. All of the lots are sold to veterans through the Veterans' Land Board program;
4. The tract is owned by the state or other state agency, board, or commission or owned by the permanent school fund or any other dedicated funds of the state;
5. The owner of the land is a political subdivision of the state, the land is situated in a flood plain, and the lots are sold to adjacent landowners;
6. One new part is to be retained by the owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements; or
7. All parts of the tract are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract.

D. Subdivision of a tract includes any division, regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale, purchase option rental agreement, or other executory contract to convey, or by using any other method.

E. No land may be divided and sold or conveyed until the Subdivider receives approval of a Final Plat of the tract and files the plat with the County Clerk, for recordation in the Map Records of the County.

F. The Commissioners Court determines whether it will accept any dedications.

G. Approval of a plat does not impose any duty upon the County concerning maintenance of improvements included in any dedication.

H. The Commissioners Court determines which dedications will be accepted for County maintenance after the Owner maintenance period has expired.

I. Land used for a manufactured home rental community, which is not subdivided, must have an infrastructure development plan prepared that complies with the County's minimum infrastructure standards.

1. A Manufactured Home Rental Community is a plot or tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as residences.

J. A computer floppy disc or CD-ROM with a file in AutoCAD format (.dwg) of the layout of the lots and streets (to scale and with state plane coordinates) must be submitted for incorporation into the County-wide map.

2. PLAT PROCESSION

A. Generally, the City's procedures will be followed, however, the City will modify its procedures as follows:

1. The City will require the applicant for any plat within the City's extraterritorial jurisdiction to submit sufficient copies of the engineering drawings and specifications for all infrastructure improvements, including drainage and road plans, for review by the City Staff, City engineer, and other utilities using the road rights-of-way and utility easements.

2. The City will provide the County Engineer with a copy of all plat applications, including any submitted infrastructure plans and specification, and with an appropriate cover letter noting the status of the plat application and any deadlines for review, within two working days of receipt. The cover letter should provide notice of the time and place of any Staff Plat review and Planning Commission meetings at which the plat will be considered.

3. The County Engineer will provide any comments on the plat and the proposed infrastructure improvements to the City's Director of Development Services

within two weeks of receipt of the plat application, unless another review time is mutually agreed upon.

4. After the Staff Plats meeting, the Director of Development Services will forward to the County Engineer a copy of any written comments and the notes of any verbal comments from the City staff and utilities to the applicant at the Staff Plats meeting.

5. The Director of Development Services will forward to the County Engineer notice of any changes to the plat that were required on the plat by the City Staff or Planning Commission prior to their submission to the Planning Commission.

6. City and County review comments of both the plat and infrastructure plans, including drainage improvement plans and road plans, will be incorporated into revisions to the various documents, except as noted in subparagraph 7 of this paragraph, before the plat is submitted to the Planning Commission with a recommendation for approval of the plat.

7. If either the City or the County objects to any review comments or revisions, prior to final plat acceptance, the objections must be resolved by means of a meeting(s) of the appropriate City and County representatives.

8. If the applicant has not made or agreed to make all of the changes requested by the City and County, the Director of Development Services will recommend disapproval of the plat by the Planning Commission.

9. The Director of Development Services shall furnish a copy of the plat and documents filed with County Clerk, along with a copy of any drainage and roadway plans, to the Kleberg County Department of Public Works once the plat is filed with the County Clerk.

B. If groundwater is the source of water supply for the subdivision, each purchase contract made between the owner and purchaser of land in the subdivision must contain a statement describing the extent to which water will be made available to the subdivision and if it will be made available, how and when.

3. REQUIREMENTS FOR ACUTAL PLAT DOCUMENT

A. The plat shall be drawn on first quality paper or Mylar film, 18" x 24" maximum size sheet, in India ink; to a scale of one inch equals one hundred feet (1"=100'), or larger with all figures and letters legible, and the whole proper for filing for record in the Office of the County Clerk, with the following information given:

B. The title or name by which the subdivision is to be identified, North point, the scale shown graphically, and the name and seal of the registered professional engineer or state licensed or registered land surveyor responsible.

C. A definite legal description and identification of the tract being subdivided, this description shall be sufficient for requirements of title examination. The plat shall be a descriptive diagram drawn to scale, and shall show by reference that the subdivision is a particular portion or part of a previously filed plat or recognized grant or partition.

D. Where the area platted as a subdivision to a city or town, covering parts of lots or blocks in a recorded subdivision or partition of an original survey, the acreage taken from each of the said lots or blocks shall be clearly stated on the plat.

E. The boundaries of the subdivided property, the location or designation of all streets, alleys, parks and other areas intended to be dedicated or deeded to the public use, shall be shown with the proper dimensions and bearings. The boundaries of the subdivision shall be indicated by a heavy line and shall be tied by dimension to the centerlines of all existing boundary streets or roads, or lines of established surveys with such other data furnished to locate the subdivision on the ground.

F. The plat shall show all block, lot and street boundary lines. Blocks and lots shall be numbered or lettered consecutively. The width of all streets shall be shown, measured at right angles or radially, where curved.

G. Accurate dimensions, both linear and angular, of all items on the plat shall be shown. Linear dimensions shall be shown in feet and decimals of a foot; angular dimensions shall be shown by bearing, all principal lines shall be fully described and all essential information given; circular curves shall be defined by actual length of radius and not by degree of curve. The arc definition of a curve shall be used in all computations.

H. The location and description of all lot corners, reference points and beginning and end points, (P.C. & P.T.) of all curves, shall be marked with 5/8" iron pipes 24" to 30" long, set flush with the ground shall be used for block corners.

I. A certificate of dedications, duly acknowledged, on all roads or streets, public highways, utility easements, parks, drainage easements, and all other land intended for public use shall be shown on the plat. A thirty-foot (30') minimum drainage easement shall be shown on the plat, fifteen feet (15') minimum each side of the centerline of all gulleys, ravines, draws, sloughs, etc., in the subdivision.

J. A certificate of ownership in fee of all land embraced in the subdivision, and of the authenticity of the plat and dedication, signed and acknowledged by all owners of any interest in said land. The acknowledgement shall be in the form required in the conveyance of real estate. Approval and acceptance of all lien holders shall be included.

K. If the subdivision is located in an area not served by a sanitary sewer system and septic tanks are to be used, a certificate of approval from the City-County Health Department shall be required. If sewer lines are available and of sufficient size to be

used, location shall be showing on drawings and arrangements for tying on shall be made.

4. REGULATION OF LOT SIZE.

A. Lots shall be a minimum of five thousand (5,000) square feet except lots that require septic tanks must be a minimum of $\frac{1}{2}$ acre if served by a public water supply and one acre if not served by a public water supply. All lots, so far as practical, shall have their side lines at right angles to the road on which they face, or radial to curved road lines.

B. Corner lots for residential use shall have extra width to permit appropriate buildings set back from both streets.

5. STREET STANDARDS

A. Arterial, or main thoroughfare roads are to be provided where, in the judgment of the City's Director of Engineering; they are necessary and shall have a minimum right-of-way of eighty (80') feet.

B. Collector roads through the subdivisions shall have a minimum right-of-way width of sixty feet (60') and shall provide unhampered circulation through the subdivision and adjoining subdivision.

C. In the event that a roadway is to cover an original survey corner, a marker shall be set on an offset at the right of way line. The marker must be made of 6-inch diameter concrete and three feet long. The top of the marker must be made of 6-inch diameter concrete and three feet long. The top of the marker shall be flush with the ground and have a brass plate with an "X" on it. In addition to this a three-foot pipe with a minimum diameter of one inch (1") shall be set six inches (6") below the ground in the right-of-way line and approximately 20 feet from the concrete marker. These markers shall be shown on the plat with the angle and distance to the original survey corner.

D. Where an existing road is continued into a new subdivision, the right-of-way in the new subdivision shall not be of less width than the right-of-way of the existing road.

E. Roads shall be laid out so as to intersect as nearly as possible at right angles.

F. Road jogs with centerline offsets of less than one hundred twenty-five feet (125') shall be avoided.

G. Property lines at road intersections shall be rounded with a radius of ten feet (10') or of a greater radius where deemed necessary by the City's Director of Engineering.

H. Dead end roads, designed to be so permanently, shall not be longer than five hundred feet (500') and shall be provided at the closed end with a cul-de-sac (turn around) having

an outside roadway diameter of at least eighty (80') feet and a street right-of-way diameter of at least one hundred feet (100').

I. Roads that are a continuation of an existing road shall take the name of the existing road.

J. Where part of a road has been dedicated in an adjoining subdivision adjacent to, and along, the common property line of the two subdivisions, the same width, or wider, right-of-way must be dedicated in the new subdivision as was dedicated in the existing subdivision.

K. All arterial, main thoroughfare and collector roads shall be as straight as possible, with a maximum of five (5) degree curve being permitted, except at intersections; minor roads through residential areas may have a maximum of ten (10) degree curve.

L. Roads shall be platted so that continuation of said roads may be made in future subdivisions.

M. Provision must be made for the extension of main thoroughfare; belt loops of main county roads, etc., where required by the City's Director of Engineering.

N. A map shall be submitted to the City's Director of Engineering on a scale of not more than two hundred feet (200') per inch, and certified to as to accuracy by the engineer, or survey, preparing the plat, showing reasonable detail, the location and width of existing streets, roads, lots and similar facts regarding all property immediately adjacent thereto; also the connecting between the new and the existing subdivisions. If there are no adjacent subdivisions, then an accurate map must be submitted showing ownership of all adjacent property, location and distance of the nearest subdivision, and how the roads in the subdivision offered for record may connect with those in the nearest subdivision.

O. Profiles drawn to scale adequate to show the existing ground line and proposed grades of finished centerline of all roads, and flowline grade of all ditches; must be submitted to the City's Director of Engineering prior to plat approval.

P. Roadway and drainage plans shall be prepared by a Registered Professional Engineer (Texas Registration).

Q. Roadway & Paving Standards – The City's right-of-way and street pavement standards will apply.

R. Street Markers – Two road or street name signs having the following specifications shall be erected at all street intersections in the subdivision for street markers:

1. Signs shall be constructed of one of the following materials: 4"X 4" posts, either treated or untreated, painted white and using 2" standard height letters, giving the official street or road name or number, or

2. The street name sign shall be of the cross-arm type, and shall be reflectorized on aluminum metal blanks. Posts shall be metal or wood (Minimum 2" round galvanized if the former and 4" square redwood, cedar or Southern yellow pine if the latter) and shall be 12' long, with at least 2'6" in the ground. If a "stop" or "yield" sign is also on the post, it shall be placed so as to not affect the legibility of the name. It shall be 7' minimum from the bottom of the sign on the ground line.

6. DRAINAGE STANDARDS

A. Profiles drawn to scale adequate to show the existing ground line and proposed grades of finished centerline of all roads, and flowline grade of all ditches; must be submitted to the City's Director of Engineering prior to plat approval.

B. Roadway and drainage plans shall be prepared by a Registered Professional Engineer (Texas Registration).

C. In subdivisions where there is no curb & gutter, drainage shall be by roadway ditches, cross ditches, or swales. A map shall be submitted to the City's Director of Engineering showing direction of flow, acreage and all necessary drainage calculations. Ditches must have a minimum grade of 0.1' per 100'. Ditch side slopes shall not be steeper than four to one (4 to 1). Pipes shall be placed where required to provide necessary drainage under drives, sidewalks, cross drains, etc. In all instances calculations shall be shown for each drain, but in no instance shall the pipe used be less than eighteen inches (18") diameter. Drainage sketches, referred to above, shall show the drainage carried to its logical point of disposal. Drainage shall not be dumped on the adjoining tract or road to the detriment of that tract or road. All necessary easements shall be provided and ditch work done as an integral part of the subdivision being prepared. A subdivision may not be built in the mouth of a large gulley, creek, draw or swale area, where heavy rains would cause damage to existing or contemplated improvements. This prohibition also applies to installing streets, paving or other improvements in a new subdivision where the increased runoff will damage existing improvements below the street, paving, or improvement. Contours of not more than five foot (5') intervals in hilly land, or one foot (1') intervals in flat land, or in land that is at a twelve foot (12') elevation or less, shall be shown on this map.

D. When a plat involving roads, drainage or utility work shall have been approved and filed for record, then such roads, drainage or utility work shall have been completed and accepted within six (6) calendar months from the date of acceptance. In case of inclement weather and upon application and approval, up to six (6) months extension may be granted.

E. A note shall be placed on the plat, where applicable, requiring building floor elevation to be constructed six inches (6") above the nearest roadway, or higher, if deemed necessary by City's Director of Engineering.

F. Subdivisions that are located in a flood zone on the "Flood Hazard Boundary Map" for Kleberg County will have the following requirements:

G. Permanent type benchmarks shall be set in appropriate locations with the description and elevation shown on the plat.

H. A note on the plat stating "A flood permit will be required from Kleberg County for building structures."

I. All subdivision proposals shall be consistent with the Kleberg County Flood Damage Prevention Ordinance.

J. Contours at one-foot (1') intervals shall be shown on the plat.

K. If the City requires curbs, gutters, and underground drainage systems, the City will maintain the curbs, gutters, and underground drainage system at the same level of service as provided inside the City limits.

7. OTHER REQUIREMENTS

A. A certificate from each Tax Collector of a political subdivision in which property is located must accompany the plat to be recorded showing that all taxes are paid.

B. A certificate of title or title insurance on the subdivision must be furnished showing ownership of property and all liens against sale.

8. ENFORCEMENT

A. At the request of the City, the County Attorney may file an action in a Court of competent jurisdiction to enjoin the violation or threatened violation of the requirements established by or adopted under the interlocal agreement or to recover damages in an amount adequate for the county to undertake any construction or other activity necessary to bring about compliance with the requirements established by the platting requirement.

B. A person commits an offense if the person knowingly or intentionally violates a requirements established by or adopted under this interlocal agreement. The offense is a Class B misdemeanor punishable by a fine of not more than One Thousand Dollars (\$1,000) and/or a jail sentence of not more than one hundred eighty (180) days.

Sunday's Paper - May 15, 2016

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Special Meeting Wednesday, June 1, 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:

S & S Kingsville Construction LLC, owner, is requesting the approval of preliminary and final plat for NORTH 62 ACRES OF LOT 25 BLOCK 20 KLEBERG TOWN AND IMPROVEMENT COMPANY SUBDIVISION also known as Escondido Ranch.

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 June 13, 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:

S & S Kingsville Construction LLC, owner, is requesting the approval of preliminary and final plat for NORTH 62 ACRES OF LOT 25 BLOCK 20 KLEBERG TOWN AND IMPROVEMENT COMPANY SUBDIVISION also known as Escondido Ranch.

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

**City of Kingsville
City Manager's Office**

TO: Mayor and City Commissioners

FROM: Jesus A. Garza, City Manager

DATE: June 2, 2016

SUBJECT: Disaster Response Recovery Fund

Summary:

This item authorizes the transfer of \$100,000 to create a Disaster Response Recovery Fund.

Background:

After recent storms, the need for a disaster response recovery fund became apparent. The City intends to establish a fund that will hold yearly contributions in the event of future disaster situations. The City will begin funding this Disaster Recovery Fund with \$50,000 transfers from both the General and Utility Fund.

Financial Impact:

This budget amendment will transfer out \$50,000 from the General Fund and \$50,000 from the Utility Fund to create a Disaster Response Recovery Fund with a year 1 contribution of \$100,000.

Recommendation:

Staff is recommending the FY 15-16 budget be amended to include the \$100,000 in transfers to the Disaster Recovery Fund-Fund 099.



ORDINANCE NO. 2016-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2015-2016 BUDGET TO INCLUDE TRANSFERS FOR THE CREATION OF A DISASTER RESPONSE RECOVERY FUND FOR CITY EXPENSES.

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
--------------	---------------------	------------------	--------------------	--------------------	--------------------

Fund 001-General Fund

<u>Equity</u>					
2		Unassigned Fund Balance	61002		<u>\$50,000</u>

<u>Expenses</u>					
5-6900		Transfer Out to Fund 099	80099	<u>\$50,000</u>	

Fund 051-Utility Fund

<u>Equity</u>					
2		Unrestricted Fund Balance	61004		<u>\$50,000</u>

<u>Expenses</u>					
5-6900		Transfer Out to Fund 099	80099	<u>\$50,000</u>	

Fund 099-Disaster Recovery Fund

<u>Revenue</u>					
4-0000		Transfer In From Fund 001	75001	\$ 50,000	
4-0000		Transfer In From Fund 051	75010	<u>\$ 50,000</u>	
				<u>\$100,000</u>	

[To amend the City of Kingsville FY 15-16 Budget to include transfers from the General and Utility Funds to create a Disaster Response Recovery Fund as per the attached memo from the City 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 6th day of June, 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 #2

**City of Kingsville
City Manager's Office**

TO: Mayor and City Commissioners

FROM: Jesus A. Garza, City Manager

DATE: June 8, 2016

SUBJECT: Kingsville Chamber of Commerce Donation

Summary:

This item authorizes the acceptance and appropriation of a \$730 donation from the Kingsville Chamber of Commerce.

Background:

On May 26, 2016, the Kingsville Chamber of Commerce hosted the State of the City luncheon. This year's event raised \$730 which will be donated to the City of Kingsville for landscaping at the new City Hall Complex.

Financial Impact:

This budget amendment will accept the \$730 donation in the General Fund and transfer it to CO Series 2016 where the current landscaping project funds are budgeted.

Recommendation:

Staff is recommending the FY 15-16 budget be amended to include the \$730 donation from the Kingsville Chamber of Commerce.



AGENDA ITEM #3

**City of Kingsville
City Manager's Office**

TO: Mayor and City Commissioners

FROM: Jesus A. Garza, City Manager

DATE: June 8, 2016

SUBJECT: Kingsville Chamber of Commerce Donation

Summary:

This item authorizes the acceptance and appropriation of a \$730 donation from the Kingsville Chamber of Commerce.

Background:

On May 26, 2016, the Kingsville Chamber of Commerce hosted the State of the City luncheon. This year's event raised \$730 which will be donated to the City of Kingsville for landscaping at the new City Hall Complex.

Financial Impact:

This budget amendment will accept the \$730 donation in the General Fund and transfer it to CO Series 2016 where the current landscaping project funds are budgeted.

Recommendation:

Staff is recommending the FY 15-16 budget be amended to include the \$730 donation from the Kingsville Chamber of Commerce.



ORDINANCE NO. 2016-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2015-2016 BUDGET TO ACCEPT AND EXPEND DONATIONS FROM THE KINGSVILLE CHAMBER OF COMMERCE.

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
Fund 001 General Fund					
<u>Revenues</u>					
4-0000		Donations	72030	<u>\$730</u>	
<u>Expenses</u>					
5-6900		Transfer Out to Fund 033	80033	<u>\$730</u>	
Fund 033-CO Series 2016					
<u>Revenues</u>					
4-0000		Transfer In from Fund 001	75001	<u>\$730</u>	
<u>Expenses</u>					
5-1030		City Hall Complex Improvements	71217	<u>\$730</u>	

[To amend the City of Kingsville FY 15-16 General Fund Budget to accept and expend donations from the Kingsville Chamber of Commerce for landscaping at the new City Hall Complex as per the attached memo from the City 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 13th day of June, 2016.

PASSED AND APPROVED on this the 27th day of June, 2016.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #4

AGENDA ITEM #5

City of Kingsville
Department of Planning and Development Services

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director

DATE: June 3, 2016

SUBJECT: Special Use Permit Request for 1100 E. Corral

Summary: Jose Luis Perez would like to locate a mobile home at 1100 E. Corral to live in and in the future possible conduct a business there.

Background: The current zoning of the property is I1. Our ordinance allows the placement of a mobile home in an I1 or I2 zone for an office or dwelling use, through the special use permit process. We have received one phone call from a property owner on the mailing list who is against the request. There was discussion on the fact that the appearance of Corral Street in the future has been discussed in the past and the planning and zoning commission was cognizant of that. The motion was made to approve the request at the Planning and Zoning commission which failed by a vote of 0 to 7. The minutes of the planning and zoning commission meeting are included in the packet.

Financial Impact: I believe that there would be minimal impact on the city.

Recommendation: While I understand the concern for the future appearance of Corral in my belief the ordinance allows his request and I have no valid reason as to not recommend its approval. Consequently I recommend that the special use permit application from Jose Luis Perez Jr. be approved.



To: Planning and Zoning Commission Members

From: Tom Ginter, Director

Date: May 18, 2016

Subject: Agenda Item for Special Use Permit Request 1100 E. Corral

Per the ordinance which is enclosed allows a manufactured home to be located in an Industrial (I1 or I2) which is stated in Section 15-6-23 (10) and Section 15-2-3 (E). As you can see from the zoning map the property to the East and to the West is zoned Industrial, to the North C-2 Retail and across the street C-4 Commercial.

We have received one phone call from a property owner who is not in favor of this request.

ORDINANCE #2016-_____

AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT TO PLACE A MOBILE HOME AT CORRAL, BLOCK 2, LOT 18, ON A .2525 ACRE TRACT KNOWN AS 1100 E. CORRAL; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION;

WHEREAS, the Planning and Zoning Commission has forwarded to the City Commission it's reports and recommendations concerning the application of Jose Luis Perez, Jr., for amendment to the zoning map of the City of Kingsville with the request based on City Code sections 15-6-23(C)(10) and 15-2-3(E) as this property is zoned I1 (light industrial);

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, May 18, 2016, during a meeting of the Planning and Zoning Commission, and on Monday, June 13, 2016, 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 by an 0-7 vote did NOT APPROVE the requested rezone; and

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended and a Special Use Permit is granted for a Mobile Home on the premises known as 1100 E. Corral as more specifically describe on site plan attached as Exhibit A.

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

1. **ALLOWED USE:** The only use authorized by this Special Use Permit is as a Mobile Home for onsite joint commercial & residential purposes or for strictly commercial purposes.

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

3. **SPECIAL CONDITION:** (3.1) 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 business at the location. (3.2) All activity on site shall be in complete compliance of all City codes, especially the nuisance, fire, building and zoning codes.



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361-516-0111
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PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Regular Meeting Wednesday, May 18, 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:

Fabrizio Martorello, owner, requesting a special use permit to place a mobile home at CORRAL, BLOCK 3, LOT 1, 2, (CORRAL STORAGE) (CORRAL STORAGE) also known as 1220 E. Corral.

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 23, 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:

Fabrizio Martorello, owner, requesting a special use permit to place a mobile home at CORRAL, BLOCK 3, LOT 1, 2, (CORRAL STORAGE) (CORRAL STORAGE) also known as 1220 E. Corral.

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.

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Regular Meeting Wednesday, May 18, 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:

Jose Luis Perez, Jr., requesting a special use permit to place a mobile home at CORRAL, BLOCK 2, LOT 18, ACRES .2525 also known as 1100 E. Corral.

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 23, 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:

Jose Luis Perez, Jr., requesting a special use permit to place a mobile home at CORRAL, BLOCK 2, LOT 18, ACRES .2525 also known as 1100 E. Corral.

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.

*Published April 17, 2016
Kingsville Record*

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 1100 E. Corral Located in the City ETJ

(Proposed) Subdivision Name _____ Total number of Lots _____

Legal Description: Corral, Block 2, Lot 18, Acres .2525

Existing Zoning Designation I1 Light Industrial Future Land Use Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Jose Luis Perez Jr. Phone 522-8580 (361) 522-8580 FAX N/A

Email Address (for project correspondence only): N/A

Mailing Address 2601 E. Kennedy City Kingsville State TX. Zip 78363

Property Owner Jose Luis Perez Jr. Phone 361, 522-8580 FAX _____

Email Address (for project correspondence only): _____

Mailing Address 2601 E. Kennedy 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 checked="" type="checkbox"/> SUP Request/Renewal.....\$250.00	<input type="checkbox"/> Vacating Plat.....\$50.00
<input type="checkbox"/> Zoning Variance Request (ZBA).....\$250.00	<input type="checkbox"/> Conceptual Development Plat.....\$100.00
<input type="checkbox"/> PUD Request.....\$250.00	<input type="checkbox"/> Subdivision Variance Request.....\$25.00 ea
<input type="checkbox"/> Lot Line Adjustment Plat.....\$100.00	<input type="checkbox"/> Amending Plat.....\$100.00

Please provide a basic description of the proposed project:

relocate a mobile home - temporarily to up grade
property as far as utilities - water - sewer - light etc.
cannot possible - pending for future business purposes

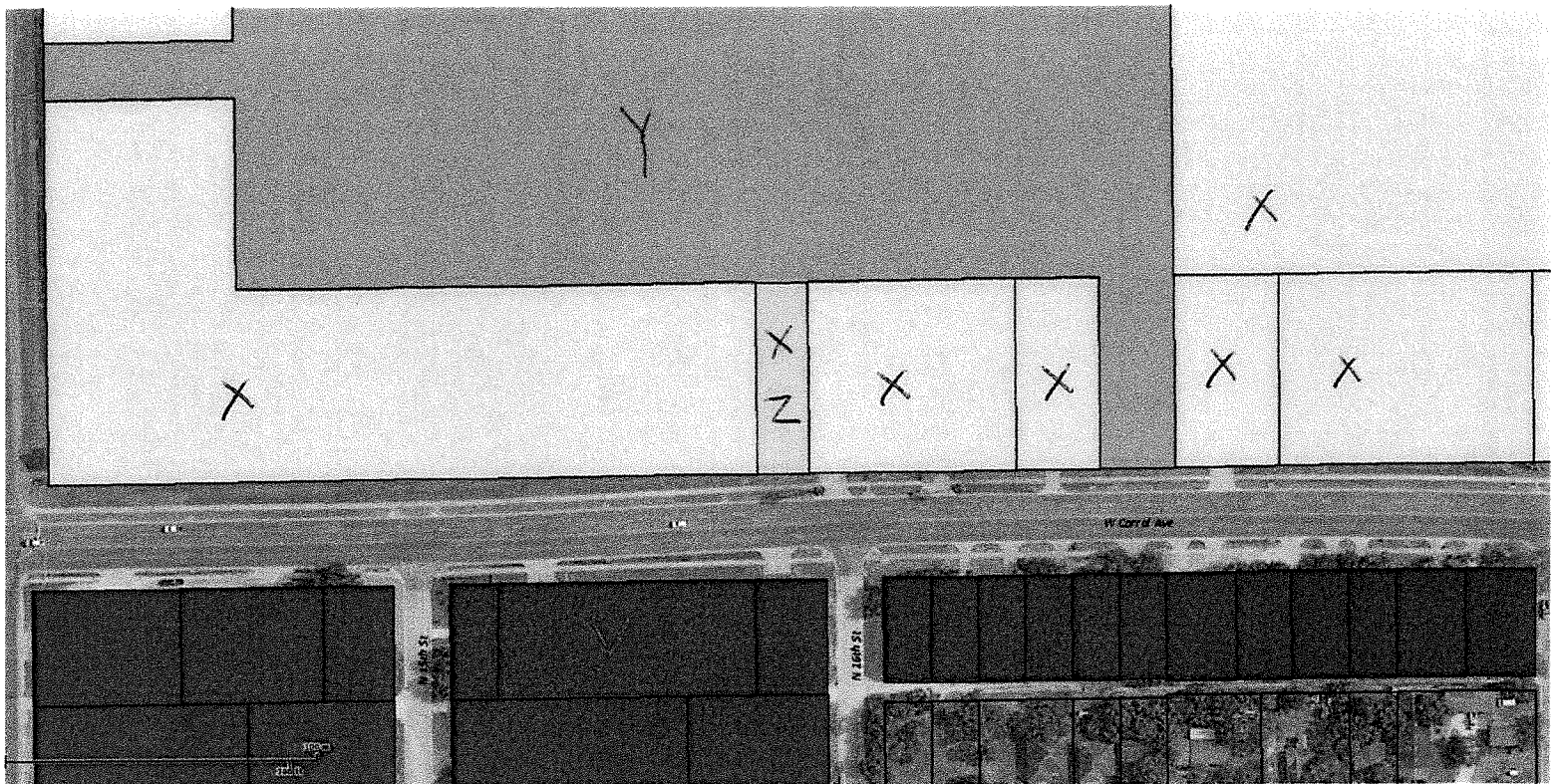
I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature: [Signature] Date: 4-7-16

Property Owner's Signature: _____ Date: _____

Application and Fee Accepted by: Adela Barrientos Date: 4-7-16

1100 E. Corral



X - property zoned I1 - Light Industrial

X Z - property in question

Y - property zoned C2 - Retail

✓ - all of that property in that color
zoned C4 - Commercial

1100 E Corral

N

13883

17146

15755

24074

W Corral Ave

24778

24132

23843

16279

St

N 16th St

Legend



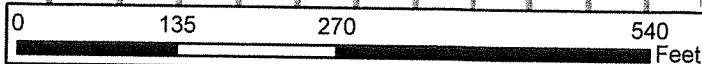
City Limits



1100 E Corral



200 Ft Buffer



Document Path: N:\Engineering\GIS Techs\MAPSWAP_DOCUMENTS\Arc_City_Address_Assign_Map_8.5x11.mxd

Page
1 / 1

Drawn By:
Engineering Department

Last Update: 4/13/2016

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

1100 E. Corral - Jose Luis Perez, Jr.

PAUL WEST
489 N COUNTY ROAD 1050
KINGSVILLE, TX 78363-8923
#13883 & #17146

PAUL WEST
489 N COUNTY ROAD 1050
KINGSVILLE, TX 78363-8923
#17146

JOSE VILLARREAL
2105 E LOTT
KINGSVILLE, TX 78363
#24074

JUAN GONZALEZ
720 E MESQUITE
KINGSVILLE, TX 78363
#24778

BENNIE JEAN GONZALES
808 W 2ND
BISHOP, TX 78343-2010
#24132

KARLA TERESA CHAPA
2003 CARLA
ZAPATA, TX 78076-2928
#23843

FRANCISCO LONGORIA
1205 E CORRAL
KINGSVILLE, TX 78363-4058
#16279

1220 E. Corral - Fabrizio Martorella

DANIEL ROSAS
PO BOX 306
KINGSVILLE, TX 78364-0306
#25595

PAUL WEST
489 N COUNTY ROAD 1050
KINGSVILLE, TX 77363-8923
#13883, #14203, #24509

JOSE VILLARREAL
2105 E LOTT
KINGSVILLE, TX 78363
#24074

SOFIA LORRETTA SALDANA
1211 E CORRAL
KINGSVILLE, TX 78363
#24612 & #17035

FRANK SALDANA
1219 E CORRAL
KINGSVILLE, TX 778363
#25361 & #17785

JUAN RAMIREZ
220 W RICHARD
KINGSVILLE, TX 78363
#20523

BALDEMAR ESCAMILLA
1233 E CORRAL
KINGSVILLE, TX 78363
#21126

ARTURO HINOJOSA
5206 CREEKLINE
AUSTIN, TX 78745-2227
#21766

ARMIN HINOJOSA
1241 E CORRAL
KINGSVILLE, TX 78363
#14772

RAMON ALVAREZ
919 W AVE I
KINGSVILLE, TX 78363
#13446

Sunday's Paper - May 15, 2016

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday June 13, 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:

Jose Luis Perez, Jr., requesting a special use permit to place a mobile home at CORRAL, BLOCK 2, LOT 18, ACRES .2525 also known as 1100 E. Corral.

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.

Sec. 15-6-23. - Mobile home district (MH) and mobile home on individual lots.

- (A) *Area regulations.* The minimum lot area for a mobile home/manufactured home district shall be five acres.
- (B) *Yard and width regulations.* Yard, width and layout for mobile home/manufactured home parks as indicated on the Space Requirement Chart (Appendix B) shall be complied with.
- (C) *Mobile homes/manufactured homes and mobile home/manufactured home park regulations.* Mobile home/manufactured home parks and mobile homes/manufactured homes shall meet the following requirements:
 - (1) Minimum individual mobile home/manufactured home space or lot of 25 feet in width and a minimum area of 3,000 square feet.
 - (2) A minimum separation of 15 feet shall be maintained between all mobile homes/manufactured homes. End to end clearance shall not be less than ten feet. No mobile home/manufactured home may be nearer than ten feet to any building.
 - (3) A strip 15 feet in width around the outside boundary of the mobile home/manufactured home park which is planted to screening shrubs and trees or fencing or both, as recommended by the City Planner and approved by the Planning and Zoning Commission in site plan approval.
 - (4) A playground or open space of not less than 10% of the total area of the development set aside for recreational purposes and equipped adequately.
 - (5) The mobile home/manufactured home park shall be approved with sewer and water facilities for mobile home space as approved by the City Engineer.
 - (6) Street shall conform to municipal design and engineering standards.
 - (7) Site plan shall be approved of the mobile home/manufactured home park by the Planning and Zoning Commission and City Commission.
 - (8) Mobile homes/manufactured homes shall comply with the tie down requirements of the Building Code. Mobile home/manufactured home parks shall provide anchors and tie downs.
 - (9) Mobile homes/manufactured homes placed on individual lots shall have wheels removed, be skirted, and have concrete driveways and adequate space to meet off-street parking regulations.
 - * (10) Mobile homes/manufactured homes may be placed in Industrial Districts (I1 and I2) for offices or dwellings by special use permit. No more than one mobile home/manufactured home per business may be so placed.
 - (11) All parking lots shall be paved to suppress dust.

(1962 Code, § 11-4-5; Ord. 84009, passed 6-18-84; Ord. 2003-11, passed 5-12-03)

Cross reference— Penalty, see § 15-6-999; trailers and trailer parks, see §§ 15-2-1 et seq.

Sec. 15-2-3. - Temporary permit; special use permit.

- (A) The Planning and Zoning Commission, in cases of an emergency or undue hardship, may grant a temporary permit for the location of a manufactured home to be used for one family dwelling within the corporate limits of the city.
- (B) Such permit shall be a personal permit to the applicant and shall be considered as an amendment to the zoning ordinances insofar as the special use is concerned. In granting a special use permit, special conditions may be required precedent to the issuance of a certificate of occupancy for the use of the property, and not as conditions precedent to the issuance of the special use permit. Such permit shall not be transferable and shall expire immediately upon cessation of use by the grantee and is subject to the following restrictions:
 - (1) Hardships must be demonstrated due to age, infirmity, or death of a family member.
 - (2) Permit is limited to one year.
 - (3) Permit may be renewed by demonstrating continued hardship.
 - (4) The manufactured home must be removed within 90 days of the expiration of the permit.
- (C) A public hearing shall be held to determine that the granting of the special use permit will not adversely affect the character, use or monetary value of surrounding property; does not modify the intent of the land use plan or zoning plan; and will not adversely affect traffic, safety, health, public utilities and general welfare.
- (D) All special use permit applications shall be accompanied by a fee of \$250.00 as stated in § 15-6-4 (A) of the Zoning ordinance. A special use permit may not be issued for a manufactured home to be located in any residential zone for any commercial purpose; ex. a model home in R-1. A special use permit may be issued for a manufactured office in residential zonings.
- ✶ (E) Manufactured homes may also be placed in Industrial Districts (I-1 and I-2) for offices or dwellings by special use permit. No more that one mobile home or manufactured home per business may be so placed. Manufactured homes may not be placed in residential zones for temporary commercial purposes.

(1962 Code, § 5-9-23; Ord. 2003-09, § 15-2-3, passed 4-28-03; Ord. 2006-32, passed 7-10-06)

Secs. 15-2-4—15-2-14. - Reserved.

**PLANNING AND ZONING COMMISSION
MEETING MINUTES
May 18, 2016**

Planning and Zoning Members Present

Steve Zamora
Lupe Alvarez
Robert McCreight
Debbie Tiffie
Mike Klepac
Brian Coufal
Ramon Perez

Citizens Present

Jose Luis Perez, Jr.
Selina Perez
Joe Villarreal

Staff Present

Tom Ginter, Director of Planning & Development Services
Adela Barrientes, Administrative Assistant II
Jesus Garza, City Manager

Base Representative

1. **The meeting was called to order at 6:00 p.m.**
2. **Discuss and take action on the meeting minutes of April 20, 2016.**
Debbie Tiffie made a motion to approve the minutes as presented. Lupe Alvarez second.
Six in favor none opposed.
3. **Miscellaneous/Public Comments on or off the agenda.** - none
4. **Old Business/Postponements.** – none
- * 5. **Public Hearing for a special use permit from Jose Luis Perez, Jr., to place a mobile home at CORRAL, BLOCK 2, LOT 18, ACRES .2525 also known as 1100 E. Corral.**
Jose Luis Perez, Jr., currently living at 1526 E. Corral stated to the board that he applied for a special use permit to be able to place a mobile home at 1100 E. Corral he plans on remodeling it for a future business. Mr. Perez also plans to upgrade the property by adding plumbing, electrical services, and water. Joe Villarreal, owner of a welding shop on Corral Street stated that he does not agree with placing a model home next to his business, adding that there is no guarantee what he is going to do with this model home ten years from now. Mr. Perez stated that he does not plan on having the mobile home on Corral Street forever, adding that he is going through a divorce and he needs a place to stay, his plan is to remodel it while staying there.

***6. Discuss and Consider Action for a special use permit for Jose Luis Perez, Jr., to place a mobile home at CORRAL, BLOCK 2, LOT 18, ACRES .2525 also known as 1100 E. Corral.**

Tom Ginter explained to the board that mobile homes are allowed in properties zoned Industrial (I1 and I2), referring to ordinance Section 15-6-23 (10) "mobile homes/manufactured homes may be placed in Industrial (I1 and I2) for offices or dwellings by special use permit. Mr. Ginter wanted to make sure the board understood if the special use permit is approved it will apply only for this request and once the mobile home is removed from this property the special use permit will no longer apply. Debbie Tiffie asked if a special use permit is requested it is only good for one year. Mike Klepac also asked if we approve this special use permit today, then 365 days later he will have to vacate or come before the Planning and Zoning Commission again. Mr. Ginter replied correct. Mrs. Tiffie also asked that her understanding was that mobile homes were only allowed in mobile home parks. Mr. Ginter replied that they are allowed in Industrial Districts (I1 and I2). Lupe Alvarez stated that the Planning and Zoning Committee have issued too many special use permits. Mrs. Tiffie stated that according to his application he is requesting this mobile home for further business purposes. Mr. Ginter replied that Mr. Perez can have a business depending on the type of business and if the Land Use Chart allows it. Brian Coufal asked Mr. Perez what type of business he plans on having. Mr. Perez replied he has not decided yet maybe some type of custom wood working shop but is waiting to see what this commission decides. Mr. Coufal stated that he would be more incline if it was for a specific business purpose. Mrs. Tiffie stated that it sounds like Mr. Perez wants to make this his permanent residency because he wants to plant trees and remodel. Steve Zamora replied that according to the ordinance it's allowed. Mr. Ginter replied that according to the ordinance mobile home can be used for dwellings in an area zoned as I1 (Industrial). Discussion was held on the interpretation of Section 15-6-23. Jesus Garza, the City Manager stated to the board that this land is not developed and the economic benefit of having someone run water, sewer, electrical services to the property that currently does not have infrastructure regardless of the owners plans with the property the benefit to the community would be one more developable property. Mr. Perez stated that he has the money to run the water, sewer, and electrical services. Selina Perez co-owner of the property addressed the board stating that this property would be a starting point for her brother where he can remodel it for some type of business and eventually have a home somewhere else. Mr. Zamora asked Mr. Perez if the property size is .2525. Mr. Perez replied yes. Mr. Zamora added that he is limited on space with a quarter of an acre. Robert McCreight made a motion to approve the special use permit for Jose Luis Perez, Jr., to place a mobile home at CORRAL, BLOCK 2, LOT 18, ACRES .2525 also known as 1100 E. Corral. Lupe Alvarez second. 0 in favor, 7 opposed.

7. Public Hearing for a special use permit for Fabrizio Martorello, to place a mobile home at CORRAL, BLOCK 3, LOT 1, 2, (CORRAL STORAGE) (CORRAL STORAGE) also known as 1220 E. Corral.

Fabrizio Martorello currently living at 614 W. Richard stated to the board he currently has 38 storage units called Safe Trust Storage and has been in business for about 15 years at 1220 E. Corral. Mr. Martorello further stated that the mobile home has always been at

AGENDA ITEM #6

City of Kingsville
Department of Planning and Development Services

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director

DATE: June 3, 2016

SUBJECT: Special Use Permit Request for 1220 E. Corral

Summary: Fabrizio Martello is requesting a special use permit for 1220 E. Corral.

Background: There has been a storage business at this property for some time. In fact there was a mobile home on the property prior to the ordinance concerning mobile homes so it was grandfathered in at that time. Mr. Martello has stated that for a period of time though the mobile home was not being lived in for some time so consequently the use is no longer grandfathered. He wants to have somebody live in the mobile home because when someone wasn't vandalism increased and since someone has been living in it the vandalism has stopped. There was discussion on the condition of the mobile home since it is an older one. A motion was made to approve the special use permit request from Fabrizio Martello and it was approved 5 to 2.

Financial Impact: I believe there will be minimal financial impact to the city.

Recommendation: Again taking into account the appearance of Corral Street with the ordinance as written and the desire for security on site to help with the business I recommend approval of the special use permit request from Fabrizio Martello.



ORDINANCE #2016-_____

AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT TO PLACE A MOBILE HOME AT CORRAL, BLOCK 23, LOT 1, 2 (CORRAL STORAGE) KNOWN AS 1220 E. CORRAL; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION;

WHEREAS, the Planning and Zoning Commission has forwarded to the City Commission it's reports and recommendations concerning the application of Fabrizio Martorello, for amendment to the zoning map of the City of Kingsville with the request based on City Code sections 15-6-23(C)(10) and 15-2-3(E) as this property is zoned I1 (light industrial);

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, May 18, 2016, during a meeting of the Planning and Zoning Commission, and on Monday, June 13, 2016, 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 by a 5-2 vote APPROVED the requested rezone; and

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended and a Special Use Permit is granted for a Mobile Home on the premises known as 1220 E. Corral as more specifically describe on site plan attached as Exhibit A.

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

1. **ALLOWED USE:** The only use authorized by this Special Use Permit is as a Mobile Home for onsite joint commercial & residential purposes or for strictly commercial purposes.

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

3. **SPECIAL CONDITION:** (3.1) 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 storage (rental) facility. (3.2) 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 amendments 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 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 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.

INTRODUCED on this the 13th day of June, 2016.

PASSED AND APPROVED on this the 27th day of June, 2016.

EFFECTIVE DATE: _____

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

By: _____
Courtney Alvarez, City Attorney



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Kingsville, TX. 78363
361-516-0111
www.toledocorp.com

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Regular Meeting Wednesday, May 18, 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:

Fabrizio Martorello, owner, requesting a special use permit to place a mobile home at CORRAL, BLOCK 3, LOT 1, 2, (CORRAL STORAGE) (CORRAL STORAGE) also known as 1220 E. Corral.

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.

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Published April 17, 2016
Kingsville Record

CITY OF KINGSVILLE

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

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

Master Land Use Application

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1220 E. Corral Located in the City ETJ

(Proposed) Subdivision Name _____ Total number of Lots _____

Legal Description: CORRAL, BLOCK 3, LOT 1,2, (CORRAL STORAGE) (CORRAL STORAGE)

Existing Zoning Designation _____ Future Land Use Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Fabrizio Martorello Phone 914-470-6910 FAX _____

Email Address (for project correspondence only): 3fab17@gmail.com

Mailing Address 614 W. Richard Ave City Kingsville State TX Zip 78363

Property Owner Fabrizio Martorello 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 checked="" type="checkbox"/> SUP Request/Renewal.....\$250.00	<input type="checkbox"/> Vacating Plat.....\$50.00
<input type="checkbox"/> Zoning Variance Request (ZBA).....\$250.00	<input type="checkbox"/> Conceptual Development Plat.....\$100.00
<input type="checkbox"/> PUD Request.....\$250.00	<input type="checkbox"/> Subdivision Variance Request.....\$25.00 ea
<input type="checkbox"/> Lot Line Adjustment Plat.....\$100.00	<input type="checkbox"/> Amending Plat.....\$100.00

Please provide a basic description of the proposed project:

Requesting special use permit for mobile home for
office use / security / caretaker

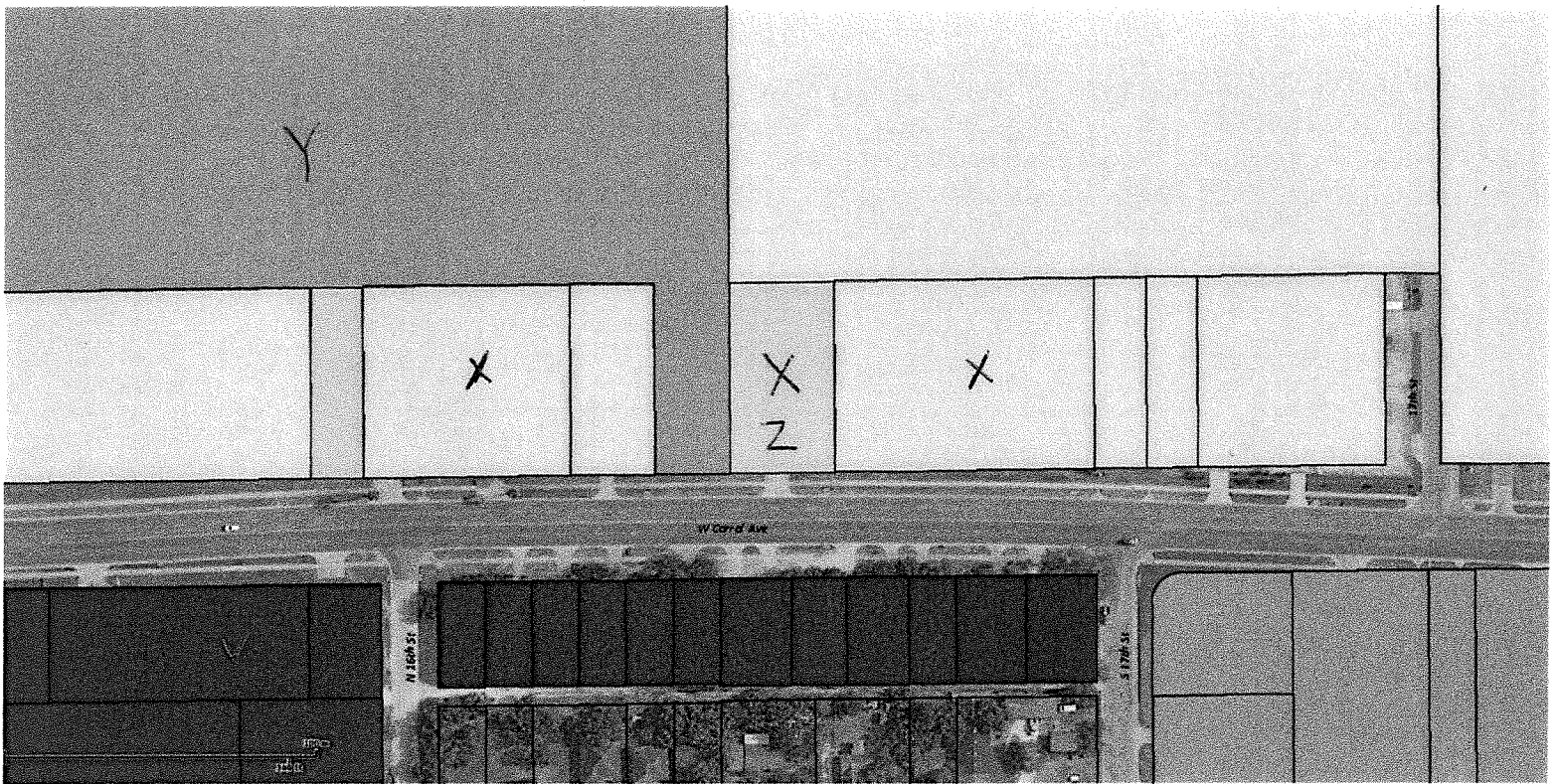
I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature: Fabrizio Martorello Date: 4/14/2016

Property Owner's Signature: Fabrizio Martorello Date: 4/14/2016

Application and Fee Accepted by: _____ Date: _____

1220 E. Corral



X - property zoned I1 - Light Industrial

XZ - property in question

Y - property zoned C2 - Retail

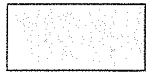
V - all of that property in that color
zoned C4 - Commercial

1220 E Corral

Legend



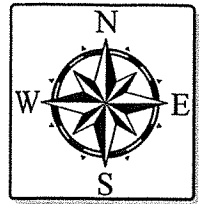
City Limits



1220 E Corral



200 Ft Buffer



13883

14203

24074

25595

24509

W Corral Ave

N 16th St

E Mesquite Ave

S 17th St

24612

17035

25361

17785

20523

21126

21766

14772

13446

0 140 280 560 Feet

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

Page
1 / 1

Drawn By:
Engineering Department

Last Update: 4/15/2016

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: 361-595-8005

1100 E. Corral - Jose Luis Perez, Jr.

PAUL WEST
489 N COUNTY ROAD 1050
KINGSVILLE, TX 78363-8923
#13883 & #17146

PAUL WEST
489 N COUNTY ROAD 1050
KINGSVILLE, TX 78363-8923
#17146

JOSE VILLARREAL
2105 E LOTT
KINGSVILLE, TX 78363
#24074

JUAN GONZALEZ
720 E MESQUITE
KINGSVILLE, TX 78363
#24778

BENNIE JEAN GONZALES
808 W 2ND
BISHOP, TX 78343-2010
#24132

KARLA TERESA CHAPA
2003 CARLA
ZAPATA, TX 78076-2928
#23843

FRANCISCO LONGORIA
1205 E CORRAL
KINGSVILLE, TX 78363-4058
#16279

1220 E. Corral - Fabrizio Martorelli

DANIEL ROSAS
PO BOX 306
KINGSVILLE, TX 78364-0306
#25595

PAUL WEST
489 N COUNTY ROAD 1050
KINGSVILLE, TX 77363-8923
#13883, #14203, #24509

JOSE VILLARREAL
2105 E LOTT
KINGSVILLE, TX 78363
#24074

SOFIA LORRETTA SALDANA
1211 E CORRAL
KINGSVILLE, TX 78363
#24612 & #17035

FRANK SALDANA
1219 E CORRAL
KINGSVILLE, TX 778363
#25361 & #17785

JUAN RAMIREZ
220 W RICHARD
KINGSVILLE, TX 78363
#20523

BALDEMAR ESCAMILLA
1233 E CORRAL
KINGSVILLE, TX 78363
#21126

ARTURO HINOJOSA
5206 CREEKLINE
AUSTIN, TX 78745-2227
#21766

ARMIN HINOJOSA
1241 E CORRAL
KINGSVILLE, TX 78363
#14772

RAMON ALVAREZ
919 W AVE I
KINGSVILLE, TX 78363
#13446

Sunday's Paper- May 15, 2016

PUBLIC HEARING NOTICE

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Sec. 15-6-23. - Mobile home district (MH) and mobile home on individual lots.

- (A) *Area regulations.* The minimum lot area for a mobile home/manufactured home district shall be five acres.
- (B) *Yard and width regulations.* Yard, width and layout for mobile home/manufactured home parks as indicated on the Space Requirement Chart (Appendix B) shall be complied with.
- (C) *Mobile homes/manufactured homes and mobile home/manufactured home park regulations.* Mobile home/manufactured home parks and mobile homes/manufactured homes shall meet the following requirements:
- (1) Minimum individual mobile home/manufactured home space or lot of 25 feet in width and a minimum area of 3,000 square feet.
 - (2) A minimum separation of 15 feet shall be maintained between all mobile homes/manufactured homes. End to end clearance shall not be less than ten feet. No mobile home/manufactured home may be nearer than ten feet to any building.
 - (3) A strip 15 feet in width around the outside boundary of the mobile home/manufactured home park which is planted to screening shrubs and trees or fencing or both, as recommended by the City Planner and approved by the Planning and Zoning Commission in site plan approval.
 - (4) A playground or open space of not less than 10% of the total area of the development set aside for recreational purposes and equipped adequately.
 - (5) The mobile home/manufactured home park shall be approved with sewer and water facilities for mobile home space as approved by the City Engineer.
 - (6) Street shall conform to municipal design and engineering standards.
 - (7) Site plan shall be approved of the mobile home/manufactured home park by the Planning and Zoning Commission and City Commission.
 - (8) Mobile homes/manufactured homes shall comply with the tie down requirements of the Building Code. Mobile home/manufactured home parks shall provide anchors and tie downs.
 - (9) Mobile homes/manufactured homes placed on individual lots shall have wheels removed, be skirted, and have concrete driveways and adequate space to meet off-street parking regulations.
 - X (10) Mobile homes/manufactured homes may be placed in Industrial Districts (I1 and I2) for offices or dwellings by special use permit. No more than one mobile home/manufactured home per business may be so placed.
 - (11) All parking lots shall be paved to suppress dust.

(1962 Code, § 11-4-5; Ord. 84009, passed 6-18-84; Ord. 2003-11, passed 5-12-03)

Cross reference— Penalty, see § 15-6-999; trailers and trailer parks, see §§ 15-2-1 et seq.

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- (1) Hardships must be demonstrated due to age, infirmity, or death of a family member.
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- (C) A public hearing shall be held to determine that the granting of the special use permit will not adversely affect the character, use or monetary value of surrounding property; does not modify the intent of the land use plan or zoning plan; and will not adversely affect traffic, safety, health, public utilities and general welfare.
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✕7. **Public Hearing for a special use permit for Fabrizio Martorello, to place a mobile home at CORRAL, BLOCK 3, LOT 1, 2, (CORRAL STORAGE) (CORRAL STORAGE) also known as 1220 E. Corral.**

Fabrizio Martorello currently living at 614 W. Richard stated to the board he currently has 38 storage units called Safe Trust Storage and has been in business for about 15 years at 1220 E. Corral. Mr. Martorello further stated that the mobile home has always been at

this location but is requesting a special use permit to have someone live in it that will provide security and help with running the business, at the same time he is helping a couple who are down on their luck. Mr. Martorello added that he has had several break-ins when no one was living on site. Lupe Alvarez asked Mr. Martorello if his intention was to remove the mobile home that is currently there and replace it with a new one. Mr. Martorello replied no. Mrs. Tiffie asked if the mobile home was already there why is Mr. Martorello applying for a special use permit because he would fall under the grandfather clause. Mr. Ginter replied because the mobile home was not used that cuts off the grandfather clause. Discussion was held on Mr. Martorello putting a more permanent building there. Mr. Martorello will get with Mr. Ginter to discuss what options are available to him.

✕ 8. **Discuss and Consider Action for a special use permit for Fabrizio Martorello to place a mobile home at (CORRAL STORAGE) (CORRAL STORAGE) also known as 1220 E. Corral.**

Debbie Tiffie made a motion to approve the special use permit for a one year time period in order to give him time to discuss his options for the future. Lupe Alvarez second. 5 in favor, 2 opposed.

9. **Discuss and Consider Action concerning the number of monthly meetings, expectations, terms of members and attendance.**

Mr. Garza informed the board that one of the things that has been a priority in coordination with the commission is trying to reassess the development review process. And one of the perceptions is that the city is not business friendly. Mr. Garza further informed the board that the way the meetings are scheduled does not help the process, because the city has to have 15 days prior to consider any special use permits or variance requests. And what happens sometimes is that these requests come in 14 days prior to the regularly scheduled meeting, so they have to wait another month before it is presented before a committee. This will total about 40 to 45 days before it is presented to a committee then it has to be presented to the City Commission. If it's a zoning request it has to be an ordinance and in our charter ordinances have to be introduced and then adopted, so they will take two City Commission meetings. Because of this Mr. Garza recommended that this board permanently schedule two Planning and Zoning meetings per month, the first and third Wednesday of each month. Mr. Garza also informed the board that they are revisiting some of the language related to the responsibilities and expectations for board/commission/committee members. For example, on Section 3-3-1 where it states "the absence of a member from three consecutive regularly scheduled meetings without a valid excuse shall be grounds for dismissal from such board, commission or committee. Everyone has a different interpretation of valid excuse. This will remove some of the ambiguity behind it so that the commission has more flexibility on holding commission members accountable. Mr. Garza stated that he is aware of several committee members term expiring sometime in June, and because of the change in language this would be a great opportunity of each member to determine if they are committed and willing to serve within the new parameters of the expectations. Mr. Garza added this will assist with the goal of a business friendly environment. Mr. Garza informed the board that the Planning and Permit Departments will be housed at the

AGENDA ITEM #7

City of Kingsville
Department of Planning and Development

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director

DATE: June 3, 2016

SUBJECT: Preliminary and Final Plat review for ETJ development known as Escondido Ranch

Summary: S & S Kingsville Construction have submitted a housing development in our Extra Territorial Jurisdiction. Due to an agreement with Kleberg County in 2005 the city commission has the authority to approve the plats as presented.

Background: Some time back the plats were presented to Kleberg County for approval which they did. Consequently S & S Kingsville Construction started work on the development. At some point it came to his attention that while outside of our city limits it is in our ETJ which does provide for a process of review by the city. Consequently work was stopped and the review process was started. Commissioner Roy Cantu, Charlie Cardenas and I reviewed the plats and had two comments which since then S & S Kingsville Construction have submitted revised plats. City staff looked at the revisions and approved the resubmitted plans. The Planning and Zoning Commission reviewed the preliminary and final plats on Wednesday, June 1, 2016 and approved them by a vote of 6 to 0. This development is east of CR 1030 and on the south side of Escondido Road. These lots will septic tanks for sewer service and City of Kingsville water. The street will be up to city standard and with two fire hydrants in the development. There are a total 18 lots that can be built on in this development.

Financial Impact: This development will have a positive impact in terms of water sales since they will be on city water. We will not collect property taxes but if the development has



City of Kingsville
Department of Planning and Development

residents who move there from some other place than Kingsville we would see an increase in sales taxes. The developer will be responsible for laying the water line and building the street,

Recommendation: I believe this to be a quality development and recommend approval of the preliminary and final plat from S & S Kingsville Ranch , Escondido Ranch.



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 CR 1030 & Escobedo Located in the City ETJ ✓

(Proposed) Subdivision Name Escobedo Ranch Total number of Lots 9

Legal Description: North 62 Acres of Lot 25 Block 20 Kleburg Town & Improvement
Company Subdivision

Existing Zoning Designation _____ Future Land Use Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent S&S Kingsville Const. Phone 361-522-366 FAX _____

Email Address (for project correspondence only): _____

Mailing Address P.O. Box 1333 City Kingsville State TX Zip 78363

Property Owner S&S Kingsville Const. Phone 361-455-7746 FAX _____

Email Address (for project correspondence only): _____

Mailing Address P.O. Box 1333 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 checked="" 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:

Preliminary Plat & Final Plat

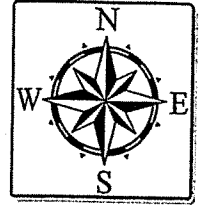
I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature: [Signature] Date: 4-5-16

Property Owner's Signature: [Signature] Date: 4-5-16

Application and Fee Accepted by: Adela Barrios Date: 4-5-16

City of Kingsville



19558

Escondido Rd

No matches were found.

42793

42795

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



42802

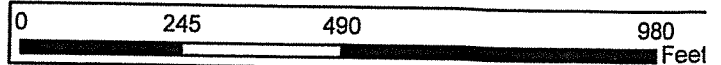
14226

CR 1030

13407

Legend

-  Ownership
-  Proposed Subdivision
-  200 ft. Radius
-  City Limits



Document Path: N:\Engineering\GIS Techs\MAPSMAP_DOCUMENTS\Arc_City_Address_Assign_Map_8.5x11.mxd

Drawn By:
Engineering Department

Last Update: 4/14/2016

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 PURPOSE.



CITY OF KINGSVILLE
ENGINEERING DEPARTMENT
200 East Kleberg
Kingsville, Texas 78363

**INTERLOCAL AGREEMENT
BETWEEN THE CITY OF KINGSVILLE
AND KLEBERG COUNTY
RELATING TO THE APPROVAL OF PLATS AND
THE REGULATION OF AICUZ RESTRICTIONS
WITHIN THE EXTRATERRITORIAL JURISDICTION OF
THE CITY OF KINGSVILLE**

STATE OF TEXAS

§

§

COUNTY OF KLEBERG

§

I. PARTIES. The parties to this Interlocal Agreement are Kleberg County, Texas ("County"), a political subdivision of the State of Texas, and the City of Kingsville ("City"), a Texas home rule municipality.

II. PURPOSE.

A. In a continuing effort to consolidate activities within the appropriate jurisdiction in order to promote efficiency in local government, the City and the County mutually agree that the City of Kingsville shall administer the platting of all property and regulation of AICUZ restrictions for all property located within those portions of the City's extraterritorial jurisdiction that are within Kleberg County.

B. The parties enter into this Interlocal Agreement under the Texas Government Code Chapter 791 (Interlocal Cooperation Act) and under the terms of Texas Local Government Code §242.001(c). By this Interlocal Agreement, the County delegates to the City the administration of Chapter 232 of the Texas Local Government Code within those portions of the City's extraterritorial jurisdiction that are within Kleberg County, subject, to the terms and exceptions of this Interlocal Agreement.

III. TERM. The term of this Interlocal Agreement commences on the date when last party to this Interlocal Agreement affixes the authorized signatures and extends for five (5) years from the date of that signature. Unless terminated under Section VII, this Interlocal Agreement shall automatically renew annually for a one (1) year term on the anniversary date of the commencement of this Interlocal Agreement.

IV. AUTHORITY TO THE CITY. The City is delegated the authority to administer the provisions of Chapter 232 of the Texas Local Government Code within those portions of the City's extraterritorial jurisdiction that are within Kleberg County.

A. The City's Planning Director is authorized to:

1. Accept all plat applications for tracts of land located in the City's extraterritorial jurisdiction.

2. Collect both the City's and County's plat application fees in a lump-sum amount.
3. Provide applicants one response indicating approval or denial of their plat application.
4. Ensure that plat applications for tracts of land located in the City's ETJ comply with the local AICUZ regulations pending at the time of submission for consideration.

B. The City shall pay on a quarterly basis to the County all County plat application fees collected.

V. RULES GOVERNING PLATTING AND AICUZ REGULATION UNDER THIS INTERLOCAL AGREEMENT.

A. The City shall comply with the applicable provisions of the following regulations when platting property within those portions of its extraterritorial jurisdiction that are within Kleberg County:

1. Texas Local Government Code Chapter 212, as amended.
2. Texas Local Government Code Chapter 232, as amended.
3. The City's Subdivision and Zoning Ordinance, as amended.
4. Kleberg County Commissioners Subdivision Orders.
5. Any other statutes applicable to municipalities and counties that may be enforced in the City's extraterritorial jurisdiction.

B. If the existing municipal regulation or county regulation relating to plats and the subdivision of land conflict, the more stringent regulation applies.

C. If the City requires a plat to be filed for the subdivision of a particular tract of land in the City's extraterritorial jurisdiction, but the County does not, the property may not be subdivided until a plat is approved by the City.

D. If the County requires a plat to be filed for the subdivision of a particular tract of land in the City's extraterritorial jurisdiction, but the City does not, the property may not be subdivided until a plat is approved by the City.

E. The City shall prepare a consolidated set of regulations that identifies the most stringent requirements currently required by either jurisdiction. The consolidated regulations must be appended to this Interlocal Agreement as Appendix A.

F. The administrative procedures in the City's Subdivision Ordinance will be used in the processing of plat applications and requests for variances.

VI. CITY PLANNING & ZONING COMMISSION. The parties agree that the Planning & Zoning Commission of the City of Kingsville will act for the City of Kingsville in administering Chapter 232 of the Texas Local Government Code. Appeals from recommendations of the City Planning & Zoning Commission may be made to the City Commission under the City Ordinance. The City of Kingsville Zoning Board of Adjustment will act for the City of Kingsville in determining variance requests.

VII. DEDICATION OF PUBLIC IMPROVEMENTS. The approval of a plat of land located within those portions of the City's extraterritorial jurisdiction that are within Kleberg County under this Interlocal Agreement does not constitute acceptance of the dedication of any public improvements by the Kleberg County Commissioners' Court. After the public improvements have been installed and inspected by both the City and County designated representatives, an application for acceptance of the dedication must be made to the County Commissioners' Court.

VII. TERMINATION.

A. The parties agree that either party may terminate this Interlocal Agreement without cause on the annual anniversary date by providing sixty (60) days prior written notice of their intent to terminate this Interlocal Agreement.

B. Upon termination, all authority to administer Chapter 232 of the Texas Local Government Code within those areas of the City's extraterritorial jurisdiction that are within Kleberg County revert to the County.

VIII. MISCELLANEOUS PROVISIONS.

A. Notice. Notice required by this Interlocal Agreement may be given or served by depositing the notice in the United States Mail, in certified or registered form, postage prepaid, addressed to the other party, or by delivering the notice in person to the other party. Notice deposited in the United States Mail in the manner prescribed in this subsection is effective upon deposit. The addresses of the parties are:

City of Kingsville, Texas
Attention: City Manager
P.O. Box 1458
Kingsville, Texas 78364

Kleberg County
Attention: Kleberg County Judge
P.O. Box 752
Kingsville, Texas 78364

B. Effect of Waivers. No waiver by either party of any default, violation, or breach of the terms, provisions, and covenants contained in this Interlocal Agreement may be deemed or construed to constitute a waiver of any other

violation or breach of any of the terms, provisions, and covenants of this Interlocal Agreement.

C. Only Agreement between Parties. This Interlocal Agreement constitutes the only agreement of the parties relating to the administration of and enforcement authority under Chapter 212, 232, and 242 of the Texas Local Government Code and supersedes any understandings or written or oral agreements between the parties respecting the subject matter of this Interlocal Agreement. Any changes or modifications to this Interlocal Agreement must be made in writing and approved by the governing bodies of both parties.

D. Amendment of Interlocal Agreement. This Interlocal Agreement may be amended at any time. Any amendment to this Interlocal Agreement must be in writing and agreed to by the governing bodies of the parties. No officer or employee of any of the parties has authority to waive or otherwise modify the limitations in this Interlocal Agreement, without the express action of the governing body of the party.

E. Not For Benefit of Third Parties. This Interlocal Agreement and all activities under this Interlocal Agreement are solely for the benefit of the parties and not the benefit of any third parties.

F. Exercise of Police Powers. This Interlocal Agreement and all activities under this Interlocal Agreement are undertaken solely as an exercise of the police power of the parties, exercised for the health, safety, and welfare of the public generally, and not for the benefit of any particular person or persons. The parties do not have and may not be deemed to have any duty to any particular person or persons.

G. Immunities Not Waived. Nothing in this Interlocal Agreement waives any governmental, official, or other immunity or defense of any of the parties or their officers, employees, representatives, and agents as a result of the execution of this Interlocal Agreement and the performance of the covenants contained in this Interlocal Agreement.

H. No Civil Liability to Other Party. One party may not be responsible to and may not be civilly liable to another party for any act or omission under this Interlocal Agreement. Each party waives all claims against the other party for compensation for any loss, damage, personal injury, or death occurring as a consequence of the performance of this Interlocal Agreement.

I. Captions. Captions to provisions of this Interlocal Agreement are for convenience and shall not be considered in the interpretation of the provisions.

J. Fiscal Obligations. Each party which performs services or furnishes aid under this Interlocal Agreement must do so with funds available from current revenues of the party. No party has any liability for the failure to expend funds to provide aid under this Interlocal Agreement.

K. Interlocal Cooperation Act Applies. The parties agree that activities under this Interlocal Agreement are "governmental functions and services" and that the parties are "local governments" as that term is defined in this Interlocal Agreement and in the Interlocal Cooperation Act.

L. Entirety of Agreement. This Interlocal Agreement contains all commitments and agreements of the parties with respect to the platting of property within the City of Kingsville's extraterritorial jurisdiction. No other oral or written commitments of the parties with respect to the platting of property within the City of Kingsville's extraterritorial jurisdiction may have any force or effect if not contained in this Interlocal Agreement.

M. Severability. If any provision contained in this Interlocal Agreement is held invalid for any reason, the invalidity does not affect other provisions of the Interlocal Agreement that can be given effect without the invalid provision, and to this end the provisions of this Interlocal Agreement are severable.

N. Validity and Enforceability. If any current or future legal limitations affect the validity or enforceability of a provision of this Interlocal Agreement, then the legal limitations are made a part of this Interlocal Agreement and operate to amend this Interlocal Agreement to the minimum extent necessary to bring this Interlocal Agreement into conformity with the requirements of the limitations, and so modified, this Interlocal Agreement continues in full force and effect.

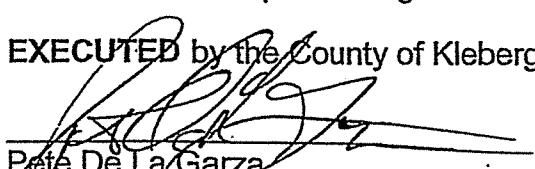
O. Warranty. The Interlocal Agreement has been officially authorized by the governing body of each party, and each signatory guarantees and warrants that the signatory has full authority to execute this Interlocal Agreement and to legally bind the respective party to this Interlocal Agreement.

P. Governing Laws. This Interlocal Agreement shall be governed by the laws of the State of Texas.

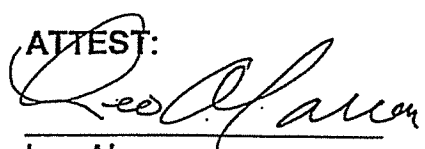
Q. Venue. Venue for an action arising under this Interlocal Agreement is in Kleberg County, Texas.

EXECUTED in duplicate originals this 13th day of June, 2005.

EXECUTED by the County of Kleberg on the 13th day of June, 2005.



Pete De La Garza
County Judge

ATTEST:


Leo Alarcon

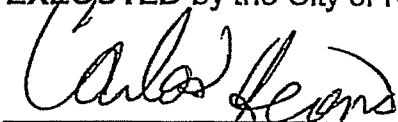
County Clerk

APPROVED AS TO FORM:



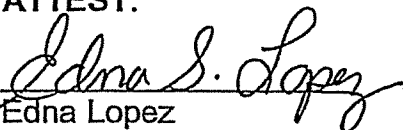
Alfred Isassi
County Attorney

EXECUTED by the City of Kingsville on the 23rd day of May, 2005.



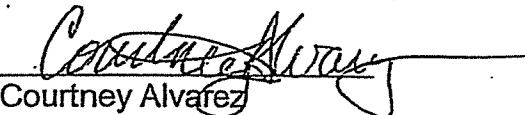
Carlos Yerena
City Manager

ATTEST:



Edna Lopez
City Secretary

APPROVED AS TO FORM:



Courtney Alvarez
City Attorney

APPENDIX A

1. PLAT REQUIRED

A. The owner must plat the portions of a tract that are subdivided into parts that are 5 acres or less in size. The plat does not need to include any part greater than five acres that has access to a public road, if no public improvement are being dedicated.

B. The owner must plat if the owner subdivides a tract into two or more parts that are greater than 10 acres and includes streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

C. The owner must plat if owner subdivides a tract into two or more parts that are greater than 5 acres, but not greater than 10 acres, unless:

1. The land is used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use;
2. The tract is divided into four or fewer parts and the parts are sold, given, or otherwise transferred to an individual who is related to the owner within the third degree of consanguinity or affinity;
3. All of the lots are sold to veterans through the Veterans' Land Board program;
4. The tract is owned by the state or other state agency, board, or commission or owned by the permanent school fund or any other dedicated funds of the state;
5. The owner of the land is a political subdivision of the state, the land is situated in a flood plain, and the lots are sold to adjacent landowners;
6. One new part is to be retained by the owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements; or
7. All parts of the tract are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract.

D. Subdivision of a tract includes any division, regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale, purchase option rental agreement, or other executory contract to convey, or by using any other method.

E. No land may be divided and sold or conveyed until the Subdivider receives approval of a Final Plat of the tract and files the plat with the County Clerk, for recordation in the Map Records of the County.

F. The Commissioners Court determines whether it will accept any dedications.

G. Approval of a plat does not impose any duty upon the County concerning maintenance of improvements included in any dedication.

H. The Commissioners Court determines which dedications will be accepted for County maintenance after the Owner maintenance period has expired.

I. Land used for a manufactured home rental community, which is not subdivided, must have an infrastructure development plan prepared that complies with the County's minimum infrastructure standards.

1. A Manufactured Home Rental Community is a plot or tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as residences.

J. A computer floppy disc or CD-ROM with a file in AutoCAD format (.dwg) of the layout of the lots and streets (to scale and with state plane coordinates) must be submitted for incorporation into the County-wide map.

2. PLAT PROCESSION

A. Generally, the City's procedures will be followed, however, the City will modify its procedures as follows:

1. The City will require the applicant for any plat within the City's extraterritorial jurisdiction to submit sufficient copies of the engineering drawings and specifications for all infrastructure improvements, including drainage and road plans, for review by the City Staff, City engineer, and other utilities using the road rights-of-way and utility easements.

2. The City will provide the County Engineer with a copy of all plat applications, including any submitted infrastructure plans and specification, and with an appropriate cover letter noting the status of the plat application and any deadlines for review, within two working days of receipt. The cover letter should provide notice of the time and place of any Staff Plat review and Planning Commission meetings at which the plat will be considered.

3. The County Engineer will provide any comments on the plat and the proposed infrastructure improvements to the City's Director of Development Services

within two weeks of receipt of the plat application, unless another review time is mutually agreed upon.

4. After the Staff Plats meeting, the Director of Development Services will forward to the County Engineer a copy of any written comments and the notes of any verbal comments from the City staff and utilities to the applicant at the Staff Plats meeting.

5. The Director of Development Services will forward to the County Engineer notice of any changes to the plat that were required on the plat by the City Staff or Planning Commission prior to their submission to the Planning Commission.

6. City and County review comments of both the plat and infrastructure plans, including drainage improvement plans and road plans, will be incorporated into revisions to the various documents, except as noted in subparagraph 7 of this paragraph, before the plat is submitted to the Planning Commission with a recommendation for approval of the plat.

7. If either the City or the County objects to any review comments or revisions, prior to final plat acceptance, the objections must be resolved by means of a meeting(s) of the appropriate City and County representatives.

8. If the applicant has not made or agreed to make all of the changes requested by the City and County, the Director of Development Services will recommend disapproval of the plat by the Planning Commission.

9. The Director of Development Services shall furnish a copy of the plat and documents filed with County Clerk, along with a copy of any drainage and roadway plans, to the Kleberg County Department of Public Works once the plat is filed with the County Clerk.

B. If groundwater is the source of water supply for the subdivision, each purchase contract made between the owner and purchaser of land in the subdivision must contain a statement describing the extent to which water will be made available to the subdivision and if it will be made available, how and when.

3. REQUIREMENTS FOR ACUTAL PLAT DOCUMENT

A. The plat shall be drawn on first quality paper or Mylar film, 18" x 24" maximum size sheet, in India ink; to a scale of one inch equals one hundred feet (1"=100'), or larger with all figures and letters legible, and the whole proper for filing for record in the Office of the County Clerk, with the following information given:

B. The title or name by which the subdivision is to be identified, North point, the scale shown graphically, and the name and seal of the registered professional engineer or state licensed or registered land surveyor responsible.

C. A definite legal description and identification of the tract being subdivided, this description shall be sufficient for requirements of title examination. The plat shall be a descriptive diagram drawn to scale, and shall show by reference that the subdivision is a particular portion or part of a previously filed plat or recognized grant or partition.

D. Where the area platted as a subdivision to a city or town, covering parts of lots or blocks in a recorded subdivision or partition of an original survey, the acreage taken from each of the said lots or blocks shall be clearly stated on the plat.

E. The boundaries of the subdivided property, the location or designation of all streets, alleys, parks and other areas intended to be dedicated or deeded to the public use, shall be shown with the proper dimensions and bearings. The boundaries of the subdivision shall be indicated by a heavy line and shall be tied by dimension to the centerlines of all existing boundary streets or roads, or lines of established surveys with such other data furnished to locate the subdivision on the ground.

F. The plat shall show all block, lot and street boundary lines. Blocks and lots shall be numbered or lettered consecutively. The width of all streets shall be shown, measured at right angles or radially, where curved.

G. Accurate dimensions, both linear and angular, of all items on the plat shall be shown. Linear dimensions shall be shown in feet and decimals of a foot; angular dimensions shall be shown by bearing, all principal lines shall be fully described and all essential information given; circular curves shall be defined by actual length of radius and not by degree of curve. The arc definition of a curve shall be used in all computations.

H. The location and description of all lot corners, reference points and beginning and end points, (P.C. & P.T.) of all curves, shall be marked with 5/8" iron pipes 24" to 30" long, set flush with the ground shall be used for block corners.

I. A certificate of dedications, duly acknowledged, on all roads or streets, public highways, utility easements, parks, drainage easements, and all other land intended for public use shall be shown on the plat. A thirty-foot (30') minimum drainage easement shall be shown on the plat, fifteen feet (15') minimum each side of the centerline of all gulleys, ravines, draws, sloughs, etc., in the subdivision.

J. A certificate of ownership in fee of all land embraced in the subdivision, and of the authenticity of the plat and dedication, signed and acknowledged by all owners of any interest in said land. The acknowledgement shall be in the form required in the conveyance of real estate. Approval and acceptance of all lien holders shall be included.

K. If the subdivision is located in an area not served by a sanitary sewer system and septic tanks are to be used, a certificate of approval from the City-County Health Department shall be required. If sewer lines are available and of sufficient size to be

used, location shall be showing on drawings and arrangements for tying on shall be made.

4. REGULATION OF LOT SIZE.

A. Lots shall be a minimum of five thousand (5,000) square feet except lots that require septic tanks must be a minimum of $\frac{1}{2}$ acre if served by a public water supply and one acre if not served by a public water supply. All lots, so far as practical, shall have their side lines at right angles to the road on which they face, or radial to curved road lines.

B. Corner lots for residential use shall have extra width to permit appropriate buildings set back from both streets.

5. STREET STANDARDS

A. Arterial, or main thoroughfare roads are to be provided where, in the judgment of the City's Director of Engineering; they are necessary and shall have a minimum right-of-way of eighty (80') feet.

B. Collector roads through the subdivisions shall have a minimum right-of-way width of sixty feet (60') and shall provide unhampered circulation through the subdivision and adjoining subdivision.

C. In the event that a roadway is to cover an original survey corner, a marker shall be set on an offset at the right of way line. The marker must be made of 6-inch diameter concrete and three feet long. The top of the marker must be made of 6-inch diameter concrete and three feet long. The top of the marker shall be flush with the ground and have a brass plate with an "X" on it. In addition to this a three-foot pipe with a minimum diameter of one inch (1") shall be set six inches (6") below the ground in the right-of-way line and approximately 20 feet from the concrete marker. These markers shall be shown on the plat with the angle and distance to the original survey corner.

D. Where an existing road is continued into a new subdivision, the right-of-way in the new subdivision shall not be of less width than the right-of-way of the existing road.

E. Roads shall be laid out so as to intersect as nearly as possible at right angles.

F. Road jogs with centerline offsets of less than one hundred twenty-five feet (125') shall be avoided.

G. Property lines at road intersections shall be rounded with a radius of ten feet (10') or of a greater radius where deemed necessary by the City's Director of Engineering.

H. Dead end roads, designed to be so permanently, shall not be longer than five hundred feet (500') and shall be provided at the closed end with a cul-de-sac (turn around) having

an outside roadway diameter of at least eighty (80') feet and a street right-of-way diameter of at least one hundred feet (100').

I. Roads that are a continuation of an existing road shall take the name of the existing road.

J. Where part of a road has been dedicated in an adjoining subdivision adjacent to, and along, the common property line of the two subdivisions, the same width, or wider, right-of-way must be dedicated in the new subdivision as was dedicated in the existing subdivision.

K. All arterial, main thoroughfare and collector roads shall be as straight as possible, with a maximum of five (5) degree curve being permitted, except at intersections; minor roads through residential areas may have a maximum of ten (10) degree curve.

L. Roads shall be platted so that continuation of said roads may be made in future subdivisions.

M. Provision must be made for the extension of main thoroughfare; belt loops of main county roads, etc., where required by the City's Director of Engineering.

N. A map shall be submitted to the City's Director of Engineering on a scale of not more than two hundred feet (200') per inch, and certified to as to accuracy by the engineer, or survey, preparing the plat, showing reasonable detail, the location and width of existing streets, roads, lots and similar facts regarding all property immediately adjacent thereto; also the connecting between the new and the existing subdivisions. If there are no adjacent subdivisions, then an accurate map must be submitted showing ownership of all adjacent property, location and distance of the nearest subdivision, and how the roads in the subdivision offered for record may connect with those in the nearest subdivision.

O. Profiles drawn to scale adequate to show the existing ground line and proposed grades of finished centerline of all roads, and flowline grade of all ditches; must be submitted to the City's Director of Engineering prior to plat approval.

P. Roadway and drainage plans shall be prepared by a Registered Professional Engineer (Texas Registration).

Q. Roadway & Paving Standards – The City's right-of-way and street pavement standards will apply.

R. Street Markers – Two road or street name signs having the following specifications shall be erected at all street intersections in the subdivision for street markers:

1. Signs shall be constructed of one of the following materials: 4"X 4" posts, either treated or untreated, painted white and using 2" standard height letters, giving the official street or road name or number, or

2. The street name sign shall be of the cross-arm type, and shall be reflectorized on aluminum metal blanks. Posts shall be metal or wood (Minimum 2" round galvanized if the former and 4" square redwood, cedar or Southern yellow pine if the latter) and shall be 12' long, with at least 2'6" in the ground. If a "stop" or "yield" sign is also on the post, it shall be placed so as to not affect the legibility of the name. It shall be 7' minimum from the bottom of the sign on the ground line.

6. DRAINAGE STANDARDS

A. Profiles drawn to scale adequate to show the existing ground line and proposed grades of finished centerline of all roads, and flowline grade of all ditches; must be submitted to the City's Director of Engineering prior to plat approval.

B. Roadway and drainage plans shall be prepared by a Registered Professional Engineer (Texas Registration).

C. In subdivisions where there is no curb & gutter, drainage shall be by roadway ditches, cross ditches, or swales. A map shall be submitted to the City's Director of Engineering showing direction of flow, acreage and all necessary drainage calculations. Ditches must have a minimum grade of 0.1' per 100'. Ditch side slopes shall not be steeper than four to one (4 to 1). Pipes shall be placed where required to provide necessary drainage under drives, sidewalks, cross drains, etc. In all instances calculations shall be shown for each drain, but in no instance shall the pipe used be less than eighteen inches (18") diameter. Drainage sketches, referred to above, shall show the drainage carried to its logical point of disposal. Drainage shall not be dumped on the adjoining tract or road to the detriment of that tract or road. All necessary easements shall be provided and ditch work done as an integral part of the subdivision being prepared. A subdivision may not be built in the mouth of a large gully, creek, draw or swale area, where heavy rains would cause damage to existing or contemplated improvements. This prohibition also applies to installing streets, paving or other improvements in a new subdivision where the increased runoff will damage existing improvements below the street, paving, or improvement. Contours of not more than five foot (5') intervals in hilly land, or one foot (1') intervals in flat land, or in land that is at a twelve foot (12') elevation or less, shall be shown on this map.

D. When a plat involving roads, drainage or utility work shall have been approved and filed for record, then such roads, drainage or utility work shall have been completed and accepted within six (6) calendar months from the date of acceptance. In case of inclement weather and upon application and approval, up to six (6) months extension may be granted.

E. A note shall be placed on the plat, where applicable, requiring building floor elevation to be constructed six inches (6") above the nearest roadway, or higher, if deemed necessary by City's Director of Engineering.

F. Subdivisions that are located in a flood zone on the "Flood Hazard Boundary Map" for Kleberg County will have the following requirements:

G. Permanent type benchmarks shall be set in appropriate locations with the description and elevation shown on the plat.

H. A note on the plat stating "A flood permit will be required from Kleberg County for building structures."

I. All subdivision proposals shall be consistent with the Kleberg County Flood Damage Prevention Ordinance.

J. Contours at one-foot (1') intervals shall be shown on the plat.

K. If the City requires curbs, gutters, and underground drainage systems, the City will maintain the curbs, gutters, and underground drainage system at the same level of service as provided inside the City limits.

7. OTHER REQUIREMENTS

A. A certificate from each Tax Collector of a political subdivision in which property is located must accompany the plat to be recorded showing that all taxes are paid.

B. A certificate of title or title insurance on the subdivision must be furnished showing ownership of property and all liens against sale.

8. ENFORCEMENT

A. At the request of the City, the County Attorney may file an action in a Court of competent jurisdiction to enjoin the violation or threatened violation of the requirements established by or adopted under the interlocal agreement or to recover damages in an amount adequate for the county to undertake any construction or other activity necessary to bring about compliance with the requirements established by the platting requirement.

B. A person commits an offense if the person knowingly or intentionally violates a requirements established by or adopted under this interlocal agreement. The offense is a Class B misdemeanor punishable by a fine of not more than One Thousand Dollars (\$1,000) and/or a jail sentence of not more than one hundred eighty (180) days.

Sunday's Paper - May 15, 2016

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Special Meeting Wednesday, June 1, 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:

S & S Kingsville Construction LLC, owner, is requesting the approval of preliminary and final plat for NORTH 62 ACRES OF LOT 25 BLOCK 20 KLEBERG TOWN AND IMPROVEMENT COMPANY SUBDIVISION also known as Escondido Ranch.

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 June 13, 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:

S & S Kingsville Construction LLC, owner, is requesting the approval of preliminary and final plat for NORTH 62 ACRES OF LOT 25 BLOCK 20 KLEBERG TOWN AND IMPROVEMENT COMPANY SUBDIVISION also known as Escondido Ranch.

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 #8

City of Kingsville
Department of Planning and Development

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director

DATE: June 3, 2016

SUBJECT: Preliminary and Final Plat review for ETJ development known as Escondido Ranch

Summary: S & S Kingsville Construction have submitted a housing development in our Extra Territorial Jurisdiction. Due to an agreement with Kleberg County in 2005 the city commission has the authority to approve the plats as presented.

Background: Some time back the plats were presented to Kleberg County for approval which they did. Consequently S & S Kingsville Construction started work on the development. At some point it came to his attention that while outside of our city limits it is in our ETJ which does provide for a process of review by the city. Consequently work was stopped and the review process was started. Commissioner Roy Cantu, Charlie Cardenas and I reviewed the plats and had two comments which since then S & S Kingsville Construction have submitted revised plats. City staff looked at the revisions and approved the resubmitted plans. The Planning and Zoning Commission reviewed the preliminary and final plats on Wednesday, June 1, 2016 and approved them by a vote of 6 to 0. This development is east of CR 1030 and on the south side of Escondido Road. These lots will septic tanks for sewer service and City of Kingsville water. The street will be up to city standard and with two fire hydrants in the development. There are a total 18 lots that can be built on in this development.

Financial Impact: This development will have a positive impact in terms of water sales since they will be on city water. We will not collect property taxes but if the development has



City of Kingsville
Department of Planning and Development

residents who move there from some other place than Kingsville we would see an increase in sales taxes. The developer will be responsible for laying the water line and building the street,

Recommendation: I believe this to be a quality development and recommend approval of the preliminary and final plat from S & S Kingsville Ranch , Escondido Ranch.



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 CR 1030 & Escondido Located in the City ETJ ☒

(Proposed) Subdivision Name Escondido Ranch Total number of Lots 9

Legal Description: North 62 Acres of Lot 25 Block 20 Kleberg Town & Improvement Company Subdivision

Existing Zoning Designation _____ Future Land Use Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent S&S Kingsville Const. Phone 361-522-3667 FAX _____

Email Address (for project correspondence only): _____

Mailing Address P.O. Box 1333 City Kingsville State TX Zip 78363

Property Owner S&S Kingsville Const. Phone 361-455-7746 FAX _____

Email Address (for project correspondence only): _____

Mailing Address P.O. Box 1333 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 checked="" 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:

Preliminary Plat & Final Plat

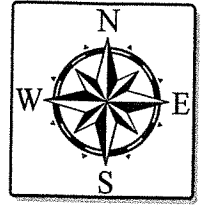
I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature: [Signature] Date: 4-5-16

Property Owner's Signature: [Signature] Date: 4-5-16

Application and Fee Accepted by: Adele Bannister Date: 4-5-16

City of Kingsville



19558

Escondido Rd

No matches were found.

42793

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



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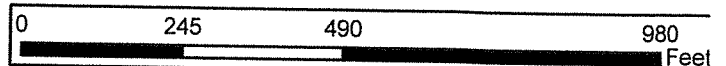
14226

CR 1030

13407

Legend

-  Ownership
-  Proposed Subdivision
-  200 ft. Radius
-  City Limits



Document Path: N:\Engineering\GIS Techs\MAPS\MAP_DOCUMENTS\Arc_City_Address_Assign_Map_8.5x11.mxd

Page 1 / 1	Drawn By: Engineering Department
	Last Update: 4/14/2016
	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.



CITY OF KINGSVILLE
ENGINEERING DEPARTMENT
200 East Kleberg
Kingsville, Texas 78363

**INTERLOCAL AGREEMENT
BETWEEN THE CITY OF KINGSVILLE
AND KLEBERG COUNTY
RELATING TO THE APPROVAL OF PLATS AND
THE REGULATION OF AICUZ RESTRICTIONS
WITHIN THE EXTRATERRITORIAL JURISDICTION OF
THE CITY OF KINGSVILLE**

STATE OF TEXAS

§

§

COUNTY OF KLEBERG

§

I. PARTIES. The parties to this Interlocal Agreement are Kleberg County, Texas ("County"), a political subdivision of the State of Texas, and the City of Kingsville ("City"), a Texas home rule municipality.

II. PURPOSE.

A. In a continuing effort to consolidate activities within the appropriate jurisdiction in order to promote efficiency in local government, the City and the County mutually agree that the City of Kingsville shall administer the platting of all property and regulation of AICUZ restrictions for all property located within those portions of the City's extraterritorial jurisdiction that are within Kleberg County.

B. The parties enter into this Interlocal Agreement under the Texas Government Code Chapter 791 (Interlocal Cooperation Act) and under the terms of Texas Local Government Code §242.001(c). By this Interlocal Agreement, the County delegates to the City the administration of Chapter 232 of the Texas Local Government Code within those portions of the City's extraterritorial jurisdiction that are within Kleberg County, subject, to the terms and exceptions of this Interlocal Agreement.

III. TERM. The term of this Interlocal Agreement commences on the date when last party to this Interlocal Agreement affixes the authorized signatures and extends for five (5) years from the date of that signature. Unless terminated under Section VII, this Interlocal Agreement shall automatically renew annually for a one (1) year term on the anniversary date of the commencement of this Interlocal Agreement.

IV. AUTHORITY TO THE CITY. The City is delegated the authority to administer the provisions of Chapter 232 of the Texas Local Government Code within those portions of the City's extraterritorial jurisdiction that are within Kleberg County.

A. The City's Planning Director is authorized to:

1. Accept all plat applications for tracts of land located in the City's extraterritorial jurisdiction.

2. Collect both the City's and County's plat application fees in a lump-sum amount.
3. Provide applicants one response indicating approval or denial of their plat application.
4. Ensure that plat applications for tracts of land located in the City's ETJ comply with the local AICUZ regulations pending at the time of submission for consideration.

B. The City shall pay on a quarterly basis to the County all County plat application fees collected.

V. RULES GOVERNING PLATTING AND AICUZ REGULATION UNDER THIS INTERLOCAL AGREEMENT.

A. The City shall comply with the applicable provisions of the following regulations when platting property within those portions of its extraterritorial jurisdiction that are within Kleberg County:

1. Texas Local Government Code Chapter 212, as amended.
2. Texas Local Government Code Chapter 232, as amended.
3. The City's Subdivision and Zoning Ordinance, as amended.
4. Kleberg County Commissioners Subdivision Orders.
5. Any other statutes applicable to municipalities and counties that may be enforced in the City's extraterritorial jurisdiction.

B. If the existing municipal regulation or county regulation relating to plats and the subdivision of land conflict, the more stringent regulation applies.

C. If the City requires a plat to be filed for the subdivision of a particular tract of land in the City's extraterritorial jurisdiction, but the County does not, the property may not be subdivided until a plat is approved by the City.

D. If the County requires a plat to be filed for the subdivision of a particular tract of land in the City's extraterritorial jurisdiction, but the City does not, the property may not be subdivided until a plat is approved by the City.

E. The City shall prepare a consolidated set of regulations that identifies the most stringent requirements currently required by either jurisdiction. The consolidated regulations must be appended to this Interlocal Agreement as Appendix A.

F. The administrative procedures in the City's Subdivision Ordinance will be used in the processing of plat applications and requests for variances.

VI. CITY PLANNING & ZONING COMMISSION. The parties agree that the Planning & Zoning Commission of the City of Kingsville will act for the City of Kingsville in administering Chapter 232 of the Texas Local Government Code. Appeals from recommendations of the City Planning & Zoning Commission may be made to the City Commission under the City Ordinance. The City of Kingsville Zoning Board of Adjustment will act for the City of Kingsville in determining variance requests.

VII. DEDICATION OF PUBLIC IMPROVEMENTS. The approval of a plat of land located within those portions of the City's extraterritorial jurisdiction that are within Kleberg County under this Interlocal Agreement does not constitute acceptance of the dedication of any public improvements by the Kleberg County Commissioners' Court. After the public improvements have been installed and inspected by both the City and County designated representatives, an application for acceptance of the dedication must be made to the County Commissioners' Court.

VII. TERMINATION.

A. The parties agree that either party may terminate this Interlocal Agreement without cause on the annual anniversary date by providing sixty (60) days prior written notice of their intent to terminate this Interlocal Agreement.

B. Upon termination, all authority to administer Chapter 232 of the Texas Local Government Code within those areas of the City's extraterritorial jurisdiction that are within Kleberg County revert to the County.

VIII. MISCELLANEOUS PROVISIONS.

A. Notice. Notice required by this Interlocal Agreement may be given or served by depositing the notice in the United States Mail, in certified or registered form, postage prepaid, addressed to the other party, or by delivering the notice in person to the other party. Notice deposited in the United States Mail in the manner prescribed in this subsection is effective upon deposit. The addresses of the parties are:

City of Kingsville, Texas
Attention: City Manager
P.O. Box 1458
Kingsville, Texas 78364

Kleberg County
Attention: Kleberg County Judge
P.O. Box 752
Kingsville, Texas 78364

B. Effect of Waivers. No waiver by either party of any default, violation, or breach of the terms, provisions, and covenants contained in this Interlocal Agreement may be deemed or construed to constitute a waiver of any other

violation or breach of any of the terms, provisions, and covenants of this Interlocal Agreement.

C. Only Agreement between Parties. This Interlocal Agreement constitutes the only agreement of the parties relating to the administration of and enforcement authority under Chapter 212, 232, and 242 of the Texas Local Government Code and supersedes any understandings or written or oral agreements between the parties respecting the subject matter of this Interlocal Agreement. Any changes or modifications to this Interlocal Agreement must be made in writing and approved by the governing bodies of both parties.

D. Amendment of Interlocal Agreement. This Interlocal Agreement may be amended at any time. Any amendment to this Interlocal Agreement must be in writing and agreed to by the governing bodies of the parties. No officer or employee of any of the parties has authority to waive or otherwise modify the limitations in this Interlocal Agreement, without the express action of the governing body of the party.

E. Not For Benefit of Third Parties. This Interlocal Agreement and all activities under this Interlocal Agreement are solely for the benefit of the parties and not the benefit of any third parties.

F. Exercise of Police Powers. This Interlocal Agreement and all activities under this Interlocal Agreement are undertaken solely as an exercise of the police power of the parties, exercised for the health, safety, and welfare of the public generally, and not for the benefit of any particular person or persons. The parties do not have and may not be deemed to have any duty to any particular person or persons.

G. Immunities Not Waived. Nothing in this Interlocal Agreement waives any governmental, official, or other immunity or defense of any of the parties or their officers, employees, representatives, and agents as a result of the execution of this Interlocal Agreement and the performance of the covenants contained in this Interlocal Agreement.

H. No Civil Liability to Other Party. One party may not be responsible to and may not be civilly liable to another party for any act or omission under this Interlocal Agreement. Each party waives all claims against the other party for compensation for any loss, damage, personal injury, or death occurring as a consequence of the performance of this Interlocal Agreement.

I. Captions. Captions to provisions of this Interlocal Agreement are for convenience and shall not be considered in the interpretation of the provisions.

J. Fiscal Obligations. Each party which performs services or furnishes aid under this Interlocal Agreement must do so with funds available from current revenues of the party. No party has any liability for the failure to expend funds to provide aid under this Interlocal Agreement.

K. Interlocal Cooperation Act Applies. The parties agree that activities under this Interlocal Agreement are "governmental functions and services" and that the parties are "local governments" as that term is defined in this Interlocal Agreement and in the Interlocal Cooperation Act.

L. Entirety of Agreement. This Interlocal Agreement contains all commitments and agreements of the parties with respect to the platting of property within the City of Kingsville's extraterritorial jurisdiction. No other oral or written commitments of the parties with respect to the platting of property within the City of Kingsville's extraterritorial jurisdiction may have any force or effect if not contained in this Interlocal Agreement.

M. Severability. If any provision contained in this Interlocal Agreement is held invalid for any reason, the invalidity does not affect other provisions of the Interlocal Agreement that can be given effect without the invalid provision, and to this end the provisions of this Interlocal Agreement are severable.

N. Validity and Enforceability. If any current or future legal limitations affect the validity or enforceability of a provision of this Interlocal Agreement, then the legal limitations are made a part of this Interlocal Agreement and operate to amend this Interlocal Agreement to the minimum extent necessary to bring this Interlocal Agreement into conformity with the requirements of the limitations, and so modified, this Interlocal Agreement continues in full force and effect.

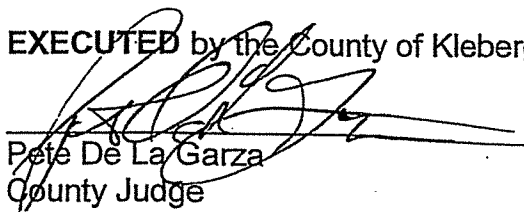
O. Warranty. The Interlocal Agreement has been officially authorized by the governing body of each party, and each signatory guarantees and warrants that the signatory has full authority to execute this Interlocal Agreement and to legally bind the respective party to this Interlocal Agreement.

P. Governing Laws. This Interlocal Agreement shall be governed by the laws of the State of Texas.

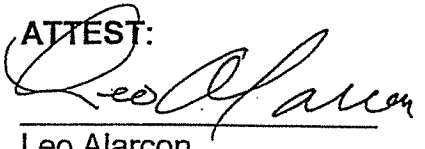
Q. Venue. Venue for an action arising under this Interlocal Agreement is in Kleberg County, Texas.

EXECUTED in duplicate originals this 13th day of June, 2005.

EXECUTED by the County of Kleberg on the 13th day of June, 2005.



Pete De La Garza
County Judge

ATTEST:


Leo Alarcon

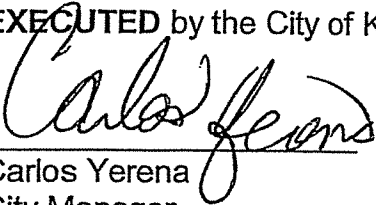
County Clerk

APPROVED AS TO FORM:



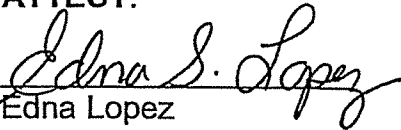
Alfred Isassi
County Attorney

EXECUTED by the City of Kingsville on the 23rd day of May, 2005.



Carlos Yerena
City Manager

ATTEST:



Edna Lopez
City Secretary

APPROVED AS TO FORM:



Courtney Alvarez
City Attorney

APPENDIX A

1. PLAT REQUIRED

A. The owner must plat the portions of a tract that are subdivided into parts that are 5 acres or less in size. The plat does not need to include any part greater than five acres that has access to a public road, if no public improvement are being dedicated.

B. The owner must plat if the owner subdivides a tract into two or more parts that are greater than 10 acres and includes streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

C. The owner must plat if owner subdivides a tract into two or more parts that are greater than 5 acres, but not greater than 10 acres, unless:

1. The land is used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use;
2. The tract is divided into four or fewer parts and the parts are sold, given, or otherwise transferred to an individual who is related to the owner within the third degree of consanguinity or affinity;
3. All of the lots are sold to veterans through the Veterans' Land Board program;
4. The tract is owned by the state or other state agency, board, or commission or owned by the permanent school fund or any other dedicated funds of the state;
5. The owner of the land is a political subdivision of the state, the land is situated in a flood plain, and the lots are sold to adjacent landowners;
6. One new part is to be retained by the owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements; or
7. All parts of the tract are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract.

D. Subdivision of a tract includes any division, regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale, purchase option rental agreement, or other executory contract to convey, or by using any other method.

E. No land may be divided and sold or conveyed until the Subdivider receives approval of a Final Plat of the tract and files the plat with the County Clerk, for recordation in the Map Records of the County.

F. The Commissioners Court determines whether it will accept any dedications.

G. Approval of a plat does not impose any duty upon the County concerning maintenance of improvements included in any dedication.

H. The Commissioners Court determines which dedications will be accepted for County maintenance after the Owner maintenance period has expired.

I. Land used for a manufactured home rental community, which is not subdivided, must have an infrastructure development plan prepared that complies with the County's minimum infrastructure standards.

1. A Manufactured Home Rental Community is a plot or tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as residences.

J. A computer floppy disc or CD-ROM with a file in AutoCAD format (.dwg) of the layout of the lots and streets (to scale and with state plane coordinates) must be submitted for incorporation into the County-wide map.

2. PLAT PROCESSION

A. Generally, the City's procedures will be followed, however, the City will modify its procedures as follows:

1. The City will require the applicant for any plat within the City's extraterritorial jurisdiction to submit sufficient copies of the engineering drawings and specifications for all infrastructure improvements, including drainage and road plans, for review by the City Staff, City engineer, and other utilities using the road rights-of-way and utility easements.

2. The City will provide the County Engineer with a copy of all plat applications, including any submitted infrastructure plans and specification, and with an appropriate cover letter noting the status of the plat application and any deadlines for review, within two working days of receipt. The cover letter should provide notice of the time and place of any Staff Plat review and Planning Commission meetings at which the plat will be considered.

3. The County Engineer will provide any comments on the plat and the proposed infrastructure improvements to the City's Director of Development Services

within two weeks of receipt of the plat application, unless another review time is mutually agreed upon.

4. After the Staff Plats meeting, the Director of Development Services will forward to the County Engineer a copy of any written comments and the notes of any verbal comments from the City staff and utilities to the applicant at the Staff Plats meeting.

5. The Director of Development Services will forward to the County Engineer notice of any changes to the plat that were required on the plat by the City Staff or Planning Commission prior to their submission to the Planning Commission.

6. City and County review comments of both the plat and infrastructure plans, including drainage improvement plans and road plans, will be incorporated into revisions to the various documents, except as noted in subparagraph 7 of this paragraph, before the plat is submitted to the Planning Commission with a recommendation for approval of the plat.

7. If either the City or the County objects to any review comments or revisions, prior to final plat acceptance, the objections must be resolved by means of a meeting(s) of the appropriate City and County representatives.

8. If the applicant has not made or agreed to make all of the changes requested by the City and County, the Director of Development Services will recommend disapproval of the plat by the Planning Commission.

9. The Director of Development Services shall furnish a copy of the plat and documents filed with County Clerk, along with a copy of any drainage and roadway plans, to the Kleberg County Department of Public Works once the plat is filed with the County Clerk.

B. If groundwater is the source of water supply for the subdivision, each purchase contract made between the owner and purchaser of land in the subdivision must contain a statement describing the extent to which water will be made available to the subdivision and if it will be made available, how and when.

3. REQUIREMENTS FOR ACUTAL PLAT DOCUMENT

A. The plat shall be drawn on first quality paper or Mylar film, 18" x 24" maximum size sheet, in India ink; to a scale of one inch equals one hundred feet (1"=100'), or larger with all figures and letters legible, and the whole proper for filing for record in the Office of the County Clerk, with the following information given:

B. The title or name by which the subdivision is to be identified, North point, the scale shown graphically, and the name and seal of the registered professional engineer or state licensed or registered land surveyor responsible.

C. A definite legal description and identification of the tract being subdivided, this description shall be sufficient for requirements of title examination. The plat shall be a descriptive diagram drawn to scale, and shall show by reference that the subdivision is a particular portion or part of a previously filed plat or recognized grant or partition.

D. Where the area platted as a subdivision to a city or town, covering parts of lots or blocks in a recorded subdivision or partition of an original survey, the acreage taken from each of the said lots or blocks shall be clearly stated on the plat.

E. The boundaries of the subdivided property, the location or designation of all streets, alleys, parks and other areas intended to be dedicated or deeded to the public use, shall be shown with the proper dimensions and bearings. The boundaries of the subdivision shall be indicated by a heavy line and shall be tied by dimension to the centerlines of all existing boundary streets or roads, or lines of established surveys with such other data furnished to locate the subdivision on the ground.

F. The plat shall show all block, lot and street boundary lines. Blocks and lots shall be numbered or lettered consecutively. The width of all streets shall be shown, measured at right angles or radially, where curved.

G. Accurate dimensions, both linear and angular, of all items on the plat shall be shown. Linear dimensions shall be shown in feet and decimals of a foot; angular dimensions shall be shown by bearing, all principal lines shall be fully described and all essential information given; circular curves shall be defined by actual length of radius and not by degree of curve. The arc definition of a curve shall be used in all computations.

H. The location and description of all lot corners, reference points and beginning and end points, (P.C. & P.T.) of all curves, shall be marked with 5/8" iron pipes 24" to 30" long, set flush with the ground shall be used for block corners.

I. A certificate of dedications, duly acknowledged, on all roads or streets, public highways, utility easements, parks, drainage easements, and all other land intended for public use shall be shown on the plat. A thirty-foot (30') minimum drainage easement shall be shown on the plat, fifteen feet (15') minimum each side of the centerline of all gulleys, ravines, draws, sloughs, etc., in the subdivision.

J. A certificate of ownership in fee of all land embraced in the subdivision, and of the authenticity of the plat and dedication, signed and acknowledged by all owners of any interest in said land. The acknowledgement shall be in the form required in the conveyance of real estate. Approval and acceptance of all lien holders shall be included.

K. If the subdivision is located in an area not served by a sanitary sewer system and septic tanks are to be used, a certificate of approval from the City-County Health Department shall be required. If sewer lines are available and of sufficient size to be

used, location shall be showing on drawings and arrangements for tying on shall be made.

4. REGULATION OF LOT SIZE.

A. Lots shall be a minimum of five thousand (5,000) square feet except lots that require septic tanks must be a minimum of ½ acre if served by a public water supply and one acre if not served by a public water supply. All lots, so far as practical, shall have their side lines at right angles to the road on which they face, or radial to curved road lines.

B. Corner lots for residential use shall have extra width to permit appropriate buildings set back from both streets.

5. STREET STANDARDS

A. Arterial, or main thoroughfare roads are to be provided where, in the judgment of the City's Director of Engineering; they are necessary and shall have a minimum right-of-way of eighty (80') feet.

B. Collector roads through the subdivisions shall have a minimum right-of-way width of sixty feet (60') and shall provide unhampered circulation through the subdivision and adjoining subdivision.

C. In the event that a roadway is to cover an original survey corner, a marker shall be set on an offset at the right of way line. The marker must be made of 6-inch diameter concrete and three feet long. The top of the marker must be made of 6-inch diameter concrete and three feet long. The top of the marker shall be flush with the ground and have a brass plate with an "X" on it. In addition to this a three-foot pipe with a minimum diameter of one inch (1") shall be set six inches (6") below the ground in the right-of-way line and approximately 20 feet from the concrete marker. These markers shall be shown on the plat with the angle and distance to the original survey corner.

D. Where an existing road is continued into a new subdivision, the right-of-way in the new subdivision shall not be of less width than the right-of-way of the existing road.

E. Roads shall be laid out so as to intersect as nearly as possible at right angles.

F. Road jogs with centerline offsets of less than one hundred twenty-five feet (125') shall be avoided.

G. Property lines at road intersections shall be rounded with a radius of ten feet (10') or of a greater radius where deemed necessary by the City's Director of Engineering.

H. Dead end roads, designed to be so permanently, shall not be longer than five hundred feet (500') and shall be provided at the closed end with a cul-de-sac (turn around) having

an outside roadway diameter of at least eighty (80') feet and a street right-of-way diameter of at least one hundred feet (100').

I. Roads that are a continuation of an existing road shall take the name of the existing road.

J. Where part of a road has been dedicated in an adjoining subdivision adjacent to, and along, the common property line of the two subdivisions, the same width, or wider, right-of-way must be dedicated in the new subdivision as was dedicated in the existing subdivision.

K. All arterial, main thoroughfare and collector roads shall be as straight as possible, with a maximum of five (5) degree curve being permitted, except at intersections; minor roads through residential areas may have a maximum of ten (10) degree curve.

L. Roads shall be platted so that continuation of said roads may be made in future subdivisions.

M. Provision must be made for the extension of main thoroughfare; belt loops of main county roads, etc., where required by the City's Director of Engineering.

N. A map shall be submitted to the City's Director of Engineering on a scale of not more than two hundred feet (200') per inch, and certified to as to accuracy by the engineer, or survey, preparing the plat, showing reasonable detail, the location and width of existing streets, roads, lots and similar facts regarding all property immediately adjacent thereto; also the connecting between the new and the existing subdivisions. If there are no adjacent subdivisions, then an accurate map must be submitted showing ownership of all adjacent property, location and distance of the nearest subdivision, and how the roads in the subdivision offered for record may connect with those in the nearest subdivision.

O. Profiles drawn to scale adequate to show the existing ground line and proposed grades of finished centerline of all roads, and flowline grade of all ditches; must be submitted to the City's Director of Engineering prior to plat approval.

P. Roadway and drainage plans shall be prepared by a Registered Professional Engineer (Texas Registration).

Q. Roadway & Paving Standards – The City's right-of-way and street pavement standards will apply.

R. Street Markers – Two road or street name signs having the following specifications shall be erected at all street intersections in the subdivision for street markers:

1. Signs shall be constructed of one of the following materials: 4"X 4" posts, either treated or untreated, painted white and using 2" standard height letters, giving the official street or road name or number, or

2. The street name sign shall be of the cross-arm type, and shall be reflectorized on aluminum metal blanks. Posts shall be metal or wood (Minimum 2" round galvanized if the former and 4" square redwood, cedar or Southern yellow pine if the latter) and shall be 12' long, with at least 2'6" in the ground. If a "stop" or "yield" sign is also on the post, it shall be placed so as to not affect the legibility of the name. It shall be 7' minimum from the bottom of the sign on the ground line.

6. DRAINAGE STANDARDS

A. Profiles drawn to scale adequate to show the existing ground line and proposed grades of finished centerline of all roads, and flowline grade of all ditches; must be submitted to the City's Director of Engineering prior to plat approval.

B. Roadway and drainage plans shall be prepared by a Registered Professional Engineer (Texas Registration).

C. In subdivisions where there is no curb & gutter, drainage shall be by roadway ditches, cross ditches, or swales. A map shall be submitted to the City's Director of Engineering showing direction of flow, acreage and all necessary drainage calculations. Ditches must have a minimum grade of 0.1' per 100'. Ditch side slopes shall not be steeper than four to one (4 to 1). Pipes shall be placed where required to provide necessary drainage under drives, sidewalks, cross drains, etc. In all instances calculations shall be shown for each drain, but in no instance shall the pipe used be less than eighteen inches (18") diameter. Drainage sketches, referred to above, shall show the drainage carried to its logical point of disposal. Drainage shall not be dumped on the adjoining tract or road to the detriment of that tract or road. All necessary easements shall be provided and ditch work done as an integral part of the subdivision being prepared. A subdivision may not be built in the mouth of a large gulley, creek, draw or swale area, where heavy rains would cause damage to existing or contemplated improvements. This prohibition also applies to installing streets, paving or other improvements in a new subdivision where the increased runoff will damage existing improvements below the street, paving, or improvement. Contours of not more than five foot (5') intervals in hilly land, or one foot (1') intervals in flat land, or in land that is at a twelve foot (12') elevation or less, shall be shown on this map.

D. When a plat involving roads, drainage or utility work shall have been approved and filed for record, then such roads, drainage or utility work shall have been completed and accepted within six (6) calendar months from the date of acceptance. In case of inclement weather and upon application and approval, up to six (6) months extension may be granted.

E. A note shall be placed on the plat, where applicable, requiring building floor elevation to be constructed six inches (6") above the nearest roadway, or higher, if deemed necessary by City's Director of Engineering.

F. Subdivisions that are located in a flood zone on the "Flood Hazard Boundary Map" for Kleberg County will have the following requirements:

G. Permanent type benchmarks shall be set in appropriate locations with the description and elevation shown on the plat.

H. A note on the plat stating "A flood permit will be required from Kleberg County for building structures."

I. All subdivision proposals shall be consistent with the Kleberg County Flood Damage Prevention Ordinance.

J. Contours at one-foot (1') intervals shall be shown on the plat.

K. If the City requires curbs, gutters, and underground drainage systems, the City will maintain the curbs, gutters, and underground drainage system at the same level of service as provided inside the City limits.

7. OTHER REQUIREMENTS

A. A certificate from each Tax Collector of a political subdivision in which property is located must accompany the plat to be recorded showing that all taxes are paid.

B. A certificate of title or title insurance on the subdivision must be furnished showing ownership of property and all liens against sale.

8. ENFORCEMENT

A. At the request of the City, the County Attorney may file an action in a Court of competent jurisdiction to enjoin the violation or threatened violation of the requirements established by or adopted under the interlocal agreement or to recover damages in an amount adequate for the county to undertake any construction or other activity necessary to bring about compliance with the requirements established by the platting requirement.

B. A person commits an offense if the person knowingly or intentionally violates a requirements established by or adopted under this interlocal agreement. The offense is a Class B misdemeanor punishable by a fine of not more than One Thousand Dollars (\$1,000) and/or a jail sentence of not more than one hundred eighty (180) days.

Sunday's Paper - May 15, 2016

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Special Meeting Wednesday, June 1, 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:

S & S Kingsville Construction LLC, owner, is requesting the approval of preliminary and final plat for NORTH 62 ACRES OF LOT 25 BLOCK 20 KLEBERG TOWN AND IMPROVEMENT COMPANY SUBDIVISION also known as Escondido Ranch.

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 June 13, 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:

S & S Kingsville Construction LLC, owner, is requesting the approval of preliminary and final plat for NORTH 62 ACRES OF LOT 25 BLOCK 20 KLEBERG TOWN AND IMPROVEMENT COMPANY SUBDIVISION also known as Escondido Ranch.

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 #9

**City of Kingsville
Department Name**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: David Mason, Purchasing/IT Director
DATE: June 6, 2016
SUBJECT: Pro-Patch Pothole Patcher

Summary:

This items authorizes the purchase of a new HD Industries Pro Patcher Pothole Patcher on 2017 Freightliner M2106 Cab and Chassis

Background:

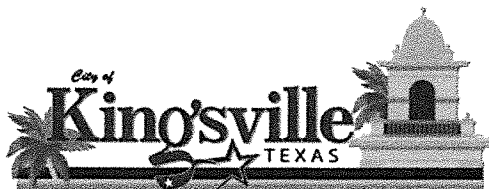
In order to continue progress on the City's street plan, specifically pothole repair, an additional patching machine is needed.

Financial Impact:

This purchase will expend a total of \$147,283.70 from 033-5-3050-71200 of which \$160,000.00 is available from CO 2016.

Recommendation:

Staff recommends the purchase of an H. D. Industries Pro Patcher on a Freightliner 2017 M 2106 Cab and Chassis from Freightliner of Austin. Both H.D. Industries and Freightliner of Austin have existing BuyBoard contracts, therefore meeting competitive bid requirements.





FREIGHTLINER OF AUSTIN

1701 Smith Rd. (Hwy. 183 So.)
Austin, Texas 78721

Bus: 512-389-0000
FAX: 512-389-2663
Wats: 1-800-395-2005

INV.

PURCHASING NAME CITY OF KINGSVILLE		TELEPHONE 361-455-4488	
ADDRESS 1300 CARROL	CITY KINGSVILLE	STATE TX	ZIP CODE 78363

I/We Hereby Purchase from You, Under the Terms and Conditions Specified, the Following:

YEAR 2017	MAKE FREIGHTLINER	MODEL/BODY M2106	VIN ORDER	LICENSE PLATE
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A documentary fee is not an official fee, a documentary fee is not required by law but may be charged to buyers for handling documents and performing services relating to the the closing of a sale. Buyers may avoid payment of the fee to the seller by handling the documents and performing the services relating to the closing of the sale. A documentary fee may not exceed \$50.00. This notice is required by law.

El cobro documental no es un cobro oficial. El cobro documental no es un requisito bajo la ley, pero se le puede cobrar. Al comprador por el rendimiento de los servicios relacionados con la completacion de la venta y por completar los documentos. El comprador puede evitar el pago al vendedor de este costo si el comprador mismo se encarga de manejar los documentos y de los servicios necesarios para la completacion de la venta. El cobro documental no puede sobrepasar los \$50.00 (U.S.) Este aviso es requerido bajo la ley.

Disclaimer of Warranties

Any warranties on the products sold hereby are those made by the factory. The Seller, Freightliner of Austin, hereby expressly disclaims all warranties, either expressed or implied including any implied warranty of merchantability or fitness for a particular purpose, and Freightliner of Austin, neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this vehicle.

MILEAGE:	
BUY BOARD CONTRACT #430-13	
CHASSIS SELLING PRICE	\$ 71,693.00
TCM 425-80-DHE	\$ 75,190.70
BUY BOARD FEE	\$ 400.00
CUSTOMER SIGNATURE	
SALESMAN SIGNATURE	KEVIN KRIEG

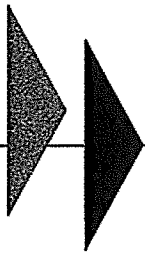
CONTRACTUAL DISCLOSURE STATEMENT FOR USED VEHICLE ONLY. *The information you see on the window form for this vehicle is part of this contract. Information on the window form overrules any contrary provisions in the contract of sale. *

MILEAGE:	TRADE-IN			
YEAR	MAKE	MODEL/BODY	VIN	LICENSE PLATE

MILEAGE:	TRADE-IN			
YEAR	MAKE	MODEL/BODY	VIN	LICENSE PLATE

PAYOFF TO:		TOTAL	\$ 147,283.70	
ADDRESS:		Trade Allowance	\$ -	
TELEPHONE: / FAX:		Trading Difference	\$ -	
GOOD UNTIL:		Sales Tax	\$ -	
QUOTED BY:		Vehicle Inventory Tax	\$ -	
SHOW LIEN TO:		License Fee	\$ -	
ADDRESS:		Body Type:	Documentary Fee	\$ -
		License Wt.:	Federal Excise Tax	\$ -
		State Insp.:	TOTAL SALE PRICE	\$ 147,283.70
DATED: LIEN AMOUNT \$		License:	Payoff on Trade	
DRAFT FOR \$		Title:	Ext. Service Agreement	
DRAFT THRU:		Transfer:	Less Deposit	
ADDRESS:		Total Balance Due	\$ 147,283.70	

Full disclosure required by federal regulation "Z", The Consumer Protection Act and The Texas Consumer Credit Code, will be made prior to consummation of a credit sale. This written order comprises the entire agreement pertaining to this purchase and no other agreement of any kind, verbal understanding or promise whatsoever, will be recognized. It is expressly agreed that the purchaser acquires no right, title or interest in or to the property which he agrees to purchase hereunder until such property is delivered to him/her and either the full price is paid in cash or satisfactory deferred payment agreement is executed by the parties hereto, the terms of which shall thereafter be controlling, and a clear title is furnished to dealer for the used cars or trucks involved, if any. THIS IS NOT A CONDITIONAL SALES CONTRACT, BUT IS A BUYER'S ORDER. All new vehicles carry the standard factory warranty. It is understood there is no guarantee on the above described new or used vehicle other than appears on this Buyer's Order. Mileage, if used vehicle model is not guaranteed and a verbal agreement by the Salesman will not be considered binding on the Seller. It is agreed that neither Freightliner of Austin nor the manufacturer will be



H.D. Industries, Inc.

Pro-Patch Pothole Patcher

P.O. Box 8250 / Jacksonville, TX 75766 / (903) 586-6126 / www.pro-patch.com

May 5, 2016,

City of Kingsville, TX
1300 E. Carrol
Kingsville, TX 78363

Dear Mr. Walker:

Please review the following quote for the **Pro-Patch** Asphalt Pothole Patcher. I have included the recommended options for a well-equipped unit. However, you can add or delete items to best suit your needs.

1. Basic Unit Model TCM 425-80-DHE	\$ 49,700.00
2. 18" X 46" Work Deck	995.00
3. Hydraulic Bi-fold Steel Top Doors.....	2,830.00
4. Muncie or Chelsea Hot Shift PTO	1,963.70
5. 1.25 Cubic yard 30" Spoils Bin	1,925.00
6. Stanley BR45 Pavement Breaker	2,600.00
7. Hydraulic Tool Line Hose Reel	1,410.00
8. Wacker WP1550AW Compactor Plate	2,695.00
9. Hydraulic Rear Lift for Roller w/ Breaker Mount.....	2,600.00
10. 10 Gallon Water tank with Rust Proof Liner.....	375.00
11. Diesel Fuel Hose Reel with 20 ft hose	350.00
12. 50 gallon LP Gas Bottle Frame Mounted.....	1,350.00
13. Wanco Model WSBLA-14 Light LED Rear Mount.....	1,995.00
14. Pedestal Mount Meteorlight SY2000 Strobe.....	305.00
15. 8 Gallon Drip Pan	375.00
16. Secondary Auger Motor	1,400.00
17. 2 Asphalt Lute / Shovel Holders	220.00
18. Electronic Engine Throttle Control	362.00
19. Color Omaha Orange	<u>200.00</u>
Subtotal	\$73,650.70
Delivery and two (2) days training.....	1,540.00
Total	<u>\$ 75,190.70</u>

Delivery in 150 - 180 days after receiving purchase order.

If you order new truck, see truck specs sample.

I hope this information is helpful to you. If you have any questions or need any additional information, please feel free to give me a call at 1-800-256-6126. Thank you.

Sincerely,

Harold Dillingham

Harold Dillingham
President

AGENDA ITEM #10

**City of Kingsville
Purchasing/IT Department**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: David Mason, Director
DATE: May 16, 2016
SUBJECT: Roof for Park Equipment Barn

Summary:

This item authorizes the installation of a new roof at the Equipment Barn at Dick Kleberg Park.

Background:

The replacement roof will be done with 7/16" (1/2" performance class) Oriented Strand Board (OSB) decking with 30 lb. felt and 30 year dimensional shingles.

Financial Impact:

Installation will be \$20,518.00 from 033-5-4503-71300, Equipment Barn Improvements of which \$25,000.00 is available.

Recommendation:

It is recommended the City contracts with Parsons Commercial Roofing, Inc. PO Box 21835, Waco, TX 76702-1835. Parsons is a member of the TIPS Purchasing Cooperative and was recently awarded the DuroLast roof project for Fire Station 1. Local government code 271 Subchapter F allows for the use of a cooperative purchasing program, specifically 271.102 (c), states, "A local government that purchases good and service under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of goods and service." Therefore, competitive bidding statutes have been met.





Parsons Commercial Roofing, Inc

Serving the Building Industry Since 1948

Home Office: P.O. Box 21835 Waco, TX 76702-1835 • Fax (254) 881-1995 • www.parsonsroofing.com
Waco (254) 881-1733 • Temple (254) 773-3777 • Killeen 254-554-5888 • Austin (512) 264-0606 • Dallas (214) 361-0174
San Antonio (210) 340-1610 • Toll Free (877) 881-1733

Submitted To: City of Kingsville David Mason ("Purchaser") Date: 6.6.2016
Street: PO Box 1458 Job Name: Parks and Recreation Building
City, State, Zip: Kingsville, TX 78363 Job Location: 501 E. Escondido Kingsville, TX
Telephone: 301-595-8025 Contractors Work To Begin: TBD
E-Mail Address: dmason@cityofkingsville.com Salesman: Kevin Strain
Fax: _____

Subject to a prompt acceptance within 30 days from above date, and further subject to all terms and conditions on the front side hereof.
PARSONS COMMERCIAL ROOFING, INC. ("Contractor") Proposes to furnish materials and labor as hereafter specified for the "Work" described as follows:

Scope Of Work:

1. Tear off existing shingles and wood deck.
2. Install new 7/16" OSB wood decking.
3. Install new 30# felt.
4. Install new 30 yr dimensional shingles.
5. Install new 2" x 2" drip edge.

Excludes any other rotten wood.

Rotten wood shall be replaced at \$5.00/ft

The Contract sum due Contractor for the Work is: _____ \$20,518.00

Terms: 50% draw upon order of materials and balance due upon completion Sales Tax (not included) _____

Parsons Commercial Roofing, Inc

By: _____ By: _____

Title: _____ Title: _____

ACCEPTANCE: The undersigned ("Purchaser") by execution hereof accepts this document and all of its terms and conditions contained herein and on the front side hereof as a binding contract.

Date: _____ Date: _____

THE STATE OF TEXAS

COUNTY OF _____

THIS INSTRUMENT was acknowledged before me on _____ By: _____

Notary Public in and for The State of Texas

My Commission Expires: _____

STANDARD

AGENDA ITEM #11

City of Kingsville
Planning and Development Services

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director

DATE: May 13, 2016

SUBJECT: Proposed revisions to the Historic Development Board Ordinance

Summary: The current Historic Development Board has contradictory language and doesn't clarify the review process between staff and the Historical Development Board.

Background: Because of the contradictory language staff was putting permits for approval on the City Commission agendas after review by the Historical Development Board. It was felt that this was an extra step that wasn't needed but to make it clear the ordinance language should be clearer for the applicant and the staff. The recommended revisions are intended to do the following:

1. Clarify what permits are reviewed and approved by staff and what permits go to the Historical Development Board for their review and approval.
2. That only a permit denied by the Historical Development Board and the applicant wanting to appeal that decision will it then go to the City Commission.
3. That an application for a historic landmark, district, site will be reviewed by the Historical Development Board with a recommendation going to the City Commission.

Financial Impact: I do not anticipate a negative financial impact. We do hope that by making the administrative process less cumbersome that homeowners will invest in their properties which would be a positive impact.



City of Kingsville
Planning and Development Services

Recommendation: Staff is open to any recommendations that will make the wording easier to understand for everybody involved. We do believe that conceptually these revisions are in the right direction. Approve revisions to the Historical Development ordinance. At the City Commission meeting on May 31, 2016 it was asked how it would work if a resident is appointed as it is stated in Section 15-5-20. Staff has reviewed that suggestion and agree that the language pertaining to a resident (not as a city employee) working as the Historic Preservation Officer may not work very well. Staff is proposing that the following language be deleted from that section, or appropriate resident of the municipality entity.



ORDINANCE NO.2016-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER XV, ARTICLE 5, HISTORICAL DISTRICTS AND LANDMARKS, SECTIONS 15-5-17 THROUGH 15-5-33, PROVIDING FOR A REVISED APPLICATION AND PERMIT APPROVAL PROCESS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

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

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

I.

THAT Sections 15-5-17 through 15-5-33 of Article 5: Historical Districts and Landmarks of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

...

Sec. 15-5-17. - Secretary of board.

~~The City Manager shall appoint a representative from the City Planning and Urban Development Department~~ The Administrative Assistant from the City Planning and Development Serviced Department to act as Secretary and keep minutes of all meetings and shall not have voting rights.

(1962 Code, § 2-10-7; Ord. 91034, passed 10-28-91)

Sec. 15-5-18. - Terms of members.

Each member of the Board shall be appointed for a term of three years, except that of the members of the first Board to be appointed, three shall be appointed to serve for three years, three shall be appointed to serve for two years and three shall be appointed to serve for one year. The members of the Board shall likewise from the voting membership fill any vacancy in either of the offices of Chairman or Vice-Chairman. Any vacancy on the Board shall be filled by appointment by the City Commission for the remainder of the unexpired term. Any member of the Board who does not attend three consecutive Board meetings without good cause, may be replaced for the remainder of

his or her term, after being sent proper notice. Proper notice shall be notice by certified mail sent to the last known address of the member.

(1962 Code, § 2-10-8; Ord. 91034, passed 10-28-91; Ord. 2002-01, passed 1-14-02)

Sec. 15-5-19. - Meetings.

(A) The Board shall hold regularly scheduled meetings with advance notice posted according to the Texas Open Meetings Law. Additionally, meetings may be called upon request of the Chairman, or upon written request of three members, or upon notice from the Secretary of the Board that a matter requires the consideration of the Board.

~~(B) Upon receipt of an application for a building permit for the construction, reconstruction, alteration, restoration, relocation, demolition or razing of a building, buildings, or appurtenance in a historic district or historic landmark, the Board shall at the next regularly scheduled meeting consider the application for approval, approval with recommended changes, or disapproval. The person applying for the permit shall be advised of the time and place of the meeting and invited to appear to explain his reasons therefor. The Board may invite such other persons or groups as it desires to attend its meetings. The Board may hold any additional meetings it considers necessary to carry out its responsibilities as enumerated in this article.~~

~~(C)~~ (B) A majority of the members appointed pursuant to § 15-5-16 of this article, shall constitute a quorum and action taken at a meeting shall require the affirmative vote of a majority of the members of the Board present at the meeting.

~~(D)~~ (C) All decisions of the Board shall be in writing and shall state its findings, pertaining to approval, denial or recommended modification to the application. Copies shall be furnished to the applicant and to the Director of Development Services, or designee, and filed as part of the Board's public record.

~~(E) An applicant who is dissatisfied with a decision of the Board shall have the right within 30 days of receipt of notification of the Board's decision to appeal said decision to the City Commission, by giving written notice of appeal to the Director of Development Services.~~

(1962 Code, § 2-10-9; Ord. 91034, passed 10-28-91; Ord. 2002-01, passed 1-14-02; Ord. 2012-07, passed 3-8-2012)

Sec. 15-5-20. - Appointment of historic preservation officer.

(A) The Board shall appoint a qualified city official, or staff person, or appropriate resident of the municipal entity to serve as Historic Preservation Officer. This officer shall administer this article and advise the Board on matters submitted to it.

- (B) In addition to serving as representative of the Board, the officer is responsible for coordinating the city's preservation activities with those of state and federal agencies and with local, state, and national nonprofit preservation organizations.

(1962 Code, § 2-10-11; Ord. 91034, passed 10-28-91)

Secs. 15-5-21—15-5-29. - Reserved.

PERMIT PROCEDURES

Sec. 15-5-30. - Permit applications; duties and responsibilities of board and staff of planning and ~~urban development department~~ development services.

- (A) Construction, reconstruction, alteration, restoration, demolition, or relocation procedure.

(1) It is recommended that the applicant review in its entirety, the application packet that is given to them by the Planning Department staff. This packet (City of Kingsville Historical Development Board Application for permit review) provides the applicant the information that they should need in deciding to move forward with their project.

~~Upon receipt of an application for a permit in an historic district or historic landmark, a staff member from the City Planning Department shall evaluate if the desired construction, reconstruction, alteration, restoration, demolition, or relocation of a building, structure, or appurtenance will destroy the historical or architectural integrity of the site per the Secretary of the Interior's "Standards for Rehabilitation" No. 1—No. 10. If needed, the staff member shall contact the Chairman of the Historical Development Board for advice.~~

(2) Upon receipt of an application for a permit in a historic district or historic landmark, a staff member from the City Planning Department shall evaluate if the desired construction, reconstruction, alteration, restoration, demolition, or relocation of a building, structure, or appurtenance will destroy the historical or architectural integrity of the site per the Secretary of the Interior's "Standards for Rehabilitation" No. 1—No. 10.

~~If work to be done on the property in any way alters or destroys the property's original historical or architectural integrity, then the Board shall review the application at a regularly scheduled meeting within 30 days from the date the application is received, at which time an opportunity will be provided for the applicant to be heard. The Board will approve, deny, or approve with modifications the permit within 30 days after the review meeting. In the event the Board does not act within 60 days of the receipt of the application, a permit may be granted.~~

(3) Applications for certain minor alterations, additions, ordinary repairs or maintenance may be reviewed and approved administratively by the historic

preservation officer without review by the historic development board. If an application for a permit is denied or modified by the historic preservation officer, then the applicant shall have five days after receiving notice of the requested modification or denial to submit in writing a request for appeal to the historic development board. The request for appeal shall be submitted to the director of planning and development services.

For purposes of this article, those activities which constitute minor alterations, additions, repairs or maintenance include but are not limited to:

- (a) Replacement of deteriorated features, materials, or finishes with the same
- (b) Foundation, driveway, patio and sidewalk repair using the same type and color of materials
- (c) HVAC out of public site
- (d) Replacement of synthetic sidings with original wood siding
- (e) Paint colors consistent with district
- (f) Demolition of non-historic accessory structures or additions
- (g) Sign replacement or temporary banners
- (h) New or replacement fencing out of public sign
- (i) Minor landscaping or pool construction
- (j) Removal of burglar bars and doors
- (k) Reroofing, using the same type and color of material
- (l) Minor changes to the existing certificates of approval

A clear photograph of the building, object, or structure to be repaired, a brief description of the intended work and samples of replacement materials or paint for comparison with the existing building, object or structure must be furnished with the application. Site plan and specifications may be required as needed for adequate administrative review as determined by the historic preservation officer.

All decisions of the Board shall be in writing. The Board's decision shall state its findings pertaining to the approval, denial, or modification of the application. A copy shall be sent to the applicant. Additional copies shall be filed as part of the public record on that property and dispersed to appropriate city departments, e.g., building inspection.

- (4) Applications that do not meet the criteria in § 15-5-30(3) shall be considered by the Board. The Board shall at the next regularly scheduled meeting consider the application for approval, approval with recommended changes, or disapproval. The person applying for the permit shall be advised of the time and place of the meeting and invited to appear to his/her reasons therefor. The Board may invite such other persons or groups as it desires to attend its

meetings. The Board may hold any additional meetings it considers necessary to carry out its responsibilities as enumerated in this article.

The staff of the City Planning Department shall not take action upon a permit that destroys the historical integrity of a site unless such work has been approved by majority vote of the Historical Development Board as provided in § 15-5-16 of this article.

(5) The staff of the City Planning Department shall not take action upon a permit that destroys the historical integrity of a site unless such work has been approved by majority vote of the Historical Development Board as provided in § 15-5-19 of this article.

City staff shall act in accordance with the procedures presently being followed in that office except as those procedures are necessarily modified by the following requirements:

(a) They shall forward to the office of the Board a copy of application for a building permit together with a copy of a plot plan and the building plans and specifications filed by the applicant.

(b) They shall maintain in the Planning Department Office a record of all such applications, actions, and final disposition of the same, which shall be in addition to and appropriately cross referenced to his other records.

(c) They shall require applicants to submit a sufficient number of additional copies of material required to be attached to an application for a building permit in compliance with the foregoing.

(6) City staff shall act in accordance with the procedures presently being followed in that office except as those procedures are necessarily modified by the following requirements:

(a) They shall forward to the office of the Board a copy of application for a building permit together with a copy of a plot plan and the building plans and specifications filed by the applicant.

(b) They shall maintain in the Planning Department Office a record of all such applications, actions, and final disposition of the same, which shall be in addition to and appropriately cross-referenced to his other records.

(c) They shall require applicants to submit a sufficient number of additional copies of material required to be attached to an application for a building permit in compliance with the foregoing.

(7) Renewal of Permit, Administratively or Historical Development Board.

The applicant has 12 months, to start construction from the approved date on the permit. If the applicant has not started in the 12 month time period, the applicant may request an extension before the 12 month time limit expires. The extension time period will be determined by the authorizing personnel. Depending upon who approved the permit will determine who approves the extension. Example, if the permit was approved administratively the staff will decide on the extension. If the

permit was approved by the Historical Development Board then they will make that decision. In either case, the decision on the extension request will be done in writing and given to the applicant. Only one extension will be granted by either approving entity.

(B) *Standards to be applied.* The same criteria considered by staff members of the City Planning Department as set forth in § 15-5-31 of this article shall be applied by the staff member in arriving at his determination as to issuance or denial of the permit.

(C) *Historic sites.* Property tax relief for historic structure revitalization.

(D) *Application for historic designation as a subject, site, landmark, structure, district or area.*

(1) Application process will entail a completed "city historical site register" form.

(2) The Texas Historical Commission rules will apply for designation as an historic site, area, district.

(3) The Historic Development Board will review each application and make a recommendation to the City Commission ~~determination~~ within 60 days of the application.

(1962 Code, § 2-10-10; Ord. 91034, passed 10-28-91; Ord. 97013, passed 5-28-97; Ord. 97044, passed 12-8-97)

Sec. 15-5-31. - Criteria to be used by board in determining its decisions ~~recommendation~~ on permits.

(A) Historic districts. ~~In determining the recommendation to be presented to the City Commission concerning the issuing of a permit for the construction, reconstruction, alteration, restoration, relocation, demolition or razing of all or part of any building, structure or appurtenance within a historic district, the Board shall consider the following matters per guidance from the Secretary of the Interior's "Standards for Rehabilitation."~~

- (1) The effect of the proposed change upon the general historic, cultural and architectural nature of the district.
- (2) The appropriateness of exterior architectural features which can be seen from a public street, alley, road, highway or walkway.
- (3) The general design, arrangement, texture, material and color of the building, structure or appurtenances and the relation of such factors to similar features of buildings, structures or appurtenances in the district. The criterion shall not be the aesthetic appeal to the Board of the structure or the proposed remodeling, but rather its conformity to the general character of the particular historic area involved.

- (4) Signs which are out of keeping with the character of the historic district in question shall not be permitted.
 - (5) The value of the historic district as an area of unique interest and character shall not be impaired.
- (B) Historic landmark. ~~In determining the recommendation to be presented to the City Commission concerning the issuing of a permit for the construction, reconstruction, alteration, restoration, relocation, demolition or razing of all or part of any designated historic landmark, the Board shall consider the Secretary of Interior's "Standards for Rehabilitation" and those considerations which gave rise to the original request for the designation of the place as an historic landmark as well as the following matters:~~
- (1) The effect of the proposed change upon the historic, architectural, or cultural nature of the landmark.
 - (2) The appropriateness of exterior architectural features which can be seen from a public street, alley, road, highway or walkway.
 - (3) The general design, arrangement, texture, material and color of the building or structure site and the similarity, contrast, or other relation of such factors to other landmarks built at or during the same period, as well as the uniqueness of such features, considering the remaining examples of architectural, historical, and cultural values.
 - (4) Signs which are out of keeping with the character of the historic landmark shall not be permitted.
 - (5) The value of the historic landmark as a place of unique interest or character shall not be impaired.

(1962 Code, § 2-10-12; Ord. 91034, passed 10-28-91; Ord. 97044, passed 12-8-97)

Sec. 15-5-32. - Findings of the board concerning permit applications.

- (A) If the Board decides to recommend against the granting of a permit, it shall indicate to the applicant the changes in plans and specifications, if any, which in the opinion of the Board, would protect the distinctive historical character of the historic district or historic landmark. ~~The Board shall withhold its report to the City Commission for a period of five days following its discussion to allow the applicant to decide whether or not to make the suggested changes in his plans and specifications.~~ If the applicant determines that he will make the suggested changes, he shall so advise the Board within ~~that time in writing~~ 5 days of receipt of Board's decision.
- (B) An applicant who is dissatisfied with a decision of the Board shall have the right within 30 days of receipt of notification of the Board's decision to appeal said decision to the City Commission, by giving written notice of appeal to the Director of Planning & Development Services. ~~The Board, after the meeting provided for in § 15-5-19 of this article and after the making of any changes in the plans and specifications as provided~~

in division (A) of this section shall submit to the City Commission, in writing, its recommendation concerning the issuance of a permit for the construction, reconstruction, alteration, restoration, relocation, demolition or razing of all or part of any building, structure or appurtenance within the historic district or historic landmark. The written report shall include the opinion and recommendation of the Board as stated in subdivisions (7) and (8) of this division and may include all or any part of the matters stated in subdivisions (1) through (5) of this division.

(1) The exact location of the area or place in which the work is to be done.

(2) The exterior changes to be made or the exterior character of the building, structure or appurtenance to be erected.

(3) A list of the surrounding building, structures or appurtenances with their general exterior characteristics.

(4) The effect of the proposed change upon the general historic and architectural nature of the district or landmark.

(5) The appropriateness of exterior architectural features which can be seen from a public street, alley, trail or walkway.

(6) The general design, arrangement, texture, material and color of the building, structure or appurtenance and the relation of such factors to similar features of buildings, structures or appurtenances in a district, or to the general period of construction in a district or landmark.

(7) The opinion of the Board, including any dissent, as to the appropriateness of the work proposed as it will preserve or destroy the historic aspect and nature of the district or landmark.

(8) The specific recommendation of the Board.

(1962 Code, § 2-10-13; Ord. 91034, passed 10-28-91; Ord. 97044, passed 12-8-97)

Sec. 15-5-33. - Action by city commission.

Upon receipt of the report from the Director of Planning & Development Services, the City Commission shall receive the appeal at the next available regularly scheduled meeting of the Board, as provided in § 15-5-31, the City Commission shall make its determination at the next regularly scheduled meeting following the matters to be considered enumerated in § 15-5-30, and shall immediately notify the applicant in writing of its approval, conditional approval, or disapproval. A copy of the notice of approval, conditional approval, or disapproval shall be provided to the Board.

(1962 Code, § 2-10-14; Ord. 91034, passed 10-28-91)

...

II.

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

III.

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

IV.

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

INTRODUCED on this the 31st day of May, 2016.

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

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney