

City of Kingsville, Texas

AGENDA CITY COMMISSION MONDAY, JANUARY 23, 2017 REGULAR MEETING

**CITY HALL
HELEN KLEBERG GROVES COMMUNITY ROOM
400 WEST KING AVENUE
6:00 P.M.**

I. Preliminary Proceedings.

OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – January 9, 2017

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, **Utilities Billing Update**; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; 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.

APPROVED BY:



Jesús A. Garza
City Manager

V.

Consent Agenda

Notice to the Public

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to Westside AC, Lot TR 9, acres 0.9753 also known as 211 W. Corral Ave. from R1-Single Family to R3-Multi-Family District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning & Development Services).
2. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI-Business Regulations, Article 14-Vendor Solicitations, Section 16-Charitable Solicitations, providing for modification of the number of times in a year that charitable solicitations can be done in the streets or right of ways. (City Manager).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2016-2017 budget to accept and expend a donation to the Parks Department from La Posada de Kingsville Foundation. (Director of Finance).
4. Motion to approve final passage of an ordinance amending the Fiscal Year 2016-2017 budget to include unforeseen network and IT projects. (Director of Finance).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider a resolution authorizing the City Manager to enter into an Interlocal Agreement between the City of Kingsville and the Texas A&M University-Kingsville relating to TAMUK Women's Golf Team and the L.E. Ramey Golf Course. (Golf Course Manager).
6. Consider a resolution authorizing the City Manager to enter into an Addendum to the Service Agreement between the City of Kingsville (EMS & Fire Department) and Advanced Data Processing, Inc., a subsidiary of Intermedix Corporation, for ambulance billing with the Addendum for Ambulance Supplemental Payment Program. (Fire Chief).
7. Consider a resolution authorizing the City to submit an application to the U.S. Department of Homeland Security's Federal Emergency Management Agency for the purpose of requesting grant funding on behalf of the City for the 2017 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program for additional firefighters for the Kingsville Fire Department with an anticipated cash match. (Fire Chief).

8. Consider awarding a contract for concrete street improvements (Bid #17-09) as per staff recommendation. (Director of Purchasing).
9. Consider awarding request for proposal for Brookshire Pool PVC Membrane Lining System and RecDeck PVC Recreation Flooring (RFP 17-08) as per staff recommendation. (Director of Purchasing).
10. Consider authorizing the acquisition of a crawler dozer for the Landfill via BuyBoard and the capital lease for said equipment, as per staff recommendation. (Director of Purchasing).
11. Executive Session: Pursuant to Section 551.072, Texas Government Code, Deliberations regarding Real Property Exception, the City Commission shall convene in Executive Session to discuss the purchase, exchange, lease, or value of real property as deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. (City Manager).
12. 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).
13. Consider a resolution authorizing the Mayor to execute an Economic Incentive Agreement between the City of Kingsville, Texas and Vinod Builders, Inc. for a hotel and restaurant. (City Manager).

VII. Adjournment.

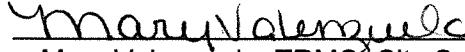
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

NOTICE

This City of Kingsville and Community Room 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 located at City Hall, 400 West King Ave, of the City of Kingsville, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time:

January 20, 2017 at 2:00 P.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.



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

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

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

MINUTES OF PREVIOUS MEETING(S)

JANUARY 9, 2017

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JANUARY 9, 2017 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:30 P.M.

CITY COMMISSION PRESENT:

Sam Fugate, Mayor
Edna Lopez, Commissioner
Arturo Pecos, Commissioner
Noel Pena, Commissioner
Al Garcia, 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
Diana Gonzales, Human Resources Director
David Solis, Risk Manager
David Mason, Director of Purchasing
Deborah Balli, Finance Director
Charlie Cardenas, Public Works Director/Engineer
Leo Alarcon, Tourism Director
Kyle Benson, IT Manager
Ricardo Torres, Police Chief
Adrian Garcia, Fire Chief
Susan Ivy, Parks Manager
Sharan Santillan, Capital Projects Manager
Cynthia Martin, Downtown Manager
Bill Donnell, Assistant Public Works Director
Daniel Ramirez, Building Inspector
Charlie Sosa, Street Superintendent
Joe Casillas, Water Production Superintendent
Israel Vasquez, Facility Maintenance Manager
Pete Pina, Landfill Supervisor

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the workshop portion of this meeting at 5:30 P.M. with all five Commission members present.

WORKSHOP: Update on Kingsville Water System and Quality. (City Manager).

Mr. Jesús Garza, City Manager, reported due to the situation that occurred in Corpus Christi questions were raised for city staff regarding city water. This presentation will give a level of understanding on the city's water source. It is important that staff educate citizens and meet with stakeholders of the community to discuss the city's water system. Some stakeholders were invited to this meeting, but not all could attend.

Mr. Charlie Cardenas, Engineer/Public Works Director made a presentation to the City Commission regarding Kingsville Water System and Quality.

Mr. Cardenas reported that the city's primary water source consists of six active water wells. These wells are located in the following locations; Well 14 is on Kenedy and Armstrong; Well 19 on 6th and Lee; Well 21 on Caesar and 3rd; Well 22 on 5th and Ave C; Well 23 on General Cavazos and 6th; Well 24 on Kenedy and 13th; and South Texas Water Authority on East Sage Road. Constructed in 1984, the water line comes from the Owen Stevens Water Plant in Corpus Christi which is in the Calallen area. There is 28 miles of 42" diameter pipe which can hold 10.6 Million Gallons of water. The line branches to several communities before arriving in Kingsville such as Robstown, Banquette, Agua Dulce, Driscoll, Bishop, Ricardo, and smaller communities. The line feeds into a 1 Million Gallon storage tank prior to entering into the City of Kingsville's distribution system. It takes 7 to 10 days for water coming from the Owens Stevens Water Plant to reach Kingsville from Corpus Christi. The City of Kingsville water distribution consist of 160 miles of water line; 808 fire hydrants; 3,942 water valves; and 7,500 service water meters. City owns and maintains 33 backflow preventers that are on wells, lift stations, sewer plants, irrigation systems. The Texas Commission of Environmental Quality (TCEQ) requires that all backflow prevention devices be inspected and tested annually by a TCEQ licensed installer/tester. Article 3 of the City of Kingsville Code of Ordinances describe cross connections and backflow prevention. Under Section 5-3-15 and 5-3-16, Connections and Installations, it states that every commercial and multi-family facility must have a backflow prevention device. The City of Kingsville test at every entry point in the water system daily. The System is monitored by a Supervisory Controlled and Data Acquisition (SCADA) System, where chlorine can be controlled via computer, laptop, and cell phone. The wells and pumps can also be controlled through the SCADA System. Once staff receives notice of potential harm to the City's water system, staff can shut down the system remotely. Cardenas stated that there are several factors and procedures in place to secure the prevention of contamination in the Water System. The city's water system is tested daily at each entry point for water quality. It tests for PH, total chlorine, Chloramines, and Ammonia. Any abnormalities in these levels would be an indicator of contamination in the system. Travel time from the Owen Stevens water plant in Corpus Christi to Kingsville is 7 to 10 days which gives staff ample time to deal with an emergency. There are several shut off valves along the 28 mile STWA pipeline. There is a 4' air gap when water is entering the 1 MG tank. There are shut off valves before the 1 MG tank and the pumps after the 1 MG tank serve as shut off devices into the Kingsville Distribution System. There is a meter vault that includes a backflow preventer at the intersection of CR 772 and CR 1030 near the Pan American School. Cardenas stated that there is line where water is fed to Ricardo from the South Texas Water Authority line, before the tank. If water is cutoff prior to the STWA tank, the city has means to supply Ricardo with Kingsville Well Water from the location of CR 772 and CR 1030 through the distribution system. Cardenas further stated that the Emergency Management point of contact for the City of Kingsville are Fire Chief Adrian Garcia with the secondary point of contact being City Manager Jesús Garza.

Mr. Adrian Garcia, Fire Chief stated that staff is working on a stakeholders contact list. This document will be updated annually. Staff will also be working with the IT Department in creating an email group. Staff will also continue to educate the community on different things that we have within our city and how we can get timely and accurate information out to our community in order to address these issues as they come up.

Commissioner Pecos asked that with regards to supplying water to Ricardo, will those lines be cleaned prior to supplying water to Ricardo.

Mr. Cardenas responded that one of the process is to flush the lines and test to be sure that it's safe to consume prior to providing water. He further stated that there is a meter already there which supplies water to the Pan American School.

Commissioner Pena stated that one of the concerns that he has was communication. With this last event that the City of Corpus Christi had regarding their water, there was a lot of miscommunication that went on during the water issue. In order to get out correct information to the stakeholders it will take more than this particular meeting to occur. Pena further stated that

based on information that was release by other individuals, not city staff, caused the Kingsville Independent School District to cancel classes for that day. Pena further stated that as on the communication side, it is important for staff to spend some time on how some of the information is going to be distributed to the citizens.

Chief Garcia commented that staff will be working on making sure that the proper information is released during the time of an emergency.

Commissioner Garcia asked about the security of the SCADA System. Mr. Cardenas responded that it is a proprietary system and is not accessible online. Commissioner Garcia further asked that with regards to the backflow preventer for commercial and multi-family, and residential irrigation system, information was not mentioned.

Mr. Cardenas responded that they also must be inspected. When an irrigation system is installed, a backflow is required.

Mr. Garza commented that it is the responsibility of the property owner to have the backflow inspected by a professional. Both commercial and residential are required to do an inspection and provide the City with a certificate of inspection.

Commissioner Garcia commented that he has an irrigation system installed on his property and hasn't been inspected. He further commented that in the past the city would send reminders to those with an irrigation system to get their inspections.

Mr. Garza commented that staff is looking into getting back to sending notices to residents reminding them of any annual inspections they may need.

Commissioner Pena asked if there were any penalties for having these inspections done. Mr. Garza responded that staff can look into whether there are any penalties or not.

REGULAR MEETING RESUMES

Mayor Fugate convened into regular session of the agenda at 6:02 P.M. 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 – November 28, 2016

Regular Meeting – December 12, 2016

Motion made by Commissioner Pena to approve the minutes of November 28th and December 12th, 2016 as presented, seconded by Commissioner Lopez and Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Pena, Pecos, Garcia, Fugate voting “FOR”.

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

1. Public Hearing on 2017-2018 Texas Community Development Block Grant assistance. (Director of Purchasing).

Mayor Fugate announced and opened this public hearing at 6:04 P.M.

Mr. David Mason, Director of Purchasing, reported that before an application can be submitted for a Texas Community Development Block Grant a public hearing must take place, which is this public hearing today. This public hearing was published in the Kingsville Record on January 1, 2017. Once the application is created, it must be available for public review.

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

Mayor Fugate commented that this item is for the City of Kingsville to apply for a \$300,000 Federal Grant for the city's infrastructure.

There being no further comments made on this public hearing, Mayor Fugate closed this public hearing at 6:07 P.M.

2. Public Hearing on an ordinance amending the zoning ordinance by changing the zoning map in reference to Westside AC, Lot TR 9, acres 0.9753 also known as 211 W. Corral Ave. from R1-Single Family to R3-Multi-Family District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning & Development Services).

Mayor Fugate announced and opened this public hearing at 6:07 P.M.

Mr. Tom Ginter Director of Planning & Development Services, stated that in the past year there has been a high demand for student housing. These projects generally range from 5 to 10 units. The intent of the developers is to tap into the demand for student housing and at the same time provide a clean and reasonably priced unit. These units generally have some amenities such as a pool or laundry facilities on site. Ginter further stated that it is his understanding that the occupancy rate is good so they have had minimal problems in renting out the units. Construction of this apartments would increase the tax base and provide another option for students to rent while they attend the University. Ginter commented that he has some reservations on the location and future impact. He stated that if this project was being built in another location there most likely wouldn't be an issue. He further stated that it is clear from the zoning map that the land use for R1 is being converged upon from the West. While it is possible that Corral Street could transition in the future as it has direct access to the highway, do we want it to transition to multi-family use. Ginter further reported that the Planning & Zoning Commission met on January 4, 2017 and discuss this item and voted to consider this rezoning request from Nehemias Cantu. The Planning & Zoning Commission voted 5 to 0 to recommend approval of the rezoning request.

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

There being no further comments made on this public hearing, Mayor Fugate closed this public hearing at 6:12 P.M.

3. Public Hearing on replat of final plat of Caesar Place Addition Annex being all of Lot One, Caesar Place Addition Annex, an addition to the town of Kingsville, Kleberg County, Texas and part of Farm Lot 3, Section 17, the Kleberg Town & Improvement Company's Subdivision to Kleberg County, Texas 0.88 acres, also known as 1100 S. 14th Street, by Andy Edwards, owner. (Director of Planning & Development Services).

Mayor Fugate announced and opened this public hearing at 6:12 P.M.

Mr. Ginter stated that the City Commission has approved the abandonment of an easement that was on this tract of land in the past month. The replat is to allow a purchase of some of the property by a food establishment company to build and operate a business. This is a replat because it doesn't add or detract from the number of lots, just changes one of the internal lot lines. The replat would be a positive economic development project for the City of Kingsville. Letters were mailed to property owners within 200 feet. Staff received one phone call from Mr. Herman Ohlenbusch, who received a letter, and is more likely to stop by the office to look at the layout of the replat.

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

There being no further comments made on this public hearing, Mayor Fugate closed this public hearing at 6:14 P.M.

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; **Streets Update**; Public Works- Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Water And Wastewater Rate Study Presentation. No formal action can be taken on these items at this time."*

Mayor Fugate presented a Proclamation to Mr. Oscar Jesús Cantu for his accomplishments as a professional boxer. Mr. Cantu thanked all those who have supported him through his career.

Mrs. Courtney Alvarez, City Attorney, reported that the next scheduled City Commission meeting is for Monday, January 23, 2017. She further reminded staff that agenda items for this meeting will be due on Friday, January 13, 2017 before 5:00 P.M. She further announced that City Office will be closed on Monday, January 16, 2017 in observance of Martin Luther King Holiday. Alvarez further stated that as she attended a Texas Coalition of Affordable Power (TCAP) meeting last week, she was re-elected as Vice-President for TCAP, which she will serve for 2 years.

Mr. Jesús Garza, City Manager, announced that one of the goals for this year is to have staff make a brief presentation to the City Commission on their departmental goals and accomplishments. This will update the community and City Commission on what staff is working on.

Mr. Charlie Cardenas, Engineer/Public Works Director gave an update on streets. Cardenas reported that the in the Street Department there are 20 full-time employees. At this time there are 3 vacancies. The Street Department has 44 units of machinery, **new** Pro-Patcher, laydown machine, oil distributors, sweepers, brooms, trailers, puck up trucks, rollers, mowers, heavy equipment. There are 105 miles of asphalt streets, including 6th Street and 9.5 miles of concrete streets in the City. There is 172,902 linear feet of storm drain lines, 853 storm inlets, 154,375 linear feet of curb and gutter, and 56,727 linear feet mowing of creeks and ditches. The Street Department maintains signs and markings as well as school zones, street furniture, traffic control, street sweeping, curbside vegetation control, alley repairs, pothole repairs, and other special developments that the city has entered into contracts. The Street Maintenance Improvement Plan is a 20-year plan; staff produces about 40 blocks per year. Going into year 5, staff will focus on 20 blocks of full depth construction, 20 blocks of overlay and 20 blocks of seal coat. Priorities of street

construction and type of street construction was based on the Pavement Condition Index (PCI). Target yearly cost \$900,000 which includes full depth construction, street overlay, seal coats, crack sealing and equipment maintenance. The City has approximately 1,300 blocks of street and since 2013 the city has completed 146 blocks. Cardenas further mentioned streets that have been completed in years 2013, 2014, 2015, and 2016. A list of streets completed are attached to the minutes as "Exhibit A". Scoring of streets will be done in March and April of this year. Cardenas mentioned the street plan for 2017, which is attached to the minutes as "Exhibit B". The 2017 scheduled events and projects are to finish KISD parking lot, concrete street phase V, Kenedy storm drain, 2017 SMIP street, and Capital Improvement Projects which are an option are Santa Gertrudis from 6th to 14th Street; Armstrong from Caesar to Henrietta; Corral from Seale to Santa Monica; and Caesar from 6th Street to 14th Street.

Mr. Sharam Santillan, Capital Improvement Manager, reported on the Fiscal Year 2016-2017 Street Capital Improvement Projects. He discussed some potential options for future capital improvement projects for street construction. Mr. Santillan went through the four options and the estimates and what is included. A list of options and their estimated cost is attached to the minutes as "Exhibit C".

Mr. Garza commented that these are only estimates as staff has been working with various contractors. Currently staff has \$300,000 in CO money left for a street capital project. Staff is working towards, as this fiscal year develops, is finding money to complete Santa Gertrudis Ave, from 6th Street to Tranquitas Creek as it is one of the worse projects listed on Exhibit C. Garza stated that staff will be working on is a separate improvement plan for concrete streets.

Commissioner Lopez commented that she has gone back and forth with the City Manager on numerous occasions regarding the Street Department staff. She further commented that staff from the Street Department is used for extra projects and doesn't understand how they can focus on street improvements while being pulled away to work on other projects. Lopez stated that some reorganization may be needed within that department would help, as they don't have sufficient staff. She feels that the 17 employees that staff the Street Department is not enough staff to do what they are being asked to do.

Mr. Garza commented that there has been some conversation about adding staff to that department, but one of the things that need to be looked at first is how does staff restructure some of the responsibilities to where we can have the Street Department work on more streets and the product and the result of it is more streets, but not necessarily adding staff to the Streets Division; but because they are doing so much there's ways that somethings can be spread out.

Commissioner Garcia commented that there is no curb or gutter on Santa Gertrudis from 6th Street to Tranquitas Creek. Mr. Santillan responded that there is curb and gutter all along that area. There is no underground drainage. Garcia further asked if curb and gutter is included in the estimate for Corral and Seale.

Mr. Garza responded that curb and gutter is not included in the estimate. What is being included for that road is widening that specific stretch of Corral. Mr. Santillan commented that currently that road is 22 feet wide, and the quote accounts for 36 feet wide.

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 consent agenda items 1 through 5 as presented, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Pena, Pecos, Garcia, Lopez, Fugate voting "FOR".

1. ORDINANCE NO. 2017-01; Motion to approve final passage of an ordinance abandoning an easement for utility purposes in Hobbs Valley 1, Block 1, Lots 2 & 4 (between 3703 and 3701 Andron Lane). (Director of Planning & Development Services).

2. Motion to consider out-of-state travel for two Fire Department personnel to Brandon, South Dakota in January 2017 to do final inspection of new fire engine. (Fire Chief).

3. RESOLUTION NO. 2017-01; Motion to approve resolution authorizing participation in the 14th Annual Ride on the Wild Side Charity Bike Ride to be held on April 29, 2017 and authorizing the City Manager to execute an Indemnity Agreement with King Ranch for said event. (City Attorney).

4. RESOLUTION NO. 2017-02; Motion to approve a resolution authorizing the City Manager to enter into Amendment One of an Interlocal Cooperation Agreement between the City of Kingsville and the University of Texas-San Antonio relating to a Sponsored Research Agreement for the downtown area. (City Manager).

5. RESOLUTION NO. 2017-03; Motion to approve a resolution authorizing the City Manager to enter into an Amended Collective Bargaining Agreement between the City of Kingsville, Texas and the Kingsville Professional Firefighter's Association, International Association of Firefighters (IAFF) Local #2390 for fiscal years 2016-2020. (Director of Human Resources).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

6. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to Westside AC, Lot TR 9, acres 0.9753 also known as 211 W. Corral Ave. from R1-Single Family to R3-Multi-Family District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning & Development Services).

Introduction item.

7. Consider replat of final plat of Caesar Place Addition Annex being all of Lot One, Caesar Place Addition Annex, an addition to the town of Kingsville, Kleberg County, Texas and part of Farm Lot 3, Section 17, the Kleberg Town & Improvement Company's Subdivision to Kleberg County, Texas 0.88 acres, also known as 1100 S. 14th Street, by Andy Edwards, owner. (Director of Planning & Development Services).

Motion made by Commissioner Garcia to approve the replat of final plat of Caesar Place Addition Annex being all of Lot One, Caesar Place Addition Annex, an addition to the town of Kingsville, Kleberg County, Texas and part of Farm Lot 3, Section 17, the Kleberg Town & Improvement Company's Subdivision to Kleberg County, Texas 0.88 acres, also known as 1100 S. 14th Street, by Andy Edwards, owner, seconded by Commissioner Lopez and Commission Pecos. The motion was passed and approved by the following vote: Pecos, Garcia, Lopez, Pena, Fugate voting "FOR".

8. RESOLUTION NO. 2017-04; Discuss and consider resolution authorizing the submission of a Texas Community Development Block Grant application to the Texas Department of Agriculture for the Community Development Fund, and authorizing the Mayor to act as the executive officer and authorized representative in all matters pertaining to the participation in the Community Development Block Grant Program. (Capital Improvement Manager).

Mr. Sharam Santillan, Capital Improvement Manger, reported that the City of Kingsville intends to apply for the TxCDBG under the Community Development Fund. The application will be for up to \$300,000 of grants funds to carry out sewer improvements in the City of Kingsville. The sewer improvements will be primarily focused on rehabilitating aged sewer manholes throughout the entire city.

Motion made by Commissioner Lopez to approve this resolution authorizing the submission of a Texas Community Development Block Grant application to the Texas Department of Agriculture for the Community Development Fund, and authorizing the Mayor to act as the executive officer and authorized representative in all matters pertaining to the participation in the Community Development Block Grant Program, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Lopez, Pena, Pecos, Fugate voting "FOR".

9. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI-Business Regulations, Article 14-Vendor Solicitations, Section 16-Charitable Solicitations, providing for modification of the number of times in a year that charitable solicitations can be done in the streets or right of ways. (City Manager).

Mr. Garza stated that this change is to allow organizations to apply for a permit twice a year for their charitable solicitation. Some request has been made that this section of the ordinance be changed from once a year to twice per year.

Commissioner Lopez commented that this item was requested to place on the agenda as she has been approached by the VFW who is requesting to be allowed to have a charitable solicitation twice a year.

Mr. Moreno, representative for the VFW commented that the VFW is ran by donations made from the public. He would like for the City to change the ordinance from only allowing one permit for charitable solicitation per year to allowing two permits per year.

Introduction item.

10. Consider accepting a donation from La Posada de Kingsville for the Parks Department for the La Posada de Kingsville Children's Day Event that was co-sponsored by the Parks Department. (Parks Manager).

Motion made by Commissioner Garcia to approve the donation from La Posada de Kingsville for the Parks Department for the La Posada de Kingsville Children's Day Event that was co-sponsored by the Parks Department, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Pena, Pecos, Garcia, Fugate voting "FOR".

11. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 budget to accept and expend a donation to the Parks Department from La Posada de Kingsville Foundation. (Director of Finance).

Introduction item.

12. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 budget to include unforeseen network and IT projects. (Director of Finance).

Mrs. Deborah Balli, Finance Director, stated that in the process of analyzing the network, several issues were discovered involving network infrastructure which demanded immediate attention in order to avoid work stoppages for City employees. Due to forced obsolescence, the city's time keeping software required an upgrade to continue working. Due to the unforeseen and rapidly developing nature of these items, they were not considered in the budget creation process. These items are; Shoretel Phone System for Community Appearance; Network equipment relocate and repair for Community Appearance; Autodesk License and two workstations for Engineering; additional cost for dedicated fiber run from Municipal Building to New City Hall; Cable Repair for Wastewater North Plant; Data infrastructure improvement for Public Works; Time Clock Plus upgrade. These items will total an amount of \$40,861.15.

Introduction item.

13. Consider out-of-state travel for Tourism Director to attend the Space Coast Birding & Wildlife Festival in Titusville, Florida from January 24-31, 2017. (Director of Tourism).

Mr. Leo Alarcon, Tourism Director, stated that he is requesting to travel to Florida on Tuesday, January 24 through Sunday, January 29, 2017 to attend the Space Coast Birding & Wildlife Festival. The Tourism Department will be partnering with King Ranch as exhibitors.

Motion made by Commissioner Lopez to approve this out-of-state travel for Tourism Director to attend the Space Coast Birding & Wildlife Festival in Titusville, Florida from January 24-31, 2017, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Pena, Pecos, Garcia, Lopez, Fugate voting "FOR".

14. Consider out-of-state travel for one emergency management personnel to attend the Hurricane Preparedness for Decision Makers Course at the National Hurricane Center in Miami, Florida in February 12-18, 2017, which is sponsored by EMI & FEMA. (Fire Chief).

Mr. Adrian Garcia, Fire Chief, commented that this item will approve for one emergency management personnel to attend the Hurricane Preparedness for Decision Makers Course at the Nation Hurricane Center in Miami, FL on February 13-17, 2017. The EMI & FEMA sponsored program covers all associated course costs for this travel.

Commissioner Lopez asked who will be attending this course.

Chief Garcia responded that he would be the one to attend the course.

Motion made by Commissioner Garcia to approve this out-of-state travel for one emergency management personnel to attend the Hurricane Preparedness for Decision Makers Course at the National Hurricane Center in Miami, Florida in February 12-18, 2017, which is sponsored by EMI & FEMA, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Garcia, Lopez, Pena, Fugate voting "FOR".

15. Executive Session: Pursuant to Section 551.072, Texas Government Code, Deliberations regarding Real Property Exception, the City Commission shall convene in Executive Session to discuss the purchase, exchange, lease, or value of real property as deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. (City Manager).

Mayor Fugate asked that if no one had an objection, he would like to skip Executive Session and go straight to Agenda Item 16. No objections were made by the City Commission, therefore, Agenda Item 15, Executive Session, did not take place.

16. RESOLUTION NO. 2017-05; Consider a resolution authorizing the sale of the City's building located at 2211 South Brahma Boulevard, Kingsville, Texas. (City Manager).

Mr. Garza that this will authorize staff to sell the City owned building located at 2211 South Brahma Blvd. to Alpha Lake for a total purchase price of \$60,000. It was staff's recommendation to sell the building via a Broker at a list price of \$180,000 in an as is condition. By law the building must be listed for a minimum of 30 days which expired on January 3, 2017. I that time staff received an offer of \$180,000 with a request for the city to spend \$120,000 on improvements due to the significant amount of work needed to fix the building from storm damage and also improvements needed done by future ownership not associated with the storm. The City then countered with an offer of \$60,000 and was accepted.

Motion made by Commissioner Pecos and Commissioner Garcia to approve resolution authorizing the sale of the City's building located at 2211 South Brahma Boulevard, Kingsville, Texas, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Garcia, Lopez, Pena, Pecos, Fugate voting "FOR".

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:10 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, City Secretary

CONSENT AGENDA

AGENDA ITEM #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: January 5, 2017

SUBJECT: Rezoning Request from Nehemias Cantu at 211 W. Corral from R1 to R3

Summary: The Planning and Zoning Commission met Wednesday, January 4, 2017 to consider the rezoning request from Nehemias Cantu.

Background:

Financial Impact:

Recommendation: The Planning and Zoning Commission voted 5 to 0 to recommend approval of the rezoning request from Nehemias Cantu at 211 W. Corral.



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: December 29, 2016

SUBJECT: Rezoning request from Nehemias Cantu at 211 W. Corral from R1 to R3

Summary: Nehemias Cantu is requesting that the property at 211 W. Corral be rezoned from R1 single family to R3 multi family,

Background: In the past year due to the market demand for student housing, the city has had a number of multi family projects built. These projects generally range from 5 to 10 units. The intent of the developers is to tap into the demand for student housing and at the same time provide a clean and reasonably priced unit. They generally have few amenities such as a pool, but may include laundry facilities on site. The developers have typically been Kingsville residents which I believe is a good thing. It is also my understanding that their occupancy rate is good so they have had minimal problems in renting out the units.

As you can see from the zoning map the project location is nearly in the middle of the residential housing between 4th and 6th. It is also obvious that R/2 and R/3 land use is moving west to accommodate the demand for more student housing. I would also add that with this project being on Corral it is one of our more highly traveled streets with a direct connection between the highway and the university.

Financial Impact: The construction of the apartment building would increase the tax base and provide another option for students to rent while they attend the university. These projects also I believe put pressure on those who own older apartment buildings and which could be in need of a facelift. I think that could be a positive thing so the market would work in causing current owners to update properties or lose tenants.



City of Kingsville
Department of Planning and Development services

Recommendation: While there are a number of positives for this project, I have reservations on the location and future impact. If this project was being built in another location there most likely wouldn't be an issue. It is clear from the zoning map that the land use for R1 is being converged upon from the west. While it is possible that Corral could transition in the future because again of traffic counts and direct access to the highway do we want it to transition to multi family? That transition could be a number of years away do we want to push that ahead with this rezoning? The Planning and Zoning Commission will be meeting on Wednesday, January 4th to make a recommendation on this item. I have recommended to the Planning and Zoning Commission to not recommend approval of the rezoning. The Master Plan designates the south side of Corral as Neighborhood Conservation which is defined as the following: These are existing residential neighborhoods whose overall character would remain as is. Over time, individual home sites may redevelop in these areas, but the overall character including density, lot size, setback, landscaping and open space would generally remain the same. The purpose of the district is to establish standards consistent with those at the time of development so as not to create nonconforming situations. My recommendation to the City Commission is to not recommend approval of the rezoning. Since the letters have been mailed out we have received one phone call against the rezoning. While the individual lives in another community he does own property in the 200ft. buffer.



CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 211 W Corral Nearest Intersection 4th St
(Proposed) Subdivision Name _____ Lot 9 Block _____
Legal Description: Westside AC, Lot TR 9, Acres 0.9753
Existing Zoning Designation R1 Future Land Use Plan Designation R3

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Nehemias Carter Phone 956 499 4705 FAX _____
Email Address (for project correspondence only): nehemiascarter@aol.com
Mailing Address 115 E. Main City Bishop State TX Zip 78343
Property Owner Nehemias Carter Phone 956 499 4705 FAX _____
Email Address (for project correspondence only): _____
Mailing Address _____ City _____ State _____ Zip _____

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

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

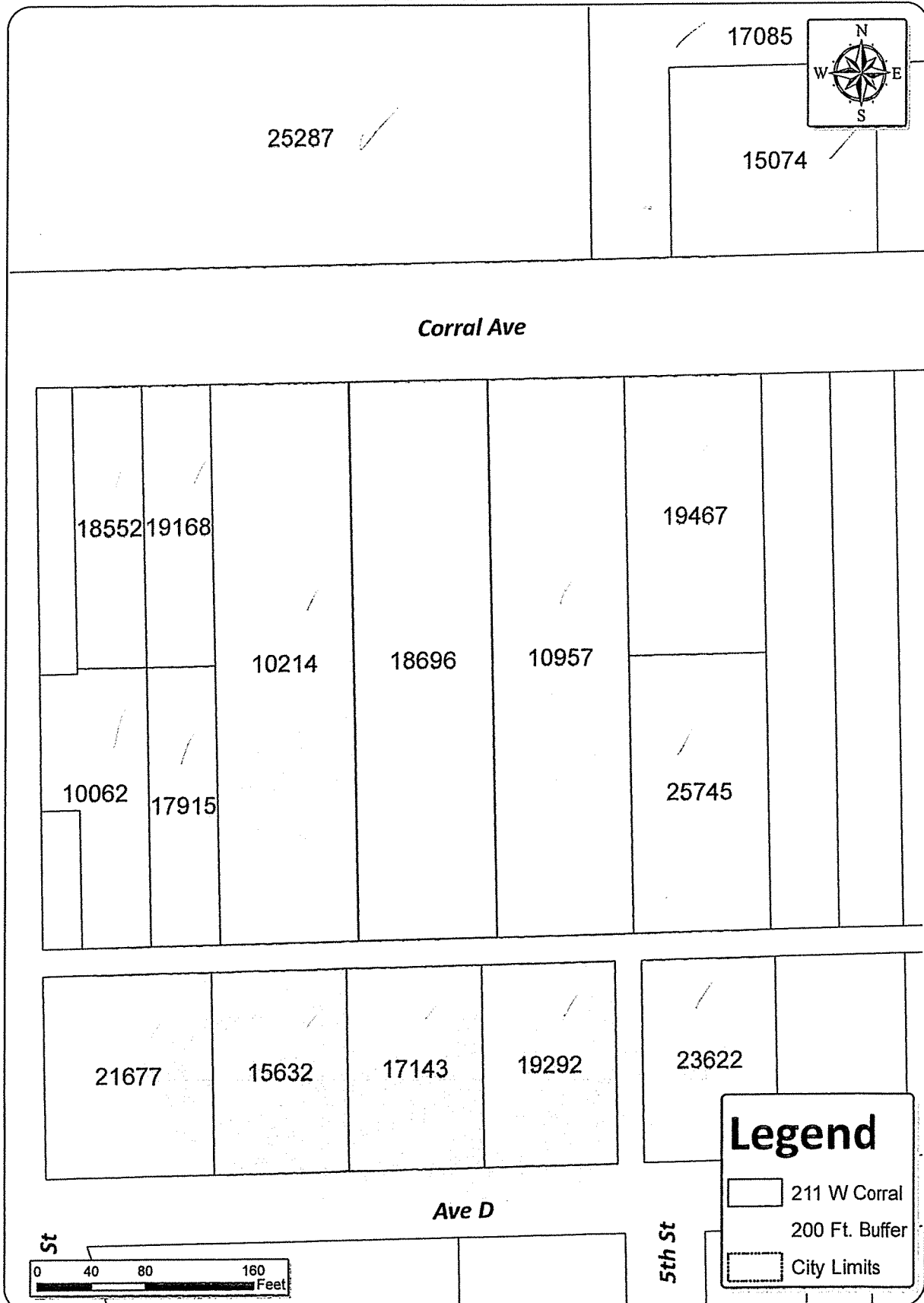
Please provide a basic description of the proposed project:

Residential to R3

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 Nehemias Carter Date: 12-13-16
Property Owner's Signature Nehemias Carter Date: _____
Accepted by: _____ Date: _____

211 W Corral



K I S D
PO BOX 871
KINGSVILLE, TX 78364-0871
#25287

JOSE VILCHES
237 W CORRAL AVE
KINGSVILLE, TX 78363-3214
#18552

FABIAN M SANCHEZ III
221 ½ W CORRAL AVE
KINGSVILLE, TX 78363-3214
#17915

RAMIRO BARRERA JR
201 W CORRAL AVE
KINGSVILLE, TX 78363-3214
#19467

ROBERTO RAMOS
220 W D AVE
KINGSVILLE, TX 78363-3731
#15632

GILBERTO Q SOLIS
9818 LAKEWOOD DR
CONROE, TX 77306-6558
#23622

TEXAS VALLEY PROPERTIES
LTD
1654 THE ALAMEDA STE 100
SAN JOSE, CA 95126-2205
#17085

ERNAN C GUTIERREZ
307 W CORRAL AVE
KINGSVILLE, TX 78363
#19168

ROBERTO R RODRIGUEZ SR
PO BOX 348
KINGSVILLE, TX 78364-0348
#10214

GLORIA EMILA HANNON
6725 GREENDALE CT
NORTH RICHLAND HILLS,
TX 76180-2605
#25745

PEDRO RODRIGUEZ JR
210 W D AVE
KINGSVILLE, TX 78363-3731
#17143

ALI SANA LLC
4510 IRON RIVER DR
CORPUS CHRISTI, TX 78410-5821
#15074

PEDRO T RODRIGUEZ
1432 N 4TH ST
KINGSVILLE, TX 78363-3778
#10062

RUFINO SENDEJO III
722 E AVE B
KINGSVILLE, TX 78363
#10957

VICTOR RAMOS III
230 W D AVE
KINGSVILLE, TX 78363-3731
#21677

JOSEFA H CASTILLO
PO BOX 566
KINGSVILLE, TX 78364-0566
#19292

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Regular Meeting Wednesday, January 4, 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:

ITEM #1 - Nehemias Cantu, owner, requesting the rezone of WESTSIDE AC, LOT TR 9, ACRES 0.9753 also known as 211 W CORRAL from (R1) Single Family to (R3) Multi-Family.

The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Groves Community Room. 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 January 9th, 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:

ITEM #1 - Nehemias Cantu, owner, requesting the rezone of WESTSIDE AC, LOT TR 9, ACRES 0.9753 also known as 211 W CORRAL from (R1) Single Family to (R3) Multi-Family.

ITEM #2 - Andy Edwards, owner, requesting approval of a replat of the final plat of Caesar Place Addition Annex, Bring All of Lot One, Caesar Place Addition Annex, an addition to the town of Kingsville, Kleberg County Texas, and part of Farm Lot 3, Section 17, the Kleberg town and improvement company's subdivision to Kleberg County, Texas. 0.88 acres

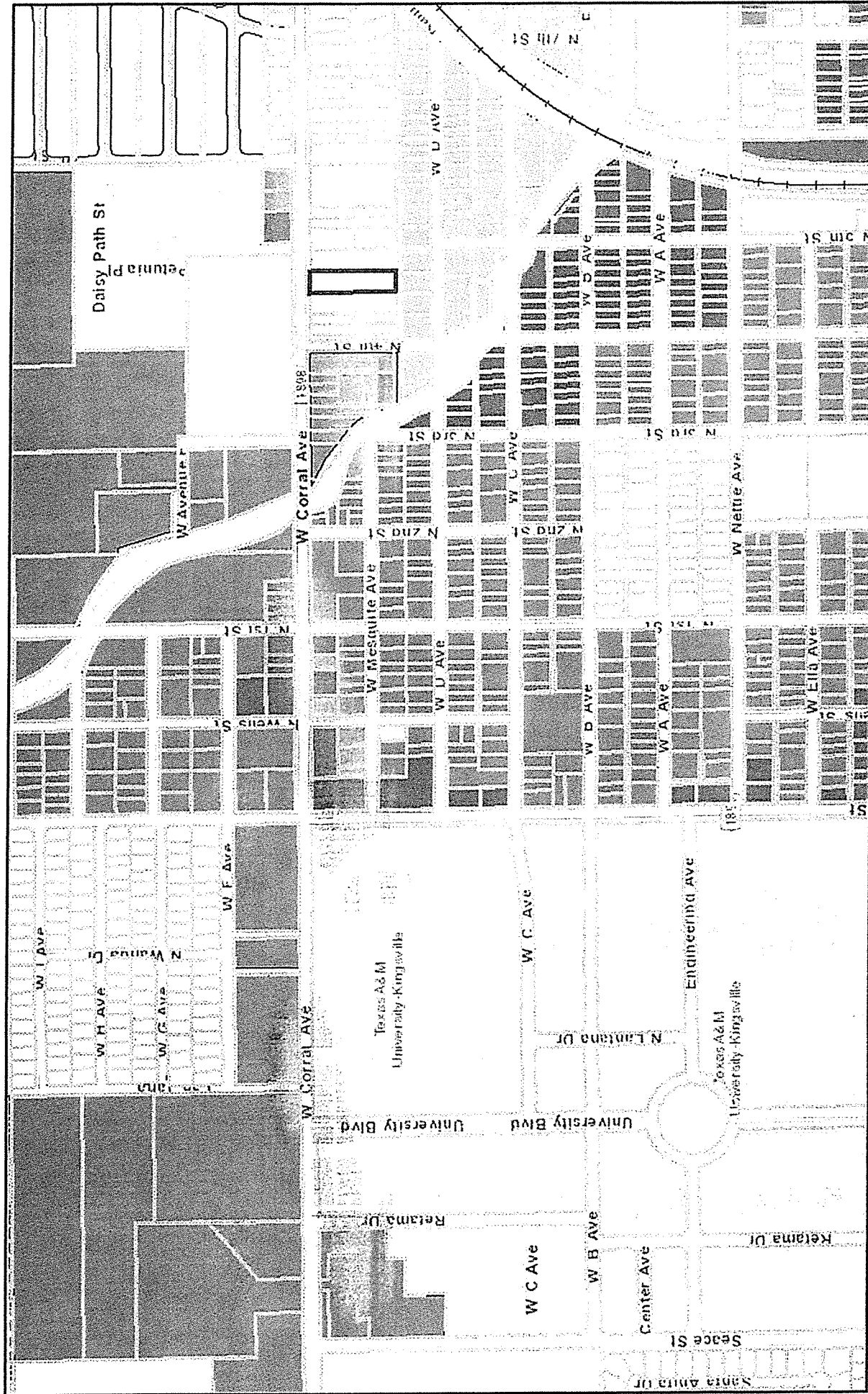
The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the City Secretary at (361) 595-8002.

Legend for Zoning Map

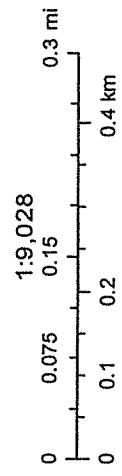
1. Property outlined in blue is project location. The address is 211 W. Corral. The zoning is R1.
2. The property in yellow on the south side of Corral next to the project location is zoned R1.
3. The property in the orange/brown to the west of the project location is zoned R2
4. The property in the red/pink is zoned C2.

Legend for Master Land Use Map

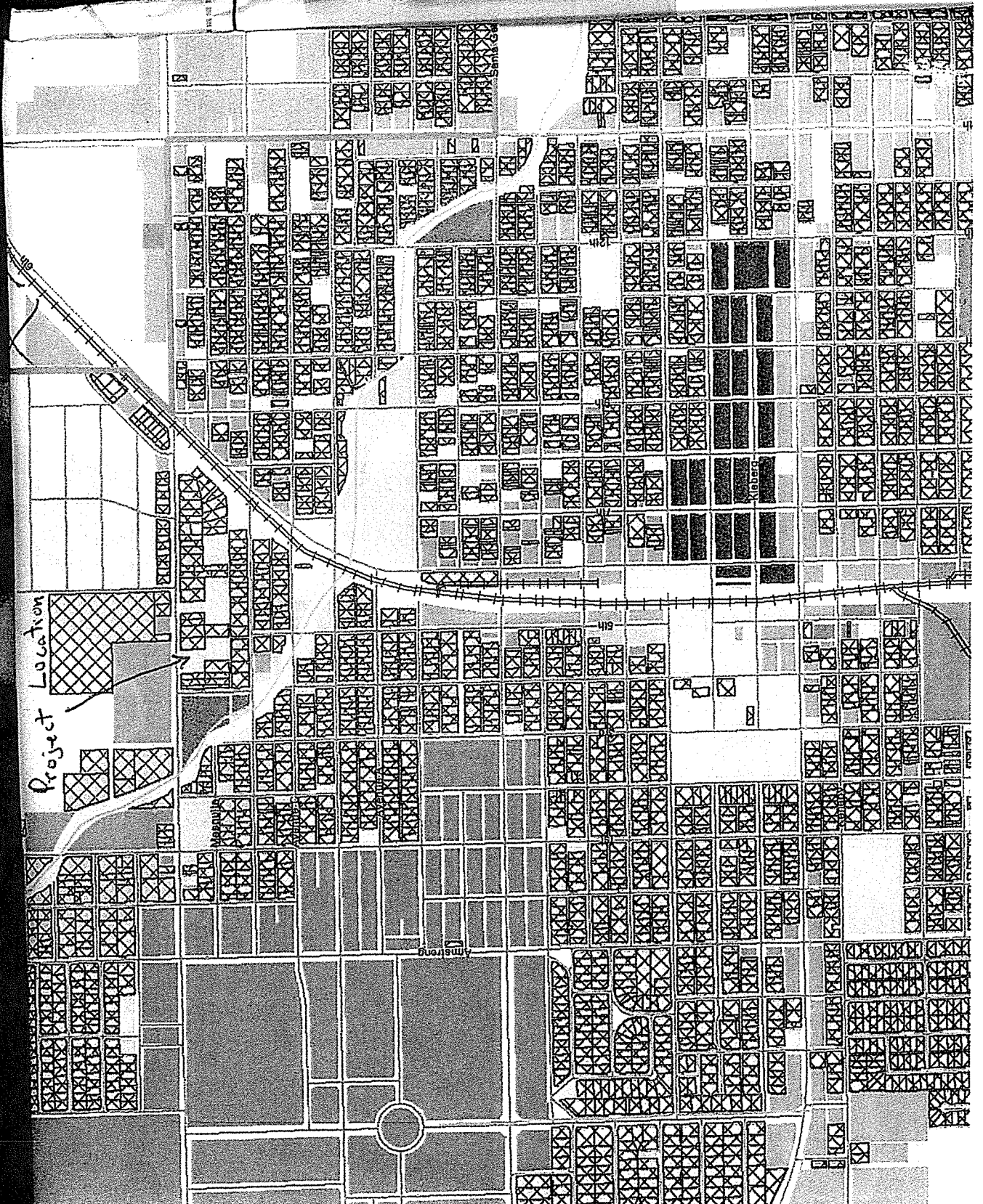
1. The project location is identified by the arrow to the spot. The hash marks on the lots designate neighborhood conservation.



December 29, 2016



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),



Neighborhood Conservation – These are existing residential neighborhoods whose overall character would remain as is. Over time, individual home sites may redevelop in these areas, but the overall character including density, lot size, setbacks, landscaping and open space would remain generally the same. The purpose of this district is to establish standards consistent with those at the time of development so as not to create nonconforming situations.

Urban District – This district includes both the *University Urban* and *Downtown Urban* Districts. The intent of the University Urban district is to allow intensive development around the University to accommodate student living and services. This district was created to allow a blend of housing types within an urban context. The primary use is residential, but a certain amount of first floor retail would be permitted for live-work arrangements and convenience shopping and services. The development options within this district allow for three- and four-story, multi-family residential units with a density bonus for providing three-story units as this is the preferred development option within this area. Additionally, this district allows for retail on the first floor (up to 50 percent) and upper floor residential. A minimum site area would be required to develop or redevelop within the district, subject to standards to preserve the character of the district and to co-exist with adjacent uses. The minimum site area is typically one-half block for townhomes and one block for multi-family development. To encourage redevelopment, the minimum area may be reduced to one-quarter block (essentially three lots). It should be noted that the area within this district adjacent to the University is expected to transition over time. Reinvestment in this area may be initiated by individual land owners or, in some instances and under certain circumstances, may be assisted by the City or another public agency. The land use plan is for the purpose of guiding land use and infrastructure decisions and does not express any particular intent as to the timing of development or redevelopment nor the means by which such may occur.

The *Downtown Urban* District encompasses the immediate downtown area. This district would allow for a mix of uses including retail on the first floor and upper floor residential with a maximum density of 23.25 units per acre. A series of form (architecture detail) and design standards should also be put in place to preserve the historic and urban character. Standards should include zero front and side yard setbacks, a minimum building height, and requirements relating to building scale and massing, building exteriors, site lighting, and signs.

Suburban Commercial – This land use district is appropriate adjacent to and abutting residential neighborhoods and other areas of aesthetic value. Generally, the building scale is limited to no more than 15,000 square feet (a typical drug store) and 60,000 square feet per intersection, with “residential in appearance” design standards, i.e. roof style and material, lighting, signage, parking, landscape surface ratio, etc. The landscape surface area would be 45 percent. The minimum site area is commonly 10,000 square feet, with a larger site area required for three-story buildings.

Auto Urban Commercial – This is for the majority of the areas identified for commercial use, generally concentrated at intersections versus strip development along the major roads. The use of a higher landscape surface area, better landscaping, a build-to line (rather than a large front yard setback) and other signage and design standards would significantly enhance the appearance of these

ORDINANCE #2017-_____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO WESTSIDE AC, LOT TR 9, ACRES 0.9753 ALSO KNOWN AS 211 W. CORRAL AVE. FROM R1-SINGLE FAMILY TO R3-MULTI-FAMILY DISTRICT; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.

WHEREAS, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Nehemias Cantu, owner, for amendment to the zoning ordinance and zoning map of the City of Kingsville;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, January 4, 2017 during a meeting of the Planning and Zoning Commission, and on Monday, January 9, 2017 during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

WHEREAS, a majority of the Planning Commission by a 5-0 vote to APPROVE the requested rezone with no abstentions; and

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of Westside AC, Lot TR 9, acres 0.9753 also known as 211 W. Corral Ave. from R1-Single Family to R3-Multi-Family District, as more specifically described on the Zone Change Map, attached as Exhibit A.

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

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

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

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

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

INTRODUCED on this the 9th day of January, 2017.

PASSED AND APPROVED on this the 23rd day of January, 2017.

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED:

Courtney Alvarez, City Attorney

AGENDA ITEM #2

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

TO: Mayor and City Commissioners
FROM: Jesus A. Garza, City Manager
DATE: January 6, 2017
SUBJECT: Amendment to Increase Annual Charitable Solicitations

Summary:

The City of Kingsville has an ordinance that regulates Charitable Solicitations and limits them to one per year per organization. This amendment would increase the limit from one per year to two per year.

Background:

This particular ordinance was last amended in 2010. In the last several years there has been interest from organizations to have the opportunity to do charitable solicitations more than once per year, which is what the ordinance currently allows. In consultation with Planning and Police Department staff, a change to allow organizations to solicit twice per year is acceptable.

Financial Impact:

None

Recommendation:

Staff recommends approval of this amendment to Charitable Solicitation.



ORDINANCE #2017-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XI- BUSINESS REGULATIONS, ARTICLE 14-VENDOR SOLICITATIONS, SECTION 16- CHARITABLE SOLICITATION, PROVIDING FOR MODIFICATION OF THE NUMBER OF TIMES IN A YEAR THAT CHARITABLE SOLICITATIONS CAN BE DONE IN THE STREETS OR RIGHT OF WAYS; PROVIDING FOR PUBLICATION AND THE REPEAL OF CONFLICTING ORDINANCES.

WHEREAS, this Ordinance has not been amended since September 2010 and a change is deemed reasonable and

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

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

I.

THAT Section 11-14-16 of Article 14: Vendor Solicitations of Chapter XI, Business Regulations of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

...
§11-14-16 CHARITABLE SOLICITATION.

...

(C) In order to solicit contributions while standing in a public street or highway, a charitable organization must comply with the following requirements:

(1) Not less than 30 days prior to the date desired for soliciting, submit a complete application to the Chief of Police or designee for a charitable solicitation permit. The police department shall prescribe a form for this purpose. The form shall require the charitable organization to provide its full name, a point of contact for the organization (meaning the name and phone number of the individual seeking the permit for the organization), the desired date(s) and specific location(s) (which must be an intersection equipped with a traffic control signal light) for soliciting, the name, address, phone number and age of each individual who may solicit contributions on behalf of the organization, and an agreement by the organization indemnifying the city and holding the city harmless from any and all claims, suits, demands, damages, and attorney fees arising out of or related to

the acts or omissions of persons soliciting for the organization. The form may require further information that is reasonably necessary to the direct enforcement of this section and the purposes of this article.

(2) At the time of submitting a completed application, the organization shall also submit the following, and failure to do so renders the application incomplete:

(a) The application fee is \$25.00. This fee will be used to defray the city's costs of processing the application and compliance monitoring on the street. This fee is nonrefundable, unless the permit is denied.

(b) Written proof of liability insurance in the amount of at least \$500,000.00 per occurrence. The insurance must not have a deductible in excess of \$250.00 per occurrence. The policy must include the city as an additional insured and must specify that the insurance is primary over any insurance carried by the city. The insurance policy must be issued by a company authorized by the State Department of Insurance to do business in Texas, and have an effective date that covers the proposed date(s) of soliciting.

(c) Written proof that the organization is a charitable organization, along with a copy of the organization's charter (or if a foreign organization, then a copy of its certificate of authority to do business in Texas).

(3) No more than two ~~one~~ permits per calendar year may be issued to an organization. For purposes of this subsection, local chapters of a state, national or international organization are deemed separate organizations, but committees or other subdivisions of an organization are not so deemed.

(4) Street soliciting under a permit shall be authorized for no more than three calendar days, and shall be limited to the period of 9:00 a.m. and one hour prior to sunset, at the approved location(s) specified in the application.

(5) A solicitation permit shall be issued only for soliciting within 100 feet of an intersection equipped with a traffic control signal light.

...

II.

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

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, work or ordinance hereof be given full force and effect for its purpose.

IV.

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

INTRODUCED on this 9th day of January, 2017.

PASSED AND APPROVED on this the ____ day of January, 2017.

Effective Date: _____, 2017

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #3

**City of Kingsville
Parks & Recreation Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Susan Ivy, Parks Manager

DATE: December 19, 2016

SUBJECT: Agenda Request – Receipt of \$1,200.00 Donation from La Posada de Kingsville for Children’s Day Event

Summary:

The Parks & Recreation Department would like City Commission approval to receive a \$1,200.00 donation from La Posada de Kingsville to be used to offset expenses for the La Posada de Kingsville Children’s Day hosted by Kingsville Parks & Recreation Department, Spohn Kleberg Memorial Hospital, and La Posada de Kingsville. This year the event was held on December 10th 2016 at the Downtown Pavilion and was attended by approximately 200 kids with their parents.

Background:

The La Posada de Kingsville Children’s Day event has been hosted by the three entities mentioned in the Summary section for many years. It has always been a community event, free to all children, providing games, refreshments, crafts, inflatables, pony rides and a visit from Santa. Funding for the event has been a cooperative effort between the Parks Department, La Posada de Kingsville, Spohn Kleberg Memorial Hospital Employees and sponsorships from the community.

Financial Impact:

This donation will offset expenses incurred by the Parks Department for this event in the amount of \$1,200.00.

Recommendation:

We ask that City Commission authorizes the receipt of this donation in the amount of \$1,200.00 from La Posada de Kingsville and the Budget Amendment to record it into the Park Budget.



ORDINANCE NO. 2017-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2016-2017 BUDGET TO ACCEPT AND EXPEND A DONATION TO THE PARKS DEPARTMENT FROM LA POSADA DE KINGSVILLE FOUNDATION.

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 2016-2017 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 General Fund					
Revenue					
4-4503	Parks & Recreation	Park Donations	58003	\$1,200	
				<u>\$1,200</u>	
Expenses					
5-4503	Parks & Recreation	Recreational Programs	31499	\$1,200	
				<u>\$1,200</u>	

[To amend the City of Kingsville FY 16-17 Budget to accept and expend a donation to the Parks Department from La Posada de Kingsville to be used to offset expenses for the La Posada de Kingsville Children's Day as per the attached memo from the Parks Manager.]

II.

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

III.

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

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

IV.

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

INTRODUCED on this the 9th day of January, 2017.

PASSED AND APPROVED on this the ___ day of _____, 2017.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #4

CITY OF KINGSVILLE



FINANCE MEMORANDUM

TO: JESUS A GARZA, CITY MANAGER
FROM: KYLE BENSON, IT MANAGER
DATE: DECEMBER 28, 2016
SUBJECT: IT BUDGET AMENDMENT

Background: In the process of analyzing the network, several issues were discovered involving network infrastructure which demanded immediate attention in order to avoid work stoppages for City employees. Additionally, due to forced obsolescence, the city's time keeping software required an upgrade to continue working. Due to the unforeseen and rapidly developing nature of these items, they were not considered in the budget creation process.

Shoretel Phone System-Community Appearance-GF	\$4,558.95
Network Equipment Relocate & Repair-Community Appearance-GF	\$5,540.00
Autodesk License & 2 Workstations-Engineering-GF & UF	\$12,102.08
Additional Cost for Dedicated Fiber Run from Municipal Building to New City Hall-GF & UF	\$3,600.00
Cable Repair-Wastewater North Plant-UF	\$3,000.00
Data Infrastructure Improvement-Public Works-UF	\$500.00
TimeClockPlus Upgrade-UF	\$11,560.12
	\$40,861.15

In order to act as quickly as possible, IT expended the necessary funds from 001-5-1902-22600. Since this line item provides funds for the purchase of computers and associated equipment for City employees it is necessary to replenish the funds.

Financial Impact: 001-5-1902-22600 Computers and Equipment will increase by \$40,861.15. \$11,351.04 will be transferred from Utility Fund Balance to 001-5-1902-22600 and \$29,510.11 will be transferred from General Fund Balance to 001-5-1902-22600.

Recommendation: Replenishment of the budget for computers and associated equipment is necessary for completion of required computer refresh activities during the remaining duration of the budget year.

ORDINANCE NO. 2017- _____

AN ORDINANCE AMENDING THE FISCAL YEAR 2016-2017 BUDGET TO INCLUDE UNFORSEEN NETWORK AND IT PROJECTS.

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 2016-2017 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001-General Fund					
Equity					
2-	Non-Dept	Unassigned Fund Balance	61002		<u><u>\$ 29,510</u></u>
Revenues					<u><u>\$ 29,510</u></u>
4-0000	Non-Dept	Transfer From Fund 051	75010	<u><u>\$ 11,351</u></u>	
Expenses					
5-1902	Technology Services	Computers & Associated Equipment	22600	<u><u>\$ 40,861</u></u>	
Fund 051-Utility Fund					
Equity					
2-	Non-Dept	Unrestricted Fund Balance	61004		<u><u>\$ 11,351</u></u>
Expenses					<u><u>\$ 11,351</u></u>
5-6900	Fund Trsfrs	Transfer To Fund 001	80001	<u><u>\$ 11,351</u></u>	
					<u><u>\$ 11,351</u></u>

[To amend the City of Kingsville FY 16-17 Budget to include unforeseen network and IT projects as per the attached memo from the IT Manager.]

II.

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

III.

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

IV.

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

INTRODUCED on this the 9th day of January, 2017.

PASSED AND APPROVED on this the __ day of _____, 2017.

EFFECTIVE DATE:_____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

REGULAR AGENDA

AGENDA ITEM #5

City of Kingsville
Golf Division of the Parks Department

DATE: January 17, 2017

TO: City Commission through City Manager

FROM: Richard Flores, Golf Course Manager

SUBJECT: Interlocal with TAMUK for Women's Golf Team

Summary:

This agreement between the City of Kingsville and Texas A&M University-Kingsville, is solely to provide a Locker Room at the L.E. Ramey Golf Course for the University's Women's Golf Team for team meetings and golf club storage. The Interlocal Agreement would in no manner deter the operation of the golf course and club house operations.

Background:

Due to the disbanded Ladies Golf Association, the Ladies Locker Room has not been in use for some time. The Locker Room would better serve the University Women's Golf Team for team meetings and golf club and equipment storage.

Financial Impact:

None. No expenditures are anticipated and no fees are required by the proposed agreement. Although no monies in the form of lease fees would be received, the City would benefit by partnering up with the University for potential endeavors and in future City social service activities the Javelina's golf team could participate in at the course. The Team's presence at the L.E. Ramey Golf Course could potentially bring more revenue in the form of greens fees and the use of the driving range.

Recommendation:

It is our recommendation that the City Commission approve the Interlocal Agreement with TAMUK for the Women's Golf Team for the aforementioned reasons.



RESOLUTION #2017-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF KINGSVILLE AND TEXAS A&M UNIVERSITY-KINGSVILLE RELATING TO TAMUK WOMEN'S GOLF TEAM AND THE L.E. RAMEY GOLF COURSE; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville ("City") and Texas A&M University-Kingsville ("TAMUK") try to work together for the benefit of our community when able to do so; and

WHEREAS, the City operates the L. E. Ramey Golf Course ("Golf Course"), which is the only public golf course in Kleberg County; and

WHEREAS, TAMUK has a women's golf team that could benefit from practice on a golf course in Kleberg County for practices and team meetings; and

WHEREAS, having the TAMUK women's golf team practice at the L.E. Ramey Golf Course could serve to promote additional rounds of play at the facility and would allow for additional practice rounds due to the close proximity of the course to the university; and

WHEREAS, the City Commission has previously approved several other Interlocal Agreement with TAMUK on various matters relating to students performing intern work, engineering design, and vet tech services for shelter animals to name a few; and

WHEREAS, the City of Kingsville and TAMUK would both benefit from the agreement; and

WHEREAS, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to this agreement to render assistance to one another whenever practical in accordance with the terms of the agreement attached hereto.

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

I.

THAT the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into an Interlocal Agreement between the City of Kingsville and Texas A&M University-Kingsville relating to TAMUK's Women's Golf Team and the L.E. Ramey Golf Course in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the
____ 23rd ____ day of ____ January ____, 2017.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**INTERLOCAL AGREEMENT
BETWEEN THE CITY OF KINGSVILLE
AND TEXAS A&M UNIVERSITY KINGSVILLE
RELATING TO
TAMUK WOMEN'S GOLF TEAM AND THE L.E. RAMEY GOLF COURSE**

WITNESSETH:

WHEREAS, City of Kingsville (City) operates the L. E. Ramey Golf Course (Golf Course), which is the only public golf course in Kleberg County; and

WHEREAS, Texas A&M University-Kingsville (TAMUK) has a women's golf team that could benefit from practice on a golf course in Kleberg County for practices and team meetings; and

WHEREAS, having the TAMUK women's golf team practice at the L.E. Ramey Golf Course could serve to promote additional rounds of play at the facility and would allow for additional practice rounds due to the close proximity of the course to the university; and

WHEREAS, the City Commission has previously approved several other Interlocal Agreement with TAMUK relating to students performing intern work, engineering design, and vet tech services for shelter animals; and

WHEREAS, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to this agreement to render assistance to one another whenever practical in accordance with these terms; and

NOW, THEREFORE, the City of Kingsville and Texas A&M University Kingsville, in consideration of these mutual covenants and agreements, agree as follows:

1. **PARTIES**. The parties to this Interlocal Agreement ("Agreement") are the City of Kingsville ("City"), a Texas home rule municipality, and Texas A&M University Kingsville ("TAMUK"), a member of the Texas A&M University System, a state agency, and Texas institution of higher education.

2. **PURPOSE**.

- A. TAMUK will have their Women's Golf Team practice and hold meetings at the L.E. Ramey Golf Course at mutually agreeable times.
- B. The City will provide the TAMUK Women's Golf Team the opportunity to have practices and team meetings at the L.E. Ramey Golf Course at mutually agreeable times under the University staff's supervision.

- C. Enhance the community partnership between TAMUK and the City and provide the students with a local practice and meeting area that is mutually beneficial to both parties.

3. TERM.

- A. This Agreement shall be for a term of two years from January 23, 2017 through January 23, 2019.
- B. This Agreement may be terminated at any time by any party with or without cause upon thirty (30) days advance written notice.
- C. Any notice of termination shall be sent to the other party to this interlocal agreement at the address listed in paragraph 4 of this agreement.

4. 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
Telephone: (361) 595-8002
Facsimile: (361) 595-8035
Email: citymanager@cityofkingsville.com

Texas A&M University Kingsville
Attention: Raajkumar Kurapati
Vice President for Finance & Chief Financial Officer
700 University Blvd. MSC 144
Kingsville, Texas 78363-8202
Telephone: (361) 593-2410
Email: Raajkumar.kurapati@tamuk.edu

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 Agreement.

C. Amendment of Interlocal Agreement. This Agreement may be amended at any time. Any amendment to this 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 Agreement, without the express action of the governing body of the party.

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

E. Exercise of Police Powers. This Agreement and all activities under this 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.

F. Immunities Not Waived. Nothing in this 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 Agreement and the performance of the covenants contained in this Agreement.

G. Mutual Indemnification: To the extent allowed by the Constitution and Laws of the State of Texas, TAMUK, and City agree that each party assumes any and all risks of liability, loss, damages, claims, or causes of action and related expenses, including attorney fees, caused or asserted to have been caused directly or indirectly by or as the result of the negligent acts or omissions of that party and the officers, employees, and agents thereof.

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

I. Fiscal Obligations. Each party which performs services or furnishes aid under this Agreement must do so with funds available from current revenues of the party.

J. Interlocal Cooperation Act Applies. The parties enter into this Interlocal Agreement under the Texas Government Code Chapter 791 (Interlocal Cooperation Act). The parties agree that activities under this Agreement are "governmental functions and services" and that the parties are a "local government" and a "state agency" as those terms are defined in this Agreement and in the Interlocal Cooperation Act.

K. Approval by Governing Bodies. Each party represents that this Agreement has been duly passed and approved by the governing body of the party as required by the Texas Interlocal Cooperation Act, Chapter 791, Texas Government Code or that proper power and authority has been delegated by the governing body.

L. Entirety of Agreement. No other oral or written commitments of the parties with respect to the veterinary technologist services may have any force or effect if not contained in this Interlocal Agreement or any amendments thereto.

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

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

O. Warranty. The individuals executing this agreement on behalf of each party represent and warrant that they are each the duly authorized representatives of such party on whose behalf the individuals are signing, each with full power and authority to bind said party to each term and condition set forth in this agreement.

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

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

R. Effective Date. This Agreement is effective on the date when the last party executes this agreement.

S. Multiple Originals. Two (2) copies of this Agreement are executed; each shall be deemed an original.

T. Dispute Resolution: The dispute resolution process provided in Chapter 2260, *Texas Government Code*, and the related rules adopted by the Texas Attorney General pursuant to Chapter 2260, shall be used by TAMUK and the City of Kingsville to attempt to resolve any claim for breach of this agreement by either party that cannot be resolved in the ordinary course of business. City shall submit written notice of a claim of breach of contract under this Chapter to Director of Procurement and General Services of TAMUK, who shall examine City's claim and any counterclaim and negotiate with City in an effort to resolve the claim.

EXECUTED by Texas A&M University – Kingsville on the _____ day of _____, 2017.

Raajkumar Kurapati
Vice President for Finance & Chief Financial Officer

ATTEST:

Name: _____

Title: _____

EXECUTED by the City of Kingsville on the _____ day of _____, 2017.

Jesús A. Garza
City Manager

ATTEST:

Mary Valenzuela
City Secretary

APPROVED AS TO FORM:

Courtney Alvarez
City Attorney

AGENDA ITEM #6

**City of Kingsville
Fire Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Adrian Garcia, Fire Chief

DATE: January 23rd, 2017

SUBJECT: Ambulance Supplemental Payment Program

Summary:

This addendum to the Intermedix (IMX) Service Agreement will allow an IMX Consultant "Public Consulting Group" (PCG) to develop for a fee an Ambulance Supplemental Payment Program for the City of Kingsville Fire Department. The additional revenue will assist in replacing Fire/EMS related equipment, apparatus, and overall Fire/EMS related expenses. If approved a new section will be added to our existing IMX agreement titled "5.01.1 Settlement Fee (Ambulance Supplemental Payment Program".

Background:

The Centers for Medicare and Medicaid (CMS) are allowed by the Social Security Act, Section 1902 and 42 CFR 447.321 to establish alternative payment methodologies, such as the "Ambulance Supplemental Payment Program". PCG will assist IMX and the Kingsville Fire Department each year in appropriately applying for and executing the application for the CMS program, receiving an annual lump sum from the revenue generated from the program.

Financial Impact:

Presently, the change in the existing contract will yield ~\$18,000 per month, estimating ~\$216,000 of additional funds annually, while the program is in existence. PCG will receive thirteen percent (13%) of the revenue generated from the Ambulance Supplemental Payment Program each year when the lump sum is received annually.

Recommendation:

It is our recommendation that the Commission approve the change for the aforementioned reasons.



RESOLUTION #2017-____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ADDENDUM TO THE SERVICE AGREEMENT BETWEEN THE CITY OF KINGSVILLE (EMS AND FIRE DEPARTMENT) AND ADVANCED DATA PROCESSING, INC., A SUBSIDIARY OF INTERMEDIX CORPORATION, FOR AMBULANCE BILLING WITH THE ADDENDUM FOR AMBULANCE SUPPLEMENTAL PAYMENT PROGRAM; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville had previously entered into a Professional Services Agreement with Alexander Billing and Consulting, Inc. in March of 2006 and an extension of the agreement in 2011, and recently entered into a new agreement with a subsidiary of Intermedix, Advanced Data Processing, Inc. on July 25, 2016 via Resolution #2016-52;

WHEREAS, the Centers for Medicare and Medicaid Services allow states to establish alternative payment methodologies for certain classes of providers via an Ambulance Supplemental Payment Program ("program");

WHEREAS, the City may qualify under this program and would like to engage the services of Intermedix and their consultant Public Consulting Group, Inc. through this addendum to seek potential funding through the program;

WHEREAS, Intermedix and its consultant through the addendum would receive thirteen percent of City's revenues from the Ambulance Supplemental Payment Program when the funding settlement is received;

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

I.

THAT the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into an Addendum to Service Agreement between the City of Kingsville (EMS and Fire Department) and Advanced Data Processing, Inc., a subsidiary of Intermedix Corporation, for Ambulance Billing and Related Professional Services with the Addendum for Ambulance Supplemental Payment Program in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the
23rd day of January, 2017.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**Addendum to Service Agreement
Option of Ambulance Supplemental Payment Program**

This Addendum ("Addendum") is made and entered into this ____ day of _____, 2017 (the "Addendum Effective Date") by and between City of Kingsville, a Texas municipality, with principal offices located at 110 North 10th Street, Kingsville, TX. 78363 ("Client") and Advanced Data Processing, Inc., a subsidiary of Intermedix Corporation, a Delaware Corporation with principal offices located at 6451 North Federal Highway, Suite 1000, Fort Lauderdale, Florida 33308 ("Intermedix").

WHEREAS, Client and Intermedix are parties to the Agreement for Ambulance Billing and Related Professional Services (the "Agreement") as of its Effective Date; and

WHEREAS, The Centers for Medicare and Medicaid Services (CMS) allows States to establish alternative payment methodologies (herein referred as the "Ambulance Supplemental Payment Program") for certain classes of providers pursuant to 42 CFR 447.321, section 1902 (a)(30) of the Social Security Act, and

WHEREAS, Client has elected to partner with Intermedix and Intermedix's Consultant, Public Consulting Group, Inc., to develop, for a fee, an Ambulance Supplemental Payment Program.

NOW THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree to amend the Agreement as follows:

1. A new section 5.01.1 will be added to the Agreement to read as follows:

"5.01.1 Settlement Fee (Ambulance Supplemental Payment Program). Intermedix will charge to Client a Settlement Fee as follows:

Thirteen percent (13%) of the Client's revenue from the Ambulance Supplemental Payment Program when the funding settlement is received."

2. Capitalized terms not otherwise defined in this Amendment shall have the meanings ascribed to such terms in the Agreement. All terms and conditions of the Agreement are hereby ratified and shall remain in full force and effect except to the extent this Amendment expressly modifies or is inconsistent with the terms and conditions of the Agreement, in which case the terms of this Amendment shall be controlling.

IN WITNESS WHEREOF, the parties have executed this Addendum as of the date written above.

Client:
City of Kingsville, Texas

Intermedix:
Advanced Data Processing, Inc., a subsidiary
of Intermedix Corporation, a Delaware
corporation

By: _____
Name: _____
Title: _____
Date: _____

By: _____
Name: _____
Title: _____
Date: _____

AGENDA ITEM #7

RESOLUTION NO. 2017-_____

A RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPLICATION TO THE U.S. DEPARTMENT OF HOMELAND SECURITY'S FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE PURPOSE OF REQUESTING GRANT FUNDING ON BEHALF OF THE CITY FOR THE 2017 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT PROGRAM FOR ADDITIONAL FIREFIGHTERS FOR THE KINGSVILLE FIRE DEPARTMENT WITH AN ANTICIPATED CASH MATCH.

WHEREAS, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville, that the Kingsville Fire Department participate in an application to apply for federal grant monies for the 2017 SAFER Grant Program for firefighter personnel; and

WHEREAS, the SAFER Grant will provide funding for approved firefighter salaries and benefits for 3 years (36 months) for newly-hired, full-time firefighter positions on a declining scale of 75% in 1st year, 75% in 2nd year, and 35% in 3rd year of the grant program; and

WHEREAS, the SAFER Grant requires the City to pay a cash match in each of the three years of the grant on an increasing scale (25% in 1st year, 25% in 2nd year, and 65% in 3rd year of the grant program); and

WHEREAS, the amount being requested on the City of Kingsville's behalf for hiring firefighter personnel is to pay for three entry-level firefighter positions' salary and benefits for three years; and

WHEREAS, the City Commission of the City of Kingsville through this resolution has authorized the Fire Chief to submit the grant; and

WHEREAS, the City will not accept money or participate in the SAFER Grant if adequate funding for the required cash match is not secured by the time necessary to accept the grant.

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

I.

THAT the City Commission approves the submission of the grant application for the 2017 Staffing for Adequate Fire And Emergency Response (SAFER) Grant Program for firefighter personnel to the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) on the City's behalf with an anticipated cash each year over the three years of the grant program.

II.

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

PASSED AND APPROVED by a majority vote of the City Commission the 23rd day of January, 2017.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



**Homeland
Security**

U.S. Department of Homeland Security
Washington, DC 20528

NOTIFICATION OF FUNDING OPPORTUNITY ANNOUNCEMENT

FISCAL YEAR 2016 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT PROGRAM APPLICATION PERIOD TO OPEN

To: Members of Congress

From: Federal Emergency Management Agency

Subject: Fiscal Year 2016 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program

Date: January 9, 2017

Pages: 1

Comments:

This serves as notification that the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) released the Fiscal Year (FY) 2016 Staffing for Adequate Fire and Emergency Response (SAFER) Notice of Funding Opportunity (NOFO) on Monday, January 9, 2017. The application period for the FY 2016 SAFER Program will open on Monday, January 9, 2017 at 8 AM ET and will close on Friday, February 10, 2017 at 5 PM ET.

The *Department of Homeland Security Appropriations Act, 2016* provides \$345,000,000 for the SAFER Grant Program for the Department to assist fire departments and volunteer interest organizations to increase the number of trained, "front line" firefighters available in their communities. The SAFER Grant Program seeks to assist local fire departments with staffing and deployment capabilities in order to respond to emergencies, assuring communities have adequate protection from fire and fire-related hazards. The NOFO and technical assistance documents for this program are available at www.grants.gov, and at <http://www.fema.gov/staffing-adequate-fire-emergency-response-grants>.

Contact Information:

For additional information, please visit www.fema.gov/firegrants or for Congressional inquiries only, contact Chris Rizzuto at 202-786-9450, Laura Cirillo Edwards at 202-212-3041, Jay Harper at 202-447-0458, or Kennedi Greenwood at 202-447-5848.



Homeland Security

FY 2016 Staffing for Adequate Fire and Emergency Response (SAFER) Program

Overview

The Federal Emergency Management Agency's (FEMA) Fiscal Year 2016 Staffing for Adequate Fire and Emergency Response (SAFER) program is designed to strengthen the nation's ability to respond to fire and fire-related hazards, and improve the nation's overall level of preparedness.

The SAFER program provides grant funding to enhance recipients' ability to attain and maintain 24-hour fire department staffing and to assure that communities have adequate protection from fire-related hazards. In Fiscal Year 2016, FEMA will award \$345 million directly to fire departments and volunteer support groups to expand the number of firefighters available to more effectively protect the health and safety of the public with respect to fire and all other hazards.

In Fiscal Year 2016, FEMA will award approximately \$345 million directly to fire departments and volunteer support groups to expand the number of firefighters available to more effectively protect the health and safety of the public with respect to fire and all other hazards.

The SAFER program is comprised of two portions or activities: the Hiring of Firefighters Activity and the Recruitment and Retention of Volunteer Firefighters Activity.

The Hiring of Firefighters Activity awards grants directly to volunteer, combination, and career fire departments to help increase the number of firefighters.

The Recruitment and Retention of Volunteer Firefighters Activity awards grants to help create a more favorable working environment for volunteer firefighters by increasing the number of trained, certified and competent firefighters capable of responding to emergencies.

Funding

In Fiscal Year 2016, FEMA will award approximately \$345 million in competitive SAFER grants to fire departments and to volunteer firefighter support groups. No less than 10 percent of funding must be awarded for recruitment and retention activities, and no less than 10 percent must be awarded to volunteer or mostly volunteer fire departments for hiring firefighters.

Program Highlights

- The various activities that the SAFER program can fund are detailed below according to the type of eligible entity:

Career Fire Departments:

- Hiring of Firefighters

Combination Fire Departments:

- Hiring of Firefighters
- Recruitment and Retention of Volunteer Firefighters

Volunteer Fire Departments:

- Hiring of New Firefighters
- Recruitment and Retention of Volunteer Firefighters

Statewide or Local Firefighter Support Groups:

- Recruitment and Retention of Volunteer Firefighters
- Funding for hiring firefighters is limited to salaries and associated fringe benefits.
- There is no limit to the number of positions that may be requested for hiring new firefighters.

Eligible Activities and Applicants

Hiring of Firefighters Activity

Eligible Applicants: Volunteer, career, and combination fire departments are eligible to apply for Hiring of Firefighters Activity grants. Municipalities and fire districts may submit applications on behalf of departments that lack the legal status to apply. Each eligible applicant is limited to one application. However, eligible applicants can submit separate applications for both the Hiring of Firefighters and the Recruitment and Retention of Volunteer Firefighters grants.

Recruitment and Retention of Firefighters Activity

Eligible Applicants: Volunteer and combination fire departments are eligible to apply for Recruitment and Retention of Firefighters Activity. National, state, local, or tribal organizations representing volunteer firefighter interests or fire departments may apply for regional projects. A fire department may also apply for regional projects in coordination with neighboring fire departments. For example, a host applicant could apply for a regional media campaign promoting volunteerism.

Definitions

- A "fire department" is an organization that has a formally-recognized arrangement with a state, territory, local, or tribal authority to provide fire suppression to a population within a fixed geographical area.
- A "national, state, local, or tribal organization" support fire departments and firefighters through education and advocacy. These include state or local firefighter/fire chiefs

associations, fire department auxiliaries, volunteer firefighter relief organizations, and associations.

- A "career fire department" pays financial compensation to all members.
- A "combination fire department" has at least one active firefighter who receives full-time compensation for services, and/or at least one active firefighter does not receive salary or wages.
- A "volunteer fire department" does not pay salary or wages. However, volunteer departments can provide paid on-call wages.
- A fire department with more than 50 percent of its membership not receiving a salary is considered "mostly volunteer."

Career, combination and volunteer departments are eligible for funding to hire new firefighters. Combination and volunteer departments may receive funding for recruitment and retention activity. National, State, local, or tribal organizations are also eligible for recruitment and retention funding.

Career fire departments may NOT receive funding for recruitment and retention activity. State or local organizations may NOT receive funding for hiring new firefighters.

Program Coordination

The following entities were involved in developing the FY2016 SAFER guidance:

- Department of Homeland Security
 - Federal Emergency Management Agency
 - U.S. Fire Administration (USFA)
 - Grant Programs Directorate (GPD)
- Major Fire Service Organizations
 - International Association of Fire Chiefs (IAFC)
 - International Association of Fire Fighters (IAFF)
 - National Volunteer Fire Council (NVFC)
 - National Fire Protection Association (NFPA)
 - National Association of State Fire Marshals (NASFM)
 - International Association of Arson Investigators (IAAI)
 - International Society of Fire Service Instructors (ISFSI)
 - North American Fire Training Directors (NAFTD)
 - Congressional Fire Services Institute (CFSI)

Application Process and Evaluation Criteria

All complete and eligible applications are evaluated with SAFER grant funding priorities. Initially, an automated evaluation assesses how closely each application matches the program's established priorities.

A peer-review panel performs the second phase of the evaluation based on the narrative statement and answers provided in the application. Each application is judged on its own merits against the established criteria. Applications are not compared to other applications.

Applications most consistent with the SAFER Grant funding priorities score higher in the automated evaluation. Automated evaluation scores and peer-review evaluations are combined with each score representing 50 percent of the total score.

Panelists evaluate and score the following criteria:

1. Hiring of Firefighters Activity
 - a. Project Description
 - b. Impact on Daily Operations
 - c. Financial Need
 - d. Cost Benefit
2. Recruitment and Retention of Volunteer Firefighters
 - a. Project Description
 - b. Impact on Daily Operations
 - c. Financial Need
 - d. Cost Benefit

SAFER Resources

The following resources are available to address programmatic, technical, and financial questions, which can assist with SAFER grant applications:

- The FY 2016 SAFER Notice of Funding Opportunity (NOFO) is located online at: <http://www.fema.gov/staffing-adequate-fire-emergency-response-grants> as well as on <http://www.grants.gov>.
- You may also contact the SAFER Program Help Desk by calling 1-866-274-0960 or via email at firegrants@fema.dhs.gov.

AGENDA ITEM #8

**City of Kingsville
Purchasing Department**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: David Mason, Director
DATE: January 13, 2017
SUBJECT: Concrete Street Improvements Phase VI (Bid 17-09)

Summary:

This item authorizes the award of a contract for concrete street improvements.

Background:

We advertised for bids (Bid #17-09) on December 18, 2016 and December 25, 2016. A non-mandatory pre-bid meeting was held January 4, 2017 with four (4) potential bidders attending. Four (4) responsive bids were received by the deadline of Tuesday, January 10, 2017 at 1:30 p.m.

E Tech	Garrett Construction	MoCon Services	Myane
\$178,445.50	\$190,700.00	\$208,613.43	\$281,412.00

Financial Impact:

Funding is available through 068-5-3050-53100 where \$1.3 million is available.

Recommendation:

It is recommended the City contracts with E Tech Construction, 11115 Cedar Park, San Antonio, TX 78249 for Concrete Street Improvements Phase VI in the amount of \$178,445.50.



AGENDA ITEM #9

**City of Kingsville
Purchasing Director**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: David Mason, Purchasing Director

DATE: January 23, 2017

SUBJECT: Brookshire Pool PVC Membrane Lining System and RecDeck PVC Recreation Flooring (RFP 17-08)

Summary:

This item provides staff recommendation for RFP 17-08 Brookshire Pool PVC Membrane Lining System and RecDeck PVC Recreation Flooring. This RFP is for the installation of a resurfacing solution of PVC membrane at the Brookshire Pool that will aid in potential leaks and extend the life of the pool surface. RFP Review Committee consisted of Susan Ivy, Parks Manager, David Mason, Purchasing Director and Sharam Santillan, Capital Improvements Manager.

Background:

The proposal was advertised on December 18, 2016 and December 25, 2016. A non-mandatory pre submittal meeting was held on January 23, 2017 with no attendees. One (1) submission was received by the deadline of January 10, 2017 at 1:30 p.m.

Submission by Company	PVC Membrane Lining System	RecDeck PVC Recreation Flooring
RenoSys	\$53,390	\$8,350.00
TOTAL		\$61,740

Financial Impact:

This item will expend \$61,470.00 from account 033-5-4503-71225 of which funds in the amount of \$124,450 are available.

Recommendation:

The City recommends the award for RFP 17-08 Brookshire Pool PVC Membrane Lining System and RecDeck PVC Recreation Flooring be awarded to RenoSys, 2825 E 55th Place, Indianapolis, IN 46220.



AGENDA ITEM #10

City of Kingsville
Department Name

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: David Mason, Purchasing Director

DATE: January 17, 2017

SUBJECT: Acquisition and Capital Lease of Landfill Crawler Dozer

Summary:

This items authorizes the acquisition and capital lease of a 2017 John Deere 850K Dozer equipped for landfill operations.

Background:

This item will replace the current Caterpillar Dozer at the landfill which has reached the end of its useful life. Using BuyBoard cooperative purchasing to view comparably equipped machines, the price on a new John Deere is \$318,216.00 and the Cat D6T is \$448,606.30.

We also received three (3) quotes on lease rates for a 5-year term, payment in arrears capital lease as follows: Capital City Leasing 2.4%; Government Capital 3.262%; and Deere Leasing at 7%.

Financial Impact:

None in the current FY16-17 budget. It will obligate the City to pay \$68,307.60 per year from 2018-2022.

Recommendation:

Staff recommends the acquisition through BuyBoard of the John Deere 850 K for \$318,216.00 and lease through Capital City Leasing at a rate of 2.4% for annual payments of \$68,307.60. Leasing with payments in arrears allows the first payment to be in FY 2018 and the final in FY 2022. Texas Local Government Code Chapter 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.



DOGETT HEAVY MACHINERY SERVICES, LTD.

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

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

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

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

Store #: 2

Date: 1/10/17

Proposal for: 850K

Acct #: _____ Tax / SS #: _____

Business: The City Of Kingsville

Individual: David

Address: _____

City/St/Zip: Kingsville, Tx

Phone #: 361-749-4111 Fax #: _____

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

PO #: _____ Job #: _____

<input type="checkbox"/> RENTAL	<input type="checkbox"/> Month/s	<input type="checkbox"/> Week/s	<input type="checkbox"/> Days
Start Date: _____		Rate \$: _____	
Delivery \$: _____		Pick-up \$: _____	
Payment: <input type="checkbox"/> P. P.	<input type="checkbox"/> Cash	<input type="checkbox"/> Other *	
Taxable: <input type="checkbox"/> Yes	<input type="checkbox"/> No		

<input checked="" type="checkbox"/> SALE	<input type="checkbox"/> Finance	<input type="checkbox"/> Lease	<input type="checkbox"/> Cash
Term: <input type="checkbox"/> Months	<input type="checkbox"/> % Rate	<input type="checkbox"/> Other*	
Proposal good for: _____ Days			

QUOTATION BELOW SUBJECT TO APPLICABLE TAXES

Qty	Make	Model	Serial No.	Description of Equipment / Include HOURS & YEAR Model	Sale Price of Unit/s
	Deere	850K WH	new	850K Outside Dozer, Simi U Blade w/ Trash Rack Rear Rippers, Air Susp. Seat, Cab with Heat/AC/Radio Extended Life Bushings, 3 years of JD Link, Waste Handler PDI/Freight	\$439,184
				PM Agreement for 7500Hrs performed at the Landfil	\$ 7,295.00
				Trash Rack with instal, Instal of Striker Bars	\$ 40,136.00
				60 Month 7500Hr Full Warranty	\$ 6,086.00
				Buy Board Discount 30%	\$ 11,355.00
				Customer Loyalty Discount	\$ (131,755.00)
				Total Selling Price Units (All) :	\$ (6,085.00)
					\$ 366,216.00
			Stock Number :	Extended Warranty :	

WARRANTY

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

Term: Months: 60 Hours: 7500

Notes / *Other

lease @ 7%

Physical Address: _____

Less Applicable Rent : \$ -

Less Trade-in Value : \$ 48,000.00

Taxable Amount : \$ 318,216.00

Ad valorem Tax: 0.00000% \$ -

Sales / Fuel Tax: 0.00% \$ -

Less Down Payment : \$ -

Total Amount To Finance Or Pay Cash : \$ 318,216.00

Monthly Payments: _____

Salesman : Drew Schuelke

Customer : _____

EXHIBIT C

LEASE # M-17-01
CITY OF KINGSVILLE

PAYMENT SCHEDULE MULTI-YEAR ADJUSTABLE PERIOD

Page 1 of 1

INTEREST RATE:	2.400000%	AMOUNT:	\$318,261.00
DOWN PAYMENT:	\$0.00	PAYMENT PERIODS:	5
DAYS UNTIL REGULAR PAYMENT:	365	PAYMENTS/YEAR:	1
REGULAR PAYMENT AMOUNT:	\$68,307.60	FUNDING DATE:	00/00/00

	PAYMENT AMOUNT	INTEREST PAID	PRINCIPAL PAID	OPTION TO PURCHASE
1	\$68,307.60	\$7,638.26	\$60,669.34	\$257,840.43
2	\$68,307.60	\$6,182.20	\$62,125.40	\$195,617.86
3	\$68,307.60	\$4,691.19	\$63,616.41	\$131,926.84
4	\$68,307.60	\$3,164.40	\$65,143.21	\$66,732.71
5	\$68,307.60	\$1,600.96	\$66,706.64	\$0.00
	\$341,538.01	\$23,277.01	\$318,261.00	

Lessor _____

Lessee _____

First Payment due 365 days after delivery and acceptance of equipment.



DATE: January 12, 2017

QUOTE #:184806-01

CITY OF KINGSVILLE
PETE PENA

Leonel Rodriguez
361.813.1626

PO BOX 1458
KINGSVILLE, TEXAS 78364-1458

One (1) New Caterpillar Inc Model: D6T Track Type Tractors with all standard equipment in addition to the additional specifications listed below:

Thank you for this opportunity to quote Caterpillar products for your business needs. We are pleased to provide you this Buyboard quote under Contract #515-16.

SELL PRICE	\$421,864.67
TOTAL PRICE	\$421,864.67
LESS GROSS TRADE ALLOWANCE	(\$60,000.00)
NET TRADE ALLOWANCE	(\$60,000.00)
SUB TOTAL	\$361,864.67
HET (0.216%)	\$781.63
TOTAL TAXES	\$781.63
TOTAL QUOTED PRICE	\$362,646.30

WARRANTY

Standard Warranty: 12 Month/Unlimited Hours Total Machine
Extended Warranty: 60 Month/7500 hour Premier - \$26,890
60 Month/7500 hour Powertrain + Hydraulics - \$17,110
60 Month/7500 hour Powertrain - \$11,551

Warranty
PM
\$ 362,646.30
26,890.00
59,070.00
\$ 448,606.30

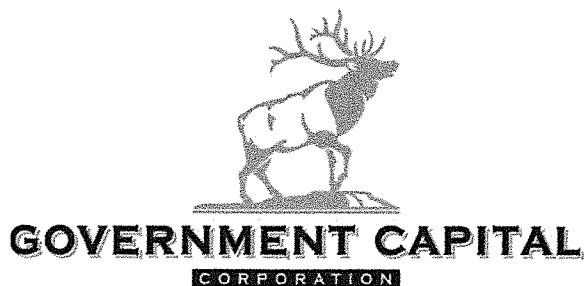
OPTIONS

Add Ripper to machine - \$23,480
60 month/7500 hour PM Service (CSA) - \$59,070

DATE: January 12, 2017
QUOTE #:Quote 184806-01

MACHINE SPECIFICATIONS

DESCRIPTION	REF.#
XW/WHA/30"TRAP HD/6SU XW BLD	458-3881
PACK, DOMESTIC TRUCK, MTTT	0P-8025
LANE 3 ORDER	0P-9003
COUNTERWEIGHT, ADDITIONAL	238-1177
UNDERCARRIAGE, HD, WASTE	378-3782
LIGHT, WARNING, STROBE	378-7927



January 9, 2017

Mr. David Mason
Kingsville City Hall
(361) 595-8025
dmason@cityofkingsville.com

Dear Mr. Mason,

Thank you for the opportunity to present proposed financing for the City of Kingsville. I am submitting for your review the following proposed structure:

ISSUER:	City of Kingsville, Texas
FINANCING STRUCTURE:	Public Property Finance Contract issued under Local Government Code Section 271.005
EQUIPMENT COST:	\$ 300,000
TERM:	5 Annual Payments
TRUE INTEREST COST:	3.262%
PAYMENT AMOUNT:	\$ 65,997.99
PAYMENTS BEGINNING:	One year from signing, annually thereafter

The above proposal is subject to audit analysis, assumes bank qualification and mutually acceptable documentation. The terms outlined herein are subject to change and rates are valid for fourteen (14) days from the date of this proposal. If funding does not occur within this time period, rates will be indexed to markets at such time. Additionally, Government Capital is registered with Texas Ethics Commission to be HB 1295 compliant.

Our finance programs are flexible and my goal is customer delight. If you have any questions regarding other payment terms, frequencies or conditions, please do not hesitate to call.

With Best Regards,

Drew

Drew Whittington
Client Services
CC: Josh Rosser
Main: 817-421-5400

The transaction described herein is an arm's length, commercial transaction between you and Government Capital Corporation ("GCC"), in which GCC: (i) is acting solely for its own financial and other interests that may differ from yours; (ii) is not acting as your municipal advisor or financial advisor, and has no fiduciary duty to you with respect to this transaction; and (iii) is not recommending that you take an action with respect to this transaction.

AGENDA ITEM #11

AGENDA ITEM #12

AGENDA ITEM #13

RESOLUTION #2017-_____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ECONOMIC INCENTIVE AGREEMENT BETWEEN THE CITY OF KINGSVILLE, TEXAS AND VINOD BUILDERS, INC. FOR A HOTEL AND RESTAURANT; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville, Texas ("City") desires to implement economic development programs authorized by Texas law and approved by the Kingsville City Commission, including those authorized by Chapter 380 of the Texas Local Government Code, to promote State and local economic development and to stimulate business and commercial activity in the City of Kingsville, Texas; and

WHEREAS, the City finds that the waiver of certain actual development fees for the Vinod Builder, Inc. ("Company"), listed in Exhibit A attached to the Economic Incentive Agreement in a maximum amount not to exceed that listed in Exhibit A, for the construction of a hotel and restaurant on real property within the city limits of Kingsville, Texas would promote local economic development and stimulate business and commercial activity within the municipality and would directly establish a public purpose; and

WHEREAS, the City intends to waive the development fees referenced in Exhibit A in exchange for Company constructing and opening for business both a hotel (Marriott TownPlace Suites) and a standalone restaurant (Taco Palenque) within the city limits of Kingsville, Texas prior to January 1, 2018; and

WHEREAS, if Company does not meet the afore-mentioned requirements, then Company shall pay back to City all of the economic benefits received (ie, all of the previously waived economic development fees listed in Exhibit A) no later than January 31, 2018.

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

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

I.

THAT the Mayor is authorized and directed as an act of the City of Kingsville, Texas to enter into an Economic Incentive Agreement between the City of Kingsville, Texas and Vinod Builders, Inc. for a Hotel and Restaurant in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the 23rd day of January, 2017.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**ECONOMIC INCENTIVE AGREEMENT
BETWEEN THE
CITY OF KINGSVILLE, TEXAS AND VINOD BUILDERS, INC.
FOR A HOTEL AND RESTAURANT**

This Economic Incentive Agreement ("Agreement") is made and entered into by and between Vinod Builders, Inc. (the "Company"), a Texas corporation, and the City of Kingsville, Texas (the "City"), a home-rule, municipal corporation in the State of Texas, for the purposes and considerations stated below.

WITNESSETH:

WHEREAS, the CITY desires to implement economic development programs authorized by Texas law and approved by the City Commission, including those authorized by Chapter 380 of the Texas Local Government Code, to promote State and local economic development and to stimulate business and commercial activity in the City of Kingsville, Texas; and

WHEREAS, the CITY finds that the waiver of certain development fees for the Company in a maximum amount as per Exhibit A attached hereto and made a part hereof for all purposes on real property within the city limits of Kingsville, Texas would promote local economic development and stimulate business and commercial activity within the municipality and would directly establish a public purpose.

WHEREAS, the CITY intends to waive the development fees referenced in Exhibit A in exchange for Company constructing and opening for business both a hotel (Marriott TownPlace Suites) and a standalone restaurant (Taco Palenque) within the city limits of Kingsville, Texas prior to January 1, 2018.

WHEREAS, if Company does not meet the afore-mentioned requirements, then Company shall pay back to City all of the economic benefits received (ie, all of the previously waived economic development fees listed in Exhibit A) no later than January 31, 2018.

NOW, THEREFORE, in consideration of the mutual benefits and promises contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows.

SECTION 1 Authorization: This Agreement is authorized by §380.001 of the Texas Local Government Code. The recitals set forth above are hereby found to be true and correct for all purposes.

SECTION 2 Term: This Agreement shall be effective as of the date of execution by both parties. This Agreement shall remain in full force and effect until the CITY and Company have completed their respective obligations hereunder or has been earlier terminated by the parties in writing.

SECTION 3 Economic Incentives: City shall waive all permit and inspection fees and the tapping fees as more specifically listed in Exhibit A attached hereto over which it has jurisdiction for the hotel and standalone restaurant that Company is to construct and open for business in Kingsville, Texas prior to January 1, 2018.

SECTION 4 Company Obligations: Company to construct and open for business prior to January 1, 2018 a hotel of approximately 45,814 square feet and a standalone restaurant of approximately 2,800 square feet within the city limits of Kingsville, Texas with an anticipated initial investment of TWO MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$2,800,000.00) (the "Development"). Failure of Company to construct and open both businesses within the City of Kingsville, Texas by January 1,

2018 will result in Company paying all previously waived development fees and expenses, listed more specifically in Exhibit A, to the City by January 31, 2018.

SECTION 5 Default: If either party should default (the “Defaulting Party”) with respect to any of its obligations hereunder and should fail, within fifteen (15) days after delivery of written notice of such default from the other party (the “Complaining Party”) to cure such default, the Complaining Party, by action or proceeding at law or in equity, may be awarded its damages and/or specific performance for such default.

SECTION 6 Mutual Assistance: The CITY and the Company shall do all things reasonably necessary or appropriate to carry out the terms and provisions of this Agreement and to aid and assist each other in carrying out such terms and provisions. The Company hereby consents to and agrees to cooperate in any request by the CITY to obtain information necessary to carry out this Agreement.

SECTION 7 Representations and Warranties: The CITY represents and warrants to the Company that the economic incentives and this Agreement are within the scope of its authority and the provisions of the City’s Charter and that it is duly authorized and empowered to establish the Economic Development Program and enter into this Agreement. The Company represents and warrants to the CITY that it has the requisite authority to enter into this Agreement.

SECTION 8 Hold Harmless and Indemnification: Company agrees to protect, defend, hold harmless and indemnify the CITY, any member of its government body, its officers, employees and agents, from and against any and all claims, actions, liabilities and damages brought by third parties actually suffered by a person or persons and actually arising out of this Agreement.

SECTION 9 Section or Other Headings: Section or other headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

SECTION 10 Attorneys’ Fees: In the event any legal action or proceeding is commenced to enforce or interpret provisions of this Agreement, the prevailing party in any such legal action shall be entitled to recover its reasonable attorneys’ fees and expenses incurred by reason of such action.

SECTION 11 Entire Agreement: This Agreement contains the entire agreement between the parties with respect to the transaction contemplated herein.

SECTION 12 Amendment: This Agreement may only be amended or altered by written instrument signed by the Company and the CITY.

SECTION 13 Successors and Assigns: This Agreement shall be binding on and inure to the benefit of the parties, their respective successors and assigns. The Company may assign all or part of its rights and obligations hereunder only upon prior written approval of the CITY, which approval shall not be unreasonably withheld or delayed. Notwithstanding the foregoing provisions of this section, in the event the Company desires to transfer or assign its rights or obligations hereunder to any entity which is an affiliate of Company, it shall have the right to do so without the consent or approval by the CITY, so long as the Company shall remain responsible and obligated to the CITY for the performance of its obligations under this Agreement.

SECTION 14 Notice: Any notice and/or statement required and permitted to be delivered shall be deemed delivered by depositing same in the United States mail, certified with return receipt requested, postage prepaid, or upon receipt by nationally recognized overnight courier, addressed to the appropriate party at the following addresses, or at such other addresses provided by the parties in writing.

COMPANY: Vinod Builders, Inc.
Attn: Vinod "Vic" Kasan
President
312 W. Nolana Loop
Pharr, Texas 78577
Phone: (956) 961-4678
Fax: (956) 961-4080
Email: vic@ogihotels.com

CITY: City of Kingsville, Texas
Attention: Jesús A. Garza
City Manager
P.O. Box 1458
Kingsville, TX 78364
Phone: (361) 595-8002
Fax: (361) 595-8024
Email: citymanager@cityofkingsville.com

With copies to: Courtney Alvarez
City Attorney
P.O. Box 1458
Kingsville, TX 78364
Phone: (361) 595-8016
Fax: (361) 592-4696
Email: attny@cityofkingsville.com

SECTION 15 Interpretation: Regardless of the actual drafter of this Agreement, this Agreement shall, in the event of any dispute over its meaning or application, be interpreted fairly and reasonably, and neither more strongly for or against any party.

SECTION 16 Applicable Law: This Agreement is made, and shall be construed and interpreted under the laws of the State of Texas, and venue shall lie in state courts located in Kleberg, County, Texas.

SECTION 17 Counterparts: This Agreement may be executed in multiple counterparts, each of which shall be considered an original, but all of which shall constitute one instrument.

EXECUTED this _____ day of _____, 2017.

ATTEST: CITY OF KINGSVILLE, TEXAS

NAME: Mary Valenzuela
TITLE: City Secretary

NAME: Sam R. Fugate
TITLE: Mayor

APPROVED AS TO
FORM:

NAME: Courtney Alvarez
TITLE: City Attorney

DATE: _____

EXECUTED this _____ day of _____, 2017.

ATTEST:

Vinod Builders, Inc.

NAME: _____

TITLE: _____

NAME: Vinod "Vic" Kasan

TITLE: President

DATE: _____

STATE OF TEXAS §

COUNTY OF KLEBERG §

Before me, _____, a notary public on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and known to me to be the Mayor of the City of Kingsville, a municipal corporation, and acknowledged to me that he executed said instrument for the purposes and consideration therein expressed, and as the act of said corporation.

Given under my hand and official seal this ____ day of _____, 2017.

My commission expires: _____

Notary Public

STATE OF TEXAS §

COUNTY OF HIDALGO §

Before me, _____, a notary public on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and known to me to be the Managing Principal of Vinod Builders, Inc., a corporation, and acknowledged to me that he executed said instrument for the purposes and consideration therein expressed, and as the act of said corporation.

Given under my hand and official seal this ____ day of _____, 2017.

My commission expires: _____

Notary Public

EXHIBIT A

**MAXIMUM ANTICIPATED AMOUNTS FOR ECONOMIC DEVELOPMENT FEES TO
BE WAIVED BY CITY FOR COMPANY**

All permit fees below are based on the development cost information that Company provided to City prior to consideration of this Agreement. *The actual amount of the fees listed below will be waived, this is an estimate of the maximum amount of the fees to be waived.* If a fee is not specifically listed below, then Company is to pay the fee. The Water Tapping Fees estimate is based on the highest possible fee for that size development since at this time the size of meter has yet to be determined, so City put the highest amount possible for each and if the actual amounts end up being lower, then there is no further need to modify this Agreement. City is NOT waiving the meter costs; Company is responsible for payment of the meters.

Marriott TownPlace Suites:

Building Permit Fee: \$7,330.24
Plan Review Permit Fee: \$3,665.12
Electrical Permit Fee: \$2,748.84
Mechanical Permit Fee: \$1,832.56
Plumbing Permit Fee: \$1,832.56
Water Tapping Fee: \$1,100
Sewer Tapping Fee: \$375
Misc Fee: \$15

Total: \$18,899.32

Taco Palenque:

Building Permit Fee: \$448
Plan Review Permit Fee: \$224
Water Tapping Fee: \$630
Sewer Tapping Fee: \$375
Misc Fee: \$15

Total: \$1,692

Grand Total: \$20,591.32