

City of Kingsville, Texas

AGENDA CITY COMMISSION

MONDAY, JULY 24, 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 – June 26, 2017

Regular Meeting - July 10, 2017

APPROVED BY:


Jesús A. Garza
City Manager

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

1. None.

III. Reports from Commission & Staff.²

"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, 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, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Legislative Update, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation. No formal action can be taken on these items at this time."

IV. Public Comment on Agenda Items.³

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

V.

Consent Agenda

Notice to the Public

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2016-2017 Budget to accept and expend donations for Parks and Tourism Departments. (Finance Director).
2. Motion to approve accepting a donation of \$400 from the South Texas Quail Coalition for the Parks Department. (Parks Director).
3. Motion to reappoint Mr. Octavio X. Alvarez and Dr. Carol J. Tipton to the Library Board for three year terms. (Library Director).
4. Motion to reappoint Mr. Mike Klepec to the Planning & Zoning Commission for a two year term. (Director of Planning & Development Services).
5. Motion to approve out-of-state travel for up to two Police Officers to St. Joseph, Missouri in 2017 for homicide case investigation and related court matters. (Chief of Police).
6. Motion to approve a revised resolution accepting funds for Operation Stonegarden with the Homeland Security Grants Division of the Governor's Office for local border security to interdict criminal activity with no anticipated cash match, authorizing the Chief of Police to act on the City's behalf with such program. (Chief of Police).
7. Motion to approve final passage of an ordinance amending Chapter VII, Article 8, Traffic Control Devices, providing for the installation of stop signs on West Avenue D at its intersection with North 4th Street and on North 4th Street at its intersection with West Avenue D. (Engineering Department).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

8. Consider resolution authorizing the City Manager to enter into a Contract for Professional Services between City of Kingsville and LNV, Inc. for Engineering Services for Preliminary Engineering Report and Environmental Narrative for Street, Drainage, and Utility Infrastructure Improvements under Economic Development Administration's Public Works Assistance Program. (Capital Improvements Manager).
9. Consider resolution authorizing the City Manager to enter into an Interlocal Agreement between the City of Kingsville and the Kingsville Independent School District relating to Emergency Management. (Fire Chief).

10. Consider awarding roof repairs for Public Works buildings to Parsons Commercial Roofing, Inc. via TIPS Purchasing Cooperative, as per staff recommendation. (Purchasing Manager).

11. Consider a Chapter 380 Economic Development Agreement with Shabir Shah for alley improvements behind 809 W. King Avenue for new proposed commercial site at the location. (Director of Planning & Development Services).

12. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 Budget to accept and expend donation for the Parks Department. (Parks Director).

13. Consider a resolution authorizing the City Manager to enter into Amendment Three 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).

14. Consider writing off uncollectible ambulance billings as per consultant's recommendation. (Finance Director).

15. 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).

VII. Adjournment.

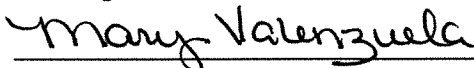
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

July 21, 2017 at 11:30 A.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.



Mary Valenzuela, TRMC, City Secretary

City of Kingsville, Texas

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

By: _____

City Secretary's Office
City of Kingsville, Texas

MINUTES OF PREVIOUS MEETING(S)

JUNE 26, 2017

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JUNE 26, 2017 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 6:00 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
Diana Gonzales, Human Resources Director
Charlie Cardenas, Public Works Director/Engineer
Kyle Benson, IT Manager
Sharam Santillan, Capital Projects Manager
Israel Vasquez, Facility Maintenance Manager
Emilio Garcia, Health Director
Jason Alfaro, Parks & Rec Director
Derek Williams, Systems Specialist
Adrian Garcia, Fire Chief
David Solis, Risk Manager
Bill Donnell, Asst. Public Works Director
Deborah Balli, Finance Director
Jennifer Bernal, Community Appearance Supervisor
Frank Garcia, Wastewater Supervisor
Richard Flores, Golf Course Manager
Susan Ivy, Parks Manager
Charlie Sosa, Purchasing Manager
Corina Gonzales, Administrative Assistant
Ricardo Torres, Police Chief
Stephanie Whittington, Administrative Assistant

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 6:00 P.M. with all 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 – June 12, 2017

Motion made by Commissioner Pecos to approve the minutes of June 12, 2017, seconded by Commissioner Lopez. 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 regarding condemnation proceeding for structures located at 426 E. Alice, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate announced and opened Public Hearing #1 at 6:03 P.M.

Mr. Ginter announced that at the last City Commission meeting, the Commission approved to give the property owner a 90 day extension on this property. As of today, no permits have been obtained or work on the structures.

Mayor Fugate asked if anything has changed with the property or anyone spoken to staff regarding this property.

Mr. Ginter responded no.

Mayor Fugate further asked if the property was still without water? Mr. Ginter responded yes.

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

No comments were made from anyone in the audience.

City Attorney, Courtney Alvarez reported that for the record it does show where there was an update inspection that was done by the City Inspector on June 6, 2017. The inspection report shows that the property is still unsecured and is still hazardous as well as not having water since May 10th of last year. All proper notices were sent to the property owner. Additional photographs were taken that continue to show that the shed is without walls and being held up by poles. This condemnation is for both the house and the shed.

There being no further comments, Mayor Fugate closed this public hearing at 6:05 P.M.

2. Public hearing regarding condemnation proceeding for structures located at 404 W. Richard, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate announced and opened Public Hearing #2 at 6:05 P.M.

Mr. Ginter announced that Mr. Gonzales, owner of the property, called him and told him that he would not be able to make the meeting tonight. Ginter then read an email he received from Mr. Gonzales. The email read: Mr. Ginter, I Joel Gonzales owner of property 404 W. Richard received a notice stating that the City of Kingsville will hold a meeting on June 26, 2017 where the Commission will recommend for demolition the property stated above. I have plans on repairing the property making it livable and safe for rental or for sale. Unfortunately I haven't been able to repair the property because of not having the financial means to do so as work has been slow this past year. Things are looking better for my job and I plan on starting repairs on my property in the months to come. I am asking for additional time to start repairs and ask the commission to allow for more time to make repairs. Please feel free to contact me at the number or email listed on this email...end of email.

Mrs. Alvarez reported that the prior building official also inspected this property back on October 11, 2012 and notice was sent to Mr. Garza who on November 7, 2012 sent a letter that he intended to repair the property. Photographs from March 2013, March 2015, April 2017, and June 2017 all show that the property is continuing to deteriorate. Photos taken on June 6 show that the roofing has a hole in it as well as holes in the exterior walls and has the doors open as well as missing the electric meter. This

property has been without water since January 2006, for eleven (11) years this property has been without water.

Mr. Garza asked how long the current owner has owned the property. Mr. Ginter responded that the current owner has owned the property for about six months.

Commissioner Pena asked who is Mr. Garza. Mr. Ginter commented that Mr. Garza was the previous owner of the property.

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

There being no further comments, Mayor Fugate closed this public hearing at 6:09 P.M.

3. Public hearing regarding condemnation proceeding for structures located at 425 E. Kenedy, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate announced and opened Public Hearing #3 at 6:09 P.M.

Mr. Ginter reported that he has had no contact with anyone regarding this property.

Mrs. Alvarez commented that the building official has inspected this property. Reports will show that the property is hazardous and unsecured. No water service since April, 2017. The remarks in the appraisal roll state that there is no roof, doors, broken windows and missing flooring and walls. The building official did send the required notices.

Commissioner Lopez asked if this property has had two owners as well.

Mrs. Alvarez responded that it was initially owned by Mrs. Nielson's Estate and obtained by another property owner.

Commissioner Lopez then asked who Anna Alarcon was. Mrs. Alvarez responded that this is also a prior property owner, and they have both received notices.

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

Erica Noell, owner of 425 E. Kenedy, commented that she purchased this property about six months ago. She plans on remodeling the home next year.

Commissioner Garcia commented that the photos in the information packet are from 2015 and very little for 2017. Garcia further asked that with the combination of photos, the conditions remain the same with no improvements.

Mrs. Alvarez reported that there was another inspection done on April 17th. Notice letters went out that same day. Photos are from April 23, 2015 and June 1, 2017. Photos will show that the placard has been placed on the property. This property has had no water service since April 2017.

Commissioner Lopez asked if this owner has been notified.

Mrs. Alvarez responded that notice letters have been sent to her.

Commissioner Lopez asked if notices were sent by certified mail.

Mrs. Alvarez commented that notices are sent certified and regular mail as well as publish a notice in the local newspaper and post placards at the property.

Commissioner Pena asked why the property had water in April.

Ms. Noell commented that she has not had water service at this property.

Commissioner Garcia asked the property owner when she received notification.

Mrs. Noell stated that she was notified by her gardener that there was a notice posted in front of the property on June 1st. He then took a picture of the placard and forwarded it to her.

Mayor Fugate commented that this property owner has had this property for six months and has not done any improvements to the property. Fugate commented that this is something that irritates him because these land owners wait until the last minute to do anything and request for the Commission to give them more time. He commented to the property owner that when she purchased the property six months ago, she should of done some improvements immediately.

Mrs. Noell commented that she tried to level the house and work on the roof but the individual she hired to do the work, took the money and didn't do the work. She paid half and still has the contract with him. She has taken him to court and has filed a police report as well, but the contract states that it has to have an end date. Since the contract only has the start date but no end date, means that the contract is still open. This means that they can come back at any time and finish the project. Therefore, the police cannot do anything before that.

Mayor Fugate asked who she had hired to do the work. Mrs. Noell responded that she hired John Alarcon. She stated that she has taking him to court but unfortunately they weren't able to locate him.

Commissioner Garcia asked that even though she got defrauded, does she have additional funds to continue the repairs.

Mrs. Noell responded that she has someone that will help her in replacing the roof. She will have to pay half and then pay him monthly until full payment is made.

Commissioner Garcia further asked if plans have been submitted to the City with a permit for every requirement.

Mrs. Noell responded that she hasn't done that yet. She was told that most important is leveling the house and redo the roof. The individual that is going to work on the roof will also obtain the permit.

Commissioner Garcia asked staff if there has been a permit pulled for this property.

Mr. Ginter responded that not to his knowledge.

There being no further comments, Mayor Fugate closed this public hearing at 6:19 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, 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, **Emergency Management**, 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, **Wastewater***

Treatment Plant, Water And Wastewater Rate Study Presentation. No formal action can be taken on these items at this time."

City Manager, Jesús Garza reported that during tonight's meeting, there will be two presentations made, one on Emergency Management and the other on the Wastewater Treatment Plant. Garza further mentioned that ground breaking will begin tomorrow for the Skate Park. This project should take about three months.

Mr. Garza presented the Employee of the Month Certificates for the months of April and May. The April certificate was awarded to Stephanie Whittington, Administrative Assistant for Public Works and the May certificate was awarded to Corina Gonzales, Administrative Assistant to the Police Chief.

City Attorney, Courtney Alvarez, reported that the next City Commission meeting is scheduled for July 10th with a deadline to submit items for this agenda being on Friday, June 30th.

Mayor Fugate reported that he had received a phone call from Dr. Ugarte, physician for Mr. Leo Villarreal stating that Mr. Villarreal, spokesperson for Victoria Avalos who is requesting a rezone, was admitted into the hospital for medical reasons. Mayor Fugate asked that if there weren't any objections from the City Commission, he is requesting that no action be taken on agenda item #11 (rezone) and it be placed on the next agenda, July 10th. No objections were made by the City Commission.

Mr. Garza commented that before Mr. Mike Shelton of Kimley Horn makes his presentation, he would like to recap on how the City has gotten to this point. Garza stated that back in January 2016, LNV Engineering made a presentation to the City Commission regarding the capacity situation at the South Plant. In this presentation it was communicated to the City that we would need to be looking at options for expansion. Due to TCEQ requirements, that were requiring us to start planning at certain percentages and construction by other percentages. After that meeting the city started exploring different options and through the process several months later, the engineering firm retracted their presentation and provided different figures. At this point, the city decided to get an independent third party opinion on the capacity for the Plant. Garza further commented that over the last year, the city continues to do its due diligence and have explored different options ranging from doing what LNV suggested, which was contract with the engineering firm to ranging meeting with various contracting companies. He mentioned that at one point Schneider gave a presentation in the Spring to the Commission detailing some of their initial assessments. Garza commented that we know something needs to happen but the big questions are when, to what degree. For those answers, staff hired Kimley Horn to do the capacity study for the city, which is what Mr. Mike Shelton will be presenting tonight.

Mr. Mike Shelton of Kimley Horn reported that the South Wastewater Treatment Plant Capacity Report will show what is the current capacity, what corrective actions are recommended, what is the current loading, what is the projected loading, and is expansion required. Some plant history is, original plant is from 1977. Modifications to the plant were done in 1994. The FM 1717 Lift Station is from 2005 and modifications done in 2012. What is the current capacity? Permitted flow 1.0 million gallons per day on annual average. Maximum two hour peak flow 2,756 gpm. A computer model called Biowin looks at the biological chemical physical processes of the plant to rebuild the plant and reverse engineer its design in the computer. Four years of data are taken input all the facts and figures in the computer system, calibrate it and use that to determine a plant is not one thing, a plant is a series of systems that are put together connectively. He's company

looked at the lift station, the clarifier, the digester, ultra violet disinfection and the solids handling. From an average flow, there is a limitation in the existing plant in the digesting system. From a peak flow, which is important to the permit, the headworks the lift station and the digester are also limited. Shelton stated that they also took a look at a separate computer model to talk about the in-peaks scenario. There are some limitations with the effluent piping and freeboard in some of the chambers. This is important because if works is done on this Plant it must be brought up to current state code. He summed it up as follows, the current capacity is 1mgd, the hydraulic model shows that there is more than 1mgd available, but because of the digester, the current Plant is limited in terms of its capacity to meet that requirement. Mr. Shelton continued with his power-presentation which consisted of charts/graphs showing infiltration and inflow at the Plant. Mr. Shelton wrapped up his presentation by stating that when it comes to the Texas State requirements on expansion there are two rules, the 75% rule and the 90% rule. At 75% by law the City needs to begin the design for expansion. At 90%, construction needs to be underway. At this time, as it is seen with taking into account recalibration of the meter, it is seen that the city is at 70% of the permitted flow. Shelton commented that the answer to the question, is expansion required, no, not today. He further commented that the City has a very small amount of capacity. Should the city have more development in the South area, the city will rapidly eat up that capacity and moving on to the requirement to begin design for expansion of this Plant.

Mr. Garza recapped on the presentation. He commented that the southern part of town would be the area for growth. There are a number of factors that may help spur that growth such as the expansion of I-69, the emphasis that staff has with Dick Kleberg Park, corridor of the highway and General Cavazos which will be getting hotels and restaurants. Garza stated that even though the City is at 70% of the permitted flow, it is his recommendation that the City still proceed at looking at options soon. Garza commented that it is important for the City to be proactive and look at options to not only make the operation more modernized and efficient but also make some improvements that will create greater capacity.

Fire Chief Adrian Garcia made a presentation on Emergency Management. Chief Garcia reported that in March 2016, the Emergency Management Coordinator position was assigned to the Fire Chief from the Risk Management Office. In May 2016, Kingsville had a tornado/flooding event which created the following challenges, updating annexes, sheltering, and documentation. Threat assessment was conducted through a four step process: identified 14 threats based on historical and current events, give the threat and hazards context, establish desired outcomes and apply results. Actions that have been taken are as followed: ten annexes have been updated, engaged external stakeholders, Memorandum of Understandings with agencies to improve city wide response, identified personnel positions and training within the EOC, and identified EOC location. The proposed EOC location would be located in the Volunteer Fire Department building (Annex Building). Having a functional EOC will improve effectiveness and efficiency of city staff performing duties prior, during, and after planned and emergency events. Staff will also utilize the Helen Kleberg Groves Community Room for press releases, policy group, and high level city/state/federal leaders. Chief Garcia further mentioned the positions that each staff member would be filling in the case the EOC is to be activated.

IV. Public Comment on Agenda Items.³

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

No public comments made.

V.

Consent Agenda

Notice to the Public

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

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

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

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

- 1. Consider final passage of an ordinance amending Chapter III-Administration, Article 3-Departments, Boards, & Commissions, by adopting Sections 3-3-120 through 3-3-130, providing for creation of a Main Street Advisory Board, terms for members, meetings, quorum and voting at meetings, removal and vacancy. (Director of Planning and Development Services).**
- 2. Consider final passage of an ordinance amending Chapter III-Administration, Article 3-Departments, Boards, & Commissions, by adopting Sections 3-3-140 through 3-3-150, providing for creation of a Parks Advisory Board, terms for members, meetings, quorum and voting at meetings, removal and vacancy. (Director of Parks and Recreation).**
- 3. Consider final passage of an ordinance amending the Fiscal Year 2016-2017 Budget to increase vehicle maintenance in the Sanitation Division. (City Engineer/Public Works Director).**
- 4. Consider final passage of an ordinance amending the Fiscal Year 2016-2017 Budget to increase wastewater utility plant maintenance. (City Engineer/Public Works Director).**
- 5. Consider final passage of an ordinance amending the Fiscal Year 2016-2017 Budget for additional vehicle maintenance in the Fire Department. (City Engineer/Public Works Director).**
- 6. Consider out-of-state travel for Mayor Fugate to go to Washington, D.C. at the end of June or July 2017 on city business. (Mayor Fugate).**
- 7. Consider out-of-state travel to the National League of Cities' City Summit in Charlotte, North Carolina from November 14-19, 2017 for City Commission and staff. (Commissioner Garcia).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

- 8. Consider condemnation of structures located at 426 E. Alice, Kingsville, Texas. (Director of Planning & Development Services).**

Mayor Fugate commented that this item was on a 90 day extension. He has spoken with family members the last time this item was on the agenda and they needed to show effort in making repairs to this property. Fugate stated that what is different in this situation is that these people have the money to make the necessary repairs and bring it up to code. Fugate stated that after the last meeting he spoke to some of the staff members and when they did their inspection they came across that this property has had no water service for one and a half years and there is human feces on the ground. Fugate further commented that we as a City needs to decide which direction we are going and what kind of a town we want; they have had their chance.

Commissioner Pena commented that he has looked at all the information provided by staff and unfortunately we are looking at two properties one is the back side of the property and the home. In his opinion, the home looks to be livable. This property has a good roof as well. Pena stated that he doesn't see a problem with demolishing the back part but when you look at the home, in his opinion the house still looks good; for this reason he is not able to vote to demolish this property.

Mayor Fugate commented that he appreciates Commissioner Pena's concerns and comments regarding the house but the people he feels sorry for is the neighbors that have to deal with this situation. This property has had no water service for quite a while, and to allow these people to continue to do what they are doing, as a community they can't do this, they have had their opportunity.

Commissioner Pena commented that he doesn't disagree with the Mayor's comments but feels that the structure itself is still livable.

Mrs. Alvarez asked that when the Commission makes a motion, to be clear on the motion as to both structures or only one structure, and if one, which structure would be condemned.

Commissioner Lopez commented that she agrees with Commission Pena regarding the house as still be in good condition and livable, but the structure in the back is what is in bad condition. Lopez further commented that it is difficult to vote on demolishing a structure like this when you go see other structures and they are worse than this one.

Commissioner Pecos commented that he is in favor to demolish the house as the Commission has given this family three opportunities to get this property in order. He doesn't feel that there is anyone here today in favor of saving their home, so he is assuming that they have given up and the Commission needs to do what they have to do, the law is the law. Pecos further commented that we have codes and have to be fair with everyone; the house in the front is looks livable, but if you look on the sides, you can see that the house needs a lot of repairs. After giving them 90 day extension, it clearly shows that they didn't really care to do anything about the property.

Motion made by Commissioner Pecos to condemn the property.

Mrs. Alvarez commented that if his motion was to include the house and the shed.

Commissioner Pecos responded, everything.

Commissioner Pecos continued with his motion.

Motion finding not able to repair building or structure is unsafe and present condition is a violation of ordinances and cannot be correct without substantial reconstruction; then declare the building or structure to be a public nuisance and order its demotion by owner/agent/person in charge within 30 days; city shall abate in any manner it deems necessary and proper, seconded by Commissioner Garcia.

Commissioner Garcia asked how long has the city been dealing with this property.

Mr. Garza responded that specifically to the condemnation, it was over a year ago that the most recent condemnation came to Commission, with this, it has been mentioned that they have 90 days, but there was condemnation that came over a year ago, so it has been more than 90 days.

Commissioner Lopez commented that her concern is that someone is living there and has been living there under these conditions.

Mrs. Alvarez commented within violation of the code.

Commissioner Lopez further commented that she understand but he's been living there and she can't do that and this is her opinion.

Mrs. Alvarez asked if there was proof that he was living in the house or living in the RV that is illegally on the property.

Commissioner Lopez commented that he is living in the house.

Commissioner Garcia commented that even if a person is living in the house, you have to have water and electricity. It is unhealthy to be living like this and as they Mayor alluded to the neighbors have been dealing with this for a number of years, this didn't happen overnight.

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

9. Consider condemnation of structures located at 404 W. Richard, Kingsville, Texas. (Director of Planning & Development Services).

Mr. Garza commented that this property had new ownership within a year and to reiterate Mr. Ginter's point, the owner did reach out stating that he was not able to make it in today and is requesting additional time.

Commissioner Pecos asked if this property had a current owner.

Mr. Garza commented that as he was briefed, this property owner has had this property for less than a year. Even though the violation letters date longer than that, the specific owner was not the original owner when these notices were mailed.

Commissioner Lopez asked if permits have been pulled for this property.

Mr. Ginter commented that no permits have been pulled.

Commissioner Lopez asked if the owner has owned this property for six months.

Mr. Ginter responded that the owner took ownership of the property about a year ago May 2016.

Mayor Fugate asked Mrs. Alvarez if this was the second time this property has come to the Commission, with a previous owner.

Mrs. Alvarez responded that it is the first time with this owner, but it did come up with a prior owner.

Commissioner Garcia asked if any building permits have been obtained.

Mr. Ginter responded that his guess is that he is waiting for the Commission's decision, but no permits have been obtained.

Mayor Fugate commented that the citizens need to understand that it's the wrong message you send to this Commission. Citizens need to show the Commission that they are trying to do something with their property and to wait to see what the Commission decides to do, is wrong.

Commissioner Lopez asked if the property owner just recently contacted staff regarding this property and no other contact had been made prior. Mr. Ginter responded no other contact was made prior. Lopez further asked how many letters are sent to the property owners before bringing the item to the Commission. Mr. Ginter responded that there is a letter sent certified, one sent by regular mail, a placard is placed on the property and notice is published in the local newspaper.

Mr. Garza commented that he is inclined to recommend an extension.

Motion made by Commissioner Lopez to give an extension of 90 days to the property owner, seconded by Commissioner Garcia.

Commissioner Pecos commented that he doesn't feel that the property owner will be able to repair this property in 90 days.

Mayor Fugate commented that he understands that it cannot be done in 90 days, but what the Commission is looking for is action. Someone needs to tell this property owner that the worse thing he can do is to wait and see what the Commission's decision will be.

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

10. Consider condemnation of structures located at 425 E. Kenedy, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate commented that he is sorry that this property owner was taken advantage by these contractors and he hopes that the contractor that his assisting the property owner now is going to treat her right.

Motion made by Commissioner Pena to extend this condemnation for 90 days, seconded by Commissioner Lopez.

Commissioner Garcia asked the property owner if she stated earlier that work would begin in a year.

Ms. Noell responded that work would begin in six months.

Commissioner Garcia requested that the motion be amended to extend for six months instead of 90 days.

Commissioner Pena amended his motion to six month extension, seconded by Commissioner Lopez. The motion was passed and approved by the following vote; Lopez, Pena, Pecos, Garcia, Fugate voting "FOR".

11. Consider final passage of an ordinance amending the zoning ordinance by changing the zoning in reference to KT&I Co., Block 7, Lot W/23, Pt 4, 31.55 acres, also known as area behind 221 W. Sage Road from R1-Single Family to AG-Agriculture District, applicant Victoria Avalos. (Director of Planning and Development Services).

No discussion or action taken.

12. Consider a resolution authorizing participation in and acceptance of funds from the 2018 Operation Border Star Program with the Homeland Security Grants Division of the Governor's Office for Local Board Security to interdict criminal activity with no anticipated cash match, authorizing the Chief of Police to act on the City's behalf with such program. (Chief of Police).

Motion made by Commissioner Pena to approve this resolution authorizing participation in and acceptance of funds from the 2018 Operation Border Star Program with the Homeland Security Grants Division of the Governor's Office for Local Board Security to interdict criminal activity with no anticipated cash match, authorizing the Chief of Police to act on the City's behalf with such program, seconded by Commissioner Lopez and Commissioner Garcia. The motion was passed and approved by the following vote: Pecos, Garcia, Lopez, Pena, Fugate voting "FOR".

13. Consider a resolution authorizing the Mayor to execute an Agreement for Payment In Lieu of Taxes (PILOT) between the City of Kingsville and the Housing Authority of the City of Kingsville. (City Manager).

Motion made by Commissioner Garcia to approve this resolution authorizing the Mayor to execute an Agreement for Payment In Lieu of Taxes (PILOT) between the City of Kingsville and the Housing Authority of the City of Kingsville, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Garcia, Lopez, Pena, Pecos, Fugate voting "FOR".

14. Consider appointment of members (Frank Benvenuto, Chris Mahr, Jeff Chavez, Dyan Lopez Garza, Michelle Spearman, and Gloria Bigger Cantu) to the Main Street Advisory Board for two-year terms. (Director of Planning & Development Services).

Motion made by Commissioner Garcia to approve the appointment of members (Frank Benvenuto, Chris Mahr, Jeff Chavez, Dyan Lopez Garza, Michelle Spearman, and Gloria Bigger Cantu) to the Main Street Advisory Board for two-year terms, seconded by Commissioner Lopez and Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Pena, Pecos, Garcia, Fugate voting "FOR".

15. Consider a change order to increase the scope of work for the Concrete Pavement Improvement Project Phase VI. (Capital Projects Manager).

Capital Improvements Manager, Sharam Santillan, commented that this item authorizes the approval of a change order to the Concrete Pavement Improvement Project Phase VI that consists of additional work added to the project scope. On January 26, 2017, the City of Kingsville awarded the Concrete Pavement Improvement Project Phase VI contract to E-Tech Construction, Inc. in the amount of \$178,445.50. The project consists of the construction of concrete pavement at the 4th St and Richard Ave intersection, behind the Kleberg drive-in bank on W. Kenedy Ave and on 10th St and Yoakum Ave by Fire Station #1. The original project scope for improvements near Fire Station #1 consisted of a sixty-foot concrete street section on Yoakum Ave that encompasses the two bays for the fire engines. This change order will allow the concrete-street section to be extended ten feet which will then encompass the third bay for the EMS engine. This change order also includes improvements to the driveway at fire station #1 to allow storm water to drain properly as well as sidewalk that was not able to be salvaged during construction due to the condition that it was in. The financial impact is an addition of \$39,100.00 for a total revised project price of \$217,545.50.

Motion made by Commissioner Lopez to approve a change order to increase the scope of work for the Concrete Pavement Improvement Project Phase VI,

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

16. Consider accepting donation from the South Texas Specialized Crimes and Narcotics Task Force in the amount of \$2,500 for the Parks & Recreation Department healthy/anti-drug programming. (Parks & Recreation Director).

Motion made by Commissioner Garcia to accept donation from the South Texas Specialized Crimes and Narcotics Task Force in the amount of \$2,500 for the Parks & Recreation Department healthy/anti-drug programming, seconded by Commissioner Lopez and Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Garcia, Lopez, Pena, Fugate voting "FOR".

17. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 budget to accept and expend donation from the Task Force for the Parks Department. (Parks & Recreation Director).

Introduction item.

18. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 budget to create a contingency fund for an investment grade audit. (City Manager).

Introduction item.

19. Consider authorizing acquisition of mowers for Golf Course via BuyBoard and a resolution authorizing the City Manager to enter into a Master Equipment Lease-Purchase Agreement and related documents for mowing equipment for the Golf Course. (Parks & Rec Director).

Mr. Jason Alfaro, Parks & Recreation Director stated that this item authorizes the trade-in of one 322 Eclipse Johnson Hybrid Greens Mower to be replaced by two Jacobson Four Hydraulic driven Greens Mower attachments. Alfaro gave a quick background on the equipment. He stated that the City of Kingsville Golf Course used the Jacobson 322 Eclipse Johnson Hybrid Greens Mower from C&M Golf Equipment. The Eclipse has not been functioning properly due to specific mechanical needs. Service calls and warranty issues has had C&M come by and pick up the unit and taking it to San Antonio. This left the Golf Course facility without a greens mower for two weeks. The financial impact on the city is the current payment of \$2,289.63 and that will be reduced to \$1,990.49 per month for a six year term.

Motion made by Commissioner Pena to authorizing acquisition of mowers for Golf Course via BuyBoard and a resolution authorizing the City Manager to enter into a Master Equipment Lease-Purchase Agreement and related documents for mowing equipment for the Golf Course, seconded by Commissioner Lopez.

Mayor Fugate asked when the equipment will be delivered.

Golf Course Manager, Richard Flores stated that paperwork will be submitted the next day and should be delivering by the end of this week.

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

20. 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).

Executive Session not needed.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:35 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, City Secretary

JULY 10, 2017

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JULY 10, 2017 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 6:00 P.M.

CITY COMMISSION PRESENT:

Sam Fugate, Mayor
Edna Lopez, Commissioner
Arturo Pecos, Commissioner
Noel Pena, Commissioner

CITY COMMISSION ABSENT:

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
Diana Gonzales, Human Resources Director
Kyle Benson, IT Manager
Sharam Santillan, Capital Projects Manager
Israel Vasquez, Facility Maintenance Manager
Emilio Garcia, Health Director
Jason Alfaro, Parks & Rec Director
Derek Williams, Systems Specialist
Adrian Garcia, Fire Chief
David Solis, Risk Manager
Bill Donnell, Asst. Public Works Director
Charlie Sosa, Purchasing Manager
Robert Rodriguez, Library Director
Ricardo Torres, Police Chief

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 6:04 P.M. with four Commission members present. Commissioner Garcia absent from the meeting.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

None.

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

1. None.

III. Reports from Commission & Staff.²

“At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of

*Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, 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, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, **Legislative Update**, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation. No formal action can be taken on these items at this time."*

Mayor Fugate read and presented a proclamation for Parks & Recreation Month to Mr. Jason Alfaro, Parks & Recreation Director.

City Attorney, Courtney Alvarez reported that the next scheduled meeting is scheduled for Monday, July 24, 2017. Deadline to submit agenda items for this meeting is Friday, July 14, 2017. Mrs. Alvarez gave a brief update on the 85th Legislative Session and the bills that have been approved that will effect cities. Alvarez announced that there were 214 bills that impacted cities in some way. Only ten of those bills were vetoed by the June 19th deadline, so there are currently 204 bills that have been approved that impact cities. Some bills are rather minor and other are obscured more than usual and some are more significant. Most of the bills will not takes effect until September 1st. There are a few that will be in effect immediately. Alvarez further reported that there was one bill that was approved that will require a vote on the State Ballot for November 7th. This bill would be for a property tax exemption for the surviving spouse of a first responded that was killed or fatality injured in the line of duty. Alvarez mentioned that there has been a special session called where they will discuss items that did not have time for consideration during the regular session. The Governor has selected twenty items for the July 18th Special Session and eight of those twenty items directly impact cities which could be very harmful and negative. The major things they are looking at are property taxes, revenue and spending caps, annexation, and other methods to preamp local control. Of the 204 items that were passed and impact cities, you have nineteen bills that effective property taxes, five that effected sales taxes, seven that effected purchasing, fourteen effected elections, fifteen open government, forty bills that effected financial and administrative things, sixteen impacted Municipal Courts, eight impacted community and economic development, nine dealt with personnel matters, forty-two bills impacted public safety, thirteen bills impacted transportation, and twenty-six bills impacted utilities and the environment. With regards to some the mentioned items, House Bill 89, Purchasing, says that after September 1st any contract that a State or Local Government entity enters into with a vendor must a include a provision that states that the vendor is not currently nor will in the future boycott Israel. They passed House Bill 100 that preamps a city's ability to regulate a transportation company such as Uber and Lift, now it will only be the State regulating those companies as of September 1st.

Mayor Fugate asked about Taxi provisions. Mrs. Alvarez responded that this was different than what they call these transportation companies.

Mrs. Alvarez continued with her update stating that the Legislators passed a bill regarding Drones as well as automated cars. They also passed several bills that require law enforcement officers to have additional training in various areas. Some of the training will be developed by TCLEOSE but they will not provide cities with any money for the training. Senate Bill 4 regarding immigration was also passed of which part of the bill is being

contested in court. Senate Bill 1004, which allows vendors to install small cellular equipment and towers in cities right-of-way's without allowing the city a lot of discretion. Alvarez further reported that there were a lot of other bills that will require tweak a few of our ordinances between now and September 1st.

IV. Public Comment on Agenda Items.³

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

Mr. Lance Hamm, 912 South Creek, commented that regarding the agenda item on tonight's meeting dealing with the speed limit control on the highway, he looked at the map that TXDOT proposed it has him wondering was it an oversight, stupidity, or was it vengeance against him and the people at South Creek Subdivision. The speed limit that they are proposing is 60mph from over the General Cavazos overpass all the South to the Escondido bridge. Hamm further commented that there are only 2/10th of a mile from the bridge to the southern city limit that doesn't encompass the new 60mph speed limit which is crazy, 2/10th of mile. Hamm further commented that people will now be speeding up going over the bridge approach the South Creek Subdivision and see the 75mph speed limit, which increase their speed limit even more, so their speeding up while we are slowing down to turn into the South Creek Subdivision. Hamm stated that for him, TXDOT is an idiot. Hamm further commented that the lack of information in the agenda packet for this agenda item, nowhere did he see nothing about the Kingsville City Ordinance that calls for 55mph for this highway. There is nothing in the packet that show the resolution that the City Commission signed two years ago asking for 55mph speed limit. There is nothing on the TXDOT resolution that says why they are doing at 60mp. They are doing it because the crash rate is higher at that intersection then the State average. Hamm stated that it is important for the people to know why TXDOT wants to go to 60mph. Hamm also commented that with regards to the rezone on Sage Road, it is his understanding that the Planning & Zoning Board voted 2-2 on this subject, which is a denial, and if this is the case, isn't the City Commission's duty to vote 3/4th's vote to overturn the Planning & Zoning Board. Hamm says he thinks it's the right thing. Hamm also commented that he has a question about Commissioner Pena's employer/employee relationship with one of the Lawyers in the ordinance, does Commissioner Pena need to recuse himself for conflict of interest, he's not sure, he's just bringing it up. Hamm stated that these are some things that are important in rezoning for the City of Kingsville.

V.

Consent Agenda

Notice to the Public

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

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

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

Mayor Fugate requested that agenda item 2, on the consent agenda, be removed from consent and placed under the regular section of the agenda for discussion.

No objections were made from the City Commission regarding Mayor Fugate's request.

Motion made by Commissioner Pena to approve the consent agenda as amended to approve only item #1, seconded by Commissioner Lopez and Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Pena, Pecos, Fugate voting "FOR".

1. Consider final passage of an ordinance amending the Fiscal Year 2016-2017 budget to accept and expend donation from the Task Force for the Parks Department. (Parks & Recreation Director).

2. Consider final passage of an ordinance amending the Fiscal Year 2016-2017 budget to create a contingency fund for an investment grade audit. (City Manager).

Mayor Fugate commented that reason for removing this item from the consent agenda was to discuss that staff is going to spend \$175,000 on a study. He stated that he recalls this coming up about a year ago and one of the questions he had was if it's a capacity issue, which it was, what can the city do to divert some of our wastewater to out North Plant that is underutilized, which the North Plant is nowhere close to maximum capacity. Fugate stated that he understands that its anywhere from 40 to 50% and we are at 70% at the South Plant. Fugate further commented that he suspects that the City will get a plan that the City will not be able to afford, therefore, he is not prepared to do this at this time. Mayor Fugate asked that if there aren't any objections from the Commissioners present, he would like to not take action on this item in order to give staff the opportunity to come back with a study and show the Commission whether or not it is possible to divert and use our North Plant more efficiently.

No objections were made from the Commissioners, therefore no action was taken on this item.

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consider final passage of an ordinance amending the zoning ordinance by changing the zoning in reference to KT&I Co., Block 7, Lot W/23, Pt 4, 31.55 acres, also known as area behind 221 W. Sage Road from R1-Single Family to AG-Agriculture District, applicant Victoria Avalos. (Director of Planning and Development Services).

Commissioner Pena commented that after a discussion he had with the City Attorney, she does not believe that there is a conflict of interest therefore he will recuse himself from this particular matter.

Mayor Fugate commented that this was brought to his attention today and he knows that Commissioner Pena works for Kenedy County not Mr. Villarreal, Judge Turcotte is his employer, but if Commissioner Pena wants to recuse himself from this item, it is his call.

Commissioner Pena commented that it is his call and technically he's in the picture as well so for appearance purposes it is best that he recuses himself from this situation.

Attorney Leo Villarreal, representative for Victoria Avalos, commented that he would like to submit seventeen letters that were signed by citizens, in support of the rezone, that reside in the area where the rezone is being requested.

Letters were submitted to the City Secretary.

Mrs. Alvarez commented that she would like to make a point of clarification. Section 15-6-4(a) of the City of Kingsville Code of Ordinances states that a three-fourths vote of the members of the City Commission would be necessary to overrule a recommendation of

the Planning & Zoning Commission (P&Z) that a proposed amendment, supplement or change be denied. Since this item was not approved by P&Z, it was denied, the three-fourths vote would be four out of the five members, and being that we have Commissioner Garcia absent from this meeting and now we have a recusal.

Mayor Fugate asked that if all three Commissioners voted in favor it would still fail.

Mrs. Alvarez responded yes.

Mayor Fugate asked if the audience understood, that it would need to be a Super Majority vote which is a four-fifths of a vote. Mrs. Alvarez responded that this was correct.

Mayor Fugate commented that if Commissioner Pena recuses himself Commissioner Garcia has to be here to have four people to vote.

Mrs. Alvarez responded yes, to be eligible to vote. Alvarez further commented that she believes that at least two Commission members will not be present during the July 24th meeting, therefore this item would probably come back in August.

Commissioner Lopez asked if this number was for the number of the Commission, not the people that are present during tonight's meeting.

Mrs. Alvarez responded that it is for the number of the Commission.

Mayor Fugate commented that the Commission has had this issue before, this is not the first time. You have to have four people to vote for it and not three quarters.

Commissioner Lopez commented that of the people that are present.

Mayor Fugate commented that the Commission does not have enough people in order to take the vote.

Mrs. Alvarez responded that Commissioner Garcia's absence does not remove him from the number of people eligible to vote.

Mayor Fugate reiterated what was just said so that all the parties understand; since the Planning & Zoning Commission voted 2-2 to not approve the rezoning request, as a consequence, when it comes to the City Commission you have to have a super majority of the votes to pass the rezoning request. With Commissioner Pena recusing himself and Commissioner Garcia not being in attendance at this meeting, we only have three Commissioners, that's not enough. If all three voted to rezone, the item would still fail.

Mrs. Alvarez responded that this was correct.

Mayor Fugate continued to state that the three Commission members can take a vote or they could be fair about it and reset the item for a future meeting. For the next upcoming meeting on July 24th there will only be three Commission members present, as Commissioner Pena will be on vacation as well as Commissioner Garcia. This item wouldn't be able to be heard again until the first meeting in August, which is August 14th.

Mayor Fugate further asked the Commission what they would like to do regarding this item.

Commissioner Lopez commented to get it over with and let them vote. Lopez further commented that with regards to the letters that were given to them by Mr. Leo Villarreal, the property that they're in is in the 200 block and with the seventeen letters that were submitted, most of them are in the 600 block and some are repetitive family members from the same household.

Mayor Fugate commented that he knows that Commissioner Lopez wants to take care of this item tonight as he does, but in fairness to all the parties involved it's important to have the proper number of people to vote on this item. Mayor Fugate suggested that the Commission take no action on this item in fairness to all the parties.

Mr. Garza asked if the Commission had a specific date that they would like this item to be placed on the agenda.

Mayor Fugate commented that after promising those involved that this item would be taken care of during tonight's meeting, he is afraid to give them a specific date as it wasn't done this time. Mayor Fugate asked for staff to place this agenda item back on the agenda for the first meeting in August, which would be August 14th.

Commissioner Lopez commented that this would be a long time. Mayor Fugate commented that this was the best they could do.

Commissioner Lopez asked staff if all five members of the Commission would need to be present at the August 14th meeting or just four members.

Mr. Garza commented that as long as the four don't include Commissioner Pena. Mrs. Alvarez responded that this was correct.

4. Consider awarding RFP #17-16 for consultant for the National Register of Historic Places Nomination, as per staff recommendation. (Director of Planning & Development Services).

Mr. Tom Ginter, Director of Planning & Development Services stated that the City of Kingsville received three proposals in response to RFP 17-16 seeking a qualified consultant team to prepare a National Register of Historic Places Nomination for the Kingsville Downtown Historic District. The proposals were reviewed by Charlie Sosa, Purchasing Manager, Cynthia Martin, Downtown Manager, and Tom Ginter, Director of Planning & Development Services. Selection interviews were held via phone and references for all three firms were contacted. Two of the firms are based in Texas and one in Annapolis, MD. The two Texas firms have worked extensively with the Texas Historical Commission on similar projects, Hardy-Heck-Moore, Inc. for the past 34 years and SWCA Environmental Consultants for the past 25 years. The out-of-state firm, Aarcher, Inc., has worked on projects in Texas but in limited capacity and with a focus on individual buildings or installations on historic landscapes not downtown districts. The City successfully applied for a Fiscal Year 2017 CLG Grant for this project and was awarded up to \$15,000 for an estimated value of \$30,000 project. The financial impact based on the not to exceed bids provided by these firms is less than \$15,000. This money would be taken from the money set aside in the CO for Downtown revitalization. It is staff's recommendation that the contract be awarded to Hardy-Heck-Moore, Inc. as they have more experience in the nomination of historic districts and provide the best overall value to the City.

Mr. Garza commented that by being on this register, it allows the property that become a part of it to be open to federal tax credits as well as grant opportunities that will allow the City to go after as a member of the register.

Motion made by Commissioner Pena to award RFP #17-16 for consultant for the National Register of Historic Places Nomination, as per staff recommendation, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Pecos, Lopez, Pena, Fugate voting "FOR".

5. Consider introduction of an ordinance amending Chapter VII, Article 8, Traffic Control Devices, providing for the installation of stop signs on West Avenue D at its intersection with North 4th Street and on North 4th Street at its intersection with West Avenue D. (Engineering Department).

Mr. Sharam Santillan, Capital Improvements Manager, reported that On May 8th, 2017, The City of Kingsville received a complaint about the safety of the intersection at N. 4th St. and W. Avenue D. There is currently one stop sign at the intersection which holds the traffic on 4th St. while the traffic on Avenue D flows freely. Due to the conditions and visibility at the intersection, the thru traffic poses a danger to other motorists and

pedestrians. Section 2B.07 "Multiway Stop Applications" of the MUTCD (Manual for Uniform Traffic Control Devices) supports the need for a stop sign at this location by meeting the criteria in which "Locations where a road user, after stopping, cannot see conflicting traffic and is not able to reasonably safely negotiate the intersection unless conflicting cross traffic is also required to stop".

Mr. Garza commented that the city has been working with the property owner for a while now on trying to find solutions to minimize the risk at this intersection. The city does have several ordinances that regulate certain level on placement of items within certain feet from an intersection. The property owner has moved a lot of the vegetation, but staff still feels that it poses a high level of risk therefore staff is willing to place a stop sign in the area.

Introduction item.

6. Consider resolution approving reduction to the existing speed limit along US 77 approaching FM 1717 proposed by the Texas Department of Transportation from 65 to 60mph within the city limits of the City of Kingsville. (City Manager).

Mr. Garza stated that it is the Commissions desire a couple of years ago to lower the speed limit 55mph, as well as the desire of the County Commissioners which approved a resolution in support of the lower speed limit. Garza further commented that the Texas Department of Transportation (TXDOT) has done various studies at this intersection to explore the potential to lower the speed limit. After a meeting with TXDOT representatives, city staff, members of the community, and representatives from office of State Officials, and what was discussed in this meeting was a game plan to propose on their end to lower the speed to 60mph with the potential of lowering it to 55mph at a later time.

Commissioner Lopez asked for clarification on the comment made by Mr. Lance Hamm during Public Comments, where he commented about the two-tenth of a mile.

Ms. America Garza, District Traffic Engineer, reported that the way the process works is, setting speed limits, and Mr. Hamm is correct, two-tenth of a mile is correct. What TXDOT does is they study the segment of roadway that's in question and they look at the 85% that the traffic public is doing and based on that information 85%, which is the majority of the public is reasonable speed that the traveling public is doing on this highway. For speed reduction they can reduce up to 10mph based on the geometry of the roadway and in this case they do have a bit of a hill and a horizontal curb approaching the intersection. Garza further stated that they can also look at driveway density or development coming in and also crashes. This is how they can also propose to lowering the speed limit up to 10mph with that criteria in mind. Garza stated that the process here is a little different as it's based on the crash rate. This is called the streamline process where the crash rate on the segment of highway if it's higher than the statewide average, they can lower up to 12mph instead of 10mph. TXDOT was able to do its study and based on what the study shows, and the recent study was showing 72mph along the stretch of highway near FM 1717, and based on their recent study they did some research on the segments where the crash rate was higher than the statewide average. Therefore, they were able to propose to reduce to 60mph along the segment of roadway. When TXDOT increase or decrease, it's in two-tenths of a mile segments. As Mr. Hamm is mentioned you will go from the 65mph go to 60mph as your heading south passed 1717 and then it's going to increase to 65mph and then 75mph. Garza stated that at the end of the speed breaks they need to have a two-tenths of a mile buffer/break when you change speed limits. She further commented that the data that they looked at in running the crash rate, they looked at FM 1717, a mile north and a mile south. Looking at that crash data, they had to reduce it to get that crash rate that is above the statewide average. She stated that she can go back and look at that

information, but if she extends it, it will not be above the statewide average, therefore she can't reduce it as it is being proposed. Garza stated that they have done a lot of research and several studies, two in 2012 and couple in 2015 and one in 2016. Based on this information, they have done some interim improvements which are inline transfer rumble strips approaching an intersection, advance signing with LED edge lit signs and a speed advisory plaque of 55mph, as an advisory and not enforceable. This segment of roadway is where they find the crash rate to be higher than the statewide average and from this section, it is a 1.5 mile section is what they are proposing to be 60mph.

Commissioner Lopez commented that he knows about Mr. Hamm's concerns as there is residential in the area.

Ms. Garza commented that it will go up 5mph for two-tenths of a mile and then go up to 75mph. The segment of roadway they looked at was originally a two mile segment but the crash rates didn't fall above the statewide average so they had to reduce that segment to find the area where the crashes were occurring in that rate is above the statewide average so that they could propose a reduction to 60mph.

Mayor Fugate asked that when you are north of FM 1717, you are coming through Kingsville on the overpass at 65mph and somewhere along there you go down to 60mph. How far before you get to 70mph does it go down to 60mph if you are heading south.

Ms. Garza commented that she would need to look at her map, but once passed over General Cavazos it is 65mph which will become your 60mph which should be well before your FM 1717 section.

Mayor Fugate commented that the real dangerous part is when they come up the slope/incline and people on FM 1717 have to look back over their shoulder for oncoming traffic.

Ms. Garza commented that they have implemented some short term safety with their signage and the speed advisory sign of 55mph and the inline rumble strips which are a great audible tool to alert drivers that they are approaching an intersection ahead. Garza commented that this will also be on the northbound direction as well.

Mayor Fugate asked if the County passed this item. Mr. Garza commented that since this is inside the city limits it would only be the city supporting this effort.

Motion made by Commissioner Pena to approve reduction to the existing speed limit along US 77 approaching FM 1717 proposed by the Texas Department of Transportation from 65 to 60mph within the city limits of the City of Kingsville, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Pena, Pecos, Fugate voting "FOR".

7. Consider accepting donation of \$125 from the Women's Club of Kingsville-Athena Department for the Parks Department. (Parks & Recreation Director).

Motion made by Commissioner Pena to approve the donation of \$125 from the Women's Club of Kingsville-Athena Department for the Parks Department, seconded by Commissioner Lopez and Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Pecos, Lopez, Fugate voting "FOR".

8. Consider accepting donation of \$200 from John Womack & Co. for Tourism Department. (Tourism Director).

Motion made by Commissioner Pena to approve the donation of \$200 from John Womack & Co. for Tourism Department, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Pecos, Lopez, Pena, Fugate voting "FOR".

9. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 Budget to accept and expend donations for Parks and Tourism Departments. (Finance Director).

Introduction item.

10. Discussion of draft contract and negotiations with South Texas Water Authority. (City Attorney).

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:35 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, City Secretary

CONSENT AGENDA

AGENDA ITEM #1

**City of Kingsville
Parks & Recreation Department**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Jason Alfaro, Parks & Recreation Director
DATE: June 30, 2017
SUBJECT: Agenda Request – Receipt of \$125 donation from the Woman’s Club of Kingsville
- Athena Department

Summary:

The Parks & Recreation Department would like approval from City Commission to receive a \$125 donation from the Woman’s Club of Kingsville – Athena Department. These funds would be used to support our recreational opportunities and programs.

Background:

The Woman’s Club of Kingsville – Athena Department, provides financial support for presentations made by community organizations. A presentation of the Parks Master Plan was made to the organization.

Financial Impact:

The donation of \$125 will help support recreational opportunities and programs for the citizens of our community.

Recommendation:

We recommend that City Commission authorize the receipt of this donation in the amount of \$125 from the Woman’s Club of Kingsville – Athena Department, and amend the budget to record the acceptance of these funds into the parks budget.



**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Deborah Balli, Finance Director
DATE: June 30, 2017
SUBJECT: Agenda Request-Receipt of \$200 donation from John Womack & Co.

Summary:

This budget amendment is to accept and expend a donation of \$200 from John Womack & Co.

Background:

\$200 was donated to the City of Kingsville Tourism Department for the events during the July 1st weekend.

Financial Impact:

This budget amendment will increase the Tourism Donations 002-4-1070-72030 by \$200 and increase Special Events & Festivals 002-5-1071-31441 by \$200.

Recommendation:

Staff is recommending the FY 16-17 budget be amended to include the acceptance and appropriation of the \$200 donation.



ORDINANCE NO. 2017-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2016-2017 BUDGET TO ACCEPT AND EXPEND DONATIONS FOR PARKS & TOURISM DEPARTMENTS.

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	Park Donations	58003		\$ 125
Expenses					\$ 125
5-4503	Parks	Recreational Programs	31499	\$ 125	
				\$ 125	
Fund 002-Tourism Fund					
Revenue					
4-1070	Tourism	Donations	72030		\$ 200
Expenses					\$ 200
5-1070	Tourism	Special Events & Festivals	31441	\$ 200	
				\$ 200	

[To amend the City of Kingsville FY 16-17 Budget to accept and expend a Parks donation from the Woman's Club of Kingsville-Athena Department as per the attached memo from the Parks Director and a Tourism donation from John Womack & Co as per the attached memo from the Finance Director.]

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 10th day of July, 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 #2

**City of Kingsville
Parks & Recreation Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Jason Alfaro, Parks & Recreation Director

DATE: July 18, 2017

SUBJECT: Agenda Request – Receipt of \$400 donation from South Texas Quail Coalition

Summary:

The Parks & Recreation Department would like approval from City Commission to receive a \$400 donation from the South Texas Quail Coalition. These funds would be used for repairs and improvements to the BBQ building at Dick Kleberg Park.

Background:

In early 2016, before the storm, and when JK Northway was under the management of Parks & Recreation Dept. we received a \$500.00 deposit from South Texas Quail Coalition to hold the JK Northway for their annual event in August. The storm hit in May, and we had to ask them to move their event. They asked us to hold the deposit for the following year. In combination of this event, they also rent out the BBQ Hut to cook wild game dinner that feeds the banquet guests. They advised us that they would still be using the BBQ Hut but are returning the Banquet to Robstown. While speaking with Beth Howard of STQC she stated that her organization would like to donate the remaining funds from the \$500.00 deposit, less the cost of the rental of the BBQ hut, to assist with any repairs to that building. We would like to use these funds to assist with repairs that the building needs.

Financial Impact:

This donation will provide \$400 in additional funds for repairs/updates to the BBQ building.

Recommendation:

We recommend that City Commission authorize the receipt of this donation in the amount of \$400 from the South Texas Quail Coalition, and amend the budget to record the acceptance of these funds into the parks budget.



**City of Kingsville
Parks & Recreation Department**

TO: Jason Alfaro, Parks & Recreation Director

FROM: Susan Ivy, Parks Manager

DATE: July 18, 2017

SUBJECT: Agenda Request – Authorize receipt of \$400.00 donation from South Texas Quail Coalition

Summary:

We are asking for Commission approval to receive a \$400.00 donation from South Texas Quail Coalition for repairs and improvements to the Bar-B-Que hut in Dick Kleberg Park.

Background:

In early 2016, before the storm hit JK Northway and when the JK was still under the management of Parks & Recreation we received a \$500.00 deposit from South Texas Quail Coalition as required for holding the JK Northway for their annual event in August. The Storm hit in May and we had to ask them to move their event. They asked us to hold the deposit for the next year. During this event they always also rent out our BBQ Hut to cook the wild game dinner that they feed the banquet guests. They advised us that they would still be using the BBQ Hut but are returning the Banquet to Robstown. I forwarded the info to Mr. Alarcon of the Tourism Dept and manager of JK Northway.

When I spoke to Beth Howard of STQC during our conversation about the BBQ building I told her that the BBQ Hut needed some repairs and that our staff was working on repairing screens, Grill Grates, etc. She told me that her organization would like to donate the funds left from the \$500.00 deposit less the cost of the rental of the BBQ hut for 2 days this year to assist with the repairs. We would like to use it to assist with installing new grill grates and other miscellaneous repairs that the building needs.

Financial Impact: This donation will add \$400.00 additional dollars to funds available to repair the BBQ Hut.

Recommendation: We ask that City Commission authorizes the receipt of this donation in the amount of \$400.00 from South Texas Quail Coalition for repairs to BBQ Hut in Dick Kleberg Park and the Budget Amendment to record it into the Park Budget.



AGENDA ITEM #3

Mary Valenzuela

From: Robert Rodriguez <rrodriguez@kleberglibrary.com>
Sent: Tuesday, July 18, 2017 11:52 AM
To: Mary Valenzuela
Subject: Library Board - Reappointments

Good Morning Mary:

As per our conversation regarding the reappointment of Library Board members Mr. Octavio X. Alvarez and Dr. Carol J. Tipton, both members have agreed to remain on the Library Board for the next three years. Their terms expired June 6, 2017. Please have the City Commission consider their reappointment to the Board at the next regular City Commission meeting.

Thank so much for all your assistance.

Robert Rodriguez
Library Director
361-592-6381



This email has been checked for viruses by Avast antivirus software.
www.avast.com

AGENDA ITEM #4

**City of Kingsville
Planning and Development Services**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Tom Ginter, Director of Planning and Development Services
DATE: July 18, 2017
SUBJECT: Reappointment of Mike Klepec to the Planning and Zoning Commission

Summary:

This item allows the City Commission to reappoint Mike Klepec to the Planning and Zoning Commission.

Background:

Mike Klepec just finished his first two year term, which expired July 13, 2017 and would like to be reappointed.

Financial Impact:

None

Recommendation:

Reappoint Mike Klepec to a two year term that will expire July 24, 2019.



AGENDA ITEM #5

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: July 20, 2016

SUBJECT: Request for Emergency Out of State Travel

Summary:

The police department is requesting approval of Emergency Out of State Travel to St. Joseph, Missouri for Sr. Detective John Greif and Sr. Detective Ryan Webb. **This is inclusive of current and future travel related to this case.**

Background:

On the morning of July 1st, 2017, the Kingsville PD Telecommunications Center received a phone call reporting a stabbing at 528 E. Henrietta. Officers responded to the residence upon arrival discovered Raul Rodriguez 37YOA had succumbed to injuries consistent with being stabbed with a sharp object. The body of Mr. Rodriguez was located just off the front porch.

Detectives with the assistance of the Texas Rangers identified a person of interest. The subject in question had absconded to St. Joseph Missouri. The Rangers arranged for a DPS aircraft to fly them along with KPD detectives to St. Joseph, Missouri, where Frank G. Longoria III 36 YOA, the person of interest, was located. The Rangers and Detectives got a confession from Mr. Longoria admitting to the homicide of Rodriguez here in Kingsville.

Detectives along with the District Attorney's Office for Kleberg and Kenedy Counties in Kingsville secured a warrant for Mr. Longoria for the charge of Murder.

Financial Impact:

No financial impact for the flight since DPS used one of their aircraft.
1 Night Stay at Fairfield Inn & Suites, 4779 Tuscan Dr., St. Joseph, MO.

Total Expenditures: \$98.92

We cannot predict additional costs for travel which may result during in the furtherance of this investigation.



**City of Kingsville
Police Department**

Recommendation:

We request that Emergency Out of State Travel be approved.



AGENDA ITEM #6

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: June 2, 2017

SUBJECT: 2016 Operation Stonegarden Grant #3194302 Acceptance and Budget Amendment

Summary:

The Kingsville Police Department has been invited to participate in the 2016 OPSG and has been approved for participation during this performance period of 1/1/2017 thru 8/31/2017.

Background:

The OPSG Program supports enhanced cooperation and coordination among Customs and Border Protection (CBP), United States Border Patrol (USBP), and Federal, state, local, tribal, and territorial law enforcement agencies. The OPSG Program provides funding to support joint efforts to secure the United States' borders along routes of ingress from international borders to include travel corridors in states bordering Mexico and Canada, as well as states and territories with international water borders. The program is also risk-driven, capability based strategic plans that outline high-priority needs relating to terrorism preparedness. For these plans to be effective, government officials and elected leaders, working with the whole community, must consider how to sustain current capability levels, while also addressing potential gaps.

Financial Impact:

The grant for "Operation Stonegarden" is a reimbursement type but does not require any cash match. We have been conditionally approved \$194,421.56 in funds to cover personnel costs, fuel and equipment.

Recommendation:

We would request a resolution for acceptance of funds by the grantee's authorized official the City Manager. We also request a budget amendment to begin using these funds as soon as practical. Please place this on the next available agenda. Thank you for your assistance regarding this matter.



RESOLUTION NO. 2017-_____

A REVISED RESOLUTION ACCEPTING FUNDS FOR OPERATION STONEGARDEN GRANT# 3194302 WITH THE HOMELAND SECURITY GRANTS DIVISION OF THE GOVERNOR'S OFFICE FOR LOCAL BORDER SECURITY TO INTERDICT CRIMINAL ACTIVITY WITH NO ANTICIPATED CASH MATCH; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACT ON THE CITY'S BEHALF WITH SUCH PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Homeland Security Grants Division of the Governor's Office had previously invited the City of Kingsville Police Department to participate in a grant for Local Border Security in an effort to deter and facilitate directed actions to interdict criminal activity; and

WHEREAS, the City of Kingsville has previously been allowed to apply for reimbursement of overtime for law enforcement personnel and dispatchers, and other allowed costs associated with this project that will assist with the deterrence of illegal activity in our area;

WHEREAS, the City Commission of the City of Kingsville finds that it is in the best interest of the citizens of Kingsville, that the Kingsville Police Department participate in an application to the Office of the Governor's Homeland Security Grant Division for Operation Stonegarden for grant monies for reimbursement for personnel costs, fuel and maintenance for law enforcement purposes for Grant Period 1/1/2017 thru 8/31/2018; and

WHEREAS, the City agreed to provide the applicable matching funds for the said project, if any, as required by the Office of the Governor for the Operation Stonegarden Grant Program grant application; and

WHEREAS, the City agreed that in the event of loss or misuse of the Office of the Governor grant funds, the City of Kingsville City Commission assures that the funds received through the grant will be returned to the Office of the Governor in full;

WHEREAS, the City Commission of the City of Kingsville designated the Kingsville City Manager or his designee as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency; and

WHEREAS, the City Kingsville Police Department was recently notified that it has been conditionally approved \$194,421.56 in funds to cover personnel costs, fuel, and equipment through Operation Stonegarden, which is a reimbursement type grant that does not require any cash match.

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

I.

THAT the City Commission of the City of Kingsville accepts the Operation Stonegarden grant funds for Grant Period 1/1/2017 thru 8/31/2018 and participation in the Operation Stonegarden Grant Program for reimbursement for personnel costs, fuel, equipment, and maintenance for law enforcement purposes to the Office of the Governor and designates the Kingsville City Manager or his designee as the grantee's authorized official.

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 24th day of July, 2017.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

AGENDA ITEM #7

**City of Kingsville
Engineering/Public Works**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Sharam Santillan, Capital Improvements Manager

DATE: Thursday, June 29, 2017

SUBJECT: Ordinance authorizing the placement of stop signs on W. Avenue D at the intersection of N. 4th St and W. Avenue D.

Summary:

This item is for an ordinance authorizing the placement of stop signs at the intersection of W. Avenue D and N. 4th St.

Background:

On May 8th, 2017, The City of Kingsville received a complaint about the safety of the intersection at N. 4th St. and W. Avenue D. There is currently one stop sign at the intersection which holds the traffic on 4th St. while the traffic on Avenue D flows freely. Due to the conditions and visibility at the intersection, the thru traffic poses a danger to other motorists and pedestrians. Section 2B.07 "Multiway Stop Applications" of the MUTCD (Manual for Uniform Traffic Control Devices) supports the need for a stop sign at this location by meeting the criteria in which *"Locations where a road user, after stopping, cannot see conflicting traffic and is not able to reasonably safely negotiate the intersection unless conflicting cross traffic is also required to stop"*.

Financial Impact:

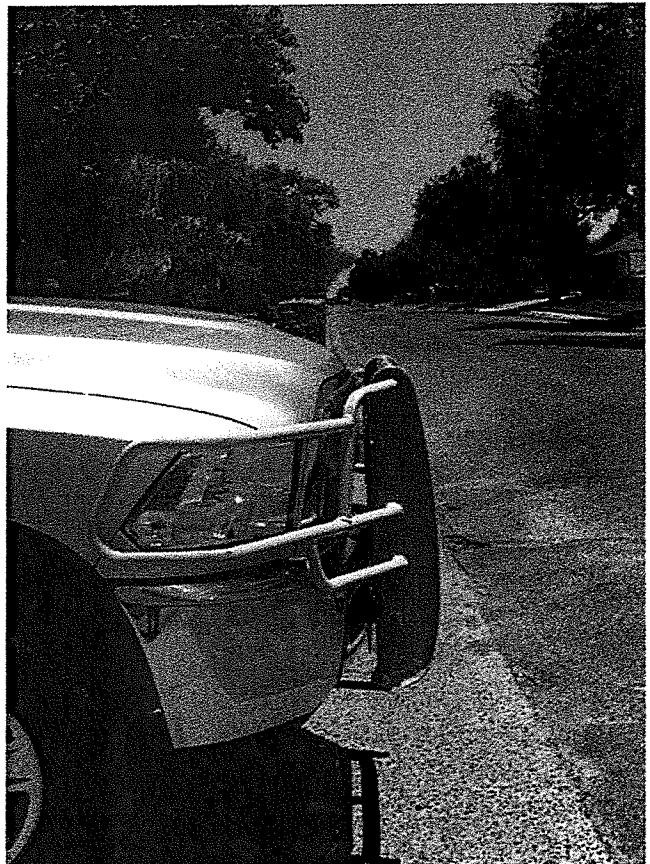
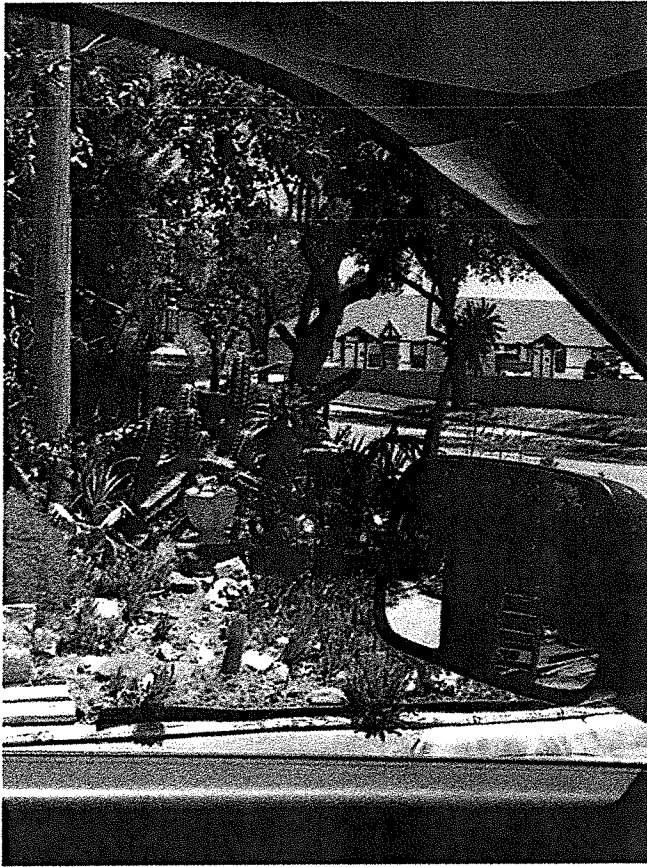
\$200 from General Fund

Recommendation:

Staff recommends the authorization of this item to ensure the safety of our citizens.



Intersection at W. Avenue D and N. 4th Street



PROPOSED STOP SIGN(S)
AT W. AVENUE D AND N. 4TH ST.

Drawn by: A. JURICA
Date: 06/23/2017
Revised by:
Project #:
Scale: 1"=30'

CITY OF KINGSVILLE
ENGINEERING
DEPARTMENT
400 W. King Avenue
Kingsville, Texas 78363
Office 361.595.8007
Fax 361.595.8035



ORDINANCE NO. 2017-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER VII, ARTICLE 8, TRAFFIC CONTROL DEVICES; PROVIDING FOR THE INSTALLATION OF STOP SIGNS ON WEST AVENUE D AT ITS INTERSECTION WITH NORTH 4TH STREET AND ON NORTH 4TH STREET AT ITS INTERSECTION WITH WEST AVENUE D; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

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

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

I.

THAT Section 7-8-3 of Article 8: Traffic Control Devices of Chapter VII, Traffic Code, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§ 7-8-3 TRAFFIC CONTROL AREAS.

...

(B)

...

AREA B		
Intersection	Direction	Device
1. Ella Ave. at Third St.	Westbound	Install stop sign
2. Nettie Ave. at Second St.	Northbound	Install stop sign
3. Nettie Ave. at Fifth St.	Eastbound - Westbound	Install stop sign

4. Avenue A at Third St.	Eastbound - Westbound	Delete yield sign Install stop sign
5. Avenue B at Second St.	Southbound	Install stop sign
6. Avenue B at Fifth St.	Eastbound - Westbound	Install stop sign
7. Avenue C at Well St.	Southbound	Install stop sign
8. Avenue C at First St.	Northbound - Southbound	Install stop sign
9. Avenue C at Second St.	Northbound - Southbound	Install stop sign
10. Avenue C at Fourth St.	Northbound	Install yield sign
11. Avenue C at Fifth St.	Westbound	Install stop sign
12. Avenue D at Wells St.	Northbound - Southbound	Install stop sign
13. Avenue D at First St.	Northbound - Southbound	Install stop sign
14. Avenue D at Second St.	Northbound - Southbound	Install stop sign
15. Mesquite Ave. at First St.	Northbound - Southbound	Install stop sign
16. Mesquite Ave. at Second St.	Northbound - Southbound	Install stop sign

17. Corral Ave. at Wells St.	Northbound - Southbound	Install stop sign
18. Corral Ave. at First St.	Northbound - Southbound	Install stop sign
19. Corral Ave. at Second St.	Northbound	Install stop sign
20. Avenue F at Wells St.	Northbound - Southbound	Install yield sign
21. Avenue F at First St.	Eastbound	Install stop sign
22. Avenue G at Wells St.	Northbound - Southbound	Install yield sign
23. Avenue G at First St.	Eastbound	Install stop sign
24. Young Dr. at Corral Ave.	Southbound	Install stop sign
25. Railroad Ave. at Avenue D	Northbound - Southbound	Install stop signs
26. West Avenue D at Third St.	Eastbound - Westbound Northbound - Southbound	Install stop signs
27. North Ninth Street at Sixth Street	Northbound	Install stop sign
<u>28. Avenue D at Fourth Street</u>	<u>Eastbound-Westbound</u> <u>Southbound</u>	<u>Install stop signs</u>

...

II.

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

III.

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

IV.

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

INTRODUCED on this the 10th day of July, 2017.

PASSED AND APPROVED on this the 24th day of July, 2017.

Sam Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

REGULAR AGENDA

AGENDA ITEM #8

**City of Kingsville
Engineering/Public Works**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Sharam Santillan, Capital Improvements Manager

DATE: July 24, 2017

SUBJECT: Preliminary Engineering and Environmental Narrative Report for EDA Public Works Assistance Program

Summary:

This item authorizes the acceptance of a proposal for the development of a preliminary engineering report and an environmental narrative report which are items required for the EDA Public Works Assistance Program application.

Background:

In order to be considered for assistance the application for the EDA Public Works Assistance Program must include a Preliminary Engineering Report (PER) and an Environmental Narrative Report (ENR). The PER is an application supplement for construction programs that includes information such as the description of project components, drawings, feasibility analysis for constructability, proposed method of construction, detailed construction cost estimate, list of permits required, a project schedule, and an overall project budget breakdown. The ENR is required by the National Environmental Policy Act. The ENR will assess the potential environmental impacts associated with the proposed project. This assessment will include information such as identifying historic or archeological resources within the project site, affected environments including coastal zones, wetlands, floodplains, air quality, etc., and a mitigation plan for any affected environment.

Financial Impact:

The cost will be \$12,500.00. Funding is available through account 033-5-1030-71216 Downtown Revitalization Improvements from CO 2016

Recommendation:

City staff recommends we accept the proposal by LNV Engineering.



RESOLUTION #2017-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR PROFESSIONAL SERVICES BETWEEN CITY OF KINGSVILLE AND LNV, INC. FOR ENGINEERING SERVICES FOR PRELIMINARY ENGINEERING REPORT AND ENVIRONMENTAL NARRATIVE FOR STREET, DRAINAGE, AND UTILITY INFRASTRUCTURE IMPROVEMENTS UNDER ECONOMIC DEVELOPMENT ADMINISTRATION'S PUBLIC WORKS ASSISTANCE PROGRAM; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville desires to have engineering work done to provide a preliminary engineering report and an environmental narrative for street, drainage, and utility infrastructure improvements that will meet the requirements of the Economic Development Administration's (EDA) Public Works Program for the downtown area, with funding for these services secured through the CO2016 line item for Downtown Revitalization Improvements;

WHEREAS, the project limits are Kleberg Avenue from Third Street to Eleventh Street;

WHEREAS, the City Commission on October 11, 2010 approved a master agreement with LNV, Inc. relating to engineering services for water and wastewater departments via Resolution #2010-45 and this agreement would arise under that one;

WHEREAS, the City and LNV, Inc. have worked to prepare a contract proposal for the professional services for the street, drainage, and utility infrastructure improvement application in accordance with the Preliminary Engineering Report and Environmental Narrative Requirements attached to the proposal and required by the EDA grant.

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 a Contract for Professional Services between the City of Kingsville and LNV, Inc. for engineering services for Preliminary Engineering Report (PER) and Environmental Narrative for street, drainage, and utility infrastructure improvements under the Economic Development Administration's Public Works Assistance 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
24th day of July, 2017.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



engineers | architects | surveyors

Solutions Today with a
Vision for Tomorrow

July 6, 2017

Mr. Sharam G. Santillan
Capital Improvements Manager
400 West King Avenue
Kingsville, TX 78363

Re: Engineering Services for Preliminary Engineering Report (PER) and Environmental Narrative For Street, Drainage, and Utility Infrastructure Improvements under the Economic Development Administration's Public Works Assistance Program

Dear Mr. Santillan:

Thank you for this opportunity to provide the following proposal for professional services. It is my understanding that we are to provide a preliminary engineering report and an environmental narrative that will meet the requirements of the Economic Development Administration's (EDA) Public Works Program. The project limits are Kleberg Avenue from Third Street to Eleventh Street.

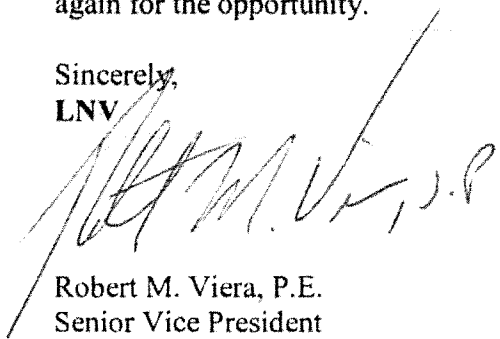
Following is a breakdown of the anticipated fees:

Preliminary Engineering Report	\$ 3,500.00
<u>Environmental Narrative Report</u>	<u>\$ 9,000.00</u>
Total	\$12,500.00

LNV, Inc. proposes to provide professional services for the street, drainage, and utility infrastructure improvement application in accordance with the attached Preliminary Engineering Report and Environmental Narrative Requirements.

If this proposal is acceptable, simply sign on the line below, scan and return a copy to me at the following email address: rviera@lnvinc.com. We look forward to working with you, and thank you again for the opportunity.

Sincerely,
LNV


Robert M. Viera, P.E.
Senior Vice President
TBPE Firm No. F-366

Agreed to as stated above:

Client Representative

Date

C. Preliminary Engineering Report

To be considered for assistance, all construction and design applications must include a **Preliminary Engineering Report (PER)** that at a minimum provides the following information:

C.1. Description of project components. Provide a general description of all project components involved in the project. Indicate whether the project involves the construction of new infrastructure or facilities or the renovation or replacement of existing ones. Describe each of the project components in terms of dimensions, quantities, capacities, square footage, etc.

C.2. A statement verifying that the project components described in the engineering report are consistent with the EDA investment project description that is provided in Section B.2 of Form ED-900. Engineering reports that describe project components that are inconsistent with the EDA investment project description in Section B.2 of Form ED-900 will not be considered valid.

C.3. Drawings showing the general layout and location of the existing site conditions and of the project components as well as location of any project beneficiary identified in Section B.9 of Form ED-900 that provide economic justification for the project, if any. Rough dimensions and quantities for major project components should be shown and labeled on the drawings. Drawings should clearly identify the project components that are being proposed. Applicants are encouraged to clarify such drawings, for example, through color coding, labeling, and other appropriate methods.

C.4. A feasibility analysis for the constructability of the project. Include a review of the existing conditions and note particular features, alignments, and circumstances affecting construction of project components.

C.5. The proposed method of construction. Indicate whether construction procurement will be done through competitive bid or other method. Indicate if any portion of the project is to be done by design/build, construction management at risk, the applicant's own forces, or a third-party construction manager. If an alternate construction procurement method (other than traditional design/bid/build with sealed competitive bid process) is proposed, a construction services procurement plan must be provided to EDA for approval in accordance with EDA's regulation at 13 C.F.R. § 305.6(a).

C.6. The number of construction contracts anticipated. If multiple contracts are proposed, describe the project components included in each contract. If separate contracts are anticipated for demolition or site work, the budget information cost classification should reflect the estimated costs for these components. If project phasing is proposed, a project phasing request must be provided to EDA for approval per EDA's regulation at 13 C.F.R. § 305.9(a).

C.7. A current detailed construction cost estimate for each of the project components. Show quantities, unit prices, and total costs and provide a basis for the determination of construction contingencies. The total of this estimate should match the construction line item of the SF-424C.

C.8. Real property acquisition. If the budget includes costs for acquisition of real property, include a current fair market value appraisal completed by a certified appraiser for the property to be purchased.

C.9. A list of all permits required for the proposed project and their current status. Identify all permits required; include the timeline to obtain the permits and discuss how the permitting relates to the overall project schedule. If the project crosses a railroad right-of-way or is within a railroad

right-of-way, explain any permitting or approvals that may be required from the railroad or other authority and the timeframe for obtaining these permits or approvals.

C.10. An overall estimated project schedule. This schedule should agree with the project schedule outlined in the ED-900. Include the number of months for each of the following:

- i. design period;
- ii. period of time to obtain required permits;
- iii. period of time to obtain any required easements or rights-of-way;
- iv. solicitation of bids and awarding of contracts, and
- v. construction period.

C.11. Overall project budget breakdown. For each "cost classifications" line item that the applicant indicates will be included in the project budget on Form SF-424C, the applicant must provide a breakdown of the proposed project costs and tasks that is consistent with the detailed construction cost estimate for the project provided in the PER.

Environmental Narrative Requirements

The National Environmental Policy Act (NEPA) requires Federal agencies to assess the potential environmental impacts associated with proposed federal actions, including financial assistance.

Applicants are encouraged to contact their designated Economic Development Representative or the applicable EDA Regional Environmental Officer with questions (please see the EDA website or the applicable Federal Funding Opportunity for contact information) regarding this template and/or the appropriate level of documentation. Resources of available information are listed in many of the sections. If you are using a locally saved copy of this template, please check EDA's website to confirm this is the current version.

For further information regarding EDA's obligations under NEPA, please refer to the regulations for implementing NEPA at 40 C.F.R. 1500-1508. The Council on Environmental Quality's 2007 guidance document "A Citizen's Guide to the NEPA is another resource available online.

Several issues discussed in the environmental narrative below may require consultation with other State or Federal agencies at a later date (for example, the State Historic Preservation Office or the U.S. Fish and Wildlife Service). While EDA does not require that applicants complete such consultations before submitting an initial application, applicants should be aware that in the event their project is selected for further evaluation for funding, EDA may delegate these consultations to the applicant and expect them to be completed in an expeditious manner and prior to approval of an award.

Applicants must provide information on the following items in the environmental narrative. For any area in which the applicant asserts that an item is not applicable to a project, provide an explanation.

A. PROJECT DESCRIPTION

1. **Beneficiaries**

Identify any existing businesses or major developments that will benefit from the proposed project, and those that will expand or locate in the area because of the project.

2. **Proposed Construction**

As an exhibit to this Narrative, provide a topographical map of the project area and a site map (with legend and north arrow) displaying the project location and boundaries, existing and proposed project components and location of all sites and/or companies benefitting from the proposed project. The documents should be of sufficient clarity for adequate interpretation of the Applicant's intentions.

Describe the project construction components in detailed, quantifiable terms. Describe the project location, proposed construction methods, and schedule. **It is sufficient to simply reference the Preliminary Engineering Report (PER) here if a PER containing this information has been submitted or will be submitted concurrently.** See the mock example below for the level of specificity expected by EDA:

The City of _____ is proposing to construct a 30-inch (in) water line which would be constructed within an existing 50-foot City of _____ right-of-way (ROW) and measure 1,220 linear feet (lf). The project is located within Township 39N, Range 10E, Section 24 in the City of _____, _____ County, [[[State]]]. The project would be constructed over a three-month period from April June 2011. Construction of this project would entail trenching a 1 ft wide by 3 ft. deep ditch and installing the 30-in. pipe within the existing ROW. Total land disturbance will be 2.1 acres.

The construction staging area would be located entirely within the existing ROW. Minor maintenance would occur during the operation of the waterline, but would not entail any ground disturbing activities.

3. Need and Purpose

Provide a brief summary of the underlying need and purpose of the proposal for EDA funding.

4. Alternatives to the Proposed Project

Based in the Need and Purpose summary above, provide a detailed description of alternative actions that were considered during the project planning but were not selected (e.g., alternative locations, designs, other projects having similar benefits, and a “no project” alternative). Explain why this project/site was selected as the preferred alternative with respect to other choices. Provide detail on why others alternatives were rejected (e.g. did not meet the purpose and need of the project, implicated more environmental impacts than the proposed action). If the selected project would impact wetlands or floodplains, please provide a detailed description of alternatives to those proposed impacts.

B. HISTORIC/ARCHEOLOGICAL RESOURCES

Identify any known historic/archeological resources within the project site(s) or area of potential effect that are either listed on the National Register of Historic Places or considered to be of local or State significance and perhaps eligible for listing on the National Register. In many states, the State Historic Preservation Office (SHPO) maintains GIS databases of historic properties and cultural resources. Delineate an Area of Potential Effect (APE) for the project. The APE is the geographic area or areas within which a proposal may cause changes in the character or use of historic properties, which would include (but is not limited to) any new development or renovation by the beneficiary facilitated by the proposed EDA project. Discuss the potential impacts of the project on culturally significant resources and provide a determination as to whether there will be: no historical properties/cultural resources present; no historical properties/cultural resources adversely affected; or historical properties/cultural resources adversely impacted.

Note that the applicant is not required to contact the SHPO until directed to do so by EDA. If comments from the SHPO have already been received, they should be attached along with copies of the information provided to the SHPO. If you wish to initiate early consultation, please consult the website of the appropriate SHPO for instructions on required information.

C. AFFECTED ENVIRONMENT

For the resource areas identified below, indicate potential direct and indirect impacts from proposed project activities and specify proposed measures to mitigate probable impacts. Direct impacts are caused by the action and occur at the same time and place. Indirect impacts are those that are caused by a proposed action, but that may occur later in time or farther removed in distance, relative to the primary impacts of the proposed action (40 C.F.R. Section 1508.8) Development induced by the proposed project would be an example of an indirect impact.

1. Affected Area

Describe the general project area, including topography, historic land usages, unique geological features, and economic history. Provide site photographs if available. Identify native vegetation and wildlife found in the project area or its immediate vicinity. Describe the amount and type of vegetation in the project area and indicate the impact to vegetation if removed (e.g., 1.2 acres of

early successional native hardwood forest). Identify any designated State and National Parks, National Wildlife Refuges, or National Game Preserves located on or in the vicinity of the proposed project activities. Identify any Wilderness Areas, as designated or proposed under the Wilderness Act, or wild or scenic rivers, as designated or proposed under the Wild and Scenic Rivers Act, that are located on or in the vicinity of the proposed project activities.

1. Direct effects
2. Indirect effects

2. Coastal Zones

Indicate whether the project is located within a designated coastal zone subject to the Coastal Zone Management Act. Information on coastal zone boundaries is available on the National Oceanic and Atmospheric Administration's (NOAA) website. Identify any shorelines, beaches, dunes, or estuaries within or adjacent to the project site(s). Also indicate if there are any proposed overwater structures that could impact navigable waters.

3. Wetlands

Identify any wetlands within or adjacent to the project site(s). If available, provide an on-site wetland/waters delineation performed in accordance with the 1987 (or current version) U.S. Army Corps of Engineers Wetland Delineation Manual, as amended. Provide any correspondence from the U.S. Army Corps of Engineers (USACE), including any jurisdictional determination or permit documents.

1. Provide a determination of direct and indirect effects including the amount of jurisdictional waters affected by type (e.g. 1.1 acres of palustrine emergent wetlands would be impacted by the proposed project).
2. If any wetlands would be impacted by the project, provide an analysis of alternatives to wetland impact in this section or in the Alternatives to the Project section above.
3. Describe any mitigation plans here or in Section D below.

If wetlands, streams, or navigable waters may be impacted, it is recommended that Applicants contact USACE concerning any jurisdictional waters resources.

4. Floodplains

Please state whether the project is located within a mapped 100- or 500-year floodplain. Provide a FEMA floodplain map (with the map number and effective date) displaying the project location and boundaries, existing and proposed project components, and location of all sites and/or companies benefiting from the proposed project. The document should be of sufficient clarity for adequate interpretation of the applicant's intentions.

Floodplain maps can be viewed and printed from FEMA's website. If FEMA floodplain maps do not exist in the project area, provide a letter from a Professional Engineer regarding the presence or absence of a 100-year floodplain.

- i) Describe direct and indirect effects to 100-year floodplains, if any.
- ii) If any 100-year floodplains would be impacted by the project, provide an analysis of alternatives to floodplain impact in this section or in the Alternatives to the Project section above.
- iii) Indicate whether the Applicant's community participates in the National Flood Insurance Program.

- iv) Indicate if a critical action (e.g., emergency response facility, hospital, wastewater treatment plant) is being located within the 500-year floodplain.

5. Endangered Species

Provide a list of all threatened, endangered, and candidate species located in or near the project area, including any proposed development by the beneficiary, and the immediate vicinity. Identify these species' potential or existing habitat, and critical habitat designations in the project area. Identify the potential for direct or indirect impacts on these species. Critical habitat designations, lists of protected species by county, and information on effect determinations are available on the U.S. Fish and Wildlife Service's (FWS) website. The FWS' web-based Information, Planning, and Conservation System (IPaC) may also be useful for the early planning stage of a project. If an Effect Determination or Biological Assessment has been completed for any of the species listed, please provide. Attach any correspondence with FWS that exists related to their proposal. For projects with possible impacts to fisheries and marine/coastal species, provide any correspondence with the National Marine Fisheries Service (NMFS).

6. Land Use and Zoning

Describe the present formal zoning designation and current land use of the specific project site and adjacent land parcels. The areas include: the site of construction activities, adjacent areas, and areas affected by the primary beneficiaries. Land uses to be considered include, but are not limited to, industrial, commercial, residential, agriculture, recreational, woodlands, mines/quarries, and open spaces. Please indicate whether the project is located entirely within a city limit. Identify agriculture land parcels designated as "prime/unique agriculture lands" by the U.S. Department of Agriculture (USDA) under the Federal Farmlands Protection Act or a local equivalent. Additional information may be found at the USDA's Natural Resources Conservation Service website.

7. Solid Waste Management

Indicate the types and quantities of solid wastes to be produced by the project facilities and primary beneficiary. Describe local solid waste collection and disposal methods and the expected useful life of the disposal facility. Indicate if recycling or resource recovery programs are currently being used or will be used in the future.

8. Hazardous or Toxic Substances

Describe any toxic, hazardous, or radioactive substances that will be utilized or produced by the proposed project facilities and primary beneficiaries. Describe the manner in which these substances will be stored, used, or disposed. Complete and sign one "Applicant Certification Clause" for each co-applicant (see Appendix A). Indicate if hazardous or toxic substances have been or must be remediated prior to construction, demolition, or renovation. If a recent Phase I or Phase II Environmental Site Assessment has been performed, please provide a copy of the executive summary (a full copy may be requested at a later date).

9. Water Resources

Describe surface and underground water resources at or near the project site(s) and any impacts of the project to these. If groundwater will be used, is the aquifer in overdraft and /or adjudicated? If there will be discharges to surface water, is the receiving surface water body listed on the U.S. Environmental Protection Agency's (EPA) Section 303(d) list of impaired waters? Is a National Pollution Discharge Elimination System (NPDES) permit required for any discharges

to surface waters? Indicate if the proposed project is located within an area mapped by the EPA as sole source aquifer recharge area (maps and further information are available on EPA's website). Describe any induced changes in local surface water runoff patterns, and the status of storm water discharge permit processes (if applicable).

10. Water Supply and Distribution System

Indicate the source, quality, and supply capacity of local domestic and industrial/commercial water resources, and the amount of water that project facilities and primary beneficiaries are expected to utilize. Note whether the water that is being supplied is in compliance with the Safe Drinking Water Act, and if not, what steps are being taken to ensure compliance.

11. Wastewater Collection and Treatment Facilities

Describe the wastewater treatment facilities available for processing the additional effluent including usage by the beneficiary(s). Indicate design capacities and current loading (both daily average and peak), and adequacy in terms of degree and type of treatment required. Describe all domestic class or process wastewater or other discharges associated with the project facilities and its primary beneficiaries, and the expected composition and quantities to be discharged either to a municipal system or to the local environment. Indicate all discharges that will require on-site pre-treatment. Note whether the wastewater treatment plant is in violation of the Clean Water Act, and if so, what steps are being taken to ensure compliance. If local treatment and sewer systems are or will be inadequate or overloaded, describe the steps being taken for necessary improvements and their completion dates.

12. Environmental Justice (Executive Order 12898)

Describe whether the proposed project will result in disproportionate adverse human health or environmental impacts relative to minority and low income populations. Sufficient detail should be provided to enable EDA to determine whether the project will comply with Executive Order 12898.

13. Transportation (Streets, Traffic and Parking)

Briefly describe the local street/road system serving the project site(s) and describe any new traffic patterns that may arise because of the project. Indicate if land use in the vicinity, such as residential, hospital, school, or recreational, will be affected by these new traffic patterns. Indicate if any existing capacities of these transportation facilities will be exceeded as a direct or indirect result of this project implementation, particularly in terms of car and truck traffic, and what the new Level of Service designation will be.

14. Air Quality

Indicate types and quantities of air emissions (including odors) to be produced by the project facilities **and its primary beneficiaries**, and any measures proposed to mitigate adverse impacts. Indicate the impact that the project would have on greenhouse gas emissions. Is the proposed project site classified as a "non-attainment" area for any criteria pollutants? If so, what are those pollutants? Indicate any local topographical or meteorological conditions that hinder the dispersal of air emissions.

15. Noise

Will operation of project facilities or primary beneficiaries' facilities increase local ambient noise levels? If yes, indicate the estimated levels of increase, and the areas and sensitive receptors (e.g., residences) to be affected.

16. Permits

Identify any Federal, State, or local permits of an environmental nature needed for the project (e.g., USACE, US Environmental Protection Agency (EPA), Coastal Zone Management/Shoreline Management, Air Quality, State Environmental Policy Act, NPDES, etc.) and the status of any such permits. Attach copies of any such permits and all associated correspondence, including the permit applications.

17. Public Notification/Controversy

Provide evidence of the community's awareness of the project, such as newspaper articles or public notification and/or public meetings, as applicable. If a formal public hearing has been held, attach a copy of the minutes. Fully describe any public controversy or objections which have been made concerning this proposed project and discuss steps taken to resolve such objections.

18. Cumulative Effects

Please list projects (public and private, whether or not directly related to the proposed project described above) that have occurred or will occur in the past, present, and future in and around the project area that could result in significant cumulative impacts when considered in aggregate with the proposed EDA project. Cumulative impacts result from the incremental impacts of a proposed action when added to other past, present and reasonable foreseeable future actions (40 C.F.R. Section 1508.7). In other words, cumulative impacts can result from individually minor but collectively significant impacts. Based on the direct and indirect impacts identified in Sections C1-18, identify which resources, ecosystems, and human communities are affected; and which effects on these resources are important from a cumulative effects perspective.

D. MITIGATION

Describe methods to be employed to reduce impacts to any and all adverse impacts identified in Section C. List all mitigation measures that would be implemented to minimize impacts to environmental resources from project implementation.

E. LIST OF ATTACHMENTS

The following checklist is a list of required and optional attachments to the Environmental Narrative as described in the sections above. The items listed in the optional section may be required by EDA at a later date to complete the project review and selection process, so it is recommended that you provide them now if they are currently available. While the documents listed below are the most frequently required for scoping determinations, EDA reserves the right to request additional items that are not listed below when necessary.

Applicants are not required to contact other governmental agencies for environmental or historical resources consultation until directed by EDA, though any interagency coordination letters that may be currently available should be provided. **EDA expects that all Applicants whose projects are selected for further evaluation will proceed with consultations in an expeditious manner. As such, Applicants should have the required information prepared for submission immediately upon notification of selection by EDA.** If you determine prior to application that your project may affect environmental or historical resources, you may contact the appropriate Regional Environmental Officer to determine if early interagency consultation is appropriate.

Please refer to the applicable Federal Funding Opportunity for unique requirements for each individual grant competition and a list of documents required for submittal with the application.

Checklist of Optional Environmental Documents that should be submitted with Application if available (will expedite review and selection process):

- SHPO/THPO and Tribal leader comments and copy of submittals (see Section B)
- Site photographs (see Section C1)
- Coastal Zone consistency determination (see C2)
- Wetland delineation and/or Jurisdictional Determination (see C3)
- Preliminary wetland info (see C3)
- U.S. Army Corps of Engineers comments, Section 404 Permit, Section 10 Permit, and/or Water Quality Certification (401 approval) (see C3)
- Biological Assessment and/or survey for federally protected species (see C5)
- Correspondence with US Fish and Wildlife Service and/or National Marine Fisheries Service (see C5)
- Natural Resources Conservation Service determination of Prime Farmland, Form AD-1006, if applicable (see C6)
- Phase I and II Environmental Site Assessment (see C8)
- Sole Source Aquifer review by US Environmental Protection Agency, if applicable (see C9)
- Other federal, state and local environmental permits (see C16)
- Copies of public notices, public hearing minutes, etc. (see C17)

Appendix A: Applicant Certification Clause

The applicant represents and certifies that it has used due diligence to determine that the description of the project site described herein is accurate with respect to the presence or absence of contamination from toxic and hazardous substances. The term "site" includes the entire scope of the project, including future phases of the project and all areas where construction will occur.

1. Is the site currently, or has it in the past 50 years, been used for any of the following operations or activities:
 - a. Generation of hazardous substances or waste?
_____ Yes _____ No
 - b. Treatment, storage (temporary or permanent), or disposal of solid or hazardous substances or waste?
_____ Yes _____ No
 - c. Storage of petroleum products?
_____ Yes _____ No
 - d. Used/waste oil storage or reclamation units?
_____ Yes _____ No
 - e. Research or testing laboratory?
_____ Yes _____ No
 - f. Ordinance research, testing, production, use, or storage?
_____ Yes _____ No
 - g. Chemical manufacturing or storage?
_____ Yes _____ No
 - h. Weapons or ammunition training, use, or testing?
_____ Yes _____ No
 - i. Iron works/foundry?
_____ Yes _____ No
 - j. Railroad yard?
_____ Yes _____ No
 - k. Industrial or manufacturing operation?
_____ Yes _____ No

If any of the above operations ever occurred at the site, and if appropriate cleanup or other mitigation actions were performed in accordance with the local, State, and federal laws, please attach documentation of these actions.

Appendix A: Applicant Certification Clause

2. Do wells draw from an underlying aquifer to provide the local domestic water supply?
 _____ Yes _____ No
3. Has a federal, State, or local regulatory authority ever conducted an environmental assessment, environmental impact statement, or a preliminary assessment/site inspection, or similar environmental surveyor inspection report at the site? If yes, please list here and attach copies of these reports or results.
 _____ Yes _____ No
- 1)

- 2)

- 3)

- 4)

- 5)

4. Have any environmental or OSHA citations or notices of violation been issued to a facility at the site? If yes, please attach copies.
 _____ Yes _____ No
5. Have any unauthorized releases of hazardous substances occurred at any facility at the site which resulted in notification of the EPA's National Response Center?
 _____ Yes _____ No
6. Is any material containing asbestos or lead paint located at the site? If yes, please attach information concerning State and federal regulatory compliance.
 _____ Yes _____ No
7. Is there any equipment (electrical transformers, etc.) containing polychlorinated biphenyls (PCB) on the site? If yes, please attach a description of the equipment.
 _____ Yes _____ No
8. Are there underground or above ground storage tanks on the site? If yes, please attach a detailed description, including the number of underground storage tanks on the site, whether the tanks have been inspected (or removed) and the results of such inspections.
 _____ Yes _____ No
9. Has the site been tested for radon? If yes, please attach results.
 _____ Yes _____ No

Appendix A: Applicant Certification Clause

10. Have there been, or are there now any environmental investigations by federal, State or local government agencies that could affect the site in question? If yes, please attach available information.

_____ Yes _____ No

The applicant acknowledges that this certification regarding hazardous substances and/or waste is a material representation of fact upon which EDA relies when making and executing an award. EDA reserves the right to terminate any award made in conjunction with the representations contained herein if, at any time during the useful life of the project, EDA becomes aware of the presence of hazardous materials or waste at the site, or that hazardous materials or waste have been inappropriately handled thereon.

Further, if it is determined at any time that the presence of hazardous materials or waste, or handling thereof, has been misrepresented, EDA may pursue other available legal remedies against the applicant.

Applicant's Name

Name and Title of Applicant's Authorized Representative

Signature of Applicant's Authorized Representative

Date

AGENDA ITEM #9

**City of Kingsville
Fire Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Adrian Garcia, Fire Chief / EMC

DATE: July 24, 2017

SUBJECT: KISD EM Interlocal Cooperation Agreement – Community Safe Rooms/Sheltering

Summary:

The Kingsville Office of Emergency Management is requesting to enter into an Emergency Management Interlocal Cooperation Agreement with the KISD for the use of their Community Safe Rooms located at HM King High School located at 2210 S. Brahma Kingsville, TX 78363. These Community Safe Rooms will be utilized for the purposes of establishing a temporary emergency or disaster shelter for City Essential Employees or as a last resort refuge for un-evacuated Kingsville residents.

Background:

The agreement is being requested in efforts to have a suitable City of Kingsville Employee shelter for Essential Employees that must remain within the City during a prolonged emergency or disastrous event. In addition, the second Community Safe Room will be utilized by City residents that refused to evacuate as a temporary safe room during the most threatening phase of the storm only.

Lastly, in establishing this partnership will provide opportunities for the COK and KISD to leverage resources and pre-plan for any future emergency events.

Financial Impact:

The City agrees to be liable and responsible for any damages of the facilities or property during the time the City is physically utilizing the Community Safe Rooms. In addition, will indemnify and hold harmless KISD against any claim or claims for damage to persons or property, except for premises defects and product defects.

As well, the City will be responsible for the management and operation of the shelters if the facilities are being utilized for City employee sheltering or emergency operations.

Recommendation:

The following cooperation agreement is in support of efforts by the Kingsville Office of Emergency Management to improve our community's overall emergency plan. In addition, meets current and



City of Kingsville Fire Department

ongoing Emergency Management goals in better prepare our City in response to emergency events requiring a suitable shelter. Our recommendation is that the Commission approve this Interlocal Cooperation Agreement with the KISD.



RESOLUTION #2017-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF KINGSVILLE AND THE KINGSVILLE INDEPENDENT SCHOOL DISTRICT RELATING TO EMERGENCY MANAGEMENT; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville ("City") and the Kingsville Independent School District ("KISD") try to work together for the benefit of our citizenry when able to do so; and

WHEREAS, the City and KISD desire to enter into an interlocal agreement to ensure understanding and agreement on interpretation and implementation of disaster relief responsibilities; and

WHEREAS, the City and KISD desire to work together for the benefit of the citizens of Kingsville in the event of a natural or man-made disaster; and

WHEREAS, the City and KISD desire to make resources available in the event of a disaster; and

WHEREAS, the City may provide shelter for those who are unable to evacuate when requested to do so; and

WHEREAS, those who are unable to evacuate will need to bring enough food and water for 72 hours in the event a shelter is established; and

WHEREAS, KISD agrees to make the KISD Community Safe Rooms available to the City for the purpose of sheltering City of Kingsville Essential Personnel in one dome and if need disaster victims that failed to evacuate in a timely manner in the additional dome; and

WHEREAS, the KISD School Superintendent and/or her designee and the City Manager and/or his designee will be responsible for preplanning for emergency shelters and their implementation; 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.

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 the Kingsville Independent School District relating to Emergency Management 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 _____ 24th day of July, 2017.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**EMERGENCY MANAGEMENT
INTERLOCAL COOPERATION AGREEMENT
BETWEEN
THE CITY OF KINGSVILLE
AND
KINGSVILLE INDEPENDENT SCHOOL DISTRICT**

This Interlocal Cooperation Agreement made, entered into and executed by and between the City of Kingsville, Texas, a municipal corporation under the laws of the State of Texas, hereinafter referred to as "City" and the Kingsville Independent School District, a body and corporate and politic under the laws of the State of Texas hereinafter referred to as "KISD"; pursuant to the Interlocal Cooperation Act, Texas Government Code Annotated Chapter 791.

WITNESSETH:

WHEREAS, the City and KISD enter into an interlocal agreement to ensure understanding and agreement on interpretation and implementation of disaster relief responsibilities; and

WHEREAS, the City and KISD desire to work together for the benefit of the citizens of Kingsville in the event of a natural or man-made disaster; and

WHEREAS, the City and KISD desire to make resources available in the event of a disaster; and

WHEREAS, the City may provide shelter for those who are unable to evacuate when requested to do so; and

WHEREAS, those who are unable to evacuate will need to bring enough food and water for 72 hours in the event a shelter is established; and

WHEREAS, KISD agrees to make the KISD Community Safe Rooms available to the City for the purpose of sheltering City of Kingsville Essential Personnel in one dome and disaster victims that failed to evacuate in a timely manner in the additional dome; and

WHEREAS, the KISD School Superintendent and/or her designee and the City Manager and/or his designee will be responsible for preplanning for emergency shelters and their implementation; and

NOW, THEREFORE, the City and KISD, in consideration of these mutual covenants and agreements, agree as follows:

1. PHYSICAL FACILITIES.

- A. Buildings for Mass Shelters. KISD agrees to designate the following buildings as shelters:
 - (1) KISD Community Safe Rooms
 - (2) Other facilities as the need arises.
- B. Keys. Within 30 days of signing this agreement, KISD will provide the City of Kingsville copies of keys to the above facilities. The keys will be maintained in the Knox box key locations at the KISD Community Safe Rooms located at HM King High School, 2210 S. Brahma, Kingsville, Texas.

2. PERSONNEL.

- A. Shelter Management.

The City will provide a shelter manager for each shelter site opened. The City Emergency Management Coordinator will train each shelter manager in shelter management. The City will actively recruit and have trained volunteers to assist at the shelter sites. Within 30 days of signing this agreement and on or before May 1st of each year, the City will have their shelter managers or other city designated representative work with KISD to become familiar with the shelters and their physical operation.
- B. Security.

The City will provide at least one police officer at each shelter site opened while the shelter is operated under the City's direction.
- C. Emergency Services.

The City will provide at least one EMS person at each shelter site opened while the shelter is operated under the City's direction.
- D. School Bus Drivers.

The term "school bus drivers" means hourly paid school bus drivers. KISD will provide a list of school bus drivers to the City on or before May 1st of each year so that the City may contact them for employment on a contract basis in the event of an emergency.

3. TRAINING.

- A. The City will ensure that the City Emergency Management Coordinator trains shelter managers and volunteers in shelter management. See paragraph 2 A above.

4. LIABILITY.

- A. The City agrees that during the time the physical facilities and property of KISD are being used by the City, the City will be liable and responsible for any damage to such facilities or property arising from its use thereof, and that it will indemnify and hold harmless KISD against any claim or claims for damage to persons or property, except for premises defects and product defects.

B. Nothing contained within this Agreement shall constitute a waiver of immunity by KISD or any employee or volunteer of KISD, which may assist in providing services pursuant to the terms of this Agreement. Permission to use the facilities and all other acts or conditions implemented by officials of KISD shall be considered incident to or within the scope of the duties of the KISD employee's position of employment. KISD, as the school district and on behalf of its employees, shall remain immune from civil liability in accordance with Section 22.051 of Subchapter B. Civil Immunity, Chapter 22. School District Employees and Volunteers, of the Texas Education Code and any other applicable law providing for the immunity of KISD from civil liability.

5. UTILITIES.

A. The City does not routinely pay for utility bills resulting from the use of school buildings. However, if KISD is unable to absorb the cost, requests for reimbursement may be submitted to the Director of Finance for the City, within 30 days of use, provided that such bills are clearly itemized, i.e., beginning date and ending date, how the charges were arrived at, and why reimbursement is requested.

6. WAIVERS.

- A. Any people who were unable to evacuate that decide to use any of the emergency shelters that are opened by the City will have to sign waivers to hold harmless KISD and the City against any and all claims for damage to person or property.
- B. The shelter manager or other city designee will explain and collect the waivers prior to a person being allowed to stay in the shelter.

7. TERM AND RENEWAL.

- A. This Agreement shall be for an initial term of one year.
- B. This Agreement shall be automatically renewed without further action unless terminated by either party.
- C. This Agreement may be terminated at any time by any party with or without cause upon (90) days advance written notice.
- D. Any notice of termination shall be sent to the other party to this interlocal agreement at the address listed in paragraph 9 of this agreement.

8. SEVERABILITY.

- A. If any portion of this agreement, or its application to any person or circumstance, is held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this agreement shall not be affected and shall continue to be enforceable under the terms of this agreement.

9. NOTICES.

- A. Notices under this Agreement shall be addressed to the parties as indicated below, unless changed by written notice to such effect, and shall be effected when delivered or when deposited in the U.S. mail, postage prepaid, certified, return receipt requested.

City of Kingsville
Attn: City Manager
P.O. Box 1458
Kingsville, Texas 78364
Telephone: (361) 595-8002

Kingsville Independent School District
Attn: Superintendent
P.O. Box 871
Kingsville, Texas 78364
Telephone: (361) 592-3387

10. PERFORMANCE.

- A. This agreement shall be performed in Kleberg County, Texas, and shall be governed by the laws of the State of Texas.

11. ASSIGNMENT.

- A. This Agreement is binding upon and inures to the benefit of the parties to this Agreement and their respective successors and permitted assigns. This Agreement may not be assigned by any party without the written consent of all of the parties.

12. ENTIRE AGREEMENT.

- A. This Agreement represents the entire agreement between the parties and may not be modified by any oral agreements or understandings. Any amendments must be made in writing and signed by all parties.

13. EFFECTIVE DATE.

- A. This Agreement is effective on the date when the last party executes this agreement.

EXECUTED by the Kingsville Independent School District on the ____ day of _____, 2017.

KISD School Board President
Brian Coufal

Carolina Perez, Ed.D
KISD Superintendent

ATTEST:

KISD School Board Secretary

APPROVED AS TO FORM:

KISD School Board Attorney

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

Jesus Garza
City Manager

ATTEST:

Mary Valenzuela
City Secretary

APPROVED AS TO FORM:

Courtney Alvarez
City Attorney

AGENDA ITEM #10

**City of Kingsville
Purchasing Department**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Charley Sosa, Purchasing Manager
DATE: July 10, 2017, 2017
SUBJECT: Roofs for Public Works Buildings

Summary:

This item authorizes the installation of a new roof for Public Works Building.

Background:

The roofs at these buildings are in dire need of repair/replacement. The Public Works Building roof will use a TPO (thermoplastic polyolefin) system manufactured by Duro-Last, and the tire shop will be replaced with 24 gauge R-Panel. Parsons is a member of the TIPS Purchasing Cooperative and has done the roof at Kingsville Fire Station one and the City Hall in Corpus Christi, as well as many others. Local Government Code 271 Subchapter F allows for the use of a cooperative purchasing program, specifically 271.102 (c), states, "A local government that purchases good and service under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of goods and service." Therefore, competitive bidding statutes have been met.

Financial Impact:

Funds are available through CO 2016 with no more than \$107,518.00 previously expended from 033-5-22000-71300, Public Works Improvements so that \$125,000.00 is available

Recommendation:

It is recommended the City contracts with Parsons Commercial Roofing, Inc. PO Box 21835, Waco, TX 76702-1835.





Parsons Commercial Roofing, Inc

Serving the Building Industry Since 1948

Home Office: P.O. Box 21835 Waco, TX 76702-1835 • Fax (254) 881-1995 • www.parsonsroofing.com
Waco (254) 881-1733 • Temple (254) 773-3777 • Killeen 254-554-5888 • Austin (512) 264-0606 • Dallas (214) 361-0174
San Antonio (210) 340-1610 • Toll Free (877) 881-1733

Submitted To: City of Kingsville David Mason ("Purchaser") Date: 7.18.2017
Street: PO Box 1458 Job Name: Public Works Tire Shop
City, State, Zip: Kingsville, TX 78363 Job Location: 1300 E. Corral St. Kingsville, TX
Telephone: 301-595-8025 Contractors Work To Begin: TBD
E-Mail Address: dmason@cityofkingsville.com Salesman: Kevin Strain
Fax: _____

Subject to a prompt acceptance within 30 days from above date, and further subject to all terms and conditions on the front and reverse side hereof.
PARSONS COMMERCIAL ROOFING, INC. ("Contractor") Proposes to furnish materials and labor as hereafter specified for the "Work" described as follows:

Scope Of Work:

1. Remove all debris from roof area.	
2. Over R-panel metal roof, install EPS insulation into flutes and 1" EPS insulation over existing metal roof.	
At walkway, fully adhere a ISO insulation over existing BUR roof.	
3. Contractor shall furnish and mechanically fasten, a 40 mil single-ply membrane roofing system that is	
fabricated of a weft inserted low-shrink, anti-wicking polyester fabric and has a thermoplastic coating material	
laminated to both sides as manufactured by Duro-Last Roofing, Inc. At walkway, fully adhere Duro-last membrane.	
4. Install prefabricated flashings around all curbs, deck penetrations and drains in accordance with membrane specifications.	
5. Cut back rake edge of existing roofing system. Install new, non-treated wood nailer.	
6. Encapsulate all parapet walls and cover expansion joints with Duro-Last.	
7. Install 24ga prefinished fascia with Kynar-coated metal cover, at roof perimeter. Cover color shall be chosen by building owner.	
8. Dispose of all debris in an approved facility in accordance with all local, state and federal regulations.	
9. Includes, as issued by manufacturer, a 15 year Labor and Material Warranty which includes liability of	
consequential damages.	
10. Includes all Workmen Compensation and General Liability Insurance.	
11. Cover existing skylights.	
12. At existing corrugated and lower metal roof, remove metal. Install new 24ga R-panel metal roof system. Install new gable and eve trim.	
13. Remove and replace 260' of gutters and 210' of downspouts with new 24ga prefinished box gutters and downspouts.	
Option: Install a 50mil Duro-Last roof with a 20 year NDL warranty, please add to base bid	\$4,145.00
TIPS	

The Contract sum due Contractor for the Work is: \$107,518.00
Terms: **50% upon order of materials and balance due upon completion** Sales Tax (Not Included)

Parsons Commercial Roofing, Inc

By: _____ By: _____
Title: _____ Title: _____

ACCEPTANCE: The undersigned ("Purchaser") by execution hereof accepts this document and all of its terms and conditions contained herein and on the front and reverse hereof as a binding contract.

Date: _____ Date: _____

THE STATE OF TEXAS

COUNTY OF _____

THIS INSTRUMENT was acknowledged before me on _____ By: _____

Notary Public in and for The State of Texas

My Commission Expires: _____

AGENDA ITEM #11

City of Kingsville
Department of Planning and Development Services

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director

DATE: June 3, 2016

SUBJECT: Agreement between the City of Kingsville and Shabir Shah - alley improvement

Summary: Shabir Shah the owner of the convenience store at 809 W. King is allowing a food truck to be located on his property. He and the food truck operator would like to utilize the alley behind the store as an exit to Armstrong.

Background: In the past we have entered into an agreement with Ali Samadi in improving the alley behind his subway on Santa Gertrudis so the users of the drive thru would utilize the alley for an exit. The reason for that request and this one is the same in that the condition of the alley is not conducive for that traffic load. Attached is a copy of the paving estimate that engineering has put together. Mr. Shah has reviewed the agreement along with the paving estimate and is willing to pay for the materials so the City can do the construction work.

Financial Impact: The impact to the city is that while the crew is doing the alley work they are not doing other street maintenance.

Recommendation: This method worked well for the alley improvement for the Subway and I think it will also work well for this request. The participants in the agreement are positive when given this option to improve the alley that will benefit their customers. I recommend that the agreement is approved.



Alley Paving Cost Estimate

Dimensions of Project

Length 164 feet

Width 10 feet

Area 1.640 square feet

Area 182 square yards

Asphalt Pavement (Project done by City Crews)

Material	Amount	Cost	Total
6 inches of limestone	51.3 tons	\$22.75 per ton	\$1,167.66
Primer MC 30	182 sq yd	\$3.38 per gallon	\$92.39
Binding Oil	54.67 gallons	\$2.40 per gallon	\$131.20
#5 rock	1.82 tons	\$54.50 a ton	\$99.31
2 inches hot mix	20.04 tons	\$77.19 a ton	\$1,547.23

Total \$3,037.79



CITY MANAGER'S OFFICE

City of Kingsville
Phone: 361-595-8002 Fax: 361-595-8024

July 25, 2017

Shabir Shah
809 W. King
Kingsville, TX 78363

Re: Chapter 380-Economic Development Agreement for Alley
Improvements behind your property at 809 W. King, Kingsville, Texas

Dear Mr. Shah,

It is my understanding you and your staff have been in discussions with city staff about an arrangement between you and the City, payable at the start of the project, to make alley improvements (re-surface the alley for higher volume traffic) behind the property you own for a new commercial business you intend to have on the property in 2017. It is also my understanding that in order for the new business to locate on your property the alley improvements are needed to handle the future expected traffic volume exiting the existing property. Please be advised that the request was presented to and approved by the Kingsville City Commission at a meeting on July 24, 2017.

The project has been *estimated* by city staff to cost \$3,037.79 for the city to provide labor, equipment, and materials to improve the alleyway behind your property with paving materials. You are agreeing to pay the full amount of the estimated alley improvements cost (for the alleyway behind your property located at 809 W. King) for labor, equipment, and materials provided by the City. The Commission *approved* the economic development agreement for the actual cost of the project, which is not certain at this time. So, if the actual cost comes in at an amount over the estimated project cost, then you will be responsible for the overage as well. Should the project come in at an amount less than the estimated project cost, then you would receive a refund for the amount of the underage. The Commission approved this alley improvement project for this Chapter 380 Economic Development Agreement with you paying the actual project cost and placing a deposit for the estimated project cost at the start of the project.

Please provide written acknowledgement if you understand and agree to these terms. If this arrangement is no longer acceptable, please contact me at (361) 595-8002, or City Planning & Economic Development Director Tom Ginter at (361) 595-8053.

Sincerely,

Jesús A. Garza
City Manager
P.O. Box 1458
Kingsville, TX 78364

The terms set out above are acceptable and agreed to by me. Signed on this the
____ day of _____, 2017.

Shabir Shag
809 W. King Ave.
Kingsville, TX 78363

AGENDA ITEM #12

**City of Kingsville
Parks & Recreation Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Jason Alfaro, Parks & Recreation Director

DATE: July 18, 2017

SUBJECT: Agenda Request – Receipt of \$400 donation from South Texas Quail Coalition

Summary:

The Parks & Recreation Department would like approval from City Commission to receive a \$400 donation from the South Texas Quail Coalition. These funds would be used for repairs and improvements to the BBQ building at Dick Kleberg Park.

Background:

In early 2016, before the storm, and when JK Northway was under the management of Parks & Recreation Dept. we received a \$500.00 deposit from South Texas Quail Coalition to hold the JK Northway for their annual event in August. The storm hit in May, and we had to ask them to move their event. They asked us to hold the deposit for the following year. In combination of this event, they also rent out the BBQ Hut to cook wild game dinner that feeds the banquet guests. They advised us that they would still be using the BBQ Hut but are returning the Banquet to Robstown. While speaking with Beth Howard of STQC she stated that her organization would like to donate the remaining funds from the \$500.00 deposit, less the cost of the rental of the BBQ hut, to assist with any repairs to that building. We would like to use these funds to assist with repairs that the building needs.

Financial Impact:

This donation will provide \$400 in additional funds for repairs/updates to the BBQ building.

Recommendation:

We recommend that City Commission authorize the receipt of this donation in the amount of \$400 from the South Texas Quail Coalition, and amend the budget to record the acceptance of these funds into the parks budget.



**City of Kingsville
Parks & Recreation Department**

TO: Jason Alfaro, Parks & Recreation Director

FROM: Susan Ivy, Parks Manager

DATE: July 18, 2017

SUBJECT: Agenda Request – Authorize receipt of \$400.00 donation from South Texas Quail Coalition

Summary:

We are asking for Commission approval to receive a \$400.00 donation from South Texas Quail Coalition for repairs and improvements to the Bar-B-Que hut in Dick Kleberg Park.

Background:

In early 2016, before the storm hit JK Northway and when the JK was still under the management of Parks & Recreation we received a \$500.00 deposit from South Texas Quail Coalition as required for holding the JK Northway for their annual event in August. The Storm hit in May and we had to ask them to move their event. They asked us to hold the deposit for the next year. During this event they always also rent out our BBQ Hut to cook the wild game dinner that they feed the banquet guests. They advised us that they would still be using the BBQ Hut but are returning the Banquet to Robstown. I forwarded the info to Mr. Alarcon of the Tourism Dept and manager of JK Northway.

When I spoke to Beth Howard of STQC during our conversation about the BBQ building I told her that the BBQ Hut needed some repairs and that our staff was working on repairing screens, Grill Grates, etc. She told me that her organization would like to donate the funds left from the \$500.00 deposit less the cost of the rental of the BBQ hut for 2 days this year to assist with the repairs. We would like to use it to assist with installing new grill grates and other miscellaneous repairs that the building needs.

Financial Impact: This donation will add \$400.00 additional dollars to funds available to repair the BBQ Hut.

Recommendation: We ask that City Commission authorizes the receipt of this donation in the amount of \$400.00 from South Texas Quail Coalition for repairs to BBQ Hut in Dick Kleberg Park 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 DONATION FOR THE PARKS DEPARTMENT.

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

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 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	Park Donations	58003		\$ 400
Expenses					\$ 400
5-4503	Parks	Grounds & Perm Fixtures	59100	\$ 400	
				\$ 400	

[To amend the City of Kingsville FY 16-17 Budget to accept and expend a Parks donation from the South Texas Quail Coalition as per the attached memo from the Parks Director.]

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 24th day of July, 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 #13

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

TO: Mayor and City Commissioners

FROM: Jesus A. Garza

DATE: July 18, 2017

SUBJECT: 3rd Amendment with UTSA for Downtown Vision Plan

Summary:

This item authorizes a 3rd Amendment to the Agreement with UTSA for additional work related to the Downtown Vision Plan. Specifically, it is to update the video portion of the Downtown Vision Plan to match the new streetscape that retains head in parking in much of the Downtown. The original video had the entire downtown with parallel parking.

Background:

The City first entered into a contract with the University of Texas – San Antonio in March 2016 to complete a Downtown Vision Plan. That plan was completed and presented in March 2017. That original contract was through December 31, 2016 thus Amendment One was passed in January to extend the time through the end of March. The final plan at that time called for parallel parking in the downtown area. This suggestion was received with hesitation. Consequently, we entered into a 2nd Amendment in April 2017 with UTSA for them to look at options that would not alter the existing head in parking. That was completed and presented in May 2017. Now the 3rd Amendment is to edit and make changes to the original Downtown Vision plan video presented in March 2017 to show the updated streetscape with head in parking.

Financial Impact:

An additional \$1,000 to come from CO 2016 Downtown Revitalization Funds. The breakdown of payments to UTSA is as follows:

Original Contract for Vision Plan	
+ Amendment One for Additional Time	\$5,000
Amendment Two for Streetscape Options	\$2,500
Amendment Three	\$1,000



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

Recommendation:

Staff recommends approval of this 3rd Amendment to the Agreement to bring complete closure to the Downtown Vision Plan process.



RESOLUTION #2017-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AMENDMENT THREE 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; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville ("City") and the University of Texas-San Antonio ("UTSA") agreed to an Interlocal Agreement relating to a Sponsored Research Agreement for the Downtown Area on March 28, 2016 via Resolution #2016-26 as they were each pursuing research in the area of urban and regional planning, and this agreement was amended once for a three-month extension of the agreement, at no additional cost to the City on January 9, 2017 via Resolution #2017-02; and

WHEREAS, the parties entered into a second amendment to the agreement for additional work for an additional fee on April 24, 2017 via Resolution #2017-24; and

WHEREAS, the City would like some additional planning design for revitalization and improvements for the downtown area; and

WHEREAS, UTSA has a Center for Urban and Regional Planning Research ("CURPR") and has planning students who could benefit from real world experience like this planning design project; and

WHEREAS, the City of Kingsville and UTSA would both benefit from the university students performing the planning design work for the City for the downtown area and the design work would be for the benefit of those who live, work, and visit here; and

WHEREAS, the City is prepared to pay for the planning design work for the downtown area and UTSA has agreed to provide students and staff supervisors for this project via their CURPR; and

WHEREAS, the City Commission has previously approved similar Interlocal Agreements with the local university relating to design engineering work for various streets in town; and

WHEREAS, UTSA and staff would like to amend the agreement for: 1) an extension of the agreement to perform the additional requested work so that the agreement would now expire on September 30, 2017, and 2) an increase in

compensation for the additional work at a cost of \$1,000, for a total contract price not to exceed \$8,500; 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 Amendment Three 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 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 24th day of July, 2017.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

Third Amendment to Sponsored Research Agreement
Between
City of Kingsville
And
The University of Texas at San Antonio

This Third Amendment (the "Third Amendment") is made and entered into by and between **The City of Kingsville** ("Sponsor") having its principal place of business at 200 E. Kleberg, Kingsville, Texas 78364 and **The University of Texas at San Antonio**, ("UTSA"), an institution of The University of Texas System ("System"), having an address at One UTSA Circle, San Antonio, Texas, 78249.

WHEREAS, SPONSOR and UTSA previously entered into a Sponsored Research Agreement executed on March 1, 2016 (the "Agreement"); and

WHEREAS, SPONSOR and UTSA executed an Amendment ("First Amendment") on February 21, 2017 to extend the term of this Agreement through May 31, 2017;

WHEREAS, SPONSOR and UTSA executed an Amendment ("Amendment Two") on April 24th, 2017 to extend the Agreement term and increase the Agreement funding through June 30, 2017;

WHEREAS, the parties desire to amend the Agreement to extend the Agreement term, increase the Agreement funding, revise the Scope of Work, and the Budget and Timeline;

NOW THEREFORE, in consideration of the mutual promises contained herein and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties hereto agree to the following.

1. **Article 1 – Period of Performance** is hereby deleted in its entirety and replaced as follows:

This agreement shall become effective on ***March 1, 2016*** and shall be completed by ***September 30, 2017*** unless subsequent time extension, continuation, or renewal is mutually agreed upon in writing between the parties.

2. **Article 3 – Compensation**, to this Agreement is hereby deleted in its entirety and replaced as follows:
 - a. As consideration for University's performance, Sponsor will pay the University the fixed amount of Eight Thousand Five Hundred Dollars (\$8,500), as detailed in Attachment B, Budget and Timeline.
 - b. Sponsor will make payments to "The University of Texas at San Antonio", referencing the Principal Investigator and Research Program title, to the following address:

The University of Texas at San Antonio
Attn: Research Service Center – Downtown
501 W. Cesar E. Chavez Blvd.
San Antonio, TX 78207

- c. The Principal Investigator may transfer funds within the budget as needed without Sponsor's approval so long as the scope of work under the Research Program remains unchanged.
3. **Attachment A, Scope of Work**, to the Agreement is hereby revised and attached to this Amendment in its final form.
4. **Attachment B, Budget and Timeline**, to the Agreement is hereby revised and attached to this Amendment in its final form.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by their duly authorized representatives.

CITY OF KINGSVILLE

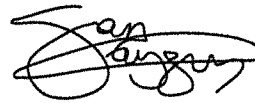
**THE UNIVERSITY OF TEXAS
AT SAN ANTONIO**

By:

Jesus A. Garza
City Administrator

Date:

By:



Can (John) Saygin, Ph.D.
Associate Vice President for Sponsored
Project Administration

Date:

7/18/2017

Attachment A

Scope of Work

**Downtown Video Study for Kingsville, Texas
(Revised June 2017)**

Scope of Services (additional services as of June 15, 2017):

A. Scope of Study

The tasks performed in this proposal will result in the creation of a digital flythrough video of the Downtown District.

B. Services of CURPR

The video will assist in understanding the implications of the proposed parking for the Downtown District of Kingsville, Texas. The focus of the video is concentrated in the downtown district between Alice Avenue to the North, King Avenue to the South, 5th Street to the West, and 10th Street to the East.

C. Time for Completion

All services will be completed by September 30, 2017.

D. Compensation

Projected costs for the Kingsville Downtown District Study are \$ 1,000.

Attachment B

Budget and Timeline (Revised 2017)

Compensation and Payment Schedule:

Initial Funding

Compensation: \$2,500 upon contract execution March 29, 2016
 \$2,500 upon receipt of deliverables December 31, 2016

Additional Funding

EVENT	DATE	PAYMENT DUE
Project start	April 24, 2017	
Project Completed	June 30, 2017	2,500
Additional work completed	September 30, 2017	1,000
PAYMENT		3,500

TOTAL FEE: \$8,500

AGENDA ITEM #14

**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Deborah Balli, Finance Director
DATE: July 18, 2017
SUBJECT: Agenda Request – Write Off Uncollectible Ambulance Billing

Summary:

The Finance Department would like to write off \$2,705,508 in uncollectible ambulance billings.

Background:

Intermedix is the company that is used to bill customers for ambulance services on behalf of the City of Kingsville. Many of these billings are for patients on Medicare which have limits on what they are authorized to pay. Patients on Medicare are not responsible for the difference in what is billed and what is paid by Medicare and various other insurance companies. The earliest bill is from 11/26/2004 and the latest bill is from 12/31/2014.

Financial Impact:

The write-off will have no effect on Fund Balance or working capital as we have an allowance account to offset the write-off.

Recommendation:

We recommend that City Commission authorize the write-off of accounts that have been deemed to be uncollectible.



AGENDA ITEM #15