

City of Kingsville, Texas

AGENDA CITY COMMISSION MONDAY, OCTOBER 23, 2017 REGULAR MEETING

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

I. Preliminary Proceedings.

OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting - October 9, 2017

APPROVED BY:


Jesus A. Garza
City Manager

II. Public Hearing - (Required by Law).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-Communications 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, SEP, 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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 Chapter XV, Article 6-Zoning, amending Appendix A-Land Use Categories to add Mobile Food Vendor and Mobile Food Court. (Director of Planning & Development Services).
2. Motion to approve renewal of membership with Electric Reliability Council of Texas (ERCOT) for 2017. (City Attorney).
3. Motion to approve a resolution of the City of Kingsville authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Boys & Girls Club of Kingsville for drug and alcohol prevention programs. (Chief of Police).
4. Motion to approve a resolution of the City of Kingsville authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Palmer Drug Abuse Program (PDAP) of Kingsville for drug abuse prevention programs. (Chief of Police).
5. Motion to approve a resolution recognizing the importance of Municipal Courts, the Rule of Law, and the fair and impartial administration of justice in recognition of Municipal Court Week November 6-10, 2017. (City Attorney).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

6. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Article 7, Food Sales and Food Establishments, Sections 17 & 99 on permit provisions and penalty be modified and Sections 20-25 be added to provide for Mobile Food Unit, Mobile Food Establishment, and Push Car Regulations. (Health Director).
7. Consider out of state travel for the Finance Director and Accounting Manager to attend the GFOA conference in St. Louis, Missouri, May 6-9, 2018. (Finance Director).
8. Consider authorizing the purchase of four SUVs for the Police Department via BuyBoard, as per staff recommendation. (Chief of Police).

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.

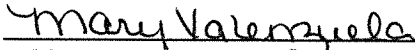
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative Commission votes. The speaker must identify himself by name and address.
4. Items being considered by the Commission for action except citizen's comments to the Mayor and 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:

October 18, 2017 at 3:00 P.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.



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

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

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

MINUTES OF PREVIOUS MEETING(S)

OCTOBER 9, 2017

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, OCTOBER 9, 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
Al Garcia, Commissioner
Noel Pena, Commissioner

CITY COMMISSION ABSENT:

Arturo Pecos, 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
Sharam Santillan, Capital Projects Manager
Israel Vasquez, Facility Maintenance Manager
Emilio Garcia, Health Director
Jason Alfaro, Parks & Rec Director
Derek Williams, Systems Specialist
David Solis, Risk Manager
Adrian Garcia, Fire Chief
Leo Alarcon, Tourism Director
Deborah Balli, Finance Director
Susan Ivy, Parks Manager
Daniel Ramirez, Building Official
Marco Jimenez, Water Supervisor
Bill Donnell, Public Works Director
Joe Casillas, Water Production Supervisor
Ricardo Torres, Chief of Police
Cynthia Martin, Downtown Manager

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 6:00 P.M. with four Commission members present. Commissioner Pecos absent.

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)

Special Meeting – August 22, 2017
Special Meeting – August 28, 2017
Special Meeting – August 29, 2017
Special Meeting – August 30, 2017

Motion made by Commissioner Lopez to approve the minutes of August 22, 2017, August 28, 2017, August 29, 2017, August 30, 2017, and September 25, 2017, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Lopez, Pena, Garcia, Fugate voting “FOR”.

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

1. Public hearing regarding condemnation proceeding for structures located at 623 E. Alice St. Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate announced and opened this public hearing at 6:03 P.M.

Mr. Tom Ginter, Director of Planning & Development Services reported that this property is an attractive nuisance to children. A harbor for vagrants, criminal and immoral people. There is evidence of roach, rat, mouse, or other vermin found within the structure. The structure has an uncovered roof as well as graffiti. The building official has found the overall condition to be in a severe and hazardous state of disrepair. It is unsecured allowing for easy for animals and vagrants. This property has had no water service since September 2016.

Commissioner Lopez asked if this property owner owed back taxes.

Mr. Ginter commented that property taxes are up to date.

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 6:07 P.M.

2. Public hearing regarding condemnation proceeding for structures located at 226 E. Alice St., Kingsville, Texas. (Director of Planning & Development Services).

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

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.

Mr. Ginter reported that this property is an attractive nuisance to children and a harbor for vagrants, criminal and immoral people. There is evidence of roach, rat, mouse, or other vermin found. The structure has a uncovered roof as well as graffiti. The structure is unsecured. This property has had no power since January 2010.

Commissioner Lopez asked about the taxes on this property.

Mrs. Alvarez stated that this property owes back taxes for years 2013 and 2016.

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 623 W. Huisache St., Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate announced and opened this public hearing at 6:09 P.M.

Mr. Ginter reported that this structure is an attractive nuisance to children and a harbor for vagrants, criminal and immoral people. There is evidence of roach, rat, mouse, and other vermin found on the property. The structure is partially uncovered and there is signs of graffiti. The overall condition of the property is to be in a severe and hazardous

state of disrepair. This property has had no power since 2008 and owes back taxes since 2010.

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 6:10 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-Communications 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, SEP, 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 Fire Prevention Week to Adrian Garcia, City of Kingsville Fire Chief.

Mr. Garza commented that staff has recently returned from the TML Annual Conference in Houston. Staff attended several session at this conference dealing with revitalization of downtown and a few other things. One session staff attended was that of the increase of healthcare cost, which is something that the Commission has discussed with staff in the past few weeks. Garza stated that the Health Design Task Force has held its first meeting last week. He commented that the presentation, which a copy will be provided to the Commission, that was given at TML Annual Conference was very educational in terms of explaining the situation that everyone is in now regarding healthcare cost. This handout will show what cities and organizations are doing to try and decrease the level of cost ranging from issues such as narrowing your network to dependent care and increasing wellness. Garza commented that the Task Force had a successful meeting last week. The biggest goal for this group is to help facilitate a conversation with employees to help educate them on the financial challenges that we have by being self-insured. Staff is also getting feedback from the employees to try and see what changes can be made that will least impact of the amount of employees. To help in this effort, staff is finalizing a survey that will be sent out to all city employees to get feedback on the things that matter to them. This survey should be handed out by the end of the month. Staff is also planning on having some in person meetings, both during the day and in the evening with employees and their dependents. This will educate the employee and their dependents on what the city is trying to do regarding healthcare. The goal is to bring a recommendation to the City Commission by the first meeting in December.

Mr. Garza commented that within the budget, the stormwater fee was adopted. Notices will be sent out with the utility bills this week notifying the residents about the change. Garza further mentioned that the City of Kingsville has received news on the city's workers compensation modifier. The city of Kingsville modifier in fiscal year 2013 was .69 and for fiscal year 2018 it is at .39.

Mr. Jason Alfaro updated that City Commission on the Skatepark located at Brookshire Pool. Mr. Alfaro handed the Commission a map of the parks in the City of Kingsville. He stated that the Parks & Recreation Advisory Board will be holding their first meeting on Wednesday, October 11th at 6:00 P.M. in the Community Room. Brookshire Park 2 site plan which is detailed around the skatepark. The skatepark concrete work is being taken care of this week. This should add new sidewalks and make it ADA Compliance to the existing parking lot that is there. The hatched areas the was put in by the Engineering Department will be the first phase to be completed by the end of next week. Park staff has already begun placing grass down in the skatepark area, which should be completed by tomorrow. Next week, staff should have the site amenities taken care of as well which include trashcans, picnic benches and water fountains, as well as some skatepark rule signage. Staff is also looking at placing the shade structures that were previously at the pool to be used in the park itself. One will be placed in the skatepark area and the other on the southside of the pool. The pool will not only have the shade structure but also a bar-b-que grill which can make it rentable. Alfaro stated that the ribbon cutting ceremony for the skatepark will take place on Friday, October 20th at 5:30 P.M. Brookshire Park 2, old fencing has been removed and replaced with a new fence. Additional parking will also be added for the skatepark.

Mayor Fugate asked if staff has been in contact with the Kingsville Independent School District regarding the use of their parking lot over, after hours, at Harvey School.

Mr. Alfaro responded that he has not been in contact with them.

Mayor Fugate commented that he is aware that they have it gated after hours.

Mr. Garza commented that he has had conversations with the Superintendent and some of the administrative staff on this being the city's intent, but staff is purposely waiting until the project is complete before approaching them with this. Garza further stated that they are aware that it is the city's intention to come forward with this proposal at some point.

Mayor Fugate commented that he and Commissioner Lopez may be able to assist staff with this.

Mr. Alfaro continued and commented that in the map, it shows that the southwest side it is being proposed to place a playground. There are some grant opportunities that will become available to staff which will assist with some of those cost for the playground. In the original site plans, staff wants to incorporate some trail systems or concrete pathways. Mr. Alfaro stated that currently there is no parking on Corral Park. Staff is looking into this and will also propose a trail at this park as well. Alfaro stated that these are still working documents, and changes can still be made. Staff would like to take part of the Parks Master Plan and look at the open green space as well. This is something that staff will look into as they go through the different phases and designs.

Commissioner Lopez asked that the park by Harvey School, the tree next to the pool, is that an Oak Tree.

Mr. Alfaro responded that it is an Oak Tree.

Commissioner Lopez stated that she would like to remind staff that once this tree starts blooming, it will all come down into the pool, which could be a problem.

Mr. Garza commented that once staff gets into trying to figure out the kiddie pool that we don't swap and place the kiddie pool on the other side which will be further away from the tree.

Mayor Fugate commented that if it is swapped out, it puts it on the southeast side of the pool. And as everyone knows, that the prevailing wind which can create a lot of problems.

Mr. Alfaro commented on Flato Park. He stated that Flato Park has three playground areas. Following the Master Plan in trying to create more open space, staff is looking at trying to consolidate those three playgrounds and making it into one large playground or getting rid of one if it's not being utilized as much and just have two of the playground areas available. The site plan also shows existing basketball courts which doesn't necessarily mean that they are going to be left the way they are, staff will look into possibly refurbishing and getting it update. As for Thompson Park, staff is looking at possibly removing some of the mesquite trees, as this park has too many trees within its space. Brookshire Pool 1, staff is proposing trails and combine all playgrounds into one. Staff is also looking into placing bollards with the wire all around the parameters to avoid vehicles from driving onto the grounds.

Commissioner Garcia commented that he noticed that Thompson Park and Harvey are the only ones with accessible restrooms.

Mayor Fugate commented that Flores Park has accessible restrooms.

Mr. Alfaro commented that there are some parks that don't have restrooms or water fountains. Staff is looking into placing some in those parks that don't have any.

Mayor Fugate commented that the Parks that were owned by the County, prior to the City taking over, did not have restrooms.

Mr. Garza commented that one important thing to point out is that staff is presenting these plans but does not mean that there is any money to do a lot of these changes. It is staffs goal to finalize the vision so that when grant opportunities come up, plans will be in place.

Mayor Fugate commented that something that staff may consider is placing a cover over the playground. Covers over playgrounds can be expensive, but parks will get more use out of them considering the climate that we have in South Texas. Fugate also commented that on Corral Park and Flores Park, when staff develops the trails, they need to make sure that the trail system that will connect those parks to Tranquitas Creeks as it could have a lot of potential to the park system.

Mr. Adrian Garcia, Fire Chief reported on the fire that took place on September 28th at 702 W. Henrietta. This has been a property that has been under condemnation for a while. From the Fire Department aspect of it, it was a fire that required some mutual aid assistance. There were four mutual aid departments that assisted with a total of 50 personnel in order to putting the fire out. The investigation, being that there was no electricity going into the building, has been determined to be a suspicious fire. The Fire Marshal has investigated it and has ID the room of origin which was located on the first

floor. Due to the burn patterns it was found that the bathroom on the first floor was the room of origin. Because it was a suspicious fire, they had to request a state resource, arson dog to come in, which hit in two locations. Samples were taken from the locations and submitted to the state lab for analysis. Those results will take about two to four weeks. The Fire Department is compiling information such as persons of interest and interviewing and gathering information data that can build the case. In addition to this, the Fire Department has been working with Mr. Ginter from the Planning Department. From the fire investigation aspect in dealing with the actual structure, with completed that aspect of it and met with Mr. Ginter, it was agreed to pass it back to the Planning Department so that they can complete the condemnation process that was in place. Garcia commented that as more information becomes available, it will be passed on to the City Commission.

Mr. Garza announced that the next City Commission meeting is scheduled for October 23rd, which he will not in attendance for as he will be attending the ICMA Annual Conference during that week in San Antonio. He stated that the first meeting in November, there will be a comprehensive update relating to wastewater situation with the South Plant.

Mrs. Courtney Alvarez, City Attorney announced that the next City Commission meeting is scheduled for October 23rd, with agenda items for this meeting due on Friday, October 13th. She further announced that city employees will have the opportunity to attend a Health Fair sponsored by the City, on Friday, October 13th from 1:00 P.M. to 6:00 P.M. Also, the Risk Manager will be hosting a training on Wednesday, October 11th at 9:30 A.M. in the Community Room.

Commissioner Pena thanked staff from Public Works for the chemical trash off event.

Mayor Fugate congratulated Commissioner Garcia for his win on the Texas Got Talent contest held during the 2017 TML Annual Conference. Commissioner Garcia came in third place for his song, which was to be rewritten with his community in mind. The third prize winner received \$1,000 to be used in his community.

IV. Public Comment on Agenda Items.³

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

Mr. Dick Watson, 100 University Blvd., commented that he would like for the City Commission to support speed limit reduction on University Blvd from 30mph to 20mph. He has spoken with city staff regarding reducing the speed limit on this road, but staff has made him aware that the road belongs to TXDOT. He is asking for the city to assist with this as traffic travels fast through this area. He would also like to request for the City to place limited no parking signs along the road on both sides of the road. Mr. Watson commented that he has purchased a radar gun and decimal noise meter to be order to gather more information on how fast these vehicles are traveling through University Blvd.

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

1. Motion to approve final passage of an ordinance authorizing the historical redesignation of streets in La Colonia Mexicana to include the original street names with the existing street names, having no impact on addresses. (City Manager).
2. Motion to approve final passage of an ordinance amending Chapter 5 of the Kingsville Parks Master Plan to add a supporting narrative and figure table. (Parks & Recreation Director).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2017-2018 Budget to accept and expend a grant from the Union Pacific Foundation for the Train Depot Project. (City Manager).
4. Motion to approve a resolution by the City of Kingsville, Texas designating authorized signatories for contractual documents and documents for requesting funds pertaining to the Texas Community Development Block Grant Program (TXCDBG) Contract Number 72115270. (Capital Improvements Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider condemnation of structure(s) located at 623 E. Alice St., Kingsville, Texas. (Director of Planning & Development Services).

Motion made by Commissioner Pena, motion finding no able to repair building or structure is unsafe and present condition is a violation of ordinances; and cannot be corrected without substantial reconstruction; then declare the building or structure to be a public nuisance and order tis demolition by owner/agent/person in charge with 30 days; City shall abate in any manner it deems necessary and proper, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Garcia, Lopez, Pena, Fugate voting "FOR".

6. Consider condemnation of structure(s) located at 226 E. Alice St., Kingsville, Texas. (Director of Planning & Development Services).

Motion made by Commissioner Pena, motion finding no able to repair building or structure is unsafe and present condition is a violation of ordinances; and cannot be corrected without substantial reconstruction; then declare the building or structure to be a public nuisance and order tis demolition by owner/agent/person in charge with 30 days; City shall abate in any manner it deems necessary and proper, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Pena, Garcia, Fugate voting "FOR".

7. Consider condemnation of structure(s) located at 623 W. Huisache St., Kingsville, Texas. (Director of Planning & Development Services).

Motion made by Commissioner Pena, motion finding no able to repair building or structure is unsafe and present condition is a violation of ordinances; and cannot be corrected without substantial reconstruction; then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge with 30 days; City shall abate in any manner it deems necessary and proper, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Pena, Garcia, Lopez, Fugate voting "FOR".

8. Consider awarding RFQ #17-14 for financial advisor services and authorizing staff to negotiate a contract, as per staff recommendation. (City Manager).

Mr. Garza commented that for the last several months, staff has been going through an RFQ process to bring forward a recommendation for a financial advisor. When the process began several months ago, there were several things that or reason for staff to put out for an RFQ, one being that it had been a while since the city had gone out for an RFQ, so staff thought it was time to go out for one. The times and the challenges that the city faces are different. In the sixteen year span that First Southwest has been the city's financial advisor, there was a dozen transaction that took place during that time period. Now the City faces a different reality facing no additional debt for quite some time. Garza stated that once staff thought about those challenges, it was determined that it was appropriate to specifically put out a process to find a qualified financial advisor that met and could be a help to the city thought its next chapter of challenges that the city will face. Garza stated that staff put out an RFQ which was posted accordingly as stated in the policy and state requirements. Staff did receive three responses from First Southwest, Estrada Hinojosa, and Frost Bank. The committee, which consisted of the City Manager, City Attorney, Finance Director, and one City Commissioner, it was determined that the best and most qualified was Estrada Hinojosa. Garza stated that it is staff's recommendation to select Estrada Hinojosa and allow for staff to begin the negotiations of an agreement which will then be brought to the Commission for their approval. Garza further thanked Ann Barger of First Southwest for her service to the City.

Mr. Don Gonzales of Estrada Hinojosa Investment Bankers went over some information regarding his firm. He stated that he has had the opportunity in the past to work with the City of Kingsville and is happy to be back. Gonzales stated that his firm is a Texas based firm with significant experience and broad expertise to match the needs of the City. His firm has the skill set, relationships, local knowledge, reputation, and trust to serve their role in the best interest of the city. They will provide value to the city through their abilities and business structure that is focused on public finance. They offer a comprehensive approach to providing excellent financial advisory services to an evolving city steeped in great history. He mentioned that Estrada Hinojosa can offer the strongest financial advisory team. The firm was established in 1992 with their firm being the second largest in the nation and specializing in municipal financial advisory and bond underwriting services. Their firm has 45 employees, of which 30 are Registered Representatives. The firm is a HUB certified Minority Business Enterprise and have had and maintained representation on various boards both at the State level and at the National level. Gonzales commented that his firm covers most of the states in the United States with offices in Los Angeles to their headquarter office in Dallas then Austin, Houston, San Antonio, New York, Chicago, and Miami. He stated that has been involved in several projects such as P3 Project, arenas to hotels and convention centers. He stated that their underwriting platform serves their financial advisory business. They utilize the underwriting desk for information and intelligence to make

sure that when they are pricing a transaction that the city is getting the best results in terms of market conditions at the time they are going into the market. Mr. Gonzales commented on why his firm should be chosen. He stated that his firm has the background and history, not only in the debt and the breathe of his firm but also the personnel they have assigned to the City of Kingsville; their rankings are very strong in such that they believe they can do a very good job for the City. The most important part of the firm is the skills and expertise. He commented that the firms background and skill set will be well served by the City of Kingsville. He further commented that they have a significant focus on Kingsville and what is happening in Kingsville.

Commissioner Garcia asked that after reading the proposal, it is being recommended that the city should upgrade to Double A.

Mr. Gonzales responded that this was one of the things they did an analysis. Standards & Poor's has an A Plus rating for the City. His firm went through and used their snapshot, their analytics they used, and when you look at rating agencies, what they say is that there are things that are in the city's control and things that are not within the city's control. Of those things that are in the city's control, they have the snapshot that produces a certain outcome. Based on what his firm did on their analyses, they believe that the city has the potential for an upgrade and this will be one of the things that his firm will be working on, to try and push for, when and if the city pursues a transaction.

Motion made by Commissioner Garcia to award and negotiate a contract with Estrada Hinojosa, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Garcia, Lopez, Pena, Fugate voting "FOR".

9. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Article 7, Food Sales and Food Establishments, Sections 17 & 99 on permit provisions and penalty be modified and Sections 20-25 be added to provide for Mobile Food Unit, Mobile Food Establishment, and Push Car Regulations. (Health Director).**

Mr. Emilio Garcia, Health Director commented that in recent years, the popularity in Mobile Food Units has risen in Texas. There is a need for a more comprehensive Mobile Food Unit Ordinance in our City. This new Mobile Food Unit Ordinance will address the different types of Mobile Units and their definitions, permit requirements, operation requirements and restrictions, sanitation requirements, operations requirements, side development standards, and restrictions for mobile food courts. The City-County Health Board met on Thursday, September 21, 2017 where they discussed and approved the Mobile Food Unit Ordinance and recommend approval by the City Commission. There is no financial impact to the City by approving this ordinance.

Commissioner Pena commented that this is a great idea.

Mayor Fugate commented that at one time, there was plans for Chamberlain Park to have mobile food units on a temporary basis. He further commented that there are citizens that are concerned about the permanent mobile kitchens that are within our city now.

Introduction item.

10. **Consider introduction of an ordinance amending Chapter XV, Article 6-Zoning, amending Appendix A-Land Use Categories to add Mobile Food Vendor and Mobile Food Court. (Director of Planning & Development Services).**

Mr. Ginter commented that mobile food court or vendors will not be permitted in R-1 or R-2. The Planning & Zoning will have a Special Permit Review which for example if Legends Apartments, which is an R-3, would like to have a weekend event and have two or more which will make a food court, should this not be allowed with a special review, the answer was yes. Ginter stated that to speed it up, because if they did the other process, which requires notice in the paper and other things, staff doesn't want to do this, staff wants to be business friendly, so they will do a Special Permit Review, done by himself and his staff which could be done in days and approved with certain criteria, then they can have their event.

Introduction item.

11. Consider a resolution authorizing the City to submit an application to the State Defense Economic Adjustment Assistance Grant Program for the purpose of requesting grant funding for land acquisition for encroachment prevention near the base. (Director of Planning & Development Services).

Mayor Fugate stated that the legislature a few years ago set aside \$30 Million dollars, \$15 Million dollars for each biennium to be used for the 15 defense installations to help with any project they might have that would assist in the case that there is another BRAC round. He believes they cut to \$15 Million dollars this last legislature, they have \$7.5 Million dollars for the biennium this time around. When it comes to National Defense facilities and what it takes to maintain them, it's a drop in the bucket. Fugate stated that this is a check mark that we are doing by asking for this grant, as he doubts that we will be awarded the grant as most of the people that received money the last time, they had major commitments from the communities to match the grants, and our city does not have the money to do that. Fugate commented that this is something that he believes the City need to do.

Motion made by Mayor Fugate to approve a resolution authorizing the City to submit an application to the State Defense Economic Adjustment Assistance Grant Program for the purpose of requesting grant funding for land acquisition for encroachment prevention near the base, seconded by Commissioner Lopez and Commissioner Pena. The motion was passed and approved by the following vote: Lopez, Pena, Garcia, Fugate voting "FOR".

VI. Adjournment.

There being no further comments, Mayor Fugate closed this public hearing at 7:07 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, City Secretary

CONSENT AGENDA

AGENDA ITEM #1

City of Kingsville
Department of Planning and Development services

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director

DATE: September 27, 2017

SUBJECT: Ordinance amendment concerning Chapter XI, Article 7, Food Sales and Food Establishment, Sections 17 and 99, Section 20 to 25 to be added

Summary: This is an ordinance amendment that Emilio Garcia Director of Health, Courtney Alvarez, City Attorney and I have put together due to the increase in the popularity of food trucks. We have put together an ordinance that covers all aspects of this issue. We have reviewed other ordinances from cities to get ideas and language.

Background: Because of the increase in popularity of food trucks, it was determined that an ordinance or an amendment to what we have was needed since the only language that we had covered the health aspect of the function. This amendment also covers land use aspects, standards for a mobile food court and the appropriate changes that would occur in Appendix A (Land Use Category) where a Mobile Food Vendor or a Mobile Food Court can be located either permitted or by a special permit review. At this time it has been suggested that the process for the special permit review be an internal one with no cost to the applicant. The following bodies have vetted this draft, Main St. Advisory Board, Planning and Zoning Commission and the Health Department Advisory Board. A primary concern of the Main St. Advisory Board was the charge for an event like Ranch Hand Festival. The charge for a permit would be \$20.00 dollars which seems to be okay with them. The main concern of the Planning and Zoning Commission was the language that allows mobile food vendors to become quasi permanent. Their opinion is that they should be mobile and stay mobile. Language that allows or inclines the mobile food vendor to be permanent is recommended from the Planning and Zoning Commission to be deleted in the final draft. Their thought is that the permanent allowance would make them like a restaurant which they feel is an unfair advantage. Their intent is for the customer to get their food and leave. They do not want tables or restrooms available to the customers.



City of Kingsville
Department of Planning and Development services

Financial Impact: The impact is hard to determine. The goal with the amendment is to allow mobile food vendors and mobile food courts to exist with a set of standards that can provide a healthy food option to the customers and that would be compatible to the surrounding land uses.

Recommendation: The Planning and Zoning Commission will review the attached draft, Wednesday, October 4th. It is also being recommended that the special permit review will be an internal process to make it more business friendly for the applicant and speed up the time for a decision to be made.



-Application Checklist for Special Use Permit (Mobile Food Vendor and Mobile Food Court)

The following must be submitted to the Director of Planning and Development; otherwise the application will be deemed incomplete and may result in unnecessary delays

1. The applicant must provide 3 11 x 17 copies of the site plan
2. Site Plan should comply with all of the requirements of ordinance 11-7-25
3. In addition the site plan should specifically contain the following:
 - A. Boundaries of the property
 - B. The location of the mobile food vendors in the mobile food court
 - C. What kind of surface will the mobile food court have
 - D. Number of parking spaces
 - E. Hours of operation
 - F. Access Drives to location, including width and location of drives
 - G. Location of restroom facilities and detail of sewer and water connection
 - H. Location of backflow preventer
 - I. Location of seating area
 - J. Dates that are being considered for the special use permit
 - K. If dates are not consecutive a special use permit will be needed to be submitted for each event
4. Special use permits are required in districts which involve this use in the areas designated in Appendix A
5. Special uses are conditional upon a demonstration of conditions and facts by the applicant that a special use is appropriate to the site
6. The Director of Planning and Development Services shall evaluate and determine whether the permit will be approved according to the ordinance

| Land Use Type | R1 | R2 | R3 | R4 | C1 | C2 | C3 | C4 | I1 | I2 | MH | AG |
|--------------------|----|----|----------------|----------------|----|----|----------------|----|----|----|----|----|
| Mobile Food Vendor | | | S ³ | S ³ | P | P | S ³ | P | P | P | P | P |
| Mobile Food Court | | | S ³ | S ³ | P | P | S ³ | P | P | P | P | P |

| | R1 | R2 | R3 | R4 | MH | C1 | C2 | C3 | C4 | S1 | S2 | A |
|--|----|----|----|----|----|----|----|----|----|----|----|---|
| Dairy | | | | | | | | | | | | P |
| Ranch | | | | | | | | | | | | P |
| Beekeeping, commercial | | | | | | | | | | | | P |
| Crop production for sale | | | | | | | | | | | | P |
| Orchard for home use | P | P | P | P | P | P | P | P | P | P | P | P |
| Orchard, commercial | S | S | S | S | | | | | | | | P |
| Keeping animals or fowl commonly used for food fiber production or as beasts of burden | | | | | | | | | | | | P |
| Keeping dogs, cats, fish, or exotic caged birds (kennel excluded) | P | P | P | P | P | P | S | P | P | P | P | P |
| Farmers market, vegetable (fresh) stand, produce sales | | | | | | | S | P | P | | | P |
| Domestic animal racetrack exhibit area, training ground, and the like | | | | | | | | | | | | P |

¹Hardship must be demonstrated due to age, infirmity, or death of a family member. Permit is limited to one year. Permit may be renewed by demonstrating continued hardship. The mobile home or travel trailer must be removed within 90 days of the expiration of the permit. This special use permit does not include or allow for a manufactured home for use as a sales office or any type of commercial use.

²Area developments allowed in zones, where noted.

³ The Special Permit review process designated in the land use categories for a Mobile Food Vendor, Mobile Food Court will be an internal review conducted by the Director of Planning and Development.

(Ord. 84009, passed 6-18-84; Ord. 87009, passed 4-27-87; Ord. 89048, passed 11-27-89; Ord. 2001-15, passed 8-13-01; Ord. 2003-11, passed 5-12-03; Ord. 2006-33, passed 7-10-06; Ord. 2009-12, § I, passed 5-18-09; Ord. 2010-34, passed 9-27-2010; Ord. 2011-07, passed 2-28-2011, eff. 3-16-2011; Ord. 2014-28, § 1, passed 4-23-2014)

ORDINANCE NO. 2017-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER XV, ARTICLE 6, ZONING, AMENDING APPENDIX A-LAND USE CATEGORIES TO ADD MOBILE FOOD VENDOR AND MOBILE FOOD COURT; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the Planning & Zoning Commission has forwarded to the City Commission its reports and recommendations concerning the proposed zoning ordinance changes; and

WHEREAS, the item PASSED with a ____-____ vote of the Planning Commission on the requested zoning chart change with no abstentions; and

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 Article 6: Zoning of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, Appendix A-Land Use Categories, Section 1-Land Use Chart shall be amended to read as follows:

Use Regulations and Districts

...

APPENDIX A. - LAND USE CATEGORIES

Sec. 1. - Land use chart.

The following chart shall set out the land uses within the city:

P = Permitted

S = Special use permit required

X = Special review required

= Not permitted (absence of any symbol)

[Land Use Chart on the following pages]

| Land Use Chart | | | | | | | | | | | | | |
|-----------------------------------|----|----|----------------------|----------------------|----|----|----|----------------------|----|----|----|----|--|
| <i>Retail or Related Uses</i> | R1 | R2 | R3 | R4 | MH | C1 | C2 | C3 | C4 | I1 | I2 | Ag | |
| ... | | | | | | | | | | | | | |
| Medical appliance fitting or sale | | | | | | P | P | P | P | | | | |
| <u>Mobile Food Court</u> | | | <u>S³</u> | <u>S³</u> | P | P | P | <u>S³</u> | P | P | P | P | |
| <u>Mobile Food Vendor</u> | | | <u>S³</u> | <u>S³</u> | P | P | P | <u>S³</u> | P | P | P | P | |
| Mortuary | | | | | | S | P | P | P | S | | S | |
| ... | | | | | | | | | | | | | |

¹ Hardship must be demonstrated due to age, infirmity, or death of a family member. Permit is limited to one year. Permit may be renewed by demonstrating continued hardship. The mobile home or travel trailer must be removed within 90 days of the expiration of the permit. This special use permit does not include or allow for a manufactured home for use as a sales office or any type of commercial use.

² Area developments allowed in zones, where noted.

³ The Special Review process designated in the land use categories for a Mobile Food Court and a Mobile Food Vendor will be an internal review conducted by the Director of Planning and Development Services.

...

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.

Effective Date: _____, 2017

INTRODUCED on this the ____th day of _____, 2017.

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

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #2



**CITY OF KINGSVILLE
LEGAL DEPARTMENT**

P.O. Box 1458, Kingsville Texas 78364 Phone: 361-595-8016 Fax: 361-592-4696

Date: October 2, 2017

To: City Commission Members

From: Courtney Alvarez, City Attorney

Re: ERCOT Membership Renewal

AGENDA ITEM: Consider joining the Electric Reliability Council of Texas ("ERCOT") for 2018.

ISSUE: The City received notice that the ERCOT membership applications for 2018 are due by November 10, 2017, and it has been recommended that we join to give cities greater representation in ERCOT and on ERCOT's policy-making boards.

BACKGROUND: The City has been a member of ERCOT each year since 2009. ERCOT has begun accepting membership applications for 2018. In order to vote in the upcoming ERCOT elections, our city must be a member of ERCOT by November 10, 2017.

Since 2008, cities succeeded in placing city representatives on ERCOT's Board of Directors and on the Technical Advisory Committee due to their strong presence at ERCOT. ERCOT is an important arena in the effort to ensure that electricity rates in the deregulated Texas market are reasonable and stable. ERCOT membership is a straightforward way to influence electric market policy and costs \$100 to join. Membership in ERCOT gives the consumer presence greater clout at ERCOT and allows us to vote for city representatives to serve on ERCOT's most important policy-making bodies.

REQUIRED COMMISSION ACTION: Authorize staff to submit an application to join ERCOT for 2018 that includes payment of a \$100 membership fee.

FUNDING: Funds are available in the General Fund-City Special account.

CONCLUSION & RECOMMENDATION: Authorize staff to submit an application to join ERCOT for 2018.



**ELECTRIC RELIABILITY COUNCIL OF TEXAS, INC.
MEMBERSHIP APPLICATION AND AGREEMENT FOR MEMBERSHIP YEAR 2018**

This Membership Application and Agreement (Agreement) is by and between Electric Reliability Council of Texas Inc. (ERCOT) and the City of Kingsville, Texas (Applicant). In consideration of the mutual covenants contained herein, the parties hereby agree that the Applicant shall become an ERCOT Member and receive the ERCOT Member Services and benefits described herein, subject to the terms and conditions of this Agreement. This Agreement shall be effective as of the date signed by the Applicant provided that the Applicant meets all of the qualifications for ERCOT Membership.

Capitalized terms that are not defined in this Agreement shall have the meaning as defined in the ERCOT Bylaws or the ERCOT Protocols.

A. Membership Application Information

1. Name of Entity applying for Membership: the City of Kingsville, Texas
2. Type of Membership: Check **ONE** type of Membership. *Affiliated Entities as defined in the ERCOT Bylaws may hold only one Corporate Membership.*

Entities applying for additional Memberships, such as an Associate Membership, must use a separate Agreement for each Membership. The applicable fees are listed below and entitle Members to services ERCOT provides such as hosting ERCOT meetings, providing Members with necessary information and such other Member Services as may from time to time be offered. Please note that any Member may request that the Member's Annual Member Service Fees be waived for good cause shown.

☒ **Corporate.** Voting. \$2,000 per Membership Year (except Residential and Commercial Consumer Members fees are \$100 per year). Corporate Membership includes the right to vote on matters submitted to the general membership such as election of Board Directors, election of Technical Advisory Committee (TAC) Representatives and TAC subcommittees thereof and amendments to the Articles of Incorporation and the ERCOT Bylaws. Residential Consumer Members do not elect a Director to represent the Residential Consumer interests as the Public Counsel is mandated to represent these interests.

☐ **Associate.** Non-voting. \$500 per Membership Year (except Residential and Commercial Consumer Members fees are \$50 per year). Associate Membership includes no voting rights. However, an Associate Member may be elected by Corporate Members to serve as a voting member of the Board, TAC or a TAC subcommittee thereof.

☐ **Adjunct.** Non-voting. \$500 per Membership Year. Entities not meeting the Segment requirements for Membership may join as Adjunct Members upon Board approval. Adjunct Membership does not include voting rights or the right to be elected to the Board, TAC or a TAC subcommittee thereof.

3. The Applicable Annual Member Services Fee must be delivered to ERCOT by the Record Date in order for the Member to participate in the elections for the Membership Year. Please make checks payable to ERCOT and mail to ERCOT, Attention: Treasury Department, 7620 Metro Center Drive, Austin, Texas 78744. Please send an email to membership@ercot.com for wire instructions.

4. Segment Participation: (Check ONE Segment designation.)

☒ **Consumer.** Any Entity representing the interests of end-users of electricity in the ERCOT Region.

Check **ONE** Subsegment designation:

- ☐ **Residential Consumer**
☐ **Small Commercial Consumer** (Peak demand of 1000 KW or less)
☒ **Large Commercial Consumer** (Peak demand greater than 1000 KW)
☐ **Industrial Consumer** (Average monthly demand greater than 1 megawatt and engaged in an industrial process)

☐ **Cooperative.** An Entity operating in the ERCOT Region that is: (i) a corporation organized under Chapter 161 of the Texas Utilities Code or a predecessor statute to Chapter 161 and operating under that chapter; (ii) a corporation organized as an electric cooperative in a state other than Texas that has obtained a certificate of authority to conduct affairs in the State of Texas; (iii) a cooperative association organized under Tex.Rev.Civ.Stat. 1396-50.01 or a predecessor to that statute and operating under that statute; or (iv) a River Authority as defined in Tex. Water Code §30.003.

☐ **Independent Generator.** Any Entity that is not a Transmission and Distribution Entity (T&D Entity) or an Affiliate of a T&D Entity and (i) owns or controls generation of at least 10 MW in the ERCOT Region; or (ii) is preparing to operate and control generation of at least 10 MW in the ERCOT Region, and has approval of the appropriate governmental authority, has any necessary real property rights, has given the connecting transmission provider written authorization to proceed with construction and has provided security to the connecting transmission provider.

☐ **Independent Power Marketer.** Any Entity that is not a T&D Entity or an Affiliate of a T&D Entity and is registered at the Public Utility Commission of Texas (PUCT) as a Power Marketer to serve in the ERCOT Region.

☐ **Independent REP.** Any Entity that is certified by the PUCT to serve in the ERCOT Region as a Retail Electric Provider (REP) under PURA §39.352 and that is not an Affiliate of a T&D Entity operating in the ERCOT Region.

☐ **Aggregators** may register to participate in this Segment if unable to qualify in any other Segment.

☐ **Investor-Owned Utility.** (i) An investor-held, for-profit “electric utility” as defined in PURA §31.002(6) that (a) operates within the ERCOT Region, (b) owns 345 kV interconnected transmission facilities in the ERCOT Region, (c) owns more than 500 pole miles of transmission facilities in the ERCOT Region, or (d) is an Affiliate of an Entity described in (a), (b) or (c); or (ii) a public utility holding company of any such electric utility.

☐ **Municipal.** An Entity operating in the ERCOT Region that owns or controls transmission or distribution facilities, owns or controls dispatchable generating facilities, or provides retail electric service and is either: (i) a municipally owned utility as defined in PURA §11.003 or (ii) a River Authority as defined in Tex. Water Code §30.003.

5. Identify your designated representative for required notices to ERCOT Members, participation in meetings of the Corporate Members and voting issues:

Name: Courtney Alvarez
Title: City Attorney
Address: P.O. Box 1458
City, State, Zip: Kingsville, TX 78364
Phone: (361) 595-8016
Email: attny@cityofkingville.com

6. List any other ERCOT Memberships held by the Applicant or any Affiliates (attach extra pages if necessary):

(a) Entity name: _____
Segment: _____

(b) Entity name: _____
Segment: _____

(c) Entity name: _____
Segment: _____

B. Membership Agreement

1. **Membership.** Membership in ERCOT is open to any Entity that meets any of the Segment definitions set forth in the Bylaws. Members must be an organization that either operates in the ERCOT Region or represents consumers within the ERCOT Region. Members may join as a Corporate, Associate or Adjunct Member subject to the criteria set forth in the ERCOT Bylaws. Members must apply for Membership through an authorized officer or agent.

2. **Fees.** Annual Member Services Fees are described in the ERCOT Bylaws and may be changed through the procedure set forth therein. Any change in fees shall automatically become effective as to all ERCOT Members without the necessity of amending this Agreement. All Memberships are year to year and must be renewed annually. Annual Member Services Fee renewals shall be due by the record date for the annual membership meeting. Membership fees may not be prorated. This Agreement shall renew in yearly increments upon ERCOT's receipt of the following (1) Member's Renewal Application and (2) Member's applicable Annual Member Services Fee. Any Member may request that the Member's Annual Member Service Fees be waived for good cause shown.

3. **Application for Membership.** Members will submit the following items in order to apply for Membership: (i) payment of the Annual Member Services Fee and (ii) a signed copy of this Agreement. Upon approval, ERCOT will promptly notify Member Applicant of the same.

4. **Change of Designated Representative.** An ERCOT Member may change its representative at any time by written request (signed by a duly authorized representative of the ERCOT Member) submitted to the ERCOT Legal Department at membership@ercot.com.

5. **Suspension and Expulsion.** All ERCOT Members shall abide by the ERCOT Bylaws, as they may be amended from time to time, and any other rule or regulation duly adopted by the Board of Directors. Any ERCOT Member, who willfully violates any provision of this Agreement, the

ERCOT Bylaws, or any other rule or regulation duly adopted by the Board of Directors, may be reprimanded, suspended, and/or expelled in accordance with procedures adopted by the Board of Directors or set forth in the ERCOT Bylaws. Such action will affect all persons deriving Membership privileges through such ERCOT Member.

6. **Amendment.** This Agreement may be amended, modified, superseded, canceled, renewed, or extended and the terms and conditions hereof may be waived only by a written instrument executed by both parties hereto or, in the case of a waiver, by the party waiving compliance.

7. **Governing Law.** This Agreement shall be governed by and construed and interpreted in accordance with the laws of the State of Texas that apply to contracts executed in and performed entirely within the State of Texas, without reference to any rules of conflict of laws. Parties consent to the exclusive jurisdiction of Texas.

IN WITNESS WHEREOF, the Member certifies that (i) the Member meets the requirements for ERCOT Membership in the Segment designated herein; (ii) all information provided herein is true and correct to the best of the Member's knowledge; and (iii) through its authorized representative the Member agrees to be bound by the terms of this Agreement, the ERCOT Bylaws and any other requirements duly adopted by the Board of Directors.

By: _____

Printed Name: Courtney Alvarez

Title: City Attorney, City of Kingsville, TX

Date: October 23, 2017

AGENDA ITEM #3

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: October 16, 2017

SUBJECT: Donation to Boys and Girls Club from Chapter 59 Funds

Summary:

The police department is in receipt of a request for a donation to Boys and Girls Club.

Background:

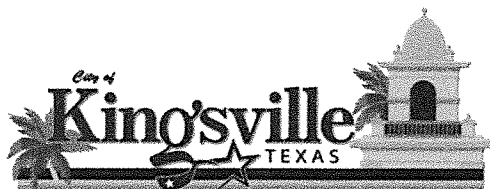
I am in receipt of a letter from the Boys and Girls Club soliciting a donation for the Kingsville, Texas program. The Boys and Girls Club Program provides anti-drug programs to the youths of the city and the area by providing educational studies opportunities, athletic programs, field trips and other activities with a drug-free message that have a positive impact on the children of Kingsville. We here at the City of Kingsville Police Department have a longstanding relationship with the Boys and Girls Club and would like to assist them in our goal.

Financial Impact:

Donation in the amount of **\$5,000.00** to assist Boys and Girls Club with our mission to help young people to stay drug free and succeed.

Recommendation:

We request that our request be granted for our donation in the amount of \$5,000.00



APPLICATION FOR CHAPTER 59 DONATIONS 2017

City of Kingsville – Police Department Chief Torres

1. APPLICANT'S

NAME John Perez

ADDRESS 1238 E. Kenedy, Kingsville, TX **PHONE** 361-592-2100

2. ORGANIZATION'S

NAME Boys & Girls Club of Kingsville

ADDRESS 1238 E. Kenedy, Kingsville, TX **PHONE** 361-592-2100

- 3. NARRATIVE:** Explain what will be done with the contribution to insure compliance with the disposition of forfeited property under Chapter 59 of the Texas Code of Criminal Procedure and the number of citizens it will affect in our community.

The Boys & Girls Club of Kingsville would like to thank you for your continued support. We are proud to say that with your help, we have been able to continue to assist the children of Kingsville and the surrounding areas. We hope that we can continue to provide such quality to the children and assist them in creating brighter futures. We truly are making a difference in lives.

We are currently asking for a donation that would assist us in our evidenced based program SMARTMoves. The funds would go directly towards the needed staff and supplies to enhance and improve our ongoing enrichment programs. Our SMARTMoves program is a Skills Mastery and Resistance training program that focuses on the prevention of ATOD-Alcohol, tobacco and other drugs. The curriculum breaks down into eight week sessions and provides anti-drug daily activities that surround intense prevention and awareness. It also goes into detail and explains how to avoid alcohol, tobacco and other drugs as well as avoiding drug related activities. Our programs currently run year round programs over 1021 youth are reached through our daily and year round programs. We would like to continue to provide these daily programs in hopes of reaching all the youth of Kingsville and surrounding areas.

During the school year we average over 220 youth on a daily basis. We currently feed over 130 daily and our school sites are making an impact as well. Our membership ranges from the age of 6 to 18. We are in need of assistance to put a stop to our youth being unaware of the dangers of drugs and alcohol. It is time we do something about it. With your support, we can continue these services and play an impact on our youth making them aware of the dangers in society today.

Please consider making this investment in our youth of tomorrow.

APPROVED: _____

Date: _____

RESOLUTION #2017-_____

A RESOLUTION OF THE CITY OF KINGSVILLE AUTHORIZING THE RELEASE OF CHAPTER 59 FUNDS OF THE KINGSVILLE POLICE DEPARTMENT FOR DONATION TO THE BOYS & GIRLS CLUB OF KINGSVILLE FOR DRUG AND ALCOHOL PREVENTION PROGRAMS.

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

WHEREAS, the Boys & Girls Club of Kingsville is a non-profit organization that provides anti-drug programs (including the SMARTMoves program which will assist in the prevention of alcohol, tobacco, and other drugs) to the youths of the city and the area by providing educational study opportunities, athletic programs, field trips and other activities with a drug-free message that have a positive impact on the children of Kingsville;

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

I.

THAT the City Commission authorizes the Kingsville Police Department to assist with a \$5,000 donation to the Boys & Girls Club of Kingsville, to help educate young people about living a drug-free and alcohol-free lifestyle. The Boys & Girls Club of Kingsville will submit quarterly charitable contribution reporting forms to the Kingsville Police Department.

II.

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

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

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #4

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: October 16, 2017

SUBJECT: Donation to Palmer Drug Abuse Program from Chapter 59 Funds

Summary:

The police department is in receipt of a request for a donation to PDAP, a non-profit organization, for the prevention and treatment of drug abuse.

Background:

I am in receipt of a letter from the Palmer Drug Abuse Program soliciting a donation for the Kingsville, Texas program. The Palmer Drug Abuse Program provides a proactive means in our continued battle against the abuse of drugs. We here at the City of Kingsville Police Department have a longstanding relationship with PDAP and would like to assist them in our goal.

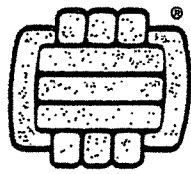
Financial Impact:

Donation in the amount of **\$5,000.00** to assist PDAP with our mission to help young people and families recover from chemical abuse and addiction

Recommendation:

We request that our request be granted for our donation in the amount of \$5,000.00





PALMER

DRUG ABUSE PROGRAM

3104 S. Alameda Street • Corpus Christi, TX 78404 • Tel. 361-887-8900

October 12, 2017

Chief Ricardo Torres
Kingsville Police Dept.
Hand Delivered

Dear Chief Torres,

We are requesting the annual donation from Chapter 59 drug forfeiture funds to help continue funding our services for PDAP Kingsville. The number of people that we offer our services to in Kingsville continues to grow. We appreciate your continuous support from your office.

At the Drug Free Walk you had requested that we wait until October for this request. Thank you in advance for your consideration.

We are a 501 c 3 non-profit organization and our tax i.d. # is 74-2200058.

With the blessing of PDAP,

Wade H. Fjeld
Executive Director

RESOLUTION #2017-_____

A RESOLUTION OF THE CITY OF KINGSVILLE AUTHORIZING THE RELEASE OF CHAPTER 59 FUNDS OF THE KINGSVILLE POLICE DEPARTMENT FOR DONATION TO THE PALMER DRUG ABUSE PROGRAM (PDAP) OF KINGSVILLE FOR DRUG ABUSE PREVENTION PROGRAMS.

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

WHEREAS, the Palmer Drug Abuse Program (PDAP) is a non-profit organization working to (1) turn the tide against drug and alcohol abuse in the Kingsville community and (2) make a positive statement to our young people about living a drug-free and alcohol-free lifestyle; and

WHEREAS, PDAP provided over 600 initial and follow-up appointments to community members of Kleberg County in recent years and worked with over 650 youth in Kingsville in 2015;

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

I.

THAT the City Commission authorizes the Kingsville Police Department to assist with a \$5,000.00 donation to the Palmer Drug Abuse Program (PDAP) to help educate young people about living a drug-free and alcohol-free lifestyle. PDAP will submit quarterly charitable contribution reporting forms to the Kingsville Police Department.

II.

THAT local elected representatives shall be encouraged to promote, endorse, and support Palmer Drug Abuse Program for the benefit of the community.

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

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #5

RESOLUTION NO. 2017-_____

**A RESOLUTION RECOGNIZING THE IMPORTANCE OF MUNICIPAL COURTS, THE
RULE OF LAW, AND THE FAIR AND IMPARTIAL ADMINISTRATION OF JUSTICE
IN RECOGNITION OF MUNICIPAL COURT WEEK- NOVEMBER 6-10, 2017.**

WHEREAS, municipal courts play a significant role in preserving public safety and promoting quality of life in Texas;

WHEREAS, more people come in contact with municipal courts than all other Texas courts combined and public impression of the Texas judicial system is largely dependent upon the public's experience in municipal court;

WHEREAS, the City of Kingsville has hosted the Kingsville Municipal Court for decades;

WHEREAS, state law authorizes a municipality to either appoint or elect a municipal judge for a term of office, the Kingsville Municipal Court is a state court and its judges are members of the state judiciary;

WHEREAS, the procedures for the Kingsville Municipal Court operations are set forth in the Texas Code of Criminal Procedure and other laws of the State of Texas;

WHEREAS, the City of Kingsville is committed to the notion that our legal system is based on the principle that an independent, fair, and competent judiciary will interpret and apply the laws that govern us and that judges and court personnel should comply with the law and act in a manner that promotes public confidence in the integrity and impartiality of the judiciary;

WHEREAS, Kingsville Municipal Judges are not policy makers for the City of Kingsville but are bound by the law and the Canons of Judicial Conduct and are required to make decisions independent of the governing body of the City Council, city officials, and employees;

WHEREAS, the City Commission recognizes that the Constitution and laws of the State of Texas contain procedural safeguards in criminal cases for all defendants, including indigent defendants, and supports the Kingsville Municipal Court in complying with such legal requirements.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS THAT THE WEEK OF NOVEMBER 6 – 10, 2017 IS HEREBY RECOGNIZED AS MUNICIPAL COURT WEEK IN RECOGNITION OF THE FAIR AND IMPARTIAL JUSTICE OFFERED TO OUR CITIZENS BY THE MUNICIPAL COURT OF THE CITY OF KINGSVILLE, TEXAS.

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

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

REGULAR AGENDA

AGENDA ITEM #6

City of Kingsville
City-County Health Department

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Emilio H. Garcia, Health Director

DATE: September 21, 2017

SUBJECT: Mobile Food Unit Ordinance

Summary:

In recent years, the popularity in Mobile Food Units has been on the rise in Texas. The City of Kingsville adopted Texas Food Establishment Rule (TFER) in 2015, which has been our guide in regulating Mobile Food Units operating within the city limits. These guides are very basic in nature to mobile food units (minimum requirements). There is a need for a more comprehensive Mobile Food Unit Ordinance in our city. This new Mobile Food Unit Ordinance will address the different types of Mobile Food Units and their definitions, permit requirements, operation requirements and restrictions, sanitation requirements, operations requirements, site development standards, and restrictions for mobile food courts.

Background:

The City-County Board of Health meet on Thursday, September 21, 2017 for their regular Bi-monthly meeting. On their agenda was an item to discuss and to approve the Mobile Food Unit Ordinance, which they did that date.

Financial Impact:

None.

Recommendation:

Health Department Staff and City-County Health Board Members recommend approving the new Mobile Food Unit Ordinance to better protect the health and safety of the community.



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: September 27, 2017

SUBJECT: Ordinance amendment concerning Chapter XI, Article 7, Food Sales and Food Establishment, Sections 17 and 99, Section 20 to 25 to be added

Summary: This is an ordinance amendment that Emilio Garcia Director of Health, Courtney Alvarez, City Attorney and I have put together due to the increase in the popularity of food trucks. We have put together an ordinance that covers all aspects of this issue. We have reviewed other ordinances from cities to get ideas and language.

Background: Because of the increase in popularity of food trucks, it was determined that an ordinance or an amendment to what we have was needed since the only language that we had covered the health aspect of the function. This amendment also covers land use aspects, standards for a mobile food court and the appropriate changes that would occur in Appendix A (Land Use Category) where a Mobile Food Vendor or a Mobile Food Court can be located either permitted or by a special permit review. At this time it has been suggested that the process for the special permit review be an internal one with no cost to the applicant. The following bodies have vetted this draft, Main St. Advisory Board, Planning and Zoning Commission and the Health Department Advisory Board. A primary concern of the Main St. Advisory Board was the charge for an event like Ranch Hand Festival. The charge for a permit would be \$20.00 dollars which seems to be okay with them. The main concern of the Planning and Zoning Commission was the language that allows mobile food vendors to become quasi permanent. Their opinion is that they should be mobile and stay mobile. Language that allows or inclines the mobile food vendor to be permanent is recommended from the Planning and Zoning Commission to be deleted in the final draft. Their thought is that the permanent allowance would make them like a restaurant which they feel is an unfair advantage. Their intent is for the customer to get their food and leave. They do not want tables or restrooms available to the customers.



City of Kingsville
Department of Planning and Development services

Financial Impact: The impact is hard to determine. The goal with the amendment is to allow mobile food vendors and mobile food courts to exist with a set of standards that can provide a healthy food option to the customers and that would be compatible to the surrounding land uses.

Recommendation: The Planning and Zoning Commission will review the attached draft, Wednesday, October 4th. It is also being recommended that the special permit review will be an internal process to make it more business friendly for the applicant and speed up the time for a decision to be made.



-Application Checklist for Special Use Permit (Mobile Food Vendor and Mobile Food Court)

The following must be submitted to the Director of Planning and Development; otherwise the application will be deemed incomplete and may result in unnecessary delays

1. The applicant must provide 3 11 x 17 copies of the site plan
2. Site Plan should comply with all of the requirements of ordinance 11-7-25
3. In addition the site plan should specifically contain the following:
 - A. Boundaries of the property
 - B. The location of the mobile food vendors in the mobile food court
 - C. What kind of surface will the mobile food court have
 - D. Number of parking spaces
 - E. Hours of operation
 - F. Access Drives to location, including width and location of drives
 - G. Location of restroom facilities and detail of sewer and water connection
 - H. Location of backflow preventer
 - I. Location of seating area
 - J. Dates that are being considered for the special use permit
 - K. If dates are not consecutive a special use permit will be needed to be submitted for each event
4. Special use permits are required in districts which involve this use in the areas designated in Appendix A
5. Special uses are conditional upon a demonstration of conditions and facts by the applicant that a special use is appropriate to the site
6. The Director of Planning and Development Services shall evaluate and determine whether the permit will be approved according to the ordinance

| Land Use Type | R1 | R2 | R3 | R4 | C1 | C2 | C3 | C4 | I1 | I2 | MH | AG |
|--------------------|----|----|----------------|----------------|----|----|----------------|----|----|----|----|----|
| | | | | | | | | | | | | |
| Mobile Food Vendor | | | S ³ | S ³ | P | P | S ³ | P | P | P | P | P |
| | | | | | | | | | | | | |
| Mobile Food Court | | | S ³ | S ³ | P | P | S ³ | P | P | P | P | P |

| | R1 | R2 | R3 | R4 | HH | C1 | C2 | C3 | C4 | S1 | S2 | A |
|--|----|----|----|----|----|----|----|----|----|----|----|---|
| Dairy | | | | | | | | | | | | P |
| Ranch | | | | | | | | | | | | P |
| Beekeeping, commercial | | | | | | | | | | | | P |
| Crop production for sale | | | | | | | | | | | | P |
| Orchard for home use | P | P | P | P | P | P | P | P | P | P | P | P |
| Orchard, commercial | S | S | S | S | | | | | | | | P |
| Keeping animals or fowl commonly used for food fiber production or as beasts of burden | | | | | | | | | | | | P |
| Keeping dogs, cats, fish, or exotic caged birds (kennel excluded) | P | P | P | P | P | P | S | P | P | P | P | P |
| Farmers market, vegetable (fresh) stand, produce sales | | | | | | | S | P | P | | | P |
| Domestic animal racetrack exhibit area, training ground, and the like | | | | | | | | | | | | P |

¹Hardship must be demonstrated due to age, infirmity, or death of a family member. Permit is limited to one year. Permit may be renewed by demonstrating continued hardship. The mobile home or travel trailer must be removed within 90 days of the expiration of the permit. This special use permit does not include or allow for a manufactured home for use as a sales office or any type of commercial use.

²Area developments allowed in zones, where noted.

³ The Special Use process designated in the land use categories for a Mobile Food Vendor, Mobile Food Court will be an internal review conducted by the Director of Planning and Development.

(Ord. 84009, passed 6-18-84; Ord. 87009, passed 4-27-87; Ord. 89048, passed 11-27-89; Ord. 2001-15, passed 8-13-01; Ord. 2003-11, passed 5-12-03; Ord. 2006-33, passed 7-10-06; Ord. 2009-12, § 1, passed 5-18-09; Ord. 2010-34, passed 9-27-2010; Ord. 2011-07, passed 2-28-2011, eff. 3-16-2011; Ord. 2014-28, § 1, passed 4-23-2014)

ORDINANCE # 2017-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XI, ARTICLE 7, FOOD SALES AND FOOD ESTABLISHMENTS, SECTIONS 17 & 99 ON PERMIT PROVISIONS AND PENALTY BE MODIFIED AND SECTIONS 20-25 BE ADDED TO PROVIDE FOR MOBILE FOOD UNIT, MOBILE FOOD ESTABLISHMENT, AND PUSH CART REGULATIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City-County Health Board held a duly posted public meeting on September 21, 2017 and voted to approve the recommend changes to Section 11-7-17 and the addition of Sections 11-7-20 through 11-7-25 to regulate mobile food unit, mobile food establishments and push carts;

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 11-7-17 of Article 7: Food Sales and Food Establishments of Chapter XI, Business Regulations, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows and that Sections 11-7-20 through 11-7-25 of Article 7: Food Sales and Food Establishments of Chapter XI, Business Regulations, of the Code of Ordinances of the City of Kingsville, Texas, shall be added to read as follows:

ARTICLE 7: FOOD SALES AND FOOD ESTABLISHMENTS

§ 11-7-17 PERMIT PROVISIONS.

(A) It shall be unlawful for any person to operate a food service establishment, temporary food service, food processing establishment, mobile food unit, mobile food establishment, push cart, seafood peddler, and retail food store in the city who does not possess a current, valid permit from the city. Such permit shall be posted in a conspicuous place, and only persons who comply with the requirements of this subarticle shall be entitled to receive and retain such a permit. Permit provisions for mobile food unit, mobile food establishment, and push carts can be found in § 11-7-20.

(B) Such permit may be temporarily suspended or revoked by the Health Director or Inspector upon the violation by the holder of any of the terms of this subarticle.

(1) *Fees.* Each person required to secure a permit under this subarticle shall,

before issuance of any permit, pay to the city the sum herein provided as an inspection and permit fee according to the following schedule:

| | Permits expiring prior to 12/31/15 | Permits expiring on or after 12/31/15 |
|-----------------------------------|---------------------------------------|---|
| Food service establishments | \$100 | \$150 |
| Mobile units | \$100 | \$125 |
| Retail food stores | \$100 | \$150 |
| Temporary food establishments | \$25 | \$30 |
| Temporary food event (non-profit) | | \$20 |
| Late fee | \$25 | \$50 |
| Seafood peddler | \$100 | \$125 |
| Produce peddler | | \$125 |

(2) *Expiration and renewal.*

(a) Permits issued for food establishments, ~~mobile units~~, retail food stores, shall automatically expire on the 31st day of December next following its issuance, except as otherwise stated herein. Such permit shall also automatically expire if the holder thereof changes the location of his place of business, sells, transfer equity, or otherwise disposed of such business or materially changes the character of such business.

(b) Upon the expiration of a permit, and within 30 days thereafter, the person conducting the business shall obtain a renewal thereof in the same manner as an original permit, if he wishes to continue operating the business. Failure by an establishment to pay this fee within 30 days will require such establishment to pay an additional \$25 late fee.

(c) Temporary food establishment permits shall be issued only for 14 days or less in conjunction with a single event or celebration.

(3) *Re-inspection Fee.* If a food establishment, ~~mobile unit~~, or retail food store fails an inspection by the Health Department, then a \$50 re-inspection fee shall be paid for each re-inspection by Health Department personnel.

Penalty, see § 11-7-99

...

MOBILE FOOD UNIT, MOBILE FOOD ESTABLISHMENTS AND PUSH CART

§ 11-7-20 DEFINITIONS.

- (A) Edible goods may include, but are not limited to:
 - a. Prepackaged food including, but not limited to, candy, beverages, and ice cream.
 - b. Prepared food including, but not limited to, hot dogs, desserts, Bar-B-Que, and hamburgers.
 - c. On-site prepared food including, but not limited to, shaved ice, sandwiches, and tacos.
- (B) Mobile food court shall mean a parcel of land where two or more mobile food vendors congregate to offer food or beverages for sale to the public as the principal use of the land. This definition shall not be interpreted to include a congregation of mobile food vendors as a secondary use, accessory use, and/or temporary use (less than 30 days).
- (C) Mobile food units (MFU) are a vehicle mounted, self or otherwise propelled, self-contained food service operation, designed to be readily movable (including, but not limited to catering trucks, trailers, push carts, and roadside vendors) and used to store, prepare, display, serve or sell food.
- (D) Mobile food vendors shall mean any business which sells edible goods from a non-stationary location within the city. The terms shall include, but not be limited to:
 - a. Mobile food trucks: a self-contained motorized unit selling items defined as edible goods.
 - b. Concession trailers: a vending unit which is pulled by a motorized unit and has no power to move on its own.
 - c. Hand push carts: a vending unit which is pushed by an individual(s) and has no power to move on its own.
 - d. Mobile food establishment: a self-contained motorized unit or a unit which is pulled by a motorized unit, which is stationary at a location for more than six (6) months. Must comply with all Plumbing, Electrical, Fire, and Health Department codes of the City of Kingsville, Texas.
- (E) Non-refrigerated shall mean edible goods that are not required to be kept at a temperature below 41 degrees Fahrenheit according to the Federal Food and Drug Administration and the Texas Food Establishment Rules.

§ 11-7-21 PERMIT REQUIREMENTS.

- (A) No person shall operate in the city a mobile food unit, mobile food establishment, or a push cart who does not possess a valid, current mobile food unit permit or mobile food establishment permit or a push cart permit from the Health Department as provided in this article. The permit for a mobile food unit, establishment, and push cart shall specify the type of food to be vended, the manner in which the food is to be vended, and include a description of any vehicle to be used in the food vending operation.

(B) A person seeking a mobile food unit, establishment, and/or pushcart permit from the Health Department shall make application on a form provided by the Health Department, and shall provide all the information listed in subsections (1) - (11) as part of the application:

- (1) The name and address of the owner and/or operator;
- (2) A copy of a government issued identification of the applicant;
- (3) If the applicant represents a corporation, association, or partnership, the names and addresses of the officers or partners of said entity;
- (4) The name under which the food vending operation will be operated;
- (5) A description of the type of food or the specific foods to be vended; by way of example: prepackaged or unpackaged non-time/temperature controlled safety foods, prepackaged time/temperature controlled safety foods, and openly handled time/temperature controlled safety foods;
- (6) The manner of mobile food vending operation to be conducted; by way of example: truck, trailer, and pushcart, etc.;
- (7) A description of any vehicle to be used in the mobile food vending operation along with the license or registration and vehicle identification number of any vehicle licensed or registered with the state;
- (8) If the person seeking a mobile food permit from the Health Department will be vending frozen or refrigerated confections, including but not limited to ice cream cones, frozen ice cream novelties, raspas, or paletas directly to consumers on a public street, sidewalk, or right-of-way, or will travel with the person's mobile food establishment on a public street, sidewalk, or right-of-way to or from a location where the person vends, then the person shall provide, as part of the application to the Health Director, a written statement from the Kingsville Police Department certifying that the person seeking a mobile food establishment's permit is not a sex offender registered with the State Department of Public Safety and that the records reviewed by the Police Department indicate that the person seeking a mobile food establishment permit has not been convicted of any sexual offense or any offense against a child as defined by applicable law. The basic requirements for submitting requests for criminal backgrounds of persons engaged in mobile food vending are specific in hereto on file in the office of the Health Department.
- (9) All mobile food units, mobile food establishments, or push carts, shall have at least one individual who has a Food Manager Certification and all other staff shall possess a Food Handlers Card from an approved State of Texas approved course.
- (10) Any other information reasonably required by the Health Department.
- (11) Insurance Requirements:
 - (a) Proof of a general comprehensive business liability insurance policy, issued by an insurance company authorized to do business in the State of Texas, protecting and indemnifying the applicant and the City from all claims for damages to property and for bodily injury, including death, which may arise from operation under or in connection with the requested permitted activity. Such insurance shall name the City of Kingsville, Texas as an additional insured, shall provide that no termination or cancellation will be effective without prior written notice to the City, and shall provide liability protection in the following minimum

amounts: \$100,000 per person, \$150,000 per aggregate, and \$50,000 for property damage.

(b) In addition to the above insurance requirements, all mobile food units which are self-contained motorized units shall also be required to obtain automobile liability insurance in accordance with state law, shall provide proof of an auto liability insurance policy, issued by an insurance company authorized to do business in the State of Texas with protection in the minimum amounts required by law. Additionally, if operation on City property or a City-sponsored event such insurance shall name the City of Kingsville as an additional insured, and shall provide that no termination or cancellation will be effective without prior notice to the City.

(C) Upon receiving a proper application for a mobile food unit permit, mobile food establishment, or push cart permit, the Health Department Inspector(s) or Director shall make appropriate inspections of the location, food, equipment, vehicles, and other reasonable inspections concerned with the mobile food unit or mobile food establishment and/or push cart operations and shall issue a permit only if:

(1) The inspection reveals compliance with the applicable requirements of all federal and state statutes and regulations, and all city ordinances governing the proposed mobile food unit, mobile food establishment, or pushcart operation.

(D) Mobile food unit and mobile food establishment and push cart fees shall be as follows:

(1) A permit for the sale of pre-packaged or time/temperature controlled safety foods by peddling from a pushcart, or from a mobile unit and/or a trailer shall be one hundred seventy-five dollars (\$175.00) per calendar year per pushcart, mobile unit or trailer.

(E) All funds collected for permits under the provisions of this article shall be deposited in the general fund of the city.

(F) The valid permit shall be displayed by a mobile food establishment:

(1) On an enclosed trailer on the outside of the unit next to the servicing window so that it is not obscured when the serving window is closed for travel;

(2) At the top right-hand corner on the front of a pushcart, used in connection with the mobile food vending operation.

(G) Mobile food unit, push cart, and mobile food establishment permits shall be valid for only one calendar year from the date of issuance unless sooner suspended or revoked.

(H) Mobile food unit, push cart, and mobile food establishment permits shall not be transferred or assigned and shall be considered suspended should the character of the food vending operation be changed from that specified in the permit.

(I) Every mobile food establishment permit shall be renewed each year in like manner as the original permit application and shall be inspected upon renewal of permit.

(J) The Health Department Inspector(s) or Director shall make routine, unannounced inspections of mobile food unit, mobile food establishments, and/or push carts, to determine whether the vending operation is being conducted in such a manner as to comply with the conditions of the permit, the provisions of this article, other applicable city ordinances and state and federal statutes, regulations and rules.

(K) It is the responsibility of the mobile food establishment permit holder and/or the operator to ensure compliance with this article. Violations of this article shall result in the immediate suspension or revocation of the permit.

§ 11-7-22 OPERATION REQUIREMENTS AND RESTRICTIONS.

(A) Mobile food establishments are subject to the following requirements and restrictions unless specifically addressed otherwise:

(1) It shall be unlawful for a mobile food unit, mobile food establishment, or a push cart vendor to sell any time/temperature controlled safety foods within the city. It shall be unlawful for any food vendor to sell from a stand or other temporary structure located upon any public street, sidewalk, right-of-way, or other adjacent public or private area without a permit as required under this chapter.

(2) It shall be unlawful for the operator of a mobile food unit, mobile food establishment, or a push cart to remove the food from the mobile food unit to vend from a stand, or other permanent or temporary structure located upon any public street, sidewalk, right-of-way, or other adjacent public or private area without a permit as required by this chapter.

(3) It shall be unlawful to operate a mobile food establishment on streets where a traffic hazard is created.

(4) A mobile food unit, mobile food establishment, or push cart vendor may not operate in parks in the City without first obtaining permission from the Parks Director or his/her designee and meeting their requirements, as well as complying with this ordinance.

(5) Mobile food units, mobile food establishments, or push cart vendors may not stop to sell in a public street, right-of-way, or City owned property.

(6) Mobile food units, mobile food establishments, or push cart vendors may be temporarily stopped on private property if: (1) that property is properly zoned, (2) they have written notarized permission of the property owner to be on the property for that purpose, and (3) the mobile food establishment has access to approved flush type toilet facilities, connected to an approved type sewage system on the private commercial property. Mobile food establishments must be parked on a paved surface and in clean surroundings.

(7) Food vendors shall comply with this Code as well as with state and federal law and regulations and nothing in this article shall exempt a food vendor from zoning ordinances.

(8) No person shall operate a mobile food unit, mobile food establishment, or push cart within three hundred (300) feet of the property line of any public or private

elementary, middle, or high school grounds one hour before, during, and one hour after school hours.

(9) Reserved.

(10) It shall be unlawful to operate a mobile food unit, mobile food establishment, or a push cart in the downtown business district with the exception of vendors who have obtained a special permit from the City Planning and Economic Development Department, or its successor City department, in addition to having all required valid mobile food establishment permit(s). The City Manager or his/her designee shall have authority to establish policies and procedures governing the issuances and regulation of the special permit for mobile food establishments in the downtown business district to include distance requirements from schools and food establishments and access to restroom facilities.

(11) The total noise level of any mobile food establishment shall be minimal. The mobile food establishment shall turn off all music and recorded messages while stationary, except when stopped at a controlled intersection.

(12) It shall be unlawful for a person who has obtained a mobile food establishment permit pursuant to and to whom this article applies, to hire or allow a food vendor or food handler to vend on a public street, sidewalk, or right-of-way, or to travel with a mobile food establishment on a public street, sidewalk, or right-of-way to or from a location where the food vendor or food handler will vend.

(13) Mobile units must completely retain their mobility at all times (no flat tires or missing tires). A mobile food unit does not mean a stand or a booth. Mobile food units that do not comply with this section are subject to having their permit revoked.

(14) Mobile Food Units and Mobile Food Establishments will require an extinguishing vent hood and/or a fire suppression system if frying and/or cooking with an open flame. All mobile food units will be required to have an inspection and a permit from the City of Kingsville Fire Department. Contact the City Fire Department with questions.

(15) A tagged fire extinguisher shall be kept accessible as directed by the City Fire Marshall or his designee.

(16) Mobile Food Units and Mobile Food Establishments may not be in a stationary location for more than 6 months at a fixed location. If the MFU wishes to do so, it shall comply with all Plumbing, Electrical, Fire and Health Department codes of the City of Kingsville, Texas.

(17) No Mobile Food Vendor shall operate within fifty (50) feet of the property line of another property.

(18) Mobile Food Units may not have a drive through.

(19) Mobile Food Vendors may not be allowed to have multiple units at a location within an 8-hour day, unless in an established Mobile Food Court.

(20) A five-foot clear space must be maintained around the mobile food vending unit at all times during operations.

§ 11-7-23 SANITATION REQUIREMENTS, GENERALLY.

Mobile food establishments shall comply with the following requirements. These requirements pertain to all mobile food establishments unless specifically addressed otherwise:

(1) Mobile food establishments shall comply with all sanitation and construction regulations as outlined in the Texas Administrative Code (TAC) § 229.169 of the Texas Food Establishment Rules as adopted in this chapter unless specifically addressed in this section.

(2) Mobile food establishments that dispense snow cones/shaved ice/raspas, shrimp, fish, shellfish, or crustacea shall provide a gravity fed hand washing system and/or 3 compartment sink, and a hand washing sink, soap, and paper towels.

(3) Liquid waste resulting from any mobile vending operation shall be stored in permanently installed retention tanks of at least fifteen (15) percent larger capacity than the water supply tank and shall be drained and thoroughly flushed during servicing operations. All liquid waste shall be discharged to an approved sanitary sewage disposal system at the central preparation facility or servicing area.

(4) All food that requires packaging or preparation by the vendor shall be processed in the central preparation facility that is required as a support facility for a mobile food establishment.

(5) Mobile food establishments dispensing snow cones/shaved ice/raspas shall be designed to enable the operator of the unit to protect the equipment, syrup, ice and utensils used in the operation of the unit from dust, insects, and rodents while the unit is in transit or overnight storage.

(6) Mobile food establishments shall provide waste containers for customers at such times when the unit is parked.

(7) All water and gas distribution pipes or tubing shall be constructed and installed in accordance with public health, fire department, and plumbing standards as set out by the ordinances of the city. The water for said operations shall be from an approved source. Every calendar week, mobile food establishments shall check chlorination of its water supply. Every calendar month, mobile food establishments shall sanitize water tanks. Records of all such test results and sanitization shall be made available to the department upon inspection.

(8) A water heating device must be commercially standard with substantial water pressure and be of no less than six (6) gallons, or an instantaneous water heater, capable of producing one hundred ten (110) degrees Fahrenheit hot water during the entire time of operation shall be provided in the mobile food establishment.

(9) All food service operations shall be carried on from within the mobile food establishment.

(10) Any additional equipment or the arrangement thereof other than approved when the permit was issued shall be prohibited unless approved in advance by the Health Director.

§ 11-7-24 SPECIAL REQUIREMENTS FOR UNITS WHICH ARE HAND PUSHED.

In addition to the requirements described in § 11-7-23, the following requirements shall be met by mobile food establishments of perishable foods and potentially hazardous foods from a hand pushed mobile food establishment; except that snow cones/shaved ice/raspas, produce, prepackaged novelty ice cream and prepackaged nonperishable food vendors are exempt from the provisions of subsections (6), (7), and (8).

(1) All equipment utilized in the mobile food establishment shall have prior approval of the Health Director.

(2) Snow cones/shaved ice/raspa vendors shall provide a gravity fed hand washing station. Soap and paper towels are to be provided. Waste water from handwashing is to be collected in a sealable container and disposed of in a sanitary sewer.

(3) Any additional equipment or the arrangement thereof other than approved when the permit was issued shall be prohibited unless approved in advance by the Health Director.

(4) The mobile food establishment shall be located in clean surroundings, on a paved surface or equally impervious ground, and maintained in a clean and sanitary condition.

(5) A push cart vendor shall be prohibited from operating on the public streets.

(6) Hand pushed mobile food establishments openly handling time/temperature control for safety foods and drink shall be equipped with a three-compartment sink, a separate handwashing sink, soap and paper towels, and provided with an adequate amount of hot and cold running water. The sink, potable water holding tanks, and waste water holding tank shall be installed and operated in accordance with the city Planning Department's plumbing regulations.

(7) Facilities to heat water and potentially hazardous food products on hand pushed mobile food establishments shall be installed and operated in accordance with the City Fire Department and the Planning Department rules and regulations.

§ 11-7-25 OPERATION REQUIREMENTS, SITE DEVELOPMENT STANDARDS, AND RESTRICTIONS FOR MOBILE FOOD COURTS.

(A) Mobile food courts shall comply with the following requirements:

(1) The property must meet all commercial zoning requirements in Appendix A Land Use Categories in Chapter XV, Article 6 of the City of Kingsville Code of Ordinances;

(2) All mobile food establishments situated on the property shall be located on an impermeable surface such as concrete or rolled asphalt;

(3) All mobile food establishments that remain on the property overnight shall have temporary connections for electricity, potable water, and sewage disposal, or a system to adequately provide these services to each mobile food establishment;

(4) All mobile food establishments that are unable to comply with the requirements of § 11-7-25(a)(3) shall be removed from the property overnight and serviced by an approved central preparation facility prior to its next day of operation; and

- (5) A restroom equipped with flush type toilets and properly plumbed to a sanitary sewage system with sufficient capacity to meet the needs of the mobile food court's mobile food establishments and customers shall be available on the property. Restrooms shall be equipped with hand sinks, hot and cold water, and either hand towels or forced air hand dryers.
- (B) No mobile food vendor nor any associated seating areas shall be located in the required landscape buffer yard, access easement, surface drainage easement, driveway and/or fire lane.
- (C) All activity must occur on private property, outside of the public right of way.
- (D) There shall be at least three (3) feet of unobstructed clearance between all individual mobile food vendors and all permanent or accessory structures and at least ten (10) feet of unobstructed clearance for mobile food vendors parked side by side.
- (E) Mobile food vendors shall be located on a paved surface.
- (F) Vehicular drive through service of food and/or beverages shall not be permitted.
- (G) Accessible restroom facilities shall be provided within a permanent structure. Temporary or portable toilet facilities are not permitted.
- (H) Electrical service may be provided to mobile food vendors by a permitted electrical connection or on board generators. When using on board generators, sound absorbing devices shall be used.
- (I) A designated seating area shall be provided for patrons.
- (J) Mobile food vendors conducting business at a mobile food court shall have current vehicular registration and shall be in a suitable operating condition for transit.
- (K) Parking requirement for customers is a minimum of two parking spaces per mobile food vendor. Parking requirement for mobile food vendor employees, if they are parking on site, is a minimum of one parking space per mobile food vendor.
- (L) One on premises sign is permitted at the entrance to identify the outdoor food court. It may be illuminated but shall be stationary and non-flashing and comply with any City sign ordinances.
- (M) Each mobile food vendor may have signage attached to their mobile food unit. Also, one temporary sandwich board sign is permitted per mobile food unit within ten (10) feet of the unit and within the boundaries of the mobile food court.
- (N) A site plan should be submitted to the Department of Planning and Development Services prior to receiving a permit for operation.
- (O) All applications for a mobile food court shall stipulate the hours of operation.
- (P) Outdoor lighting shall be intended for security and not be allowed to produce light onto adjacent residentially zoned properties.

Cross reference— Penalty, see § 11-7-99.

Secs. 11-7-26—11-7-29. - Reserved.

...

§ 11-7-99 Penalty

- (A) Any person who violates any provision of this article for which no penalty is otherwise provided shall be subject to the penalty provided in § 1-1-99.
- (B) Persons violating §§ 11-7-15 through 11-7-~~49~~ 25 of this article shall be subject to a fine of not less than .0100, nor more than \$2,000.00 for each violation. Each day shall constitute a separate violation. In addition to any other action taken to correct improper handling of food, or unpermitted food vending, a Health Director or Inspector may issue any person selling food or beverages a citation which shall require the person to appear in the Municipal Court within 15 days to answer to such charge. Notice of the court date shall be noticed on the citation. This citation shall provide a space thereon for the party charged to waive trial on the merits and enter a plea of guilty or nolo contendere. Notwithstanding any other provision of this article, persons charged with violation may, after entering a plea of guilty or nolo contendere in the space provided, pay a fine in the amount of \$100.00, or more as recommended by the City Attorney with the approval of the Municipal Court Judge for each violation, to the Clerk of the Municipal Court within 15 days. Each occasion that an individual is found selling food or beverages in violation of this article will constitute a separate offense. The above shall be in addition to the right to suspend or revoke any granted permit herein. Signing of the citation by the owner of the establishment shall only be a promise to appear in Municipal Court and is not an admission of guilt. It shall be unlawful to fail to appear in Municipal Court on the date noted on the citation. Should the owner of the establishment fail or refuse to sign the citation, the Health Director or Inspector of the City/County Health Department shall file a complaint against such owner in Municipal Court.
- (C) Any inspector found in violation of §§ 11-7-32 and 11-7-66 of this article shall be punished by a fine not to exceed \$200.00.

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 25 th day of September, 2017.

PASSED AND APPROVED on this the 9 th day of October, 2017.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #7

CITY OF KINGSVILLE



MEMORANDUM

TO: Jesus Garza, City Manager
FROM: Deborah Balli, Finance Director
DATE: October 11, 2017
SUBJECT: Out of State Travel Request

Background:

GFOA is holding their annual conference in St. Louis, Missouri, May 6–9, 2018 and Finance is requesting approval for out of state travel for the Finance Director and Accounting Manager to attend. The annual conference provides valuable information to governmental finance professionals and provides required CPE credits for our CPA license.

Financial Impact:

The approved FY 17-18 training and travel budget will cover the cost of this travel.

Recommendation:

Staff recommends the approval of out of state travel to the spring GFOA annual conference in St. Louis, Missouri.

AGENDA ITEM #8

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: October 13, 2017

SUBJECT: Patrol Vehicle Purchase

Summary:

The police department is requesting the purchase of (4) 2018, Chevy Tahoe's Police Package (PPV CC15706), from Caldwell Country Chevrolet in, Caldwell, Texas using Buyboard Contract#521-16.

Background:

These vehicles will replace police vehicles that have been or will be removed from service.

Financial Impact:

Chapter 59 funds will be used to cover the cost of the vehicles.

(4) 2018 Chevy Tahoe's Police Package (PPV CC15706)

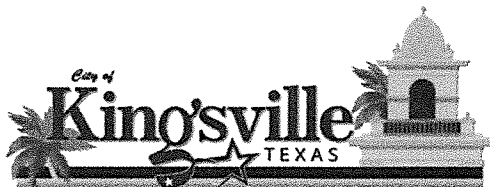
\$31, 720.00 per unit with key fob

\$400 Buyboard fee

Total Expenditures would be \$127,280.00

Recommendation:

We request approval for the proposed expenditures from Caldwell Country Chevrolet, in Caldwell, Texas.



QUOTE# 001

CONTRACT PRICING WORKSHEET

| | | | | | |
|---|--|------|--|----------------------------|----------|
| End User: CITY OF KINGSVILLE | | | Contractor: CALDWELL COUNTRY CHEV | | |
| Contact Name: BRADLEY LILE CHIEF TORRES | | | CALDWELL COUNTRY CHEVROLET | | |
| Email: <u>BRADLEYLILE@KINGSVILLEPD.US</u> <u>CHIEF@KINGSVILLEPD.US</u> | | | Prepared By: Jim O'Connell Averyt Knapp | | |
| Phone #: 361-593-8865 | | | Email: aknapp@caldwellcountry.com | | |
| Fax #: | | | Phone #: 800-299-7283 or 979-567-6116 | | |
| Location City & State: KINGSVILLE | | | Fax #: 979-567-0853 | | |
| Date Prepared: OCTOBER 13, 2017 | | | Address: P. O. Box 27, Caldwell, TX 77836 | | |
| Contract Number: BUY BOARD #521-16 | | | Tax ID # 14-1856872 | | |
| Product Description: 2018 CHEVROLET TAHOE PPV CC15706 | | | | | |
| A Base Price & Options: | | | | | \$31,435 |
| B Published Options | | | | | |
| Code | Description | Cost | Code | Description | Cost |
| | LH SPOTLIGHT, PPV, LOCKING DIFFERENTIAL, DUAL BATTERY, 5.3LV8, 6- SPD AUTOMATIC, AIR CONDITION FRONT/REAR, TILT, CRUISE, POWER SEAT, POWER WINDOWS, POWER LOCKS, POWER MIRRORS, DEEP TINT GLASS, RUNNING BOARDS, CLOTH FRONT/VINYL REAR BENCH, AMFM-STEREO MYLINK W/BLEETOOTH, TRAILER HITCH PACKAGE, OEM REAR VISION CAMERA | INCL | | | |
| | | | | CALDWELL COUNTRY CHEVROLET | |
| | | | | PO BOX 27 | |
| | | | | CALDWELL, TEXAS 77836 | |
| Subtotal B | | | | | INCL |
| C Unpublished Options | | | | | |
| Code | Description | Cost | Code | Description | Cost |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| Subtotal C | | | | | |

| | | |
|--|--|-----------|
| D Other Price Adjustments (Installation, Delivery, Etc...) | | |
| Subtotal D FOB KINGSVILLE | | \$285 |
| | | |
| E Unit Cost Before Fee & Non-Equipment Charges (A+B+C+D) | | \$31,720 |
| Quantity Ordered | | 4 |
| X | | |
| Subtotal E | | \$126,880 |
| | | |
| F Non-Equipment Charges (Trade-In, Warranty, Etc...) | | |
| BUY BOARD FEE | | \$400 |
| | | |
| G. Color of Vehicle: BLACK | | |
| | | |
| H. Total Purchase Price (E+F) | | \$127,280 |
| | | |
| Estimated Delivery Date: | | Q4-2017 |